

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

In re: Oil Spill by the Oil Rig " <i>Deepwater</i>	:	MDL No. 2179
<i>Horizon</i> " in the Gulf of Mexico, on	:	
April 20, 2010	:	SECTION: J
	:	
This Document Relates To: 10-4536	:	Honorable CARL J. BARBIER
.....	:	Magistrate Judge SHUSHAN

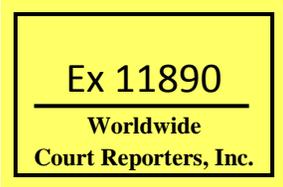
**UNITED STATES' FIRST SUPPLEMENTAL RESPONSE TO  
DEFENDANTS' FIRST SET OF DISCOVERY REQUESTS  
TO THE UNITED STATES OF AMERICA  
RELATING TO THE CLEAN WATER ACT PENALTY PHASE**

The United States of America by its undersigned Counsel, and pursuant to Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure, as well as the instructions of Magistrate Judge Shushan, hereby submits the following objections and supplemental responses to Defendants' First Set of Discovery Requests to the United States of America Relating to the Clean Water Act Penalty Phase.

**I. GENERAL RESPONSES**

The following responses are applicable to all of the United States' responses to these requests for production and are incorporated into each specific response below:

1. Where the United States responds that it will produce documents in response to the requests, the United States will produce such documents on a rolling basis with such reasonable speed as the United States can locate and process them, without sacrificing critical operations of the responding agency or a meaningful review for responsiveness, privilege, and confidentiality.
2. Where the United States indicates it will respond to a request for production, it will conduct a good faith search consistent with the search terms and custodians or collections agreed to after meeting and conferring with BP. The United States is not offering or promising to search



for and produce every document or piece of information that may exist in the possession, custody, or control of any of its hundreds of thousands employees and agents where any such items are not included within the results of the to be agreed upon search criteria.

3. The United States' decision, now or in the future, to provide information or documents notwithstanding the objectionable nature of any of the definitions or instructions, or the requests themselves, should not be construed as: (a) a stipulation that the material is relevant or admissible, (b) a waiver of the United States' objections asserted in response to specific requests, or (c) an agreement that requests for similar information will be treated in a similar manner.

4. The United States reserves the right to modify, amend, or supplement its responses, which are made based on the current status of its knowledge, understanding, belief, and searches for documents. The investigation of facts and information relating to these requests is continuing, and, therefore, these responses are not intended as an admission or a representation that additional information or documents do not exist. This point is particularly true with respect to the "other matters" that Defendants contend the Court should consider in establishing the penalty each company should pay. The United States has only a very limited information regarding Defendants contentions on these matters and therefore the responses set forth below do not include rebuttal evidence that will be provided in response to contentions that have not yet been fully disclosed.

5. For purposes of conducting a privilege review, the United States will rely in part upon searches and other automated categorization of potentially privileged information such that certain information will be produced without having been reviewed by an attorney. For instance, the United States will conduct searches to identify communications involving counsel or referencing discussions of counsel and other documents containing words or phrases signifying potentially privileged status. Electronically stored information that does not fall within these

searches may be produced without further review, depending on the information provided by the originating agency. Given the large volume of information responsive to these requests, the United States believes reliance upon such electronic search tools constitutes reasonable steps to protect privileged information within the meaning of Pretrial Order 14 and Federal Rule of Evidence 502(b). The United States expressly states its intent to rely upon the claw-back procedures of Pretrial Order 14 as necessary and appropriate.

6. For purposes of its responses to these requests for production, and in accordance with the practice in Phases 1 and 2, the United States will not search for or produce any documents generated or collected during the course of its criminal investigations or investigations conducted by the various Offices of Inspector General for purposes of its response to this request and will not identify any such documents withheld from its response on any privilege log.

7. In collecting documents in response to discovery requests served in Phases 1 and 2, the United States objected to requests that called for information that was not relevant to those Phases of this Litigation. The United States generally did not, however, intentionally withhold documents on the basis of that objection. In particular, as described for the Court on several occasions, except for certain document requests for which the United States did not use search terms, the United States' procedure in responding to the Phase 1 and Phase 2 discovery requests was as follows: (a) apply the agreed upon search terms against the agreed upon custodian's electronically stored information; (b) process the electronically stored information; (c) apply search terms to the information to identify material unlikely to be privileged; (d) release without further review the documents that did not respond to the privilege search terms; (e) review the documents that were responsive to the privilege search terms; (f) release the non-privileged, relevant documents; (g) log as required the privileged documents; and (h) segregate from further

review the completely irrelevant documents. As a result, any documents withheld from the United States' Phase 1 and Phase 2 productions were either identified as privileged or determined to be entirely irrelevant. The United States is aware that a small number of reviewers may not have marked a document for production if it was only relevant to later phases even if it was non-privileged. The United States will undertake a review of the collection of documents in this category using a combination of search terms and/or computer assisted review, and human review to identify any documents responsive to these requests and, to the extent such are identified, produce those relevant to Phase 3 as part of its document production in this Phase. As with all document reviews, while the United States cannot guarantee perfection, it will make a reasonable effort to identify and release such documents.

**SUPPLEMENTAL RESPONSE:** In meet and confer discussions, BP requested clarification as to how the United States was identifying materials responsive to Phase 3 discovery requests that were inadvertently excluded from production on relevance (as opposed to privilege grounds). The United States used the following search strings to identify potentially responsive information within the category of documents that were excluded on the grounds of relevance from

1. (great\* OR more OR increas\* OR high\* OR large\*) w/5 ((human OR people OR observ\* OR volunteer\* OR boat\* OR vessel\* OR responder\* OR call\*) w/15 (turtle\* or dolphin\* OR "marine mammal\*" OR "Kemp's ridley" OR loggherhead\* OR whale\* OR cetacean\* OR strand\* OR carcass\*))
2. (greater OR increas\* OR high\* OR more OR large\* OR heightened) w/5 ((aware\* OR sight\* OR observ\* OR find\* OR document\* OR report\* OR record\* OR attention OR recogn\* OR detect\*) w/15 (turtle\* or dolphin\* or "marine mammal" or "Kemp's ridley" OR kemp\* OR loggherhead\* OR whale\* OR cetacean\* OR "trand\* OR carcass\*))
3. Wildlife w/5 reconnaissance
4. (observ\* OR "searcher\*") w/5 bias
5. "Mississippi River" AND diversion

6. "Fish Kill\*"
7. (MC252\* OR oil\* OR tar\*) AND (effect\* OR impact\* OR injur\* OR recover\* OR health\* OR damag\* OR clean\* OR remov\* OR monitor\* OR treat\* OR survey\* OR "set-aside\*" OR STR) AND (shore OR intratidal OR nearshore OR intertidal OR beach\* OR marsh\* OR wetland\* OR Barataria OR "Middle Ground" OR Middleground OR Jimmy)
8. "natural seep\*"
9. (BP OR Anadarko OR "Deepwater Horizon" OR DWH OR RP) w/10 (effective\* OR efficient\* OR prompt\* OR quick\* OR competent OR commend\* OR excellent OR great OR good OR "well done" OR nice\*)
10. ("Deepwater Horizon" OR "Deep water Horizon" OR MC252 OR DWH OR "Mississippi Canyon Block 252") AND (OSAT OR "Operational Science Advisory" OR Coordinator OR "OSC Report" OR (operation\* w/5 (advis\* w/5 team OR ((residual OR remnant) w/5 oil))))
11. (Amount\* OR quantif\* OR quantit\* OR volume\* OR bopd OR bpd OR barrel\* OR pound\* OR ton\* OR measur\*) w/15 ((oil\* OR hydrocarbon\*) w/15 (contain\* OR collect\* OR dispers\* OR burn\* OR skim\* or remov\* or clean\*))
12. (Corexit OR 9500\* OR 9527\* OR dispers\*) w/15 (approv OR authoriz\* OR permit\* OR permission OR limit\* OR forbid OR prevent\* OR halt\* OR stop\*)
13. (shore\* w/5 oil\*) AND (monitor\* OR clean\* OR "human health" OR Impact)
14. "Texas City" OR Endicott OR Grangemouth OR Prudhoe
15. (offshore w/5 drill\*) AND econom\*
16. shore\* w/5 ("land loss" OR erosion)
17. "human health" w/5 impact

In addition, while conducting the review of documents responsive to these search terms, the United States relied upon a program known as "Equivio" to find near duplicates that may not have been responsive to the search terms and included those documents in its review. The United States has already begun production of responsive non-privileged documents and will complete the production of these documents as close as practicable to May 27, 2014.

8. The United States recognizes that certain documents responsive to these requests were identified on the United States' privilege logs as withheld pursuant to the assertion of the deliberative process privilege and were not subject to re-review under the procedures established during Phase 2. On or before the deadline for completing document production, the United States will review this category of documents to (1) identify those responsive to the discovery requests set forth below; (2) determine whether the United States is willing to withdraw its assertion of the privilege; (3) produce those documents over which the United States no longer asserts the deliberative process privilege; and (4) provide supporting declarations for any remaining deliberative process privilege claims on documents responsive to the discovery requests set forth below.

**SUPPLEMENTAL RESPONSE:** The United States has already begun production of documents from this category that it has determined are not privileged or over which the United States no longer wishes to assert the privilege in light of the significant issues at stake in this litigation. The United States has notified the Court and the Defendants that it will require an extension of time beyond May 27, 2014 to complete the privilege log and declarations supporting its assertion of deliberative process and has requested a deadline of June 17, 2014. BP has agreed to consider this proposal.

## **II. GENERAL OBJECTION**

The United States objects to all of these discovery requests because Defendants have exceeded the limits on discovery imposed by the Court. In their requests for production and interrogatories, as indicated in response to specific requests below, Defendants have posed compound requests that, when properly counted, exceed the limits on interrogatories and requests for production. Similarly, by propounding numerous compound requests for admission, which are

identified below, Defendants have exceeded the limit on requests for admission. The United States objects to the undue burden that this excess of discovery imposes upon it.

## **II. REQUESTS FOR PRODUCTION**

1. Except to the extent such data has already been provided to Defendants, all data collected as part of, or in connection with, the *Deepwater Horizon* Natural Resource Damages Assessment including but not limited to all analytical data, unstructured data, raw data, unverified data, field notes, photographs, videos, survey responses, cooperative data, and independent data.

**OBJECTIONS:** The United States objects to this request for production of documents to because it seeks survey responses and all field notes (regardless of whether they constitute data), which are outside the discovery permitted by the Court in its oral rulings on March 21, 2013.

Specifically, in the hearing the following exchange occurred between BP's counsel and the Court:

MS. KARIS: Fair enough. So in addition to not having the underlying data, part of what BP is requesting is the analysis of some of that data that has been conducted by the United States.

THE COURT: The problem with that is, as I understand it, a lot of this analysis is very preliminary and scientists talking to each other. I don't think you're entitled to that. You may be entitled to data, but I don't think you're entitled to that. . . .

Tr. of Hearing at 78 (Mar. 21, 2014). The United States will not search for or produce survey responses and will not produce field notes other than those identified in Exhibit 1.

In addition, the United States objects to the portion of this request that seeks unverified data. Data verification protocols are standard at all laboratories used by the natural resource trustees and are often developed for non-laboratory data as well. The normal scientific process employs verified data, not unverified data, and therefore the laboratories do not have procedures for producing unverified data. Departing here from the normal process of producing verified data would be both burdensome and disruptive. Given the less reliable nature of unverified data and its limited usability for scientific analysis, the burden of producing unverified data greatly outweighs any benefits of doing so. Moreover, the large majority of data in the possession of the natural

resource trustees is verified data.

The United States also objects to this request for production because it seeks data that is not relevant to Defendants' contentions in this litigation. For instance, as part of the Natural Resources Damage Assessment the United States is gathering data that relates to the overall value of the natural resource damages claim or other similar issues. Such data is not relevant to the seriousness of the Defendants' violations or the Defendants' contention that the Gulf has recovered from the millions of barrels of oil that they discharged into the waters of the United States. The United States will not search for or produce such data.

During the meet and confer discussions, Andarko and BP have taken the position that this request for production requires the United States to produce to Anadarko data that has already been produced to BP. The United States objects to such production as unduly burdensome because Andarko and BP have acknowledged to the Court that they are coordinating their presentation of the penalty factor for which this data is sought.

The United States further objects to this request as overly broad with respect to time because instruction 2 below states that "Unless otherwise specified, respond to all requests for production by searching for documents created on or after April 20, 2005." Because this request seeks information specific to the Defendants' violations, the United States objects to searching for any records created on or before April 20, 2010.

**RESPONSE:** Subject to, and without waiving, the foregoing objection, the United States responds as follows:

Attached as Exhibit 1 to this discovery response is a list of the data and samples collected in the Natural Resource Damage Assessment that identifies whether it has been produced and, if not, whether it will be produced before close of document production and if not whether it will be

produced before the deadline for initial expert reports.

The United States is also in the process of meeting and conferring with BP regarding the production of raw data subject to a protective order that will restrict the use of unprocessed data to circumstances in which such use will be scientifically appropriate. Upon entry of such an order, the United States will produce raw data that will not be fully processed before the deadline for disclosure of expert opinions on August 15, 2014, except that data that is subject to a data sharing agreement that expressly limits the information to be exchanged to processed data.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its objections, the United States further responds as follows:

After numerous meet and confer discussions, the United States has updated Exhibit 1 to reflect additional information and data sets requested by BP. In addition, BP provided a list of datasets which it contended were missing from Exhibit 1. Exhibit 3 to these discovery requests is a chart that provides the United States' response with respect to each of the data sets.

2. All documents, including but not limited to photos, aerial imagery, videos, or graphics, referring or relating to the areal extent, location, duration, thickness, and volume of Oil-Related Materials and/or Dispersants present at the surface of the water (including to a depth of one meter below the surface), including but not limited to all documents from the United States Department of Homeland Security sources.

**OBJECTIONS:** The United States objects to this request for production for the reasons set forth in its Clean Water Act – Penalty Phase: Motion of the United States to Limit Evidence About the "Seriousness" Factor (Doc. No. 12373) ("Seriousness Motion"), its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the United States' Clean Water Act – Penalty Phase Rule 26(f) Report of the United States (Doc. No. 12351) ("US 26(f) Report"). Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1. The United States

will limit its response to aerial photographs and aerial imagery and will not produce other analyses or ancillary documentation.

The United States further objects to this request as overly broad with respect to time because instruction 2 below states that "Unless otherwise specified, respond to all requests for production by searching for documents created on or after April 20, 2005." Because this request seeks information specific to the Defendants' violations, the United States objects to searching for any records created on or before April 20, 2010.

The United States also objects to this request because it specifically seeks data from the Department of Homeland Security. The United States has not identified any responsive aerial imagery within the possession of the Department of Homeland Security (other than materials in the Coast Guard's centralized archive that were subject to the searches discussed below). In meet and confer discussions, BP suggested that it requested records from Homeland Security because it was seeking aerial imagery and photographs from the National Geospatial Intelligence Agency. The National Geospatial Intelligence Agency is not part of the Department of Homeland Security. Moreover, inquiry of the Coast Guard and the National Oceanic and Atmospheric Administration ("NOAA") indicates that all of the aerial photography from the National Geospatial Intelligence Agency that was used in the response has been declassified and provided to NOAA for use in its oil spill tracker website. Accordingly, it would be unduly burdensome to search the files of the National Geospatial Intelligence Agency in response to this request and the United States will not do so.

Moreover, the United States is not aware of any classified aerial images or photographs that are responsive to this request, but objects to any search for such images as disproportionately burdensome in light of the fact that the classified nature of any such documents would prevent

their disclosure and therefore any search for such documents would be futile.

By seeking "all documents" related to the aerial extent of the oil spill, this request seeks privileged materials including materials protected by attorney-client privilege, the deliberative process privilege, and the work product doctrine. Therefore, the United States further objects to the request on these grounds will identify any documents withheld solely on the basis of privilege to the extent and in the manner required by PTO 14.<sup>1</sup>

In addition, the United States objects to this request as duplicative of information already requested and received in response to discovery served in Phase 1 and 2. Specifically, in response to BP's requests for production 86, the United States searched for records that contained the following search string:

"DWH" OR "Deepwater Horizon" or "MC252" OR "BP" OR "Transocean" OR "GOM" OR ("Gulf" AND "spill") OR "Macondo" OR "Mississippi Canyon Block 252") AND (("chemical" OR "physical" OR "analysis" OR "properties") NEAR20 ("discharge" OR "oil" OR "substance" OR MC252 or "wellhead" OR "multiphase" OR "multi-phase" OR "multi phase" OR "property" OR "viscosity" OR "bubble" OR "temperature" OR "Celsius" OR "Fahrenheit" OR "flash" OR "methane" OR "gas" OR "fingerprint%" OR "tar%"))

*See* Doc. No. 3928-6 at 2, 3928-7 at 3, 3928-8 at 2, 3928-9 at 3, 3928-10 at 5. The United States also searched for and produced non-privileged documents responsive to the following search string:

("Chemical Safety Board" OR "CSB" OR "Marine Board of Investigation" OR "Joint Investigation Team" OR "JIT" OR "MBI" OR "Incident Specific Preparedness Review" OR "ISPR" OR "National Commission" OR "Presidential Commission") AND ("Deepwater Horizon" OR "Deep water Horizon" OR "MC252" OR "DWH" OR "Mississippi Canyon Block 252")

*See* Doc. No. 3928-6 at 3, 3928-7 at 1, 3928-8 at 1, 3928-9 at 2, 3928-10 at 4. In response to BP's requests for production 73 and 78-85, the United States searched for records that contained the

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<sup>1</sup> All references to PTOs include any amendments to the referenced PTO.

following search string:

("MC252" OR "Deepwater Horizon" OR "Deep Water Horizon" OR "DWH" OR "Macondo" OR "Mississippi Canyon Block 252" OR "Transocean" OR "BP" OR "GOM" OR "Gulf of Mexico" OR ("Gulf" AND "Spill")) AND ("dispersed oil")<sup>2</sup>

See Doc. No. 3928-6 at 2, 3928-7 at 2, 3928-8 at 2, 3928-9 at 1-2, 3928-10 at 2. Further, in response to BP's requests for production 123-137, the United States searched agreed locations and custodians for and produced all non-privileged documents responsive to the following search string:

("DWH" OR "Deepwater Horizon" or "MC252" OR "BP" OR "Transocean" OR "GOM" OR ("Gulf" AND "spill") OR "Macondo" OR "Mississippi Canyon Block 252") AND ("corexit" OR "9500%" OR "9527%" OR "dispersant" OR "brat%") AND ("permit%" OR "limit%" OR "control" OR "decision" OR "quantit%" OR "subsea" OR "surface" OR "volume" OR "amount" OR "appl%" OR "deci%" OR "direct%" OR "analy%" OR "identi%" OR "addendum" OR "use" OR "respons%" OR "alternative" OR "determin%" OR "guideline" OR "metric%" OR "fate" OR "dispersed oil" OR "harm" OR "effect\*" OR "predict%" OR "injur%" OR "toxic" OR "SMART" OR "waiv%" OR "approv%" OR "measure" OR "assess" OR "shore" OR "coast%" OR "land" OR "inventor%" OR "deny" OR "deploy%" OR "benefit")

Doc. No. 3928-6 at 3, 3928-7 at 3, 3928-8 at 3, 3928-9 at 3, 3928-10 at 5, 3928-11 at 1.

In addition, the United States produced all non-privileged records within the files of the National Commission on the BP/Deepwater Horizon Oil Spill. These searches constitute a reasonable search for information responsive to this request for production and therefore the United States will restrict its response to aerial photographs and imagery and will not produce any further other documents relating to the aerial extent of the Spill.

The United States also objects to this request for production because it seeks information publicly available that is equally accessible to the Defendants as to the United States. In particular, the United States objects to the Defendants' demand that the United States purchase copies of the

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<sup>2</sup> Irrelevant elements of the search string have been omitted from all quoted search strings.

satellite imagery from commercial vendors for the Defendants. In accordance with the general principles of discovery, the party seeking discovery cannot shift the costs of its own case preparation to another party. Therefore, the United States will not collect and produce satellite images purchased from third party providers when such a production would violate the terms of use of the United States' purchase or acquisition of images or imagery.

**RESPONSE:** Subject to, and without waiving, the foregoing objections, the United States responds as follows:

The United States incorporates by reference its responses to the previously served requests for production 73-86 and 123-137.

In addition, the United States responds that it has identified only four sources of aerial imagery: (1) AVIRIS imagery developed during cooperative assessment work with BP; (2) imagery developed by Ocean Imaging, which BP already has in its possession; (3) publicly available satellite data; and (4) data housed in the "photologger database" to which BP has access. All of the processed AVIRIS imagery has been provided to BP and the Trustees will continue to provide the processed data as it is completed.

With respect to publicly available satellite data, some data is available at the following sites free of charge: <https://earth.esa.int/web/guest/missions/3rd-party-missions/current-missions/terraaqua-modis>; <http://reverb.echo.nasa.gov>; <https://earth.esa.int/web/guest/data-access/online-archives>; [http://www.class.ncdc.noaa.gov/saa/products/search?datatype\\_family=AVHRR](http://www.class.ncdc.noaa.gov/saa/products/search?datatype_family=AVHRR). Further, the United States refers defendants to EPA's BP Spill website at <http://www.epa.gov/bpspill/> and to its Airborne Spectral Photometric Environmental Collection Technology (ASPECT) imagery data, which is publicly available at:

[http://www.epaaspect.net/googleearth/dhorizon\\_April\\_2010/main/kml/dhorizon\\_apr2010\\_main.kml](http://www.epaaspect.net/googleearth/dhorizon_April_2010/main/kml/dhorizon_apr2010_main.kml).

The following sources also provide additional aerial imagery data, although they provide such data for fees subject to commercial licensing agreements: <http://gs.mdacorporation.com/>, <http://www.astrium-geo.com/terrasar-x/>, <http://www.e-geos.it/index.html>, <http://global.jaxa.jp/>, <https://earth.esa.int/>.

The United States is continuing its investigation to confirm that there is no unique, responsive, non-classified satellite imagery in the possession of the National Aeronautics and Space Administration. If any such imagery is identified, the United States will produce it.

With respect to photographs, the United States has identified some photographs collected in a consolidated archive by the National Oceanic and Atmospheric Administration (NOAA), which the United States will produce before the deadline for completion of document production.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its objections the United States further responds as follows:

During meet and confer discussions, BP requested that the United States confirm that the Alabama National Guard and U.S. U.S. Customs and Border Protection did not have any unique aerial photography in their possession. The United States consulted with CPB and determined that it did take videos of the spill that were turned directly over to the BP Operations/Logistics Deputy Planner in or around late May 2010. The United States will not re-produce data already provided directly to a BP employee. The United States did identify a small number of documents arguably responsive to this request for production in the custody of two individual CPB custodians and will produce those documents from the custodial files of Ricardo Appleby and William Sutherland. These documents bear the Bates prefix "US\_PP\_CPB."

Similarly, the United States asked the Alabama National Guard to identify any unique aerial imagery related to the Defendants' violations in its possession. The Alabama National Guard provided a folder of photographs which will be provided as close to May 27, 2014 as practicable.

Further, the United States has consulted with the National Aeronautics and Space Administration and confirmed that all aerial photography generated by that agency was incorporated into the AVIRIS data already available to BP.

3. All documents referring or relating to the observation, collection, recovery, restoration, or rehabilitation of Wildlife during, or as part of, any Response Activities.

**OBJECTIONS:** The United States objects to this request for production for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1. The United States will produce data on the requested subjects, but not analysis, opinion, or other discussion of these topics.

The United States further objects to this request for production because by seeking "all documents referring or relating to" the listed activities it seeks privileged materials including materials protected by the attorney-client, the work product, and other privileges and protections. The United States will identify any documents withheld solely on the basis of privilege as required and to the extent required by PTO 14 and its amendments.

The United States further objects to this request as overly broad with respect to time because instruction 2 below states that "Unless otherwise specified, respond to all requests for production by searching for documents created on or after April 20, 2005." Because this request seeks information specific to the Defendants' violations, the United States objects to searching for

any records created on or before April 20, 2010.

**RESPONSE:** Subject to, and without waiving, the foregoing objections, the United States responds as follows:

The United States directs BP to the documents produced in Phase 1 and Phase 2, especially the information such as agency daily reports setting forth observations regarding the effects on wildlife and fisheries. In particular, attached to this response as Attachment 2 is an inventory of the daily briefing books for the National Incident Commander, which provide a good summary of the information responsive to this request.

NOAA has provided data to BP for marine mammals as required by a negotiated data-sharing plan. That data is identified by category in Exhibit 1.

A turtle data-sharing plan has been negotiated for necropsy and histopathology results; however the plan has not yet been signed. Once the plan has been executed, the data will be sent to BP within the time frames specified in Exhibit 1. In addition, BP already has data stemming from cooperative turtle work.

To the United States' knowledge, there was no collection of oysters in the response beyond that for the human health assessment. NOAA Status and Trends routinely collected oysters pursuant to their own mission, and the United States will investigate whether this organization collected oysters during the Response.

Moreover, the inventory of birds collected as part of the Response Activities and Natural Resources Damage Assessment is available on the internet at <http://www.fws.gov/home/dhoilspill/pdfs/ConsolidatedWildlifeTable042011.pdf>. The United States will provide the underlying data summarized on that sheet before the deadline for production of documents.

During meet and confer discussions BP requested that the United States apply certain search terms to the custodial files of Bob Haddad, NOAA; Kevin Reynolds, U.S. Fish & Wildlife Service; Barbara Schroeder, NOAA; Teri Rowles, NOAA; and Lori Schwacke, NOAA. The United States will not search the files of Dr. Bob Haddad and Dr. Kevin Reynolds because their role with respect to these issues was as part of the Natural Resources Damage Assessment. Therefore, there is no reasonable likelihood of finding information that is responsive to this request and still within the limits imposed by the Court as described in the objections to request for production 1.

Further, collection from each of the identified custodians, but especially Drs. Haddad and Reynolds, would be unduly burdensome because of the likelihood that the responsive documents would be privileged. Each of the identified individuals' have been assigned primarily if not exclusively to work on the Natural Resources Damage Assessment and, therefore, much of their materials are likely to be privileged.

The United States will not agree to search the files of Teri Rowles because she was a custodian whose files were searched in Phase 1 and Phase 2 and to re-collect from this custodian would be burdensome, particularly in the available.

With respect to the remaining two custodians, Ms. Schroeder and Ms. Schwacke, the United States will search their primary work computers and work email box and any known archives for the time period April 20, 2010- January 31, 2011. The United States objects to extending the search beyond that date because these two individuals were working almost exclusively on Natural Resource Damages Assessment after January 31, 2011 and, therefore, the burden of privilege review for the later time period outweighs the likelihood that some additional information may be discovered. The United States will use a modified version of the search terms

proposed by Ms. Karis in her letter of April 25, 2014, but will need to test and modify the terms before deciding on the final terms. The United States will advise BP of the final search terms once they have been developed. In addition to any refinements need to prevent over collection of irrelevant material, the United States anticipates modifying BP's proposed search terms in several respects:

- a. BP's proposed search strings contained no terms that would limit the searches to information related to the Gulf of Mexico, relevant animals, and observations during the response. In accordance with the Court's limitation on discovery related to the Natural Resources Damage Assessment, the United States has added such limiting phrases.
- b. The United States has combined some of the search strings to reduce duplication.
- c. BP also proposed a search string for "("stranding" NEAR5 "rates)". The United States declines to implement this search string because data relating to the stranding rates is captured in the data to be produced as identified in Exhibit 1. Collecting documents relating to discussion of these rates goes beyond the Court's limitation to the production of data rather than analysis in this Phase of the Litigation.

Once it has completed the searches, the United States reserves the right to (1) exclude documents that are responsive to the search terms but not actually responsive to the request; (2) assert privilege over documents that are responsive to the search terms; (3) modify the search terms to address the syntax rules of the particular software being used to conduct the search so long as the search terms to not substantively alter the search terms; and (4) to modify the search terms to address patterns of over-collection identified during the collection. The United States will notify BP of any changes made to the search terms during collection. The United States also notes that it may need to seek an extension of time to produce responsive documents, depending on how rapidly the search proceeds and the volume of materials responsive to the search terms.

**SUPPLEMENTAL RESPONSE:** With respect to the custodians Ms. Schroeder and Ms. Schwacke, the United States has collected all information in their custodial files related to the Deepwater Horizon incident for the period April 20, 2010 to January 31, 2011 and will produce the

documents responsive to this request from those custodial files. In addition, the United States has confirmed that NOAA Status and Trends did collect oyster data, which will be produced before the deadline for production of documents.

In addition, while reviewing the collection of photographs identified by NOAA in response to request for production 2 above, the United States located the custodial records of several individuals involved in wildlife observation at several different locations, including Venice, Mobile, and Houma. The United States will produce the non-privileged contents of those custodial files as close to May 27, 2014 as practicable.

4. All documents referring or relating to any Mississippi River Diversions attempted, undertaken, discussed, or considered in connection with the *Deepwater Horizon* Incident and Spill, including all documents related to the effects or potential effects of any such Mississippi River Diversions.

**OBJECTIONS:** The United States objects to this request for production for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1. The United States also objects to this request for production as calling for information that is not reasonably calculated to lead to the discovery of admissible evidence in this Phase of the litigation. The Mississippi River Diversions were not performed by the Defendants and, therefore, cannot constitute efforts by the Defendants to mitigate the effects of their violations. In light of these objections, the United States will not conduct any new searches for documents responsive to this request.

By calling for all documents "referring or relating to any Mississippi River Diversions" this request also seeks information protected by the attorney-client, work product, or other privilege or protection. The United States will identify any documents withheld solely on the grounds of

privilege to the extent and as required by PTO 14.

The United States further objects to this request as overly broad with respect to time because instruction 2 below states that "Unless otherwise specified, respond to all requests for production by searching for documents created on or after April 20, 2005." Because this request seeks information specific to the Defendants' violations, the United States objects to searching for any records created on or before April 20, 2010.

**RESPONSE:** Subject to, and without waiving, its objections, the United States responds as follows:

Some documents responsive to this request for production were collected as part of the document production efforts for Phase 1 and Phase 2 but were not produced because the United States asserted a privilege. *See supra* General Responses. The United States will review those documents already produce any documents that are responsive to this request and for which the United States no longer asserts a privilege.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its objections, the United States has conducted a search of the primary work computer, assigned share drive space, email box and email archives of the following custodians in the Army Corps of Engineers' ERDC who were identified by the Agency as the individuals most likely to have responsive information in ERDC's possession:

1. Ben Brown
2. Gary Brown
3. Ian Floyd
4. Phu Luong
5. Robert McAdory
6. Tate McAlpin
7. Cassandra Ross
8. Gaurav Savant
9. Jennifer Tate

10. Mary Cialone
11. Sung-Chan Kim
12. Tahirih Lackey
13. Chris Massey
14. Ty Wamsley
15. Zeki Demirbilek

These reported that they complied with the Army Corps of Engineers' direction to establish Deepwater Horizon specific folders at the onset of their work on the response. Accordingly, the United States has collected the information contained in those folders and will produce the non-privileged contents of those folders as close to May 27, 2014 as practicable.

In addition, the New Orleans District of the Army Corps of Engineers participated in the permitting decisions. The District Office received and responded to a FOIA request seeking "all documents, materials, studies, and/or correspondence regarding the operations of any and all freshwater diversions, including but not limited to, the Davis Pond diversion and the Caenarvon diversions, in response to the Deepwater Horizon Oil Rig explosion." The United States will produce the documents provided in response to that FOIA request as close to May 27, 2014 as practicable.

5. All documents referring or relating to any Fish Kills that resulted from (or were at any time suspected to have resulted from) the *Deepwater Horizon* Incident and Spill, including without limitation from Oil-Related Materials, Dispersants, and/or any Response Activities.

**OBJECTIONS AND:** The United States objects to this request for production for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

The United States further objects to this request as overly broad with respect to time because instruction 2 below states that "Unless otherwise specified, respond to all requests for

production by searching for documents created on or after April 20, 2005." Because this request seeks information specific to the Defendants' violations, the United States objects to searching for any records created on or before April 20, 2010.

By seeking "all documents" related to Fish Kills, this request seeks privileged materials including materials protected by attorney-client privilege, the deliberative process privilege, and the work product doctrine. Therefore, the United States further objects to the request on these grounds.

In addition, the United States objects to the portion of this request that seeks unverified data. Data verification protocols are standard at all laboratories used by the natural resource trustees and are often developed for non-laboratory data as well. The normal scientific process employs verified data, not unverified data, and therefore the laboratories do not have procedures for producing unverified data. Departing here from the normal process of producing verified data would be both burdensome and disruptive. Given the less reliable nature of unverified data and its limited usability for scientific analysis, the burden of producing unverified data greatly outweighs any benefits of doing so. Moreover, the large majority of data in the possession of the natural resource trustees is verified data. Accordingly, except in accordance with any agreement reached pursuant to the discussions referenced in response to request for production 1 above, the United States will not produce any raw or unverified data.

**RESPONSE:** Subject to, and without waiving its objections, the United States responds as follows:

The United States incorporates by reference its responses to requests for production 1 and 2 above. Further, the United States directs the Defendants to EPA's BP Spill website at

<http://www.epa.gov/bpspill/>, including but not necessarily limited to-

<http://www2.epa.gov/home/report-spills-and-environmental-violations><http://www.nrc.uscg.mil/>  
(due to the identification of security vulnerabilities, the NRC website – <http://nrc.uscg.mil/> – has  
been taken offline and is being rebuilt; an interim NRC website is available at  
<https://cgmix.uscg.mil/NRC>).

During meet and confer discussions, BP requested that the United States determine "whether it has any other data or non-privileged documents related to fish kills." *See* Karis, Letter to Himmelhoch at 5 (Apr. 24, 2014). As set forth in the objections above, this request goes beyond the limitation the Court imposed upon discovery into the Natural Resources Damage Assessment other than pure data. While the United States conducts large quantities of basic scientific inquiry as part of the mission of several federal agencies that could potentially fall within this category of information related to fish populations in the Gulf of Mexico, a search for and collection of all that basic science would be overly broad and unduly burdensome.

In addition, the United States notes that there was a 2010 cooperative Fish Kill plan that resulted in a draft report that was never finalized. This data is addressed in Exhibit 1.

6. All documents referring or relating to the impact, lack of impact, and/or recovery of the Shoreline Environment from Oil-Related Materials, Dispersants, and/or any Response Activity.

**OBJECTIONS:** The United States incorporates by reference its objections to requests for production 1 and 2 above.

In meet and confer discussions, BP has requested that the United States conduct the following searches for documents created between April 20, 2010 and the present:

In the Coast Guard Archive: ((“MC252” OR “oil\*” OR “tar\*”) AND (“effect\*” OR “impact\*” OR “injur\*” OR “recover\*” OR “health\*” OR “damag\*” OR “clean\*” OR “remov\*” OR “monitor\*” OR “treat\*” OR “survey\*” OR “set-aside\*” OR “STR”) AND (“shore” OR “intratidal” OR “nearshore” OR “intertidal” OR “beach\*” OR “marsh\*” OR “wetland\*” OR “Barataria” OR “Middle Ground” OR “Middleground” OR “Jimmy”))

NOAA Custodian Frank Csulak: ((“MC252” OR “oil\*” OR “tar\*”) AND (“effect\*” OR “impact\*” OR “injur\*” OR “recover\*” OR “health\*” OR “damag\*” OR “clean\*” OR “remov\*” OR “monitor\*” OR “treat\*” OR “survey\*” OR “set-aside\*” OR “STR”) AND (“shore” OR “intratidal” OR “nearshore” OR “intertidal” OR “beach\*” OR “marsh\*” OR “wetland\*” OR “Barataria” OR “Middle Ground” OR “Middleground” OR “Jimmy”))

NOAA Custodian Toni Debosier: ((“MC252” OR “oil\*” OR “tar\*”) AND (“effect\*” OR “impact\*” OR “injur\*” OR “recover\*” OR “health\*” OR “damag\*” OR “clean\*” OR “remov\*” OR “monitor\*” OR “treat\*” OR “survey\*” OR “set-aside\*” OR “STR”) AND (“shore” OR “intratidal” OR “nearshore” OR “intertidal” OR “beach\*” OR “marsh\*” OR “wetland\*” OR “Barataria” OR “Middle Ground” OR “Middleground” OR “Jimmy”))

Custodian Jacqui Michel: ((“MC252” OR “oil\*” OR “tar\*”) AND (“effect\*” OR “impact\*” OR “injur\*” OR “recover\*” OR “health\*” OR “damag\*” OR “clean\*” OR “remov\*” OR “monitor\*” OR “treat\*” OR “survey\*” OR “set-aside\*” OR “STR”) AND (“shore” OR “intratidal” OR “nearshore” OR “intertidal” OR “beach\*” OR “marsh\*” OR “wetland\*” OR “Barataria” OR “Middle Ground” OR “Middleground” OR “Jimmy”))

Custodian Mark Hester: ((“MC252” OR “oil\*” OR “tar\*”) AND (“effect\*” OR “impact\*” OR “injur\*” OR “recover\*” OR “health\*” OR “damag\*” OR “clean\*” OR “remov\*” OR “monitor\*” OR “treat\*” OR “survey\*” OR “set-aside\*” OR “STR”) AND (“shore” OR “intratidal” OR “nearshore” OR “intertidal” OR “beach\*” OR “marsh\*” OR “wetland\*” OR “Barataria” OR “Middle Ground” OR “Middleground” OR “Jimmy”))

The United States objects to running this additional search in the files of Jacqui Michel.

As discussed during the April 16, 2014, Dr. Michel is an expert working on the United States' Natural Resources Damage Assessment. The United States also objects to the searches for the other NOAA custodians because they are equally likely to intrude upon the Natural Resources Damage Assessment work. Any search of these files is unduly burdensome because it exceeds the limitation on discovery into Natural Resources Damage Assessment work other than data as set forth in the United States' objections to request for production 1.

The United States objects to running this search in the Coast Guard archives because it is essentially a search for information regarding harm and human health effects, which exceeds the

limit on discovery of analyses as opposed to data imposed by the Court and discussed above.

Accordingly, the United States will not agree to these additional search strings.

**RESPONSE:** Subject to and without waiving its objections, the United States responds as follows:

The United States incorporates by reference its response to requests for production 1 and 2 above. In addition, BP already has access to the SCAT survey data generated as part of the response. Accordingly, BP already has sufficient information responsive to this request and the United States will not conduct any further searches or productions of documents responsive to this request for production.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its foregoing objections, the United States further responds as follows:

The United States has confirmed with the United States Coast Guard, EPA, and NOAA that the data collected by the SCAT teams was collected and stored on BP's servers and is, therefore, already in the possession of BP. In addition, the United States has inquired of the EPA, NOAA, and the Department of the Interior as to whether these agencies have maintained any repositories of environmental data and/or wildlife observations collected during the response. EPA has identified no such repositories other than those that are publicly available on its website. The Department of the Interior notified Defendants of the existence of the Cassini server in response to discovery requests served in Phases 1 and 2. The United States offered defendants access to that server, but no party accepted the United States' offer.

NOAA identified several repositories:

- a. The National Oceanographic Data Center maintains some response data, all of which is available online and accessible at <http://www.nodc.noaa.gov/deepwaterhorizon/>

- b. The National Geophysical Data Center maintains data related to the response, most of which has already been provided to BP through noaanrda.org or other data sources. NGDC did identify approximately .75 terabytes of sonar data that has not yet been made available to BP. This data will be produced to BP as close to May 27, 2014 as practicable.
- c. NOAA's Seattle offices maintained an FTP server that was used to share response data with, among others, BP during the response. The GIS data on that site may not yet have been provided to BP and therefore is being copied for production as close to May 27, 2014 as practicable.

7. All documents referring or relating to any release or spill of oil in the Area of Response since April 2010 other than Oil-Related Materials resulting from the *Deepwater Horizon* Incident and Spill.

**OBJECTIONS:** The United States objects to this request for production as overly broad. As the Defendants have defined it, the "Area of Response" comprises areas outside the jurisdiction of the United States, including apparently Mexican land areas. The United States will restrict its response to this request for production of documents to spills under the jurisdiction of the United States for purposes of monitoring or response.

