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*Attorneys for Defendants*

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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CASANDRA TINGEY,

Plaintiff,

vs.

MIDWEST OFFICE, INC., dba MIDWEST  
COMMERCIAL INTERIORS dba MID-  
WEST OFFICE-INTERIOR SYSTEMS dba  
MIDWEST OFFICE dba BARGAIN  
OFFICE OUTFITTERS; JEREMY  
BRADLEY, SEAN WRIGHT,  
MARSHALL TATE, TAMI SHULSEN,

Defendants.

MIDWEST OFFICE, INC., dba MIDWEST  
COMMERCIAL INTERIORS,

Counterclaimant,

vs.

CASANDRA TINGEY,

Counter-Defendant.

**DECLARATION OF  
MATTHEW DURHAM**

Case No. 1:22-CV-00145-CMR

District Judge Tena Campbell

Matthew Durham declares as follows:

1. I am over 18 years of age and competent to make this Declaration.
2. I make this Declaration based on my personal knowledge.
3. I am an attorney licensed in the State of Utah and in good standing with the Utah State Bar.
4. My legal practice is focused on management-side employment law.
5. I am a shareholder of the law firm Dorsey & Whitney (“Dorsey”) and have been since May 2022.
6. I was previously a shareholder of the law firm Stoel Rives (“Stoel”) from approximately 2001 to May 2022.
7. During my time at both Dorsey and Stoel, I have served, and still serve, as outside legal counsel to Midwest Commercial Interiors (“MWCI”) with respect to employment matters.
8. In or around June of 2019, MWCI notified me of an internal sexual harassment complaint by an employee with the initials E.S. and asked me to conduct an investigation in order to provide legal advice regarding the merits of the complaint, the company’s potential liability, and the corrective action that should be taken.
9. I recall that Marshall Tate and Sean Wright, the executives who contacted me and asked me to conduct the investigation, were very concerned about E.S.’s allegations and expressed the need for legal advice to avoid missteps in this sensitive situation.
10. I personally interviewed the complainant, the alleged perpetrator, the in-house human resources representative, and approximately one or two other individuals whose identities I do not recall.

11. At the beginning of interviews like these, it is my practice to advise the witnesses that I have been retained by my client as legal counsel and that I am conducting an investigation for the purpose of providing legal advice to the company. I also advise the witnesses that our communications during the interview are privileged and should not be shared with any other individuals. I would have made these representations and disclosures to the witnesses in this situation.

12. After the interviews, I analyzed the information from the witnesses, summarized the most relevant aspects of the witness information for purposes of my analysis, and advised the company on the merits of any potential legal claim, the company's potential liability, and corrective action to be taken against the alleged perpetrator.

13. I provided legal advice verbally to MWCI during calls and meetings with company executives. I may have also prepared a written report; however, I have not been able to locate a copy of any such report. I understand MWCI has not been able to locate a copy of any report either.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

DATED this 19th day of December, 2023

/s/ Matthew Durham (signed electronically with permission  
granted by email on 12/19/223)  
Matthew Durham