

**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  
similarly situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-cv-5807

Hon. James F. Holderman

Magistrate Judge Young B. Kim

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiffs Mike Harris and Jeff Dunstan, individually and on behalf of the Class and Subclass (collectively "Plaintiffs"), pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully move for partial summary judgment on the authorization elements of, and consent defenses to, their claims brought under the Computer Fraud and Abuse Act ("CFAA"), 18 U.S.C. § 1030; the Stored Communications Act ("SCA"), 18 U.S.C. §§ 2701, *et seq.*; and the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. §§ 2510–22. In support of this Motion, Plaintiffs are contemporaneously filing a Memorandum of Law, the Declaration of Benjamin Thomassen, and a Local Rule 56.1 Statement of Undisputed Material Facts, all of which are incorporated herein.

**WHEREFORE**, Plaintiffs Mike Harris and Jeff Dunstan respectfully request that this Court enter an order granting this motion, entering partial summary judgment in favor of Plaintiffs, the Class, and Subclass on the authorization elements of, and consent defenses to, their claims brought under the CFAA, SCA, and ECPA, and awarding such other and further relief as it deems equitable and just.

Dated: February 20, 2014

Respectfully submitted,

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

By: s/ Rafey S. Balabanian  
One of Plaintiffs' Attorneys

Jay Edelson  
jedelson@edelson.com  
Rafey S. Balabanian  
rbalabanian@edelson.com  
Benjamin S. Thomassen  
bthomassen@edelson.com  
J. Dominick Larry  
nlarry@edelson.com  
EDELSON PC  
350 North LaSalle Street, Suite 1300  
Chicago, Illinois 60654  
Tel: 312.589.6370  
Fax: 312.589.6378

*Attorneys for Plaintiffs, the Class, and the Subclass*

**CERTIFICATE OF SERVICE**

I, Rafey S. Balabanian, an attorney, hereby certify that on February 20, 2014, I served the above and foregoing ***Plaintiffs' Motion for Partial Summary Judgment*** by causing true and accurate copies of such paper to be transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

s/ Rafey S. Balabanian  
\_\_\_\_\_