

## STEVEN FISHER

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections  |
|---------------|------|-------------|------|--|---|
| 3             | 11   | 3           | 18   | P  |   |
| 12            | 24   | 13          | 8    | D  |   |
| 13            | 9    | 13          | 24   | P  | Objection as to lines 19 – 24 as Cummulative  |
| 14            | 3    | 14          | 9    | P  | Objections: Cummulative   |
| 14            | 10   | 14          | 16   | D  | Defendant will waive this counterdesignation if the above objections are sustained.                               |
| 14            | 21   | 15          | 1    | P  | Objection: Cummulative  |
| 20            | 11   | 21          | 4    | D  | Errata: Page 21/line 21 “parts” should be “points”  |
| 29            | 19   | 29          | 25   | P  |   |
| 30            | 1    | 30          | 19   | P  |   |
| 30            | 25   | 31          | 4    | P  | Objection: Relevance  |
| 31            | 25   | 32          | 7    | D  | Defendant will waive this counterdesignation if the above objections are sustained.                               |
| 32            | 8    | 32          | 16   | P  |   |
| 33            | 11   | 33          | 23   | P  |   |
| 36            | 2    | 36          | 11   | P  | Objection: Cummulative  |
| 36            | 16   | 37          | 4    | P  | Objection: Cummulative & Relevance  |
| 37            | 15   | 37          | 21   | P  | Objection: Relevance  |
| 45            | 16   | 45          | 25   | P  | Objection: Relevance  |
| 48            | 6    | 49          | 7    | P  | Objection: Relevance  |
| 57            | 19   | 58          | 24   | P  | Objection: Relevance  |
| 84            | 11   | 84          | 21   | P  |   |
| 85            | 10   | 87          | 5    | P  | Objection: The questions beginning at Page 86/Line 9 through the end of this section seek irrelevant information. |
| 89            | 5    | 89          | 19   | P  | Objection: Cummulative  |
| 93            | 23   | 94          | 1    | P  | Objection: Foundation; Relevance  |
| 95            | 10   | 95          | 15   | P  | Objection: Foundation; Seeks inadmissible opinion; Relevance  |
| 99            | 19   | 99          | 23   | P  | Objection: Foundation; seeks inadmissible opinion; Relevance  |

## STEVEN FISHER

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections  |
|---------------|------|-------------|------|--|---|
| 121           | 4    | 121         | 17   | P  | Objection: Cummulative; Relevance   |
| 126           | 1    | 126         | 4    | P  | Objection: Foundation   |
| 126           | 6    | 126         | 24   | P  | Objection: Foundation   |
| 131           | 17   | 131         | 21   | P  | Objection: Relevance  |
| 132           | 21   | 134         | 10   | P  | Objection: Relevance  |
| 134           | 11   | 135         | 18   | D  | Objection: Relevance; Defendant will waive this counterdesignation if the above objections are sustained. |
| 135           | 19   | 136         | 23   | P  | Objection: Relevance; Calls for speculation   |
| 136           | 24   | 137         | 7    | D  |   |
| 137           | 20   | 138         | 4    | P  | Objection: Foundation   |
| 138           | 9    | 138         | 18   | P  | Objection: Relevance  |
| 138           | 25   | 141         | 6    | P  | Objection: Relevance; Calls for speculation; Final question is incomplete                                 |
| 142           | 11   | 150         | 21   | P  | Objection: Relevance  |
| 152           | 3    | 152         | 6    | P  | Errata: Page 150/line 11 "aggregated" should be "segregated"; Objection; Cummulative                      |

