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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.)

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July 25, 2012

10:14 a.m.

Deposition of JAMES A. BLANCO, held at
the offices of Gibson, Dunn & Crutcher LLP,
200 Park Avenue, New York, New York, pursuant
to court order, 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 :

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ALSO PRESENT :

CODY DETWEILER
JERRY LaPORTE
GUS LESNEVICH
PETER TYTELL
DMITRY ZVONKOV, Videographer

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2 Q. My question was, as you have
3 acknowledged, which you just did a few moments
4 ago, when the "work for hire" document was
5 provided for inspection on July 14th, the ink
6 could have been faded; right? You just
7 acknowledged that a few minutes prior.

8 I'm not talking about your declaration;
9 I'm talking about what we were just talking about,
10 because you weren't in fact there.

11 A. All right.

12 Q. Am I correct that on that morning of
13 the 14th the ink could very well have been faded?

14 A. When it appeared and was unveiled,
15 you're asking me.

16 Q. Right, yes.

17 A. Yes, some fading, some damage, some
18 typical -- actually probably a little beyond
19 typical damage just in as much as there were
20 pretty extreme environmental storage conditions.

21 Q. Right. And that could have led --
22 well, for whatever reasons, there could have been
23 faded ink on the morning of July 14th, as
24 Mr. Tytell put in his declaration; correct?

25 A. Well, I'd say yes.

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2 Q. Do you think that Mr. Tytell is lying?

3 A. No, no. But it's a judgment call what
4 he's looking at. So he -- when he --

5 Q. But my question is do you think he's
6 lying. You answered that.

7 MR. BOLAND: Objection. You're
8 interrupting his question -- response.

9 MR. SOUTHWELL: No, his response.

10 MR. BOLAND: You have done that several
11 times now, Alex.

12 A. I don't think he's lying, but to finish
13 my answer --

14 Q. My question is do you think he's lying
15 or not.

16 A. I think you rolled out of another
17 question. Can we read it back, go back a couple?

18 Q. I'll read it to you. I'll ask the
19 court reporter to read it to you at line 121.

20 (Discussion off the record.)

21 (Record read as follows: Right. And
22 that could have led -- well, for whatever
23 reasons, there could have been faded ink on
24 the morning of July 14th, as Mr. Tytell put in
25 his declaration; correct?)

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2 A. It would be consistent -- to be clear,
3 that's not my opinion, but you gave me the
4 hypothetical --

5 Q. Yeah.

6 A. -- and in that hypothetical,
7 irrespective of the handwriting, as you said, then
8 that would be consistent, yes.

9 Q. Now, you understand best practices in
10 conducting forensic examination of documents, and
11 one tenet of that would be that all portions of a
12 questioned document are important to consider in
13 rendering an evaluation; right?

14 A. Yes, to the extent that you can perform
15 detailed analysis of everything that you can, yes.

16 Q. So that would be all writings,
17 markings, and accompaniments to a document?

18 A. To the extent that you can have time to
19 examine them, explore them, consider them, and
20 write about them in a report, yes.

21 Q. So by "accompaniments," something like
22 an envelope in which a document was found or
23 something like a staple that kept a document
24 together, those are the important pieces of
25 evidence to consider in rendering an evaluation of

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2 basis that this in fact affected this "work for
3 hire" document?

4 A. No.

5 Q. This is, again, just speculation about
6 a possibility; correct?

7 A. It is.

8 Q. Now, in your report at page 76, you
9 include copies of some of the images taken by
10 Mr. Tytell of the "work for hire" document on July
11 14th, 2011; right?

12 A. Yes.

13 Q. Those images show the fluorescent tabs
14 that we've just been talking about that both you
15 and defendants' experts described in your reports?

16 A. Yes.

17 Q. Mr. Tytell was the first expert to
18 examine the document; right?

19 A. Yes.

20 Q. And Mr. Tytell's images here clearly
21 show that the fluorescent tabs exist; correct?

22 A. I'm trying to get located here.

23 Q. Paragraph 201, page 76.

24 A. I'm with you, yes.

25 Q. Your Figure 14.

