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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CH2E NEVADA LLC, a Nevada limited liability company,	)	Case No. 2:15-cv-00694-JCM-NJK
	)	
Plaintiff,	)	<b>MOTION FOR STATUS</b>
	)	<b>CONFERENCE</b>
v.	)	
	)	
LATIF MAHJOOB, an individual; AMERICAN COMBUSTION TECHNOLOGIES OF CALIFORNIA, INC., a California corporation; DOES 1-X; and ROE COMPANIES XI-XX, inclusive,	)	
	)	
Defendants.	)	

Pursuant to LR 7-2 and 16-1, Plaintiff CH2E Nevada LLC (“CH2E”), by and through undersigned counsel, respectfully requests that the Court hold a status conference to address the following topics: (1) whether American Combustion Technologies of California, Inc. (“ACTI”)

1 must produce its expert for his deposition as it agreed to do; and (2) the Court's preferred method  
 2 for CH2E to address ACTI's threatened bankruptcy and fraudulent conveyances to its new  
 3 company, ARTI—a company about which Latif Mahjoob actively misled CH2E at his  
 4 deposition.

#### 5 **STATEMENT OF CONFERRAL**

6 On October 31, 2017, CH2E's counsel conferred via email and through a voicemail with  
 7 ACTI's counsel to discuss this Motion. ACTI opposes a status conference prior to the time at  
 8 which ACTI files a petition for bankruptcy.

#### 9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 1. On July 17, 2017, CH2E filed its Motion for Partial Summary Judgment. Briefing  
 11 on that Motion closed on August 21, 2017.

12 2. July 28, 2017, ACTI's counsel sent an email to CH2E's counsel to schedule  
 13 expert depositions. Due to schedule constraints and the fact that other case deadlines would be  
 14 automatically stayed pending resolution of CH2E's Motion for Partial Summary Judgment,  
 15 ACTI's counsel offered to take the expert depositions after the August 10, 2017 deadline. *See*  
 16 Ex. A.

17 3. On July 31, 2017, CH2E's counsel offered the deposition dates of August 17 and  
 18 18, 2017, and suggested that the depositions of both experts be held in the same location to avoid  
 19 unnecessary travel costs. *See id.*

20 4. ACTI declined the offer to hold the depositions in a single location and the dates,  
 21 but it did not provide any new dates. On October 4, 2017—after multiple emails from CH2E's  
 22 counsel—ACTI's counsel offered the dates of November 2, 7 or 8 for the deposition of ACTI's  
 23 expert, which would be held in Maryland. *See id.*

24 5. On October 9, 2017, CH2E noticed the deposition for November 7, 2017 at 9:00  
 25 A.M. EST. *See* Ex. B. Because ACTI's expert is located in Maryland, CH2E noticed the  
 26 deposition at the Baltimore, Maryland office of Ballard Spahr.

27 6. On October 17, 2017, CH2E's counsel requested that ACTI confirm the location  
 28 and start time of the November 7, 2017 deposition. Two days later, on October 19, 2017,

1 ACTI's counsel sent an email to CH2E's counsel stating that he was out of the office on that day,  
2 but that he would call CH2E's counsel to discuss. *See id.*

3 7. On October 25, 2017, CH2E's counsel called ACTI's counsel to confirm the  
4 location and start time of the November 7 deposition. On that call, ACTI's counsel stated that  
5 ACTI would be filing for bankruptcy in the near future, but could not provide a date on which  
6 the filing would occur. *See id.*

7 8. CH2E believes that ACTI is filing this bankruptcy as a litigation tactic to avoid  
8 paying any judgment to CH2E. After the commencement of this litigation, ACTI's founder,  
9 Latif Mahjoob, started a new company called American Renewable Technologies Inc. ("ARTI").  
10 When asked about ARTI at his November 4, 2015 deposition, Dr. Mahjoob testified that ARTI  
11 was not a pyrolysis company like ACTI, but instead was a "gas to liquid fuel" company:

