## IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF IOWA WESTERN DIVISION

WESTERN DIVISION	
NuStar Farms, LLC, Anthony Nunes, Jr., ) and Anthony Nunes, III,	Case No. 5:20-cv-04003-CJW-MAR
Plaintiffs, )  v. )  Ryan Lizza and Hearst Magazine Media, ]  Inc., )	Defendants' Reply Brief in Further Support of Their Resisted Motion to Compel and for Other Relief Regarding Depositions of NuStar Employees
Defendants. )	
Defendants submit this brief in further sup	oport of their Motion, and in reply to Plaintiffs'
Resistance and Opposition to Defendants' Motion	n to Compel, ECF No. 107 ("Resistance" or
"Res.").1 Setting aside its bluster, irrelevant and i	inaccurate attacks on Mr. Lizza's reporting, and
baseless accusations of misconduct by Defendant	s and their representatives, Plaintiffs'

Resistance does not dispute the alarming facts that support granting the relief Defendants seek.

(*Mot.*, *Pt. III*). The Motion sets forth the events, in detail and with record evidence, up to and through the deposition of the first NuStar employee witness,

Plaintiffs respond with limited, irrelevant

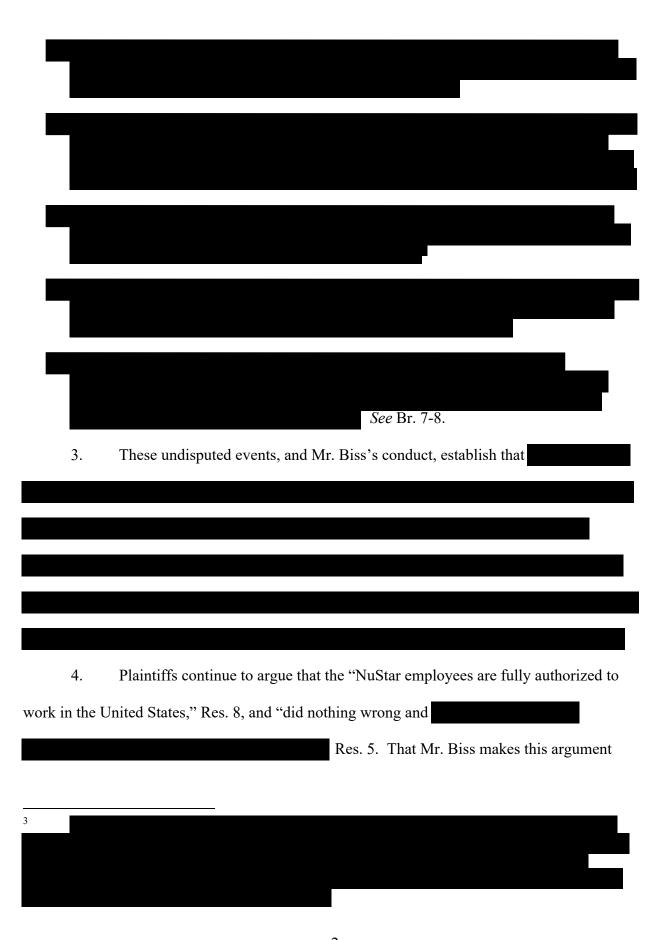
ECF No. 107-1. Plaintiffs never explain the relevance of these excerpts

to the issues presented and relief requested.<sup>2</sup>

2. Plaintiffs do not dispute that the following occurred:

Unless otherwise noted, abbreviated and capitalized terms herein shall have the meaning ascribed to them in Defendants' Motion and supporting brief, *see* ECF No. 103-1 ("Brief" or "Br.").

Beyond this,

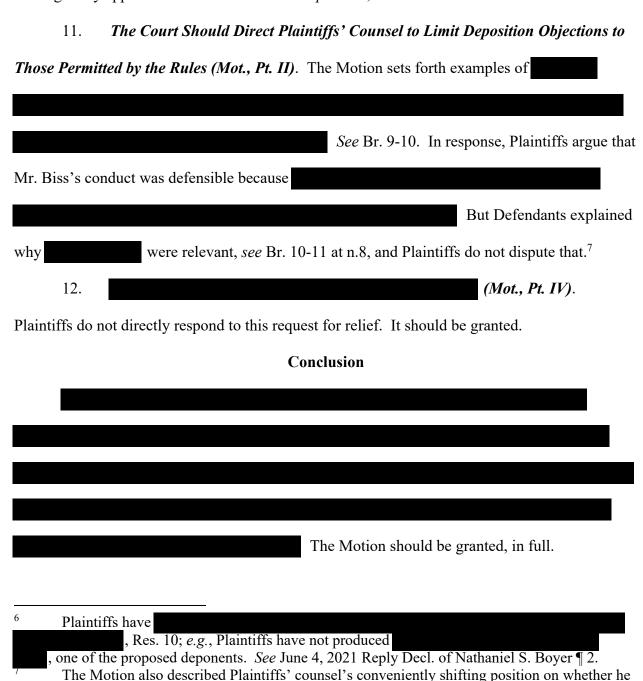


despite not representing these employees—or providing any evidence that he or Mr. Feller have ever spoken with any of the employees—is both baseless and troubling. Res. 4-5.

