

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

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

Plaintiff,

DECLARATION
OF
JERRY GRANT

v.

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

Defendants.

JERRY GRANT, submits this declaration and hereby declares under penalty of perjury and pursuant to 28 U.S.C. 1746 and under the laws of the United States that the following is true and correct:

1. I make this declaration upon personal knowledge.
2. I'm an AccessData Certified Examiner and Independent Computer Forensic Consultant. My Curriculum Vitae is attached (See Exhibit 1).
3. I have more than 25 years of experience involving computer forensics, data recovery, computer programming, and computer automation.
4. I have performed forensic examinations on hundreds of individual items.
5. I perform forensic investigations on electronic evidence involved in Federal and State Criminal Cases as well as Civil Cases.
6. I have lectured and conducting training programs for many large groups at various companies and have received many certificates in forensics, specialized computer training and programming. I have lectured at a number of local and

national conferences on various computer related topics, including computer forensics.

7. I have been provided access to forensic copies of three pieces of electronic media allegedly associated with this case. I have performed forensic examinations of the items
8. I received an e-mail from Mr. Dean Boland on Friday, August 24, 2012 that contained the native Outlook E-Mail message file with the name "Fwd Follow-up.msg" identified as "Item 379" on the February 2012 Stroz Friedberg relevant materials log.
9. I opened and reviewed the entire "Item 379" file in the native Outlook e-mail program.

REDACT

11. "Item 379" contained a total of 6 attachments with the following names:
 - Lawsuit Overview.pdf
 - NYC-#2238616-v1-March_21_version_of_Ceglia_engagement_letter.DOC
 - Scan0001.tif
 - Scan0002.tif
 - Ceglia fee proposal.xls

- 36 - Decision and Order.pdf
12. The 6 attachments ^{REDACT}
 13. On August 27, 2012 I received an e-mail from Mr. Dean Boland that included an attachment identified as the Kasowitz Letter.
 14. I compared the received Kasowitz Letter to the 6 attachments identified in "Item 379", and it is not one of the items.
 15. The body of the "item 379" native e-mail message also contained e-mail headers and text from numerous other e-mail messages. These embedded e-mails contained different dates and threads (conversations).
 16. One of the embedded e-mail messages was ^{REDACT}

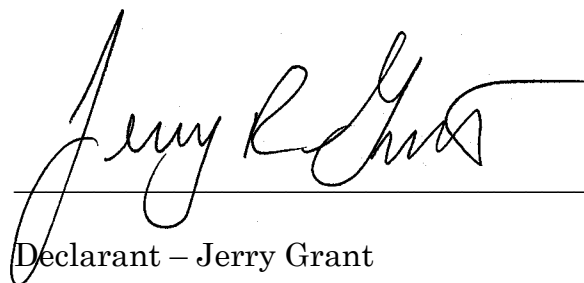
The following recipients were also copied on
this e-mail:

- REDACT
17. The Wednesday, April 13, 2011 9:50 AM embedded e-mail is identified as being the e-mail that originally contained the Kasowitz Letter.
 18. The Wednesday, April 13, 2011 9:50 AM embedded e-mail did not contain any attachments as part of "Item 379".

19. No other recipients were identified in the Wednesday, April 13, 2011 9:50 AM embedded e-mail. This includes Jason Holmberg or any other third party.
20. Many other embedded e-mail messages identified in "Item 379" were not copied to Jason Holmberg.
21. I reviewed all of the dates related to the embedded e-mail messages that included Jason Holmberg as either the sender or the receiver. The most recent date that Jason Holmberg was related to any embedded e-mail message is March 28, 2011.
22. Due to the fact that the Wednesday, April 13, 2011 9:50 AM embedded e-mail did not contain any attachments as part of "Item 379", as well as being created after any e-mail message that Jason Holmberg was included on, I do not find any evidence that Jason Holmberg received a copy, or had any knowledge of the Kasowitz Letter based on my analysis of "Item 379".

I hereby declare under penalty of perjury and pursuant to 28 U.S.C. 1746 and under the laws of the United States that the following is true and correct:

DATED: August 27, 2012.



Declarant – Jerry Grant