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7 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
9

10 In re Tentative Cleanup and Abatement
11 Order No. R9-2010-0002

DESIGNATED PARTY BAE SYSTEMS SAN
DIEGO SHIP REPAIR INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO ENVIRONMENTAL
HEALTH COALITION

Presiding Officer: David A. King

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16 PROPOUNDING PARTY: BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.

17 RESPONDING PARTY: ENVIRONMENTAL HEALTH COALITION

18 SET NUMBER: ONE

19 Designated Party BAE Systems San Diego Ship Repair Inc. ("BAE Systems") pursuant to
20 the Final Discovery Plan for Tentative Cleanup and Abatement Order No. R9-2010-0002 and
21 Associated Draft Technical Report dated February 18, 2010, and the Order of Presiding Officer
22 King dated July 16, 2010, hereby requests that the Environmental Health Coalition ("EHC")
23 produce the following designated documents and provide a written response to these Requests
24 within 30 days. Production of the requested documents should be directed to Michael S. Tracy,
25 Esq. of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101.

26 **INSTRUCTIONS**

27 1. These Requests for Production of Documents shall be deemed to seek Documents
28 in existence as of the date of service thereof. These requests are deemed to be continuing so that

1 with respect to any request or part thereof as to which You, after responding, discover additional
2 responsive Documents, You shall produce such Documents immediately after acquiring
3 knowledge of their existence or advise in writing as to why such additional Documents cannot be
4 provided immediately.

5 2. The singular form of a word should be interpreted in the plural as well. Any
6 pronoun shall be construed to refer to the masculine, feminine, or neutral gender as in each case is
7 most appropriate. The words "and" and "or" shall be construed conjunctively or disjunctively,
8 whichever makes the request most inclusive.

9 3. These requests shall apply to all Documents in Your possession, custody or control
10 at the present time or coming into Your possession, custody or control prior to the date of the
11 production. If You know of the existence, past or present, of any Documents requested below,
12 but are unable to produce such Documents because they are not presently in Your possession,
13 custody or control, You shall so state and shall Identify such Documents, and the Person who has
14 possession, custody or control of the Documents.

15 4. If no Documents are responsive to a particular request, You are to state that no
16 responsive Documents exist.

17 5. For any responsive Documents that have been lost, destroyed or withheld from
18 production based on any ground, You shall provide a written statement setting forth:

- 19 (i) the identity of the Document;
- 20 (ii) the nature of the Document (*e.g.*, letter, memorandum, chart);
- 21 (iii) the identity of the Person(s) who received copies of the Document;
- 22 (iv) the date of the Document;
- 23 (v) a brief description of the subject matter of the Document; and
- 24 (vi) the circumstances of the loss or destruction of the Document and any fact,

25 statute, rule or decision upon which You rely in withholding the Document.

26 6. If You decline to produce any Document or part thereof based on a claim of
27 privilege or any other claim, provide a privilege log that identifies each Document separately and
28 specifies for each Document at least the following:

- 1 (i) the date;
- 2 (ii) the sender(s) identified by position and Entity with which they are
3 employed or associated and, if any sender is an attorney, a statement so stating;
- 4 (iii) the recipient(s), including copy recipients, identified by position and Entity
5 with which they are employed or associated and, if any recipient is an attorney, a statement so
6 stating;
- 7 (iv) the general subject matter of the Document;
- 8 (v) the portion(s) of the Document as to which privilege is claimed; and
- 9 (vi) the type of privilege asserted as well as a certification that all elements of
10 the claimed privilege have been met and not waived.

11 7. All Documents requested are to be produced in the same file or other
12 organizational environment in which they are maintained. For example, a Document that is part
13 of a file, docket, or other grouping, should be physically produced together with all other
14 Documents from said file, docket or grouping, in the same order or manner of arrangement as the
15 original. Alternatively, as to Each Document produced in response hereto, You shall Identify the
16 request for production and where applicable, the interrogatory number, in response to which the
17 Document is being produced.

18 8. Electronic records and computerized information must be produced in an
19 intelligible format or together with a description of the system from which it was derived
20 sufficient to permit rendering the materials intelligible.

21 DEFINITIONS

22 1. "Advisory Team" means and refers to the Advisory Team of the RWQCB,
23 specially formed in response to and for purposes of the investigation of the Site in San Diego
24 Bay, including, but not limited to, all past or present members, directors, officers, agents,
25 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
26 relationship with the Advisory Team and others acting on behalf of the Advisory Team.

27 2. "BAE Systems" means BAE Systems San Diego Ship Repair Inc. and Southwest
28 Marine, Inc., including, but not limited to, all past or present directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationships with BAE Systems San Diego Ship Repair Inc. and others acting on behalf of BAE
3 Systems San Diego Ship Repair Inc.

4 3. "Cleanup Team" means and refers to the Cleanup Team of the RWQCB specially
5 formed in response to and for purposes of the investigation of the Site in San Diego Bay,
6 including, but not limited to, all past or present members, directors, officers, agents,
7 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
8 relationship with the Cleanup Team and others acting on behalf of the Cleanup Team.

9 4. "Communication(s)" or "Communicate" means any and all contact whatsoever,
10 whether by oral, written, or electronic means, whether directly or indirectly, in any nature
11 whatsoever, including, but not limited to, any correspondence, face-to-face conversation,
12 telephonic conversation, video conversation, electronic transmission, telegraph, telex, telecopier,
13 facsimile, Internet, on-line service, electronic mail, letters, memoranda, reports, or other media.

14 5. "Document" is defined broadly to be given the full scope of that term, and includes
15 all tangible things, all originals (or, if originals are not available, identical copies thereof), all
16 nonidentical copies of a document, all drafts of final documents, all other written, printed, or
17 recorded matter of any kind, and all other data compilations from which information can be
18 obtained and translated if necessary, that are or have been in Your actual or constructive
19 possession or control, regardless of the medium on which they are produced, reproduced, or
20 stored (including, without limitation, computer programs and files containing any requested
21 information), and any electronic mail, recording or writing, as these terms are defined in
22 California Evidence Code §§ 250-260. Any Document bearing marks, including, without
23 limitation, initials, stamped initials, comments, or notations not a part of the original text or
24 photographic reproduction thereof, is a separate Document. By way of example, the term
25 "Document" encompasses, without limitation, any agreements, contracts, contract files, closing
26 statements, valuation reports, purchase orders, correspondence, customer or client files,
27 memoranda, tables, charts, graphs, schedules, reports, surveys, analyses, compilations, journals,
28 ledgers, receipts, warehouse receipts, vouchers, invoices, bills of sale, bills of lading,

1 confirmation of credit and billing statements, checks, financial statements, manuals, circulars,
2 pamphlets, bulletins, instructions, sketches, diagrams, telegrams, facsimiles, e-mails, Internet and
3 modem transmissions, stenographic and handwritten notes, minutes of meetings, transcripts, news
4 articles and press releases, computer programs, printouts, punch cards, tabulations, logs,
5 telephone records, desk calendars, diaries, appointment books, computer data, tapes and discs,
6 video tapes, photographs, films, voice recordings, magnetic recordings, all drafts and/or non-
7 identical copies of every such "writing," glossaries of all terms of art and abbreviations used in
8 every such "writing," or any other items of a similar nature, including all originals, drafts, and
9 non-identical copies.

10 6. "Draft Technical Report" refers to the Draft Technical Report for Tentative
11 Cleanup and Abatement Order No. R9-2010-0002, dated December 2009.

12 7. "Each" means each and every.

13 8. "Coastkeeper" means and refers to Designated Party San Diego Coastkeeper including,
14 but not limited to, all past or present directors, officers, agents, representatives, employees,
15 consultants, attorneys, entities acting in joint-venture or partnership relationships with San Diego
16 Coastkeeper and others acting on behalf of San Diego Coastkeeper.

17 9. "EHC", "You" and "Your" means and refers to Designated Party Environmental Health
18 Coalition including, but not limited to, all past or present directors, officers, agents,
19 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
20 relationships with Environmental Health Coalition and others acting on behalf of Environmental
21 Health Coalition.

22 10. "MacDonald Environmental Sciences" means and refers to MacDonald Environmental
23 Sciences Ltd. including, but not limited to, all past or present directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationships with MacDonald Environmental Sciences and others acting on behalf of MacDonald
26 Environmental Sciences.

27 11. "Port" means and refers to the San Diego Unified Port District including, but not limited
28 to, all past or present directors, officers, agents, representatives, employees, consultants,

1 attorneys, entities acting in joint-venture or partnership relationships with the San Diego Unified
2 Port District and others acting on behalf of the San Diego Unified Port District.

3 12. "Identify" as it relates to a Document means provide the title of the Document, the
4 date the Document was generated, the name of the author of the Document, a description of the
5 Document (*e.g.*, letter, memorandum, report, book, photograph, etc.) and any other information
6 which would be required to specify the Document in a request for production of Documents.

7 13. "Identify" as it relates to a Person or Entity means to state the name, address and
8 telephone number of the Person or Entity.

9 14. "Person(s)" or "Entity" or "Entities" means any individual, firm, association,
10 organization, joint venture, trust, partnership, corporation, or other collective organization or
11 entity.

12 15. "Relate to" or "Relating to" includes, but is not limited to, analyzing, considering,
13 constituting, defining, evidencing, containing, describing, concerning, commenting, discussing,
14 embodying, explaining, reflecting, detailing, identifying, mentioning, demonstrating, alluding to,
15 referencing, edifying, stating, summarizing, referring to, dealing with or in any way pertaining to,
16 in whole or in part, the subject.

17 16. "RWQCB" means the California Regional Water Quality Control Board, San Diego
18 Region and all predecessors and successors thereof, including, but not limited to, all past or
19 present members, directors, officers, agents, representatives, employees, staff, consultants,
20 attorneys, entities acting in joint-venture or partnership relationship with the California Regional
21 Water Quality Control Board, San Diego Region and other acting on behalf of the California
22 Regional Water Quality Control Board, San Diego Region.

23 17. "Site" means and refers to the Shipyard Sediment Site described in the Tentative
24 Order and Draft Technical Report.

25 18. "State WRCB" means the California Water Resources Control Board and all
26 predecessors and successors thereof, including, but not limited to, all past or present members,
27 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in

28 ////

1 joint-venture or partnership relationship with the California Water Resources Control Board and
2 others acting on behalf of the California Water Resources Control Board.

3 19. "Tentative Cleanup Levels" means and refers to the cleanup levels for the Site
4 proposed in the Tentative Order and included in Paragraph 34, Table 2 of the Tentative Order.

5 20. "Tentative Order" refers to California Regional Water Quality Control Board, San
6 Diego Region, Tentative Cleanup and Abatement Order No. R9-2010-0002, published on
7 December 22, 2009.

8 21. "Sediment Investigation" means and refers to the Sediment Quality Investigation
9 described in Paragraph 12 of the Tentative Order.

10 22. "Site" means and refers to the Shipyard Sediment Site described in the Tentative Order
11 and/or Draft Technical Report.

12 23. "SWAC" means and refers to surface-area weighted average concentration.

13 REQUESTS FOR PRODUCTION

14 REQUEST NO. 1:

15 All Documents identified in Your responses to BAE Systems' First Set of Special
16 Interrogatories to Environmental Health Coalition.

17 REQUEST NO. 2:

18 All Documents Relating to any Communications between You and the Advisory Team
19 Relating to the Tentative Order and/or Draft Technical Report.

20 REQUEST NO. 3:

21 All Documents Relating to the Tentative Order and/or Draft Technical Report.

22 REQUEST NO. 4:

23 All Documents Relating to the Sediment Investigation.

24 REQUEST NO. 5:

25 All Documents Relating to the Tentative Cleanup Levels proposed in the Tentative Order.

26 REQUEST NO. 6:

27 All Documents Relating to any Communications with the Cleanup Team Relating to the
28 Tentative Order and/or Draft Technical Report.

1 **REQUEST NO. 7:**

2 All Documents Relating to any Communications with Donald MacDonald and/or
3 MacDonald Environmental Sciences Ltd.

4 **REQUEST NO. 8:**

5 All Documents Relating to any Communication with Donald MacDonald and/or
6 MacDonald Environmental Sciences Ltd. Relating to the Tentative Order and/or Draft Technical
7 Report.

8 **REQUEST NO. 9:**

9 All Documents Relating to the report entitled "Development of a Sediment Remediation
10 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
11 in San Diego Bay, California" prepared by Donald MacDonald.

12 **REQUEST NO. 10:**

13 All Documents Relating to any Communications with Donald McDonald and/or
14 MacDonald Environmental Sciences Relating to the report referenced in the preceding Request.

15 **REQUEST NO. 11:**

16 All Documents Relating to any Communication with Donald MacDonald and/or
17 MacDonald Environmental Sciences Relating to the Tentative Cleanup Levels proposed in the
18 Tentative Order.

19 **REQUEST NO. 12:**

20 All Documents Relating to any Communications with Coastkeeper Relating to the
21 Tentative Order and/or Draft Technical Report.

22 **REQUEST NO. 13:**

23 All Documents Relating to any Communications with Coastkeeper Relating to the report
24 referenced in Request No. 9.

25 **REQUEST NO. 14:**

26 All Documents Relating to any Communications with Coastkeeper Relating to the
27 Tentative Cleanup Levels proposed in the Tentative Order.

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1 **REQUEST NO. 15:**

2 All Documents Relating to any Communications with Ed Kimura Relating to the
3 Tentative Order and/or Draft Technical Report.

4 **REQUEST NO. 16:**

5 All Documents Relating to any Communications with Ed Kimura Relating to the report
6 referenced in Request No. 9.

7 **REQUEST NO. 17:**

8 All Documents Relating to any Communications with Ed Kimura Relating to the
9 Tentative Cleanup Levels proposed in the Tentative Order.

10 **REQUEST NO. 18:**

11 All Documents Relating to any Communications with Katie Zeeman Relating to the
12 Tentative Order and/or Draft Technical Report.

13 **REQUEST NO. 19:**

14 All Documents Relating to any Communications with Katie Zeeman Relating to the report
15 referenced in Request No. 9.

16 **REQUEST NO. 20:**

17 All Documents Relating to any Communications with Katie Zeeman Relating to the
18 Tentative Cleanup Levels proposed in the Tentative Order.

19 **REQUEST NO. 21:**

20 All Documents Relating to any Communications with Steve Bay Relating to the Tentative
21 Order and/or Draft Technical Report.

22 **REQUEST NO. 22:**

23 All Documents Relating to any Communications with Steve Bay Relating to the report
24 referenced in Request No. 9.

25 **REQUEST NO. 23:**

26 All Documents Relating to any Communications with Steve Bay Relating to the Tentative
27 Cleanup Levels proposed in the Tentative Order.

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1 **REQUEST NO. 24:**

2 All Documents Relating to any Communications with the Port Relating to the Tentative
3 Order and/or Draft Technical Report.

4 **REQUEST NO. 25:**

5 All Documents Relating to any Communications with the RWQCB Relating to the
6 Tentative Order and/or Draft Technical Report.

7 **REQUEST NO. 26:**

8 All Documents Relating to any Communications with the State WRCB Relating to the
9 Tentative Order and/or Draft Technical Report.

10 **REQUEST NO. 27:**

11 All Documents Relating to any Communications with the RWQCB Relating to the report
12 referenced in Request No. 9.

13 **REQUEST NO. 28:**

14 All Documents Relating to any Communications with the State WRCB Relating to the
15 report referenced in Request No. 9.

16 **REQUEST NO. 29:**

17 All Documents Relating to any Communications with the RWQCB Relating to the
18 Tentative Cleanup Levels proposed in the Tentative Order.

19 **REQUEST NO. 30:**

20 All Documents Relating to any Communication with the State WRCB Relating to the
21 Tentative Cleanup Levels proposed in the Tentative Order.

22 **REQUEST NO. 31:**

23 All Documents Relating to Communications between You and any Person regarding the
24 polygons selected for remediation and achievement of SWACS at the Site.

25 **REQUEST NO. 32:**

26 All Documents Relating to Communications between You and any Person regarding the
27 criteria for selecting reference stations used to establish reference sediment quality conditions.

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1 **REQUEST NO. 33:**

2 All Documents Relating to Communications between You and any Person regarding the
3 California Environmental Quality Act, Public Resources Code section 21000, *et seq.* (“CEQA”)
4 Relating to the Tentative Order.

5 **REQUEST NO. 34:**

6 All Documents Relating to any Communications between You and any state or federal
7 agencies including, but not limited to, the United States Fish and Wildlife Service, Department of
8 Fish and Game Relating to the Tentative Order and/or Draft Technical Report.

9 **REQUEST NO. 35:**

10 All Documents Relating to any sampling data and testing data You collected at or from
11 the Site.

12 **REQUEST NO. 36:**

13 All Documents Relating to any statistical analysis You conducted on data collected at or
14 from the Site.

15 **REQUEST NO. 37:**

16 All Documents Relating to the allegations Relating to BAE Systems in the Draft
17 Technical Report.

18 **REQUEST NO. 38:**

19 All Documents Relating to the allegations Relating to BAE Systems in the Tentative
20 Order.

21 **REQUEST NO. 39:**

22 All Documents Relating to any Communications between You and any Person Relating to
23 BAE Systems.

24 **REQUEST NO. 40:**

25 All Documents Relating to “the Board’s proposed application of environmental cost-
26 benefit assessment theories to the ‘economic feasibility’ considerations under State Water
27 Resources Control Board Resolution 92-49” as stated in footnote 1 on page 7 of the

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1 Environmental Groups' Motion for "Designated Party" Status and Opposition to Objections of
2 City of San Diego and NASSCO filed on September 21, 2005.

3 **REQUEST NO. 41:**

4 All Documents Relating to any Communications between You and any Person Relating to
5 "the Board's proposed application of environmental cost-benefit assessment theories to the
6 'economic feasibility' considerations under State Water Resources Control Board Resolution 92-
7 49" as stated in footnote 1 on page 7 of the Environmental Groups' Motion for "Designated
8 Party" Status and Opposition to Objections of City of San Diego and NASSCO filed on
9 September 21, 2005.

10 **REQUEST NO. 42:**

11 All Documents Relating to "the scientific validity of the reference pool chosen by the
12 Board staff" as stated in footnote 1 on page 7 of the Environmental Groups' Motion for
13 "Designated Party" Status and Opposition to Objections of City of San Diego and NASSCO.

