



STAFF REPORT

Meeting Date: June 6, 2016
To: Honorable Mayor & City Council
From: Byron Pope, MMC
City Clerk
Subject: Follow Up on the Initial Parcels 12 & 13 Recommendation

Attachments:

1. Castellon & Funderburk LLP Information
2. Parrent Smith Investigations Information
3. Manatt, Phelps & Phillips, LLP Information
4. Channel Law Group, LLP Email
5. Copy of scripted letter sent to the firms to prepare for the 1st interview
6. Conflict of Interest Letters

INTRODUCTION

On May 10, 2016, Mayor John A. Mirisch and Councilmember Julian A. Gold, MD recommended Craig A. Moyer and Gina Gribow with Manatt, Phelps & Phillips, LLP to provide the services and report for the Parcels 12 & 13 investigation after interviewing six firms. After eliminating two of the six firms because the price quotes were \$500,000 or more, Vice Mayor Krasne and Councilmember Lili Bosse requested to meet with the remaining four firms:

1. Channel Law Group
2. Parrent Smith Investigations & Research Private Investigators
3. Manatt, Phelps & Phillips, LLP
4. Castellón & Funderburk LLP.

In order to prepare for the interviews, Vice Mayor Krasne and Councilmember Bosse requested the following information from the four firms in advance of the interviews:

1. Bio(s)
2. Information about the company/firm
3. Any materials given to Mayor Mirisch and Councilmember Gold during the first interview on April 28, 2016
4. Estimated fee structure for the job along with a breakdown of the cost structure
5. List of four references along with their contact information
6. Conflict of Interest Letter previously submitted

Meeting Date: June 6, 2016

DISCUSSION

On June 1, 2016, Vice Mayor Nancy Krasne and Councilmember Lili Bosse met with three of the firms interviewed by Council Liaisons Mayor John A. Mirisch and Councilmember Julian A. Gold, MD. The three firms, in the order they were interviewed, were (1) Castellón & Funderburk, LLP; (2) Parrent Smith Investigations & Research Private Investigators; and (3) Manatt, Phelps & Phillips, LLP. The Channel Law Group withdrew from consideration.

Castellón & Funderburk, LLP has decreased their fee from \$100,000 to \$50,000 - \$70,000. Parrent Smith Investigations & Research Private Investigators' fee was originally \$50,000 but they are now willing to charge up to \$50,000. Manatt, Phelps & Phillips, LLP did not change their fee from \$100,000.

RECOMMENDATION

Vice Mayor Krasne and Councilmember Bosse recommend Parrent Smith Investigations & Research Private Investigators to conduct the investigation.

Byron Pope
Approved By



Attachment 1

Castellón & Funderburk LLP



— CASTELLÓN & FUNDERBURK LLP —

A LIMITED LIABILITY PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

May 19, 2016

VIA ELECTRONIC

Honorable Vice Mayor Nancy Kranse
Honorable Councilmember Lili Bosse
City of Beverly Hills
455 N Rexford Dr,
Beverly Hills, CA 90210

Re: Beverly Hills Parcel Investigation Lots 12 and 13

Dear Mrs. Kranse and Mrs. Bosse:

This letter includes information responsive to questions I received from Mr. Byron Pope in anticipation for the May 31, 2016 interviews regarding the above referenced matter.

1. **Attorney Biographies.**

Response. The biographies of firm attorneys that have experience to work on this investigation are included in **Exhibit A** attached hereto. Firm attorneys' experience with Municipal government, DTSC, environmental issues and private contractors is broad, extensive, and very diverse. We believe that the broad experience of firm attorneys in the environmental, municipal and employment law areas, in addition to their significant community and public service experience, will greatly facilitate their performance of this investigation.

Firm principal William W. Funderburk, Jr. handles government initiated and private party enforcement litigation and regulatory compliance for corporations and government agencies. In addition to Mr. Funderburk's extensive environmental experience, Mr. Funderburk also has extensive experience with community and public service. Mr. Funderburk has been appointed by Mayor of Los Angeles (confirmed by City Council) to the Board of Commissioners to the Los Angeles Department of Water and Power.

Firm principal Mr. Castellón is a trial attorney experienced in all aspects of complex business and environmental, toxic tort and worker-death related litigation, including in-court

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examination of experts. Mr. Castellón also has extensive employment experience and has litigated several employment law cases.

Hany Fangary has more than 18 years of environmental and municipal law experience. In addition, Fangary currently serves as Mayor Pro Tem of the City of Hermosa Beach (scheduled to be appointed as Mayor on June 9, 2016), serves as a member of the Board of Directors of the Independent Cities Association ("ICA"), and the Board of Directors of the South Bay Cities Council of Governments ("SBCCOG"). Fangary has had the opportunity of participating in private investigations, overseeing the implementation of recommendations made by investigators, and participated in evaluating the legal impacts of such investigations and the related recommendations and conclusions.

Fangary also serves as a Judge Pro Tem on a pro bono basis in the Los Angeles Superior Court, and has been doing so for more than 7 years. Through that experience, Fangary has gained extensive experience in evaluating the credibility of witnesses appearing before him.

Prior to becoming a lawyer, Fangary worked as an environmental engineer for nine years overseeing investigation, assessment and remediation activities of more than 200 properties in California, Arizona and Washington. In that role, Fangary has worked with numerous Federal and State governmental agencies, including DTSC, the Regional Water Quality Control Board, the Orange County Health Care Agency, Los Angeles County Department of Public Works, and numerous other oversight agencies.

2. Information about the firm.

Response: Firm personnel also have extensive experience managing private contractors working for private and public entities. Firm personnel have conducted and overseen extended private investigations relating to various incidents, including whistleblower claims and government action related claims. Firm personnel have also participated in evaluating and overseeing implementation of recommendations provided as a result of such investigations. Firm personnel have also been involved in evaluating the impacts of such investigations on the exposure of public and private entities as a result of the manner in which the investigation was conducted, the conclusions and recommendations of such investigations, and the implementation of such recommendations, or the lack of implementation of such recommendations.

The firm is also certified by the California Public Utilities Commission as a Minority Owned Business (MBE). A copy of the certificate and the firm resume are attached hereto as **Exhibit B.**

3. Material provided to Mayor Mirisch and Councilmember Gold during the April 28, 2016 interview.

Response: Attached hereto as **Exhibit C.**

4. Estimated Fee Structure

Response: It is difficult to estimate the length of the investigation prior to fully evaluating all the pertinent documents, and getting direction from City Council regarding the entire scope of the investigation. The investigation is expected to include numerous interviews from residents and staff, as well as BHLC and WCA. The investigation may necessitate the use of the Council's subpoena power. We recommend that all interviews be recorded and transcribed, to confirm accuracy of the information obtained and to avoid future challenges to the information conveyed to the investigator.

Depending on the scope of investigation the Council authorizes, the length of the investigation and the cost can vary significantly. In addition, the speed and cost of the investigation will also vary based on the extent of cooperation of third parties. In addition, if the use of the Council's subpoena authority is deemed warranted, that may delay completion of the investigation.

It is our understanding, based on the information the Council has already conveyed to the residents, that the Council wishes to have the investigation be fairly thorough and extensive, and to have all the relevant issues investigated and evaluated, all the relevant personnel interviewed, and all the relevant documents reviewed. Accordingly, if that is consistent with the Council direction, we anticipate that the investigation may be completed in 3-4 months, but can be completed sooner if the firm is directed by Council to expedite the process.

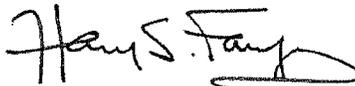
The Firm's billing rates are as follows: \$525 per hour for senior partners, \$425 for of counsel (Fangary); \$325 for associates and \$125 for paralegals. The Firm is also considering engaging another attorney outside the firm if needed to expedite completion of the investigation if deemed necessary, but will bill the City per the billing rates mentioned above. The firm anticipates that the cost of completing the investigation will not exceed \$100,000.

5. References.

Response: Attached hereto as **Exhibit D.**

If you have any questions or comments, feel free to call.

Very truly yours,



Hany S. Fangary

EXHIBIT A

Castellón & Funderburk LLP

May, 2016

Firm Principals

Ruben A. Castellón

Mr. Castellón is a trial attorney experienced in environmental, toxic tort, products liability and worker-death related litigation, including in-court examination of experts. Mr. Castellón is one of the few attorneys in California to have gone to a jury trial on alleged toxic lead discharge and exposures, reaching a favorable result for the client. Mr. Castellón's experience with scientific evidence extends to various exposures, including heavy metal found in all major waterworks parts, fittings, pipes, dioxin from incinerators, and heavy metal solvents found in metal and aerospace companies.

Admitted to the bar:

1991, California, US District Court, Northern, Eastern and Central Districts of California and US Court of Appeals, Ninth Circuit

1994, Hawaii

Education:

UCLA School of Law (J.D., May 1991), Moot Court Honors Program Member, Federal Communications Law Journal Member

Saint Mary's College of California (B.A. - History, May 1985, B.S. - Business Administration/Economics, May 1985), Levre Award for Historical Research

Recent Publications:

"Shift Key - Equitable Remedies Assist Insurers in Regaining Losses", Los Angeles and San Francisco Daily Journal, October 15, 1998

"Expensive Favor? Courtesy Counsel Held to High Standard of Care", Los Angeles and San Francisco Daily Journal, June 18, 1998

"Litigation From a Global Perspective", ABA TIPS COMMITTEE NEWS, Spring/Summer 1998

"Citizen Steel - Supreme Court Hold Group Lacks Standing to Sue", Los Angeles and San Francisco Daily Journal, April 29, 1998; republished in Arizona Journal, Colorado Journal, and Washington Journal.

"Refugee Redefined: An Inquiry into Mexican Legal Standards Relating to Asylum and Non-refoulement", Chicano-Latino Law Review, Fall 1992

Panelist:

California/Nevada Automotive Wholesalers' Association, "What You Should Know About Toxic Litigation in the Event You are Sued? 2003

Proposition 65 News Conference and Annual Seminar, "Kits, Cats, Sacks & Wives: What is Covered by Proposition 65?" 2002

Yosemite Environmental Law Annual Conference, "Citizen Enforcement: Who is suing Whom?" 2001

American Water Works Association California-Nevada Section Mid-year Meeting, "Water and Lead Equals a Legal Action Under Proposition 65", 2001

American Bar Association Tort and Insurance Committee Annual Mid Year Program, "Is the Duty to Settle Allocable?", 2001

Cast Metals Association Annual Conference, "Outcome of a Huge Toxic Lawsuit: Neighbor vs. Foundry", 2000
California Cast Metals Association Annual Conference, "Emerging Trends in Proposition 65 Litigation", 1998
California Wine Monitoring Group Annual Seminar, "Stormwater Compliance and Prevention", 1998
Proposition 65 News Conference and Annual Seminar, "Defenses to Proposition 65 Environmental Exposure Claims", 1998
Chemical Batch Processing Monitoring Group Annual Seminar, "Stormwater Compliance and Prevention", 1997
California Hispanic Publishers Association Annual Meeting, "Liability and First Amendment Rights", 1996

William W. Funderburk, Jr.

William W. Funderburk, Jr. handles government initiated and private party enforcement litigation and regulatory compliance for corporations and government agencies.

A zealous advocate for business and institutional interests burdened by government regulations and a founder and General Counsel of the California Committee to Save Our Jobs (1994-2002: converted to the California Metals Coalition), Mr. Funderburk has appeared before the California State Water Resources Control Boards and its Regional Boards, the California Air Resources Board and Regional Districts, the Department of Toxic Substances Control, Department of Justice, U.S. Environmental Protection Agency, U.S. Congress, The White House, the California Energy Commission and the California Public Utilities Commission. Some of his reported cases include: *Yeroushalmi v. Miramar Sheraton*, 88 Cal.App.4th 738 (2001) and *California Department of Toxic Substances Control v. Interstate Non-Ferrous Corp.*, 99 F. Supp. 2d 1123 (E.D. Cal. 2000). Mr. Funderburk is also a national expert on EPA's storm water runoff regulations, having spearheaded litigation, *Natural Resources Defense Council v. U.S. Environmental Protection Agency, et al.* for 15 trade associations, including the National Association of Flood and Stormwater Agencies. Prior to entering legal practice, Mr. Funderburk began his work with environmental technologies as vice president of institutional venture fundraising at a regional investment bank where, among other duties, he represented ICF Kaiser Engineers and Syncom Venture Partners II, LP (largest minority-owned venture fund in the U.S. at the time).

Mr. Funderburk epitomizes Castellón & Funderburk's commitment to the community and public service. He has earned appointments with advisory groups to many state and federal agencies, including but not limited to: U.S. Environmental Protection Agency Phase II Storm Water Task Force (1991-1992); Los Angeles City Attorney and Los Angeles District Attorney: Environmental Crimes Task Force (1992-1993); California Insurance Commissioner: Environmental Insurance Task Force (1994-1995); Governor's Office of Planning and Research: Environmental Justice Legal Task Force (2002-2003); and the Los Angeles County Board of Supervisors: Museum of Natural History Board of Governors (2003-present). He has also served on the Board of

Directors of Wildlife on Wheels (General Counsel, 1998-2001; Chairman, 1999-2001) and the EnvironMentors Project (1997-2001, Special Counsel for merger with National Environmental Educational Trust Foundation), Steering Committee for the California Minority Counsel Program (2003-2009), and the Watts – Willowbrook Boys & Girls Club (2010 – present).

Admitted to the bar:

1991, District of Columbia
1995, California.

Education:

Georgetown University Law Center (J.D., 1990)
Yale University (B.A., 1985)

Publications:

"Highly Charged: Utilities Commission Decision Will Aid Alternative-Energy Generation", William W. Funderburk Jr. and David Niebauer (2003)

"Changing Tide" by Scott D. Pinsky and William W. Funderburk, Jr. (August 8, 1997 issue of the Daily Journal) "Commission Tries to Balance Needs of Power Users, Utilities", By David M. Niebauer and William W. Funderburk Jr. (The Daily Journal, November 13, 2002)

"Long Live Recycling" by William W. Funderburk, Jr. and Lisa J. Morelli. (June 16, 2000 issue of the Daily Journal)

"Defense Strategies in Proposition 65 Litigation", By William W. Funderburk, Jr. and Peter Muthig (Environmental Law Section of the State Bar of California, Vol. 9, No. 2 Spring 2000)

"Plaintiffs Injury Is Still the Focus To Evaluate Standing", By William Funderburk and Lisa Morelli (The Daily Journal, Feb 9, 2000)

"Retrospective Application of the Superfund Recycling Equity Act: A Brave New World for the Recycling Industry" by William W. Funderburk, Jr. and Lisa Morelli. (August 2000 issue of the California Environmental Law Reporter)

"California's Revised Industrial Storm Water Permit: A Practical Review of the Regulations and Their Enforcement" by William W. Funderburk, Jr. (Lead Article, June 1998 issue of the California Environmental Law Reporter)

"Expensive Favor?" by William W. Funderburk, Jr. and Ruben A. Castellon. (June 18, 1998 issue of the Daily Journal)

"Citizen Steel" by William W. Funderburk, Jr. and Ruben A. Castellon. (April 29, 1998 issue of the Daily Journal)

"Discharge Account" by William W. Funderburk, Jr. and Marisa Moret. (May 9, 1997 issue of the Daily Journal)

"Montrose Chemical Corp. v. Superior Court" by Richard A. Dongell and William W. Funderburk, Jr. (Case Commentary, January 1994 issue of the California Environmental Law Reporter)

"Catellus Development Corp. v. United States" by Lisa J. Morelli and William W. Funderburk, Jr. (Case Commentary, October 1993 issue of the California Environmental Law Reporter)

"California's Storm Water Regulation: A Practical Review of the Regulations and Their Enforcement" by William W. Funderburk, Jr. and Jonathan L. Blinderman (Lead Article, November 1993 issue of the California Environmental Law Reporter)

Appointed by:

California Insurance Commissioner, Environmental Liability Insurance Task Force (1992-1994)

US Environmental Protection Agency, National Phase II Storm Water Advisory Board (1992-1993)

Los Angeles County District Attorney and Los Angeles City Attorney, Environmental Crimes Sentencing Task Force (1993-1995)

California Office of Planning and Research, Environmental Justice Legal Task Force (2002-2003)

Member:

District of Columbia Bar

State Bar of California (Environmental Section)

American Bar Association (Member, Sections on: Natural Resources Energy and Environmental Law; Labor and Employment Law; Administrative Law and Regulatory Practice)

Thompson Publishing National Stormwater Advisory Board (1994-present)

Board of Directors (1996-present), The EnvironMentors Project

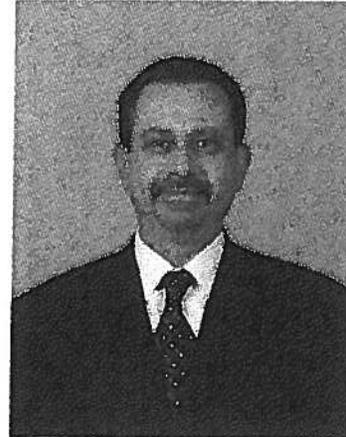
Board of Directors, Wildlife On Wheels (Chairman, 1999-present)

California Minority Counsel Program (Member, MCLE and Annual Conference Subcommittee)

Board of Directors, Emergent Energy Group, Inc. (General counsel, 2001-present)

HANY S. FANGARY

Hany S. Fangary is a litigation/environmental attorney, focusing his practice on complex litigation matters, including complex business litigation, environmental and toxic tort matters, environmental regulatory compliance and environmental due diligence matters. Mr. Fangary also represented clients in negotiations with regulatory agencies regarding air emissions permitting, regulatory compliance and environmental remediation activities, and has appeared in administrative hearings before various agencies and municipalities.



Environmental and Toxic Torts Litigation

- Broad range of complex litigation matters relating to RCRA, CERCLA, NEPA, CEQA, Cal/OSHA and the EIS/EIR process, Clean Air Act, Clean Water Act, Proposition 65, and the Underground Storage Tank Cleanup Fund
- Environmental and toxic tort cases alleging trespass, nuisance, fraud, breach of contract, products liability, real estate and land use disputes
- Litigation matters related to environmental impacts and associated development issues related to soil and groundwater contamination, and asbestos and mold issues
- Claims relating to impacts of the gasoline additive *MTBE* to groundwater production wells, and impacts associated with releases of gasoline, diesel, PCE, TCE and other chemicals associated with operations at gasoline stations and dry cleaning facilities
- Advised clients regarding Proposition 65 compliance and litigation issues relating to various consumer products and workplace notice issues

Environmental Regulatory and Transactional Matters

- Represented numerous clients in negotiating regulatory requirements for assessment and remediation activities at hundreds of properties
- Negotiated with and/or appeared before several regulatory agencies including the California EPA, Cal/OSHA, California Coastal Commission, State Water Resources Control Board, and Regional Water Quality Control Board
- Experience with negotiations and administrative hearings before the South Coast Air Quality Management District (AQMD) and San Diego Air Pollution Control District (APCD).
- Completed environmental due diligence evaluations for engineering, manufacturing, and health care companies relating to numerous industrial, commercial and hospital properties, including gasoline stations, gasoline terminals, and dry cleaning facilities
- Negotiated insurance policies covering environmental liabilities for several potentially impacted properties

Education

- Juris Doctor (1997), Loyola Law School, Los Angeles, California
- Bachelor of Science in Mechanical Engineering (1989), California State Polytechnic University, Pomona, California

Memberships

- Member of the State Bar of California
- Member, Litigation and Environmental Section, Los Angeles County Bar Association

Honors & Outside Activities

- Mayor Pro Tem, City of Hermosa Beach
- Board Member of Southern California Petroleum Industry Charity Association

EXHIBIT B

**SUPPLIER CLEARINGHOUSE
CERTIFICATE OF ELIGIBILITY**

CERTIFICATE EXPIRATION DATE: 12-07-2016

The Supplier Clearinghouse for the Utility Supplier Diversity Program of the California Public Utilities Commission hereby certifies that it has audited and verified the eligibility of:

***Castellon & Funderburk, LLP
of Los Angeles, California as a MBE***

pursuant to Commission General Order 156, and the terms and conditions stipulated in the Verification Application Package. This Certificate shall be valid only with the Clearinghouse seal affixed hereto.

