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Service List and Interested Parties,

On December 18, 2017, the Natural Resources Defense Council, Defenders of Wildlife, and The Bay Institute (NRDC et al.) submitted a [motion for an extension](#) until noon on February 23, 2018, to file Dr. Jon Rosenfield's testimony due to his current hospitalization. In their [November 20, 2017 ruling](#), the hearing officers granted an earlier request by NRDC, et al. and extended the deadline to submit Dr. Rosenfield's testimony and associated exhibits to noon on December 29, 2017. In its most recent motion, NRDC et al. suggests that Dr. Rosenfield would appear at the hearing no sooner than two weeks after submittal of his written testimony. In response, DWR submitted an [opposition to NRDC's motion](#) for a second extension of time, alleging prejudice to the petitioners and other parties. DWR requests that the hearing officers deny the motion or, in the alternative, that certain conditions be placed on any time extension. Specifically, DWR asked that the hearing officers require that

- 1) Dr. Rosenfield submit a sworn declaration stating that he will not review testimony or view the hearing recordings or transcripts until after his testimony has been submitted, 2) require that Petitioners and other parties have at least six weeks from the time testimony is submitted before Dr. Rosenfield testifies and is cross examined, and 3) accept the NRDC offer to have Dr. Rosenfield testify after other witnesses.

The hearing officers have granted NRDC's request, subject to the following conditions. Dr. Rosenfield's written testimony must be submitted by **noon on February 23, 2018**. Dr. Rosenfield will be the last case-in-chief witness to testify during Part 2, which should give the parties sufficient time to review his written testimony and prepare for cross-examination. (NRDC et al.'s other witness(es) will testify according to the order of presentation determined by the hearing officers in a future ruling.) To prevent prejudice to other parties in this proceeding, the hearing officers further direct Dr. Rosenfield to prepare his written testimony without reviewing or discussing any other parties' written testimony or any hearing recordings, webcasts, or transcripts.

Respectfully,

CA WaterFix Hearing Team  
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