

EXHIBIT 78

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE, a)
California 501(c)(3) nonprofit,)
)
Plaintiff,)

Certified Copy
Contains Portions Designated
- Confidential -
Pursuant To Protective Order

) Case No.
vs.) 2:22-cv-002052-SB-MAA
)

KATHERINE MCNAMARA, an Individual;)
JEREMY WHITELEY, an individual; and)
DOES 1 through 50, inclusive,)
)
Defendants.)

_____)

VOLUME II

- CONTAINS CONFIDENTIAL PORTIONS -
VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF JENNIFER MAGILL
PERSON MOST KNOWLEDGEABLE FOR BREAKING CODE SILENCE

Date and Time: Wednesday, November 15, 2023
9:03 a.m. - 12:53 p.m.

Location: Remotely
(Via Videoconference)

Reported By: Tami L. Le, CSR No. 8716, RPR
Certified Shorthand Reporter

Job No. 28157

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KATHERINE MCNAMARA, an Individual;)
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DOES 1 through 50, inclusive,)
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_____)

V O L U M E II

REMOTE VIDEOTAPED DEPOSITION of JENNIFER
MAGILL, AS PERSON MOST KNOWLEDGEABLE OF BREAKING
CODE SILENCE, taken on behalf of the Defendants,
with all participants appearing remotely via Zoom
videoconference, commencing at 9:03 a.m., on
Wednesday, November 15, 2023, before Tami L. Le,
Certified Shorthand Reporter 8716, in and for the
State of California.

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09:06 1 If you don't want to see just yourself on here, you
2 can click up at the right-hand corner. There should
3 be a "View" button, and you can just click on
4 "Gallery View" so then that way you can see
09:06 5 everybody.

6 THE DEPONENT: Is there a reason that's
7 necessary today but was not yesterday?

8 THE VIDEOGRAPHER: Counsel, would you like
9 the witness spotlighted or...

09:06 10 MR. TATE: Yeah, of course. Yeah. When we
11 show it to the jury, the jury doesn't want to see
12 anyone else except for her.

13 THE VIDEOGRAPHER: Okay. You may proceed.

14 BY MR. TATE:

09:06 15 Q So as I was saying, I believe I had asked
16 the question that:

17 "BCS has not paid its attorneys

18 at DLA Piper anything?"

19 Is that true?

09:07 20 A Yes.

21 Q What is your current residential address?

22 A My address is confidential.

23 MR. GIBSON: Objection; privacy.

24 BY MR. TATE:

09:07 25 Q Well, we can do this two ways, Ms. Magill.

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09:10 1 in a deposition. But I'm not sure where this is --
2 how this could possibly be related to discovering
3 admissible evidence.

4 MR. TATE: Oh, it's going to come very
09:10 5 clear in a second.

6 BY MR. TATE:

7 Q How much were you making in 2021?

8 A I honestly don't know myself, but, yeah, it
9 wasn't very much myself. We primarily relied on my
09:11 10 husband's income.

11 Q Right. And your husband was a lawyer;
12 right?

13 A That's not his profession, no.

14 Q What did your husband do in 2021?

09:11 15 A The first half or the second half?

16 Q Why don't you give me both.

17 MR. GIBSON: Same objections.

18 THE DEPONENT: The first half, he worked
19 for the Federal Department of Labor as an
09:11 20 investigator. The second half, he worked with the
21 Department of the Interior as a special agent.

22 BY MR. TATE:

23 Q Okay. So flash forward to 2021, you,
24 Ms. Hughes, Jeremy Whiteley, and Katherine McNamara
09:11 25 organize Breaking Code Silence and become the first

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09:11 1 interim board members; correct?

2 A Repeat that, please.

3 Q Yes. So in 2021, you, Ms. Hughes, Jeremy
4 Whiteley, and Katherine McNamara organize Breaking

09:11 5 Code Silence; is that correct?

6 A Partially. There were more people
7 involved.

8 Q Okay. But the four persons that I just
9 mentioned were the first interim board members; is

09:12 10 that correct?

11 A Yes.

12 Q At some time after BCS was organized, you
13 put together a budget proposing to pay you a
14 six-figure salary; is that correct?

09:12 15 A I did not put together said budget.

16 Q Who did?

17 A Myself, Vanessa Hughes, and Rebecca -- I'm
18 trying to remember her last name. Paris Hilton's
19 Impact coordinator.

09:12 20 Q Yeah. So you participated in putting
21 together a budget, but you weren't the only one. Is
22 that the distinction you're trying to make?

23 A Correct.

24 Q Got it. Let me show you the budget. We'll
09:12 25 mark it as Exhibit 147 -- 146. Sorry.

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12:20 1 Q But BCS did revoke their access; correct?

2 A At some point, yep.

3 Q Then when Mr. Whiteley quit, BCS also
4 revoked his access to his BreakingCodeSilence.org
12:20 5 email; correct?

6 A That, you'd have to ask Ms. McNamara. That
7 was her job.

8 Q Well, you were given his credentials,
9 weren't you?

12:21 10 MR. GIBSON: Objection; vague as to time
11 frame.

12 THE DEPONENT: What -- credentials for
13 what? When?

14 BY MR. TATE:

12:21 15 Q You were given Jeremy Whiteley
16 BreakingCodeSilence.org credentials; isn't that
17 true?

18 A I don't remember. We were all managing
19 that, but, yeah, I don't remember specifics.

12:21 20 I will note that Jeremy, unlike Katie, was
21 very supportive of the organization and followed
22 through on his commitment to turn over accounts he
23 created for the organization.

24 Q So why do you think Jeremy deindexed the
12:21 25 website?

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REPORTER'S CERTIFICATE

I, Tami L. Le, Registered Professional Reporter, Certified Shorthand Reporter in and for the State of California, do hereby certify:

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b), and prior to being examined, the witness was first duly administered an oath by me.

That the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

Before completion of the deposition, review of the transcript [] was [X] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

In WITNESS WHEREOF, I have subscribed my name this date: November 16, 2023.


TAMI L. LE
Certified Shorthand Reporter No. 8716, RPR