

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

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO
STRIKE DOC. NO. 415**

MEMORANDUM

Plaintiff respectfully requests this court issue an order to the clerk of court Striking Doc. No. 415 and all exhibits to the motion. Doc. No. 415 is one of Plaintiff's expert reports filed on June 4, 2012.

Plaintiff has determined that two exhibits to Doc. No. 415, Doc. Nos. 415-2 and 415-3, mistakenly and inadvertently contain some pages designated by Defendants as confidential. Although these designated pages include publicly available documents and redacted bank records from accounts closed years ago, they are nonetheless designated as confidential and should not have been included in a filed document. To remedy that accidental inclusion of those documents, Plaintiff's counsel conferred with the clerk of court. The Clerk directed that a Motion to Strike the entire Doc. No. 415 and all exhibits as the only means to remedy the two documents listed as exhibits to the overall document. Therefore,

Plaintiff requests this court order the Clerk of Court to strike Doc. No. 415 and all exhibits enabling Plaintiff to re-file Doc. No. 415 with the redacted exhibits. Those redacted exhibits have already been prepared and are ready to be re-filed immediately. This motion is being filed less than 24 hours from when Plaintiff determined these documents were included in the filing in error.

It is anticipated that Defendants will have no objection to this motion given the documents to be redacted were designated by Defendants originally.

No other copies of these documents were provided to or are in the possession of any other witnesses, expert or otherwise. No other documents designated as confidential have been provided to any other persons by Plaintiff. To the best of Plaintiff's knowledge, the filed documents, Doc. Nos. 415-2 and 415-3, were provided to individuals who were able to access them via the court's ECF system.

Respectfully submitted,

/s/Dean Boland

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