

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

WAKA, LLC,)	
)	
Plaintiff - Counterclaim Defendant)	
)	
v.)	Civil Action No. 1:06cv00984 EGS
)	
DCKICKBALL, et al.)	
)	
Defendants - Counterclaim Plaintiffs.)	
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PLAINTIFF’S RULE 26(a)(1) INITIAL DISCLOSURES

Plaintiff’s Initial Disclosure is made without the benefit of any discovery. Plaintiff reserves the right to amend its disclosures to add additional witnesses. Pursuant to FRCP 26(a)(1), Plaintiff makes its mandatory initial disclosures as follows:

I. Individuals Likely to Have Discoverable Information Related to Plaintiff’s Claims

A. Individuals Associated With Plaintiff

WAKA, LLC
David Lowry, Manager
3834 Beech Down Dr.
Chantilly, VA 20151
(866) 350-1710

Plaintiff. Full knowledge of dispute.

WAKA, LLC
Johnny LeHane, Manager
3834 Beech Down Dr.
Chantilly, VA 20151
(866) 350-1710

Plaintiff. Full knowledge of dispute.

WAKA, LLC
James Walicek, Manager
3834 Beech Down Dr.
Chantilly, VA 20151
(866) 350-1710

Plaintiff. Full knowledge of dispute.

B. Individuals Associated With Defendant

Individual		Address
Carter Rabasa	1843 Biltmore St NW Apt B Washington DC 20009-1903	Defendant, President of DC Kickball. Full knowledge of dispute.
Matt Mullin	101 Burnt Oak Lane Fredericksburg VA 22405-5004	Vice President of DCKickball. Full knowledge of dispute.
Jennifer Kundrod	240s Reynolds St Apt 210 Alexandria VA 22304-4472	Former WAKA Player, Treasurer of DCKickball. Full knowledge of dispute.
Sarah Dougherty	PO Box 274 Aldie VA 20105	Former WAKA Player, Charity Manager of DCKickball. Full knowledge of dispute.
David Fischer	1607 S Hayes St Apt BSMT Arlington VA 22202-2713	Former WAKA Player, Rules Manager of DCKickball. Full knowledge of dispute.
Fletcher Strong	2405 3rd Street N Arlington VA 22201-1408	DCKickball Team Captain The Peter Northstars – knowledge of DCKickball Rules and internal workings.
Brian Hege	14508 Picket Oaks Road Centreville VA 20121-2357	DCKickball Team Captain Frank’s Tanks – knowledge of DCKickball Rules and internal workings.
Katrina Fleitas	3713 T St NW Washington DC 20007-2120	DCKickball Team Captain Blue Steal – knowledge of DCKickball Rules and internal workings.
Ed Greenberger	4740 Connecticut Ave NW 706 Washington DC 20008-5632	DCKickball Team Captain San Pedro Beach Bums – knowledge of DCKickball Rules and internal workings.
Edan Lichtenstein	1425 N Nash Street Apt 16 Arlington VA 22209-3628	DCKickball Team Captain S.L.A.K.A.– knowledge of DCKickball Rules and internal workings.
Josh Kriger	1657 S Barton St 2 Arlington VA 22204-4857	DCKickball Team Captain Kickbrawlers – knowledge of DCKickball Rules and internal workings.
Peter Kenney	12154 Abbey Glen Ct Woodbridge VA 22192-5134	DCKickball Team Captain a 3rd Grader’s Revenge – knowledge of DCKickball Rules and internal workings.
Nick Powers	4910 Dashiell PL Woodbridge VA 22192-8308	DCKickball Team Captain Green Team – knowledge of DCKickball Rules and internal workings.
Jim Secreto	5902 Mount Eagle Dr Alexandria VA 22303	DCKickball Team Captain The Ligers – knowledge of DCKickball Rules and internal workings.

Sarah Lantz	7211 Arthur Drive Falls church VA 22046-3713	DCKickball Team Captain harDCore – knowledge of DCKickball Rules and internal workings.
William Morrissey	1415 Quincy St Arlington VA 22204-4116	DCKickball Team Captain The Plague – knowledge of DCKickball Rules and internal workings.
Peter James	718 Upham Pl NW Vienna Va 22180-4130	DCKickball Team Captain Spring Break Shark Attack – knowledge of DCKickball Rules and internal workings.
Eva Smietana	320 23rd st S. Apt 828 Arlington VA 22202-3761	DCKickball Team Captain Secondary to Body Habitus – knowledge of DCKickball Rules and internal workings.

C. Third Party Witnesses

Yochi J. Dreazen

Wall Street Journal
Attn: Yochi J. Dreazen
200 Liberty Street
New York, NY 10281

Reporter for the Wall Street Journal who wrote the article containing defamatory statements alleged in the Complaint.

Dave McKenna

The Washington City Paper
Attn: Dave McKenna
2390 Champlain Street Northwest
Washington, DC 20009

Reporter for the Washington City Paper who wrote the article containing defamatory statements alleged in the Complaint.

II. Documents in Possession or Control of Plaintiff And Related to Plaintiff's Claims

- A. Copy of the Official Rules of Kickball filed with the Complaint.
- B. Copy of newspaper articles as pled in the Complaint to support the claim of defamation.

Copies of these materials may be made at the office of plaintiff's attorney, Thomas M. Dunlap, Dunlap, Grubb & Weaver, P.C., 199 Liberty St, SW, Leesburg, VA 20175.

III. Computation of Damages Claimed by Plaintiff

- A. Nominal damages as a result of the copyright infringement.

- B. Revenue loss and harm to reputation as a result of defamation. Annualized loss based upon players who have departed WAKA for DCKickball, loss of new players and lost opportunities in the approximate amount of \$39,000.
- C. Damages resulting from false description claim. Treble amount of damages from part B. Approximately \$117,000.
- D. Punitive damages from defamation. Approximately \$200,000.
- E. Total: Approximately \$356,000.

IV. Insurance Agreements Which May Satisfy Part of Judgment:

- A. None aware of by plaintiff.

Respectfully submitted,

Dated October 31, 2006

WAKA, LLC
By its attorneys,

/s/ Thomas M. Dunlap

Thomas M. Dunlap, D.C. Bar # 471319

DUNLAP, GRUBB & WEAVER P.C.

1200 G Street, NW Suite 800

Washington, DC 20005

Counsel for Plaintiffs

Telephone: 202-316-8558

Facsimile: 202-318-0242

tdunlap@dlegal.com

Attorney for the Plaintiff - Counterclaim Defendant

CERTIFICATE OF SERVICE

I hereby certify that this 31st day of October, 2006, a true and correct copy of the foregoing INITIAL DISCLOSURES was sent via US First Class Mail and facsimile to the following:

Melvin A. Todd
NOVAK DRUCE & QUIGG LLP
1300 Eye Street, NW
400 East Tower
Washington, DC 20005
Phone 202-659-0100
Facsimile 202-659-0105

/s/ Thomas M. Dunlap
Thomas M. Dunlap