

EXHIBIT B

May 3, 2012

VIA ELECTRONIC MAIL

Jennifer L. Young
Milberg LLP
One Pennsylvania Plaza
New York, NY 10119

Re: Ceglia v. Zuckerberg and Facebook, Inc., No. 1:10-cv-569 (RJA)

Dear Ms. Young:

I write to inform you that your client remains in non-compliance with this Court's orders and to object to Ceglia's blanket, improper confidentiality designations applied to all of the documents in your April 30th production.

First, Ceglia's production of Items 348, 360, and 379 on April 30, 2012 is not in native format, as required by the Court's orders. The Court's August 18 Order (Doc. No. 117), which governs this production made during expedited discovery pursuant to the Electronic Assets Inspection Protocol (Doc. No. 85), requires that all such files "be produced in their native format." Doc. No. 117 at ¶ 3.¹ Please immediately produce these three items in native format. Alternatively, for your convenience and with your explicit authorization, Stroz Friedberg can provide these three items (348, 360, and 379) to Defendants in native format.

Second, upon review of Ceglia's April 30th production, it is clear that Ceglia continues to disregard his production obligations under the Court's orders. Specifically, the April 30th production — which came only after the Court rejected Ceglia's obstructionist attempt to block production — reveals a significant missing document in the case, one that should have been produced previously under the Court's expedited discovery orders and is not in the April 30th production. That missing document is an apparent April 13, 2011 letter from the law firm Kasowitz, Benson, Torres & Friedman LLP ("Kasowitz Benson") to Ceglia's now-former counsel at Lippes Mathias and DLA Piper and his current counsel Paul Argentieri. The existence of this letter is revealed in an April 13, 2011 email contained in the April 30th production. That email transmits the letter,

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¹ In allowing it to be produced in redacted form, the Court relaxed the native format requirement only for Item 334 in its April 19, 2011 Order. *See* Doc. No. 357.

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See id. at 14. Moreover, on February 28, 2012, Lake APC, Ceglia's former counsel, produced a PDF document in response to the Court's expedited discovery orders entitled, "Scanned StreetFax Emails attached to Letter from Marks to Vacco 041311." Thus, Ceglia has himself acknowledged that the April 13, 2011 letter's attachments are responsive to this Court's Orders.

Neither this letter nor its attachments have been produced by Ceglia, and the material was not included as an attachment to any of the emails produced on April 30. The materials are plainly responsive to the Court's expedited discovery orders, in part because they clearly **REDACTED** yet the existence of this letter has not been disclosed in Ceglia's Court-ordered declarations or produced. Please produce this document and its attachments by 12:00p.m. EST tomorrow and explain the failure to previously produce this obviously responsive document.

Finally, Ceglia's blanket designations of Items 334, 348, 360, and 379 as "Confidential - Subject to Protective Order" are overbroad and unfounded. We hereby object to those designations and request that you remove them immediately or explain specifically the basis for this designation for each page. This is not the first time Ceglia has made improper blanket confidentiality designations that he later withdrew or that the Court overruled. *See, e.g.,* Doc. No. 99, Doc. No. 107. Should you refuse or fail to respond, we intend to seek judicial intervention and sanctions. The fact that the content of these emails is damaging to your client and constitutes further evidence of his ongoing fraud is not a legitimate basis for hiding these documents from the public.

This letter constitutes Defendants' attempt to meet-and-confer about the discovery disputes described herein, pursuant to Local Rule 7(d)(4). We reserve all rights, including the right to seek fees, costs, and appropriate sanctions for Plaintiff's ongoing non-compliance.

Very truly yours,



Alexander H. Southwell

cc: Terrance Flynn, Esq.
Dean Boland, Esq.
Paul A. Argentieri, Esq.
Sanford P. Dumain, Esq.
Peter K. Skivington, Esq.
Robert B. Calihan, Esq.