By seeking "all documents" relating to the release or spill of oil, this request is indubitably broad enough to encompass information protected by the attorney work product, attorney-client, or other privilege or protection. The United States will identify documents withheld solely on the basis of privilege to the extent and in the manner required by PTO 14.

The United States further objects to this request for production because it seeks information not reasonably calculated to lead to the discovery of evidence relevant to this Phase of the litigation. The focus of the Penalty Phase is on the seriousness of the *Defendants'* violation of the

Clean Water Act, not the conduct or seriousness of any violations by any other party.

Accordingly, the United States will limit its search to find information sufficient to identify the date, location, and amount of oil spills reported to or observed by the Department of the Interior, EPA, or the Coast Guard in the period April 22, 2010-December 31, 2013.

Further, with respect to information related to natural seeps, the United States objects to this request because it seeks information beyond the limitation set by the Court in the March 25, 2014 hearing, as set forth in the United States' objections to request for production 1 above. In particular, the United States objects to collecting and producing the underlying work papers for the studies discussed in its response below and will not do such collection or production.

In meet and confer discussions, BP has requested that the United States conduct a search within the Coast Guard's central archives for the period April 20, 2010 to the present:

In the Coast Guard Archive: ((“Gulf” OR “GOM”) AND (“oil\*” OR “hydrocarbon\*”) AND (“spill\*” OR “discharge\*” or “releas\*”) NOT (“BP”))

The United States objects to running this additional search because it is not reasonably calculated to lead to the discovery of admissible evidence. This request for production seeks information regarding oil spills *other* than that caused by the Defendants' violations. The Coast Guard's centralized archive is an archive of documents determined to be relevant to the Defendants' violations. The information the United States has agreed to produce provides sufficient information to Defendants. For these reasons, the United States will not conduct the proposed search.

**RESPONSE:** Subject to, and without waiving its objections, the United States responds as follows:

Spills of one barrel or more must be reported to the Department of the Interior's Bureau of Safety and Environmental Enforcement ("BSEE"). Reports of these spills are made through eWell

(an electronic submissions portal) and are maintained in TIMS. In response to discovery conducted by BP in Phase 1 and 2, the United States produced the information contained within the TIMS database up to January 31, 2011. For spills after that date, BSEE will run an "Accident Pollution Summary Report" and/or a "Spill Volume Report" in TIMS GOM to obtain the required data for the time period February 1, 2011 to December 31, 2013. The United States will produce the search results on or before the deadline for completing document production.

The Coast Guard also maintains a database intended to track information related to spills reported or observed by the Coast Guard: the Marine Information for Safety and Law Enforcement (MISLE) database. The Coast Guard will query that database for any spills of oil reported or observed in the Gulf of Mexico between April 22, 2010 and December 31, 2013. The United States will produce the search results on or before the deadline for completing document production.

In addition, the National Response Center receives reports regarding spills and may have received reports regarding spills of oil in the Gulf of Mexico since April 22, 2010. Data regarding any such reports can be found at <http://www2.epa.gov/home/report-spills-and-environmental-violations>.

With respect to natural seeps, NOAA was a part of two cruises with *Oceanos*, one in 2011 and one in 2012, both of which collected data potentially relevant to understanding locations of some seeps and flux rates from the seeps. The objective of the August 2011 cruise was to determine if NOAA could detect and measure flux from seeps using a multi-beam system. The objective of the February to March 2012 cruise was to determine if NOAA could detect and measure flux from seeps using both a multi-beam system and video analysis. Most (if not all) of the data from these cruises has been available to the public through live video and audio streaming,

and from datasets on the web at:

[http://www.ncddc.noaa.gov/website/google\\_maps/OE/mapsOE.htm](http://www.ncddc.noaa.gov/website/google_maps/OE/mapsOE.htm)

<http://oceanexplorer.noaa.gov/oceanos/explorations/ex1105/welcome.html>

<http://oceanexplorer.noaa.gov/oceanos/explorations/ex1202/welcome.html>

In addition, DOI's Bureau of Ocean Energy Management ("BOEM") uses geophysical data from lessees, observations from cruises it conducts with NOAA, and information from its oil slick database to map potential oil and gas seepage areas in the GOM. To date, BOEM has identified more than 28,000 areas of potential oil and gas seepage in the GOM, with most of the areas indicating gas seepage. The seep location maps developed by BOEM are located at:

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Mapping-and-Data/Map-Gallery/Seismic-Water-Bottom-Anomalies-Map-Gallery.aspx>.

In addition, the BOEM Environmental Studies Program ("ESP") studies and characterizes the chemosynthetic biological communities that use the seeped hydrocarbons as an energy source. BOEM uses this data to: 1) protect chemosynthetic communities that are known to exist near seepage sites through lease stipulations, and 2) calculate the value of individual lease blocks (areas with seepage have a higher value). The ESP studies are located at:

[http://www.data.boem.gov/homepg/data\\_center/other/espis/espismaster.asp?appid=1](http://www.data.boem.gov/homepg/data_center/other/espis/espismaster.asp?appid=1).

Further, the Lawrence Berkeley National Laboratory has undertaken studies (paid for at least in part by BP) examining how microbes in the water and sediment from the Gulf of Mexico degrade hydrocarbon and how similar are bacteria that degrade oil from the spill to those that degrade oil that naturally seeps up through the sea floor in nearby areas. The Laboratory has published several papers on this research, all of which are publicly available:

1. Deep-sea oil plume enriches indigenous oil-degrading bacteria. (2010) *Science* 330:204-

- 208.
2. Deep-sea bacteria enriched by oil and dispersant from the Deepwater Horizon spill. (2012). *Environ. Microbiol.* 14:2405-2416
  3. Metagenome, metatranscriptome and single-cell sequencing reveal microbial response to Deepwater Horizon oil spill. (2012). *ISME Journal* 6:1715–1727
  4. Distribution of hydrocarbons released during the 2010 MC252 oil spill in deep offshore waters. (2013). *Environmental Pollution.* 173:224-30
  5. Succession of hydrocarbon-degrading bacteria in the aftermath of the Deepwater Horizon Oil Spill in the Gulf of Mexico (2013, August 12) *Environ. Sci. & Technol.* (DOI: 10.1021/es401676y)
  6. New Insights into Microbial Responses to Oil Spills from the Deepwater Horizon Incident. (2011) *SIM News*, May/June (Invited Feature)
  7. New Insights into Microbial Responses to Oil Spills from the Deepwater Horizon Incident. (2011) *SIM News*, May/June (Invited Feature)
  8. Microbial response to the MC-252 oil and Corexit 9500 in the Gulf of Mexico. (2012). *Front. Microbiol.* 3:357-357
  9. Microbial gene functions enriched in the Deepwater Horizon deep-sea oil plume. (2011) *ISME Journal* 6:451-460
  10. Hydrocarbon-degrading bacteria and the bacterial community response in Gulf of Mexico beach sands impacted by the Deepwater Horizon oil spill. (2011) *Appl. Environ. Microbiol.* 77:7962-7974

8. All documents commending, praising, or otherwise noting the efforts of BPXP (including contractors and other entities assisting BPXP) and the Unified Command to respond to, or otherwise mitigate, minimize, or prevent any environmental, economic, human health, or other effects of the *Deepwater Horizon* Spill.

**OBJECTIONS:** The United States objects to this request for production because by seeking "all documents" that "otherwise not[e]" the Defendants' efforts it seeks materials protected by attorney-client, the work product, or other privileges or protection.

The United States also objects to this request for production as duplicative of requests made and responded to in Phases 1 and 2. Specifically, the United States has already produced to

BP the vast majority of documents contained within the paper Spill Archive maintained by BP and the Coast Guard during the response and will complete that production as the scanning of those records is completed. Similarly, many of the broad search strings run in response to BP and other parties' Phase 1 and 2 requests would result in the collection of responsive documents, including the following search string run in response to requests for production 73, 78-85:

("MC252" OR "Deepwater Horizon" OR "Deep Water Horizon" OR "DWH" OR "Macondo" OR "Mississippi Canyon Block 252" OR "Transocean" OR "BP" OR "GOM" OR "Gulf of Mexico" OR ("Gulf" AND "Spill")) AND ("plume" OR "response")

Doc. No. 3928-6 at 2, 3928-7 at 2, 3928-8 at 2, 3928-9 at 2, 3928-10 at 4. Similarly, in response to BP's requests for production 54, the United States searched the agreed upon locations and custodial files for and produced non-privileged documents responsive to the following search string:

("BP" OR "British Petroleum") AND ("MC252" OR "Macondo" OR "Mississippi Canyon Block 252" OR "Deepwater Horizon" OR "DWH")

Doc. No. 3928-7 at 1, 3928-8 at 1, 3928-9 at 3, 3928-10 at 3.

These searches and BP's access to the Spill Archive constitute a reasonable inquiry in response to this request for production and therefore the United States will not search for or produce any additional documents responsive to this request.

During meet and confer discussions, BP has requested the following additional search for the extended time period April 20, 2010 to the present:

In the Coast Guard Archive and in the files of custodian Jacqui Michel: (("BP" OR "Deepwater Horizon" OR "DWH" OR "RP") NEAR10 ("effective\*" OR "efficient\*" OR "prompt\*" OR "quick\*" OR "competent" OR "commend\*" OR "excellent" OR "great" OR "good" OR "well done" OR "nice\*"))

The United States objects to running this additional search in the files of Jacquie Michel. As discussed during the April 16, 2014, Dr. Michel is an expert working on the United States' Natural Resources Damage Assessment and any search of her files is unduly burdensome because

it exceeds the limitation on discovery into Natural Resources Damage Assessment work other than data as set forth in the United States' objections to request for production 1. Moreover, given the substantial percentage of Dr. Michel's work that is privileged, the burden of the privilege review of responsive documents would be significant in the short time period available for document production.

The United States objects to running this search in the Coast Guard archives because it is essentially duplicative of a search already run in response to Phase 1 and 2 discovery requests. The United States has already searched for all documents that contain the words "BP" and "response." Such a broad search is substantially likely to have captured all documents that are responsive to BP's proposed search and the duplication of this search would impose on the United States outweighs any benefit from the marginal chance of identifying unique new information relevant to this Phase of the Litigation. For these reasons, the United States declines to run the additional searches requested by BP.

**RESPONSE:** Subject to, and without waiving, the foregoing objections, the United States responds as follows:

The United States incorporates by reference its responses to previously served requests for production 54, 73, and 78-85.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its objections, the United States has agreed to undertake a search for the following terms in the Coast Guard archive and the custodial file of Dr. Michel for the period February 1, 2011 through December 31, 2013:

((“BP” OR “Deepwater Horizon”) NEAR10 (“effective\*” OR “efficient\*” OR “prompt\*” OR “quick\*” OR “competent” OR “commend\*” OR “excellent” OR “great” OR “well done” OR “nice\*”))

9. All documents analyzing, evaluating, assessing, or discussing the nature, extent and degree of success of any efforts by Anadarko and any offers of assistance by Anadarko to assist

after the Incident, including to minimize or mitigate the effects of the discharge with respect to the Incident and Spill.

**OBJECTIONS AND RESPONSE:** The United States incorporates by reference its objections and response to request for production 8 above.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its objections, the United States has agreed to undertake a search for the following terms in the Coast Guard archive for the period April 20, 2010 through December 31, 2013:

(Anadarko) W/15 (offer! or assist! or help! or participat! or respon! or minimiz! or mitigat! or clean! or control! or remov! or contain! or stop! or relief! or equip!))

10. All documents referring or relating to the "BP Deepwater Horizon Oil Spill: Incident Specific Preparedness Review (ISPR);" the "On Scene Coordinator Report *Deepwater Horizon* Oil Spill;" and the reports and other work of the Operational Science Advisory Team, such as the "Summary Report for Sub-Sea and Sub-Surface Oil and Dispersant Detection: Sampling and Monitoring" (OSAT-1 Report), the "Summary Report for Fate and Effects of Remnant Oil in the Beach Environment" (OSAT-2 Report), the "Investigation of Recurring Residual Oil in Discrete Shoreline Areas in the Eastern Area of Responsibility" (the OSAT-3 Report), including but not limited to drafts, notes, communications, and outlines.

**OBJECTION:** The United States objects to this request for production because by seeking "all documents referring or relating to" the referenced documents it seeks materials protected by attorney-client, work product, other privilege or protection. The United States will identify any documents withheld solely on the bases of these privileges as required and to the extent required by PTO 14.

The United States objects to this request as duplicative of discovery served in Phase 1 and 2 of this litigation. Specifically, in response to requests for production 62 and 180-181 the United States searched the agreed upon locations and custodial files for and produced non-privileged documents responsive to the following search string:

("Incident Specific Preparedness Review" OR "ISPR" OR "National Commission" OR "Presidential Commission") AND ("Deepwater Horizon" OR "Deep water Horizon" OR "MC252" OR "DWH" OR "Mississippi Canyon Block 252")

Doc. No. 3928-6 at 1, 3928-7 at 1, 3928-8 at 1, 3928-9 at 1, 3928-10 at 4.

The United States further objects to this request as overly broad with respect to time because instruction 2 below states that "Unless otherwise specified, respond to all requests for production by searching for documents created on or after April 20, 2005." Because this request seeks information specific to the Defendants' violations, the United States objects to searching for any records created on or before April 20, 2010.

Further, the United States objects to this request as seeking information that is not reasonably calculated to lead to the discovery of evidence relevant to this phase of this litigation. The Coast Guard does have internal records generated after the completion of the ISPR that discuss implementation of the recommendations in the ISPR in future oil spill responses. These documents are not relevant to the penalty factors in this litigation and, therefore, the United States will not search for or collect post-ISPR documents discussing implementation of recommendations for future responses.

In addition, the United States objects to this request for production as seeking information already in the possession of BP and as unreasonably cumulative or duplicative. BP employees or contractors participated in the development of the reports included in the document request.

During the meet and confer discussions, BP requested that the United States run the following search strings for the time period April 20, 2010 and October 2013:

USCG Custodian Roger Rufe: (("Deepwater Horizon" OR "Deep water Horizon" OR "MC252" OR "DWH" OR "Mississippi Canyon Block 252") AND ("ISPR" OR "Incident Specific Preparedness" OR "interview\*" OR "response statistics"))

USCG Custodian Carlton Moore: (("Deepwater Horizon" OR "Deep water Horizon" OR "MC252" OR "DWH" OR "Mississippi Canyon Block 252") AND ("ISPR" OR "Incident Specific Preparedness" OR "interview\*" OR "response statistics"))

USCG Custodian Kenneth Boda: (("Deepwater Horizon" OR "Deep water

Horizon" OR "MC252" OR "DWH" OR "Mississippi Canyon Block 252") AND ("OSAT" OR "Operational Science Advisory" OR ("remnant" NEAR "oil") OR ("residu\*" NEAR "oil") OR ("toxic\*" NEAR "oil"))

The United States objects to the request to search the custodial files of Roger and Rufe and Carlton Moore because, at the time they performed the work on the ISPR, they were retired Coast Guard personnel and, therefore, their records are not within the control of the United States.

The United States also objects to these additional searches because the ISPR was completed on March 18, 2011 and therefore, searching these custodian files after that date is unlikely to find unique information relevant to this stage and is far more likely to intrude upon privileged internal discussions of how and whether to implement the recommendations of the ISPR for future oil spill responses.

Further, the United States and BP agreed upon search terms designed to identify the information relevant to the preparation of the ISPR as part of the earlier discovery. Had BP wanted these additional search terms related to the report it could and should have requested these search terms at that time. For all these reasons, the United States will not perform the requested searches.

**RESPONSE:** Subject to, and without waiving, the foregoing objections, the United States responds as follows:

The United States will search the electronically stored information in the centralized response archive of the Coast Guard for records created between April 20, 2010 and October 2013.

The United States proposes using the following search string:

("Deepwater Horizon" OR "Deep water Horizon" OR "MC252" OR "DWH" OR "Mississippi Canyon Block 252") AND ("OSAT" OR "Coordinator" OR "OSC Report" OR ("operation%" NEAR5 ("advis%" NEAR5 "team")) OR ("residual" NEAR5 "oil") OR ("remnant" NEAR5 "oil"))

The United States will produce the non-privileged documents responsive to this search

string on a rolling basis as soon as the United States and the Defendants have agreed upon the search terms to be used, those search terms have been tested and determined to be acceptable, and the searches have been completed. The United States also directs the Defendants to <http://www.uscg.mil/foia/docs/dwh/bpdwh.pdf>.

11. All documents referring or relating to any analysis, assessment, evaluation, or study of the amount of Oil-Related Materials that was contained, collected, dispersed, burned, removed, or cleaned up in connection with Response Activities and/or any natural processes, including but not limited to documents relating to the preparation and publication of the "Oil Budget Calculator, Deepwater Horizon, Technical Documentation," and its appendices, dated November 2010, such as drafts, interview notes, communications, and outlines.

**OBJECTIONS:** The United States objects to this request for production for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. The United States also incorporates by reference its objections to request for production 1.

The United States further objects to this request for production because by seeking "all documents referring or relating to" the amount of oil it seeks privileged materials including materials protected by the attorney-client, work product, and other privileges and protections. The United States will identify any documents withheld solely on the basis of privilege as required and to the extent required by PTO 14.

In addition, the face of this discovery requests suggests that BP is using discovery for the Penalty Phase as a stalking horse to conduct discovery related to claims in other cases pending in the MDL, thereby attempting to skirt the greater restriction on third party discovery. Any such attempt is improper and therefore objectionable.

Further, the United States objects to this request as duplicative of information already requested and received in response to discovery served in Phase 1 and 2. Specifically, in response to BP's requests for production 73 and 78-85, the United States searched for records that contained

the following search string:

("MC252" OR "Deepwater Horizon" OR "Deep Water Horizon" OR "DWH" OR "Macondo" OR "Mississippi Canyon Block 252" OR "Transocean" OR "BP" OR "GOM" OR "Gulf of Mexico" OR ("Gulf" AND "Spill")) AND ("dispersed oil" OR "oil budget")<sup>3</sup>

See Doc. No. 3928-6 at 2, 3928-7 at 2, 3928-8 at 2, 3928-9 at 1-2, 3928-10 at 2. Further, in response to BP's requests for production 123-137, the United States searched agreed locations and custodians for and produced all non-privileged documents responsive to the following search string:

("DWH" OR "Deepwater Horizon" or "MC252" OR "BP" OR "Transocean" OR "GOM" OR ("Gulf" AND "spill") OR "Macondo" OR "Mississippi Canyon Block 252") AND ("corexit" OR "9500%" OR "9527%" OR "dispersant" OR "brat%") AND ("permit%" OR "limit%" OR "control" OR "decision" OR "quantit%" OR "subsea" OR "surface" OR "volume" OR "amount" OR "appl%" OR "deci%" OR "direct%" OR "analy%" OR "identi%" OR "addendum" OR "use" OR "respons%" OR "alternative" OR "determin%" OR "guideline" OR "metric%" OR "fate" OR "dispersed oil" OR "harm" OR "effect\*" OR "predict%" OR "injur%" OR "toxic" OR "SMART" OR "waiv%" OR "approv%" OR "measure" OR "assess" OR "shore" OR "coast%" OR "land" OR "inventor%" OR "deny" OR "deploy%" OR "benefit")

Doc. No. 3928-6 at 3, 3928-7 at 3, 3928-8 at 3, 3928-9 at 3, 3928-10 at 5, 3928-11 at 1. In addition, the United States produced all non-privileged records within the files of the National Commission on the BP/Deepwater Horizon Oil Spill.

These searches constitute a reasonable search for information responsive to this request for production. Accordingly, the United States will not search for or produce any additional documents responsive to this request.

In addition, the United States objects to this request for production as seeking information already in the possession of BP and as unreasonably cumulative or duplicative. BP employees or

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<sup>3</sup> Irrelevant elements of the search string have been omitted.

contractors participated in the development of the Oil Budget Calculator.

In meet and confer discussions, BP has requested that the United States conduct searches described below for documents created between April 20, 2010 and the present:

In the Coast Guard Archive: ((“Amount\*” OR “quantif\*” OR “quantit\*” OR “volume\*” OR “bopd” OR “bpd” OR “barrel\*” OR “pound\*” OR “ton\*” OR “measur\*”) NEAR15 (“oil\*” OR “hydrocarbon\*”) NEAR15 (“contain\*” OR “collect\*” OR “dispers\*” OR “burn\*” OR “skim\*” or “remov\*” or “clean\*”))

In the Coast Guard Archive: (“OBC” OR “Oil Budget”) AND (“Draft\*” OR “outlin\*” OR “interview\*” OR “note\*”))

NOAA Custodian Bill Lehr: ((“Amount\*” OR “quantif\*” OR “quantit\*” OR “volume\*” OR “bopd” OR “bpd” OR “barrel\*” OR “pound\*” OR “ton\*” OR “measur\*”) NEAR15 (“oil\*” OR “hydrocarbon\*”) NEAR15 (“contain\*” OR “collect\*” OR “dispers\*” OR “burn\*” OR “skim\*” OR “remov\*” OR “clean\*”))

USGS Custodian Sky Bristol: ((“Amount\*” OR “quantif\*” OR “quantit\*” OR “volume\*” OR “bopd” OR “bpd” OR “barrel\*” OR “pound\*” OR “ton\*” OR “measur\*”) NEAR15 (“oil\*” OR “hydrocarbon\*”) NEAR15 (“contain\*” OR “collect\*” OR “dispers\*” OR “burn\*” OR “skim\*” OR “remov\*” OR “clean\*”))

NIST Custodian Antonio Possolo: ((“Amount\*” OR “quantif\*” OR “quantit\*” OR “volume\*” OR “bopd” OR “bpd” OR “barrel\*” OR “pound\*” OR “ton\*” OR “measur\*”) NEAR15 (“oil\*” OR “hydrocarbon\*”) NEAR15 (“contain\*” OR “collect\*” OR “dispers\*” OR “burn\*” OR “skim\*” OR “remov\*” or “clean\*”))

The United States objects to conducting these additional searches for several reasons. First, extending the time period from January 31, 2011 to the present. As stated repeatedly during the face to face meeting regarding these discovery requests, the United States has conducted a reasonable inquiry of the individuals involved in working on the budget calculator and confirmed that the only work performed on the oil budget calculator after January 31, 2011 was software programming designed to make the calculator a tool that could be universally used to calculate oil budgets in future spills. As such, searches for documents created after January 31, 2011 are not reasonably calculated to lead to the discovery of relevant information in this Phase of the Litigation.

Second, the custodian files that BP wants the United States to search were each part of the earlier collection of documents from Phases 1 and 2. These searches included strings that were sufficient to identify documents related to the oil budget calculator, the search strings included the terms "oil budget" and "dispersed oil" and "skim\*" and "burn." Accordingly, the search BP is requesting is duplicative of the searches already conducted. Had BP wanted to include these additional terms, it was free to negotiate that in the Phase 2 discovery period, as none of these terms are uniquely related to the Penalty Phase.

Third, BP's proposed search strings are in no way limited to restrict the search to information related to the Defendants' violations or even to the Gulf of Mexico. As such, these proposed searches are facially overbroad. Accordingly, the United States will not agree to conduct these additional searches.

**RESPONSE:** Subject to, and without waiving, the foregoing objections, the United States responds as follows:

The United States incorporates by reference its responses to previously served requests for production 73, 78-85, and 123-127, as well as the Rule 30(b)(6) testimony of Mark Miller.

12. All documents referring or relating to the use or potential use of Corexit 9500, Corexit 9527, or other dispersant in connection with the Response Activities, including but not limited to all communications between or among the United States Coast Guard, the Unified Command, the Environmental Protection Agency, National Oceanic and Atmospheric Administration, and any other federal, state, or other governmental department, agency, entity, or body, or any representative or employee thereof, regarding the use (or limitations on use), safety, and/or effectiveness of Dispersants in connection with Response Activities.

**OBJECTIONS:** The United States has already searched the Coast Guard central archive and the agreed upon EPA custodians (including Lisa Jackson) for the search string:

("DWH" OR "Deepwater Horizon" OR "MC252" OR "BP" OR "Transocean" OR "GOM" OR ("Gulf" AND "spill") OR "Macondo" OR "Mississippi Canyon Block 252") AND ("corexit" OR "9500%" OR "9527%" OR "dispersant" OR "brat%") AND ("permit%" OR "limit%" OR "control" OR "decision" OR "quantit%" OR

"subsea" OR "surface" OR "volume" OR "amount" OR "appl%" OR "deci%" OR "direct%" OR "analy%" OR "identi%" OR "addendum" OR "use" OR "respons%" OR "alternative" OR "determin%" OR "guideline" OR "metric%" OR "fate" OR "dispersed oil" OR "harm" OR "effect\*" OR "predict%" OR "injur%" OR "toxic" OR "SMART" OR "waiv%" OR "approv%" OR "measure" OR "assess" OR "shore" OR "coast%" OR "land" OR "inventor%" OR "deny" OR "deploy%" OR "benefit")

The United States conducted this search for the time period April 20, 2010 through January 31, 2011. No dispersants were applied during the response after that date. Accordingly, this request for production is duplicative of searches already performed and responded to in Phase 1 and 2.

In meet and confer discussions, BP has requested additional searches for the period April 20, 2010 to the present:

In the Coast Guard Archive: (("Corexit" OR "9500\*" OR "9527\*" OR "dispers\*") NEAR15 ("approv" OR "authoriz\*" OR "permit\*" OR "permission" OR "limit\*" OR "forbid" OR "prevent\*" OR "halt\*" OR "stop\*"))

EPA Custodian Lisa Jackson: (("Corexit" OR "9500\*" OR "9527\*" OR "dispers\*") NEAR15 ("approv" OR "authoriz\*" OR "permit\*" OR "permission" OR "limit\*" OR "forbid" OR "prevent\*" OR "halt\*" OR "stop\*"))

The United States objects to these additional searches and the extended time period for several reasons. First, extending the search to the present is unlikely to identify additional non-privileged responsive documents because dispersant application ceased before January 31, 2011 and because Administrator Jackson left EPA in December 2012. What this extended search is likely to intrude upon are analyses of the effects of dispersants being conducted as part of the development of the United States' as yet unfiled claims to recover natural resources damages. Second, the search is duplicative of a search string already run. Specifically, by including words used in the prior search string, such as permit and approve, the search string raises the significant likelihood of collecting duplicate documents and increasing the logistical challenges to completing, de-duplicating and reviewing documents in the short time available for the production of documents. Third, by

including such terms as "permit" and "deny" in the search strings negotiated in Phases 1 and 2, BP was clearly contemplating the collection of documents related to the discussions within the Unified Command regarding the approval and/or disapproval of the use of dispersants. Had BP wanted to expand the words used to identify such documents, the time to do so was during the negotiation of the earlier search string. The burden on the United States of essentially re-doing an already completed search outweighs any benefit to the marginal chance of identifying unique new information relevant to this Phase of the Litigation. For these reasons, the United States declines to run the additional searches requested by BP.

**RESPONSE:** The United States incorporates by reference its objections and responses to previously served requests for production 73, 78-85, and 123-127 and the foregoing requests for production 1 and 2.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its objections, the United States has searched the custodial files of Mace Barron, an EPA custodian and Rule 30(b)(6) designee who participated in analyzing the toxicity of dispersants, and has updated the custodial file search for Robin Conmy, another Rule 30(b)(6) designee on this topic. To locate responsive information, the United States used the following search string:

"Deepwater" OR "DWH" OR "Macondo" OR "Mississippi Canyon" OR "MC252"  
OR "Block 252" OR "GOM" OR "dispersant" OR "Corexit" OR "BP" OR "British  
Petroleum" OR "Moex" OR "Transocean" OR "Anadarko" OR "AEP" OR "APC"  
OR "AE&P" OR "GMBH" OR "Swaco" OR "Triton" OR "Halliburton" OR  
"Weatherford" OR "Cameron" OR "Drillquip"

The United States will produce non-privileged documents responsive to this search string as close as practicable to May 27, 2014.

13. All documents referring or relating to any analysis, evaluation, determination, or study of shoreline oiling, impact (including but not limited to any impact on the environment, human health, and Gulf Coast communities), monitoring, and cleanup in connection with the *Deepwater Horizon* Spill and/or Response Activities, including but not limited to documents

relating to whether cleanup completion standards had been satisfied.

**OBJECTIONS:** The United States hereby incorporates by reference its objections and response to Requests for Production 1, 2, and 6. In addition the United States objects to this request for production because it seeks information protected from disclosure pursuant to the Public Health Service Act, 42 U.S.C. 241(d) and any certificates issued pursuant to that Act. The United States, through the National Institute of Environmental Health Sciences is currently engaged in a large study of the human health impacts of the Incident, but this study has not yet been completed. Except as explicitly set forth below, the United States will not search for or produce records from that study because of the privacy obligations imposed by the Act and because the study is not yet complete.

The United States further objects to this request for production of documents because it seeks discovery of individual medical records generated or possessed by the United States in the course of the response because the intrusion into individual patients' privacy outweighs the marginal benefit to be derived from such documents given the issues that are relevant to this phase of the litigation.

The United States also objects to this request for production on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. As the Court noted in the March 21, 2014 hearing when it limited discovery on the seriousness penalty factor, detailed information regarding human health and environmental impacts is not necessary to determine whether the Defendants' violations were serious and, therefore, the burden of collecting and producing this information outweighs the benefit in this case. In fact, the face of this discovery requests suggests that BP is using discovery for the Penalty Phase as a stalking horse to conduct discovery related to claims in other cases pending in the MDL, thereby attempting to skirt

the greater restriction on third party discovery. Any such attempt is improper and therefore objectionable.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

In addition to the data that will be produced as described in response to request for production 1, the United States will conduct a search of the Department of Labor's Occupational Safety and Health Administration's ("OSHA") centralized repository for Deepwater Horizon records and will produce daily reports compiled by OSHA during the initial stages of the response that summarize the monitoring of human health effects of the spill. In addition, OSHA maintains information regarding its participation in the response on its website:

<https://www.osha.gov/oilspills/index.html>.

The United States also refers defendants to EPA's BP Spill website at <http://www.epa.gov/bpspill/>, including but not necessarily limited to <http://www.epa.gov/bpspill/qanda.html>.

In addition, the National Institute of Environmental Health Sciences has published some preliminary observations regarding the human health effects of the spill and the United States will conduct a reasonable search for the information that has been made public regarding this study. These documents will be produced on or before the deadline for producing documents to be instituted by the Court.

14. All documents referring or relating to the economic impact of a Clean Water Act penalty on BPXP or on any other BP entity.

**OBJECTIONS:** The United States objects to this request for production because by seeking "all documents" referring to a penalty factor at issue in this litigation, the request for production necessarily calls for the production of documents and information protected by the

work product, attorney-client, or other protections or privileges. The United States will identify documents withheld solely on the grounds of privilege or protection in accordance and to the extent required by PTO 14.

The United States also objects to this request for production because it calls for information already in the possession of BP. BP possesses far more information than the United States regarding its financial position and the effect of any penalty within the statutory maximum penalty upon its operations.

The United States further objects to this request because it may call for the disclosure of information developed in the course of settlement negotiations and therefore protected under PTO 1 or PTO 38. Any such analyses were solely for settlement purposes and the United States will not search for, produce, or log any such analyses.

Finally, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that much of its evidence regarding the impact of the penalty on BP will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

**RESPONSES:** Subject to and without waiving its objections, the United States responds as follows:

Based upon a reasonable inquiry of the agencies involved in this litigation (the Environmental Protection Agency, the Department of the Interior, the National Oceanic and Atmospheric Administration, the Department of Transportation, the Department of Homeland Security including the Coast Guard, the Department of Energy, and the Department of Labor), the United States has identified no further responsive non-privileged documents except those received from the Defendants during Phase 1 and Phase 2 discovery. The United States is aware of the

following document, which is commercially available for a fee: "BP plc – What to Expect Ahead of the 'Macondo' Trial?" Morgan Stanley Research Europe (January 19, 2012)"

15. All documents supporting your contentions against BPXP with respect to the "history of prior violations" under the Clean Water Act.

**OBJECTIONS:** The United States objects to this request for production because by seeking "all documents" referring to a penalty factor at issue in this litigation, the request for production necessarily calls for the production of documents and information protected from production under the work product, attorney-client, or other protections or privileges. The United States will identify documents withheld solely on the grounds of privilege or protection in accordance and to the extent required by PTO 14.

The United States also objects to this request for production because it calls for information already in the possession of BP regarding BP's own failure to comply with environmental and health and safety requirements.

The United States further objects to this request because it may call for the disclosure of information developed in the course of settlement negotiations and therefore protected under PTO 1 and its amendments or PTO 38. Any such analyses were solely for settlement purposes and the United States will not search for, produce, or log any such analyses.

The United States objects to this request for production as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that much of its evidence regarding BP's prior violations will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

In addition, as ordered by the Court during the March 21, 2014 hearing, the United States' assertions regarding the "prior violations" penalty factor will be limited to evidence related to the events that occurred at Texas City, Grangemouth, Prudhoe Bay, and Endicott. These violations

were already the subject of discovery during Phase 1, including expert discovery. Any discovery BP required relating to these violations could have and should have been conducted at that time.

**RESPONSES:** Subject to and without waiving the foregoing objections, the United States responds as follows:

To date, the United States has not identified any documents, other than work being performed by potential testifying experts, that are responsive to this request other than those documents exchanged by the parties in Phase 1 and 2 of this litigation, including but not limited to the expert report of Dr. Bea and the documents cited therein.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its foregoing objections the United States further responds as follows:

The United States will produce the administrative record for the suspension of government contracting imposed upon BP as a result of its history of violations, which contains additional information supporting the United States' contention that BP's history of violations establishes that the Court should impose a civil penalty at or near the statutory maximum.

16. All documents supporting your contentions against BPXP and/or Anadarko with respect to the "other matters as justice may require" factor under the Clean Water Act.

**OBJECTIONS:** The United States objects to this request for production because by seeking "all documents" referring to a penalty factor at issue in this litigation, the request for production necessarily calls for the production of documents and information protected from production under the work product, attorney-client, or other protections or privileges. The United States will identify documents withheld solely on the grounds of privilege or protection in accordance and to the extent required by PTO 14.

As stated in the United States' March 3, 2014 filing:

This factor is a catch-all for any facts that might not fit into the other seven factors

(*i.e.*, labels), and we reserve the right to argue that any given evidence already in the record, subject to a stipulation, or to be adduced in the Penalty Phase, falls into this category; but that is just legal argument. As for *new evidence*, we do not currently have any specific new evidence to offer on this topic, other than to the extent that the new factual "Topics" set out in the chart above count under this factor. Specifically, evidence about prior incidents, as described under "culpability" above, might fit into this category (as well as arguably fitting into "prior violations") so we incorporate that discussion here. To the extent any specific events and dates are required; we believe those are due on March 12 along with any prior violations. We also reserve the right to present evidence to counter BP's contention about the economic value it brings to the Gulf in terms of jobs, *etc.*, which may fall under this factor.

First Response of the United States to Order [Re: Preparation for Discovery in the Penalty Phase] at 12-13 (Mar. 3, 2014). Accordingly, the evidence the United States will submit regarding this penalty factor will be information responsive to assertions and claims that the Defendants are making and on which the Defendants will, therefore, bear the burden of proof. Accordingly, at this time, Defendants possess far more information than the United States regarding these factors.

Finally, the United States objects to this request for production as calling for the premature disclosure of expert opinions. The United States anticipates that its evidence responding to the "other matters" that the Defendants have identified will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

**RESPONSE:** Subject to, and without waiving, its objections the United States responds as follows:

The United States has not, to date, identified any non-privileged documents other than those already produced in Phase 1 and 2 or identified in these discovery responses that it intends to rely upon in responding to the Defendants' "other matters." To the extent that such documents are identified as the United States receives more information regarding the Defendants' contentions, the United States will supplement this discovery response in accordance with and to the extent required by Federal Rule of Civil Procedure 26(e).

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing objections, the United States further responds as follows:

The United States will produce, with the Bates prefix BSEE, documents demonstrating BP's other violations of statutes and regulations governing its drilling activities in the Gulf of Mexico. These documents may support the United States' contentions in response to BP's claim that the Court must compare BP's violations in this case to other environmental incidents. In addition, the United States may rely upon the documents identified in response to request for production 20 to respond to Defendants' allegations regarding their economic contributions to the local, regional, and national economies. Further, the United States will produce information relating to the Defendants' own royalty payments related to exploration and production in the Gulf of Mexico as close to May 27, 2014 as practicable. These documents, too, may go to the Defendants' claims regarding their importance in the economy, as well as other factors as justice may require.

17. All studies, evaluations, analyses or discussions of the impact of imposing penalties on non-culpable NOIs in oil and gas drilling operations, including but not limited to how imposition of such penalties would or might affect or relate to safety.

**OBJECTIONS:** By seeking all "discussions" regarding the impact of imposing penalties, this request is objectionable because it necessarily calls for information protected by the attorney-client, work product or other protection or privilege. Other than discussions related to inquiries necessary to respond to this request for production or to respond to the Defendants' contentions as part of this litigation, the United States is not aware at this time of any such privileged information, but reserves the right to assert privilege over any documents construed as responsive to this request that are protected from disclosure.

**RESPONSE:** Subject to and without waiving its objections the United States responds as follows:

The relevant agencies – EPA, NOAA, DOI, the Coast Guard, and the Department of Labor – have not identified any non-privileged information responsive to this request, particularly because the statutory and regulatory penalty authority of these agencies make no distinction between so-called "non-operating investors" and other violators.

18. All documents reflecting policies, memoranda, or other guidance regarding the amount of penalties to impose or seek against non-culpable NOIs.

**OBJECTIONS:** The United States objects to this request for production as overly broad because it requests information regarding all penalties, regardless of whether they relate to process safety, human health, or environmental protection. Penalties unrelated to these subject areas are not relevant to this Phase of the litigation and the United States has limited its inquiry to such penalty policies.

**RESPONSE:** Subject to and without waiving its objections the United States responds as follows:

The relevant agencies – EPA, NOAA, DOI, the Coast Guard, and the Department of Labor – have identified several policies that would apply to the settlement of claims related to the violation of environmental, safety, or process safety requirements related to deep water drilling. These penalty policies, written by the Coast Guard, DOI, and EPA, are publicly available and appear on the agencies' websites. The United States has identified no policies that specifically discuss so-called "non-operating investors", which is not remarkable since the agencies do not use this purported status to distinguish between violators.

19. All documents reflecting the total royalties paid per annum to the United States from offshore leasing, and activities authorized thereunder, under the Outer Continental Shelf Lands Act and discussing any benefit from such royalties.

**OBJECTIONS:** The United States objects to this request for production on the grounds that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. The request seeks information regarding all offshore drilling and is not restricted to the Defendants' own activities or even to drilling in the Gulf of Mexico. Moreover, by requesting all documents, the Defendants have rendered this request for production overly broad and may have included documents subject to the attorney-client, work product, or other privileges and protections. Since the Defendants are simply seeking the total royalties per annum, the United States will restrict its search to identify sufficient documentation to provide those royalties for the time period 2008-2013.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds that reports listing total royalties paid per fiscal year to the United States from offshore leasing are available at the following link for Fiscal Years 2003 – 2013:

<http://statistics.onrr.gov/ReportTool.aspx>.

20. All studies, analysis, assessments, memoranda or guidance regarding the impacts on the national, regional, or local economies, national security or energy independence associated with offshore drilling.

