

company following careers in law enforcement, the intelligence community, consulting, and academia.

3. I am a Managing Director in Stroz Friedberg's New York Office, where I manage matters in the areas of digital forensics, eDiscovery, and cybercrime response and supervise digital forensic examiners and eDiscovery professionals in the performance of their jobs. Prior to joining Stroz Friedberg, I served as an Assistant United States Attorney in the Eastern District of New York and as an Assistant Attorney General in the State of Illinois. I also served as a law clerk for The Honorable Joel M. Flaum of the United States Court of Appeals for the Seventh Circuit. I am a graduate of the University of Virginia School of Law, where I was named a Hardy Cross Dillard Scholar and served as Editor-in-Chief of the *Virginia Law Review*. A copy of my C.V. is attached to this declaration as Exhibit A.

4. On April 15, 2011, at the direction of Gibson Dunn, Stroz Friedberg preserved the contents of a Harvard University email account assigned to and used by Mr. Zuckerberg. This preservation work involved making a complete and accurate copy of the entire contents of Mr. Zuckerberg's Harvard email account as it resided on Harvard's server at the time of collection, including both sent and received email (the "April 2011 Harvard Email Data").

5. In addition, Harvard University provided Stroz Friedberg with a copy of Mr. Zuckerberg's Harvard email account as it resided on Harvard's server in October 2010 (the "October 2010 Harvard Email Data"). Stroz Friedberg then analyzed this data and identified a small number of emails that were present in the October 2010 Harvard Email Data, but were not present in the April 2011 Harvard Email Data.

6. The April 2011 Harvard Email Data, along with the additional emails from the October 2010 Harvard Email Data, collectively referred to as the "Harvard Email Data," were

loaded into Stroz Review, Stroz Friedberg's secure, web-accessible review platform. Stroz Review provides users with robust search functionalities, including the ability to search by, among other things, the sender of an email, the recipient of email, the date on which an email was sent, or keywords.

7. I understand that the Amended Complaint filed by Mr. Ceglia in this case contains quotes from purported emails that Mr. Ceglia alleges were sent to or from Mr. Zuckerberg during a time when Mr. Zuckerberg was a Harvard University student (the "Purported Emails"). In Stroz Review, I searched all of the Harvard Email Data using terms designed to identify the Purported Emails (listed in Exhibit B). The results of these searches did not include the Purported Emails; thus, the Purported Emails are not contained in the Harvard Email Data.

8. I also ran searches in Stroz Review of all of the Harvard Email Data using email addresses of people affiliated with StreetFax (listed in Exhibit C) to identify email communications between any of those people and Mr. Zuckerberg. These searches resulted in the identification of over 140 email message files between Mr. Zuckerberg and people affiliated with StreetFax. While reviewing the results of these searches, I observed over 175 separate emails between Mr. Zuckerberg and people affiliated with StreetFax contained within the more than 140 email message files referred to above. All of those emails appear to relate to StreetFax, including multiple emails from the mid-February to March 2004 timeframe in which Mr. Ceglia apologizes for failing to pay Mr. Zuckerberg for his work on StreetFax and/or attempts to persuade Mr. Zuckerberg to accept equity in StreetFax in lieu of monetary payments. None of these more than 175 separate emails referred to "The Face Book," "The Page Book," "Thefacebook.com," or any website created by Mr. Zuckerberg. Among the emails I observed were the following:

- a. An email sent from Paul Ceglia to Mark Zuckerberg, dated February 16, 2004, a true and correct partially redacted copy of which is attached as Exhibit D.
- b. An email sent from Paul Ceglia to Mark Zuckerberg, dated March 20, 2004, a true and correct partially redacted copy of which is attached as Exhibit E.
- c. An email sent from Paul Ceglia to Mark Zuckerberg, dated March 31, 2004, a true and correct partially redacted copy of which is attached as Exhibit F.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of June, 2011 at New York, New York.



BRYAN J. ROSE

EXHIBIT A

BRYAN J. ROSE

MANAGING DIRECTOR

PROFESSIONAL EXPERIENCE

STROZ FRIEDBERG, LLC

Managing Director

New York, NY

2005 to Present

Supervise digital forensic, electronic discovery, and cyber-crime response cases in the firm's New York City office. Supervise that office's Digital Forensic Examiners. Oversee and work on an active case load of digital forensic, cyber-crime response, electronic discovery, and private investigations assignments. Give Continuing Legal Education lectures to law firms and government clients. Significant cases include:

