

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	NOTICE OF MOTION FOR
	:	ADMISSION <i>PRO HAC VICE</i>
v.	:	
	:	Civil Action No. 1:10-cv-00569-
MARK ELLIOT ZUCKERBERG, Individually, and	:	RJA
FACEBOOK, INC.,	:	
	:	
Defendants.	:	
-----	X	

PLEASE TAKE NOTICE that upon the annexed declaration of Terrance P. Flynn, dated August 30, 2010, and the petition and declaration of Thomas H. Dupree, Jr., dated August 27, 2010, and upon all the pleadings and proceedings herein, Defendants MARK ELLIOT ZUCKERBERG and FACEBOOK, INC. will move this Court, at a date and time to be determined by the Court, for an Order pursuant to Rule 7(b) of the Federal Rules of Civil Procedure and Local Rule 83.1(i) of the Local Rules of Civil Procedure for the United States District Court for the Western District of New York, admitting Thomas H. Dupree, Jr. *pro hac vice* to participate as co-counsel for Defendants before the Court in all proceedings in this action.

PLEASE TAKE FURTHER notice that oral argument is waived unless the Court orders the motion set down for an oral hearing.

Dated: Buffalo, New York
 August 30, 2010

HARRIS BEACH PLLC

/s/ Terrance P. Flynn _____
Terrance P. Flynn, Esq.
Attorney for Defendants
Mark Elliot Zuckerberg and
Facebook, Inc.

726 Exchange Street
Suite 1000
Buffalo, NY 14210
(716) 200-5120

TO: Terrence M. Connors, Esq.
Lawrence J. Vilaro, Esq.
James W. Grable, Jr., Esq.
Attorneys for Plaintiff
Paul D. Ceglia
CONNORS & VILARDO, LLP
1000 Liberty Building
424 Main Street
Buffalo, New York 14202
(716) 852-5533

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	DECLARATION IN SUPPORT
	:	OF MOTION FOR
v.	:	ADMISSION <i>PRO HAC VICE</i>
	:	
MARK ELLIOT ZUCKERBERG, Individually, and	:	Civil Action No. 1:10-cv-00569-
FACEBOOK, INC ,	:	RJA
	:	
Defendants.	:	
-----	X	

TERRENCE P. FLYNN, ESQ., under penalty of perjury and pursuant to 28 U.S.C. § 1746, declares that the following is true and correct:

1. I am a member of the bar of this Court and a member of the law firm of Harris Beach PLLC, attorneys for Defendants Mark Elliot Zuckerberg and Facebook, Inc. ("Defendants"), and as such, I am familiar with the facts and circumstances of this action.

2. This Declaration is made in support of Defendants' motion for admission *pro hac vice* of attorney Thomas H. Dupree, Jr., with the firm of Gibson, Dunn & Crutcher LLP in Washington, D.C., for purposes of representing Defendants in this matter.

3. Thomas H. Dupree, Jr. is admitted to practice in the District of Columbia and is admitted (but on inactive status) in Massachusetts. He is not under suspension or disbarment by any court, and is not eligible for admission to the bar of this court under subdivision (a) of Rule 83.1 of the Local Rules of Civil Procedure for the United States District Court for the Western District of New York. Attached hereto as **Exhibit A** is Mr. Dupree's declaration in support of this motion.

4 If admitted *pro hac vice* before this Court, Mr. Dupree will conduct himself in accordance with the applicable rules and regulations governing the conduct of attorneys within the State of New York and this District.

5 The requirements for *pro hac vice* admission of attorney Thomas H. Dupree, Jr are satisfied and I recommend that he be admitted to practice *pro hac vice* before this Court for purposes concerning the within action.

WHEREFORE, it is respectfully requested that this Court grant Defendants' motion to admit attorney Thomas H. Dupree, Jr to practice *pro hac vice* before this Court, for purposes in connection with this litigation.

Dated: August 30, 2010

/s/ Terrance P. Flynn
Terrance P. Flynn

Exhibit A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

----- x
PAUL D. CEGLIA, :
: :
Plaintiff, :
: :
v. :
: :
MARK ELLIOT ZUCKERBERG, Individually, and :
FACEBOOK, INC., :
: :
Defendants. :
----- x

**DECLARATION IN SUPPORT
OF MOTION FOR
ADMISSION *PRO HAC VICE***

Civil Action No. 1:10-cv-00569-
RJA

Thomas H. Dupree, Jr., under penalty of perjury and pursuant to 28 U.S.C. § 1746,
declares that the following is true and correct:

1. I am an attorney licensed to practice in the District of Columbia and am a member of
the law firm of Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue NW, Washington,
D.C. 20036.

2. This petition is made for admission to practice *pro hac vice* before this Court in this
matter on behalf of MARK ELLIOT ZUCKERBERG and FACEBOOK, INC.

