

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA, :

Plaintiff, :

v. :

MARK ELLIOT ZUCKERBERG and :

FACEBOOK, INC., :

Defendants. :

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**NOTICE OF FOURTH
MOTION TO COMPEL AND
FOR OTHER RELIEF**

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

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and the annexed Declaration of Alexander H. Southwell, Esq. and accompanying exhibits, the undersigned will move this Court, as soon as the motion may be heard by this Court, to compel Plaintiff’s compliance with this Court’s expedited discovery orders under Federal Rule of Civil Procedure 37, and for an order:

(1) Directing Ceglia to comply with the provisions of the Court’s July 1 and August 18 Orders requiring him to identify and produce all electronic files in the possession of Jerry Grant, and to certify to the production of all such files; and

(2) Awarding Defendants their reasonable attorney’s fees and all other relief to which they may be entitled.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule of Procedure 7 of this Court, Defendants request oral argument and state their intention to file and serve reply papers.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule of Procedure 7 of this Court, Defendants also seek an expedited hearing on this straightforward issue of Plaintiff's ongoing non-compliance with the Court's expedited discovery orders. Defendants respectfully request that, in the interest of judicial economy, the Court order that any opposition to Defendants' Fourth Motion to Compel shall be filed and served on or before December 8, 2011, that any reply be filed and served on or before December 12, 2011, and that this motion be heard at the hearing already scheduled for December 13, 2011, as described in Defendants' Proposed Order.

Dated: New York, New York
December 1, 2011

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Respectfully submitted,

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