

# EXHIBIT K



1. comScore's responses to these Document Requests shall not be construed in any way as an admission that any definition provided by Dunstan is either factually correct or legally binding upon comScore.

2. comScore objects to the definition of "Collect" or "Collection" in the "Definitions" section of the Document Requests, on the basis that it is vague and ambiguous, overly broad, and purports to place discovery obligations on comScore that exceed those required by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of Illinois, and/or other applicable law.

3. comScore incorporates its General Objections by reference into each and every response below as if fully set forth in that response, and does not waive any objection asserted in its General Objections as to any of comScore's requests. A response to any request should not be taken as a waiver of any specific or general objection to that request.

## **REQUESTS FOR PRODUCTION**

### **REQUEST NO. 1**

All Documents, ESI, Correspondence, or Communications that You used, relied upon, reviewed, referenced, or consulted in drafting Your: (i) Answers to Plaintiff Jeff Dunstan's First Set of Interrogatories, (ii) Responses to Plaintiff Jeff Dunstan's First Set of Requests for the Production of Documents, (iii) Answers to Plaintiff Mike Harris's Second Set of Interrogatories, and (iv) Answer to Plaintiffs' Second Amended Complaint. (Dkt. No. 180.)

### **RESPONSE TO REQUEST NO. 1**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly

burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 2:**

All Documents Relating To the design, development, operation, modification and maintenance of Your Panelist Software.

**RESPONSE TO REQUEST NO. 2**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 3:**

All Communications between You and any Person, Including Your Employees and

Bundling Partners, Relating To the design, development, operation, modification and maintenance of Your Panelist Software.

**RESPONSE TO REQUEST NO. 3**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 4:**

All Communications to, from, or among Mike Brown, Randy McCaskill, and Yvonne Bigbee Relating to the design, development, operation, modification and maintenance of Your Panelist Software.

**RESPONSE TO REQUEST NO. 4**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore

software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 5:**

All Documents Relating To the investigation into and termination of Your Mac Software.

**RESPONSE TO REQUEST NO. 5**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to the terms “investigation into” and “termination,” overly broad in that it seeks information unrelated to Plaintiffs’ claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 6:**

All Communications between You and any Person, Including Your Employees, Relating To the investigation into and termination of Your Mac Software.

## **RESPONSE TO REQUEST NO. 6**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to the terms “investigation into” and “termination,” overly broad in that it seeks information unrelated to Plaintiffs’ claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

## **REQUEST NO. 7:**

All Communications to, from, or among Mike Brown, Randy McCaskill, and Yvonne Bigbee Relating To the design, development, deployment, investigation, and termination of Your Mac Software.

## **RESPONSE TO REQUEST NO. 7**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to the terms “investigation into” and “termination,” overly broad in that it seeks information unrelated to Plaintiffs’ claims, unduly burdensome, harassing and oppressive; to the extent it is duplicative of Request Nos. 4 and 6; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the

comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 8:**

Any and all contracts, amendments to contracts, agreements, and written understandings between You and any third party Relating To the design, creation, programming, maintenance, or deployment of Your Panelist Software.

**RESPONSE TO REQUEST NO. 8**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 9:**

All Documents and ESI Relating To any and all contracts, amendments to contract, agreements, and written understandings between You and any third party Relating To the design,



creation, programming, maintenance, or deployment of Your Panelist Software.

**RESPONSE TO REQUEST NO. 9**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 10:**

All Communications Relating To any all contracts, amendments to contracts, agreements, and understandings between You and any third party Relating To the design, creation, programming, maintenance, or deployment of Your Panelist Software.

**RESPONSE TO REQUEST NO. 10**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 11:**

All Communications and Correspondence by or between Your Employees Relating to the Collection of Personal Information from Panelists, Including Communications and Correspondence Relating To any concern voiced by Your Employees about the Collection of Personal Information by Your Panelist Software.

**RESPONSE TO REQUEST NO. 11**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 12:**

All Communications and Correspondence by or between Your Employees Relating To the categories of information Collected from Panelists by Your Panelist Software, Including Communications and Correspondence Relating To any concern voiced by Your Employees about the categories of information Collected by Your Panelist Software.

