

From: Paul Kramer
To: Ivanpah POS
Date: 12/23/2009 10:54 AM
Subject: Witness identification and additional hearing day reserved

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Ivanpah AFC parties:

I see that the County of San Bernardino, in its Opening Testimony and Exhibit List filed last week, "reserves the right to revise this opening testimony up to and including through the close of the evidentiary hearings, together with introducing additional written evidence." And this morning, Mr. Harris queried Mr. Basofin about the witnesses sponsoring Defenders of Wildlife's exhibits.

This prompts me to caution all of the parties that the exchange of opening and then rebuttal evidence (due January 4) and the identification of witnesses in Prehearing Conference Statements due December 29 is intended to avoid the introduction of surprise last minute evidence, whether live or on paper, in this proceeding. Evidence or witnesses offered at the hearings that were not previously identified are subject to exclusion on the motion of a party or the Committee, unless good cause for its late introduction is shown.

I also want to take this opportunity to inform the parties that, should we be unable to conclude evidentiary hearings on January 11, 12 and 13 (afternoon), the Committee has reserved space on its calendars and a hearing room on January 14 and will continue holding hearings on that date.

Paul Kramer
Hearing Officer