

NO. UWY-CV15 6050025 S	:	SUPERIOR COURT
	:	
DONNA L. SOTO, ADMINISTRATRIX	:	
OF THE ESTATE OF	:	COMPLEX LITIGATION
VICTORIA L. SOTO, ET AL	:	DOCKET
	:	
V.	:	AT WATERBURY
	:	
BUSHMASTER FIREARMS	:	
INTERNATIONAL, LLC, ET AL	:	July 1, 2021

AFFIDAVIT OF ALINOR STERLING

I, ALINOR STERLING declare as follows:

1. I am over eighteen and believe in the obligation of an oath. I and my colleagues at Koskoff, Koskoff & Bieder (“KKB”) represent the plaintiffs in this action.
2. I have been a practicing attorney in the state of Connecticut since 1996. I have worked on a range of litigation, including medical negligence, product liability, personal injury cases, and appeals.
3. The information below is based on my personal knowledge and my review of correspondence and filings in the case.
4. I provide this Affidavit to describe for the Court the parties’ negotiations over discovery and issues plaintiffs have identified in Remington’s productions.
5. This case was brought in December 2014.
6. Plaintiffs have served three requests for production on Remington. The first was served on November 13, 2015. The second was served on August 3, 2016. The third was served on April 22, 2020.

7. Remington has made ten document productions.

8. Remington's first three productions were made before the Case Management Order was entered on August 28, 2016. These productions are described in more detail in the Affidavit of H. Christopher Boehning at ¶¶ 6–8. Remington did not make another production until three-and-a-half months after the United States Supreme Court denied its petition for a writ of certiorari in November 2019.

9. On January 31, 2020, the parties conducted a telephonic meet-and-confer to discuss discovery and the status of Remington's productions. Remington stated that it would likely make its next production within 90 days. *See* Ex. A at 1. Remington subsequently made a production on March 4, 2020. This production is described in more detail in the Affidavit of H. Christopher Boehning at ¶ 10.

10. The plaintiffs did not receive another production for almost three months. On May 5, 2020, the parties participated in a telephonic meet-and-confer to discuss discovery. During the meet-and-confer, counsel for Remington promised a substantial production of ESI discovery in the next two-to-three weeks. *See* Ex. A at 1.

11. On the same day, the plaintiffs sent a letter to Remington identifying several deficiencies in its first four productions. Among other things, the plaintiffs explained that Remington had failed to produce (i) relevant product catalogues, advertisements, and videos that the plaintiffs identified using public sources, and (ii) any email communications. *See* Ex. B.

12. On May 12, 2020, counsel for Remington responded to the plaintiffs' letter and stated that "[a] further production will likely be made this summer." Ex. A at 1. Despite the plaintiffs explicitly citing the lack of email production in their

letter, Remington made no attempt to explain or justify the lack of production of email communications.

13. The plaintiffs sent a follow-up letter to Remington on May 20, 2020 explaining that Remington's letter failed to address the production deficiencies that the plaintiffs had identified. Ex. C at 2.

14. Also on May 20, Remington filed a motion for a protective order to preclude the plaintiffs from sending a notice of deposition to Remington for a Section 13-27(h) corporate designee deposition. DN 302. In its motion, Remington stated that it had "already made substantial productions of nearly 10,000 pages and is continuing to produce additional documents on a rolling basis." DN 303 at 15. It also stated that "Remington has promptly addressed the relatively minor and largely unfounded concerns that plaintiffs have raised with its document productions to date." *Id.*

15. On May 22, 2020, counsel for Remington sent a letter in response to plaintiffs' May 20 letter, complaining that plaintiffs were attempting to "increase the burden and expense of discovery." Ex. D at 2. Remington stated it would make a production the next week that would include "drafts of marketing materials and communications related to marketing materials." *Id.* at 1.

16. On May 27, 2020, Remington made the "substantial" production promised more than three weeks earlier. This production is described in more detail in the Affidavit of H. Christopher Boehning at ¶ 11.

17. On May 29, 2020, the parties were scheduled to participate in a status conference with the Court. In anticipation of the status conference the same day, the plaintiffs circulated a proposed agenda to counsel and the Court that identified

plaintiffs' concerns with the productions received thus far: "We received late Wednesday a document production which was repeatedly promised to represent Defendants' substantial compliance with their document production obligations. Instead, the production consisted of approximately 350 unique, substantive documents. Defendants had represented that the production would also contain their first production of email communications. However, there are less than 150 unique email communications in the production. Based on our preliminary review, we have identified further, readily apparent issues related to the completeness of this production. We intend to confer with counsel for the Defendants on this issue, but anticipate the Court's assistance may be necessary and so want to raise our concerns with the Court proactively." Ex. E at 2. The Court canceled the status conference due to an unexpected change in the Court's schedule. *Id.* at 1.

18. On June 1, 2020, plaintiffs' counsel emailed Remington's counsel and requested to schedule a meet-and-confer to discuss "the status of Remington's compliance." Ex. F at 2. Remington responded that its availability to meet-and-confer depended on what topics plaintiffs wanted to discuss. *Id.* The plaintiffs responded that they wanted to discuss "the scope and substance of Remington's document productions to date and any contemplated, future document productions." *Id.* at 1.

19. On June 2, 2020, Remington's counsel emailed plaintiffs' counsel and stated that, prior to June 22, 2020, Remington would make another production of ESI including additional email communications, social media, insurance policies, and product catalogs. Ex. G at 3. Remington explained that the pandemic and "street violence" delayed "[s]ome of the work required to get these productions to [plaintiffs]." *Id.*

Remington's counsel did not specifically respond to the request for a meet-and-confer. *Id.* at 1–3.

20. Remington made its sixth production on June 5, 2020. This production is described in more detail in the Affidavit of H. Christopher Boehning at ¶ 12.

21. On June 7, 2020, the plaintiffs responded to Remington's June 2 email and thanked them for the information, but explained that the document production issues identified by plaintiffs should nonetheless be addressed in a meet-and-confer. Ex. G at 2–3. The plaintiffs requested that the parties participate in a meet-and-confer prior to the rescheduled June 15, 2020 status conference with the Court. *Id.* at 3. The plaintiffs also asked Remington how much more email content they expected to produce, and when the productions would be complete. *Id.*

22. On June 8, 2020, Remington sent an email response. *Id.* at 2. Remington once again completely ignored the plaintiffs' request for a meet-and-confer. *Id.* Remington stated that their next production would be made by June 22, 2020, and would "include additional emails." *Id.* Remington further explained that an additional production would be made by July 3, 2020, and stated that, "[a]t that point, I believe our production of documents will be substantially complete." *Id.* On the same day, the plaintiffs responded by email and explained that Remington's email did not address the plaintiffs' concerns with the status of Remington's production. *Id.* at 1. The plaintiffs explained yet again why a meet-and-confer was appropriate and necessary and reiterated their request to meet and confer prior to the June 15, 2020 status conference. *Id.*

23. On June 9, 2020, the parties had a call to discuss the ongoing dispute over plaintiffs’ intent to conduct a Section 13-27(h) corporate designee deposition of Remington. The parties subsequently exchanged emails discussing proposals to resolve the dispute without Court involvement. As part of this email exchange, on June 12, 2020, Remington’s counsel represented that its next production would likely consist of “more than 12,000 pages of additional documents, which will include nearly 500 additional emails.” Ex. H at 1.

24. The previously cancelled status conference took place on June 15, 2020. The parties planned to discuss “the status of what has transpired during the COVID lockdown, particularly discovery issues that have come up.” Ex. I. During the status conference, plaintiffs expressed to the Court their frustrations with the document productions made thus far. Specifically, plaintiffs discussed their serious concern with the amount of emails produced in the case. Ex. J at 7:19–9:10; 10:12–11:5. The plaintiffs also described to the Court Remington’s unwillingness to meet-and-confer. *Id.* at 11:6–13. In response, Remington claimed that “within a week” plaintiffs would receive “12,000 additional pages of documents” or “about 2,000 documents” which included “500 or so additional emails.” *Id.* at 19:15–24. Remington also stated that another production would be made in early July, and “until [plaintiffs have] seen that substantially complete production of documents,” conversations about deficiencies were not timely. *Id.* The Court worked with the parties to set a meet-and-confer date of June 26 to discuss discovery objections before the next status conference. *Id.* at 11:14–20; 20:22–21:14.

25. On June 22, 2020, Remington made its seventh production. This production is described in more detail in the Affidavit of H. Christopher Boehning at ¶ 13.

26. On June 30, 2020, Remington made its eighth production. This production is described in more detail in the Affidavit of H. Christopher Boehning at ¶ 14.

27. On July 2, 2020, the plaintiffs sent a letter to Remington summarizing the results of two meet-and-confers the parties held on June 26, 2020, and July 1, 2020. Ex. K. During the meet-and-confers, the parties had discussed Remington's outstanding objections to interrogatories and requests for production. *Id.* One topic addressed in plaintiffs' letter was Remington's response to plaintiffs' request number 17 in plaintiffs' first RFP ("Request 17"), which asked for "[a]ny statements, documents, and/or communications concerning the December 14, 2012 mass shooting at Sandy Hook Elementary School and/or concerning the events which are the subject of this Complaint." *Id.* at 1. During the meet-and-confers, Remington objected to Request 17 on the grounds that searching all employee communications would be burdensome and overbroad. *Id.* at 1. The plaintiffs clarified that they were seeking only a reasonable search of custodial emails, files, and records, and offered to narrow the request. *Id.* at 1–2.

28. Remington responded the next day. Remington stated that until the plaintiffs agreed to provide a "list of individuals' who Plaintiffs believe should be 'custodians in a reasonable search'" for Request 17, the "magnitude of the burden and

expense” would be “an open question.” Ex. L at 1–2. Remington asked to speak again on July 6 to resolve remaining disputes. *Id.* at 2.

29. On July 6, 2020, the parties spoke by phone. The plaintiffs subsequently circulated an email summarizing the parties’ updated positions regarding several outstanding issues. Ex. M. With respect to Request 17, the plaintiffs explained that determining which custodians must reasonably be searched is inherently Remington’s obligation, but nonetheless agreed to go first and provide a list. *Id.* at 1. The next day, the plaintiffs sent a list of 66 potential custodians to Remington. Ex. N at 1; 4–5.

30. During the same call, the plaintiffs also expressed their view that Remington’s refusal to disclose the names of the custodians whose files had already been searched in response to Request 17 was evasive, lacked a legal basis, and undermined the parties’ negotiations. Ex. M at 1. During the call, Remington stated that its next production would be made the following week, and a subsequent production would include responses to Request 17. *Id.* at 2. The parties also discussed scheduling another meet-and-confer to discuss Remington’s objections to plaintiffs’ third RFP. *Id.* at 3. At the end of the email, plaintiffs also listed several matters they wished to resolve prior to the next scheduled status conference with the Court. *Id.*

31. On July 7, 2020, Remington provided its positions on the matters listed at the end of plaintiffs’ email. Remington indicated its availability to meet-and-confer on July 14, 2020, to discuss plaintiffs’ third RFP. Ex. O at 1. In the same email, Remington’s counsel represented that a substantial production was forthcoming that would “number nearly 100,000 pages.” *Id.* Remington suggested that the parties defer any meet-and-confer until the plaintiffs had seen and understood the “substance and

breadth” of Remington’s upcoming production. *Id.* The parties nonetheless agreed to meet-and-confer on July 14, 2020. Ex. P at 2.

32. Later that day, Remington made its ninth production. This production is described in more detail in the Affidavit of H. Christopher Boehning at ¶¶ 15–18.

33. The Court held a status conference on July 9, 2020, during which the parties discussed their ongoing dispute over Request 17, including Remington’s refusal to disclose the identities of the custodians whose files Remington searched in response to the request. The parties subsequently briefed the issue for the Court. DN 314; DN 315.

34. Remington made its tenth and final production on July 13, 2020. This production is described in more detail in the Affidavit of H. Christopher Boehning at ¶ 19.

35. On July 13, 2020—one day before the planned meet-and-confer to discuss the plaintiffs’ third RFPs—Remington stated that it could no longer meet due to “pressing business in other matters,” and asked to reschedule for July 28 or 29. Ex. Q at 2. Remington also promised to provide the plaintiffs with “some type of document reflecting narrowed or eliminated of [sic] objections” to plaintiffs’ requests. *Id.* In good faith, plaintiffs agreed to reschedule the meet-and-confer to July 29. *Id.* at 1.

36. On July 14, 2020, this Court rejected Remington’s arguments about the custodian list for Request 17, and ordered the parties to meet-and-confer to resolve the issue. DN 316. As stated in the order: “[t]he obligation to act in good faith and provide documents within their knowledge, possession, or power rests on the

defendants, and it is fair game for the plaintiffs to discover whether the defendants met their obligations.” This Court also ordered Remington to produce a privilege log “within 30 days of the resolution of this issue.” *Id.*

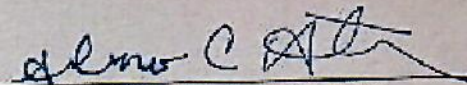
37. The plaintiffs promptly reached out to Remington to schedule a meet-and-confer per this Court’s order. Ex. R at 3. The parties scheduled the meet-and-confer for July 23, and on July 22 Remington finally sent plaintiffs a list of the 25 custodians whose files Remington searched in response to Request 17. *Id.* at 1–3.

38. On July 24, 2020, the plaintiffs sent Remington a summary of the parties’ positions regarding Request 17. Ex. S. Remington had indicated that certain potential custodians on plaintiffs’ list were not appropriate, and that Remington would send a subsequent communication explaining why certain witnesses were not within the scope of a reasonable search. *Id.* at 1. Remington proposed to send a response to plaintiffs’ custodian list by July 29. *Id.* Plaintiffs explained that they were reluctant to agree to another delay in resolving the issue, but because Remington stated that its team was stretched and the work could not be accomplished earlier, the plaintiffs agreed to the July 29 date. *Id.*

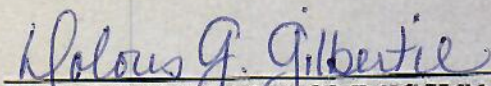
39. On July 24, 2020, Remington indicated it would designate Melissa Anderson to testify, subject to privilege objections, on Topics 2, 3, and 4 of the April 15, 2020 Deposition Notice. Ex. T. Remington also indicated that Melissa Anderson would address under Topic 1, the organization of the IT Department, its employees, job titles, and reporting relationship. *Id.* Additionally, Remington indicated it would designate John Trull to testify on Topic 1 of the April 15, 2020 Deposition Notice, excluding testimony concerning the IT Department and Bushmaster’s operations in Maine. *Id.*

40. Remington filed for bankruptcy on July 27, 2020. The bankruptcy automatically stayed all litigation and further delayed any conversation regarding Remington's deficient productions, document collection and production strategies, and the custodians for Request 17. DN 317. The plaintiffs never met-and-conferred with Remington about the third RFP, never received Remington's narrowed responses and objections to the third RFPs, never received the annotated list of Request 17 custodians, never received a privilege log, and never took a corporate designee deposition on the topic of Remington's email and document retention policies—all of which had been scheduled to occur after July 27.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.


ALINOR C. STERLING

Subscribed and sworn to remotely via video-conference pursuant to Executive Order 7Q, issued on March 30, 2020, as extended by Executive Order 7ZZ, issued on June 16, 2020, on this 1st of July, 2021.


NOTARY PUBLIC/ COMMISSIONER OF THE SUPERIOR COURT

My Commission Expires: _____



DOLORES G. GILBERTIE
NOTARY PUBLIC
My Commission Expires Mar. 31, 2025

EXHIBIT A

SWANSON, MARTIN & BELL, LLP

ATTORNEYS AT LAW
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May 12, 2020

By Email

Joshua D. Koskoff
Koskoff, Koskoff & Bieder PC
350 Fairfield Avenue
Bridgeport, CT 06604

Re: *Soto v. Bushmaster Firearms International, et al.*

Dear Mr. Koskoff:

In your May 5 letter, you complain about the adequacy of Remington's ongoing production of documents. The timing and substance of your letter is curious to say the least. From the outset of this case, Remington has made clear that it has no interest in engaging in time consuming and expensive disputes over the discovery of relevant and non-privileged information and documents. It appears as if you are trying to manufacture a discovery dispute, when none exists.

First of all, you are aware that Remington is producing documents that are responsive to your clients' First, Second and Third Requests for Production of Documents on a rolling basis. The parties reached an understanding regarding Remington's rolling production during a January 31, 2020 telephone conference, in which we agreed that Remington's next document production would likely be made within 90 days, and would include production of ESI under the agreed-to ESI protocol. In the interim, Remington produced nearly 6,500 pages of documents on March 4, 2020. These documents supplemented the 3,500 pages of documents Remington produced in 2016, before the ESI protocol was entered. A further production will likely be made this summer in response to plaintiffs' recently served Third Request for Production of Documents.

When we spoke again on May 5, we told you that circumstances surrounding the pandemic had created some delay but that the additional set of documents, including ESI, would be produced in two to three weeks. Why you felt the need to need write a lengthy letter regarding alleged inadequacies in Remington's production of documents, including ESI, on the same day you were told that another round of documents, including a substantial amount of ESI, would soon be produced makes little sense.

SWANSON, MARTIN & BELL, LLP

Joshua D. Koskoff
May 12, 2020
Page 2

Second, in your letter, you complain about Remington's response to Plaintiffs' Second Set of Requests for Production, Number 3 because Remington has not produced full sets of Remington brand and DPMS brand product catalogs. Request number 3, however, requested production of Bushmaster brand catalogs only. As you know, Remington has produced Bushmaster brand product catalogues for the years 2006 to 2016.

We do not see the relevance of product catalogs for brands other than Bushmaster, or the relevance of catalogs, including Bushmaster catalogs, first published after the shooting occurred in 2012. Plaintiffs' narrow unsubstantiated claim is that in or prior to the 2012 shooting, advertisements for Bushmaster rifles in some manner inspired the shooter to commit his crimes. Thus, under your theory of liability, an advertisement first published after the shooting occurred could not have logically caused your clients damages. Nevertheless, without waiving our objections, and in the interest of compromise, we will produce Remington brand and DPMS brand catalogs for the years 2006 to 2016, to extent they are available.

Lastly, in your letter, you complain about Remington's production of social media content, specifically Instagram posts and embedded video postings. As you know, in 2016 Remington produced screen shots of historical social media postings on Facebook, Twitter and Instagram. (REM 00254 - 00580). To the extent that you want to view subsequent postings or any videos displayed in the 2016 screen shots, historical social media postings by Remington owned brands, including Bushmaster, remain publicly available on the internet.

If you have any questions, please let me know.

Very truly yours,

/s/ James Vogts

cc: Paul D. Williams
James H. Rotondo
Jeffrey P. Mueller
Andrew A. Lothson
H. Christopher Boehning
Jacobus J. Schutte
Alinor C. Stirling
Jeffrey W. Wisner

EXHIBIT B



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May 5, 2020

By Email

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James B. Vogts, Esq.
Andrew A. Lothson, Esq.
SWANSON MARTIN & BELL LLP
330 North Wabash, #3300
Chicago, IL 60611

Re: *Soto, et al. v. Bushmaster Firearms Int'l, LLC, et al.*

Dear Counsel:

We write to identify certain deficiencies in the productions and interrogatory responses received to date from Defendants Remington Arms Company, LLC and Remington Outdoors Company, Inc. (together, “Remington”) described below and to request that Remington promptly cure such deficiencies.

