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IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ARIZONA

SKYDIVE ARIZONA, INC.,
Plaintiff,

vs.

CARY QUATTROCCHI; BEN BUTLER;
USSO, LLC dba 1800SKYRIDE; ATLANTA
SC, INC.; CASC INC.; IGOVINCENT, INC.,
a Georgia corporation; 1800SKYRIDE.com;
and DOES 1 through 50,

Defendants.

Case No. 2:05-CV-2656 PHX-MHM
FINAL PRETRIAL ORDER

USSO, LLC dba 1800SKYRIDE, a Georgia
corporation; ATLANTA SC, INC., a Georgia
corporation; and CASC, Inc., a Georgia
corporation,

Counterclaimants/
Third Party Plaintiffs

vs.

SKYDIVE ARIZONA, INC.,

Counterdefendant,

vs.

LARRY HILL,

Third Party Defendant.

The following is the joint Proposed Final Pretrial Order to be considered at the
Final Pretrial Conference set for July 13, 2009 at 3:30 p.m.

1 **A. TRIAL COUNSEL FOR THE PARTIES**

2 Sid Leach
3 Monica Limón-Wynn
4 SNELL & WILMER, LLP
5 One Arizona Center
6 400 E. Van Buren Street
7 Phoenix, AZ 85004-2202
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 Attorneys for Skydive Arizona, Inc

10 Ivan K. Mathew
11 MATHEW & ASSOCIATES
12 3300 N. Central Avenue, #1730
13 Phoenix, AZ 85012
14 Phone: (602) 254-8088
15 Fax: (602) 254-2204
 Email: ikmathew@mathewlaw.com
 Attorneys for Cary Quattrocchi, Ben Butler, USSO, LLC,
 Atlanta SC, Inc., CASC Inc., IGOVINCENT, Inc., and 1800SKYRIDE.com

16 **B. STATEMENT OF JURISDICTION**

17 **1.** This Court has subject matter jurisdiction of claims based upon alleged
18 violations of Section 43(a) and 43(d) of the Lanham Act pursuant to 15 U.S.C. § 1121(a)
19 without regard to the amount in controversy or to the diversity or lack of diversity of the
20 citizenship of the parties. This Court also has jurisdiction in this case under 28 U.S.C. §§
21 1338(a) & 1338(b), 28 U.S.C. § 1331, and the principles of supplemental jurisdiction
22 pursuant to 28 U.S.C. § 1367.

23 **2.** Defendants Cary Quattrocchi and Ben Butler dispute that the Court has
24 personal jurisdiction over them.

25
26 **C. STIPULATIONS AND UNCONTESTED FACTS AND LAW**

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1 **D. CONTESTED ISSUES OF FACT AND LAW**

2 1. **The following are the material issues of fact to be tried and decided:**

3 a. Whether “Skydive Arizona” is a valid, protectable trademark
4 (including whether the mark acquired secondary meaning).

5 Plaintiff contends that the services at issue in this case are
6 instructional services to consumers who want to learn to skydive (even if it
7 is just one skydive, everyone has to receive instructions on what to do at the
8 school at Skydive Arizona). Therefore, the mark “Skydive Arizona,” while
9 suggestive, does not describe the services at issue in this case, and therefore
10 is not descriptive. Even if descriptive, Plaintiff contends that the mark has
11 been in continuous use by Plaintiff since 1986 and has acquired secondary
12 meaning. Plaintiff was the first to adopt and use the mark “Skydive
13 Arizona” and therefore is the owner of the trademark.

14 Defendants contend that _____.

15 b. Whether there was a likelihood of confusion.

16 Plaintiff contends that there was a likelihood of confusion based on
17 the Defendants’ use of similar names to identify fictitious skydiving centers
18 on web sites. Taken in the context of the descriptions on the web sites, for
19 example, describing the fictitious “Arizona Skydiving” drop zone as the
20 busiest skydiving center in Arizona, and as having multiple turbine aircraft,
21 there was a likelihood of confusion because the only skydiving center in
22 Arizona that conformed to that description was Skydive Arizona. Plaintiff’s
23 trademark claim does not encompass any contention that the use of the
24 separate words “skydive” or “Arizona” in a descriptive sense was a
25 trademark infringement. The trademark infringement claim is based on the
26 use of similar terms as the names of fictitious skydiving centers described
27 on web sites that made them sound like the web site was Skydive Arizona’s
28 web site. In addition, the trademark infringement claim includes the use of

1 “Skydive Arizona” as a link to such web sites, and as metadata or in content
2 spamming so the Defendants’ web site would come up at the top of an
3 Internet search using Plaintiff’s trademark.

4 Defendants contend that _____.

5 c. Whether Defendants’ used the mark “Skydive Arizona” in a manner
6 that created initial interest confusion.

7 Plaintiff contends that the Defendants’ use of Plaintiff’s mark on
8 their web sites was calculated to cause their fictitious Arizona skydiving centers to
9 come up when someone searched the Internet using Plaintiff’s trademark. This
10 was enhanced by the use of identical or similar domain names, and content link
11 spamming using “Skydive Arizona” as a link on several web pages. Plaintiff
12 contends that this was done to divert customers away from Skydive Arizona, so
13 that Defendants could profit by sending the deceived customers to a lower quality
14 drop zone that spilt the profits from the deceptive scheme with Defendants.

15 Defendants contend that _____.

16 d. Whether Defendants’ infringement, if any, was willful.

17 Defendants were aware of Skydive Arizona before they created their
18 deceptive websites for fictitious skydiving centers in Arizona. Plaintiff
19 contends that Both Mr. Quattrocchi and Mr. Butler were aware of the fact
20 that they were deceiving customers and diverting Internet traffic away from
21 legitimate skydiving centers. The deceptive business practices were brought
22 to the attention of Defendants repeatedly by representatives of the United
23 States Parachute Association and others. Both Quattrocchi and Butler at
24 different times said they did not want to change their deceptive websites,
25 because they made more money with their deceptive web sites the way they
26 were.

27 Defendants contend that _____.

28 e. Whether Plaintiff can prove trademark infringement damages, and if

1 so, how much.

2 Plaintiff contends that the description of the fictitious skydiving
3 centers in Arizona presented on Defendants' deceptive web sites was met by
4 only one skydiving center, i.e., Skydive Arizona. Therefore, if Defendants
5 had not created websites naming their fictitious skydiving centers with
6 names the same or confusingly similar to Skydive Arizona's trademark,
7 those customers would have gone to Plaintiff. Thus, Plaintiff was damaged
8 by the amount of lost profits that Plaintiff could have made on those
9 diverted customers. In addition, there is evidence that customers were
10 angered by acts of Defendants, and were confused into thinking that the acts
11 had been done by Skydive Arizona, and this damaged Plaintiff's goodwill.
12 Plaintiff was damaged by discounts given to customers who were confused
13 and showed up at Skydive Arizona with one of Defendants' certificates.
14 Plaintiff is damaged by an amount equal to the corrective advertising that
15 must be done to try to dispel the confusion created by Defendants.

16 Defendants contend that _____.

17 f. On the trademark infringement claim, whether Plaintiff is entitled to
18 recover Defendants' profits, and if so, how much.

19 Plaintiff contends that Defendants' profits should be awarded to
20 Plaintiff, less any amount that Defendants can prove were not attributable to
21 Defendants' trademark infringement (Defendants have the burden of
22 proving what amount of gross revenues were not attributable to the
23 infringement). In addition, a further award of profits is necessary to achieve
24 deterrence.

25 Defendants contend that _____.

26 g. On the Section 43(a) claim, whether Defendants' false designations
27 of origin and acts of unfair competition trademark were willful.

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1 Plaintiff contends that both Mr. Quattrocchi and Mr. Butler were
2 aware of the fact that they were deceiving customers and diverting Internet traffic
3 away from legitimate skydiving centers. The deceptive business practices were
4 brought to the attention of Defendants repeatedly by representatives of the United
5 States Parachute Association and others. Both Quattrocchi and Butler at different
6 times said they did not want to change their deceptive websites, because they made
7 more money with their deceptive web sites the way they were. Quattrocchi boasted
8 that no one had the money to take him on in court. Quattrocchi and Butler
9 intentionally pursued the deceptive scheme of deceptive web sites portraying
10 fictitious skydiving centers nationwide because they made a lot of money
11 deceiving customers in this scheme.

12 Defendants contend that _____.

13 h. On the Section 43(d) claim, whether Defendants' domain names at
14 issue were identical or confusingly similar to Plaintiff's "Skydive Arizona" trademark,
15 and whether the Defendants used the domain names at issue with a bad faith intent to
16 profit.

17 Plaintiff contends that domain names like "skydivearizona.net" were
18 identical to Plaintiff's "Skydive Arizona" trademark, and others were confusingly
19 similar. Quattrocchi and Butler intentionally pursued their deceptive scheme using
20 confusingly similar domain names and deceptive web sites portraying fictitious
21 skydiving centers in Arizona, because they made money deceiving customers away
22 from Skydive Arizona.

23 Defendants contend that _____.

24 i. On the Section 43(d) claim, whether Plaintiff can prove any damages,
25 and if so, how much.

26 Plaintiff contends that by using domain names that were the same or
27 confusingly similar to Plaintiff's "Skydive Arizona" trademark, together
28 with the description of fictitious skydiving centers in Arizona presented on

1 Defendants' deceptive web sites that was met by only one skydiving center,
2 i.e., Skydive Arizona, Defendants diverted customers away from Plaintiff
3 who would have purchased skydiving instructional services from Plaintiff.
4 Therefore, if Defendants had not created websites using domain names that
5 were the same or confusingly similar to Plaintiff's "Skydive Arizona"
6 trademark, those customers would have gone to Plaintiff. Plaintiff was
7 damaged by the amount of lost profits that Plaintiff could have made on
8 those diverted customers. In addition, there is evidence that customers were
9 angered by acts of Defendants, and were confused into thinking that the acts
10 had been done by Skydive Arizona, and this damaged Plaintiff's goodwill.
11 Plaintiff was damaged by discounts given to customers who were confused
12 and showed up at Skydive Arizona with one of Defendants' certificates.
13 Plaintiff is damaged by an amount equal to the corrective advertising that
14 must be done to try to dispel the confusion created by Defendants.

15 Defendants contend that _____.

16 j. On the Section 43(d) claim, whether Plaintiff is entitled to recover
17 Defendants' profits, and if so, how much.

18 Plaintiff contends that Defendants' profits should be awarded to
19 Plaintiff, less any amount that Defendants can prove were not attributable to
20 Defendants' trademark infringement (Defendants have the burden of
21 proving what amount of gross revenues were not attributable to the
22 infringement). In addition, a further award of profits is necessary to achieve
23 deterrence.

24 Defendants contend that _____.

25 k. The extent, if any, of each Defendants' liability on Plaintiff's various
26 claims.

27 Plaintiff contends that this Court has already determined on summary
28 judgment that all Defendants are liable on the Section 43(a) claim on which

1 summary judgment was granted. As to the other claims, all Defendants are liable
2 either on an aiding and abetting theory or a theory of inducement of violation of the
3 Lanham Act.

4 Defendants contend that _____.

5 l. On the tortuous interference counterclaims, whether Defendants had
6 a contract with certain drop zones or business expectancy, Plaintiff knew about those
7 contracts or business expectancy, and intentionally interfered with those contractual
8 relationships or business expectancies causing a breach or termination of those contractual
9 relationships or business expectancies.

10 Plaintiff contends that Plaintiff did not interfere with any contracts or
11 business expectancies between Defendants and other drop zones. In
12 addition, the reduction in the number of drop zones participating in
13 Defendants' deceptive scheme went down for other reasons. The scam
14 alerts on the Internet, the bad publicity the 1-800-Skyride received, and the
15 vocal complaints of many others having no connection with Skydive
16 Arizona, were reasons why the network of drop zones may have gone down
17 in number.

18 Defendants contend that _____.

19 m. On the tortuous interference counterclaims, whether Plaintiff's
20 conduct was improper (including whether it was privileged).

21 Plaintiff contends that any efforts to convince drop zones not to aid
22 and abet Defendants' deceptive scheme, and not to participate in the deceptive
23 scheme, were privileged. In addition, Plaintiff's alleged acts fall within a
24 competitor's privilege.

25 Defendants contend that _____.

26 n. On the tortuous interference counterclaims, whether Defendants can
27 prove damages, and if so, how much.

28 Plaintiff contends that the number of drop zones in Defendants'

1 network had nothing to do with Defendants' profits. Customers were
2 deceived by web sites for fictitious skydiving centers. Defendants took the
3 customers' money before Defendants ever informed the customers where
4 they would really have to go to skydive, and if there was any skydiving
5 center nearby to take the customer's certificate. Therefore, it did not matter
6 as far as Defendants' profits were concerned, whether there was any drop
7 zone in the network, or where the drop zone was located. In addition, if one
8 drop zone dropped out of the network, Defendants made the same amount of
9 profit by sending the customers to another drop zone in the network.

10 Defendants contend that _____.

11 o. On the unfair competition counterclaim, whether Plaintiff committed
12 acts of unfair competition.

13 Plaintiff contends that, if there was any unfair competition in this
14 case, it was unfair competition by the Defendants, not by Plaintiff. It is not
15 unfair competition to point out information to others relating to the
16 deceptive business practices of Defendants. Plaintiff did not solicit
17 Defendants' employees.

18 Defendants contend that _____.

19 p. On the unfair competition counterclaim, whether Defendants can
20 prove damages, and if so, how much.

21 Plaintiff contends that Defendants have no provable damages, for the
22 same reasons that there are no damages on the tortious interference
23 counterclaims.

24 Defendants contend that _____.

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1 **2. The following are the issues of law to be determined (most issues of law**
2 **were determined in the February 2, 2009 Order):**

3 a. On the Section 43(a) claim, whether a further award of profits is
4 appropriate to achieve the policy of deterrence.

5 Plaintiff contends that if a further award of profits is not made, the
6 policy of deterrence will not be achieved. The Defendants will still have made a
7 large profit from their deceptive scheme, and there would be no reason why they or
8 anyone else similarly situated would not pursue a similar scheme in the future. The
9 loss of a small amount of the profits (Arizona only) would be an acceptable judicial
10 expense. In addition, the Defendants can merely switch to a different scheme, e.g.,
11 for balloon rides, hang gliding, race cars, etc., and continue and expand their
12 deceptive scheme in different markets.

13 Defendants contend that _____.

14
15 **E. LIST OF WITNESSES**

16 Each party understands that it is responsible for ensuring that the witnesses it
17 wishes to call to testify are subpoenaed. Each party further understands that any witness a
18 party wishes to call must be listed on that party's list of witnesses; the party cannot rely on
19 the witness having been listed or subpoenaed by another party.

20 **1. Plaintiff's Witnesses:**

21 (1) Witnesses who will be called at trial (all are fact witnesses):

22 a. Larry Hill
23 c/o Skydive Arizona
24 4900 N. Taylor Road
25 Eloy, AZ 85231

26 Mr. Hill is the President of Skydive Arizona and is a member of the Board of
27 Directors of the United States Parachute Association. Mr. Hill is expected to testify
28 concerning his knowledge of allegations in the complaint, Skydive Arizona's business
operations, use of the Skydive Arizona trademark and secondary meaning, advertising,

1 marketing, sales, damages, Defendants' deceptive practices, Defendant's willful intent
2 concerning their deceptive practices and continuation of such practices in the face of
3 numerous complaints about them.

4 b. Betsy Barnhouse
5 c/o Skydive Arizona
6 4900 N. Taylor Road
7 Eloy, AZ 85231

8 Ms. Barnhouse has worked at Skydive Arizona and is expected to testify
9 concerning allegations in the complaint, Skydive Arizona's business operations, use of
10 the Skydive Arizona trademark and secondary meaning, advertising, marketing, sales,
11 Defendants' deceptive practices, Defendant's bad faith and willful intent concerning their
12 deceptive practices, Defendant's continuation of such practices in the face of numerous
13 complaints, and information available to other dropzone owners who refused to
14 participate in Defendants' deceptive scheme.

15 c. Al Gramando
16 8365-A Raven.
17 Arizona City, AZ 85223

18 Mr. Gramando is a former general manager of Skydive Arizona and the skydiving
19 school at Skydive Arizona, and is expected to testify concerning instances of actual
20 confusion, Defendants' use of photos of Skydive Arizona planes, Defendants' failure to
21 remove the photos when asked to do so, Defendant's deceptive practices, and customers
22 who purchased certificates from Defendants and showed up at Skydive Arizona.

23 d. Kristin Gramando
24 8365-A Raven.
25 Arizona City, AZ 85223

26 Ms. Gramando is a former employee of Skydive Arizona and is expected to testify
27 concerning instances of actual confusion, and customers who purchased certificates from
28 Defendants and showed up at Skydive Arizona or called Skydive Arizona.

1 e. Jan Meyer
2 P.O. Box 2581
3 Hemet, CA 92546

4 Ms. Meyer was the National Director of the United States Parachuting Association
5 and is expected to testify concerning Defendants' deceptive practices, including the
6 information presented about the Defendants' deceptive practices on a website that she has
7 maintained for several years, complaints about Defendants, Defendants' failure to cease
8 their deceptive practices when asked to do so, Defendants' bad faith and intent, consumer
9 alerts and scam alerts about the Defendants published on the Internet, and Defendants'
10 failure to comply with their promises.

11 f. Jim Vance
12 4980 W. Spoonhill Drive
13 Tucson, AZ 85742

14 Mr. Vance is a former employee of Defendants, and is expected to testify
15 concerning 1800Skyride's deceptive business practices. Mr. Vance will also testify as to
16 the statements made in his declaration dated July 16, 2006, and the testimony offered in
17 his deposition.

18 g. Tamara Carbone
19 2609 Hilda Ann Road
20 Zephyrhills, FL 33540

21 Videotaped deposition testimony of this witness will be offered at trial. Ms.
22 Carbone is a former employee of Defendants and will testify concerning 1800Skyride's
23 deceptive business practices as set forth in her deposition.

24 h. John T. "Jack" Guthrie, Jr.
25 5633 Oakmont Court
26 Stansbury, UT 84074

27 Mr. Guthrie is the President of Skydive Utah and is expected to testify concerning
28 the breath and scope of Defendants' deceptive practices, the need for effective deterrence
against such consumer deception, his dealings with 1800SkyRide and customers, and
dropzone owners who refused to participate in Defendants' deceptive scheme and
information available to such dropzone owners, including a television investigative report

1 concerning 1800SkyRide. Mr. Guthrie will also testify as to statements made in his
2 declaration executed in April 2008.

3 i. Tony Frost
4 11700 W. Avra Valley Road
5 Marana, AZ 85653

6 This witness will called at trial or his prior deposition testimony will be offered.
7 Mr. Frost was the owner of Marana Skydiving Center in Marana, Arizona. Mr. Frost is
8 expected to testify concerning secondary meaning and the fame of the Skydive Arizona
9 trademark, and has knowledge of Defendants' deceptive business practices.

