



1 The Prosecution Team has set forth substantial evidence in support of the proposed CDO, which is  
2 “enough relevant information and reasonable inferences from this information that a fair argument  
3 can be made to support a conclusion, even though other conclusions might also be reached.”

4 *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of*  
5 *California* (1988) 47 Cal.3d 376, 393. Contrary to Valley Water’s allegations, the Prosecution  
6 Team’s brief and exhibits are sufficient to demonstrate that Valley Water has polluted groundwater  
7 and is threatening to pollute surface waters and that the proposed CDO should be entered by the  
8 Central Valley Regional Board. While Valley Water may complain that the citations to evidence  
9 were not clear enough, that minor comment does not deprive Valley Water of notice or due process,  
10 as those documents are in the record and can support proper findings.  
11

12 **II. Rebuttal Evidence is Properly Submitted, and Will be Limited in Accordance**  
13 **with the Hearing Procedures.**

14 The Prosecution Team submitted evidence to support the findings in the proposed CDO,  
15 including laboratory data, annual monitoring reports, and photographs, in addition to Notices of  
16 Violation (NOVs) that were attached to the proposed CDO. Nothing in the Prosecution Team’s  
17 rebuttal brief, provided herewith, goes beyond the proper scope of rebuttal. One additional expert  
18 witness has been added to rebut experts identified by Valley Water, and explain conclusions that  
19 were provided by Valley Water in its final Phase 2 report dated 29 June 2015 and provided with  
20 Valley Water’s submission on 30 June 2015. The Prosecution Team had submitted the interim  
21 reports prepared and submitted prior to the Prosecution Team’s initial evidentiary deadline, and  
22 identified a witness to testify about such document, Clay Rodgers.

23 The Prosecution Team will admit that Clay Rodgers’ testimony is arguably both percipient  
24 and expert. The Hearing Procedures for this matter state that the parties must provide

25  
26 the name of each witness (including Board staff) whom the Designated Party intends to call  
27 at the hearing, the subject(s) that will be covered by each witness, and the estimate time  
28 required by each witness to present their testimony. Witness testimony at the hearing may  
not exceed the scope of previously-submitted written material.

Further, the qualifications of each expert witness, if any, should be provided. (Hearing Procedures,

1 pg. 3) The Hearing Procedures do not require a curriculum vitae or resume. The Prosecution Team  
2 did disclose Mr. Rodgers as a witness, and the areas of his testimony, including the expert subject  
3 to which Valley Water is now objecting (“impacts of Valley Water’s operation on groundwater”).  
4 The witness disclosure statement also provided his title, which presumes that he is qualified to hold  
5 the position (Assistant Executive Officer of the Central Valley Regional Quality Control Board).  
6 Here is the information that is available about Mr. Rodgers on the Central Valley website:

7           Mr. Rodgers graduated from California State University, Fresno with a Bachelor of  
8 Arts and Master of Science in Geology. Clay has been employed by the Central Valley  
9 Regional Water Board from 1999 to 2003 and since 2007. In addition to his experience at  
10 the Central Valley Water Board, Clay has 19 years of professional consulting experience.  
11 He is a Professional Geologist and Certified Engineering Geologist in California. He has 19  
12 years of private consulting specializing in groundwater assessments of impacts from a wide  
13 range of facilities including landfills, wastewater storage facilities, industrial facilities, and  
14 underground storage tanks. His experience also includes slope stability analyses, seismic  
15 studies and water supply studies. His work on water supply studies have included the  
16 design of water supply wells and the assessment of suitability for the intended use. His 11  
17 years’ experience at the CVWB have included the past 5 years as Assistant Executive  
18 Officer in charge of the Fresno office.

19           This information was publicly available, although omitted from the Prosecution Team’s  
20 initial submission.

