

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID ALLISON, doing business as
CHEAT CODE CENTRAL, a sole
proprietorship,

Plaintiff,

vs.

JEREMY N. WISE, an individual,

Defendant.

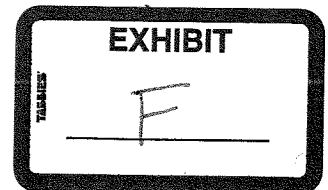
Case No.:
2:08-cv-00157-MHW-MRA

PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES

Plaintiff David Allison d/b/a Cheat Code Central ("Allison"), by and through his undersigned attorneys, hereby objects and responds to the First Set of Interrogatories propounded by Defendant Jeremy Wise ("Wise").

GENERAL OBJECTIONS

1. Allison objects to each and every Interrogatory to the extent that it purports, through definitions or otherwise, to impose obligations that exceed the scope of reasonable and permissible discovery under Fed. R. Civ. P. 26.
2. Allison objects to each and every Interrogatory to the extent that it seeks documents or information not within the possession, custody or control of Allison.
3. Nothing contained in any response to any Interrogatory shall be construed as an admission by Allison relative to the existence or nonexistence of any information, and no such response shall be construed as an admission respecting the relevance or admissibility of any



information or the truth or accuracy of any statement or characterization contained in any topic in this civil action.

4. Allison objects to each and every Interrogatory to the extent it seeks the production of information that is subject to the attorney-client privilege, work product doctrine, or other privileges, on the grounds that privileged matter is exempt from discovery.

5. To the extent the Interrogatories seek confidential or proprietary information pertaining to Allison's business, trade secrets and/or economic relationships, Allison will only produce such information subject to the terms of the Stipulated Protective Order, entered on March 4, 2009 ("Stipulated Protective Order").

6. Allison objects to each and every Interrogatory to the extent that it seeks information not known or reasonably available to Allison.

7. Allison objects generally to each and every Interrogatory to the extent that it refers to "any," "each," or "all" when a limited amount of such information would be sufficient, on the grounds that such a requirement makes the Interrogatory cumulative and duplicative, overbroad, and unduly burdensome.

8. Allison objects to the definition of "Plaintiff" or "Plaintiff Allison" to the extent it includes, without limitation, "any Officer, Employee, Representative, Agent, Director, or other person associated with and/or acting on behalf of Cheat Code Central" as overbroad, unduly burdensome, and not reasonably calculated to lead to admissible evidence as it is not date restricted nor limited in scope. Allison will construe the terms "Allison" "you" "your" whenever used in these Interrogatories to refer to Plaintiff David Allison.

9. Allison objects to the use of the phrase "electronic and/or video game

strategy, tip, hint, trick and/or cheat code” as vague in that it is subject to multiple interpretations. Notwithstanding this objection, Allison will respond to Requests incorporating this phrase by interpreting the phrase in question to refer to his copyright-protected original descriptions and unique compilations of the strategies, tips, hints, tricks and/or cheat codes incorporated into his Copyrighted Web Pages.

10. Allison has made reasonable efforts to object and respond to each Interrogatory as he understands and interprets the Interrogatory. If Wise subsequently asserts any interpretation of any Interrogatory that differs from Allison’s interpretation, Allison reserves the right to supplement its objections and responses.

Subject to the objections and reservations set forth herein, the responses to follow are submitted on behalf of Allison and reflect Allison’s continuing investigation of facts and discovery of information and documents. Accordingly, Allison’s responses are based only upon such information and documents that are presently available and specifically known to Allison through a diligent and reasonable search. Allison reserves the right to supplement and/or amend these responses should additional or new information be uncovered.

INTERROGATORIES

INTERROGATORY NO. 1:

State the full name, date of birth, address, ocepation, and relationship (including any agent-principal or employer-employee relationships that may exist with respect to the other parties to this litigation) to the parties of the individual answering these interrogatories and each individual who assisted in answering of these interrogatories (DO NOT IDENTIFY ANYONE WHO SIMPLY TYPED OR REPRODUCED THE RESPONSES).

RESPONSE TO INTERROGATORY NO. 1:

Allison objects to this Interrogatory as not relevant and not likely to lead to the discovery of admissible evidence to the extent it seeks information relating to the date of birth of the individuals answering these interrogatories.

