

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,	:	x
	:	
Plaintiff,	:	
	:	Civil Action No. 1:10-cv-00569-
	:	RJA
v.	:	
	:	SUPPLEMENTAL
MARK ELLIOT ZUCKERBERG and	:	DECLARATION OF
FACEBOOK, INC.,	:	ALEXANDER H. SOUTHWELL
	:	
Defendants.	:	
	:	x

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 law firm of Gibson, Dunn & Crutcher LLP, and counsel of record for Defendants Mark Elliot Zuckerberg and Facebook, Inc. in the above-captioned matter. I make this supplemental declaration, based on personal knowledge, in further support of the Defendants' Motion to Extend the Time for Filing A Reply In Support of their Motion to Dismiss.

2. On June 21, 2012, Ceglia's counsel Dean Boland and I conferred on a number of expert discovery-related issues including availability, documents, and the identities of experts who would be noticed for deposition. When asked whether Ceglia intended to rely on the expert findings of a number of experts, such as Mr. Erich Speckin, who did not file reports but who performed testing pursuant to this Court's expedited discovery order (Doc. No. 83) and submitted declarations on Ceglia's behalf, Mr. Boland refused to answer in either the affirmative or negative.

3. On July 10, 2012, I caused to be served upon Plaintiff's counsel four notices of deposition for Drs. Aginsky and Farid and Messrs. Osborn and Speckin.

4. Mr. Boland responded by refusing to accept these notices of deposition on behalf of the deponents. As a result, on July 16, 2012, I engaged process servers and arranged for subpoenas to be served compelling these four experts' appearance at depositions. Service was completed that week.

5. The depositions of Drs. Aginsky and Farid and Mr. Osborn proceeded without further objection from Ceglia as to the fact of their occurrence.

6. Attached hereto as Exhibit A is a true and correct copy of an excerpt of the transcript of the deposition of Larry F. Stewart, taken on July 11, 2012 in *Ceglia v. Zuckerberg*, No. 10-cv-00569 (RJA)(LGF) (W.D.N.Y.).

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 13th day of September 2012 at New York, New York.



Alexander H. Southwell