First, Plaintiffs’ First Set of Interrogatories, dated August 3, 2016, asked Remington whether it carries “primary professional liability insurance coverage,” “professional secondary insurance coverage,” or “professional excess insurance coverage” that applies to Plaintiffs’ claims, and to identify any such policies and their corresponding limits and policy numbers. *See* Pls. Interrogs. Nos. 8–11. In response, Remington denied that it carried any applicable insurance coverage. *See* Resp. to Pls. Interrogs. Nos. 8–11.

We are concerned that your response fails to disclose all applicable and relevant insurance-related information. As you know, under Practice Book Section 13-12, Remington is



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required to disclose “any insurance policy under which any insurer may be liable to satisfy part or all of a judgment.” Connecticut courts have repeatedly emphasized the “imperative of ‘full and frank disclosure,’” especially with respect to requests that seek insurance-related information. *Piscitelli-Hunsaker v. Reichbart*, No. NNHCV136039284S, 2017 WL 3080824, at *4 & n.8 (Conn. Super. Ct. June 15, 2017) (quoting *Weinstein v. Weinstein*, 275 Conn. 671, 687 (2005)); see also *Vargas v. Specialized Educ. Servs., Inc.*, No. HHDCV126028454S, 2013 WL 3871349, at *1 (Conn. Super. Ct. July 5, 2013) (ordering disclosure of any reservation of rights letter or other letter from any insurer, including “any insurer which has declined, in whole or in part, to defend and/or indemnify any defendant against any claim asserted by the plaintiffs”).

We note that in Remington’s bankruptcy case, Remington specially requested authorization to “maintain and continue to honor” fifteen insurance policies that it maintains “[i]n the ordinary course of business.” See ECF No. 8, Debtors’ Motion for Entry of an Order Authorizing Debtors to Continue Debtors’ Insurance Programs at 4, *In re Remington Outdoor Co., Inc.*, No. 18-10684 (Bankr. D. Del. Mar. 25, 2018). Remington listed all fifteen programs in an exhibit attached to its request. See ECF No. 8-1, Schedule of Insurance Programs, *In re Remington Outdoor Co., Inc.*, No. 18-10684 (Bankr. D. Del. Mar. 25, 2018). Maintenance of these programs, Remington wrote, “is essential to preserve the value of the Debtors’ assets and minimize exposure to risk,” because without these programs, Remington “run[s] the risk of, among other harms, incurring financial responsibility and legal liability for potential occurrences not covered by insurance.” ECF No. 8 at 8. Several of these insurance policies would appear relevant and applicable. See ECF No. 8-1 (e.g., general liability insurance coverage provided by National Fire & Marine Insurance; umbrella and excess liability insurance coverage provided by National Fire & Marine, Ironshore, Hiscox – StarStone, and AXA XL Insurance, etc.). Yet, here, in response to Plaintiffs’ interrogatories, you indicated that your client has no relevant and applicable insurance and therefore, runs a risk of “incurring . . . legal liability for potential occurrences not covered by insurance.” ECF No. 8 at 8. Given Remington’s special concern for maintaining its policies during its bankruptcy, we suspect your initial responses were incomplete.

If in fact Remington has insurance relevant to this lawsuit—even though an insurer may have denied or otherwise limited coverage—we request that you promptly provide a full and complete disclosure of any relevant insurance policies, their corresponding limits and policy numbers, and any letter from an insurer denying coverage under its policy.

Second, through our own research, we have identified a number of Remington, Bushmaster, and DPMS product catalogues containing responsive materials, as well as numerous



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advertisements and videos from other sources, that have either not been produced by Remington or produced only in partial form by Remington in response to Request 3 from Plaintiffs' Second Set of Requests for Production of Documents, dated August 3, 2016, and Request 7 from Plaintiffs' First Set of Requests for Production of Documents, dated June 29, 2016, among other requests. Identified deficiencies include, for example, (i) no product catalogues from DPMS for any years other than 2008 and 2012, (ii) incomplete Remington catalogues, only for years 2009-2012, (iii) loose pages of catalogues that are undated and therefore unable to be tied to specific catalogues; (iv) no Bushmaster Instagram posts for any year; (v) no accompanying descriptions or user interaction information (e.g., likes and comments) for Remington and DPMS Instagram posts from any year; and (vi) no accessible videos or other moving visual image for any year. Appendix A to this letter provides examples of product catalogues that Remington has yet to produce. Appendix B provides examples of catalogues that have been produced in incomplete form. Appendix C provides examples of videos that have been produced in an inaccessible format.

We request that you promptly remediate these identified deficiencies. In addition, when we first discussed our request, we agreed in the first instance to limit your initial disclosure to the period, 2006-2012; the original request had sought a disclosure of catalogues from the period, 1976 to the present. We now request that you expand the period of disclosure, to 1999 to 2016. We further request that, for each partial production of catalogue pages or hard copy advertisements, you identify which catalogue or other source such pages corresponds to in its productions.

In addition, we have not received from Remington any drafts or related communications that resulted in the advertisements and copy in the catalogues, much less other drafts of other advertisements and related marketing communications, in response to Requests 7 and 13 from Plaintiffs' First Set of Requests for Production of Documents, dated June 29, 2016, among other requests. We request that you promptly produce all such materials in Remington's possession, custody, or control.

Lastly, and of particular concern, Remington has produced *no* email communications to date. Plaintiffs are entitled to all internal and external communications responsive to Plaintiffs' discovery requests. Please inform when our clients can expect to begin to receive copies, in compliance with the ESI protocol, of responsive communications, including email communications.



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Our letter does not attempt to identify each and every deficiency is Remington's productions to date. However, as depositions are fast approaching, it is imperative that Defendants immediately produce the aforementioned information and categories of documents.

Respectfully yours,

/s/ Josh D. Koskoff
Josh D. Koskoff

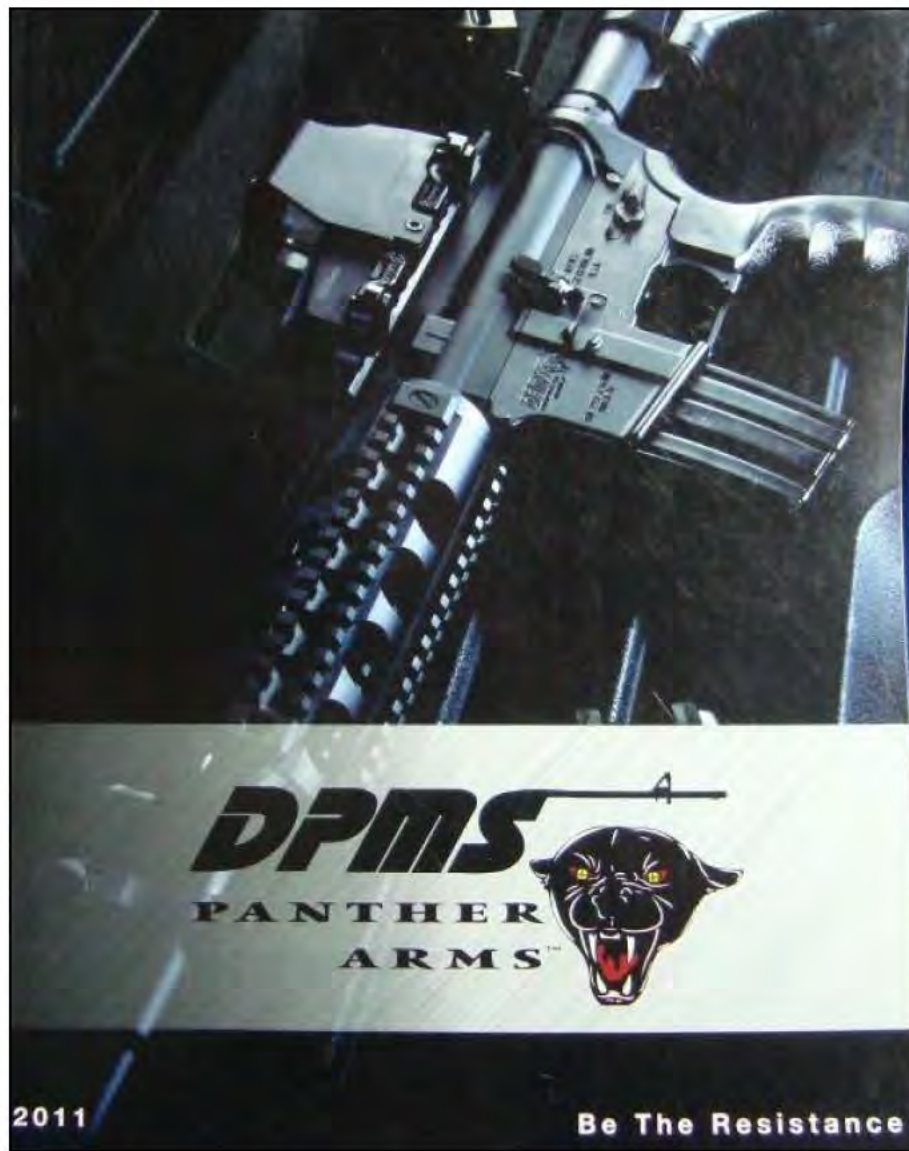
cc: H. Christopher Boehning, Esq.
Jacobus J. Schutte, Esq.
Alinor C. Sterling, Esq.
Jeffrey W. Wisner, Esq.

Koskoff

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APPENDIX A

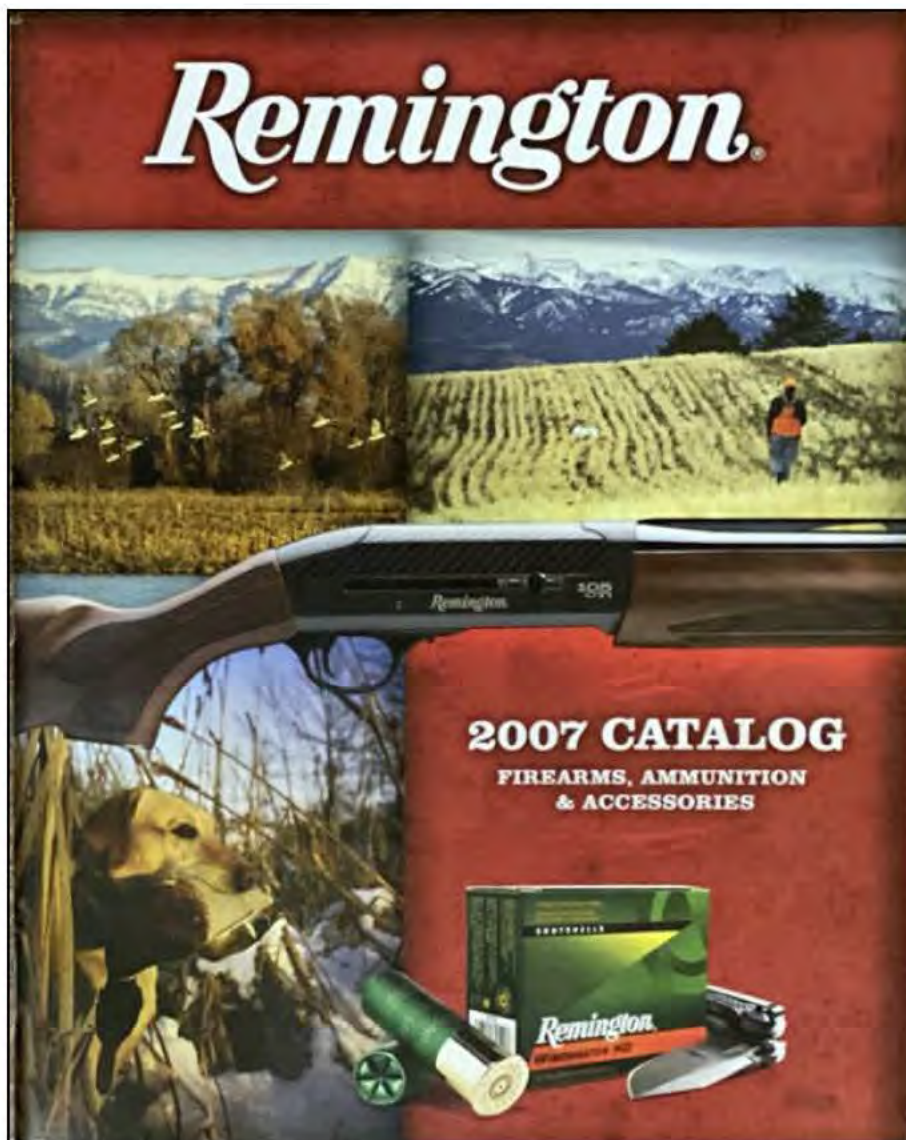
Example Catalogue Not Produced: DPMS 2007 Catalogue



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Example Catalogue Not Produced: Remington 2007 Catalogue

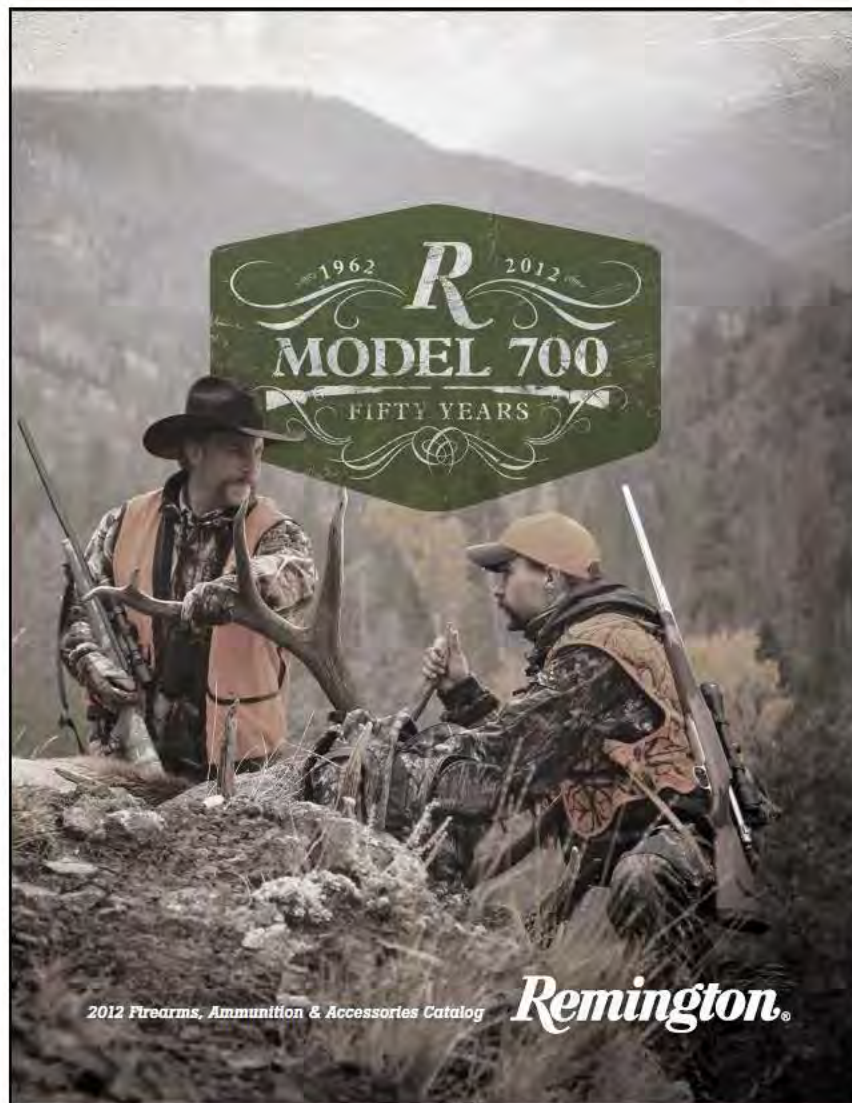


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APPENDIX B

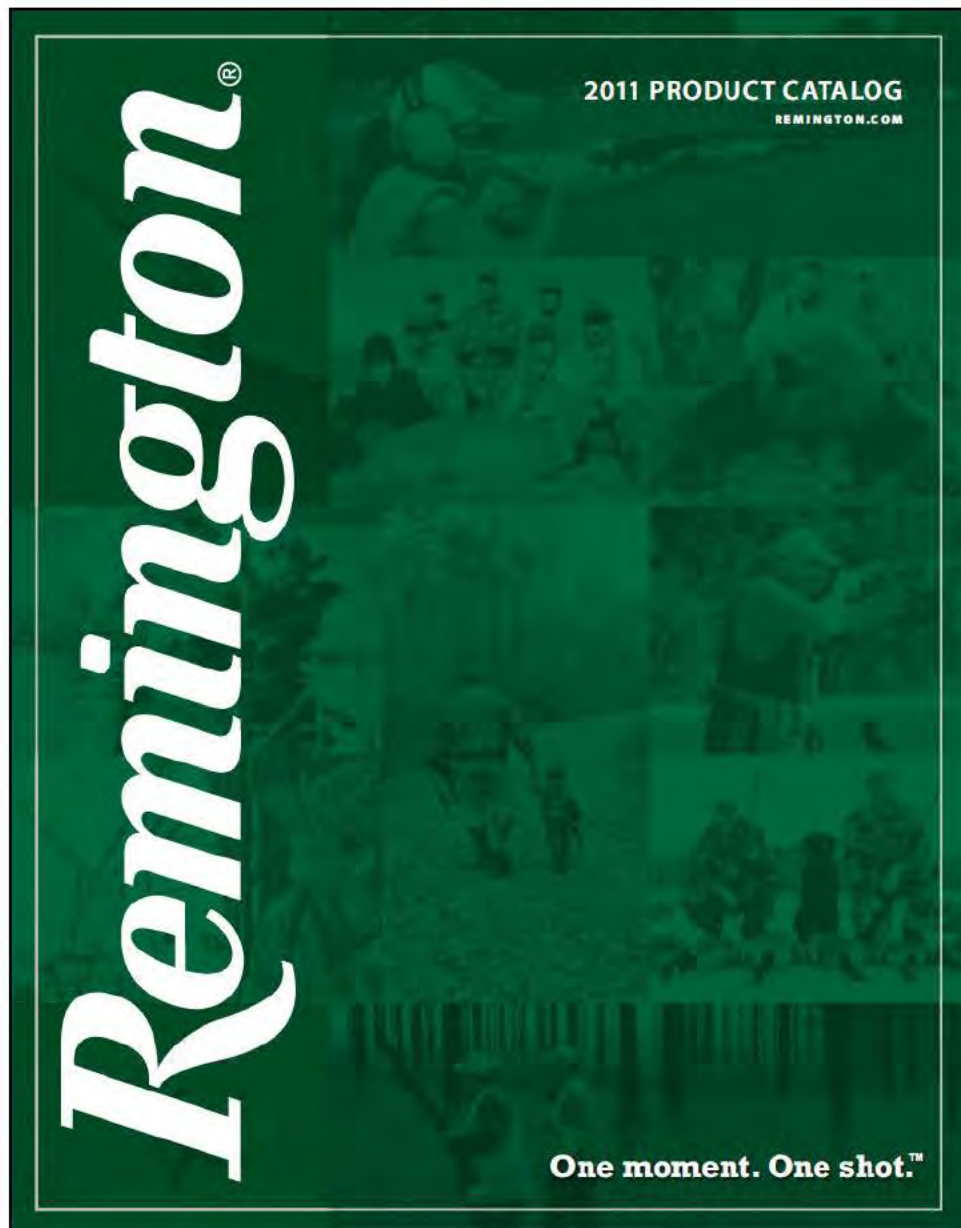
Example Catalogue Partially Produced: Remington 2012 Catalogue (136 pages)



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Example Catalogue Partially Produced: Remington 2011 Catalogue (112 pages)



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APPENDIX C

Example Video Not Produced in Watchable Form: Remington/DPMS June 2012 Video (Facebook)

**Remington Arms Company**
June 28, 2012 · 🌐

A closer look at the Reaper Z Camo Versa Max Tactical from DPMS Panther Arms Outbreak. Omega 5 event.

