

From: Patrick Pulupa
To: Jeff Scharff
CC: Alex Mayer; Clint Snyder
Date: 4/1/2011 5:15 PM
Subject: Administrative Subpoena: Winemucca Trading Company Limited
Attachments: Admin. Subpoena.pdf; Declaration.pdf; Proof of Service 4-1-11.pdf

Attached please find a copy of an administrative subpoena that was sent via certified mail to the attorney of record for Winemucca Trading Company Limited ("Winemucca"). The administrative subpoena requires the production of documents relating to Winemucca's financial condition and environmental activities conducted at the former Shasta Paper Pulp Mill in Anderson, CA. A declaration in support of the Administrative Subpoena and a proof of service form are also attached.

Mr. Mayer, please inform the Prosecution Team of whether these electronic copies are sufficient, or whether you'd like hard copies delivered as well.

Yours,

Patrick Pulupa, Central Valley Water Board Prosecution Team
Re: Administrative Civil Liability Complaint R5-2008-0518-R

Patrick Pulupa, Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I St., 22nd Floor
Sacramento, CA 95814
Phone: (916) 341-5189
Fax: (916) 341-5199

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Patrick Pulupa, Staff Counsel
State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100
Ph: 916.341.5189 F: 916.341.5199
SBN: 246221

**BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
CENTRAL VALLEY REGION
STATE OF CALIFORNIA**

In the Matter of the Investigation and Prosecution of:

) SUBPOENA FOR RECORDS AND
) DOCUMENTS

) Water Code sections 1080, 132221
) Government Code section 11450.10

Winemucca Trading Company, LTD
Former Shasta Paper Company Pulp Mill and Properties

To: Winemucca Trading Company, LTD
Attn. Mr. Jeff Scharff, Esq.
Scharff, Brady & Vinding
400 Capitol Mall Ste 2640
Sacramento, CA 95814

NOTICE: () You are served as an individual.
() You are served as (or on behalf of) the person doing business under
the fictitious name of:
(x) You are served on behalf of: **Winemucca Trading Company, LTD**

1 Pursuant to the powers conferred by Water Code sections 1080 and 13221, Government Code section
2 11450.10, and California Code of Regulations, title 23, section 649.6:

3 **Winemucca Trading Company, Limited IS HEREBY COMMANDED** to produce the papers, books,
4 records, and documents in your possession or under your control described below in connection with the above-
5 titled investigation by 18 April 2011. Documents must be sent to: Patrick Pulupa, at P.O. Box 100, Sacramento,
6 CA 95812.

7 If you object to the terms of this subpoena, you may file a motion for a protective order including a motion
8 to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after
9 receipt of the subpoena, and shall be made with written notice to all parties. In response to your motion, the
10 hearing officer may make an order quashing the subpoena entirely, modifying it, or directing compliance with it, or
11 may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands,
12 including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30.) (Send motions to: Mr. Kenneth
13 Landau, Assistant Executive Officer of the Central Valley Water Board, at 11020 Sun Center Drive, Suite 200,
14 Rancho Cordova, CA 95670, with copies to all parties and to Mr. Alex Mayer, State Water Resources Control
15 Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

16
17 **FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA WILL SUBJECT YOU TO THE**
18 **PROCEEDINGS AND PENALTIES PROVIDED BY LAW**

19 (Water Code, §§ 1090-1097; 23 C.C.R. §648.8; Gov. Code, §§ 11450.20(b), 11455.10-11455.30.)
20

21 **DEFINITIONS**

22 Definitions for industry or trade terms contained herein are to be construed broadly. Where the industry or
23 trade definition set forth herein does not coincide precisely with your definition, the question, inquiry, or production
24 request should be responded to or answered by using the definition which you apply and/or recognize in your
25 usage of the term, further documenting your definition in the response. Non-industry or non-trade definitions
26 should be applied as defined herein.

27 (1) The term "COMMUNICATION" or "COMMUNICATIONS" means every disclosure, transfer, exchange, or
28 transmission of information, whether oral or written and whether face-to-face or by telecommunications,
29 computer, mail, telecopier, or otherwise.

