

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SECURITIES AND EXCHANGE )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
**MARK CUBAN,** )  
 )  
Defendant. )  
\_\_\_\_\_ )**

Civil Action No. 3:08-cv-02050 (SAF)

**MARK CUBAN’S RULE 26(a)(3) DISCLOSURES**

Mark Cuban makes these disclosures pursuant to Rule 26(a)(3), Federal Rules of Civil Procedure, and the Court’s April 10, 2012 Trial Setting Order (Docket No. 136).

**Rule 26(a)(3) Disclosures**

**1. The name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises. Rule 26(a)(3)(A)(i).**

**RESPONSE:**

Mr. Cuban expects to present the following witnesses:

- 1) Christopher Aguilar**
- 2) Daniel Bertrand (via video)**
- 3) Jeff Estes**
- 4) Guy Fauré (via video)**
- 5) David Goldman (via video)**
- 6) Erik Sirri**
- 7) Michael Storck**

Mr. Cuban may call the following witnesses if the need arises:

- 1) **Peter Blackwood**
- 2) **Mark Cuban**
- 3) **Andrew Fineberg**
- 4) **Mitchell Kopin**
- 5) **Charles McKinney**
- 6) **Jon Mosle**
- 7) **Arnold Owen**
- 8) **Alton Turner**

**2. The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition. Rule 26(a)(3)(A)(ii).**

**RESPONSE:**

Mr. Cuban expects to present the following witnesses' testimony by deposition:

<b>Witness</b>	<b>Transcript Pages and Lines</b>
Daniel Bertrand	Page 7 line 20 -- page 12 line 2
Daniel Bertrand	Page 12 line 13 -- page 13 line 2
Daniel Bertrand	Page 14 line 19 -- page 15 line 3
Daniel Bertrand	Page 15 lines 12-24
Daniel Bertrand	Page 30 line 9 -- page 34 line 6
Daniel Bertrand	Page 37 line 23 -- page 40 line 6
Daniel Bertrand	Page 53 lines 19 -- page 57 line 4
Daniel Bertrand	Page 59 line 2 -- page 64 line 10
Daniel Bertrand	Page 66 lines 2-8

Witness	Transcript Pages and Lines
Daniel Bertrand	Page 66 line 17 -- page 68 line 9
Daniel Bertrand	Page 75 line 10 -- page 77 line 2
Daniel Bertrand	Page 80 lines 3-18
Daniel Bertrand	Page 81 line 7 -- page 82 line 11
Daniel Bertrand	Page 83 line 14 -- page 84 line 6
Daniel Bertrand	Page 86 lines 16-23
Daniel Bertrand	Page 87 line 9 -- page 89 line 21
Guy Faure	Page 12 line 2
Guy Faure	Page 12 lines 7-9
Guy Faure	Page 12 line 17 -- page 13 line 22
Guy Faure	Page 17 lines 18-24
Guy Faure	Page 23 line 11 -- page 30 line 13
Guy Faure	Page 35 line 22 -- page 38 line 6
Guy Faure	Page 41 line 5 -- page 43 line 21
Guy Faure	Page 47 line 3 -- page 51 line 25
Guy Faure	Page 58 lines 4-21
Guy Faure	Page 66 line 5 -- page 68 line 8
Guy Faure	Page 69 line 21 -- page 79 line 8
Guy Faure	Page 81 line 2 -- page 93 line 21
Guy Faure	Page 94 line 16 -- page 95 line 21
Guy Faure	Page 96 lines 7-19
Guy Faure	Page 98 line 14 -- page 99 line 7

Witness	Transcript Pages and Lines
Guy Faure	Page 113 line 20 -- page 116 line 11
Guy Faure	Page 118 line 14 -- page 212 line 17
Guy Faure	Page 234 line 14 -- page 247 line 6
Andrew Fineberg	Page 229 line 22 -- page 239 line 15
David Goldman	Page 7 line 25 -- page 8 line 9
David Goldman	Page 8 line 21 -- page 9 line 4
David Goldman	Page 10 line 7 -- page 11 line 1
David Goldman	Page 12 lines 12-16
David Goldman	Page 12 line 21 -- page 13 line 24
David Goldman	Page 15 lines 9-16
David Goldman	Page 16 lines 6-17
David Goldman	Page 28 lines 2-3
David Goldman	Page 33 lines 4-22
David Goldman	Page 46 line 18 -- page 47 line 24
David Goldman	Page 51 lines 5-8
David Goldman	Page 90 lines 8-9
David Goldman	Page 91 lines 4-6
David Goldman	Page 91 lines 11-22
David Goldman	Page 92 lines 9-22
David Goldman	Page 93 lines 11-23
David Goldman	Page 94 lines 2-14
David Goldman	Page 111 lines 3-23

