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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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 13 **B & L PRODUCTIONS, INC., d/b/a**
CROSSROADS OF THE WEST, et al.,
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 Plaintiffs,
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 v.
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22nd DISTRICT AGRICULTURAL
ASSOCIATION, et al.
 17
 Defendants.
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3:19-cv-0134-CAB-NLS

**DEFENDANTS' OBJECTIONS
 TO EVIDENCE FILED IN
 OPPOSITION TO MOTION TO
 DISMISS**

Date: May 1, 2019
 Judge: The Honorable Cathy
 Ann Bencivengo
 Action filed: January 21, 2019

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1 Defendants 22nd District Agricultural Association; Steve Shewmaker,
2 President of 22nd District Agricultural Association, in his official and individual
3 capacity; Richard Valdez, Vice President of 22nd District Agricultural Association,
4 in his official and individual capacity; and Karen Ross, Secretary of California
5 Department of Food & Agriculture, in her official capacity (collectively,
6 “Defendants”), submit the following objections to evidence submitted by Plaintiffs
7 in opposition to Defendants’ motion to dismiss. The objections are organized by
8 document, in this order: (1) general objections to declarations submitted by
9 Plaintiffs in support of their opposition; and (2) specific objections to declarations
10 submitted by Plaintiffs in support of their opposition, organized in alphabetical
11 order by the declarant’s last name.

12 **I. GENERAL OBJECTIONS TO DECLARATIONS AND EXHIBITS**

13 Defendants’ motion to dismiss under Federal Rule of Civil Procedure 12(b)(6)
14 raises specific legal challenges to Plaintiffs’ causes of action and its failure to state
15 any claim upon which relief can be granted. In support of their opposition,
16 Plaintiffs submit declarations asserting facts in support of their fatally deficient
17 claims for relief.

18 In ruling on Defendants’ motion to dismiss under Federal Rule of Civil
19 Procedure 12(b)(6), the Court is limited to considering “the complaint itself and its
20 attached exhibits, documents incorporated by reference, and matters properly
21 subject to judicial notice.” *In re NVIDIA Corp. Sec. Litig.*, 768 F.3d 1046, 1051
22 (9th Cir. 2014). The “doctrine of incorporation by reference” allows consideration
23 of “documents in situations where the complaint necessarily relies upon a document
24 or the contents of the document are alleged in a complaint, the document’s
25 authenticity is not in question and there are no disputed issues as to the document’s
26 relevance.” *Coto Settlement v. Eisenberg*, 593 F.3d 1031, 1038 (9th Cir. 2010)
27 (citations omitted). “But the mere mention of the existence of a document is
28 insufficient to incorporate the contents of a document.” *Id.* (citation omitted).

1 The declarations proffered in opposition to the motion to dismiss do not
2 specify that *any* of the documents sought to be introduced therewith were attached
3 to or properly incorporated by reference into the Complaint. Aside from documents
4 that the Complaint specifically purports to describe—correspondence to and from
5 then-Lieutenant Governor Gavin C. Newsom (Compl. ¶¶ 85-86, Barvir Decl. (ECF
6 No. 14-1), Exs. 10, 11 (ECF No. 14-5)), and the California Department of Food and
7 Agriculture’s *Contracts Manual for Agricultural Districts* (Compl. ¶ 60, Okita
8 Decl., Ex. 1 (ECF No. 14-8))—none of the proffered documents are even
9 specifically described in the Complaint. Aside from these three specifically
10 identified documents, the Court should disregard all of Plaintiffs’ proffered exhibits
11 when ruling on the motion to dismiss.

12 In addition, the Court may not consider “new” facts or allegations alleged in
13 Plaintiffs’ opposition papers. *See Schneider v. California Dept. of Corrections*, 151
14 F.3d 1194, 1197 (9th Cir. 1998) (“[N]ew’ allegations contained in the . . .
15 opposition motion . . . are irrelevant for purposes of Rule 12(b)(6) purposes. In
16 determining the propriety of a Rule 12(b)(6) dismissal, a court may not look beyond
17 the complaint to a plaintiff’s moving papers, such as a memorandum in opposition
18 to a defendant’s motion to dismiss.”). The declarations offering factual testimony
19 and legal conclusions—by Plaintiffs, Plaintiffs’ attorneys, and Plaintiffs’ corporate
20 representatives—are improper attempts to supplement the allegations of the
21 Complaint, and should be disregarded in their entirety. *See* Declarations Tiffany D.
22 Chevront (ECF No. 14-7), Barry Bardack (ECF No. 14-9), Ronald J. Diaz, Sr.
23 (ECF No. 14-10), John Dupree (ECF No. 14-11), Christopher Irrick (ECF No. 14-
24 12), Lawrence Walsh (ECF No. 14-13), Shaun Redmon (ECF No. 14-14), Richard
25 Travis (ECF No. 14-15), Jon Sivers (ECF No. 14-16), Alan Gottlieb (ECF No. 14-
26 17), and Tracy Olcott (ECF No. 14-18).

