

EXHIBIT 51

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BREAKING CODE SILENCE

**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.

Case No. 2:22-cv-02052-MAA

**PLAINTIFF BREAKING CODE
SILENCE’S RESPONSES TO
DEFENDANT KATHERINE
MCNAMARA’S FIRST SET OF
INTERROGATORIES**

Judge: Hon. Maria A. Audero
Complaint Filed: March 28, 2022
Trial Date: October 17, 2023

PROPOUNDING PARTY:

Defendant KATHERINE MCNAMARA

RESPONDING PARTY:

Plaintiff BREAKING CODE SILENCE

SET NO.:

One

Pursuant to Federal Rule of Civil Procedure 33, Plaintiff Breaking Code Silence (“Plaintiff”) responds to Defendant Katherine McNamara’s First Set of Interrogatories (the “Interrogatories”) as follows:

GENERAL STATEMENT AND OBJECTIONS

Plaintiff’s responses are subject to the General Objections set forth below. These General Objections form a part of each response to each Interrogatory and are set forth here to avoid the duplication and repetition that would follow from restating them in each response. The General Objections may be specifically referred to in response to the Interrogatories for the purpose of clarity; however, the failure to specifically reference a General Objection in a response should not be construed as a waiver of the objection in connection therewith.

1. Plaintiff objects to these Interrogatories to the extent they are overbroad, unduly burdensome, and seek information and documents that are not reasonably calculated to lead to the discovery of admissible evidence.
2. Plaintiff objects to these Interrogatories to the extent that they are vague, ambiguous, overbroad, or oppressive, or seek information for which the burden or expense of the proposed discovery outweighs the likely benefit. Any response or production by Plaintiff is not an admission by Plaintiff of the relevance or admissibility of the documents or information produced, and all objections to the further use of any information or documents or to further production are specifically preserved.
3. Plaintiff objects to these Interrogatories to the extent that they are not limited to a reasonable time period and are therefore overbroad, seek information for which the burden or expense of the proposed discovery outweighs the likely benefit, and seek information beyond the scope of permissible discovery.
4. Plaintiff objects to these Interrogatories to the extent that they seek information and documents that are protected from discovery by the attorney-client privilege and/or attorney work-product doctrine, protected by the right to privacy, or

protected by any other applicable privilege or protection. Any inadvertent production of privileged or protected information or documents shall not constitute, or be deemed, a waiver of any applicable statutory, regulatory, common law, or other privilege. Plaintiff reserves the right to demand the return or destruction of any privileged or protected document, copies thereof, and any materials containing information derived therefrom.

5. Plaintiff objects to these Interrogatories to the extent that they seek the disclosure of information or documents that contain private, proprietary, confidential, trade secret, sensitive financial, or otherwise protected information.

6. Plaintiff objects to these Interrogatories to the extent that they call for speculation because Plaintiff lacks sufficient foundation to provide a response.

7. Plaintiff objects to these Interrogatories to the extent that they seek information or documents that: (i) are already in the possession of, or equally available to, Defendants; (ii) are more easily and efficiently obtained from other sources, including from other federal agencies or regulatory bodies; or (iii) are not in the possession, custody, or control of Plaintiff.

8. Plaintiff objects to these Interrogatories to the extent that Defendants purport to impose on Plaintiff any obligation different from, or greater than, those set forth in the Federal Rules of Civil Procedure, the Local Rules of the Central District of California, or other applicable rules or standing orders of the Court. Plaintiff is not obligated to, and declines to, comply with any instructions or directions that conflict with the Federal Rules of Civil Procedure, the Local Rules of the Central District of California, or other applicable rules or standing orders of the Court.

9. Plaintiff objects to these Interrogatories to the extent that they seek the disclosure of information that calls for an expert witness opinion.

10. Plaintiff objects to these Interrogatories to the extent that they seek information that addresses purely legal issues, contains legal conclusions, implies or

assumes facts or circumstances which do not or did not exist, or seeks an admission of liability.