21           It is unlikely that Valley Water has suffered any prejudice in this matter or was not provided  
22 adequate notice in accordance with the hearing procedures. *See for example, Easterby v. Clark*  
23 (2009) 171 Cal.App.4<sup>th</sup> 772, 778 (finding that the purpose of disclosure statutes was to reveal *the*  
24 *substance of* the facts and opinions to which the expert will testify) (emphasis added). *See also,*  
25 *U.S. v. Soto-Beniquez* (2003) 356 F.3d 1, 37-38 (finding no abuse of discretion in allowing expert  
26 testimony of two pathologists the government had failed to identify as experts in pretrial  
27  
28

1 disclosure).<sup>1</sup>

2 Valley Water objects to every witness proffered by the Prosecution Team. The Prosecution  
3 Team does not have to meet some mythical bar as determined by Valley Water or comport with  
4 Valley Water's interpretation of the Hearing Procedures; the Advisory Team and Central Valley  
5 Water Board is responsible for determining whether a fair hearing is being given to Valley Water  
6 and whether the Prosecution Team has met is burden. While the Prosecution Team regrets any  
7 actual confusion this may have caused, Valley Water's counsel and consultants have met with Mr.  
8 Rodgers extensively prior to this matter and aware of his background and qualifications. Further,  
9 as is explained later, the Prosecution Team will not object to additional time being granted to both  
10 parties (as long as given consistently to Valley Water and the Prosecution Team), in part to remedy  
11 any perceived surprise. And finally, according the citations provided the determination of prejudice  
12 should turn on whether Mr. Rodgers and the scope of his testimony was a surprise, not whether he  
13 was correctly labeled or labeled in the manner Valley Water would have preferred. Mr. Rodgers  
14 was listed as a witness, along with his title, and the scope of his anticipated testimony.

15  
16 **III. Prosecution Team Response to Valley Water's Objections to Unsupported**  
17 **"Fact" Statements and Expert Opinions**

18 Valley Water points to an error in the Prosecution Team's description of the size of the  
19 Valley Water facility and alleges that this error renders the entire CDO suspect, despite the  
20 evidence submitted in support of the CDO<sup>2</sup>. Valley Water claims to object to all unsubstantiated or  
21 inaccurate statements, but limits itself to six objections, which will be responded to here:

22 (1) PT statement, p. 1: "Prior to the issuance of the CDO, the Central Valley Water Board

23  
24 <sup>1</sup> See also Valley Water's discussion of Mr. Rodger's proposed testimony on page 7. Valley Water argues that even if  
25 Mr. Rodgers "been properly designated as an expert witness, [he] would only be able to testify within 'the scope of  
26 previously-submitted written testimony.'" Hearing Procedures, pg. 3. This misstates the Hearing Procedures, which  
27 provides that the testimony should not exceed the scope of the written *material*, meaning the Prosecution Team brief  
28 and exhibits. Valley Water's counsel is trying to impose an obligation to submit witness declarations or deposition  
transcripts on the Prosecution Team, which simply does not exist in this administrative hearing. The Prosecution Team  
properly described the scope of Mr. Rodgers' anticipated testimony.

<sup>2</sup> For what it is worth, the erroneous size of the Valley Water facility came from one of the Valley Water consultant's  
own reports. See Phase 1 report, Exhibit 5, pg. 10/746 of pdf (Kennedy/Jenks).

1 ordered the commencement of a hydrogeological investigation at Valley Water’s two  
2 facilities, to assess the impacts of wastewater impacts on groundwater.”

3 **OBJECTION:** Lack of evidence. ... There is no citation to exhibits, declarations, or other  
4 authenticated<sup>3</sup> material to support this allegation, which must be stricken. (Valley Water  
5 Objections, 4:25-28)

6 **PT Response:** Nothing about the Prosecution Team’s statement is incorrect. As  
7 summarized in the Phase 2 Final Report (Valley Water Exhibit 32, submitted on June 30,  
8 2015), a number of meetings occurred before the proposed CDO was issued:

- 9 • 20 June 2012 – The first inspection reports to indicate any violations....
- 10 • 28 June 2012 – First Notice alleging violation at the Fee 34 Facility since 1992  
11 related to sumps not being netted to exclude wildlife. A similar notice was sent to  
12 the Race Track Hill Facility on July 10, 2012.
- 13 • 23 July 2013 CVRWQCB letter to Valley Water stating its intention to update the  
14 WDRs for all surface water impoundments for oil field produced water. **This notice**  
15 **also requested specific information about the facilities and discharges.**  
16 [emphasis added] (CVRWQCB, 2013a)
- 17 • 9 October 2013 – Valley Water and Kennedy/Jenks met with CVRWQCB staff and  
18 a representative of the State Water Quality Control Board legal staff.
- 19 • 10 October 2013 – Valley Water was issued a Notice of Violation (NOV) for the  
20 Race Track Hill Facility claiming that the irrigation water being applied to land  
21 violated the WDRs, even though previous inspection reports had never deemed this  
22 activity to be a violation and it does not violate the plain terms of the permit.  
23 (CVRWQCB, 2013b). A NOV for the Fee 34 Facility was also issued on this date  
24 claiming insufficient freeboard in the ponds and alleging for the first time that high  
25 salinity wastewater poses a threat to groundwater (CVRWQCB, 2013c).
- 26 • 8 November 2013 – Valley Water provided responses to both of the October 2013

27 \_\_\_\_\_  
28 <sup>3</sup> Authentication will be discussed *infra*.