Eligibility must be maintained at all times, and renewed within 30 days of any changes in ownership or control. Failure to comply may result in a denial of eligibility. The Clearinghouse may reconsider certification if it is determined that such status was obtained by false, misleading or incorrect information. Decertification may occur if any verification criterion under which eligibility was awarded later becomes invalid due to Commission ruling. The Clearinghouse may request additional information or conduct on-site visits during the term of verification to verify eligibility.

This certification is valid only for the period that the above named firm remains eligible as determined by the Clearinghouse. Utility companies may direct inquiries concerning this Certificate to the Clearinghouse at 800-359-7998 in Los Angeles.

VON: 13120025

Determination Date: 12-07-2013



— CASTELLÓN & FUNDERBURK LLP —

Castellón & Funderburk LLP

April 2016

Firm Resume

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Firm Background.

Founded by a team of experienced lawyers, Castellón & Funderburk LLP (“C&F”) has developed a highly regarded and well-respected commercial litigation and business counseling practice. C&F is centrally located in the San Francisco Bay Area and Downtown Los Angeles. C&F attorneys litigate matters throughout California in state and federal court. C&F has seven (7) attorneys with collective experience of over 100 years of practice. The firm’s attorneys all have significant institutional legal experience gained from working in a principal capacity for large law firms or Fortune 50 companies. The firm’s experience extends to a wide variety of matters, including product liability, contractual disputes, Superfund, Clean Water Act, toxic tort and worker accident defense, insurance recovery, administrative enforcement actions and environmental due diligence.

C&F’s business litigation expertise is an integral part of its practice in other areas such as insurance recovery and coverage litigation and government administrative and regulatory law. There has been, and remains, a substantial overlap in each of the above practice areas, helping to ensure that this firm’s commercial litigation practice remains one of the most cost-effective and proficient available in today’s legal market.

Our clients range from small, emerging growth technology companies and basic manufacturing companies to large, multinational conglomerates. We work at the outset of assignments to define realistic goals that take into account not only our clients’ desire to succeed but also their concerns to achieve results cost efficiently.

The firm’s attorneys have developed a reputation for creative problem solving. We spearheaded the development of market-based compliance with storm water regulations through industry monitoring groups. We have defended most conceivable environmental cases, including enforcement actions by the Los Angeles City Attorney (civil and criminal; hazardous materials transportation and government procurement fraud) (all matters closed), the Los Angeles District Attorney (civil and criminal; U.S.-Mexico border hazardous waste and Proposition 65), the Alameda District Attorney (criminal; hazardous waste disposal), and the California Attorney General (civil; Superfund, hazardous waste). We are recognized in the California bar and legal publications as a zealous advocate of small business rights against “bounty hunters.”

Our attorneys try cases. Our trial experience includes a variety of successfully defended complex and general actions in both state and federal courts, including environmental actions as well as bad faith and other related insurance coverage actions (total recoveries for our clients exceed \$1 billion). We are well known and regarded in the California corporate defense bar in many high profile, high exposure (\$10 million or greater) cases in disciplines ranging from government procurement fraud

(California False Claims Act) to environmental enforcement (Clean Water Act and California Superfund Act) and defense of worker deaths.

The firm is thoroughly versed in handling volatile litigation with community implications and environmental justice overtones. Members of the firm handled a California Superfund clean up of a site located in a poor and minority neighborhood through trial.

Philosophically, we are firm believers in mounting an aggressive defense or prosecution. We have come to recognize, however, that no law firm can make a credible threat without the experience to support it. Consequently, members of the firm are among the most seasoned trial attorneys in complex litigation. More than 20 reported case decisions in federal and state appellate courts, more than 10 jury trials, favorable jury verdicts with individual liability of up to \$300 million, nationally renowned in closing Superfund sites and brownfields, risk-based closures, taken together, provide added stability and credibility to the client.

Complex environmental cases present a range of logistical and administrative difficulties because of the different types of parties with which the clients must negotiate. Government agencies, government prosecutors, insurers, multinational corporations and municipalities represent the spectrum that we typically see in Superfund and toxic tort litigation. Once again, we offer our clients a credible threat in dealing with these parties. We have credibility when we encounter public prosecutors, such as the California Attorney General's Office or local and regional prosecutors, such as city attorneys and district attorneys.

Lastly, attorneys with the firm have strong technical backgrounds developed through a combination of academics and professional experience supervising risk assessment experts in litigation. One of the firm's attorneys even served as CEO of a leading 300 person engineering firm. The same attorney served as remediation counsel for General Electric for 20 years and has developed environmental regulatory relationships that are significant. We believe relationships such as these are critical to achieving fair and reasonable results for clients. C&F prides itself on the fact that the four principle attorneys named in this response have worked together cohesively and continuously for the past six years. Additionally, Mr. Funderburk and Mr. Castellón share an eighteen (18) year history of partnership in practicing law.

NOTABLE ENVIRONMENTAL EXPERIENCE

A. Superfund and Toxics Litigation

Members of the firm have substantial experience in both defending against “Superfund” actions to recover environmental cleanup costs, and employing innovative, cost-saving approaches to defending such actions, including the formation of common defense groups. The firm also is well versed in defending other litigation, such as toxic torts and worker injury that results from accidents or a toxic workplace.

The firm takes a unique approach in representing clients involved in multi-party Superfund and toxic litigation. The constant emphasis is upon uncovering facts through a thorough investigation, with emphasis placed on obtaining information through informal, yet reliable, channels.

This strategy is especially important when dealing with government-led cleanups or other types of government-led actions, because so many agency decisions are influenced by internal or unpublished guidance documents and policies. This early practice strategy frequently enables the client to settle early and to achieve sufficient release protection, to take advantage of other creative options, or to litigate and exonerate clients from liability.

Consequently, the firm provides an added level of certainty to the planning process absent from most Superfund and toxic tort cases. The firm prides itself on being sensitive to the needs and cost constraints of the party paying for the defense of the action and the cleanup of the site, whether that party is the defendant or the defendant’s insurer.

Members of the firm are well versed in utilizing both de minimis and de micromis settlement options under Section 122 of Superfund and EPA’s orphan share and ability to pay policies through every stage in the negotiation process, from the initial remedial investigation (RI) and the feasibility study (FS), record of decision (ROD), and receipt of notices under Section 104(e) or Section 106 of Superfund, to the ultimate allocation of costs for the RI/FS and eventual site cleanup. Members of the firm have counseled a wide variety of companies in all phases of National Priorities List suits, including clients involved in the San Fernando Valley, San Gabriel Valley, and Stringfellow Superfund sites.

After analyzing the potential exposure of a case or acquisition target, another significant aspect of the firm’s approach to environmental matters is to identify the parties, such as insurers, other equipment manufacturers or distributors, who should contribute to the site cleanup or the defense of a toxic tort action. This coordinated action is another risk management device intended to minimize the client’s potential exposure.

Castellón & Funderburk LLP employs two other significant problem-solving approaches that have greatly lowered clients' costs of defense. First, the firm is well versed in organizing and implementing common defense group or steering committee arrangements and serving as lead counsel of both executive and technical committees that arise from large multi-party Superfund or Proposition 65 suits. The organization of these groups or steering committees has directly resulted in significantly lower transactional costs in the defense of Superfund lawsuits.

Second, the firm's environmental attorneys are experienced in technical and scientific areas of all environmental statutes, with several possessing advanced environmental and related technical degrees. In many cases, this unique knowledge of the scientific underpinnings of environmental matters handled on behalf of clients enables the firm to reduce the costs of bringing in experts, narrows the focus of scientific and technical issues, and increases the likelihood in the early dismissal or settlement of an otherwise intricate and intractable case.

These skills have served several clients that have retained the firm to defend against investigations and actions initiated by the state or federal Occupational Safety and Health Administration. Members of the firm have tried cases involving worker deaths and certain types of toxic exposure and obtained remarkable results.

Representative Engagements:

In Re Groundwater Cases. Represent two target parties in defense of \$1 billion toxic tort claims brought by citizens of the San Gabriel Valley for exposures to allegedly contaminated groundwater. Lead Counsel to defendants in one of four operable units.

William King v. Advocate Mines, Ltd., et al. Represent Fortune 50 company and related entities in complex asbestos action.

Felix Espinoza v. A.W. Chesterton, et al. Represented foundry supplier in complex asbestos litigation. Achieved dismissal one month prior to trial after extensive discovery.

Department of Toxic Substances Control v. William Huffman, et al. Defend PRP Group of scrap recyclers in Federal court against allegations under CERCLA and RCRA and state law for contamination at a smelting facility in the Mojave Desert at one of the largest California Superfund sites. Sued over 150 defendants for contribution leading to seven figure settlements. Brought actions against insurers for site operator under the California Probate Code. Sought and obtained court decision denying partial summary judgment on the issue whether recycling amendment to CERCLA is retroactive.

Courtaulds Aerospace v. William Huffman, et al. Represented joint defense group of scrap recyclers for clean up of property adjacent to a smelting facility. Interfaced at highest levels with the Department of Toxic Substances Control on interpretation of amendment to California regulations.

State of California v. Southland Oil, et al. Represented over 50 companies, which included many Southern California automobile dealers and several Fortune 200 companies, in the formation of De Minimis Defense Group. Achieved 90% reduction in the settlement demand for entire group in action brought by PRP Committee to recover costs incurred to implement consent decree in action against the California Attorney General's office.

U.S. v. Operating Industries, Inc., et al. Represent 4 De Minimis generators in group. Negotiations ongoing.

State of California v. Oscar Lehnus Foundry. Represented foundry owner and foundry in action under the Carpenter-Tanner-Presley State Superfund Law prosecuted by the California Attorney General's Office. Recovered entire defense and clean up cost from insurer.

Baires, et al. v. Oscar Lehnus Foundry. Represented foundry owner and foundry in separate toxic tort action brought by a Latino family of seven who alleged property damage, soil contamination, storm water runoff and toxic tort personal injury from exposure to lead. Pre-trial settlement demands exceeded \$2 million. The case went to a jury trial for five weeks in Alameda County (downtown Oakland). The jury dismissed the toxic tort and the environmental claims and awarded \$40,000 to the plaintiff, the approximate amount of the property damage that was not disputed. The firm successfully recovered full defense costs and settlement from the clients' insurance company.

People v. Rust Environment and Infrastructure. Defended action brought by California Occupational Safety and Health Administration against environmental, construction engineering predecessor company to Fortune 50 subsidiary based on worker death. Achieved favorable settlement after two successful bench trials before the Administrative Law Judge. Successfully thwarted allegations by District Attorney for San Bernardino County for corporate manslaughter and negotiated favorable civil compromise settlement.

B. Clean Water Act and RCRA

The firm's hazardous waste practice extends to all aspects of the Resource Conservation and Recovery Act (RCRA) and the California Hazardous Waste Control Act. Members of the firm regularly counsel clients on the implication of RCRA regulations and statutes for particular industrial or site-specific operations.

The firm has counseled a wide variety of clients on the application of regulations under RCRA and more stringent California hazardous waste regulations. The knowledge of these regulations not only assists in the interplay with the early analysis of damages under government initiated and private actions, but also assists with responding to enforcement actions against clients when they are commenced.

In that light, members of the firm have defended environmental civil and criminal enforcement actions instituted by citizen's groups, the United States Environmental Protection Agency, the California Attorney General, the Los Angeles County District Attorney, the Alameda County District Attorney and several City Attorney's offices, including San Francisco and Los Angeles. The firm's awareness of government regulatory approaches is even more important in mapping out and planning a strategy for clients in enforcement actions. While the firm aggressively pursues early settlement opportunities, and emphasizes a preference for cooperation, we thoroughly prepare to test the legal issues involved. This approach often gains a swift dismissal of the action, or at minimum, cooperation of the opposing party

Representative Engagements:

Save the Valley v. French Ranch Development. Defended developer of largest housing development against allegations of failure to comply with Clean Water Act. Interfaced with San Francisco Regional Water Quality Control Board to help preempt litigation.

San Francisco BayKeeper v. AB&I Foundry. Defended federal lawsuit filed by private enforcer for storm water violations. Defended Regional Water Board civil investigation for failure to comply with Remedial Action Order. Successfully sought and obtained payment of defense and settlement from company's insurer.

Santa Monica BayKeeper and Terry Tamminen v. Atlas Iron & Metal. Defended storm water lawsuit against small business scrap recycler and defended against toxic and accident tort allegations in federal court. Settled the matter and sought and successfully obtained payment of defense and settlement from company's insurer.

People v. Keelco Anodes, et al. Defended individual and corporate defendant in case brought by the Los Angeles District Attorney's office for illegal transportation of hazardous waste to lead smelter in Mexico. Supervised white-collar counsel and presented regulatory defense resulting in favorable plea and reduction of 16 count, \$1.6 million complaint.

People v. Pick Your Part Auto Dismantling. Defended catalytic converter recycler in civil enforcement action brought interpreting California's recycling exemption.

People v. Ekco Metals. Defended scrap recycler in civil enforcement action by the Department of Toxic Substances Control alleging illegal disposal of hazardous waste. Retained toxicologist and negotiated favorable risk based clean up at industrial at industrial site in inner city neighborhood.

People v. Gardner Asphalt. Defended roof coatings manufacturer against allegations by City of Berkeley and action by District Attorney of Alameda County for illegal disposal of hazardous waste and for illegal storm water discharges.

People v. James Jones Foundry, et al. Defend Fortune 50 company and its subsidiaries California False Claims case and Unfair Business Practices Act in multi-forum litigation in the state of California alleging negligent and fraudulent pipe manufacturing practices in dealing with over 100 California water agencies. Work with white-collar counsel while focusing on the alleged environmental contamination (lead) issues relating to the water works system.

People v. Weber Distribution, et al. Defended largest warehouse company in California against criminal action brought by the city attorney of Los Angeles under state and federal hazardous materials transportation laws.

People v. LMD Warehouse, et al. Defended manufacturing subsidiary of Fortune 50 corporation against criminal federal hazardous material transportation laws brought by Los Angeles City Attorney. Conducted in depth investigation of claims. Case dismissed with prejudice with no monetary settlement one day before trial.

C. Proposition 65 and Air Enforcement

The proliferation of lawsuits brought by private attorneys general, or “citizen suits,” has created an unmet need for medium and large businesses alike. With little recourse to financing the defense by insurance, companies are often left to face citizen suits at enormous costs.

C&F’s attorneys are among the most experienced in the State of California at handling these Clean Water Act and Proposition 65 citizen suits. These lawsuits are often accompanied by claims under the California Unfair Competition Law, codified at Business and Professions Code Section 17200, *et seq.*, and involve an extraordinary degree of technical complexity. For these reasons, attorneys with the firm approach citizen suits by making an immediate technical and legal evaluation of the merits of the case. Based on this evaluation, the client is positioned for discussions with the citizen group or other parties.

During the 60-day or 90-day notice period, it is often common to approach government entities, such as the attorney general’s office, the district attorney or city attorney or U.S. EPA Region IX. Members of the firm have extensive experience in working to pre-empt such citizen suits and to build extensive relationships and trust among prosecutors and authorities that can take such action.

With these tools, the client receives a multi-faceted defense approach that keeps in mind the need to prepare the matter for trial, while exploring settlement only after the client is postured from a position of strength.

Representative Engagements:

California Earth Corps. v. Martin Brass Foundry. Defended six foundries in 10 separately filed actions (between January 1996 and February 1997). Achieved six dismissals with prejudice after individual demands ranged from \$200,000 to \$800,000 per site.

As You Sow v. Ellis Paint Company. Defended several separately filed actions against paint companies. Defended Proposition 65 action for failure to provide adequate warning on paint cans.

Natural Resources Defense Council and Environmental Law Foundation v. Badger Meter, et al. Defended two water meter manufacturers in a case brought against the water meter industry. Conducted early evaluation and achieved early and very low dollar settlement prior to defense defeat on the issue of whether “discharges to sources of drinking water” of lead occurred. Case subsequently settled for seven figures with remaining defendants. Plaintiffs were represented by the Milberg Weiss Lerach law firm.

Environmental Law Foundation v. Altman, et al. Defended several separately filed actions against faucet manufacturers. Defended five faucet manufacturers based in the Midwest and eastern United States in “Faucet II” litigation brought in San Francisco Superior Court under Proposition 65. Achieved favorable early settlements.

Matteel Environmental/Pacific Justice Center v. Grinnell Corporation, et al. Defended galvanized pipe manufacturer (Fortune 50 company) in multi-party litigation in San Francisco Superior Court against action alleging failure to warn under Proposition 65 and alleging discharge of lead to drinking water. Advanced and won first of its kind defense knocking out plaintiff’s testing methodology. Defend appeal.

Consumer Cause v. ITT Sheraton, et al. (and related litigation against hotel chains, including In Re Cigar Smoke Litigation.) Defending several hotel national hotel chains and Fortune 100 company against allegations of failure to warn for sales of cigars under Proposition 65 and for exposure without warning to second hand smoke of employees and guests. Won dismissals with prejudice and spearheaded, argued and won the appeal in Yeroushalmi v. Miramar Sheraton.

Matteel Environmental v. Buckner by Storm (and separately filed actions for lead in brass hose nozzles.) Defended brass foundries against allegations of dermal exposure of lead under Proposition 65 and California Unfair Business Practices Act.

Matteel Environmental v. National Tape. Defended Fortune 50 company against allegations of dermal exposure to lead of tape products under Proposition 65.

Center for Environmental Health v. Resco Products. Defended Proposition 65 case against out-of- state refractory manufacturer for Proposition 65 exposures to crystalline silica. Replaced counsel two months before trial scheduled. Filed motions in limine and litigated case to eve of jury trial. Case settled and resulted in pattern opt-in for the industry.

As You Sow v. Conbraco, et al. Represent several defendants in Proposition 65 case alleging dermal exposures of brass valves, backflow preventers and other plumbing parts and alleging discharge of lead to drinking water. Case is scheduled to go to trial in San Francisco Superior Court in July, 2003.

