

**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.

CMI INC.'S RESPONSE TO INTERVENOR/RESPONDENTS' INTERROGATORIES

Respondent, CMI, Inc., by and through its undersigned counsel, responds to the Intervenor/Respondents' Interrogatories dated March 26, 2009 as follows:

REQUEST 1:

Please state your name, and official position with CMI, Inc.

RESPONSE: Toby S. Hall, President.

REQUEST 2:

If you denied Request for Admission #1, provide the name and address of the entity for which Software Version 8100.10 was prepared for.

RESPONSE: CMI did not deny the referenced request; regardless, CMI objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, particularly with respect to the narrow issue of source code ownership to be tried.

REQUEST 3:

If you denied Request for Admission #2, provide the name and address of each entity to which CMI sold or distributed an Intoxilyzer 8000 installed with Software Version 8100.10.

RESPONSE: CMI objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, particularly with respect to the narrow issue of source code ownership to be tried.

REQUEST 4:

If you denied Request for Admission #4, provide the name and address of each entity to which CMI sold or distributed Software Version 8100.10 for installation in an Intoxilyzer 8000.

RESPONSE: See response to Request # 2.

REQUEST 5:

If you denied Request for Admission #6, provide the name and address of the entity for which Software Version 8100.26 was prepared for.

RESPONSE: CMI did not deny the referenced request; regardless, CMI objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, particularly with respect to the narrow issue of source code ownership to be tried.

REQUEST 6:

If you denied Request for Admission #7, provide the name and address of each entity to which CMI sold or distributed an Intoxilyzer 8000 installed with Software Version 8100.26.

RESPONSE: See response to Request # 2.

REQUEST 7:

If you denied Request for Admission #9, provide the name and address of each entity to which CMI sold or distributed Software Version 8100.26 for installation in an Intoxilyzer 8000.

RESPONSE: See response to Request # 2.

REQUEST 8:

If you denied Request for Admission #11, provide the name and address of the entity for which Software Version 8100.27 was prepared for.

RESPONSE: CMI did not deny the referenced request; regardless, CMI objects to this request as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, particularly with respect to the narrow issue of source code ownership to be tried.

REQUEST 9:

If you denied Request for Admission #12, provide the name and address of each entity to which CMI sold or distributed an Intoxilyzer 8000 installed with Software Version 8100.27.

RESPONSE: See response to Request # 2; notwithstanding and without waiving those objections, CMI has provided documents in its Voluntary Disclosure containing responsive information.

REQUEST 10:

If you denied Request for Admission #14, provide the name and address of each entity to which CMI sold or distributed Software Version 8100.27 for installation in an Intoxilyzer 8000.

RESPONSE: See response to Request # 2; notwithstanding and without waiving those objections, CMI has provided documents in its Voluntary Disclosure containing responsive information.

REQUEST 11:

If you denied Request for Admission #16, provide the date of the first sale of an Intoxilyzer 8000 to the State of Florida occurred.

RESPONSE: The first sale of an Intoxilyzer 8000 to any law enforcement agency located in the state of Florida occurred on or about June 27, 2002.

REQUEST 12:

If you denied either Request for Admission #18 or #19, provide the date that CMI first submitted to the State of Florida "The Standard Software License Agreement", attached as an exhibit to the Amended Petition.

RESPONSE: CMI did not deny the referenced requests.

REQUEST 13:

If you denied Request for Admission #20, provide the date that CMI provided to the State of Florida the disc(s) for the update to Software Version 8100.26.

RESPONSE: CMI did not deny the referenced request.

REQUEST 14:

If you denied Request for Admission #21, describe the manner that in which you contend "The Standard Software License Agreement" was agreed to by the State of Florida.

RESPONSE: CMI did not deny the referenced request.

REQUEST 15:

If you denied Request for Admission #25, provide the date that Software Version 8100.10 was registered with the United States Copyright Office and the registration number.

RESPONSE: The referenced software was not registered with the United States Copyright Office.

REQUEST 16:

If you denied Request for Admission #26, provide the date that Software Version 8100.26 was registered with the United States Copyright Office and the registration number.

RESPONSE: The referenced software was not registered with the United States Copyright Office.

REQUEST 17:

If you denied Request for Admission #27, provide the date that Software Version 8100.27 was registered with the United States Copyright Office and the registration number.

RESPONSE: The referenced software was not registered with the United States Copyright Office.

REQUEST 18:

If you denied Request for Admission #28, provide the date that the software which was installed the Intoxilyzer 8000 submitted to the U.S. Department of Transportation in order for the Intoxilyzer 8000 to be placed on the US DOT conforming products list in 2002 was registered with the United States Copyright Office and the registration number.

RESPONSE: The referenced software was not registered with the United States Copyright Office.

AS TO OBJECTIONS:

GREENBERG TRAUIG P.A.

Budget Smith for

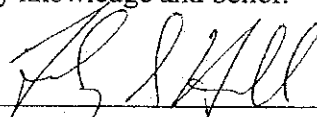
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Counsel for Respondent CMI, Inc.

VERIFICATION

I, TOBY S. HALL, swear or affirm that the foregoing answers to Intervenor's First Set of Interrogatories are true and correct to the best of my knowledge and belief.



Signature

Print Name: TOBY S. HALL

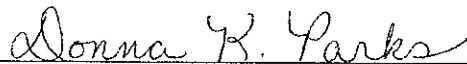
As: President for CMI, Inc.

COMMONWEALTH OF KENTUCKY

COUNTY OF Daviess

The foregoing instrument was acknowledged under oath before me this 30th day of April, 2009, by TOBY S. HALL, an individual, as an authorized representative of CMI, Inc., who is personally known to me.

NOTARY PUBLIC



Name: Donna K. Parks

Commonwealth of Kentucky

My Commission Expires: 5/20/10
(SEAL)

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 30th day of April, 2009:

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