

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 1:10-cv-00569-
	:	RJA
MARK ELLIOT ZUCKERBERG and	:	
FACEBOOK, INC.,	:	
	:	
Defendants.	:	
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**PLAINTIFF’S MOTION AND NOTICE OF MOTION TO STAY DISCOVERY**

**PLEASE TAKE NOTICE** that the undersigned will and hereby does move the Honorable Richard J. Arcara for an order staying the discovery contemplated in the Court’s August 18, 2011 Order (Doc. No. 117) (Order).

Plaintiff has only until August 29, 2011 to comply fully with the Order. Normally, a party has fourteen (14) days to file objections to a magistrate judge’s order adjudicating a non-dispositive matter. *See* F.R.C.P. 72(a). Additionally, the defendants must then have an opportunity to respond after which point the district judge will rule appropriately. *See id.* Thus, under normal circumstances, it is likely that Judge Arcara will not rule on the objections until *after* August 29, 2011. As such, Plaintiff currently is left with a “Catch 22” where he must either violate the Order to be heard on his objections or comply with the Order thus rendering his objections moot. Furthermore, the issues pertaining to expedited discovery in this case and the Order itself are complicated and nuanced and will require significant time to brief adequately.

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WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion and enter an order staying discovery pending resolution of the subsequent Objections to the Order and enter a briefing schedule as to those Objections.

**Dated: August 19, 2011**

s/ Jeffrey A. Lake  
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Respectfully submitted,

s/ Paul Argentieri  
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