

EXHIBIT A

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SPECIAL MASTER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

HVI CAT CANYON, INC. f/k/a GREKA OIL
& GAS, INC.,

Defendants.

CASE NUMBER: 2:11-cv-05097-FMO
(PLAx)

RULING ON HVI'S REQUEST FOR
ATTORNEYS' FEES

ORDER NO. 1

Special Master: Hon. William McCurine (Ret.)

HVI Cat Canyon, Inc. ("HVI") brought a motion for sanctions and to recover attorneys' fees against the State of California ("the State" or "California"). HVI brought its initial motion for sanctions before U.S. Magistrate Judge Ralph Zarefsky. The gist of the sanctions motion was that the State had failed to issue a litigation hold, then misrepresented that a litigation hold had been instituted. Unfortunately the State did not institute a litigation hold and evidence was lost as a consequence. Judge Zarefsky issued a Report and Recommendation ("R&R") in favor of HVI and against the State for sanctions and attorneys' fees. (ECF 134) Both parties appealed the R&R to District Judge Fernando M. Olguin who affirmed the ruling as to the State with some modifications. (ECF 150) Judge Olguin ordered California to "pay for the reasonable costs and

1 attorney's fees defendant incurred in connection with the Motion." (ECF 150, pg. 5) At issue
2 before the Special Master are the amounts of fees and costs California must pay HVI and the
3 date by which such payment must be made. This matter has been fully briefed. California
4 challenges the amount of attorney's fees HP requests and wants to defer payment until the case
5 has concluded. The State has four bases for its oppositions to the contested portion of HVI's
6 attorneys' fees. *First*, some of the fees related to HVI's unsuccessful attempt to get sanctions
7 from the USA. *Second*, some of the fees related to HVI's unsuccessful attempt to obtain
8 summary judgment. *Third*, HVI was represented by two sets of attorneys in connection with its
9 fee motion: Arendt Fox, LLP ("Arendt Fox") and "Allen Matkins, LLP ("Allen Matkins"). Those
10 firms billed for making multiple appearances at various depositions and court hearings. *Fourth*,
11 the two firms engaged in unnecessary duplicative work. HVI argues that its fees and costs are
12 reasonable and requests immediate payment. The fees and costs arose from work done for HVI
13 by Allen Matkins LLP and Arendt Fox LLP who represented HVI and were the attorneys who
14 unearthed the State's spoliation of evidence due to its failure to institute a litigation hold.

15 LEGAL STANDARD

16 "The customary method of determining [reasonable attorneys'] fees... is known as the
17 lodestar method. 'The lodestar determination has emerged as the predominate element of the
18 analysis' in determining a reasonable attorney's fee award. *Jordan v. Multnomah County*, 815
19 F.2d 1258, 1262 (9th Cir.1987). The "lodestar" is calculated by multiplying the number of hours
20 the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *Morales*
21 *v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996). "A 'strong presumption' exists that the
22 lodestar figure represents a 'reasonable fee,' and therefore, it should only be enhanced or reduced
23 in 'rare and exceptional cases.' *Pennsylvania v. Delaware Valley Citizens' Council for Clean*
24 *Air*, 478 U.S. 546, 565 (1986) (internal quotations omitted)." *Fischer v. SJB-P.D. Inc*, 214 F.3d
25 1115, 1119, n.4 (9th Cir. 2000). *See also Cabrales v. County of Los Angeles*, 864 F.2d 1454,
26 1464 (9th Cir. 1988).

27 "There is no precise rule or formula for making these determinations. The district court
28 may attempt to identify specific hours that should be eliminated, or it may simply reduce the

1 award to account for the limited success. The court necessarily has discretion in making this
2 equitable judgment. This discretion, however, must be exercised in light of the considerations
3 we have identified.” *Hensley v. Eckerhart*, 461 U.S. 424, 436-37 (U.S. 1983). The Ninth Circuit
4 has cited with approval 12 factors that, taken together, could justify departure from the lodestar:
5 “(1) the time and labor required, (2) the novelty and difficulty of the questions involved, (3) the
6 skill requisite to perform the legal service properly, (4) the preclusion of other employment by
7 the attorney due to acceptance of the case, (5) the customary fee, (6) whether the fee is fixed or
8 contingent, (7) time limitations imposed by the client or the circumstances, (8) the amount
9 involved and the results obtained, (9) the experience, reputation, and ability of the attorneys, (10)
10 the “undesirability” of the case, (11) the nature and length of the professional relationship with
11 the client, and (12) awards in similar cases. These guidelines are consistent with those
12 recommended by the Code of Professional Responsibility of the American Bar Association,
13 Disciplinary Rule 2-106.” *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 69-70 (9th Cir. 1976).