Subject to and without waiving the general or specific objections set forth herein, Allison states that the following parties assisted in answering these interrogatories: David Allison, the sole proprietor of Cheat Code Central, 4560 Augusta Drive, Broomfield, Colorado 80020, Tel. (303) 469-6195.

INTERROGATORY NO. 2:

Before further answering these interrogatories, state whether or not you have:

- A. Made a due and diligent search of all related documents, books, reports, memos, photos, and writings within your possession or under your control, in order to obtain information with respect to this action; and,
- B. Made a due and diligent inquiry of your fellow officers, employees, friends, relatives and those persons available to assist you in order to obtain information with respect to this action.

RESPONSE TO INTERROGATORY NO. 2:

Allison objects to this Interrogatory to the extent that it calls for information beyond the scope of discovery.

Subject to and without waiving the general and specific objections set forth herein, Allison states that his responses are based only upon such information and documents that are presently available and specifically known to Allison through a diligent and reasonable search and in accordance with the Federal Rules of Civil Procedure.

INTERROGATORY NO. 3:

For each electronic and/or video game strategy, tip, hint, trick and/or cheat code you allege Defendant infringed, identify the source from which you learned of the particular electronic and/or video game strategy, tip, hint, trick and/or cheat code.

RESPONSE TO INTERROGATORY NO. 3:

*****This response is made subject to the “Highly Confidential” classification in the Protective Order.**

Allison objects to this Interrogatory as a premature contention interrogatory. Allison further objects because this interrogatory is overbroad and unduly burdensome. Allison further objects to this interrogatory because it misstates the Complaint and the allegations set forth therein. Subject to and without waiving the general and specific objections set forth herein, Allison states that he is the sole author of the Copyrighted Web Pages located at www.cheatcc.com.

To the extent that this Interrogatory seeks information concerning the sources of the underlying facts utilized to help develop the Copyrighted Web Pages, Allison states that the sources of such factual information include: video game programmers, magazines, contributions from third-party users, Web sites, message boards, and Allison’s own experience playing video games. Third party sources include: Damien Sarrazin, Raha Bouda, Angella Wong, Tania Kingsrud, Nicholas Straw, Kit Ellis, Matt Dahlgren, Tim Sweezey, Bruce Dugan, Cindy Lum and Tim Cummins.

INTERROGATORY NO. 4:

For each electronic and/or video game strategy, tip, hint, trick and/or cheat code you allege Defendant infringed, identify specifically the material in the electronic and/or video game strategy, tip, hint, trick and/or cheat code original to you and the date upon which you created such original material.

RESPONSE TO INTERROGATORY NO. 4:

Allison objects to this interrogatory because it misstates the Complaint and the allegations set forth therein. Allison further objects because this interrogatory is overbroad and

unduly burdensome to the extent that it asks Allison to identify the original material and the exact dates which Allison created each electronic and/or video game strategy, tip, hint, trick and/or cheat code infringed by Wise, of which there are thousands. Allison began compiling, writing and editing his Web site's descriptions of video game strategies, tips, tricks, and cheat codes as early as May 1997.

INTERROGATORY NO. 5:

For each electronic and/or video game strategy, tip, hint, trick and/or cheat code you allege Defendant infringed, identify the game associated therewith, whether you played the game, and the level of completion you reached in the game, if applicable.

RESPONSE TO INTERROGATORY NO. 5:

Allison objects to this interrogatory because it misstates the Complaint and the allegations set forth therein. Allison further objects because this interrogatory is overbroad and unduly burdensome because it requests Allison to identify the specific game associated with "each" electronic and/or video game strategy, tip, hint, trick and/or cheat code that Wise infringed. The Web site www.cheatcc.com contains references to well over 10,000 games. Allison further objects to this Interrogatory as not relevant and not likely to lead to the discovery of admissible evidence to the extent that it requests Allison to identify specific video games, whether Allison played each game, and the level of completion Allison reached in each game.

INTERROGATORY NO. 6:

Identify all websites from which you obtained electronic and/or video game strategies, tips, hints, tricks and/or cheat codes.

RESPONSE TO INTERROGATORY NO. 6:

Allison objects to this interrogatory because it is overbroad and unduly burdensome because it requests that Allison identify "all" Web sites from which he obtained electronic and/or video game strategies, tips, hints, tricks and/or cheat codes. Allison further objects because no time limit is provided on this interrogatory request. Allison further objects to this interrogatory as not relevant and not likely to lead to the discovery of admissible evidence.