D. Regulatory Compliance/Governmental Advocacy

The firm advises clients with regard to regional, state and federal environmental compliance matters, including assistance with waste water and storm water discharge permits, hazardous waste treatment permits, air emission limits, toxic chemical inventory reporting, hazard communication reporting, and other permits, notices, and licenses under federal and state law.

C&F is widely recognized for effective advocacy in administrative proceedings before the U.S. Environmental Protection Agency, the California EPA, the Office of Environmental Health Hazard Assessment, the Department of Toxic Substances Control, the Integrated Waste Management Board, the California State Water Resources Control Board, the South Coast Air Quality Management District, the Bay Area Air Quality Management District and other state and local agencies.

Members of the firm have been involved in the development, interpretation, and application of environmental statutes and regulations through appearances before the California Senate and Assembly, the United States Congress, the Environmental Protection Agency, the California State Water Resources Control Board, and various other state and regional environmental agencies. The firm appeared before the California State Assembly to present its clients' views regarding the landmark Wright-Polanco-Lempert hazardous waste tiered permitting bill, also known as "AB 1772," and on AB 2019, the Storm Water Enforcement Act of 1998.

Members of the firm served by appointment of the California Commissioner of Insurance on a Task Force concerning environmental liability insurance matters, and also served as Chair of the Joint Task Force to develop a set of environmental crime sentencing guidelines for the Los Angeles County District Attorney and the Los Angeles City Attorney.

1. Clean Water Act-Regulatory

Members of the firm are thoroughly experienced in counseling clients under the Clean Water Act National Pollutant Discharge Elimination System (NPDES). Members of the firm are preeminent in NPDES storm water permitting, having represented government agency, industrial and transportation interests in every major national legislative and regulatory initiative in this discipline.

Representative Engagements:

Chemical Batch Processing Monitoring Group. Represent group of paint companies, chemical specialty manufacturers, roof coatings manufacturers and lubricant

manufacturers or their California subsidiaries, including 15 Fortune 200 companies, in all Federal Clean Water Act storm water proceedings before all nine Regional Water Quality Control Boards and the State Water Resources Control Board. Incorporated the group under Section 501(c)(6) of the Internal Revenue Code for compliance under general storm water permit (NPDES). Achieved approval of group monitoring plan. Serve as general counsel, secretary and treasurer to the group. Negotiated merger with the California Paint Council Monitoring Group.

Paper Recyclers Monitoring Group. Serve as general counsel and Board member to Federal Clean Water Act storm water compliance group of paper, glass and plastic recyclers.

National Juice Products California Monitoring Group. California counsel to Federal Clean Water Act storm water group of juice products companies including 3 Fortune 200 companies.

Metal Casting Stormwater Monitoring Group, Inc. Serve as general counsel to Federal Clean Water Act storm water compliance group of foundries, smelters and die casters.

Coalition for Regulatory Flexibility. Executive Director and General Counsel to group to oppose EPA implementation of benchmarks and numeric limitations in storm water runoff permits. Formulating nationwide advocacy strategy to persuade the White House Council on Environmental Quality, the U.S. Environmental Protection Agency and the State Water Resources Control Board to modify the benchmarks in the multi-sector industrial storm water permits.

2. Right-to-Know (Prop. 65 and SARA Title III)-Regulatory

Members of the firm have considerable expertise in the requirements imposed by Proposition 65, the California Safe Drinking Water and Toxic Enforcement Act of 1986. Members of the firm have advised clients regarding labeling, notification, and other evolving requirements under this measure and proposed changes to Proposition 65.

Members of the firm also have significant experience in counseling clients regarding emergency spill response and notification, as well as toxic release reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA Title III). As such, members of the firm counsel companies in actions brought by private parties and the EPA.

Representative Engagements:

(Confidential Diesel Engine Exhaust) Advised trucking companies on liability exposure under Proposition 65 for diesel engine exhaust emissions.

(Confidential Lead in Cookware) Advised out-of-state foundry on strategy to interpret sampling protocol and risk provisions of Proposition 65 to achieve no duty to warn.

(Confidential Chemical company audit) Advised company on compliance with EPCRA reporting requirements and reportability of spills.

(Confidential Scrap Recycling company audits) Advised several companies on Proposition 65 air exposures and worker exposures, primarily for lead and crystalline silica.

3. Air Quality--Regulatory

The firm is familiar with both the requirements and the staff members of the California Air Resources Board and the South Coast Air Quality Management District. The firm has counseled clients regarding regulations governing mobile sources, as well as air emissions of lead, nitrogen oxides, sulfur oxides, cadmium, and arsenic.

Representative Engagements:

(Confidential Foundry Industry audits) Advised companies on interpretation of RECLAIM emissions credit trading system, AB2588 (Toxic Hot Spots) air legislation and Title V Stationary Source requirements under the 1990 Clean Air Act Amendments.

4. Underground Storage Tanks-Regulatory

The firm has developed a specialty in counseling clients faced with closure of and remediation associated with removal of underground storage tanks (USTs). Recognizing the paramount importance of close, respected relations with lead cleanup agency officials, the firm is known for innovative approaches in responding to UST cleanups. The firm is also well versed and experienced in handling all types and phases of complex, multi-party litigation related to UST cleanup and closure matters.

Representative Engagements:

(Confidential Scrap Recycling Industry audits) Determined reportability of leaking underground storage tanks and interfaced with regulators to ensure clean ups.

(Confidential Paint Industry audits) Determined reportability and interpreted California's revised "historical release" reporting requirements.

BUSINESS LITIGATION EXPERIENCE

C&F business litigation attorneys represent small businesses, manufacturers, real estate developers and Fortune 100 companies in all phases of litigation. Clients retain us to take cases to trial, although many matters are resolved before, or at the early stages of, court action.

We have successfully defended actions in the following business litigation areas:

- * Product defect liability
- * Employment and discrimination liability
- * Breach of contract actions
- * OSHA worker death and serious injury
- * Unfair business practices
- * Shareholder and closely controlled corporation disputes
- * Directors and officers liability
- * Appeals and writs in civil litigation, administrative matters or government contracts
- * Architect, engineer and other professional liability
- * Asbestos/Toxic Torts

Baires, et al. v. Oscar Lehnus Foundry. Represented foundry owner and foundry in separate toxic tort action brought by a family of seven who alleged property damage, soil contamination, storm water runoff and toxic tort personal injury from exposure to lead. Pre-trial settlement demands exceeded \$2 million. The case went to a jury trial for five weeks in Alameda County (downtown Oakland). The jury dismissed the toxic tort and the environmental claims and awarded \$40,000 to the plaintiff, the approximate amount of the property damage that was not disputed. The firm successfully recovered full defense costs and settlement from the clients' insurance company.

C.E. Wylie Construction Company v. The Tresize Company, et al. Defended valve manufacturer relating to 30 million gallon reservoir product defect and construction defect allegations in San Diego Superior Court. After successfully defending strict product liability cause of action, settled case for fraction of plaintiff's demand.

Davis v. TRC Essex Environmental. Defended one of the largest environmental engineering firms in the United States in a gender discrimination and unfair business practices action in San Mateo Superior Court.

Department of Fair Employment and Housing v. Landmark Protection, Inc. Defended security company in state court (Santa Clara County Superior Court) and the jury returned a defense verdict following less than one hour of deliberation. The government alleged religious discrimination against a member of the Sikh faith.

Felix Espinoza v. A.W. Chesterton, et al. Represented foundry supplier in complex asbestos litigation. Achieved dismissal one month prior to trial after extensive discovery.

Gabriel Lopez v. Gregg Industries, Inc. Defended foundry against claims alleging unpermitted particulate releases that caused property damage at neighboring airport. Negotiated insurance coverage and favorable settlement.

People v. James Jones Foundry, et al. Defended Fortune 50 company and its subsidiaries in California False Claims case and Unfair Business Practices actions in multi-forum litigation in the state of California. Alleged potential liability exceeded \$1 billion. Claims included allegations of negligent and fraudulent pipe manufacturing practices by over 100 California water agencies. Represented company at government contracts responsibility hearing. Work with white-collar counsel while focusing on the alleged environmental contamination (lead) issues relating to the water works system.

People v. Rust Environmental. Defended action brought by California Occupational Safety and Health Administration against environmental, construction engineering predecessor company to Fortune 50 subsidiary based on worker death. Achieved favorable settlement after two successful bench trials before the Administrative Law Judge. Successfully thwarted allegations by District Attorney for San Bernardino County for corporate manslaughter and negotiated favorable civil compromise settlement.

Power Systems Testing Co. v. Diversified Risk Insurance Brokers. Filed lawsuit on behalf of electrical testing company against their insurance broker for breach of contract and fraud for failure to obtain insurance that would cover electrical testing. Achieved early favorable settlement.

Rhodes v. MBA Polymers, Inc., et al. Defended plastic recycler (Contra Costa County Superior Court) in seventeen toxic tort lawsuits filed on behalf of over 42,000 claimants in Richmond, California alleging "shelter in place" nuisance, trespass, and bodily injury caused by chemical and toxic release originating from facility fire and explosion. The firm successfully recovered full defense costs from the insurance carrier and settled case for less than policy limit. Lead plaintiffs' attorney was Lieff Cabraser. Involved in separate action brought by Occupational Safety and Health Administration due to worker death

Rosie Lee Evans, et al. v. Pacific Steel Casting Company, et al. Defended foundry in negligence and nuisance action filed by 170 plaintiffs living near the facility. Achieved dismissal of several causes of action and dismissal of class action allegations. Case is still ongoing.

Roy Roberson v. TRC Environmental, et al. Currently defending environmental firm, officers and former employees in discrimination case.

TRC, Inc. v. Pardee Homes. Filed lawsuit on behalf of engineering company against construction company for breach of contract and fraud for failure to pay for work performed. Defended cross-complaint also for breach of contract and fraud. Achieved early favorable settlement.

United Agricultural Products v. Wilbur-Ellis Company, et al. Represented plaintiff, \$3 billion public company, in federal court (N.D. Cal.) litigation to recover loss from stolen trade secrets against former employees and their new employer. Achieved favorable confidential settlement for client.

UTICS v. Rehberg, et al. Defended former President and Board of Director in securities lawsuit filed by investors of a Nevada corporation that manufactured remote meter reading devices. (Los Angeles Superior Court) The firm successfully recovered full defense costs from D&O insurance carrier and settled case for nuisance value.

Western Packaging Sales, Inc. v. Tyco International (US) Inc., et al., Defended large (Fortune 100) company and subsidiaries in breach of contract case and alleged violation of the Independent Wholesale Sales Representatives Contractual Relations Act of 1990. Contra Costa Superior Court. Achieved favorable confidential settlement for client.

West Coast Industrial Supply, et al. v. Earth Tech, Incorporated, et al.
Represented client (subsidiary of Fortune 50 company) involved in asset management and redistribution of decommissioned Naval shipyard in action involving breach of contract, personal injury and environmental contamination issues in United States Central District Federal Court.

EXHIBIT C



CASTELLÓN & FUNDERBURK LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

April 28, 2016

Mayor John A. Mirisch
Councilmember Julian A. Gold, M.D.
City of Beverly Hills
455 N Rexford Dr,
Beverly Hills, CA 90210

Re: Beverly Hills Parcel Investigation Lots 12 and 13

Dear Mr. Mirisch and Dr. Gold:

This letter includes information responsive to the questions you raised for discussion during the April 28, 2016 interviews regarding the above referenced matter. The questions you posed and brief responses are presented below.

1. Does your firm have any conflict?

Response: Pursuant to the request of Mr. Byron Pope, the firm completed a conflict check and confirmed that the firm has not supported or opposed any of the entities listed below in any legal actions or claims and does not have any relationship, past or present, with any of the following entities: City of Beverly Hills; Beverly Hills Land Company; Mr. Lyn Konheim; Mr. Stanley T. Black; Mr. Robert Barth; West Coast Arborists Company (WCA); or Department of Toxic Substances Control (DTSC).

2. Do you have the capacity to do a timeline based investigation of the events?

Response: The firm has the capacity to do a timeline based investigation of the events related to the removal of the trees from lots 12 and 13. Firm attorneys have extensive experience in dealing with complex environmental matters, including dealing with numerous environmentally impacted properties under the oversight of the DTSC. Firm attorneys also have extensive experience dealing with private investigations, both performing them and overseeing their implementation, and the implementation of the recommendations of such investigations.

3. What has been your experience with this sort of investigation?

Response: Firm attorneys have conducted and overseen extended private investigations relating to various incidents, including whistleblower claims and government action related claims. Firm attorneys have also participated in evaluating and overseeing implementation of recommendations provided as a result of such investigations. Firm attorneys have also been

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involved in evaluating the impacts of such investigations on the exposure of public and private entities as a result of the manner in which the investigation was conducted, the conclusions and recommendations of such investigations, and the implementation of such recommendations, or the lack of implementation of such recommendations.

4. What has been your experience with Municipal government, DTSC, environmental issues and private contractors?

Response: Firm attorneys' experience with Municipal government, DTSC, environmental issues and private contractors is broad, extensive, and very diverse, as explained below.

Regarding municipal government experience, Hany Fangary ("Fangary") currently serves as Mayor Pro Tem of the City of Hermosa Beach (scheduled to be appointed as Mayor on June 9, 2016), serves as a member of the Board of Directors of the Independent Cities Association, and the Board of Directors of the South Bay Cities Council of Governments (SBCCOG). In that role, Fangary has had the opportunity to participate in investigations, overseeing the implementation of recommendations made by investigators, and participated in evaluating the legal impacts of such investigations and the related recommendations and conclusions, as well as the legal exposure and impact of not following through with the recommendations of investigations.

Regarding DTSC and environmental issues, prior to becoming a lawyer, Fangary worked as an environmental engineer for nine years overseeing investigation, assessment and remediation activities for more than 200 properties in California, Arizona and Washington. In that role, Fangary has worked with numerous Federal and State governmental agencies, including DTSC, the Regional Water Quality Control Board, the Orange County Health Care Agency, Los Angeles County Department of Public Works, and numerous other oversight agencies.

Fangary has also participated in addressing issues relating to assessment, remediation, monitoring and installation of institutional controls at numerous environmentally impacted properties over the past eighteen (18) years of his law practice. In that role, Fangary has coordinated these activities with environmental consultants, property owners, adjacent property owners, and applicable regulatory oversight agencies.

Firm attorneys also have extensive experience managing private contractors working for private and public entities. In his role as a construction and environmental engineer for nine years, Fangary retained and supervised the work of dozens of private contractors, managing an annual budget of several million dollars for construction and environmental activities. In his legal role, Fangary has also participated in retaining and supervising the work of various private contractors involved in performing construction and environmental activities relating to assessment, remediation and monitoring activities at various properties. Fangary also oversees the management of various private contractors performing work for the City of Hermosa Beach in his role as a councilmember.

5. How long do you anticipate this investigation to take?

Response: It is difficult to estimate the length of the investigation prior to fully evaluating all the pertinent documents, and getting direction from City Council regarding the entire scope of the investigation. The investigation is expected to include numerous interviews from residents and staff, as well as BHLC and WCA. The investigation may necessitate the use of the Council's subpoena power. We recommend that all interviews be recorded and transcribed, to confirm accuracy of the information obtained and to avoid future challenges to the information conveyed to the investigator.

Depending on the scope of investigation the Council directs the Firm to conduct, the length of the investigation can last from several weeks to several months.

If the use of the Council's subpoena authority is deemed warranted, that may delay completion of the investigation. Also, interviews of City staff may also delay the investigation if City staff raise issues regarding the terms of their agreement with the City or if they elect to retain counsel prior to being interviewed. In addition, former employees of the City that have relevant information regarding the incident but are no longer employed by the City may be reluctant to be interviewed, which may further delay completion of the investigation.

It is our understanding, based on the information the Council has already conveyed to the residents, that the Council wishes to have the investigation be fairly thorough and extensive, and to have all the relevant issues investigated and evaluated, all the relevant personnel interviewed, and all the relevant documents reviewed. Accordingly, if that is consistent with Council direction, we anticipate the investigation will take several months to complete. We would recommend that if the Council elects to retain us to conduct the investigation, that we provide periodic updates to the Council as to the status of the investigation.

6. What resources would you put into this investigation?

Response: The Firm would have the property inspected, and the relevant documents reviewed by 1-2 attorneys prior to commencing the investigation to properly prepare the adequate questions for the investigation, unless the Council would prefer that we engage more attorneys in the process – that may be quicker, but may not be very efficient. The Firm would retain a court reporting company to properly manage and transcribe the interviews conducted, and would consider retaining an environmental consulting firm to review the relevant environmental records and to assist in providing recommendations for proposed future action.

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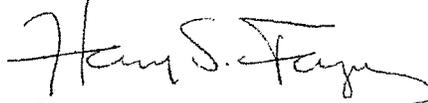
Mr. Mirisch and Dr. Gold
April 28, 2016
Page 4

7. How do you charge? And how much do you estimate this will cost?

Response: The Firm's billing rates are as follows: \$525 per hour for senior partners, \$425 for of counsel (Fangary); \$325 for associates and \$125 for paralegals. The Firm may engage other attorneys outside the firm if needed to expedite completion of the investigation if deemed necessary, but the billing rates will be consistent with the rates provided above. The Firm is willing to discuss alternate billing arrangements if the Council believes that alternate billing arrangements are preferable, or if a municipal discount is deemed warranted.

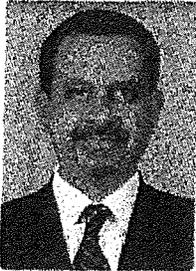
If you have any questions or comments, feel free to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hany S. Fangary". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Hany S. Fangary

HF



HANY S. FANGARY
Of Counsel

Hany S. Fangary is a litigation/environmental attorney, focusing his practice on complex litigation matters, including complex business litigation, environmental and toxic tort matters, environmental regulatory compliance and environmental due diligence matters. Mr. Fangary also represented clients in negotiations with regulatory agencies regarding air emissions permitting, regulatory compliance and environmental remediation activities, and has appeared in

administrative hearings before various agencies and municipalities.

