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Attorneys for Defendants Mark Elliot
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

1:10-cv-00569-RJA

-against-

MOTION

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

Defendants.

MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER

PLEASE TAKE NOTICE that, upon the Declaration of Lisa T. Simpson, dated July 9, 2010, and the exhibits attached thereto, and the accompanying Memorandum of Law, and all papers and documents filed with the Court in this action, Defendants Mark Elliot Zuckerberg and Facebook, Inc. (“Facebook”), having been served with a temporary restraining order without prior notice or hearing, issued by the Supreme Court of the State of New York for the County of Allegany in the action entitled Paul D. Ceglia v. Mark Elliot Zuckerberg, et ano., Index No. 38798/10 on June 30, 2010 (and removed to this Court on July 9, 2010) will move this United States District Court, under the authority of Fed. R. Civ. P. Rule 65(b), before the Honorable Richard J. Arcara, in the

United States Courthouse located at the U.S. Courthouse, 68 Court Street, Buffalo, NY, 14202, on or before _____, or as soon as the Court's calendar permits, for an order dissolving the temporary restraining order.

Pursuant to Federal Rule of Civil Procedure 65(b)(4), Defendants respectfully request that this motion be heard on two days' notice, or sooner, as the Court's calendar permits. Should the Court schedule a later return date, Defendants request the opportunity to file reply papers if feasible.

This motion is made on the grounds that the application for the temporary restraining order and the temporary restraining order itself are procedurally insufficient and must be dissolved pursuant to the Federal Rules of Civil Procedure. Plaintiff has failed to establish any factual or legal basis in support of his application, and the restraining order as currently issued is impermissibly vague, indefinite, and void of support for its issuance.

Dated: July 9, 2010
New York, New York

ORRICK, HERRINGTON & SUTCLIFFE
LLP

By: _____ /s/ Lisa T. Simpson
Lisa T. Simpson
Daniel W. Robertson, Jr.

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