

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADVANCEME, INC.,

Plaintiff,

V.

**RAPIDPAY LLC, FIRST FUNDS LLC,
MERCHANT MONEY TREE, INC.,
REACH FINANCIAL, LLC, and FAST
TRANSACT, INC. d/b/a SIMPLE CASH,**

Defendants.

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CASE NO. 6:05-CV-424 LED-JDL

**PLAINTIFF ADVANCEME, INC.'S OBJECTIONS TO DEFENDANTS' DEPOSITION
COUNTER-DESIGNATIONS**

Plaintiff AdvanceMe, Inc. (“AdvanceMe”) hereby submits its objections to Defendants First Funds, LLC’s, Merchant Money Tree, Inc.’s and Reach Financial, LLC’s (collectively, “Defendants”) June 19, 2007 Deposition Counter-Designations.

ADVANCEME'S OBJECTION KEY

<u>CODE</u>	<u>OBJECTION</u>
106	Incomplete. This testimony is objectionable because it is incomplete and the introduction of the remaining portions ought, in fairness, to be considered contemporaneously with it (<i>see</i> Fed. R. Evid. 106).
402	Relevance. This testimony is objectionable because it is not relevant (<i>see</i> Fed. R. Evid. 402).
403	Misleading/Confusion of Issues/Waste of Time. This testimony is objectionable because its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence (<i>see</i> Fed. R. Evid. 403).
408	Compromise and Offer to Compromise. This testimony is objectionable because it relates to offers to compromise and/or settlement negotiations (<i>see</i> Fed. R. Evid. 408).
602	Personal Knowledge. This testimony is objectionable because it constitutes testimony on a matter as to which the witness lacks personal knowledge (<i>see</i> Fed. R. Evid. 602).
611	Vague and Ambiguous, Argumentative, Harassment, Undue Embarrassment, Leading. This testimony is objectionable because it is vague and ambiguous, argumentative, constitutes harassment or is unduly embarrassing to the witness, or the question is leading (<i>see</i> Fed. R. Evid. 611).

<u>CODE</u>	<u>OBJECTION</u>
701	Lay Opinion/Legal Conclusion. This testimony is objectionable because it is opinion testimony by a lay witness that is not reasonably based on perception and helpful to a clear understanding of the witness' testimony or the determination of a fact in dispute (<i>see</i> Fed. R. Evid. 701).
801	Hearsay. This testimony is objectionable because it is a statement made by one other than the declarant while testifying at trial, offered into evidence to prove the truth of the matter asserted and not subject to any hearsay exception (<i>see</i> Fed. R. Evid. 801 and 802).
901	Authentication. This testimony is objectionable because the evidence referred to therein has not been properly authenticated (<i>see</i> Fed. R. Evid. 901).
1001- 1004	Best Evidence. This testimony is objectionable because it is vague and ambiguous as to whether the witness is summarizing its own independent understandings or the contents of a document. If the latter, attempt to prove content of a document with secondary evidence (<i>see</i> Fed. R. Evid. 1001-1004).
A/C	Privilege. Attorney Client Privilege and/or Work Product Immunity
AA	Asked and Answered
AF	This testimony is objectionable because it assumes a fact not in evidence.
B	Bolstering. This testimony is objectionable because it is improper to bolster the credibility of a witness before credibility is attacked (<i>see</i> Fed. R. Evid. 608(a)).
CQ	Compound Question
CS	Calls for Speculation

<u>CODE</u>	<u>OBJECTION</u>
E	This testimony is objectionable because it constitutes attempted expert testimony from a person who was not designated as an expert and who did not submit an expert report (<i>see</i> F.R.C.P. 26).
F	This testimony is objectionable because it lacks foundation.
IA	This testimony is objectionable because it is an incomplete answer.
IC	This testimony is objectionable because it has characterized a person or conduct with unwarranted suggestive, argumentative, or impertinent language (<i>see</i> Fed. R. Evid. 404-405).
IE	Improper opinion testimony by expert witness (<i>see</i> Fed. R. Evid. 702)
IQ	This testimony is objectionable because it is an incomplete question.
MC	Mischaracterizes witness' testimony
N	Calls for narrative
NR	Nonresponsive
OS	Outside the scope of Rule 30(b)(6) topics

DEPOSITION OF WILLIAM J. BENEDICT, JR., February 8, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[10:16] - [11:8]	402
[19:20] - [20:11]	
[20:17] - [21:7]	106, 602, CS
[35:8] - [35:10]	
[43:19] - [43:22]	
[75:24] - [76:1]	
[97:15] - [97:19]	
[98:18] - [98:20]	
[105:8] - [105:16]	402
[168:19] - [168:25]	602, 1001-1004, CS
[176:22] - [176:24]	
[179:2] - [179:4]	402
[183:24] - [184:4]	402
[184:10] - [184:13]	402, NR
[185:22] - [186:23]	
[187:9] - [187:15]	402, NR
[202:17] - [202:22]	402, 403, 602,611,701, NR
[203:17] - [203:19]	402, 403, 611, NR
[203:25] - [204:3]	402, 403, 602,611,701, NR
[204:9] - [204:18]	402, 403, 602,611,701, NR