10 j. Mike Mullins
11 1664 Old Mill Road
12 Germantown, TN 38138

13 Mr. Mullins is a member of the Board of Directors of the United States Parachute
14 Association and the owner of a dropzone in Tennessee, and is expected to testify
15 concerning Defendants' deceptive practices, and dropzones that refused to participate in
16 Defendants' deceptive schemes, and may testify concerning the United States Parachute
17 Association requests to Defendants to cease their deceptive practices and Skydive
18 Arizona trademark.

19 k. Jen Sharp
20 1613 E. Laing
21 Osage City, KS 66523

22 Ms. Sharp is an owner or operator of a dropzone in Kansas and is expected to
23 testify concerning the breath and scope of Defendants' deceptive practices, the need for
24 effective deterrence against such consumer deception, her company's dealings with
25 1800SkyRide customers, and dropzone owners who refused to participate in Defendants'
26 deceptive scheme and information available to such dropzone owners.

27 l. Brent Finley
28 3102 S. Marigold Place
Chandler, AZ 85248

Mr. Finley is expected to testify concerning Defendants' deceptive practices and
use of photographs of Skydive Arizona or skydivers at Skydive Arizona to advertize

1 Defendants' services, Defendants' bad faith and failure to comply with their promises,
2 and the need for a more effective remedy to achieve deterrence, and may testify
3 concerning evidence of secondary meaning for the Skydive Arizona trademark, the
4 quality of Skydive Arizona's services, and Skydive Arizona's reputation.

5 m. Gary V. Quattrocchi
6 c/o Greenberg Traurig
7 2375 E. Camelback Road, Suite 700
8 Phoenix, AZ 85016

9 Videotaped deposition testimony of this witness will be offered at trial. This
10 witness is a named Defendant in this action. Mr. Quattrocchi is the owner of
11 1800SkyRide and has knowledge of Defendants' various businesses, websites and false
12 advertising.

13 n. Ben W. Butler
14 c/o Greenberg Traurig
15 2375 E. Camelback Road, Suite 700
16 Phoenix, AZ 85016

17 Videotaped deposition testimony of this witness will be offered at trial. This
18 witness is a named Defendant in this action. Mr. Butler is a former owner of
19 1800SkyRide and has knowledge of Defendants' various businesses, websites and false
20 advertising.

21 o. Edward M. Scott
22 U.S. Parachute Association
23 1440 Duke Street
24 Alexandria, VA 22314

25 This witness will be offered at trial or videotaped deposition testimony of the
26 witness will be offered at trial. Mr. Scott is the Director of Government Relations for
27 USPA and will testify as set forth in his deposition concerning Defendants' deceptive
28 practices, complaints about Defendants, Defendants' failure to cease their deceptive
practices when requested to do so by the USPA, and statements made by Defendants
and/or their representatives, including assertions that no one could afford to stop them.

p. Adam Durbiano
1149 N. Fairway Drive

1 Eloy, AZ 85231

2 Mr. Durbiano is a former employee of Defendants, and is expected to testify
3 concerning 1800Skyride's deceptive business practices.

4 q. Mike Gruwell
5 1195 Grady Road
6 Rockmart, GA 30153

7 Videotaped deposition testimony of this witness will be offered at trial. Mr.
8 Gruwell is a former employee of Defendants and will testify as set forth in his deposition.

9 r. Bryan Burke
10 c/o Skydive Arizona
11 4900 N. Taylor Road
12 Eloy, AZ 85231

13 Mr. Burke has worked at Skydive Arizona and is expected to testify concerning
14 evidence of secondary meaning for the Skydive Arizona trademark, the quality of
15 Skydive Arizona's services, Skydive Arizona's reputation, and Skydive Arizona's
16 business operations.

17 s. Robert Prevost
18 4502 E. Sierra Sunset Trail
19 Cave Creek, AZ 85331

20 Mr. Prevost is the CEO of a racing school business and is expected to testify
21 concerning the breath and scope of Defendants' deceptive practices, the need for
22 effective deterrence against such consumer deception, and his dealings with
23 1800SkyRide customers.

24 t. Brian Cherry
25 6215 W. Julie
26 Glendale, AZ 85308

27 Mr. Cherry is an Arizona consumer, a victim of Defendants' deceptive practices,
28 and is expected to testify concerning his experience dealing with Defendants.

u. James Flynn
5100 N. Via de La Granja
Tucson, AZ 85718

Mr. Flynn is an Arizona consumer, a victim of Defendants' deceptive practices,
and is expected to testify concerning his experience dealing with Defendants.

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v. Anthony Dykstra
20632 N. 30th Drive
Phoenix, AZ 85027

Mr. Dykstra is an Arizona consumer, a victim of Defendants' deceptive practices, and is expected to testify concerning his experience dealing with Defendants and the Defendants' failure to provide him with a refund.

w. Mary Dykstra
20632 N. 30th Drive
Phoenix, AZ 85027

Ms. Dykstra is an Arizona consumer, a victim of Defendants' deceptive practices, and is expected to testify concerning her experience dealing with Defendants and the Defendants' failure to provide her with a refund.

x. Stefanie Boller
4211 N. 62nd Street
Scottsdale, AZ 85251

Ms. Boller is an Arizona consumer, a victim of Defendants' deceptive practices, and is expected to testify concerning her experience dealing with Defendants.

(2) Witnesses who may be called at trial (all fact witnesses):

a. Sally Wyatt
c/o Skydive Arizona
4900 N. Taylor Road
Eloy, AZ 85231

Ms. Wyatt works for Skydive Arizona and would testify concerning Skydive Arizona's business operations and finances, advertising expenditures, marketing expenditure, revenues, and damages.

b. Jerry Bryant
Louisiana AirSports Skydiving
P.O. Box 480
Leonville, LA 70551

Mr. Bryant is an owner or operator of a dropzone in Louisiana, and would be expected to testify concerning the breath and scope of Defendants' deceptive practices, the need for effective deterrence against such consumer deception, his dealings with

1 1800SkyRide customers, and dropzone owners who refused to participate in Defendants'
2 deceptive scheme and information available to such dropzone owners.

3 c. Tara Bryant
4 Louisiana AirSports Skydiving
5 P.O. Box 480
6 Leonville, LA 70551

7 Ms. Bryant is an owner or operator of a dropzone in Louisiana, and would be
8 expected to testify concerning the breath and scope of Defendants' deceptive practices,
9 the need for effective deterrence against such consumer deception, her dealings with
10 1800SkyRide customers, and dropzone owners who refused to participate in Defendants'
11 deceptive scheme and information available to such dropzone owners.

12 d. Tom Harnish
13 Barnstorming Adventures
14 6743 Montia Court
15 Carlsbad, CA 92011

16 Mr. Harnish would be expected to testify concerning the breath and scope of
17 Defendants' deceptive practices, the need for effective deterrence against such consumer
18 deception, his dealings with 1800SkyRide and/or its customers, and dropzone owners
19 who refused to participate in Defendants' deceptive scheme and information available to
20 such dropzone owners.

21 e. Catherine E. Lister
22 Barnstorming Adventures
23 6743 Montia Court
24 Carlsbad, CA 92011

25 Ms. Lister would be expected to testify concerning the breath and scope of
26 Defendants' deceptive practices, the need for effective deterrence against such consumer
27 deception, her dealings with 1800SkyRide and/or its customers, and dropzone owners
28 who refused to participate in Defendants' deceptive scheme and information available to
such dropzone owners.

1 f. Michael Hawkes
2 900 Plains Street
3 Henderson, NV 89015

4 Mr. Hawkes would be expected to testify concerning the breath and scope of
5 Defendants' deceptive practices, the need for effective deterrence against such consumer
6 deception, his dealings with 1800SkyRide and/or its customers, and dropzone owners
7 who refused to participate in Defendants' deceptive scheme and information available to
8 such dropzone owners.

8 g. David Schwartz
9 5105 Meredith
10 Lincoln, NE 68516

11 Mr. Schwartz would be expected to testify concerning Defendants' deceptive
12 business practices.

12 h. Hilarie Leverett
13 47467 West Hwy. 84
14 Maricopa City, AZ 85239

15 This witness may be called at trial. Ms. Leverett is an Arizona consumer, a victim
16 of Defendants' deceptive business practices, and would be expected to testify concerning
17 her experience dealing with Defendants.

17 i. Joan Beck
18 P.O. Box 987
19 Stanfield, AZ

20 Ms. Beck is an Arizona consumer, a victim of Defendants' deceptive practices,
21 and is expected to testify concerning her experience dealing with Defendants.

21 j. Cheryl Preston
22 9010 E. Ranger Rider Trail
23 Mesa, AZ 85207

24 Ms. Preston is an Arizona consumer, a victim of Defendants' deceptive practices,
25 and is expected to testify concerning her experience dealing with Defendants.

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k. Yvonne Cline
c/o Greenberg Traurig
2375 E. Camelback Road, Suite 700
Phoenix, AZ 85016

Prior deposition testimony of this witness may be offered at trial, along with declarations and affidavits signed by the witness while she was an employee of 1800SkyRide. Ms. Cline is a current employee of the Defendants and has knowledge of Defendants' deceptive business practices and the revenues earned from such practices.

l. Glen Moyer
Balloon Federation of America
s/o Snell & Wilmer
One Arizona Center
Phoenix, AZ 85004

Mr. Moyer is involved in the Balloon Federation of America and would be expected to testify concerning the breath and scope of Defendants' deceptive practices, the need for effective deterrence against such consumer deception, and his dealings with 1800SkyRide customers.

(3) Witnesses who are unlikely to be called at trial.

a. Madolyn Murdock
905 Chesterwood
Pearland, TX 77581

Ms. Murdock was a member of the USPA Executive Committee and has knowledge of Defendants' deceptive business practices and communications between USPA and Defendants.

b. Gary Peek
3201 Highgate Lane
St. Charles, MO 63301

Mr. Peek was a member of the USPA Board of Directors and has knowledge of Defendants' deceptive business practices and communications between USPA and Defendants.

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c. Sherry Butcher
11746 E. Easton Road
Rittman, OH 44270

Ms. Butcher was a member of the USPA Board of Directors and has knowledge of Defendants' deceptive business practices and communications between USPA and Defendants.

d. Larry K. Bagley
USPA
1440 Duke Street
Alexandria, VA 22314

Mr. Bagley was Director of Competition and Special Projects for and has knowledge of Defendants' deceptive business practices and communications between USPA and Defendants.

2. Defendants' Witnesses:

(a) Witnesses who will be called at trial:

1. Cary V. Quattrocchi, c/o Ivan K. Mathew, Mathew & Associates, 3300 N. Central Avenue, Suite 1730, Phoenix, Arizona, 85012, (602) 254-8088. Mr. Quattrocchi has knowledge regarding the admissions, denials, and allegations contained in Defendants' Answer to First Amended Complaint; Counterclaim, and Third Party Complaint; Defendants' various businesses; their use of Internet advertising; the creation of their various websites; their marketing strategies; Defendants' pattern and practice of naming websites; Defendants' training of employees in its call centers; USSO's use of a national network of independent drop zone operators; Defendants' use of national sky diving gift certificates; USSO's and/or its related entities' contractual or business relationships with the independent drop zone operators in its national network; the standards to which the national network of independent drop zone operators are held; Plaintiff's and Third Party Defendant Larry Hill's disparagement of one or all Defendants over the Internet and at the United States Parachute Association ("USPA") meetings; Plaintiff's intentional interference with Defendants' contractual or business relationships with their drop zone operators; Plaintiff's inducement of certain of Defendants'

1 employees, including but not limited to TJ Landgren, Kenny Pugh, Adam Durbiano, Jim
2 Vance, Laura Odowd, and Mike Gruwell, to leave Defendants' employ, and to become
3 employees of Plaintiff; Plaintiff's and Third Party Defendants' offer to Defendants'
4 current and former employees money in exchange for information regarding USSO's
5 business and advertising campaigns; Plaintiff's attempt to interfere with USSO's business
6 relationships with Travelocity and Skymall Magazine; Plaintiff's and Third Party
7 Defendant Larry Hill's unfairly competitive conduct; and Defendants' damages resulting
8 from Plaintiff's and Third Party Defendants' unfairly competitive and tortious conduct.

9 2. Ben W. Butler, c/o Ivan K. Mathew, Mathew & Associates, 3300 N.
10 Central Avenue, Suite 1730, Phoenix, Arizona, 85012, (602) 254-8088. Same as above.

11 3. Larry Hill, c/o Sid Leach, Monica A. Limón-Wynn, Snell & Wilmer,
12 LLP, One Arizona Center, 400 East Van Buren, Phoenix, Arizona 85004, (602)-382-6372.
13 Mr. Hill is expected to have knowledge of the allegations contained in Plaintiff's
14 Amended Complaint, the admissions, denials, and affirmative allegations in Plaintiff's
15 Answer to Defendants' Answer to Amended Complaint, Counterclaims, and Third Party
16 Complaint; Plaintiff's business, Plaintiff's continued disparagement of Defendants'
17 business, principals, and owners; Plaintiff's continued interference with Defendants'
18 contractual and business relationships with Defendants' national network of drop zone
19 operators; Plaintiff's use of Internet advertising; the alleged trademark, and those of
20 Defendants; Plaintiff's and its agents' disparagement of one or all Defendants over the
21 Internet and at USPA meetings; his own disparagement of one or all Defendants at USPA
22 meetings; Plaintiff's intentional interference with contractual or business relationships
23 between Defendants and their drop zone operators; Plaintiff's inducement of certain of
24 Defendants' employees, including but not limited to TJ Landgren, Kenny Pugh, Adam
25 Durbiano, Jim Vance, Laura Odowd, and Mike Gruwell, to leave Defendants' employ,
26 and to become employees of Plaintiff; Plaintiff's and/or its agents' offers to pay
27 Defendants' current and former employees money in exchange for information regarding
28 USSO's business and advertising campaigns; Plaintiff's attempt to interfere with USSO's

1 business relationship between Travelocity and Skymall Magazine; and Plaintiff's and
2 Third Party Defendant Larry Hill's unfairly competitive conduct; and Plaintiff's
3 intentional failure to disclose to the Patent and Trademark Office that Plaintiff's only
4 location is in Arizona; the alleged secondary meaning of Plaintiff's alleged mark
5 SKYDIVE ARIZONA; Plaintiff's unlawful attempts to commit reverse domain name
6 hijacking of Defendants' domain names; and Plaintiff's alleged damages. Third Party
7 Defendant Larry Hill, who is the national director of the USPA, is believed to have
8 knowledge of the USPA's decision to revoke the memberships of Messrs. Quattrocchi and
9 Butler for life, and of Mr. Hill's direct participation in, and encouragement of, the USPA's
10 action.

11 4. Betsy Barnhouse, c/o Sid Leach, Monica A. Limón-Wynn, Snell &
12 Wilmer, LLP, One Arizona Center, 400 East Van Buren, Phoenix, Arizona 85004, (602)-
13 382-6372. Ms. Barnhouse is expected to have knowledge of her continued disparagement
14 of Defendants over the Internet; her continued inducement of members of Defendants'
15 national network of drop zone operators to leave Defendants' national network; her
16 posting of inflammatory information on public skydiving forums; her requests that
17 skydivers and drop zone operators donate money to the "cause" – i.e., to revoking
18 Defendants' USPA memberships; Third Party Defendant Larry Hill's unfairly competitive
19 conduct; Plaintiff's business; and Plaintiff's solicitation of Defendants' employees.

20 5. Andri Weiss, 10856 Howison Road, Waterman, Illinois 60556. Mr.
21 Weiss is expected to testify about attempts by Mr. Hill to disparage Defendants and Mr.
22 Hill's improper inducements to cause harm to Defendants.

23 6. Rob Morris. Mr. Morris was a Manager of one of Defendants'
24 skydiving centers, and, as such, is believe to have knowledge regarding Defendants'
25 business; their use of Internet advertising; the creation of their various websites; their
26 marketing strategies; Defendants' training of their employees; Plaintiff's and Third Party
27 Defendant Larry Hill's disparagement of one or all Defendants over the Internet and at
28 USPA meetings; Plaintiff's inducement of certain of Defendants' employees, including

1 but not limited to TJ Landgren, Kenny Pugh, Adam Durbiano, Jim Vance, Laura Odowd,
2 and Mike Gruwell, to leave Defendants' employ, and to become employees of Plaintiff;
3 and Plaintiff's and Third Party Defendants' offer to Defendants' current and former
4 employees money in exchange for information regarding USSO's business and
5 advertising campaigns.

6 7. Tyler Lawson, 67 Parkside Drive, Dallas, Georgia 30157. Mr.
7 Lawson is a Manager of one of Defendants' skydiving centers, and, as such, is believed to
8 have knowledge regarding Defendants' business; their use of Internet advertising; the
9 creation of their various websites, their marketing strategies; Defendants' training of their
10 employees; Plaintiff's and Third Party Defendant Larry Hill's disparagement of one or all
11 Defendants over the Internet and at USPA meetings; Plaintiff's inducement of certain of
12 Defendants' employees, including but not limited to TJ Landgren, Kenny Pugh, Adam
13 Durbiano, Jim Vance, Laura Odowd, and Mike Gruwell, to leave Defendants' employ,
14 and to become employees of Plaintiff; and Plaintiff's and Third Party Defendants' offer to
15 Defendants' current and former employees money in exchange for information regarding
16 USSO's business and advertising campaigns.

17 8. Kenny Pugh, 158 Wayside Lane, Dallas, Georgia 30157. Pugh is an
18 employee of Atlanta Skydiving Center who was recruiting to work for Skydive Arizona
19 by Third Party Defendant Larry Hill and/or one of Plaintiff's agents. Mr. Pugh has since
20 left Skydive Arizona's employ, and has regained his employment with Defendant ASC.
21 As an employee of Defendant ASC, Mr. Pugh is believed to have knowledge regarding
22 Defendants' business; Defendants' training of their employees, Plaintiff's and Third Party
23 Defendant Larry Hill's disparagement of one or all Defendants over the Internet and at
24 USPA meetings; Plaintiff's inducement of certain of Defendants' employees, including
25 but not limited to TJ Landgren, Kenny Pugh, Adam Durbiano, Jim Vance, Laura Odowd,
26 and Mike Gruwell, to leave Defendants' employ, and to become employees of Plaintiff;
27 and Plaintiff's and Third Party Defendants' offer to Defendants' current and former
28

1 employees money in exchange for information regarding USSO's business and
2 advertising campaigns.

3 9. Richard Schachner by Deposition, 1782 5th Avenue, Deland, Florida
4 32724. Mr. Schachner is the South Eastern Regional Director and President of the USPA.
5 Upon information and belief, he has knowledge concerning Third Party Defendant Larry
6 Hill's and Betsy Barnhouse's continued campaign against Defendants before the USPA
7 and the USPA's decision to terminate Defendants' membership in the USPA.

