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 1201 Third Avenue, Suite 4800
 11 Seattle, Washington 98101
 Telephone: 206.359.8000
 Facsimile: 206.359.9000

11 Attorneys for Plaintiff
 12 FACEBOOK, INC.

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

17 FACEBOOK, INC., a Delaware
 18 corporation,

19 Plaintiff,

20 v.

21 JEREMI FISHER; PHILIP POREMBSKI;
 22 RYAN SHIMEALL; and JOHN DOES 1-
 23 25, individuals; and CHOKO SYSTEMS
 24 LLC; HARM, INC.; PP WEB SERVICES
 25 LLC; iMEDIA ONLINE SERVICES LLC;
 and JOHN DOES 26-50, corporations,

26 Defendants.

Case No. C-09-05842-JF

**DECLARATION OF JOSEPH P.
 CUTLER IN SUPPORT OF
 PLAINTIFF'S REQUEST FOR ENTRY
 OF DEFAULT AS TO DEFENDANTS
 JEREMI FISHER, PHILIP POREMBSKI,
 RYAN SHIMEALL, CHOKO SYSTEMS
 LLC, PP WEB SERVICES LLC, AND
 IMEDIA ONLINE SERVICES LLC**

1 1. My name is Joseph P. Cutler, and I am one of the attorneys representing Facebook,
2 Inc. ("Facebook") in this action. I make this declaration based upon personal knowledge and am
3 competent to testify to the facts set forth herein.

4 2. Defendants Jeremi Fisher, Philip Porembski, Ryan Shimeall, Choko Systems LLC,
5 PP Web Services LLC, and iMedia Online Services LLC, are not minors, incompetent, or
6 persons in military service or otherwise exempted from default judgment under the Soldiers' and
7 Sailors' Civil Relief Act of 1940.

8 3. On December 15, 2009, William Black, a private investigator hired by Thomas
9 Pikor of PL Investigative Group, a private investigator firm hired by my law firm, formally
10 served Defendants Jeremi Fisher and Choko Systems LLC with a copy of the complaint. True
11 and correct copies of the Proofs of Service are attached as Exhibit A.

12 4. On December 15, 2009, Joshua Prentiss, a private investigator hired by Thomas
13 Pikor of PL Investigative Group, a private investigator firm hired by my law firm, formally
14 served Defendants Philip Porembski and PP Web Services LLC with a copy of the complaint.
15 True and correct copies of the Proofs of Service are attached as Exhibit B.

16 5. On December 15, 2009, Julia McAleer, a private investigator hired by Thomas
17 Pikor of PL Investigative Group, a private investigator firm hired by my law firm, formally
18 served Defendants Ryan Shimeall and iMedia Online Services LLC with a copy of the complaint.
19 A true and correct copy of the Affidavit of Service is attached as Exhibit C.

20 6. As of today, April 19, 2010, more than 30 days have passed since the Court
21 provided Defendants Philip Porembski and PP Web Services 30 days to secure substitute counsel
22 or file a responsive pleading. In addition, Facebook has not granted these or any other Defendant
23 any further extensions of time to respond to the Complaint.

24 7. Facebook has learned that listed Defendant Harm Inc. does not exist.

25 8. Defendants Jeremi Fisher, Philip Porembski, Ryan Shimeall, Choko Systems LLC,
26 PP Web Services LLC, and iMedia Online Services LLC have failed to plead in response to
27 Facebook's Complaint within the time permitted by law.

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

EXECUTED at Seattle, Washington this 19th day of April, 2010.

/s/
Joseph P. Cutler

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Exhibit A

UNITED STATES DISTRICT COURT

for the

Northern District of California

FACEBOOK, INC., a Delaware corporation,

Plaintiff,

v.

JEREMI FISHER, PHILIP POREMBSKI, RYAN SHIMEALL;
and JOHN DOES 1-25, individuals; and CHOKO SYSTEMS LLC;
HARM, INC.; PP WEB SERVICES LLC, iMEDIA ONLINE
SERVICES LLC, and JOHN DOES 26-30, corporations,

Defendant

ADR

Civil Action No.

