

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	Civil Action No. 1:10-cv-00569-RJA
	:	
v.	:	DECLARATION OF
	:	ALEXANDER H. SOUTHWELL
MARK ELLIOT ZUCKERBERG and	:	
FACEBOOK, INC.,	:	
	:	
Defendants.	:	
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I, ALEXANDER H. SOUTHWELL, hereby declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and admitted to practice before this Court. I am a partner in the New York office of the law firm of Gibson, Dunn & Crutcher LLP (“Gibson Dunn”), counsel of record for Mark Elliot Zuckerberg and Facebook, Inc. (“Facebook”) in the above-captioned matter. I make this Declaration in Support of Defendants’ Supplemental Fee Application (“the Supplemental Fee Application”) for payment of fees reasonably expended in connection with preparing and defending Defendants’ Fee Application for attorneys’ fees and costs awarded pursuant to this Court’s Decision and Order filed November 7, 2012. I have personal knowledge of the information set forth herein based upon my direct involvement in the matters at issue and upon my review of the documents referenced below.

2. The attorneys for whose time fees are requested, and their claimed billing rates remain the same as in Defendants’ Fee Application. See Doc. No. 600. Accordingly, the fees Defendants have actually paid or are obligated to pay to Gibson Dunn for its legal services

related to preparing and defending Defendants' Fee Application are more than those requested in this Supplemental Fee Application.

3. As directed in the Decision and Order filed November 7, 2012 (Doc. No. 584) granting Defendants' Eighth Motion to Compel, Defendants filed within ten days an affidavit of attorneys' fees incurred in moving to compel the production of the March 30 Capsicum Communication.

4. From November 13 to November 19, 2012, Defendants' counsel drafted, discussed, revised, finalized, and filed their Fee Application and supporting declaration of Alexander H. Southwell.

5. Attached hereto as Exhibit A is a true and correct copy of the narrative descriptions of legal services rendered by Gibson Dunn attorneys, reflecting time expended by them in connection with preparing and defending Defendants' Fee Application. On some days, attorneys rendered services that were related to both the Fee Application as well as other work relating to the matter. To the extent that a particular time entry pertained to both the Fee Application and other work, the attached compilation reflects only time entries pertaining to the Fee Application. These entries reflect conservative allocations of time, ensuring that the total time claimed for the Fee Application is less than the actual time incurred on such work. This allocation is based on the time entries themselves and upon my personal experience with the case. This approach is the same as the one taken in the Defendants' Fee Application, which was subsequently endorsed by this Court in its February 14 Order granting Defendants' request for attorneys' fees. *See* Doc. No. 292 at 39.

6. The total amount requested as attorneys' fees for Gibson Dunn's legal services related to preparing and defending Defendants' Fee Application is \$2,966.25, for 6.75 hours of

services rendered. This sum includes claimed fees incurred during the seven-day period from November 13, 2012 to November 19, 2012 that relate to the Fee Application.

7. Below is a true and correct chart summarizing the claimed time spent on legal services relating to the preparation and defense of Defendants' Fee Application, as well as their claimed billing rates.

Attorney	Total Hours	Claimed Rate	Total Fees
Alexander H. Southwell	0.50	\$682.50	\$341.25
Amanda M. Aycock	6.25	\$420.00	\$2,625.00
TOTAL	6.75		\$2,966.25

8. The total amount requested excludes the same fees and costs incurred or billed as had been excluded in Defendants' Fee Application.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 18th day of May, 2013 at New York, New York.



Alexander H. Southwell