



816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: (512) 322-5800  
Facsimile: (512) 472-0532

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**TELECOPIER COVER SHEET**

November 20, 2008

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Jim Blackburn Mary Carter	Northeast Neighbors Coalition	713-524-5165
Paul M. Terrill, III	Giles Holdings, L.P.	512-474-9888
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Client No.: 1635-03

From: Paul Gosselink

No. of Pages: 18 + cover sheet

Comments: SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW  
In re Permit Amendment Application of BFI Waste Systems of North America, LLC  
MSW Permit No. 1447A

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. THE REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION TO ANYONE OTHER THAN THE INTENDED ADDRESSEE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL US AS SOON AS POSSIBLE AT (512) 322-5800.

Lloyd Gosselink Rochelle & Townsend, P.C.

**SOAH Docket No. 582-08-2178  
TCEQ Docket No. 2007-1774-MSW**

**IN RE THE APPLICATION OF BFI WASTE § BEFORE THE  
SYSTEMS OF NORTH AMERICA, LLC § STATE OFFICE OF  
PERMIT NO. MSW-1447A § ADMINISTRATIVE HEARINGS**

**APPLICANT BFI WASTE SYSTEMS OF NORTH AMERICA, LLC'S  
NOTICE OF ORAL DEPOSITION OF  
JAMES F. NEYENS AND SUBPOENA DUCES TECUM**

**TO:** TJFA, L.P., by and through its counsel of record, Bob Renbarger and J.D. Head, FRITZ, BYRNE, HEAD & HARRISON, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701.


PLEASE TAKE NOTICE pursuant to Rule 199 of the Texas Rules of Civil Procedure that Applicant BFI Waste Systems of North America, LLC will take the following oral deposition in this proceeding:

**Witness: James F. Neyens**  
**Date: Tuesday, December 2, 2008**  
**Time: 10:00 a.m.**  
**Location: Offices of Fritz, Byrne, Head & Harrison, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701**

The deposition will continue from day-to-day until completed. The deposition will be taken before a certified court reporter from Kennedy Reporting Service. The following persons may attend the deposition in addition to counsel for BFI: Ray Shull, Adam Mehevec, Greg Lewis and/or a corporate representative of BFI. The witness is requested to bring to the deposition for

review and inspection the originals of the documents requested in the subpoena duces tecum that is attached as Exhibit "A."

Respectfully submitted,

By:   
Paul G. Gosselink  
Texas Bar No. 08222800

LLOYD, GOSSELINK, ROCHELLE & TOWNSEND, P.C.  
816 Congress Ave., Suite 1900  
Austin, Texas 78701  
Phone: (512) 322-5800  
Fax: (512) 472-0532

**ATTORNEYS FOR APPLICANT  
BFI WASTE SYSTEMS OF NORTH  
AMERICA, LLC**

OF COUNSEL:

John E. Carlson  
Texas Bar No. 00790426

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing Notice of Oral Deposition was served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. mail, facsimile transmission and/or hand delivery and via e-mail on November 20, 2008:

**FOR THE PUBLIC INTEREST COUNSEL:**

Christina Mann  
Texas Commission on Environmental Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4014  
Fax: (512) 239-6377

**FOR THE EXECUTIVE DIRECTOR:**

Steve Shepherd, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606

**REPRESENTING CITY OF AUSTIN:**

Holly Noelke  
Assistant City Attorney  
City of Austin Law Department  
P. O. Box 1088  
Austin, Texas 78767  
Tel: (512) 974-2630  
Fax: (512) 974-6490

**REPRESENTING GILES HOLDINGS, L.P.**

Paul M. Terrill, III  
The Terrill Firm, P.C.  
810 W. 10<sup>th</sup> Street  
Austin, Texas 78701  
Tel: (512) 474-9100  
Fax: (512) 474-9888

