

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

**SECURITIES AND EXCHANGE** )  
**COMMISSION,** )  
) )  
**Plaintiff** )  
) )  
**v.** )  
) )  
**CHARLES JOHNSON, JR., et al.,** )  
) )  
**Defendants.** )  
\_\_\_\_\_ )

**JURY DEMANDED**

**Civil Action No. 05cv00036-GK  
Honorable Gladys Kessler**

**DEFENDANT KENT D. WAKEFORD'S NOTICE OF HIS OBJECTION TO  
PLAINTIFF SEC'S COUNTER-DESIGNATION OF TESTIMONY FROM THE  
2007 DEPOSITION OF JOHN TULI**

Defendant Kent D. Wakeford, through undersigned counsel, hereby gives notice of his objection to a counter-designation of testimony from the 2007 deposition of John Tuli. The SEC has identified page 151, line 2 to page 152, line 2. (Exhibit A) This portion of the deposition is beyond the scope of the testimony Mr. Wakeford will introduce in his case-in-chief.

Mr. Wakeford has designated four brief parts of Mr. Tuli's 2007 deposition. (Exhibit B) All address the brief communication between Mr. Wakeford and Mr. Tuli regarding the confirmation letter Mr. Tuli received relating to AuctionNet. The subject counter-designation addresses a letter from Eric Baxley to Scott Miller. In the excerpt, Plaintiff's counsel probes whether Mr. Tuli dictated the letter to Mr. Baxley and whether Mr. Tuli disputes Mr. Baxley's deposition testimony regarding that letter. As the subject is well-beyond the scope of the direct and neither Mr. Baxley nor Mr. Miller is even mentioned in Mr. Wakeford's designations, this counter-designation should be excluded.

Dated: April 7, 2008

Respectfully submitted,

\_\_\_\_\_/s/  
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*Counsel for Defendant Kent Wakeford*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant Kent D.

Wakeford's Notice of His Objection to Plaintiff SEC's Counter-Designation of Testimony from the 2007 Deposition of John Tuli was served, via electronic mail and the Court's Electronic Case Filing system, this 7th day of April, 2008 upon the following counsel:

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