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12 Attorneys for Plaintiffs
13 ECHOSTAR SATELLITE CORP., et al.

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **SOUTHERN DIVISION**

17
18 ECHOSTAR SATELLITE
CORP., et al.,

19 Plaintiffs/
20 Counterclaim
Defendants,

21 v.

22 NDS GROUP PLC, et al.,

23 Defendants/
24 Counterclaim
25 Plaintiffs.
26
27
28

No. SA CV 03-950 DOC(JTLx)

**ECHOSTAR'S TRIAL
WITNESS LIST PURSUANT
TO LOCAL RULE 16-5**

Date: January 7, 2008
Time: 8:30 a.m.
Dept: Judge David Carter
Courtroom 9D

1 Plaintiffs EchoStar Communications Corporation, EchoStar Satellite L.L.C.
 2 f/k/a EchoStar Satellite Corporation, EchoStar Technologies Corporation, and
 3 NagraStar L.L.C. (collectively “EchoStar”) hereby submit their Trial Witness List
 4 pursuant to Local Rule 16-5. EchoStar reserves the right to amend, modify and/or
 5 supplement this witness list as necessary, including any such supplements that are
 6 made necessary by Defendants’ Witness List or as a result of any ruling or order by
 7 the Court.¹

8 **I. ECHOSTAR’S LIVE WITNESSES:**

- 9 (1) Robert Rock – Mr. Rock may be contacted via counsel T. Wade Welch
 10 & Associates, 2401 Fountainview, Suite 700, Houston, Texas 77057,
 11 (713) 952-4334.
- 12 (2) James Schaeffler – Mr. Schaeffler may be contacted via counsel T.
 13 Wade Welch & Associates, 2401 Fountainview, Suite 700, Houston,
 14 Texas 77057, (713) 952-4334.
- 15 (3) Dr. Aviel Rubin – Dr. Rubin may be contacted via counsel T. Wade
 16 Welch & Associates, 2401 Fountainview, Suite 700, Houston, Texas
 17 77057, (713) 952-4334.
- 18 (4) Alan Guggenheim – Mr. Guggenheim may be contacted via counsel T.
 19 Wade Welch & Associates, 2401 Fountainview, Suite 700, Houston,
 20 Texas 77057, (713) 952-4334.

21 ¹ After litigating this case for over four years, Defendants recently disclosed for the
 22 first time five additional witnesses they intend to call at trial: Leo Dumov, Marco
 23 Pizo, Bob Cummings, Mike Stanky, and an unidentified individual allegedly
 24 known as “Stuntguy”. This disclosure was made after the close of discovery and
 25 after the close of summary judgment briefing. As a result, EchoStar has not had
 26 the opportunity to conduct discovery with respect to these newly disclosed
 27 witnesses. In the event that the Court does not strike these witness disclosures as
 28 untimely pursuant to Federal Rule of Civil Procedure 26(e)(1), 37(c)(1), the
 Amended Scheduling Order, and applicable Ninth Circuit law, EchoStar expressly
 reserves its right to amend its witness list as appropriate in order to rebut the
 testimony of Defendants’ improperly disclosed witnesses.

- (5) Mark Jackson – Mr. Jackson may be contacted via counsel T. Wade Welch & Associates, 2401 Fountainview, Suite 700, Houston, Texas 77057, (713) 952-4334.
- (6) Paul Orban – Mr. Orban may be contacted via counsel T. Wade Welch & Associates, 2401 Fountainview, Suite 700, Houston, Texas 77057, (713) 952-4334.
- (7) Christophe Nicolas – Mr. Nicolas may be contacted via counsel DLA Piper US LLP, 500 8th Street, NW, Washington, DC 20004, (202) 799-4170.
- (8) Dr. Germar Schaefer – Dr. Schaefer may be contacted via counsel T. Wade Welch & Associates, 2401 Fountainview, Suite 700, Houston, Texas 77057, (713) 952-4334.
- (9) Pascal Lenoir – Mr. Lenoir may be contacted via counsel T. Wade Welch & Associates, 2401 Fountainview, Suite 700, Houston, Texas 77057, (713) 952-4334.
- (10) Lt. Mark Cumberland – Lt. Cumberland may be contacted via T. Wade Welch & Associates, 2401 Fountainview, Suite 700, Houston, Texas 77057, (713) 952-4334.
- (11) Christopher Tarnovsky – Mr. Tarnovsky may be contacted via counsel Frank Johnson, Esq., Johnson & Bottini, LLP, 655 W. Broadway, Suite 1400, San Diego, California 92101, (619) 230-0063.
- (12) John Norris – Mr. Norris may be contacted via counsel O'Melveny & Myers, 610 Newport Center Drive, 17th Floor, Newport Beach, California 92660-6429, (949) 823-6927.

