

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and  
FACEBOOK, INC.,

Defendants.  
----- x

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

**DECLARATION OF BRYAN J.  
ROSE IN SUPPORT OF  
DEFENDANTS' FIFTH MOTION  
TO COMPEL AND FOR OTHER  
RELIEF**

I, BRYAN J. ROSE, declare and state as follows:

1. I am a Managing Director at Stroz Friedberg, LLC ("Stroz Friedberg"). Stroz Friedberg has been retained by Gibson, Dunn & Crutcher, LLP, on behalf of its clients Mark Zuckerberg and Facebook, Inc., to provide consulting and electronic discovery services and to conduct digital forensic examinations of various media. I have personal knowledge of the facts set forth below and, if called upon to do so, could and would competently testify thereto.

2. I respectfully submit this declaration in support of Defendants' Fifth Motion to Compel and For Other Relief.

3. On December 16, 2011 at 5:11 PM, I received an email from Paul Argentieri's Gmail account, paul.argentieri@gmail.com. The email forwarded an earlier email, dated March 6, 2011, from Jason Holmberg to Argentieri and Paul Ceglia. Attached to the email was a document entitled "Lawsuit Overview.pdf." A true and correct copy of the email I received on December 16, 2011, as well as the attached document entitled "Lawsuit Overview.pdf," is attached hereto as Exhibit A.

4. The body of the December 16, 2011 email contains a message that reads:  
"Bryan [forward from origianl [sic] email to Paul Argentieri containing image of contract]

Forwarded by Ed Flaitz (12/15/11 at 5:09pm)”

5. I understand this message to mean that Flaitz forwarded the March 6, 2011 email from Argentieri’s Gmail account to me. I also understand this message to mean that this action occurred on December 16, 2011 at 5:09 PM, although it appears as though Flaitz typed the wrong date in his message. As noted above and as reflected in Exhibit A itself, I received the email on December 16, 2011, not December 15.

6. On January 4, 2011, Stroz Friedberg produced the December 16, 2011 email from Argentieri’s Gmail account in the format in which I received it. That production was made simultaneously to all parties, in accordance with the Court’s November 3, 2011 Order (Doc. No. 208).

7. The only way in which I received the March 6, 2011 email from Holmberg to Argentieri and Ceglia was in the December 16, 2011 email from Argentieri’s Gmail account (Exhibit A). I never received a CD containing the March 6, 2011 email from Flaitz, Argentieri’s secretary, or anyone else.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York on March 19, 2012.

  
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Bryan J. Rose