12 Q. Okay. What is American Renewable Energy [sic], Inc.?

13 A. It's a company I own.

14 Q. What does it do?

15 A. It customer [sic] gas to liquid fuel. We take natural gas and turn it into  
16 liquid fuel.

17 Q. It's not a pyrolysis unit – process?

18 A. No, not really.

19 Ex. C (Mahjoob Dep. Tr.) at 174:10-16.

20 9. However, publicly available information demonstrates that Dr. Mahjoob is now  
21 using ARTI to carry on the pyrolysis business of ACTI, the assets of which he is depleting in an  
22 attempt to avoid paying any judgment in this case. Indeed, ARTI is holding itself out as ACTI  
23 with respect to its experience as a pyrolysis company—including with respect to the pyrolysis  
24 equipment ACTI sold to ARTI. *See* Ex. D (ARTI Website, available at  
25 <http://www.americanrenewabletech.com>).

26 10. ACTI did not correct or supplement Dr. Mahjoob's sworn deposition testimony,  
27 nor did it file a supplemental disclosure pursuant to Federal Rule of Civil Procedure 26(e).

28 11. On October 27, 2017, CH2E's counsel sent ACTI's counsel an email stating that

1 CH2E intended to continue with the noticed November 7 deposition of ACTI's counsel so long  
2 as the bankruptcy had not been filed. *See* Ex. B.

3 12. Despite multiple attempts by CH2E to confirm that ACTI would in fact produce  
4 its expert for his noticed deposition, ACTI has never confirmed that its expert will appear at the  
5 noticed time and location. *See* Ex. B.

6 **ISSUES FOR STATUS CONFERENCE**

7 In light of the above facts, and in an attempt to avoid burdening the Court with  
8 unnecessary motion practice, CH2E believes it would be beneficial to hold a status conference  
9 on the following issues:

- 10 A. Whether ACTI must produce its expert witness for his deposition on  
11 November 7, 2017 at 9:00 AM EST at the Baltimore, Maryland offices of  
12 Ballard Spahr, LLP, or at another mutually agreed-upon date and time.
- 13 B. The Court's preference for how CH2E addresses ACTI's threatened  
14 bankruptcy and the fraudulent transfers to ARTI. CH2E is contemplating  
15 filing a motion for leave to amend the complaint in this action to add  
16 claims against ARTI and Dr. Mahjoob. However, CH2E understands that,  
depending on the Court's ruling on the Motion for Partial Summary  
Judgment, CH2E may be able to address the fraudulent transfers through  
judgment enforcement proceedings.

17 At the Court's preference, CH2E is willing to attend a status conference in person or  
18 telephonically.

1 DATED this 2nd day of November, 2017.

2 BALLARD SPAHR LLP

3 /s/ Abran E. Vigil

4 Gregory P. Szewczyk  
5 1225 17th Street, Suite 2300  
6 Denver, Colorado 80202-5596

7 Abran E. Vigil  
8 Nevada Bar No. 7548  
9 100 North City Parkway, Suite 1750  
10 Las Vegas, Nevada 89106-4617

11 Peter L. Haviland  
12 2029 Century Park East, Suite 800  
13 Los Angeles, CA 90067-2909

14 *Attorneys for Plaintiff CH2E Nevada, LLC*

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on the 2nd day of November 2017, and pursuant to Fed. R. Civ. P.  
17 5(b), a true and correct copy of the foregoing **MOTION FOR STATUS CONFERENCE** was  
18 electronically filed and served through the Court's CM/ECF system, which will send a notice of  
19 electronic filing to the following:

20 James K. Kawahito  
21 Alison Rose  
22 1990 South Bundy Drive  
23 Los Angeles, CA 9002

24 Hector Carbajal  
25 Adam D. Smith  
26 SMITH CARBAJAL  
27 2340 Paseo Del Prado  
28 Suite D203-04  
Las Vegas, Nevada 89101  
Telephone: (702) 929-2289  
Facsimile: (720) 960-4454  
Hector@SCVegas.com  
Adam@SCVegas.com

/s/ Mary Kay Carlton

Mary Kay Carlton

# **EXHIBIT A**

**Moses, Katsiaryna H. (Denver)**

---

**From:** James Kawahito <jkawahito@kawahitolaw.com>  
**Sent:** Monday, October 02, 2017 10:28 AM  
**To:** Szewczyk, Gregory (Denver)  
**Subject:** RE: Expert Depos

How about November 2, 7 or 8?