Subject to and without waiving the general and specific objections set forth herein, Allison states he has obtained underlying factual information from various Web sites, including lucasarts.com, EA.com, gamefaqs.com, IGN.com, and Web sites maintained by video game creators or producers, but clarifies that he has never "cut and pasted" information from any of these sources into his own site.

INTERROGATORY NO. 7:

For each electronic and/or video game strategy, tip, hint, trick and/or cheat code you allege Defendant infringed, identify how you would know that the particular electronic and/or video game strategy, tip, hint, trick, and/or cheat code came from your website.

RESPONSE TO INTERROGATORY NO. 7:

Subject to and without waiving the general objections set forth herein, Allison states that he is the sole author of the Copyrighted Web Pages located at www.cheatcc.com and has developed a unique and recognizable style of writing, organization and structure for his website. Allison began creating and compiling original game and cheat code descriptions in 1997. As the sole author of his Copyrighted Web Pages, Allison is able to identify his own original, copyrighted material, much of which was posted on Wise's Web sites word-for-word (including occasional typographical and grammatical errors), or with only minor changes. Many of these descriptions are several paragraphs in length, and go well beyond mere rote instructions.

Furthermore, Allison conducts a Cheat Code Central “Daily Poll” (abbreviated as CCC Daily Poll) on his Web site. On at least one occasion, the CCC Daily Poll appeared six times within the context of a single game due to a code glitch. The corresponding game on www.cheatmasters.com also had a “CCC Daily Poll” six times, suggesting that Wise scraped the underlying code used to create Allison’s Web site. (Note: This example has been produced in response to Requests for Production of Documents 5 and 6.)

INTERROGATORY NO. 8:

Identify any and all websites having anything to do with the electronic and/or video game industry, games, strategies, tips, hints, tricks and/or cheat codes that you own, lease, or license, or that happen to be owned, leased or licensed by a third party in which you have ownership interest.

RESPONSE TO INTERROGATORY NO. 8:

Allison owns the following Web sites: cheatcc.com, gogocheatcodes.com, cheatzone.com, and cheatindex.com.

INTERROGATORY NO. 9:

Identify with specificity all damages you allege have been caused by Defendant.

RESPONSE TO INTERROGATORY NO. 9:

Discovery on this issue is on-going, and may involve the use of an expert witness. Subject to and without waiving the objections set forth herein, Allison states that he currently estimates that he is entitled to no less than an amount sufficient to compensate Allison for (1) all actual damages caused by Wise’s conduct, including but not limited to (a) the increased advertising costs Allison incurred in order to attempt to recover lost traffic as a result of the infringement by Wise (including but not limited to subscribing to Google’s “cost per click” services) and (b) lost advertising revenue due to the decreased traffic; (2) disgorgement of all profits received by Wise related in any way to the use of the copyrighted material on any of

Wise's Web sites, including traffic that came to Wise's sites due to the inflated Google search results as a direct result of the infringement); (3) attorneys' fees and costs as allowed by statute, and (4) interest and other relief as set forth in the Complaint.

INTERROGATORY NO. 10:

Identify any and all other persons who have licensed electronic and/or video game strategies, tips, hints, tricks and/or cheat codes from you.

RESPONSE TO INTERROGATORY NO. 10:

Subject to and without waiving the general objections set forth herein, Allison states that no person or entity currently licenses electronic and/or video game strategies, tips, hints, tricks and/or cheat codes from Allison. Previously, Allison licensed content to the following entities: yahoo.com, gamespot.com, gamedaily.com, and aol.com.

INTERROGATORY NO. 11:

In your Complaint, you contend that Defendant acted willfully. Are you, or your agents or persons acting on your behalf, aware of any fact, observation, document or item of evidence that, either directly or indirectly, suggests that the Defendant did not act willfully? If your answer is anything other than an unqualified "No," then for each and every such fact, observation, document and item of evidence, please set forth the following information separately, fully, specifically, and in detail:

- A. A detailed description of the fact, observation, document or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information;
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationship to the parties herein;
- C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge; and,
- D. If the subject information is documentary, will you please, without a motion to produce, attach a copy to your answers to these interrogatories.

