

From: Mosko, Scott
Sent: Thursday, April 12, 2007 6:37 PM
To: 'Sutton, Theresa A.'
Subject: RE: Stipulation for Order Shortening Time

Theresa,

We do not object to Facebook taking discovery in this case. Certainly, once discovery is open, the parties are free to propound written discovery and take depositions. However, all parties must act fairly in scheduling such discovery in a reasonable manner--as the local rules specifically require. Please recall that on the eve of the originally scheduled date for Mr. Zuckerberg's deposition, Hopkins called me to request that it be postponed because Mr. Zuckerberg had some immediate business to attend to. Recognizing the constraints on the attorneys' schedules, and the witness's schedule we arrived at an alternative date, and the deposition occurred.

So long as the parties approach the scheduling of discovery in a fair and reasonable manner, I am willing to investigate the schedules of the proposed witnesses now, instead of waiting until discovery formally commences under Rule 26. I have several matters coming up, but will do my best to offer a schedule that allows for your requested discovery, so long as it does not unreasonably interfere with what is already on my calendar.

In order to move forward however, I would like us to agree that the individuals and parties you seek to depose will not be deposed a second time absent good cause. So, I would expect you to ask all your questions of these witnesses during these depositions, not just those concerning personal jurisdiction. I am further assuming that all parties agree that the depositions and all discovery would be pursuant to the Federal Rules of Civil Procedure.

After this discovery is completed, we can then stipulate to a hearing and briefing schedule for the motion to dismiss for lack of personal jurisdiction. Please let me know your thoughts on the above proposal.

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