

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,)
Plaintiffs,)
vs.) No. 1:11-cv-5807
COMSCORE INC., a Delaware corporation)
Defendant.)

The deposition of MICHAEL J. HARRIS, called by the Defendant for examination, taken pursuant to notice, agreement and by the provisions of the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before DEBORAH HABIAN, CSR No. 084-002432, a Notary Public within and for the County of Cook, State of Illinois, and a Certified Shorthand Reporter of said State, at the offices of Quinn Emanuel Urquhart & Sullivan, 500 West Madison Street, Suite 2450, Chicago, Illinois, on Friday, the 13th day of July, 2012, at 9:23 a.m.

Job No: 26294

2	<p>1 A P P E A R A N C E S</p> <p>2 on behalf of the Plaintiffs;</p> <p>3 EDELSON MCGUIRE, LLC</p> <p>4 350 North LaSalle Street, 13th Floor</p> <p>5 Chicago, Illinois 60654</p> <p>6 (312) 589-6370</p> <p>7 BY: JAY EDELSON, ESQ.</p> <p>8 jedelson@edelson.com</p> <p>9 CHANDLER GIVENS, ESQ.</p> <p>10</p> <p>11 on behalf of the Defendant.</p> <p>12 QUINN EMANUEL URQUHART & SULLIVAN, LLP</p> <p>13 500 West Madison Street, Suite 2450</p> <p>14 Chicago, Illinois 60661</p> <p>15 BY: ANDREW H. SCHAPIRO, ESQ.</p> <p>16 andyschapiro@quinnemanuel.com</p> <p>17 STEPHEN SWEDLOW, ESQ.</p> <p>18 stephenswedlow@quinnemanuel.com</p> <p>19 LAURA NORRIS, ESQ.</p> <p>20 lauranorris@quinnemanuel.com</p> <p>21</p> <p>22 STACK & O'CONNOR, CHARTERED</p> <p>23 140 South Dearborn Street, Suite 411</p> <p>24 Chicago, Illinois 60603-5232</p> <p>25 (312) 782-0690</p> <p>BY: PAUL F. STACK, ESQ.</p> <p>pstack@stacklaw.com</p> <p>ALSO PRESENT:</p> <p>JOE BEILE, Videographer</p>	4
3	<p>1 MICHAEL J. HARRIS</p> <p>2 I N D E X</p> <p>3 WITNESS: PAGE</p> <p>4 MICHAEL J. HARRIS</p> <p>5 Exam by Mr. Schapiro 6</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 DEFENDANT'S DESCRIPTION PAGE</p> <p>9 Exhibit 1 Chandler Gives e-mail to 13</p> <p>10 Mike Harris, e-mail address</p> <p>11 wcitymike@rcn.com</p> <p>12 Exhibit 2 8/23/11 engagement letter 17</p> <p>13 between Edelson McGuire</p> <p>14 and Mike Harris</p> <p>15 Exhibit 3 Plaintiff's Response to 20</p> <p>16 Interrogatories</p> <p>17 Exhibit 4 3/13/10 post by Wcitymike 48</p> <p>18 on Ask MetaFiler</p> <p>19</p> <p>20 Exhibit 5 Mike Harris's Supplemental 56</p> <p>21 Responses to comScore's</p> <p>22 Interrogatories</p> <p>23 Exhibit 6 Mike Harris's posts, 66</p> <p>24 Wcitymike on Mac Update</p> <p>25</p>	5
2	<p>1 MICHAEL J. HARRIS</p> <p>2 (Continuing)</p> <p>3 E X H I B I T S</p> <p>4 DEFENDANT'S DESCRIPTION PAGE</p> <p>5 Exhibit 7 Mac Update site description of 71</p> <p>6 the Secret Land Screensaver</p> <p>7 Bates HARRIS-DUNSTAN 004</p> <p>8</p> <p>9 Exhibit 8 3/12/10 Mike Harris posts 66</p> <p>10 Wcitymike on Mac Update</p> <p>11 re troubleshooting</p> <p>12</p> <p>13 Exhibit 9 Mac Update printout with 92</p> <p>14 Roro01 comments</p> <p>15</p> <p>16 Exhibit 10 Complaint 102</p> <p>17</p> <p>18</p> <p>19 INSTRUCTIONS NOT TO ANSWER:</p> <p>20 Page 17, Line 24</p> <p>21 Page 25, Line 12</p> <p>22 Page 33, Line 23</p> <p>23</p> <p>24</p> <p>25</p>	4

42	<p>1 MICHAEL J. HARRIS</p> <p>2 Michigan Avenue store.</p> <p>3 Q. And if you remember, was it new or was it</p> <p>4 used when you bought it?</p> <p>5 A. New.</p> <p>6 Q. Do you recall about how much you paid?</p> <p>7 A. I don't.</p> <p>8 Q. Do you recall how much memory the computer</p> <p>9 had?</p> <p>10 A. From memory, no.</p> <p>11 Q. What kind of processor it used?</p> <p>12 A. From my memory, I don't recall that.</p> <p>13 Q. Do you know how large the hard drive was?</p> <p>14 A. Again, from my memory, I don't recall.</p> <p>15 Q. What about the operating system? Do you</p> <p>16 recall the operating system that was used?</p> <p>17 A. It was Mac OS 10. What level it was at, I</p> <p>18 don't recall, I mean what version of the OS 10.</p> <p>19 Q. And do you know whether -- you may just</p> <p>20 have answered this, but just for clarity, whether there</p> <p>21 had been any upgrade, whether you had upgraded the</p> <p>22 operating system at any time before the installation of</p> <p>23 the comScore software that you allege?</p> <p>24 A. To clarify, you're asking between the time</p> <p>25 of purchase and the time of installation?</p>	44	<p>1 MICHAEL J. HARRIS</p> <p>2 August 2010.</p> <p>3 Q. And why was it in a dumpster?</p> <p>4 A. I had thrown it away.</p> <p>5 Q. And why had you thrown it away?</p> <p>6 A. Its hard drive was beginning to die, and</p> <p>7 so I had bought a new computer.</p> <p>8 Q. Before you threw it away -- well, let me</p> <p>9 back up.</p> <p>10 Is it fair to say that you are at least</p> <p>11 moderately tech savvy?</p> <p>12 MR. EDELSON: Objection. Vague.</p> <p>13 THE WITNESS: It would really depend on</p> <p>14 your definition of "tech savvy."</p> <p>15 BY MR. SCHAPIRO:</p> <p>16 Q. Well, you've described yourself as someone</p> <p>17 who has some moderate knowledge of computers and tech,</p> <p>18 correct?</p> <p>19 A. Using my own definition of tech savvy, I</p> <p>20 would think so, but it would depend on an external</p> <p>21 party's --</p> <p>22 Q. Did you --</p> <p>23 A. -- definition.</p> <p>24 Q. Sorry. I didn't mean to cut you off.</p> <p>25 A. No problem.</p>
43	<p>1 MICHAEL J. HARRIS</p> <p>2 Q. Yeah.</p> <p>3 A. Yes.</p> <p>4 Q. Can you tell me about that?</p> <p>5 A. I had applied various upgrade- -- the</p> <p>6 OS 10 upgrades offered by Apple.</p> <p>7 Q. And prior to March 2010, which is when you</p> <p>8 say you downloaded -- let me just back up.</p> <p>9 March 2010 is when you say you downloaded</p> <p>10 the comScore software, right?</p> <p>11 A. Yes.</p> <p>12 Q. So prior to that time, had your Macintosh</p> <p>13 ever required any repairs?</p> <p>14 A. I can't recall.</p> <p>15 Q. And do you recall whether you had ever</p> <p>16 upgraded any of the hardware, like the memory or the</p> <p>17 hard drive?</p> <p>18 A. I don't know for certain.</p> <p>19 Q. Where's that Macintosh today?</p> <p>20 A. I don't know where it is today.</p> <p>21 Q. When did you last see it?</p> <p>22 A. I last saw it in a dumpster behind my</p> <p>23 house -- apartment building.</p> <p>24 Q. Approximately when?</p> <p>25 A. Approximately -- very approximately,</p>	45	<p>1 MICHAEL J. HARRIS</p> <p>2 Q. And you spend a reasonable amount of time</p> <p>3 online, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you sometimes make posts in -- on</p> <p>6 sites that discuss technology and technology issues,</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. And part of the reason you claim to be</p> <p>10 bringing this lawsuit is that you're concerned about</p> <p>11 privacy of your data, right?</p> <p>12 A. Yes.</p> <p>13 Q. So you wouldn't just -- you didn't just</p> <p>14 throw out a computer with a hard drive inside it, did</p> <p>15 you?</p> <p>16 A. No. No, at that time, no.</p> <p>17 Q. So what did you do to protect or preserve</p> <p>18 the data on the hard drive?</p> <p>19 A. I can answer that question with -- with</p> <p>20 the caveat that I'm working from two-year-old memories</p> <p>21 and it's not going to be specific.</p> <p>22 Q. Just do your best, please.</p> <p>23 A. Okay.</p> <p>24 To the best of my recollection, I believe</p> <p>25 I used the disk utility program that comes with</p>

