STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NUMBER 49D10-1005-PL-021451

STATE OF INDIANA,
Acting on Behalf of the Family & Social
Services Administration,

Plaintiff/Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Plaintiff.

STATE'S CORRECTED DISCLOSURE OF ANTICIPATED ORDER OF PROBABLE WITNESSES IN STATE'S CASE-IN-CHIEF

Pursuant to the Amended Final Pre-Trial Order dated January 11, 2012, the State respectfully corrects its disclosure of February 17 off its anticipated order of probable witnesses for the State's case-in-chief, including whether testimony will be live or via deposition. The only correction is moving Rich Adams to the slot where Professor Winston was, and moving Professor Winston to the slot where Rich Adams was. They were (and still are) separated by only one brief deposition witness. The undersigned incorrectly listed them on the February 17 disclosure.

Witness	**Mode of Testifying**
Michael Daniels	Deposition
Patrick Kerin	Deposition
David Liederbach	Deposition
Carol Curran	Live
Sherry Ludy	Live

Seema Verma	Live
Rich Adams	Live
Janice Kelly	Deposition
Professor Winston	Live
Andrew Cline	Live
Beth Paul	Live
Chris Ryan	Live
Cindi Gibson	Deposition
Janet Gadient	Deposition
Cecelia Brennan	Dep
Sue Carson	Live
Carlos Castaneda	Deposition
Sister Caroline Engbergsen	Deposition
Michael Harris	Live
Sam Lestourgeon	Deposition
Kathy McCain	Live
Lisa Chaplin	Live
Angela Corbin	Live
Joyce Cymerman	Deposition
Francis Donaldson	Deposition
Ronnie Donaldson	Deposition
Debra Freeman	Live
Shai Joshi	Deposition

Pavan Potharazu	Deposition
Matthew Rager	Live
Jack Powless	Deposition
Robert Reed	Live
Kim Shaver	Deposition
Derek Stephens	Deposition
Luanne Tibbets	Live
Terry Trimble	Deposition
Felecia Vaccaro	Live
Rox Ann Vanpool	Deposition
Sanjay Vaze	Live
Brian Arrowood	Live
Gerry Weaver	Live (on March 8)[1]
Earl Goode	Live (on March 8)[2]
Brian Whitfield	Deposition
Marcia Balsbaugh	Live
Lacey Brown	Deposition
Natasha Carver	Live
Michelle Day	Deposition
Gary Hart	Live

[1] This witness is only available March 8, so as trial progresses this order may fluctuate.

[2] This witness is only available March 8, so as trial progresses this order may fluctuate.

James Dunn	Live
Jacqueline Evans	Deposition
Bob Greising	Live
David Buchanan	Deposition
Thom Hayes	Live
Liz Mainous	Live
John Lyons	Deposition
Mary Medler	Live
Andy Prichard	Deposition
Kathy Arthur	Live
Paul Beltzel	Live
Paul Dunn	Deposition
Grant Colins	Live
Doug Elwell	Live
Keith Huffman	Live
Joanne Molina	Live
Barbara Pell	Live
Alan Jolly	Deposition
Pat Casanova	Live
Jane Cornelius	Live
George Herman	Live
Claire Lewis	Live
John Shimkus	Deposition

Roger Zimmerman	Live
Adrienne Shields	Live
Megan Ornellas	Live
Fareedah Mahdi	Deposition
Kris Marshall	Live
Cathy Boggs	Live
Gary McDougal	Deposition
Anne Murphy	Live
Vince Thomas	Live
Peggy Anthony	Deposition
Charles Carpenter	Deposition
Steve Zaudtke	Deposition

Respectfully submitted,

s/John R. Maley

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CERTIFICATE OF SERVICE

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s/ John R. Maley
John R. Maley

STATE OF INDIANA)
) ss:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D10-1005-PL 021451

STATE OF INDIANA,
Acting on Behalf of the Family & Social
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INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

FILED
DEC 19 2011
CLERK OF THE MARION CIRCUIT COURT

229

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

v.

STATE OF INDIANA,
Acting on Behalf of the Family & Social
Services Administration,

Defendant.

INTERNATIONAL BUSINESS MACHINES CORPORATION'S
TRIAL WITNESS LIST

DEC 19 2011

Plaintiff International Business Machines Corporation, pursuant to the May 16, 2011, Amended Case Management Order, submits its Witness List as follows:

1. Robert Andrejko
2. Peggy Anthony
3. Mark Birdwhistell
4. David Buchanan
5. Michael Campion
6. Charles Carpenter
7. Carlos Castaneda
8. Michael E. Daniels
9. Richard Davis
10. Louis Dudney
11. Frederick Farley
12. Kathy Ferguson
13. John Gabel
14. Janet Gadient
15. Cynthia Gibson
16. Carolyn Heinrich
17. Shailesh Joshi
18. Patrick Kerin
19. Barbara Kupfer
20. Gary Lessen
21. Samuel LeStourgeon
22. John Lyons
23. Fareedah Mahdi

24. Richard Martin

25. Laurentius Marais

26. Lindsey C. Miller

27. Michael D. Morin

28. Patricia Murphy

29. Pavan Potharazu

30. Jennifer Powers

31. Marty Sims

32. Michael Souder

33. Derek Stephens

34. Clair Sugrowe

35. Rox Ann VanPool

36. Brian Whitfield

37. Steven Zaudtke

IBM reserves the right to use any part or all of a deposition of the State's witnesses or any other witness, in lieu of live testimony, to the full extent permitted by Indiana Trial Rule 32, the Indiana Rules of Evidence and/or any applicable law and will designate such depositions consistent with the parties' agreement and the Court's orders. IBM reserves its right to call as an adverse witness any of the deposed witnesses represented by State's counsel.

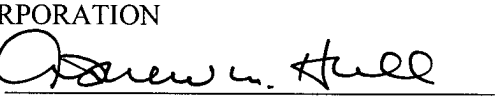
Finally, IBM reserves the right to amend its Witness List with respect to witnesses not yet deposed, including Governor Daniels, third party witnesses from ACS, witnesses material to documents not yet produced, including the documents produced as a result of the Court's *in camera* review, the State's First Data custodian production or ACS's document production, witnesses in rebuttal to the State's Witness List and/or any order by the Court, including but not

limited to, in rebuttal to Vincent Thomas, Wayne Winston and Sandra Duncan if the Court does not strike such witnesses.

Dated: December 16, 2011

Respectfully Submitted,

INTERNATIONAL BUSINESS MACHINES CORPORATION

By: 

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Attorneys for International Business Machines Corporation

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The undersigned, one of the attorneys for International Business Machines Corporation, hereby certifies that on the 16th day of December, 2011, a copy of the foregoing was served on the following counsel of record via email only:

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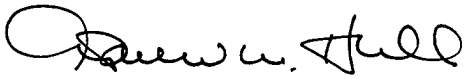

Andrew W. Hull

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