

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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State of Minnesota,  
by Michael Campion, its  
Commissioner of Public Safety,

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

v.

**AFFIDAVIT OF MARSH J. HALBERG**

CMI of Kentucky, Inc.,  
a Kentucky corporation,

Defendant,

and

Robert J. Bergstrom, Craig A. Zenobian,  
Shane M. Steffensen, and Christopher D.  
Jacobsen,

Plaintiff-Interveners.

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STATE OF MINNESOTA    )  
  ) ss  
COUNTY OF HENNEPIN    )

Marsh J. Halberg, being first duly sworn, states as follows:

1. I am an attorney admitted to practice in Federal Court and in the State of Minnesota;
2. On December 31, 2008 I filed a brief with this Court on behalf of *Amicus Curie* Minnesota Society of Criminal Justice;

3. On January 20, 2009 I accessed an article on the internet which references a forthcoming decision from the Florida Second District Court of Appeals. I have attached a copy of that article to this affidavit. The article is available at <http://www.bradenton.com/847/story/1152077.html>.
4. While not binding on this Court, I believe the decision may further enlighten this court on the status of the national source code issue.
5. It is my understanding that the Florida Second District Court of Appeals will issue a written decision on Friday, January 20, 2009.

FURTHER YOUR AFFIANT SAYETH NOT.

/s/ Marsh J. Halberg  
Marsh J. Halberg

Subscribed and sworn to before me  
this 21<sup>st</sup> day of January, 2009.

/s/ Eric J. Nelson  
Notary Public