This model was a special run for the event and not in production. Availability mentioned in the video is for the standard Versa Max Tactical.



First Look: Remington Versa Max Tactical in Zombie Reaper Z Camo
Daniel Cox of Remington Arms shows us the new Remington Versa Max Tactical in Zombie Reaper Z Camo at the 2012 DPMS Outbreak Omega zombie...
YOUTUBE.COM


 Like  Comment  Share

Bobby Stamey, Jacob S. Shuemaker Coffin, Darrin Presnell and 302 others like this.

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Example Video Not Produced in Watchable Form: Remington April 2012 Video (Facebook)

**Remington Arms Company**
April 2, 2012 · 🌐

Quick video of the new version of the ACR from Remington Defense. The Remington ACR is not available on the commercial market, but gives you a glimpse at some of the products we are developing for our military. Check it out.



Remington ACR-PDW
Remington Defense recently unveiled their new version of the ACR (Adaptive Combat Rifle) specifically for tactical groups and SWAT use. The ACR-C Personal De...
[YOUTUBE.COM](#)

 Like  Comment  Share

Pushkin Chakraborty, Jonathan Chark and 783 others like this.

EXHIBIT C



KOSKOFF KOSKOFF & BIEDER PC

May 20, 2020

By Email

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Re: *Soto, et al. v. Bushmaster Firearms Int'l, LLC, et al.*

Dear Counsel:

We write to address several points in your May 12 letter that warrant correction or clarification, and to request a complete response to the deficiencies identified in our May 5 letter.

First, in your May 12 letter, you state that our letter “makes little sense” because we were supposedly aware that Remington intended to make an ESI production in the next two to three weeks. Not so. Our May 5 letter was sent prior to the parties’ meet-and-confer where you first advised us of this timetable. As you know, this meet and confer was scheduled to address Plaintiffs’ corporate designee deposition notice—not Remington’s outstanding document production. As you acknowledge in your letter, Remington had previously promised an ESI production by April 30. But, that production never arrived, nor had we received any indication from you that it would be forthcoming. We therefore do not understand your frustration at the timing of our May 5 letter. We also note that nowhere in your letter do you confirm that any of the deficiencies we have identified will be cured by your forthcoming ESI production.



KOSKOFF KOSKOFF & BIEDER PC

Second, in your May 12 letter, you incorrectly assert that Request Three in Plaintiffs' Second Set of Requests for Production asked for the production of "Bushmaster brand catalogs only." Request Three asked for all catalogues "produced by or at the behest of the Company or Bushmaster" from 1976 to the present. The Company, in turn, was defined as "Remington Outdoor Company, Inc., Remington Arms Company, LLC, and any and all subsidiaries, affiliated brands, and predecessor companies including but not limited to Freedom Group, Inc. and Bushmaster Firearms International, LLC, and including their current and former employees, agents, officers, directors, and representatives." Therefore, Remington's production of Bushmaster catalogues did not constitute a complete response to Request Three, nor will the production of Remington and DPMS product catalogues. Plaintiffs reserve their rights to request the production of product catalogues from additional brands. Moreover, your May 12 letter fails to address whether you will produce catalogues from 1999 to 2006 or identify previously produced loose pages of catalogues so that the pages can be tied to specific catalogues. Please advise whether Remington will produce all such materials and when.

Third, in your letter, you do not address whether Remington will produce drafts of and communications related to all advertisements, including, but not limited to, those published in Company catalogues or posted online through social media or otherwise. As you are well aware, Plaintiffs are entitled to discover not only the final version of Defendants' advertisements, but also all documents and communications that relate to deciding where, when, and what to publish. Please advise whether Remington's upcoming production will include such materials, and if not, when Remington will produce such materials.

Fourth, in your letter, you reject Plaintiffs' request for the images and videos embedded in Defendants' social media posts. Your suggestion that Plaintiffs simply search for and view these images online ignores Remington's obligation to produce such materials in a form that may be used at depositions and, ultimately, at trial. Moreover, we have no way of knowing if posts have been removed or modified, and the approach you suggest will create authentication issues at trial. We request that you produce native versions of all embedded images and videos posted to Defendants' social media accounts during the relevant period.

Finally, with regard to your May 8 letter, we acknowledge your identification of applicable and relevant insurance policies. While we don't need to debate whether your initial response was appropriate at this time, we request that you produce copies of each of these policies as soon as possible.



KOSKOFF KOSKOFF & BIEDER PC

By sending this letter, Plaintiffs are not waiving any of their rights, all of which are expressly reserved.

Respectfully yours,

/s/ Josh D. Koskoff
Josh D. Koskoff

Cc: H. Christopher Boehning, Esq.
Jacobus J. Schutte, Esq.
Alinor C. Sterling, Esq.
Jeffrey W. Wisner, Esq.

EXHIBIT D

SWANSON, MARTIN & BELL, LLP

ATTORNEYS AT LAW
330 NORTH WABASH • SUITE 3300
CHICAGO, ILLINOIS 60611
(312) 321-9100 • FAX (312) 321-0990

James B. Vogts
Direct Dial: (312) 222-8517
jvogts@smbtrials.com

May 22, 2020

By Email

Joshua D. Koskoff
Koskoff, Koskoff & Bieder PC
350 Fairfield Avenue
Bridgeport, CT 06604

Re: *Soto v. Bushmaster Firearms International, et al.*

Dear Mr. Koskoff:

The following will answer questions set forth in your May 20 letter:

- (1) We will produce the insurance policies. You should have them within the next couple weeks.
- (2) As I told you on May 5 in our telephone conference, the production you'll receive next week will include drafts of marketing materials and communications related to marketing materials.
- (3) You refer in your letter to our production of "loose pages of catalogues." Please provide Bates numbers for those documents and we will try to determine whether they are catalog pages and, if so, in what catalogs they appeared.
- (4) With respect to social media content, the company does not maintain a separate archive dedicated to the social media content it has posted. However, we believe the company, as owner of the accounts, can download the content from the social media sites it has used. If that proves to be the case, we will produce the downloaded content. That should address your concern about authenticity.
- (5) With respect to product catalogs, the Remington owned brands that have manufactured and sold AR-type firearms are Remington, DPMS and Bushmaster. We've already produced Bushmaster catalogs for the years 2006 – 2016, and have now searched for earlier catalogs and found 2004 and 2005 catalogs, which we will be included in next week's production. Recall that Bushmaster was not acquired until 2006, and earlier catalogs were not created under the defendant's ownership of the company. We have also

SWANSON, MARTIN & BELL, LLP

Joshua D. Koskoff
May 22, 2020
Page 2

agreed to produce—over objections—Remington catalogs for the years 2006 - 2016, and DPMS catalogs for the same years, to the extent they are available (DPMS was acquired in 2007). These catalogs will be produced shortly. However, we would like to have a discussion on why we should undertake the additional burden and expense of producing marketing materials for any of the other brands given your clients' narrow claim that Bushmaster AR-type rifle advertisements and marketing motivated Adam Lanza to commit his crimes. Those brands, as you are surely aware, manufactured and sold traditional and vintage hunting rifles and shotguns, premium hunting ammunition, and rifle optics, not AR-type rifles. We are willing to consider your position with regard to catalogs for these other brands, but right now we don't see the relevance to your clients' claims—only unnecessary burden and expense. We should discuss this subject further.

Lastly, there are experienced trial counsel on both sides in this case, but lately it appears that plaintiffs' approach is to increase the burden and expense of discovery rather than thoughtfully prepare the case for trial. The case has now been narrowed to a single and fairly simple claim, and discovery should be equally narrow and simple. From the outset, we've tried to make clear that Remington will cooperate in discovery and has no interest in fighting over reasonable discovery requests. We have been fully cooperative with such requests thus far, and will continue to be cooperative provided that plaintiffs recognize their obligation to reasonably tailor their requests to the claim they are making.

If you have any further questions, please call me.

Very truly yours,

/s/ James Vogts

cc: Paul D. Williams
James H. Rotondo
Jeffrey P. Mueller
Andrew A. Lothson
H. Christopher Boehning
Jacobus J. Schutte
Alinor C. Sterling
Jeffrey W. Wisner

EXHIBIT E

From: Ferraro, Ronald <Ronald.Ferraro@jud.ct.gov>
Sent: Friday, May 29, 2020 10:59 AM
To: Alinor C. Sterling <ASterling@koskoff.com>; Mueller, Jeff <jmueller@daypitney.com>; 'James Vogts' <jvogts@smbtrials.com>; Lorena Gullotta <LGullotta@koskoff.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>
Subject: RE: Soto v. Bushmaster, Status Conference

Counsel,

Due to an unexpected change in the court's schedule we will have to reschedule today's status conference. I apologize for the short notice, but I was literally just informed of the need to reschedule.

The court can offer you Friday 6/5/2020 at 12:00 pm or Monday 6/15 at 2:00 pm.

Please confer with one another and let me know which date works for everyone.

Thank you
Ron

From: Alinor C. Sterling <ASterling@koskoff.com>
Sent: Friday, May 29, 2020 9:44 AM
To: Mueller, Jeff <jmueller@daypitney.com>; 'James Vogts' <jvogts@smbtrials.com>; Lorena Gullotta <LGullotta@koskoff.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>; Ferraro, Ronald <Ronald.Ferraro@jud.ct.gov>
Subject: Re: Soto v. Bushmaster, Status Conference

Dear Counsel and Attorney Ferraro,

We recognize counsel's preference to mark the status conference off but are not in agreement.

We think it would be beneficial to update the Court on the status of what has transpired during the COVID lockdown, including some of the issues that have come up and what we expect in the near term. Below is an agenda of the items we wish to address.

1. We would like to discuss a new schedule for status conferences in light of our understanding that the Court cannot proceed on the dates previously agreed.
2. We intend to advise the Court of our plan to oppose the recently filed motion for a protective order. We plan to file our opposition on or before June 5. We also propose that we discuss the scheduling and mechanics for a hearing on the record on Defendants' motion, in the event the Court wishes argument.
3. We received late Wednesday a document production which was repeatedly promised to represent Defendants' substantial compliance with their document production obligations. Instead, the production consisted of approximately 350 unique, substantive documents. Defendants had represented that the production would also contain their first production of email communications. However, there are less than 150 unique email communications in the production. Based on our preliminary review, we have identified further, readily-apparent issues related to the completeness of this production. We intend to confer with counsel for the Defendants on this issue, but anticipate the Court's assistance may be necessary and so want to raise our concerns with the Court proactively.
4. We are prepared to address any other issues the Court may have for the parties.

We are ready to proceed this afternoon, unless the Court prefers otherwise.

Very truly yours,

Alinor Sterling

Alinor Sterling | Attorney at Law
KOSKOFF KOSKOFF & BIEDER PC
350 Fairfield Ave., Bridgeport, CT 06604
203.336.4421 | 203.368.3244 (fax)
www.koskoff.com

The logo for the law firm Koskoff, featuring the word "Koskoff" in a bold, blue, sans-serif font.

From: "Mueller, Jeff" <jmueller@daypitney.com>

Date: Thursday, May 28, 2020 at 1:02 PM

To: 'James Vogts' <jvogts@smbtrials.com>, Lorena Gullotta <LGullotta@koskoff.com>

Cc: "Josh D. Koskoff" <JKoskoff@koskoff.com>, Alinor Sterling <ASterling@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, Andrew Lothson <alothson@smbtrials.com>, James Rotondo <jhrotondo@daypitney.com>, "Williams, Paul D." <pdwilliams@daypitney.com>, Chris Boehning <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>, "Ferraro, Ronald"

<Ronald.Ferraro@jud.ct.gov>

Subject: RE: Soto v. Bushmaster, Status Conference

Counsel:

When Judge Bellis set up the status conference protocol in December 2019, she asked for an agenda “around a week” before the conference setting forth specific matters that need to be adjudicated to enable her to review the filings so she was not “coming in blind.” The agenda plaintiffs propose in your May 26 email below does not give the court—or the defendant—any notice of what’s to be discussed, much less adjudicated.

If you have further details to provide, please do so. Otherwise, from defendant’s perspective, tomorrow afternoon’s status conference can be marked off.

Jeffrey P. (Jeff) Mueller | Attorney at Law | [Attorney Bio](#)



242 Trumbull Street | Hartford CT 06103-1212
t (860) 275 0164 | f (860) 881 2625 | m (203) 444 5207
jmueller@daypitney.com | www.daypitney.com

BOSTON | CONNECTICUT | FLORIDA | NEW JERSEY | NEW YORK | WASHINGTON, DC



From: James Vogts <jvogts@smbtrials.com>

Sent: Wednesday, May 27, 2020 10:48 AM

To: Lorena Gullotta <LGullotta@koskoff.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: RE: Soto v. Bushmaster, Status Conference

CAUTION - EXTERNAL EMAIL

DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Lorena, please let us know what discovery disputes plaintiffs believe are ready for Judge Bellis to address.

Also, is the briefing schedule that plaintiffs want to discuss with the court, a schedule related to defendant’s recently filed motion for protective order or something else?

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Lorena Gullotta <LGullotta@koskoff.com>

Sent: Tuesday, May 26, 2020 3:43 PM

To: James Vogts <jvogts@smbtrials.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: RE: Soto v. Bushmaster, Status Conference

From plaintiffs' perspective the agenda should include: 1) updating the court on the status of discovery, and 2) discussing briefing schedules to resolve discovery objections.

Please advise if defense counsel has anything to add to this list.

From: James Vogts <jvogts@smbtrials.com>

Sent: Wednesday, May 20, 2020 7:29 PM

To: Lorena Gullotta <LGullotta@koskoff.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: RE: Soto v. Bushmaster, Status Conference

That'll work.

What is the agenda for the status conference?

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Lorena Gullotta <LGullotta@koskoff.com>

Sent: Wednesday, May 20, 2020 3:45 PM

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; James Vogts <jvogts@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: RE: Soto v. Bushmaster, Status Conference

Hi Jim,

May 29 at 3 p.m. as proposed by Ron is good for plaintiffs' counsel. Please confirm defense counsel is still available at this time before I firm up the date with Ron.

Lorena

From: Ferraro, Ronald <Ronald.Ferraro@jud.ct.gov>

Sent: Wednesday, May 20, 2020 2:57 PM

To: Lorena Gullotta <LGullotta@koskoff.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; James Vogts <jvogts@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: RE: Soto v. Bushmaster, Status Conference

Lorena,

Can we make 3:00 pm work? Judge Bellis has another matter at 2:00 pm.

Thanks

Ron

From: Lorena Gullotta <LGullotta@koskoff.com>

Sent: Wednesday, May 20, 2020 1:20 PM

To: Ferraro, Ronald <Ronald.Ferraro@jud.ct.gov>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; James Vogts <jvogts@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: RE: Soto v. Bushmaster, Status Conference

Dear Ron,

Counsel are available next Friday, May 29, at 2 p.m. for a status conference. Please advise if this is agreeable to Judge Bellis.

Lorena

From: Lorena Gullotta

Sent: Tuesday, May 19, 2020 4:51 PM

To: James Vogts <jvogts@smbtrials.com>

Cc: Josh D. Koskoff <JKoskoff@Koskoff.com>; Alinor C. Sterling <ASterling@Koskoff.com>; Jeffrey Wisner <JWisner@Koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: RE: Soto v. Bushmaster, Status Conference

Jim,

Plaintiffs' counsel is available on Friday, May 29, at 2 p.m. for a status conference with Judge Bellis.

Lorena

From: James Vogts <jvogts@smbtrials.com>
Sent: Tuesday, May 19, 2020 9:22 AM
To: Lorena Gullotta <LGullotta@koskoff.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>
Subject: RE: Soto v. Bushmaster, Status Conference

Lorena, we are not available this Friday, May 22, but we are available Wednesday, May 27 at and after 2:00 pm and Friday, May 29 May at and after 2:00 pm.

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Lorena Gullotta <LGullotta@koskoff.com>
Sent: Monday, May 18, 2020 2:55 PM
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; James Vogts <jvogts@smbtrials.com>; Andrew Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>
Subject: RE: Soto v. Bushmaster, Status Conference

Dear Counsel –

Ron has advised that Judge Bellis has some availability this Friday (5/22) at or after 2 p.m. EST for a telephonic status conference. Plaintiffs' counsel is available. Please advise as to your availability during this time.

Lorena

From: Ferraro, Ronald <Ronald.Ferraro@jud.ct.gov>
Sent: Friday, May 15, 2020 10:03 AM
To: Lorena Gullotta <LGullotta@koskoff.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; James Vogts <jvogts@smbtrials.com>; Andrew A. Lothson <alothson@smbtrials.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>
Subject: RE: Soto v. Bushmaster, Status Conference

Counsel,

Have we made any progress on selecting a new date for telephonic status conference?

Do not hesitate to contact me with any questions.

I am currently working from home so if you need to call please call my cell at (203) 910-8135.

Thanks
Ron

From: Ferraro, Ronald
Sent: Friday, May 8, 2020 12:48 PM
To: 'Lorena Gullotta' <LGullotta@koskoff.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; James Vogts <jvogts@smbtrials.com>; Andrew A. Lothson (<alothson@smbtrials.com>); Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>
Subject: RE: Soto v. Bushmaster, Status Conference

Lorena,

Currently I have not been able to get into the system to delete previously scheduled events. This status conference will have to be rescheduled to a Monday, Wednesday or Friday at 2:00 pm or later after 5/13.

Please confer with one another and let me know a couple of dates which will work for everyone, issues to be addressed and how long you think the call will need to be. As you can image I am having to schedule many of these calls in a relatively short period of time.

I am sorry for the inconvenience.

Thanks
Ron

From: Lorena Gullotta <LGullotta@koskoff.com>
Sent: Friday, May 8, 2020 12:23 PM
To: Ferraro, Ronald <Ronald.Ferraro@jud.ct.gov>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; James Vogts <jvogts@smbtrials.com>; Andrew A. Lothson (<alothson@smbtrials.com>); Rotondo, Jim <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>
Subject: Soto v. Bushmaster, Status Conference

Good Afternoon Ron,

It appears from the docket that the regularly scheduled monthly status conference in the above captioned matter is still on for next Thursday, May 14, at 2 p.m. Is it your understanding that this is proceeding telephonically as scheduled?

Thank you,
Lorena

Koskoff

Lorena B. Gullotta | Paralegal

KOSKOFF KOSKOFF & BIEDER PC
350 Fairfield Ave. Bridgeport, CT 06604
203.336.4421 | 203.368.3244 (fax)
www.koskoff.com

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EXHIBIT F

From: Alinor C. Sterling <ASterling@koskoff.com>
Date: Tuesday, Jun 02, 2020, 7:55 AM
To: James Vogts <jvogts@smbtrials.com>, Andrew Lothson <alothson@smbtrials.com>, Mueller, Jeff <jmueller@daypitney.com>, James Rotondo <jhrotondo@daypitney.com>, Williams, Paul D. <pdwilliams@daypitney.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>, Boehning, Christopher <cboehning@paulweiss.com>, Schutte, Jacobus <jschutte@paulweiss.com>, Jeffrey Wisner <JWisner@koskoff.com>, Lorena Gullotta <LGullotta@koskoff.com>
Subject: Re: Soto: Meet and Confer, Next Court Date

Thanks, Jim.

We'll confirm that date and time with the Court.

For the meet and confer, we would like to discuss the scope and substance of Remington's document productions to date and any contemplated, future document productions.