**REPRESENTING NORTHEAST NEIGHBORS  
COALITION AND INDIVIDUALS:**

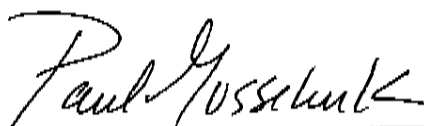
Jim Blackburn and Mary Carter  
Blackburn and Carter, LLP  
4709 Austin Street  
Houston, Texas 77004  
Tel: (713) 524-1012  
Fax: (713) 524-5165

**REPRESENTING TJFA, L.P.:**

Bob Renbarger and J. D. Head  
Fritz, Byrne, Head, & Harrison, LLP  
98 San Jacinto Blvd., Suite 2000  
Austin, Texas 78701  
Tel: (512) 476-2020  
Fax: (512) 477-5267

**REPRESENTING TRAVIS COUNTY:**

Kevin Morse  
Assistant Travis County Attorney  
Travis County Attorney's Office  
P. O. Box 1748  
Austin, Texas 78767  
Tel: (512) 854-9513  
Fax: (512) 854-4808

  
\_\_\_\_\_  
Paul G. Gosselink

## **Exhibit "A" to Deposition Notice**

### **REQUEST FOR PRODUCTION**

The witness is directed to bring with him to the deposition the following materials:

#### **Documents and Things**

1. Any and all documents and things reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
2. Any and all documents and things created or produced by you in connection with your work pertaining to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
3. Any and all documents in your custody or control concerning this contested case hearing.
4. Any and all documents in your custody or control concerning the BFI Sunset Farms Landfill.
5. Your complete file in this case – including but not limited to any and all of your records, correspondence (including e-mails), personal notes, calendars, diaries, phone logs and any other type of document concerning any fact or opinion in relation to BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
6. Invoices and time entries for work performed by you and/or anybody under your control or supervision in connection with the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing

#### **Magnetic, Electronic or Computerized Information:**

7. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
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**Models, Samples and Test Results:**

9. All models, samples and test results that relate in any way to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing. This request specifically encompasses any and all tables, spreadsheets, summaries or graphical representations of such information.

**Photographs, Recordings and Vidcotapes:**

10. Any and all photographs, recordings, digital videos, videotapes and/or films reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning this BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
11. Any and all photographs, recordings, videotapes, and/or radiographic films in your custody or control concerning BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.

**Expert Engagements/Prior Testimony:**

12. Lists, spreadsheets or other documents that list or reflect legal proceedings in which you have given testimony.
13. Lists, spreadsheets or other documents that list or reflect legal proceedings in which you have made an expert report.
14. Any and all trial, contested case hearing and/or deposition transcripts containing any testimony you have given that pertains in any way to an application for an MSW permit. This request specifically encompasses any and all pre-filed testimony prepared by or for you in such proceedings.

**Literature and Publications:**

15. All papers, abstracts, governmental publications or other medical, technical or scientific articles written or authored, in whole or in part, by you relating in any way to the subject or issues of this lawsuit.
16. All papers, abstracts, learned treatises, technical guidance documents, governmental publications, or other medical, technical or scientific articles or texts you will rely on or claim to be authoritative in this matter.

**Curriculum Vitae:**

17. A current copy of your curriculum vitae summarizing your professional qualifications, publications, presentations, affiliations, and professional licensure.

**Exhibits and Demonstrative Aids:**

18. Any and all models, illustrations, photographs or other exhibits or documents of any kind which you intend or contemplate using to illustrate, explain or support your testimony at the trial of this cause.

**SOAH Docket No. 582-08-2178  
TCEQ Docket No. 2007-1774-MSW**

**IN RE THE APPLICATION OF BFI WASTE § BEFORE THE  
SYSTEMS OF NORTH AMERICA, LLC § STATE OFFICE OF  
PERMIT NO. MSW-1447A § ADMINISTRATIVE HEARINGS**

**APPLICANT BFI WASTE SYSTEMS OF NORTH AMERICA, LLC'S  
NOTICE OF ORAL DEPOSITION OF  
L. STEPHEN STECHER AND SUBPOENA DUCES TECUM**

TO: TJFA, L.P., by and through its counsel of record, Bob Renbarger and J.D. Head, FRITZ, BYRNE, HEAD & HARRISON, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701.

