

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MIDWEST INDUSTRIAL SUPPLY, INC,	)	CASE NO. 5:08 CV 1374
	)	
Plaintiff,	)	JUDGE OLIVER
	)	
vs.	)	MAG. JUDGE BAUGHMAN
	)	
SOILWORKS, LLC,	)	
	)	
Defendant.	)	
	)	
	)	

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**DECLARATION OF ANASTASIA J. WADE IN SUPPORT OF PLAINTIFF'S  
RESPONSE TO DEFENDANT'S MOTION TO DISMISS, OR IN THE  
ALTERNATIVE, TO TRANSFER VENUE AND CONSOLIDATE**

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I, Anastasia J. Wade, having personal knowledge of the facts stated herein, and being of legal age and sound mind and memory, do hereby declare as follows:

1. The declarations set forth herein are true to the best of my knowledge and belief, and are based upon my personal knowledge and information known to me.
2. This declaration is being given in support of Plaintiff's Response to Defendant's Motion to Dismiss, or in the Alternative, to Transfer Venue and Consolidate.
3. I am an associate attorney at the law firm of Brouse McDowell, LPA, the attorneys of record for Midwest Industrial Supply, Inc.
4. On August 4, 2008, I accessed <http://www.soilworks.com> for the purpose of obtaining information regarding the content of the website.

5. Upon accessing the website, I noticed a table of contents on the left side of the homepage. In the table of contents was a link labeled "Online Shopping."

6. When I clicked on the "Online Shopping" link, I was directed to a webpage containing "samples" of Soilworks' products for sale. The products were available in 1 Liter, 5 Gallon, 1 pound, and 55 pound sizes. Under each of the products was a product description and an "add to cart" button.

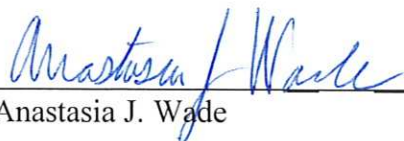
7. After I clicked the "add to cart" button, I was directed to my shopping cart. At this point, I could choose to "Update," "Clear Cart," "Checkout," or "Continue Shopping." The accepted methods of payment - Visa, Mastercard, and American Express - were displayed at the bottom of the page. The top of the page also including a link through which users could contact Soilworks and a link through which users could register.

8. Upon clicking on the "Register" link, I was taken to a page in which I could fill out my address and contact information as well as choose a password.

9. True and accurate copies of the relevant webpages are attached as Exhibit A to this Declaration and incorporated by reference herein.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7<sup>th</sup> day of August, 2008.

  
Anastasia J. Wade

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## Soilworks Product Lines

ACETONE

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## Welcome to Soilworks®

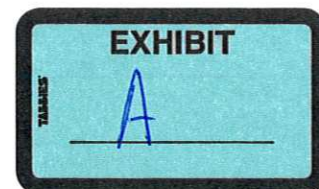
**Soilworks®, LLC is the World's Leading Manufacturer of Environmentally-Safe Soil Stabilizers and Dust Control Agents.**

Soilworks® provides engineered solutions to the broad needs of the dust control and soil stabilization industry. Whether your market is commercial, industrial, military or residential, we have the innovative tools, unmatched technical support, and environmentally-friendly technologies to fulfill your specific requirements. Soilworks® performance-driven portfolio of industry-leading products include Soiltac®, Powdered Soiltac®, Gorilla-Snot® and Durasoil®.

Our International sales network, global distribution centers, and integrated customer service provide an ideal platform to satisfy your needs.

### Soiltac® Copolymer Emulsion Soil Stabilizer & Dust Agent

Soilworks®, LLC is the innovator and manufacturer of Soiltac® soil stabilizer and dust control agent. Soiltac® is an eco-safe, biodegradable, liquid copolymer used to stabilize and solidify any soil or aggregate as well as erosion control and dust



cap or surface crust. Heavier rates can generate qualities similar to cement; useful for soil solidification and stabilization found in road building. By adjusting the application rate, Soiltac® can remain effective from weeks to several years. Most importantly, Soiltac® is a truly biodegradable product that is completely environmentally safe to use.

Soiltac® has been rigorously evaluated and its performance verified by the U.S. Army Engineering Research and Development Center against the industry's traditional top performing soil stabilizers and dust control agents. As a result, the Department of Defense continues to award Soilworks® with contracts to supply Operation Iraqi Freedom, Enduring Freedom and the on-going Iraq rebuilding efforts with Soiltac®. Its success with the U.S Military and Allied Forces has led to Soilworks® GSA contract and a complete listing of National Stock Numbers for the U.S. Department of Defense warehouses.

