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DEPARTMENT OF
WATER RESOURCES
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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE APPLICATION
FOR TRANSFER NO. 84698 IN THE NAME
OF MARION OGLE

**SALUBRIA HOLDINGS LLC'S
RESPONSE TO MOTION TO
EXCLUDE EXPERT WITNESS**

Protestant Salubria Holdings LLC ("Salubria" or "Protestant") hereby responds to the December 15, 2021 *Motion to Exclude Expert Witness and Memorandum in Support* ("Motion") filed by Applicant Marion Ogle ("Ogle" or "Applicant"). For the reasons set forth in this response, Ogle's *Motion* is without merit and should be denied. Salubria requests that Ogle be ordered to pay Salubria's attorney fees incurred for responding to the *Motion*.

I. SALUBRIA'S EXPERT WITNESS DISCLOSURE SUBSTANTIALLY COMPLIED WITH THE *SCHEDULING ORDER*.

Ogle seeks an order "excluding [Salubria] from offering any expert testimony or evidence at hearing by Scott King, P.E., or, alternatively, for an order limiting the scope of Mr. King's testimony to the rebuttal of matters raised by Applicant's expert, on the basis that Protestant has failed to comply with, and disclose the expert information required by the Hearing Officer's October 20, 2021 Hearing Notice/Scheduling Order ('Order') and the Rules of Procedure of the

Department and, as incorporated therein, the Idaho Rules of Civil Procedure (“I.R.C.P.”), specifically, I.R.C.P. 26(b)(4).” *Motion* at 1-2.

With respect to the disclosure of expert witnesses, the Hearing Officer’s October 20, 2021 *Hearing Notice/Scheduling Order* (“*Scheduling Order*”) states:

On or before November 19, 2021, each party shall serve upon the other parties any expert reports and the names of the experts the party may call to testify at the evidentiary hearing, with a brief summary of the topics each expert may testify about.

Scheduling Order at 2. In compliance with this order, on November 19, 2021, Salubria filed and served *Salubria Holdings LLC’s Disclosure of Expert Witness* (“*Expert Disclosure*”), a copy of which is attached as Exhibit A to the *Declaration of Tyler Anderson* (“*Anderson Declaration*”) filed contemporaneously with Ogle’s *Motion*. Salubria’s *Expert Disclosure* disclosed Scott King, P.E. as the expert Salubria may call to testify at the evidentiary hearing, and stated that he “may testify to any factual or technical issues concerning Application for Transfer No. 84698 . . . raised by the Idaho Department of Water Resources or any party.” *Expert Disclosure* at 1. Salubria’s *Expert Disclosure* further stated that “Mr. King will offer opinions as to how [Ogle’s] Application does not meet the criteria for approval set forth in Idaho Code § 42-222, and particularly how the Application will injure Salubria’s water rights and constitute an enlargement of water right nos. 67-250 and 67-301.” *Id.* at 2. These disclosures substantially complied with the *Scheduling Order*’s requirement to disclose “the names of the experts the party may call to testify at the evidentiary hearing, with a brief summary of the topics each expert may testify about.” *Scheduling Order* at 2.

Citing the “full expert report” submitted by Ogle’s expert, Ogle suggests that the *Scheduling Order* “apparently contemplated simultaneous expert opinion disclosures for both sides.” *Motion* at 10-11. But the *Scheduling Order* does not say what Ogle suggests it says. It

requires disclosure of “any expert reports,” (emphasis added) and Salubria does not have any expert reports concerning the above-captioned application. If expert reports were actually required, the *Scheduling Order*’s requirement to provide the names of the experts and a “brief summary of the topics each expert may testify about” would be unnecessary and superfluous.

This case primarily is factual, not legal or technical, and it is unclear the extent to which expert testimony is needed at all.¹ As stated in its July 2, 2021 *Notice of Protest*, Salubria is “particularly concerned with the validity of the water rights proposed for transfer.” *Notice of Protest* at 1.² To that end, Salubria disclosed that Mr. King would “rely on publically-available documents in the files of the watermaster and the Idaho Department of Water Resources, the eye witness testimony of other witnesses, and Mr. King’s own knowledge of and experience with water right nos. 67-250 and 67-301 and with neighboring properties to both the current place of use of water right nos. 67-250 and 67-301 and the new proposed place of use under the Application.” *Expert Disclosure* at 2.

