

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

RUSS MCCULLOUGH, RYAN SAKODA,	:	
and MATTHEW ROBERT WIESE,	:	
individually and on behalf of all others	:	
similarly situated,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO.
	:	3:15-cv-001074 (VLB)
v.	:	Lead Case
	:	
WORLD WRESTLING	:	
ENTERTAINMENT, INC.,	:	
	:	
Defendant.	:	

EVAN SINGLETON and VITO	:	
LOGRASSO,	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION NO.
v.	:	3:15-CV-00425 (VLB)
	:	Consolidated Case
	:	
WORLD WRESTLING	:	
ENTERTAINMENT, INC.,	:	
	:	
Defendant.	:	

DECLARATION OF KATHERINE VAN DYCK

Pursuant to 28 U.S.C. § 1746, I, Katherine Van Dyck, declare as follows under penalty of perjury:

1. I am an attorney with the law firm of Cuneo, Gilbert & LaDuca, LLP, counsel for Plaintiffs Evan Singleton and Vito LoGrasso. I make this declaration on personal knowledge and review of my files. I submit this declaration in support of the Second Emergency Motion to Compel Defendant World Wrestling

Entertainment, Inc.'s Responses to Plaintiffs Evan Singleton and Vito Lograsso's Corrected First Requests for Production of Documents.

2. I am submitting this declaration in accordance with Local Rule of Civil Procedure 37 to certify that counsel for Plaintiffs have conferred with counsel for WWE in a good faith effort to resolve the issues raised by Plaintiffs' Motion without the intervention of the Court.

3. WWE served its written responses on April 15, 2016. On April 19, 2016, I e-mailed Curtis Krasik, counsel for WWE, who informed me that he mailed the documents to my office via certified mail. I did not receive them until 4:15 pm on April 25, 2016. The production consisted of 942 documents and videos, a number of which are duplicates.

4. On April 28, 2016, I contacted counsel for WWE and requested a conference on May 2 or 3, 2016 to discuss WWE's responses. WWE responded (a) that the agenda for the conference should also include a motion for protective and a threatened motion for sanctions and (b) that "decision makers," including Charles LaDuca and Konstantine Kyros, should be on the call. WWE has previously resisted efforts to participate in calls with me, refusing to accept that I have proper authority to participate. It has done the same with respect to attorneys Michael Flannery and Charles LaDuca, when Plaintiffs attempted to schedule a Rule 26(f) conference and Clint Woods of the Audet Firm, when Plaintiffs attempted to schedule a call regarding Plaintiffs' responses to requests for admission. This causes delay in scheduling as it is obviously more difficult to coordinate schedules when more attorneys are involved.

5. Ultimately, I participated in a telephonic conference with counsel for WWE on May 10, 2016 along with Michael Flannery and William Bloss. During that call, WWE represented that it would not produce any documents related to concussions unless they also discussed a link to “the risks of long-term degenerative neurological conditions resulting from concussions or mild traumatic brain injuries to wrestlers” or any documents pre-dating 2005. WWE counsel also stated that it would not produce documents related to its Talent Wellness Program because Plaintiffs’ contention that it was created to address concerns about concussions was false. Finally, WWE represented that it was withholding documents related to other wrestlers based on relevance and privacy issues. The parties were unable to reach any resolution.

6. WWE has served approximately 40 non-party subpoenas duces tecum, most of which relate to Plaintiffs’ medical records. The subpoenas attached as Exhibit H are a sampling. I have asked WWE to provide the documents in multiple e-mails, during telephonic conferences, and in person at a deposition, and I have offered to discuss a cost-sharing arrangement for any expenses that came with acquiring the documents. However, WWE has mostly refused to produce these relevant documents. It did produce documents it received from Dr. Mattingly, Dr. Rogers-Neame, and Dr. Adams a few days in advance of their depositions.

Executed this 17th day May, 2016

s/ Katherine Van Dyck
Katherine Van Dyck, Esq.