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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE, a
California 501(c)(3) nonprofit,

Plaintiff,

vs.

KATHERINE MCNAMARA, an
Individual; JEREMY WHITELEY, an
individual; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 2:22-cv-002052-SB-MAA

**NOTICE OF MOTION AND
MOTION TO QUASH *AMENDED*
NOTICE OF DEPOSITION
SUBPOENA OF CHELSEA
PAPCIAK a.k.a. CHELSEA
FILER AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

Dear Clerk of the Court,

PLEASE TAKE NOTICE that Chelsea Papciak (the "Deponent") hereby
files a motion to quash the *AMENDED* NOTICE OF DEPOSITION OF
CHELSEA PAPCIAK a.k.a. CHELSEA FILER AND REQUEST FOR
PRODUCTION OF DOCUMENTS (the "Notice") **[Exhibit C]** served on
CHELSEA PAPCIAK by KATHERINE McNAMARA and JEREMY
WHITELEY pursuant to Rule 45 of the Federal Rules of Civil Procedure.

1 As grounds for this motion, Chelsea Papciak argues as follows:

2 1. In adherence to the Federal Rules of Civil Procedure (FRCP),
3 particularly Rule 26(a)(1) governing initial disclosures, the identification of a
4 witness is a prerequisite for issuing a subpoena for deposition. It is evident that
5 Chelsea Papciak has not been designated as a material witness. Consequently, the
6 defense lacks the legal basis to summon Ms. Papciak for deposition.

7 2. The subpoena is excessively broad and unduly burdensome for the
8 Deponent to comply with. The subpoena seeks exhaustive records of
9 communications that are not related to the case and would require a significant
10 amount of time and resources for the Deponent to produce.

11 3. The subpoena is irrelevant to the case. The request to share private
12 conversations that hold no relevance to the case is highly objectionable. The
13 subpoena is not reasonably calculated to lead to the discovery of admissible
14 evidence and is instead a violation of the Deponent's privacy. Additionally, the
15 opinions of third parties hold no legal relevance in any case. It is improper and
16 unnecessary to seek access to conversations or opinions that have no bearing on the
17 issues being litigated.

18 4. With this subpoena and unreasonable demands for discovery, the
19 defense attempts to improperly conduct ESI discovery, shifting the burden onto the
20 Deponent and neglecting the safeguards for personal information. The Deponent
21 should not bear the burden of an extensive discovery process, as it is the
22 responsibility of the moving party to collect ESI in compliance with the standards
23 outlined in Zubulake. Additionally, the defendant failed to detail any plan for ESI
24 Management, with word search terms, audit trails, access trails, document
25 deduplication plans, and document destruction plans. It was simply ordered by the
26 Defense Counsel to be "send directly, to save time".

27 5. The defense's requests for documents are largely either duplicative or
28 futile, as the majority of them either do not exist or are already accessible to them.

1 6. The communications requested are protected. Private conversations
2 between Ms. Papciak, Ms. Bulis, Ms. Robison and Ms. Thompson, contain protected
3 information including but not limited to:

4 a. Discussions pertaining to the legal case: Breaking Code Silence v
5 Papciak et al protected by Joint Defense privilege. As co-defendants in the previous
6 lawsuit against BCS, Chelsea Papciak, Jenna Bulis and Martha Thompson shared a
7 common attorney and legal strategy, which necessitated the exchange of privileged
8 information. The communications were made in furtherance of their joint defense
9 and to advance the goals of that defense. We assert that the privilege has not been
10 waived in any manner. Therefore, any attempt to obtain these communications
11 would be a clear violation of this privilege and an attack on the integrity of their
12 legal representation. The defense's request for these private conversations is not
13 only unwarranted but also a blatant attempt to obtain confidential legal strategy, and
14 has no relevance to the case at hand.

15 b. Information pertaining to the Institutional Child Abuse Prevention and
16 Advocacy (ICAPA) Network 501(c)(4) organization, of which Ms. Papciak Jenna
17 Bulis are officers. These communications include trade secrets, unpublished
18 research, confidential development, and commercial information that is critical to
19 the success and growth of the organization. Allowing Ms. McNamara access to
20 these materials would not only be a violation of our privacy rights but also a
21 significant risk to the security and viability of the ICAPA Network. It is imperative
22 that these materials remain confidential and not be subject to the prying eyes of
23 someone with a documented history of sabotage of other organizations.

24 c. Personal and private conversations with individuals who are neither
25 party nor witness to this case would cause significant violations of privacy for all.
26 Such communications are protected by privacy rights and should not be subjected to
27 scrutiny in the absence of any connection to the matter at hand. The other affected
28 individuals would file declarations with this Court to emphasize that their personal
privacy should not be violated through this invasive process.

1 7. Communications between Ms. Papciak, Ms. Hughes and Ms. Magill are
2 protected by contractual agreements. All parties agreed to a mediation clause
3 **[EXHIBIT A]** protecting our communications as confidential, privileged and unable
4 to be used in court. Settlement negotiations and any settlement agreements of the
5 previous case, have no relevance, and are otherwise protected pursuant to:

6 DIVISION 9. EVIDENCE AFFECTED OR EXCLUDED BY EXTRINSIC
7 POLICIES [1100 - 1162] (Division 9 enacted by Stats. 1965, Ch. 299.) CHAPTER
8 2. Mediation [1115 - 1129] (Chapter 2 added by Stats. 1997, Ch. 772, Sec. 3.) 1119.

9 8. The defense's request for materials and agreements regarding settlement
10 agreements entered is unfounded as no such documents or agreements exist. No
11 settlement agreement was reached and no payments or promises of payment were
12 made. Any discussions regarding the settlement of BCS v Papciak et al., simply
13 resulted in the voluntary dismissal of the case. Both parties incurred significant legal
14 fees and none of those fees were recovered.

15 10. The few documents requested that would not be protected or otherwise
16 unnecessarily invasive are already accessible to the defendant, and there is no need
17 for the deponent, as a non-party to this case, to spend an unreasonable amount of
18 time and resources providing the defense with discovery they can easily obtain from
19 the parties to this case.

20 11. All reasonable discovery requests have been fulfilled, and all relevant
21 and accessible documents pertaining to the case have been diligently provided to the
22 Defense via email: **[Exhibit D]**

23 12. The subpoena is a form of harassment. The Defendants' subpoena
24 appears to be nothing more than an attempt to harass the Deponent, who has no
25 connection to the present case. The Defendants have no legitimate reason for
26 requesting the deposition and production of documents from the Deponent, besides
27 obtaining personal information they would certainly exploit with intent to harass,
28 defame and cause undue distress for the Deponent.

13. The Defendant, Katherine McNamara, has consistently demonstrated a pattern of frivolous and harassing litigation, including initiating two unsuccessful lawsuits against Ms. Papciak, sending multiple harassing cease and desist letters, threatening a baseless defamation lawsuit for the purpose of extortion, and reporting Ms. Papciak's attorney to the California Bar Association. Given Ms. McNamara's history of vexatious litigation, her latest attempt to involve Ms. Papciak in yet another legal battle, with the intent to use the process to violate the Deponent, is improper and constitutes an abuse of the legal system.

14. It is abundantly clear that the defendant is engaging in a frivolous and vexatious fishing expedition in hopes of finding something she can use to distract the court from the case at hand. The fact that the majority of records requested have absolutely no relation to this case is a testament to the frailty of their defense. It's no surprise that they are grasping at straws and wasting everyone's time and resources, including the Court's.

Please find attached as **Exhibit B** the Declaration of Chelsea Papciak in Support of the Motion to Quash. Given the potential harm and emotional distress that subjecting Ms. Papciak to a deposition by Ms. McNamara could cause, we respectfully request the Court to consider this written declaration as a substantive alternative to a deposition.

REQUEST FOR SANCTIONS

The defense's conduct warrants sanctions due to their repeated threats, intimidation, and disregard for the Zubulake and Sedona Principles. Their actions have created an unfair burden on the unrepresented Deponent, causing significant emotional distress and undue hardship, having spent 35+ hours addressing this issue. Imposing sanctions is crucial to deter such misconduct, uphold the integrity of the legal system, and provide appropriate redress.

//

1 REQUEST FOR MEDIATION

2 UNLESS THIS MOTION IS GRANTED, It is reasonable to allow a process
3 in which the deponent may object to specific requests if they would be considered
4 unreasonable to produce. Ms. Papciak requests a show of cause to establish the
5 relevance of her testimony to the defense. The Deponent proposes a private
6 mediation, overseen by a third party authority to establish a reasonable scope of
7 information and questioning. This mediation must be held at the expense of the
8 defense, which should cover reasonable compensation for Ms. Papciak's time and
9 any legal fees that may arise. In the event that her witness testimony is deemed
10 relevant to the case, Ms. Papciak urges that it shall be limited to the matters relevant
11 to the case at hand and not intrude on her privacy or the privacy of anyone
12 associated with her.

13
14 WHEREFORE, Chelsea Papciak respectfully requests that this Honorable
15 Court grant the motion to quash, thereby quashing the Notice and relieving Chelsea
16 Papciak from the obligation to appear for a deposition or compelled to produce
17 discovery beyond the scope already provided. Alternatively, if it is determined that
18 a deposition is necessary, Chelsea Papciak seeks a legal remedy that safeguards her
19 rights and privacy, and requests the court to impose appropriate sanctions, if
20 deemed necessary, to ensure the legal system is no further abused by the Defendant
21 Katherine McNamara.

22
23 DATED: May 30, 2023

By: Chelsea Papciak

24 CHELSEA PAPCIAK

PRO SE

25 27 Grand Rio Cir,

26 Sacramento CA 95826

27 cfilerdesign@gmail.com

28 (916) 806-8645

EXHIBIT A

Mediation Agreement



Chelsea Filer [REDACTED]

Agreement

3 messages

Jenny Magill [REDACTED]

Thu, Feb 10, 2022 at 12:09 PM

To: Chelsea Filer [REDACTED], Jenny Magill [REDACTED]

I AGREE! -JENNY

EVIDENCE CODE - EVID

DIVISION 9. EVIDENCE AFFECTED OR EXCLUDED BY EXTRINSIC POLICIES [1100 - 1162] (*Division 9 enacted by Stats. 1965, Ch. 299.*)

CHAPTER 2. Mediation [1115 - 1129] (*Chapter 2 added by Stats. 1997, Ch. 772, Sec. 3.*)

Except as otherwise provided in this chapter:

¹¹¹⁹. (a) No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation is admissible or subject to discovery, and disclosure of the evidence shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.

