

**THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re NPC INTERNATIONAL, INC., <i>et al.</i>, Debtors.¹	§ § § § § § §	Chapter 11 Case No. 20–33353 (DRJ) (Jointly Administered)
---	---------------------------------	--

**DECLARATION OF AMY SUEHNHOLZ IN SUPPORT OF DEBTORS’ OPPOSITION
TO MOTION OF DRIVER CLASS CLAIMANTS FOR FINDING OF ADVERSE
INFERENCE**

I, Amy Suehnholz, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am Counsel at Weil, Gotshal & Manges LLP, counsel for the Debtors in the above-captioned proceeding.

2. I submit this declaration (this “**Declaration**”) in support of the Debtors’ opposition to the *Motion of the Driver Class Claimants for Finding of Adverse Inference Based Upon Debtors’ Spoliation of Evidence* submitted on the date hereof (the “**Opposition**”).²

3. Between November 13, 2020 and November 20, 2020, the Debtors made four productions, totaling 2,929 pages, to the Driver Claimants. These productions also included approximately 160 Excel files in native format.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are NPC International, Inc. (7298); NPC Restaurant Holdings I LLC (0595); NPC Restaurant Holdings II LLC (0595); NPC Holdings, Inc. (6451); NPC International Holdings, LLC; (8234); NPC Restaurant Holdings, LLC (9045); NPC Operating Company B, Inc. (6498); and NPC Quality Burgers, Inc. (6457). The Debtors’ corporate headquarters and service address is 4200 W. 115th Street, Suite 200, Leawood, KS 66211.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Opposition.

4. At the request of Driver Claimants' counsel, the Debtors included NPC's driver reimbursement model and assumptions in their first production on November 13, 2020.

5. On November 19, 2020, counsel for the Debtors and the Driver Claimants met and conferred on the Driver Claimants' Requests for Production of Documents and the Debtors' Responses and Objections to the same. The dispute regarding a "FLSA Driver Litigation fleet sample" (the "**Fleet Sample**") that was prepared in or about February 2012 in connection with the then pending litigation and mediation in connection with a separate litigation entitled *Wass v. NPC International Inc.*, 09-cv-2254-JWL-KGS (D. Kan.) (the "**Wass Action**") was not raised by the Driver Claimants in that meet and confer.

6. On November 25, 2020, counsel for the Driver Claimants specifically requested, for the first time, that the Debtors produce "fleet data" from 2012 on delivery driver vehicles that was allegedly included in a 2012 report by Gregory Miller. With regard to the vehicle data, the Driver Claimants' counsel eventually clarified that they were seeking the Fleet Sample from nearly 9 years ago as referred to in a NPC reimbursement policy document. The Debtors' counsel agreed to determine whether the Fleet Sample from 2012 existed.

7. On November 28, 2020, the Debtors' counsel informed the Driver Claimants' counsel that, after NPC conducted a reasonable search, NPC was unable to locate any additional documents responsive to their request for the Fleet Sample.

8. On November 30, 2020, the Debtors provided the Driver Claimants with the November 30, 2020 Expert Report of Gregory K. Miller and on December 4, 2020 the Report of Gregory K. Miller in Response to Report of Rodney Stiles. Neither report relies upon or cites to the 2012 Fleet Sample.

9. The Debtors continued to search for the Fleet Sample and it was located by NPC's counsel in the *Wass* litigation in the archive files of SHB on December 16, 2020. The same day, the Debtors' counsel informed the Driver Claimants' counsel that the Fleet Sample had been located and reiterated that it was subject to the work product privilege. The Debtors requested that the Driver Claimants withdraw their spoliation motion but they have refused to do so.

10. Attached hereto as **Exhibit 1** is a true and correct copy of email correspondence between Debtors' counsel and the Driver Claimants' counsel between November 24, 2020 and November 28, 2020.

11. Attached hereto as **Exhibit 2** is a true and correct excerpted copy of the transcript of the December 1, 2020 deposition of Jeri Gardner.

