

EXHIBIT GG

From: Fife, Michael [mailto:MFife@bhfs.com]
Sent: Thursday, December 18, 2014 5:31 PM
To: 'Dubois, James (ENRD)' <James.Dubois@usdoj.gov>; Robert G. Kuhs <rgkuhs@kuhsparkerlaw.com>
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Subject: RE: Stipulation for Entry of Judgment

I agree with Jim. Any emphasis on Phase IV discovery creates an expectation that Phase IV information is what is relevant. While it was partially relevant for the Exhibit 4 negotiations, there was a lot of information available to everyone about everyone that we developed through the Robie proctoscope process and elsewhere. Even then, actual pumping numbers were only one part of the equation, to the extent that "equation" is even a relevant word -- personally I think "fist fight" would be a better description. And to my mind this is the problem with Tapia and Blum and anyone else that comes along -- we cannot just say "treat them like everyone else" (even if anyone was inclined to say that), because there is no one way that everyone was treated. It was a negotiation that resulted in numbers on a spreadsheet. And one of the factors that must be considered for Tapia is that whatever they are doing, they never thought their water usage was sufficiently important to themselves to be worth trying to protect.

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From: Dubois, James (ENRD) [mailto:James.Dubois@usdoj.gov]
Sent: Thursday, December 18, 2014 4:53 PM
To: Robert G. Kuhs