

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID ALLISON, doing business as)	
CHEAT CODE CENTRAL, a sole)	
Proprietorship,)	Case No. 2008-cv-157
)	
Plaintiff,)	Judge Watson
)	
v.)	Magistrate Judge Abel
)	
JEREMY N. WISE, an individual, and)	
WISE BUY NOW LLC, an Ohio Corporation,)	
)	
Defendants.)	

DEFENDANTS' AMENDED RULE 26(a)(1) INITIAL DISCLOSURES TO PLAINTIFF

To: Plaintiff David Allison dba Cheat Code Central
c/o Thomas P. Howard, Esq.
Wendi Temkin, Esq.
Garlin Driscoll Howard, LLC
245 Century Circle, Suite 101
Louisville, Colorado 80027

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and the applicable Order of this Court, Defendants Jeremy N. Wise and Wise Buy Now, LLC, by and through their counsel, Mudd Law Offices, hereby make the following amendments to their initial disclosures to Plaintiff.

Defendants make these disclosures based on information presently available to them and without waiving any applicable privileges or objections as to admissibility or on other grounds. Defendants reserve their right to supplement or amend these disclosures as necessary including, but not limited to, as additional information becomes available or is otherwise discovered.

EXHIBIT A

DISCLOSURE 1.A.: Name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

RESPONSE:

A. Jeremy N. Wise
6301 Pleasant Valley Road NE
Frazwysburg, Ohio 43822

Mr. Wise has knowledge of the websites on which he published cheat codes (“Websites”); the cheat codes contained on the Websites; the cheat code and gaming industries; the absence of any revenue received from the Websites directly attributable to any copyrighted works of David Allison; and other related matters.

B. David Allison
c/o Cheat Code Central
4560 Augusta Drive
Broomfield, Colorado 80020

David Allison has knowledge relating to the allegations in his Complaint; the operation of the website www.cheatcc.com; the origination of all cheat codes on his website www.cheatcc.com, including material obtained from third party sources and material alleged to have originated from Mr. Allison; the process by which he collects cheat code; his gaming practices; his income, expenses, and revenue related to his website www.cheatcc.com; and other related matters.

C. Maria Montoro
c/o Cheat Code Central
4560 Augusta Drive
Broomfield, Colorado 80020

Ms. Montoro will have knowledge as to the operation of Cheat Code Central and related matters.

D. Jonathan Marx
c/o Cheat Code Central
4560 Augusta Drive
Broomfield, Colorado 80020

Mr. Marx will have knowledge as to the operation of Cheat Code Central and related matters.

E. Matthew Walker
c/o Cheat Code Central
4560 Augusta Drive
Broomfield, Colorado 80020

Mr. Walker will have knowledge as to the operation of Cheat Code Central and related matters.

F. Nathan Meunier
c/o Cheat Code Central
4560 Augusta Drive
Broomfield, Colorado 80020

Mr. Meunier will have knowledge as to the operation of Cheat Code Central and related matters.

G. Tom Carroll

Mr. Carroll will have knowledge about the litigation filed against him by David Allison and the subject matter related thereto.

H. Jaimie Weir

Ms. Weir will have knowledge about her authorship of specific cheat codes at issue in this litigation.

I. Brandon Mizera

Mr. Mizera will have knowledge about his authorship of specific cheat codes at issue in this litigation.

J. Kevin Merrel

Mr. Merrel will have knowledge about his authorship of specific cheat codes at issue in this litigation.

K. John Talley

Mr. Talley will have knowledge about his authorship of specific cheat codes at issue in this litigation.

L. Tim Kramp

Mr. Kramp will have knowledge about his authorship of specific cheat codes at issue in this litigation.

M. Luiz Gustavo

Mr. Gustavo will have knowledge about his authorship of specific cheat codes at issue in this litigation.

N. Shayne Colton

Ms. Colton will have knowledge about his authorship of specific cheat codes at

issue in this litigation.

O. Tyler Jones

Mr. Jones will have knowledge about his authorship of specific cheat codes at issue in this litigation.

P. Arman Brown

Mr. Brown will have knowledge about his authorship of specific cheat codes at issue in this litigation.