1 NOVs (Valley Water, 2013).

- 2 • 14 January 2014 At Valley Water’s request, CVRWQCB staff met with Valley
- 3 Water and their consultants to discuss the voluntary Phase 1 Subsurface
- 4 Investigation at both facilities proposed by Valley Water.
- 5 • 5 February 2014- Draft Cleanup and Abatement Orders (CAOs) for each of the
- 6 facilities were sent to Valley Water for review and comment (CVRWQV, 2014a).
- 7 • 13 March 2014 – Phase 1 Work Plan for Subsurface Investigations at the Fee 34
- 8 Facility and Race Track Hill Area was submitted to the CVRWQCB
- 9 (Kennedy/Jenks, 2014a). Phase 1 investigations were developed based on
- 10 requirements in the Draft CAOs and the intent was to characterize vadose zone and
- 11 groundwater conditions beneath the Race Track Hill and Fee 34 Facilities and to
- 12 provide an initial assessment of potential impacts of oil field produced water storage
- 13 and discharge on underlying groundwater and soil. The Phase 1 investigations were
- 14 conducted on a voluntary basis but under the guidance of the CVRWQCB.
- 15 • 4 April 2014. CVRWQCB email response to the Work Plan stating the scope of the
- 16 Phase 1 Work Plan seemed adequate.
- 17 • 1 July 2014- A 13267 Order was issued to Valley Water in lieu of the draft CAOs
- 18 (CVRWQCB, 2014b). The Order required that all additional field investigations be
- 19 completed by 15 January 2015.

20 The timeline continues. Suffice to say, in the Prosecution Team’s opinion, Valley Water’s  
21 summary of “voluntary” actions were brought about by the efforts of Regional Board enforcement  
22 staff. In terms of evidence submitted with the Prosecution Team’s initial submission on 12 June  
23 2015, the NOVs described in the 5<sup>th</sup> bullet were provided as Attachments D1 and D2 to the  
24 proposed CDO, the Phase 1 is Exhibit 5, the Interim Report on Phase 2 Subsurface Investigations is  
25 Exhibit 6, and the 1 July 2014 13267 Order is Exhibit 18 (final bullet). An additional 13267 Order  
26 was Exhibit 19. The lack of citations do not mean that the exhibits were not timely submitted into  
27 the record or easily identified on the exhibit list.

28 2. PT Statement, p. 1: “Based on the impacts to groundwater detected at the Race Track

1 Hill Facility and potential impacts at the Fee 34 Facility, additional characterization is proposed in  
2 the CDO.”

3 **OBJECTION:** Lack of evidence to support allegations of “impacts to groundwater  
4 detected at the Race Track Hill Facility and potential impacts at the Fee 34 Facility.” There is no  
5 citation to exhibits, declarations or other authenticated material.

6 **PT Response:** The Prosecution Team submitted laboratory data in excess of water quality  
7 objectives (Exhibit 7); annual monitoring reports submitted by Valley Water (Exhibits 8 and 9),  
8 and analysis of the groundwater and wastewater quality discharge for the Race Track Facility by the  
9 Prosecution Team (Exhibit 11). Exhibit 11 was based on data from the Phase 1 and Interim Report  
10 on Phase 2 Subsurface Investigations, prepared by Valley Water consultants (Exhibit 5, 6, 26, and  
11 27).

12  
13 3. PT Statement, p. 1: “Information from the California Department of Water Resources  
14 identified 36 groundwater supply wells within about one-mile of the Fee 34 Facility.”

15 **OBJECTION:** Lack of evidence. Citation to an exhibit without adequate support or  
16 information.

