

Exhibit 3

Declaration of Christopher Brancart in Support of
Plaintiffs' Motion for Partial Summary Judgment or in
the Alternative Summary Adjudication of Issues

Fair Housing v. Roommate.com
Case No. 03-CV-09386 PA (RZx)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Cause No. CV03-9386 PA (RZx)

FAIR HOUSING COUNCIL OF SAN FERNANDO)
VALLEY, FAIR HOUSING COUNCIL OF SAN)
DIEGO, individually and on behalf of the)
GENERAL PUBLIC,)
)
Plaintiffs,)
)
vs.)
)
ROOMMATES.COM, LLC,)
)
<u>Defendant.</u>)

DEPOSITION OF BRYAN A. PETERS

Scottsdale, Arizona
Tuesday, July 27, 2004
10:00 a.m.

REPORTED BY: JUDY LOVE-HOSLER, Arizona CSR No. 50540

CERTIFIED
COPY

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1 I really can't predict because a web
2 site is many -- it impacts the code. One change can
3 mess up everything. So I have to really, especially
4 with those types of questions, I have to go through a
5 lot of pages. I could not predict.

6 Q. Now, when your brother changes the
7 featured member section, why is that easier to add a new
8 featured member as opposed to other changes you would
9 make?

10 A. Because that doesn't change the
11 structure of the service. It is basically graphical.
12 It is using what's already in place.

13 Q. Does roommates.com have a requirement
14 that perspective members disclose their age to
15 roommates.com?

16 MR. ALGER: Can I have the question read
17 back?

18 (Question read.)

19 THE WITNESS: The system asks for
20 information, and age is required to move to the next
21 level of the sign in process.

22 Q. (BY MR. RHOADES) So you couldn't become
23 a member until you've disclosed your age. Correct?

24 A. Correct.

25 Q. And is it the same for sexual

1 orientation?

2 A. Correct.

3 Q. And is it the same for gender?

4 A. Yes.

5 Q. And is it the same for whether they have
6 children or not?

7 A. That one, it's not necessarily,
8 depending on how you phrase it. It's asking if children
9 are present, not whether they have children. It just
10 depends if children live with you.

11 Q. Okay. What happens if someone tries to
12 not answer that question about, let's say -- let's go
13 back to age. If someone tries to give you all the other
14 information, but they don't want to give you their age
15 and they hit submit.

16 Do you know what happens next?

17 A. An alert pops up and says that age is
18 required, and maybe not in those words necessarily.

19 Q. Do you know what the words are for the
20 children issue on that box?

21 A. I don't remember the exact words, but
22 basically, that question requires an answer.

23 Q. Did you agree that there's a box that
24 pops up that says age is required or words to that
25 effect?

1 A. Yes.

2 Q. And did you select the language that is
3 used in the box?

4 A. I wrote the initial words, but I don't
5 know for sure if they were edited later.

6 Q. Who might have edited the words?

7 A. Brett. Because he actually speaks more
8 eloquently than I do. So he might have.

9 Q. Have these required fields ever changed
10 since June of 2003? I just want to say have there been
11 any other types of information that were required and
12 dropped or that you have -- that were not originally on
13 there in June of 2003?

14 A. I'm trying to remember to make sure.
15 I'm confident enough about no, but I'm not positive.

16 Q. Okay. Now, if you were to decide to no
17 longer require members to disclose or perspective
18 members to disclose their age before becoming members,
19 how would you remove that as a requirement from your web
20 site?

21 A. That would require a total site rewrite
22 and, at the same time, it would ruin the service and we
23 would lose our members, based on that specific question.

24 Q. So I'm going to ask you a couple of
25 questions about what you've just said.

1 you're not part of that computer server, you're not
2 powering that server in any way?

3 A. No.

4 Q. Have you ever had any fair housing
5 training?

6 A. No.

7 Q. To your knowledge, has anyone at
8 roommates.com, any employee ever had any fair housing
9 training?

10 A. Not to my knowledge.

11 MR. RHOADES: I want to take a
12 five-minute break.

13 (Recess taken.)

14 Q. (BY MR. RHOADES) So Mr. Peters, looking
15 at Exhibit 9, have you had a chance to review the entire
16 exhibit and all its pages?

