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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

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

Plaintiff,

vs.

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

Defendants.

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

**DECLARATION OF KATHERINE  
MCNAMARA IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT OR IN THE  
ALTERNATIVE PARTIAL  
SUMMARY JUDGMENT**

Date: January 2, 2024

Time: 10:00 a.m.

Crtrm: 690

*[Assigned to the Hon. Maria A. Audero]*



**DECLARATION OF KATHERINE MCNAMARA**

I, KATHERINE MCNAMARA, hereby declare and state under penalty of perjury the following facts:

1. I am over the age of eighteen and a defendant the within action. I submit this Declaration in support of the Motion for Summary Judgment filed on behalf of Defendant JEREMY WHITELEY (“Whiteley”). I have personal knowledge of the following facts and, if called upon to testify, I can and will truthfully testify thereto.

2. The “troubled teen industry” or “TTI” is a term commonly used to refer to a broad range of programs in which thousands of children annually, are branded as “problem children” for a variety of reasons are sent, often against their wills, to congregate care facilities (sometimes known as “boot camps,” “behavioral modification schools,” or other similar monikers). Although marketed as therapeutic treatment centers, many facilities simply collect public funding and also cruelly abuse the children, including physical, verbal, and sexual abuse, isolation, forced hard labor, chemical sedation, sleep and food deprivation, attack therapy and aversion therapy. For many years, advocates seeking to help raise attention to the issues with TTI facilities, reform them, and end institutional child abuse commonly use the phrase “Breaking Code Silence” because “Code Silence” is a common form of punishment used by many TTI facilities in which no talking is strictly enforced.

3. As a teenager, I was sent to two such TTI facilities, including Provo Canyon School, a private congregate care facility for troubled teens in Provo, Utah, where I both suffered and witnessed terrible abuse. As a result, I have been an active anti-TTI advocate for over five years, since approximately 2017.

4. Because one of my skills is data-gathering, in 2017 I began mining public records for information and documents related to TTI facilities and evidence of the abuse. My goal was to gather as much data as I could to expose these TTI



1 facilities. These documents, along with the survivor data I compiled over the years,  
2 is housed on my personal Google Drive, and organized on Zotero, which is an  
3 opensource tool for sharing research with others. Similar to an on-line bibliography,  
4 Zotero organizes the links to data which is housed somewhere else.

5         5. In 2019, I began collaborating with other survivors about the need to  
6 bring the issues to the public’s attention and stop the institutional abuse. That year,  
7 some of the survivors I was originally collaborating with, including Chelsea  
8 Papciak, purchased the domain name <breakingcodesilence.net> (the “.Net  
9 Domain”) and launched a splash page for a social media campaign.

10         6. To prevent anyone else from purchasing the similar  
11 <breakingcodesilence.org> domain name (the “.Org Domain”), in March 2020, I  
12 purchased the .Org Domain in my own name, with my own funds, using my own  
13 personal Hover.com domain registrar account. A true and correct copy of the March  
14 11, 2020 receipt from Hover reflecting my purchase of the .Org Domain is attached  
15 to the Index of Exhibits as **Exhibit 5**. At the time, I feared that a TTI program would  
16 purchase the .Org Domain and use it to undermine the anti-TTI movement. At this  
17 point, the domain <breakingcodesilence.com> (the “.Com Domain”) was already  
18 owned by another survivor and activist, Joshua Scarpuzzi, who authored a book  
19 titled “Breaking Code Silence” which was published in 2018.

20         7. Since purchasing the .Org Domain in March 2020, I have since  
21 renewed the .Org Domain every subsequent year, always in my own name, with my  
22 own funds, and always housing the domain in my personal Hover.com domain  
23 registrar account. True and correct copies of my annual renewal receipts from Hover  
24 for the .Org Domain are attached collectively to the Index of Exhibits as **Exhibit 6**.  
25 As seen on the initial renewal receipt, the .Org Domain first renewed on March 11,  
26 2021, prior to the formation of Plaintiff BREAKING CODE SILENCE (“BCS”).  
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1           8.       Towards the end of 2020, I had discussions with the group of survivors  
2 that I was originally collaborating with about founding a nonprofit organization  
3 dedicated to advocating for survivors and against the institutionalized abuse. The  
4 group, which included Chelsea Papciak, decided that they would use the .Net  
5 Domain.

6           9.       On October 7, 2020, celebrity Paris Hilton led a protest calling for the  
7 closure of Provo Canyon School, where she was also previously “incarcerated” at  
8 the age of seventeen. The protest gained national and international media attention.  
9 Around this time, I was introduced to Whiteley, who had also been at Provo Canyon  
10 School, and Vanessa Hughes, who claimed to be a psychologist.

11           10.     In mid-March 2021, a schism developed among the original group that  
12 I was collaborating to found a nonprofit advocacy organization. Chelsea Papciak  
13 and her group went their separate way, and no organization or entity was ever  
14 formed from this first group’s efforts. Chelsea Papciak and her group of former  
15 collaborators retained control of the .Net Domain after the split, while I retained  
16 ownership and control of my .Org Domain.

17           11.     After the original group of advocates that I was collaborating with  
18 disintegrated, I, together with Whiteley, Hughes, and Jennifer Magill, decided to  
19 form a nonprofit organization. Along with other new collaborators, this new group  
20 decided that the nonprofit organization would be named “Breaking Code Silence  
21 Youth Advocacy Network.” Vanessa Hughes later asked me to purchase several  
22 domains that were a variation of “Breaking Code Silence Youth Advocacy  
23 Network” for the organization, which I did.

