

**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.

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

: **DECLARATION OF PAUL**  
: **ARGENTIERI IN SUPPORT OF**  
: **PLAINTIFF'S MOTION TO ENLARGE**  
: **TIME TO FILE REPLY TO**  
: **DEFENDANTS' OPPOSITION TO**  
: **PLAINTIFF'S OBJECTIONS TO**  
: **MAGISTRATE'S REPORT AND**  
: **RECOMMENDATION AND TO**  
: **INCREASE PAGE LIMIT**

Paul Argentieri, pursuant to 28 U.S.C. § 1746, declares under the pains and penalties of perjury as follows:

1. I am one of the attorneys for Plaintiff in this action and have primary responsibility for preparing, filing and serving Plaintiff's written objections to the Magistrate Judge's Report and Recommendation dated March 26, 2013, and Plaintiff's reply to Defendants' opposition to Plaintiff's written objections.

2. I have personal knowledge of the facts stated herein and if called upon to testify as to them, I would competently do so.

3. The Magistrate Judge's Report and Recommendation comprising 152 pages was filed on March 26, 2013. After Plaintiff moved, with the consent of opposing counsel, for an extension of time and an increase in the page limit, the Court granted Plaintiff's motion. Both Plaintiff and Defendants were granted additional time and an increase in the page limits for the Objections and Defendants' Opposition.

4. According to the Court's Order, Plaintiff's Reply to Defendants' Opposition is now due on May 15, 2013.

5. As stated, the Magistrate Judge's Report and Recommendation is lengthy and involves voluminous facts, several expert opinions, and complex mixed questions of law and fact. The Plaintiff and Defendants have filed their Objections and Opposition, respectively, of 50 pages each. It requires considerable work to properly prepare Plaintiff's reply to Defendants' opposition in a thorough, yet concise, manner. Co-counsel and I have been working diligently to simultaneously prepare Plaintiff's reply while also preparing Plaintiff's written submissions in support of his Motion for a Preliminary Injunction in the related case, *Ceglia v. Holder*, Case No. 1:13-cv-00256-RJA, which was heard by the Court yesterday, May 10, 2013,

6. Given these circumstances, Plaintiff respectfully requests an additional seven days, to and including May 22, 2013, in which to file his reply to Defendants' opposition. We will also require, and respectfully request, an increase in the allowable 10 page limit so that Plaintiff may file a reply of up to 20 pages. This is needed due to the length and complexity of the issues raised by Defendants' 50 page opposition to Plaintiff's written Objection to the Magistrate Judge's Report and Recommendation.

7. On May 10, 2013, I requested of Alexander H. Southwell, Esq. Defendants' consent to this motion and counsel responded that they do not take a position for or against the motion.

8. This motion by Plaintiff is timely made with respect to the request for additional time.

9. This request for an increase in the page limit is not, however, made at least seven days before the May 15 due date, as required by the Local Rules, but Plaintiff did not become

aware of the necessity for additional pages until after May 8, when he had completed his filings in support of the preliminary injunction motion in the related case.

10. This motion is not being made for purposes of delay, but in good faith.

I declare, under the pains and penalties of perjury of the laws of the United States, that the foregoing is true and correct.

Executed on May 11, 2013

s/ Paul Argentieri  
Paul Argentieri