3. I obtained my Law Degree (J.D.) from the University of Chicago in 1997. I am
experienced in civil litigation and have represented clients throughout the country in a wide
variety of trial and appellate matters, including contract disputes.

4. I have never been held in contempt of court or censured in a disciplinary proceeding,
suspended or disbarred by any court or admonished by any disciplinary committee of the
organized bar, and I am not the subject of any pending complaint before any court.

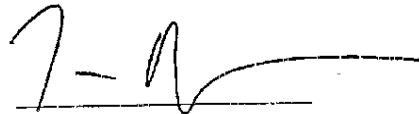
5. I have read and am familiar with the Judicial Code, 28 U.S.C. §§ 1330–1425, which
pertain to jurisdiction and venue in a United States District Court; the Federal Rules of Civil

Procedure; the Federal Rules of Evidence; the Local Rules of Practice for the United States District Court for the Western District of New York; the New York State Lawyer's Code of Professional Responsibility; and the Civility Principles of the United States District Court for the Western District of New York. I agree to adhere faithfully to the New York State Lawyer's Code of Professional Responsibility.

6 I am currently admitted to practice in the District of Columbia and am admitted (but on inactive status) in Massachusetts

WHEREFORE, it is respectfully requested that this Court grant Defendants' motion to admit attorney Thomas H. Dupree, Jr. to practice *pro hac vice* before this Court, for purposes in connection with this litigation.

Dated: August 27, 1010

A handwritten signature in black ink, appearing to read 'T. Dupree, Jr.', written over a horizontal line.

Thomas H. Dupree, Jr.



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
Thomas H. Dupree, Jr.

PETITION

(Name)
TO BE ADMITTED TO PRACTICE AS AN ATTORNEY

TO THE HONORABLE JUDGE Richard J. Arcara OF THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF NEW YORK:

Thomas H. Dupree, Jr., petitioner herein, respectfully states:

1 That petitioner resides at: 8 Magnolia Parkway, Chevy Chase, MD 20815
and has an office for the practice of law at: Gibson, Dunn & Crutcher LLP, 1050 Connecticut Ave NW, Washington, DC 20036

2 That petitioner attended the following educational institutions and received the following degrees:
Williams College, B.A. (1992); University of Chicago, J.D. (1997)

3 Please complete either (a) or (b):

(a) That petitioner was admitted to practice by the Appellate Division of the Supreme Court, Department of the State of
New York on the day of ,

(b) That petitioner was admitted to practice in the United States District Court of the District of Columbia on
the 6th day of August, 2001, and is a member of the bar of the State in which that district court is located and in
which the petitioner maintains an office for the practice of law

4. Petitioner is admitted to the following courts: District of Columbia; District of Massachusetts (Inactive)

5 Since such admission(s), petitioner has practiced in the following Courts: The federal and state courts in
DC, all thirteen federal circuit courts as well as certain federal & state trial courts
and has been involved in the following professional activities: I am a member of the Federal
Coke appellate inn of court

6 That Petitioner has never been held in contempt of court, or censured in a disciplinary proceeding, suspended or disbarred by
any court or admonished by any disciplinary committee of the organized bar, nor is the subject of any pending complaint before
any court: (Note: if petitioner cannot swear to this statement, see Local Rules, which detail the additional statement required of
petitioner)

7. That petitioner has read and is familiar with the provisions of Title 28 of the United States Code which pertain to jurisdiction of
and venue in a United States District Court, the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Evidence, the
Local Rules of Practice for the United States District Court for the Western District of New York, the Code of Professional
Responsibility as adopted by the Appellate Division of the State of New York and as interpreted and applied by the United States
Supreme Court, the United States Court of Appeals for the Second Circuit, and this Court.

WHEREFORE, the petitioner respectfully requests to be admitted as an attorney in the United States District Court for
the Western District of New York

I verify under penalty of perjury that the foregoing is true and correct

(Signature of Petitioner)

Sworn to before me this 20th day of August, 2010

Notary Public

Ariethea M. Adams
Notary Public, District of Columbia
My Commission Expires 5/14/2013

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**CIVILITY PRINCIPLES
PREAMBLE**

A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as lawyers, we will be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful, and efficient manner.

A judge's conduct should be characterized at all times by courtesy and patience toward all participants. As judges we owe to all participants in a legal proceeding respect, diligence, punctuality, and protection against unjust and improper criticism or attack.

Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such conduct tends to delay and often to deny justice.

The following Guidelines are designed to encourage us, judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.

We encourage judges, lawyers and clients to make a mutual and firm commitment to these Guidelines.

We support the principles espoused in the following Guidelines, but under no circumstances should these Guidelines be used as a basis for litigation or for sanctions or penalties.

