

The Honorable Lauren King

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PREMERA BLUE CROSS,

Plaintiff,

v.

GS LABS, LLC, a Delaware limited liability
company,

Defendant.

Case No. 2:21-cv-01399-LK

**DECLARATION OF NICOLE S.
PHILLIS IN SUPPORT OF
DEFENDANT GS LABS, LLC'S
OPPOSITION TO PLAINTIFF
PREMERA BLUE CROSS'S MOTION
FOR ORDER TO PRESERVE
EVIDENCE**

**NOTE ON MOTION CALENDAR:
OCTOBER 28, 2022**

ORAL ARGUMENT REQUESTED

DECLARATION OF NICOLE S. PHILLIS

I, Nicole S. Phillis, declare as follows:

1. I am counsel of record for Defendant GS Labs, LLC (“GS Labs”). This declaration is based on personal knowledge, except where stated on information and belief. If called, I could testify competently as follows.

2. Attached as **Exhibit A** is a true and correct copy of Premera’s First Set of Requests for Production.

3. Attached as **Exhibit B** is a true and correct copy of Premera’s First Set of Interrogatories.

4. Attached as **Exhibit C** is a true and correct copy of Premera’s First Set of Requests for Admission.

5. On October 10, 2022, having not received any Rule 34 inspection demand from Premera, GS Labs followed up with Premera’s counsel to inquire what, specifically, Premera contended needed to be preserved from the Washington test sites. Attached as **Exhibit D** is a true and correct copy of that correspondence.

6. On October 11 and 12, GS Labs followed up again repeatedly asking what Premera wanted to inspect. Attached as **Exhibit E** is a true and correct copy of my email correspondence on October 11. Attached as **Exhibit F** is a true and correct copy of my email correspondence on October 12.

7. On October 13, 2022, Premera identified for the first time with any level of specificity what, specifically, it sought to inspect. Attached as **Exhibit G** is a true and correct copy of that correspondence.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26th day of October, 2022, at Los Angeles, California.



Nicole S. Phillis