
From: Moskowitz, Bennet J.
Sent: Wednesday, July 15, 2020 5:24 PM
To: Laura Menninger
Cc: Nathan Werksman; Claudia Lomeli; Robert Glassman;
daniel.weiner@hugheshubbard.com; Metcalfe, Mary Grace; Keilah Betts; Kevin Boyle
Subject: Re: Jane Doe (1:20-cv-00484-JGK-DCF)

Ms. Menninger:

Thanks for confirming our understanding. As we previously advised Robert, the parties also need to get on the same page about a confidentiality agreement before we start productions; that was clear from our written discovery responses to him. We thought that would be discussed on Friday as well. We are still available to meet and confer as discussed, and will take up Robert's premature, erroneous letter with Judge Freeman unless he immediately withdraws it.

Best,
Bennet

On Jul 15, 2020, at 5:17 PM, Laura Menninger <lmenninger@hmflaw.com> wrote:

EXTERNAL SENDER

That is correct. I understand that we were having a call tomorrow to discuss a number of scheduling issues, including scheduling depositions. I said that I needed to see the discovery and disclosures produced to date, prior to that call. I have yet to receive any discovery produced by either side.

I now have other meetings scheduled at 10 am, 1 pm and 4:30 pm on Friday (all MST). Let me know if you all still want to have a discussion or not, given Mr. Glassman's very premature letter to the court. If so, please send me whatever docs have been produced to date.

I believe that we need to compile a deposition schedule for all witnesses that the parties intend to depose at one time, so Mr. Glassman I assume you will be providing dates for your client's deposition.

Laura A. Menninger | Partner
Haddon, Morgan & Foreman, P.C.
150 E. 10th Avenue | Denver, CO 80203
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lmenninger@hmflaw.com

From: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>
Sent: Wednesday, July 15, 2020 3:14 PM
To: Laura Menninger <lmenninger@hmflaw.com>
Cc: Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>; Robert Glassman <glassman@psblaw.com>; daniel.weiner@hugheshubbard.com; Metcalfe, Mary Grace <MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>; Kevin Boyle <Boyle@psblaw.com>
Subject: Re: Jane Doe (1:20-cv-00484-JGK-DCF)

Hi Laura,

You may have seen that Robert just filed a letter to Judge Freeman claiming, among other things, that we unilaterally canceled Mr. Indyke's deposition to be obstructionist. Our understanding is that you requested we speak to, among other things, set new dates for that and all other discovery dates and deadlines which were set before you appeared in this action. Indeed, that is why we are supposed to speak on Friday. Is my understanding correct?

Thank you,
Bennet

Bennet J. Moskowitz*

Partner

troutman pepper

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*Licensed to practice law in New York and Connecticut

On Jul 15, 2020, at 2:34 AM, Robert Glassman <glassman@psblaw.com> wrote:

EXTERNAL SENDER

Friday works for us too. I am still waiting on a response from Ms. Menninger concerning the depositions I emailed her about on July 8. I would also like to add to the agenda for Friday scheduling the deposition of Ms. Maxwell.

Robert Glassman, Esq.

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From: Moskowitz, Bennet J. [<mailto:Bennet.Moskowitz@troutman.com>]

Sent: Tuesday, July 14, 2020 1:56 PM

To: Laura Menninger <lmessenger@hmflaw.com>

Cc: Robert Glassman <glassman@psblaw.com>; Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli

<lomeli@psblaw.com>; daniel.weiner@hugheshubbard.com; Metcalfe, Mary Grace

<MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>

Subject: Re: Jane Doe (1:20-cv-00484-JGK-DCF)

Friday works for us to speak. We sent our discovery materials yesterday. In the meantime, we will mark Mr. Indyke's deposition off the calendar subject to whatever new schedule we all reach.

Bennet J. Moskowitz*

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On Jul 13, 2020, at 12:19 PM, Laura Menninger <lmessenger@hmflaw.com> wrote:

EXTERNAL SENDER

I am free Wednesday afternoon and all day Friday, presuming I have received the current discovery and disclosures by then.

Laura A. Menninger | Partner

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150 E. 10th Avenue | Denver, CO 80203

+1 303 831 7364 (Office)

lmessenger@hmflaw.com

From: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Sent: Monday, July 13, 2020 10:18 AM

To: Laura Menninger <lmessenger@hmflaw.com>; Robert Glassman <glassman@psblaw.com>

Cc: Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>;

daniel.weiner@hugheshubbard.com; Metcalfe, Mary Grace <MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>

Subject: Re: Jane Doe (1:20-cv-00484-JGK-DCF)

Today we will send you discovery served by or to the Co-Executors and responses thereto. When can we all speak?

Thanks,
Bennet

Bennet J. Moskowitz*

Partner

troutman pepper

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bennet.moskowitz@troutman.com

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On Jul 13, 2020, at 12:07 PM, Laura Menninger <lmenninger@hmflaw.com> wrote:

EXTERNAL SENDER

I did not yet receive the disclosures or discovery. When can I expect those?

Thank you,
Laura

Laura A. Menninger | Partner

Haddon, Morgan & Foreman, P.C.

150 E. 10th Avenue | Denver, CO 80203

+1 303 831 7364 (Office)

lmenninger@hmflaw.com

From: Robert Glassman <glassman@psblaw.com>

Sent: Friday, July 10, 2020 10:03 AM

To: Laura Menninger <lmenninger@hmflaw.com>; 'Moskowitz, Bennet J.' <Bennet.Moskowitz@troutman.com>

Cc: Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>;

'daniel.weiner@hugheshubbard.com' <daniel.weiner@hugheshubbard.com>; Metcalfe, Mary Grace

<MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>

Subject: RE: Jane Doe (1:20-cv-00484-JGK-DCF)

Bennet, yes, the depositions that were scheduled yesterday are, as previously advised, being continued, and the doc requests that went along with them are withdrawn for now.