Environmental and Toxic Torts Litigation

Broad range of complex litigation matters relating to RCRA, CERCLA, NEPA, CEQA, Cal/OSHA and the EIS/EIR process, Clean Air Act, Clean Water Act, Proposition 65, and the Underground Storage Tank Cleanup Fund

Environmental and toxic tort cases alleging trespass, nuisance, fraud, breach of contract, products liability, real estate and land use disputes
Litigation matters related to environmental impacts and associated development issues related to soil and groundwater contamination, and asbestos and mold issues

- Claims relating to impacts of the gasoline additive MTBE to groundwater production wells, and impacts associated with releases of gasoline, diesel, PCE, TCE and other chemicals associated with operations at gasoline stations and dry cleaning facilities
- Advised clients regarding Proposition 65 compliance and litigation issues relating to various consumer products and workplace notice issues

Environmental Regulatory and Transactional Matters

- Represented numerous clients in negotiating regulatory requirements for assessment and remediation activities at hundreds of properties
- Negotiated with and/or appeared before several regulatory agencies including the California EPA, Cal/OSHA, California Coastal Commission, State Water Resources Control Board, and Regional Water Quality Control Board
- Experience with negotiations and administrative hearings before the South Coast Air Quality Management District (AQMD) and San Diego Air Pollution Control District (APCD).
- Completed environmental due diligence evaluations for engineering, manufacturing, and health care companies relating to numerous industrial, commercial and hospital properties, including gasoline stations, gasoline terminals, and dry cleaning facilities
- Negotiated insurance policies covering environmental liabilities for several potentially impacted properties

Education

- Juris Doctor (1997), Loyola Law School, Los Angeles, California
- Bachelor of Science in Mechanical Engineering (1989), California State Polytechnic University, Pomona, California

Memberships

- Member of the State Bar of California
- Member, Litigation and Environmental Section, Los Angeles County Bar Association

Honors & Outside Activities

- Mayor Pro Tem, City of Hermosa Beach

Board Member of Southern California Petroleum Industry Charity Association

ATTORNEYS

- Ruben A. Castellón
(/attorneys/rubencastellon/)
- Hany S. Fangary (/attorneys/hany-fangary/)
- William W. Funderburk, Jr.
(/attorneys/williamfunderburk/)



— CASTELLÓN & FUNDERBURK LLP —

Castellón & Funderburk LLP

April 2016

Firm Resume

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Firm Background.

Founded by a team of experienced lawyers, Castellón & Funderburk LLP (“C&F”) has developed a highly regarded and well-respected commercial litigation and business counseling practice. C&F is centrally located in the San Francisco Bay Area and Downtown Los Angeles. C&F attorneys litigate matters throughout California in state and federal court. C&F has seven (7) attorneys with collective experience of over 100 years of practice. The firm’s attorneys all have significant institutional legal experience gained from working in a principal capacity for large law firms or Fortune 50 companies. The firm’s experience extends to a wide variety of matters, including product liability, contractual disputes, Superfund, Clean Water Act, toxic tort and worker accident defense, insurance recovery, administrative enforcement actions and environmental due diligence.

C&F’s business litigation expertise is an integral part of its practice in other areas such as insurance recovery and coverage litigation and government administrative and regulatory law. There has been, and remains, a substantial overlap in each of the above practice areas, helping to ensure that this firm’s commercial litigation practice remains one of the most cost-effective and proficient available in today’s legal market.

Our clients range from small, emerging growth technology companies and basic manufacturing companies to large, multinational conglomerates. We work at the outset of assignments to define realistic goals that take into account not only our clients’ desire to succeed but also their concerns to achieve results cost efficiently.

The firm’s attorneys have developed a reputation for creative problem solving. We spearheaded the development of market-based compliance with storm water regulations through industry monitoring groups. We have defended most conceivable environmental cases, including enforcement actions by the Los Angeles City Attorney (civil and criminal; hazardous materials transportation and government procurement fraud) (all matters closed), the Los Angeles District Attorney (civil and criminal; U.S.-Mexico border hazardous waste and Proposition 65), the Alameda District Attorney (criminal; hazardous waste disposal), and the California Attorney General (civil; Superfund, hazardous waste). We are recognized in the California bar and legal publications as a zealous advocate of small business rights against “bounty hunters.”

Our attorneys try cases. Our trial experience includes a variety of successfully defended complex and general actions in both state and federal courts, including environmental actions as well as bad faith and other related insurance coverage actions (total recoveries for our clients exceed \$1 billion). We are well known and regarded in the California corporate defense bar in many high profile, high exposure (\$10 million or greater) cases in disciplines ranging from government procurement fraud

(California False Claims Act) to environmental enforcement (Clean Water Act and California Superfund Act) and defense of worker deaths.

The firm is thoroughly versed in handling volatile litigation with community implications and environmental justice overtones. Members of the firm handled a California Superfund clean up of a site located in a poor and minority neighborhood through trial.

Philosophically, we are firm believers in mounting an aggressive defense or prosecution. We have come to recognize, however, that no law firm can make a credible threat without the experience to support it. Consequently, members of the firm are among the most seasoned trial attorneys in complex litigation. More than 20 reported case decisions in federal and state appellate courts, more than 10 jury trials, favorable jury verdicts with individual liability of up to \$300 million, nationally renowned in closing Superfund sites and brownfields, risk-based closures, taken together, provide added stability and credibility to the client.

Complex environmental cases present a range of logistical and administrative difficulties because of the different types of parties with which the clients must negotiate. Government agencies, government prosecutors, insurers, multinational corporations and municipalities represent the spectrum that we typically see in Superfund and toxic tort litigation. Once again, we offer our clients a credible threat in dealing with these parties. We have credibility when we encounter public prosecutors, such as the California Attorney General's Office or local and regional prosecutors, such as city attorneys and district attorneys.

Lastly, attorneys with the firm have strong technical backgrounds developed through a combination of academics and professional experience supervising risk assessment experts in litigation. One of the firm's attorneys even served as CEO of a leading 300 person engineering firm. The same attorney served as remediation counsel for General Electric for 20 years and has developed environmental regulatory relationships that are significant. We believe relationships such as these are critical to achieving fair and reasonable results for clients. C&F prides itself on the fact that the four principle attorneys named in this response have worked together cohesively and continuously for the past six years. Additionally, Mr. Funderburk and Mr. Castellón share an eighteen (18) year history of partnership in practicing law.

NOTABLE ENVIRONMENTAL EXPERIENCE

A. Superfund and Toxics Litigation

Members of the firm have substantial experience in both defending against “Superfund” actions to recover environmental cleanup costs, and employing innovative, cost-saving approaches to defending such actions, including the formation of common defense groups. The firm also is well versed in defending other litigation, such as toxic torts and worker injury that results from accidents or a toxic workplace.

The firm takes a unique approach in representing clients involved in multi-party Superfund and toxic litigation. The constant emphasis is upon uncovering facts through a thorough investigation, with emphasis placed on obtaining information through informal, yet reliable, channels.

This strategy is especially important when dealing with government-led cleanups or other types of government-led actions, because so many agency decisions are influenced by internal or unpublished guidance documents and policies. This early practice strategy frequently enables the client to settle early and to achieve sufficient release protection, to take advantage of other creative options, or to litigate and exonerate clients from liability.

Consequently, the firm provides an added level of certainty to the planning process absent from most Superfund and toxic tort cases. The firm prides itself on being sensitive to the needs and cost constraints of the party paying for the defense of the action and the cleanup of the site, whether that party is the defendant or the defendant’s insurer.

Members of the firm are well versed in utilizing both de minimis and de micromis settlement options under Section 122 of Superfund and EPA’s orphan share and ability to pay policies through every stage in the negotiation process, from the initial remedial investigation (RI) and the feasibility study (FS), record of decision (ROD), and receipt of notices under Section 104(e) or Section 106 of Superfund, to the ultimate allocation of costs for the RI/FS and eventual site cleanup. Members of the firm have counseled a wide variety of companies in all phases of National Priorities List suits, including clients involved in the San Fernando Valley, San Gabriel Valley, and Stringfellow Superfund sites.

After analyzing the potential exposure of a case or acquisition target, another significant aspect of the firm’s approach to environmental matters is to identify the parties, such as insurers, other equipment manufacturers or distributors, who should contribute to the site cleanup or the defense of a toxic tort action. This coordinated action is another risk management device intended to minimize the client’s potential exposure.

Castellón & Funderburk LLP employs two other significant problem-solving approaches that have greatly lowered clients' costs of defense. First, the firm is well versed in organizing and implementing common defense group or steering committee arrangements and serving as lead counsel of both executive and technical committees that arise from large multi-party Superfund or Proposition 65 suits. The organization of these groups or steering committees has directly resulted in significantly lower transactional costs in the defense of Superfund lawsuits.

Second, the firm's environmental attorneys are experienced in technical and scientific areas of all environmental statutes, with several possessing advanced environmental and related technical degrees. In many cases, this unique knowledge of the scientific underpinnings of environmental matters handled on behalf of clients enables the firm to reduce the costs of bringing in experts, narrows the focus of scientific and technical issues, and increases the likelihood in the early dismissal or settlement of an otherwise intricate and intractable case.

These skills have served several clients that have retained the firm to defend against investigations and actions initiated by the state or federal Occupational Safety and Health Administration. Members of the firm have tried cases involving worker deaths and certain types of toxic exposure and obtained remarkable results.

Representative Engagements:

In Re Groundwater Cases. Represent two target parties in defense of \$1 billion toxic tort claims brought by citizens of the San Gabriel Valley for exposures to allegedly contaminated groundwater. Lead Counsel to defendants in one of four operable units.

William King v. Advocate Mines, Ltd., et al. Represent Fortune 50 company and related entities in complex asbestos action.

Felix Espinoza v. A.W. Chesterton, et al. Represented foundry supplier in complex asbestos litigation. Achieved dismissal one month prior to trial after extensive discovery.

Department of Toxic Substances Control v. William Huffman, et al. Defend PRP Group of scrap recyclers in Federal court against allegations under CERCLA and RCRA and state law for contamination at a smelting facility in the Mojave Desert at one of the largest California Superfund sites. Sued over 150 defendants for contribution leading to seven figure settlements. Brought actions against insurers for site operator under the California Probate Code. Sought and obtained court decision denying partial summary judgment on the issue whether recycling amendment to CERCLA is retroactive.

Courtaulds Aerospace v. William Huffman, et al. Represented joint defense group of scrap recyclers for clean up of property adjacent to a smelting facility. Interfaced at highest levels with the Department of Toxic Substances Control on interpretation of amendment to California regulations.

State of California v. Southland Oil, et al. Represented over 50 companies, which included many Southern California automobile dealers and several Fortune 200 companies, in the formation of De Minimis Defense Group. Achieved 90% reduction in the settlement demand for entire group in action brought by PRP Committee to recover costs incurred to implement consent decree in action against the California Attorney General's office.

U.S. v. Operating Industries, Inc., et al. Represent 4 De Minimis generators in group. Negotiations ongoing.

State of California v. Oscar Lehnus Foundry. Represented foundry owner and foundry in action under the Carpenter-Tanner-Presley State Superfund Law prosecuted by the California Attorney General's Office. Recovered entire defense and clean up cost from insurer.

Baires, et al. v. Oscar Lehnus Foundry. Represented foundry owner and foundry in separate toxic tort action brought by a Latino family of seven who alleged property damage, soil contamination, storm water runoff and toxic tort personal injury from exposure to lead. Pre-trial settlement demands exceeded \$2 million. The case went to a jury trial for five weeks in Alameda County (downtown Oakland). The jury dismissed the toxic tort and the environmental claims and awarded \$40,000 to the plaintiff, the approximate amount of the property damage that was not disputed. The firm successfully recovered full defense costs and settlement from the clients' insurance company.

People v. Rust Environment and Infrastructure. Defended action brought by California Occupational Safety and Health Administration against environmental, construction engineering predecessor company to Fortune 50 subsidiary based on worker death. Achieved favorable settlement after two successful bench trials before the Administrative Law Judge. Successfully thwarted allegations by District Attorney for San Bernardino County for corporate manslaughter and negotiated favorable civil compromise settlement.

B. Clean Water Act and RCRA

The firm's hazardous waste practice extends to all aspects of the Resource Conservation and Recovery Act (RCRA) and the California Hazardous Waste Control Act. Members of the firm regularly counsel clients on the implication of RCRA regulations and statutes for particular industrial or site-specific operations.

The firm has counseled a wide variety of clients on the application of regulations under RCRA and more stringent California hazardous waste regulations. The knowledge of these regulations not only assists in the interplay with the early analysis of damages under government initiated and private actions, but also assists with responding to enforcement actions against clients when they are commenced.

In that light, members of the firm have defended environmental civil and criminal enforcement actions instituted by citizen's groups, the United States Environmental Protection Agency, the California Attorney General, the Los Angeles County District Attorney, the Alameda County District Attorney and several City Attorney's offices, including San Francisco and Los Angeles. The firm's awareness of government regulatory approaches is even more important in mapping out and planning a strategy for clients in enforcement actions. While the firm aggressively pursues early settlement opportunities, and emphasizes a preference for cooperation, we thoroughly prepare to test the legal issues involved. This approach often gains a swift dismissal of the action, or at minimum, cooperation of the opposing party

Representative Engagements:

Save the Valley v. French Ranch Development. Defended developer of largest housing development against allegations of failure to comply with Clean Water Act. Interfaced with San Francisco Regional Water Quality Control Board to help preempt litigation.

San Francisco BayKeeper v. AB&I Foundry. Defended federal lawsuit filed by private enforcer for storm water violations. Defended Regional Water Board civil investigation for failure to comply with Remedial Action Order. Successfully sought and obtained payment of defense and settlement from company's insurer.

Santa Monica BayKeeper and Terry Tamminen v. Atlas Iron & Metal. Defended storm water lawsuit against small business scrap recycler and defended against toxic and accident tort allegations in federal court. Settled the matter and sought and successfully obtained payment of defense and settlement from company's insurer.

People v. Keelco Anodes, et al. Defended individual and corporate defendant in case brought by the Los Angeles District Attorney's office for illegal transportation of hazardous waste to lead smelter in Mexico. Supervised white-collar counsel and presented regulatory defense resulting in favorable plea and reduction of 16 count, \$1.6 million complaint.

People v. Pick Your Part Auto Dismantling. Defended catalytic converter recycler in civil enforcement action brought interpreting California's recycling exemption.

People v. Ekco Metals. Defended scrap recycler in civil enforcement action by the Department of Toxic Substances Control alleging illegal disposal of hazardous waste. Retained toxicologist and negotiated favorable risk based clean up at industrial at industrial site in inner city neighborhood.

People v. Gardner Asphalt. Defended roof coatings manufacturer against allegations by City of Berkeley and action by District Attorney of Alameda County for illegal disposal of hazardous waste and for illegal storm water discharges.

People v. James Jones Foundry, et al. Defend Fortune 50 company and its subsidiaries California False Claims case and Unfair Business Practices Act in multi-forum litigation in the state of California alleging negligent and fraudulent pipe manufacturing practices in dealing with over 100 California water agencies. Work with white-collar counsel while focusing on the alleged environmental contamination (lead) issues relating to the water works system.

People v. Weber Distribution, et al. Defended largest warehouse company in California against criminal action brought by the city attorney of Los Angeles under state and federal hazardous materials transportation laws.

People v. LMD Warehouse, et al. Defended manufacturing subsidiary of Fortune 50 corporation against criminal federal hazardous material transportation laws brought by Los Angeles City Attorney. Conducted in depth investigation of claims. Case dismissed with prejudice with no monetary settlement one day before trial.

C. Proposition 65 and Air Enforcement

The proliferation of lawsuits brought by private attorneys general, or “citizen suits,” has created an unmet need for medium and large businesses alike. With little recourse to financing the defense by insurance, companies are often left to face citizen suits at enormous costs.

C&F’s attorneys are among the most experienced in the State of California at handling these Clean Water Act and Proposition 65 citizen suits. These lawsuits are often accompanied by claims under the California Unfair Competition Law, codified at Business and Professions Code Section 17200, et seq., and involve an extraordinary degree of technical complexity. For these reasons, attorneys with the firm approach citizen suits by making an immediate technical and legal evaluation of the merits of the case. Based on this evaluation, the client is positioned for discussions with the citizen group or other parties.

During the 60-day or 90-day notice period, it is often common to approach government entities, such as the attorney general’s office, the district attorney or city attorney or U.S. EPA Region IX. Members of the firm have extensive experience in working to pre-empt such citizen suits and to build extensive relationships and trust among prosecutors and authorities that can take such action.

With these tools, the client receives a multi-faceted defense approach that keeps in mind the need to prepare the matter for trial, while exploring settlement only after the client is postured from a position of strength.
Representative Engagements:

California Earth Corps. v. Martin Brass Foundry. Defended six foundries in 10 separately filed actions (between January 1996 and February 1997). Achieved six dismissals with prejudice after individual demands ranged from \$200,000 to \$800,000 per site.

As You Sow v. Ellis Paint Company. Defended several separately filed actions against paint companies. Defended Proposition 65 action for failure to provide adequate warning on paint cans.

Natural Resources Defense Council and Environmental Law Foundation v. Badger Meter, et al. Defended two water meter manufacturers in a case brought against the water meter industry. Conducted early evaluation and achieved early and very low dollar settlement prior to defense defeat on the issue of whether “discharges to sources of drinking water” of lead occurred. Case subsequently settled for seven figures with remaining defendants. Plaintiffs were represented by the Milberg Weiss Lerach law firm.

Environmental Law Foundation v. Altman, et al. Defended several separately filed actions against faucet manufacturers. Defended five faucet manufacturers based in the Midwest and eastern United States in “Faucet II” litigation brought in San Francisco Superior Court under Proposition 65. Achieved favorable early settlements.

Matteel Environmental/Pacific Justice Center v. Grinnell Corporation, et al. Defended galvanized pipe manufacturer (Fortune 50 company) in multi-party litigation in San Francisco Superior Court against action alleging failure to warn under Proposition 65 and alleging discharge of lead to drinking water. Advanced and won first of its kind defense knocking out plaintiff’s testing methodology. Defend appeal.

Consumer Cause v. ITT Sheraton, et al. (and related litigation against hotel chains, including In Re Cigar Smoke Litigation.) Defending several hotel national hotel chains and Fortune 100 company against allegations of failure to warn for sales of cigars under Proposition 65 and for exposure without warning to second hand smoke of employees and guests. Won dismissals with prejudice and spearheaded, argued and won the appeal in Yeroushalmi v. Miramar Sheraton.

Matteel Environmental v. Buckner by Storm (and separately filed actions for lead in brass hose nozzles.) Defended brass foundries against allegations of dermal exposure of lead under Proposition 65 and California Unfair Business Practices Act.

Matteel Environmental v. National Tape. Defended Fortune 50 company against allegations of dermal exposure to lead of tape products under Proposition 65.

Center for Environmental Health v. Resco Products. Defended Proposition 65 case against out-of- state refractory manufacturer for Proposition 65 exposures to crystalline silica. Replaced counsel two months before trial scheduled. Filed motions in limine and litigated case to eve of jury trial. Case settled and resulted in pattern opt-in for the industry.

As You Sow v. Conbraco, et al. Represent several defendants in Proposition 65 case alleging dermal exposures of brass valves, backflow preventers and other plumbing parts and alleging discharge of lead to drinking water. Case is scheduled to go to trial in San Francisco Superior Court in July, 2003.

D. Regulatory Compliance/Governmental Advocacy

The firm advises clients with regard to regional, state and federal environmental compliance matters, including assistance with waste water and storm water discharge permits, hazardous waste treatment permits, air emission limits, toxic chemical inventory reporting, hazard communication reporting, and other permits, notices, and licenses under federal and state law.

C&F is widely recognized for effective advocacy in administrative proceedings before the U.S. Environmental Protection Agency, the California EPA, the Office of Environmental Health Hazard Assessment, the Department of Toxic Substances Control, the Integrated Waste Management Board, the California State Water Resources Control Board, the South Coast Air Quality Management District, the Bay Area Air Quality Management District and other state and local agencies.