## ANDREW BRUMSEY

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections  |
|---------------|------|-------------|------|--|---|
| 4             | 24   | 5           | 9    | P  | Objection: Relevance  |
| 5             | 10   | 5           | 12   | D  | Defendant will withdraw counterdesignation if the above objections are sustained. |
| 7             | 1    | 7           | 10   | D  | Defendant will withdraw counterdesignation if the above objections are sustained. |
| 12            | 9    | 12          | 19   | P  | Objection: Relevance  |
| 14            | 1    | 14          | 3    | P  | Objection: Relevance  |
| 14            | 21   | 15          | 13   | P  | Objection: Relevance  |
| 15            | 11   | 15          | 13   | P  | Objection: Foundation   |
| 15            | 14   | 15          | 20   | D  | Defendant will withdraw counterdesignation if the above objections are sustained. |
| 15            | 21   | 17          | 10   | P  | Objection: Relevance  |
| 15            | 21   | 15          | 22   | P  | Objection: Foundation, calls for speculation, non-responsive                      |
| 16            | 11   | 17          | 10   | P  | Objection: Foundation, calls for speculation                                      |
| 26            | 5    | 27          | 21   | P  | Objection: Relevance  |
| 28            | 7    | 28          | 14   | P  | Objection: Relevance  |
| 29            | 10   | 29          | 22   | P  | Objection: Relevance  |
| 30            | 18   | 34          | 4    | P  | Objection: Relevance  |
| 30            | 18   | 32          | 4    | P  | Objection: Foundation   |
| 34            | 9    | 36          | 2    | P  | Objection: Relevance  |
| 35            | 25   | 36          | 2    | P  | Objection: Asked and answered   |
| 36            | 5    | 36          | 7    | P  | Objection: Relevance  |
| 36            | 17   | 37          | 22   | P  | Objection: Relevance  |
| 37            | 23   | 37          | 25   | D  | Defendant will withdraw counterdesignation if the above objections are sustained. |
| 38            | 3    | 38          | 19   | D  | Defendant will withdraw counterdesignation if the above objections are sustained. |
| 39            | 6    | 39          | 20   | P  | Objection: Relevance  |
| 41            | 14   | 41          | 17   | P  | Objection: Vague  |
| 54            | 13   | 54          | 23   | P  | Objection: Relevance  |
| 56            | 20   | 56          | 22   | P  | Objection: Relevance  |
| 56            | 25   | 57          | 4    | D  | Defendant will withdraw counterdesignation if the above                           |

|    |    |    |    |   |                           |
|----|----|----|----|---|---------------------------|
|    |    |    |    |   | objections are sustained. |
| 57 | 12 | 58 | 2  | P | Objection: Relevance      |
| 62 | 20 | 63 | 14 | P | Objection: Relevance      |
| 66 | 11 | 67 | 16 | P | Objection: Relevance      |
| 66 | 11 | 67 | 12 | P | Objection: Foundation     |

## ANDREW BRUMSEY

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections   |
|---------------|------|-------------|------|--|--|
| 68            | 7    | 68          | 13   | P  | Objection: Relevance   |
| 69            | 6    | 69          | 13   | P  | Objection: Improper Opinion Question; Relevance  |
| 69            | 16   | 69          | 20   | P  | Objection: Improper Opinion Question; Relevance  |
| 69            | 6    | 69          | 20   | P  | Objection: Foundation, incomplete question, or Calls for inadmissible opinion; Relevance |
| 71            | 20   | 73          | 24   | P  | Objection: Relevance   |
| 74            | 24   | 75          | 12   | P  | Objection: Relevance   |
| 76            | 22   | 77          | 6    | P  | Objection: Foundation; Relevance   |
| 78            | 17   | 79          | 12   | P  | Objection: Relevance   |
| 90            | 2    | 90          | 13   | P  | Objection: Relevance   |
| 91            | 6    | 92          | 24   | P  | Objection: Cummulative; Relevance (because of the time frame)                            |
| 99            | 22   | 101         | 10   | P  | Objection: Relevance; Foundation   |
| 105           | 24   | 106         | 1    | P  | Objection: Relevance   |

## TOM KIRK

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections   |
|---------------|------|-------------|------|--|--|
| 5             | 11   | 5           | 22   | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 9             | 3    | 9           | 4    | P  | Objection: Relevance   |
| 9             | 8    | 9           | 13   | P  | Objection: Relevance   |
| 11            | 13   | 11          | 16   | P  | Objection: Relevance   |
| 13            | 8    | 13          | 15   | P  | Objection: Relevance; Cumulative   |
| 14            | 23   | 14          | 24   | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 15            | 4    | 15          | 8    | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 15            | 19   | 16          | 1    | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 16            | 17   | 16          | 24   | D  |  |
| 17            | 16   | 17          | 18   | P  | Objection: Relevance   |
| 19            | 14   | 19          | 20   | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 22            | 14   | 22          | 19   | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 23            | 13   | 24          | 5    | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 25            | 21   | 30          | 22   | P  | Objection: Relevance   |
| 25            | 14   | 25          | 15   | P  | Objection: Foundation, calls for speculation   |
| 29            | 23   | 29          | 25   | P  | Objection: Calls for hearsay   |
| 30            | 10   | 30          | 12   | P  | Objection: Calls for hearsay   |
| 30            | 23   | 31          | 6    | D  | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 31            | 22   | 32          | 5    | P  | Objection: Relevance   |
| 31            | 22   | 31          | 24   | P  | Objection: Foundation, calls for speculation   |
| 33            | 19   | 33          | 23   | D  | Defendant will withdraw this designation if Defendant's objections                                 |

