

CA Nos. 08-16745, 08-16849, 08-16873 (consolidated);
09-15021, 09-15133; 09-17050
(DC No. C 07-01389 JW)

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

THE FACEBOOK, INC., ET AL.,
Plaintiffs/Appellees/Cross-Appellants,

v.

CONNECTU, INC., ET AL.,
Defendants/Appellants/Cross-Appellees.

Appeal From Judgment Of The United States District Court
For The Northern District Of California
(Hon. James Ware, Presiding)

**DECLARATION OF SEAN M. SELEGUE IN
SUPPORT OF CONNECTU FOUNDERS' REPLY
REGARDING THEIR MOTION TO CONSOLIDATE
APPEALS AND MOTION TO SET
BRIEFING SCHEDULE**

JEROME B. FALK, JR. (No. 39087)
SEAN M. SELEGUE (No. 155249)
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation
Three Embarcadero Center, 7th Floor
San Francisco, California 94111-4024
Telephone: 415/434-1600
Facsimile: 415/217-5910

*Attorneys for Appellants and Cross-
Appellees Cameron Winklevoss, Tyler
Winklevoss and Divya Narendra*

I, Sean M. SeLegue, declare as follows:

1. I am an attorney licensed to practice law in the State of California, and a member of the Bar of this Court. I am an attorney at the law firm of Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation (“Howard Rice”), which is counsel of record for Appellants and Cross-Appellees Cameron Winklevoss, Tyler Winklevoss and Divya Narendra. I make this declaration based upon my personal knowledge of the matters stated herein, except where otherwise indicated. If called as a witness, I could and would testify competently to the facts stated herein.

2. Shortly after I filed the appeal of the disqualification order on behalf of the Founders, ConnectU’s counsel, Mr. James E. Towery, informed me that he believed that the appeal was premature because the disqualification order contemplated additional proceedings in the District Court. Mr. Towery indicated that ConnectU was considering moving to dismiss the appeal.

3. Attached as Exhibits A through C are true and correct copies of correspondence between counsel for ConnectU (Mr. Towery) and counsel for Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (Mr. Thomas B. Mason). To the best of my knowledge, no party has initiated proceedings relating to the document turnover process before Chief Magistrate Judge James.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Declaration was executed on this 9th day of October, 2009, in San Francisco, California.

/s/ Sean M. SeLegue
SEAN M. SELEGUE