

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-CV-01644-PAB-KMT

BRENDA WHITE,

Plaintiff,

vs.

WEIDNER PROPERTY MANAGEMENT,

Defendant.

DECLARATION OF SUSAN BRIGHAM PURSUANT TO 28 U.S.C. § 1746

Pursuant to 28 U.S.C. § 1746, Susan Brigham, states upon personal knowledge as follows:

1. I have personal knowledge of the matters set forth in this Declaration. I am the Risk Management Specialist for the Defendant. My duties include litigation case management for Defendant.

2. Prior to January 2, 2014, Weidner had one full-time IT employee and one part-time IT employee. The full-time employee recently retired. That employee conducted the first search for emails at my request. I requested that the first search include emails from 2008 to 2013 using the search term "Brenda White" and included emails from persons in Plaintiff's management chain. Plaintiff did not have her own company email address.

In Court E.H. 1

3. After Plaintiff's attorney conducted depositions towards the end of March 2014, it was brought to my attention that Plaintiff believed there were additional emails that were not provided.

4. By this time, Defendant had hired a second full-time IT employee. I asked that employee to conduct a second search of emails regarding Brenda White using the search term "Brenda." That employee outsourced the second search to a third-party. It was brought to my attention that this second search may not have included emails dating back to 2008 and we were concerned that the third-party did not conduct an adequate search so I asked both IT employees to perform the search again in-house.

5. Defendant was aware that Plaintiff filed a motion to compel on April 1, 2014. Defendant was not aware that this Court entered an order on April 2, 2014, requiring Defendant to file a response to that motion on April 11, 2014. Defendant understood that a response to the motion to compel was being prepared along with an affidavit regarding the search for emails by the then IT employee. Defendant was not aware that a response to the motion to compel was not filed by its prior attorney.

6. On Monday, April 21, 2014, Defendant hired Shelby Felton as new counsel for this matter. It was after that that Defendant became aware that the Court granted the motion to compel citing Defendant's failure to file a response.

7. Defendant has been involved in litigation prior to this matter and understands the general discovery process and respects its responsibility to the court system. Defendant believed that it was using its best efforts in conducting searches for emails regarding Plaintiff.

8. Defendant made a good faith effort to find and disclose requested information, and did not attempt to "cover up" the existence of any documents.

I declare on this 30th day of May, 2014, under penalty of perjury that the statements contained herein are true and correct.


Susan Brigham