J. COLLEEN CONNOLLY-AHERN, do hereby swear under penalty of perjury that the following assertions are true to the best of my knowledge and belief:

1. I am an Associate Professor of Advertising and Public Relations at the Pennsylvania State University and have been retained in this matter to evaluate the Plaintiff’s basis for damages or his defamation claims against Defendant Hunter Moore.

2. A true and correct copy of my curriculum vitae is attached to this affidavit as Exhibit A. From 2004 to 2010, I was an Assistant Professor of Communications, Advertising and Public Relations at the Pennsylvania State University. From 2010 to the present, I have been an...
Associate Professor of Communication, Advertising and Public Relations at the Pennsylvania State University.

3. I earned my Doctor of Philosophy in Communications from the University of Florida in 2004. From 2002-2004, I taught a number of communication courses at the University of Florida, including Intro to Public Relations, Advertising Campaigns, Advertising Sales and International Advertising.

4. I previously earned my Master of Fine Arts in Mass Communication with distinction from the University of Florida in 2002. During my Master’s program, I was a Marion Brehm Fellow. Prior to that, I received a Bachelor of Arts in History from Georgetown University in 1987.

5. As part of my duties as an Associate Professor, I teach upper-level communication courses including Research Methods in Advertising and Public Relations, Advertising Campaigns, Content Analysis Methodology, International and Intercultural Strategic Communications, and Qualitative Research Methods. My teaching and research emphasize research and analysis of the effects of mass communication, quantitatively and qualitatively.

6. Upon being retained in this matter, I reviewed the statements at issue within the Complaint, researched the Parties’ relative positions within the media, and analyzed extant research on models of harms from widely broadcast defamation. I base the findings discussed herein upon that research.


Affidavit of Colleen Connolly-Ahern
7. Plaintiff James McGibney is the main operator and public face of numerous online properties owned by ViaView, Incorporated and its subsidiary company, Chesterville, Incorporated. McGibney regularly talks to the press about important issues such as bullying and infidelity, and makes regular appearances on behalf of the Internet social media services BullyVille, found at <bullyville.com>, and ChesterVille, found at <chesterville.com>. These media appearances have included Univision, The Dr. Phil Show, The Anderson Cooper Show, The Maury Povich Show, Extra, KSNV My News 3 (Las Vegas' NBC affiliate station), KXTL Fox 40 (Sacramento, California’s FOX affiliate station), The Huffington Post, The Las Vegas Sun, Realtor.com, among others. A search of McGibney’s name via any major search engine (google.com, bing.com and yahoo.com) results in thousands of hits indicating his position as an advocate for personal responsibility.

8. Defendant Hunter Moore is best known for operating the controversial website Is Anyone Up, which is considered a pioneer of the involuntary pornography genre. Is Anyone Up solicited and posted nude photographs of men and women without their consent to be displayed on the site. Moore, who publicly promoted the site through parties and media events, often added animated commentary to the images. Additionally, Moore apparently mocked lawful attempts to have copyright-infringing images removed from his site.²

9. In April 2012, McGibney's company, ViaView Incorporated, purchased the <isanyon eup.com> domain name from Hunter Moore and discontinued the “involuntary pornography” aspect of the website’s operations. Reports of the sale from online news sources are

generally positive, indicating the move was designed to protect victims from being exposed on
Moore’s “involuntary pornography” scheme.

10. Since ViaView’s acquisition of the <discovery2.com> domain name, Moore has
appeared on The Anderson Cooper Show, been the subject of a feature piece by Rolling Stone
magazine, been interviewed by Vee, and appeared in various other media including radio talk
shows. A search of Moore’s name via any major search engine (google.com, bing.com and
yahoo.com) results in thousands of hits indicating his position as a provocateur and unofficial
spokesperson for the “grey areas” of Internet pornography.

11. Moore maintains an active presence on the microblogging and social networking
site Twitter, which is operated by Twitter, Incorporated. Moore’s Twitter account, identified as
@huntermoore, is accessible at twitter.com/huntermoore>. Moore has close to 140,000 followers
— individuals who receive his “tweets” republished in their individual Twitter subscriptions.

12. When Moore disseminated his statements about Plaintiff McGilvery (that he
possessed child pornography and was a pedophile), they were not just visible to Twitter’s users and
Moore’s followers, but potentially to the entire Internet. In addition, Moore’s followers could —
and did — republish Moore’s statements at issue in this litigation to their own followers in a process
known as “cascading,” allowing for the possibility of exponential dissemination of the comments.
A search of major search engines easily identifies thousands of results that include Moore’s claims.

