## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

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§	Civil Action No. 2:09-cv-00142-TJW
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§	CLASS ACTION COMPLAINT
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§	JURY TRIAL REQUESTED
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# **DEFENDANTS' WITNESS DESIGNATIONS**

Defendants Google Inc. ("Google"), YouTube, LLC, AOL Inc., Turner Broadcasting System, Inc.,<sup>1</sup> MySpace, Inc. and IAC/INTERACTIVECORP<sup>2</sup> (the "Defendants") respectfully submit this Witness List. Defendants may call the following witnesses:

I. FACT WITNESS LIST:

Kerry Barker Team Leader for the Legal Advertising Support Team Google Inc. c/o Charles L. Babcock Jackson Walker, L,L.P. 901 Main Street, Suite 6000 Dallas, Texas 75202 (214) 953-6000

Ms. Barker will testify via declaration regarding matters made the basis of this lawsuit.

<sup>&</sup>lt;sup>1</sup> Turner is not a proper defendant and expressly reserves its rights. Based on the allegations in the complaint - which are denied - it appears that one of Turner's subsidiaries, CNN Interactive Group, Inc. is the proper defendant.

<sup>&</sup>lt;sup>2</sup> The proper defendant is IAC/InterActiveCorp's subsidiary, IAC Search & Media, Inc.

# II. EXPERT WITNESS LIST:

Dr. Itamar Simonson Sebastian S. Kresge Professor of Marketing Graduate School of Business Stanford University Stanford, CA 94305-5015 (650) 725-8981

Professor Simonson will testify via declaration, supplemental declaration and expert

report regarding matters made the basis of this lawsuit.

Dr. Thomas J. Maronick Professor of Marketing Towson University Towson, Maryland 21252

Subject to a ruling on Defendants' Motion to Exclude the Expert Report and Opinion of

Thomas J. Maronick, and without waiver of Defendants' objections, Defendants may offer

portions of Professor Maronick's expert report and deposition testimony.

### III. ATTORNEY DECLARANTS

Carl C. Butzer JACKSON WALKER L.L.P. 901 Main Street, Suite 6000 Dallas, Texas 75202 (214) 953-5902

Shannon Zmud Teicher JACKSON WALKER L.L.P. 901 Main Street, Suite 6000 Dallas, Texas 75202 (214) 953-5987

Defendants' attorneys will testify via declaration as previously set forth in Defendants'

briefing relating to Defendants' Motion to Exclude the Expert Report and Opinion of Thomas J.

Maronick and Plaintiffs' Motions for Class Certification.

Respectfully submitted,

/s/ Charles L. Babcock CHARLES L. "CHIP" BABCOCK Texas State Bar No. 01479500 JACKSON WALKER L.L.P. 901 Main Street, Suite 6000 Dallas, Texas 75202 (214) 953-6030 (214) 953-5822 - Fax Email: cbabcock@jw.com

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#### ATTORNEYS FOR DEFENDANTS

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2010, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic case files system of the court. The electronic case files system sent a "Notice of Electronic Filing" to individuals who have consented in writing to accept this Notice as service of this document by electronic means. All other coursel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by first class mail today, November 17, 2010.

/s/ Charles L. Babcock Charles L. Babcock