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1 **II. SPECIFIC OBJECTIONS TO DECLARATION OF BARRY BARDACK**

2 Defendants submit the following specific evidentiary objections to the
3 Declaration of Barry Bardack (“Bardack Decl.”), ECF No. 14-9:

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| 5 PLAINTIFFS’ EVIDENCE | 6 DEFENDANTS’ OBJECTION | 7 COURT RULING |
|-----------------------------------|--|--------------------------------|
| 8 Bardack Decl., ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| 9 Bardack Decl., ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| 10 Bardack Decl., ¶ 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| 11 Bardack Decl., ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| 12 Bardack Decl., ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | ___ Sustained ___ Overruled |

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20 **III. SPECIFIC OBJECTIONS TO DECLARATION OF ANNA BARVIR**

21 Defendants submit the following specific evidentiary objections to the
22 Declaration of Anna Barvir (“Barvir Decl.”), ECF No. 14-1:

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| 24 PLAINTIFFS’ EVIDENCE | 25 DEFENDANTS’ OBJECTION | 26 COURT RULING |
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| 27 Barvir Decl., at ¶ 2, Exhibit 2 | Irrelevant. Fed. R. Evid. 401, 402. | ___ Sustained ___ Overruled |

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| 1 | Barvir Decl., at ¶ 3, Exhibit 3 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 4 | Barvir Decl., at ¶ 4, Exhibit 4 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 7 | Barvir Decl., at ¶ 5, Exhibit 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 11 | Barvir Decl., at ¶ 6, Exhibit 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 15 | Barvir Decl., at ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. Best Evidence Rule. Fed. R. Evidence 1001-1008. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 21 | Barvir Decl., at ¶ 8, Exhibit 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 25 | Barvir Decl., at ¶ 9, Exhibit 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 1 | Barvir Decl., at ¶ 10, Exhibit 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 5 | Barvir Decl., at ¶ 13, Exhibit 12 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 9 | Barvir Decl., at ¶ 14, Exhibit 13 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 12 | Barvir Decl., at ¶ 15, Exhibit 14 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 16 | Barvir Decl., at ¶ 16 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. Best Evidence Rule. Fed. R. Evidence 1001-1008. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 21 | Barvir Decl., at ¶ 17, Exhibit 15 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 25 | Barvir Decl., at ¶ 18, Exhibit 16 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 1 | Barvir Decl., at ¶ 19, Exhibit 17 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 5 | Barvir Decl., at ¶ 20, Exhibit 18 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 9 | Barvir Decl., at ¶ 21, Exhibit 19 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 12 | Barvir Decl., at ¶ 22, Exhibit 20 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 16 | Barvir Decl., at ¶ 23, Exhibit 21 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 20 | Barvir Decl., at ¶ 24, Exhibit 22 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 24 | Barvir Decl., at ¶ 25, Exhibit 23 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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2 **IV. SPECIFIC OBJECTIONS TO DECLARATION OF TIFFANY D. CHEUVRONT**

3 Defendants submit the following specific evidentiary objections to the
4 Declaration of Tiffany D. Cheuvront (“Cheuvront Decl.”), ECF No. 14-7:
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| PLAINTIFFS’ EVIDENCE | DEFENDANTS’ OBJECTION | COURT RULING |
|---------------------------------|---|--------------------------------|
| Cheuvront Decl., at ¶ 3 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Cheuvront Decl., at ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Cheuvront Decl., at ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. Hearsay. Fed. R. Evid. 801. | ___ Sustained ___ Overruled |
| Cheuvront Decl., at ¶ 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. Hearsay. Fed. R. Evid. 801. | ___ Sustained ___ Overruled |
| Cheuvront Decl., at ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. Best Evidence Rule. Fed. R. Evidence 1001-1008. | ___ Sustained ___ Overruled |