Alinor

Alinor Sterling | Attorney at Law
KOSKOFF KOSKOFF & BIEDER PC
350 Fairfield Ave., Bridgeport, CT 06604
203.336.4421 | 203.368.3244 (fax)
www.koskoff.com

Koskoff

From: James Vogts <jvogts@smbtrials.com>
Date: Monday, June 1, 2020 at 9:38 AM
To: Alinor Sterling <ASterling@koskoff.com>, Andrew Lothson <alothson@smbtrials.com>, "Mueller, Jeff" <jmueller@daypitney.com>, James Rotondo <jhrotondo@daypitney.com>, "Williams, Paul D."

<pdwilliams@daypitney.com>

Cc: "Josh D. Koskoff" <JKoskoff@koskoff.com>, "Boehning, Christopher" <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>, Jeffrey Wisner <JWisner@koskoff.com>, Lorena Gullotta <LGullotta@koskoff.com>

Subject: RE: Soto: Meet and Confer, Next Court Date

Alinor, defense counsel are available on June 15 at 2:00 pm for a status conference with the court.

Our availability for a meet and confer depends somewhat on the topics you'd like to discuss. We need to make sure the right persons are available to answer your questions. Please let us know more specifically what you'd like to discuss, and we'll get back to you promptly with dates on which we're available.

Thank you,

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Alinor C. Sterling <ASterling@koskoff.com>

Sent: Monday, June 1, 2020 7:07 AM

To: James Vogts <jvogts@smbtrials.com>; Andrew Lothson <alothson@smbtrials.com>; Mueller, Jeff <jmueller@daypitney.com>; James Rotondo <jhrotondo@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>; Jeffrey Wisner <JWisner@koskoff.com>; Lorena Gullotta <LGullotta@koskoff.com>

Subject: Soto: Meet and Confer, Next Court Date

Counsel,

We'd like to meet and confer concerning the status of Remington's compliance. Could you give us some times toward the end of this week when you are available?

We also propose accepting the June 15 2 pm status conference the Court offered, so that the adjudication of your motion for protective order, and our objection to it, which we will file on June 5, can be addressed, in addition to the existing agenda.

Please let us know your availability and position.

Thanks,

Alinor

Alinor Sterling | Attorney at Law
KOSKOFF KOSKOFF & BIEDER PC
350 Fairfield Ave., Bridgeport, CT 06604
203.336.4421 | 203.368.3244 (fax)
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EXHIBIT G

From: Alinor C. Sterling <ASterling@koskoff.com>
Date: Monday, Jun 08, 2020, 10:21 PM
To: James Vogts <jvogts@smbtrials.com>, Josh D. Koskoff <JKoskoff@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, Boehning, Christopher <cboehning@paulweiss.com>, Schutte, Jacobus <jschutte@paulweiss.com>
Cc: Rotondo, Jim <jhrotondo@daypitney.com>, Williams, Paul D. <pdwilliams@daypitney.com>, Mueller, Jeff <jmueller@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>
Subject: Re: Soto

Jim,

My emails on this issue have repeated that we are requesting Remington meet and confer with us regarding the status of its production. Because you had asked for specific concerns we wish to address, I gave you some examples of questions we think should be part of the conversation. Your response does not answer the example questions I posed; it does not address limitations on the documents produced to date, nor does it answer questions concerning the anticipated volume of future email productions, or custodians and time periods for the existing production. And it does not respond to the broader issue, which is that we are asking for a meet and confer concerning Remington's document production before the status conference.

We continue to believe that a meet and confer before the status conference is appropriate and necessary and will give us the best chance to avoid burdening the Court with issues that the parties could potentially resolve themselves. I therefore reiterate our request for a meet and confer before the status conference. Please advise as to your position. If it is your position that a meet and confer is not appropriate, please say so directly.

Alinor

Alinor Sterling | Attorney at Law
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From: James Vogts <jvogts@smbtrials.com>

Date: Monday, June 8, 2020 at 6:06 PM

To: Alinor Sterling <ASterling@koskoff.com>, "Josh D. Koskoff" <JKoskoff@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, Chris Boehning <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>

Cc: James Rotondo <jhrotondo@daypitney.com>, "Williams, Paul D." <pdwilliams@daypitney.com>, "Mueller, Jeff" <jmueller@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>

Subject: Soto

Alinor, in response to your two questions, below, our next rolling production of documents will be made on or before June 22. It will include additional emails.

Another production will be made on or before July 3, well in advance of the scheduled depositions in Maine and North Carolina. This latter production will be based on an analysis and review of your recently served Third Request for Production. At that point, I believe our production of documents will be substantially complete, although I've been involved in few cases in which deposition testimony did not result in production of some additional documents.

Our offices opened today and will hopefully remain open despite the ongoing virus threat. We should not have any further logistical obstacles in producing responsive documents.

I hope this answers your questions. If you need any further information, please let me know.

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Alinor C. Sterling <ASterling@koskoff.com>

Sent: Sunday, June 7, 2020 8:56 PM

To: James Vogts <jvogts@smbtrials.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Cc: Williams, Paul D. <pdwilliams@daypitney.com>; Rotondo, Jim <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Andrew Lothson <alothson@smbtrials.com>

Subject: Re: Soto

Jim,

Thanks for advising us about the limitations your office is experiencing. As I am sure you are, we are committed to move forward with the case and we also recognize an obligation to be respectful of the safety and health of all involved. We are doing our best to balance those sometimes competing concerns. It is very helpful to be advised of challenges on your end that may impact scheduling and forward progress, although more specific information would be even more helpful. For example, it would be helpful to us to hear from you what specific tasks or processes cannot be done remotely. We also think it is important that the Court be advised of these issues.

Turning to the document production issues, there are a number of issues that we expect could be addressed efficiently during a meet and confer. Generally speaking, it would be helpful to have a better understanding of what documents are coming when, and of the limitations on what documents have been produced to date. For example, here are some of the questions we would like to discuss:

1. The ordering of your email production(s). Are they ordered by custodians, chronologically? How much more email content is there to be produced, and when should we anticipate receiving it?
2. When do you anticipate production in response to the pending RFPS will be complete? If there are outstanding matters that will delay completion, what are they and what type of information is involved?

We believe that a telephonic meet and confer should occur before our June 15 status conference, and request again that we find some time to discuss this in the upcoming week. Please let us know your availability.

Alinor

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Koskoff

From: James Vogts <jvogts@smbtrials.com>

Date: Tuesday, June 2, 2020 at 10:47 AM

To: Alinor Sterling <ASterling@koskoff.com>, "Josh D. Koskoff" <JKoskoff@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, "Boehning, Christopher" <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>

Cc: "Williams, Paul D." <pdwilliams@daypitney.com>, James Rotondo <jhrotondo@daypitney.com>, "Mueller, Jeff" <jmueller@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>

Subject: Soto

Alinor, I can tell you right now that on or prior to June 22—the date on which our response to Plaintiffs' Third Request for Production is due—we will be making another rolling production of ESI under the ESI Protocol, including additional email communications on AR-type rifle marketing topics. We will also be producing downloaded social media content across the Remington brands (including all embedded videos), the insurance policies, and additional Remington and DPMS product catalogs.

We are still in the middle of producing responsive documents, and are working diligently on making additional productions. Some of the work required to get these productions to you cannot be done remotely, and our offices have been closed since mid-March due to the pandemic, and more recently because of street violence in Chicago, which has limited access to the downtown area. (Our offices are across the street from Trump Tower, in the area where protests were focused and where substantial looting and property damage occurred.) Nevertheless, we are working to get the documents to you.

If you need any further information on the status of our document production, please let me know with some specificity what you'd like to know and I'll do my best to answer your questions.

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

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EXHIBIT H

From: James Vogts <jvogts@smbtrials.com>

Sent: Friday, June 12, 2020 10:53 AM

To: Alinor C. Sterling <ASterling@koskoff.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Cc: Rotondo, Jim <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Andrew Lothson <alothson@smbtrials.com>

Subject: Soto - Motion for Protective Order

Alinor, we don't see your June 10 proposal as a serious attempt at compromise.

You and your colleagues continue to ignore that the parties met and conferred extensively in 2016 and agreed to an ESI Protocol, which Judge Bellis entered as a court order. Since that time, we have conducted ourselves under the protocol and are still in the process of producing ESI under its terms. I'm told that our next production will likely consist of more than 12,000 pages of additional documents, which will include nearly 500 additional emails. Your request for corporate designee testimony on our work can only be seen as an unwarranted attempt to renegotiate the ESI Protocol in the middle of the game.

Our proposal still stands: we will agree to withdraw our motion for a protective order in exchange for your agreement to withdraw your notice for a corporate designee deposition, without prejudice to re-noticing the deposition after we have responded to your Third Request for Production of Documents and substantially completed our production of ESI in early July, and after you have deposed already disclosed persons, who directed Remington's marketing activities in the relevant time period. Until you have received our ESI production and questioned at least some witnesses on relevant marketing activities, any suspicions you may have now about our search for ESI and the completeness of our ESI production is just supposition.

Jim

James Vogts
Swanson, Martin & Bell LLP

330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Alinor C. Sterling <ASterling@koskoff.com>
Sent: Wednesday, June 10, 2020 4:28 PM
To: James Vogts <jvogts@smbtrials.com>
Subject: Soto

Jim,

Thanks again for your call of yesterday morning. We recognize the importance of cooperating in order to avoid burdening the court with discovery disputes, wherever possible. I am taking your proposal as an opportunity to do that. I have put together a counterproposal that I believe addresses both parties' concerns and would avoid involving the court at this time and potentially at all.

We will agree to withdraw the April 15 corporate designee notice if Remington will agree to:

- (1) By June 25, provide detailed, written responses to the questions itemized below. These questions reflect required disclosures under United States District Court for the District of Connecticut Local Rule 26 and Form 26(f). (A copy of Form 26(f) is attached.) Such responses would give plaintiffs necessary orientation as we review your productions and are not "discovery on discovery," which Remington has indicated it wants to avoid.
- (2) By July 9, meet and confer with plaintiffs regarding Remington's responses to these questions, with a technical representative from Remington participating in the teleconference. Again, this is no more than is called for by Local Rule 26 and Form 26(f) and similar rules across the country.
- (3) By July 1, respond to the operative subparts of plaintiffs' Interrogatory No. 7, served in 2016. And,
- (4) Produce a corporate designee witness on a mutually agreed date in September 2020 to the extent such deposition is deemed necessary by plaintiffs. A September designee date would place the designee deposition, if one is necessary, after Remington's compliance has been made, and after some depositions have been taken, as you proposed.

Plaintiffs' Questions

- List all computer-based and other electronic information management systems used to store historical, archival, back-up and legacy files.
 - For each system, provide dates for which information is presently available for collection.
- Describe the steps taken by Remington to preserve electronically stored information generally and in this matter.
- Provide a detailed description of Remington's method of collection of ESI in this matter, including the systems searched, the custodians whose files were searched, any date limitations applied to the collection, and any search terms and/or other techniques to be used in connection with the retrieval, screening, and production of such information.
- Identify any third-party services used to store Remington's data or manage its direct-to-consumer marketing initiatives.
 - For each third party, identify and describe the types of data stored on its systems.

I look forward to your response,

Alinor

Alinor Sterling | Attorney at Law
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EXHIBIT I

From: Alinor C. Sterling <ASterling@koskoff.com>

Sent: Friday, June 12, 2020 12:43 PM

To: Ferraro, Ronald <Ronald.Ferraro@jud.ct.gov>

Cc: James Vogts <jvogts@smbtrials.com>; James Rotondo <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Lorena Gullotta <LGullotta@koskoff.com>; Chris Boehning <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Subject: Soto v Bushmaster 6/15 Status Conference Agenda

Hi Ron,

Below is the agenda of items plaintiffs propose addressing at the 6/15 status conference:

1. Update on the status of what has transpired during the COVID lockdown, particularly discovery issues that have come up and what we expect in the near term.
2. A new schedule for status conferences in light of our understanding that the Court cannot proceed on the dates previously agreed.
3. Select a date for hearing of Remington's Motion for Protective Order and plaintiffs' Objection to it.

Have a nice weekend,

Alinor

Alinor Sterling | Attorney at Law

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EXHIBIT J

NO: UWY-CV-15-6050025-S : COMPLEX LITIGATION DKT
DONNA L. SOTO, ADM OF THE ESTATE OF
VICTORIA L. SOTO : JUDICIAL DISTRICT WATERBURY
v. : AT WATERBURY, CONNECTICUT
BUSHMASTER FIREARMS INTERNATIONAL,
LLC AKA FREEDOM : JUNE 15, 2020

PHONE STATUS CONFERENCE
BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

ATTORNEY JOSHUA D. KOSKOFF
ATTORNEY ALINOR C. STERLING
ATTORNEY JEFFREY WISNER
ATTORNEY CHRIS BOEHNING
ATTORNEY JACOBUS SCHUTTE
KOSKOFF, KOSKOFF & BIEDER, P.C.
350 Fairfield Avenue
Bridgeport, Connecticut 06604

Representing the Defendant:

ATTORNEY JAMES VOGTS
ATTORNEY ANDREW LOTHSON
ATTORNEY JEFFREY MUELLER
ATTORNEY JIM ROTONDO
SWANSON MARTIN & BELL
330 North Wabash, #3300
Chicago, Illinois 60611

Recorded By:
Darlene Orsatti

Transcribed By:
Darlene Orsatti
Court Recording Monitor
400 Grand Street
Waterbury, CT 06702

1 THE COURT: Good morning everyone, this is Judge
2 Bellis. Hope everyone is safe and well. So, just
3 going to have everyone identify themselves, starting
4 with representatives for the plaintiff. And just as
5 a reminder, and I'll do the same, if you're not
6 speaking just please make sure the mute is on your
7 phone.

8 So starting with the plaintiff's.

9 ATTY. KOSKOFF: Thank you very much, your Honor.
10 And good morning to you and we hope that things are
11 well with you as well, and appreciate your time
12 today. This is Josh Koskoff for the plaintiff's, and
13 I'm joined today with others, who will introduce
14 themselves.

15 ATTY. STERLING: Good morning your Honor, this
16 is Alinor Sterling, also for the plaintiff.

17 ATTY. WISNER: Good morning, your Honor. This
18 is Jeffrey Wisner for the plaintiff.

19 ATTY. BOEHNING: Good morning, your Honor, this
20 is Chris Boehning for the plaintiff's.

21 ATTY. SCHUTTE: Good morning, your Honor, this
22 is Jacobus Schutte for the plaintiff's.

23 ATTY. VOGTS: Good morning, your Honor, this is
24 Jim Vogts for the defendant's.

25 ATTY. LOTHSON: Good morning, your Honor. Andrew
26 Lothson for the defendant's.

27 ATTY. MUELLER: Good morning, your Honor.

1 Jeffrey Mueller for the defendant.

2 ATTY. ROTONDO: Good morning, your Honor. Jim
3 Rotondo for the defendant's.

4 THE COURT: Okay. I think that's everyone as
5 far as I can see. I also understand that we had a
6 request from the media, New York Times to participate
7 on this telephone conference, which of course I
8 granted, and that they're on the line as well, and
9 that there was no objection from counsel.

10 So, I'm going to - I have a short agenda of my
11 own items that I'll go through. And the only thing I
12 would say is that when you speak, because there are
13 so many of us on the phone, that you just identify
14 yourselves before you speak so that we know whose
15 speaking. Although I recognize some of the voices.

16 So the first thing I was going to start with was
17 the monthly status conferences that we need to get
18 back on, on a regular basis. I am fine with
19 continuing with our second Thursday of the month at
20 10 a.m. And my thought for the time being until
21 things change, that we would continue to do it
22 through telephone conference, just like we're doing
23 now, which by the way, we are on the record of course
24 and there will be a full transcript of this, so that
25 the Court Monitor in the courtroom is actually taking
26 this all down so that we have a transparency.

27 So my thought process was for the foreseeable

1 future to have it done exactly this way, where
2 everyone called in remotely and it's done on the
3 record, and there's a transcript. And at some point
4 we can transition to actually doing it through video
5 conferencing on the record. If anybody has any
6 objection to the timing of continuing the second
7 Thursday of the month at 10 a.m., can you just speak
8 up now, otherwise, if we don't hear anything, Ron
9 will go ahead and start scheduling that and we'll
10 assume it's good.

11 ATTY. KOSKOFF: We have - This is Josh Koskoff.

12 THE COURT: Um-hum.

13 ATTY. KOSKOFF: Just to clarify, we have no
14 objection to continuing the schedule as your Honor
15 has just said. And to do so telephonically makes
16 absolute sense, I think for the time being. As part
17 of what I'd like to discuss today, I was hoping to
18 get to today, was for a period of time to have not
19 monthly meetings, but hopefully have meetings every
20 two weeks for just to get us through what is, I think
21 a rough patch in discovery.

22 And we wish the same rules, I would propose
23 would apply, which is that if we don't have anything
24 for the Court, we don't have to go forward. But just
25 to - if it's - if it's possible to have more frequent
26 meetings over the next several months, as least that
27 would be something -

1 THE COURT: So before I hear from the defense.
2 That Josh made a good point. Any time - so the way
3 that we proceeded and the way we'll continue to
4 proceed, is we'll have our status conference just
5 like the - on the record.

6 But if both sides agree that there is nothing
7 that needs to be dealt with, and as well, I don't
8 have anything on my agenda, I am more than happy to
9 cancel it by agreement and just have the next one.
10 So I would never have this just as an academic
11 exercise. If there's a situation where one side
12 wants a conference and the other side doesn't, I'm
13 going to have the conference anyway. I'm only going
14 to cancel it if there's an agreement. But, I'll hear
15 from the defense now, also on the issue of every two
16 weeks, which quite frankly I don't think is a bad
17 idea. But, who would like to speak for the defense?

18 ATTY. VOGTS: Your Honor, this is Jim Vogts. We
19 don't have objection to a status conference every two
20 weeks, if that's what the plaintiff's would like.

21 THE COURT: Okay. Sure. All right. So then
22 why don't we do the second and fourth Thursday of
23 every month? Does that work? Yup. All right. So
24 we'll go ahead - Ron, Attorney Ferraro, you're on the
25 phone, right?

26 THE CLERK: Yes, your Honor.

27 THE COURT: Okay. Why don't we go ahead and

1 schedule those with the understanding that if both
2 sides agree that there's nothing that needs to be
3 dealt with, and on that agreement that we'll just
4 mark it off. And it may be that since we'll be
5 having them so regularly that we'll end up marking
6 some off. Okay. All right. So that's good. That
7 takes care of the first issue.

8 The second issue that I had. I saw that it
9 looks like the pleadings are still open. It looks
10 like there was a revised complaint filed back on May
11 19th and I'm just wondering what what's going on with
12 the pleadings. If the defense could speak to that.

13 ATTY. VOGTS: Your Honor, this is Jim Vogts.
14 Defendant's will be filing a motion to strike,
15 revised the amended complaint this week. I believe
16 the plan is to file that motion Wednesday, June 17th.

17 THE COURT: Okay. All right. So that will have
18 to get - you know, queued up and adjudicated at some
19 point. All right. So that answers that question. I
20 see that the motion for protective order is fully
21 briefed at this point and I do see that there was a
22 request for argument. But I am going to start
23 reviewing it, and I will let you know through
24 Attorney Ferraro whether I'm going to have argument
25 on it or not. I am understanding that you do want
26 argument. But, if I don't think it's necessary,
27 comfortable with the briefs that are filed, I'm just

1 going to adjudicate it on the papers.

2 So, we'll let you know through Attorney Ferraro
3 whether we need to schedule argument or whether it's
4 going to be decided on the papers. Does anybody need
5 to address that?

6 ATTY. ROTONDO: Your Honor, this is Jim Rotondo.
7 I just wanted to alert the Court that we filed our
8 reply brief this morning.

