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6 Attorneys for Defendant
Facebook, Inc.
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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STEPHEN AGUIAR,
Plaintiff,
vs.
FACEBOOK, INC.,
Defendant.

CASE NO.
**DECLARATION OF JULIE E. SCHWARTZ
IN SUPPORT OF NOTICE OF REMOVAL**

1 I, Julie E. Schwartz, declare as follows:

2 1. I am a member of the Bar of the State of California and an associate at Perkins
3 Coie LLP, attorneys for Defendant Facebook, Inc. ("Facebook"). I make this declaration of
4 personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify
5 competently thereto.

6 2. Attached as Exhibit A is a true and correct copy of the Summons and Complaint
7 mailed to Facebook by certified mail and postmarked on May 7, 2013. Facebook received the
8 Summons and Complaint at its headquarters in Menlo Park, California on May 13, 2013.
9 Facebook has not received any other documents from Plaintiff.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct. Executed on June 6, 2014, in Palo Alto, California.

12

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/s/ Julie E. Schwartz

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Julie E. Schwartz

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EXHIBIT A

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: STEPHEN AGUIAR
(AVISO AL DEMANDADO): Plaintiff,

And

FACEBOOK INC,
YOU ARE BEING SUED BY PLAINTIFF: Defendant.
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

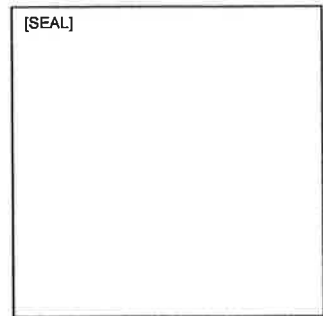
The name and address of the court is: Santa Clara County Superior Court
(El nombre y dirección de la corte es): 191 N. First Street
San Jose, CA 95113

CASE NUMBER:
(Número del Caso): 114CV262572

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Stephen Aguiar #03722-082, P.O. Box 1000, Petersburg, Virginia 23804
(804) 504-1700

DATE: _____ Clerk, by _____, Deputy
(Fecha) _____ **(Secretario)** _____ **(Adjunto)**

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of **(specify):**
3. on behalf of **(specify):**
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other **(specify):**
4. by personal delivery on **(date):**

Case Name: STEPHEN AGUIAR v. FACEBOOK INC Case #:

FILED Santa Clara County
03/24/14 10:05am
David H. Yamasaki
Chief Executive Officer
By: rgarza DTSCIV010098
R#201400027157
WA \$370.00
TL \$370.00
Case: 1-14-CV-262572

RG

1 Your Name: Stephen Aguiar #03722-082

2 Your Address: P.O. Box 1000

3 Petersburg, VA 23804

4 Your Phone Number: (804) 504-7200

5 Self-Represented

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF SANTA CLARA
9 CIVIL DIVISION

10 Case No: 14 CV 262572

11 PLEADING TITLE:

11 STEPHEN AGUIAR

12 **Plaintiff,**

13 **And**

COMPLAINT

14 FACEBOOK INC.

15 **Defendant**

Judge: _____

18 DEMAND EXCEEDS \$10,000.00

Case Name: STEPHEN AGUIAR v. FACEBOOK INC Case #: _____

1 NOW COMES, the Plaintiff, pro se, and hereby brings a suit against Facebook
2 Inc. for violating his First, Fifth, Sixth, and Fourteenth Amendments.
3 Facebook Inc. also has violated its contractual relationship with the
4 Plaintiff and the Implied Covenant of Good Faith and Fair Dealing as
5 well as terms outlined in the rights and responsibilities of Facebook.

6 _____
7 On or about March 26, 2012, Facebook Inc. disabled Plaintiff's Facebook
8 account without just cause. Plaintiff is in compliance with all terms
9 of his account and has repeatedly contacted Facebook via United States
10 mail that Facebook Inc. is violating his rights, but received no response.

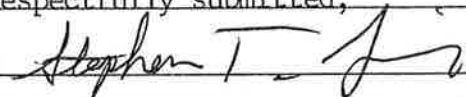
11 _____
12 Plaintiff asks the Court to rule that Facebook had violated his rights:
13 Reimburse the Plaintiff for any filing fee and/or attorney fees
14 Order restitution for the Plaintiff in the amount of \$5,000.00
15 Award Plaintiff \$79,000.00 for a violation of his consitutional rights
16 Rule that Facebook has violated the allegations outlined in the complaint

17 _____
18 WHEREOFF, this Court has jurisdiction in this matter as the injury occurred
19 in this Court's jurisdiction.

