

EXHIBIT 47

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Certified Copy

VS.

) Case No. 2:22-cv-002052

) SB-MAA

KATHERINE MCNAMARA, an individual;)
JEREMY WHITELEY, an individual;)
and DOES 1 THROUGH 50, inclusive,)
)
Defendants.)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF NOELLE BEAUREGARD

Date and Time: Friday, March 31, 2023
1:19 p.m. - 4:22 p.m.

Location: Remotely
(Via Videoconference)

Reported By: Therese K. Claussen, RMR, CRR,
CSR No. 6552

Job No. 26328B

0:00 1 UNITED STATES DISTRICT COURT
0:00 2 CENTRAL DISTRICT OF CALIFORNIA
0:00 3 BREAKING CODE SILENCE, a)
California 501(c)(3) nonprofit,)
0:00 4)
Plaintiff,)
0:00 5)
VS.) Case No. 2:22-cv-002052
0:00 6) SB-MAA
KATHERINE MCNAMARA, an individual;)
0:00 7 JEREMY WHITELEY, an individual;)
and DOES 1 THROUGH 50, inclusive,)
0:00 8)
Defendants.)
0:00 9)
0:00 10

APPEARANCES:

0:00 11
0:00 12 FOR PLAINTIFF: DLA PIPER, LLP
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0:00 17 FOR DEFENDANTS: JULANDER, BROWN & BOLLARD
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0:00 21
0:00 22 Also Present: Daniel Bermudez, Videographer
0:00 23
0:00 24 Katherine McNamara
Jeremy Whiteley
0:00 25

1 best testimony here today?

1:26 2 A. No.

1:26 3 Q. Great.

1:26 4 Why don't we start by having you just tell us
5 generally speaking what your involvement at BCS was?

1:26 6 A. Okay. Um, I started back in I think it was
7 late January of 2022. They brought me in to help with the
8 website because I knew a little bit about WordPress, so they
9 were trying to get the website up and going at that point.

1:26 10 So then I continued as their Director of
11 Front End Web Development. Then in August of 2022, they
12 promoted me to Chief Communications Officer so I could help
13 with some other areas as well.

1:26 14 Q. Okay. So let's break that down.

1:27 15 In your first position, what were your
16 responsibilities?

1:27 17 A. Just management of the WordPress website and
18 to help publish any like blog posts and things to the
19 website.

1:27 20 Q. Were you in charge of the social media?

1:27 21 A. I was not at that point. They gave me access
22 to the social media at a later point. So then it became my
23 responsibility in August of 2022.

1:27 24 Q. So in August 2022, that's when you started
25 directing the social media; is that correct?

1:27 1 A. Correct.

1:27 2 Q. Is that the same time that you became the
3 chief communications officer?

1:27 4 A. Yes.

1:27 5 Q. Okay. And what were your roles and
6 responsibilities as the chief communications officer?

1:27 7 A. I was still managing the website, I was
8 helping the publications department because by that point
9 their director had become unresponsive, she left. And also,
10 I was putting together a social media plan but I didn't
11 really do much with the social media besides surrounding our
12 involvement in the demonstration we put together in
13 September.

1:28 14 Q. Prior to your promotion to chief
15 communications officer, did BCS have a chief communications
16 officer?

1:28 17 A. Yes. It was [REDACTED] and she had -- I know she
18 had had some involvement with social media but I don't know
19 of any other projects she was a part of.

1:28 20 Q. What's [REDACTED]'s last name?

1:28 21 A. I honestly can't remember.

1:28 22 Q. That's okay.

1:28 23 For either of your positions, were you paid
24 for your work at BCS?

1:28 25 A. No, I wasn't.

1:28 1 Q. Were your titles -- were you an officer of
2 BCS for either one of your positions?

1:29 3 A. Just the chief communications officer.

1:29 4 Q. Were you ever a member of BCS's Board of
5 Directors?

1:29 6 A. No, never.

1:29 7 Q. When did your affiliation with BCS end?

1:29 8 A. Just a few weeks ago in early March this
9 year.

1:29 10 Q. I'll represent that your husband told me that
11 he resigned on March 4th.

1:29 12 Did you resign the same day?

1:29 13 A. It wasn't the same day. It might have been
14 the week before. So maybe it was late February.

1:29 15 Q. Why did you resign from BCS?

1:29 16 A. I chose to resign because the final thing
17 that kind of put me over the edge, in addition to my, you
18 know, responsibilities, is work and taking care of my kids.

1:30 19 The final thing to me is when we found out
20 that we were not -- that they said we weren't in compliance
21 with the State of California as a nonprofit and I felt like
22 there had been some other things that came to the front
23 before then and I just didn't want to professionally be
24 involved anymore.

1:30 25 Q. Are you referring to the fact that BCS was

1 not authorized to accept donations?

1:30 2 MR. BROWN: Objection, excuse me, calls for
3 speculation and misstates testimony and argumentative as
4 well.

