

EXHIBIT 49

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE,)

Plaintiff,)

vs.)

KATHERINE McNAMARA, et al.,)

Defendants.)

Certified Copy

) Case No. 2:22-cv-02052

) SB-MAA

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

WILLIAM BOYLES, JR.

Date and Time: Thursday, April 20, 2023
2:06 p.m. - 5:41 p.m.

Location: Remotely
(Via Videoconference)

Reporter: Christianne Lee Fong, CSR, CCRR
Certificate Number 7559

Job No. 26429

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE,)	
)	
Plaintiff,)	
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vs.)	Case No. 2:22-cv-02052
)	SB-MAA
KATHERINE McNAMARA, et al.,)	
)	
Defendants.)	
)	

Videotaped deposition of WILLIAM BOYLES, JR., taken
remotely before Christianne Lee Fong, CSR 7559, CCRR, a
Certified Shorthand Reporter for the State of California,
with principal office in the County of Los Angeles,
commencing at 2:06 p.m., at Montgomery, Alabama.

1 understand what I'm talking about, ask me to rephrase,
2 and I will try to make it more intelligible.

3 That make sense?

4 A Yes.

02:13 5 Q Is there any reason why you can't give us your
6 best testimony here today?

7 A No.

8 Q And I apologize, I ask this almost every time
9 and it's nothing personal: Are you under the influence
02:13 10 of any drugs or alcohol?

11 A I am taking [REDACTED], which is making me feel
12 a little off, but I don't think that it's influencing my
13 judgment or my ability to answer your questions.

14 Q Perfect. Let's dive into it.

02:13 15 Generally speaking, can you tell us what your
16 involvement with BCS was?

17 A I was a board member of BCS from, I believe,
18 May until December of 2021.

19 Q And, in addition to being a board member, did
02:14 20 you have any other roles or responsibilities?

21 A I filled other roles from time to time, such as
22 helping moderate social media groups or, you know,
23 volunteering on technology projects.

24 Q Were you paid for your work at BCS?

02:14 25 A No.

1 play on my friends sometimes, as a matter of fact, with
2 fake Facebook posts. You know, nothing in a malicious
3 way, but I'll joke around and I'll alter one of their
4 comments to say something like they like a university's
02:36 5 football team that they don't like, and I'll say, "How
6 could you say such a thing?" I'll send it to them, you
7 know?

8 And so, you know, screenshots are easily faked
9 both in that way and in a straight-up Photoshop way. And
02:36 10 there's really not an easy way of discerning what's a
11 fake and what's not. They just don't preserve the kind
12 of metadata that you would want to be able to properly
13 prove, like, a hacking or intrusion case under the CFAA.

14 Q And would it be also your belief that a
02:36 15 screenshot that's just a straight PNG without any
16 metadata, that shares the same concerns that you just
17 described?

18 A Yes. And of course the metadata for a PNG can
19 be easily altered. So, you know, I can make the PNG look
02:37 20 like it was taken on any date by anybody.

21 Q Thank you.

22 You also mentioned that one of your concerns
23 with the complaint is that you believe that Ms. McNamara
24 owned the domain in question.

02:37 25 I assume you're referring to the

1 breakingcodesilence.org domain?

2 A That's correct.

3 Q And why is it that you believe that she is the
4 owner of that domain?

02:37 5 A She purchased it with her own money before -- my
6 understanding was before Breaking Code Silence was even a
7 formally incorporated organization. Although I was not
8 involved with Breaking Code Silence at the time.

9 As far as I'm aware, she did not sign any kind
02:37 10 of, you know, transfer of the domain to Breaking Code
11 Silence. She did not do so while I was a member of the
12 board certainly. And, as far as I'm aware, no
13 consideration was given to her for the domain. I don't
14 think Breaking Code Silence ever paid for the domain
02:38 15 registration.

16 And so I just don't see how Breaking Code
17 Silence could claim to own the domain.

18 Q During the time that you were on the board of
19 directors, were there ever discussions amongst the board
02:38 20 of directors about who owned the domain?

