

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,	:	
	:	
Plaintiff,	:	Civil Action No. 1:10-cv-00569-RJA
	:	
v.	:	
	:	DECLARATION OF
MARK ELLIOT ZUCKERBERG and	:	AMANDA M. AYCOCK
FACEBOOK, INC.,	:	
	:	
Defendants.	:	
-----	x	

I, AMANDA M. AYCOCK, hereby declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York. I am an associate attorney at the law firm of Gibson, Dunn & Crutcher LLP (“Gibson Dunn”), counsel of record for Mark Elliot Zuckerberg and Facebook, Inc. (“Facebook”) in the above-captioned matter. I make this declaration, based on personal knowledge, in support of Defendants’ Response to Ceglia’s Counsel’s Motion to Withdraw.

2. On May 16, 2012, Ceglia’s counsel Dean Boland filed an Amended Response to Defendants’ Motion for Clarification (Doc. No. 376), from which he removed some of co-counsel’s names and law firms, which had appeared in an earlier-filed version (Doc. No. 375). Specifically, Mr. Boland removed Sanford P. Dumain, Jennifer L. Young, and Melissa Ryan Clark of Milberg LLP and Peter K. Skivington of Jones & Skivington. Robert B. Calihan of Calihan Law PLLC did not appear on either version of the Response. Mr. Boland and Paul A. Argentieri appeared on both versions. *Compare* Doc. No. 375 *with* Doc. No. 376.

3. Over the next several days, Mr. Boland sent a series of emails to Defendants’ counsel, on which co-counsel at Milberg, Jones & Skivington, and Callihan Law were not included. *See, e.g.*, Doc. No. 397-1.

4. On May 24, 2012, Mr. Boland filed a Motion to Strike (Doc. No. 386), omitting co-counsel at Milberg LLP, Jones & Skivington, and Calihan Law from the signature block.

5. Because Mr. Boland's conduct led Defendants' counsel to question whether Milberg LLP, Jones & Skivington, and Calihan Law continued to represent Ceglia, on the evening of May 24, 2012, Defendants' counsel Orin Snyder sent a letter to attorneys at those firms asking whether they still represented Ceglia and whether they agreed with Ceglia's recently-filed papers that omitted their names and firms. A true and correct copy of this letter is attached hereto as Exhibit A.

6. The next day, on May 25, 2012, Mr. Dumain sent Mr. Snyder an email stating that Milberg LLP, Jones & Skivington, and Calihan Law no longer represented Ceglia. Attached to that email was a draft Stipulation of Withdrawal of Counsel. In the Stipulation, Counsel cited as the reason for withdrawal "irreconcilable differences of opinion with the client and co-counsel as to important strategic decisions in the conduct of the litigation." A true and correct copy of this May 25 email and the attached Stipulation are attached hereto as Exhibit B.

7. Given the unique circumstances of this case and the number of counsel who have withdrawn, and Defendants' concerns about obstruction and delay, Defendants believed it would be appropriate for the Court to have an opportunity to consider the reasons for counsel's withdrawal.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of June, 2012 at New York, New York.


Amanda M. Aycock