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EXEMPT FROM FILING FEES
PURSUANT TO GOV. CODE, § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendants.

CASE NO. RCVRS 51010

[ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE GILBERT G. OCHOA]

**CITY OF ONTARIO'S EVIDENTIARY
OBJECTIONS TO DECLARATION OF
CRIS FEALY IN SUPPORT OF
WATERMASTER SUPPLEMENTAL
BRIEF TO MOTION FOR COURT
APPROVAL OF THE CORRECTED
AND AMENDED FY 2021/2022 AND
2022/2023 ASSESSMENT PACKAGES**

Hearing:

Date: August 14, 2026

Time: 10:00 a.m.

Department: R17

1 City of Ontario (“Ontario”) respectfully submits the following evidentiary objections to the
2 Declaration of Cris Fealy (“Declarant”), filed July 10, 2026, in Support of Watermaster
3 Supplemental Brief To Motion For Court Approval of the Corrected and Amended FY 2021/2022
4 and 2022/2023 Assessment Packages (“Fealy Declaration.”), and the Exhibits referenced and
5 attached to said declaration. Pursuant to Code of Civil Procedure section 436 and in accordance
6 with the objections set forth herein, Ontario requests that the Court strike the Fealy Declaration in
7 its entirety, or in the alternative, strike the specific paragraphs referenced below and Exhibit B.

8 **I. GENERAL OBJECTIONS TO DECLARATION OF CRIS FEALY**

9 Ontario respectfully submits this general objection to the Fealy Declaration in Support of
10 Watermaster Supplemental Brief To Motion For Court Approval of the Corrected and Amended
11 FY 2021/2022 and 2022/2023 Assessment Packages as irrelevant to the limited issue before the
12 Court whether Watermaster has complied with the Court of Appeal’s directive to correct and revise
13 the assessment packages consistent with the original DYY Program agreements, the Judgment, and
14 prior court orders.

15 The Fealy Declaration largely focuses on issues irrelevant to that narrow issue, including
16 without limitation, Fontana Water Company’s (“Fontana”) costs of purchasing water, Fontana’s
17 purported development of multiple water sources, how Fontana’s demand is satisfied, and
18 Fontana’s purported minimization of the Chino Basin production and reliance on Chino Basin
19 wells, Fontana’s “cheapest” source of water (vis-à-vis Lytle Creek diversions, Lytle Creek Basin
20 production, and Rialto Basin production), alleged Fontana-IEUA communications, and Fontana’s
21 purported reliance and actions, unidentified “information and belief” of IEUA’s reasoning, and
22 Fontana’s use of the Chino Basin and payment therefor, along with the purported displacement and
23 hypothetical purchase.

24 None of these issues are relevant to the limited issue before the court that the assessment
25 packages be revised consistent with the original DYY Program agreements. Nor do they provide
26 justification or support for Watermaster to treat the produced water at issue by Fontana and CVWD
27 in the CAA Packages as “DYY production” that is exempt from DRO assessments because that is
28 not authorized by the original DYY agreements and prior court orders. For example, the Opinion

1 makes clear that Fontana is not authorized to recover stored and supplemental water under the DYY
2 Program as it did not have a court approved local agency agreement. None of the above issues are
3 relevant to or change that result. Moreover, issues raised by the Opposing Parties concerning their
4 purported reliance on the 2019 Letter Agreement and financial impacts relating thereto also are not
5 relevant to changing the Opinion's directive, and these issues were previously raised and
6 disregarded by the Court of Appeal.

7 Exhibit B is offered as evidence of Fontana's purported reliance and actions pursuant to
8 Fontana-IEUA communications. Such evidence is not relevant, based on hearsay and is
9 inadmissible, as further discussed below. (Evid. Code §§ 210, 350, 403, 702, 800-804, 1200, and
10 1523.)

11 II. SPECIFIC OBJECTIONS TO THE DECLARATION OF CHRIS FEALY

12 DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER 13 SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE 14 CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES		
15 Material Objected To	16 Grounds for Objection	17 Ruling
18 1. Fealy Declaration, ¶8, page 3, 19 lines 4-10: 20 "Fontana has 1.0 acre-foot of 21 appropriative rights to native safe 22 yield of the Chino Basin. 23 Accordingly, it must pay a (1) the 24 applicable extraction assessment for 25 all native groundwater extracted 26 from the Chino Basin, and (2) a 27 replenishment assessment for every 28 acre-foot of of [sic] native groundwater produced over its nominal allocation of appropriative rights. From 2019 to 2023, the assessment charges for producing native groundwater produced from the Chino Basin was more expensive than diverting surface water from Lytle Creek, producing groundwater from the Lytle Creek Basin or Rialto Basin, or	Irrelevant. Evid. Code §§ 210, 350. Fontana's payment of assessments and the comparative costs thereof are irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario's effort to enforce the Court Appeal's Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages "violated the Judgment and the agreements that created the DYY Program" and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements.	Sustained: ____ Overruled: ____

DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES		
Material Objected To	Grounds for Objection	Ruling
purchasing surface water from IEUA.”	Improper Opinion. Evid. Code §§ 800-804. Declarant’s testimony consists of inadmissible opinions, including without limitation, Fontana’s payment of assessments and the comparative costs thereof. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of the comparative costs of Fontana’s assessment payment. The testimony consists of speculation as to the comparative costs of Fontana’s assessment payment.	
2. Fealy Declaration, ¶9, page 3, lines 11-13: “Fontana has developed multiple water sources to satisfy maximum day demand, <i>i.e.</i> the highest volume of water that Fontana serves to customers in a single day during a one-year period.”	Irrelevant. Evid. Code §§ 210, 350. Fontana’s purported development of multiple water sources is irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program” and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements. Improper Opinion. Evid. Code §§ 800-804.	Sustained: ____ Overruled: ____

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DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES		
Material Objected To	Grounds for Objection	Ruling
	Declarant’s testimony consists of inadmissible opinions, including without limitation, Fontana’s purported development of multiple water sources. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of Fontana’s purported development of multiple water sources. The testimony consists of speculation as to Fontana’s purported development of multiple water sources.	
3. Fealy Declaration, ¶10, page 3, lines 14-19: “Fontana's demand is satisfied first using a combination of Lytle Creek diversions (when available), groundwater production from the Rialto Basin and Lytle Basin, and imported surface water purchased from IEUA. Because groundwater production from the Chino Basin is generally more expensive than those sources, Fontana ordinarily minimizes Chino Basin production and relies on Chino Basin wells primarily when additional supply or production capacity is needed to meet customer demand.”	Irrelevant. Evid. Code §§ 210, 350. How Fontana’s demand is satisfied, the cost of groundwater production, and Fontana’s purported minimization of the Chino Basin production and reliance on Chino Basin wells is irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program” and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements.	Sustained: ____ Overruled: ____

DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES		
Material Objected To	Grounds for Objection	Ruling
	Improper Opinion. Evid. Code §§ 800–804. Declarant’s testimony consists of inadmissible opinions, including without limitation, how Fontana’s demand is satisfied, the cost of groundwater production, and Fontana’s purported minimization of the Chino Basin production and reliance on Chino Basin wells. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of the cost of groundwater production, and Fontana’s purported minimization of the Chino Basin production and reliance on Chino Basin wells. The testimony consists of speculation as to the cost of groundwater production, and Fontana’s purported minimization of the Chino Basin production and reliance on Chino Basin wells.	
4. Fealy Declaration, ¶11, page 3, lines 20-21: “When available, Lytle Creek diversions, Lytle Creek Basin production, and Rialto Basin production are Fontana's cheapest sources of water.”	Irrelevant. Evid. Code §§ 210, 350. Fontana’s “cheapest” source of water (vis-à-vis Lytle Creek diversions, Lytle Creek Basin production, and Rialto Basin production) is irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the	Sustained: ____ Overruled: ____

**DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER
SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE
CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT
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Material Objected To	Grounds for Objection	Ruling
	2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program” and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements. Improper Opinion. Evid. Code §§ 800–804. Declarant’s testimony consists of inadmissible opinions, including without limitation, Fontana’s “cheapest” source of water (vis-à-vis Lytle Creek diversions, Lytle Creek Basin production, and Rialto Basin production). Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of Fontana’s “cheapest” source of water (vis-à-vis Lytle Creek diversions, Lytle Creek Basin production, and Rialto Basin production). The testimony consists of speculation as to Fontana’s “cheapest” source of water (vis-à-vis Lytle Creek diversions, Lytle Creek Basin production, and Rialto Basin production).	
5. Fealy Declaration, ¶12, page 3, lines 22-27; Ex. B: “On July 30, 2020, IEUA approached Fontana asking Fontana to voluntarily withdraw DYY water from Metropolitan's DYY storage account. After receiving confirmation from IEUA staff that "IEUA would work with Chino	Irrelevant. Evid. Code §§ 210, 350. The alleged Fontana-IEUA communications, and Fontana’s purported reliance and actions are irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with	Sustained: ____ Overruled: ____

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Material Objected To	Grounds for Objection	Ruling
Basin Watermaster to ensure that this water is not counted as Chino Basin production," Fontana agreed to voluntarily withdraw 2,500 acre-feet from the DYY storage account by December 2020. A true and correct copy of email correspondence between staff at IEUA and myself is attached hereto as Exhibit B."	the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages "violated the Judgment and the agreements that created the DYY Program" and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements. Improper Opinion. Evid. Code §§ 800–804. Declarant's testimony consists of inadmissible opinions, including without limitation, Fontana's purported reliance and actions. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of Fontana's purported reliance and actions. The testimony consists of speculation as to Fontana's purported reliance and actions. Hearsay. Evid. Code § 1200. Declarant's testimony regarding the alleged Fontana-IEUA communications, and Fontana's purported reliance and actions is based on hearsay. Secondary Evidence Rule. Evid. Code § 1523.	

