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10 Attorneys for Plaintiff
 11 FACEBOOK, INC.

12
 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
 LLC, iMEDIA ONLINE SERVICES LLC,
 and JOHN DOES 26-50, corporations,

25 Defendants.

Case No. C 09-05842 JF

**[PROPOSED] ORDER GRANTING
 PLAINTIFF FACEBOOK, INC.'S
 REQUEST FOR DISCOVERY**

26
 27 THIS MATTER came before the Court for hearing on plaintiff Facebook, Inc.'s
 28 ("Facebook") Administrative Request Pursuant to Local Rule 7-11 For Leave To Conduct

1 Discovery Prior to Rule 26 Conference. Now, the Court having considered Plaintiff's request, the
2 memorandum in support thereof, and the declaration of Joseph P. Cutler in support of the request,
3 the Court hereby finds:

4 1. Good cause exists to permit Facebook to conduct third party discovery in order to
5 obtain defendant Porembski's computer and information related to how the computer came into
6 the possession of the Sacramento Sheriff's Department evidence locker.

7 2. Defendants received notice of Facebook's Request for Discovery.

8 Now, therefore, it is hereby ORDERED as follows:

9 1. Facebook is authorized to conduct third party discovery, including issuing
10 subpoenas, for the purpose of:

- 11 a. obtaining the computer that has been turned over to the Sacramento Sheriff's
12 Department and identified as belonging to Defendant Porembski
13 ("Porembski's Computer");
14 b. obtaining police reports and witness statements associated with the recovery of
15 Porembski's Computer;
16 c. obtaining information related to the recovery of Porembski's Computer; and
17 d. obtaining information related to the contents of Porembski's Computer;

18
19 IT IS SO ORDERED.

20
21 Dated: _____, 2010

The Honorable Jeremy Fogel
United States District Judge

22
23 Presented by:

24 **PERKINS COIE LLP**

25 By: s/ James R. McCullagh
26 Brian Hennessy (SBN 226721)
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27 James R. McCullagh (*pro hac vice*)
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28 Joseph Cutler (*pro hac vice*)
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Attorneys for Plaintiff Facebook, Inc.

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2 **CERTIFICATE OF SERVICE**

3 I certify that on June 4, 2010, I sent the foregoing [PROPOSED] ORDER GRANTING
4 PLAINTIFF FACEBOOK, INC.'S REQUEST FOR DISCOVERY, which was filed with the
5 Clerk of the Court using the CM/ECF system, via U.S. Mail and electronic mail to the following
6 Defendants:
7

8 Jeremi Fisher
9 Choko Systems LLC
10 35 Jackson Street
11 Akron, New York 14001
12 chokosystems@gmail.com

Philip Poremsbki
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PP Web Services LLC
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Apt. 170
Rancho Cordova, California 95670
phil420@gmail.com

13 Ryan Shimeall
14 iMedia Online Services LLC
15 10299 Julian Court
16 Westminster, Colorado 80031
17 ryanlinx@yahoo.com

18 I certify under penalty of perjury that the foregoing is true and correct.

19 DATED this 4th day of June 2010.

20 By: /s/ James R. McCullagh
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