**OBJECTIONS:** The United States objects to this request for production on the grounds that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. The request seeks information regarding all offshore drilling and is not restricted to the Defendants' own activities or even to drilling in the Gulf of Mexico. Moreover, by seeking information regarding the analysis of "national security" issues, this request seeks information that may exist on classified servers or be subject to protection from disclosure. The United States will not search for or produce any such information. In light of all of these objections, the United States has confined its search to the following agencies: Department of Labor, Department of

Commerce, Department of the Interior, and the Department of Energy. Moreover, the United States has confined its search to final reports discussing offshore oil development in the Gulf of Mexico.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States has determined that the Department of Energy's Energy Information Administration provides publicly available reports responsive to this request, including the following:

1. Gulf of Mexico Fact Sheet (providing production data as of 2012) at: [http://www.eia.gov/special/gulf\\_of\\_mexico/](http://www.eia.gov/special/gulf_of_mexico/)
2. March 31, 2014: Report finding that the five states and the Gulf of Mexico produce more than 80% of U.S. crude oil at: <http://www.eia.gov/todayinenergy/detail.cfm?id=15631>
3. June 2013: 2013 Outlook for Gulf of Mexico Hurricane-Related Production Outages at: [http://www.eia.gov/forecasts/steo/special/pdf/2013\\_sp\\_04.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2013_sp_04.pdf)
4. February 8, 2012: Tight oil, Gulf of Mexico deepwater drive projected increases in U.S. crude oil production at: <http://www.eia.gov/todayinenergy/detail.cfm?id=4910#>
5. February 14, 2013: Short-Term Energy Outlook Supplement: Key drivers for EIA's short-term U.S. crude oil production outlook at: [http://www.eia.gov/forecasts/steo/special/pdf/2013\\_sp\\_02.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2013_sp_02.pdf)
6. June 2012: 2012 Outlook for Hurricane-Related Production Outages in the Gulf of Mexico at: [http://www.eia.gov/forecasts/steo/special/pdf/2012\\_sp\\_01.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2012_sp_01.pdf)
7. June 2011: 2011 Outlook for Hurricane-Related Production Outages in the Gulf of Mexico at: [http://www.eia.gov/forecasts/steo/special/pdf/2011\\_sp\\_02.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2011_sp_02.pdf)
8. June 2010: Short-Term Energy Outlook Supplement: 2010 Outlook for Hurricane-Related Production Outages in the Gulf of Mexico at: [http://www.eia.gov/forecasts/steo/special/pdf/2010\\_sp\\_03.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2010_sp_03.pdf)
9. 2010: Short-Term Energy Outlook Supplement: Outlook for Non-OPEC Supply in 2010-2011 at: [http://www.eia.gov/forecasts/steo/special/pdf/2010\\_sp\\_01.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2010_sp_01.pdf)
10. June 2009: Short-term Energy Outlook Supplement: The 2009 Outlook for Hurricane

Production Outages in the Gulf of Mexico at:

[http://www.eia.gov/forecasts/steo/special/pdf/2009\\_sp\\_03.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2009_sp_03.pdf)

11. March 31, 2009: Impact of Limitations on Access to Oil and Natural Gas Resources in the Federal Outer Continental Shelf at:  
[http://www.eia.gov/oiaf/aeo/otheranalysis/aeo\\_2009analysispapers/aongr.html](http://www.eia.gov/oiaf/aeo/otheranalysis/aeo_2009analysispapers/aongr.html)
12. March 13, 2009: Regulations Related to the Outer Continental Shelf Moratoria and Implications of Not Renewing the Moratoria at:  
[http://www.eia.gov/oiaf/aeo/otheranalysis/aeo\\_2009analysispapers/ocsm.html](http://www.eia.gov/oiaf/aeo/otheranalysis/aeo_2009analysispapers/ocsm.html)
13. June 2008: Short-Term Energy Outlook Supplement: The 2008 Outlook for Hurricane Production Outages in the Gulf of Mexico at:  
[http://www.eia.gov/forecasts/steo/special/pdf/2008\\_sp\\_03.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2008_sp_03.pdf)
14. February 2008: Short-Term Energy Outlook Supplement: Outlook for Non-OPEC Oil Supply Growth in 2008-2009 at: <http://www.eia.gov/forecasts/steo/special/pdf/2008-non-opec-oil-supply.pdf>
15. June 2007: Short-Term Energy Outlook Supplement: The 2007 Outlook for Hurricane Impacts on Gulf of Mexico Crude Oil and Natural Gas Production at:  
[http://www.eia.gov/forecasts/steo/special/pdf/2007\\_hurricanes.pdf](http://www.eia.gov/forecasts/steo/special/pdf/2007_hurricanes.pdf)
16. June 23, 2007: Overview of the Federal Offshore Royalty Relief Program at:  
<http://www.eia.gov/naturalgas/archive/ngoffshore.pdf>
17. June 7, 2006: The Impact of Tropical Cyclones on Gulf of Mexico Crude Oil and Natural Gas Production at: <http://www.eia.gov/naturalgas/archive/hurricanes.pdf>
18. August 1, 2005: Overview of U.S. Legislation and Regulations Affecting Offshore Natural Gas and Oil Activity at: <http://www.eia.gov/naturalgas/archive/offshore.pdf>

DOI's BOEM analyzes the impacts of offshore drilling on the economy and energy independence. BOEM's work in these areas is for the purpose of finalizing public documents related to offshore oil and gas development. BOEM's public documents can be found on public websites as follows:

1. For the 5-Year Leasing Program: <http://www.boem.gov/Five-Year-Program-2012-2017>
2. For the Programmatic Environmental Impact Statement (NEPA) associated with the 5-Year Leasing Program: <http://www.boem.gov/5-Year/2012-2017/PEIS.aspx>
3. For BOEM's Economics Division: <http://www.boem.gov/Economics-Division/>

4. For BOEM's regional office's NEPA analyses: <http://www.boem.gov/nepaprocess/>
5. For BOEM's Environmental Studies Program, which has conducted research for more than 30 years to garner a baseline understanding of the environment and to improve our understanding of the impacts of offshore energy development:  
[http://www.data.boem.gov/homepg/data\\_center/other/espis/espismaster.asp?appid=1](http://www.data.boem.gov/homepg/data_center/other/espis/espismaster.asp?appid=1)

Further, BOEM and BSEE also include general analyses of these topics in the preambles to rulemaking, which are found in the Federal Register.

Further, the Department of Labor's Bureau of Labor Statistics has some publicly available reports on gulf coast employment by sector. These reports can be found at:

1. April 2010: Fact Sheet – Oil and Gas Well Drilling: Employment in the Oil and Gas Well Drilling Industry at: [http://www.bls.gov/cew/oil\\_gas\\_drilling.htm](http://www.bls.gov/cew/oil_gas_drilling.htm)
2. June 2010: Fact Sheet - Gulf Coast Leisure and Hospitality Employment and Wages at: [http://www.bls.gov/cew/gulf\\_coast\\_leisure\\_hospitality.htm](http://www.bls.gov/cew/gulf_coast_leisure_hospitality.htm)
3. October 2010: Occupational Employment (OES) Highlights: Gulf Coast Occupational Employment and Wages at [http://www.bls.gov/oes/highlight\\_gulf.pdf](http://www.bls.gov/oes/highlight_gulf.pdf)
4. August 2012: Gulf Coast unemployment trends, 2000 to 2010: hurricanes, recessions, oil spills at <http://www.bls.gov/opub/mlr/2012/08/art2full.pdf>
5. Quarterly Census of Employment and Wages: Gulf Oil Spill and QCEW at [http://www.bls.gov/cew/gulf\\_oil\\_spill\\_fact\\_sheet.htm](http://www.bls.gov/cew/gulf_oil_spill_fact_sheet.htm)
6. Current Employment Statistics – CES (National): Effects of the Gulf Oil Spill on Employment Estimates at <http://www.bls.gov/ces/cesgulffaq.htm>
7. 2010 National Census of Fatal Occupational Injuries in 2010 at [http://www.bls.gov/news.release/archives/cfoi\\_08252011.htm](http://www.bls.gov/news.release/archives/cfoi_08252011.htm)
8. 2010 Workplace Fatalities in Louisiana at [http://www.bls.gov/ro6/fax/cfoi\\_la.htm](http://www.bls.gov/ro6/fax/cfoi_la.htm)

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving its objections, the United States responds that the Department of Energy's Office of Policy Analysis, Office of Policy and International Affairs has identified four internal reports that are responsive to this request for production. These documents have been collected and will be produced on or before the deadline for production of documents.

In addition, the Department of Commerce's National Technical Information Service identified two additional studies that are responsive to this request for production: Potential Budgetary Effects of Immediately Opening Most Federal lands to Oil and Gas Leasing, 2012 and Outer Continental Shelf Moratoria on Oil and Gas Development, Hagerty, C.L., 2011. These reports, too, will be produced before the document production deadline.

21. All documents identified in the responses to the Interrogatories set forth below.

**OBJECTIONS:** The United States incorporates by reference its objections to each of the interrogatories set forth below.

**RESPONSE:** Subject to and without waiving its objections, the United States responds as follows:

The United States will produce the documents identified in response to the interrogatories, to the extent not previously produced, on or before the deadline for producing documents.

### **III. INTERROGATORIES**

1. Identify and describe all preliminary and/or final results of testing of toxicity of Oil-Related Materials and/or Dispersants, resulting from the *Deepwater Horizon* Spill and/or Response Activities, to Organisms and all persons with knowledge of, and documents related to such testing.

**OBJECTIONS:** The United States objects to this ~~request for production~~interrogatory for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

In addition, the United States objects to this request as duplicative of information requested in Request for Production 1.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States

responds as follows:

Pursuant to Federal Rule of Civil Procedure 33(d), the United States directs BP to the data being produced in response to request for production 1 as well as the information produced to BP during the Phase 1 and 2 discovery periods.

2. Identify and describe all background rates of land loss and erosion on shorelines in the Gulf Coast states and all persons with knowledge of, and all documents related to, such rates of land loss and erosion.

**OBJECTIONS:** The United States objects to this ~~request for production~~interrogatory for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

Further, the United States objects to this interrogatory as improper and unduly burdensome because it seeks to require the United States to prepare and provide an index of documents on a very broad topic and to identify all persons, regardless of whether they are employed by the United States, with knowledge of this same very broad topic.

The United States further objects to this interrogatory because it seeks information not reasonably calculated to lead to the discovery of admissible evidence in this Phase of the litigation in light of the Court's limitations imposed during the March 21, 2014 hearing. The focus of the penalty phase is the seriousness of the Defendants' violations, not whether other activities have also impacted the environment of the Gulf of Mexico. This interrogatory on its face is a stalking horse intended to provide Defendants a preview of the Natural Resource Damages claims not yet brought by the United States.

Further, the United States objects to this Interrogatory as vague in that "background" is not

defined as to time.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

EPA maintains a publicly available database that tracks status and trends of wetlands, which can be found at: [www.water.epa.gov](http://www.water.epa.gov). In addition, information regarding the status of wetlands in the Gulf of Mexico is provided at [www.healthygulf.org](http://www.healthygulf.org) by the Gulf Restoration Network.

3. Identify and describe all studies, reports, assessments, and analyses, including without limitation those conducted by government agencies, non-governmental organizations, academic or research institutions, and private consultants, that the United States will or may rely upon regarding actual or potential environmental harms resulting from the *Deepwater Horizon* Incident and Spill.

**OBJECTIONS:** The United States objects to this ~~request for production~~interrogatory for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

In addition, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As the United States has already disclosed, the United States anticipates that its evidence regarding the actual and potential environmental harm caused by the Defendants' violation will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

The United States also objects to this Interrogatory as overly broad because it is not limited to studies that the United States will rely upon in the Penalty Phase of discovery. The United States will confine its response to those studies that may be used in this Phase of the litigation.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States will identify the studies and other materials considered by its expert witnesses in accordance with and to the extent required by the Federal Rules of Civil Procedure, as well as the schedule and orders entered by this Court. To the extent non-privileged responsive documents are identified, are not publicly available, and come within the United States' possession, custody, or control before the deadline for disclosure of expert reports, the United States will produce such responsive documents.

4. Identify and describe any human health impact, including but not limited to any potential or future health impact, that resulted from the *Deepwater Horizon* Spill and/or Response Activities and all persons with knowledge of, and all documents related to, any such human health impact(s).

**OBJECTIONS:** The United States objects to this [request for production/interrogatory](#) for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

In addition, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As the United States has already disclosed, the United States anticipates that its evidence regarding the potential and actual human health harm caused by the Defendants' violation will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

In addition the United States objects to this interrogatory because it seeks information protected from disclosure pursuant to the Public Health Service Act, 42 U.S.C. 241(d) and any certificates issued pursuant to that Act. The United States, through the National Institute of

Environmental Health Sciences is currently engaged in a large study of the human health impacts of the Incident, but this study has not yet been completed. Except as explicitly set forth below, the United States will not search for or produce records from that study because of the privacy obligations imposed by the Act and because the study is not yet complete.

The United States further objects to this request for production of documents because it seeks discovery of individual medical records generated in the course of the response because the intrusion into individual patients' privacy outweighs the marginal benefit to be derived from such documents given the issues that are relevant to this phase of the litigation.

The United States also objects to this interrogatory on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. As the Court noted in the March 21, 2014 hearing when it limited discovery on the seriousness factor, detailed information regarding human health and environmental impacts is not necessary to determine whether the Defendants' violations were serious and, therefore, the burden of collecting and producing this information outweighs the benefit in this case. In fact, the face of this discovery requests suggests that BP is using discovery for the Penalty Phase as a stalking horse to conduct discovery related to claims in other cases pending in the MDL or to the United States' as yet unfiled natural resources damages claim. Any such attempt is improper and therefore objectionable.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

Pursuant to Federal Rule of Civil Procedure 33(d), the United States directs BP to the data being produced in response to requests for production 1 and 13. In addition, the United States will identify the studies and other materials considered by its expert witnesses in accordance with and

to the extent required by the Federal Rules of Civil Procedure, as well as the schedule and orders entered by this Court. To the extent non-privileged responsive documents are identified, are not publicly available, and come within the United States' possession, custody, or control before the deadline for disclosure of expert reports, the United States will produce such responsive documents.

5. Identify and describe in detail any and all sampling, monitoring, testing, and analysis that demonstrate exposure to Oil-Related Materials and/or Dispersants, resulting from the *Deepwater Horizon* Spill and/or Response Activities, at levels sufficient to cause any impact on human health, and identify all documents related to that sampling, monitoring, testing, and analysis.

**OBJECTIONS:** The United States objects to this ~~request for production~~interrogatory for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

Pursuant to Federal Rule of Civil Procedure 33(d), the United States directs BP to the data being produced in response to request for production 1 and 13, as well as the information produced in response to discovery in Phases 1 and 2. The United States will identify the studies and other materials considered by its expert witnesses in accordance with and to the extent required by the Federal Rules of Civil Procedure, as well as the schedule and orders entered by this Court. To the extent non-privileged responsive documents are identified, are not publicly available, and come within the United States' possession, custody, or control before the deadline for disclosure of expert reports, the United States will produce such responsive documents.

6. Identify and describe any analyses, studies, assessments, or evaluations regarding the nature, extent, or degree of effectiveness of the efforts to respond to, or otherwise mitigate, minimize, or prevent any environmental, human health, economic, or other effects of, the *Deepwater Horizon* Spill, including any statements commending response efforts or determinations that any aspect of the response was effective or successful. As part of your response, identify the persons most knowledgeable about, and all statements, documents, and other materials that describe or reflect, the analyses, studies, assessments, evaluations, or determinations.

**OBJECTIONS:** The United States objects to this [request for production interrogatory](#) for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

Further, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that its evidence regarding the Defendants' efforts to mitigate the effects of their violations will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

Moreover, the United States objects to this interrogatory as premature because the Defendants have not yet disclosed their contentions regarding their efforts to mitigate the effects of their violations and, therefore, the United States cannot yet identify the evidence it will use to rebut those contentions.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States intends to rely upon the information exchanged in Phases 1 and 2, as well as the data produced in response to requests for production 1, 8, 10, and 13 as part of its response to Defendants' contentions regarding their efforts to mitigate their violations, as well as

additional information identified by its experts as relevant to the Defendants' contentions.

In addition, the United States will identify the studies and other materials considered by its expert witnesses in accordance with and to the extent required by the Federal Rules of Civil Procedure, as well as the schedule and orders entered by this Court. To the extent non-privileged responsive documents are identified, are not publicly available, and come within the United States' possession, custody, or control before the deadline for disclosure of expert reports, the United States will produce such responsive documents.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing objections, the United States provides the following supplemental response:

The following publically-available documents or portions of the following publically-available documents may contain analyses, studies, assessments, or evaluations regarding the nature, extent, or degree of effectiveness of the efforts to respond to, or otherwise mitigate, minimize, or prevent any environmental, human health, economic, or other effects of, the *Deepwater Horizon* Spill:

- On Scene Coordinator Report Deepwater Horizon Oil Spill (FOOSC REPORT) (Ex. 9105);
- Incident Specific Preparedness Review, January 2011, available at [www.uscg.mil/foia/docs/dwh/bpdwh.pdf](http://www.uscg.mil/foia/docs/dwh/bpdwh.pdf);
- Operational Science Advisory Team reports, various dates, available at <http://www.restorethegulf.gov/news/transcripts-docs>;
- America's Gulf Coast: A Long Term Recovery Plan after the Deepwater Horizon Oil Spill (BP-HZN-2179MDL01871492);
- National Incident Commander Deepwater Horizon Strategy Implementation,

Version 5.0 (Ex. 9123); and

- o King, Bradley and John Gibbens (NIOSH), Health Hazard Evaluation of Deepwater Horizon Response Workers: Health Hazard Evaluation Report, HETA 201-0115&2010-0129-3138 (August 2011), available at <http://www.cdc.gov/niosh/topics/oilspillresponse/gulfspillhhe.html>.

Additionally, the United States has agreed to search for documents using the agreed upon “commending” search string in the Coast Guard archive for the time period April 20, 2010 through December 31, 2013 and in Dr. Jacqueline Michel’s custodial files for the period April 20, 2010 through January 31, 2011, and produce the non-privileged documents captured by the search:

((BP OR RP) W/10 (effective\* OR efficient\* OR prompt\* OR quick\* OR competent OR commend\* OR excellent OR great OR “well done” OR nice\*))

7. Identify and describe any way in which the United States contends that BPXP or any other entity did not effectively respond to, or otherwise mitigate, minimize, or prevent environmental, human health, economic or other effects of, the *Deepwater Horizon* Spill, and the bases for any such contention. As part of your response, identify the persons most knowledgeable about, and all statements, documents, and other materials that describe or reflect, the bases for your contention.

**OBJECTIONS:** The United States objects to this [request for production](#) [interrogatory](#) for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

Further, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that its evidence regarding the Defendants' efforts to mitigate the effects of their violations will be presented through expert testimony that will be disclosed in accordance with the schedule to be

established by the Court.

Moreover, the United States objects to this interrogatory as premature because the Defendants have not yet disclosed their contentions regarding their efforts to mitigate the effects of their violations and, therefore, the United States cannot yet identify the evidence it will use to rebut those contentions.

The United States further objects to this interrogatory because it seeks information not reasonably calculated to lead to the discovery of admissible evidence in this Phase of the litigation. The focus of the penalty phase is the seriousness of the Defendants' violations, not whether other activities have also impacted the environment of the Gulf of Mexico. If interpreted to call for discovery into the detailed environmental impact of Defendants' violations, this interrogatory is a stalking horse intended to provide Defendants a preview of the natural resource damages claims not yet brought by the United States.

The United States further objects to this interrogatory because it implies that the Defendants' compliance with the orders and directives of the Unified Command are relevant to their efforts to mitigate the effect of their violations. Activities required by law cannot constitute be credited in considering the "mitigation" penalty factor and, therefore, to the extent this discovery is sought for purposes of offering evidence on the "mitigation" penalty factor, it seeks discovery not reasonably calculated to lead to the discovery of admissible evidence.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The harm caused by the Defendants' violations was preventable. With respect to BP, had Defendants not been negligent (or in BP's case, grossly negligent) in the drilling of the Macondo well. For specific citations to the Phase 1 and 2 record, the United States' directs the Defendants to

the various Plaintiffs' Phase 1 and 2 proposed findings of fact and conclusions of law regarding BP's gross negligence. With respect to Anadarko, for reasons presented in the United States' Opposition to Motion *In Limine* of Defendant Anadarko Petroleum Corporation to Exclude All Evidence Regarding Anadarko's Culpability and that will be presented in the United States proffer under the schedule set by the Court in the Penalty Phase, defendant Anadarko not only neglected many warning signs of brewing trouble concerning the Macondo Well but also declined to use its authorities under the Operating Agreement to foster safe and professional design, construction, drilling and testing of the Macondo Well.

In addition, the United States will identify the studies and other materials considered by its expert witnesses in accordance with and to the extent required by the Federal Rules of Civil Procedure, as well as the schedule and orders entered by this Court. To the extent non-privileged responsive documents are identified, are not publicly available, and come within the United States' possession, custody, or control before the deadline for disclosure of expert reports, the United States will produce such responsive documents.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing objections, the United States incorporates its Response and Supplemental Response to Interrogatory No. 6, which identify publically-available documents or portions of publically-available documents that may contain analyses, studies, assessments, or evaluations regarding the nature, extent, or degree of effectiveness of the efforts to respond to, or otherwise mitigate, minimize, or prevent any environmental, human health, economic, or other effects of, the *Deepwater Horizon* Spill. The United States further incorporates its Response and Supplemental Response to Interrogatory No. 8, which identify limitations on mitigation and prevention of harm. The United States will supplement this response, which calls for the United States' rebuttal

contentions to Defendants' contentions regarding effectiveness of the response and mitigation efforts, after Defendants disclose their contentions regarding their efforts to mitigate the effects of their violations.

8. Identify and describe any decisions or actions by BPXP, the Unified Command, or other agency or entity that limited or constrained efforts to respond to, or otherwise mitigate, minimize, or prevent, environmental, human health, economic or other effects of, the *Deepwater Horizon* Spill. As part of your response, identify the persons most knowledgeable about, and all statements, documents, and other materials that describe or reflect on, such decisions and actions.

**OBJECTIONS AND RESPONSE:** The United States objects to this ~~request for~~ ~~production~~ interrogatory for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

The United States also objects to this request for production as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that its evidence regarding the Defendants' efforts to mitigate the effects of their violations will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

Moreover, the United States objects to this interrogatory as premature because the Defendants have not yet disclosed their contentions regarding their efforts to mitigate the effects of their violations and, therefore, the United States cannot yet identify the evidence it will use to rebut those contentions.

The United States further objects to this interrogatory because it seeks information not reasonably calculated to lead to the discovery of admissible evidence in this Phase of the litigation. The focus of the penalty phase is the seriousness of the Defendants' violations, not whether other

activities have also impacted the environment of the Gulf of Mexico. If interpreted to call for discovery into the detailed environmental impact of Defendants' violations or the removal actions, this interrogatory is a stalking horse intended to provide Defendants a preview of the natural resource damages claims not yet brought by the United States.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

For the reasons presented by the United States and its co-plaintiffs in Phase 2, BP's actions during the response (particularly its criminal misrepresentations regarding the flow rate) had an impact on the response. For specific citations to the Phase 1 and 2 record the United States' directs the Defendants to the various Plaintiffs' Phase 1 and 2 proposed findings of fact and conclusions of law.

In addition, certain removal actions have inherent or unavoidable adverse consequences. For instance, deployed boom can be pushed ashore by wind and wave and smother marsh ecosystems. Similarly, the use of dispersants or diversions of freshwater to prevent the oil from reaching the shoreline may have had adverse impacts on particular natural resources.

In addition, the United States will identify the studies and other materials considered by its expert witnesses in accordance with and to the extent required by the Federal Rules of Civil Procedure, as well as the schedule and orders entered by this Court. To the extent non-privileged responsive documents are identified, are not publicly available, and come within the United States' possession, custody, or control before the deadline for disclosure of expert reports, the United States will produce such responsive documents.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing objections, the United States provides the following supplemental response:

RADM Landry expressed concern during the response about the pace at which BP was standing up forward operating bases and the pace at which BP was deploying resources to forward locations (Landry Dep. at 389:15-392:13). RADM Landry also expressed concern to BP about its desire to use a Coast Guard search and rescue helicopter to retrieve samples that were taken for the testing of subsea dispersants. (Landry Dep. at 393:10-23). In addition, EPA expressed concern during the response regarding BP not being fully responsive regarding certain dispersant safety issues. See <http://www.epa.gov/bpspill/dispersants/Rainey-letter-052610.pdf>, and that BP was not fully prepared to adequately test the effects of subsea dispersants when such dispersant use was initially being tested. Robyn Conmy is a person knowledgeable about issues with the testing of subsea dispersants.

9. Describe in detail the nature, extent, and degree of success of any offer or effort by Anadarko to minimize or mitigate the effects of the discharge from the Incident and Oil Spill, including Anadarko's participation in source control efforts.

**OBJECTIONS AND RESPONSE:** The United States incorporates by reference its objections and response to interrogatory 6 above.

10. Identify the total amount of Oil-Related Materials that you contend were contained, collected, dispersed, burned, and cleaned up as a result of the Response Activities, as well as the amount of Oil-Related Materials that were removed through natural processes, including the portions of the total volume attributable to each process (for example, through the use of skimming, boom, dispersants, *in situ* burning, shoreline cleanup, and natural processes), and a detailed description of how you performed these analyses. As part of your response, please identify the persons most knowledgeable about, and all statements, documents, and other materials that describe or reflect, the analyses.

**OBJECTIONS:** The United States objects to this ~~request for production~~interrogatory for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

In addition, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As the United States has already disclosed, the United States anticipates that its evidence regarding the actual and potential environmental harm caused by the Defendants' violation will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

The United States further objects to this interrogatory because it seeks information not reasonably calculated to lead to the discovery of admissible evidence in this Phase of the litigation. The focus of the penalty phase is the seriousness of the Defendants' violations, not whether other activities have also impacted the environment of the Gulf of Mexico. If interpreted to call for discovery into the detailed environmental impact of Defendants' violations or the removal actions, this interrogatory is a stalking horse intended to provide Defendants a preview of the natural resource damages claims not yet brought by the United States.

**RESPONSE:** Subject to, and without waiving its objections, the United States responds as follows:

Pursuant to Federal Rule of Civil Procedure 33(d), the United States directs Defendants to the documents produced in response to previously served requests for production 73, 78-85, and 123-127, as well as the Rule 30(b)(6) testimony Mark Miller.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing objections, the United States provides the following supplemental response:

As stipulated in 810,000 barrels of "Collected Oil" were collected during the spill. "Collected Oil" is oil that flowed from the subsurface reservoir, through the well, through the blow-out preventer, and never came into contact with any ambient sea water, and was not released to the environment in any way (other than via flaring approved by the FOOSC). See Stipulation

Mooting BP's Motion for Partial Summary Judgment Against the United States, Rec. Doc. 8620 (Feb. 19, 2013).

11. Identify and describe in detail all bases for any contention by the United States that use of Corexit 9500 and/or Corexit 9527 during the Response was ineffective or had any counterproductive or harmful effects on the environment or human health. As part of your response, please identify the persons most knowledgeable about, and all statements, documents, and other materials that describe or reflect, the alleged ineffectiveness or counterproductive or harmful effects of Corexit 9500 and/or Corexit 9527.

**OBJECTIONS:** The United States objects to this [request for production interrogatory](#) for the reasons set forth in its Seriousness Motion, its brief in support of the Seriousness Motion, its reply in support of the Seriousness Motion, and the US 26(f) Report. Moreover, the United States objects to this request as overbroad in light of the Court's ruling cited in the United States' objections to Request for Production 1.

In addition, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As the United States has already disclosed, the United States anticipates that its evidence regarding the actual and potential environmental harm caused by the Defendants' violation will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

The United States further objects to this interrogatory because it seeks information not reasonably calculated to lead to the discovery of admissible evidence in this Phase of the litigation. The focus of the penalty phase is the seriousness of the Defendants' violations, not whether other activities have also impacted the environment of the Gulf of Mexico. If interpreted to call for discovery into the detailed environmental impact of Defendants' violations or the removal actions, this interrogatory is a stalking horse intended to provide Defendants a preview of the natural resource damages claims not yet brought by the United States.

**RESPONSE:** Subject to, and without waiving its objections, the United States responds as

follows:

Pursuant to Federal Rule of Civil Procedure 33(d), the United States directs the Defendants to the documents produced in response to previously served requests for production 73, 78-85, and 123-127 and the foregoing requests for production 1 and 2.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing objections, the United States provides the following supplemental response:

Pursuant to Federal Rule of Civil Procedure 33(d), the United States directs Defendants to the Rule 30(b)(6) testimony that will be provided in response to Topic 3, including but not limited to the testimony of Mace Baron and Robyn Conmy.

12. Identify and describe any Response Activities that were not conducted at the direction and under the oversight of the Unified Command, and for any such activity, describe the activity in detail, the persons or entities involved, the outcome or result of the activity, the cost associated with the activity (including any amounts paid by BPXP), and the reasons why such activity was not conducted at the direction and under the oversight of the Unified Command.

**OBJECTIONS:** The United States objects to this interrogatory because it is premised on a misreading of the law. The Clean Water Act, the Oil Pollution Act, and the National Contingency Plan do not refer to "Response Activities." Instead, these laws and regulations guide what are appropriate "removal actions" the cost of which can be recovered from responsible parties.

The United States also objects to the breadth of this interrogatory because it seeks information about actions taken by parties other than the Defendants. The question of whether activities undertaken by parties other than the Defendants constitute removal activities under the Clean Water Act, the Oil Pollution Act, or the National Contingency Plan is irrelevant to this Phase of the litigation. In fact, this interrogatory is, on its face, an attempt to obtain early discovery of an issue that will arise in the Natural Resource Damage Assessment.

The United States further objects to this interrogatory because it implies that the

Defendants' compliance with the orders and directives of the Unified Command are relevant to their efforts to mitigate the effect of their violations. Activities required by law cannot constitute efforts to mitigate and, therefore, to the extent this discovery is sought for purposes of offering evidence on the "mitigation" penalty factor, it seeks discovery not reasonably calculated to lead to the discovery of admissible evidence.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

Any and all federal, state, local and private "removal actions" that were monitored and directed through authorization provided in an Incident Action Plan, a National Incident Commander directive or a Unified Command directive constitute documented "removal actions." BP and other third parties may have performed activities which could be termed "Response Activities" but are not documented "removal actions." Some of these activities may also constitute "removal actions" under the National Contingency Plan.

BP provided funding directly to certain local governments and/or entities outside of the Unified Command structure. The United States is not fully aware of the activities or resources that were funded by these expenditures. The United States lacks sufficient knowledge or information with regard to activities that were not authorized in an Incident Action Plan, a National Incident Commander directive or a Unified Command directive to answer this very broad interrogatory. Nevertheless, pursuant to Federal Rule of Civil Procedure 33(d), the United States directs BP to the information produced to BP during the Phase 1 and 2 discovery periods.

**SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing objections, the United States provides the following supplemental response:

The United States has previously presented BP with certain other costs incurred by the

United States resulting from the Incident that were not funded through the Oil Spill Liability Trust Fund, *See* May 13, 2011 Letter from Perrelli to Haycraft, et al., Re: Repayment of Certain Federal Expenditures Resulting from the Oil Spill at Deepwater Horizon and the Macondo Well, and such costs have accrued interest and may have increased. BP has declined to pay those costs.

13. Identify and describe the bases for any assertion by the United States that "the economic impact of the penalty on the violator" factor should increase the amount of any Clean Water Act penalty to be paid by BPXP and documents you intend to rely on to support such a contention.

**OBJECTIONS:** The United States objects to this interrogatory because it is premised on an incorrect reading of the law. As previously stated in the United States' briefs to the Court, the appropriate methodology for determining the civil penalty to be imposed upon BP for its extremely serious violations will be determined by the "top-down" approach in which the Court will only mitigate downward from the statutory maximum where the facts demonstrate cause to do so.

Therefore, the United States does not assert that ~~BP's substantial history of serious violations~~the economic impact of the penalty on BP should "increase" the amount of the penalty. Rather, the United States contends that, given BP's substantial ~~history of violations~~financial resources, this penalty factor gives no grounds for departing from the statutory maximum.

The United States also objects to this ~~request for production~~interrogatory because it calls for information already in the possession of BP. BP possesses far more information than the United States regarding its financial position and the effect of any penalty within the statutory maximum penalty upon its operations.

Further, the United States objects to this interrogatory as improper and unduly burdensome because it seeks to require the United States to prepare and provide an index of documents on a very broad topic.

The United States further objects to this request because it may call for the disclosure of

information developed in the course of settlement negotiations and therefore protected under PTO 1 or PTO 38. Any such analyses were solely for settlement purposes and the United States will not search for, produce, or log any such analyses.

Finally, the United States objects to this request for production as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that much of its evidence regarding the impact of the penalty on BP will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court..

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

As set forth in the United States United States' [United States' Clean Water Act – Penalty Phase Rule 26 Report of the United States \(Rec. Doc. 12351\)](#) and the United States' [Memorandum in Support of Plaintiff United States' Motion In Limine to Permit Relevant Evidence Concerning BP p.l.c. and Other BP Affiliates \(Rec. Doc. 12355-1\)](#), ~~Opposition to BPXP's Motion in Limine to Exclude (1) Additional Evidence of Culpability and (2) Evidence Relating to Prior Incidents (Doc. 12460) and the United States' Memorandum in Support of Motion for Discovery Regarding the Financial Information and Activities of Subsidiaries and Affiliates as Relevant to the Economic Impact of a Clean Water Act Civil Penalty on Anadarko Petroleum Corporation~~, the United States anticipates providing testimony of expert witnesses responding to BP's contentions regarding the impact that the statutory maximum penalty, or any amount under that would have a significant impact on BP's business operations. Based on this expert testimony, the United States will demonstrate that BP has provided no basis for departing from the statutory maximum penalty because of the assets available to BP to pay the penalty imposed by the Court. In the unlikely event that the Court determines that the penalty will be determined using another methodology, the

United States will contend that the financial resources of BPXP, particularly in light of its ability to marshal the resources of the entire BP Group, militates for a penalty at or near the statutory maximum to ensure that the penalty has a proportionally deterrent effect.

14. Identify and describe the bases for any assertion by the United States that the "history of prior violations" factor should increase the amount of any Clean Water Act penalty to be paid by BPXP and documents you intend to rely on to support such a contention.

**OBJECTIONS:** The United States objects to this interrogatory because it is premised on an incorrect reading of the law. As previously stated in the United States' briefs filed in this Court, the appropriate methodology for determining the civil penalty to be imposed upon BP for its extremely serious violations will be determined by the "top-down" approach in which the Court will only mitigate downward from the statutory maximum where the facts demonstrate cause to do so. Therefore, the United States does not assert that BP's substantial history of serious violations should "increase" the amount of the penalty. Rather, the United States contends that, given BP's substantial history of violations this penalty factor gives no grounds for departing from the statutory maximum.

Further, the United States objects to this interrogatory as improper and unduly burdensome because it seeks to require the United States to prepare and provide an index of documents on a very broad topic.

The United States also objects to this interrogatory because it calls for information already in the possession of BP regarding BP's own failure to comply with environmental and health and safety requirements.

The United States further objects to this interrogatory because it may call for the disclosure of information developed in the course of settlement negotiations and therefore protected under PTO 1 and its amendments or PTO 38. Any such analyses were solely for settlement purposes and

the United States will not search for, produce, or log any such analyses.

The United States objects to this interrogatory as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that much of its evidence regarding BP's prior violations will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

In addition, as ordered by the Court during the March 21, 2014 hearing, the United States' assertions regarding the "prior violations" penalty factor will be limited to evidence related to the events that occurred at Texas City, Grangemouth, Prudhoe Bay, and Endicott. These violations were already the subject of discovery during Phase 1, including expert discovery. Any discovery BP required relating to these violations could have and should have been conducted at that time.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

As ordered by the Court during the March 21, 2014, the United States' assertions regarding the "prior violations" penalty factor will be limited to the events that occurred at Texas City, Grangemouth, Prudhoe Bay, and Endicott Island. As set forth in the United States' [United States' Clean Water Act – Penalty Phase Rule 26 Report of the United States \(Rec. Doc. 12351\)](#), [Memorandum in Support of Plaintiff United States' Motion In Limine to Permit Relevant Evidence Concerning BP p.l.c. and Other BP Affiliates \(Rec. Doc. 12355-1\)](#), and the United States' [Opposition to BXP's Motion in Limine to Exclude \(1\) Additional Evidence of Culpability and \(2\) Evidence Relating to Prior Incidents \(Rec. Doc. 12460\)](#), ~~Memorandum in Support of Motion for Discovery Regarding the Financial Information and Activities of Subsidiaries and Affiliates as Relevant to the Economic Impact of a Clean Water Act Civil Penalty on Anadarko Petroleum Corporation~~, the United States anticipates providing testimony of expert witnesses

regarding the nature of those violations and evidence that BP has failed to learn the lessons of its past. Through this expert testimony, the United States will demonstrate that BP's history of violations provides no basis for departing from the statutory maximum penalty. In the unlikely event that the Court determines that the penalty will be determined using another methodology, the United States will contend that this history of past violations warrants a penalty at the statutory maximum, *inter alia*, to deter and punish BP.

15. Identify and describe the bases for any assertion by the United States that the "other matters as justice may require" factor should increase the amount of any Clean Water Act penalty to be paid by BPXP and documents you intend to rely on to support such a contention.

**OBJECTIONS:** As stated in the United States' March 3, 2014 filing:

This factor is a catch-all for any facts that might not fit into the other seven factors (*i.e.*, labels), and we reserve the right to argue that any given evidence already in the record, subject to a stipulation, or to be adduced in the Penalty Phase, falls into this category; but that is just legal argument. As for *new evidence*, we do not currently have any specific new evidence to offer on this topic, other than to the extent that the new factual "Topics" set out in the chart above count under this factor. Specifically, evidence about prior incidents, as described under "culpability" above, might fit into this category (as well as arguably fitting into "prior violations") so we incorporate that discussion here. To the extent any specific events and dates are required; we believe those are due on March 12 along with any prior violations. We also reserve the right to present evidence to counter BP's contention about the economic value it brings to the Gulf in terms of jobs, *etc.*, which may fall under this factor.

First Response of the United States to Order [Re: Preparation for Discovery in the Penalty Phase] at 12-13 (Mar. 3, 2014). Accordingly, the evidence the United States will submit regarding this penalty factor will be information responsive to assertions and claims that the Defendants are making and on which the Defendants will bear the burden of proof. For this reason, at this time, Defendants possess far more information than the United States regarding these "other matters".

Finally, the United States objects to this interrogatory as calling for the premature disclosure of expert opinions. As previously disclosed, the United States anticipates that much of

its evidence responding to the "other matters" that the Defendants have identified will be presented through expert testimony that will be disclosed in accordance with the schedule to be established by the Court.

**RESPONSE:** Subject to, and without waiving, its objections the United States responds as follows:

The United States has not, to date, identified any non-privileged documents other than those already produced in Phase 1 or 2, or on the docket in this MDL that it intends to rely upon in responding to the Defendants' "other matters." To the extent that such documents are identified as the United States receives more information regarding the Defendants' contentions, the United States will supplement this discovery response in accordance and to the extent required by Federal Rule of Civil Procedure 26(e).

Further, the United States anticipates that some of its evidence rebutting the Defendants' assertions as to the "other matters" they have identified will be offered in the form of expert testimony, which will be disclosed in accordance with this Court's orders. To the extent non-privileged responsive documents are identified, are not publicly available, and come within the United States' possession, custody, or control before the deadline for disclosure of expert reports, the United States will produce such responsive documents.

The United States reserves the right to reference BP's prior violations not referenced in response to the "prior violations" factor to the extent necessary to respond to BP's contention that "justice requires that a penalty here be compared to and calibrated with penalties sought and obtained against other companies, both in relation to this case and other environmental incidents." See BP Exploration and Production Inc.'s Submission in Response to the Court's February 21, 2014 Order Regarding Preparation for Discovery in the Penalty Phase at Exhibit 11 (Mar. 3, 2014). The

United States will produce documents upon which it may rely, to the extent identified prior to the submission of expert reports, as part of its production in this phase.

16. At such point, if any, as you believe you may offer evidence regarding prior violations by Anadarko which are not included in the stipulations agreed to with Anadarko on this factor ("additional prior violations"), describe in detail each additional prior violation that you contend should be considered under Section 311 of the Clean Water Act for assessment of a penalty against Anadarko.

**OBJECTIONS:** The United States objects to this Interrogatory because the Court has ordered that there shall be no further discovery regarding Anadarko's prior violations in light of the stipulations.

