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National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

9 SAN DIEGO REGION

10 **IN THE MATTER OF:**

11 TENTATIVE CLEANUP AND
12 ABATEMENT ORDER NO. R9-2010-0002
13 (SHIPYARD SEDIMENT CLEANUP)

**NATIONAL STEEL AND
SHIPBUILDING COMPANY'S
RESPONSE TO SAN DIEGO
COASTKEEPER'S AND
ENVIRONMENTAL HEALTH
COALITION'S MOTION TO AMEND
EXPERT AND NON-EXPERT WITNESS
DESIGNATIONS**

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1 Designated Party National Steel and Shipbuilding Company (“NASSCO”) hereby
2 responds to San Diego Coastkeeper’s (“Coastkeeper”) and Environmental Health Coalition’s
3 (“EHC”) Motion to Amend Expert and Non-Expert Witness Designations. NASSCO does not
4 oppose Coastkeeper and EHC’s motion, or object to their removal of the following previously-
5 designated individuals from their witness lists: Clay Clifton, Jen Kovecses, Bruce Reznik, Diane
6 Takvorian, Ed Kimura and Steve Bay. But NASSCO is filing this response to make clear its
7 position that the removal of these witnesses from Coastkeeper and EHC’s witness list does not
8 affect NASSCO’s ability to depose these witnesses, and NASSCO specifically reserves the right
9 to depose any or all of the above-referenced witnesses pursuant to the deposition notices and
10 subpoenas that have previously been served. Whether or not NASSCO will proceed with these
11 depositions is currently being discussed with Coastkeeper and EHC as part of the meet and
12 confer process conducted pursuant to the Presiding Officer’s August 3, 2010 order denying
13 Coastkeeper/EHC’s motion to quash all discovery propounded by NASSCO and BAE.
14 NASSCO will reserve the right to move forward with these depositions unless and until an
15 agreement is reached with Coastkeeper and EHC resulting in the withdrawal of the deposition
16 notices.

17 Dated: August 7, 2010

LATHAM & WATKINS LLP

18
19 By



Kelly E. Richardson
Attorneys for Designated Party
NATIONAL STEEL AND
SHIPBUILDING COMPANY

1 **PROOF OF SERVICE**

2 I am employed in the County of San Diego, State of California. I am over the age of 18
3 years and not a party to this action. My business address is Latham & Watkins LLP, 600 West
4 Broadway, Suite 1800, San Diego, CA 92101-3375.

5 On **August 9, 2010**, I served the following document described as:

6 **NATIONAL STEEL AND SHIPBUILDING COMPANY'S RESPONSE TO SAN
7 DIEGO COASTKEEPER'S AND ENVIRONMENTAL HEALTH COALITION'S
8 MOTION TO AMEND EXPERT AND NON-EXPERT WITNESS DESIGNATIONS**

9 by serving a true copy of the above-described document in the following manner:

10 **BY ELECTRONIC MAIL**

11 Upon written agreement by the parties, the above-described document was transmitted via
12 electronic mail to the parties noted below on August 9, 2010.

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10
11 I declare that I am employed in the office of a member of the Bar of, or permitted
12 to practice before, this Court at whose direction the service was made and declare under penalty
13 of perjury under the laws of the State of California that the foregoing is true and correct.

14 Executed on **August 9, 2010**, at San Diego, California.

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Shelley Campbell