

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

Defendants.

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

DECLARATION
OF
JERRY GRANT
IN SUPPORT OF REPLY TO
RESPONSE TO MOTION FOR
SANCTIONS FOR SPOILIATION
OF EMAIL

JERRY GRANT, 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 a Certified AccessData Forensic Examiner
3. I have more than 25 years of professional computer forensic expert and systems analysis experience.
4. I am currently a Computer Forensic Investigator for the Western District of New York Federal Public Defender's Office.
5. I perform forensic investigations on electronic evidence involved in Federal Criminal Cases.
6. I have lectured and conducting training programs for many large groups at various companies and have received many certificates in forensics, specialized computer training and programming. I have lectured at a number of local and

national computer forensics conferences.

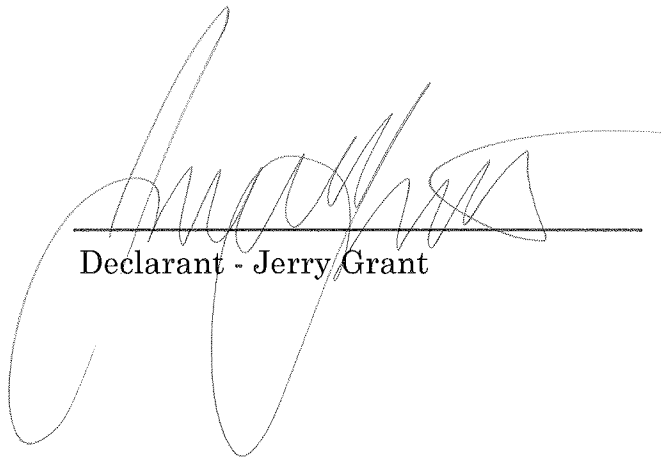
7. Lectured on numerous technical subjects including DOS and Windows file systems, architecture and the boot process, DOS and Windows examination techniques and procedures, recovery of deleted files, date and time stamp definitions / alterations, recovering formatted disks, the process and problems in making duplicate copies of media, file type identification and the use of file viewing applications during examinations, archived files and compressed disks, data format conversion, and the examination of Windows swap and related files.
8. A file containing an email electronically compared to another file containing what appears to be the same email, and determined by software and/or methodology used, e.g. de-duplication functions, to be different files cannot be said by a forensic expert to be the same file.
9. Despite an email visibly appearing to be the same to the human eye, any difference that would cause that file containing that email to have a hash value different than the other similar looking file, means, the files are not electronically the same.
10. In the field of computer forensics, a file is either 100% the same as another file or it is different. There is no allowance for “mostly the same,” or “nearly identical.”
11. When a trained computer forensics expert identifies a problem with files that ought to be identical, but now have detectable alterations, a series of questions

need to be posed and answered before that expert can arrive at an opinion as to the authenticity of that now changed file. Those questions include, but are not limited to, the following:

- a. Identify exactly what the change is in the altered file?
 - b. When did the file change into its current altered state?
 - c. What process or activity made that change resulting in the altered file?
 - d. Can this change occurrence be replicated? If it can be replicated, then the cause of the change may be something that can be explained.
 - e. Who has had access to the original file and the now altered file?
12. As a computer forensics expert, it is not proper to identify two files which have “minor formatting differences,” and would obviously have different hash values, as the same file.
13. The insertion or change of a single binary character, the underlying 1s and 0s of a file that a computer understands, would cause the hash value (fingerprint) of an electronic file to be different than the original, resulting in a different file.
14. The insertion of “extra white space” into the subject line of an email would cause that email to have a different hash value and to be a different electronic file.

I 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: December 7, 2011.



Declarant - Jerry Grant