

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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

Plaintiffs,

v.

FACEBOOK, INC., MARK
ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW
McCULLUM, AND THEFACEBOOK LLC,

Defendants.

CIVIL ACTION NO. 1:07-cv-10593-DPW
(CONSOLIDATED WITH CIVIL ACTION
NO. 1:04-cv-11923-DPW)

**CAMERON WINKLEVOSS, TYLER WINKLEVOSS AND DIVYA NARENDRA'S
MOTION FOR ACCESS TO PLEADINGS AND DISCOVERY FILES**

Cameron and Tyler Winklevoss and Divya Narendra (“the Founders”) move for an Order directing that their former counsel, the Finnegan firm, turn over to their new counsel of record, Meade & Schrag LLP, the information listed below, and further that other counsel of record produce any such information that Finnegan cannot supply:

1. Complete, un-redacted copies of all documents and other tangible things produced by all parties in these consolidated actions, including all documents designated confidential;
2. Complete, un-redacted copies of all pleadings in these consolidated actions (defined in the broadest possible terms to include not only motions, status reports, and other court filings, but also deposition notices, discovery requests, discovery

responses and other discovery documents), including those filed under seal and/or designated confidential;

3. Complete, un-redacted copies of any deposition transcripts and exhibits in these consolidated actions, including those filed under seal and/or designated confidential: and
4. Complete, un-redacted copies of all court transcripts, including sealed transcripts to which the Founders prior counsel have authorized access.

This Motion is based on a client's right of access to files of a former attorney that relate to the client's matter. *See, e.g.*, Mass. R. Prof. C. 1.16(e) ("A lawyer must make available to a former client, within a reasonable time following the client's request for his or her file, the following: . . . [¶] (2) all pleadings and other papers filed with or by the court or served by or upon any party. . . . [¶] (3) all investigatory or discovery documents . . . , including but not limited to . . . depositions, and demonstrative evidence."); Rest.3d of Law Governing Lawyers § 46 (2000) ("a lawyer must allow a client or former client to inspect and copy any document possessed by the lawyer relating to the representation, unless substantial grounds exist to refuse"); *see also Hickman v. Taylor*, 329 U.S. 495, 507 (1947) ("Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation").

REQUEST FOR ORAL ARGUMENT

The Founders believe that oral argument may assist the Court and request a hearing.

Dated: July 1, 2011

Respectfully submitted,

CAMERON WINKLEVOSS, TYLER WINKLEVOSS and
DIVYA NARENDRA,

By their attorneys,

/s/ Tyler Meade

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I, Tyler Meade, hereby certify that counsel for the Founders, the Facebook Defendants, ConnectU, and the Finnegan firm have conferred and have attempted in good faith to resolve or narrow the issue presented herein.

/s/ Tyler Meade

Tyler Meade

CERTIFICATE OF SERVICE

I, Tyler Meade, 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 nonregistered participants on or before July 1, 2011.

/s/ Tyler Meade

Tyler Meade