8 10. Yvonne Cline, c/o Ivan K. Mathew, Mathew & Associates, 3300 N.
9 Central Avenue, Suite 1730, Phoenix, Arizona, 85012, (602) 254-8088. Ms. Cline will
10 testify about disparagement of Defendants' companies. The effect of Plaintiff's behavior
11 and actions on Defendants' companies. This includes, but are not limited to, negative e-
12 mails encouraging operators to cease doing business with Defendants. It includes
13 disruption of Defendants' business with concentrated efforts by Plaintiffs to hire away
14 Defendants' employees

15 11. Lilliam Dejesus, c/o Ivan K. Mathew, Mathew & Associates, 3300 N.
16 Central Avenue, Suite 1730, Phoenix, Arizona, 85012, (602) 254-8088. Ms. Dejesus will
17 testify about the financial operations of Defendants. She will provide the basis for the
18 calculation of profits and losses for the Arizona operation. She will testify about the
19 effects of Plaintiffs' actions and its impact upon Defendants' companies, i.e., causing
20 needless amount of expenses.

21 12. Sean/John Durkin (Expert testimony), Chicago Partners, 140 S.
22 Dearborn Street, Suite 1500, Chicago, Illinois 60603, (312) 251-5200. Mr. Durkin will be
23 testifying as to the relevant market and calculation of damages due to Defendants'
24 interference with contractual relationships.

25 13. Hilarie Leverett, 47467 West Highway 84, Maricopa County,
26 Arizona 85239. Ms. Leverett will testify that the words "skydive" and "Arizona" is used
27 to locate and identify businesses operating skydiving centers.
28

1 14. Edward Scott by Deposition, U.S. Parachute Association, 1440 Duke
 2 Street, Alexandria, Virginia 22314. Mr. Scott will testify about efforts by Mr. Hill and
 3 Plaintiffs to disparage and disrupt Defendants' business.

4 (b) Witnesses who may be called at trial:

5 1. Mike Gruwell, 1195 Grady Road, Rockmart, Georgia 30153. Mr.
 6 Gruwell is a former employee of Defendants. Mr. Gruwell will testify about how they
 7 were hired away by Plaintiff.

8 2. Jim Vance, 4980 W. Spoonhill Drive, Tucson, Arizona 85742. Mr.
 9 Vance is a former employee of Defendants. Mr. Vance will testify about how they were
 10 hired away by Plaintiff.

11
 12 (c) Witnesses who are unlikely to be called at trial:

13 1. None.

14
 15 **F. LIST OF EXHIBITS**

16 1. The following exhibits are admissible in evidence and may be marked in
 17 evidence by the Clerk:

18 a. Plaintiff's Exhibits:

19

Exhibit #	Exhibit Description
1.	partial list of websites owned, maintained, and/or operated by Defendants SKY AZ000335-362
2.	printout of web pages taken from the website for "Skydive Flagstaff" SKY AZ000363-367
10.	copy of a page from Defendants' "Skydiving Atlanta" website SKY AZ000387
15.	printout of web pages taken from the "Arizona Skydiving" website SKY AZ000485-504
16.	printout of web pages taken from the "Phoenix Skydiving" website SKY AZ000505-518

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Exhibit #	Exhibit Description
17.	printout of web pages taken from the "Scottsdale Skydiving" website SKY AZ000519-532
18.	printout of web pages taken from the "Tempe Skydiving" website SKY AZ000533-544
19.	printout of web pages taken from the "Chandler Skydiving" website SKY AZ000545-558
20.	printout of web pages taken from the "Mesa Skydiving" website SKY AZ000559-572
21.	printout of web pages taken from the "Glendale Skydiving" website SKY AZ000573-586
22.	printout of web pages taken from the "Gilbert Skydiving" website SKY AZ000587-600
23.	printout of web pages taken from the "Yuma Skydiving" website SKY AZ000601-614
24.	printout of web pages taken from the "Peoria Skydiving" website SKY AZ000615-626
25.	printout of web pages taken from the "Tucson Skydiving" website SKY AZ000627-642
26.	printout of web pages taken from the "Flagstaff Skydiving" website SKY AZ000643-656
27.	Arizona Customer Transaction Spreadsheet from 03/09/08-03/28/07 USSO-AZ00157-00170
56.	Email form J. Meyer to G. Bangs re The SkyRide Virtual Network SKY AZ008992-008993
139.	Online forum "what" from www.dropzone.com SKY AZ001687-001688
151.	CONFIDENTIAL - 1st Time Tandem Jumps 2001-2007 SKY AZ002502-002506
152.	CONFIDENTIAL - ATTORNEY EYES ONLY - Skyventure Arizona, LLC General Ledger for the Period from Jan 1, 2005 to Aug 31, 2005 SKY AZ002507-002522
153.	CONFIDENTIAL - ATTORNEY EYES ONLY - Skydive Arizona, Inc. Vendor Ledgers for the period from Jan1, 1997 to Aug 31, 2007 SKY AZ002523-002593
154.	CONFIDENTIAL - ATTORNEY EYES ONLY - Adventures in Skydiving, Skydive AZ, Inc. Vendor Ledgers for the period from Jan 1, 1997 to Aug 31, 2007 SKY AZ002523-002593

Exhibit #	Exhibit Description
155.	CONFIDENTIAL - ATTORNEY EYES ONLY - Skydive Arizona Customer List SKY AZ002672-003063
165.	Information re Skydiving Arizona from Whois Source at www.whois.sc SKY AZ007055-007063
173.	Skydive Flagstaff information pages from www.skydiveflagstaff.com SKY AZ007126-007131
174.	Phoenix Skydiving Center information pages at www.phoneixskydiving.com SKY AZ007126-007131
175.	Skydiving Arizona information pages at www.skydivingarizona.com SKY AZ007138-007144
187.	Images from Skydiving Arizona website (including photographs) email address: WhyChoose@skydivingArizona.com SKY AZ009102-009158
188.	Images from Phoenix Skydiving website (including photographs) email address: Reservations@PhoenixSkydiving.com SKY AZ009162-009194
192.	Atlanta Skydiving Center web site staff pages at http://ascskydive.com/georgia SKY AZ009588-009594
198.	Place holder for the domain Arizona-skydiving.com SKY AZ009513
202.	Place holder for domain mesaskydiving.com SKY AZ0013439
203.	Phoenix Skydive web site "Jump with the Best!" information pages at http://phoenixskydive.com SKY AZ019859-019890
204.	Place holder for domain phoenixskydivers.com SKY AZ019891
205.	Phoenix Skydiving web site information pages at http://phoenixskydiving.com SKY AZ019892-019897
299.	Skydive Flagstaff website "the closest skydiving center to Phoenix" information pages SKY AZ022008-022016; SKY AZ022018-022026
300.	Tucson Skydiving website at www.skydivetucson.com SKY AZ024374-024383
303.	Map of Eloy Airport, Skydive Arizona Signs (Not to Scale) SKY AZ028938; SKY AZ028949-028955
306.	Article titled "Southwest Skydiving League Inaugural meet at Skydive Arizona" on dropzone.com SKY AZ029029-029030
307.	various color photographs of jumps from Skydive Arizona SKY AZ029031-029053
309.	The Wild Horse West Parachute Center, Inc. Amendment to Articles of Incorporation SKY AZ029144-029147

Exhibit #	Exhibit Description
310.	SkyDive Arizona website "home of the 300-Way World Record!" at www.skydiveaz.com SKY AZ029149-029150
311.	300-Way.com website "300-way Sponsors" at www.300-way.com SKY AZ029152
312.	Skydive Arizona 1998-1999 Info Magazine SKY AZ029154-029185
313.	Dropzone website "Skydive Arizona" information at www.dropzone.com SKY AZ029194-029195
315.	Skydiving Arizona website at skydivingarizona.com SKY AZ024846; SKY AZ024852-024854
323.	USPA Governance Manual April 2006 SKY AZ031424-031497
324.	Color photograph of group SKY AZ031498
325.	Color photograph of 4 skydivers in a circle SKY AZ031499
326.	Color photograph of 4 skydivers in a circle used on "Skydive Philadelphia" website at www.skydivephiladelphia.com SKY AZ031500
327.	Color photographs of divers leaving a plane on "Skydive Philadelphia" website at www.skydivephiladelphia.com SKY AZ031501
328.	Skydive Pennridge website "Freefly" with image of single skydiver upside down at www.skydivepennridge.com SKY AZ031670
329.	Article "The State of Georgia Files Suit" on Drop Zone Owner's Forum at www.dzos.net SKY AZ031504-031510
330.	Email from B. Barnhouse to webmaster@skydivinginfo.com re use of name Skydive Arizona on website and business practices SKY AZ031517
331.	Email from J. Laine to J. Meyer re photos Question SKY AZ031518-031522
332.	Email from Native Restoration to experiencedjumpers@skydivingarizona.com re What bastards SKY AZ031529
333.	Email String from J. Meyer re Part 2: The SkyRiding Virtual Network SKY AZ031534-031536

Exhibit #	Exhibit Description
334.	Google Search Results for Skydive Arizona SKY AZ031545-031546
335.	Plaintiff's Response to Defendant's First Set of Interrogatories Contains Confidential Information Subject to Confidentiality Restrictions - Attorneys Eyes Only (<i>Skydive Arizona, Inc. v. Mike Mullins d/b/a Arizona Skydiving Coolidge</i>) SKY AZ031624-031647
336.	YouTube search results for "Skydive AFF extreme sports mike day" SKY AZ031658-031662
337.	Final Judgment on All Claims, Costs and Attorneys' Fees from <i>Skydive Arizona v. Hogue</i> Maricopa Superior Court Case No. CV2006-015563 SKY AZ031663-031664
338.	Chutingstar website at www.chutingstar.com SKY AZ031665-031667
339.	Color photograph of single diver upside down on Freestyle Skydiving website at www.skydivingstunts.com SKY AZ031668-031669
340.	Skydive Bridgeport web site "Gift Certificates are Available!" at http://skydivebridgeport.com SKY AZ021470-021477
420.	1-800-SKYRIDE Operations Agreement (blank) SKY AZ007042-007044
431.	Declaration of Jim Vance
432.	Letter from M. Murdock to B. Butler re revocation of USPA membership for life
433.	Letter from M. Murdock to C. Quattrocchi re revocation of USPA membership for life
436.	Letter from M. Murdock to B. Butler termination of Atlanta Skydiving Center's Group Membership
437.	Letter from J. Sivertsen to M. Murdock re termination Atlanta SC, Inc.'s USPA membership and requesting appeal
440.	Letter from C. Needels to J. Sivertsen re Siverstems' letter requesting appeal of USPA decision to terminate Atlanta Skydiver Center and its three drop zones
441.	Editorial in Skydiving Magazine - "Two Wrongs Don't Make a Right"
442.	Complaint in US District Court for ND of Georgia - Atlanta, SC, Inc. et al v. USPA SKY AZ000788-000851

Exhibit #	Exhibit Description
443.	Affidavit of Cary Quattrocchi in Support of Defendants' Motion to Dismiss
444.	Affidavit of Benny Butler in Support of Defendants' Motion to Dismiss
453.	CONFIDENTIAL -ATTORNEY'S EYES ONLY - Email from K. Warshawsky to S. Durkin re Current Skydive Vendors with attachment DURKIN00121-00123
456.	Affidavit of Benny Butler in Support of Defendants' Renewed Motion to Dismiss
457.	Affidavit of Cary Quattrocchi in Support of Defendants' Renewed Motion to Dismiss
462.	Declaration of Yvonne Cline
467.	CONFIDENTIAL - ATTORNEY'S EYES ONLY - Vendor List beginning with Greene County Sport Parachute DURKIN00039-00041
468.	Photograph of tandem jump with an extra diver SKY AZ009258
469.	Photograph of tandem jump with an extra diver SKY AZ009259
470.	Photograph of tandem jump from above SKY AZ009260
485.	Email from Emily (1800Skyride) to Sara re refund request USSO-AZ01419
488.	front pages and Skydive Arizona advertisement pages from Skydiving Magazine 05/98, Parachutist 09/98, and Parachutist 10/00 USSO-AZ02132-02137
490.	USPA website "list of skydiving enterprises near Phoenix" at http://uspa.org USSO-AZ02319-02322
491.	Printout of multiple pages from web archive for www.skydiveaz.com USSO-AZ02574-03130

b. Defendant's Exhibit:

Exhibit #	Exhibit Description
600.	Email from Larry Hill to Betsy Barnhouse December 6, 2004
601.	Email from Tray Skydive Atlanta dated 12/17/2004
603.	Email from Tony Frost to Betsy Barnhouse dated 12/7/2004
604.	Email from Betsy Barnhouse to Bill Bohlman dated 12/7/2004

Exhibit #	Exhibit Description
606.	IGOVincent, Inc. Asset Purchase Agreement dated April 1, 2007
607.	IGOVincent, Inc. Bill of Sale dated May 1, 2007
608.	Skydive Forums dated October 22,2004
611.	Email from Betsy Barnhouse dated December 7, 2004 with trail
612.	Email from Larry Hill to Betsy Barnhouse dated December 6,2008
627.	Email from Betsy Barnhouse to and from William Bohlman with trail
629.	Skydive Arizona Supplemental Disclosure Statement on Damages 6/20/07
632.	Email from Jerry Bryant to Betsy Barnhouse dated June 22,2005
633.	Email from Betsy Barnhouse to LisaChuter.net dated November 22,2004
635.	Tandem Statistics.
636.	AST Student Jumps
637.	AST Student Jumps
638.	Jump No. 1995 to 2007
641.	Affidavit of Lawrence Hill dated 8/10/07
645.	Declaration of Al Gramando dated June 1, 2003
648.	Map of Arizona.
654.	Plaintiffs Exhibits (1 --).

2. As to the following exhibits, the parties have reached the following stipulations:

a. No stipulations.

3. As to the following exhibits, the party against whom the exhibit is to be offered objects to the admission of the exhibit and offers the objection stated below:

a. Plaintiff's Exhibits:

Exhibit #	Exhibit Description	Objection
3	printout of web pages taken from the website for the fictitious "Tucson Skydiving Center" SKY AZ000368-376	Relevance, not in Arizona; cumulative. Rule 403
4	copy of a web page from Defendants' website for Defendant Atlanta Skydiving Center SKY AZ000377-379	Relevance, not in Arizona; cumulative. Rule 403
5	copy of a page from Defendants' "Skydive Green Bay" website SKY AZ000380	Relevance, not in Arizona; cumulative. Rule 403
6	copy of the original photograph of the staff that appeared on the photographer's website Brent Finley SKY AZ000381-383	Relevance, not in Arizona; cumulative. Rule 403
7	copy of a page from Defendants' "Springfield Skydiving" website SKY AZ000384	Relevance, not in Arizona; cumulative. Rule 403
8	copy of a page from Defendants' "Skydive Nashville" website SKY AZ000385	Relevance, not in Arizona; cumulative. Rule 403
9	copy of a page from Defendants' "Georgia Skydiving Center" website SKY AZ000386	Relevance, not in Arizona; cumulative. Rule 403
11	copies of web pages from the legitimate "Adventure Skydiving" website owned by Tim Eason SKY AZ000388-390	Relevance, not in Arizona; cumulative. Rule 403. Object to the work "legitimate"
12	copies of web pages from Defendants' deceptive "Adventure Skydiving" website SKY AZ000391-392	Relevance, not in Arizona; cumulative. Rule 403. Object to the work "deceptive"
13	copies of web pages from such websites which have copied Mr. Eason's "Adventure Skydiving" logo and other photographs, graphics and material from the legitimate "Adventure Skydiving" website SKY AZ000393-426	Relevance, not in Arizona; cumulative. Rule 403. Object to the work "legitimate"
14	copies of selected web pages owned, operated and maintained by Defendants that contain testimonials from alleged customers who purport to rave about their experience at Defendants' fictitious skydiving locations SKY AZ000427-484	Relevance, not in Arizona; cumulative. Rule 403. Object to the work "that contain testimonials from alleged customers who purport to rave about their experience at Defendants' fictitious skydiving locations"
28	Exhibit 3: Summary of Skydive Lost Profits (December 2004 – July 2007) (Filed Under Seal)	Duplicate of our full report. See Defendants' Exhibit pertaining to Sean/John Durkin.