### **RESPONSE TO REQUEST NO. 12**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

### **REQUEST NO. 13:**

All Communications and Correspondence by or between Your Employees Relating To the manner in which You disclose to Panelists, or potential Panelists, the types of Personal Information Collected by Your Panelist Software.

### **RESPONSE TO REQUEST NO. 13**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 14:**

All Communications and Correspondence by or between Your Employees Relating To the manner in which You disclose to Panelists, or potential Panelists, the types of information Collected by Your Panelist Software.

**RESPONSE TO REQUEST NO. 14**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 15:**

All Documents Relating To the manner in which You designed Your Panelist Software to Collect Personal Information.

**RESPONSE TO REQUEST NO. 15**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already

produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive documents, non-privileged documents.

**REQUEST NO. 16:**

All Communications between You and any Person, Including Your Employees, Relating To the Collection of Personal Information through Your Panelist Software.

**RESPONSE TO REQUEST NO. 16**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous; overly broad in that it seeks information unrelated to Plaintiffs' claims, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore..

**REQUEST NO. 17:**

All Communications between You and any Person, Including Your Employees, Relating To the manner in which You designed Your Panelist Software to Collect Personal Information.

**RESPONSE TO REQUEST NO. 17**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly

burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive documents, non-privileged documents.

**REQUEST NO. 18:**

All Documents, Including training materials, memoranda, handbooks, and/or other written instructions that You provided Your Employees Relating to the deployment of Your Panelist Software.

**RESPONSE TO REQUEST NO. 18**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “written instructions” and “deployment,” overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 19:**

All Documents, Including training manuals, memoranda, handbooks, and/or other written

instructions that You provided Your Employees Relating To the advertising and promotion of Your Panelist Software.

**RESPONSE TO REQUEST NO. 19**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “advertising and promotion;” overly broad, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 20:**

All Documents, Including training manuals, memoranda, handbooks, and/or other written instructions that You provided Your Employees Relating To the manner in which You recruit Persons to download and/or install Your Panelist Software.

**RESPONSE TO REQUEST NO. 20**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “recruit,” overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 21:**

All Communications between You and any Person, including Your Employees, Relating

to the advertisement or promotion of Your Panelist Software.

**RESPONSE TO REQUEST NO. 21**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “advertising or promotion;” overly broad, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 22:**

Any and all contracts, amendments to contracts, agreements, and written understandings between You and any other Person Relating to the advertisement or promotion of Your Panelist software.

**RESPONSE TO REQUEST NO. 22**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “advertising or promotion;” overly broad, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 23:**

Any and all contracts, amendments to contracts, agreements, and written understandings between You and Your Bundling Partners Relating To Your Panelist Software.

**RESPONSE TO REQUEST NO. 23**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly



burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 24:**

All Documents and ESI Relating To any and all contracts, amendments to contracts, agreements, and written understandings between You and Your Bundling Partners Relating To Your Panelist Software.

**RESPONSE TO REQUEST NO. 24**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 25:**

All Communications Relating To any and all contracts, amendments to contracts,

agreements, and written understandings between You and Your Bundling Partners.

**RESPONSE TO REQUEST NO. 25**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 26:**

All Communications between You and Your Bundling Partners Relating To the functionality of Your Panelist Software.

**RESPONSE TO REQUEST NO. 26**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “functionality;” overly broad, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 27:**

All Communications to, from, or among, John O’Toole and Jennifer Kuropkat Relating To any and all contracts, amendments to contracts, agreements, and written understandings

between You and Your Bundling Partners.

**RESPONSE TO REQUEST NO. 27**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 28:**

All Documents and ESI that disclose, discuss, refer, or Relate To the identity of Panelists who had Panelist Software downloaded and installed onto their Computers, distinguishing between OSSProxy and Mac Software, where applicable.

**RESPONSE TO REQUEST NO. 28**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “the identity of Panelists;” overly broad in that it purports to include panelists who are not part of the class as certified, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, comScore

responds that it is unclear what types of documents or information Plaintiffs' seek in this request, and therefore comScore will not produce documents responsive to this request.

