

State Water Resources Control Board



Linda S. Adams Secretary for Environmental Protection **Division of Water Rights**

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300 P.O. Box 2000 ♦ Sacramento, California 95812-2000 Fax: 916.341.5400 ♦ www.waterboards.ca.gov/waterrights Arnold Schwarzenegger Governor

NOTICE OF PUBLIC HEARINGS

The State Water Resources Control Board will hold four separate Public Hearings to Determine Whether to Adopt **Cease and Desist Orders** against

> Gallo Vineyards, Inc. Old River in San Joaquin County

Mark and Valla Dunkel Middle River in San Joaquin County

Rudy Mussi, Toni Mussi and Lory C. Mussi Investment LP Middle River in San Joaquin County

> Yong Pak and Sun Young Duck Slough in San Joaquin County

> > The Public Hearings will commence on Wednesday, May 5, 2010 at 9:00 a.m. in the Coastal Hearing Room Joe Serna, Jr./Cal-EPA Building 1001 I Street, Second Floor Sacramento, CA

PURPOSE OF HEARINGS

The purpose of each hearing is for the State Water Resources Control Board (State Water Board or Board) to receive evidence relevant to determining whether to adopt, with or without revision, a draft cease and desist order (CDO) against: (1) Gallo Vineyards, Inc.; (2) Mark and Valla Dunkel; (3) Rudy Mussi, Toni Mussi and Lory C. Mussi Investment LP; and (4) Yong Pak and Sun Young.

ORDER OF PROCEEDINGS

The public hearings will be held in the following order: (1st) Gallo Vineyards, Inc.; (2nd) Mark and Valla Dunkel; (3rd) Rudy Mussi, Toni Mussi and Lory C. Mussi Investment LP; and (4th) Yong Pak and Sun Young.

California Environmental Protection Agency



BACKGROUND

The State Water Board may issue a CDO in response to a violation or threatened violation of: (1) the prohibition against the unauthorized diversion or use of water; (2) a term or condition of a water right permit, license, certification, or registration; or (3) a State Water Board order or decision issued pursuant to specified provisions of the Water Code. (Wat. Code, § 1831, subds. (a) & (d)(1-3).)

The State Water Board may issue a CDO only after notice and an opportunity for hearing. Unless the State Water Board receives a timely written request for a hearing, the State Water Board may adopt a CDO without a hearing. This notice and other material related to each of the four CDO hearings will be posted at the following project web sites: <u>Gallo Vineyards CDO</u> <u>Hearing</u>; <u>Dunkle CDO Hearing</u>; <u>Mussi et al. CDO Hearing</u>; <u>Pak/Young CDO Hearing</u>.

Gallo Vineyards, Inc.

On December 14, 2009, the Assistant Deputy Director for Water Rights issued a <u>draft CDO</u> against Gallo Vineyards, Inc. (Gallo), for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires Gallo to immediately cease and desist from diverting water to Assessor's Parcel Nos: 191-050-05, 191-060-02, and 191-060-03 in San Joaquin County, until certain actions are taken. By letter dated December 31, 2009, Gallo requested a hearing on the draft CDO.

Mark and Valla Dunkel

On December 14, 2009, the Assistant Deputy Director for Water Rights issued a <u>draft CDO</u> against Mark and Valla Dunkel (Dunkels), for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires the Dunkels to immediately cease and desist from diverting water to Assessor's Parcel No. 162-090-01 in San Joaquin County until certain actions are taken. By letter dated December 30, 2009, the Dunkels requested a hearing on the draft CDO.

Rudy Mussi, Toni Mussi and Lory C. Mussi Investment LP

On December 14, 2009, the Assistant Deputy Director for Water Rights issued a <u>draft CDO</u> against Rudy Mussi, Toni Mussi and Lory C. Mussi Investment LP (Mussi et al.) for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires Mussi et al. to immediately cease and desist from diverting water to Assessor's Parcel No. 131-120-03 in San Joaquin County until certain actions are taken. By letter dated December 30, 2009, Mussi et al. requested a hearing on the draft CDO.

Yong Pak and Sun Young

On December 14, 2009, the Assistant Deputy Director for Water Rights issued a <u>draft CDO</u> against Yong Pak and Sun Young (Pak/Young) for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires Pak/Young to immediately cease and desist from diverting water to Assessor's Parcel No. 131-180-07 in San Joaquin County until certain actions are taken. By letter dated December 30, 2009, Pak/Young requested a hearing on the draft CDO.

