

EXHIBIT V

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MIKE HARRIS and JEFF)
DUNSTAN, individually and)
on behalf of a class of) No. 1:11-cv-5807
similarly situated)
individuals,)
Plaintiffs,)
vs.)
COMSCORE, INC., a)
Delaware corporation,)
Defendant.)

THE VIDEOTAPED DEPOSITION OF JEFFREY DUNSTAN

August 8, 2012

Chicago, Illinois

9:37 a.m.

REPORTED BY:
SHERI E. LISS
JOB NO: 26487

2	<p>1 DEPOSITION OF JEFFREY DUNSTAN</p> <p>2 The videotaped deposition of JEFFREY</p> <p>3 DUNSTAN, called by the Defendant for examination,</p> <p>4 taken pursuant to the Code of Civil Procedure and</p> <p>5 the Rules of the Supreme Court of the State of</p> <p>6 Illinois pertaining to the taking of depositions for</p> <p>7 the purposes of evidence, taken before Sheri E.</p> <p>8 Liss, CSR NO. 084-002600, a Certified Shorthand</p> <p>9 Reporter within and for the State of Illinois,</p> <p>10 Registered Professional Reporter, Certified Realtime</p> <p>11 Reporter, at the offices of Quinn Emanuel Urquhart &</p> <p>12 Sullivan, LLP, 500 West Madison Street, Suite 2450,</p> <p>13 Chicago, Illinois, on August 8, 2012 at the hour</p> <p>14 9:37 o'clock a.m.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4	
3	<p>1 DEPOSITION OF JEFFREY DUNSTAN</p> <p>2 APPEARANCES:</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 EDELSON MCGUIRE, LLC</p> <p>5 350 North LaSalle Street, 13th Floor</p> <p>6 Chicago, Illinois 60654</p> <p>7 BY: JAY EDELSON, ESQ.</p> <p>8 jedelson@edelson.com</p> <p>9 CHANDLER GIVENS, ESQ.</p> <p>10 BEN THOMASSEN, ESQ.</p> <p>11</p> <p>12 On behalf of the Defendant:</p> <p>13 QUINN EMANUEL URQUHART & SULLIVAN, LLP</p> <p>14 500 West Madison Street, Suite 2450</p> <p>15 Chicago, Illinois 60661</p> <p>16 (312) 705-7400</p> <p>17 BY: STEPHEN SWEDLOW, ESQ.</p> <p>18 stephenswedlow@quinnemanuel.com</p> <p>19 ANDREW H. SCHAPIRO, ESQ.</p> <p>20 andyschapiro@quinnemanuel.com</p> <p>21 LAURA NORRIS, ESQ.</p> <p>22 lauranorris@quinnemanuel.com</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 DEPOSITION OF JEFFREY DUNSTAN</p> <p>2 APPEARANCES (continued):</p> <p>3 DEPUTY GENERAL COUNSEL AND</p> <p>4 PRIVACY OFFICER FOR COMSCORE</p> <p>5 11950 Democracy Drive, Suite 600</p> <p>6 Reston, Virginia 20190-5624</p> <p>7 (703) 438-2000</p> <p>8 BY: THOMAS S. CUSHING, III, ESQ.</p> <p>9 tcushing@comscore.com</p> <p>10</p> <p>11 ALSO PRESENT:</p> <p>12 JACK YAMIN, Edelson McGuire Summer Associate</p> <p>13 JEREMY MANGAN, Videographer</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	5

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **though, had you?**
3 A. At the time I ordered this, no, I had
4 not yet.
5 **Q. What about at the time you received the**
6 **e-mail that was Exhibit 1, meaning before you signed**
7 **it?**
8 A. I received that before I decided they
9 were going to be my attorneys.
10 **Q. You received this before you decided**
11 **they were going to be your attorneys, correct?**
12 A. Until I signed that, they aren't.
13 MR. EDELSON: Objection. I think it
14 would be better for the record if instead of
15 pointing to your own documents if you were very
16 clear about what documents you were referring to,
17 but it's your deposition.
18 MR. SWEDLOW: I said Exhibit 1.
19 MR. EDELSON: The record's the record.
20 MR. SWEDLOW: Are you making an
21 objection?
22 MR. EDELSON: I was trying to help you,
23 but it's your deposition. I just think there's lack
24 of clarity in the record so I'm noting that.
25 MR. SWEDLOW: Okay.