(b) No writing, as defined in Section 250, that is prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation, is admissible or subject to discovery, and disclosure of the writing shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.

(c) All communications, negotiations, or settlement discussions by and between participants in the course of a mediation or a mediation consultation shall remain confidential.

(*Added by Stats. 1997, Ch. 772, Sec. 3. Effective January 1, 1998.*)

--

Jenny Magill, MBA

Organizational Director



A 501(c)(3) Nonprofit Organization

www.breakingcodesilence.org

Jenna Bulis [REDACTED]

Thu, Feb 10, 2022 at 12:24 PM

To: Jenny Magill [REDACTED]
Cc: Chelsea Filer [REDACTED], Jenny Magill [REDACTED]

I agree

[Quoted text hidden]

Chelsea Filer [REDACTED]

Thu, Feb 10, 2022 at 2:50 PM

To: Jenna Bulis [REDACTED]

Agreed.

[Quoted text hidden]

--

Chelsea Filer

Graphic Design . Web Design . Photography
(916) 806-8645



Notice: This communication and the information contained within, along with any items attached as an enclosure are privileged and confidential. This communication is intended solely for the use of the individual(s) named above. If you are not one of the intended addresses or you believe you may have received this communication in error, you are hereby notified that any consideration, dissemination or duplication of this communication is strictly prohibited. In addition, you shall not print, copy, retransmit, disseminate or otherwise use this information in any form without first receiving specific written permission from the author of this communication. If you have received this communication in error, please reply to the sender indicating that fact and delete this message from your system immediately.

EXHIBIT B

Declaration of Chelsea Papciak in support of
Motion to Quash

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE, a
California 501(c)(3) nonprofit,

Plaintiff,

vs.

KATHERINE MCNAMARA, an
Individual; JEREMY WHITELEY, an
individual; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 2:22-cv-002052-SB-MAA

**DECLARATION OF CHELSEA
PAPCIAK IN SUPPORT OF
MOTION TO QUASH
AMENDED NOTICE OF
DEPOSITION SUBPOENA
OF CHELSEA PAPCIAK a a
CHELSEA FILER AND
REQUEST FOR PRODUCTION
OF DOCUMENTS**

I, CHELSEA PAPCIAK, hereby declare the following:

I am a non-party to the above-entitled matter. I have personal knowledge of the matters I have declared herein, and do hereby submit this declaration in support of the MOTION TO QUASH THE *AMENDED* NOTICE OF DEPOSITION SUBPOENA OF CHELSEA PAPCIAK a.k.a CHELSEA FILER AND REQUEST FOR PRODUCTION OF DOCUMENTS served upon me by the defendants KATHERINE McNAMARA and JEREMY WHITELEY.

1 #BreakingCodeSilence (#BCS) is an awareness campaign created by
2 survivors of the Troubled Teen Industry to raise awareness of institutional child
3 abuse in residential programs for teens. This campaign was originally launched in
4 2014 on my website WWASPSurvivors.com/breakingcodesilence. In 2019, the
5 #BCS campaign was revamped and relaunched in 2019 by Jenna Bulis. Ms. Bulis
6 began grassroots organizing under her DBA Suburbia's Dirty Little Secret, she
7 added to the group Jen Robison, Rebecca Moorman and Emily Carter and later,
8 myself and Katherine McNamara. In 2020, Paris Hilton came out with her
9 documentary This is Paris which featured the #BreakingCodeSilence Campaign. It
10 was around October 2020 that we began to formally organize with intent to become
11 a 501c3/ 501c4 organization.

12 In my position as COO of the proposed Breaking Code Silence organization,
13 I saw to the daily operations and the start-up of the organization's business
14 administration. I was also operating as the legislative director and maintaining all
15 functions of the organization as we carried out multiple projects, events,
16 partnerships and participated in a legislative accelerator program with RISE Justice
17 Labs.

18 Katherine McNamara was agreed to be elected the Secretary of the Board of
19 the proposed Breaking Code Silence organization. Because of her
20 professional background in cybersecurity, we trusted her to help us to set up our
21 administration systems and gave her admin access to our various accounts
22 including the Squarespace and G-Suite server which held all organization wide
23 email accounts and their respective Google Drives.

24 Trademark applications were filed for the mark Breaking Code Silence SN:
25 90208204; Filing Date: September 24, 2020 and breakingcodesilence 90157154;
26 Filing Date: September 3, 2020 in the names of Jennifer Robison, Katherine
27 McNamara, Jenna Bulis, Chelsea Papciak, Rebecca Moorman and Emily Carter.

28 //

1 Ms. McNamara expressed her intention to invest in the organization's start-up
2 and offered to make necessary purchases for acquiring assets. One such asset was
3 the BreakingCodeSilence.org domain. In a group chat named "Gifted Women,"
4 which included Jenna Bulis, Katherine McNamara, and myself, I communicated to
5 Ms. Bulis the need for setting up a Virtual Private Server (VPS) and purchasing the
6 domain breakingcodesilence.org to facilitate the development of the organization's
7 website and database. Despite multiple requests to establish the VPS for Breaking
8 Code Silence (BCS), Ms. McNamara took it upon herself to purchase the domain on
9 her personal domain registrar account. Instead, she redirected the
10 breakingcodesilence.org domain to breakingcodesilence.net, a website created by
11 Jen Robison. We hired a web developer to construct the planned database for
12 breakingcodesilence.org, and upon requesting the domain transfer, Ms. McNamara
13 responded with "I will when I have time." To the best of my knowledge, the
14 breakingcodesilence.org domain has never been returned to the entity.

15 On March 9, 2021, Ms. McNamara resigned from her unofficial position as a
16 member of the board of the unincorporated Breaking Code Silence organization.

17 Days after her resignation, on March 14, 2021, Ms. McNamara exploited
18 unauthorized access to the G-Suite and Squarespace Accounts belonging to BCS.
19 Ms. McNamara disabled access to BCS' email accounts, social media accounts and
20 website. These accounts were reported as hacked, an investigation to determine
21 original ownership was carried out by Google and Squarespace and access was
22 restored to us. Multiple requests were made to Ms. McNamara to return access to
23 the remaining accounts, all requests were refused.

24 On March 13, 2021 Name reservations for Breaking Code Silence were filed
25 by Katherine McNamara in California and Washington.

26 On March 22nd 2021, Breaking Code Silence was incorporated by Katherine
27 McNamara, without the knowledge or consent of the remaining founders of BCS.

28 //

1 Before Ms. McNamara incorporated under our name, we (the remaining
2 founders and staff) continued to represent the BCS entity and were actively
3 attempting to retrieve our accounts and IP from Ms. McNamara. We consulted with
4 a trademark attorney and delivered 3 informal cease and desist letters to compel her
5 to return access to our accounts, with no response.

6 In March 2021, I lodged a complaint against Ms. McNamara with the
7 Sacramento FBI Cyber Crime Division after the breach of our G-Suite Servers and
8 conversion of the original BCS' accounts. It was discovered that Ms. McNamara
9 had re-routed IP addresses and destroyed property, specifically deleting entire
10 email accounts and their associated drives. An FBI investigation was initiated,
11 case number #740473SC.

12 Three competing trademarks were filed in the name of Breaking Code
13 Silence and Breaking Code Silence Action Network from March 16, 2021 - May 6,
14 2021 by Ms. McNamara and in the name of the Breaking Code Silence entity.

15 Immediately following, a trademark infringement lawsuit entitled Breaking
16 Code Silence v. Papciak, et al., Case No. 3:21-CV-00918 was filed against Myself,
17 Jenna Bulis, Jennifer Walker and Martha Thompson. This frivolous lawsuit was
18 brought against us based on negligent misinformation presented by Ms. McNamara
19 to the BCS board of directors. Additionally, Ms. McNamara has openly stated that
20 she donated \$100,000 to BCS to pursue this lawsuit.

21 Ms. McNamara retained control of the original trademark applications filed
22 in my name and the names of the 5 original applicants. Without the knowledge of
23 the other named applicants, Ms. McNamara deliberately allowed these applications
24 to be abandoned for failure to reply to an office action. USPTO records were
25 falsified by Ms. McNamara in order to prevent the other named owners from
26 responding to the office action on time. Ms. McNamara's actions in regards to the
27 trademarks, which were subject evidence in the pending litigation, were in bad
28 faith and could be considered spoilage of evidence.

1 Around December 2021, Ms. McNamara resigned from her position as the
2 CFO of Breaking Code Silence (501c3). While I have no direct knowledge of
3 why she decided to leave BCS, I was witness to the public display of “burning BCS
4 to the ground”.

5 The first indication of a significant breach within BCS' online accounts
6 became evident when the BCS Facebook group underwent a name change from
7 "Breaking Code Silence" to "Just another Facebook group".

8 Subsequently, I observed the alteration of the Twitter handle from
9 "@BreakingCodeSi1" to "@GoACCA," accompanied by the deletion of a majority
10 of the previous posts. Eventually, the entire Twitter account was deleted. Although
11 an empty account still exists under the handle @BreakingCodeSi1, it is not the
12 original account, as it was created in March 2021, whereas the original account
13 originated in January 2020. From my observation it is evident that the BCS Twitter
14 account was intentionally destroyed.