Exhibit #	Exhibit Description	Objection
29	Article titled, "Capital Commentary" by Chris Needels, USPA Executive Director from www.uspa.org USSO-AZ00092-93	Relevance, not in Arizona; cumulative. Rule 403.
30	Printout from www.skydiveoragne.com website SKY AZ002462-2463	Relevance, not in Arizona; cumulative. Rule 403.
31	Printout from www.frontierskydivers.com website SKY AZ002464	Relevance, not in Arizona; cumulative. Rule 403.
32	Printout from www.skydivekutztown.com website SKY AZ002465-2466	Relevance, hearsay, lack of foundation, not in Arizona; cumulative. Rule 403.
33	Printout from www.paskydiver.com website warning customers of a SKY AZ002467-2468	Relevance, not in Arizona; cumulative. Rule 403.
34	Printout from www.premier-skydiving.com website SKY AZ002469	Relevance, not in Arizona; cumulative. Rule 403.
35	Printout from www.skydiveairtight.com website SKY AZ002470-2472	Relevance, not in Arizona; cumulative. Rule 403.
36	Printout from www.skyjump.com website SKY AZ002473	Relevance, not in Arizona; cumulative. Rule 403.
37	Printout from www.skydiveplainwell.com SKY AZ002474-2476	Relevance, not in Arizona; cumulative. Rule 403.
38	Printout from www.skydiveapowsin.com website SKY AZ002477-002479	Relevance, not in Arizona; cumulative. Rule 403.
39	Printout from www.skydivingcenter.net website SKY AZ002480-2481	Relevance, not in Arizona; cumulative. Rule 403.
40	Printout from www.associatedcontent.com website SKY AZ002456-2457	Relevance, not in Arizona; cumulative. Rule 403.
41	Printout from www.skysailing.com website SKY AZ002434-002435	Relevance, not in Arizona; cumulative. Rule 403.
42	Printout from www.skydivedelmarva.com website SKY AZ001227-1228	Relevance, not in Arizona; cumulative. Rule 403.
43	Printout from www.skydiveutah.com website SKY AZ001229-1230	Relevance, not in Arizona; cumulative. Rule 403.
44	Printout from www.skydivekansas.com website SKY AZ001240-001241	Relevance, not in Arizona; cumulative. Rule 403.
45	Printout from www.skydiveohio.com website SKY AZ001244	Relevance, not in Arizona; cumulative. Rule 403.
46	Complaint for Injunctive Relief, Civil Penalties, and Restitution (State of Georgia v. Quattrocchi, Butler, USSO, LLC, and	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
	Atlanta SC, Inc.) SKY AZ001161-001175	
47	Consumer Alert from the office of the Governor of Georgia titled "The Governor's Office of Consumer Affairs files lawsuit against on-line provider of extreme outdoor adventures" from www.georgia.gov SKY AZ001159-001160	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
48	BBB Reliability Report re 1-800-SkyRide from the website www.atlanta.bbb.org SKY AZ001176-001183	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
49	Aroesoftware - portal to the works of Jan Meyer from http://.makeithappen.com	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
50	Article titled "Deceptive DZ Tactics" at http://.makeithappen.com	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
51	Printout titled "What did you accomplish as a member of BOD"? SKY AZ007149-007150	None
52	Email from B. Finley to J. Meyer re FW: 1-800-SkyRide your request SKY AZ007585-007586	Relevance, hearsay, violation of Protective Order, not in Arizona, cumulative. Rule 403.
53	Email from J. Meyer to B. Barnhouse re From Fuzzy at Dropzone.com - FW: Vendor Agreement SKY AZ077038-077044	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
54	Email from J. Sharp to multiple skydiving emails re Re: 1800 Skydive SKY AZ0076056	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
55	Email from J. Meyer to Skydivekc@aol.com re Re: 1800 Skyride SKY AZ009040	Objection to portion after "at 1:20 a.m.", relevance, not in Arizona, cumulative. Rule 403.
57	Forum discussion in November 2004 from www.dropzone.com SKY AZ007156-007158	Relevance, cumulative. Rule 403.
58	Photograph of Ken Thompson taken by Tom Sanders from http://funjumper.com	Relevance, not in Arizona; cumulative. Rule 403.
59	Article titled "The SkyRide Virtual Network" from http://funjumper.com	Relevance, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
60	Article titled "How to Choose a Skydiving Center" from www.wheretojump.com	Relevance, not in Arizona; cumulative. Rule 403.
61	Page titled "The Thrill of a Lifetime" from Los Angeles Skydiving	Relevance, not in Arizona; cumulative. Rule 403.
62	Photograph of night tandem jump SKY AZ009267	Relevance, not in Arizona; cumulative. Rule 403.
63	Photograph of night tandem jump SKY AZ009268	Relevance, cumulative. Rule 403.
64	Phoenix Skydiving at www.soaringsports.com SKY AZ009196-009197	Relevance, cumulative. Rule 403. Produced after discovery cut-off.
65	Mesa Skydiving at www.soaringsports.com SKY AZ009214-009215	Relevance, not in Arizona; cumulative. Rule 403. Produced after discovery cut-off.
66	Peoria Skydiving at www.soaringsports.com SKY AZ009216-009217	Relevance, not in Arizona; cumulative. Rule 403. Produced after discovery cut-off.
67	Complaint In Accordance with the Uniform Domain Name Dispute Resolution Policy, Skydive v. GranterMedia.com (National Arbitration Forum) SKY AZ00001-000087	Relevance. Rule 403. Invades province of jury.
68	Complaint In Accordance with the Uniform Domain Name Dispute Resolution Policy, Skydive v. Registerfly.com (National Arbitration Forum) SKY AZ000088-000097	Relevance. Rule 403. Invades province of jury.
69	Consumer Warning "Sky Ride discount SKYDIVING SCAM WARNING" from www.skydiveorange.com SKY AZ002271-2274	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
70	Consumer Alert "Beware of the Middleman: do they mean 1800-skyride?" from Hobbies at www.groupsrv.com SKY AZ002292-2308	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
71	Consumer Alert "First Time Jumpers don't be misled by the Skyride scam" from The Jumping Place at www.jumpjax.com SKY AZ002315-2328	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
72	Consumer Fraud Alert "save aggravation and money, deal directly with us" from AtmosphAIR at www.diveout.com SKY AZ002329-2330	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
73	Forum discussion from Glider Pilot Network at gttp://archive.gliderpilot.net SKY AZ002436-002437	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
74	Article titled "How to Skydive for the First Time" from www.wikihow.com SKY AZ002452-002455	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
75	Ripoff Report titled "1800 Skyride, Soaring Sports, Adventure Skydiving Center, Skydive Georgia" at www.ripoffreport.com AZ SKY002458-002461	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
76	Consumer Alerts re Skydive Knoxville from www.skydivesmokey.com SKY AZ003064-003065	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
77	Consumer Alerts titled "Beware the middleman!" from www.skydivenewport.com SKY AZ003066-003067	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
78	Consumer Alerts titled Skydive Consumer Alert from www.freefalladventures.com SKY AZ003068	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
79	Consumer Alerts from New Jersey Hot Air Ballooning at www.njhotair.com SKY AZ003069-003071	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
80	Consumer Alert titled "Don't be misled! Deal directly with Blue Sky Adventures" from www.blueskyadventures.com SKY AZ003072-003073	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
81	Consumer Alerts from Skydiving Columbus Ohio at www.skydivecmh.com SKY AZ003074-003075	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
82	Consumer Alerts from Finger Lakes Skydivers at www.skydivefingerlakes.com SKY AZ003077	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
83	Consumer Alert "Don't be misled! Deal direct with Midwest Freefall" from Midwest Freefall at www.midwestfreefall.com SKY AZ003078-003079	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
84	Consumer Alert "Statement Concerning Activities of 1-800-SKYRDIE and Resolution of Litigation Against USPA" from Skydive Fargo at www.skydivefargo.com SKY AZ003080	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
85	Consumer Alert titled "Deal directly with Skydive New Mexico" at www.skydivenm.net SKY AZ003081-003082	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
86	Consumer Alerts from Skydive Suffolk at www.skydivesuffolk.com SKY AZ003083-003084	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
87	Online forum titled "Buyer beware of hot air balloon rides!" from www.complaintsboard.com SKY AZ003145-003153	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
88	Online forum titled "Beware this is SCAM!" from www.complaintsboard.com SKY AZ003155-003157	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
89	Online forum titled "Ripped Off by 1800SkyRide" from www.complaintsboard.com SKY AZ003158-003160	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
90	Online forum titled "It's a scam!" from www.complaintsboard.com SKY AZ003164	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
91	Online forum titled "Of course it is a scam!" from www.complaintsboard.com SKY AZ003167-003168	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
92	Online forum titled "Never get call back, want book a flight that has been paid for" from www.complaintsboard.com SKY AZ003170-003171	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
93	Online forum titled "Fraudulent websites!" from www.complaintsboard.com SKY AZ003176	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
94	Online forum titled "Fraudulent inducement!" from www.complaintsboard.com SKY AZ003179-003181	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
95	Online forum titled "Poor service!" from www.complaintsboard.com SKY AZ003186	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
96	Online forum titled "Scam and abuse!" from www.complaintsboard.com SKY AZ003189	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
97	Online forum titled "Fraud and cheating!" from www.complaintsboard.com SKY AZ003192	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
98	Online forum titled "Unable to redeem gift certificates" from www.complaintsboard.com SKY AZ003195-003199	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
99	Complaint for Injunctive Relief, Civil Penalties, and Restitution (State of GA v. Quattrocchi) SKY AZ00686-000700	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
100	First Amended Complaint (Atlanta, SC, Inc., et. al v. US Parachute Association, Inc. - Case No. 05-CV-2666) SKY AZ000866-00873	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
101	Plaintiff's Initial Disclosures (Atlanta, SC, Inc., et. al v. US Parachute Association, Inc. - Case No. 05-CV-2666) SKY AZ001004-001022	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
102	Plaintiff's Response to Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (Atlanta, SC, Inc., et. al v. US Parachute Association, Inc. - Case No. 05-CV-2666) SKY AZ000976-01003	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
103	Consumer Alert "Beware of the Middle Man" from Skydive Long Island at www.skydivelongisland.com SKY AZ002671	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
104	Consumer Alert "Scam Alert" from Kurt Thams at www.thams.com SKY AZ001184-001185	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
105	Online forum titled "Should I skydive from my 18 birthday" from www.ca.answers.yahoo.com SKY AZ001186-001187	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
106	Consumer Alert titled "BEWARE!" from www.1800skyride.org SKY AZ001188-001189	Relevance, not parachutes, hearsay, not in Arizona; cumulative. Rule 403.
107	Online forum titled "Scams?" at www.aviationkb.com SKY AZ001191-001194	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
108	Consumer Alert "Is 1-800-SKY-RIDE a SkyScam" from www.hotairballooning.com SKY AZ 001195-001197	Relevance, not parachutes, hearsay, not in Arizona; cumulative. Rule 403.
109	Consumer alert "Are ThrillPlanet.com and 800SkyRide connected" from www.hotairballooning.com SKY AZ001198-001199	Relevance, not parachutes, hearsay, not in Arizona; cumulative. Rule 403.
110	Consumer Alert "The SkyRide Virtual Network" from WhereToJump.com at www.funjumper.com SKY AZ001200-001209	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
111	Online forum titled "Yes, it is a scam!" from www.complaintsboard.com SKY AZ001210-001221	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
112	Consumer Alert "Learn to Skydive" from www.uspa.org SKY AZ001222-001224	Relevance, not in Arizona Rule 403.
113	Consumer Alert from www.louisiana-skydiving.com SKY AZ001225-001226	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
114	Consumer Alert "Internet Discount Skyride Scam Warning!" from www.skydiveorange.com SKY AZ001231-001233	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
115	Consumer Alert "Beware the middleman!" from Air Capital Drop Zone at www.aircapitaldropzone.com SKY AZ001234-001235	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
116	Online forum "Skyride Scam" from Skydive Iowa at www.skydiveia.com SKY AZ001236-001239	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
117	Consumer Alert "Beware the middleman!" from Skydive Snohomish at www.skydivesnohomish.com SKY AZ001242-001243	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
118	Online forum "1800skydride scam from www.dropzone.com SKY AZ001245	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
119	Online forum "Re: 1800skyride scam from www.dropzone.com SKY AZ001255	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
120	Online forum "Re: 1800skyride scam" from www.dropzone.com SKY AZ001258	Relevance, not in Arizona; cumulative. Rule 403. Violates order regarding Brent Finley
121	Online forum "Re: 1800skyride scam" from www.dropzone.com SKY AZ001262	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
122	Online forum "Re: 1800skyride scam" from www.dropzone.com SKY AZ001287	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
123	Online forum "Re: 1800skyride scam" from www.dropzone.com SKY AZ001306	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
124	Online forum "Re: Phone Numbers" from www.dropzone.com SKY AZ001347-1348	No objection to Betsy Barnhouse e-mails about Skydive Arizona only.
125	Online forum "What are your stands on the Skyride issue?" from www.dropzone.com SKY AZ001362-001364	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
126	Online forum "Re: Keeping Skyride in Check" from www.dropzone.com SKY AZ001384	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
127	Online forum "Re: Keeping Skyride in Check" from www.dropzone.com SKY AZ001387-001388	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
128	Online forum "Re: One less for Skyride" from www.dropzone.com SKY AZ001417-001418	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
129	Online forum "Ben and Cary" from www.dropzone.com SKY AZ001428-001431	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
130	Online forum "Re: Ben and Cary" from www.dropzone.com SKY AZ001438-001440	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
131	Online forum "Re: Ben and Cary" from www.dropzone.com	Relevance, hearsay, not in Arizona; cumulative. Rule

Exhibit #	Exhibit Description	Objection
	SKY AZ001443	403.
132	Online forum "Re: Ben and Cary" from www.dropzone.com SKY AZ001445	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
133	Online forum "chuting star rigging loft relocates" from www.dropzone.com SKY AZ001448-001473	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
134	Online forum "U.S.P.A. revokes 1800Skyride.com membership" from www.dropzone.com SKY AZ001500-001503	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
135	Online forum "1-800-SkyRide teams with Travelocity" from www.dropzone.com SKY AZ001517-001533	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
136	Online forum "My Local news had a piece on 1-800-SkyRide" from www.dropzone.com SKY AZ001451-001592	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
137	Online forum "1800 Skyride" from www.dropzone.com SKY AZ001594-001598	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
138	Online forum "DZ Marketing practice" from www.dropzone.com SKY AZ001675-001677	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
140	Yahoo! Local search for Aviation in Buckeye, AZ SKY AZ002246-002250	Relevance, not in Arizona; cumulative. Rule 403.
141	Images from "Utah Skydiving" at www.1800skyride.com SKY AZ002251-002255	Relevance, not in Arizona; cumulative. Rule 403.
142	Images from "Utah Skydiving" at www.utahskydiving.com SKY AZ002264	Relevance, not in Arizona; cumulative. Rule 403.
143	Google search result for Utah skydiving SKY AZ002265-002266	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
144	Email from J. Hall to B. Barnhouse re employees leaving Cary & Skyride SKY AZ002354-002356	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
145	Email from T. Eason to M. Mullins, et. al re Casa, Inc.	Relevance, hearsay, not in Arizona; cumulative. Rule

