

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG, Individually, and FA-
CEBOOK, INC.

Defendants.

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

DECLARATION
OF PAUL CEGLIA IN SUPPORT OF
MOTION TO PROHIBIT DEFEND-
ANTS' RELIANCE ON ALLEGED
EMAIL BETWEEN CEGLIA AND
KOLE IN ANY DISPOSITIVE MO-
TION

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. During Expedited Discovery I became aware of a claim by Defendants' that they found an email supposedly authored and sent by me to Jim Kole. Exhibit A.
4. I am also aware that Defendants claim this email contained an attachment which is an unauthenticated digital image of what purports to be a two page document signed by myself and Mr. Zuckerberg. Exhibit B.
5. Jim Kole was an attorney working with me back in 2003 and 2004 regarding various issues including the Street Fax business.
6. I have seen the supposed email referenced above. Exhibit A.
7. I do not recall authoring or sending the above referenced email to Jim Kole.
8. I have seen a copy of the unauthenticated digital image referenced above. Exhibit B.

9. In March of 2011 I found this unauthenticated digital image, read it, and with an abundance of caution, I turned it over in discovery. Prior to March of 2011 I had never before seen this document.
10. I signed the contract with Mr. Zuckerberg that was attached to the Complaint in this case which included the terms relating to Facebook as they appear on page one of that contract.
11. I signed a six page software specification agreement with Mr. Zuckerberg as well.
12. The unauthenticated digital image Defendants intend to rely on in this case that is referenced above, appears to have an identical page two to the Facebook Contract attached to the Complaint, however, it appears to have a different page one that has been substituted into that document by someone.
13. The email account allegedly used to allegedly send this email was ceglia@adelphia.net.
14. I have never owned nor had the username or password to any such account.
15. I am aware that my father had an email account with the name ceglia@adelphia.net.
16. I do not recall ever sending an email to anyone using the ceglia@adelphia.net email account.
17. In 2003 and 2004 I am aware that my father used the same password for all his accounts for ease of recalling his passwords.
18. My father also had an account with my Street Fax business and that account information was stored on the Street Fax business computers.
19. Mark Zuckerberg as part of his work for Street Fax, had administrative access to all Street-Fax user accounts, including that of my father.
20. That necessarily means, Mark Zuckerberg had access to the username and password of my father's Street Fax user account which is the identical email address and password my fa-

ther used for his ceglia@adelphia.net email account at that time.

21. Mark Zuckerberg, therefore, had all the credentials necessary to access and to send and receive email via my father's ceglia@adelphia.net email account at the time this unauthenticated email with its unauthenticated digital image was allegedly transmitted.

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