9 THE COURT: I saw it. Yup. I did see it.
10 Thank you.

11 ATTY. ROTONDO: Okay. Thank you.

12 THE COURT: Thank you. It looks like it's fully
13 briefed all around and ready to go. Attorney
14 Koskoff, did you have anything to add?

15 ATTY. KOSKOFF: No, your Honor. I think that
16 the plan is perfectly fine with us.

17 THE COURT: Okay. All right. And I will tell
18 you that if I do feel there are - there's been
19 questions that I would like argument on, I'm not
20 going to hesitate to schedule it. All right. So,
21 you don't have to worry about that. All right.

22 So I know that there was communication with
23 Attorney Ferraro about other discovery issues. Is
24 there anything that needs to be addressed today, or
25 do you want to give me a preview of what's coming
26 down the pike? Maybe I'll start with the plaintiff
27 on that.

1 ATTY. KOSKOFF: Yes, your Honor. Thank you.
2 And in terms of there being anything formally before
3 the Court, as the Court is likely aware, there is
4 no - the motion for a protective order certainly
5 dovetail's with us a bit. But I'd like to call the
6 Court's attention to another facet of it, because I
7 think it's important to bring the Court up to date on
8 what's been going on.

9 THE CLERK: Excuse me, counsel?

10 ATTY. KOSKOFF: Yes.

11 THE CLERK: Could you just state your name for
12 the record?

13 ATTY. KOSKOFF: Oh, I'm sorry.

14 THE CLERK: That's okay.

15 ATTY. KOSKOFF: Josh Koskoff.

16 THE CLERK: Thank you.

17 ATTY. KOSKOFF: I have to try to get used to
18 that.

19 So, just as a preview, judge. You know, as the
20 Court knows that front and center of this case are -
21 or is the defendant's marketing practices. And the
22 time period of those marketing practices that is
23 primarily relevant is the time period between 2006
24 and 2012. 2006 that was the year that Cerberus,
25 which is the New York City Hedge fund took over
26 Bushmaster, which was a main company. And over the
27 course of the next six years Cerberus added

1 additional small brands of firearms and became known
2 as Freedom Group. So, during the time period in
3 question there were - we're mostly dealing with an
4 entity called Freedom Group. And they bought
5 Bushmaster for about 70 million dollars. But, the
6 bottom line is that over the course of those six
7 years, Freedom Group built this consortium of brands
8 into a small kind of Arms Empire. And then by 2012
9 they were doing, according to them, over a billion
10 dollars a year in sales, and they had a marketing and
11 research department of about 350 people.

12 So, we know that there was clearly expansive and
13 aggressive effort to expand the market, and that
14 effort is really the - where, as it turns out, the
15 case has to be focused on because of the issues that
16 are now deemed to be provable by the plaintiff's.
17 And to do that we need the, of course, as much
18 information as we can about those practices, because
19 we've got to show not just what the result was, but
20 how they got there and why, to establish our burden.

21 And I'll just call - and by now we had been
22 expected to have substantial compliance and
23 production. And if you look at production in a case,
24 you have to measure against what the scope it. So
25 it's not a matter of just how many documents or how
26 many pages is. Because in some cases, you know, 50
27 pages is about the scope of a case. In other cases

1 50 million pages is the scope of a case. And here I
2 just, in terms of explaining the serious concerns
3 were have about the production. I just want to talk
4 about something that we can all wrap our heads
5 around, which is e-mails. To launch a marketing
6 effort of this nature and size and premeditation,
7 would require just a massive investment of creative
8 thoughts and time and preparation and coordination.
9 And of course, in 2006 to 2012, that's - you know,
10 that's prime e-mail territory. And -

11 THE COURT: Attorney Koskoff, I'm just going
12 to - this is Judge Bellis for the record, since I
13 realized -

14 ATTY. KOSKOFF: Yes.

15 THE COURT: - needs to know whose speaking.

16 I'm going to just gently interrupt you because I
17 don't want to go too deep into this. Let me just,
18 before I hear from the defendant on the issue that
19 you've raised, I want to get an understanding of, is
20 this pandemic related that discovery has sort of come
21 to a halt, or grinded through because of issues
22 relating to the pandemic? Issues with getting
23 documents produced? Or is your suggestion that it's
24 not pandemic related? And then I'm going to cut you
25 off and hear from the defendant, because there's
26 really not a motion -

27 ATTY. KOSKOFF: Right.

1 THE COURT: - to be adjudicated. And I don't
2 want to go too deep into it. So, do you have any
3 thought as to how much of it is -

4 ATTY. KOSKOFF: Yes.

5 THE COURT: Because in all cases there has been
6 some difficulty in getting document productions
7 because offices are short-staffed or people are
8 working remotely or whatever.

9 ATTY. KOSKOFF: Yes. And we're very sensitive
10 to that, and we want to make sure that we're being
11 appropriate. You know, I think it's appropriate to
12 be very sensitive about that. Let me just say that
13 on the e-mails, we have 16 total e-mails from 2010 to
14 2012. Okay.

15 So, the question is, is that Covid related? And
16 the answer is no, I don't think so. Unless the
17 defense - the defense may have a different
18 explanation. The reason I say that though is because
19 the anticipation, the promise from the defense, as
20 far we can tell is that they are going to be
21 producing another set of production that includes the
22 total of 500 e-mails, which is also just outside the
23 norm of - and just a sparse amount for a period of
24 time that we're talking about, and an effort of what
25 we're talking about. So, if its Covid related, then
26 I'm sure the defense can explain why.

27 I will say that the depositions - like under the

1 best of circumstances, conducting the depositions was
2 probably going to be affected in some way by Covid.
3 You know, that's reasonable. But - but not - but I
4 don't know why that would affect the robustness and
5 the completeness of the production.

6 But, I will defer to the defense, who we have
7 been trying to get to meet and confer on some of
8 these issues for the last few weeks, but whom have
9 not been engaged to that. And I think it - now that
10 it's clear that they're filing a motion to strike,
11 maybe now we see why. But, they certainly haven't
12 been willing to meet and confer on this issues, which
13 is one of the reasons why I wanted to raise them.

14 THE COURT: So - all right. Judge Bellis again.
15 Before I hear from the defense. Attorney Ferraro,
16 just remind me before we all get off the phone.
17 We'll have both sides agree to a date where they can
18 meet and confer. So we'll help you with the meet and
19 confer date so that you can get that done before our
20 next status conference.

21 All right. So, someone from the defense, would
22 you like to address the issue? If you want.

23 ATTY. VOGTS: Yes, your Honor. This is Jim
24 Vogts. I'm a bit frustrated because I really don't
25 know what the issue is after having listened to Mr.
26 Koskoff. The fact of the matter is that back in
27 January, the parties had a meet and confer regarding

1 the defendant's production of documents. At that
2 time it was agreed that the defendant's would be
3 making rolling production of documents under the ESI
4 protocol that this Court entered as a case management
5 order back in August of 2016.

6 In furtherance of that agreement, we made a
7 production of documents in March, before the pandemic
8 reared its head. We then were able to make another
9 production of documents in May under the pandemic
10 circumstances. We have communicated with plaintiffs
11 extensively, both in writing and telephonically, and
12 told them that our next production of documents would
13 be made on or before June 22nd, and another
14 production of documents to be made in early July.
15 Mr. Koskoff's representation that we have refused to
16 meet and confer with them is simply not correct.

17 In fact, the only telephone conversations after
18 January of this year, on which we discussed
19 defendant's production of documents, were initiated
20 by the defendant's. Plaintiffs have not made any
21 telephonic initiatives to discuss these issues with
22 us. I've asked them to clarify -

23 THE COURT: All right.

24 ATTY. VOGTS: - I'm sorry.

25 THE COURT: Attorney Vogts, could I just ask you
26 if you don't mind. I just want to make sure I
27 understand. So, I got what you said on the rolling

1 production and on the agreement that was entered on
2 that. Are there discovery objections that the
3 defendants have filed that have not yet been
4 resolved?

5 ATTY. VOGTS: Well, your Honor, the plaintiffs
6 have served us with a third request for production
7 documents in April. Our response to that set of
8 requests is due, I believe on June 22nd. We will be
9 obviously responding to that and will be lodging some
10 objections to those. I think there's 39 different
11 requests.

12 THE COURT: Okay. So that's not due yet. What
13 about to the first and second requests. Are there
14 any defendant discovery objections that remain
15 unresolved?

16 ATTY. VOGTS: Well, we have objected to the time
17 periods in which plaintiffs seek discovery. They do
18 see discovery in some instances without limitation as
19 to time. In many instances, in the time period that
20 post-dates the December 2012 shooting. We've asked
21 plaintiffs to explain to us any marketing activities
22 post shooting, would have any relevance in this case,
23 given the narrow claim the Connecticut Supreme Court
24 allowed to go forward. Specifically that some -

25 THE COURT: Okay. May I also ask, have you -
26 Have the defendant's filed any discovery against the
27 plaintiff where there are objections that have not

1 been resolved, to your knowledge?

2 ATTY. VOGTS: Yes, your Honor. The plaintiff's
3 agreed. Answers to interrogatories to produce
4 statements that they have made regarding
5 responsibility for the shooting and their damages.
6 The plaintiffs have, despite their agreement to do so
7 more recently lodged an objection, I believe that
8 they are - do not have to produce statements that
9 were not made in their capacity -

10 THE COURT: All right.

11 ATTY. VOGTS: - as administrators of the estate.

12 THE COURT: So it sounds to me like the
13 plaintiff had file discovery objections that you need
14 to get resolved, and that vice versa. So what I'm
15 going to tell you before we get off the phone is, we
16 will all agree on a date to have a telephonic or
17 video conference. So not letters or e-mail. It will
18 actually have to be people talking to resolve any
19 outstanding discovery objections on either side, for
20 any discovery that's been filed to date. I
21 understand that that is not due yet. I'm not talking
22 about that one.

23 ATTY. VOGTS: Right.

24 THE COURT: So that at least we can - you all
25 can look at them. You're either going to withdraw
26 your objection. You're either going to withdraw the
27 question or you're going to queue it up for me to

1 resolve the objection, and then we can at least check
2 that off our list.

3 Okay. So we'll make sure that we do that. Is
4 there anything else, Attorney Vogts, you wanted to
5 say in response to Attorney Koskoff's comments?

6 ATTY. VOGTS: Well, only to the extent that the
7 pandemic has impacted defendant's ability to some
8 extent to expeditiously get these rolling corrections
9 out the door. But, I want to make it clear that it's
10 not prevented us from doing so. In fact, we have
11 been working diligently to get those documents
12 collected, reviewed, proceeded and produced. And
13 will continue to do so.

14 THE COURT: Right. And interestingly I found in
15 dealing with all my cases, because most of the
16 lawyers are not trying cases in any jurisdiction that
17 everyone has a lot more time now to devote to their
18 discovery issues, and to their remote deposition.
19 So, which actually - it actually works out in a way.

20 All right. So, the other thing I wanted to talk
21 about is the scheduling order. So, I don't know if -
22 I can tell you what my thoughts are on it, but, then
23 I'll hear from the plaintiff, then I'll hear from the
24 defense. So as you are probably aware, the Chief
25 Administrative Judge Chivel has put a stay on the
26 scheduling orders. They haven't been lifted yet.
27 For all I know it will be lifted tomorrow. But at

1 this point, they are for all intents and purposes
2 stayed. Although most cases are doing - are trying
3 to meet the deadline, nonetheless. I understand that
4 once we are - the stay is no longer in effect, that
5 some of the deadlines in the scheduling order may
6 need to be tweaked or amended or so forth.

7 And my position at this point is - and although
8 I'll give you an opportunity to be heard on it. My
9 position at this point is, why don't we wait until
10 the scheduling order is back in affect before we
11 start putting in dates, because they may have to be
12 changed more than once. So, does anybody have a
13 problem with that from the plaintiff's side?

14 ATTY. KOSKOFF: No, your Honor. I completely
15 agree.

16 THE COURT: That's Attorney Koskoff. Okay. How
17 about for the defense?

18 ATTY. VOGTS: We agree as well, your Honor. Jim
19 Vogts.

20 THE COURT: Okay. All right. So that was my
21 short list of things that I needed to talk about.
22 I'll start with Attorney Koskoff and then turn to
23 Attorney Vogts to see if there is anything else that
24 needs to be addressed today. I didn't see anything
25 in the file that - anything else that was ready to be
26 adjudicated, but, Attorney Koskoff?

27 ATTY. KOSKOFF: I can't think of anything other

1 than wanting to - so just to clarify when our next
2 status conference will be?

3 THE COURT: Attorney Ferraro, do you have a
4 calendar in front of you? Then we'll do the second
5 and fourth Thursday of every month at 10 a.m.

6 THE CLERK: Yes. I have the next one for July
7 9th.

8 ATTY. KOSKOFF: I think the only thing I would
9 say, judge, is because the resolutions of protective
10 order is putting a hinge, or I'm not sure that's the
11 right word, in the schedule. If the Court were going
12 to hear argument, it would probably be preferable to
13 do it before then. That's all I'll say. In other
14 words, we'd like to have a resolution as soon as
15 possible.

16 THE COURT: Okay. Attorney Vogts.

17 ATTY. VOGTS: It's up to the Court obviously.
18 You're going to review the papers and decide whether
19 an argument's necessary, and we'll be guided by your
20 decisions.

21 THE COURT: Okay. All right. So anything else
22 from either side before we have you put your
23 schedules together so that you have your dates to
24 discuss your discovery objections? No. Okay. All
25 right.

26 ATTY. KOSKOFF: No, your Honor.

27 THE COURT: So -

1 ATTY. KOSKOFF: That's Josh Koskoff.

2 THE COURT: Yup. Attorney Koskoff, do you want
3 to propose a date for the other side to have a -
4 either video or telephone conference on all the
5 discovery objections to date for both sides?

6 ATTY. KOSKOFF: Well, I - I would - I'm happy to
7 work with them on a day that I think the Court - the
8 Court ordering the meeting is helpful, and I think -
9 I don't want to pursue the date -

10 THE COURT: I'm just going to - I'm going to
11 order a date if you don't pick one. So I'm just
12 hoping that you could -

13 ATTY. KOSKOFF: Oh.

14 THE COURT: - put your schedules together and
15 pick one. Is it too - am I being too optimistic in
16 thinking that you can have that before our next
17 statute conference? So that at the next status
18 conference I can actually start dealing with the
19 discovery objections? Or am I being too optimist?

20 ATTY. KOSKOFF: No, not - I was thinking - yeah,
21 no that's - we've been - yes. That's fine, judge.
22 Absolutely we would like that.

23 THE COURT: All right. That's Attorney Koskoff.
24 Attorney Vogts.

25 ATTY. KOSKOFF: I'm sorry, that's Josh Koskoff.

26 ATTY. VOGTS: Yeah. This is Jim Vogts. Your
27 Honor, there's a couple of things if you perhaps

1 could keep in mind. Number one is that defendant
2 will - we'll be filing objections on June 22nd.
3 Plaintiffs obviously will need some time to look at
4 those objections and consider their positions.

5 THE COURT: Right.

6 ATTY. VOGTS: And secondly.

7 THE COURT: I wasn't including those, Attorney
8 Vogts. The ones that aren't due yet, I'm putting
9 those to the side. I'm just talking about the ones
10 from the past. So, don't worry about them.

11 ATTY. VOGTS: Right. Well - and another problem
12 here is that the plaintiffs are presuming
13 inadequacies in Remington's Productions of documents,
14 which is not nearly complete.

15 So, much of what they have to say is
16 supposition, because, you know, within a week they're
17 going to have 12,000 additional pages of documents.
18 I know plaintiff likes to count documents themselves.
19 Documents themselves will be about 2,000, which will
20 include 500 or so additional e-mails. And then we've
21 indicated that in early July they'll be yet another
22 production. So I think until they've seen that
23 substantially complete production of documents, any
24 conversation about objections or inadequacies are -

25 THE COURT: I'm not following you. I'm not
26 addressing at this point, any motions to compel or
27 any motions like that, that address the sufficiency

1 or the insufficiency of the responses. I'm simply
2 focusing just on the discovery objections, not on
3 whether what you produced to date is sufficient. I
4 mean, either of you understand - either there's an
5 agreement on what the scope of discovery is, or
6 there's a disagreement. If there's a disagreement,
7 then I'm going to resolve the discovery objections.
8 I'm not going to have them hanging over us for years.
9 So, I'm not sure why we would have to address at our
10 next conference, the sufficiency or insufficiency of
11 the responses, given what you said and given the rule
12 on production.

13 My plan was just to adjudicate your discovery
14 objections and the plaintiff's discovery objections,
15 so that everybody knows what the parameters are.
16 Okay.

17 ATTY. VOGTS: Okay. Well, we're more than
18 willing to meet and confer with the plaintiff's on
19 existing discoveries that don't have objections to.

20 THE COURT: Okay.

21 ATTY. VOGTS: Before the July 9th conference.

22 THE COURT: Sure. So since you're the last one
23 standing here and I'm speaking to you, would you like
24 to propose a date or two right now for your
25 conference? And then the plaintiffs can set their
26 schedule.

27 ATTY. VOGTS: Sure. I can propose. How about

1 Friday, June 26th?

2 THE COURT: Attorney Koskoff?

3 ATTY. KOSKOFF: Hang on. Would you excuse me
4 one moment, your Honor?

5 THE COURT: Sure.

6 ATTY. KOSKOFF: Okay. Okay. We - our verdict
7 is that's acceptable.

8 THE COURT: Okay. Well, that was good. What
9 time would you like, Attorney Vogts? What are you
10 suggesting?

11 ATTY. VOGTS: How about 11 a.m. Eastern Daylight
12 Time.

13 ATTY. KOSKOFF: That sounds like a delightful
14 time.

15 THE COURT: Okay. And so you probably - I think
16 I've mentioned this in the past. So the way that
17 when I handle them, I'm going on the understanding
18 that you have actually discussed each objection. So,
19 not a grouping, that you've actually had a good faith
20 discussion on each question and each objection. And
21 then I just need something trialed maybe three days
22 before a conference that sort of lays out which
23 question and which objection. Okay.

24 And so what I'm not looking for at this point
25 are briefs on the discovery objections. I really -
26 all I need is the question and the objection. All
27 right. And if it turns out that it is more

1 substantial, and I do need briefs, I'm not going to
2 hesitate to ask for briefs. Okay. But I do want at
3 least as a first step to just eyeball very simply,
4 each question and each objection and that's it. And
5 then if I do need briefs then I'll in turn I'll have
6 Attorney Ferraro contact you, and I'll give you
7 plenty of time. If it's not something that can be
8 done before our next conference, then so be it.

9 But at least we'll get a plan. All right.
10 Anybody else have anything at this point?

11 ATTY. KOSKOFF: This is Josh Koskoff. No, your
12 Honor, for the plaintiff's.

13 ATTY. VOGTS: Jim Vogts. No, your Honor.

14 THE COURT: Okay. All right. Thank you very
15 much. This worked out well, and I hope everyone
16 stays safe and well, and I'll talk to your soon.

17 ATTY. VOGTS: Thank you.

18 ATTY. KOSKOFF: Thank you very much, your Honor.

19 THE COURT: Take care.

20 (The matter concluded.)

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NO: UWY-CV-15-6050025-S : COMPLEX LITIGATION DKT
DONNA L. SOTO, ADM OF THE ESTATE OF
VICTORIA L. SOTO : JUDICIAL DISTRICT WATERBURY
v. : AT WATERBURY, CONNECTICUT
BUSHMASTER FIREARMS INTERNATIONAL,
LLC AKA FREEDOM : JUNE 15, 2020

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, G.A. #4, Waterbury, Connecticut, before the Honorable Barbara Bellis, Judge, on the 15th day of June, 2020.

