

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

-against-

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.,

Defendants.

1:10-cv-00569-RJA

**Declaration of Lisa T Simpson in
Support of Defendants' Motion to
Dismiss**

I, LISA T SIMPSON, hereby declare as follows:

1. I am a member in good standing of the Bar of the State of New York and of the law firm of Orrick, Herrington & Sutcliffe, LLP, 51 West 52nd Street, New York, New York 10019 and am admitted to practice in this Court. I make this declaration in support of Defendants' Motion to Dismiss based upon my personal knowledge. If called, I can and will testify competently to the matters set forth herein.

2. Plaintiff Paul Ceglia commenced this action on June 30, 2010 in New York State Court, Allegany County, by filing an Order to Show Cause and a Verified Complaint against Defendants Facebook, Inc. ("Facebook") and Mark Zuckerberg, individually. The Order to Show Cause sought a permanent injunction, restricting Facebook and Zuckerberg from "transacting business." The state court signed Plaintiff's proposed Order to Show Cause and set a hearing date of July 9, 2010 on Plaintiff's motion for an injunction. The Order also required service on Facebook and Mr. Zuckerberg by July 6, 2010 and put in place an ex parte temporary restraining order ("TRO") against Facebook and Mr. Zuckerberg purportedly restraining them from

“transferring, selling, or assigning any assets” “owned” or “controlled” by Facebook or Zuckerberg “pending the return date.”

3. I received the Order to Show Cause and the related papers on the evening of July 6, 2010. I thereafter contacted Paul Argentieri, counsel for Plaintiff, to seek an adjournment of the TRO hearing date to permit us time to review the papers and prepare an opposition. I spoke to Mr. Argentieri several times on July 7th and 8th concerning an adjournment and other issues, such as Plaintiff’s failure to serve Mr. Zuckerberg within the time permitted by the TRO.

4. During one of our conversations in the late morning of July 8, 2010, Mr. Argentieri suggested that the parties meet to discuss settlement “before this all gets going.”

5. On July 9, 2010, Defendants removed the action to this Court pursuant to 28 U.S.C. §§1441(a) and 1446.

6. A true and correct copy of the letter that I sent to Plaintiff’s counsel Terrence Connors and James Grable at Connors & Vilardo LLP on August 5, 2010 is attached hereto as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York
this 19th day of March, 2012.


Lisa T. Simpson