---

**From:** Szewczyk, Gregory [mailto:SzewczykG@ballardspahr.com]  
**Sent:** Wednesday, September 27, 2017 9:20 AM  
**To:** James Kawahito <jkawahito@kawahitolaw.com>  
**Subject:** RE: Expert Depos

Jim,

Just following up on the below.

Greg

---

**From:** James Kawahito [mailto:jkawahito@kawahitolaw.com]  
**Sent:** Thursday, September 14, 2017 12:01 PM  
**To:** Szewczyk, Gregory (Denver)  
**Subject:** RE: Expert Depos

Greg, I am out of the office through the weekend, but will try to get those to you early next week.

Thanks.

---

**From:** Szewczyk, Gregory [mailto:SzewczykG@ballardspahr.com]  
**Sent:** Tuesday, September 12, 2017 4:32 PM  
**To:** James Kawahito <jkawahito@kawahitolaw.com>  
**Subject:** RE: Expert Depos

Thanks Jim. Please provide some dates over the next few weeks for Dr. Gupta's deposition, which I assume will be in Maryland. I will do the same for Dr. Lautenberger's deposition in the Bay area.

---

**From:** James Kawahito [mailto:jkawahito@kawahitolaw.com]  
**Sent:** Tuesday, September 12, 2017 3:32 PM  
**To:** Szewczyk, Gregory (Denver)  
**Subject:** Re: Expert Depos

Greg, I am in a mediation today, but my client is not agreeable to doing the depositions in Denver.

Thanks.

---

**From:** Szewczyk, Gregory <[SzewczykG@ballardspahr.com](mailto:SzewczykG@ballardspahr.com)>  
**Sent:** Monday, September 11, 2017 1:54 PM  
**To:** James Kawahito  
**Subject:** RE: Expert Depos

Jim,

I don't believe we ever received any response from you on the below.

---

**From:** James Kawahito [<mailto:jkawahito@kawahitolaw.com>]  
**Sent:** Monday, July 31, 2017 9:34 AM  
**To:** Szewczyk, Gregory (Denver)  
**Cc:** Sebastian Burnside  
**Subject:** RE: Expert Depos

Let me check with the client and I will get back to you regarding your suggestion. However, in either case, I have a another commitment on the 18<sup>th</sup>, so that will not work.

---

**From:** Szewczyk, Gregory [<mailto:SzewczykG@ballardspahr.com>]  
**Sent:** Monday, July 31, 2017 8:00 AM  
**To:** James Kawahito <[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)>  
**Cc:** Sebastian Burnside <[sburnside@kawahitolaw.com](mailto:sburnside@kawahitolaw.com)>  
**Subject:** RE: Expert Depos

Since your expert is in Maryland and ours is in San Francisco, would your client want to hold these in one location on back to back days? We could host in Denver since it is geographically central, but I'm also open to other locations.

Our expert teaches on Mondays and Wednesdays, so Thursday/Friday dates would work better. He is available August 17 and 18 if that works on your end.

---

**From:** James Kawahito [<mailto:jkawahito@kawahitolaw.com>]  
**Sent:** Friday, July 28, 2017 3:13 PM  
**To:** Szewczyk, Gregory (Denver)  
**Cc:** Sebastian Burnside  
**Subject:** RE: Expert Depos

Ok. Thanks.

---

**From:** Szewczyk, Gregory [<mailto:SzewczykG@ballardspahr.com>]  
**Sent:** Friday, July 28, 2017 2:08 PM  
**To:** James Kawahito <[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)>  
**Cc:** Sebastian Burnside <[sburnside@kawahitolaw.com](mailto:sburnside@kawahitolaw.com)>  
**Subject:** RE: Expert Depos

We will want to depose ACTI's rebuttal expert as well. I'll get back to you with dates as soon as possible.