**REQUEST NO. 29:**

All Communications between You and any Person Relating To the identity of Panelists who had Panelist Software downloaded and installed on to their Computers, distinguishing between OSSProxy and Mac Software, where applicable.

**RESPONSE TO REQUEST NO. 29**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "the identity of Panelists;" overly broad in that it purports to include panelists who are not part of the class as certified, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

Subject to and without waiving the foregoing general and specific objections, comScore responds that it is unclear what types of documents or information Plaintiffs' seek in this request, and therefore comScore will not produce documents responsive to this request.

**REQUEST NO. 30:**

All Documents Relating To the manner in which You designed Your Panelist Software to Filter Personal Information.

**RESPONSE TO REQUEST NO. 30**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably

calculated to lead to the discovery of admissible evidence in that it seeks documents related to the development of the comScore software; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 31:**

All Documents Relating To the process by which Your Panelist Software Collects and then Filters Panelists' Personal Information.

**RESPONSE TO REQUEST NO. 31**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 32:**

All Communications between You and any Person, Including Your Employees, Relating To the manner in which You Filter Personal Information Collected through Your Panelist Software.

### **RESPONSE TO REQUEST NO. 32**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

### **REQUEST NO. 33:**

All Documents Relating To any occurrence where You Collected Personal Information through Your Panelist Software that was not Filtered.

### **RESPONSE TO REQUEST NO. 33**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 34:**

All Documents Relating To any occurrence where You did not Purge Personal Information Collected through Your Panelist Software.

**RESPONSE TO REQUEST NO. 34**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “did not Purge;” overly broad in that it purports to include personal information of panelists who are not part of the class as certified, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 35:**

All Communications between You and any Person, Including Your Employees, Relating To any occurrence where You Collected Personal Information through Your Panelist Software that was not Filtered.

**RESPONSE TO REQUEST NO. 35**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 36:**

All Communications between You and any Person, Including Your Employees, Relating To any occurrence where You did not Purge Personal Information Collected through Your Panelist Software.

**RESPONSE TO REQUEST NO. 36**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “did not Purge;” overly broad in that it purports to include personal information of panelists who are not part of the class as certified, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 37:**

All Documents that Relate To or Describe Your current and past protocols, processes, and/or procedures for identifying, processing, and/or documenting occurrences where You Collected Personal Information through Your Panelist Software that was not Filtered.

**RESPONSE TO REQUEST NO. 37**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged



documents.

**REQUEST NO. 38:**

All Documents Relating To any occurrence where You Purged Your database(s) of the personal Information Identified in Your response to Document Request No. 37.

**RESPONSE TO REQUEST NO. 38**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “Identified in Your response to Document Request No. 37,” overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 39:**

All Communications between You and any Person, Including Your Employees, Relating To any occurrence where You Purged You database(s) of the Personal Information identified in Your response to Document Request No. 37.

**RESPONSE TO REQUEST NO. 39**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “Identified in Your response to Document Request No. 37,” overly broad, unduly burdensome, harassing

and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 40:**

Any Documents, ESI, Correspondence, and Communications Relating To Your decisions to Filter Panelists' Personal Information, broken down by type of Personal Information and Date You began Filtering such data.

**RESPONSE TO REQUEST NO. 40**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "decisions to Filter," overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 41:**

Any Documents, ESI, Correspondence, and Communications Relating To any occasions

where You discovered that Personal Information intended to be Filtered was being Collected without being Filtered, and the Dates of such discoveries.

**RESPONSE TO REQUEST NO. 41**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “discovered,” overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 42:**

Any Documents, ESI, Correspondence, and Communications Relating To any attempt You made to Purge Personal Information, whether successful or not, broken down by Date and type of Personal Information You attempted to Purge.

**RESPONSE TO REQUEST NO. 42**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “any attempt,” overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it seeks privileged information; and to the extent it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a

reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 43:**

All Communications between You and Your Employees Relating To the Terms of Service, User License Agreements, or other agreements that You contend govern the relationship between You and Panelists.