11. Plaintiff's responses shall not be deemed to constitute incidental or implied admissions. Plaintiff's response to all or any part of a Request should not be taken as an admission that: (i) any particular document or thing exists, is in Plaintiff's possession, custody, or control, is relevant, non-privileged, or admissible in evidence; (ii) any statement or characterization in the Interrogatories is accurate or complete; (iii) Plaintiff's response constitutes admissible evidence; or (iv) Defendant accepts or admits the existence of any alleged fact(s) set forth or assumed by the Interrogatory.

12. Plaintiff objects to these Interrogatories to the extent they seek to restrict the facts on which Plaintiff may rely at summary judgment, trial, or any other proceeding in this matter. Discovery has yet to be completed in this case. By responding and objecting to these Interrogatories, Plaintiff does not intend to, and does not, limit the evidence upon which it may rely to support its contentions, denials, and defenses, or to rebut or impeach contentions, assertions, and evidence presented by Defendants. Further, Plaintiff reserves the right to supplement or amend its responses.

These General Objections are explicitly incorporated into each of the responses hereinafter provided as if the same were fully set forth therein at length.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail each instance that YOU contend DEFENDANTS unlawfully accessed a BCS account or computer by:

- (a) Describing each account or computer;
- (b) Providing the date of each unlawful access to each account or computer;
- (c) Stating all facts that support YOUR contention that DEFENDANTS, or

either of them, were responsible for the unlawful access to the account or computer;

- (d) IDENTIFYING all PERSONS with knowledge of the facts that support YOUR contention that DEFENDANTS, or either of them, were responsible for the unlawful access to the account or computer; and
- (e) IDENTIFYING all DOCUMENTS, including ESI and COMMUNICATIONS, that support or refute YOUR contention that DEFENDANTS, or either of them, were responsible for the unlawful access to the account or computer.

RESPONSE TO INTERROGATORY NO. 1:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (c) (facts), (d) (persons), and (e) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications related to its response. Document production has not yet begun; Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Subject to and without waiving the foregoing objections, Plaintiff refers Defendants to Appendix A attached hereto, which provides the information known to Plaintiff as of the date of these responses.

INTERROGATORY NO. 2:

For each BCS account or computer that DEFENDANTS had access to:

- (a) Identify the account or computer;
- (b) State the date that YOU terminated DEFENDANTS' administrative access or login credentials to the account or computer;

- (c) IDENTIFY all PERSONS with knowledge of YOUR termination of DEFENDANTS' administrative access or login credentials to the account or computer; and
- (d) IDENTIFY all DOCUMENTS, including ESI and COMMUNICATIONS, that RELATE TO YOUR termination of DEFENDANTS' administrative access or login credentials to the account or computer.

RESPONSE TO INTERROGATORY NO. 2:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (c) (persons) and (d) (documents) constitute two discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications related to its response. Document production has not yet begun; Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Subject to and without waiving the foregoing objections, Plaintiff refers Defendants to Appendix A attached hereto, which provides the information known to Plaintiff as of the date of these responses.

INTERROGATORY NO. 3:

Describe in detail each instance that YOU contend DEFENDANTS unlawfully blocked or prevented BCS's access to an account or computer by:

- (a) Describing each account or computer;
- (b) Providing the date range for each incident where BCS's access to the account or computer was impaired;
- (c) Stating all facts that support YOUR contention that DEFENDANTS, or

either of them, were responsible for the impairment to BCS's access to the account or computer;

- (d) IDENTIFYING all PERSONS with knowledge of the facts that support YOUR contention that DEFENDANTS, or either of them, were responsible for the impairment to BCS's access to the account or computer; and
- (e) IDENTIFYING all DOCUMENTS, including ESI and COMMUNICATIONS, that support or refute YOUR contention that DEFENDANTS, or either of them, were responsible for the impairment to BCS's access to the account or computer.

