

# **EXHIBIT 1**

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## Facebook foes claim lawyer linked to sealed opinion in Twitter post

Former Quinn Emanuel clients Cameron and Tyler Winklevoss say John Quinn should be sanctioned for tweeting a ruling that upheld the firm's \$13 million fee award against the Winklevoss twins.

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01-05-2011

When New York state supreme court justice Richard Lowe III in November [affirmed a \\$13 million fee award for Quinn Emanuel Urquhart & Sullivan](#) against its onetime clients, Facebook Inc. rivals Cameron and Tyler Winklevoss, the firm's litigator-in-chief John Quinn couldn't help but brag via [his Twitter account](#): "Winklevoss twins lose again: QE payday cometh."

Um, not quite yet. Four days before Christmas, San Jose federal district court judge James Ware ruled that [the \\$13 million must remain in an escrow account while the Winklevoss twins appeal](#) the New York decision. And meanwhile, according to [an exhibit filed with Judge Ware](#), John Quinn has faced questioning by Judge Lowe, who wanted to know why Quinn referred to the fee ruling on Twitter--even though it was sealed.

Quinn Emanuel and the Winklevosses have been sparring since 2008, when Quinn Emanuel represented the twins in their reported \$65 million settlement with Facebook founder Mark Zuckerberg. (As recounted in the film [The Social Network](#), the Winklevosses alleged Zuckerberg stole the idea for Facebook from their ConnectU site.)

On the eve of finalizing the Facebook settlement, the Winklevoss twins, along with ConnectU cofounder Divya Narendra and the twins' father, Howard Winklevoss, came to believe the stock portion of the settlement was not worth as much as they originally thought and tried to get out of the deal. Facebook sued to enforce the settlement in San Jose federal district court; Judge Ware ordered the deal to be finalized in February 2008. The Winklevosses, now represented by Howard Rice Nemerovski Canady Falk & Rabkin, have appealed Judge Ware's ruling to the U.S. Court of Appeals for the Ninth Circuit, which is scheduled to hear oral arguments next week.

Quinn Emanuel, meanwhile, brought an arbitration claim against the Winklevosses for its 20 percent contingency fee. Judge Lowe confirmed the arbitration panel's \$13 million award on Nov. 8, saying that to "continue to stall payment of the award would be to frustrate the very purpose of and reason for the

arbitration."

Lowe marked his Nov. 8 decision as "do not post," and, according to a Dec. 3 e-mail from a lawyer for the ConnectU founders, which is now part of the record before Judge Ware, the New York judge intended for his ruling to be sealed. (The online New York court record has since become inaccessible to the public.) Michael Petrella of O'Shea Partners, who represents the Winklevoss twins in the fee dispute with Quinn, asserts in the Dec. 3 e-mail that after John Quinn posted Judge Lowe's opinion on Twitter, Lowe ordered Quinn and another Quinn Emanuel partner to appear before him "to explain their actions." That hearing took place on Nov. 22.

Though Petrella's Dec. 3 e-mail asserts that Judge Lowe "expressed some receptivity" to the Winklevosses' proposal that Quinn forfeit the firm's \$13 million fee award as sanction for publishing the opinion, Quinn Emanuel partner Richard Werder Jr. told us the judge issued a judgment enforcing the award the day after the Nov. 22 hearing.

As for the tweet that began much of the drama, John Quinn appears to have deleted it. But after The New York Times reported on [the Winklevoss's never-ending fight with Zuckerberg last week](#), Quinn couldn't resist Tweeting: "No comment on this article except that the twins have posted a bond to cover our judgment v. them pending their appeal."



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