KEY ISSUE

Each public hearing presents the following key issue:

Should the State Water Board adopt the respective draft CDOs issued on December 14, 2009? If the draft CDOs should be adopted, should any modifications be made to the measures in the draft CDOs, and what is the basis for any such modifications?

HEARING OFFICER AND HEARING TEAM

State Water Board Chairman Charles R. Hoppin and Member Arthur G. Baggett, Jr. will preside as co-hearing officers over these proceedings. State Water Board staff hearing team members will include Dana Heinrich, Senior Staff Counsel; Ernest Mona, Water Resource Control Engineer and Jane Farwell, Environmental Scientist. The hearing team will assist the hearing officer and other members of the State Water Board throughout these proceedings.

SEPARATION OF FUNCTIONS

A staff prosecutorial team will be a party in these hearings. State Water Board prosecutorial team members will include David Rose, Staff Counsel; and Brian Coats, Matt Quint and Chuck Arnold, Water Resource Control Engineers.

The prosecution team is separated from the hearing team and is prohibited from having *ex parte* communications with the hearing officers, other members of the State Water Board, and members of the hearing team regarding substantive issues and controversial procedural issues within the scope of these proceedings. This separation of functions also applies to the supervisors of each team.

HEARING PARTICIPATION

IF YOU WANT TO TAKE PART IN ANY OF THE EVIDENTIARY HEARINGS, you should carefully read the enclosure entitled "Information Concerning Appearance at Water Right Hearings at Board Meetings." As stated in that enclosure, everyone wishing to present evidence at any of the hearings must submit a **Notice of Intent to Appear**, which must be **received** by the State Water Board no later than the deadline listed below. **If Gallo Vineyards**, **Inc.**; **Mark and Valla Dunkel**; **Rudy Mussi**, **Toni Mussi and Lory C. Mussi Investment LP**; or Yong Pak and Sun Young fail to submit a Notice of Intent to Appear by the deadline specified in this notice, the State Water Board will deem their request for a hearing regarding the draft CDO they received to be withdrawn, and the respective draft CDO may be adopted without further notice.

Within one week after the deadline for Notices of Intent to Appear, the State Water Board will mail out a list of those who have indicated a desire to participate in each hearing and a copy of all Notices of Intent to Appear that were timely received by the State Water Board. The list is provided in order to facilitate exchange of written testimony, exhibits and witness qualifications in advance of the hearing. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence. Copies of witnesses' proposed **testimony**, **exhibits**, **lists of exhibits**, **qualifications**, **and a statement of service** must be **received** by the State Water Board and served on each of the parties who have indicated their intent to appear, no later than the deadline listed below.

12 Noon, Wednesday, March 3, 2010

Deadline for receipt of Notice of Intent to Appear.

12 Noon, Thursday, April 1, 2010

Deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service.

SUBMITTALS TO THE WATER BOARD

Notices of Intent to Appear, written testimony, and other exhibits submitted to the State Water Board should be addressed as follows:

Division of Water Rights State Water Resources Control Board Attention: Ernest Mona P.O. Box 2000,Sacramento, CA 95812-2000 (by mail) 1001 I Street, 2nd Floor, Sacramento, CA 95814 (by hand delivery) Phone: (916) 341-5359; Fax: (916) 341-5400

Email: <u>wrhearing@waterboards.ca.gov</u>

With Subject of "Gallo Vineyards CDO Hearing"; or "Mark and Valla Dunkel CDO Hearing"; or "Rudy Mussi et al. CDO Hearing"; or "Yong Pak and Sun Young CDO Hearing".

IF YOU HAVE ANY QUESTIONS

During the pendency of these proceedings, and commencing no later than the issuance of this notice, there shall be no *ex parte* communications between State Water Board members or State Water Board hearing team staff and any of the other participants, including members of the prosecution team regarding substantive or controversial procedural matters within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters (Gov. Code, § 11430.20, subd. (b)) should be directed to either Staff Engineer Ernest Mona at (916) 341-5359 (email: <u>emona@waterboards.ca.gov</u>) or to Senior Staff Counsel Dana Heinrich at (916) 341-5188 (email: <u>dheinrich@waterboards.ca.gov</u>).

PARKING, ACCESSIBILITY AND SECURITY

A map to the Joe Serna Jr./Cal-EPA Building and parking information are available at <u>http://www.calepa.ca.gov/EPABIdg/location.htm</u>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process.

