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Attorneys for Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF INYO, MAIN COURTHOUSE

In re the Matter of the

L.L. NUNN TRUST for the benefit of DEEP SPRINGS COLLEGE under Deed of Trust dated November 5, 1923

Case No. SICVPB 12-53232
Assigned for All Purposes to:
Hon. Dean T. Stout

***EX PARTE* APPLICATION FOR LEAVE TO SERVE NOTICE TO APPEAR ON SHORTENED TIME; DECLARATION OF IRA BIBBERO**

Judge: Hon. Dean T. Stout
Date: May 8, 2014
Time: 9:00 a.m.
Dept.: 4

Date Action Filed: February 6, 2012
Trial Date: April 28, 2014

TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on May 8, 2014, at 9:00 a.m., or as soon thereafter as the matter may be heard in Department 4 of the Inyo County Superior Court, located at 301 W. Line Street, Bishop, California, the Honorable Dean T. Stout presiding, respondents and objectors Kinch Hoekstra and Edward Keonjian ("Respondents") will, and hereby do, apply *ex parte* for leave to serve, on fewer than ten days' notice, a notice under Code of Civil Procedure section 1987, subdivision (b) to the Attorney General of the State of California or her designated representative to appear at trial in the above-titled action on May 13, 2014.

This application will be made pursuant to Code of Civil Procedure section 1987, subdivision (b), which provides that notice to appear may be served on fewer than ten days' notice if the Court prescribes a shorter time. Shortened notice is required because the Court set the next day of trial for May 13, 2014, but Respondents did not receive notice of the Attorney General's appearance until May 5, 2014, which is fewer than ten days before the hearing.

This application will be based upon this *ex parte* application; the accompanying Memorandum of Points and Authorities, declarations and exhibits; all the pleadings, papers, and records on file in this action; and upon such further and additional evidence and argument as may be submitted at or before the hearing on this application.

Ex parte relief is warranted because, absent immediate relief, the Court and the parties will be greatly inconvenienced because the Court will be required to schedule yet another day of trial to permit the Attorney General's testimony to be taken. The Court indicated on May 2, 2014 that this case would be heard again on the morning of May 13, and petitioner David Hitz indicated that he only required approximately one hour for his rebuttal case. It would be an inefficient use of the Court's and the litigant's time were the parties not permitted to take any additional testimony necessary in this action on the morning of May 13.

Timely notice was given by e-mail on May 6, 2014, at 10:09 a.m. and 10:36 a.m., to (i) counsel for petitioner, Chris Campbell and Dirk Paloutzian, Baker Manock & Jensen, PC, 5260 N. Palm, Suite 421, Fresno, CA 93704, (559) 432-5400; (ii) counsel for Deep Springs Corporation, Jon Michaelson, K&L Gates LLP, 630 Hansen Way, Palo Alto, CA 94304, (650) 798-6704, and

Peter Tracy, Law Offices of Peter E. Tracy, 106 S. Main Street #200, P. O. Box 485, Bishop, CA 93514, (760) 872-1101; and (iii) the Attorney General, to Tania M. Ibanez, Senior Assistant Attorney General, 300 S. Springs Street, Suite 1702, Los Angeles, CA 90013, (213) 897-0218. Mr. Paloutzian and Mr. Michaelson indicated that they intend to appear at the hearing. Deputy Attorney General Wendi A. Horowitz responded on behalf of Ms. Ibanez and indicated that the Attorney General will appear through Ms. Horowitz and will oppose the application.

DATED: May 7, 2014

BROWNE GEORGE ROSS LLP
Eric M. George
Ira Bibbero

ORRICK, HERRINGTON & SUTCLIFFE LLP
Joseph C. Liburt

HEATHER M. HOEKSTRA

By Ira Bibbero /eb
Ira Bibbero
Attorneys for Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust

MEMORANDUM OF POINTS AND AUTHORITIES

Respondents and objectors Kinch Hoekstra and Edward Keonjian ("Respondents") seek leave to call the Attorney General or her representative to give testimony at trial on May 13, 2014 but did not have the opportunity to do so on the required ten days' notice. Because the Attorney General's representative's testimony will be helpful to the Court as trier of fact to resolve the issues in this case, because the Attorney General has had sufficient notice of Respondents' interest in taking her or her representative's testimony in this trial, and because the Attorney General did not give Respondents notice of her appearance more than ten days before the hearing on May 13, 2014, Respondents respectfully request that the Court permit them to serve on the Attorney General notice to appear on fewer than ten days' notice, as permitted by Code of Civil Procedure section 1987, subdivision (b).