46	<p>1 MICHAEL J. HARRIS</p> <p>2 Mac OS 10 to format the hard drive before erasing.</p> <p>3 However, again, if memory serves me correctly, the hard</p> <p>4 drive was already in a bad state of repairs and I'm not</p> <p>5 sure -- I believe I wiped it as cleanly as I could at</p> <p>6 that time.</p> <p>7 Q. Is it fair to say that you did not -- that</p> <p>8 you thought the computer wasn't very valuable as of that</p> <p>9 time?</p> <p>10 A. It would really depend on your definition</p> <p>11 of "valuable."</p> <p>12 Q. Well, not garbage.</p> <p>13 A. No, it was garbage at that point in my</p> <p>14 opinion.</p> <p>15 Q. And had it been acting up for awhile?</p> <p>16 A. Could you define "awhile"?</p> <p>17 Q. Months.</p> <p>18 A. Months. (Nodding.)</p> <p>19 Q. Had it been acting up --</p> <p>20 MR. EDELSON: Objection. Just for the</p> <p>21 record, I believe there was a nod. And I don't want to</p> <p>22 interpret that, but could we just have clarity for the</p> <p>23 record what his answer was?</p> <p>24 THE WITNESS: I'm sorry. You had</p> <p>25 said that...</p>	48	<p>1 MICHAEL J. HARRIS</p> <p>2 MR. SCHAPIRO: Can we mark this document?</p> <p>3 What are we up to, No. 4?</p> <p>4 THE REPORTER: We are.</p> <p>5 (Defendant's Exhibit 4 marked for ID)</p> <p>6 BY MR. SCHAPIRO:</p> <p>7 Q. So take a minute. I'm just going to ask</p> <p>8 you about the first page of this document.</p> <p>9 A. (Reviewing document.)</p> <p>10 Q. And this is a post on a site called Ask</p> <p>11 MetaFilter, correct?</p> <p>12 A. That's correct.</p> <p>13 Q. What is Ask MetaFilter?</p> <p>14 A. Ask MetaFilter is a website where people</p> <p>15 can -- if they have a membership account can post a</p> <p>16 question and have other members answer it.</p> <p>17 Q. And on the first page of this document --</p> <p>18 I'm sorry, is it Exhibit 4?</p> <p>19 THE REPORTER: Yes.</p> <p>20 BY MR. SCHAPIRO:</p> <p>21 Q. (Continuing) -- there's a question posted</p> <p>22 by Wcitemike. That's you, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you say that your Macintosh's</p> <p>25 "internal hard drive finally gave up the ghost today" --</p>
47	<p>1 MICHAEL J. HARRIS</p> <p>2 (Counsel reviewing Livenote transcript.)</p> <p>3 MR. SCHAPIRO: "Had it been acting up for</p> <p>4 months?" And I think the answer is "Months" and then in</p> <p>5 parentheses "Nodding."</p> <p>6 MR. EDELSON: Sorry.</p> <p>7 BY MR. SCHAPIRO:</p> <p>8 Q. Months, yes?</p> <p>9 A. It had been op- -- yes, it had been</p> <p>10 misbehaving for months. How many months, I don't</p> <p>11 recall.</p> <p>12 MR. EDELSON: I apologize. I didn't mean</p> <p>13 to interrupt your flow.</p> <p>14 MR. SCHAPIRO: That's all right.</p> <p>15 BY MR. SCHAPIRO:</p> <p>16 Q. And in fact, it had been -- it had been</p> <p>17 acting up for awhile prior to March 2010, correct?</p> <p>18 A. I don't recall when it began to misbehave,</p> <p>19 so I'm unable to answer your question.</p> <p>20 Q. Your user name on Mac Update is Wcitemike,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. And you've also used that user name on</p> <p>24 MetaFilter, correct?</p> <p>25 A. Correct.</p>	49	<p>1 MICHAEL J. HARRIS</p> <p>2 this is dated March 13th, 2010 -- "after spitting out</p> <p>3 various I/O errors for awhile," correct?</p> <p>4 A. That's what it says, yes.</p> <p>5 Q. Does that refresh your memory at all about</p> <p>6 how long or when your computer had been acting up?</p> <p>7 A. It doesn't provide -- it doesn't trigger</p> <p>8 any additional memories, no.</p> <p>9 Q. What's an I/O error?</p> <p>10 A. In that context, I imagine I meant</p> <p>11 input/output.</p> <p>12 Q. What are input/output errors?</p> <p>13 A. I can give you my best guess of what I</p> <p>14 meant at that time.</p> <p>15 Q. Please.</p> <p>16 A. It -- I would imagine it was hard drive</p> <p>17 reading and writing errors, however, I don't know that</p> <p>18 fact for certain.</p> <p>19 Q. And I think you say at that point that --</p> <p>20 actually, strike that.</p> <p>21 You note in this post that you -- that you</p> <p>22 want to replace the Macintosh, correct?</p> <p>23 A. (Reviewing document.)</p> <p>24 I don't see a reference to that.</p> <p>25 Q. I skipped a little further down. I</p>

50

1 **MICHAEL J. HARRIS**
2 **apologize. On the next page --**
3 MR. EDELSON: Objection.
4 For the record, you haven't given him an
5 opportunity to read the whole document.
6 MR. SCHAPIRO: Fair -- fair objection.
7 BY MR. SCHAPIRO:
8 **Q. You can -- if you want to take a moment**
9 **and read the whole document, that's fine.**
10 A. (Reviewing document.)
11 MR. EDELSON: Can we go off the record for
12 a minute as we do that? No? That's okay.
13 MR. SCHAPIRO: No, I have a question
14 pending.
15 MR. EDELSON: Sure. That's fine.
16 BY MR. SCHAPIRO:
17 **Q. You're probably far enough that I could**
18 **focus the question, which is: You were thinking about**
19 **switching over to a Windows-based machine at that point,**
20 **correct?**
21 MR. EDELSON: Objection. I think that he
22 should have the opportunity --
23 MR. SCHAPIRO: That's fine.
24 MR. EDELSON: -- to finish reading that.
25 MR. SCHAPIRO: Yeah, yeah. I just --

51

1 **MICHAEL J. HARRIS**
2 THE WITNESS: (Reviewing document.)
3 MR. EDELSON: And Mike, you shouldn't feel
4 pressured. You can take as much as time as you want.
5 BY MR. SCHAPIRO:
6 **Q. I want to reiterate what your attorney**
7 **says. Take as long as you want. Let me know if you**
8 **ever want more time to read a document. But sometimes**
9 **to move things along, I'll point you to the pages that**
10 **are relevant, but you should always feel free to read as**
11 **little or as much as you like.**
12 A. I'm going to read my own comments
13 thoroughly and skim through others, so that should do me
14 well. Just --
15 **Q. Please do.**
16 A. (Reviewing document.)
17 I think I've reviewed it sufficiently
18 enough to be comfortable, although I may need to review
19 it again if -- in response to a future question.
20 **Q. That's fine. You should always feel free**
21 **to.**
22 **So is it fair to say that at that time you**
23 **were thinking of switching over to a Windows-based**
24 **machine?**
25 A. At some point in the future, yes.

52

1 **MICHAEL J. HARRIS**
2 **Q. And your father was going to send you a --**
3 **was going to UPS you a laptop from home?**
4 A. Yes.
5 **Q. But in the meantime, you had a back-up**
6 **hard drive, correct?**
7 A. Yes.
8 **Q. And it was a 500 gigabyte LaCie, if I'm**
9 **pronouncing that right, d2 Quadra, right?**
10 A. Yes.
11 **Q. And did you use that back-up hard drive to**
12 **back up the Western Digital hard drive from your**
13 **Macintosh that had been giving you trouble?**
14 A. Yes.
15 **Q. Where is that back-up hard drive today?**
16 A. I don't recall, to be honest.
17 MR. SCHAPIRO: I'd ask that Mr. Harris
18 take a look for his back-up hard drive --
19 MR. EDELSON: Of course.
20 MR. SCHAPIRO: -- in his home or garage or
21 wherever else it might be.
22 MR. EDELSON: You don't have --
23 THE WITNESS: Okay.
24 MR. EDELSON: He made a request and we're
25 happy -- to the extent we've not done so, we're happy to

53

1 **MICHAEL J. HARRIS**
2 -- or we'll do it again regardless.
3 MR. SCHAPIRO: Thank you.
4 BY MR. SCHAPIRO:
5 **Q. During --**
6 A. Um....
7 **Q. Go ahead.**
8 A. Just to further state, I will look for it
9 at home and advise my attor- --
10 MR. EDELSON: Yeah, you don't have to --
11 he made a request, and we'll deal with it at
12 appropriately.
13 THE WITNESS: Okay.
14 I do want to indicate one thing on the
15 record though, if that's acceptable, and it's just that
16 I don't -- I believe it is gone. I believe it is
17 destroyed at this time. But I will confirm that fact
18 when I get home.
19 BY MR. SCHAPIRO:
20 **Q. And the reason that you had a back-up**
21 **drive is that you understand that sometimes hard drives**
22 **fail, right? That's one reason that you had a back-up**
23 **drive?**
24 A. I hadn't thought specifically about hard
25 drive failure. I just know it's common wisdom that it's