23

1 DEPOSITION OF JEFFREY DUNSTAN
2 BY MR. SWEDLOW:
3 **Q. Before you received this letter by**
4 **e-mail, Exhibit 1, which is dated October 1, you**
5 **must have talked to or e-mailed someone at the law**
6 **firm so that they knew who you were; isn't that**
7 **correct?**
8 A. Yes.
9 **Q. Who was it that you talked to?**
10 A. Chandler Givens.
11 **Q. Did he call you?**
12 A. We may have talked on the phone. I'm
13 not a very good typist, I'm adverse to typing, and
14 so I -- much like even my friends, I tell them I'd
15 much rather talk to you on the phone than take two
16 fingers and 45 minutes to get out a paragraph.
17 **Q. So if I understand correctly --**
18 A. I probably talked to him on the phone.
19 **Q. Do you recall what he said to you and**
20 **what you said to him?**
21 A. Not specifically.
22 **Q. Do you recall generally what you talked**
23 **about?**
24 MR. EDELSON: Objection. Just answer --
25 he's asking you a yes-or-no question. If he's going

24

1 DEPOSITION OF JEFFREY DUNSTAN
2 to get into the substance of that, I'll then make my
3 objection. But at this point, if I'm correct, he
4 only asked you if you remember generally what was
5 talked about.
6 BY THE WITNESS:
7 A. Yes.
8 BY MR. SWEDLOW:
9 **Q. What was talked about?**
10 MR. EDELSON: Objection.
11 Attorney-client privilege. I'm instructing him not
12 to answer.
13 BY MR. SWEDLOW:
14 **Q. Are you going to follow your attorney's**
15 **instruction?**
16 A. Yes.
17 **Q. Was the potential recovery for you**
18 **personally discussed with Chandler Givens in those**
19 **early conversations?**
20 MR. EDELSON: Objection. That's
21 attorney-client privilege. I want to give you some
22 latitude because I think that there is some
23 relevance to class certification. But we're not
24 waiving attorney-client privilege more generally.
25 If you agree to those ground rules, I'll give you a

25

1 DEPOSITION OF JEFFREY DUNSTAN
2 little more latitude; otherwise, I have to object.
3 MR. SWEDLOW: I don't think the
4 attorney-client privilege attaches to the
5 communications I'm talking about so I'm not going to
6 agree to anything. I don't think you waived it
7 because I don't think it applies.
8 MR. EDELSON: What's your basis for
9 saying that the attorney-client privilege --
10 MR. SWEDLOW: Can we go off the record?
11 MR. EDELSON: No. I rather stay on the
12 record.
13 MR. SWEDLOW: I don't want to have this
14 discussion in front of the witness.
15 MR. EDELSON: Okay.
16 BY MR. SWEDLOW:
17 **Q. Did you discuss the potential recovery**
18 **for you personally in those early conversations with**
19 **Chandler Givens?**
20 A. I don't remember.
21 **Q. What is your expectation personally for**
22 **recovery in this case?**
23 A. Rephrase that. Personally?
24 **Q. Personally.**
25 A. Basically the satisfaction of seeing