24           12.     BCS was incorporated on March 22, 2021. Hughes was responsible for  
25 incorporating the new entity. For reasons that were never made clear to me, I was  
26 told that we were registering the organization with the State of California under the  
27 name “Breaking Code Silence,” excluding the latter half of the name, i.e., “Youth  
28 Advocacy Network,” that we had previously agreed upon.

1           13. I am a cyber-security technical solutions architect for a multinational  
2 technology conglomerate corporation. Whiteley also has extensive experience in  
3 information technology. Based on our technical backgrounds, Whiteley and I stood  
4 up the information technology and assurance infrastructures as well as the website  
5 and related WordPress account for BCS. We also initially set up and/or had  
6 administrative access to a number of BCS’s online accounts.

7           14. Prior to BCS’s incorporation, and before the organization could acquire  
8 a suitable domain, Hughes wanted to have formal email addresses for conducting  
9 organizational business. Because the former group of collaborators retained control  
10 of the .Net Domain and BCS had yet to purchase its own domain, I allowed the  
11 organization to temporarily use the .Org Domain that I previously purchased in  
12 March 2020. To set up the email addresses, I was required to purchase an add-on  
13 service for my .Org Domain from Hover (the domain registrar). I later sought  
14 reimbursement from BCS for the cost of this add-on service necessary to set up the  
15 emails, but I never asked for any reimbursement for my .Org domain purchase itself,  
16 or for any subsequent registrations of the that domain. Ultimately, I was never paid,  
17 and the email inboxes were eventually migrated to a free service using Google for  
18 Nonprofits.

19           15. By creating subdomains, the .Org Domain is capable of hosting  
20 multiple websites. For example, subdomain1.breakingcodesilence.org is a possible  
21 subdomain that could be registered for other uses. Notwithstanding, to date, BCS  
22 has been the only one that I have permitted to use my .Org Domain since 2021.  
23 Attached to the Index of Exhibits as Exhibit 7 is a true and correct copy of a  
24 screenshot I took on October 30, 2023, which accurately depicts the Google online  
25 Search Console Help page explaining domain properties and subdomains at:  
26 [https://support.google.com/webmasters/answer/34592?sjid=1232802067652262856](https://support.google.com/webmasters/answer/34592?sjid=12328020676522628568-NA#domain_property&zippy=%2Cdomain-property-examplecom)  
27 [8-NA#domain\\_property&zippy=%2Cdomain-property-examplecom](https://support.google.com/webmasters/answer/34592?sjid=12328020676522628568-NA#domain_property&zippy=%2Cdomain-property-examplecom).  
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1           16. On or about March 29, 2021, Whiteley paid for and set up the web  
2 hosting that the .Org Domain pointed toward (with the company Cloudways), using  
3 his own personal funds, in his own name, with his own email and home address.

4           17. Pursuant to Google’s Terms of Service, which I am bound to as a  
5 domain registrant, domain owners control the entire domain services property.  
6 Sometime between April and June 2021 (while I was still a BCS officer/director), I  
7 followed Google’s steps to verify my ownership of the .Org Domain by:

8           a. Logging into my Hover.com domain registrar account that I have  
9 had since 2016;

10           b. Editing my domain’s DNS services by:

11           i. Clicking “add” to add a DNS entry;

12           ii. Choosing a “TXT Record” which shows the third-party  
13 service that you own the domain; and

14           iii. Adding the TXT Record with text verification received  
15 from Google.

16           c. Attached to the Index of Exhibits as **Exhibit 8** is true and correct  
17 copy of a screenshot I took on October 30, 2023, which accurately depicts the  
18 instructions I followed from Google’s online Search Console Help page at:  
19 [https://support.google.com/webmasters/answer/9008080?sjid=123280206765](https://support.google.com/webmasters/answer/9008080?sjid=12328020676522628568-NA#zippy=%2Cdomain-name-provider%2Cmanual-domain-name-provider-instructions)  
20 [22628568-NA#zippy=%2Cdomain-name-provider%2Cmanual-domain-](https://support.google.com/webmasters/answer/9008080?sjid=12328020676522628568-NA#zippy=%2Cdomain-name-provider%2Cmanual-domain-name-provider-instructions)  
21 [name-provider-instructions.](https://support.google.com/webmasters/answer/9008080?sjid=12328020676522628568-NA#zippy=%2Cdomain-name-provider%2Cmanual-domain-name-provider-instructions)

22           18. Once I verified my identity as the domain owner to Google (through  
23 the TXT record) in 2021, it linked my email address (iristheangel@gmail.com) to all  
24 domain-related services (such as Google Webmaster Central, which is now known  
25 as Google Search Console) for single sign-on access. After this happened, I was not  
26 required to enter any special administrative credentials beyond simply signing into  
27 my own Google account since Google recognized me as the domain owner.

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1           19. At the first meeting of the BCS board of directors, Whiteley, Hughes,  
2 and Magill, were made interim board members, to serve temporarily without  
3 compensation until we could find qualified replacements. I was accidentally added  
4 as a board member due to an error on the original paperwork filed through Legal  
5 Zoom. Hughes later requested that I not resign and remain on the board. A fifth,  
6 permanent, board member, Bill Boyles, was later added to the BCS board of  
7 directors in May 2021.

8           20. In April 2021, Hughes purchased the .Com Domain from Joshua  
9 Scarpuzzi. A true and correct copy of the April 6, 2021, Assignment and License  
10 Back Agreement between BCS and Joshua Scarpuzzi, which I voted in favor of as a  
11 member of BCS’s board of directors, is attached to the Index of Exhibits as **Exhibit**  
12 **9**. The .Com Domain was specifically purchased for BCS’ use.