62	<p>1 MICHAEL J. HARRIS</p> <p>2 perhaps should have said "user name," but....</p> <p>3 And can you tell us what the Mac Update</p> <p>4 site is for those of us that aren't familiar with it?</p> <p>5 A. Just given my own definition, it's a</p> <p>6 gateway website that offers links to various Mac</p> <p>7 software.</p> <p>8 MR. SCHAPIRO: We've been going for about</p> <p>9 an hour and a half and we're approaching the end of the</p> <p>10 tape, so why don't we take a short break.</p> <p>11 THE VIDEOGRAPHER: Here ends Tape No. 1,</p> <p>12 we're now going off the video record at 10:38 a.m.</p> <p>13 (Recess taken from 10:38 a.m.</p> <p>14 to 10:56 a.m.)</p> <p>15 THE VIDEOGRAPHER: Here begins Tape No. 2</p> <p>16 we're now going back on the video record at 10:56 a.m.</p> <p>17 BY MR. SCHAPIRO:</p> <p>18 Q. Mr. Harris, I want to ask you a couple</p> <p>19 more questions about that back-up hard drive.</p> <p>20 You said that you think you might not have</p> <p>21 it anymore, correct?</p> <p>22 A. I believe so.</p> <p>23 Q. Is it your practice when you discard a</p> <p>24 computer or a hard drive to transfer over any valuable</p> <p>25 or important material that you can?</p>	64	<p>1 MICHAEL J. HARRIS</p> <p>2 A. Okay.</p> <p>3 Q. -- the download of the comScore?</p> <p>4 A. I don't know if I have or not.</p> <p>5 MR. SCHAPIRO: So I think we'll want to</p> <p>6 examine the Toshiba or work out some protocol with you.</p> <p>7 We can talk about it -- I'm -- for the record, I'm</p> <p>8 speaking now to Mr. Edelson. We can talk about it --</p> <p>9 MR. EDELSON: Yeah.</p> <p>10 MR. SCHAPIRO: -- offline.</p> <p>11 MR. EDELSON: Of course.</p> <p>12 THE WITNESS: Of course, my -- you know, I</p> <p>13 would interact with my attorneys on this, but in terms</p> <p>14 of -- I mean --</p> <p>15 MR. EDELSON: We don't have to have a</p> <p>16 colloquy. So we -- we're not agreeing to do anything,</p> <p>17 but what we're agreeing to is to talk about it.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. EDELSON: We'll understand their</p> <p>20 position, we will speak to you and figure out what our</p> <p>21 position is and communicate that. And this just isn't</p> <p>22 the right forum for that.</p> <p>23 THE WITNESS: Oh.</p> <p>24 MR. EDELSON: So don't worry. We're</p> <p>25 preserving everything and we will deal with legally</p>
63	<p>1 MICHAEL J. HARRIS</p> <p>2 A. If that's possible.</p> <p>3 Q. So do you have a -- could you just walk me</p> <p>4 through where the information that was on that separate</p> <p>5 hard drive would have gone to and where it's ended up?</p> <p>6 A. There are files that work both on Windows</p> <p>7 and Mac machines, things such as Office documents, audio</p> <p>8 files, video files, text files. Those files that I</p> <p>9 could -- that were of value to me on a Windows machine</p> <p>10 probably made the transition over from that original</p> <p>11 Mac. Those files that had no value on a Windows machine</p> <p>12 most likely were erased or deleted.</p> <p>13 Q. So is it possible that there are some</p> <p>14 files on your Toshiba today that can trace their lineage</p> <p>15 back to your iMac?</p> <p>16 A. Yes.</p> <p>17 Q. Have you checked your Toshiba to see if</p> <p>18 there are any files relating to or reflecting the</p> <p>19 download of the comScore software that you say occurred</p> <p>20 in March 2010?</p> <p>21 A. I'm sorry. Could you repeat the portion</p> <p>22 of your question where you say "referring" or from that</p> <p>23 point onward? It was --</p> <p>24 Q. Have you checked your Toshiba to see if</p> <p>25 there are any files relating to or reflecting --</p>	65	<p>1 MICHAEL J. HARRIS</p> <p>2 what's required.</p> <p>3 THE WITNESS: Okay. So we're just talking</p> <p>4 about talking about it?</p> <p>5 MR. EDELSON: That's all we've agreed,</p> <p>6 that we've agreed at an appropriate time that we will</p> <p>7 have a discussion about it.</p> <p>8 THE WITNESS: Okay. Thank you.</p> <p>9 MR. EDELSON: And we'll do what is -- what</p> <p>10 is correct under the law, and even more so, morally.</p> <p>11 THE WITNESS: I'm sorry. I --</p> <p>12 MR. SCHAPIRO: Let the record reflect</p> <p>13 laughter.</p> <p>14 MR. EDELSON: But this is -- let's focus</p> <p>15 on the deposition where he'll ask questions and you'll</p> <p>16 answer them. And if you have separate questions about</p> <p>17 the legal process, let's just keep talking about that</p> <p>18 outside of the deposition.</p> <p>19 THE WITNESS: I understand. I just</p> <p>20 hadn't -- I wasn't aware that it was --</p> <p>21 MR. EDELSON: Yeah.</p> <p>22 THE WITNESS: If it's talking about</p> <p>23 talking, I'm fine.</p> <p>24 MR. EDELSON: Correct.</p> <p>25 MR. SCHAPIRO: So can we mark this</p>

66	<p>1 MICHAEL J. HARRIS</p> <p>2 document Defendant's Exhibit 6.</p> <p>3 (Defendant's Exhibit 6 marked for ID)</p> <p>4 MR. SCHAPIRO: (Tendering document</p> <p>5 counsel.) Sorry. I already put "6" on there.</p> <p>6 MR. EDELSON: That's great.</p> <p>7 BY MR. SCHAPIRO:</p> <p>8 Q. Mr. Harris, we were speaking before the</p> <p>9 break about the Mac Update site, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And I'm showing you a document that we've</p> <p>12 marked Defendant's Exhibit 6, which is entitled "Mike</p> <p>13 Harris's posts," but it lists a bunch of posts from</p> <p>14 Wcitymike. Would these be posts that you've made on Mac</p> <p>15 Update?</p> <p>16 A. Yes.</p> <p>17 Q. And at the top there is what I guess we</p> <p>18 might call a member profile, something like that. It</p> <p>19 says "Mike Harris" and there's a little information</p> <p>20 listed as "About Me," correct?</p> <p>21 A. Yes.</p> <p>22 Q. And it lists things like "Visit Stats" and</p> <p>23 I guess a website of yours, a Temblr -- a Tumblr site,</p> <p>24 correct?</p> <p>25 A. I don't believe that's still that website,</p>	68	<p>1 MICHAEL J. HARRIS</p> <p>2 "with some frequency."</p> <p>3 Q. Any reason to believe that you didn't</p> <p>4 during the course of your membership put on -- the 113</p> <p>5 posts on Mac Update?</p> <p>6 A. No.</p> <p>7 Q. No reason not to believe it?</p> <p>8 A. No reason not to believe it.</p> <p>9 Q. All right. And the third post on this</p> <p>10 page is from March 9th, 2010, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And that's a post -- did you write that</p> <p>13 post?</p> <p>14 A. Yes.</p> <p>15 Q. And in that post, you talk about</p> <p>16 PremierOpinion software, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And you're referring to something called</p> <p>19 the Secret Land Screensaver, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And at the very bottom of your post in</p> <p>22 small font it says "Version 1.1."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. What does that mean or refer to?</p>
67	<p>1 MICHAEL J. HARRIS</p> <p>2 but, yeah, those are -- that's what it appears to be.</p> <p>3 Q. And is there anything about this</p> <p>4 information on this user profile that is incorrect, to</p> <p>5 your knowledge?</p> <p>6 A. If by "user profile" you mean the subject</p> <p>7 headings "About Me," "Visit Stats" and "Website" --</p> <p>8 Q. Correct.</p> <p>9 A. -- the only inaccurate information that I</p> <p>10 can see is that that is no longer my website.</p> <p>11 Q. It was at one time, though, correct?</p> <p>12 Or --</p> <p>13 A. I believe so.</p> <p>14 Q. Okay. And up at the top, there's some</p> <p>15 statistics. What's a smile score?</p> <p>16 A. I don't know.</p> <p>17 Q. But you're +94. You're in positive</p> <p>18 territory. Presumably, that's good, Mr. Harris.</p> <p>19 And it says, "Posts 113." Is it fair to</p> <p>20 say that reflects how many posts you've put on Mac</p> <p>21 Update?</p> <p>22 A. I don't know.</p> <p>23 Q. Did you post with some frequency on Mac</p> <p>24 Update when you were using your Mac?</p> <p>25 A. It would depend on your definition of</p>	69	<p>1 MICHAEL J. HARRIS</p> <p>2 A. I don't know. It's something that the</p> <p>3 website adds, not the user.</p> <p>4 Q. Does it mean that you were commenting on</p> <p>5 Version 1.1 of the Secret Land Screensaver?</p> <p>6 A. I have no knowledge as to that. It's</p> <p>7 something that the website adds to the post.</p> <p>8 Q. I see. So it would automatically be</p> <p>9 there. You didn't input that yourself?</p> <p>10 A. I don't believe I did.</p> <p>11 Q. Okay. And if you'll look at some of these</p> <p>12 other reviews or comments by you, they have version</p> <p>13 numbers at the bottom as well, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Version 1.3.1 or Version 1.0.8.6, correct?</p> <p>16 A. Correct.</p> <p>17 Q. So you wrote about the Secret Land</p> <p>18 Screensaver that -- and I'm paraphrasing here, just for</p> <p>19 the record -- that "when you install it, you find a</p> <p>20 white star menu extra on the menu bar," correct?</p> <p>21 A. That's indeed what it says.</p> <p>22 Q. What's a white star menu extra?</p> <p>23 A. It's a menu extra where the icon on the</p> <p>24 menu bar is a white star.</p> <p>25 Q. And then you write that "If you kill the</p>