Despite the fact that Salubria’s concerns in this proceeding center on the factual question of whether the water rights proposed for transfer are still valid (i.e., whether they have been forfeited for non-use), Salubria disclosed Mr. King as an expert because that is what he is. Mr. King is an expert with specialized and technical knowledge that may assist the trier of fact in

¹ The “full expert report” prepared by Ogle’s expert witness contains conclusory statements—indeed, legal conclusions—that the Application satisfies the statutory criteria for approval. This suggests that Ogle is unsure whether any technical or specialized knowledge is needed to assist the trier of fact.

² Salubria further explained its concerns in its responses to Ogle’s written discovery requests, a copy of which is attached as Exhibit C to the *Anderson Declaration*. In response to Interrogatory No. 8, Salubria explained that Salubria is concerned that the water rights proposed to be transferred have undergone a period of non-use lasting at least five years (and therefore have been forfeited), that allowing the change proposed by Ogle will injure Salubria’s Rush Creek water rights because resumed use of forfeited rights will reduce the amount of water available to Salubria from Rush Creek, and that allowing resumed use of forfeited rights will constitute an enlargement and is not in the local public interest. *Anderson Declaration*, Ex. C (pages 14-15 of Salubria’s discovery responses). Also, Salubria alleges that the proposed use will not be a beneficial use because the land proposed to be irrigated with the transferred water rights already has irrigation water rights. *Id.*

determining whether the proposed use is a beneficial use, whether forfeiture has occurred, and whether approval of the application would result in injury to other water rights or an enlargement if forfeiture has occurred.

Moreover, at the time of the expert witness disclosure deadline, Salubria had no knowledge as to whether Ogle would raise issues requiring expert testimony. To ensure that Ogle would not be surprised by Salubria calling Mr. King to testify at trial to rebut Ogles' expert testimony, Salubria disclosed Mr. King at the expert witness deadline.

Ogle is mistaken that Rule 26(b) governs the expert witness disclosure in this proceeding. Generally, "the Idaho Rules of Civil Procedure and the Idaho Rules of Evidence do not apply to contested case proceedings conducted before the agency." IDAPA 37.01.01.052. One exception to that general rule is that the scope of discovery is governed by the Idaho Rules of Civil Procedure "[u]nless otherwise provided by statute, rule, order or notice." IDAPA 37.01.01.520.02. Here, there is an order—the *Scheduling Order*—providing for the conduct of discovery in this case. It does not reference or incorporate the Idaho Rules of Civil Procedure's discovery provisions. It states that "[d]iscovery shall proceed and be completed in compliance with the schedule established below." *Scheduling Order* at 1. The schedule specifically deviates from the Idaho Rules of Civil Procedure in the timing of responding to written discovery requests (14 days to respond, instead of 30 days) and by dictating the expert disclosure procedure quoted above. As already discussed, Salubria complied with the procedure provided by the *Order*.

In any event, in response to Ogle's written discovery requests, Salubria's *Expert Disclosure* disclosed the information Mr. King would rely upon, his qualifications and experience (by including his curriculum vitae with the *Expert Disclosure*), the testimony he has

provided over the past four years, and the fact that he has not authored any publications in the past ten years. *See Anderson Declaration* Exs. A and C. And, although not requested by Ogle, Salubria also disclosed his compensation for testifying in this matter. *Id.* Thus, despite Idaho Rule of Civil Procedure 26(b)(4) not governing the expert disclosures in this proceeding, Salubria substantially complied with it.

Ogle contends that, without further information about Mr. King's potential testimony, they are prejudiced and unable to adequately prepare for hearing. *Motion* at 9-10. They complain that "[w]ith 3 weeks remaining for discovery in this case, how can the Applicant be expected to address Mr. King's testimony at hearing without having this information?" But Mr. King has been disclosed and there is ample time left before discovery closes for Ogle to depose him if they feel it is necessary to more fully understand what he may testify about.³ To paraphrase their *Motion*, Ogle "agreed to the timeline described in the [*Scheduling Order*] and ha[s] adequate time to [discover] all of the necessary information." *Motion* at 10.

But Ogle has not availed itself of the opportunity to depose Mr. King, and it does not appear that they intend to. Ogle has requested the availability for deposition of only one of Salubria's witnesses (Salubria's 30(b)(6) designee). See communications from Ogle's counsel to Salubria's counsel attached as Attachment A hereto (which have been redacted to protect Rule 408 settlement communications where necessary). Rather than waste their time, Salubria's time, and the Hearing Officer's time with their meritless *Motion*, Ogle should simply have deposed Mr. King if they were truly interested in learning more about what he may testify to.