Defendants' Counter-Designations	AdvanceMe's Objections
[204:23] - [205:10]	402, 403, 611, NR
[205:15] - [205:22]	402, 403, 611, 701

DEPOSITION OF JENNIFER L. CARTER, February 27, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[8:6] - [8:10]	
[11:20] - [11:22]	
[13:11] - [13:13]	
[13:21] - [13:23]	
[33:15] - [33:20]	
[37:23] - [38:6]	106, 402
[41:4] - [41:7]	402, 403, 701
[43:17] - [43:24]	402, 403, 701
[53:21] - [54:10]	
[55:3] - [55:11]	402, 403
[56:1] - [56:11]	

DEPOSITION OF CORTES DERUSSY (FIRST FUNDS), March 1, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[55:22] - [56:10]	
[58:13] - [58:14]	
[58:20] - [59:2]	
[59:12] - [59:17]	
[79:8] - [79:11]	
[79:13] - [79:19]	
[83:10] - [83:13]	
[90:12] - [90:14]	
[90:24] - [91:3]	
[95:9] - [95:11]	
[95:15] - [95:17]	

DEPOSITION OF CORTES E. DERUSSY (NORTHERN LEASING), April 23, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[58:15] - [58:23]	
[59:7] - [59:11]	
[63:15] - [63:19]	
[78:4] - [80:23]	403, NR
[178:13] - [179:16]	
[207:5]	
[207:7] - [207:14]	403, 701, NR
[234:10] - [235:7]	403
[249:11] - [249:16]	402, 403, MC
[277:5] - [277:6]	402, NR
[277:8] - [277:10]	
[277:13] - [277:15]	602

DEPOSITION OF RUTH ELASRI, February 22, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[39:24] - [40:4]	
[40:6] - [40:9]	
[41:7] - [41:8]	
[41:13] - [41:21]	
[51:7] - [51:9]	
[57:10] - [57:12]	
[74:7] - [74:14]	
[80:19] - [80:21]	402, 611, 1001-1004
[81:13] - [81:15]	402, 611, 1001-1004
[84:3] - [84:7]	
[91:17] - [92:10]	
[96:11] - [96:25]	402, 403, 602, 611, CS
[110:3] - [110:9]	
[111:19] - [111:23]	402, 403, 602, 611, CS, F
[111:25] - [112:8]	402, 403, 602, 611, CS, F
[116:5] - [116:6]	402, 403, NR
[116:8] - [116:9]	402, 403, NR
[124:8] - [125:5]	402, 403, 1001-1004

DEPOSITION OF WILLIAM HERRING JACKSON, January 23, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[10:22] - [10:25]	402, 403
[20:1]	
[22:13] - [22:16]	
[24:3] - [24:4]	
[39:5]	
[39:8]	
[64:17] - [64:23]	402, 403
[67:22] - [68:2]	
[68:4] - [68:6]	602, CS
[70:7] - [70:10]	
[75:16] - [75:19]	
[103:16] - [103:21]	
[119:7] - [119:10]	
[147:19] - [147:21]	402, 403
[149:11] - [150:1]	402, 403

DEPOSITION OF DANIAL LOTT, February 26, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[47:21] - [48:17]	403
[62:10] - [62:11]	
[69:10] - [69:11]	
[69:14] - [69:15]	402, 403, NR
[69:18]	
[110:22]	

DEPOSITION OF ANTHONY S. MALEY, February 28, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[15:25] - [16:19]	
[16:24] - [17:24]	
[28:22] - [29:1]	
[30:14] - [30:18]	
[32:25] - [33:10]	402, 403, NR
[38:8] - [38:21]	
[38:25] - [39:4]	
[44:25] - [45:3]	
[56:17] - [56:24]	
[65:1] - [65:7]	
[66:24] - [67:9]	402, NR
[67:20] - [68:3]	402, NR

DEPOSITION OF DAVID TALBERT, November 10, 2006

Defendants' Counter-Designations	AdvanceMe's Objections
[15:24]	
[16:1] - [16:19]	402, 403, B
[45:11] - [45:19]	
[48:22] - [49:6]	
[71:22] - [71:24]	
[97:9] - [97:10]	
[105:12] - [105:15]	402, 403, B
[139:4]	
[177:19] - [177:22]	
[177:24]	

DEPOSITION OF ANTHONY LEROY WILDEN, February 20, 2007

Defendants' Counter-Designations	AdvanceMe's Objections
[11:9] - [11:12]	402, NR
[14:14] - [14:21]	
[36:13] - [37:3]	
[41:3] - [41:25]	
[42:22] - [42:23]	
[49:15] - [49:23]	
[56:1]	
[56:8]	
[60:7] - [60:21]	402
[61:7] - [61:11]	402, 403

Dated: June 26, 2007

Respectfully submitted,

By: /s/ Vidya R. Bhakar

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on this the 26th day of June, 2007

By /s/ Vidya R. Bhakar
Vidya R. Bhakar

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