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1 DEPOSITION OF JEFFREY DUNSTAN
 2 them stop doing this and acknowledgment that what
 3 they did was wrong.
 4 **Q. What is it that you believe they did**
 5 **wrong?**
 6 A. They invaded my computer.
 7 **Q. Do you specifically recall downloading**
 8 **the Photo Cutter software?**
 9 A. No, I don't.
 10 **Q. Is it correct to assume that both you**
 11 **and your wife, Lori, use the same computer -- excuse**
 12 **me, used the same computer in September of 2010?**
 13 A. It's possible.
 14 **Q. I'm asking if she did use the same**
 15 **computer in 2010. And what I mean by that is**
 16 **whatever computer you believe was invaded, did Lori**
 17 **also use that computer in 2010?**
 18 A. She did.
 19 **Q. What Internet Explorer or web browser do**
 20 **you use?**
 21 A. SeaMonkey.
 22 **Q. Just so I make sure we're saying the**
 23 **same thing, you use SeaMonkey to surf the Web?**
 24 A. Correct.
 25 **Q. That's instead of Internet Explorer?**

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1 DEPOSITION OF JEFFREY DUNSTAN
 2 A. Correct.
 3 **Q. Or Firefox?**
 4 A. Or Firefox, or Opera or Chrome.
 5 **Q. How long have you been using SeaMonkey**
 6 **to explore -- surf the Web?**
 7 A. SeaMonkey is the next generation of
 8 Mozilla and I've used Mozilla probably for eight
 9 years, 10 years, something like that.
 10 **Q. Do you also use Internet Explorer?**
 11 A. No, not if I could avoid it.
 12 **Q. Do you know if your wife uses Internet**
 13 **Explorer?**
 14 A. I've told her not to.
 15 **Q. Do you know if she has?**
 16 A. Not for quite a while.
 17 **Q. Do you know if she used Internet**
 18 **Explorer back in September of 2010?**
 19 A. No, I had asked her to stop using it way
 20 before then.
 21 **Q. Did anyone else use your computer, the**
 22 **one --**
 23 A. No.
 24 **Q. Let me finish the question for the**
 25 **record.**

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1 DEPOSITION OF JEFFREY DUNSTAN
 2 -- the one that is at issue in this
 3 case back in September of 2010?
 4 A. No.
 5 MR. EDELSON: Objection. Foundation.
 6 BY MR. SWEDLOW:
 7 **Q. On the Exhibit 1, it says "Jeff Dunstan"**
 8 **and then it says "TurkeyWorm@Earthlink.net."**
 9 **Do you see that?**
 10 A. Yes.
 11 **Q. Is that your e-mail address?**
 12 A. Yes.
 13 **Q. Have you also had or currently have an**
 14 **e-mail address of TurkeyWorm@GMail.com?**
 15 A. Yes.
 16 **Q. Have you also had an or have an e-mail**
 17 **TurkeyWorm@Gleep.com?**
 18 A. Yes. Many, many, many years ago.
 19 **Q. Have you also had an e-mail or currently**
 20 **have an e-mail TurkeyWorm@Hotmail.com?**
 21 A. Yes.
 22 **Q. Have you ever had an e-mail**
 23 **TurkeyWorm@Yahoo.com?**
 24 A. No.
 25 **Q. Have you ever had a Yahoo e-mail**

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1 DEPOSITION OF JEFFREY DUNSTAN
 2 account?
 3 A. I do. Yes.
 4 **Q. You do have a --**
 5 A. I do have a -- yes.
 6 **Q. What is your Yahoo e-mail address?**
 7 A. JeffD9X18@yahoo.com.
 8 **Q. Have you ever had an e-mail address that**
 9 **includes as the name "I'm so taken"?**
 10 A. No.
 11 **Q. Has anybody named Jeannie Holmes used**
 12 **your computer in your house?**
 13 A. No.
 14 **Q. Do you know a Jeannie Holmes?**
 15 A. No.
 16 **Q. Do you know one way or another whether**
 17 **you or Lori Baxter downloaded the Photo Cutter**
 18 **application?**
 19 MR. EDELSON: Objection. Foundation.
 20 BY THE WITNESS:
 21 A. I don't remember downloading it.
 22 BY MR. SWEDLOW:
 23 **Q. I'm going to ask you a series of**
 24 **questions that should be answered by "I don't**
 25 **remember downloading it," but I'm going to ask more**