I. STATEMENT OF FACTS.

Trial in this action commenced on Monday morning, April 28, 2014. Late in the afternoon of the Friday before trial commenced, April 25, the Attorney General's office e-mailed to the parties a purported consent to the modification of the L.L. Nunn Trust. (Declaration of Ira Bibbero, attached hereto ("Bibbero Decl."), ¶ 2 & Ex. A.) Respondents immediately endeavored to subpoena the Attorney General or her representative to trial. (*Id.*, ¶ 2 & Ex. B.) Although they were unsuccessful due to the lateness of the day, Respondents succeeded in communicating to the Attorney General via e-mail their desire to have the Attorney General or her representative appear at trial. (*Id.*, ¶ 2.)

On May 2, 2014, the Court ordered the parties to reconvene on May 13 for petitioner's rebuttal case, which was expected to take an hour. (Bibbero Decl., ¶ 3.)

Respondents first received notice on May 5, 2014 that the Attorney General had, in fact, appeared in this action. (Bibbero Decl., ¶¶ 4, 5 & Ex. C.) Promptly thereafter, on May 6, 2014, Respondents gave notice of their intention to request that the Court permit shortened service on the Attorney General or her representative of a notice to appear on May 13 to give testimony at the trial when it reconvenes. (*Id.*, ¶¶ 6, 9 & Ex. E.)

As Respondents have a right and a need to take testimony from the Attorney General, as discussed below, it would be prejudicial to the Court and the parties were the Attorney General or her representative not required to appear on May 13, 2014. (Bibbero Decl., ¶ 7.)[1] The Attorney General has had sufficient notice – since April 25 – of Respondents' demand to take her or her representative's testimony, and the sole consequence of failure to grant the requested relief is the parties will be required to return to Court on a later date for another day of testimony. (*Ibid.*) Because petitioner's rebuttal case is expected to take one hour, there should be sufficient time to take testimony from the Attorney General on May 13 before or after petitioner puts on his rebuttal case. (*Ibid.*)

II. THE COURT CAN AND SHOULD GRANT THE REQUESTED RELIEF.

The Court can and should permit Respondents to give the Attorney General fewer that ten days' notice to appear and give testimony at trial on May 13, 2014.

As a party, the Attorney General (or her designated representative) is obligated to appear at the trial in this action upon notice by a party. (Code Civ. Proc., § 1987, subd. (b) ("The giving of the notice shall have the same effect as service of a subpoena on the witness, and the parties shall have those rights, and the court may make those orders, including the imposition of sanctions, as in the case of a subpoena for attendance before the court.").) While a party is normally required to give another party ten days' notice to appear at trial, the Court may prescribe a shorter time. (*Ibid.*) The entry by the Court of an order permitting fewer that ten days' notice will not prejudice the Attorney General because she has been on notice since April 25, 2014 that Respondents will seek her or her representative's testimony at trial, and since May 6 that Respondents will seek her testimony on May 13.[2]

---

[1] A form of the notice to appear Respondents intend to serve on the Attorney General is attached hereto as Exhibit D.

[2] Respondents could not serve an effective notice to appear under Code of Civil Procedure section 1987, subdivision (b), before May 5, 2014 because such a notice is only effective to require a party to appear at trial. Respondents had no notice that the Attorney General appeared as a party until May 5.

The Attorney General's (or her representative's) testimony will be probative in this case in several respects. First, as a representative of the unnamed beneficiaries, the Attorney General's testimony will provide evidence of the interests of those beneficiaries for the purposes of applying the *cy près* and equitable deviation tests. While the students at Deep Springs College can testify to the interests of the current beneficiaries (or at least the subset thereof attending the school), as Cory Myers and Zack Robinson did at trial, the Attorney General is uniquely qualified to discuss how the interests of unnamed future beneficiaries will be impacted, and what the State is doing to protect their interests.