21 A I don't recall.

22 Q Since your resignation from BCS, have you spoken
23 to anybody -- anybody representing BCS, meaning anyone
24 who is still at BCS or even their attorneys -- about --
02:38 25 (Reporter requests clarification.)

1 me to, but I looked up the federal docket, and it
2 indicates that that action was filed on May 13, 2021.

3 Does that sound about right to you?

4 A That does.

02:43 5 Q And were you a member of the board at that time?

6 A I believe that I was.

7 Q Do you recall if the board voted to bring that
8 action?

9 A The board did vote to bring that action.

02:43 10 Q Who was on the board at that time?

11 A I believe that was myself, Katherine McNamara,
12 Jeremy Whiteley, Vanessa Hughes, Jenny Magill. I believe
13 that was the five members of the board at that time.

14 Q Do you recall if it was a unanimous vote to
02:43 15 bring that action?

16 A To the best of my recollection, it was a
17 unanimous vote to bring that action.

18 Q I think we might have covered this, but just so
19 I got a nice clean record, was it your understanding that
02:44 20 BCS's use of Katherine McNamara's dot-org domain was only
21 meant to be temporary?

22 A Yes.

23 Q What did you base that understanding on?

24 A The best of my understanding was that the
02:44 25 dot-org domain had been purchased by Katherine separately

1 or possibly kind of defensively and was not intended to
2 be the permanent home of the website. But it came to
3 pass that, because of the fighting over the dot-com
4 domain, the dot-org domain provided a nice temporary home
02:44 5 for the website until that was settled out.

6 Q Great. Can you tell us when it was that you
7 first met Ms. McNamara?

8 A I'm afraid I can't. A very long time ago. I
9 believe -- let me elaborate. We were in the same school
02:45 10 together in the '90s, but I'm not sure if we met there.

11 Q Go ahead. Sorry. I didn't mean to cut you off.

12 A We reconnected many years ago through a Facebook
13 group for people who went to that school. And we've been
14 friends for a long time now.

02:45 15 Q When you say the word "school," are you
16 referring to formal education or a congregate care
17 facility?

18 A I'm referring to a congregate care facility.

19 Q At some point did you learn that Ms. McNamara
02:45 20 was compiling data on her Google Drive relating to the
21 community of survivors that you both belonged to?

22 A Yes.

23 Q My understanding is that Ms. McNamara started
24 gathering that information in 2017.

02:46 25 Does that match your understanding?

1 discussion about the fact that it would not be signed.

2 Q So let's break those down into two.

3 What do you recall about the discussions about
4 the need to have an assignment of intellectual property?

03:28 5 A The -- so, you know, the events in question
6 covered a little bit of a date range. And so initially
7 the need for these assignments was discussed among the
8 board and, you know, they were drafted up.

9 In the meantime the situation between the board
03:28 10 members had degraded significantly, and so my best
11 recollection is that ultimately Ms. McNamara told the
12 board that she was not willing to sign the assignment at
13 the time, and Ms. [REDACTED] and Ms. [REDACTED] kind of agreed
14 with her on that.

03:29 15 Q Did -- do you know whether Ms. [REDACTED] or
16 Ms. [REDACTED] also resigned from BCS?

17 A You know, I recall now that I've seen her name
18 that Ms. [REDACTED] was one of the employees that had been
19 hired and then had a paycheck bounce. So I do believe
03:29 20 that she resigned, although the exact details of whether
21 she was laid off or whether she resigned are not clear to
22 me. I know that she left the organization, and I know
23 that Ms. [REDACTED] resigned from the organization.

24 Q Changing topics a little bit, do you recall when
03:29 25 Jeremy Whiteley resigned?

1 A Yes.

2 Q What is your understanding as to the reasons why
3 he resigned?

4 A My understanding was that primarily there
03:30 5 were -- they were some interpersonal reasons that he
6 resigned and also some disagreements about the direction
7 of the organization.

8 Q Let me -- this might be helpful. Let me show
9 you Exhibit Number 55.

03:30 10 (Exhibit 55 marked.)

11 THE WITNESS: Yes.

12 BY MR. TATE:

13 Q Do you recall receiving this letter?

14 A I do.

03:30 15 Q Was this a letter that the entire -- well, the
16 remaining board members of BCS received?