15 Similarly, the original BCS Instagram account, which was the subject of
16 litigation in *BCS v Papciak* and had remained inaccessible since 2021, was suddenly
17 accessed in March 2022. It underwent extensive content deletion and had its bio
18 information modified to link to Unsilenced; the organization founded by Ms.
19 McNamara after her leave from BCS. It remains unclear how this account was
20 breached, as it was still owned by Jen Robison and connected to the original BCS
21 Facebook, neither of which were accessible to the BCS organization or Ms.
22 McNamara. This breach was entirely unauthorized and would have necessitated
23 providing false information to Meta to be granted access.

24 While only circumstantial evidence exists that Ms. McNamara was behind
25 these actions, it certainly appears to be consistent with Ms. McNamara's previous
26 conduct and of those she has previously persuaded to be complicit in her actions.

27 Ms. McNamara has a recurring strategy of ensnaring unsuspecting individuals
28 to carry out her objectives, effectively casting them as unwitting accomplices.

1 She demonstrates a remarkable ability to concoct persuasive narratives aimed
2 at justifying unethical actions. Given the apparent implication of other individuals in
3 actions clearly orchestrated by Ms. McNamara, it is crucial to consider who would
4 have had the motive to carry out such actions.

5 During the litigation process (and after Ms. McNamara's departure), around
6 January 2022, settlement discussions with BCS were initiated, and all parties agreed
7 to a mediation clause **[EXHIBIT A]** protecting our communications as confidential,
8 privileged and unable to be used in court. Unfortunately, a settlement agreement was
9 not able to be reached and no such agreement was entered into or signed.

10 Eventually, a decision was reached by BCS to voluntarily dismiss the case.
11 Myself and my co-defendants filed to be compensated for our significant amount of
12 legal fees incurred fighting the lawsuit. Ultimately it was ordered that the case
13 would be dismissed without any monetary payments towards legal fees for any of
14 the parties involved.

15
16 **HARASSMENT, STALKING AND DEFAMATION**

17 For the past 3 years, my associates and I have been the targets of a vicious
18 smear campaign orchestrated by Ms. McNamara. Ms. McNamara is skilled in
19 manipulating and coercing psychologically vulnerable individuals within our
20 community. She exploits and weaponizes individuals to engage in bullying, stalking
21 and harassment of her intended targets, and regularly provides them with private or
22 false information to disseminate publicly to harass, embarrass and defame others
23 and further her agenda. Her behavior is morally reprehensible, especially
24 considering the fact that our community is made up of trauma survivors who are
25 already vulnerable and struggle with mental health issues.

26 The impact of Katherine's actions has caused significant emotional and
27 reputational harm. Her actions led to a lack of unity within the community, resulted
28 in the termination of the unincorporated BCS' organizational projects and
partnerships, and had an adverse impact on ongoing advocacy efforts.

1 Ms. McNamara's actions have deeply affected the lives, and the lives of the
2 families, of those she has targeted. This includes causing significant financial
3 hardships, intrusive involvement in custody battles, inciting others to call false
4 police reports and CPS reports and causing legitimate trauma, requiring years of
5 therapy to recover from. Her harassment has not been limited to the defendants
6 in BCS' previous case, in fact, many (by my count, up to 30) survivors
7 within our community have reported being defamed, harassed and/ or hacked
8 by Ms. McNamara.

9 Ms. McNamara's repeated misconduct and highly egregious actions have had
10 a devastating impact on our once thriving movement. Not only did she maliciously
11 undermine and tarnish the reputation of the original Breaking Code Silence, but it is
12 evident that she has caused severe and irreversible damage to the BCS Organization.

13
14 **DISPUTE PRODUCTION OF DOCUMENTS**

15 I strongly object to the requests made by Ms. McNamara to access my private
16 conversations with my closest friends and business partners. There would be
17 absolutely nothing to gain from accessing my personal conversations, particularly
18 because I am not a named party in this case and my commentary and those of other
19 non-parties would be entirely irrelevant and could not possibly equate to material
20 evidence applicable to a defense against the allegations against her.

21 These requests are just another example of Ms. McNamara's relentless and
22 unfounded attempts to violate my privacy and harass me and those associated with
23 me. Ms. McNamara's past actions serve as proof of her malicious intent towards me
24 and my associates, and her ulterior motive to employ this intrusive, unreasonable
25 discovery request as a means to persist in her vindictive assault upon us.

26 In fact, Ms. Bulis has already obtained a temporary anti-harassment order
27 against Ms. McNamara for similar behavior. She has obtained and exposed Ms.
28 Bulis' personal health information, sealed court records, and even private videos that

1 were filmed in Ms. Bulis' home without her consent. These materials were obtained
2 through intrusive communication with Ms. Bulis' ex-boyfriend. Ms. McNamara's
3 request for further personal information through this deposition serves only to fulfill
4 her obsessive and malicious intentions towards me and Ms. Bulis, and has no
5 relevance to the defense of her case.

6 It may be important to note that both Ms. Bulis and I were questioned as
7 witnesses in the FBI Cyber Crimes investigation into Ms. McNamara's exploitation
8 of the original BCS' accounts. As such, any attempts by Ms. McNamara to
9 intimidate or retaliate against me through this deposition would be a clear violation
10 of the Crime Victims' Rights Act (CVRA).

11 Ms. McNamara has previously ventured into witness tampering territory by
12 attempting to intimidate me with the threat of yet another defamation lawsuit.
13 Specifically, she demanded false confessions that would absolve her from the
14 alleged crimes reported in the FBI case, while simultaneously requesting a large
15 sum of money to cover her legal expenses. Ultimately, I refused to succumb to her
16 bullying tactics and she had no legal standing to follow through with the threat.

17 Despite failing to successfully sue me, Ms. McNamara continues to
18 relentlessly attempt to sway public opinion against me through a barrage of
19 offensive slurs and insults that impugn my character and professional reputation.
20 Her brazen defamation campaign is carried out with reckless abandon, fueled by the
21 knowledge that I lack the financial means to hold her accountable for her actions.

22 Ms. McNamara has demonstrated a complete disregard for legal and ethical
23 boundaries. A prime example of which is how she distributed the interrogatories
24 collected from the plaintiff during the discovery process in this case with a potential
25 witness in attempts to convince him that BCS was going to "pin" something on him.
26 As a result, this individual abruptly resigned, promptly joined Unsilenced, and
27 regrettably embraced a fabricated narrative instigated by Ms. McNamara prior to his
28 deposition. Clearly, Ms. McNamara has no intent on respecting the protection order
in this case

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9 The court must not allow the defendant to misuse the legal system as a tool
10 for harassment and personal vendettas. Justice must be served, and the truth will
11 eventually come to light. However, it is important to remember that the witnesses in
12 this case have already suffered immensely due to being embroiled in litigation with
13 Ms. McNamara for the last 3 years. I respectfully request that this Motion to Quash
14 be granted.

By: Chelsea Papciak

9

DECLARATION OF CHELSEA PAPCIAK

EXHIBIT C

AMENDED NOTICE OF DEPOSITION
SUBPOENA OF CHELSEA PAPCIAK a.k.a.
CHELSEA FILER AND REQUEST FOR
PRODUCTION OF DOCUMENTS

UNITED STATES DISTRICT COURT

for the

Central District of California

BREAKING CODE SILENCE

Plaintiff

v.

KATHERINE McNAMARA, et al.

Defendant

Civil Action No. 2:22-cv-02052-SB-MAA

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: CHELSEA PAPCIAK a.k.a. CHELSEA FILER: [REDACTED]

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: Via Video Conference (Zoom)
See Attachment 1 for link information

Date and Time:
06/06/2023 9:00 am

The deposition will be recorded by this method: Stenographically, Instant Display of Testimony, Video

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Attachment 2 for document requests, timing, and place of production.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/09/2023

CLERK OF COURT

OR

/s/ M. Adam Tate

*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Katherine McNamara & Jeremy Whiteley | M. Adam Tate, who issues or requests this subpoena, are: Julander, Brown & Bollard, 9110 Irvine Center Dr., Irvine, CA 92618 | Tel. (949) 477-2100 | email: adam@jbblaw.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:22-cv-02052-SB-MAA

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT 1

ZOOM CREDENTIALS

The deposition will be coordinated by Elite Court Reporting, located at 22521 Avenida Empresa, Suite 105, Rancho Santa Margarita, CA 92688. The credentials to access the deposition are:

Join Zoom Meeting

<https://us02web.zoom.us/j/83164479814?pwd=NVPVMW1Tb0NtbXpNYXBURmVXdktlZz09>

Meeting ID: 831 6447 9814 | Passcode: 26944

ATTACHMENT 2 TO PAPCIAK SUBPOENA

Pursuant to Federal Rule of Civil Procedure 45(c)(2)(A), you are requested and required to produce the following documents no later than five (5) days prior to the deposition to the following Deposition Officer:

Array
2081 Arena Blvd., Suite 200
Sacramento, CA 95834
Tel: 916.610.0060
If producing via email: records@trustarray.com

DEFINITIONS

For the purposes of this Subpoena for the Production of Documents, the following definitions apply unless otherwise indicated:

1. The terms “**PERSON**” or “**PERSONS**” mean and include any natural persons, corporations, associations, partnerships, and/or any other business entity.
2. The terms “**YOU**” and “**YOUR**” refer to the Deponent **CHELSEA PAPCIAK a.k.a. CHELSEA FILER**.
3. The term “**BCS**” means and refers to Plaintiff **BREAKING CODE SILENCE** and any **PERSON** or **PERSONS** acting on its behalf including, but not limited to: its employees, agents, representatives, and all other **PERSONS** acting on its behalf, in concert with it, or under its control, whether directly or indirectly.
4. The term “**MCNAMARA**” means and refers to Defendant **KATHERINE MCNAMARA**.
5. The term “**WHITELEY**” means and refers to Defendant **JEREMY WHITELEY**.