14 **REQUEST NO. 43:**

15 All Documents Relating to any Communications between You and any Person Relating to
16 "the scientific validity of the reference pool chosen by the Board staff" as stated in footnote 1 on
17 page 7 of the Environmental Groups' Motion for "Designated Party" Status and Opposition to
18 Objections of City of San Diego and NASSCO.

19 **REQUEST NO. 44:**

20 All Documents Relating to "the likelihood that the proposed cleanup levels will protect
21 beneficial uses as required by law" as stated in footnote 1 on page 7 of the Environmental Groups'
22 Motion for "Designated Party" Status and Opposition to Objections of City of San Diego and
23 NASSCO.

24 **REQUEST NO. 45:**

25 All Documents Relating to any Communications between You and any Person Relating to
26 "the likelihood that the proposed cleanup levels will protect beneficial uses as required by law."
27 as stated in footnote 1 on page 7 of the Environmental Groups' Motion for "Designated Party"
28 Status and Opposition to Objections of City of San Diego and NASSCO

1 **REQUEST NO. 46:**

2 All Documents Relating to any Communication between You and any Person that is a
3 member of the San Diego Bay Council, excluding Communications with Coastkeeper, Relating to
4 the Tentative Order or Draft Technical Report.

5 **REQUEST NO. 47:**

6 All Documents Relating to the report entitled "Survey of Fishers on Piers in San Diego
7 Bay, Results and Conclusion" referenced on page 1-25 of the Draft Technical Report.

8 **REQUEST NO. 48:**

9 All Documents Relating to any Communications between You and Coastkeeper Relating
10 to the report referenced in Request No. 47

11 **REQUEST NO. 49:**

12 All Documents Relating to any Communications between You and any Person Relating to
13 the report referenced in Request No. 47.

14 **REQUEST NO. 50:**

15 All Documents used to formulate any computations, calculations or conclusions reached
16 in the report referenced in Request No. 47.

17 **REQUEST NO. 51:**

18 All Documents Relating to the economic feasibility analysis utilized in connection with
19 proposed cleanup levels and/or remediation of the Site.

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REQUEST NO. 52:

All Documents Relating to any Communications between You and any Person Relating to the economic feasibility analysis utilized in connection with proposed cleanup levels and/or remediation of the Site.

DATED: July 22 2010

DLA PIPER LLP (US)

By: 

MICHAEL S. TRACY
AMY G. NEFOUSE
MATTHEW B. DART
ERIN O. DOYLE
Attorneys for BAE Systems San Diego Ship
Repair Inc.

1 MICHAEL S. TRACY (Bar No. 101456)
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7 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
9

10 In re Tentative Cleanup and Abatement
11 Order No. R9-2010-0002

DESIGNATED PARTY BAE SYSTEMS SAN
DIEGO SHIP REPAIR INC.'S FIRST SET OF
SPECIAL INTERROGATORIES TO
ENVIRONMENTAL HEALTH COALITION

12
13 Presiding Officer: David A. King
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15

16 PROPOUNDING PARTY: BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.

17 RESPONDING PARTY: ENVIRONMENTAL HEALTH COALITION

18 SET NUMBER: ONE

19 Designated Party BAE Systems San Diego Ship Repair Inc. ("BAE Systems") pursuant to
20 the Final Discovery Plan for Tentative Cleanup and Abatement Order No. R9-2010-0002 and
21 Associated Draft Technical Report dated February 18, 2010, and the Order of Presiding Officer
22 King dated July 16, 2010, hereby requests that the Environmental Health Coalition ("EHC")
23 respond to the following First Set of Special Interrogatories in writing and under oath within 30
24 days. Responses to these Interrogatories should be directed to Michael S. Tracy, Esq. of DLA
25 Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101.

26 **DEFINITIONS**

27 1. "Advisory Team" means and refers to the Advisory Team of the RWQCB,
28 specially formed in response to and for purposes of the investigation of the Site in San Diego

1 Bay, including, but not limited to, all past or present members, directors, officers, agents,
2 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
3 relationship with the Advisory Team and others acting on behalf of the Advisory Team.

4 2. "BAE Systems" means BAE Systems San Diego Ship Repair Inc. and Southwest
5 Marine, Inc., including, but not limited to, all past or present directors, officers, agents,
6 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
7 relationships with BAE Systems San Diego Ship Repair Inc. and others acting on behalf of BAE
8 Systems San Diego Ship Repair Inc.

9 3. "Cleanup Team" means and refers to the Cleanup Team of the RWQCB specially
10 formed in response to and for purposes of the investigation of the Site in San Diego Bay,
11 including, but not limited to, all past or present members, directors, officers, agents,
12 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
13 relationship with the Cleanup Team and others acting on behalf of the Cleanup Team.

14 4. "Communication(s)" or "Communicate" means any and all contact whatsoever,
15 whether by oral, written, or electronic means, whether directly or indirectly, in any nature
16 whatsoever, including, but not limited to, any correspondence, face-to-face conversation,
17 telephonic conversation, video conversation, electronic transmission, telegraph, telex, telecopier,
18 facsimile, Internet, on-line service, electronic mail, letters, memoranda, reports, or other media.

19 5. "Document" is defined broadly to be given the full scope of that term, and includes
20 all tangible things, all originals (or, if originals are not available, identical copies thereof), all
21 nonidentical copies of a document, all drafts of final documents, all other written, printed, or
22 recorded matter of any kind, and all other data compilations from which information can be
23 obtained and translated if necessary, that are or have been in Your actual or constructive
24 possession or control, regardless of the medium on which they are produced, reproduced, or
25 stored (including, without limitation, computer programs and files containing any requested
26 information), and any electronic mail, recording or writing, as these terms are defined in
27 California Evidence Code §§ 250-260. Any Document bearing marks, including, without
28 limitation, initials, stamped initials, comments, or notations not a part of the original text or

1 photographic reproduction thereof, is a separate Document. By way of example, the term
2 “Document” encompasses, without limitation, any agreements, contracts, contract files, closing
3 statements, valuation reports, purchase orders, correspondence, customer or client files,
4 memoranda, tables, charts, graphs, schedules, reports, surveys, analyses, compilations, journals,
5 ledgers, receipts, warehouse receipts, vouchers, invoices, bills of sale, bills of lading,
6 confirmation of credit and billing statements, checks, financial statements, manuals, circulars,
7 pamphlets, bulletins, instructions, sketches, diagrams, telegrams, facsimiles, e-mails, Internet and
8 modem transmissions, stenographic and handwritten notes, minutes of meetings, transcripts, news
9 articles and press releases, computer programs, printouts, punch cards, tabulations, logs,
10 telephone records, desk calendars, diaries, appointment books, computer data, tapes and discs,
11 video tapes, photographs, films, voice recordings, magnetic recordings, all drafts and/or non-
12 identical copies of every such “writing,” glossaries of all terms of art and abbreviations used in
13 every such “writing,” or any other items of a similar nature, including all originals, drafts, and
14 non-identical copies.

15 6. “Draft Technical Report” refers to the Draft Technical Report for Tentative
16 Cleanup and Abatement Order No. R9-2010-0002, dated December 2009.

17 7. “Each” means each and every.

18 8. “Coastkeeper” means and refers to Designated Party San Diego Coastkeeper including,
19 but not limited to, all past or present directors, officers, agents, representatives, employees,
20 consultants, attorneys, entities acting in joint-venture or partnership relationships with San Diego
21 Coastkeeper and others acting on behalf of San Diego Coastkeeper.

22 9. “EHC”, “You” or “Your” means and refers to Designated Party Environmental Health
23 Coalition including, but not limited to, all past or present directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationships with Environmental Health Coalition and others acting on behalf of Environmental
26 Health Coalition.

27 10. “MacDonald Environmental Sciences” means and refers to MacDonald Environmental
28 Sciences Ltd. including, but not limited to, all past or present directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationships with MacDonald Environmental Sciences and others acting on behalf of MacDonald
3 Environmental Sciences.

4 11. "Port" means and refers to the San Diego Unified Port District including, but not limited
5 to, all past or present directors, officers, agents, representatives, employees, consultants,
6 attorneys, entities acting in joint-venture or partnership relationships with the San Diego Unified
7 Port District and others acting on behalf of the San Diego Unified Port District.

8 12. "Identify" as it relates to a Document means provide the title of the Document, the
9 date the Document was generated, the name of the author of the Document, a description of the
10 Document (*e.g.*, letter, memorandum, report, book, photograph, etc.) and any other information
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13 telephone number of the Person or Entity.

14 14. "Person(s)" or "Entity" or "Entities" means any individual, firm, association,
15 organization, joint venture, trust, partnership, corporation, or other collective organization or
16 entity.

17 15. "Relate to" or "Relating to" includes, but is not limited to, analyzing, considering,
18 constituting, defining, evidencing, containing, describing, concerning, commenting, discussing,
19 embodying, explaining, reflecting, detailing, identifying, mentioning, demonstrating, alluding to,
20 referencing, edifying, stating, summarizing, referring to, dealing with or in any way pertaining to,
21 in whole or in part, the subject.

22 16. "RWQCB" means the California Regional Water Quality Control Board, San Diego
23 Region and all predecessors and successors thereof, including, but not limited to, all past or
24 present members, directors, officers, agents, representatives, employees, staff, consultants,
25 attorneys, entities acting in joint-venture or partnership relationship with the California Regional
26 Water Quality Control Board, San Diego Region and other acting on behalf of the California
27 Regional Water Quality Control Board, San Diego Region.

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1 17. "Site" means and refers to the Shipyard Sediment Site described in the Tentative
2 Order and Draft Technical Report.

3 18. "State WRCB" means the California Water Resources Control Board and all
4 predecessors and successors thereof, including, but not limited to, all past or present members,
5 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in
6 joint-venture or partnership relationship with the California Water Resources Control Board and
7 others acting on behalf of the California Water Resources Control Board.

8 19. "Tentative Cleanup Levels" means and refers to the cleanup levels for the Site
9 proposed in the Tentative Order and included in Paragraph 34, Table 2 of the Tentative Order.

10 20. "Tentative Order" refers to California Regional Water Quality Control Board, San
11 Diego Region, Tentative Cleanup and Abatement Order No. R9-2010-0002, published on
12 December 22, 2009.

13 INTERROGATORIES

14 INTERROGATORY NO. 1:

15 Identify all Communications between You and the Advisory Team Relating to the
16 Tentative Order and/or Draft Technical Report.

17 INTERROGATORY NO. 2:

18 For every Communication that You Identify in response to the preceding Special
19 Interrogatory, Identify the Person on the Advisory Team who You Communicated with Relating
20 to the Tentative Order and/or Draft Technical Report.

21 INTERROGATORY NO. 3:

22 Identify all Documents Relating to Your Communications with the Advisory Team
23 Relating to the Tentative Order and/or Draft Technical Report.

24 INTERROGATORY NO. 4:

25 Identify all Communications between You and the Cleanup Team Relating to the
26 Tentative Order and/or Draft Technical Report.

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1 **INTERROGATORY NO. 5:**

2 For every Communication that You Identify in response to the preceding Special
3 Interrogatory, Identify the Person on the Cleanup Team who You Communicated with Relating to
4 the Tentative Order and/or Draft Technical Report.

5 **INTERROGATORY NO. 6:**

6 For every Communication that You Identify in response to Special Interrogatories 1 and 3,
7 please specify to which finding(s) in the Tentative Order and/or Draft Technical Report such
8 Communication relates.

9 **INTERROGATORY NO. 7:**

10 Identify all Documents Relating to Your Communications with the Cleanup Team
11 Relating to the Tentative Order and/or Draft Technical Report.

12 **INTERROGATORY NO. 8:**

13 Identify all Communications between You and Donald MacDonald and/or MacDonald
14 Environmental Sciences Ltd. Relating to the Tentative Order and/or Draft Technical Report.

15 **INTERROGATORY NO. 9:**

16 For every Communication that You Identify in response to the preceding Special
17 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
18 Report such Communication relates.

19 **INTERROGATORY NO. 10:**

20 Identify all Documents Relating to Your Communications with Donald MacDonald and/or
21 MacDonald Environmental Sciences Relating to the Tentative Order and/or Draft Technical
22 Report.

23 **INTERROGATORY NO. 11:**

24 Identify all Communications between You and Donald MacDonald and/or MacDonald
25 Environmental Sciences Relating to the report entitled "Development of a Sediment Remediation
26 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
27 in San Diego Bay, California" prepared by Donald MacDonald.

28 ////

1 **INTERROGATORY NO. 12:**

2 Identify all Documents Relating to Your Communications with Donald MacDonald and/or
3 MacDonald Environmental Sciences Relating to the report referenced in the preceding Special
4 Interrogatory.

5 **INTERROGATORY NO. 13:**

6 Identify all Communications between You and Donald MacDonald and/or MacDonald
7 Environmental Sciences Relating to the Tentative Cleanup Levels proposed in the Tentative
8 Order.

9 **INTERROGATORY NO. 14:**

10 Identify all Documents Relating to Your Communications with Donald MacDonald and/or
11 MacDonald Environmental Sciences Relating to the Tentative Cleanup Levels proposed in the
12 Tentative Order.

13 **INTERROGATORY NO. 15:**

14 Identify all Communications between You and Coastkeeper Relating to the Tentative
15 Order and/or Draft Technical Report.

16 **INTERROGATORY NO. 16:**

17 For every Communication that You Identify in response to the preceding Special
18 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
19 Report such Communication relates.

20 **INTERROGATORY NO. 17:**

21 Identify all Documents Relating to Your Communications with Coastkeeper Relating to
22 the Tentative Order and/or Draft Technical Report.

23 **INTERROGATORY NO. 18:**

24 Identify all Communications between You and Coastkeeper Relating to the report
25 referenced in Special Interrogatory No. 11.

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1 **INTERROGATORY NO. 19:**

2 For every Communication that You Identify in response to Special Interrogatory No. 15
3 and 18, Identify the Person at Coastkeeper who You Communicated with Relating to the
4 Tentative Order, Draft Technical Report and report referenced in Special Interrogatory No. 11.

5 **INTERROGATORY NO. 20:**

6 Identify all Documents Relating to Your Communications with Coastkeeper Relating to
7 the report referenced in Special Interrogatory No. 11.

8 **INTERROGATORY NO. 21:**

9 Identify all Communications between You and Coastkeeper Relating to the Tentative
10 Cleanup Levels proposed in the Tentative Order.

11 **INTERROGATORY NO. 22:**

12 Identify all Documents Relating to Your Communications with Coastkeeper Relating to
13 the Tentative Cleanup Levels proposed in the Tentative Order.

14 **INTERROGATORY NO. 23:**

15 Identify all Communications between You and Ed Kimura Relating to the Tentative Order
16 and/or Draft Technical Report.

17 **INTERROGATORY NO. 24:**

18 For every Communication that You Identify in response to the preceding Special
19 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
20 Report such Communication relates.

21 **INTERROGATORY NO. 25:**

22 Identify all Documents Relating to Your Communications with Ed Kimura Relating to the
23 Tentative Order and/or Draft Technical Report.

24 **INTERROGATORY NO. 26:**

25 Identify all Communications between You and Ed Kimura Relating to the report
26 referenced in Special Interrogatory No. 11.

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1 **INTERROGATORY NO. 27:**

2 Identify all Documents You received from Ed Kimura Relating to the report referenced in
3 Special Interrogatory No. 11.

4 **INTERROGATORY NO. 28:**

5 Identify all Communications between You and Ed Kimura Relating to the Tentative
6 Cleanup Levels proposed in the Tentative Order.

7 **INTERROGATORY NO. 29:**

8 Identify all Documents Relating to Your Communications with Ed Kimura Relating to the
9 Tentative Cleanup Levels proposed in the Tentative Order.

10 **INTERROGATORY NO. 30:**

11 Identify all Communications between You and Katie Zeeman Relating to the Tentative
12 Order and/or Draft Technical Report.

13 **INTERROGATORY NO. 31:**

14 For every Communication that You Identify in response to the preceding Special
15 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
16 Report such Communication relates.

17 **INTERROGATORY NO. 32:**

18 Identify all Documents Relating to Your Communications with Katie Zeeman Relating to
19 the Tentative Order and/or Draft Technical Report.

20 **INTERROGATORY NO. 33:**

21 Identify all Communications between You and Katie Zeeman Relating to the report
22 referenced in Special Interrogatory No. 11.

23 **INTERROGATORY NO. 34:**

24 Identify all Documents Relating to Your Communications with Katie Zeeman Relating to
25 the report referenced in Special Interrogatory No. 11.

26 **INTERROGATORY NO. 35:**

27 Identify all Communications between You and Katie Zeeman Relating to the Tentative
28 Cleanup Levels proposed in the Tentative Order.

1 **INTERROGATORY NO. 36:**

2 Identify all Documents Relating to Your Communications with Katie Zeeman Relating to
3 the Tentative Cleanup Levels proposed in the Tentative Order.

4 **INTERROGATORY NO. 37:**

5 Identify all Communications between You and Steve Bay Relating to the Tentative Order
6 and/or Draft Technical Report.

7 **INTERROGATORY NO. 38:**

8 For every Communication that You Identify in response to the preceding Special
9 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
10 Report such Communication relates.

11 **INTERROGATORY NO. 39:**

12 Identify all Documents Relating to Your Communications with Steve Bay Relating to the
13 Tentative Order and/or Draft Technical Report.

14 **INTERROGATORY NO. 40:**

15 Identify all Communications between You and Steve Bay Relating to the report
16 referenced in Special Interrogatory No. 11.

17 **INTERROGATORY NO. 41:**

18 Identify all Documents Relating to Your Communications with Steve Bay Relating to the
19 report referenced in Special Interrogatory No. 11.

20 **INTERROGATORY NO. 42:**

21 Identify all Communications between You and Steve Bay Relating to the Tentative
22 Cleanup Levels proposed in the Tentative Order.

23 **INTERROGATORY NO. 43:**

24 Identify all Documents Relating to Your Communications with Steve Bay Relating to the
25 Tentative Cleanup Levels proposed in the Tentative Order.

26 **INTERROGATORY NO. 44:**

27 Identify all Documents Relating to the Tentative Order and/or Draft Technical Report.

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1 **INTERROGATORY NO. 45:**

2 Identify all Communications between You and the Port Relating to the Tentative Order
3 and/or Draft Technical Report.

4 **INTERROGATORY NO. 46:**

5 For every Communication that You Identify in response to the preceding Special
6 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
7 Report such Communication relates.