1:30 5 Q. (BY MR. TATE) That's the example, Counsel
6 gives an objection and you give an answer.

1:30 7 So I'll restate it so we have a clean record.

1:30 8 Are you referring to that BCS was not legally
9 authorized to accept donations?

1:30 10 A. I heard that we were not allowed -- yes, I
11 heard that we were -- we're not registered with the attorney
12 general's office I think in California, so that would
13 prohibit us from legally accepting donations, from my
14 understanding.

1:31 15 Q. And who told you that you were not -- that
16 BCS was not registered with the attorney general's office?

1:31 17 A. Um, Bobby told me when he found out and I
18 honestly, like, didn't dig any further for my personal
19 benefit. I took his word for it. And I just -- it just
20 made me very uncertain.

1:31 21 Q. Other than conversations with your husband,
1:31 22 did you talk to anybody else about the fact that BCS
23 appeared to not be authorized to accept donations?

1:31 24 A. Um -- I believe I had some --

1:31 25 MR. BROWN: I'm going to object to flag here the

1 personally chatting, we didn't discuss BCS whatsoever.

1:36 2 Q. Anybody else?

1:36 3 A. Megan Hurwitt, she and I touched base on some
4 things too but we didn't go into any details of BCS.

1:36 5 Q. Have you talked to BCS's Counsel since you
6 resigned?

1:36 7 A. No, other than just receiving the emails for
8 deposition, nothing.

1:36 9 Q. Okay. I understand you're a nurse; is that
10 right?

1:36 11 A. That's correct.

1:36 12 Q. Where did you go to school?

1:36 13 A. [REDACTED]

1:36 14 Q. I just think it's remarkable that you've got
15 these medical skills and apparently you have some WordPress
16 skills.

1:37 17 Can you help me understand how it is that you
18 had any computer science training or background?

1:37 19 A. So, my background is all self taught. I
20 enjoy writing and blogging in my personal time. So, I kind
21 of taught myself WordPress by building my own website. And
22 other than my involvement in BCS, my last, um -- my last
23 website involvement was probably 2015.

1:37 24 Q. And what about your 2015 website involvement,
25 what did that entail?

1:37 1 A. I was working on building my own website and
1:37 2 then there was also entrepreneur friend that I helped, like,
3 do proof reading and things for her in the background.

1:37 4 Q. Have you ever taken any computer science
5 classes?

1:37 6 A. Maybe one in high school.

1:38 7 Q. So you don't have any degrees in computer
8 science or forensic investigations or anything like that;
9 correct?

1:38 10 A. No, not at all.

1:38 11 Q. You have a knack for computers, is that fair?

1:38 12 A. Um, other than helping staff in a clinical
13 setting learn new programs and designated as a super-user
14 for those, no.

1:38 15 Q. I'll represent to you that BCS has
16 characterized you as a forensic expert.

1:38 17 Would you agree with that characterization?

1:38 18 A. No, not at all and I didn't find that out
19 until after I quit BCS.

1:38 20 Q. They also referred to you as a forensic
21 investigator.

1:38 22 Is that a fair characterization of your
23 skills?

1:38 24 A. No, not at all.

1:38 25 Q. I understand that you did have some role,

1 however, in investigating allegations of hacking for BCS; is
2 that fair?

1:39 3 A. Um, yes.

1:39 4 Q. Can you just tell me what your involvement in
5 that investigation was?

1:39 6 A. Yes. So, I don't remember exactly who it
7 was, someone noticed that our website -- or BCS's website
8 was not indexing on Google. So I literally Googled what
9 would de-index a website and I found like the Google back
10 workspace to run like some analytic things. And, so I put
11 myself in there and I saw there were some additional people
12 listed that I wasn't familiar with. And I was told when I
13 brought this up to, like, Jenny and Vanessa that it was
14 Jeremy and Katherine and that it was quote "hacking".

1:39 15 And, so, basically I removed them from this
16 back end of Google. So then I basically just kept removing
17 them if they put themselves back in and I provided screen
18 shots of all of this.

1:40 19 Q. Let me unpack all that.

1:40 20 So, my understanding is that the alleged
21 de-indexing took place on March 10th.

1:40 22 Does that match your understanding?

1:40 23 A. That sounds about right. Somewhere between
24 the 9th and the 12th.

1:40 25 Q. So, who brought it to your attention that the

1 showed up in Google. I remember the BCSnetwork.org was up
2 there at the top but I honestly -- I honestly can't say for
3 sure whether it was there or not.

1:42 4 Q. Okay. Did you take a screen shot when you
5 did that?

1:42 6 A. Um, I don't believe I did.

1:42 7 Q. Okay. So, regardless, you said that you went
8 and looked at something associated with Google and you saw
9 some additional people listed.

1:42 10 What was it that you looked at?

1:42 11 A. Um, I can't remember the name of it but it's
12 basically like the website management for Google so that you
13 can crawl the website and make sure things are operating
14 correctly.

