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August 19, 2016

VIA FEDERAL EXPRESS MAIL AND EMAIL

Edward Camarena - Chairman
Hearing Board South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

RE: SCAQMD v Browning -Ferris Industries of California, et al (Case No. 3448-14)

Dear Mr. Camarena,

I am enclosing with this letter a Motion of Respondents to Continue the Hearing Board hearings in this matter, which we would request the Chair consider at the Prehearing Conference scheduled for next Tuesday, August 23, 2016 at 2:00 pm.

I am also enclosing a Subpoena and Subpoena Duces Tecum (for documents) [and my supporting declaration] that we request the Chair sign so that we may serve it on the District in advance of the hearings. The purpose of the subpoena is to obtain copies of various documents that we have previously requested be produced to us by the District, pursuant to the California Public Records Act, and which we understand the District's Public Records Act unit is working on producing to us (with one important exception regarding the names and addresses of complaints, discussed more fully in our Motion for Continuance).

We respectfully suggest the following issues be discussed at the Prehearing Conference on Tuesday, August 23, 2016:

1. Respondents Motion for Continuance of the hearing. As more fully set forth in our papers, the issues surrounding the Motion for continuance are:
 - i. Our impending application for a writ from the Court of Appeal for review of the Superior Court's ruling, on August 18th, 2016, declining to order the SCAQMD to produce to Respondents the un-redacted complaint records of individuals who have filed odor complaints with the District regarding the Sunshine Canyon Landfill; and

Edward Camarena
August 19, 2016
Page 2

- ii. The time period it will take the District to produce the records sought in the Public Records Act requests and our Subpoena Duces Tecum.
2. The time it will take the District to produce the records that we requested pursuant to the California Public Records Act and the enclosed Subpoena Duces Tecum.
3. Whether the District has any objections to the enclosed Subpoena and Subpoena Duces Tecum and how those objections should be resolved.
4. The scheduling of the hearing in light of issues concerning the availability of certain expert witnesses Respondents intend to call at the hearing.
5. Our request that William Beck and Bob Rooney, of the Kansas City law firm of Lathrop & Gage, be given permission to serve as co-counsel with me in the upcoming hearing board hearings.
6. The scheduling of a hearing on a Motion In Limine we intend to file regarding any complaint records the District intends to rely on at the hearing, in which the names and addresses of the complainants have not been disclosed.
7. The potential, if any, for the parties to continue settlement discussions over a possible stipulated abatement order.

We look forward to speaking with you at the prehearing conference on August 23, 2016.

Sincerely,



Thomas M. Bruen

cc. Nicholas Sanchez, Esq.
Karin Manwaring, Esq.
Mary Reichert, Esq.
William Beck, Esq.