

Exhibit 28

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

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

THE VIDEOTAPED DEPOSITION OF JEFFREY DUNSTAN
November 19, 2013
Chicago, Illinois
9:26 a.m.

Reported By:
Sheri E. Liss, CSR, RPR, CRR, CLR
Job No. 32561

1 DEPOSITION OF JEFFREY DUNSTAN

2 THE VIDEOGRAPHER: We are now on the
3 record. This marks the beginning of Videotape No. 1
4 in the deposition of Jeff Dunstan in the matter of
5 Mike Harris and Jeff Dunstan versus Comscore, Inc.,
6 in the U.S. District Court for the Northern District
7 of Illinois, Eastern Division, case
8 No. 1:11-cv-5807. This deposition is being held at
9 500 West Madison Street, Chicago, Illinois, on
10 August 8, 2012. And the time is now 9:37 a.m.

11 Will the attorneys please identify
12 themselves.

13 MR. SWEDLOW: Steven Swedlow on behalf
14 of Comscore, along with Andy Schapiro, Laura Norris
15 and Tom Cushing.

16 MR. EDELSON: Jay Edelson on behalf of
17 the Plaintiff Class. And if I knew I had to
18 remember everybody's names at the firm, I would have
19 prepared. Chandler Givens and Ben Thomassen and
20 Jack Yamin. I should say Jack Yamin is a law
21 student, is a summer associate, so he is not here in
22 the capacity of an attorney.

23 (Whereupon, the witness was
24 sworn.)
25

1 DEPOSITION OF JEFFREY DUNSTAN

2 Q. Were they legal documents?

3 A. They were basically copies of what they
4 had sent me. It's been three years so we kind of
5 went over it so I remembered what went on.6 Q. My question is were the documents -- did
7 they look like computer printouts?

8 A. No, they were not.

9 Q. Were they like a complaint, the
10 complaint that was filed in this action?11 A. They were -- I'm trying to remember
12 exactly what they were. I don't remember the title
13 of the documents.14 Q. Do you remember what information in the
15 document refreshed your recollection?16 A. It was regarding when I signed up for
17 the software and what I did to acquire the software.

18 Q. When did you sign up for the software?

19 A. This is back in 2010.

20 Q. And what did you do?

21 A. I downloaded some free software to help
22 me in my interest in photography.23 Q. How was it to help you in your interest
24 in photography?

25 A. It was to -- a program to crop photos.

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A. Correct.

Q. How did you get back on the internet?

A. I kept trying to get into safe mode and eventually I succeeded.

Q. Do you know how long the time period was from when you downloaded the Photo Cutter software and the comScore software to when it was removed from your computer?

A. Not exactly, no, because I'm not really clear on when I downloaded the software. It could have been the day before. I noticed it when I -- suddenly my computer would lock up and try to send me somewhere else to another server. At that point basically a degree of panic set in and I tried to solve the situation so I could get it going.

Q. During that day that the comScore software was on your computer, do you have any memory of what websites you visited?

A. The only sites that I visited were basically I got on to Google, to -- because after going into my settings, I discovered a program on there called RelevantKnowledge that I had not -- I don't remember downloading and I looked that up on Google once I finally got on to safe mode and on to

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2 an internet connection and discovered it was
3 considered malware. There were circumstances as to
4 how to manually remove it by going into the
5 registry. I don't know enough about a registry to
6 go in there and do that without possibly wiping
7 something else out, so my alternative was to find a
8 program that would do that, and I found one called
9 PC-Doctor for \$39.99 that was basically listed as
10 it's able to remove that, so I purchased it.

11 Q. During the time period that the comScore
12 software was on your computer, did you visit any
13 other websites other than Google for your Google
14 searches?

15 A. No. Not that I remember.

16 Q. Did you have a Facebook account in
17 September of 2010?

18 A. No.

19 Q. Did you have a Gmail account in
20 September of 2010?

21 A. No.

22 Q. Do you recall if during the time the
23 comScore software was on your computer, did you fill
24 out any forms online?

25 A. Not that I remember.

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STATE OF ILLINOIS)

) SS:

COUNTY OF C O O K)

I, SHERI E. LISS, CSR NO. 084-002600, a Certified Shorthand Reporter within and for the State of Illinois, Registered Professional Reporter, Certified Realtime Reporter, do hereby certify that previous to the commencement of the examination, said witness was duly sworn by me to testify; that the said deposition was taken at the time and place aforesaid; that the testimony given by said witness was reduced to writing by means of shorthand and thereafter transcribed into typewritten form; and that the foregoing is a true, correct and complete transcript of my shorthand notes so taken as aforesaid.

I further certify that there were present at the taking of the said deposition the persons and parties as indicated on the appearance page made a part of this deposition.

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2 I further certify that I am not counsel
3 for nor in any way related to any of the parties to
4 this suit, nor am I in any way interested in the
5 outcome thereof.

6 I further certify that this certificate
7 applies to the original signed and certified
8 transcripts only. I assume no responsibility for
9 the accuracy of any reproduced copies not made under
10 my control or direction.

11 IN TESTIMONY WHEREOF I have hereunto set
12 my hand this 15th day of August, A.D., 2012.

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16 Sheri E. Liss, CSR, RPR, CRR, CLR
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