

EXHIBIT 14

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Defender:
Reviewed:

JNE	✓
MAG	_____
WAL	_____
MJB	_____
PJM	_____
RCM	_____
EAE	_____
LL	_____
JA	_____
MK	✓

Attorneys for Defendants KESSLER'S FLYING
CIRCUS and TODD DUNNING

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CENTRAL BRANCH

COMMISSION JUNCTION, INC.

Plaintiff,

v.

THUNDERWOOD HOLDINGS, INC. dba
KESSLER'S FLYING CIRCUS; TODD
DUNNING; BRIAN DUNNING; and DOES 1
through 50, inclusive,

Defendants.

CASE NO.: 30-2008 00101025

Assigned for All Purposes to Judge
Randell L. Wilkinson Department C25

**DEFENDANT TODD DUNNING'S
RESPONSES TO PLAINTIFF'S
REQUEST FOR THE
IDENTIFICATION, PRODUCTION
AND COPYING OF DOCUMENTS,
SET ONE**

PROPOUNDING PARTY: Plaintiff COMMISSION JUNCTION, INC.

RESPONDING PARTY: Defendant TODD DUNNING

SET NUMBER: ONE (1)

Defendant Todd Dunning ("Defendant" or "TODD") responds to plaintiff Commission Junction, Inc.'s ("Plaintiff" or "CJI") Request For The Identification, Production and Copying of Documents, Set One, pursuant to Code of Civil Procedure § 2031.210, et seq., as follows:

GENERAL OBJECTIONS

1. Defendant objects to each document request to the extent that it seeks information that is not relevant to the subject matter of this matter or reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limiting the generality of this objection, Defendant

1 objects on relevancy grounds to each document request to the extent each request seeks document that
2 are beyond the subject matter of the complaint, the alleged contract and related payments, between
3 Defendant and Plaintiff.

4 2. Defendant objects to each document request on the grounds that it seeks documents
5 that are not in the possession, custody and/or control of this Defendant.

6 3. Defendant objects to each document request on the grounds that it is overly broad and
7 burdensome to produce the requested documents.

8 4. Defendant objects to each document request on the grounds that it is vague, ambiguous
9 and unintelligible.

10 5. Defendant objects to each document request to the extent that it incorporates by
11 reference the definitions contained in Plaintiff's document request and these definitions purport to
12 require information that is beyond the scope and obligations of California Code of Civil Procedure
13 § 2031.010, et seq.

14 6. Defendant objects to each document request to the extent that it seeks production of
15 documents that are protected by the attorney-client privilege and/or attorney work product doctrine, or
16 seek to obtain documents that are confidential and not subject to disclosure, absent an appropriate
17 protective order between the parties.

18 7. All responses herein are made to the best of Defendant's present knowledge and belief.
19 Defendant has not yet completed discovery, trial preparation, or investigation of the facts underlying
20 this action, and consequently gives the following responses without prejudice to their right to produce
21 documents as they subsequently discover additional facts or develop analyses. Accordingly,
22 responses provided herein are provided subject to the express qualification that Defendant may yet
23 discover facts relating to the subject matter of Plaintiff's Document Requests, which may alter
24 Defendant's position with respect to one or more of its responses to these requests.

25 8. Documents that are responsive to more than one document request will only be
26 produced once. Defendant will produce these documents for inspection at its offices at a reasonable
27 time, or will make reasonable arrangements to produce copies for Plaintiff.
28

SPECIFIC RESPONSES

Subject to and without waiving any of the foregoing General Objections, which are incorporated by reference into each and every one of the following responses, Defendant responds to the specific requests as follows:

REQUEST FOR PRODUCTION NO. 1:

Any and all written agreements or contracts between YOU and CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

TODD does not know of or have in his possession, custody or control any written agreement or contract between him and CJI.

