

1 COMES NOW Plaintiff Daniel M. Miller (“Plaintiff”), pursuant to Civil Local Rule 7-
2 11(a), and moves this Honorable Court to cancel the Court-ordered “meet and confer” hearing
3 scheduled for December 1, 2010. In support thereof, the Plaintiff states the following:

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5 1. On November 19, 2010, pursuant to Paragraph 25 of the Court’s “Supplemental
6 Order to Order Setting Initial Case Management Conference in Civil Cases before Judge William
7 Alsup”, the Plaintiff filed a letter brief with the Court requesting that the Court compel Defendant
8 Facebook, Inc. to respond to the Plaintiff’s discovery for the reasons set forth therein (Dkt. No.
9 86).

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11 2. On November 22, 2010, the Court entered its Order Setting Hearing on Plaintiff’s
12 Discovery Dispute (Dkt. No. 88) wherein the Court ordered the parties to “meet and confer” from
13 11:00 A.M. to 2:00 P.M. on Wednesday, December 1, 2010, in the Attorney’s Lounge of the
14 federal courthouse. At 1:30 P.M., the Court stated that it would hear any remaining unresolved
15 issue(s) following the “meet and confer.”

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17 3. On November 29th, Defendant Facebook, Inc. responded in opposition to the
18 Plaintiff’s letter brief (Dkt. No. 93).

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20 3. On Friday, November 26th, and again, on Monday, November 29th, counsel for the
21 Plaintiff and Defendant Facebook, Inc. conferred via telephone and electronic mail and agreed to
22 fully respond to all outstanding discovery requests by answering pending interrogatories and
23 producing documents responsive to pending requests for production by December 17, 2010. The
24 parties also agreed to work in good faith to schedule the parties’ respective depositions by the end
25 of January, 2011. Additionally, the parties anticipate filing a joint stipulation with the Court
26 memorializing their agreement.
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4. Thus, at present, there does not appear to be a discovery dispute between the parties necessitating Court intervention.

5. Lead counsel for the parties have conferred and have stipulated to the relief requested herein. Pursuant to Civil Local Rules 7-11(a) and 7-12, this stipulation is attached hereto as is a proposed order canceling the December 1st “meet and confer” hearing.

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

Dated: November 29, 2010

Respectfully submitted,

s/ Brian D. Hancock
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