**RESPONSE:** Subject to, and without waiving, the foregoing objections, the United States responds as follows:

The United States does not currently intend to offer evidence regarding violations other than those identified in the stipulation reached between Anadarko and the United States. The United States reserves the right to reference prior violations to the extent necessary to respond to as yet unidentified contentions by Anadarko pursuant to the "other factors" it contends that this Court should consider.

17. Identify and describe the bases for your denial of any Request for Admission propounded in connection with this action.

**OBJECTIONS:** The United States objects to this interrogatory as compound and exceeding the allotted number of permissible discovery requests. *See, e.g., Safeco of America v. Rawstron*, 181 F.R.D. 441, 446 (C.D. Cal. 1998) (holding that when a set of interrogatories requires a response for each request for admission that is not fully admitted, there should be "a strong presumption that each underlying request for admission constitutes a separately countable subpart . . ."). As that court held:

an interrogatory that asks the responding party to state facts, identify witnesses, or

identify documents supporting the denial of each request for admission contained in a set of requests for admissions usually should be construed as containing a subpart for each request for admission contained in the set.

*Id.* at 446; *see also Estate of Manship v. United States*, 232 FRD 552, 557 (M.D. La. 2005)

("While an interrogatory seeking the basis for the denial of several requests for admission may be viewed as a single interrogatory where each of the requests for admission concerns the same subject area, that rule does not apply to Interrogatory No. 5, where the plaintiffs have requested information regarding thirty-five (35) requests for admission involving different subject areas. Under such circumstances, Interrogatory No. 5 cannot be considered a single interrogatory." (citing *Safeco*)).

**RESPONSE:** Subject to, and without waiving, the foregoing objection, the United States responds as follows:

In accordance with the requirements of Federal Rule of Civil Procedure 36(a)(4), the United States has stated the basis for any denial of the requests for admission below. Accordingly, the United States hereby incorporates by reference its responses to the following requests for admission.

#### **IV. REQUESTS FOR ADMISSION**

##### **A. Requests for Admission Propounded by BPXP.**

1. Admit that coastal land subsidence, habitat conversion and fragmentation, decreasing water quality, invasive species, contamination from agricultural run-off, population growth, and/or other anthropogenic effects have diminished the natural resources of the northern Gulf of Mexico coastal ecosystem.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States also objects to this request for admission as vague particularly the phrase "and/or other anthropogenic effects", which implies that all the items in the list must be read as anthropogenic even though some may not be. Further the request does not identify which anthropogenic effects are subject to the request for admission.

**RESPONSE:** Subject to and without waiving its objections, the United States responds as follows:

The United States admits that coastal land subsidence, habitat conversion and fragmentation, decreasing water quality, invasive species, contamination from agricultural run-off, population growth, and other anthropogenic effects can and have had various effects on components in the Gulf of Mexico's ecosystem, including detrimental effects. The United States denies the request in all other respects.

2. Admit that oil and polycyclic aromatic hydrocarbons ("PAHs") exist naturally in the Gulf of Mexico and are released through natural seeps in the seafloor.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

**RESPONSE:** Subject to and without waiving its objections, the United States responds as follows:

The United States admits that oil and polycyclic aromatic hydrocarbons exist naturally in the deposits underlying the Gulf of Mexico and that there are some natural seeps from those deposits into the Gulf of Mexico at a rate significantly smaller than the rate at which oil was discharged from BP/Anadarko's well for eighty-seven days.

3. Admit that microbes exist in the Gulf of Mexico that consume oil discharged from

natural seeps and that these microbes consumed MC252 oil discharged during the *Deepwater Horizon* Spill.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States objects to this request for admission as vague because the word "consume" can have several different meanings. Miriam Webster's Collegiate Dictionary provides no fewer than four definitions for the word, more than one of which could be applicable in this circumstance – such as "to do away with completely" or "to eat or drink esp[ecially] in great quantities."

**RESPONSE:** Subject to and without waiving its objections, the United States responds as follows:

The United States admit that there are microbes that break down components of crude oil and that some of these microbes are found in the waters of the Gulf of Mexico. The United States further admits that some microbes in the Gulf of Mexico broke down some oil discharged from the Defendants' leaking well, but this admission implies nothing about the extent and rate at which this break down occurred.

4. Admit that background rates of wetland loss in Louisiana are greater than the rate of wetland loss that is or may be attributable to the *Deepwater Horizon* Spill.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States also objects to this request for admission as vague because the term "background rate" is not defined as to time. Without specifying the time period under consideration as the "background", the United States cannot identify what the comparator for the effect of the Defendants' violations.

**RESPONSE:** Subject to and without waiving the foregoing objections the United States responds as follows:

After reasonable inquiry, the United States cannot admit or deny this request at this time because it has not yet completed its assessment of the damages caused by the spill from BP/Anadarko's well and therefore cannot yet quantify the rate of wetland loss that is or may be attributable to the spill from BP/Anadarko's well.

5. Admit that 2011 was the most productive year for Brown Pelican nesting in the northern Gulf of Mexico since Hurricane Katrina in 2005.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States also objects on the grounds that request for admission 5 is vague and ambiguous. "Productive" could refer to the number of nests, the number of eggs, the number of live chicks, or the number of chicks surviving for one year, and the extent of the "northern Gulf of Mexico" is uncertain. In addition, the request could be seeking information about the time period from 2005 to 2011, or from 2005 to the present day.

The United States further objects on the grounds that this request for admission asks for information regarding the United States' ongoing Natural Resources Damage assessment.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States

responds as follows:

The United States admits that the sources previously cited by BP in support of this assertion (Exhibit 2 to BP's March 3 submission to the Court, at 24) exist and discuss Brown Pelicans. The United States admits that nest-count data collected from 2010 to 2013 by NRDA Trustees from discrete coastal colonies of brown pelicans in Louisiana, Mississippi, Alabama, and on the Florida panhandle showed that 2011 had the highest number of nests of any year between 2010 and 2013. Despite a reasonable inquiry, the United States cannot further admit or deny this fact because it has not completed the natural resource damage assessment which is addressing, among other things, the effect of the Defendants' violations on bird populations.

6. Admit that shorelines characterized as heavily oiled decreased from a maximum of 360 km (224 miles) to 22.4 km (14 miles) by one year after the Incident, and to 6.4 km (4 miles) by two years after the Incident.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States further objects on the grounds that this request for admission is vague and ambiguous. The phrase "characterized as heavily oiled" does not indicate by whom it was characterized or for what purpose it was characterized, e.g., for Response purposes or for NRDA purposes. The adjective "heavily" could refer to a range of concentrations or thicknesses of oil.

The United States further objects on the grounds that this request for admission incorrectly implies that there is a linear, downward progression in the number of miles of shoreline segments that are "heavily oiled", e.g., sometimes segments of shoreline change from "lightly oiled" to

"heavily oiled" by virtue of shifting tides, uncovered mats, storms, etc., resulting in an increase in the number of miles that of shoreline segments that are "heavily oiled."

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that the sources previously cited by BP in support of this assertion (Exhibit 2 to BP's March 3 submission to the Court, at 10) exist and state that, based upon the criteria used for the SCAT studies, that at some point in the first year 22.4 km of shorelines were "heavily oiled" and that at some point in the second year 6.4 km of shoreline were "heavily oiled." After reasonable inquiry, the United States cannot admit or deny the remainder of this request for admission using other standards for determining heavy oiling because the natural resource damage assessment is not yet complete.

7. Admit that the decision to build sand barrier berms to attempt to mitigate the effects of the *Deepwater Horizon* Incident was not an appropriate removal action under the Oil Pollution Act, 33 U.S.C. §§ 2701 *et seq.*

**OBJECTIONS:** The United States objects to this request for admission as vague because the term "appropriate removal action" is not defined and the citation provided is to the entire Oil Pollution Act.

The United States further objects to this request for admission because it seeks an admission not related to this Phase of the Litigation. This request for admission on its face is a stalking horse to seek admissions related to the United States' as yet unfiled natural resources damages claim.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States denies this request for admission. The Oil Pollution Act at 33 U.S.C. §

2701(30) defines a removal action as the "containment and removal of oil . . . or the taking of other actions as may be necessary to minimize or mitigate damage to the public health or welfare . . . ."

As Rear Admiral James A. Watson, the Federal On-Scene Coordinator, stated in his directive to BP of June 4, 2010:

Under current circumstances, I have determined that the Approved Barrier Island Project is a removal action that will achieve the containment and removal of oil and an action necessary to minimize or mitigate damage to the public health and welfare in areas affected by the BP Deepwater Horizon oil discharge, and the expense of this project is an appropriate removal cost under the Oil Pollution Act of 1990. I have further determined that construction of the Approved Barrier Island Project should occur on the most expeditious schedule possible. I understand the State of Louisiana is prepared to undertake this project and BP will make available funding, consistent with the obligation of responsible parties to receive and pay removal costs. The National Incident Commander has concluded that the cost to complete the Approved Barrier Island Project is \$360 million, and I concur.

See HCE152-005072. Accordingly, the United States denies this request in all respects.

8. Admit that the decision to open the Mississippi River Diversions in 2010 to attempt to mitigate the effects of the *Deepwater Horizon* Incident was not an appropriate removal action under the Oil Pollution Act, 33 U.S.C. §§ 2701 *et seq.*

**OBJECTIONS:** The United States objects to this request for admission as vague because the term "appropriate removal action" is not defined and the citation provided is to the entire Oil Pollution Act.

The United States further objects to this request for admission because it seeks an admission not related to this Phase of the Litigation. This request for admission on its face is a stalking horse to seek admissions related to the United States' as yet unfiled natural resources damages claim.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that the Mississippi River Diversions undertaken by the State of

Louisiana were not part of the daily Incident Action Plans that summarize the removal activities undertaken by the Unified Command under the direction of the Federal On-Scene Coordinator, but denies that these actions could not and did not constitute "containment and removal of oil . . . or the taking of other actions as may be necessary to minimize or mitigate damage to the public health or welfare . . . ." as defined in 33 U.S.C. § 2701(30).

9. Admit that based on monitoring as of September 13, 2013, the Environmental Protection Agency had not seen onshore levels of pollutants resulting from the *Deepwater Horizon* Spill and/or Response Activities that are of concern for long-term health effects.

**OBJECTIONS:** The United States objects to this request on the grounds that it is vague and ambiguous. "Pollutants" could mean pollutants in air, water, soil, waste, or food, or any combination of those. "Of concern" could mean any of several widely varying degrees of interest, and could refer to medical, psychological, or other types of concern. "Health effects" could refer to the health of the environmental or to human health, or both. In addition, "health effects" could mean health effects in the general population of the Gulf coast, or in response workers, or in some other group.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that based on monitoring of particulate matter, hydrogen sulfide, volatile organic compounds, polycyclic aromatic hydrocarbons, 2-butoxyethanol, and dipropylene glycol monobutyl ether conducted by the EPA, as of October 6, 2010 the EPA had not seen onshore levels of those air pollutants resulting from the *Deepwater Horizon* Spill or Response Activities that were of significant concern for long-term human health effects in the general population. The United States denies the request in all other respects because it mischaracterizes the statement that EPA made.

10. Admit that the Unified Command directed all efforts to respond to, or otherwise mitigate, minimize, or prevent the effects of, the *Deepwater Horizon* Spill, including the use of skimming, boom, controlled *in situ* burns, dispersants, and the Shoreline Cleanup Assessment Technique during the Response.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. The request for admission seeks admissions regarding thousands of unspecified activities taken over a time span of more than four years. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States further objects to this request for admission because it implies that the Defendants' compliance with the orders and directives of the Unified Command are relevant to their efforts to mitigate the effect of their violations. Activities required by law cannot be credited as efforts to mitigate the Defendants' violations and, therefore, to the extent this discovery is sought for purposes of offering evidence on the "mitigation" penalty factor, it seeks discovery not reasonably calculated to lead to the discovery of admissible evidence.

The United States also objects to this request for admission because it is premised on the incorrect assertion that the response is complete. Though the response has transitioned to a different phase, the Coast Guard has made it clear that the response is still ongoing and, therefore, this request for admission is premature.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that the actions relating to the response that were set forth in each daily Incident Action Plan were directed by the Unified Command and otherwise denies this request because actions taken by parties other than the United Command can meet the definition of

removal actions that are legally appropriate, and the costs of which are recoverable, under the Oil Pollution Act, the Clean Water Act, and the National Contingency Plan.

11. Admit that the use of controlled *in situ* burning, coupled with dispersant applications, during the Response significantly reduced the amount of oil that might otherwise have impacted near-shore habitats and environmentally sensitive areas.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States also objects to this request for admission as vague because "significantly" is a relative term and no comparator is offered.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that the use of *in situ* burning and dispersants reduced the quantity of visible oil that reached the shorelines during the active response period, but after reasonable inquiry is unable to admit or deny the remainder of this request for admission because the ongoing natural resource damage assessment is still evaluating the impact of these removal activities on environmentally sensitive areas, including without limitation the waters of the Gulf of Mexico not near the shorelines.

12. Admit that the use of Dispersants during the Response prevented millions of gallons of oil from impacting sensitive shorelines of Gulf States.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that the use of dispersants reduced the quantity of visible oil that reached the shorelines during the active response period, but after reasonable inquiry is unable to admit or deny the remainder of this request for admission because the ongoing natural resource damage assessment is still evaluating the impact of dispersants and dispersed oil on the sensitive shorelines of Gulf States.

13. Admit that the Response effectively mitigated the environmental and other effects of the *Deepwater Horizon* Spill.

**OBJECTIONS:** The United States objects to this request for admission as compound, and therefore, in violation of Federal Rule of Civil Procedure 36(a)(2) which requires each matter to be admitted to be separately stated. In addition, the compound nature of this request for admission renders the number of requests for admission in excess of the number permitted by the Court.

The United States also objects to this request for admission as vague because it provides no standard by which "effectiveness" is to be measured.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that the removal actions taken under the direction of the Federal On-Scene Coordinator assisted in containing and collecting the oil discharged from BP/Anadarko's leaking well but after reasonable inquiry is unable to admit or deny that these actions "effectively mitigated the environmental and other effects of the *Deepwater Horizon* Spill" because these effects are still being evaluated pursuant to the ongoing Natural Resources Damage Assessment.

14. Admit that all applications of dispersants during the Response occurred under the guidance of Environmental Protection Agency and with the direct approval of the Federal On-Scene Coordinator.

**OBJECTIONS:** The United States objects to this request for admission on the grounds that it is compound and not "separately stated" as required by Rule 36(a)(2) of the Federal Rules of Civil Procedure. It seeks admissions with respect to the EPA and with respect to the Federal On-Scene Coordinator.

The United States objects to this request for admission on the grounds that it is vague and ambiguous. The term "guidance" could mean any of a wide range of activities. The term "direct" in "direct approval" could refer to the number of steps in the chain of command or the method of communication.

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that the Regional Response Team (RRT) and National Response Team (NRT), which included the Environmental Protection Agency, was consulted and concurred on the application of dispersants during the Response. The United States further admits that all applications of dispersants during the Response occurred under the authorization of the Federal On-Scene Coordinator. The United States denies the request in all other respects because certain dispersant applications in the initial phases of the response may have occurred without specific consultation with EPA.

15. Admit that BPXP was proactive and placed no limits on what was needed to make the Response successful.

**OBJECTIONS:** The United States objects to this request for admission as so broad and vague as to be unanswerable. The success of the response can be measured in a variety of ways, and this request for admission does not specify how the success of the response is to be measured for purposes of this request. Moreover, the request does not identify what actions by BPXP were purportedly "proactive" – i.e. in anticipation of future problems, needs, or changes. Further the

request for admission is compound in violation of Federal Rule of Civil Procedure 36(a)(2).

**RESPONSE:** Subject to and without waiving the foregoing objections, the United States responds as follows:

The United States admits that BP carried out the actions specified in the daily incident action plans and has not to date identified any significant failure by BP to comply with the requirements imposed by the Unified Command, except those that have already resulted in a criminal conviction. The United States denies this request for admission in all other respects, especially because the term "Response" as defined by BP could be construed to include the activities undertaken as part of the Natural Resources Damage Assessment and BP has placed limits on its contributions to the Assessment.

**B. Requests for Admission Propounded by Anadarko.**

16. Admit that the Minerals Management Service (now Bureau of Safety and Environmental Enforcement) has not imposed any penalties, under the Outer Continental Shelf Lands Act, against any non-culpable non-operating lessees on the Outer Continental Shelf for violations by the designated operators of offshore oil drilling regulations.

**OBJECTIONS:** The United States objects to this request for admission as calling for information that is not relevant to any issue in the penalty phase of this litigation. The imposition of a civil penalty is a case and fact specific matter and the imposition or non-imposition of a civil penalty on other entities has no bearing on the appropriate penalty to be imposed upon a party that is liable for one of the largest environmental disasters in the Nation's history.

Further, the United States objects to this request to the extent it seeks to create a category of violators not recognized under OCSLA – the "non-culpable non-operating lessees." Neither OCSLA nor the Clean Water Act distinguishes between such parties when establishing the penalties to be imposed for violation of these statutes.

**RESPONSE:** Subject to and without waiving its objections, the United States responds as

follows:

In its tracking systems, DOI does not identify whether the violators fined under the Outer Continental Shelf Lands Act are designated operators or "non-operating investors." Therefore, in order to determine whether DOI has imposed any penalties, under the Outer Continental Shelf Lands Act, against any non-culpable non-operating lessees on the Outer Continental Shelf for violations by the designated operators of offshore oil drilling regulations the Department would be required to investigate the case file of every single penalty imposed under the statute since its enactment, a manifestly unreasonable inquiry. For this reason, based on a *reasonable* inquiry, the United States cannot admit or deny this request.

## V. DEFINITIONS

1. "Anadarko" means Anadarko Petroleum Corporation, which was named a defendant in the Complaint, and any other affiliate or subsidiary of Anadarko Petroleum Corporation, including but not limited to Anadarko E&P Company LP (n/k/a Anadarko Onshore United States, LLC), if, and to the extent that, the United States claims that information regarding such affiliate or subsidiary is relevant to the United States' claim for Clean Water Act penalties against Anadarko Petroleum Corporation.

2. "Area of Response" shall mean the geographical area in and around where Response Activities took place, including without limitation the Gulf of Mexico and contiguous water bodies and adjacent states, provinces, or other sub-national geographic units.

3. "Communication" or "communications," whether or not capitalized, shall mean any transmission of information by one or more persons to one or more persons by any means including without limitation telephone conversations, letters, telegrams, teletypes, telexes, telecopies, e-mail, computer linkups, written memoranda, and face-to-face conversations; "communication" includes all documents and electronically stored information ("ESI") containing, summarizing, or memorializing any communication.

4. "*Deepwater Horizon* Incident" or "Incident," whether or not capitalized, shall mean the events leading to (i) the loss of life and injuries on the *Deepwater Horizon* rig on or about April 20, 2010, and (ii) the eventual sinking of the rig on April 22, 2010, including the blowout, explosions, and fire.

**OBJECTION:** The United States objects to this definition as vague and factually inaccurate. By omitting any reference to the Defendants' MC252 well, this definition suggests that

the Incident occurred entirely at the surface and involved only the *Deepwater Horizon* and not the well.

5. "*Deepwater Horizon* Natural Resource Damages Assessment" shall mean the assessment of natural resources conducted pursuant to Section 1006 of the Oil Pollution Act, 33 U.S.C. §2706, and the Oil Pollution Act Regulations, 15 C.F.R. §§990 *et. seq.*, and in connection with the *Deepwater Horizon* Incident and Spill.

6. "*Deepwater Horizon* Oil Spill," the "Oil Spill," or the "Spill," whether or not capitalized, means the discharge of hydrocarbons that occurred in connection with the *Deepwater Horizon* Incident.

7. "Dispersants," whether or not capitalized, shall mean (i) dispersants, (ii) dispersant constituents, (iii) derivatives of any of the foregoing from biological, chemical, photochemical or other processes, or (iv) any aggregation, mixture, or combination of any of the foregoing with any other material including without limitation organic matter, inorganic matter, sediments, biological exudates, sand and water.

8. "Document" or "documents," whether or not capitalized, shall have the full meaning ascribed to it by Federal Rule of Civil Procedure 34(a), including ESI, and includes the original and any identical or non-identical copy, regardless of origin or location, of any writing or record of any type or description, including but not limited to all writings; records; contracts; agreements; communications (intra- or inter-company); correspondence; memoranda; letters; facsimiles; electronic mail (e-mail); minutes, recordings, transcripts, and summaries of meetings, or recordings of meetings, speeches, presentations, conversations, or telephone calls (whether recorded in writing, mechanically, or electronically); handwritten and typewritten notes of any kind; statements; reports; voice recordings; desk calendars; diaries; logs; drafts; studies; analyses; schedules; forecasts; surveys; invoices; receipts; data of any kind; computer data; working copies of computer programs; computer codes; computer printouts; financial statements; balance sheets; profit and loss statements; statements of earnings; statements of net worth; credit reports; statements of operations; audit reports; financial summaries; statements of lists of assets; work papers; pictures; photographs; videos; computer animations; drawings; computer cards; tapes; discs; printouts and records of all types; instruction manuals; policy manuals and statements; books; pamphlets; cancelled checks; check stubs; and any writing, notes, or information of any kind from any other device or medium by which information or intelligence of any type is transmitted, recorded, or preserved, or from which intelligence or information can be perceived.

**OBJECTION:** The United States objects to this definition to the extent BP seeks to require production of information that is exempt from preservation pursuant to Pre-Trial Order 22 or any other Pre-Trial Order entered in this case.

9. "Environment" or "Environmental," except when used as or in a proper noun, shall refer to (i) air, surface and subsurface water, beaches, land and sediments, and the organic and

inorganic constituents of the foregoing, (ii) Organisms (as defined below), (iii) natural resources, (iv) ecosystems, (v) niches and other habitats, and (vi) combinations or assemblages of any of the foregoing, in each case in or near the Gulf of Mexico or in or near any other location that may have been affected by Oil-Related Materials (as defined below) regardless whether in a natural state or modified by human activity.

10. "Fish Kill" shall mean any accumulation of dead fish in a localized area that is significant and sudden as compared to historical or baseline patterns and conditions.

11. "Identify," whether or not capitalized, when used with respect to: (a) an individual, shall mean to provide the individual's full name, job title, and employer during the period referred to, and current or last-known address and telephone number and business address and telephone number (designating which); (b) any entity other than an individual, shall mean to provide the entity's full name and current or last-known address (designating which); and (c) a document, shall mean to provide the date, title, subject matter, author(s), recipient(s), and Bates number(s).

13. "Including" or "includes," whether or not capitalized, shall mean "including but not limited to" or "including without limitation."

14. "MC252 Well" shall mean the exploratory well that was being drilled by the *Deepwater Horizon* in the Macondo Prospect of Mississippi Canyon 252 in the outer continental shelf of the Gulf of Mexico, approximately 130 miles southeast of New Orleans, Louisiana.

15. "Mississippi River Diversion" shall mean any controlled increase or decrease in the rate of discharge from the Mississippi River, including without limitation through operation of the Bayou Lamoque Diversion, the Davis Pond Diversion, the Violet Siphon, the Caernarvon Diversion, the Whites Ditch Siphon, the Naomi Siphon, the West Point A la Hache Siphon, or the Ostrica Lock.

16. "Non-Operating Investor" or "NOI" means any person or entity that holds an ownership interest in a lease or facility related to offshore gas or oil exploration, drilling or production operations but is not the designated operator for purposes of activities under that lease or on that facility.

17. "Oil-Related Materials" shall mean any of the following from the *Deepwater Horizon* Oil Spill or response thereto: (i) oil, (ii) polycyclic aromatic hydrocarbons ("PAHs"), (iii) hydrocarbons, (iv) other oil or gas constituents, and (v) well drilling and closure materials, including without limitation drilling muds and fluids and materials injected into the well-head. Oil-Related Materials also shall include (i) derivatives of any of the foregoing from biological, chemical, photochemical, burning or other processes, (ii) any aggregation, mixture or combination of any of the foregoing with any other material including without limitation organic matter, inorganic matter, sediments, biological exudates, sand and water; or (iii) any combination of the foregoing.

18. "Organisms" shall refer to any and all members of the six kingdoms of life including animals, plants, fungi, protists, archaea, and bacteria.

19. "Person," whether or not capitalized, shall mean any individual as well as any entity, including any proprietorship, partnership, corporation, firm, committee, government agency or subdivision or consultant, or any other organization.

20. "Relating to" or "related to," whether or not capitalized, when referring to any given subject matter, shall mean any document that constitutes, comprises, involves, contains, embodies, reflects, identifies, states, mentions, alludes to, refers directly or indirectly to, or is in any way relevant to the particular subject matter identified.

**OBJECTION:** The United States objects to this instruction as rendering all of the requests for production using these terms overbroad and unduly burdensome. The United States will produce documents that contain substantive information that is either relevant to a penalty factor or reasonably calculated to lead to the discovery of admissible evidence relevant to a penalty factor. To the extent this definition seeks to impose an obligation to produce additional information, the United States objects.

21. "Response Activities," "*Deepwater Horizon* Response," or the "Response," whether or not capitalized, shall mean any and all activities performed to respond to, or otherwise mitigate, minimize, or prevent any environmental, human health, economic, or other effects of, the *Deepwater Horizon* Spill.

**OBJECTION:** The United States objects to this definition as rendering all requests using the term overly broad. By including every activity, no matter how minor, that was performed during the lengthy response to the millions of gallons of oil spilled from BP/Anadarko's well, BP's requests seek information of marginal relevance which will be costly to collect, review, and produce.

22. "Shoreline Environment" shall mean the water, sediments, organisms, natural resources, ecosystems, niches, and other habitats, or any combination of the foregoing, of any oceanic shore or intertidal zone in or near the Gulf of Mexico, including without limitation any beach or marsh environment in or near the Gulf of Mexico.

23. "Unified Command" shall mean the structure, organization, and team established to oversee and manage the response to the *Deepwater Horizon* Oil Spill following the Incident.

**OBJECTION:** Unified Command is a term of art within the Incident Command Structure

created for responses to oil spills pursuant to the National Contingency Plan. The Coast Guard defines Unified Command as:

[a]n Incident Command System application used when more than one agency has incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the UC, often the senior persons from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies and a single Incident Action Plan.

See Department of Homeland Security, National Incident Management System (2008).

[http://www.fema.gov/pdf/emergency/nims/NIMS\\_core.pdf](http://www.fema.gov/pdf/emergency/nims/NIMS_core.pdf)

24. "United States" shall mean the United States of America, including its departments, agencies, and instrumentalities, any employees, agents or assigns of these departments, agencies, and instrumentalities, and any person who possesses information or documents within the custody and control of these departments, agencies, and instrumentalities.

**OBJECTION:** The United States objects to this instruction as rendering all of the requests for production overly broad. The inclusion of all federal agencies, regardless of their level of involvement in the events giving rise to this action, would require the search of hundreds of separate information technology systems and offices with little concomitant benefit. For purposes of the penalty phase of the Clean Water Act Claims, the United States will interpret these discovery requests as applying to the following agencies and information within their possession, custody, or control: the Department of the Interior, the United States Coast Guard, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration.

25. "Wildlife" shall mean all non-domesticated vertebrate animals, including without limitation birds, mammals, amphibians, and reptiles, but not including fish.

26. "You," "your," and "yours," whether or not capitalized, shall mean the United States.

**OBJECTION:** The United States incorporates by reference its objection to definition 24 ("United States").

**VI. INSTRUCTIONS**

1. The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.
2. Unless otherwise specified, respond to all requests for production by searching for documents created on or after April 20, 2005.
3. Produce all documents in the order in which they appear in your files. Documents that, in their original condition, are stapled, clipped, or otherwise fastened together shall be produced in this same condition.

**OBJECTION:** The United States objects to this instruction to the extent it seeks to impose obligations beyond those set forth in Pre-Trial Order 16. Paper documents will be scanned and produced as required by the Order, except for paper documents collected from the Incident Command Posts and Forward Operating Bases established during the response. The scanning and processing of these huge collections of documents would be made unreasonably more expensive by replicating the parent child relationships within these scanned documents. The United States will preserve the original documents in their parent-child relationships (as they were found at the time the documents reached the documentation unit). To the extent, reasonable clarification on the relationships between documents from the Incident Command Posts and Forward Operating Bases is required the United States will provide such clarification.

In addition, the United States objects to this instruction to the extent it seeks to require the United States to re-collect and re-produce collections of documents already conducted. For instance, several of BP's requests for production seek documents collected and produced to Congress, members of the media, citizens, or other entities. The United States will produce non-privileged information from these collections in the format set forth in Pretrial Order 16 except that the United States will not go back to the original files to obtain metadata fields that were not captured at the time of the production to Congress, members of the media, citizens, or other

entities.

Electronically stored information will be produced with the metadata fields specified in Pretrial Order 16 (where those metadata fields exist), except that the United States objects to producing the "custodian" metadata field for e-mails. The custodians of emails can be identified from the face of the email by examining the sender and recipient fields, all of which the United States will produce. Because of the need to collect and compile emails for production simultaneously in several different locations, it is not practicable to both de-duplicate email collections and preserve the custodial information. De-duplication of emails can result in substantial reductions in the volume of documents, thereby decreasing the burden of review, production, and subsequent hosting of the document collection. Because the utility of the custodian field is marginal at best for emails and because the burden of preserving the custodial information for emails is so much greater than that utility, the United States objects to the requirement to produce the "custodian" metadata field for emails.

4. Produce all documents within your possession, custody, or control including all documents in the possession, custody, or control of any United States government employee, agent, representative, consultant, attorney, accountant, advisor, or other person(s) directly or indirectly connected with you or subject to your control, or any government department, agency, or any other government subdivision.

**OBJECTION:** The United States objects to this instruction because it seeks to impose an obligation to produce documents that the United States does not have the legal authority to obtain upon demand. *See, e.g., Enron Corp. Savings Plan v. Hewitt Assocs., LLC*, 258 F.R.D. 149, 164 (S.D. Tex. 2009). Except as otherwise indicated in response to a particular discovery request, the United States will only produce documents within the possession, custody, or control of the following executive branch agencies: Environmental Protection Agency, the Department of the Interior, the National Oceanic and Atmospheric Administration, the Department of Transportation,

the Department of Homeland Security including the Coast Guard, the Department of Energy, and the Department of Labor.

5. If any responsive document has been lost, destroyed, removed from, or is no longer in your possession, custody, or control for any reason, please identify the document, its last known location, and the circumstances surrounding its loss, destruction, or removal.

**OBJECTION:** The United States objects to this instruction as unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The United States has made reasonable good faith efforts to preserve all potentially relevant information. BP's discovery requests, however, are broad and call for many documents that were created long before this litigation was reasonably anticipated. It would be unduly burdensome for the United States to identify every document that may at one time have existed and been responsive to BP's request but no longer exists and to investigate the fate of each such document. To the extent BP identifies particular documents of material relevance to the claims or defenses in this action that the United States has not produced, the United States will respond to reasonable requests to investigate the fate of such documents.

6. If you contend that any responsive document is protected from disclosure pursuant to any privilege or work-product doctrine, please specifically set forth the privilege being asserted and any factual or legal basis for its assertion. Also set forth the date and title of the document, its subject matter generally, its author(s) and recipient(s), and its Bates number(s).

**OBJECTION:** The United States objects to this instruction to the extent it seeks to impose obligations beyond those set forth in Pre-trial Order 14, which governs the treatment of privileged materials. Further, to the extent necessary, the United States will seek agreement to reasonable modifications to the schedule and format of privilege log as required by Pre-trial Order 14 in light of the large quantity of information sought in these discovery requests.

7. Each paragraph is to be construed independently and not by or with reference to any other paragraph for purposes of limiting the scope of any particular request.

8. If no documents responsive to a particular request exist, or if such documents exist but are not in your possession, custody, or control, then your response to that request shall so state.

**OBJECTION:** The United States objects to this instruction because it inconsistent with the requirements of Federal Rules of Civil Procedure 26 and 34, which require the United States to respond to document requests by providing those documents, information, or things that are within the United States' possession, custody, or control. This instruction improperly seeks to convert a request for production into an interrogatory requiring a narrative response regarding information not within the possession, custody, or control of the United States.

9. Defendants reserve the right to revise and/or supplement these discovery requests to reflect future scope limitations.

**OBJECTION:** The United States objects to the reservation of a non-existent right to serve additional discovery in this Phase of the Litigation. The Court has ordered limits on discovery and the deadlines for the service of written discovery requests have passed.

10. Pursuant to the Federal Rules of Civil Procedure, these requests are continuing and you must revise or supplement your responses and production whenever new or additional responsive information becomes known.

**OBJECTION:** The United States objects to this instruction because it inconsistent with the requirements of Federal Rule of Civil Procedure 26(e)(1)(A), which requires supplementation of a response "in a timely manner if the party learns that in some material respect the . . . response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to [the defendant] during the discovery process or in writing . . . ." The United States will comply with the requirements of Rule 26(e)(1)(A).

Respectfully submitted,

BRIAN HAUCK  
Deputy Assistant Attorney General  
Civil Division  
PETER FROST  
Director, Torts Branch, Civil Division  
Admiralty and Aviation  
SHARON SHUTLER  
MALINDA LAWRENCE  
LAURA MAYBERRY  
Trial Attorneys  
R. MICHAEL UNDERHILL, T.A  
Attorney in Charge, West Coast Office

ROBERT G. DREHER  
Acting Assistant Attorney General  
Environment & Natural Resources Division  
MICHAEL MCNULTY  
SARAH HIMMELHOCH  
Senior Litigation Counsel  
NANCY FLICKINGER  
Senior Attorney  
PATRICK CASEY  
RICHARD GLADSTEIN  
DANIEL S. SMITH  
Senior Counsel  
ABIGAIL ANDRE  
A. NATHANIEL CHAKERES  
ANNA CROSS  
RACHEL HANKEY  
JUDY HARVEY  
RACHEL KING  
ERICA PENCAK  
BRANDON ROBERS  
GORDON YOUNG  
Trial Attorneys

/s/ Sarah D. Himmelhoch  
STEVEN O'ROURKE  
Senior Attorney  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044  
Telephone: 202-514-2779  
Facsimile: 202-514-2583  
E-mail: [steve.o'rourke@usdoj.gov](mailto:steve.o'rourke@usdoj.gov)  
KENNETH A. POLITE, JR.  
United States Attorney  
Eastern District of Louisiana  
SHARON D. SMITH  
Assistant United States Attorney  
Eastern District of Louisiana

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been served on all counsel by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 12, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179.