The Joe Serna Jr./Cal-EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Joe Serna Jr./Cal-EPA Building are requested to contact Catherine Foreman, Office of Employee Assistance, at (916) 341-5881.

February 18, 2010

inine Townsend

Jeanine Townsend Clerk to the Board

Enclosures

Date

INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS

The following procedural requirements will apply and will be strictly enforced:

 HEARING PROCEDURES GENERALLY: The hearings will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-648.8, 649.6 and 760, as they currently exist or may be amended. A copy of the current regulations and the underlying statutes governing adjudicative proceedings before the State Water Board is available upon request or may be viewed at the State Water Board's web site: <u>http://www.waterboards.ca.gov/laws_regulations</u>.

Each party has the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross-examination. The hearing officer may extend these rights to a non-party participant or may limit the participation of a non-party participant.

Any requests for exceptions to procedural requirements shall be filed in writing with the State Water Board and served on the parties. To provide time for other participants to respond, the hearing officer will rule on procedural requests filed in writing no sooner than fifteen days after receiving the request, unless an earlier ruling is necessary to avoid disrupting the hearing.

2. PARTIES: The parties in the Gallo Vineyards CDO hearing are Gallo Vineyards, Inc. and the State Water Board Prosecution Team. The parties in the Mark and Valla Dunkel CDO hearing are Mark and Valla Dunkel and the State Water Board Prosecution Team. The parties in the Rudy Mussi et al. CDO hearing are Rudy Mussi, Toni Mussi and Lory C. Mussi Investment LP and the State Water Board Prosecution Team. The parties in the State Water Board Prosecution Team. The parties and Sun Young CDO hearing are Yong Pak and Sun Young and the State Water Board Prosecution Team. Other persons or entities wishing to participate as parties may do so only if authorized by the hearing officer. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence.

A person or entity that appears and presents only a policy statement will not be allowed to make objections, offer evidence, conduct cross-examination, make legal argument or otherwise participate in the evidentiary hearing. The rules for policy statements are discussed below.

3. NOTICE OF INTENT TO APPEAR: Participants in any of these hearings must file either an electronic copy or a paper copy of a Notice of Intent to Appear, which must be received by the State Water Board no later than the deadline prescribed in the Hearing Notice. Participants should indicate on the Notice of Intent to Appear the hearing in which they intend to participate. Failure to submit a Notice of Intent to Appear and exhibits in a timely manner may be interpreted by the State Water Board as intent not to appear. Any faxed or emailed Notices of Intent to Appear must be followed by a mailed or delivered hard copy with an original signature.

The Notice of Intent to Appear must state: (1) the name and address of the participant; (2) the name of each witness who will testify on the participant's behalf; (3) a brief description of each witness' proposed testimony; and (4) an estimate of the time (not to exceed 20 minutes) that the witness will need to present a brief oral summary of their testimony. The witness's testimony must be submitted in writing as described in section 4 below. Participants who do not intend to present a case-in-chief but wish to cross-examine witnesses or present rebuttal should so indicate on the Notice of Intent to Appear. Participants who decide not to present a case-in-chief after having submitted a Notice of Intent to Appear should notify the State Water Board and the other participants as soon as possible.

In order to expedite the exchange of information and lower the cost of participating in the hearing, the State Water Board encourages participants to submit written policy statements, written opening statements, written testimony, exhibits, and an Exhibit Identification Index to the State Water Board in electronic form. In addition, participants may exchange the foregoing documents in electronic form. Hearing participants are not required to submit these documents in electronic form or accept electronic service; however, those who choose to submit these documents electronically must comply with the requirements described in section 5, below. If you are willing to accept electronic media service in lieu of receiving hard copies of items, please check the appropriate box on the Notice of Intent to Appear.

The State Water Board will mail a service list of parties to exchange information to each person who has submitted a Notice of Intent to Appear. The service list will indicate which participants agreed to accept electronic service. If there is any change in the hearing schedule, only those persons or entities that have filed a Notice of Intent to Appear will be informed of the change.

4. WRITTEN TESTIMONY AND OTHER EXHIBITS: Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each participant proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.¹ Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A participant who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

Each participant shall submit to the State Water Board either <u>seven paper copies</u> of each of its exhibits; or <u>five paper copies</u> and <u>one electronic copy</u> of each of its exhibits. All electronic and paper copies must be received by the State Water Board no later than the deadline stated in the hearing notice. Each participant shall also serve a copy of each exhibit on every participant on the service list. Participants may serve those parties who agree to electronic service with an electronic copy of exhibits. Participants must serve paper copies of exhibits on those participants who do not agree to electronic service. Hearing participants who intend to make only policy statements are not required to exchange information and will not receive copies of written testimony or exhibits from the parties.

