

# **EXHIBIT 55**

1 TAMANY J. VINSON BENTZ (SBN 258600)  
*tamany.bentz@us.dlapiper.com*  
2 JASON T. LUEDDEKE (SBN 279242)  
*jason.lueddeke@us.dlapiper.com*  
3 MICHAEL PATRICK BROWN (SBN 328579)  
*michael.p.brown@us.dlapiper.com*  
4 BENJAMIN GRUSH (SBN 335550)  
*benjamin.grush@us.dlapiper.com*  
5 **DLA PIPER LLP (US)**  
2000 Avenue of the Stars  
6 Suite 400 North Tower  
Los Angeles, California 90067-4735  
7 Telephone: 310.595.3000  
Facsimile: 310.595.3300

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

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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-SB-MAA  
  
**PLAINTIFF BREAKING CODE  
SILENCE’S FIRST AMENDED  
RESPONSES TO DEFENDANT  
JEREMY WHITELEY’S THIRD  
SET OF REQUESTS FOR  
PRODUCTION**  
  
Judge: Hon. Maria A. Audero  
Complaint Filed: March 28, 2022  
Trial Date: October 17, 2023

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

1 Pursuant to Federal Rule of Civil Procedure 34, Plaintiff Breaking Code  
2 Silence (“Plaintiff”) provides its first amended response to Defendant Jeremy  
3 Whiteley’s Fourth Set of Requests for Production of Documents (the “Requests”) as  
4 follows:

5 **PRELIMINARY STATEMENT**

6 1. Although Plaintiff has conducted a good faith investigation in order to  
7 respond to the Requests, Plaintiff has not completed its investigation or discovery in  
8 this matter. By responding to these Requests, Plaintiff is not precluded from  
9 providing supplemental responses or from using at trial or other proceedings,  
10 information that is obtained subsequent to the date of these responses.

11 2. By these responses, Plaintiff makes no admission concerning the  
12 relevance or admissibility of any of the information sought and reserves its right to  
13 make all pertinent evidentiary objections at trial or at any other stage of these  
14 proceedings.

15 **GENERAL STATEMENT AND OBJECTIONS**

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

23 1. Plaintiff objects to these Requests to the extent they are overbroad,  
24 unduly burdensome, and seek documents that are not reasonably calculated to lead  
25 to the discovery of admissible evidence.

26 2. Plaintiff objects to these Requests to the extent that they are vague,  
27 ambiguous, overbroad, or oppressive, or seek information for which the burden or  
28 expense of the proposed discovery outweighs the likely benefit. Any response or

1 production by Plaintiff is not an admission by Plaintiff of the relevance or  
2 admissibility of the records or information produced, and all objections to the  
3 further use of any information or documents or to further production are specifically  
4 preserved.

5 3. Plaintiff objects to these Requests to the extent that they are not limited  
6 to a reasonable time period and are therefore overbroad, seek information for which  
7 the burden or expense of the proposed discovery outweighs the likely benefit, and  
8 seek information beyond the scope of permissible discovery.

9 4. Plaintiff objects to these Requests to the extent that they seek  
10 information and documents that are protected from discovery by the attorney-client  
11 privilege and/or attorney work-product doctrine, protected by the right to privacy, or  
12 protected by any other applicable privilege or protection. Any inadvertent  
13 production of privileged or protected information or documents shall not constitute,  
14 or be deemed, a waiver of any applicable statutory, regulatory, common law, or  
15 other privilege. Plaintiff reserves the right to demand the return or destruction of  
16 any privileged or protected document, copies thereof, and any materials containing  
17 information derived therefrom.

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

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

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

28

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

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

10          10.    Plaintiff objects to these Requests to the extent that they seek  
11 information that addresses purely legal issues, contains legal conclusions, implies or  
12 assumes facts or circumstances which do not or did not exist, or seeks an admission  
13 of liability.

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

22          12.    Plaintiff objects to these Requests to the extent they seek to restrict the  
23 facts on which Plaintiff may rely at summary judgment, trial, or any other  
24 proceeding in this matter. Discovery has yet to be completed in this case. By  
25 responding and objecting to these Requests, Plaintiff does not intend to, and does  
26 not, limit the evidence upon which it may rely to support its contentions, denials,  
27 and defenses, or to rebut or impeach contentions, assertions, and evidence presented  
28

1 by Defendants. Further, Plaintiff reserves the right to supplement or amend its  
2 responses.

