

II. EXHIBITS.

Depending on Plaintiffs case-in-chief, and in addition to any exhibit introduced in the depositions or identified by the expert reports in this case, Defendant reserves the right to introduce the following exhibits:

1. Bid and backup detail, including but not limited to:
 - a. June 28, 2011 Email Correspondence from Bill Koniewich to Clay Keith, subject, "FW: Internet Fax ob;"
 - b. June 29, 2011 Email Correspondence between from Clay Keith to Bill Koniewich, subject, "RE: Internet Fax ob;"
2. Job Cost Reports;
3. Plans, including posted sets and TransAmerica sign off of Academic posted set;
4. Contract;
5. Schedules;
6. Meeting Minutes including weekly progress, coordination and core meetings, and no limited to the following:
 - a. June 16, 2011 Trade Contractor Coordination Meeting 14 Minutes;
 - b. August 11, 2011 Trade Contractor Coordination Meeting 22 Minutes;
 - c. September 15, 2011 Trade Contractor Coordination Meeting 27 Minutes;
 - d. October 6, 2011 Trade Contractor Coordination Meeting 30 Minutes;
 - e. October 13, 2011 Trade Contractor Coordination Meeting 31 Minutes;
 - f. October 20, 2011 Trade Contractor Coordination Meeting 32 Minutes;
 - g. November 3, 2011 Trade Contractor Coordination Meeting 34 Minutes;
 - h. December 8, 2011 Trade Contractor Coordination Meeting 37 Minutes;
 - i. December 15, 2011 Trade Contractor Coordination Meeting 38 Minutes;
 - j. March 1, 2012 Trade Contractor Coordination Meeting 48 Minutes;

7. Jim Smith diary;
8. RFIs from TransAmerica, including summary;
9. Change Orders from TransAmerica (proposed, executed and deduct), including summary;
10. Certified Payroll;
11. Certified Article 8 Claims;
12. Notices of Defective Work (5/15, 72 hour and 96 hour Notices), including but not limited to:
 - a. June 6, 2011 Stop Work Order Email from Jim Smith to Josh Wilhelm;
13. Punch Lists, including summary and time line;
14. Photos of progress and defective work;
15. Liquidated Damages Analysis and Assessment;
16. Architect/Engineer and Construction Manager Additional Fee Calculations;
17. Defendant reserves the right to introduce exhibits referenced in Englehart and Mays' expert reports, including but not limited to:
 - a. July 1, 2011 Email Correspondence between Clay Keith, Bill Koniewich and Josh Wilhelm, subject, "OSDB Work Progress;"
 - b. July 1, 2011 Email From Jim Smith to Steve Morely, Josh Wilhelm and Don Ball, subject, "Roof Issues;"
 - c. July 27, 2011 Email from Clay Keith to Josh Wilhelm and Bill Koniewich, subject, "OSDB Work on Site;"
 - d. December 8, 2011 Lend Lease Daily Report Log;
 - e. December 12, 2011 Lend Lease Daily Report Log;
18. Hadler email of December 19, 2011;
19. Pleadings from TransAmerica v. AAA Roofing;
20. Promissory Note between TransAmerica and its drywall/painting sub-contractor;

21. Contractor evaluations;

22. Defendant reserves the right to introduce any deposition exhibit.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing *Second Amended Pretrial Statement* was served upon via electronic and regular U.S. Mail, postage pre-paid, this 13th day of May, 2015 upon the following.

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