17 A. Is this all Exhibit 9?

18 Q. Yes.

19 A. Well, I could go through it.

20 MR. ALGER: Let the record reflect he's
21 reviewed it with counsel.

22 Q. (BY MR. RHOADES) Okay. Now, looking at
23 the first member profile in Exhibit 9, which is entitled
24 johnny25, you've reviewed that. Correct?

25 A. Yes.

1 Q. And is it a true and accurate
2 representation of a member profile from roommates.com?

3 A. I have no reason to doubt that it is or
4 isn't.

5 Q. That it is or isn't?

6 A. And I have no reason to doubt that it
7 isn't.

8 Q. So is that a yes?

9 A. Yes.

10 Q. Okay. And can we go ahead and stipulate
11 that the rest of the exhibits or the rest of the pages
12 in Exhibit 9 -- well, actually, we had names. Okay.
13 We're going to name off some names of some member
14 profiles into the record.

15 MR. ALGER: Why don't we make the record
16 reflecting that. What has happened is counsel has
17 spoken and I've also talked to the witness, and we have
18 identified the profiles that are in Exhibit 9 for which
19 the answer would be the same as the witness' response to
20 the questions regarding johnny25.

21 MR. RHOADES: Great.

22 MR. RHOADES: And these are the names of
23 the profiles in Exhibit 9 that we're agreeing to:
24 Gkaven; Rob Bala, B-a-l-a; Tom Dichirico, T-o-m,
25 D-i-c-h-i-r-i-c-o.

1 Samson8; kentc; and harshrlity, but
2 reality is spelled without the E, and the A2AOL.

3 Now, looking on to Exhibit 10 --

4 MR. ALGER: Okay. And we did the same
5 thing with regard to Exhibit 10. I discussed these with
6 the witness, and I have reviewed them with the witness,
7 and the answer would be the same for the following
8 profiles that Mr. Rhoades will read into the record.

9 MR. RHOADES: Gkaven; Thomasf; cdmsteve;
10 gracepeace; archangel777; patk; bethp57; sassyllady;
11 flavoredd, and hawthorn.

12 MR. ALGER: And the witness also has in
13 front of him Exhibit 11, and we discussed these as well,
14 counsel and I, and also, I reviewed them with the
15 witness and the answers would be the same for the
16 profiles that Mr. Rhoades will read into the record.

17 MR. RHOADES: Mrtoy2001; hoody; vbke;
18 and jcteacher.

19 So moving on to No. 12.

20 MR. ALGER: The same thing here. I
21 discussed them with counsel and reviewed them with the
22 witness, and the answers would be the same for the
23 following profiles.

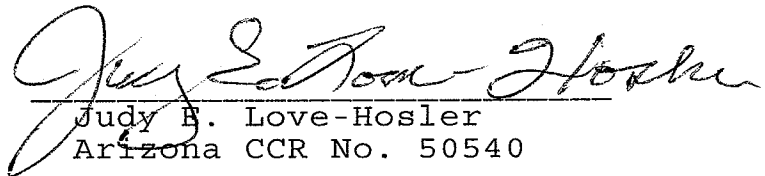
24 MR. RHOADES: And we just have one on
25 Exhibit 12 and it's stogie, S-t-o-g-i-e.

1 STATE OF ARIZONA)
2) ss:
3 COUNTY OF MARICOPA)
4

5 BE IT KNOWN that the foregoing examination
6 under oath was taken before me, JUDY E. LOVE-HOSLER,
7 Arizona Certified Shorthand Reporter #50540; that the
8 witness, BRYAN A. PETERS, before testifying, was duly
9 sworn by me to testify to the whole truth; that the
10 questions propounded to the witness and the answers of
11 the witness thereto were taken down by me in shorthand
12 and thereafter reduced to print under my direction; that
13 the foregoing pages are a true and correct transcript of
14 all proceedings had upon the taking of said deposition.

15 I FURTHER CERTIFY that I am in no way
16 related to any of the parties hereto, nor am I in any
17 way interested in the outcome hereof.