The Attorney General will also be asked to testify about the consent filed by the Attorney General to change the L.L. Nunn Trust. (Trial Ex. 231.) They Attorney General's consent, like any other act committed to the discretion of the executive, is reviewable to guarantee that procedural due process has been provided. For example, in a clemency case, "[j]udicial intervention might . . . be warranted in the face of a scheme whereby a state official flipped a coin to determine whether to grant clemency, or in a case where the State arbitrarily denied a prisoner any access to its clemency process." (*Ohio Adult Parole Auth.* v. *Woodard* (1998) 523 U.S. 272, 289, 118 S.Ct. 1244, 1254, 140 L.Ed.2d 387 (O'Connor, J., concurring in part and concurring in the judgment); see *Wilson v. United States Court for Northern District of Cal.* (9th Cir. 1998) 161 F.3d 1185, 1186 (discussing and affirming proceedings in district court in which TRO issued to stay execution to review due process claim in clemency proceedings, citing Justice O'Connor's concurrence in *Ohio Adult Parole Auth.*).) In her concurring opinion, Justice O'Connor expressed the need for "some *minimal* procedural safeguards" to matters committed to executive discretion. (*Ohio Adult Parole Auth.*, 523 U.S. at p. 289 (O'Connor, J., concurring).) Here, the Attorney General will be asked to establish that the unnamed future beneficiaries of the L.L. Nunn Trust received the benefit of procedural safeguards before the Attorney General offered her consent to modifying the Trust.

In sum, the Attorney General has probative evidence to offer in this case. The Attorney General's late appearance made it impossible to adduce such evidence in the first week of trial,

and it will be impossible to adduce such evidence at the continued trial date of May 13 absent leave to serve notice to appear on fewer than ten days' notice.

III. CONCLUSION.

For the foregoing reasons, Respondents respectfully request that the Court permit them to serve notice to appear on the Attorney General on fewer than ten days' notice.

DATED: May 7, 2014

BROWNE GEORGE ROSS LLP
Eric M. George
Ira Bibbero

ORRICK, HERRINGTON & SUTCLIFFE LLP
Joseph C. Liburt

HEATHER M. HOEKSTRA

By Ira Bibbero
Ira Bibbero
Attorneys for Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust

DECLARATION OF IRA BIBBERO

I, Ira Bibbero, declare and state as follows:

1. I am an attorney at law, duly admitted to practice before this Court and all courts of the State of California. I am a partner with the firm of Browne George Ross LLP, counsel of record for Kinch Hoekstra and Edward Keonjian, Trustees of the L.L. Nunn Trust ("Respondents") in this matter. I have firsthand, personal knowledge of the facts set forth below and if called as a witness could competently testify thereto.

2. After receiving the Attorney General's consent document dated April 25, 2014 (which was marked as Trial Exhibit 231), which was e-mailed to me by Wendi Horowitz late on the afternoon of April 25, I quickly prepared trial subpoenas for the Attorney General (or her representative) and Tania Ibanez. A true and correct copy of Ms. Horowitz's e-mail is attached hereto as Exhibit A. True and correct copies of the trial subpoenas are attached hereto as Exhibit B. Although these subpoenas were not properly served on the Attorney General for lack of time, my colleague Eric George e-mailed them to Ms. Ibanez on April 25. Thus, the Attorney General was on notice as of April 25, 2014 that Respondents sought their testimony at the trial of this matter.

3. I was present in Court on Friday, May 2, 2014 when the parties discussed the remaining evidentiary proceedings with the Court in chambers. Counsel for petitioner David Hitz indicated petitioner intended to put on a rebuttal case that was estimated to take one hour. The Court ordered the parties to appear on May 13, 2014 for petitioner's presentation of his rebuttal case. The Court had previously indicated that it would make the morning of May 13, 2014 available for trial if necessary.

