

Transcript of the Testimony of

Elizabeth McDougall

April 26, 2017

J.S. v. Village Voice Media Holdings LLC

*****Confidential -- Subject to Protective Order*****



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

J.S., et al.,)
)
) Plaintiffs,)
)
 vs.) No. 12-2-11362-4
)
 VILLAGE VOICE MEDIA HOLDINGS, LLC,)
 et al.,)
)
) Defendants.)
)

30(b)(6) VIDEOTAPED DEPOSITION OF ELIZABETH MCDUGALL

April 26, 2017

Seattle, Washington

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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**Elizabeth McDougall
April 26, 2017**

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1 EXAMINATION INDEX
2 EXAMINATION BY: PAGE NO.
3 MR. AMALA 7
4
5 EXHIBIT INDEX
6 EXHIBIT NO. DESCRIPTION PAGE NO.
7 Exhibit No. 1 10-page second amended no ice 8
8 of CR30(b)(6) video
9 deposition.
10 Exhibit No. 2 11-page "Letter of intent for 14
11 sale of membership interest
12 in Dartmoor Holdings, LLC and
13 financing of sale,"
14 App.000455-65.
15 Exhibit No. 3 Printout of documents 24
16 reflecting advertisements for
17 "Tasha," various Bates
18 numbers.
19 Exhibit No. 4 16 pages of documents 72
20 reflecting advertisements for
21 Plaintiff J.S., various Bates
22 numbers.
23 Exhibit No. 5 6 pages of documents 78
24 reflecting advertisements for
25 Plaintiff S.L., various Bates
numbers.
Exhibit No. 6 3-page e-mail, dated 6/22/07, 98
and attachment,
BP-PSI-2_00010848-50.
Exhibit No. 7 1-page e-mail from 100
Mr. Ferrer, dated 11/5/07,
BACKPAGE00025846.
Exhibit No. 8 1-page e-mail from 104
Mr. Ferrer, dated 11/6/07,
BACKPAGE00025824.

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1 APPEARANCES (CONTINUED)
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14 Also present: Joel Winter
15 Videographer, Byers & Anderson, Inc.
16 Court Reporters & Video
17
18
19
20
21
22
23
24
25

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1 EXHIBITS INDEX (CONTINUED)
2
3 Exhibit No. 9 3 pages of e-mails, 110
4 BACKPAGE00025819, 358, 935.
5 Exhibit No. 10 1-page e-mail from 117
6 Mr. Ferrer, dated 4/15/08,
7 BACKPAGE00025732.
8 Exhibit No. 11 3-page "Draft - for 120
9 discussion purposes only.
10 2009 CDA update, February 24,
11 2009."
12
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1 BE IT REMEMBERED that on Wednesday,
2 April 26, 2017, at 1201 Third Avenue, Suite 4900,
3 Seattle, Washington, at 9:33 a.m., before Terilynn
4 Simons, Certified Court Reporter, CCR, RMR, CRR, CLR,
5 appeared ELIZABETH MCDUGALL, the witness herein;
6 WHEREUPON, the following proceedings
7 were had, to wit:
8
9 <<<<<< >>>>>>
10
11 VIDEOGRAPHER: We are now on the
12 record. Please note that microphones are sensitive and
13 may pick up whispering and private conversations.
14 Please turn off all cell phones, and recording will
15 continue until all parties agree to go off the record.
16 My name is Joel Winter, videographer for Byers &
17 Anderson Court Reporters & Video, located at 600
18 University Street, Suite 2300, Seattle, Washington 98101.
19 Phone is 206-340-1316.
20 Today is April 26th, 2017, and the time is now 9:33
21 a.m.
22 This is the 30(b)(6) deposition of Elizabeth
23 McDougall representing Village Voice Media, being taken
24 on behalf of the plaintiff in the case of J.S., et al.,
25 versus Village Voice Media Holdings LLC. Cause number is

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1 12-2-11362-4.
2 This deposition is being held at Perkins Coie, 1201
3 Third Avenue, Suite 4900, Seattle, Washington 98101.
4 Will the attorneys present please identify
5 themselves for the record.
6 MR. SCHNEIDER: Harry Schneider and
7 Alisha Burgin on behalf of the corporate defendants.
8 MR. RYAN: Steve Ryan with McDermott
9 Will & Emery. I'm Ms. McDougall's lawyer.
10 MR. QUIGLEY: Daniel Quigley. I
11 represent Village Voice Media Group.
12 MR. AMALA: Jason Amala on behalf of
13 Plaintiffs.
14 MR. BAUER: Eric Bauer for Plaintiffs.
15 MR. DYER: Ryan Dyer for plaintiffs.
16 VIDEOGRAPHER: The court reporter
17 today is Terilynn Simons. Please swear in the witness.
18
19 ELIZABETH MCDUGALL, having been first duly sworn
20 by the Certified Court Reporter,
21 testified as follows:
22
23 EXAMINATION
24 BY MR. AMALA:
25 Q Can you please state and spell your full name for the

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1 record?
2 **A Elizabeth E-L-I-Z-A-B-E-T-H, McDougall,**
3 **M-C-D-O-U-G-A-L-L.**
4 **Mr. Amala, when the videographer introduced the**
5 **deposition, he said it was a 30(b)(6) of Village Voice**
6 **Media Holdings.**
7 **I believe the notice was to Village Voice Media**
8 **Holdings, Backpage.com LLC, and the third defendant.**
9 Q That's correct the second amended notice of CR 30(b)(6)
10 video deposition of Defendant Village Voice Media
11 Holdings LLC d/b/a Backpage.com, Backpage.com LLC, and
12 New Times Media LLC.
13 (Exhibit No. 1 marked
14 for identification.)
15
16 Q (By Mr. Amala) On that note, I am handing you what's
17 been marked as Exhibit No. 1.
18 Please take a moment to review Exhibit No. 1, and
19 let me know when you're finished.
20 **A Okay. Yes, I'm done.**
21 Q Do you recognize Exhibit No. 1?
22 **A I do.**
23 Q What is Exhibit No. 1?
24 **A It is a copy of the second amended notice of Civil Rule**
25 **30(b)(6) video deposition of the defendants in this case.**

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1 Q All right. And Ms. McDougall, do you understand that you
2 have been designated by the defendants in this case to
3 provide testimony today regarding the subjects that are
4 outlined in Exh bit No. 1, starting on Page 3?
5 **A Yes, subject to the objections.**
6 Q Do you know why you were designated by the defendants to
7 provide testimony regarding the subjects identified in
8 Exh bit No. 1?
9 MR. SCHNEIDER: I will object to the
10 form, insofar as it invites the witness to disclose
11 privileged communications.
12 THE WITNESS: To answer that would
13 require divulging attorney-client privileged information.
14 Q (By Mr. Amala) If you could, please turn to Subject 1 of
15 this 30(b)(6) deposition notice, and that's on Page 3.
16 **A Okay.**
17 Q The first subject in this deposition notice is, "The
18 'moderation' practices that have been used for
19 advertisements on WWW.Backpage.com since such practices
20 were first implemented until present."
21 Do you see that?
22 **A I do.**
23 Q There is a number of topics-- subtopics.
24 Do you see those?
25 **A Yes, many.**

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1 Q What did you do to prepare for today in order to testify
2 as to Subject No. 1?
3 **A I reviewed many, many, many documents, I drew on facts**
4 **that I know and learned, and I spoke to certain**
5 **individuals.**
6 Q Anything else?
7 **A Not that I can recall right now.**
8 Q You said that you are going to draw on facts that you
9 know or learned.
10 Can you tell me how you either know or learned of
11 those facts?
12 **A It depends on the particular fact.**
13 Q How about this:
14 You said that you spoke to certain individuals.
15 Who did you speak with?
16 MR. RYAN: You may identify counsel as
17 people you spoke to, but do not disclose any
18 communications with counsel.
19 THE WITNESS: I spoke with counsel for
20 the company that used to be New Times Media, I had
21 communications with my own counsel, and I had
22 communications with counsel for the company, and I had
23 communications with counsel for what was Village Voice
24 Media Holdings.
25 That's all I can recall at the moment.

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1 Q (By Mr. Amala) Can you identify those individuals by
2 name, please?
3 **A Some of them.**
4 **My counsel is Mr. Stephen Ryan.**
5 **The counsel for the Village Voice Media Holdings**
6 **entity that I referred to is Mr. Dan Quigley.**
7 **I don't remember the name of the counsel that**
8 **represents what was New Times or New Times Media.**
9 **Counsel for the Backpage.com entity, I spoke with**
10 **Mr. Harry Schneider, Ms. Alisha Burgin, Ms. Breena Roos.**
11 **That's all I can remember.**
12 Q Did you speak with any of the current management for
13 Backpage.com in order to prepare to testify today
14 regarding Subject 1?
15 **A No, I did not.**
16 Q Why not?
17 MR. SCHNEIDER: I will object to the
18 form, insofar as it invites the witness to disclose a
19 privileged communication from either her counsel or
20 Backpage's counsel.
21 THE WITNESS: I wanted to do so, but I
22 was not permitted to do so.
23 Q (By Mr. Amala) Are you also declining to give me a full
24 answer to that question because it would disclose
25 attorney-client privileged information?

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1 **A I meant to give you a full answer.**
2 **I'm sorry, what part of the answer is incomplete for**
3 **you?**
4 Q That's what I'm trying to understand, if that was a full
5 answer.
6 Who told you not to talk to management?
7 MR. RYAN: If you learned that from
8 counsel, you can't discuss it nor should you have.
9 THE WITNESS: Then I cannot answer
10 that question without disclosing privileged information.
11 Q (By Mr. Amala) Who is the current management of
12 Backpage.com?
13 **A The chief executive officer is Carl Ferrer, spelled**
14 **F-E-R-R-E-R.**
15 **There is a chief financial officer.**
16 **There is a chief operations officer.**
17 **There is a-- I don't remember if he's a chief**
18 **information officer or a chief technology officer. I**
19 **have never understood the distinction between the two.**
20 **There is a director of sales. I don't know his**
21 **official management title.**
22 Q How do you know that that's the current management of
23 Backpage.com?
24 **A By having been in the office with them and having seen**
25 **their names with those titles on nonprivileged documents.**

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1 Q Do you ever have management team meetings that include
2 yourself and those individuals that you just identified?
3 MR. SCHNEIDER: Object to the form of
4 the question with respect to what is meant by a
5 "management meeting."
6 THE WITNESS: No.
7 Q (By Mr. Amala) Who is the CFO?
8 **A [REDACTED]**
9 Q Who is the COO?
10 **A Andrew Padilla, P-A-D-I-L-L-A.**
11 Q Who is the CIO, slash, CTO?
12 **A [REDACTED] I believe the spelling is [REDACTED],**
13 **but I couldn't give you 100 percent on that.**
14 Q Who is the individual that's responsible for sales?
15 **A Dan Hyer, H-Y-E-R.**
16 Q You didn't include Jim Larkin or Michael Lacey in your
17 description of the current management of Backpage.com.
18 Why not?
19 **A Because they are not part of the current management of**
20 **Backpage.com.**
21 Q Do you understand that-- well, strike that.
22 Do you know if Jim Larkin retains any sort of
23 control over the operations of Backpage.com?
24 **A Not to my knowledge.**
25 Q Do you know if Michael Lacey still has any sort of

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1 control over the operation of Backpage.com?
2 **A Not to my knowledge.**
3 Q Are you familiar with the terms of the sale that took
4 place in 2015 of-- well, strike that.
5 (Exhibit No. 2 marked
6 for identification.)
7
8 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
9 been marked as Exhibit No. 2.
10 Do you recognize Exhibit No. 2?
11 **A I have never seen it before.**
12 Q Are you familiar with the terms of the sale that took
13 place in 2014 regarding Dartmoor Holdings LLC?
14 MR. SCHNEIDER: I will object to the
15 form of the question.
16 It's unclear to me whether you're asking her to
17 review Exhibit No. 2 to answer that question or if she
18 has independent knowledge.
19 If the latter, I would caution her to avoid
20 disclosing any information or advice that was exchanged
21 with her within the attorney-client relationship as
22 confidential and privileged information.
23 Q (By Mr. Amala) Since Counsel asked the question, just to
24 clarify, I want to know if you have any independent
25 knowledge regarding that sale.

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1 **A I appreciated that excellent objection, but the answer is**
2 **"no."**
3 Q In order to prepare for today's deposition, did you do
4 anything to understand or to learn whether or not Jim
5 Larkin or Michael Lacey continue to have any control over
6 Backpage.com?
7 MR. SCHNEIDER: Counsel, I am trying
8 to see where that is a subject of the deposition.
9 You may be able to point me to it.
10 MR. AMALA: I am going to go back in
11 time from present.
12 MR. SCHNEIDER: Pardon?
13 MR. AMALA: I said I am going to go
14 back in time from present.
15 MR. SCHNEIDER: With respect to terms
16 of sale through the dep date--
17 MR. AMALA: Who controls the company,
18 her knowledge-- she has to account for the institutional
19 knowledge of the company, so I'm starting with this
20 because this seems to suggest that as of-- after the
21 sale, they continued to have control of the company, and
22 so I want to find out if she knows whether or not they do
23 today, and then I'm going to work backwards to find out
24 whether she did anything to find out whether they had
25 control of the company at the time of the-- that these

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1 girls were advertised on the website.
2 THE WITNESS: I didn't understand that
3 to be a topic on which I had to be prepared.
4 MR. AMALA: That's fine.
5 MR. SCHNEIDER: I am looking at four
6 topics, and that would be moderation, Topic 1; procedures
7 for reviewing and moderating is Topic 2; ads is topic 3.
8 As I recall-- I guess there's no Topic No. 4, excuse
9 me.
10 THE WITNESS: There is Topic No. 4 as
11 well.
12 MR. SCHNEIDER: Okay. I'm sorry,
13 escort section ads, postings, compensation for ads,
14 posting rules, and content requirements.
15 I don't see anything about transactions involving
16 the companies you are now inquiring about.
17 MR. AMALA: I am allowed to probe what
18 she did to prepare for today as a 30(b)(6) witness--
19 MR. SCHNEIDER: Then I would ask you
20 to rephrase to accomplish that purpose.
21 MR. AMALA: That is what I am
22 accomplishing.
23 If she just says she didn't do anything to
24 understand that today, then that's the answer.
25 THE WITNESS: No, I said that I'm not

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1 familiar with the terms of the transaction.
2 You asked me if I was.
3 MR. RYAN: There is no question
4 pending.
5 MR. SCHNEIDER: Just wait.
6 THE WITNESS: Timeframe?
7 Q (By Mr. Amala) Do you know who the management-- strike
8 that.
9 Who was the management team of Backpage.com during
10 the time that the plaintiffs were advertised for sex on
11 the website?
12 MR. SCHNEIDER: Object to the form of
13 the question.
14 THE WITNESS: Carl Ferrer; Dan Hyer;
15 Andrew Padilla, although he might not have had an
16 official management title at that time.
17 Those are the individuals.
18 Q (By Mr. Amala) Do you know what role, if any-- strike
19 that.
20 Did Jim Larkin have any role with Backpage.com
21 during the time that these girls were advertised on the
22 website?
23 **A He was, I believe, the chief executive officer of Village**
24 **Voice Media Holdings, which was the parent company-- were**
25 **the owner of Backpage.com either business or website.**

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1 I'm not sure which it was at the time.
2 Q Did Michael Lacey have any role with Backpage.com during
3 the time that these three girls were advertised on the
4 website?
5 **A No official role.**
6 Q Did he have an unofficial role?
7 **A It's my understanding that he and Mr. Larkin owned the**
8 **parent company together.**
9 He was the editor in chief of the newspapers, so
10 almost everything he did was just on the print side.
11 Occasionally he would comment on something with
12 respect to Backpage.com, but that's all.
13 Q What position did Carl Ferrer have with Backpage.com
14 during the time that these girls were advertised on the
15 website?
16 **A I don't know if he held the official title of CEO, but he**
17 **was effectively CEO or president.**
18 His communications were often signed as site
19 founder.
20 Q What was Dan Hyer's position with Backpage.com at the
21 time that these girls were advertised on the website?
22 **A It is my understanding that he was the head of sales.**
23 I don't know that there was an official title.
24 Titles were not really important or used very
25 formally.

