

# EXHIBIT M

August 22, 2012

VIA ELECTRONIC MAIL

Dean Boland, Esq.  
Owner/Member  
Boland Legal, LLC  
1475 Warren Road  
Unit 770724  
Lakewood, Ohio 44107

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

Dear Mr. Boland:

Defendants hereby demand reimbursement for the fees and costs entailed by your untimely cancellation of seven scheduled expert depositions, all with fewer than 48 hours' notice. On June 22, 2012, you noticed depositions of Defendants' experts. During the next five weeks, and as recently as July 19, Defendants repeatedly renegotiated and reconfirmed with you the deposition schedule to accommodate your travel arrangements and other commitments.

Notwithstanding those extensive negotiations, telephone calls, and emails—many of which necessitated the rescheduling of travel arrangements, and longstanding personal and professional commitments—you proceeded to cancel the scheduled depositions of Eric Friedberg, Jason Novak, Gus Lesnevich, Gerald McMEnamin, and Frank Romano fewer than 48 hours before those depositions were to be held. In addition, you cancelled the depositions of Al Lyter and Peter Tytell the night before their scheduled start date and time, only to postpone them until later in the discovery period—postponements that entailed significant additional expense.

Further to my conversation with Mr. Argentieri on August 13, Defendants hereby demand that you reimburse Defendants for expert appearance fees (\$20,550.00), expert travel, lodging, and incidental costs (\$9,429.00), expert fees resulting from time spent in preparation for the cancelled depositions (\$31,906.75), and attorney's fees resulting from time spent in preparation for the depositions you untimely cancelled (\$36,755.00), totaling \$98,640.75. Recovery of these expenses, all of which were entailed by your untimely cancellations, is authorized by Federal Rule of Civil Procedure 30(g). *See, e.g., Edmonds v. Seavey*, 379 Fed. Appx. 62, 64 (2d Cir. 2010) (affirming Rule 30(g) award of costs and

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attorney's fees against lawyer who cancelled deposition the evening before it was to take place); Carlson v. Geneva City School Dist., No. 08-CT-6202-CJS, 2011 WL 3957524 (W.D.N.Y. Sept. 7, 2011) (affirming Judge Payson's imposition of costs and fees on a party for cancelling after 5pm on the Friday before a Tuesday deposition); Root Bros. Farms v. Mak, No. 05 Civ. 10863(LBS)(HBP), 2007 WL 2789481, at \*8 (S.D.N.Y. Sept. 25, 2007).

Please send a check made payable to Gibson Dunn to my attention by Friday, August 24, 2012. Please be advised that attorney's fees for the time spent preparing and filing a formal motion to recover these expenses is also recoverable.

Sincerely,



Alexander H. Southwell

cc: Paul Argentieri, Esq.