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| 1 | Chevront Decl., | Lacks foundation/personal knowledge. | <input type="checkbox"/> Sustained |
| 2 | at ¶ 8 | Fed. R. Evid. 602. | <input type="checkbox"/> Overruled |
| 3 | | Irrelevant. Fed. R. Evid. 401, 402. | |
| 4 | | Best Evidence Rule. Fed. R. Evidence | |
| 5 | | 1001-1008. | |
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| 7 | Chevront Decl., | Lacks foundation/personal knowledge. | <input type="checkbox"/> Sustained |
| 8 | at ¶ 9 | Fed. R. Evid. 602. | <input type="checkbox"/> Overruled |
| 9 | | Irrelevant (improper legal argument). | |
| 10 | | Fed. R. Evid. 401, 402. | |
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| 12 | Chevront Decl., | Lacks foundation/personal knowledge. | <input type="checkbox"/> Sustained |
| 13 | at ¶ 10 | Fed. R. Evid. 602. | <input type="checkbox"/> Overruled |
| 14 | | Irrelevant. Fed. R. Evid. 401, 402. | |
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| 16 | Chevront Decl., | Lacks foundation/personal knowledge. | <input type="checkbox"/> Sustained |
| 17 | at ¶ 11 | Fed. R. Evid. 602. | <input type="checkbox"/> Overruled |
| 18 | | Irrelevant. Fed. R. Evid. 401, 402. | |
| 19 | | Best Evidence Rule. Fed. R. Evidence | |
| 20 | | 1001-1008. | |
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| 22 | Chevront Decl., | Lacks foundation/personal knowledge. | <input type="checkbox"/> Sustained |
| 23 | at ¶ 12 | Fed. R. Evid. 602. | <input type="checkbox"/> Overruled |
| 24 | | Irrelevant. Fed. R. Evid. 401, 402. | |
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| 26 | Chevront Decl., | Lacks foundation/personal knowledge. | <input type="checkbox"/> Sustained |
| 27 | at ¶ 13 | Fed. R. Evid. 602. | <input type="checkbox"/> Overruled |
| 28 | | Irrelevant. Fed. R. Evid. 401, 402. | |

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| <p>Chevront Decl., at ¶ 14</p> | <p>Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. Hearsay. Fed. R. Evid. 801.</p> | <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> |
| <p>Chevront Decl., at ¶ 15</p> | <p>Lacks foundation/personal knowledge. Fed. R. Evid. 602. Improper opinion testimony of a lay person. Fed. R. Evid. 701, 702.</p> | <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> |
| <p>Chevront Decl., at ¶ 16</p> | <p>Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402.</p> | <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> |
| <p>Chevront Decl., at ¶ 17</p> | <p>Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402.</p> | <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> |
| <p>Chevront Decl., at ¶ 18</p> | <p>Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402.</p> | <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> |

1 **V. SPECIFIC OBJECTIONS TO DECLARATION OF RONALD J. DIAZ, SR.**

2 Defendants submit the following specific evidentiary objections to the
 3 Declaration of Ronald J. Diaz, Sr. (“Diaz Decl.”), ECF No. 14-10:

| PLAINTIFFS’ EVIDENCE | DEFENDANTS’ OBJECTION | COURT RULING |
|-------------------------|--|--------------------------------|
| Diaz Decl., at ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Diaz Decl., at ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Diaz Decl., at ¶ 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Diaz Decl., at ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Diaz Decl., at ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Diaz Decl., at ¶ 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | ___ Sustained ___ Overruled |

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VI. SPECIFIC OBJECTIONS TO DECLARATION OF JOHN DUPREE

Defendants submit the following specific evidentiary objections to the Declaration of John Dupree (“Dupree Decl.”), ECF No. 14-11:

| PLAINTIFFS’ EVIDENCE | DEFENDANTS’ OBJECTION | COURT RULING |
|-----------------------------|--|--|
| Dupree Decl., at ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Dupree Decl., at ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Dupree Decl., at ¶ 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Dupree Decl., at ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Dupree Decl., at ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Dupree Decl., at ¶ 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