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1 Q Given you described Mr. Hyer's responsibilities as head
2 of sales, let me ask this:
3 What is your understanding of Carl Ferrer's
4 responsibilities during the time that these girls were
5 advertised on the website?
6 **A Carl had overall responsibility for all aspects of**
7 **Backpage.com.**
8 Q Andrew Padilla was another individual that you
9 identified.
10 What was his job title during the time that these
11 girls were advertised on the website and what were his
12 job responsibilities?
13 **A To the extent that he had any job title at that time, it**
14 **would have been operations manager, and he generally**
15 **oversaw the moderation efforts of the company.**
16 Q Did you speak with Carl Ferrer in order to prepare to
17 testify today regarding the subjects outlined in the
18 30(b)(6) notice?
19 MR. SCHNEIDER: Objection; asked and
20 answered, I believe.
21 You can answer.
22 THE WITNESS: I did not speak directly
23 with Carl Ferrer for that purpose.
24 Q (By Mr. Amala) Did you speak indirectly with Mr. Ferrer
25 for that purpose?

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1 **A No.**
2 Sorry, I should clarify, what I meant was that I
3 didn't speak-- I have spoken to Mr. Ferrer many times,
4 but I didn't have a conversation with him to prepare for
5 the 30(b)(6) deposition today.
6 Q Will you be drawing on your prior communications with
7 Mr. Ferrer in order to testify today regarding the
8 subjects of this 30(b)(6) notice?
9 MR. SCHNEIDER: Not if they're
10 privileged.
11 THE WITNESS: Yeah, I will be drawing
12 on facts that I know, and to the extent that they are
13 facts that were not learned in the course of a privilege
14 communication, I will share those, but I will not share
15 privileged communications.
16 Q (By Mr. Amala) Did you speak with Dan Hyer in order to
17 prepare to testify today regarding the subjects
18 identified in the 30(b)(6) notice?
19 **A No.**
20 Q Will you be-- well, strike that.
21 Will you be relying on communications that you've
22 had in the past with Mr. Hyer in order to testify today
23 regarding the subjects identified in the 30(b)(6) notice?
24 **A I doubt it.**
25 Q Why do you say that?

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1 **A Because the topics in the 30(b)(6) notice really don't**
2 **relate to his area of operations.**
3 Q Did you speak with Andrew Padilla in order to prepare for
4 today's deposition?
5 **A I did not speak with Andrew for purposes of preparing for**
6 **today's deposition.**
7 Q I should be more specific.
8 Did you speak with Andrew Padilla in order to
9 prepare to testify today regarding the subjects
10 identified in this 30(b)(6) deposition notice that is
11 Exhibit No. 1?
12 **A I did not speak personally with Andrew Padilla to prepare**
13 **to testify today on the subjects in this 30(b)(6)**
14 **deposition notice that is Exhibit No. 1.**
15 Q Are you going to be relying today on prior communications
16 that you've had with Andrew Padilla in order to testify
17 today regarding the subjects identified in the deposition
18 notice?
19 **A Only any nonprivileged communications or information.**
20 Q Did you speak with Jim Larkin to prepare to testify today
21 regarding the subjects identified in the 30(b)(6)
22 deposition notice?
23 **A No.**
24 Q Are you going to be relying today on prior communications
25 that you've had with Jim Larkin in order to testify today

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1 regarding the subjects identified in the deposition
2 notice?
3 **A Well, I can't say for sure until I've heard all your**
4 **questions, but I think it's highly unlikely.**
5 Q Why do you say that?
6 **A Because facts that I may have learned in a nonprivileged**
7 **context from Mr. Larkin are not within the scope of the**
8 **30(b)(6) notice.**
9 Q Did you speak with Michael Lacey in order to prepare to
10 testify today regarding the subjects identified in the
11 deposition notice that is Exhibit No. 1?
12 **A No.**
13 Q Are you going to be relying today on prior communications
14 that you've had with Michael Lacey in order to testify
15 regarding the subjects identified in the deposition
16 notice?
17 **A That's highly unlikely, given the scope of subjects**
18 **identified in the deposition notice.**
19 Q So that I have an understanding, as we go forward today,
20 you have mentioned a few times that you will disclose
21 facts that you've learned from the management team for
22 Backpage.com, but you won't disclose privileged
23 communications.
24 Help me understand how you're going to draw the line
25 between facts that you've learned and privileged

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1 communications that you've had with these individuals.
2 MR. SCHNEIDER: I will object to the
3 form of the question.
4 I don't think an analysis of the attorney-client
5 privilege is within the scope of the 30(b)(6) notice.
6 THE WITNESS: I should answer that
7 question, I would have to divulge attorney-client
8 privileged information and communications because I have
9 relied on my attorney for that advice.
10 Q (By Mr. Amala) Has Carl Ferrer ever told you that he was
11 concerned with the amount of sex trafficking that was
12 occurring on Backpage.com?
13 **A No.**
14 Q Have you ever discussed with Carl Ferrer whether or not
15 Backpage.com could be held civilly liable for sex
16 trafficking that occurs on the website?
17 MR. SCHNEIDER: Object to the form of
18 the question as inviting the witness perhaps to disclose
19 attorney-client privileged information regarding I think
20 what you call legal exposure or civil liability.
21 You are not to disclose any advice that you may have
22 given as an attorney for Backpage to Mr. Ferrer.
23 I also would object based on the fact that that
24 topic is not in the 30(b)(6) notice.
25 THE WITNESS: I'm sorry, Mr. Amala, I

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1 need a minute to consult with my counsel to see if I can
2 answer that question for you.
3 MR. AMALA: We'll take a break.
4 VIDEOGRAPHER: Going off the record,
5 the time is 10:05 a.m.
6 (Recess 10:05 to 10:14 a.m.)
7
8 VIDEOGRAPHER: Back on the record, the
9 time is 10:14 a.m.
10 MR. AMALA: Madam Court Reporter,
11 could you please read back the question?
12 (Question on Page 23, Line 14-
13 16 read by the reporter.)
14
15 MR. SCHNEIDER: Same objection.
16 THE WITNESS: I am glad to talk with
17 you about the company's position on that, but I cannot
18 talk to you about particular communications with Carl or
19 other members of the company without violating the
20 attorney-client privilege.
21 (Exhibit No. 3 marked
22 for identification.)
23
24 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
25 been marked as Exhibit No. 3.

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1 Please take a moment to review it, and let me know
2 when you're finished.
3 MR. RYAN: May I make a remark off the
4 record?
5 MR. AMALA: Sure.
6 MR. RYAN: If during the course of the
7 day--
8 COURT REPORTER: Hold on. Off the
9 record-- off the video record?
10 MR. AMALA: Yeah.
11 MR. RYAN: If you could make a
12 representation it is the same as yesterday's exhibit, if
13 she has thoroughly looked at it yesterday, it may speed
14 the time.
15 MR. AMALA: Sure, yes.
16 Go back on-- did we ever go off?
17 VIDEOGRAPHER: No.
18 MR. AMALA: Okay. We're fine.
19 Back on the record.
20 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
21 been marked as Exhibit No. 3, and I will represent to you
22 that this is the same set of documents regarding this
23 particular plaintiff that I gave to you yesterday.
24 **A Well, that certainly speeds things up.**
25 **In that case, yes, I have reviewed it.**

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Seattle/Tacoma, Washington**

1 MR. SCHNEIDER: Just to be clear,
2 Exhibit No. 3 to today's 30(b)(6) deposition is the same
3 as Exhibit No. 9 to Ms. McDougall's deposition yesterday?
4 MR. AMALA: That's correct.
5 MR. SCHNEIDER: Thank you.
6 Q (By Mr. Amala) Ms. McDougall, do you recognize Exhibit
7 No. 3?
8 **A I recognize it from yesterday.**
9 Q Do you understand that these are documents regarding
10 Plaintiff L.C. that the defendants produced in discovery
11 in this case?
12 **A Yes.**
13 Q What I would like to do is go through this exhibit and
14 ask you some questions about what we're seeing and how
15 some of the different functionality worked for
16 moderators.
17 From a kind of high level, what are we seeing in
18 Exhibit No. 3, in terms of the view, if that makes sense?
19 **A At least the first ad in Exhibit No. 3, which would**
20 **appear to be the first six pages of the exhibit, and then**
21 **certainly some of the subsequent ads, what I'm seeing is**
22 **atypical of what normally would be produced in response**
23 **to a law enforcement subpoena, and it's my understanding**
24 **that these documents were retrieved from our records,**
25 **that are the records of documents that we produced in**

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1 response to law enforcement subpoenas.
2 There are a number of things about this-- the first
3 ad, that is the first six pages, and some, if not all-- I
4 haven't checked all of the others, but at least some, if
5 not all, of the others.
6 I can answer your questions about this document, but
7 it is not a fair representation of the presentation of
8 advertisements on the website or documents that we
9 provided to law enforcement in response to subpoenas.
10 Q Okay. So first, I guess, help me understand, how was
11 this first ad, the first six pages of Exhibit No. 3, how
12 was this generated by Backpage?
13 If it's helpful, I understand there's some sort of
14 administrative tool that would allow Backpage to look at
15 ads, and that provided one perspective, versus the
16 perspective users on the site would see, so what I'm
17 trying to understand is how is this-- the first six pages
18 of Exhibit No. 3 generated?
19 **A I can't speak to the specifics of the first six pages of**
20 **Exhibit No. 3 because I wasn't there and I didn't do it.**
21 I can describe for you the processes by which the
22 company would normally generate information in response
23 to a law enforcement subpoena.
24 Q Please do.
25 **A There is a database that contains current and historic**

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1 ads, and when a subpoena request is received, we use the
2 information in the subpoena to run queries on the
3 database and retrieve any ads that are associated with--
4 let me, for example-- if law enforcement has given us an
5 e-mail address, we will retrieve any advertisements
6 associated with that e-mail address.
7 We will also then-- if there are other-- if that
8 e-mail address, which is how we define a user account,
9 leads to or the results lead to other ads, we will run
10 searches and produce those as well.
11 Then a search is also run on the database where
12 invoices are kept, to generate any invoice and financial
13 information related to not just the particular ad but the
14 user behind the particular ad.
15 Then if there is user information, we run a search
16 to identify and include any user information.
17 If the subpoena or the communications from law
18 enforcement that come with the subpoena or court order
19 indicate that investigation or the prosecution involves a
20 minor, then we would also take information gleaned from
21 the subpoena and from any of our search results, things
22 like phone numbers, e-mail addresses, images, and we
23 would run searches across the worldwide web and put
24 together a subsequent package of information for law
25 enforcement with further evidence that may be relevant to

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1 their investigation from other sources across the
2 Internet.
3 We would provide that in a follow-up response to law
4 enforcement.
5 Q Do you know if that information-- well, strike that.
6 If you look at the top of Exhibit No. 3, the first
7 page, there is a URL that says
8 <http://admin.washington.backpage.com/FemaleEscorts/cum>--
9 and then it continues on.
10 What does that reflect?
11 **A That is a partial web address or URL.**
12 Q Is that reflecting that this printout that we see in
13 Exhibit No. 3 or these printouts come from an
14 administrative tool for Backpage.com?
15 **A Probably.**
16 Q A number of times you said that you would query
17 information in order to produce what we see in Exhibit
18 No. 3, and that's what I'm trying to understand, what was
19 the process for querying that information?
20 **A We would take the information provided in the subpoena.**
21 The most accurate and useful information would be if
22 law enforcement was able to provide us with the ad ID
23 number and the city in which the ad was posted, and we
24 would enter that into the search function and press
25 "Enter."

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1 Q That's what I'm trying to understand.
2 When you say "enter it into the search function,"
3 what are you describing?
4 Was there a-- my understanding is there was some
5 sort of web-based form or tool where you could type in an
6 ad ID or an e-mail address, and then you would get back,
7 basically, a report or ad information.
8 That's what I'm trying to understand from you.
9 What was the actual user interface to run the
10 queries you are describing?
11 **A I haven't seen that.**
12 **I did not understand that to be part of the scope of**
13 **the 30(b)(6) topics.**
14 MR. SCHNEIDER: I will object to the
15 form as beyond the scope of the deposition.
16 Q (By Mr. Amala) In the upper right-hand corner on Page 1
17 of Exhibit No. 3, it says, "Report," colon, and then
18 there's what I will call the three buttons.
19 Do you see that?
20 **A I do.**
21 Q So one that appears in "Inappropriate content." The
22 second button is "Wrong category," and the third button,
23 I believe, is "Over posted."
24 Do you see that?
25 **A I do.**

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1 Q Can you tell me about what that is, what those buttons
2 are?
3 **A Those are tools for users to report to the company ads**
4 **that they think are, for some reason, in violation of our**
5 **terms of use or somehow inappropriate.**
6 **You see that there are three options they can report**
7 **as inappropriate content or an ad in the wrong category**
8 **or an ad that has been over posted and typically spam.**
9 **When they click one of those buttons, then the ad**
10 **would go to an employee of the company to review the ad**
11 **and make a determination.**
12 Q Okay. You said that these were tools for users of the
13 website.
14 The moderators that Backpage employed also could use
15 these same buttons, correct?
16 **A I mean, I suppose they could use those buttons, but the**
17 **moderators are presented with a particular interface for**
18 **doing their moderation work.**
19 Q Okay. Did that interface include the buttons that we see
20 here on the first page of Exhibit No. 3?
21 **A No, because these buttons would send the content to a**
22 **moderator for review.**
23 **If they clicked one of these buttons, it wouldn't**
24 **make any sense. It would just send the ad to a moderator**
25 **for review.**

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1 Q The upper left-hand corner of the first page of Exhibit
2 No. 3, it states, "This ad is not live. Status: Removed
3 by me."
4 Do you see that?
5 **A I do.**
6 Q What is that reflecting?
7 **A That the ad-- it says, "This ad is not live."**
8 **That means that it is not available for public view.**
9 **"Status: removed by me" means that it was removed**
10 **from live status by the user.**
11 Q Which user?
12 **A The user that controlled the account from which the ad**
13 **was posted.**
14 Q So are you testifying that Shadina Rice removed this ad
15 from Backpage.com?
16 **A I can't testify to that. I wasn't there.**
17 **The-- what I can tell you is whomever was**
18 **controlling the account under the e-mail address**
19 **[REDACTED], someone using that e-mail address**
20 **was the one who removed this ad at some time.**
21 Q If someone at Backpage.com had removed this ad, how would
22 we know that or could we know that?
23 **A The status would say, "Community removed."**
24 Q If you go down a little bit under the date and time of
25 this ad that we see in Page 1 of Exhibit No. 3, it says,

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1 "Whitelisted, yes."
2 Do you see that?
3 **A I do.**
4 Q What does that indicate?
5 **A "Whitelisted" was a term that was used early on, I think**
6 **particularly pre-2010, to indicate that the ad had not**
7 **been identified as a risk for spam or fraud, credit card**
8 **fraud in particular.**
9 Q How was that determination--
10 **A How was it determined whether they were-- whether it was**
11 **a fraudulent ad or a spam ad?**
12 Q Yeah-- correct.
13 **A Well, spam was identified when the same ad was posted**
14 **repeatedly, and that's something that users might**
15 **complain about or that moderators might identify.**
16 **In terms of fraud, credit card fraud, we would learn**
17 **that through a variety of ways, if credit cards were**
18 **rejected, but I did not explore the details and the facts**
19 **of that for purposes of this deposition.**
20 **I didn't understand it to be within the-- the fraud**
21 **systems to be within the topics.**
22 MR. SCHNEIDER: I will object to the
23 scope.
24 Q (By Mr. Amala) If an advertisement was whitelisted,
25 would that have an impact on whether or not the ad was

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1 subjected to either the automatic filter or the manual
2 review by moderators?
3 **A No.**
4 **Q** A little further down on Page 1 of Exhibit No. 3, there's
5 three lines that appear to be some of the posting rules,
6 "Do not post obscene images," "Do not post content which
7 advertises an illegal service," and "Postings not
8 complying with the terms of use are subject to removal."
9 Do you see that?
10 **A I do.**
11 **Q** Why do we see that in Exhibit No. 3 on this first page?
12 **A That is part of the reason why I said that this is a very**
13 **atypical view or example of how-- of what our records and**
14 **our documents-- records in response to subpoenas would**
15 **normally look like.**
16 **Those lines are from part of the-- what I think**
17 **you've referred to as the content requirements, the**
18 **instructions that would appear in the first step of the**
19 **posting process, and they do not-- they do not appear in**
20 **ads.**
21 **The only way that they would appear in an ad in this**
22 **way is if for some reason the user copied and pasted--**
23 **this is-- here I am speculating, to a degree, but the**
24 **user copied and pasted the text from the content**
25 **requirements in the user interface into the text box of**

