

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Marcus Bagwell and Scott Levy,	:	
individually and on behalf of all others:	:	
similarly situated;	:	Civil Action No.
	:	3:16-cv-01350-JCH
Plaintiffs,	:	
	:	
v.	:	
	:	
World Wrestling Entertainment, Inc.,	:	November 9, 2017
	:	
Defendant.	:	

**DECLARATION OF MICHAEL SILVERMAN**

I, Michael Silverman, declare the following under penalties of perjury:

1. On November 3, 2017, the Court held a telephonic status conference with the parties to discuss Defendant's motion to seal Exhibit F to Defendant's memorandum of law in support of its motion to compel (Dkt. No. 141). During the conference, Defendant informed the Court that it intended to file a motion to compel regarding the redactions Plaintiffs made to the version of Exhibit F they produced to Defendant.

2. According to my notes, during the telephonic status conference the Court advised the parties that the deadline for Defendant to file its motion to compel was Monday, November 6 and the deadline for Plaintiffs to file their response was Thursday, November 9. My notes do not reflect any time limitation set by the Court for those filings.

3. On the evening of November 3, 2017, the Court entered an Order setting the briefing schedule on Defendant's motion to compel redacted information from Plaintiffs' phone records. (Dkt. No. 142.) Pursuant to the Court's November 3, 2017 Order, Defendant was to file its motion to compel on November 6, 2017 by 12:00 P.M. and Plaintiffs were to file their response on November 9, 2017 by 12:00 P.M.

4. From Friday, November 3 to Monday, November 6, Plaintiffs' lead counsel experienced technical issues with their email server. As a result of these technical issues, lead counsel did not receive electronic notification of the Court's November 3, 2017 Order.

5. Because of the technical issues with the email server, Plaintiffs' lead counsel did not receive any emails from the afternoon of Friday, November 3 to the morning of Monday, November 6.

6. Although the technical issues with the email server were ultimately resolved, the email server did not re-send emails that were undelivered while the server was malfunctioning.

7. But for the Court's November 3, 2017 Order, Plaintiffs' lead counsel had no reason to believe that Plaintiffs' response in opposition to Defendant's motion to compel would have a filing deadline of November 9, 2017 by 12:00 P.M.

8. After becoming aware that the Court entered its November 9, 2017 Order granting Defendant's motion to compel for Plaintiffs' failure to file a response

by the 12:00 P.M. deadline, Plaintiffs' lead counsel immediately arranged for the filing of their response. (Dkt. No. 148.)

In accordance with 28 U.S.C. § 1746, I certify under the penalty of perjury that the foregoing is true and correct.

Executed: November 9, 2017

/s/ Michael Silverman  
Michael Silverman  
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CERTIFICATION:

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing Plaintiffs' Response in Opposition to Defendant World Wrestling Entertainment, Inc.'s Motion to Compel Redacted Information from Phone Records was filed this 9th day of November 2017 via the electronic filing system of the District of Connecticut, which will automatically serve all counsel of record.

  
CLENDENEN & SHEA, LLC