1:42 15 Q. Okay. And you looked at that.

1:42 16 Was that on the 10th or was that afterwards?

1:42 17 A. Um, it was between had the 10th and the 12th.
18 I don't remember exactly which day.

1:43 19 Q. Okay. And then when you looked at that, did
20 you see a whole list of people who had access to the domain?

1:43 21 A. I saw their email addresses.

1:43 22 Q. And did you recognize any of those email
23 addresses?

1:43 24 A. I recognized Megan Hurwitt. She had been put
25 in to help manage the Google analytics, but then I didn't

1 recognize the others listed.

1:43 2 Q. So how many names did you see or email
3 addresses?

1:43 4 A. I believe I saw three when I first looked in.

1:43 5 Q. Okay. Were those -- one of those three was
6 Megan Hurwitt; correct?

1:43 7 A. Yes.

1:43 8 Q. What were the other two email addresses that
9 you saw?

1:43 10 A. Um, I believe one they told me belonged to
11 Jeremy and then the other was iristheangel, I think it was,
12 and they told me that it belonged to Katherine.

1:44 13 Q. Do you recall which email supposedly belonged
14 to Jeremy that you saw?

1:44 15 A. I don't, unfortunately.

1:44 16 Q. You don't recall whether this was on the
17 10th, 11th or 12th; right?

1:44 18 A. Correct.

1:44 19 Q. Were you able to tell when these two email
20 addresses were added to the document -- the screen that you
21 were looking at?

1:44 22 A. Yes. All of that was logged in the Google.

1:44 23 Q. When did the iristheangel.com address get
24 added?

1:44 25 A. I honestly don't remember.

1 to get the website re-indexed; correct?

1:54 2 A. Yes. Yes, for some reason I wasn't able to
3 cancel the other -- the de-indexing request and somehow he
4 was able to figure out how to cancel it.

1:54 5 Q. Do you know when it was cancelled?

1:55 6 A. Um, I believe it was somewhere between the
7 12th and the 14th. I think it was, like, the day after this
8 had started, maybe two days after.

1:55 9 Q. I want to give you some things that maybe you
10 can recall.

1:55 11 My understanding is that there was a show on
12 "The Doctors" that was the 10th.

1:55 13 Is that the day that you discovered that it
14 was de-indexed?

1:55 15 A. I believe it was that day or the day after,
16 yes.

1:55 17 Q. And then my understanding is that BCS had
18 some promotional campaign associated with the
19 "Cruel Intentions" show, I believe that to be the 12th.

1:55 20 My understanding is that the website had been
21 re-indexed prior to that.

1:55 22 Is that your understanding as well?

1:56 23 A. Yes, that sounds right.

1:56 24 Q. Do you know one way or another if the website
25 was de-indexed at the time "The Doctors" show was aired?

1:56 1 A. If I remember correctly, I believe that was
2 either at the time or just after.

1:56 3 Q. You don't recall one way or the other?

1:56 4 A. Um, not definitively.

1:56 5 Q. We're going to dive a little bit deeper into
6 this. But let me continue on.

1:56 7 So after Jesse Jensen got ahold of this, he
8 was able to get the website re-indexed.

1:56 9 What else did you do as far as investigating
10 this incident?

1:56 11 A. That was the extent of my involvement.

1:56 12 Q. Did you do any investigation into any other
13 instances -- alleged instances of hacking?

1:57 14 A. No.

1:57 15 Q. I'll represent to you and we'll probably go
16 through them, but there is a lot of allegations regarding
17 Twitter and Instagram and TikTok.

1:57 18 Did you have any involvement in investigating
19 those alleged incidents?

1:57 20 A. No. I was under the impression all of that
21 happened before I started January of 2022 .

1:57 22 Q. Did you overlap -- I guess you didn't overlap
23 with Katie McNamara at all; correct?

1:57 24 A. I did not at all, correct.

1:57 25 Q. She resigned just a few weeks before you

1 you were not talking to Tamany, something was internal to
2 BCS that Tamany sent or I sent or one of BCS's other lawyers
3 sent that was then forwarded on to you while you were still
4 at BCS, that still retains its privilege.

2:08 5 Q. (BY MR. TATE) Yeah, I just -- I don't want
6 you to say, "Tamany told Jenny this and Jenny forwarded --"
7 that's what we're trying to get. Other than that,
8 communications are --

2:08 9 A. Okay.

2:08 10 Q. Were you ever instructed to send documents to
11 a Dropbox or someone other than Counsel?

2:08 12 A. No.

2:08 13 Q. Were you aware of anybody putting documents
14 in a Dropbox so that they wouldn't be produced in this
15 action?

2:08 16 A. No.

2:08 17 Q. Would your computer have documents related to
18 this cyber hacking on it?

2:08 19 A. No.

2:08 20 Q. The screen shots, do you still have them?

2:08 21 A. I do not. I sent them to Jenny.

2:08 22 Q. And then did you delete them off your
23 computer?

