

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU, INC., CAMERON)	
WINKLEVOSS, TYLER WINKLEVOSS,)	
AND DIVYA NARENDRA,)	CIVIL ACTION NO. 1:07-cv-10593 (DPW)
)	
Plaintiffs,)	Related Action 1:04-cv-11923 (DPW)
)	
v.)	
)	
FACEBOOK, INC., MARK ZUCKERBERG,)	
EDUARDO SAVERIN, DUSTIN)	
MOSKOVITZ, ANDREW MCCOLLUM,)	
AND THEFACEBOOK LLC,)	
)	
Defendants.)	

**DECLARATION OF JOHN F. HORNICK IN SUPPORT OF PLAINTIFFS' MOTION
FOR SANCTION OF NON-DISMISSAL, OR IN THE ALTERNATIVE TO VACATE
FINAL JUDGMENT PURSUANT TO F.R.C.P. 60**

I, John F. Hornick, declare as follows:

1. I am an attorney with the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel for Plaintiffs ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra. I make this Declaration in support of Plaintiffs' Motion For Sanction Of Non-Dismissal, Or In The Alternative To Vacate Final Judgment Pursuant to F.R.C.P. 60. I am an active member in good standing of the Bar of the District of Columbia and I am admitted to appear *pro hac vice* before this Court. I have personal knowledge of the facts stated therein and if called as a witness, could and would competently testify thereto.

2. On November 16, 2005, ConnectU's counsel met and conferred with Zuckerberg's and his co-Defendants' counsel to confirm that they would produce all documents responsive to ConnectU's Document Request No. 173.

3. Zuckerberg's counsel told ConnectU's counsel during the Summer 2005 discovery conferences that the 371-01 Device was lost.

4. During a series of four discovery conferences in Summer 2005, ConnectU tried to resolve Defendants' objections, to no avail.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Declaration is executed on the 21st day of November, 2008.

/s/ John F. Hornick

John F. Hornick

CERTIFICATE OF SERVICE

I hereby certify that this document 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 21, 2008

/s/ John F. Hornick