14 ANALYSIS

15 A. Award of Fees.¹

16 1. *The Reasonableness of the Hourly Rates.*

17 HVI has not requested enhancement; it argues that the Court should employ the lodestar.
18 The State has not directly asked for a departure from the lodestar; rather, the State has argued
19 that some of the fees were not reasonable and necessary and should not be included in the
20 sanctions award.

21 Many of the same factors used to determine the lodestar and any departure therefrom are
22 now “subsumed within the initial calculation of hours reasonably expended at a reasonable
23 hourly rate.” *Hensley v. Eckerhart*, 461 U.S. 424, 434, n.9 (U.S. 1983). Among these factors
24 that “cannot serve as independent bases for adjusting fee awards are: (1) the novelty and
25 complexity of the issues, (2) the special skill and experience of counsel, (3) the quality of
26 representation, and (4) the results obtained.” *Jordan*, 815 F.2d at 1262 n. 6 (citing *Blum*, 465

27 ¹ Costs of \$59,013.30 are still allegedly due and owing. However, the State and HVI are privately working out the
28 issues of costs. Therefore, costs are not part of this ruling. If the parties cannot quickly resolve this issue, the Court
invites HVI to promptly file a motion.

1 U.S. at 898-900). “Presumably each of these factors is taken into account in either the
2 reasonable hours component or the reasonable rate component of the lodestar calculation.”

3 *Cabrales, supra*, at 1464.

4 The State has conceded that the hourly rates in question are reasonable. That admission
5 conforms with the Court’s own understanding of the appropriate reasonable hourly rates for
6 lawyers of comparable experience and skill in the Los Angeles area. *See also, Declaration of*
7 *Robert O’Brien*, ¶¶2-4. In fact, the evidence presented indicates that the hourly rate for the
8 highest paid lawyers representing HVI was actually *below* market for a period of the
9 representation.

10 Under the factors set forth in *Kerr, supra*, there is no reason for a significant departure
11 from the lodestar either by way of enhancement or reduction. The “presumptively reasonable
12 fee,” known as the lodestar figure, may then in “rare” and “exceptional” cases be “adjusted” on
13 the basis of “other considerations.” *Pennsylvania v. Delaware Valley Citizens’ Council for*
14 *Clean Air*, 478 U.S. 546, 564-65, 106 S.Ct. 3088, 3098-99, 92 L.Ed.2d 439 (1985) (quoting in
15 part *Blum v. Stenson*, 465 U.S. 886, 104 S.Ct. 1541, 79 L.Ed.2d 891 (1984)). *Cabrales v. County*
16 *of Los Angeles*, 864 F.2d 1454, 1464 (9th Cir. 1988).

17 Because many of the same factors used to determine the lodestar and any departure
18 therefrom are now “subsumed within the initial calculation of hours reasonably expended at a
19 reasonable hourly rate,” *Hensley, supra*, it is unnecessary to analyze each of the 12 factors
20 identified in *Kerr, supra*. The State has not challenged the hourly rates and it further admits that
21 \$764,933 of the requested fees is justified.

22 2. *The Hours of Arent Fox and Allen Matkins.*

23 The attorney time involved goes to the very heart of HVI’s ability to defend itself against
24 very serious charges. Moreover, the amount of attorney time and effort expended were made
25 necessary and more complicated by the State’s failure early on to forthrightly admit the
26 spoliation of evidence. The State should have come forward promptly to admit the problem and
27 to recommend solutions. Instead, HVI had to scratch and dig, confer and ponder to determine
28 the nature and extent of the spoliation and resultant damage. The determination of attorney time