Dated this 15th day of June, 2020 in Waterbury, Connecticut.

Darlene Orsatti
Court Recording Monitor

EXHIBIT K

July 2, 2020

By Email

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Re: *Soto, et al. v. Bushmaster Firearms Int'l, LLC, et al.*

Dear Counsel,

On June 26 and July 1, we met and conferred on outstanding objections to interrogatories and requests for production advanced in DN 2141, 2162, 2393, and 2404. This letter summarizes the results of those meetings to date. As we have discussed, Remington will respond to this letter stating its agreement or disagreement with this summary.

Interrogatories /RFPs Remaining in Dispute

The following interrogatories and requests for production remain in dispute and may need to be claimed for judicial resolution:

- 1. DN 216, RFP #17: “Any statements, documents, and/or communications concerning the December 14, 2012 mass shooting at Sandy Hook Elementary School and/or concerning the events which are the subject of this Complaint.”**

Remington objected to this RFP in its initial May 16, 2016 objections. At the June 26 meet and confer, counsel for Remington explained that their concern is that this RFP seeks a search of all employees’ communications, and so is burdensome and overbroad. Counsel indicated that no search had been conducted in response to this RFP. While counsel at one point indicated that statements made after the December 14, 2012 shooting are not relevant to the case, it is our understanding based on our further discussions that no relevance objection is being maintained.

1 DN 214, Pls.’ Objs. Def. Remington’s First Reqs. Produc. Dated May 26, 2016.
2 DN 216, Remington’s Objs. & Resp. Pls.’ First Rev. Reqs. Produc.
3 DN 239, Defs.’ Objs. & Resp. Pls.’ First Interrogs.
4 DN 240, Remington’s Objs. & Resp. Pls.’ Second Reqs. Produc. Docs.

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In response, we clarified that we are seeking a reasonable search of custodial emails, files, and records. We followed up on this clarification with a June 30 email in which we offered to narrow the request to: “Any statements, documents, and/or communications concerning the December 14, 2012 mass shooting at Sandy Hook Elementary School, including statements, documents, and/or communications concerning responses to the shooting and/or the shooter.”

When the parties reconvened on July 1, the defendants indicated that the time frame of the request remained an issue and that counsel was not prepared to resolve that issue, or to respond to the June 30 proposal. Remington’s counsel indicated that a meeting with its client is scheduled to take place sometime before Friday July 3, and that the defense will have a response by July 3.

- 2. DN 239, Interrogatory #7: “Identify the individual or individuals whose job description or responsibilities most closely correspond(s) to the subjects listed below and provide the dates such individual held such responsibilities and the individual’s title at the time he or she held those responsibilities. State whether each individual listed is currently employed by the Company, and, if so, in what capacity and where such individual is presently employed.”**
- a. Sales of AR-15 type rifles to major chain retail stores such as Wal-Mart and Dick’s Sporting Goods**
 - e. Distribution and sale of AR-15 type rifles to the civilian market;**
 - f. Sales of AR-15 type rifles to law enforcement markets;**
 - bb. Acquisition of the Bushmaster brand and/or Bushmaster Firearms International, LLC by the Company and/or Cerberus Capital Management. This subpart of this Interrogatory seeks information from the point in time at which the acquisition of the Bushmaster brand and/or Bushmaster Firearms International, LLC was first contemplated;**
 - cc. Development of the Company’s Code of Business Conduct and Ethics or similar document**

At the June 26 meet and confer, counsel for Remington indicated that they had been working on a response to this Interrogatory. Counsel indicated that Remington maintains its objection to the time period for this Interrogatory. In response, we offered to narrow the time period of the request to January 1, 2006-December 31, 2016. This issue was to be revisited at the July 1 meet and confer. However, defendants’ counsel were not prepared to address it at that time and have indicated a response will be provided by July 3.

At the July 1 meet and confer, Remington’s counsel advised that Remington has no objection to responding to subparts (a), (e), (f), (bb) and (cc) of this interrogatory.

- 3. DN 240, RFP #1: “Annual/corporate reports produced by or at the behest of the Company” and
DN 240, RFP #2: “Annual/corporate reports produced by or at the behest of Bushmaster Firearms International, LLC a/k/a/ Bushmaster Firearms from 1976 to the present.”**

At the June 26 meet and confer, Remington’s counsel indicated that Remington maintains its objections to the time frame of this request and seeks clarification of what “Annual/corporate reports” means. By email dated June 30, we clarified that “annual/corporate reports” seeks “1) reporting to

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regulators and governmental entities (for example the SEC, ATF, etc.); and 2) internal, regular and event-triggered reporting to parent entities, relevant boards of directors, and/or investors.” In the July 1 meet and confer, Remington asked that we clarify what “event-triggered” means. By email later that day, we withdrew that term. To sum up, plaintiffs’ final clarification of the request is as follows: “These requests seek 1) reporting to regulators and governmental entities (for example the SEC, ATF, etc.); 2) internal and regular reporting to parent entities, relevant boards of directors, and/or investors.” Remington will respond by July 3 regarding whether it will withdraw objection in response to this clarification.

We also offered to limit the time period for these requests to January 1, 2006 to December 31, 2016. Remington was not prepared to respond at the July 1 meet and confer and has promised to have a response by July 3.

4. DN 240, RFP #4: “The Company’s Code of Business Conduct and Ethics and/or any similar document regardless of its title.”

At the June 26 meet and confer, we asked whether defendants have or would produce anything responsive to this request other than the BFI Employee Policy Handbook, which had been previously produced. Counsel for Remington indicated that some additional responsive materials had been produced in response to other production requests.

Counsel for Remington explained that Remington’s objection is only to the time frame for the RFP. In response, we offered to limit the RFP to the time period of January 1, 2006 to December 31, 2016. The parties agreed to reconvene on July 1 to resolve this issue. However, when the parties met on July 1, counsel for Remington was not yet prepared to address the issue. Counsel for Remington will provide a response on July 3.

5. DN 240, RFP #10. “All documents pertaining to the acquisition of the Bushmaster brand and/or Bushmaster Firearms International, LLC by the Company and/or Cerberus Capital Management.”

At the June 26 meet and confer, we acknowledged that defendants had produced an asset purchase agreement and some related documents, but asked whether Remington had produced or planned to produce other documents responsive to this request. Counsel for Remington indicated that some documents concerning the acquisition of Bushmaster had not been produced. Counsel for Remington indicated uncertainty as to what documents the RFP seeks.

By emails dated June 30 and July 1, we clarified that this request seeks “documents and communications related to any communicated rationale for a transaction, proposals for future marketing strategies, discussions of future earnings potential and areas for future growth, and projections for future return on investment, including discussions of any plans for a potential, subsequent initial public offering (“IPO”). Such documents and communications would include, for example, any letters of intent, bid letters, pitch books or presentations, materials prepared for or submitted to any board of directors or management, draft S-1s or other required filings, investors presentations, and any materials prepared by or for prospective underwriters for any potential, subsequent IPO including pitch decks. This request includes both internal communications and any communications with relevant external parties, including Cerberus, potential financial participants in any contemplated transaction, and any advisors or underwriters that were contacted to potentially assist with an acquisition or IPO.” Remington will

respond by Friday, July 3.

- 6. DN 240, RFP #12. “All documents from 1999 to the present that catalogue, discuss, and/or reference any nonmilitary, non-law enforcement assault with an AR-15 type/AK-47 type rifle, or other semiautomatic rifle with a pistol grip, that resulted in injury or death.”**

At the June 26 meet and confer, we asked what production efforts had been made in response to this RFP. Counsel for Remington indicated that Remington had produced any documents that they found through 2012. Counsel stated that Remington had not and should not be required to search for responsive materials existing in the public domain. In response, we indicated that plaintiffs seek the production of documents in Remington’s possession, custody and control. In response to Remington’s time frame objection, plaintiffs offered to narrow the cut-off date for this RFP to December 31, 2016. Remington will respond by July 3.

Resolved Discovery Disputes

- 1. DN 214, RFP 42/44. “Documents concerning oral and written statements of any person with personal knowledge of any matter alleged in the First Amended Complaint.”**

In discussions that occurred in January 2020 and were revisited on June 26, the parties agreed to narrow this request in scope. By agreement, this request now seeks statements regarding responsibility for the shooting – for example, statements concerning the shooter’s responsibility, the shooter’s mother’s responsibility or other such statements.

Remington also reserves the right to seek statements from the plaintiffs regarding their damages or losses. While plaintiffs are willing to provide damages discovery, plaintiffs asked Remington for clarification concerning precisely what damages information is sought. The parties tabled this aspect of the request for the time being.

In response to Remington’s June 24, 2020 letter, and as memorialized in our June 25, response, despite a dispute as to whether plaintiffs (with the exception of Bill Sherlach) are required to respond to discovery in their individual capacities, plaintiffs agreed to produce statements made by plaintiffs in their individual capacities, as well as in their representative capacities. At the June 26, 2020 conference, Remington clarified that it seeks only statements that were issued in the public domain, and that it is not requesting that the plaintiffs’ email accounts be searched. The parties agreed that the plaintiffs will produce responsive statements that were publicly issued, regardless of whether they were made in an individual or representative capacity, and that this production will be sufficient response to this RFP.

- 2. DN 216, RFP 1a. “Documents demonstrating the relationships among Bushmaster Firearms International, LLC; and/or Freedom Group, Inc.; and/or Bushmaster Firearms; and/or Bushmaster Firearms, Inc.; and/or Bushmaster Holdings, LLC from January 1, 2006 to the present day.”**

Plaintiffs agreed to accept defendants’ response as it is stated in DN 216, provided that defendants withdraw their reservation of right to object to this production request, and revise their response accordingly.

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3. **DN 216, RFP 1b. “Documents concerning the relationship between the Company and Camfour, Inc. and/or Camfour Holding, LLP, including any rebates, financial incentives, comarketing agreements and other such documents/agreements. Production in response to this Request shall not include bills, bills of lading, purchase orders, sales orders, except for those pertaining to the weapon in issue in this case. The time frame of this interrogatory is from January 1, 2006 to December 14, 2012.”**

Plaintiffs agreed to withdraw this RFP provided that defendants agree to produce any responsive documents concerning Camfour that are encompassed by other discovery requests.

4. **DN 216, RFP 5. “Documents concerning communications between or among the Company and Bushmaster Firearms International, LLC; and/or Freedom Group, Inc.; and/or Bushmaster Firearms; and/or Bushmaster Firearms, Inc.; and/or Bushmaster Holdings, LLC; and/or Camfour, Inc.; and/or Camfour Holding, LLP, from January 1, 2006 to the present day.”**

Plaintiffs agreed to withdraw this RFP.

5. **DN 216, RFP 7. “Documents concerning the branding, marketing, and/or sale of AR-15 style rifles as modern sporting rifles during the period January 1, 2006 through December 14, 2012.”**

Defendants confirmed that no objection to this RFP is pending and agreed to revise their response accordingly. Defendants also agreed to review their prior productions to ensure that all responsive materials were produced for the time period articulated.

Counsel for Remington indicated that Remington has made some production with respect to this RFP, with more forthcoming. Specifically, Remington has not conducted a search by the individual SKU (Stock Keeping Unit) number of the firearm, but represented that this level of detail has been or will be produced.

6. **DN 216, RFP 8. “Documents concerning marketing, promotion, promotional strategies, the Company's customer base, the Company's desired customer base, and market research received, obtained and/or created by the Company concerning AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, from January 1, 2006 to December 14, 2012.”**

Defendants confirmed that no objection is pending, and agreed to revise their response accordingly. Defendants also reported that they will be producing documents pursuant to this request.

Defendants indicated that they have made some production with respect to this RFP, with more forthcoming. Specifically, defendants indicated that they have not conducted a search by the individual SKU (Stock Keeping Unit) number of the firearm, but represented that this level of detail has been or will be produced.

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7. **DN 216, RFP 9. “Documents, including web site postings, blog postings, and/or any other internet marketing created by or at the behest of the Company or any other defendant in this action concerning AR-15 style rifles use of assault rifles for home defense, suitability of assault rifles as gifts or family guns, and/or appropriate uses of assault rifles, prior to December 14, 2012.”**

Defendants confirmed that no objection is pending, and agreed to revise their response accordingly.

8. **DN 216, RFP 10. “Documents concerning the use of video games to market and/or promote the sale of AR- 15 style rifles including, but not limited to the Remington/ Bushmaster model XM15-E2S, from January 1, 2006 to December 14, 2012.”**

Defendants confirmed that they have not withheld any responsive materials pursuant to objection. Defendants also agreed to withdraw their reservation of right to object to this request.

9. **DN 216, RFP 11. Documents concerning the display of AR-15 style rifles in video games, including, but not limited to the Remington/Bushmaster model XM15-E2S, from January 1, 2006 to December 14, 2012.**

Defendants confirmed that they have not withheld any responsive materials pursuant to objection. Defendants also agreed to withdraw their reservation of right to object to this request.

10. **DN 216, RFP 12. “12. Documents concerning the function of the Remington/ Bushmaster model XM15-E2S.”**

Plaintiffs agreed to accept defendants’ response.

11. **DN 216, RFP 13. “Documents concerning the manner in which AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, were used by non-military and non-law enforcement owners prior to December 14, 2012, including but not limited to documents concerning storage, sharing, transfer, gifting, transport and/or re-sale of AR-15 style rifles, any and all other uses of AR-15 style rifles by such owners.”**

Defendants had requested in the January meet and confer that plaintiffs withdraw this RFP. Plaintiffs agreed to do so.

12. **DN 216, RFP 14. “Documents concerning training and instruction provided to or available to purchasers of AR-I5 style rifles including to purchasers of the Remington/Bushmaster model XM15- E2S, prior to December 14, 2012.”**

Defendants had requested in the January meet and confer that plaintiffs withdraw this RFP. Plaintiffs agreed to do so.

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- 13. DN 216, RFP 15. “Documents concerning the volume of sales of AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, by the Company from January 1, 2006 to December 14, 2012.”**

Defendants confirmed that they will withdraw their objection related to the ESI protocol, and will revise their response accordingly.

- 14. DN 216, RFP 16. “Documents concerning the volume of sales of AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, in the industry from January 1, 2006 to December 14, 2012.”**

Defendants confirmed that they will withdraw their objection related to the ESI protocol, and will revise their response accordingly.

- 15. DN 239, Interrogatory #1. “Identify each person, whether employee, agent, or other representative of the Company, or any third party, with the most knowledge of the matters alleged in plaintiffs' operative Complaint and for each person listed, give a brief statement as to the substance of such knowledge or information.”**

Plaintiffs agreed to withdraw this interrogatory.

- 16. DN 239, Interrogatory #3: “Identify any entities that have provided advice, coordination, assistance, or other services concerning advertising, marketing, public relations, market research, focus groups, social or online media monitoring, product promotion, and/or product placement for the Company's AR-15 type rifles. For each such entity listed, describe the nature of the relationship with the Company, the nature of the services provided, the time period during which those services were provided, and identify the person at each entity who was/is responsible for the provision of services to the Company. This Interrogatory seeks information for the time period from January 1, 2006 to June 14, 2013.”**

Remington agreed to withdraw its objections to this interrogatory and supplement its response.

More specifically, at the June 26 meet and confer, counsel for Remington acknowledged that there are additional entities identified in documents produced that are not listed in the response to this interrogatory and agreed to supplement this interrogatory response for the period of January 1, 2006 to December 14, 2012. Remington, however, reserved its objection to producing responsive documents for the time period from December 14, 2012 to June 14, 2013. At the July 1 conference, counsel stated that they no longer maintained this objection and would respond for the full, requested time period.

- 17. DN 239, Interrogatory #6. “Concerning the Bushmaster XM15-E2S rifle, serial number L534858, that was sold to Camfour in 2010, please state: a. When the rifle was manufactured; b. Where the rifle was manufactured; c. Whether the rifle was composed of any firearm parts purchased from outside the Company; d. If the answer to 6(c) is in the**

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affirmative, identify each purchased part and provide the name of the entity from which it was purchased, the entity's location, when the part was purchased, and the name of any persons at the entity who were involved in the purchase.”

Defendants agreed to withdraw their objections to 6(a), 6(b) and 6(c), and plaintiffs agreed to withdraw interrogatory 6(d).

18. DN 239, Interrogatory #8, 9, 10, 11 (all concerning applicable insurance coverage)

Although Remington recently clarified by letter that it does carry coverage applicable to plaintiffs’ claims, plaintiffs requested that Remington provide that response formally and in a certified form. Remington agreed to do so.

19. DN 240, RFP 3. “Product catalogues produced by or at the behest of the Company or Bushmaster Firearms International, LLC a/k/a/ Bushmaster Firearms from 1976 to the present.”

Plaintiffs agreed to accept defendants’ response.

20. DN 240, RFP 11. “Copies of all documents identified in your response to Plaintiffs’ First Set of Interrogatories.”

Plaintiffs noted that although Remington objected to the corresponding interrogatory, no specific objection was made to this RFP. Defendants agreed to update as necessary.

Discussion Concerning Upcoming Production

At the June 26 meet and confer, Remington’s counsel provided the following updates on upcoming productions:

1. Plaintiffs will be receiving all product catalogs issued by defendants between 2006 and 2016, with the exception of the DPMS 2007 catalog, which could not be located in hard or digital format.
2. During the week of June 29th, Defendants will produce social media in native format.
3. Although Defendants had previously indicated that the next rolling production would occur on or about July 3rd, the production will likely occur the following week of July 6th.

Discussion Concerning Upcoming Depositions

Plaintiffs have requested dates for the corporate designee deposition as to which Remington’s Motion for Protective Order was denied. Remington proposed discussing this issue during the June 26 meet and confer, and plaintiffs agreed to do so. At the meet and confer, Remington’s counsel indicated that counsel is available to begin corporate designee depositions during the week of August 3rd, although counsel is still working to confirm witness availability. Counsel for Remington also indicated that there

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may be multiple witnesses, given the company's various locations and many departments. Plaintiffs' counsel indicated that we wish to proceed and that it would be productive for Remington to indicate which witnesses would be made available on each topic.

At the July 1 meet and confer, we advised that despite our wish to proceed with individually noticed depositions in person, we will instead proceed remotely. Also on July 1, Remington's counsel confirmed the plan to move forward with corporate designee depositions on August 4, 5, or 6 to address one or more portions of Topics 1, 2, 3, and 4. Remington does not yet have the names of the deponents.

Next Steps

The parties recognize that the Court requested that objections requiring ruling be claimed on July 6 and are working toward that goal. Once Remington has had a chance to review this letter and respond, the parties will also discuss what further steps will be taken to formalize these agreements.

Very truly yours,



Alinor C. Sterling

ACS/dgg

cc: Joshua D. Koskoff, Esquire
Jeffrey W. Wisner, Esquire
H. Christopher Boehning, Esquire
Jacobus J. Schutte, Esquire
Lorena B. Gullotta

EXHIBIT L

From: James Vogts <jvogts@smbtrials.com>

Date: Friday, Jul 03, 2020, 4:39 PM

To: Alinor C. Sterling <ASterling@koskoff.com>, Josh D. Koskoff <JKoskoff@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, Boehning, Christopher <cboehning@paulweiss.com>, Schutte, Jacobus <jschutte@paulweiss.com>

Cc: Rotondo, Jim <jhrotondo@daypitney.com>, Mueller, Jeff <jmueller@daypitney.com>, Williams, Paul D. <pdwilliams@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>

Subject: Soto

Alinor, Defendants' position on the fair and reasonable time-period for discovery in this case remains January 1, 2006 to the date of the shooting on December 14, 2012. This was the time period embodied in nearly all of Plaintiffs' November 2015 First RFPs and, since discovery began, the period in which Defendants have conducted custodial searches for ESI and produced responsive documents.

