

## **EXHIBIT 5**

## Sarah Foley

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**From:** Jeffrey Dunn  
**Sent:** Thursday, January 30, 2014 11:05 AM  
**To:** 'wmiliband'; Fife, Michael  
**Cc:** Mike McLachlan; rgkuhs@kuhsparkerlaw.com; lmcclhaney@bmblawoffic.com; Wellen, Warren; Herrema, Brad; Wendy Wang; Kerry Keefe  
**Subject:** RE: AV Adjudication Proceedings - USGS MODFLOW files

Michael and Wes,

I will ask my office to make copies and overnight mail to you.

Jeff.

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**From:** Wesley A. Miliband [mailto:wmiliband@awattorneys.com]  
**Sent:** Wednesday, January 29, 2014 6:54 PM  
**To:** Fife, Michael; Jeffrey Dunn  
**Cc:** Mike McLachlan; rgkuhs@kuhsparkerlaw.com; lmcclhaney@bmblawoffic.com; Wellen, Warren; Herrema, Brad  
**Subject:** RE: AV Adjudication Proceedings - USGS MODFLOW files

Jeff, I too request the modeling information. Thanks.

Wes

----- Original message -----

From: "Fife, Michael" <[MFife@bhfs.com](mailto:MFife@bhfs.com)>  
Date: 01/29/2014 5:22 PM (GMT-08:00)  
To: Jeffrey Dunn <[jeffrey.dunn@BBKLAW.COM](mailto:jeffrey.dunn@BBKLAW.COM)>  
Cc: Mike McLachlan <[mike@mclachlanlaw.com](mailto:mike@mclachlanlaw.com)>, "Robert Kuhs ([rgkuhs@kuhsparkerlaw.com](mailto:rgkuhs@kuhsparkerlaw.com))" <[rgkuhs@kuhsparkerlaw.com](mailto:rgkuhs@kuhsparkerlaw.com)>, "Wes Miliband ([wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com))" <[wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com)>, lmcclhaney@bmblawoffic.com, "Wellen, Warren" <[Wwellen@counsel.lacounty.gov](mailto:Wwellen@counsel.lacounty.gov)>, "Herrema, Brad" <[BHerrema@bhfs.com](mailto:BHerrema@bhfs.com)>, "Fife, Michael" <[MFife@bhfs.com](mailto:MFife@bhfs.com)>  
Subject: RE: AV Adjudication Proceedings - USGS MODFLOW files

Jeff,

I have just read a copy of your opposition. I never received a response to my inquiry below. As your opposition does not mention any limitations on providing the modeling data, please consider this a formal request for the modeling information.

Thanks.

Michael

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**From:** Fife, Michael  
**Sent:** Wednesday, January 22, 2014 7:35 PM  
**To:** Jeffrey Dunn  
**Cc:** Mike McLachlan; Robert Kuhs ([rgkuhs@kuhsparkerlaw.com](mailto:rgkuhs@kuhsparkerlaw.com)); Wes Miliband ([wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com)) ([wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com)); [lmcelhaney@bmblawoffic.com](mailto:lmcelhaney@bmblawoffic.com); Wellen, Warren; Herrema, Brad  
**Subject:** Re: AV Adjudication Proceedings - USGS MODFLOW files

Could you provide a copy of the agreement regarding modification of the model?

On Jan 22, 2014, at 5:01 PM, "Jeffrey Dunn" <[jeffrey.dunn@BBKLAW.COM](mailto:jeffrey.dunn@BBKLAW.COM)> wrote:

Sure. Anytime between 11 am and noon.

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**From:** Mike McLachlan [<mailto:mike@mclachlanlaw.com>]  
**Sent:** Wednesday, January 22, 2014 4:59 PM  
**To:** Jeffrey Dunn; Robert Kuhs ([rgkuhs@kuhsparkerlaw.com](mailto:rgkuhs@kuhsparkerlaw.com)); Michael T Fife ([mfife@bhfs.com](mailto:mfife@bhfs.com)) ([mfife@bhfs.com](mailto:mfife@bhfs.com)); Wes Miliband ([wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com)) ([wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com)); [lmcelhaney@bmblawoffic.com](mailto:lmcelhaney@bmblawoffic.com)  
**Cc:** Wellen, Warren  
**Subject:** RE: AV Adjudication Proceedings - USGS MODFLOW files

Jeff, are you available tomorrow for a short call to clarify a few issues?

## **Mike McLachlan**

Law Offices of Michael D. McLachlan, APC

10490 Santa Monica Boulevard

Los Angeles, CA 90025

Office: 310-954-8270

Fax: 310-954-8271

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**From:** Jeffrey Dunn [<mailto:jeffrey.dunn@BBKLAW.COM>]

**Sent:** Wednesday, January 22, 2014 3:58 PM

**To:** Robert Kuhs ([rgkuhs@kuhsparkerlaw.com](mailto:rgkuhs@kuhsparkerlaw.com)); Mike McLachlan; Michael T Fife ([mfife@bhfs.com](mailto:mfife@bhfs.com)) ([mfife@bhfs.com](mailto:mfife@bhfs.com)); Wes Miliband ([wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com)) ([wmiliband@awattorneys.com](mailto:wmiliband@awattorneys.com)); [lmcelhaney@bmblawoffic.com](mailto:lmcelhaney@bmblawoffic.com)

**Cc:** Wellen, Warren

**Subject:** AV Adjudication Proceedings - USGS MODFLOW files

Counsel,

As we discussed during the deposition last Thursday, District No. 40 has been working on making computer USGS MODFLOW files available.

You can contact me via email to make arrangements to obtain a copy of all of the USGS Modflow model files inputted by Dr. Williams. You will need to make an agreement that the produced files cannot be modified, changed or altered.

Jeff.

Jeffrey V. Dunn, Esq.

Best Best & Krieger LLP

18101 Von Karman Avenue, Suite 1000 | Irvine, CA 92612

Direct: (949) 263-2616 | Cell: (714) 926-5491 | [jeffrey.dunn@bbklaw.com](mailto:jeffrey.dunn@bbklaw.com)

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