

SCHLICHTER BOGARD & DENTON, LLP

ATTORNEYS AT LAW

KURT C. STRUCKHOFF
kstruckhoff@uselaws.com

100 SOUTH FOURTH STREET, SUITE 1200
ST. LOUIS, MISSOURI 63102
(314) 621-6115
FAX (314) 621-5934
www.uselaws.com

Belleville, Illinois

October 25, 2018

VIA EMAIL ONLY

Nancy Ross
Laura Hammargren
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606
nross@mayerbrown.com
lhammargren@mayerbrown.com

Re: *Marshall v. Northrop Grumman*, No. 16-6794 AB (JCx) (C.D. Cal.)

Counsel:

Plaintiffs intend to move to disqualify Defendants' expert Marcia Wagner due to what appear to be clear, imputed conflicts of interest. As you are no doubt aware, Thomas E. Clark, Jr. is a partner at The Wagner Law Group, P.C., where Ms. Wagner is the principal. As you also know, Mr. Clark previously worked as an associate with Schlichter Bogard & Denton, LLP and was materially involved in the representation of virtually the same plaintiffs as in this case, involving virtually identical claims against virtually identical Defendants. During the course of that representation, Mr. Clark gained confidential information relating to those/these matters. As a Massachusetts licensed attorney, Ms. Wagner is bound by the Massachusetts Rules of Professional Conduct when providing law-related services, which includes employment as a testifying expert. *See* Mass. Ethics Opinion No. 99-3; Mass. RPC 5.7. Because *Grabek* is substantially related to *Marshall*, and Mr. Clark would be personally disqualified from representing the Northrop Defendants as adverse parties, Ms. Wagner is prohibited from acting as a testifying expert on behalf of the Defendants. *See* Mass. RPC 1.10(a), (c), (d). Ms. Wagner has not otherwise complied with the Massachusetts Rules of Professional Conduct to avoid disqualification.

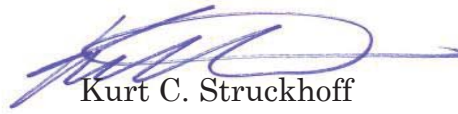
Given the clear ethical violations presented in your retention and designation of Ms. Wagner under these circumstances, you should withdraw the designation immediately. Otherwise, we will file a motion to strike and for sanctions. Under Local 7-3, the parties are required to confer regarding this contemplated motion

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and, if Defendants do not withdraw Ms. Wagner as a testifying expert, please provide your response to this issue by noon CDT on Monday, October 29.

Regards,

A handwritten signature in blue ink, appearing to read "Kurt C. Struckhoff", with a long horizontal flourish extending to the right.

Kurt C. Struckhoff