1 (2) The terms "RELATING TO" or "RELATE TO" include referring to, alluding to, responding to, concerning,
2 connected with, commenting on, in respect of, about, regarding, discussing, showing, describing, mentioning,
3 reflecting, analyzing, constituting, evidencing, or pertaining to.

4 (3)

5 (a) The term "DOCUMENT" means a document whose existence is known to you, your employees,
6 superiors, representatives or assigns, regardless of its location or origin, including the original and all
7 non-identical copies, whether written, printed or recorded, including, without limitation, contracts,
8 agreements, leases, receipts, invoices, payment vouchers, purchase orders, books, booklets,
9 brochures, reports, notices, announcements, minutes and other communications, including inter- and
10 intra-office communications, studies, analyses, maps, charts, tables, questionnaires, indices,
11 telegrams, messages (including reports of telephone conversations and conferences), tapes, letters,
12 electronic mail, notes, records, drafts, proposals, authorizations, negotiations, canceled checks,
13 financial statements, deposit slips, bank drafts, books of account, summaries, reports, tests,
14 projections, studies, charts, notebooks, worksheets, recordings, calendars, or other materials which
15 are written, recorded, printed, typed, or transcribed. "DOCUMENT" also means data sheets or data
16 processing cards, tapes, films, or graphic matter or materials on computer magnetic diskettes,
17 compact disks, or tapes, electronically or magnetically-stored data (including data stored on hard,
18 floppy, micro-floppy, compact, or digital video disks, or data stored in data base systems or flash
19 drives), photographs, videotapes or any other matter of any kind or nature however produced or
20 reproduced and each copy of any of the foregoing which is not identical because of margin notations
21 or otherwise. If any such documents were, but no longer are, in your possession or control, state what
22 disposition was made of them and when.

23 (b) The term "DOCUMENT" shall also include all documents necessary to interpret, translate, decode,
24 unencrypt, or understand any other document requested or produced. If a form of document cannot
25 be read, such form must be converted to a paper document that can be read.

26 (4) The term "THE COMPANY" means **Winemucca Trading Company, Limited**, its parents, divisions, affiliates,
27 partnerships, predecessors, and all other officers, employees, agents, and representatives of the foregoing.

28 (5) The term the "STATE OF CALIFORNIA" means all land within the geopolitical boundaries of the State of
29 California.

30 (6) The terms "AND" and "OR" have both conjunctive and disjunctive meanings.

- 1 (7) All references to a "YEAR" refer to a calendar year.
2 (8) The term "YOU" or "YOUR" refers to THE COMPANY.

3
4 **INSTRUCTIONS**

- 5 i. Unless otherwise indicated, the time period covered by this subpoena is from 9 May 2005 to the 1 April
6 2011. Any documents relating to this time period are to be produced, regardless of whether the documents
7 came into existence before this period.
- 8 ii. Your response to the subpoena should include a declaration or affidavit. It should state that a diligent
9 search for all requested documents has been conducted and that the affiant or declarant was in charge of the
10 search or otherwise monitored and reviewed the search sufficiently to be able to represent under oath that
11 such a search was conducted. It should be signed under oath by the person most knowledgeable about the
12 documents and YOUR efforts to comply with the subpoena. If different people are most knowledgeable about
13 portions of the search (e.g., one person is most knowledgeable about documents contained in digital formats
14 and a different person is most knowledgeable about documents contained on paper) each must sign an
15 affidavit or declaration identifying the numbered requests for documents for which that person is the most
16 knowledgeable.
- 17 iii. Unless otherwise indicated, for any document stored in digital format, including all electronic mail
18 messages, YOU must produce the document in the original electronic file format in which it was created (e.g.,
19 Microsoft email must be provided in its original file format, not in a .pdf or .tif file format; spreadsheets must be
20 in their original file format, such as an Excel file; and word-processed documents must be in their original file
21 format, such as Word or WordPerfect file), together with instructions and all other materials necessary to use
22 or interpret the data. Electronic mail messages must be provided, even if only available on backup or archive
23 tapes or disks. Computer media must be accompanied by (a) an identification of the generally available
24 software needed to open and view the documents or (b) a copy of the software needed to open and view the
25 document. Note, however, that if a print-out from a computer document is a non-identical copy of the
26 electronic form in which it was created (non-identical as described in the definition of "Document," by way of
27 example, but not limitation, because it has a signature, handwritten notation, or other mark or attachment not
28 included in the computer document), both the electronic form in which the document was created and the
29 original print-out must be produced.

