

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA**

Florida Department of Law Enforcement  
and Florida Department of State,

Petitioners,

Case No: 2008 CA 003619

v.

CMI, Inc., a Kentucky corporation, et al.,

Respondents.

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**CMI INC.'S VOLUNTARY DISCLOSURES**

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Respondent, CMI, Inc., by and through its undersigned counsel, makes the following voluntary disclosures:

**I. Documents**

Documents believed to be relevant to this action, and which are reasonably anticipated to be introduced at trial, are attached. *See* CMI 0001-0111. CMI notes that discovery is ongoing and that it continues to search for additional documents that may be relevant to this action and which may be introduced at trial; accordingly, CMI reserves the right to supplement this disclosure as necessary. CMI may also seek to introduce any documents identified or produced by any other party in this action or any other document otherwise discovered through the course of this action.

**II. Witnesses**

CMI reasonably anticipates calling the following persons as witnesses at trial:

1. Toby Hall  
President, CMI., Inc.

Mr. Hall is anticipated to provide testimony concerning: (i) CMI's development and ownership of the software and source code at issue; (ii) CMI's sale of Intoxilyzer 8000s to law enforcement agencies of and within the State of Florida; (iii) CMI's licensing of the software at issue; (iv) the trade secret nature of CMI's software and source code, including but not limited to CMI's corporate policies and practices with respect to maintaining and protecting same; (v) authentication of any business records of CMI that may be introduced at trial.

2. William Schofield  
Engineering Manager, CMI, Inc

Mr. Schofield is anticipated to provide testimony concerning: (i) CMI's development and ownership of the software and source code at issue; (ii) CMI's sale of Intoxilyzer 8000s to law enforcement agencies of and within the State of Florida; (iii) CMI's licensing of the software at issue; (iv) the trade secret nature of CMI's software and source code, including but not limited to CMI's corporate policies and practices with respect to maintaining and protecting same; (v) authentication of any business records of CMI that may be introduced at trial.

3. Rule 1.31(b)(6) Representative(s) of the State of Florida

Representative witness(es) of the State of Florida, including any agency thereof, to give testimony, pursuant to Fla. R. Civ. P. 1.310(b)(6), concerning the following: (i) purchase of Intoxilyzer 8000s from CMI; (ii) use of the Intoxilyzer 8000s purchased from CMI; (iii) the process for soliciting and making purchases through the "MyFloridaMarketplace.com" website, as well as the use and applicability of any terms and conditions of same.

CMI notes that discovery is ongoing and it reserves the right to supplement and amend this disclosure as necessary. CMI may also call any witnesses identified or called by any other party in this action. CMI has not presently determined whether it will call any experts to testify at trial. If CMI elects to call such witnesses, they will be disclosed in accordance with the requirements of the applicable Florida Rules of Civil Procedure.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via Registered E-mail upon the following counsel of record this 17<sup>th</sup> day of April, 2009:

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