¹ The hearing officer may make an exception to this rule if the witness is adverse to the participant presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officer may allow presentation of the oral direct testimony without requiring written testimony.

With its exhibits, each participant must submit to the State Water Board and serve on the other participants a completed Exhibit Identification Index. If possible, each participant should submit to the State Water Board and serve on the other participants an electronic copy, as well as a paper copy of the Exhibit Identification Index. Please see section 5 for details regarding electronic submissions.

A statement of service with manner of service indicated shall be filed with each participant's exhibits. The exhibits and indexes for this hearing, and a statement of service, <u>must be</u> <u>received</u> by the State Water Board and served on the other participants no later than the deadline prescribed in the Hearing Notice.

The following requirements apply to exhibits:

- a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.
- b. The hearing officer has discretion to receive in evidence by reference relevant, otherwise admissible, public records of the State Water Board and documents or other evidence that have been prepared and published by a public agency, provided that the original or a copy was in the possession of the State Water Board before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A participant offering an exhibit by reference shall advise the other participants and the State Water Board of the titles of the documents, the particular portions, including page and paragraph numbers, on which the participant relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the State Water Board's files where the document may be found.
- c. A participant seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other participants prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a participant waives the opportunity to obtain a copy of the exhibit, the participant sponsoring the exhibit will not be required to provide a copy to the waiving participant. Additionally, such exhibits may be submitted to the State Water Board in electronic form, using a file format readable by Microsoft Office 2003 software.
- d. Exhibits that rely on unpublished technical documents will be excluded unless the unpublished technical documents are admitted as exhibits.
- e. Participants submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, participants may supply, for the hearing record, a reduced copy of a large format original if it is readable.
- 5. ELECTRONIC SUBMISSIONS: Participants are encouraged to submit the following documents to the State Water Board in electronic form: written opening statements; written policy statements; written testimony; exhibits; and Exhibit Identification Indexes. In addition, the foregoing documents may be served electronically on those participants who have agreed to accept electronic service. Paper copies of all other documents must be submitted to the State Water Board and served on the other parties, unless the hearing officer specifies otherwise.

Any documents submitted or served electronically must be in Adobe[™] Portable Document Format (PDF), except for Exhibit Identification Indexes, which may be in a version supported by Microsoft Excel or Word. Electronic submittals to the State Water Board of documents less than 11 megabytes in total size (incoming mail server attachment limitation) may be sent via electronic mail to: <u>wrhearing@waterboards.ca.gov</u> with a subject of "**Gallo Vineyards CDO Hearing**"; or "**Mark and Valla Dunkel CDO Hearing**"; or "**Rudy Mussi et al CDO Hearing**"; or "**Yong Pak and Sun Young CDO Hearing**". Electronic submittals to the State Water Board of documents greater than 11 megabytes in total size should be sent by regular mail in PDF format on compact disk (CD[™]) media. <u>Each electronically submitted</u> <u>exhibit must be saved as a separate PDF file with the file name in lower case lettering.</u>

Electronic service on participants shall be in the same format as submittals to the State Water Board, and should be submitted to the other participants to the e-mail address provided on the Notice of Intent. Participants who agree to electronic service may request that specific documents be provided to them in paper copy, or by mail on CD. Requests should be made to the participant who submitted the document, not to the State Water Board. Participants who receive such a request shall provide a paper copy of the requested document within five days of the date the request is received.

- 6. ORDER OF PROCEEDING: The State Water Board member serving as hearing officer will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events. The time limits specified below may be changed by the hearing officer, at his or her discretion.
 - a. **Policy Statements Within the Evidentiary Hearing:** Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (d), the State Water Board will provide an opportunity for presentation of non-evidentiary policy statements or comments by interested persons who are not hearing participants. Policy statements will be heard at the start of the hearing, immediately after a hearing officer identifies the parties and other participants. Policy statements are subject to the following provisions in addition to the regulation:
 - i. Policy statements are not subject to the pre-hearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.
 - ii. The State Water Board requests that policy statements be provided in writing before they are presented. Please see section 5, above, for details regarding electronic submittal of policy statements. Oral summaries of the policy statements will be limited to **five minutes** or such other time as established by the hearing officer.
 - b. **Presentation of Cases-In-Chief:** Each participant may present a case-in-chief addressing the key issues identified in the hearing notice. The case-in-chief will consist of any opening statement provided by the participant, oral testimony, introduction of exhibits, and cross-examination of the participant's witnesses. The hearing officer may allow redirect examination and recross examination. The hearing officer will decide whether to accept the participant's exhibits in evidence upon a motion of the participant

after the case-in-chief has been completed. Each participant will be allowed up to **one hour** total to present its opening statement and all of its direct testimony.²