20 _____
21 Under penalty of perjury, Plaintiff submits the aforementioned facts are true
22 and complete to the best of my knowledge.

23 _____
24 March 19, 2014

Respectfully submitted,



ATTACHMENT CV-5012

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San Jose, CA 95113

CASE NUMBER: **114CV262572****PLEASE READ THIS ENTIRE FORM**

PLAINTIFF (the person suing): Within 60 days after filing the lawsuit, you must serve each Defendant with the *Complaint*, *Summons*, an *Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANT (The person sued): You must do each of the following to protect your rights:

1. You must file a **written response** to the *Complaint*, using the proper legal form or format, in the Clerk's Office of the Court, within **30 days** of the date you were served with the *Summons* and *Complaint*;
2. You must serve by mail a copy of your written response on the Plaintiff's attorney or on the Plaintiff if Plaintiff has no attorney (to "serve by mail" means to have an adult other than yourself mail a copy); and
3. You must attend the first Case Management Conference.

**Warning: If you, as the Defendant, do not follow these instructions,
you may automatically lose this case.**

RULES AND FORMS: You must follow the California Rules of Court and the Superior Court of California, County of Santa Clara Local Civil Rules and use proper forms. You can obtain legal information, view the rules and receive forms, free of charge, from the Self-Help Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), www.scselfservice.org (Select "Civil") or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: <http://www.sccsuperiorcourt.org/civil/rule1toc.htm>

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council-form CM-110) at least 15 calendar days before the CMC.

You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: William Elfving Department: 03

The 1st CMC is scheduled for: (Completed by Clerk of Court)

Date: JUL 22 2014 Time: 2:15pm in Department: 03

The next CMC is scheduled for: (Completed by party if the 1st CMC was continued or has passed)

Date: _____ Time: _____ in Department: _____

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2530) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

**SANTA CLARA COUNTY SUPERIOR COURT
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET**

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferences, among others forms.

What are the advantages of choosing ADR instead of litigation?

ADR can have a number of advantages over litigation:

- **ADR can save time.** A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- **ADR can save money.** Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- **ADR provides more participation.** Parties have more opportunities with ADR to express their interests and concerns, instead of focusing exclusively on legal rights.
- **ADR provides more control and flexibility.** Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- **ADR can reduce stress.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

Mediation is an informal, confidential, flexible and non-binding process in the mediator helps the parties to understand the interests of everyone involved, and their practical and legal choices. The mediator helps the parties to communicate better, explore legal and practical settlement options, and reach an acceptable solution of the problem. The mediator does not decide the solution to the dispute; the parties do.

Mediation may be appropriate when:

- The parties want a non-adversary procedure
- The parties have a continuing business or personal relationship
- Communication problems are interfering with a resolution
- There is an emotional element involved
- The parties are interested in an injunction, consent decree, or other form of equitable relief

Neutral evaluation, sometimes called "Early Neutral Evaluation" or "ENE", is an informal process in which the evaluator, an experienced neutral lawyer, hears a compact presentation of both sides of the case, gives a non-binding assessment of the strengths and weaknesses on each side, and predicts the likely outcome. The evaluator can help parties to identify issues, prepare stipulations, and draft discovery plans. The parties may use the neutral's evaluation to discuss settlement.

Neutral evaluation may be appropriate when:

- The parties are far apart in their view of the law or value of the case
- The case involves a technical issue in which the evaluator has expertise
- Case planning assistance would be helpful and would save legal fees and costs
- The parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

William D. Hampton®
#26034-044
Federal Correctional Complex
P.O. Box 1000
Petersburg, VA 23804

CERTIFIED MAIL™



7011 1570 0000 6066 9809



1000



94304

U.S. POSTAGE
PAID
PETERSBURG, VA
23803
MAY 07 14
AMOUNT
\$0.00
00057806-15



⇔ 26034-044 ⇔
Facebook Incorporated... *Legal*
1601 S California AVE
Facebook Employee
PALO ALTO, CA 94304
United States

DATE: 5/13/2014
CARR: USPS
TRKN: 70111570000060669809

LEGAL