

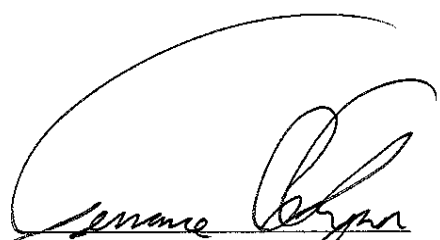
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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 PAUL D. CEGLIA, :
 :
 Plaintiff, : **AFFIDAVIT**
 :
 v. : Civil Action No. 1:10-cv-00569-
 : RJA
 MARK ELLIOT ZUCKERBERG, Individually, and :
 FACEBOOK, INC., :
 Defendants. :
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STATE OF NEW YORK)
 COUNTY OF ERIE) SS:
 CITY OF BUFFALO)

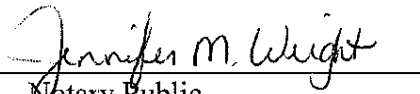
TERRANCE P. FLYNN, ESQ. being duly sworn, deposes and says that:

- 1. I am an attorney at law admitted to practice before this Court and a partner in the law firm, Harris Beach PLLC, co-counsel for Defendants, MARK ELLIOT ZUCKERBERG and FACEBOOK, INC (hereinafter “Defendants”). As such, I am familiar with the pleadings and proceedings in this matter.
- 2. I make this affidavit in support of Defendants’ Opposition to Ceglia’s Motion to Remand. Defendants’ Memorandum of Law is supported by a Declaration from Mark Zuckerberg
- 3. As explained in the accompanying memorandum of law, this Court has subject matter jurisdiction because the requirements for diversity jurisdiction are met. Zuckerberg and Facebook are citizens of California, Ceglia is a citizen of New York, and the amount in controversy exceeds \$75,000.



Terrance P. Flynn, Esquire
HARRIS BEACH PLLC
Attorney for Defendants
Mark Elliot Zuckerberg and
Facebook, Inc.
726 Exchange Street
Suite 1000
Buffalo, NY 14210
(716) 200-5120

Sworn to before me this
30th day of August, 2010



Notary Public

JENNIFER M. WRIGHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires September 19, 2013