

Chandra,  
Here is a rough and incomplete synopsis:

1. Text edits to the document are too narrow in scope. See page 2-13 and page 8-3. The contention is that Rindlaub's only work that the court struck from the record is the actual wetland delineation report "Report". They contend there were at least 2 and possibly 3 documents created by Rindlaub, they refer to Rindlaub a, b along with the Report, along with documents prepared by "Staff" (who were themselves convicted of defrauding the Board of Supervisors, the public and the property owners) that were separate and distinct from the Report. Apparently, in the P&D author's mind, therefore, conclusions and observations were appropriately left in the document minus any reference to "wetlands" or other words, some of which might have come from the Report. We would contend that each of these documents had a part in the formation of the Report. They are all part and parcel of each other. If memory serves, they are all referenced in the original Report and are therefore "Fruit of the Poison Tree". In any case, they were all created prior to the Report. Also see page 22-13 and 5.2-1 for other references.
2. The site has changed completely since the court ordered Adam Bros. to apply for a grading permit and the county to give Adam Bros. same. Paragraph 4, page 22-14 talks about a "delta", the source of this term in nothing but the result of inadequate and narrow redaction of the original Report. The term is found in the stricken Report document on map KS-22-2. Remember, it is the Report "*and any conclusion based in whole or in part*" that was stricken from the record.

These examples cited are not by any means complete. They are merely a sample to prove that the contentions have merit. The amended OCP EIR is inadequately redacted. It is rife with references to the stricken materials. At this point, plaintiff Adam Bros. et al, nor council, have been consulted or involved in the editing of this document. I would hope that your board would continue this item and engage Plaintiffs attorney for some input, to avoid future litigation that could result from a unilateral edit that is not compliant with the order of the court. Not to mention an injustice to Adam Bros, and delayed 8 years at that.

Thanks,  
Peter