8 **INTERROGATORY NO. 47:**

9 Identify all Documents Relating to Your Communications with the Port Relating to the
10 Tentative Order and/or Draft Technical Report.

11 **INTERROGATORY NO. 48:**

12 Identify all Documents Relating to the Tentative Cleanup Levels proposed in the
13 Tentative Order.

14 **INTERROGATORY NO. 49:**

15 Identify all Documents Relating to Your report entitled "Survey of Fishers on Piers in San
16 Diego Bay, Results and Conclusion" referenced on page 1-25 of the Draft Technical Report.

17 **INTERROGATORY NO. 50:**

18 Identify all Communications Relating to Your report referenced in Special Interrogatory
19 No. 49.

20 **INTERROGATORY NO. 51:**

21 Identify all Persons at EHC with primary responsibility for conducting the survey
22 referenced in Special Interrogatory No. 49.

23 **INTERROGATORY NO. 52:**

24 Identify all Persons at EHC with primary responsibility for preparing the report referenced
25 in Special Interrogatory No. 49.

26 **INTERROGATORY NO. 53:**

27 Identify all Communications between You and the RWQCB Relating to the Tentative
28 Order and/or Draft Technical Report.

1 **INTERROGATORY NO. 54:**

2 Identify all Documents Relating to the Communications You Identify in response to the
3 preceding Special Interrogatory.

4 **INTERROGATORY NO. 55:**

5 For every Communication that You Identify in response to Special Interrogatory No. 53,
6 Identify the Person on the RWQCB who You Communicated with Relating to the Tentative
7 Order and/or Draft Technical Report.

8 **INTERROGATORY NO. 56:**

9 For every Communication that You Identify in response to Special Interrogatory No. 53,
10 please specify to which finding(s) in the Tentative Order and/or Draft Technical Report such
11 Communication relates.

12 **INTERROGATORY NO. 57:**

13 Identify all Communications between You and the State WRCB Relating to the Tentative
14 Order and/or Draft Technical Report.

15 **INTERROGATORY NO. 58:**

16 Identify all Documents Relating to the Communications You Identify in response to the
17 preceding Special Interrogatory.

18 **INTERROGATORY NO. 59:**

19 For every Communication that You Identify in response to Special Interrogatory No. 57,
20 Identify the Person on the State WRCB who You Communicated with Relating to the Tentative
21 Order and/or Draft Technical Report.

22 **INTERROGATORY NO. 60:**

23 For every Communication that You Identify in response to Special Interrogatory No. 57,
24 please specify to which finding(s) in the Tentative Order and/or Draft Technical Report such
25 Communication relates.

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1 **INTERROGATORY NO. 61:**

2 Identify all Communications between You and any Person Relating to the California
3 Environmental Quality Act, Public Resources Code section 21000, *et seq.* ("CEQA") Relating to
4 the Tentative Order.

5 **INTERROGATORY NO. 62:**

6 Identify all Documents Relating to Communications between You and any Person
7 Relating to CEQA Relating to the Tentative Order.

8 **INTERROGATORY NO. 63:**

9 Identify all Communications between You and any state and federal agencies including,
10 but not limited to, United States Fish and Wildlife Service, Department of Fish and Game
11 Relating to the Tentative Order and/or Draft Technical Report.

12 **INTERROGATORY NO. 64:**

13 Identify all Documents Relating to Communications between You and any state and
14 federal agencies including, but not limited to, the United States Fish and Wildlife Service,
15 Department of Fish and Game Relating to the Tentative Order and/or Draft Technical Report.

16 **INTERROGATORY NO. 65:**

17 Identify all Communications Relating to any sampling data and testing data You collected
18 at or from the Site.

19 **INTERROGATORY NO. 66:**

20 Identify all documents Relating to any sampling data and testing data You collected at or
21 from the Site.

22 **INTERROGATORY NO. 67:**

23 For every Communication You Identify in Special Interrogatory Nos. 61, and 63, Identify
24 the Person with whom You Communicated.

25 **INTERROGATORY NO. 68:**

26 For every Communication You Identify in Special Interrogatory No. 65, Identify the
27 Person with whom You Communicated.

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1 **INTERROGATORY NO. 69:**

2 Identify any Person that collected any sampling data and testing data from or at the Site on
3 Your behalf.

4 **INTERROGATORY NO. 70:**

5 Identify all Communications Relating to any statistical analysis conducted on data
6 collected at or from the Site.

7 **INTERROGATORY NO. 71:**

8 Identify all Documents Relating to any statistical analysis conducted on data collected at
9 or from the Site.

10 **INTERROGATORY NO. 72:**

11 Identify any Person that conducted any statistical analysis on data collected at or from the
12 Site on Your behalf.

13 **INTERROGATORY NO. 73:**

14 For every Communication You Identify in Special Interrogatory No. 70, Identify the
15 Person with whom You Communicated.

16 **INTERROGATORY NO. 74:**

17 Identify all Communication between You and any Person Relating to the allegations
18 Relating to BAE Systems in the Tentative Order.

19 **INTERROGATORY NO. 75:**

20 Identify all Documents Relating to Your Communications with any Person Relating to the
21 allegations Relating to BAE Systems in the Tentative Order.

22 **INTERROGATORY NO. 76:**

23 For every Communication You Identify in response to Special Interrogatory No. 74,
24 Identify the Person with whom You Communicated.

25 **INTERROGATORY NO. 77:**

26 Identify all Communications between You and any Person Relating to “the Board’s
27 proposed application of environmental cost-benefit assessment theories to the ‘economic
28 feasibility’ considerations under State Water Resources Control Board Resolution 92-49” as

1 stated in footnote 1 on page 7 of the Environmental Groups' Motion for "Designated Party"
2 Status and Opposition to Objections of City of San Diego and NASSCO filed on September 21,
3 2005.

4 **INTERROGATORY NO. 78:**

5 Identify all Documents Relating to any Communications between You and any Person
6 Relating to "the Board's proposed application of environmental cost-benefit assessment theories
7 to the 'economic feasibility' considerations under State Water Resources Control Board
8 Resolution 92-49" as stated in footnote 1 on page 7 of the Environmental Groups' Motion for
9 "Designated Party" Status and Opposition to Objections of City of San Diego and NASSCO filed
10 on September 21, 2005.

11 **INTERROGATORY NO. 79:**

12 For every Communication You Identify in response to Special Interrogatory No. 77,
13 Identify the Person with whom You Communicated.

14 **INTERROGATORY NO. 80:**

15 Identify all Communications between You and any Person that is a member of the San
16 Diego Bay Council, excluding Communications with Coastkeeper, Relating to the Tentative
17 Order or Draft Technical Report.

18 **INTERROGATORY NO. 81:**

19 Identify all Documents Relating to any Communication between You and any Person that
20 is a member of the San Diego Bay Council, excluding Communications with Coastkeeper,
21 Relating to the Tentative Order or Draft Technical Report.

22 **INTERROGATORY NO. 82:**

23 For every Communication You Identify in response to Special Interrogatory No. 80,
24 Identify the Person with whom You Communicated.

25 **INTERROGATORY NO. 83:**

26 Identify all Communications between You and any Person Relating to the economic
27 feasibility analysis utilized in connection with proposed cleanup levels and/or remediation of the
28 Site.

1 **INTERROGATORY NO. 84:**

2 Identify all Documents Relating to any Communications between You and any Person
3 Relating to the economic feasibility analysis utilized in connection with proposed cleanup levels
4 and/or remediation of the Site.

5 **INTERROGATORY NO. 85:**

6 For every Communication You Identify in response to Special Interrogatory No. 83,
7 Identify with whom You Communicated.

8 **INTERROGATORY NO. 86:**

9 Identify all Communications between You and any Person Relating to "the scientific
10 validity of the reference pool chosen by the Board staff" as stated in footnote 1 on page 7 of the
11 Environmental Groups' Motion for "Designated Party" Status and Opposition to Objections of
12 City of San Diego and NASSCO.

13 **INTERROGATORY NO. 87:**

14 Identify all Documents relating to Communications between You and any Person Relating
15 to "the scientific validity of the reference pool chosen by the Board staff" as stated in footnote 1
16 on page 7 of the Environmental Groups' Motion for "Designated Party" Status and Opposition to
17 Objections of City of San Diego and NASSCO.

18 **INTERROGATORY NO. 88:**

19 For every Communication You Identify in response to Special Interrogatory No. 86,
20 Identify the Person with whom You Communicated.

21 **INTERROGATORY NO. 89:**

22 Identify all Communications between You and any Person Relating to "the likelihood that
23 the proposed cleanup levels will protect beneficial uses as required by law" as stated in footnote 1
24 on page 7 of the Environmental Groups' Motion for "Designated Party" Status and Opposition to
25 Objections of City of San Diego and NASSCO.

26 **INTERROGATORY NO. 90:**

27 Identify all Documents relating to Communications between You and any Person Relating
28 to "the likelihood that the proposed cleanup levels will protect beneficial uses as required by

1 law." as stated in footnote 1 on page 7 of the Environmental Groups' Motion for "Designated
2 Party" Status and Opposition to Objections of City of San Diego and NASSCO.

3 **INTERROGATORY NO. 91:**

4 For every Communication You Identify in response to Special Interrogatory No. 89,
5 Identify the Person with whom You Communicated.

6 **INTERROGATORY NO. 92:**

7 Identify all Documents used to formulate any computations, calculations or conclusions
8 reached in the report referenced in Special Interrogatory No. 49.

9
10 DATED: July 23 2010

DLA PIPER LLP (US)

11 By 

12 MICHAEL S. TRACY
13 AMY G. NEFOUSE
14 MATTHEW B. DART
15 ERIN O. DOYLE
16 Attorneys for BAE Systems San Diego Ship
17 Repair, Inc.
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6
7 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
9

10 In re Tentative Cleanup and Abatement
11 Order No. R9-2010-0002

DESIGNATED PARTY BAE SYSTEMS SAN
DIEGO SHIP REPAIR INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO SAN DIEGO
COASTKEEPER

Presiding Officer: David A. King

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16 PROPOUNDING PARTY: BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.

17 RESPONDING PARTY: SAN DIEGO COASTKEEPER

18 SET NUMBER: ONE

19 Designated Party BAE Systems San Diego Ship Repair Inc. ("BAE Systems") pursuant to
20 the Final Discovery Plan for Tentative Cleanup and Abatement Order No. R9-2010-0002 and
21 Associated Draft Technical Report dated February 18, 2010, and the Order of Presiding Officer
22 King dated July 16, 2010, hereby requests that the San Diego Coastkeeper ("Coastkeeper")
23 produce the following designated documents and provide a written response to these Requests
24 within 30 days. Production of the requested documents should be directed to Michael S. Tracy,
25 Esq. of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101.

26 **INSTRUCTIONS**

27 1. These Requests for Production of Documents shall be deemed to seek Documents
28 in existence as of the date of service thereof. These requests are deemed to be continuing so that

1 with respect to any request or part thereof as to which You, after responding, discover additional
2 responsive Documents, You shall produce such Documents immediately after acquiring
3 knowledge of their existence or advise in writing as to why such additional Documents cannot be
4 provided immediately.

5 2. The singular form of a word should be interpreted in the plural as well. Any
6 pronoun shall be construed to refer to the masculine, feminine, or neutral gender as in each case is
7 most appropriate. The words "and" and "or" shall be construed conjunctively or disjunctively,
8 whichever makes the request most inclusive.

9 3. These requests shall apply to all Documents in Your possession, custody or control
10 at the present time or coming into Your possession, custody or control prior to the date of the
11 production. If You know of the existence, past or present, of any Documents requested below,
12 but are unable to produce such Documents because they are not presently in Your possession,
13 custody or control, You shall so state and shall Identify such Documents, and the Person who has
14 possession, custody or control of the Documents.

15 4. If no Documents are responsive to a particular request, You are to state that no
16 responsive Documents exist.

17 5. For any responsive Documents that have been lost, destroyed or withheld from
18 production based on any ground, You shall provide a written statement setting forth:

- 19 (i) the identity of the Document;
20 (ii) the nature of the Document (*e.g.*, letter, memorandum, chart);
21 (iii) the identity of the Person(s) who received copies of the Document;
22 (iv) the date of the Document;
23 (v) a brief description of the subject matter of the Document; and
24 (vi) the circumstances of the loss or destruction of the Document and any fact,
25 statute, rule or decision upon which You rely in withholding the Document.

26 6. If You decline to produce any Document or part thereof based on a claim of
27 privilege or any other claim, provide a privilege log that identifies each Document separately and
28 specifies for each Document at least the following:

- 1 (i) the date;
- 2 (ii) the sender(s) identified by position and Entity with which they are
3 employed or associated and, if any sender is an attorney, a statement so stating;
- 4 (iii) the recipient(s), including copy recipients, identified by position and Entity
5 with which they are employed or associated and, if any recipient is an attorney, a statement so
6 stating;
- 7 (iv) the general subject matter of the Document;
- 8 (v) the portion(s) of the Document as to which privilege is claimed; and
- 9 (vi) the type of privilege asserted as well as a certification that all elements of
10 the claimed privilege have been met and not waived.

11 7. All Documents requested are to be produced in the same file or other
12 organizational environment in which they are maintained. For example, a Document that is part
13 of a file, docket, or other grouping, should be physically produced together with all other
14 Documents from said file, docket or grouping, in the same order or manner of arrangement as the
15 original. Alternatively, as to Each Document produced in response hereto, You shall Identify the
16 request for production and where applicable, the interrogatory number, in response to which the
17 Document is being produced.

18 8. Electronic records and computerized information must be produced in an
19 intelligible format or together with a description of the system from which it was derived
20 sufficient to permit rendering the materials intelligible.

21 DEFINITIONS

22 1. "Advisory Team" means and refers to the Advisory Team of the RWQCB,
23 specially formed in response to and for purposes of the investigation of the Site in San Diego
24 Bay, including, but not limited to, all past or present members, directors, officers, agents,
25 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
26 relationship with the Advisory Team and others acting on behalf of the Advisory Team.

27 2. "BAE Systems" means BAE Systems San Diego Ship Repair Inc. and Southwest
28 Marine, Inc., including, but not limited to, all past or present directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationships with BAE Systems San Diego Ship Repair Inc. and others acting on behalf of BAE
3 Systems San Diego Ship Repair Inc.

4 3. "Cleanup Team" means and refers to the Cleanup Team of the RWQCB specially
5 formed in response to and for purposes of the investigation of the Site in San Diego Bay,
6 including, but not limited to, all past or present members, directors, officers, agents,
7 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
8 relationship with the Cleanup Team and others acting on behalf of the Cleanup Team.

9 4. "Communication(s)" or "Communicate" means any and all contact whatsoever,
10 whether by oral, written, or electronic means, whether directly or indirectly, in any nature
11 whatsoever, including, but not limited to, any correspondence, face-to-face conversation,
12 telephonic conversation, video conversation, electronic transmission, telegraph, telex, telecopier,
13 facsimile, Internet, on-line service, electronic mail, letters, memoranda, reports, or other media.

14 5. "Document" is defined broadly to be given the full scope of that term, and includes
15 all tangible things, all originals (or, if originals are not available, identical copies thereof), all
16 nonidentical copies of a document, all drafts of final documents, all other written, printed, or
17 recorded matter of any kind, and all other data compilations from which information can be
18 obtained and translated if necessary, that are or have been in Your actual or constructive
19 possession or control, regardless of the medium on which they are produced, reproduced, or
20 stored (including, without limitation, computer programs and files containing any requested
21 information), and any electronic mail, recording or writing, as these terms are defined in
22 California Evidence Code §§ 250-260. Any Document bearing marks, including, without
23 limitation, initials, stamped initials, comments, or notations not a part of the original text or
24 photographic reproduction thereof, is a separate Document. By way of example, the term
25 "Document" encompasses, without limitation, any agreements, contracts, contract files, closing
26 statements, valuation reports, purchase orders, correspondence, customer or client files,
27 memoranda, tables, charts, graphs, schedules, reports, surveys, analyses, compilations, journals,
28 ledgers, receipts, warehouse receipts, vouchers, invoices, bills of sale, bills of lading,

1 confirmation of credit and billing statements, checks, financial statements, manuals, circulars,
2 pamphlets, bulletins, instructions, sketches, diagrams, telegrams, facsimiles, e-mails, Internet and
3 modem transmissions, stenographic and handwritten notes, minutes of meetings, transcripts, news
4 articles and press releases, computer programs, printouts, punch cards, tabulations, logs,
5 telephone records, desk calendars, diaries, appointment books, computer data, tapes and discs,
6 video tapes, photographs, films, voice recordings, magnetic recordings, all drafts and/or non-
7 identical copies of every such "writing," glossaries of all terms of art and abbreviations used in
8 every such "writing," or any other items of a similar nature, including all originals, drafts, and
9 non-identical copies.

10 6. "Draft Technical Report" refers to the Draft Technical Report for Tentative
11 Cleanup and Abatement Order No. R9-2010-0002, dated December 2009.

12 7. "Each" means each and every.

13 8. "Coastkeeper", "You" or "Your" means and refers to Designated Party San Diego
14 Coastkeeper including, but not limited to, all past or present directors, officers, agents,
15 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
16 relationships with San Diego Coastkeeper and others acting on behalf of San Diego Coastkeeper.

17 9. "EHC" means and refers to Designated Party Environmental Health Coalition including,
18 but not limited to, all past or present directors, officers, agents, representatives, employees,
19 consultants, attorneys, entities acting in joint-venture or partnership relationships with
20 Environmental Health Coalition and others acting on behalf of Environmental Health Coalition.

21 10. "MacDonald Environmental Sciences" means and refers to MacDonald Environmental
22 Sciences Ltd. including, but not limited to, all past or present directors, officers, agents,
23 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
24 relationships with MacDonald Environmental Sciences and others acting on behalf of MacDonald
25 Environmental Sciences.

26 11. "Port" means and refers to the San Diego Unified Port District including, but not limited
27 to, all past or present directors, officers, agents, representatives, employees, consultants,
28

1 attorneys, entities acting in joint-venture or partnership relationships with the San Diego Unified
2 Port District and others acting on behalf of the San Diego Unified Port District.

3 12. "Identify" as it relates to a Document means provide the title of the Document, the
4 date the Document was generated, the name of the author of the Document, a description of the
5 Document (*e.g.*, letter, memorandum, report, book, photograph, etc.) and any other information
6 which would be required to specify the Document in a request for production of Documents.

