

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

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

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**PLAINTIFFS' MOTION TO STAY ANY DISMISSAL OF CLAIMS**

For the reasons more fully set forth in the accompanying memorandum, and based on the Court's inherent powers, Plaintiffs Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra move the Court to stay any dismissal of claims in this case and its related case pending the outcome of Plaintiffs' appeal to the United States Court of Appeal for the Ninth Circuit of adverse rulings enforcing a purported settlement between a number of parties at issue in the two related Massachusetts proceedings.

**CERTIFICATION UNDER L.R. 7.1**

Plaintiffs hereby certify that at approximately 2:39 pm Eastern on Monday, December 15, 2008, counsel for Plaintiffs attempted to meet and confer with counsel for Zuckerberg and Facebook regarding this motion. Plaintiffs requested that the meet and confer take place no later than 8 p.m. Eastern today. At approximately 7:26 p.m. Eastern, counsel for Zuckerberg and Facebook stated that counsel would not be meeting and

conferring on Monday, but that counsel was available on Tuesday. Counsel for Zuckerberg and Facebook also expressed negative views concerning the motion, causing counsel to believe that meeting and conferring regarding this motion will be futile.

On Monday evening, at approximately 7:03 p.m. Eastern, counsel received an email from James P. Harrington, appearing before the Court for the Special Master, indicating that he had filed the motions to dismiss in this Court. Counsel therefore filed this motion so that it can be considered by the Court prior to or concurrently with its consideration of the motions to dismiss.

DATED: December 15, 2008

/s/ John F. Hornick

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**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 December 15, 2008.

/s/ John F. Hornick \_\_\_\_\_  
John F. Hornick