However, in the interest of compromise, Defendants will agree to a time period of 2006 to 2016 for the following requests under discussion:

First Int. 7 (DN 239): Defendants agree to a 2006 to 2016 time period.

Second RFP 1 (DN 240): Defendants agree to a 2006 to 2016 time period.

Second RFP 2 (DN 240): Defendants agree to a 2006 to 2016 time period.

Second RFP 4 DN 240): Defendants agree to a 2006 to 2016 time period.

Second RFP 12 (DN 240): Defendants agree to a 2006 to 2016 time period.

First RFP 17 (DN 216): Defendants agree to a 2006 to 2016 time period.

However, for a number of reasons, Defendants cannot agree to a more expansive "2006 to the present time" period for **RFP 17**. First of all, contrary to what's stated in your letter yesterday, Defendants have not waived an objection to the "relevance" of documents produced in response to this request. Post-shooting documents produced in response to this request may very well prove to be irrelevant to the claim made in the case. Second, again contrary to what's stated in

your letter yesterday, Defendants have invested considerable time and expense in searching for a wide-range of documents, including documents responsive to this request, which is, in part, why Defendants are willing compromise on the time period for this request. Requiring Defendants to again collect, review and process additional documents in the 2017 to 2020 time period (during which the case was in appellate courts) imposes undue burden and expense. Third, Defendants cannot agree to produce documents responsive to this request “to the present time” and assume a continuing duty to search for and produce responsive documents up to the time of trial. Lastly, your letter yesterday makes no mention of Plaintiffs’ agreement to provide Defendants a “list of individuals” who Plaintiffs believe should be “custodians in a reasonable search.” Until Defendants receive Plaintiffs’ list, the magnitude of the burden and expense in searching for additional responsive documents in the 2017 to 2020 time period, will remain an open question. And when Plaintiffs’ list is received, a cost shifting conversation may be necessary.

With regard to **Second RFP 2 (DN 240)**, Defendants have an additional objection they neglected to raise on our Wednesday call. Your most recent “clarification” of “annual/corporate reports” to include “internal and regular reporting to parent entities, relevant board of directors, and/or investors” is not limited in any way to the subject matter of the case—Defendants’ marketing and promotion of AR-type rifles—as Plaintiffs’ Third RFP 37 is appropriately limited, only seeking BOD documents “discussing Your Assault Rifle Marketing Campaigns.” Defendants have already produced BOD documents in which firearm marketing initiatives are mentioned, or have some relationship to AR-type rifle marketing campaigns. Defendants have not produced BOD documents that are silent on these initiatives. However, under your most recent clarification of Second RFP 2, any report on any subject to the BOD over an 11-year period would be responsive to this request (*e.g.*, company financial performance, budgeting matters, HR issues, pension plan investment discussions, compensation decisions, and reports on development, manufacture and sale of products wholly unrelated to this case, such as ammunition, cutlery, clothing, hunting and shooting sports accessories, and non-AR-type firearms). In response to Second RFP 2, Defendant will, however, agree to produce 1) reporting to regulators and governmental entities (for example the SEC, ATF, etc.); and 2) internal and regular reporting to parent entities, relevant board of directors, and/or investors concerning AR-type rifle advertisements and marketing campaigns.

With regard to the “Resolved Discovery Disputes” section of your letter, you make reference to **Second RFPs 5, 7, 8, 9, 13, and 14 (DN 216)** and Defendants “withdrawing their objection related to the ESI protocol” and “withdrawing their reservation of right to object to this request.” To be clear, in response to each of these requests, Defendants simply “reserve[d] the right to object ... as unduly burdensome under the terms of the ESI protocol” in the future. Paragraph 25 of the Protocol expressly gives the parties “the right to object to producing documents and ESI because of undue cost or burden and to request the Court to perform a cost-sharing shifting analysis to determine if the other Party should bear some or all of the costs.” At this time, Defendants cannot relinquish their right to lodge a future undue burden and expense objection because (1) Defendants’ production of ESI is ongoing, (2) Plaintiffs have not received Defendants’ complete ESI production and have not evaluated its responsiveness, and (3) it is possible Plaintiffs may question at some future time the responsiveness of Defendants’ production and seek to impose additional burden and expense on Defendants that Defendants believe is unreasonable and should entail cost-shifting to Plaintiffs. If this situation develops, Defendants have a right to object under the ESI Protocol.

Lastly, with respect to **Second RFPs 5 and 6 (DN 216)**, Defendants have agreed to search for historical information on their sales of AR-type rifles by SKU number, and, if it’s maintained, produce it. Defendants have not represented that this granular information “has been or will be produced.”

Let’s plan to talk Monday morning and try to resolve any remaining disputes and, if necessary, discuss how to present any disputes to the court.

Enjoy the holiday.

Jim

James Vogts
Swanson, Martin & Bell LLP

330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

EXHIBIT M

From: Alinor C. Sterling <ASterling@koskoff.com>

Date: Monday, Jul 06, 2020, 8:22 PM

To: James Vogts <jvogts@smbtrials.com>, James Rotondo <jhrotondo@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>, Mueller, Jeff <jmueller@daypitney.com>, Williams, Paul D. <pdwilliams@daypitney.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, Boehning, Christopher <cboehning@paulweiss.com>, Schutte, Jacobus <jschutte@paulweiss.com>, Lorena Gullotta <LGullotta@koskoff.com>

Subject: Follow up from today's continued meet and confer

Counsel,

As promised our phone call of this morning, I am writing to give you our updated positions regarding the outstanding issues, as well as to memorialize the agreements reached today and some of our discussions.

As to DN 216, RFP #217, we are agreed on a time frame of up to December 31, 2016. On notes from our call last week indicate that you represented that you had no objection to the substance of the request, but rather were seeking some limitations in the scope of time and the scope of the custodians to be searched. Our notes also indicate that you told us that you had not begun to collect documents responsive to this RFP and suggested that we provide you with a list of custodians to procure responses from. We believe determining what custodians must reasonably be searched is inherently your obligation, but decided that in the interests of clarity we would go first and provide you with that list. Today and via your email sent July 3rd, we learned that in fact you have collected some amount of responsive documents from certain custodians but have not provided those documents to us and decline to reveal the names of those custodians based on a claim of attorney work product. We do not understand how the names could possibly be subject to privilege. We emphasized that we are not asking for information concerning who Remington interviewed in order to determine which custodians' files should be searched. We are simply asking for the identities of the custodians whose files were searched to collect documents responsive to RFP #17. We view your refusal to provide this information as evasive and as furthering the blind man's bluff that discovery is meant to prevent. As you noted on the call, we will have an opportunity to ask about what custodians' files were searched in the designee depositions, and as you also pointed out, the identities of some custodians will be disclosed in productions which will be forthcoming. Given that this information will be disclosed within the next month or so, we again do not understand why Remington refuses to disclose it now. We are seriously concerned that in the absence of this information, our negotiations concerning the RFP (and more generally) do not rest on a solid foundation.

As to DN 240, RFPs #1&2, we are agreed on time frame. We discussed narrowing the scope further. Remington indicated that it would be extremely burdensome to provide documents limited to “sales and marketing” because those would still include sales and marketing of bullets and other products that were not originally collected. Remington also indicated that it would be unduly burdensome for it to provide documents limited to “sales and marketing of firearms” because its collection efforts focused on assault rifles. After internal discussion, we are willing to further limit these RFPs to documents “discussing the marketing and sales of Assault Rifles” (using the definition of Assault Rifles found in plaintiffs’ 3rd RFPs). This limitation would be in addition to the clarifications we have previously provided, and the agreed-on time limitation. We want to emphasize, however, that this agreement is dependent on the production of reporting to parent entities and investors, not just to the Board of Directors, as noted in the clarifications previously made.

As to DN 240, RFP #10, Remington accepts plaintiffs’ clarifications and has no further objection.

As to DN 216, there are a number of RFPs where Remington has reserved the right to object if at some future point the request becomes unduly burdensome. We do not see “we may object in the future” as a legitimate answer to a discovery request. We reiterated today and reiterate again in this correspondence the request that Remington withdraw these portions of its answers, so that the record is clean. We received today your response that you decline to do so. In the context of your refusal to identify custodians, it appears to us that your refusal to compromise on this point suggests there are deeper problems that we do not yet appreciate, but of which you are aware. We hope this point can be resolved in a discussion tomorrow. Otherwise, it appears we will need the Court’s assistance on this point.

As to designee depositions, we again requested the identities and subject matters of the designee deponents. Remington indicated it is working diligently to determine the identities of the witnesses and what topics they will cover, and that this is a significant and ongoing task. We asked when Remington anticipated being able to identify the witnesses and their topics. Remington did not provide a response to that question. Remington did raise the argument that it is not required to identify 13-27(h) witnesses. We categorically disagree with that premise. We are asking once again that you identify the designees within the company that you are going to produce for a deposition upon making that determination. The plain meaning of Practice Book 13-27(h), common practice, and common sense dictate that you disclose those identities.

As to the individually noticed depositions, the parties have agreed to proceed remotely. We advised that the witnesses will need laptops and wi-fi sufficient to join an on-line platform such as Zoom. If the witnesses do not have this capability, then they can come into the reporter’s office at the noticed location and use that technology to participate. Remington needs to advise us whether there is any objection to this approach, and also needs to advise us whether any of the witnesses need us to retain a reporter’s office.

Disclosures: At the June 26 meet and confer, Remington reported that the next rolling production would be delayed from July 3 to the week of July 6. At today’s (July 6) meet and confer, Remington advised that this production is nearly final and will be disclosed this week or next week. A subsequent production will include the responses to RFP #17.

In the course of our conversation, Remington indicated that it may be producing additional emails sent to or by Tyler and Eliason, the Maine deponents. We infer from our conversation today that perhaps Tyler and Eliason are not custodians whose files were searched for responsive documents. Further, it appears that neither is a custodian per the metadata of your productions to date, and we have identified only approximately 10 unique emails total for each witness where they are a recipient or sender in your productions to date. We therefore ask that Remington confirm whether Tyler and Eliason are custodians for purposes of its search for documents responsive to plaintiffs’ discovery requests. We ask as well that Remington produce this week all documents in which their names or email addresses appear that it intends to produce in its next production, so that we can prepare for their depositions, which are scheduled to proceed in just ten days.

In connection with our agreement regarding the time limitation on RFP #17, Remington agreed that its RFP #42/44 to plaintiffs concerning responsibility for the shooting will follow the same time limitation, ending Dec. 31, 2016.

We discussed scheduling a meet and confer regarding Remington's objections to plaintiff's Third RFPs. As to the 3rd RFPs, in order to allow Remington to review its objections in light of the agreements reached this week, we are willing to schedule a meet and confer early next week, rather than at the end of this week, if that is Remington's preference. We think it would be productive for Remington to advise us in advance of the meet and confer whether it is withdrawing any objections. If we are willing to modify any of our RFPs in advance of the meet and confer, we will so advise.

Lastly, we raised the need to discuss what matters will be on the agenda for the Thursday hearing with the Court. We would like resolution of the following issues between the parties before Thursday, if possible. If we cannot reach a resolution, then we would propose raising them with the Court on Thursday:

1. An agreed on date by which Remington will provide the full list of designee deponents and topics, including the identities of the deponents.
2. A response from Remington concerning the procedure for the individually noticed depositions.
3. A meet and confer date for the 3rd RFPs.
4. Agreement from Remington that it will disclose the identities of the custodians whose files were searched for responsive documents.
5. An agreed-on approach to formalizing the agreements reached in these discussions, so that we end them with a clear record.

We are available for a wrap up call tomorrow at 11.

Sincerely,

Alinor

Alinor Sterling | Attorney at Law
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The logo for Koskoff, featuring the word "Koskoff" in a bold, blue, sans-serif font.

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EXHIBIT N

From: Jeffrey Wisner <JWisner@koskoff.com>
Sent: Tuesday, July 7, 2020 3:27 PM
To: Alinor C. Sterling <ASterling@koskoff.com>; James Vogts <jvogts@smbtrials.com>; James Rotondo <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>
Cc: Schutte, Jacobus <jschutte@paulweiss.com>; Boehning, Christopher <cboehning@paulweiss.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Lorena Gullotta <LGullotta@koskoff.com>; Alinor C. Sterling <ASterling@koskoff.com>
Subject: Soto, DN 216, RFP #17

Counsel,

Attached please find the list of custodians who should be included among the list of individuals that Remington has identified for a search in response to DN 216, RFP #17, as previously discussed. Once again, plaintiffs' provision of this list in no way limits Remington's obligation to conduct a reasonable search for responsive documents. Nor does this list waive plaintiffs' right to request additional searches in the future.

Jeff Wisner

Koskoff

Jeff Wisner, M.D. | Attorney at Law

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From: Alinor Sterling <ASterling@koskoff.com>
Date: Tuesday, July 7, 2020 at 2:55 PM
To: James Vogts <jvogts@smbtrials.com>, James Rotondo <jhrotondo@daypitney.com>, "Mueller, Jeff" <jmueller@daypitney.com>, "Williams, Paul D." <pdwilliams@daypitney.com>
Cc: "Schutte, Jacobus" <jschutte@paulweiss.com>, "Boehning, Christopher" <cboehning@paulweiss.com>,

"Josh D. Koskoff" <JKoskoff@koskoff.com>, Lorena Gullotta <LGullotta@koskoff.com>, Jeff Wisner <JWisner@koskoff.com>

Subject: Soto

Jim,

See below in bold for our positions. Since it seems our positions have hardened, we do not see the purpose of having a further conversation this afternoon at 3. Please respond by email.

Alinor

Alinor Sterling | Attorney at Law
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Koskoff

From: James Vogts <jvogts@smbtrials.com>

Date: Tuesday, July 7, 2020 at 1:35 PM

To: Alinor Sterling <ASterling@koskoff.com>, "Josh D. Koskoff" <JKoskoff@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, Chris Boehning <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>

Cc: James Rotondo <jhrotondo@daypitney.com>, "Mueller, Jeff" <jmueller@daypitney.com>, "Williams, Paul D." <pdwilliams@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>

Subject: Soto

Alinor, here are Defendants' positions on the potential agenda items set forth in your email last night:

1. An agreed on date by which Remington will provide the full list of designee deponents and topics, including the identities of the deponents.

On or before July 24, Defendants will identify the persons they have designated to testify on topics set forth in the deposition notice during the week of August 3 in North Carolina, and the topics they will address. **July 24 is very late, given that the depositions begin Aug. 2. Nonetheless, we will accept this if 1) the July 24 deadline is for the full list of designee topics and deponents, not only the topics and deponents to be covered by North Carolina witnesses, and 2) Remington produces topics and the identities of deponents on a rolling basis, as they are determined.**

2. A response from Remington concerning the procedure for the individually noticed depositions.

The upcoming individually noticed depositions in Maine and North Carolina should be conducted in accordance with Practice Book Section 13-30(g). Thus, they should be held at a court reporter's office. **We are agreeing to proceed remotely because we want to move the case forward. We do not mind having the deponent deposed at the court reporter's office and will maintain those arrangements. If, however, the witness is unable to attend at the reporter's office, we would intend to proceed with a fully remote deposition. If you object to this, please advise so that we know to raise it with the judge.**

3. A meet and confer date for the 3rd RFPs.

Defendants are available to meet and confer on Plaintiffs' Third Request for Production Tuesday afternoon, July 14. However, it makes sense to defer the meet and confer until after Plaintiffs have reviewed the additional responsive documents they will receive between now and Tuesday. I'm told they will number nearly 100,000 pages. We'll leave it up to you, but until Plaintiffs have seen and understand the substance and breadth of Defendants' document production, the tail seems to be wagging the dog. **Let's do 2 pm on July 14.**

4. Agreement from Remington that it will disclose the identities of the custodians whose files were searched for responsive documents.

Plaintiffs have Defendants' position on this subject. But to reiterate, the decision made by Remington's attorneys as to the persons who might have responsive documents reflects the attorneys' thought processes, and is attorney work product. Nevertheless, the parties had extensive negotiations regarding disclosure of custodial information in 2016 to finalize the ESI protocol. We have and will continue to disclose custodial information in accordance with the Protocol.

We do not have agreement on this point and will raise it with the Court on the 9th. Because we do not have agreement on this point, we will also claim RFP #17.

5. An agreed-on approach to formalizing the agreements reached in these discussions, so that we end them with a clear record.

This will be complicated given the number of agreements that have been reached. Perhaps the best approach is for you to draft a document (not a letter) reflecting the agreements on the various RFPs we've discussed, setting forth Plaintiffs' clarifications and revisions of RFPs and Defendants' withdrawal of objections—basically the parties' agreements. Defendants will then review the document and propose edits, if needed. Regardless, of how we approach this subject, I'm not sure Judge Bellis will want to get involved in how we deal with it.

We are willing to send a wrap up letter, but that will not formalize our agreements. The Responses/Objections to the RFPs and Interrogatories need to be revised to incorporate the agreements. We have raised this issue several times. Do you disagree?

Jim

**James Vogts
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Chicago, IL 60611
(312) 222-8517**

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Name
Addison Rogers
Alfred Russo
Amy Dee
Andrew J. Logan
Anthony L. Moore
Bobby R. Brown
Chip Klass
Christian Hogg
Corry Doyle
Danny Throckmorton
David Garretson
Donald Campbell
Edward Rensi
Eric Epperson
Fredric Roth Jr.
Gary Keffer
General George A. Joulwan (Ret.)
General Michael P.C. Carns (Ret.)
General Michael W. Hagee (Ret.)
George J. Zahringer III
George Kollitides II
Grant Gregory Jr.
Igor Popov
James E. Geisler
James J. Pike
James Marcotuli
James P. Campbell
JaRonn Nelson/Clark
Jay Bunting Jr.
Jay Stuart
Jessica Kallam
John D. (Sean) Dwyer
John DeSantis
John M. Dwyer, Jr.
John Trull
Jonathan K. Sprole
Joseph Andrews
Josh Barca
Katie Hale
Keith Enlow
Kemp Newnam
Kent Graper
Kevin Graff
Kevin Miniard
Lisa Walters
Mat Hutchinson
Melissa Cofield
Mike Chamberlain
Mitch Cox
Nicole James
Paul Miller
Pete Arden
Robert Behn
Robert McCanna
Ronald Bristol II
Ronald E. Kolka
Ryan O’Malley

Name
Samuel Grecco
Scott Blackwell
Scott Parker
Scott Wille
Shari-Lynn Fix
Stephen P. Jackson, Jr
Ted Novin
Terry Wessling
Walter McLallen

EXHIBIT O

From: James Vogts <jvogts@smbtrials.com>

Sent: Tuesday, July 7, 2020 1:35 PM

To: Alinor C. Sterling <ASterling@koskoff.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Cc: Rotondo, Jim <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Andrew Lothson <alothson@smbtrials.com>

Subject: Soto

Alinor, here are Defendants' positions on the potential agenda items set forth in your email last night:

1. An agreed on date by which Remington will provide the full list of designee deponents and topics, including the identities of the deponents.

On or before July 24, Defendants will identify the persons they have designated to testify on topics set forth in the deposition notice during the week of August 3 in North Carolina, and the topics they will address.

2. A response from Remington concerning the procedure for the individually noticed depositions.

The upcoming individually noticed depositions in Maine and North Carolina should be conducted in accordance with Practice Book Section 13-30(g). Thus, they should be held at a court reporter's office.

3. A meet and confer date for the 3rd RFPs.

Defendants are available to meet and confer on Plaintiffs' Third Request for Production Tuesday afternoon, July 14. However, it makes sense to defer the meet and confer until after Plaintiffs have reviewed the additional responsive documents they will receive between now and Tuesday. I'm told they will number nearly 100,000 pages. We'll leave it up to you, but until Plaintiffs have seen and understand the substance and breadth of Defendants' document production, the tail seems to be wagging the dog.