17 A As far as I'm aware.

18 Q This letter -- in this letter Mr. Whiteley makes
19 reference to "the constant hostile comments from another
03:31 20 board member towards me."

21 Do you understand who it was that Mr. Whiteley
22 was referring to?

23 A Yes.

24 Q That's Mrs. Hughes; correct?

03:31 25 A Correct.

1 Q Were you ever -- did you ever witness any
2 hostile comments by Mrs. Hughes towards Mr. Whiteley?

3 A Yes.

4 Q What did you observe?

03:31 5 A Mrs. Hughes and Mr. Whiteley had several vocal
6 disagreements in the presence of other board members.
7 And they got quite heated.

8 And there was also some times when Mrs. Hughes
9 made comments about Mr. Whiteley not in his presence to
03:32 10 myself or other board members that were also pretty
11 negative.

12 Q And I know this is a sensitive topic -- it
13 certainly is for Mr. Whiteley -- but did you ever hear
14 Mrs. Hughes refer to Mr. Whiteley as a "mangina"?

03:32 15 A Yes.

16 Q Do you understand that term to be a conflation
17 of the words "man" and "vagina"?

18 A Yeah. I believe it's a portmanteau.

19 Q I don't think I understood that word. Say it
03:32 20 again?

21 A A portmanteau. It's two words combined
22 together.

23 Q Look at that. I learned a new word today.

24 Was it a single incident or multiple incidents
03:32 25 where you heard Mrs. Hughes refer to Mr. Whiteley as a

1 "mangina"?

2 A I recall her saying it one time.

3 Q What was the context in which she said it that
4 one time?

03:33 5 A Ms. Hughes would make a lot of comments about
6 Mr. Whiteley. Mr. Whiteley, as far as I'm aware, is gay.
7 And Ms. Hughes seemed to believe that that was part of
8 the source of her issues with him, her interpersonal
9 issues.

03:33 10 She would make comments in the vein of, for
11 instance, calling him a "mangina," saying he has feminine
12 energy, or saying that we needed a male board member to
13 balance out, you know, Jeremy's womanliness or
14 femininity, that kind of thing.

03:33 15 Q So you're kind of anticipating where I'm going.
16 It sounds like you've heard other or maybe even
17 the same interactions in which Ms. Hughes referred to
18 Mr. Whiteley as having female energy?

19 A There was a lot of incidents like that. To some
03:34 20 extent, they all blend together. But there was -- in my
21 perception, it was kind of a nonstop firehose of
22 negativity from Ms. Hughes towards Mr. Whiteley along
23 that same vein.

24 Q Do you have an opinion as to or a belief,
03:34 25 rather, as to why Ms. Hughes was so negative towards

1 Mr. Whiteley?

2 A I mean, his homosexuality was probably part of
3 it. And, you know, I can only speculate, but my
4 understanding is that Ms. Hughes holds right wing
03:34 5 political views, and that may have been part of the
6 motivation.

7 Q You've mentioned reference towards Mr. Whiteley
8 as a "mangina" one time and several occasions where
9 Ms. Hughes referenced Mr. Whiteley of having female
03:35 10 energy.

11 Can you recall Ms. Hughes using any other sort
12 of derogatory statements either to or about Mr. Whiteley?

13 A None specifically right now.

14 Q I'll show you a document which we'll mark as
03:35 15 Exhibit Number 56.

16 (Exhibit 56 marked.)

17 THE WITNESS: Okay, I have it open.

18 BY MR. TATE:

19 Q Do you recognize this letter?

03:36 20 A I do.

21 Q Did you draft this letter?

22 A I did.

23 Q Can you tell us why it was that you drafted this
24 letter?

03:36 25 A If I recall correctly, Ms. McNamara asked me to

1 draft the letter in support of her discrimination lawsuit
2 against Ms. Hughes and Breaking Code Silence.

3 Q In the first paragraph you state (as read):

4 I witnessed fellow board member
03:36 5 and "CEO" Vanessa Hughes make comments
6 of a sexual nature about another board
7 member, Jeremy Whiteley, who
8 ultimately resigned from the board and
9 left the organization.

