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9 Attorneys for Defendant
CONNECTU, INC.

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

13
14 THE FACEBOOK, INC. and MARK
ZUCKERBERG,

15 Plaintiffs,

16 v.

17 CONNECTU, INC. (formerly known as
18 CONNECTU, LLC), PACIFIC NORTHWEST
SOFTWARE, INC., WINSTON WILLIAMS,
19 and WAYNE CHANG,

20 Defendants.

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

**DECLARATION OF EVAN A. PARKE
IN SUPPORT OF DEFENDANTS'
RESPONSE TO ORDER TO SHOW
CAUSE ON DISBURSEMENT OF
SETTLEMENT CONSIDERATION,
AND RENEWED MOTION TO STAY**

Judge: Honorable James Ware

1 I, Evan A. Parke, declare as follows:

2 1. I am an associate with the law firm of Boies, Schiller & Flexner LLP,
3 counsel for ConnectU, Inc (“ConnectU”). I am licensed to practice law in the District of
4 Columbia and am appearing in this case per an order of the Court granting my application
5 to appear *pro hac vice*. I have personal knowledge of the facts and circumstances set
6 forth in this Declaration.

7 2. Attached as Exhibit A is an accurate copy of the October 6, 2008, opening
8 appeal brief filed on behalf of ConnectU, Cameron Winklevoss, Tyler Winklevoss and
9 Divya Narendra in the United States Court of Appeals for the Ninth Circuit. Exhibit A is
10 being submitted to this Court with a request that it be filed under seal.

11 3. Attached as Exhibit B is an accurate copy of transcript excerpts from the
12 hearing taking place before the Court on August 6, 2008.

13 4. Attached as Exhibit C is an accurate copy of ConnectU’s proposed form of
14 release filed with the Court on July 9, 2008.

15 5. Attached as Exhibit D is an accurate copy of Facebook, Inc. and Mark
16 Zuckerberg’s proposed form of release filed with the Court on July 9, 2008.

17 6. Attached as Exhibit E is an accurate copy of the original ConnectU
18 proposed dismissal document forwarded to Master George Fisher.

19 7. Attached as Exhibit F is an accurate copy of the letter sent on August 27,
20 2008 from D. Michael Underhill, attorney at Boies, Schiller & Flexner LLP and counsel
21 for ConnectU, Inc., to Master George Fisher. Exhibit F is being submitted to the Court
22 with a request that it be filed under seal.

23 8. Attached as Exhibit G is an accurate copy of the Declaration of Sean F.
24 O’Shea in Support of Emergency Motion to Stay Execution of District Court’s July 2,
25 2008, Judgment as Amended by Order of August 8, 2008, which was filed in the United
26 States Court of Appeals for the Ninth Circuit on August 11, 2008.

27 9. Attached as Exhibit H is an accurate copy of the retainer agreement
28

1 between Quinn Emanuel Urquhart Oliver & Hedges LLP and ConnectU and its founders.
2 Exhibit H is being submitted to the Court with a request that it be filed under seal.

3 10. Attached as Exhibit I is an accurate copy of the August 28, 2008, letter
4 sent from Mark Weissman, attorney at O'Shea Partners LLP and counsel for the
5 ConnectU founders, to Master George Fisher. Exhibit I is being submitted to the Court
6 with a request that it be filed under seal.

7 11. Attached as Exhibit J is an accurate copy of Facebook and Mark
8 Zuckerberg's proposed dismissal documents relating to the California action filed under
9 seal by the Master. Exhibit J is being submitted to the Court with a request that it be filed
10 under seal.

11 12. Attached as Exhibit K is an accurate copy of Facebook and Mark
12 Zuckerberg's proposed dismissal documents relating to the Massachusetts actions filed
13 under seal by the Master. Exhibit K is being submitted to the Court with a request that it
14 be filed under seal.

15 13. Attached as Exhibit L is an accurate copy of ConnectU's objections to
16 Facebook's proposed form of release, filed July 11, 2008.

17 14. Attached as Exhibit M is an accurate copy of ConnectU's motion to stay
18 filed with the Court on July 31, 2008.

19 15. Attached as Exhibit N is an accurate copy of ConnectU's proposed
20 dismissal document relating to the Massachusetts actions filed under seal by the Master.
21 Exhibit N is being submitted to the Court with a request that it be filed under seal.
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23 I declare under penalty of perjury that the foregoing is true and correct to the best
24 of my knowledge. Executed this 13th day of October, 2008.

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27 Evan A. Parke
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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 October 13, 2008.

Dated: October 13, 2008

/s/ Steven C. Holtzman
Steven C. Holtzman
Attorney for Defendant ConnectU, Inc.