³ Idaho Rule of Civil Procedure 26(b), to which Ogle's *Motion* cites, states that "[a] party may depose any person who has been disclosed as an expert witness." IRCP Rule 26(b)(4)(iii). Unlike other provisions concerning discovery in Rule 26(b) (discussed above), nothing in the *Scheduling Order* alters this provision.

In summary, Salubria substantially complied with the expert witness disclosure required by the *Scheduling Order*. Ogle is mistaken to argue otherwise, and should avail itself of the opportunities afforded it by the *Scheduling Order* to seek additional information if they deem it necessary for their case. The Department's Rules of Procedure 600 give the Hearing Officer broad leeway in accepting facts into evidence, and IDWR is not bound by the Idaho Rules of Evidence. IDAPA 37.01.01.600. The Hearing Officer should not exclude or limit Mr. King's testimony based on Ogle's unsubstantiated claims of prejudice.⁴

II. ATTORNEYS' FEES.

Idaho Code § 12-117(2) provides:

If a party to a proceeding prevails on a portion of the case, and the state agency or political subdivision or the court hearing the proceeding, including on appeal, finds that the nonprevailing party acted without a reasonable basis in fact or law with respect to that portion of the case, it shall award the partially prevailing party reasonable attorney's fees, witness fees and other reasonable expenses with respect to that portion of the case on which it prevailed.

As shown in Section I, above, there is no reasonable basis in fact or law for Ogle's *Motion*. Ogle's *Motion* contends that Salubria did not comply with Idaho Rule of Civil Procedure 26(b), which is not applicable to the instant case. The *Scheduling Order* provides for the conduct of discovery in this matter and Salubria clearly complied with the terms of the *Scheduling Order*. Moreover, given the factual nature of Salubria's protest, it did not have "any" expert report to disclose to Ogle and did not violate the terms of the *Scheduling Order* by not having its expert

⁴ If anything, Salubria is prejudiced by Ogle's *Motion*. As discussed in the next section of this response, Salubria should be awarded its attorney fees for having to respond to Ogle's frivolous *Motion*. Also, Ogle's *Motion* describes a prior proceeding involving what it calls the "Driscoll Application" and Salubria's activities on its lands since acquiring the property at issue in the Driscoll Application. *Motion* at 3 (first two paragraphs). Salubria objects to the inclusion of the Driscoll Application in Ogle's *Motion* because the *Motion* mischaracterizes past events and, in any case, those past events (and even Salubria's current plans for activities on its property) are irrelevant to this proceeding, which is solely about Ogle's Application for Transfer. The Hearing Officer should strike and disregard this portion of Ogle's *Motion*.

create one, as explained above. In fact, Salubria provided more information to Ogle about Mr. King and his potential testimony than was required by the *Scheduling Order*. If Ogle desires additional information from Mr. King about what he may testify to, it may depose him as it has sought to depose Salubria's 30(b)(6) designee.

Because there is clearly no reasonable basis in fact or law for Ogle's *Motion*, the Hearing Officer should order that Ogle pay to Salubria the attorneys' fees that Salubria incurred in responding to Ogle's baseless and frivolous *Motion*.

III. CONCLUSION

Salubria respectfully requests that the Hearing Officer deny Ogle's *Motion* and order that Ogle must pay Salubria's attorney fees incurred in responding to it. The Hearing Officer should deny Ogle's *Motion* without oral argument as requested by Ogle, as there is no reason to waste additional resources on it.

Respectfully submitted this 22nd day of December, 2021.

GIVENS PURSLEY LLP



By _____
Charlie S. Baser



By _____
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of December, 2021, the foregoing was filed and served as follows:

DOCUMENT FILED:

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Water Management Division
322 E Front St
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Boise, ID 83720-0098

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☒	Hand Delivered
☐	Overnight Mail
☐	Facsimile
☐	E-mail

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Charlie S. Baser

Attachment A

[Please see following pages]

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DEPARTMENT OF
WATER RESOURCES



ATTORNEYS AND COUNSELORS

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December 6, 2021

VIA E-MAIL mpl@givenspursley.com

Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702

Re: *IDWR Transfer No. 84698/Marion Ogle
Meet and Confer*

Dear Mr. Lawrence:

I write pursuant to Rule 521 of the Idaho Department of Water Resources Rules of Procedure (IDAPA 37.01.01.521) and the Idaho Department of Water Resources (IDWR) Rules of Procedure regarding Salubria Holdings LLC's Responses to Marion Ogle's First Set of Discovery Requests served November 12, 2021. Specifically, I request that you either supplement Salubria's discovery requests as described below by 5 p.m. on Friday, December 10, 2021 or contact me by 5 p.m. on Wednesday, December 8, 2021, to schedule a time to meet and confer regarding the following items in Salubria's discovery responses.