5. Although Plaintiffs claim to have identified a "independent counsel," they
refuse to tell Defendants' counsel or the Court who that attorney is, alleging that Defendants'
lawyers will "engage in efforts to intimidate the attorney and threaten ethics violations." Res. 8
n.5. Plaintiffs cite nothing to support that bizarre and baseless accusation (setting aside why an
independent counsel would be "intimidate[d]" by Defendants' counsel, anyway). Regardless,
this highlights
Plaintiffs, apparently, do not believe this counsel can act independently and discharge
her/his duties to her/his clients and keep NuStar and its lawyers happy at the same time.
6. Beyond that, Plaintiffs argue that the Court should disregard the documented
See Res. 5; Br. 5 n.3.
7. Plaintiffs attempt to explain with speculative hypotheticals, see
Res. 6, but cannot explain
Dr. 5 n. 4. And Dlaintiffe' anacylation males no conso have
Br. 5 n.4. And Plaintiffs' speculation makes no sense here:
Br. 3 n.4. And Plaintiffs speculation makes no sense here:

	<sup>4</sup> And Plaintiffs have no explanation for how occasional scriveners' errors
8.	Plaintiffs further do not explain why
	<sup>5</sup> As explained,
	Br. 6-7.
9.	Instead, Plaintiffs merely proclaim that
	Res. 7.
This is not a i	meaningful response,
10.	The Court Should Compel Compliance with the Subpoenas (Mot., Pt. I). All six
standing alone employee is n	uing that "the mere receipt of a no-match letter or other no-match notice does not, e, constitute 'constructive knowledge' on the part of an employer that the referenced ot work authorized," Res. 6, Plaintiffs miss the point (and selectively misread the cited ament). What's at issue in the Motion are
<sup>3</sup> Plaint	ot the employers' knowledge of their legal status.
	Br. 5-6. Likewise,
	Br. 6.

subpoenas compelled employees to produce, for inspection, at their depositions, originals of the employees' (i) social security cards, (ii) current government-issued identification cards, and (iii) the government issued identification cards that the employees presented to NuStar at the time of hire. See Boyer Decl., Exs. E, L. Plaintiffs did not object to this aspect of these subpoenas, although they appear to misunderstand it. Compare id., with Res. 9-10.6



represented NuStar's employees. Plaintiffs' Resistance does not dispute these facts.

## June 4, 2021

## Ryan Lizza and Hearst Magazine Media, Inc., Defendants

By: /s/ Nathaniel S. Boyer
Jonathan R. Donnellan, Lead Counsel\*
jdonnellan@hearst.com
Ravi V. Sitwala\*
rsitwala@hearst.com

Nathaniel S. Boyer\* nathaniel.boyer@hearst.com

Sarah S. Park\*
sarah.park@hearst.com

Nina N. Shah\*

nina.shah@hearst.com

THE HEARST CORPORATION

Office of General Counsel

300 West 57th Street New York, New York 10019

Telephone: (212) 649-2030 Telephone: (212) 649-2035 \*Admitted Pro Hac Vice

Michael A. Giudicessi

michael.giudicessi@faegredrinker.com

Nicholas A. Klinefeldt

nick.klinefeldt@faegredrinker.com

Susan P. Elgin

susan.elgin@faegredrinker.com

FAEGRE DRINKER BIDDLE & REATH LLP

801 Grand Avenue, 33rd Floor

Des Moines, Iowa 50309-8003

Telephone: (515) 248-9000 Facsimile: (515) 248-9010

Attorneys for Defendants

## **Certificate of Service**

The undersigned certifies that a true copy of **Defendants' Reply Brief in Further** Support of Their Resisted Motion to Compel and for Other Relief Regarding Depositions of NuStar Employees was served upon the following parties through the court's CM/ECF electronic filing system on June 4, 2021.

/s/ Nathaniel S. Boyer

Copy to:

Joseph M. Feller jfeller@kkfellerlaw.com

Steven S. Biss stevenbiss@earthlink.net

Attorneys for Plaintiff