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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 AMENDED NOTICE OF
DEPOSITION OF PLAINTIFF STRIDER
CONSTRUCTION CO., INC. PURSUANT
TO IDAHO RULE OF CIVIL
PROCEDURE 30(B)(6)**

TO: STRIDER CONSTRUCTION CO., INC.

c/o Lindsay (Taft) Watkins
Pro Hac Vice
AHLERS CRESSMAN & SLEIGHT PLLC
1325 4th Ave., Suite 1850
Seattle, WA 98101
Telephone: (206) 287-9900

Joe Meuleman
MEULEMAN LAW GROUP PLLC
950 W. Bannock St., Ste. 490
Boise, ID 83702
Telephone: (208) 472-0066

YOU ARE HEREBY NOTIFIED that, pursuant to Idaho Rule of Civil Procedure 30(b)(6), Defendant by and through its counsel of record, Kirton McConkie, will take the deposition of a representative of Plaintiff Strider Construction Co., Inc. (“Strider”) commencing at 9:00 a.m. on April 10, 2024 at Kirton McConkie, 1100 W. Idaho Street, Ste 930, Boise, Idaho 83702. This deposition will continue from day to day until complete and will be taken before an officer authorized to administer oaths, by stenographic means, and will be recorded via video.

As required by Idaho Rule of Civil Procedure 30(b)(6), Strider shall identify and designate one or more officers, directors, managing agents, employees or other persons who will testify on its behalf on each of the matters described below. The person(s) so designated shall testify as to matters known or reasonably available to the organization. If more than one (1) person is identified, Strider is requested to identify with precision in writing the subject matter(s) as to which each person will testify within ten (10) days of the date of this notice.

DEFINITIONS

1. The terms “You” and “Your” as used herein mean Plaintiff Strider Construction Co, Inc., and/or anyone acting on their behalf, including their current and former officers, directors,

agents, attorneys, employees, consultants, contractors, vendors, investigators, accountants, engineers, and representatives.

2. The term “Idaho Water Resource Board” or “IWRB” as used herein means Defendant Idaho Water Resource Board.

3. The terms “Person” and “Persons” as used herein mean and include any natural person, corporation, limited liability company, firm, partnership, unincorporated association, joint venture, proprietorship, governmental body (including any administrative agency and including state, federal or local government) or other organization or legal entity.

4. The terms “Communicated” and “Communications” as used herein mean any transmittal of information in the form of facts, inquiries, ideas, discussions, conversations, negotiations, agreements, undertakings, meetings, telephone conversations, letters, notes, telegrams, telexes, facsimiles, Electronic Data (as that term is defined below), advertisements or other form of interchange whether oral or written.

5. The terms “Document” and “Documents” as used herein mean any and all writings of any kind including the originals and non-identical copies, whether different from the originals by reason of any notation made on such copies or likewise, and including, without limitation, Communications, correspondence, memoranda, notes, diaries, desk calendars and organizers, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, checks, statements, receipts return summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, telephone calls, Electronic Data (as that term is defined below), meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets and all drafts, alterations, modifications, changes and amendments of any of the foregoing; and graphic or aural records or

representations of any kind (including, without limitation, tapes, cassettes, disks or recordings) and other Electronic Data compilations which information can be obtained (which is to be translated by the responding party or parties through an appropriate device into usable form); whether in your possession, custody or control or in the possession, custody or control of your agents, attorneys, accountants, employees, officials or other representatives.

6. The term “Contract Documents” as used herein means the contract documents consist of the contract, drawings and specifications for the Priest Lake Water Management Project Outlet Dam Improvements, and any addenda issued prior to the execution of that contract as well as any written amendments, change orders, construction change directives executed during the course of the project.

7. The term “Project” as used herein refers to work undertaken pursuant to the Contract Documents.

8. The term “Dewatering System” as used herein means the machinery, equipment and appurtenances for and related to the accomplishment of dewatering. See, Contract specifications, Division 2, 1.03 B and C.

9. The term “Cofferdam” as used herein means temporary structure designed to provide a dry work area for temporary construction activities. See, Contract specifications, Division 2, 1.03 A

10. The term “Piping” as used herein means the action of water passing through or under a barrier resulting in the progressive development of internal erosion by seepage.

11. The term “Identify” when referring to a Person means to state the Person’s full name, last known address and last known telephone number.

12. The term “Identify” when referring to a Document means to state the following:

(a) the Document's author(s); (b) the Document's recipient(s); (c) the Document's date; (d) the Document's title; and (e) a brief summary of the Document's contents.

DEPOSITION TOPICS

1. The activities undertaken by You to prepare your response to the Invitation to Bid for the Project, including but not limited to,
 - a. Review of the Contract Documents
 - b. preparation of estimates,
 - c. costing of materials,
 - d. site inspections,
 - e. communications with third parties regarding interpretation of contract requirements
2. Prior projects that You or your employees were involved in that included the design and/or construction of Dewatering Systems, Cofferdams, or diversion system.
3. Your understanding and interpretation of the Contract Documents.
4. Your performance of work on the Project as required by the Contract.
5. Your observations of the performance of the Dewatering System(s) (including Cofferdams) implemented by You on the Project
6. Any observations by You that led You to believe that Piping or underwater mining was occurring during the course of Your performance on the Project.
7. Any observations by You or information known to you You that led You to believe that, prior to your involvement in the Project, a void of sufficient size to threaten the stability of the dam existed.

8. Any observations by You or information known to You that led You to believe that a void of sufficient size to threaten the stability of the dam developed after You commenced work on the Project.
9. Your prior experience with Tainter Gates similar to those at the project.
10. Your performance on the project with respect to Tainter Gates and your efforts to prevent water leakage through the gates.
11. Your observations of any testing or field inspections conducted on the Project (including testing or inspections connected with this litigation).
12. Your claims in this litigation as reflected in Your complaint and your materials submitted to the mediator in July, 2022.
13. Any communications between You and the IRWB, Mott McDonald or David Evans and Associates regarding the Project from the time You commenced bid preparation to the time You terminated the Contract in July 2022.
14. Any Communications between You and consultants (including but not limited to Brandon Junso, Frank Pita and Mark Rohrbach) relative to the Project, as well as any reports, calculations, drawings, or plans generated by those consultants.
15. Any Communications between You or Your attorneys with representatives of Travelers Bond and Specialty regarding the bond issued for the Project (Bond No. 107373282) in 2022 and 2023.
16. Other projects where You procured a bond to assure Your performance as a contractor on the project.
17. Representations on your website, including projects reflected on that website.

18. Your decision to terminate the Contract and actions taken by you after Contract termination.

19. Requests made by IWRB to remove disputed items from Your payment applications in order to facilitate payment.

20. Damages claimed by You in this action.

DATED this 25th day of March 2024.

KIRTON McCONKIE

/s/ Thomas A. Banducci

Thomas A. Banducci

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of March 2024, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

Lindsay (Taft) Watkins
Pro Hac Vice
AHLERS CRESSMAN & SLEIGHT PLLC
1325 4th Ave., Suite 1850
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- Overnight Delivery
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/s/ Thomas A. Banducci
Thomas A. Banducci