Dated: December 17, 2020
New York, New York

/s/ Amy Suehnholz
Amy Suehnholz

Exhibit 1

Hill, David

From: Suehnholz, Amy
Sent: Saturday, November 28, 2020 8:33 PM
To: RMorgan@ForThePeople.com; Slack, Richard
Cc: Jeremiah Frei-Pearson; Andrew C. White Esq. (awhite@fbfglaw.com); Seth Meyer (sam@kellerlenkner.com); Ashley Keller (ack@kellerlenkner.com); Warren Postman; Alex Dravillas; Marquel Reddish; Amanda Chan; Joanna Kopczyk; Michael Bullerman; Chantal Khalil; Jolie Pavlos; Kajon, Nicholas F.; Schrock, Ray; Bostel, Kevin; Sytsma, Elizabeth; NPC Driver Litigation; Jolie Pavlos; 'Tatum, Mark (SHB)'; Sinatra, Katherine (SHB)
Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353
Attachments: NPC Privilege Log - Estimation.pdf

Ryan,

1. Attached please find the privilege log related to your request.
2. Regarding request 2 below, there are no additional documents responsive to this request.
3. An additional email production will be provided by tomorrow afternoon.

Finally, December 3rd does not work for Mr. Wahlert's deposition. Please let us know if December 8th works for you.

Best,
Amy



Amy Suehnholz

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
amy.suehnholz@weil.com
+1 212 310 8140 Direct
+1 212 310 8007 Fax

From: Suehnholz, Amy <Amy.Suehnholz@weil.com>
Sent: Friday, November 27, 2020 11:13 PM
To: RMorgan@ForThePeople.com; Slack, Richard <richard.slack@weil.com>
Cc: Jeremiah Frei-Pearson <jfrei-pearson@fbfglaw.com>; Andrew C. White Esq. (awhite@fbfglaw.com) <awhite@fbfglaw.com>; Seth Meyer (sam@kellerlenkner.com) <sam@kellerlenkner.com>; Ashley Keller (ack@kellerlenkner.com) <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Alex Dravillas <ajd@kellerlenkner.com>; Marquel Reddish <mpr@kellerlenkner.com>; Amanda Chan <AChan@fbfglaw.com>; Joanna Kopczyk <joanna.kopczyk@kellerlenkner.com>; Michael Bullerman <michael.bullerman@kellerlenkner.com>; Chantal Khalil <ckhalil@fbfglaw.com>; Jolie Pavlos <jpavlos@forthepeople.com>; Kajon, Nicholas F. <NFK@stevenslee.com>; Schrock, Ray <Ray.Schrock@weil.com>; Bostel, Kevin <Kevin.Bostel@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; NPC Driver Litigation <NPC.Driver.Litigation@weil.com>; Jolie Pavlos <jpavlos@forthepeople.com>; 'Tatum, Mark (SHB)' <MTATUM@shb.com>; Sinatra, Katherine (SHB)

<KSINATRA@shb.com>

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

Thanks, Ryan.

We will provide a privilege log, and answers to your remaining questions, tomorrow.

Best,
Amy



Amy Suehnholz

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
amy.suehnholz@weil.com
+1 212 310 8140 Direct
+1 212 310 8007 Fax

From: RMorgan@ForThePeople.com <RMorgan@ForThePeople.com>

Sent: Friday, November 27, 2020 8:46 AM

To: Suehnholz, Amy <Amy.Suehnholz@weil.com>; Slack, Richard <richard.slack@weil.com>

Cc: Jeremiah Frei-Pearson <jfrei-pearson@fbfglaw.com>; Andrew C. White Esq. (awhite@fbfglaw.com) <awhite@fbfglaw.com>; Seth Meyer (sam@kellerlenkner.com) <sam@kellerlenkner.com>; Ashley Keller (ack@kellerlenkner.com) <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Alex Dravillas <ajd@kellerlenkner.com>; Marquel Reddish <mpr@kellerlenkner.com>; Amanda Chan <ACHan@fbfglaw.com>; Joanna Kopczyk <joanna.kopczyk@kellerlenkner.com>; Michael Bullerman <michael.bullerman@kellerlenkner.com>; Chantal Khalil <ckhalil@fbfglaw.com>; Jolie Pavlos <jpavlos@forthepeople.com>; Kajon, Nicholas F. <NFK@stevenslee.com>; Schrock, Ray <Ray.Schrock@weil.com>; Bostel, Kevin <Kevin.Bostel@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; NPC Driver Litigation <NPC.Driver.Litigation@weil.com>; Jolie Pavlos <jpavlos@forthepeople.com>; 'Tatum, Mark (SHB)' <MTATUM@shb.com>; Sinatra, Katherine (SHB) <KSINATRA@shb.com>; RMorgan@ForThePeople.com

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

Amy, I hope you and your family had a great Thanksgiving, and to everyone else on this email thread as well!

