

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

Defendants.

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

**NOTICE OF MOTION TO
DISQUALIFY DEFENDANTS'
DUAL REPRESENTING
COUNSEL**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Plaintiff moves this Court for an order:

1. Staying all currently pending discovery until a decision is made regarding this motion; and
2. Disqualifying, Orin Snyder, Partner, Gibson Dunn & Crutcher; Alexander Southwell, Partner, Gibson Dunn & Crutcher; Terrance Flynn, Harris Beach PLLC; Lisa Simpson, Orrick, Herrington and Sutcliffe, LLP; The law firm of Gibson Dunn & Crutcher and all counsel within the firm; Orrick, Herrington and Sutcliffe, LLP and all counsel within the firm; The law firm of Harris Beach, PLLC and all counsel within the firm from further representation of either Defendant in this case; and
3. That all the above named counsel and their respective law firms be ordered to refund to their client(s) all attorneys fees paid in this matter to date; and

4. The above named attorneys and law firms be ordered to pay, as a sanction, the attorneys fees, expert fees and costs incurred by Plaintiff from the beginning of this litigation to date; and
5. That a representative of Defendant Facebook, Inc. file a declaration that he or she has been made aware of this court's order that Defendant Zuckerberg can have no role or communication with, directly or indirectly, the selection and management of counsel hired to replace the conflicted current counsel throughout this litigation and thereafter; and
6. That the declaration in #5 above also include the representative's acknowledgment that he or she has communicated this prohibition regarding Defendant Zuckerberg to all board members and the employees of Defendant Facebook as well.

Pursuant to Local Civil Rule of Procedure 7 of this Court, Plaintiff requests an oral argument and states his intention to file and serve a reply to Defendants' response to this motion.

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
1475 Warren Road
Unit 770724
Lakewood, Ohio 44107
216-236-8080 phone
866-455-1267 fax
dean@bolandlegal.com