Soiltac's® advanced nanotechnology is modernizing the way we stabilize soils and aggregates in addition to controlling dust and erosion for a whole new generation. Soiltac® applications are extensive ranging from simple backyard trails and construction sites to heavy-lift military cargo runways and global transportation infrastructure.

Soilworks® is dedicated to economically solving soil stabilization challenges throughout the world's residential, commercial, industrial and military markets.

### **Powdered Soiltac® Soil Stabilizer and Dust Control Agent**

Soilworks®, LLC is the innovator and manufacturer of Powdered Soiltac® soil stabilizer and dust control agent. Powdered Soiltac® is an eco-safe, biodegradable, dispersible dry powdered copolymer used to stabilize and solidify any soil or aggregate as well as erosion control and dust suppression.

Soilworks'® recent advances in simulation, chemistry, processing techniques, and analytical instrumentation have allowed a whole host of new types of polymer particles and polymer nanotechnology applications to be realized. These advances led to the revolutionary development of nanotechnology into Powdered Soiltac's® superior performance.

As a powder, Powdered Soiltac® can be applied by either broadcasting the dry powder topically or mixing it into the treatment area and simply adding water over the site. Alternatively, Powdered Soiltac® can be pre-diluted into a liquid and applied in a similar manner. Powdered Soiltac® is designed to quickly hydrate into a solution that works its way throughout the aggregate or soil particles.

Once applied to the soil or aggregate, the copolymer molecules coalesce forming bonds between the soil or aggregate particles. The key advantage of Powdered Soiltac® originates with its long, nanoparticle molecular structure that link and

cross-link together. As the water dissipates from the soil or aggregate, a durable and water resistant matrix of flexible solid-mass is created. Once cured, Powdered Soiltac® becomes opaque, leaving the natural landscape to appear untouched.

Powdered Soiltac® results are based on the application rate used. Modest application rates are useful for dust suppression and erosion control by creating a three-dimensional cap or surface crust. Heavier rates can generate qualities similar to cement; useful for soil solidification and stabilization found in road building. By adjusting the application rate, Powdered Soiltac® can remain effective from weeks to several years. Most importantly, Powdered Soiltac® is a truly biodegradable product that is completely environmentally safe to use.

Powdered Soiltac® has been rigorously evaluated and its performance verified by the U.S. Army Engineering Research and Development Center against the industry's traditional top performing soil stabilizers and dust control agents. As a result, the Department of Defense continues to award Soilworks® with contracts to supply Operation Iraqi Freedom, Enduring Freedom and the on-going Iraq rebuilding efforts with Soilworks® products. Its success with the U.S Military and Allied Forces has led to Soilworks® GSA contract.

Powdered Soiltac's® advanced nanotechnology is modernizing the way we stabilize soils and aggregates in addition to controlling dust and erosion for a whole new generation. Powdered Soiltac® applications are extensive ranging from simple backyard trails and construction sites to heavy-lift military cargo runways and global transportation infrastructure.

Soilworks® is dedicated to economically solving soil stabilization challenges throughout the world's residential, commercial, industrial and military markets.

**Gorilla Snot® Economy Grade Soiltac Copolymer Emulsion Soil Stabilizer & Dust Control Agent**

Soilworks®, LLC is the innovator and manufacturer of Gorilla-Snot® soil stabilizer and dust control agent. It is the economy grade version of our Soiltac® soil stabilizer. Gorilla-Snot® is an eco-safe, biodegradable, liquid copolymer used to stabilize and solidify any soil or aggregate as well as erosion control and dust suppression.

Soilworks® recent advances in simulation, chemistry, processing techniques, and analytical instrumentation have allowed a whole host of new types of polymer particles and polymer nanotechnology applications to be realized. These advances led to the revolutionary development of nanotechnology into Gorilla-Snot® superior performance.

Once applied to the soil or aggregate, the copolymer molecules coalesce forming



bonds between the soil or aggregate particles. The key advantage of Gorilla-Snot® originates with its long, nanoparticle molecular structure that link and cross-link together. As the water dissipates from the soil or aggregate, a durable and water resistant matrix of flexible solid-mass is created. Once cured, Gorilla-Snot® becomes completely transparent, leaving the natural landscape to appear untouched.

Gorilla-Snot® results are based on the application rate used. Modest application rates are useful for dust suppression and erosion control by creating a three-dimensional cap or surface crust. Heavier rates can generate qualities similar to cement; useful for soil solidification and stabilization found in road building. By adjusting the application rate, Gorilla-Snot® can remain effective from weeks to several years. Most importantly, Gorilla-Snot® is a truly biodegradable product that is completely environmentally safe to use.