**RESPONSE TO REQUEST NO. 43**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “other agreements;” overly broad in that it purports to include communications regarding agreements or portions of agreements not relevant to Plaintiffs’ claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 44:**

All Communications to, from, or among, John O’Toole, Jennifer Kuropkat, Mike Brown, Yvonne Bigbee, and Randy McCaskill Relating To the Terms of Service, User License Agreements, or other agreements that You contend govern the relationship between You and Panelists.

**RESPONSE TO REQUEST NO. 44**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “other

agreements;” overly broad in that it purports to include communications regarding agreements or portions of agreements not relevant to Plaintiffs’ claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 45:**

All Documents and ESI Relating To Your decision to modify and/or amend any of the Terms of Service, User License Agreements, or other agreements that You contend govern the relationship between You and Panelists.

**RESPONSE TO REQUEST NO. 45**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “decision to modify and/or amend;” overly broad in that it purports to include agreements or portions of agreements not relevant to Plaintiffs’ claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged

documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 46**

Any Documents, ESI, Correspondence, and Communications Relating To any Modifications to the Terms of Service, User License Agreement, Privacy Statement, or any other Document that You contend governs the use of Your Panelist Software, resulting from changes to Your Personal Information Collection practices.

**RESPONSE TO REQUEST NO. 46**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “resulting from changes” and “Personal Information Collection practices,” overly broad in that it purports to include agreements or portions of agreements not relevant to Plaintiffs’ claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 47**

Any Documents, ESI, Correspondence, and Communications Relating To Your decision to begin Collecting the Following data from Panelists’ Computers, broken down by type of information and Date You began Collecting such data:

- The past 25 websites viewed by a Panelist prior to installation of the Panelist Software;
- The content of iPod playlists, or the web browsing history of smartphones;
- The names of every file stored on Panelists' Computers; and
- Information derived from PDF files viewed during web browsing sessions.

**RESPONSE TO REQUEST NO. 47**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “decision to begin Collecting,” overly broad, unduly burdensome, harassing and oppressive in that it seeks documents related to information comScore has not and does not collect from its Panelists; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 48**

Any Documents, ESI, Correspondence, and Communications Relating To any Modifications to the Panelists Software’s User License Agreement or Privacy Statement that resulted from Your decision to begin Collecting the following data from Panelists’ Computers:

- The past 25 websites viewed by a Panelist prior to installation of the Panelist Software;
- The content of iPod playlists, or the web browsing history of smartphones;
- The names of every file stored on Panelists' Computers; and
- Information derived from PDF files viewed during web browsing sessions.

#### **RESPONSE TO REQUEST NO. 48**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “decision to begin Collecting,” overly broad, unduly burdensome, harassing and oppressive in that it seeks documents related to information comScore has not and does not collect from its Panelists; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

#### **REQUEST NO. 49**

Any Documents, ESI, Communications, or Correspondence Relating To agreements existing between Panelists and third parties that You contend permit You to access Panelists’ Computers or information stored on Panelists’ Computers.

#### **RESPONSE TO REQUEST NO. 49**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “agreements existing between Panelists and third parties,” overly broad, unduly burdensome, harassing and oppressive, and to the extent it seeks documents outside comScore’s custody or control; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to



Plaintiffs' remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 50**

All Documents and ESI Relating To the Collection, retention, usage, and/or sale of the Class's and Subclass's Personal Information.

**RESPONSE TO REQUEST NO. 50**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 51**

All Communications between You and any Person, Including Your Employees, Relating To the Collection, retention ,usage, and/or sale of the Class's and Subclass's Personal Information.

### **RESPONSE TO REQUEST NO. 51**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

### **REQUEST NO. 52**

All Documents and ESI Relating To the Collection, retention, usage, and/or sale of Plaintiff Mike Harris's Personal Information.

### **RESPONSE TO REQUEST NO. 52**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 53**

All Communications between You and any Person, Including Your Employees, Relating To the Collection, retention, usage, and/or sale of Plaintiff Mike Harris’s Personal Information.