Members of the firm have been involved in the development, interpretation, and application of environmental statutes and regulations through appearances before the California Senate and Assembly, the United States Congress, the Environmental Protection Agency, the California State Water Resources Control Board, and various other state and regional environmental agencies. The firm appeared before the California State Assembly to present its clients' views regarding the landmark Wright-Polanco-Lempert hazardous waste tiered permitting bill, also known as "AB 1772," and on AB 2019, the Storm Water Enforcement Act of 1998.

Members of the firm served by appointment of the California Commissioner of Insurance on a Task Force concerning environmental liability insurance matters, and also served as Chair of the Joint Task Force to develop a set of environmental crime sentencing guidelines for the Los Angeles County District Attorney and the Los Angeles City Attorney.

I. Clean Water Act-Regulatory

Members of the firm are thoroughly experienced in counseling clients under the Clean Water Act National Pollutant Discharge Elimination System (NPDES). Members of the firm are preeminent in NPDES storm water permitting, having represented government agency, industrial and transportation interests in every major national legislative and regulatory initiative in this discipline.

Representative Engagements:

Chemical Batch Processing Monitoring Group. Represent group of paint companies, chemical specialty manufacturers, roof coatings manufacturers and lubricant

manufacturers or their California subsidiaries, including 15 Fortune 200 companies, in all Federal Clean Water Act storm water proceedings before all nine Regional Water Quality Control Boards and the State Water Resources Control Board. Incorporated the group under Section 501(c)(6) of the Internal Revenue Code for compliance under general storm water permit (NPDES). Achieved approval of group monitoring plan. Serve as general counsel, secretary and treasurer to the group. Negotiated merger with the California Paint Council Monitoring Group.

Paper Recyclers Monitoring Group. Serve as general counsel and Board member to Federal Clean Water Act storm water compliance group of paper, glass and plastic recyclers.

National Juice Products California Monitoring Group. California counsel to Federal Clean Water Act storm water group of juice products companies including 3 Fortune 200 companies.

Metal Casting Stormwater Monitoring Group, Inc. Serve as general counsel to Federal Clean Water Act storm water compliance group of foundries, smelters and die casters.

Coalition for Regulatory Flexibility. Executive Director and General Counsel to group to oppose EPA implementation of benchmarks and numeric limitations in storm water runoff permits. Formulating nationwide advocacy strategy to persuade the White House Council on Environmental Quality, the U.S. Environmental Protection Agency and the State Water Resources Control Board to modify the benchmarks in the multi-sector industrial storm water permits.

2. Right-to-Know (Prop. 65 and SARA Title III)-Regulatory

Members of the firm have considerable expertise in the requirements imposed by Proposition 65, the California Safe Drinking Water and Toxic Enforcement Act of 1986. Members of the firm have advised clients regarding labeling, notification, and other evolving requirements under this measure and proposed changes to Proposition 65.

Members of the firm also have significant experience in counseling clients regarding emergency spill response and notification, as well as toxic release reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA Title III). As such, members of the firm counsel companies in actions brought by private parties and the EPA.

Representative Engagements:

(Confidential Diesel Engine Exhaust) Advised trucking companies on liability exposure under Proposition 65 for diesel engine exhaust emissions.

(Confidential Lead in Cookware) Advised out-of-state foundry on strategy to interpret sampling protocol and risk provisions of Proposition 65 to achieve no duty to warn.

(Confidential Chemical company audit) Advised company on compliance with EPCRA reporting requirements and reportability of spills.

(Confidential Scrap Recycling company audits) Advised several companies on Proposition 65 air exposures and worker exposures, primarily for lead and crystalline silica.

3. Air Quality--Regulatory

The firm is familiar with both the requirements and the staff members of the California Air Resources Board and the South Coast Air Quality Management District. The firm has counseled clients regarding regulations governing mobile sources, as well as air emissions of lead, nitrogen oxides, sulfur oxides, cadmium, and arsenic.

Representative Engagements:

(Confidential Foundry Industry audits) Advised companies on interpretation of RECLAIM emissions credit trading system, AB2588 (Toxic Hot Spots) air legislation and Title V Stationary Source requirements under the 1990 Clean Air Act Amendments.

4. Underground Storage Tanks-Regulatory

The firm has developed a specialty in counseling clients faced with closure of and remediation associated with removal of underground storage tanks (USTs). Recognizing the paramount importance of close, respected relations with lead cleanup agency officials, the firm is known for innovative approaches in responding to UST cleanups. The firm is also well versed and experienced in handling all types and phases of complex, multi-party litigation related to UST cleanup and closure matters.

Representative Engagements:

(Confidential Scrap Recycling Industry audits) Determined reportability of leaking underground storage tanks and interfaced with regulators to ensure clean ups.

(Confidential Paint Industry audits) Determined reportability and interpreted California's revised "historical release" reporting requirements.

BUSINESS LITIGATION EXPERIENCE

C&F business litigation attorneys represent small businesses, manufacturers, real estate developers and Fortune 100 companies in all phases of litigation. Clients retain us to take cases to trial, although many matters are resolved before, or at the early stages of, court action.

We have successfully defended actions in the following business litigation areas:

- * Product defect liability
- * Employment and discrimination liability
- * Breach of contract actions
- * OSHA worker death and serious injury
- * Unfair business practices
- * Shareholder and closely controlled corporation disputes
- * Directors and officers liability
- * Appeals and writs in civil litigation, administrative matters or government contracts
- * Architect, engineer and other professional liability
- * Asbestos/Toxic Torts

Baires, et al. v. Oscar Lehnus Foundry. Represented foundry owner and foundry in separate toxic tort action brought by a family of seven who alleged property damage, soil contamination, storm water runoff and toxic tort personal injury from exposure to lead. Pre-trial settlement demands exceeded \$2 million. The case went to a jury trial for five weeks in Alameda County (downtown Oakland). The jury dismissed the toxic tort and the environmental claims and awarded \$40,000 to the plaintiff, the approximate amount of the property damage that was not disputed. The firm successfully recovered full defense costs and settlement from the clients' insurance company.

C.E. Wylie Construction Company v. The Tresize Company, et al. Defended valve manufacturer relating to 30 million gallon reservoir product defect and construction defect allegations in San Diego Superior Court. After successfully defending strict product liability cause of action, settled case for fraction of plaintiff's demand.

Davis v. TRC Essex Environmental. Defended one of the largest environmental engineering firms in the United States in a gender discrimination and unfair business practices action in San Mateo Superior Court.

Department of Fair Employment and Housing v. Landmark Protection, Inc. Defended security company in state court (Santa Clara County Superior Court) and the jury returned a defense verdict following less than one hour of deliberation. The government alleged religious discrimination against a member of the Sikh faith.

Felix Espinoza v. A.W. Chesterton, et al. Represented foundry supplier in complex asbestos litigation. Achieved dismissal one month prior to trial after extensive discovery.

Gabriel Lopez v. Gregg Industries, Inc. Defended foundry against claims alleging unpermitted particulate releases that caused property damage at neighboring airport. Negotiated insurance coverage and favorable settlement.

People v. James Jones Foundry, et al. Defended Fortune 50 company and its subsidiaries in California False Claims case and Unfair Business Practices actions in multi-forum litigation in the state of California. Alleged potential liability exceeded \$1 billion. Claims included allegations of negligent and fraudulent pipe manufacturing practices by over 100 California water agencies. Represented company at government contracts responsibility hearing. Work with white-collar counsel while focusing on the alleged environmental contamination (lead) issues relating to the water works system.

People v. Rust Environmental. Defended action brought by California Occupational Safety and Health Administration against environmental, construction engineering predecessor company to Fortune 50 subsidiary based on worker death. Achieved favorable settlement after two successful bench trials before the Administrative Law Judge. Successfully thwarted allegations by District Attorney for San Bernardino County for corporate manslaughter and negotiated favorable civil compromise settlement.

Power Systems Testing Co. v. Diversified Risk Insurance Brokers. Filed lawsuit on behalf of electrical testing company against their insurance broker for breach of contract and fraud for failure to obtain insurance that would cover electrical testing. Achieved early favorable settlement.

Rhodes v. MBA Polymers, Inc., et al. Defended plastic recycler (Contra Costa County Superior Court) in seventeen toxic tort lawsuits filed on behalf of over 42,000 claimants in Richmond, California alleging "shelter in place" nuisance, trespass, and bodily injury caused by chemical and toxic release originating from facility fire and explosion. The firm successfully recovered full defense costs from the insurance carrier and settled case for less than policy limit. Lead plaintiffs' attorney was Lieff Cabraser. Involved in separate action brought by Occupational Safety and Health Administration due to worker death

Rosie Lee Evans, et al. v. Pacific Steel Casting Company, et al. Defended foundry in negligence and nuisance action filed by 170 plaintiffs living near the facility. Achieved dismissal of several causes of action and dismissal of class action allegations. Case is still ongoing.

Roy Roberson v. TRC Environmental, et al. Currently defending environmental firm, officers and former employees in discrimination case.

TRC, Inc. v. Pardee Homes. Filed lawsuit on behalf of engineering company against construction company for breach of contract and fraud for failure to pay for work performed. Defended cross-complaint also for breach of contract and fraud. Achieved early favorable settlement.

United Agricultural Products v. Wilbur-Ellis Company, et al. Represented plaintiff, \$3 billion public company, in federal court (N.D. Cal.) litigation to recover loss from stolen trade secrets against former employees and their new employer. Achieved favorable confidential settlement for client.

UTICS v. Rehberg, et al. Defended former President and Board of Director in securities lawsuit filed by investors of a Nevada corporation that manufactured remote meter reading devices. (Los Angeles Superior Court) The firm successfully recovered full defense costs from D&O insurance carrier and settled case for nuisance value.

Western Packaging Sales, Inc. v. Tyco International (US) Inc., et al., Defended large (Fortune 100) company and subsidiaries in breach of contract case and alleged violation of the Independent Wholesale Sales Representatives Contractual Relations Act of 1990. Contra Costa Superior Court. Achieved favorable confidential settlement for client.

West Coast Industrial Supply, et al. v. Earth Tech, Incorporated, et al. Represented client (subsidiary of Fortune 50 company) involved in asset management and redistribution of decommissioned Naval shipyard in action involving breach of contract, personal injury and environmental contamination issues in United States Central District Federal Court.

EXHIBIT D

REFERENCES

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Attachment 2

Parrent Smith Investigations



May 19, 2016

Byron Pope, MMC City Clerk
City of Beverly Hills
455 North Rexford Drive, Suite 290
Beverly Hills, CA 90210

Dear Mr. Pope:

This document contains the information you requested in your email of May 16, 2016:

- 1) Information about our company, Parrent Smith Investigations
- 2) Bios of Joanne Parrent and Nic Smith, principals
- 3) Four client references with contact information
- 4) Estimated fee structure with a breakdown of costs

In addition, you have in a separate document that we provided last week, the materials given to Mayor Mirisch and Councilmember Gold during our first interview on April 28, 2016. That document was prepared for them in response to the letter and the questions that we were sent prior to that interview.

We look forward to our interview with Council Member Bosse and Vice Mayor Krasne on May 31, 2016 at 2pm.

As I said in my earlier email, my partner, Nic Smith, will join me for the interview. He participated by telephone in the first interview.

Best Regards,

Joanne Parrent
Parrent Smith Investigations



ABOUT PARRENT SMITH INVESTIGATIONS

Parrent Smith Investigations & Research is a full service private investigation firm that was founded in 2005 by Nic Smith and Joanne Parrent. Smith, who has been a licensed California investigator since 1973 and Parrent, who was a former book author and filmmaker and has been a licensed California investigator since 2004, had worked together in two firms prior to founding this company. (Our full bios are below.)

Our agency provides investigative services to the legal community, corporations, financial institutions, insurance companies, municipalities, non-profit organizations and consumers worldwide. Our legal clients include some of the largest law firms in California, as well as many small firms and individual practitioners. (See, e.g., our four references.)

As an investigative firm, we are unusual because we not only provide services that other private investigation firms generally provide – background searches, surveillance, locating individuals, fraud investigations, criminal investigations and asset searches – but we also specialize in environmental investigations, both toxic torts and environmental site histories.

In the large-scale environmental cases we have handled, we have reviewed and digested thousands of documents in order to complete the investigations and write in-depth reports for our clients. We have also had to locate and interview many witnesses – usually former employees of companies that were at one time located on a polluted site.

Because environmental investigations have been a big part of our practice, we are, therefore, quite experienced in tasks that will be necessary for this case:

- Reviewing large numbers of documents
- Interviewing witnesses
- Writing a clear, comprehensive report

In a document provided for our first interview with Mayor Mirisch and Councilmember Gold on April 28th, we attempted to answer in writing the seven questions posed to us by the City in advance of that interview. In that document, we provided a list of environmental cases we have worked on with summaries of the cases. In addition, we included more detailed information on four cases on which we worked that we felt would show parts of our experience that are particularly relevant to this investigation for the City of Beverly Hills.

The first case, *Water Board v Oil Company*, was a large environmental case for which we reviewed thousands of documents, made presentations to our client and wrote detailed reports on the history of a large industrial site in the South Bay, from 1920 until 2010.



The second case we included was a personnel investigation conducted for the City/County of San Francisco. We included it to show that we had done work for a municipality.

The third case was a fraud investigation for a credit union. The credit union had been the victim of a fraud in which it lost almost a million dollars. The investigation sought to determine whether or not any employees had been complicit in the fraud.

Finally, we included a case that we handled for a charitable agency that also involved interviewing employees on a very sensitive matter.

After watching both the Town Hall that was conducted in January by Robert Tannenbaum, as well as the most recent City Council meeting in which this investigation was discussed, it seems to us that the Council and the community want two things from the investigation into the tree cutting on Lots 12 and 13. First, the community and the Council want to know exactly what happened and why it happened so something similar will not happen again. Second, after a full investigation has determined what happened, the Council may also want outside legal counsel to advise them in determining what steps to take to remedy what happened and prevent a similar problem.

We don't believe that the Council will satisfy the concerned members of the community unless there is a thorough, independent and objective investigation into what happened. And, we feel that we are better equipped professionally to conduct a thorough investigation than most law firms. All we do is find facts and information. That is what we are licensed to do by the state. And that is why law firms – both small and larger ones – hire us, or firms like ours, to undertake complex investigations.

In our previous interview, the issue of attorney/client privilege was raised. While we are not attorneys, we are certainly willing to work in conjunction with or for any law firm the City may wish to retain to maintain privilege. That said, we don't believe that attorney/client privilege should necessarily be a determining factor in who should do this investigation if the Council intends for the investigation to be transparent and for the results of the investigation to be available to the community.

Thank you for considering us for this investigation.

Below are our individual bios, four references and the fee structure and cost estimate requested.



BIOS OF JOANNE PARRENT AND NIC SMITH

JOANNE PARRENT

(310) 275-8619

joanne@psinvestigates.com

SUMMARY:

Joanne Parrent began her career as a private investigator at the behest of two California law firms that were seeking information for a potentially high-profile national lawsuit.

Prior to her investigative career, Ms. Parrent worked as a freelance writer, author, journalist, screenwriter and documentary filmmaker for 20 years. She contributed feature and investigative articles to national and local magazines and newspapers and was the author of six non-fiction books, including two best sellers. Ms. Parrent also produced, wrote and directed dozens of non-fiction films. This prior experience gave her an excellent eye for detail and honed her creative abilities, communication skills and investigative and research skills necessary for her work at PSI.

Ms. Parrent specializes in complex-litigation investigations, environmental historical research, database research, records research and witness interviews. She also has experience in undercover contact with individuals.

California Licensed Private Investigator, Lic# 24108

EDUCATION

University of Michigan, Ann Arbor, American Culture.

University of California, Los Angeles, B.A., Communication Studies, '82.

PROFESSIONAL HIGHLIGHTS

Current Position: Partner, with Nic Smith at Parrent Smith Investigations & Research

Previous Employment:

Investigative Manager, Adverus, Inc.

Activities included: Management of investigative services including environmental historical research, asset searches and recovery, witness location and interviewing, locating and documenting activities of potentially responsible parties and preparation of exhibits to be used in legal proceedings. Specialized in complex-litigation investigations for attorney clients, database research, public records research and witness interviews.

Investigator, Environmental Forensic Investigations, Inc.



Performed investigative duties including locating potentially responsible parties to environmental litigation, toxic tort defense, private party cost recovery actions and assorted complex civil litigation matters.

Author, Co-Author or Editor, Published Books:

CIG to Filmmaking, Alpha Books, Indianapolis, IN, 2002. A non-fiction guide to all aspects of the filmmaking process.

The Courage to Care, A Caregiver's Guide Through Each Stage of Alzheimer's, MacMillan, New York, NY, 2001. A non-fiction book about Alzheimer's disease, focusing on information for family members who are caring for Alzheimer's patients.

How They Achieved: Stories of Personal Achievement and Business Success, Wiley, New York, NY, 2000. Edited book of original interviews by Lucinda Watson with highly successful CEOs, entrepreneurs and visionaries, including renowned chef, Alice Waters, founder of the GAP clothing chain, Donald Fisher and former IBM Chairman, Frank T. Cary.

Shanghai Remembrance, Noble House, Baltimore, MD, August 2000. As told to memoir by Frank Lee about his childhood in pre-Communist China, the experiences of his wealthy family during the revolution and his subsequent emigration to the United States.

Once More With Feeling, Dove Books, Los Angeles, CA, 1997
As told to sequel to *You'll Never Make Love in this Town Again* (below), about the experiences of six women in Hollywood, including four who become prostitutes and two who tried to make it without resorting to prostitution

You'll Never Make Love in this Town Again, Dove Books, Los Angeles, CA, 1996
As told to book chronicling the stories of four women who tried to make it in Hollywood but ended up as party girls or prostitutes. Gloria Steinem described the book in the cover blurb: "The powerless always know the powerful better than vice-versa - which is why they're pressured to be silent. In *You'll Never Make Love in This Town Again* four women break that code and tell us what the Emperor is really like - with no clothes on." On the New York Times and Los Angeles Times best seller lists for over four months.

Life After Johnnie Cochran, HarperCollins, New York, NY, 1995
As told to memoir by Barbara Cochran Berry about her life with the flamboyant lawyer, Johnnie Cochran, who became a household name when he defended O.J. Simpson in the 1995 murder trial.

Writer, Editor, Journalist:

PARRENT SMITH INVESTIGATIONS



Staff Editor for *Chrysalis* Magazine, Los Angeles, California. A literary magazine focused on feminist art and literature.

Staff Editor for Southern *California Senior Life*. A weekly newspaper aimed at Senior Citizens.

Contributor to national and local magazines and newspapers, including *Ms. Magazine*, *Glamour*, *Los Angeles Times* and *Screen Actor Magazine*.

Editor:

Novel, *Eye of the Heart*, by Gabriella Lande. A novel about the life of a young Jewish woman in the Soviet Union in the 1980s, leading up to the changes that would take place for her family and herself during Gorbachev's Glasnost and Perestroika.

