UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

                    Plaintiff,

**DECLARATION
OF PAUL CEGLIA IN SUPPORT OF
MOTION TO PROHIBIT
DEFENDANTS' RELIANCE ON
EMAILS AS FRAUD ARGUMENT IN
DISPOSITIVE MOTION**

v.

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

                    Defendants.

PAUL CEGLIA, submits this declaration and hereby declares under penalty of perjury and pursuant to 28 U.S.C. 1746 and under the laws of the United States that the following is true and correct:

1. I make this declaration upon personal knowledge.

2. I am the Plaintiff in this matter.

3. Included with the Amended Complaint were copies of the text and header information of emails I exchanged with Mr. Zuckerberg. Doc. No. 39.

4. I copied the text and header information from emails that were stored in my MSN webmail account.

5. I copied this text and header information in 2003 and 2004.

6. MSN webmail routinely deleted email content to maintain user account sizes.

7. During and just after I discontinued regular email communication with Mr. Zuckerberg, I copied the text and header information from various emails between us and pasted that content into a Microsoft Word document.

8. I saved those files to floppy disks.

9.   Those emails include various discussions about the terms and effect of the Facebook Contract that was attached as an exhibit to the original complaint.

10.   Those emails also include discussions between myself and Mr. Zuckerberg where we expanded the concepts of the Facebook's original idea.

11.   In those emails it was clearly established that Mark was to use the search engine I had developed to quickly implement start up of Facebook.

12.   Shortly after the filing of the amended complaint, I provided those floppy disks containing the Word documents with the contents of the email exchanges to computer forensics expert Jerry Grant.

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

DATED: November 17, 2011

_____
Declarant