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1 **the-- for the creation of the ad.**
2 **I don't know why they would do that.**
3 **It also appears that the following line, "Hello, my**
4 **name is," and then the images, may have derived from**
5 **somewhere else.**
6 **The box around the letters in "Hello, my name is,"**
7 **is not-- that is not typical, and I'm not even sure that**
8 **that-- the functionality to present text in that form is**
9 **available on our site.**
10 **Then the presentation of the images is also atypical**
11 **and looks like it's come from some other technical**
12 **application or software or website, and in particular you**
13 **will see that this ad references MySpace layouts, and**
14 **"MySpace" a number of times.**
15 **I haven't compared this to MySpace formats from**
16 **2010, but this ad looks like they took an ad or parts of**
17 **an ad from MySpace and tried to just repurpose them into**
18 **a Backpage ad.**
19 **Q** If you look on Page 5 of Exhibit No. 3--
20 **A Yes, I'm there.**
21 **Q** Well, actually, let me back up.
22 Can you tell us what portions of the first six pages
23 of Exhibit No. 3 would have appeared to consumers of the
24 Backpage.com website?
25 I am trying to distinguish between the view that the

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1 poster might have or administrative people might have and
2 trying to understand if you were a consumer of the
3 website and came and looked at the ads, what would you
4 actually see out of the first six pages of Exhibit No. 3?
5 **A Thanks. I think I understand the question.**
6 MR. SCHNEIDER: And "poster," you mean
7 the individual that posted the ad?
8 MR. AMALA: Correct.
9 THE WITNESS: Actually, I'm sorry,
10 reading your question again, you said you are trying to
11 distinguish between the view that the poster might have
12 had, the admin people, or the consumer, and those are
13 three different things.
14 Did you want me to answer what the poster-- the user
15 posting the ad would see or someone coming to the website
16 to view ads would see?
17 MR. AMALA: The latter.
18 MR. SCHNEIDER: I will object to the
19 form, to conform my objection to the witness's request
20 for clarification.
21 **Q** (By Mr. Amala) I will clarify by stating that I'm asking
22 for the latter.
23 **A With respect to this particular ad, I cannot answer that**
24 **question because this is-- because this is just so-- the**
25 **presentation is so abnormal, I don't know, you know, what**

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1 **they did or how they did it.**
2 **I really-- I cannot distinguish what part of this**
3 **may or may not have been available to a user viewing the**
4 **site.**
5 **Sorry.**
6 **Q** Are you able to tell us what the user who posted this ad
7 would have seen?
8 **A No. No, this is--**
9 **Q** Are you able to tell us what a moderator would have seen?
10 **A With respect to this particular ad, sorry, but I don't**
11 **think I can.**
12 **Q** We'll look at a few other examples that may be more
13 typical.
14 MR. SCHNEIDER: To be clear, I think
15 the witness is responding to Exhibit No. 3.
16 MR. AMALA: Correct.
17 THE WITNESS: Yeah, the first six
18 pages of Exhibit No. 3.
19 **Q** (By Mr. Amala) Ms. McDougall, if you turn to Page 5 of
20 Exhibit No. 3--
21 **A Yes.**
22 **Q** The bottom of the page there's a box that says,
23 "Administrative data."
24 Do you see that?
25 **A Yes, I do.**

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1 MR. SCHNEIDER: This is production
2 Page 1959?
3 MR. AMALA: Correct.
4 Q (By Mr. Amala) Can you walk us through what this
5 information is that we see in the "Administrative data"
6 box?
7 A Okay. The first line says, "Administrative data,"
8 explaining that that's what follows in the box below.
9 "Partner," where it says, "Seattle," that's just a
10 reference to what geographic area the ad was related to.
11 "Ad type: online ad," that simply refers to this--
12 it's really a historic reference. It refers to the fact
13 that this was an ad posted online only. There was no
14 print ad.
15 Was it a paid-- it says, "Paid ad," and it says,
16 "Yes." In fact, all ads in the adult category were paid
17 prior to July 2015.
18 Ad price was \$3.
19 Whitelisted, it says, "Yes," and I explained what
20 "whitelisted" meant before.
21 "Violations: Inappropriate content, or over posted,"
22 that indicated that a user marked this ad as
23 inappropriate content or over posted, so it would have
24 gone to an employee for review.
25 The next line, "View all ads by this user on this

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1 site (32)," that's a link that would have allowed a
2 moderation employee or a Backpage person, who was
3 authorized to access the admin data, to see all of the
4 ads posted by this particular user; the user, again,
5 being identified by the e-mail address.
6 "32" indicates that there were 32 other ads that
7 were posted by this user at this time.
8 "View account" you would click on to see the user
9 account information.
10 Moving to the next column, "Name: Shadina Rice,"
11 that is whatever name the user who posted the ad chose to
12 enter. Sometimes those names are accurate. Sometimes
13 they're not.
14 "Phone: unknown," people can enter their phone
15 number there. Here it was not entered.
16 "E-mail" is the e-mail address that was used to
17 access the site and to post this particular ad.
18 It says, "Spam" next to that with plus signs on
19 either side. If there's a concern that this user is
20 engaged in spamming the site or a category, the employee
21 can click that button to mark it as a potential spam.
22 "Created" is the date that the ad was first created,
23 so that doesn't reflect, necessarily, the date that the
24 ad you're seeing was displayed on the website. It was
25 just when it was actually first created by the user.

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1 "Country," this is just an ad in the United States,
2 so it says, "Unknown."
3 Under "Settings," this relates to-- primarily to the
4 financial information.
5 "Bypass fraud alerts," meaning that there is not a
6 fraud concern with respect to this user, and "Has
7 account" indicates that the user has an account, they're
8 not just a one-off poster.
9 "Ad analysis: Language - en-us" means that you speak
10 English, you speak American English, not the Queen's
11 English.
12 MR. SCHNEIDER: The record should
13 reflect, I believe, that the witness has moved from
14 production Page 1959 to 1960.
15 THE WITNESS: Thank you.
16 Then going back to the column in the left on the top
17 of the box, "View credit card strings," you can-- if you
18 clicked on that button, if there was credit card
19 information available, you would be able to see it there.
20 "Edit this Ad (Backpage form)" means that the
21 Backpage employee, if they click that, they would see the
22 ad in the form that the user saw the ad, and they could
23 make changes to the ad. They could edit it in that
24 format.
25 The next line that says-- also says, "Edit this ad,"

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1 but without a capitalized letter "A" in "ad," "(object
2 editor)" means that the employee would view the ad from
3 the administrator perspective and could also edit the ad
4 in that format.
5 "Delete this ad" is pretty self-explanatory. If you
6 click that, the ad is deleted and no longer available for
7 public view on the website.
8 Next to it you'll see in square bracket, "Global
9 delete." If you click "Global delete," it will delete
10 all ads posted by that user.
11 The next line is, "Edit or delete this user," and in
12 the parens it says, "(local)."
13 If you click that, you will-- you have the option to
14 edit information about the user or delete the user from
15 the service.
16 "Bypass moderation (central settings)," if you click
17 "Bypass moderation," you can set an ad to not have to go
18 through the moderation process again.
19 Below that there's a caption, "Invoices for this
20 ad," and you will see for this particular ad it's a
21 history of the payments and the amount that was paid and
22 on what date for posting that particular ad.
23 Moving to the column on the right in the admin box,
24 "IP," that's the IP address when the ad was first created
25 and posted.

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1 It does not regenerate with repostings of the ad.
2 "Global score" and "Local score," as I sit here
3 right now, I can't remember what those mean or whether
4 they're even used or were in use in 2010.
5 MR. SCHNEIDER: Could I have the
6 answer read back, please?
7 Just kidding.
8 More seriously, we will take a morning recess. We
9 have been going almost two hours, and I think the witness
10 is entitled to be free of all lawyers in the room, not
11 just you guys, for a few minutes before we complete the
12 morning session.
13 Is now a good time?
14 MR. AMALA: Sure.
15 MR. SCHNEIDER: Then maybe we'll come
16 back at-- well, 11 or 11:05 and go to the noon hour.
17 MR. AMALA: Sounds good.
18 VIDEOGRAPHER: Going off the record,
19 is time is 10:50 a.m.
20 (Recess 10:50 to 11:11 a.m.)
21
22 VIDEOGRAPHER: Back on the record, the
23 time is 11:11 a.m.
24 Q (By Mr. Amala) Ms. McDougall, if you look at Page 5 of
25 Exhibit No. 3, you said that the price of this ad was \$3.

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1 Is that correct?
2 **A I don't have Exhibit No. 3.**
3 **Thank you.**
4 **Yeah, in the administrative data box it says, "Ad**
5 **price: \$3."**
6 Q Who received that \$3?
7 **A In 2010-- I don't know, as I sit here, whether that was**
8 **Backpage.com LLC or Village Voice Media Holdings LLC.**
9 Q It would have been one of the two?
10 **A That's my understanding.**
11 **Again, I don't remember financial information being**
12 **on the 30(b)(6) notice.**
13 MR. SCHNEIDER: Just to be clear, I
14 think that the closest it gets is Paragraph No. 8, which
15 asks about consideration or material benefit you
16 received.
17 I think "you" is defined as any of the defendants,
18 so I think your answer is responsive, the answer you've
19 already given.
20 Q (By Mr. Amala) Next to "Violations," it states,
21 "Inappropriate content" and "Over posted."
22 Do you see that?
23 **A I do.**
24 Q Could a moderator have flagged this ad as having
25 inappropriate content or being over posted?

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1 **A I think we discussed this before.**
2 **Those would be reflections of users clicking on**
3 **those buttons in the ad.**
4 Q So is it your testimony that a moderator could not have
5 flagged this ad for inappropriate content or being over
6 posted?
7 **A No, my testimony is that in this line, this "Violations"**
8 **line, when it says, "Inappropriate content" or "Over**
9 **posted," that is a reflection of buttons that were**
10 **clicked on the ad by users.**
11 **Moderators had-- they had methods of identifying**
12 **content as inappropriate or over posted, among many other**
13 **things, but that's not what is indicated in this line.**
14 Q How do you know that?
15 **A I'm sorry?**
16 Q How do you know that?
17 **A Because that's how the system works.**
18 Q Okay. So if a moderator had flagged this ad as
19 containing inappropriate content, where would that be
20 reflected?
21 MR. SCHNEIDER: Where would that be
22 reflected on what's been marked as Exhibit No. 3 or
23 otherwise?
24 MR. AMALA: Either.
25 THE WITNESS: Again, this first six

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1 pages of Exhibit No. 3 that we are looking at is atypical
2 for the format of an ad, so it's-- I have to caveat any
3 response because this is strange, but one of the ways you
4 would know is if you look on the first page under
5 "Status," if it said, "Community removed," that would
6 mean that a moderator had removed the ad for
7 inappropriate content or other violations of the terms of
8 use or rules and guidelines.
9 There are other-- well, strike that.
10 I think that answers your question.
11 Q (By Mr. Amala) If a moderator had flagged this ad as
12 containing inappropriate content, but then allowed the ad
13 to be posted, where would that be reflected?
14 **A I don't think-- I think your question misunderstands the**
15 **process.**
16 **You say that "If a moderator had flagged an ad as**
17 **containing inappropriate content"-- moderators didn't**
18 **flag ads.**
19 **They took actions on an ad, and if this ad had**
20 **inappropriate content, depending on what the**
21 **inappropriate content was, they would take a particular**
22 **action.**
23 **In particular-- sorry, it's a lot of "particulars."**
24 **If the-- if it was content that violated the terms**
25 **of use in a situation where it was potentially suggestive**

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1 **of sex for money, you would see "Community removed"**
2 **because the ad would be removed.**
3 Q The moderator also could have seen language suggesting
4 that this was an ad for sex for money and edited the
5 content that suggested it was an ad for sex for money,
6 correct, and then posted the remainder, correct?
7 MR. SCHNEIDER: Object to the form of
8 the question as a hypothetical.
9 THE WITNESS: A moderator had a
10 technical ability to edit the content of the ad for any
11 reason that the moderator deemed appropriate and pursuant
12 to the rules that they were required to follow.
13 Q (By Mr. Amala) And one of those rules that they were
14 required to follow allowed them to remove text that was
15 suggestive of sex for money and then post the remainder,
16 correct?
17 **A No.**
18 Q What's the basis for that testimony?
19 **A There was a brief period of time when moderators were**
20 **permitted to remove terms that were deemed inappropriate**
21 **or objectionable by the company, beginning in, I believe,**
22 **July 2009, although I'm not certain about that date, that**
23 **included-- you know, I'm not sure about that date. I**
24 **would have to check that.**
25 **That included adult-related terms, so they could**

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1 **remove a term that referred to a sex act, but the**
2 **inclusion of a term that reflects a sex act does not**
3 **necessarily mean that it is a request for sex for money.**
4 Q So a moderator could have removed terms in this
5 advertisement that reflected a sex act and then posted
6 the rest, correct?
7 **A I believe so, but, again, I'm struggling because this ad**
8 **is such an anomaly.**
9 **Asking questions about this ad, it makes it**
10 **difficult to answer, but there was a period of time when**
11 **moderators could delete a term from an ad and allow the**
12 **rest of the ad to be posted.**
13 Q And that period of time included the period of time that
14 these girls were advertised on the website, correct?
15 **A I'm sorry, I have a lot of dates in my head from**
16 **preparing for this deposition.**
17 **My recollection, as I sit here right now, is that**
18 **the removal-- the manual removal of adult terms did not**
19 **commence until late September 2010.**
20 Q So it's your testimony today that Backpage.com was not
21 manually removing terms from ads and then posting the
22 rest until late September 2010?
23 **A That's my best recollection at this moment, but I'm**
24 **having difficulty remembering specifically.**
25 Q Andrew Padilla was responsible for the moderation efforts

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1 during the time that these girls were advertised for sex
2 on the website, correct?
3 MR. SCHNEIDER: I will object to the
4 form of the question as vague as to whether it means that
5 Mr. Padilla was the sole person conducting such
6 moderation or whether he had some other role in
7 moderation efforts by other people.
8 THE WITNESS: Andrew Padilla had
9 primary responsibility for the company's moderation
10 efforts at that time.
11 Q (By Mr. Amala) In order to prepare to testify today, did
12 you ask Andrew Padilla whether or not the moderators,
13 during the time that these girls were advertised on the
14 website, could have edited the ads and then posted the
15 remainder?
16 **A No.**
17 Q Did you ask anyone with the company whether or not the
18 moderators had the ability to remove terms from the
19 advertisements of these girls before they were posted on
20 the website, in order to prepare for today's deposition?
21 MR. RYAN: If you relied on privileged
22 information or communications, you need to invoke the
23 privilege, but if you did not, then you can answer.
24 THE WITNESS: In that case, I need to
25 invoke the attorney-client privilege.

