

EXHIBIT P

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,)	
individually and on behalf of a class of)	
similarly situated individuals,)	Case No. 1:11-cv-5807
)	
Plaintiffs,)	[Hon. James F. Holderman]
v.)	
)	[Magistrate Judge Young B. Kim]
COMSCORE, INC., a Delaware)	
corporation,)	
)	
Defendant.)	
_____)	

**PLAINTIFF JEFF DUNSTAN’S RESPONSES TO
DEFENDANT COMSCORE, INC.’S FIRST SET OF INTERROGATORIES**

Plaintiff Jeff Dunstan (“Dunstan” or “Plaintiff”) provides the following answers to Defendant comScore, Inc.’s (“comScore” or “Defendant”) First Set of Interrogatories:

Answers to Interrogatories

1. Identify every Communication and Document You viewed or relied upon in downloading third-party software you allege was bundled with comScore Software, including all websites, webpages, advertisements, or solicitations.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is overly broad (it requires Plaintiff to identify potentially dozens of individual webpages that he viewed while browsing the World Wide Web (“WWW”) for photo-cropping software¹ in September 2010), unduly burdensome (it seeks information that was ephemerally stored on his computer in September 2010) and seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence (the individual webpages viewed by Plaintiff in search of photo-cropping software are not relevant to the class certification analysis). Plaintiff further

¹ Plaintiff initially believed that comScore’s software was bundled with free greeting card template software that he downloaded. After further investigation, it appears that comScore’s software was bundled with photo-cropping software.

objects to this Interrogatory on the basis that the information sought is within Defendant's possession, custody or control, and is easily discoverable from Defendant's own records or the records of its agents or bundling partners (through the bundling partners' web server logs, comScore's server logs, or both).

Subject to and without waiving these objections, Plaintiff states that in or around September 2010 he searched the WWW for photo-cropping software to assist in the creation of holiday greeting cards. After extensive searching, Plaintiff discovered software entitled "Photo Cutter" on a third-party website.

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2. Identify every Communication and Document You viewed Referring or Relating To any terms or conditions of service, privacy agreements, or other agreements Related To the third-party software bundled with comScore Software or the comScore Software You allege was downloaded and installed on Your computer.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is unduly burdensome (it seeks information that, by comScore's own admission, could only have been briefly displayed to Plaintiff during the installation process in September 2010). Plaintiff further objects to this Interrogatory on the basis that the information sought is within Defendant's possession, custody or control, and is easily discoverable from Defendant's own records or the records of its agents or bundling partners (through the bundling partners' web server logs, comScore's server logs, or both).

Subject to and without waiving these objections, Plaintiff states that, to the best of his knowledge, he did not view any terms or conditions of service, privacy agreements, or other similar agreements, nor was the existence of comScore's software disclosed to him at any time.

* * * * *

3. Describe in detail all Facts Related To the download and installation of third-party software You allege was bundled with comScore Software to Your computer, including description and identification of all websites, webpages, advertisements, solicitations, download prompts, download agreements, service agreements, terms and conditions, or other agreements You viewed during download and installation.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is overly broad (it requires Plaintiff to identify potentially dozens of individual webpages that he viewed while browsing the WWW for photo-cropping software in September 2010), and is unduly burdensome (it seeks information that was ephemerally stored on his computer in September 2010). Plaintiff further objects to this Interrogatory on the basis that the information sought is within Defendant's possession, custody or control, and is easily discoverable from Defendant's own records or the records of its agents or bundling partners (as comScore purports to obtain consent from potential panelists, ostensibly records of such should be in its possession).

Subject to and without waiving these objections, Plaintiff states that his answers to Interrogatory Nos. 1, 2 and 5 are responsive to this Interrogatory.

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4. Describe in detail the system configuration of Your computer at the time You contend the comScore software was installed on Your computer, including but not limited to describing the operating system, processor, memory, display, hard drive, manufacturer, and model number.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is unduly burdensome (it seeks information about the configuration of Plaintiff's computer from an exact point in time in September 2010). Plaintiff further objects to this Interrogatory on the basis that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Plaintiff states that the system configuration of his current computer, which is substantially identical to its configuration at the

time comScore's software was installed, is as follows:

Make: Acer

Model: Veriton M410

Operating System: Microsoft Windows XP Professional, SP 3

Memory: 2.19 GHZ, 3.25 GB Ram

Display: ATI X1250 Radeon

Hard drive: ST3160815A Barracuda 7200.10 Ultra ATA/100 160-GB Hard Drive

* * * * *

5. State all Facts Related to Your contention that You did not agree to comScore's Terms of Service.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is unduly burdensome (it seeks information that, by comScore's own admission, could only have been briefly displayed to Plaintiff during the installation process in September 2010). Plaintiff further objects to this Interrogatory on the basis that the information sought is within Defendant's possession, custody or control, and is easily discoverable from Defendant's own records or the records of its agents or bundling partners (as comScore purports to obtain consent from potential panelists, ostensibly records of such should be in its possession).

Subject to and without waiving these objections, Plaintiff states that, to the best of his knowledge, in or around September of 2010, Plaintiff downloaded and installed photo cropping software that, unbeknownst to him, was bundled with comScore's software. At no point during the download process of that photo cropping software did Plaintiff view any terms or conditions of service, privacy agreements, or other agreements related to comScore software, nor did Plaintiff agree to the download of comScore software, or any other software (aside from the photo cropping software).

* * * * *

6. Describe all Facts Related To Your efforts to remove comScore Software from Your computer, including but not limited to describing the amount of time You contend the comScore software was installed on Your computer.