03:36 10 Can you tell us what it was -- what it is you're
11 referring to in that paragraph?

12 A I mean, I would consider both the "mangina"
13 comment and the "general female energy" and, you know,
14 other comments to that regard, which I took as a
03:37 15 reference to his -- you know, his sexuality, as being of
16 a sexual nature.

17 Q And, in fact, I think your next paragraph gets
18 us to that same point. You say (as read):

19 To the best of my recollection,
03:37 20 these comments included statements
21 that Mr. Whiteley has "female energy,"
22 made in several contexts both during
23 his tenure and after he resigned.
24 Following my appointment to the board,
03:37 25 Ms. Hughes expressed her belief that

1 the board needed "more men" to combat
2 the "female energy," including
3 specifically that of Mr. Whiteley.
4 After Mr. Whiteley resigned,
03:37 5 Ms. Hughes also expressed her belief
6 that his resignation was a positive
7 development, again referencing
8 Mr. Whiteley's "female energy" and her
9 belief that the board would be better
03:37 10 without such energy. There were also
11 comments referring to Mr. Whiteley as
12 a "mangina" (which I took as a
13 portmanteau of "man" and "vagina,"
14 and, in the context, to mean "man who
03:38 15 acts like a woman").

16 Is everything in that paragraph true and correct
17 to the best of your recollection?

18 A Yes.

19 Q Given this treatment by Ms. Hughes to
03:38 20 Mr. Whiteley, were you surprised when Mr. Whiteley
21 resigned?

22 A No.

23 Q Am I doing my math correct? Was Mr. Whiteley
24 only there at BCS for three months?

03:38 25 A I believe that he was there roughly three

1 months. He -- I don't know exactly when he became a
2 board member. It was before me. And, if I recall
3 correctly, he left sometime around July of 2021. So that
4 would be around three months, say April to July.

03:38 5 Q Okay. So it could have been three to four
6 months.

7 During the time -- at least during the time that
8 you overlapped with Ms. Whiteley, was Mrs. Hughes's
9 treatment to him negative the entire time?

03:39 10 A I wouldn't say that. They had good moments.
11 But they certainly had bad moments.

12 Q Let me show you the next document we'll mark in
13 order, Exhibit Number 57.

14 (Exhibit 57 marked.)

03:40 15 THE WITNESS: Okay I have it open.

16 BY MR. TATE:

17 Q Do you recognize this letter?

18 A (Witness reviews exhibit.)

19 Yes.

03:40 20 Q What do you recognize it to be?

21 A This is the letter that the board replied to
22 Mr. Whiteley with when he resigned.

23 Q Do you know who drafted the letter?

24 A I mean, it's signed by Ms. Hughes, but I recall
03:40 25 that it was more of a group project.

1 A I do not recall.

2 Q Do you know one way or the other if Mr. Whiteley
3 added Ms. Magill as an accountholder over the Google
4 account?

03:55 5 A Ms. Magill was an accountholder of the Google
6 account and administrator, so that makes sense. But I
7 don't have any specific recollection.

8 Q Do you recall -- do you know if Mr. Whiteley
9 changed the email address for the Cloudways hosting
03:55 10 account to Jenny Magill's email?

11 A I remember some discussion about Cloudways.
12 That was a hosting company that Mr. Whiteley wanted us to
13 use or had set up an account for us to use, and I recall
14 some discussion about transferring ownership of that, but
03:55 15 I don't recall the specific disposition or dates.

16 Q Do you recall Mr. Whiteley changing the legal
17 Zoom account to McNamara's email address?

18 A I do not recall.

19 Q Do you recall if Mr. Whiteley changed the
03:56 20 administrative access to the WordPress account to
21 yourself?

22 A Yes, he did do that.

23 Q And did he do that somewhere near his
24 resignation?

03:56 25 A Yes. I don't know the exact date.

1 of the day-to-day reality of that resided with Ms. Magill
2 and, to a lesser extent, Ms. Hughes.

