

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

ROBERT H. BRAVER, an individual,)	
Plaintiff,)	
vs.)	Case No. CIV-04-1013-W
)	
AMERIQUEST MORTGAGE COMPANY, a)	
Delaware corporation, INNOVATIVE MARKETING,)	
INC., d/b/a LEAD EXTREME, a Washington corporation,)	
THE LOAN PAGE, INC., a Delaware corporation,)	
STECROFT HOLDINGS, INC., as successor in interest to)	
GO APPLY, INC., d/b/a ELEADZ, a Nevada corporation,)	
JOHN DOES 1-50, MI SOLUTIONS, INC., a California)	
corporation, LEAD ASSOCIATION CORP, a California)	
corporation, THE LEAD SOURCE, INC., a California)	
corporation, COMMISSION JUNCTION, INC., a)	
Delaware corporation, AVALON TRADING COMPANY,)	
LLC, a California corporation, IMPACT WEB)	
ENTERPRISES, INC., a California corporation,)	
LEAD2.NET, INC., a Florida corporation, SUNBURN)	
MARKETING GROUP, LLC, a California limited liability)	
company, MONEYNEST HOLDINGS, INC., a California)	
Corporation, INTERNATIONAL WEBWORKS.COM,)	
LLC, a Colorado limited liability company, NICK)	
HETCHER, an individual, LIBERTY LEAD SOURCE,)	
INC, a Nevada corporation, TIM FOUST, an individual,)	
DOTCOM MARKETING GROUP, INC., a Florida)	
corporation, INETMEDIA, a California corporation,)	
LEADCORP, a California corporation, LEAD)	
TRANSFER, LLC, a Nevada limited liability company,)	
ABACUS ENTERPRISES, INC., a California corporation,)	
TANDAX, INC., a Washington corporation)	
Defendants.)	

AMERIQUEST MORTGAGE)	
COMPANY, a Delaware corporation,)	
Cross-Complainant,)	

vs.)	
)	
INNOVATIVE MARKETING, INC. d/b/a)	
LEAD EXTREME, a Washington Corporation;)	
VISIUM SOLUTIONS CORPORATION, a)	
Florida corporation; and PROFESSIONAL)	
EQUITY MARKETING, a California)	
Corporation, and ROES I-50, inclusive,)	
Cross-Defendant.)	

**DEFENDANT TIM FOUST'S RESPONSES TO
PLAINTIFF'S DISCOVERY DATED MARCH 29, 2006**

<p align="center">PLAINTIFF'S EXHIBIT</p> <p align="center">9</p>
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ANSWER:

Foust objects to this interrogatory to the extent that it seeks information that constitutes trade secrets, or other confidential research, development, or commercial information in the absence of a protective order. Foust further objects that this interrogatory lacks foundation and assumes facts that are not true. Without waiving the foregoing objections, Foust answers that he is not aware of having generated any revenue by selling leads since January 1, 2002 that related to an Oklahoma resident or Oklahoma real property.

INTERROGATORY NO. 18 Please state whether you have ever terminated or considered terminating your Lead Supply Agreement with any broker. If so, please state the name and address of the Lead Broker, the date the agreement was terminated and all reasons for terminating or considering termination of the agreement.

ANSWER:

Foust objects that the definition of the term "you or your," as defined in the Instructions and Definitions section is overly broad, burdensome, lacks foundation, and calls for speculation on the part of Foust because it calls for information beyond his knowledge and control. Foust objects to the extent this interrogatory is beyond the scope of discovery permitted by the Court's March 20, 2006 order (Dkt. No. 306), and to the extent this interrogatory is not reasonably calculated to lead to the discovery of relevant information related to jurisdictional issues. Foust objects that this interrogatory lacks foundation and assumes facts that are not true. Without

waiving the foregoing objections, Foust answers that he has never had an occasion to terminate or consider terminating a Lead Supply Agreement with a broker.

INTERROGATORY NO. 19 State the number of phone calls you made to Oklahoma residents and/or businesses in Oklahoma since January 1, 2002.

ANSWER:

Foust objects that the definition of the term “you or your,” as defined in the Instructions and Definitions section is overly broad, burdensome, lacks foundation, and calls for speculation on the part of Foust because it calls for information beyond his knowledge and control. Foust objects to the extent that this interrogatory requires speculation to the extent it calls for information beyond his knowledge and control. Foust further objects that this interrogatory lacks foundation and assumes facts that are not true. Foust additionally objects that this interrogatory is duplicative of Interrogatory No. 3. Without waiving the foregoing objections, Foust answers that he is not aware of having made any phone calls to Oklahoma residents and/or businesses in Oklahoma since January 1, 2002.