Exhibit #	Exhibit Description	Objection
	SKY AZ002362-002364	403.
146	Email from Dykstra family to B. Barnhouse re Refund Assistance SKY AZ002380-002384	Relevance, hearsay Rule 403.
147	Letter from J. Guthrie to Utah Department of Commerce Consumer Protection Division SKY AZ002390-002391	Relevance, not in Arizona; cumulative. Rule 403.
148	Email from djordan55@hotmail.com to T. Harnish re 1800Skyride Class Action Suit SKY AZ002392-002401	Relevance, not in Arizona; cumulative. Rule 403.
149	Email from Jump to L. Hill and B. Barnhouse re Refund Requested! SKY AZ002404-002405	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
150	Images from Skydive Kansas at www.skydivekansas.com SKY AZ002410-002418	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
156	Images from 1800skyrider.com NOT 1-800-Skyride at www.1800skyrider.com SKY AZ006992-006995	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
157	Online forum "Re: What can we do about Skyride?" from www.dropzone.com (11/30/04 & 12/01/04) SKY AZ006846	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
158	Online forum "Re: What can we do about Skyride" from www.dropzone.com SKY AZ006911	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
159	Online forum "Re: What can we do about Skyride?" from www.dropzone.com SKY AZ006918	Relevance, hearsay; cumulative. Rule 403.
160	Online forum "Re: What can we do about Skyride?" from www.dropzone.com SKY AZ006929-006930	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
161	Article: "Internet based 1800SkyRide Draws Flak from Customers and Competitors" from Skydiving magazine SKY AZ007002-007005	Relevance, hearsay; cumulative. Rule 403.
162	Tandem Skydiving Certificate Redemption for J. Gray from 1-800-SKYRIDE; www.1800SKYRIDE.com SKY AZ007008-007009	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
163	Drop Zones, Riggers, and Skydiving Related from Air Capital Drop Zone website with handwriting SKY AZ007045-007046	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
164	List of Non 1-800-SKYRIDE affiliated Skydiving Centers from 1800skyrider.com NOT 1-800-Skyride SKY AZ007047-007049	Relevance, hearsay; cumulative. Rule 403.
166	Article: "The SkyRide Virtual Network" (SkyRide Scam Fun Jumper.com) from www.funjumper.com SKY AZ007076-007080	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
167	List of domain names compiled by J. Meyers; from www.funjumper.com SKY AZ007082-007083	Relevance, hearsay, almost all entries are for outside Arizona; cumulative. Rule 403.
168	List of References and Speculation SkyRide is run by DZO by J. Meyer on gttp://funjumper.com SKY AZ007085-007086	Relevance; cumulative. Rule 403.
169	BBB Reliability Report re Adventure Sky Dive - unsatisfactory rating from Better Business Bureau at www.atlanta.bb.org SKY AZ007100-007102	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
170	National Skydiving Association information at http://makeithappen.com SKY AZ007106	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
171	Deceptive DZ tactics information from http://makeithappen.com SKY AZ007108-007119	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
172	Services and Locations from Soaring Sports at www.soaringsports.com SKY AZ007121-007124	Objection to the non-Arizona references
176	Email from Geronimo@parachutehistory.com to B. Barnhouse Re: Tennessee Skydiving SKY AZ007151-007152	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
177	Note re Cary Quattrocchi addressing BOD meeting when he saw SkyRide on agenda for unethical advertising and USPA letter to be sent requesting he stop deceptive advertising	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
178	SkyRide.com related theft of my photos Image Gallery list	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
179	Online forum "Re: 1800skyride scam" from www.dropzone.com SKY AZ007193-007199	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
180	Online forum "Re: What can we do about Skyride?" from www.dropzone.com (SKY AZ007329)	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
181	Web Hosting information - Power WHOIS; list of domains with handwriting	Objection regarding non- Arizona sites, Relevance; cumulative. Rule 403.
182	Email from Roy at Skydive Southwest Florida to B. Barnhouse, Skydive Atlanta, D. Blue, Skydive Alabama re: stopping "these people" by USPA making it mandatory for all group members to not be a part of network SKY AZ007617	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
183	Email from Rose and Tim Eakins re web site solicitations SKY AZ007622-007623	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
184	Email from Skydive Hutchinson to J. Goswitz re There's More! SKY AZ009100	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
185	Letter from Tim Butcher re organizing DZ owners against Skyride SKY AZ009269-009270	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
186	Email from C. Welker to J. Meyer re FW: 800 number SKY AZ009021-009022	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
189	partial list of websites owned, maintained, and/or operated by Defendants SKY AZ009272-009296	Relevance, most sites not in Arizona; cumulative. Rule 403.
190	IGo Vincent - Website at http://1800skyride.net SKY AZ009299-009302	Relevance, not parachutes, not in Arizona; cumulative. Rule 403.
191	Images from Arizona Hang Gliding - Go Hang Gliding Arizona website at http://arizonahangglide.com SKY AZ009514-009523	Relevance, not parachutes, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
193	Atlanta Skydiving Center website "The ASC Difference!" and staff information at http://ascskydiving.com SKY AZ009669-009683	Relevance, not in Arizona; cumulative. Rule 403.
194	Atlanta Skydiving Center web site "Only the best and the safest" at http://ascskydiveing.com SKY AZ009688	Relevance, not in Arizona; cumulative. Rule 403.
195	Atlanta Skydiving Center web site "Letters/Testimonials" at gttp://ascskydiving.com SKY AZ009690-009709	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
196	Atlanta Skydiving Center web site "Skydive Specials and Prices" at http://ascskydiving.com SKY AZ009728-009729	Relevance, not in Arizona; cumulative. Rule 403.
197	Atlanta Skydiving Center web site contact information pages at http://ascskydiving.com SKY AZ009770-009773	Relevance, not in Arizona; cumulative. Rule 403.
199	Place holder for domain 3000a.com SKY AZ009525	Relevance, not in Arizona; cumulative. Rule 403.
200	Place holder for domain flagstaffskydiving.com SKY AZ012655	None
201	Atlanta Skydiving Center web site "Gay Friendly Skydiving" at http://gayskydiving.com SKY AZ0013229-0013231	Relevance, not in Arizona; cumulative. Rule 403.
206	Skydiving Alexandria web site information pages at http://aleandriaskydiving.com SKY AZ009417-009430	Relevance, not in Arizona; cumulative. Rule 403.
207	Skydive Chattanooga web site information pages at http://chattanoogaskydiver.com SKY AZ010953-010995	Relevance, not in Arizona; cumulative. Rule 403.
208	Chattanooga Skydiving web site "Directions" at http://chatanoogaskydiving.net SKY AZ011061-011063	Relevance, not in Arizona; cumulative. Rule 403.
209	Connecticut Skydive web site "Jump with the Best!" information pages at http://connecticutskydive.com	Relevance, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
	SKY AZ011597-011643	
210	Connecticut Skydiving web site "Skydive in Connecticut" information pages at http://connecticutskydiving.net SKY AZ011665-011668	Relevance, not in Arizona; cumulative. Rule 403.
211	Connecticut Skydive web site "Skydive in Connecticut" information pages at http://connecticutskydiving.net SKY AZ011676	Relevance, not in Arizona; cumulative. Rule 403.
212	Davenport Skydiving web site "Welcome: Des Moines Skydiving" information pages at http://davenportskydiving.com SKY AZ011849-011850	Relevance, not in Arizona; cumulative. Rule 403.
213	Davenport Skydiving web site "First Skydive: Iowa Skydive" information pages at http://davenportskydiving.com SKY AZ011869-011876	Relevance, not in Arizona; cumulative. Rule 403.
214	Delaware Skydiving web site "Delaware Skydive" information pages at http://delawareskydive.com SKY AZ012156-012171	Relevance, not in Arizona; cumulative. Rule 403.
215	Des Moines Skydiving web site "Jump with the Best!" information pages at http://desmoinesskydiving.com SKY AZ012374-012381	Relevance, not in Arizona; cumulative. Rule 403.
216	Des Moines Skydiving web site "Skydiving Iowa" information pages at http://desmoinesskydiving.com SKY AZ012391-012407	Relevance, not in Arizona; cumulative. Rule 403.
217	Dover Skydiving web site "Dover Skydiving" information pages at http://doverskydiving.com SKY AZ012472-012749	Relevance, not in Arizona; cumulative. Rule 403.
218	Dover Skydiving web site "Skydive in Delaware" information pages at http://doverskydiving.com SKY AZ012501-012504	Relevance, not in Arizona; cumulative. Rule 403.
219	FirstSkydive.com web site information pages listing skydive centers in multiple states at http://firstskydive.com SKY AZ012652-012653	Relevance, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
220	Gulfport Skydiving web site "Jump with the Best!" information pages at http://gulfsportskydiving.com SKY AZ013566-013570	Relevance, not in Arizona; cumulative. Rule 403.
221	Gulfport Skydiving web site "Skydive in Mississippi" information pages at http://gulfsportskydiving.com SKY AZ013593-013596	Relevance, not in Arizona; cumulative. Rule 403.
222	Hartford Skydiving web site "Jump with the Best!" information pages at http://hartfordskydiving.com SKY AZ013602-013606	Relevance, not in Arizona; cumulative. Rule 403.
223	Hartford Skydiving web site "Skydiving Connecticut" information pages at http://hartfordskydiving.com SKY AZ013617-013621	Relevance, not in Arizona; cumulative. Rule 403.
224	Iowa Skydiving web site "Jump with the Best!" information pages at http://iowaskydiving.net SKY AZ014345-014346	Relevance, not in Arizona; cumulative. Rule 403.
225	Iowa Skydiving web site "Skydive in Iowa" information pages at http://iowaskydiving.net SKY AZ014355-014358	Relevance, not in Arizona; cumulative. Rule 403.
226	Iowa Skydiving web site "Skydive in Iowa" information pages at http://iowaskydiving.net SKY AZ014362-014369	Relevance, not in Arizona; cumulative. Rule 403.
227	Jackson Skydiving web site "Mississippi Skydiving FAQ's" information pages at http://jacksonskydiving.com SKY AZ014429-014441	Relevance, not in Arizona; cumulative. Rule 403.
228	Adventure Skydiving "Learn to Skydive with Us" Skydive Kansas Contact Information web site pages at http://kansasskydiving.com SKY AZ014629-014634	Relevance, not in Arizona; cumulative. Rule 403.
229	Adventure Skydiving "Learn to Skydive with Us" Skydiving Video Packages for Kansas Skydiving Center web site information pages at http://kansasskydiving.com	Relevance, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
	SKY AZ014638-014641	
230	Knoxville Skydive web site "Jump with the Best!" information pages at http://knoxvilleskydive.com SKY AZ014857-014858	Relevance, not in Arizona; cumulative. Rule 403.
231	Knoxville Skydive web site "Skydive Knoxville" information pages at http://knoxvilleskydive.com SKY AZ014869-014877	Relevance, not in Arizona; cumulative. Rule 403.
232	Knoxville Skydive web site "Skydiving Tennessee" information pages at http://knoxvilleskydive.net SKY AZ014900-014901	Relevance, not in Arizona; cumulative. Rule 403.
233	Knoxville Skydive web site information pages Skydiving in Tennessee SKY AZ014902	Relevance, not in Arizona; cumulative. Rule 403.
234	Louisiana Skydive web site information pages at http://louisianaskydive.com SKY AZ015607-015620	Relevance, not in Arizona; cumulative. Rule 403.
235	Memphis Skydiving web site "Experience the Thrill!" information pages at http://memphis-skydiving.com SKY AZ016151-016159	Relevance, not in Arizona; cumulative. Rule 403.
236	Skydive Memphis web site information pages at http://memphis-skydiving.com SKY AZ016183-016194	Relevance, not in Arizona; cumulative. Rule 403.
237	Memphis Skydive web site "Jump with the Best!" information pages at http://memphsskydive.net SKY AZ016195-016215	Relevance, not in Arizona; cumulative. Rule 403.
238	Memphis Skydive web site "Memphis Skydiving - Jump with the Best!" information pages at http://memphis-skydiving.net SKY AZ016224-016250	Relevance, not in Arizona; cumulative. Rule 403.
239	Adventure Skydiving "Learn to Skydive with Us" Minnesota web site information pages at http://minnesotaskydiving.com SKY AZ016678-016693	Relevance, not in Arizona; cumulative. Rule 403.
240	Mississippi Skydiving web site "Jump with the Best!" information pages at	Relevance, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
	http://mississippi-skydiving.com SKY AZ016701-016725	
241	Adventure Skydiving "Learn to Skydive with Us" Mississippi web site information pages at http://mississippiskydive.com SKY AZ016798-016813	Relevance, not in Arizona; cumulative. Rule 403.
242	Skydive Mississippi web site "So you wanna go skydiving?" information pages at http://mississippiskydiving.com SKY AZ016820-016821; SKY AZ016830	Relevance, not in Arizona; cumulative. Rule 403.
243	Mississippi Skydiving web site "Jump with the Best!" information pages at http://mississippiskydiving.net SKY AZ016832-016858	Relevance, not in Arizona; cumulative. Rule 403.
244	Adventure Skydiving "Learn to Skydive with Us" Montana web site information pages at http://montanaskydiving.com SKY AZ017082-017097	Relevance, not in Arizona; cumulative. Rule 403.
245	Montana Skydiving web site information pages at http://montanaskydivng.com SKY AZ017105-017108	Relevance, not in Arizona; cumulative. Rule 403.
246	Mississippi Skydiving website "Jump with the Best!" at www.msskydiveing.com SKY AZ017181-017182; SKY AZ017192-017206	Relevance, not in Arizona; cumulative. Rule 403.
247	Nashville Skydiving website "Jump with the Best!" at www.nashvilleskydive.com SKY AZ017318-017319; SKY AZ017330-07338	Relevance, not in Arizona; cumulative. Rule 403.
248	Nashville Skydiving website "Jump with the Best!" at www.nashvillskydiving.net SKY AZ017347-017348; SKY AZ017359-017362	Relevance, not in Arizona; cumulative. Rule 403.
249	Nashville Skydiving website "Jump with the Best!" at www.nashvilleskydiving.com SKY AZ017376-017378; SKY AZ017382-017383; SKY AZ017393-017394; SKY AZ017397-017408	Relevance, not in Arizona; cumulative. Rule 403.
250	Skydiving Nashville website "Jump with the Best!" at www.nashvilleskydiving.info	Relevance, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
	SKY AZ017410-017412; SKY AZ017425-017440	
251	Nashville Skydiving website "Jump with the Best!" at www.nashvilleskydiving.net SKY AZ017450-017452; SKY AZ017467-017483	Relevance, not in Arizona; cumulative. Rule 403.
252	Skydive Newark website at www.newarkskydive.com SKY AZ017755-017757; SKY AZ017760-017763	Relevance, not in Arizona; cumulative. Rule 403.
253	New Haven Skydiving website "Jump with the Best!" at www.newhavenskydiving.com SKY AZ017922-0179526; SKY AZ017945-017951	Relevance, not in Arizona; cumulative. Rule 403.
254	New Jersey Skydive website "Gift Certificates Available!" at www.newjerseyskydive.com SKY AZ018022-018024; SKY AZ018030-018035	Relevance, not in Arizona; cumulative. Rule 403.
255	New Jersey Skydiving website "Feel the Rush" at www.newjerseyskydiving.com SKY AZ018069; SKY AZ018071-018078	Relevance, not in Arizona; cumulative. Rule 403.
256	New Mexico Skydive website "New Mexico Skydive Center" at www.newmexicoskydive.com SKY AZ018109-018117	Relevance, not in Arizona; cumulative. Rule 403.
257	Adventure Skydiving website "Learn to Skydive with Us" North Dakota at www.northdakotaskydiving.com SKY AZ018652-018653; SKY AZ018658-018659; SKY AZ018665-018670; SKY AZ018672	Relevance, not in Arizona; cumulative. Rule 403.
258	Oklahoma City Skydiving website at www.oklahomacityskydiving.com SKY AZ018876-018877; SKY AZ018889-018904	Relevance, not in Arizona; cumulative. Rule 403.
259	Arizona Balloon Rides website "FAQs" at www.ballooningarizona.com SKY AZ009938-009950	Relevance, not parachutes, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
260	Chandler Hang Gliding website "Go Hang Gliding Chandler, Arizona" at www.chandlerhanggliding.com SKY AZ010787-010801	Relevance, not parachutes; cumulative. Rule 403.
261	Glendale Hang Gliding website "Go Hang Gliding Glendale, Arizona" at www.glendalehanggliding.com SKY AZ013428-013438	Relevance, not parachutes; cumulative. Rule 403.
262	Mesa Hang Gliding website "Go Hang Gliding Mesa, Arizona" at www.mesahanggliding.com SKY AZ06325-016339	Relevance, not parachutes; cumulative. Rule 403.
263	Mesa Hot Air Balloons website at www.mesahotairballoons.com SKY AZ016340-016359	Relevance, not parachutes; cumulative. Rule 403.
264	Phoenix Hot Air Balloons website at www.phoenixhotairballoons.com SKY AZ019788-019825	Relevance, not parachutes, not in Arizona; cumulative. Rule 403.
265	Phoenix Rafting website at www.phoenixrafting.com SKY AZ019826-019857	Relevance, not parachutes; cumulative. Rule 403.
266	Experience AZ magazine 2007 SKY AZ005384-005385	Hearsay. Rule 403.
267	Parachutist Magazines from 1987	Relevance, hearsay. Rule 403. No objection to Plaintiff's ads.
268	Parachutist Magazines from 1988	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
269	Parachutist Magazines from 1989	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
270	Parachutist Magazines from 1990	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
271	Parachutist Magazines from 1991	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
272	Parachutist Magazines from 1992	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.

Exhibit #	Exhibit Description	Objection
273	Parachutist Magazines from 1993	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
274	Parachutist Magazines from 1994	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
275	Parachutist Magazines from 1995	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
276	Parachutist Magazines from 1996	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
277	Skydiving Newsmagazine 1997	Hearsay, relevance, cumulative. Rule 403.
278	Parachutist Magazines from 1997	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
279	Skydiving Newsmagazine 1998	Hearsay, relevance, cumulative. Rule 403.
280	Parachutist Magazines from 1998	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
281	Parachutist magazine 1999	Objection, other than to Plaintiff's ads (hearsay), relevance. Rule 403.
282	Skydiving Newsmagazine 1999	Hearsay, relevance, cumulative. Rule 403.
283	Parachutist magazine 2000	Objection, other than to Plaintiff's ads (hearsay), relevance. Rule 403.
284	Skydiving Newsmagazine 2000	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
285	Parachutist Magazines from 2001	Relevance, hearsay, cumulative. Rule 403. No objection to Plaintiff's ads.
286	Skydiving Newsmagazine 2001	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
287	Parachutist magazine 2002	Objection, other than to Plaintiff's ads (hearsay), relevance, cumulative. Rule

Exhibit #	Exhibit Description	Objection
		403.
288	Skydiving Newsmagazine 2002	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
289	Parachutist magazine 2003	Objection, other than to Plaintiff's ads (hearsay), relevance, cumulative. Rule 403.
290	Skydiving Newsmagazine 2003	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
291	Parachutist magazine 2004	Objection, other than to Plaintiff's ads (hearsay), relevance, cumulative. Rule 403.
292	Skydiving Newsmagazine 2004	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
293	Parachutist magazine 2005	Objection, other than to Plaintiff's ads (hearsay), relevance, cumulative. Rule 403.
294	Skydiving Newsmagazine 2005	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
295	Parachutist magazine 2006	Objection, other than to Plaintiff's ads (hearsay), relevance, cumulative. Rule 403.
296	Skydiving Newsmagazine 2006	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
297	Parachutist magazine 2007	Objection, other than to Plaintiff's ads (hearsay), relevance, cumulative. Rule 403.
298	Skydiving Newsmagazine 2007	Hearsay, relevance, not in Arizona; cumulative. Rule 403.
299	Skydive Flagstaff website "the closest skydiving center to Phoenix" information	None

Exhibit #	Exhibit Description	Objection
	pages SKY AZ022008-022016; SKY AZ022018-022026	
301	The Complete Official U.S. Skydiving School List from web site skydivinginfo.com SKY AZ025483-025490	Hearsay, relevance, most entries not in Arizona; cumulative. Rule 403.
302	Place Holder for domain skydivingmesa.net SKY AZ025762	Foundation, hearsay, cumulative. Rule 403
304	Email from (Sarah) SaragLILQT@aol.com to alg@skydiveaz.com re Thank You SKY AZ029023	Hearsay, cumulative. Rule 403.
305	Article "Skydive Arizona Reviews" on dropzone.com SKY AZ029024-029028	Relevance, not in Arizona; cumulative. Rule 403.
308	Arizona Life website "Sky Diving in Arizona" list of dropzones at www.azlife.net SKY AZ029136	Relevance, hearsay, cumulative. Rule 403
314	World and United States Aviation & Space Records from the National Aeronautic Association SKY AZ029223-029229	Hearsay. Rule 403
316	Multiple articles in The Arizona Republic and The Eloy Enterprise SKY AZ030507-030516	Hearsay, cumulative. Rule 403.
317	Arizona Skydiving website - pages for various cities in Arizona at www.1800skyride.com SKY AZ030937-031082	Cumulative.
318	Skydiving website "Learn to Skydive! Skydiving in the Midwest" at www.skydiving.thrillplanet.com SKY AZ031109-031116	Cumulative.
319	Arizona Skydiving website - pages for various cities in Arizona at www.thrillplanet.com SKY AZ031117-031262	Cumulative. Rule 403.
320	Skydive Flagstaff website "1-800-571-JUMP - Serving Arizona with professional skydive instruction" at www.skydiveflagstaff.com	Cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
	SKY AZ031265-031333	
321	Skydive Arizona website "Skydive Arizona Eloy" at www.skydiveaz.com SKY AZ031334-031386	Cumulative. Rule 403.
322	Order in Skydive Arizona, Inc. v. Mike Mullins d/b/a Arizona SKYDIVING, U.S. District Court for Arizona, CIV 01-01854-PHX-SMM SKY AZ031390-031423	Relevance, order limited to facts of Mullins case, p. 29. Rule 403
341	Skydive Camden web site "Trenton Skydive" at http://skydivecamden.com	Relevance, not in Arizona; cumulative. Rule 403
342	Skydive Chattanooga web site "Chattanooga Skydive" at http://skydivechattanooga.net SKY AZ021479-021481; SKY AZ021485-021486; SKY AZ 021496-021512	Relevance, not in Arizona; cumulative. Rule 403
343	Adventure Skydiving web site "Learn to Skydive with us!" - Connecticut at http://skydiveconnecticut.com SKY AZ021684-021685; SKY AZ021688; SKY AZ021692-021694; SKY AZ021697; SKY AZ021699	Relevance, not in Arizona; cumulative. Rule 403
344	Skydive Connecticut web site "Jump with the Best!" at http://skydiveconnecticut.net SKY AZ021707-021709; SKY AZ021713-021714; SKY AZ021724-021737	Relevance, not in Arizona; cumulative. Rule 403
345	Skydive Davenport web site "Davenport Skydive" at http://skydivedavenport.com SKY AZ021707-021709; SKY AZ021713-021714; SKY AZ021724-021737	Relevance, not in Arizona; cumulative. Rule 403
346	Skydive Delaware web site "Skydive Dover" at http://skydivedelaware.com SKY AZ021831-021833; SKY AZ021847-021855; SKY AZ021857-021861	Relevance, not in Arizona; cumulative. Rule 403
347	Skydive Des Moines web site "Des Moines Skydive" at http://skydivedesmoines.com	Relevance, not in Arizona; cumulative. Rule 403

Exhibit #	Exhibit Description	Objection
	SKY AZ021896-021898; SKY AZ021902-021903; SKY AZ021913-021921; SKY AZ021923-021927	
348	Skydive Edison web site "Trenton Skydive" at http://skydiveedison.com SKY AZ021940-021941; SKY AZ021946-021947; SKY AZ021957-021970	Relevance, not in Arizona; cumulative. Rule 403
349	Skydive Jersey City web site "Gift Certificates are Available!" at http://skydivejerseycity.com SKY AZ022461-022468	Relevance, not in Arizona; cumulative. Rule 403
350	Skydive Knoxville web site at http://skydiveknoxville.com SKY AZ022505-022511	Relevance, not in Arizona; cumulative. Rule 403
351	Skydive Knoxville web site "Knoxville Skydive" at http://skydiveknoxville.net SKY AZ022512-022513; SKY AZ022528-022530; SKY AZ022532-022541	Relevance, not in Arizona; cumulative. Rule 403
352	Skydive Memphis web site "Memphis Skydive" at http://skydivememphis.net SKY AZ022703-022704; SKY AZ022719-022721; SKY AZ022723-022729; SKY AZ022731-022732	Relevance, not in Arizona; cumulative. Rule 403
353	Skydive Minneapolis web site at http://skydiveminneapolis.com SKY AZ022802-022803; SKY AZ022805-022811	Relevance, not in Arizona; cumulative. Rule 403
354	Skydive Mississippi web site "Welcome to Mississippi Skydiving" at http://skydivemississippi.com SKY AZ022815-022825; SKY AZ022827-022830	Relevance, not in Arizona; cumulative. Rule 403
355	Adventure Skydiving web site "The first skydive specialists" - Mississippi at http://skydivems.com SKY AZ022891-022892; SKY AZ022895; SKY AZ022899-022901;	Relevance, not in Arizona; cumulative. Rule 403