REQUEST FOR PRODUCTION NO. 2:

Any and all written agreements or contracts between YOU and THH.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 3:

Any and all written agreements or contracts between YOU and KFC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 4:

Any and all written agreements or contracts between YOU and BRIAN.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 5:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by YOU to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

TODD will produce any documents responsive to this request that are in his possession,

custody or control. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 6:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by THH to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents

REQUEST FOR PRODUCTION NO. 7:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by BRIAN to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents

REQUEST FOR PRODUCTION NO. 8:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by KFC to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

TODD will produce any documents responsive to this request that are in his possession, custody or control. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 9:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by CJI to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

TODD will produce any documents responsive to this request that are in his possession, custody or control. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 10:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by THI to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these

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objections, TODD is not aware of any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 11:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by BRIAN to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce documents, if any, in his possession, custody or control that are written communications between TODD and BRIAN related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 12:

Any and all WRITINGS and/or WRITTEN COMMUNICATION sent by KFC to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce documents, if any, in his possession, custody or control that are written communications between TODD and KFC related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 13:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect the terms, negotiation, execution, and creation/drafting of any and all agreements and/or contracts, written and/or oral, entered into between TODD (on the one hand) and CJI (on the other hand).

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

TODD incorporates by reference the response to Document Request No. 1 above.

REQUEST FOR PRODUCTION NO. 14:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect the terms, negotiation, execution, and creation/drafting of any and all agreements and/or contracts, written and/or oral, entered into between THI (on the one hand) and CJI (on the other hand).

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 15:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect the terms, negotiation, execution, and creation/drafting of any and all agreements and/or contracts, written and/or oral, entered into between BRIAN (on the one hand) and CJI (on the other hand).

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 16:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect the terms, negotiation, execution, and creation/drafting of any and all agreements and/or contracts, written and/or oral, entered into between KFC (on the one hand) and CJI (on the other hand).

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 17:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of TODD that reference telephone calls to or from CJI employees, officers, and/or agents; including, but limited to, payment records, memoranda, invoices, notes, files, cell phone logs, cell phone invoices, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce responsive documents, if any, in his possession, custody or control that are written communications related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 18:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of THI that reference telephone calls to or from CJI employees, officers, and/or agents; including, but limited to, payment records, memoranda, invoices, notes, files, cell phone logs, cell phone invoices, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 19:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of KFC that reference telephone calls to or from CJI employees, officers, and/or agents; including, but limited to, payment records, memoranda, invoices, notes, files, cell phone logs, cell phone invoices, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce responsive documents, if any, in his possession, custody or control that are written communications related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 20:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of BRIAN that reference telephone calls to or from CJI employees, officers, and/or agents; including, but limited to, payment records, memoranda, invoices, notes, files, cell phone logs, cell phone invoices, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce responsive documents, if any, in his possession, custody or control that are written communications related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 21:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of TODD's employees, officers, and/or agents that reference communications to or from CJI employees, officers, and/or agents; including, but limited to, letters, email, memoranda, invoices, notes, files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce responsive documents, if any, in his possession, custody or control that are written communications related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 22:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of THI employees, officers, and/or agents that reference communications to or from CJI employees, officers, and/or agents; including, but limited to, letters, email, memoranda, invoices, notes, files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 23:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of BRIAN's employees, officers, and/or agents that reference communications to or from CJI employees, officers, and/or agents; including, but limited to, letters, email, memoranda, invoices, notes, files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce responsive documents, if any, in his possession, custody or control that are written communications related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 24:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of KFC employees, officers, and/or agents that reference communications to or from CJI employees, officers, and/or agents; including, but limited to, letters, email, memoranda, invoices, notes, files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce responsive documents, if any, in his possession, custody or control that are written communications related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 25:

Any and all TODD email to or from CJI employees, officers, and/or agents; including, but limited to, memoranda, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD will produce responsive documents, if any, in his possession, custody or control that are written communications related to CJI or eBay. TODD references and incorporates the documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

REQUEST FOR PRODUCTION NO. 26:

Any and all THI email to or from CJI employees, officers, and/or agents; including, but limited to, memoranda, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 27:

Any and all BRIAN email to or from CJI employees, officers, and/or agents; including, but limited to, memoranda, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these

1 objections, TODD will produce responsive documents, if any, in his possession, custody or control
2 that are written communications related to CJI or eBay. TODD references and incorporates the
3 documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

