

Case Nos. 09-15133; 09-15021

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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THE FACEBOOK, INC., et al.,  
Plaintiffs-Appellees-Cross-Appellants,

v.

CONNECTU, INC. (formerly known as CONNECTU LLC), CAMERON  
WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA,  
Defendants-Appellants-Cross-Appellees,

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Appeal from the United States District Court Northern District of California,  
Case No. CV 07-01389-JW, The Honorable James Ware

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**DECLARATION OF TINA L. NAICKER TO APPELLEES-CROSS-  
APPELLANTS' MOTION TO CONSOLIDATE CASE NOS. 09-15021  
AND 09-15133 WITH CASE NOS. 08-16745, 08-16849, 08-16973**

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I. NEEL CHATTERJEE (STATE BAR NO. 173985)  
WARRINGTON, S. PARKER, III (STATE BAR NO. 148003)  
MONTE COOPER (STATE BAR NO. 196746)  
THERESA SUTTON (STATE BAR NO. 211857)  
YVONNE P. GREER (STATE BAR NO. 214072)  
TINA L. NAICKER (STATE BAR NO. 252766)  
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*Attorneys for Appellees-Cross-Appellants Facebook, Inc. and Mark Zuckerberg*

I, Tina L. Naicker, declare as follows:

1. I am an Associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Facebook, Inc. and Mark Zuckerberg. I am a member of the State Bar of California and the Ninth Circuit. I make this declaration in support of Appellees-Cross-Appellants' Motion to Consolidate Case Nos. 09-15021 and 09-15133 with Case Nos. 08-16745, 08-16849, 08-16973. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the June 25, 2008 Order Granting Plaintiffs' Confidential Motion to Enforce the Settlement Agreement.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the July 2, 2008 Judgment Enforcing Settlement Agreement.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the August 8, 2008 Order Denying the ConnectU Founders' Motion to Intervene; Denying ConnectU's Motion to Stay Execution of Judgment.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the July 30, 2008 Notice of Appeal by ConnectU, Inc.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the August 11, 2008 Notice of Appeal by Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the August 13, 2008 Notice of Cross-Appeal by Facebook, Inc. and Mark Zuckerberg (without exhibits).

8. Attached hereto as **Exhibit 7** is a true and correct copy of the August 20, 2008 Cameron Winklevoss, Tyler Winklevoss and Divya Narendra's Initial Notice and Statement of the Issues Pursuant to Local Rule 10-3 in Case No. 08-16745.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the August 21, 2008 Appellees' and Cross-Appellants' Initial Notice and Statement of the Issues Pursuant to Local Rule 10-3 and Objection to ConnectU, Inc.'s Initial Notice and Statement of Issues in Case Nos. 08-16745, 08-16849.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the August 29, 2008 Order to Consolidate Case Nos. 08-16745, 08-16849, 08-16873.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the September 19, 2008 Order to Show Cause Re: Special Master's Report No. 1.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the November 3, 2008 Order Directing the Special Master to Deliver the Property

Being Held in Trust to the Parties in Accordance with the Terms of Their Settlement Agreement.

13. Attached hereto as **Exhibit 12** is a true and correct copy of November 3, 2008 Judgment Ordering Specific Performance of Settlement Agreement and Declaratory Judgment of Release.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the November 21, 2008 Order Denying Plaintiffs' Motion to Correct; Granting Plaintiffs' Motion for Clarification; and Vacating the November 3, 2008 Judgment.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the Amended Judgment Ordering Specific Performance of Settlement Agreement and Declaratory Judgment of Release.

16. Attached hereto as **Exhibit 15** is a true and correct copy of the December 15, 2008 Order of Dismissal.

17. Attached hereto as **Exhibit 16** is a true and correct copy of the December 12, 2008 Order Denying Appellants' Motion to Stay and Denying Appellees' Motion to Dismiss Without Prejudice in Case Nos. 08-16745, 08-16849, 08-16873.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the December 19, 2008 Notice of Appeal by Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra (without exhibits).

19. Attached hereto as **Exhibit 18** is a true and correct copy of the January 8, 2009 Notice of Cross-Appeal by Facebook, Inc. and Mark Zuckerberg (without exhibits).

20. Attached hereto as **Exhibit 19** is a true and correct copy of the December 29, 2008 Cameron Winklevoss, Tyler Winklevoss and Divya Narendra's Initial Notice and Statement of the Issues Pursuant to Local Rule 10-3 Corresponding to Second Notice of Appeal.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the January 22, 2009 Time Schedule Order in Case Nos. 09-15133, 09-15021.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 23rd day of January 2009, at Menlo Park, California.

Dated: January 23, 2009

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Tina L. Naicker

Tina L. Naicker