70	<p>1 MICHAEL J. HARRIS</p> <p>2 process, it -- it" -- strike that.</p> <p>3 You write "Kill the process and you'll</p> <p>4 find launch D keeps relaunching it."</p> <p>5 Do you know what launch D is?</p> <p>6 A. Yes.</p> <p>7 Q. What's that?</p> <p>8 A. Launch D is the Unix binary that's on the</p> <p>9 Mac OS 10 system which is in charge of launch demons</p> <p>10 and I want to say launch items was the other thing it</p> <p>11 was in charge of.</p> <p>12 Actually, it's not demons, but daemons,</p> <p>13 D-A-E-M-O-N-S.</p> <p>14 Q. And that's a computer term?</p> <p>15 A. Yeah.</p> <p>16 Q. And then a little further down you say</p> <p>17 "Fortunately, PremierOpinion uninstall in that directory</p> <p>18 appears" -- and you have that bracketed by asterisks --</p> <p>19 "to have gotten rid of the whole mess one would hope,"</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. Now, when you wrote this, had you in fact</p> <p>23 downloaded the Secret Land Screensaver?</p> <p>24 A. Yes.</p> <p>25 Q. And do you remember what the Secret Land</p>	72	<p>1 MICHAEL J. HARRIS</p> <p>2 "HARRIS-DUNSTAN 004." I'm going to represent, hopefully</p> <p>3 without objection, that this was provided to us by your</p> <p>4 attorneys.</p> <p>5 Have you seen this document before?</p> <p>6 A. Yes.</p> <p>7 Q. And this is a description from the Mac</p> <p>8 Update site of the Secret Land Screensaver correct?</p> <p>9 A. Yes.</p> <p>10 Q. And does it tell you right up near the top</p> <p>11 which version it's describing?</p> <p>12 A. 1.1.</p> <p>13 Q. And that's apparently the same version you</p> <p>14 commented on, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And to your knowledge, is this different</p> <p>17 in any way from the description that you saw when you</p> <p>18 downloaded the -- when you claimed to have downloaded</p> <p>19 the screensaver?</p> <p>20 A. (Reviewing document.)</p> <p>21 I am almost certain that the text from</p> <p>22 "Please note" onward was not in the text -- it was not</p> <p>23 on the page at the time I downloaded it.</p> <p>24 Q. Almost certain?</p> <p>25 A. I cannot say with a hundred percent</p>
71	<p>1 MICHAEL J. HARRIS</p> <p>2 Screensaver was?</p> <p>3 A. It was --</p> <p>4 Q. Actually, strike that. Let me ask the</p> <p>5 question.</p> <p>6 So also when you wrote this, had you</p> <p>7 uninstalled the Secret Land Screensaver using the steps</p> <p>8 that you describe?</p> <p>9 A. In all honesty, it would depend on how</p> <p>10 you're defining "the Secret Land Screensaver."</p> <p>11 Q. Strike that.</p> <p>12 Had you uninstalled the PremierOpinion</p> <p>13 software at that point?</p> <p>14 A. I'd hoped so.</p> <p>15 Q. Tell us what the Secret Land Screensaver</p> <p>16 was.</p> <p>17 A. It was an application that I downloaded</p> <p>18 from the Mac Update website.</p> <p>19 Q. And do you recall --</p> <p>20 MR. SCHAPIRO: Well, let me just mark this</p> <p>21 exhibit. Let's mark this as Exhibit 7.</p> <p>22 (Defendant's Exhibit 7 marked for ID)</p> <p>23 BY MR. SCHAPIRO:</p> <p>24 Q. So this is a document that has a Bates</p> <p>25 stamp on the bottom of the first page that reads</p>	73	<p>1 MICHAEL J. HARRIS</p> <p>2 reliability, but I strongly feel that.</p> <p>3 Q. Now, if we turn the page to page the Bates</p> <p>4 stamp ending 005 -- I apologize, there's -- the</p> <p>5 "confidential" stamp and the Bates stamp to some extent</p> <p>6 overlaps with the text. But are you on the second page?</p> <p>7 A. I am.</p> <p>8 Q. And are you sufficiently familiar with the</p> <p>9 Mac Update site to explain to us what information's</p> <p>10 conveyed over on the -- that information tab towards the</p> <p>11 bottom where it says "Downloads, version downloads, type</p> <p>12 license" and then it continues onto the next page?</p> <p>13 So if you wouldn't mind just walking us</p> <p>14 through what those things mean --</p> <p>15 MR. EDELSON: Objection. Foundation.</p> <p>16 BY MR. SCHAPIRO:</p> <p>17 Q. -- to the best of your knowledge?</p> <p>18 A. I can say what a commonsense laymen</p> <p>19 understanding of it would be, but I don't have any --</p> <p>20 Q. Tell us what you as a commonsense</p> <p>21 laymen --</p> <p>22 A. I'm sorry, sir. You interrupted me.</p> <p>23 Q. Yeah, please go ahead.</p> <p>24 A. I can answer from a commonsense laymen's</p> <p>25 perspective, but I didn't design the website. I have no</p>

82

1 **MICHAEL J. HARRIS**

2 A. Without seeing those particular

3 screensavers do that thing, yes. With the exception of

4 the Secret Land Screensaver.

5 **Q. So the Secret Land Screensaver you say you**

6 **did download, correct?**

7 A. Yes.

8 **Q. Why don't you tell us about that. You**

9 **found it -- you downloaded it from the Mac Update site,**

10 **correct?**

11 A. Correct.

12 **Q. And it was this Version 1.1, correct?**

13 A. I have no knowledge of that.

14 **Q. Well, at the end of your comment it says**

15 **in small letters "Version 1.1," correct?**

16 A. Correct.

17 **Q. Any reason to believe that you downloaded**

18 **a different version?**

19 A. I -- no particular reason that I can think

20 of.

21 **Q. Was this an important event in your life?**

22 A. What?

23 MR. EDELSON: Objection.

24 BY MR. SCHAPIRO:

25 **Q. Was this an important event in your life,**

83

1 **MICHAEL J. HARRIS**

2 **downloading the Secret Land Saver -- the Secret Land**

3 **Screensaver?**

4 MR. EDELSON: Objection. Vague.

5 THE WITNESS: Should I still answer?

6 MR. EDELSON: Yes.

7 THE WITNESS: Okay.

8 It would really depend on your definition

9 of the word "important."

10 BY MR. SCHAPIRO:

11 **Q. You don't remember all the details,**

12 **correct?**

13 A. Correct.

14 **Q. And you downloaded it on March 9th,**

15 **correct, 2010?**

16 A. Yes.

17 **Q. And when you downloaded it, what happened?**

18 A. Um....

19 **Q. Actually, let me take it one step at a**

20 **time. What did you do to download it?**

21 A. I would have clicked on -- I seem to re-

22 -- and this may be because this particular, as you can

23 see, it says "Has been discontinued," but I seem to

24 remember on a normal Mac Update web page with a

25 functioning program there being a "download now" link.

84

1 **MICHAEL J. HARRIS**

2 I would have clicked on that.

3 **Q. And do you recall what color the "download**

4 **now" button was?**

5 A. I don't think that it was a button. I

6 think it was a text link. I don't recall the color.

7 **Q. And --**

8 A. As I said, they've changed their layout

9 since that time.

10 **Q. And are you confident that that's how --**

11 **that you would have clicked something that had the text**

12 **"download now" to download it?**

13 A. It was about two years ago. I'm

14 relatively confident, yes.

15 **Q. And then what happened?**

16 A. It would have downloaded a file --

17 **Q. Well, I'm sorry to interrupt, but if you**

18 **could just clarify for us when you say "would have" or**

19 **"did" to the extent that you're talking about your**

20 **general practices or things that you actually remember,**

21 **that would be helpful.**

22 MR. EDELSON: And objection. The -- if

23 you ask the question, he should be allowed to answer the

24 question fully. A few times you've asked a question and

25 then immediately withdrawn it or interrupted him in the

85

1 **MICHAEL J. HARRIS**

2 middle. So I would ask that you have the courtesy -- if

3 you withdraw a question immediately, that's fine, but

4 once he starts answering it, unless he's answering

5 something, you know, that's totally off point, let him

6 finish and then you can clarify.

7 MR. SCHAPIRO: I want only to be

8 courteous, but if I want to withdraw a question, I, of

9 course, am going to withdraw a question, and if I think

10 it's efficient to try and modify something or point

11 something out because I think it's going to save us a

12 little time...