4. As of May 2, 2014, my office had not received any actual notice of appearance by the Attorney General in this action.

5. My office received documents from the Attorney General's office on May 5, 2014 titled "Attorney General's Answer to Petition for Court Order Construing Trust Provision, or, if Necessary, Modifying the Trust Instrument and Supplement to Petition for Court Order Construing Trust Provision, or, if Necessary, Modifying the Trust Instrument" and "Consent of

California Attorney General to Trust Modification Under Probate Code §15403." These documents are both dated May 1, 2014. Although the proofs of service on them state that they were served by "FED EX Express Overnight courier service" on May 1, 2014, the air bill on the Federal Express envelope in which the documents arrived reflects that they were actually sent on May 2, 2014. A true and correct copy of the envelope is attached hereto as Exhibit C.

6. As described below, I promptly gave notice to all parties, by way of *ex parte* notice on May 6, 2014, of Respondents' intention to call the Attorney General or her representative.

7. It would be extremely prejudicial to the Court and to all parties were the Court to deny leave to give fewer than ten days' notice to the Attorney General to appear at trial on May 13, 2014. The Attorney General has known about this trial for many months and has been served with all pleadings (as acknowledged in her answer, at 2:2-4) and received Respondents' trial subpoenas. Respondents were not able to give the Attorney General ten days' notice to appear at the May 13 hearing because Respondents had no notice of the Attorney General's appearance ten days before the hearing. The Court is permitted Code of Civil Procedure section 1987, subdivision (b) to shorten the time for a notice to appear to fewer than ten days. If the Court does not permit Respondents to give the Attorney General fewer than ten days' notice, the parties will be required to travel to Inyo County for another day of testimony and the Court will be inconvenienced by the requirement to set aside another day for such testimony. Given that petitioner's rebuttal case is expected to take merely one hour and the Court has set aside the entire morning for this action, it would be eminently sensible, and would eliminate any prejudice to any party, were the Court to permit Respondents to give fewer than ten days' notice to the Attorney General.

8. Attached hereto as Exhibit D is a true and correct copy of the Notice to Appear I intend to have served on the Attorney General should the Court grant the *ex parte* relief sought herein.

Ex Parte Notice

9. Attached hereto as Exhibit E is a true and correct copy of e-mails I transmitted on May 6, 2014, one at 10:09 a.m. and one at 10:36 a.m. These e-mails give *ex parte* notice to all parties.

10. In response to the above e-mails, I received responses from Dirk Paloutzian's assistant stating that Mr. Paloutzian intended to appear by telephone at the hearing, from Jon Michaelson indicating that he intended to appear by telephone, and from Wendi Horowitz indicating that she intended to appear by telephone on behalf of the Attorney General and oppose the requested relief.

Executed this 7th day of May, 2014, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Ira Bibbero

EXHIBIT A

Ira Bibbero

From: Wendi A. Horwitz <Wendi.Horwitz@doj.ca.gov>
Sent: Friday, April 25, 2014 3:31 PM
To: Twebb@bakermanock.com; Ccampbell@bakermanock.com; inyomono@stanfordalumni.org; Ira Bibbero
Cc: Tania Ibanez
Subject: AG Conset for Nunn Trust
Attachments: AG Consent.pdf

Per Tania's instructions, here is the Attorney General's Consent to the Nunn Trust Modification. Please file the document and serve all parties. Please send us a conformed copy for our file. If you have any questions, please just give me a call. Thank you.

Wendi A. Horwitz
Deputy Attorney General
Department of Justice
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
213-897-2178
wendi.horwitz@doj.ca.gov

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KAMALA D. HARRIS
Attorney General of California
TANIA M. IBANEZ
Senior Assistant Attorney General
State Bar No. 145398
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-0218
Fax: (213) 897-7605
E-mail: tania.ibanez@doj.ca.gov
Attorneys for the Attorney General

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF INYO

IN THE MATTER OF THE: **L.L. NUNN TRUST FOR THE BENEFIT OF DEEP SPRINGS COLLEGE UNDER THE DEED OF TRUST DATED NOVEMBER 5, 1923**	Case No. SI CV PM 1253232 **CONSENT OF CALIFORNIA ATTORNEY GENERAL TO TRUST MODIFICATION UNDER PROBATE CODE §15403** Date: April 28, 2014 Time: 9:00 a.m. Dept: 1 Judge: Hon. Dean T. Stout

The Attorney General of the State of California hereby consents to the modification of the Deed of Trust signed on November 5, 1923, by Lucien I. Nunn for the benefit of Deep Springs College by the addition of a term that provides substantially as follows:

> Nothing in this Deed of Trust shall restrict or otherwise limit the authority of the Trustees, in the exercise of their best judgment, to admit women as students at Deep Springs College, and to use the Trust estate for the education of women, in addition to the education of men, at Deep Springs College.