1 **VII. SPECIFIC OBJECTIONS TO DECLARATION OF ALAN GOTTLIEB**

2 Defendants submit the following specific evidentiary objections to the
 3 Declaration of Alan Gottlieb (“Gottlieb Decl.”), ECF No. 14-17:

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| 5 PLAINTIFFS’ EVIDENCE | 6 DEFENDANTS’ OBJECTION | 7 COURT RULING |
|-----------------------------------|--|--------------------------------------|
| 8 Gottlieb Decl., at ¶ 4 | 9 Lacks foundation/personal knowledge. Fed. R. Evid. 602. | 10 ___ Sustained 11 ___ Overruled |
| 12 Gottlieb Decl., at ¶ 5 | 13 Lacks foundation/personal knowledge. Fed. R. Evid. 602. | 14 ___ Sustained 15 ___ Overruled |
| 16 Gottlieb Decl., at ¶ 6 | 17 Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | 18 ___ Sustained 19 ___ Overruled |
| 20 Gottlieb Decl., at ¶ 7 | 21 Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | 22 ___ Sustained 23 ___ Overruled |
| 24 Gottlieb Decl., at ¶ 8 | 25 Lacks foundation/personal knowledge. Fed. R. Evid. 602. | 26 ___ Sustained 27 ___ Overruled |
| 28 Gottlieb Decl., at ¶ 9 | Irrelevant. Fed. R. Evid. 401, 402. | ___ Sustained ___ Overruled |

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| Gottlieb Decl., at ¶ 10 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | ___ Sustained ___ Overruled |
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VIII. SPECIFIC OBJECTIONS TO DECLARATION OF CHRISTOPHER IRICK

Defendants submit the following specific evidentiary objections to the Declaration of Christopher Irick (“Irck Decl.”), ECF No. 14-12:

| PLAINTIFFS’ EVIDENCE | DEFENDANTS’ OBJECTION | COURT RULING |
|-----------------------------|--|--------------------------------|
| Irck Decl., at ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Irck Decl., at ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Irck Decl., at ¶ 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Irck Decl., at ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Irck Decl., at ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Irck Decl., at ¶ 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | ___ Sustained ___ Overruled |

1 **IX. SPECIFIC OBJECTIONS TO DECLARATION OF TRACY OLCOTT**

2 Defendants submit the following specific evidentiary objections to the
3 Declaration of Tracy Olcott (“Olcott Decl.”), ECF No. 14-18:

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| 5 PLAINTIFFS’ EVIDENCE | 6 DEFENDANTS’ OBJECTION | 7 COURT RULING |
|-----------------------------------|--|--------------------------------------|
| 8 Olcott Decl., at ¶ 3 | 9 Lacks foundation/personal 10 knowledge. Fed. R. Evid. 602. | 11 ___ Sustained 12 ___ Overruled |
| 13 Olcott Decl., at ¶ 4 | 14 Lacks foundation/personal 15 knowledge. Fed. R. Evid. 602. | 16 ___ Sustained 17 ___ Overruled |
| 18 Olcott Decl., at ¶ 5 | 19 Lacks foundation/personal 20 knowledge. Fed. R. Evid. 602. | 21 ___ Sustained 22 ___ Overruled |
| 23 Olcott Decl., at ¶ 6 | 24 Lacks foundation/personal 25 knowledge. Fed. R. Evid. 602. | 26 ___ Sustained 27 ___ Overruled |
| 28 Olcott Decl., at ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Olcott Decl., at ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |
| Olcott Decl., at ¶ 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |

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| 1 | Olcott Decl., at ¶ 10 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 4 | Olcott Decl., at ¶ 11 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| 5 | | | |
| 6 | | Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | |
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| 8 | Olcott Decl., at ¶ 12 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 11 | Olcott Decl., at ¶ 13 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 14 | Olcott Decl., at ¶ 14 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 16 | | Improper opinion testimony of a lay person. Fed. R. Evid. 701, 702. | |
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| 18 | Olcott Decl., at ¶ 15 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 21 | Olcott Decl., at ¶ 16 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 24 | Olcott Decl., at ¶ 17 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| Olcott Decl., at ¶ 18 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Olcott Decl., at ¶ 19 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

X. SPECIFIC OBJECTIONS TO DECLARATION OF SHAUN REDMON

Defendants submit the following specific evidentiary objections to the Declaration of Shaun Redmon (“Redmon Decl.”), ECF No. 14-14:

| PLAINTIFFS’ EVIDENCE | DEFENDANTS’ OBJECTION | COURT RULING |
|-----------------------------|--|--|
| Redmon Decl., at ¶ 3 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

