

# EXHIBIT C

**CLOSED**, DISC, PROTO, PTO, STAY

**U.S. District Court  
DISTRICT OF KANSAS (Kansas City)  
CIVIL DOCKET FOR CASE #: 2:01-cv-02409-CM**

Evolution Inc v. Suntrust Bank, et al  
Assigned to: Judge Carlos Murguia  
Demand: \$0  
Case in other court: 10CCA, 04-03495  
10CCA, 04-03495  
Cause: 17:501 Copyright Infringement

Date Filed: 08/15/2001  
Date Terminated: 11/05/2004  
Jury Demand: Both  
Nature of Suit: 820 Copyright  
Jurisdiction: Federal Question

**Special Master**

**D.A.N. Chase**

represented by **D. A. N. Chase**  
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**Plaintiff**

**Evolution Inc**

represented by **Lance Y. Kinzer**  
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*ATTORNEY TO BE NOTICED*

		Defendants Premium Assignment Corporation, Suntrust Bank, The (Attachments: # <a href="#">1</a> Exhibit 1 (Expert Report of Robert J. Sherwood)# <a href="#">2</a> Exhibit 2A (Part 1 - Deposition Robert J. Sherwood)# <a href="#">3</a> Exhibit 2B (Part 2 of 2 - Deposition Robert J. Sherwood)# <a href="#">4</a> Exhibit 3 (Expert Report and Disclosure of Bruce E. Webster))(Jones, Russell) Title Modified on 5/4/2004 (ck). (Entered: 05/03/2004)
05/03/2004	<a href="#">163</a>	MOTION to Exclude Expert Report and Testimony of Donald J. Reifer by Defendants Premium Assignment Corporation, The Suntrust Bank (Jones, Russell) Modified on 5/4/2004 (ck). (Entered: 05/03/2004)
05/03/2004	<a href="#">164</a>	MEMORANDUM in support of <a href="#">163</a> Motion to Exclude Expert Report and Testimony of Donald J. Reifer by defendants' (Attachments: # <a href="#">1</a> Exhibit 1 (Expert Report of Donald J. Reifer)# <a href="#">2</a> Exhibit 2A (Part 1 of 3 - Deposition Donald J. Reifer)# <a href="#">3</a> Exhibit 2B (Part 2 of 3 - Deposition Donald J. Reifer)# <a href="#">4</a> Exhibit 2C (Part 3 of 3 - Deposition of Donald J. Reifer)# <a href="#">5</a> Exhibit 3 (Expert Report and Disclosure of Bruce F. Webster))(Jones, Russell) Modified on 5/4/2004 (ck). (Entered: 05/03/2004)
05/05/2004	<a href="#">165</a>	MOTION to Continue Trial by Plaintiff Evolution Inc (Kinzer, Lance) (Entered: 05/05/2004)
05/05/2004	<a href="#">166</a>	MEMORANDUM IN SUPPORT of <a href="#">165</a> MOTION to Continue Trial by Plaintiff Evolution Inc (Attachments: # <a href="#">1</a> Exhibit 1- Ltr dated 3-5-04# <a href="#">2</a> Exhibit A - Applications used to extract data# <a href="#">3</a> Exhibit B-Current Loan# <a href="#">4</a> Exhibit Invoices Missing# <a href="#">5</a> Exhibit D-Email communication# <a href="#">6</a> Exhibit E- Evaluation of New PF32# <a href="#">7</a> Exhibit F - Corrected in New PF32 & G - Evaluation of New PF32# <a href="#">8</a> Exhibit H-Part 1 List of Non-Blank Files# <a href="#">9</a> Exhibit H-Part 2 - List of Non-Blank Files# <a href="#">10</a> Exhibit H-Part 3 List of Non-Blank Files# <a href="#">11</a> Exhibit H-Part 4-List of Non-Blank Files# <a href="#">12</a> Exhibit H-Part 5-List of Non-Blank Files# <a href="#">13</a> Exhibit I - File Names)(Kinzer, Lance) (Entered: 05/05/2004)
05/06/2004	<a href="#">167</a>	Minute Entry for proceedings held before Judge David J. Waxse : Status Conference regarding Special Master issues held on 5/6/2004. (See Minute Sheet for deadlines.)(jm) (Entered: 05/06/2004)
05/10/2004	<a href="#">168</a>	MEMORANDUM in Opposition by Defendants Premium Assignment Corporation, Suntrust Bank, The re <a href="#">160</a> MOTION Re-designate 232 Computer Files from Restricted Confidential to Confidential, <a href="#">165</a> MOTION to Continue Trial <i>DEFENDANTS' CONSOLIDATED MEMORANDUM OF LAW OPPOSING PLAINTIFF'S MOTION FOR REDESIGNATION OF CERTAIN RESTRICTED CONFIDENTIAL FILES AND MOTION FOR CONTINUANCE OF TRIAL SETTING</i> (Jones, Russell) (Entered: 05/10/2004)
05/10/2004	<a href="#">169</a>	AFFIDAVIT of Bryan G. Harrison re <a href="#">168</a> Memorandum in Opposition to Motion, by Premium Assignment Corporation, Suntrust Bank, The. (Attachments: # <a href="#">1</a> Exhibit 1)(Jones, Russell) (Entered: 05/10/2004)
05/11/2004	<a href="#">170</a>	DISREGARD THIS DOCUMENT: INCORRECT .PDF DOCUMENT ATTACHED. SEE CORRECTED DOCUMENT <a href="#">171</a> ; Memorandum of Law regarding Impropriety of Copying Third Party Software by Defendants Premium Assignment Corporation, Suntrust Bank, The. (Attachments: # <a href="#">1</a>