4. Agreement from Remington that it will disclose the identities of the custodians whose files were searched for responsive documents.

Plaintiffs have Defendants' position on this subject. But to reiterate, the decision made by Remington's attorneys as to the persons who might have responsive documents reflects the attorneys' thought processes, and is attorney work product. Nevertheless, the parties had extensive negotiations regarding disclosure of custodial information in 2016 to finalize the ESI protocol. We have and will continue to disclose custodial information in accordance with the Protocol.

5. An agreed-on approach to formalizing the agreements reached in these discussions, so that we end them with a clear record.

This will be complicated given the number of agreements that have been reached. Perhaps the best approach is for you to draft a document (not a letter) reflecting the agreements on the various RFPs we've discussed, setting forth Plaintiffs' clarifications and revisions of RFPs and Defendants' withdrawal of objections—basically the parties' agreements. Defendants will then review the document and propose edits, if needed. Regardless, of how we approach this subject, I'm not sure Judge Bellis will want to get involved in how we deal with it.

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

EXHIBIT P

From: James Vogts <jvogts@smbtrials.com>

Sent: Tuesday, July 7, 2020 4:58 PM

To: Alinor C. Sterling <ASterling@koskoff.com>; James Rotondo <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Andrew Lothson <alothson@smbtrials.com>

Cc: Schutte, Jacobus <jschutte@paulweiss.com>; Boehning, Christopher <cboehning@paulweiss.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Lorena Gullotta <LGullotta@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>

Subject: RE: Soto

Alinor, I think another telephone conference would have been useful, but see Defendants' replies (in red) to your positions below.

1. An agreed on date by which Remington will provide the full list of designee deponents and topics, including the identities of the deponents.

On or before July 24, Defendants will identify the persons they have designated to testify on topics set forth in the deposition notice during the week of August 3 in North Carolina, and the topics they will address. **July 24 is very late, given that the depositions begin Aug. 2. Nonetheless, we will accept this if 1) the July 24 deadline is for the full list of designee topics and deponents, not only the topics and deponents to be covered by North Carolina witnesses, and 2) Remington produces topics and the identities of deponents on a rolling basis, as they are determined. To clarify, the depositions will begin Tuesday, August 4, not Sunday, August 2. Secondly, we anticipate providing you a witness name on the IT related topics in the deposition notice (Nos. 2, 3 and 4) well before July 24. Lastly, we are working toward presenting a witness or witnesses on the entirety of Topic 1 in North Carolina during the first week in August.**

2. A response from Remington concerning the procedure for the individually noticed depositions.

The upcoming individually noticed depositions in Maine and North Carolina should be conducted in accordance with Practice Book Section 13-30(g). Thus, they should be held at a court reporter's office. **We are agreeing to proceed remotely because we want to move the case forward. We do not mind having the deponent deposed at the court reporter's office and will maintain those arrangements. If, however, the witness is unable to attend at the reporter's office, we would intend to proceed with a fully remote deposition. If you object to this, please advise so that we know to raise it with the judge. Please remember that Defendants facilitated**

these depositions by contacting the witnesses and getting their agreement to appear for depositions, saving Plaintiffs the hassle of opening out-of-state proceedings and serving subpoenas. Defendants are not in any way standing in the way of conducting the depositions remotely or moving the case forward. However, the Practice Book provides rules for remote depositions, and Defendants are just asking that the Practice Book rules be followed. Notably, Section 13-30(g) only requires that the deponent be *in the presence* of the court reporter. In the unlikely event that one of the witnesses cannot get to the court reporter's office, the court reporter can go to the witness and all other provisions of Section 13-30(g) can be followed.

3. A meet and confer date for the 3rd RFPs.

Defendants are available to meet and confer on Plaintiffs' Third Request for Production Tuesday afternoon, July 14. However, it makes sense to defer the meet and confer until after Plaintiffs have reviewed the additional responsive documents they will receive between now and Tuesday. I'm told they will number nearly 100,000 pages. We'll leave it up to you, but until Plaintiffs have seen and understand the substance and breadth of Defendants' document production, the tail seems to be wagging the dog. **Let's do 2 pm on July 14. Okay.**

4. Agreement from Remington that it will disclose the identities of the custodians whose files were searched for responsive documents.

Plaintiffs have Defendants' position on this subject. But to reiterate, the decision made by Remington's attorneys as to the persons who might have responsive documents reflects the attorneys' thought processes, and is attorney work product. Nevertheless, the parties had extensive negotiations regarding disclosure of custodial information in 2016 to finalize the ESI protocol. We have and will continue to disclose custodial information in accordance with the Protocol. **We do not have agreement on this point and will raise it with the Court on the 9th. Because we do not have agreement on this point, we will also claim RFP #17. So to be clear: are Plaintiffs now rescinding their agreement to limit the scope of RFP 17 to communications concerning the shooting and the shooter, and their agreement to limit the time period to January 2006 to December 2016? If that's the case, we ask that you attach all the meet and confer correspondence and emails between the parties addressing RFP 17 to your affidavit, specifically your July 2 letter, my July 3 email in response, your July 6 email in reply, and this email exchange today.**

5. An agreed-on approach to formalizing the agreements reached in these discussions, so that we end them with a clear record.

This will be complicated given the number of agreements that have been reached. Perhaps the best approach is for you to draft a document (not a letter) reflecting the agreements on the various RFPs we've discussed, setting forth Plaintiffs' clarifications and revisions of RFPs and Defendants' withdrawal of objections—basically the parties' agreements. Defendants will then review the document and propose edits, if needed. Regardless, of how we approach this subject, I'm not sure Judge Bellis will want to get involved in how we deal with it. **We are willing to send a wrap up letter, but that will not formalize our agreements. The Responses/Objections to the RFPS and Interrogatories need to be revised to incorporate the agreements. We have raised this issue several times. Do you disagree? Defendants do not disagree, but you've neglected to mention that the RFPs and Interrogatories themselves also need to be revised to reflect agreements. With regard to the RFPs we've at issue (which are the vast majority of discovery requests we've discussed) why won't a jointly prepared and jointly signed document (again—not a letter), with revised discovery requests and responses, "formalize our agreements?"**

Jim

James Vogts

Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Alinor C. Sterling <ASterling@koskoff.com>

Sent: Tuesday, July 7, 2020 1:55 PM

To: James Vogts <jvogts@smbtrials.com>; James Rotondo <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>

Cc: Schutte, Jacobus <jschutte@paulweiss.com>; Boehning, Christopher <cboehning@paulweiss.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Lorena Gullotta <LGullotta@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>

Subject: Soto

Jim,

See below in bold for our positions. Since it seems our positions have hardened, we do not see the purpose of having a further conversation this afternoon at 3. Please respond by email.

Alinor

Alinor Sterling | Attorney at Law
KOSKOFF KOSKOFF & BIEDER PC
350 Fairfield Ave., Bridgeport, CT 06604
203.336.4421 | 203.368.3244 (fax)
www.koskoff.com

Koskoff

From: James Vogts <jvogts@smbtrials.com>

Date: Tuesday, July 7, 2020 at 1:35 PM

To: Alinor Sterling <ASterling@koskoff.com>, "Josh D. Koskoff" <JKoskoff@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, Chris Boehning <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>

Cc: James Rotondo <jhrotondo@daypitney.com>, "Mueller, Jeff" <jmueller@daypitney.com>, "Williams, Paul D." <pdwilliams@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>

Subject: Soto

Alinor, here are Defendants' positions on the potential agenda items set forth in your email last night:

1. An agreed on date by which Remington will provide the full list of designee deponents and topics, including the identities of the deponents.

On or before July 24, Defendants will identify the persons they have designated to testify on topics set forth in the deposition notice during the week of August 3 in North Carolina, and the topics they will address. **July 24 is very late, given that the depositions begin Aug. 2. Nonetheless, we will accept this if 1) the July 24 deadline is for the full list of designee topics and deponents, not only the topics and deponents to be covered by North Carolina witnesses, and 2) Remington produces topics and the identities of deponents on a rolling basis, as they are determined.**

2. A response from Remington concerning the procedure for the individually noticed depositions.

The upcoming individually noticed depositions in Maine and North Carolina should be conducted in accordance with Practice Book Section 13-30(g). Thus, they should be held at a court reporter's office. **We are agreeing to proceed remotely because we want to move the case forward. We do not mind having the deponent deposed at the court reporter's office and will maintain those arrangements. If, however, the witness is unable to attend at the reporter's office, we would intend to proceed with a fully remote deposition. If you object to this, please advise so that we know to raise it with the judge.**

3. A meet and confer date for the 3rd RFPs.

Defendants are available to meet and confer on Plaintiffs' Third Request for Production Tuesday afternoon, July 14. However, it makes sense to defer the meet and confer until after Plaintiffs have reviewed the additional responsive documents they will receive between now and Tuesday. I'm told they will number nearly 100,000 pages. We'll leave it up to you, but until Plaintiffs have seen and understand the substance and breadth of Defendants' document production, the tail seems to be wagging the dog. **Let's do 2 pm on July 14.**

4. Agreement from Remington that it will disclose the identities of the custodians whose files were searched for responsive documents.

Plaintiffs have Defendants' position on this subject. But to reiterate, the decision made by Remington's attorneys as to the persons who might have responsive documents reflects the attorneys' thought processes, and is attorney work product. Nevertheless, the parties had extensive negotiations regarding disclosure of custodial information in 2016 to finalize the ESI protocol. We have and will continue to disclose custodial information in accordance with the Protocol.

We do not have agreement on this point and will raise it with the Court on the 9th. Because we do not have agreement on this point, we will also claim RFP #17.

5. An agreed-on approach to formalizing the agreements reached in these discussions, so that we end them with a clear record.

This will be complicated given the number of agreements that have been reached. Perhaps the best approach is for you to draft a document (not a letter) reflecting the agreements on the various RFPs we've discussed, setting forth Plaintiffs' clarifications and revisions of RFPs and Defendants' withdrawal of objections—basically the parties' agreements. Defendants will then review the document and propose edits, if needed. Regardless, of how we approach this subject, I'm not sure Judge Bellis will want to get involved in how we deal with it.

We are willing to send a wrap up letter, but that will not formalize our agreements. The Responses/Objections to the RFPs and Interrogatories need to be revised to incorporate the agreements. We have raised this issue several times. Do you disagree?

Jim

**James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517**

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EXHIBIT Q

From: Alinor C. Sterling <ASterling@koskoff.com>

Sent: Tuesday, July 14, 2020 10:02 AM

To: James Vogts <jvogts@smbtrials.com>; Josh D. Koskoff <JKoskoff@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>

Cc: Rotondo, Jim <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>; Andrew Lothson <alothson@smbtrials.com>

Subject: Re: Soto

Jim,

We are available for a rescheduled meet and confer on Weds. July 29 at 2 pm EST. We will circulate a dial in.

Would you kindly get us your proposals regarding narrowing or eliminating objections by Monday July 27, so that we can be prepared to respond on the 29th.

Alinor

Alinor Sterling | Attorney at Law

KOSKOFF KOSKOFF & BIEDER PC

350 Fairfield Ave., Bridgeport, CT 06604

203.336.4421 | 203.368.3244 (fax)

www.koskoff.com

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From: James Vogts <jvogts@smbtrials.com>

Date: Monday, July 13, 2020 at 1:53 PM

To: "Josh D. Koskoff" <JKoskoff@koskoff.com>, Alinor Sterling <ASterling@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>, "Boehning, Christopher" <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>
Cc: James Rotondo <jhrotondo@daypitney.com>, "Mueller, Jeff" <jmueller@daypitney.com>, "Williams, Paul D." <pdwilliams@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>
Subject: Soto

Counsel, because of pressing business in other matters, Defense Counsel is unable to meet and confer tomorrow on Defendants' responses and objections to Plaintiffs Third Request for Production of Documents. We propose that the meet and confer be re-scheduled to either July 28 or 29.

Prior to that time, Defendants will review their objections in light of agreements the parties recently reached and provide Plaintiffs with some type of document reflecting narrowed or eliminated of objections. Hopefully that will shorten the meet and confer.

We also need to be prepared during our meet and confer to discuss a revised Scheduling Order.

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

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EXHIBIT R

From: Andrew Lothson <alothson@smbtrials.com>

Date: Wednesday, Jul 22, 2020, 5:24 PM

To: Alinor C. Sterling <ASterling@koskoff.com>, James Vogts <jvogts@smbtrials.com>, James Rotondo <jhrotondo@daypitney.com>, Mueller, Jeff <jmueller@daypitney.com>, Williams, Paul D. <pdwilliams@daypitney.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>, Boehning, Christopher <cboehning@paulweiss.com>, Schutte, Jacobus <jschutte@paulweiss.com>, Lorena Gullotta <LGullotta@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>

Subject: RE: Meet and Confer re RFP 17

Alinor,

We're searching the following custodians to respond to RFP 17:

- Andrews, Joe
- Ballard, Adam
- Blackwell, Scott
- Bunting, Jay
- Buzaid, Emile
- Cox, Mitch
- Day, John
- Davis, Jordan
- Fink, John
- Garretson, Dave
- Graff, Kevin
- Hogg, Christian
- Jennings, Dillon
- Kallam, Jessica
- Keffer, Gary
- Kollitides, George
- Luke, Kyle
- Martinez, Carlos
- Mazzeo, Ed
- McCanna, Rob

- Newnam, Kemp
- Novin, Teddy
- Sprole, Jon
- Trull, John
- Wessling, Terry

Thanks,
Andy

Andrew A. Lothson
Swanson, Martin & Bell, LLP
330 North Wabash, Suite 3300
Chicago, Illinois 60611
Office: (312) 321-9100
Direct: (312) 923-8274
Fax: (312) 321-0990

BIO | vCard | Firm



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From: Alinor C. Sterling <ASterling@koskoff.com>
Sent: Wednesday, July 22, 2020 8:55 AM
To: James Vogts <jvogts@smbtrials.com>; Andrew Lothson <alothson@smbtrials.com>; James Rotondo <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>; Lorena Gullotta <LGullotta@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>
Subject: Re: Meet and Confer re RFP 17

That's fine. We will circulate a dial in. Confirming you will send your list of custodians today?

Alinor Sterling | Attorney at Law
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www.koskoff.com

Koskoff

From: James Vogts <jvogts@smbtrials.com>
Date: Tuesday, July 21, 2020 at 5:43 PM
To: Alinor Sterling <ASterling@koskoff.com>, Andrew Lothson <alothson@smbtrials.com>, James Rotondo <jhrotondo@daypitney.com>, "Mueller, Jeff" <jmueller@daypitney.com>, "Williams, Paul D." <pdwilliams@daypitney.com>
Cc: "Josh D. Koskoff" <JKoskoff@koskoff.com>, "Boehning, Christopher" <cboehning@paulweiss.com>, "Schutte, Jacobus" <jschutte@paulweiss.com>, Lorena Gullotta <LGullotta@koskoff.com>, Jeffrey Wisner <JWisner@koskoff.com>
Subject: RE: Meet and Confer re RFP 17

Alinor, Defendants are available Thursday at 2:00 pm EST. Please let us know if that works for you.

Jim

James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517

From: Alinor C. Sterling <ASterling@koskoff.com>
Sent: Monday, July 20, 2020 12:16 PM
To: James Vogts <jvogts@smbtrials.com>; Andrew Lothson <alothson@smbtrials.com>; James Rotondo <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>; Williams, Paul D. <pdwilliams@daypitney.com>
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>; Lorena Gullotta <LGullotta@koskoff.com>; Jeffrey Wisner <JWisner@koskoff.com>
Subject: Meet and Confer re RFP 17

Counsel,

I am following up regarding Judge Bellis' order concerning RFP #17. We are available on Thursday for a meet and confer on this issue. Would you send me some times that day that would work for a call? If for some reason a call Thursday does not work, we can find some time Wednesday.

In order to make the meet and confer go smoothly, the day before the call would you provide us the list of custodians you have searched in collecting documents responsive to RFP 17.

Thanks,

Alinor

Alinor Sterling | Attorney at Law
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EXHIBIT S

From: Alinor C. Sterling <ASterling@koskoff.com>

Sent: Friday, July 24, 2020 11:38 AM

To: James Vogts <jvogts@smbtrials.com>; Andrew Lothson <alothson@smbtrials.com>; Williams, Paul D. <pdwilliams@daypitney.com>; James Rotondo <jhrotondo@daypitney.com>; Mueller, Jeff <jmueller@daypitney.com>

Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Boehning, Christopher <cboehning@paulweiss.com>; Schutte, Jacobus <jschutte@paulweiss.com>; Jeffrey Wisner <JWisner@koskoff.com>; Lorena Gullotta <LGullotta@koskoff.com>

Subject: RFP 17 list

Jim,

I'm writing to convey our position regarding the RFP 17 custodian list and to memorialize our meet and confer discussions on this issue.

On July 7, we sent you a list of 66 custodians who, based on our understanding of the record at the time, are reasonable custodians to search given the time frame of the RFP and their positions at Remington. (As we've said repeatedly, this list was our best understanding at the time; we reserve the right to add it as we learn more about Remington.) On Weds July 22, you sent us a list of 25 custodians whom you are presently searching for documents responsive to RFP 17. Nine of those custodians are not on our list; 14 are.

When we met and conferred yesterday, you indicated that in your view some of the 52 non-overlapping witnesses on our list are not appropriate custodians to be searched because their work at Remington did not intersect with the time frame for RFP 17 and that you could identify specific reasons why others on our list are not within the scope of a reasonable search although you were not prepared to do so during our call. You proposed that you could send a response to our July 7 list specifically identifying these concerns with regard to the individuals to whom they apply by Weds July 29.

Given the fact that you've had our list since July 7, I was and am reluctant to agree to another week's delay of our attempts to resolve this issue. However, you indicated that your team is stretched and that the work could not be accomplished earlier. I attempted to confirm that if we were going to agree to another week's delay, that your July 29 response would significantly advance our attempts to resolve this issue; I did not receive confirmation sufficient to allay my concerns. Despite this, I am going to presume you would not propose

responding to our list unless you believed your response would enable the parties to make significant progress and so am agreeing to wait until July 29 to receive your list.

If any of what I've described above does not comport with your understanding of our discussion, please let me know.

Alinor

Alinor Sterling | Attorney at Law
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www.koskoff.com

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EXHIBIT T

From: James Vogts <jvogts@smbtrials.com>

Date: Friday, Jul 24, 2020, 5:10 PM

To: Alinor C. Sterling <ASterling@koskoff.com>, Josh D. Koskoff <JKoskoff@koskoff.com>, Boehning, Christopher <cboehning@paulweiss.com>, Schutte, Jacobus <jschutte@paulweiss.com>, Jeffrey Wisner <JWisner@koskoff.com>

Cc: James Rotondo <jhrotondo@daypitney.com>, Williams, Paul D. <pdwilliams@daypitney.com>, Mueller, Jeff <jmueller@daypitney.com>, Andrew Lothson <alothson@smbtrials.com>

Subject: Soto - Corporate Designees

Alinor,

Defendants will designate Melissa Anderson to testify, subject to privilege objections, on Topics 2, 3 and 4 of the April 15, 2020 Deposition Notice. She will also address, under Topic 1, the organization of the IT Department, its employees, job titles, and reporting relationships.

John Trull will be designated on Topic 1 of the Deposition Notice, excluding testimony concerning the IT Department and Bushmaster's operations in Maine.

Jim

**James Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Suite 3300
Chicago, IL 60611
(312) 222-8517**