INTERROGATORY NO. 20 State the name and address of every business you have served in any capacity since January 1, 2002 including as director, officer, employee, affiliate and/or investor.

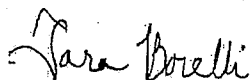
ANSWER:

Foust objects that the definition of the term “you or your,” as defined in the Instructions and Definitions section is overly broad, burdensome, lacks foundation,

and to the extent this request is not reasonably calculated to lead to the discovery of relevant information related to jurisdictional issues. Without waiving the foregoing objections, Foust responds that he has no such documents. See also the response to Request No. 1, fn. 1.

DATED this 28th day of April, 2006.

NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP



By:

Derek A. Newman, WSBA No. 26967
Tara L. Borelli, WSBA No. 36759
Attorneys for Defendant Tim Foust
505 Fifth Avenue South, Suite 610
Seattle, Washington 98104
Phone: (206) 274-2800
Facsimile: (206) 274-2801

VERIFICATION

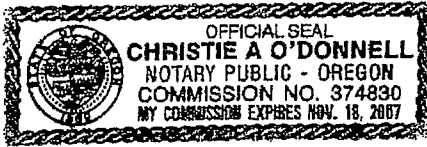
I, Tim Foust, have read Tim Foust's Responses to the Plaintiff's Discovery to Defendant Tim Foust, know the contents thereof, and believe the same to be true.

DATED: April 27, 2006.


Tim Foust

SUBSCRIBED AND SWORN TO before me this 28 day of April, 2006.

CHRISTIE A. O'Donnell
NOTARY PUBLIC in and for the State of
OREGON, residing at Banks of America
My appointment expires NOV. 18 2007
Print Name CHRISTIE A. O'Donnell



CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2006, I caused the foregoing **DEFENDANT TIM FOUST'S RESPONSES TO PLAINTIFF'S DISCOVERY, DATED MARCH 29TH, 2006; AND CERTIFICATE OF SERVICE** to be served via the methods listed below on the following party:

Via Email and Federal Express to:

Luke J. Wallace, Esq.
David Humphreys, Esq.
Humphreys Wallace Humphreys, PC
1724 East Fifteenth Street
Tulsa, OK 74104
Email: Luke@hwh-law.com
David@hwh-law.com
Attorneys for Plaintiff

Via Email and U.S. to:

Michael R. McKee, Esq.
McKee Law Firm
P.O. Box 1351
Norman, OK 73070
Email: mike@mckeelawfirm.com
Attorney for Plaintiff

Via Email to:

Steven J Adams
sadams@fellerssnider.com
Attorney for Defendant Go Apply Inc. d/b/a Eleadz Kalley R Aman

Kalley R. Aman
kaman@buchalter.com
Attorneys for Defendant Ameriquest Mortgage Company

Joseph Leventhal, Esq.
James Patterson, Esq.
jleventhal@cooley.com
Attorneys for the Defendants The Loan Page, Inc. and Stecroft Holdings, Inc.

Phillip L Free, Jr
freephil@crowedunlevy.com
Attorneys for Cross-Defendant, Innovative Marketing, Inc. d/b/a Lead Extreme

Arthur F Hoge, III
Brinda K White
afhoge@meehoge.com
bkw@meehoge.com
Attorneys for Defendant Lead Association, Inc.

Terry D Kordeliski
Robert A Nance
Tkordeliski@RiggsAbney.com
rnance@riggsabney.com
Attorneys for Defendant Ameriquest Mortgage Company

Mary E Nelson
nelsonm@mckinneystinger.com
Attorney for Defendant MI Solutions, Inc.

Daniel C Lapidus
Daniel C Lapidus
dan@lapiduslaw.com
ryan@lapiduslaw.com
Attorneys for The Wisdom Companies, LLC

Charles L McLawhorn
chad.mclawhorn@mcafeetaft.com
Attorney for The Wisdom Company, LLC

Richard L Rose
rrose@millerdollarhide.com
Attorney for Impact Web Enterprises, Inc.

Lance E Schneiter
lances@tomlinsonococonnell.com
Attorney for MoneyNest Holdings, Inc.

Venkat Balasubramani
venkat@balasubramani.com
Attorney for Lead Transfer, LLC

Darren R Cook
darren@helmsunderwood.com

Diana Au

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