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

EVOLUTION, INC.,	)	Civil Action File
	)	No. 01-2409-CM
Plaintiff,	)	
	)	
vs.	)	
	)	
SUN TRUST BANK and PREMIUM	)	
ASSIGNMENT CORPORATION,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF DONALD J. REIFER  
Los Angeles, California  
Thursday, September 25, 2003

Reported by:  
KARIN E. GLAAB  
CSR No. 2638  
JOB No. 411054

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

4	EVOLUTION, INC.,	)	Civil Action File
		)	No. 01-2409-CM
5	Plaintiff,	)	
		)	
6	vs.	)	
		)	
7	SUN TRUST BANK and PREMIUM	)	
	ASSIGNMENT CORPORATION,	)	
8		)	
	Defendants.	)	

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Deposition of DONALD J. REIFER, taken on behalf of Defendants, at 1800 Avenue of the Stars, 10th Floor, Los Angeles, California, beginning at 8:20 a.m. and ending at 11:27 a.m. on Thursday, September 25, 2003, before KARIN E. GLAAB, Certified Shorthand Reporter No. 2638, RPR.

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1 PF32; is that correct?

2 A That is correct.

3 Q Okay. Did Sun Trust use all 9,962 lines of PF32  
4 in creating MIDAS?

5 A Probably not.

6 Q How many lines did they use?

7 A It doesn't really matter.

8 Q Why not?

9 A Because in use of software code, if you take  
10 parts of that code, modify it, you have to retest the  
11 entire program, and from a validation point of view, if  
12 you are looking at replacement costs, you value the  
13 entire product. Two issues.

14 Q Sir, then, is it your opinion that, if MIDAS  
15 used two lines of code from PF32, that wouldn't change  
16 your valuation analysis in terms of unauthorized use of  
17 software?

18 (Telephone interruption.)

19 THE WITNESS: That's a loud one. Off the  
20 record.

21 (There was a discussion off the record.)

22 MR. HARRISON: Would you please read my last  
23 question back before we were so rudely interrupted.

24 (Record read.)

25 THE WITNESS: That is correct.

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: \_\_\_\_\_



KARIN E. GLAAB  
CSR No. 2638