

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
STEVEN FAULKNER
PURSUANT TO
CPLR 2106(b)**

STEVEN FAULKNER, 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 Chief Accessibility Officer.

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 Web Accessibility Expert with 22 years’ experience in making web content more usable and accessible to people with disabilities. I have been involved Web Standards development in the World Wide Web Consortium (W3C) since 2004 and have been an editor of several specifications including HTML5 and HTML Accessibility API Mappings 1.0.

5. In my work as an accessibility consultant, I have had cause to review clients use of AudioEye's overlay products.

6. From my experience in testing AudioEye's overlay product Mr. Roselli's description is, from my perspective, completely accurate.

7. I have found that AudioEye's offerings **do not** make websites accessible to people with disabilities. They do not ensure compliance with relevant laws and requirements.

8. In short, AudioEye's overlays **do not work.**

9. In addition to believing that Mr. Roselli's characterization is precise, I also consider his viewpoint as being trustworthy and well-founded, given his many years of advocating for people with disabilities. I recognize that he was voicing an informed perspective on the effectiveness of the product, purportedly designed for the disability community, in actually serving this demographic.

10. Essentially, I comprehended — and indeed, I think it's self-evident — that Mr. Roselli's assertion that 'AudioEye does not work' was expressing his opinion that the product fails to fulfill its intended purpose. In simpler terms, it does not succeed in making websites accessible for those who require tools like screen readers.

11. Finally, I want to say I have known Mr. Roselli for many years and have found his work to be of the highest quality, without bias and grounded in meticulous testing and research.

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Dated: 2nd July, 2023
Kingston Upon Thames, UK

A handwritten signature in blue ink, consisting of a series of loops and curves, positioned above a horizontal line.

Steven Faulkner