1. Thank you, we look forward to receiving the privilege log and reviewing.
2. Yes, we may be using different terminology but I do believe we are likely referencing the same items and it is what we raised on our meet and confer originally. NPC-191 clearly references items Greg Miller reviewed and used to help create the new model in 2012 (and which serves as the basis for the model still used today). That is what we requested then and still request now. I understand it's a holiday weekend, but as you know NPC insisted on a very compressed schedule for the estimation hearing. Please let us know today the status of these documents and whether they will be produced.
3. Thank you, please let us know status of producing these documents when you have information.

The start times for the depositions are fine by us. For Wahlert, is he available on December 3rd? We should be able to depose Suhr and Wahlert on the same day.

Ryan Morgan

Attorney

[My Bio](#)

P: (407) 418-2069

F: (407) 245-3401

A: 20 N Orange Ave, Suite 1600, Orlando, FL 32801



COVID-19 Update: Morgan & Morgan continues to be fully operational and enabled to service our clients Nationwide. You can learn more about our remote resources [here](#). We are here for you.

From: Suehnholz, Amy [<mailto:Amy.Suehnholz@weil.com>]

Sent: Wednesday, November 25, 2020 5:24 PM

To: Ryan Morgan x5028; Slack, Richard

Cc: Jeremiah Frei-Pearson; Andrew C. White Esq. (awhite@fbfglaw.com); Seth Meyer (sam@kellerlenkner.com); Ashley Keller (ack@kellerlenkner.com); Warren Postman; Alex Dravillas; Marquel Reddish; Amanda Chan; Joanna Kopczyk; Michael Bullerman; Chantal Khalil; Jolie Pavlos x5376; Kajan, Nicholas F.; Schrock, Ray; Bostel, Kevin; Sytsma, Elizabeth; NPC Driver Litigation; Jolie Pavlos x5376; 'Tatum, Mark (SHB)'; Sinatra, Katherine (SHB)

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

CAUTION: Use caution when clicking on links or opening attachments in this external email.

Ryan,

Responses in numerical order:

1. We will agree to produce a log with respect to these particular excel files on Friday and will make an attempt to do so as early in the day as possible given the holiday.
2. Again, there may be a disconnect here based on terminology. There may have been data compiled and used by Greg Miller in 2012, which was referenced, and we are working to confirm whether that data still exists. Given that (1) this issue was not raised during the meet and confer; (2) was raised for the first time today; and (3) tomorrow is Thanksgiving, we are endeavoring to confirm whether this information exists promptly.
3. With respect to your request for Runzheimer emails—we would have appreciated clarity on this request. We reasonably interpreted your request below to refer to Motus, as stated (and at the time Motus began administering the program for NPC it had not merged with Runzheimer). However, we will search for and produce communications with Runzheimer, as well. Given the holiday and the fact that this issue too was raised for the first time today, the production will almost certainly occur after Friday.

Additionally, we can offer December 8 for David Wahlert's deposition and would like to start the depositions on 12/1 and 12/3 at 9am central/10am eastern.

Best,
Amy



Amy Suehnholz

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
amy.suehnholz@weil.com
+1 212 310 8140 Direct
+1 212 310 8007 Fax

From: RMorgan@ForThePeople.com <RMorgan@ForThePeople.com>

Sent: Wednesday, November 25, 2020 3:35 PM

To: Suehnholz, Amy <Amy.Suehnholz@weil.com>; Slack, Richard <richard.slack@weil.com>

Cc: Jeremiah Frei-Pearson <jfrei-pearson@fbfglaw.com>; Andrew C. White Esq. (awhite@fbfglaw.com) <awhite@fbfglaw.com>; Seth Meyer (sam@kellerlenkner.com) <sam@kellerlenkner.com>; Ashley Keller (ack@kellerlenkner.com) <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Alex Dravillas <ajd@kellerlenkner.com>; Marquel Reddish <mpr@kellerlenkner.com>; Amanda Chan <ACHan@fbfglaw.com>; Joanna Kopczyk <joanna.kopczyk@kellerlenkner.com>; Michael Bullerman <michael.bullerman@kellerlenkner.com>; Chantal Khalil <ckhalil@fbfglaw.com>; Jolie Pavlos <jpavlos@forthepeople.com>; Kajon, Nicholas F. <NFK@stevenslee.com>; Schrock, Ray <Ray.Schrock@weil.com>; Bostel, Kevin <Kevin.Bostel@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; NPC Driver Litigation <NPC.Driver.Litigation@weil.com>; Jolie Pavlos <jpavlos@forthepeople.com>; 'Tatum, Mark (SHB)' <MTATUM@shb.com>; Sinatra, Katherine (SHB) <KSINATRA@shb.com>; RMorgan@ForThePeople.com

