

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-CV-01546-REB-CBS

The Direct Marketing Association,

Plaintiff,

v.

Roxy Huber, in her capacity as Executive
Director, Colorado Department of Revenue,

Defendant.

**JOINT DESIGNATION OF ADDITIONAL DEPOSITION TESTIMONY
REGARDING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, the Direct Marketing Association, and Defendant, Roxy Huber, Executive Director of the Colorado Department of Revenue, submit this Joint Designation of Additional Deposition Testimony in accordance with the stipulation set forth in the parties' Joint Status Report Regarding Hearing on Motion for Preliminary Injunction [#58] and the Court's Order dated December 6, 2010 [#59]. The deposition excerpts and exhibits listed herein, and filed concurrently herewith, are submitted by the parties in addition to the supporting declarations (including exhibits thereto) and other exhibits (including deposition excerpts and public documents) that have been filed in support of: (1) the Plaintiff's Motion for Preliminary Injunction and Incorporated Memorandum of Law [#15]; (2) the Defendant's Response in Opposition to Plaintiff's

Motion for Preliminary Injunction [#50]; and (3) the Plaintiff's Reply to the Defendant's Response In Opposition to Plaintiff's Motion for Preliminary Injunction [#56]. The designating party for each excerpt and exhibit is indicated in the following chart, and on the transcripts filed herewith by highlighting of the text (Plaintiff's designations in yellow, Defendant's in blue) consistent with REB Civ. Practice Standard III.F.6.

Deponent	Excerpt (by page and line)	Corresponding Exhibit(s) [First Ref.]	Designating Party
F. Curtis Barry	12:20 – 13:4		Defendant
	13:5 – 21:25		Plaintiff
	23:20 – 25:21		Plaintiff
	25:22 – 27:21		Defendant
	32:5-8		Plaintiff
	32:9 – 36:10	Dep. Ex. 1	Defendant
	36:11-25		Plaintiff
	37:1-21		Defendant
	39:15 – 41:3		Defendant
	41:16 – 42:2		Defendant
	42:16 – 44:8		Defendant
	44:9 – 46:9		Plaintiff
	46:10 – 49:3		Defendant
	51:15 – 52:18		Plaintiff
	52:19 – 53:14		Defendant
	53:15-24		Plaintiff
	53:25 – 55:11		Defendant
	55:12-20		Plaintiff
	57:8 – 58:19		Defendant
	60:2 – 61:25		Defendant
	63:19 – 64:4		Defendant
	64:18-21		Defendant
	65:12-25		Defendant
	67:19 – 68:12		Defendant
	71:9-22	Dep. Ex. 3	Defendant
	73:4-8		Defendant
	75:25 – 76:22	Dep. Ex. 4	Defendant
	78:25 – 79:18	Dep. Ex. 7	Defendant
	80:8 – 81:23		Defendant
	81:24 – 83:7		Plaintiff
	83:8-14		Defendant
	83:15 – 84:3		Plaintiff
	84:4-10		Defendant
	88:11 – 89:7		Defendant

Deponent	Excerpt (by page and line)	Corresponding Exhibit(s) [First Ref.]	Designating Party
(Barry, cont.)	90:23 – 91:18	Dep. Ex. 9	Defendant
	93:9 – 94:6		Defendant
	94:13-15		Defendant
	95:10-17		Defendant
	95:21 – 96:10	Dep. Ex. 5	Defendant
	97:4-14		Defendant
	97:20 – 98:1		Defendant
	100:4-18		Plaintiff
	100:19 – 101:2		Defendant
	101:13-20		Defendant
	101:21 – 102:10		Plaintiff
	102:11 – 103:17		Defendant
	103:22 – 106:25	Dep. Ex. 10	Defendant
	107:7 – 108:21	Dep. Ex. 11	Defendant
	109:2-21		Defendant
	114:18 – 120:11		Defendant
	122:7-22		Defendant
	123:25 – 129:4		Defendant
	124:2 – 128:24		Plaintiff
	130:8-25		Defendant
	131:25 – 132:22		Defendant
	134:5 – 135:15		Defendant
	137:9 – 140:7		Defendant
	140:14 – 141:1		Defendant
	143:11 – 144:9		Defendant
	144:10 – 146:3		Plaintiff
	146:4-16		Defendant
	147:5-7		Defendant
	147:18 – 149:19		Defendant
	152:18-25		Defendant
	154:2 –157:7		Defendant
	158:14-16		Defendant
	158:17 – 160:25		Plaintiff
	161:1-14		Defendant
	161:15-21		Plaintiff
	162:1-6		Defendant
	162:15 – 163:4		Defendant
	163:5 – 164:2		Plaintiff
	164:3-23		Defendant
	164:24 – 165:23		Plaintiff
	165:24 – 167:13		Defendant
	167:14 – 168:12		Plaintiff
	168:13 – 170:15		Defendant
	170:16 – 172:4		Plaintiff
	172:5 – 173:21		Defendant
	176:12 – 177:18	Dep. Exs. 12, 13	Defendant