RESPONSE TO INTERROGATORY NO. 3:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (c) (facts), (d) (persons), and (e) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications in connection with its response. Document production has not yet begun; Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Subject to and without waiving the foregoing objections, Plaintiff refers Defendants to Appendix A attached hereto, which provides the information known to Plaintiff as of the date of these responses.

INTERROGATORY NO. 4:

If YOU contend that MCNAMARA transferred or assigned the domain <breakingcodesilence.org> to BCS:

- (a) Provide the date of the assignment or transfer;

- (b) State all facts that support YOUR contention that the domain was assigned or transferred to YOU;
- (c) IDENTIFY all PERSONS with knowledge of the assignment or transfer; and
- (d) IDENTIFY all DOCUMENTS, including ESI and COMMUNICATIONS, that RELATE TO the assignment or transfer.

RESPONSE TO INTERROGATORY NO. 4:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (b) (facts), (c) (persons), and (d) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications in connection with its response. Document production has not yet begun; Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is not contending that McNamara transferred or assigned the domain <breakingcodesilence.org> to Plaintiff. Plaintiff is contending that it owns the domain because McNamara was one of Plaintiff's founders and registered the domain for Plaintiff's sole benefit. While she did not transfer or assign it, she should have, and her failure to do so is a breach of her duties owed to Plaintiff and does not establish that she rightfully holds the domain. The domain belongs to Plaintiff for at least several reasons. First, the domain is identical to Plaintiff's name, is linked to Plaintiff's website, and was only ever used for Plaintiff's purposes. Second, the registration of the domain coincided with the work done on behalf of Plaintiff by Plaintiff's founders, including McNamara. Third, since the

time the domain was registered, Plaintiff has exercised control and influence over the content of the website and the operation of the website, which often included volunteers and employees all working for Plaintiff's benefit.

INTERROGATORY NO. 5:

If YOU contend that MCNAMARA transferred or assigned the Katherine@network-node.com Zotero account to BCS:

- (a) Provide the date of the assignment or transfer;
- (b) State all facts that support YOUR contention that the domain was assigned or transferred to YOU;
- (c) IDENTIFY all PERSONS with knowledge of the assignment or transfer; and
- (d) IDENTIFY all DOCUMENTS, including ESI and COMMUNICATIONS, that RELATE TO the assignment or transfer.

RESPONSE TO INTERROGATORY NO. 5:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (b) (facts), (c) (persons), and (d) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications related to its response. Document production has not yet begun; Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is not contending that McNamara transferred or assigned the Katherine@network-node.com Zotero account to Plaintiff, but her refusal to give Plaintiff administrative access to and full control of the Zotero archive library that

Plaintiff's resources were used to build denied Plaintiff access to the database that belonged to it. This further escalated and caused extensive harm when McNamara told members of Unsilenced that she had planned to remove the archives in BCS's Zotero library from the BCS website (www.breakingcodesilence.org) and move them to the new Unsilenced website (www.unsilenced.org).

INTERROGATORY NO. 6:

If YOU contend that MCNAMARA transferred or assigned the Kmcnamara013 Hover.com account to BCS:

- (a) Provide the date of the assignment or transfer;
- (b) State all facts that support YOUR contention that the domain was assigned or transferred to YOU;
- (c) IDENTIFY all PERSONS with knowledge of the assignment or transfer; and
- (d) IDENTIFY all DOCUMENTS, including ESI and COMMUNICATIONS, that RELATE TO the assignment or transfer.

RESPONSE TO INTERROGATORY NO. 6:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (b) (facts), (c) (persons), and (d) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications related to its response. Document production has not yet begun; Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is not contending that McNamara transferred or assigned the

Kmcnamara013 Hover.com account to Plaintiff, but her failure to grant Plaintiff access to the account denied it the ability to control Plaintiff's domains.