1 and effort invested in a matter is not based on some ethereal ideal of efficiency but on what the
2 lawyers reasonably had to do in order to reach a desired result. Because of the remedy it would
3 seek, HVI had to cross every “t” and dot every “i.” It would have been foolish, if not
4 detrimental, if HVI had made so serious a charge without reasonably exhaustive research,
5 discovery and investigation. Good lawyers argue based on the facts and the law, not on
6 suppositions and guesses without the proper work to justify their position. It is quite possible
7 that, if HVI had spent significantly less time and effort, the State would have accused HVI of
8 making very serious charges based on scant or inadequate research. Furthermore, HVI was faced
9 with serious time restrictions. Discovery cut-off was closing and the trial is scheduled for June
10 2017. Had HVI been dilatory, the State would have had an additional basis for opposing the
11 request for sanctions. Time was of the essence. HVI had to do the discovery necessary to
12 determine the nature and extent of the spoliation and the impact of that spoliation on its ability to
13 defend itself against very serious charges. HVI could not properly prepare for a fast-approaching
14 trial without the despoiled evidence or some sanction that appropriately remedied the spoliation.
15 Therefore, it behooved HVI to move quickly. In such situations, some efficiency may be lost in
16 moving quickly and under great pressure because the stakes are high. To the extent there was
17 any inefficiency, it was not deliberate but circumstantial, caused by the necessity of finding out
18 the extent of the spoliation and its impact on the case as quickly as possible.

19 3. *Duplication of Effort.*

20 The State has accused HVI of an unnecessary duplication of effort because Arent Fox and
21 Allen Matkins would sometimes appear together at depositions and court appearances and work
22 in connection with those events. Arent Fox was the law firm that discovered the spoliation and
23 took the laboring oar in determining the extent of the spoliation and its consequences for HVI.
24 There appears to the Special Master to have been a reasonable division of labor between Allen
25 Matkins and Arent Fox. In his R&R, Judge Zarefsky stated: “There are two facts that underlie
26 this motion. First, percipient witnesses employed by the State of California did not preserve all
27 records. Second, during this litigation, counsel for Plaintiff State of California represented to
28 Defendant that a litigation hold was in place, which, had it been imposed early enough and

1 followed, would have resulted in the preservation of records; but such a hold in fact was not in
2 place.” *ECF 267, pg. 4*. The State downplays the effort necessary to uncover the spoliation. In
3 his R&R, Judge Zarefsky also says: “The Court has had difficulty in understanding just what is
4 missing. Defendant conducted an entity deposition pursuant to FED. R. CIV. P. 30(b)(6), and
5 that deposition established what the California Department of Fish and Wildlife did as an entity.
6 It thus gives some evidence that various emails or paper documents would not have been
7 preserved, but it expressly did not address retention practices of individual employees. (Zarro
8 Decl. ¶ 3.) Some of those individuals did in fact maintain email or other electronic information.
9 Yet, the deposition stands as evidence on behalf of California – that is, after all, what a Rule
10 30(b)(6) deposition is for – and was not rebutted by Plaintiffs as to ten witnesses: Abe, Boggs,
11 Brown, Chastain, Connell, Robin Lewis (California submitted a declaration from a different
12 Lewis, Shawn Lewis, who was a legal assistant), Mack, Scott, Stanton and Todd. Thus, as to
13 *those* witnesses, there was no evidence of their individual retention practices, and the entity
14 deposition is the only evidence the Court has. The evidence for those witnesses, as identified by
15 the party itself, is that some electronic or other information was not preserved.” *ECF 267, pg. 6*
16 *[Emphasis in original]*. To the extent there was any actual duplication of effort, the State made
17 much of it necessary by its dissimulation.² Indeed, in his R&R Judge Zarefsky criticized the
18 State for its protracted obfuscation: “*But if initially it may have been a mistake, what followed*
19 *was less free of blame*. Once this litigation began in 2011, one would have thought that the
20 existence of a protocol to preserve evidence would have been verified as part of the initial
21 process of commencing a lawsuit, and double-checked periodically thereafter to make sure that it
22 was being followed. Yet California said that it had imposed such a hold, apparently without ever
23 checking to verify that it had done so. In its Joint Report to the Court, filed on August 31, 2012,
24 Defendant noted that the parties had exchanged documents for a year before litigation
25 commenced (Docket #37 at 2:13-16) – there was no indication by California that anything was

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27 ² During ancient Rome there was typically only one traversable road leading into major cities. These roads were
28 often called “the king’s highway.” In order to delay or stop the advance of an invading army, the citizens would
chop up and destroy the king’s highway so it would not be traversable. That is the effect of the State’s dissimulation
in this case.

