

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,

Civil Action No. : 1:10-cv-00569-RJA

Plaintiff,

v.

**NOTICE OF MOTION FOR  
SANCTIONS FOR SPOILIATION  
OF EVIDENCE BY DEFENDANT  
MARK ZUCKERBERG**

MARK ELLIOT ZUCKERBERG, Individually, and  
FACEBOOK, INC.

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and accompanying exhibits, Mr. Ceglia will move this Court, at a date and time to be set by the Court, for an order:

1. Prohibiting Facebook or Zuckerberg from disputing the authenticity of the Ceglia emails excerpted in the complaint; and
2. Permitting discovery of all emails from Zuckerberg's Harvard email account wherever copies of those emails may reside, including on the record of other lawsuits in which Zuckerberg was involved even if those records are currently sealed in those cases; and
3. Instructing the jury at trial that the emails deleted by Zuckerberg from his Harvard email account after the date the complaint was filed and he received a litigation hold letter would have been helpful in proving all of Ceglia's claims; and

4. For attorney's Fees, Expert Witness Fees and any other relief the court deems proper that was expended in investigating, preparing this motion and conducting any scheduled hearing on the spoliation conduct of Mark Zuckerberg.

Pursuant to Local Civil Rule of Procedure 7 of this Court, Plaintiff requests an evidentiary hearing and oral argument and states his intention to file and serve a reply to Defendants' response to this motion.

Respectfully submitted,

/s/Dean Boland

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