17 **PT Response:** As stated on the Prosecution Team’s exhibit list, the Department of Water  
18 Resources information was not submitted due to public safety concerns, including Homeland  
19 Security. More general, publicly disclosable information was provided, *although Valley Water has*  
20 *the information supporting the findings in the proposed CDO*. In fact, the information is required  
21 to be kept confidential, pursuant to state law. *See Exhibit 88 (Valley Water Well Completion*  
22 *Report Release Agreements from Department of Water Resources and Request Form for Data*  
23 *Information from Kern County Water Agency, signed by Dee Jaspar)*. Because of the sensitive  
24 nature of this material, it was disclosed *in camera* to Advisory Team counsel, Patrick Pulupa on  
25 Friday, July 3, 2015.<sup>4</sup> The well information was sorted according to distance and Valley Water  
26 facility. For the Fee 34 Facility, 36 entries were submitted (PT statement 3); for the Race Track

27 \_\_\_\_\_  
28 <sup>4</sup> The relevant email, without the well log spreadsheet attachment is appended hereto.

1 Hill Facility, 6 entries were submitted (PT statement 4). The Prosecution Team offered to enter  
2 into an appropriate confidentiality agreement or protective agreement so that this information could  
3 be provided or agreed upon but not disclosed and therefore create a public safety threat in violation  
4 of state and federal law.

5  
6 4. PT Statements, p. 2: “Although Resolution 58-349 found ‘no freshwater producing wells  
7 in this vicinity,’ more recent information from the California Department of Water Resources  
8 identified six groundwater supply wells within one-mile of the [Race Track Hill] Facility. The  
9 wells [near the Race Track Hill Facility] may have been used for domestic water supply, agriculture  
10 supply, or industrial service supply. The current status of these wells [near the Race Track Hill  
11 Facility] is not clear and some may have been destroyed. Several residences are within a mile of  
12 the [Race Track Hill] facility and appear to depend on wells to meet their water needs. There also  
13 is a small grape vineyard about three quarters of a mile southwest of the facility that appears to rely  
14 on groundwater to meet its irrigation needs.”

15 **OBJECTION:** Lack of evidence. There are no citations to exhibits, declarations or other  
16 authenticated material to support these allegations.

17 **Prosecution Team response:** Valley Water’s rebuttal is completely disingenuous and  
18 misleading, given the Prosecution Team’s statement regarding public safety concerns on its exhibit  
19 list. Confidential well logs were obtained from the Department of Water Resources and Kern  
20 County Water Agency. This information was obtained by Valley Water, through its consultant Dee  
21 Jaspar. *See Exhibit 88.* The Prosecution Team indicated that this information could not be widely  
22 disseminated because of Water Code Section 13752 prohibitions, as well as public safety  
23 prohibitions. However, this information *was obtained by Valley Water* prior to the Prosecution  
24 Team’s submission. This material has been disclosed to the Advisory Team counsel *in camera* for  
25 review for a determination or appropriate stipulation to resolve objections to nos. 3 and 4. See  
26 response to No. 3, above and 3 July 2015 sent to Mr. Pulupa.

27 5. PT Statement, p. 2: “Groundwater monitoring results from a hydrogeological  
28 investigation conducted by Valley Water Management shows that groundwater downgradient of the  
Race Track Hill Facility has values of 4,680 to 8,700 umhos/cm for electrical conductivity, 1,300 to  
2,900 mg/l for chloride and 3 to 16 mg/l for boron. (Exhibit 6)”

**OBJECTION:** Lack of evidence to support allegation that the groundwater data cited is

1 downgradient. There are no experts designated to interpret the data in Exhibit 6.

2 **PT Response:** Mr. Rodgers is an expert witness. He will rely on Exhibit 32 (the same  
3 exhibit Valley Water relies upon) to demonstrate that Wells 1 and 6 are downgradient and therefore  
4 the values of those constituents do represent downgradient water quality.

5  
6 6. PT Statement, pg. 3: “Electrical conductivity and boron are highest in RTH1 and slightly  
7 lower in RTH4 and RTH6. Electrical conductivity and boron are lowest in wells RTH3 and RTH5.  
8 The concentrations are much lower in RTH5, likely because it has not been influenced by the  
9 wastewater from the ponds. The water chemistry in RTH1 and RTH6, wells that are adjacent to  
10 ponds, is similar to the wastewater chemistry. This in combination with an apparent groundwater  
11 mound beneath the facility indicates that significant volumes of wastewater have migrated to  
12 groundwater beneath the ponds. The other wells have chemical differences that suggest that  
13 naturally occurring groundwater sources are mixing with wastewater in the area of these wells. In  
14 RTH3 and RTH4, this may be because of their distance from the nearest ponds. Groundwater from  
15 RTH5, which is about 2,000 feet from the facility, is chemically very different from all the other  
16 wells and appears to not be impacted by disposal activities.”