- Oversaw the on-site preservation and harvesting in Mexico of sensitive and confidential electronic data from a server and scores of laptops, desktops, and removable storage devices for a multi-national corporation in a high-stakes civil litigation. Supervised on-site processing to facilitate attorney review and to protect the confidentiality of extremely sensitive client documents.
- Led incident response in a high-profile data breach and computer crime investigation. Helped determine the nature and scope of the attack and identify potentially-compromised customer data. Assisted inside and outside counsel in formulating responses to regulatory and other inquiries.
- Helped lead global electronic discovery consulting projects for two Fortune 10 companies. Assessed and catalogued the kinds and sources of electronic data maintained by those companies and consulted on the proper handling of that electronic data, including compliance with litigation holds and other retention obligations. Prepared litigation-response plans to coordinate consistent disclosures about electronic data in a litigation context and to ensure the proper preservation and production of electronic data in criminal, civil, and regulatory matters.
- Spearheaded a team of digital forensic examiners and private investigators that preserved and analyzed network security logs to identify the source, duration, and extent of an unauthorized access into corporate file servers and, armed with that forensic proof, obtained a confession from an ex-employee of the corporation.
- Provided consulting services to a Fortune 500 company whose confidential data had been lost by a third party due to the theft of a laptop. Reviewed the security procedures used to determine what confidential information had been on the stolen laptop, thereby providing the company with important assurances that it had taken reasonable and adequate steps to identify the lost confidential information.

BRYAN J. ROSE

MANAGING DIRECTOR

- Supervised the examination and analysis of key emails in a high-profile criminal investigation that established that the crucial emails were authentic.

UNITED STATES ATTORNEY'S OFFICE, E.D.N.Y.

Assistant United States Attorney

Brooklyn, NY

2002 to 2005

Investigated, litigated, and handled appeals of complex criminal cases involving narcotics trafficking, money laundering, drug-related violence, racketeering, organized crime, and terrorism as a member of the General Crimes, Narcotics, and Violent Crimes & Terrorism Sections. Conducted numerous trials, ranging from one to six weeks in length.

SOLICITOR GENERAL, OFFICE OF THE ILLINOIS ATTORNEY GENERAL

Assistant Attorney General

Chicago, IL

2000 to 2002

Handled appeals in complex civil cases involving constitutional law, statutory construction, government contracts, and tort liability. Briefed and argued numerous cases before both state and federal courts of appeals.

THE HONORABLE JOEL M. FLAUM, CHIEF JUDGE, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Law Clerk

Chicago, IL

1999 to 2000

Prepared memoranda and assisted in drafting opinions in civil and criminal matters briefed and argued before the United States Court of Appeals for the Seventh Circuit.

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW

J.D. 1999, with High Distinction

Editor-in-Chief, *Virginia Law Review*

Order of the Coif

Hardy Cross Dillard Scholar

Elected to The Raven Society

INDIANA UNIVERSITY

M.A. Religious Studies, 1996

Associate Instructor, Afro-American Studies Department

B.A. History and Religious Studies, 1992, *magna cum laude*

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BRYAN J. ROSE

MANAGING DIRECTOR

PUBLICATIONS

Fall 2001: Bryan J. Rose and Richard A. Merrill, *FDA Regulation of Human Cloning: Usurpation or Statesmanship?*, HARVARD JOURNAL OF LAW & TECHNOLOGY.

Fall 1999: Bryan J. Rose, *Indian Land, Indian Religion, and the Religion Clauses*, VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW.

LECTURES

April 29, 2011: Participated in a panel discussion entitled, "Detecting 'Red Flag' Accounting Issues and 'Cooking the Books' Problems in Corporate and Securities Deals" at Cadwalader, Wickersham & Taft LLP.

September 23, 2010: Gave a lecture entitled, "Using Digital Forensics & Data From Social Networking Sites to Your Client's Best Advantage: Legal, Business & Ethical Issues" for the New York City Bar.

December 8, 2006: Participated in a panel discussion entitled, "Fundamentals of e-Discovery" for the New York State Bar Association.

November 13, 2006: Gave a lecture entitled, "Identifying Relevant Electronic Data: Technical, Strategic & Legal Factors that Drive Effective Electronic Discovery" for the New York City Bar.

October 17, 2006: Gave a lecture entitled, "Computer Forensics: Technology, Law & Strategy" for the New Jersey Security Association.

October 12, 2006: Gave a lecture entitled, "Computer Forensics: Technology, Law & Strategy" for the Society of Investigators of Greater Newark.

September 19, 2006: Gave a lecture entitled, "The Art of the Interview" for the New York City Bar.