**From:** James Kawahito [<mailto:jkawahito@kawahitolaw.com>]  
**Sent:** Friday, July 28, 2017 3:01 PM  
**To:** Szewczyk, Gregory (Denver)  
**Cc:** Sebastian Burnside  
**Subject:** Expert Depos

Greg, ACTI would like to depose CH2E's expert. I am not sure if you would like to depose ACTI's rebuttal expert as well.

Please let me know what dates he is available. I am open to extending the deadlines to conduct the depositions as I know coordinating schedules can be difficult.

Please let me know.

Thanks.

James Kawahito  
Kawahito Law Group APC  
222 N. Sepulveda Blvd. Suite 2222  
El Segundo, CA 90245  
Main: (310) 746-5300  
Direct: (310) 746-5302  
Fax: (310) 593-2520  
[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)  
[www.kawahitolaw.com](http://www.kawahitolaw.com)

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 Please consider the environment before printing this e-mail.

# **EXHIBIT B**

**Moses, Katsiaryna H. (Denver)**

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**From:** Szewczyk, Gregory (Denver)  
**Sent:** Wednesday, November 01, 2017 2:07 PM  
**To:** 'James Kawahito'  
**Subject:** RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Thanks Jim, but this still does not answer the straightforward question: In the absence of a bankruptcy filing, will ACTI produce Dr. Gupta on November 7 at 9:00 AM EST at the Baltimore, Maryland office of Ballard Spahr?

**Gregory P. Szewczyk**

**Ballard Spahr**  
LLP

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---

**From:** James Kawahito [mailto:[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)]  
**Sent:** Wednesday, November 01, 2017 2:05 PM  
**To:** Szewczyk, Gregory (Denver)  
**Subject:** RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Greg, to the extent the bankruptcy petition is filed before November 7, 2017, it is my understanding that the case would be subject to the automatic stay provisions of Section 362 of the Bankruptcy Code. As to the status conference, I do not think one is necessary or warranted prior to the filing of the bankruptcy petition.

Thank you.

Jim

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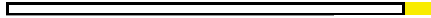
**From:** Szewczyk, Gregory [mailto:[SzewczykG@ballardspahr.com](mailto:SzewczykG@ballardspahr.com)]  
**Sent:** Tuesday, October 31, 2017 3:57 PM  
**To:** James Kawahito <[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)>  
**Subject:** RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Thanks Jim. I am not clear from your email whether or not ACTI will produce Dr. Gupta on November 7. Can you please state whether or not he will appear at Ballard's Baltimore office at 9:00 AM EST on November 7?

As for our motion, we are not requesting anything ex parte. We are simply requesting a status conference with all parties and the Court to discuss the two issues I outline below. With respect to the former, a clear answer to my question above will determine whether or not this issue needs to be addressed with the Court. With respect to the latter, as I explained in my voicemail, CH2E is contemplating moving for leave to amend the complaint in this action to include claims against ARTI and Dr. Mahjoob for fraudulent transfer, but we understand there may be other avenues for

relief depending on the Court's preference. However, those issues are not the subject of this conferral. The sole subject of CH2E's motion—and therefore the sole subject of this conferral—is a request for a status conference, in which you would participate. I understand your email to mean that ACTI opposes any status conference prior to the time that ACTI files a bankruptcy petition. If I am misreading your email and you consent to CH2E's motion for a status conference, please let me know.

**Gregory P. Szewczyk**



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szewczyk@ballardspahr.com  
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**From:** James Kawahito [<mailto:jkawahito@kawahitolaw.com>]

**Sent:** Tuesday, October 31, 2017 4:43 PM

**To:** Szewczyk, Gregory (Denver)

**Subject:** Re: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Greg, I am out of the office today and most of tomorrow, but I am happy to have a call on Thursday to discuss.

I don't know my client's position on your issues because I have not seen your motion. Are you intending to make an ex parte application with the Court?