/s/ Sarah D. Himmelhoch

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
Chemistry	Procedure for Obtaining Source Oil Samples from Discoverer Enterprise Drillship -- Source Oil/Product Sampling	49	Datasheets	Yes	Bef. 4/18/14	noaa.nrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
	Work Plan for Obtaining Near Shore Spatial Extent of On-Water Oil Samples & 1st Addendum to Work Plan for Obtaining Near Shore Spatial Extent of On-Water Oil Samples & 2nd Addendum to Work Plan for Obtaining Near Shore Spatial Extent of On-Water Oil Samples - Forensic Oil	98, 99, 100	Datasheets	Yes	Bef. 4/18/14	noaa.nrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
	Holding Time Study for Environmental Samples in Frozen Archives: Laboratory Analysis Plan (version 2.0, August 2011) & Addendum to the Holding Time Study for Environmental Samples in Frozen Archives (version 3.0, November 2013)	239	Analytical Chemistry	Yes	Bef. 5/27/14	noaa.nrda.org
			Report (Tissues)	Yes	Bef. 4/18/14	noaa.nrda.org
			Report (Sediments)	Yes	Bef. 8/15/14	noaa.nrda.org
	No Formal Workplan/Natural Resource Damage Assessment Work Plan for Preassessment of Injury to Osprey from The Deepwater Horizon (MC252) Oil Spill (Bird Study #9); Osprey Rapid Assessment Plan 2 November 2010	N/A	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
	No Formal Workplan/Fall 2012 Cofferdam Leak Investigation		Analytical Chemistry	Yes	Bef. 4/18/14	N/A
	No Formal Workplan/Chemistry -- Baseline -- 2010		Analytical Chemistry	No	Bef. 5/27/14	noaa.nrda.org
No Formal Workplan/Stranded Oil Post-Hurricane Isaac, LA, OCT 2012	Analytical Chemistry		Yes	5/19/2014	noaa.nrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	No Formal Workplan/Stranded Oil Post-Tropical Storm Lee, LA, SEP 2011		Analytical Chemistry	Yes	5/19/2014	noaa.nrda.org
	No Formal Workplan/Swift Energy Oil Spill Feb 2013		Analytical Chemistry	Yes	5/19/2014	noaa.nrda.org
	No Formal Workplan/Tar Mat Forensic Sampling 2013		Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
	No Formal Workplan/Tar Mat Forensic Sampling 2013		Analytical Chemistry	No	Bef. 5/27/14	noaa.nrda.org
<b>Deepwater Benthic</b>	Deepwater ROV Sampling to Assess Potential Impacts to Hardbottom Coral Communities and Associates from the Deepwater Horizon Oil Spill - HC3 -- Hard Ground Coral (Hardbottom Plan, Holiday Chouest 3)	311	Shipboard hard drive	Yes	Bef. 4/18/14	Hard Drive
			Hard Ground Coral Cruise Report	Yes	Bef. 4/18/14	Email
			Sediment trap collection	Yes	N/A	N/A
			Hard Ground Coral Data Report	No	Bef. 8/15/14	noaa.nrda.org
			Analytical Chemistry (Alpha, CAS)	Yes	Bef. 4/18/14	noaa.nrda.org
			Narrative of sites visited on HC3 cruise	Yes	Bef. 8/15/14	noaa.nrda.org
			Coral imaging and photo mosaics analysis	No	Bef. 8/15/14	noaa.nrda.org
			Meiofauna evaluation (USGS Demopoulos Lab)	No	Bef. 8/15/14	noaa.nrda.org
			Macrofauna evaluation (USGS Demopoulos Lab)	Yes	Bef. 4/18/14	noaa.nrda.org
			Analysis of time lapse photos (WHOI - Tim Shank)	No	Bef. 8/15/14	noaa.nrda.org
			Genetic Species ID (Temple University - Eric Cordes)	Yes	Bef. 4/18/14	noaa.nrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			Results of coral histopathology (Histopathology) (George Mason University - Esther Peters)	No	Bef. 8/15/14	noaa.nrda.org
	Sediment Trap Sample Analysis Plan - HC3, NF, HSW1 + other WHOI	N/A	Analytical Chemistry	N/A	Bef. 8/15/14	noaa.nrda.org
			Sediment trap larval counts/taxa (WHOI - Tim Shank)	No	Bef. 5/27/14	noaa.nrda.org
	Mesophotic Reef Follow-Up Cruise Plan -- Mesophotic Reefs (Holiday Chouest 2)	188	Shipboard hard drive	Yes	Bef. 4/18/14	Hard Drive
			Mesophotic Reef Cruise Report	Yes	Bef. 4/18/14	Email
			Analytical Chemistry (Sediment Cores, Alpha)	Yes	Bef. 4/18/14	noaa.nrda.org
			Mesophotic Reef Data Report	No	Bef. 8/15/14	noaa.nrda.org
			Coral imaging analysis (NOAA NCOS - Etnoyer Lab)	No	Bef. 8/15/14	noaa.nrda.org
			Transect Analysis for Fish Abundance (USGS - Ken Sulak)	No	Bef. 8/15/14	noaa.nrda.org
			Analysis of rotary camera photos (FSU - Ian MacDonald)	No	Bef. 8/15/14	noaa.nrda.org
			Water Column Profile Information (CTD cast interpretations/DO sags, etc.)	No	Bef. 8/15/14	noaa.nrda.org
			Archive (NOAA NCOS - Etnoyer Lab)	N/A	N/A	N/A
			Coral Identification (ULL, Scott France)	N/A	N/A	N/A
			Voucher (USGS/Demopoulos)	N/A	N/A	N/A
			Non-NRDA samples collected on cruise (FSU, Melissa Rohal - genetics, morphology)	N/A	N/A	N/A
			Assessment of Impacts from the	324	Shipboard Hard Drive	Yes

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Deepwater Horizon Oil Spill on Red Crabs -- Red Crab (BP: Benthic Megafauna) (Pisces 11)				4/18/14	
			Red Crab Cruise Report	Yes	Bef. 4/18/14	Email
			Red Crab Access Database	Yes	Bef. 4/18/14	noaa.nrda.org
			Analytical Chemistry (Alpha and CAS)	Yes	Bef. 4/18/14	noaa.nrda.org
			Biometrics (shipboard study)	Yes	Bef. 4/18/14	noaa.nrda.org
			Egg morphometry analysis/ Reproduction (NOAA Alaska Fisheries Sci Cent)	Yes	Bef. 4/18/14	noaa.nrda.org
			Histology (NOAA NWFSC)	Yes	Bef. 4/18/14	noaa.nrda.org
	Deepwater Sediment Sampling to Assess Potential Post-Spill Benthic Impacts from the Deepwater Horizon Oil Spill -- Soft-Bottom Sediment Plan (Sarah Bordelon 9)	158	Soft-Bottom Sediment Cruise Report	Yes	Bef. 4/18/14	Email
			Shipboard Hard drive	Yes	Bef. 4/18/14	Hard Drive
			Macrofauna (Texas A&M Corpus Christi - Montagna)	Yes	Bef. 4/18/14	noaa.nrda.org
			Grain Size, TIC/TOC (Texas A&M Corpus Christi - Montagna)	Yes	Bef. 4/18/14	noaa.nrda.org
			Meiofauna (University of Nevada Reno)	Yes	Bef. 4/18/14	noaa.nrda.org
			Harpacticoids (University of Nevada Reno)	No	Bef. 5/27/14	noaa.nrda.org
			Lawrence Berkeley National Lab	N/A	N/A	N/A
			Analytical Chemistry (Alpha, CAS)	Yes	Bef. 4/18/14	noaa.nrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	AUV Reconnaissance Survey II of Hard-Ground Megafaunal Communities in the Vicinity of the Deepwater Horizon Spill Site -- AUV Reconnaissance Survey II of Potential Hard-Ground Megafaunal Communities	196	Observation/Instrument data	Yes	Bef. 4/18/14	Hard Drive
	Time Lapse Camera and Sediment Trap Retrieval and Redeployment Plan - HSW3 -- Deep Benthic Camera Trap (HOS Sweetwater 01)	187	Sample Collection from sediment traps (No analysis)	Yes	Bef. 4/18/14	N/A
Analytical Chemistry (Alpha)			Yes	Bef. 4/18/14	noaa.nrda.org	
Observation/Instrument data			Yes	Bef. 4/18/14	Hard Drive	
	Reconnaissance Survey of Hard-Ground Megafauna Communities in the Vicinity of the Deepwater Horizon Spill Site -- Hard-Ground Megafauna Survey (Tow Camera Cruise)	134	Observation/Instrument Data	Yes	Bef. 4/18/14	Hard Drive
	Quantifying the Distribution, Abundance and Biodiversity of Benthic Megafauna and Mesopelagic/Bathypelagic Megaplankton in the Vicinity of the MC252 Spill (and Analysis of and Addendum) -- Megafauna, Megaplankton Quantification Plan	203, 237, 250	Observations/Data	Yes	N/A	BP
	Natural Hydrocarbon Seeps Cruise 1 Plan -- Natural Hydrocarbon Seeps Plan (Holiday Chouest 01, Sarah Bordelon 10, Wes Bordelon 09)	204	Observations/Data	Yes	N/A	BP

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Natural Hydrocarbon Seeps Cruise 2 Plan -- Natural Hydrocarbon Seeps Plan - Round 2 (Holiday Chouest 04, Meg Skansi 09, Sarah Bordelon 12)	208	Observations/Data	Yes	N/A	BP
	NRDA Tier 1 Proposal SPMD Detection of DWHOS Hydrocarbons in Water Column Immediately Over NEGOM Shelf-Edge Pinnacle Reefs -- NRDA Tier 1 for Deepwater Corals SPMD (Nancy Foster)	64	Analytical Chemistry (Alpha and CAS)	Yes	Bef. 4/18/14	noaa.nrda.org
	Mississippi Canyon 252 Incident NRDA Tier 1 for Deepwater Communities - NF - - NRDA Tier 1 for Deepwater Corals (Nancy Foster)	65,66	Analytical Chemistry (Alpha, CAS)	Yes	Bef. 4/18/14	noaa.nrda.org
		65,66	Archive (NOAA NCOS - Etnoyer Lab)	N/A	N/A	N/A
		65,66	Species Identification (Scott France, ULL)	Yes	Bef. 4/18/14	noaa.nrda.org
		65,66	Genetic Species ID (Temple University - Eric Cordes)	Yes	Bef. 4/18/14	noaa.nrda.org
		65,66	Fish Abundance (USGS - Ken Sulak)	Yes	Bef. 4/18/14	noaa.nrda.org
		65,66	Sediment trap collection	Yes	N/A	N/A
	NRDA Tier 1 for Deepwater Communities-Addendum Plan for Coral Aging -- NRDA Tier 1 for Deepwater Corals Ageing Addendum	278	Coral Aging Analysis	Yes	Bef. 4/18/14	noaa.nrda.org
	Offshore and Deepwater Softbottom Sediment and Benthic Community Structure Survey -- Sediment Profile Imaging	173	Imaging Data	Yes	N/A	BP

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Offshore and Deepwater Softbottom Sediment and Benthic Community Structure Survey—Addendum (Cruise Leg 2) -- Sediment Profile Imaging II	243	Imaging Data	Yes	N/A	BP
	No Formal Workplan/Atlantis Cruise Dec 4-15 2010	N/A	Shipboard data	Yes	Bef. 4/18/14	noaa.nrda.org
Analytical Chemistry			Yes	Bef. 4/18/14	noaa.nrda.org	
Genetic Species Identification (Temple, Cordes)			Yes	Bef. 4/18/14	noaa.nrda.org	
	No Formal Workplan/Cape Hatteras Cruise SEP 20-OCT 3 2010	N/A	Analytical Chemistry (Alpha)	Yes	Bef. 4/18/14	noaa.nrda.org
	No Formal Workplan/Ron Brown Cruise OCT 16-NOV 3 2010	N/A	Shipboard data	Yes	Bef. 4/18/14	noaa.nrda.org
Analytical Chemistry (Alpha, CAS)			Yes	Bef. 4/18/14	noaa.nrda.org	
Genetic Species Identification (Temple, Cordes)			Yes	Bef. 4/18/14	noaa.nrda.org	
	No Formal Workplan/DeepwaterBenthic--Red Crab Samples--SEP 2010 - Analytical Chemistry	N/A	Analytical Chemistry (Alpha)	Yes	Bef. 4/18/14	noaa.nrda.org
	No Formal Workplan/ UCSB Sediment Traps - Analytical Chemistry	N/A	Analytical Chemistry (Alpha)	Yes	Bef. 5/27/14	noaa.nrda.org
	No Formal Workplan/ USF Offshore Sediment Sampling - Analytical Chemistry	N/A	Analytical Chemistry (Alpha)	Yes	Bef. 5/27/14	noaa.nrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	March-April 2011 HOS Sweetwater ROV Sediment and Bottom-Water Sampling Cruise Plan; July-September 2011 HOS Sweetwater ROV Sediment and Bottom-Water Sampling Cruise Plan	184, 234	HOS Sweetwater Sediment Cruises (2 cruises)	N/A	N/A	N/A
	2014 Workplans	N/A	Raw tapes of historical mesophotic imagery	No	Bef. 5/27/14	Hard Drive
Fish	Investigative Plan for Fish and Invertebrate Kills in the Northern Gulf of Mexico -- Fish Kill Investigation Plan	55	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
	Pre-Assessment Plan for the Collection of Data to Determine Potential Exposure and Injuries of Threatened Gulf Sturgeon -- Gulf Sturgeon Plan	54	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
	Assessment of the Impacts of the Deep Water Horizon Oil Spill on Blue Crab Early Life History Stages Phase I: Megalopae Sample Collection; Assessment of the Impacts of the Deep Water Horizon Oil Spill on Blue Crab Early Life History Stages Phase I: Megalopae Sample Collection -- Blue Crab Megalopae Plan	54	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
			Histology of adult crabs	Yes	Bef. 4/18/14	noaa.nrda.org
			Ichthyoplankton/Invertebrates sorting and identification	N/A	N/A	N/A
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
	Nearshore Ephemeral Data Collections: Submerged Oil Characterization Across Multiple Habitats Deepwater Horizon Oil Spill (DWHOS) -- Submerged Oil Characterization Plan 2010	51	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Nearshore Water Column Injury Ephemeral Data Collections: Submerged Oil Reconnaissance Plan Deepwater Horizon Oil Spill (DWHOS) -- Submerged Oil Collection Plan	50	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
			Raw field data (photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
	Submerged Oil Characterization Across Multiple Habitats for Assessment of Persistent Exposures in Nearshore Sediments Deepwater Horizon Oil Spill (DWHOS) -- Submerged Oil Characterization Plan 2011 - MESSh	230	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
	Assessment Plan for Marsh Edges and Sandy Shorelines; Assessment Plan for Marsh Edges and Sandy Shorelines: Addendum for Chemical Analysis of Blue Crab Samples -- Marsh Edge Sandy Shore Biota	172, 321	Sample Processing & biomass	Yes	Bef. 4/18/14	noaa.nrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
	Assessment Plan for Marsh Edges and Sandy Shorelines: Addendum for Chemical Analysis of Blue Crab Samples	172, 321	Blue_Crab Addendum (Chemistry)	Yes	Bef. 4/18/14	noaa.nrda.org
			Taxonomy (BP Task)	NA	NA	BP
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
	Fish--Preassessment--Late JUN 2010	N/A	Analytical Chemistry	Yes	Bef. 4/18/14	noaa.nrda.org
	Tagging of Atlantic Bluefin Tuna for Evaluation of Habitat Utilization of Gulf of Mexico Spawning Grounds Using Telemetry Data -- Bluefin Tuna	261	Tracking	Yes	Bef. 4/18/14	GulfTOPP.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Telemetry					
	Investigative Plan to Monitor and Assess the Potential for Impacts of the Deepwater Horizon Oil Spill on Whale Sharks in the Northern Gulf of Mexico using Satellite Tag Technology -- Whale Shark Tagging	60, 61	Tracking	Yes	Bef. 4/18/14	GulfTOPP.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
<b>Human Use</b>	Mississippi Canyon 252 Oil Spill First Work Plan for the Collection of Data Related to Beach Usage Along the Coast of the Gulf of Mexico, plus three amendments	285, 290, 344, 373	N/A	N/A	Bef. 4/18/14	Hard Drive
<b>Marine Mammal</b>	Aerial Surveys for Assessing Marine Mammals and Sea Turtles in the Region of the Mississippi Canyon 252 Incident & Amended Aerial Surveys for Assessing Marine Mammals and Sea Turtles in the Region of the Mississippi Canyon 252 Incident -- Helicopter and Twin Otter Aerial Surveys	69, 70	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
			Edited aerial survey databases (by PI Lance Garrison)	Yes	Bef. 4/18/14	noaa.nrda.org
			Report from Lance Garrison	No	Bef. 8/15/14	noaa.nrda.org
	Assessing Changes in Population Size and Spatial Distribution of Marine Mammals and Turtles in the Northern	71, 253	Field Data (datasheets, GPS, survey databases)	Yes	Bef. 4/18/14	noaa.nrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Gulf of Mexico; & Assessing Changes in Population Size and Spatial Distribution of Marine Mammals and Turtles in the Northern Gulf of Mexico-Addendum		Edited aerial survey database (by PI Lance Garrison)	Yes	Bef. 4/18/14	noaa.nrda.org
	Investigation of Marine Mammal Morbidity and Mortality through Active Surveillance for Strandings -- Investigation of Marine Mammal Morbidity and Mortality through Active Surveillance for Strandings	167	Field Data (datasheets, photos, GPS, logbooks, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
	Work Plan for the Collection of Data to Determine the Impacts of the Deepwater Horizon Mississippi Canyon 252 Incident on Endangered and Protected Marine Mammals in the Northern Gulf & Addendum: Collection of Data to Determine the Impacts of the Deepwater Horizon Mississippi Canyon 252 Incident on Endangered and Protected Marine Mammals in the Northern Gulf -- Endangered and Protected Marine Mammals in the Northern Gulf (Gordon Gunter cruise)	67, 68	Field Data (datasheets, instruments, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaa.nrda.org
Analytical Chemistry (Alpha - VOCs & PAHs for Aqueous samples)			Yes	Bef. 4/18/14	noaa.nrda.org	
Analytical Chemistry (Alpha PAHs of Tissues)			Yes	Bef. 4/18/14	noaa.nrda.org	
NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis			Yes	Bef. 4/18/14	noaa.nrda.org	
NOAA SWFSC (Keller) - Blubber Hormone			N/A	N/A	N/A	
	Assessing Potential Sublethal and Chronic Health Impacts from the Mississippi Canyon 252 on Coastal and Estuarine Bottlenose Dolphins -- Dolphin Health Assessment [2011 and 2012]	113	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
Chicago Zoological Society (Wells) - Satellite Tracking			Yes	Bef. 4/18/14	DropBox	
National Ocean Service/Hollings Marine Laboratory (Speakman) - Finbase Database: Barataria Bay			Yes	Bef. 4/18/14	noaanrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			National Ocean Service/Hollings Marine Laboratory (Speakman) - Finbase Database: Mississippi Sound	Yes	Bef. 4/18/14	noaanrda.org
			Cornell (Talcott & Place) - Hematology, Serum Chemistry, Fibrinogen, & Endocrinology	Yes	Bef. 4/18/14	noaanrda.org
			University of Connecticut - Immune Function	Yes	Bef. 4/18/14	noaanrda.org
			NOAA NOS/CCEHBR (McFee) - Tooth Aging	Yes	Bef. 4/18/14	noaanrda.org
			NOAA NWFSC (Ylitalo) - PAH Metabolites	Yes	Bef. 5/27/14	noaanrda.org
			NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis	Yes	Bef. 4/18/14	noaanrda.org
			NOAA SWFSC (Keller) - Blubber Hormone	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (PAHs, POPs, DOSS at NWFSC)	Yes	Bef. 4/18/14	noaanrda.org
			IsoForensics - Isotope Analysis	Yes	Bef. 4/18/14	noaanrda.org
			NCSU (Harms) - EKG Analysis	Yes	N/A	noaanrda.org
			National Marine Mammal Foundation (Smith) - Diagnostic Ultrasound	Yes	Bef. 4/18/14	mailed data
			WHOI (Stegeman) - CYP Analysis	No	N/A	noaanrda.org
			Hollings Marine Laboratory - Genomics Lab (Van Dolah) - Genomics (Microarray)	No	N/A	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			University of Georgia (Saliki) - Morbillivirus Serology	Yes	N/A	noaanrda.org
			Mystic Aquarium (Webb) - Brucella Serology	Yes	N/A	noaanrda.org
			University of Miami (Cray) - Haptoglobin & Serum Amyloid Analysis	Yes	N/A	noaanrda.org
			Hollings Marine Lab (John Ramsdell) - Biotoxins	Yes	N/A	noaanrda.org
			Viral Electron Microscopy (MN)	Yes	N/A	noaanrda.org
			University of Illinois (Colegrove) - Buffycoat PCR	Yes	Bef. 4/18/14	noaanrda.org
			National Wildlife Health Center, Wisconsin (Ip) - Avian Flu Parasitology	No	N/A	N/A
	Assessing Potential Sublethal and Chronic Health Impacts from the Mississippi Canyon 252 Oil Spill on Coastal and Estuarine Bottlenose Dolphins: Addendum -- 2013 Dolphin Health Assessment	301	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Audubon & CZS - ECG Analysis	Yes	Bef. 4/18/14	hand delivered
			Chicago Zoological Society (Wells) - Satellite Tracking	Yes	Bef. 4/18/14	email
			Cornell (Talcott) - Hematology, Serum Chemistry, Fibrinogen, & Urinalysis	Yes	Bef. 4/18/14	noaanrda.org
			Cornell (Place) - Endocrinology	No	Bef. 5/27/14	noaanrda.org
			Cornell (Franklin) - Blood Cultures	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			University of Connecticut (DeGuise) - Immune Function & Cytokine Analysis	Yes	Bef. 4/18/14	noaanrda.org
			National Marine Mammal Foundation (Smith) - Diagnostic Ultrasound	Yes	Bef. 4/18/14	mailed data
			NOAA SWFSC (Keller) - Blubber Hormone	No	Bef. 8/15/14	noaanrda.org
			NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis	No	Bef. 8/15/14	noaanrda.org
			Comparison Animal Dental Services (Hermann) - Dental Exam	Yes	Bef. 4/18/14	mailed data
			Analytical Chemistry (POPs at NWFSC)	Yes	Bef. 5/27/14	noaanrda.org
			NOAA NOS/CCEHBR (McFee) - Tooth Aging	No	Bef. 5/27/14	noaanrda.org
			IsoForensics - Isotope Analysis	Yes	Bef. 4/18/14	noaanrda.org
			Hollings Marine Laboratory - Genomics Lab (Van Dolah) - Genomics (Microarray)	No	NA	noaanrda.org
			University of Illinois (Colegrove) - PCR & Histopathology	No	NA	noaanrda.org
			University of Georgia (Saliki) - Morbillivirus Serology	No	NA	noaanrda.org
			Hollings Marine Lab (Wu) - Brucella PCR Analysis & Morbillivirus PCR	No	NA	noaanrda.org
			University of Illinois (Maddox) - Swab Cultures	No	NA	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			Hollings Marine Lab (John Ramsdell) - Biotoxins	No	NA	noaanrda.org
	Proposed Data Collection Plan to Assess Injury to Louisiana and Mississippi Estuarine Dolphin Stocks & Addendum; Proposed Data Collection Plan to Assess Injury to Louisiana and Mississippi Estuarine Dolphin Stock & Second Addendum; Proposed Data Collection to Assess Injury to Estuarine Dolphin Stocks & Proposed Data Collection Plan to Assess Injury to Louisiana and Mississippi Estuarine Dolphin Stocks: Third Addendum; & Proposed Data Collection Plan to Assess Injury to Louisiana and Mississippi Estuarine Dolphin Stocks: Fourth Addendum -- Dolphin Photo-ID and Biopsy Plan	78, 79, 111, 208, 365	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
National Ocean Service/Hollings Marine Laboratory (Speakman) - Finbase Database: Barataria Bay			Yes	Bef. 4/18/14	noaanrda.org	
National Ocean Service/Hollings Marine Laboratory (Speakman) - Finbase Database: Mississippi Sound			Yes	Bef. 4/18/14	noaanrda.org	
National Ocean Service/Hollings Marine Laboratory (Speakman) - Finbase Database: St. Joe Bay			Yes	Bef. 4/18/14	noaanrda.org	
NOAA NWFSC (Ylitalo) - Blubber PAHs & POPs: Tier 1			Yes	Bef. 4/18/14	noaanrda.org	
NOAA NWFSC (Ylitalo) - Blubber PAHs & POPs: Tier 2			No	Bef. 5/27/14	noaanrda.org	
NOAA SWFSC (Keller) - Blubber Hormone: Tier 1			Yes	Bef. 4/18/14	noaanrda.org	
NOAA SWFSC (Keller) - Blubber Hormone: Tier 2			No	Bef. 5/27/14	noaanrda.org	
NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis			Yes	Bef. 4/18/14	noaanrda.org	
IsoForensics - Isotope Analysis			Yes	Bef. 4/18/14	noaanrda.org	
WHOI (Stegeman) - CYP Analysis			No	N/A	noaanrda.org	
Hollings Marine Laboratory - Genomics Lab (Van Dolah) - Genomics			No	N/A	noaanrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Satellite Tracking of Sperm Whales in the Gulf of Mexico in 2011, a Follow-up to the Deepwater Horizon Oil Spill -- Sperm Whale Tracking [see also analysis addendum plan 282 below]	181	Field Data (daily reports, instruments, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Oregon State University Marine Mammal Institute (Mate) - Telemetry	Yes	Bef. 4/18/14	GulfTOPP.org
			Oregon State University Marine Mammal Institute (Mate) - Tracking Report	Yes	Bef. 4/18/14	noaanrda.org
	Unscheduled HARP Recovery February Mission Plan: February 14, 2011; Dry Tortugas MARU and HARP Recovery February Mission Plan: February 24, 2011; MARU & HARPS Recovery February 20 – March 9 Mission Plan: February 10, 2012; Northern Gulf of Mexico HARP Servicing Cruise September and December 2011 Mission Plan; MC252 Deepwater Horizon Oil Spill Northern Gulf of Mexico MARU Recovery Mission Plan April 2011; & MC252 Deepwater Horizon Oil Spill Northern Gulf of Mexico MARU Recovery Mission Plan November 2011 - - HARP & MARU Recovery [through 2012]	180, 183, 211, 265, 276, 300	Scripps (John Hildebrand) - Acoustics (hard drive)	Yes	NA	BP
			Scripps (John Hildebrand) - Draft reports	Yes	Bef. 4/18/14	email
			Scripps (John Hildebrand) - Final Draft Report	Yes	NA	BP
			Scripps (John Hildebrand) - Final Report	No	NA	BP
			Cornell (Chris Clark) - Acoustics Data	Yes	NA	BP
			Cornell (Chris Clark) - Draft Reports	Yes	Bef. 4/18/14	noaanrda.org
			Cornell (Chris Clark) - Draft Final Report	Yes	NA	BP
Cornell (Chris Clark) - Final Report	No	NA	BP			
No Workplan; Studies include NRDA Non-cooperative Dolphin Stranding; MammalTurtle-Preassessment-StrandDolp--2010/2011; MammalTurtle-Stranded Dolphin--2012; MammalTurtle-Opportunistic Dolphin Samples 2011 -- No Formal	N/A	Level A Data	Yes	Bef. 4/18/14	noaanrda.org	
		Level A Validation tracking spreadsheets	Yes	Bef. 4/18/14	noaanrda.org	
		Photographs	Yes	Bef. 5/27/14	noaanrda.org	
		Radiography images (Sophie Dennison)	Yes	Bef.	noaanrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Workplan/Stranding Data				5/27/14	
			Analytical Chemistry (NWFSC and Alpha PAHs of Tissues/Swabs)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry Reports (USCG swab results)	Yes	Bef. 4/18/14	noaanrda.org
			Gross Necropsy Reports (from network)	Yes	Bef. 4/18/14	noaanrda.org
			NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis	Yes	Bef. 4/18/14	noaanrda.org
			WHOI (Stegeman) - CYP Analysis	No	Bef. 8/15/14	noaanrda.org
			University of Illinois (Colegrove) - PCR & Histopathology	Yes	Bef. 4/18/14	noaanrda.org
			IsoForensics - Isotope Analysis	Yes	Bef. 4/18/14	noaanrda.org
			Cornell - CBC/Clinical Chemistry of Blood Samples	Yes	Bef. 4/18/14	noaanrda.org
			University of Georgia (Athens Diagnostic Lab) - Virology/Morbillivirus PCR, sequencing, and serology reports	Yes	Bef. 4/18/14	noaanrda.org
			University of Illinois (Colegrove) - Brucella PCR Analysis & Morbillivirus PCR	Yes	Bef. 4/18/14	noaanrda.org
			Mystic Aquarium (Webb) - Brucella Serology	Yes	Bef. 4/18/14	noaanrda.org
			National Veterinary Services Laboratories (NVSL) - Brucella culture	Yes	Bef. 4/18/14	noaanrda.org
			Micrim Labs Inc. - Microbiology	Yes	Bef.	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
					4/18/14	
			University of Miami - MRSA test results	Yes	Bef. 4/18/14	noaanrda.org
			Hollings Marine Lab (John Ramsdell) - Biotoxins	Yes	Bef. 4/18/14	noaanrda.org
			D.Houser - Hearing test results of rehab animal	Yes	Bef. 4/18/14	noaanrda.org
			NOAA NOS/CCEHBR (McFee) - Tooth Aging	Yes	Bef. 4/18/14	noaanrda.org
	Historical Stranding Data - No Formal Workplan	NA	Historical Stranding Data (non-NRDA)	N/A		noaanrda.org
	Genetic Analysis of Stock Structure, Species Identification and Sex Determination for Marine Mammal Biopsies and Strandings -- Genetic Analysis for MM Biopsies and Strandings	131	NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis	Yes	Bef. 4/18/14	noaanrda.org
	Addendum to Satellite Tracking of Sperm Whales in the Gulf of Mexico in 2011, a Follow-up to the Deepwater Horizon Oil Spill: Analysis Plan for Years 2010 /2011 -- Sperm Whale Tracking Addendum - Analysis Plan [see also collection plan 181 above]	282	Oregon State University Marine Mammal Institute (Mate) - Telemetry	No	Bef. 8/15/14	GulfTOPP.org
Oregon State University Marine Mammal Institute (Mate) - Final Report for 2010-2011 Tracking			Yes	Bef. 4/18/14	noaanrda.org	
NIST Hollings Marine Lab			NA	NA	N/A	
NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis			Yes	Bef. 4/18/14	noaanrda.org	
Oregon State University Marine Mammal Institute (Mate) - Tissue samples			No	Bef. 8/15/14	noaanrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Post-Release Monitoring/Tracking of Injured, Stranded, or Entrapped and Released Cetaceans in the Oil Spill Impact Area	80	Post Release Monitoring/Tracking of Cetaceans	N/A	N/A	N/A
	No Addendum Workplan in place for evaluation of 2012 & 2013 data (samples and telemetry) -- Sperm Whale Tracking 2012	N/A	Oregon State University Marine Mammal Institute (Mate) - 2012-2013 Tracking	No	Aft 8/15/14	noaanrda.org
NIST Hollings Marine Lab			N/A	N/A	N/A	
NOAA SEFSC Marine Mammals Molecular Genetics Lab (Rosel) - Genetic Analysis			No	Aft 8/15/14	noaanrda.org	
	Marine Mammal Data Subject to Marine Mammal Data Sharing Agreement (Information for marine mammals (including all species of dolphins and whales) collected or observed in the Gulf of Mexico from the Texas/Louisiana border through Franklin County, Florida beginning February 1, 2010 through present.	N/A	All photographs and film radiographs relating to marine mammals received by NOAA through December 31, 2013		Bef. 5/27/14	
N/A			All Level A data from validated Level A reports completed during period 1/1/14 – 3/31/14 and associated validation tracking information		Bef. 8/15/14	
N/A			All Level A data from Level A reports received but not validated during period 1/1/14 – 3/31/14		Bef. 8/15/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
		N/A	All gross necropsy reports and histopathology reports relating to stranded marine mammals received by NOAA during period 1/1/14 – 3/31/14		Bef. 8/15/14	
		N/A	All laboratory results relating to stranded marine mammals received by NOAA during period 1/1/14 – 3/31/14		Bef. 8/15/14	
		N/A	All photographs and radiographs relating to stranded marine mammals received by NOAA during period 1/1/14 – 3/31/14		Bef. 8/15/14	
<b>Nearshore</b>	Work Plan for Sediment and Water Collection and Analyses for Baseline NRDA Purposes in Louisiana -- Nearshore Sediment and Water Baseline	95	Datasheets (observations)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	Pre-Assessment Phase Water Sampling for NRDA Purposes in Louisiana & Addendum to the Pre-Assessment Phase Water Sampling Plan: Pre-Assessment Phase Sediment Sampling for NRDA Purposes in Louisiana -- Nearshore Sediment and Water Preassessment Sampling	96, 97	Datasheets (observations)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
<b>Oyster</b>	Mississippi Canyon 252 Spill Oyster Sampling Plan Phase I – High Priority Sites	58, 59, 179	Analytical Chemistry (CAS, Alpha)	Yes	Bef. 4/18/14	noaanrda.org
			Enumeration and Biomass (Quadrat Abundance)	Yes	Bef. 4/18/14	noaanrda.org
			Gonadal Index, disease (UNO)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			Larval Manual Counts (FL State FWRI Molluscan Lab)	Yes	Bef. 4/18/14	noaanrda.org
			Larvae QPCR (FL State FWRI Molluscan Lab)	Yes	Bef. 4/18/14	noaanrda.org
			Settlement Plate Abundance (DISL)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Spill Oyster Sampling Plan Phase I – High Priority Sites Amendment 2	58, 59, 179	Side Scan Sonar Mapping Data	Yes	Bef. 4/18/14	Hard Drive
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Spill Oyster Sampling Transition Plan Summary -- Oyster Transition Plan (2010 phase)	132	Analytical Chemistry (CAS, Alpha)	Yes	Bef. 4/18/14	noaanrda.org
			Enumeration and Biomass (Quadrat Abundance)	Yes	Bef. 4/18/14	noaanrda.org
			Larval Manual Counts (FL State FWRI Molluscan Lab)	Yes	Bef. 4/18/14	noaanrda.org
			Larvae QPCR (FL State FWRI Molluscan Lab)	Yes	Bef. 4/18/14	noaanrda.org
			Gonadal Index, disease (UNO)	Yes	Bef. 4/18/14	noaanrda.org
			Settlement Plate Abundance (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Spill Oyster Sampling Transition Plan Summary Amendment 1; Amendment 2: Sediment Sample Analysis -- Oyster Transition Plan (2011 phase)	193, 306	Analytical Chemistry (CAS, Alpha)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			Enumeration and biomass (Quadrat abundance) (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Gonadal Index, disease (UNO)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Spill Spring 2011 Oyster Recruitment Sampling Plan and Amendments 1 and 2	210, 258, 272	Analytical Chemistry (CAS, Alpha)	Yes	Bef. 4/18/14	noaanrda.org
			Enumeration and biomass (Quadrat abundance) (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Gonadal Index, disease (UNO)	Yes	Bef. 4/18/14	noaanrda.org
			Biofouling assessment (DISL)	Yes	Bef. 5/27/14	noaanrda.org
			Settlement Plate Abundance (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Oyster Sampling Plan 2011 Oyster Quadrat and Sediment Sampling - Chemistry Analysis	245, 347	Analytical Chemistry (Alpha, CAS)	Yes	Bef. 4/18/14	noaanrda.org
			Biofouling assessment (DISL)	Yes	Bef. 5/27/14	noaanrda.org
			Enumeration and biomass (Quadrat abundance) (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	2012 Oyster Recruitment Monitoring Plan	334	Settlement Plate Abundance (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Gonadal Index, disease (DISL)	Yes	Bef.	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
					4/18/14	
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Spill Oyster Sampling Plan 2012 Intertidal Oyster Quadrat Sampling	298	Analytical Chemistry (Alpha)	Yes	Bef. 4/18/14	noaanrda.org
			Enumeration and biomass (Quadrat abundance) (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Shell Height (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	2012 Oyster Quadrat Abundance Monitoring	333	Enumeration and biomass (Quadrat abundance) (DISL)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Spill 2013 Nearshore Oyster Sampling Plan	345	Enumeration and biomass (Quadrat abundance) (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Shell Height (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Condition Index (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	2013 Oyster Recruitment Monitoring Plan	348	Settlement Plate Abundance (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Gonadal Index (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Mississippi Canyon 252 Spill Oyster Monitoring 2013 Oyster Quadrat Abundance Monitoring Plan -- Oyster-- Quadrat Abundance Monitoring Plan-- 2013	335	Enumeration and biomass (Quadrat abundance) (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Shell Height (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Condition Index (DISL)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	No Formal Workplan/TBD -- Mussel Watch Preassessment MAY 2010	N/A	Histology (Rutgers)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (TDI B&B Lab)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	No Formal Workplan/TBD-- Mussel Watch 2 Preassessment NOV 2010	N/A	Histology (Rutgers)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (TDI B&B Lab)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	No Formal Workplan/TBD (Baseline Commercial Oyster Beds)	N/A	Analytical Chemistry (TDI)	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Mississippi Canyon 252 Spill 2013 Oyster Resource Mapping Plan -- Oyster Resource Mapping Plan 2013-14	362	Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Spatial Mapping	No	Bef. 8/15/14	Hard Drive
	Mississippi Canyon 252 Spill 2014 Oyster Dredging and Recruitment Study	N/A	Raw field data (datasheets, photos, gps, etc.)	No	Bef. 8/15/14	noaanrda.org
			Settlement Plate Abundance (DISL)	No	Bef. 8/15/14	noaanrda.org
			Gonadal Index (DISL)	No	Bef. 8/15/14	noaanrda.org
<b>Shallow Water Coral</b>	Shallow Coral Tier 1 Plan & Addendum to Shallow Coral Tier 1 Plan -- Tier 1 Work Plan	62, 63	Datasheets (Observations)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (SPMDs and Sediments)	Yes	Bef. 4/18/14	noaanrda.org
<b>Shoreline</b>	Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico -- Coastal Wetland Vegetation Plan - Fall 2010	94	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Vegetation & Soil Core Analysis	Yes	Bef. 4/18/14	noaanrda.org
	Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico -- Coastal Wetland Vegetation Plan - Spring 2011	94	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Vegetation & Soil Core Analysis	Yes	Bef. 4/18/14	noaanrda.org
	Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to	94, 189	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Coastal Wetland Vegetation in the Gulf of Mexico; (2) Addendum for the States of Mississippi and Alabama		Analytical Chemistry	Yes	Bef. 5/27/14	noaanrda.org
			Vegetation & Soil Core Analysis	Yes	Bef. 4/18/14	noaanrda.org
	Addendum to the Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico: Protocol for Fall 2012; (2) Addendum for the States of Mississippi and Alabama -- Coastal Wetland Vegetation Plan - Fall 2012	338, 189	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Vegetation & Soil Core Analysis	Yes	Bef. 4/18/14	noaanrda.org
	Addendum to the Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico: Protocol for Fall 2013; (2) Addendum for the States of Mississippi and Alabama; (3) Amendment #1 to the Addendum -- Coastal Wetland Vegetation Plan - Fall 2013	360, 367, 189	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Vegetation & Soil Core Analysis	No	Bef. 5/27/14	noaanrda.org
	Addendum to the Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico: Protocol for Sampling and Monitoring Marsh Response Cleanup Areas -- CWV- Marsh Response Cleanup Areas- February 2011	248	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Vegetation & Soil Core Analysis	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Addendum to the Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico: Protocol for Sampling and Monitoring Marsh Response Cleanup Areas -- CWV-Marsh Response Cleanup Areas-Spring 2011	248	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Vegetation & Soil Core Analysis	Yes	Bef. 4/18/14	noaanrda.org
	Addendum to the Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico: Protocol for Sampling and Monitoring Marsh Response Cleanup Areas -- CWV-Marsh Response Cleanup Areas-Fall 2011	248	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 5/27/14	noaanrda.org
			Vegetation & Soil Core Analysis	Yes	Yes	noaanrda.org
	Shoreline/Vegetation Rapid Shoreline Oiling Survey NRDA Pre-Assessment Data Collection Plan	87	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	Work Plan for MC252 Oil Impacts to Marsh Fiddler Crabs and Periwinkles along the Gulf of Mexico	254	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
Addendum to the Sampling and Monitoring Plan for the Assessment of MC252 Oil Impacts to Coastal Wetland Vegetation in the Gulf of Mexico -- RTK Topographic Plans (2010-2011, 2013)	299, 332	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Mississippi Canyon 252 Spill Light Detection and Ranging (LIDAR) Data Acquisition	275	LiDAR data	Yes	Bef. 4/18/14	Hard Drive
			LiDAR Processing Reports	Yes	Bef. 4/18/14	CDs
	Shoreline/Vegetation NRDA Pre-assessment Data Collection Plan	86	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Baseline Sediment and Water Collection Analyses for NRDA Purposes in Florida Keys	106	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 5/27/14	noaanrda.org
	Indian River Lagoon Water and Sediment Baseline Sampling Plan June 11, 2010	228	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 5/27/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 5/27/14	noaanrda.org
	Northeast Florida Water and Sediment NRDA Baseline Sampling Plan June 21, 2010	227	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	Southeast Florida Water and Sediment Baseline Sampling Plan	103	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Oil Spill Submerged Aquatic Vegetation Tier 1 Pre-Assessment Plan Pre-Impact Baseline Characterization	105	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Pre-Impact Sampling Plan for West Coast of Florida: Hernando County through Collier County	104	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
Submerged Aquatic Vegetation	Mississippi Canyon 252 Oil Spill Submerged Aquatic Vegetation Tier 1 Pre-Assessment Plan Pre-Impact Baseline Characterization	90	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
		90	Tier 1 Core Analysis Results	Yes	Bef. 4/18/14	noaanrda.org
		90	Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Oil Spill Submerged Aquatic Vegetation Tier 2 Pre-Assessment Post Spill Exposure Characterization Plan	92	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
		92	Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
		92	PEMD Analytical Results	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252 Oil Spill Submerged Aquatic Vegetation Tier 3 Injury Assessment Data Collection Plan	215	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
		215	Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Deepwater Horizon/Mississippi Canyon 252 Oil Spill Sampling and Analysis Plan for Jean Lafitte National Historic Park and Preserve Submerged Aquatic Vegetation Natural Resource Damage Assessment	91	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
		91	Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Natural Resource Damage Assessment Work Plan for Assessing Potential Impacts to Fresh and Brackish Water Submerged Aquatic Vegetation Communities from the Deepwater Horizon (MC 252) Oil Spill	159	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
		159	Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org
	Mississippi Canyon 252/Deepwater Horizon Scope of Work for Emergency Restoration Project: Response Impacts	202, 363	Response Impacts to SAV; Raw field data (datasheets, photos, gps, etc.)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	to Seagrasses within Alabama, Florida, Louisiana, and Mississippi Coastal Waters & Mississippi Canyon 252 Oil Spill First Amendment to the Emergency Restoration Plan for Response Impacts to Seagrasses in Northern Gulf of Mexico					
<b>Toxicity</b>	No Workplan	N/A	Toxicity Studies Database first 61 studies	Yes	Bef. 4/18/14	Dropbox
		N/A	Toxicity Studies Database remaining studies	No	Aft. 8/15/14	TBD
<b>Turtle</b>	Assessment Plan for Juvenile Sea Turtles in Sargassum Communities Potentially Exposed to MC 252 Discharge & 2011 Addendum to the Assessment Plan for Juvenile Sea Turtles in Sargassum Communities Potentially Exposed to MC 252 Discharge -- Sargassum Workplan	84, 217	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (Alpha - PAHs for Tissues & Net samples)	Yes	Bef. 4/18/14	noaanrda.org
	Assessment Plan for Sargassum Communities and Associated Fauna in the Northern Gulf of Mexico; Assessment Plan for Sargassum Communities and Associated Fauna in the Northern Gulf of Mexico: Addendum for Field work to support Sargassum mapping; & Second Addendum to Assessment Plan for Sargassum Communities and Associated Fauna in the Northern Gulf of Mexico: Sargassum	151, 263, 274	Field Data (datasheets, instruments, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Cruise Report (Dauphin Island Sea Lab ROV Quarterly Reports)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (Alpha)	Yes	Bef. 4/18/14	noaanrda.org
			Ichthyoplankton/Invertebrates sorting and identification - (U of Southern Miss GCR - Frank Hernandez)	No	Bef. 5/27/14	noaanrda.org
			CDOM absorption (U of South FL Marine Sci Opt Oceanography - Hu)	NA	NA	N/A