1 missing, or that a litigation hold had not been instituted – and the parties reported to the Court
2 that they “are not presently aware of any issues regarding the preservation of discoverable
3 information.” (Docket #37 at 12:26-27.)” *ECF 267, pg. 8 [Emphasis added]*. The State’s
4 failures are all the more troubling because it instituted the subject lawsuit and presumably
5 researched the matters in its complaint long before filing it. Allen Matkins played a critical role
6 in discovering and tracking down the spoliation. Arendt Fox played a critical role in preparing
7 the subject motions based on the spoliation. Courts should generally defer to the professional
8 judgment of the successful attorney when it seeks to determine the reasonableness of fees.
9 *Moreno vs City of Sacramento*, 534 F. 3d 1106, 1112 Cir. 2008. “The court may reduce the
10 number of hours awarded because the lawyer performed unnecessarily duplicative work, but
11 determining whether work is unnecessarily duplicative is no easy task. When a case goes on for
12 many years, a lot of legal work product will grow stale; a competent lawyer won’t rely entirely
13 on last year’s, or even last month’s, research: Cases are decided; statutes are enacted; regulations
14 are promulgated and amended. A lawyer also needs to get up to speed with the research
15 previously performed. All this is duplication, of course, but it’s *necessary* duplication; it is
16 inherent in the process of litigating over time.” *Id. at 1112* (Emphasis in original). Moreover,
17 “necessary duplication — based on the vicissitudes of the litigation process — cannot be a
18 legitimate basis for a fee reduction. It is only where the lawyer does *unnecessarily* duplicative
19 work that the court may legitimately cut the hours.” *Id. at 1113*. The Court finds very little
20 *unnecessary* duplication in the instant matter. With regard to the fees, Allen Matkins’ efforts
21 began on July 1, 2014 and ended on September 30, 2014. That firm’s efforts were intensely
22 focused on the discovery from the State, uncovering the spoliation and assisting Arendt Fox in
23 preparing the spoliation motions. *See Exh.5 to Declaration of Jeffrey Behnke*. It is apparent
24 from a review of the Allen Matkins’s bills that great majority of its efforts were *not* related to
25 spoliation issues. In contrast, the efforts of Arendt Fox with respect to spoliation issues began on
26 August 6, 2014 and ended on November 23, 2015. In other words, there were only *two months*
27 of actual overlap: August and September 2014. Moreover, a review of the Arendt Fox bills show
28

1 that from August 6, 2014 through April 30, 2015 a very substantial amount of its legal work
2 related to the spoliation issue with a significantly lesser dedication of time thereafter.

3 4. *HVI's Unsuccessful Motions (a) for Terminating Sanctions Against the USA and*
4 *(b) Summary Judgment.*

5 It is true that District Judge Olguin rejected Judge Zarefsky's recommendation against the
6 State. However, Judge Zarefsky's review of the evidence set forth his reasons for recommending
7 sanctions against the USA: "the United States was intimately involved with this matter from the
8 start. As noted, its privilege log indicates that it was contemplating litigation as early as 2005,
9 and its source of information clearly included State employees. It has designated as fact
10 witnesses persons who were State employees, and the Court long ago found a significant
11 intertwining between the factual matters alleged by the State and Federal governments, and a
12 quite significant overlap in the witnesses. It has entered into a Common Interest Confidentiality
13 Agreement with the State, predicated in part on "common interests in their investigation of
14 Greka [Defendant]" and the wish to work together about "claims, evidence and strategies."
15 Plaintiffs' Ex. P (Falloye Decl.) p.1. If the action has not been "federalized" as Defendant
16 argued orally, R.T. 19:1, 20:1-2, 22:17-20, it certainly has been an action in which State and
17 Federal coordination has been extremely close." *ECF 267, pgs. 15-16.* Given this close
18 cooperation between the State and the USA it behooved HVI to move for sanctions against *both*
19 entities. It also means the evidence of wrongdoing necessarily involved *both* entities. Charging
20 the USA for spoliation was a reasonable, if not necessary, step. If HVI had not filed the motion
21 against the USA, the State might have argued that HVI's failure to include the USA showed the
22 weakness of the evidence regarding spoliation. Furthermore, it would be artificial and unfair to
23 try to disentangle HVI's efforts to uncover the spoliation by the State, which *may have* involved
24 *both* entities. Given the fact that the State and USA coordinated their efforts, it was reasonable,
25 if not necessary, that HVI proceed against both entities. Judge Olguin's rejection of the
26 recommendation for sanctions against the USA does not justify trying to tease out HVI's efforts
27 to uncover any involvement by the USA. Judge Olguin noted: "there is no allegation, much less
28 evidence, that the United States had any role in the conduct at issue." Judge Olguin's ruling