6. The term “**DEFENDANTS**” refers collectively to MCNAMARA and WHITELEY, or to either of them.

7. The terms “**DOCUMENT**” or “**DOCUMENTS**” mean and include any writing including, but not limited to, any writing and any other tangible things in YOUR custody, possession or control, or known to YOU, whether printed, recorded, reproduced by any process, or written or produced by hand, including, but not limited to, letters, reports, agreements, telegrams, maps, flyers, business cards, brochures, advertisements, memoranda, summaries of records, summaries of personal conversations, diaries, minutes or records of meetings or conferences, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of interviews, reports and/or summaries of investigations, opinions or reports of consultants, pamphlets, drafts of any documents, revisions of drafts of any documents, invoices, receipts, original or preliminary notes, diagrams, models and photographs by any and all means created. The terms DOCUMENT and/or DOCUMENTS, as used herein, shall also include all ESI. The foregoing shall further include, but not be limited to documents or files in their native, electronic format. As to each document, any comment or notation appearing on the same, but not a part of the original text, is to be considered a separate DOCUMENT.

8. The term “**ESI**” means and includes each and every form of matter, of any kind, type, nature, or description, that is or has been in YOUR possession, custody, or control, including DOCUMENTS, electronic mail, voicemail, word processing documents, spreadsheets, databases, images, and sound recordings, which is generated, recorded, preserved or maintained by electronic means or in electronic form, including information generated, recorded, preserved or maintained on computer hard drives, floppy disks, e-mail, computer files, deleted computer files, mirror image files, file menus, file directories, file distribution lists, acknowledgment of

receipt files, backup computer files, magnetic tapes, computer archives, computer memory, computer disk, computer card, film, microfilm, microfiche, microforms, photographs, or any other form of computer readable storage media, and also including drafts or copies of any of the foregoing that contain any notes, comments, metadata, or markings of any kind not found on the original ESI or that are otherwise not identical to the original ESI.

9. The term “**PRODUCE**” means and includes the actual production of the original of the DOCUMENT. Electronically stored information is generally to be produced in: (a) its commercially accessible native file format; and (b) in PDF Format. Documents created in a CSV, Excel, or PowerPoint format should be produced as native files.

10. The terms “**COMMUNICATION**” or “**COMMUNICATIONS**” mean the exchange or transmission of information of any kind to any PERSON, whether accomplished by PERSON to PERSON, by telephone, or any other medium including, but not limited to, discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, electronic mail, voicemail, notes, texts, instant and/or direct messaging platforms (including Slack, Signal, Facebook, Snapchat, Instagram), statements or questions.

11. The terms “**RELATE TO**,” “**RELATED TO**” or “**RELATING TO**” mean referring to, relating to, regarding, evidencing, supporting, constituting, depicting, respecting, concerning, pertaining to, stating, describing, recording, noting, reflecting, containing, embodying, memorializing, mentioning, studying, analyzing, discussing, commenting on, specifying, listing, summarizing, refuting, reviewing, or identifying, either directly or indirectly.

PRIVILEGED DOCUMENTS

If any request calls for the production of a **DOCUMENT** or thing as to which a claim of privilege is asserted, please set forth the following with respect to each **DOCUMENT** or thing:

(i) the type of **DOCUMENT** or thing; (ii) the date of the **DOCUMENT**; (iii) the name, business address and present position of the author(s) or (iii) the name, business address and present position of the author(s) or originator(s) of the **DOCUMENT** at the time the **DOCUMENT** was prepared; (v) the names and addresses of all persons or entities who have received a copy of the **DOCUMENT** or thing; (vi) the position of each recipient of the **DOCUMENT** or thing at the time the **DOCUMENT** or thing was prepared or created, and at the time the **DOCUMENT** was received; (vii) a general description of the **DOCUMENT** or thing to which the claimed privilege is not asserted; (ix) the basis on which the privilege is asserted; and (x) if the privileged asserted is work-product, the proceeding for which the **DOCUMENT** or thing was prepared.

DESTROYED OR LOST DOCUMENTS

If any request for production calls for the production of a **DOCUMENT** or thing that has been destroyed, lost, misplaced, stolen or is no longer in **YOUR** possession, custody, or control, please set forth the following with respect to each such **DOCUMENT** or thing: (i) the type of **DOCUMENT** or thing; (ii) the date of the **DOCUMENT**; (iii) the name, business address and present position of the author(s) or originator(s) of the **DOCUMENT** or thing; (iv) the position of the author(s) or originator(s) of the **DOCUMENT** or thing at the time the **DOCUMENT** or thing was prepared or created; (v) the names and addresses of all persons or entities who have received a copy of the **DOCUMENT** or thing; (vi) the position of each recipient of the **DOCUMENT** or thing at the time the **DOCUMENT** or thing was prepared or created, and at the time the **DOCUMENT** or thing was received; (vii) a general description of the subject

matter of the **DOCUMENT**; (viii) YOUR best recollection of all information, in detail, contained in the **DOCUMENT** or thing; (ix) the circumstances of the destruction, loss, misplacement, theft or loss of possession, custody or control of the **DOCUMENT** or thing; and (x) whether any **DOCUMENT** or thing exists that in any way relate, pertain or refer to the destruction, loss, misplacement, theft or loss of possession, custody or control of the **DOCUMENT** or thing.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO BCS's allegation that DEFENDANTS unlawfully accessed BCS's accounts and computers, including, but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.

REQUEST FOR PRODUCTION NO. 2:

Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO BCS's allegation that YOU interfered with BCS's social media accounts, including but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.

REQUEST FOR PRODUCTION NO. 3:

Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO BCS's allegation that DEFENDANTS interfered with BCS's

social media accounts, including but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.

REQUEST FOR PRODUCTION NO. 4:

Please PRODUCE all DOCUMENTS including any COMMUNICATIONS with any PERSON (except YOUR legal counsel) which RELATE TO the registration and ownership of the Breakingcodesilence.org domain.

REQUEST FOR PRODUCTION NO. 5:

Please PRODUCE all DOCUMENTS including any COMMUNICATIONS with any PERSON (except YOUR legal counsel) which RELATE TO the ownership of the Breakingcodesilence.net domain.

REQUEST FOR PRODUCTION NO. 6:

Please PRODUCE all DOCUMENTS including any COMMUNICATIONS with any PERSON (except YOUR legal counsel) which RELATE TO the creation and ownership of any groups on Facebook using the “Breaking Code Silence” name.

REQUEST FOR PRODUCTION NO. 7:

Please PRODUCE all DOCUMENTS including any COMMUNICATIONS with any PERSON (except YOUR legal counsel) which RELATE TO the creation and ownership of the Zotero Database created by Katherine McNamara.

REQUEST FOR PRODUCTION NO. 8:

Please PRODUCE all DOCUMENTS including any COMMUNICATIONS with any PERSON (except YOUR legal counsel) which RELATE TO the creation and ownership of the <https://www.instagram.com/breakingcodesilence/> Instagram account.

REQUEST FOR PRODUCTION NO. 9:

Please PRODUCE all DOCUMENTS including any COMMUNICATIONS with any PERSON (except YOUR legal counsel) which RELATE TO the creation and ownership of the <https://www.twitter.com/breakingcodesi3> Twitter account.

REQUEST FOR PRODUCTION NO. 10:

Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO initiating or defending lawsuits by or against DEFENDANTS including, but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.

REQUEST FOR PRODUCTION NO. 11:

Please PRODUCE all DOCUMENTS signed by YOU under penalty of perjury in connection with the action entitled *Breaking Code Silence v. Papciak, et al.*, CDCA Case No. 3:21-CV-00918.

REQUEST FOR PRODUCTION NO. 12:

Please PRODUCE all DOCUMENTS and COMMUNICATIONS RELATED TO any settlement of the action entitled *Breaking Code Silence v. Papciak, et al.*, CDCA Case No. 3:21-CV-00918 including, but not limited to, COMMUNICATIONS with BCS RELATED TO the payment of YOUR attorneys' fees.

REQUEST FOR PRODUCTION NO. 13:

Please PRODUCE all DOCUMENTS which reflect or RELATE TO all settlement offers or agreements made or entered into RELATED TO the action entitled *Breaking Code Silence v. Papciak, et al.*, CDCA Case No. 3:21-CV-00918 including, but not limited to, any offers or

agreements for YOU to receive a portion of any funds collected in connection with any lawsuit filed against DEFENDANTS, Mary Appelgate, and/or Unsilenced.

REQUEST FOR PRODUCTION NO. 14:

Please PRODUCE all DOCUMENTS RELATED TO all assignments of intellectual property from YOU to BCS, and the reason(s) therefor.

REQUEST FOR PRODUCTION NO. 15:

Please PRODUCE all DOCUMENTS RELATED TO all assignments of domains from YOU to BCS, and the reason(s) therefor.

REQUEST FOR PRODUCTION NO. 16:

Please PRODUCE all DOCUMENTS RELATED TO any agreements (written or oral) between YOU and BCS, and the reason(s) therefor.

REQUEST FOR PRODUCTION NO. 17:

Please PRODUCE all DOCUMENTS RELATED TO any agreements (written or oral) between YOU and Rise Justice Labs, and the reason(s) therefor.

EXHIBIT D

Emails - Mr. Tate



Chelsea Filer [REDACTED]

Deposition for BCS v KM et al

22 messages

Chelsea Filer [REDACTED]
To: adam@jbblaw.com

Wed, Apr 26, 2023 at 11:19 AM

Hello Adam,

I'm just making contact for further correspondence. I consent to being served via email in the future.

Quick question, what if any correspondence between myself and Vanessa & Jenny has been produced? Were any portion of those communications protected due to our mediation process?

I'll be honest with you I am speaking with BCS' attorney as well. I'm going to ask if they object to any materials I am willing to give to you before I produce them. If they have objections, I would assume there is a protocol for that which I will respect.

Also, if you can please let me know if any of these documents have already been provided via discovery from the plaintiff, that would save me time.

Here is a list of the requested documents I am willing and able to produce:

- Text conversations with Vanessa Hughes, Jenny McGill and Bobby Cook. I don't think I have any Facebook chats, or if I do they are from before any of this, but I will check.
- Documentation assigning my trademark application (that's now expired) to BCS. Signed and notarized.
- A statement of facts regarding the accounts belonging to BCS. Signed and notarized.
- RISE Justice Labs Media release. Signed.
- My personal declaration submitted in support of our motion to dismiss BCS v Papciak.
- Conversations with Ms. McNamara that prove that I asked her to buy .org for BCS.
- Other screenshots that corroborate my claims of her actions back in 2021 that led to the split, the hostile takeover, and ultimately the lawsuit.

