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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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

PLAINTIFF'S CERTIFICATION PURSUANT TO LOCAL RULE 72(c)

The following argument was not raised before Magistrate Judge Foschio for the following reason:

1. "Even if the Court construes Magistrate Judge Foschio's August 18 Order as a proper order for additional expedited discovery, the order is clearly erroneous." (Objections at 4.) This argument was not raised at oral argument on August 17, 2011 because the focus of the arguments concerning the email accounts was their relation to the July 1 Order requiring production of the native emails attached to the Amended Complaint. At the time, it did not appear that Magistrate Judge Foschio was considering Defendants' request as a request for additional expedited discovery.

Dated: September 2, 2011

Respectfully submitted,

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