30

1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **specifically.**
3 MR. EDELSON: Objection. That's an
4 improper leading of the witness.
5 BY MR. SWEDLOW:
6 **Q. Do you remember what first appeared when**
7 **the Photo Cutter application was initially**
8 **downloaded on your computer?**
9 A. No.
10 **Q. Do you recall what appeared next after**
11 **the Photo Cutter icon appeared on your screen?**
12 A. No.
13 **Q. Do you know what appeared on any screen**
14 **at any time during any portion of the Photo Cutter**
15 **download?**
16 A. No.
17 **Q. Do you recall any aspect of any screen**
18 **that was shown during the download of the Relevant**
19 **Knowledge software?**
20 A. Say that one again.
21 **Q. Do you recall any screen that was**
22 **displayed at any point during the download of the**
23 **Relevant Knowledge software?**
24 A. No.
25 **Q. Have you ever uninstalled any other**

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **program from your computer without purchasing**
3 **software to do it?**
4 A. Yes.
5 **Q. Do you understand generally how to**
6 **uninstall a computer -- excuse me. Scratch that.**
7 **Do you understand generally how to**
8 **uninstall a program from your computer?**
9 A. There are sometimes multiple ways to do
10 that.
11 **Q. Do you know how to do it within the**
12 **Windows operating system?**
13 A. Yes.
14 **Q. Do you have an understanding of the**
15 **function Add Or Remove Programs being the way to do**
16 **that?**
17 A. Yes.
18 **Q. Did you attempt to remove the Relevant**
19 **Knowledge program through the Add or Remove?**
20 A. Yes.
21 **Q. What happened when you tried to do that?**
22 A. I believe it appeared to be removed.
23 **Q. Was this before or after you purchased**
24 **the PC Tools Spyware Doctor anti-virus program?**
25 A. That would have been before.

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1 DEPOSITION OF JEFFREY DUNSTAN
2 **Q. When you say "it appeared to be**
3 **removed," did it function as if it was removed also?**
4 A. I don't remember.
5 **Q. Did you have any problems after you used**
6 **the Microsoft Add or Remove function to remove the**
7 **Relevant Knowledge program?**
8 A. Yes.
9 **Q. What is the problem?**
10 A. Upon starting my computer the next time,
11 my server was hijacked again.
12 **Q. What do you mean your server was**
13 **hijacked again?**
14 A. It would not go to my ISP server. It
15 was being -- and the computer came up saying some
16 words to the effect another server is interrupting.
17 I could not get on the Internet. I do not remember
18 the exact words.
19 **Q. Did you have anti-virus software already**
20 **on your computer when you purchased the Spyware**
21 **Doctor?**
22 A. Yes.
23 **Q. Did you attempt to use that anti-virus**
24 **software to remove this program?**
25 A. I don't remember.

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1 DEPOSITION OF JEFFREY DUNSTAN
2 **Q. Handing you what's been marked as**
3 **Exhibit 4. It's a multi-page document.**
4 **(Whereupon, Dunstan Exhibit 4**
5 **marked as requested.)**
6 **(Whereupon, the document was**
7 **tendered.)**
8 BY MR. SWEDLOW:
9 **Q. It's also labeled Exhibit A on the top.**
10 **I want you to turn to the third**
11 **page in the document, so it's the fourth total page**
12 **if you include the page that says Exhibit A. And**
13 **there should be something midway down the page that**
14 **says "A, Software Plus."**
15 **Do you see that?**
16 A. Okay. Yes.
17 **Q. Do you recall ever seeing this window on**
18 **your computer?**
19 A. No.
20 **Q. Can you say one way or another whether**
21 **this window ever appeared on your computer?**
22 A. No.
23 **Q. Where do you currently work?**
24 A. Sears in Bakersfield.
25 **Q. Did you work at Sears in Bakersfield in**

