

Additional Stipulations Published November 20, 2009

26. Exhibits 9 and 10 were provided by Advanced Distribution, LLC to RM Construction, LLC for purposes of bidding the job. They are drawings/photos to generally describe the distribution center. Rowan Maxwell and Elliott Cash can testify about this stipulation.

27. Exhibits 11, 12, and 13 are photographs that were taken by Ronni Paul in the course of his evaluation of the distribution center floor in preparation for testimony in this case. Ronni Paul can testify about the photographs as they relate to the evaluation. Ronni Paul, Rowan Maxwell, Elliott Cash, Blake Allford, and Emerson White can identify these photos as accurately depicting the condition of the floor following FuseBox's occupancy of the distribution center.

28. Exhibits 14 and 15 are photographs that were taken by Ronni Paul in the course of testing the distribution center floor. Ronni Paul can testify about the photographs and this stipulation. Rowan Maxwell may be cross-examined about knowledge of these facts and what the pictures show.

29. Exhibits 16 and 17 are computerized illustrations created by Ronni Paul for purposes of educating the jury through a demonstrative aid. Exhibit 16 demonstrates the difference between a curling slab and a proper slab. Exhibit 17 demonstrates the way a forklift wheel causes cracking if the slab curls. Ronni Paul can testify about the photographs and this stipulation. Rowan Maxwell may be cross-examined about knowledge of these facts.