INTERROGATORY NO. 7:

If YOU contend that the @breakingcodes11 Twitter account was set up by, or transferred or assigned to BCS:

- (a) Provide the date of the creation, assignment or transfer;
- (b) State all facts that support YOUR contention that the domain was set up by or assigned or transferred to YOU;
- (c) IDENTIFY all PERSONS with knowledge of the creation, assignment or transfer of the account; and
- (d) IDENTIFY all DOCUMENTS, including ESI and COMMUNICATIONS, that RELATE TO the creation, assignment or transfer of the account.

RESPONSE TO INTERROGATORY NO. 7:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (b) (facts), (c) (persons), and (d) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it violates Fed. R. Civ. P. 33(a) because, together with the preceding Interrogatories in this set, subparts (c) and (d) constitute "more than 25 written interrogatories, including all discrete subparts." Plaintiff will answer the first two subparts of this Interrogatory, but will not answer the remainder of the Interrogatory because the requests go beyond the limits set forth in the Federal Rules of Civil Procedure.

Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications related to its response. Document production has not yet begun; Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated

Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: The @breakingcodes1 Twitter account was set up by Rebecca Moorman on behalf of and for the sole use of Plaintiff. The account was specifically intended to be owned and used by BCS only, not by any individual. The Twitter account was originally set up in January 2020.

INTERROGATORY NO. 8:

If YOU contend that a malicious TXT record was attached to BCS's website by DEFENDANTS, or either of them:

- (a) State all facts that support YOUR contention;
- (b) IDENTIFY all PERSONS with knowledge of YOUR contention; and
- (c) IDENTIFY all DOCUMENTS, including ESI and COMMUNICATIONS, that support YOUR contention.

RESPONSE TO INTERROGATORY NO. 8:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (a) (facts), (b) (persons), and (c) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it violates Fed. R. Civ. P. 33(a) because, together with the preceding Interrogatories in this set, it is "more than 25 written interrogatories, including all discrete subparts."

Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications in connection with its response.

Subject to and without waiving the foregoing objections, Plaintiff will not respond to this Interrogatory because it is beyond the limits set forth in the Federal Rules of Civil Procedure.

INTERROGATORY NO. 9:

If YOU contend that YOU have suffered harm or damages as a result of DEFENDANTS' conduct:

- (a) Describe the nature and amount of such harm or damages;
- (b) State all facts that support YOUR contention that DEFENDANTS were responsible for the harm or damage;
- (c) IDENTIFY all PERSONS with knowledge of the harm or damages and their cause; and
- (d) IDENTIFY all DOCUMENTS, including ESI and COMMUNICATIONS, that support the harm or damages and YOUR contention that DEFENDANTS were responsible.

RESPONSE TO INTERROGATORY NO. 9:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it is compound because subparts (b) (facts), (c) (persons), and (d) (documents) constitute three discrete subparts. Plaintiff further objects to this Interrogatory on the ground that it violates Fed. R. Civ. P. 33(a) because, together with the preceding Interrogatories in this set, it is "more than 25 written interrogatories, including all discrete subparts."

Plaintiff further objects to this Interrogatory on the ground that it is overbroad and unduly burdensome because it requires Plaintiff to compile a list of all documents and communications in connection with its response.

Subject to and without waiving the foregoing objections, Plaintiff will not respond to this Interrogatory because it is beyond the limits set forth in the Federal Rules of Civil Procedure.

INTERROGATORY NO. 10:

For each email account that YOU contend BCS's TikTok account was registered to or for which administrative credentials to the account have been issued:

- (a) State the email address;

- (b) IDENTIFY the PERSON who owns the email address; and
- (c) Identify the date range that the email address had administrative privileges, credentials for, or access to the account.

RESPONSE TO INTERROGATORY NO. 10:

In addition to the General Objections set forth above and incorporated herein, Plaintiff objects to this Interrogatory on the ground that it violates Fed. R. Civ. P. 33(a) because, together with the preceding Interrogatories in this set, it is “more than 25 written interrogatories, including all discrete subparts.” Plaintiff further objects to this Interrogatory on the ground that the undefined terms “administrative privileges” and “credentials” are vague and ambiguous.