As stated to you during our call (as a courtesy so that your client would not incur unnecessary travel expenses) ACTI has engaged bankruptcy counsel and intends to file shortly. Given the foregoing, I suggested that we continue Dr. Gupta's deposition. Your client refused to do so.

I see no exigent circumstances why these issues need to be raised to the court prior to the bankruptcy petition. In fact, if you want to ask the Court for a status conference, I would recommend doing so after the petition is filed.

Let me know if you would like to schedule a call on Thursday.

Thank you.

On Oct 31, 2017, at 3:13 PM, Szewczyk, Gregory <[SzewczykG@ballardspahr.com](mailto:SzewczykG@ballardspahr.com)> wrote:

Jim,

To confirm what I said in my voicemail, CH2E is planning to file a motion for a status

conference on the following issues: (1) whether ACTI must produce Dr. Gupta for his deposition on November 7; and (2) whether the Court has any preference on how CH2E addresses ACTI's threatened bankruptcy.

In light of the time considerations, we plan to file tomorrow. If you can please let me know ACTI's position on the motion for a status conference, I will make the appropriate note in the motion. Otherwise, we will file it as opposed. Also, if ACTI is going to produce Dr. Gupta on November 7, please let me know so we can remove that issue from the motion and finalize travel arrangements.

Thanks,  
Greg

Gregory P. Szewczyk

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[szewczykg@ballardspahr.com](mailto:szewczykg@ballardspahr.com)

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-----Original Message-----

From: Szewczyk, Gregory (Denver)

Sent: Tuesday, October 31, 2017 1:27 PM

To: 'James Kawahito'

Subject: RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Jim,

Do you have time for a quick call on the below?

Greg

Gregory P. Szewczyk

Ballard Spahr LLP

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Denver, CO 80202-5596  
303.299.7382 DIRECT  
303.296.3956 FAX

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-----

[www.ballardspahr.com](http://www.ballardspahr.com)

-----Original Message-----

From: Szewczyk, Gregory (Denver)

Sent: Friday, October 27, 2017 2:20 PM

To: 'James Kawahito'

Subject: RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Jim,

At this point, my client would like to keep the November 7 deposition as previously agreed. If ACTI files bankruptcy before that date, we can obviously modify as necessary. Can you please confirm that Dr. Gupta will appear at Ballard's Baltimore office and return the waivers?

If you'd like to discuss, let me know.

Greg

Gregory P. Szewczyk

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-----  
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-----Original Message-----

From: James Kawahito [<mailto:jkawahito@kawahitolaw.com>]

Sent: Wednesday, October 25, 2017 10:46 AM

To: Szewczyk, Gregory (Denver)

Subject: RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Yes. I could do between 10 and 11:30 am or at 2:30 PST.

-----Original Message-----

From: Szewczyk, Gregory [<mailto:SzewczykG@ballardspahr.com>]

Sent: Wednesday, October 25, 2017 9:42 AM

To: James Kawahito <[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)>

Subject: RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Jim,

Are you around to talk today?

Greg

Gregory P. Szewczyk

Ballard Spahr LLP

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-----  
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-----Original Message-----

From: James Kawahito [<mailto:jkawahito@kawahitolaw.com>]  
Sent: Thursday, October 19, 2017 11:12 AM  
To: Szewczyk, Gregory (Denver)  
Subject: RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Ok. Let's chat on Monday.

-----Original Message-----

From: Szewczyk, Gregory [<mailto:SzewczykG@ballardspahr.com>]  
Sent: Thursday, October 19, 2017 10:10 AM  
To: James Kawahito <[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)>  
Subject: Re: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Thanks Jim. I'm traveling today and tomorrow, but should be generally around on Monday.

Sent from my iPhone

On Oct 19, 2017, at 10:15 AM, James Kawahito  
<[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)<<mailto:jkawahito@kawahitolaw.com>>> wrote:

Greg, I am out of the office today, but will give you a call re the below and general case matters.

Thank you.

From: Szewczyk, Gregory [<mailto:SzewczykG@ballardspahr.com>]  
Sent: Tuesday, October 17, 2017 10:18 AM  
To: James Kawahito <[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)<<mailto:jkawahito@kawahitolaw.com>>>  
Subject: RE: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Jim,

Following up on the below.