**RESPONSE TO REQUEST NO. 53**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 54**

All Documents and ESI Relating To the Collection, retention, usage, and/or sale of Plaintiff Jeff Dunstan’s Personal Information.

**RESPONSE TO REQUEST NO. 54**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a

reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 55**

All Communications between You and any Person, Including Your Employees, Relating To the Collection, retention, usage, and/or sale of Plaintiff Jeff Dunstan's Personal Information.

**RESPONSE TO REQUEST NO. 55**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 56**

All Documents and ESI sufficient to Identify the top-line revenue generated from You sharing, selling, transmitting, and/or disclosing of the Class's and Subclass's Personal Information (broken down by year).

**RESPONSE TO REQUEST NO. 56**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "top-line

revenue,” overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and highly-sensitive financial information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims and/or damages theories.

**REQUEST NO. 57**

All Communications between You and any Person, Including Your Employees, Relating To the top-line revenue generated from You sharing, selling, transmitting, and/or disclosing of the Class’s and Subclass’s Personal Information.

**RESPONSE TO REQUEST NO. 57**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “top-line revenue,” overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and highly-sensitive financial information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims and/or damages theories.

**REQUEST NO. 58**

All Documents and ESI Relating To the amount of monies or other tangible benefits that You received from sharing, selling, transmitting, and/or disclosing the Class’s and Subclass’s Personal Information (broken down by year).

**RESPONSE TO REQUEST NO. 58**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “tangible benefits,” overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and

highly-sensitive financial information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims and/or damages theories.

**REQUEST NO. 59**

All Communications between You and any Person, Including Your Employees, Relating To the amount of monies or other tangible benefits that You received from sharing, selling, transmitting, and/or disclosing the Class's and Subclass's Personal Information (broken down by year).

**RESPONSE TO REQUEST NO. 59**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "tangible benefits," overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and highly-sensitive financial information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims and/or damages theories.

**REQUEST NO. 60**

All Documents sufficient to Identify Your total net worth as of the Date of Your response to this Document Request.

**RESPONSE TO REQUEST NO. 60**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and highly-sensitive financial information; and it seeks information that is not relevant or reasonably calculated to lead to the

discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims and/or damages theories.

**REQUEST NO. 61**

All Communications between You and any Person, Including Your Employees, Relating to Your total net worth as of the Date of Your response to this Document.

**RESPONSE TO REQUEST NO. 61**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and highly-sensitive financial information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims and/or damages theories.

**REQUEST NO. 62**

All Documents and ESI Related to any requests or orders whether pending or otherwise, for access to Your Panelists' Personal Information.

**RESPONSE TO REQUEST NO. 62**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "requests or orders," overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and highly-sensitive competitive information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims and/or damages theories.

**REQUEST NO. 63**

All Communications Relating To any requests or orders, whether pending or otherwise, for access to Your Panelists' Personal Information.

**RESPONSE TO REQUEST NO. 63**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "requests or orders," overly broad, unduly burdensome, harassing and oppressive; it seeks privileged and highly-sensitive competitive information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims and/or damages theories.

**REQUEST NO. 64**

All Documents and ESI Relating To any contracts, amendments to contracts, agreements, and understanding between You and Trees for the Future, NPO.

**RESPONSE TO REQUEST NO. 64**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "understanding," overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 65**

Any and all contracts, amendments to contracts, agreements, and understandings between You and Trees for the Future, NPO.



### **RESPONSE TO REQUEST NO. 65**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “understandings,” overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

### **REQUEST NO. 66**

All Communications between You and any Person, Including Your Employees, Relating To any contracts, amendments to contracts, agreements, and understandings between You and Trees for the Future, NPO, Including Communications between You and any Person employed or acting on behalf of Trees For the Future, NPO.

### **RESPONSE TO REQUEST NO. 66**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “understandings” and “acting on behalf of,” overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

### **REQUEST NO. 67**

All Documents and ESI Relating To the number of trees that have been planted by or on behalf of Trees For the Future, NPO specifically as a result of Class and Subclass members downloading and installing Your Panelist Software.

