

# **EXHIBIT 54**

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7 Attorneys for Plaintiff  
 8 **BREAKING CODE SILENCE**

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**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 SUPPLEMENTAL  
 RESPONSES TO DEFENDANT  
 JEREMY WHITELEY’S FIRST SET  
 OF INTERROGATORIES**

PROPOUNDING PARTY: Defendant JEREMY WHITELEY  
 RESPONDING PARTY: Plaintiff BREAKING CODE SILENCE  
 SET NO.: One

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

4 **GENERAL STATEMENT AND OBJECTIONS**

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

12 1. Plaintiff objects to these Interrogatories to the extent they are  
13 overbroad, unduly burdensome, and seek information and documents that are not  
14 reasonably calculated to lead to the discovery of admissible evidence.

15 2. Plaintiff objects to these Interrogatories to the extent that they are  
16 vague, ambiguous, overbroad, or oppressive, or seek information for which the  
17 burden or expense of the proposed discovery outweighs the likely benefit. Any  
18 response or production by Plaintiff is not an admission by Plaintiff of the relevance  
19 or admissibility of the documents or information produced, and all objections to the  
20 further use of any information or documents or to further production are specifically  
21 preserved.

22 3. Plaintiff objects to these Interrogatories to the extent that they are not  
23 limited to a reasonable time period and are therefore overbroad, seek information for  
24 which the burden or expense of the proposed discovery outweighs the likely benefit,  
25 and seek information beyond the scope of permissible discovery.

26 4. Plaintiff objects to these Interrogatories to the extent that they seek  
27 information and documents that are protected from discovery by the attorney-client  
28 privilege and/or attorney work-product doctrine, protected by the right to privacy, or

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

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

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

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

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

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

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

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

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

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

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

21 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**  
22 **INTERROGATORY NO. 2:**

23 Please describe in detail the results of any and all investigation(s) which  
24 RELATE TO the cyber hacking incident(s) alleged in YOUR COMPLAINT by:

25 (a) Stating the date(s) the investigation(s) took place;

26 (b) IDENTIFYING all PERSONS who conducted the  
27 investigation(s);

28 (c) Describing all information provided to the PERSON conducting

1 the investigation (such as background information, assumptions and  
2 DOCUMENTS); and

3 (d) Describing in detail all findings or conclusions made by the PERSON  
4 conducting the investigation.

5 **RESPONSE TO INTERROGATORY NO. 2:**

6 In addition to the General Objections set forth above and incorporated herein,  
7 Plaintiff objects to this Interrogatory on the ground that it is compound because the  
8 subparts constitute multiple discrete subparts. Plaintiff further objects to this  
9 Interrogatory on the ground that it is overbroad and unduly burdensome because it  
10 purports to require Plaintiff to detail every aspect of its investigations into  
11 Defendants' cyber misconduct.

12 Subject to and without waiving the foregoing objections, Plaintiff responds as  
13 follows: Plaintiff's investigation into Defendants' cyber misconduct remains  
14 ongoing. Plaintiff will supplement this response with further information.

15 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

16 Subject to and without waiving the foregoing objections, Plaintiff responds as  
17 follows:

18 The investigation began on March 11, 2022, when BCS was alerted to the fact  
19 that its website had been de-indexed and Jesse Jensen, a volunteer, worked to  
20 temporarily remediate the situation using file-base domain control validation. While  
21 several BCS volunteers were involved, the principal investigators were Mr. Jensen  
22 and Noelle Beauregard. Ms. Beauregard identified the immediate root cause as  
23 Defendants' malicious de-index request when she reviewed the Google Search  
24 Console. Mr. Jensen then independently confirmed Ms. Beauregard's findings.

25 Specifically, both individuals found that the email "jeremy@medtexter.com"  
26 belonging to Jeremy Whiteley and "irisheangel@gmail.com" belonging to  
27 Katherine McNamara had privileges they should not have had in BCS's Google  
28 Search Console. Mr. Jensen learned that the Defendants were in control of the

1 domain name and were using malicious TXT records for validation to Google. The  
2 conclusion was that the Defendants failed to properly hand over control of the  
3 domain name when they left BCS and by doing so allowed themselves the ability to  
4 attack BCS's website and potentially other accounts.

