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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): KARL OLSON (SBN 104760) CANNATA, O'TOOLE, FICKES & ALMAZAN, LLP 100 Pine Street, Suite 350, San Francisco, CA 94111 TELEPHONE NO.: (415) 409-8900 FAX NO.: (415) 409-8904 E-MAIL ADDRESS: kolson@cofalaw.com ATTORNEY FOR (Name): Petitioner, Checks and Balances Project | FOR COURT USE ONLY CASE NUMBER: BCV-17-101859-TSC |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Kern STREET ADDRESS: 1415 Truxtun Ave MAILING ADDRESS: CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Kern County Superior Court-Metropolitan Division | |
| PLAINTIFF/PETITIONER: Checks and Balances Project DEFENDANT/RESPONDENT: City of Bakersfield | |
| DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS | |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
Sanjay Wagle, 1121 L Street, Suite 600, Sacramento, CA, 95814 (916) 492-5200, (626) 660-6515

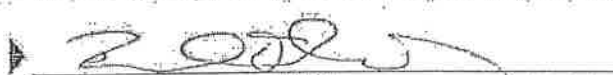
1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

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| To (name of deposition officer): Quest Discovery Services On (date): January 3, 2018 At (time): 10:00 a.m. Location (address): 4600 Roseville Road, Ste 200, North Highlands, CA 95660 Do not release the requested records to the deposition officer prior to the date and time stated above. |
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- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):
- Continued on Attachment 3.
4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: **December 14, 2017**
Karl Olson
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Petitioner, Checks & Balances Proj.
 (TITLE)

ATTACHMENT 3 TO DEPOSITION SUBPOENA
DEFINITIONS AND INSTRUCTIONS

Unless context otherwise indicates, the following words and phrases shall have the meaning given:

1. As used in this request, the term "PACE" means the Property Assessed Clean Energy Program in the City of Bakersfield.

2. As used in this request, the term "YOU" and "YOUR" means Sanjay Wagle and the California Association of Realtors, his agents, attorneys, representatives, supervisors, officers, accountants, employees or anyone acting or purporting to act on his behalf.

3. As used in this request, the term "DOCUMENTS" refers to any written, printed, typed, recorded, magnetic, electronic (including emails, scanned documents, and all computerized data of any kind), punched, copied, graphic, or other thing in, upon, or from which information may be embodied, translated, conveyed, or stored, including without limitation correspondence, memoranda, notes, records, books, papers, telegrams, telexes, dictation or other audio tapes, video tapes, computer tapes, computer discs, computer printouts, microfilm, microfiche, work sheets, diaries, calendars, ledgers, photographs, tables, charts, drawings, sketches, corporate bylaws, corporate minutes, promissory notes, receipts, financial records, accounting records, contracts, agreements, newspapers, brochures, circulars, online listings, and all other writings or drafts thereof, including and incorporating by reference such definitions provided by California Evidence Code section 250. This includes the originals (or any copies where the original is not available), any non-identical copies (which are different from the originals, because, for example, notes were made on such copies when they were sent to other persons), and all drafts prepared in connections with any writing, whether used or not.

4. As used in these requests, the term "COMMUNICATIONS" shall mean all letters,

1 telefaxes, emails, memoranda, notes, minutes, correspondence, conferences, conversations,
2 meetings, telephone calls, discussions, negotiations, acts, events, transactions, telegrams, text
3 messages and computer transcriptions, including but not limited to those sent or received on
4 private devices used by members of the City of Bakersfield City Council and their staffs.

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6 5. If any document responsive to this request is not produced based on a claim of
7 privilege or for any other reason, for each document, state the date, type, (e.g., memorandum,
8 letter or notes), author(s), addressee(s), copyee(s) and the titles of each of them. Indicate those
9 who are attorneys, and acted with respect to the subject matter of the document. Identify the file,
10 source, file number, and general subject matter of each document, and set forth fully the claimed
11 reasons for not producing the document.

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13 6. If any document responsive to this request is not produced because, after a diligent
14 and good faith search, you have determined that the document has been lost, misplaced, stolen,
15 destroyed, or for some other reason is no longer in your possession, control or custody, you are
16 required to identify each such document, specify the reason that it is not being produced, and
17 where possible, the date on which the document was last in your possession, custody or control.
18 You are further required to identify any person or entity who has possession, custody or control of
19 each such document. To the extent that any document responsive to this request is in the
20 possession, control or custody of other persons, including attorneys, you are required to produce
21 such documents, or make arrangements with that other person to produce such documents.

22 DOCUMENT REQUESTS

23 REQUEST NO. 1:

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25 A true and correct record of your calendar, reflecting all meetings and appointments
26 occurring within the last two (2) years, related to the subject of the Property Assessed Clean
27 Energy ("PACE") program, and all meetings with any officials or employees of the County of
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1 Kern or the City of Bakersfield which concerned, in whole or in part, the PACE program and
2 efforts to have the PACE program discontinued or to have a "moratorium" placed on it.

3 **REQUEST NO. 2:**

4 All DOCUMENTS which refer to, relate to or constitute any exchange(s) of
5 correspondence or documents, and/or any conversations or meetings, between YOU, Sanjay
6 Wagle, and/or other employees, agents, directors, officials, members or representatives or agents
7 of the California Association of Realtors on the one hand, and any city council members or
8 employee of the city of Bakersfield relating to the PACE program, including but not limited to
9 city council members Willie Rivera, Ken Weir, Andrae Gonzalez, Bruce Freeman, Bob Smith,
10 Jacquie Sullivan, and Chris Parlier.