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1 Q (By Mr. Amala) During the time that these girls were
2 advertised on the website Backpage.com, the website had
3 an automatic filter that was removing terms before the
4 ads were reviewed by moderators, correct?
5 **A Yes.**
6 Q And a number of those terms were terms that the company
7 had identified as terms that may indicate the ad was sex
8 for money, correct?
9 **A No.**
10 Q A number of those terms included sex acts, correct?
11 **A Sorry?**
12 Q A number of those terms included sex acts, correct?
13 **A Some of them did, yes.**
14 Q Am I correct that-- strike that.
15 Am I correct that it's the company's position that
16 the automatic filter was intended, in part, to prevent
17 sex trafficking?
18 **A Yes.**
19 Q Then if the automatic filter was at least in part
20 supposed to prevent sex trafficking, were any of the
21 terms that were being removed by the automatic filter
22 terms that prevented sex trafficking?
23 MR. SCHNEIDER: Object to the form of
24 the question.
25 THE WITNESS: I'm unaware of any

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1 specific term that reflects sex trafficking.
2 Q (By Mr. Amala) So tell me, how did the automatic filter
3 help to prevent sex trafficking if you are not aware of
4 any terms that the automatic filter used to address sex
5 trafficking?
6 **A There is no certainty with any particular term.**
7 **We used the automated filter as an efficient method**
8 **to try to remove content that could potentially involve**
9 **sex for money or sex trafficking or, in particular, the**
10 **sex trafficking of minors.**
11 Q Was that also true with regard to the manual moderating
12 that was done on these ads?
13 **A Yes.**
14 Q How does it help to prevent sex trafficking if a website
15 has an automatic filter that removes terms that may
16 reflect an ad is for sex trafficking?
17 **A The way the filter operated, the ad would be posted.**
18 **After about five minutes, the objectionable term**
19 **would be removed.**
20 **The presumption was the user would think they had**
21 **made some kind of mistake, they would go back, add the**
22 **term again.**
23 **After five minutes, the term would be removed again,**
24 **and the intention was to-- to frustrate the user so that**
25 **they would stop posting.**

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1 **Also, with the term removed from the text, the goal**
2 **was to-- one of the goals was to render the ad**
3 **meaningless, essentially, something that a user reading**
4 **it would not respond to because they had no understanding**
5 **of what it was trying to advertise.**
6 Q Okay. So let's use the example of an ad that said, "Come
7 have a sensual time with Jenny. Amber Alert! Amber
8 Alert!"
9 If the automatic filter removed the terms "Amber
10 Alert! Amber Alert!" how does that help to prevent sex
11 trafficking of a minor?
12 MR. RYAN: Objection. It calls for a
13 hypothetical.
14 MR. SCHNEIDER: I will object to the
15 form.
16 MR. RYAN: There is no foundation that
17 "Amber" was removed.
18 In other words, if you want to build a foundation
19 for that, please do, but otherwise there's pieces of it
20 that she has to disassemble in the process.
21 THE WITNESS: "Amber Alert" was a term
22 that was being used in the experience of our moderators
23 not to indicate a minor. It was being used to-- as kind
24 of a promotion or solicitation tactic that we found
25 distasteful.

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1 Q (By Mr. Amala) Why?
2 **A Because an Amber Alert indicates the abduction of a**
3 **child, which is an incredibly serious matter, and to use**
4 **it for purposes of advertising anything or to gain**
5 **attention for anything, other than looking for the child**
6 **who has been abducted, is distasteful and objectionable**
7 **to us as a company.**
8 Q Who told you that the purpose of adding "Amber Alert"--
9 well, strike that.
10 Who told you that was the purpose of removing the
11 term "Amber Alert"?
12 **A I read it in a document.**
13 Q Documents that have been produced in discovery in this
14 case?
15 **A Yes, I believe so.**
16 Q How about "Lolita"?
17 You understand that Mr. Ferrer asked that the term
18 "Lolita" be added to the list of the terms that would be
19 stripped from ads because it indicated that the ad was
20 for sex with a minor, correct?
21 MR. SCHNEIDER: You can answer that
22 question if you are aware of such information based on a
23 document that's been produced or outside any sort of
24 privileged communication.
25 THE WITNESS: I don't recall whether

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1 it was Mr. Ferrer.
2 I do recall a document that suggested that "Lolita"
3 should be added to the term-- the list of terms for some
4 kind of filtering action, and keep in mind there were
5 actions that could be taken other than stripping out the
6 term.
7 The filter could also trigger banning ads entirely,
8 et cetera.
9 It was suggested that Lolita should be added
10 because, again, it appeared to be a solicitation for
11 something that we found more than just distasteful or
12 objectionable, but someone using the notion of sex with a
13 minor to try to attract-- to try to attract someone to
14 respond to their ad.
15 It was not because we believed that the ad was an ad
16 for sex with a minor.
17 Q (By Mr. Amala) Okay. Then why don't we do this:
18 Why don't you tell me all of the terms in 2010--
19 during the time these girls were being advertised on the
20 website, tell me all the terms that the company did use
21 on the stripped terms list that were intended to prevent
22 sex trafficking of minors.
23 MR. SCHNEIDER: I will object to the
24 form of the question.
25 The witness can answer if she has in mind any of the

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1 terms, but this isn't a memory contest, and there are
2 documents produced, which could be made available as an
3 exhibit, which would contain a much longer list of such
4 terms than I think any witness could memorize.
5 THE WITNESS: I believe, as you know
6 from the production of documents, that the list that we
7 have of filter terms is not from that timeframe, so I
8 have no records to refer to, to know what terms were or
9 were not on the list between June and the end of
10 September 2010.
11 Q (By Mr. Amala) In order to prepare for today's
12 deposition, did you ask anyone from the company what
13 terms were used during the time that these girls were
14 advertised on the website, to try to prevent children
15 from being drafted for sex?
16 MR. SCHNEIDER: Objection to the form
17 of the question.
18 MR. RYAN: To the extent it calls for
19 privileged information, you have to assert the privilege
20 if you have information in that category.
21 THE WITNESS: No, I did not ask that
22 question because, as I've indicated, terms were added for
23 multiple reasons, and a term like the "Lolita" example
24 you have given, may be used to try to prevent the sex
25 trafficking of minors.

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1 If you take the word "Lolita" out, then someone
2 seeking sex with a minor is not going to respond to that
3 ad because there's no indication of sex with a minor.
4 Furthermore, those same terms may be used and
5 frequently-- maybe not frequently, but are used in
6 solicitations that don't involve minors, and we find that
7 objectionable and unacceptable.
8 Q (By Mr. Amala) Help me understand how taking out the
9 term "Lolita" from an ad for sex helps to prevent sex
10 trafficking.
11 MR. RYAN: It has been asked and
12 answered several times now.
13 MR. SCHNEIDER: I will object to the
14 term.
15 Q (By Mr. Amala) No, because at first you said that the
16 term "Lolita" wasn't intended to prevent children from
17 being drafted for sex, and now you have come back and
18 said, "Well, maybe that is one of the reasons that
19 'Lolita' was taken out."
20 I am trying to understand which it is, and if it's
21 both, then how does it help prevent sex trafficking of
22 minors to take the term "Lolita" out of an ad for sex?
23 MR. RYAN: She just answered it a
24 second ago.
25 Q (By Mr. Amala) Well, help me understand.

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1 **A I am not sure I can help you understand. That is up to**
2 **you--**
3 Q I'm pretty sure you can't either because it doesn't make
4 any sense to me.
5 MR. SCHNEIDER: The question-- no more
6 comments in the question.
7 Q (By Mr. Amala) I would love for you to help me
8 understand, so help me understand how-- well, let's start
9 with this:
10 Was the term "Lolita" removed from ads in an effort
11 to help prevent sex trafficking of minors?
12 MR. RYAN: Please don't comment again
13 about her testimony. It is the first time you have done
14 it. I would appreciate it if you wouldn't do it anymore.
15 THE WITNESS: Erik, do you have a
16 comment? You are staring at me.
17 Q (By Mr. Amala) Ms. McDougall, was the term "Lolita"--
18 THE WITNESS: And now you are
19 laughing, Mr. Bauer. Do you have a comment?
20 MR. SCHNEIDER: Let's take a break for
21 a second. There is no question pending.
22 VIDEOGRAPHER: We are going off the
23 record. The time is 11:39 a.m.
24 (Recess 11:39 to 11:55 a.m.)
25 //

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1 VIDEOGRAPHER: We are back on the
2 record. The time is 11:55 a.m., and this marks the
3 beginning of Disc No. 2 in the 30(b)(6) deposition of
4 Village Voice Media, et al.
5 Q (By Mr. Amala) Ms. McDougall, was the term "Lolita"
6 removed from ads in an effort to prevent child sex
7 trafficking?
8 MR. RYAN: Objection; asked and
9 answered.
10 THE WITNESS: That was one of the
11 purposes, yes, because if the term "Lolita" is included
12 in an advertisement in the adult category, it may attract
13 someone who is looking to have sex with a minor.
14 If the term "Lolita" is removed, then it's less
15 likely that someone who is looking to have sex with a
16 minor will be able to-- will respond to that ad and be
17 able to achieve that end, so it helps to prevent an
18 instance of the sexual exploitation of a minor.
19 In addition to that, when certain terms are removed,
20 it can render the ad meaningless.
21 For example, "A Lolita experience for \$100," if the
22 term "Lolita" is removed, then the ad simply says,
23 "Experience for \$100," and an ad that is that vague or
24 general is far less likely to attract users to respond.
25 Q (By Mr. Amala) During the time that these girls were

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1 advertised on Backpage.com, it was not legal for a child
2 to provide escort services, correct?
3 MR. SCHNEIDER: Object to the form of
4 the question as beyond the scope of the 30(b)(6) notice.
5 THE WITNESS: I don't know the legal
6 age necessary to provide escort services.
7 Our website, in multiple places, at the time that
8 these girls had ads on the website, specifically required
9 the certification that you are 18 years of age or older
10 and not a minor in your jurisdiction.
11 Q (By Mr. Amala) So if a user, to use your example, posted
12 an ad in the escort section for "Lolita experience for
13 \$100," and Backpage automatically removed the term
14 "Lolita" and posted the remainder of the ad, which would
15 be "Experience for \$100" in the escort section, how does
16 that help prevent children from being trafficked for sex?
17 MR. SCHNEIDER: Object to the form of
18 the question.
19 MR. RYAN: And it's becoming
20 argumentative.
21 It's the third or fourth time I think you've asked
22 the same question.
23 She has tried to explain her view on that.
24 I think we should move on.
25 You can answer if you have a different answer.

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1 THE WITNESS: I would note, first of
2 all, I was trying to pinpoint a date for you previously.
3 Terms related to adult activity, in the filter, were
4 not subject to being stripped out before September 15th,
5 2010.
6 Q (By Mr. Amala) Not subject to being stripped out by how?
7 **A By the automated filter.**
8 Q Were they manually removed by moderators before that
9 date?
10 **A There-- in the documents that we have, I have not seen a**
11 **document that showed the list of terms that moderators**
12 **would refer to for considering some kind of action,**
13 **whether it's banning or stripping out-- I haven't seen**
14 **the list, so I don't know whether adult-activity-related**
15 **terms were on the list at that time.**
16 Q Has Backpage ever evaluated whether removing terms,
17 indicative of sex trafficking, could inhibit law
18 enforcement efforts to detect such ads?
19 MR. SCHNEIDER: Object to the form of
20 the question.
21 I also do not recognize any category of the 30(b)(6)
22 notice as covering that topic.
23 THE WITNESS: As a member of Backpage,
24 I haven't evaluated whether removing terms indicative of
25 sex trafficking-- well, let me step back.

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1 I object to the notion that there are particular
2 terms indicative of sex trafficking.
3 There may be particular terms indicative of sex or
4 particular terms indicative of a minor, but I'm unaware
5 of a term that is indicative of sex trafficking, so I
6 can't answer your question.
7 Q (By Mr. Amala) How was the automatic-- well, strike
8 that.
9 You have testified that the automatic and manual
10 editing of ads was intended to help prevent sex
11 trafficking, correct?
12 **A I testified that that was one of the purposes.**
13 Q Okay. So how does the automatic and manual editing help
14 prevent sex trafficking?
15 **A Well, I think I've asked and answered that multiple**
16 **times.**
17 MR. RYAN: Yes.
18 THE WITNESS: If you'll give me a
19 minute, I will scroll up, and I can read my answer to you
20 again.
21 MR. SCHNEIDER: Object to the form.
22 THE WITNESS: As I said previously, if
23 a term, like "Lolita" is included in an advertisement in
24 the adult category, it may attract someone who is looking
25 to have sex with a minor.

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1 If the term "Lolita" is removed, then it's less
2 likely that someone who is looking to have sex with a
3 minor will be able to or, rather, will respond to that ad
4 and be able to achieve that end, so it helps to prevent
5 the instance of the sexual exploitation of a minor.
6 In addition to that, when certain terms are removed,
7 it can render an ad meaningless.
8 For example, "A Lolita experience for \$100," if the
9 term "Lolita" is removed, then the ad simply says,
10 "Experience for \$100."
11 An ad that is that vague or general is far less
12 likely to attract users to respond.
13 Q (By Mr. Amala) An adult might still respond to such an
14 ad with the hope of having sex with the person for \$100,
15 correct?
16 MR. SCHNEIDER: Object to the form.
17 THE WITNESS: I can't answer that in
18 that vague hypothetical.
19 Q (By Mr. Amala) So it is your testimony that if someone
20 posted an ad in the escort section, "An experience for
21 \$100," that might not be an indication to consumers of
22 the website that the person who is the subject of the ad
23 is willing to have sex for \$100?
24 MR. SCHNEIDER: Same objection.
25 THE WITNESS: Escorting is not sex.

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1 Escorting is a legally recognized profession, career
2 option, and an ad saying, "An experience for \$100" in an
3 escort category, on its face, is by no means an
4 advertisement of sex for money.
5 Q (By Mr. Amala) You understand though that often the term
6 "escort" is synonymous with "prostitute," correct?
7 MR. SCHNEIDER: Objection to the form
8 of the question; beyond the scope of the 30(b)(6) notice.
9 MR. RYAN: Also calls for a legal
10 conclusion by someone versed in criminal law.
11 THE WITNESS: No, I wouldn't agree
12 with that statement.
13 Q (By Mr. Amala) Do you agree that people who want to pay
14 sex-- strike that.
15 People who want to pay for sex will often look for
16 commercial sex by looking in advertisements for escorts?
17 MR. SCHNEIDER: Object to the form of
18 the question and the scope, which is beyond the Rule
19 30(b)(6) notice.
20 MR. RYAN: I'm sorry, did you use the
21 word "commercial"?
22 I'm not quite sure I--
23 MR. AMALA: I did.
24 MR. RYAN: You did?
25 MR. AMALA: Yes.

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1 MR. RYAN: I don't know what
2 "commercial" sex means.
3 THE WITNESS: I don't either.
4 Q (By Mr. Amala) Ms. McDougall, do you agree that people
5 who want to pay to have sex with someone else will often
6 look for those individuals by looking through escort ads?
7 MR. SCHNEIDER: Object to the form of
8 the question, and on the basis that it is beyond the
9 scope of the Rule 30(b)(6) notice.
10 I don't see anything in the notice that designates--
11 that requests that a witness be designated to testify as
12 to what the hypothetical behavior of people looking at
13 the website might be.
14 If there is such a reference, please let me know
15 where it is.
16 THE WITNESS: I do not agree.
17 I think as research has shown, in this day and age
18 of technology, if somebody wanted to look to pay to have
19 sex, they would go to social media sites as a first-- as
20 a first option.
21 Q (By Mr. Amala) Ms. McDougall, during the time that these
22 girls were advertised in the escort section of
23 Backpage.com, do you agree that the vast majority of the
24 people who looked to purchase services in the escort
25 section were people who were looking to pay for sex?

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1 MR. SCHNEIDER: I object on the same
2 basis I previously objected.
3 The behavior of hypothetical customers is not a
4 proper subject of this deposition.
5 There has been no effort to designate a witness to
6 testify on that topic, and the notice does not request
7 such a witness.
8 THE WITNESS: I have no way to know
9 that.
10 Q (By Mr. Amala) During the time that these girls were
11 advertised on Backpage.com, do you agree that the
12 majority of the individuals who were advertised as
13 escorts in the escort section of the website were
14 individuals who were trying to sell sex for money?
15 MR. SCHNEIDER: Same objections.
16 THE WITNESS: No, I have no way to
17 know that.
18 I--
19 MR. RYAN: There is no question
20 pending.
21 Q (By Mr. Amala) Turning back to Exhibit No. 3, on Page 5
22 of Exhibit No. 3, you told us that the date next to
23 "Created" in the "Administrative data" field indicated
24 when the ad was created but not when it was displayed on
25 the website; is that correct?

