

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 1:10-cv-00569-
	:	RJA
MARK ELLIOT ZUCKERBERG and	:	
FACEBOOK, INC.,	:	
	:	
Defendants.	:	
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**DECLARATION OF NATHAN A. SHAMAN**

1. I am an attorney licensed to practice law in the State of California. Jeffrey A. Lake formerly was counsel of record for Plaintiff Paul D. Ceglia in the above-captioned matter at which time I was an associate attorney with his practice. I make this declaration based upon personal knowledge.

2. On July 17, 2012, Stroz Friedberg LLC provided us with a Microsoft Excel spreadsheet of the presumed relevant materials they had extracted from the Electronic Assets pursuant to the Electronic Asset Inspection Protocol (Doc. No. 85) and the Joint Stipulated Protective Order (JSPO) (Doc. No. 86).

3. However, we were not provided with the proper password to access the actual presumed relevant materials until the afternoon of Thursday, July 28, 2011. (Doc. No. 106-1 at ¶ 22.)

4. We worked through the weekend to analyze the presumed relevant materials. We submitted a privilege log to Defendants’ attorneys on the afternoon of Tuesday, August 2, 2011. (Doc. No. 106-5 at ¶ 8.)

5. Given the short time frame in which we were required to produce the privilege log (*see* Doc. No. 86 at ¶ 5.), we were unable to procure any information from Jim Kole concerning the nature of the emails or attachments identified as Items 1-4 in the privilege log.

6. The attachments to the alleged emails to Jim Kole, labeled as Items 2 and 4 in the privilege log, were never designated as privileged but only as confidential pursuant to the JSPO (Doc. No. 86).

7. Additionally, at no point prior to the designation of the emails as attorney-client privileged or the attachments as confidential did we have an opportunity to discuss the authenticity of those items with Mr. Ceglia. Rather, the designations of the emails were made out of an abundance of caution because it appeared, without further information, that the emails may in fact be privileged.

8. However, subsequent to the production of the privilege log, Mr. Ceglia informed us that he never sent any such emails to Jim Kole, and he disclaimed the authenticity of the attachments to those emails.

9. Subsequent to the production, Jim Kole informed us he had no recollection of ever receiving those emails or viewing any attachments such as those allegedly appended to those emails.

10. As such, we ultimately did not produce any evidence to show that the emails were attorney-client communications.

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11. The initial designations of the emails as privileged and the attachments as confidential, and any further discussion concerning those materials, were never intended to imply that the emails or attachments were authentic but rather to protect those items from disclosure should they in fact turn out to be privileged and/or confidential.

I hereby certify and declare under penalty of perjury that the foregoing is true and accurate.

**DATED: April 7, 2012**

  
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Nathan A. Shaman