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Attorneys for Strider Construction Co., Inc.

**IN THE DISTRICT COURT OF 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

DECLARATION OF LINDSAY WATKINS
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO AMEND CASE SCHEDULE

I, Lindsay Taft Watkins, testify as follows:

1. I am the lead counsel of record for Plaintiff Strider Construction Co., Inc. in the above-captioned matter. I am over the age of eighteen, competent to testify, and have personal knowledge of the matters herein.
2. At approximately 4pm on Friday June 2, 2023 I received a voicemail from counsel for Defendant inquiring about amending the case schedule to continue trial by approximately four months. Attached as **Exhibit A** is a true and correct copy of subsequent email correspondence between myself and counsel for Defendant regarding Defendant's requested trial continuance in

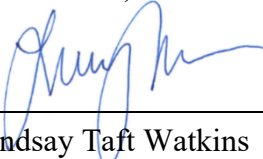
which I explain the reasons Strider could not agree to such a lengthy continuance but offered a continuance of a few weeks as fair compromise.

3. I will be out of the country from March 30 – April 6, 2024. This scheduled travel outside of the country has been booked for some time and cannot be rescheduled or refunded.

4. My co-counsel, John Guin, will be unavailable and out of state from February 19 – March 4, 2024 and in an out-of-town Arbitration from April 8 – 12, 2024.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED: This 8th day of June, 2023 at Seattle, WA.

By: 
Lindsay Taft Watkins

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2023, a true and correct copy of the within and foregoing instrument was served upon:

Garrick L. Baxter, ISB #6301
Garrick.baxter@idwr.idaho.gov
Meghan M. Carter, ISB #8863
Meghan.carter@idwr.idaho.gov

Steven B. Andersen, 2618
sandersen@kmclaw.com
Jennifer Reinhardt-Tessmer, #7432
jtessmer@kmclaw.com

*Attorney for Defendant Idaho Water
Resource Board*

*Attorney for Defendant Idaho Water
Resource Board*

- Via U.S. Mail
- Via Legal Messenger
- Via Federal Express
- Via Facsimile
- Via iCourt E-File and Serve**

- Via U.S. Mail
- Via Legal Messenger
- Via Federal Express
- Via Facsimile
- Via iCourt E-File and Serve**

DATED: This 8th day of June, 2023.

/s/ John H. Guin
John H. Guin

EXHIBIT A

From: [Lindsay Watkins](#)
To: [Jennifer Reinhardt-Tessmer](#); john@quinlaw.com; [Kristina Southwell](#)
Cc: [Carter, Meghan](#)
Subject: RE: Extension of Trial Date and Related Deadlines
Date: Tuesday, June 6, 2023 2:41:28 PM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)

Jennifer,

I did miss your 4pm call on Friday afternoon (which did not mention a motion being filed) as I had other commitments, but I planned on discussing with Strider during business hours on Monday. By the time my schedule allowed on Monday, however, you had already filed your motion. Moreover, no notice was provided with respect to the Motion to Shorten Time filed today. **Regardless, given the timeline of this case, the circumstances as presented, and other conflicts, we do not agree the Board has identified good cause to justify a delay of the resolution of this matter as proposed when compared to the resulting prejudice to Strider. If you have additional support that meets that burden, I would of course be willing to discuss. None is set forth in your Motion.**

With respect to recent communications, the current pending motion is frivolous. In response, similar to the Motion, your letter continues to attack and disparage Strider without any legal or factual basis, and then assert, again without any support, the Board is somehow going to seek sanctions. The only misstatements and lack of candor are contained in the Board's Motion and your letter provides nothing to the contrary. It is unfortunate this issue could not be resolved through the discovery process as required and proposed, but the Board has left Strider no other option but to correct the improper filings and seek its fees in doing so.



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From: Jennifer Reinhardt-Tessmer <jtessmer@kmclaw.com>

Sent: Tuesday, June 6, 2023 1:45 PM

To: Lindsay Watkins <lindsay.watkins@acslawyers.com>; john@quinlaw.com; Kristina Southwell <kristina.southwell@acslawyers.com>

Cc: Carter, Meghan <meghan.carter@idwr.idaho.gov>

Subject: RE: Extension of Trial Date and Related Deadlines

Lindsay,

As you know, I initially contacted you with this request four days ago. While I agree you wanted to set the trial for months following the scheduling conference, the case was set pursuant to the court's available trial dates and counsel's availability – neither of which would occur months after the scheduling conference – not sure how they do it in Washington. As to your comments regarding Mr. Andersen, you have no idea what role he has played. He has, in fact, participated heavily in briefings, discussions – and hearings in which you participated. A few weeks is not a reasonable compromise, and your response is overall disappointing, consistent with recent communications.

Jennifer

KIRTON | McCONKIE
Jennifer Reinhardt-Tessmer

Shareholder

d 208.370.3323

c 208.957.3939

From: Lindsay Watkins <lindsay.watkins@acslawyers.com>

Sent: Tuesday, June 6, 2023 1:13 PM

To: Jennifer Reinhardt-Tessmer <jtessmer@kmclaw.com>; john@guinlaw.com; Kristina Southwell <kristina.southwell@acslawyers.com>

Cc: Carter, Meghan <meghan.carter@idwr.idaho.gov>

Subject: RE: Extension of Trial Date and Related Deadlines

CAUTION: EXTERNAL

Jennifer –

I was unable to respond to you yesterday in the five hours allotted before you filed your motion, and you now have also filed a Motion to Shorten Time, impacting our ability to adequately respond. We will put forth our response in briefing, but while we are sympathetic to any health issue, we cannot agree to a four month extension. This case was filed almost a year ago, and while we pushed to have this matter decided in early 2023, the matter was scheduled in late November/December 2023 to accommodate your and the Board's previous requests to delay the hearing. An additional four months would be almost two years from filing and there is no indication that four months would even be sufficient or the Board would not again seek a further continuance. We also have conflicts that would prevent further accommodations. As a compromise, Strider will stipulate to a few weeks extension, provided that is agreeable to the Court's schedule and provided trial would be complete by January 10.

As your response to our Motion to strike the jury trial designation acknowledged, there remains ample time prior to trial, including to bring on additional counsel if that is even necessary, especially as Mr. Anderson has not been substantively involved in any of the discussions, hearings, briefing,

etc. The alternative, however, would result in significant prejudice to Strider, who has been trying to timely resolve this matter and resolution of the payment improperly withheld by the Board but due to Strider.



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From: Jennifer Reinhardt-Tessmer <jtessmer@kmclaw.com>
Sent: Monday, June 5, 2023 8:57 AM
To: Lindsay Watkins <lindsay.watkins@acslawyers.com>; john@guinlaw.com; Kristina Southwell <kristina.southwell@acslawyers.com>
Cc: Carter, Meghan <meghan.carter@idwr.idaho.gov>
Subject: Extension of Trial Date and Related Deadlines

Counsel,

As I stated in the voicemail I left Lindsay on Friday, the lead attorney in this case – Steven Andersen – had a serious and unexpected medical issue arise. As a result, I am seeking stipulation to a four-month extension of the trial-date and related deadlines. Please advise by 3:00 mountain time today if you stipulate to the extension or call if you would like to discuss further. Thank you.

Jennifer

KIRTON | McCONKIE

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