

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

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AUDIO EYE, INC.,

Plaintiff,

- against -

ADRIAN ROSELLI,

Defendant.

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Motion Seq. 001

Index No. 803054/2023

**AFFIRMATION OF**  
**Rian Rietveld**  
**PURSUANT TO**  
**CPLR 2106(b)**

Adriana Mariëtte Johanna Rietveld (Rian Rietveld), under penalties of perjury and pursuant to CPLR 2106(b), affirms as follows:

1. I affirm this 2nd day of July, 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law. My signature is below.

2. I am a senior web accessibility specialist from the Netherlands, working for the Dutch Web Agency Level Level. I am a Certified Professional in Web Accessibility (CPWA) with the International Association of Accessibility Professionals (IAAP). I work as a web accessibility consultant and perform accessibility audits and give consultancy for clients worldwide. I also teach web accessibility for the online learning platform The A11Y Collective.

3. I wrote this affirmation because Adrian Roselli is being sued by AudioEye for (among other things) saying it does “not work.”

4. As an accessibility expert, I researched the accessibility claim of AudioEye and found that Mr. Roselli's description is true.

5. In my opinion, AudioEye's overlay doesn't make websites accessible nor WCAG 2 AA compliant. These websites can still contain WCAG and screen reader / keyboard accessibility issues. AudioEye's overlay can't make inaccessible websites suddenly accessible nor WCAG compliant.

6. I hold Mr. Roselli's in high regards and consider him one of the leading accessibility experts in the world. In my opinion his research is honest, integer and of high quality. He has an extensive knowledge of how people with a disability use websites, and how to usertest for these specific groups. Next to accessibility he also researches the usability of the web, to make websites as usable as possible for all sorts of people. In this, his research is leading and respected.

7. I believe that in saying AudioEye does not work, Adrian Roselli was saying it is his opinion the product does not work for its intended purpose. In other words, it does not make websites accessible for those who need screen readers or use the web with a keyboard only.

8. Finally, I want to say that, at this moment, the **only way** to create an accessible website is starting at the beginning, the core. Accessible design, semantic HTML5, with screen reader feedback on dynamic changes and clear understandable content. Fixing inaccessibility afterwards with an overlay is, at this moment, not possible.

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Dated: July 2, 2023  
Leidschendam, The Netherlands



Rian Rietveld