

<b>Description</b>	<p>LS-21-002, -003, -004 Minutes for Hearing Day 2  Baja Concrete USA Corp et. al.  Tuesday, June 13, 2023</p> <p>Time: 9:00 a.m.  Examiner: Ryan Vancil  Assistant: Angela Oberhansly</p> <p>Party Representatives:</p> <p>Alex Larkin, Legal Counsel for the Appellant Baja Concrete</p> <p>Nicole Wolfe, Legal Counsel for the Appellant Newway Forming</p> <p>Allen McKenzie, Legal Counsel for the Appellant Antonio Machado</p> <p>Lorna Sylvester, Legal Counsel for the Department, OLS</p> <p>Witnesses:</p> <p>Jonathan Ivan Parra Ponce</p> <p>Matias Catalan</p> <p>Hector Amin Cespedes Rivera</p>
<b>Date</b>	6/13/2023 <b>Location</b> [HXM1810606]

Time	Speake	Note
<a href="#">9:00:17 AM</a>		Examiner opens hearing
<a href="#">9:06:52 AM</a>		McKenzie continues cross examination of Ponce
<a href="#">9:07:27 AM</a>		Ponce responds
<a href="#">9:07:50 AM</a>		McKenzie continues
<a href="#">9:07:58 AM</a>		Ponce responds
<a href="#">9:15:48 AM</a>		McKenzie uses share screen to display City Exhibit 134 and continues cross examination of Ponce regarding it
<a href="#">9:21:40 AM</a>		Larkin objects
<a href="#">9:21:55 AM</a>		Sylvester joins objection
<a href="#">9:22:10 AM</a>		McKenzie responds
<a href="#">9:22:25 AM</a>		Examiner responds
<a href="#">9:24:00 AM</a>		Objection is sustained
<a href="#">9:24:09 AM</a>		McKenzie continues
<a href="#">9:24:52 AM</a>		Ponce responds
<a href="#">9:26:46 AM</a>		McKenzie uses share screen to display City Exhibit 28 and continues cross examination of Ponce regarding it
<a href="#">9:29:59 AM</a>		Ponce responds
<a href="#">9:32:22 AM</a>		McKenzie continues
<a href="#">9:33:07 AM</a>		Ponce responds
<a href="#">9:40:36 AM</a>		McKenzie continues
<a href="#">9:40:58 AM</a>		Ponce responds
<a href="#">9:41:37 AM</a>		McKenzie uses share screen to display City Exhibit 28, page 35, and continues cross examination of Ponce regarding it
<a href="#">9:41:58 AM</a>		Ponce responds
<a href="#">9:43:30 AM</a>		Examiner interjects
<a href="#">9:44:32 AM</a>		McKenzie continues
<a href="#">9:45:06 AM</a>		Ponce responds
<a href="#">9:50:11 AM</a>		Larkin objects
<a href="#">9:50:18 AM</a>		McKenzie responds
<a href="#">9:50:28 AM</a>		Objection is overruled
<a href="#">9:50:42 AM</a>		McKenzie continues
<a href="#">9:50:50 AM</a>		Ponce responds
<a href="#">9:53:08 AM</a>		Sylvester objects and Larkin joins objection
<a href="#">9:53:35 AM</a>		McKenzie responds
<a href="#">9:53:52 AM</a>		Objection is sustained
<a href="#">9:54:38 AM</a>		McKenzie continues
<a href="#">9:54:45 AM</a>		Sylvester objects
<a href="#">9:54:49 AM</a>		Objection is sustained
<a href="#">9:55:07 AM</a>		McKenzie continues
<a href="#">9:55:31 AM</a>		McKenzie uses share screen to display Appellant Machado Exhibit 4 and continues cross examination of Ponce regarding it
<a href="#">9:57:37 AM</a>		Ponce responds

<a href="#">9:58:52 AM</a>	Sylvester objects
<a href="#">9:59:52 AM</a>	McKenzie responds
<a href="#">10:00:10 AM</a>	Examiner responds. Objection is overruled.
<a href="#">10:00:51 AM</a>	McKenzie continues
<a href="#">10:00:51 AM</a>	Ponce responds
<a href="#">10:01:31 AM</a>	McKenzie concludes
<a href="#">10:01:38 AM</a>	Examiner pauses hearing for morning break to reconvene at 10:15 a.m.
