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22 Attorneys for Plaintiff,  
 23 DANIEL M. MILLER

24 **UNITED STATES DISTRICT COURT**  
 25 **NORTHERN DISTRICT OF CALIFORNIA**  
 26 **SAN FRANCISCO DIVISION**

|                      |   |   |
|----------------------|---|---|
| 27 DANIEL M. MILLER, | ) |   |
|                      | ) | <b>CASE NO.: CV-10-264 (WHA)</b>        |
| 28 Plaintiff,        | ) |   |
|                      | ) | <b>DECLARATION OF BRIAN D. HANCOCK</b>  |
| 29 vs.               | ) | <b>IN SUPPORT OF PLAINTIFF'S MOTION</b> |
|                      | ) | <b>FOR ADMINISTRATIVE RELIEF</b>        |
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DECLARATION OF BRIAN D. HANCOCK IN SUPPORT  
 OF PLAINTIFF'S MOTION FOR ADMINISTRATIVE RELIEF

1 I, Brian D. Hancock, declare as follows:

2 1. My name is Brian D. Hancock. I am over eighteen years of age and am competent  
3 to testify about the matters set forth herein. I have personal knowledge of the matters set forth  
4 herein.  
5

6 2. I am an attorney at Heninger Garrison Davis, LLC, 2224 1<sup>st</sup> Avenue North,  
7 Birmingham, Alabama 35203, a law firm representing Plaintiff Daniel M. Miller in the above-  
8 styled litigation.  
9

10 3. On June 10, 2010, the Plaintiff served a subpoena duces tecum on UPS Store 5865  
11 in New York, New York, which was responded to by UPS on June 18<sup>th</sup> by providing a “Mailbox  
12 Service Agreement” (“MSA”) and “Application for Delivery of Mail Through Agent” form  
13 evidencing Yeo’s opening of Mailbox 246 at UPS Store 5865 on March 21, 2010.  
14

15 4. These documents were attached as an exhibit to Plaintiff’s Response in Opposition  
16 to Facebook’s Motion (Dkt. No. 72-1) that was filed with the Court on August 26, 2010.

17 5. The first page of the MSA was produced to undersigned counsel’s office in  
18 response to the Plaintiff’s subpoena. Upon calling the UPS Store, shortly after this production, to  
19 inquire as to whether all responsive documents had been produced, undersigned counsel’s office  
20 was informed by UPS that a full production had been made.  
21

22 6. On September 7, 2010, undersigned counsel’s office again contacted UPS Store  
23 5865 to inquire as to whether a full production had been made in response to the June 10<sup>th</sup>  
24 subpoena. As a result of this inquiry, a second page of the MSA previously overlooked by UPS  
25 was faxed to undersigned counsel’s office on that same date, September 7<sup>th</sup>, as is evident from the  
26 fax signature at the bottom of the page. On that same date, September 7<sup>th</sup>, a PDF copy of Page 2  
27 of the MSA was forwarded to counsel for Facebook via electronic mail.  
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DECLARATION OF BRIAN D. HANCOCK IN SUPPORT  
OF PLAINTIFF’S MOTION FOR ADMINISTRATIVE RELIEF

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7. Plaintiff's counsel has conferred with counsel for Defendant Facebook, Inc., explaining the circumstances as set forth herein and seeking a stipulation as to the relief requested, but Facebook has failed to so stipulate.

I declare under penalty of perjury that the foregoing is true and correct.

September 9, 2010  
Date

/s/ Brian D. Hancock  
Brian D. Hancock