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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 KYLE GEBHARDT
IN SUPPORT OF STRIDER
CONSTRUCTION CO., INC.'S MOTION
FOR PROTECTIVE ORDER

I, Kyle Gebhardt, testify as follows:

1. I am over eighteen years of age and competent to testify herein. I have personal knowledge of the facts and statements stated herein.

2. I am a Professional Engineer and serve as an Operations Manager for Strider Construction Incorporated (“Strider”).

3. The Idaho Water Resource Board (“IWRB”) solicited bids from contractors based on written plans and specifications provided by the Board for certain improvements to the Priest Lake Water Management Project Outlet Dam located in Priest Lake, Idaho (the “Project”). Strider

submitted the lowest responsive bid and was, in turn, awarded the contract by IWRB for the Project. As such, Strider did not have the opportunity to negotiate or modify IWRB's contract terms, including the location for resolving disputes as drafted by IWRB. Strider did not want to file any lawsuit and did not and would not choose Boise for the location, but Strider did not have any choice.

4. Strider is a construction company with its principal place of business in Bellingham, Washington, which is roughly a two hour drive to Seattle, Washington assuming no traffic. Strider also has an office in Wenatchee, Washington, which is roughly three hours to either Seattle, Washington or Spokane, Washington. I live in Bellingham, Washington. Tim Yedinak and Jim Gebhardt live in Wenatchee, Washington.

5. Based on the deposition topics, Strider anticipates two or three individuals will be necessary for the 30(b)(6) deposition on September 20, 2023, including Tim Yedinak, Jim Gebhardt, and myself. Thus, with the personal depositions on September 21, 2023, it is anticipated that Strider and four individuals (Tim Yedinak, myself, Jim Gebhardt, and counsel for Strider) will need to travel for three to four days depending on flight availability. For myself, Jim Gebhardt, and Tim Yedinak, because we are not located near a major airport, it will require 12 to 15 hours of just travel between our residences and Boise, excluding the mornings/nights that must be spent in Boise. Because of this, we will need to travel the day prior to September 20, staying overnight and will either have to return well after midnight or stay another night. With travel costs, lodging and meals for two to three nights, the cost is estimated to exceed \$9,000.00. This will be a significant disruption and burden to both Strider's business operations and our personal and family obligations. As it is likely more convenient for counsel to IWRB, both myself and Jim have offered to travel to Seattle, which would still require a total of approximately 6 – 7 hours each.

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

DATED: This 27TH day of August, 2023 at Bellingham, WA.

By: 
_____ Kyle Gebhardt

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of September, 2023, a true and correct copy of the within and foregoing instrument was served upon:

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*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 5th day of September, 2023.

/s/ Joe Meuleman