Greg

Gregory P. Szewczyk

<image001.jpg><<http://www.ballardspahr.com/>>

<image002.jpg>

1225 17th Street, Suite 2300

Denver, CO 80202-

5596<<http://maps.apple.com/?address=1225%2017th%20Street,Suite%202300,Denver,CO,80202-5596>>

303.299.7382<<tel:303.299.7382>> direct

303.296.3956<<tel:303.296.3956>> fax

<<http://maps.apple.com/?address=,...>>

[szewczyk@ballardspahr.com](mailto:szewczyk@ballardspahr.com)<<mailto:szewczyk@ballardspahr.com>>

vcard<<https://vcard.ballardspahr.com/Api/Signature/?vkey=E2A23AF417A2344FE3A23E652924091F&format=vcard>>

<image003.jpg>

[www.ballardspahr.com](http://www.ballardspahr.com)<<http://www.ballardspahr.com/>>

From: Moses, Katsiaryna H. (Denver)

Sent: Monday, October 09, 2017 4:32 PM

To: '[hjc@cmlawnv.com](mailto:hjc@cmlawnv.com)'<<mailto:hjc@cmlawnv.com>>;

[mcw@cmlawnv.com](mailto:mcw@cmlawnv.com)'<<mailto:mcw@cmlawnv.com>>;

[jkawahito@kawahitolaw.com](mailto:jkawahito@kawahitolaw.com)<<mailto:jkawahito@kawahitolaw.com>>

Cc: Szewczyk, Gregory (Denver)

Subject: CH2E Nevada, LLC vs. Latif Mahjoob, et al., Case No. 2:15-cv-00694-JCM-NJK, District of Nevada

Good afternoon,

I attach the following in the above-referenced matter:



1. Notice of Deposition of Expert Witness A. Gupta; 2. Waiver and Acceptance of Service - A. Gupta.

Thank you.

Katya H. Moses  
Legal Administrative Assistant

<image004.jpg><<http://www.ballardspahr.com/>>

<image005.jpg>

1225 17th Street, Suite 2300

Denver, CO 80202-

5596<<http://maps.apple.com/?address=1225%2017th%20Street,Suite%202300,Denver,CO,80202-5596>>

303.382.5109<<tel:303.382.5109>> direct

303.296.3956<<tel:303.296.3956>> fax

<<http://maps.apple.com/?address=,...>>

[mosesk@ballardspahr.com](mailto:mosesk@ballardspahr.com)<<mailto:mosesk@ballardspahr.com>>

vcard<<https://vcard.ballardspahr.com/Api/Signature/?vkey=2737A91408AFCC2526E348105892DD3A&format=vcard>>

<image006.jpg>

[www.ballardspahr.com](http://www.ballardspahr.com)<<http://www.ballardspahr.com/>>

# **EXHIBIT C**

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1 was it your understanding that any of those valves were  
2 the inappropriate valves for the system?  
3 **A If it was, we wouldn't have shipped it with it.**  
4 **Q But have you heard since then that any of them**  
5 **were inappropriate?**  
6 **A No.**  
7 **Q You know of no issue of the wrong valves being**  
8 **in the system?**  
9 **A Not at all.**  
10 **Q Okay. What is American Renewable Energy, Inc.?**  
11 **A It's a company I own.**  
12 **Q What does it do?**  
13 **A It customer gas to liquid fuel. We take**  
14 **natural gas and turn it into liquid fuel.**  
15 **Q It's not a pyrolysis unit -- process?**  
16 **A No, not really.**  
17 **Q Is that located -- where is that located?**  
18 **A At the same place.**  
19 **Q Same place?**  
20 **A Yes.**  
21 **Q So when you were talking about the number of**  
22 **employees you have, does -- were you including the people**  
23 **that work for -- or do work for American Renewable**  
24 **Energy?**  
25 **A Right now everybody works for American --**

