May 18, 2016

Via Electronic Service

ALL COUNSEL

Re: Cilker Apartments, LLC v. Western National Construction, et al.
Our Matter No. 18079

Dear Counsel:

In follow up to the deposition of Lewis H. Lambert, Jr. which occurred on May 16, 2016, below is a breakdown of the expert fees owed by each party in attendance at the deposition.

3 hours x $300/hour = $900.00

$900.00/11 parties = $81.82 per party

There were 11 parties in attendance at the deposition and each party's share of Mr. Lambert's fees is $81.82. A copy of the appearance pages from the court reporter is enclosed for reference.

Fees are to be paid directly to Environmental Diagnostic Consultants, LLC and a copy of the completed W-9 form is enclosed for your convenience.

Thank you for your attention to the above.

Very truly yours,

Sent in Writer's Absence to Avoid Delay

JON B. ZIMMERMAN

JBZ:jkt

Encl.

1069008
DEPOSITION OF LEWIS H. LAMBERT, JR.

BE IT REMEMBERED, that pursuant to Notice, and on the 16th day of May 2016, commencing at the hour of 9:42 p.m., in the offices of Aiken Welch Court Reporters, 111 N. Market Street, Suite 300, San Jose, California, before me, KIMBERLEY RICHARDSON, a Certified Shorthand Reporter, personally appeared LEWIS H. LAMBERT, JR., produced as a witness in said action, and being by me first duly sworn, was thereupon examined as a witness in said cause.

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## Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

For federal tax purposes you are considered a person if you are:
- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States, or
- Any estate (other than a foreign estate) or trust.

### Nonresident alien who becomes a resident alien

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

For federal tax purposes you are a person if you are:
- A partnership, corporation, company, or association created or organized in the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

### Foreign person

If you are a foreign person, do not use Form W-9. Instead use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

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**Part I: Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 3.

### Note:
If the account is in more than one name, see the chart on page 3 for guidelines on whose number to enter.

**Sign Here**

**Signature of U.S. person**

**Date**

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**Part II: Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest and dividends on your tax return, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

**Certification Instructions.** You must cross out item 2 above if you have not been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply.

For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 3.)

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**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

**U.S. person.** Use form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

**Note:** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester’s form if it is substantially similar to this Form W-9.

For federal tax purposes you are considered a person if you are:
- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).