Exhibit #	Exhibit Description	Objection
	SKY AZ022904; SKY AZ022906	
356	Skydive Murfreesboro (Tennessee) web site at http://skydivemurfreesboro.com SKY AZ022913-022914; SKY AZ022916-022922	Relevance, not in Arizona; cumulative. Rule 403
357	Skydive Nashville web site "Tennessee's Premiere Skydiving Facility!" at http://skydivenashville.com SKY AZ022931-022941	Relevance, not in Arizona; cumulative. Rule 403
358	Skydive Nashville web site "Nashville Skydive" at http://skydivenashville.net SKY AZ022942-022943; SKY AZ022958-022961; SKY AZ022963-022966; SKY AZ022968-022972	Relevance, not in Arizona; cumulative. Rule 403
359	Skydive Nebraska web site "The closest skydiving center to Lincoln. - Serving Nebraska with professional skydive instruction - Gift Certificates Available!" at http://skydivenebraska.com SKY AZ022973-022979; SKY AZ022981-022985	Relevance, not in Arizona; cumulative. Rule 403
360	Place Holder for SkydiveNebraska.net SKY AZ022987	Relevance, not in Arizona; cumulative. Rule 403
361	Skydive Newark web site at http://skydivenewark.com SKY AZ023017-023025	Relevance, not in Arizona; cumulative. Rule 403
362	Skydive Newark web site "Newark Skydive" at http://skydivenewark.net SKY AZ023026-023027; SKY AZ023032-023033; SKY AZ023043-023055	Relevance, not in Arizona; cumulative. Rule 403
363	Skydive New Haven web site "New Haven Skydive" at http://skydivenewhaven.com SKY AZ023073-023075; SKY AZ023090-023103	Relevance, not in Arizona; cumulative. Rule 403
364	Skydive New Mexico web site "closest skydiving center to Santa Fe - Serving New Mexico with professional skydive instruction" at http://skydivenewmexico.com	Relevance, not in Arizona; cumulative. Rule 403

Exhibit #	Exhibit Description	Objection
	SKY AZ023105-023107; SKY AZ023111; SKY AZ023113-023115; SKY AZ023117-023118	
365	Place Holders for 3000a.com; Skydive North Dakota.net SKY AZ023153-023154	Relevance, not in Arizona; cumulative. Rule 403
366	Place Holder for SkydiveOklahoma.net; http://skydiveoklahoma.net SKY AZ023217	Relevance, not in Arizona; cumulative. Rule 403
367	Skydive Newark web site "Skydive Paterson" at http://skydivepaterson.com SKY AZ023353-023354; SKY AZ023359-023360; SKY AZ023370-023382	Relevance, not in Arizona; cumulative. Rule 403
368	Skydive Rhode Island web site "Internet Specials Available" at http://skydiverhodeisland.com SKY AZ023659; SKY AZ023661-023667; SKY AZ023669; SKY AZ023671	Relevance, not in Arizona; cumulative. Rule 403
369	Place Holder for SkydiveRhodeIsland.net SKY AZ023673	Relevance, not in Arizona; cumulative. Rule 403
370	Skydive South Dakota web site "closest skydiving center to Pierre - serving South Dakota with professional skydive instruction" at http://skydivesouthdakota.com SKY AZ024021; KY AZ024023-024029; SKY AZ024031-024033	Relevance, not in Arizona; cumulative. Rule 403
371	Place Holder for SkydiveSouthDakota.net SKY AZ024035	Relevance, not in Arizona; cumulative. Rule 403
372	Skydive Stamford web site "Hartford Skydive, Skydive Stamford" at http://skydivestamford.com SKY AZ024076-24082; SKY AZ024092-024102; SKY AZ024104-024106	Relevance, not in Arizona; cumulative. Rule 403
373	Skydive Tennessee web site "Hartford Tennessee, Skydive Memphis" at	Relevance, not in Arizona; cumulative. Rule 403

Exhibit #	Exhibit Description	Objection
	http://skydivetennessee.net SKY AZ024241-024243; SKY AZ024247-024248; SKY AZ024258-024267; SKY AZ024269-024270	
374	Adventure Skydiving "Learn to skydive with us" Trenton at http://skydivetrenton.com SKY AZ024330; SKY AZ024334-024335; SKY AZ024340; SKY AZ024342-024343	Relevance, not in Arizona; cumulative. Rule 403
375	Skydive Trenton web site "Trenton Skydive" at http://skydivetrenton.net SKY AZ024350-024351; SKY AZ024364-024373	Relevance, not in Arizona; cumulative. Rule 403
376	Skydive Atlantic City web site "Skydiving Atlantic City" at http://skydivingatlanticcity.com SKY AZ024871-024873; SKY AZ024888-024902	Relevance, not in Arizona; cumulative. Rule 403
377	Skydive Atlantic City web site "Skydiving Atlantic City" at http://skydivingatlanticcity.net SKY AZ024903-024905; SKY AZ024918-024934	Relevance, not in Arizona; cumulative. Rule 403
378	Skydive Cedar Rapids web site "Skydiving Cedar Rapids" at http://skydivingcedarrapids.com SKY AZ025045-025046; SKY AZ025060-025072	Relevance, not in Arizona; cumulative. Rule 403
379	Skydiving Chattanooga web site "Skydiving Chattanooga" at http://skydivingchattanooga.com SKY AZ025073-025074; SKY AZ025087; SKY AZ025089-025099	Relevance, not in Arizona; cumulative. Rule 403
380	Skydiving Chattanooga "Skydiving Chattanooga" at http://skydivingchattanooga.net SKY AZ025100-025101; SKY AZ025113-025118;	Relevance, not in Arizona; cumulative. Rule 403

Exhibit #	Exhibit Description	Objection
	SKY AZ025122-025127	
381	Skydiving Iowa web site "Skydiving Iowa" at http://skydivingiowa.com SKY AZ025493-025495; SKY AZ025505-025507; SKY AZ025511-025525	Relevance, not in Arizona; cumulative. Rule 403
382	Place Holders for 3000a.com; http://skydivingjkansas.com SKY AZ025553	Relevance, not in Arizona; cumulative. Rule 403
383	Skydive Knoxville web site "the place to skydive serving Tennessee" at http://skydivingknoxville.com SKY AZ02556-025563; SKY AZ025574-025580	Relevance, not in Arizona; cumulative. Rule 403
384	Skydiving Memphis web site "So you want to go skydiving?" at http://skydivingmemphis.com SKY AZ025722-025723; SKY AZ025726; SKY AZ025728; SKY AZ025730-025732	Relevance, not in Arizona; cumulative. Rule 403
385	Skydiving Memphis web site "Jump with the Best!" at http://skydivingmemphis.net SKY AZ025734-025735; SKY AZ025749-025761	Relevance, not in Arizona; cumulative. Rule 403
386	place holder for SkydivingMontana.com SKY AZ025829	Relevance, not in Arizona; cumulative. Rule 403
387	Skydive Nashville web site "Nashville Skydiving - Tennessee's Premier Skydiving Facility" at http://skydivingnashville.com SKY AZ025830-025840	Relevance, not in Arizona; cumulative. Rule 403
388	Skydiving Nashville web site "Jump with the Best!" at http://skydivingnashville.net SKY AZ02581-025842; SKY AZ025856; KY AZ025858-025868	Relevance, not in Arizona; cumulative. Rule 403
389	Skydiving Newark web site "Jump with the Best! - Skydive Newark" at http://skydivingnewark.com SKY AZ025870-025871; SKY AZ025884;	Relevance, not in Arizona; cumulative. Rule 403

Exhibit #	Exhibit Description	Objection
	SKY AZ025886-025894	
390	Skydiving Newark web site "Jump with the Best! - Skydive Newark" at http://skydivingnewark.net SKY AZ025922-025923; SKY AZ025936; SKY AZ025938-025948	Relevance, not in Arizona; cumulative. Rule 403
391	Images from Skydiving New Jersey "Jump with the Best!" at www.skydivingnewjersey.net SKY AZ025949-025951; SKY AZ025955-025956; SKY AZ025966-025979; SKY AZ025981-025982	Relevance, not in Arizona; cumulative. Rule 403
392	place holder for domain 3000a.com at http://skydivingnewmexico.net SKY AZ025983	Relevance, not in Arizona; cumulative. Rule 403
393	place holder for domain sydivingnorthdakota.com at http://skydivingnorthdakota.com SKY AZ025984	Relevance, not in Arizona; cumulative. Rule 403
394	place holder for domain sydivingrhodeisland.com at http://skydivingrhodeisland.com SKY AZ026195	Relevance, not in Arizona; cumulative. Rule 403
395	Virginia Skydiving website "Virginia Skydiving Welcomes You!" at www.skydivingvirginia.com SKY AZ026724; SKY AZ026727; SKY AZ026729-026737	Relevance, not in Arizona; cumulative. Rule 403
396	place holder for domain skydivingwestvirginia.com at http://skydivingwestvirginia.com SKY AZ026740	Relevance, not in Arizona; cumulative. Rule 403
397	Tennessee Skydiving website "Jump with the Best!" at www.tennessee-skydiving.com SKY AZ027467-027490	Relevance, not in Arizona; cumulative. Rule 403
398	place holder for domain 3000a.com at http://utahskydive.com SKY AZ027979	Relevance, not in Arizona; cumulative. Rule 403

Exhibit #	Exhibit Description	Objection
399	Utah Skydiving website "The place to skydive serving Utah. We are now a member of the 1-800-SkyRide Network!" at www.utahskydiving.com SKY AZ027980-027984	Relevance, not in Arizona; cumulative. Rule 403
400	Tucson Hot Air Balloons website "Welcome to Tucson Hot Air Balloons!" at www.tucsonhotairballoons.com SKY AZ027757-027765	Relevance, not in Arizona; cumulative. Rule 403
401	Tennessee Skydive website "Jump with the Best!" at www.tennesseeskydive.com SKY AZ027553-027576	Relevance, not in Arizona; cumulative. Rule 403
402	Adventure Skydiving Tennessee website "Learn to Skydive with us" at www.tnskydiving.com SKY AZ027620-027632	Relevance, not in Arizona; cumulative. Rule 403
403	Adventure Skydiving Trenton website "Learn to Skydive with us! - The first skydive specialists" at www.trentonskydive.com SKY AZ027667-027685	Relevance, not in Arizona; cumulative. Rule 403
404	Trenton Skydive website "Jump with the Best!" at www.trentonskydive.net SKY AZ027686-027709	Relevance, not in Arizona; cumulative. Rule 403
405	Trenton Skydiving website "Jump with the Best!" at www.trentonskydiving.com SKY AZ027710-027730	Relevance, not in Arizona; cumulative. Rule 403
406	Trenton Skydiving website "Jump with the Best!" at www.trentonskydiving.net SKY AZ027731-027755	Relevance, not in Arizona; cumulative. Rule 403
407	Printout from www.kutv.com titled "KUTV 2News: Get Gephardt: 1-800-SKY-RIDE Problems" SKY AZ002309-002312	Relevance, not in Arizona; cumulative. Rule 403
408	DVD - Channel 5 WAGA Atlanta, "I-Team, Skyride Balloons Part 3" SKY AZ002350	Relevance, not in Arizona; hearsay. Rule 403
409	DVD - Channel 5 WAGA, Fox News Atlanta news clip SKY AZ002351	Relevance, not in Arizona; hearsay, cumulative. Rule 403
410	DVD - Channel 5 WAGA, Fox News Atlanta news clip re 1-800-SKYRIDE	Relevance, not in Arizona; hearsay, cumulative. Rule

Exhibit #	Exhibit Description	Objection
	employees SKY AZ02353	403
411	DVD - KUTV Utah, news clip re 1-800-SKYRIDE SKY AZ002352	Relevance, not in Arizona; hearsay, cumulative. Rule 403
412	USPA Group Member Dropzones in States With No Skyride Network DZ - Eastern United States	Relevance, not in Arizona; hearsay, cumulative. Rule 403
413	USPA Group Member Dropzones in States With No Skyride Network DZ - Western United States	Relevance, not in Arizona; cumulative. Rule 403
414	USPA Group Member Dropzones in Arizona	Relevance, not in Arizona; cumulative. Rule 403
415	North Dakota Skydiving website "Welcome to Skydiving North Dakota" at www.1800skyride.com	Relevance, not in Arizona; cumulative. Rule 403
416	Map of the United States showing Dropzones in SkyRide's Network	Relevance, damages limited to Arizona; cumulative. Rule 403
417	1-800-SKYRIDE Operations Agreement signed by Jack Guthrie	Relevance, not in Arizona; cumulative. Rule 403
418	1-800-SKYRIDE Network Addition Form for Skydive Utah	Relevance, not in Arizona; cumulative. Rule 403
419	1-800-SKYRDIE Invitation to Join the 1-800-SKYRIDE Network	Relevance, not in Arizona; cumulative. Rule 403
421	Declaration of Ben Cruz in <i>Skydive v. Mullins</i> SKY AZ028773-028774	Hearsay, foundation. Affidavit in another case. Rule 403.
422	Declaration of Pat Patton in <i>Skydive v. Mullins</i> SKY AZ031618-31622	Hearsay, foundation. Affidavit in another case. Rule 403.
423	Declaration of Bryan Burke in <i>Skydive v. Mullins</i> SKY AZ031618-31622	Hearsay, foundation. Affidavit in another case. Rule 403.
424	USPA Board Minutes for 02/20/04-02/22/04 meeting - Draft 2	Hearsay. Rule 403.
425	USPA Board Minutes for 07/16/04-07/18/04 meeting - Draft	Hearsay. Rule 403.
426	Email from L. Mullen to B. Barnhouse re 1800Skyride - copied images on the URLs www.skydivehuntsville.com and www.alabama-skydive.com	Hearsay. Rule 403.

Exhibit #	Exhibit Description	Objection
	SKY AZ007630	
427	Email from Ned to B. Barnhouse and others re Web site solicitation - several suggestion for websites SKY AZ007618-07623	Relevance, hearsay. Rule 403.
428	USPA Group Member Application of Chuting Star Rigging Loft signed by Mike Gruwell	Relevance, not in Arizona; hearsay, cumulative. Rule 403.
429	USPA Board Minutes for 01/14/05-01/16/05 - Draft	Relevance, not in Arizona; hearsay, cumulative. Rule 403.
430	Letter from Jack Guthrie to Editor of Skydiving Magazine re C. Quattrocchi's marketing SKY AZ003223	Relevance, not in Arizona; hearsay, cumulative. Rule 403.
434	USPA Governance Manual September 2005 SKY AZ000910-000975	Rule 403
435	Letter from M. Murdock to Y. Cline re termination of Chuting Star Rigging Loft's Group Membership in USPA	Relevance, not in Arizona, not a party, cumulative. Rule 403.
438	USPA Board Minutes for 07/15/05-07/17/05 - Draft	Rule 403.
439	Letter from M. Gruwell to B. Butler and C. Quattrocchi re disciplinary actions by the USPA against Atlanta Skydiving Center, Alabama Skydiving Center and Skydive Pennridge and its affect on Chuting Star Rigging Loft	Relevance, not in Arizona; Chuting Star is not a party, cumulative. Rule 403.
445	USPA Board Minutes for 02/17/06-02/19/06 - Draft	Rule 403
446	Declaration of James Flynn SKY AZ000665-667	Hearsay, lack of foundation. Rule 403.
447	Declaration of Hilarie Leverett SKY AZ000668-672	Hearsay, lack of foundation. Rule 403.
448	Declaration of Brian Cherry	Hearsay, lack of foundation. Rule 403.
449	Declaration of Joan Beck	Hearsay, lack of foundation. Rule 403.
450	National Arbitration Forum Decision re <i>Skydive Arizona v. Granter Media</i>	Rule 403.

Exhibit #	Exhibit Description	Objection
451	National Arbitration Forum Decision re <i>Skydive Arizona v. Registerfly.com</i>	Rule 403.
452	Forum Discussion from dropzone.com "Which DZ's in your state accept Skyride?"	Hearsay, Rule 403.
454	Confidential Settlement & Release Agreement between Quattrocchi, Butler, et al and USPA USPA00001-0011	Relevance, not in Arizona. Rule 403.
455	Email from M. Gruwell to Jessie re ASC/Butler/Quattrocchi Ethics Violations	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
458	Declaration of Jack Guthrie	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
459	Defendants' Response in Opposition to Skydive Arizona's Motion to Strike Affidavits	Rule 403.
460	Article titled "Woman: Skydiving Co. Ripped Me Off" from wfsb.com website	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
461	Consent Order in State of Georgia v. Quattrocchi KY AZ031671-031706	Relevance, not in Arizona; cumulative. Rule 403.
463	List of Skyride websites in 2008 beginning with 1800skydive.biz	Relevance, most on list not in Arizona; cumulative. Rule 403
464	Article in Skydiving Magazine - "Skyride Ordered to Treat Its Customers Better"	Relevance, hearsay, not in Arizona; cumulative. Rule 403.
465	Letter re Chuting Star and Atlanta Skydiving Center Skydive Atlanta's Halloween Boogie in Thomaston, GA SKY AZ002482	Relevance, hearsay, not in Arizona; cumulative. Chuting Star is not a party. Rule 403.
466	CONFIDENTIAL - ATTORNEY'S EYES ONLY - Ex-Calculations of Gross Margins DURKIN00116	Duplicate exhibit
471	Photograph of tandem jump from above and to the left SKY AZ009266	Relevance, not in Arizona; cumulative. Rule 403.
472	Forum search results for "make it happen" on www.dropzone.com USSO-AZ00001-00004	Relevance, hearsay, not in Arizona; cumulative. Rule 403.

Exhibit #	Exhibit Description	Objection
473	CONFIDENTIAL - Transaction Log from 3/29/05 - 3/28/07 beginning with Hot Air Balloon Ride - FED EX on 3/9/2005 USSO-AZ00157-00170	Duplicate exhibit
474	Better Business Bureau complaint reports on failed scheduled rides, lack of contact & refusal to refund USSO-AZ00183-00592	Hearsay, not in Arizona; cumulative. Rule 403.
475	Shadow Catcher BB website advertising the Casa Grande Area events and Activities, including Skydive Arizona at www.shadowcatcherbb.com USSO-AZ00632-00633	Hearsay. Rule 403.
476	Service Mark Principal Register for SKYDIVE ARIZONA, Reg. No. 3,099,847 from the USPTO USSO-AZ00710-00767	Mullins opinion is limited to the facts in that case.
477	Email from R. Schachner to B. Butler re memo and supporting documents to assist in drafting Notice-of-Violation letters to B. Butler and C. Quattrocchi (memo to G. Bangs from C. Needels, USPA on 4/1/2005 and letter to C. Quattrocchi from C. Needels, USPA on 5/19/2004) USSO-AZ00771-00776	Objection to pp. 2 and 3, relevance. Rule 403.
478	Email from R. Schachner to B. Butler forwarding email from B. Barnhouse to USPA Board re 1800 Skyride USSO-AZ00768	Hearsay
479	Letter to BBB from Sybil Milner re Powell complaint USSO-AZ01021	Relevance, not in Arizona. Rule 403.
480	Letter to BBB from Alan Stewart re Shane complaint USSO-AZ01022	Relevance, not in Arizona. Rule 403.
481	Email from Emily (1800Skyride) to John-Andrew Duenas forwarding emails from Kimberly McCreary re update on refund appeal USSO-AZ01412-01413	Relevance, not in Arizona, hearsay. Rule 403.
482	Email from Emily (1800Skyride) to Montia Ware re Ware's request of refund	Relevance, not in Arizona, hearsay, cumulative. Rule

Exhibit #	Exhibit Description	Objection
	USSO-AZ01414-01415	403.
483	Email from Emily (1800Skyride) to Richard Crower forwarding email from Rosie Paladino re lack of refund USSO-AZ01416	Relevance, not in Arizona, hearsay, cumulative. Rule 403.
484	Email from Emily (1800Skyride) to Rosie Paladino re unpleasant experience with 1800SkyRide USSO-AZ01417	Relevance, not in Arizona, hearsay, cumulative. Rule 403.
486	Email from Emily (1800Skyride) to Nancy Potter re Double Charges USSO-AZ01423	Relevance, not in Arizona, cumulative. Rule 403.
487	Email from Emily (1800Skyride) to David Kinsey re Over Charge USSO-AZ01424	Relevance, not in Arizona, cumulative. Rule 403.
489	Judgment in a Civil Case in the Matter of <i>Skydive Arizona v. Mike Mullins</i> USSO-AZ02171	Relevance, some other case. Results in that case limited to that case; cumulative. Rule 403
492	CONFIDENTIAL - ATTORNEY'S EYES ONLY - Skyride Arizona customer list LIL0096-0130	Relevance. Rule 403.
493	Video - Discovery Wings Channel - Coverage of the 2000 World Cup - Ex 54 to Skydive Arizona, Inc.'s Controverting Statement of Facts (dkt. #211)	Relevance, not produced in Discvoery. Rule 403.
494	Video - 2001 Airspeed Best of Video SKY AZ031561	Relevance, not produced in Discvoery. Rule 403.
495	Video - Kids Choice Award 04 - AS Aired 4/5/04 SKY AZ028734	Relevance, not produced in Discvoery. Rule 403.
496	Video - Discovery Jones Expeditions - Show #DJ - 2109 "Dressed to Dive" SKY AZ028733	Relevance, not produced in Discvoery, cumulative. Rule 403.
497	Video - Southwest Appreciation Day SKY AZ028730	Relevance, not produced in Discvoery. Rule 403.
498	Video Promotional Video for Skydive Arizona SKY AZ028732	Relevance, not produced in Discvoery. Rule 403.
499	Video - Epic Conditions SKY AZ031551	Relevance, not produced in Discvoery. Rule 403.

