

-----Original Message-----

From: Sutton, Theresa A. [mailto:tsutton@orrick.com]

Sent: Friday, April 13, 2007 10:51 AM

To: Mosko, Scott

Cc: Cooper, Monte; Dalton, Amy; Greer, Yvonne; Bose, Subroto; Day, Chester

Subject: RE: Stipulation for Order Shortening Time

Scott-

The reason I ask for your availability, generally, is that if you are not free to even begin depositions for weeks or months, Facebook will not agree to your proposal. I am not asking you to commit to any particular dates at this time, but instead want an idea of how impacted your schedule is over the next month. I realize scheduling will be dependent on the witnesses' schedules, as well. I ask again that you provide some idea of the timeframe you are considering for this limited discovery.

In light of the foregoing, Facebook is amenable to your proposal with regard to Mr. Gucwa and Mr. Chang. Mr. Chang, however, must produce all

documents requested by Facebook before his deposition. With regard to the parties, it is not clear what you mean by "good cause." If the depositions go forward in the near future and documents are later produced, Facebook does not want to have a fight over whether it has "good cause" to resume the deposition. We propose, therefore, that for PNS, Williams and ConnectU, Facebook take four-hour depositions of these witnesses on personal jurisdiction only. If it determines, after discovery commences, that additional depositions are necessary or appropriate, it will notice those depositions under the Rules.

In order to move this along, if this is not acceptable to you, please let me know, and we can raise the issue with Judge Seeborg.

Theresa

O

O R R I C K

Theresa Sutton
Orrick, Herrington & Sutcliffe LLP
Silicon Valley Office
1000 Marsh Road, Menlo Park, CA 94025
650.614.7307 (Voice)
650.614.7401 (Fax)
tsutton@orrick.com
www.orrick.com