13 MR. EDELSON: Well, you may not interrupt

14 him unless you think he is saying something that's

15 inappropriate. That I believe is improper. I --

16 MR. SCHAPIRO: Are you done?

17 MR. EDELSON: Go ahead.

18 BY MR. SCHAPIRO:

19 **Q. You can answer.**

20 A. Could you repeat the original question?

21 **Q. I can't remember what it was.**

22 **(Counsel reviewing Livenote transcript.)**

23 BY MR. SCHAPIRO:

24 **Q. I think my question was just: "And then**

25 **what happened?" But let me frame the question properly**

86	<p>1 MICHAEL J. HARRIS</p> <p>2 so I don't need to interrupt you.</p> <p>3 To the extent you can distinguish in your</p> <p>4 answer between what you think you would have done and</p> <p>5 what you specifically remember doing, that would be</p> <p>6 helpful for us. It doesn't matter -- you can feel free</p> <p>7 to give -- to answer along both lines, but if you could</p> <p>8 flag those for us, it would be useful.</p> <p>9 So we had -- you had said you think but</p> <p>10 you're not sure you would have clicked the "download</p> <p>11 now" link; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. And my question was: "And then what</p> <p>14 happened?"</p> <p>15 A. Okay. Given what you just said, I have no</p> <p>16 specific memories of clicking -- of actually clicking</p> <p>17 the "download now" link for under this listing. It</p> <p>18 would have been what I would have done to download this,</p> <p>19 but in terms of an actual physical memory of clicking on</p> <p>20 it, no.</p> <p>21 Similarly, I don't have a specific memory</p> <p>22 of how this application arrived on my hard drive after</p> <p>23 clicking the "download now" link, but it would have</p> <p>24 shown up either as a disk image or a zip file with the</p> <p>25 application inside of it.</p>	88	<p>1 MICHAEL J. HARRIS</p> <p>2 MR. EDELSON: Sure.</p> <p>3 BY MR. SCHAPIRO:</p> <p>4 Q. I posed a question, and you're looking at</p> <p>5 some of the exhibits, which you're, of course, entitled</p> <p>6 to do. If I may, I'd like to ask first what you</p> <p>7 remember without looking back at the exhibits and then</p> <p>8 what you remember after looking at the exhibits.</p> <p>9 A. Could I consult with my attorneys for a</p> <p>10 moment?</p> <p>11 MR. SCHAPIRO: Sure. We'll take a break.</p> <p>12 THE VIDEOGRAPHER: We are now going off</p> <p>13 the video record at 11:34 a.m.</p> <p>14 (Recess taken from 11:34 a.m.</p> <p>15 to 11:47 a.m.)</p> <p>16 THE VIDEOGRAPHER: We are now going back</p> <p>17 on the video record at 11:47 a.m.</p> <p>18 BY MR. SCHAPIRO:</p> <p>19 Q. So Mr. Harris, I think a question might</p> <p>20 have been pending when we broke or perhaps I had</p> <p>21 interrupted my own question, so why don't we start</p> <p>22 fresh.</p> <p>23 A. Okay.</p> <p>24 Q. I think we had gotten to the point where</p> <p>25 you said you would have unzipped a zipped file or done</p>
87	<p>1 MICHAEL J. HARRIS</p> <p>2 Q. And just to be clear, you don't recall</p> <p>3 whether it was a disk image versus a zip file?</p> <p>4 A. No, I do not recall that.</p> <p>5 Q. So then what happened?</p> <p>6 A. I would have either unzipped or mounted --</p> <p>7 I'm sorry. I would have either unzipped the zip file or</p> <p>8 mounted the disk image in order to gain access to the</p> <p>9 application.</p> <p>10 Q. Do you recall where you were when you</p> <p>11 downloaded this application?</p> <p>12 A. In my apartment.</p> <p>13 Q. Do you recall where in your apartment?</p> <p>14 A. At my desk.</p> <p>15 Q. And is that the same address that you gave</p> <p>16 us at the beginning of this deposition or it was</p> <p>17 somewhere else?</p> <p>18 A. Same address.</p> <p>19 Q. Okay. So then what happened?</p> <p>20 A. Can you give me a moment?</p> <p>21 Q. Sure.</p> <p>22 A. (Reviewing document.)</p> <p>23 MR. SCHAPIRO: Jay, would you mind if I</p> <p>24 interrupt for a moment while he's looking at some</p> <p>25 documents?</p>	89	<p>1 MICHAEL J. HARRIS</p> <p>2 whatever the alternative was. Can you remind me what</p> <p>3 that was?</p> <p>4 A. I would have mounted the disk image.</p> <p>5 Q. Mounted the disk image.</p> <p>6 And then I asked you: "What happened</p> <p>7 next?" And then I amended my question by saying, Could</p> <p>8 you tell us first what you remember without referring to</p> <p>9 the exhibits and then you're free to refer to the</p> <p>10 exhibits as well.</p> <p>11 So the question is really just: What</p> <p>12 happened next?</p> <p>13 MR. EDELSON: And do you mind if I can</p> <p>14 just -- it might be helpful to explain the confusion or</p> <p>15 why he asked for the break.</p> <p>16 MR. SCHAPIRO: Sure.</p> <p>17 MR. EDELSON: He wanted to make sure that</p> <p>18 he was giving as accurate an answer as possible, and</p> <p>19 without breaking any privilege, I think it's -- I think</p> <p>20 that he was concerned that when you asked him to respond</p> <p>21 out of memory that you might be confused if he had</p> <p>22 reviewed the same stuff prior to the deposition. So he</p> <p>23 just wanted that to be clarified, if that makes sense to</p> <p>24 you.</p> <p>25 MR. SCHAPIRO: That makes sense, and I</p>

90

1 MICHAEL J. HARRIS
 2 appreciate the clarification.
 3 BY MR. SCHAPIRO:
 4 **Q. I understand -- and maybe I'll ask some**
 5 **questions later, but I understand that in the course of**
 6 **preparing for this deposition or working on the case**
 7 **you've looked back at these exhibits as well.**
 8 A. (Nodding.)
 9 **Q. But -- and that's understood. I'll take**
 10 **that as a given.**
 11 **For now I'll ask: Just as you sit here at**
 12 **the table, through one source or another, what's your**
 13 **recollection of what happened?**
 14 A. Well, my concern was basically that there
 15 had been a comment that I had recently reviewed which
 16 had refreshed my memory on what I had saw thereaf- --
 17 upon unzipping the -- or mounting the disk image or
 18 unzipping the file. So I really don't have a memory
 19 that's not refreshed, in other words, by seeing that
 20 comment. And you had asked both for a -- without
 21 looking and looking. So that's -- that was my concern.
 22 **Q. And when you say "a comment," you mean one**
 23 **of the comments that you had posted in one of these**
 24 **documents?**
 25 A. Yes, sir.

91

1 MICHAEL J. HARRIS
 2 **Q. So prior to reviewing your comments, do**
 3 **you -- this is going to be a recollection within a**
 4 **recollection.**
 5 **Do you recall whether prior to reviewing**
 6 **these comments you had specific recollections of the**
 7 **steps that had -- you had followed in March 2010?**
 8 A. I do recall the answer to that. And no, I
 9 did not.
 10 **Q. All right. So now having, in the course**
 11 **of preparing this case or for this deposition, looked**
 12 **back at your comments, tell us what you what you recall**
 13 **happened when you uploaded the -- when you opened up the**
 14 **file.**
 15 A. Well, the comment actually puts it well.
 16 It says that -- this was, of course, my opinion, this
 17 portion, but "A very cloaked custom installation
 18 application, i.e., not the standard PKG," meaning
 19 package, "or installer or Drag Un -- Drag and Drop, the
 20 app, setup."
 21 **Q. And can you in plain English tell us what**
 22 **that is?**
 23 A. Certainly. I'll do my best.
 24 In all honesty, I cannot recall the
 25 specific form it took, but what I rule out in that

92

1 MICHAEL J. HARRIS
 2 comment I'm referring to are different types of ways
 3 that you can install something onto a Mac system that
 4 are the traditional ways that most software developers
 5 in my experience had -- would offer an installation.
 6 PKG is a -- it's handled by package -- the
 7 package manager, I believe, on the Mac OS 10. Keeping
 8 in mind that it's been at least two years since I used a
 9 Mac system, I cannot recall the difference between a PKG
 10 or an installer.
 11 Drag and Drop, the app is where
 12 essentially you just click and you drag the application
 13 from the disk image to your applications folder to
 14 install it.
 15 MR. SCHAPIRO: Let's mark this as
 16 Exhibit 9, please.
 17 (Defendant's Exhibit 9 marked for ID)
 18 BY MR. SCHAPIRO:
 19 **Q. Mr. Harris, Exhibit 9 is a -- yet another**
 20 **printout from Mac Update. And if you turn to the second**
 21 **page, you'll see right in the middle is apparently the**
 22 **comment that you were just reading from; is that right?**
 23 A. That's correct. It's also on one of the
 24 pages of Exhibit 8.
 25 **Q. So you made this comment about it being "a**

93

1 MICHAEL J. HARRIS
 2 **cruddy screensaver" and then you added above that or, I**
 3 **guess, presumably afterwards the longer warning**
 4 **statement, if I can characterize it as that, correct?**
 5 A. Well, as you yourself pointed out, it's
 6 chronological, so later I posted that full statement.
 7 **Q. And right before you posted the statement**
 8 **about it being "a pretty cruddy screensaver," a user**
 9 **named Roro01 -- that's R-o-r-o 01 -- cut and pasted some**
 10 **terms of service into his comment, correct?**
 11 MR. EDELSON: Objection. Foundation.
 12 THE WITNESS: Yes, I assume.
 13 BY MR. SCHAPIRO:
 14 **Q. And if you look at this statement from**
 15 **Roro which immediately precedes yours, Roro writes --**
 16 **and I apologize for the court reporter, but I'm just**
 17 **going to read this whole thing in relatively slowly.**
 18 **"In order to provide this free download of**
 19 **7art_screen_land_screensaver --**
 20 A. Secret Land.
 21 **Q. Sorry, "7art_Secret_Land_Screensaver,**
 22 **PremierOpinion software, provided by VoiceFive, Inc., is**
 23 **included in this download. This software allows**
 24 **millions of participants in an online market research**
 25 **community to voice their opinions by allowing their**