13. Moore’s fame and visibility contributes mightily to the number of people who a)
have seen or heard his statements concerning McGilvery, and b) the number of individuals who
believed Moore’s statements to be true, thus harming McGilvery’s reputation.

14. According to research Moonseong Rhee and Michael Valdez published in the
Academy of Management Review, a key factor in the ability to repair a damaged reputation is the
external visibility of the reputation damaging event. Because of Moore’s status as a quasi-celebrity
and public figure, a larger-than-normal percentage of people are inclined to believe his statements as truthful. (Rhee, M., & Valdez, M.L. (2009). Contextual factors surrounding reputation damage with potential implications for reputation repair. *Academy of Management Review, 34*(1), 146-168.)

15. McGibney could correct Moore's statements and the harm they caused to his reputation through remedial action. Seeher and Padgett refer to this as "discourse of renewal." (Seeher, M. W., & Griffin Padgett, D. R. (2010). From image restoration to renewal: Approaches to understanding posterrisis communication. *Review Of Communication, 10*(2), 127-141.) Such action includes this litigation (and its attendant costs and attorneys' fees) which come under the fourth provision of discourse of renewal, known as "ethical communication grounded in core values." Other forms of discourse may further include advertisements and public relations efforts to correct Moore's statements.

16. Given the reach and perceived credibility of Moore based upon his celebrity, any effort McGibney took to correct Moore's statements may prove very costly, depending on the types of media used and the amount of time needed to produce awareness of the false nature of Moore's claims.

17. Moreover, any action McGibney takes bears the risk of people who had not been exposed to Moore's statements becoming aware of them, and possibly believing them despite McGibney's correction, as indicated by search engine results, which lead those looking for information about McGibney back to Moore's claims. Research indicates that the credibility of a spokesperson like McGibney is derived from a combination of perceived attractiveness, expertise, and trustworthiness (Miller, F. M., & Lacaniak, G. R. (2011). The Ethics of Celebrity-Athlete Endorsement. *Journal Of Advertising Research, 51*(3), 499-510). The persistence of Moore's statements online may serve to reduce assessments of both attractiveness and trustworthiness of
McGibney as a spokesperson for the anti-bullying and anti-cheating movements, thus reducing his ability to earn a living from public speaking engagements.

18. Research indicates that attempting to correct false statements with corrective advertising may have unintended, negative effects, serving to entrench, rather than negate, the perception of wrong-doing. [Darke, P., Ashworth, L., & Ritchie, R. (2008). Damage from Corrective Advertising: Causes and Cures. *Journal Of Marketing*, 72(6), 81-97.] In sum, despite any corrective efforts McGibney may take in light of Moore’s false, harmful statements, Moore’s claims may continue to cause reputational harm to McGibney that he may never be able to remediate fully, and which may affect his livelihood and business reputation in the future.

19. Finally, given the nature of Moore’s statements — accusing McGibney of possessing child pornography — and McGibney’s role as the founder and principal officer of a burgeoning internet business, Moore’s harm to McGibney is ongoing, in the extent that statements are encountered by those seeking background information on McGibney before, for example, deciding on hiring him for public speaking engagements on the topic of bullying, and may affect McGibney for some time.

20. In addition to professional harms, the mere accusation of pedophilic or child pornography can remove a person from contention for a number of positions and roles involving children, such as coaching or other volunteer positions. As I am aware that McGibney has two young sons, this could be potentially personally devastating. Given the fact that people often find this information, and do not confront the subject, McGibney could suffer such damage to his reputation, and lose opportunities without ever even knowing that he lost them, or why.

21. One of the downsides of the Internet has been its role in facilitating the availability and distribution of this unlawful material. Because of the significant criminal penalties associated
with child pornography, online businesses are wary of any connection with it, and fight strongly against its presence anywhere on the World Wide Web.³

22. Thus, Moore’s widely read statement that McGilney possessed child pornography while running an online business is especially harmful.

23. Based on the research cited above, it is likely that some percentage of Moore’s more than 100,000 Twitter followers believed Moore’s false statements about McGilney to be true.

24. Because of Moore’s celebrity, the accusations continue to be discussed in news items both directly and indirectly related to McGilney.

25. Such accusations can lead to a “lost opportunity” cost, whereby McGilney’s supposed link to “pedophilia” may exclude him from the consideration of those looking for motivational speakers, which represents a significant portion of the income McGilney counts on in the future.

26. Based on the damage caused by Moore’s statements and the number of individuals who believed Moore’s claims to be accurate, McGilney has suffered potential career-long reputational harm.

27. I am aware that McGilney is claiming damages of $250,000. In my professional opinion this may not be an unreasonable amount, depending upon future income lost, the persistence of inaccurate, negative information in the Internet environment, and the likelihood substantial costs may be necessary to restore McGilney’s reputation.