Q. Christofer Wiik

Mr. Wiik will have knowledge about his authorship of specific cheat codes at issue in this litigation.

R. Cameron Benoit

Ms. Benoit will have knowledge about his authorship of specific cheat codes at issue in this litigation.

S. Additional Authors of Cheat Codes at issue in this litigation.

T. Kevin Brett
c/o Mudd Law Offices
3114 West Irving Park Road, Suite 1W
Chicago, Illinois 60618

Mr. Brett will have knowledge about his review and preservation of documents obtained from the Internet.

Defendants anticipate gathering documentary evidence over the course of discovery, and will supplement their response to this in accordance with the Federal Rules.

Defendants reserve the right to identify additional parties that will have relevant information during the course of discovery.

Where specific addresses have not been provided, Defendants shall produce such physical addresses upon obtaining such information.

DISCLOSURE 1.B: A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody or control of the party that are relevant to the disputed facts alleged with particularity in the pleadings.

RESPONSE:

- A. All documents preserved by Defendants to date for purposes of this litigation. These documents are in Defendants' possession. Relevant non-privileged copies of these documents have already been provided to Plaintiff or will be provided to Plaintiff upon demand.
- B. All documents preserved by Plaintiff to date for purposes of this litigation. These documents are in Plaintiff's possession.
- C. All documents produced by Plaintiff to date for purposes of this litigation. These documents are in Plaintiff's possession.
- D. All documents produced by Defendants to date for purposes of this litigation. These documents are in Defendants' possession. Relevant non-privileged copies of these documents have already been provided to Plaintiff.
- E. Documents demonstrating cheat codes relevant to this litigation as they exist online and statements to authenticate copies thereof. The documents are available online. Upon demand, Defendants shall provide Plaintiff with a list of the website addresses that contain these documents.
- F. Documents demonstrating Google trends using search terms relevant to this litigation and statements to authenticate copies thereof. The documents are available online. Upon

demand, Defendants shall provide Plaintiff with a list of the website addresses that contain these documents.

- G. Any statements and/or communications made by any of the individuals listed in DISCLOSURE 1.A. These documents are in Defendants' possession. Relevant non-privileged copies of these documents have already been provided to Plaintiff or will be provided to Plaintiff upon demand.
- H. Documents obtained from third parties pursuant to subpoenas issued by Plaintiff. These documents are in Plaintiff's possession.
- I. Documents obtained from third parties pursuant to subpoenas issued by Defendants. These documents are in Defendants' possession. Relevant non-privileged copies of these documents have already been provided to Plaintiff or will be provided to Plaintiff upon demand.

Defendants anticipate gathering documentary evidence over the course of discovery, and will supplement their response to this in accordance with the Federal Rules.

Defendants further reserve the right to use information, documents, and things subsequently obtained from Plaintiff and/or third parties during the course of discovery.

DISCLOSURE 1.C: A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary materials, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE:

Defendants are not seeking damages at this time and, therefore, do not have information responsive to this request. Defendants reserve the right to seek damages and supplement this information as appropriate. In particular, but in no way limiting, Defendants reserve the right to seek damages for abuse of copyright and any damages available based on any affirmative defenses alleged in this litigation by Defendants.

DISCLOSURE 1.D: A copy of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

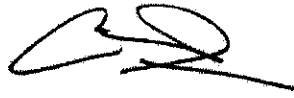
RESPONSE:

Not applicable.

Defendants make the foregoing disclosures based upon information that is currently known by and reasonably available to them. Defendants reserve the right to supplement these disclosures in the event that further responsive information comes to light in the course of ongoing investigation and discovery.

Respectfully submitted,

MUDD LAW OFFICES



By: _____

CHARLES LEE MUDD JR.

(admitted pro hac vice)

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COUNSEL FOR DEFENDANTS

Defendant Jeremy N. Wise

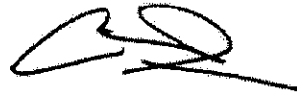
Defendant Wise Buy Now, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was sent to Plaintiff by sending a copy of it to the following via electronic mail and first-class United States mail, postage prepaid, this 29th day of July 2009.

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