**RESPONSE TO REQUEST NO. 67**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “on behalf of” and “as a result of,” overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 68**

All Communications between You and any Person, Including Your Employees, Relating To the number of trees that have been planted by or on behalf of Trees For the Future, NPO specifically as a result of Class and Subclass members downloading and installing Your Panelist Software.

**RESPONSE TO REQUEST NO. 68**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “on behalf of” and “as a result of,” overly broad, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

**REQUEST NO. 69**

Any and all contracts, amendments to contracts, agreements, and written understandings between You and the *Amici Curiae*.

### **RESPONSE TO REQUEST NO. 69**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “written understandings,” overly broad in that it is not limited to documents related to Plaintiffs’ remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

### **REQUEST NO. 70**

All Communications between You and the *Amici Curiae* Relating To any allegations contained in the Complaint or to the facts at issue in this litigation.

### **RESPONSE TO REQUEST NO. 70**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “to the facts at issue in this litigation,” overly broad in that it is not limited to documents related to Plaintiffs’ remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

### **REQUEST NO. 71**

All Communications between You and the *Amici Curiae* Relating To the amicus brief filed in support of Your appeal of the class certification order pursuant to Fed. R. Civ. P. 23(f).

**RESPONSE TO REQUEST NO. 71**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 72**

All Communications between You and any Person, Including Your Employees, Relating to the *Amici Curiae*.

**RESPONSE TO REQUEST NO. 72**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 73**

All Communications between You and any Person, Including Your Employees, Relating To the *amicus* brief filed in support of Your appeal of the class certification order pursuant to Fed. R. Civ. P. 23(f).

**RESPONSE TO REQUEST NO. 73**

comScore incorporates each of its general objections by reference. comScore further

objects to this request on the grounds that it is vague and ambiguous, overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 74**

All Documents and ESI Relating To complaints about Your Panelist Software, Including complaints about the installation and/or removal of Your Panelist Software.

**RESPONSE TO REQUEST NO. 74**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "complaints," overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 75**

All Communications between You and any Person, Including Your Employees, Relating To complaints about Your Panelist Software.

**RESPONSE TO REQUEST NO. 75**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "complaints," overly broad in that it is not limited to documents related to Plaintiffs' remaining

claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 76**

All Communications between You and Your Bundling Partners Relating To complaints about Your Panelist Software.

**RESPONSE TO REQUEST NO. 76**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "complaints," overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 77**

All Communications to, from, or among John O'Toole, Helena Barkman, and Jenny Ahujua Relating To complaints about Your Panelist Software.

**RESPONSE TO REQUEST NO. 77**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "complaints," overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it

seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**REQUEST NO. 78**

All Documents and ESI Related To any third party privacy audits of Your data Collection practices, Including privacy audits Relating To Your Collection of Panelists' Personal Information through Your Panelist Software.

**RESPONSE TO REQUEST NO. 78**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "privacy audits" and "data Collection practices," overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

**REQUEST NO. 79**

All Communications between You and any Person, Including Your Employees, Relating To any third party privacy audits of Your data Collection practices.

### **RESPONSE TO REQUEST NO. 79**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “privacy audits” and “data Collection practices,” overly broad in that it is not limited to documents related to Plaintiffs’ remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

### **REQUEST NO. 80**

Any Documents, ESI, Correspondence, and Communications Relating To Your decision to begin Collecting the following Personal Information from Panelists’ Computers, broken down by type of Personal Information and Date You began Collecting such data:

- Name;
- Address;
- Age;
- Zip code;
- Phone number;
- Credit card number;
- Bank account number;



- Username; and
- Password.

### **RESPONSE TO REQUEST NO. 80**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “decision to begin,” overly broad in that it is not limited to documents related to Plaintiffs’ remaining claims, unduly burdensome, harassing and oppressive in that it seeks documents related to information comScore has not and does not collect from its Panelists; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

### **REQUEST NO. 81**

Any Documents, ESI relating to the following companies:

- TMRG, Inc.;
- VoiceFive, Inc.;
- CreativeKnowledge, Inc.;
- Nedstat, Inc; and
- Knowledge Networks, Inc.