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **September 2010?**
3 A. Yes.
4 **Q. Do you have a regular shift that you**
5 **work at Sears?**
6 A. No.
7 **Q. Your hours vary?**
8 A. Yes.
9 **Q. Are they -- what are the potential**
10 **shifts that you could work?**
11 A. Any day of the week.
12 **Q. Is there a specific number -- is it a**
13 **9:00 to 5:00 --**
14 A. No. It is very irregular.
15 **Q. It could be any hours that Sears is open**
16 **essentially?**
17 A. It could be any of the hours that Sears
18 is open.
19 **Q. I'm handing you Exhibit 5, which was**
20 **produced to us by your attorneys.**
21 **(Whereupon, Dunstan Exhibit 5**
22 **marked as requested.)**
23 **(Whereupon, the document was**
24 **tendered.)**
25

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1 DEPOSITION OF JEFFREY DUNSTAN
2 BY THE WITNESS:
3 A. Okay.
4 BY MR. SWEDLOW:
5 **Q. Is that a resumé that you completed?**
6 A. Yes.
7 **Q. Do you know one way or another whether**
8 **you were at work at noon on September 22, which is a**
9 **Wednesday, 2010?**
10 A. No, I do not know.
11 **Q. Would there be a way for you to find**
12 **that out within your employment records?**
13 A. I doubt it.
14 **Q. You doubt that Sears keeps records of**
15 **when you work?**
16 A. Of weekly schedules. Hours worked
17 total, yes. Schedules, no.
18 **Q. Do the hours that you work, are they**
19 **recorded with a time clock?**
20 A. They would be.
21 **Q. Do you punch in and punch out in some --**
22 A. We sign in and sign out.
23 **Q. Sign in and sign out for the time you're**
24 **in and the time you're out?**
25 A. Yes.

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1 DEPOSITION OF JEFFREY DUNSTAN
2 **Q. And the days you work?**
3 A. Yes.
4 **Q. Did you used to have a Tumbler account**
5 **under the name Turkey Worm?**
6 A. I don't know what Tumbler is, so I would
7 say no.
8 (Whereupon, Dunstan Exhibit 6
9 marked as requested.)
10 (Whereupon, the document was
11 tendered.)
12 BY MR. SWEDLOW:
13 **Q. I'm handing you what I marked as Exhibit**
14 **6. Is that one of the documents you looked at**
15 **yesterday?**
16 A. It was one that I had in my file.
17 **Q. Did you say it was one you had in your**
18 **file?**
19 A. In my file. I had a bunch of them,
20 so -- I don't know yes or no. They start to look
21 all the same.
22 **Q. Do you recall whether -- one way or**
23 **another, whether you've seen this document before?**
24 A. I've been sent supplementals and
25 basically I believe I have been e-mailed everything

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1 DEPOSITION OF JEFFREY DUNSTAN
2 that has been along these rounds, so I probably have
3 seen it.
4 **Q. If you look at the first page, about**
5 **three lines from the bottom it says, "He downloaded**
6 **and installed photo cropping software that**
7 **unbeknownst to him was bundled with Comscore**
8 **software."**
9 **Do you see that?**
10 A. Yes.
11 **Q. You don't actually know one way or the**
12 **other whether you downloaded and installed the photo**
13 **cropping software or whether your wife downloaded**
14 **it; is that correct?**
15 A. That's a hard one. Because when this
16 came up, I told her not to use the computer until I
17 got it straightened out. So I do not believe she
18 could have been the one that downloaded it.
19 **Q. This came up after you realized that you**
20 **had this program on your computer?**
21 A. I had a problem. I may not have gotten
22 to the point I knew which program it was yet.
23 **Q. But you don't recall one way or another**
24 **whether you downloaded the photo cropping software,**
25 **correct?**