- i. **Opening Statements:** At the beginning of a case-in-chief, the participant or the participant's attorney may make an opening statement briefly and concisely stating the objectives of the case-in-chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues. A participant may submit a written opening statement. Please see section 5, above, for details regarding electronic submittal of written opening statements. Any policy-oriented statements by a participant should be included in the participant's opening statement.
- ii. **Oral Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses should summarize or emphasize their written testimony on direct examination.
- iii. Cross-Examination: Cross-examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, a hearing officer will decide whether the participant's witnesses will be cross-examined as a panel. Cross-examiners initially will be limited to **one hour** per witness or panel of witnesses. The hearing officer has discretion to allow additional time for cross-examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross-examination permitted by a hearing officer will be limited to the scope of the cross-examination and the redirect examination, respectively. Witnesses may be cross-examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) Ordinarily, only a participant or the participant's representative will be permitted to examine a witness, but a hearing officer may allow a participant to designate a person technically qualified in the subject being considered to examine a witness. State Water Board members and the State Water Board's counsel may ask questions at any time, and the State Water Board members and staff may crossexamine any witness.
- c. **Rebuttal:** After all participants have presented their cases-in-chief and their witnesses have been cross-examined, the hearing officer will allow participants to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented in another participant's case-in-chief. Rebuttal testimony and exhibits need not be submitted prior to the hearing. Rebuttal evidence is limited to evidence that is responsive to evidence presented in a case-in-chief, and it does not include evidence that should have been presented during the presenter's case-in-chief. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.

² The hearing officer may, for good cause, approve a party's request for additional time to present direct testimony during the party's case-in-chief. In addition, the hearing officer may allow additional time for the oral direct testimony of the witness if the witness is adverse to the participant presenting the testimony and the hearing officer is satisfied that the participant could not produce written direct testimony for the witness.

- d. **Closing Statements and Legal Arguments:** At the close of the hearing or at other times if appropriate, the hearing officer may allow oral arguments or set a schedule for filing briefs or closing statements. If the hearing officer authorizes the participants to file briefs, five copies of each brief shall be submitted to the State Water Board, and one copy shall be served on the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.
- 7. EX PARTE CONTACTS: During the pendency of these proceedings, commencing no later than the issuance of the Notice of Hearing, there shall be no *ex parte* communications between either State Water Board members or State Water Board hearing team staff and supervisors, and any of the other participants, including the members of the prosecution team and their supervisors, regarding substantive or controversial procedural issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding non-controversial procedural matters are permissible and should be directed to staff on the hearing team, not State Water Board members. (Gov. Code, § 11430.20, subd. (b).) A document regarding *ex parte* communications entitled "Ex Parte Questions and Answers" is available upon request or from our website at: http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf.
- 8. **RULES OF EVIDENCE:** Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

NOTICE OF INTENT TO APPEAR

_____ plans to participate in the water right hearing regarding.

(name of participant)

Proposed Cease and Desist Order Hearing

Check one of the following:

Gallo Vineyards, Inc. Mark and Valla Dunkel Mussi et al. Yong Pak and Sun Young

scheduled to commence May 5, 2010

Check all that apply:

- ____ I/we intend to present a policy statement only.
- ____ I/we intend to participate by cross-examination or rebuttal only.
- ____ I/we agree to accept electronic service of hearing-related materials.
- ____ I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature:	Dated:
Name (Print):	
Mailing	
Phone Number: ()	. Fax Number: ()
E-mail:	

Page ____ of ____

Proposed Cease and Desist Order Hearing

Check one of the following:

Gallo Vineyards, Inc. Mark and Valla Dunkel Mussi et al. Yong Pak and Sun Young

scheduled to commence May 5, 2010

Exhibit Identification Index

PARTICIPANT: _____

Exhibit Identification Number	Exhibit Description	Status of Evidence		
		Introduced	Accepted	By Official Notice