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1 **A In all likelihood, the day the ad was created, it was**
2 **probably posted on the website that day as well, but that**
3 **does not reflect all the dates when it was posted.**
4 **Sorry, I didn't explain that very well.**
5 **You could create an ad on here, Saturday, July 17th,**
6 **2010, but not post it until a day or a few days later.**
7 Q Let's use this ad.
8 If the user who posted this ad on July 17th, 2010 at
9 10:58 p.m. clicked a button to post the ad, would the ad
10 immediately appear on the website?
11 **A First of all, you said "the user who posted it on that**
12 **date." The user created it on that date.**
13 **This doesn't indicate that the user actually posted**
14 **it on that date, so I just want to clarify.**
15 Q And what I'm trying-- this is a starting-off point, so
16 let's say on July 17th, 2010, at 10:58 p.m., a user
17 created this ad and then clicked a button with the hope
18 of it immediately showing up on the website.
19 Would that happen?
20 **A No.**
21 Q Why not?
22 **A It would have gone into an "Under review" status until it**
23 **had been viewed by a moderator.**
24 Q So describe that process for us.
25 **A The process for moderation was evolving significantly**

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1 through 2010.
2 I will do my best to answer for this period from,
3 say, June 1st to the end of September 2010, which is the
4 relevant period for purposes of this case.
5 When there was a new ad, it would have an alert
6 assigned to it and go into a queue to be reviewed before
7 it would be permitted to go live on the website.
8 The user would get an e-mail that said something
9 like, "Your ad is under review and should be released
10 soon."
11 Q What happened next?
12 A The ad would be reviewed, and the moderator would
13 determine whether or not to release the ad.
14 Q And at that point the moderator also had the option of
15 editing the ad to remove content or pictures, correct?
16 A Correct.
17 Q Let's say a moderator edited the content of an ad, not a
18 picture, but edited the content--
19 A By "content" you mean text?
20 Q Correct.
21 Let's start over.
22 Let's say a moderator decided to edit some of the
23 text of an ad, was finished with their job. What was the
24 next process?
25 MR. SCHNEIDER: Object to the form of

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1 the question.
2 I believe the previous question defined "editing" as
3 removing content or pictures.
4 Are you still using the term in that manner?
5 Q (By Mr. Amala) Let's clarify that.
6 At the time we are talking about, moderators could
7 remove text or alter the text, correct?
8 A They had the technical ability to remove or alter text.
9 Within that short window of time, I am not certain
10 that they had the authority to remove or alter text.
11 Q Did you ask Andrew Padilla, in order to prepare for
12 today, whether or not the moderators during this period
13 had the authority to remove or alter text of ads?
14 A No.
15 MR. RYAN: That question was asked and
16 answered earlier.
17 MR. SCHNEIDER: It is 12:15, which I
18 think is the time we expected to adjourn for lunch.
19 MR. AMALA: Give me five more minutes,
20 then we'll go for lunch.
21 Q (By Mr. Amala) So Ms. McDougall, if a moderator, during
22 this time period, chose to remove or alter text, and then
23 was done with what they wanted to edit, what was the next
24 step in the process?
25 A I'm sorry, I don't understand the question, "and then was

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1 done with what they wanted to edit."
2 Q Correct.
3 So a moderator looks at an ad, decides that they
4 want to remove or alter text in an ad, and then they're
5 done with their job--
6 A I see, they're finished with-- I see.
7 Q What is the next step in the process?
8 A When a moderator is finished moderating an ad, then they
9 will take whatever action they have deemed is
10 appropriate, which may be rejecting the ad if it was a
11 pre-post review, deleting the ad if it was a post-posting
12 review, or releasing the ad.
13 Q Have you seen any evidence that any of the ads of the
14 plaintiffs were rejected by a moderator?
15 A I don't recall.
16 I would have to go back and look through all 300 or
17 so ads to determine that.
18 Q Have you seen any evidence that a moderator deleted any
19 of the ads of the plaintiffs?
20 A Same answer.
21 Q A moderator, during this time period, had the ability to
22 lock an ad after it was edited, correct?
23 A Did you say "lock an ad"?
24 Q Correct.
25 A I am not familiar with the term-- oh, do you mean disable

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1 a user's ability to modify an ad?
2 Q That's correct.
3 A That was a-- yes, that was a feature that was available
4 to moderators.
5 Q Why was that feature available?
6 MR. SCHNEIDER: If you know.
7 Again, I think that this is beyond the scope of the
8 notice.
9 I don't recall any category which would implicate
10 the reasoning behind the availability of certain
11 features.
12 THE WITNESS: The moderator would lock
13 an ad so the user could not make further changes to it.
14 Q (By Mr. Amala) Last line of questioning before we take
15 our lunch break:
16 During this period of time that we've been
17 discussing, after a moderator finished his or her manual
18 review of an ad, and the ad was then published on the
19 website, how long would the ad stay up?
20 A Normally 45 days.
21 Q And users had the ability to repost an ad; is that
22 correct?
23 A Yes.
24 Q If you look at Page 6 of Exhibit No. 3--
25 MR. SCHNEIDER: Production Page 1960?

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1 MR. AMALA: Yes, sir.
2 Q (By Mr. Amala) Ms. McDougall, if you look at Page 6 of
3 Exhibit No. 3, it identifies a number of invoices for
4 this ad.
5 Do you see that?
6 **A I do.**
7 Q Okay. And the invoices have a number of dates between
8 July 21st, 2010 and August 24th, 2010.
9 Do you see that?
10 **A I do.**
11 Q Okay. That is about 33 days, give or take a day.
12 If these ads would normally stay up for 45 days, why
13 are there invoices, roughly a dozen invoices, during that
14 33-day period for this ad?
15 **A I don't-- I apologize if I'm being obtuse.**
16 **I don't understand the "33 days" that you are**
17 **referring to, but I think I can still answer your**
18 **question.**
19 Q Sure.
20 **A These would be payments so that the ad would stay near**
21 **the top of the list on the website.**
22 **Otherwise, throughout the 45-day period, they get**
23 **lower and lower.**
24 Q And when the user paid this additional \$3 on the dates
25 that we see on Page 6 of Exhibit No. 3, am I correct that

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1 the ad would not be re-reviewed by a moderator?
2 Is that correct?
3 **A During this time period I believe that's incorrect.**
4 **There would be an alert, and if the ad was reposted,**
5 **without any changes, it would-- I believe it would still**
6 **go into a queue for review.**
7 **If it was changed, there would be a different alert,**
8 **and it would go into a different queue for review again.**
9 Q Okay. Help us understand what the difference in
10 reviewing was between an ad that was reposted without
11 edits by the user versus ads that were reposted with
12 edits.
13 **A It is my understanding that it was the urgency with which**
14 **ads were reviewed.**
15 MR. AMALA: All right. Let's take our
16 lunch break.
17 VIDEOGRAPHER: Going off the record,
18 the time is 12:22 p.m.
19 (Lunch recess 12:22 to 1:35 p.m.)
20
21 VIDEOGRAPHER: Back on the record, the
22 time is 1:35 a.m.
23 THE WITNESS: Mr. Amala, can I clarify
24 something?
25 MR. AMALA: Yes, ma'am.

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1 THE WITNESS: I was getting fatigued
2 before lunch, and you asked me if an ad was reposted
3 without any changes, would it still go into a queue, and
4 I answered that it would, but it would-- if the ad was
5 being posted again, multiple times, as in the example we
6 were looking at, with no change, it would not create an
7 alert and would not go into a queue, it would just go
8 live.
9 Q (By Mr. Amala) Thank you for that clarification.
10 **A You're welcome.**
11 **(Exhibit No. 4 marked**
12 **for identification.)**
13
14 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
15 been marked as Exhibit No. 4.
16 I will represent to you that this is the same set of
17 advertisements regarding Plaintiff J.S. that we looked at
18 during your deposition yesterday, but please take a
19 moment to review Exhibit No. 4 and confirm that you
20 agree.
21 MR. SCHNEIDER: In other words,
22 Exhibit No. 4 today is the same as Exhibit No. 7
23 yesterday?
24 MR. AMALA: I believe that's correct.
25 THE WITNESS: I don't have Exhibit

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1 No. 7 from yesterday with me to compare them page by
2 page, but I'll take your word for the fact that it's the
3 same set of documents.
4 Q (By Mr. Amala) And you understand that the
5 advertisements that we see in Exhibit No. 4 regarding
6 Plaintiff J.S. were advertisements that were produced by
7 the defendants in this case, correct, during discovery?
8 **A Yes.**
9 Q Earlier you said that at least the first ad regarding
10 Plaintiff L.C. that we reviewed earlier today was
11 atypical with regard to how information in at least that
12 first ad was presented.
13 Is the advertisement that we see of Plaintiff J.S.
14 on the first page-- the second page of Exhibit No. 4 more
15 of a typical layout of what you would see if you looked
16 at what Backpage stored on this ad?
17 **A Looking through the first two pages of Exhibit No. 4, I**
18 **would say yes.**
19 Q Okay. Looking at the ad that's on the first two pages of
20 Exhibit No. 4, is this the view that an administrator
21 would have of this particular ad regarding J.S. if the
22 administrator wanted to go in and look at the ad?
23 **A I'm not sure.**
24 **I believe that the same information is contained**
25 **here, but this-- the format here is the format that was**

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1 used to create PDF documents that we could provide to law
2 enforcement, so the information may have been displayed
3 differently during the moderation process.
4 Q Let me ask this and-- maybe ask it this way:
5 All of the information that we looked at in Exhibit
6 No. 3 regarding Plaintiff L.C., was that information the
7 same information that a moderator would have seen when
8 the moderator was looking at the ad, although the layout
9 may have been different on the page?
10 **A I don't think so.**
11 **There are just anomalies in that exhibit.**
12 Q Okay. How about if we use the first two pages of Exhibit
13 No. 4?
14 I understand that the layout may have been different
15 on the page, but--
16 **A On the screen.**
17 Q On the screen, but is the information that we see on the
18 first two pages of Exhibit No. 4 an illustration of the
19 information that a moderator would see if they were
20 looking at this ad?
21 **A To the best of my knowledge, yes, that's true.**
22 Q And if a visitor to Backpage.com, who was not the user
23 that created this ad, was looking at this ad, what
24 information would they see?
25 **A They would see the Backpage logo--**

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1 Q Ms. McDougall, if I could interrupt, if it is easier to
2 tell me what they wouldn't see, you can tell me that.
3 **A Well, given that this is printed out across the top where**
4 **it says, "No discounts," it is a reflection of part of**
5 **the title, that is not-- that is not something they would**
6 **see on the screen, obviously, and the URL or the partial**
7 **URL would be depicted only as part of the search engine**
8 **that they were using.**
9 **For the ad itself, they would not see the line that**
10 **says, "This ad is not live. Status: removed by me."**
11 **I believe they would not see the line before the**
12 **posted date that begins, "Whitelisted: yes," "View**
13 **account," e-mail address, "Spam," "Delete this ad,"**
14 **"Global delete"-- that would not appear.**
15 **I believe that-- let's see, the "Reply: Click here,"**
16 **and the text below that would appear to a user, a user**
17 **viewing the ad on the site.**
18 **I believe that the images down the right side of the**
19 **page would appear to a user viewing the ad on the site.**
20 **Going to the bottom of the page, where it says,**
21 **"Administrative data," and there are two columns, that**
22 **information would not appear to a user viewing the ad on**
23 **the site.**
24 **Turning to the next page of this ad or of the**
25 **printout of this ad-- sorry, the second page of this**

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1 exhibit, a user viewing the ad, again, would not see the
2 lines across the top that reflect the title in the URL
3 but also the text here that reflects links to edit the
4 ad, delete the ad, bypass moderation, and then the list
5 of invoices for the ad.
6 **They would not see that.**
7 **Below that, you can kind of make out that there are**
8 **links to, for example, the Backpage terms of use, privacy**
9 **policy-- that would be viewable to the user.**
10 **I just can't really tell what the line under that**
11 **is, to be able to answer.**
12 **I believe whatever that is would be viewable to a**
13 **user on the site, but I can't guarantee that.**
14 Q If this ad that we see on the first two pages of Exhibit
15 No. 4 was posted to the website and time went by and it
16 expired-- I think earlier you said you thought these ads
17 ran for 45 days, so after 45 days, what would happen to
18 the ad at that point?
19 **A After 45 days, unless the user who posted the ad took**
20 **some kind of action to repost the ad or revise it and**
21 **repost it or something else, the ad would no longer be**
22 **visible to the public on the website.**
23 Q Could the user still see-- strike that.
24 The user who created this ad, would they be able to
25 go into their account and see an ad that had expired and

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1 was no longer showing on the website?
2 **A I believe so.**
3 **I can't tell you that with certainty. That wasn't**
4 **really part of moderation, but I believe so.**
5 Q And if a user reactivated an inactive ad, do you know
6 whether or not that reactivated ad would be moderated?
7 **A By "reactivate," you mean they wanted to make it live on**
8 **the site again?**
9 Q Correct.
10 **A It is my understanding that if the ad had any changes or**
11 **modifications, then it would be moderated again before it**
12 **was allowed to go live.**
13 **If there were no changes at all, then it would go**
14 **live without additional moderation.**
15 Q Looking at the ad of J.S. that appears on
16 Backpage00006493 in Exhibit No. 4-- and that was 6493.
17 **A Yes, I have it.**
18 Q On this ad do you see in the administrative data, next to
19 "Violation," it says, "Inappropriate content"?
20 **A I do.**
21 Q Do we have any way of knowing when this ad was flagged
22 for having inappropriate content?
23 **A I don't believe so, no.**
24 Q Do we have any way of knowing when any of the ads of the
25 plaintiffs were flagged for having inappropriate content?

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1 **A We can tell whether they were flagged for inappropriate**
2 **content, but to my knowledge we do not have any records**
3 **showing when that occurred.**
4 **(Exhibit No. 5 marked**
5 **for identification.)**
6
7 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
8 been marked as Exhibit No. 5.
9 Please take a moment to review Exhibit No. 5 and let
10 me know when you're finished.
11 If it is helpful, I will represent to you that these
12 are the same printouts regarding Plaintiff S.L. that we
13 reviewed during your deposition yesterday, but please
14 feel free to take a moment and confirm that.
15 MR. SCHNEIDER: Meaning Exhibit No. 5
16 today will be the same as Exhibit No. 8 yesterday?
17 MR. AMALA: Thank you.
18 MR. SCHNEIDER: I was asking, not
19 stating, but--
20 MR. AMALA: I will trust your
21 representation.
22 MR. SCHNEIDER: I'm not making one.
23 It was a question.
24 THE WITNESS: I just flipped through
25 this, but I will take your word for the fact that this is

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1 the same-- one of the same exhibits that you showed me
2 yesterday.
3 Q (By Mr. Amala) And these are printouts that the
4 defendants provided to the plaintiffs in this case during
5 discovery, correct?
6 **A Correct.**
7 Q If you look at the third page from the back of Exhibit
8 No. 5, which is the fourth page of the exhibit, it's
9 Bates labelled Backpage00002040-- are you there?
10 **A Yes, I am now.**
11 Q Do you understand whether-- strike that.
12 Do you know whether Backpage ever added the term
13 "cum," C-U-M, as a term that may reflect an ad was an ad
14 for sex for money?
15 **A Sorry, I am going to have to read that question again.**
16 MR. SCHNEIDER: I will object to the
17 form of the question.
18 THE WITNESS: I don't understand the
19 question in that I don't know-- you're asking whether
20 Backpage ever added that term where?
21 Q (By Mr. Amala) To its list of terms that may reflect
22 that an ad was an ad for sex for money.
23 **A We did not have a list of terms that reflected whether an**
24 **ad was an ad for sex for money.**
25 Q Do you know if "cum," C-U-M, was ever added to the list

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1 of terms that were removed by the automatic filter?
2 **A The word "cum," C-U-M, was added to the auto filter list,**
3 **but actions on the auto filter list were not-- that was**
4 **not a strip-out term list. There were multiple actions**
5 **that could be applied to any particular term, so I will**
6 **represent that it was at some point on the auto filter**
7 **list, but that does not mean that the term was stripped**
8 **out or removed from an ad.**
9 Q Why was the term "cum," C-U-M, added to the list?
10 **A Because we found it to be objectionable.**
11 Q Why?
12 **A Taste.**
13 Q So because the term "cum," C-U-M, appearing in the ad in
14 the escort section, may indicate that the ad was an ad
15 for sex for money?
16 **A That's not what I said.**
17 Q I'm asking you.
18 **A Sorry, there was no question there.**
19 MR. SCHNEIDER: It's phrased as a
20 statement, Counsel, not a question.
21 Q (By Mr. Amala) Why did you find the ad-- strike that.
22 Why did you find-- strike that again.
23 Why did the website--
24 MR. SCHNEIDER: Granted.
25 THE WITNESS: Can we get you some

