

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

DECLARATION OF ENDEL KOLDE  
IN SUPPORT OF PLAINTIFF'S RESPONSE TO MOTION TO COMPEL RE SECOND LOG

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. I make this declaration based on personal knowledge.

2. On January 26, 2024, we held a conferral with opposing counsel via Zoom re certain discovery issues and our proposed amended complaint. The issue of our work-product log ("second log") produced in response to Defendants' second requests

for production, did not come up in that conferral, although I repeatedly asked whether there was anything else that needed to be discussed. Defendants did not confer with us by phone, Zoom, or email about the work-product log prior to filing their motion (Dkt. 93) and the motion came as a surprise.

3. Attached as Exhibit A is a true and correct copy of Defendants' second requests for production.

4. Attached as Exhibit B is a true and correct copy of my January 22 email transmitting our production and second log in response to Defendants' second requests for production. The log was based on objective metadata from a report generated by me using Microsoft Purview's Advanced eDiscovery Tool.

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

Executed on this date, February 6, 2024.



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Endel Kolde