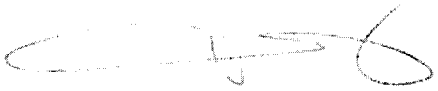
The California State Attorney General also consents to the same modification as it relates to the use of assets held in trust by the Deep Springs Corporation.

The undersigned represents that she has authority to execute this Consent on behalf of the California State Attorney General.

Dated: April 25, 2014

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
TANIA M. IBANEZ
Senior Assistant Attorney General



TANIA M. IBANEZ
Senior Assistant Attorney General
Attorneys for the Attorney General

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
BROWNE GEORGE ROSS LLP
Eric M. George (SBN 166403); Ira Bibbero (SBN 217518)
2121 Avenue of the Stars, Suite 2400
Los Angeles, CA 90067

TELEPHONE NO.: (310) 274-7100 FAX NO.: (310) 275-5697
ATTORNEY FOR (Name): Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust

FOR COURT USE ONLY

NAME OF COURT: INYO COUNTY SUPERIOR COURT
STREET ADDRESS: 168 Edwards Street
MAILING ADDRESS: P.O. Box Drawer U
CITY AND ZIP CODE: Independence, CA 93526
BRANCH NAME: Main Courthouse

PLAINTIFF/ PETITIONER: In re Matter of the L. L. NUNN TRUST for the benefit of
DEFENDANT/ RESPONDENT: DEEP SPRINGS COLLEGE under Deed of Trust dated November 5, 1923

CASE NUMBER:
SICVPB 12-53232
(Hon. Dean T. Stout)

CIVIL SUBPOENA
For Personal Appearance at Trial or Hearing

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of witness, if known)*:
Kamala D. Harris, Attorney General of California, or her Designated Representative, 300 So. Spring Street, Suite 1702, Los Angeles, CA 90013

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make an agreement with the person named in item 2:**

a. Date: April 28, 2014 Time: 9:00 a.m. ☒ Dept.: 1 ☐ Div.: ☐ Room:
b. Address:
Inyo County Superior Court, Dept. 1, 168 No. Edwards Street, Independence, CA - Judge Dean T. Stout

2. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
   a. Name of subpoenaing party or attorney: Ira Bibbero
   b. Telephone number: (310) 274-7100

3. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.

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: April 25, 2014

IRA BIBBERO
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorneys for Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust
(TITLE)

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the date on which you are to appear. Contact the clerk's office or go to *www.courtinfo.ca.gov/forms* for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code, § 54.8.)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

PROOF OF SERVICE OF CIVIL SUBPOENA FOR PERSONAL APPEARANCE AT TRIAL OR HEARING

1. I served this *Civil Subpoena for Personal Appearance at Trial or Hearing* by personally delivering a copy to the person served as follows:

   a. Person served *(name)*:

   b. Address where served:

   c. Date of delivery:

   d. Time of delivery:

   e. Witness fees *(check one)*:
      (1) ☐ were offered or demanded and paid. Amount:..... $ _____
      (2) ☐ were not demanded or paid.

   f. Fee for service: .....$ _____

2. I received this subpoena for service on *(date)*:

3. Person serving:
   a. ☐ Not a registered California process server.
   b. ☐ California sheriff or marshal.
   c. ☐ Registered California process server.
   d. ☐ Employee or independent contractor of a registered California process server.
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
   f. ☐ Registered professional photocopier.
   g. ☐ Exempt from registration under Business and Professions Code section 22451.
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

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ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:
BROWNE GEORGE ROSS LLP
Eric M. George (SBN 166403); Ira Bibbero (SBN 217518)
2121 Avenue of the Stars, Suite 2400
Los Angeles, CA 90067