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1 coffee?
2 Q (By Mr. Amala) Why did the website find the term "cum,"
3 C-U-M, to be objectionable?
4 MR. RYAN: It is asked and answered.
5 THE WITNESS: As I said, it was a
6 matter of taste.
7 Q (By Mr. Amala) Is one of the reasons that the website
8 found the term "cum" to be objectionable is because it
9 could reflect that this was an ad for sex for money?
10 MR. RYAN: Also, asked and answered.
11 THE WITNESS: You said because it
12 could-- I am not sure you appreciate in the-- what we
13 call the auto filter list that had assorted actions, it
14 applied across the entire website, not just the adult
15 category, and there was terminology that we found too
16 raunchy and did not want on the website.
17 Q (By Mr. Amala) And I'm asking if one of the reasons that
18 you did not want the word "cum," C-U-M, used on the
19 website is because the use of the word "cum" could
20 indicate that an ad was an ad for sex for money.
21 **A There were multiple reasons.**
22 **As I said, one, the term was simply too raunchy.**
23 **"Cum" was a perfectly acceptable term in, say, the**
24 **dating ad, because people could discuss sex that they**
25 **wanted to exchange without it being an exchange for sex**

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1 for money, but "cum" in other service categories could be
2 a potential coded term or indication of sex for money.
3 It's a possibility, so that-- I wasn't there at the
4 time, but that was likely one of the reasons, not the
5 only reason.
6 Q And that logic would apply to ads posted in the escort
7 section, correct?
8 A Well, I went through a few points.
9 Which logic are you referring to, please?
10 Q Was one of the reasons that the term "cum," C-U-M, was
11 added to the list of terms that the automated filter
12 removed in the escort section because that could indicate
13 that the ad was an ad for sex for money?
14 MR. RYAN: Asked and answered.
15 MR. SCHNEIDER: Object to the form.
16 THE WITNESS: One of the reasons that
17 the term "cum" was added to the automated filter list,
18 that covered the whole website, was because it could
19 indicate sex.
20 Q (By Mr. Amala) Could indicate that an ad was for sex for
21 money, correct?
22 A No, the word--
23 MR. SCHNEIDER: Object to the form.
24 THE WITNESS: Sorry.
25 The word "cum" by itself does not indicate sex for

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1 money.
2 Q (By Mr. Amala) Do you agree that looking at this
3 advertisement of Plaintiff S.L., the subject line of the
4 ad is, "Cum enjoy a night with a new girl:) on the block.
5 'Nichole'"-- do you see that?
6 A I do.
7 Q Do you agree with me that this is an indication-- using
8 the term "cum" in this context, in an ad in the escort
9 section, is an indication that this may be an
10 advertisement for sex?
11 MR. SCHNEIDER: Object to the form.
12 THE WITNESS: No.
13 Q (By Mr. Amala) Why not?
14 A For many reasons.
15 There's very little context here to understand what
16 service is being advertised.
17 Furthermore, there's a large number of our users who
18 are not particularly good spellers, and the spelling of
19 "cum" could simply be a typo.
20 There is simply a title and no text, and it refers
21 to-- "enjoy a night" is more suggestive of companionship
22 than of intercourse or of some other form of sex.
23 MR. SCHNEIDER: Also, object to the
24 form on the basis that it invites the witness to
25 speculate as to what the person posting the ad meant.

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1 Q (By Mr. Amala) Let's look at the first page of Exhibit
2 No. 3, the advertisement of Plaintiff L.C.
3 Was the term "cum," C-U-M, on the list of terms that
4 moderators could manually remove from an ad?
5 A We don't have that document from this period of time, so
6 I don't know.
7 Q Looking at the first ad of Plaintiff L.C. that appears in
8 Exhibit No. 3, the subject line is, "Cum let Tasha blow
9 your mind."
10 Do you see that?
11 A Yes. It is not spelled clearly to say that, but it could
12 be interpreted to say that, certainly.
13 Q And then there's obviously pictures of L.C. in different
14 positions, provocative positions, such as the position on
15 all fours in the second page of this ad.
16 On the fourth page of the ad she's pictured in a bed
17 with her legs spread open and what I think most people
18 would agree is a sexual position.
19 Then on the fifth page of the ad there are more
20 pictures of her.
21 One has the label, "Sexy," and then the text says,
22 "Ask for Tasha quickly," followed by the terms "Half hour"
23 and "Hour."
24 Do you see all that?
25 MR. SCHNEIDER: Object to the form of

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1 the question.
2 THE WITNESS: I see all of that, but I
3 don't accept that this is necessarily all content that
4 was part of an ad that was displayed on the website.
5 As we discussed at some length before lunch, this
6 is-- there are many things that are anomalies here from
7 the way we would have printed and produced an ad and
8 admin data.
9 There are multiple references to "MySpace" and
10 MySpace layouts.
11 I can't agree that this-- the content here is
12 content that was posted or displayed on Backpage.
13 Q (By Mr. Amala) So your testimony is that you don't
14 believe that this content that I just descr bed was
15 displayed as part of this ad when it appeared on
16 Backpage.com?
17 A No, I said that I don't know.
18 It's a very strange capture or layout, and it is not
19 at all consistent with the way we preserve the content of
20 advertisements that had been posted on the website.
21 Q Did you ask anyone from Backpage, when you were preparing
22 for today, why this advertisement of L.C. is atypical of
23 what you would normally see?
24 A No, I did not.
25 Q Let's look at another ad of Plaintiff L.C.-- actually,

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1 before we move on, so the content that I described to
2 you, do you agree that that content is suggestive that
3 this is an ad for sex for money?
4 MR. RYAN: I object to the form of the
5 question because this has been like a stream of
6 discussion.
7 If you want to refocus it on a particular place, not
8 three different places or five, but one, and ask a
9 question, please do.
10 Q (By Mr. Amala) How about this:
11 Ms. McDougall, please review the first ad that we
12 see in Exhibit No. 3, which is Pages 1 through 6 of the
13 exhibit, and tell me if you agree that this advertisement
14 appears to be an ad for sex for money.
15 **A Well, as I have indicated multiple times, I simply can't**
16 **accept your premise that this is an advertisement,**
17 **particularly an advertisement that was posted on our**
18 **site.**
19 **I just don't know, but it has anomalies that make it**
20 **appear that that may not have been the case.**
21 Q Let's say that a jury concludes that this is what
22 appeared on your website.
23 If a jury agrees with that, do you agree that this
24 appears to be an ad that is sex for money?
25 MR. SCHNEIDER: Object to the form of

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1 the question.
2 MR. RYAN: It wouldn't matter what a
3 jury did. It's what you see right now.
4 I don't see how you can answer that question.
5 It calls for a legal conclusion about what the
6 impact of a jury decision would be on that issue, which
7 you can't foretell.
8 THE WITNESS: Looking through the six
9 pages that I believe are the subject of your question,
10 Bates No. 1955 to 1960, no, there's nothing-- nothing in
11 this-- in these six pages that indicates that it is an ad
12 for sex for money.
13 Q (By Mr. Amala) Let's look at the ad of Plaintiff L.C.
14 that appears on-- starts on Backpage00002018 in Exhibit
15 No. 3.
16 MR. RYAN: I apologize, give me the
17 last three digits.
18 MR. AMALA: 2018.
19 MR. RYAN: Thank you.
20 Q (By Mr. Amala) Is this ad of Plaintiff L.C. what you
21 would typically expect to see regarding an ad that was
22 posted in the escort section of Backpage.com during the
23 time that L.C. was advertised on the website?
24 MR. SCHNEIDER: Object to the form of
25 the question, and I believe it's beyond the scope of the

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1 30(b)(6) topics designated.
2 THE WITNESS: No.
3 Q (By Mr. Amala) Why not?
4 MR. SCHNEIDER: Same objection.
5 THE WITNESS: Because there is no
6 text. There's an image that was apparently removed or
7 deleted by Photobucket.
8 Because the moderation standards on the site have
9 changed and evolved over time, and the types of images
10 displayed here would be very atypical for-- well, for the
11 site, as of about October 2010 or so.
12 Q (By Mr. Amala) Why do you say that?
13 **A Because they have.**
14 Q What changed in October of 2010?
15 **A The rules and the moderation for the adult category of**
16 **the site on Backpage have evolved since the site was**
17 **launched in 2004.**
18 **There were changes in 2006, 2008, significant**
19 **changes in 2009, more changes in 2010, changes in 2011,**
20 **2012-- it's-- there isn't-- again, if you look at the**
21 **academics and the researchers that have finally started**
22 **studying the issue of human trafficking and technology**
23 **and their intersection, especially technology and**
24 **domestic minor sex trafficking, things are constantly**
25 **being learned.**

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1 **People that are involved in this kind of illegal**
2 **behavior are constantly evolving in their use of**
3 **technology and in finding methods of circumventing**
4 **measures that have been implemented, like the measures**
5 **we've implemented, to try to keep them off of our**
6 **website.**
7 **Those are the reasons, the constant evolution.**
8 **There was even more attention with respect to the**
9 **adult category, beginning in 2009 and continuing through**
10 **2010, as the issue of domestic minor sex trafficking**
11 **finally became more visible and recognized in the United**
12 **States.**
13 **With that, Backpage undertook further efforts to**
14 **ensure that their value was in fighting that issue and**
15 **preventing it and in working with law enforcement to**
16 **recover victims and take down the perpetrators.**
17 Q So my question is:
18 You had said that the images that we see in this ad
19 of Plaintiff L.C. would be atypical given some changes
20 that happened in October 2010.
21 What change in October 2010 made it so seeing the
22 images we see in this ad of L.C. would be atypical after
23 October 2010?
24 **A Among other things, I believe it would have been**
25 **required-- the age field would have been a required**

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1 field, so an age should have been entered and displayed
2 somewhere along-- near the end of the title.
3 **Possibly more significantly, nudity was prohibited,**
4 **so the-- the images on the right-hand side of this**
5 **document, the bottom image, would not have been**
6 **permitted.**
7 **It's very difficult to see, but I believe that the**
8 **second image also would not have been permitted.**
9 **Again, I'm struggling to make out the details of the**
10 **photograph.**
11 **The first photograph on the right may have been**
12 **permitted.**
13 Q So looking at what we see in this ad of Plaintiff L.C.,
14 and I realize that there's an image that's no longer
15 displayed, an image from Photobucket, do you agree with
16 me that this ad that's titled, "Cum start your day with
17 Tasha," and "cum" spelled C-U-M, appears to be an ad for
18 sex for money?
19 **A No.**
20 MR. SCHNEIDER: Object to the form.
21 THE WITNESS: No.
22 Q (By Mr. Amala) Why not?
23 **A I thought I had answered that, but I'll try again.**
24 **There's nothing here that states or requests an**
25 **exchange of a sex act for money or other consideration.**

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1 Q If this ad had originally said-- was the same text,
2 except added to it was "Blow job, blow job, blow job,
3 blow job," that text would have been removed by the
4 automatic filtering, correct?
5 MR. SCHNEIDER: Object to the form of
6 the question.
7 THE WITNESS: No, because the
8 automatic filter did not remove words from ads until-- I
9 believe it was September 19th, 2010.
10 Q (By Mr. Amala) A moderator who reviewed this ad before
11 it was published would have had the authority to remove
12 the term "blow job" if it appeared in the text of this
13 ad, correct?
14 **A Probably.**
15 Q If this ad had originally had the term "blow job," and it
16 was removed by a moderator and what we now see is the
17 edited version that was published after that term was
18 removed, would you agree with me that this is-- would be
19 an ad for sex for money?
20 MR. SCHNEIDER: Object to the form.
21 THE WITNESS: No.
22 Q (By Mr. Amala) Why not?
23 **A Repeated use of the word "blow job" does not indicate**
24 **that somebody is offering a blow job in exchange for**
25 **money or other compensation.**

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1 Q Let's look at the next ad of Plaintiff L.C. that starts
2 on Page 2047.
3 Are you there?
4 **A I am.**
5 Q If you turn to Page 6 of this advertisement, which is
6 Backpage00002052, you will see it says, "Minutes," "Half
7 hour," and "Hour."
8 Do you see that?
9 **A I see those words, yes.**
10 Q If next to those words this ad had originally said, "Blow
11 job," would you agree with me that that would be an ad
12 for sex for money?
13 MR. RYAN: Objection.
14 There is absolutely no foundation for the inclusion
15 of that word there.
16 MR. SCHNEIDER: Object to the form of
17 the question.
18 THE WITNESS: So first, I'm afraid I
19 have to comment again that this printout is atypical and
20 does not present as a printout of a Backpage
21 advertisement.
22 It appears potentially that they cut and paste an
23 advertisement from MySpace, but to the extent you are
24 asking me questions about this particular ad, please just
25 be aware that I don't think this is representative of ads

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1 on the-- the presentation of ads on Backpage and the way
2 they were provided in response to subpoenas.
3 Of course with all of that, I have-- oh, no, I think
4 I remember your question.
5 I'm sorry, now could you read the question back,
6 please?
7 Q (By Mr. Amala) If the term "Blow job" appeared next to
8 "Minutes," "Half hour," and "Hour," and that term was
9 removed by a moderator, and then the rest of that was
10 published as we see in Exhibit No. 3, would you agree
11 with me that that was an ad for sex for money?
12 MR. SCHNEIDER: Object to the form of
13 the question.
14 THE WITNESS: No.
15 Q (By Mr. Amala) Why?
16 **A Because there is no indication of the exchange of money**
17 **or other consideration.**
18 **It would seem to be an indication-- I--**
19 MR. SCHNEIDER: You don't have to
20 speculate.
21 THE WITNESS: Yeah.
22 Q (By Mr. Amala) Let's turn back to Exhibit No. 4.
23 Within Exhibit No. 4 let's turn to Bates Label
24 Backpage00006499.
25 **A You are getting a little bit ahead of me there.**

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1 Q Sure.
2 Exhibit No. 4.
3 **A I was trying to keep Exhibit No. 3 in its proper order.**
4 **I think I may have messed up the order. Sorry.**
5 **Okay. I apologize. I have Exhibit No. 4 now.**
6 **What would you like me to look at?**
7 Q Please turn to Page Bates Label Backpage00006499.
8 **A Yes, I'm there.**
9 Q In the text of this ad you will see it says, "I give them
10 special specials for being special."
11 Do you see that?
12 **A I see that.**
13 Q Followed by "120 HH" and "150 HR."
14 Do you see that?
15 **A I do.**
16 Q Do you agree with me that "120 HH" and "150 HR" is
17 reflecting \$120 for a half an hour and "150 HR" is \$150
18 per hour?
19 MR. SCHNEIDER: Objection to the form
20 of the question.
21 THE WITNESS: I don't know, but it's
22 certainly possible.
23 Q (By Mr. Amala) Seems like a reasonable assumption,
24 correct?
25 MR. SCHNEIDER: Object to the form of

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1 the question.
2 THE WITNESS: It is certainly
3 possible.
4 Q (By Mr. Amala) So if this ad originally when it was
5 posted-- strike that.
6 If this ad, when it was originally created, said, "I
7 give them blow job special specials for being special,"
8 and then a moderator removed the term "blow job" and
9 posted the rest, would you agree with me that this was an
10 ad for sex for money?
11 MR. SCHNEIDER: Objection to the form
12 of the question.
13 THE WITNESS: No, not necessarily.
14 Q (By Mr. Amala) Why is that?
15 **A Because I think in the example you gave, it's ambiguous.**
16 Q How would that be ambiguous?
17 **A Because you said that the language would read, "I give**
18 **them blow job special special specials for being**
19 **special."**
20 **It indicates that the blow job special specials are**
21 **in exchange-- that the consideration for that is the man**
22 **who knows how to treat a lady is special--**
23 Q Let's use that same ad.
24 **A Okay.**
25 Q Let's say that after "120 HH," the word "blow job"

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1 appeared.
2 Would you agree with me that that would indicate
3 that this is an ad for sex for money?
4 MR. RYAN: This entire stream of
5 questioning is objectionable because there isn't a single
6 foundation reason to believe that that word ever appeared
7 there.
8 Therefore, you're being asked to answer repeated
9 hypotheticals without any foundation.
10 Continue as you see fit.
11 MR. SCHNEIDER: Objection to the form.
12 It also invites the witness to speculate as to what
13 someone else intended when posting the ad, and there's no
14 foundation that she has any ability to know what was in
15 somebody else's mind, much less when you change what's on
16 the page to a hypothetical situation by another person,
17 created by another person.
18 THE WITNESS: If the word "blow job"
19 appeared after "120 HH," I would agree that that is a
20 potential indication of sex for money, but there's no way
21 to know for sure.
22 Not only do you not know the intention of the person
23 posting the ad, it may be that the intention is actually
24 to lure someone into a robbery, and if that was clear
25 evidence of a sex act for money, then law enforcement