- **Answer to Interrogatory No. 1.** Salubria objects on the grounds that the interrogatory is "premature." We disagree. Ms. Ogle is entitled to know which witnesses have knowledge regarding the substance of this matter who will be called to testify. In addition, Ms. Ogle is entitled to know the subject matter and specific facts to which each witness is expected to testify. While Salubria has provided a list of names, it has not provided the specific facts to which the witnesses are going to testify as requested in the Interrogatory. Salubria's reference to the October 20, 2021 Hearing Notice/Scheduling Order suggests that it is going to wait until January 18, 2022 to disclose the subject matter of its witnesses' testimony, which is two weeks before hearing and after the discovery cut off. Ms. Ogle is entitled to know, now, while discovery is open, the subject matter of the testimony of witnesses that Salubria intends to present. Please

supplement Salubria's Answer to Interrogatory No. 1 to provide the requested information. In addition, please provide contact information for Messrs. Ivey, Spring, and Whitener and their basis for having relevant knowledge and facts.

- **Answer to Interrogatory No. 4.** Salubria objects on the grounds that the interrogatory is "premature" and seeks attorney-client privileged information and attorney work product. We disagree. The request is not premature, as Ms. Ogle is entitled to know, now, the subject matter and substance of the opinions of any expert you intend to call at the hearing. To that point, expert disclosures were due November 19, 2021 and Salubria's disclosures were wholly inadequate insofar as the document only generally refers to opinions and data and does not offer specific opinions, data, or an expert's report. Between the inadequate discovery responses and expert disclosures, Ms. Ogle is at a complete loss to evaluate the anticipated testimony of Salubria's experts. In addition, Salubria's reference to the October 20, 2021 Hearing Notice/Scheduling Order suggests that it is going to wait until January 18, 2022 to disclose the subject matter of its expert witnesses' testimony, which is two weeks before hearing and after the discovery cut off. Ms. Ogle is entitled to know, now, while discovery is open, the subject matter of the expert testimony of witnesses that Salubria intends to present. Please supplement Salubria's Answer to Interrogatory No. 4 to provide the requested information. Moreover, to the extent that Salubria is withholding information pursuant to the attorney-client privilege or attorney work product doctrine, please supplement Salubria's Answer to Interrogatory No. 4 to include a privilege log pursuant to Idaho Rule of Civil Procedure 26(b)(5)(A) or withdraw Salubria's objection.
- **Answer to Interrogatory No. 6:** Salubria objects on the grounds that the interrogatory is "premature," overbroad, unduly burdensome, and requests attorney work product. We disagree. Ms. Ogle is entitled to know which documents or exhibits that Salubria intends to introduce into evidence at the hearing in this matter. Moreover, to evaluate her evidentiary objections with respect to such exhibits, Ms. Ogle is entitled to know the custodian of each exhibit or witnesses who will introduce such exhibits. Salubria's reference to the October 20, 2021 Hearing Notice/Scheduling Order suggests that it is going to wait until January 18, 2022 to disclose its exhibit and the custodians for such exhibits, which is two weeks before hearing and after the discovery cut off. Ms. Ogle is entitled to know, now, while discovery is open, Salubria's exhibits and custodians. Please supplement Salubria's Answer to Interrogatory No. 6 to provide the requested information. Moreover, to the extent that Salubria is withholding information pursuant to the attorney work product doctrine, please supplement Salubria's Answer to Interrogatory No. 6 to include a privilege log pursuant to Idaho Rule of Civil Procedure 26(b)(5)(A) or withdraw Salubria's objection.

