

On May 26, 2011, National Steel and Shipbuilding Company (NASSCO) filed a motion in limine to exclude expert testimony of Donald MacDonald, the expert retained by San Diego Coastkeeper and Environmental Health Coalition. Designated Parties may submit written responses to NASSCO's motion on or before 5 p.m. on July 7, 2011. Responses may be submitted electronically and must be provided to each Designated Party.

In addition, at the San Diego Water Board meeting on June 8, 2011, a representative from San Diego Coastkeeper sought clarification on what weight would be given to comments that criticize or rebut written expert testimony. While legal argument may criticize or otherwise comment upon testimony, its underlying assumptions or other evidence, legal argument is not itself evidence and will not be treated as such.