

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 1:10-cv-00569-
	:	RJA
MARK ELLIOT ZUCKERBERG and	:	
FACEBOOK, INC.,	:	
	:	
Defendants.	:	
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DECLARATION OF NATHAN A. SHAMAN

I, Nathan A. Shaman, Esq. submit this Declaration in opposition to the issuance of sanctions and hereby declare:

1. I am an attorney licensed to practice law in the State of California. I am an associate attorney with Jeffrey A. Lake, A.P.C., counsel of record for Plaintiff Paul D. Ceglia in the above-captioned matter. I make this declaration based upon personal knowledge.

2. On August 18, 2011 I informed Mr. Ceglia that we would file objections to Magistrate Judge Foschio’s August 18, 2011 Order (Doc. No. 117) (August 18 Order) pursuant to his instructions. (See Declaration of Jeffrey A. Lake 1, ¶ 2.)

3. On August 19, 2011 we filed a motion to stay the August 18 Order (Doc. No. 118). On August 26, 2011, District Judge Arcara denied that motion. That same day, I informed Mr. Ceglia that the stay was denied and that he was still obligated to provide us the information concerning his email accounts by August 29, 2011. Mr. Ceglia continued to refuse to comply with the August 18 Order.

4. On August 28, 2011 Mr. Ceglia provided me the email addresses and passwords for his Gmail and MSN email accounts. In turn, I provided that information to Bryan Rose of Stroz Friedberg on August 29, 2011 using the consent forms with modifications to allow for resolution of our objections to Judge Foschio's August 18 Order.

5. On August 29, 2011 we filed a motion to stay paragraph 5 of the August 18 Order (Doc. No. 126). Judge Arcara denied that motion on August 30, 2011.

6. On September 1, 2011 Defendants filed an Accelerated Motion to Compel (Doc. No. 128), asking the Court to compel Mr. Ceglia to comply with paragraph 5 of the August 18 Order. In blatant violation of the law and their ethical obligations, Defendants published Mr. Ceglia's email accounts and passwords to the world. As such, Mr. Ceglia was forced to change his passwords the following morning after we informed him of Defendants' egregious conduct.

7. On September 1, 2011 we filed objections to the August 18 Order (Doc. No. 131).

8. On September 2, 2011 we filed a motion to set a delayed briefing schedule on the Accelerated Motion to Compel based on Defendants' misconduct.

9. On September 16, 2011 Judge Arcara denied our objections to the August 18 Order (Doc. No. 145).

10. On September 19, 2011 I informed Mr. Ceglia of Judge Arcara's decision and asked him to execute *new* consent forms with his *new* email account information and to send out those consent forms as soon as possible.

11. After receiving no response from Mr. Ceglia, I contacted him again on September 21, 2011 to request the same information.

12. On September 23, 2011 Mr. Ceglia informed me that he would send out the new consent forms that day. In fact, Mr. Ceglia sent out the consent forms via DHL Express that same day. A true and correct copy of the DHL package label is attached hereto as Exhibit A.

13. On September 28, 2011, we received the consent forms from Mr. Ceglia. Immediately upon receipt, I emailed scans of the consent forms to Mr. Rose at Stroz Friedberg. A true and correct copy of that email is attached hereto as Exhibit B. The originals of the consent forms were sent via registered mail that same day. A true and correct copy of the registered mail receipt is attached hereto as Exhibit C.

I hereby certify and declare under penalty of perjury that the foregoing is true and accurate.

DATED: October 7, 2011

s/ Nathan Shaman
Nathan A. Shaman