C09 05842

JF

EM

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Jeromi Fisher
81 Dartwood Avenue
Cheektowaga, New York 14227

PVT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian Hennessy
PERKINS COIE LLP
101 Jefferson Drive
Menlo Park, California 94025
Telephone: 650.838.4300
bhennessy@perkinscoie.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Signature of Clerk or Deputy Clerk
Tiffany Salinas-Harwell

Date: DEC 14 2009

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* JEREMI FISHER
was received by me on *(date)* DECEMBER 15, 2009

I personally served the summons on the individual at *(place)* 81 DARTWOOD DR
 CHEEKS WABA, N.Y. 14227 on *(date)* 12/15/09 ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 12/15/09

 [Signature]
Server's signature

 WILLIAM K BLACK
Printed name and title

 81 DARTWOOD DR
 WILLIAMSVILLE, N.Y. 14221
Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Northern District of California

FACEBOOK, INC., a Delaware corporation,

Plaintiff,

v.

JEREMI FISHER; PHILIP POREMSKI; RYAN SHIMEALL,
and JOHN DOES 1-25, individuals; and CHOKO SYSTEMS LLC;
HARM, INC.; PP WEB SERVICES LLC, iMEDIA ONLINE
SERVICES LLC, and JOHN DOES 26-50, corporations.

Defendant

ADR Civil Action No.

C09 05842

JF

SUMMONS IN CIVIL ACTION

To: (Defendant's name and address) Choko Systems LLC
81 Dartwood Avenue
Cheektowaga, New York 14227

PVT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian Honnessy
PERKINS COIE LLP
101 Jefferson Drive
Menlo Park, California 94025
Telephone: 650.838.4300
bhennessy@perkinscoie.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: DEC 14 2009

CLERK OF COURT
Tiffany Salinas-Harwell
Signature of Clerk or Deputy Clerk

Tiffany Salinas-Harwell

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (f))

This summons for *(name of individual and title, if any)* TEREM FLSHER (CHORO SYSTEMS LLC)
was received by me on *(date)* DECEMBER 15, 2009

I personally served the summons on the individual at *(place)* 81 DARTWOOD DR
CHIEFTON AVE, NY 14227 on *(date)* 12/15/09 ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

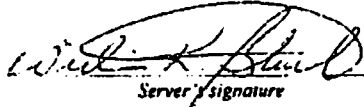
I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 12/15/09


Server's signature
WILLIAM K. BLACK
Printed name and title
81 DARTWOOD DR
WILLIAMSVILLE, NY 14221
Server's address

Additional information regarding attempted service, etc:

Exhibit B

UNITED STATES DISTRICT COURT
for the
Northern District of California

FACEBOOK, INC., a Delaware corporation,

Plaintiff,

v.

JEREMI FISHER; PHILIP POREMBSKI; RYAN SHIMEALL,
and JOHN DOES 1-25, individuals; and CHOKO SYSTEMS LLC,
HARM, INC.; PP WEB SERVICES LLC, iMEDIA ONLINE
SERVICES LLC, and JOHN DOES 26-50, corporations,

Defendant

Civil Action No.

ADR

E-9100

JF

009 05842

PVT

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Philip Porembski
12155 Tributary Point Drive
Apartment 170
Rancho Cordova, California 95670

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Brian Hennessy
PERKINS COIE LLP
101 Jefferson Drive
Menlo Park, California 94025
Telephone: 650.838.4300
bhennessy@perkinscoie.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Tiffany Salinas-Harwell

Signature of Clerk or Deputy Clerk

DEC 14 2009

Date:

FROM : JSP ASSOCIATES
FROM : JSP ASSOCIATES

FAX NO. : 4152211794
FAX NO. : 4152211794

Apr. 19 2010 09:48AM P5
Dec. 21 2009 01:59PM P1

AO 440 (Rev. 12/07) Summons in a Civil Action (Page 2)

