

EXHIBIT 50

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE, a)
California 501(c)(3) nonprofit,)
)
Plaintiff,)
)
v.)
)
KATHERINE MCNAMARA, an)
individual, JEREMY WHITELEY, an)
individual, and DOES 1 through)
50, inclusive,)
)
Defendants.)
_____)

Certified Copy

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

(PORTIONS OF THIS TRANSCRIPT ARE DEEMED CONFIDENTIAL)

VIDEOTAPED VIDEOCONFERENCE OF CHELSEA FILER

Date and Time: Tuesday, July 18, 2023
9:03 a.m. - 6:20 p.m.

Location: Remotely
(Via Videoconference)

Reported by: Christianne Lee Fong
CSR No. 7559, CCRR

Job No. 27313

1 I'm going to turn my phone off so we don't get --

2 Q Of course.

3 A Thank you.

4 Okay, I'm sorry. Go ahead with your

09:19 5 question.

6 Q Did you understand that one of the

7 allegations that BCS was making against you was that

8 each one of these properties -- the Google Suite,

9 the Squarespace, the website, and the Twitter

09:20 10 account -- were all created in 2019 or 2020 for the

11 benefit of BCS?

12 (Reporter requests clarification.)

13 BY MR. TATE:

14 Q For the benefit of BCS.

09:20 15 A I am aware that that was their claim, yes.

16 Q Do you agree with that claim?

17 A At the time I would say that was not

18 accurate. No, I do not agree with that.

19 Q Why do you not agree with that?

09:20 20 A Because we, as a fledgling organization,

21 the shall we call it original Breaking Code Silence,

22 or you can call it the Breaking Code Silence working

23 group, which is what we were, you know, referred to

24 in this prior litigation, we created a lot of these

09:21 25 accounts merely for the betterment of the movement

1 and not necessarily for the organization itself. It
2 was for raising awareness. It was for sharing
3 survivor stories.

4 Now, I will say we had definitely had
09:21 5 discussions, serious discussions, and it was our
6 intention to file for 501(c)(3) status. We did
7 intend to use those same accounts had we become
8 501(c)(3). So, honestly, that's -- it's a pretty
9 convoluted question with a very convoluted answer.
09:21 10 Because not only were our intentions different back
11 then, and then a lot of things happened since then
12 that we did not expect that I don't -- I don't know
13 that that was correct at the time that they filed
14 this lawsuit.

09:22 15 I think that they were misled to believe
16 something that was not accurate, and that was that
17 we were going to -- to name ourselves Breaking Code
18 Silence. We were not going to name ourselves
19 Breaking Code Silence. Breaking Code Silence was
09:22 20 the hashtag. It was the campaign.

21 We were going to name ourselves Breaking
22 Code Silence Action Network or Breaking Code Silence
23 Advocacy Network. We went between the two. That
24 was what was on our 501(c)(3) paperwork.

09:22 25 So, no. There were -- there was a -- very

1 much a different intention at the time that they
2 were created.

3 Q Let me break that down a little bit. I
4 appreciate the answer.

09:23 5 You mentioned a working group.

6 Who was a part of that working group?

7 A Well, it originally began with Jenna Bulis.
8 She contacted me in 2019. I believe it was towards
9 the end of 2019. I don't have a specific date. But
09:23 10 she did contact me and told me that she found the
11 Breaking Code Silence campaign that I had originally
12 posted in 2014, and she really liked the idea. And
13 she wanted to revamp it and recreate kind of a new
14 social push for, you know, using it as a hashtag.
09:23 15 And she did so with my permission.

16 At that time I was not fully involved. I
17 was more of an advisor, in an advisor role.

18 Now, she came to me out of respect, being
19 as my group, WWASP Survivors, as well as my website,
09:24 20 was the first to publish and utilize the
21 BreakingCodeSilence hashtag as a campaign. So she
22 did get my permission to use it.

23 And, you know, at the time, obviously I
24 wasn't expecting it to become a subject of
09:24 25 litigation, so I was happy to share without having

1 to protect my original use and creation. I
2 didn't -- I didn't think that it was going to be
3 stolen, so I was happy to share.

4 Now, that being said, I was not aware -- I
09:25 5 didn't know all of the people that were brought in.
6 I can't say that I trusted them all. But I did
7 trust Jenna. So I gave Jenna permission to use it.
8 I didn't necessarily give Katherine McNamara
9 permission to take everything.