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Sample Processing Plan for Remotely Operated Underwater Vehicle (ROV) Data, Bongo Net Samples and Neuston Net Samples -- Sargassum Fish and Invertebrate Assessment Plan		Chlorophyll, particulate absorption (U of South FL Marine Sci Opt Oceanography - Hu)	NA	NA	N/A
			Chlorophyll, weight (U of South FL Marine Sci Opt Oceanography - Hu)	NA	NA	N/A
	Preassessment Plan to Determine Potential Exposure and Injuries of Sea Turtles West of the Mississippi Delta Utilizing Entanglement Netting Surveys & Addendum to Plan to Determine Potential Exposure and Injuries of Sea Turtles West of the Mississippi Delta Utilizing Entanglement Netting Surveys - Sea Turtle Entanglement Netting	74, 212	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Telemetry (Satellite Tracking)	Yes	Bef. 4/18/14	SEATURTLE.org
			Analytical Chemistry (Alpha PAH analysis of Oil)	Yes	Bef. 4/18/14	noaanrda.org
	Nearshore Cetacean & Sea Turtle Prey Item Sampling Plan & Nearshore Cetacean & Sea Turtle Prey Item Sampling Plan: Addendum to Update Target Species List -- Nearshore Prey Item Plan	191, 302	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (NWFSC - PAHs for Tissues)	Yes	Bef. 4/18/14	noaanrda.org
			Analytical Chemistry (CAS - PAHs & PCBs for Tissues)	No	Aft 8/15/14	noaanrda.org
	Mississippi Canyon 252 Pre Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles -- Loggerhead Sea Turtle Nesting Plan 2010	72	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Telemetry (Satellite Tracking)	Yes	Bef. 4/18/14	SEATURTLE.org
	Mississippi Canyon 252 Pre Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles & Addendum to	72, 130	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	the Preassessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles and Loggerhead Sea Turtle Nests -- Loggerhead Sea Turtle Nesting Plan 2011		Telemetry (Satellite Tracking)	Yes	Bef. 4/18/14	SEATURTLE.org
	Mississippi Canyon 252 Pre Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles & Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles and Loggerhead Sea Turtle Nests – 2012 Field Season	72, 319	Field Data (datasheets, photos, GPS, etc.)	Yes	Bef. 4/18/14	noaanrda.org
			Telemetry (Satellite Tracking)	Yes	Bef. 4/18/14	SEATURTLE.org
	Mississippi Canyon 252 Incident Pre Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley Turtles -- Kemp's Ridley Sea Turtle Nesting Plan	73	Field Data (datasheets)	Yes	Bef. 4/18/14	noaanrda.org
		73	Telemetry (Satellite Tracking)	Yes	Bef. 4/18/14	SEATURTLE.org
	Sargassum Injury Assessment Plan: Sargassum mapping using remote sensing -- Sargassum Mapping	281	Sargassum Mapping Using Remote Sensing	No	Aft 8/15/14	noaanrda.org
	Post-release monitoring/tracking of turtles injured, stranded, or entrapped in the oil spill impact area	229	Post-release monitoring/tracking of turtles injured, stranded, or entrapped in the oil spill impact area	N/A	N/A	N/A
	Nearshore MMST Prey Item Collection (LDWF 2010-2011)	N/A	Analytical Chemistry (CAS - PAHs for Tissues)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Post-Mortem Sea Turtle Tissue Analysis [2010 - 2011]	N/A	Analytical Chemistry (NWFSC DOSS & PAH analysis of Bile, Liver, Enteric Contents, etc.)	No	N/A	noaanrda.org
			Individual Necropsy Records (Stacy Lab - Stacy)	No	N/A	noaanrda.org
			Necropsy Summary Report (summary report for DOJ) (Stacy Lab - Stacy)	Yes	N/A	noaanrda.org
	MammalTurtle-Opportunistic MS Turtle Swabbing-2011	N/A	Analytical Chemistry	N/A	N/A	N/A
	Sea Turtle Stranding and Salvage Network 2010	N/A	Necropsy Report (Stacy Lab Stacy)	No	N/A	noaanrda.org
			Necropsy Summary Report (summary report for DOJ) (Stacy Lab Stacy)	No	N/A	noaanrda.org
Analytical Chemistry			No	N/A	noaanrda.org	
Proposed Sea Turtle Data Sharing Agreement -- If finalized by early May (Information about sea turtles collected or observed in the Gulf of Mexico from Texas through Cape Sable, Florida since April 20, 2010)	N/A	All medical records received by NOAA for the 404 sea turtles taken to rehabilitation facilities for treatment as part of the response to the Deepwater Horizon Oil Spill, including all clinical medical documentation of evaluation, care, treatment and release at the facilities and the results of all clinical hematology, chemistry and other diagnostic or treatment procedures		Bef. 5/27/14		

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			All medical records created by a NOAA rehabilitation facility or received from a non-NOAA rehabilitation facility through December 31, 2013, relating to the rehabilitation or treatment of stranded sea turtles received since the response to the Deepwater Horizon Oil Spill ended, including, but not limited to, all clinical medical documentation of evaluation, care, treatment and release at the facilities and the results of all clinical hematology, chemistry and other diagnostic or treatment procedures		Bef. 5/27/14	
			All pathology consultation reports (approximately 1,787 reports) completed or received by NOAA as of December 31, 2013 for stranded sea turtles and associated medical records including gross necropsy reports and histopathology reports received through December 31, 2013 and all additional postmortem examinations (such as gross necropsy reports) received or completed by NOAA as of December 2013		Bef. 5/27/14	
			All laboratory results received by NOAA through December 31, 2013 relating to sea turtles		Bef. 5/27/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			A portion of the photographs received by NOAA through December 31, 2014 (the remainder of the photographs to be provided to BP by July 15, 2014)		Bef. 5/27/14	
			A portion of the approximately 8,110 Sea Turtle Stranding and Salvage Network Stranding Reports received by NOAA through December 31, 2013 for stranded sea turtles. The remainder of the reports to be provided to BP on a rolling basis by July 15, 2014		Bef. 5/27/14	
			Any photographs received by NOAA through December 31, 2013 that were not provided to BP by 5/27		Bef. 8/15/14	
			Any medical records received from non-NOAA rehabilitation facilities by NOAA through December 31, 2013 that were not provided to BP by 5/27		Bef. 8/15/14	
			Any pathology consultation reports received from non-NOAA facilities and additional post mortem examinations received through December 31, 2013 that were not provided to BP by 5/27		Bef. 8/15/14	
			Any laboratory results received by NOAA through December 31, 2013 that were not provided to BP by 5/27		Bef. 8/15/14	

Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			Any Sea Turtle Stranding and Salvage Network Stranding Reports received by NOAA through December 31, 2013 for stranded sea turtles that were not provided to BP by 5/27		Bef. 8/15/14	
			All medical records created by a NOAA rehabilitation facility or received from a non- NOAA rehabilitation facility concerning treatment of stranded sea turtles during period 1/1/14 – 3/31/14		Bef. 8/15/14	
			Pathology consultation reports completed or received by NOAA for stranded sea turtles during the period 1/1/14 – 3/31/14, associated medical records and all additional post mortem examinations received or completed during the same period		Bef. 8/15/14	
			Laboratory results for stranded sea turtles received by NOAA during the period 1/1/14 – 3/31/14		Bef. 8/15/14	
			Photographs and radiographs received by NOAA during the period 1/1/14 – 3/31/14		Bef. 8/15/14	
<b>Water Column</b>	NRDA Plankton Processing Plan - Analysis of Zooplankton Samples (247); Addendum to Plankton Processing (295); Addendum to: NRDA Plankton Processing Plan - Analysis of Zooplankton Samples (309) -- Plankton Processing Plan 2011-12, plus Addenda	247, 295, 309	Zooplankton - Tier 1A	No	Bef. 5/27/14	Hard Drive
			Zooplankton -- Other Tiers	No	Aft 8/15/14	Hard Drive
			Ichthyoplankton - Tier 1A	Yes	Bef. 4/18/14	noaanrda.org
			Ichthyoplankton - Tier 1B	No	Bef. 5/27/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			Ichthyoplankton - Tier 1 C/D/E	No	Bef. 5/27/14	noaanrda.org
			Ichthyoplankton - Tier 2,3,4	No	Aft 8/15/14	noaanrda.org
			Decapods - Tier 1A	Yes	Bef. 4/18/14	noaanrda.org
			Decapods - Tier 1B (BB6)	No	Bef. 5/27/14	noaanrda.org
			Decapods - Tier 1B (NS9)	No	Bef. 5/27/14	noaanrda.org
			Decapods - Tier 1 C/D/E	No	Bef. 5/27/14	noaanrda.org
			Decapods - Tier 2,3,4	No	Aft 8/15/14	noaanrda.org
	NRDA Offshore Fish and Nekton Sample Processing Plan (297); Small Pelagics Addendum to the NRDA Nekton Processing Plan - Analysis of Nekton Samples (322) -- Nekton Processing Plan 2012	297, 322	Lab recounts of PC8 and PC9 cruises	Yes	Bef. 4/18/14	noaanrda.org
Spring 2011 MOC10			Yes	Bef. 4/18/14	noaanrda.org	
Pisces 10			Yes	Bef. 5/27/14	noaanrda.org	
McArthur II Epipelagic			Yes	Bef. 5/27/14	noaanrda.org	
Summer 2011 MOC10			No	Bef. 8/15/14	noaanrda.org	
Pisces12			No	Aft 8/15/14	noaanrda.org	
Winter 2011 MOC10			No	Aft 8/15/14	noaanrda.org	
Pisces 8 and Pisces 9			No	Aft 8/15/14	noaanrda.org	
Image Data Processing Plan: Holocam,	279, 293, 354,	Holocam Data set	Yes	Bef.	Hard drive	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	DAVPR, VPRII (279); Addendum to Image Data Processing Plan: Holocam, DAVPR, VPRII (354); Image Data Processing Plan: ISIS (292); Image Data Processing Plan: SIPPER (293) -- Image Data Processing Plan	292			4/18/14	
			DAVPR (WS4) Dataset	Yes	Bef. 5/27/14	noaanrda.org
			DAVPR (all other cruises)	No	Bef. 5/27/14	noaanrda.org
			VPRII Dataset	No	Bef. 5/27/14	noaanrda.org
			SIPPER	Yes	Bef. 4/18/14	Hard drive
			Processed ISIS	No	No	Hard drive
	NRDA Biological Acoustics Data Processing Plan (323) -- Acoustics Processing Plan	323	Acoustics Preliminary Assessment (presentation on how processing was done)	Yes	Bef. 5/27/14	noaanrda.org
			Raw Acoustic Data	Yes	Bef. 4/18/14	Hard Drive
			Processed Acoustic data: includes Pisces 12, Meg Skansi, McArthur 7, Gordon Gunter SEAMAP	No	Aft. 8/15/14	noaanrda.org
	NRDA CTD Processing Plan (289); Addendum to: NRDA CTD Processing Plan - Processing of Towed CTD Data (312); Addendum #2 to: NRDA CTD Processing Plan - Density Check (329) -- 2010 Data	289, 312, 329	Date Shared include-- 55 Cruises	Yes	Bef. 4/18/14	noaanrda.org
			Towed data not shared includes: 6 cruises -- (HD 1, 2, 5, Endeavor, Walton Smith 2 and Arctic)	No	Bef. 5/27/14	noaanrda.org
	NRDA CTD Processing Plan (289); Addendum to: NRDA CTD Processing Plan - Processing of Towed CTD Data	289, 312, 329	Data shared include: 4 cruises (Pisces 8,9,10,12)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	(312); Addendum #2 to: NRDA CTD Processing Plan - Density Check (329) -- 2011 Data		Data not shared includes 25 cruises	No	No	noaanrda.org
	Draft Workplan --LiDAR Processing Plan	DRAFT	Processed LiDAR	Yes	Bef. 4/18/14	noaanrda.org
	Draft Workplan -- ADCP	42, 185, 192, 264, 303, 304, 305	ADCP ocean current measurement and maintenance plans (there was a mooring deployment; followed by series of maintenance cruises Sept 2010, Dec 2010, Feb 2011, June 2011)	No	Bef. 4/18/14	noaanrda.org
	Water Column Injury Ephemeral Data Collections Deepwater Horizon Oil Spill (DWHOS) Plan for Adaptive Water Column NOAA-NRDA Sampling (PAWNNS) Cruise Plan- American Diver 1 and Ocean Veritas 9 (36); Amended Water Column Injury Ephemeral Data Collections Deepwater Horizon Oil Spill (DWHOS) Plan for Adaptive Water Column NOAA-NRDA Sampling (PAWNNS) Cruise Plan- American Diver 1 (37) -- American Diver 1 Plankton/Water Jul-Aug 2010 (has a separate amendment in LOSCO)	36, 37	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw Instrument files	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Winter 2011 Plankton Imaging Sampling Cruise Plan: Arctic (163) -- Arctic DAVPR Winter 2011	163	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw Instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, DAVPR metadata)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Water Column Injury Ephemeral Data Collections: Cruise 3 Surface Water Sampling Plan for Dispersant Treated Oil Deepwater Horizon Oil Spill (DWHOS) (34) -- Bunny Bordelon Plankton/Dispersant May/June 2010	34	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files (including CDOM fluorescence and FLOWCAM oil droplet size), station logs	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Spring 2011 Epipelagic Plankton Bongo/Neuston Sampling Cruise Plan (197); Addendum to:NRDA Spring 2011 Epipelagic Plankton Bongo/Neuston Sampling Cruise Plan (207) -- Bunny Bordelon Bongo/Neuston Spring 2011	197, 207	Raw field data (daily reports, metadata)	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Summer 2011 Epipelagic Plankton Bongo & Neuston Sampling Cruise Plan (223); Addendum to: NRDA Summer 2011 Epipelagic Plankton Bongo & Neuston Sampling Cruise Plan (259)	223, 259	Raw field data (daily reports, metadata)	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
	Field Plan for Cooperative Research Cruise to Document Biotic Effects of the Deepwater Horizon Oil Spill (20) -- Cooperative Research Cruise	20	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
		N/A	Entrix Plankton Cruises (2)	N/A	N/A	BP
	Proposal for NRDA Data Collection for Deepwater Horizon Oil Spill NOAA Vessel Gordon Gunter (19) -- Gordon Gunter Water/Sipper May 2010	19	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (Daily Logs, GPS data)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA SEAMAP Plankton Sampling Plan	22	Analytical Chemistry	Yes	Bef.	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	and Fall 2010 Cruise Plan (22) -- Gordon Gunter SEAMAP				4/18/14	
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (Daily Logs, GPS data)	Yes	Bef. 4/18/14	noaanrda.org
	July-September 2011 HOS Sweetwater ROV Sediment and Bottom-Water Sampling Cruise Plan (234); Addendum to July-September 2011 HOS Sweetwater ROV Sediment and Bottom-Water Sampling Cruise Plan (262) -- Hos Sweetwater 4 + 6 (July-Sept 2011)	234, 262	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (metadata)	Yes	Bef. 4/18/14	noaanrda.org
	Field Plan for Water-Column Profiling to Measure Dissolved-Phase Aromatic Hydrocarbons and Free Oil Droplets as a Function of Depth and Location Relative to the Subsurface Oil Release (30); Proposal to Extend NRDA Cruise "Field Plan for Water-Column Profiling to Measure Dissolved-Phase Aromatic Hydrocarbons and Free Oil Droplets as a Function of Depth and Location Relative to the Subsurface Oil Release" (31) -- Jack Fitz 1 May 2010	30, 31	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (log form, sample summary, timeline and sample log)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plankton Sampling Plan & Fall 2010 Cruise Plan Specialty Diver 1 - September 2010 SIPPER Cruise (26) -- Specialty Diver 1 SIPPER	26	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Water Column Injury Ephemeral Data Collections Deepwater Horizon Oil Spill (DWHOS) Plan for Adaptive Water Column NOAA-NRDA Sampling (PAWNNS) Cruise Plan- American Diver 2 (38) -- American Diver 2 Jul-Aug 2010	38	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw Instrument files	Yes	Bef. 4/18/14	noaanrda.org
	NRDA UV Radiation Sampling Plan: October 2010 Cruise Plan (135) -- 25 ft Parker UV	135	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw Instrument files	Yes	Bef. 4/18/14	noaanrda.org
	Water Column Injury Ephemeral Data Collections: Deepwater Horizon Oil Spill (DWHOS) Plan for Adaptive Water Column NOAA-NRDA Sampling (PAWNNS) Cruise Plan – Hos Davis 1 (39) -- Hos Davis 1 (Aug 2010)	39	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Status Reports	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
	Water Column Injury Ephemeral Data Collections: Deepwater Horizon Oil Spill (DWHOS) Plan for Adaptive Water Column NOAA-NRDA Sampling (PAWNNS) Cruise Plan – Hos Davis 2 (40) -- Hos Davis 2 Water/DAVPR (Aug 25-Sept 2010)	40	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (daily updates, photos)	Yes	Bef. 4/18/14	noaanrda.org
	Water Column Injury Ephemeral Data Collections: Deepwater Horizon Oil Spill (DWHOS) Plan for Adaptive Water Column NOAA-NRDA Sampling (PAWNNS) Cruise Plan – Hos Davis 3 (41); Water Column Injury Ephemeral Data Collections: Deepwater Horizon Oil	41, 109	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Spill (DWHOS) Plan for Adaptive Water Column NOAA-NRDA Sampling (PAWNNS) Cruise Plan – Hos Davis 3 Addendum (109) -- Hos Davis 3 September 2010		Raw field data (daily updates, photos)	Yes	Bef. 4/18/14	noaanrda.org
	March-April 2011 HOS Sweetwater ROV Sediment and Bottom-Water Sampling Cruise Plan (184) -- HOS Sweetwater 2 March-April 2011	184	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instrument files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data (metadata)			Yes	Bef. 4/18/14	noaanrda.org	
	Water Column Injury Ephemeral Data Collections: Cruise 2: Surface Water Sampling Plan Deepwater Horizon Oil Spill (DWHOS) (32); Amended Water Column Injury Ephemeral Data Collections: Cruise 2: Surface Water Sampling Plan Deepwater Horizon Oil Spill (DWHOS) (33) -- Jack Fitz 2 May 2010 + amendment	32, 33	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instrument files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data (log form, daily summary reports, entrix site coordinates)			Yes	Bef. 4/18/14	noaanrda.org	
	Water Column Injury Ephemeral Data Collections: NRDA Cruise 4-Jack Fitz 3 Water Sampling Plan Deepwater Horizon Oil Spill (DWHOS) (35) -- Jack Fitz 3 June 2010	35	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instrument files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data (log form, daily summary reports, entrix site coordinates)			Yes	Bef. 4/18/14	noaanrda.org	
	NRDA July 2011 McArthur II Epipelagic Plankton Bongo & Neuston Sampling	233	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Cruise Plan (233) -- McArthur II Bongo/Neuston July 2011		Raw field data (photos, metadata, tracklines)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Summer 2011 Plankton Imaging Sampling Cruise Plan -- McArthur II ISIS Summer 2011	218	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, tracklines)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Late-Summer 2011 McArthur II Small Pelagics Sampling Plan --McArthur II Small Pelagic Fishes Sep-Oct 2011	244	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, tracklines)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA 10-meter MOCNESS Spring 2011 Plankton Sampling Cruise Plan (194); Addendum: NRDA 10-meter MOCNESS Spring 2011 Plankton Sampling Cruise Plan (246) -- Meg Skansi MOC10 Spring 2011	194, 246	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA 10-meter MOCNESS Summer 2011 Plankton Sampling Cruise Plan: Meg Skansi (222) -- Meg Skansi MOC10 Summer 2011	222	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA 10-meter MOCNESS Winter 2011 Plankton Sampling Cruise Plan: Meg Skansi (166) -- Meg Skansi MOC10 Winter 2011	166	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA 1-meter MOCNESS Spring 2011 Plankton Sampling Cruise Plan (198); Addendum to: NRDA 1-meter MOCNESS Spring 2011 Plankton Sampling Cruise Plan (231) -Nick Skansi MOC1 Spring 2011	198, 231	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	NRDA 1-meter MOCNESS Summer 2011 Plankton Sampling Cruise Plan: Nick Skansi (225) -- Nick Skansi MOC1 Summer 2011	225	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise reports)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA 1-meter MOCNESS Winter 2011 Plankton Sampling Cruise Plan: Nick Skansi (162) -- Nick Skansi MOC1 Winter 2011	162	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org
	MC252 Deepwater Horizon Oil Spill Water Column Data Collection: NOAA/BP-ENTRIX NRDA Cooperative Deep Tow Cruise 1 "November" Hos Davis 4 Cruise Plan (140) -- NRDA Cooperative Deep Tow Cruise December 2010	140	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org
	MC252 Deepwater Horizon Oil Spill Water Column Data Collection: NOAA/BP-ENTRIX NRDA Cooperative Deep Tow Cruise 2 "December" Cruise Plan (150) -- NRDA Cooperative Deep Tow Cruise November 2010	150	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Spring 2011 Plankton Imaging Sampling Cruise Plan -- Oceanus VPRII Spring 2011	169, 195	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plankton Sampling Plan & Winter 2011 Cruise Plan (165) -- Oregon II Bongo-Neuston Winter 2011	165	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata, cruise daily reports)	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Deepwater Horizon Oil Spill (DWHOS) NRDA Offshore Deep Meso- and Bathypelagic Fish Sampling Plan (145) -- Pisces 8 - Fish Trawl December 2010	145	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Offshore Deep Meso- and Bathypelagic Fish Sampling Plan, Spring 2011 (190); Addendum to: NRDA Offshore Deep Meso- and Bathypelagic Fish Sampling Plan, Spring 2011 (200) -- Pisces 9 - Fish Trawl Spring 2011	190, 200	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Offshore Deep Meso- and Bathypelagic Fish Sampling Plan Summer 2011 (226) -- Pisces 10, Legs 1 and 2 - Fish Trawl Summer 2011	226	Raw field data (photos, metadata)	Yes	Bef. 4/18/14	noaanrda.org
			Raw Instrument Files	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Offshore Deep Meso- and Bathypelagic Fish Sampling Plan September 2011 (251) -- Pisces 12, Legs 1 & 2 - Fish Trawl September 2011	251	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plankton Sampling Plan & Fall 2010 Cruise Plan: Walton Smith 2 (24) - Walton Smith 2 DAVPR Fall 2010	24	Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Spring 2011 Water Column Processes Cruise Plan: Walton Smith 4 (201) -- Walton Smith Ecosystem Processes Spring 2011	201	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plankton Sampling Plan & Fall 2010 Cruise Plan: Walton Smith 1 (23) -- Walton Smith 1 Plankton September	23	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef.	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	2010				4/18/14	
			Raw field data (photos, metadata)	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plankton Sampling Plan & Fall 2010 Cruise Plan: Walton Smith 3 (25) -- Walton Smith 3 Plankton Sep-Oct 2010	25	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instrument files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data (photos, metadata)	Yes	Bef. 4/18/14	noaanrda.org
	No Formal Workplan/Weatherbird II Cruise 1	NA	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	No Formal Workplan/Delaware Cruise 02	NA	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	No Formal Workplan/Endeavor Cruise 01	NA	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) --Brooks McCall Cruise 1 - May 8 - 11 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 2 - May 15-17 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 3 - May 19-21 2010(NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef.	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
					4/18/14	
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) - brooks McCall Cruise 4 - May 23-25 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instruments files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data			Yes	Bef. 4/18/14	noaanrda.org	
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 5 - May 30 - Jun 1 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instruments files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data			Yes	Bef. 4/18/14	noaanrda.org	
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 6 - Jun 5-7 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instruments files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data			Yes	Bef. 4/18/14	noaanrda.org	
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 7 - Jun 11-13 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instruments files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data			Yes	Bef. 4/18/14	noaanrda.org	
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 8 - Jun 17-19 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instruments files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data			Yes	Bef. 4/18/14	noaanrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 9 - Jun 22-26 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 11 - Jul 4-8 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Brooks McCall Cruise 12 - Jul 10-14 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Henry Bigelow 1 - Jul 28 - Aug 11 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Henry Bigelow 2 Aug 12-23 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	(43) -- Ocean Veritas 1 May 26-30 2010 (NRDA/Response Cooperative)		Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Ocean Veritas 4 Jun 13-17 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Ocean Veritas 5 Jun 19-23 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Ocean Veritas 6 Jun 25-29 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Ocean Veritas 7 Jun 29 - Jul 5 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Ocean Veritas 9 Jul 13-17 2010	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org	
		Raw instruments files	Yes	Bef.	noaanrda.org	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	(NRDA/Response Cooperative)				4/18/14	
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Ocean Veritas 11 Jul 26-29 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Pisces 3 Aug 5-14 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Pisces 4 Aug 18 - Sep 2 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Pisces 5 Sep 8-17 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Pisces 6 Sep 25 - Oct 4 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
			Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
			Raw field data	Yes	Bef. 4/18/14	noaanrda.org
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Seward Johnson 1 Jul 09 - Aug 7 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instruments files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data			Yes	Bef. 4/18/14	noaanrda.org	
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Thomas Jefferson 2 Jun 3-10 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
Raw instruments files			Yes	Bef. 4/18/14	noaanrda.org	
Raw field data			Yes	Bef. 4/18/14	noaanrda.org	
	NRDA Plan for Samples of Opportunity in Support of the Water Column Injury (43) -- Thomas Jefferson 3 Jun 15 - Jul 2 2010 (NRDA/Response Cooperative)	43	Analytical Chemistry	Yes	Bef. 4/18/14	noaanrda.org
		43	Raw instruments files	Yes	Bef. 4/18/14	noaanrda.org
		43	Raw field data	Yes	Bef. 4/18/14	noaanrda.org
<b>Aerial Imagery</b>	Assessment Plan Concerning Aerial Imagery in the Northern Gulf of Mexico	N/A	N/A	Yes	Bef. 8/15/14	
	Assessment of Coastal Marshes and Shoreline Impacted by the Deepwater Horizon Oil Spill Using Aviris Hyperspectral Remote Sensing Data	N/A	N/A	No	Bef. 8/15/14	
	Assessment Plan: Estimating offshore surface oil volumes of select portions of the Deepwater Horizon Oil Spill Using AVIRIS Imaging Spectroscopy Data	N/A	N/A	No	Aft 8/15/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
Bird	Summary Evaluation of Data of Carcasses Collected During Wildlife Operations End of Season Nesting Colony Searches in 2010	N/A	N/A	No	Bef. 4/18/14	
	Estimating Mortality of Birds Using Beached Bird Surveys in the Gulf of Mexico Near the Mississippi Canyon 252 Oil Spill (Bird Study # 1A)	1A	N/A	Yes	Bef. 4/18/14	
	Detection Probability (Searcher Efficiency) (Bird Study #1B)	1B	N/A	Yes	Bef. 4/18/14	
	Beach Carcass Persistence Study (Bird Study # 1C)	1C	N/A	Yes	Bef. 4/18/14	
	Using Radio Telemetry to Determine the Fates of Bird Carcasses Drifting in the Northern Gulf of Mexico (Bird Study #1D)	1D	N/A	Yes	Bef. 4/18/14	
	Aerial Surveys and Photographic Census for Birds in the Vicinity of the Deepwater Horizon MC 252 Oil Spill (Bird Study #2) - 2010/2011	2	N/A	Yes	Bef. 4/18/14	
	Assessment Plan for Bird Colony Aerial Photography - 2011 (Bird Study #2)	2	N/A	Yes	Bef. 4/18/14	
	Assessment Plan for Bird Colony Aerial Photography - 2012 (Bird Study #2)	2	N/A	Yes	Bef. 4/18/14	
	Analysis of Colony Photographic Census Data collected under the Preassessment Plan for Bird Colony Aerial Photography - Comparison of 2010, 2011, 2012 Data	2	N/A	Yes	Bef. 4/18/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Addendum: Assessment Plan for Bird Colony Aerial photography and Analysis of Colony Photographic Census Data - 2013	3	N/A	Yes	Bef. 4/18/14	
	Estimating Secretive Marsh Bird Mortality Deepwater Horizon (MSC 252) Oil Spill (Bird Study #3) - BRI	3	N/A	Yes	Bef. 4/18/14	
	Modification #1: Marsh Bird Helicopter Survey Methodology	3	N/A	Yes	Bef. 4/18/14	
	Estimating Oiling and Mortality of Breeding Colonial Waterbirds from the Deepwater Horizon (MC 252) Oil Spill (Bird Study #4) and Amendments 1 and 2	4	N/A	Yes	Bef. 4/18/14	
	Estimating Shorebird Oiling Mortality Deepwater Horizon (Mississippi Canyon 252) Oil Spill, with Supplement and Amendment	5	N/A	Yes	Bef. 4/18/14	
	Estimating Oiling Rates Among Pelagic Birds Using Ship Based Surveys in the Vicinity of the Deepwater Horizon (MSC 252) Oil Spill (Bird Study #6)	6	N/A	No	Bef. 4/18/14	
	Determining Injury to the Piping Plover ( <i>Charadrius melodus</i> ) from the Deepwater Horizon (MC252) Oil Spill (Bird Study #7) and Addendum	7	N/A	No	Bef. 4/18/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Assessment Plan to Analyze Beach-Nesting Shorebird Data collected under the Work Plan for Deepwater Horizon (MC252) Gulf Coast Breeding, Beach-Nesting Bird Population Surveys (BS#8) - 2010 Breeding Shorebird Data	8	N/A	No	Bef. 4/18/14	
	Assessment Plan to Analyze Beach-Nesting Shorebird Data collected under the Work Plan for Deepwater Horizon (MC252) Gulf Coast Breeding, Beach-Nesting Bird Population Surveys (BS#8) - 2011 Breeding Shorebird Data	8	N/A	No	Bef. 4/18/14	
	Preassessment of Injury to Ospreys from the Deepwater Horizon (MC252) Oil Spill (Bird Study #9)	9	N/A	Yes	Bef. 4/18/14	
	Preassessment of Injury to Bald Eagles from the Deepwater Horizon (MC 252) Oil Spill (Bird Study #9 Part 2)	9.2	N/A	No	Bef. 4/18/14	
	Addendum to Deepwater Horizon (MC 252) Osprey Rapid Assessment: Proposed Osprey Fledgling Rates - Gulf Islands National Seashore (Bird Study #9 Part 3)	9.3	N/A	Yes	Bef. 4/18/14	
	Estimating Wintering Waterfowl Oiling and Mortality (Bird Study #10)	10	N/A	No	Bef. 4/18/14	
	Assessing Potential MC252 Impacts on Fresh and Brackish Water Submerged Aquatic Vegetation Communities (Bird Study #10B)	10B	N/A	Yes	Bef. 4/18/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Estimating Carcass Detection in Priority Waterfowl Habitats Impacted by the DWH (MC 252) Oil Spill: Time Critical NRDA Feasibility Study (Bird Study #11)	11	N/A	No	Bef. 4/18/14	
	Determining Oiling Rates and Mortality of Wintering Open-Water Waterbirds from the Deepwater Horizon (MC 252) Oil Spill (Bird Study #12)	12	N/A	No	Bef. 4/18/14	
	Determining Physiological Injury to Oiled Birds from the Deepwater Horizon (MC 252) Oil Spill (BS #13) and Addendum	13	N/A	No	Bef. 4/18/14	
	Assessing Bird Mortality using Data from Response Operations and Boat-based NRDA Surveys in the Northern Gulf of Mexico (BS #19) Objective 1 - Response and Wildlife Ops Evaluation	19	N/A	No	Bef. 4/18/14	
	Assessing Bird Mortality using Data from Response Operations and Boat-based NRDA Surveys in the Northern Gulf of Mexico (BS #19) Objective 2 - Searcher Efficiency and Carcass Persistence	19	N/A	No	Bef. 4/18/14	
	Laboratory Avian Toxicology Studies to Determine the Effects of the DWH/MC 252 Oil Spill on Bird Viability (Bird Study #20)	20	N/A	No	Aft 8/15/14	
	UV Scoping Study	N/A	N/A	No	Bef 5/27/2014	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
<b>Mammal</b>	Assessment Plan to Determine Potential Injuries to Beach Mice due to Habitat Impacts from Response Activities Associated with the Deepwater Horizon Oil Spill Events	15	N/A	No	Bef. 4/18/14	
	Proposed Data Collection Plan to Assess Injury to West Indian Manatees from the Deepwater Horizon Oil Spill Outside of Florida & Addendum to Proposed Data Collection Plan to Assess Injury to West Indian Manatees from the Deepwater Horizon Oil Spill Outside of Florida -- Manatee Surveys Outside Florida	82, 83	Field Data (flight logs, datasheets, photos, GPS, etc.)	Yes	N/A	
	Proposed Data Collection Plan to Assess Injury to Florida Manatees from the Deepwater Horizon Oil Spill & Addendum: Proposed Data Collection Plan to Assess Injury to Florida Manatees from the Deepwater Horizon Oil Spill -- Manatee Surveys Florida	81, 143	Field Data (flight logs, datasheets, photos, GPS, etc.)	Yes	N/A	
	Manatee Movements in the Northern Gulf of Mexico and the Potential for Exposure to the Deepwater Horizon Oil Spill	N/A	N/A	No	Bef. 4/18/14	
<b>Sturgeon</b>	Mississippi Canyon 252 Pre-Assessment Plan for the Collection of Data to Determine Potential Exposure and Injuries of Threatened Gulf Sturgeon	16	N/A	Yes	Bef. 4/18/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Mississippi Canyon 252 Year 2 Assessment Plan for the Collection of Data to Determine Potential Exposure and Injuries of Threatened Gulf Sturgeon 2011-2012	16	N/A	No	Bef. 4/18/14	
	Laboratory Studies for Mississippi Canyon 252: Phase II Plan for Determining Potential Exposure and Injuries of Threatened Gulf Sturgeon	N/A	N/A	No	Bef. 8/15/14	
<b>Submerged Aquatic Vegetation</b>	Deepwater Horizon/Mississippi Canyon 252 Oil Spill Sampling and Analysis Plan for Jean Lafitte National Historic Park and Preserve Submerged Aquatic Vegetation Natural Resource Damage Assessment - Fall 2010 Surveys	N/A	N/A	Awaiting BP	Bef. 4/18/14	
	Deepwater Horizon/Mississippi Canyon 252 Oil Spill Sampling and Analysis Plan for Jean Lafitte National Historic Park and Preserve Submerged Aquatic Vegetation Natural Resource Damage Assessment - Spring and Fall 2011 Surveys	N/A	N/A	Awaiting BP	Bef. 4/18/14	
	Deepwater Horizon/Mississippi Canyon 252 Oil Spill Sampling and Analysis Plan for Jean Lafitte National Historic Park and Preserve Submerged Aquatic Vegetation Natural Resource Damage Assessment - Spring and Fall 2012 Surveys	N/A	N/A	Awaiting BP	Bef. 5/27/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Deepwater Horizon/Mississippi Canyon 252 Oil Spill Plan for Assessing Recovery of Submerged Aquatic Vegetation Propeller Scars at Gulf Islands National Seashore	N/A	N/A	Yes	Bef. 4/18/14	
	Addendum: 2013 Plan for Assessing Recovery of Submerged Aquatic Vegetation Propeller Scars at Gulf Islands National Seashore	N/A	N/A	Yes	Bef. 4/18/14	
	Assessing Submerged Oil Mats by Remote Sensing Survey and Diver Characterization at Gulf Islands National Seashore	N/A	N/A	Yes	Aft 8/15/14	
<b>Turtle</b>	Preassessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley Turtles	17	N/A	Underway	Bef. 5/27/14	
	Addendum to Preassessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley Turtles and Their Nests	17	N/A	Underway	Bef. 5/27/14	
	Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley Turtles and Their Nests - 2013 Field Work Plan	17	N/A	No	Bef. 5/27/14	
	Preassessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles	17	N/A	Underway	Bef. 5/27/14	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Addendum to Preassessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles and Loggerhead Sea Turtle Nests	17	N/A	Underway	Bef. 5/27/14	
	Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles and Loggerhead Sea Turtle Nests - 2012 Field Season	17	N/A	Underway	Bef. 5/27/14	
	Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Sea Turtles and Their Nests - 2013 Field Season	17	N/A	No	Bef. 5/27/14	
	Analytical Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley and Loggerhead Sea Turtles and Their Nests: Sample Analysis Plan for Years 2010/2011	221	Loggerhead and Kemp's Ridley Sample Analysis Plan for 2010/2011+D233	N/A	N/A	

## Exhibit 1 to United States' First Supplemental Responses to Defendants' Penalty Phase Discovery Requests

Workgroup	Workplan Name	Work Plan No	Workplan Details	Analyzed?	Delivery Date	Delivery Comments
	Addendum to Preassessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley Turtles and their Nests; Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley Turtles and Their Nests - 2012 Field Season; & Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley Turtles and Their Nests - 2013 Field Season	174, 325, 350	Kemp's Ridley Sea Turtle Nesting Plan Addenda [DOI LEAD]	N/A	N/A	
	Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Loggerhead Turtles and their Nests - 2013 Field Season	353	Loggerhead Sea Turtle Nesting Plan 2013			
	Analytical Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley and Loggerhead Sea Turtles and their Nests: Sample Analysis Plan for Years 2010/2011	17	N/A	Underway	Bef. 8/15/14	
	Analytical Addendum: Assessment Plan to Determine Potential Exposure and Injuries of Nesting and Hatchling Kemp's Ridley and Loggerhead Sea Turtles and their Nests: 2012 Sample Analysis Plan	17	N/A	Underway	Bef. 8/15/14	

MDL 2179: US Response to Defendants' Penalty Phase Discovery  
Exhibit 2: List of NIC Briefing Books Previously Produced

Bates Prefix	First Page	Last Page
EPA017	36347	36379
EPA017	37058	37081
EPA017	39250	39282
EPA017	39286	39306
HCG037	2438	2478
HCG043	3020	3054
HCG043	3055	3065
HCG043	3736	3771
HCG043	3821	3908
HCG043	3915	3954
HCG043	4378	4409
HCG043	4410	4438
HCG043	4439	4471
HCG043	4472	4502
HCG043	4503	4536
HCG043	4537	4571
HCG043	4572	4604
HCG043	4605	4634
HCG043	4713	4747
HCG043	4748	4782
HCG043	4783	4810
HCG043	4811	4838
HCG043	4839	4866
HCG043	4867	4893
HCG043	4903	4929
HCG043	4939	4965
HCG043	4966	4991
HCG043	4992	5018
HCG043	5019	5042
HCG043	5053	5080
HCG043	5081	5108
HCG043	5109	5134
HCG043	5135	5161
HCG043	5172	5196
HCG043	5205	5223
HCG043	5224	5251
HCG043	5252	5278
HCG043	5279	5303
HCG043	5304	5333
HCG043	5334	5366
HCG043	5480	5480
HCG043	5481	5481
HCG043	5482	5482
HCG043	5483	5483

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG043	5484	5484
HCG043	5485	5485
HCG043	5486	5486
HCG043	5487	5487
HCG043	5488	5488
HCG043	5489	5489
HCG043	5490	5490
HCG043	5491	5491
HCG043	5492	5492
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<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
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<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
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<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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SNL073	13391	13391

Bates Prefix	First Page	Last Page
SNL074	8627	8627
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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OSE138	44	44
OSE138	75	75
OSE138	137	137

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
OSE138	213	213
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OSE138	276	276
OSE138	352	352
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<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
OSE248	4889	4889
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OSE681	5991	5991

Bates Prefix	First Page	Last Page
OSE681	6045	6045
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OSE682	1456	1459

Bates Prefix	First Page	Last Page
OSE682	1493	1493
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<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
OSE471	1422	1422
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OSE249	11	11
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OSE249	193	193
OSE249	235	235
OSE249	269	269

Bates Prefix	First Page	Last Page
OSE249	337	337
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C1R001	149	188
C1R001	218	259
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C1R001	415	459
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C1R001	958	984
C1R001	1032	1057
C1T001	1847	1880
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EPC023	127260	127293
EPC023	217768	217801
EPC023	217959	217992
EPC023	282622	282655
EPC023	282788	282821
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OSE020	50726	50726
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LAL076	16866	16866

Bates Prefix	First Page	Last Page
LAL076	16914	16914
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LAL183	15922	15922
LAL183	15970	15970
LAL183	15987	15987
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EPE006	9848	9869
EPE033	3351	3372
EPE065	5161	5182
EPE065	6401	6422
EPE075	6816	6837
C3E014	180	189
C3E020	2	20
IGS672	49934	49966
IGS672	50492	50523
HSE004	130	137
LAL076	10657	10670
LAL179	66187	66207
LAL179	66208	66228
LAL180	1868	1895
LAL180	1896	1923
LAL180	1935	1959
LAL180	1960	1984
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LAL180	2018	2037
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LAL180	6817	6833
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LAL180	7229	7261
LAL180	7325	7358
LAL184	1507	1525
LAL184	1547	1565
LAL186	1475	1475
LAL186	1491	1491

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
LAL186	3665	3678
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LAL186	6815	6837
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LAL186	10061	10085
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LAL186	14872	14903
LAL186	21490	21506
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EPF118	55	92
EPF118	116	148
EPF129	75	115
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EPF129	579	612
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EPF129	1684	1721
EPF129	1937	1978
EPF133	263	304
EPF133	395	432
EPF139	554	587
EPF139	792	832
EPF139	837	878
EPF139	1147	1184
EPF139	1427	1449
EPF139	1768	1793
EPF139	1815	1855
EPF139	1982	2014