One thing I'm sorry I forgot to mention was that I reported Ms. McNamara to the FBI back in 2021. A Cybercrimes case was opened and an investigation into her actions was launched. To the best of my knowledge that case is still open.

As I mentioned, Katherine McNamara has a history of harassing me and my friends. She has violated our privacy and defamed us on multiple occasions. I do not trust that she won't use this deposition as a tool to gather personal information that she can use to further that agenda. I know that she is your client, but I implore you to take this into consideration and not allow her to continue to misuse the legal system to cause us harm.

This will be the 6th legal issue Ms McNamara has dragged me into. Despite none of those cases being successful in "taking my house" as she's claimed was her intention, these frivolous and false allegations against me have already inflicted damage to my reputation.

I'm willing to come in and tell the truth, the whole truth and nothing but the truth, regardless of what that means for the case of either party. I will not however, entertain any of her false and disgusting allegations against me, and I will not allow this process to violate my privacy or that of my associates. I hope that her defense will act ethically in that regard.

I was prepared to file to quash this deposition and I have more than enough of a legal argument to do so. The fact that I reached out for an agreement to narrow the scope to a reasonable extent is a courtesy to save us all time and money. I hope that will be appreciated enough to earn some respect for my boundaries during this process.

I don't know why I need to say this, but I am a good person, I have been fighting against institutional child abuse for 20 years. I paved the way for Katherine to become the advocate she is. I don't deserve her ire. I never did anything to her, other than tell the truth about her actions against us. Her vengeance has been displaced against me, and it needs to come to an end.

I do hope through this process she learns that her brazen behavior has consequences. She cannot go around completely destroying people's lives. This must end. She needs to leave me alone after this.

Thank you.
Chelsea

Adam Tate <Adam@jbblaw.com>

Wed, Apr 26, 2023 at 11:41 AM

To: Chelsea Filer [REDACTED]

Cc: Adam J Schwartz <adam@ajschwartzlaw.com>, Catherine Close <cac@jbblaw.com>

Hi Chelsea,

Thank you for your email.

If you look at attachment 2 to the subpoena you received, it lists the documents you are being compelled to produce. If you think that one or more of those requests are overly broad or otherwise improper, please let me know which one(s), and I can work with you to narrow the scope.

As we discussed, if you are willing to send me the documents called for by the subpoena in advance of the deposition, I can look them over and evaluate whether we need to go forward with the deposition. My expectation is that we will, but I will take a look. At a minimum, forwarding me the documents in advance will make the deposition go faster and smoother for everyone.

Finally, you indicated that you wanted to move the deposition date. I am amenable to that, but we would need to agree upon a new date and we would need you to agree to accept service of a new subpoena so that I don't have to send another process server.

Hopefully, we can work all of this out. If we cannot, then we will have to go forward with subpoena as is.

Thanks,

Adam

[Quoted text hidden]

This electronic transmission, which is sent by a law firm, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC Secs. 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message and any attachments. Any unauthorized disclosure, copying, distribution, review or use of the contents of the information received in error is strictly prohibited.

Chelsea Filer [REDACTED]

Wed, Apr 26, 2023 at 12:23 PM

To: Adam Tate <Adam@jbblaw.com>

Cc: Adam J Schwartz <adam@ajschwartzlaw.com>, Catherine Close <cac@jbblaw.com>

Hello Adam,

I can make myself available after the 1st of June. I have a legislative campaign spanning the month of May that requires my focus. Feel free to suggest dates in June that work for you.

Attached is my Motion to Quash which details my argument against producing documents. Also attached is your subpoena, red lined to indicate which documents are either protected, overly burdensome or simply a violation of my privacy without merit or reasonable relation to the case at hand.

As I mentioned, I would be willing to provide communications with BCS, However we need to narrow that scope as well, considering that some, if not all of those communications may be protected by our mediation clause. To what extent I am not sure, that is why I leave it up to both parties to establish cause to produce these conversations.

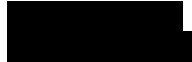
Thank you.

[Quoted text hidden]

--

Chelsea Filer

Graphic Design . Web Design . Photography



Notice: This communication and the information contained within, along with any items attached as an enclosure are privileged and confidential. This communication is intended solely for the use of the individual(s) named above. If you are not one of the intended addresses or you believe you may have received this communication in error, you are hereby notified that any consideration, dissemination or duplication of this communication is strictly prohibited. In addition, you shall not print, copy, retransmit, disseminate or otherwise use this information in any form without first receiving specific written permission from the author of this communication. If you have received this communication in error, please reply to the sender indicating that fact and delete this message from your system immediately.

2 attachments



Notice of Depo of Papciak- Red Lined.pdf

1038K



Motion to Quash.pdf

85K

Chelsea Filer

Thu, May 4, 2023 at 8:54 AM

To: Adam Tate <Adam@jbblaw.com>

Cc: Adam J Schwartz <adam@ajschwartzlaw.com>, Catherine Close <cac@jbblaw.com>

Hello Adam,

It has been a week since our last correspondence and 2 weeks until the proposed deposition is to take place unless we can agree and establish a new scope and date.

Have you had time to discuss and establish a plan for a new subpoena? I do not want to wait until last minute, and must file the motion to quash by Monday if we cannot come to an agreement by then.

Please provide your decision either way by Friday, or no response will be considered a response.

On Apr 26, 2023, at 12:23 PM, Chelsea Filer wrote:

[Quoted text hidden]

<Notice of Depo of Papciak- Red Lined.pdf>

<Motion to Quash.pdf>

Adam Tate <Adam@jbblaw.com>

Thu, May 4, 2023 at 8:56 AM

To: Chelsea Filer

Cc: Adam J Schwartz <adam@ajschwartzlaw.com>, Catherine Close <cac@jbblaw.com>

What days are you available for a deposition in June?

-Adam

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer [REDACTED]
To: Adam Tate <Adam@jbblaw.com>

Thu, May 4, 2023 at 9:32 AM

Monday June 5th - Friday June 9th are available. I will be traveling and therefore not available after June 15th.

Please provide me with written confirmation indicating your intent and our agreement to modify the scope and requests of the subpoena.

Please indicate if it is your understanding that these communications, akin to a meet and confer, constitute an agreement to drop the previous subpoena and prepare an amended subpoena to be served at a later date.

I will need written confirmation that this agreement stalls any deadlines for response, due dates for production of documents and effectively cancels the appearance date originally set for this deposition.

I will not have Katherine once again attempt to run out the clock attempting to negotiate only to file for a default contempt of court.

Chelsea

On May 4, 2023, at 8:56 AM, Adam Tate <Adam@jbblaw.com> wrote:

[Quoted text hidden]

Adam Tate <Adam@jbblaw.com>

Thu, May 4, 2023 at 9:57 AM

To: Chelsea Filer [REDACTED]

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

June 6th works for me.

Here is what I propose: If you will agree to accept service of the amended subpoena via email (in lieu of personal service), I can send you an amended subpoena for June 6th.

In addition to changing the date, I am open to the idea of narrowing the scope of the subpoena if you think it is over broad, but your redlined proposal of the subpoena was far too drastic. If you want to give me a more reasonable proposal, I will consider it. However, we absolutely need the communications between you and BCS, including V. Hughes regarding settlement. The mediation privilege does not prevent the discovery of these documents as you have admitted that no actual mediation with a neutral third party mediator ever took place.

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer [REDACTED]
To: Adam Tate <Adam@jbblaw.com>

Thu, May 4, 2023 at 12:45 PM

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

I apologize if there was some sort of misunderstanding. I will not be providing any communications regarding settlement with BCS. We entered into those negotiations under a legally binding agreement that those conversations would be confidential and not admissible in court. you are already aware that no settlement was reached, as you can see by the record of the case that the case was voluntarily dismissed, we filed for attorney's fees and we were denied by the court. There is nothing more to discover.

I am not interested in arguing the legal technicalities on which our mediation agreement could potentially be voided. If that is a cause you are intent on pursuing, then we may very well not have an agreement. At that point I will need to file to quash so that BCS' representation would have the right to object to the production of their client's protected communications.

So, please let me know if you still have interest in establishing the more reasonable agreements we have discussed as the new scope for my deposition, or if these negotiations have come to a conclusion.

[Quoted text hidden]

Adam Tate <Adam@jbblaw.com>

Thu, May 4, 2023 at 1:14 PM

To: Chelsea Filer [REDACTED]

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

Without waiving your right to bring a motion, would you like me to move the deposition to June 6th to accommodate your legislative efforts? I would just need you to accept service an amended subpoena with the correct date via email so that I don't have to pay a process server to hunt you down again. Again, I am not asking you to admit whether that the subpoena is valid – I am just inquiring whether you want me to move the deposition to a more convenient date.

Also, while we appear to disagree over the discoverability of the communications between you and V. Hughes, I remain willing to work with you if you think the subpoena is improper for some other reason. Please let me know.

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer [REDACTED]

Thu, May 4, 2023 at 1:56 PM

To: Adam Tate <Adam@jbblaw.com>

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

That's agreeable to me, I will accept service by email.

If you would like to have another conversation about the other issues within the subpoena I am open to continuing that conversation.

What ever documentation you believe I have that is not either privileged, irrelevant or already accessible from the plaintiff, please let me know what that would be.

My hardline is producing my personal conversations. I am not the one on trial here, I find those requests to be unreasonable.

I have already started facing harassment from individuals who have been weaponized by Katherine, with claims that this lawsuit will "expose" me. It's important to understand that Katherine's decision to involve me in these legal proceedings has nothing to do with her defense and everything to do with her personal agenda.

It is imperative that your client be held accountable for their actions and expected to maintain a professional decorum in regard to this court and the legal process. This includes refraining from harassing or defaming any witnesses involved in the case.

