

Jon Wilson

From: Christopher Sweeney <Christopher.Sweeney@moultonbellingham.com>
Sent: Wednesday, September 28, 2022 3:56 PM
To: Ryan Shaffer; Jon Wilson; Joel Taylor; Gerry Fagan
Cc: Rob Stepans; Jessica Yuhas; Brett Jensen; Jordan W. FitzGerald
Subject: RE: NY Depos; Plaintiff Depos

Ryan –

I am writing regarding your email below. I have spoken with Joel, Jon and Brett, and am providing a combined response to your email.

We can't tell if you intend to take the two depositions in New York on October 11th and 12th or not. Please let us know by 12:00 p.m. noon tomorrow, Thursday, September 29th, whether you will be taking those two depositions in New York. We need time to make travel arrangements, some of which may not be refundable, prepare witnesses and otherwise arrange our schedules. Your office has set depositions a number of times in these cases, only to later cancel them. This costs the law firms, our clients, and the potential deponents time and money. If you intend to take those two depositions in October, let us know. If not, then the next time you notice up the depositions, we will assume you intend to take them as noticed and we will book travel and prepare witnesses accordingly. If you again change your mind after sending the notice, we intend to request the Court that we be reimbursed for our costs and fees incurred.

Regarding the 30(b)(6) issues, I understand WTNy informed you by letter dated September 26, 2022, of its position that it does not envision producing 30(b)(6) representatives on multiple occasions.

Regarding the plaintiffs' depositions, the general rule is that the plaintiffs are required to make themselves available in Billings to be deposed since that is the venue in which they chose to file their lawsuits. In good faith, we've agreed that Cami Mapley's deposition can occur remotely because she is in another country. We received your email stating Tracey Caekaert and Jamie Schulze are available to be deposed in Missoula. Can you let us know on what authority you are relying that would require the defendants to travel to Missoula to depose Tracey and Jamie when they chose to file their lawsuits in Billings? If the two depositions are in Missoula, will plaintiffs reimburse defendants the cost of travel and accommodations, as well as the attorney's fees for ten hours of travel per attorney?

Regarding the depositions of Gene Smalley, Gary Breaux and Allen Shuster, we understand that they are members of the faith in New York, but neither WTPA nor WTNy has ever communicated with them regarding any potential depositions. As such, we would need to consult with them and evaluate any notices addressed to them individually to assess next steps.

Last, we received your email this afternoon inquiring about a status conference with the Court. What do you intend to discuss at a status conference?

Chris Sweeney
(406) 248-7731

MOULTONBELLINGHAM

From: Ryan Shaffer <ryan@mss-lawfirm.com>

Sent: Tuesday, September 27, 2022 6:25 PM

To: Jon Wilson <jwilson@brownfirm.com>; Joel Taylor <jtaylor@mmt-law.com>; Gerry Fagan <Gerry.Fagan@moultonbellingham.com>; Christopher Sweeney <Christopher.Sweeney@moultonbellingham.com>

Cc: Rob Stepans <rob@mss-lawfirm.com>; Jessica Yuhass <jessica@mss-lawfirm.com>

Subject: NY Depos; Plaintiff Depos

Do you guys have time for a call in the next day or so to discuss depo scheduling and related issues?

As far as Depos in NY on 10/11 and 10/12 go, I am concerned that we are not going to be ready. I understand WTNy's position is that we must notice up all 30b6 topics at one time. If we cannot come to an agreement on that issue, we may need to get some time with the Judge before we go. Additionally, we have been considering adding a couple topics related to corporate hierarchy / organization. We would also like to get Gene Smalley, Gary Breaux and Allen Shuster deposed. This all leaves me uncertain about the presently set dates of 10/11 and 10/12. We may need to look towards Nov.

We are still working on Plaintiffs' availability.

Ariane Rowland in Billings (not sure if 10/31/22 works, hope to know this week);

Cami Mapley remote, possibly on 10/24/22 (Montana), but we are working on logistics of setting up a location in Australia with a video feed that will accommodate a 4:00 am Australian start time (noon Mountain time);

Tracey Caekaert in Missoula (waiting on confirmation for 10/28);

Jamie Schulze in Missoula (late Nov. or early Dec. due to work and other scheduling issues)

With Ms. Caekaert and Ms. Schulze being deposed in Missoula, consider whether you would like them scheduled on consecutive days.

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

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