Memoir, *Seen From the Wings*, by Francesca Knittel. A memoir by the daughter of early movie star, Louise Rainer.

Web Content:

Feigenlaw.com: Wrote and edited content for attorney.

NotOneoftheBoys.com: Wrote and edited content for book author.

Maintained and updated above sites.

Contributed articles to other sites and blogs.

Screenwriter:

Wrote feature and television scripts for such companies as:

Walt Disney Pictures, CBS "(Dr. Quinn, Medicine Woman"),

Bette Midler's All Girl Productions

The Corporation for Public Broadcasting.

Filmmaker:

Produced, wrote and directed over two-dozen non-fiction films for various companies, including Walt Disney Productions, MTI/Simon & Schuster, FilmFair, Aims Media, Churchill Films and the Encyclopedia Britannica Corporation.

Received First Place, New York Film Festival and San Francisco Film Festival, 1980, for "The Workplace Hustle" (about sexual harassment) and New York Film Festival, 1982, for "The Healing Force" (about the late author, Norman Cousins)

Researcher/Speechwriter:

At the Screen Actors Guild, researched such issues as proposed legislation affecting members, civil rights of women and minorities, future directions of public broadcasting,

PARRENT SMITH INVESTIGATIONS



cable television and other media. Position involved extensive contact with entertainment industry personnel, government officials and interest groups. Also wrote speeches and articles for the Guild President.

Consultant, Non-profit:

At the Los Angeles Woman's Building, a non-profit arts and educational organization, worked as a program developer and public relations consultant, working with several programs in the areas of planning, promotion and new program development.

Executive Director, Non-profit:

Co-founder and executive director of the Feminist Federal Credit Union, Detroit, Michigan. Planned and directed overall operations, including publicity and public relations. Under her tenure, the credit union grew to from nothing to 4,000 members and assets of over a million dollars.

ADDITIONAL EDUCATION:

Film Actors Studio, Los Angeles, '80-'82. Screenwriting Seminars: "John Truby's Story Structure Class"; "Storytelling: Myth, Drama and Psychology" (instructors: T. Schlesinger, K. Cunningham); Advanced Seminar for selected WGA members

PROFESSIONAL AFFILIATIONS:

California Association of Private Investigators, member
Writers Guild of America, West, member

PUBLIC SPEAKING:

Guest Speaker, Film/Television Dept., Smith College, Northampton, MA Speaker, various Creative Coalition events, Los Angeles Guest Speaker, Actors in Management, Los Angeles Guest, "Woman Alive", national syndicated television show, New York Speaker with Barbara Cochran Berry at book signings in LA and Ojai, CA Guest, "American Journal" syndicated television show, Los Angeles Guest, "Inside Edition" syndicated television show, Los Angeles Guest speaker, several California Lawyers for the Arts seminars, Los Angeles Guest speaker, "LA Writes," PEN / Library Series

LISTINGS:

Who's Who of American Women Who's Who of Emerging Leaders in America Who's Who in Entertainment Who's Who in the West



NICHOLS J. SMITH

(805) 439-2824

nicsmith@psinvestigates.com

SUMMARY

Nichols Smith is a licensed, professional civil and criminal investigator with extraordinary expertise. In his 42 years in the investigation business, he has helped solve thousands of cases in the legal and corporate arena. He has helped attorneys resolve complex criminal, environmental and fraud related cases and helped corporations in risk assessment, negligent security matters and technical surveillance countermeasures. A court-qualified expert in security and asset recovery, he has also provided technical consulting services to police department intelligence units and the Federal Defender's office.

California Licensed Private Investigator State License # 5617 (Issued in 1973)

Diplomate- American Board of Forensic Examiners

Fellow- American College of Forensic Examiners

SPECIALIZED SKILLS:

Professional investigator with a concentration in environmental investigations, fraud, confidential corporate investigations and asset location & recovery.

Risk assessment professional & expert witness in matters pertaining to negligent security

Extensively traveled in Mexico, Central & South America, SE Asia

Bi-Lingual English/Spanish (speak, read and write)

Skilled Open Source Intelligence researcher

PROFESSIONAL EXPERIENCE:

Current Position: Partner, Parrent Smith Investigations & Research

2005 to present

Previous Employment:

Director of Investigative Services - Adverus, Inc., Lafayette, CA 2003-2005

Activities included: Direction of investigative services used in support of environmental forensic investigations including witness location and interviewing, locating and documenting activities of potentially responsible parties, preparation of exhibits to be used in legal proceedings. Developed and provided internal company training and staff mentoring with respect to investigative techniques typically used in support of environmental forensics services such as identification and location of parties potentially responsible for environmental contamination. Provided expert testimony regarding investigative procedures and standards.

PARRENT SMITH INVESTIGATIONS



Director of Forensic Investigations - Environmental Forensic Investigations, Inc., Dublin, CA 2001-2003

Activities included the following: Performed investigative duties including locating potentially responsible parties to environmental litigation, toxic tort defense, private party cost recovery actions and assorted complex civil litigation matters.

Director - The GoldSmith Agency, Laguna Beach, CA

Activities included the following: Planned, supervised and conducted complex investigations for major law firms and corporations, with emphasis on complex environmental matters, fraud with emphasis on securities and banking fraud and confidential corporate investigations. Provided expert testimony relating to security negligence Conducted stalker case management Conducted technical surveillance assessments (Electronic Countermeasures.) Performed security assessments individuals and institutions. 1999-2001

Director, Investigative Services - Nicholls Investigative Agency, Inc., San Francisco, Los Altos, CA 1990-1999

Activities included the following: Planned, directed and administered the business affairs of an investigative company. Conducted and supervised investigations in complex environmental matters (PRP Investigations, Private Party Cost Recovery, Toxic Tort defense), white collar fraud, criminal defense including capital murder, complex civil litigation, corporate due diligence and workplace violence. Conducted technical surveillance assessments. Provided a full range of legal, commercial and business related investigations. Actively performed security evaluations and consultations for private property owners, corporations, insurance companies and lawyers. Provided expert testimony in State Courts relating to issues of negligent security, premises liability and the foreseeability of criminal acts. First court testimony in Holt v. Foodmaker {Jury Verdicts, May 21, 1993 Volume 37, Number 21). Testified in San Francisco, Oakland and Santa Clara County superior courts.

Proprietor - Nichols J. Smith Investigations, San Francisco, CA 1979-1990

Activities included the following: Conducted and supervised investigations in business background, fraud, criminal defense, environmental and due diligence. I Conducted detection of deception interviews with the use of voice lie detection equipment and provided consultation on matters ranging from personal protection from single assailants to complex corporate security assessments. Conducted technical surveillance assessments

Vice-President, Operations - Acufacts, Inc. San Jose, CA 1974-1979

Activities included the following: Co-founded and developed the company into 100+ personnel. Directed and supervised armed and unarmed security personnel in a wide range of security settings to include, but not limited to, high rise office buildings, heavy industrial manufacturing facilities, high-tech Silicon Valley companies, commercial, retail, construction and government entities. We were the first company in California to employ non-lethal (Taser) arming of security personnel based upon my research and recommendation. Performed security audits and surveys in support of the guard force,



sales force and clients. Conducted and supervised investigations for attorneys and corporations.

Electronic Testing and Assembly - IBM Corporation, San Jose, CA Performed assembly and testing of the 2314-2311 data storage systems.

Investigator - Montello and Associates, San Jose, CA Employed as a contract field investigator performing a variety of investigative assignments, which included: Service of subpoenas, conducting surveillance, investigations on behalf of the plaintiff in civil tort cases. Also provided close protection (bodyguard) services for individuals. 1970-1973

Investigator - LR Investigations Miami, Florida Concurrent with military duties described below, performed a wide variety of investigative assignments, which included but were not limited to the following: Served subpoenas. Conducted investigations on behalf of plaintiffs in civil tort cases. Conducted surveillance of individuals involved in domestic situations. Provided close protection (bodyguard) of individuals. 1967-1969

Cryptolinguist - 98G2L68 United States Army Security Agency (ASA) Homestead AFB, Homestead, FL, Goodfellow AFB, San Antonio, TX, Fort Devens, MA, Fort Meade, MD. 1966-1970

Activities included the following: Conducted and supervised the intercept of Spanish language military voice radio traffic, as well as its transcription, translation and primary analysis for content. Performed limited decryption duties for non-computer generated 2-digit code. Coordinated activities between voice intercept and other relevant activities within the intercept site. Utilized a wide variety of radio receivers, DSSB converters, recorders and other communications intercept equipment. Met daily with NSA (National Security Agency) liaison at intercept site for review of communications traffic. Responsible for document retention and destruction in accordance with NSA directives. Maintained Top Secret-Cryptographic clearance. Honorable discharge.

TRAINING

Experience and training gained as a participant in the following workshops. Included are substantive professional subjects as well as supervisory, managerial, and executive courses:

2015 On-Line One year program writing PYTHON code in script to use in social media data mining. Course taught by Justin Seitz, author of *Blackhat Hacker*.

2006 Pasadena CA Professional Investigators of California Annual conference. Seminars on advanced skip tracing, global positioning satellite, accident reconstruction

2004 Burbank CA California Association of Licensed Investigators- Seminar on SCAN-Scientific Content Analysis used in the detection of deception.



2004 Chicago IL American College of Forensic Examiners National Conference. Seminars on forensic audio, money laundering and terrorist financing, sophisticated interviewing and interrogation techniques. The use of attorney trust funds to launder money.

2003 Scottsdale AZ Executive Protection- American Society for Industrial Security- training in first tier protection for corporate executives and private families threatened by potential attacks from assailants intending physical harm. International travel protocols.

2003 ASIS Virtual Forum- Stalking and Stalking Protection

2002 Las Vegas NV- Predictive Profiling- training in the use of psychological screening tools (suspicion indicators) to spot potential hijackers and terrorists in the commercial air travel setting.

2002 Downey CA- Fraud Training Forum- American Society for Industrial Security and the Association of Certified Fraud Examiners. A review of the latest frauds and scams.

2001 Anaheim CA –Ethics and Security- American Society for Industrial Security. Developing and implementing an ethical model of conduct for security and investigative professionals.

2000 Redondo Beach CA – Managing Threat in a Corporate Environment- American Society for Industrial Security Workshop.

2000 San Diego CA- Domestic Violence- American Psychological Association- Three day workshop on domestic violence, perpetrators, social models, psychological origins, etc. I audited this workshop as the guest of a paid attendee

2000 Monterey CA Assessing Violence in the Workplace- American Board of Professional Psychologists. A review of the assessment tools and protocols for the assessment of violence risk. I audited this workshop as the guest of a paid attendee.

1999 San Diego CA Annual Scientific meeting of the American College of Forensic Examiners- I attended workshops on profiling serial and violent offenders/ epidemiology of violence/ forensic detection of deception/distortion and malingering in witnesses/ false memory syndrome.

1997- Private Instruction by Winston E. Arrington, the owner of Sheffield Electronics and author of *Now Here This (A book of communications intercept circuitry)* in the design, construction and utilization of various communications intercept devices such as carrier current transmitters.

1996 Denver CO- Colorado Chapter of the ACFE 3-days Symposium- review of federal sentencing guidelines/ use of the computer as an investigative tool



1996 Honolulu HI Annual Forensic and Behavioral Science Examiner update- Review of multiple factors affecting forensic examination/ factors influencing brain and memory/ general characteristics of pedophiles.

1994 San Diego CA-American Society for Industrial Security workshop- Security Liability.

1993 Phoenix AZ- Security Technology Review-Investigator's On-Line Network A review of current technologies and their applications in the industrial setting.

1992-1994- Private Instruction by Hal Lipset in the planning, assembly and placement of surreptitious listening devices. This private instruction included room transmitters and high-impedance parallel taps on phones.

1993 San Diego, CA Physical Security Technology and Applications Conference-ASIS Three-day intensive review of security surveys/indoor intrusion sensor technology/exterior intrusion sensor technology/access control/card technology/locks, barriers. AD/ closed circuit television design and design problems/CCTV lighting and design/trends and issues in security force management.

1992- Phoenix, AZ Information Technology for Financial Investigations ION Conference Two-day symposium on the means and methodology to conduct financial investigations.

1991 Reno, NV Employee and Employer Relations in a Lodging Setting-ASIS Two-day review of vicarious liability/wrongful discharge/inadequate training and negligent retention/Internal investigations/Americans with Disabilities Act/Employee Screening: Drug and Honesty Testing.

1991- Tulsa OK- Jarvis International, Inc.

Intensive Advanced Course in TSCM

1990 San Diego, CA Profits through Prevention-ASIS Two-day intensive conference on ways to reduce internal and external thefts through establishing internal audit procedures, external and internal safeguards and education.

1989 San Diego, CA Safeguarding Proprietary Information Conference-ASIS Professional review of the current standards for protection of proprietary information, records retention and destruction, models for dissemination of information.

1988 Boston, MA Audio Surveillance and Countermeasures Workshop, Ross Engineering. A technical review of the most current methods of voice and data interception, and the techniques and technical applications for the detection of the devices employed. There was hands-on training using NLJDs, time domain reflectometers and spectrum analyzers.



1981 Savannah, GA Audio Surveillance Countermeasures and Physical Security- Dektor CSI A three-week formal course of instruction in the detection of voice and data interception. Electronic theory behind the equipment used for detection of high impedance parallel taps, spread spectrum and frequency-hopping room transmitters, among others. PBX board inspection and testing. Practicum involved placement and detection of a variety of wired and r/f transmitting devices. Destructive and non-destructive test procedures were learned.

1979-1986 Detection of Deception Worked and trained under the late Tommy L. Tomlin of Monterey, CA who was a Fellow of the International Society of Stress Analysts. Utilizing the Psychological Stress Analyzer (PSE) (a device that measures the alpha formant of the voice wave and was developed by Department of Defense for the CIA), we conducted several lengthy studies on the ability of the PSE to detect deception in individuals who were under the influence of various tranquilizing agents. In addition to the laboratory setting, I personally conducted over 1200 examinations of individuals suspected of a variety of crimes, including, theft, arson, sexual assault, and murder.

OTHER PROFESSIONAL ACTIVITIES

November 2007- Guest Lecturer: "Effective Fraud Protection Utilizing Psychological Profiling" Santa Clara County Board of Realtors

2003-2008 Guest Lecturer: Multiple MCLE presentations to law firms throughout California on the topics of effective utilization of private investigators in civil investigations.

2001-2002 Chief Liaison Officer for the American College of Forensic Examiners to the American Society for Industrial Security

November 1999/ February 2000 Guest Lecturer: "Stalking: Fact v. Fiction" Women's Studies Classes, Irvine Community College

1995/1996 Guest Lecturer: "Best Public Records in the Detection of Fraud and an Introduction to Benford's Law {the distribution of random numbers} as it relates to the Detection of Fraud". Mt. Diablo Chapter of the Institute of Internal Auditors

1994-1995 Member: Certification Program Committee - Certified Professional Investigator Committee, California Association of Licensed Investigators (CALI)

1994 Guest Lecturer: "Environmental Investigations" Investigators On-Line Network Conference (ION)

1989 Telephone Committee Chairman San Francisco Chapter, American Society for Industrial Security



1987 Scholarship Chairman: San Francisco Chapter, American Society for Industrial Security

1984-1989 Guest Lecturer: "Introductory Course in Electronic Countermeasures". Public Safety Training Institute, Sacramento, CA -I trained police officers and public safety personnel in practical aspects of communications intercept, as well as countermeasures, and officer safety when using or wearing "wires."

1985 Guest Lecturer: "Polygraph v. PSE Workshop." San Francisco Bay Area Chapter, American Society for Industrial Security. A debate on various aspects of the polygraph and the PSE

1975-1978 Guest Lecturer: "Utilization of Private Investigators and Court Appointed Process Servers". West Valley Jr. College, Saratoga, CA

Detection of Deception 1979-1986

Worked and trained under the late Tommy L. Tomlin of Monterey, CA who was a Fellow of the International Society of Stress Analysts. Utilizing the Psychological Stress Analyzer (PSE (a device which measures the alpha formant of the voice wave)) as developed by Department of Defense, we conducted several lengthy studies on the ability of the PSE to detect deception in individuals who were under the influence of various tranquilizing agents. In addition to the laboratory setting, I personally conducted over 1200 examinations of individuals suspected of a variety of crimes, including, theft, arson, sexual assault and murder.

HONORS AND AWARDS

1995 Fellow, American College of Forensic Examiners International

CERTIFICATES AND LICENSES

Diplomate-American Board of Forensic Examiners 1994

Division: Investigations American Board of Forensic Examiners- St. Louis, MO

Licensed Private Investigator - Arizona 1994-1997 (Project)

Certified Protection Professional (CPP) 1987-2006

Licensed Private Investigator - California 1973-Present

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

International Association of Interviewers, Association of Certified Fraud Examiners, World Association of Detectives, Professional Investigators of California, California Association of Licensed Investigators, American Society for Industrial Security, American College of Forensic Examiners Institute, National Association of Investigation and Security Services, Investigations Worldwide Association, National Military Intelligence Association, National Army Security Agency Association, Association of Former Intelligence Officers, P.I. MUSEUM San Diego CA(Vidocq-Charter Founder's Circle), National Judgment Network



PARRENT SMITH INVESTIGATIONS - PROFESSIONAL REFERENCES

Marc Katz, Esq.

U.S. Securities and Exchange Commission
Enforcement Division
44 Montgomery Street Suite 2800
San Francisco CA 94104
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(415) 705-2500

Marc Katz is currently an attorney with the Securities and Exchange Commission. Prior to the SEC, he was a Partner at the environmental law firm of Barg Coffin Lewis & Trapp LLP in San Francisco where he specialized in civil and criminal litigation. Prior to that, he investigated and prosecuted white-collar crime and public corruption at the San Francisco District Attorney's Office. He is a graduate of Yale Law School.

We worked with Marc on a toxic tort matter involving a Silicon Valley company.

Thomas van Wyngarden, Esq.

Partner, Katten Muchin Rosenman LLP
2029 Century Park East #2600
Los Angeles CA
310.788.4772
Houston Office: 713.270.3412
thomas.vanwyngarden@kattenlaw.com

Thomas Van Wyngarden has successfully resolved thousands of claims in the environmental and toxic tort areas by motion practice, trial and favorable settlement. Prior to going to Katten, he was at Pillsbury Winthrop Shaw Pittman LLP and Morgan, Lewis & Bockius. He is a graduate of the Hastings College of the Law.

We worked with Tom on three environmental cases: San Gabriel Valley Water Litigation, Otay v. United (Olin) and Naval Air Training Facility-Fallon Nevada, as well as some smaller investigations.



David Solinger, Esq.

355 S. Grand Avenue #2450
Los Angeles CA 90071
Tel: 213.943.1383
david@solingerlaw.com

David Solinger has been in practice since 1977, practicing in complex matters including environmental law and litigation, civil litigation, real estate, insurance, corporations, business and personal injury. He has achieved the highest Martindale Hubble AV rating from his peers in both legal ability and ethical standards. He is a graduate of the Southwestern University School of Law.

