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9 Attorneys for Respondent
10 Goodrich Corporation

11 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
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14 IN THE MATTER OF PERCHLORATE
CONTAMINATION AT A 160-ACRE
15 SITE IN THE RIALTO AREA
(SWRCB/OCC FILE A-1824)
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Case No.: SWRCB/OCC FILE A-1824

MOTION AND OBJECTION NO. 14

**GOODRICH CORPORATION'S NOTICE
OF MOTION, MOTION, AND
OBJECTIONS REGARDING
INADEQUACY OF LOCATION OF
HEARING**

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20 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD IN THIS ACTION:

21 PLEASE TAKE NOTICE that on a day and time to be determined, before the
22 Chair of the State Water Resources Control Board, Tam Doduc, Designated Party
23 Goodrich Corporation ("Goodrich") will and hereby does move for an Order allowing for
24 the completion of discovery prior to any hearing on the Draft Cleanup and Abatement
25 Order.

26 This motion is made on the grounds that the San Bernardino County Auditorium
27 located at 850 East Foothill Boulevard in Rialto, California is insufficient for the purposes
28 of the proposed hearing. The February 23, 2007 Notice of Public Hearing fails to

1 provide sufficient access to a party's court reporter. Moreover, the Notice of Public
2 Hearing fails to provide adequate seating for a designated party during the entire length
3 of the hearing, so that they can fully participate. For this reason, Goodrich respectfully
4 requests that an alternate location be selected to allow sufficient room for counsel for a
5 designated party and any court reporters to sit in a location convenient for the
6 recordation and observation of the proceeding.

7 Goodrich also hereby objects to the Hearing Notice and the procedures set forth
8 therein on the grounds stated herein.

9 This motion is based upon this Notice, the attached written Memorandum of
10 Points and Authorities, and such other evidence as may be presented at or prior to the
11 hearing on this matter.

12 Dated: March 5, 2007

Respectfully submitted,
MANATT, PHELPS & PHILLIPS, LLP
GIBSON, DUNN & CRUTCHER, LLP

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16 By: _____
Peter R. Duchesneau
17 *Attorneys for Respondent*
GOODRICH CORPORATION
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MEMORANDUM OF POINTS AND AUTHORITIES

Based upon the procedures outlined in the February 23, 2007 Notice of Public Hearing in the above captioned matter (hereinafter "Order"), it appears that the location selected for the hearing (the San Bernardino County Auditorium) provides insufficient space for Goodrich and the other designated parties to observe and record the proceedings. For this reason, Goodrich respectfully requests that a different location more adequately equipped for a proceeding of this size and magnitude be selected.

First, the procedures set forth in the Order, provide that "[t]he State Water Board will provide a court reporter. Any party who wishes to bring its own court reporter may do so, but may be limited as to where the court reporter may sit." Because the court reporter selected by the State Water Board will likely be unable to provide daily copies of the transcript, it is necessary for Goodrich to bring its own court reporter. However, in order to obtain an accurate recordation of the proceeding, Goodrich's court reporter must be permitted to sit in a location where she can hear the entire proceeding.

Second, the procedures set forth in the Order, provide that "[e]ach party will be provided a place to sit during its presentation. During the rest of the hearing, parties will likely be seated in the audience." This procedure does not allow adequate seating for Goodrich and its counsel during the duration of the proceedings, particularly during the cross-examination of its witnesses. The inadequacy of these facilities violates Goodrich's rights of fairness and due process to the extent Goodrich cannot reasonably observe and hear testimony and other proceedings that take place.

For these reasons, Goodrich respectfully requests that a different location be selected that can accommodate the needs of proceeding of this magnitude.

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Dated: March 5, 2007

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP
GIBSON, DUNN & CRUTCHER, LLP

By: _____
Peter R. Duchesneau
Attorneys for Respondent
GOODRICH CORPORATION

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