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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

THE FACEBOOK, INC. and MARK  
 ZUCKERBERG,

Plaintiffs,

v.

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

Defendants.

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

**FACEBOOK, INC.’S OPPOSITION  
 TO MESSRS. WINKLEVOSS AND  
 NARENDRA’S ADMINISTRATIVE  
 REQUEST TO FILE A 15 PAGE  
 OVERSIZED BRIEF IN SUPPORT  
 OF ADMINISTRATIVE REQUEST  
 TO PAY LIENHOLDERS AND  
 COMPLETE THE EXCHANGE OF  
 CONSIDERATION**

Judge: The Honorable James Ware

1 **I. INTRODUCTION**

2 The Court should deny Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra’s  
3 (the “ConnectU Founders”) Administrative Request for Permission to File a 15 Page Oversized  
4 Brief in Support of Administrative Request to Pay Lienholders and Complete the Exchange of  
5 Consideration (Dkt. No. 769). The ConnectU Founders’ request should be denied because (1) the  
6 ConnectU Founders’ request is substantive and not administrative; and (2) the ConnectU  
7 Founders failed to comply with Civil Local Rule 7-11. This request, if it is to be heard at all,  
8 should be heard as a Rule 60(b) motion pursuant to Local Rule 7-2, not an “administrative”  
9 request under Local Rule 7-11.

10 **II. ARGUMENT**

11 **A. The CU Founders’ Request Is Substantive, Not Administrative**

12 Local Rule 7-11 contains a five-page limit for a reason: it is designed to address “minor  
13 administrative matters.” Civil L.R. 7-11; *see also Dister v. Apple-Bay East, Inc.*, No. C 07-01377  
14 (SBA), 2007 WL 4045429 \*4 (N.D. Cal. Nov. 15, 2007). It is not, however, a vehicle for  
15 substantive relief. The ConnectU Founders, therefore, should not be afforded additional pages –  
16 on an expedited briefing schedule – simply because they seek to disguise a substantive motion as  
17 an administrative request. *Tuttle v. Sky Bell Asset Mgmt.*, No. C 10-03588 WHA, 2011 WL  
18 767741, \* 2 (N.D. Cal. Feb. 28, 2011) (“parties shall not file motions concerning substantive  
19 matters disguised as motions concerning miscellaneous administrative matters under Civil Local  
20 Rule 7-11”); *Spieler v. Mt. Diablo Unified School Dist.*, No. C 98-0951 CW, 2007 WL 1795701,  
21 \*3 (N.D. Cal. Jun. 20, 2007).

22 The ConnectU Founders’ admission that their request involves complex issues  
23 demonstrates that the relief they seek is not a “minor administrative matter.” Dkt. No. 769 at  
24 1:19-20. In their proffered 15-page “administrative” request, the ConnectU Founders ask to  
25 amend this Court’s Judgments by seeking to release an escrow, reallocate the moneys and stock  
26 held in escrow, change those receiving the consideration, change the stock legends, and ignore  
27 potential lawful claimants in currently pending disputes. Decl. of I. Neel Chatterjee in Support of  
28 Opp’n to Administrative Request to File Oversized Administrative Req., Exs. 1 (proposed,

1 redacted oversized brief); 2 at 32 (complaint seeking “the proceeds of the settlement of the  
2 Facebook Litigation”); and 3. In addition, the ConnectU Founders ask *this* Court to expedite  
3 distribution of their Facebook stock and cash pursuant to the parties Settlement Agreement, while  
4 simultaneously asking the *District of Massachusetts* to vacate its orders of dismissal so they can  
5 return to litigating their claims against Facebook – claims that had been released pursuant to the  
6 Settlement Agreement. *Id.* Exs. 4 and 5. Under these circumstances, the ConnectU Founders  
7 should not be permitted to file their request at all, let alone one that exceeds the Rule’s limitation  
8 by three times.

9 The parties’ litigated and resolved many of the issues the ConnectU Founders now seek to  
10 change. Their request to alter this Court’s judgment is distinctly substantive, not administrative.  
11 The ConnectU Founders’ request, as a result, is governed by Rule 60. Such a request requires  
12 detailed factual investigation before any relief can be granted and is not merely a ministerial  
13 administrative task.

14 **B. The ConnectU Founders’ Request Is Procedurally Defective**

15 Civil L.R. 7-11(a) requires:

16 A motion for an order concerning a miscellaneous administrative  
17 matter . . . must set forth specifically the action requested and the  
18 *reason supporting the motion* and must be accompanied by a  
19 proposed order and by *either a stipulation under Civil L.R. 7-12 or*  
20 *by a declaration that explains why a stipulation could not be*  
21 *obtained.*

19 The ConnectU Founders filed no stipulation and no declaration, as required by Local Rule 7-11.<sup>1</sup>  
20 “Failure to comply with the Court’s local rules provides grounds for rejecting [the Founders’]  
21 motion.” *See Tri Valley Cares v. United States DOE*, Case No. C08-1372 SBA, 2010 U.S. Dist.  
22 LEXIS 107930, \*38 (N.D. Cal., Sept. 30, 2010), citing *Grove v. Wells Fargo Fin. Cal., Inc.*, 606  
23 F.3d 577, 582 (9th Cir. 2010).

24 The ConnectU Founders also have not provided any justification for exceeding Rule 7-  
25 11’s page limit. To the extent that a party can use Local Rule 7-11 to obtain additional pages for  
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27 <sup>1</sup> For this same reason, and because it does not comply with Civil L.R. 79-5, the ConnectU  
28 Founders’ premature Motion to Seal the yet-to-be filed, oversized brief and supporting  
declaration should be denied.

1 a request pursuant to the same rule, the party seeking leave must “set forth specifically the action  
2 requested and the reasons supporting the motion.” Civil L.R. 7-11(a). The ConnectU Founders  
3 have not specified any “reasons” for exceeding the page limit – by three times the maximum –  
4 other than to say that “the relevant history is complex and requires additional pages to fully  
5 explain.” Dkt. No. 769 at 1. Absent from their argument is any explanation for why a complex  
6 description of the history is relevant or necessary to a request for relief on a “minor administrative  
7 matter.” Without such a description, the request must be denied.

8 **III. CONCLUSION**

9 For the foregoing reasons, Facebook respectfully requests that the Court deny the  
10 ConnectU Founders’ Administrative Request to File an Oversized Brief.

11 Dated: October 27, 2011

ORRICK, HERRINGTON & SUTCLIFFE LLP

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13 */s/ I. Neel Chatterjee /s/*

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