2:08 24 A. I believe I did. Yeah, and they are also in
25 the Slack. They should still be in the Slack.

1 correct?

2:19 2 A. I can't remember. I would need to see the
3 screen shots again.

2:19 4 MR. TATE: Counsel, have you sent those screen shots
5 yet?

2:19 6 MR. BROWN: No. I was going to wait for a break.
7 Not trying to hold them back, just paying attention here and
8 made sure we got everyone's email.

2:19 9 MR. TATE: Why don't we do this, let's take a
10 15-minute break, send them to me. We'll come back in 15
11 minutes and I won't be so blind here.

2:20 12 MR. BROWN: That's what I think I wanted to suggest
13 anyway. So I'm okay with that.

2:20 14 MR. TATE: Okay. Let's do it.

2:20 15 THE VIDEOGRAPHER: We are off the record at 2:20
16 p.m.

2:20 17

2:20 18 (At 2:20 p.m. a recess was

2:20 19 taken until 2:36 p.m.)

2:20 20

2:35 21 THE VIDEOGRAPHER: We are on the record at 2:36 p.m.

2:36 22 Q. (BY MR. TATE) All right. Thank you, counsel
23 for sending these over. We'll see what we can get done with
24 these.

2:36 25 Miss Beauregard, I will send to you what we

1 have marked as Exhibit 23. These first of six screen shots
2 we'll look at today

2:36 3 Let me know when you've got them open.

2:36 4

2:36 5 (Defense Exhibit 23 marked
2:36 6 for identification.)

2:36 7

2:36 8 A. Okay, I see it.

2:36 9 Q. Okay.

2:36 10 This screen shot, as you see on the bottom
11 right-hand corner it says 3-1-22 at 10:38 p.m.

2:37 12 Did you take this screen shot?

2:37 13 A. Yes, I did.

2:37 14 Q. Okay. Did you take it about 10:38 p.m. on
15 March 11, 2022?

2:37 16 A. Yes, I did.

2:37 17 Q. Is that mountain standard time?

2:37 18 A. Yes, it is.

2:37 19 Q. Okay. What is it -- why did you take this
20 screen shot?

2:37 21 A. Um, I took this showing that there was
22 several requests to remove the URL from indexing on Google.

2:37 23 Q. So, if I'm reading this correctly, you tell
24 me if you have a different understanding, that there were
25 two requests made on the 8th but neither one of those

1 requests actually went through; is that your understanding?

2:38 2 A. Yes, or someone cancelled them before they
3 went through.

2:38 4 Q. Can you tell from this document who made any
5 one of the three requests?

2:38 6 A. No, I cannot.

2:38 7 Q. Did you ever see a document that would have
8 told you who had administrative access on March 8th or March
9 9th?

2:38 10 A. Just the logs, there should be a separate
11 ones showing, like, the different times and dates people
12 were added or removed.

2:38 13 Q. Let's see if we can't get there. But at
14 least you took this and your understanding is, according to
15 this document, a successful request to de-index was made on
16 March 9th; correct?

2:38 17 A. Yes.

2:39 18 Q. Let me show you the next document in order.
19 We'll mark it as Exhibit No. 24.

2:39 20

2:39 21 (Defense Exhibit 24 marked
2:39 22 for identification.)

2:39 23

2:39 24 A. Okay. I see it.

2:39 25 Q. This screen shot is also dated March 11th,

1 2022 and it was taken at 10:37 p.m., which I believe is one
2 minute prior to the last screen shot that that was looked
3 at.

2:39 4 Did you take this screen shot?

2:39 5 A. Yes, I did.

2:39 6 Q. Why did you take this screen shot?

2:39 7 A. Just showing who was listed as a user in
8 Google Search Console.

2:39 9 Q. And your understanding this shows who was
10 listed on the Google Search Console as of March 11th at
11 10:37 p.m.; correct?

2:40 12 A. Yes. That is correct.

2:40 13 Q. I at least can't tell from this document who
14 was added as a user that had administrative access on the
15 8th or the 9th can you?

2:40 16 A. No. Not from this one, no.

2:40 17 Q. Not from this one.

2:40 18 Can you tell anything else from this document
19 or not Jeremy Whiteley and yourself and Megan Hurwitt had --
20 were listed as owners as of March 11th at 10:37 p.m.?

2:40 21 A. No.

2:40 22 Q. Can you tell from this document when Jeremy
23 was added to as owner on the Google Search Console?

2:40 24 A. Not on this document, no.

2:40 25 Q. Am I reading this correctly that as of this

1 time Katie McNamara was not listed on the Google Search
2 Console?

2:40 3 A. That's correct.

2:40 4 Q. Okay.

2:40 5 Let's go onto Exhibit No. 25 then, I'll put
6 it in the chat.

2:40 7

2:40 8 (Defense Exhibit 25 marked
2:40 9 for identification.)

2:40 10

2:41 11 A. Okay.