7 13. "Identify" as it relates to a Person or Entity means to state the name, address and
8 telephone number of the Person or Entity.

9 14. "Person(s)" or "Entity" or "Entities" means any individual, firm, association,
10 organization, joint venture, trust, partnership, corporation, or other collective organization or
11 entity.

12 15. "Relate to" or "Relating to" includes, but is not limited to, analyzing, considering,
13 constituting, defining, evidencing, containing, describing, concerning, commenting, discussing,
14 embodying, explaining, reflecting, detailing, identifying, mentioning, demonstrating, alluding to,
15 referencing, edifying, stating, summarizing, referring to, dealing with or in any way pertaining to,
16 in whole or in part, the subject.

17 16. "RWQCB" means the California Regional Water Quality Control Board, San Diego
18 Region and all predecessors and successors thereof, including, but not limited to, all past or
19 present members, directors, officers, agents, representatives, employees, staff, consultants,
20 attorneys, entities acting in joint-venture or partnership relationship with the California Regional
21 Water Quality Control Board, San Diego Region and other acting on behalf of the California
22 Regional Water Quality Control Board, San Diego Region.

23 17. "Site" means and refers to the Shipyard Sediment Site described in the Tentative
24 Order and Draft Technical Report.

25 18. "State WRCB" means the California Water Resources Control Board and all
26 predecessors and successors thereof, including, but not limited to, all past or present members,
27 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in

28 ////

1 joint-venture or partnership relationship with the California Water Resources Control Board and
2 others acting on behalf of the California Water Resources Control Board.

3 19. "Tentative Cleanup Levels" means and refers to the cleanup levels for the Site
4 proposed in the Tentative Order and included in Paragraph 34, Table 2 of the Tentative Order.

5 20. "Tentative Order" refers to California Regional Water Quality Control Board, San
6 Diego Region, Tentative Cleanup and Abatement Order No. R9-2010-0002, published on
7 December 22, 2009.

8 21. "Sediment Investigation" means and refers to the Sediment Quality Investigation
9 described in Paragraph 12 of the Tentative Order.

10 22. "Site" means and refers to the Shipyard Sediment Site described in the Tentative Order
11 and/or Draft Technical Report.

12 23. "SWAC" means and refers to surface-area weighted average concentration.

13 **REQUESTS FOR PRODUCTION**

14 **REQUEST NO. 1:**

15 All Documents identified in Your responses to BAE Systems' First Set of Special
16 Interrogatories to Coastkeeper.

17 **REQUEST NO. 2:**

18 All Documents Relating to any Communications between You and the Advisory Team
19 Relating to the Tentative Order and/or Draft Technical Report.

20 **REQUEST NO. 3:**

21 All Documents Relating to the Tentative Order and/or Draft Technical Report.

22 **REQUEST NO. 4:**

23 All Documents Relating to the Sediment Investigation.

24 **REQUEST NO. 5:**

25 All Documents Relating to the Tentative Cleanup Levels proposed in the Tentative Order.

26 **REQUEST NO. 6:**

27 All Documents Relating to any Communications with the Cleanup Team Relating to the
28 Tentative Order and/or Draft Technical Report.

1 **REQUEST NO. 7:**

2 All Documents Relating to any Communications with Donald MacDonald and/or
3 MacDonald Environmental Sciences Ltd.

4 **REQUEST NO. 8:**

5 All Documents Relating to any Communication with Donald MacDonald and/or
6 MacDonald Environmental Sciences Ltd. Relating to the Tentative Order and/or Draft Technical
7 Report.

8 **REQUEST NO. 9:**

9 All Documents Relating to the report entitled "Development of a Sediment Remediation
10 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
11 in San Diego Bay, California" prepared by Donald MacDonald.

12 **REQUEST NO. 10:**

13 All Documents Relating to any Communications with Donald McDonald and/or
14 MacDonald Environmental Sciences Relating to the report referenced in the preceding Request.

15 **REQUEST NO. 11:**

16 All Documents Relating to any Communication with Donald MacDonald and/or
17 MacDonald Environmental Sciences Relating to the Tentative Cleanup Levels proposed in the
18 Tentative Order.

19 **REQUEST NO. 12:**

20 All Documents Relating to any Communications with EHC Relating to the Tentative
21 Order and/or Draft Technical Report.

22 **REQUEST NO. 13:**

23 All Documents Relating to any Communications with EHC Relating to the report
24 referenced in Request No. 9.

25 **REQUEST NO. 14:**

26 All Documents Relating to any Communications with EHC Relating to the Tentative
27 Cleanup Levels proposed in the Tentative Order.

28 //

1 **REQUEST NO. 15:**

2 All Documents Relating to any Communications with Ed Kimura Relating to the
3 Tentative Order and/or Draft Technical Report.

4 **REQUEST NO. 16:**

5 All Documents Relating to any Communications with Ed Kimura Relating to the report
6 referenced in Request No. 9.

7 **REQUEST NO. 17:**

8 All Documents Relating to any Communications with Ed Kimura Relating to the
9 Tentative Cleanup Levels proposed in the Tentative Order.

10 **REQUEST NO. 18:**

11 All Documents Relating to any Communications with Katie Zeeman Relating to the
12 Tentative Order and/or Draft Technical Report.

13 **REQUEST NO. 19:**

14 All Documents Relating to any Communications with Katie Zeeman Relating to the report
15 referenced in Request No. 9.

16 **REQUEST NO. 20:**

17 All Documents Relating to any Communications with Katie Zeeman Relating to the
18 Tentative Cleanup Levels proposed in the Tentative Order.

19 **REQUEST NO. 21:**

20 All Documents Relating to any Communications with Steve Bay Relating to the Tentative
21 Order and/or Draft Technical Report.

22 **REQUEST NO. 22:**

23 All Documents Relating to any Communications with Steve Bay Relating to the report
24 referenced in Request No. 9.

25 **REQUEST NO. 23:**

26 All Documents Relating to any Communications with Steve Bay Relating to the Tentative
27 Cleanup Levels proposed in the Tentative Order.

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1 **REQUEST NO. 24:**

2 All Documents Relating to any Communications with the Port Relating to the Tentative
3 Order and/or Draft Technical Report.

4 **REQUEST NO. 25:**

5 All Documents Relating to any Communications with the RWQCB Relating to the
6 Tentative Order and/or Draft Technical Report.

7 **REQUEST NO. 26:**

8 All Documents Relating to any Communications with the State WRCB Relating to the
9 Tentative Order and/or Draft Technical Report.

10 **REQUEST NO. 27:**

11 All Documents Relating to any Communications with the RWQCB Relating to the report
12 referenced in Request No. 9.

13 **REQUEST NO. 28:**

14 All Documents Relating to any Communications with the State WRCB Relating to the
15 report referenced in Request No. 9.

16 **REQUEST NO. 29:**

17 All Documents Relating to any Communications with the RWQCB Relating to the
18 Tentative Cleanup Levels proposed in the Tentative Order.

19 **REQUEST NO. 30:**

20 All Documents Relating to any Communication with the State WRCB Relating to the
21 Tentative Cleanup Levels proposed in the Tentative Order.

22 **REQUEST NO. 31:**

23 All Documents Relating to Communications between You and any Person regarding the
24 polygons selected for remediation and achievement of SWACS at the Site.

25 **REQUEST NO. 32:**

26 All Documents Relating to Communications between You and any Person regarding the
27 criteria for selecting reference stations used to establish reference sediment quality conditions.

28 **REQUEST NO. 33:**

1 All Documents Relating to Communications between You and any Person regarding the
2 California Environmental Quality Act, Public Resources Code section 21000, *et seq.* (“CEQA”)
3 Relating to the Tentative Order.

4 **REQUEST NO. 34:**

5 All Documents Relating to any Communications between You and any state or federal
6 agencies including, but not limited to, the United States Fish and Wildlife Service, Department of
7 Fish and Game Relating to the Tentative Order and/or Draft Technical Report.

8 **REQUEST NO. 35:**

9 All Documents Relating to any sampling data and testing data You collected at or from
10 the Site.

11 **REQUEST NO. 36:**

12 All Documents Relating to any statistical analysis You conducted on data collected at or
13 from the Site.

14 **REQUEST NO. 37:**

15 All Documents Relating to the allegations Relating to BAE Systems in the Draft
16 Technical Report.

17 **REQUEST NO. 38:**

18 All Documents Relating to the allegations Relating to BAE Systems in the Tentative
19 Order.

20 **REQUEST NO. 39:**

21 All Documents Relating to any Communications between You and any Person Relating to
22 BAE Systems.

23 **REQUEST NO. 40:**

24 All Documents Relating to “the Board’s proposed application of environmental cost-
25 benefit assessment theories to the ‘economic feasibility’ considerations under State Water
26 Resources Control Board Resolution 92-49” as stated in footnote 1 on page 7 of the
27 Environmental Groups’ Motion for “Designated Party” Status and Opposition to Objections of
28 City of San Diego and NASSCO filed on September 21, 2005.

1 **REQUEST NO. 41:**

2 All Documents Relating to any Communications between You and any Person Relating to
3 "the Board's proposed application of environmental cost-benefit assessment theories to the
4 'economic feasibility' considerations under State Water Resources Control Board Resolution 92-
5 49" as stated in footnote 1 on page 7 of the Environmental Groups' Motion for "Designated
6 Party" Status and Opposition to Objections of City of San Diego and NASSCO filed on
7 September 21, 2005.

8 **REQUEST NO. 42:**

9 All Documents Relating to "the scientific validity of the reference pool chosen by the
10 Board staff" as stated in footnote 1 on page 7 of the Environmental Groups' Motion for
11 "Designated Party" Status and Opposition to Objections of City of San Diego and NASSCO.

12 **REQUEST NO. 43:**

13 All Documents Relating to any Communications between You and any Person Relating to
14 "the scientific validity of the reference pool chosen by the Board staff" as stated in footnote 1 on
15 page 7 of the Environmental Groups' Motion for "Designated Party" Status and Opposition to
16 Objections of City of San Diego and NASSCO.

17 **REQUEST NO. 44:**

18 All Documents Relating to "the likelihood that the proposed cleanup levels will protect
19 beneficial uses as required by law" as stated in footnote 1 on page 7 of the Environmental Groups'
20 Motion for "Designated Party" Status and Opposition to Objections of City of San Diego and
21 NASSCO.

22 **REQUEST NO. 45:**

23 All Documents Relating to any Communications between You and any Person Relating to
24 "the likelihood that the proposed cleanup levels will protect beneficial uses as required by law."
25 as stated in footnote 1 on page 7 of the Environmental Groups' Motion for "Designated Party"
26 Status and Opposition to Objections of City of San Diego and NASSCO.

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1 **REQUEST NO. 46:**

2 All Documents Relating to any Communication between You and any Person that is a
3 member of the San Diego Bay Council, excluding Communications with Environmental Health
4 Coalition, Relating to the Tentative Order or Draft Technical Report.

5 **REQUEST NO. 47:**

6 All Documents Relating to the economic feasibility analysis utilized in connection with
7 proposed cleanup levels and/or remediation of the Site.

8 **REQUEST NO. 48:**

9 All Documents Relating to any Communications between You and any Person Relating to
10 the economic feasibility analysis utilized in connection with proposed cleanup levels and/or
11 remediation of the Site.

12 **REQUEST NO. 49:**

13 All Documents Relating to the report entitled "Survey of Fishers on Piers in San Diego
14 Bay, Results and Conclusion" referenced on page 1-25 of the Draft Technical Report.

15 **REQUEST NO. 50:**

16 All Documents Relating to any Communications between You and EHC Relating to the
17 report referenced in Request No. 49.

18 **REQUEST NO. 51:**

19 All Documents Relating to any Communications between You and any Person Relating to
20 the report referenced in Request No. 49.

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REQUEST NO. 52:

All Documents used to formulate any computations, calculations or conclusions reached in the report referenced in Request No. 49.

DATED: July 22, 2010

DLA PIPER LLP (US)

By: 

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AMY G. NEFOUSE
MATTHEW B. DART
ERIN O. DOYLE
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BAE Systems San Diego Ship Repair Inc.

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
9

10 In re Tentative Cleanup and Abatement
11 Order No. R9-2010-0002

DESIGNATED PARTY BAE SYSTEMS SAN
DIEGO SHIP REPAIR INC.'S FIRST SET OF
SPECIAL INTERROGATORIES TO SAN
DIEGO COASTKEEPER

12
13 Presiding Officer: David A. King
14

15 PROPOUNDING PARTY: BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.

16 RESPONDING PARTY: SAN DIEGO COASTKEEPER

17 SET NUMBER: ONE

18 Designated Party BAE Systems San Diego Ship Repair Inc. ("BAE Systems") pursuant to
19 the Final Discovery Plan for Tentative Cleanup and Abatement Order No. R9-2010-0002 and
20 Associated Draft Technical Report dated February 18, 2010, and the Order of Presiding Officer
21 King dated July 16, 2010, hereby requests that the San Diego Coastkeeper ("Coastkeeper")
22 respond to the following First Set of Special Interrogatories in writing and under oath within 30
23 days. Responses to these Interrogatories should be directed to Michael S. Tracy, Esq. of DLA
24 Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101.

25 **DEFINITIONS**

26 1. "Advisory Team" means and refers to the Advisory Team of the RWQCB,
27 specially formed in response to and for purposes of the investigation of the Site in San Diego
28

1 Bay, including, but not limited to, all past or present members, directors, officers, agents,
2 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
3 relationship with the Advisory Team and others acting on behalf of the Advisory Team.

4 2. "BAE Systems" means BAE Systems San Diego Ship Repair Inc. and Southwest
5 Marine, Inc., including, but not limited to, all past or present directors, officers, agents,
6 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
7 relationships with BAE Systems San Diego Ship Repair Inc. and others acting on behalf of BAE
8 Systems San Diego Ship Repair Inc.

9 3. "Cleanup Team" means and refers to the Cleanup Team of the RWQCB specially
10 formed in response to and for purposes of the investigation of the Site in San Diego Bay,
11 including, but not limited to, all past or present members, directors, officers, agents,
12 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
13 relationship with the Cleanup Team and others acting on behalf of the Cleanup Team.

14 4. "Communication(s)" or "Communicate" means any and all contact whatsoever,
15 whether by oral, written, or electronic means, whether directly or indirectly, in any nature
16 whatsoever, including, but not limited to, any correspondence, face-to-face conversation,
17 telephonic conversation, video conversation, electronic transmission, telegraph, telex, telecopier,
18 facsimile, Internet, on-line service, electronic mail, letters, memoranda, reports, or other media.

19 5. "Document" is defined broadly to be given the full scope of that term, and includes
20 all tangible things, all originals (or, if originals are not available, identical copies thereof), all
21 nonidentical copies of a document, all drafts of final documents, all other written, printed, or
22 recorded matter of any kind, and all other data compilations from which information can be
23 obtained and translated if necessary, that are or have been in Your actual or constructive
24 possession or control, regardless of the medium on which they are produced, reproduced, or
25 stored (including, without limitation, computer programs and files containing any requested
26 information), and any electronic mail, recording or writing, as these terms are defined in
27 California Evidence Code §§ 250-260. Any Document bearing marks, including, without
28 limitation, initials, stamped initials, comments, or notations not a part of the original text or

1 photographic reproduction thereof, is a separate Document. By way of example, the term
2 “Document” encompasses, without limitation, any agreements, contracts, contract files, closing
3 statements, valuation reports, purchase orders, correspondence, customer or client files,
4 memoranda, tables, charts, graphs, schedules, reports, surveys, analyses, compilations, journals,
5 ledgers, receipts, warehouse receipts, vouchers, invoices, bills of sale, bills of lading,
6 confirmation of credit and billing statements, checks, financial statements, manuals, circulars,
7 pamphlets, bulletins, instructions, sketches, diagrams, telegrams, facsimiles, e-mails, Internet and
8 modem transmissions, stenographic and handwritten notes, minutes of meetings, transcripts, news
9 articles and press releases, computer programs, printouts, punch cards, tabulations, logs,
10 telephone records, desk calendars, diaries, appointment books, computer data, tapes and discs,
11 video tapes, photographs, films, voice recordings, magnetic recordings, all drafts and/or non-
12 identical copies of every such “writing,” glossaries of all terms of art and abbreviations used in
13 every such “writing,” or any other items of a similar nature, including all originals, drafts, and
14 non-identical copies.

15 6. “Draft Technical Report” refers to the Draft Technical Report for Tentative
16 Cleanup and Abatement Order No. R9-2010-0002, dated December 2009.

17 7. “Each” means each and every.

18 8. “Coastkeeper”, “You” or “Your” means and refers to Designated Party San Diego
19 Coastkeeper including, but not limited to, all past or present directors, officers, agents,
20 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
21 relationships with San Diego Coastkeeper and others acting on behalf of San Diego Coastkeeper.

22 9. “EHC” means and refers to Designated Party Environmental Health Coalition including,
23 but not limited to, all past or present directors, officers, agents, representatives, employees,
24 consultants, attorneys, entities acting in joint-venture or partnership relationships with
25 Environmental Health Coalition and others acting on behalf of Environmental Health Coalition.

26 10. “MacDonald Environmental Sciences” means and refers to MacDonald Environmental
27 Sciences Ltd. including, but not limited to, all past or present directors, officers, agents,
28 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership

1 relationships with MacDonald Environmental Sciences and others acting on behalf of MacDonald
2 Environmental Sciences.

3 11. "Port" means and refers to the San Diego Unified Port District including, but not limited
4 to, all past or present directors, officers, agents, representatives, employees, consultants,
5 attorneys, entities acting in joint-venture or partnership relationships with the San Diego Unified
6 Port District and others acting on behalf of the San Diego Unified Port District.

7 12. "Identify" as it relates to a Document means provide the title of the Document, the
8 date the Document was generated, the name of the author of the Document, a description of the
9 Document (*e.g.*, letter, memorandum, report, book, photograph, etc.) and any other information
10 which would be required to specify the Document in a request for production of Documents.

11 13. "Identify" as it relates to a Person or Entity means to state the name, address and
12 telephone number of the Person or Entity.

13 14. "Person(s)" or "Entity" or "Entities" means any individual, firm, association,
14 organization, joint venture, trust, partnership, corporation, or other collective organization or
15 entity.