- **Answer to Interrogatory No. 11:** Salubria objects on the grounds that such interrogatory is vague, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. We disagree. In order to respond to and address Salubria's possible claims and position in this dispute, Ms. Ogle needs to understand Salubria's actual water use practices, not just what Salubria's water rights documents provide. Referring Ms. Ogle to unspecified documents on file with the IDWR is not adequate.
- **Response to Request for Production No. 7:** Salubria objects on the grounds that such request for production is "premature," requests confidential attorney work product and attorney-client privileged information, and "requests documents equally available to Intervenor." We disagree. The request for production seeks materials and information relative to any expert you intend to call at the hearing. Such information is fair game and should be produced now, as it is far from premature. Salubria's reference to the October 20, 2021 Hearing Notice/Scheduling Order suggests that it is going to wait until January 18, 2022 to disclose the requested materials and information utilized by its expert witnesses, which is two weeks before hearing and after the discovery cut off. Ms. Ogle is entitled to know, now, while discovery is open, the documents that Salubria's experts intend to rely upon or present at the hearing. Moreover, to the extent that Salubria is withholding information pursuant to the attorney-client privilege or the attorney work product doctrine, please supplement Salubria's Response to Request for Production No. 7 to include a privilege log pursuant to Idaho Rule of Civil Procedure 26(b)(5)(A) or withdraw Salubria's objection.

Given the rapidly approaching hearing date and deadlines for pre-hearing submissions, time is of the essence. I appreciate your attention to the items listed above and look forward to receiving your supplemental discovery responses by 5 p.m. on Friday, December 10, 2021. If you have any questions regarding our concerns or if you would like to discuss the items listed above in further detail, please do not hesitate to give me a call by Wednesday, December 8, 2021, and we can set up a time to confer. Also, please provide me your client 30(b)(6) representative's available dates for deposition during December 2021 by Friday, December 10, 2021. Thank you.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Tyler J. Anderson

TJA:kher

Charlie S. Baser

From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Friday, December 10, 2021 7:03 PM
To: Tyler Anderson
Cc: Kendra Hernandez; Charlie S. Baser; Dana Hofstetter
Subject: RE: IDWR Transfer No. 84698/Marion Ogle: Meet and Confer Letter [IWOV-GPDMS.FID1077035]
Attachments: 2021-12-6 Meet and Confer Letter.pdf; 14912400_1_Legg Family Trust_s Responses to Driscoll Discovery Requests.PDF

Tyler,

Thanks for speaking with me on the phone yesterday.

I soon will send you a proposed settlement agreement intended to resolve my client's protest to the Ogle transfer application and Ogle's potential protest to my client's transfer application. As we discussed, our clients should be able to reach an agreement that allows both of them to use the water as they propose in their applications.

As for your meet and confer letter (copy attached), Salubria responds as follows:

1. Concerning Answer to Interrogatory No. 1. Without waiving any objections:

- Salubria's response listed potential witnesses and the "substance of the facts to which he or she is expected to testify," as requested by the Interrogatory. Thus, contrary to the assertions in your letter, Salubria has disclosed, the best of its knowledge, the "subject matter of its witnesses' testimony."
- The contact information for Messrs. Ivey, Spring, and Whitener is included in Salubria's response to Interrogatory No. 2. The basis of their having relevant knowledge is that they have leased and/or farmed the Salubria property, which included the delivery and use of Rush Creek water.
- Case investigation is ongoing. Salubria will supplement its response if and when more information responsive to this Interrogatory becomes known.

2. Concerning Answer to Interrogatory No. 4. Without waiving any objections:

- Salubria's expert witness disclosure dated November 19, 2021 listed Scott King as a potential expert witness, and included his curriculum vitae, a general statement of the opinions he may express, the identification of data and other information he may consider in forming his opinion, his compensation for his testimony, and a listing of other cases in which he testified as an expert in the last four years. The disclosure also stated that he has not authored any publications in the past 10 years, and that exhibits he may use will be served in accordance with the October 20, 2021 *Hearing Notice/Scheduling Order* (as none exist at this time).
- Case investigation is ongoing. Salubria will supplement its response if and when more information responsive to this Interrogatory becomes known.

3. Concerning Answer to Interrogatory No. 6. Without waiving any objections:

- Exhibits that Salubria may introduce at hearing have not been determined at this time. Exhibits will be served in accordance with the October 20, 2021 *Hearing Notice/Scheduling Order*. Case investigation is ongoing. Salubria will supplement its response if and when more information responsive to this Interrogatory becomes known.

4. Concerning Answer to Interrogatory No. 11. Without waiving any objections:

- Salubria's Rush Creek water rights are authorized to be diverted from the same point of diversion and delivered through the same ditch as the water rights proposed to be transferred in Ogle's application. Thus, the source of the water rights and the diversion and delivery system should be known to Ogle. To the extent the delivery system differs from the water rights proposed to be transferred in Ogle's application, Salubria's delivery system is not relevant to the Ogle application.
- Information concerning the past 10 years of Salubria's water use is not relevant to the Ogle application.
- Case investigation is ongoing. Salubria will supplement its response if and when more information responsive to this Interrogatory becomes known.