09:25 10 Q Okay. So sounds like sometime in 2019
11 Jenna Bulis reached out to you and the two of you
12 started collaborating.

13 Other than yourself and Ms. Bulis, were
14 there any other persons that you believe were part
09:25 15 of this working group?

16 A There were people under Jenna that were
17 brought in to help. Plenty of people. At one time
18 there were, like, a hundred volunteers. So I don't
19 know that I could go through and count everyone.

09:25 20 Q Okay. So, turning your attention back to
21 the second amended complaint, do you recall that
22 your attorney filed a motion to dismiss the second
23 amended complaint?

24 A Yes.

09:26 25 Q And do you recall that in the context of

1 Q And the same that goes with the Twitter
2 account; correct? The Twitter account was created
3 for this working group and not for the New BCS;
4 correct?

09:52 5 A Correct.

6 Q Who -- who created the Twitter account?

7 A I believe that was Rebecca Moorman.

8 Q The domain name breakingcodesilence.net,
9 you were the person that registered that domain;
09:52 10 correct?

11 A No. Jen Walker. Or Jen Robison was the
12 one that registered the domain and built the
13 website.

14 Q And was it your understanding that she
09:52 15 registered that domain for the benefit of this
16 working group and not for New BCS?

17 A Yes, that is my understanding.

18 Q And then you understand that Katherine
19 McNamara was the one that purchased the
09:52 20 breakingcodesilence.org website; correct? Or
21 domain?

22 A I did instruct her, yes, to buy it.

23 Q And it's your belief, at least, that, when
24 Katherine McNamara did so, she wasn't doing so for
09:53 25 the benefit of New BCS; correct?

1 A Correct. We had no idea New BCS would
2 exist.

3 Q In fact, your position is that all the work
4 that the six of you original collaborating partners
09:53 5 did, that none of that was for the benefit of BCS,
6 the California nonprofit entity; is that correct?

7 A Correct.

8 Q I'm going to go back. We're going to dive
9 a little bit more deeply into your declaration. So,
09:53 10 if you can go back to page 2. I don't want to dive
11 deeply into your experience with the TTI program,
12 but your declaration states that you're a survivor
13 of institutional child abuse and since then you've
14 dedicated the last two decades to save others from
09:54 15 child abuse.

16 Is that a fair statement?

17 A Yes.

18 Q Again, I don't need to know all the
19 details, but can you tell me when it was that you
09:54 20 went to the TTI program?

21 A In 2001.

22 Q And were you released in 2021?

23 A No. I was released in 2003.

24 Q Okay. 2003.

09:54 25 And have you been advocating to reform --

1 I was, you know, happy to be working with her. And
2 I was glad to see that finally come into fruition.
3 Because, I mean, it had been since 2006 that we've
4 been talking about this and trying to get it built,
10:24 5 but didn't actually have, you know, all of the
6 resources. So she did bring quite a bit of
7 resources to the table in that -- in that aspect.

8 Q Okay, thanks for that explanation. I don't
9 want to get sidetracked too much.

10:24 10 When you refer to "Zetero," is that the
11 same thing as Zotero?

12 A Yeah. Yeah.

13 Q Are you aware that Ms. McNamara had already
14 had a Zotero account as early as 2017?

10:25 15 A I'm -- no, I wasn't aware of that.

16 Q I'm just trying to understand what you told
17 me.

18 Are you claiming that you told Katherine
19 McNamara to create a Zotero account?

10:25 20 A No. It was my understanding that she had
21 inherited the Zotero account from [REDACTED].

22 Q Gotcha, gotcha. Okay.

23 So, understanding that you collaborated
24 with Ms. McNamara regarding the Zotero account, when
10:25 25 did Ms. McNamara start working with the

1 collaborating group?

2 A I believe that was around 2019. She
3 separately was called to be part of the production
4 of "This Is Paris" with Paris Hilton. And she --
10:26 5 you know, obviously we were friends at the time, so
6 she told me about it. She brought me in to speak
7 with the production crew, the director.

8 And she -- basically, as they went on
9 filming, it got to the point where they really
10:26 10 wanted something for Paris to get behind; right?
11 And so the question was what do we do to give her
12 something to get behind? Do we give her WWASP
13 Survivors and she can support that? Because, I
14 mean, technically TTI and WWASP are very similar.
10:26 15 Or do we create something new? Do we bring in an
16 established organization like SIA or CAFETY, or do
17 we -- and then eventually we settled on giving her
18 the BreakingCodeSilence hashtag campaign to get
19 behind.

