

## DECLARATION OF SCOTT L. JOHNSTON

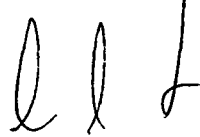
I, Scott L. Johnston, declare that:

1. I am personally familiar with the facts set forth herein, and, if called as a witness, I could and would testify thereto of my own personal knowledge.
2. I reside in Oak Park, Illinois.
2. From April of 2000 until May of 2004, I was Managing Director and Chief Information Officer (“CIO”) of the Chicago Mercantile Exchange (“CME”). In this role, I was responsible for building and managing the Technology Division (which was responsible for the CME’s technology, including GLOBEX, the CME’s electronic trading platform). I was responsible for 410 employees in this role at the time I left. I was also the primary external representative and spokesperson for the CME in technology matters. In that role, I participated in customer and vendor calls.
3. From the summer of 2000 through 2002, the electronic trading volumes on GLOBEX exploded. Based on my experience, I believe that Trading Technologies’ (“TT”) MD Trader product (which was launched in the fall of 2000) was a significant factor contributing to the electronic volume growth at the CME.
4. After the fall of 2000, I noticed that the volume being traded electronically by Kingstree Trading L.L.C., a proprietary trading firm, had exploded. In around May of 2001, I along with several other CME employees went on a field trip to Kingstree’s offices in Evanston. This was the first time I had actually seen TT’s MD Trader. Upon this visit, I was struck by the fact that Kingstree’s traders were all frenetically trading on a front-end that looked different from what I had seen before. This front-end was TT’s MD Trader. What I noticed was that the traders were entering many orders by rapidly clicking at various price levels on the MD Trader tool. Prior to seeing this, I had knowledge and had witnessed people trading using GL front-end software to trade electronically on the GLOBEX. In my experience, traders using this GL front-end did not enter at the same rate as I saw the traders entering orders using MD Trader at Kingstree.
5. From the fall of 2000 until early 2002, I recall that TT’s MD Trader product spreading until the point that it was the order entry of choice for most high-end active professional futures traders. In late 2001 or early 2002, I recall the CME requesting GL

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to put a tool similar to MD Trader into its front-end because the CME viewed the MD Trader type front-end as causing traders to trade more volume.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 24, 2004.



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Scott L. Johnston