Exhibit #	Exhibit Description	Objection
500	Video - Blue Skies by Joe Jennings SKY AZ031552	Relevance, not produced in Discovery. Rule 403.
501	Video - Adrenalina Show #324 SKY AZ031558	Relevance, not produced in Discovery. Rule 403.
502	Printouts of WHOIS lookup demonstrating registration of the domain names for Skyride - to be presented in summary form because of size SKY AZ003239-003766	Not produced to Defendants.
503	Printouts of WHOIS lookup demonstrating registration of the domain names for Skyride - to be presented in summary form because of size SKY AZ003767-004263	Relevance, not in Arizona; cumulative. Not produced to Defendants. Rule 403.
504	Printouts of WHOIS lookup demonstrating registration of the domain names for Skyride - to be presented in summary form because of size SKY AZ004264-004641	Relevance, not in Arizona; cumulative. Not produced to Defendants. Rule 403.
505	Printouts of WHOIS lookup demonstrating registration of the domain names for Skyride - to be presented in summary form because of size SKY AZ004642-005055	Relevance, not in Arizona; cumulative. Not produced to Defendants. Rule 403.
506	Printouts of WHOIS lookup demonstrating registration of the domain names for Skyride - to be presented in summary form because of size SKY AZ005056-005373	Relevance, not in Arizona; cumulative. Not produced to Defendants. Rule 403.
507	Timeline of Events	Relevance, not in Arizona; cumulative. Not produced to Defendants. Rule 403.
508	Video - Cruizin Arizona	Relevance, not in Arizona; cumulative. Not produced to Defendants. Rule 403.

Please note that for every objection identified as hearsay above, we object to lack of authentication under Rule 901.

b. Defendant's Exhibits:

Exhibit #	Exhibit Description	Objection
602.	Email from Betsy Rose dated 12/7/2004	Incomplete. Other parts of the email ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
605.	Skydive Forum dated 8/16/2007	Hearsay. Relevance. May agree to exhibit if portions are eliminated.
609.	1-800-SKYRIDE dated 4/23/2008	Incomplete. Other parts of the website ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
610.	Emails from/to Tony Frost to Betsy Barnhouse dated December 7,2004 with trail.	Hearsay.
613.	Skydiving Parachute Magazine	Rule 37(c)(1), Fed.R.Civ.P., information never disclosed during discovery. Hearsay.
614.	USPA Overview	Incomplete. This is only pages 1 and 2 of 4 (see top right corner). In addition, the text is cutoff on the right side. Other parts of this webpage ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
616.	www.skydivearizona.com 2/19/08	Relevance. Lack of authentication under Rule 901, Fed.R.Evid. Should be excluded under Rule 403, Fed.R.Evid. This URL goes to the Skydive Arizona website; and if this exhibit is admitted over objection, Plaintiff asks the Court to take judicial notice, under Rule 201(d), Fed.R.Evid., of the fact that entering www.skydivearizona.com in a web browser connected to the Internet takes you to Plaintiff's website.

Exhibit #	Exhibit Description	Objection
617.	Who is Search Results Registrant Skydive Arizona .Biz 3/6/08	Relevance. Lack of authentication under Rule 901, Fed.R.Evid. Should be excluded under Rule 403, Fed.R.Evid. This URL goes to the Skydive Arizona website; and if this exhibit is admitted over objection, Plaintiff asks the Court to take judicial notice, under Rule 201(d), Fed.R.Evid., of the fact that entering www.skydivearizona.com in a web browser connected to the Internet takes you to Plaintiff's website.
618.	www.skydivearizona.info 2/27/08	Relevance. Lack of authentication under Rule 901, Fed.R.Evid. Should be excluded under Rule 403, Fed.R.Evid.
620.	www.skydivearizona.biz 3/13/08.	Relevance. Lack of authentication under Rule 901, Fed.R.Evid. Should be excluded under Rule 403, Fed.R.Evid.
621.	Parachutes Over Arizona 2/19/08	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Hearsay. Lack of authentication under Rule 901, Fed.R.Evid. Exhibit is incomplete. Other parts of the website ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
622.	Parachutes Over Arizona 2/19/08	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Hearsay. Lack of authentication under Rule 901, Fed.R.Evid. Exhibit is incomplete. Other parts of the website ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
623.	Parachutes Over Arizona 2/19/08	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Hearsay. Lack of authentication under Rule 901, Fed.R.Evid. Exhibit is incomplete. Other parts of the website ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.

Exhibit #	Exhibit Description	Objection
624.	Parachutes Over Arizona 2/19/08	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Hearsay. Lack of authentication under Rule 901, Fed.R.Evid. Exhibit is incomplete. Other parts of the website ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
625.	Skydiving Coolidge 3/12/08	Relevance. Should be excluded under Rule 403, Fed.R.Evid. This dropzone is no longer in business. Hearsay. Lack of authentication under Rule 901, Fed.R.Evid. Exhibit is incomplete. Other documents ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid. If this exhibit is admitted over objection, Plaintiff asks the Court to take judicial notice, under Rule 201(d), Fed.R.Evid., of the fact that Plaintiff has a judgment ordering that this website be transferred to Plaintiff. If this exhibit is admitted over objection, Plaintiff asks the Court to take judicial notice, under Rule 201(d), Fed.R.Evid., of the fact that Plaintiff has a judgment finding that "Arizona Skydiving" was confusingly similar to Plaintiff's trademark "Skydive Arizona."
626.	Available Skydive AZ Extensions	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Willing to stipulate that skydiveaz.com is registered to Skydive Arizona.

Exhibit #	Exhibit Description	Objection
628.	Plaintiffs Response to Defendant's First Request for Production of Documents 9/26/07	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Courts routinely rule that “ we will not permit evidence at trial of discovery disputes as these contentious disputes are entirely irrelevant to the substance” of the claims. Waters v. Genesis Health Ventures, Inc., 400 F. Supp. 2d 814, 819-20 (E.D. Pa. 2005). See also Empire Gas Corp. v. American Bakeries Co., 840 F.2d 1333, 1341 (7th Cir. 1988) (evidence of discovery disputes excludable under Rule 403 due to its prejudicial nature); General Motors Corp. v. Moseley, 447 S.E.2d 302, 307 (Ga. Ct. App. 1994) (ordering new trial; evidence of discovery disputes should have been excluded at trial).
630.	Skydive AZ 4/26 Initial Disclosure Statement	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Courts routinely rule that “ we will not permit evidence at trial of discovery disputes as these contentious disputes are entirely irrelevant to the substance” of the claims. Waters v. Genesis Health Ventures, Inc., 400 F. Supp. 2d 814, 819-20 (E.D. Pa. 2005). See also Empire Gas Corp. v. American Bakeries Co., 840 F.2d 1333, 1341 (7th Cir. 1988) (evidence of discovery disputes excludable under Rule 403 due to its prejudicial nature); General Motors Corp. v. Moseley, 447 S.E.2d 302, 307 (Ga. Ct. App. 1994) (ordering new trial; evidence of discovery disputes should have been excluded at trial).

Exhibit #	Exhibit Description	Objection
631.	Skydiving Coolidge 3/12/08	Relevance. Should be excluded under Rule 403, Fed.R.Evid. This dropzone is no longer in business. Hearsay. Lack of authentication under Rule 901, Fed.R.Evid. Exhibit is incomplete. Other documents ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid. If this exhibit is admitted over objection, Plaintiff asks the Court to take judicial notice, under Rule 201(d), Fed.R.Evid., of the fact that Plaintiff has a judgment ordering that this website be transferred to Plaintiff. If this exhibit is admitted over objection, Plaintiff asks the Court to take judicial notice, under Rule 201(d), Fed.R.Evid., of the fact that Plaintiff has a judgment finding that "Arizona Skydiving" was confusingly similar to Plaintiff's trademark "Skydive Arizona."
634.	Skydive Forums Dated January 23, 2004	A copy of this exhibit was not provided to Plaintiff, and Plaintiff is unable to determine what objections, if any, to make. Except that Plaintiff objects to this exhibit on grounds that the failure to provide a copy to Plaintiff violates the Court's order.
639.	Calculation of Arizona Net Loss	Should be excluded under Rule 37(c)(1), Fed.R.Civ.P., for failure to disclose information during discovery. Hearsay. Relevancy. Accounting of profits is a question of law for the Court, not the jury. Object to the testimony under Rule 702 and Rule 703, Fed.R.Evid., and under Rule 16 and Rule 26 of the Fed.R.Civ.P., because the testimony amounts to expert testimony and this expert witness was not disclosed in accordance with the scheduling order. Should also be excluded under Rule 403, Fed.R.Evid.

Exhibit #	Exhibit Description	Objection
640.	List of Arizona Customers	No objection, except to the extent the information is incomplete and no address or phone number is shown for some customers.
642.	Affidavit of Lawrence E. Hill dated 2/28/08	Relevance. Should also be excluded under Rule 403, Fed.R.Evid.
643.	Declaration of Lawrence E. Hill In Support of Plaintiffs Brief on Damages	Relevance. Should also be excluded under Rule 403, Fed.R.Evid.
644.	Declaration of Lawrence E. Hill In Support of Motion for Summary Judgment	No objection, except to the extent that missing pages should be included pursuant to Rule 106, Fed.R.Evid.
646.	Buffalo Hot Air Balloons 15 pages.	Pages SKY AZ031648 - SKY AZ031657. Relevance. Hearsay. Lack of authentication under Rule 901, Fed.R.Evid. Should be excluded under Rule 403, Fed.R.Evid. Pages SKY AZ031658 - SKY AZ031662. No objection.
647.	Plaintiffs Response to Defendants First Set of Non-Uniform Interrogatories	Relevance. Should be excluded under Rule 403, Fed.R.Evid. Courts routinely rule that “ we will not permit evidence at trial of discovery disputes as these contentious disputes are entirely irrelevant to the substance” of the claims. Waters v. Genesis Health Ventures, Inc., 400 F. Supp. 2d 814, 819-20 (E.D. Pa. 2005). See also Empire Gas Corp. v. American Bakeries Co., 840 F.2d 1333, 1341 (7th Cir. 1988) (evidence of discovery disputes excludable under Rule 403 due to its prejudicial nature); General Motors Corp. v. Moseley, 447 S.E.2d 302, 307 (Ga. Ct. App. 1994) (ordering new trial; evidence of discovery disputes should have been excluded at trial).
649.	Map of the United States	No objection to a map of the United States. Object to the numbered markers on the map for lack of relevance, and lack of authentication – the numbered markers should be removed or an unmarked map of the U.S. substituted.

Exhibit #	Exhibit Description	Objection
650.	From Jump to Larry; Al Gramando dated December 6,2004	A copy of this exhibit was not provided to Plaintiff, and Plaintiff is unable to determine what objections, if any, to make. Except that Plaintiff objects to this exhibit on grounds that the failure to provide a copy to Plaintiff violates the Court's order.
651.	Email from Rose and Tim Eakins to Betsy Barnhouse 12/6/2004	A copy of this exhibit was not provided to Plaintiff, and Plaintiff is unable to determine what objections, if any, to make. Except that Plaintiff objects to this exhibit on grounds that the failure to provide a copy to Plaintiff violates the Court's order.
652.	Email from Trey Skydive Atlanta to Betsy Barnhouse 12/7/2004	A copy of this exhibit was not provided to Plaintiff, and Plaintiff is unable to determine what objections, if any, to make. Except that Plaintiff objects to this exhibit on grounds that the failure to provide a copy to Plaintiff violates the Court's order.
653.	Email from Betsy Barnhouse to Rose 12/7/2004	A copy of this exhibit was not provided to Plaintiff, and Plaintiff is unable to determine what objections, if any, to make. Except that Plaintiff objects to this exhibit on grounds that the failure to provide a copy to Plaintiff violates the Court's order.

Exhibit #	Exhibit Description	Objection
655.	Expert Report of John Durkin	The expert report is hearsay. Object to the testimony under Rule 702 and Rule 703, Fed.R.Evid., and case law interpreting the rules, because the expert witness testimony is not based upon sufficient facts or data, the testimony is not the product of reliable principles and methods, and the witness has not applied the principles and methods reliably to the facts of the case. In addition, the witness has relied upon inadmissible facts or data that are not of a type reasonably relied upon by experts in the field in forming opinions or inferences upon the subject. Expert report should also be excluded under Rule 403, Fed.R.Evid.

Defendants' April 17, 2009 Exhibit List. Plaintiff objects to any exhibits added to the exhibit list provided for the first time to Plaintiff on April 17, 2009, and to any changes made to the exhibit list, as untimely.

[If there are more than 20 exhibits, the parties must submit their exhibit lists in writing, the day before trial, in a format to be designated by the Court at the Final Pretrial Conference, in WordPerfect® 9.0 or higher (or compatible) format by email to Murguia_Chambers@az.uscourts.gov.]

4. Each party hereby acknowledges by signing this joint Proposed Final Pretrial Order that any objections not specifically raised herein are waived.

G. DEPOSITIONS TO BE OFFERED

[The parties must list the depositions that may be used at trial. The portions to be read or submitted at trial must be identified by page and line number. Additionally, the party offering the deposition must provide the Court with a copy of the offered deposition testimony. The offering party must highlight, in color, the portions of the deposition to be offered. If multiple parties are offering the same deposition, only one

1 *copy of such deposition may be provided. Such copy must contain each party’s*
 2 *highlighting (each party should use a different color).]*

3 *[Any party objecting to the admission in evidence of any portion of a deposition*
 4 *shall identify by page and line number the portion to which objection is made and must*
 5 *specifically state the grounds of objection.*

6 *Additionally part of a deposition which a party requests under Fed.R.Civ.P.*
 7 *32(a)(4) to be considered with the part introduced by an opposing party shall be*
 8 *identified by page and number line and shall be highlighted in the requesting party’s*
 9 *color.*

10 *The parties must include the following text in this section of the joint Proposed*
 11 *Final Pretrial Order: “Each party hereby acknowledges by signing this joint Proposed*
 12 *Final Pretrial Order that any deposition not listed as provided herein will not be*
 13 *allowed, absent good cause.”]*

14 Each party hereby acknowledges by signing this joint Proposed Final Pretrial Order
 15 that any deposition not listed as provided herein will not be allowed, absent good cause.

16 **1. Plaintiff’s Deposition Designations:**

- 17 a. Carl Berger deposition dated 02/07/08

Pages and Lines of Transcript	Objections
p. 4 lines 4-6	
p. 7 lines 22-25	
p. 8 lines 17-25	
p. 9 lines 1-17	
p. 15 lines 23-25	
p. 16 lines 1-5	
p. 17 lines 20-25	
p. 18 lines 1-25	
p. 22 lines 1-11	
p. 29 lines 14-25	
p. 30 lines 11-19	
p. 36 lines 5-25	
p. 37 lines 1-25	
p. 38 lines 1-14	
p. 40 lines 24-25	

1	p. 41 lines 1-25	
2	p. 42 line 1-25	
3	p. 43 lines 1-25	
4	p. 44 lines 1-7 and 18-25	
5	p. 45 lines 1-24	
6	p. 50 lines 10-24	
7	p. 51 lines 1-8	
8	p. 56 lines 7-25	
9	p. 57 lines 17-25	
10	p. 60 lines 24-25	
11	p. 61 lines 1-2	
12	p. 62 lines 4-25	
13	p. 64 lines 3-25	
14	p. 65 lines 1-20	
15	p. 68 lines 20-25	
16	p. 73 lines 18-25	
17	p. 74 lines 1-25	
18	p. 75 lines 1-25	
19	p. 76 lines 1-23	
20	p. 77 line 25	
21	p. 78 lines 1-10 and 21-25	
22	p. 79 lines 1-22	
23	p. 80 lines 1-25	
24	p. 81 lines 1 and 9-25	
25	p. 84 lines 13-23	

a. Emily McNeil deposition dated 02/07/08

	Pages and Lines of Transcript	Objections
21	p. 4 lines 10-16	
22	P. 12 lines 14-25	
23	p. 13 lines 1-9 and 12-25	
24	p. 14 lines 1-14 and 23-24	
25	p. 15 lines 1-6 and 13-17	
26	p. 16 lines 1-15	
27	p. 33 lines 22-25	
28	p. 34 lines 1 and 21-25	
	p. 35 lines 1-19	
	p. 37 lines 5-25	
	p. 38 lines 1-25	
	p. 39 line 1	
	p. 40 lines 9-11 and 20-24	

1	p. 41 lines 2-14	
2	p. 45 lines 1-25	
	p. 46 lines 1-15	
3	p. 81 lines 3-5	
	p. 90 lines 10-13	
4	p. 120 lines 12-25	
	p. 121 lines 1-25	
5	p. 122 lines 1-8	
6	p. 145 lines 3-17	

7

8 c. Yvonne Cline deposition dated 02/06/08

	Pages and Lines of Transcript	Objections
10	p. 9 lines 4-25	
	p. 10 lines 1-9	
11	p. 11 lines 14-21	
	p. 13 lines 20-23	
12	p. 15 lines 5-22	
	p. 22 lines 3-25	
13	p. 23 lines 1-6	
	p. 24 lines 6-10 and 21-25	
14	p. 25 lines 1-15	
	p. 28 lines 10-25	
15	p. 34 lines 24-25	
	p. 35 lines 1-11	
16	p. 39 lines 14-25 (including Exhibit 1)	
	p. 40 lines 1-21	
17	p. 42 lines 13-25 (including Exhibit 2)	
	p. 43 line 1	
18	p. 46 lines 3-25	
	p. 47 lines 1-4	
19	p. 49 lines 17-25	
	p. 50 lines 1-18	
20	p. 54 lines 16-25	
	p. 55 lines 1-25	
21	p. 56 lines 1-25	
	p. 57 lines 1-16	
22	p. 58 lines 20-25	
	p. 59 lines 1-12	
23	p. 61 lines 23-25	
	p. 62 lines 1-25	
24	p. 63 lines 1-14	
	p. 64 lines 24-25	