10:27 20 So that was essentially part of -- I guess
21 you could say part -- well, okay, no.

22 Jenna was already working on the
23 BreakingCodeSilence campaign before it was ever
24 pitched to Paris. But it was a part of the birth
10:27 25 of, like, Breaking Code Silence just breaking out

1 and becoming, you know, widely known is Paris's
2 involvement.

3 Q Gotcha.

4 So you started to summarize that you
10:27 5 started working with Katherine McNamara about the
6 time that Paris Hilton documentary is being created;
7 correct?

8 A No. We were working together before that.

9 Q I'm sorry, Katherine McNamara started
10:28 10 working with the collaborating group at about the
11 time of the documentary; is that fair?

12 A I would say so, yes. Around the time
13 that -- because originally we were -- when she was
14 doing the -- when she was doing the production, when
10:28 15 she was filming, she was not with Breaking Code
16 Silence; right? She was not working with Breaking
17 Code Silence.

18 It wasn't, I guess, until we had really
19 pitched Paris on the use of the #BreakingCodeSilence
10:28 20 that she then decided she would want to get involved
21 with the working group, which at the time the
22 working group was really only Jenna, Emily Carter,
23 Rebecca Moorman, myself, and some volunteers.

24 So Katherine kind of came in a little bit
10:28 25 later. As did I, honestly. Katherine and I joined

1 in as, like, official -- I was somewhat of an
2 advisor before, but then we actually came in as
3 official volunteers after the -- after we pitched it
4 to Paris.

10:29 5 Q When you are saying "pitch it to Paris,"
6 can you explain what the pitch consisted of?

7 A Yes. So Jenna Bulis had established the
8 main imagery of the revamped BreakingCodeSilence
9 campaign. And that was a poster board where you
10:29 10 wrote the name of the place that you went, the name
11 of the place of the school that you were sent to,
12 and more to it -- what negative things happened to
13 you and, you know, if it left you with PTSD and that
14 kind of thing.

10:29 15 So she provided examples of that campaign
16 to Paris and said -- basically said, "This is what
17 the campaign is about. We're sharing our stories.
18 We're raising awareness. So all you have to do is
19 take a photo with the tape over your mouth. You can
10:30 20 pull off the
21 tape however you want," and then the poster board in
22 the same way.

23 And Paris decided that she would go ahead
24 and do that, and she did that on film. They filmed
10:30 25 the creation of those boards and the taking those

1 photos.

2 Q Was this at or about the time that your
3 group created the Facebook page?

4 A I'm not sure. I don't -- I don't know. I
10:30 5 think there was definitely -- there was already some
6 things that were -- that were created before we
7 pitched to Paris. But then we decided to beef up
8 our marketing after we pitched to Paris, just
9 knowing that it was going to blow up.

10:31 10 So I would say yeah. I guess it makes
11 sense that it would be around the same time.

12 Q Was it also around the same time that you
13 guys created the Twitter account?

14 A Correct. Yes.

10:31 15 Q Was it also around the same time that you
16 guys created the Instagram account?

17 A Yes. I believe that was around
18 January 2020, if I'm not mistaken.

19 Q When did you purchase the domain
10:31 20 breakingcode- -- not you. When did the group --
21 let's start all over.

22 I know you told me, but I have forgotten.
23 Who was it who purchased the breakingcodesilence.net
24 domain?

10:31 25 A Jennifer Walker, a.k.a. Jennifer Robison.

1 Q When did she do that?

2 A I don't have it right in front of me. I
3 know it was in 2019. I don't have the exact date in
4 front of me.

10:32 5 Q Was that before you guys were revamping
6 your social media in conjunction with working with
7 Paris Hilton?

8 A It was.

9 Q I don't have it right in front of me, but I
10:32 10 remember that your declaration states that Jennifer
11 Walker was elected to be president and the CEO of
12 BCS, the collaborating group, not the nonprofit
13 entity.

14 How did you guys go about voting her to be
10:32 15 the president and CEO?

16 A There was no vote. Basically what happened
17 is Katherine McNamara interfered with Jenna's
18 personal life quite a bit, and determined based on
19 that that she was no longer eligible to be the
10:33 20 leader of Breaking Code Silence. So she kind of
21 unilaterally elected Jen Robison.

