

Deposition of Brandon Byrd

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Civil Action No. 07-cv-00630-DME-MEH

NETQUOTE INC, a Colorado corporation,

Plaintiff,

vs.

BRANDON BYRD, an internet user making
use of the IP Addresses 64.136.27.226 and
64.136.26.227, and MOSTCHOICE.COM, INC.,
a Georgia corporation,

Defendants. /

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VIDEOTAPED DEPOSITION OF BRANDON BYRD

September 5, 2007

Volume I

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1 working for Dr. Keating named Tom Huggins, who I went
2 to high school with, offered a job in Florida. I
3 moved to Florida, he was going to open a school
4 there, and found out there was no school. And that's
5 when I moved here to Atlanta to teach.

6 Q. And around what year was that?

7 A. That was probably '90 -- let me think, '97
8 or '98.

9 Q. Have you ever -- well, putting aside any
10 work you've done for MostChoice, do you have any
11 experience in the computer industry?

12 A. No.

13 Q. No experience computer programming?

14 A. No.

15 Q. No experience doing online computer
16 research?

17 A. No, not other than my own, you know, I
18 just Google.

19 Q. But no professional experience?

20 A. No.

21 Q. And no experience in the insurance
22 industry?

23 A. No.

24 Q. I want to focus you on the year 2006.
25 What were your sources of income in 2006?

1 A. Teaching martial arts.

2 Q. What else?

3 A. And towards the end is when I started with
4 MostChoice.

5 Q. Approximately how much did you earn in
6 2006 teaching martial arts?

7 A. Not much, in the beginning of 2006, I was
8 on a dual income with my long time girlfriend, so I
9 would guess around 20,000.

10 Q. And just roughly, how much do you think
11 you earned from MostChoice in 2006?

12 A. About probably 3,600.

13 Q. When did you start working for MostChoice
14 in 2006?

15 A. I'm going to go by this form. Probably I
16 think it was just in the beginning of October of '06.

17 Q. And by this form, you're referring to
18 Exhibit Number 1, correct?

19 A. Yes.

20 Q. Prior to October 6, 2006, had you worked
21 as a consultant for MostChoice?

22 A. No.

23 Q. Independent contractor?

24 A. No.

25 Q. No relationship with MostChoice at all?

1 A. No.

2 Q. And you've set up hundreds or thousands of
3 Yahoo accounts for purposes of your work to send
4 false insurance quotation requests, right?

5 A. I've set up a lot of Yahoo accounts. I'm
6 not sure how many.

7 Q. Certainly hundreds?

8 A. Yeah. Oh, yeah.

9 Q. And those are also password protected,
10 right?

11 A. Yes.

12 Q. And Mr. Levy didn't search through those
13 accounts, did he?

14 A. I don't think so. I don't think he has
15 the password to those.

16 Q. Do those accounts have passwords?

17 A. Yeah, they're all the same password.

18 Q. And you've never told Mr. Levy what that
19 password is?

20 A. I don't think so.

21 Q. You never searched through those accounts
22 for any documents relating to this litigation, right?

23 A. No, I can't remember half those e-mail
24 addresses. I have some of them on the computer on a
25 Word sheet, but I don't remember.

1 A. No.

2 Q. Yes, you didn't spend time. Sorry, the
3 way I asked the question was a double negative. You
4 did -- is it true that you did not spend time at
5 Mr. Levy's house?

6 A. Yeah, that's true, that's true.

7 Q. And you used this computer -- strike that.
8 You used this personal computer that
9 you've used for the false insurance quotation
10 requests for your personal activities as well, right?

11 A. Yeah, the one I do requests on is my own
12 computer.

13 Q. How do you connect through the Internet?

14 A. Dial-up.

15 Q. What dial-up account are you using?

16 A. NetZero and Earthlink.

17 Q. So you have two different dial-up
18 accounts?

19 A. Yes.

20 Q. Now, when you started, you were using both
21 accounts or just the NetZero account?

22 A. No, just NetZero.

23 Q. And this is the account that's in your
24 ex-girlfriend's name that you pay for?

25 A. No longer. When I -- when I found out

1 Q. Did you ever use your name?

2 A. I don't think so.

3 Q. Did you ever use Mr. Levy's name?

4 A. No.

5 Q. Did you use a different name for each
6 insurance quotation request that you submitted?

7 A. There may have been duplicates, I'm not
8 sure.

9 Q. Generally, you used different names for
10 each one, occasionally, there might have been
11 duplicates; is that right?

12 A. Yes.

13 Q. How many false insurance quotation
14 requests would you submit in an hour, early on?

15 A. Let me think. I'm not sure, maybe seven.
16 If I remember correctly, it took about eight minutes
17 to do it on dial-up.

18 Q. I've seen some of your requests spaced
19 about five minutes apart, does that sound about right
20 to you?

21 A. That may be -- I don't know. Local was a
22 little faster, if I remember correctly, Local was
23 faster than NetQuote. So that may be true for Local.

24 Q. Did you ever have an automated way of
25 generating these false insurance quotation requests?

1 A. Automated?

2 Q. Did you ever have a way of generating a
3 request other than typing in all the information from
4 scratch each time?

5 A. No.

6 Q. So you never had a computer program or
7 computer routine that assisted you in any way in
8 filling out NetQuote's web site page or Local
9 Insurance's web site page?

10 A. No.

11 Q. When you were filling out the sheets, did
12 you come up with the name on the spot each time or
13 did you have a list?

14 A. No, I came up with the name on the spot.

15 Q. Each time, for each request? So each
16 seven or eight minutes, you would think up a new name
17 and put that in?

18 A. Right.

19 Q. And was there any rhyme or reason to the
20 name you used?

21 A. No, I mean, I would just think of names
22 and match -- like if I had friends or something that
23 I would think of a first name, and just think up a
24 last name. Or if I was watching a certain television
25 show at the time, I would, you know, put characters,

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Deposition of Brandon Byrd

Page 166

1 A. Yes.

2 Q. So you knew that insurance agents were
3 relying on the false insurance quotation information
4 you were supplying, correct?

5 A. I'm not sure what they do with it.

6 Q. You knew they were e-mailing you back,
7 right?

8 A. I did know they were e-mailing me back.

9 Q. You did know they were relying on it to
10 offer you an insurance quote, right?

11 A. All I know is they were e-mailing me back.

12 Q. It's your testimony you don't know why
13 they were e-mailing you back?

14 A. No, not specifically.

15 Q. You know what they told you, right?

16 A. I'm sorry, what?

17 Q. You know they told you they were e-mailing
18 you back to offer you insurance quotations, right?

19 A. I don't read the e-mails, I only get the
20 information.

21 Q. How frequently were you given lists of ZIP
22 codes for false submissions to NetQuote and Local
23 Insurance?

24 A. It was sporadic. Some of the lists were
25 longer than others, so they took me longer to go