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 A. No, I really don't specifically.
3 **Q. When you first discovered the problem,**
4 **had you ever heard of Relevant Knowledge?**
5 A. No.
6 (Whereupon, Dunstan Exhibit 7
7 marked as requested.)
8 (Whereupon, the document was
9 tendered.)
10 BY MR. SWEDLOW:
11 **Q. I'm handing you what's marked as Exhibit**
12 **7.**
13 **Have you ever seen that before?**
14 A. Yes.
15 **Q. What is this?**
16 A. This is the log taken off my computer
17 from what Spy Doctor removed from my computer that
18 relates to Relevant Knowledge.
19 **Q. Did you make this?**
20 A. Yes.
21 **Q. How did you make this?**
22 A. I looked up the log. I located the logs
23 for Spy Doctor on my computer where it stores its
24 logs, looked at it and then printed out the section
25 that included entries relating to Relevant

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 Knowledge.
3 **Q. Do you know what is covered up by the**
4 **word "redacted" at the top?**
5 A. Not specifically, no.
6 **Q. Do you know generally?**
7 A. It's been a while. I forget what was up
8 there.
9 **Q. Do you know what was redacted -- if you**
10 **turn on to Page 620 at the bottom, there's like a**
11 **number system at the bottom there.**
12 MR. EDELSON: I would like to say
13 something before he answers. The question, he's not
14 asking to you reveal what was redacted, he's just
15 asking if you know, because I don't want you to
16 reveal that.
17 BY THE WITNESS:
18 A. Okay. Repeat your question.
19 BY MR. SWEDLOW:
20 **Q. All I said if you turn to Page 620.**
21 A. Okay. In other words, you want to know
22 what was redacted from this space.
23 **Q. Yes. I'll ask that. What was redacted**
24 **from the space on 620?**
25 MR. EDELSON: Objection. That's beyond

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 the scope of the discovery allowed by the court.
3 MR. SWEDLOW: Are you instructing the
4 witness not to answer?
5 MR. EDELSON: No.
6 BY MR. SWEDLOW:
7 **Q. What is obscured on 620?**
8 A. I do not know.
9 **Q. What is obscured on 621?**
10 MR. EDELSON: I'm just going to make a
11 standing objection so I don't interrupt you every
12 time.
13 BY THE WITNESS:
14 A. I don't know.
15 BY MR. SWEDLOW:
16 **Q. What is obscured on 615, which is the**
17 **first page?**
18 A. Specifically I do not know.
19 **Q. Do you know generally?**
20 A. I can guess that it was not related to
21 Relevant Knowledge. It was some other stuff that it
22 found, most likely cookies.
23 BY MR. SWEDLOW:
24 **Q. If you recall earlier, we talked about**
25 **several Turkey Worm e-mail accounts that you have or**

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **have had over the years. I think we identified**
3 **Gleep, Earthlink, GMail and HotMail.**
4 **Do you recall that?**
5 A. Yes.
6 **Q. Which of those are still active e-mails**
7 **for you?**
8 A. Earthlink, GMail, HotMail and then I
9 have a Yahoo account but not under Turkey Worm.
10 **Q. And that was the Yahoo account we**
11 **already talked about?**
12 A. Correct.
13 **Q. Are those all the e-mail addresses that**
14 **you have active?**
15 A. Yes.
16 **Q. I'm handing you Exhibit 8, which is an**
17 **e-mail that was produced to us in this case.**
18 **(Whereupon, Dunstan Exhibit 8**
19 **marked as requested.)**
20 **(Whereupon, the document was**
21 **tendered.)**
22 BY MR. SWEDLOW:
23 **Q. Do you recognize that?**
24 A. Yes. This is the receipt for my payment
25 for PC Tools Spyware Doctor.

