

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Roger Cleveland Golf Company, Inc.)	C.A. No.: 2:09-cv-02119-MBS
)	
Plaintiff,)	
vs.)	
)	Defendant Bright Builders, Inc.'s
Christopher Prince, Sheldon Shelley, Prince)	First Amended Rule 26(a)(3) Pretrial
Distribution, LLC, and Bright Builders, Inc.,)	Disclosures
)	
Defendants.)	
_____)	

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, the Defendant, Bright Builders, Inc., (“Bright Builders”) hereby serves the following Rule 26(a)(3) Disclosures on Plaintiff and Defendants Christopher Prince, Sheldon Shelley, and Prince Distribution, LLC:

1. Give the names, and if known, the address and telephone number of each individual likely to have discoverable information, along with the subjects of that information that the disclosing party may use to support its claim or defenses, unless the use would be solely for impeachment.

RESPONSE: Bright Builders identifies the following individuals, in addition to the named parties in this case, likely to have discoverable information that it may use to support its claims or defenses in this case:

WILL CALL:

- (a) Mr. Greg Cole
154 N. 930 E
Lindon, UT 84042
801-356-3321

Mr. Cole can testify as to the services that Bright Builders offers, the way in which new clients are obtained and handled, and Bright Builders, Inc.'s business practices.

Mr. Cole has been deposed, however, Mr. Cole will present for live testimony at the trial of this matter.

MAY CALL:

- (a) Mr. Brian Cole
503 Timpanogos Parkway, Building S, Suite 2100
Orem, UT 84097
801-356-3321

Mr. Cole can testify as to the services that Bright Builders offers, the way in which new clients are obtained and handled, and Bright Builders, Inc.'s business practices.

Mr. Cole has been deposed, and Defendant reserves the right to use his deposition at the trial of this case.

- (b) Mr. Michael Johnson
1935 W. 1260 North
Lehi, UT 84043
973-800-9174

Mr. Johnson can testify as to the services that Bright Builders offers, the way in which new clients are obtained and handled, and Bright Builders, Inc.'s business practices.

Mr. Johnson has been deposed, and Defendant reserves the right to use his deposition at the trial of this case.

- (d) Ms. Emily Davies
2216 Fairway Drive
Spanish Fork, UT 84660
801-358-0938

Ms. Davis can testify as to the services that Bright Builders offers, the way in which the clients are handled, and Bright Builders, Inc.'s business practices.

Ms. Davies has been deposed, and Defendant reserves the right to use her deposition at the trial of this case.

- (e) Mr. Brigham Budd
2537 Sunset Drive
Lehi, UT 84043
801-755-4975

Mr. Budd may be called as a witness in this case.

2. Defendants expect to use the following witnesses:

- (a) Brian Cole via deposition testimony;
 - (b) Michael Johnson via deposition testimony;
 - (c) Emily Davies via deposition testimony;
 - (d) Defendant may call Brigham Budd live and/or via videoconference;
 - (e) Brian Cole will be present personally as a witness in the trial of this case;
- and

3. Defendant Bright Builders hereby identifies the following documents for use at trial:

- (a) Bright Builders Hosting Agreement;
- (b) Account #170729 Notes;
- (c) Account #170729 Domain Registration Record;
- (d) Account #170729 Statement, Invoices and Payments;
- (e) Account #170729 Hosting Agreement;
- (f) Account #170729 Order form provided by Auction Success Group;
- (g) Corporate structure;

- (h) Account #170729 Hosting Agreement;
- (i) Phone Call Transcripts & Audio - 3/7/08 Instructor Call; 3/13/08 Support Call;
- (j) Monthly invoices and payments, March 2008 to present;
- (k) Monthly invoices to and payments from Christopher Prince, March 2008 to present;
- (l) 2/23/2008 Invoice to Auction Success Group - \$1,145.00 for account #170729;
- (m) Emails as indicated in Account #170179 Notes;
- (n) Webinar – Product Sourcing 101 #4;
- (o) Coaching/Instruction Outline – entire outline has been provided, as each coach or instructor had flexibility to adapt to the individual needs of the customer in providing the instruction and support appropriate at any given time. Some, but not all of the material was utilized and covered in conversations with Christopher Prince, as reflected in the Notes provided;
- (p) All account information for Bright Builders Account No. 170729;
- (q) See printouts of Account #170729 ecommerce website builder content residing on servers at present;
- (r) 2008 and 2009 federal and state tax filings for the years;
- (s) Employee List attached;
- (t) Transaction Details and Payroll Summaries; and
- (u) Screenshot of “Free Search Engine Submission” form attached; and
- (v) Prince Audio and Prince WAV CDs.

s/ Paul J. Doolittle

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