17 **OBJECTION:** Lack of evidence. There are no citations to exhibits, declarations or other  
18 authenticated material to support these allegations. No expert witnesses have been designated to  
19 provide this interpretation of the data or these opinions.

20 **PT Response:** Mr. Rodgers was designated to provide testimony on the impacts of Valley  
21 Water’s operation of groundwater, which encompasses the statement above. The Interim Phase 2  
22 report is the basis for this statement, and found at Exhibit 6 (see pg. 4, para 4). The final Phase 2  
23 Report was submitted with Valley Water’s submission on 30 June 2015, and is Exhibit 32. It has  
24 removed this discussion entirely.

25 Finally, Valley Water objects generally to the discussion of “Impacts of Valley Water’s  
26 Activities on Groundwater,” because Mr. Rodgers was not formally designated as an expert, which  
27 has been discussed herein. The subject matter of his proposed testimony was timely disclosed, and  
28 his title was provided to Valley Water. His expertise was publicly available and is provided in  
29 detail in this brief. The representatives of Valley Water, including counsel, Mr. Bright, Mr.  
30 Carlton, and others, have met with Mr. Rodgers on numerous occasions and are aware of his  
31 education and expertise. To the extent that Valley Water has designated its own experts to rebut  
32 Mr. Rodgers, or interpret the documents submitted by either the Prosecution Team or Valley Water

1 now in the record, those are issues of credibility for the Advisory Team and the Central Valley  
2 Water Board to resolve and ultimately decide.

3 **IV. Prosecution Team’s Response to Unauthenticated, Hearsay, and Expert**  
4 **Evidence**

5 A. Authentication

6 Regional Board employees will be present at the hearing to authenticate documents. A  
7 number of documents are either Regional Board documents or Valley Water documents. The  
8 exhibit 22 photographs are from the Regional Board Valley Water file and Exhibit 23 photographs  
9 were taken by Regional Board staff who will be present at the hearing and can authenticate the  
10 photographs. They do not need to be excluded, nor does this need to be a time consuming process.

11 B. Hearsay

12 The point of the hearing is to determine whether it is more likely than not that a discharge of  
13 waste is taking place or threatening to take place as a result of Valley Water’s activities and  
14 therefore whether the Cease and Desist Order should issue against Valley Water. None of the cited  
15 exhibits objected to on the basis of hearsay (20, 24, and 28) are submitted for the truth of the matter  
16 asserted; Exhibit 20 is a reference material that is consistent with the Prosecution Team’s  
17 interpretation and analysis and so would fall within the Government Code exception allowing  
18 hearsay evidence in any event to supplement other evidence. For the excerpt objection, a link to the  
19 entire publication was provided.

20 C. Expert Documents

21 To the extent that any exhibit falls within the scope of the “impacts of Valley Water’s  
22 operation on groundwater,” Mr. Rodgers will be able to use any relevant exhibits in his testimony.

23 D. Other Document Issues

- 24 a. Exhibits 26 and 27 – Valley Water wants Exhibit 32, the Final Phase 2  
25 Subsurface Investigations Report (29 June 2015) to supersede Exhibit 26 and 27.  
26 We note that Exhibits 26 and 27 remain in the record.
- 27 b. Exhibit 38 is simply the permit document with the transmittal letter included.  
28 Exhibit 2 does not need to be removed or stricken from the record.
- c. The Prosecution Team does not wish to exclude Exhibits 5, 6 and 7. The

1 Prosecution Team gets to use its 120 pages as it sees fit. The full documents  
2 were provided by the Prosecution Team in electronic form, as noted by Valley  
3 Water at Exhibits 25, 26 and 27.

4 d. The Prosecution Team has no objection with modifying the references to  
5 attachment rather than exhibits (Exhibits 13 and 29).