1 underscores the fact that HVI did not attempt a scattergun approach, but was methodical and
2 deliberate in its attempts to uncover the spoliation. HVI should not be punished for that effort.
3 Furthermore, it is noteworthy that the State obfuscated for over a year. The State accurately
4 asserts that there was some duplication of effort between Arent Fox and Allen Matkins.
5 However, the State made any such duplication necessary. The State, not HVI, should bear the
6 cost of any such inefficiency or duplication of effort. Substantially reducing HVI's attorneys'
7 fees would be tantamount to punishing HVI for working hard to uncover the spoliation.
8 Moreover, the Court is not *rewarding* HVI for its efforts, but *compensating* it for those efforts.

9 Finally, the State says the bills should be reduced by the effort expended in relation to
10 HVI's unsuccessful motion for summary judgment. However, the motion for summary judgment
11 and the spoliation issues were cut from the same cloth.

12 In the instant case, HVI submitted detailed time sheets in support of its request for fees
13 reimbursement. The court finds those invoices sufficiently detailed to describe the person
14 performing the work, the work actually performed and the amount of time expended.
15 Furthermore, there is no evidence (or argument) that the attorneys for HVI engaged in block
16 billing. It should be pointed out that the two law firms sent these very bills to HVI after
17 reviewing the bills for accuracy. Although there were two law firms working together, there was
18 substantial and successful coordination between them.³ There may have been some duplication
19 of effort but the joint effort was nonetheless efficient.

20 HVI requests attorneys' fees of \$956,784. The State raised no specific objection to
21 \$764,933 of the fees being requested. Therefore, of the total fees being requested \$764,933 is
22 *not* in dispute.⁴ Thus, the disputed amount is \$191,851. Of the total fees, Arent Fox billed HVI
23 \$364,36 and Allen Matkins billed HVI \$400,569. In his R&R Magistrate Judge Zarefsky was
24 clear that the State did not act in bad faith or maliciously. The Magistrate Judge characterized
25

26 _____
27 ³ The Court has no doubt that there was also substantial coordination between the State and the USA with regard to
28 this litigation. Their coordination agreement indicates that they work together on strategy, tactics, and information-
sharing.

⁴ In a telephonic hearing on April 7, 2017, HVI and the State made this representation to the Special Master.

1 the State's actions as "negligence" or "gross negligence," but not otherwise culpable. The total
2 fees requested are \$956,783.

3 The State objects to the numerous instances where more than one HVI attorney attended
4 a deposition or hearing. It also objects to various intra-office meetings between attorneys to
5 discuss strategy and other matters. It is often necessary for multiple attorneys to attend a
6 deposition or hearing. In the long run that may be more efficient and cost-effective for the client
7 than having the attorney who appeared at the deposition or hearing explain to his or her absent
8 colleague what happened. There are nuances and gestures that are very hard to convey
9 accurately. Therefore, the court is not offended by the fact that for a brief period of time there
10 were multiple attorneys for HVI at hearings and depositions. The Court does not see sufficient
11 basis for reducing HVI's fees.

12 This case is not like *Welch v. Metropolitan Life*, 480 F.3d 942 (9th Cir. 2007), on which
13 the State relies. In *Welsh*, the party seeking fees obtained a limited result in light of the effort
14 expended. Such is not the case here. HVI achieved a significant result against the State. While it
15 is true HVI did not obtain terminating sanctions, the sanctions imposed were significant.
16 Moreover, the evidence, law and argument used to justify HVI's request for terminating
17 sanctions applied with equal force and utility to the sanctions HVI successfully obtained against
18 the State. Reducing the fees would require the Court to engage in splitting hairs and second-
19 guessing HVI's counsel without sufficient justification for doing so. The Ninth Circuit has
20 indicated that it does not want the Court engaged in unnecessary second-guessing attorney's fees.
21 "A 'strong presumption' exists that the lodestar figure represents a 'reasonable fee,' and
22 therefore, it should only be enhanced or reduced in 'rare and exceptional cases.' *Pennsylvania v.*
23 *Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546, 565 (1986) (internal quotations
24 omitted)." *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1119, n.4 (9th Cir. 2000). *See also Cabrales*
25 *v. County of Los Angeles*, 864 F.2d 1454, 1464 (9th Cir. 1988).