Witness	Transcript Pages and Lines
David Goldman	Page 112 lines 2 – page 114 line 5
David Goldman	Page 118 line 13 -- page 125 line 6
David Goldman	Page 126 lines 17 – page 141 line 18
David Goldman	Page 144 line 4 – page 152 line 3
David Goldman	Page 152 lines 12-22
David Goldman	Page 153 lines 8-16
David Goldman	Page 159 line 24 -- page 163 line 18
David Goldman	Page 163 line 24 -- page 165 line 13
David Goldman	Page 166 line 10 -- page 169 line 16
David Goldman	Page 171 line 3 -- page 181 line 13
David Goldman	Page 183 line 7 -- page 191 line 4
David Goldman	Page 209 line 24 -- page 210 line 16
David Goldman	Page 215 lines 2-10
Mitchell Kopin	Page 6 line 17 -- page 10 line 7
Mitchell Kopin	Page 11 line 22 -- page 12 line 13
Mitchell Kopin	Page 14 line 7 -- page 15 line 3
Mitchell Kopin	Page 15 line 24 -- page 16 line 19
Mitchell Kopin	Page 44 lines 5-20
Mitchell Kopin	Page 72 line 19 -- page 73 line 25
Mitchell Kopin	Page 74 line 5 -- page 75 line 2
Mitchell Kopin	Page 77 line 12 -- page 79 line 20
Mitchell Kopin	Page 86 line 25 -- line 87 page 11

<b>Witness</b>	<b>Transcript Pages and Lines</b>
Mitchell Kopin	Page 88 line 3 -- page 90 line 21
Mitchell Kopin	Page 102 line 15 -- page 104 line 5
Mitchell Kopin	Page 104 lines 9-20
Mitchell Kopin	Page 107 line 19 -- page 108 line 2
Mitchell Kopin	Page 108 line 10 -- page 109 line 12
Mitchell Kopin	Page 111 line 21 -- page 112 line 20
Mitchell Kopin	Page 114 line 11 -- page 115 line 13
Mitchell Kopin	Page 116 line 3 -- page 119 line 25
Mitchell Kopin	Page 120 lines 4-24
Mitchell Kopin	Page 121 lines 12-20
Mitchell Kopin	Page 122 lines 7-9
Mitchell Kopin	Page 122 line 17 -- page 123 line 10
Mitchell Kopin	Page 129 line 11 -- page 132 line 9
Mitchell Kopin	Page 135 line 18 -- page 136 line 12
Mitchell Kopin	Page 137 line 8 -- page 139 line 25
Mitchell Kopin	Page 161 line 11 -- page 162 line 2
Alton Turner	Page 8 line 8 -- page line 9 page 15
Alton Turner	Page 11 line 16 -- page 15 line 12
Alton Turner	Page 27 line 22 -- page 29 line 5
Alton Turner	Page 39 line 5 -- page 41 line 11
Alton Turner	Page 51 line 9 -- page 52 line 18
Alton Turner	Page 109 line 5 -- page 110 line 5

Alton Turner	Page 114 line 4 -- page 289 line 11
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The testimonies designated in the foregoing table have been prepared for the purpose of these pretrial disclosures. Mr. Cuban reserves the right to further refine these designations as he so chooses, and may choose to present at trial less than the full amount of testimony designated herein as is required either to prevent repetition or conserve the Court's time. No designations herein represent a waiver of any of Mr. Cuban's rights to object to any questions posed or responses given by opposing counsel and the witness. All objections raised in designated testimony are reserved for trial.

**3. An identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises. Rule 26(a)(3)(A)(iii).**

**RESPONSE:**

A list of documents and other exhibits, including summaries of other evidence, which Mr. Cuban expects to offer, or may offer if the need arises, are identified respectively and attached hereto as Exhibit 1.

Dated: August 30, 2013

Respectfully submitted,

By:



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of August, 2013, I electronically filed the foregoing Defendant Mark Cuban's Rule 26 Pretrial Disclosures with the Clerk of Court using the CM/ECF system, which will then send notification of such filing to all counsel of record.



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Stephen A. Best

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