6 **V. Prosecution Team's Response to Witness Designations**

7 The Prosecution Team has responded at length about Mr. Rodgers and his proposed  
8 testimony. He may not have been described as an expert, but his title and the subject of his  
9 testimony provided notice to Valley Water, who will not suffer any prejudice, given the numerous  
10 experts it has designated.

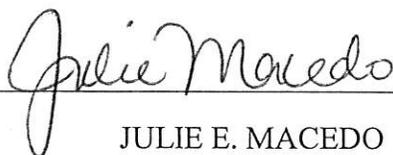
11 Additional Regional Board staff identified in the Prosecution Team's witness list will be  
12 attending the hearing. They will be available to authenticate file documents and testify as to their  
13 investigations, their photographs, and their NOV's. Those names were provided in accordance with  
14 the Hearing Procedures.

15  
16 **VI. Prosecution Team's Response to Valley Water's Request for Additional Time**

17 The Prosecution Team has no objection to the increase the time for each party to two hours  
18 (with an additional 5 minutes to the Prosecution Team to introduce the matter). This may resolve  
19 some of Valley Water's objections related to witnesses and allow the parties to discuss the existing  
20 threats and impacts to groundwater in greater detail. Ultimately, the resolution of these matters is  
21 to be determined by the Advisory Team and Regional Board. We simply ask that any consideration  
22 be given equitably and consistently between parties.

23 Dated: July 6, 2015

REGIONAL WATER QUALITY CONTROL  
BOARD, CENTRAL VALLEY REGION

24  
25  
26 By:  \_\_\_\_\_

27 JULIE E. MACEDO  
28 Attorney for Regional Board  
Prosecution Team

Attachment (1 page email)

Attachment to PT's  
Response to Valley  
Water's Objections

**Macedo, Julie@Waterboards**

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**From:** Macedo, Julie@Waterboards  
**Sent:** Friday, July 03, 2015 1:29 PM  
**To:** Pulupa, Patrick@Waterboards  
**Cc:** Melissa Thorme (mthorme@DowneyBrand.com)  
**Subject:** PT Interim Response to VW Objection on Well Information  
**Attachments:** wells.xlsx; VWMC's Obj to Prosecution Team's Evidence and Witnesses.pdf; WELLS.PDF

**Importance:** High

Mr. Pulupa –

I am seeking your assistance in addressing Valley Water's objections to certain statements contained in the Proposed CDO set for hearing at the 30 July 2015 Central Valley Board hearing. Please note I have only copied you and counsel for Valley Water on this email, although you are free to share this email with the appropriate members of the Advisory Team and Board. In other circumstances, I might contact opposing counsel to reach a stipulation or to try to have him or her withdraw the objection, but I am so incredulous at the objection, I am leaving it to you to resolve.

Attached is a copy of Valley Water's objections. The objections at issue are Nos. 3 and 4 on pages 5 and continuing to the top of page 6, referring to the information about groundwater supply wells. In its initial submission, the Prosecution Team prepared Exhibit 10 and indicated on its Exhibit List that additional well information was available from the Department of Well Resources but which could not be disclosed due to California state law and public safety concerns. I have not disclosed precise geographical information regarding wells since 9/11/2001. In addition, the Prosecution Team stated that Valley Water was in possession of the additional information. The description provided on the Exhibit List clearly indicated that more information not only existed, **but was in Valley Water's possession.**

Also attached to this email are the Well Completion Report Release Agreements from the Department of Water Resources and Request Form for Data Information from Kern County Water Agency. The forms were signed by Dee Jaspar, a consultant and expert designated by Valley Water in this matter.

Finally, an excel spreadsheet is attached to this email, supporting the findings in the proposed CDO. It is information that was provided to the Regional Board by the Department of Water Resources. It has been sorted by distance (other well logs exist and those beyond a mile have been excluded), and includes 36 groundwater supply wells within approximately one mile of the Fee 34 facility and six wells within one mile of the Race Track Hill facility. If you have any questions about the chart, please let me know. The Prosecution Team remains concerned about the propriety of including this information into the public record, but disagrees with the characterization of Valley Water's objections. All of this information, again, has been in Valley Water's possession for a considerable period of time prior to the submission of its objections.

If Valley Water counsel wants to stipulate and reach an agreement as to the true state of the evidence that exists and can be placed in the record confidentially, I am amenable with doing so.

This information, minus the well attachment, will be submitted with the Prosecution Team's Rebuttal materials on Monday July 6. – JM