

1 JOSEPH P. MCMONIGLE, Bar No. 66811  
2 JESSICA R. MACGREGOR, Bar No. 168777  
3 LONG & LEVIT LLP  
4 465 California Street, Suite 500  
5 San Francisco, California 94104  
6 Telephone: (415) 397-2222  
7 Facsimile: (415) 397-6392  
8 Email: jmcmonigle@longlevit.com  
9 jmacgregor@longlevit.com

10 Specially Appearing For Third Party  
11 KING & SPALDING LLP

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION

15 WHATSAPP INC., a Delaware  
16 corporation, and FACEBOOK, INC., a  
17 Delaware corporation,

18 Plaintiffs,

19 v.

20 NSO GROUP TECHNOLOGIES  
21 LIMITED and Q CYBER  
22 TECHNOLOGIES LIMITED,

23 Defendants.

Case No. 4:19-cv-07123-PJH

**DECLARATION OF ROD J. ROSENSTEIN  
IN SUPPORT OF OPPOSITION TO  
WHATSAPP'S MOTION TO DISQUALIFY  
DEFENSE COUNSEL BASED ON PRIOR  
REPRESENTATION IN A SEALED  
MATTER**

Date: June \_\_, 2020  
Time: 9:00 a.m.  
Courtroom: 3, Third Floor  
Judge: Hon. Phyllis J. Hamilton

24 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

1 JOSEPH P. MCMONIGLE, Bar No. 66811  
2 JESSICA R. MACGREGOR, Bar No. 168777  
3 LONG & LEVIT LLP  
4 465 California Street, Suite 500  
5 San Francisco, California 94104  
6 Telephone: (415) 397-2222  
7 Facsimile: (415) 397-6392  
8 Email: jmcmonigle@longlevit.com  
9 jmacgregor@longlevit.com

10 Specially Appearing For Third Party  
11 KING & SPALDING LLP

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION

15 WHATSAPP INC., a Delaware  
16 corporation, and FACEBOOK, INC., a  
17 Delaware corporation,

18 Plaintiffs,

19 v.

20 NSO GROUP TECHNOLOGIES  
21 LIMITED and Q CYBER  
22 TECHNOLOGIES LIMITED,

23 Defendants.

Case No. 4:19-cv-07123-PJH

**DECLARATION OF ROD J. ROSENSTEIN  
IN SUPPORT OF OPPOSITION TO  
WHATSPAP’S MOTION TO DISQUALIFY  
DEFENSE COUNSEL BASED ON PRIOR  
REPRESENTATION IN A SEALED  
MATTER**

Date: June \_\_, 2020  
Time: 9:00 a.m.  
Courtroom: 3, Third Floor  
Judge: Hon. Phyllis J. Hamilton

24 I, Rod J. Rosenstein, declare as follows:

25 1. I am a member of the bars of Pennsylvania, the District of Columbia, and  
26 Maryland. I am a partner in the law firm King & Spalding LLP (“K&S” or the “Firm”). I submit  
27 this declaration in support of K&S’s Opposition to WhatsApp’s Motion to Disqualify Defense  
28 Counsel Based on Prior Representation. I am over 18 years old, and I have personal knowledge  
of the facts in this declaration. If called to testify, I could and would competently testify to these  
facts.

2. I joined K&S as a partner on January 6, 2020, resident in its D.C. office. Prior to  
joining K&S, I served in the United States Department of Justice (“DOJ”) for 29 years, including

1 as U.S. Attorney for the District of Maryland (2005 – 2017) and Deputy Attorney General (2017  
2 – 2019).

3 3. I have counseled NSO about cyber and national security issues and assisted the  
4 defense team in the above-captioned action (the “NSO Litigation”).

5 4. It is my understanding that in 2015-2016, before I joined K&S, the Firm  
6 represented WhatsApp in a [REDACTED]  
7 [REDACTED] (“the Sealed Matter”).

8 5. [REDACTED], I was not involved with the Sealed Matter.

9 6. I have never discussed the Sealed Matter with Mr. Wray at any time.

10 7. I have not accessed or reviewed any of K&S’s files or emails from the Sealed  
11 Matter. I have been informed that I do not have access to any such materials from the Sealed  
12 Matter and instructed that I should not even attempt to access them. I have not had any  
13 discussions with Paul Mezzina or any other person about any confidential information the Firm  
14 may have received in the Sealed Matter, and I have been instructed not to do so. I intend to  
15 follow these instructions.

16 I declare under the penalty of perjury that the foregoing is true and correct to the best of  
17 my knowledge and information.

18 Executed this 28th day of May, 2020, at Bethesda, Maryland.

19  
20   
21 ROD J. ROSENSTEIN

22 4818-1390-9181, v. 1