

Exhibit C

Ryan Shaffer

From: Ryan Shaffer
Sent: Wednesday, December 13, 2023 2:55 PM
To: Brett Jensen
Cc: Katy Gannon; Rob Stepans
Subject: RE: Caekaert et al. v. WTNy et al. - Rule 35 Follow-Up

Hey Brett,

On the first point, we cannot tell where this issue stands.

The Court ordered Dr. Butz to state whether he intends to conduct “neuropsychological testing.” Dr. Butz’s response states that he will not be conducting a “neuropsychological assessment” but never states whether he will be conducting “neuropsychological testing.”

I suppose there is a world where they are one in the same. But I also suppose there is a world where he conducts “neuropsychological testing” and is not conducting a “neuropsychological assessment.” Regardless, we don’t want to hold this up on some silly semantics. At the same time, it strikes us as odd that Butz will not just answer the direct question posed by the Court, i.e. yes or no on neuropsych testing?

Let me know your thoughts here.

Thanks,

Ryan R. Shaffer



Montana Office:
430 Ryman St.
Missoula, MT 59802
Tel: 406-543-6929
Fax: 406-721-1799

Wyoming Office:
3490 Clubhouse Drive, Suite 104
Wilson, WY 83014
Tel: 307-734-9544
Fax: 307-733-3449

The information contained in this email is confidential and privileged. If you are not the intended recipient, please ignore and delete this message and inform the sender of the mistake. This email may be subject to the attorney-client privilege and attorney work product doctrine. If you are not the intended recipient, please ignore and delete this message and inform the sender of the mistake.

Ryan Shaffer

From: Brett Jensen <BJensen@brownfirm.com>
Sent: Wednesday, December 13, 2023 3:31 PM
To: Ryan Shaffer
Cc: Katy Gannon; Rob Stepans; Jon Wilson; Michael Sarabia
Subject: RE: Caekaert et al. v. WTNy et al. - Rule 35 Follow-Up

Hi Ryan:

My thought is Dr. Butz has answered the question in a technically and scientifically accurate manner. I think you are confusing nuance as lack of directness. I really don't know how we can make this any clearer. Would you like to proceed as outlined, or shall we submit the letter as a supplement to the Court?

Brett C. Jensen
Brown Law Firm, P.C.
315 North 24th Street
P.O. Drawer 849
Billings, MT 59103-0849
Telephone: (406) 248-2611
Fax: (406) 248-3128

Confidentiality Notice: *The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure and is intended only for the use of the designated recipient(s). This information, along with any attachments, constitutes attorney-client and/or attorney work product and is confidential in nature. This information is not intended for transmission to, or receipt by, any unauthorized person. The use, distribution, transmittal or re-transmittal by an unintended recipient of this communication is strictly prohibited without our express approval in writing or by e-mail. If you are not the intended recipient of this e-mail, please delete it from your system without copying it and notify the above sender so that our e-mail address may be corrected. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.*

From: Ryan Shaffer <ryan@mss-lawfirm.com>
Sent: Wednesday, December 13, 2023 2:55 PM
To: Brett Jensen <BJensen@brownfirm.com>
Cc: Katy Gannon <katy@mss-lawfirm.com>; Rob Stepans <rob@mss-lawfirm.com>
Subject: RE: Caekaert et al. v. WTNy et al. - Rule 35 Follow-Up

Hey Brett,

On the first point, we cannot tell where this issue stands.

The Court ordered Dr. Butz to state whether he intends to conduct "neuropsychological testing." Dr. Butz's response states that he will not be conducting a "neuropsychological assessment" but never states whether he will be conducting "neuropsychological testing."

I suppose there is a world where they are one in the same. But I also suppose there is a world where he conducts "neuropsychological testing" and is not conducting a "neuropsychological assessment." Regardless, we don't want to hold this up on some silly semantics. At the same time, it strikes us as odd that Butz will not just answer the direct question posed by the Court, i.e. yes or no on neuropsych testing?

Ryan Shaffer

From: Ryan Shaffer
Sent: Thursday, December 14, 2023 10:09 AM
To: Brett Jensen
Cc: Katy Gannon; Rob Stepans; Jon Wilson; Michael Sarabia
Subject: RE: Caekaert et al. v. WTNY et al. - Rule 35 Follow-Up

Brett,

We want to get these evaluations done. At the same time, we need to understand the types and categories of testing that Dr. Butz is intending to conduct.

If I asked my experts whether they conducted neuropsych testing on the plaintiffs they would be able to provide a direct and clear answer: No.

I am not sure what to do, but I would like to find a way to avoid having to burden the Court with this issue.