<a href="#">10:15:23 AM</a>	Examiner resumes hearing
<a href="#">10:15:34 AM</a>	Sylvester begins cross redirect examination of Ponce
<a href="#">10:16:06 AM</a>	Ponce responds
<a href="#">10:16:57 AM</a>	Larkin objects
<a href="#">10:17:05 AM</a>	Sylvester responds
<a href="#">10:17:12 AM</a>	Objection is overruled
<a href="#">10:17:16 AM</a>	Sylvester continues
<a href="#">10:17:27 AM</a>	Ponce responds
<a href="#">10:20:09 AM</a>	Sylvester uses share screen to display Hearing Exhibit 1 and continues cross redirect examination of Ponce regarding it
<a href="#">10:20:40 AM</a>	Ponce responds
<a href="#">10:22:25 AM</a>	Sylvester continues
<a href="#">10:22:48 AM</a>	Ponce responds
<a href="#">10:25:33 AM</a>	Larkin objects
<a href="#">10:25:47 AM</a>	Wolfe joins objection
<a href="#">10:26:00 AM</a>	Sylvester responds
<a href="#">10:26:36 AM</a>	Larkin responds
<a href="#">10:27:08 AM</a>	Objection is sustained
<a href="#">10:27:17 AM</a>	Sylvester continues
<a href="#">10:27:39 AM</a>	McKenzie objects
<a href="#">10:27:53 AM</a>	Sylvester responds
<a href="#">10:28:16 AM</a>	Objection is overruled
<a href="#">10:28:27 AM</a>	Sylvester continues
<a href="#">10:28:52 AM</a>	Ponce responds
<a href="#">10:29:03 AM</a>	McKenzie objects
<a href="#">10:29:06 AM</a>	Objection is overruled
<a href="#">10:29:29 AM</a>	Sylvester continues
<a href="#">10:29:42 AM</a>	Ponce responds
<a href="#">10:31:06 AM</a>	Larkin objects. McKenzie and Wolfe join objection
<a href="#">10:31:14 AM</a>	Sylvester responds
<a href="#">10:31:48 AM</a>	Examiner responds
<a href="#">10:33:08 AM</a>	Sylvester responds
<a href="#">10:34:16 AM</a>	Objection is overruled
<a href="#">10:36:52 AM</a>	Sylvester continues
<a href="#">10:36:56 AM</a>	Ponce responds

<a href="#">10:38:48 AM</a>	Sylvester uses share screen to display City Exhibit 29, and continues cross redirect examination of Ponce regarding it
<a href="#">10:39:41 AM</a>	Ponce responds
<a href="#">10:41:26 AM</a>	Sylvester continues
<a href="#">10:41:36 AM</a>	Ponce responds
<a href="#">10:42:36 AM</a>	Sylvester uses share screen to display City Exhibit 28, and continues cross redirect examination of Ponce regarding it
<a href="#">10:42:56 AM</a>	Ponce responds
<a href="#">10:43:24 AM</a>	Sylvester continues
<a href="#">10:43:42 AM</a>	Ponce responds
<a href="#">10:45:01 AM</a>	Sylvester uses share screen to display City Exhibit 28, and continues cross redirect examination of Ponce regarding it
<a href="#">10:45:27 AM</a>	Ponce responds
<a href="#">10:45:53 AM</a>	Examiner interjects
<a href="#">10:46:10 AM</a>	Sylvester responds
<a href="#">10:46:36 AM</a>	Examiner responds
<a href="#">10:48:16 AM</a>	Sylvester continues
<a href="#">10:48:35 AM</a>	Ponce responds
<a href="#">10:51:04 AM</a>	Sylvester concludes
<a href="#">10:51:20 AM</a>	Larkin uses share screen to display Hearing Exhibit 1 and begins cross redirect examination of Ponce regarding it