1 **II. ECHOSTAR'S WITNESSES PRESENTED BY DEPOSITION:**

- 2
- 3 (1) Aharon Segoly – Mr. Segoly may be contacted via counsel O'Melveny
- 4 & Myers, 610 Newport Center Drive, 17th Floor, Newport Beach,
- 5 California 92660-6429, (949) 823-6927.
- 6
- 7 (2) Stephanie Roberts – Ms. Roberts may be contacted via counsel
- 8 James A. Downey, III, Begley, Carlin & Mandio, LLP, 680
- 9 Middletown Boulevard, Langhorne, Pennsylvania 19047, (215) 750-
- 10 0110.
- 11
- 12 (3) Eric Lebson – Mr. Lebson may be contacted via counsel Sanford
- 13 Saunders, Jr., Greenberg Traurig, L.L.P., 800 Connecticut Avenue,
- 14 Northwest, Suite 500, Washington D.C. 20006, (202) 331-3130.
- 15
- 16 (4) Allen Menard – Mr. Menard may be contacted via counsel Grant
- 17 Dunlop, Olgilvie LLP, 1400 Canadian Western Bank Place, 10303
- 18 Jasper Avenue, Edmonton, Alberta T5J 3N6, (780) 429-6283.
- 19
- 20 (5) Ronald Ereiser – Mr. Ereiser may be contacted via counsel
- 21 Steven M. Kelliher, Kelliher & Turner, Suite 230 Shoal Point,
- 22 21 Dallas Road, Victoria, B.C. V8V 4Z9, (250) 386-5566.
- 23
- 24 (6) Jan Saggiori – Mr. Saggiori may be contacted via counsel Me. Vincent
- 25 Spira (Tel : 0041 22 320 10 60), 5, rue Saint-Ours, CH-1205, Geneva,
- 26 Switzerland.
- 27
- 28 (7) Graham James – Mr. James may be contacted at [REDACTED]
Heywood, Lancashire, [REDACTED]

- 1 (8) Stanley Frost – Mr. Frost may be contacted via counsel Anthony
2 Gordon, 5550 Topanga Canyon Blvd., Ste. 200, Woodland Hills, CA
3 91367-6478, (818) 887-5155.
- 4 (9) Anthony Dionisi – Mr. Dionisi may be contacted via counsel Steven
5 M. Kelliher, Kelliher & Turner, Suite 230 Shoal Point, 21 Dallas Road,
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- 8 (10) David Mordinson – Mr. Mordinson may be contacted via counsel
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- 11 (11) Zvi Shkedy – Mr. Shkedy may be contacted via counsel
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16 DATED: January 7, 2008

17 Respectfully submitted,

18 **T. WADE WELCH & ASSOCIATES**

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20
21 By: /s Chad M. Hagan
22 Chad M. Hagan
23 Attorneys for Plaintiffs
24 ECHOSTAR SATELLITE CORPORATION,
25 ECHOSTAR COMMUNICATIONS
26 CORPORATION, ECHOSTAR
27 TECHNOLOGIES CORPORATION, AND
28 NAGRASTAR L.L.C.

1 Additional Counsel:

2 **T. WADE WELCH & ASSOCIATES**

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