11 **REQUEST NO. 3:**

12 All DOCUMENTS which refer to, relate to or constitute any exchange(s) of
13 correspondence or documents, and/or any conversations or meetings, between YOU, Sanjay
14 Wagle, and/or other employees, agents, officials, directors, members or representatives of the
15 California Association of Realtors on the one hand, and Kim Schaefer or any other employee or
16 agent of the Bakersfield Association of Realtors relating to the PACE program.

17 **REQUEST NO. 4:**

18 All DOCUMENTS which refer to, relate to or constitute any exchange(s) of
19 correspondence or documents, and/or any conversations or meetings, between YOU, Sanjay
20 Wagle, and/or any other employees or agents of the California Association of Realtors, and
21 Jimmy Yee or any other employee of Yankee Communications relating in any way to the PACE
22 program and/or any attempt to have the county of Kern or the city of Bakersfield discontinue the
23 PACE program.

24 **REQUEST NO. 5:**

1 All DOCUMENTS which refer to, relate to or constitute any exchange(s) of
2 correspondence or documents, and/or any conversations or meetings, between YOU, Sanjay
3 Wagle, and/or any other employees, agents, officials, members or representatives of the
4 California Association of Realtors, on the one hand, and any employee or official of the
5 Bakersfield Association of Realtors regarding the PACE program.
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7 **REQUEST NO. 6:**

8 All DOCUMENTS that refer or relate to the PACE program and/or possible or actual
9 discontinuation of the PACE program at any time.

10 **REQUEST NO. 7:**

11 All COMMUNICATIONS that refer or relate to the PACE program and/or possible or
12 actual discontinuation of the PACE program including but not limited to communications sent or
13 received on private electronic devices used by members of the City of Bakersfield City Council
14 and their staffs.
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16 **REQUEST NO. 8:**

17 All COMMUNICATIONS between YOU and the Bakersfield Association of Realtors, its
18 agents, attorneys, representatives, accountants, employees or anyone acting or purporting to act
19 on its behalf that refer or relate to the PACE program and/or possible or actual discontinuation of
20 the PACE program including but not limited to communications sent or received on private
21 electronic devices used by members of the City of Bakersfield City Council and their staffs.
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23 **REQUEST NO. 9:**

24 All COMMUNICATIONS between YOU and the Kern County Taxpayers Association, its
25 agents, attorneys, representatives, accountants, employees or anyone acting or purporting to act
26 on its behalf that refer or relate to the PACE program and/or possible or actual discontinuation of
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1 the PACE program including but not limited to communications sent or received on private
2 electronic devices used by members of the City of Bakersfield City Council and their staffs.

3 **REQUEST NO. 10:**

4 All COMMUNICATIONS between YOU and Yankee Communications, its agents,
5 attorneys, representatives, accountants, employees or anyone acting or purporting to act on its
6 behalf that refer or relate to the PACE program and/or possible or actual discontinuation of the
7 PACE program including but not limited to communications sent or received on private electronic
8 devices used by members of the City of Bakersfield City Council and their staffs.

9 **REQUEST NO. 11:**

10 All DOCUMENTS in your possession, custody or control relating to or reflecting
11 communications between or among members of the Bakersfield City Council, including but not
12 limited to City Council members Ken Weir, Willie Rivera, Andrae Gonzalez, Bruce Freeman,
13 Bob Smith, Jacquie Sullivan and Chris Parlier, regarding the PACE program and/or any attempts
14 to repeal or discontinue it.

15 **REQUEST NO. 12:**

16 All COMMUNICATIONS and/or DOCUMENTS which refer to, relate to or constitute
17 any communications between YOU and Roy DeLoach and/or any other agent, employee, official
18 or representative of DC Strategies regarding or related to PACE.

19 **REQUEST NO. 13:**

20 All COMMUNICATIONS and/or DOCUMENTS which refer to, relate to or constitute
21 any communications between YOU and Michelle Velez, the government affairs chair of the
22 National Association of Mortgage Professionals regarding or related to PACE.

23 **REQUEST NO. 14:**

24 All COMMUNICATIONS and/or DOCUMENTS which refer to, relate to or constitute
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1 any communications between YOU and Jeanne Radsick of Tobias Real Estate in Bakersfield,
2 California regarding or related to PACE.

3 **REQUEST NO. 15:**

4 All COMMUNICATIONS and/or DOCUMENTS which refer to, relate to or constitute
5 any communications between YOU and Nicholas Ortiz of the Greater Bakersfield Chamber of
6 Commerce and/or Gary Crabtree, a residential real estate appraiser at Affiliated Appraisers in
7 Bakersfield regarding or related to PACE.
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9 **REQUEST NO. 16:**

10 All COMMUNICATIONS between YOU, Sanjay Wagle, and any employees, directors,
11 agents, representatives, members or officials of the National Association of Realtors, California
12 Association of Realtors, and/or Bakersfield Association of Realtors regarding a grant application
13 made by Kim Schaefer on behalf of the Bakersfield Association of Realtors to fund an effort to
14 discontinue the PACE program in the city of Bakersfield and the county of Kern.
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