<a href="#">10:52:46 AM</a>	Ponce responds
<a href="#">10:55:15 AM</a>	Larkin concludes
<a href="#">10:55:31 AM</a>	Wolfe begins cross redirect examination of Ponce
<a href="#">10:55:54 AM</a>	Ponce responds
<a href="#">10:56:06 AM</a>	Wolfe continues
<a href="#">10:56:13 AM</a>	Ponce responds
<a href="#">10:57:18 AM</a>	Wolfe concludes
<a href="#">10:58:54 AM</a>	McKenzie begins recross redirect examination of Ponce
<a href="#">10:59:57 AM</a>	Ponce responds
<a href="#">11:00:06 AM</a>	McKenzie continues
<a href="#">11:00:28 AM</a>	Ponce responds
<a href="#">11:02:04 AM</a>	McKenzie concludes
<a href="#">11:03:20 AM</a>	Matias Catalan is sworn in
<a href="#">11:03:48 AM</a>	Pridgeon begins direct examination of Catalan
<a href="#">11:05:04 AM</a>	Catalan responds
<a href="#">11:05:55 AM</a>	Pridgeon continues
<a href="#">11:06:00 AM</a>	Catalan responds
<a href="#">11:29:05 AM</a>	Pridgeon uses share screen to display City Exhibit 130 and continues direct examination of Catalan regarding it
<a href="#">11:31:11 AM</a>	Catalan responds
<a href="#">11:32:10 AM</a>	Pridgeon continues
<a href="#">11:32:30 AM</a>	Catalan responds
<a href="#">11:32:59 AM</a>	McKenzie objects
<a href="#">11:33:10 AM</a>	Pridgeon responds

<a href="#">11:33:16 AM</a>	Pridgeon continues
<a href="#">11:33:35 AM</a>	Catalan responds
<a href="#">11:37:18 AM</a>	McKenzie objects. Wolfe joins objection.
<a href="#">11:37:29 AM</a>	Pridgeon responds
<a href="#">11:37:56 AM</a>	Objection overrules
<a href="#">11:38:13 AM</a>	Catalan responds
<a href="#">11:38:52 AM</a>	Pridgeon continues
<a href="#">11:39:47 AM</a>	Catalan responds
<a href="#">11:47:33 AM</a>	Pridgeon uses share screen to display City Exhibit 18 and continues direct examination of Catalan regarding it
<a href="#">11:48:34 AM</a>	Ponce responds
<a href="#">11:55:39 AM</a>	Pridgeon motions to admit City Exhibit 18
<a href="#">11:56:51 AM</a>	City Exhibit 18 is admitted as Hearing Exhibit 3
<a href="#">12:06:41 PM</a>	Examiner pauses hearing for a lunch break to reconvene at 1:30 p.m.
<a href="#">1:30:51 PM</a>	Examiner resumes hearing
<a href="#">1:31:20 PM</a>	Pridgeon motions to admit City Exhibit 130
<a href="#">1:31:36 PM</a>	City Exhibit 130 is admitted as Hearing Exhibit 4
<a href="#">1:32:07 PM</a>	Pridgeon continues
<a href="#">1:32:20 PM</a>	Catalan responds
<a href="#">1:42:33 PM</a>	Pridgeon uses share screen to display City Exhibit 30 and continues direct examination of Catalan regarding it
<a href="#">1:43:13 PM</a>	Catalan responds
<a href="#">1:44:04 PM</a>	Pridgeon uses share screen to display City Exhibit 31 and continues direct examination of Catalan regarding it
<a href="#">1:44:50 PM</a>	Catalan responds
<a href="#">1:45:51 PM</a>	Pridgeon motions to admit City Exhibits 30 and 31
<a href="#">1:46:02 PM</a>	McKenzie objects. Larkin and Wolfe joins objection.
