

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO. 10-CV-00569(RJA)
vs.	:	
	:	PLAINTIFF’S MOTION FOR A
MARK ELLIOT ZUCKERBURG and	:	CONTINUANCE
FACEBOOK, INC.,	:	
	:	
Defendants.	:	
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1. On June 2, 2011, Defendants filed a motion to conduct discovery on an expedited basis (Dkt. No. 44) and, on June 17, 2011, Plaintiff Ceglia filed a cross-motion to conduct discovery on an expedited basis. (Dkt. No. 57.)

2. By Minute Order dated June 20, 2011, the Court set a briefing schedule on the Defendants’ motion and Plaintiff’s cross-motion and a hearing on the motions for June 30, 2011 at 2:00 p.m.

3. Subsequent to the June 20, 2011 Minute Order, Plaintiff filed a notice to substitute Lake APC for and in place of DLA Piper Gray Cary US LLP (Christopher P. “Kip” Hall, Carrie S. Parikh, Robert W. Brownlie, John Allcock, and Gerard A. Trippitelli), and Lippes Mathias Wexler Friedman LLP (Dennis C. Vacco, Kevin J. Cross, and Richard M. Scherer). (Dkt. No. 75.)

4. In addition to retaining Lake APC, Plaintiff is currently engaged in discussions with several nationally recognized law firms to lead this litigation. (See Declaration of Jeffrey A. Lake.)

5. In light of the fact that Lake APC was only retained yesterday, June 28, 2011, and given Plaintiff's expectation that he will imminently retain lead counsel, Plaintiff requires a short three (3) week continuance of the hearing on the motions for expedited discovery to allow the attorneys at Lake APC and the potential additional counsel sufficient time to become acclimated with the case and prepare for the hearing on the motions for expedited discovery. (See Lake Decl.)

6. At approximately 1:40 p.m. EST, Jeffrey Lake of Lake APC called Orin Snyder, Esq., counsel of record for Defendants, and requested that he stipulate to continue the subject hearing for three weeks for the reasons set forth herein. Mr. Snyder refused to stipulate. (See Lake Dec.)

7. This motion is not being brought for purposes of delay or any improper purpose and no party will be prejudiced by the Court granting the relief requested herein.

WHEREFORE, Plaintiff Paul Ceglia, prays that the Court: (a) grant this motion, (b) continue the hearing set for June 30, 2011, by three (3) weeks or for such time as the Court deems appropriate, and (c) award such other and further relief as the Court deems equitable and just.

JEFFREY A. LAKE, A.P.C.

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