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1 would be able to arrest people on the basis of the ads
2 and not have to perform stings to see if, in fact, sex is
3 actually being offered in response to ads like what
4 you've described.
5 Q (By Mr. Amala) During the time that the plaintiffs were
6 advertised on Backpage.com, did Backpage forward
7 advertisements to law enforcement that contained terms
8 the company believed may reflect that an ad was sex for
9 money?
10 **A I don't know if that happened during the period June 1st,**
11 **2010 through the end of September 2010.**
12 **I do know that during that time period Backpage**
13 **would forward any ads that they believed were-- involved**
14 **potential exploitation of a minor to the National Center**
15 **for Missing & Exploited Children, which was the**
16 **clearinghouse for distributing that kind of report to law**
17 **enforcement nationwide.**
18 Q During the time that these girls were advertised on
19 Backpage.com, why didn't the company simply fail and
20 reject any ad that contained terms or images that
21 suggested the ad was sex for money?
22 MR. SCHNEIDER: I will object to the
23 form.
24 THE WITNESS: During this time period
25 and prior and subsequent, if an ad specifically indicated

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1 an offer of sex for money, then the ad would be failed or
2 rejected, as you said.
3 Q (By Mr. Amala) My question though is:
4 We know that the company was both automatically and
5 manually editing ads to remove terms that may indicate an
6 ad was for sex for money, correct?
7 **A No, we didn't agree on that.**
8 MR. SCHNEIDER: We have been going an
9 hour-- about an hour. Would it be time for an afternoon
10 break, and you can-- should you choose to, you can have
11 an opportunity to go back and look at that testimony.
12 MR. AMALA: Sure.
13 VIDEOGRAPHER: Going off the record,
14 the time is 2:29 p.m.
15 (Recess 2:29 to 2:56 p.m.)
16 (Exhibit No. 6 marked
17 for identification.)
18
19 VIDEOGRAPHER: Back on the record, the
20 time is 2:56 p.m.
21 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
22 been marked as Exhibit No. 6.
23 Please take a moment to review Exhibit No. 6 and let
24 me know when you're finished.
25 **A Okay. I have looked at it.**

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1 Q Ms. McDougall, before we discuss Exhibit No. 6, in order
2 to prepare for today's deposition, did you review the
3 United States Senate's Permanent Subcommittee on
4 Investigations' report titled, "Backpage.com's knowing
5 facilitation of online sex trafficking"?
6 **A I have reviewed it in the past. I did not review it in
7 specific preparation for this deposition.**
8 Q Did you review the documents that were attached to that
9 report as an appendix?
10 **A I've skimmed them in the past, and I've reviewed some
11 more closely.**
12 **Some of them were included in, I think, documents
13 that I reviewed in preparation for today.**
14 Q To the extent that documents were included in that
15 appendix that were not produced to the plaintiffs in this
16 case in discovery, did you review those documents to
17 prepare for today?
18 **A Not to my knowledge.**
19 Q Okay. Have you reviewed Exhibit No. 6 before?
20 **A No.**
21 Q Who is Scott Spear?
22 **A In 2007 I believe [REDACTED] was an executive vice
23 president of Village Voice Media Holdings.**
24 Q Do you know if [REDACTED] has ever worked for
25 Backpage.com?

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1 **A I don't know.**
2 Q Did you speak with [REDACTED] in order to prepare to
3 testify regarding the topics identified in Exhibit No. 1?
4 **A No.**
5 **(Exhibit No. 7 marked
6 for identification.)**
7
8 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
9 been marked as Exhibit No. 7.
10 Please take a moment to review Exhibit No. 7 and let
11 me know when you're finished.
12 **A Yes, I'm finished.**
13 Q Have you seen Exhibit No. 7 before?
14 **A I believe I have.**
15 Q Did you-- strike that.
16 You see that this is a November 5th, 2007 e-mail
17 from Carl Ferrer to someone with the e-mail address
18 muttyslutt@doraimail.com, correct?
19 **A I see that, yes.**
20 Q And in this e-mail you see that Mr. Ferrer informs
21 muttyslutt@doraimail.com that, quote, "Your recent ads
22 violate our terms of use and were removed. We cannot
23 allow any ads with illegal language, as in 'sex for
24 money.'" Do you see that?
25

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1 **A I do see that.**
2 Q Did you discuss this e-mail from Mr. Ferrer in order to
3 prepare for today's deposition?
4 MR. SCHNEIDER: Object to the form of
5 the question.
6 Discuss with whom?
7 It could implicate privilege--
8 MR. AMALA: Mr. Ferrer.
9 MR. SCHNEIDER: Mr. Ferrer?
10 MR. AMALA: Yes.
11 MR. SCHNEIDER: Thank you.
12 THE WITNESS: I could not answer that
13 question without divulging attorney-client privileged
14 information.
15 Q (By Mr. Amala) So then you did speak with Mr. Ferrer
16 about this e-mail before-- in order to prepare for
17 today's deposition?
18 MR. SCHNEIDER: Maybe we could go back
19 and make sure the witness is aware of the question that
20 was asked, to which she responded.
21 THE WITNESS: Sorry, I'm fading.
22 MR. SCHNEIDER: The question was, did
23 you discuss this e-mail from Mr. Ferrer in order to
24 prepare for today's deposition.
25 Counsel clarified to say that he meant did you

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1 discuss this e-mail from Mr. Ferrer with Mr. Ferrer in
2 order to prepare for today's deposition.
3 THE WITNESS: No, I did not discuss
4 the e-mail with Mr. Ferrer to prepare for today's
5 deposition.
6 Q (By Mr. Amala) Have you ever discussed with Mr. Ferrer
7 what steps he took, as the site founder of Backpage.com,
8 to prevent any ads with illegal language, as in "sex for
9 money" from appearing on Backpage.com?
10 MR. SCHNEIDER: I will object to the
11 form of the question.
12 MR. RYAN: It may call for privileged
13 information.
14 THE WITNESS: I guess I need to
15 consult with counsel about privilege again. Sorry.
16 MR. AMALA: Go ahead.
17 VIDEOGRAPHER: Going off the record,
18 the time is 3:06 p.m.
19 (Recess 3:06 to 3:10 p.m.)
20
21 VIDEOGRAPHER: Back on the record, the
22 time is 3:10 p.m.
23 MR. AMALA: Madam Court Reporter,
24 would you please read back the last question?
25 ////

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1 (Question on Page 102, Line 6-
2 9 read by the reporter.)
3
4 THE WITNESS: I did not have such
5 discussions with Mr. Ferrer in preparing for this
6 30(b)(6) deposition.
7 Q (By Mr. Amala) Have you ever had such discussions with
8 Mr. Ferrer?
9 MR. RYAN: Objection; calls for
10 privileged information.
11 THE WITNESS: I can't answer that
12 question without divulging privileged communications and
13 information.
14 Q (By Mr. Amala) Has Mr. Ferrer ever told you that he
15 tried to take steps to prevent sex trafficking on
16 Backpage.com?
17 MR. RYAN: Calls for privileged
18 communications.
19 MR. SCHNEIDER: Join in the objection.
20 THE WITNESS: Unfortunately, I cannot
21 answer that question without divulging attorney-client
22 privileged communications and information.
23 Q (By Mr. Amala) And Ms. McDougall, to the extent you have
24 indicated that my questions would require you to divulge
25 privileged information, am I correct that you are

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1 declining to answer the question based on privilege?
2 **A That's correct at this time, yes.**
3 **(Exhibit No. 8 marked**
4 **for identification.)**
5
6 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
7 been marked as Exhibit No. 8.
8 Please take a moment to review Exhibit No. 8 and let
9 me know when you're finished.
10 **A Okay. I have reviewed it.**
11 Q Do you recognize Exhibit No. 8?
12 **A No.**
13 Q Did you review Exhibit No. 8 in order to prepare for
14 today's deposition?
15 **A Not that I recall.**
16 Q Have you ever discussed Exhibit No. 8 with Mr. Ferrer?
17 **A Not in preparation for this deposition.**
18 Q Have you ever discussed Exhibit No. 8 with Mr. Ferrer at
19 any time?
20 MR. SCHNEIDER: Objection that it may
21 call for disclosure of privileged information.
22 The question is have you ever discussed this
23 document, which has been marked as Exhibit No. 8, with
24 him at any time.
25 THE WITNESS: No.

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1 Q (By Mr. Amala) Ms. McDougall, Exhibit No. 8 is an
2 e-mail-- appears to be an e-mail from Mr. Ferrer to
3 someone with the user name "Grktrt@AOL.com," and that's
4 spelled G-R-K-T-R-T @AOL.com.
5 Do you see that?
6 **A I see that the e-mail is from-- on behalf of Carl Ferrer**
7 **to the e-mail address grktrt@AOL.com.**
8 **I don't know what "grktrt" stands for or means.**
9 Q Do you know that "Greek" is one of the terms on
10 Backpage's list of banned terms?
11 MR. SCHNEIDER: Did you-- object to
12 the form.
13 Does your question mean to suggest that it's spelled
14 G-R-K-T-R-T on such list?
15 MR. AMALA: No.
16 MR. SCHNEIDER: Okay.
17 Q (By Mr. Amala) Right now I'm just asking the normal term
18 "Greek," G-R-E-E-K, do you understand that that term is a
19 term on Backpage's list of banned terms?
20 **A The word "Greek" is a term that at times has been**
21 **included on our list of auto filter terms.**
22 **You said our "list of banned terms."**
23 **That's not-- again, there are different actions.**
24 **"Banned" is just one of them.**
25 Q Do you know why the term "Greek" is on that list of

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1 terms?
2 **A I believe "Greek" can be a code word for a form of sexual**
3 **act.**
4 Q What type of form of sexual act?
5 **A I believe it's anal sex, but I'm not certain about that.**
6 Q And you see in this e-mail it states, "Could you please
7 clean up the language of your ads before our abuse team
8 removes the postings?"
9 Do you see that?
10 **A Yes, I do see that.**
11 Q You never discussed with Mr. Ferrer what the content was
12 of this ad that had been apparently submitted on
13 Backpage.com?
14 MR. SCHNEIDER: I believe the witness
15 has already testified she did not discuss the e-mail,
16 which has been marked as Exhibit No. 8, with Mr. Ferrer.
17 Are you asking if anything has refreshed her
18 recollection otherwise?
19 MR. AMALA: Correct.
20 VIDEOGRAPHER: Counsel, your
21 microphone, please. Sorry.
22 MR. SCHNEIDER: Yes, indeed--
23 THE WITNESS: Nothing has refreshed my
24 recollection otherwise.
25 Q (By Mr. Amala) Have you ever discussed with Mr. Ferrer

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1 what the, quote, "abuse team," closed quote, was doing
2 with regard to ads on Backpage.com in November 2007?
3 MR. RYAN: Objection to the extent it
4 calls for privileged information, but you may answer.
5 THE WITNESS: I'm struggling with the
6 question.
7 Have I ever discussed what the "abuse team" was
8 doing with regard to ads?
9 Could you be more specific?
10 MR. AMALA: I can't.
11 MR. SCHNEIDER: Before Counsel
12 rephrases, it's a very specific question. If you have a
13 recollection of doing what specifically is described in
14 the question, you can answer, if it doesn't disclose
15 privileged information.
16 THE WITNESS: Well, if you disagree
17 with me that it's a-- if you think it's a specific
18 question, then I would answer "no."
19 Q (By Mr. Amala) Have you ever asked Mr. Ferrer why he was
20 instructing users to clean up the language of ads before
21 the abuse team for Backpage.com removed the ads?
22 MR. SCHNEIDER: Object to the form.
23 This language you just quoted is in one e-mail that
24 the witness has been shown, and I think your question,
25 perhaps inadvertently, extended that audience to multiple

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1 people.
2 MR. AMALA: It's because I believe the
3 record will reflect that he made the same request of many
4 different users.
5 MR. SCHNEIDER: Well, this record
6 today doesn't yet, let me put it that way.
7 If you understand the question, and you are able to
8 answer it without disclosing information that would be
9 attorney-client privileged, you may.
10 THE WITNESS: No.
11 Q (By Mr. Amala) Why not?
12 **A I don't believe I can answer that question without**
13 **disclosing attorney-client privileged communications.**
14 Q Before reading this e-mail that is Exhibit No. 8, during
15 today's deposition, were you aware that Mr. Ferrer, for
16 at least some period of time, was asking users to clean
17 up the language of their ads so that the ads could remain
18 on the website before the abuse team would remove them?
19 MR. SCHNEIDER: One second.
20 MR. RYAN: That may call for
21 privileged information.
22 You can answer nonprivileged information or assert
23 the privilege or both.
24 THE WITNESS: There was no group
25 called an "abuse team" that was moderating ads in 2007.

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1 MR. AMALA: Can you read my question
2 back, please?
3 (Question on Page 108, Line 14-
4 18 read by the reporter.)
5
6 MR. SCHNEIDER: I'll object to the
7 form, based simply on the fact that as phrased it implies
8 that reading Exhibit No. 8 causes her to have reached the
9 conclusion you stated.
10 It's just a matter of form.
11 Q (By Mr. Amala) Go ahead.
12 **A I'm sorry, I didn't know there was a question pending.**
13 Q That was the question.
14 **A I'm sorry?**
15 Q It's the same question.
16 **A Could you repeat it then, please?**
17 **I'm not sure what it is.**
18 MR. AMALA: Madam Court Reporter,
19 could you please repeat the last question?
20 (Question on Page 108, Line 14-
21 18 read by the reporter.)
22
23 THE WITNESS: No.
24 Q (By Mr. Amala) Ms. McDougall, just so that anyone
25 watching this later understands what you're looking at,

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1 you actually have a laptop next to you today that's
2 allowing you to watch my questions as they're asked in
3 realtime, correct?
4 **A Yes.**
5 Q And you're also able to watch your answers appear on the
6 screen at the same time as you give the answer, correct?
7 **A Yes. I mean, fractions of seconds afterwards.**
8 **(Exhibit No. 9 marked**
9 **for identification.)**
10
11 Q (By Mr. Amala) Ms. McDougall, I have handed you what's
12 been marked as Exhibit No. 9.
13 Please take a moment to review Exhibit No. 9 and let
14 me know when you're finished.
15 **A Okay.**
16 MR. SCHNEIDER: Clarification, if I
17 may, or may I ask for a clarification?
18 The production pages do not seem to be consecutive
19 nor do they necessarily appear to be in any numerical
20 order, which causes me to wonder if this is three
21 separate exhibits as opposed to one, and if so, is any of
22 the three complete?
23 MR. AMALA: I don't know the last
24 question.
25 MR. SCHNEIDER: Would you swear in

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1 Mr. Amala before he answers the balance of my question--
2 no, you don't know the answer.
3 MR. AMALA: I don't know the answer.
4 I can tell you that these three pages were intended
5 to be together, and I was going to clarify that it is not
6 the same e-mail thread.
7 MR. SCHNEIDER: Okay. Then I will sit
8 back and listen when you do that-- as you do that.
9 THE WITNESS: Do you want them marked
10 as separate exhibits?
11 MR. SCHNEIDER: It doesn't matter to
12 me as long as the record is clear and the witness
13 understands.
14 MR. RYAN: Look, as long as you're
15 interrupting, it is very clear that the third page is
16 not-- it is somewhere in the middle of something that's
17 longer than that one page.
18 Would you agree with that?
19 MR. AMALA: Yeah.
20 MR. RYAN: Okay.
21 MR. SCHNEIDER: Do you have the
22 balance of the pages--
23 MR. AMALA: I do not have them with
24 me.
25 MR. RYAN: Okay. And chronologically

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1 the first page, Bates Stamp 25819, is dated November 9,
2 2007.
3 The intervening page is January 12th, 2010, with the
4 Bates 25358, and then we revert back to 2010 on the third
5 page with 25935, so they're not in chronological order
6 either.
7 MR. AMALA: These are all correct
8 observations.
9 MR. RYAN: All right.
10 Q (By Mr. Amala) Ms. McDougall, have you had a chance to
11 review Exhibit No. 9?
12 **A I've been distracted by the fascinating dialogue.**
13 MR. SCHNEIDER: That wasn't our
14 intent--
15 MR. RYAN: Actually, it was my intent
16 that you would know those are the facts because you are
17 tired and it's that time of day.
18 THE WITNESS: Okay.
19 MR. RYAN: One is 2007, one is 2010,
20 and another is a partial of 2012.
21 THE WITNESS: Thank you, I do see
22 that.
23 MR. RYAN: 10, pardon me.
24 I may have misstated that, showing that I'm tired.
25 Sorry.