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

5 **RESPONSES TO REQUESTS FOR PRODUCTION**

6 **REQUEST FOR PRODUCTION NO. 29 [SIC]:**

7 Please PRODUCE all timekeeping, invoicing, billing, and payment records  
8 reflecting or RELATING TO the “[t]ime incurred by [BCS’s] lawyers” (as set forth  
9 in YOUR Amended Response to Interrogatory No. 9(a)(2)), and the associated costs  
10 to BCS.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29 [SIC]:**

12 Plaintiff hereby incorporates by reference its Preliminary Statement and  
13 Objections as though set forth herein. Plaintiff further objects to this Request on the  
14 grounds that it is duplicative of RFP 1. Plaintiff also objects to this request as  
15 overbroad, unduly burdensome, and seeks information that it is not relevant to the  
16 claims or defenses of any party and/or not proportional to the needs of the case  
17 because, among other reasons, it seeks “all timekeeping, invoicing, billing, and  
18 payment records.” Plaintiff further objects to this Request to the extent that it seeks  
19 the disclosure of information or documents subject to the attorney-client privilege,  
20 the attorney work-product doctrine, and/or any other applicable privilege or  
21 protection, including any common interest privilege.

22 Subject to and without waiving the foregoing objections, Plaintiff responds as  
23 follows: Plaintiff is unaware of any non-privileged documents that are responsive to  
24 this request.

25 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 29 [SIC]:**

26 Subject to and without waiving the foregoing objections, Plaintiff responds as  
27 follows: Plaintiff will produce non-privileged documents sufficient to show the  
28

1 time incurred by BCS attorneys as part of the investigation into the alleged hacking  
2 of BCS's website.

3 **REQUEST FOR PRODUCTION NO. 31:**

4 For each of YOUR employees/volunteers/ agents investigating  
5 DEFENDANTS' actions, please PRODUCE all DOCUMENTS which reflect or  
6 evidence the amounts actually paid by BCS for the work performed.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

8 Plaintiff hereby incorporates by reference its Preliminary Statement and  
9 Objections as though set forth herein. Plaintiff further objects to this Request on the  
10 grounds that is overbroad, unduly burdensome, and seeks information that it is not  
11 relevant to the claims or defenses of any party and/or not proportional to the needs  
12 of the case because, among other reasons, it purports to require Plaintiff to turn over  
13 all records related to all payments irrespective of whether they relate to this case or  
14 the tasks in an investigation that took several months' time.. Plaintiff further objects  
15 to this Request on the ground that it is vague and ambiguous in general, and  
16 specifically, with respect to the undefined phrase "actually paid." Plaintiff further  
17 objects to this Request to the extent that it seeks the disclosure of information or  
18 documents subject to the attorney-client privilege, the attorney work-product  
19 doctrine, and/or any other applicable privilege or protection, including any common  
20 interest privilegePlaintiff further objects to this Request on the ground that it seeks  
21 information protected from disclosure by the right to privacy under the constitutions  
22 of the United States of America and/or California, including with respect to Plaintiff  
23 and/or any third party.

24 Subject to and without waiving the foregoing objections, Plaintiff responds as  
25 follows: Plaintiff is unaware of any non-privileged documents responsive to this  
26 request.

27  
28

1 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

2 Subject to and without waiving the foregoing objections, Plaintiff responds as  
3 follows: Plaintiff is unaware of any documents responsive to this request.

4 **REQUEST FOR PRODUCTION NO. 32:**

5 For each of YOUR lawyers investigating DEFENDANTS’ actions, please  
6 PRODUCE all DOCUMENTS which reflect or evidence the specific tasks  
7 performed RELATED TO the investigation and the dates each task was performed.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

9 Plaintiff hereby incorporates by reference its Preliminary Statement and  
10 Objections as though set forth herein. Plaintiff further objects to this Request on the  
11 grounds that is overbroad, unduly burdensome, and seeks information that it is not  
12 relevant to the claims or defenses of any party and/or not proportional to the needs  
13 of the case because, among other reasons, it is not limited as to time and/or scope.  
14 Plaintiff further objects to this Request on the ground that it is vague and ambiguous  
15 in general, and specifically, with respect to the undefined terms and/or phrases  
16 “specific tasks performed.” Plaintiff further objects to this Request because it seeks  
17 the disclosure of information or documents subject to the attorney-client privilege,  
18 the attorney work-product doctrine, and/or any other applicable privilege or  
19 protection.