13           21. Whiteley and I were the only two directors on BCS’ board who  
14 identified as LGBTQ+. Almost immediately after BCS was formed, tension started  
15 developing between the members of the board when Hughes (who was the President  
16 and CEO) regularly hurled insults and homophobic epithets at Whiteley during  
17 meetings (including BCS board meetings), telephone calls, Zoom conferences, and  
18 on BCS’ private Slack channel in the Breaking Code Silence workspace. Among  
19 other things, I witnessed Hughes refer to Whiteley as a “mangina” and a “queen,”  
20 and I also witnessed Hughes refer to Whiteley as having “female energy.”

21           22. Whiteley and several others made complaints about Hughes’ behavior,  
22 but BCS management ignored Hughes’ conduct. After only three months of  
23 involvement with BCS, Whiteley resigned from BCS’ board of directors on June 26,  
24 2021.

25           23. Immediately after the board of directors received Whiteley’s notice of  
26 resignation, Hughes began pressuring myself and the other members of the board of  
27 directors to sue Whiteley. When Bill Boyles and I explained to Hughes that BCS did  
28 not have a good reason to sue Whiteley, Hughes asked us to “brainstorm” up a



1 reason to sue Whiteley. Bill Boyles and I refused. I address Whiteley’s  
2 relinquishment of all BCS accounts in greater detail below in Paragraph 46.

3       24. Beginning July 4, 2021, I had very little contact with Whiteley until  
4 March 2022. Although we spoke sporadically in that time period, none of our  
5 conversations involved gaining unauthorized access to any BCS account or  
6 computer. Other than my conversations with Whiteley on March 11<sup>th</sup> or 12<sup>th</sup> as  
7 described below, prior to learning of this lawsuit, Whiteley and I never privately  
8 discussed anything about any of the accounts/computers BCS is contending were  
9 hacked, and I did not assist anyone in unlawfully accessing, or exceeding authorized  
10 access, with respect to any BCS accounts or computers. Moreover, I never took any  
11 action which would cause or contribute to the deindexing of BCS’s website.

12       25. After Whiteley’s resignation in June 2021, Hughes’ harassment of gay  
13 volunteers did not stop. People started telling me that Hughes was making  
14 comments about my sexual orientation to new BCS volunteers – indicating that  
15 there was a “problem lesbian board member” (I was the only lesbian board member  
16 at that time). Hughes also increased her hostility towards me. This led to my  
17 decision to file a formal internal complaint against Hughes in November 2021 for  
18 harassment, retaliation, and discrimination. A true and correct copy of the  
19 November 26, 2021 Breaking Code Silence – Internal Complaint Form that I  
20 submitted is attached to the Index of Exhibits as **Exhibit 10**.

21       26. Shortly thereafter, I learned that Hughes and Magill were misusing  
22 grant funds and hiring employees without unrestricted funds to pay them. As the  
23 corporate Treasurer, I felt obligated to report this to the California Attorney General  
24 and advised Hughes and Magill of my intention. The hostility that resulted and the  
25 anti- LGBTQ+ culture forced me to resign from BCS on December 9, 2021.

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1           27. On the evening of my resignation, Bill Boyles Jr. took affirmative steps  
2 to revoke my authorization to BCS’s WordPress console by deleting my account. I  
3 have not logged into or otherwise accessed the BCS WordPress site since my  
4 resignation, nor do I have the ability to do so.

5           28. Immediately after my resignation, on or about December 9, 2021, my  
6 access to the kmcnamara@breakingcodesilence.org email account was revoked by  
7 someone at BCS and I could no longer access that account or any other BCS  
8 accounts that were linked to that email address. This includes BCS’s Google Drive  
9 account, paid Hootsuite account, and TikTok account. Notwithstanding BCS’s  
10 revocation of my access to these accounts, BCS never removed my credit card as the  
11 payment method for the annual renewal payments on BCS’s Hootsuite account and  
12 Hootsuite has continued to charge my personal credit card for BCS’s account even  
13 after this litigation was filed. Specifically, my credit card was charged \$831 in May  
14 2022 and \$2,988 in May 2023 for BCS’s Hootsuite account, despite the repeated  
15 requests of my counsel to remove my credit card from all BCS accounts.

16           29. After my resignation, on December 15, 2021, Rebecca Moorman,  
17 Emily Carter, and I received an email from Jennifer Magill requesting that we each  
18 execute an Intellectual Property Assignment Agreement. A true and correct copy of  
19 the December 15, 2021 email I received from Jennifer Magill with the attached draft  
20 Assignment of Intellectual Property Agreement is attached to the Index of Exhibits  
21 as Exhibit 11. I never executed the Assignment of Intellectual Property Agreement  
22 and never otherwise transferred or assigned the .Org Domain to BCS. BCS has  
23 never paid any expenses associated with the .Org Domain, either directly or to me as  
24 reimbursement. And BCS never even contacted me after my resignation to follow  
25 up about the Assignment of Intellectual Property Agreement or otherwise ask me to  
26 turn over my .Org Domain to BCS.

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1           30. After my resignation from BCS, BCS failed to take any affirmative  
2 steps to remove my access to its Facebook Business Page until January 4, 2022.  
3 Regardless, since my resignation on December 9, 2021, I did not access or make any  
4 changes to BCS’s Facebook Business Page.

5           31. After my resignation from BCS, BCS failed to take any affirmative  
6 steps to remove my access to its Google AdWords account or its Google Analytics  
7 Account until January 12, 2022 and March 6, 2022, respectively. A true and correct  
8 copy of the January 12, 2022, email notification I received stating that my access to  
9 Google Ads was revoked is attached to the Index of Exhibits as **Exhibit 12**. As set  
10 forth in the Declaration of Clark Walton filed concurrently herewith, I learned  
11 during the forensic expert inspection which I attended on June 26, 2023 that my  
12 access to BCS’s Google Analytics account was revoked on March 6, 2022 by  
13 someone at BCS. Regardless, since my resignation on December 9, 2021, I did not  
14 access or make any changes to these accounts.