26 The Court does not find sufficient basis for reducing the *disputed* fees. Thus the proper
27 total fee award is \$764,933 plus \$191,851 for a total fee award of \$956,784.

28 5. *HVI's Attorneys Fees Must Be Paid Now.*

1 The State wants to defer payment of the fees and costs until the case has concluded. The
2 Court disagrees. A review of the relevant chronology is instructive:

- 3 11-9-14: HVI filed its motion for sanctions.
- 4 4-5-15: MJ Zarefsky issued R&R re spoliation of evidence.
- 5 11-20-15: Judge Olguin issued ruling accepting R&R with some
6 modifications.
- 7 12-11-15: HVI contacted the State to arrange payment of fees and costs.
- 8 1-26-17: Judge Olguin issued a Minute Order calling for the appointment of
9 a Special Master in this case. Judge Olguin then vacated HVI's
10 Motion for Attorneys' Fees and instructed HVI to file the
11 Motion with the Special Master.

12 Any further delay in payment of the ordered fees and costs will defeat the very purpose of
13 monetary sanctions. "In the event of discovery abuses and other vexatious pretrial behavior, for
14 example, sanctions should be levied *contemporaneously* with the offending misconduct. The
15 benefit provided by the policy of deterrence is lost if the court postpones imposition until the end
16 of the case." *In The Matter of Yagman*, 796 F.2d 1165, 1184 (9th Cir. 1986) (Emphasis added).

17 The issue of spoliated evidence has been pending for more than two years. Judge Olguin
18 issued his ruling accepting R&R with some modifications over 16 months ago. Further delay is
19 unacceptable. "**Justice delayed is justice denied.**"⁵ This "legal maxim [means] that, if legal
20 redress is available for a party that has suffered some injury, but is not forthcoming in a timely
21 fashion, it is effectively the same as having no redress at all."⁶ Therefore, the State must make
22 payment on or before May 10, 2017. If the State challenges this ruling, it must nonetheless pay
23 the *uncontested* fees (\$764,933) on or before May 10, 2017.

24
25 Date: April 17, 2017

William McCurine, Jr.

26 Hon. William McCurine, Jr. (Ret.)

27 ⁵ This quote is attributed to William E. Gladstone, former Prime Minister of Great Britain.

28 ⁶ Wikipedia



PROOF OF SERVICE

United States of America, et al. vs. HVI Cat Canyon, Inc., et al.
Case Number: 2:11-cv-05097-FMO

I, the undersigned, an employee of Judicate West, located at 1851 E. First Street, Suite 1600, Santa Ana, CA 92705 declare under penalty of perjury that I am over the age of eighteen (18) and not a party to this matter or proceeding.

On April 20, 2017, I served the foregoing documents, described as:

RULING ON HVI'S REQUEST FOR ATTORNEYS' FEES; ORDER NO. 1

to the following parties:

SEE ATTACHED MAILING LIST

- BY E-MAIL** I caused the above-referenced document to be transmitted via electronic mail (e-mail) to the parties as listed on this Proof of Service
- BY ELECTRONIC FILING** I caused such document to be sent via electronic service by submitting an electronic version of the document(s) to One Legal, LLC, through the user interface at www.onelegal.com.
- BY FASCIMILE** I caused the above-referenced document to be transmitted via facsimile to the parties as listed on this Proof of Service. The document was transmitted by facsimile transmission and the transmission was reported as complete and without error.
- BY PERSONAL SERVICE** I personally delivered the documents to the persons at the address (es): by leaving the documents at the person (s) office, in an envelope or package clearly labeled to identify the person(s) being served, with a receptionist or an individual in charge of the office.
- BY UNITED STATES PARCEL SERVICE** I am readily familiar with the business' practice for collection and processing of correspondence and mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business
- STATE** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **April 20, 2017**, at Santa Ana, California


 Laura Barraza
 Judicate West



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as of Thursday, April 20, 2017

JW Case #: A229723

Case Caption: United States of America, et al. vs. HVI Cat Canyon, Inc., et al.

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