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

Amy,

I responded to your email below in numerical order to try and keep the issues separate.

1. Can you please provide the privilege log by today or Friday by noon? We will hold off filing the motion to compel if you can provide it by then.
2. In regard to fleet data, NPC's own records say they exist. At the bottom of NPC-191 it states the current model's base vehicle was based on Greg Miller's "2012 review of a FLSA Driver Litigation fleet sample per our database logged by drivers." We know this database exists logging the vehicles. As explained below, that is input initially when each driver is hired. This is extremely relevant information regarding NPC's reimbursement model and must be produced. Please confirm what will be produced and produce same by Friday at noon.
3. Thank you for agreeing to produce additional documents, please confirm you will produce those documents by Friday at noon. I also want to confirm that this will include documents back to 2012 when the Motus predecessor (Runzheimer) was retained as described near the top of NPC-191. As I am sure you know, Runzheimer merged with another company to form Motus, so Runzheimer and Motus are one and the same for our purposes here. Please confirm these communications will go back to 2012.

If you would like to discuss please let me know.

Ryan Morgan

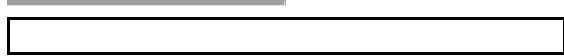
Attorney

[My Bio](#)

P: (407) 418-2069

F: (407) 245-3401

A: 20 N Orange Ave, Suite 1600, Orlando, FL 32801



COVID-19 Update: Morgan & Morgan continues to be fully operational and enabled to service our clients Nationwide. You can learn more about our remote resources [here](#). We are here for you.

From: Suehnholz, Amy [<mailto:Amy.Suehnholz@weil.com>]

Sent: Wednesday, November 25, 2020 2:58 PM

To: Ryan Morgan x5028; Slack, Richard

Cc: Jeremiah Frei-Pearson; Andrew C. White Esq. (awhite@fbfglaw.com); Seth Meyer (sam@kellerlenkner.com); Ashley Keller (ack@kellerlenkner.com); Warren Postman; Alex Dravillas; Marquel Reddish; Amanda Chan; Joanna Kopczyk; Michael Bullerman; Chantal Khalil; Jolie Pavlos x5376; Kajan, Nicholas F.; Schrock, Ray; Bostel, Kevin; Sytsma, Elizabeth; NPC Driver Litigation; Jolie Pavlos x5376; 'Tatum, Mark (SHB)'; Sinatra, Katherine (SHB)

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

CAUTION: Use caution when clicking on links or opening attachments in this external email.

Ryan,

Regarding the three issues you raised below:

1. We have determined that the documents responsive to this item are privileged and will prepare a privilege log accordingly.
2. We would note that your request concerning the vehicles that drivers used was not brought up at our meet and confer and the parties have not met and conferred on this issue. Nevertheless, NPC does not maintain reports or other compilations of driver vehicles. We are still confirming whether we have the compilation of data regarding driver vehicles that was utilized in or about 2012 and will revert back on that. We also are unclear what you mean by the "Miller report". As we have informed you, there was no prior Miller report.
3. We will supplement our production of email communications between NPC and Motus to include pre-2017 emails back to the time Motus was retained. (Again, this issue was not raised prior to today and our initial production of emails was consistent with our responses and objections to your document requests) .