18 DATED at Scottsdale, Arizona, this 6th day
19 of August, 2004.

20 
21 Judy E. Love-Hosler
Arizona CCR No. 50540

22 * * *
23
24
25

EXH 9

Roommates.com



[My Matches](#) | [Power Search](#) | [Mail Center](#) | [Resources](#) | [Support](#) | [Logout](#) | [Dating](#)

Account Settings

3604c: Looking for a room

[You have mail](#)

- ▶ [Edit profile](#)
- ▶ [Edit email address](#)
- ▶ [Edit nickname](#)
- ▶ [Edit password](#)
- ▶ [MatchPlus](#)
- ▶ [Email notification](#)
- ▶ [Deactivate](#)

Member profile

[Go Back](#)
[Add to Favorites](#)
[Contact Member](#)

johnnny25

Last activity: Within 1 day.

The Basics

Rent: \$ 450 per month + \$200 deposit
Lease: Month to month
Date available: Available Now!
Utilities included: Electricity, Gas
Features: Private bedroom, Closet, Telephone hookup

View Profile

Enter nickname:

Residence & Vicinity

Building: Apartment, 2 bed, 1 bath.
Features: Washer/dryer in unit
Location: (West) Los Angeles, CA
Cross streets & map: fairfax and melrose - [map](#)
What's nearby: Bus line, Dining, Parks/Recreation, Shopping mall

Household

Occupant: 1, Age 35, Male (straight)
Occupation: Professional
Smoking habits: Non-smoker
Cleanliness: Clean
Children: Children will not be living with us
Pets: Cat(s)
Character:

johnnny25's Preferences

Age group: 25-40
Gender: Female (straight)
Smoking: Outside smoking okay
Cleanliness level: Clean, Average
Pets: No pets please
Children: No children please

Comments

im looking for an ASIAN FEMALE OR EURO GIRL that i can connect with and or maybe be helpful in that aspect of life.its very peaceful here and as far as apartment living its a great set up. its only a 6 unit building and only 1 person lives on 1 side and only 4 units on the other.i will not respond to anyone who just leave 's a number or has a profile with out comments.i can be reached at jtn3556@Yahoo.com thanks



Go Back



Add to Favorites



Contact Member

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My Matches | Power Search | Mail Center | Resources | Support | Logout | Dating

Account Settings

3604c Looking for a room

You have mail

- ▶ [Edit profile](#)
- ▶ [Edit email address](#)
- ▶ [Edit nickname](#)
- ▶ [Edit password](#)
- ▶ [MatchPlus](#)
- ▶ [Email notification](#)
- ▶ [Deactivate](#)

Member profile

Go Back
 Add to Favorites
 Contact Member

Last activity: Within 2 days.

View Profile

Enter nickname:

rob

The Basics

Rent: \$ 350 per month + \$250 deposit
 Lease: Month to month
 Date available: Available Now!
 Utilities included: Electricity, Gas, Water
 Features: Balcony/patio, Cable/satellite hookup, Closet, Furnished, Telephone hookup

Residence & Vicinity

Building: Apartment, 1 bed, 1 bath
 Features: Balcony/patio, Laundry facility, Microwave
 Location: (North) San Diego, CA
 Cross streets & map: west mission bay drive and grand ave. - [map](#)
 What's nearby: Bus line, Freeway access, High school, Shopping mall

Household

Occupant: 1, Age 45, Male (gay)
 Occupation: Professional
 Smoking habits: Non-smoker
 Cleanliness: Clean
 Children: Children will not be living with us
 Pets: Cat(s)
 Character:

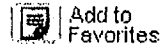


rob's Preferences

Age group: 18-25
 Gender: Male (straight or gay)
 Smoking: Non-smoking
 Cleanliness level: Clean
 Pets: No pets please
 Children: No children please

Comments

im looking for an openminded,gay,bi,straight ,clean,honest,respectful,friendly person,like myself!i prefer 18 to 25 white males!



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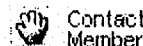
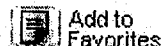
Account Settings

dfeh: Looking for a room | Hidden |

You have mail

- ▶ Edit profile
- ▶ Edit email address
- ▶ Edit nickname
- ▶ Edit password
- ▶ MatchPlus
- ▶ Email notification
- ▶ Deactivate

Member profile



KentC

Last activity: Within 1 day.

The Basics

Rent: \$ 750 per month + \$700 deposit
 Lease: Month to month
 Date available: Available Now!

