

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD LOWERY,

Plaintiff,

v.

LILLIAN MILLS, et al.,

Defendants.

Case No. 1:23-cv-129-DAE

SUPPLEMENTAL DECLARATION OF ENDEL KOLDE
IN SUPPORT OF PLAINTIFF'S RESPONSE AND CROSS-MOTION RE: KAMM SUBPOENA

I, Endel Kolde, declare the following:

1. I am an adult and competent to make this declaration. I am lead counsel for Richard Lowery in this case.

2. According to discovery responses received from UT in this case, Defendant Mills verified the response to Interrogatory No. 9 on January, 3, 2024, concerning the timing of certain text messages received in discovery.

3. Attached as Exhibit A is a true and correct excerpt of those discovery responses along with Mills's verification.

4. We noticed that the screenshot of the text message thread between Mills and Kothare (UT-LOWERY-005269) showed the date of November 9, 2022 at the bottom of the thread, but we knew that iMessages place dates at the top of threads and we believed that that the text communications took place much earlier than what UT was telling us. We raised our concerns with UT's counsel and asked them to correct this information.

5. A true and correct copy showing the incorrect Nov. 9 date on the text thread initially produced by UT as UT-LOWERY-004269 is attached as Exhibit B.

6. On January 19, 2024, UT acknowledged that Mills inaccurately stated the date of one of her own text threads by almost three months, when counsel served a revised interrogatory answer and screen shot of the text thread with the correct date showing at the top of the thread.

7. A true and correct copy of the corrected interrogatory answer is attached as Exhibit C.

8. A true and correct copy of the corrected text thread produced as UT-LOWERY-005309 is attached as Exhibit D.

9. Late on January 22, 2024, Joel Glover sent me an email attempting to cancel the Mills deposition scheduled for January 29, allegedly because we had asked a few questions about nepotism allegations involving Jay Hartzell.

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

Executed on this date, January 23, 2024.

A handwritten signature in blue ink, consisting of a long, sweeping horizontal stroke followed by a smaller, more intricate flourish.

Endel Kolde