1	SEAN A. LINCOLN (State Bar No. 136387)		
2	salincoln@orrick.com I. NEEL CHATTERJEE (State Bar No. 173985	<i>i</i>)	
3	nchatterjee@orrick.com MONTE COOPER (State Bar No. 196746)		
4	mcooper@orrick.com THERESA A. SUTTON (State Bar No. 211857)		
5	tsutton@orrick.com YVONNE P. GREER (State Bar No. 214072)		
6	ygreer@orrick.com ORRICK, HERRINGTON & SUTCLIFFE LLI		
7	1000 Marsh Road Menlo Park, CA 94025		
8	Telephone: 650-614-7400 Facsimile: 650-614-7401		
9	Attorneys for Plaintiffs	NDED C	
10	THE FACEBOOK, INC. and MARK ZUCKER	RBERG	
11	UNITED STATES DISTRICT COURT		
12	NORTHERN DISTRICT OF CALIFORNIA		
13	SAN JOSE DIVISION		
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15	THE FACEBOOK, INC. and MARK ZUCKERBERG,	Case No. 5:07-CV-01389-RS	
16	Plaintiffs,	ADMINISTRATIVE REQUEST PURSUANT TO CIVIL L.R. 7-11 FOR	
17	V.	ORDER REQUIRING DEFENDANTS TO PROVIDE DATES FOR	
18	CONNECTU, INC. (formerly known as	DEPOSITION DEPOSITION	
19	CONNECTU, INC. (IOIIIIIII) KIIOWII AS CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC.,		
20	WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA,		
21	Defendants.		
22	Detendants.		
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Pursuant to Civil L.R. 7-11 Plaintiffs respectfully submit this motion seeking an order requiring Defendants to provide depositions dates. On January 8, 2008, Plaintiffs Facebook, Inc. and Mark Zuckerberg served five notices of deposition. Decl. of Theresa A. Sutton in Support of Administrative Request ("Sutton Decl.") ¶ 2. The proposed depositions were to occur during the month of February, and included defendants Williams and Chang, as well as ConnectU's principals Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra. *Id.* In response, on January 13, 2008, counsel for Defendants indicated that the chosen dates are inconvenient to the witnesses and requested that the parties meet and confer to schedule dates. *Id.* ¶ 3.

Since Defendants' January 13, 2008, communication seeking a meet and confer, Plaintiffs have made no fewer than five requests for dates pursuant to Local Civil Rule 30-1, including raising the issue at the January 16, 2008 Case Management Conference. *Id.* ¶ 4. Specifically, Plaintiffs' asked Defendants for dates as follows:

- On January 8, 2008, Plaintiffs served a deposition notice for each of Wayne Chang, Winston Williams, Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra;
- On January 14, 2008, Facebook sent an email to Defendants asking for dates for these witnesses, plus ConnectU and PNS 30(b)(6) witnesses;
- On January 17, 2008, Facebook sent an email to Defendants asking for dates for these depositions;
- On January 23, 2008, Facebook spoke by phone to Defendants' counsel and asked for dates for these depositions; and
- On January 25, 2008, Facebook sent an email to Defendants asking to meet and confer regarding scheduling the depositions; and
- On January 30, 2008, Facebook sent a letter reiterating the concerns it identified on January 25, 2008.

Id. With the exception of a non-responsive answer during the live telephone conference on January 23, 2008, the only response Plaintiffs have received from Defendants was an email in response to Plaintiffs' January 30 letter in which Defendants suggested it would take them at least another week to provide dates. 1 *Id.* ¶ 5.

ADMIN REQUEST FOR DEPOSITION DATES 5:07-CV-01389-RS

¹ Instead of responding to Plaintiffs' requests for deposition dates, Defendants on January 17, 2008 asked for availability of a Facebook 30(b)(6) witness. Plaintiffs have provided dates for the

1	During the January 16 Case Management Conference, Plaintiffs raised with the Court	
2	their concern that Defendants are needlessly and deliberately delaying this case. The Court	
3	cautioned all parties that it would take action if it observed "a pattern of delay." Defendants'	
4	three week refusal to offer dates for a deposition of a single witness is but one instance of such	
5	delays. As a result, Plaintiffs respectfully request that the Court order Defendants to provide	
6	deposition dates to occur within the next 45 days.	
7		
8	Dated: January 30, 2008 ORRICK, HERRINGTON & SUTCLIFFE LLP	
9		
10	/s/ Theresa A. Sutton /s/	
11	Theresa A. Sutton Attorneys for Plaintiffs THE FACEBOOK, INC. and MARK	
12	ZUCKERBERG	
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24	witness they anticipate will attend that deposition. <i>Id.</i> \P 6. On the other hand, Plaintiffs also have repeatedly asked for the requisite Notice required by Rule 30(b)(6) specifying the topics on which	
25	this witness is to be deposed so that Facebook can identify the appropriate witness. <i>Id.</i> The Rule	

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Rules.

refuse to cooperate in scheduling by providing the actual written Notice required by the Federal

unambiguously requires such notice prior to designation of any witness. Nonetheless, Defendants

have steadfastly refused to provide the notice, and instead have by email suggested the deposition will cover only "general topics" of "the operation of Facebook's servers and internet connections from the time its website launched to the present." Defendants have never explained why they

CERTIFICATE OF SERVICE I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 30, 2008. Dated: January 30, 2008. Respectfully submitted, /s/ Theresa A. Sutton /s/ Theresa A. Sutton