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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:10-cv-00569
)	(RJA)
MARK ELLIOT ZUCKERBERG,)	
Individually, and)	
FACEBOOK, INC.,)	
)	
Defendants.)	
-----)	

July 26, 2012
10:14 a.m.

Deposition of GERALD M. LAPORTE, held
at the offices of Gibson, Dunn & Crutcher LLP,
200 Park Avenue, New York, New York, before
Laurie A. Collins, a Registered Professional
Reporter and Notary Public of the State of New
York.

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A P P E A R A N C E S :

BOLAND LEGAL, LLC
Attorneys for Plaintiff
1475 Warren Road
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BY: DEAN BOLAND, ESQ.

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BY: ALEXANDER H. SOUTHWELL, ESQ.
MATTHEW BENJAMIN, ESQ.
AMANDA AYCOCK, ESQ.

ALSO PRESENT :

JAMES BLANCO
LAWRENCE STEWART
PETER COOPER, Videographer

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THE VIDEOGRAPHER: Good morning. We are now on the record.

Please note that the microphones are sensitive and may pick up whispering and private conversations. Please turn off all cell phones or place them away from the microphones as they can interfere with deposition audio. Recording will continue until all parties agree to go off the record.

My name is Pete Cooper, representing Veritext New York. The date today is July 26, 2012, and the time is approximately 10:14 a.m.

This deposition is being held at Gibson, Dunn & Crutcher, LLP, located at 200 Park Avenue in New York, New York. The caption of this case is Paul D. Ceglia versus Mark Elliot Zuckerberg, et al. This case is filed in the United States District Court for the Western District of New York, Case Number 1:10-cv-00569. The name of the witness is Gerald LaPorte.

At this time the attorneys present in the room will identify themselves and the parties they represent.

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MR. SOUTHWELL: Alexander Southwell from Gibson, Dunn representing the defendants. With me is Amanda Aycock and Matthew Benjamin, also Gibson, Dunn, representing the defendants.

MR. BOLAND: Dean Boland representing Paul Ceglia, the plaintiff, and along with me are two of the plaintiff's experts, Larry Stewart and James Blanco.

THE VIDEOGRAPHER: Thank you.

Our court reporter, Laurie Collins, representing the Veritext, will swear in the witness and we can proceed.

G E R A L D M. L a P O R T E ,
called as a witness, having been duly sworn by the notary public, was examined and testified as follows:

EXAMINATION BY

MR. BOLAND:

Q. Good morning, Mr. LaPorte.

A. Good morning.

Q. You and I have seen each other a couple times before in these depositions; true?

A. That's correct.

1 LaPorte

2 Q. Can you say, sitting here, whether any
3 of the scans you did not take that you've
4 reviewed -- Tytell, Lesnevich, or whatever -- are
5 unaltered?

6 A. What do you mean by "altered"? What
7 does that mean, like --

8 Q. Changed in any way, just from however
9 the scanner, the image, was captured, put through
10 Photoshop or cropped or contrast. Do you have any
11 way of knowing by looking at the other experts'
12 scans whether they have altered them?

13 A. I haven't looked at their images in
14 that much detail to know that, but I can't -- I
15 can't say one way or the other if that happened or
16 didn't happen.

17 Q. The results of or the notes, I guess, I
18 think you called it, from your testing of the July
19 plugs or evaluation of the July plugs, do you have
20 any of that with you today?

21 A. I do not.

22 Q. Did you bring any of your notes or
23 anything with you to the deposition?

24 A. I did not.

25 Q. Why didn't you bring any of that stuff

1 LaPorte

2 with you?

3 A. I was instructed by the Gibson, Dunn
4 attorneys that there was an ongoing dispute and to
5 leave my notes back at my hotel.

6 Q. This GC/MS machine that you've
7 mentioned a couple times before, does it have
8 different settings on it kind of like a scanner?

9 A. I've never heard somebody compare a
10 GC/MS to a scanner, but it has settings, yes.

11 Q. What are those? Can you list them?

12 A. All of the settings?

13 Q. Well, how many are there? Let me ask
14 you that question. Maybe none of them is too big.

15 A. When you say "settings," you mean like
16 temperature, pressure?

17 Q. Anything you're able to change on that
18 device before you use it.

19 A. You mean the motion of like turning
20 knobs and that's -- that's not how -- GC/MS
21 operates by software.

22 Q. Okay. Using the software, then. What
23 are some of the settings that you can change? You
24 mentioned, for example, heating the sample at 70
25 degrees Celsius. Does the GC/MS do that?