

# EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 THE FACEBOOK, INC., ) C-07-01389-JW  
6 )  
6 PLAINTIFF, ) JULY 2, 2008  
7 )  
7 V. )  
8 )  
8 CONNECTU, LLC, ET AL., ) PAGES 1-73  
9 )  
9 DEFENDANTS. )  
10 \_\_\_\_\_ )

**COPY**

11 THE PROCEEDINGS WERE HELD BEFORE  
12 THE HONORABLE UNITED STATES DISTRICT  
13 JUDGE JAMES WARE

14 A P P E A R A N C E S:

15 FOR THE PLAINTIFF: ORRICK, HERRINGTON & SUTCLIFFE  
16 BY: I. NEEL CHATTERJEE  
17 THERESA A. SUTTON  
18 YVONNE GREER  
19 1000 MARSH ROAD  
20 MENLO PARK, CALIFORNIA 94025

19 FOR THE DEFENDANTS: BOIES, SCHILLER & FLEXNER  
20 BY: DAVID A. BARRETT  
21 EVAN ANDREW PARKE  
22 D. MICHAEL UNDERHILL  
23 575 LEXINGTON AVENUE  
24 7TH FLOOR  
25 NEW YORK, NEW YORK 10022

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR  
CERTIFICATE NUMBER 8074

1 WE'LL GO NOW TO THE OTHER MOTION THAT IS  
2 BEFORE THE COURT HAVING TO DO WITH THE ORDER TO  
3 SHOW CAUSE WHY A JUDGMENT SHOULD BE ENTERED OR NOT  
4 BE ENTERED AS THE CASE MAY BE.

5 AND WITH RESPECT TO THAT, I RECEIVED  
6 SUBMISSIONS FROM BOTH SIDES. I PRESUME THAT THE  
7 SUBMISSION BY THE DEFENDANTS CONNECTU AND OTHERS  
8 ARE SUBMITTED WITHOUT WAIVING YOUR OBJECTION TO MY  
9 ORDER IN THE FIRST PLACE.

10 MR. BARRETT: THAT IS CORRECT. THANK  
11 YOU. WE ARE, YOUR HONOR, AS YOU SAY, ADDRESSING  
12 THE FORM OF THE JUDGMENT AND WE RESERVE OUR RIGHTS  
13 TO CONTEST THE ORDER AND THE JUDGMENT AS MAY BE  
14 APPROPRIATE.

15 THE COURT: HERE'S WHAT I INTEND TO DO,  
16 AND MAYBE THAT WOULD BE FASTER TO HAVE YOU ADDRESS  
17 WHAT I INTEND TO DO AS OPPOSED TO WHAT YOU WOULD  
18 WANT ME TO DO.

19 I HAVE READ YOUR SUBMISSIONS. THEY ARE  
20 SUBSTANTIALLY THE SAME. AND SO THE FORM OF THE  
21 JUDGMENT I THINK COULD COMPLY WITH YOUR  
22 SUBMISSIONS.

23 THERE ARE A COUPLE OF ASPECTS OF IT THAT  
24 I WANT TO ADDRESS.

25 FIRST, IT WILL BE NECESSARY FOR SOME

1 INTERMEDIARY TO ACT IN A CAPACITY TO COLLECT  
2 INFORMATION AND MOVE THINGS AROUND AND TO DO  
3 CERTAIN THINGS TO CARRY OUT THE COURT'S JUDGMENT.

4 RATHER THAN ACCEPT THE SUBMISSION BY ONE  
5 OF THE PARTIES THAT A PARTY SELECT THAT PERSON AND  
6 PAY FOR THAT PROCESS, MY INTENT IS TO APPOINT A  
7 SPECIAL MASTER WHO WOULD BEHOLDEN TO THE COURT,  
8 TAKE DIRECTIONS FROM THE COURT AND NO ONE ELSE,  
9 WITH RESPECT TO A COLLECTION OF THE VARIOUS  
10 DEPOSITS MANDATED BY THE JUDGMENT AND WITH RESPECT  
11 TO ANY DISBURSEMENTS OR FILINGS THAT WOULD COME  
12 ALONG WITH THAT AND HAVE THE PARTIES PAY THE COST  
13 OF THAT PROCESS EQUALLY.

14 IT IS ALSO MY INTENT TO THEN HAVE THE  
15 JUDGMENT REQUIRE THE MASTER TO COLLECT THE VARIOUS  
16 CERTIFICATES OR CASH OR OTHER CONSIDERATION TO  
17 COLLECT RATHER THAN DEEM THAT THERE HAS BEEN  
18 RELEASES TO ACTUALLY COLLECT A SUBMISSION OF A  
19 RELEASE.