PLEASE TAKE NOTICE pursuant to Rule 199 of the Texas Rules of Civil Procedure that Applicant BFI Waste Systems of North America, LLC will take the following oral deposition in this proceeding:


**Witness: L. Stephen Stecher**  
**Date: Monday, December 8, 2008**  
**Time: 10:00 a.m.**  
**Location: Offices of Fritz, Byrne, Head & Harrison, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701**

The deposition will continue from day-to-day until completed. The deposition will be taken before a certified court reporter from Kennedy Reporting Service. The following persons may attend the deposition in addition to counsel for BFI: Ray Shull, Adam Mehevec, Greg Lewis and/or a corporate representative of BFI. The witness is requested to bring to the deposition for



review and inspection the originals of the documents requested in the subpoena duces tecum that is attached as Exhibit "A."

Respectfully submitted,

By:   
Paul G. Gosselink  
Texas Bar No. 08222800

LLOYD, GOSSELINK, ROCHELLE & TOWNSEND, P.C.  
816 Congress Ave., Suite 1900  
Austin, Texas 78701  
Phone: (512) 322-5800  
Fax: (512) 472-0532

**ATTORNEYS FOR APPLICANT  
BFI WASTE SYSTEMS OF NORTH  
AMERICA, LLC**

OF COUNSEL:

John E. Carlson  
Texas Bar No. 00790426

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing Notice of Oral Deposition was served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. mail, facsimile transmission and/or hand delivery and via e-mail on November 20, 2008:

**FOR THE PUBLIC INTEREST COUNSEL:**

Christina Mann  
Texas Commission on Environmental Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4014  
Fax: (512) 239-6377

**FOR THE EXECUTIVE DIRECTOR:**

Steve Shepherd, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606

**REPRESENTING CITY OF AUSTIN:**

Holly Noelke  
Assistant City Attorney  
City of Austin Law Department  
P. O. Box 1088  
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Tel: (512) 974-2630  
Fax: (512) 974-6490

**REPRESENTING GILES HOLDINGS, L.P.**

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The Terrill Firm, P.C.  
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**REPRESENTING NORTHEAST NEIGHBORS  
COALITION AND INDIVIDUALS:**

Jim Blackburn and Mary Carter  
Blackburn and Carter, LLP  
4709 Austin Street  
Houston, Texas 77004  
Tel: (713) 524-1012  
Fax: (713) 524-5165

**REPRESENTING TJFA, L.P.:**

Bob Renbarger and J. D. Head  
Fritz, Byrne, Head, & Harrison, LLP  
98 San Jacinto Blvd., Suite 2000  
Austin, Texas 78701  
Tel: (512) 476-2020  
Fax: (512) 477-5267

**REPRESENTING TRAVIS COUNTY:**

Kevin Morse  
Assistant Travis County Attorney  
Travis County Attorney's Office  
P. O. Box 1748  
Austin, Texas 78767  
Tel: (512) 854-9513  
Fax: (512) 854-4808



Paul G. Gosselink

## **Exhibit "A" to Deposition Notice**

### **REQUEST FOR PRODUCTION**

The witness is directed to bring with him to the deposition the following materials:

#### **Documents and Things:**

1. Any and all documents and things reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
2. Any and all documents and things created or produced by you in connection with your work pertaining to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
3. Any and all documents in your custody or control concerning this contested case hearing.
4. Any and all documents in your custody or control concerning the BFI Sunset Farms Landfill.
5. Your complete file in this case – including but not limited to any and all of your records, correspondence (including e-mails), personal notes, calendars, diaries, phone logs and any other type of document concerning any fact or opinion in relation to BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
6. Invoices and time entries for work performed by you and/or anybody under your control or supervision in connection with the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.

#### **Magnetic, Electronic or Computerized Information:**

7. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
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**Models, Samples and Test Results:**

9. All models, samples and test results that relate in any way to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing. This request specifically encompasses any and all tables, spreadsheets, summaries or graphical representations of such information.