15           32. After my resignation from BCS, in January 2022, I learned that BCS  
16 attempted to have ownership of my UPS Box transferred out of my name. I  
17 originally rented the UPS Box on August 3, 2021, after someone posted my home  
18 address on social media and my family and I started getting dangerously harassed at  
19 home, forcing us to move. I thereafter used the UPS Box for my personal mail and,  
20 because certain government forms related to BCS could not be sent to a P.O. Box, I  
21 also allowed BCS to use the UPS Box address to receive mail.

22           33. After my resignation, I was contacted by Jennifer Magill who inquired  
23 about the UPS Box. I told Magill that I pre-paid for the UPS Box for one year and  
24 would be happy to hand the UPS Box over to BCS if BCS would reimburse me for  
25 that cost. A true and correct copy of my January 5-6, 2022, emails with Jennifer  
26 Magill are attached to the Index of Exhibits collectively as **Exhibit 13**.

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1           34. Instead of reimbursing me, I was told by employees at the UPS Store  
2 that Hughes contacted the UPS Store on multiple occasions between January and  
3 March 2022, demanding that the UPS Store give her access to my UPS Box,  
4 accusing me (and the UPS employees) of committing “mail fraud,” and demanding  
5 that the UPS Store turn over any security footage of me entering and leaving the  
6 UPS Store. When the UPS Store employees refused to comply with Hughes’  
7 demands, she threatened to sue the UPS Store and the individual employees. A true  
8 and correct copy of the April 12, 2022, statement I received from UPS Store  
9 employee Lisa Chen describing the foregoing events is attached to the Index of  
10 Exhibits as **Exhibit 14**. Ms. Chen told me that she requested that Hughes not call  
11 back again.

12           35. Also in January 2022, I discovered that someone was attempting to take  
13 over ownership of my survivor archive that I had been working on since 2017  
14 (organized on Zotero). Specifically, when I logged into my Zotero account on  
15 January 9, 2022, I discovered that my entire archive was missing from the account.  
16 Shocked, I contacted the President/CEO of Zotero, who ultimately returned my  
17 archive to my account. A true and correct copy of my January 11, 2022, email  
18 exchange with the President of Zotero (which is a project of Digital Scholarship),  
19 Sean Takats, is attached to the Index of Exhibits as **Exhibit 15**. As shown in the  
20 email exchange, my Zotero library is publicly posted and BCS or anyone else is free  
21 to access it anytime.

22           36. Then, on March 11, 2022, I received an email from Google informing  
23 me that a BCS email address I did not recognize was added as an “owner” to the  
24 Google Webmaster Central/Google Search Console (collectively the “Google  
25 Tools”) for my .Org Domain. Panicked that someone was trying to steal my domain  
26 (like what had recently happened with my Zotero archive and UPS Box), on March  
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1 11, 2022, at about 2:15 PM PST (March 12, 2022 at 9:15 PM UTC)<sup>1</sup>, I used my own  
2 personal Google credentials at iristheangel@gmail.com to sign into my Google  
3 account, browse to the Google Webmaster Central webpage, and give Whiteley at  
4 jeremy@medtexter.com “ownership” permissions for the .Org Domain. The  
5 permissions I granted would allow Whiteley to log in using his email address and  
6 see the activity related to my .Org Domain. I added Whiteley so he could witness  
7 what was happening to the domain in real time and perhaps even explain it to me  
8 since I had limited experience with the Google Tools at the time.

9 37. By way of explanation, Google Search Console (formerly known as  
10 Google Webmaster Central) is a free service that Google provides to domain owners  
11 and webmasters so that they can monitor how their site interacts with Google,  
12 measure site traffic, and troubleshoot any issues. Anyone that owns domains that are  
13 indexed on Google can have an account. In March 2022, Google Webmaster Central  
14 and Google Search Console were different, but related, services. In late July 2023,  
15 Google consolidated both services into Google Search Console. From my personal  
16 Google account, I can sign onto Google Tools and view activities and any problems  
17 with all of the domains that I either own or have permissions to access, including my  
18 network-node.com domain which I own and use for work, and the unsilenced.org  
19 domain which I monitor with the permission of the domain owner. I also access my  
20 .Org Domain through my personal Google account.

21 38. What I provided to Whiteley on March 11, 2022, was administrative  
22 permissions to the .Org Domain *through my own Google account* so that he could  
23 log on and see the activity related to the .Org Domain. Because I am the person who  
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25 <sup>1</sup> UTC is a time zone standard used as a basis for all time zones worldwide. It is  
26 a constant time scale and does not change for Daylight Saving Time. UTC is 8 hours  
27 ahead of Pacific Standard Time.  
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1 (1) registered the .Org Domain and (2) paid for the domain for more than 3 years,  
2 the .Org Domain is one of the domains that I have access to through *my own Google*  
3 *account*. As the owner of the domain, I have top-level privileges to the Google  
4 service to administer to my domain and, as that system owner, can grant privileges  
5 to the service or revoke them as needed. The only reason BCS even has access to the  
6 Google Tools for the .Org Domain through its own Google Tools account is because  
7 *I specifically granted BCS permission to access the domain* by pointing the .Org  
8 Domain to BCS's webserver while I was a BCS volunteer/director, which allowed  
9 BCS to be authorized.