94	<p>1 MICHAEL J. HARRIS</p> <p>2 online browsing and purchasing behavior to be monitored,</p> <p>3 collected and once anonymized, used to create market</p> <p>4 reports, materials and other forms of analysis that may</p> <p>5 be shared with our clients to help our clients</p> <p>6 understand Internet trends and patterns and other market</p> <p>7 research purposes. The information which is monitored</p> <p>8 and collected, includes Internet usage information,</p> <p>9 basic demographic information, certain hardware,</p> <p>10 software, computer configuration and application usage</p> <p>11 information about the computer on which you install</p> <p>12 PremierOpinion. We may use the information that we</p> <p>13 monitor such as name and address to better understand</p> <p>14 your household demographics for example we may combine</p> <p>15 the information that you provide us with additional</p> <p>16 information from consumer data brokers and other data</p> <p>17 sources in accordance with our privacy policy. We make</p> <p>18 commercially viable efforts to automatically filter</p> <p>19 confidential personally identifiable information and to</p> <p>20 purge our databases of such information about our</p> <p>21 panelists when inadvertently collected."</p> <p>22 And then the -- Roro, just to finish,</p> <p>23 writes "The developer should have made this CLEAR," in</p> <p>24 all caps, "in the product description above," referring</p> <p>25 to presumably, the top of the page, "yet he didn't</p>	96	<p>1 MICHAEL J. HARRIS</p> <p>2 Q. Now, Mr. --</p> <p>3 A. I'm sorry. I'd like to amend that. I.</p> <p>4 Don't recall one way or the other, but I</p> <p>5 strong-- I have a strong feeling that I did not, but I</p> <p>6 cannot say that with a hundred percent certainty.</p> <p>7 Q. Mr. Harris, I think we left off when you</p> <p>8 said that the -- this unusual process had begun on your</p> <p>9 computer. Remember that? And you were saying you</p> <p>10 didn't remember exactly how the Mac was configured, but</p> <p>11 you were recreating it?</p> <p>12 A. I'm sorry, sir. I don't understand the</p> <p>13 question.</p> <p>14 Q. Before we went to Roro's comment, we were</p> <p>15 talking about what happened when you installed the</p> <p>16 screensaver, correct?</p> <p>17 A. I think you had asked me what -- what --</p> <p>18 you were talking -- you were -- "download now" link and</p> <p>19 then what form it arrived, zip or image, is that what</p> <p>20 you're referring to? Or...</p> <p>21 Q. Yeah.</p> <p>22 A. Okay.</p> <p>23 Q. And then you referred to the "cloaked</p> <p>24 custom installation application," correct?</p> <p>25 A. Yes.</p>
95	<p>1 MICHAEL J. HARRIS</p> <p>2 mention it at all."</p> <p>3 Did I read that correctly?</p> <p>4 A. Aside from him saying "The Sting" before</p> <p>5 the quote, I think you did.</p> <p>6 Q. Yes, the subject line says "The Sting."</p> <p>7 Did you use --</p> <p>8 A. I'm sorry, not -- I don't mean to quibble,</p> <p>9 but just because it's a court proceeding and all that,</p> <p>10 to be really pedantic, I don't think the comments</p> <p>11 actually have subject lines. It's just the first thing</p> <p>12 he typed.</p> <p>13 Q. I see.</p> <p>14 A. But it -- I admit it's a pedantic point.</p> <p>15 I'm just -- you know.</p> <p>16 Q. Did you see these terms of services -- do</p> <p>17 you recall one way or another whether you saw the terms</p> <p>18 of service that Roro reproduces here during the course</p> <p>19 of your -- before or during the course of your</p> <p>20 installation of the software?</p> <p>21 MR. EDELSON: Objection. Lacks</p> <p>22 foundation. Assumes facts not in evidence.</p> <p>23 BY MR. SCHAPIRO:</p> <p>24 Q. You may answer.</p> <p>25 A. I don't recall one way or the other.</p>	97	<p>1 MICHAEL J. HARRIS</p> <p>2 Q. So I'd like you to just continue telling</p> <p>3 us what happened as best you can remember.</p> <p>4 A. Are you asking from -- from bare memory or</p> <p>5 are you asking from -- in terms of what I can remember</p> <p>6 from after looking at these documents?</p> <p>7 Q. Thanks. Why don't you give us both?</p> <p>8 A. Okay. In terms of bare memory, I have</p> <p>9 very little memory of these specific events having been</p> <p>10 two years in the past. From what I remember, it was</p> <p>11 that a menu extra showed up and -- on my menu bar.</p> <p>12 And by "show up," I think that probably</p> <p>13 deserves better clarification because it was a white</p> <p>14 star on a white menu bar, and I would not have noticed</p> <p>15 its installation except for the fact that it displaced a</p> <p>16 menu extra, causing a white gap on the bar, which is</p> <p>17 something that doesn't actually occur on a Macintosh.</p> <p>18 They're all right justified. So when I noticed that</p> <p>19 unusual behavior, I clicked on the white space and, you</p> <p>20 know, saw the information.</p> <p>21 I presume at that time the comment</p> <p>22 actually describes much of what I tried to do, the</p> <p>23 comment history: "If you try to quit this menu extra</p> <p>24 using tools such as Activity Monitor the application</p> <p>25 will restore because on installation this screensaver's</p>

98	<p>1 MICHAEL J. HARRIS</p> <p>2 installer also installs a launch de- -- daemon whose job</p> <p>3 it is to make sure that their spyware can't be quit, and</p> <p>4 while their uninstaller does work, if you take them at</p> <p>5 their word, it is also deceptively phrased as (if my</p> <p>6 memory serves me correctly) the screensaver's</p> <p>7 uninstaller uninstalled 'merely' the screensaver,</p> <p>8 leaving the spyware in place; you have to run the</p> <p>9 SPYWARE's uninstaller to properly remove yourself of --</p> <p>10 remove yourself of the thing or take it all out</p> <p>11 manually."</p> <p>12 And I think that probably accurately</p> <p>13 describes the steps I took, considering it was written</p> <p>14 very shortly thereaf- -- after I had been uninstalling</p> <p>15 the application.</p> <p>16 Q. Can you look back at Exhibit 7, please?</p> <p>17 A. Yes.</p> <p>18 Q. That's the document provided to us by your</p> <p>19 attorneys. If you look at the last page of that, the</p> <p>20 one that ends 07 --</p> <p>21 A. Yes.</p> <p>22 Q. -- in this comment, which is also from</p> <p>23 March 9th apparently, you say, "Fortunately,</p> <p>24 PremierOpinion uninstall in that directory appears to</p> <p>25 have gotten rid of the whole mess."</p>	100
99	<p>1 MICHAEL J. HARRIS</p> <p>2 What are you referring to when you say</p> <p>3 "that directory"?</p> <p>4 A. From the context, I would presume "that</p> <p>5 directory" would be the Applications/PremierOpinion</p> <p>6 directory, which Applications would have been one</p> <p>7 directory. PremierOpinion would have been a folder</p> <p>8 within that.</p> <p>9 Q. And so you apparently had gone to the</p> <p>10 PremierOpinion folder and found the uninstall -- what</p> <p>11 would we call it, process, application?</p> <p>12 A. It would have been an application.</p> <p>13 Q. -- the uninstall application and that's</p> <p>14 what you used to remove the comScore software, correct?</p> <p>15 A. After attempts to do it otherwise, yes.</p> <p>16 Q. When you refer at times to manually</p> <p>17 removing things, what do you mean by a manual removal?</p> <p>18 A. With respect, I didn't trust your</p> <p>19 company's uninstaller and I felt that any company that</p> <p>20 would install spyware without me -- without being very</p> <p>21 up front about it, that you don't trust their</p> <p>22 uninstaller similar to the way that you don't trust an</p> <p>23 unsubscribe link on a piece of spam that you get.</p> <p>24 So I tried to do it every way that I could</p> <p>25 think of manually myself rather than trust the uninstall</p>	101
98	<p>1 MICHAEL J. HARRIS</p> <p>2 program, but it was very, very resistant to taking out</p> <p>3 that way, so I finally had to trust your company's</p> <p>4 uninstaller program to do so. Even then, as I refer --</p> <p>5 as I described, there's separate uninstallers for both</p> <p>6 the screensaver and the spyware, meaning that it's very</p> <p>7 easy to mistakenly run the uninstaller for the</p> <p>8 screensaver, only to find that the spyware is still in</p> <p>9 place.</p> <p>10 Q. And is it possible to keep the screensaver</p> <p>11 without keeping the software that you refer to as</p> <p>12 "spyware"?</p> <p>13 A. I have no knowledge of that.</p> <p>14 Q. And do you have any evidence that the</p> <p>15 comScore software remained on your computer after you</p> <p>16 ran the PremierOpinion uninstall?</p> <p>17 A. I could not locate anything, but I -- as I</p> <p>18 said, I didn't trust your company's uninstaller.</p> <p>19 Q. Now, this was in March 2010, correct?</p> <p>20 A. Correct.</p> <p>21 Q. How soon after that time did you switch</p> <p>22 over to a computer that ran Windows, a non-Macintosh?</p> <p>23 A. I want to be accurate in how I describe --</p> <p>24 how I answer your question, but the answer is slightly</p> <p>25 pedantic, so forgive me.</p>	100
99	<p>1 MICHAEL J. HARRIS</p> <p>2 As you had referred to earlier in the</p> <p>3 deposition, my parents shipped me a -- my mother's old</p> <p>4 laptop after she had bought a new one. For a short</p> <p>5 period of time that had Windows on it, but finding -- it</p> <p>6 was a very old laptop and it didn't run it very well, so</p> <p>7 I tried Linux.</p> <p>8 However, permanently going over to a</p> <p>9 Windows system didn't occur until after I had got it --</p> <p>10 after I had found work and bought myself the Toshiba</p> <p>11 laptop, and it was at that time that I went full-time</p> <p>12 with Windows.</p> <p>13 After a short period of time where I'd</p> <p>14 tried both the Winux -- the Windows and the Linux on my</p> <p>15 mother's laptop, I struck upon the booting off of the --</p> <p>16 you know, I went to see if I could continue working off</p> <p>17 the Mac with the --- working off the back-up drive,</p> <p>18 given that its internal drive had failed.</p> <p>19 So that's a long answer, but it is -- it's</p> <p>20 the truthful specifics.</p> <p>21 Q. And so is it fair to say that the last</p> <p>22 time you used a Macintosh or something with a Macintosh</p> <p>23 operating system as your own computer was around time of</p> <p>24 the hard drive failure?</p> <p>25 A. The hard drive failure failed on March --</p>	101