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| Redmon Decl., at ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 10 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 11 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Redmon Decl., at ¶ 12 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

1 **XI. SPECIFIC OBJECTIONS TO DECLARATION OF JON SIVERS**

2 Defendants submit the following specific evidentiary objections to the
3 Declaration of Jon Sivers (“Sivers Decl.”), ECF No. 14-16:

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| 5 PLAINTIFFS’ EVIDENCE | 6 DEFENDANTS’ OBJECTION | 7 COURT ORDER |
|-----------------------------------|--|--------------------------------------|
| 8 Sivers Decl., at ¶ 2 | 9 Irrelevant. Fed. R. Evid. 401, 402. | 10 ___ Sustained 11 ___ Overruled |
| 12 Sivers Decl., at ¶ 3 | 13 Irrelevant. Fed. R. Evid. 401, 402. | 14 ___ Sustained 15 ___ Overruled |
| 16 Sivers Decl., at ¶ 4 | 17 Irrelevant. Fed. R. Evid. 401, 402. | 18 ___ Sustained 19 ___ Overruled |
| 20 Sivers Decl., at ¶ 5 | 21 Lacks foundation/personal 22 knowledge. Fed. R. Evid. 602. | 23 ___ Sustained 24 ___ Overruled |
| 25 Sivers Decl., at ¶ 6 | 26 Lacks foundation/personal 27 knowledge. Fed. R. Evid. 602. | 28 ___ Sustained ___ Overruled |
| Sivers Decl., at ¶ 7 | Irrelevant. Fed. R. Evid. 401, 402. | ___ Sustained ___ Overruled |
| Sivers Decl., at ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | ___ Sustained ___ Overruled |

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| Sivers Decl., at ¶ 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Sivers Decl., at ¶ 10 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Sivers Decl., at ¶ 11 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Sivers Decl., at ¶ 12 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Sivers Decl., at ¶ 13 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

XII. SPECIFIC OBJECTIONS TO DECLARATION OF RICHARD TRAVIS

Defendants submit the following specific evidentiary objections to the Declaration of Richard Travis (“Travis Decl.”), ECF No. 14-15:

| PLAINTIFFS’ EVIDENCE | DEFENDANTS’ OBJECTION | COURT RULING |
|-----------------------------|-------------------------------------|--|
| Travis Decl., at ¶ 2 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Travis Decl., at ¶ 3 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

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| 1 | Travis Decl., at ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 4 | Travis Decl., at ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 7 | Travis Decl., at ¶ 6 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 10 | Travis Decl., at ¶ 7 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 13 | Travis Decl., at ¶ 8 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 16 | Travis Decl., at ¶ 9 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 19 | Travis Decl., at ¶ 10 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 22 | Travis Decl., at ¶ 11 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 25 | Travis Decl., at ¶ 12 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 1 2 3 | Travis Decl., at ¶ 13 | Lacks foundation/personal knowledge. Fed. R. Evid. 602 | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| 4 5 6 | Travis Decl., at ¶ 14 | Irrelevant. Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| 7 8 9 | Travis Decl., at ¶ 15 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

XIII. SPECIFIC OBJECTIONS TO DECLARATION OF LAWRENCE WALSH

Defendants submit the following specific evidentiary objections to the Declaration of Lawrence Walsh (“Walsh Decl.”), 14-13:

| 15 16 17 | PLAINTIFFS’ EVIDENCE | DEFENDANTS’ OBJECTION | COURT RULING |
|----------------|----------------------|---|--|
| 18 19 20 | Walsh Decl., ¶ 4 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| 21 22 23 | Walsh Decl., ¶ 5 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| 24 25 26 | Walsh Decl., ¶ 6 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| 27 28 | Walsh Decl., ¶ 7 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

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| Walsh Decl., ¶ 8 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Walsh Decl., ¶ 9 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
| Walsh Decl., ¶ 10 | Lacks foundation/personal knowledge. Fed. R. Evid. 602. Irrelevant (improper legal argument). Fed. R. Evid. 401, 402. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |

Dated: April 24, 2019

Respectfully submitted,

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s/ P. PATTY LI

P. PATTY LI
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