

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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CONNECTU LLC, CAMERON WINKLEVOSS,)	
TYLER WINKLEVOSS, and DIVYA NARENDRA,)	
)	
)	
Plaintiffs,)	
)	Civil Action No.
v.)	1:07-cv-10593-DPW
)	
FACEBOOK, INC., MARK ZUCKERBERG,)	(CONSOLIDATED WITH
EDUARDO SAVERIN, DUSTIN MOSKOVITZ,)	CIVIL ACTION
ANDREW MCCOLLUM, CHRISTOPHER HUGHES,)	NO. 1:04-cv-11923-DPW)
and THE FACEBOOK, LLC.,)	
)	
Defendants.)	
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**RESPONSE OF FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
TO FOUNDERS’ MOTION TO REASSERT PREVIOUS MOTION FOR ACCESS TO
PLEADINGS AND DISCOVERY FILES**

Finnegan Henderson Farabow Garrett & Dunner LLP (“Finnegan”), through counsel, submits this Response to the Founders’ Motion to Reassert Previous Motion for Access to Pleadings and Discovery Files.

As set forth in its Notice Regarding Discovery Materials and Protective Orders, as former counsel for the Founders in the above litigation, Finnegan is in possession of discovery materials as well as pleadings governed by the Second Stipulated Protective Order issued by this Court. As further described in such Notice, Facebook has taken the position that this litigation is complete and such materials must be returned or destroyed. The Founders have previously taken the position that the litigation is not complete and that the above materials should not be returned or destroyed. The Founders now further reassert their request for a court order directing

Finnegan to turn over to new counsel for the Founders unredacted copies of confidential pleadings, discovery and transcripts.

As former counsel for the Founders, Finnegan is simply a stakeholder in this matter and takes no position on the Founders' Motion. As stated in its Notice, Finnegan will preserve the status quo and neither destroy or return the materials at issue nor provide them to the Founders' new counsel pending further order of this Court.¹

Respectfully submitted,

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP

By their attorneys,

/s/ Erin K. Higgins
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¹ With respect to non-confidential materials not under seal or governed by protective orders, Finnegan has previously provided such materials to prior successor counsel and has offered to provide materials to new counsel for the Founders as described in Exhibit 1 to Declaration of Tyler Meade in Support of Cameron Winklevoss, Tyler Winklevoss and Divya Narendra's Motion for Access to Pleadings and Discovery Files (Doc. No. 339-2).

CERTIFICATE OF SERVICE

I, Erin K. Higgins, 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 or before August 8, 2011.

/s/ Erin K. Higgins

Erin K. Higgins

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