Thank you.

On May 4, 2023, at 1:14 PM, Adam Tate <Adam@jbblaw.com> wrote:

[Quoted text hidden]

Chelsea Filer [REDACTED]

Mon, May 8, 2023 at 10:05 AM

To: Adam Tate <Adam@jbblaw.com>

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

I am sorry to be impatient with you, but I will need to receive a new subpoena by today in order to restart our negotiations. The due date to respond to the previous subpoena is today and I will not miss that deadline because we have spent two weeks discussing the terms of a new agreement.

I have requested specifically written confirmation that establishes our negotiations as voiding the previous subpoena, I have received no such assurances beyond discussing the possibility. Again, I cannot take the risk that Katherine is just running out the clock to send me into default. Please excuse my paranoia but it has happened before.

Can you at least confirm that these terms are agreeable and accurate?

Please provide me with written confirmation indicating your intent and our agreement to modify the scope and requests of the subpoena.

Please indicate if it is your understanding that these communications, akin to a meet and confer, constitute an agreement to drop the previous subpoena and prepare an amended subpoena to be served at a later date.

I will need written confirmation that this agreement stalls any deadlines for response, due dates for production of documents and effectively cancels the appearance date originally set for this deposition.

Thank you.

[Quoted text hidden]

Adam Tate <Adam@jbblaw.com>

Mon, May 8, 2023 at 10:10 AM

To: Chelsea Filer [REDACTED]

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

Chelsea,

You have agreed to accept service of the new subpoena via email. Subject to that understanding, you do not need to worry about the old subpoena. We will send you a new subpoena this week.

As we discussed, I currently have intention of changing the subpoena except to pick a date that is more convenient to you. I remain willing to modify the document requests if you have legitimate concerns – but the mediation privilege does not apply and I will definitely still be asking for communications with V. Hughes. The ball is in your court in that respect.

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer [REDACTED]

Mon, May 8, 2023 at 1:43 PM

To: Adam Tate <Adam@jbblaw.com>

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

Thank you for your confirmation, I do appreciate it.

As we did discuss already, I am concerned with the overly broad, burdensome and invasive requests for communications between myself, Jenna Bulis, Jen Robison and Martha Thompson. Are you willing to drop those requests? Our

conversations during the lawsuit would be protected by joint defense.

I understand that you will maintain the requests to produce communication with V. Hughes.

Here are my suggestions:

REQUESTS FOR PRODUCTION OF DOCUMENTS

~~REQUEST FOR PRODUCTION NO. 1:~~

~~Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO DEFENDANTS including, but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.~~

DENY: The request to produce my personal communications "relating to defendants" is objectionable on multiple grounds. Firstly, it is overly broad and unduly burdensome, encompassing a wide range of communications that may not be relevant to the present case. As I am not the party on trial, the requested evidence holds no direct relevance to the matter at hand. These private communications fall outside the purview of the defense's jurisdiction, and it is inappropriate for them to interfere with or gain access to these personal matters.

REQUEST FOR PRODUCTION NO. 2:

Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO initiating or defending lawsuits by or against DEFENDANTS including, but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.

DENY (Strike through): The communications referenced, involving myself, Jenna Bulis, Jennifer Walker, and Martha Thompson, are protected by the joint defense privilege. As co-defendants in the previous lawsuit against BCS, we shared a common attorney and legal strategy, which necessitated the exchange of privileged information. The communications were made in furtherance of our joint defense and to advance the goals of that defense. We assert that the privilege has not been waived in any manner.

It is crucial to note that Katherine McNamara and Jeremy Whitely were not named plaintiffs or defendants in the previous lawsuit, and therefore, no such communications would exist. As such, any request for communications involving them would be irrelevant and outside the scope of discovery.

OBJECTION: Any and all communications pertaining to the negotiation of a settlement in the case of BCS v Papciak, regardless of their finalization status, are protected under the rules of confidential mediation. The existence of a mutually agreed upon mediation clause, which is dated and documented, safeguards these communications from disclosure. Therefore, the requested documents are protected and should not be produced.

REQUEST FOR PRODUCTION NO. 3:

Please PRODUCE all DOCUMENTS signed by YOU under penalty of perjury in connection with the action entitled Breaking Code Silence v. Papciak, et al., CDCA Case No. 3:21-CV-00918.

AGREE: Attached is my declaration in support of our motion to dismiss. To the best of my knowledge. This is the only document I personally signed.

REQUEST FOR PRODUCTION NO. 4:

Please PRODUCE all DOCUMENTS and COMMUNICATIONS RELATED TO any settlement of the action entitled Breaking Code Silence v. Papciak, et al., CDCA Case No. 3:21-CV-00918 including, but not limited to, COMMUNICATIONS with BCS RELATED TO the payment of YOUR attorneys' fees.

OBJECTION: Any and all communications pertaining to the negotiation of a settlement in the case of BCS v Papciak, regardless of their finalization status, are protected under the rules of confidential mediation. The existence of a mutually agreed upon mediation clause, which is dated and documented, safeguards these communications from disclosure. Therefore, the requested documents are protected and should not be produced.

~~REQUEST FOR PRODUCTION NO. 5:~~

~~Please PRODUCE all DOCUMENTS which reflect or RELATE TO all settlement offers or agreements made or entered into RELATED TO the action entitled Breaking Code Silence v. Papciak, et al., CDCA Case No. 3:21-CV-00918 including, but not limited to, any offers or agreements for YOU to receive a portion of any funds collected in connection with any lawsuit filed against DEFENDANTS, Mary Appelgate, and/or Unsilenced.~~

DENY: No such documents exist. No settlement agreements were ever made or entered into related to either BCS v Papciak or BCS v McNamara.

REQUEST FOR PRODUCTION NO. 6:

Please PRODUCE all DOCUMENTS RELATED TO all assignments of intellectual property from YOU to BCS, and the reason(s) therefor.

AGREE: Attached - Assignment of Trademark, Chelsea Papciak Affidavit.

Reason Therefor: After Katherine McNamara deliberately abandoned our original trademark applications, I applied for a new trademark [Serial Number 97297850](#). This was while we were still in litigation. This assignment essentially dismisses that trademark application and settles the dispute of ownership.

REQUEST FOR PRODUCTION NO. 7:

~~**Please PRODUCE all DOCUMENTS RELATED TO all assignments of domains from YOU to BCS, and the reason(s) therefor.**~~

DENY: No such documents exist.

REQUEST FOR PRODUCTION NO. 8:

~~**Please PRODUCE all DOCUMENTS RELATED TO any agreements (written or oral) between YOU and BCS, and the reason(s) therefor.**~~

DENY: No such agreements exist.

REQUEST FOR PRODUCTION NO. 9:

Please PRODUCE all DOCUMENTS RELATED TO any agreements (written or oral) between YOU and Rise Justice Labs, and the reason(s) therefor.

AGREE: Attached - RISE Media Release agreement

[Quoted text hidden]

4 attachments

 **DeclPapciak_2926027677609172.pdf**
19262K

 **Copy of RJL Media Release_Chelsea Filer.pdf**
46K

 **AssignmentofTrademark.pdf**
256K

 **ChelseaPapciakAffidavitreBCSAccountsw_VerificationPage.pdf**
567K

Adam Tate <Adam@jbblaw.com>

Mon, May 8, 2023 at 1:55 PM

To: Chelsea Filer [REDACTED]

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>, "Helene P. Saller" <helene@jbblaw.com>

What are the nature of the communications between yourself Jenna Bulis, Jen Robison and Martha Thompson which relate to my clients? Given the significant overlap between the two cases, its hard to imagine that communications would not have relevance. To be clear, I would not expect communications to be produced if your attorney was involved as those are privileged.

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer [REDACTED]

Mon, May 8, 2023 at 3:29 PM

To: Adam Tate <Adam@jbblaw.com>

The two cases did not overlap. Martha, Jenna and myself were dismissed March 7th of 2022, if I am not mistaken, Katherine's lawsuit was filed March 28th 2022.

The nature of our PRIVATE and PERSONAL conversations are just that. Katherine has nothing to discover from our conversations that would even remotely assist her in a defense against hacking. This is a fishing expedition and totally inappropriate to request this. It is yet ANOTHER violation of my privacy and intrusion on my life. As I have told you, Katherine has spent the last 2 years terrorizing us. I will not allow her access to my private conversations. Whatever "gotcha" she is looking for here, doesn't exist and as someone who has absolutely no knowledge or involvement in this case I believe it to be yet another attempt to cause me undue stress that will undoubtedly lead to more harassment and defamation.

The nature of our PRIVATE and PERSONAL conversations are just that. The content of these conversations has no relevance to Katherine's defense against hacking allegations. It is evident that this request is nothing more than a fishing expedition, seeking to intrude on my privacy and violate the sanctity of my personal life.

I must emphasize that Katherine has been actively terrorizing us for the past two years, and I refuse to grant her access to my private conversations. There is no incriminating evidence or "gotcha" moment for her to discover because such evidence simply does not exist. As an individual with no knowledge or involvement in this case, I firmly believe that this request is an unwarranted invasion of privacy, lacks relevance to the case, and serves no purpose other than to cause harm and distress.

This is my hard line.

[Quoted text hidden]



Judgement for Dismissal.pdf

150K

Adam Tate <Adam@jbblaw.com>

Mon, May 8, 2023 at 3:52 PM

To: Chelsea Filer [REDACTED]

Chelsea,

I'm sorry if my email was unclear. There are factual similarities (i.e. overlap) between the two cases. In the case against you, BCS alleged that you and your co-defendants took over certain social media accounts and that BCS (and not you) was the owner of the breakincodesilence.net account. BCS is now alleging that my clients took over some of the very same social media accounts and BCS is also alleging that it (and not Ms. McNamara) is the owner of the breakincodesilence.org domain.

If you want to give me further explanation as to the nature of the communications, maybe I can narrow the subpoena down some, but a statement that the communications are private and personal isn't particularly helpful.