**Photographs, Recordings and Videotapes:**

10. Any and all photographs, recordings, digital videos, videotapes and/or films reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning this BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
11. Any and all photographs, recordings, videotapes, and/or radiographic films in your custody or control concerning BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.

**Expert Engagements/Prior Testimony:**

12. Lists, spreadsheets or other documents that list or reflect legal proceedings in which you have given testimony.
13. Lists, spreadsheets or other documents that list or reflect legal proceedings in which you have made an expert report.
14. Any and all trial, contested case hearing and/or deposition transcripts containing any testimony you have given that pertains in any way to an application for an MSW permit. This request specifically encompasses any and all pre-filed testimony prepared by or for you in such proceedings.

**Literature and Publications:**

15. All papers, abstracts, governmental publications or other medical, technical or scientific articles written or authored, in whole or in part, by you relating in any way to the subject or issues of this lawsuit.
16. All papers, abstracts, learned treatises, technical guidance documents, governmental publications, or other medical, technical or scientific articles or texts you will rely on or claim to be authoritative in this matter.

**Curriculum Vitae:**

17. A current copy of your curriculum vitae summarizing your professional qualifications, publications, presentations, affiliations, and professional licensure.

**Exhibits and Demonstrative Aids:**

18. Any and all models, illustrations, photographs or other exhibits or documents of any kind which you intend or contemplate using to illustrate, explain or support your testimony at the trial of this cause.

**SOAH Docket No. 582-08-2178  
TCEQ Docket No. 2007-1774-MSW**

**IN RE THE APPLICATION OF BFI WASTE § BEFORE THE  
SYSTEMS OF NORTH AMERICA, LLC § STATE OFFICE OF  
PERMIT NO. MSW-1447A § ADMINISTRATIVE HEARINGS**

**APPLICANT BFI WASTE SYSTEMS OF NORTH AMERICA, LLC'S  
NOTICE OF ORAL DEPOSITION OF  
ROBERT S. KIER AND SUBPOENA DUCES TECUM**

TO: TJFA, L.P., by and through its counsel of record, Bob Renbarger and J.D. Head, FRITZ, BYRNE, HEAD & HARRISON, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701.


PLEASE TAKE NOTICE pursuant to Rule 199 of the Texas Rules of Civil Procedure that Applicant BFI Waste Systems of North America, LLC will take the following oral deposition in this proceeding:

**Witness: Robert S. Kier**  
**Date: Thursday, December 4, 2008**  
**Time: 10:00 a.m.**  
**Location: Offices of Fritz, Byrne, Head & Harrison, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701**

The deposition will continue from day-to-day until completed. The deposition will be taken before a certified court reporter from Kennedy Reporting Service. The following persons may attend the deposition in addition to counsel for BFI: Mike Snyder, Phil Bullock, H.C. Clark and/or a corporate representative of BFI. The witness is requested to bring to the deposition for

review and inspection the originals of the documents requested in the subpoena duces tecum that  
is attached as Exhibit "A."

Respectfully submitted,

By:   
Paul G. Gosselink  
Texas Bar No. 08222800

LLOYD, GOSSELINK, ROCHELLE & TOWNSEND, P.C.  
816 Congress Ave., Suite 1900  
Austin, Texas 78701  
Phone: (512) 322-5800  
Fax: (512) 472-0532

**ATTORNEYS FOR APPLICANT  
BFI WASTE SYSTEMS OF NORTH  
AMERICA, LLC**

OF COUNSEL:

John E. Carlson  
Texas Bar No. 00790426

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing Notice of Oral Deposition was served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. mail, facsimile transmission and/or hand delivery and via e-mail on November 20, 2008:

**FOR THE PUBLIC INTEREST COUNSEL:**

Christina Mann  
Texas Commission on Environmental Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4014  
Fax: (512) 239-6377

**FOR THE EXECUTIVE DIRECTOR:**

Steve Shepherd, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606

**REPRESENTING CITY OF AUSTIN:**

Holly Noelke  
Assistant City Attorney  
City of Austin Law Department  
P. O. Box 1088  
Austin, Texas 78767  
Tel: (512) 974-2630  
Fax: (512) 974-6490

