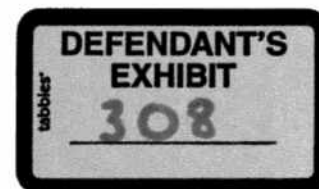


“*” indicates previously counter-designated

I. Objections to Testimony Designated in 72-hour notice list (docket # 400) (2/3/09)

Pls' Designation	Defendant's Objections	Counter-Designations
19:06-19:21 20:09-20:17	incomplete – *19:22-20:08 should be included 20:16-17 – irrelevant	
22:05-23:06 23:07-23:11 23:15-24:07	all irrelevant	
		25:3-7
		25:18-22
26:1-11	incomplete – *26:12-19 should be included	
		28:9-29:2
		39:9-40:3 40:21-41:12 41:15-21
42:12-21	incomplete – should also include *42:9-11	
		47:1-48:9
59:11-13 60:01-60:12	59:8-10 – incomplete; cuts off foundation *59:14-22 – incomplete	
63:19-65:04	63:16-18 – incomplete; cuts off foundation 65:5-9 – incomplete; cuts off animal location	
66:11-66:15 66:19-67:10	*66:16-18 – incomplete; cuts off foundation	
		71:3-12 71:18-72:15 72:21-73:1



77:05-78:20	*77:1-4 – incomplete; cuts off foundation	
81:12-81:15	*81:1-3 – incomplete; cuts off foundation	81:1-82:13
86:14-19	irrelevant	
93:1-14	irrelevant	
94:11-95:01	answer cut off – should go through 95:3; irrelevant	
108:16-110:10	irrelevant	
116:22-117:17 188:14-119:21	117:18-118:13 – incomplete; should be included	
118:14-119:21 120:03-120:15	119:22-120:2 – incomplete; should be included	
122:22-123:15 124:14-125:01	123:16-124:13 – incomplete; should be included	
128:8-128:15	answer cut off – should include 128:16	
129:14-22 130:17-131:15	130:1-16 – incomplete; should be included	
157:12-158:04	158:5-17 – incomplete; should be included	
162:21-163:8	irrelevant	
182:06-12	question excluded at 181:22-182:21; irrelevant	
186:04-186:07 187:02-187:05	incomplete – should include 186:8-187:1	
189:04-07	incomplete – should include next Q 189:8-11	
192:20-193:01	incomplete – should include next Q at 193:2-5	

II. Objections to Testimony Identified in Exhibit Marked as PWC 152 at trial on 2/9/09

Pls' Designation	Defendant's Objections	Counter-Designations
175:20-175:22	Untimely (not provided in 72-hour notice); irrelevant	
179:16-22	Untimely (not provided in 72-hour notice); irrelevant; incomplete – answer omitted from last question	

III. Objections to Testimony Identified in Pls' Counsel's Letter received at 9:22 p.m. on 2/9/09

FEI objects to all of the designations disclosed for the first time in counsel's letter dated 2/9/09 for use at trial on 2/10/09 as untimely. (Each such designation is listed below.) Further, due to the late hour of these additional designations, FEI reserves all objections to all exhibits related to such designations as well as those set forth in the transcript. Specific completeness objections are set forth below as well:

Pls' Designation	Defendant's Objections	Counter-Designations
202:4-21		
203:5-15	incomplete – should include 203:16-17 --further objection if 6/2/04 is the print date of the document rather than the document's date; <u>cf.</u> 203:6 <u>with</u> 226:8-22	
203:18-204:22	answer cut off, incomplete – should include 205:1-12	
205:13-17		
206:2-7	answer cut off; incomplete – should include 206:8	
		206:9-14
208:3-20		
210:18-211:11	incomplete – 211:12-14 should be included	
211:15-212:02	incomplete – 212:3-6 should be included	
212:7-213:9		
214:6-22	incomplete – 215:1-8 should be included	

215:9-12		
		215:13-17
		216:6-17
217:8-218:3	objection to Q at 217:8 – lack of foundation; assumes facts not in evidence	
218:18-22		
219:3-221:10		
226:8-22		
227:15-230:1		
		230:2-231:9
236:21-237:9		
263:20-21		
Video – 264:3-19	objections to 263:22-264:1; 259:16-17	