

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11923-DPW

CONNECTU LLC  
Plaintiff

v.

MARK ZUCKERBERG, et al  
Defendants

BOSTON, MASSACHUSETTS  
OCTOBER 25, 2006

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TRANSCRIPT OF EVIDENTIARY HEARING (DAY 2)  
BEFORE THE HONORABLE ROBERT B. COLLINGS  
UNITED STATES MAGISTRATE JUDGE

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I N D E X

WITNESSES                      DIRECT              CROSS              REDIRECT      RECROSS

Divya Koomar Narendra              4              36, 75              77              93

EXHIBITS                      DESCRIPTION                      IDENT.                      IN EVID.

Plaintiff's:

47              2004 Tax Return                      34

Defendants':

78              Interrogatory Responses                      44

71              Form Interrogatories                      55

29              Press Release                      61

75              Request for Admissions              98

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1 A Yes.

2 Q Thank you. Now your expectation was that you would gain  
3 somehow if the ConnectU project was successful, right?

4 A That's right.

5 Q And that you would get what you deserved with respect to  
6 the ConnectU website, right?

7 A That's right.

8 MR. CHATTERJEE: No further questions, Your Honor. I  
9 pass the witness.

10 THE COURT: All right. We'll take a recess till 11.

11 THE CLERK: All rise.

12 (RECESS)

13 THE CLERK: All rise. Court is back in session.

14 THE COURT: All right, you may be seated.

15 Cross-examination?

16 MR. HAMPTON: Thank you, Your Honor. I will be very  
17 brief.

18 THE COURT: You may proceed.

19 BY MR. HAMPTON:

20 Q Good morning, Mr. Narendra.

21 A Good morning.

22 Q We've met before at your depositions; is that right?

23 A That's right.

24 Q And you understand I'm Dan Hampton and I represent in the  
25 case Eduardo Saverin.

1 A That's correct.

2 Q Mr. Narendra, if Mr. Chatterjee's client, TheFaceBook,  
3 went back to California tomorrow and sued you again personally  
4 for accessing TheFaceBook website in July of 2004, you'd go  
5 right back to the California court and tell them again that  
6 when you did that you were acting in your capacity as a member  
7 of ConnectU LLC, wouldn't you?

8 A Yes.

9 Q And so, Mr. Narendra, what you're suggesting is that for  
10 the purposes of the California lawsuit - that's because of the  
11 operating agreement, am I right about that? That's the reason  
12 why you can tell the California court that you were a member of  
13 ConnectU LLC in July of 2004 or were you actually a member in  
14 July of 2004?

15 A I became a member when I signed that agreement.

16 Q All right. So it's the retroactive nature of the  
17 agreement that allows you to go to the California court and  
18 tell them that in July of 2004 you were a member of ConnectU  
19 LLC?

20 A That's right.

21 Q And so what you're suggesting here today is that the  
22 retroactive nature of the operating agreement, that's good for  
23 the California case where you get the benefit of getting out as  
24 a personal defendant but that's not what the court should do  
25 here. You weren't really a member on September 2<sup>nd</sup> of 2004 when

1 this case was filed?

2 A I was not a member September 2, 2004 when - or on  
3 September 2, 2004 I was not a member.

4 MR. HAMPTON: No further questions.

5 THE COURT: Mr. Hornick, any redirect?

6 MR. HORNICK: Yes, just a few questions, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. HORNICK:

9 Q Do you recall testifying earlier that up until the time  
10 that ConnectU LLC was formed you and Cameron and Tyler had  
11 contributed roughly equally to the Harvard Connection website?

12 A That's right.

13 Q All right. Now when ConnectU LLC was created was it your  
14 intent to continue the same arrangement the three of you had  
15 with Harvard Connection into ConnectU LLC?

16 MR. CHATTERJEE: Your Honor, asked and answered and  
17 outside the scope of the cross.

18 THE WITNESS: Can you repeat the question?

19 THE HORNICK: Yes.

20 THE COURT: Well, repeat the question.

21 THE WITNESS: Oh, sorry.

22 THE COURT: I'm sorry.

23 MR. HORNICK: Yes.

24 BY MR. HORNICK:

25 Q When ConnectU LLC was created, was it your intention to

CERTIFICATION

I, Maryann V. Young, court approved transcriber, certify that the foregoing is a correct transcript from the official digital sound recording of the proceedings in the above-entitled matter.

November 17, 2006

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Maryann V. Young