Utilities included: N/A
 Features: Private bedroom, Private bathroom, Balcony/patio, Closet, Furnished, Master bedroom, Telephone hookup, Walk-in closet

View Profile

Enter nickname:

Residence & Vicinity

Building: House, 1 bed, 1 bath
 Features: Air conditioning, Balcony/patio, Cable/satellite, Dishwasher, Fireplace, Fitness center, High speed Internet, Laundry facility, Washer/dryer in unit, Microwave, Parking, Pool, Spa/hot tub, Tennis courts, Yard
 Location: (East) Anaheim, CA
 Cross streets & map: Noll Ranch Rd. and Anaheim Hill's Rd. - [map](#)
 What's nearby: Freeway access, Parks/Recreation, Suburb

Household

Occupant: 1, Age 45, Male (straight)
 Occupation: Professional, Student, Retired
 Smoking habits: Non-smoker
 Cleanliness: Clean
 Children: Children will not be living with us
 Pets: N/A
 Character:

KentC's Preferences

Age group: 45-65
 Gender: Male (straight), Female (straight or lesbian)
 Smoking: Non-smoking
 Cleanliness level: Clean
 Pets: No pets please
 Children: No children please

Comments

I am looking for a responsible person that minds their own business, respectful, honest, reliable, and wants to live in an upper middle class home and a beautiful neighborhood with complete privacy. This is the place for you. (PLEASE NO FLAKS, DEADBEATS OR WHITE TRASH !!)

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  Contact Member

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By Member | Power Search | Mail Center | Resources | Support | Logout | Dating

Account Settings

dfeh Looking for a room | Hidden |

You have mail

- ▶ Edit profile
- ▶ Edit email address
- ▶ Edit nickname
- ▶ Edit password
- ▶ MatchPlus
- ▶ Email notification
- ▶ Deactivate

▶ Member profile

Go Back Add to Favorites Contact Member

GKaven

Last activity: Within 25 days.

Photo Gallery



View Profile

Enter nickname:

The Basics

Rent: \$ 800 per month + \$250 deposit
 Lease: 6 month
 Date available: Available Now!
 Utilities included: N/A
 Features: Private bedroom, Private bathroom, Cable/satellite hookup, Closet, Master bedroom, Telephone hookup

Residence & Vicinity

Building: Apartment, 2 bed, 2 bath
 Features: Air conditioning, Alarm system, Balcony/patio, Covered parking, Dishwasher, Elevator, Fireplace, Garage, High speed Internet, Laundry facility, Microwave, Parking, Pool, Spa/hot tub, Storage, Wheelchair access
 Location: (West) West Hollywood, CA
 Cross streets & map: Crescent Heights and Fountain - map
 What's nearby: N/A

Household

6/4 10




Occupant: 1, Age: 27, Male (straight)
 Occupation: Professional
 Smoking habits: Non-smoker
 Cleanliness: Clean
 Children: Children will not be living with us
 Pets: Cats
 Character:

GKaven's Preferences

Age group: 21-30
 Gender: Male (straight or gay), Female (straight or lesbian)
 Smoking: Outside smoking okay
 Cleanliness level: Clean, Average
 Pets: No pets please
 Children: No children please

Comments

The apartment is approx. 1000 sq. ft. and has 2 masterbedrooms. The complex is roughly 150 units, 2 laundry rooms, 2 elevators, large parking garage with entrances off of 2 streets. There is a large main courtyard with a huge pool & hot tub. Apt. is on top floor and does not share any walls with neighboring apartments. If you like what West Hollywood has to offer, this location is ideal. 1 block to Sunset strip (just below Virgin Mega Store), 1 block to Santa Monica Blvd. Looking for guy or girl who is considerate, easy going, fun-but-responsible, clean, blah blah. I'm independent, have my own life and am generally very low maintenance. I am NOT looking for freaks, geeks, prostitutes (male or female) druggies, pet cobras, drama, black muslims or mortgage brokers. If you think you have what it takes (and I have set the bar pretty low), please contact me: genekavenoki@stanfordalumni.org

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-000094-

Roommates.com



My Matches | Power Search | Mail Center | Resources | Support | Logout | Dating

Account Settings

- ▶ Edit profile
- ▶ Edit email address
- ▶ Edit nickname
- ▶ Edit password
- ▶ MatchPlus
- ▶ Email notification
- ▶ Deactivate

View Profile

Enter nickname:

dfeh Looking for a room | [Hidden](#) |

[You have mail](#)

▶ Member profile

Go Back Add to Favorites Contact Member

BethP57

Last activity: Within a few hours.