Bates Prefix	First Page	Last Page
EPF139	2213	2250
EPF139	2259	2300
N2Y003	103	126
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HCG188	63501	63514
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HCG190	61184	61217
HCG190	61218	61252
HCG190	61338	61359
HCG190	61512	61529
HCG190	61761	61794

Bates Prefix	First Page	Last Page
HCG190	61795	61829
HCG190	61915	61936
HCG190	62089	62106
HCG190	69569	69586
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HCG191	74184	74217
HCG191	74319	74352
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HCG191	74477	74513
HCG191	74612	74629
HCG191	74719	74732
HCG191	74748	74778

Bates Prefix	First Page	Last Page
HCG191	74888	74921
HCG191	74974	74987
HCG191	75415	75451
HCG191	75516	75550
HCG191	75661	75694
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Bates Prefix	First Page	Last Page
HCG192	53788	53821
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HCG193	62452	62465
HCG193	73470	73483
HCG193	102880	102916
HCG193	103861	103895

Bates Prefix	First Page	Last Page
HCG194	3722	3739
HCG194	3749	3785
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SNL006	9361	9361
SNL006	9378	9378
SNL009	3812	3856
SNL011	190	212
SNL011	395	416

Bates Prefix	First Page	Last Page
SNL011	879	897
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SNL011	1084	1100
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SNL016	5604	5623
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SNL016	6707	6723
SNL016	6809	6842
SNL018	3930	3955

Bates Prefix	First Page	Last Page
SNL018	3959	3984
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SNL091	873	891
SNL091	1003	1025
SNL091	1078	1094
SNL091	1459	1474
SNL091	1478	1511

Bates Prefix	First Page	Last Page
SNL091	1906	1923
SNL091	2458	2471
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SNL091	2973	2992
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SNL104	2466	2483
SNL104	2970	2983
SNL104	3037	3050
SNL104	3127	3146
SNL104	3623	3647
SNL104	3846	3878
SNL104	3952	3972
SNL104	4060	4080
SNL104	4462	4483
SNL104	5007	5027
SNL104	5472	5492
SNL104	5582	5601
SNL104	5890	5915
SNL104	6678	6694
SNL104	6779	6812
SNL107	9027	9052
SNL107	9056	9081
SNL107	11985	12007

Bates Prefix	First Page	Last Page
SNL108	1111	1133
SNL108	1212	1228
SNL108	1231	1247
SNL108	1698	1713
SNL108	1717	1750
SNL108	1753	1786
SNL108	2532	2545
SNL108	2907	2926
SNL108	4207	4247
SNL108	4314	4338
SNL108	4757	4777
SNL108	4779	4799
SNL108	5083	5114
SNL111	36936	36956
SNL111	37665	37697
SNL111	39140	39171
SNL111	41550	41566
SNL111	42372	42403
SNL117	27033	27077
SNL133	4940	4956
IMT058	20571	20611
IMT058	20705	20746
IMT058	21791	21828
IMT058	22105	22145
IMT058	22449	22471
IMT058	22656	22681
IMT058	25591	25630
IMT058	26100	26136
IMT058	27160	27191
IMT058	27829	27862
IMT058	28215	28246
IMT058	28849	28881
LAL178	2118	2138
LAL178	2341	2361
LAL179	66072	66093
LAL179	66107	66128
LAL179	66130	66151
LAL179	66152	66173
LAL180	2453	2473
LAL186	9611	9632
LAL186	10638	10659
LAL186	10720	10740
LAL186	10933	10953
LAL186	11860	11880
OSE248	4227	4275
OSE470	5206	5251
OSE471	2272	2308
OSE471	2429	2472

Bates Prefix	First Page	Last Page
OSE471	3657	3690
OSE479	4158	4195
OSE479	5223	5276
OSE479	5644	5686
OSE479	5802	5841
OSE480	95798	95831
OSE480	95832	95866
OSE480	95867	95903
OSE480	96288	96333
OSE681	4784	4831
OSE681	6385	6396
OSE681	6411	6452
OSE682	575	613
OSE682	1023	1062
C2L001	2334	2351
C2L001	2463	2488
C2X004	959	972
C2X004	1504	1523
HCG210	19263	19284
HCG218	3251	3292
HCG218	11471	11529
HCG222	33618	33636
HCG222	34724	34737
HCG222	34738	34754
HCG222	34755	34770
HCG222	34885	34900
HCG222	34901	34914
HCG222	34915	34932
HCG222	34933	34947
HCG222	34948	34981
HCG222	34982	35016
HCG222	35017	35053
HCG222	35054	35084
HCG222	35085	35121
HCG222	35122	35155
HCG225	16375	16406
HCG229	10951	10995
HCG229	11129	11153
HCG229	11155	11200
HCG229	11332	11355
HCG229	11357	11398
HCG241	14	32
HCG241	852	885
HCG241	2924	2945
HCG241	10169	10178
HCG241	10179	10196
HCG241	14568	14583
HCG241	14754	14774

Bates Prefix	First Page	Last Page
HCG245	15655	15672
HCG245	15675	15692
HCG245	17841	17857
HCG245	17910	17923
HCG245	18166	18179
HCG245	18193	18223
HCG245	18620	18634
HCG245	20037	20071
HCG245	20332	20345
HCG245	20418	20431
HCG245	20648	20669
HCG245	20894	20927
HCG245	20929	20965
HCG245	21272	21308
HCG248	11435	11456
HCG261	8205	8238
HCG261	14984	15017
HCG262	1947	1964
HCG262	1966	2002
HCG262	2052	2086
HCG262	2661	2679
HCG262	2696	2711
HCG262	2949	2980
HCG262	3056	3086
HCG262	3088	3088
HCG262	3249	3296
HCG262	3554	3554
HCG262	4077	4110
HCG262	6834	6870
HCG264	5862	5880
HCG264	6172	6181
HCG264	6663	6694
HCG266	13938	13973
HCG267	3018	3039
HCG267	3234	3250
HCG267	3391	3421
HCG267	3797	3814
HCG267	4216	4252
HCG268	8569	8584
HCG271	1252	1282
HCG275	6324	6360
HCG275	6732	6747
HCG275	6749	6782
HCG275	8824	8860
HCG276	4329	4362
HCG276	5310	5340
HCG276	5787	5820
HCG294	16998	16998

Bates Prefix	First Page	Last Page
HCG294	17008	17008
IGS667	2067	2111
IGS672	20281	20301
IGS672	50051	50080
IGS672	50285	50319
IGS672	50752	50771
IGS672	50819	50846
IGS673	15381	15425
IGS678	21775	21795
LAL179	66323	66343
LAL180	3007	3026
LAL180	6509	6553
LAL186	10444	10464
LAL186	10492	10512
LAL186	11365	11385
LAL186	11458	11477
OSE117	1152	1174
OSE117	1263	1303
OSE117	1313	1350
OSE117	1351	1374
OSE117	1487	1528
PCG028	9560	9588
PCG033	35399	35419
PCG034	5771	5815
PCG034	5816	5826
PCG034	5827	5889
PCG034	5890	5954
PCG034	5955	6018
PCG034	6019	6034
PCG034	6035	6105
PCG034	6106	6183
PCG034	6184	6251
PCG034	6252	6257
PCG034	6259	6344
PCG034	6345	6374
PCG034	6375	6399
PCG034	6400	6430
PCG034	6431	6439
PCG034	6440	6445
PCG034	6446	6470
PCG034	6471	6491
PCG034	6514	6531
PCG034	6532	6552
PCG034	6553	6569
PCG034	6570	6581
PCG034	6582	6611
PCG034	6612	6625

Bates Prefix	First Page	Last Page
PCG034	6626	6646
PCG034	6657	6661
PCG034	6662	6679
PCG034	6680	6704
PCG034	6705	6728
PCG034	6729	6752
PCG034	6753	6772
PCG034	6773	6796
PCG034	6797	6817
PCG034	6818	6838
PCG034	6839	6870
PCG034	6871	6915
PCG034	6916	6976
PCG034	6977	6986
PCG034	6987	7005
PCG034	7006	7030
PCG034	7031	7057
PCG034	7058	7077
PCG034	7078	7097
PCG034	7098	7119
PCG034	7120	7135
PCG034	7136	7149
PCG034	7150	7179
PCG034	7180	7194
PCG034	7195	7210
PCG034	7211	7226
PCG034	7227	7243
PCG034	7244	7260
PCG034	7261	7286
PCG034	7287	7313
PCG034	7324	7377
PCG034	7378	7403
PCG034	7404	7431
PCG034	7432	7454
PCG034	7455	7485
PCG034	7486	7510
PCG034	7511	7544
PCG034	7545	7572
PCG034	7573	7599
PCG034	7600	7624
PCG034	7625	7649
PCG034	7650	7703
PCG034	7704	7735
PCG034	7736	7758
PCG034	7759	7786
PCG034	7788	7810
PCG034	7811	7834
PCG034	7835	7856

Bates Prefix	First Page	Last Page
PCG034	7857	7883
PCG034	7884	7909
PCG034	7910	7934
PCG034	7960	7985
PCG034	7988	8017
PCG034	8029	8052
PCG034	8053	8078
PCG034	8079	8097
PCG034	8111	8151
PCG034	8166	8203
PCG034	8204	8240
PCG034	8247	8260
PCG034	8261	8301
PCG034	8302	8343
PCG034	8344	8383
PCG034	8384	8418
PCG034	8419	8465
PCG034	8466	8498
PCG034	8499	8535
PCG034	8536	8574
PCG034	8575	8612
PCG034	8613	8646
PCG034	8647	8715
PCG034	8716	8748
PCG034	8749	8778
PCG034	8779	8811
PCG034	8812	8840
PCG034	8841	8872
PCG034	8873	8905
PCG034	8906	8944
PCG034	8945	8963
PCG034	8964	9001
PCG045	10430	10462
PCG049	35123	35147
PCG049	35148	35157
PCG049	35158	35195
PCG050	27940	27960
C2O001	417	458
C2O001	3435	3458
C2O002	339	366
C2O002	368	381
C2O002	394	427
C2O003	445	477
C2O005	693	726
C2O005	1888	1921
C2R001	164	203
C2R001	430	474
C2T001	6366	6389

Bates Prefix	First Page	Last Page
C2T001	6567	6606
C2T001	6833	6856
HCG213	57394	57463
HCG220	2690	2728
HCG229	11013	11043
HCG229	11443	11490
HCG229	11494	11521
HCG245	16765	16798
HCG245	17646	17682
HCG245	17873	17889
HCG245	17939	17969
HCG245	18495	18510
HCG245	19676	19685
HCG245	19687	19721
HCG245	19873	19888
HCG245	20081	20098
HCG245	20433	20466
HCG254	20610	20623
HCG254	20743	20759
HCG254	21316	21352
HCG254	21888	21921
HCG254	22581	22594
HCG255	1143	1156
HCG255	1564	1579
HCG255	1602	1616
HCG259	11307	11307
HCG262	2041	2050
HCG262	2240	2260
HCG262	2289	2309
HCG262	2369	2390
HCG262	2544	2563
HCG262	2742	2758
HCG262	2886	2904
HCG262	3340	3362
HCG262	4112	4145
HCG262	7027	7065
HCG267	2970	3003
HCG268	7389	7422
HCG268	8533	8566
HCG271	2636	2649
HCG271	8634	8649
HCG291	397	412
HCG291	472	487
HCG291	501	534
HCG291	537	552
HCG291	3908	3929
HCG291	3939	3960
HCG291	6561	6594

Bates Prefix	First Page	Last Page
HCG291	8272	8305
HCG291	8308	8323
HCG291	8325	8358
HCG291	11627	11648
HCG299	4892	4892
HCG299	16658	16679
HCG338	6832	6847
HCG338	6921	6934
HCG338	6953	6967
HCG338	6968	7001
HCG338	7037	7073
HCG338	7074	7107
HCG338	7139	7175
HCG338	7176	7209
HCG339	3990	4005
HCG339	4053	4066
HCG339	4085	4099
HCG339	4100	4136
HCG341	6384	6428
HCG341	6790	6831
HCG341	6927	6954
HCG346	9419	9452
HCG346	9514	9547
HCG346	9548	9578
HCG347	4054	4088
HCG347	4597	4630
HCG347	4631	4665
HCG347	4751	4772
HCG347	4925	4942
HCG347	12435	12452
HCG347	12955	12972
HCG347	14789	14804
HCG347	16090	16110
HCG347	17060	17080
HCG348	20555	20572
HCG348	20795	20828
HCG349	144	174
HCG349	292	322
HCG349	647	661
HCG349	1163	1196
HCG349	1198	1232
HCG349	1450	1463
HCG349	1481	1494
HCG349	1982	2018
HCG350	4500	4519
HCG350	4700	4721
HCG350	4752	4772
HCG350	11682	11697

Bates Prefix	First Page	Last Page
HCG354	3733	3766
HCG354	4080	4093
HCG354	4225	4258
HCG354	4284	4297
HCG354	5066	5099
HCG354	5460	5494
HCG354	7728	7758
HCG354	8000	8015
HCG354	8084	8098
HCG354	8108	8144
HCG357	653	653
HCG358	2368	2388
HCG358	2390	2410
HCG358	2424	2445
HCG358	2534	2552
HCG358	2580	2596
HCG358	2672	2690
HCG358	2774	2804
HCG358	2963	3010
HCG358	3228	3228
HCG358	3665	3698
HCG358	3700	3733
HCG358	4986	5024
HCG359	3922	3953
HCG361	6627	6644
HCG361	6646	6679
HCG361	6682	6697
HCG366	355	355
C1R002	14	39
C1R002	117	157
C1R002	266	307
C1R002	348	387
C1R002	561	583
C1R002	584	624
C1R002	634	671
C2O008	547	571
C2R004	276	305
C2R004	306	329
C2R004	330	352
C2U003	299	339
C2U003	353	394
C2U003	413	457
C2U003	525	547
C2U003	782	805
C2U003	863	888
C2U003	982	1027
C2U003	1071	1095
C2U004	176	197

Bates Prefix	First Page	Last Page
C2U004	274	314
C2U004	346	383
C2U004	461	475
C2X005	636	669
C3E001	1	23
C3E001	24	48
C3E001	232	255
C3E001	259	276
C3E001	277	301
C3E001	353	366
C3E001	470	492
HCG254	20245	20260
HCG254	20278	20311
HCG254	20504	20521
HCG254	20800	20833
HCG254	21417	21451
HCG254	21603	21636
HCG254	21983	21998
HCG291	414	447
HCG338	6818	6831
HCG338	6935	6952
HCG338	7002	7036
HCG338	7108	7138
HCG339	3976	3989
HCG339	4067	4084
HCG339	14541	14572
HCG341	6446	6476
HCG341	6562	6586
HCG341	6588	6633
HCG341	6765	6788
HCG341	6876	6923
HCG346	9579	9615
HCG346	9616	9649
HCG347	1292	1310
HCG347	1395	1413
HCG347	2271	2304
HCG347	2961	2994
HCG347	4020	4053
HCG347	4174	4195
HCG347	4348	4365
HCG347	15695	15710
HCG348	20575	20592
HCG349	2	38
HCG349	129	142
HCG349	276	289
HCG349	528	543
HCG349	1127	1161
HCG349	1235	1252

Bates Prefix	First Page	Last Page
HCG349	1496	1529
HCG349	1711	1732
HCG349	1947	1980
HCG349	2323	2359
HCG350	11829	11848
HCG350	12679	12700
HCG350	22248	22269
HCG354	3700	3715
HCG354	3859	3895
HCG354	3994	4011
HCG354	4109	4139
HCG354	4655	4691
HCG354	4730	4764
HCG354	4858	4891
HCG354	5656	5669
HCG354	7620	7641
HCG354	7650	7683
HCG354	7713	7726
HCG354	8017	8050
HCG354	8202	8219
HCG358	1590	1623
HCG358	2213	2230
HCG358	2232	2268
HCG358	2494	2513
HCG358	2561	2576
HCG358	2712	2743
HCG358	2806	2806
HCG358	4922	4958
HCG359	3643	3661
HCG360	8071	8106
HCG367	3796	3796
LAL076	10741	10757
N1A014	1123	1143
N5M004	1217	1240
N5M004	1273	1313
N5M004	1693	1703
N5M004	1986	2018
OSE017	19655	19676
OSE017	19677	19697
OSE017	19698	19718
OSE020	10145	10166
OSE020	10167	10187
OSE020	10188	10208
OSE020	50584	50605
OSE020	50606	50626
OSE020	50627	50647
S1I004	4551	4573
SNL001	3472	3495

Bates Prefix	First Page	Last Page
SNL001	3613	3635
SNL006	2423	2443
SNL011	6639	6655
SNL011	12238	12258
SNL011	12269	12289
SNL011	12590	12610
SNL011	12630	12650
SNL011	12659	12679
SNL011	12731	12751
SNL011	12759	12779
SNL011	13142	13160
SNL013	3667	3690
SNL013	3732	3748
SNL013	3751	3773
SNL013	4335	4358
SNL013	4590	4612
SNL013	4895	4917
SNL013	5407	5430
SNL013	7331	7347
SNL013	7350	7372
SNL014	2256	2274
SNL014	2397	2417
SNL014	2423	2443
SNL014	2757	2777
SNL014	2791	2811
SNL014	8517	8533
SNL015	577	593
SNL015	6079	6099
SNL015	6110	6130
SNL015	6431	6451
SNL015	6471	6491
SNL015	6499	6519
SNL015	6671	6691
SNL015	6699	6719
SNL016	561	583
SNL016	1179	1202
SNL016	5954	5976
SNL016	6369	6392
SNL016	9280	9300
SNL018	4303	4325
SNL018	4328	4350
SNL018	5861	5884
SNL018	5888	5911
SNL018	5915	5938
SNL019	126	142
SNL019	230	250
SNL019	252	272
SNL019	291	311

Bates Prefix	First Page	Last Page
SNL019	316	336
SNL019	339	359
SNL019	369	389
SNL019	393	413
SNL019	473	491
SNL035	1142	1158
SNL035	1161	1177
SNL035	5256	5272
SNL035	5275	5291
SNL035	5294	5310
SNL035	5313	5329
SNL060	2538	2558
SNL060	2771	2791
SNL060	3447	3469
SNL060	3472	3495
SNL060	3547	3569
SNL060	3613	3635
SNL060	3639	3664
SNL071	2408	2428
SNL083	6596	6618
SNL083	6621	6644
SNL083	6798	6814
SNL083	6914	6936
SNL091	6588	6604
SNL091	11068	11088
SNL091	11099	11119
SNL091	11420	11440
SNL091	11460	11480
SNL091	11489	11509
SNL091	11561	11581
SNL091	11589	11609
SNL091	11968	11986
SNL102	1832	1855
SNL102	1897	1913
SNL102	2469	2491
SNL102	2494	2517
SNL102	2748	2770
SNL102	3050	3072
SNL102	3556	3579
SNL102	5462	5478
SNL102	5481	5503
SNL102	5584	5602
SNL102	8254	8272
SNL102	8393	8413
SNL102	8419	8439
SNL102	8752	8772
SNL102	8786	8806
SNL102	13953	13969

Bates Prefix	First Page	Last Page
SNL103	574	590
SNL103	4960	4980
SNL103	4991	5011
SNL103	5312	5332
SNL103	5352	5372
SNL103	5380	5400
SNL103	5552	5572
SNL103	5580	5600
SNL104	556	578
SNL104	1174	1197
SNL104	5927	5949
SNL104	6342	6365
SNL104	9238	9258
SNL107	9396	9418
SNL107	9421	9443
SNL107	10954	10977
SNL107	10981	11004
SNL107	11008	11031
SNL108	4702	4718
SNL108	4806	4826
SNL108	4828	4848
SNL108	4867	4887
SNL108	4892	4912
SNL108	4915	4935
SNL108	4945	4965
SNL108	4969	4989
SNL108	5048	5066
SNL111	37483	37499
SNL111	37502	37518
SNL111	37521	37543
SNL111	41569	41585
SNL111	41588	41604
SNL111	41607	41623
SNL111	41626	41648
SNL111	41651	41673
C2K001	4182	4227
C2L001	343	370
C2L001	2131	2153
C2L001	2182	2212
C2L001	2285	2309
C2L001	2312	2331
C2L004	319	335
C2L006	925	950
C2L010	163	209
C2L010	305	344
C2L010	493	538
C2L010	644	687
C2L010	759	798

Bates Prefix	First Page	Last Page
C2L010	811	852
C2O009	748	777
C2Q002	22	66
C2R004	375	388
C2R004	422	437
C2R004	472	492
C2R004	801	860
C2R004	861	891
C3E004	82	106
N1A009	2577	2597
OSE019	31584	31605
OSE019	31606	31626
OSE019	31627	31647
PCG051	45673	45679
PCG051	45680	45727
PCG051	45728	45787
PCG051	45788	45875
PCG051	45876	45906
PCG051	45907	45938
PCG051	45939	45943
PCG051	45944	45965
PCG051	45966	45986
PCG051	45987	46019
PCG051	46020	46040
PCG051	46041	46056
PCG051	46057	46091
PCG051	46092	46133
PCG051	46134	46147
PCG051	46148	46155
PCG051	46156	46163
PCG051	46164	46171
PCG051	46172	46179
PCG051	46180	46187
PCG051	46548	46552
PCG052	27589	27602
S2N021	381	398
C2O001	3288	3309
C2O005	410	458
C2O005	1808	1851
C2O005	1853	1886
C2O005	1923	1953
C2Q001	515	559
C2T001	6393	6414
C2T001	6417	6447
C2T001	6490	6534
C2K001	4032	4056
C2K001	4061	4085
C2K001	4237	4257

Bates Prefix	First Page	Last Page
C2L001	2378	2402
C2L001	2432	2459
C2L004	338	351
C2L004	354	369
C2L006	953	974
C2L010	98	122
C2L010	211	259
C2L010	261	303
C2L010	406	421
C2L010	447	491
C2L010	689	722
C2L010	724	757
C2L010	854	892
C2O008	622	640
C2O008	747	771
C2O009	969	993
C2O012	1820	1860
C2O012	1893	1914
C2R004	173	222
C2R004	353	374
C2R004	389	406
C2R004	438	471
C2R004	892	913
C2U003	478	517
C2U003	674	699
C2U003	1180	1204
C2U004	59	74
C2U004	104	121
C2U004	144	174
C2U004	398	442
C2U004	485	518
C3E001	302	327
C3E020	40	84
C3E020	182	225
C3E020	357	395
EET009	28	67
EET009	83	125
EET009	129	153
EET009	161	188
EET009	253	297
EET009	336	368
EET009	387	425
EET009	480	504
EET009	508	531
EET009	534	572
EET009	1133	1168
EET009	1184	1217
EET009	1237	1276

Bates Prefix	First Page	Last Page
EET009	1352	1401
EET009	1404	1433
EET009	1453	1484
EET012	6	30
NVY008	7930	7979
C2O001	206	223
C2O001	3312	3328
C2O001	3364	3379
C2O002	462	501
C2O003	292	336
C2O005	102	123
C2O005	184	221
C2O005	223	269
C2O005	271	320
C2O005	460	492
C2O005	655	691
C2O005	1380	1424
C2O005	1426	1470
C2O005	1472	1519
C2O005	1955	1992
C2O005	2102	2141
C2O005	2225	2266
C2O005	2268	2309
C2R001	294	335
C2L001	135	158
C2L001	396	423
C2L001	424	447
C2L001	537	573
C2L001	574	596
C2L001	597	619
C2L001	676	696
C2L001	3129	3147
C2L001	3311	3337
C2L001	820	829
C2L001	996	1016
C2L001	2156	2178
C2L001	2244	2270
C2L001	2273	2282
C2L001	2406	2429
C2L010	125	161
C2L010	347	365
C2L010	368	390
C2O008	5140	5163
C2O008	5261	5300
LAL076	10493	10515
LAL076	10518	10541
LAL076	10542	10565
LAL076	10758	10774

Bates Prefix	First Page	Last Page
LAL076	10921	10941
LAL076	10942	10962
LAL076	10963	10983
LAL076	10984	11004
LAL076	11005	11025
LAL076	11109	11131
LAL180	1811	1834
LAL180	1835	1858
LAL180	2531	2549
LAL180	2627	2647
LAL180	2679	2699
LAL180	2709	2729
LAL180	2739	2759
LAL180	2859	2879
LAL180	3061	3083
LAL180	3166	3174
LAL186	5535	5558
C2K001	4086	4109
C2K001	4138	4164
C2L002	5625	5670
C2L004	379	406
C2L004	409	432
C2L006	895	922
C2L006	978	1002
C2O008	521	543
C2O008	575	601
C2O008	703	743
C2O008	774	796
C2O008	849	871
C2O008	1333	1366
C2O008	1556	1587
C2U003	249	286
C2U003	607	628
C2U003	737	763
C2U003	828	851
C2U003	925	952
LAL076	11086	11108
LAL180	2512	2530
LAL180	2606	2626
LAL180	2771	2791
LAL180	2793	2813
LAL180	2815	2835
LAL180	2838	2858
LAL180	3038	3060
LAL186	4222	4244
LAL186	14134	14154
LAL186	14178	14198
LAL186	14486	14506

Bates Prefix	First Page	Last Page
LAL186	14586	14606
LAL186	14716	14736
LAL186	15199	15217
HCG247	7909	7928
HCG247	8116	8137
HCG247	8364	8384
HCG247	19426	19441
HCG247	19760	19779
HCG247	20735	20756
IGS627	3083	3100
IMV690	37541	37562
IMV690	37563	37604
IMV690	37615	37659
NVY008	7980	8004
NVY008	8058	8082
HCG380	3507	3536
HCG381	503	529
HCG381	658	693
HCG381	696	718
HCG381	769	794
HCG381	797	835
HCG381	888	925
HCG381	1039	1064
HCG381	1066	1103
HCG381	1203	1241
HCG381	1244	1269
HCG381	1319	1359
HCG381	1438	1479
HCG381	1483	1520
HCG381	1609	1648
HCG381	1706	1742
HCG381	1816	1856
HCG381	2236	2268
HCG381	2271	2303
HCG381	2564	2597
HCG381	2600	2629
HCG381	2654	2686
HCG381	2844	2852
HCG381	2870	2901
HCG381	2970	3004
HCG381	3299	3326
HCG381	3653	3674
HCG383	2112	2128
HCG383	3759	3777
HCG383	3942	3962
HCG383	4478	4493
HCG383	4600	4619
HCG383	4819	4839

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG383	5121	5140
HCG383	5446	5466
HCG383	5514	5539
HCG383	6604	6627
HCG383	7557	7580
HCG383	7834	7853
HCG383	8238	8259
HCG383	8660	8680
HCG383	8901	8922
HCG383	8924	8957
HCG383	9085	9101
HCG383	9104	9137
HCG383	9204	9234
HCG383	9391	9408
HCG383	9418	9455
HCG383	9763	9777
HCG383	9787	9823
HCG383	10091	10112
HCG383	10124	10165
HCG383	10558	10582
HCG383	10585	10631
HCG383	11199	11212
HCG383	12268	12287
HCG383	12298	12336
HCG383	12834	12859
HCG383	12862	12902
HCG383	14091	14115
HCG383	14121	14160
HCG383	14862	14879
HCG383	14881	14917
HCG383	15207	15216
HCG383	15218	15252
HCG383	15617	15632
HCG383	15634	15667
HCG383	16384	16404
HCG383	17206	17238
HCG383	17382	17414
HCG383	18252	18272
HCG384	8139	8164
HCG384	10327	10351
HCG384	10625	10649
HCG384	12182	12213
HCG386	14876	14898
HCG387	1	9
HCG387	95	100
HCG387	15263	15293
HCG387	16585	16585
HCG390	7240	7241

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG404	7605	7626
HCG413	2831	2857
HCG413	2973	2998
HCG413	3001	3032
HCG413	3045	3071
HCG413	3076	3102
HCG413	3190	3216
HCG413	3478	3512
HCG413	3837	3871
HCG413	12292	12338
HCG414	7534	7550
HCG414	7574	7590
HCG414	7613	7628
HCG414	7630	7663
HCG414	7666	7681
HCG414	7690	7712
HCG414	7714	7755
HCG414	10829	10852
HCG414	11401	11425
HCG414	11449	11494
HCG414	11871	11898
HCG414	11980	12004
HCG415	222	258
HCG415	309	349
HCG415	438	475
HCG415	516	560
HCG415	600	642
HCG419	16715	16737
HCG420	4707	4707
HCG422	1604	1620
HCG422	1854	1873
HCG422	1900	1931
HCG423	3238	3265
HCG423	3417	3441
HCG424	720	745
HCG424	921	945
HCG424	3023	3056
HCG424	3332	3379
HCG424	3393	3420
HCG424	3681	3725
HCG424	3726	3756
HCG424	3757	3788
HCG424	3789	3827
HCG424	3828	3874
HCG424	4096	4123
HCG424	4124	4150
HCG424	4159	4174
HCG424	4231	4250

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG424	5000	5034
HCG425	98	140
HCG425	906	919
HCG425	2444	2481
HCG425	3425	3458
HCG425	4515	4540
HCG425	4582	4597
HCG425	4826	4847
HCG425	4848	4868
HCG425	5405	5425
HCG425	5451	5483
HCG425	5688	5708
HCG425	5713	5726
HCG425	5841	5860
HCG425	6027	6051
HCG425	6333	6366
HCG425	6410	6451
HCG425	6455	6471
HCG425	6519	6552
HCG425	6553	6574
HCG425	6655	6675
HCG425	6704	6723
HCG425	6891	6935
HCG425	6936	6961
HCG425	6962	7006
HCG425	7668	7701
HCG425	8085	8125
HCG425	8382	8401
HCG425	8402	8447
HCG425	8454	8476
HCG425	8517	8532
HCG425	8533	8575
HCG425	8839	8857
HCG425	10645	10662
HCG425	10728	10753
HCG425	10820	10829
HCG425	11311	11357
HCG425	11449	11464
HCG425	11490	11513
HCG426	475	527
HCG426	1568	1589
HCG426	1638	1667
HCG426	2068	2084
HCG426	2878	2903
HCG426	3671	3708
HCG426	3885	3913
HCG426	4565	4586
HCG426	5758	5783

Bates Prefix	First Page	Last Page
HCG426	5864	5884
HCG426	5885	5902
HCG426	6032	6065
HCG426	6066	6104
HCG426	6777	6821
HCG426	6853	6870
HCG426	6940	6966
HCG426	8027	8059
HCG427	448	468
HCG427	491	518
HCG427	777	793
HCG427	1048	1080
HCG427	1428	1452
HCG427	1880	1910
HCG427	2089	2115
HCG427	2473	2494
HCG427	3574	3613
HCG427	4853	4890
HCG427	4891	4923
HCG427	5103	5139
HCG427	5201	5227
HCG427	5265	5297
HCG427	5320	5357
HCG427	5502	5543
HCG427	5624	5663
HCG427	5675	5698
HCG427	5751	5778
HCG427	6088	6103
HCG427	6108	6143
HCG427	6176	6199
HCG427	6498	6583
HCG427	7236	7285
HCG427	7297	7315
HCG427	7332	7371
HCG428	889	930
HCG428	963	1004
HCG428	1328	1350
HCG428	1676	1703
HCG428	1760	1798
HCG428	1802	1836
HCG428	2616	2645
HCG428	3289	3334
HCG428	3341	3426
HCG428	3440	3480
HCG428	3945	3975
HCG428	3999	4021
HCG428	4033	4056
HCG428	4072	4109

Bates Prefix	First Page	Last Page
HCG428	4220	4246
HCG428	4248	4283
HCG428	4315	4339
HCG428	4563	4650
HCG428	4668	4691
HCG428	4782	4829
HCG428	4909	4931
HCG428	5471	5514
HCG428	5549	5573
HCG428	5583	5606
HCG428	5757	5791
HCG428	5850	5876
HCG428	6221	6241
HCG429	1	15
HCG429	414	499
HCG429	1132	1159
HCG429	1299	1338
HCG429	1538	1574
HCG429	1575	1610
HCG429	1969	2008
HCG429	2149	2189
HCG429	2202	2239
HCG429	2326	2353
HCG429	2406	2426
HCG429	2427	2464
HCG429	2675	2744
HCG429	2749	2783
HCG429	2784	2818
HCG429	2819	2855
HCG429	3327	3354
HCG429	3581	3626
HCG429	4079	4126
HCG429	4157	4194
HCG429	4195	4228
HCG429	4232	4256
HCG429	4286	4318
HCG429	4504	4536
HCG429	4706	4750
HCG429	4779	4802
HCG429	5247	5280
HCG429	5305	5346
HCG429	5368	5406
HCG429	5637	5678
HCG429	5737	5757
HCG429	5775	5806
HCG429	5816	5860
HCG429	6030	6069
HCG429	6103	6113

Bates Prefix	First Page	Last Page
HCG429	6727	6747
HCG429	7009	7032
HCG430	339	370
HCG430	1570	1603
HCG430	1767	1808
HCG430	1856	1872
HCG430	2761	2779
HCG430	2826	2994
HCG430	3014	3062
HCG430	3070	3096
HCG430	3391	3417
HCG430	3604	3644
HCG430	4308	4337
HCG430	4574	4607
HCG430	4869	4905
HCG431	3725	3764
HCG431	4258	4258
HCG431	4287	4287
HCG431	4288	4288
HCG433	3806	3817
HCG434	10354	10354
HCG434	10378	10378
HCG434	11121	11121
HCG434	11129	11129
HCG434	11138	11138
HCG434	11139	11139
HCG434	11182	11182
HCG434	11848	11848
HCG434	11995	11995
HCG434	11998	11998
HCG434	12126	12126
HCG434	12142	12142
HCG434	12148	12148
HCG434	12157	12157
HCG434	12164	12164
HCG434	12366	12366
HCG434	12390	12390
HCG434	12525	12525
HCG434	12526	12526
HCG434	12564	12564
HCG434	12650	12650
HCG434	12690	12690
HCG434	12701	12701
HCG434	12726	12726
HCG434	12738	12738
HCG434	12777	12777

Bates Prefix	First Page	Last Page
HCG434	12811	12811
HCG434	12814	12814
HCG434	12913	12913
HCG434	13057	13057
HCG434	13265	13265
HCG434	13272	13272
HCG434	13338	13338
HCG434	13401	13401
HCG434	13472	13472
HCG434	13480	13480
HCG434	13499	13499
HCG434	13848	13848
HCG434	13862	13862
HCG434	14181	14181
HCG434	14323	14323
HCG434	14350	14350
HCG434	14512	14512
HCG434	15376	15376
HCG434	15377	15377
HCG434	15572	15572
HCG434	15611	15611
HCG434	15622	15622
HCG434	15624	15624
HCG434	15625	15625
HCG434	15637	15637
HCG434	15640	15640
HCG434	15682	15682
HCG434	15752	15752
HCG434	15815	15815
HCG435	4	4
HCG435	18	18
HCG435	42	42
HCG435	54	54
HCG435	59	59
HCG435	65	65
HCG435	113	113
HCG435	861	861
HCG435	862	862
HCG435	869	869
HCG435	877	877
HCG435	881	881
HCG435	1036	1036
HCG435	1058	1058
HCG435	1077	1077
HCG435	1153	1153

Bates Prefix	First Page	Last Page
HCG435	1161	1161
HCG435	1208	1209
HCG435	1317	1317
HCG435	1347	1347
HCG435	1348	1348
HCG435	1366	1366
HCG435	1367	1367
HCG435	1425	1425
HCG435	1434	1434
HCG435	1457	1457
HCG435	1471	1471
HCG435	1501	1516
HCG435	1530	1530
HCG435	1600	1600
HCG435	1601	1601
HCG435	1778	1778
HCG435	1840	1840
HCG435	2045	2045
HCG435	2047	2047
HCG435	2108	2108
HCG435	2109	2109
HCG435	2474	2474
HCG435	2496	2496
HCG435	2513	2513
HCG435	2514	2514
HCG435	2527	2527
HCG435	2775	2775
HCG435	2788	2789
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HCG435	3072	3072
HCG435	3126	3126
HCG435	3278	3278
HCG435	3303	3303
HCG435	3318	3318
HCG435	3428	3428
HCG435	3445	3445
HCG435	3478	3478
HCG435	3495	3495
HCG435	3565	3565
HCG435	3574	3574
HCG435	3692	3692
HCG435	3840	3840
HCG435	3987	3987
HCG435	4104	4104
HCG435	5937	5946

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG437	26855	26882
HCG437	26925	26969
HCG437	27288	27329
HCG437	27334	27358
HCG437	27615	27638
HCG437	27647	27694
HCG437	27772	27817
HCG437	27900	27927
HCG437	28194	28224
HCG437	28746	28787
HCG437	28898	28931
HCG437	29664	29681
HCG437	30487	30506
HCG437	36927	36946
HCG437	36977	36996
HCG437	37310	37337
HCG438	9	41
HCG438	514	535
HCG438	540	571
HCG438	2335	2372
HCG438	2376	2409
HCG438	14176	14198
HCG438	19557	19598
HCG438	19709	19730
HCG438	19857	19875
HCG438	21364	21401
HCG438	24870	24908
HCG438	25423	25463
HCG439	9901	9928
HCG439	28462	28503
HCG439	29874	29913
HCG439	33437	33477
HCG439	43575	43597
HCG439	43618	43640
HCG440	421	466
HCG440	517	541
HCG440	2629	2658
HCG440	5003	5036
HCG440	6389	6420
HCG440	10453	10494
HCG440	10975	11005
HCG440	11012	11056
HCG440	11417	11464
HCG440	11468	11512
HCG440	12205	12227
HCG440	12232	12255
HCG440	12970	13003
HCG440	13133	13162

Bates Prefix	First Page	Last Page
HCG440	13215	13247
HCG440	13273	13305
HCG440	13622	13655
HCG440	16510	16525
HCG440	19711	19733
HCG440	22360	22384
HCG441	655	673
HCG441	4263	4279
HCG441	5881	5901
HCG441	9862	9903
HCG441	9987	10018
HCG441	10466	10488
HCG441	11607	11607
HCG441	12495	12536
HCG441	12678	12715
HCG441	13706	13730
HCG441	13754	13799
HCG441	13868	13881
HCG441	13960	13990
HCG441	17337	17368
HCG441	21022	21037
HCG441	21220	21240
HCG441	22276	22292
HCG441	23662	23662
HCG441	23890	23910
HCG442	29	49
HCG442	476	491
HCG442	814	858
HCG442	860	909
HCG442	4756	4787
HCG442	6758	6773
HCG442	9538	9577
HCG442	11611	11638
HCG442	12386	12416
HCG442	13215	13235
HCG442	14073	14093
HCG442	17012	17030
HCG442	19052	19083
HCG442	19770	19796
HCG442	21794	21839
HCG443	11855	11882
HCG443	18702	18740
HCG443	18743	18768
HCG443	20056	20097
HCG443	20253	20280
HCG444	950	992
HCG444	1245	1261

Bates Prefix	First Page	Last Page
HCG444	1715	1739
HCG444	2477	2496
HCG444	3175	3175
HCG444	3719	3743
HCG444	7895	7947
HCG444	12746	12768
HCG444	12795	12815
HCG444	25305	25338
C2L001	1829	1848
C2O001	173	203
C2O001	3331	3344
C2O001	3382	3401
C2O003	376	410
C2O005	1521	1565
C2O005	1610	1655
C3E015	392	412
C3E015	592	612
C3E015	751	768
C3E015	789	814
C3E015	829	853
C3E015	876	889
C3E015	914	930
C3E015	951	972
C3E015	1001	1014
C3E015	1035	1054
C3E015	1202	1225
C3E015	1324	1351
C3E015	1396	1418
C3E015	1439	1463
C3E016	293	309
C3E016	312	325
C3E016	328	343
C3E017	92	119
C3E017	122	147
C3E020	23	38
C3E020	86	131
C3E020	133	180
C3E020	227	260
C3E020	314	355
DEO069	2310	2356
DEO069	2495	2541
DEO069	2900	2944
DEO069	4081	4119
DEO069	6051	6093
DEO069	6848	6895
HCG445	34563	34590
HCG445	34904	34941
HCG445	35128	35161