- 1 iv. For each document contained in audio or video medium, YOU must provide both the tape, disk, or other
2 device from which the audio or video can be played and the transcript of the document.
- 3 v. Unless otherwise indicated, for each document, other than those stored in a digital format, YOU must
4 produce the original as defined in Evidence Code section 255, except that YOU may submit photocopies on
5 white paper (color photocopies if the original was in color) in lieu of the original documents, provided that such
6 copies are accompanied by an affidavit of an officer of THE COMPANY stating that the documents are true,
7 correct, and complete copies of the original documents. If there is in YOUR possession, custody, or control no
8 original, but only a copy or photographic record thereof, then YOU must produce a true and legible copy of
9 each such document.
- 10 vi. If a document is responsive to this subpoena and is in YOUR control, but is not in YOUR possession or
11 custody, in addition to obtaining and producing the document, identify the person who had possession or
12 custody of the document, their telephone number and current business address.
- 13 vii. If any document subpoenaed is no longer in YOUR possession, custody, control, or care, YOU should
14 provide a written statement identifying the document with specificity, stating whether it is lost or missing, has
15 been destroyed, has been transferred to others, or has otherwise been disposed of. The written statement
16 should also identify the person who disposed of the document, explain the circumstances and authorization
17 for the disposition and the approximate date of the disposition of the document. If there are no documents
18 responsive to a document request, as to each such document request, YOU must include a statement to that
19 effect in the accompanying declaration or affidavit.
- 20 viii. Documents produced in response to this subpoena must be complete and, unless privileged, unredacted,
21 submitted as found in YOUR files (e.g., documents that in their original condition were stapled, clipped,
22 attached as a "post-it", or otherwise fastened together shall be produced in the same form).
- 23 ix. Each document produced pursuant to this subpoena should be identified according to the numbered
24 request in the subpoena to which it is responsive. If there are no documents responsive to a document
25 request, as to each such document request, please so indicate in the accompanying affidavit. In lieu of
26 indicating on each document the request to which it is responsive, on the date set for production, YOU may
27 instead provide an index if YOU provide it in both paper and electronic form (such as computerized
28 spreadsheet in Excel or a Word or WordPerfect document set up in a table format) of all documents YOU
29 produce, as long as this index shows by document control number the request(s) to which each document or
30 group of documents is responsive. Responsive documents from each person's files should be produced

1 together, in one box or consecutive boxes, or on one disk/CD or consecutive disks/CDs. Make each page of a
2 paper document and each tangible thing containing audio, video, computer or other electronic documents with
3 corporate identification and consecutive document control numbers (e.g., R.E. 00001, R.E. CD 001, R.E.
4 audio tape 001). Number each box of documents produced and mark each with the name(s) of the person(s)
5 whose files are contained therein, the request(s) to which they are responsive, and the document control
6 numbers contained therein.

7 x. For data produced in spreadsheets or tables, include in the declaration or affidavit the identification of the
8 fields and codes and a description of the information contained in each coded field.

9 xi. The document requests contained in this subpoena must be deemed to include a request for all relevant
10 documents in the personal files, including, but not limited to, files contained on laptops, palm devices, home
11 computers and home files of all YOUR officers, employees, accountants, agents and representatives,
12 including sales agents who are independent contractors, and unless privileged, attorneys.

