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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 NICHOLAS C.
KORST IN SUPPORT OF PLAINTIFF'S
RESPONSE TO MOTION TO COMPEL
STRIDER TO PRODUCE PHYSICAL
EVIDENCE IN RESPONSE TO
DEFENDANT'S SECOND SET OF
REQUESTS FOR PRODUCTION

I, Nicholas Korst, state and declare as follows:

1. I am over eighteen years of age and competent to testify herein. I am one of the attorneys for Strider Construction Co., Inc. ("Strider") in this action.

2. Attached as **Exhibit A** is a true and correct copy of email correspondence dated September 1, 2023 through September 27, 2023.

DECLARATION OF NICHOLAS C. KORST IN SUPPORT OF
PLAINTIFF'S RESPONSE MOTON TO COMPEL STRIDER TO
PRODUCE PHYSICAL EVIDENCE IN RESPONSE TO DEFENDANT'S
SECOND SET OF REQUESTS FOR PRODUCTION – 1

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 September, 2023, in Seattle, Washington.

By: 

Nicholas Korst

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 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 27th day of September, 2023.

/s/ Joe Meuleman _____

KORST

EXHIBIT A

From: Jennifer Reinhardt-Tessmer <jtessmer@kmclaw.com>
Sent: Wednesday, September 27, 2023 9:10 AM
To: Nicholas Korst
Cc: Joe Meuleman; Lindsay Watkins
Subject: RE: Strider's J-Seal inspection

Nick –

The scope hasn't changed since we requested an inspection last spring – we simply want a non-destructive examination of the J-seals (old and new). It shouldn't take more than a few hours. Strider's insistence on being present is only an issue if it serves to further delay the inspection. Also, we obviously want an opportunity to confer confidentially with our client and expert as reasonably necessary throughout the course of the inspection.

Also, can you please confirm what physical evidence Strider has? Is it just the old and new J-seals? Did Strider retain any of the trunnion pins that were removed?

Thanks.

KIRTON M'CONKIE
Jennifer Reinhardt-Tessmer
Shareholder
d 208.370.3323
c 208.957.3939

From: Nicholas Korst <nicholas.korst@acslawyers.com>
Sent: Thursday, September 21, 2023 4:43 PM
To: Jennifer Reinhardt-Tessmer <jtessmer@kmclaw.com>
Cc: Joe Meuleman <jmeuleman@meulemanlaw.com>; Lindsay Watkins <lindsay.watkins@acslawyers.com>
Subject: Strider's J-Seal inspection

CAUTION: EXTERNAL

Jennifer,

Considering there are now three motions noted to be heard on the same day, Lindsay or I will be traveling to Boise on October 4 to appear in person for the hearings. That said, we plan to bring the J-Seal at issue to Boise on that date. Though additional dates were previously proposed by Lindsay, the J-Seal will now also be available for inspection by IWRB after October 4th in Boise on a mutually agreeable date. Please advise as to the scope of inspection IWRB intends to perform on the J-Seal. Also, while logistics of scheduling and exact location of inspection do not need to occur now, be advised that Strider is entitled and intends to have a representative present during the inspection.

Please advise as to the scope of inspection no later than 9/25 so Strider can understand if there is an agreement as to the J-Seal inspection (including no objection to Strider being present).

Nick



Nick Korst

nicholas.korst@acslawyers.com

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