We worked with David on the San Gabriel Valley Water case, on another large environmental case involving a polluted site in Rialto, CA and on a number of other smaller investigations.

Karen White, Esq.

800 S Pacific Coast Hwy, Suite 8-346
Redondo Beach, CA 90277
310-488-1228
karen.white.la@gmail.com

Karen White has represented numerous corporate clients in complex litigation, critical transactional matters and sensitive internal investigations. She recently completed her MBA at the University of Southern California - Marshall School of Business while working of Counsel to Lowe and Associates, PC. Prior to that, she was at Styskal Wiese & Melchione LLP and before that, Sedgwick LLP. She is a graduate of Loyola Law School.

We worked with Karen on asset investigations when she was at Sedgwick and on a number of cases, including sensitive internal fraud investigations, when she was at Styskal, Wiese & Melchione.



ESTIMATED FEE STRUCTURE AND BREAKDOWN OF COSTS

Our investigative work is billed on an hourly basis at \$200 an hour for Nic Smith and Joanne Parrent. All of the investigative work for this case will be done by Joanne Parrent and Nic Smith, who are both experienced licensed California private investigators.

We understand that there are between 4000-20,000 pages of documents to review and analyze and that there are 20-40 people who should be interviewed. The investigation will therefore consist of:

- Document review and preparation for interviews
- Interviews with individuals with knowledge of the situation(s)
- After initial interviews, some individuals may need to be re-interviewed
- Review of interview transcripts, analysis of the information obtained, and
- Writing a timeline and report.

We estimate that the following minimum time will be spent on the above tasks:

- 200 hours for document review and interview preparation
- 30 hours for interviews of 20 people
- 10 hours for review of interview transcripts and analysis
- 10 hours for timeline and report writing.

At minimum, we believe the investigation will take 250 hours. At \$200 an hour the cost for investigative time would be \$50,000, plus expenses for printing, transcriptions and other support, probably under \$1000.

The cost could increase if there are more documents or the documents are lengthier than anticipated (long reports instead of short emails or letters) and if more interviews are needed. For example, if there are forty interviews to be done, including any necessary re-interviews, the hours needed for interviews may increase 30 more hours. If there are many more pages of documents, perhaps another 50 hours would be needed for document review. An increase in the number of interviews would also result in an increase in the number of hours needed for review of transcripts and report writing. So in those cases, the total hours could increase to approximately 350 hours at \$200 an hour, which would come to \$70,000 plus expenses.

As on all of our cases, we strive to work efficiently to keep our clients costs down, while also doing the thorough investigative work that our clients expect when they hire us.

NOTE ON METHODS:

DOCUMENT REVIEW: We will be reviewing documents with the human eyes and brains of the two investigators who will be working the case, not computer programs. Although there are advantages to using computer search programs for document review when the documents include millions of pages and when what you are searching for is



simple enough to put into a defined search request, we don't believe that using computer searches is most suitable for this investigation.

INTEVIEWS: It has been our experience that witnesses are often more comfortable speaking to a well-trained investigator than being interviewed by an attorney. We strive to make interviewees comfortable and to keep interviews casual, conversational and not adversarial. Therefore, we are often better able to get interviewees to open up and provide information that they may not have felt comfortable providing to an attorney. Also, if an attorney is interviewing them, they may want to be represented by their own attorney or their union's attorney, making the whole process seem adversarial rather than fact-finding.

NOTE ON TIME TO COMPLETE THE INVESTIGATION: We anticipate spending approximately 20-40 investigator hours per week on the case. We expect that the investigation can be completed in approximately 8-12 weeks from the time it begins.

Attachment 3

Manatt, Phelps & Phillips, LLP

Materials for Vice Mayor Krasne and Councilmember Bosse

Prepared on **May 19, 2016** for:
City of Beverly Hills



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Professionals

Craig A. Moyer

Professional Experience

Craig Moyer is a member of the firm's Executive Committee and Chair of the Land, Environment and Natural Resources practice. His practice focuses on all aspects of environmental and energy law. Among other honors, he was selected in 2014 as one of the Top 100 Lawyers in California by the *Daily Journal*. Mr. Moyer has repeatedly been recognized by *The Best Lawyers in America*, and in 2013 received the "West Coast Law Firm of the Year" by Oil & Gas Awards.

Mr. Moyer has advised clients in connection with myriad complex regulatory interactions. He provides crisis management advice and legal representation and has conducted internal investigations in high-profile matters, including those relating to releases of hazardous materials and workplace health and safety incidents. Mr. Moyer has consistently affected rule modifications during the regulatory process and through litigation.

Mr. Moyer is a regular speaker and commentator on issues related to energy and the environment in publications such as *Forbes*, *Washington Examiner*, *SNL FERC Power Report*, *Power Engineering* and *Law360*. He has written three books and dozens of articles on environmental law topics.

Education

- University of California, Los Angeles, School of Law, J.D., 1980.
- University of Southern California, B.A., magna cum laude, 1977.
Phi Beta Kappa.

Memberships and Activities

- Executive Director and General Counsel, Western Independent Refiners Association.
- General Counsel, American Independent Refiners Association.
- General Counsel, Asphalt Pavement Association.



Partner
Chair; Land, Environment
and Natural Resources

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- Instructor, Environmental Law and Regulatory Framework, University of California at Los Angeles.
- Instructor, Environmental Law, University of California at Santa Barbara.
- Governor's Appointee to California Superfund Reform Working Group.
- Director's Appointee to California Department of Toxic Substances Control Advisory Committee.
- Member, Los Angeles County Bar Association; Chair, Environmental Law Section Executive Committee, 1996-1997.
- Member, State Bar of California, Environmental Law Section.
- Member, American Bar Association, Environment, Energy and Resources Section.

Honors and Awards

- Selected as one of California's Top 100 attorneys by the *Daily Journal* in 2014.
- *The Best Lawyers in America*, 2011-2016.

Experience

Successfully represented the Navajo Nation in the acquisition of the Navajo Mine on its land in New Mexico from BHP Navajo Coal Co. (a BHP Billiton entity).

Represents the California Independent Petroleum Association (CIPA) in litigation challenging state oversight of hydraulic fracturing activity, and has been addressing efforts by cities and counties around the state to regulate the use of hydraulic fracturing and other well stimulation activities.

Represented Golden State Water Company in its regulatory interaction following a methane gas leak from a water well it operated in Hawthorne, California.

Represents Peabody Western Coal Company in securing federal permits and environmental approvals for the continued operation of its Kayenta Mine in Arizona and litigation challenging its activities.

Represents the RSR Quemetco lead recycling facility in the City of Industry, California, in connection with various regulatory interactions, including an expansion of the facility and extension of its Treatment, Storage and Disposal Facility permits.

Successfully represented a coalition of small and independent refiners seeking modifications to California's greenhouse gas regulations, including cap and trade and the low-carbon fuel standard.

Successfully represented the Regents of the University of California as lead defense counsel in an unprecedented felony filing involving the death of a research assistant in a lab fire at UCLA. The matter raised cases of first impression regarding the ability of a criminal complaint to be brought against a state public entity, the statute of

limitations, and the standard of care in academic, as opposed to commercial, laboratories.

Represents Lakemoor Development in all phases of a turnkey environmental remediation and commercial/residential redevelopment project in Henderson, Nevada. The property, which covers more than 1,000 acres, consists of federal and private lands being assembled under congressional authorization for privatization and cleanup.

Represented K&N Engineering in its efforts to shape and streamline the California Air Resources Board's (CARB's) Executive Order approval process for sale of K&N vehicle air intake systems as well as in a related enforcement action.

Successfully represented American Energy Operations, a privately owned oil production company, in connection with its sale of certain producing assets to a subsidiary of BreitBurn Energy Partners L.P., an NYSE-listed oil and gas partnership focused on the acquisition, exploitation and development of oil and gas properties, in a transaction valued in excess of \$100 million.

Gina Gribow

Professional Experience

Gina Gribow is an associate in the firm's Los Angeles office and a member of the Land Use and Government practice. She focuses on the representation of developers, institutions, individuals, and for-profit and nonprofit corporations with land use entitlements, government approvals and public contracts.

Prior to joining the firm, Ms. Gribow was the Northern California acquisition and entitlement manager at SunCal, one of the largest real estate development companies in the United States, where she managed the creation of the development proposal for the Concord Naval Weapons Station. She gained extensive experience researching legal issues on CEQA, conducting market research and analysis for land acquisitions, and assisting in the entitlement and due diligence process for large mixed-use developments. Ms. Gribow's strong foundation in real estate compliance stems from her work conducting legal research and investigations related to real estate fraud for the Real Estate Fraud Division of the Alameda County District Attorney's Office.

Ms. Gribow also has years of legislative experience, having served as a page for the U.S. House of Representatives, an intern for Senator Dianne Feinstein on Capitol Hill and a legislative correspondent for Congresswoman Jackie Speier on Capitol Hill.

Education

- University of California, Hastings College of the Law, San Francisco, J.D., 2013. Executive Symposium Editor, *Hastings Women's Law Journal*. President, *Law Students for Reproductive Justice*.
- University of Southern California, Los Angeles, B.S., Business Administration, cum laude, Real Estate Finance, 2008.

Memberships and Activities

- Admitted to practice in California.
- Member, California Bar Association.



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About Manatt

Manatt, Phelps & Phillips, LLP is known for quality, for extraordinary commitment to clients, for integrated, relationship-based services, and for a range of capabilities typically found only in boutique firms. We are progressive and entrepreneurial compared to other major firms, and we are deeply committed to diversity, to public service, to involvement in the communities we serve and to excellence in all we do.

We are proud to represent a sophisticated client base in a range of industries, including healthcare, financial services, entertainment, media and advertising, real estate, technology, energy and natural resources, consumer goods and services, and transportation.

Our service areas include advertising; antitrust; banking; bankruptcy and financial restructuring; corporate, finance and securities; environmental; government and regulatory; healthcare; insurance; intellectual property, including patent, trademark and copyright; Internet and e-commerce; labor and employment; litigation and trial; mergers and acquisitions; motion picture and television; music; real estate and land use; tax, benefits and compensation; and venture capital. We provide sophisticated technical and service capabilities at the very highest levels, supplemented by the industry know-how necessary to achieve our clients' business objectives.

Our strong presence in America's most important business markets enables us to address and exceed client expectations. Our largest offices are strategically located in Los Angeles, New York, Palo Alto, San Francisco, Orange County and Washington, D.C. Our offices in Sacramento and Albany provide connections to government decision makers and to solutions that are unavailable from our competitors. Our access, influence and reach are enhanced by our subsidiary, Manatt Jones Global Strategies LLC, which develops and implements programs to expand client businesses and promote effective competition on a global basis.

With powerful national litigation capabilities, exceptional transactional experience and influential government and regulatory resources, our objective is to provide unparalleled legal, strategic and business advice. We deliver on that objective for our clients every day.

- **Our professionals are leaders.** They have served in senior positions, including chairman and CEO of the American Stock Exchange, U.S. Ambassador to Mexico, White House chief of staff, chairman of the Democratic National

Committee, member of the U.S. House of Representatives, minority leader of the New York State Assembly, member of the District of Columbia City Council, chair of the Los Angeles Area Chamber of Commerce, member of the University of California Board of Regents, president of the California Bankers Association and chair of the Los Angeles Charter Reform Commission.

- **Our professionals are accomplished.** They have served as judicial clerks in many federal district courts, circuit courts of appeals and bankruptcy courts, and in state trial and appellate courts; taught at major law schools, including Harvard, UCLA, Columbia, USC, NYU, Georgetown, Loyola and Fordham; and members of prestigious professional organizations, such as the American College of Trial Lawyers, the International Association of Trial Lawyers, the American Academy of Appellate Lawyers, the American Law Institute and the American Bar Association.
- **Our professionals understand the intersection of business and government.** They are alumni of numerous federal and state agencies, including, at the federal level, the Department of Justice, the Internal Revenue Service, the State Department; the Department of the Interior, the Federal Trade Commission and the Federal Energy Regulatory Commission; and at the state level, the New York State Department of Financial Services, the California Attorney General's Office and many other regulatory and administrative bodies.
- **Our professionals are recognized.** They regularly appear on such lists as "The Best Lawyers in America," "Top 100 Attorneys in California," the "Dealmakers Impact Report" and "Hollywood Power Lawyers," and are consistently recognized in top legal-ranking publications, such as *Chambers USA* and *The Legal 500 USA*.
- **Our professionals are interesting.** They come from large cities and small towns, from around the country and around the world. They have studied as Rhodes Scholars, played in jazz clubs, written books, served in the U.S. Armed Forces, built businesses and played high-level sports. They employ both legal acumen and real world experience in service to our clients.

As we look for new opportunities to serve, we continue to enhance long-term relationships of trust with our clients. That sense of partnership, coupled with a superior record of success, is responsible for Manatt's reputation for excellence, and identity as the firm where professionals perform, not merely practice.

Facts About Manatt, Phelps & Phillips, LLP

Founded:	1965
Chief Executive & Managing Partner:	William T. Quicksilver
Executive Director:	Edith Gould
Number of Professionals:	450
Practice Areas:	Litigation Corporate and Transactions Government and Regulatory Intellectual Property Healthcare Financial Services and Banking Advertising, Marketing and Media Real Estate Entertainment Energy, Environment and Natural Resources International Business
Consulting Subsidiary:	ManattJones Global Strategies, LLC, develops and implements strategies to expand clients' businesses in global markets.
Main Phone:	310.312.4000
Website:	www.manatt.com
Office Locations:	Albany Los Angeles New York Orange County Palo Alto Sacramento San Francisco Washington, D.C.

Corporate Investigations and White Collar Defense

Corporations and their executives have been the focus of increased scrutiny by federal and state prosecutors since the economic meltdown and demands for more government involvement in the economy. Conduct that in the past would have resulted in regulatory sanctions or civil settlement is now being criminally investigated. In addition, the DOJ and many state and local prosecutors expect companies to police themselves and their employees as a way of ferreting out internal wrongdoing. Companies also face massive fines, exclusion from federal programs, and civil litigation initiated by government agencies, watchdog groups and consumers. Executives are vulnerable not only to financial and reputational ruin but also jail time.

Manatt's Corporate Investigations and White Collar Defense lawyers have an impressive record of success in defending corporate and individual clients in high-profile investigations and prosecutions. Companies and their executives regularly call on us to represent them in complex criminal, regulatory and congressional matters, as well as in the parallel civil litigation that often accompanies such inquiries.

Experienced Defense Lawyers Backed by Deep Industry Experience

Our team includes lawyers who previously served as federal and state prosecutors and public defenders, and as SEC officials. In addition, many of our lawyers have significant experience in crisis management and media relations. With such backgrounds, our lawyers are an ideal choice for companies and individuals who have come under the scrutiny of federal prosecutors, the SEC or FINRA, federal or state inspectors general, state attorneys general, Congress or a well-coordinated plaintiffs' bar.

Manatt lawyers have extensive experience serving clients in industries such as banking and finance, securities, healthcare, pharmaceuticals, corporate transactions, media, entertainment, and government. Our Corporate Investigations and White Collar Defense team's ability to tap colleagues with such a high level of industry knowledge effectively eliminates the learning curve in many situations.

Zealous Representation

Our lawyers provide aggressive representation at all stages of the criminal and administrative enforcement processes. Our primary goal is to quickly resolve problems without indictment, inquiry or agency action. When that is not possible, we zealously represent our clients from the investigative phase through trial, sentencing and appeal.

Our skill as courtroom advocates is well-known. We are not afraid to try cases that should be tried—and prosecutors and regulators know that. As a result, we are often able to obtain favorable outcomes for our clients short of trial.

Internal Investigations

Prosecutors and other government investigators expect companies to conduct credible internal investigations after problems are uncovered. We have the experience to perform such reviews efficiently and effectively, and then to help clients determine whether and how to present our findings to the government, including helping clients navigate the difficult issues of privilege and indemnification of employees. And where corporate reforms are necessary following a review, we assist clients in drafting and implementing compliance programs to ensure that problems are avoided in the future.

Crisis Management

Minimizing the reputational effects of a government inquiry is a key concern of both corporate and individual clients. We understand that, for our clients, a favorable outcome means vindication not only in a court of law but also in the court of public opinion. If authorized by a client, our lawyers are comfortable working with public relations specialists or directly with the media to minimize harmful publicity or to level the playing field of public opinion on issues that affect our representations. We also understand that, in some instances, clients will want to speak publicly about a matter in order to minimize reputational harm and that those needs must be balanced against our usual admonition to clients not to speak publicly about their case.

Corporate Compliance/Due Diligence

Our team's rare combination of business and prosecutorial experience enables us to help companies avoid problems in the first place by working with them to develop corporate compliance programs. We have designed FCPA and anticorruption compliance programs for companies of all sizes conducting business abroad in industries as diverse as pharmaceuticals, healthcare, media, cleantech, consumer goods, data security and sports. Similarly, our attorneys routinely help clients conduct corruption due diligence on potential acquisition targets. Through our involvement, we have alerted clients a deal's hidden costs and helped them avoid a likely enforcement action had the deal proceeded without that knowledge.

Materials Provided on April 28, 2016

References

We are pleased to provide the four references requested. Because most of our investigations are confidential, we respectfully request that the City not inquire about the facts of these investigations and will so advise the individual references. Instead, we have listed below some representative experience in investigations.

As to the individuals, please feel free to contact the following. I have worked closely with each of them and their organizations.

Name	Title	Organization	Email	Phone
John DePaul	Senior Vice President and Secretary of the Board	RSR Quemetco, Inc.	JDePaul@RSRCorp.com	(214) 583-0240
Kevin Reed	Vice President and General Counsel	University of Oregon (Note: formerly Vice Chancellor of Legal Affairs at UC)	ksreed@uoregon.edu	(541) 346-3082
Steve Williams	Senior Vice President	K&N Engineering	stevew@knfilters.com	(951) 826-4144
Chris Wittenauer	Associate General Counsel – Americas	Peabody Energy Corporation	CWittenauer@peabodyenergy.com	(314) 588-2029

Representative Experience

Environmental Investigations – EPA

- Serving as preferred environmental law advisor for over a decade to the **nation's largest railroad services company**. Our representation has included addressing and resolving environmental issues under almost every environmental program administered by the EPA and regulators from over 15 states. We represented the company in private party cost recovery actions valued in excess of \$100 million, internal audits and investigations, and enforcement matters under the CWA, CAA, RCRA and CERCLA.
- Represented the **real estate asset manager of many of the nation's largest pension funds** and other financial institutions regarding the full range of environmental investigation, remediation and property management issues that may arise in both operational and transactional contexts. In one recent matter, we successfully resolved a vapor intrusion enforcement action brought by a state agency while simultaneously resolving federal EPA claims and orders associated with unrelated contamination as a result of migration from a contiguous property.
- Represented a **medical device manufacturer and marketer** in connection with a federal enforcement investigation into its antimicrobial product claims. In response to the investigation, we informed the EPA, which had brought the case under the federal pesticide law FIFRA, that the product claims it objected to were required by the FDA, portending an interagency conflict whose resolution would have to come at the policymaking level. In light of this, we were able to achieve a favorable settlement. Since then, we have been retained by other companies facing similar and significant EPA enforcement claims.
- Investigated then litigated a group of commercial fraud cases on behalf of an **energy company** relating to a new area of commerce: renewable energy credits. The EPA claimed that our client had sold millions of fraudulent biofuel credits/renewable identification numbers (RINs), which could lead to substantial monetary losses for the company. On its behalf, we sued the parties who sold our client invalid RINs and those who brokered their sale. We also cooperated with the federal government as part of asset seizure/forfeiture proceedings, and met with the EPA's chief litigator for this program.
- In the wake of an accidental oil release, Manatt provided crisis management advice to an **offshore drilling rig operator** that was facing investigations by multiple federal agencies, including the EPA, Department of the Interior (DOI), Department of Justice (DOJ) and the U.S. Coast Guard.
- Advising a **direct response marketer** and creator of As Seen on TV regarding a possible EPA investigation of the product, My Pillow, related to the antimicrobial claims on the packaging.

