

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X

AUDIO EYE, INC.,

Plaintiff,

- against -

ADRIAN ROSELLI,

Defendant.

-----X

Motion Seq. 001

Index No. 803054/2023

AFFIRMATION OF
LÉONIE WATSON
PURSUANT TO
CPLR 2106(b)

Léonie Watson, under penalties of perjury and pursuant to CPLR 2106(b), affirms as follows:

1. I affirm this 1day 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 an Accessibility Specialist with 25 years experience working on the Web, with the majority of that time being in the field of digital accessibility.

3. I make this affirmation, having heard that Adrian Roselli is being sued by AudioEye for (among other things) saying it does “not work.”

4. I am registered blind.

5. I have, in both personal and professional capacities, had the misfortune to encounter AudioEye products, including AudioEye’s overlay products.

6. Mr. Roselli’s description is, from my perspective, well researched, completely accurate, and amply demonstrated.

7. In short, I agree with Mr. Roselli that AudioEye's overlays do not work as advertised. I hold this opinion having verified many of Mr. Roselli's findings for myself, knowing that he, like all good investigative researchers, shares his results for scrutiny and validation by other members of the accessibility profession.

8. I also want to state that knowing Mr. Roselli to be an advocate for accessibility with decades of experience and an active supporter of people with disabilities, I understood him to be expressing a valid opinion about the disservice this product does to the community it is supposedly created for.

9. That is, I understood — and, in fact, believe it is obvious — that in saying AudioEye does not work, Mr. Roselli was saying it is his opinion the product does not work for its intended purpose. In other words, that it does not make websites accessible for those, like me, who need websites to be usable with their assistive technologies.

10. Finally, I want to express my disgust at the very idea of an organisation suing an individual who has pointed out flaws in their product that, had they listened and acted, could have meant their product was much improved. The security industry has matured to the point where researchers that identify vulnerabilities in products and services are awarded bounties, not threatened with legal action. One can therefore only speculate why AudioEye has chosen to sue Mr. Roselli instead of responding positively to the feedback Mr. Roselli offered.

Dated: 1 July, 2023
Bristol, United Kingdom.

A handwritten signature in black ink, appearing to read 'LW', with a small mark to the right.

Léonie Watson