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Attorneys for Plaintiff  
FACEBOOK, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

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,

Defendants.

Case No. C-09-05842-JF

**DECLARATION OF JOSEPH P.  
CUTLER IN SUPPORT OF PLAINTIFF  
FACEBOOK INC.'S ADMINISTRATIVE  
REQUEST FOR EXPEDITED  
DISCOVERY PRIOR TO RULE 26  
CONFERENCE**

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.       A stipulation was not obtained from defendants Jeremi Fisher, Philip Porembski,  
5 Ryan Shimeall, Choko Systems LLC, PP Web Services LLC, and iMedia Online Services LLC,  
6 because all defendants are in default. Facebook will deliver the motion and all attachments to  
7 each of the defendants at their last known physical and email addresses.

8           3.       On May 28, 2010, Deputy Hunt, on behalf of the Sacramento Sheriff's  
9 Department, contacted me and informed me that a citizen had recovered an abandoned computer  
10 and determined that the computer had previously belonged to Defendant Porembski.

11          4.       Deputy Hunt indicated that the reporting citizen had determined that the computer  
12 contained information belonging to Facebook and that the computer is currently residing in the  
13 Sacramento Sheriff's Department evidence locker.

14          5.       Deputy Hunt informed me that the Sheriff's Department would release the  
15 computer and related reports to Facebook upon presentation of a subpoena from Facebook.

16          6.       Deputy Hunt refused to provide me with the identity of the reporting citizen, but  
17 stated that this information was contained in the police report, which would be disclosed to  
18 Facebook in response to a court order.

19          7.       I understand that the computer contains information belonging to Facebook and  
20 likely contains information that is directly relevant to the issues in this case, including  
21 Defendants' illegal activities and damages suffered by Facebook.

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

24 EXECUTED at Seattle, Washington this 4th day of June, 2010.

25                                   /s/ Joseph P. Cutler  
26                                   Joseph P. Cutler

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I, James R. McCullagh, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: June 4, 2010

**PERKINS COIE LLP**

By: /s/ James R. McCullagh  
James R. McCullagh (*pro hac vice*)  
JMccullagh@perkinscoie.com

Attorney for Plaintiff Facebook, Inc.

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**CERTIFICATE OF SERVICE**

I certify that on June 4, 2010, I sent the foregoing DECLARATION OF JOSEPH P. CUTLER IN SUPPORT OF PLAINTIFF FACEBOOK INC.'S ADMINISTRATIVE REQUEST FOR EXPEDITED DISCOVERY PRIOR TO RULE 26 CONFERENCE, which was filed with the Clerk of the Court using the CM/ECF system, via U.S. Mail and electronic mail to the following Defendants:

Jeremi Fisher  
Choko Systems LLC  
35 Jackson Street  
Akron, New York 14001  
chokosystems@gmail.com

Philip Poremsbki  
Harm Inc.  
PP Web Services LLC  
12155 Tributary Point Drive  
Apt. 170  
Rancho Cordova, California 95670  
phil420@gmail.com

Ryan Shimeall  
iMedia Online Services LLC  
10299 Julian Court  
Westminster, Colorado 80031  
ryanlinx@yahoo.com

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

DATED this 4th day of June 2010.

By: /s/ James R. McCullagh  
Brian Hennessy (SBN 226721)  
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