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1 DEPOSITION OF JEFFREY DUNSTAN

2 A. Vaguely.

3 **Q. What is your vague understanding of what**

4 **a cookie is?**

5 A. It can do a number of things. Once you

6 go to a website, if you have a cookie there during

7 the same session, if you've gone somewhere else and

8 you come back, it helps the site load -- website

9 load faster.

10 **Q. Remembers stuff?**

11 A. Right. Then also there are cookies that

12 can track what you're doing.

13 **Q. Do you recall posting a comment and an**

14 **attachment regarding removing all cookies in cookie**

15 **manager at SeaMonkey 2.2.?**

16 A. Yes.

17 **Q. Is this Jeff D post you?**

18 A. Yes.

19 **Q. I'm going to mark as Exhibit 13 what I**

20 **think is the attachment to that post.**

21 (Whereupon, Dunstan Exhibit 13

22 marked as requested.)

23 (Whereupon, the document was

24 tendered.)

25

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1 DEPOSITION OF JEFFREY DUNSTAN

2 BY THE WITNESS:

3 A. Yes.

4 BY MR. SWEDLOW:

5 **Q. Do you recall why you were trying to**

6 **remove the cookies?**

7 A. I generally at the end of -- before I

8 turn my computer off I go back and I erase all

9 cookies that have been acquired during that session.

10 **Q. So this would have been -- I mean it's a**

11 **long time ago now but these would have been the**

12 **cookies acquired during whatever session before you**

13 **made this post?**

14 A. This is when SeaMonkey finally updated.

15 And when it updated to this particular version,

16 whereas before I could go in there and just hit

17 remove cookies as part of the tools -- I think it

18 was under that, I'm not quite sure -- that had

19 disappeared in this version, and so I was inquiring

20 on Mozilla's, I believe it's Mozilla's help site is

21 to -- is there a way to do it, and somebody replied

22 with a way to do it. I don't know if that's in this

23 e-mail.

24 **Q. So the cookies, the domains listed on**

25 **the -- let me see what number that is for the**

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1 DEPOSITION OF JEFFREY DUNSTAN

2 **record. 13.**

3 A. That's an example.

4 **Q. Is this your --**

5 A. This is a screen shot of my computer

6 when I went to -- I forget what they call it,

7 something manager.

8 **Q. And took a screen shot to show --**

9 A. What I was -- it shows all the cookies

10 over here that had occurred, and at that time I

11 wasn't sure whether that was all the cookies that

12 had accumulated through numerous sessions or just

13 that single session. But the way the new version of

14 SeaMonkey was configured, I would have to go in

15 there and individually remove every cookie.

16 **Q. Which would take a long time.**

17 A. Yes. It's a pain.

18 **Q. If I understand correctly, it may -- it**

19 **could have been you or Lori who went to, for**

20 **example, AllRecipes.com.**

21 A. That was probably Lori.

22 **Q. And then Amazon.com could have --**

23 A. It could have been either of us, most

24 likely me.

25 **Q. If you look at the website listing in**

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1 DEPOSITION OF JEFFREY DUNSTAN

2 **the middle part, it says "Yahoo! Groups." Were you**

3 **a member of Yahoo! Groups?**

4 A. Yes, I belonged to some Yahoo! Groups.

5 **Q. So this could have been you or --**

6 A. Or Lori.

7 **Q. What about with respect to PayPal?**

8 A. It could have been either of us. The

9 odds are it was me.

10 **Q. So this appears to be, if you look at**

11 **the domain name, this is just the A's, so this list**

12 **could have been --**

13 A. It goes to Z.

14 **Q. -- much longer?**

15 A. Yes.

16 **Q. So, for example, AT&T, one of you might**

17 **have been to the AT&T website?**

18 A. Yes. AT&T is my phone carrier.

19 MR. EDELSON: And I object to all of

20 this on the basis of relevance and that it's

21 invasive.