22 And at the time I didn't really think to
23 object. So, yeah. There wasn't really a vote; it
24 was more of just a -- an agreement.

10:33 25 Q Gotcha.

1 And so that was her role, essentially, is
2 to secure these resources for the use of the
3 organization.

4 And, now, like I said, I asked for access
10:43 5 to the dot-org multiple times, and she was either,
6 like, too busy or didn't feel like it. And that --
7 she never actually followed my directions and put it
8 on a dedicated server for Breaking Code Silence.
9 She kind of just kept it for herself.

10:43 10 Q So let me see if I can break that down.

11 Are you aware of anything in writing
12 wherein Ms. McNamara stated that she would be buying
13 the dot-org domain for the working group?

14 A I would have to say that's more of an
10:44 15 implied -- it was implied that, anything that we
16 did, it was for the working group. None of us would
17 have bought any of these things for ourselves
18 individually. That would be quite selfish.

19 Q Right. So my question is just a little bit
10:44 20 more finer of a point than that.

21 Are you aware of any writing in which
22 Ms. McNamara stated that she would be buying the
23 dot-org domain for the working group?

24 A I am aware of her saying that she did, that
10:44 25 she bought it. That's pretty much was her words:

1 "Yes, I bought it." Did not specify specifically in
2 writing that she did it for the working group.

3 Those were not her words. Her words were, "I just
4 bought the domain. You guys build it."

10:45 5 Q So, with an understanding that she didn't
6 state it in writing, did she ever orally tell you
7 that she bought the dot-org domain for the working
8 group?

9 A Not that I can -- not that I can recall
10:45 10 specifically.

11 Q Do you ever specifically recall telling her
12 that the domain was for the working group?

13 A Yes.

14 Q What do you recall with respect to that?

10:45 15 A I remember we had a meeting -- I think it
16 was one of our very first founders groups meeting.

17 I remember where I was; I don't remember the date.

18 But in my role as the advisor, that was what I had
19 said to the group. I said, "Okay, first things

10:45 20 first. We need to secure all of our assets in the
21 name of Breaking Code Silence, including trademarks,
22 including any and all domains."

23 And that was, again, part of my

24 conversation, was this -- everything needs to be on

10:46 25 a dedicated server. So I was trying to let everyone

1 log or from a different chat?

2 Q I don't know. I was actually hoping you
3 could tell me where this chat came from.

4 A Let me read through it. I might be able to
10:51 5 tell.

6 Q Thank you.

7 A (Witness reviews exhibit.)

8 Okay, I do think that this was in Gifted
9 Women.

10:51 10 And I am saying here I'm happy to set it up
11 but I can't afford it.

12 And she said, "I just bought the domains."

13 Q You'll see in there I highlighted two
14 different statements which appear to be made by you.

10:52 15 First was on March 11, 2020, at 1:25 a.m.,
16 in which you state (as read):

17 Hey, while I have you here did
18 you buy the breakingcodesilence.org?

19 A Uh-huh. Uh-huh.

10:52 20 Q Is that a question that you asked
21 Ms. McNamara?

22 A Correct, it is.

23 Q And then, if you go up onto the preceding
24 page, you tell Ms. McNamara (as read):

10:52 25 Buy that domain before someone

1 else does.

2 Do you see that?

3 A Yes.

4 Q Why -- were you concerned that somebody
10:52 5 else would buy the Breaking Code Silence.org domain?

6 A Yes.

7 Q Why?

8 A Because we were about to be on national
9 television, and it just seemed prudent to me that we
10:53 10 would secure any and all domains that were available
11 under the name Breaking Code Silence.

12 Q So the purpose -- not trying to put words
13 in your mouth, but the purpose of buying the dot-org
14 domain was to just get it off the market so that
10:53 15 nobody else could grab it?

16 A No. Actually -- well, I guess initially
17 that was the thought. But the real reason was
18 because we wanted to build a new website on the
19 dot-org.

10:53 20 Q Maybe I'm missing something.

21 At the time you had the
22 breakingcodesilence.net -- the working group had
23 access to the breakingcodesilence.net website;
24 correct?

10:53 25 A Correct.

1 Q And am I understanding correctly it was
2 your understanding that you wanted Ms. McNamara to
3 buy the dot-org domain initially so that nobody else
4 could get it?

10:53 5 A I would say that could be accurate, yeah.

6 Q At some point down the road you developed
7 the idea that you wanted to build out the dot-org
8 domain instead of the dot-net domain; is that fair?

