UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK PAUL D. CEGLIA,

Plaintiff,

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

DECLARATION OF FRANK J. ROMANO IN SUPPORT OF DEFENDANTS' MOTION FOR EXPEDITED DISCOVERY

V.

MARK ELLIOT ZUCKERBERG and FACEBOOK, INC.,

Defendants.

I, Frank J. Romano, declare and state as follows:

1. I respectfully submit this Declaration in support of Defendants' Motion for Expedited Discovery.

2. I am Professor Emeritus at the Rochester Institute of Technology (RIT) School of Print Media. My career in the printing industry has spanned over 50 years. I have worked with every known printing process and, in many cases, authored the first articles and books on the subject.

A true and correct copy of my curriculum vitae is attached hereto as Exhibit A.

3. My 49 books cover every aspect of document origination, reproduction, and distribution. I am best known for my 10,000-term "Encyclopedia of Graphic Communications," which has been called the standard reference in the field.

4. I have presented seminars, workshops, and lectures to virtually every association, club, and organization in the industry at one time or another. Over the course of an average year, I address several hundred attendees, mostly covering advanced digital printing technology.

5. RIT is well-known for its workshops on "Printing Process Identification and Image Analysis for Forensic Document Examiners" which explores the full range of image, ink, and substrate variables that are key to determining the authenticity of currency, stamps, passports, and other legal documents. 6. I have been involved and testified as an expert in numerous cases. Among those cases involving document authentication, the most notable have been the 1990's case involving "Larry Potter" and a 2007 case involving lottery tickets (Oberthur vs Scientific Games). I have also been on the History Detectives show where I authenticated intaglio printing plates for Duke Ellington's "Take the A Train."

7. Documents degrade in quality with each re-copying or re-printing, and especially so as different printing technologies are used.

8. Originally, copiers were "light lens" copying machines. The original was placed on a glass platen and a moving light source illuminated the original. The image of the original was reflected through an optical lens to activate a photoconductive surface which converted light energy (photons) into electrons forming an electronic charge image to which toner could be attracted.

9. Around 1999, this type of copier technology was replaced by "multi-function" machines that used a scanner instead of light and lens. A scanner/digital printer uses digital technology that reduces all images to patterns of dots.

10. Moreover, scanned copies may be printed on either toner-based or inkjet-based printers.

11. These differences in printing technology will affect the degree of degradation that occurs with each re-copying or re-printing and may also indicate other document anomalies.

12. However, any degradation is typically uniform within a document and one would not expect to see a difference in page format, typeface, or typeface density from page to page. In fact, it would be extremely unusual to see such differences from page to page.

13. I have reviewed a purported "work for hire" contract, a copy of which is attached hereto as Exhibit B. I have not reviewed the original ink-written document.

14. I observed numerous significant inconsistencies between Pages 1 and 2 of Exhibit B. For example:

a. **Formatting:** The indents for each section that appear on Page 1 are formatted differently than the indents for each section on Page 2. Specifically, the indents on Page 1 are wider than the indents on Page 2 and uncommonly so. Moreover, sub-

paragraph a) in section 4 on Page 1 contains an errant return code, unlike the hanging indents in section 14 on Page 2 which are consistently indented. It is highly unusual to observe such inconsistencies because formats are usually set up in advance and consistent throughout a document.

b. **Spacing between paragraphs:** The spacing between paragraphs on Page 1 is inconsistent, whereas it is uniform on Page 2. Specifically, Page 1 contains single, double, and triple spacing between paragraphs all within the same page. On Page 2, the spacing between paragraphs is uniformly single.

c. **Type size and density:** There are significant differences in both size and density of the typeface on Pages 1 and 2. Specifically, the type size is slightly larger on Page 1 than Page 2, and the type density is darker on Page 1 than Page 2.

d. <u>Margin, column, and gutter width:</u> There are significant differences in the widths of the margins, columns, and gutters on Pages 1 and 2. The column widths are wider on Page 1 than Page 2 and the gutter and margin widths are narrower on Page 1 than Page 2. "Gutter" refers to the space between columns.

15. There appear to be other significant differences between Pages 1 and 2, but these can only be determined by reviewing the original ink-written document. I reserve the right to modify my opinion based on a review of the original ink-written document or any other relevant material.

16. Based on my professional experience and judgment, my opinion is that Page 1 and Page 2 of Exhibit B were printed at different times on different printers. This strongly indicates that, at least in part, Exhibit B is forged. Furthermore, all the references to "The Face Book" or "The Page Book" appear on Page 1. Thus, it is my conclusion that Page 1 of Exhibit B is an amateurish forgery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Boston, Massachusetts on May 31, 2011.

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