TELEPHONE NO.: (310) 274-7100 FAX NO.: (310) 275-5697
ATTORNEY FOR *(Name)*: Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust

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NAME OF COURT: INYO COUNTY SUPERIOR COURT
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CIVIL SUBPOENA
For Personal Appearance at Trial or Hearing

CASE NUMBER:
SICVPB 12-53232
(Hon. Dean T. Stout)

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of witness, if known)*:
Tania M. Ibanez, Senior Assistant Attorney General of California, 300 So. Spring Street, Suite 1702, Los Angeles, CA 90013

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make an agreement with the person named in item 2:**

a. Date: April 28, 2014 Time: 9:00 a.m. ☒ Dept.: 1 ☐ Div.: ☐ Room:
b. Address:
Inyo County Superior Court, Dept. 1, 168 No. Edwards Street, Independence, CA - Judge Dean T. Stout

2. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
a. Name of subpoenaing party or attorney:
Ira Bibbero
b. Telephone number:
(310) 274-7100

3. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.

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: April 25, 2014

IRA BIBBERO
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorneys for Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust
(TITLE)

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the date on which you are to appear. Contact the clerk's office or go to *www.courtinfo.ca.gov/forms* for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code, § 54.8.)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

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   c. Date of delivery:

   d. Time of delivery:

   e. Witness fees *(check one)*:
      (1) ☐ were offered or demanded and paid. Amount:..... $ _____
      (2) ☐ were not demanded or paid.

   f. Fee for service: ..... $ _____

2. I received this subpoena for service on *(date)*:

3. Person serving:
   a. ☐ Not a registered California process server.
   b. ☐ California sheriff or marshal.
   c. ☐ Registered California process server.
   d. ☐ Employee or independent contractor of a registered California process server.
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
   f. ☐ Registered professional photocopier.
   g. ☐ Exempt from registration under Business and Professions Code section 22451.
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

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EXHIBIT C

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ATTORNEY GENERAL OF
STATE CALIFORNIA
300 S SPRING ST STE 1S
LOS ANGELES, CA 900131230
UNITED STATES US

SHIP DATE: 02MAY14
ACTWGT: 0.2 LB
CAD: /POS1501
DIMS: 0x0x0 IN
BILL SENDER

TO IRRA BIBBERO / ERIC M. GEORGE
BROWN GEORGE ROSS
2121 AVENUE OF THE STARS
STE 2400
LOS ANGELES CA 90067
(000) 000-0000
INV:
PO:
REF:
DEPT:

FedEx Express

TRK# 0215 8040 9495 2849

MON - 05 MAY 10:30A
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FedEx Express Package US Airbill

FedEx Tracking Number 8040 9495 2849

1 From
Date 5-2-14
Sender's Name [redacted] Phone
Company
Address Dept./Floor/Suite/
City State ZIP

2 Your Internal Billing Reference [redacted]

3 To
Recipient's Name Phone

Ira Bibbero
Eric M. George
BROWN GEORGE ROSS, LLP
2121 Avenue of the Stars, Suite 2400
Los Angeles, CA 90067

6 Special Handling

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?
One box must be checked.
No
Yes As per attached Shipper's Declaration.
Yes Shipper's Declaration not required.
Dry Ice Dry Ice, 9, UN 1845 ____ x ____ kg
Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.
Cargo Aircraft Only

7 Payment Bill to:
Enter FedEx Acct. No. or Credit Card No. below.
Obtain recip Acct. No.
Sender Acct. No. in Section 1 will be billed
Recipient
Third Party
Credit Card
Cash/Check

EXHIBIT D

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Attorneys for Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF INYO, MAIN COURTHOUSE

In re the Matter of the

L.L. NUNN TRUST for the benefit of DEEP SPRINGS COLLEGE under Deed of Trust dated November 5, 1923