13 xii. If any documents are withheld from production based on a claim of privilege, YOU must provide a log
14 under oath by the affiant or declarant, which includes each document's authors, addresses, date, a
15 description of each document, all recipients of the original, and any copies, and the request(s) of this
16 subpoena to which the document is responsive. Attachments to a document must be identified as such and
17 entered separately on the log. For each author, addressee, and recipient, state the person's full name, title,
18 and employer or firm, and denote all attorneys with an asterisk. To the extent the claim of privilege relates to
19 any employee, agent, representative, or outside attorney, identify the person's name, division, and
20 organization. Include the number of pages of each document and in the description of the document, provide
21 sufficient information to identify its general subject matter without revealing information over which a privilege
22 is claimed. For each document withheld under a claim that it constitutes or contains attorney work product,
23 also state whether YOU assert that the document was prepared in anticipation of litigation or for trial and, if
24 so, identify the anticipated litigation or trial on which the assertion is based. Submit all non-privileged portions
25 of any responsive document (including non-privileged or redactable attachments) for which a claim of
26 privilege is asserted (except where the only non-privileged information has already been produced in
27 response to this instruction), noting where redactions in the document have already been made. Documents
28 authored by outside lawyers representing YOU that were not directly or indirectly furnished to YOU or any
29 third-party, such as internal law firm memoranda, may be omitted from the log.

- 1 8. Provide all DOCUMENTS which refer or RELATE TO estimating the current value of the subject site,
2 including, but not limited to, assessment records, appraisals, market trends and economic conditions.
- 3 9. Provide all DOCUMENTS which refer or RELATE TO estimating the past value of the subject site, including,
4 but not limited to, assessment records, appraisals, market trends and economic conditions since THE
5 COMPANY acquired ownership.
- 6 10. Provide all DOCUMENTS which refer or RELATE TO income-generating activities conducted at the subject
7 site, including leases and all contractual relationships that generate income for THE COMPANY.

8 **III. Corporate Planning and Financing**

- 9 11. Provide all DOCUMENTS which refer or RELATE TO all financing agreements that reference THE
10 COMPANY, including, but not limited to, those with related parties, shareholders or other entities.
- 11 12. Provide all DOCUMENTS which refer or RELATE TO all loan agreements that reference THE COMPANY,
12 including, but not limited to, those with related parties, shareholders or other entities.
- 13 13. Provide all DOCUMENTS which refer or RELATE TO all credit agreements that reference THE COMPANY,
14 including, but not limited to, those with related parties, shareholders or other entities.
- 15 14. Provide all DOCUMENTS which refer or RELATE TO all forward-looking pro forma financial statements,
16 including, but not limited to, estimating the timing of parcel sales.
- 17 15. Provide all DOCUMENTS which refer or RELATE TO all forward-looking pro forma financial statements,
18 including, but not limited to, estimating the lot sales prices.
- 19 16. Provide all DOCUMENTS which refer or RELATE TO all forward-looking pro forma financial statements,
20 including, but not limited to, expected cash flows.
- 21 17. Provide all DOCUMENTS which refer or RELATE TO all forward-looking pro forma financial statements,
22 including, but not limited to, revenues.
- 23 18. Provide all DOCUMENTS which refer or RELATE TO all forward-looking pro forma financial statements,
24 including, but not limited to, expenses.
- 25 19. Provide all DOCUMENTS which refer or RELATE TO all forward-looking pro forma financial statements,
26 including, but not limited to, capital investment.
- 27 20. Provide all DOCUMENTS which refer or RELATE TO all forward-looking pro forma financial statements,
28 including, but not limited to, financing.
- 29 21. Provide all DOCUMENTS which refer or RELATE TO prospectuses provided by THE COMPANY to venture
30 capitalists, individuals, banks, or any entity providing financing.

1 22. Provide all DOCUMENTS which refer or RELATE TO any marketing plans or materials used by THE
2 COMPANY related to the sale of land, negotiations with builders, or individual buyers at the subject site,
3 including, but not limited to, draft or final sales contracts.

4 23. Provide all DOCUMENTS which refer or RELATE TO any marketing plans or materials used by THE
5 COMPANY related to the sale of land, negotiations with builders, or individual buyers at the subject site,
6 including, but not limited to, appraisals.

7 **IV. Environmental Compliance**

8 24. Provide all DOCUMENTS which refer or RELATE TO efforts undertaken by THE COMPANY to investigate
9 the environmental contamination at the subject site, including, without limitation, contracts entered into with
10 contractors, receipts of sale for equipment, and hourly billing sheets.

