

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

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AUDIO EYE, INC.,

Plaintiff,

- against -

ADRIAN ROSELLI,

Defendant.

Motion Seq. 001

Index No. 803054/2023

**AFFIDAVIT OF  
Norbert Rum**

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STATE OF ILLINOIS     )  
                                  )  
COUNTY OF COOK )

Norbert Rum, being duly sworn, deposes and says:

1. I am an accessibility specialist with 10 years of experience in the accessibility industry. Though not blind, I established the online disability Reddit community r/blind and have been an active member and advocate of the blind and low-vision community.
2. I make this affidavit, having heard that Adrian Roselli is being sued by AudioEye for (among other things) saying it does "not work."
3. I have submitted a web accessibility survey with online communities including r/blind that covered questions around disabilities, assistive technology used, as well as overlay tools. The questions included feedback options from using overlay tools, such as AudioEye.
4. At the CSUN Assistive Technology Conference 2023, I have presented overarching details of initial feedback from online disability communities that have completed the survey. Mr. Roselli was present at this conference and presentation in March.

5. Out of the 646 participants in the survey, 65 participants have noted using Audioeye and other overlay tools, have a browsing experience with overlays lower than a 3 out of 5, and answered yes to the question "Has an overlay ever conflicted with your technology?"

6. Impacts noted from those 65 participants of the survey noted blocking concerns that do not make websites accessible to them, including:

- a. "I was unable to move past the overlay to access the main content of the website."
- b. "Interrupted speech, caused random announcements, changed keyboard nav"
- c. "freezes the browser"
- d. "It made the screen reader behave erratically[sic] and made the website unusable. When I disabled the overlay, the problem was solved.
- e. "crashed my browser"


7. I also want to explain that knowing Mr. Roselli as an advocate with decades of experience supporting people with disabilities, I understood him to be expressing an opinion based on findings and feedback about how the product does in serving the disability community it is supposedly created for.

8. That is, I understood that in saying AudioEye does not work, Mr. Roselli was saying it is his opinion the product does not work *for its intended purpose* for many people in the disability communities. In other words, that it does not make websites accessible for those who need screen readers and the like.

9. Finally, I want to say that it seems unfounded to sue an individual for voicing the sentiment of many individuals of the disability communities with documented support. I have seen countless posts from various users as well as the documented research from Mr. Roselli.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

Dated: June 30, 2023  
Des Plaines, Illinois

  
[NAME]

Duly sworn to before me on  
the 30<sup>th</sup> day of JUNE, 2023

  
Notary Public

