

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Shannon Miller,
Jen Banford, and
Annette Wiles,

Case No. 15-cv-3740 (RHK/LIB)

Plaintiffs,

vs.

**DECLARATION OF
ANDREW T. JAMES
CONCERNING MEET AND CONFER**

The Board of Regents of the
University of Minnesota,

Defendant.

I, Andrew T. James, declare under penalty of perjury as follows:

1. I am an attorney licensed by the State of Minnesota and practice law at the firm of Fafinski Mark & Johnson, P.A., which is located at 775 Prairie Center Drive, Suite 400, Eden Prairie, MN 55344. I represent the Plaintiffs in this action.

2. I have personal knowledge of the facts contained in this declaration and if called as a witness, would testify competently to those facts.

3. I hereby certify that I met and conferred with Defendant's counsel on several occasions regarding the discovery dispute involved in Plaintiffs' Motion to Compel.

4. On July 21, 2016, Plaintiffs' counsel sent a letter to Defendant's counsel detailing numerous deficiencies with respect to Defendant's document production and its answers to interrogatories. (Attached to the Declaration of Andrew T. James, dated Nov. 3, 2016 ("James Decl."), as Ex. 5.)

5. Counsel for all parties participated in a meet and confer telephone conference on July 27, 2016, which lasted approximately four hours. During that conference, counsel discussed deficiencies claimed by Plaintiffs and Defendant in a good faith attempt to resolve the parties' disputes.

6. After that meet and confer call, on August 8, 2016, Plaintiffs' counsel sent Defendant's counsel a letter detailing the parties' discussions during the July 27 meet and confer call. (James Decl., Ex. 6.)

7. On August 12, 2016, Defendant's counsel responded in writing with additional clarifications regarding that meet and confer call. (James Decl., Ex. 7.)

8. Despite Plaintiffs' good faith attempt to resolve the parties' discovery disputes without need for a motion, Defendant did not produce the agreed-upon documents and information. As a result, on October 13, 2016, Plaintiffs' counsel sent another letter detailing the remaining deficiencies in Defendant's document production and interrogatory answers. (James Decl., Ex. 9.) Due to the limited timeline for Plaintiffs' expert witness reports and depositions, we asked that all documents be produced and that Defendant confirm that it has produced all documents or that no documents exist, along with production of a corresponding privilege log, no later than October 20, 2016.

9. Counsel for all parties participated in a second meet and confer telephone conference on October 17, 2016, and again discussed deficiencies claimed by both Plaintiffs and Defendant seeking to resolve the parties' disputes.

10. Though Defendant produced additional documents on October 20 and 21, 2016, several deficiencies remained.

11. On October 27, 2016, I emailed Defendant's counsel requesting confirmation that all responsive documents have been produced, requesting an indication of any document requests for which production remains incomplete or outstanding, and requesting production of a privilege log. (James Decl., Ex. 11.)

12. Defendant's counsel responded on October 28, 2016, stating that Defendant would be making another document production on October 31 or November 1, that it continues to investigate several requests for production, but that its production would be complete for most requests by November 1. (*Id.* p. 1.)

13. Despite these many efforts to resolve this discovery dispute, Defendant has not produced a number of documents and information necessary for Plaintiffs to sufficiently conduct depositions and for Plaintiffs' experts to prepare their expert reports.

Dated: November 3, 2016

s/Andrew T. James
Andrew T. James (#0390982)