5. Concerning Response to Request for Production No. 7. Without waiving any objections:

- Salubria's expert witness disclosure dated November 19, 2021 listed Scott King as a potential expert witness, and included his curriculum vitae, a statement of the opinions he may express, the identification of data and other information he may consider in forming his opinion, his compensation for his testimony, and a listing of other cases in which he testified as an expert in the last four years. The disclosure also stated that he has not authored any publications in the past 10 years, and that exhibits he may use will be served in accordance with the October 20, 2021 *Hearing Notice/Scheduling Order* (as none exist at this time). Mr. King has not prepared a report related directly or indirectly to this proceeding. may introduce at hearing do not exist at this time.
- Case investigation is ongoing. Salubria will supplement its response if and when more information responsive to this Interrogatory becomes known.

As for the privilege log requested in your letter, the only documents, communications, or tangible things not produced or disclosed in response to Ogle's discovery requests consist of emails and telephone conferences between Salubria, Salubria's expert witness Scott King, and Salubria's counsel Michael P. Lawrence and Charlie S. Baser.

Salubria's discovery responses (including those above) are substantially similar to the responses provided by Ogle's counsel in the matter of Application for Permit No. 67-15261 (copy attached).

Finally, Salubria's 30(b)(6) representative is Rick Fereday. He is available for a deposition 12/27-12/31.

Please let me know if you have any further questions.

Thanks,
Mike

MICHAEL P. LAWRENCE
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From: Kendra Hernandez <KHernandez@hawleytroxell.com>
Sent: Monday, December 6, 2021 5:10 PM
To: Michael P. Lawrence <mpl@givenspursley.com>
Cc: Tyler Anderson <TAnderson@hawleytroxell.com>
Subject: IDWR Transfer No. 84698/Marion Ogle: Meet and Confer Letter [IWOV-IMANAGE.FID1258994]

Good afternoon:

Please find Mr. Anderson's correspondence of today's date.

Thank you for your time.

KENDRA HERNANDEZ
Legal Administrative Assistant
Direct 208.388.4073
Fax 208.954.5266
email khernandez@hawleytroxell.com

HAWLEY TROXELL

Attorneys and Counselors



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Charlie S. Baser

From: Michael P. Lawrence
Sent: Monday, December 20, 2021 9:48 AM
To: Dana Hofstetter; Tyler Anderson
Cc: Charlie S. Baser
Subject: RE: Ogle/Salubria - CONFIDENTIAL SETTLEMENT COMMUNICATION SUBJECT TO I.R.E. 408 and IDAPA 37.01.01.610 [IWOV-GPDMS.FID1077035]

Dana,

Salubria's 30(b)(6) deponent, Rick Fereday, is generally available for deposition the first week of January, except for during the Tuesday 1/4 status conference and the afternoon of Thursday 1/6.

Thanks,

Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP

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From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Tuesday, December 14, 2021 5:05 PM
To: Dana Hofstetter <DHofstetter@hawleytroxell.com>; Tyler Anderson <TAnderson@hawleytroxell.com>
Cc: Charlie S. Baser <charliebaser@givenspursley.com>
Subject: RE: Ogle/Salubria - CONFIDENTIAL SETTLEMENT COMMUNICATION SUBJECT TO I.R.E. 408 and IDAPA 37.01.01.610 [IWOV-GPDMS.FID1077035]

Dana,

[REDACTED]

I provided Tyler with available deposition dates during December last Friday. I will find out when my client is available the first week of January and get back to you.

Thanks,

Mike

MICHAEL P. LAWRENCE

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From: Dana Hofstetter <DHofstetter@hawleytroxell.com>

Sent: Tuesday, December 14, 2021 12:51 PM

To: Michael P. Lawrence <mpl@givenspursley.com>; Tyler Anderson <TAnderson@hawleytroxell.com>

Cc: Charlie S. Baser <charliebaser@givenspursley.com>

Subject: RE: Ogle/Salubria - CONFIDENTIAL SETTLEMENT COMMUNICATION SUBJECT TO I.R.E. 408 and IDAPA 37.01.01.610 [IWOV-IMANAGE.FID1258994]

Mike,

[REDACTED]

I would ask that you provide your client's available dates for deposition the first week of January.

Thank you,

Dana

DANA L. HOFSTETTER

Of Counsel

direct 208.424.7800

fax 208.954.5943

email dhofstetter@hawleytroxell.com

HAWLEY TROXELL

Attorneys and Counselors



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Thanks,

Mike

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