2:41 12 Q. This email has got screen -- sorry, this
13 screen shot purports to be dated March 11th, 2022 at 11:09
14 p.m.

2:41 15 So this would be on 20, 30 minutes after the
16 last screen shot that we looked at.

2:41 17 Did you take this screen shot?

2:41 18 A. Yes, I did.

2:41 19 Q. Why did you take this screen shot?

2:41 20 A. Um, so this one is just showing who the
21 verified owners are at this time and then it looks like I
22 was probably the one who tried to delete Jeremy as an owner
23 and that deletion failed.

2:42 24 Q. Okay. So you made what appears to be five
25 attempts to delete Jeremy as an owner; correct?

2:42 1 A. Yes.

2:42 2 Q. And does this document show that either of my
3 clients had access at the time that the alleged de-indexing
4 occurred?

2:42 5 A. It looks like Jeremy does retain access in
6 this screen shot.

2:42 7 Q. Well, this would show that Jeremy had access
8 on March 11th; right?

2:42 9 A. Yes.

2:42 10 Q. Would it show that Jeremy had access as of
11 March 8th?

2:42 12 A. No.

2:42 13 MR. BROWN: Objection, calls for speculation.

2:42 14 Q. (BY MR. TATE) Would it show that Jeremy had
15 access as of March 9th?

2:42 16 MR. BROWN: Same objection.

2:42 17 THE WITNESS: Not from this screen shot.

2:42 18 Q. (BY MR. TATE) Does it show that Katie
19 McNamara had any access as of March 11th?

2:42 20 MR. BROWN: Same objection

2:42 21 THE WITNESS: Not from this screen shot.

2:42 22 Q. (BY MR. TATE) Let me show you the next
23 document in order.

2:43 24 MR. TATE: We'll mark this one as Exhibit No. 26.

2:43 25

2:43 1 (Defense Exhibit 26 marked
2:43 2 for identification.)

2:43 3

2:43 4 A. Okay.

2:43 5 Q. This appears to be another screen shot with
6 the time of 11:10 on March 11th, 2022.

2:43 7 Did you take this screen shot?

2:43 8 A. Yes, I did.

2:43 9 Q. And why did you take this screen shot?

2:43 10 A. Just communicating to Jenny and Jesse what I
11 was trying to do. And I think probably at this point -- I
12 wasn't able to remove Jeremy, so I was looking to Jesse for,
13 like, guidance on what the Meta tag might be and, you know,
14 anything else I could do to help, you know, resolve this
15 alleged issue.

2:44 16 Q. And is there something about this screen shot
17 that would show that either of my clients had access at the
18 time that the de-indexing occurred?

2:44 19 MR. BROWN: Objection, calls for speculation.

2:44 20 THE WITNESS: Not from this screen shot.

2:44 21 Q. (BY MR. TATE) Okay. I show you the next
22 document in order.

2:44 23 MR. TATE: We'll mark it as Exhibit No. 27.

2:44 24

2:44 25 (Defense Exhibit 27 marked

2:44 1 for identification.)

2:44 2

2:44 3 A. Okay.

2:44 4 Q. This appears to be a screen shot that you
5 took the next day -- well, let me back up.

2:44 6 This screen shot is dated March 12th, at 4:13
7 p.m.

2:44 8 Did you take this screen shot?

2:44 9 A. Yes, I did.

2:44 10 Q. And did you take this screen shot the day
11 following the other screen shots that we looked at so far?

2:45 12 A. Yes. That's correct.

2:45 13 Q. Why did you take this screen shot?

2:45 14 A. Um, just to show the most recent activity and
15 to capture the government email addresses that had been put
2:45 16 in.

2:45 17 Q. So, I am not familiar with this but I want to
18 see, using your familiarity, if we're on the same page.

2:45 19 The date I think I get, right, this is the
20 time that the delegations occurred; is that your
21 understanding?

2:45 22 A. I'm sorry, my internet broke up.

2:45 23 Can you repeat that.

2:45 24 Q. The date column, that's the time that the
25 delegations occurred; is that your understanding?

2:45 1 A. Yes.

2:45 2 Q. The email address, those are the email
3 addresses that are being delegated ownership; correct?

2:45 4 A. Yes.

2:46 5 Q. It's not necessarily the person that is
6 delegating the ownership, these are the people that would be
7 given ownership; is that your understanding?

2:46 8 A. Yes. And under the results column it shows
9 the action, like, delegates ownership was revoked or
10 delegated by and then it shows who was doing the actions.

2:46 11 Q. That's what I was going to make sure I
12 understood.

2:46 13 So the result section shows who is actually
14 doing the actions; correct?

2:46 15 A. Yes. That's correct.

2:46 16 Q. And if you look at the result thing, I see
17 the email nbeauregard@breakingcodesilence.org.

2:46 18 A. Yes.

2:46 19 Q. And two down I see iristheangel@gmail.com.