Lawyers' Duties to Other Counsel

1. We will practice our profession with a continuing awareness that our role is to zealously advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. We will treat all other counsel, parties, and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications. We will refrain from acting upon or manifesting bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status toward any participant in the legal process.
2. We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed to other counsel, parties, or witnesses. We will abstain from disparaging personal remarks or acrimony toward other counsel, parties, or witnesses. We will treat adverse witnesses and parties with fair consideration.
3. We will not encourage or knowingly authorize any person under our control to engage in conduct that would be improper if we were to engage in such conduct.
4. We will not, absent good cause, attribute bad motives or improper conduct to other counsel.
5. We will not lightly seek court sanctions.
6. We will in good faith adhere to all express promises and to agreements with other counsel, whether oral or in writing, and to all agreements implied by the circumstances or local customs.
7. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide other counsel the opportunity to review the writing. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to other counsel's attention. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing.

of the addition.

8. We will endeavor to confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement to obtain unfair advantage.

9. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.

10. We will not use any form of discovery or discovery scheduling as a means of harassment.

11. Whenever circumstances allow, we will make good faith efforts to resolve by agreement objections before presenting them to the court.

12. We will not time the filing or service of motions or pleadings in anyway that unfairly limits another party's opportunity to respond.

13. We will not request an extension of time solely for the purpose of unjustified delay or to obtain unfair advantage.

14. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.

15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel.

16. We will promptly notify other counsel and if appropriate, the court or other persons, when hearings, depositions, meetings, or conferences are to be canceled or postponed.

17. We will agree to reasonable requests for extensions of time and for waiver of procedural

formalities, provided our clients legitimate rights will not be materially or adversely affected.

18. We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity, unless the rules provide otherwise.

19. We will take depositions only when actually needed. We will not take depositions for the purposes of harassment or other improper purpose.

20. We will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge

21. We will not obstruct questioning during a deposition or object to deposition questions unless permitted under applicable law.

22. During depositions we will ask only those questions we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action.

23. We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action. We will not design production requests to place an undue burden or expense on a party, or for any other improper purpose.

24. We will respond to document requests reasonably and not strain to interpret requests in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents. We will not produce documents in a manner designed to hide or obscure the existence of particular documents, or to accomplish any other improper purpose.

25. We will carefully craft interrogatories so they are limited to those matters we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action, and we will not design them to place an undue burden or expense on a party, or for any other improper purpose.

26. We will respond to interrogatories reasonably and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information, or for any other improper purpose.

27. We will base our discovery objections on a good faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information, or for any other improper purpose.

28. When a draft order is to be prepared by counsel to reflect a court ruling we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.

29. We will not ascribe a position to another counsel that counsel has not taken.

30. Unless permitted or invited by the court, we will not send copies of correspondence between counsel to the court.

31. Nothing contained in these Guidelines is intended or shall be construed to inhibit vigorous advocacy, including vigorous cross-examination.

Lawyers' Duties to the Court

1. We will speak and write civilly and respectfully in all communications with the court.
2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.

4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.

5. We will not knowingly misrepresent mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.

6. We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.

7. Before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.

8. We will act and speak civilly to court marshals, clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are an integral part of the judicial system.

Courts' Duties to Lawyers

1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation proceedings are conducted in a civil manner.

2. We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.

3. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.

4. In scheduling all hearings, meetings and conferences we will be considerate of time schedule of lawyers, parties, and witnesses.
5. We will make all reasonable efforts to decide promptly all matters presented to us for decision.
6. We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.
7. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.
8. We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.
9. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents.
10. We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.
11. We will not adopt procedures that needlessly increase litigation expense.
12. We will bring to lawyers' attention uncivil conduct which we observe.

Judges' Duties to Each Other

1. We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.

2. In all written and oral communications, we will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge.
3. We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.

ADOPTED ON THE 28TH DAY OF SEPTEMBER, 1998
BY ORDER OF THE COURT

Honorable David G. Larimer, Chief District Judge
Honorable Richard J. Arcara, District Judge
Honorable William M. Skretny, District Judge
Honorable Charles J. Siragusa, District Judge
Honorable John T. Curtin, Senior District Judge
Honorable John T. Elfvin, Senior District Judge
Honorable Michael A. Telesca, Senior District Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

APPENDIX TO CIVILITY PRINCIPLES

OATH OF OFFICE

I do solemnly swear (or affirm):

I will support the Constitution of the United States and the Constitution of the State of New York;

I will maintain the respect due to Courts of Justice and judicial officers;

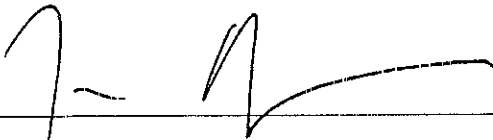
I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the judge or jury by an artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged;

I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed on members of the bar as conditions for the privilege to practice law in this State and before this Court.



A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a long, sweeping flourish that extends to the right. The signature is positioned above a solid horizontal line that spans the width of the signature.