From your perspective, as the lawyer hiring Dr. Butz, do you know whether Dr. Butz is going to conduct neuropsych testing?

Ryan R. Shaffer



Montana Office:
430 Ryman St.
Missoula, MT 59802
Tel: 406-543-6929
Fax: 406-721-1799

Wyoming Office:
3490 Clubhouse Drive, Suite 104
Wilson, WY 83014
Tel: 307-734-9544
Fax: 307-733-3449

The information contained in this email is confidential and privileged. If you are not the intended recipient, please ignore and delete this message and inform the sender of the mistake. This email may be subject to the attorney-client privilege and attorney work product doctrine. If you are not the intended recipient, please ignore and delete this message and inform the sender of the mistake.

Ryan Shaffer

From: Brett Jensen <BJensen@brownfirm.com>
Sent: Thursday, December 14, 2023 12:36 PM
To: Ryan Shaffer
Cc: Katy Gannon; Rob Stepans; Jon Wilson; Michael Sarabia
Subject: RE: Caekaert et al. v. WTNY et al. - Rule 35 Follow-Up

Hi Ryan:

I hate to answer your question with a question, but what is your definition “neuropsychological testing”? If I am answering as the lawyer who hired Dr. Bütz, I want to make sure we are talking about the same thing.

Brett C. Jensen
Brown Law Firm, P.C.
315 North 24th Street
P.O. Drawer 849
Billings, MT 59103-0849
Telephone: (406) 248-2611
Fax: (406) 248-3128

Confidentiality Notice: *The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure and is intended only for the use of the designated recipient(s). This information, along with any attachments, constitutes attorney-client and/or attorney work product and is confidential in nature. This information is not intended for transmission to, or receipt by, any unauthorized person. The use, distribution, transmittal or re-transmittal by an unintended recipient of this communication is strictly prohibited without our express approval in writing or by e-mail. If you are not the intended recipient of this e-mail, please delete it from your system without copying it and notify the above sender so that our e-mail address may be corrected. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.*

From: Ryan Shaffer <ryan@mss-lawfirm.com>
Sent: Thursday, December 14, 2023 10:09 AM
To: Brett Jensen <BJensen@brownfirm.com>
Cc: Katy Gannon <katy@mss-lawfirm.com>; Rob Stepans <rob@mss-lawfirm.com>; Jon Wilson <jwilson@brownfirm.com>; Michael Sarabia <MSarabia@brownfirm.com>
Subject: RE: Caekaert et al. v. WTNY et al. - Rule 35 Follow-Up

Brett,

We want to get these evaluations done. At the same time, we need to understand the types and categories of testing that Dr. Butz is intending to conduct.

If I asked my experts whether they conducted neuropsych testing on the plaintiffs they would be able to provide a direct and clear answer: No.

I am not sure what to do, but I would like to find a way to avoid having to burden the Court with this issue.

From your perspective, as the lawyer hiring Dr. Butz, do you know whether Dr. Butz is going to conduct neuropsych testing?

Ryan Shaffer

From: Ryan Shaffer
Sent: Friday, December 15, 2023 9:26 AM
To: Brett Jensen
Cc: Katy Gannon; Rob Stepan; Jon Wilson; Michael Sarabia
Subject: RE: Caekaert et al. v. WTNY et al. - Rule 35 Follow-Up

Brett,

I rely on our experts, and they tell me that tests for things like reading levels, IQ testing, spelling, and math are all understood to be neuropsych testing because they attempt to measure how well the brain is working. That is not an exhaustive list of such tests, but it is demonstrative of the types of testing that fall into the category of neuropsych testing.

As it relates to this case, we are not alleging that the sexual abuse impacted things like our clients' IQs, reading levels, spelling ability, math skills, and we are not seeking damages for diminishment of those capacities. This is why our experts did not test for those capacities and it is why we object to such testing by Dr. Butz.

On the other hand, our experts did note that tests for malingering, exaggeration, or dissimulation could be characterized as neuropsych tests and would be appropriate for Plaintiffs in this case, therefore we do not object to those.

My suggestion is that we try to come to an agreement on the specific battery of tests to be conducted. We can certainly provide you the battery of tests conducted by our experts as a reference point.

I look forward to hearing your thoughts.

Thanks,

Ryan R. Shaffer



Montana Office:
430 Ryman St.
Missoula, MT 59802
Tel: 406-543-6929
Fax: 406-721-1799

Wyoming Office:
3490 Clubhouse Drive, Suite 104
Wilson, WY 83014
Tel: 307-734-9544
Fax: 307-733-3449