10 39. Although I could do so as the domain owner at any time, I never re-  
11 directed the .Org Domain to any other website (other than BCS's website) after my  
12 resignation or revoked BCS's privileges with respect to the .Org Domain, initially  
13 because I wanted to give BCS some time to migrate off of the .Org Domain onto its  
14 own .Com Domain, and later because of this litigation. I elected to maintain the  
15 status quo until this action could be resolved, resulting in BCS using my .Org  
16 Domain without paying anything for it for nearly two years since my resignation.  
17 Notwithstanding, I have always understood and believed, and still believe, that I  
18 own the .Org Domain and that, as the domain owner, I was entitled to delegate  
19 ownership permissions to Whiteley, or anyone else I chose.

20 40. Almost immediately after I added Whiteley's email,  
21 jeremy@medtexter.com, on March 11, 2022, someone revoked his access. Then, I  
22 re-added Whiteley's email, and someone again revoked the access. This went back-  
23 and-forth several times over the next couple of days. Assuming that it was a BCS  
24 volunteer who did not realize that he or she was intruding on my domain, I tried to  
25 alert the person by granting administrative permissions to ridiculous email addresses  
26 like thisisnotyourdomainpleasestop@gmail.com. Unfortunately, because  
27 thisisnotyourdomainpleasestop@gmail.com was not an actual email address at the  
28 time, it would not work. So instead, I granted administrative permissions to

1 comments@whitehouse.gov (which I determined to be an actual email address) in  
2 an effort to get the intruder's attention.

3 41. On March 12, 2022, I also learned through my domain registrar, Hover,  
4 that Jesse Jensen, a representative of BCS who was unknown to me at the time, was  
5 attempting access my personal Hover account (that I have maintained since 2016) to  
6 try to hijack the .Org domain. A true and correct copy of the March 12, 2022,  
7 notification I received from Richard at Hover Support is attached to the Index of  
8 Exhibits as **Exhibit 16**.

9 42. Other than adding the email addresses to the Google Tools for my .Org  
10 Domain as described above, I took no action whatsoever with respect to the .Org  
11 Domain or BCS's website. Specifically, I did not request that the BCS website be  
12 deindexed in March 2022, or any other time, I did not change or alter any portion of  
13 BCS's website after my resignation, and I did not aid or assist anyone else in doing  
14 such things. Notably, it is not possible to deindex a website from Google Search  
15 directly through a Hover domain registrar account.

16 43. After my resignation, BCS never requested that I transfer the .Com  
17 Domain that BCS purchased from Joshua Scarpuzzi out of my Hover domain  
18 registrar account. In an effort to assist BCS in migrating off of my .Org Domain, I  
19 created a separate Hover domain registrar account for the .Com Domain and  
20 authorized my attorney to reach out to counsel for BCS and provide BCS with the  
21 login credentials for the separate Hover account. On March 18, 2022, my attorney,  
22 Mandana Jafarinejad, sent a letter to DLA Piper requesting that BCS migrate its  
23 website to the .Com Domain within ten days. A true and correct copy of the March  
24 18, 2022 letter from Mandana Jafarinejad to Hector Corea of DLA Piper is attached  
25 to the Index of Exhibits as **Exhibit 17**. Thereafter, on March 24, 2022, my attorney  
26 forwarded the administrative credentials to the separate Hover account for the .Com  
27 Domain (which were inadvertently omitted from the original letter) to DLA Piper  
28 via email. A true and correct copy of the March 24, 2022 email from Ms. Jafarinejad

1 to Mr. Corea is attached to the Index of Exhibits as **Exhibit 18**. Aside from moving  
2 the .Com domain into a separate Hover.com account and providing BCS with the  
3 credentials for the account, I took no other action with respect to the .Com domain  
4 and made no changes to its configuration.

5 44. Rather than migrating its website to its own .Com Domain within ten  
6 days as requested, on March 28, 2022, BCS/DLA Piper filed this lawsuit, falsely  
7 alleging that Whiteley and I accessed numerous BCS accounts without  
8 authorization, or exceeded authorized access to such accounts. The Complaint  
9 alleges that the BCS website was not appearing on a Google Search and that  
10 allegedly someone made a request to deindex the BCS website from Google Search  
11 on March 10. I did not have anything to do with any deindexing request and I was  
12 completely unaware of these allegations when I added Whiteley's email address to  
13 the Google Tools for my .Org Domain on March 11, 2022, after the alleged  
14 deindexing request was made. I only learned of these deindexing allegations for the  
15 first time when I read the Complaint.

16 45. No one accessed the Hover.com domain registrar account I created for  
17 BCS to house the .Com Domain until December 2022. I would have received an  
18 alert from Hover if anyone accessed the account and I never received one. Then, on  
19 November 20, 2022, I received a notification from Hover that the .Com Domain was  
20 coming up for renewal in 30 days. A true and correct copy of the email notification I  
21 received from Hover is attached to the Index of Exhibits as **Exhibit 19**. As  
22 described in the Declaration of Catherine Close filed concurrently herewith, I  
23 immediately forwarded the email to my attorney, who immediately advised BCS's  
24 attorneys at DLA Piper of the impending renewal of the .Com Domain. On  
25 December 12, 2022, BCS (through its counsel) confirmed that it successfully moved  
26 the .Com Domain to its own Hover.com domain registrar account.