28. My hourly rate for providing expert testimony is $300.00/hour.

29. I have not served as an expert witness within the last four years.


Affidavit of Colleen Connolly-Athen
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Executed this __28th__ day of February, 2013 in State College, Pennsylvania.

Colleen Connolly-Atorn

Commonwealth of Pennsylvania
County of Centre

On December 26, 2012, Colleen Connolly-Atorn acknowledged this instrument and provided her driver's license for identification.

Nicole D. Hartger, notary public

COMMONWEALTH OF PENNSYLVANIA

Notary Seal
Nicole D. Hartger, Notary Public


Affidavit of Colleen Connolly-Atorn
EXHIBIT A
COLLEEN CONNOLLY-AHERN, PH.D.
CURRICULUM VITAE
328 DOUGLAS DRIVE, STATE COLLEGE, PA 16803
PHONE 814-865-3073 • E-MAIL CONNOLLY-AHERN@PSU.EDU

ACADEMIC POSITIONS

2010 - Present The Pennsylvania State University State College, PA
Associate Professor of Communication, Advertising and Public Relations
Member, Latin American Studies Faculty, Penn State University
Course Coordinator, COMM 420, Research Methods

2004 - 2010 The Pennsylvania State University State College, PA
Assistant Professor of Communication, Advertising and Public Relations

Courses Taught:
- Research Methods in Advertising and Public Relations (COMM 420)
- Advertising Planning (COMM 422)
- Advertising Campaigns (COMM 424)
- Strategic Communication and Society (COMM 522)
- Content Analysis Methodology (COMM 597)
- International and Intercultural Strategic Communications (COMM 426 and COMM 597)
- Qualitative Research Methods (COMM 511)

May 2012 Shanghai International Studies University Shanghai, China
Visiting Professor of Communication

Courses Taught:
- Research Methods in Advertising and Public Relations
- International and Intercultural Strategic Communications

EDUCATION

2002 - 2004 University of Florida Gainesville, FL
Doctor of Philosophy
Alumni Fellow

- Dissertation: Media, excuses and culture: A cross-cultural impression management experiment
- Chair: Lynda Lee Kaid, Ph.D.
1999 - 2002 University of Florida Gainesville, FL
Master of Arts in Mass Communication, With Distinction
Marion Breviner Freedom of Information Fellow

- Thesis: Hyperlink proximity: An assessment of pharmaceutical Web site advertising in the absence of FDA regulation
- Chair: Sandra F. Chance, J.D.

1981 - 1987 Georgetown University Washington, DC
Bachelor of Arts in History

GRADUATE TEACHING EXPERIENCE

2002 - 2004 University of Florida Gainesville, FL
- Intro to Public Relations (PUR 3000)
- Intro to Public Relations Teaching Assistant (PUR 3000)
- Advertising Campaigns (ADV 4800)
- Advertising Sales (ADV 3502)
- International Advertising (ADV 4400)

RELEVANT PROFESSIONAL EXPERIENCE

1994 - 2004 Abbey Lane Marketing Gainesville, FL
President
- Owned and operated a marketing communications firm serving clients from the banking, publishing and education business areas.

1992 - 1994 USA Today New York City, NY
Promotion Manager
- Supervised a staff of three in the production of promotion materials and sales presentations for the advertising sales staff of a national newspaper. Fulfilled adverstorial projects, supervised designers and copywriters.
- Completed Gannett’s Management Development Program.

1990 - 1992 Marine Log Magazine New York City, NY
Managing Editor
- Produced a monthly trade magazine for shipping and cruising industry. Wrote monthly feature articles. Copy edited all staff and freelance articles. Created monthly layout budget.
- Supervised transfer of magazine from paste-up to desktop publishing.

PUBLISHED MANUSCRIPTS


**LAW REVIEW ARTICLES**


**INVITED BOOK CHAPTERS**


**ENCYCLOPEDIA ENTRIES**


**REPRINTS**


**HONORS AND AWARDS**

2008  
Top Three Faculty Paper  
Public Relations Division, AEJMC

2007  
Top Two Faculty Paper  
Science Communication Interest Group, AEJMC

2005  
Top Paper Session  
Public Relations Division, ICA

2004  
Top Three Student Paper  
Public Relations Division, AEJMC

2004  
Outstanding Graduate Student Teacher  
College of Journalism and Mass Communication  
University of Florida

2003  
Top Paper  
PRSA Educators Academy, PRSA

2003  
Top Student Paper  
Law Division, AEJMC

2003  
ICA Graduate Teaching Award  
Advertising—University of Florida

2002  
Top Four Faculty/Student Paper  
Public Relations Division, AEJMC

2001  
Elected to Phi Kappa Phi  
National Honor Society

**FUNDED RESEARCH**

**Completed**


- Co-Principal Investigator
- Social Science Research Council
- $7,500

Fetal Alcohol Spectrum Disorder Awareness Campaign

- Co-Principal Investigator
- Pennsylvania Department of Health
- $100,000 (2006-2007); $100,000 (2007-2008)
“Use of political communications in Guatemalan presidential elections”
- Principal Investigator
- Summer Research Grant 2007, College of Communications, Pennsylvania State University
- $3,500

