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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 CATHERINE  
A. CLOSE IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT OR IN THE  
ALTERNATIVE PARTIAL  
SUMMARY JUDGMENT**

15

16

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 CATHERINE A. CLOSE**

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2 I, CATHERINE A. CLOSE, hereby declare and state under penalty of perjury  
3 the following facts:

4  
5 1. I am an attorney licensed to practice before this Court. I am a senior  
6 associate at the law firm of Julander, Bown & Bollard, the attorneys of record for  
7 Defendants KATHERINE MCNAMARA (“McNamara”) and JEREMY  
8 WHITELEY (“Whiteley”) in the above-captioned action. I have personal knowledge  
9 of the following facts and, if called upon to testify, I can and will competently  
10 testify thereto:

11 2. In June 2022, I was alerted to the fact that McNamara’s credit card was  
12 still being charged for the annual renewal of BCS’s Hootsuite account. While I was  
13 attempting to resolve that issue via email with BCS’s counsel, Tamany Vincent  
14 Bentz, I learned on July 12, 2022, that Whiteley received a random notification that  
15 day from Facebook Support indicating that something was wrong with BCS’s  
16 charity payout and requiring a response within 10 days. I immediately forwarded the  
17 notice Whiteley received to Ms. Bentz, along with the June 28, 2021 confirmation  
18 that Whiteley no longer had access to BCS’ Facebook Business Manager account. A  
19 true and correct copy of my July 12 email to Ms. Bentz, with attachments, is  
20 attached to the Index of Exhibits as **Exhibit 42**. The email is entitled “Credit Card  
21 Issue” because the original discussion dealt with the unauthorized charges to  
22 McNamara’s credit card.

23 3. The following day, on July 13, I sent Ms. Bentz another email (using  
24 the same “Credit Card Issue” email chain) advising her that BCS needed to remove  
25 Whiteley’s account from BCS’s Facebook account, advising her that the “Account  
26 Owner” for BCS’s Facebook account was listed as Vanessa Hughes, and requesting  
27 confirmation that Whiteley has been removed from **all** BCS accounts. A true and  
28 correct copy of my July 13 email to Ms. Bentz is attached to the Index of Exhibits as



1 **Exhibit 43.** To date, I have received no response to my emails regarding the  
2 Facebook account from any of BCS’s attorneys.

3 4. As described in her Declaration, on November 20, 2022, McNamara  
4 received a notification from her domain registrar, Hover.com, that the domain  
5 breakingcodesilence.com was coming up for renewal in 30 days. I immediately  
6 forwarded the notification to BCS’s attorneys at DLA Piper. A true and correct copy  
7 of my November 21-December 12, 2022 email exchange with DLA Piper, primarily  
8 Ms. Bentz, is attached to the Index of Exhibits as **Exhibit 44.** As shown in the email  
9 exchange, on December 12, 2022, Ms. Bentz confirmed that BCS successfully  
10 moved the breakingcodesilence.com domain to its own Hover.com account.

11  
12 I hereby declare under penalty of perjury under the laws of the United States  
13 of America that the foregoing is true and correct.

14  
15 DATED this 22<sup>nd</sup> day of November 2023.

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17 */s/ Catherine A. Close*  
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19 CATHERINE A. CLOSE

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day 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*

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Helene P. Saller

