

EXHIBIT 115

From: Bentz, Tamany <Tamany.Bentz@us.dlapiper.com>
Sent time: 06/30/2023 10:20:41 PM
To: Catherine Close
 Adam Tate; Adam J Schwartz <adam@ajschwartzlaw.com>; Bekah Chamberlin; Helene P. Saller; Kiker, Dennis <Dennis.Kiker@us.dlapiper.com>;
Cc: Lueddeke, Jason <Jason.Lueddeke@us.dlapiper.com>; Grush, Benjamin <Benjamin.Grush@us.dlapiper.com>; Brown, Michael P. <Michael.P.Brown@us.dlapiper.com>
Subject: Re: 3MCW01-01 Unauthorized Credit Card Charges (Again)

Hi Catherine,

Until your recent email, BCS understood that Ms. McNamara's would not be charged by Hootsuite. In July 2022, BCS confirmed with Hootsuite that it had a free account and it was assured any charges would be refunded if they were processed. BCS has reached out to Hootsuite to figure out why Ms. McNamara was charged again and has asked, again, that her credit card be removed from the account. BCS understands that Hootsuite will again credit any charges to Ms. McNamara. Please let us know if that does not happen.

Tamany

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From: Catherine Close <cac@jbblaw.com>
Sent: Wednesday, June 28, 2023 1:15 AM
To: Bentz, Tamany <Tamany.Bentz@us.dlapiper.com>
Cc: Adam Tate <Adam@jbblaw.com>; Adam J Schwartz <adam@ajschwartzlaw.com>; Bekah Chamberlin <Bekah@jbblaw.com>; Helene P. Saller <helene@jbblaw.com>; Kiker, Dennis <Dennis.Kiker@us.dlapiper.com>; Lueddeke, Jason <Jason.Lueddeke@us.dlapiper.com>; Grush, Benjamin <Benjamin.Grush@us.dlapiper.com>; Brown, Michael P. <Michael.P.Brown@us.dlapiper.com>
Subject: 3MCW01-01 Unauthorized Credit Card Charges (Again)

 EXTERNAL MESSAGE

Hi Tamany,

You probably noticed during the inspection Monday that, contrary to your prior representations to me: (1) BCS indeed has access to the paid BCS Hootsuite account (they even provided the login credentials to our expert on Monday); (2) my client has not had access to the paid account since her resignation (your clients having admitted to revoking her access to info@breakingcodesilence.org and kmcnamara@breakingcodesilence.org); and (3) **on May 26, 2023, Hootsuite again charged Ms. McNamara's credit card \$2,988.00 for BCS' paid account** (in addition to the prior charges – see attached Invoices downloaded during the inspection and the below screenshot of Ms. McNamara's recent credit card statement).



| DATE | DESCRIPTION | CATEGORY | CARD | AMOUNT |
|--------|-------------------|----------------|----------------------|------------|
| May 26 | HOO*HOOTSUITE INC | Other Services | Katherine M. ...5852 | \$2,988.00 |

Although Ms. McNamara did change her credit card number after last year's unauthorized charge, changing the card number apparently does not prevent Hootsuite from still running the charge on her card using a previous authorization code.

I have repeatedly asked you to confirm that Ms. McNamara's credit cards have been deleted as an available payment method from all of BCS' accounts, and specifically the Hootsuite account on several occasions. I even provided you with evidence that your clients were lying to you about not having access to the paid Hootsuite account. Documents recently produced by BCS in discovery reveal that BCS knew that it had access to the paid account and failed to remove Ms. McNamara's credit card as an authorized method of payment. This needs to stop. Please exert some client control and stop merely parroting the lies that your client is feeding you. Ask them for proof that Ms. McNamara's cards have been removed because all of the evidence I've seen shows that they are lying.

Here are the facts and the evidence in as simple a way as I can explain this to you in the hopes that you will get someone over there at BCS to finally do something about this issue. If you recall:

- **June 7, 2022:** I first alerted you to the issue that Ms. McNamara was charged in May 2022 and had no access to the account. You promised to check with your client.
- **July 12, 2022:** Having received no response from you I again requested confirmation that your client has removed all of Ms. McNamara's credit card information from any BCS accounts before the next billing cycle.
- **July 13, 2022:** You responded repeating your client's lie about having no paid features, attaching a screenshot from a free plan that discovery has revealed was later created by Jennifer Magill (as discussed below). I responded attaching the Hootsuite support ticket which confirmed that BCS indeed had a paid, non-profit, Hootsuite account.
- **July 18, 2022:** You replied repeating your client's lie that the account no longer has paid features and accusing Ms. McNamara (who no longer had access to the account) of being responsible. I responded providing you with the two email accounts that were tied to the Hootsuite account: info@breakingcodesilence.org and kmcnamara@breakingcodesilence.org, both of which my client no longer had access to (as admitted by BCS). You provided a screenshot from the account settings for the free account that Ms. Magill created after Ms. McNamara's resignation and insisted that it is not associated with anyone's credit card.
- **July 21, 2022:** I responded advising you that, "According to Hootsuite support, your client created a new account under info@breakingcodesilence.org that is a free account. This is the account they keep sending you screenshots from. However, the old account remains active and it is a paid account. Immediately after Ms. McNamara resigned, your client changed the administrative email address for the old Hootsuite account to admin@breakingcodesilence.org (the email address used by Jennifer Magill). That old account is still being charged annually and my client's credit card remains the available payment method for the account."

The attached documents produced by BCS in this action – of which you are presumably aware – confirm that:

- On January 4, 2022, within a month of Ms. McNamara's resignation, Jenny Magill created the new "free" Hootsuite account registered to jmagill@breakingcodesilence.org (BCS_0155685);
- On January 5, 2022, the following day, Ms. Magill actually realized that she still had access to the old paid Hootsuite and she changed the admin email from kmcnamara@breakingcodesilence.org to admin@breakingcodesilence.org (BCS_0162299);
- On May 25, 2022, admin@breakingcodesilence.org received an invoice from Hootsuite **and charged McNamara's card** (BCS_0165806);
- On July 21, 2022, Ms. Magill even discussed McNamara's credit card getting billed on the Hootsuite account linked to admin@breakingcodesilence.org, telling Vanessa Hughes: "Crap, I was wrong, you were right, they are saying the admin at Breaking Code Silence is the paid account." (BCS_0577847-BCS_0577849); and
- On July 28, 2022, Ms. Magill forwarded the 5/25/2022 invoice from admin@breakingcodesilence.org to jmagill@breakingcodesilence.org (BCS_0165807).

If I do not receive the requested confirmation that Ms. McNamara's credit card has been permanently removed from the account by Friday, June 30, 2023 (more than a year after my first request), my client will pursue all of her available legal rights and remedies and DLA's pro bono hours will increase exponentially.

Yours, Catherine



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Attorney

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