

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

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

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

**DECLARATION
OF DEAN BOLAND REGARDING
DESCRIPTION OF PRIVILEGED
MATERIAL IN ACCORDANCE
WITH FED.R.CIV.P. 26(b)(5)(A)
(ii)**

Defendants.

DEAN BOLAND submits this declaration in compliance with Federal Rule of Civil Procedure 26(b)(5)(A)(ii) and hereby declare under penalty of perjury and pursuant to 28 U.S.C. 1746 that the following is true and correct:

1. I am counsel for Paul D. Ceglia
2. I filed a notice of appearance as counsel for Paul D. Ceglia in this matter on Friday, October 21, 2011.
3. I am aware that two privilege logs, Doc. No. 156-2 and Doc. No. 156-4 were previously submitted by Plaintiff to Defendants.
4. As of Tuesday, October 26, 2011, Plaintiff has represented to the court and to Defendants that the privilege log, Doc. No. 156-2, was revised to reflect an assertion of privilege as to only one document. See, Exhibit A.
5. As of Tuesday, October 26, 2011, Plaintiff has represented to the court and to Defendants that the privilege log, Doc. No. 156-4, was revised to reflect an

assertion of privilege as to only one document. Exhibit B.

6. At the court's direction, I submitted both documents to the court for in camera review considering Plaintiff's claim of privilege as to each one item in each privilege log.

7. In compliance with Fed.R.Civ.P. 26(b)(5)(A)(ii), I described the nature of the document not being disclosed in Exhibit A enabling Defendants to assess Plaintiff's privilege claim without revealing information that was itself privileged or protected.

a. That description in pertinent part is as follows:

i. Work Product Privilege/Attorney-client Privilege (N.Y. C.P.L.R. 4503).
Attorney client communication and attorney analysis derived from that communication along with strategy considerations and an analysis of facts in this case used in the past by Mr. Ceglia for consideration of retention of additional counsel.

8. In compliance with Fed.R.Civ.P. 26(b)(5)(A)(ii), I described the nature of the document not being disclosed in Exhibit B enabling Defendants to assess Plaintiff's privilege claim without revealing information that was itself privileged or protected.

a. That description in pertinent part is as follows:

i. 329 is an attachment to an email which is the image captured of a one page communication between Mr. Ceglia and an attorney. The nature of the communication is that Mr. Ceglia is seeking legal advice from that

attorney.

9. Additional factual arguments regarding the assertion of privilege involving the sole document for which privilege was asserted in Exhibit B are contained in Plaintiff's memorandum, Doc. No. 177.

I hereby and hereby declare under penalty of perjury and pursuant to 28 U.S.C. 1746 that the following is true and correct:

DATED: October 26, 2011.

/s/ Dean Boland

Dean Boland

CERTIFICATE OF SERVICE

A copy of the foregoing shall be served on all parties on October 26, 2011 by operation of the court's electronic case filing system.

/s/ Dean Boland

Dean Boland