2:46 20 Do you understand that to be Katie McNamara's
21 email address?

2:46 22 A. That's what I was told, yes.

2:46 23 Q. Were you told that Dr. Hughes had Katie
24 McNamara's email address access at that time?

2:47 25 A. No, I did not --

2:47 1 (cross-talk, not reportable.)

2:47 2 MR. BROWN: Objection, calls for speculation and
3 assumes facts.

2:47 4 Q. (BY MR. TATE) You never heard that until
5 just now?

2:47 6 THE WITNESS: I never heard that.

2:47 7 MR. BROWN: Same objection.

2:47 8 Q. (BY MR. TATE) Okay. Going down the next
9 unique email I see is jjensen@BreakingCodeSilence.org

2:47 10 Do you see that?

2:47 11 A. Yes.

2:47 12 Q. And that is Jesse Jensen's Breaking Code
13 Silence email account; right?

2:47 14 A. Yes.

2:47 15 Q. So at some point Jesse Jensen must have been
16 added as having administrative access; correct?

2:47 17 A. Yes.

2:47 18 Q. And since the last screen shots we saw, I'm
19 guessing that iristheangel must have been given access
20 because we didn't see her before either; is that your
21 understanding?

2:47 22 MR. BROWN: Objection, calls for speculation, lacks
23 personal knowledge.

2:47 24 THE WITNESS: Yeah, I was told that she could do
25 that because she had DNS ownership.

2:48 1 Q. (BY MR. TATE) And who told you that?

2:48 2 A. Jesse did.

2:48 3 Q. Correct me if I'm wrong, is anything in this
4 document suggest that Jeremy was the one that tried to get
5 himself administrative access?

2:48 6 MR. BROWN: Objection, calls for speculation,
7 argumentative, lacks foundation.

2:48 8 THE WITNESS: No, not in this screen shot.

2:48 9 Q. (BY MR. TATE) Have you seen a screen shot
10 that suggested that Jeremy was delegating ownership to
11 himself?

2:48 12 MR. BROWN: Same objection.

2:48 13 THE WITNESS: I don't remember seeing that.

2:48 14 Q. (BY MR. TATE) Let me show you the next one
15 in order.

2:48 16 MR. TATE: We'll mark this one as Exhibit No. 28.

2:48 17

2:48 18 (Defense Exhibit 28 marked
19 for identification.)

2:48 20

2:48 21 A. Okay.

2:48 22 Q. This appears to be very similar to the one we
23 just looked at that's dated the same date but about 12
24 minutes prior.

2:49 25 Did you take this screen shot?

2:49 1 A. Yes, I did.

2:49 2 Q. Why did you take this screen shot?

2:49 3 A. Um, just showing the most recent log attempts
4 and delegation attempts.

2:49 5 If I'm remembering correctly, this time
6 period I was taking pretty frequent screen shots just to try
7 to capture every individual log-in.

2:49 8 Q. Got you.

2:49 9 So, where it says that ownership was
10 delegated by different persons, what's your understanding of
11 what that means?

2:49 12 A. That means that an owner in the Google
13 console or administrator, someone with DNS access, was able
14 to designate or revoke someone as an owner on the work
15 space.

2:50 16 Q. Okay. It does not, for instance, show that
17 once they were given access that that person used that
18 access in any way, does it?

2:50 19 MR. BROWN: Objection, calls for speculation.

2:50 20 THE WITNESS: I do not know.

2:50 21 Q. (BY MR. TATE) In this screen shot, we're
22 looking at Exhibit No. 28, am I correct that this screen
23 shot also doesn't show Jeremy attempting to delegate
24 ownership to anybody?

2:50 25 MR. BROWN: Same objection, document speaks for

1 itself.

2:50 2 THE WITNESS: No, it does not.

2:50 3 Q. (BY MR. TATE) Okay. Let's go onto another
4 one and then we'll go back to where we started.

2:51 5 I'm going to show you Exhibit No. 29.

2:51 6

2:51 7 (Defense Exhibit 29 marked
2:51 8 for identification.)

2:51 9

2:51 10 A. Okay.

2:51 11 Q. This appears to be another screen shot taken
12 on the 12th.

2:51 13 You took this one maybe an hour or so before
2:51 14 the last one we looked at.

2:51 15 Did you take this screen shot?

2:51 16 A. Yes, I did.

2:51 17 Q. Why did you take this screen shot?

2:51 18 A. Just to continue logging the delegation,
19 revocation attempt.

2:51 20 Q. Would you agree with me that this screen shot
21 doesn't show Jeremy delegating ownership to anybody?

2:51 22 MR. BROWN: Objection, calls for speculation,
23 document speaks for itself.

2:51 24 THE WITNESS: That's correct.

2:51 25 Q. (BY MR. TATE) I'll represent to you the

1 but I don't know why anyone would do that.

2:53 2 Q. (BY MR. TATE) Is it possible that somebody
3 other than my clients accidentally submitted these requests?

