

# EXHIBIT Q

**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 MIKE HARRIS’S RESPONSES TO  
DEFENDANT COMSCORE, INC.’S FIRST SET OF INTERROGATORIES**

Plaintiff Mike Harris (“Harris” 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 screensaver software approximately two (2) years ago), unduly burdensome (it seeks information that was ephemerally stored on his computer approximately two (2) years ago) 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 screensaver software are not relevant to the class certification analysis). 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, in or around March of 2010 he searched the website www.macupdate.com for a free screensaver depicting a peaceful scene.

\* \* \* \* \*

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 approximately (2) years ago). 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 does not recall viewing any terms or conditions of service, privacy agreements, or other similar agreements, nor does he recall 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 screensaver software approximately (2) years ago), and is unduly burdensome (it seeks information that was ephemerally stored on his computer approximately (2) years ago). 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 within 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.

\* \* \* \* \*

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 March of 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.

Plaintiff states that in or around August of 2010 he discarded the computer used to download the free screensaver that, unbeknownst to him, was bundled with comScore's software. Notwithstanding, Plaintiff states that the system configuration of his discarded computer, which is substantially identical to its configuration at the time comScore's software

was installed, is as follows:

Model: iMac4, 1, BootROM IM41.0055.B08, Intel Core Duo, 1.83 GHz, 1 GB

Graphics: ATI Radeon X1600, ATY, RadeonX1600, PCIe, 128 MB

Memory Module: BANK 0/DIMM0, 512 MB, DDR2 SDRAM, 667 MHz

Memory Module: BANK 1/DIMM1, 512 MB, DDR2 SDRAM, 667 MHz

AirPort: spairport\_wireless\_card\_type\_airport\_extreme (0x14E4, 0x89), 4.80.46.0

Bluetooth: Version 1.7.9f12, 2 service, 1 devices, 1 incoming serial ports

Network Service: AirPort, AirPort, en1

Serial ATA Device: WDC WD1600JS-40NGB2, 149.05 GB

Parallel ATA Device: MATSHITADVD-R UJ-846

\* \* \* \* \*

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 approximately two (2) years ago). 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 the same should exist within its possession).

Subject to and without waiving his objections, Plaintiff states that, in or around March of 2010, Plaintiff downloaded and installed a free screensaver that, unbeknownst to him, was bundled with comScore's software. To the best of his knowledge, Plaintiff does not recall being presented with any terms or conditions of service, privacy agreements, or other agreements

during the download and installation process, nor does Plaintiff recall agreeing to the download of comScore software, or any other software (aside from the free screensaver).

\* \* \* \* \*

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 March of 2010, Plaintiff downloaded and installed a free screensaver that, unbeknownst to him, was bundled with comScore’s software. Some time after the free screensaver was installed, Plaintiff noticed that the menu extras on his menu bar had shifted locations. Upon inspection, Plaintiff realized that a new, transparent menu extra was added to his menu bar. Plaintiff states that he could not have noticed this new menu extra if its presence had not shifted the placement of adjacent menu items. After discovering the menu extra, Plaintiff conducted research on the WWW to determine what the item was. Plaintiff’s research revealed that the menu extra indicated that PremierOpinion—comScore’s software—was operating on his computer. Plaintiff then spent several hours attempting to remove PremierOpinion manually because he was concerned that the software’s uninstaller would not fully remove the software (due to the fact it had been installed on his computer without his knowledge). Unable to manually remove the software, Plaintiff ultimately used the PremierOpinion uninstaller. In sum, Plaintiff spent two (2) – three (3) hours attempting to remove comScore’s software.

\* \* \* \* \*

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 further objects to this Interrogatory on the basis that it is unduly burdensome (it requires Plaintiff to identify information that is not within Plaintiff's possession, custody or control).

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.

\* \* \* \* \*

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 Harris 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.

\* \* \* \* \*

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 Dunstan, he is not currently aware of the identity of the members of the putative class.

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

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that 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 seeks (i) statutory damages pursuant to Defendant's violations 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. Plaintiff's investigation continues and he reserves the right to supplement his answer to this Interrogatory as appropriate.

*As to Objections:*

Dated: April 9, 2012

**MIKE HARRIS**, individually, and on behalf of all others similarly situated,

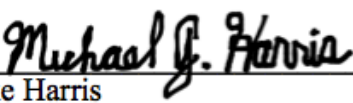
By: /s/ Chandler R. Givens  
One of Their Attorneys

Jay Edelson (jedelson@edelson.com)  
Rafey S. Balabanian (rbalabanian@edelson.com)  
Ari J. Scharg (ascharg@edelson.com)  
Chandler R. Givens (cgivens@edelson.com)  
EDELSON MCGUIRE LLC  
350 North LaSalle Street, Suite 1300  
Chicago, Illinois 60654  
Tel: (312) 589-6370  
Fax: (312) 589-6378

**DECLARATION**

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

Executed on April 8, 2012 at Chicago, Illinois.

  
\_\_\_\_\_  
Mike Harris

**CERTIFICATE OF SERVICE**

I, Chandler R. Givens, an attorney, hereby certify that on April 9, 2012, I served the above and foregoing ***Plaintiff Mike Harris'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.

Paul F. Stack  
Mark William Wallin  
STACK & O'CONNOR CHARTERED  
140 S. Dearborn St., Ste. 411  
Chicago, IL 60603  
pstack@stacklaw.com  
mwallin@stacklaw.com

Andrew H. Schapiro  
Stephen A. Swedlow  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
500 W. Madison St., Ste. 2450  
Chicago, IL 60661  
andrewschapiro@quinnemanuel.com  
stephenswedlow@quinnemanuel.com

*Attorneys for Defendant comScore, Inc.*

/s/ Chandler R. Givens \_\_\_\_\_  
Chandler R. Givens