

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 GUS R.
LESNEVICH IN SUPPORT OF
DEFENDANTS' MOTION FOR
EXPEDITED DISCOVERY**

I, Gus R. Lesnevich, declare as follows:

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

2. My address is:

Gus R. Lesnevich, Inc.
Altoona-Blair County Airport
310 Airport Drive, Suite 4
Martinsburg, PA 16662

3. I have personal knowledge of the matters stated in this Declaration.

4. I am over the age of 18, under no disability, and, if called as a witness, could and would testify competently to the matters contained in this Declaration.

5. Other than the instant engagement, I have no relationship, past or present, to any of the parties to this litigation.

6. Qualifications. I am a forensic document examiner with over forty years of experience in the field. I was certified by the Department of Defense, U.S. Army, as an Examiner of Questioned Documents in 1970. In 1974, I was recruited by the United States Secret Service, where I served as a Forensic Document Examiner specializing in signature identification for eight years. Since leaving the Secret Service in 1981, I have been in private practice. I have testified as an expert for over forty years in more than 500 cases, both civil and criminal. A true and correct copy of my curriculum vitae, which more fully outlines my credentials and experience, is attached hereto as Exhibit A.

7. The field of forensic document examination is widely accepted in courts in the United States and around the world. I have testified in all courts of the United States Armed Forces, state and federal courts throughout the United States, and courts in Europe and Asia. I have worked cases for the foreign governments of South Korea, South Vietnam, Australia, New Zealand and the overseas embassies of Great Britain and France. Some of the more highly publicized cases for which I have been retained and/or testified, such as Iran/Contra and Whitewater, are identified on my curriculum vitae. Additionally, a published opinion in the case of *U.S. v. Chris Rutland*, heard before the

United States Third Circuit Court of Appeals, discusses my qualifications as an expert. A true and correct copy of that case is attached hereto as Exhibit B.

8. I have also attached, as Exhibit C, a list of all cases going back twenty years, in which I have rendered testimony.

9. One of the organizations that sets the standards for Forensic Document Examiners is ASTM International, originally known as the American Society for Testing and Materials (ASTM), which was formed over a century ago and is one of the largest voluntary development organizations in the world - a trusted source for materials, products, systems and services. ASTM International provides standards for forensic sciences, including Forensic Document Examination. I have followed the ASTM International standards as they relate to this case.

10. Based upon my experience, I was asked to examine and determine the authenticity of a questioned handwritten entry and the questioned signatures of "Mark Zuckerberg" and "Paul Ceglia" appearing on a purported "WORK FOR HIRE" CONTRACT, a copy of which is attached hereto as Exhibit D.

11. Handwriting and Signature Analysis. From the time a person first begins to learn to write, he or she begins to develop hand-eye coordination and form perception (how one sees formations and one's ability to duplicate those formations). In addition, the various nerves and muscles in a person's fingers,

wrist, elbow and shoulder are developed. It is through this development process that a person's highly personalized handwriting - and signature - can emerge.

12. One of the identifiable features of a signature or writing is letter formation, or the design of the letters. Additionally, while the design of the letters may be the eye-catching feature, the execution (speed and fluidity) of a signature or writing is just as important. If someone tries to simulate, or imitate, someone else's signature, he or she may attempt to "draw" the letters so that the signature is pictorially similar to the genuine signature. In such cases, the signature would lack the speed and fluidity (execution) of the genuine signature, and this could be detected by a qualified Forensic Document Examiner. Thus, a qualified Forensic Document Examiner can sometimes detect a forgery, even when the forged signature is pictorially similar to a genuine signature.

13. Conversely, if a forger attempts to write with the same speed and fluidity (execution), then he or she will make mistakes in the letter formation, or design of the letters.

14. When determining whether or not a questioned signature is authentic, the comparisons referenced above are just a few of the factors that a qualified Forensic Document Examiner must consider when comparing a person's genuine signature to a signature that is questioned.

15. In this case, the poor reproduction quality and distortion of the questioned written entry and the questioned "Mark Zuckerberg" and "Paul Ceglia" signatures appearing on the purported "WORK FOR HIRE" CONTRACT makes the scanned copy unsuitable for examination and comparison of the handwriting that appears on the document.

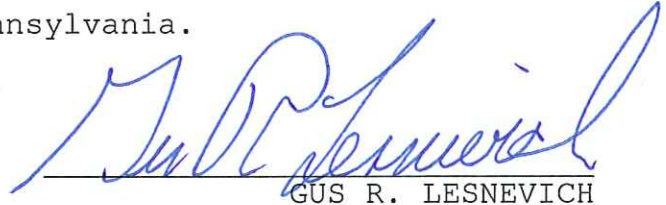
16. My conclusion that the scanned copy is unsuitable is based upon my professional judgment and experience, and the ASTM International standard E 2290-07a, a true and correct copy of which is attached hereto as Exhibit E.

16.1 According to section 7.5 of that standard, a qualified Forensic Document Examiner must do the following: "Determine whether the questioned writing is original writing. If it is not original writing, request the original."

17. Without the examination of an original ink written document, the possibility that the document has been altered through what is commonly referred to as a "cut and paste," either manually or computer generated, cannot be ruled out.

18. Thus, in this case, the original ink written "WORK FOR HIRE" CONTRACT must be examined in order to determine the authenticity of the questioned written text and signatures. My examination of the original document would be non-destructive and would at no time jeopardize the integrity of the document.

19. I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on May 31, 2011, in Martinsburg, Pennsylvania.



GUS R. LESNEVICH