

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU, INC., CAMERON
WINKLEVOSS, TYLER WINKLEVOSS,
AND DIVYA NARENDRA,

Plaintiff,

v.

FACEBOOK, INC., MARK ZUCKERBERG,
EDUARDO SAVERIN, DUSTIN
MOSKOVITZ, ANDREW MCCOLLUM, and
THEFACEBOOK, LLC,

Defendants.

Civil Action No. 1:07-CV-10593-DPW

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ, ANDREW
MCCOLLUM, CHRISTOPHER HUGHES, and
THEFACEBOOK, INC.,

Defendants.

Civil Action No. 1:04-CV-11923 (DPW)

MARK ZUCKERBERG, and THE
FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC, Counterdefendant, and
CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,
Additional Counterdefendants.

**DECLARATION OF THERESA A. SUTTON IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' SIXTH MOTION TO STAY**

I, Theresa A. Sutton, declare as follows:

1. I am an Associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel of record for defendants Facebook, Inc., TheFacebook LLC, Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and Christopher Hughes. I make this Declaration in support of Defendants' Opposition to Plaintiffs' Motion to Stay.

2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs' Emergency Motion to Stay the Execution of District Court's July 2, 2008, Judgment, as Amended by its Order of August 8, 2008. This motion was filed on August 11, 2008, in the Northern District of California, Case No. 01:07-cv-01389 (JW). **This document has been filed under seal.**

3. Attached hereto as Exhibit 2 is a true and correct copy of Appellants' Emergency Motion to Stay and Alternative Petition for Writ of Mandamus. This motion was filed on November 25, 2008, in the Ninth Circuit Court of Appeals, Case No. 08-16745. **This document has been filed under seal.**

4. Attached hereto as Exhibit 3 is a true and correct copy of Special Master George C. Fisher's Transfer Instructions pursuant to the Amended Judgment Ordering Specific Performance of Settlement Agreement, dated November 21, 2008. **This document has been filed under seal.**

5. Attached hereto as Exhibit 4 is a true and correct copy of the July 30, 2008, Notice of Appeal by ConnectU, Inc. and the August 11, 2008, Notice of Appeal by Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra. These notices were filed in the Northern District of California, Case No. 01:07-cv-03189 (JW).

6. Attached hereto as Exhibit 5 is a true and correct copy of ConnectU, Inc.'s Motion to Stay Execution of Judgment Pending Appeal. This motion was filed on July 31, 2008, in the Northern District of California, Case No. 01:07-cv-01389 (JW).

7. Attached hereto as Exhibit 6 is a true and correct copy of [Facebook and Mark Zuckerberg's] Opposition to ConnectU Inc.'s Motion to Stay Execution of Judgment Pending

Appeal. This opposition was filed on August 4, 2008, in the Northern District of California, Case No. 01:07-cv-01389 (JW).

8. Attached hereto as Exhibit 7 is a true and correct copy of Order to Show Cause Re: Special Master's Report No. 1. This Order was filed on September 19, 2008, in Case No. 01:07-cv-01389 (JW), Northern District of California.

9. Attached hereto as Exhibit 8 is a true and correct copy of [Plaintiffs'] Response to Order to Show Cause on Disbursement of Settlement Consideration, and Renewed Motion to Stay. This response was filed on October 13, 2008, in the Northern District of California, Case No. 01:07-cv-01389 (JW).

10. Attached hereto as Exhibit 9 is a true and correct copy of Facebook, Inc. and Mark Zuckerberg's response to September 19, 2008, Order to Show Cause Re: Special Master Report No. 1. This response was filed on October 10, 2008, in the Northern District of California, Case No. 01:07-cv-01389 (JW).

11. Attached hereto as Exhibit 10 is a true and correct copy of the Transcript of Proceedings Before the Honorable James Ware United States District Judge, dated October 28, 2008.

12. Attached hereto as Exhibit 11 is a true and correct copy of the June 2, 2008, Transcript of Motion Hearing in this Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 29th day of December 2008, at Menlo Park, California.

/s/ Theresa A. Sutton /s/
Theresa A. Sutton

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 December 29, 2008.

Dated: December 29, 2008.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

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