

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alpha Investment, LLC,

Plaintiff,

-against-

Zynga Inc. and Andrew Trader,

Defendants.

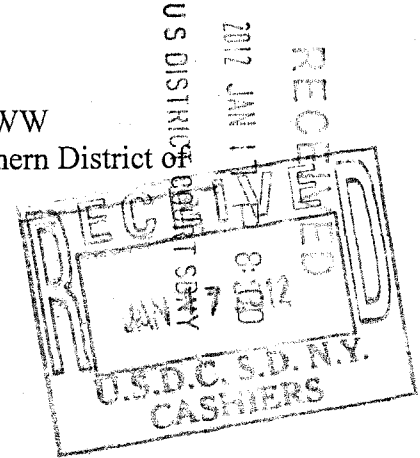
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CIVIL ACTION

Index No. M-08-85

NO.: CV-11-3500-JWW

(pending in the Northern District of
California)

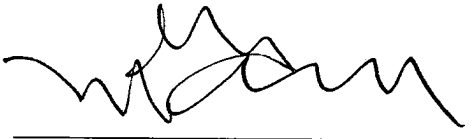


NOTICE OF MOTION TO QUASH SUBPOENA DUCES TECUM

PLEASE TAKE NOTICE, that upon the Affidavit of Michael J. Garvey, sworn on the 17th day of January 2012, and the exhibit attached thereto, and the Memorandum of Law in support of Non-Party SecondMarket Inc.'s Motion to Quash Subpoena *Duces Tecum*, a motion will be made by Non-Party Second Market, Inc. ("SecondMarket"), before the Honorable Jed S. Rakoff, United States District Judge, in Part 1, located in Courtroom 14B at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY, on Tuesday, the 7th day of February, 2012 at 10 a.m. in the forenoon, for an order pursuant to Rule 45(c)(3) of the Federal Rules of Civil Procedure quashing the subpoena *duces tecum* served upon SecondMarket dated December 21, 2011

Dated: New York, New York
January 17, 2012

SIMPSON THACHER & BARTLETT LLP

By: 

Michael J. Garvey
425 Lexington Ave.
New York, NY 10017
Telephone: (212) 455-2000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALPHA INVESTMENT, LLC,

Plaintiff,

v.

ZYNGA INC. AND ANDREW TRADER,

Defendants.

NOTICE OF MOTION TO QUASH SUBPOENA DUCES TECUM

SIMPSON THACHER & BARTLETT LLP
Attorneys for Non-Party SecondMarket, Inc.
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CERTIFICATE OF SERVICE

I, Peter Hartofilis, hereby certify under the penalty of perjury that on

January 17, 2012, I personally served a true and correct copy of the attached:

- **MISCELLANEOUS CIVIL COVER SHEET**
- **NOTICE OF MOTION TO QUASH SUBPOENA DUCES TECUM**
- **NON-PARTY SECONDMARKET INC.'S CORPORATE DISCLOSURE STATEMENT**
- **MEMORANDUM OF LAW OF NON-PARTY SECONDMARKET, INC. IN SUPPORT OF ITS MOTION TO QUASH SUBPEONA DUCES TECUM**
- **AFFIDAVIT OF MICHAEL J. GARVEY IN SUPPORT OF NON-PARTY SECONDMARKET'S MOTION TO QUAHS SUBPOENA DUCES TECUM**
- **INDIVIDUAL RULES OF PRACTICE HONORABLE JED S. RAKOFF**
- **ELECTRONIC CASE FILING RULES & INSTRUCTIONS**

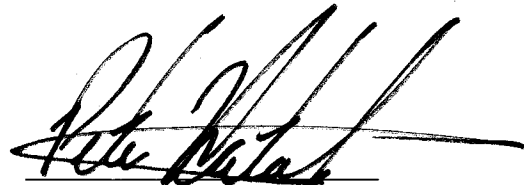
By Federal Express upon:

Crone Hawxhurst, Esq.
Crone Hawxhurst LLP
10880 Wilshire BLVD Suite 1150
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Jeff Kaban, Esq.
Cooley LLP
3175 Hanover Street
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Andrew H. Reynard
Allen & Overy LLP
1221 Avenue of the Americas
New York, New York 10020

Dated: New York, New York
January 17, 2012


Peter Hartofilis