

**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 AMENDED PETITION FOR
DECLARATORY JUDGMENT AND SUPPLEMENTAL RELIEF**

Defendant, CMI, Inc., by and through its undersigned counsel, responds to the Petitioners' Amended Petition for Declaratory Judgment and Supplemental Relief as follows:

1. Admitted that the Intoxilyzer 8000 is a computerized breath alcohol testing instrument used by Florida's and other states' law enforcement personnel to conduct breath alcohol tests; the remaining allegations purport to state the nature of this action and/or contain purported legal conclusions to which no response is required.
2. Paragraph 2 contains a purported legal conclusion to which no response is required.
3. Paragraph 3 contains a purported legal conclusion to which no response is required.
4. Without knowledge.
5. Without knowledge.
6. Admitted.

7. Admitted that certain documents are attached as Exhibit A; denied that said documents accurately and completely set forth the rights and obligations of the parties; denied that said documents confer any ownership interest in the source code to the State of Florida.

8. Admitted.

9. Admitted.

10. Without knowledge.

11. Admitted that the State of Florida does not have any ownership interest in the source code for the Intoxilyzer 8000; otherwise without knowledge.

12. Without knowledge.

13. Admitted that FDLE does not possess and is not entitled to possess nor disclose the source code or other confidential and proprietary information of CMI associated with the Intoxilyzer 8000; otherwise without knowledge as to FDLE's belief.

14. Paragraph 14 contains purported legal conclusions to which no response is required.

15. Paragraph 15 contains purported legal conclusions to which no response is required.

16. Paragraph 16 contains purported legal conclusions to which no response is required.

17. All allegations not expressly admitted are denied.

CERTIFICATE OF SERVICE

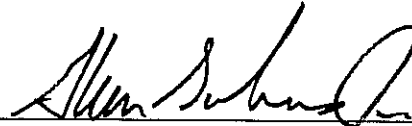
I hereby certify that a true and correct copy of the foregoing has been served via U.S. mail upon the following counsel of record this 24th day of February, 2009:

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