WESTERN DISTRICT OF NEW YORK		
	X	
PAUL D. CEGLIA,	:	
Plaintiff,	:	
v.	: :	Civil Action No. 1:10-cv-00569-RJA
MARK ELLIOT ZUCKERBERG and	:	
FACEBOOK, INC.,	:	
Defendants.	:	
	X	

## PLAINTIFF'S MOTION AND NOTICE OF MOTION TO STAY DISCOVERY

**PLEASE TAKE NOTICE** that Plaintiff Paul Ceglia will and hereby does move the Honorable Richard J. Arcara for an order staying the discovery contemplated in paragraph 5 of the Honorable Leslie G. Foschio's August 18, 2011 Order (Doc. No. 117) (Order).

The Order provides,

INTEREST OF VECTOR DISCUSSION COLUMN

Plaintiff shall [] identify all email accounts accessible through web-based interfaces that Plaintiff has used since 2003, including but not limited to his gmail.com, msn.com, tmail.com, and Adelphia.net accounts. Plaintiff shall consent to the acquisition and inspection by Stroz Friedberg of the contents of all such accounts. On or before August 29, 2011, Plaintiff shall provide such consent on a form or forms to be provided by Stroz Friedberg. Plaintiff shall at the same time provide to Stroz Friedberg a password for, and facilitate access by Stroz Friedberg to, each identified account.

(Order at 3, ¶ 5.) This provision of the Order far exceeds the scope of Magistrate Judge Foschio's July 1, 2011 Order Granting Expedited Discovery (Doc. No. 83) and constitutes a massive invasion of Plaintiff's privacy with no concomitant showing that it is reasonably calculated to lead to the discovery of admissible evidence.

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WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion and enter an order staying paragraph 5 of the Order pending resolution of the subsequent Objections to paragraph 5 of the Order.

**Dated: August 29, 2011** 

Respectfully submitted,

s/ Jeffrey A. Lake
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