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November 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. Defendants respectfully submit this brief letter in opposition to any extension of Plaintiff Paul Ceglia's deadline to oppose Defendants' Motion for Judgment on the Pleadings.

Pursuant to the Court's scheduling order, Ceglia's opposition to Defendants' Motion is due today, November 19, 2012. *See* Doc. No. 566. That deadline was set more than one month ago, *see* Doc. No. 566, 572, and Defendants' Motion was filed nearly eight months ago, *see* Doc. No. 321. Late Friday night, Ceglia requested an "emergency" thirty-day extension of his deadline to oppose Defendants' Motion. Doc. No. 597. Ceglia's request is purportedly based on his "determin[ation]" that "the real possibility exists that the mere filing of his response ... would be used by the Manhattan Federal Prosecutor as the commission of another crime enabling revocation of [the] bond" in Ceglia's criminal case. *Id.* at 1.

Ceglia's "emergency" motion is without basis and should be summarily denied. Like Ceglia's prior eleventh-hour requests for extensions—most of which this Court has denied as meritless, *see, e.g.*, Doc. Nos. 119, 125, 127, 175, 365, 408—Ceglia's request for an additional thirty days is a transparent attempt to delay dismissal of Ceglia's fraudulent lawsuit.

Furthermore, Ceglia's reason for his extension request is speculative and baseless. Ceglia has identified no specific legal authority or factual basis for his assertion that his submission of legal argument in opposition to Defendants' Motion would be "used" by the U.S. Attorney's Office for the Southern District of New York as evidence of Ceglia's

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“commission of another crime enabling revocation of his bond.” Doc. No. 597 at 1. In fact, contrary to Ceglia’s conjecture, civil litigation regularly proceeds in parallel to related criminal prosecutions; the mere fact of two parallel proceedings does not provide a basis for *ad hoc* extensions. *See, e.g., S.E.C. v. Wheeler*, No. 11-CV-6169-CJS, 2011 WL 4745048, at *5 (W.D.N.Y. Oct. 7, 2011) (denying stay in a civil securities fraud action despite parallel criminal proceeding because court’s interest in prompt disposition of civil cases and public’s interest in halting fraud outweighed any burden on defendant); *In re 650 Fifth Avenue*, No. 1:08-cv-10934-RJH, 2011 WL 3586169 at *3, *16 (S.D.N.Y. Aug. 12, 2011) (declining to grant stay and noting that stay of a civil case during a parallel criminal proceeding is “an extraordinary remedy”); *Waldblum v. Worldvision Enterprises, Inc.*, 84 F.R.D. 95, 97 (S.D.N.Y. 1979) (denying plaintiff’s request for stay in light of parallel criminal proceeding, rejecting plaintiff’s constitutional claims, and noting that it is particularly inappropriate to grant such a stay for a civil plaintiff, who chose to commence action and can discontinue it at any time).

Finally, Defendants note that Mr. Boland’s recent request to withdraw, Doc. No. 580, should not provide a basis for an extension of any kind. Though Ceglia’s “emergency” motion is signed and presented under Rule 11 by Mr. Argentieri only, *see* Doc. No. 597 at 2, it bears a striking resemblance to filings authored by Mr. Boland. Given Mr. Boland’s request to withdraw from his representation of Ceglia and unwillingness to present these filings to the Court pursuant to the obligations imposed by Rule 11, Defendants respectfully ask the Court to inquire into Mr. Boland’s ongoing role in this matter, if any, and to ensure that Mr. Argentieri intends to pursue this case without any delay.

Respectfully submitted,



Orin Snyder

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