ANSWER: Plaintiff states that, to the best of his knowledge, in or around September of 2010, he downloaded and installed photo-cropping software that, unbeknownst to him, was bundled with comScore’s software. Almost immediately after the download, Plaintiff’s computer began malfunctioning. In particular, access to the WWW became intermittent and his computer started locking up in such a way that he could no longer operate it in any meaningful manner. After restarting the computer into Safe Mode, Plaintiff navigated to the Control Panel, opened the Add or Remove Programs tool and noticed that ‘RelevantKnowledge’ software had been installed on his computer. At the same time, Plaintiff’s firewall detected the re-routing of his Internet traffic to comScore’s servers. After much struggle, Plaintiff was eventually able to browse the WWW to perform a search for a product to remove RelevantKnowledge. Plaintiff discovered a software product—PC Tools Spyware Doctor—which was marketed as a tool capable of removing RelevantKnowledge. After purchasing, installing, and running PC Tools Spyware Doctor, the software detected and removed RelevantKnowledge. Once PC Tools Spyware Doctor removed RelevantKnowledge, Plaintiff’s computer returned to normal functionality. In sum, Plaintiff spent approximately ten (10) hours fixing the damage caused to his computer by comScore’s software.

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7. If You contend that comScore sold personal information collected by comScore Software from Your computer, Describe all Facts related to that contention.

ANSWER: Plaintiff objects to this Interrogatory to the extent it seeks disclosure of information protected by the attorney client privilege and the attorney work product doctrine.

Plaintiff also objects to this Interrogatory on the basis that the information sought is within Defendant's possession, custody or control, and is easily discoverable from Defendant's own records or the records of its agents or bundling partners (comScore utilizes sophisticated technologies capable of examining information collected from panelists' computers).

Subject to and without waiving such objections, pursuant to Fed. R. Civ. P. 33(d), Plaintiffs state that the documents bearing Bates Nos. Harris-Dunstan 0016 – Harris-Dunstan 0087 produced in response to comScore's First Set of Requests for Production of Documents are responsive to this Interrogatory.

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8. State all Facts and Identify all Documents that You contend support a grant of class certification in this matter.

ANSWER: Plaintiff objects to this Interrogatory to the extent it seeks disclosure of information protected by the attorney client privilege and the attorney work product doctrine. Plaintiff also objects to this Interrogatory on the basis that it calls for a conclusion of law. Plaintiff further objects to this Interrogatory on the basis that it is premature inasmuch as Dunstan has not yet moved for class certification, class discovery is not completed, the class discovery cut-off has not passed, and comScore has yet to produce documents for inspection.

Subject to and without waiving these objections, Plaintiff states that comScore has indicated that the number of putative class members ranges between 377,090 and 560,025 individuals (from 2008 through 2011). Paragraphs 74 – 83 of Plaintiffs' Class Action Complaint, (Dkt. No. 1), explains the reasons that Plaintiff contends class certification is warranted in this matter. Additionally, Plaintiff's counsel is adequate, *see* Bates Nos. 0552 – 0557, and Plaintiff was subjected to comScore's systematic and continuous surreptitious data collection practices, and the panelist software damaged his computer, which caused him legal damage.

* * * * *

9. Identify all class members and potential class members that You are aware of.

ANSWER: Plaintiff objects to this Interrogatory on the basis that the information sought is within Defendant's possession, custody or control, and is easily discoverable from within Defendant's own records or the records of its agents or bundling partners (presumably comScore possesses information identifying every active and former panelist). Plaintiff further objects to this Interrogatory on the basis that it is premature inasmuch as Dunstan has not yet moved for class certification, class discovery is not completed, the class discovery cut-off has not passed, and comScore has yet to produce documents for inspection.

Subject to and without waiving his objections, Plaintiff states that, aside from Plaintiff Harris, he is not currently aware of the identity of the members of the putative class.

* * * * *

10. Describe all Facts Related To the manner in which You became involved in this matter.

ANSWER: Plaintiff objects to this Interrogatory to the extent it seeks disclosure of information protected by the attorney client privilege and the attorney work product doctrine. Plaintiff further objects to this Interrogatory on the basis that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

* * * * *

11. Describe in Detail all actual damages that You contend You suffered as a result of the comScore software that You allege was downloaded and installed on Your computer.

ANSWER: Plaintiff objects to this Interrogatory to the extent that it calls for a conclusion of law.

Subject to and without waiving this objection, Plaintiff states that he suffered actual damages in the form of monies paid to purchase the software that was required to detect and remove comScore's software from his computer. Plaintiff further states that he seeks (i) statutory damages pursuant to Defendant's violation of 18 U.S.C. § 2707(c) and 18 U.S.C. § 2520, (ii) an award of punitive damages where applicable, and (iii) reasonable attorneys' fees and other litigation costs reasonably incurred.

As to Objections:

Dated: April 9, 2012

JEFF DUNSTAN, individually, and on behalf of
all others similarly situated,

By: /s/ Chandler R. Givens
One of Their Attorneys

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DECLARATION

I, Jeff Dunstan, declare under penalty of perjury that the foregoing *Plaintiff Jeff Dunstan's Responses to Defendant comScore, Inc.'s First Set of Interrogatories* is true and correct.

Executed on April 6, 2012 at Bakersfield, California.

Jeff Dunstan  _____

CERTIFICATE OF SERVICE

I, Chandler R. Givens, an attorney, hereby certify that on April 9, 2012, I served the above and foregoing ***Plaintiff Jeff Dunstan's Responses to Defendant comScore, Inc.'s First Set of Interrogatories*** by causing true and accurate copies of such paper to be transmitted to the persons shown below via electronic mail.

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Attorneys for Defendant comScore, Inc.

/s/ Chandler R. Givens _____
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