Laura, we will get you the disclosures and discovery both propounded and answered thus far. Free to discuss the scheduling order next week.

Thanks.

Robert Glassman, Esq.

Panish Shea & Boyle LLP

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From: Laura Menninger [<mailto:lmenninger@hmflaw.com>]
Sent: Friday, July 10, 2020 8:53 AM
To: 'Moskowitz, Bennet J.' <Bennet.Moskowitz@troutman.com>; Robert Glassman <glassman@psblaw.com>
Cc: Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>;
'daniel.weiner@hugheshubbard.com' <daniel.weiner@hugheshubbard.com>; Metcalfe, Mary Grace
<MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>
Subject: RE: Jane Doe (1:20-cv-00484-JGK-DCF)

Counsel –

Given my appearance in the case, please provide me with your R. 26 disclosures, any discovery requests that have been propounded in the matter, and any responses thereto.

I will need to confer with you next week about my anticipated request for relief from the scheduling order to the extent it contemplated deadlines that passed or are soon approaching, all scheduled prior to my client's service in this case.

Thank you,
Laura

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lmenninger@hmflaw.com

From: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>
Sent: Friday, July 10, 2020 7:31 AM
To: Robert Glassman <glassman@psblaw.com>
Cc: Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>;
'daniel.weiner@hugheshubbard.com' <daniel.weiner@hugheshubbard.com>; Metcalfe, Mary Grace
<MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>; Laura Menninger
<lmenninger@hmflaw.com>
Subject: RE: Jane Doe (1:20-cv-00484-JGK-DCF)

Robert,

Again, please confirm you are withdrawing the document requests in the deposition notices. We do not want to have to burden Judge Freeman with this issue.

I have added Laura Menninger to this email chain given her appearance in this action.

Thank you,
Bennet

Bennet J. Moskowitz*

Partner

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From: Moskowitz, Bennet J.

Sent: Wednesday, July 8, 2020 3:00 PM

To: 'Robert Glassman' <glassman@psblaw.com>

Cc: Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>; 'daniel.weiner@hugheshubbard.com' <daniel.weiner@hugheshubbard.com>; Metcalfe, Mary Grace <MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>

Subject: RE: Jane Doe (1:20-cv-00484-JGK-DCF)

We did not receive anything. Also, please confirm you are withdrawing the document requests in the deposition notices.

Bennet J. Moskowitz*

Partner

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From: Robert Glassman <glassman@psblaw.com>

Sent: Wednesday, July 8, 2020 2:57 PM

To: Metcalfe, Mary Grace <MaryGrace.Metcalfe@troutman.com>; Keilah Betts <betts@psblaw.com>; 'daniel.weiner@hugheshubbard.com' <daniel.weiner@hugheshubbard.com>; Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Cc: Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>

Subject: RE: Jane Doe (1:20-cv-00484-JGK-DCF)

EXTERNAL SENDER

Mary Grace, supplemental responses were served on you and Bennet yesterday by email per our agreement. Looks like they were sent at 5:05 PST. Let us know if you need us to re-send them to you.

As we discussed on our call, the depositions set for tomorrow were taken off calendar and are being rescheduled at a later date.

Robert Glassman, Esq.
Panish Shea & Boyle LLP

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From: Metcalfe, Mary Grace [<mailto:MaryGrace.Metcalfe@troutman.com>]
Sent: Wednesday, July 08, 2020 11:31 AM
To: Keilah Betts <betts@psblaw.com>; 'daniel.weiner@hugheshubbard.com' <daniel.weiner@hugheshubbard.com>; Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>
Cc: Robert Glassman <glassman@psblaw.com>; Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>
Subject: RE: Jane Doe (1:20-cv-00484-JGK-DCF)

Robert,

We have reviewed the subpoena below. It is accompanied a notice of deposition, similar to those issued alongside the subpoenas you sent us in April. As we noted then, such notices of deposition are improper. Please let us know if you will withdraw this one as you did its predecessors.

Furthermore, you have included document requests without specifying a response date. Please clarify that point.

Finally, you indicated last week that we could expect to receive supplemental discovery responses addressing the concerns we raised in our letter last month. We have yet to receive these responses. Please send them immediately.

Thank you,

Mary Grace W. Metcalfe

Associate

troutman pepper

Direct: 212.704.6029 | Mobile: 425.984.4165
marygrace.metcalfe@troutman.com

From: Keilah Betts <betts@psblaw.com>

Sent: Monday, June 15, 2020 4:40 PM

To: 'daniel.weiner@hugheshubbard.com' <daniel.weiner@hugheshubbard.com>; Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Cc: Robert Glassman <glassman@psblaw.com>; Nathan Werksman <werksman@psblaw.com>; Claudia Lomeli <lomeli@psblaw.com>

Subject: Jane Doe (1:20-cv-00484-JGK-DCF)

Importance: High

EXTERNAL SENDER

Counsel – Attached please find the Deposition Notice and Subpoena for Darren Indyke.

Mr. Weiner – Per a previous conversation with Attorney Werksman, you are willing to accept service of the subpoena on behalf of your client, Mr. Darren Indyke. Please acknowledge receipt of this e-mail. Thank you

Keilah Betts

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