1	p. 65 lines 1-25	
2	p. 66 lines 1-25	
3	p. 68 lines 12-25 (including Exhibit 3)	
4	p. 69 lines 1-25	
5	p. 70 lines 1-25	
6	p. 71 lines 1-14 and 25	
7	p. 72 lines 1-14	
8	p. 73 lines 12-25	
9	p. 74 lines 1-22	
10	p. 77 lines 6-25	
11	p. 78 lines 1	

d. Mike Gruwell deposition dated 2/11/08

	Pages and Lines of Transcript	Objections
11	p. 46 lines 19-25	
12	p. 47 lines 1-25	
13	p. 48 lines 1-14	
14	p. 50 lines 19-25	
15	p. 51 lines 1-25	
16	p. 52 lines 1-13	
17	p. 53 lines 1-25	
18	p. 54 lines 1-25	
19	p. 55 lines 1-11	

e. Jim Vance deposition dated 3/18/08 (if unavailable to testify)

	Pages and Lines of Transcript	Objections
20	p. 5 lines 8-25	
21	p. 6 lines 1-25	
22	p. 7 lines 1-25	
23	p. 8 lines 1-19 and 22-25	
24	p. 9 lines 1-25	
25	p. 10 lines 1-25	
26	p. 11 lines 1-25	
27	p. 12 lines 1-25	
28	p. 13 lines 1-25	
29	p. 14 lines 1-25	
30	p. 15 lines 1-5 and 19-25 (including Exhibit 2)	
31	p. 16 lines 1-25	
32	p. 17 lines 1-25	

- 1 p. 18 lines 1-25
- 2 p. 19 lines 1-25
- 3 p. 20 lines 1-25
- 4 p. 21 lines 1-25
- 5 p. 22 lines 1-14 and 23-25
- 6 p. 23 lines 1-25
- 7 p. 24 lines 1-25
- 8 p. 25 lines 1-25
- 9 p. 26 lines 1-25
- 10 p. 27 lines 1-25
- 11 p. 28 lines 1-25
- 12 p. 29 lines 1-25
- 13 p. 30 lines 1-25
- 14 p. 31 lines 1-25
- 15 p. 32 lines 1-25
- 16 p. 33 lines 1-25
- 17 p. 34 lines 1-25
- 18 p. 35 lines 1-25
- 19 p. 36 lines 1-25
- 20 p. 37 lines 1-25
- 21 p. 38 lines 1-25
- 22 p. 39 lines 1-25
- 23 p. 40 lines 1-25
- 24 p. 41 lines 1-25
- 25 p. 42 lines 1-25
- 26 p. 43 lines 1-25
- 27 p. 44 lines 1-25
- 28 p. 45 lines 1-25
- 29 p. 46 lines 1-25
- 30 p. 47 lines 1-25
- 31 p. 48 lines 1-25
- 32 p. 49 lines 1-25 (including Exhibit 3)
- 33 p. 50 lines 1-25 (including Exhibit 4)
- 34 p. 51 lines 1-25
- 35 p. 52 lines 1-25 (including Exhibits 5 and 6)
- 36 p. 53 lines 1-25
- 37 p. 54 lines 1-25
- 38 p. 55 lines 1-25
- 39 p. 56 lines 1-25
- 40 p. 57 lines 1-25
- 41 p. 58 lines 1-25 (including Exhibit 7)
- 42 p. 59 lines 1-25
- 43 p. 60 lines 1-23
- 44 p. 61 lines 7-25 (including Exhibit 9)

- 1 p. 62 lines 1-25
- 2 p. 63 lines 1-25
- 3 p. 64 lines 1-25
- 4 p. 65 lines 1-25
- 5 p. 66 lines 1-25
- 6 p. 67 lines 1-25
- 7 p. 68 lines 1-25
- 8 p. 69 lines 1-25
- 9 p. 70 lines 1-25
- 10 p. 71 lines 1-25
- 11 p. 72 lines 1-25
- 12 p. 73 lines 1-25
- 13 p. 74 lines 1-25
- 14 P. 75 lines 1-25
- 15 p. 76 lines 1-25
- 16 p. 77 lines 1-9 and 19-25
- 17 p. 78 lines 1-25
- 18 p. 79 lines 1-25
- 19 p. 80 lines 1-2 and 4-25
- 20 p. 81 lines 1-25
- 21 p. 82 lines 1-25
- 22 p. 83 lines 1-25
- 23 p. 84 lines 1-18
- 24 p. 194 lines 17-25
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| 15 | p. 37 lines 5-25 |
| 16 | p. 38 lines 1-11 |
| 17 | p. 39 lines 19-25 (including Exhibit 2) |
| 18 | p. 40 lines 1-25 |
| 19 | p. 41 lines 1-25 |
| 20 | p. 42 lines 1-25 |
| 21 | p. 43 lines 1-25 |
| 22 | p. 44 lines 1-25 |
| 23 | p. 45 lines 1-5 |
| 24 | p. 46 lines 3-4 and 21-25 |
| 25 | p. 47 lines 1-25 |
| 26 | p. 48 lines 1-25 |
| 27 | p. 49 lines 1-25 |
| 28 | p. 50 lines 1-25 |
| | p. 51 lines 1-25 |
| | p. 52 lines 1-25 |
| | p. 53 lines 1-25 |
| | p. 54 lines 1-25 |
| | p. 55 lines 1-25 |
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| | p. 60 lines 1-25 |
| | p. 61 lines 1-25 |
| | p. 62 lines 1-25 |
| | p. 63 lines 1-25 |
| | p. 64 lines 1-25 |
| | p. 65 lines 1-25 |

1	p. 66 lines 1-25
2	p. 67 lines 1-25
3	p. 68 lines 1-25
4	p. 69 lines 1-25
5	p. 70 lines 8-14 and 16-25 (including Exhibit 3)
6	p. 71 lines 1-25
7	p. 72 lines 1-5 and 17-25 (including Exhibit 4)
8	p. 73 lines 1-16 and 21-25 (including Exhibit 5)
9	p. 74 lines 1-25
10	p. 75 lines 1-4, 9-14 and 20-25 (including Exhibit 6)
11	p. 76 lines 1 and 4-24
12	p. 77 lines 1, 4-7 and 17-25 (including Exhibit 7)
13	p. 78 lines 1-6 and 22-25 (including Exhibit 8)
14	p. 79 lines 1-25
15	p. 80 lines 11-25 (including Exhibit 9)
16	p. 81 lines 1-11, 14-18 and 24-25 (including Exhibit 10)
17	p. 82 lines 1-11 and 15-25 (including Exhibit 11)
18	p. 83 lines 1-25
19	p. 84 lines 1-25
20	p. 85 lines 1-8 and 14-25 (including Exhibit 12)
21	p. 86 lines 1-11 and 14-25 (including Exhibit 13)
22	p. 87 lines 1-14 and 17-20 (including Exhibit 14)
23	p. 88 lines 2-25
24	p. 89 lines 1-25
25	p. 90 lines 1-25
26	p. 91 lines 1-25
27	p. 92 lines 1-7
28	p. 93 lines 16-25 (including Exhibit 15)
	p. 94 lines 1-25
	p. 95 lines 1-25
	p. 96 lines 1-25

1	p. 97 lines 1-25
2	p. 98 lines 1-25
3	p. 99 lines 1-25
4	p. 100 lines 1-25
5	p. 101 lines 1-25 (including exhibit 15)
6	p. 102 lines 1-25
7	p. 103 lines 1-25
8	p. 104 lines 1-25
9	p. 105 lines 1-18
10	p. 109 lines 11-25
11	p. 110 lines 1-25
12	p. 111 lines 1-25
13	p. 112 lines 1-25
14	p. 113 lines 1-25
15	p. 114 lines 1-3 and 22-25 (including Exhibit 17)
16	p. 115 lines 1 and 12-25
17	p. 116 lines 1-25
18	p. 117 lines 1-25
19	p. 118 lines 13-16
20	p. 119 line 25
21	p. 120 lines 1-25
22	p. 121 lines 1-9
23	p. 124 lines 3-14 and 17-25 (including Exhibits 18 and 19)
24	p. 125 lines 1-25
25	p. 126 lines 1-23
26	p. 128 lines 10-25
27	p. 129 lines 1-10
28	p. 134 lines 6-25
	p. 135 lines 1-25
	p. 136 lines 1-25
	p. 137 lines 1-5
	p. 148 lines 1-25 (including Exhibit 20)
	p. 149 lines 1-25
	p. 150 lines 1-7 and 11-23
	p. 151 lines 1-11 and 22-25
	p. 152 lines 1-18
	p. 155 lines 16-25
	p. 156 lines 1-25
	p. 157 lines 1-25
	p. 158 lines 1-25

1	p. 159 lines 1-14
2	p. 160 lines 6-25
3	p. 161 lines 1-25
4	p. 162 lines 1-25
5	p. 163 lines 1-25
6	p. 166 lines 3-25 (including Exhibit 22)
7	p. 167 lines 1-25
8	p. 168 lines 1-11 and 17-25 (including Exhibit 23)
9	p. 169 lines 1-25
10	p. 174 lines 7-18
11	p. 175 lines 24-25
12	p. 176 lines 1, 7-11, and 23-24
13	p. 177 lines 15-25
14	p. 178 lines 1-25
15	p. 179 lines 8-25
16	p. 183 lines 1-25
17	p. 184 lines 1-25
18	p. 185 lines 1-25 (including Exhibit 24)
19	p. 186 lines 1-25
20	p. 187 lines 1-25
21	p. 188 lines 1-25
22	p. 189 lines 1-25
23	p. 190 lines 1-25
24	p. 191 lines 1-25 (including Exhibit 27)
25	p. 193 lines 3-12 and 15-25
26	p. 194 lines 1-25
27	p. 195 lines 13-25
28	p. 196 lines 1-25
	p. 197 lines 1-9
	p. 199 lines 10-25 (including Exhibit 29)
	p. 200 lines 1-25
	p. 213 lines 19-25 (including exhibit 37)
	p. 215 lines 4-25 (including Exhibit 39)
	p. 216 lines 1-17
	p. 217 lines 11-17
	p. 218 lines 15-25
	p. 219 lines 3-14 and 17-25

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p. 221 lines 1-11	
p. 222 lines 22-25	
p. 223 lines 1-25	
p. 224 lines 1-25	
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p. 226 lines 1-25	
p. 227 lines 1-12	

2. Defendants' Deposition Designations:

Deposition of Larry Hill dated March 14, 2008 (pp. 9-12, 17-20, 53-60, 97-100, 113-124, 133-136)	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
Deposition of Ben Butler dated February 13, 2008 (pp. 69-76, 149-152, 161-164)	Hearsay. Testimony would not be hearsay only if offered <i>against</i> the Defendants. Rule 801(d)(2), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
Deposition of Jim Vance dated March 18, 2008 (pp. 74-77)	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
Deposition of Betsy Barnhouse dated March 13, 2008 (pp.13-16, 205-212)	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
Deposition of Hillary Leverett dated October 10, 2007 (pp. 6-20, 53-55, 68).	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.

1	Deposition of Alan Gramando dated February 28, 2008 (pp 37-44, 81-84, 89-92)	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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4	Deposition of Ben Butler dated February 13,2008, (pp. 5-16)	Hearsay. Testimony would not be hearsay only if offered against the Defendants. Rule 801(d)(2), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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8	Deposition of Betsy Barnhouse dated March 13, 2008 (pp. 25-32, 49-56, 61-64, 89-96, 145-188).	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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11	Deposition of Edward Scott dated March 20, 2008, (pp. 42-53).	Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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13	Deposition of Larry Hill dated March 14, 2008, (pp. 5-8, 65-68).	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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16	Deposition of Hillary C. Leverett dated October 10, 2007, (pp. 6-21, 5355, 68).	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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19	Deposition of Jim Vance dated March 18, 2008, (pp. 90-97).	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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23	Excerpts of deposition of Lawrence Hill dated March 14,2008, (pp. 9-12, 17-20,55-60,97-100,113-124,133-136)	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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26	Excerpts of deposition of Betsy Barnhouse dated March 13, 2008, (pp. 1316,205-212).	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Excerpts of deposition of Richard Schachner dated March 24, 2008, (pp. 69,62-65)	Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
	Excerpts of deposition of Mike Gruwell dated February 11, 2008, (pp. 153-156)	Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
	Excerpts of deposition of Edward Scott dated March 20,2008, (pp.54-57, 66-69,86-109,178-185,262-265)	Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
	Excerpts of deposition of Ben Butler dated February 13, 2008, (pp.69-76, 149-152, 161-164)	Hearsay. Testimony would not be hearsay only if offered against the Defendants. Rule 801(d)(2), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.
	Excerpts of deposition of Jim Vance, March 18, 2008, (pp. 74-77).	Hearsay. Witness not unavailable within the meaning of Rule 804(a) and 804(b)(1), Fed.R.Evid. Other parts of the deposition and other writings and recorded statements ought in fairness to be considered contemporaneously under Rule 106, Fed.R.Evid.

H. MOTIONS IN LIMINE

The parties have each separately filed any motions in limine.

[Motions in limine must be filed as separate pleadings and responded to in accordance with the instructions contained in the Order Setting Final Pretrial Conference.]

I. LIST OF PENDING MOTIONS

There are no motions pending before this Court.

J. PROCEDURES FOR EXPEDITING TRIAL

[The parties shall discuss and report on all available procedures that might be used to expedite trial, including but not limited to (a) presenting stipulated summaries of deposition testimony rather than reading deposition excerpts; (b) editing videotaped depositions to limit the amount of time required for presentation; (c) using summary

1 *exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity*
2 *and foundation; (e) presenting direct expert testimony through summary or written*
3 *reports; (f) using the courtroom technology to expedite the presentation of evidence.*
4 *The parties are invited to contact Kristen Parris, Judge Murguia’s Courtroom Deputy*
5 *Clerk, to arrange a time to visit the courtroom and examine its technology. Information*
6 *about courtroom technology can also be found at www.azd.uscourts.gov under Judicial*
7 *Officer Information.]*

8 The parties agree to use the following procedures to expedite the trial:

9 a. The parties anticipate stipulating to the authenticity and/or foundation
10 of certain exhibits.

11 b. For any deposition transcripts that will be read to the jury, an agreed-
12 upon description of the deponent will be read to the jury in advance of the reading stating
13 the deponent’s name, the deponent’s job title and job responsibilities, the length of time of
14 deponent’s employment, relationship with the parties, etc.

15 c. Summary exhibits will be used in place of the voluminous printouts
16 of WHOIS documents identifying the person that registered each of the domain names for
17 1-800-Skyride.

18 d. Any document that was marked as a deposition exhibit and that also
19 has been designated as a trial exhibit will be referred to throughout the trial by both
20 Plaintiff and Defendants by the trial exhibit number rather than by the deposition exhibit
21 number. This means also that during the reading of any deposition transcripts, the
22 exhibits referenced therein will be referred to by the trial exhibit number.

23 e. **[any others???**

24
25 **K. ESTIMATED LENGTH OF TRIAL**

26 _____ hours for opening statements and closing arguments

27 _____ hours for Plaintiff’s case, including cross-examination of other side’s
28 witnesses

1 _____ hours for Defendants' case, including cross-examination of other side's
2 witnesses

3 _____ hours for Plaintiff's rebuttal

4 _____ TOTAL ESTIMATED TIME

5 **L. JURY DEMAND**

6 **1.** The parties stipulate that the request was timely and properly made as to
7 Plaintiff's three causes of action for false designation of origin and unfair competition
8 under Lanham act 43(a) (Count I), trademark infringement (Count II), and false
9 designation of origin and unfair competition under Lanham Act 43(d) (Count III); and as
10 to Defendants' claims for unfair competition (Count I), tortious interference with contract
11 (Count II), and tortious interference with business expectancy (Count III).

12 **2.** Defendants' claim for declaratory judgment of non-infringement, and for
13 injunctive relief against plaintiff's acts of reverse domain name hijacking pursuant to 15
14 U.S.C. § 11114(2)(D)(v) (Count IV) is a question of law to be decided by the Court rather
15 than the jury.

16 **M. JOINT STATEMENT OF THE CASE**

17 The parties have separately filed their joint statement of the case.

18 **N. JOINT PROPOSED VOIR DIRE QUESTIONS**

19 The parties have separately filed their joint proposed voir dire questions.

20 **O. JOINT PROPOSED JURY INSTRUCTIONS**

21 The parties have separately filed their joint proposed jury instructions.

22 **P. PROPOSED FORMS OF VERDICT**

23 The parties have separately filed the proposed joint forms of verdict.

24 **Q. DISAGREEMENTS ABOUT PROPOSED STATEMENTS, VOIR DIRE,
25 INSTRUCTIONS, OR FORMS OF VERDICT**

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1 **R. FORMAT OF SUBMISSIONS**

2 The joint statement of the case, proposed voir dire questions, proposed jury
3 instructions, and forms of verdict must be submitted in WordPerfect® 9.0 (or compatible)
4 format by email to [Murguia Chambers@azd.uscourts.gov](mailto:Murguia_Chambers@azd.uscourts.gov).

5 **S. CERTIFICATIONS**

6 The undersigned counsel for each of the parties in this action do hereby certify and
7 acknowledge the following:

- 8 1. All discovery has been completed.
- 9 2. The identity of each witness has been disclosed to opposing counsel.
- 10 3. Each exhibit listed herein: (1) is in existence; and (2) has been disclosed
11 and shown to opposing counsel.
- 12 4. The parties have complied in all respects with the mandates of the Court's
13 Rule 16 Scheduling Order and Order Setting Final Pretrial Conference.
- 14 5. The parties have made all of the disclosures required by the Federal Rules of
15 Civil Procedure (unless otherwise previously ordered to the contrary).
- 16 6. The parties acknowledge that once this Proposed Final Pretrial Order has
17 been signed and lodged by the parties, no amendments to this Order can be made without
18 leave of Court.

19 **T. INFORMATION FOR COURT REPORTER**

20 In order to facilitate the creation of an accurate record, please file a "Notice to
21 Court Reporter" one week before trial containing the following information that may be
22 used at trial:

- 23 1. Proper names, including those of witnesses.
- 24 2. Acronyms.
- 25 3. Geographic locations.
- 26 4. Technical (including medical) terms, names or jargon.
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5. Case names and citations.

Please also send (or transmit electronically) to the court reporter a copy of the concordance from key depositions.

RESPECTFULLY SUBMITTED this 24th day of April, 2009.

SNELL & WILMER L.L.P.

MATHEW & ASSOCIATES

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Plaintiffs

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Based on the foregoing,

IT IS HEREBY ORDERED that this Proposed Final Pretrial Order jointly submitted by the parties is hereby **APPROVED** and **ADOPTED** as the official Pretrial Order of this Court