

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

CIVIL EXHIBIT LIST

Preliminary Injunction TRO Non-Jury Trial Jury Trial

Case Number 2:06-CV-02141-DGC Judge Code DGC Date _____

Soilworks, LLC vs. Midwest Industrial Supply, Inc.

Plaintiff / Petitioner Defendant / Respondent

Exhibit No.	Marked for ID	Admitted in Evidence	Description
1.			Letter dated 07/27/06 from Vitale to Shoener of Polar Supply (Bates # SBS 000006-16)
2.			Midwest's Claim Construction Chart for Patent # '266
3.			Midwest's Claim Construction Chart for Patent # '270
4.			Midwest's Responses to Soilworks 1 st Set of Interrogatories
5.			Midwest's Responses to Soilworks 2 nd Set of Interrogatories, 2 nd RFP
6.			Comparison chart of Patent '266 against Durasoil
7.			Comparison chart of Patent '270 against Durasoil
8.			Product specification of "Envirokleen" (Bates # MID 0002-5)
9.			Midwest's article on Dust Control and Soil Stabilization and Water Quality dated 11/07/00 (Bates # MID 0433-436)

Exhibit No.	Marked for ID	Admitted in Evidence	Description
10.			EnviroKleen material safety data sheet – revised date August 14, 2006
11.			EnviroKleen material safety data sheet - revised date July 9, 1998 (Bates # MID 1035-1040)
12.			Midwest's Press Release regarding its issued patents (Bates # MID 0442)
13.			EK35® Intense Use Dust Control Agent – Performance and Environmental Data (Bates # MID 0545-0581)
14.			Draft Environmental and Toxi-cological Analysis Report for EK-35® dated April 25, 2003 (Bates # MID 1082-1100)
15.			EK-35® Environmental Message, February 2001 (Bates # MID1187-1192)
16.			2007 Dust Suppressant/Soil Stabilization Product Descriptions (Bates # 1622-1627)
17.			Letter dated 10/3/07 from Passarelli to Skeriotis w/confidential attachment re: Durasoil
18.			Soilworks – Durasoil: Material Safety Data Sheet (09/24/2004)
19.			ConocoPhillips: Pure Performance ® Group II base oil internet printout
20.			ConocoPhillips: Pure Performance ® Group II base oil specifications
21.			Letter dated 07/18/06 from Passarelli to Skeriotis
22.			Letter dd 07/27/06 from Passarelli to Skeriotis

Exhibit No.	Marked for ID	Admitted in Evidence	Description
23.			Letter dated 08/08/06 from Skeriotis to Passarelli w/patent documents attached
24.			Email chain dated 11/2006 between Chad / Dorian Falkenberg and Steve Gordner of Polar Supply (Bates # SBS 000391-392)
25.			Email dated 12/12/06 from Dorian Falkenberg to Steve Gordner re: indemnification letter (Bates # SBS 000389)
26.			Indemnification letter dated 12/12/06 from Soilworks to Steve Gordner, Polar Supply (Bates # SBS 000001)
27.			Item P-167 Dust Pallative (Bates # SBS 000774)
28.			Durasoil product information
29.			Soilworks – Durasoil: Material Safety Data Sheet (printed: 04/06/2008)
30.			Soilworks' price list schedule for contract # GS-07F-0235M
31.			Google search for: soil sement and links thereto dated 2/1/2005
32.			Google search for: soil sement and links thereto dated 1/31/2005
33.			Soiltac: HTML

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DISTRICT OF ARIZONA**

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Preliminary Injunction TRO Non-Jury Trial Jury Trial

Case Number CV-06-2141-PHX Judge Code DGC Date _____

Soilworks, LLC v. Midwest Industrial Supply, Inc.

Plaintiff/Petitioner Defendant/Respondent

Exhibit No.	Marked for ID	Admitted into Evidence	Description
51			Trademark Registration No. 1,204,198 of Soil-Sement®
52			Trademark Registration No. 2,222,732 of Soil-Sement
53			US Army Corps of Engineers' Evaluation of Expedient Methods for Mitigating Dust on Helipads
54			GSA Advantage Website's Search Results for "soiltac"
55			Letter from Keith Day of Forever Green to Chad Falkenberg Re: Unauthorized Charges by Soilworks
56			Letter from Mike Bronson of BP Exploration requesting information about Durasoil
57			Letter from Chad Falkenberg to BP Exploration regarding Durasoil
58			Letter from David J. Rath of Speedie and Associates to Soilworks regarding Shasta Union High School
59			Letter from Dennis Engineering Co. regarding the problems with the Town of Estancia, Airport Improvements Project
60			Letter from Chad Falkenberg regarding Town of Estancia, Airport Improvements Project
61			Letter from Steve Watters of Cal State San Marcos to Chad Falkenberg regarding Soiltac, Corporate Yard

