

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 DISCOVERY UNDER FED.R.CIV.P. 60(B)**

Cameron and Tyler Winklevoss and Divya Narendra (“the Founders”) move for discovery under Fed.R.Civ.P. 60(b) and *Anderson v. Cryovac, Inc.*, 862 F.2d 910, 928-930 (1st Cir. 1988), regarding the circumstances surrounding the apparent failure of the Facebook Defendants and their counsel to produce assertedly *bona fide* instant message communications (“IMs”) that the Founders requested in discovery in 2005. Among the topics to be explored is a report in *The New Yorker* that Facebook executives and their counsel discussed these IMs in a January 2006 meeting. The fundamental question is whether the Facebook Defendants intentionally suppressed the IMs for the two-year period between that reported meeting and the 2008 mediated settlement. Once the requested discovery is completed, the parties can address what remedy, if any, is most appropriate.

REQUEST FOR ORAL ARGUMENT

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

Dated: August 19, 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, and ConnectU 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 August 19, 2011.

/s/ Tyler Meade

Tyler Meade