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer [REDACTED]

Mon, May 8, 2023 at 4:17 PM

To: Adam Tate <Adam@jbblaw.com>

What exactly are you looking for? You stated the facts of the two cases... How would our commentary on those facts be relevant to Katherine's defense? Maybe you can narrow it down for me and tell me what (if any) weight the opinions of third parties have on this case (or any legal case for that matter)?

The nature of our conversations would most likely encompass how many terrible, unethical, fucked up things Katherine has been doing to us for the last two years and the undue stress that it has caused us. None of which is even remotely related to your case and serves absolutely no purpose besides to violate our privacy.

We seriously do not care about her lawsuit and have no reason to talk about it. I would hope justice is served, but it doesn't matter if it is because nothing will stop her.

[Quoted text hidden]

Adam Tate <Adam@jbblaw.com>

Mon, May 8, 2023 at 4:27 PM

To: Chelsea Filer [REDACTED]

This is going nowhere. Per our agreement, we will be serving an amended subpoena for the 6th via email.

You are commanded by law to produce the documents specified in the subpoena. If you don't produce the documents, I will ask the Court to hold you in contempt.

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer [REDACTED]

Mon, May 8, 2023 at 5:53 PM

To: Adam Tate <Adam@jbblaw.com>, doj@jbblaw.com, william@jbblaw.com, Catherine Close <cac@jbblaw.com>

Please clarify the legal basis upon which you are requesting access to my personal conversations, simply on the assumption of the similarity of our defenses in separate cases. Is there a specific need for insights into our legal strategy? If so, I would like to inform you that all our motions, including the granted motion to dismiss, are readily available through public records.

In case you have glossed over my previous objection to the procurement of communications related to our case, I will quote for you:

OBJECTION: The communications referenced, involving myself, Jenna Bulis, Jennifer Walker, and Martha Thompson, are protected by the joint defense privilege. As co-defendants in the previous lawsuit against BCS, we shared a common attorney and legal strategy, which necessitated the exchange of privileged information. The communications were made in furtherance of our joint defense and to advance the goals of that defense. We assert that the privilege has not been waived in any manner.

Although I am not a party to the present case, I have diligently cooperated with your reasonable requests thus far. I have willingly provided all relevant documents within my possession and have expressed my opinions on the matter to facilitate the examination of my testimony. However, I have yet to receive a clear explanation regarding the purpose and necessity of intrusively reviewing two years' worth of unrelated personal conversations, simply "related to defendants" which is overly broad, burdensome, intrusive and unethical, as it would grant our stalker unrestricted access to our private lives. By allowing this access, you essentially provide our persistent tormentor with an excuse to continue their malicious endeavors aimed at disrupting my life, which has already gone on for far too long. My only objective here is to safeguard my personal privacy, as I am not withholding any information that is not already known or cannot be obtained through my oral testimony. I am prepared to file for a motion to quash and vehemently oppose this request for as long as it takes, likely surpassing the time it would take for you to produce all the requested discovery in your case. I urge you to re-evaluate whether the potential benefits of this endeavor truly outweigh the considerable costs involved, considering you will gain absolutely nothing from it.

It is your ethical and legal duty to reign in your client's unethical behavior and intent to harass witnesses in this case, failure to do so is a violation of the attorney's code of conduct. Should you choose to support this unethical violation, and furthermore issue threats to compel me to comply against my will, it would be wise to remember that there exist laws and established grievance processes available to address instances where attorneys, and their firm may be found in violation of ethical standards. I am prepared to assert and exercise my legal rights without hesitation.

[Quoted text hidden]

Adam Tate <Adam@jbblaw.com>

Mon, May 8, 2023 at 7:10 PM

To: Chelsea Filer [REDACTED], Dirk Julander <doj@jbblaw.com>, William Bollard <william@jbblaw.com>, Catherine Close <cac@jbblaw.com>

Ms. Filer,

I think this conversation could potentially go a lot better if you were to retain an attorney whom I could talk to. If you plan on retaining an attorney to help you file your threatened motion, please have them call me and maybe we can work something out.

I am going to give this one more try, but then I insist that we move on:

- I don't think that the joint defense privilege applies and I don't think you understand what it is.
- If you want to tell me what **specific** privacy concerns you have (i.e. I don't want my address disclosed or my bank account statements shown), I am happy to work with you. I am not looking for privileged communications such as communications between you and your attorney or you and your spouse.
- Likewise, if you contend that producing all of the communications that relate to my clients is really too burdensome, please tell me why and specifically tell me how many communications you would need to gather so that I can understand your claim.

[Quoted text hidden]

[Quoted text hidden]

Chelsea Filer

Mon, May 8, 2023 at 9:26 PM

To: Adam Tate <Adam@jbblaw.com>

Cc: Dirk Julander <doj@jbblaw.com>, William Bollard <william@jbblaw.com>, Catherine Close <cac@jbblaw.com>

This is becoming exhaustive. I have repeatedly answered these questions, however, in the last attempt to solve this issue I will clarify.

I don't think that the joint defense privilege applies and I don't think you understand what it is.

I disagree, I have already been advised by an attorney that it applies.

However, if you can prove that our joint defense does not comply and a judge orders to compel these conversations, I don't have a significant aversion to producing a reasonable amount of communications on this specific scope. Clearly we have nothing to hide here, as our case was made widely public.

If you want to tell me what specific privacy concerns you have (i.e. I don't want my address disclosed or my bank account statements shown), I am happy to work with you. I am not looking for privileged communications such as communications between you and your attorney or you and your spouse.

I have concerns that Katherine will obtain a considerable amount of private and personal information from my communications with my friends. Any conversations mentioning Katherine would mostly relate to the unethical actions and the trauma inflicted upon me by Katherine over the past two years, which is highly personal. If I am compelled to produce the entire record of all my conversations regarding Katherine, this would undoubtedly include many intimate details of my personal life, such as financial matters, my mental health, my relationship with my spouse, as well as information relating to my relationships with my friends and the broader community. This information also pertains to my friends and their personal lives, who are not even directly involved in the deposition process.

I must emphasize that Katherine has previously sued me and threatened to sue me a second time for defamation, using my private conversations with others as evidence. She has also exploited my private and personal information to defame and publicly embarrass me. Furthermore, she has used these private discussions as a means to manipulate other people who have significant mental health issues, into harassing both myself, my friends and my spouse. Given these circumstances, my primary objective is to safeguard this deeply personal information and prevent its unethical exploitation for the purpose of causing harm.

If the intent of these requests is to truly grasp the underlying cause of our animosity towards Katherine, I have already expressed my willingness to openly address this matter during my deposition. I struggle to discern what additional information could be gleaned from the requested personal conversations that would contribute to her defense. In fact, it is more likely that such information would be highly detrimental, as it would expose her deceitful actions in initiating the lawsuit, particularly considering her current adoption of our original ownership position. By providing the evidence, which will inevitably be shared with opposing counsel, it would only furnish them with potential ammunition against Katherine.

The fact that I have not been called upon by the plaintiff as a witness or requested to produce these documents should be regarded as a fortunate circumstance that favors your defense. I am inclined to believe that pursuing this may ultimately be counterproductive to your own interests.

Likewise, if you contend that producing all of the communications that relate to my clients is really too burdensome, please tell me why and specifically tell me how many communications you would need to gather so that I can understand your claim.

TWO YEARS of daily conversations. For the reasons stated above, I would not be comfortable providing the whole and entire record of those communications and I believe it would be extremely exploitative to compel me to do so. Even if we were able to narrow it down, it would be quite arduous to go through each thread and screenshot every time we talked about Katherine. It would be considerably burdensome because her harassment has persisted throughout these years with endless unethical actions and we have discussed them at length, including the deeply personal effects it has had on our lives. This process just seems extremely intrusive and unnecessarily exhaustive and I fail to see how any of it could be remotely relevant to Katherine's defense.

So, here is my final offer, If you would be willing to strike REQUEST FOR PRODUCTION NO. 1, I could be amenable to keeping REQUEST FOR PRODUCTION NO. 2.

~~REQUEST FOR PRODUCTION NO. 1:~~

~~Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO DEFENDANTS including, but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.~~

REQUEST FOR PRODUCTION NO. 2:

Please PRODUCE all COMMUNICATIONS with any other PERSON (except YOUR legal counsel) RELATING TO initiating or defending lawsuits by or against DEFENDANTS including, but not limited to, COMMUNICATIONS with, between and among, YOU, Vanessa Hughes, Jennifer Magill, BCS, Jenna Bulis, Jennifer Walker (a.k.a. Jen Robison), and/or Martha Thompson.

[Quoted text hidden]

Chelsea Filer

Mon, May 8, 2023 at 11:27 PM

To: Adam Tate <Adam@jbblaw.com>

Cc: Catherine Close <cac@jbblaw.com>

I must also add to this that our conversations would certainly include Jenna's custody case, as Katherine has interfered with that case, regularly talks to Jenna's ex, and publicly posts her court documents online.

Katherine has been extremely invasive in Jenna's life and I must protect her privacy as well.

On May 8, 2023, at 9:26 PM, Chelsea Filer wrote:

[Quoted text hidden]



Chelsea Filer [REDACTED]

Disclosures

3 messages

Chelsea Filer [REDACTED]

Wed, May 10, 2023 at 3:21 PM

To: Adam Tate <adam@jbblaw.com>

Hi Adam,

Would you be good enough to send me a copy of the CA F.R.C.P. 26(a)(1) Required Disclosures that you filed during the Discovery Conference in this matter?

I would get them off PACER myself, but as this case is clearly your top priority I'm sure you have the requisite Disclosures handy.

Further, I strongly suggest you revisit the issue of attorney-client privilege with your client. She has been distributing discovery documents and depositions to parties who have no interest in this litigation. That privilege extends to third parties and you are wholly liable.

I am in the process of responding to the RRPD's; as fair warning, should anything I produce be given to your client and allowed to leave your custody and control, I will go to the judge and request sanctions and payment of my legal fees. As you know, since you graduated "cum laude", Federal Rule of Evidence 502(a) is clear: once she discusses this case with ANY outside party, or distributes material gained through litigation, she breaks privilege.