RESPONSE TO INTERROGATORY NO. 11:

Allison objects to this interrogatory because it is overbroad and unduly burdensome in part because it requests Allison to identify “any” fact, observation, document or item of evidence that, either directly or indirectly, suggests that the Defendant did not act willfully. Allison further objects to this interrogatory insofar as it calls for legal analysis or conclusions. Allison also objects to this Interrogatory to the extent that it asks Allison to prove a negative.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he is not aware of any such information.

INTERROGATORY NO. 12:

Identify the individual(s) and/or entities used by Plaintiff Allison to publish the electronic and/or video game strategies, tips, hints, tricks and/or cheat codes found on any Cheat Code Websites. For each such individual, identify their Name, Address and Phone Number; their duties to and relationship with Plaintiff Allison; and the date upon which the individual began a relationship with Plaintiff Allison.

RESPONSE TO INTERROGATORY NO. 12:

Allison objects to this request insofar as it is vague and ambiguous in part because the term “publish” is not defined.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he is the sole publisher for the electronic and/or video game strategies, tips, hints, tricks and/or cheat codes found on his Web sites.

INTERROGATORY NO. 13:

Identify the individual(s) and/or entities used by Plaintiff Allison to edit electronic and/or video game strategies, tips, hints, tricks and/or cheat codes that were and/or were intended to be published on any Cheat Code Websites. For each such individual, identify their Name, Address and Phone Number; their duties to and relationship with Plaintiff Allison; and, the date upon which the individual began a relationship with Plaintiff Allison.

RESPONSE TO INTERROGATORY NO. 13:

Subject to and without waiving the general objections set forth herein, Allison states that he is the sole author/editor of the descriptions of electronic and/or video game strategies, tips, hints, tricks and/or cheat codes published on his Web sites.

INTERROGATORY NO. 14:

State the full name, address, telephone number, and the relationship to the other parties, if any, of each person (including those known to you, your attorneys or anyone acting on your behalf) who has knowledge, information or evidence of and/or relating to the allegations of the Complaint. For each individual, summarize the knowledge, information or evidence of and/or relating to the allegations of the Complaint that the individual possesses.

RESPONSE TO INTERROGATORY NO. 14:

Subject to and without waiving the general objections set forth herein, Allison states that the following parties may have knowledge, information or evidence relating to the allegations of the Complaint:

1. David Allison. Mr. Allison is the sole proprietor of Cheat Code Central, 4560 Augusta Drive, Broomfield, Colorado 80020, Tel. (303) 469-6195. Mr. Allison may have discoverable information relevant to the disputed facts in this case, including but not limited to Plaintiff's ownership of copyright, Defendant's access to Plaintiff's copyrighted material, the similarity between Defendant's material on public display and Plaintiff's copyrighted material, damages and the other claims asserted in this case. Mr. Allison may only be contacted through counsel at Garlin Driscoll Howard, LLC.

2. Jeremy Wise. Mr. Wise resides at 6301 Pleasant Valley Road, Frazeyburg, Ohio 43822. Mr. Wise may have discoverable information relevant to the disputed facts in this case, including but not limited to Defendant's access to Plaintiff's copyrighted material, the similarity

between Defendant's material on public display and Plaintiff's copyrighted material, profits received by Defendant relating to the use of Plaintiff's copyrighted material and damages.

Plaintiff reserves the right to supplement this response as the case progresses.

INTERROGATORY NO. 15:

Has David Allison ever been a party to any lawsuit or litigation? If your answer is anything other than an unqualified "No," then for each such case in which you were involved within the preceding five (5) years, please set forth the following information specifically and in detail:

- A. The title and nature of the action and a brief description of your role or part in it.
- B. The name and address of the court and the case number.
- C. The resulting verdict or judgment.
- D. The name, address and telephone of all attorneys involved in the litigation.
- E. The name, address and telephone number of each person or entity, other than yourself, who was a party to the litigation.

RESPONSE TO INTERROGATORY NO. 15:

Allison interprets this Interrogatory to be limited to suits for copyright infringement where Allison has been a party to the litigation. To the extent that this Interrogatory calls for any additional information, Allison objects on the basis that the Interrogatory is overbroad, not relevant, and not likely to lead to the discovery of admissible evidence.