3 Q What do you mean by that, that the day-to-day
4 was in the hands of Ms. Hughes and Ms. Magill?

04:04 5 A Well, as an example, at one point they had
6 seized control of the PayPal account from Ms. McNamara
7 and suspended her access of it. And so I also later came
8 to find out that they had opened debit cards on the
9 organization bank accounts, like, for themselves without
04:04 10 Ms. McNamara's knowledge.

11 And so, you know, as we discussed previously,
12 there was reimbursements made to both of them or payments
13 made on their behalf that did not go through Ms. McNamara
14 that were a surprise to Ms. McNamara and I. And so she
04:04 15 was titularly the treasurer or in charge of the money,
16 but the money was actually being spent and managed by
17 other people on a day-to-day basis.

18 Q At a very broad level, and if you know, how did
19 BCS fund its activities?

04:05 20 A Through donations for the most part.

21 Q And did you ever become aware whether or not BCS
22 was legally authorized to receive donations?

23 A At the time I thought that we were, although
24 information that I have learned since I resigned leads me
04:05 25 to think that we were not.

1 Q Are you referring to the fact that BCS was not
2 registered with the California Attorney General?

3 A Yes, that's correct.

4 Q Do you know why BCS failed to register with the
04:05 5 attorney general?

6 A I do not.

7 Q Do you recall Ms. McNamara having discussions
8 with Ms. Magill and Ms. Hughes about hiring employees?

9 A Yes, there was discussion about hiring
04:06 10 employees.

11 Q So you've referenced this a couple times.

12 Do you recall -- it's a more nuanced or narrow
13 question -- do you recall the actual conversations that
14 Ms. McNamara had with Ms. Magill and Ms. Hughes on that
04:06 15 subject?

16 A I don't recall any specific conversations, just
17 the general gist of them.

18 Q What do you recall about the general gist?

19 A Ms. Hughes in particular and to a lesser extent
04:06 20 Ms. Magill wanted to bring on additional staff members.
21 Ms. McNamara and I were concerned about the financial
22 health of the organization and didn't think that it was a
23 particularly good idea or really justified.

24 Eventually we did agree to bringing on Ms. [REDACTED]
04:07 25 but, you know, other staff members we didn't think were a

1 and discussions, and Ms. Hughes called me and threatened
2 to sue Ms. McNamara or suggested that she was considering
3 that.

04:12 4 Q Did she say on what basis she wanted to sue
5 Ms. McNamara?

6 A I don't recall her laying out any specific legal
7 theory. It was more like that she was mad and felt like
8 Ms. McNamara had wronged her, and so she was going to
9 retaliate.

04:13 10 Q And retaliate by suing her; correct?

11 A Retaliate by suing her.

12 Q And I know I've asked this before, but to get a
13 nice, clear record, so, before the alleged incidents of
14 hacking, you heard Ms. Hughes threaten to sue both of my
04:13 15 clients; correct?

16 A Both of your clients and several other people
17 besides.

18 Q You and Ms. McNamara, did you both resign on the
19 same day?

04:13 20 A Yes, at the same time.

21 Q Leading up to Ms. McNamara's resignation, did
22 you assist in removing Ms. McNamara from any BCS
23 accounts?

24 A I did.

04:13 25 Q What did you do?

1 A I recall deleting us both from as many accounts
2 as possible. I seem to recall that was some Facebook,
3 like, social media administration stuff, and also the
4 WordPress site. I could not fully delete myself, but I
04:14 5 deleted her to the extent possible, took away all her
6 privileges and reduced my own privileges as far as, you
7 know, the site would allow me to do so.

8 Q After your resignation were you able to access
9 your BCS email?

04:14 10 A I don't think I was able to. I believe they
11 shut that down within minutes.

12 Q Are you aware one way or the other if
13 Ms. McNamara was able to access her BCS email?

14 A I recall her telling me that they had also shut
04:14 15 her off, because we had a good laugh about how quickly
16 they did it afterwards.

17 Q After your resignation were you able to access
18 any of the BCS accounts?

19 A I was able to access the Facebook account for a
04:15 20 while. I still had ownership rights over the Facebook
21 page, if I recall correctly. I can dig out my records.