16 15. "Relate to" or "Relating to" includes, but is not limited to, analyzing, considering,
17 constituting, defining, evidencing, containing, describing, concerning, commenting, discussing,
18 embodying, explaining, reflecting, detailing, identifying, mentioning, demonstrating, alluding to,
19 referencing, edifying, stating, summarizing, referring to, dealing with or in any way pertaining to,
20 in whole or in part, the subject.

21 16. "RWQCB" means the California Regional Water Quality Control Board, San Diego
22 Region and all predecessors and successors thereof, including, but not limited to, all past or
23 present members, directors, officers, agents, representatives, employees, staff, consultants,
24 attorneys, entities acting in joint-venture or partnership relationship with the California Regional
25 Water Quality Control Board, San Diego Region and other acting on behalf of the California
26 Regional Water Quality Control Board, San Diego Region.

27 17. "Site" means and refers to the Shipyard Sediment Site described in the Tentative
28 Order and Draft Technical Report.

1 18. "State WRCB" means the California Water Resources Control Board and all
2 predecessors and successors thereof, including, but not limited to, all past or present members,
3 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in
4 joint-venture or partnership relationship with the California Water Resources Control Board and
5 others acting on behalf of the California Water Resources Control Board.

6 19. "Tentative Cleanup Levels" means and refers to the cleanup levels for the Site
7 proposed in the Tentative Order and included in Paragraph 34, Table 2 of the Tentative Order.

8 20. "Tentative Order" refers to California Regional Water Quality Control Board, San
9 Diego Region, Tentative Cleanup and Abatement Order No. R9-2010-0002, published on
10 December 22, 2009.

11 INTERROGATORIES

12 INTERROGATORY NO. 1:

13 Identify all Communications between You and the Advisory Team Relating to the
14 Tentative Order and/or Draft Technical Report.

15 INTERROGATORY NO. 2:

16 For every Communication that You Identify in response to the preceding Special
17 Interrogatory, Identify the Person on the Advisory Team who You Communicated with Relating
18 to the Tentative Order and/or Draft Technical Report.

19 INTERROGATORY NO. 3:

20 Identify all Documents Relating to Your Communications with the Advisory Team
21 Relating to the Tentative Order and/or Draft Technical Report.

22 INTERROGATORY NO. 4:

23 Identify all Communications between You and the Cleanup Team Relating to the
24 Tentative Order and/or Draft Technical Report.

25 INTERROGATORY NO. 5:

26 For every Communication that You Identify in response to the preceding Special
27 Interrogatory, Identify the Person on the Cleanup Team who You Communicated with Relating to
28 the Tentative Order and/or Draft Technical Report.

1 **INTERROGATORY NO. 6:**

2 For every Communication that You Identify in response to Special Interrogatories 1 and 3,
3 please specify to which finding(s) in the Tentative Order and/or Draft Technical Report such
4 Communication relates.

5 **INTERROGATORY NO. 7:**

6 Identify all Documents Relating to Your Communications with the Cleanup Team
7 Relating to the Tentative Order and/or Draft Technical Report.

8 **INTERROGATORY NO. 8:**

9 Identify all Communications between You and Donald MacDonald and/or MacDonald
10 Environmental Sciences Ltd. Relating to the Tentative Order and/or Draft Technical Report.

11 **INTERROGATORY NO. 9:**

12 For every Communication that You Identify in response to the preceding Special
13 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
14 Report such Communication relates.

15 **INTERROGATORY NO. 10:**

16 Identify all Documents Relating to Your Communications with Donald MacDonald and/or
17 MacDonald Environmental Sciences Relating to the Tentative Order and/or Draft Technical
18 Report.

19 **INTERROGATORY NO. 11:**

20 Identify all Communications between You and Donald MacDonald and/or MacDonald
21 Environmental Sciences Relating to the report entitled "Development of a Sediment Remediation
22 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
23 in San Diego Bay, California" prepared by Donald MacDonald.

24 **INTERROGATORY NO. 12:**

25 Identify all Documents Relating to Your Communications with Donald MacDonald and/or
26 MacDonald Environmental Sciences Relating to the report referenced in the preceding Special
27 Interrogatory.

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1 **INTERROGATORY NO. 13:**

2 Identify all Communications between You and Donald MacDonald and/or MacDonald
3 Environmental Sciences Relating to the Tentative Cleanup Levels proposed in the Tentative
4 Order.

5 **INTERROGATORY NO. 14:**

6 Identify all Documents Relating to Your Communications with Donald MacDonald and/or
7 MacDonald Environmental Sciences Relating to the Tentative Cleanup Levels proposed in the
8 Tentative Order.

9 **INTERROGATORY NO. 15:**

10 Identify all Communications between You and EHC Relating to the Tentative Order
11 and/or Draft Technical Report.

12 **INTERROGATORY NO. 16:**

13 For every Communication that You Identify in response to the preceding Special
14 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
15 Report such Communication relates.

16 **INTERROGATORY NO. 17:**

17 Identify all Documents Relating to Your Communications with EHC Relating to the
18 Tentative Order and/or Draft Technical Report.

19 **INTERROGATORY NO. 18:**

20 Identify all Communications between You and EHC Relating to the report referenced in
21 Special Interrogatory No. 11.

22 **INTERROGATORY NO. 19:**

23 For every Communication that You Identify in response to Special Interrogatory Nos. 15
24 and 18, Identify the Person at EHC who You Communicated with Relating to the Tentative
25 Order, Draft Technical Report and report referenced in Special Interrogatory No. 11.

26 **INTERROGATORY NO. 20:**

27 Identify all Documents Relating to Your Communications with EHC Relating to the
28 report referenced in Special Interrogatory No. 11.

1 **INTERROGATORY NO. 21:**

2 Identify all Communications between You and EHC Relating to the Tentative Cleanup
3 Levels proposed in the Tentative Order.

4 **INTERROGATORY NO. 22:**

5 Identify all Documents Relating to Your Communications with EHC Relating to the
6 Tentative Cleanup Levels proposed in the Tentative Order.

7 **INTERROGATORY NO. 23:**

8 Identify all Communications between You and Ed Kimura Relating to the Tentative Order
9 and/or Draft Technical Report.

10 **INTERROGATORY NO. 24:**

11 For every Communication that You Identify in response to the preceding Special
12 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
13 Report such Communication relates.

14 **INTERROGATORY NO. 25:**

15 Identify all Documents Relating to Your Communications with Ed Kimura Relating to the
16 Tentative Order and/or Draft Technical Report.

17 **INTERROGATORY NO. 26:**

18 Identify all Communications between You and Ed Kimura Relating to the report
19 referenced in Special Interrogatory No. 11.

20 **INTERROGATORY NO. 27:**

21 Identify all Documents You received from Ed Kimura Relating to the report referenced in
22 Special Interrogatory No. 11.

23 **INTERROGATORY NO. 28:**

24 Identify all Communications between You and Ed Kimura Relating to the Tentative
25 Cleanup Levels proposed in the Tentative Order.

26 **INTERROGATORY NO. 29:**

27 Identify all Documents Relating to Your Communications with Ed Kimura Relating to the
28 Tentative Cleanup Levels proposed in the Tentative Order.

1 **INTERROGATORY NO. 30:**

2 Identify all Communications between You and Katie Zeeman Relating to the Tentative
3 Order and/or Draft Technical Report.

4 **INTERROGATORY NO. 31:**

5 For every Communication that You Identify in response to the preceding Special
6 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
7 Report such Communication relates.

8 **INTERROGATORY NO. 32:**

9 Identify all Documents Relating to Your Communications with Katie Zeeman Relating to
10 the Tentative Order and/or Draft Technical Report.

11 **INTERROGATORY NO. 33:**

12 Identify all Communications between You and Katie Zeeman Relating to the report
13 referenced in Special Interrogatory No. 11.

14 **INTERROGATORY NO. 34:**

15 Identify all Documents Relating to Your Communications with Katie Zeeman Relating to
16 the report referenced in Special Interrogatory No. 11.

17 **INTERROGATORY NO. 35:**

18 Identify all Communications between You and Katie Zeeman Relating to the Tentative
19 Cleanup Levels proposed in the Tentative Order.

20 **INTERROGATORY NO. 36:**

21 Identify all Documents Relating to Your Communications with Katie Zeeman Relating to
22 the Tentative Cleanup Levels proposed in the Tentative Order.

23 **INTERROGATORY NO. 37:**

24 Identify all Communications between You and Steve Bay Relating to the Tentative Order
25 and/or Draft Technical Report.

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1 **INTERROGATORY NO. 38:**

2 For every Communication that You Identify in response to the preceding Special
3 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
4 Report such Communication relates.

5 **INTERROGATORY NO. 39:**

6 Identify all Documents Relating to Your Communications with Steve Bay Relating to the
7 Tentative Order and/or Draft Technical Report.

8 **INTERROGATORY NO. 40:**

9 Identify all Communications between You and Steve Bay Relating to the report
10 referenced in Special Interrogatory No. 11.

11 **INTERROGATORY NO. 41:**

12 Identify all Documents Relating to Your Communications with Steve Bay Relating to the
13 report referenced in Special Interrogatory No. 11.

14 **INTERROGATORY NO. 42:**

15 Identify all Communications between You and Steve Bay Relating to the Tentative
16 Cleanup Levels proposed in the Tentative Order.

17 **INTERROGATORY NO. 43:**

18 Identify all Documents Relating to Your Communications with Steve Bay Relating to the
19 Tentative Cleanup Levels proposed in the Tentative Order.

20 **INTERROGATORY NO. 44:**

21 Identify all Documents Relating to the Tentative Order and/or Draft Technical Report.

22 **INTERROGATORY NO. 45:**

23 Identify all Communications between You and the Port Relating to the Tentative Order
24 and/or Draft Technical Report.

25 **INTERROGATORY NO. 46:**

26 For every Communication that You Identify in response to the preceding Special
27 Interrogatory, please specify to which finding(s) in the Tentative Order and/or Draft Technical
28 Report such Communication relates.

1 **INTERROGATORY NO. 47:**

2 Identify all Documents Relating to Your Communications with the Port Relating to the
3 Tentative Order and/or Draft Technical Report.

4 **INTERROGATORY NO. 48:**

5 Identify all Documents Relating to the Tentative Cleanup Levels proposed in the
6 Tentative Order.

7 **INTERROGATORY NO. 49:**

8 Identify all Communications between You and the RWQCB Relating to the Tentative
9 Order and/or Draft Technical Report.

10 **INTERROGATORY NO. 50:**

11 Identify all Documents Relating to the Communications You Identify in response to the
12 preceding Special Interrogatory.

13 **INTERROGATORY NO. 51:**

14 For every Communication that You Identify in response to Special Interrogatory No. 49,
15 Identify the Person on the RWQCB who You Communicated with Relating to the Tentative
16 Order and/or Draft Technical Report.

17 **INTERROGATORY NO. 52:**

18 For every Communication that You Identify in response to Special Interrogatory No. 49,
19 please specify to which finding(s) in the Tentative Order and/or Draft Technical Report such
20 Communication relates.

21 **INTERROGATORY NO. 53:**

22 Identify all Communications between You and the State WRCB Relating to the Tentative
23 Order and/or Draft Technical Report.

24 **INTERROGATORY NO. 54:**

25 Identify all Documents Relating to the Communications You Identify in response to the
26 preceding Special Interrogatory.

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1 **INTERROGATORY NO. 55:**

2 For every Communication that You Identify in response to Special Interrogatory No. 53,
3 Identify the Person on the State WRCB who You Communicated with Relating to the Tentative
4 Order and/or Draft Technical Report.

5 **INTERROGATORY NO. 56:**

6 For every Communication that You Identify in response to Special Interrogatory No. 53,
7 please specify to which finding(s) in the Tentative Order and/or Draft Technical Report such
8 Communication relates.

9 **INTERROGATORY NO. 57:**

10 Identify all Communications between You and any Person Relating to the California
11 Environmental Quality Act, Public Resources Code section 21000, *et seq.* ("CEQA") Relating to
12 the Tentative Order.

13 **INTERROGATORY NO. 58:**

14 Identify all Documents Relating to Communications between You and any Person
15 Relating to CEQA Relating to the Tentative Order.

16 **INTERROGATORY NO. 59:**

17 Identify all Communications between You and any state and federal agencies including,
18 but not limited to, United States Fish and Wildlife Service, Department of Fish and Game
19 Relating to the Tentative Order and/or Draft Technical Report.

20 **INTERROGATORY NO. 60:**

21 Identify all Documents Relating to Communications between You and any state and
22 federal agencies including, but not limited to, the United States Fish and Wildlife Service,
23 Department of Fish and Game Relating to the Tentative Order and/or Draft Technical Report.

24 **INTERROGATORY NO. 61:**

25 Identify all Communications Relating to any sampling data and testing data You collected
26 at or from the Site.

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1 **INTERROGATORY NO. 62:**

2 Identify all documents Relating to any sampling data and testing data You collected at or
3 from the Site.

4 **INTERROGATORY NO. 63:**

5 For every Communication You Identify in Special Interrogatory Nos. 57 and 59, Identify
6 the Person with whom You Communicated.

7 **INTERROGATORY NO. 64:**

8 For every Communication You Identify in Special Interrogatory No. 61, Identify the
9 Person with whom You Communicated.

10 **INTERROGATORY NO. 65:**

11 Identify any Person that collected any sampling data and testing data from or at the Site on
12 Your behalf.

13 **INTERROGATORY NO. 66:**

14 Identify all Communications Relating to any statistical analysis conducted on data
15 collected at or from the Site.

16 **INTERROGATORY NO. 67:**

17 Identify all Documents Relating to any statistical analysis conducted on data collected at
18 or from the Site.

19 **INTERROGATORY NO. 68:**

20 Identify any Person that conducted any statistical analysis on data collected at or from the
21 Site on Your behalf.

22 **INTERROGATORY NO. 69:**

23 For every Communication You Identify in Special Interrogatory No. 66, Identify the
24 Person with whom You Communicated.

25 **INTERROGATORY NO. 70:**

26 Identify all Communication between You and any Person Relating to the allegations
27 Relating to BAE Systems in the Tentative Order.

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1 **INTERROGATORY NO. 71:**

2 Identify all Documents Relating to Your Communications with any Person Relating to the
3 allegations Relating to BAE Systems in the Tentative Order.

4 **INTERROGATORY NO. 72:**

5 For every Communication You Identify in response to Special Interrogatory No. 70,
6 Identify the Person with whom You Communicated.

7 **INTERROGATORY NO. 73:**

8 Identify all Communications between You and any Person Relating to “the Board’s
9 proposed application of environmental cost-benefit assessment theories to the ‘economic
10 feasibility’ considerations under State Water Resources Control Board Resolution 92-49” as
11 stated in footnote 1 on page 7 of the Environmental Groups’ Motion for “Designated Party”
12 Status and Opposition to Objections of City of San Diego and NASSCO filed on September 21,
13 2005.

14 **INTERROGATORY NO. 74:**

15 Identify all Documents Relating to any Communications between You and any Person
16 Relating to “the Board’s proposed application of environmental cost-benefit assessment theories
17 to the ‘economic feasibility’ considerations under State Water Resources Control Board
18 Resolution 92-49” as stated in footnote 1 on page 7 of the Environmental Groups’ Motion for
19 “Designated Party” Status and Opposition to Objections of City of San Diego and NASSCO filed
20 on September 21, 2005.

21 **INTERROGATORY NO. 75:**

22 For every Communication You Identify in response to Special Interrogatory No. 73,
23 Identify the Person with whom You Communicated.

24 **INTERROGATORY NO. 76:**

25 Identify all Communications between You and any Person that is a member of the San
26 Diego Bay Council, excluding Communications with EHC, Relating to the Tentative Order or
27 Draft Technical Report.

28 ////

1 **INTERROGATORY NO. 77:**

2 Identify all Documents Relating to any Communication between You and any Person that
3 is a member of the San Diego Bay Council, excluding Communications with EHC Relating to the
4 Tentative Order or Draft Technical Report.

5 **INTERROGATORY NO. 78:**

6 For every Communication You Identify in response to Special Interrogatory No. 76,
7 Identify the Person with whom You Communicated.

8 **INTERROGATORY NO. 79:**

9 Identify all Communications between You and any Person Relating to the economic
10 feasibility analysis utilized in connection with proposed cleanup levels and/or remediation of the
11 Site.

12 **INTERROGATORY NO. 80:**

13 Identify all Documents Relating to any Communications between You and any Person
14 Relating to the economic feasibility analysis utilized in connection with proposed cleanup levels
15 and/or remediation of the Site.

16 **INTERROGATORY NO. 81:**

17 For every Communication You Identify in response to Special Interrogatory No. 79,
18 Identify with whom You Communicated.

19 **INTERROGATORY NO. 82:**

20 Identify all Communications between You and any Person Relating to "the scientific
21 validity of the reference pool chosen by the Board staff" as stated in footnote 1 on page 7 of the
22 Environmental Groups' Motion for "Designated Party" Status and Opposition to Objections of
23 City of San Diego and NASSCO.

24 **INTERROGATORY NO. 83:**

25 Identify all Documents relating to Communications between You and any Person Relating
26 to "the scientific validity of the reference pool chosen by the Board staff" as stated in footnote 1
27 on page 7 of the Environmental Groups' Motion for "Designated Party" Status and Opposition to
28 Objections of City of San Diego and NASSCO.

1 **INTERROGATORY NO. 84:**

2 For every Communication You Identify in response to Special Interrogatory No. 82,
3 Identify the Person with whom You Communicated.

4 **INTERROGATORY NO. 85:**

5 Identify all Communications between You and any Person Relating to “the likelihood that
6 the proposed cleanup levels will protect beneficial uses as required by law” as stated in footnote 1
7 on page 7 of the Environmental Groups' Motion for "Designated Party" Status and Opposition to
8 Objections of City of San Diego and NASSCO.

9 **INTERROGATORY NO. 86:**

10 Identify all Documents relating to Communications between You and any Person Relating
11 to "the likelihood that the proposed cleanup levels will protect beneficial uses as required by
12 law." as stated in footnote 1 on page 7 of the Environmental Groups' Motion for "Designated
13 Party" Status and Opposition to Objections of City of San Diego and NASSCO.

14 **INTERROGATORY NO. 87:**

15 For every Communication You Identify in response to Special Interrogatory No. 85,
16 Identify the Person with whom You Communicated.