27  
28

1           46. I am aware that BCS previously made allegations regarding  
2 unauthorized access into numerous accounts. Even though many of those accounts  
3 are no longer at issue in the case, it is important to note that, after his resignation,  
4 Whiteley went above and beyond to accommodate and assist BCS in transferring to  
5 BCS ownership and administrative credentials to the BCS accounts he had either set  
6 up or had access to. Therefore, I believe the following account of my assistance with  
7 some of those transfers and, my contemporaneous awareness of the following  
8 transfers as a member of the board of directors at the time, is important:

9           a. WordPress: WordPress is a content management software that is  
10 installed on a server. It is the application that provides the public-facing  
11 website for BCS. This is not to be confused with a domain – which is a  
12 separate, intangible, property which can point to any website or webserver  
13 that the owner of that domain wishes. During our times as volunteers,  
14 Whiteley and I had administrative access to the BCS WordPress Website for a  
15 period of time. After his resignation in June 2021, I took affirmative steps to  
16 revoke Whiteley’s authorization to the BCS WordPress website in late June  
17 2021 by changing his permissions from “Administrator” to “None” on the  
18 WordPress website, and Bill Boyles changed the email address for Whiteley’s  
19 WordPress account on July 9, 2021. A true and correct copy of the July 9, 2021  
20 email notification I received in the jwhiteley@breakingcodesilence.org inbox  
21 that I had access to after Whiteley’s resignation is attached to the Index of  
22 Exhibits as Exhibit 20. I am unaware of Whiteley gaining any access to BCS’  
23 WordPress website after I revoked his authorization in June 2021.

24           b. Domains: A domain name is a human-friendly address,  
25 sometimes called a URL (Uniform Resource Locator) or web address.  
26 Domains are created to make Internet Protocol (IP) addresses more accessible  
27 and easier to remember. Domains can be pointed towards websites,  
28 applications, servers, etc. It should be noted that a domain is different and



1 distinguishable from a website. A domain is to a website like a street address  
2 is to a house. Domains direct internet users to the website, host, application,  
3 or document that they point to. Domains are purchased and reside in domain  
4 registrar accounts such as Hover.com, which is what I use.

5 i. *The breakingcodesilence.com domain (the “.Com*  
6 *Domain”)*: The .Com Domain was transferred from Josh Scarpuzzi’s  
7 personal domain registrar account into my own personal Hover.com  
8 domain registrar account in April 2021 after BCS purchased the  
9 domain from Scarpuzzi. As described in detail above, after my  
10 resignation, I transferred the .Com Domain out of my personal  
11 Hover.com account into a new Hover.com account and my attorney  
12 gave BCS’s counsel the credentials for this new Hover.com account so  
13 that BCS could take possession of the .Com Domain and put it into its  
14 own domain registrar account (or just keep it in the new account I  
15 created for the domain). Whiteley has never had access to my personal  
16 Hover.com account or the second Hover.com account that I created for  
17 BCS to house the .Com Domain.

18 ii. *The breakingcodesilence.org domain (the .Org Domain)*:  
19 At all times since I registered the .Org Domain, it has been housed in  
20 my personal Hover.com domain registrar account. I have maintained  
21 this Hover.com account since 2016 and it has housed over a dozen  
22 different domains that I use for non-BCS-related business and personal  
23 use. Attached collectively to the Index of Exhibits as **Exhibit 21** are  
24 true and correct copies of my receipts from Hover.com for some of my  
25 other domains that have been housed in my Hover.com domain  
26 registrar account dating back to 2016. I have never granted Whiteley  
27 any access to my personal Hover.com domain registrar account where  
28 all of my domains, including the .Org Domain, are housed, and I have

1 received no information or alerts that would suggest that Whiteley ever  
2 accessed my Hover.com domain registrar account.

3 iii. During the course of this litigation, I have heard BCS refer  
4 to my Hover.com account as a “DNS account.” This is inaccurate.  
5 Hover sells domains. The Hover.com domain registrar account is not a  
6 “DNS account,” it is an account that houses intangible domain name  
7 properties. DNS stands for “Domain Name System.” DNS is a  
8 configuration on a domain that translates a domain name into an IP  
9 address. The only DNS service that Hover.com provides is basic  
10 configuration of DNS for domains that you own. As explained above,  
11 my Hover.com domain registrar account houses over a dozen domain  
12 names that I have purchased from Hover over the years as far back as  
13 2016 for personal and non-BCS business related use.

14 c. BCS’ Google Drive Account: BCS uses Google Drive to share  
15 documents internally and externally. During my time at BCS, documents  
16 were housed both on various personal Google Drives as well as BCS’ Google  
17 Drive. The majority of Whiteley’s access to BCS’ Google Drive folders/  
18 drives were linked to his BCS email address,  
19 jwhiteley@breakingcodesilence.org. After his resignation from BCS, in late  
20 June 2021, I revoked Whiteley’s authorization to the  
21 jwhiteley@breakingcodesilence.org email account.

22 d. Google Search Console/Google Webmaster Central:

23 i. *For the .Com Domain*: After BCS’s purchase of the .Com  
24 Domain, it largely went unused while BCS was engaged in litigation  
25 over the .Net Domain. For that reason, Google Tools was never set up  
26 for the .Com Domain during my tenure at BCS. Thus, neither Whiteley  
27 nor I have ever had access to the Google Tools for the .Com Domain.  
28

1                   ii.     *For the .Org Domain:* As discussed in greater detail  
2                   above, as the owner of the .Org Domain, Google recognizes me as the  
3                   system owner for the .Org Domain. For the reasons discussed above, on  
4                   the evening of March 11, 2021, I added Whiteley’s email address,  
5                   jeremy@medtexter.com to the Google Tools for the .Org Domain,  
6                   without his prior knowledge, by clicking the “+” (addition) button on  
7                   my Google account dashboard and adding his email address. Whiteley  
8                   took no affirmative action to grant himself authorization to the Google  
9                   Tools for the .Org Domain.