Photo Gallery



The Basics

Rent: \$ 550 per month + \$500 deposit
 Lease: 6 month
 Date available: 01/01/04 (11 days)
 Utilities included: Electricity, Gas, Water, Trash pickup
 Features: Private bedroom, Private bathroom, Cable/satellite hookup, Closet, Telephone hookup

Residence & Vicinity

Building: House, 3 bed, 2.5 bath
 Features: Air conditioning, Cable/satellite, Covered parking, Dishwasher, Fireplace, Fitness center, Garage, High speed Internet, Laundry facility, Washer/dryer in unit, Microwave, Pool, Spa/hot tub, Storage, Tennis courts, Yard
 Location: (North) Oceanside, CA
 Cross streets & map: Rancho Del Oro and Highway 76 - [map](#)
 What's nearby: Bus line, College/University, Dining, Elementary school, Freeway access, High school, Parks/Recreation, Shopping mall, Suburb

Household

Occupant: 1, Age 46, Female (straight);
 Occupation: Professional
 Smoking habits: Non-smoker
 Cleanliness: Clean
 Children: Children will not be living with us
 Pets: Cat(s)
 Character:



BethP57's Preferences

Age group: 30-55
 Gender: Male (straight), Female (straight)
 Smoking: Non-smoking
 Cleanliness level: Clean
 Pets: No pets please
 Children: No children please

Comments

I'm looking for a quiet, mature, working person who's easy going, not into drama. Someone looking for a room to reduce costs because of a goal he/she is reaching for. Students and military welcome. I'd like someone who likes to keep to him/herself, doesn't cook much and has a busy schedule. Would like for the person to feel we can be housemates and help each other out if needed but no need to socialize together or try to be friends. It's most important for the person to be able to be assertive and if he/she has something that's bothering him/her about the house sharing arrangement, he/she can let me know in a civil manner and we can address it and work out the issue. Want someone who's respectful, has integrity and a Christian would be great. That describes me so we'd get along fine. I'm charging 1/3 (although there's only myself in the house besides you) of the gas, electric and water in order to deter careless usage of these. This should range from \$30 to \$40/mo. I have a beautiful new home, nicely furnished, in a great neighborhood that's 10 minutes from the beach and I-5. Please contact me and tell me about yourself.



Go Back



Add to Favorites



Contact Member

Roommates.com



My Matches | Power Search | Mail Center | Resources | Support | Logout | Dating

Account Settings

- ▶ Edit profile
- ▶ Edit email address
- ▶ Edit nickname
- ▶ Edit password
- ▶ Update Pic
- ▶ Email notification
- ▶ Deactivate

View Profile

Enter nickname:

Go

3604c: Looking for a room

You have mail

Member profile

Go Back
 Add to Favorites
 Contact Member

Last activity: Within 2 days.

flavord

The Basics

Rent: \$ 500 per month + \$150 deposit
 Lease: Month to month
 Date available: 12/01/03 (22 days)
 Utilities included: Gas, Trash pickup
 Features: Private bedroom, Closet, Master bedroom, Telephone hookup

Residence & Vicinity

Building: Townhouse/Condo, 2 bed, 1.5 bath
 Features: Balcony/patio, Cable/satellite, Covered parking, High speed Internet, Laundry facility, Microwave, Parking, Pool, Storage
 Location: (NE) Anaheim, CA
 Cross streets & map: Glassell and 91 - [map](#)
 What's nearby: College/University, Shopping mall

Household

Occupants: 3, Age 21-34, Male (straight)
 Occupations: Professional
 Smoking habits: Non-smokers
 Cleanliness: About average
 Children: Children will not be living with us
 Pets: N/A
 Character:

10-20

Roommates.com - Profile

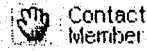
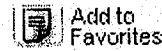


flavord's Preferences

Age group: 18-99
 Gender: Male (straight)
 Smoking: Outside smoking okay
 Cleanliness level: Clean, Average
 Pets: Dog okay, Caged pet okay
 Children: No children please

Comments

Looking for a Christian guy to take a room immediately. Have your own room. Near CSU close to three freeways. I'm looking for someone who won't come to me for rent money, and will respect people's space and belongings. Not a lot needed, just some responsibility and consideration.



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1/20/08