9 A Correct, correct.

10:54 10 Q How far down the road was it where you
11 decided that you wanted to build out the dot-org
12 domain as opposed to the dot-net domain?

13 A Very soon after this. I remember actually
14 -- so we were in the Gifted Women chat, which was
10:54 15 just myself and Katherine and Jenna. And this was
16 me giving them kind of a heads-up about everything,
17 my advice on how to set things up.

18 And then quickly after this Jenna added
19 Katherine and I both to the ongoing Breaking Code
10:54 20 Silence chat with Jen Walker, Emily Carter, and
21 Rebecca Moorman. And I kind of resaid the same
22 things to them, but then quickly started asking
23 questions about the dot-net. Like, "Who built the
24 dot-net?" And then I let her know that, you know,
10:55 25 as soon as the documentary comes out, we're going to

1 the recipient of the grant, and we did not want to
2 have any -- even the appearance of conflict of
3 interest.

4 So, you know, I just said no. And I said,
11:20 5 "If you guys want to leave and if you want to go
6 create an organization with Katie and Vanessa,
7 please do so. We will support that."

8 This did not have to be as messy as it was.
9 They could have just gone and made Unsilenced and
11:20 10 everything would have been fine and our community
11 would still be together, as would Breaking Code
12 Silence.

13 So that's what I called the split. It was
14 an absolute chasm when she decided to take
11:20 15 everything instead of actually letting us go on and
16 going and making her own thing. It literally tore
17 us apart. It tore our whole community apart.

18 And, I mean, that's something she takes
19 absolutely no accountability for. In fact, she just
11:21 20 laughs at the carnage that she created.

21 Q So let me see if I can really understand
22 the split. I understand that Ms. McNamara quit the
23 working group. And then I understand that a few
24 days later [REDACTED] participated in one of
11:21 25 your other meetings and advocated for Vanessa Hughes

1 becoming a larger role.

2 At some point you're aware that BCS, the
3 California nonprofit organization, was formed;
4 correct?

11:21 5 A Correct.

6 Q And you understand that Katherine McNamara
7 and Vanessa Hughes were both a part of that
8 organization; correct?

9 A Katherine McNamara was the sole
11:22 10 incorporator.

11 Q Okay. But you understood that those two
12 individuals, amongst others, were going to be
13 working with the California BCS; correct?

14 A Correct. That was a bit later down the
11:22 15 line though.

16 We in fact didn't understand that until --
17 it had to have been late May, if not -- yeah. I
18 mean, yeah, I think it was around late May that we
19 found out that they had -- that they had
11:22 20 incorporated and filed for 501(c)(3) and that Jenny
21 and Vanessa were board members.

22 My initial assumption was that it was
23 Katherine McNamara who -- who incorporated Breaking
24 Code Silence and was the head of Breaking Code
11:23 25 Silence.

1 Q Understood. So I'm just trying to figure
2 out, when you say "the split," of the six original
3 members of the working group -- that's yourself,
4 Ms. Bulis, Ms. Walker, Ms. Moorman, Ms. Carter, and
11:23 5 Ms. McNamara -- did anyone go with Ms. McNamara?

6 A From what I understand, Emily Carter did go
7 with Ms. McNamara. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 Q So, after the split, the remaining members
12 of the collaborating group would be yourself,
13 Ms. Bulis, and Ms. Walker; is that correct?

14 A Correct.

11:24 15 Q Anybody else?

16 A Yes. Our CFO, Martha Thompson; our CAO,
17 Kimberwolf Dean. We had several volunteers that
18 were still with us, although most of the volunteers
19 did not even know what happened. Did not

11:24 20 understand.

21 And, when Katherine locked us out of the --
22 the Slack, which was where we, you know,
23 collaborated with all of our volunteers, we weren't
24 even able to make an announcement to help anybody to
11:24 25 understand what had happened.

1 So there was never really any -- no one
2 ever really had the option to choose a side,
3 essentially. It was you were either kicked out,
4 like, just removed from the accounts, or you were
11:25 5 not. And that was up to what Katie decided.

6 Q Gotcha.

7 So, after the split, you, Bulis, and
8 Walker, you guys continued to maintain the
9 breakingcodesilence.net domain; is that fair?

11:25 10 A Yes.

11 Q And the New BCS, for which Ms. McNamara,
12 Ms. Hughes, and others were a part, that's the
13 entity that ended up suing you guys; correct?

