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SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NEW YORK  
 DENISE E. FINKEL,

Index No. 102578-09

Plaintiff,

-against-

**NOTICE OF MOTION**

FACEBOOK, INC., MICHAEL DAUBER,  
 JEFFREY SCHWARTZ, MELINDA DANOWITZ,  
 LEAH HERZ, RICHARD DAUBER,  
 AMY SCHWARTZ, ELLIOTT SCHWARTZ,  
 MARTIN DANOWITZ, BARI DANOWITZ,  
 ALAN HERZ AND ELLEN HERZ,

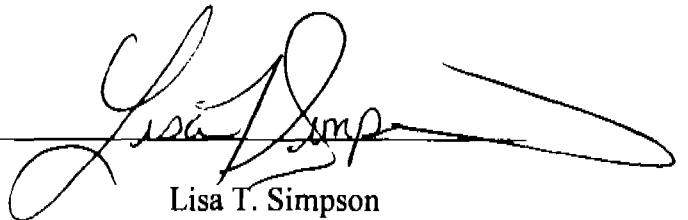
Defendants.

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Request for Judicial Intervention, Defendant Facebook, Inc. ("Facebook"), by its counsel, Orrick, Herrington & Sutcliffe LLP, will move this Court, located at 60 Centre Street, Room 130, New York, New York 10007, on April 2, 2009, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order, pursuant to New York Civil Practice Law & Rules ("CPLR") § 3211 (a)(7), dismissing Plaintiff's Complaint against Facebook with prejudice, requiring Plaintiff to file an amended complaint that does not name Facebook as a party to this litigation, and awarding Facebook its attorneys' fees, costs, and such other and further relief as it deems appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 2214(b), answering papers, if any, must be served upon the undersigned at least seven (7) days prior to the return date of this motion.

Dated: New York, New York  
March 16, 2009

ORRICK, HERRINGTON & SUTCLIFFE LLP

By   
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Aaron G.R. Rubin

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Attorneys for Defendant Facebook, Inc.