



relevancy, third-party confidentiality, undue burden or any other valid objection. Each and every disclosure set forth below is subject to the above qualifications and limitations.

**1. Fed. R. Civ. P. 26(a)(1)(A)(i) -- Individuals ABIM may use to support its claims.**

ABIM identifies the following individuals that ABIM may use to support its claim, and who are likely to have discoverable information. Because ABIM's investigation is ongoing, it expressly reserves the right to identify additional persons with knowledge at a later date. ABIM's representatives, employees, agents, and witnesses should be contacted through their undersigned counsel of record, Ballard Spahr, LLP, 210 Lake Drive East, Suite 200, Cherry Hill, NJ 08002.

- a. Lynn O. Langdon, M.S.  
Former Senior Vice President and Chief Operating Officer -- ABIM

Ms. Langdon is likely to have discoverable information regarding ABIM's copyrighted examinations, its investigation of Arora Board Review and its investigation of defendant.

- b. Vincent J. Mandes  
Senior Vice President of Finance and Chief Financial Officer -- ABIM

Mr. Mandes is likely to have discoverable information regarding the damages incurred by ABIM as a result of defendant's copying and disclosing copyrighted and confidential content from ABIM's Certifying Examinations in Internal Medicine.

- c. Rebecca S. Lipner, Ph.D.  
Senior Vice President of Evaluation, Research, and Development -- ABIM

Dr. Lipner is likely to have discoverable information regarding ABIM's investigation of Arora Board Review and its investigation of defendant.

**2. Fed. R. Civ. P. 26(a)(1)(A)(ii) -- Documents and tangible things ABIM may use to support its claims.**

The following documents, electronically stored information, and tangible things in ABIM's possession, custody, or control may be used to support its claims in this action:

- d. documents attached to ABIM's complaint;
- e. documents attached to ABIM's memorandum of law in opposition to defendant's motion to dismiss for lack of personal jurisdiction;
- f. ABIM's copyright registrations for the Certifying Examinations in Internal Medicine identified in the complaint;
- g. documents demonstrating defendant's infringement of ABIM's copyright rights in its Certifying Examinations in Internal Medicine
- h. documents underlying the damages that ABIM incurred as a result of defendant's infringing conduct;
- i. documents concerning defendant's communications with Arora Board Review.

**3. Fed. R. Civ. P. 26(a)(1)(A)(iii) -- Computation of each category of damages.**

With respect to its copyright infringement claims, ABIM will seek all available remedies under 17 U.S.C. § 500, *et seq.* (the "Copyright Act"), including, but not limited to, the following. First, pursuant to Section 504(b) of the Copyright Act, ABIM will seek to recover its actual damages resulting from defendant's unlawful copying and dissemination of ABIM's copyrighted Certifying Examination questions, including, but not limited to, its costs incurred in replacing compromised ABIM Certifying Examination questions. Second, ABIM may elect to recover an award of statutory damages as set forth in Section 504(c) of the Copyright Act, including for willful copyright infringement of up to \$150,000 for each copyrighted work that defendant unlawfully copied and disseminated. Third, ABIM will also seek to recover its costs and attorney's fees pursuant to Section 505 of the Copyright Act.

4. **Fed. R. Civ. P. 26(a)(1)(A)(iv) -- Applicable insurance agreements.**

Not applicable.

Respectfully submitted,



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Roberto A. Rivera-Soto

Hara K. Jacobs

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*Attorneys for plaintiff*

*American Board of Internal Medicine*

**DATED:** April 21, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date listed below, I caused the foregoing initial disclosures of plaintiff American Board of Internal Medicine to be served on defendant Jaime A. Salas Rushford, M.D. via (a) electronic mail, addressed to defendant's counsel at the email address provided by him to the Court for use by the Court's CM/ECF system, and (b) ordinary mail, addressed to defendant's counsel at his office address as follows:

Marco A. Gonzalez, Jr.  
Nicoll Davis & Spinella LLP  
95 Route 17 South - Suite 316  
Paramus, New Jersey 07652



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Roberto A. Rivera-Soto

**DATED:** April 21, 2015