Subject to and without waiving the foregoing objections, Plaintiff will not respond to this Interrogatory because it is beyond the limits set forth in the Federal Rules of Civil Procedure.

Dated: August 5, 2022

DLA PIPER LLP (US)

By: /s/ Tamany J. Vinson Bentz

TAMANY J. VINSON BENTZ
JASON LUEDDEKE
BENJAMIN GRUSH

Attorneys for Plaintiff
BREAKING CODE SILENCE

VERIFICATION

I, Jennifer Magill, certify and declare that I have been authorized to make this verification by Plaintiff Breaking Code Silence. I have read the foregoing document and know the contents thereof. To the extent that I have personal knowledge of the factual information contained therein, the same is true and correct. Insofar as said facts are based on a composite of information from documents or information obtained from representatives of Plaintiff Breaking Code Silence, I do not have personal knowledge concerning all of the information contained in said responses, but I am informed and believe that the information set forth therein for which I lack personal knowledge is true and correct.

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

Executed on August 5, 2022 at Denver, Colorado.

A handwritten signature in cursive script, reading "Jennifer Magill", is positioned above a solid horizontal line that spans the width of the signature.

<u>Interrogatories Nos. 1 and 3</u>				
BCS account or computer that was unlawfully accessed or blocked by DEFENDANTS.	Date DEFENDANTS unlawfully accessed or blocked BCS access of the BCS account or computer.	All facts that support the contention that DEFENDANTS unlawfully accessed or blocked access of BCS's account or computer.	All persons with knowledge of DEFENDANTS' actions to unlawfully access or block access of BCS's account or computer.	All documents that support or refute the contention that DEFENDANTS had unlawfully accessed or blocked access to BCS's account or computer.
The BCS website with the domains www.breakingcodesilence.org and www.breakingcodesilence.com.	On or around December 9, 2021 through the present.	The BCS website's WordPress account showed a malicious TXT record on the DNS entry that had been controlled by McNamara. Whiteley had been given administrative privileges through a jeremy@medtexter.com email account. Each time Plaintiff tried to remove Whiteley from maintaining administrative privileges to the website, McNamara, through the email address, iristheangel@gmail.com, reinstated Whiteley with administrative privileges.	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Google account (Google Drive, Google Search Console, Google AdWords, and Google Analytics) associated with the BCS website with the domains www.breakingcodesilence.org and www.breakingcodesilence.com.	On or around December 8, 2021; On or around December 10, 2021 through January 4, 2022; and On or around March 8, 2022 through the present.	McNamara used Plaintiff's electronic materials stored in the BCS Google Drive in connection with establishing Unsilenced. McNamara used Whiteley's previous administrative credentials for the BCS Google account to request that the BCS website be deindexed multiple times during March 8, 2022 through March 9, 2022. McNamara also accessed BCS's Google AdWords account.	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Arianna Conroyd, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for

<u>Interrogatories Nos. 1 and 3</u>				
				Discovery of Electronically Stored Information.
BCS's Twitter account with the handle @BreakingCodeSi1.	On or around January 9, 2022 through the present.	BCS's twitter account with the handle @BreakingCodeSi1 was accessed and the handle was changed to @GoACCA. Shortly after the handle change to @GoACCA, the Twitter account was deleted entirely. Thereafter, McNamara secured a new Twitter account under the then-available handle @BreakingCodeSi1 and described it as "Just Another Twitter Account."	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Arianna Conroyd, Shelby Kirchoff, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, at the appropriate time.
BCS's Hootsuite account associated with the email address kmcnamara@breakingcodesilence.org.	On or around January 5, 2022 through the present.	Plaintiff's Hootsuite account was changed to a free account without any of the paid benefits that were previously associated with the account. Plaintiff recently discovered that the account was a second account opened in its name and is investigating through Hootsuite when and why its account was transferred to a second "free" account.	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Zotero library previously found at https://www.zotero.org/groups/4288739/breaking_code_silence/library .	On or around January 8, 2022 through the present.	McNamara told members of Unsilenced that she had planned to remove the archives in BCS's Zotero library from the BCS website (www.breakingcodesilence.org) and move them to the new Unsilenced website (www.unsilenced.org). Plaintiff has, in fact, been unable	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt,	Document production has not yet begun. Plaintiff will produce documents in connection with its