Deponent	Excerpt (by page and line)	Corresponding Exhibit(s) [First Ref.]	Designating Party
(Barry, cont.)	178:13-19		Defendant
	180:17 – 182:7		Defendant
	183:22 – 184:1		Defendant
	185:11 – 186:8		Defendant
	187:4-24		Defendant
	188:16 – 189:6		Defendant
	190:7 – 191:17		Defendant
	191:18-23		Plaintiff
	191:24 – 193:25		Defendant
	195:3 – 197:20		Defendant
	207:6-21		Defendant
	208:25 – 209:3		Defendant
	211:7-23	Dep. Ex. 15	Defendant
	219:16 – 221:6		Plaintiff
	225:13-19		Defendant
	225:20-24		Plaintiff
	225:25 – 226:5		Defendant
	226:6-24		Plaintiff
	229:5 – 239:18	Dep. Ex. 8	Plaintiff
Kevin L. Keller	8:8-11		Defendant
	8:22 – 10:7	Dep. Ex. 17	Defendant
	11:10 – 12:20		Plaintiff
	11:16 – 15:7	Dep. Exs. 18, 19	Defendant
	24:17 – 25:1		Defendant
	25:5 – 29:23		Defendant
	30:1 – 31:22	Dep. Ex. 16	Plaintiff
	34:1 – 36:17	Dep. Ex. 20	Defendant
	41:2 – 44:8		Defendant
	44:23 – 45:9	Dep. Ex. 21	Defendant
	46:23 – 51:15		Defendant
	64:7-13		Defendant
		Dep. Ex. 22	Defendant
	67:4 – 72:23		Defendant
	73:2 – 80:8		Defendant
	81:8 – 83:17	Dep. Ex. 23	Defendant
	83:23 – 86:20	Dep. Exs. 24, 25, 26	Defendant
	94:6 – 95:5		Defendant
	95:6-14		Plaintiff
	96:16 – 104:20	Dep. Exs. 29, 30, 31, 32, 33, 34	Defendant
	107:12 – 109:17	Dep. Exs. 35, 36, 37	Defendant
	118:3 – 119:17		Plaintiff
	120:2-8		Plaintiff
	121:10-23		Plaintiff
	129:5 – 130:5	Dep. Exs. 37, 38	Plaintiff

Deponent	Excerpt (by page and line)	Corresponding Exhibit(s) [First Ref.]	Designating Party
Thomas J. Adler	16:2 – 18:16	Dep. Exs. 42, 44	Defendant
		Dep. Ex. 47	Defendant
	23:14 – 25:9	Dep. Exs. 48, 49	Defendant
	30:6 – 32:10		Defendant
		Dep. Ex. 52	Defendant
	33:6 – 35:11	Dep. Exs. 53, 54	Defendant
	35:13 – 36:10	Dep. Ex. 55	Defendant
	36:13 – 37:1	Dep. Exs. 56, 57	Defendant
		Dep. Ex. 58	Defendant
	43:1 – 44:1	Dep. Ex. 60	Defendant
	44:16-23		Defendant
	45:5-23	Dep. Ex. 61	Defendant
	46:4-23	Dep. Ex. 62	Defendant
		Dep. Ex. 63	Defendant
	50:10 – 52:10	Dep. Exs. 65, 66, 67	Defendant
	51:11 – 52:5	Dep. Ex. 68	Defendant
	53:1 – 54:15	Dep. Ex. 69	Plaintiff
	55:13 – 60:20	Dep. Ex. 70	Defendant
	62:9 – 63:17	Dep. Exs. 39, 72	Defendant
	64:18 – 73:8	Dep. Exs. 74, 76, 79, 80	Defendant
	74:10 – 75:6	Dep. Ex. 82	Defendant
	85:14 – 86:4	Dep. Ex. 86, 87	Defendant
	86:13-23		Defendant
		Dep. Ex. 88	Defendant
	90:19 – 93:4	Dep. Ex. 90	Defendant
	93:23 – 97:17		Plaintiff
	98:9-15		Plaintiff
	101:7 – 102:1		Plaintiff
	103:4 – 107:11		Defendant
	107:13-21		Plaintiff
	107:22 – 108:20		Defendant
	108:21 – 110:2		Plaintiff
	111:4-14		Plaintiff
	118:10 – 120:7		Plaintiff
	120:16 – 121:15		Plaintiff
	123:12 – 125:20		Defendant
	133:20 – 141:4	Dep. Ex. 92	Defendant
	149:1 – 150:3	Dep. Exs. 21, 39, 90, 93	Plaintiff
	150:17 – 152:22		Plaintiff
William F. Fox	12:13 – 15:11	Dep. Exs. 95, 96	Defendant
	20:22 – 21:13		Defendant
	29:10 – 33:9		Defendant
	38:10 – 39:17	Dep. Ex. 98	Plaintiff
	40:20 – 46:15		Defendant
	46:18 – 48:6		Defendant