17 **INTERROGATORY NO. 88:**

18 Identify all Documents Relating to EHC’s report entitled “Survey of Fishers on Piers in
19 San Diego Bay, Results and Conclusion” referenced on page 1-25 of the Draft Technical Report.

20 **INTERROGATORY NO. 89:**

21 Identify all Communications between You and EHC relating to the report referenced in
22 Special Interrogatory No. 88.

23 **INTERROGATORY NO. 90:**

24 Identify all Persons at Coastkeeper who participated in conducting the survey referenced
25 in Special Interrogatory No. 88.

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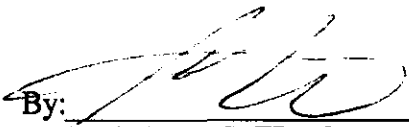
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INTERROGATORY NO. 91:

Identify all Documents used to formulate any computations, calculations or conclusions reached in the report referenced in Special Interrogatory No. 88.

DATED: July 22 2010

DLA PIPER LLP (US)

By: 

MICHAEL S. TRACY
AMY G. NEFOUSE
MATTHEW B. DART
ERIN O. DOYLE
Attorneys for BAE Systems San Diego Ship
Repair Inc.

1 MICHAEL S. TRACY (Bar No. 101456)
2 AMY G. NEFOUSE (Bar No. 159880)
3 MATTHEW B. DART (Bar No. 216429)
4 ERIN O. DOYLE (Bar No. 260646)
5 **DLA PIPER LLP (US)**
6 401 B Street, Suite 1700
7 San Diego, CA 92101-4297
8 Telephone: 619.699.2700
9 Facsimile: 619.699.2701

6 Attorneys for Designated Party
7 BAE Systems San Diego Ship Repair Inc.

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION

11 **IN THE MATTER OF:**

12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF BRUCE REZNIK**

Date: August 20, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

17 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
18 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
19 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
20 August 20, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
21 take the deposition of Bruce Reznik ("Deponent"). This deposition will take place at the law
22 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
23 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
24 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of
27 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition
28

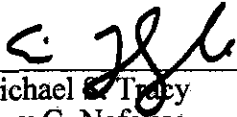
1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

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By: 
Michael S. Tracy
Amy G. Nefouse
Matthew B. Dart
Erin O. Doyle
Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.

ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
BRUCE REZNIK

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

The following definitions shall apply to each category of documents set forth below:

1. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

2. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible forms of expression falling within the scope of California Evidence Code § 250, within YOUR custody, possession or control.

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1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
3 organization, board, authority, governmental entity, or any other entity, including a representative
4 of such PERSON(S).

5 4. “RELATING TO” shall mean and refer to relating to, pertaining to, referring to,
6 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
7 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
8 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
9 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
10 request, in whole or in part.

11 5. “TECHNICAL REPORT” shall mean and refer to the Draft Technical Report for
12 the TENTATIVE ORDER, publically released on December 22, 2009.

13 6. “TENTATIVE ORDER” shall mean and refer to Tentative Cleanup and
14 Abatement Order R9-2010-0002, publically released on December 22, 2009.

15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
16 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
17 investigators, and insurance companies, and their employees, and anyone else acting on your
18 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
19 possession, custody or control.

20 8. “PERSON” shall mean any entity or natural person.

21 9. “ADVISORY TEAM” means and refers to the Advisory Team of the RWQCB,
22 specially formed in response to and for purposes of the investigation of the Site in San Diego
23 Bay, including, but not limited to, all past or present members, directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationship with the ADVISORY TEAM and others acting on behalf of the ADVISORY TEAM.

26 10. “CLEANUP TEAM” means and refers to the Cleanup Team of the RWQCB
27 specially formed in response to and for purposes of the investigation of the Site in San Diego
28 Bay, including, but not limited to, all past or present members, directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationship with the CLEANUP TEAM and others acting on behalf of the CLEANUP TEAM.

3 11. "COASTKEEPER" means and refers to San Diego Coastkeeper including, but not
4 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
5 attorneys, entities acting in joint-venture or partnership relationships with San Diego Coastkeeper
6 and others acting on behalf of San Diego Coastkeeper.

7 12. "EHC" means and refers to Environmental Health Coalition including, but not
8 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
9 attorneys, entities acting in joint-venture or partnership relationships with Environmental Health
10 Coalition and others acting on behalf of Environmental Health Coalition.

11 13. "MACDONALD ENVIRONMENTAL SCIENCES" means and refers to
12 MacDonald Environmental Sciences Ltd. including, but not limited to, all past or present
13 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in
14 joint-venture or partnership relationships with MacDonald Environmental Sciences and others
15 acting on behalf of MacDonald Environmental Sciences.

16 14. "PORT" means and refers to the San Diego Unified Port District including, but not
17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

20 **III. DOCUMENT REQUESTS**

21 1. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
23 REPORT.

24 2. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
25 any person at EHC RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

26 3. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
27 the CLEANUP TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
28 REPORT.

1 4. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
3 REPORT.

4 5. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
5 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the TENTATIVE ORDER
6 and/or TECHNICAL REPORT.

7 6. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 Ed Kimura RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

9 7. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 Katie Zeeman RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

11 8. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
12 Steve Bay RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

13 9. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
14 the PORT RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

15 10. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
16 any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
17 TECHNICAL REPORT.

18 11. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
19 any PERSON RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

20 12. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
21 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the report entitled
22 “Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
23 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California” prepared by Donald
24 MacDonald.

25 13. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
26 COASTKEEPER RELATING TO the report entitled “Development of a Sediment Remediation
27 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
28 in San Diego Bay, California” prepared by Donald MacDonald.

1 14. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 EHC RELATING TO the report entitled "Development of a Sediment Remediation Footprint to
3 Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San
4 Diego Bay, California" prepared by Donald MacDonald.

5 15. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
6 any PERSON RELATING TO the report entitled "Development of a Sediment Remediation
7 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
8 in San Diego Bay, California" prepared by Donald MacDonald.

9 16. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 COASTKEEPER RELATING TO the report entitled "Survey of Fishers on Piers in San Diego
11 Bay, Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

12 17. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
13 EHC RELATING TO the report entitled "Survey of Fishers on Piers in San Diego Bay, Results
14 and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

15 18. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
16 any PERSON RELATING TO the report entitled "Survey of Fishers on Piers in San Diego Bay,
17 Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT

18 19. All DOCUMENTS RELATING TO any work YOU performed in connection with
19 the TENTATIVE ORDER.

20 20. All DOCUMENTS RELATING TO any work YOU performed in connection with
21 the TECHNICAL REPORT.

22 21. All DOCUMENTS RELATING TO any work YOU performed in connection with
23 the report entitled "Development of a Sediment Remediation Footprint to Address Risks to
24 Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California"
25 prepared by Donald MacDonald.

26 22. All DOCUMENTS RELATING TO any work YOU performed in connection with
27 the report entitled "Survey of Fishers on Piers in San Diego Bay, Results and Conclusion"
28 referenced on page 1-25 of the TECHNICAL REPORT.

1 MICHAEL S. TRACY (Bar No. 101456)
2 AMY G. NEFOUSE (Bar No. 159880)
3 MATTHEW B. DART (Bar No. 216429)
4 ERIN O. DOYLE (Bar No. 260646)

5 **DLA PIPER LLP (US)**
6 401 B Street, Suite 1700
7 San Diego, CA 92101-4297
8 Telephone: 619.699.2700
9 Facsimile: 619.699.2701

10 Attorneys for Designated Party
11 BAE Systems San Diego Ship Repair Inc.

12 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
13
14 SAN DIEGO REGION

15 **IN THE MATTER OF:**

16 TENTATIVE CLEANUP AND
17 ABATEMENT ORDER NO. R9-2010-0002

18 **BAE SYSTEM'S NOTICE OF
19 DEPOSITION OF CLAY CLIFTON**

20 Date: August 12, 2010
21 Time: 9:30 a.m.
22 Dept: DLA Piper LLP (US)
23 401 B Street, Suite 1700
24 San Diego, CA 92101-4297

25 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

26 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
27 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
28 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
August 12, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
take the deposition of Clay Clifton ("Deponent"). This deposition will take place at the law
offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.


PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
stenographically recorded, and recorded through such means as to provide the instant display of

1 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition
2 testimony at a hearing in this matter.

3 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
4 and copying of the documents identified in Attachment A to this Notice at the place, date, and
5 time specified above.

6 Dated: July 22, 2010

DLA PIPER LLP (US)

7
8 By: 
9 Michael S. Tracy
10 Amy G. Nefouse
11 Matthew B. Dart
12 Erin O. Doyle
13 Attorneys for Designated Party
14 BAE Systems San Diego Ship Repair Inc.
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1 **ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR**

2 **CLAY CLIFTON**

3 **I. INSTRUCTIONS**

4 1. Please produce DOCUMENTS as they are kept in the usual course of business or
5 organize and label them to correspond with the categories in these requests.

6 2. In the event any requested DOCUMENT has been destroyed, lost, discarded or
7 otherwise disposed of, please identify such DOCUMENT as completely as possible, including
8 without limitation the following information: (a) date of disposal; (b) manner of disposal; and
9 (c) person approving of the disposal.

10 **II. DEFINITIONS**

11 The following definitions shall apply to each category of documents set forth below:

12 1. “COMMUNICATIONS” shall mean and refer to the written or verbal exchange of
13 information by any means, including, without limitation, telephone, telecopy, facsimile, or other
14 electronic medium (including e-mail), letter, memorandum, notes or other writing method,
15 meeting, discussion, conversation or other form of verbal expression.

16 2. “DOCUMENT(S)” shall mean and refer to any and all written, printed,
17 typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however
18 produced or reproduced, including data stored in a computer, data stored on removable magnetic
19 and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and
20 voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory
21 refers. “DOCUMENT(S)” shall further include, without limitation, all preliminary, intermediate
22 and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia
23 appearing on any DOCUMENT, and shall not be limited in any way with respect to the process
24 by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium
25 in which the document is embodied. DOCUMENT(S) shall include all “writing” and tangible
26 forms of expression falling within the scope of California Evidence Code § 250, within YOUR
27 custody, possession or control.

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1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
3 organization, board, authority, governmental entity, or any other entity, including a representative
4 of such PERSON(S).

5 4. “RELATING TO” shall mean and refer to relating to, pertaining to, referring to,
6 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
7 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
8 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
9 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
10 request, in whole or in part.

11 5. “TECHNICAL REPORT” shall mean and refer to the Draft Technical Report for
12 the TENTATIVE ORDER, publically released on December 22, 2009.

13 6. “TENTATIVE ORDER” shall mean and refer to Tentative Cleanup and
14 Abatement Order R9-2010-0002, publically released on December 22, 2009.

15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
16 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
17 investigators, and insurance companies, and their employees, and anyone else acting on your
18 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
19 possession, custody or control.

20 8. “PERSON” shall mean any entity or natural person.

21 9. “ADVISORY TEAM” means and refers to the Advisory Team of the RWQCB,
22 specially formed in response to and for purposes of the investigation of the Site in San Diego
23 Bay, including, but not limited to, all past or present members, directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationship with the ADVISORY TEAM and others acting on behalf of the ADVISORY TEAM.

26 10. “CLEANUP TEAM” means and refers to the Cleanup Team of the RWQCB
27 specially formed in response to and for purposes of the investigation of the Site in San Diego
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5 attorneys, entities acting in joint-venture or partnership relationships with San Diego Coastkeeper
6 and others acting on behalf of San Diego Coastkeeper.

7 12. "EHC" means and refers to Environmental Health Coalition including, but not
8 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
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17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

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22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
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28 REPORT.

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9 16. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 COASTKEEPER RELATING TO the report entitled "Survey of Fishers on Piers in San Diego
11 Bay, Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

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20 20. All DOCUMENTS RELATING TO any work YOU performed in connection with
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28 referenced on page 1-25 of the TECHNICAL REPORT.

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 **IN THE MATTER OF:**

12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF JEN KOVECSES**

Date: August 13, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

17 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
18 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
19 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
20 August 13, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
21 take the deposition of Jen Kovecses ("Deponent"). This deposition will take place at the law
22 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
23 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
24 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.


25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of
27 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition
28

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

6
7 By: 
8 Michael S. Tracy
9 Amy G. Nefouse
10 Matthew B. Dart
11 Erin O. Doyle
12 Attorneys for Designated Party
13 BAE Systems San Diego Ship Repair Inc.
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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
JEN KOVECSES

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

The following definitions shall apply to each category of documents set forth below:

1. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

2. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible forms of expression falling within the scope of California Evidence Code § 250, within YOUR custody, possession or control.

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1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
3 organization, board, authority, governmental entity, or any other entity, including a representative
4 of such PERSON(S).

5 4. “RELATING TO” shall mean and refer to relating to, pertaining to, referring to,
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15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
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3 11. "COASTKEEPER" means and refers to San Diego Coastkeeper including, but not
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14 joint-venture or partnership relationships with MacDonald Environmental Sciences and others
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16 14. "PORT" means and refers to the San Diego Unified Port District including, but not
17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

20 **III. DOCUMENT REQUESTS**

21 1. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
23 REPORT.

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25 any person at EHC RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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23 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California” prepared by Donald
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11 Bay, Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

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19 the TENTATIVE ORDER.

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2 MATTHEW B. DART (Bar No. 216429)
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Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 IN THE MATTER OF: 12 TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2010-0002 13 14 15 16	11 BAE SYSTEM'S NOTICE OF DEPOSITION OF DIANE TAKVORIAN Date: August 16, 2010 Time: 9:30 a.m. Dept: DLA Piper LLP (US) 401 B Street, Suite 1700 San Diego, CA 92101-4297
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17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
19 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
20 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
21 August 16, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
22 take the deposition of Diane Takvorian ("Deponent"). This deposition will take place at the law
23 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
24 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
25 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

26 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
27 stenographically recorded, and recorded through such means as to provide the instant display of
28 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

6

7

By:  _____

8

Michael S. Tracy

9

Amy G. Nefouse

10

Matthew B. Dart

11

Erin O. Doyle

12

Attorneys for Designated Party

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BAE Systems San Diego Ship Repair Inc.

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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
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12 Steve Bay RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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14 the PORT RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

15 10. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
16 any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
17 TECHNICAL REPORT.

18 11. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
19 any PERSON RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

20 12. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
21 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the report entitled
22 “Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
23 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California” prepared by Donald
24 MacDonald.

25 13. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
26 COASTKEEPER RELATING TO the report entitled “Development of a Sediment Remediation
27 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
28 in San Diego Bay, California” prepared by Donald MacDonald.

1 14. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 EHC RELATING TO the report entitled "Development of a Sediment Remediation Footprint to
3 Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San
4 Diego Bay, California" prepared by Donald MacDonald.

5 15. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
6 any PERSON RELATING TO the report entitled "Development of a Sediment Remediation
7 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
8 in San Diego Bay, California" prepared by Donald MacDonald.

9 16. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 COASTKEEPER RELATING TO the report entitled "Survey of Fishers on Piers in San Diego
11 Bay, Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

12 17. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
13 EHC RELATING TO the report entitled "Survey of Fishers on Piers in San Diego Bay, Results
14 and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

15 18. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
16 any PERSON RELATING TO the report entitled "Survey of Fishers on Piers in San Diego Bay,
17 Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT

18 19. All DOCUMENTS RELATING TO any work YOU performed in connection with
19 the TENTATIVE ORDER.

20 20. All DOCUMENTS RELATING TO any work YOU performed in connection with
21 the TECHNICAL REPORT.

22 21. All DOCUMENTS RELATING TO any work YOU performed in connection with
23 the report entitled "Development of a Sediment Remediation Footprint to Address Risks to
24 Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California"
25 prepared by Donald MacDonald.

26 22. All DOCUMENTS RELATING TO any work YOU performed in connection with
27 the report entitled "Survey of Fishers on Piers in San Diego Bay, Results and Conclusion"
28 referenced on page 1-25 of the TECHNICAL REPORT.

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION

11 **IN THE MATTER OF:**

12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF JOY WILLIAMS**

Date: August 18, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

17 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
18 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
19 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
20 August 18, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
21 take the deposition of Joy Williams ("Deponent"). This deposition will take place at the law
22 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
23 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
24 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.


25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of
27 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition
28

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

7 By: 

8 Michael S. Tracy
9 Amy G. Nefouse
10 Matthew B. Dart
11 Erin O. Doyle
12 Attorneys for Designated Party
13 BAE Systems San Diego Ship Repair Inc.

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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
JOY WILLIAMS

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

The following definitions shall apply to each category of documents set forth below:

1. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

2. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible forms of expression falling within the scope of California Evidence Code § 250, within YOUR custody, possession or control.

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1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
3 organization, board, authority, governmental entity, or any other entity, including a representative
4 of such PERSON(S).

5 4. “RELATING TO” shall mean and refer to relating to, pertaining to, referring to,
6 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
7 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
8 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
9 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
10 request, in whole or in part.

11 5. “TECHNICAL REPORT” shall mean and refer to the Draft Technical Report for
12 the TENTATIVE ORDER, publically released on December 22, 2009.

13 6. “TENTATIVE ORDER” shall mean and refer to Tentative Cleanup and
14 Abatement Order R9-2010-0002, publically released on December 22, 2009.

15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
16 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
17 investigators, and insurance companies, and their employees, and anyone else acting on your
18 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
19 possession, custody or control.

20 8. “PERSON” shall mean any entity or natural person.

21 9. “ADVISORY TEAM” means and refers to the Advisory Team of the RWQCB,
22 specially formed in response to and for purposes of the investigation of the Site in San Diego
23 Bay, including, but not limited to, all past or present members, directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationship with the ADVISORY TEAM and others acting on behalf of the ADVISORY TEAM.

26 10. “CLEANUP TEAM” means and refers to the Cleanup Team of the RWQCB
27 specially formed in response to and for purposes of the investigation of the Site in San Diego
28 Bay, including, but not limited to, all past or present members, directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationship with the CLEANUP TEAM and others acting on behalf of the CLEANUP TEAM.

3 11. "COASTKEEPER" means and refers to San Diego Coastkeeper including, but not
4 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
5 attorneys, entities acting in joint-venture or partnership relationships with San Diego Coastkeeper
6 and others acting on behalf of San Diego Coastkeeper.

7 12. "EHC" means and refers to Environmental Health Coalition including, but not
8 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
9 attorneys, entities acting in joint-venture or partnership relationships with Environmental Health
10 Coalition and others acting on behalf of Environmental Health Coalition.