“The Effect of Video News Release Attribution on Credibility and Risk Assessment”
- Co-Principal Investigator
- $3,000

REFEREED CONFERENCE PAPERS


Connolly-Ahern, C. (August, 2007). Agenda-tapping: Conceptualizing the relationship between news coverage, fund raising and the First Amendment. Presented to the Public Relations Division, AEJMC,
Washington, DC.


Mollela, J.C., Connolly-Ahern, C., & Quinn, C. (October, 2003). Cross-national conflict shifting: Expanding a theory of global public relations management through quantitative content analysis. Presented to the PRSA Educators Academy, New Orleans, LA.


Dimitrova, D.V., Connolly-Ahern, C., Reid, A., Williams, A. P., & Kaid, L.L. (August, 2002). Hyperlinking as gatekeeping: Online newspaper coverage of the execution of an American terrorist. Presented to the Newspaper Division, AEJMC, Miami Beach, FL.


INVITED PANEL PRESENTATIONS


### SERVICE TO THE PROFESSION

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<th>Year</th>
<th>Position</th>
<th>Division/Committee</th>
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<td>2010-2012</td>
<td>Editorial Board Member</td>
<td><em>Journal of Public Relations Research</em></td>
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<td>2011-2012</td>
<td>Chair, Nominating Committee</td>
<td>Public Relations Division, AEJMC</td>
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<tr>
<td>2010-2011</td>
<td>Head</td>
<td>Public Relations Division, AEJMC</td>
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<tr>
<td>2009-2010</td>
<td>Vice-Head</td>
<td>Public Relations Division, AEJMC</td>
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<tr>
<td>2008-2009</td>
<td>Vice-Head Elect</td>
<td>Public Relations Division, AEJMC</td>
</tr>
<tr>
<td>2005-2008</td>
<td>Co-Chairwoman, Suzanne A. Roschwalb Award for</td>
<td>International Study and Research,</td>
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<td></td>
<td></td>
<td>Public Relations Division, AEJMC</td>
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<tr>
<td>2003 - 2004</td>
<td>Vice-Head, Graduate Education Interest Group, AEJMC</td>
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<tr>
<td>2002 - 2003</td>
<td>Secretary, Graduate Education Interest Group, AEJMC</td>
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### SERVICE TO THE UNIVERSITY

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<tr>
<th>Time</th>
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<tr>
<td>Spring 2012</td>
<td>Graduate Council Member</td>
<td><em>Penn State University Graduate Council</em></td>
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<tr>
<td>2011-2012</td>
<td>Faculty Senator</td>
<td><em>Penn State University Faculty Senate</em> Member, <em>Global Programs Committee</em></td>
</tr>
<tr>
<td>2006-2010</td>
<td>Member, Advisory Board</td>
<td><em>La Vie, The Penn State Yearbook</em></td>
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### SERVICE TO THE COLLEGE AND DEPARTMENT

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<th>Position</th>
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<td>Fall 2011</td>
<td>Member, Graduate Comprehensive Exam Task Force</td>
<td>College of Communications, Penn State University</td>
</tr>
</tbody>
</table>
2010-2012  Member, Department Promotion and Tenure Committee
College of Communications, Penn State University

2007-2009  Member, Graduate Committee
College of Communications, Penn State University

2005-2007  Member, Scholarship Committee
College of Communications, Penn State University

2004-2007  Member, Faculty Search Committees:
Advertising; Public Relations; Professional in Advertising
College of Communications, Penn State University

2005-2006  Member, SRTE Review Committee
College of Communications, Penn State University

2005-2006  Member, Faculty Search Committees:
Advertising; Public Relations; Professional in Advertising
College of Communications, Penn State University

2004-2005  Member, Advertising/Public Relations Graduate
Curriculum Committee
College of Communications, Penn State University

2003 - 2004  Graduate Committee, University of Florida College of
Journalism and Mass Communication

2001 - 2002  Research Committee, University of Florida College of
Journalism and Mass Communication