

1 SEAN A. LINCOLN (State Bar No. 136387)
 salincoln@orrick.com
 2 I. NEEL CHATTERJEE (State Bar No. 173985)
 nchatterjee@orrick.com
 3 MONTE COOPER (State Bar No. 196746)
 mcooper@orrick.com
 4 THERESA A. SUTTON (State Bar No. 211857)
 tsutton@orrick.com
 5 YVONNE P. GREER (State Bar No. 214072)
 ygreer@orrick.com
 6 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 7 Menlo Park, CA 94025
 Telephone: 650-614-7400
 8 Facsimile: 650-614-7401

9 Attorneys for Plaintiffs
 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,
 16
 Plaintiffs,
 17
 v.
 18
 19 CONNECTU, INC. (formerly known as
 CONNECTU, LLC), PACIFIC
 NORTHWEST SOFTWARE, INC.,
 20 WINSTON WILLIAMS, and WAYNE
 CHANG,
 21
 Defendants.

Case No. 5:07-CV-01389-JW
**PLAINTIFFS' MOTION FOR
 ADMINISTRATIVE RELIEF,
 PURSUANT TO CIVIL LOCAL
 RULE 7-11, TO CORRECT
 NOVEMBER 3, 2008, ORDER
 DIRECTING SPECIAL MASTER TO
 DELIVER PROPERTY**

1 Pursuant to Civil Local Rule 7-11, Plaintiffs request that the Court correct a factual error
2 in its November 3, 2008, Order Directing the Special Master to Deliver the Property Being Held
3 in Trust to the Parties in Accordance with the terms of their Settlement Agreement. Doc. No.
4 653.

5 In that Order, the Court wrote that “On June 25, 2008, over objections by ConnectU **and**
6 **the Founders** (collectively, “ConnectU”), the Court granted the motion to enforce the
7 Agreement.” *Id.*, 1:22-23 (emphasis added). In fact, the Founders did not object to enforcement
8 of the Settlement Agreement. Instead, on July 29, 2008, nearly one month after the Court issued
9 its Order Granting Motion to Enforce, the Founders filed a Motion to Intervene. Doc. No. 574.

10 Indeed, the Founders, Tyler and Cameron Winklevoss and Divya Narendra, went out of
11 their way to stay out of the enforcement proceedings. Counsel for the Founders did not file an
12 opposition, present argument at the hearing on the Motion to Enforce or expressly join
13 ConnectU’s argument during the motion to enforce proceedings. *See* 6/23/08 Hr’g Trans, 3:22-
14 4:22. Furthermore, counsel for ConnectU made clear during the June 23, 2008, hearing, that only
15 ConnectU was before the Court that day to oppose Plaintiffs’ Motion to Enforce:

16 Mr. Barrett: Your Honor, thank you very much. David Barrett
17 from Boies, Schiller & Flexner representing ConnectU, which I
18 should note is the only party that -- on the defendant’s side which is
properly before this Court. ... So that’s the reason that I only
appear today in this Court on behalf of ConnectU.

19 6/23/08 Hr’g Trans., 15:2-13.

20 Plaintiffs, therefore, request that the Court strike from the November 3, 2008, Order, the
21 language: “and the Founders (collectively, “ConnectU”)” to comport with the record in this case.
22 *Id.*

23
24 November 10, 2008

25
26 /s/ Theresa A. Sutton /s/
Theresa A. Sutton

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 November 10, 2008.

Dated: November 10, 2008.

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton