

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

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

Plaintiff,

**MOTION TO STRIKE DOC. NO.
266.**

v.

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

Defendants.

MEMORANDUM

This court issued the following orders regarding briefing a variety of issues in this case which the court set for hearing on December 13, 2011.

1. COURT ORDER Doc. No. 211 setting Defendant Response date to Doc. No. 188 and 198 at November 28, 2011 and Plaintiff Reply Date to December 8, 2011. No extra briefing by either party authorized.
2. COURT ORDER Doc. No. 222 setting Plaintiff's response date to Doc. No. 216 for November 28, 2011 and Defendants reply date to December 8, 2011. No extra briefing by either party authorized.
3. COURT ORDER Doc. No. 222 setting Defendants' response date to Doc. No. 212 and 213 for November 28, 2011 and Plaintiff's reply date to December 8, 2011. No extra briefing by either party authorized.
4. COURT ORDER Doc. No. 251 setting Plaintiff's response date to Doc. No. 243 for

December 12, 2011. No extra briefing by either party authorized.

In contravention of the letter and spirit of the above court orders, Defendants filed Doc. No. 266 including arguments in response to Plaintiff's reply to every motion currently pending before the court.

Although Plaintiff has decisive responses, many of which the court has reviewed in filed papers, and others that will now be reserved for oral argument tomorrow, he declines to file a competing brief in an attempt to be permitted to have the last brief on the motions he filed as the court's orders required. Instead, he respectfully requests this court strike Doc. No. 266 as it violates the court's order.

Respectfully submitted,

/s/Dean Boland

Paul A. Argentieri
188 Main Street
Hornell, NY 14843
607-324-3232 phone
607-324-6188
paul.argentieri@gmail.com

Dean Boland
18123 Sloane Avenue
Lakewood, Ohio 44107
216-236-8080 phone
866-455-1267 fax
dean@bolandlegal.com