<a href="#">1:47:13 PM</a>	Pridgeon responds
<a href="#">1:48:40 PM</a>	McKenzie responds
<a href="#">1:49:19 PM</a>	Examiner responds
<a href="#">1:50:29 PM</a>	City Exhibit 31 is admitted as Hearing Exhibit 6
<a href="#">1:51:59 PM</a>	Examiner asks question of Pridgeon
<a href="#">1:52:53 PM</a>	Pridgeon responds
<a href="#">1:54:59 PM</a>	City Exhibit 30 is admitted as Hearing Exhibit 5
<a href="#">1:56:17 PM</a>	Pridgeon continues
<a href="#">1:56:45 PM</a>	Pridgeon concludes
<a href="#">1:57:04 PM</a>	Larkin begins direct examination of Catalan
<a href="#">1:59:29 PM</a>	Catalan responds
<a href="#">1:59:34 PM</a>	Larkin continues
<a href="#">2:01:11 PM</a>	Catalan responds
<a href="#">2:10:03 PM</a>	Larkin concludes
<a href="#">2:10:30 PM</a>	Wolfe begins direct examination of Catalan
<a href="#">2:10:55 PM</a>	Catalan responds

<a href="#">2:12:13 PM</a>	Wolfe continues
<a href="#">2:17:57 PM</a>	Wolfe concludes
<a href="#">2:18:17 PM</a>	McKenzie begins direct examination of Catalan
<a href="#">2:19:19 PM</a>	Pridgeon objects
<a href="#">2:19:47 PM</a>	McKenzie responds
<a href="#">2:20:11 PM</a>	Objection is overruled
<a href="#">2:20:19 PM</a>	McKenzie continues
<a href="#">2:20:53 PM</a>	Pridgeon objects
<a href="#">2:21:23 PM</a>	Larkin joins objection
<a href="#">2:21:29 PM</a>	Examiner responds
<a href="#">2:22:02 PM</a>	McKenzie continues
<a href="#">2:22:14 PM</a>	Catalan responds
<a href="#">2:23:44 PM</a>	McKenzie uses share screen to display Appellant Machado Exhibit 20 and continues direct examination of Catalan regarding it
<a href="#">2:25:20 PM</a>	Catalan responds
<a href="#">2:26:51 PM</a>	Pridgeon objects
<a href="#">2:26:53 PM</a>	Objection is sustained
<a href="#">2:27:11 PM</a>	McKenzie continues
<a href="#">2:30:49 PM</a>	Catalan responds
<a href="#">2:33:50 PM</a>	Pridgeon objects
<a href="#">2:33:55 PM</a>	Objection is sustained
<a href="#">2:41:10 PM</a>	Larkin Objects
<a href="#">2:41:12 PM</a>	McKenzie responds
<a href="#">2:41:23 PM</a>	Objection is overruled
<a href="#">2:41:42 PM</a>	Catalan responds
<a href="#">2:42:06 PM</a>	McKenzie continues
<a href="#">2:42:15 PM</a>	Catalan responds
<a href="#">2:42:44 PM</a>	Pridgeon objects
<a href="#">2:42:45 PM</a>	Objection is sustained
<a href="#">2:43:01 PM</a>	McKenzie continues
<a href="#">2:44:21 PM</a>	Catalan responds
<a href="#">2:45:32 PM</a>	Pridgeon objects
<a href="#">2:45:55 PM</a>	McKenzie responds
<a href="#">2:46:32 PM</a>	Examiner responds
<a href="#">2:47:23 PM</a>	McKenzie continues
<a href="#">2:47:55 PM</a>	Catalan responds
<a href="#">2:53:45 PM</a>	McKenzie concludes
<a href="#">2:54:19 PM</a>	Pridgeon begins cross redirect examination of Catalan
<a href="#">2:55:51 PM</a>	Catalan responds
<a href="#">2:59:43 PM</a>	McKenzie objects. Wolfe joins objection
<a href="#">2:59:51 PM</a>	Pridgeon responds
<a href="#">3:00:22 PM</a>	Objection is overruled
<a href="#">3:01:01 PM</a>	Pridgeon continues

<a href="#">3:01:24 PM</a>	Catalan responds
<a href="#">3:01:35 PM</a>	Examiner pauses the hearing for an afternoon break
<a href="#">3:16:57 PM</a>	Examiner resumes hearing
<a href="#">3:17:15 PM</a>	Pridgeon continues
<a href="#">3:17:45 PM</a>	Pridgeon continues cross redirect examination of Catalan regarding Hearing Exhibit 5
<a href="#">3:18:40 PM</a>	Catalan responds
<a href="#">3:20:56 PM</a>	Pridgeon continues
<a href="#">3:21:05 PM</a>	Catalan responds
<a href="#">3:25:34 PM</a>	McKenzie objects
<a href="#">3:26:00 PM</a>	Pridgeon responds
<a href="#">3:27:08 PM</a>	Catalan responds
<a href="#">3:27:18 PM</a>	Pridgeon continues
<a href="#">3:27:58 PM</a>	Catalan responds