4 **REQUEST FOR PRODUCTION NO. 28:**

5 Any and all KFC email to or from CJI employees, officers, and/or agents; including, but
6 limited to, memoranda, invoices, notes, files, print-outs of computer files, and/or computer records.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

8 TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these
9 objections, TODD will produce responsive documents, if any, in his possession, custody or control
10 that are written communications related to CJI or eBay. TODD references and incorporates the
11 documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

12 **REQUEST FOR PRODUCTION NO. 29:**

13 Any and all TODD email that refers to, references, and/or discusses CJI or its employees,
14 officers, and/or agents; including, but limited to, memoranda, invoices, notes, files, print-outs of
15 computer files, and/or computer records.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

17 TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these
18 objections, TODD will produce responsive documents, if any, in his possession, custody or control
19 that are written communications related to CJI or eBay. TODD references and incorporates the
20 documents produced by Kessler's Flying Circus (KFC) with document numbers KFC000001 – 10.

21 **REQUEST FOR PRODUCTION NO. 30:**

22 Any and all TODD email that refers to, references, and/or discusses THI or its employees,
23 officers, and/or agents; including, but limited to, memoranda, invoices, notes, files, print-outs of
24 computer files, and/or computer records.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

26 TODD is not aware of any documents responsive to this request and does not have any
27 responsive documents in his possession, custody or control.
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REQUEST FOR PRODUCTION NO. 31:

Any and all TODD email that refers to, references, and/or discusses KFC or its employees, officers, and/or agents; including, but limited to, memoranda, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 32:

Any and all KFC email that refers to, references, and/or discusses BRIAN or his employees, officers, and/or agents; including, but limited to, memoranda, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

TODD is not aware of any documents responsive to this request and does not have any responsive documents in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 33:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of TODD that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI including, but limited to, memoranda, reports, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

TODD incorporates by reference General Objection Nos. 1, 3 & 4. Specifically, TODD cannot determine what documents are described as "writings or written communications of TODD that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI."

REQUEST FOR PRODUCTION NO. 34:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of THI that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI including, but limited to, memoranda, reports, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

TODD incorporates by reference General Objection Nos. 1, 3 & 4. Specifically, TODD

cannot determine what documents are described as “writings or written communications of THI that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI.”

REQUEST FOR PRODUCTION NO. 35:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of KFC that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI including, but limited to, memoranda, reports, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

TODD incorporates by reference General Objection Nos. 1, 3 & 4. Specifically, TODD cannot determine what documents are described as “writings or written communications of KFC that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI.”

REQUEST FOR PRODUCTION NO. 36:

Any and all WRITINGS and/or WRITTEN COMMUNICATION of BRIAN that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI including, but limited to, memoranda, reports, invoices, notes, files, print-outs of computer files, and/or computer records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

TODD incorporates by reference General Objection Nos. 1, 3 & 4. Specifically, TODD cannot determine what documents are described as “writings or written communications of BRIAN that consist of, refer to, reference, and/or discuss any and all financial records regarding CJI.”

REQUEST FOR PRODUCTION NO. 37:

Any and all invoices sent by CJI to TODD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 38:

Any and all invoices sent by CJI to THI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

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REQUEST FOR PRODUCTION NO. 39:

Any and all invoices sent by CJI to KFC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 40:

Any and all invoices sent by CJI to BRIAN.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 41:

Any and all invoices sent by TODD to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 42:

Any and all invoices sent by THI to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 43:

Any and all invoices sent by KFC to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 44:

Any and all invoices sent by BRIAN to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 45:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by TODD to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 46:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by THI to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 47:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by KFC to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 48:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by BRIAN to CJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 49:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by CJI to TODD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

TODD incorporates by reference General Objections Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 50:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by CJI to THI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

REQUEST FOR PRODUCTION NO. 51:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by CJI to KFC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

TODD is attempting to determine if he has responsive documents in his possession, custody or control. If such responsive documents are identified, they will be produced.

REQUEST FOR PRODUCTION NO. 52:

Any and all WRITINGS and/or WRITTEN COMMUNICATION which reflect any payments made by CJI to BRIAN.