11 13. "MACDONALD ENVIRONMENTAL SCIENCES" means and refers to
12 MacDonald Environmental Sciences Ltd. including, but not limited to, all past or present
13 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in
14 joint-venture or partnership relationships with MacDonald Environmental Sciences and others
15 acting on behalf of MacDonald Environmental Sciences.

16 14. "PORT" means and refers to the San Diego Unified Port District including, but not
17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

20 **III. DOCUMENT REQUESTS**

21 1. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
23 REPORT.

24 2. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
25 any person at EHC RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

26 3. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
27 the CLEANUP TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
28 REPORT.

1 4. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
3 REPORT.

4 5. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
5 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the TENTATIVE ORDER
6 and/or TECHNICAL REPORT.

7 6. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 Ed Kimura RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

9 7. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 Katie Zeeman RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

11 8. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
12 Steve Bay RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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14 the PORT RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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16 any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
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19 any PERSON RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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21 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the report entitled
22 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
23 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared by Donald
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28 in San Diego Bay, California" prepared by Donald MacDonald.

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2 EHC RELATING TO the report entitled "Development of a Sediment Remediation Footprint to
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10 COASTKEEPER RELATING TO the report entitled "Survey of Fishers on Piers in San Diego
11 Bay, Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

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19 the TENTATIVE ORDER.

20 20. All DOCUMENTS RELATING TO any work YOU performed in connection with
21 the TECHNICAL REPORT.

22 21. All DOCUMENTS RELATING TO any work YOU performed in connection with
23 the report entitled "Development of a Sediment Remediation Footprint to Address Risks to
24 Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California"
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27 the report entitled "Survey of Fishers on Piers in San Diego Bay, Results and Conclusion"
28 referenced on page 1-25 of the TECHNICAL REPORT.

1 MICHAEL S. TRACY (Bar No. 101456)
2 AMY G. NEFOUSE (Bar No. 159880)
3 MATTHEW B. DART (Bar No. 216429)
4 ERIN O. DOYLE (Bar No. 260646)

5 **DLA PIPER LLP (US)**
6 401 B Street, Suite 1700
7 San Diego, CA 92101-4297
8 Telephone: 619.699.2700
9 Facsimile: 619.699.2701

10 Attorneys for Designated Party
11 BAE Systems San Diego Ship Repair Inc.

12 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
13
14 SAN DIEGO REGION

15 **IN THE MATTER OF:**

16 TENTATIVE CLEANUP AND
17 ABATEMENT ORDER NO. R9-2010-0002

18 **BAE SYSTEM'S NOTICE OF
19 DEPOSITION OF LAURA HUNTER**

20 Date: August 17, 2010
21 Time: 9:30 a.m.
22 Dept: DLA Piper LLP (US)
23 401 B Street, Suite 1700
24 San Diego, CA 92101-4297

25 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

26 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
27 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
28 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
August 17, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
take the deposition of Laura Hunter ("Deponent"). This deposition will take place at the law
offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
stenographically recorded, and recorded through such means as to provide the instant display of
the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

7 By:  _____

8 Michael S. Tracy
9 Amy G. Nefouse
10 Matthew B. Dart
11 Erin O. Doyle
12 Attorneys for Designated Party
13 BAE Systems San Diego Ship Repair Inc.

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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
LAURA HUNTER

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

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1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
3 organization, board, authority, governmental entity, or any other entity, including a representative
4 of such PERSON(S).

5 4. “RELATING TO” shall mean and refer to relating to, pertaining to, referring to,
6 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
7 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
8 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
9 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
10 request, in whole or in part.

11 5. “TECHNICAL REPORT” shall mean and refer to the Draft Technical Report for
12 the TENTATIVE ORDER, publically released on December 22, 2009.

13 6. “TENTATIVE ORDER” shall mean and refer to Tentative Cleanup and
14 Abatement Order R9-2010-0002, publically released on December 22, 2009.

15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
16 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
17 investigators, and insurance companies, and their employees, and anyone else acting on your
18 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
19 possession, custody or control.

20 8. “PERSON” shall mean any entity or natural person.

21 9. “ADVISORY TEAM” means and refers to the Advisory Team of the RWQCB,
22 specially formed in response to and for purposes of the investigation of the Site in San Diego
23 Bay, including, but not limited to, all past or present members, directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationship with the ADVISORY TEAM and others acting on behalf of the ADVISORY TEAM.

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27 specially formed in response to and for purposes of the investigation of the Site in San Diego
28 Bay, including, but not limited to, all past or present members, directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationship with the CLEANUP TEAM and others acting on behalf of the CLEANUP TEAM.

3 11. "COASTKEEPER" means and refers to San Diego Coastkeeper including, but not
4 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
5 attorneys, entities acting in joint-venture or partnership relationships with San Diego Coastkeeper
6 and others acting on behalf of San Diego Coastkeeper.

7 12. "EHC" means and refers to Environmental Health Coalition including, but not
8 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
9 attorneys, entities acting in joint-venture or partnership relationships with Environmental Health
10 Coalition and others acting on behalf of Environmental Health Coalition.

11 13. "MACDONALD ENVIRONMENTAL SCIENCES" means and refers to
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13 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in
14 joint-venture or partnership relationships with MacDonald Environmental Sciences and others
15 acting on behalf of MacDonald Environmental Sciences.

16 14. "PORT" means and refers to the San Diego Unified Port District including, but not
17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

20 **III. DOCUMENT REQUESTS**

21 1. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
23 REPORT.

24 2. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
25 any person at EHC RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

26 3. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
27 the CLEANUP TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
28 REPORT.

1 4. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
3 REPORT.

4 5. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
5 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the TENTATIVE ORDER
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8 Ed Kimura RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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10 Katie Zeeman RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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14 the PORT RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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21 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the report entitled
22 “Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
23 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California” prepared by Donald
24 MacDonald.

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27 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
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4 Diego Bay, California" prepared by Donald MacDonald.

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8 in San Diego Bay, California" prepared by Donald MacDonald.

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10 COASTKEEPER RELATING TO the report entitled "Survey of Fishers on Piers in San Diego
11 Bay, Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

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14 and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

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21 the TECHNICAL REPORT.

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23 the report entitled "Development of a Sediment Remediation Footprint to Address Risks to
24 Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California"
25 prepared by Donald MacDonald.

26 22. All DOCUMENTS RELATING TO any work YOU performed in connection with
27 the report entitled "Survey of Fishers on Piers in San Diego Bay, Results and Conclusion"
28 referenced on page 1-25 of the TECHNICAL REPORT.

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 **IN THE MATTER OF:**
12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002
14

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF SONIA
RODRIGUEZ**

Date: August 17, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16
17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
19 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
20 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
21 August 17, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
22 take the deposition of Sonia Rodriguez ("Deponent"). This deposition will take place at the law
23 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
24 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
25 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

26 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
27 stenographically recorded, and recorded through such means as to provide the instant display of
28 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

7 By: _____

8 Michael S. Tracy
9 Amy G. Nefouse
10 Matthew B. Dart
11 Erin O. Doyle
12 Attorneys for Designated Party
13 BAE Systems San Diego Ship Repair Inc.

ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
SONIA RODRIGUEZ

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

The following definitions shall apply to each category of documents set forth below:

1. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

2. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible forms of expression falling within the scope of California Evidence Code § 250, within YOUR custody, possession or control.

////

1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
3 organization, board, authority, governmental entity, or any other entity, including a representative
4 of such PERSON(S).

5 4. “RELATING TO” shall mean and refer to relating to, pertaining to, referring to,
6 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
7 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
8 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
9 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
10 request, in whole or in part.

11 5. “TECHNICAL REPORT” shall mean and refer to the Draft Technical Report for
12 the TENTATIVE ORDER, publically released on December 22, 2009.

13 6. “TENTATIVE ORDER” shall mean and refer to Tentative Cleanup and
14 Abatement Order R9-2010-0002, publically released on December 22, 2009.

15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
16 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
17 investigators, and insurance companies, and their employees, and anyone else acting on your
18 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
19 possession, custody or control.

20 8. “PERSON” shall mean any entity or natural person.

21 9. “ADVISORY TEAM” means and refers to the Advisory Team of the RWQCB,
22 specially formed in response to and for purposes of the investigation of the Site in San Diego
23 Bay, including, but not limited to, all past or present members, directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationship with the ADVISORY TEAM and others acting on behalf of the ADVISORY TEAM.

26 10. “CLEANUP TEAM” means and refers to the Cleanup Team of the RWQCB
27 specially formed in response to and for purposes of the investigation of the Site in San Diego
28 Bay, including, but not limited to, all past or present members, directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationship with the CLEANUP TEAM and others acting on behalf of the CLEANUP TEAM.

3 11. "COASTKEEPER" means and refers to San Diego Coastkeeper including, but not
4 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
5 attorneys, entities acting in joint-venture or partnership relationships with San Diego Coastkeeper
6 and others acting on behalf of San Diego Coastkeeper.

7 12. "EHC" means and refers to Environmental Health Coalition including, but not
8 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
9 attorneys, entities acting in joint-venture or partnership relationships with Environmental Health
10 Coalition and others acting on behalf of Environmental Health Coalition.

11 13. "MACDONALD ENVIRONMENTAL SCIENCES" means and refers to
12 MacDonald Environmental Sciences Ltd. including, but not limited to, all past or present
13 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in
14 joint-venture or partnership relationships with MacDonald Environmental Sciences and others
15 acting on behalf of MacDonald Environmental Sciences.

16 14. "PORT" means and refers to the San Diego Unified Port District including, but not
17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

20 **III. DOCUMENT REQUESTS**

21 1. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
23 REPORT.

24 2. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
25 any person at EHC RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

26 3. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
27 the CLEANUP TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
28 REPORT.

1 4. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
3 REPORT.

4 5. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
5 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the TENTATIVE ORDER
6 and/or TECHNICAL REPORT.

7 6. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 Ed Kimura RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

9 7. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 Katie Zeeman RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

11 8. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
12 Steve Bay RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

13 9. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
14 the PORT RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

15 10. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
16 any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
17 TECHNICAL REPORT.

18 11. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
19 any PERSON RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

20 12. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
21 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the report entitled
22 “Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
23 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California” prepared by Donald
24 MacDonald.

25 13. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
26 COASTKEEPER RELATING TO the report entitled “Development of a Sediment Remediation
27 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
28 in San Diego Bay, California” prepared by Donald MacDonald.

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2 EHC RELATING TO the report entitled "Development of a Sediment Remediation Footprint to
3 Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San
4 Diego Bay, California" prepared by Donald MacDonald.

5 15. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
6 any PERSON RELATING TO the report entitled "Development of a Sediment Remediation
7 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
8 in San Diego Bay, California" prepared by Donald MacDonald.

9 16. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 COASTKEEPER RELATING TO the report entitled "Survey of Fishers on Piers in San Diego
11 Bay, Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

12 17. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
13 EHC RELATING TO the report entitled "Survey of Fishers on Piers in San Diego Bay, Results
14 and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT.

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17 Results and Conclusion" referenced on page 1-25 of the TECHNICAL REPORT

18 19. All DOCUMENTS RELATING TO any work YOU performed in connection with
19 the TENTATIVE ORDER.

20 20. All DOCUMENTS RELATING TO any work YOU performed in connection with
21 the TECHNICAL REPORT.

22 21. All DOCUMENTS RELATING TO any work YOU performed in connection with
23 the report entitled "Development of a Sediment Remediation Footprint to Address Risks to
24 Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California"
25 prepared by Donald MacDonald.

26 22. All DOCUMENTS RELATING TO any work YOU performed in connection with
27 the report entitled "Survey of Fishers on Piers in San Diego Bay, Results and Conclusion"
28 referenced on page 1-25 of the TECHNICAL REPORT.

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 **IN THE MATTER OF:**
12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002
14

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF ED KIMURA**

Date: August 18, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

17 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
18 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
19 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
20 August 18, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
21 take the deposition of Ed Kimura ("Deponent"). This deposition will take place at the law offices
22 of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297, upon oral
23 examination before a Certified Shorthand Reporter duly authorized to administer oaths, and will
24 continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

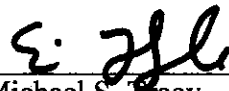
25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of
27 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition
28

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

6
7 By: 
8 Michael S. Fracy
9 Amy G. Nefouse
10 Matthew B. Dart
11 Erin O. Doyle
12 Attorneys for Designated Party
13 BAE Systems San Diego Ship Repair Inc.
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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
ED KIMURA

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

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1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
3 organization, board, authority, governmental entity, or any other entity, including a representative
4 of such PERSON(S).

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8 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
9 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
10 request, in whole or in part.

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12 the TENTATIVE ORDER, publically released on December 22, 2009.

13 6. “TENTATIVE ORDER” shall mean and refer to Tentative Cleanup and
14 Abatement Order R9-2010-0002, publically released on December 22, 2009.

15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
16 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
17 investigators, and insurance companies, and their employees, and anyone else acting on your
18 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
19 possession, custody or control.

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21 9. “ADVISORY TEAM” means and refers to the Advisory Team of the RWQCB,
22 specially formed in response to and for purposes of the investigation of the Site in San Diego
23 Bay, including, but not limited to, all past or present members, directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationship with the ADVISORY TEAM and others acting on behalf of the ADVISORY TEAM.

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27 specially formed in response to and for purposes of the investigation of the Site in San Diego
28 Bay, including, but not limited to, all past or present members, directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationship with the CLEANUP TEAM and others acting on behalf of the CLEANUP TEAM.

3 11. "COASTKEEPER" means and refers to San Diego Coastkeeper including, but not
4 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
5 attorneys, entities acting in joint-venture or partnership relationships with San Diego Coastkeeper
6 and others acting on behalf of San Diego Coastkeeper.

7 12. "EHC" means and refers to Environmental Health Coalition including, but not
8 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
9 attorneys, entities acting in joint-venture or partnership relationships with Environmental Health
10 Coalition and others acting on behalf of Environmental Health Coalition.

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14 joint-venture or partnership relationships with MacDonald Environmental Sciences and others
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17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

20 **III. DOCUMENT REQUESTS**

21 1. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
23 REPORT.

24 2. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
25 any person at EHC RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

26 3. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
27 the CLEANUP TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
28 REPORT.

1 4. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
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4 5. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
5 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the TENTATIVE ORDER
6 and/or TECHNICAL REPORT.

7 6. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 Katie Zeeman RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

9 7. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 Steve Bay RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

11 8. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
12 the PORT RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

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14 any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
15 TECHNICAL REPORT.

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17 any PERSON RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

18 11. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
19 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the report entitled
20 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
21 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared by Donald
22 MacDonald.

23 12. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
24 COASTKEEPER RELATING TO the report entitled "Development of a Sediment Remediation
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1 Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San
2 Diego Bay, California” prepared by Donald MacDonald.

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5 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
6 in San Diego Bay, California” prepared by Donald MacDonald.

7 15. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 COASTKEEPER RELATING TO the report entitled “Survey of Fishers on Piers in San Diego
9 Bay, Results and Conclusion” referenced on page 1-25 of the TECHNICAL REPORT.

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16 18. All DOCUMENTS RELATING TO any work YOU performed in connection with
17 the TENTATIVE ORDER.

18 19. All DOCUMENTS RELATING TO any work YOU performed in connection with
19 the TECHNICAL REPORT.

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21 the report entitled “Development of a Sediment Remediation Footprint to Address Risks to
22 Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California”
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25 the report entitled “Survey of Fishers on Piers in San Diego Bay, Results and Conclusion”
26 referenced on page 1-25 of the TECHNICAL REPORT.

27

28

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)

3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION

11 **IN THE MATTER OF:**

12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF KATIE ZEEMAN**

Date: August 19, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

17 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
18 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
19 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
20 August 19, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
21 take the deposition of Katie Zeeman ("Deponent"). This deposition will take place at the law
22 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
23 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
24 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

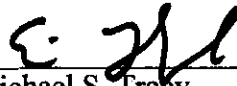
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28

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

6
7 By: 
8 Michael S. Tracy
9 Amy G. Nefouse
10 Matthew B. Dart
11 Erin O. Doyle
12 Attorneys for Designated Party
13 BAE Systems San Diego Ship Repair Inc.
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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
KATIE ZEEMAN

I. INSTRUCTIONS

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1 3. “PERSON(S)” shall mean and refer to any natural person, proprietorship, public or
2 private corporation, limited or general partnership, trust, joint venture, firm, association,
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15 7. “YOU” or “YOUR” shall mean the Deponent, including without limitation YOUR
16 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
17 investigators, and insurance companies, and their employees, and anyone else acting on your
18 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
19 possession, custody or control.

20 8. “PERSON” shall mean any entity or natural person.

21 9. “ADVISORY TEAM” means and refers to the Advisory Team of the RWQCB,
22 specially formed in response to and for purposes of the investigation of the Site in San Diego
23 Bay, including, but not limited to, all past or present members, directors, officers, agents,
24 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
25 relationship with the ADVISORY TEAM and others acting on behalf of the ADVISORY TEAM.

26 10. “CLEANUP TEAM” means and refers to the Cleanup Team of the RWQCB
27 specially formed in response to and for purposes of the investigation of the Site in San Diego
28 Bay, including, but not limited to, all past or present members, directors, officers, agents,

1 representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership
2 relationship with the CLEANUP TEAM and others acting on behalf of the CLEANUP TEAM.

3 11. "COASTKEEPER" means and refers to San Diego Coastkeeper including, but not
4 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
5 attorneys, entities acting in joint-venture or partnership relationships with San Diego Coastkeeper
6 and others acting on behalf of San Diego Coastkeeper.

7 12. "EHC" means and refers to Environmental Health Coalition including, but not
8 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
9 attorneys, entities acting in joint-venture or partnership relationships with Environmental Health
10 Coalition and others acting on behalf of Environmental Health Coalition.

11 13. "MACDONALD ENVIRONMENTAL SCIENCES" means and refers to
12 MacDonald Environmental Sciences Ltd. including, but not limited to, all past or present
13 directors, officers, agents, representatives, employees, consultants, attorneys, entities acting in
14 joint-venture or partnership relationships with MacDonald Environmental Sciences and others
15 acting on behalf of MacDonald Environmental Sciences.

