

Enery Holdings LLC

18 July 2025

Hearing Board South Coast Air Quality Management District

Subject: Enery Holdings Case 6248-3, Request For Subpoena

Dear Chairman Ali,

I compliance with Rule 9(a)(1-4) of the RULES AND PROCEDURES OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT HEARING BOARD, Enery Holdings hereby requests the Hearing Board issue a Subpoena for documents defined in the attached "7-18-2025 Subpoena 6248-3 Attach 3- Enery Holdings.pdf, which is part of .

Per Rule 9(a)(4), Enery Holdings makes the following arguments:

The information sought is relevant and material to the subject matter involved- Enery seeks three pieces of information:

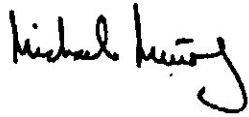
1. **Annual NOx Missing Data Procedure penalties imposed by AQMD for the years 1995 through 2025-** This information is relevant to Enery's pleadings as Enery will show the Hearing Board that AQMD is motivated by a desire to generate fines and penalties in the hundreds of millions of dollars. This fines and penalties motivation drives AQMD's actions of opposing variances that do not result in excess emissions.
2. **All communications from the Environmental Protection Agency, any California regulatory entity, or South Coast Air Quality Management District staff demanding, suggesting, requesting, and/or discussing the need to migrate South Coast Air Quality Management District from the Remote Terminal Unit (RTU)-** This information is relevant to Enery's pleadings as Enery will show that superior regulatory agencies have chided SCAQMD for mandating the use of a 1990's modem technology for the transmission of critical information.
3. **The process and protocol for the accounting and disbursement of the monies created by the sale of NOx credits to Businesses. This will include all auctions.** This information is relevant to Enery's pleadings as Enery will show the Hearing Board that SCAQMD is motivated by a desire to generate fines and penalties in the hundreds of millions of dollars. The destination of these monies will demonstrate SCAQMD's motivation in taking every opportunity to assess Missing Data Procedures.

The information is not privileged- Enery has informed counsel Mr. Jones of its intent for Subpoena of records and provided the documents to be requested. Mr. Jones has not replied that any of this information is privileged.

Enery Holdings LLC

Considering all circumstances, including the return on the subpoena, complying with the subpoena will not impose an undue burden- Enery's document request does not cause unwarranted annoyance, embarrassment, oppression or an undue expense.

Sincerely,

A handwritten signature in black ink that reads "Michael Munoz". The signature is written in a cursive, flowing style.

Michael Munoz
Compliance
mmunoz@ches.biz
406-544-3326

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael Munoz Enerly Holdings LLC TELEPHONE NO.: 406-544-3326 FAX NO.: E-MAIL ADDRESS: mmunoz@ches.biz ATTORNEY FOR (Name):	FOR COURT USE ONLY CASE NUMBER: 6248-3
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: Enerly Holdings LLC DEFENDANT/ RESPONDENT: Wayne Nastri South Coast Air Quality Management District	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

1. **YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS** described in item 3, as follows:

To (name of deposition officer): Michael Munoz	
On (date):	At (time):
Location (address): mmunoz@ches.biz	
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. ☒ by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. ☐ by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. ☐ by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☒ Continued on Attachment 3.

4. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

_____ (TYPE OR PRINT NAME)	 _____ (SIGNATURE OF PERSON ISSUING SUBPOENA)
	_____ (TITLE)

(Proof of service on reverse)

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Subpoena Attachment 3

1. The annual units of all NOx Missing Data Procedure imposed by the South Coast Air Quality Management District for each year from 1995 through 2005 Year To Date; in Microsoft excel format.
2. All communications from the Environmental Protection Agency, any California regulatory entity, or South Coast Air Quality Management District staff demanding, suggesting, requesting, and/or discussing the need to migrate South Coast Air Quality Management District from the Remote Terminal Unit (RTU) requirement “Facility Permit holder of a major source shall use an RTU to telecommunicate rule compliance data to the District Central Station Emissions Monitoring Computer defined generally in Rule 2012 and specifically in Rule 2012 Chapter 7, and Rule 2012(d)(2)(B); in Adobe PDF format.
3. The process and protocol for the accounting and disbursement of the monies created by the sale of NOx credits to Businesses. This will include all auctions. In Adobe PDF format.