22 I actually filed a bug bounty case with Facebook
23 on their cybersecurity or their security site, kind of
24 reporting the bug where I tried to remove myself from
04:15 25 ownership but I wasn't removed. I could have -- I could

1 While you were at BCS were you advised by BCS's
2 counsel that BCS needed to register with the California
3 Attorney General's registry of charitable trusts?

4 MR. GRUSH: I would advise not to answer because
05:09 5 that question speaks directly to an attorney-client
6 privileged communication.

7 MR. TATE: I do disagree with you because my
8 client was there at that board meeting. But,
9 nonetheless, I'll just get that evidence through my
05:09 10 client and we'll move on.

11 Q Outside the presence of counsel, was there a
12 discussion amongst the board that BCS needed to register
13 with the California Attorney General in order to legally
14 accept donations?

05:10 15 A There were emails between board members to that
16 effect. But I don't know if there was any verbal
17 discussion.

18 Q Did you understand based on -- was it your
19 understanding that if BCS failed to register with the
05:10 20 attorney general that it would not be able to legally
21 accept donations?

22 A I've been told that.

23 Q Do you know who -- was somebody assigned to fix
24 this problem?

05:10 25 A My recollection is that Vanessa Hughes asked

1 earlier when I talked about some of the things that I
2 felt like kind of happened without appropriate board
3 oversight. So that would be one of those things. So I
4 don't know if this is that budget or not, but that would
05:19 5 track.

6 Q Okay. And the budget that was shared with Paris
7 Hilton, understanding it may or may not be this because
8 the formatting is not great, but that budget that was
9 shared with Paris Hilton, what was the context of that?

05:19 10 A I seem to recall that Ms. Hilton reached out and
11 offered to fund Ms. [REDACTED]'s work in particular, [REDACTED]
12 [REDACTED] on legislation, to the tune of something like 100-
13 or \$150,000, if I recall correctly.

14 And Ms. Hughes had been upset by that and
05:19 15 responded with a proposed budget that was about an order
16 of magnitude higher.

17 Q Do you know if -- strike that.

18 Did Ms. Hughes respond to Ms. Hilton with these
19 proposed salaries -- let's try it one more time.

05:20 20 Prior to Ms. Hughes sending that information to
21 Ms. Hilton, did Ms. Hughes run that by you?

22 A No. I was shocked when I found out, and very
23 dismayed.

24 Q Do you know whether or not she ran it by any of
05:20 25 the other board members?

1 STATE OF CALIFORNIA)
) SS.
2 COUNTY OF LOS ANGELES)

3 I, Christianne Lee Fong, CSR Number 7559, CCRR,
4 Certified Shorthand Reporter, hereby certify that:

5 I am authorized to administer oaths or
6 affirmations (Cal. Code of Civ. P. Sec. 2093(b) and Fed.
7 R. Civ. P. 28(a)).

8 The foregoing proceedings were taken before me
9 at the time and place therein set forth, at which time
10 the witness was duly sworn by me (Cal. Code Civ. Proc.
11 2025.330(a), 2025.540(a) and Fed. R. Civ. P. 30(f)(1)).

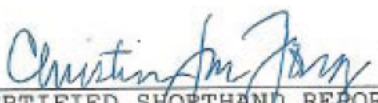
12 The foregoing pages contain a full, true and
13 accurate record of all proceedings and testimony (Cal.
14 Code Civ. Proc. 2025.540(a) and Fed. R. Civ. P.
15 30(f)(1)).

16 I am not a relative or employee of the parties,
17 nor financially interested in the action (Cal. Code Civ.
18 Proc. 2025.320(a)).

19 Before completion of the proceedings, review of
20 the transcript [X] was [] was not requested. If
21 requested, any changes made by the witness (and provided
22 to the reporter) during the period allowed, are appended
23 hereto (Fed. R. Civ. P. 30(e)).

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

Dated May 2, 2023.


CERTIFIED SHORTHAND REPORTER
IN AND FOR THE COUNTY OF
LOS ANGELES
STATE OF CALIFORNIA