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 THE FACEBOOK, INC. and MARK ZUCKERBERG

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 THE FACEBOOK, INC. and MARK
 ZUCKERBERG,
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 Plaintiffs,
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 v.
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 19 CONNECTU, INC. (formerly known as
 CONNECTU, LLC), PACIFIC
 20 NORTHWEST SOFTWARE, INC.,
 WINSTON WILLIAMS, WAYNE CHANG,
 and DAVID GUCWA,
 21
 Defendants.

Case No. 5:07-CV-01389-RS

**ADMINISTRATIVE REQUEST
 PURSUANT TO CIVIL L.R. 7-11 FOR
 ORDER REQUIRING DEFENDANTS
 TO PROVIDE DATES FOR
 DEPOSITION**

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1 Pursuant to Civil L.R. 7-11 Plaintiffs respectfully submit this motion seeking an order
2 requiring Defendants to provide depositions dates. On January 8, 2008, Plaintiffs Facebook, Inc.
3 and Mark Zuckerberg served five notices of deposition. Decl. of Theresa A. Sutton in Support of
4 Administrative Request (“Sutton Decl.”) ¶ 2. The proposed depositions were to occur during the
5 month of February, and included defendants Williams and Chang, as well as ConnectU’s
6 principals Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra. *Id.* In response, on
7 January 13, 2008, counsel for Defendants indicated that the chosen dates are inconvenient to the
8 witnesses and requested that the parties meet and confer to schedule dates. *Id.* ¶ 3.

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

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

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

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

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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