

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Trading Technologies)
International, Inc.,)
Plaintiff,)
)
vs.) No. 04 CV 5312
)

eSpeed, Inc., eSpeed International)
Ltd., Ecco LLC and EccoWare Ltd.,)
Defendants.)

-----)

Trading Technologies)
International, Inc.,)
Plaintiff,)
)
vs.) No. 05 CV 1079
)

Refco Group, Ltd., LLC, et al.,)
Defendants.)

-----)

Rosenthal Collins Group, LLC,)
Plaintiff-)
Counterclaim Defendant,)
)
vs.) No. 05 CV 4088
)

Trading Technologies)
International, Inc.,)
Defendant-)
Counterclaimant.)

-----)

Trading Technologies)
International, Inc.,)
Plaintiff,)
)
vs.) No. 05 CV 4120
)

GL Consultants, Inc.,)
and GL Trade SA,)
Defendants.)

-----)

1 Trading Technologies)
International, Inc.,)
2 Plaintiff,)

3 vs.) No. 05 CV 4137

4 Peregrine Financial Group, Inc.,)
and TradeMaven, LLC,)
5 Defendants.)

-----)

6 Trading Technologies)
International, Inc.,)
7 Plaintiff,)

8 vs.) No. 05 CV 4811

9 CQGT, LLC and CQG, Inc.,)
Defendants.)

-----)

10 Trading Technologies)
International, Inc.,)
11 Plaintiff,)

12 vs.) No. 05 CV 5164

13 FuturePath Trading, LLC,)
14 Defendant.)

15
16 Videotaped deposition of SCOTT L. JOHNSTON,
17 taken before NADINE J. WATTS, CSR, RPR, and Notary
18 Public, pursuant to the Federal Rules of Civil Procedure
19 for the United States District Courts pertaining to the
20 taking of depositions, at Suite 3500, 35 West Wacker
21 Drive, in the City of Chicago, Cook County, Illinois, at
22 9:02 o'clock a.m. on the 27th day of June, A.D., 2006.

23
24

1 There were present at the taking of this
2 deposition the following counsel:

3 McDONNELL, BOEHNEN, HULBERT & BERGHOFF, LLP by
4 MR. MATTHEW SAMPSON
5 300 South Wacker Drive
6 Chicago, Illinois 60606
7 (312) 913-2134

8 on behalf of the Plaintiff;

9 WINSTON & STRAWN, LLP BY
10 MR. IVAN POULLAOS
11 35 West Wacker Drive
12 Chicago, Illinois 60601
13 (312) 558-6214

14 on behalf of the Defendant;

15 FAEGRE & BENSON, LLP by
16 MS. NINA Y. WANG
17 3200 Wells Fargo Center
18 1700 Lincoln Street
19 Denver, Colorado 80203
20 (303) 607-3802

21 on behalf of CQGT, LLC and CQG, Inc.;

22 ADDUCCI, DORF, LEHNER, MITCHELL &
23 BLANKENSHIP, PC by
24 MR. RANDALL L. MITCHELL
25 150 North Michigan Avenue
26 Suite 2130
27 Chicago, Illinois 60601
28 (312) 781-2804

29 on behalf of The Witness.

30 ALSO PRESENT: Mr. Donald Peterson, videographer

31
32
33
34

1 MR. MITCHELL: My name is Randall Mitchell from the
2 firm of Adducci, Dorf, Lehner, Mitchell & Blankenship,
3 and I'm appearing today on behalf of the witness
4 Mr. Johnston.

5 THE VIDEOGRAPHER: Will the court reporter please
6 swear in the witness.

7 SCOTT L. JOHNSTON,
8 called as a witness herein, having been first duly
9 sworn, was examined upon oral interrogatories and
10 testified as follows:

11 EXAMINATION

12 by Mr. Poullaos:

13 MR. POULLAOS: Q Good morning, sir.

14 A Good morning.

15 Q Could you just state your name for the record
16 very briefly.

17 A Scott Lockwood Johnston.

18 Q Okay. And, sir, could you tell me where you
19 live?

20 A 1031 Woodbine in Oak Park, Illinois.

21 Q Sir, have you ever been involved in a lawsuit
22 before?

23 A I've been on a jury of a court case.

24 Q Okay. Have you ever been a party, a litigant to

1 a lawsuit?

2 A No.

3 Q Okay. Have you been deposed before?

4 A No.

5 Q Great. I'll go over a few of the ground rules
6 here. As you can probably already tell, I'll be asking
7 some questions. It's just important that you give
8 audible answers so that the court reporter can take down
9 your testimony and also so that the video can pick up
10 your voice.

11 And from time to time, your attorney may object
12 to questions I ask. It's for matters of form and it's
13 to be ruled on later on. And so if you understand the
14 question, you can go ahead and answer it unless your
15 attorney instructs you otherwise. But generally you can
16 still go ahead and answer the question if you understand
17 it.

18 And if you don't understand a question, feel
19 free to ask me to repeat it or clarify. And,
20 conversely, if I ask a question, you answer it, I'll --
21 we can assume that you understood it. Is that fair?

22 A Sure.

23 Q Okay. And also I'll try and take a break every
24 now and then, but if you need to take a break, just let

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