102	<p>1 MICHAEL J. HARRIS</p> <p>2 in March 2010. Briefly I tried the Windows and Linux</p> <p>3 operating systems, but then I returned to the Mac</p> <p>4 operating system on that same failed computer but</p> <p>5 booting off the back-up drive. That continued until</p> <p>6 about August.</p> <p>7 So it'd be accurate to say that the last</p> <p>8 time I used a Macintosh for my personal computing would</p> <p>9 be in August 2010.</p> <p>10 Q. Did you review the complaint prior to its</p> <p>11 filing?</p> <p>12 A. I can't recall for certain, but I strongly</p> <p>13 believe so.</p> <p>14 Q. Do you know if there are things in the --</p> <p>15 statements in the complaint that you disagree with?</p> <p>16 A. I don't believe there are any such</p> <p>17 statements.</p> <p>18 MR. SCHAPIRO: Mark that.</p> <p>19 (Defendant's Exhibit 10 marked for ID)</p> <p>20 BY MR. SCHAPIRO:</p> <p>21 Q. So I'd ask you to take a look at</p> <p>22 paragraph 6 of the complaint.</p> <p>23 A. (Witness so doing.)</p> <p>24 Q. And paragraph 6 reads, "To extract this</p> <p>25 data comScore's surveillance software injects code into</p>	104	<p>1 MICHAEL J. HARRIS</p> <p>2 A. My understanding is that as -- well, I</p> <p>3 would have to stand by my original answer to your</p> <p>4 question about 6, about clause 6. I had very little</p> <p>5 experience, personal experience with it running</p> <p>6 unhampered on my -- with your surveillance software</p> <p>7 running unattended or unhampered on my system because I</p> <p>8 noticed it immediately and tried to remove it. So I do</p> <p>9 not know if on -- with No. 6 or No. 9 whether that would</p> <p>10 happen on my Macintosh system.</p> <p>11 Q. Referring to paragraph 16 now, the</p> <p>12 complaint reads, "Even if a monitored consumer can</p> <p>13 manage to manually uninstall the surveillance software,</p> <p>14 Defendant programmed its applications to secretly leave</p> <p>15 behind a comScore root certificate. As discussed in</p> <p>16 more detail in Section VII infra, leaving an untrusted</p> <p>17 root certificate on a user's computer exposes that</p> <p>18 individual's -- that individual to attacks by hackers,</p> <p>19 and allows comScore to remonitor the consumer's computer</p> <p>20 in the future."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. And are you alleging in this case that a</p> <p>24 root certificate was placed on your computer?</p> <p>25 MR. EDELSON: I have a few objections.</p>
103	<p>1 MICHAEL J. HARRIS</p> <p>2 the user's web browser to monitor everything viewed,</p> <p>3 clicked or inputted online. In addition, the software</p> <p>4 opens ports, modifies the consumer's firewall and places</p> <p>5 root certificates on the affected computer to ensure</p> <p>6 unimpeded access."</p> <p>7 Did I read that correctly?</p> <p>8 A. It appears to be what it says.</p> <p>9 Q. And are you claiming in this case that all</p> <p>10 those things happened to your computer?</p> <p>11 A. I do not know fully what that soft- --</p> <p>12 what the surveillance software does when left</p> <p>13 unattended. As soon as I noticed it, I went to</p> <p>14 uninstall it.</p> <p>15 Q. How about paragraph 9? The complaint</p> <p>16 reads, "Furthermore, comScore's surveillance software</p> <p>17 seeks out and scans every file on the monitored</p> <p>18 consumer's computer (including word processing</p> <p>19 documents, e-mails, PDFs, image files, spreadsheets, et</p> <p>20 cetera) and sends information resulting from examination</p> <p>21 of those files to comScore's servers."</p> <p>22 Did I read that correctly?</p> <p>23 A. You did.</p> <p>24 Q. Are you alleging in this lawsuit that this</p> <p>25 happened to you?</p>	105	<p>1 MICHAEL J. HARRIS</p> <p>2 First of all, you're taking paragraphs out</p> <p>3 of context, which is just going to make the record</p> <p>4 confusing. Second, you're using terms of art including</p> <p>5 the word "alleging," which, frankly, I don't even know</p> <p>6 what you mean and am apparently a lawyer.</p> <p>7 And so I think that it's all incredibly</p> <p>8 confusing what it is you're asking and you're just</p> <p>9 asking in order to get a confused answer. But he can</p> <p>10 answer if he understands.</p> <p>11 MR. SCHAPIRO: I'll object to the</p> <p>12 coaching.</p> <p>13 BY MR. SCHAPIRO:</p> <p>14 Q. Do you understand the question?</p> <p>15 A. I don't know if this is too much</p> <p>16 information, but I'm going to just try to answer it this</p> <p>17 way: I have no knowledge of what your surveillance</p> <p>18 software does when it's not let -- when it's allowed to</p> <p>19 run unencumbered freely on a Macintosh computer. My</p> <p>20 understanding is that my co-plaintiff encountered some</p> <p>21 of these problems, but I have no personal experience of</p> <p>22 his problems with the Windows version of your</p> <p>23 surveillance software. As for what the Mac version of</p> <p>24 your surveillance software does, I have no knowledge of</p> <p>25 it because I noticed it immediately and acted to get it</p>

106	<p>1 MICHAEL J. HARRIS</p> <p>2 off my system.</p> <p>3 Q. Do you have any --</p> <p>4 A. That would -- I apologize.</p> <p>5 Q. That's fine.</p> <p>6 A. Didn't mean to interrupt you.</p> <p>7 And that would pretty much stand for my</p> <p>8 answers to your questions about 6, 9 and 16 would be an</p> <p>9 amendment or an expansion on my previous answers to</p> <p>10 those.</p> <p>11 Q. Separate from any reference that you might</p> <p>12 have made to the complaint during the course of this</p> <p>13 case, do you have knowledge of what a root certificate</p> <p>14 is?</p> <p>15 A. I don't have certain knowledge, no.</p> <p>16 I believe I know, but --</p> <p>17 Q. Do you claim that comScore improperly</p> <p>18 shared any of your personal data with any party?</p> <p>19 A. I have no knowledge of what comScore did</p> <p>20 with my personal data.</p> <p>21 Q. Can you tell me in your own words how you</p> <p>22 believe you were harmed by comScore?</p> <p>23 A. I think that I have a right to -- if</p> <p>24 personal information of mine is going to be collected</p> <p>25 and shared, especially for commercial profit, I believe</p>	108	<p>1 MICHAEL J. HARRIS</p> <p>2 A. I worked my way through college partially</p> <p>3 at a computer help desk within my college and have done</p> <p>4 various computer training as part of my career.</p> <p>5 MR. SCHAPIRO: Why don't we take</p> <p>6 five minutes and I think I'll be able to decide whether</p> <p>7 we can have a short--</p> <p>8 MR. EDELSON: Sure.</p> <p>9 MR. SCHAPIRO: -- set of questions and</p> <p>10 therefore we don't need to have a lunch break or whether</p> <p>11 there's enough that we should have a lunch break.</p> <p>12 MR. EDELSON: That's fair.</p> <p>13 THE VIDEOGRAPHER: Here ends Tape No. 2.</p> <p>14 We're now going off the video record at 12:18 p.m.</p> <p>15 (Recess taken from 12:18 p.m.</p> <p>16 to 12:32 p.m.)</p> <p>17 THE VIDEOGRAPHER: Here begins Tape No. 3.</p> <p>18 We're now going back on the video record at 12:32 p.m.</p> <p>19 BY MR. SCHAPIRO:</p> <p>20 Q. Mr. Harris, during the time at issue in</p> <p>21 March 2010, did anyone else live in your home with you?</p> <p>22 A. No. Unless you count my cat Charlie.</p> <p>23 Q. We've seen him on Tumblr.</p> <p>24 Were you -- was your computer hooked up to</p> <p>25 a network of any kind?</p>
107	<p>1 MICHAEL J. HARRIS</p> <p>2 I have a right to see that in very clear, up front,</p> <p>3 flashing lights terms and for it not to be done</p> <p>4 surreptitiously. Not only me, but anyone.</p> <p>5 Q. Anything else?</p> <p>6 A. My information was gathered for the sh- --</p> <p>7 during the period of time that it was on my system and I</p> <p>8 have knowledge of what data was gathered and what use it</p> <p>9 was put to. I feel that's an intrusion upon my privacy</p> <p>10 and that that was harm done.</p> <p>11 Q. Anything else?</p> <p>12 A. I think I've said e- -- my piece.</p> <p>13 Q. And what's your basis for saying that your</p> <p>14 information was gathered?</p> <p>15 A. My understanding is that that's what this</p> <p>16 software does.</p> <p>17 Q. Do you have any friends or acquaintances</p> <p>18 who to your knowledge downloaded comScore software?</p> <p>19 A. None that I know of.</p> <p>20 Q. How far did you go in school?</p> <p>21 A. I have a bachelor's degree.</p> <p>22 Q. In?</p> <p>23 A. Theater.</p> <p>24 Q. And do you have some computer training</p> <p>25 from work or elsewhere?</p>	109	<p>1 MICHAEL J. HARRIS</p> <p>2 A. It would depend on how you define "a</p> <p>3 network".</p> <p>4 Q. Why don't you walk us through it?</p> <p>5 A. Well, I did use a wireless router, so I'm</p> <p>6 not entirely sure whether that would broach a network</p> <p>7 status or not.</p> <p>8 Q. Okay. But other than using a wireless</p> <p>9 router, you weren't -- your computer was not connected</p> <p>10 to a server somewhere else or other computers elsewhere?</p> <p>11 A. Not that I can recall, no.</p> <p>12 Q. In the post about your defective or</p> <p>13 damaged Western Digital hard drive you used that phrase</p> <p>14 "I/O errors" which you told me probably means</p> <p>15 input/output errors?</p> <p>16 A. Well, I can state with certainty I/O</p> <p>17 errors would have referred to input/output errors.</p> <p>18 That's literally what it means. But I think I -- if I</p> <p>19 remember my testimony from earlier today, I believe that</p> <p>20 it probably referred to read/write errors on my hard</p> <p>21 drive.</p> <p>22 Q. And do you recall whether you were having</p> <p>23 any other problems with your hard drive?</p> <p>24 A. I can't recall any other than that, but</p> <p>25 that's a pretty significant one.</p>