<a href="#">3:29:16 PM</a>	Pridgeon concludes
<a href="#">3:33:37 PM</a>	Hector Amin Cespedes Rivera is sworn in
<a href="#">3:34:01 PM</a>	Sylvester begins direct examination of Rivera
<a href="#">3:34:27 PM</a>	Rivera responds
<a href="#">3:35:12 PM</a>	Sylvester continues
<a href="#">3:35:20 PM</a>	Rivera responds
<a href="#">3:38:36 PM</a>	McKenzie motions to strike
<a href="#">3:38:40 PM</a>	Motion is sustained
<a href="#">3:42:48 PM</a>	Sylvester continues
<a href="#">3:43:01 PM</a>	Larkin objects
<a href="#">3:43:14 PM</a>	Sylvester responds
<a href="#">3:43:22 PM</a>	Objection is overruled
<a href="#">3:43:35 PM</a>	Rivera responds
<a href="#">3:45:11 PM</a>	Sylvester continues
<a href="#">3:45:17 PM</a>	Rivera responds
<a href="#">3:57:48 PM</a>	Wolfe objects. McKenzie joins objection
<a href="#">3:58:05 PM</a>	Sylvester responds
<a href="#">3:58:30 PM</a>	Examiner asks question of Wolfe
<a href="#">3:58:42 PM</a>	Wolfe responds
<a href="#">3:59:30 PM</a>	Sylvester continues
<a href="#">3:59:41 PM</a>	Rivera responds
<a href="#">4:06:47 PM</a>	Larkin objects
<a href="#">4:06:56 PM</a>	Sylvester responds
<a href="#">4:07:01 PM</a>	Objection is overruled
<a href="#">4:07:12 PM</a>	Rivera responds
<a href="#">4:07:26 PM</a>	Sylvester continues
<a href="#">4:07:42 PM</a>	Rivera responds
<a href="#">4:13:08 PM</a>	Sylvester uses share screen to display City Exhibit 10 and continues direct examination of Rivera about it
<a href="#">4:13:57 PM</a>	Rivera responds

<a href="#">4:15:59 PM</a>	Sylvester motions to admit City Exhibit 10
<a href="#">4:16:46 PM</a>	City Exhibit 10 is admitted as Hearing Exhibit 7
<a href="#">4:17:53 PM</a>	Sylvester continues
<a href="#">4:18:10 PM</a>	Rivera responds
<a href="#">4:19:01 PM</a>	Sylvester uses share screen to display Hearing Exhibit 4 and continues direct examination of Rivera about it
<a href="#">4:21:53 PM</a>	McKenzie objects. Larkin joins objection.
<a href="#">4:22:04 PM</a>	Sylvester asks question of Rivera
<a href="#">4:22:48 PM</a>	Rivera responds
<a href="#">4:23:00 PM</a>	Examiner pauses hearing for a short break
<a href="#">4:28:12 PM</a>	Examiner resumes hearing
<a href="#">4:28:42 PM</a>	Sylvester uses share screen to display Hearing Exhibit 4 and continues direct examination of Rivera about it
<a href="#">4:29:58 PM</a>	Rivera responds
<a href="#">4:34:02 PM</a>	Sylvester uses share screen to display City Exhibit 145 and continues direct examination of Rivera about it
<a href="#">4:34:58 PM</a>	Rivera responds
<a href="#">4:36:25 PM</a>	Sylvester motions to admit City Exhibit 145
<a href="#">4:36:47 PM</a>	City Exhibit 145 is admitted as Hearing Exhibit 8
<a href="#">4:37:16 PM</a>	Sylvester uses share screen to display City Exhibit 148 and continues direct examination of Rivera about it
<a href="#">4:38:28 PM</a>	Rivera responds
<a href="#">4:38:51 PM</a>	Sylvester motions to admit City Exhibit 148
<a href="#">4:39:10 PM</a>	City Exhibit 148 is admitted as Hearing Exhibit 9
<a href="#">4:39:29 PM</a>	Sylvester continues
<a href="#">4:39:47 PM</a>	Rivera responds
<a href="#">4:44:52 PM</a>	Sylvester uses share screen to display Appellant Baja Exhibit 134 and continues direct examination of Rivera about it
<a href="#">4:46:33 PM</a>	Rivera responds
<a href="#">4:48:05 PM</a>	Sylvester motions to admit Appellant Baja Exhibit 134
<a href="#">4:48:26 PM</a>	Appellant Baja Exhibit 134 is admitted as Hearing Exhibit 10
<a href="#">4:50:06 PM</a>	Rivera responds
<a href="#">4:50:53 PM</a>	Sylvester continues
<a href="#">4:51:01 PM</a>	Rivera responds
<a href="#">5:09:19 PM</a>	Examiner closes hearing