14 A Correct.

11:25 15 Q Have you -- have you ever been a part of
16 the New BCS?

17 A Yeah. Technically now I am a volunteer.

18 Q Have you executed a volunteer agreement?

19 A I have.

11:25 20 Q When did you do that?

21 A I'm not exactly sure what date, but that
22 was more recently. In fact, I did start
23 volunteering -- not officially with Breaking Code
24 Silence -- I'm not going to remember, but it was
11:26 25 around the time that they had a protest in Utah to

1 essentially, and to talk to Vanessa.

2 Well, I think it was more just "Let's talk.
3 Let's talk to Vanessa, because we might have some
4 common ground here" that would lead to us dropping
01:10 5 the lawsuit.

6 Q Do you recall Ms. Kolbe trying to convince
7 you that you should team up with BCS to bring a
8 lawsuit against Katherine McNamara?

9 A Yeah, I believe that was mentioned, yeah.

01:10 10 Q Do you recall Ms. Kolbe trying to convince
11 you that Ms. McNamara has liability insurance that
12 you guys can collectively recover?

13 A I don't think I remember that. I mean,
14 possibly. It's been a long time since I've read it,
01:10 15 but I don't -- memory is not serving me today.

16 Q Fair enough. Let me show you a document
17 which we will mark as Exhibit Number 91.

18 (Exhibit 91 marked.)

19 THE WITNESS: Sorry, I'm not sure why it's
01:11 20 not coming up, but I downloaded it. Maybe it's
21 here.

22 No, hold on one second. Let me try
23 something else.

24 Okay, there we go. All right. I have it
01:11 25 open.

1 BY MR. TATE:

2 Q Okay. This is one of the documents that
3 you provided to my office in response to the
4 subpoena; correct?

01:11 5 A Uh-huh. Yeah.

6 Q Is this a Facebook -- a group of Facebook
7 messages that you pulled from your Facebook account?

8 A Yes.

9 Q And this is also messages that you had with
01:12 10 Ms. Kolbe; correct?

11 A Correct.

12 Q I'm going to draw your attention to
13 page 3 --

14 A Uh-huh.

01:12 15 Q -- the second bubble, which appears to be
16 by you. And you state (as read):

17 I mean here -- here's what it
18 comes down to... and forgive my
19 bluntness, but BCS cannot win this
01:12 20 lawsuit. We are not afraid of going
21 to court. The only option BCS right
22 now [sic] is to cover our legal fees
23 and to drop the lawsuit or we go
24 forward, they lose and they will pay
01:12 25 our fees (and potentially damages)

1 when we win.

2 The lawsuit that you're referring to here
3 is the lawsuit that BCS filed against you for
4 trademark infringement; correct?

01:12 5 A Correct.

6 Q And what you're trying to communicate to
7 Ms. Kolbe was that BCS was going to lose that
8 lawsuit and end up having to pay your attorneys'
9 fees; correct?

01:13 10 A Correct.

11 Q If you go onto the next page -- well, if
12 you start reading Ms. Athena -- Ms. Kolbe's
13 response, but if you go specifically onto the next
14 page, Ms. Kolbe says (as read):

01:13 15 But that's why I'm saying I think
16 that you guys should work together
17 to sue Katie because Katie does have
18 money and you both have a good suit
19 against her, and what she did was
01:13 20 wrong. She destroyed everything.

21 And together if you take the
22 evidence you have any evidence BCS
23 has, you guys can win a good case
24 against her. And then she would
01:13 25 have to pay for everybody's legal

1 fees because she's the one that
2 created this problem to begin with.

3 Do you see that?

4 A I do.

01:13 5 Q What was -- how did you understand what
6 Ms. Kolbe was telling you?

7 A Exactly how she wrote it there, I
8 understood it.

9 Q So you understood that she was suggesting
01:14 10 that you work with BCS to sue Ms. McNamara so that
11 Ms. McNamara would have to pay for everybody's legal
12 fees; correct?

13 A I understand that that was her suggestion.

14 Q How did you respond to that suggestion?

01:14 15 A I said that I would give Vanessa the
16 opportunity to speak. We could talk. I allowed
17 that conversation to be started.

18 Q Did she say specifically -- Ms. Kolbe
19 state, whether in this message or any other message,
01:14 20 specifically what the -- you would be suing
21 Ms. McNamara for?