<p style="text-align: right;">110</p> <p>1 MICHAEL J. HARRIS</p> <p>2 Q. When we asked you about the -- when I</p> <p>3 asked you about the specifications for your iMac, you</p> <p>4 answered a number of my questions by saying you couldn't</p> <p>5 recall, but in your Interrogatory Answers, which are</p> <p>6 Exhibit 3, you provide some very, very specific</p> <p>7 responses. This is in Answer No. 4 of Exhibit 3.</p> <p>8 So I want to ask first whether the answer</p> <p>9 you provided in No. 4 is accurate?</p> <p>10 MR. EDELSON: I have to first object to</p> <p>11 the initial characterization, or more accurately,</p> <p>12 mischaracterization in your preamble.</p> <p>13 MR. SCHAPIRO: The transcript will speak</p> <p>14 for itself.</p> <p>15 MR. EDELSON: Correct.</p> <p>16 BY MR. SCHAPIRO:</p> <p>17 Q. I'll ask it with regard to No. 4. These</p> <p>18 specifications about model, graphics, memory, airport,</p> <p>19 bluetooth, et cetera, to the best of your knowledge, are</p> <p>20 they accurate?</p> <p>21 A. Yes.</p> <p>22 Q. And if you don't -- strike that.</p> <p>23 On what did you rely to prepare this</p> <p>24 answer?</p> <p>25 A. When a Macintosh generates a crash report,</p>	<p style="text-align: right;">112</p> <p>1 MICHAEL J. HARRIS</p> <p>2 Q. And this doesn't tell us what the</p> <p>3 operating system was? Or does it? I'm not good at</p> <p>4 reading these things.</p> <p>5 A. (Reviewing document.)</p> <p>6 I do not believe it does, no.</p> <p>7 Q. How far back does your Gmail go in time?</p> <p>8 A. I have -- I'm not certain.</p> <p>9 Q. But it goes back to the time -- at least</p> <p>10 to the time at which you were using the Macintosh,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. Have you searched your Gmail for any</p> <p>14 contemporaneous correspondence about the comScore</p> <p>15 download?</p> <p>16 A. I think at one point I did.</p> <p>17 Q. You think?</p> <p>18 A. Yes.</p> <p>19 Q. And what's your level of confidence?</p> <p>20 A. I think about anywhere from 60 to 70%</p> <p>21 would be a rough guess of how confident I am.</p> <p>22 Q. And remind me what your other two e-mail</p> <p>23 accounts are.</p> <p>24 A. In terms of my earlier response?</p> <p>25 Q. Yes, please.</p>
<p style="text-align: right;">111</p> <p>1 MICHAEL J. HARRIS</p> <p>2 it appends information about the computer system it's on</p> <p>3 to the crash report.</p> <p>4 Previously on other occasions when</p> <p>5 software programs would malfunction or just to help</p> <p>6 someone debug something, I would send them a crash</p> <p>7 report. That meant that these crash reports were in my</p> <p>8 Gmail, so I was able to get the technical information</p> <p>9 that were in -- was in these crash reports about my</p> <p>10 system from crash reports I had e-mailed to developers</p> <p>11 in the past.</p> <p>12 Q. And these crash reports were sent during</p> <p>13 the time in question, so that we know that it's the same</p> <p>14 computer?</p> <p>15 A. It would depend on how you define "the</p> <p>16 time in question."</p> <p>17 Q. Why don't we say March 2010.</p> <p>18 A. I'm not certain of that.</p> <p>19 Q. What's your best -- to the best of your</p> <p>20 ability, can you tell us when the crash reports were</p> <p>21 generated?</p> <p>22 A. In all honesty, I cannot remember what</p> <p>23 date the technical report -- the -- that this data came</p> <p>24 from was issued. It would have been for the same</p> <p>25 computer, but on what date, I'm uncertain.</p>	<p style="text-align: right;">113</p> <p>1 MICHAEL J. HARRIS</p> <p>2 A. mikeharris19@gmail.com and</p> <p>3 wcitymike@rcn.com was an e-mail address I didn't use --</p> <p>4 or I don't use anymore.</p> <p>5 Q. Which Gmail address did you use for the</p> <p>6 crash reports? Or did you -- would you use both?</p> <p>7 A. 103 was only a very recent e-mail</p> <p>8 addre- -- the mikeharris103 is only a very recent</p> <p>9 creation. It wasn't contemporaneous for this</p> <p>10 (indicating).</p> <p>11 So it would have been either mikeharris19</p> <p>12 or it would have been -- I'm sorry. I neglected in this</p> <p>13 recent reiteration windycitypoe. I did say that</p> <p>14 earlier, but not -- not this time around. I'm not</p> <p>15 certain whether I used windycitypoe or mikeharris19 or</p> <p>16 even wcitymike@rcn to -- for these crash reports. It</p> <p>17 may have been at one point all three.</p> <p>18 Certainly if a program was malfunctioning</p> <p>19 or didn't work and I was in the mood to help a</p> <p>20 developer, I'd pass along a crash report. So it was an</p> <p>21 occasional -- it could have happened on any one or all.</p> <p>22 Q. And so I'll ask the same -- I asked</p> <p>23 generally about Gmail earlier when I said: Have you</p> <p>24 checked your Gmail for contemporaneous e-mails about the</p> <p>25 comScore software?</p>

114

1 MICHAEL J. HARRIS
 2 Just to be clear, I'd like that question
 3 to cover all your Gmail accounts, and I'll ask the same
 4 question about RCN. Does that change your answer?
 5 A. Any existing e-mails are currently
 6 consolidated under my existing Gmail account. So by
 7 checking it, I'll be checking all e-mail addresses that
 8 I have access to.
 9 Q. What type of -- what service do you use
 10 for Internet access today?
 11 A. RCN.
 12 Q. And did you use RCN back in March of 2010
 13 as well?
 14 A. Yes.
 15 Q. Did you run any -- did you have any type
 16 of antivirus software on your iMac?
 17 A. No.
 18 Q. If we wanted to verify that you in fact
 19 downloaded the comScore software and the computer onto
 20 which you downloaded it is gone, is there any other way
 21 we might verify that?
 22 MR. EDELSON: Objection. Foundation.
 23 BY MR. SCHAPIRO:
 24 Q. To your knowledge?
 25 A. I have no knowledge of a way to do that.

115

1 MICHAEL J. HARRIS
 2 Q. Other than asking you?
 3 A. Yeah, other than my sworn -- other than my
 4 sworn testimony that I did. So...
 5 MR. SCHAPIRO: I have nothing further.
 6 MR. EDELSON: We'd like to take a
 7 five-minute break, and then I'm not sure if we'll have
 8 questions or not.
 9 MR. SCHAPIRO: Um-hum.
 10 MR. EDELSON: Thanks.
 11 THE VIDEOGRAPHER: We are now going off
 12 the video record at 12:42 p.m.
 13 (Recess taken from 12:42 p.m.
 14 to 12:59 p.m.)
 15 THE VIDEOGRAPHER: We are now going back
 16 on the video record at 12:59 p.m.
 17 MR. EDELSON: Oh. We have no questions
 18 for the witness.
 19 MR. SCHAPIRO: And there are a couple of
 20 open issues that arose during the deposition, so while
 21 we're finished for today, we're going to treat this as
 22 continuing pending your getting back to us on -- we can
 23 look back at what they were, the back-up disk -- the
 24 back-up hard drive, the Toshiba, the checking of the
 25 e-mails. I don't recall exactly what they were, but it

116

1 MICHAEL J. HARRIS
 2 may be that we -- after those issues get cleared up, we
 3 may have more questions.
 4 MR. EDELSON: We -- we hear what you're
 5 saying and, of course, you know, believe that you've had
 6 a huge opportunity to ask as many questions as you want,
 7 which you did, and I think you got a full -- full sense
 8 of the story. But we're happy to listen to anything you
 9 have to say and respond in kind.
 10 MR. SCHAPIRO: Good day.
 11 MR. EDELSON: Thank you.
 12 THE VIDEOGRAPHER: Here ends today's
 13 testimony. We're now going off the video record at
 14 1 o'clock p.m.
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

117

1 MICHAEL J. HARRIS
 2 IN THE UNITED STATES DISTRICT COURT
 3 NORTHERN DISTRICT OF ILLINOIS
 4 EASTERN DIVISION
 5 MIKE HARRIS and JEFF DUNSTAN,)
 6 individually and on behalf of a class)
 7 of similarly situated individuals,)
 8 Plaintiffs,)
 9 vs.) No. 1:11-cv-5807
 10 COMSCORE INC., a Delaware corporation)
 11 Defendant.)
 12
 13 I hereby certify that I have read the
 14 foregoing transcript of my deposition given at the time
 15 and place aforesaid, consisting of pages 1 to 116,
 16 inclusive, and I do again subscribe and make oath that
 17 the same is a true, correct, and complete transcript of
 18 my deposition so given as aforesaid and includes
 19 changes, if any, so made by me.
 20
 21 _____
 22 MICHAEL J. HARRIS
 23 SUBSCRIBED AND SWORN TO
 24 before me this ____ day
 25 of _____, A.D. _____.

 Notary Public