

From: Mark Williams <mwilliams@ljdfa.com>
Date: 7/27/22 4:50 PM (GMT-07:00)
To: Terance Perry
Cc: Susan Miltko <susan@wmslaw.com>
Subject: RE: In re: Mills

I was retained to advise Gull and Snow early on in this matter, in November of 2020. Ultimately, the carrier retained Susan Miltko as the local defense counsel for Gull and Snow. I continue to assist her. During my investigation in November and December of 2020, the dive computers for Snow, Mills and Liston were sent to me and were placed in evidence storage at my office. I immediately retained Christian Mc Donald, the DSO at Scripps Institution of Oceanography in La Jolla, to examine these computers in January 2021. You have those downloads, and Ms. Miltko has the computers at her office for further interrogation. I have been unable to date to locate an email documenting the transfer by me of the downloads to your office. At no time did I tell you that local counsel was attempting to conflict me out. Moreover, at no time have I informed you that I was no longer involved in the defense of Gull or Snow.

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From: Terance Perry <tperry@dmllaw.com>
Sent: Wednesday, July 27, 2022 3:16 PM
To: Mark Williams <mwilliams@ljdfa.com>
Subject: In re: Mills

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Hi Mark:

I hope this email finds you well and that you're enjoying your summer.

I recently received the below email from counsel for Gull Scuba in the *Mills* case here in Montana and wanted to confirm whether or not you continue to "advise" Gull Dive in this matter and, further, whether you informed local counsel that you had provided dive computer information to me or to my co-counsel in this case. We never received any such information from you so I am a bit perplexed by her representations to the contrary. From our discussion a year or more ago I also recall that you indicated, in words or substance, that the same local counsel for Gull had sought to conflict you out and that, consequently, you would not be involved in assisting Gull in the *Mills* case. I am a bit confused by local counsel's representations in this regard as well and wondered if you could also clarify whether you are involved, in any capacity, in assisting Gull in this matter. Thanks so much, Mark.

All the best,

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Thank you.

I have been in a deposition all day and have not had the ability to respond to your email. I have forwarded your protocol to my experts and will reply regarding your suggestion as soon as I receive a reply.

In terms of the dive computers-Mr. Williams has not appeared in this action but continues to advise Gull in this case. I must respectfully disagree about your assumptions on who represents my clients. This is why I find that communications with both you and Mr. Perry need to be detailed in writing.

Mr. Williams represented to me that he had provided the computer information to plaintiffs counsel-I do not

have more information about that but have advanced your inquiry to him. I will gladly forward the information from the downloads to your both tomorrow; I am not in my office at the moment.

Your email misrepresents the response regarding Mr Liston. We disclosed in that letter that the computers are located at Williams Law Firm. Mr. Liston did not have the computer downloads in his possession. In a letter dated the same day, in fact, sent prior to the letter regarding Mr. Liston's responses, we explained that we had the computer downloads and further, indicated we were under the impression you had them in your possession. I ask that you and Mr. Perry stop implying there has been some sort of inappropriate conduct every time there is an exchange of information.

I would ask in the future for your courtesy and consideration.

Susan Moriarity Miltko
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