

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

STEPHANIE HOFER and  
DOUGLAS HOFER,

Plaintiffs,

vs.

Case No. 4:05-cv-40170 FDS

THE GAP, INC., EXPEDIA, INC.  
and TURTLE BEACH TOWERS,

Defendants.

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**DEFENDANT THE GAP, INC.'S NOTICE OF OBJECTIONS TO CERTAIN  
EXHIBITS AS CONTAINED IN THE PLAINTIFF'S FINAL PRETRIAL  
CONFERENCE MEMORANDUM**

**NOW COMES** the Defendant, The GAP, Inc., by and through its attorneys and pursuant to the Court's Procedural Order RE: Final Pre-Trial Conference/Trial:

**(11)**

**A. Plaintiff's List of Proposed Exhibits**

1. Defendant objects to Plaintiffs Exhibit No. 1 as Plaintiff has not identified the "medical, nursing and physical therapy treatment records from February 2004 to date" which they intend to introduce at trial. There may be issues concerning admissibility which would include objections under FRE 801, 803 and 804.

2. Defendant objects to Plaintiffs Exhibit No. 2 as Plaintiff has not identified the "medical, nursing and physical therapy expenses from February 2004 to date" which they intend to introduce at trial. There may be issues concerning admissibility which would include objections under FRE 801, 803 and 804.

3. Defendant may have an objection to Plaintiffs Exhibit No. 3 for the reason that it has not yet seen the documents. These documents may be new documents which were not produced during discovery.

5. Defendant may object to Plaintiffs Exhibit No. 5 to the extent that the records have not as yet been produced. The only records that have been produced by Plaintiffs' counsel of the offices of Dr. Mark Meszaros, DDS are to pages of records from the 4<sup>th</sup> quarter of 2003 and the 1<sup>st</sup> quarter of 2004.

9. Defendant may object to Plaintiffs Exhibit No. 9 to the extent that the "photographs" of Turtle Beach Towers premises" have not as yet been produced, Defendant would object to the production of the photographs.

12. Defendant may object to Plaintiffs Exhibit No. 12 to the extent that the economic analysis demonstrative exhibit has been produced or referred to in the Rule 26 disclosures for Dana Hewins, Defendant would not object. Defendant would object to any new calculations if those have not as yet been produced in discovery to date.

Respectfully submitted,

**SULLIVAN, WARD,  
ASHER & PATTON, P.C.**

By: /s/Scott D. Feringa  
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Dated: December 21, 2007  
W0585149

**PROOF OF SERVICE**

I hereby certify that on the 21st day of December, 2007, I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically.

/s/ Scott D. Feringa

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