

1 DARIN W. SNYDER (S.B. #136003) – dsnyder@omm.com
2 DAVID R. EBERHART (S.B. #195474) – deberhart@omm.com
3 O'MELVENY & MYERS LLP
4 275 Battery Street, Suite 2600
5 San Francisco, CA 94111-3305
6 Telephone: (415) 984-8700
7 Facsimile: (415) 984-8701

8 RICHARD L. STONE (S.B. #110022) – rstone@hhlaw.com
9 KENNETH D. KLEIN (S.B. #85231) – kdklein@hhlaw.com
10 HOGAN & HARTSON L.L.P.
11 1999 Avenue of the Stars, Suite 1400
12 Los Angeles, California 90067
13 Telephone: (310) 785-4600
14 Facsimile: (310) 785-4601

15 Attorneys for Defendants
16 NDS GROUP PLC and
17 NDS AMERICAS, INC.

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

15 ECHOSTAR SATELLITE CORP.,
16 *et al.*,

17 Plaintiffs,

18 v.

19 NDS GROUP PLC, *et al.*,

20 Defendants.
21
22

Case No. SA CV 03-950 DOC(JTLx)

DEFENDANTS' LIST OF TRIAL WITNESSES

Date: February 12, 2008
Time: 8:30 a.m.
Place: Courtroom 9D
Judge: Hon. David O. Carter

1 Pursuant to Local Rule 16-5 and Federal Rule of Civil Procedure
2 26(a)(3)(A), Defendants NDS Group PLC and NDS Americas, Inc. submit the
3 following lists of persons Defendants expect to present as live witnesses or by
4 deposition at the trial of this matter:

5 ***Witnesses Presented Live***

- 6 1. Michael Barr
- 7 2. Bradford Cornell
- 8 3. Bob Cummings
- 9 4. Leo Dumov
- 10 5. James Emerson
- 11 6. Reuven Hasak
- 12 7. Nigel Jones
- 13 8. Geoffrey Kilfoyle
- 14 9. Anton Litchfield
- 15 10. John Norris
- 16 11. Anthony Peluso
- 17 12. Marco Pizzo
- 18 13. Dov Rubin
- 19 14. Michael Sankey
- 20 15. StuntGuy
- 21 16. Christopher Tarnovksy

22
23 ***Witnesses Presented By Deposition***

- 24 1. Jeffrey Bedser
- 25 2. Ed Bruce
- 26 3. Joel Conus
- 27 4. JJ Gee
- 28 5. Suzanne Guggenheim

- 1 6. Raynold Kahn
- 2 7. Henri Kudelski
- 3 8. Peter Kuykendall
- 4 9. Donald Nance
- 5 10. William Joe Osborne
- 6 11. Laurent Pilon
- 7 12. Sean Quinn
- 8 13. Andre Sergei
- 9 14. Len Withall

10 The depositions of Messrs. Conus and Kudelski were not taken
11 stenographically; however, Defendants have previously exchanged with Plaintiffs
12 the designations of the testimony from these witnesses that Defendants will present
13 at trial.

14 The foregoing lists exclude persons whom Plaintiffs have previously
15 identified as witnesses Plaintiffs intend to present at trial, either live or by
16 deposition. Defendants reserve the right to present live or by deposition any
17 witnesses that Plaintiffs have indicated they intend to call, but do not.

18

19

20 Dated: January 7, 2008

21

22

DARIN W. SNYDER
DAVID R. EBERHART
O'MELVENY & MYERS LLP

23

By: /s/ Darin Snyder

24

DARIN W. SNYDER
Attorneys for Defendants
NDS GROUP PLC and NDS
AMERICAS, INC.

25

26

27

SF1:700579.2

28

PROOF OF SERVICE

I, Michael O'Donnell, declare:

I am a citizen of the United States and employed in San Francisco, California, at the office of a member of the bar of this Court at whose direction this service was made. I am over the age of eighteen years and not a party to the within action. My business address is 275 Battery Street, Suite 2600, San Francisco, California 94111. On January 7, 2008, I served the following documents:

▪ **DEFENDANTS' LIST OF TRIAL WITNESSES**

- By sending copies of the above document(s) in PDF format to the following e-mail addresses: EchoStar-Service@twlaw.com, NDS-Service@yarmuth.com, NDS-Service@hhlaw.com, and cindy.ricketts@dlapiper.com

By placing the above document(s) in a sealed envelope with postage thereon fully prepaid, in the **United States mail** at San Francisco, California, addressed to the persons set forth in the Service List below. I am readily familiar with this firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

SERVICE LIST

Joseph H. Boyle, Esq.
Chad M. Hagan, Esq.
T. Wade Welch & Associates
2401 Fountainview, Suite 700
Houston, TX 77057
Fax: (713) 952-4994
Phone: (713) 952-4334

Counsel for Plaintiffs
ECHOSTAR SATELLITE
CORP., ECHOSTAR
COMMUNICATIONS
CORP., ECHOSTAR
TECHNOLOGIES, AND
NAGRASTAR, L.L.C.
[via email]

Cynthia Ricketts, Esq.
David A. Grenardo, Esq.
DLA Piper US LLP
1999 Avenue of the Stars, 4th Flr.
Los Angeles, CA 90067
Fax: (310) 595-3331
Phone: (310) 595-3031

Counsel for Plaintiffs
ECHOSTAR SATELLITE
CORP., ECHOSTAR
COMMUNICATIONS
CORP., ECHOSTAR
TECHNOLOGIES, AND
NAGRASTAR, L.L.C.
[via email]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Scott T. Wilsdon, Esq.
Yarmuth Wilsdon & Calfo PLLC
925 Fourth Avenue, Suite 2500
Seattle, Washington 98104
Fax: (206) 516-3888
Phone: (206) 516-3800

Counsel for Defendants
NDS GROUP PLC &
NDS AMERICAS, INC.
[via email]

Kenneth Klein, Esq.
Hogan & Hartson
1999 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067
Fax: (310) 785-4601
Phone: (310) 785-4600

Counsel for Defendants
NDS GROUP PLC &
NDS AMERICAS, INC.
[via email]

I declare under penalty of perjury under the laws of the United States that the
above is true and correct.

Executed January 7, 2008 at San Francisco, California.



Michael O'Donnell

SF1:695416.1