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FILED

MAY 11 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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JEREMI FISHER
CHOKO SYS
81 DARTWOOD AVE
CHEEKTOWAGA, NY

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DEFAULT ENTERED

APR 21 2010

RICHARD W. WIEKING, CLERK

By ALBERT J YOUNGER
Deputy Clerk

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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-
25, individuals; and CHOKO SYSTEMS
23 LLC; HARM, INC.; PP WEB SERVICES
24 LLC; iMEDIA ONLINE SERVICES LLC;
and JOHN DOES 26-50, corporations,

25 Defendants.

Case No. C-09-05842-JF

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

4 TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

5 Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Facebook, Inc.
6 ("Facebook"), a Delaware corporation, requests that the Clerk of the above-entitled Court enter
7 default in this matter against Defendants Jeremi Fisher, Philip Porembski, Ryan Shimeall, Choko
8 Systems LLC, PP Web Services LLC, and iMedia Online Services LLC (collectively,
9 "Defendants") for failure to plead in response to or otherwise defend against Facebook's
10 Complaint within the time prescribed by Rule 12 of the Federal Rules of Civil Procedure.¹

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

16 On March 5, 2010, counsel for Defendants Philip Porembski and PP Web Services LLC
17 moved to withdraw. DE 42. On March 10, 2010, this Court granted the motion to withdraw and
18 provided Defendants Porembski and PP Web Services LLC 30 days to secure substitute counsel
19 and to file a responsive pleading. DE 43. As of the date of this filing, April 19, 2010, more than
20 30 days have elapsed since the Court's March 10, 2010 Order with neither the appearance of
21 substitute counsel nor the filing of a responsive pleading. Cutler Decl. ¶ 6.

22 Defendants are not minors, incompetent, or persons in military service or otherwise
23 exempted from default judgment under the Soldiers' and Sailors' Civil Relief Act of 1940.
24 *Id.* ¶ 2. Defendants have not responded to the Complaint within the time permitted by law. *Id.*
25 ¶ 8. Accordingly, Facebook respectfully requests that the Clerk enter default as to Defendants.

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

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Dated: April 19, 2010

PERKINS COIE LLP

By: /s/
Joseph P. Cutler
Attorneys for Plaintiff Facebook, Inc.