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Attorneys for Defendant

**IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STRIDER CONSTRUCTION CO., INC.,

Plaintiff,

vs.

IDAHO WATER RESOURCE BOARD,

Defendant.

Case No. CV01-22-10932

**SECOND DECLARATION OF JENNIFER
REINHARDT-TESSMER IN SUPPORT
OF DEFENDANT'S MOTION TO
ORDER RETURN OF STATE
PROPERTY**

STATE OF IDAHO)

County of Ada) : ss.

Jennifer Reinhardt-Tessmer, being first duly sworn upon oath, deposes and says:

1. I am an attorney with Kirton McConkie, counsel of record for Defendant Idaho Water Resource Board. I am over the age of 18 and base this declaration on my personal knowledge.

2. On March 27, 2023, I emailed opposing counsel to inquire whether they possessed any physical evidence, including old J-seal material. Attached as **Exhibit A** is a true and correct copy of that email.

3. During a meet and confer conference with Kristina Southwell, counsel of record for the Plaintiff, Strider Construction Company, on March 29, 2023 (“the meet and confer conference”), I again inquired whether Strider had retained any old J-seals.

4. In response, Ms. Southwell said she had checked with her client and confirmed they did have an old J-Seal.

5. I inquired where the J-Seal was being kept and Ms. Southwell said that she “assumed” it was somewhere in Strider’s office. I asked where that was located and Ms. Southwell indicated she was unsure of the physical location, including the state where the office was located. She later said, she “assumed” the J-seal was being kept in an “air-conditioned location.”

6. When Ms. Southwell said we could travel to the office to view the evidence, I responded that I believed the J-seal was IWRB’s property so we would need to work that out.

7. Following the meet and confer conference, I requested that the J-seal be returned to IWRB by mail, which request was denied.

8. On June 2, 2023, I received a letter from opposing counsel threatening Rule 11 sanctions if IWRB did not withdraw its Motion to Order Return of State Property.

DATED this 7th day of June 2023.

KIRTON MCCONKIE

/s/ Jennifer Reinhardt-Tessmer

Jennifer Reinhardt-Tessmer

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June 2023, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

Lindsay (Taft) Watkins
Pro Hae Vice Admission Pending
Kristina Southwell
Pro Hae Vice Admission Pending
AHLERS CRESSMAN & SLEIGHT PLLC
1325 4th Ave., Suite 1850
Seattle, WA 98101
Telephone: (206) 287-9900

- U.S. Mail
- Facsimile: (208) 388-1300
- Hand Delivery
- Overnight Delivery
- iCourt E-File/Serve:
lindsay.watkins@acslawyers.com
kristina.southwell@acslawyers.com

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/s/ Jennifer Reinhardt-Tessmer
Jennifer Reinhardt-Tessmer

EXHIBIT A

From: [Jennifer Reinhardt-Tessmer](#)
To: [Kristina Southwell](#)
Cc: [Lindsay Watkins](#); [Taylor Orian](#); [Carolyn McCutchan](#); [Carter, Meghan](#); [Madison Hyland](#)
Subject: Strider v. IWRB
Date: Monday, March 27, 2023 3:39:00 PM
Attachments: [image001.png](#)

Kristina,

Can you please tell me what physical evidence Strider has preserved relative to the above-referenced lawsuit? Did Strider preserve the original J-seal material?

Thank you.

Jennifer



Jennifer Reinhardt-Tessmer

Shareholder

d 208-370-3323