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Elliot Zuckerberg and Facebook, Inc.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

-against-

MARK ELLIOT ZUCKERBERG, Individually, and  
FACEBOOK, INC.,

Defendants.

1:10-cv-00569-RJA

**DECLARATION IN SUPPORT OF  
MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER**

I, LISA T. SIMPSON, hereby declare as follows:

1. I am a member of the bar of this Court, and of the law firm of Orrick, Herrington & Sutcliffe, LLP, 51 West 52nd Street, New York, New York 10019. I am fully familiar with the facts and circumstances of this case.

2. On June 30, 2010, Plaintiff filed an Order to Show Cause, together with a Summons and Verified Complaint, commencing this action in New York state court, Allegany County, naming as defendants Facebook, Inc. (“Facebook”) and Mark Zuckerberg (“Zuckerberg”).

3. A true and correct copy of the Summons and Verified Complaint are attached hereto as Exhibit A.

4. A true and correct copy of Plaintiff's Order to Show Cause and the Affidavit of Paul D. Ceglia are attached hereto as Exhibit B.

5. The court required that Plaintiff personally serve the Order to Show Cause on Defendants by July 6. Facebook was served with the Order to Show Cause and the Verified Complaint on or about July 6, 2010. Zuckerberg was not timely served, but received a set of the papers by personal service on July 8, 2010.

6. On July 9, 2010, Defendants removed the action to this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446 based on diversity jurisdiction.

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

Executed in New York, New York this 9th day of July, 2010.

/s/ Lisa T. Simpson  
Lisa T. Simpson