EXHIBIT B

EXHIBIT B

tweak*
the Harvard site
agreeable
adapt w/5 source code
without internet
talk w/5 phone
revenue stream
charg*
alumni
29.95
urgent
upperclassmen
give me a call
happy new year
waiver
exempt*
additional ownership
scan
get this site online
serious issue
completely unfair
huge penalty
50/50
creative control
college junk
mak* w/5 money
happy birthday
Best w/2 Mark
boston w/2 Mark
getting adjusters to pay
resolve*
premium quality
make a move
search code
have it both ways
extra work
I suggest
trust
adapt*
merchandiz*
bragging rights
nerve
too busy
for your trouble

EXHIBIT C

EXHIBIT C

paulceglia@msn.com
pceglia@tmail.com
pdceglia@streetfax.com
kpmonsterus@yahoo.com
kpetersen@streetfax.com
kpetersen@tmail.com
tonjafaulkner@yahoo.com
k@unfurl.org

EXHIBIT D

From: paul ceglia [REDACTED]
Sent: Monday, February 16, 2004 [REDACTED]
To: [REDACTED]
Subject: Back Payment

Hi Mark,

Karin has just, in tears, communicated your request for prompt payment. I can fully understand your frustration and hope that you have felt and feel from me sincere regret for such huge delays. I can only offer that I have learned a great deal about making projections for sales and had no idea how long it was going to take us to close some companies. David our sales guy has contracts in the hands of 4 additional carriers that have all expressed great interest. We have continually refined our sales process and found additional ways to help these companies institute our service. I realize that it is completely unfair to have asked you to hold on much longer than you already have which is really cool. I think you have been really fair about this. I will try to raise some money specifically to pay you what is owed, but honestly we have had several venture deals fall through and we are running out of options until we have sales on the board. I can assure you we are in very tight financial places ourselves, I personally have invested every penny of my life savings into this project and am close to having my home foreclosed. If there is any way I can assure you that I have absolutely every intention of paying you what is owed plus some when we finally catch up to our sales goals it would be appreciated to a level I cant express in words. After all this time please allow us a little more time to make things right with you. I cant obviously make any sales if our web site is not still the easy to use system it currently is and it will seem to benefit no one should that occur. I will nervously await your reply and hope you can grant us more time. I assure you that I was not aware of karins failure to communicate with you about this topic and will handle all of these communications personally from now on. Sorry Mark. I hope we can work something out.

All the best, Paul Ceglia

[REDACTED]

EXHIBIT E

From: paul ceglia [REDACTED]
Sent: Saturday, March 20, 2004 [REDACTED]
To: [REDACTED]

Mark,

Sorry to not have replied sooner this week. I am just trying to play catch up. We have greatly reduced our fees and are doing everything we can to get the cash rolling. I am heading to Boston this week to try and close Liberty Mutual. I unfortunately dont have any cash to give you right now, but I can buy you dinner, while i am there. I am anticipating a check at this meetings end for at least the first month, and Hartford looks close as well so it wont be long before I can pay you once again. Let me know if dinner works for you. I have even listed my only rental property for sale in the hopes of clearing up my past debts. Really doing all I can. All the Best, Paul

[REDACTED]

EXHIBIT F

From: paul ceglia [REDACTED]
Sent: Wednesday, March 31, 2004 [REDACTED]
To: [REDACTED]
Subject: A thought.

Hi Mark,

I've been doing everything I can to get the cash ball rolling. Listed my rental for sale, asked and reasked everyone I can imagine to invest yet still no success. I am giving myself ulcers trying to get your money to you before you take aggressive action against the site again. As I try to come up with solutions one that I havent before thought of comes to mind. Stock.

The logic of this is that now with a few other carriers ready to begin service next month we are on the road to finally making it. If we do then the stock in the company would be worth a whole lot more than the 11,000 you feel you are owed. If we dont make it then we wouldnt have the money to pay you anyway and we both lose. I have set aside 2% of the company for a Systems Admin and my thought is this. I could sign over 1% of the company to you now for the old debt with the agreement that In one year I will buy it back from you, if you choose, at 15,000. That gives me a year to work this company into shape without worry about sudden attack. I will also agree to sign another 1% over to you in exchange for admning the system for the next year. No major changes, maybe, hopefully another state or two on the database and of course keeping it running clean and finishing the fourth field info and the other little crap left to do. That i would agree to buy back from you, again if you chose, at the end of one year.

i realize that with our inability to pay you so far that this might not sound like an attractive offer, though I know how committed everyone on the team is to succeeding at this and though these three carriers will only represent a few thousand a month in revenue, its a good start and several others are doing what carriers seem to do best, deliberate for eternity over it. I would be really glad to be working with you on the team, I see that you are really excellent at what you do. I believe everyone one this team is as well. Though I have made some mistakes so far as it pertains to bringing in the sales, we have cut our prices dramatically in this last month and many folks that were sitting on the fence are now taking a much closer look at our service. David, our sales guy has persisted and persisted to bring in some big accounts. After several meetings with Geico they have set a negotiation date two weeks from now to conclude the evaluation and decide on their course of action. at this point I think Ill believe it when I see it as I have had my hopes up about this company for too long now. I wouldn't be surprised if at that meeting they tell us there will be another meeting next month but I have no choice but to take their word for it. The point being I guess that Things are happening and while stock might not be the most attractive option for you at this point, it would at least ensure you that if we make it you get paid double or even more for your patience and your assistance in keeping the site flowing. It would be a tremendous load of my mind to reach an agreement with you Mark on this, I really hope you find this agreeable.

Thanks, Paul

[REDACTED]