

SAS 700776

SUBP-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>KARL OLSON (SBN 104760)</b> <b>CANNATA, O'TOOLE, FICKES &amp; ALMAZAN, LLP</b> <b>100 Pine Street, Suite 350, San Francisco, CA 94111</b> 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: <b>BCV-17-101858-TSC</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Kern</b> 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: County of Kern	
<b>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</b>	

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:

To (name of deposition officer): Quest Discovery Services On (date): January 3, 2018 Location (address): 4600 Roseville Road, Ste 200, North Highlands, CA 95660 At (time): 10:00 a.m.
<b>Do not release the requested records to the deposition officer prior to the date and time stated above.</b>

- 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)

(Proof of service on reverse)

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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 County of Kern.
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 County of Kern Board of Supervisors and their staffs.

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

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

#### 24 REQUEST NO. 1:

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, officials, members or representatives of the California  
7 Association of Realtors on the one hand, and any member of the Board of Supervisors or  
8 employee of the County of Kern relating to the PACE program, including but not limited to  
9 Supervisors Zach Scrivner, David Couch, Mike Maggard, Leticia Perez and Mick Gleason and  
10 their staffs.  
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12 **REQUEST NO. 3:**

13 All DOCUMENTS which refer to, relate to or constitute any exchange(s) of  
14 correspondence or documents, and/or any conversations or meetings, between YOU, Sanjay  
15 Wagle, and/or other employees, agents, officials, members or representatives of the California  
16 Association of Realtors on the one hand, and Kim Schaefer or any other employee or agent of the  
17 Bakersfield Association of Realtors relating to the PACE program.  
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19 **REQUEST NO. 4:**

20 All DOCUMENTS which refer to, relate to or constitute any exchange(s) of  
21 correspondence or documents, and/or any conversations or meetings, between YOU, Sanjay  
22 Wagle, and/or any other employees, agents, officials, members or representatives of the  
23 California Association of Realtors, and Jimmy Yee or any other employee of Yankee  
24 Communications relating in any way to the PACE program and/or any attempt to have the county  
25 of Kern or the city of Bakersfield discontinue the PACE program.  
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1 **REQUEST NO. 5:**

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

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

11 **REQUEST NO. 7:**

12 All COMMUNICATIONS that refer or relate to the PACE program and/or possible or  
13 actual discontinuation of the PACE program including but not limited to communications sent or  
14 received on private electronic devices used by members of the County of Kern Board of  
15 Supervisors and their staffs.  
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17 **REQUEST NO. 8:**

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

25 All COMMUNICATIONS between YOU and the Kern County Taxpayers Association, its  
26 agents, attorneys, representatives, accountants, employees or anyone acting or purporting to act  
27 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 County of Kern Board of Supervisors 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 County of Kern Board of Supervisors 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 Kern County Board of Supervisors, including  
12 but not limited to Supervisors Zach Scrivner, David Couch, Mike Maggard, Leticia Perez and  
13 Mick Gleason, regarding the PACE program and/or any attempts to repeal and/or discontinue it.

14 **REQUEST NO. 12:**

15 All COMMUNICATIONS which refer or relate to PACE between YOU and Roy  
16 DeLoach and/or any other agent, employee, official or representative of DC Strategies.

17 **REQUEST NO. 13:**

18 All DOCUMENTS and/or COMMUNICATIONS regarding or related to PACE between  
19 YOU and Michelle Velez, the government affairs chair of the National Association of Mortgage  
20 Professionals.

21 **REQUEST NO. 14:**

22 All DOCUMENTS and reflecting or related to communications regarding or related to  
23 PACE between YOU and Jeanne Radsick of Tobias Real Estate in Bakersfield, California.

24 **REQUEST NO. 15:**

CANNATA O'TOOLE FICKES & ALMAZAN LLP  
ATTORNEYS AT LAW  
100 PINE STREET, SUITE 350, SAN FRANCISCO CA, 94111  
TEL: 415.409.8900 - FAX: 415.409.8904

1 All DOCUMENTS which refer to, relate to or constitute any communications between  
2 YOU and Nicholas Ortiz of the Greater Bakersfield Chamber of Commerce and/or Gary Crabtree,  
3 a residential real estate appraiser at Affiliated Appraisers in Bakersfield regarding or related to  
4 PACE.

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6 **REQUEST NO. 16:**

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