Subject to and without waiving the general objections set forth herein, Allison states that he has been a party to following copyright actions:

1. *David Allison v. Jeremy N. Wise*, U.S. District Court for the District of Colorado, Case No. 1:07-cv-00143-WYD. David Allison was the plaintiff in a previous lawsuit against Jeremy Wise for copyright infringement. The case was dismissed for lack of personal jurisdiction over Wise in Colorado. Allison was represented by attorneys at Faegre & Benson,

LLP, 1700 Lincoln Street, Suite 3200, Denver, Colorado 80203, Telephone: (303) 607-3500.

Wise was represented by Charles Lee Mudd, Jr., Mudd Law Offices.

2. *David Allison v. Crave Online Media, LLC*, U.S. District Court for the District of Colorado, Case No. 05-CV-1186-RPM. David Allison was the plaintiff in this copyright suit against Crave Online Media, LLC. The suit resulted in a confidential settlement. Allison was represented by attorneys at Faegre & Benson, LLP, 1700 Lincoln Street, Suite 3200, Denver, Colorado 80203, Telephone: (303) 607-3500. The defendant was represented by attorneys at Greenberg Traurig, LLP, 1200 Seventeenth Street, #2400 Denver, CO 80202, Telephone: (303) 572-6500.

3. *David Allison v. Jupiter Electric, et al.*, U.S. District Court for the District of Colorado, Case No. 06-CV00098-EWN. David Allison was the plaintiff in this copyright infringement lawsuit. The suit resulted in a confidential settlement. Allison was represented by J. Owen Borum of Borum Law, LLC, 4894 Briar Ridge Court, Boulder, CO 80301, Telephone: (303) 668-9730; and Mark William Fischer, 285 Iroquois Drive, Boulder, CO 80302, Telephone: (303) 888-4822. We do not have any record of counsel for the defendants in this case.

4. *David Allison v. Thomas Carroll*, U.S. District Court for the District of Colorado, Case No. 07-CV-00373-RPM. David Allison was the plaintiff in this copyright infringement lawsuit. The suit resulted in a confidential settlement. Allison was represented by attorneys at Faegre & Benson, LLP, 1700 Lincoln Street, Suite 3200, Denver, Colorado 80203, Telephone: (303) 607-3500. The defendant was represented by attorneys at Moye White, LLC, 1400 16th Street, 16 Market Square, 6th Floor, Denver, CO 80202-1486, Telephone: (303) 292-2900.

INTERROGATORY NO. 16:

With respect to each non-expert witness you expect to call during the course of trial, provide the following information:

- A. His or her name, address, telephone number, occupation, title and relationship to the parties, if any.
- B. The name, address and telephone number of the witness's employer.
- C. The educational, professional and occupational background and experience of the witness.
- D. The subject matter for which the witness may be called upon to testify.
- E. The payment or compensation, if any, that has been promised to the witness.
- F. The payment or compensation, if any, that will be provided to the witness.

RESPONSE TO INTERROGATORY NO. 16:

Allison objects to this Interrogatory as premature. Discovery in this case is on-going.

Witness lists will be provided within the timeframe established by the scheduling order in this case.

INTERROGATORY NO. 17:

Apart from communications with your legal counsel, describe, as precisely as you are able to do so, the exact substance of all statements, conversations and communications (written or oral) by you, your agents or your employees that mentioned, discussed, involved or referred to Defendant Jeremy N. Wise between January 1, 2005 and the present, and with respect to each statement, conversation and communication, please set forth the following information specifically and in detail:

- A. The name address, occupation and relationship to the parties of the person who made the statement, conversation and/or communication;
- B. The name or names of the individual or individuals to whom the statement, conversation and/or communication was directed;
- C. The date and approximate time of the statement, conversation and/or communication;
- D. The location where the statement, conversation and/or communication was made;
- E. The context and circumstances surrounding the statement, conversation and/or communication;
- F. Identify any documents that exist in relation to the statement, conversation and/or communication;
- G. Whether the statement, conversation and/or communication was recorded in audio, video, electronic, or handwritten form; and,
- H. Identify any other individuals who have any knowledge of the conversation and/or its contents.

RESPONSE TO INTERROGATORY NO. 17:

Allison has no information concerning any such statements, conversations, or communications.

INTERROGATORY NO. 18:

Identify any and all documents in your possession that you believe may be relevant to the allegations in the Complaint.

RESPONSE TO INTERROGATORY NO. 18:

Allison objects to this Interrogatory as overbroad and unduly burdensome in part because it requests that Allison identify “any and all” documents that may be relevant to the allegations in the Complaint.