Case No. SICVPB 12-53232
Assigned for All Purposes to:
Hon. Dean T. Stout

NOTICE TO APPEAR AT TRIAL

Judge: Hon. Dean T. Stout
Date: May 13, 2014
Time: 9:00 a.m.
Dept.: 1

Date Action Filed: February 6, 2012
Trial Date: April 28, 2014

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure section 1987, subdivision (b), respondents/objectors Kinch Hoekstra and Edward Keonjian require that the Attorney General of the State of California, or her designated representative with knowledge of the above-titled action and all acts taken by the Office of the Attorney General in connection therewith, appear at the trial of this matter on May 13, 2014 at 9:00 a.m. at the Inyo County Superior Court, Dept. 1 located in the Main Courthouse, 168 N. Edwards Street, Independence, CA, Judge Dean T. Stout presiding, and remain available until the conclusion of said trial.

DATED: May 7, 2014

BROWNE GEORGE ROSS LLP
Eric M. George
Ira Bibbero

ORRICK, HERRINGTON & SUTCLIFFE LLP
Joseph C. Liburt

HEATHER M. HOEKSTRA

By _____
Ira Bibbero
Attorneys for Kinch Hoekstra, Edward Keonjian, Trustees of the L.L. Nunn Trust

EXHIBIT E

Ira Bibbero

From:	Ira Bibbero
Sent:	Tuesday, May 06, 2014 10:36 AM
To:	'Chris Campbell (CCampbell@bakermanock.com)'; 'Dirk Paloutzian (DPaloutzian@bakermanock.com)'; 'Michaelson, Jon (Jon.Michaelson@klgates.com)'; 'Peter E. Tracy (inyomono@stanfordalumni.org)'; 'Tania Ibanez (Tania.Ibanez@doj.ca.gov)'
Cc:	Eric M. George; Claudia Bonilla; 'heather.miya@gmail.com'; 'Liburt, Joseph C. (jliburt@orrick.com)'
Subject:	RE: In re Matter of L.L. Nunn Trust, Inyo County Superior Court Case No. SICVPB 12-53232 - Ex Parte Notice

Counsel,

Please note that the below notice is incorrect only insofar as it states that the *ex parte* application will be heard in Independence. If you wish to appear in person, please do so in Department 4 in Bishop. The Court's website indicates that Department 4 is located at 301 West Line Street, Bishop, CA 93514. Please let me know if you intend to appear in person, as the Court asked to be advised beforehand if any party intends to appear in person for the *ex parte* hearing.

The Court has advised us that telephonic appearances should be arranged via CourtCall.

Thank you.

From: Ira Bibbero
Sent: Tuesday, May 06, 2014 10:09 AM
To: Chris Campbell (CCampbell@bakermanock.com); Dirk Paloutzian (DPaloutzian@bakermanock.com); Michaelson, Jon (Jon.Michaelson@klgates.com); Peter E. Tracy (inyomono@stanfordalumni.org); Tania Ibanez (Tania.Ibanez@doj.ca.gov)
Cc: Eric M. George; Claudia Bonilla; heather.miya@gmail.com; Liburt, Joseph C. (jliburt@orrick.com)
Subject: In re Matter of L.L. Nunn Trust, Inyo County Superior Court Case No. SICVPB 12-53232 - Ex Parte Notice

Counsel,

Please be advised that on May 8, 2014, at 9:00 a.m. or as soon thereafter as the Court will hear the matter, objectors/respondents in the above-titled case will apply *ex parte* for leave of the Court to give the Attorney General or her designated representative fewer than 10 days' notice to appear at trial in the above-titled action on May 13, 2014 at 9:00 a.m. This relief is necessary because the final day of evidentiary proceedings in this case is set for May 13, 2014 but objectors/respondents did not receive service of the Attorney General's answer to the petition until May 5, 2014, leaving insufficient time to give notice to appear on regular notice.

The Court has advised us that parties may appear telephonically at the hearing on the *ex parte* application; in the alternative, the parties may appear in person in Department 1 of the Inyo County Superior Court, located at 168 N. Edwards Street, Independence, CA.

The Court has requested that we provide the Court with a list of all counsel who will be appearing, along with their telephone numbers. Please advise me as to whether you intend to appear and as to whether you intend to oppose the relief sought. If you intend to appear, please let me know which telephone number to provide to the Court.

Thank you.

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