

**From:** [Tim Herman](#)  
**To:** [William Bock, III](#)  
**Date:** Monday, August 06, 2012 6:15:23 PM

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Bill

This will confirm our telephone conversation earlier in which Plaintiff agreed to the submission of those licenses and license-related documents referenced in the last sentence of Par. 4 of your email of 3:21 today. This will further confirm that Par. 9 of the August 6, 2012 affidavit of Shawn Farrell will be revised to be accurate and that changes will be made only to Par. 9. You have agreed not to object on timing grounds to the submission of the Farrell affidavit. You have indicated that you are not waiving, but expressly reserving, substantive objections of an evidentiary or utilization nature to the Farrell affidavit. Your agreement was contingent upon our submitting the affidavit no later than 5:00 tomorrow, August 7.

Plaintiff has previously agreed, for the purposes of the August 10, 2012 hearing only, to not object to the authenticity of attachments to affidavits submitted by USDA. You agreed to review the attachments to Plaintiff's affidavits with a view toward extending the same courtesy. We agreed to speak again late tomorrow or Wednesday morning on topics including, but not limited to, disputed/undisputed facts; order of presentation; and stipulations.

I believe this accurately reflects our agreements of today. If not, please let me know at your earliest convenience.

Tim

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