22 A No.

23 Q At any point was there a conversation of
24 what you would be suing Ms. McNamara for?

01:14 25 A With Athena or other persons?

1 to pay us within one year our attorneys' fees back.

2 And whether they recovered it from
3 Katherine or if they got some big donation or
4 whatever, it didn't matter; there's only a grace
01:27 5 period of a year.

6 But, ultimately, again, we weren't able to
7 come to an agreement.

8 BY MR. TATE:

9 Q Did Ms. Hughes ever tell you that she was
01:27 10 willing to share -- to pay for your attorneys' fees
11 out of her recovery from the lawsuit against
12 Ms. McNamara?

13 A The only thing that she's ever said that
14 she wanted to do, whether she was able to or not, is
01:27 15 to pay for it out of her own pocket. That's what
16 I've heard her say to me.

17 Q I'll show you the next document in order.
18 We'll mark it as Exhibit Number 92.

19 THE REPORTER: I think 93.

01:28 20 MR. TATE: 93. Thank you.

21 (Exhibit 93 marked.)

22 BY MR. TATE:

23 Q Go ahead and let me know when you have it
24 open.

01:28 25 A Okay. I have it.

1 Q Do you recognize this email chain?

2 A Yes.

3 Q Is this an email that you received?

4 A I think. (Witness reviews exhibit.)

01:28 5 I don't know. It says -- it says that it's
6 Jenna Bulis. And I was on there cc'd. Yeah.

7 I mean, that's the thing. You ask me what
8 I remember. I don't remember what I had for lunch
9 yesterday. So an email that was sent to me, you
01:29 10 know, years ago -- but, I mean, it's here. It's in
11 front of me, so it definitely exists.

12 Q Do you have any reason to doubt that you
13 received this email?

14 A No, I don't.

01:29 15 Q In the very top portion of this chain, it
16 appears that Ms. Magill says (as read):

17 Hi again.

18 We set up a Slack channel for the
19 four of us to continue discussions
01:29 20 and collaborate on things like this.

21 I sent you both an invite to join,
22 so that should hopefully be in your
23 inbox. There's also a shared Google
24 Drive pinned at the top of the
01:29 25 channel for file sharing. Please

1 let me know if you have any
2 questions or if that works for you.
3 Thanks.

4 Do you recall Ms. Magill setting up a Slack
01:30 5 channel for you to communicate with her and other
6 BCS members with?

7 A I do, yes.

8 Q Did you participate in that Slack channel?

9 A I believe so, yeah.

01:30 10 Q Who else was a participant in that Slack
11 channel?

12 A Jenny Magill, Vanessa Hughes, and Jenna
13 Bulis.

14 Q And what can you recall being discussed in
01:30 15 that Slack channel?

16 A I mean, I guess just more ongoing
17 conversations about potential settlement. You know,
18 I did agree to help them with their -- you know,
19 strategizing this new lawsuit by giving them
01:30 20 evidence that they were asking for.

21 You know, if -- let's say Jenny asked me,
22 "Hey, do you have anything from RISE? Like any RISE
23 contracts? Or what role did Katie play in RISE," I
24 was able to go into my RISE folder and take
01:31 25 screenshots or just go ahead and, you know, send it

1 to her. So I think there was some collaboration
2 based on that.

3 I don't really have any, like, clear
4 recollection of what we talked about, and,
01:31 5 unfortunately, I wasn't able to get into that
6 account in order to view that and to collect that
7 record. So, I mean, just going by memory here,
8 generally we were talking about the terms of our
9 settlement and answering questions about evidence
01:31 10 that related to the lawsuit.

11 Q When you say "the lawsuit," which lawsuit?

12 A The one that they were planning to start
13 against Katie.

14 Q So was it your understanding that as of
01:31 15 February 20- -- February 11, 2012 [verbatim], that
16 BCS was planning on bringing a lawsuit against
17 Ms. McNamara?

18 A It is.

19 Q In those conversations did they mention
01:32 20 also suing Jeremy Whiteley?

21 A No.

22 Q When is the first time you heard that BCS
23 was planning to sue Jeremy Whiteley?

24 MS. BENTZ: Objection. Lacks foundation
01:32 25 and assumes facts not in evidence.

1 A Again, I don't make the decisions myself.
2 We had one attorney for three co-defendants. We had
3 a meeting with our attorney, and we agreed to go
4 forward with filing the fees.

