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10 Attorneys for Plaintiff
FACEBOOK, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 ADAM GUERBUEZ; ATLANTIS BLUE
20 CAPITAL; AND DOES 1-25,

21 Defendants.
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Case No. C08 03889 JF HRL

**DECLARATION OF THOMAS J.
GRAY IN SUPPORT OF FACEBOOK,
INC.'S MOTION TO SHORTEN
TIME FOR DEFAULT JUDGMENT
HEARING**

1 I, Thomas J. Gray, declare as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 for Plaintiff Facebook, Inc. ("Facebook"). I am licensed to practice law in the State of California.
4 I make this Declaration in support of Facebook Inc.'s Motion To Shorten Time For Default
5 Judgment Hearing, which seeks to expedite the hearing of its Application For Default Judgment
6 Against Adam Guerbuez And Atlantis Blue Capital filed November 10, 2008. The matters
7 contained in this Declaration are of my personal knowledge, and if called as a witness, I could
8 and would testify competently to the matters set forth herein. The following paragraphs support
9 the requirements of Civil Local Rule 6-3 for a Motion to Change Time.

10 2. **Civil L.R. 6-3(a)(1) – The reasons for the requested shortening of time.**

11 Facebook filed its complaint and personally served Defendants with the Summons, Complaint
12 and all related case-initiating documents on August 14, 2008. Neither Facebook nor Facebook's
13 counsel or agents have had any contact with or received any communications from Defendants or
14 Defendants' counsel since that date. Since Defendants have chosen not to participate, there exists
15 no reason (other than the Court's schedule) to delay the resolution of Facebook's Application for
16 Default Judgment. Importantly, Facebook is concerned that Defendants will attempt to conceal
17 their assets, if given more time before Facebook can enforce a judgment against them. If so,
18 Facebook will be severely prejudiced in its ability to enforce its judgment.

19 3. **Civil L.R. 6-3(a)(2) – Efforts Facebook has made to obtain a stipulation to the**
20 **time change.** Defendants have not appeared or responded in this case in any way. Thus, a
21 default has been entered against Defendants.

22 4. **Civil L.R. 6-3(a)(3) – The substantial harm or prejudice that would occur if**
23 **the Court did not change the time.** As detailed above, Plaintiff Facebook's ability to collect on
24 its judgment will be severely prejudiced if the hearing date is not expedited. Facebook has not
25 been able to locate Defendants Guerbuez since the default was entered on October 7, 2008.
26 Therefore, Facebook is concerned that Defendants are attempting to conceal their whereabouts
27 and assets instead of appearing to defend this case.

28 5. **Civil L.R. 6-3(a)(4)(i) – Facebook's compliance with Civil L.R. 37-1(a).** No

1 conference or stipulation could be obtained because Defendants have not appeared or responded
2 in this case in any way. A default has been entered against Defendants.

3 6. **Civil L.R. 6-3(a)(4)(ii) – Nature of dispute addressed by Default Judgment.**

4 Facebook's Application For Default Judgment Against Adam Guerbuez and Atlantis Blue Capital
5 will resolve all disputes in this case between the Plaintiff Facebook and Defendants Adam
6 Guerbuez and Atlantis Blue Capital.

7 7. **Civil L.R. 6-3(a)(5) – Previous time modifications in the case.** There have been

8 no previous time modifications in this case.

9 8. **Civil L.R. 6-3(a)(6) – The effect the requested time modification will have on**
10 **the schedule for the case.** The requested time modification will expedite the conclusion of
11 Facebook's lawsuit against Defendants Adam Guerbuez and Atlantis Blue Capital. With the
12 requested time modification, Facebook's Application For Default Judgment Against Adam
13 Guerbuez and Atlantis Blue Capital will be heard on November 21, 2008 or at the Court's earliest
14 convenience thereafter.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct.

17 Executed this 11th day of November, 2008, in Irvine, California

18
19 Dated: November 12, 2008

I. NEEL CHATTERJEE
THOMAS J. GRAY
P. WAYNE HALE
Orrick, Herrington & Sutcliffe LLP

22
23 /s/ Thomas J. Gray

24 Thomas J. Gray
Attorneys for Plaintiff
25 FACEBOOK, INC.
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