

Mona, Ernie@Waterboards

From: Glen Hansen <GHansen@aklandlaw.com>
Sent: Thursday, January 21, 2016 8:34 PM
To: Petruzzelli, Kenneth@Waterboards; Unit, Wr_Hearing@Waterboards; Diane Kindermann Henderson; bbarringer@mblaw.com; agodwin@MRGB.ORG; Bill Paris; anna.brathwaite@mid.org; lwood@olaughlinparis.com; red@eslawfirm.com; jonathan.knapp@sfgov.org
Cc: Tauriainen, Andrew@Waterboards; Prager, John@Waterboards; O'Hagan, John@Waterboards; Mrowka, Kathy@Waterboards
Subject: RE: Fahey ACL/CDO Hearing
Attachments: SKMBT_C654e16012120030.pdf

Everyone:

The undersigned counsel for Fahey finds the email and attached letter response from the Prosecution Team, below, unacceptable and of doubtful credibility. Attached are documents that we were just made aware of and received this afternoon from a third party. To our understanding, the attached documents were never produced or made available by the Prosecution Team to Fahey and are highly relevant in this proceeding. They also fit within the parameters of the Hearing Officers' instructions in the Order that was issued earlier today. If we are incorrect and these were already produced to Fahey, please provide us evidence of the date and method of production of these documents. Assuming we are correct, we hereby demand that the Prosecution Team follow the Hearing Officers' instructions more thoroughly and completely and provide all documents that the Hearing Officers required to be produced. Wrongfully withholding such documents is unlawful, patently unfair and violate Fahey's due process rights in this proceeding.

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From: Petruzzelli, Kenneth@Waterboards [<mailto:Kenneth.Petruzzelli@Waterboards.ca.gov>]
Sent: Thursday, January 21, 2016 7:35 PM
To: Unit, Wr_Hearing@Waterboards; Diane Kindermann Henderson; Glen Hansen; bbarringer@mblaw.com; agodwin@MRGB.ORG; Bill Paris; anna.brathwaite@mid.org; lwood@olaughlinparis.com; red@eslawfirm.com; jonathan.knapp@sfgov.org
Cc: Tauriainen, Andrew@Waterboards; Prager, John@Waterboards
Subject: Fahey ACL/CDO Hearing

Dear Mr. Mona,

Please see the attached correspondence from the Prosecution Team regarding the *Hearing Officer's Partial Ruling on Prosecution Team's December 10 and December 11 Motions for Protective Order or, Alternatively, Motions to Quash; Fahey's Opposition; and Fahey's December 18 Motion to Compel Depositions and Document Disclosures*. The Prosecution Team is not aware of the existence of any documents meeting any of the criteria listed on page 10 of the Hearing Officer's partial ruling.

Sincerely,

Ken Petruzzelli, Senior Attorney
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