03:47 5 Q Focusing on Exhibit 109, on the second page
6 you make the statement (as read):

7 Martha still doesn't trust but
8 Jenna says working with you to get
9 our fees from Katie is a better
03:47 10 option.

11 So, as of April 1, 2022, were you still
12 hoping to get fees from BCS that BCS was going to
13 obtain from Katie McNamara?

14 A Well, I think at that time the conversation
03:48 15 was that we would give them a grace period. That
16 was, you know, the offer on the table, is that we
17 would give them a one-year grace period. Whether
18 they got that from Katherine McNamara or other
19 sources, it was a one-year grace period to pay our
03:48 20 attorneys' fees.

21 Q And of course Ms. Hughes didn't -- didn't
22 combat or disagree with the notion that BCS would
23 pay from the money that it recovered from Katie;
24 correct?

03:48 25 A It was a possibility.

1 Q By this point you were aware that BCS had
2 already filed a lawsuit against my clients; correct?

3 A Let's see. April 1. Yeah. Yeah, I think
4 so. Yeah, I was already aware.

03:49 5 Q And at some point after the lawsuit was
6 filed did Vanessa Hughes tell you that she was going
7 to recover funds and give them to you?

8 A I think that was still the hope, yeah.

9 Q And she told you that that was her hope;
03:49 10 correct?

11 A We had already had our discussions, and
12 that was the assumption that I was working on, was
13 we would be able to recover some of our funds one
14 way or another, whether that had to do with getting
03:49 15 them from Katherine or getting them from other
16 sources.

17 Either way, the point was to end the
18 lawsuit and not -- not apply for fees because we
19 came to a settlement agreement. But ultimately we
03:49 20 did not come to a settlement agreement and we filed
21 for our fees.

22 Q Did Vanessa Hughes tell you that
23 Ms. McNamara had an insurance policy that you could
24 go after?

03:50 25 A I think I've heard that. I don't know if

1 it was from Vanessa. But, yeah, I have -- I have
2 heard that -- that, you know, the whole board was
3 told to get -- to get insurance. Yeah.

4 Q I could pull it back up, but you recall
03:50 5 Athena Kolbe also telling you that, that if you sue
6 Katie McNamara, you could trigger her insurance?

7 A I don't remember -- I mean, perhaps I got
8 it from Athena. I don't remember specifically who
9 told me that.

03:50 10 Q Was it ever communicated to you how much
11 BCS was hoping to get from my clients?

12 A No.

13 Q Let me show you the next document in order.
14 We'll mark it Exhibit 110.

03:50 15 (Exhibit 110 marked.)

16 THE WITNESS: Okay, it's open.

17 BY MR. TATE:

18 Q Do you recognize this document?

19 A Did this come from Jenny? Jenny Magill?
03:51 20 Or Vanessa?

21 Q It came from BCS. I don't know who.

22 A Okay. Yeah, I think this was Vanessa
23 Hughes.

24 Q On June 10 did you send your messages with
03:52 25 Vanessa Hughes such that your messages would

1 A Correct.

2 Q Moving to breakingcodesilence.org, that
3 domain name was purchased by Katherine McNamara;
4 correct?

04:39 5 A Correct.

6 Q It's your position that Ms. McNamara
7 purchased it on behalf of the working group, not
8 BCS, the nonprofit entity; is that correct?

9 A It is correct.

04:39 10 Q And you're unaware of any assignment of
11 that domain name from Ms. McNamara or the working
12 group to BCS, the nonprofit entity; is that correct?

13 A Correct.

14 Q Okay. The original trademark applications,
04:39 15 those have -- well, let me ask.

16 Have those been assigned to BCS, the
17 nonprofit entity?

18 A No. They were abandoned.

19 Q So BCS, the nonprofit entity, was never
04:40 20 assigned those trademark applications as far as
21 you're aware; correct?

22 A As far as I'm aware.

23 Q And those trademark applications were
24 originally done while you were working for the
04:40 25 collaborating group; correct?

1 STATE OF CALIFORNIA)
) SS.

2 COUNTY OF LOS ANGELES)

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

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

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

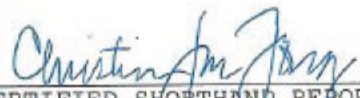
14 The foregoing pages contain a full, true
15 and accurate record of all proceedings and testimony
16 (Cal. Code Civ. Proc. 2025.540(a) and Fed. R. Civ.
17 P. 30(f)(1)).

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

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

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

Dated July 30, 2023.


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