Bates Prefix	First Page	Last Page
HCG445	39388	39414
HCG446	1289	1330
HCG446	2103	2147
HCG446	4020	4057
HCG446	4546	4586
HCG446	6136	6166
HCG446	6254	6296
HCG446	6649	6690
HCG446	6779	6788
HCG446	7258	7294
HCG446	8268	8307
HCG446	8409	8442
HCG446	8586	8606
HCG446	8742	8773
HCG446	9646	9681
HCG446	9988	10028
HCG446	10139	10186
HCG446	10325	10363
HCG446	10366	10391
HCG446	10539	10586
HCG447	161	184
HCG447	902	927
HCG447	3828	3873
LAL180	3120	3145
LAL180	7546	7586
LAL180	7691	7731
N1JX016	1392	1409
N5M004	1165	1190
N5M004	1365	1406
N5M004	1447	1486
N9R002	728	767
NVY003	1568	1593
NVY003	1594	1614
NVY003	2264	2302
NVY003	2303	2352
NVY003	2392	2428
NVY003	2479	2500
NVY003	2501	2539
NVY003	2540	2586
NVY003	2640	2688
NVY003	2689	2728
NVY003	2729	2753
NVY003	2859	2883
NVY003	2996	3035
NVY003	3075	3111
NVY003	3256	3285
NVY003	3389	3421
NVY003	3535	3570

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
NVY003	3760	3784
NVY003	3808	3838
NVY003	3890	3914
NVY003	3915	3928
NVY003	3929	3950
NVY003	3951	3967
NVY003	3968	3981
NVY003	3982	3997
NVY003	3998	4014
NVY003	4015	4031
NVY003	4032	4054
NVY003	4055	4073
NVY003	4157	4198
NVY003	4199	4240
NVY003	4241	4286
NVY003	4287	4320
NVY003	4321	4354
NVY003	4355	4385
NVY003	4386	4419
NVY003	4420	4459
NVY003	4460	4497
OSE116	2409	2450
OSE116	4613	4652
OSE117	1116	1151
OSE231	21996	22049
OSE231	22050	22086
OSE231	22087	22128
OSE231	22129	22170
OSE248	3663	3712
OSE249	1356	1395
OSE249	1405	1449
OSE471	2897	2930
OSE471	3118	3148
OSE471	3437	3473
OSE471	3802	3841
OSE479	4385	4428
OSE479	4429	4470
OSE479	4513	4554
OSE479	4555	4596
OSE681	4104	4148
OSE681	4478	4518
SNL107	10256	10283
C2L001	2216	2240
C2N005	1464	1484
C2N005	1972	1992
C3E014	1123	1150
C3E014	1171	1195
C3E014	1227	1243

Bates Prefix	First Page	Last Page
C3E014	1360	1383
C3E014	1588	1607
C3E014	1857	1880
HCG160	6001	6024
HCG160	6112	6135
HCG214	6831	6893
HCG215	16350	16438
HCG215	16440	16440
HCG215	16602	16672
HCG215	16706	16753
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HCG215	18775	18841
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HCG215	18914	18914
HCG324	14895	14917
HCG324	17001	17032
HCG325	4886	4895
HCG325	4896	4930
HCG325	4941	4972
HCG325	5012	5031
HCG325	5052	5073
HCG325	11102	11126
HCG325	11127	11146
HCG325	11147	11169
HCG325	11170	11195
HCG325	11196	11220
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HCG325	11276	11300
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HCG325	11861	11906
HCG325	11907	11946
HCG325	11947	11987
HCG325	11988	12025
HCG325	12026	12070
HCG325	12071	12118
HCG325	12119	12163
HCG325	12164	12209
HCG325	12210	12253
HCG325	12254	12293
HCG325	12294	12335

Bates Prefix	First Page	Last Page
HCG326	15268	15309
HCG326	15313	15340
HCG326	19318	19337
HCG326	19338	19362
HCG327	1613	1662
HCG327	1663	1699
HCG327	1700	1721
HCG327	1722	1745
HCG327	1746	1792
HCG327	1793	1845
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HCG327	1946	1969
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HCG327	1993	2015
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HCG327	9175	9202
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HCG327	11786	11811
HCG327	11812	11832
HCG327	11932	11969
HCG327	12329	12369
HCG327	12370	12410
HCG327	12541	12589
HCG327	12602	12626
HCG327	12719	12737
HCG327	13091	13178

Bates Prefix	First Page	Last Page
HCG327	13349	13376
HCG327	13384	13432
HCG327	13433	13462
HCG327	13643	13663
HCG327	15506	15547
HCG327	15618	15658
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HCG327	18489	18527
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HCG327	23224	23246
HCG327	23345	23384
HCG327	23583	23612
HCG327	23616	23645
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HCG327	23893	23917
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HCG327	23991	24015
HCG327	24017	24062
HCG327	24090	24112
HCG327	24144	24166
HCG327	24169	24202
HCG327	24205	24238
HCG327	24269	24302
HCG327	24319	24352
HCG328	3	36
HCG328	39	72
HCG328	77	88
HCG328	106	149
HCG328	153	172
HCG328	174	217
HCG328	346	385
HCG328	388	404
HCG328	414	436
HCG328	438	482
HCG328	542	563
HCG328	565	606
HCG328	609	630
HCG328	662	680
HCG328	682	723
HCG328	727	745
HCG328	747	791
HCG328	831	853
HCG328	889	914
HCG328	916	961

Bates Prefix	First Page	Last Page
HCG328	963	1008
HCG328	1038	1062
HCG328	1064	1111
HCG328	1113	1160
HCG328	1190	1212
HCG328	1214	1258
HCG328	1274	1319
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HCG328	1374	1415
HCG328	1420	1443
HCG328	1445	1486
HCG328	1527	1557
HCG328	1559	1603
HCG328	1607	1637
HCG328	1639	1683
HCG328	1685	1729
HCG328	1745	1769
HCG328	1771	1816
HCG328	1821	1845
HCG328	1902	1949
HCG328	1951	1998
HCG328	2002	2029
HCG328	2069	2095
HCG328	2097	2150
HCG328	2176	2200
HCG328	2260	2306
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HCG328	3111	3138
HCG328	3142	3169
HCG328	3184	3206
HCG328	3208	3250
HCG328	3264	3287
HCG328	3289	3327

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG328	3329	3367
HCG328	3371	3394
HCG328	3445	3466
HCG328	3468	3504
HCG328	3506	3542
HCG328	3545	3566
HCG328	3605	3643
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HCG328	3796	3835
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HCG328	3950	3975
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HCG328	4254	4273
HCG328	4275	4312
HCG328	4361	4369
HCG328	4383	4413
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HCG328	10828	10873
HCG328	10875	10924
HCG328	10926	10972
HCG328	10974	11026
HCG328	11028	11075

Bates Prefix	First Page	Last Page
HCG328	11077	11130
HCG328	11132	11176
HCG328	11178	11226
HCG328	11230	11254
HCG328	11258	11282
HCG328	11286	11313
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HCG328	13087	13119
HCG328	13122	13151
HCG328	13224	13253
HCG328	13276	13308
HCG328	13409	13442
HCG328	13492	13523
HCG328	13561	13595
HCG328	13597	13629
HCG328	13667	13697
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HCG328	13795	13814
HCG328	13817	13844
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HCG328	15702	15741
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HCG328	15826	15866
HCG328	15884	15921
HCG328	15937	15981
HCG328	16048	16087
HCG328	16090	16132
HCG328	16135	16176

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG328	16179	16215
HCG328	16218	16258
HCG328	16316	16349
HCG328	16367	16404
HCG328	16407	16416
HCG328	16468	16477
HCG329	162	192
HCG329	194	224
HCG329	292	329
HCG329	476	520
HCG329	1706	1748
HCG329	1774	1812
HCG329	1816	1839
HCG329	1841	1877
HCG329	1880	1901
HCG329	1928	1950
HCG329	1965	1989
HCG329	1991	2030
HCG329	2032	2069
HCG329	2073	2098
HCG329	2114	2161
HCG329	2166	2192
HCG329	2234	2271
HCG329	2274	2297
HCG329	2312	2337
HCG329	2340	2362
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HCG329	3060	3097
HCG329	3100	3133
HCG329	3166	3199
HCG329	3215	3244
HCG329	3260	3292
HCG329	3306	3338
HCG329	3362	3370
HCG329	11865	11892
HCG329	12275	12316
HCG329	12320	12347

Bates Prefix	First Page	Last Page
HCG329	12426	12470
HCG329	12853	12875
HCG329	12910	12947
HCG329	12965	13004
HCG329	13361	13408
HCG329	13412	13436
HCG329	13678	13687
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HCG329	13937	13959
HCG329	13997	14021
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HCG329	15811	15834
HCG329	16999	17040
HCG329	17045	17068
HCG329	17072	17102
HCG329	17206	17253
HCG329	17257	17281
HCG329	17762	17806
HCG329	17824	17854
HCG329	17914	17938
HCG329	17940	17985
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HCG329	18171	18198
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HCG329	18918	18957
HCG329	19201	19240
HCG329	19256	19297
HCG329	19328	19365
HCG329	19382	19409
HCG329	19435	19454
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HCG329	19765	19796
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HCG330	6769	6809
HCG330	6812	6848
HCG330	6890	6927
HCG330	6945	6977
HCG330	7259	7288
HCG330	7313	7346
HCG330	7452	7473

Bates Prefix	First Page	Last Page
HCG330	7478	7501
HCG330	7503	7544
HCG330	7567	7597
HCG330	7599	7643
HCG330	7645	7689
HCG330	7691	7736
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HCG330	7898	7922
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HCG330	8167	8191
HCG330	8232	8280
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HCG330	8384	8409
HCG330	8441	8488
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HCG330	8604	8648
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HCG330	8728	8755
HCG330	8759	8785
HCG330	8789	8816
HCG330	8818	8870
HCG330	8873	8902
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HCG330	9292	9316
HCG330	9318	9357
HCG330	9388	9411
HCG330	9413	9436
HCG330	9438	9463
HCG330	9478	9498
HCG330	9576	9596
HCG330	9691	9711
HCG330	9723	9743
HCG330	9776	9796
HCG330	9812	9832
HCG330	9865	9896
HCG330	10099	10186
HCG330	10902	10941
HCG330	10990	11027
HCG330	11097	11138
HCG330	11141	11163
HCG330	11213	11254
HCG330	11357	11398
HCG330	11458	11502

Bates Prefix	First Page	Last Page
HCG330	11522	11541
HCG330	11602	11629
HCG330	11675	11724
HCG330	11938	11964
HCG330	11977	12030
HCG330	12078	12124
HCG330	12156	12180
HCG330	12196	12241
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HCG330	12331	12354
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HCG330	12553	12580
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HCG330	12700	12723
HCG330	12784	12811
HCG330	12814	12855
HCG330	12883	12912
HCG330	12915	12967
HCG330	13149	13197
HCG330	13199	13222
HCG330	13440	13478
HCG330	13481	13520
HCG330	13524	13547
HCG330	13622	13646
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HCG330	13806	13858
HCG330	13862	13891
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HCG330	14217	14241
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HCG330	14597	14638
HCG330	14642	14669
HCG330	15106	15145
HCG330	15172	15211
HCG330	15228	15265
HCG330	15280	15327
HCG330	15347	15384
HCG330	15387	15410
HCG330	15427	15465
HCG330	15482	15517
HCG330	15894	15934
HCG330	15952	15989
HCG330	16014	16053
HCG330	16088	16132

Bates Prefix	First Page	Last Page
HCG330	16148	16189
HCG330	16223	16268
HCG330	17247	17285
HCG330	17301	17341
HCG330	17490	17524
HCG330	17530	17557
HCG330	17582	17615
HCG330	17617	17648
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HCG330	17680	17705
HCG330	17755	17788
HCG330	17790	17817
HCG330	17883	17915
HCG330	17917	17943
HCG330	18017	18047
HCG330	18049	18073
HCG331	3	22
HCG331	25	43
HCG331	98	130
HCG331	132	158
HCG331	161	188
HCG331	191	218
HCG331	239	260
HCG331	300	329
HCG331	332	355
HCG331	517	533
HCG331	562	595
HCG331	606	633
HCG331	668	707
HCG331	808	832
HCG331	1025	1074
HCG331	1362	1378
HCG331	1455	1496
HCG331	1556	1556
HCG331	1971	2005
HCG331	2316	2337
HCG331	2339	2380
HCG331	2398	2420
HCG331	2839	2870
HCG331	3263	3282
HCG331	3350	3388
HCG331	3417	3454
HCG331	3458	3481
HCG331	3527	3553
HCG331	3555	3602
HCG331	3652	3692
HCG331	3738	3782
HCG331	3812	3849

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG331	3880	3902
HCG331	4216	4256
HCG331	4296	4333
HCG331	4384	4425
HCG331	4429	4470
HCG331	4473	4512
HCG331	5308	5352
HCG331	5366	5408
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HCG331	5538	5574
HCG331	5589	5629
HCG331	5632	5669
HCG331	5738	5764
HCG331	5766	5819
HCG331	5908	5932
HCG331	5934	5979
HCG331	6061	6085
HCG331	6087	6133
HCG331	6149	6198
HCG331	6202	6226
HCG331	6231	6258
HCG331	6301	6330
HCG331	6332	6384
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HCG331	6679	6717
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HCG331	7032	7068
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HCG331	7162	7201
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HCG331	7232	7269
HCG331	7272	7304
HCG331	7536	7569
HCG331	7611	7640
HCG331	7701	7733
HCG331	7736	7768
HCG331	7771	7779
HCG331	7827	7856
HCG331	7968	8001
HCG331	8004	8038
HCG331	8123	8154
HCG331	8273	8303

Bates Prefix	First Page	Last Page
HCG331	9253	9286
HCG331	10014	10044
HCG331	10220	10239
HCG331	10704	10730
HCG331	10888	10926
HCG331	10937	10956
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HCG331	13305	13345
HCG331	13348	13373
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HCG331	13845	13882
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HCG331	13952	13991
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HCG331	14036	14060
HCG332	8767	8792
HCG332	8920	8944
HCG332	8946	8993
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HCG332	9091	9135
HCG332	9170	9200
HCG332	9240	9262
HCG332	9264	9308
HCG332	9310	9354
HCG332	9357	9384
HCG332	9386	9427
HCG332	9432	9455
HCG332	9481	9528
HCG332	9567	9620
HCG332	9624	9650
HCG332	9688	9740
HCG332	9743	9772

Bates Prefix	First Page	Last Page
HCG332	9786	9835
HCG332	9846	9870
HCG332	9872	9918
HCG332	9950	9973
HCG332	9975	10023
HCG332	10026	10053
HCG332	10055	10097
HCG332	10123	10170
HCG332	10196	10234
HCG332	10238	10275
HCG332	10289	10311
HCG332	10314	10353
HCG332	10356	10397
HCG332	10401	10441
HCG332	10509	10548
HCG332	10551	10595
HCG332	10622	10654
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HCG332	11130	11152
HCG332	11750	11797
HCG332	11800	11841
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HCG332	11954	11996
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HCG332	12027	12064
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HCG332	12546	12593
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HCG332	12753	12788
HCG332	12791	12813
HCG332	12867	12892
HCG332	12909	12949
HCG332	12953	12993
HCG332	13032	13076

Bates Prefix	First Page	Last Page
HCG332	13093	13135
HCG332	13156	13196
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HCG333	247	287
HCG333	3047	3087
HCG333	3816	3855
HCG333	4429	4462
HCG333	4479	4512

Bates Prefix	First Page	Last Page
HCG333	4536	4565
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HCG333	6456	6495
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HCG333	7271	7316
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HCG333	8695	8719
HCG333	8729	8776
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HCG333	9218	9242
HCG333	9364	9386
HCG333	9388	9429
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HCG333	9536	9573
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HCG333	9646	9685
HCG333	9871	9906
HCG333	11975	12008
HCG333	12015	12047

Bates Prefix	First Page	Last Page
HCG333	13699	13719
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HCG334	11079	11113
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HCG334	11161	11170
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HCG334	11208	11238
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HCG334	11309	11336
IMS875	10761	10805
IMS875	10812	10833
IMS875	10834	10875
IMT058	20443	20480
IMT058	21019	21063
IMT058	21354	21393
IMT058	22473	22508
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IMT058	22847	22884
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IMT058	23530	23577
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IMT058	24082	24119
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IMT058	25014	25036
IMT058	25041	25080
IMT058	25810	25851
IMT058	26233	26273
IMT058	26518	26562
IMT058	26704	26741

Bates Prefix	First Page	Last Page
IMT058	26979	27012
IMT058	27286	27318
IMT058	27470	27502
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IMT058	28114	28133
IMT058	28147	28179
IMT058	28427	28461
IMT058	28594	28627
IMT058	28737	28766
IMT058	28973	29015
IMT058	29517	29538
IMT058	29721	29748
IMT081	8247	8267
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N4T003	1895	1925
N5M004	353	387
N5M004	874	893
N5M004	1407	1446
N5M004	1540	1584
N5M004	1926	1958
N5M004	2079	2112
N8U081	1635	1656
NVY001	4195	4244
S2N022	1120	1136
S2P004	149	168
S2P004	268	292
S2P005	125	170
S2P005	175	199
S3D007	973	993
S3H005	178	194
C2N001	400	420
C2N003	7429	7449
C2N003	11244	11264
C2N004	1628	1648
C2N005	2078	2098
C2N005	2314	2334
C2O010	1423	1446
C2O011	256	298
C2O011	301	334
C2O012	1863	1890
HCG195	666	686
C2K001	614	633
C2K001	2734	2750
C2K001	4596	4616
C2K001	4765	4810
C2K001	4827	4851
C2K001	4942	4966

Bates Prefix	First Page	Last Page
C2L001	2776	2796
C2L001	3033	3057
C2L002	5273	5297
C2L002	5481	5497
C2L002	5591	5617
C2N004	5578	5598
C2S004	715	741
C2Z001	1522	1542
C3E015	521	544
EET009	788	821
HCG195	21556	21576
LAL179	66280	66300
LAL179	66302	66322
LAL180	2987	3006
LAL180	7608	7648
LAL180	7650	7690
LAL186	9932	9972
LAL186	9987	10027
LAL186	24738	24782
LAL241	30006	30050
OSE016	23271	23287
OSE016	23288	23308
OSE016	23309	23329
OSE016	23330	23348
OSE017	19288	19325
OSE017	19326	19346
OSE017	19348	19369
OSE017	19370	19390
OSE017	19392	19392
OSE017	19393	19416
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OSE017	19461	19481
OSE017	19482	19507
OSE017	19509	19528
OSE017	19529	19548
OSE017	19549	19569
OSE017	19575	19591
OSE017	19592	19612
OSE017	19613	19633
OSE017	19634	19652
OSE019	31278	31315
OSE019	31316	31336
OSE019	31344	31365
OSE019	31366	31386
OSE019	31389	31412
OSE019	31433	31456
OSE019	31457	31477
OSE019	31478	31503

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
OSE019	31505	31521
OSE019	31522	31542
OSE019	31543	31563
OSE019	31564	31582
OSE019	31694	31713
OSE019	31715	31735
OSE019	31741	31760
OSE020	10215	10231
OSE020	10274	10292
OSE020	10294	10317
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OSE020	10339	10364
OSE020	10367	10390
OSE020	10411	10432
OSE020	10433	10453
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OSE020	10546	10566
OSE020	16130	16149
OSE020	16151	16171
OSE020	16177	16196
OSE020	22006	22022
OSE020	22023	22043
OSE020	22044	22064
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OSE020	49308	49328
OSE020	49329	49349
OSE020	49350	49368
OSE020	50727	50750
OSE020	50771	50792
OSE020	50793	50813
OSE020	50863	50900
OSE020	50901	50921
OSE020	50945	50964
HCG479	15304	15362
HCG466	11645	11678
HCG466	13426	13446
HCG466	13731	13751
HCG466	17162	17177
HCG466	20648	20681
HCG467	5835	5851
HCG471	29547	29568
HCG476	27074	27074
HCG476	27232	27302
HCG476	27333	27380
HCG476	28201	28231
HCG476	28952	28982
HCG476	30126	30192
HCG476	30194	30194

Bates Prefix	First Page	Last Page
HCG476	30266	30266
HCG506	14879	14912
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HCG515	17911	17944
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HCG515	18639	18654
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HCG532	4238	4253
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HCG538	5549	5549
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HCG590	5348	5387
HCG590	5589	5618
HCG590	5622	5651

Bates Prefix	First Page	Last Page
HCG590	5667	5719
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HCG590	8169	8205

Bates Prefix	First Page	Last Page
HCG590	8208	8229
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HCG591	4690	4732
HCG591	4736	4760

Bates Prefix	First Page	Last Page
HCG591	4763	4802
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HCG591	5149	5189
HCG591	5192	5231
HCG591	5235	5277
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HCG593	144	189
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HCG593	1754	1806
HCG593	1810	1839
HCG593	1976	2011
HCG593	2013	2038
HCG593	2167	2191
HCG593	2229	2274
HCG593	2300	2338
HCG593	2341	2364

Bates Prefix	First Page	Last Page
HCG593	2413	2461
HCG593	2546	2587
HCG593	2590	2617
HCG593	3052	3091
HCG593	3118	3157
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HCG593	3374	3412
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HCG593	5625	5652
HCG593	5654	5679
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HCG593	5892	5918
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HCG593	6025	6049
HCG593	6205	6224
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HCG593	6284	6316
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HCG593	6347	6374
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HCG593	6721	6748
HCG593	6811	6835
HCG593	7008	7057
HCG593	7237	7253
HCG593	7306	7347
HCG593	7403	7403
HCG593	7477	7477

Bates Prefix	First Page	Last Page
HCG593	7776	7810
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HCG593	8375	8406
HCG593	8756	8775
HCG593	8909	8931
HCG593	10048	10074
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HCG593	10196	10241
HCG593	10258	10287
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HCG593	10431	10473
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HCG593	10792	10824
HCG593	10855	10884
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HCG593	10944	10978
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HCG594	97	97
HCG594	691	725
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HCG594	1644	1681
HCG594	1708	1731
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HCG594	1775	1799
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HCG594	3428	3468
HCG594	3484	3526
HCG594	3551	3587
HCG595	39	68
HCG595	85	126
HCG595	221	263
HCG595	286	308
HCG595	311	353
HCG595	485	508
HCG595	510	548
HCG595	612	633

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
HCG595	635	671
HCG595	701	742
HCG595	746	787
HCG595	819	863
HCG595	894	933
HCG595	936	975
HCG595	978	1017
HCG595	1020	1059
HCG595	1062	1101
HCG595	1129	1170
HCG595	1174	1215
HCG595	1244	1280
HCG595	1467	1509
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HCG595	8686	8705
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HCG596	1945	1977
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HCG621	3	3
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HCG475	2839	2925
HCG479	6740	6781
HCG483	2551	2584
HCG483	2585	2619
HCG486	2111	2142
HCG552	7879	7912
HCG552	9718	9739
HCG552	9752	9773
HCG552	12067	12100
HCG589	3037	3060
HCG589	10334	10363
PCG054	7531	7535
PCG054	19742	19758
PCG054	19759	19789
PCG054	19790	19844
PCG054	19845	19854
PCG054	19855	19890
PCG054	19891	19900
PCG054	19901	19910
PCG054	19911	19952

Bates Prefix	First Page	Last Page
PCG054	19953	19976
PCG054	19977	19986
PCG054	19987	20008
PCG054	20009	20031
PCG054	20032	20049
PCG054	20051	20098
PCG054	20099	20110
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PCG054	20145	20164
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PCG054	20246	20289
PCG054	20290	20299
PCG054	20300	20337
PCG054	20338	20355
PCG054	20356	20389
PCG054	20390	20422
PCG054	20423	20446
PCG054	20447	20480
PCG054	20481	20515
PCG054	20516	20563
HCG638	41014	41035
HCG654	615	663
HCG654	667	715
HCG654	719	760
HCG654	765	792
HCG654	819	857
HCG654	862	885
HCG654	888	924
HCG654	928	949
HCG890	4997	5030
HCG891	3971	3971
HCG891	4038	4038
HCG838	3343	3384
C2L002	5355	5378
C3E001	328	352
C3E015	1142	1166
HCF024	521	548
HCF025	353	375
HCF061	294	294
HCF061	5086	5102
HCF061	5336	5355
HCF061	5382	5413
HCF062	157	157
HCF063	1275	1275
HCF063	2337	2353
HCF063	2587	2606
HCF063	2633	2664

Bates Prefix	First Page	Last Page
HCF066	7	48
HCF066	52	70
HCF066	206	227
HCF066	232	273
HCF066	5857	5901
HCF066	5908	5930
HCF066	6115	6160
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HCF066	6832	6854
HCF066	6963	6993
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HCF066	9407	9431
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HCF066	10609	10635
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HCF066	11294	11339
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HCF066	12390	12419
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HCF066	12730	12771
HCF066	12774	12801
HCF068	399	412
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HCF068	497	530
HCF068	532	565
HCF068	568	584
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HCF068	686	703
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HCF068	761	797
HCF068	834	867
HCF068	902	941
HCF068	952	993
HCF068	1009	1046

Bates Prefix	First Page	Last Page
HCF068	1080	1098
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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HCG393	16536	16574

Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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Bates Prefix	First Page	Last Page
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HCG809	12738	12756
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HCG886	13189	13226
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Bates Prefix	First Page	Last Page
HCG904	1227	1264
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HCE161	3601	3658
HCG290	19182	19215
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N5M004	271	308
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N5M004	2113	2144
N5M004	2282	2304
N9R001	483	505
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HCE143	6397	6413
HCE144	298	314
HCE146	2051	2089
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HCG206	102	118
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C3E014	219	238
C3E014	241	258
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HCG334	15822	15837

Bates Prefix	First Page	Last Page
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HCG335	1614	1647
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Bates Prefix	First Page	Last Page
HCG592	3727	3754
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HSE012	2505	2542
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HSE012	18038	18062
C3E014	121	143
C3E014	147	177
C3E014	192	216
EET173	20455	20479
EET173	20533	20557
EPE108	11048	11069
EPE110	6714	6759
EPF223	11279	11320
EPF223	11550	11591
EPF224	25125	25161
EPF224	25427	25460
EPF224	25461	25483
EPF224	25569	25596
EPF224	25621	25648
EPF224	25658	25697
EPF224	25698	25724
EPF224	26378	26410
EPF224	26643	26682
EPF224	26688	26706

Bates Prefix	First Page	Last Page
EPF224	26755	26778
EPF224	26797	26839
EPF224	26888	26928
EPF224	26960	26999
EPF224	27043	27073
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EPF224	27225	27245
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EPF224	27387	27424
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EPF224	27730	27776
EPF224	27787	27806
EPF224	27962	27984
EPF224	27985	28008
EPF225	1	39
EPF225	271	296
EPF225	329	366
EPF225	817	864
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EPF225	960	969
EPF225	970	1006
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EPF225	1613	1630
EPF225	1774	1823
EPF225	1834	1882
EPF228	625	645
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EPF229	1408	1428
EPF229	1523	1543
EPF229	1689	1712
EPF229	3529	3565
EPF229	4055	4075
C2O014	3021	3052
EPF224	25785	25814
EPF224	26627	26642
EPF225	456	490
EPF225	1229	1244
EPF228	11977	11993
EPF228	13199	13231
EPF228	13843	13862
EPF229	1429	1462
N9G038	1990	2010

Bates Prefix	First Page	Last Page
EPE108	13459	13473
EPF225	542	555
HCG195	13590	13610
N1A014	1294	1325
EPF222	9040	9071
EPF222	9081	9108
EPF222	9179	9209
N9G038	2160	2180
N9G038	2318	2334
HSE012	3933	3977
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HSE012	8667	8704
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HSE012	12462	12485
HSE012	13030	13057
HSE012	13465	13492
HSE012	14764	14791
HSE012	21963	21997
HCP002	151	172
HCP002	191	218
CGX001	1876	1898
CGX001	31007	31031
CGX001	31034	31059
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CGX001	31957	32000
CGX001	32002	32035
CGX001	32037	32070

Bates Prefix	First Page	Last Page
CGX001	32072	32102
CGX001	32104	32141
CGX001	32143	32179
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CGX001	37985	38021
CGX001	40240	40284
CGX001	40287	40328
CGX001	40524	40556
CGX002	611	658
CGX003	1510	1532
CGX003	1535	1560
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CGX003	1596	1623
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CGX003	1824	1866
CGX003	1868	1907
CGX003	1909	1948
CGX003	1951	1980
CGX003	1983	2010
CGX003	2013	2037
CGX003	2105	2152
CGX003	2154	2207
CGX003	21129	21174
CGX003	21936	21981
CGX003	21983	22024
PCG100	888	913

<b>Bates Prefix</b>	<b>First Page</b>	<b>Last Page</b>
PCG100	2247	2289
PCG101	59	76
IGS684	782	805
HCG195	4676	4709
HCG195	10473	10506
HCG195	21794	21827

Exhibit 3 to United States' First Supplemental Response to Defendants' Penalty Phase Discovery Requests United States Response to BP's May 12, 2014 Table "Data Not Listed on US Exhibit 1 to RFP 1"					
Row	Resources	DOJ Exhibit 1 Reference	Work Plan Name	Missing Data	Comments (for BP)
1	Bird	Claim 4.6 from 2012 DOI Interim Partial Claim; Assessment Plan: Avian Injury Quantification Technical Support	Assessment Plan: Avian Injury Quantification Technical Support	All data.	No data were produced under this Work Plan. The Work Plan is one for modeling activities and not for data generation.
2	Deepwater Benthic	Exhibit 1 - Page 5, Trustee Work Plan 65, 66	NRDA Tier 1 for Deepwater Communities, July 2, 2010	Biology identification for benthic community analysis (Demopoulos).	NOAA has no results for this Work Plan-listed analysis. Sample size and sampling methodology was insufficient to complete the intended analysis.
3	Deepwater Benthic	Exhibit 1 - Page 5, Trustee Work Plan 65, 66	NRDA Tier 1 for Deepwater Communities, July 2, 2010	Invertebrate biology identification.	NOAA provided genetic identification of invertebrate specimens via noaanrda.org for this workplan. NOAA will provide Additional data from PI Etnoyer on coral identification prior to 5/27/2014.
4	Deepwater Benthic	Exhibit 1 - Page 3, Trustee Work Plan 188	Mesophotic Reef Follow-Up Cruise Plan, August 1, 2012	All lab analysis of graduate student sample collection.	These samples are not in NOAA possession. NOAA has not received any data from these samples and is not aware of any analysis that has been done on them.
5	Deepwater Benthic	Exhibit 1 - Page 5 Trustee Work Plan N/A	No Work Plan	Red Crab Samples SEP 2010 Analytical Chemistry: cruise report from Harriet Perry with Topher Lewis.	NOAA will post received summary documentation on the cruise prior to May 27, 2014 at noaanrda.org. However, NOAA notes that the cruise was funded by BP through a Gulf of Mexico Research Initiatives proposal.
6	Fish	Exhibit 1 - Page 6, Trustee Work Plan 54	Assessment of the Impacts of the Deep Water Horizon Oil Spill on Blue Crab Early Life History Stages Phase II: Sample Sorting and Identification	Ichthyoplankton/Invertebrate sorting and biology identification (USM GCRL and MDEQ).	Mississippi-State-led plan (MDEQ). NOAA only provided chemistry support for limited samples for Phase I workplan. Chemistry results and adult crab histology are shared on noaanrda.org.
7	Fish	Work Plan Not Included in Exhibit 1	Assessment of the Impacts of the Deep Water Horizon Oil Spill on Blue Crab Early Life History Stages Phase II: Sample Sorting and Identification	All data on crab megalopae species exhibiting oil droplets.	NOAA was not involved with the Phase II Work Plan.
8	Fish	Work Plan Not Included in Exhibit 1	Assessment of the Impacts of the Deep Water Horizon Oil Spill on Blue Crab Early Life History Stages Phase II: Sample Sorting and Identification	All data on oily droplets in megalopae species.	NOAA was not involved with the Phase II Work Plan.
9	Marine Mammal	Exhibit 1 - Page 9-10, Work Plan 113	Assessing Potential Sublethal and Chronic Health Impacts from the Mississippi Canyon 252 on Coastal and Estuarine Bottlenose Dolphins and Dolphin Health Assessment [2011 and 2012]	Lab analysis results from National Wildlife Health Center - Avian Flu Parasitology if analysis processed from archive. Completed EKG analysis from NCSU (Harms). Analytical results from Hollings Marine Lab - Biotoxins, completed mid-April 2014.	Samples for Avian Flu parasitology have not been put in for analysis. If analysis does occur, data will be shared through noaanrda.org.  The EKG reports will be posted to noaanrda.org by 5/27/14. Biotoxin data will be reported by PI mid-Summer and will be shared through noaanrda.org when available.

Exhibit 3 to United States' First Supplemental Response to Defendants' Penalty Phase Discovery Requests United States Response to BP's May 12, 2014 Table "Data Not Listed on US Exhibit 1 to RFP 1"					
Row	Resources	DOJ Exhibit 1 Reference	Work Plan Name	Missing Data	Comments (for BP)
10	Marine Mammal	Exhibit 1 - Page 10-11, Work Plan 301	Assessing Potential Sublethal and Chronic Health Impacts from the Mississippi Canyon 252 Oil Spill on Coastal and Estuarine Bottlenose Dolphins: Addendum 2013 Dolphin Health Assessment	2013 Field Data. Telemetry data from continued tracking of satellite-linked tags.	As noted on Exhibit 1, page 10, line 7, 2013 field data are available on noaanrda.org. BP received telemetry data for the 2013 Dolphin Health Assessment from Randy Wells (Chicago Zoological Society), as noted on Exhibit 1, page 10, line 9. NOAA has requested an update from the PI as to whether additional tracking data are expected from DH 2013 (i.e., whether the tags are still transmitting).
11	Marine Mammal	Exhibit 1 - Page 13, Trustee Work Plan NA	No Work Plan	Level A data validation tracking spreadsheets for NRDA Non-Cooperative Dolphin Stranding study.	Spreadsheets containing all Level A data validation tracking information for strandings associated with these three studies have been provided to BP, along with all Level A data, pursuant to the
12	Marine Mammal	Exhibit 1 - Page 13, Trustee Work Plan NA	No Work Plan	Level A data validation tracking spreadsheets for Marine Mammal/Turtle Stranded Dolphin 2010-2012 studies.	Marine Mammal Data Sharing Agreement. Level A data validation tracking information, however, exists only for strandings where the Level A data have been validated. BP can confirm existence of Level A data validation tracking information by checking the validation tracking spreadsheets provided pursuant to the Marine Mammal Data Sharing Agreement.
13	Marine Mammal	Exhibit 1 - Page 13, Trustee Work Plan NA	No Work Plan	Level A data validation tracking spreadsheets for Marine Mammal/Turtle Opportunistic Dolphin Samples (2011) study.	
14	Marine Mammal	Exhibit 1 - Page 13, Trustee Work Plan N/A	No Work Plan	Background data from strandings not in the Gulf of Mexico.	The Level A marine mammal stranding data maintained by NOAA are publicly available upon request. Stranding data can be requested by contacting the National Marine Fisheries Service Regional Stranding Coordinator for the area of interest. A map of the regions and contact information for the regional stranding coordinators are listed here: <a href="http://www.nmfs.noaa.gov/pr/health/coordinators.htm">http://www.nmfs.noaa.gov/pr/health/coordinators.htm</a>
15	National Park	N/A - Invoices - NPS Invoices Containing Subcontractor Invoices from Weston Solutions Contract No. B2000105600 / GS10F0117J for Services to "Conduct NRDA pre- assess data collection at sites exposed to oil from Mississippi Canyon 252 incident" (Start date: 06/28/2010)	No Work Plan	All data for National Park data collections: including sample collection analysis, field observations of flora or fauna, or any other data collected.	NOAA has already shared all NOAA-held observational files (Jean Lafitte NHP - 2011 SAV plan) and chemistry results (Jean Lafitte NHP and various NPS sites) through noaanrda.org.
16	Oyster	N/A - Funding Request - Funded for 2012 Through NPFC Phase I Claim & Data Analysis From Second Interim Partial Claim	No Work Plan	All data from oyster reproductive study.	All NPFC-funded oyster studies (recruitment and abundance for 2011) have been completed and data shared under their original Work Plan titles, as shown in Exhibit 1, page 18, line 17 through page 19, line 2.
17	Shoreline	N/A - Funding Request - Funded for 2010- 2011 Data Through NPFC Phase I Claim & Second IPC	No Work Plan	All data for Faunal Observation Field Sampling (2011 & 2012).	NOAA is unclear on the request. All field observations from the Fall 2011 faunal study have been previously shared (Exh. 1, page 21, line 10) and are available on noaanrda.org. No faunal observation field sampling took place in 2012.

Exhibit 3 to United States' First Supplemental Response to Defendants' Penalty Phase Discovery Requests United States Response to BP's May 12, 2014 Table "Data Not Listed on US Exhibit 1 to RFP 1"					
Row	Resources	DOJ Exhibit 1 Reference	Work Plan Name	Missing Data	Comments (for BP)
18	Shoreline	N/A - Funding Request - NOAA 2013 IPC Funding Request	No Work Plan	All 2009-2013 flood data, including raw data, cooperative data, public data, and historical agency data.	NOAA will provide the source and scope of tide gage data obtained for shoreline inundation analysis, as well as copies of any non-publicly available data via noaanrda.org.
19	Water Column	Exhibit 1 - Page 31, Trustee Work Plan 23	Deepwater Horizon Oil Spill (DWHOS) NRDA Plankton Sampling Plan & Fall 2010 Cruise Plan, Walton Smith 1, November 15, 2010	Analytical results from water samples to enumerate phytoplankton and to quantify nutrients, total suspended solids, organic carbon, and chlorophyll that were sent to LSU.	These analyses were never performed, as a cooperative processing plan was never prepared by NOAA and BP.
20	Water Column	Exhibit 1 - Page 32, Trustee Work Plan 25	Deepwater Horizon Oil Spill (DWHOS) NRDA Plankton Sampling Plan & Fall 2010 Cruise Plan -- Walton Smith 3	Analytical results from the remaining 15% of the water hydrocarbon data and 241/532 water samples to enumerate phytoplankton and to quantify nutrients, total suspended solids, organic carbon, and chlorophyll that were sent to LSU.	All analytical results for hydrocarbon chemistry (SHC / PAH and VOA) for all samples analyzed are available on noaanrda.org: 115 out of 118 samples for SHC/PAH are available; 167 out of 226 for PIANO are available. Some sample collected were not analyzed for hydrocarbon chemistry. NOAA has no results for phytoplankton, nutrients, TSS, OC, and chlorophyll from LSU.
21	Water Column	Exhibit 1 - Page 27, Trustee Work Plan 26	Deepwater Horizon Oil Spill (DWHOS) NRDA Plankton Sampling Plan & Fall 2010 Cruise Plan -- Specialty Diver 1 – September 2010 SIPPER Cruise	Analytical chemistry results.	All 65 analytical chemistry results for samples analyzed for SHC/PAH and PIANO are available in noaanrda.org.
22	Water Column	Exhibit 1 - Page 27, Trustee Work Plan 135	NRDA UV radiation - 25 foot Parker UV Radiometer (Fall 2010) study. Data was sent to LSU.	Analytical results from water samples for chlorophyll, nutrients, total suspended particulates, total organic carbon, and dissolved organic carbon analyses. Data was sent to LSU.	Neither a cooperative nor an independent processing plan was ever prepared by NOAA and/or BP for this plan; therefore, these analyses were never performed.
23	Water Column	Exhibit 1 - Page 31, Trustee Work Plan 201	Walton Smith Ecosystem Processes Spring 2011	Analytical results for water samples for total suspended solids, dissolved organic carbon, and nutrients; whole-water plankton sampling and chlorophyll data; microbial uptake rate measurements	
24	Water Column Data	N/A - Funding Request - Funded by Second Interim Partial Claim (2013)	No Work Plan	All data for Food Web Stable Isotopes Sample Processing.	
25	Water Column Data	N/A - Funding Request - Funded by Second Interim Partial Claim (2013)	No Work Plan	Chlorophyll, phytoplankton, microzooplankton FlowCAM sample processing results.	