<u>Interrogatories Nos. 1 and 3</u>				
		to access its Zotero library since this date and due to McNamara's refusal to provide Plaintiff access to the library.	Bobby Cook, Katherine McNamara, Jeremy Whiteley.	response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Instagram account associated with the email address info@breakingcodesilence.org.	In or around December 2021; and In or around March 2022.	BCS's Instagram account was taken over by McNamara in late December 2021 and BCS has not had access to the account since. A few months later, BCS's Instagram account had all of its posts deleted.	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Bobby Cook, Emily Carter, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Facebook Financial Admin account associated with BCS's Facebook Page found at www.facebook.com/BreakingCodeSilence.	Initial date of unauthorized access is unknown to Plaintiff at this time, but the issue remains ongoing.	BCS's Facebook Financial Admin account is linked with Whiteley's personal Facebook account. Whiteley had administrative credentials to BCS's Facebook Financial Admin account, but has refused to relinquish control despite repeated requests from BCS personnel.	Vanessa Hughes, Jennifer Magill; Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re:

<u>Interrogatories Nos. 1 and 3</u>				
				Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Facebook group established by Emily Carter on behalf of BCS and which had been titled "Breaking Code Silence."	On or about December 10, 2021 through the present.	<p>The Facebook group was taken over by McNamara and Hannah Kilfoyle, a former BCS volunteer, on December 10, 2021, with a written statement by Kilfoyle to Vanessa Hughes stating their intentions.</p> <p>McNamara remains an administrator on the Facebook group previously titled "Breaking Code Silence" and refuses to remove herself as administrator or hand over control of the group back to BCS. BCS personnel have been removed from the group and blocked from being able to even view the group as existing on Facebook. The group has since been renamed "For Survivors, By Survivors."</p>	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Bobby Cook, Hannah Kilfoyle, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's YouTube account found at https://www.youtube.com/c/BreakingCodeSilence/videos .	On or around January 10, 2022.	Following her departure from BCS, McNamara established her personal email address "iristheangel@gmail.com" as the primary account owner of BCS's YouTube account. Despite repeated requests, McNamara refused to remove her personal email address as the primary account owner. When asked multiple times to turn over her credentials by BCS personnel, McNamara continued to represent that she did not have administrative privileges. Eventually, McNamara turned over the credentials for BCS's YouTube account.	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

Interrogatories Nos. 1 and 3

BCS's TikTok account "@BreakingCodeSilence"	The exact initial date of unauthorized access is unknown to Plaintiff at this time, but the issue remains ongoing since January 2022.	On multiple occasions, including specifically on January 9, 2022 and January 28, 2022, BCS requested that McNamara return her administrative credentials for BCS's TikTok account. McNamara continued to refuse to provide the credentials for the TikTok account.	Vanessa Hughes, Jesse Jensen, Jennifer Magill, Noelle Beauregard, Megan Hurwitt, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
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Interrogatory No. 2

BCS account or computer that DEFENDANTS had access to.	Date that McNamara's rights to the account or computer were or should have been terminated.	Persons with knowledge of the termination of McNamara's rights.	Documents that relate to BCS termination of DEFENDANTS' administrative access or login credentials to the account or computer.
BCS's email account at kmcnamara@breakingcodesilence.org.	On or about December 9, 2021.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's email account at info@breakingcodesilence.org.	On or about October 23, 2021.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the

