

**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 RESPONSE TO INTERVENOR/RESPONDENTS'  
REQUEST FOR PRODUCTION**

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Respondent, CMI, Inc., by and through its undersigned counsel, responds to the Intervenor/Respondents' Request for Production dated March 25, 2009 as follows:

**REQUEST 1:**

If you denied Request for Admission #17, produce all written instrument(s) that existed at the time of CMI's initial sale of Intoxilyzer 8000's to the State of Florida, which addressed ownership of either the software (or the source code to the software) installed on these Intoxilyzer 8000's.

**RESPONSE:** CMI objects to this request to the extent it seeks production of confidential and proprietary information, including but not limited to the source code at issue in this litigation; notwithstanding the objection, CMI has produced documents responsive to this request with its Voluntary Disclosures.

**REQUEST 2:**

If you denied Request for Admission #22, produce the source code to Software Version 8100.10.

**RESPONSE:** CMI objects to this request because it seeks the disclosure of source code, the ownership of which is at issue in this litigation; a copy of the source code is not necessary to determine the narrow issue of ownership. CMI further objects to the request because it appears to be propounded for the improper purpose of obtaining the source code for use in other proceedings in which CMI is not a party.

**REQUEST 3:**

If you denied Request for Admission #23, produce the source code to Software Version 8100.26.

**RESPONSE:** See response to Number 2.

**REQUEST 4:**

If you denied Request for Admission #24, produce the source code to Software Version 8100.27.

**RESPONSE:** See response to Number 2.

**REQUEST 5:**

If you denied Request for Admission #22, #23 or #24, produce the source code to the software which was installed [*sic*] the Intoxilyzer 8000 submitted to the U.S. Department of Transportation in order for the Intoxilyzer 8000 to be placed on the US DOT confirming products list in 2002.

**RESPONSE:** See response to Number 2.

**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 29<sup>th</sup> day of April, 2009:

James A. Peters  
Special Counsel  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050  
Jim.Peters@myfloridalegal.com

Linton B. Eason  
Assistant General counsel  
Florida Department of Law Enforcement  
P.O. Box 1489  
Tallahassee, FL 32302  
LintonEason@fdle.state.fl.us

Robert N. Harrison  
825 Tamiami Trail South, Suite 2  
Venice, FL 34285  
robert@harrisonlawoffice.com

Thomas M. Findley  
Messer Caparello & Self, P.A.  
2618 Centennial Place  
Tallahassee, FL 32308  
tfindley@lawfla.com

Michael R. Ufferman  
2022-1 Raymond Diehl Road  
Tallahassee, FL 32308  
Ufferman@uffermanlaw.com

**GREENBERG TRAUIG P.A.**



**GLENN T. BURHANS, JR.**  
FLORIDA BAR NUMBER 605867  
101 EAST COLLEGE AVENUE  
TALLAHASSEE, FL 32301  
TELEPHONE (850) 222-6891  
FACSIMILE (850) 681-0207  
BURHANSG@GTLAW.COM

**EDWARD G. GUEDES**  
FLORIDA BAR NUMBER 768103  
1221 BRICKELL AVENUE  
MIAMI, FLORIDA 33131  
TELEPHONE: (305) 579-0500  
FACSIMILE: (305) 579-0717  
GUEDESE@GTLAW.COM

*Counsel for Respondent CMI, Inc.*