Best,
Amy



Amy Suehnholz

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
amy.suehnholz@weil.com
+1 212 310 8140 Direct
+1 212 310 8007 Fax

From: RMorgan@ForThePeople.com <RMorgan@ForThePeople.com>

Sent: Wednesday, November 25, 2020 11:55 AM

To: Slack, Richard <richard.slack@weil.com>; Suehnholz, Amy <Amy.Suehnholz@weil.com>

Cc: Jeremiah Frei-Pearson <jfrei-pearson@fbfglaw.com>; Andrew C. White Esq. (awhite@fbfglaw.com) <awhite@fbfglaw.com>; Seth Meyer (sam@kellerlenkner.com) <sam@kellerlenkner.com>; Ashley Keller (ack@kellerlenkner.com) <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Alex Dravillas <ajd@kellerlenkner.com>; Marquel Reddish <mpr@kellerlenkner.com>; Amanda Chan <ACHan@fbfglaw.com>; Joanna Kopczyk <joanna.kopczyk@kellerlenkner.com>; Michael Bullerman <michael.bullerman@kellerlenkner.com>; Chantal Khalil <ckhalil@fbfglaw.com>; Jolie Pavlos <jpavlos@forthepeople.com>; Kajon, Nicholas F. <NFK@stevenslee.com>; Schrock, Ray <Ray.Schrock@weil.com>; Bostel, Kevin <Kevin.Bostel@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; NPC Driver Litigation <NPC.Driver.Litigation@weil.com>; Jolie Pavlos <jpavlos@forthepeople.com>; 'Tatum, Mark (SHB)' <MTATUM@shb.com>; Sinatra, Katherine (SHB) <KSINATRA@shb.com>; RMorgan@ForThePeople.com

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

Richard, there are 3 areas we are moving on.

1. The 2012 Greg Miller study, which is referenced in NPC docs. (Bates stamp 191).
2. Data regarding the vehicles drivers actually drove (referenced in the Miller report and referenced as part of the onboarding process at NPC-2560 for example as something NPC keeps)
3. The emails/communications between Motus and NPC from 2012 when Motus was engaged to 2017

As far as documents referenced, it would be NPC-191 and NPC-2560.

Please let us know within the next couple hours on the 3 issues above and the filing of documents under seal.

Ryan Morgan

Attorney

[My Bio](#)

P: (407) 418-2069

F: (407) 245-3401

A: 20 N Orange Ave, Suite 1600, Orlando, FL 32801



COVID-19 Update: Morgan & Morgan continues to be fully operational and enabled to service our clients Nationwide. You can learn more about our remote resources [here](#). We are here for you.

From: Slack, Richard [<mailto:richard.slack@weil.com>]

Sent: Wednesday, November 25, 2020 11:30 AM

To: Ryan Morgan x5028; Suehnholz, Amy

Cc: Jeremiah Frei-Pearson; Andrew C. White Esq. (awhite@fbfglaw.com); Seth Meyer (sam@kellerlenkner.com); Ashley Keller (ack@kellerlenkner.com); Warren Postman; Alex Dravillas; Marquel Reddish; Amanda Chan; Joanna Kopczyk; Michael Bullerman; Chantal Khalil; Jolie Pavlos x5376; Kajon, Nicholas F.; Schrock, Ray; Bostel, Kevin; Sytsma, Elizabeth; NPC Driver Litigation; Jolie Pavlos x5376; 'Tatum, Mark (SHB)'; Sinatra, Katherine (SHB)

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

CAUTION: Use caution when clicking on links or opening attachments in this external email.

Not sure exactly what it means that you are moving on "our meet and confer". Can you let us know on which issues you will be moving.

As for the issue with respect to your request for production of a prior "report" by Greg Miller, we have confirmed that there was no report prepared by Greg Miller. It appears that Mr. Miller prepared a few excel files and we are in the process of determining whether these are privileged. If they are not privileged, we will produce them. If they are privileged, we will let you know.

If you let us know what documents you plan to be using consistent with the protective order, we will let you know whether these documents (or parts thereof) need to be filed under seal. If they are confidential, then please take appropriate steps consistent with the protective order to file them appropriately.

We will get back to you on other issues raised in your email.

Happy to get on the phone to discuss any of the above.