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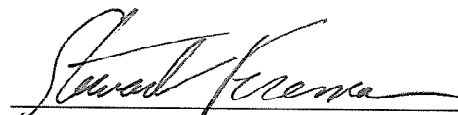
RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

TODD incorporates by reference General Objection Nos. 1 and 3. Without waiving these objections, TODD does not have in his possession, custody or control any responsive documents.

Dated: May 13, 2008

FREELAND COOPER & FOREMAN LLP

By:


STEWART H. FOREMAN
Attorneys for Defendants
KESSLER'S FLYING CIRCUS
and TODD DUNNING

FREELAND COOPER & FOREMAN LLP

150 Spear Street, Suite 1800

San Francisco, California 94105

VERIFICATION

I, Todd Dunning, declare:

I am a defendant in this action and I have read the foregoing **DEFENDANT TODD DUNNING'S RESPONSE TO PLAINTIFF'S REQUEST FOR THE IDENTIFICATION, PRODUCTION AND COPYING OF DOCUMENTS, SET ONE** and know its contents, and am informed and believe the matters therein stated are true, and on that basis state they are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of May, 200⁸ at Santa Ana, California.


 TODD DUNNING

FREELAND COOPER & FOREMAN LLP

150 Spear Street, Suite 1800
 San Francisco, California 94105

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action; my business address is 150 Spear Street, Suite 1800, San Francisco, California 94105.

On May 19, 2008, I served the foregoing document described as follows:

DEFENDANT TODD DUNNING'S RESPONSES TO PLAINTIFF'S REQUEST FOR THE IDENTIFICATION, PRODUCTION AND COPYING OF DOCUMENTS, SET ONE

by placing a true and correct copy thereof enclosed in a sealed envelope addressed to the party(ies) of record whose name(s) and address(es) appear below:

John H. Ernster, Esq.
Phil J. Montoya, Esq.
ERNSTER LAW OFFICES, P.C.
70 South Lake Avenue, Suite 750
Pasadena, California 91101
Telephone: (626) 844-8800
Facsimile: (626) 844-8944
Attorneys for Plaintiff
COMMISSION JUNCTION, INC.

Ronald Rus, Esq.
Leo J. Presiado, Esq.
RUS, MILIBAN & SMITH
2600 Michelson Drive
Irvine, California 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
Attorneys for Defendant
BRIAN DUNNING and THUNDERWOOD
HOLDINGS, INC.

Scott Patrick Barlow, Esq.
General Counsel
30699 Russell Ranch Rd., Suite 250
Westlake Village, California 91361
Telephone: (818) 575-4510
Facsimile: (818) 575-4505
Attorneys for Plaintiff
COMMISSION JUNCTION, INC.

X [BY MAIL - CCP § 1013a] I caused such sealed envelope with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California, for collection and mailing to the office of addressee(s) on the date shown herein following ordinary business practice.

— [HAND-DELIVERY/Personal/Messenger - CCP § 1011] I caused such envelope to be hand-delivered by a courier, who personally delivered such envelope to the office of the addressee(s) on the date herein.

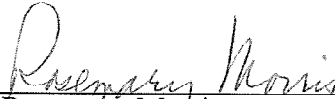
— [BY FACSIMILE - CCP § 1013(e)] - I caused such document(s) to be transmitted via facsimile electronic equipment transmission on the party(ies), whose name(s), address(es) and fax number(s) are listed above, on the date stated herein and at the time set forth on the attached transmission reported indicating that the facsimile transmission was complete and without error.

— [BY FEDEX (Overnight Delivery) - CCP § 1013(c)] I caused such envelope to be delivered to the Federal Express Office in San Francisco, California, with whom we have a direct billing account, to be delivered on the next business day.

— [BY E-MAIL or ELECTRONIC TRANSMISSION] Based on a court order or agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email addresses listed above. I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

1 X [STATE] I declare under penalty of perjury under the laws of the State of California that
2 the above is true and correct.

3 Executed on May 19, 2008, at San Francisco, California.
4

5 
6 Rosemary Morris

FREELAND COOPER & FOREMAN LLP

150 Spear Street, Suite 1800
San Francisco, California 94105

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MAY 21 2008