20 Subject to and without waiving the foregoing objections, Plaintiff responds as  
21 follows: Plaintiff is unaware of any non-privileged documents responsive to this  
22 request.

23 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

24 Subject to and without waiving the foregoing objections, Plaintiff responds as  
25 follows: Plaintiff will produce non-privileged documents sufficient to show the  
26 time incurred by BCS attorneys as part of the investigation into the alleged hacking  
27 of BCS’s website.

28



1 **REQUEST FOR PRODUCTION NO. 34:**

2 Please PRODUCE all Google Search Console logs for the  
3 <breakingcodesilence.com> domain.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

5 Plaintiff hereby incorporates by reference its Preliminary Statement and  
6 Objections as though set forth herein. Plaintiff further objects to this Request on the  
7 grounds that is overbroad, unduly burdensome, and seeks information that it is not  
8 relevant to the claims or defenses of any party and/or not proportional to the needs  
9 of the case because, among other reasons, it is not limited as to time and/or scope.  
10 Plaintiff further objects to this Request on the ground that it is vague and ambiguous  
11 in general. Plaintiff further objects to this Request on the ground that it is  
12 duplicative of Defendants' earlier requests.

13 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

14 Subject to and without waiving the foregoing objections, Plaintiff responds as  
15 follows: Plaintiff will produce the Google Search Console logs that it is able to  
16 obtain or are in its possession custody and control.

17 **REQUEST FOR PRODUCTION NO. 38:**

18 Please PRODUCE the Google Tag Manager version history of the  
19 <breakingcodesilence.com> website for any and all tags used between March 22,  
20 2021 and the present.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

22 Plaintiff hereby incorporates by reference its Preliminary Statement and  
23 Objections as though set forth herein. Plaintiff further objects to this Request on the  
24 grounds that is overbroad, unduly burdensome, and seeks information that it is not  
25 relevant to the claims or defenses of any party and/or not proportional to the needs  
26 of the case because, among other reasons, it seeks information from in irrelevant  
27 time period. Plaintiff further objects to this Request on the ground that it is vague  
28 and ambiguous in general, and specifically, with respect to the undefined phrase(s)

1 “Google Tag Manager version history,” and “any and all tags.” Plaintiff further  
2 objects to this Request on the ground that it is duplicative of earlier requests served  
3 by either Defendant.

4 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

5 Subject to and without waiving the foregoing objections, Plaintiff responds as  
6 follows: Plaintiff will produce the Google Tag Manager records that it is able to  
7 obtain or are in its possession custody and control.

8 **REQUEST FOR PRODUCTION NO. 39:**

9 Please PRODUCE all DOCUMENTS RELATED TO any and all DNS  
10 Records related to the domain <breakingcodesilence.com> and on the  
11 breakingcodesilence.com website.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

13 Plaintiff hereby incorporates by reference its Preliminary Statement and  
14 Objections as though set forth herein. Plaintiff further objects to this Request on the  
15 grounds that is overbroad, unduly burdensome, and seeks information that it is not  
16 relevant to the claims or defenses of any party and/or not proportional to the needs  
17 of the case because, among other reasons, it is not limited as to time and/or scope.  
18 Plaintiff further objects to this Request on the ground that it is vague and ambiguous  
19 in general, and specifically, with respect to the undefined phrase “DNS Records.”  
20 Plaintiff further objects to this Request on the ground that it is duplicative of earlier  
21 requests served by either Defendant.

22 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

23 Subject to and without waiving the foregoing objections, Plaintiff responds as  
24 follows: Plaintiff will produce records that show any change, alteration, or de-  
25 indexing alleged in the Complaint that Plaintiff can obtain or are in its possession,  
26 custody or control.

27  
28

1 Dated: March 10, 2023

DLA PIPER LLP (US)

2

3

By: /s/Tamany Vinson Bentz

4

---

TAMANY J. VINSON BENTZ

5

JASON T. LUEDDEKE

6

MICHAEL P. BROWN

7

BENJAMIN GRUSH

8

Attorneys for Plaintiff

9

BREAKING CODE SILENCE

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. 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 FIRST  
AMENDED RESPONSES TO DEFENDANT JEREMY  
WHITELEY’S THIRD SET OF REQUESTS FOR  
PRODUCTION**

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, March 10, 2023.

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

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