### **RESPONSE TO REQUEST NO. 81**

comScore incorporates each of its general objections by reference. comScore further

objects to this request on the grounds that it is vague and ambiguous, overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive in that it seeks documents related to companies that do not collect information from Panelists; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

### **REQUEST NO. 82**

All Communications and Correspondence between any of Your officers, directors, or Employees on the one hand, and representatives of the following companies on the other hand:

- TMRG, Inc.;
- VoiceFive, Inc.;
- CreativeKnowledge, Inc.;
- Nedstat, Inc; and
- Knowledge Networks, Inc.

### **RESPONSE TO REQUEST NO. 82**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “on the one hand” and “on the other hand,” overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive in that it seeks documents related to companies that do not collect information from Panelists; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

### **REQUEST NO. 83**

All Documents, ESI, Correspondence or Communications that You contend permit You to access data Collected by the following companies:

- TMRG, Inc.;
- VoiceFive, Inc.;
- CreativeKnowledge, Inc.;
- Nedstat, Inc; and
- Knowledge Networks, Inc.

### **RESPONSE TO REQUEST NO. 83**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “access data Collected by the following companies,” overly broad in that it is not limited to documents related to Plaintiffs’ remaining claims, unduly burdensome, harassing and oppressive in that it seeks documents related to companies that do not collect information from Panelists; it seeks privileged information; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs’ remaining claims.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore will produce copies of located, responsive, relevant, non-privileged documents to the extent that such documents exist and are in comScore's custody or control that have not already been produced by comScore.

### **REQUEST NO. 84**

Any expert reports prepared on Your behalf Relating To the allegations in the Complaint.

**RESPONSE TO REQUEST NO. 84**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.; it seeks information already produced by comScore; and seeks to circumvent the Court's scheduling orders in this case and Fed. R. Civ. P. 26.

Subject to and without waiving the foregoing objections, comScore responds that it served expert reports related to class certification in accordance with the Court's orders, and will serve its remaining expert reports at the time and in the manner prescribed by the Court.

**REQUEST NO. 85**

All Documents and ESI Relating To Your data destruction, disposal, and/or preservation policies.

**RESPONSE TO REQUEST NO. 85**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.; and it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a

reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 86**

For all Documents, ESI, Correspondence or Communications requested and/or produced, please produce any and all correspondence uncompiled source code and object code written to generate or create such document.

**RESPONSE TO REQUEST NO. 86**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to “written to generate or create” and “correspondence uncompiled source code and object code,” overly broad in that it is not limited to documents related to Plaintiffs’ remaining claims, unduly burdensome, harassing and oppressive in that it seeks uncompiled source code and object code for every document produced by comScore; it seeks privileged information; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and it seeks information not in the custody or control of comScore.

**REQUEST NO. 87**

All Documents, ESI, Correspondence, or Communications that You used, relied upon, reviewed, referenced, or consulted in drafting any public response(s) to this lawsuit.

**RESPONSE TO REQUEST NO. 87**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad in that it is not limited to documents related to Plaintiffs’ remaining claims, unduly burdensome, harassing and oppressive; it seeks privileged information; it seeks information that is not relevant or reasonably

calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.; and it seeks information already produced by comScore.

Subject to and without waiving the foregoing general and specific objections, and after a reasonable search, comScore responds that it has already produced all responsive, non-privileged documents.

**REQUEST NO. 88**

Any and all policies of liability insurance under which You were named or covered during the Relevant Time Period.

**RESPONSE TO REQUEST NO. 88**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous with respect to "named or covered," overly broad in that it is not limited to documents related to Plaintiffs' remaining claims, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

DATED: August 30, 2013

By  /s/ Andrew Schapiro

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*Attorneys for Defendant comScore, Inc.*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of **DEFENDANT COMSCORE, INC.'S RESPONSES TO PLAINTIFF DUNSTAN'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** has been caused to be served on August 30, 2013 to all counsel of record via email and Federal Express.

*/s/ Robyn M. Bowland*

Robyn M. Bowland