|    |    |    |    |   |  |
|----|----|----|----|---|--|
|    |    |    |    |   | set forth herein are sustained.  |
| 37 | 13 | 37 | 16 | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 38 | 2  | 38 | 4  | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 38 | 13 | 39 | 1  | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 40 | 15 | 41 | 1  | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 43 | 5  | 43 | 8  | P | Objection: Relevance   |
| 49 | 3  | 51 | 14 | P | Objection: Relevance   |
| 53 | 1  | 53 | 9  | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 53 | 22 | 53 | 25 | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 54 | 13 | 54 | 19 | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 57 | 10 | 57 | 16 | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 61 | 12 | 61 | 24 | D | Defendant will withdraw this designation if Defendant's objections set forth herein are sustained. |
| 72 | 6  | 72 | 14 | P |  |
| 74 | 6  | 75 | 6  | P | Objection: Relevance   |
| 79 | 25 | 81 | 1  | P | Objection: Relevance   |
| 81 | 20 | 82 | 9  | P | Objection: Cumulative  |
| 82 | 8  | 82 | 9  | P | Objection: Calls for hearsay   |
| 82 | 14 | 83 | 1  | P | Objection: Relevance   |

## TOM KIRK

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections                                   |
|---------------|------|-------------|------|--|--|
| 82            | 17   | 82          | 20   | P  | Objection: Calls for hearsay                 |
| 82            | 24   | 82          | 25   | P  | Objection: Calls for hearsay                 |
| 88            | 24   | 91          | 18   | P  | Objection: Relevance                         |
| 89            | 6    | 89          | 7    | P  | Objection: Calls for hearsay                 |
| 90            | 19   | 90          | 20   | P  | Objection: Calls for hearsay                 |
| 90            | 24   | 90          | 25   | P  | Objection: Foundation, calls for speculation |
| 91            | 3    | 91          | 5    | P  | Objection: Foundation, calls for speculation |
| 91            | 9    | 91          | 10   | P  | Objection: Foundation, calls for speculation |
| 96            | 18   | 96          | 25   | P  | Objection: Relevance                         |
| 96            | 20   | 96          | 21   | P  | Objection: Foundation, calls for speculation |
| 99            | 14   | 99          | 21   | P  | Objection: Cumulative                        |

## TOD SIZEMORE

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections  |
|---------------|------|-------------|------|--|---|
| 5             | 6    | 5           | 20   | P  |   |
| 6             | 10   | 7           | 2    | P  |   |
| 9             | 4    | 9           | 7    | P  |   |
| 11            | 13   | 12          | 9    | P  | Objection as to page 12/line 9 as incomplete  |
| 13            | 2    | 14          | 11   | P  | Objection to designation of page 13/lines 2-3 as incomplete (answer but no question)  |
| 17            | 5    | 19          | 24   | P  | Objection as to relevance   |
| 20            | 2    | 20          | 10   | P  | Objection as to relevance and because the testimony is cumulative   |
| 22            | 5    | 23          | 24   | P  | Objection as to relevance and because the testimony is cumulative   |
| 24            | 13   | 24          | 17   | P  | Objection: Question was rephrased/withdrawn. Objections stated on the record. Question mischaracterizes witness's testimony.  |
| 25            | 1    | 25          | 16   | P  | Objection as to relevance   |
| 25            | 25   | 28          | 12   | P  | Objection as to relevance   |
| 37            | 16   | 38          | 8    | P  | Objection as to relevance and because at 38/line 8, the question is incomplete  |
| 38            | 17   | 39          | 2    | D  | Defendant will waive this designation if the above objections are sustained and/or Defendant's Motions in Limine are granted.   |
| 40            | 24   | 42          | 7    | D  | Defendant will waive this designation if the above objections are sustained and/or Defendant's Motions in Limine are granted.   |
| 53            | 5    | 53          | 16   | P  | Objection: Foundation (the testimony at page 53/line 17 through page 54/line 18 and page 65/lines 1-25, reflect a lack of first-hand knowledge as to some of the documents). Relevance (the document referred to deals with an alternative depreciation method for pallets in the Wal*Mart system |

|    |    |    |    |   |   |
|----|----|----|----|---|---|
|    |    |    |    |   | which is irrelevant, pages 55-56).  |
| 68 | 8  | 69 | 11 | P | Objection: Foundation, Relevance and Speculative  |
| 69 | 18 | 71 | 2  | P | Objection: Relevance  |
| 72 | 13 | 73 | 9  | P | Objection: Relevance and as to page 73 lines 8-9, speculative                                 |
| 79 | 19 | 80 | 5  | P | Objection to both questions in the designation as calling for legal conclusions and relevance |
| 83 | 9  | 83 | 13 | P | Objection: Foundation   |

