

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELLEN AGUIAR,	:	
	:	
Plaintiff	:	<b>10 CV 6531 (PGG)</b>
	:	
v.	:	
	:	
WILLIAM NATBONY, individually and as	:	
trustee of the THOMAS S. KAPLAN 2004	:	
QUALIFIED TEN YEAR ANNUITY	:	
TRUST AGREEMENT and the DAFNA	:	
KAPLAN 2003 EIGHT YEAR ANNUITY	:	
TRUST AGREEMENT, THOMAS	:	
KAPLAN and	:	
DAFNA KAPLAN,	:	
	:	
Defendants.	:	

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**DECLARATION OF ELLEN AGUIAR**

I, Ellen Aguiar, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct as follows:

1. I am over the age of eighteen, and I have personal knowledge of the facts set out in this affidavit.
2. I am the sister of Thomas Kaplan, one of the defendants in this case. I am the mother of Guma Aguiar, who is a party to the Florida Actions. I was never a party to any of the Florida Actions that were brought by my brother and my son.
3. I am aware that my brother contends that my son improperly accessed his e-mail account while my son was experiencing a manic episode of his bipolar disorder. My son was involuntarily committed to a psychiatric hospital in January 2010.

4. I have not reviewed or been made aware of the contents of any of the allegedly privileged e-mails that my brother claims were improperly accessed by my son. More specifically, I have not received copies of any e-mails between my brother and his attorneys.

FURTHER AFFIANT SAYETH NAUGHT.



Ellen Aguiar