11 25. Provide all DOCUMENTS which refer or RELATE TO efforts undertaken by THE COMPANY related to the
12 environmental remediation at the subject site, including, without limitation, contracts entered into with
13 contractors, receipts of sale for equipment, and hourly billing sheets.

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Given under my hand this 1st Day of April, 2011.



Patrick Pulupa, Staff Counsel – Person Issuing the Subpoena
State Water Resources Control Board

Patrick Pulupa, Staff Counsel
State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100
Ph: 916.341.9985 F: 916.341.5199
SBN: 246221

**BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
CENTRAL VALLEY REGION
STATE OF CALIFORNIA**

In the Matter of the Investigation and Prosecution of:

Winemucca Trading Company, LTD
Former Shasta Paper Company Pulp Mill and Properties

) **DECLARATION IN SUPPORT OF
SUBPOENA FOR DOCUMENTS
AND THINGS**

1. I, Clint Snyder, declare that I am a Senior Engineering Geologist employed by the California Regional Water Quality Control Board, Central Valley Region ("Central Valley Water Board"), and that I am part of the Investigative/Prosecution Team in the above-entitled matter.

2. Winemucca Trading Company, LTD was named in Cleanup and Abatement Order R5-2004-0717, which required cleanup of the Former Shasta Paper Company Pulp Mill and Properties in Shasta County, California.

3. The Central Valley Water Board's Prosecution Team has determined that Winemucca Trading Company, LTD is in violation of Cleanup and Abatement Order R5-2004-0717 and is prosecuting an Administrative Civil Liability Complaint for those alleged violations.

4. Good cause exists for the production of the documents or other things described in the subpoena attached hereto because such evidence is probative of Winemucca Trading Company, LTD's liability for the investigation and cleanup of the waste deposited at Former Shasta Paper Company Pulp Mill and Properties, is

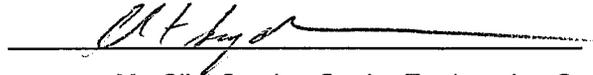
1 probative of Winemucca Trading Company, LTD's financial ability to undertake the cleanup actions required in
2 Cleanup and Abatement Order R5-2004-0717, and/or is probative of Winemucca Trading Company, LTD's
3 financial ability to pay an Administrative Civil Liability assessment.

4

5 I declare under penalty of perjury that the foregoing is true and correct.

6

7 Date: 1 April 2011



Mr. Clint Snyder, Senior Engineering Geologist
Central Valley Regional Water Quality Control Board

PROOF OF SERVICE OF ADMINISTRATIVE SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (<i>name</i>):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (<i>check one</i>): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code section 68097.2. Amount: \$ _____	f. Fees for service: Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.

delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

delivering true copies thereof enclosed in a sealed envelope to a mail delivery service for overnight delivery to the address as shown below.

[Specify name of the mail service and tracking number: _____]

other method allowed by Government Code section 11440.20. Specify:

Address where served:
Mr. Jeff Scharff, Esq., Attorney for Winemucca Trading Company, LTD
Scharff, Brady & Vinding
400 Capitol Mall Ste 2640
Sacramento, CA 95814

2. I certify that I received this subpoena subpoena duces tecum for service on 4-1-2011
Date

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on:

Date	At (place)	Signature
4-1-11	Sacramento, California	<i>Janne Driffin</i>

NOTE: THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING OR INVOLVED IN THE INVESTIGATION, AND MUST FILE A COPY WITH THE REGIONAL WATER QUALITY CONTROL BOARD. THE COPY PROVIDED TO THE REGIONAL WATER QUALITY CONTROL BOARD MUST BE ACCOMPANIED BY A LIST OF THE NAMES AND ADDRESSES OF THE PARTIES WHO WERE PROVIDED COPIES.
(Gov. Code, § 11440.20; Cal. Code Regs., § tit. 23, § 648.4(c).)

Send copies to: Mr. Alex Mayer, Esq., Advisory Team Attorney
P.O. Box 100, Sacramento, CA 95812