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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,  
28 Plaintiff,

vs.

FACEBOOK, INC. and YAO WEI YEO,  
Defendants.

) **CASE NO.: CV-10-264 (WHA)**  
)  
) **PLAINTIFF DANIEL M. MILLER'S**  
) **MOTION FOR ENTRY OF PROTECTIVE**  
) **ORDER**  
)  
) **Pursuant to Civil Local Rule 7-1(b), the**  
) **Plaintiff requests Determination of this Motion**  
) **without Oral Argument. In the Alternative,**  
) Date: January 6, 2011  
) Time: 8:00 A.M.  
) Judge: Honorable William Alsup, Courtroom 9,  
) 19<sup>th</sup> Floor  
)

1 **NOTICE OF MOTION**

2 TO DEFENDANT FACEBOOK, INC., AND ITS COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE THAT, pursuant to Rule 26(c) of the Federal Rules of Civil  
4 Procedure, the Plaintiff does hereby move this Court for Entry of the Protective Order attached  
5 hereto. Pursuant to Civil Local Rule 7-1(b), the Plaintiff requests that this Motion be Determined  
6 without Oral Argument. Should the Court deny this request, then pursuant to Civil Local Rule 7-  
7 2(a), the hearing on this Motion is set for January 6, 2011 at 8:00 A.M. before the Honorable  
8 William Alsup in Courtroom 9 on the 19<sup>th</sup> Floor of this Court at 450 Golden Gate Avenue, San  
9 Francisco, California.  
10  
11

12 **MOTION FOR ENTRY OF PROTECTIVE ORDER**

13 COMES NOW Plaintiff Daniel M. Miller (“Plaintiff”), pursuant to Rule 26(c) of the  
14 Federal Rules of Civil Procedure, and moves this Honorable Court to enter the proposed  
15 Protective Order attached hereto as Plaintiff’s Exhibit “A”, and states the following:  
16

17 1. Since August 30, 2010, the Plaintiff has repeatedly conferred and corresponded  
18 with Facebook in order to arrive at a mutually satisfactory protective order governing the  
19 production of confidential, proprietary, or private information for which special protection from  
20 public disclosure is appropriate.  
21

22 2. To date, no joint motion for entry of an agreed-upon protective order has been filed  
23 with the Court, and Facebook’s dilatory approach to the entry of such an order continues to delay  
24 this process and frustrate the Plaintiff’s efforts to diligently proceed with discovery in the face of  
25 rapidly approaching discovery cut-off deadlines.  
26

27 3. As of November 11<sup>th</sup>, the Plaintiff and Facebook were in agreement as to the terms  
28 of the proposed protective order, and counsel for Facebook was supposed to provide a finalized

1 draft for undersigned counsel's review. To date, the Plaintiff has received nothing from Facebook,  
2 and the Plaintiff's requests that the parties proceed with discovery in accordance with the agreed-  
3 upon terms of the proposed protective order prior to formal entry of the order by the Court (in  
4 light of approaching deadlines) has been ignored by Facebook.  
5

6 4. The Court's Case Management Order dated May 27, 2010, establishes a non-expert  
7 discovery cut-off of January 31, 2011. In the face of rapidly approaching deadlines, the Plaintiff  
8 moves the Court to enter the proposed Protective Order attached hereto that incorporates all  
9 revisions to the Court's Stipulated Protective Order for Standard Litigation form agreed upon by  
10 the parties as set forth in correspondence between the parties dated September 22<sup>nd</sup> thru November  
11 11, 2010.  
12

13 WHEREFORE PREMISES CONSIDERED, the Plaintiff respectfully seeks the relief  
14 herein requested and all other relief deemed appropriate and just by the Court.  
15

16 Dated: November 19, 2010

Respectfully submitted,

17 s/ Brian D. Hancock  
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