

Brooks, David K., EMNRD

From: Brooks, David K., EMNRD
Sent: Wednesday, July 30, 2008 2:50 PM
To: Joseph E. Manges; 'Michael Feldewert'
Subject: Case No. 14116

Gentlemen

I have been away from the office since July 15. Accordingly, Mr. Feldewert's email of July 22 and Mr. Manges' letter of July 24 have just today come to my attention.

I agree with Mr. Manges that final briefing cannot be expected until a transcript is available, and I will advise the parties when I have received the transcript.

However, the need for a description of the exhibits admitted under seal, however, is not related to any possible objection to their being sealed in the first place, but is required so that, if we receive a public records request, we have something to give the requesting party to provide them a basis for follow-up if they want to contest the sealing of the records. Accordingly, I am hereby requesting that this information be furnished not later than August 11.

Mosaic's intervention is a separate issue. I see no reason why briefing between Fasken and Intrepid need to be deferred by reason of Mosaic's intervention. Accordingly, as soon as I have a transcript in hand, I will contact the parties regarding a briefing schedule.

Sincerely

David K. Brooks
Legal Examiner

7/30/2008