22 MR. SWEDLOW: Okay.

23 BY MR. SWEDLOW:

24 **Q. Have you had problems as a result of**

25 **going to websites and acquiring cookies in terms of**

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **your computer malfunctioning over the course of the**
3 **life of the computer?**
4 A. I can't say for certain the result of
5 cookies, no.
6 **Q. You can't say one way or the other?**
7 A. I can't say one way or the other.
8 **Q. Have you had problems with the**
9 **functioning of your computer other than the Relevant**
10 **Knowledge issue?**
11 A. Yes.
12 **Q. Have you had problems with difficulty**
13 **connecting to the internet?**
14 A. Generally no, unless my server -- unless
15 Earthlink is having problems.
16 **Q. Did you have Earthlink at the time**
17 **the --**
18 A. Yes.
19 **Q. Let me finish.**
20 -- at the time you purchased the
21 **anti-virus software?**
22 A. Yes.
23 **Q. Do you have Earthlink still today?**
24 A. Yes.
25 **Q. Have you commented on other people's**

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **posts on the internet?**
3 A. I don't remember.
4 **Q. For example, the SeaMonkey reference is**
5 **a post of yours?**
6 A. Right.
7 **Q. Have you commented on other people's**
8 **posts?**
9 A. I have commented on people's replies,
10 yes.
11 **Q. Have you done that through a service or**
12 **a website called Tumbler?**
13 A. Not that I'm aware of.
14 **Q. I'm going to hand you what's marked as**
15 **Exhibit 14.**
16 **(Whereupon, Dunstan Exhibit 14**
17 **marked as requested.)**
18 **(Whereupon, the document was**
19 **tendered.)**
20 BY MR. SWEDLOW:
21 **Q. This is a Google search of Turkey Worm,**
22 **the name in your e-mail and Tumbler. Do you**
23 **recognize any of these posts --**
24 MR. EDELSON: Objection. This is -- I'm
25 sorry, I'll let you finish the question. I

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1 DEPOSITION OF JEFFREY DUNSTAN
2 apologize.
3 BY MR. SWEDLOW:
4 **Q. Do you recognize any of these posts or**
5 **reblogs as from you?**
6 MR. EDELSON: Objection. This is not
7 relevant and it's meant for improper purposes,
8 including to intimidate the witness.
9 BY MR. SWEDLOW:
10 **Q. Do you know one way or another if at the**
11 **time you purchased the anti-virus software a**
12 **different program could have caused your internet**
13 **connectivity problems?**
14 A. Say that one again.
15 **Q. Do you know one way or another whether**
16 **at the time you purchased the anti-virus software on**
17 **September 22, 2010, a different program other than**
18 **Relevant Knowledge could have been causing your**
19 **internet connectivity problems?**
20 A. No.
21 **Q. And when you say "no," you don't know**
22 **one way or another or you do know? I asked the**
23 **question kind of backwards.**
24 A. Yes.
25 **Q. Do you know one way or another whether**

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1 **DEPOSITION OF JEFFREY DUNSTAN**
2 **it was a different program?**
3 A. I established to my satisfaction that it
4 was Relevant Knowledge causing the problem.
5 **Q. Could it have been a different program**
6 **causing the problem as well?**
7 A. In my searching both my computer and --
8 searching my computer I could see no other cause.
9 MR. SWEDLOW: I don't have any further
10 questions.
11 MR. EDELSON: We don't have any
12 questions either. We reserve signature.
13 MR. SWEDLOW: I was just passed a note.
14 I have two more questions.
15 MR. EDELSON: That's fine.
16 CONTINUED EXAMINATION
17 BY MR. SWEDLOW:
18 **Q. Do you have any prior criminal record?**
19 A. Not as an adult.
20 **Q. Have you ever filed for bankruptcy?**
21 A. Yes.
22 **Q. When did you most recently file for**
23 **bankruptcy?**
24 A. It's been about eight years.
25 **Q. Has it been eight years since the Court**