16 14. "PORT" means and refers to the San Diego Unified Port District including, but not
17 limited to, all past or present directors, officers, agents, representatives, employees, consultants,
18 attorneys, entities acting in joint-venture or partnership relationships with the PORT and others
19 acting on behalf of the PORT.

20 **III. DOCUMENT REQUESTS**

21 1. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
22 any person at COASTKEEPER RELATING TO the TENTATIVE ORDER and/or TECHNICAL
23 REPORT.

24 2. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
25 any person at EHC RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

26 3. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
27 the CLEANUP TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
28 REPORT.

1 4. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
2 the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
3 REPORT.

4 5. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
5 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the TENTATIVE ORDER
6 and/or TECHNICAL REPORT.

7 6. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 Ed Kimura RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

9 7. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
10 Steve Bay RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

11 8. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
12 the PORT RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

13 9. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
14 any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
15 TECHNICAL REPORT.

16 10. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
17 any PERSON RELATING TO the TENTATIVE ORDER and/or TECHNICAL REPORT.

18 11. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
19 MACDONALD ENVIRONMENTAL SCIENCES RELATING TO the report entitled
20 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
21 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared by Donald
22 MacDonald.

23 12. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
24 COASTKEEPER RELATING TO the report entitled "Development of a Sediment Remediation
25 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
26 in San Diego Bay, California" prepared by Donald MacDonald.

27 13. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
28 EHC RELATING TO the report entitled "Development of a Sediment Remediation Footprint to

1 Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San
2 Diego Bay, California” prepared by Donald MacDonald.

3 14. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
4 any PERSON RELATING TO the report entitled “Development of a Sediment Remediation
5 Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site
6 in San Diego Bay, California” prepared by Donald MacDonald.

7 15. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 COASTKEEPER RELATING TO the report entitled “Survey of Fishers on Piers in San Diego
9 Bay, Results and Conclusion” referenced on page 1-25 of the TECHNICAL REPORT.

10 16. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
11 EHC RELATING TO the report entitled “Survey of Fishers on Piers in San Diego Bay, Results
12 and Conclusion” referenced on page 1-25 of the TECHNICAL REPORT.

13 17. ALL DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
14 any PERSON RELATING TO the report entitled “Survey of Fishers on Piers in San Diego Bay,
15 Results and Conclusion” referenced on page 1-25 of the TECHNICAL REPORT

16 18. All DOCUMENTS RELATING TO any work YOU performed in connection with
17 the TENTATIVE ORDER.

18 19. All DOCUMENTS RELATING TO any work YOU performed in connection with
19 the TECHNICAL REPORT.

20 20. All DOCUMENTS RELATING TO any work YOU performed in connection with
21 the report entitled “Development of a Sediment Remediation Footprint to Address Risks to
22 Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California”
23 prepared by Donald MacDonald.

24 21. All DOCUMENTS RELATING TO any work YOU performed in connection with
25 the report entitled “Survey of Fishers on Piers in San Diego Bay, Results and Conclusion”
26 referenced on page 1-25 of the TECHNICAL REPORT.

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 **IN THE MATTER OF:**
12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF CYNTHIA
GORHAM-TEST**

Date: August 12, 2010
Time: 9:30 a.m.
14 Dept: DLA Piper LLP (US)
15 401 B Street, Suite 1700
San Diego, CA 92101-4297

16
17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
19 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
20 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
21 August 12, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
22 take the deposition of Cynthia Gorham-Test ("Deponent"). This deposition will take place at the
23 law offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
24 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
25 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

26 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
27 stenographically recorded, and recorded through such means as to provide the instant display of
28 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition

1 testimony at a hearing in this matter.


2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

6

7

By:  _____

8

Michael S. Tracy

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Amy G. Nefouse

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Matthew B. Dart

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Erin O. Doyle

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Attorneys for Designated Party

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BAE Systems San Diego Ship Repair Inc.

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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
CYNTHIA GORHAM-TEST

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

The following definitions shall apply to each category of documents set forth below:

1. "ADVOCACY TEAM" shall mean and refer to the Advocacy Team of the California Regional Water Quality Control Board, San Diego Region ("Regional Board"), specially formed in response to and for purposes of advising the Regional Board in connection with its consideration of the TENTATIVE ORDER, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.

2. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

3. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process

1 by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium
2 in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible
3 forms of expression falling within the scope of California Evidence Code § 250, within YOUR
4 custody, possession or control.

5 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit
6 and/or advocacy organizations focused on environmental causes and issues, including but not
7 limited to members of the San Diego Bay Council, including but not limited to Designated Parties
8 San Diego Coastkeeper (formerly San Diego Baykeeper) and Environmental Health Coalition.

9 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public
10 or private corporation, limited or general partnership, trust, joint venture, firm, association,
11 organization, board, authority, governmental entity, or any other entity, including a representative
12 of such PERSON(S).

13 6. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
14 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
15 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
16 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
17 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
18 request, in whole or in part.

19 7. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
20 TENTATIVE ORDER and TECHNICAL REPORT.

21 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
22 the TENTATIVE ORDER, publically released on December 22, 2009, publically released on
23 December 22, 2009, including but not limited to the prior drafts released publicly on August 24,
24 2007, and April 4, 2008.

25 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
26 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
27 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
28 2008.

1 10. "YOU" or "YOUR" shall mean the Deponent, including without limitation YOUR
2 employer or prior employer and its agents, employees, representatives, attorneys, accountants,
3 investigators, and insurance companies, and their employees, and anyone else acting on your
4 behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS in YOUR
5 possession, custody or control.

6 11. "PERSON" shall mean any entity or natural person.

7 **DOCUMENT REQUESTS**

8 1. All DOCUMENTS RELATING TO any work YOU performed regarding the
9 human health risk assessment utilized in connection with the proposed cleanup levels and/or
10 remediation of the SITE.

11 2. All DOCUMENTS RELATING TO any work YOU performed regarding the
12 ecological risk assessment utilized in connection with the proposed cleanup levels and/or
13 remediation of the SITE.

14 3. All DOCUMENTS RELATING TO any work YOU performed regarding the
15 economic feasibility analysis utilized in connection with the proposed cleanup levels and/or
16 remediation of the SITE.

17 4. All DOCUMENTS RELATING TO any work YOU performed regarding the
18 technological feasibility analysis utilized in connection with the proposed cleanup levels and/or
19 remediation of the SITE.

20 5. All DOCUMENTS RELATING TO any work YOU performed regarding the cost
21 analysis utilized in connection with the proposed cleanup levels and remediation of the SITE.

22 6. All DOCUMENTS RELATING TO any work YOU performed regarding the
23 remedy selection alternatives analysis utilized in connection with the proposed cleanup levels
24 and/or remediation of the SITE.

25 7. All DOCUMENTS RELATING TO any work YOU performed regarding the
26 aquatic life impairment analysis utilized in connection with the proposed cleanup levels and/or
27 remediation of the SITE.

28 /////

1 8. All DOCUMENTS RELATING TO any work YOU performed regarding the
2 aquatic-dependent wildlife impairment analysis utilized in connection with the proposed cleanup
3 levels and/or remediation of the SITE.

4 9. All DOCUMENTS RELATING TO any work YOU performed regarding the
5 bioavailability analysis utilized in connection with proposed cleanup levels and/or remediation of
6 the SITE.

7 10. All DOCUMENTS RELATING TO any work YOU performed regarding any
8 alternative sediment cleanup levels analysis utilized in connection with the proposed cleanup
9 levels and/or remediation of the SITE.

10 11. All DOCUMENTS RELATING TO any work YOU performed regarding any
11 remedial monitoring analysis utilized in connection with the proposed cleanup levels and/or
12 remediation of the SITE.

13 12. All DOCUMENTS RELATING TO any work YOU performed regarding the
14 analysis of the contribution of stormwater to sediment contamination in the San Diego Bay,
15 utilized in connection with the proposed cleanup levels and/or remediation of the SITE.

16 13. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
17 and ENVIRONMENTAL GROUPS RELATING TO the TENTATIVE ORDER and/or
18 TECHNICAL REPORT.

19 14. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
20 and any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
21 TECHNICAL REPORT.

22 15. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
23 and the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
24 REPORT.

25 16. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
26 and any PERSON, other than a member of the CLEANUP TEAM, RELATING TO the
27 TENTATIVE ORDER and/or TECHNICAL REPORT.

28

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 **IN THE MATTER OF:**

12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002
14

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF PETER PEURON**

Date: August 13, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297
15

16 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

17 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
18 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
19 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
20 August 13, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
21 take the deposition of Peter Peuron ("Deponent"). This deposition will take place at the law
22 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
23 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
24 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of
27 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition
28

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

6

7

By:  _____

8

Michael S. Tracy

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Amy G. Nefouse

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Matthew B. Dart

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Erin O. Doyle

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Attorneys for Designated Party

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BAE Systems San Diego Ship Repair Inc.

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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
PETER PEURON

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

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2. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

3. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process

1 by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium
2 in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible
3 forms of expression falling within the scope of California Evidence Code § 250, within YOUR
4 custody, possession or control.

5 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit
6 and/or advocacy organizations focused on environmental causes and issues, including but not
7 limited to members of the San Diego Bay Council, including but not limited to Designated Parties
8 San Diego Coastkeeper (formerly San Diego Baykeeper) and Environmental Health Coalition.

9 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public
10 or private corporation, limited or general partnership, trust, joint venture, firm, association,
11 organization, board, authority, governmental entity, or any other entity, including a representative
12 of such PERSON(S).

13 6. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
14 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
15 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
16 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
17 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
18 request, in whole or in part.

19 7. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
20 TENTATIVE ORDER and TECHNICAL REPORT.

21 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
22 the TENTATIVE ORDER, publically released on December 22, 2009, publically released on
23 December 22, 2009, including but not limited to the prior drafts released publicly on August 24,
24 2007, and April 4, 2008.

25 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
26 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
27 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
28 2008.

1 8. All DOCUMENTS RELATING TO any work YOU performed regarding the
2 aquatic-dependent wildlife impairment analysis utilized in connection with the proposed cleanup
3 levels and/or remediation of the SITE.

4 9. All DOCUMENTS RELATING TO any work YOU performed regarding the
5 bioavailability analysis utilized in connection with proposed cleanup levels and/or remediation of
6 the SITE.

7 10. All DOCUMENTS RELATING TO any work YOU performed regarding any
8 alternative sediment cleanup levels analysis utilized in connection with the proposed cleanup
9 levels and/or remediation of the SITE.

10 11. All DOCUMENTS RELATING TO any work YOU performed regarding any
11 remedial monitoring analysis utilized in connection with the proposed cleanup levels and/or
12 remediation of the SITE.

13 12. All DOCUMENTS RELATING TO any work YOU performed regarding the
14 analysis of the contribution of stormwater to sediment contamination in the San Diego Bay,
15 utilized in connection with the proposed cleanup levels and/or remediation of the SITE.

16 13. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
17 and ENVIRONMENTAL GROUPS RELATING TO the TENTATIVE ORDER and/or
18 TECHNICAL REPORT.

19 14. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
20 and any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
21 TECHNICAL REPORT.

22 15. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
23 and the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
24 REPORT.

25 16. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
26 and any PERSON, other than a member of the CLEANUP TEAM, RELATING TO the
27 TENTATIVE ORDER and/or TECHNICAL REPORT.

28

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 **IN THE MATTER OF:**
12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002
14

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF BENJAMIN
TOBLER**

Date: August 16, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16
17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
19 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
20 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
21 August 16, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
22 take the deposition of Benjamin Tobler ("Deponent"). This deposition will take place at the law
23 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
24 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
25 and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

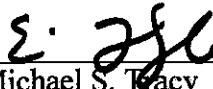
26 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
27 stenographically recorded, and recorded through such means as to provide the instant display of
28 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition

1 testimony at a hearing in this matter.

2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

7 By: 
8 Michael S. Teacy
9 Amy G. Nefouse
10 Matthew B. Dart
11 Erin O. Doyle
12 Attorneys for Designated Party
13 BAE Systems San Diego Ship Repair Inc.

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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
BENJAMIN TOBLER

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

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1. "ADVOCACY TEAM" shall mean and refer to the Advocacy Team of the California Regional Water Quality Control Board, San Diego Region ("Regional Board"), specially formed in response to and for purposes of advising the Regional Board in connection with its consideration of the TENTATIVE ORDER, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.

2. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

3. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process

1 by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium
2 in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible
3 forms of expression falling within the scope of California Evidence Code § 250, within YOUR
4 custody, possession or control.

5 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit
6 and/or advocacy organizations focused on environmental causes and issues, including but not
7 limited to members of the San Diego Bay Council, including but not limited to Designated Parties
8 San Diego Coastkeeper (formerly San Diego Baykeeper) and Environmental Health Coalition.

9 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public
10 or private corporation, limited or general partnership, trust, joint venture, firm, association,
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16 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
17 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
18 request, in whole or in part.

19 7. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
20 TENTATIVE ORDER and TECHNICAL REPORT.

21 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
22 the TENTATIVE ORDER, publically released on December 22, 2009, publically released on
23 December 22, 2009, including but not limited to the prior drafts released publically on August 24,
24 2007, and April 4, 2008.

25 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
26 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
27 limited to the prior drafts released publically on April 29, 2005, August 24, 2007, and April 4,
28 2008.

1 8. All DOCUMENTS RELATING TO any work YOU performed regarding the
2 aquatic-dependent wildlife impairment analysis utilized in connection with the proposed cleanup
3 levels and/or remediation of the SITE.

4 9. All DOCUMENTS RELATING TO any work YOU performed regarding the
5 bioavailability analysis utilized in connection with proposed cleanup levels and/or remediation of
6 the SITE.

7 10. All DOCUMENTS RELATING TO any work YOU performed regarding any
8 alternative sediment cleanup levels analysis utilized in connection with the proposed cleanup
9 levels and/or remediation of the SITE.

10 11. All DOCUMENTS RELATING TO any work YOU performed regarding any
11 remedial monitoring analysis utilized in connection with the proposed cleanup levels and/or
12 remediation of the SITE.

13 12. All DOCUMENTS RELATING TO any work YOU performed regarding the
14 analysis of the contribution of stormwater to sediment contamination in the San Diego Bay,
15 utilized in connection with the proposed cleanup levels and/or remediation of the SITE.

16 13. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
17 and ENVIRONMENTAL GROUPS RELATING TO the TENTATIVE ORDER and/or
18 TECHNICAL REPORT.

19 14. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
20 and any local, state or federal agency RELATING TO the TENTATIVE ORDER and/or
21 TECHNICAL REPORT.

22 15. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
23 and the ADVISORY TEAM RELATING TO the TENTATIVE ORDER and/or TECHNICAL
24 REPORT.

25 16. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
26 and any PERSON, other than a member of the CLEANUP TEAM, RELATING TO the
27 TENTATIVE ORDER and/or TECHNICAL REPORT.

28

1 MICHAEL S. TRACY (Bar No. 101456)
AMY G. NEFOUSE (Bar No. 159880)
2 MATTHEW B. DART (Bar No. 216429)
ERIN O. DOYLE (Bar No. 260646)
3 **DLA PIPER LLP (US)**
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Telephone: 619.699.2700
5 Facsimile: 619.699.2701

6 Attorneys for Designated Party
BAE Systems San Diego Ship Repair Inc.
7

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION
10

11 **IN THE MATTER OF:**
12 TENTATIVE CLEANUP AND
13 ABATEMENT ORDER NO. R9-2010-0002
14

**BAE SYSTEM'S NOTICE OF
DEPOSITION OF DAVID GIBSON**

Date: August 23, 2010
Time: 9:30 a.m.
Dept: DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297

16 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:
17

18 NOTICE IS HEREBY GIVEN that, pursuant to the Final Discovery Plan for Tentative
19 Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report dated
20 February 18, 2010, and the Order of Presiding Officer King dated July 16, 2010, that on
21 August 23, 2010, at 9:30 a.m., BAE Systems San Diego Ship Repair Inc. ("BAE Systems") will
22 take the deposition of David Gibson ("Deponent"). This deposition will take place at the law
23 offices of DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297,
24 upon oral examination before a Certified Shorthand Reporter duly authorized to administer oaths,
and will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of
27 the testimony. BAE Systems reserves the right to use any videotaped portion of the deposition
28

1 testimony at a hearing in this matter.


2 PLEASE TAKE FURTHER NOTICE that Deponent shall produce and permit inspection
3 and copying of the documents identified in Attachment A to this Notice at the place, date, and
4 time specified above.

5 Dated: July 22, 2010

DLA PIPER LLP (US)

6

7

By: 

8

Michael S. Tracy

9

Amy G. Nefouse

10

Matthew B. Dart

11

Erin O. Doyle

12

Attorneys for Designated Party

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BAE Systems San Diego Ship Repair Inc.

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ATTACHMENT A TO THE NOTICE OF DEPOSITION FOR
DAVID GIBSON

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

The following definitions shall apply to each category of documents set forth below:

1. "ADVOCACY TEAM" shall mean and refer to the Advocacy Team of the California Regional Water Quality Control Board, San Diego Region ("Regional Board"), specially formed in response to and for purposes of advising the Regional Board in connection with its consideration of the TENTATIVE ORDER, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297. On July 22, 2010, I served the within documents:

SEE ATTACHED DOCUMENT LIST

by transmitting via e-mail the document(s) listed above to the recipient(s) set forth below on this date

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 22, 2010, at San Diego, California.



- 1 1. DESIGNATED PARTY BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC.'S FIRST
2 SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ENVIRONMENTAL
3 HEALTH COALITION
- 4 2. DESIGNATED PARTY BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC.'S FIRST
5 SET OF SPECIAL INTERROGATORIES TO ENVIRONMENTAL HEALTH
6 COALITION
- 7 3. DESIGNATED PARTY BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC.'S FIRST
8 SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO SAN DIEGO
9 COASTKEEPER
- 10 4. DESIGNATED PARTY BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC.'S FIRST
11 SET OF SPECIAL INTERROGATORIES TO SAN DIEGO COASTKEEPER
- 12 5. DEPOSITION NOTICES (13)

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Service List

*In re Shipyard Sediment Site Cleanup Project and
Tentative Cleanup & Abatement Order No. R9-2010-0002*

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& San Diego Coastkeeper*

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Service List

*In re Shipyard Sediment Site Cleanup Project and
Tentative Cleanup & Abatement Order No. R9-2010-0002*

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F: (415) 837-1516
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(619) 239-1751