20 I DO INTEND TO PROVIDE THAT THAT RELEASE  
21 HAS TO BE SUBMITTED TO THE COURT FOR ITS APPROVAL  
22 AND THEN IT WOULD BE DEPOSITED WITH THE MASTER SO  
23 THAT WOULD LEAVE TO THE COURT AND NO ONE ELSE THE  
24 DETERMINATION AS TO WHETHER OR NOT THE RELEASE IS  
25 CONSISTENT WITH THE LANGUAGE OF THE SETTLEMENT

1           AGREEMENT WHICH PROVIDES AS BROAD AS POSSIBLE. I  
2           CAN'T RECALL THE EXACT WORDS.

3                   I WOULD ALSO HAVE THE PARTIES SUBMIT A  
4           LEGALLY SUFFICIENT DISMISSAL OF ALL CASES AND THEN  
5           I WOULD MAKE SUBSEQUENT ORDERS WITH RESPECT TO THEN  
6           WHAT THE MASTER DOES WITH RESPECT TO THE EXCHANGE  
7           OF THOSE DOCUMENTS.

8                   THERE IS A LEGEND WHICH WAS SUGGESTED BY  
9           ONE OF THE PARTIES WHICH WOULD BE PLACED ON STOCK  
10          CERTIFICATES AND SO I NEED TO HEAR FROM THE PARTIES  
11          WITH RESPECT TO WHETHER YOU HAVE ANY OBJECTION TO  
12          THE JUDGMENT AND INCORPORATING THAT LEGEND.

13                   THERE IS A REQUEST IN THE VARIOUS  
14          SUBMISSIONS THAT THE COURT SPEAK TO VARIOUS ASSETS,  
15          PARTICULARLY WEB SITES AND THOSE TYPES OF THINGS.  
16          THERE WAS NOTHING ABOUT THAT IN THE SETTLEMENT  
17          AGREEMENT ITSELF, AND SO THE COURT IS DISPOSED TO  
18          LEAVE THAT TO MATTERS OF ORDINARY BUSINESS  
19          TRANSACTIONS THAT FOLLOW THE ENFORCEMENT OF THE  
20          SETTLEMENT AND THE EXCHANGES THAT ARE REQUIRED IN  
21          THE SETTLEMENT.

22                   I AM CONCERNED THAT IN ORDER TO BE  
23          EFFECTIVE IN ITS ENFORCEMENT, THE COURT SHOULD  
24          IMPOSE ON THE PARTIES A REQUIREMENT THAT THEY NOT  
25          TAKE ANY ACTION WHICH WOULD INTERFERE WITH THE

1 ABILITY TO FULFILL THE TERMS OF THE AGREEMENT AND I  
2 DIDN'T KNOW HOW FAR TO GO WITH RESPECT TO THAT.

3 AND THEN THE COURT DOES INTEND TO RETAIN  
4 JURISDICTION TO ENFORCE THE JUDGMENT, AND I THINK  
5 THAT IS ALSO INHERENT IN THE AGREEMENT ITSELF TO  
6 RETAIN JURISDICTION GIVEN TO IT BY THE PARTIES TO  
7 ENFORCE THE TERMS OF THE AGREEMENT ITSELF.

8 ALL RIGHT. SO WITH THAT LET ME PAUSE AND  
9 SEE IF THE PARTIES WISH TO SPEAK FURTHER.

10 MR. CHATTERJEE: YOUR HONOR, IF I MAY.  
11 NEEL CHATTERJEE FOR FACEBOOK AND MARK ZUCKERBERG.  
12 WE ALSO DIDN'T DO APPEARANCES FOR THIS MOTION.

13 I SAW YOU MIGHT HAVE LOOKED COMPLEX AT  
14 THE GENTLEMAN STANDING RIGHT NEXT TO ME AND I  
15 THOUGHT IT MIGHT BE GOOD TO HAVE APPEARANCES.

16 MR. VAN DALSEM: BRUCE VAN DALSEM FROM  
17 QUINN EMANUEL. WE'RE LIEN CLAIMANT IN THE CASE.

18 THE COURT: I APPRECIATE THAT YOU ARE NOW  
19 IDENTIFYING YOURSELF. I DID NOT INTEND TO IN MY  
20 STATEMENT SAY ANYTHING ABOUT THE LIEN CLAIMANT THAT  
21 HAS COME TO MY ATTENTION.

22 SO FAR AS THE COURT IS KNOWLEDGEABLE,  
23 THERE HAS BEEN A NOTICE OF A LIEN THAT I HAVE SEEN,  
24 BUT I DON'T KNOW THE BONA FIDES OF IT. IT DOES  
25 SEEM TO ME THAT ANY EFFECT THAT THAT WOULD HAVE ON