

June 19, 2012

VIA ELECTRONIC MAIL

The Honorable Leslie G. Foschio  
United States Magistrate Judge  
United States District Court  
Western District of New York  
U.S. Courthouse  
2 Niagara Square  
Buffalo, New York 14202

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

Dear Judge Foschio:

We represent Defendants Facebook, Inc. and Mark Zuckerberg in the above-referenced action. We write regarding Plaintiff Paul Ceglia's Motion to Disqualify Defendants' Counsel (Doc. No. 438), yet another of Ceglia's utterly bankrupt, abusive motions made solely to harass and delay. Defendants will oppose that Motion in accordance with the court-ordered schedule. Doc. No. 439.

We respectfully submit this letter today to request confirmation from the Court that the pendency of Ceglia's meritless motion does not prevent expert discovery from proceeding as scheduled. Defendants have noticed depositions of all five of Ceglia's purported experts. *See* Exhibit A. Those depositions are scheduled to begin next Tuesday, June 26, 2012. Defendants noticed those depositions two weeks ago, on June 5, 2012, at the immediate outset of the two-month window in which expert depositions are to be conducted. Doc. No. 348. Neither Mr. Boland nor Mr. Argentieri objected to or otherwise substantively responded to those deposition notices. Defendants then attempted to confirm the deposition dates and times by letter, sent to Ceglia's counsel on June 13, 2012. *See* Exhibit B. Again, neither Mr. Boland nor Mr. Argentieri objected to or otherwise substantively responded to that letter or the deposition dates noticed therein.

Ceglia's Motion to Disqualify is a thinly-veiled effort to disrupt and hijack the Court's calibrated discovery schedule, to thwart Defendants' noticed depositions, and to create disorder in these proceedings. Indeed, Ceglia's purpose is laid plain near the conclusion of his moving brief, where he requests a stay of "all discovery" until the Court disposes of his Motion. Doc. No. 438 at 16. Ceglia has sought obstructionist extensions and delays on

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numerous occasions previously. Most recently, this Court denied Ceglia's Motion for Extension of Time to File Expert Reports. Doc. No. 408. Moreover, in granting Plaintiff's Counsel's Motion to Withdraw, the Court admonished Ceglia that any requests for enlargements of time based on the need to retain new counsel would be viewed with disfavor. Doc. No. 423. Now that Ceglia can no longer use his lawyers' abandonment as a pretext for delay, he has stooped even lower by filing a frivolous disqualification motion.

This Court should not permit Ceglia to engage in self-help to further delay by filing yet another harassing, baseless motion. We respectfully ask the Court to confirm that the pendency of Ceglia's Motion to Disqualify does not adjourn the five scheduled depositions of Ceglia's experts that Defendants noticed weeks ago, and that Ceglia's experts must appear for their depositions as noticed.

We thank the Court for its prompt attention to this matter.

Respectfully submitted,



Orin Snyder

cc: Terrance Flynn, Esq.  
Dean Boland, Esq.  
Paul A. Argentieri, Esq.