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

24 Defendants.
 25

Case No. C-09-05842-JF

**DECLARATION OF JAMES R.
 MCCULLAGH IN SUPPORT OF PLAINTIFF
 FACEBOOK, INC.'S MOTION FOR
 ADMINISTRATIVE RELIEF FROM ORDER
 SETTING CASE MANAGEMENT
 CONFERENCE**

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I, James R. McCullagh, declare as follows:

1. I am over 18 years of age and make this Declaration based upon personal knowledge of the facts set forth below except as to those matters stated on information and belief, and as to those matters, I believe them to be true. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. I am an attorney licensed to practice law under the laws of the State of Washington and have been admitted pro hac vice as an attorney of record for Plaintiff Facebook, Inc. (“Facebook”) in the above-captioned matter. This Declaration is filed in support of Plaintiff Facebook, Inc.’s Administrative Motion For Administrative Relief From Order Setting Case Management Conference.

3. In late May 2010, Facebook learned that the Sacramento Sheriff’s Department had recovered a computer abandoned by Defendant Porembski containing information relevant to this litigation.

4. On or about June 22, 2010, Facebook issued a subpoena to the Sacramento Sheriff’s Department requesting a copy of the abandoned computer’s hard drive as well as police reports and witness statements related to the recovery of the abandoned computer.

5. The Sacramento Sheriff’s Department objected to producing the computer hard drive and requested that Facebook obtain a Court order directing it to release this information to Facebook.

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

DATED: June 30, 2010

PERKINS COIE LLP

By: /s/ James R. McCullagh
James R. McCullagh
JMcCullagh@perkinscoie.com

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CERTIFICATE OF SERVICE

I certify that on June 30, 2010, I sent the foregoing DECLARATION OF JAMES R. MCCULLAGH IN SUPPORT OF MOTION FOR ADMINISTRATIVE RELIEF FROM ORDER SETTING CASE MANAGEMENT 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
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Rancho Cordova, California 95670
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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 30th day of June 2010.

By: /s/ James R. McCullagh
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