2:53 4 MR. BROWN: Objection, calls for speculation.

2:53 5 THE WITNESS: Um, not to my knowledge.

2:53 6 Q. (BY MR. TATE) But you don't -- you can't
7 tell at least from these screen shots who submitted the
8 requests, correct?

2:53 9 A. No. That's correct.

2:53 10 Q. Did you ever see any document that informed
11 you who submitted the requests that the website be
12 de-indexed?

2:54 13 A. No.

2:54 14 Q. Okay. Why do you think it was Jeremy
15 Whiteley -- or do you think it was Jeremy Whiteley?

2:54 16 A. Um, I only -- other than just the fact that
17 his email was there and that Jenny and Vanessa told me who
18 he was and that he was former, I'm just -- I went off of
19 their information.

2:54 20 Q. And do you think that Katie McNamara was
21 responsible for the de-indexing requests?

2:54 22 MR. BROWN: Objection, vague and ambiguous.

2:54 23 THE WITNESS: Only based on what Jenny and Vanessa
24 told me.

2:54 25 Q. (BY MR. TATE) And did you ever see anything

3:04 1 Now, WordPress, that's your domain, you're
2 the WordPress girl, for lack of better words?

3:04 3 A. Yes.

3:04 4 Q. Did you ever see evidence of a malicious TXT
5 on the WordPress account?

3:04 6 A. I did not personally.

3:04 7 Q. Okay. Have you ever seen a screen shot of
8 this malicious TXT?

3:04 9 A. I don't remember seeing one, no.

3:04 10 Q. Are you aware of any evidence other than
11 someone told you that it exists, have you seen anything that
12 would corroborate that there was a malicious TXT record on
13 the DNS entry?

3:04 14 A. I have not.

3:05 15 Q. Next it says, "Whiteley had been given
16 administrative privileges through Jeremy@medtexter.com email
17 account."

3:05 18 Now, if I'm understanding correctly, we're
19 not talking about the Google Search Console, we're talking
20 about the WordPress account itself.

3:05 21 Did you ever see any evidence that Whiteley
22 had been given administrative privileges to the WordPress
23 account?

3:05 24 A. No, not to my knowledge.

3:05 25 Q. It says, "Each time that plaintiff tried to

1 remove Whiteley from maintaining administrative privileges
2 to the website, McNamara, through the email address
3 iristheangel@gmail.com, reinstated Whiteley with
4 administrative privileges."

3:05 5 We talked about the Google Search Console but
6 have you seen anything that would suggest that this occurred
7 with respect to the websites themselves?

3:05 8 A. Not directly to the website only through the
9 Google Search Console.

3:06 10 Q. Have you ever -- you are listed as a you are
11 a person that has knowledge as to these allegations.

3:06 12 Do you have any knowledge as to these
13 allegations?

3:06 14 A. No, not other than what I was told from other
15 people.

3:06 16 Q. And who told you that my clients improperly
17 accessed the WordPress account?

3:06 18 A. Jenny and Vanessa said that they should not
19 be accessing it and then Jesse is the one who discovered
20 this TXT record that they are talking about on the website.

3:06 21 Q. Do you know when he discovered the TXT
22 record?

3:06 23 A. Um, I don't know exactly. I want to say it
24 was around the time he was able to figure out how to cancel
25 the third de-indexing request and restore the Google

3:10 1 Q. Do you know -- were you informed of who was
2 paying to host the .org domain?

3:10 3 MR. BROWN: Objection, calls for speculation, lacks
4 personal knowledge.

3:11 5 THE WITNESS: I don't know.

3:11 6 Q. (BY MR. TATE) I'm sorry to do this to you,
7 but going back to the first one relating to the domains, it
8 sounds like you weren't really involved in that
9 investigation. But are you aware of BCS paying any money to
10 do that investigation?

3:11 11 A. No.

3:11 12 Q. Are you aware of BCS losing any money because
13 of this malicious TXT record?

3:11 14 MR. BROWN: Objection, calls for speculation, lacks
15 personal knowledge.

3:11 16 THE WITNESS: No.

3:11 17 Q. (BY MR. TATE) Are you aware of BCS somehow
18 being harmed because it appears that Jeremy was repeatedly
19 given administrative accesses?

3:11 20 MR. BROWN: Same objections, also vague and
21 ambiguous, also argumentative.

3:11 22 THE WITNESS: No.

3:11 23 Q. (BY MR. TATE) As far as you are aware, are
24 you aware after Jeremy was permitted administrative
25 privileges, are you aware of him actually using those

1 administrative privileges in some way?

3:12 2 A. I am not.

3:12 3 MR. BROWN: Same objections.

3:12 4 MR. TATE: Are you aware of McNamara doing anything
5 other -- well, somebody with that email address, however,
6 someone using that email address doing anything other than
7 simply adding Jeremy as administrative -- giving him
8 administrative access?

3:12 9 MR. BROWN: Objection, mischaracterizes testimony,
10 documents from earlier and is argumentative.

