

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

----- x  
PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and  
FACEBOOK, INC.,

Defendants.  
----- x

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

**DECLARATION OF  
ALEXANDER H. SOUTHWELL**

I, ALEXANDER H. SOUTHWELL, 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 and admitted to practice before this Court. I am a partner in the New York office of 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 in Support of Defendants’ Ninth Motion to Compel and for Other Relief. I have personal knowledge of the information set forth herein based upon my direct involvement in the matters at issue and upon my review of the documents referenced below.

2. This declaration describes Defendants’ good-faith efforts to resolve disputes regarding Plaintiff’s failure to comply with this Court’s Orders dated July 1, 2011 (Doc. Nos. 83, 84) before filing Defendants’ Ninth Motion to Compel, in compliance with Western District of New York Local Rule 7(d)(4).

3. Attached hereto as Exhibit A is a true and correct copy of a letter dated September 4, 2012 from me to Dean Boland in which I requested that Ceglia produce to Defendants all hard copies of the purported contract created before June 30, 2010, including those hard copies

described in the August 21, 2012 Argentieri Declaration (Doc. No. 484). In my September 4, 2012 letter, I identified, with specificity, the hard-copies of the purported contract that are the subject of the August 21, 2012 Argentieri Declaration .

4. Attached hereto as Exhibit B is a true and correct copy of an email dated September 6, 2012 from Dean Boland to me, in which he responds to my September 4, 2012 letter. The subject line of Mr. Boland's email is: "Spurious claim of documents we have not produced." Mr. Boland's then characterized Defendants' claim as "false," and concluded that "[t]his is Defendants' wishful thinking sighing expedition." He did not, at any point, address the specific documents described in my September 4, 2012 letter and the August 21, 2012 Argentieri Declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 6th day of September, 2012 at New York, New York.

  
\_\_\_\_\_  
Alexander H. Southwell