- Represented a **nanomaterials manufacturer** in a federal investigation into its compliance with the Toxic Substances Control Act's export requirements and the applicability of the research and development exemption.

Environmental Investigations – State Regulatory Agencies

- Assisted an **American direct broadcast satellite service provider and broadcaster** in connection with an investigation by the state of California into its electronic waste disposal practices. We worked with the satellite TV provider to ensure that it disposes of e-waste in accordance with both California and federal laws. The probe, which was part of a broader investigation of the company by the state, included an email discovery request, the response to which required us to coordinate a voluminous document production.
- Representing a **national retailer** regarding agency allegations of noncompliance with the states' RCRA programs and other laws governing the handling and disposal of hazardous household products and pharmaceuticals. We worked with the New York State Department of Environmental Conservation to keep an investigation of the hundreds of stores our client operates there from developing into something more serious, and also defended this client in California, where it has more than 500 retail locations, against an actual enforcement action based on allegations similar to those raised by the New York Attorney General.
- Represented the **owners of a former military installation** in Florida in relation to investigation of contamination on the property by the Florida Department of Environmental Protection (FDEP), the EPA and Army Corps of Engineers, including conducting a sophisticated environmental forensic analysis to help sort out the tangle of claims, regulatory programs and differing agency objectives.
- Represented a **supplier of rail system products** in a long-running RCRA/CERCLA/CWA enforcement action relating to its large recycling facility in Ashland, Kentucky. The matter started when a municipal landfill self-disclosed to the state's Department of Environmental Protection (KyDEP) that it accepted from the company for disposal numerous shipments of a waste that it claimed was RCRA-listed hazardous waste, prompting a KyDEP inspection of our client's facility, which raised compliance questions and potential criminal exposure under not only RCRA but the CWA. A 70-count-plus notice of violation followed, along with threats of a cleanup order. We worked with the client in conducting an internal investigation, attended numerous meetings with KyDEP, undertook a directed site investigation, and achieved a comprehensive resolution with KyDEP. Minimal environmental remediation was required, a substantially reduced fine was agreed upon and an environmental covenant was negotiated. In addition, the company's potential commercial exposure to a major solid waste company, as well as a local transporter, was successfully managed. Finally, we assisted our client in improving the facility's environmental management program, resulting in

the early identification and correction of stormwater issues that KyDEP had not discovered and the development of an indirect POTW disposal option that the facility had not previously considered.

- Represented a **leader in railcar leasing** in connection with the remediation of one of the largest vacant pieces of property in New York City's five boroughs, as well as the remediation efforts of a former facility in New Jersey, made complicated due to Hurricane Sandy. We are currently handling environmental investigations concerning the company's rail facility in Colton, California.
- For over 20 years, we have counseled and defended a **major American multinational conglomerate** in Superfund cases related to its historical operations in New York, Illinois, Indiana, Michigan and elsewhere. In a recent case involving a former Michigan site that was then owned by a tax-sale purchaser, we created a public-private arrangement to facilitate return of the 1950s-era municipal-industrial landfill to public ownership, at a discounted price, and developed remedial strategies that will allow for its eventual use as open space or for recreational purposes.

Criminal Investigations

- Defended a **Fortune 500 global technology and specialty materials manufacturer** against a joint federal-state criminal investigation relating to air permitting and hazardous substance release reporting matters, and conducted a related corporate internal investigation.
- Defended the **general counsel of the owner and operator of gasoline service stations** in a criminal investigation into alleged violations of the Resource Conservation and Recovery Act (RCRA).
- Successfully represented **officers of a multinational oil drilling corporation** in connection with a DOJ and SEC investigation into FCPA violations. No criminal or civil charges were brought.

Pricing Proposal

Manatt has agreed to offer to the City a fixed fee of **\$100,000** for investigating the removal of trees on Parcels 12 and 13 in Beverly Hills and the errors that may have been made in the process. This fixed fee is based on the assumption that all relevant participants agree to be interviewed and do not withhold documents or require the issuance of subpoenas. Manatt will, however, review all available documents, speak with a list of individuals agreed to by the City Council and provide a timeline and written report detailing findings. An oral report will also be provided to the City Council if so desired.

Attachment 4

Channel Law Group, LLP

email

From: Jamie Hall
Sent: Thursday, May 19, 2016 9:43 AM
To: Byron Pope
Cc: JQ@ChannellawGroup.com
Subject: Channel Law Group Withdrawal re Special Investigator

Dear Byron:

After careful consideration, Julian and I have decided to withdraw from consideration for the special investigator job. Please thank everyone involved in this process for their time. I trust that that the City will find a great firm for the job.

Regards,

Please note new address

Jamie T. Hall
Channel Law Group, LLP
8200 Wilshire Blvd., Suite 300
Beverly Hills, CA 90211
Main Number: (310) 347-0050
Direct: (310) 982-1760
Fax: (323) 723-3960
Email: jamie.hall@channellawgroup.com
Website: www.channellawgroup.com

Attachment 5

**Copy of scripted letter
from Mayor Mirisch
and Councilmember
Gold sent to the firms
to prepare for their
first interview**



We are writing this letter in follow up to a discussion you have had with our City Clerk, Byron Pope.

There are two parcels of land in the City of Beverly Hills identified as Lots 12 and 13. They run the length of North Santa Monica Boulevard from Beverly Boulevard to the City limit at Doheny Drive and are bordered by Santa Monica Boulevard and Civic Center Drive. These parcels were used by Union Pacific Railroad as a railway right of way until they were decommissioned by the railroad and ultimately sold. They remain zoned T1. As a result of the railway use, the lots have been contaminated with arsenic. Despite conversations with Department of Toxic Substance Control (DTSC), the arsenic remains unmitigated. For many years the land was fallow, partially fenced and poorly maintained. The lots were sold to the Beverly Hills Land Company who purchased them as part of a larger real estate purchase. While it is assumed that the new owners planned to develop the land, there is no plan which has been shown to the city which neither supports this assumption nor is the property zoned for any surface development except perhaps a parking lot. The property owners did contract with West Coast Arborists (WCA) and over the weekend of November 21-22, 2015, WCA chopped down almost two hundred trees.

We believe that there may have been errors made in that process. These include but are not limited to the lack of permits from the City, the lack of approval from the regulatory agency DTSC, lack of public input and notice and a lack of protections to the public for the potential environmental hazards. It is the circumstances of that action which we are looking to contract with you to investigate. The City wishes to specifically understand all of the circumstances surrounding this action and the timeline of such. Specifically, we wish to understand the role of each of the City personnel, WCA, Beverly Hills Land Company and the regulatory agency DTSC. Additionally, we would like to know where the process broke down, inside and outside of City Hall, and what we can do to prevent this in the future. It should be noted that an internal investigation was performed by the acting City Attorney. This document as well as other resources including a town hall meeting planned and run by local residents, local newspaper reports and multiple City Council meetings on the subject may serve as partial resources for this investigation.

We expect that as part of the engagement, the team will meet with concerned citizens, the City Council, city staff, as well as all other principals in this event. All of the public meeting videos are archived on the city website.

In the end, we are looking for a thorough, complete, and accurate accounting of what transpired, regardless of who caused it to happen. Additionally, we are looking for a complete and accurate timeline of these events. Lastly, to the extent possible, we are looking for suggestions to prevent this in the future.

Please come prepared to answer the following questions during your interview:

1. Does your firm have any conflict? (we know about your written response, but will ask again)
2. Do you have the capacity to do a timeline based investigation of the events?
3. What has been your experience with this sort of investigation?
4. What has been your experience with Municipal government, DTSC, environmental issues and private contractors (WCA)?
5. How long do you anticipate this investigation to take?
6. What resources would you put into this investigation?
7. How do you charge? And how much do you estimate this will cost?

Thank you and we look forward to seeing you for your interview on **Thursday, April 28, 2016.**

Mayor John A. Mirisch and Councilmember Julian A. Gold, MD

Attachment 6

Conflict of Interest Letters Received



CASTELLÓN & FUNDERBURK LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

April 13, 2016

VIA ELECTRONIC & U.S. MAIL

Byron Pope
City Clerk
City of Beverly Hills
455 North Rexford Drive, Suite 290
Beverly Hills, CA 90210
bpope@beverlyhills.org

Re: Beverly Hills Parcel Investigation

Dear Mr. Pope,

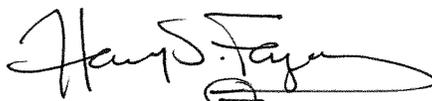
Pursuant to your request, we completed a conflict check and have confirmed that the firm has not supported or opposed any of the entities listed below in any legal actions or claims.

1. City of Beverly Hills
2. Beverly Hills Land Company
 - Lyn Konheim
 - Stanley T. Black
 - Robert Barth
3. West Coast Arborists Company (WCA)
4. Department of Toxic Substances Control (DTSC)

The firm does not have any relationship, past or present, with any of the entities listed above. Firm attorneys have experience in matters related to properties over which the DTSC had oversight responsibility. Other than that limited connection, the firm does not have any relationships, past or present, with any of the listed entities.

If you have any questions or comments, feel free to call.

Very truly yours,



Hany S. Fangary



RECEIVED
CITY OF BEVERLY HILLS
2016 APR 11 P 3:36
CITY CLERK'S OFFICE

April 9, 2016

Byron Pope, MMC City Clerk
City of Beverly Hills
455 North Rexford Drive, Suite 290
Beverly Hills, CA 90210

By email and regular mail: bpope@beverlyhills.org

Re: Beverly Hills Parcel Investigation, Conflict of Interest Disclosure

Dear Mr. Pope:

You have asked us to submit this letter to the City Council indicating any relationships (past or present) with the entities below:

1. City of Beverly Hills
2. Beverly Hills Land Company
 - Lyn Konheim
 - Stanley T. Black
 - Robert Barth
3. West Coast Arborists Company (WCA)
4. Department of Toxic Substances Control (DTSC)

Below is our response as to each of the above entities:

1. City of Beverly Hills

Neither myself, my partner Nic Smith, nor our firm has worked on any matter involving the City of Beverly Hills.

2. Beverly Hills Land Company and Lyn Konheim, Stanley T. Black, Robert Barth

Neither myself, my partner Nic Smith, nor our firm has worked on any matter involving any of the three individuals listed above.

In 2009, however, our firm worked on a case for attorney, Carol Newman, who represented a client who was a relative of Eugene St. John, the former owner of the Beverly Hills Land Company. Ms. Newman asked us to research any then recent transactions by the Beverly Hills Land Company to make sure that Eugene St. John was disclosing everything to his relative, her client. We have had no other cases that involved this company or any of its current principals.



3. West Coast Arborists Company (WCA)

Neither myself, my partner Nic Smith, nor our firm has worked on any matter involving the West Coast Arborists Company.

4. Department of Toxic Substances Control (DTSC)

Neither myself, my partner Nic Smith, nor our firm has worked on any matter in which we directly either supported or opposed the DTSC.

That said, however, our company has done environmental cases in which we have reviewed documents of various environmental regulatory agencies including the EPA, the DTSC and other air and water environmental regulatory agencies, in particular documents and letters with information about inspections and lists of violations. In three of those cases either myself or my partner Nic Smith have worked for clients (companies) who have been parties to either an environmental clean-up action or environmental litigation involving a polluted site that was monitored or regulated by the DTSC. I have attached a list of environmental cases we have worked on in which the DTSC was the lead agency or one of the named regulatory agencies.

Sincerely,

A handwritten signature in cursive script that reads 'Joanne Parrent'. The signature is written in black ink and is positioned above the typed name.

Joanne Parrent, Partner
Parrent Smith Investigations and Research

Attachment: Parrent Smith Investigations Environmental Cases Involving the DTSC

Parrent Smith Investigations: Attachment to Conflict Letter

Environmental Cases Involving the DTSC:

Bay Area Drum: *Nic Smith worked the case in 1993 and 1997 in another firm, prior to our partnership in Parrent Smith Investigations.*

This drum recycling facility located at 1212 Thomas Avenue in San Francisco was the subject of an Expedited Response Action (1987-1988) by DTSC. Our initial involvement began in 1993, when the San Francisco firm of Heller Ehrman retained Nic Smith's services on behalf of their client. He re-reviewed records at DTSC as well as conducted extensive interviews with the truck drivers who had brought drums for recycling to the facility in order to widen the pool of Potentially Responsible Parties (PRPs). He worked on this project again in 1997. His work resulted in the inclusion of more than 65 additional PRPs. Principal Contact: Nicholas Van Aelstyn- Heller Ehrman (Now at Beveridge and Diamond)

City of Rialto et al v. United States Department of Defense Et Al: *Joanne Parrent and Nic Smith worked the case together in 2005 for another firm, just prior to forming Parrent Smith Investigations.*

We worked with attorneys representing one of the defendants in this case that was ordered by the DTSC to clean up the site that is located near Rialto, CA. We did historical site research to identify additional PRPs. Principal Contact: Phillip Hunsucker, Resolution Law Group (now Hunsucker Goodstein PC)

Cooper Drum Super Fund Site: *Nic Smith worked the case for Parrent Smith Investigations in 2006-2007.*

The Cooper Drum Company Superfund Site (Cooper Drum) is located at 9316 South Atlantic Avenue in South Gate, Los Angeles County, California). It is 10 miles south of the city of Los Angeles and approximately 1,600 feet west of the Los Angeles River. The property consists of 3.8 acres and is located in an urban area of mixed residential, commercial, and industrial uses. Cooper Drum is zoned for heavy industrial land use and has been used to recondition and recycle steel drums. Facilities include processing areas for cleaning and painting drums, storage areas, an office, a warehouse, and maintenance buildings. All buildings have concrete floors, and the entire facility was paved with asphalt in 1986.

The lead agency for Cooper Drum is the U.S. Environmental Protection Agency (EPA). The California Department of Toxic Substances Control (DTSC) and Los Angeles Regional Water Quality Control Board (RWQCB) served as support agencies.

Our investigative mandate was to locate 23 witnesses who had been involved with the site from 1960 through its closure. The matter was complicated because several of the witnesses were afraid of some individuals who had taken over control of the company from the original owner, and the witnesses believed these individuals to be involved with organized crime, an allegation that we were unable to substantiate. We were, in essence, looking for witnesses who had been absent for over twenty years and who were actively avoiding being found.

We did locate all of the witnesses and were able to include their interviews into the record of the site.

April 13, 2016

Mr. Byron Pope, MMC
City Clerk
City of Beverly Hills
455 North Rexford Drive, Suite 290
Beverly Hills, CA 90210

CONFIDENTIAL COMMUNICATION

***Re: Beverly Hills Parcel Investigation
Conflicts of Interest Statement***

Dear Mr. Pope:

Per request via your April 7, 2016 email, I am issuing this letter concerning relationships with regard to the following parties:

City of Beverly Hills

Manatt, Phelps & Phillips, LLP (“Manatt,” “we”, or the “Firm”) represented the City of Beverly Hills (the “City”) in the past. The representation concluded in 2009. Since that time, we have represented the following clients in matters where the City appeared/appears as a party at interest: The Broad Art Foundation; California Independent Petroleum Association; Casden Properties LLC; Hermes of Paris; Wallis Annenberg Center for the Performing Arts.

Beverly Hills Land Company

We find one matter, concluded about 15 years ago, where we represented a client and Beverly Hills Land Company appeared as a party with interests opposed to the client.

Lyn Konheim

We find no record of matters where Lyn Konheim is listed as a party at interest.

Stanley T. Black

We find three matters, all closed, where we represented clients in matters where Stanley Black appeared as a party with interests opposed to the clients.

Robert Barth

We find one matter in our records where a Robert Barth appeared as a party with interests opposed to our client. The matter is closed. We cannot confirm that this was the same individual involved in the current Beverly Hills Parcel Investigation.

Mr. Byron Pope, MMC
City Clerk
City of Beverly Hills
April 13, 2016
Page 2

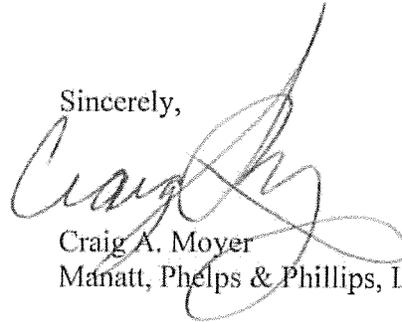
Department of Toxic Substances Control (DTSC)

From time to time, we represent clients with interests before, or technically opposed to, the Department of Toxic Substances Control (DTSC), a state regulatory entity. We have had dozens of such matters, several of which are ongoing.

West Coast Arborists Company (WCA)

We find no record of matters where West Coast Arborists Company (WCA) is listed as a party at interest.

Sincerely,



Craig A. Moyer
Manatt, Phelps & Phillips, LLP

Channel Law Group, LLP

8200 Wilshire Blvd.
Suite 300
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III *
JAMIE T. HALL **
CHARLES J. McLURKIN
JOEL M. HOLLAAR
ROBERT JYSTAD***

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Colorado
**ALSO Admitted in Texas
***Of Counsel

April 12, 2016

VIA ELECTRONIC MAIL

Byron Pope
City Clerk - City of Beverly Hills
455 North Rexford Drive, Suite 290
Beverly Hills, CA 90210
bpope@beverlyhills.org

Re: Conflict of Interest Disclosure re Beverly Hills Parcel Investigation

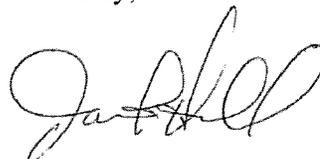
Dear Byron:

Channel Law Group, LLP has neither supported nor opposed the following entities and/or persons: (1) City of Beverly Hills, (2) Beverly Hills Land Company, (3) Lyn Konheim, (4) Stanley T. Black, (5) Robert Barth, (6) West Coast Arborist Company, or (7) Department of Toxic Substances Control.

Last year I appeared before the Beverly Hills Planning Commission on behalf of the Concerned Citizens of Beverly Grove/Beverly Hills to oppose a condominium project at 332-336 North Oakhurst Drive. Further, my law partner, Julian Quattlebaum, and I met and consulted with several concerned neighbors regarding the Beverly Hills Parcel matter.

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,



Jamie T. Hall