Looking forward to receiving the Disclosures by end of business tomorrow.

Thanks so much,

Best,

Chelsea

--

Chelsea Filer*Graphic Design . Web Design . Photography*

Notice: This communication and the information contained within, along with any items attached as an enclosure are privileged and confidential. This communication is intended solely for the use of the individual(s) named above. If you are not one of the intended addresses or you believe you may have received this communication in error, you are hereby notified that any consideration, dissemination or duplication of this communication is strictly prohibited. In addition, you shall not print, copy, retransmit, disseminate or otherwise use this information in any form without first receiving specific written permission from the author of this communication. If you have received this communication in error, please reply to the sender indicating that fact and delete this message from your system immediately.

Adam Tate <Adam@jbblaw.com>

Wed, May 10, 2023 at 3:40 PM

To: Chelsea Filer [REDACTED]

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>

Ms. Filer,

I have frankly grown weary of your threats and your complete misunderstanding of how the law works. If you want to get an attorney, I would be happy to talk to him/her. Otherwise, I don't see a need to continue this dialogue and I will just see you at your deposition.

Best of luck,

Adam

[Quoted text hidden]

This electronic transmission, which is sent by a law firm, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC Secs. 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message and any attachments. Any unauthorized disclosure, copying, distribution, review or use of the contents of the information received in error is strictly prohibited.

Chelsea Filer [REDACTED]

Wed, May 10, 2023 at 5:25 PM

To: Adam Tate <Adam@jbblaw.com>

Cc: Catherine Close <cac@jbblaw.com>, Adam J Schwartz <adam@ajschwartzlaw.com>

Oh yes, You will see me.

May I remind you that YOU threatened me after I cooperated with you on several of your requests. Attached is my official answer to your Notice's Request for Production. I expect the subpoena to be updated reflecting the documents I have already produced and your "comprehension" that a majority of what is requested simply does not exist. I would prefer for this process to go swiftly, which would be in your clients best interest... However, since I am not on trial here, I have no issue taking whatever time is necessary to protect my rights.

You are not getting my COMMUNICATIONS without a fight, I can guarantee you that.

[Quoted text hidden]

4 attachments



Objections - REQUESTS FOR PRODUCTION OF DOCUMENTS.docx

16K



DeclPapciak_2926027677609172.pdf

19262K



AssignmentofTrademark.pdf

256K



ChelseaPapciakAffidavitreBCSAccountsw_VerificationPage.pdf

567K



Chelsea Filer [REDACTED]

New Subpoena

4 messages

Chelsea Filer [REDACTED]

Mon, May 15, 2023 at 12:12 PM

To: Adam Tate <adam@jbblaw.com>, Catherine Close <cac@jbblaw.com>

Adam,

I have not received the new Subpoena as we agreed upon moving the date to June 6, 2023. At this point my calendar is filling up, and even that date may not be available.

Given the nature of the requested discovery and the lack of potential material evidence that could be obtained, it may be in your best interest to cut your losses and vacate the Subpoena entirely. By doing so, you can avoid unnecessary expenditure of time, money, and resources, while sparing Katherine from any further embarrassment and the undermining of your defense.

It is indeed remarkable that you persist in pursuing this course of action, particularly in light of the fact that I was not named as a witness in your Rule 26(f) disclosures and your failure to properly conduct Electronically Stored Information (ESI) collection. As you may, *or may not* know, it is the responsibility of the moving party to adhere to the established standards outlined in Zubulake and the Sedona Principles when collecting ESI. Requesting such information through Discovery Requests is not permissible, as the Judge has already made clear.

Considering your attempts to usurp the Rules of the Federal Discovery Process have already resulted in a Stricken Motion from Judge Audero, I must question your confidence in holding a witness in contempt for failing to comply with an improperly requested, excessively broad, and burdensome document production demand, particularly when a substantial portion of the requested documents simply do not exist. Despite your client's propensity to concoct wild exaggerations, delusions, and conspiracy theories, my ability to conjure supporting evidence out of thin air is regrettably limited.

It would be prudent for you to promptly vacate the Subpoena if you possess any modicum of forethought for the potential consequences that await, which include not only highlighting the impropriety of counsel's actions but also exposing the extensive history and recurring pattern of despicable deeds committed by your client. Such circumstances could potentially lead to the imposition of sanctions, in addition to the possibility of filing a CrossClaim against your client, Katherine McNamara. Such a CrossClaim may encompass charges such as Harassment, Intentional Infliction of Emotional Distress, Intentional Interference with a Contractual Relationship, Negligent Interference with a Prospective Economic Advantage, Libel and Slander, among others.

It would be advisable for you to relay to your client the wisdom of adopting this course of action, given her series of regrettable choices that have embroiled her in three separate lawsuits and undoubtedly resulted in substantial financial losses. It is in her best interest to redirect her focus towards her own life and refrain from further interference in mine.

Best,

--

Chelsea Filer

Graphic Design . Web Design . Photography

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Adam Tate <Adam@jbblaw.com>

Mon, May 15, 2023 at 12:28 PM

To: Chelsea Filer [REDACTED], Catherine Close <cac@jbblaw.com>

Cc: "Helene P. Saller" <helene@jbblaw.com>

Ms. Filer,

Here is the new subpoena. I look forward to your deposition on the 6th. Please note that while the subpoena commands you to produce the documents to Array, it will speed things up if you also email them to me directly.

-Adam

[Quoted text hidden]

This electronic transmission, which is sent by a law firm, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC Secs. 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message and any attachments. Any unauthorized disclosure, copying, distribution, review or use of the contents of the information received in error is strictly prohibited.

 **Subpoena (final).pdf**
834K

Chelsea Filer [REDACTED]

Mon, May 22, 2023 at 9:39 AM

To: Adam Tate <Adam@jbblaw.com>

Cc: Catherine Close <cac@jbblaw.com>, "Helene P. Saller" <helene@jbblaw.com>

Hello Adam,

I apologize for the late response, as I had mentioned, I have had a legislative campaign to prioritize.

After looking over this subpoena I have just a few questions:

1. Is the date for this subpoena as indicated on the service cover letter of 5/9/2023 accurate? My records show that I received this subpoena via email on 5/15/2023 and then again via process service on 5/18/2023. Which date would be accurate to establish service of this new subpoena?
2. Was this new subpoena served upon the plaintiff as well? As it seems you have not narrowed your scope and instead nearly doubled your discovery requests, you must be serving these changes upon all parties before you can serve them on me.
3. Several of the requests, as I have indicated, either do not exist, are protected, or I have already provided them. All of these new requests are asking for information that is readily available to the defendant and/ or available via the public domain. I am again, perplexed as to the point of all of this and wonder if this is a set up simply to try to hold me in contempt when I inevitably cannot produce evidence that happens to be a figment of Katherine's imagination.

If you haven't already served BCS, I will need you to do so. You could also take that opportunity to correct the many errors in your new subpoena, that is if you want this deposition to happen. If we have to continue to argue to narrow the scope (not double down) we will only find ourselves back at this point again. You have the choice now to be reasonable, ask me for things that are actually relevant to your case, not my personal commentary on the "allegations". If you want information on the false allegations against us, ask Katherine. She was the one who made the allegations, and she only incorporated BCS so she could hide behind the org to sue us. We weren't involved in those conversations, her and the plaintiffs were.

Much, if not all of what has been requested should be requested from either the defendant or the plaintiff. If I have access to our personal conversations, so do they. You need to do your due diligence to get your discovery from those who are actually involved in this case.

If I have to dig all of this up, I will be submitting through TrustArray. I will provide full and complete records, years of chat logs that would need to be processed and redacted. Although these would be records easily attained by asking your client, I'll be happy to submit them to this (quite expensive) third party service.

So, unless you are willing to simply vacate this subpoena, I suggest you send another amended subpoena that is reasonable for me to respond to. And please remember to serve this upon the opposing party as well.

Chelsea

Subpoena (final).pdf

Done

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the
Central District of California

BREAKING CODE SILENCE

Plaintiff

v.

KATHERINE McNAMARA, et al.

Defendant

Civil Action No. 2:22-cv-02052-SB-MAA

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: CHELSEA PAPCIAK a.k.a. CHELSEA FILER: [REDACTED]

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: Via Video Conference (Zoom)
See Attachment 1 for link informationDate and Time:
06/06/2023 9:00 am

The deposition will be recorded by this method: Stenographically, Instant Display of Testimony, Video

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Attachment 2 for document requests, timing, and place of production.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/09/2023

CLERK OF COURT

OR

/s/ M. Adam Tate

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Katherine McNamara & Jeremy Whiteley | M. Adam Tate, who issues or requests this subpoena, are:
Julander, Brown & Bollard, 9110 Irvine Center Dr., Irvine, CA 92618 | Tel. (949) 477-2100 | email: adam@jbblaw.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 2:22-cv-02052-SB-MAA

On May 15, 2023, at 12:28 PM, Adam Tate <Adam@jbblaw.com> wrote:

[Quoted text hidden]
<Subpoena (final).pdf>

Adam Tate <Adam@jbblaw.com>

Wed, May 24, 2023 at 7:47 AM

To: Chelsea Filer [REDACTED]

Cc: Catherine Close <cac@jbblaw.com>, "Helene P. Saller" <helene@jbblaw.com>

Chelsea,

I reiterate my suggestion that you get an attorney who can guide you through this. Otherwise, all I will say that you are obligated to produce all of the documents the subpoena requests and to appear for your deposition. The failure to do so may lead to contempt charges.

Have a great day,

Adam

From: Chelsea Filer [REDACTED]

Sent: Monday, May 22, 2023 9:40 AM

To: Adam Tate <Adam@jbblaw.com>

Cc: Catherine Close <cac@jbblaw.com>; Helene P. Saller <helene@jbblaw.com>

Subject: Re: New Subpoena

Hello Adam,

I apologize for the late response, as I had mentioned, I have had a legislative campaign to prioritize.

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Chelsea