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Philip Porembski
was received by me on *(date)* 12-14-2009

I personally served the summons on the individual at *(place)* 12155 Tributary Pt. Dr.
Rancho Cordova CA on *(date)* 12-15-2009 at 7:34 AM

I left the summons at the individual's residence or usual place of abode with *(name)* _____
a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12-21-2009

Joshua Prentiss
Server's signature

Joshua Prentiss Investigator
Printed name and title

3145 Geary Blvd. #319
SF CA 94118 415-821-1794
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/03) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

FACEBOOK, INC., a Delaware corporation,

Plaintiff,

v.

JEREMI FISHER; PHILIP FOREMBSKI; RYAN SHIMEALL;
and JOHN DOES 1-25, individuals; and CHOKO SYSTEMS LLC;
HARM, INC.; PP WEB SERVICES LLC, iMEDIA ONLINE
SERVICES LLC, and JOHN DOES 26-50, corporations,

Defendants

ADR

Civil Action No.

09 05842 JF

05842

JF

SUMMONS IN A CIVIL ACTION

PVT

To: (Defendant's name and address) PP Web Services LLC
8842 Winding Way #658
Fair Oaks, California 95628

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Brian Hennessy
PERKINS COIE LLP
101 Jefferson Drive
Menlo Park, California 94025
Telephone: 650.838.4300
bhennessy@perkinscoie.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: DEC 14 2009

Tiffany Salinas-Harwell

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 3)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Phillip Parenbski, 4 PP Web Services LLC
was received by me on *(date)* _____

I personally served the summons on the individual at *(place)* 12155 Tributary Pt. Dr.
Rancho Cordova CA on *(date)* 12-15-2009 at 7:34 am

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 4/19/2010

Joshua Prentiss
Server's signature
Joshua Prentiss, Investigator
Printed name and title

3145 benny Blvd. #319
SF, CA 94118
Server's address

Additional information regarding attempted service, etc:

Exhibit C

UNITED STATES DISTRICT COURT

for its:

Northern District of California

FACEBOOK, INC., a Delaware corporation,

Plaintiff,

v.

JEREMI FISHER; PHILIP POREMBSKI, RYAN SHIMEALL;
and JOHN DOES 1-15, individuals; and CINOXO SYSTEMS LLC,
HARM, INC., PP WEB SERVICES LLC, IMEDIA ONLINE
SERVICES LLC, and JOHN DOES 16-50, corporations,

Defendants

ADR

Civil Action No.

C09 05842 JF

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) iMedia Online Services LLC
10299 Julian Court
Westminster, Colorado 80031

PVT

Attorney for Plaintiff:

Brian Hennessy
PERKINS COIE LLP
101 Jefferson Drive
Menlo Park, California 94025
Telephone: 650.838.4300
bhennessy@perkinscoie.com

AFFIDAVIT OF SERVICE

I, the undersigned, Julia McAleer of JMac Investigations, do hereby swear and affirm as follows:

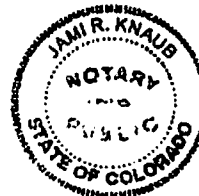
- 1). I am over the age of 18.
- 2). I am not related to any of the parties in this matter.
- 3). On December 15, 2009, at 8:15 a.m., I served a Summons and Complaint, Civil Answer Sheets and Service Packet in this matter on defendant iMedia Online Services, LLC and Defendant Ryan Shimeall by personally delivering documents to Ryan Shimeall at his residence of 16516 Lafayette Street, Thornton, Colorado.

Julia McAleer 303.241.2611

Subscribed and sworn to before me this 17 day of December, 2009 in the county of Denver in the state of Colorado.

Jami R. Knaub
Notary Public

My commission expires on the 25 of September, 2013



My Commission Expires 09/25/2013