

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and
FACEBOOK, INC.

Defendants.

**PLAINTIFF'S RESPONSE TO
DEFENDANTS'
SUPPLEMENTAL FEE
APPLICATION**

1:10-cv-00569-RJA

In previous Orders, this court granted in part Defendants' fee application, awarding Defendants \$75,776.70 in attorneys' fees expended in moving for sanctions against Plaintiff . *See* Order, Doc. No. 292. That same Order directed Defendants to file "affidavits of attorney's fees and costs incurred preparing and defending the Fee Application." *Id.* Following that, Defendants filed a Supplemental Fee Application and supporting declaration. Doc. Nos. 299-300. The Court directed Plaintiff to respond to Defendants' Supplemental Fee Application by April 13, 2012. *See* Order, Doc. No. 338. This filing is Plaintiff's response in accordance with that Order.

Plaintiff incorporates by reference the legal and factual arguments previously made regarding Defendants' attorney fee calculations and rates. *See* Doc. No. 288.

However, Plaintiff recognizes this Court has previously overruled those arguments. *See* Order, Doc. No. 292.

Plaintiff has already been ordered to pay Defendants' attorneys' fees in the amount of \$75,766.70. Plaintiff submits that an additional fee award of \$42,460.31 would be unduly punitive and disproportionate to the amount of the initial fee request.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court deny Defendants' Supplemental attorney fee calculations and rates submitted as part of Doc. No. 300. In the event that the Court should award Defendants attorneys' fees, Plaintiff respectfully requests that he be directed to pay those fees within 60 days of the conclusion of this action.

Respectfully submitted,

/s/Dean Boland

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