From: RMorgan@ForThePeople.com <RMorgan@ForThePeople.com>

Sent: Wednesday, November 25, 2020 11:02 AM

To: Suehnholz, Amy <Amy.Suehnholz@weil.com>

Cc: Jeremiah Frei-Pearson <jfrei-pearson@fbfglaw.com>; Andrew C. White Esq. (awhite@fbfglaw.com) <awhite@fbfglaw.com>; Seth Meyer (sam@kellerlenkner.com) <sam@kellerlenkner.com>; Ashley Keller (ack@kellerlenkner.com) <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Alex Dravillas <ajd@kellerlenkner.com>; Marquel Reddish <mpr@kellerlenkner.com>; Amanda Chan <ACHan@fbfglaw.com>; Joanna Kopczyk <joanna.kopczyk@kellerlenkner.com>; Michael Bullerman <michael.bullerman@kellerlenkner.com>; Chantal Khalil <ckhalil@fbfglaw.com>; Jolie Pavlos <jpavlos@forthepeople.com>; Kajon, Nicholas F. <NFK@stevenslee.com>; Schrock, Ray <Ray.Schrock@weil.com>; Bostel, Kevin <Kevin.Bostel@weil.com>; Slack, Richard <richard.slack@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; NPC Driver Litigation <NPC.Driver.Litigation@weil.com>; RMorgan@ForThePeople.com; Jolie Pavlos <jpavlos@forthepeople.com>

Subject: RE: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

Amy, given the compressed time frame, we will be filing our motion to compel this afternoon on our meet and confer. We will also be moving to compel communications between NPC and Motus prior to 2017. The production which was sent a few days ago only included communications from 2017-2020 and is incomplete. If you plan on providing all communications between Motus and NPC prior to 2017, please let us know.

In our Motion to Compel, there will be cites and references to documents you have marked confidential under the protective order. Can you please provide a motion and memorandum in support of that sealing? Since NPC is claiming they are confidential documents, they will need to assert why they should be kept confidential.

If you wish to discuss any of this please let me know. Please also update us on Wahlert's availability for a deposition.

Ryan Morgan

Attorney

[My Bio](#)

P: (407) 418-2069

F: (407) 245-3401

A: 20 N Orange Ave, Suite 1600, Orlando, FL 32801



COVID-19 Update: Morgan & Morgan continues to be fully operational and enabled to service our clients Nationwide. You can learn more about our remote resources [here](#). We are here for you.

From: Ryan Morgan x5028

Sent: Tuesday, November 24, 2020 7:57 AM

To: Suehnholz, Amy

Cc: Jeremiah Frei-Pearson; Andrew C. White Esq. (awhite@fbfglaw.com); Seth Meyer (sam@kellerlenkner.com); Ashley Keller (ack@kellerlenkner.com); Warren Postman; Alex Dravillas; Marquel Reddish; Amanda Chan; Joanna Kopczyk; Michael Bullerman; Chantal Khalil; Jolie Pavlos x5376; Kajon, Nicholas F.; Schrock, Ray; Bostel, Kevin; Slack, Richard; Sytsma, Elizabeth; NPC Driver Litigation

Subject: Re: *EXT* In re NPC International, Inc., et al., Case No. 20-33353

Amy, sounds good on the two depositions below. Any preference on start times?

We also want to depose David Wahlert, please provide his availability. We also still intend to depose the Motus representative originally disclosed on your witness list. Please confirm who that is and whether we need to coordinate through you.

Lastly, please let me know your position on our meet and confer on the discovery responses, including but not limited to Greg Miller's 2012 study.

C. Ryan Morgan

Ryan Morgan

Attorney

[My Bio](#)

P: (407) 418-2069

F: (407) 245-3401

A: 20 N Orange Ave, Suite 1600, Orlando, FL 32801



COVID-19 Update: Morgan & Morgan continues to be fully operational and enabled to service our clients Nationwide. You can learn more about our remote resources [here](#). We are here for you.

On Nov 23, 2020, at 6:05 PM, Suehnholz, Amy <Amy.Suehnholz@weil.com> wrote:

CAUTION: Use caution when clicking on links or opening attachments in this external email.

Counsel,

Attached please find our responses and objections to your 30(b)(6) deposition notice.

Jeri Gardner and Vonnie Suhr will be our 30(b)(6) witnesses and we would like to schedule their depositions for December 1 (Jeri Gardner) and December 3rd (Vonnice Suhr). Please confirm that this works for you.

Additionally, we are not planning to call a representative from Motus as a witness.

Best,
Amy

<image001.jpg>

Amy Suehnholz

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
amy.suehnholz@weil.com
+1 212 310 8140 Direct
+1 212 310 8007 Fax

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.
<2020.11.23 Letter to Driver Claimants re 30(b)(6) Notice.pdf>

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

Exhibit 2 Filed Under Seal