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KATHERINE MCNAMARA and
8 JEREMY WHITELEY

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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12

13 BREAKING CODE SILENCE, a
California 501(c)(3) nonprofit,

Case No. 2:22-cv-002052-SB-MAA

14

15 Plaintiff,

**DECLARATION OF NOELLE
BEAUREGARD IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT OR IN THE
ALTERNATIVE PARTIAL
SUMMARY JUDGMENT**

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17 vs.

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19 KATHERINE MCNAMARA, an
Individual; JEREMY WHITELEY, an
20 individual; and DOES 1 through 50,
inclusive,

Date: January 2, 2024

Time: 10:00 a.m.

Crtrm: 690

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22 Defendants.

[Assigned to the Hon. Maria A. Audero]

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DECLARATION OF NOELLE BEAUREGARD

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2 I, NOELLE BEAUREGARD, hereby declare and state under penalty of
3 perjury the following facts:

4 1. I am over the age of eighteen and not a party to the within action. I
5 submit this Declaration in support of the Motion for Summary Judgment filed on
6 behalf of Defendant JEREMY WHITELEY (“Whiteley”). I have personal
7 knowledge of the following facts and, if called upon to testify, I can and will
8 truthfully testify thereto.

9 2. I am the former Chief Communications Officer of Plaintiff
10 BREAKING CODE SILENCE (“BCS”). I resigned from BCS in late February or
11 early March, 2023.

12 3. I was one of the BCS unpaid volunteers that was assisting in
13 troubleshooting the deindexing of BCS’s website in early March 2022. Around the
14 time of the deindexing, BCS was in the process of revising its website, including
15 submitting a number of webpages and sitemaps to Google. Several of the sitemaps
16 were broken and could not be fetched by Google. The issue with the broken
17 sitemaps was later corrected on March 12, 2022, after I used a different search
18 engine optimization plug-in that Google could read, Yoast.

19 4. On or about March 14, 2022, I logged into the Google Search Console
20 to obtain evidence of the drop in web traffic resulting from the deindexing of BCS’s
21 website. At that time, there were errors indicating that multiple pages from BCS’s
22 website were marked as “no index” in Google, essentially telling Google not to
23 index those pages. I took a screenshot of BCS’s Google Search Console showing the
24 “submitted URL marked ‘noindex’” error. A true and correct copy of the screenshot
25 I took on March 14, 2022, is attached to the Index of Exhibits as **Exhibit 1**. This
26 error indicates that someone at BCS submitted a WordPress command that was
27 marking webpages as “no index” while they were making changes to BCS’s
28 website.



1 5. I advised BCS’s leadership of the issue on March 18, 2022. Attached to
2 the Index of Exhibits as Exhibit 2 is a true and correct copy of my March 18, 2022,
3 email to Megan Hurwitt advising her and the other members of BCS leadership of
4 the “no index” issue. To my knowledge, no one at BCS investigated the “no index”
5 error that I discovered.

6 6. On April 13, 2022, I advised the other investigator, Jesse Jensen, that I
7 deactivated Google Analytics when I deactivated the Google Site Kit plugin in
8 March 2022. I first noticed this issue on April 13, 2022. The Google Site Kit plugin
9 can affect Google Tags such as those that provide the integration with Google
10 Analytics and Google Search Console. When the Google Site Kit was deactivated,
11 BCS stopped sending traffic to Google Analytics, rendering BCS unable to track its
12 website traffic. Attached to the Index of Exhibits as Exhibit 3 is a true and correct
13 copy of my April 13, 2022, text messages with Jesse Jensen advising him of the
14 foregoing issue and my accidental deactivation of the Google Site Kit plugin. The
15 deactivation of the Google Site Kit plugin is most likely the reason that I was unable
16 to view any web traffic for BCS’s website between March 10 and March 12, 2022.

17 7. The results of BCS’s investigation into the alleged deindexing of its
18 website were inconclusive and we were ultimately unable to find any concrete, non-
19 speculative, evidence that either Defendant KATHERINE MCNAMARA or
20 Whiteley were responsible for the deindexing of BCS’s website.

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22 I hereby declare under penalty of perjury under the laws of the United States
23 of America that the foregoing is true and correct.

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25 DATED this 6th day of November 2023

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NOELLE BEAUREGARD

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd of November, 2023, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system which will send notification to all parties of record or persons requiring notice.

/s/ Helene P. Saller

Helene P. Saller