Gorilla-Snot® has been rigorously evaluated and its performance verified by the U.S. Army Engineering Research and Development Center (ERDC) against the industry's traditional top performing soil stabilizers and dust control agents. As a result, the Department of Defense continues to award Soilworks® with contracts to supply Operation Iraqi Freedom, Enduring Freedom and the on-going Iraq rebuilding efforts with Gorilla-Snot®. Its success with the U.S Military and Allied Forces has led to Soilworks® GSA contract and a complete listing of National Stock Numbers for the U.S. Department of Defense warehouses.

Gorilla-Snot® advanced nanotechnology is modernizing the way we stabilize soils and aggregates in addition to controlling dust and erosion for a whole new generation. Gorilla-Snot® applications are extensive ranging from simple backyard trails and construction sites to heavy-lift military cargo runways and global transportation infrastructure.

Soilworks® is dedicated to economically solving soil stabilization challenges throughout the world's residential, commercial, industrial and military markets.

### **Durasoil® Ultra-Pure Synthetic-Organic Intense Use Dust Control Fluid**

Durasoil® is a revolutionary state-of-the-art innovation; engineered for today's challenging dust control needs. This ultra-pure, synthetic organic fluid is formulated to meet the highest standards of environmental efficacy. Durasoil® is distinctively crystal clear, odorless and is applied neat and simple, without the need for water dilution. This technologically advanced fluid does not cure, allowing for immediate use upon its application. Furthermore, Durasoil® has the unique ability to be reworked and still maintain its dust controlling properties. Any equipment capable of spraying water can safely be used to apply Durasoil® without any mess or damage to the equipment. Even in freezing and wet conditions, Durasoil® can still be applied regardless of weather conditions or season. Durasoil® can be applied to

any soil or aggregate and effectively suppress dust all year round. From intense-use military tank trails to gravel driveways, Durasoil® is actively solving dust control challenges throughout the world

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## Purchase Soilworks Products



Select your products below and click "Add to Cart." Soilworks, LLC reserves the right to use alternate carriers, such as FedEx, DHL, and UPS. A sales tax of 7.75% applies in both AZ and CA.

### Soilworks Product Lines

- 
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### Powdered Soiltac 55 LB Bag/25kg

Powdered Soiltac® is an environmentally friendly, biodegradable, ultra-pure dispersible dry powdered copolymer for soil stabilization, erosion control and dust suppression.

**\$165.00**

[Add to cart](#)



### Soiltac® 1-Liter Sample Bottle

Soiltac® is an environmentally friendly, biodegradable, clear drying, highly concentrated liquid copolymer emulsion for soil stabilization, erosion control and dust suppression.

**\$5.00**

[Add to cart](#)



### Soiltac 5 Gallon / 19 Liter Sample Pail

Soiltac is an environmentally friendly, biodegradable, clear drying, highly concentrated liquid copolymer emulsion for soil



### Durasoil® 1-Liter Sample Bottle

Durasoil® is an environmentally friendly, crystal clear, odorless, continuously-reworkable, immediate intense use, ultra-pure



stabilization, erosion control and dust suppression.

**\$60.00**

[Add to cart](#)



**Durasoil® 5 Gallon / 19 Liter Sample Pail**

Durasoil® is an environmentally friendly, crystal clear, odorless, continuously-reworkable, immediate intense use, ultra-pure synthetic organic dust control fluid.

**\$60.00**

[Add to cart](#)



**Gorilla-Snot 5 Gallon / 19 Liter Sample Pail**

Gorilla-Snot® (economy grade Soiltac®) is an environmentally friendly, biodegradable, clear drying, concentrated liquid copolymer emulsion for soil stabilization, erosion control and dust suppression.

**\$30.00**

[Add to cart](#)

synthetic organic dust control fluid.

**\$5.00**

[Add to cart](#)



**Gorilla-Snot® 1-Liter Sample Bottle**

Gorilla-Snot® (economy grade Soiltac®) is an environmentally friendly, biodegradable, clear drying, concentrated liquid copolymer emulsion for soil stabilization, erosion control and dust suppression.

**\$5.00**

[Add to cart](#)



**Powdered Soiltac® 1-lb / 0.5kg Sample Bottle**

Powdered Soiltac® is an environmentally friendly, biodegradable, ultra-pure dispersible dry powdered copolymer for soil stabilization, erosion control and dust suppression.

**\$5.00**

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**Soilworks, LLC.**

*Your source for Soil Stabilization, Dust Control and much more.*

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<input type="text" value="1"/>	Durasoil gal	Durasoil 5 Gallon Pail	\$60.00 <input type="button" value="x"/>
		Price Each:	\$60.00
		Subtotal:	\$60.00

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Address Line 2:

City:\*

State/Prov:\*

Postal Code:\*

Phone Number:\*

(  )  -

Account Information

\* Marked fields are required.

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Passwords must contain between 7-32 characters and comprise at least one letter and one number.  
Password are case sensitive.

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