3:12 11 Q. (BY MR. TATE) Go ahead.

3:12 12 A. No, I am not aware.

3:12 13 Q. (BY MR. TATE) So going down to this Google
14 stuff accounts that we just talked about, are you aware of
15 BCS paying any money to do an investigation into Google
16 accounts?

3:12 17 MR. BROWN: Objection, calls for speculation

3:12 18 THE WITNESS: No. To my knowledge it was just us
19 looking at it.

3:12 20 Q. (BY MR. TATE) Are you aware of BCS losing
21 any money as a result of the de-indexing?

3:13 22 MR. BROWN: Same objection, also vague and
23 ambiguous.

3:13 24 THE WITNESS: No.

3:13 25 Q. (BY MR. TATE) Was BCS excited about the

1 promotional opportunity for the show to be on "The Doctors".

3:13 2 A. I wasn't aware of it until after it happened,
3 so I'm not sure.

3:13 4 Q. Okay. So, you're not aware of it being a
5 particularly big deal?

3:13 6 MR. BROWN: Objection, misstates the testimony,
7 vague and ambiguous, argumentative.

3:13 8 THE WITNESS: I was happy to find out about it later
9 but --

3:13 10 Q. (BY MR. TATE) Fair enough.

3:13 11 Did you ever hear somebody state internally
12 at BCS that BCS lost a lot of donations because the website
3:13 13 was not indexed during that show?

3:13 14 A. No.

3:13 15 Q. Do you know what time the show aired?

3:14 16 A. No.

3:14 17 Q. Is it possible that the website was
18 re-indexed by the time the show actually aired on the --

3:14 19 MR. BROWN: Objection, calls for speculation.

3:14 20 THE WITNESS: Honestly, I don't remember.

3:14 21 Q. (BY MR. TATE) By the time the show -- the
22 Lifetime show "Cruel Intentions" aired, the website had been
23 re-indexed; correct?

3:14 24 A. Yes, it had.

3:14 25 Q. Are you aware of that show being a big deal

1 aware of that nor anyone else having other access to it.

4:09 2 Q. To be clear, just talking about things that
3 you know.

4:09 4 A. Okay.

4:10 5 Q. So, do you know anyone other than Katie that
6 would have access to that email?

4:10 7 A. I do not.

4:10 8 Q. If you look -- and this will be my last line
9 of questioning here, that line that we looked at, that says
10 ownership was donated by iristheangel@gmail.com, last line
11 to that that says "delegated ownership was revoked by
12 nbeauregard@BreakingCodeSilence.com.

4:10 13 Do you see that?

4:10 14 A. Yes.

4:10 15 Q. The line above that says "ownership was
16 delegated by iristheangel@gmail.com.

4:10 17 Do you see that?

4:10 18 A. Yes.

4:10 19 Q. It's repeated again, the line above that that
20 says, "ownership was revoked by
21 nbeauregard@breakingcodesilence.org.

4:10 22 Do you have any recollection as to what was
23 happening on the Google back end during this time period?
24 By this time period, I mean the specific splits on this
25 March 12th, 2022 period?

4:11 1 A. Um, by Google back end, do you mean this here
2 or something else?

4:11 3 Q. I mean the Google analytics page that we have
4 been talking about here.

4:11 5 A. So, in the Google console, no. I'm not aware
6 of anything else going on other than this ownership being
7 delegated and then I'm revoking the ownership.

4:11 8 Q. Is it fair to say that that happened multiple
9 times, the ownership was delegated and then you revoked it?

4:11 10 A. Yes.

4:11 11 Q. Was it more than ten times?

4:11 12 A. Yes.

4:11 13 Q. What was your understanding of the
14 significance of that?

4:11 15 A. Um, my understanding was that we -- they
16 were -- I was revoking the access so that the website
17 wouldn't be de-indexed again.

4:12 18 Q. And what happened after you did that as
19 reflected by -- well, actually, let me ask it a different
20 way.

4:12 21 What happened after you did that that you
22 removed their access so it would not being de-indexed again?

4:12 23 A. Just that Jeremy was reinstated as an owner
24 and then I continued to take away the designated ownership.

4:12 25 Q. About how long did that process go on, that

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R E P O R T E R ' S
C E R T I F I C A T E

I, Therese K. Claussen, CSR No. 6552, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken before me
at the time and place therein set forth, at which time the
witness was put under oath by me;

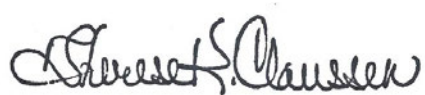
That the testimony of the witness, the questions
propounded, and all objections and statements made at the
time of the examination were recorded stenographically by me
at the time and were thereafter transcribed;

That the foregoing is a true and correct transcript
of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws of
California that the foregoing is true and correct.

Dated this 7th day of April, 2023.



Therese K. Claussen
Certified Shorthand Reporter
California CSR#6552