Subject to and without waiving the general objections set forth herein, Allison states that he will produce relevant documents to Defendant Wise pursuant to Wise’s requests for production. Allison further states that the documents listed and/or produced in Plaintiff’s and Defendant’s disclosures pursuant to Fed. R. Civ. P. 26(a)(1) or in any supplement thereto may be relevant to the allegations in the Complaint.

INTERROGATORY NO. 19:

Identify any and all third parties to whom you have sent cease and desist letters or who you have sued for alleged copyright infringement of your electronic and/or video game strategies, tips, hints, tricks and cheat codes.

RESPONSE TO INTERROGATORY NO. 19:

Please see response to Interrogatory No. 15 with respect to parties Allison has sued.

Subject to and without waiving the general objections set forth herein, Allison states that he has sent “cease and desist” letters to the following parties:

1. Gameburst Media Ltd.

2. Cheat Zone
3. WhoisGuard
4. ThePlanet.com Internet Services, Inc.
5. OLM, LLC
6. Ps3cheats.com
7. Crave Online Media LLC.
8. Jeremy Wise

INTERROGATORY NO. 20:

Identify all other factors that may have contributed to the loss of traffic and income to your Cheat Code Websites, particularly www.cheatcc.com.

RESPONSE TO INTERROGATORY NO. 20:

Allison objects to this interrogatory insofar as it calls for information more properly the subject of expert testimony or opinions.

Subject to and without waiving the general objections set forth herein, Allison states that copyright infringement committed by Wise contributed to the loss of traffic and income to Allison's websites. Allison's Google ranking went down at the time of the infringement because Google devalues a site when it contains content that is duplicated on other sites. Allison is not aware of any other factors that would have contributed to this loss.

INTERROGATORY NO. 21:

Identify all of your competitors.

RESPONSE TO INTERROGATORY NO. 21:

Allison objects to this interrogatory because it is overbroad and unduly burdensome in part because it requests Allison to identify "all" competitors. Allison further objects to this

request insofar as it is vague and ambiguous with respect to the term "competitors." Allison also objects to this interrogatory as not relevant and not likely to lead to the discovery of admissible evidence.

Subject to and without waiving the general objections set forth herein, Allison states that he considers the following sites and/or entities to be among his competitors: gamefaqs.com, gamesradar.com, IGN.com, gamespot.com, the Web sites maintained by Wise, and various other Web sites maintained by video game creators or producers.

INTERROGATORY NO. 22:

Identify all electronic and/or video games in which you claim to have a copyright.

RESPONSE TO INTERROGATORY NO. 22:

Subject to and without waiving the general objections set forth herein, Allison states that he does not claim to have a copyright in any electronic and/or video games.

INTERROGATORY NO. 23:

Identify all video developers with whom you have developed relationships as alleged in Paragraph 10 of your Complaint.

RESPONSE TO INTERROGATORY NO. 23:

Allison objects to this interrogatory because it is overbroad and unduly burdensome in part because it requests Allison to identify "all" video developers with whom he has developed relationships. Allison also objects to this interrogatory as not relevant and not likely to lead to the discovery of admissible evidence.

Subject to and without waiving the general objections set forth herein, Allison states: See response to Interrogatory No. 3 above.

Respectfully submitted this 5th day of March, 2009.

s/ Thomas P. Howard
Thomas P. Howard
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nfurniss@bricker.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2009, I served the foregoing **PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES** via e-mail and United States mail as follows:

Charles Lee Mudd Jr.
Mudd Law Offices
3344 North Albany Ave.
Chicago, IL 60618
cmudd@muddlawoffices.com

Sabrina Haurin
One Columbus
Bailey Cavaliere LLC
10 West Broad Street, 21st Floor
Columbus, OH 43215
sabrina.haurin@baileycavaliere.com

s/ Thomas P. Howard

VERIFICATION

I declare under penalty of perjury under the laws of the State of Colorado, that the foregoing answers to Defendant's First Set of Interrogatories are true and correct to the best of my recollection.

DATED this 27 day of February, 2009.

David Allison

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

Subscribed to and sworn before me this 27th day of February, 2009 by
David Allison.

My Commission Expires: 8/19/2010

Cecilia M. Lucero
Notary Public