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DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES		
Material Objected To	Grounds for Objection	Ruling
	Declarant’s oral testimony regarding the contents of the alleged Fontana-IEUA communications is inadmissible, which speaks for itself.	
6. Fealy Declaration, ¶13, page 3, line 28 – page 4, line 2: “Based on information and belief, I understood that IEUA was seeking voluntary withdrawals pursuant to the 2019 Letter Agreement to assist the Chino Basin in reducing its stored water which was pressed against the CEQA-approved storage cap at that time.”	Irrelevant. Evid. Code §§ 210, 350. The unidentified “information and belief” of IEUA’s reasoning is irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program” and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements. Improper Opinion. Evid. Code §§ 800–804. Declarant’s testimony consists of inadmissible opinions, including without limitation, the unidentified “information and belief” of IEUA’s reasoning. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of the unidentified “information and belief” of IEUA’s reasoning.	Sustained: ____ Overruled: ____

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DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES		
Material Objected To	Grounds for Objection	Ruling
	The testimony consists of speculation as to IEUA’s reasoning behind its request.	
7. Fealy Declaration, ¶16, page 4, lines 15-17: “Fontana paid the same Metropolitan Tier 1 Untreated rate for the stored DYY water that it pays for surface water deliveries from IEUA, and at least a portion of the DYY withdrawals displaced water that otherwise would have been purchased from IEUA.”	Irrelevant. Evid. Code §§ 210, 350. Fontana’s costs and payment of the MWD rate, and the purported displacement and hypothetical purchase are irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program” and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements. Improper Opinion. Evid. Code §§ 800–804. Declarant’s testimony consists of inadmissible opinions, including without limitation, Fontana’s costs and the purported displacement and hypothetical purchase. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of Fontana’s costs and the purported displacement and hypothetical purchase.	Sustained: ____ Overruled: ____

DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES		
Material Objected To	Grounds for Objection	Ruling
	The testimony consists of speculation as to the purported displacement and hypothetical purchase.	
8. Fealy Declaration, ¶17, page 4, lines 18-23: “Fontana undertook DYY voluntary withdrawals because IEUA requested participation in the DYY program and because Fontana understood that stored DYY water was available to Fontana for use. By contrast, production of native Chino Basin groundwater generally occurs only when Fontana required additional supply beyond what was available from Lytle Creek surface water diversions, Lytle Basin groundwater production, Rialto Basin groundwater production, and imported surface water purchased from IEUA (“non-Chino supplies”).”	Irrelevant. Evid. Code §§ 210, 350. Fontana’s past decision to take DYY water and understanding that such water was available is irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program” and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements. Fontana’s reliance is also irrelevant because this issue was raised before the Court of Appeal and disregarded. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of Fontana’s purported displacement and hypothetical purchase. The testimony consists of speculation as to the purported displacement and hypothetical purchase.	Sustained: ____ Overruled: ____
9. Fealy Declaration, ¶18, page 4, lines 24 – page 5, line 1:	Irrelevant. Evid. Code §§ 210, 350.	Sustained: ____

**DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER
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Material Objected To	Grounds for Objection	Ruling
“Had stored DYY water not been available, Fontana would have satisfied the demand served by DYY voluntary withdrawals using a combination of available non-Chino supplies before increasing production of native groundwater from the Chino Basin. At the time of the DYY withdrawals, alternative capacity existed from Fontana’s imported surface water connection such that additional production of native Chino Basin groundwater was not operationally necessary to satisfy customer demands except on peak days.”	Fontana’s decisions and other available options are irrelevant to the instant motion, the issues in the supplemental briefing, and Ontario’s effort to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and prior court orders. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the 2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program” and the 2019 Letter Agreement is not court approved or one of the original DYY Program agreements. Improper Opinion. Evid. Code §§ 800–804. Declarant’s testimony consists of inadmissible opinions, including without limitation, Fontana’s hypothetical options for water supplies. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403, 702(a) and 800. Declarant fails to lay proper foundation or establish personal knowledge of Fontana’s hypothetical options for water supplies. The testimony consists of speculation as to the hypothetical options for water supply.	Overruled: ____

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Dated: August 3, 2026

STOEL RIVES LLP

By: 
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MICHAEL B. BROWN

Attorneys for
City of Ontario

CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the action within. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On August 3, 2026, I served the following:

1. CITY OF ONTARIO'S EVIDENTIARY OBJECTIONS TO DECLARATION OF CRIS FEALY IN SUPPORT OF WATERMASTER SUPPLEMENTAL BRIEF TO MOTION FOR COURT APPROVAL OF THE CORRECTED AND AMENDED FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES

/ X / BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:
See attached service list: Mailing List 1

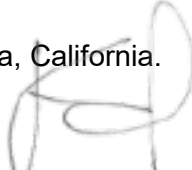
/ ___ / BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ ___ / BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

/ X / BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.
See attached service list: Master Email Distribution List

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 3, 2026, in Rancho Cucamonga, California.



By: Kirk Richard C. Dolar
Chino Basin Watermaster

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Cindy Li
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Craig Miller
Craig Stewart
Cris Fealy
Curtis Burton
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Dana Reeder
Daniel Bobadilla
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