5 **INTERROGATORY NO. 3:**

6 Please describe in detail the conduct of any and all investigation(s) which  
7 RELATE TO the cyber hacking incident(s) alleged in YOUR COMPLAINT by:

- 8 (a) Stating the date(s) the investigation(s) took place;  
9 (b) IDENTIFYING all PERSONS who conducted the  
10 investigation(s);  
11 (c) Describing all steps taken to determine that the breach or cyber  
12 hacking incident occurred, including the date(s) such actions were taken;  
13 (d) Describing all steps taken to identify the root cause or source of  
14 the breach or cyber hacking incident, including the date(s) such actions were  
15 taken;  
16 (e) Describing the methodology used for the investigation(s);  
17 (f) Describing the evidence analyzed during the investigation(s);  
18 and  
19 (g) Describing all tools and software used for the investigation(s).

20 **RESPONSE TO INTERROGATORY NO. 3:**

21 In addition to the General Objections set forth above and incorporated herein,  
22 Plaintiff objects to this Interrogatory on the ground that it is compound because the  
23 subparts constitute multiple discrete subparts. Plaintiff further objects to this  
24 Interrogatory on the ground that it is overbroad and unduly burdensome because it  
25 purports to require Plaintiff to detail every aspect of its investigations into  
26 Defendants' cyber misconduct.

27 Subject to and without waiving the foregoing objections, Plaintiff responds as  
28 follows: Plaintiff's investigation into Defendants' cyber misconduct remains

1 ongoing. Plaintiff will supplement this response with further information.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

3 Subject to and without waiving the foregoing objections, Plaintiff responds as  
4 follows:

5 BCS incorporates its response to Interrogatory No. 2 as if stated fully herein.  
6 In addition to the actions taken as described in Interrogatory No. 2, BCS contacted  
7 the domain registrar, Hover, and Hover confirmed that the registry account was  
8 under Defendant McNamara's control.

9 **INTERROGATORY NO. 4:**

10 Please describe in detail all actions taken to mitigate or respond to the cyber  
11 hacking incident(s) alleged in YOUR COMPLAINT by:

- 12 (a) Describing all actions taken to stop the alleged breach or cyber  
13 hacking incident, including the date(s) such actions were taken;
- 14 (b) Describing all actions taken to mitigate damage or costs incurred  
15 as a result of the alleged cyber hacking incident(s), including the date(s) such  
16 actions were taken;
- 17 (c) Describing all steps and actions taken to eliminate the root cause  
18 of the alleged breach or cyber hacking incident(s), including the date(s) such  
19 actions were taken;
- 20 (d) Describing all steps and actions taken to recover affected  
21 systems and devices, including the date(s) such actions were taken;
- 22 (e) Describing all incident response procedures followed for the  
23 alleged breach or cyber hacking incident(s), including the date(s) such  
24 measures were taken; and
- 25 (f) Describing the methodology used for any incident response.

26 **RESPONSE TO INTERROGATORY NO. 4:**

27 In addition to the General Objections set forth above and incorporated herein,  
28 Plaintiff objects to this Interrogatory on the ground that it is compound because the



1 subparts constitute multiple discrete subparts. Plaintiff further objects to this  
2 Interrogatory on the ground that it is overbroad and unduly burdensome because it  
3 purports to require Plaintiff to detail every aspect of its investigations into, and  
4 responses to, Defendants' cyber misconduct.

5 Subject to and without waiving the foregoing objections, Plaintiff responds as  
6 follows: Plaintiff's investigation into Defendants' cyber misconduct remains  
7 ongoing. Plaintiff will supplement this response with further information.

8 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

9 Subject to and without waiving the foregoing objections, Plaintiff responds as  
10 follows:

11 BCS incorporates its responses to Interrogatories Nos. 2 and 3 as if fully set  
12 forth herein.

13 On March 11, 2022, Jesse Jensen, a BCS volunteer, was notified that  
14 <[www.breakingcodesilence.org](http://www.breakingcodesilence.org)> had been deindexed on Google. Mr. Jensen  
15 worked into the night and much of the following day with several other BCS  
16 employees or volunteers evaluating the site and situation. These efforts included an  
17 extensive review of the server content and configuration as well as Google search  
18 console and a call to domain registrar Hover to confirm that the domain was still  
19 held by defendant McNamara in an account to which BCS did not have access.

