

1 JAMES E. TOWERY -- BAR NO. 74058
 2 ALISON P. BUCHANAN -- BAR NO. 215710
 HOGE, FENTON, JONES & APPEL, INC.
 Sixty South Market Street, Suite 1400
 3 San Jose, California 95113-2396
 Phone: (408) 287-9501
 4 Fax: (408) 287-2583

5 Attorneys for
 CONNECTU, INC.
 6 (Formerly CONNECTU, LLC)

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11
 12 THE FACEBOOK, INC. and MARK
 ZUCKERBERG,

13 Plaintiffs,

14 v.

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

18 Defendants.
 19

Case No. 5:07-CV-01389-JW (MEJ)

**CONNECTU'S REQUEST FOR
 HEARING DATE RELATING TO
 PRODUCTION OF CONNECTU'S
 DOCUMENTS**

Chief Magistrate Judge Maria-Elena
 James (San Francisco Division)

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1 ConnectU, Inc. (“ConnectU”) requests that this Court set a hearing date and briefing
2 schedule based on the following:

3 **Procedural History**

4 In January 2009 ConnectU filed a Motion to Disqualify Founders’ Counsel and for
5 Production of ConnectU’s Files. On September 2, 2009, the Honorable Judge James Ware
6 entered an Order Granting ConnectU’s Motion to Disqualify Counsel; Granting in Part and
7 Denying in Part Motion for Delivery of Client Files; Referring the Parties to Chief Magistrate
8 James for an *In Camera* Review of ConnectU’s Client Files. A true and correct copy of the
9 Court’s Order is attached as **Exhibit A** to the Declaration of Alison P. Buchanan, filed
10 simultaneously with this request. In its September 2, 2009 Order, the Court specifically found
11 that “the Founders and their attorneys cannot obstruct access to ConnectU’s general business
12 documents,” and that “ConnectU is entitled to all documents pertaining to ConnectU’s general
13 business, including but not limited to documents relating to ConnectU’s financials, assets, and
14 liabilities.” (Ex. A to the Decl. of A. Buchanan, 17:21-23, 18:1-2). The Court referred the parties
15 “to Chief Magistrate Judge James for further proceedings with respect to which documents should
16 be turned over to the current owners.” (Ex. A to the Decl. of A. Buchanan, 18:22; 19:1-2).

17 Following the Court’s September 2, 2009 Order, the Founders filed a Notice of Appeal
18 relating to the Court’s Order on or about September 14, 2009. A true and correct copy of the
19 Founders’ Notice of Appeal is attached as **Exhibit B** to the Declaration of Alison P. Buchanan,
20 filed simultaneously with this request.

21 On October 9, 2009, the Ninth Circuit issued an Order stating that the Ninth Circuit “may
22 lack jurisdiction over the appeal because orders disqualifying counsel are not immediately
23 appealable orders.” The Ninth Circuit held that “[w]ithin 21 days after the date of this order,
24 appellants shall move for voluntary dismissal of the appeal or show cause why it should not be
25 dismissed for lack of jurisdiction.” A true and correct copy of the Ninth Circuit’s October 9,
26 2009 Order is attached as **Exhibit C** to the Declaration of Alison P. Buchanan, filed
27 simultaneously with this request.

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Request for Hearing and Briefing Schedule

Based on this Court's September 2, 2009 Order, ConnectU respectfully requests that the Court schedule a hearing date within forty-five days, at which time the Court can address any and all issues relating to the production of ConnectU's documents. ConnectU further respectfully requests that the Court set a briefing schedule in advance of the hearing so that the parties can address, in writing, their respective positions relating to the production of ConnectU's documents.

DATED: October 16, 2009

/s/

Alison P. Buchanan
HOGE, FENTON, JONES & APPEL, INC.
Attorneys for ConnectU, Inc.

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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 16, 2009.

DATED: October 16, 2009

/s/ _____
Alison P. Buchanan
HOGE, FENTON, JONES & APPEL, INC.
Attorneys for ConnectU, Inc.