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1 THE WITNESS: Okay. Yes, sorry for
2 the delay.
3 I've read them.
4 Q (By Mr. Amala) **Ms. McDougall, as Counsel has pointed**
5 **out, you understand that the three pages that comprise**
6 **Exhibit No. 9 are different e-mails or portions of**
7 **different e-mails that were sent at different times,**
8 **correct?**
9 **A Correct.**
10 Q And you understand that these three pages are documents
11 that were produced by Backpage.com during discovery in
12 this case?
13 **A Yes, correct.**
14 Q Did you review these documents in order to prepare for
15 today's deposition?
16 **A I have seen-- I had not seen the third page of Exhibit**
17 **No. 9.**
18 **I believe I have seen one of the messages on the**
19 **second page, but not the bottom half.**
20 **On the first page-- yes, I believe I have seen the**
21 **first page of Exhibit No. 9 before.**
22 **Q Have you ever discussed any of these documents with**
23 **Mr. Ferrer before?**
24 **A Not in preparation for today's 30(b)(6) deposition.**
25 **Q Have you ever discussed these documents with Mr. Ferrer**

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1 before?
2 **A I cannot answer that without disclosing attorney-client**
3 **privileged information or communications.**
4 **Q The reason that I have these three different pages that**
5 **comprise Exhibit No. 9, which were e-mails sent-- the**
6 **first one was sent in 2007 and the following two were**
7 **sent at different points in 2010, is you see that the**
8 **pages refer to a user with the name urban.pimp@gmail.com?**
9 **A Yes.**
10 **Q Correct?**
11 **A Correct.**
12 **Q Have you ever discussed urban.pimp-- strike that.**
13 **Have you ever discussed urban.pimp@gmail.com with**
14 **Mr. Ferrer?**
15 **A I have knowledge regarding urban.pimp, but I don't recall**
16 **what the source of that knowledge is or was.**
17 **Q What is the knowledge you have regarding**
18 **urban.pimp@gmail.com?**
19 **A It was the e-mail address for a man, and it appears here**
20 **his name is Stephen, although that's not something-- that**
21 **sounded vaguely familiar.**
22 **He operated phone sex and webcam services.**
23 **Q You notice on the first page of Exhibit No. 9-- strike**
24 **that.**
25 **How do you know that about Mr. Ackerman?**

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1 **A As I just explained, I don't remember.**
2 **It's something that I learned in the course of my**
3 **time at Backpage.**
4 **It wasn't something I knew before then.**
5 **I just don't remember where or how I--**
6 **Q Why is it that you learned this additional information**
7 **regarding Mr. Ackerman?**
8 **A I don't know.**
9 **Q Do you see on the first page of Exhibit No. 9, there is**
10 **an e-mail from urban.pimp@gmail.com to [REDACTED] you**
11 **see Ms. Sennet's response, and then you see Mr.**
12 **Ferrer's response, correct?**
13 **A I assume-- the second e-mail message to [REDACTED] I'm**
14 **assuming that's [REDACTED]**
15 **It doesn't say that, but I see one, two, three-- I**
16 **believe there are three e-mail messages on this page, the**
17 **first from Carl Ferrer, the second from [REDACTED]**
18 **and the third from Stephen Ackerman.**
19 **Q Do you agree with me that if urban.pimp@gmail.com was**
20 **attempting to post an ad with the title, quote, "You can**
21 **fuck this hot horny mature woman tonight!!!!" that that**
22 **is an ad for sex for money?**
23 **MR. SCHNEIDER: Object to the form of**
24 **the question.**
25 **THE WITNESS: No.**

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1 **Q (By Mr. Amala) Why not?**
2 **A Because I know that urban.pimp operated phone and webcam**
3 **services.**
4 **You can also see that further down in his message he**
5 **describes the location as "wherever you like," which is**
6 **consistent with phone and webcam services.**
7 **Q Any other reason?**
8 **A Also, there's no indication that there's any money or**
9 **other consideration demanded or requested in exchange for**
10 **having sex with the hot horny mature woman.**
11 **Q In urban.pimp@gmail.com's e-mail, he notes that the ad**
12 **appears in about 50 cities.**
13 **Do you see that?**
14 **A I do, yeah.**
15 **Q If urban.pimp@gmail.com in November 2007 was trying to**
16 **post an ad in about 50 cities, at that time who would**
17 **have received the money for each of those ads?**
18 **MR. SCHNEIDER: Object to the form of**
19 **the question.**
20 **THE WITNESS: I don't know.**
21 **MR. SCHNEIDER: Are there any ads that**
22 **are part of any of the balance of these documents?**
23 **I would object to the questions about ads which are**
24 **not available for the witness to review before she**
25 **answers any questions about what was on the ads.**

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1 **Q (By Mr. Amala) Ms. McDougall, have you ever asked**
2 **Mr. Ferrer why he responded to this e-mail thread by**
3 **telling Mr. Ackerman that he should try editing his ads**
4 **now, and then informed him that they were trying to make**
5 **the site cleaner?**
6 **A I think I already answered you about whether I had spoken**
7 **to Mr. Ferrer about this ad at all.**
8 **Q The answer is "no"?**
9 **MR. SCHNEIDER: You may consider the**
10 **most recently pending question to be a request of you**
11 **whether that detail refreshes your recollection such that**
12 **you would change your original answer to the same**
13 **question.**
14 **THE WITNESS: Okay. Sorry, I'm going**
15 **to need to-- I can't answer that question without**
16 **divulging attorney-client privileged information or**
17 **communications.**
18 **(Exhibit No. 10 marked**
19 **for identification.)**
20
21 **Q (By Mr. Amala) Ms. McDougall, I have handed you what's**
22 **been marked as Exhibit No. 10.**
23 **Please take a moment to review Exhibit No. 10 and**
24 **let me know when you're finished.**
25 **A Okay. Thank you.**

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1 **I'm ready.**
2 Q Ms. McDougall, have you seen Exhibit No. 10 before?
3 **A Yes.**
4 Q Did you review Exhibit No. 10 in order to prepare for
5 today's deposition?
6 **A It is one of the documents that I saw, yes.**
7 Q And do you recognize Exhibit No. 10 as one of the
8 documents that Backpage has produced in discovery in this
9 case?
10 **A I can't say that I recognize it as such, but I see the**
11 **Bates number so believe that it is.**
12 Q This is an e-mail from Mr. Ferrer, dated April 15th,
13 2008, to superslinky6d9@gmail.com, and that's spelled
14 superslinky6d9@gmail.com.
15 Do you see that?
16 **A Yes.**
17 Q And in this e-mail from Mr. Ferrer, he puts under his
18 name, "Carl," he puts the title, "Site founder."
19 Do you see that?
20 **A Yes.**
21 Q And in the e-mail Mr. Ferrer tells
22 superslinky6d9@gmail.com that, "Your posting have
23 violated our terms of use. You can't post ads saying
24 things like 'I can slide you in the tightest slit ever,'
25 et cetera."

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1 Do you see that?
2 **A I do.**
3 Q And then Mr. Ferrer tells superslinky6d9@gmail.com that
4 if he has or she has any questions, that he or she can
5 call him at a phone number that is listed in the e-mail.
6 Do you see that?
7 **A I do.**
8 Q And then you see that Mr. Ferrer tells
9 superslinky6d9@gmail.com that, "After a month, you will
10 be able to access your account again, but please post ads
11 conforming to our terms of use."
12 Do you see that?
13 **A I do.**
14 Q Have you ever the discussed this e-mail with Mr. Ferrer?
15 **A No.**
16 Q Looking back at Exhibit-- well, strike that.
17 Have you ever asked Mr. Ferrer why he was allowing
18 someone who posted an ad with the title, "I can slide you
19 in the tightest slit ever," to continue posting ads on
20 Backpage.com after a month?
21 MR. SCHNEIDER: I think she just
22 answered that.
23 MR. AMALA: I'm asking a more specific
24 question.
25 THE WITNESS: Okay.

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1 MR. SCHNEIDER: Actually, you are now
2 asking if she ever discussed with Mr. Ferrer the exact
3 same subject as opposed to the e-mail itself, which has
4 been marked as Exhibit No. 10; did I get that right?
5 MR. AMALA: Yes, sir.
6 MR. SCHNEIDER: Okay.
7 THE WITNESS: No.
8 Q (By Mr. Amala) I can't remember what you said.
9 Did you say that you reviewed Exhibit No. 10 to
10 prepare for today?
11 MR. RYAN: She did.
12 THE WITNESS: I saw it, yeah.
13 Q (By Mr. Amala) Why didn't you talk with Mr. Ferrer about
14 this e-mail that is Exhibit No. 10 in order to prepare
15 for today's deposition?
16 MR. SCHNEIDER: Object to the form of
17 the question, insofar as it invites the witness to
18 disclose confidential and privileged attorney-client
19 communications.
20 VIDEOGRAPHER: Counsel, there is about
21 two minutes left.
22 (Exhibit No. 11 marked
23 for identification.)
24
25 MR. SCHNEIDER: I'm reminded it is

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1 also beyond the scope of the 30(b)(6) notice and would
2 therefore object on that basis as well.
3 This is Exhibit No. 11 that's imminent?
4 THE WITNESS: I saw no need.
5 Q (By Mr. Amala) Ms. McDougall, I have--
6 MR. AMALA: Well, tell you what, we
7 are about out of tape, so let's go ahead and take a quick
8 break while we switch tapes.
9 VIDEOGRAPHER: Going off the record,
10 the time is 3:43 p.m.
11 (Recess 3:43 to 3:51 p.m.)
12
13 VIDEOGRAPHER: We are back on the
14 record. The time is 3:51 p.m., and this is the beginning
15 of Disc 3 in the 30(b)(6) deposition of Village Voice
16 Media Holdings.
17 Q (By Mr. Amala) Ms. McDougall, I have handed you a
18 document marked as Exhibit No. 11.
19 Have you had a chance to review Exhibit No. 11?
20 **A No. I don't have it in my hand.**
21 Q Ms. McDougall, I have now handed you what's been marked
22 as Exhibit No. 11.
23 **A Thank you.**
24 Q Please take a moment to review Exhibit No. 11 and let me
25 know when you're finished.

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1 **A I have reviewed Exhibit No. 11.**
2 Q Ms. McDougall, did you review Exhibit No. 11 in order to
3 prepare for today's deposition?
4 **A I did not.**
5 Q Have you seen Exhibit No. 11 before?
6 **A I do not recall seeing it before.**
7 Q Do you know whether during the time the plaintiffs were
8 advertised on Backpage.com, whether Village Voice Media
9 employees were checking identification for age for ads
10 that were being posted in the escort section of
11 Backpage.com?
12 MR. SCHNEIDER: This would relate to
13 Topic No. 11 in the notice?
14 MR. AMALA: I believe that's correct.
15 MR. SCHNEIDER: The question--
16 MR. AMALA: Correct.
17 MR. SCHNEIDER: The reason I mentioned
18 that is I think the topic in No. 11--
19 MR. AMALA: Age verification.
20 MR. SCHNEIDER: Right. I did not want
21 the witness to be unaware of that.
22 MR. RYAN: I am about to hum the
23 Jeopardy song.
24 THE WITNESS: I don't have any
25 personal knowledge of that.

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1 I can tell you what this document indicates.
2 Q (By Mr. Amala) I'm trying to understand-- as
3 Mr. Schneider pointed out, one of the subjects for today
4 was whether identification was checked for the ads that
5 were posted of Plaintiffs, and if not, why not, so I'm
6 trying to understand, from this document, whether you
7 know whether or not at the time the ads of the plaintiffs
8 were posted on Backpage.com, whether employees at Village
9 Voice Media were checking photo identification for at
10 least some ads that were being posted on the website.
11 MR. SCHNEIDER: I'm sorry, maybe I
12 misunderstood.
13 I thought the question was intended to ask about
14 photo IDs with respect to newspaper, hard copy
15 publications.
16 Q (By Mr. Amala) If it's helpful, the way I read this, and
17 this is a draft, this document that's Exhibit No. 11, it
18 appears to indicate that Village Voice Media employees
19 were being instructed to check photo identification for
20 ads that were posted on Backpage.com and-- ads that were
21 being posted on Backpage.com and included in print media.
22 That's how I read this, but that's what I wanted to
23 ask you, if you have any understanding as to if that's
24 true or not.
25 If it's helpful, I can ask you the question again,

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1 in realizing that Mr. Ryan, your counsel, needs to get
2 moving to a plane, so--
3 Would you like me to ask the question again?
4 **A I have no independent knowledge.**
5 **I can answer your question only based on what's in**
6 **the contents of this document.**
7 Q Okay. Based on what's in this document, what's your
8 answer?
9 **A In certain circumstances ads for-- ads that were going to**
10 **go onto Backpage that came via the newspaper side of the**
11 **business, they had various requirements that employees**
12 **accepting such ads, whether they were just for the**
13 **website or for the website and the print publication--**
14 **there were various steps that they had to go through,**
15 **including things like agreeing to the terms of use,**
16 **paying by credit card.**
17 **Essentially for ads that were going to be posted on**
18 **Backpage that came in through the newspaper side of the**
19 **Village Voice Media business, they had to adhere to not**
20 **just the terms of use for Backpage, but the newspaper**
21 **policies with respect to adult ads as well.**
22 Q And one of those policies was to check documentation for
23 proof of age, correct?
24 **A According to this document, that was one of the newspaper**
25 **policies.**

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1 Q Do you know why documentation showing proof of age was
2 required for ads that were posted on the website by-- as
3 a result of someone coming to a newspaper office rather
4 than what was not required for someone who went directly
5 online to post their ad?
6 **A Well, one, the newspaper office was requiring people to**
7 **adhere to the newspaper standards, the practices and**
8 **policies, and that included the age verification.**
9 Q What was the purpose for that age verification
10 requirement?
11 MR. SCHNEIDER: At the newspapers?
12 THE WITNESS: Yeah, that's the only
13 place it's indicated here, is at the newspapers.
14 MR. SCHNEIDER: Okay. Answer if you
15 know.
16 THE WITNESS: To verify that people
17 posting ads in the adult category were not minors, not
18 underage.
19 MR. AMALA: I understand your counsel
20 needs to go. We obviously have some issues that we'll
21 probably need guidance on from the Court, and we are not
22 done with today's deposition, so we are going to adjourn
23 for today, but I'm going to keep the deposition open.
24 VIDEOGRAPHER: All right. This
25 concludes the 30(b)(6) deposition. The time is 4:02. We

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1 are off the record.
2 (Deposition concluded at 4:02 p.m.)
3 (Signature reserved.)
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1 STATE OF WASHINGTON) I, Terilynn Simons, RMR, CRR,
2) ss CLR, a certified court reporter
3 County of Pierce) in the State of Washington, do
4 hereby certify:



5 That the foregoing 30(b)(6) deposition of ELIZABETH
6 MCDUGALL was taken before me and completed on
7 April 26, 2017, and thereafter was transcribed under my
8 direction; that the deposition is a full, true and complete
9 transcript of the testimony of said witness, including all
10 questions, answers, objections, motions and exceptions;

11 That the witness, before examination, was by me duly
12 sworn to testify the truth, the whole truth, and nothing but
13 the truth, and that the witness reserved the right of
14 signature;

15 That I am not a relative, employee, attorney or counsel
16 of any party to this action or relative or employee of any
17 such attorney or counsel and that I am not financially
18 interested in the said action or the outcome thereof;

19 That I am herewith securely sealing the said deposition
20 and promptly delivering the same to Attorney Jason P. Amala.

21 IN WITNESS WHEREOF, I have hereunto set my signature on
22 the 27th day of April, 2017.

23
24
25


Terilynn Simons, CCR, RMR, CRR, CLR
Certified Court Reporter No. 2047.
(Certification expires 04/29/2020)

26 Byers & Anderson certifies that court reporting fees,
27 arrangements, terms of payment, costs, and/or services are
28 being offered to all parties on equal terms, and that if
29 there is an agreement between Byers & Anderson and/or its
30 court reporters and any persons and/or entities involved in
31 this litigation, and/or any third party agreements relevant
32 to this litigation, Byers & Anderson shall disclose the
33 agreement to all parties.

33 (Pages 126 to 127)

**Elizabeth McDougall
April 26, 2017**