20 BCS learned through these efforts that the Defendants had control of the  
21 domain name and were using Google DNS validation to control the Google account  
22 and had made a de-indexing request. This meant it was not possible to secure the  
23 site without gaining control of the domain via legal or ICANN action. As a stop-gap,  
24 Mr. Jensen gained a different level of control via Google file validation - by placing  
25 a file specified by Google on the server. This allowed Mr. Jensen to remove the  
26 malicious de-index request, but not to gain control of the domain name or  
27 permanently remove Defendants' access to Google Search Console. As BCS  
28 continued to take efforts to remove Defendants' privileges over the next several

1 days, Defendants continued adding them back eventually adding odd and  
2 unexpected email addresses like "president@whitehouse.gov". As of this date,  
3 defendant Whiteley still has access via the email address "jeremy@medtexter.com"

4 **INTERROGATORY NO. 5 :**

5 Please describe in detail all actions taken to preserve evidence RELATED TO  
6 the cyber hacking incident(s) alleged in YOUR COMPLAINT by:

- 7 (a) Describing all actions and steps taken to preserve evidence at the  
8 time or shortly after the alleged breach or cyber hacking incident(s),  
9 including the date(s) such actions were taken;
- 10 (b) Describing all tools and software used to preserve evidence of the  
11 alleged cyber hacking incident;
- 12 (c) Describing all nonrepudiation methods, tools, and software used to  
13 preserve the state of the evidence and prevent it from being altered; and  
14 (d) Describing the chain of custody for any evidence obtained from the  
15 investigation(s).

16 **RESPONSE TO INTERROGATORY NO. 5:**

17 In addition to the General Objections set forth above and incorporated herein,  
18 Plaintiff objects to this Interrogatory on the ground that it is compound because the  
19 subparts constitute multiple discrete subparts. Plaintiff further objects to this  
20 Interrogatory on the ground that it is overbroad and unduly burdensome because it  
21 purports to require Plaintiff to detail every way in which it has preserved evidence  
22 related to this litigation.

23 Subject to and without waiving the foregoing objections, Plaintiff responds as  
24 follows: Plaintiff's investigation into Defendants' cyber misconduct remains  
25 ongoing. Plaintiff will supplement this response with further information.

26 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

27 Subject to and without waiving the foregoing objections, Plaintiff responds as  
28 follows:

1 On March 11, 2022 and March 12, 2022, BCS volunteers and its head of web  
2 development captured and preserved screenshots of relevant accounts, including but  
3 not limited to Google Search Console. BCS volunteers used built-in screenshot  
4 tools on Linux, Windows or MacOS to create and preserve the screenshots.

5 **INTERROGATORY NO. 6:**

6 Please state all costs incurred by YOU RELATED TO the alleged cyber  
7 hacking incident(s), including the date such costs were incurred.

8 **RESPONSE TO INTERROGATORY NO. 6:**

9 Plaintiff incorporates the foregoing General Objections as though fully set  
10 forth herein.

11 Subject to and without waiving the foregoing objections, Plaintiff responds as  
12 follows: Plaintiff's investigation into Defendants' cyber misconduct remains  
13 ongoing. Plaintiff will supplement this response with further information.

14 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

15 Subject to and without waiving the foregoing objections, Plaintiff responds as  
16 follows:

17 The cyber-attack and required investigation and work to limit the damage to  
18 BCS have needlessly consumed (wasted) hundreds of hours of valuable volunteer  
19 time that could have gone to important BCS projects. For instance, Mr. Jensen  
20 would normally bill his time at a rate for a world-class technology expert at \$400-  
21 500/hour.

22 In addition, less quantifiable costs include the ongoing risk of operating with  
23 a vulnerability open to a hostile entity who might and has used it at any time to  
24 compromise BCS's internal communications or website - a perpetual state of attack  
25 - as well as associated individual stress and harassment. This also causes loss of use  
26 of BCS's internal systems for sensitive purposes, including email and Slack  
27 instances, because these systems could be breached by Defendants at any time.  
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Dated: October 31, 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


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**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 October 31, 2022 at Centennial, Colorado.

  
\_\_\_\_\_  
Jennifer Magill  
CEO, Breaking Code Silence

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**PROOF OF SERVICE BY EMAIL**  
(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 SUPPLEMENTAL  
RESPONSES TO DEFENDANT JEREMY WHITELEY’S  
FIRST SET OF INTERROGATORIES**

on the following by emailing a true copy thereof to the following individuals:

- JULANDER BROWN BOLLARD
- Catherine A. Close  
[cac@jbblaw.com](mailto:cac@jbblaw.com)
- Adam Tate  
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- Helene P. Saller  
[helene@jbblaw.com](mailto:helene@jbblaw.com)

I declare under penalty of perjury that the above is true and correct. Executed at Los Angeles, California, October 31, 2022.

Tamany Vinson Bentz  
\_\_\_\_\_  
(typed)

*/s/ Tamany Vinson Bentz*  
\_\_\_\_\_  
(signature)