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			Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's email account at jwhiteley@breakingcodesilence.org.	On or about June 28, 2021.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Website with the domains www.breakingcodesilence.org and www.breakingcodesilence.com.	Plaintiff has been unable to deny McNamara control over the website, however, her right to control the website terminated on or about December 9, 2021.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Noelle Beauregard, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Google accounts (Google Drive, Google Search Console, Google AdWords, and Google Analytics) associated with the website with the domains www.breakingcodesilence.org and www.breakingcodesilence.com.	Plaintiff has been unable to deny McNamara control over all its Google accounts, but McNamara's rights to control all these accounts terminated on or about December 9, 2021. Plaintiff also tried to take affirmative steps to terminate McNamara's access to the Google Search Console on or about January 12, 2022.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Noelle Beauregard, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Twitter account with the handle @BreakingCodeSi1.	Plaintiff has been unable to deny McNamara control over the BCS Twitter account, but her right to control the account terminated on or about December 9, 2021.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Shelby Kirchoff, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan

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			and Protocol for Discovery of Electronically Stored Information.
BCS's Slack account found at breakingcodesilencehq.slack.com/home .	McNamara's right to access BCS's Slack account terminated on or about December 9, 2021, but Plaintiff had to take affirmative steps to terminate McNamara's access on December 22, 2021.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Zotero library previously found at https://www.zotero.org/groups/4288739/breaking_code_silence/library .	McNamara's right to control and manage Plaintiff's Zotero library terminated on or about December 9, 2021. However, Plaintiff has been unable to remove McNamara's access because she never relinquished control of the library and refused to hand administration of the library from her personal Zotero account to a newly established BCS account despite repeated requests.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Noelle Beauregard, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Instagram account @BreakingCodeSilenceOfficial.	McNamara's right to control the BCS Instagram Account terminated on December 9, 2021. However, Plaintiff has been unable to remove her access because she never relinquished credentials.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Shelby Kirchoff, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Facebook Financial Admin account associated with BCS's Facebook Page found at www.facebook.com/BreakingCodeSilence	Defendants' right to control the BCS Facebook Financial Admin account terminated no later than December 9, 2021. However, Plaintiff has been unable to remove their access	Jenny Magill, Vanessa Hughes, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan

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	because Whiteley never relinquished his administrative credentials.		and Protocol for Discovery of Electronically Stored Information.
BCS's Facebook page titled "Breaking Code Silence."	McNamara's right to control the BCS Facebook page and associated account terminated on December 9, 2021.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Hannah Kilfoyle, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.
BCS's Facebook Business account that controls the Facebook page titled "Breaking Code Silence" found at www.facebook.com/BreakingCodeSilence .	Defendants' right to control the BCS Facebook Business account terminated no later than December 9, 2021. However, Plaintiff has been unable to remove their access because Whiteley never relinquished credentials.	Jenny Magill, Vanessa Hughes, Jesse Jensen, Arianna Conroyd, Bobby Cook, Katherine McNamara, Jeremy Whiteley.	Document production has not yet begun. Plaintiff will produce documents in connection with its response to this Interrogatory, if any exist, on a rolling basis after the entry of the Stipulated Order Re: Joint E-Discovery Plan and Protocol for Discovery of Electronically Stored Information.

PROOF OF SERVICE BY MAIL

(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of DLA Piper LLP (US), whose address is 2000 Avenue of the Stars, Suite 400 North Tower, Los Angeles, California 90067-4704; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with DLA Piper's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of DLA Piper's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at DLA Piper with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**PLAINTIFF BREAKING CODE SILENCE'S RESPONSES TO
DEFENDANT KATHERINE MCNAMARA'S FIRST SET OF
INTERROGATORIES**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at 2000 Avenue of the Stars, Suite 400 North Tower, Los Angeles, California 90067-4704, in accordance with DLA Piper's ordinary business practices:

Catherine A. Close
JULANDER BROWN BOLLARD
9110 Irvine Center Drive
Irvine, CA 92618
Tel: (949) 477-2100
Fax: (949) 477-6355
Email: cac@jbblaw.com

I declare under penalty of perjury that the above is true and correct. Executed at Los Angeles, California, this 5th day of August, 2022.

Jason Lueddeke

(typed)

/s/ Jason Lueddeke

(signature)