62			Bid Schedule for State of Alaska ITB NRMOA-1100J005 filled out by Polar Supply Co.
63			State of Alaska Control Materials Lab Laboratory Report for Soil Cement
64			Email from West Gary to Chad Falkenberg regarding Soilworks' products
65			Email from Steve Hickman to Chad Falkenberg regarding brochures for Soilworks' products
66			Fax from Steve Hickman to Chad Falkenberg regarding the dust palliative requirements for AK Dept. of Transportation Chevak Airport Project
67			Letter from Chad Falkenberg to Steve Hickman regarding Durasoil meeting the required specifications for the Chevak Airport Project
68			Letter from John Skeriotis to Douglas Allsworth of Kutak Rock regarding Midwest's Upcoming Patents
69			Patent For Method of Chemical Soil Stabilization and Dust Control No. US 7,074,266
70			Patent for Method of Chemical Soil Stabilization and Dust Control No. US 7,081,270
71			State of Alaska's Invitation to Bid # NRMOA-926K009 filled out by Robert Vitale
72			Letter from Robert Vitale to Donald Dunavant of Polar Supply regarding Midwest's patents and Soilworks possible infringement
73			State of Alaska's Notice of Intent to Award Contract for Bid Number NRMOA-926K009 listing Midwest and Polar Supply as bidders
74			Fax from Steve Hickman to Chad Falkenberg regarding Bethel Soil Test Results
75			Email from Jim Simko to Robert Vitale stating only other bidder was Polar Supply
76			Fax from Steve Hickman to Chad

			Falkenberg enclosing surface treatment requirement for Kokhanok
77			Fax from Marina Landscape regarding requirements for dust control
78			Letter from Chad Falkenberg to Mr. and Mrs. Holzner regarding Durasoil
79			Email from Jeb Tingle to Chad Falkenberg regarding quote for powdered Soiltac
80			Material Estimate for Talkeetna ARRC Curry Ballast from Polar Supply
81			Material Estimate for Kotzebue from Polar Supply
82			State of Alaska's Invitation to Bid Number NRMOA-1100J005
83			Email from David Brummer to Morgan Stimming at Soilworks regarding questions about dust control products
84			Letter from Chad Falkenberg to Polar Supply Co. regarding application of Durasoil for State of Alaska Bid No. NRMOA-1100J005
85			State of Alaska's Notice of Intent to Award a Contract for Bid No. NRMOA-1100J005 with Midwest and Polar Supply among the Bidders
86			Soilworks, LLC's Answers to Midwest Industrial Supply, Inc's First Set of Interrogatories
87			Soilworks, LLC's Responses to Midwest Industrial Supply, Inc.'s first Request for Production of Documents and Things
88			Email from Jessica Li to Corinna Maticio regarding specs for soil stabilization polymer
89			Trademark Registration of Synthetic Organic Dust Control Registration No. 3,318,243
90			Letter from Jill Bautista to Spenard Builders Supply regarding Subpoena to Polar Supply Company
91			Email from Chad Falkenberg to Steven Hickman regarding the use of Durasoil at Chevak Airport
92			Email from Steve Gordner to "DJ"

			attaching quote for Durasoil dust control
93			Soilworks, LLC's Response to Midwest Industrial Supply, Inc's First Set of Request for Admissions to Soilworks, LLC
94			Fax from E. Scott Dosek to John Skeriotis regarding deposition dates and Soilworks' production of documents
95			Email from Grant Watts to Jill Bautista regarding Subpoena to Polar Supply Co.
96			Print out of Durasoil homepage from archive.org
97			Print out of Soilworks, LLC's Public Gallery from Picasa Web Albums
98			Google Search Results for "soiltac"
99			Letter from Jill Bautista to Grant Watts regarding Subpoena to Polar Supply Co.
100			Miriam Webster Online Dictionary Definition of "manufacturer"
101			Print-out of www.soilworks.com
102			Print-out of www.soiltac.com
103			Print-out from www.powderedsoiltac.com
104			Print-out of Soiltac Product Information from www.soiltac.com
105			Print-out from www.gorilla-snot.com
106			Print-outs from durasoil.com
107			Webster's New World Dictionary definition of "manufacturer"
108			Definition of "manufacturer" from 15 USCA § 2051
109			Total Sales of Soiltac and Gorilla-Snot
110			Total Sales of Durasoil
111			HTML code for www.soiltac.com
112			Source text for www.soilworks.com
113			Source text for soilworks.com
114			Archive.org results for www.soilworks.com in 2003
115			Dust Control Field Handbook from the US Army Corps of Engineers
116			Durasoil Brochure
117			Dust Abatement Handbook for US Marine Corps Systems Command
118			Map of Alaska
119			Soiltac Sales for 2003

120			Soiltac Sales for 2004
121			Soiltac Sales for 2005
122			Soiltac Sales for 2006
123			Soiltac Sales for 2007
124			Gorilla-Snot Sales for 2006
125			Gorilla-Snot Sales for 2007
126			Durasoil Sales for 2003
127			Durasoil Sales for 2004
128			Durasoil Sales for 2005
129			Durasoil Sales for 2006
130			Durasoil Sales for 2007
131			Soilworks, LLC's Response to Midwest Industrial Supply, Inc.'s Second Set of Interrogatories to Soilworks, LLC