Deponent	Excerpt (by page and line)	Corresponding Exhibit(s) [First Ref.]	Designating Party
(Fox, cont.)	48:14-16		Defendant
	48:17 – 51:10	Dep. Ex. 99	Plaintiff
	51:11 – 54:11	Dep. Ex. 100	Plaintiff
	51:11 – 58:14		Defendant
	59:13 – 59:23		Plaintiff
	59:24 – 61:14		Defendant
	61:19 – 64:15		Defendant
	64:16 – 65:10		Plaintiff
	65:11 – 66:7		Defendant
	67:18 – 68:10	Dep. Ex. 101	Plaintiff
	75:8-23		Defendant
	85:8 – 89:15		Defendant
	85:8 – 90:10		Plaintiff
	89:25 – 90:6		Defendant
	96:6 – 98:17		Plaintiff
Dieter G. Gable	12:20 – 13:17		Plaintiff
	14:11-16		Defendant
	17:10-12		Defendant
	21:2-18		Defendant
	22:14 – 23:11		Defendant
	24:24 – 25:14		Defendant
	30:11-23		Defendant
	37:25 – 38:7		Defendant
	38:8 – 40:17		Plaintiff
	41:14 – 44:17		Defendant
	47:16 – 48:8		Defendant
	53:25 – 54:21		Defendant
	84:19 – 85:11		Defendant
	86:1-20		Defendant
	86:21 – 87:20		Plaintiff
	96:14 – 99:7		Defendant
	99:20 – 101:5		Defendant
	102:16 – 103:2		Plaintiff
	115:7 – 118:25		Defendant
	120:19 – 122:8		Defendant
	120:19 – 124:25		Plaintiff
	123:6 – 125:18		Defendant
	125:19-22		Plaintiff
	126:9 – 127:17		Defendant
	127:18 – 128:15		Plaintiff
	130:4 – 131:12		Plaintiff
	131:13 – 132:3		Defendant
	132:4 – 132:22		Plaintiff
	132:23 – 134:7		Defendant
	134:8-23		Plaintiff

Deponent	Excerpt (by page and line)	Corresponding Exhibit(s) [First Ref.]	Designating Party
(Gable, cont.)	134:24 – 135:7		Defendant
	135:8-11		Plaintiff
	135:12-24		Defendant
	135:25 – 136:4		Plaintiff
	136:5-12		Defendant
	136:13 – 138:1		Plaintiff
	138:2-5		Defendant
	138:6-13		Plaintiff
	138:14 – 140:6		Defendant
	143:3 – 145:8		Plaintiff
	146:3-11		Plaintiff
	147:15-23		Defendant
	147:24 – 148:17		Plaintiff
	148:18 – 149:6		Defendant
	150:13-20		Defendant
	151:12-20		Defendant
	151:24 – 152:11		Defendant
	153:16 – 155:18		Plaintiff
	159:10-18		Defendant

Dated: December 17, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2010, I electronically filed the foregoing Joint Designation of Additional Deposition Testimony, using the CM/ECF system, which will send notification of such filing to counsel of record:

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