**REPRESENTING GILES HOLDINGS, L.P.**

Paul M. Terrill, III  
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810 W. 10<sup>th</sup> Street  
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Fax: (512) 474-9888

**REPRESENTING NORTHEAST NEIGHBORS  
COALITION AND INDIVIDUALS:**

Jim Blackburn and Mary Carter  
Blackburn and Carter, LLP  
4709 Austin Street  
Houston, Texas 77004  
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Fax: (713) 524-5165

**REPRESENTING TJFA, L.P.:**

Bob Renbarger and J. D. Head  
Fritz, Byrne, Head, & Harrison, LLP  
98 San Jacinto Blvd., Suite 2000  
Austin, Texas 78701  
Tel: (512) 476-2020  
Fax: (512) 477-5267

**REPRESENTING TRAVIS COUNTY:**

Kevin Morse  
Assistant Travis County Attorney  
Travis County Attorney's Office  
P. O. Box 1748  
Austin, Texas 78767  
Tel: (512) 854-9513  
Fax: (512) 854-4808



Paul G. Gosselink



## **Exhibit "A" to Deposition Notice**

### **REQUEST FOR PRODUCTION**

The witness is directed to bring with him to the deposition the following materials:

#### **Documents and Things:**

1. Any and all documents and things reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
2. Any and all documents and things created or produced by you in connection with your work pertaining to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
3. Any and all documents in your custody or control concerning this contested case hearing.
4. Any and all documents in your custody or control concerning the BFI Sunset Farms Landfill.
5. Your complete file in this case – including but not limited to any and all of your records, correspondence (including e-mails), personal notes, calendars, diaries, phone logs and any other type of document concerning any fact or opinion in relation to BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
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7. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
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**Models, Samples and Test Results:**

9. All models, samples and test results that relate in any way to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing. This request specifically encompasses any and all tables, spreadsheets, summaries or graphical representations of such information.

**Photographs, Recordings and Videotapes:**

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11. Any and all photographs, recordings, videotapes, and/or radiographic films in your custody or control concerning BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.

**Expert Engagements/Prior Testimony:**

12. Lists, spreadsheets or other documents that list or reflect legal proceedings in which you have given testimony.
13. Lists, spreadsheets or other documents that list or reflect legal proceedings in which you have made an expert report.
14. Any and all trial, contested case hearing and/or deposition transcripts containing any testimony you have given that pertains in any way to an application for an MSW permit. This request specifically encompasses any and all pre-filed testimony prepared by or for you in such proceedings.

**Geologic Characterizations and Other Work on TDSL Landfill:**

15. Any and all geologic and hydrogeologic characterizations you have performed in connection with the Texas Disposal Systems Landfill (TDSL) facility in Creedmoor, Texas. This request specifically encompasses any and all summaries, studies, stratigraphic cross-sections, models, reports and MSW permit application documents you have prepared or assisted in the preparation of pertaining to the facility.
16. Any and all studies or plans you have prepared or assisted in the preparation of pertaining to the groundwater monitoring system at the TDSL facility.
17. Any groundwater sampling and analysis plan (GWSAP) you have prepared or assisted in the preparation of for the TDSL facility.

**Literature and Publications:**

18. All papers, abstracts, governmental publications or other medical, technical or scientific articles written or authored, in whole or in part, by you relating in any way to the subject or issues of this lawsuit.
19. All papers, abstracts, learned treatises, technical guidance documents, governmental publications, or other medical, technical or scientific articles or texts you will rely on or claim to be authoritative in this matter.

**Curriculum Vitae:**

20. A current copy of your curriculum vitae summarizing your professional qualifications, publications, presentations, affiliations, and professional licensure.

**Exhibits and Demonstrative Aids:**

21. Any and all models, illustrations, photographs or other exhibits or documents of any kind which you intend or contemplate using to illustrate, explain or support your testimony at the trial of this cause.