10                  e.     Google AdWords Account: Google provides \$10,000 of free ad  
11                  credits to non-profits every month. This allows non-profits to direct traffic to  
12                  its website. Whiteley initially set up BCS’s Google AdWords Account on  
13                  June 7, 2021. On June 30, 2021, Whiteley transferred administrative control  
14                  of this account to me. Thereafter, on July 19, 2021, I took affirmative steps to  
15                  revoke Whiteley’s authorization to access this account by removing his email  
16                  address as a user. Whiteley has had no access to this account since I revoked  
17                  his authorization on July 19, 2021.

18                  f.     Google Analytics: Google Analytics is a web analytics service  
19                  offered by Google that tracks and reports website traffic and also mobile app  
20                  traffic and events. Google gains this visibility into visitor traffic through a  
21                  Google Analytics tag that is embedded into the source code of the WordPress  
22                  Website. Whiteley initially set up the Google Analytics account for BCS and  
23                  embedded the linked tag in April 2021. After his resignation, on August 18,  
24                  2021, I took affirmative steps to revoke Whiteley’s authorization by deleting  
25                  his email from this service. Attached to the Index of Exhibits as **Exhibit 22** is  
26                  a screenshot which was produced by BCS in discovery in this action and  
27                  Bates stamped BCS\_0577327 which reflects my (iristheangel@gmail.com)  
28                  changing of Whiteley’s authorization on the account to none on August 18,

1 2021. After his resignation, Whiteley made no changes to the Google  
2 Analytics account and he has not had access to the BCS Google Analytics  
3 account since I revoked his access.

4 g. @BreakingCodeSi1 Twitter Account: This Twitter account was  
5 created and managed by Rebecca Moorman in early 2020, more than a year  
6 prior to BCS's formation. To my knowledge, the email address associated  
7 with this account was never a Breaking Code Silence email address.  
8 Moorman permitted BCS to use this Twitter account for a period of time in  
9 2021 when she was a BCS volunteer. However, Moorman expressly refused  
10 to transfer the Twitter account to BCS. Attached to the Index of Exhibits as  
11 **Exhibit 23** is a true and correct copy of the December 15, 2021, email from  
12 Moorman to BCS, on which I was copied, indicating Moorman's refusal to  
13 assign her intellectual property to BCS. To the best of my knowledge,  
14 Whiteley only had administrative access to Moorman's Twitter account for a  
15 very short period of time in April 2021, and has had no administrative access  
16 to Moorman's Twitter account after his resignation from BCS.

17 h. Original Paid Hootsuite Account: Hootsuite is a social media  
18 management tool with features to help with planning, scheduling, and  
19 syndicating social posts. Key features include automatic scheduling, social  
20 media monitoring, performance reporting, basic task management and more.  
21 In April 2021, I set up a nonprofit paid Hootsuite account for BCS using my  
22 own credit card. This Hootsuite account was linked to my  
23 kmcnamara@breakingcodesilence.org email address and required access to  
24 that email address to perform the necessary two-factor authentication to login.  
25 Whiteley had access to this Hootsuite account for a short period of time while  
26 he was a volunteer at BCS. Even though he could not login to this account  
27 without the two-factor authentication, I took the additional affirmative step to  
28 revoke his authorization by changing the password on the account at the time

1 of his resignation. Since that time, Whiteley has had no access to the paid  
2 Hootsuite account.

3 i. Zotero: As discussed above, Zotero is a free, easy-to-use tool to  
4 help you collect, organize, annotate, cite, and share links and bibliography  
5 data. During my time as an activist, I have had several Zotero accounts. I use  
6 Zotero to organize links to documents on my personal Google Drive and news  
7 stories related to the TTI. Importantly, my Zotero libraries do not store any  
8 documents, they just have just links to wherever the documents are housed. I  
9 started collecting documents for a survivor archive in 2017 and created my  
10 first Zotero account with the username kmcnamara013. I later created a  
11 second public Zotero account that I allowed BCS and many others to publicly  
12 link to. This Zotero account has always been registered to my personal email.  
13 At no time has Whiteley ever had administrative access or authorization to  
14 any of my Zotero accounts.

15 j. Instagram:

16 i. *@breakingcodesilence Instagram Account*: This Instagram  
17 account was created by Rebecca Moorman in early 2020. Access to this  
18 account was lost in early March 2021 prior to the incorporation of BCS  
19 due to losing access to the phone number that was provided for two-  
20 factor authentication. To the best of my knowledge, Whiteley has never  
21 had access to this Instagram account.

22 ii. *@breakingcodesilenceofficial Instagram Account*: This  
23 account was created for BCS by Hannah Kay in or about July 2021, and  
24 registered to the email info@breakingcodesilence.org. I, as well as  
25 many people on BCS' social media team, had access to this Instagram  
26 account from July 2021 to December 9, 2021 when I resigned. To the  
27 best of my knowledge, Whiteley has never had access to this Instagram  
28 account because it was created after his resignation from BCS.

1           Regardless, BCS has continued to post on this Instagram account since  
2           the start of this litigation, so BCS retains control of this account.

3           k.     Facebook Group: Facebook Groups are spaces on the Facebook  
4           social media network for friends, acquaintances, or people with similar  
5           interests to discuss or share about broad or narrow topics. This Facebook  
6           group was originally created by Emily Carter in May 2019 and titled  
7           “Program Legislation Change.” Carter created this group prior to our  
8           collaboration or even the decision to create a social media campaign. This  
9           Facebook group has gone through five name changes from inception. Carter  
10          was an administrator of this group throughout 2019 to present day. At one  
11          point in time, Carter added many Breaking Code Silence volunteers,  
12          including me, as administrators of this Facebook group. At one point,  
13          Whiteley was added as an administrator of this Facebook group but, as set  
14          forth in his declaration, he took affirmative steps to revoke his own access by  
15          removing himself as an administrator. To the best of my knowledge, Whiteley  
16          was never re-added as an administrator of the Facebook group.

