



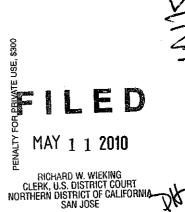
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OFFICE OF THE CLERK, U.S. DISTRICT CC NORTHERN DISTRICT OF CALIFORNIA 280 SOUTH FIRST STREET, ROOM 2112 SAN JOSE, CALIFORNIA 95113-3095

OFFICIAL BUSINESS



DEFAULT ENTERED APR 2 1 2010 RICHARD W. WIEKING, CLERK Brian Hennessy, State Bar No. 226721 1 bhennessy@perkinscoie.com By ALBERT J YOUNGER
Deputy Clerk 2 PERKINS COIE LLP 101 Jefferson Drive 3 Menlo Park, California 94025 Telephone: 650.838.4300 4 Facsimile: 650.838.4350 5 James McCullagh, pro hac vice 6 imccullagh@perkinscoie.com Joseph Cutler, pro hac vice 7 jcutler@perkinscoie.com PERKINS COIE LLP 8 1201 Third Avenue, Suite 4800 Seattle, Washington 98101 9 Telephone: 206.359.8000 10 Facsimile: 206.359.9000 11 Attorneys for Plaintiff FACEBOOK, INC. 12 UNITED STATES DISTRICT COURT 13 NORTHERN DISTRICT OF CALIFORNIA 14 15 SAN JOSE DIVISION 16. Case No. C-09-05842-JF 17 FACEBOOK, INC., a Delaware corporation, REQUEST FOR ENTRY OF DEFAULT AS 18 TO DEFENDANTS JEREMI FISHER, Plaintiff. PHILIP POREMBSKI, RYAN SHIMEALL, 19 CHOKO SYSTEMS LLC, PP WEB ٧. SERVICES LLC, AND IMEDIA ONLINE 20 SERVICES LLC JEREMI FISHER; PHILIP POREMBSKI; 21 RYAN SHIMEALL; and JOHN DOES 1-25, individuals; and CHOKO SYSTEMS 22 LLC; HARM, INC.; PP WEB SERVICES LLC; IMEDIA ONLINE SERVICES LLC; 23 and JOHN DOES 26-50, corporations, 24 Defendants. 25 26 27 28 REQUEST FOR ENTRY OF DEFAULT AS TO ALL DEFENDANTS C-09-05842-JF

60406-0005/LEGAL18108482.1

REQUEST TO ENTER DEFAULT AGAINST DEFENDANTS JEREMI FISHER, PHILIP POREMBSKI, RYAN SHIMEALL, CHOKO SYSTEMS LLC, HARM INC., PP WEB SERVICES LLC, AND IMEDIA ONLINE SERVICES LLC

TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Facebook, Inc. ("Facebook"), a Delaware corporation, requests that the Clerk of the above-entitled Court enter default in this matter against Defendants Jeremi Fisher, Philip Porembski, Ryan Shimeall, Choko Systems LLC, PP Web Services LLC, and iMedia Online Services LLC (collectively, "Defendants") for failure to plead in response to or otherwise defend against Facebook's Complaint within the time prescribed by Rule 12 of the Federal Rules of Civil Procedure.

Plaintiff Facebook filed its Complaint on December 14, 2009. DE 1. Facebook served Defendants on December 15, 2009, as evidenced by the proofs of service and affidavit of service of summons, electronically filed with the court (Dkt. Nos.44 - 48), and attached as exhibits to the Declaration of Joseph P. Cutler in support of Plaintiff's Request for Entry of Default. Declaration of Joseph P. Cutler ("Cutler Decl.") ¶¶ 3-5, Exs. A, B, C.

On March 5, 2010, counsel for Defendants Philip Porembski and PP Web Services LLC moved to withdraw. DE 42. On March 10, 2010, this Court granted the motion to withdraw and provided Defendants Porembski and PP Web Services LLC 30 days to secure substitute counsel and to file a responsive pleading. DE 43. As of the date of this filing, April 19, 2010, more than 30 days have elapsed since the Court's March 10, 2010 Order with neither the appearance of substitute counsel nor the filing of a responsive pleading. Cutler Decl. ¶ 6.

Defendants are not minors, incompetent, or persons in military service or otherwise exempted from default judgment under the Soldiers' and Sailors' Civil Relief Act of 1940.

1d. ¶ 2. Defendants have not responded to the Complaint within the time permitted by law. Id. ¶ 8. Accordingly, Facebook respectfully requests that the Clerk enter default as to Defendants.

¹ Facebook does not request entry of default against Harm Inc. because Facebook has confirmed that defendant Harm Inc. does not, in fact, exist, and therefore, does not seek entry of default against defendant Harm Inc. Cutler Decl. ¶ 7.

REQUEST FOR ENTRY OF DEFAULT AS TO ALL DEFENDANTS C-09-05842-JF