**TOD SIZEMORE**

| <b>Starting Page</b> | <b>Line</b> | <b>Ending Page</b> | <b>Line</b> | <b>Designated by Plaintiff (P) or Defendant (D)</b> | <b>Objections</b>  |
|----------------------|-------------|--------------------|-------------|---|--|
| 83                   | 18          | 83                 | 22          | P   | Objection: Cummulative   |
| 99                   | 1           | 99                 | 13          | P   | Objection: Relevance and Foundation (the questions and answers have no context and are likely to cause undue confusion). |
| 102                  | 10          | 102                | 19          | D   | Defendant will waive this designation if the above objections are sustained.   |
| 103                  | 18          | 103                | 21          | P   | Objection: Foundation  |
| 105                  | 22          | 107                | 1           | P   | Objection: Cummulative & Relevance   |

## WALT RUSSELL

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections  |
|---------------|------|-------------|------|--|---|
| 5             | 9    | 5           | 13   | P  |   |
| 5             | 14   | 5           | 15   | D  |   |
| 7             | 8    | 9           | 25   | P  | Objection: Relevance  |
| 10            | 23   | 11          | 2    | P  |   |
| 11            | 17   | 12          | 1    | P  |   |
| 14            | 19   | 15          | 13   | D  |   |
| 16            | 5    | 16          | 9    | D  |   |
| 16            | 13   | 16          | 18   | D  |   |
| 20            | 25   | 21          | 2    | D  |   |
| 24            | 8    | 25          | 22   | P  | Objection: Cummulative  |
| 26            | 1    | 26          | 13   | D  |   |
| 26            | 22   | 28          | 1    | P  | Objection: Relevance  |
| 28            | 19   | 29          | 21   | P  | Objection: Relevance: Questions at Page 29/ Lines 15 and 18-20 call for hearsay |
| 33            | 12   | 34          | 2    | D  |   |
| 35            | 6    | 35          | 20   | P  | Objection: Relevance  |
| 35            | 25   | 36          | 10   | P  | Objection: Relevance  |
| 36            | 15   | 37          | 7    | P  | Objection: Inadmissible opinion testimony; Relevance                            |
| 39            | 8    | 39          | 19   | D  |   |
| 39            | 20   | 40          | 14   | P  | Objection: Inadmissible opinion testimony; Relevance                            |
| 42            | 10   | 42          | 21   | D  |   |
| 47            | 8    | 47          | 19   | D  |   |
| 47            | 24   | 49          | 9    | P  |   |
| 49            | 10   | 49          | 12   | D  |   |
| 50            | 2    | 51          | 9    | P  | Objection: Between Page 50/Line 15 and Page 51/Line 9 – Relevance               |
| 51            | 13   | 52          | 8    | D  |   |
| 55            | 4    | 55          | 12   | D  |   |
| 58            | 17   | 59          | 21   | P  | Objection: Relevance  |
| 61            | 14   | 64          | 11   | P  | Objection: Relevance  |
| 66            | 16   | 69          | 4    | P  | Objection: Inadmissible hearsay   |
| 69            | 5    | 69          | 7    | D  |   |
| 69            | 14   | 69          | 15   | D  |   |
| 70            | 5    | 70          | 20   | D  |   |

## WALT RUSSELL

| Starting Page | Line | Ending Page | Line | Designated by Plaintiff (P) or Defendant (D) | Objections                                |
|---------------|------|-------------|------|--|---|
| 74            | 14   | 75          | 21   | P  | Objection: Relevance                      |
| 76            | 17   | 77          | 18   | D  |   |
| 78            | 7    | 79          | 10   | D  |   |
| 79            | 18   | 80          | 3    | D  |   |
| 82            | 2    | 82          | 15   | P  | Objection: Inadmissible opinion testimony |

\*\*\* Defendant reserves the right to remove some or all of the above counterdesignations depending upon rulings on the foregoing objections and/or the Motions in Limine.