17          l.     YouTube: Whiteley set up this brand YouTube account for BCS  
18          in April 2021. At the time, he added my email address as another “owner” on  
19          this YouTube account. After his resignation, I noticed that Whiteley’s email  
20          was still listed as the “Primary Owner” on the YouTube account. I took the  
21          affirmative steps to revoke his authorization at that time by clicking on the  
22          downward arrow next to my own email address and changing my role to the  
23          “Primary Owner” of the YouTube account. After that, I removed Whiteley’s  
24          email address from the account. To the best of my knowledge, Whiteley has  
25          never had access to the YouTube account after I revoked his authorization.

26          m.    BCS TikTok – Whiteley created this TikTok account for BCS in  
27          April 2021. On April 18, 2021, Whiteley texted me the credentials for the  
28          TikTok account and informed me that he changed the two-factor

1 authentication and primary communication method for the Tiktok account to  
2 my kmcnamara@breakingcodesilence.org email. True and correct copy of my  
3 April 18, 2021 chat messages with Whiteley regarding the credentials for the  
4 TikTok account are attached to the Index of Exhibits as **Exhibit 24**. After  
5 Whiteley's resignation, I took the extra affirmative step of revoking his  
6 authorization by changing the password on the TikTok account, even though  
7 he could not login without access to my email for two-factor authentication.  
8 To the best of my knowledge, Whiteley has not gained, and could not gain,  
9 administrative access to this TikTok account after April 2021.

10 n. BCS Email Addresses:

11 i. *jwhiteley@breakingcodesilence.org email*: Whiteley had  
12 access to this email address until the time of his resignation. After his  
13 resignation, I took affirmative steps to revoke his authorization by changing  
14 the password on the account. To the best of my knowledge, Whiteley has not  
15 accessed this account since his resignation.

16 ii. *info@breakingcodesilence.org email*: Whiteley may have  
17 briefly had access to this email account during his time as a BCS  
18 volunteer/director. As a precautionary security measure, I changed the  
19 password on this email account on June 28, 2021, shortly after Whiteley's  
20 resignation. To the best of my knowledge, Whiteley has never even logged  
21 into this email account.

22 iii. After Whiteley's resignation, all BCS email accounts were  
23 moved from the Hover email inboxes to fee Google inboxes which Whiteley  
24 never had access to.

25 o. BCS Facebook Business Account and Page: A Facebook  
26 Business Page is a public social media profile designed for commercial  
27 organizations. Like a personal Facebook account, Facebook businesses pages  
28 allow you to make connections online. Brands use their Facebook pages to

1 promote products and services through links, status updates, photos, and  
2 videos. Whiteley initially set up BCS’s Facebook Business page in early  
3 2021. As described in his declaration, after his resignation, Whiteley took the  
4 affirmative steps to revoke his own authorization by removing himself as an  
5 administrator. A true and correct copy of the email that Whiteley forwarded to  
6 me on June 28, 2021 informing me that he had removed himself from the  
7 Facebook Business Page is attached to the Index of Exhibits as **Exhibit 25**.  
8 To the best of my knowledge, Whiteley never re-gained access to the  
9 Facebook Business Page after affirmative steps were taken to revoke his  
10 authorization.

11 p. Google for Nonprofits: Whiteley originally helped set up BCS’s  
12 Google for Nonprofits account in May 2021. After his resignation, Whiteley  
13 took affirmative steps to revoke his own authorization by removing his email  
14 address from the administrator list. To the best of my knowledge, Whiteley  
15 did not regain access to BCS’ Google for Nonprofits account after his  
16 resignation.

17 q. Slack: Slack is a cloud-based cross-platform instant messaging  
18 service. Whiteley was granted access to BCS’s Slack in March 2021. As set  
19 forth in his declaration, at the time of his resignation, Whiteley took the  
20 affirmative steps to remove his own authorization by de-activating his own  
21 account. To the best of my knowledge, Whiteley never regained access to the  
22 BCS Slack after he removed himself.

23 47. On June 26, 2023, I attended the forensic expert inspection of BCS’s  
24 accounts performed by Clark Walton. While attending the inspection, I witnessed  
25 Mr. Walton review the Google Search Console. Based on the information I observed  
26 from the Google Search Console, it appeared that there was a drop in search-related  
27 queries on or around March 9 or 10, 2022, but the search-queries started resuming  
28 their typical number of “clicks” and “impressions” on or around March 11, 2022.





1 This indicates that it was a small amount of time that the domain was either  
2 deindexed or that Google was not tracking “clicks” and “impressions” from Google  
3 Search results. However, when Mr. Walton inspected the Google Analytics console,  
4 a separate system that tracks traffic directly on the webserver itself via a plugin  
5 installed on WordPress, it appeared that the traffic dropped on March 12 and  
6 stopped being tracked entirely for the remainder of March 2022 on the Google  
7 Analytics system. The only explanation for this is that BCS was altering the Google  
8 Site Plugin on their WordPress site, which affected BCS’s ability to accurately track  
9 traffic, either around the time of the alleged deindexing or shortly after. Thus, it is  
10 impossible to know whether BCS lost web traffic because they stopped tracking  
11 their traffic analytics, which I witnessed during the expert inspection.  
12

13 I hereby declare under penalty of perjury under the laws of the United States  
14 of America that the foregoing is true and correct.  
15

16 DATED this 22<sup>nd</sup> day of November 2023.

17   
18 \_\_\_\_\_  
19 KATHERINE MCNAMARA

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of November 2023, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system which will send notification to all parties of record or persons requiring notice.

*/s/ Helene P. Saller*

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Helene P. Saller