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1 **American --**  
2 **Q ACTI?**  
3 **A ACTI. American Renewable Energy is a brand new**  
4 **company, and -- and it's for gas to liquid. And the**  
5 **reason we have it separated because it's not combustion,**  
6 **and the customer doesn't want combustion in there.**  
7 **Q Okay. So when you told me earlier how many**  
8 **employees you have, you were focusing on the ACTI**  
9 **process?**  
10 **A That's true.**  
11 **Q Okay. And then another name I've seen is Arian**  
12 **Energy & Combustion.**  
13 **Is that also related?**  
14 **A That was -- that was -- it was the original**  
15 **name, and we changed it because Arian didn't sound very**  
16 **good.**  
17 **Q That was the name back in, like, 1990 when you**  
18 **formed the new ACTI?**  
19 **A Yes.**  
20 **Q Okay. It didn't last long?**  
21 **A No. We changed it right away because people**  
22 **thought we were saying something else.**  
23 **Q But the -- the predecessor entity was called**  
24 **ACTI, right?**  
25 **A Yes.**

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1 **Q So let's see. You bought the predecessor**  
2 **entity, ACTI?**  
3 **A We actually established the ACTI, changed the**  
4 **Arian to ACTI.**  
5 **Q But there was -- there was a Minnesota outfit,**  
6 **right? Isn't that what you told me earlier?**  
7 **A No, it was in --**  
8 **MR. KAWAHITO: Wisconsin.**  
9 **THE WITNESS: Wisconsin.**  
10 **BY MR. THOMASCH:**  
11 **Q Minnesota, Wisconsin. It's all the same,**  
12 **right?**  
13 **All right. It was in Wisconsin, and it was**  
14 **called ACT?**  
15 **A Yeah, "ACTI," yeah.**  
16 **Q Yeah, okay. And that was this fellow -- what's**  
17 **his name, Siborz Veeny (phonetic)?**  
18 **A Right.**  
19 **Q And he sold that to you?**  
20 **A Yeah. I -- I purchased it from him.**  
21 **Q Okay. And when you purchased, you were going**  
22 **to name it Arian Energy or Arian Engineering?**  
23 **A No. It's the opposite. I had Arian, and then**  
24 **I purchased the -- the ACTI and basically --**  
25 **Q Just took that name?**

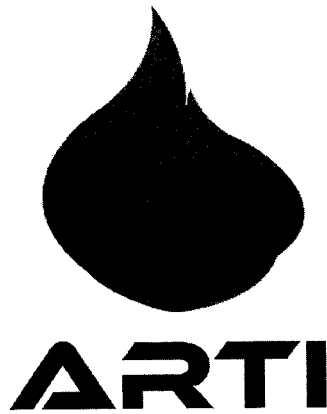
Page 177

1 **A Right. Took that name.**  
2 **Q Okay. Does ACTI prepare formal financial**  
3 **statements?**  
4 **A Yes.**  
5 **Q Do you -- are they certified?**  
6 **A Yes.**  
7 **Q Who are your accountants?**  
8 **A I have an accountant in Los Angeles.**  
9 **Q By the name of?**  
10 **A Aram -- Aram and something. I forgot his name.**  
11 **Q And he does certify your statements?**  
12 **A Yes.**  
13 **Q Every year?**  
14 **A Every year.**  
15 **Q And when that happens, does he certify for ACTI**  
16 **as separate from, let's say, American Renewable Energy?**  
17 **You got a ACTI set of financials?**  
18 **A Okay. So for the record, it's -- American**  
19 **Renewable Energy is not even active yet, so --**  
20 **Q Fair enough.**  
21 **A Yeah. So he -- he would do two different**  
22 **companies.**  
23 **Q Okay.**  
24 **A If you asked him to do.**  
25 **Q So there is a set of certified financials for**

# **EXHIBIT D**

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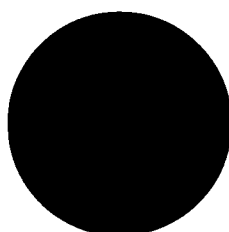
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*Pioneering the frontiers of waste-to-energy technology*

# TECHNOLOGY

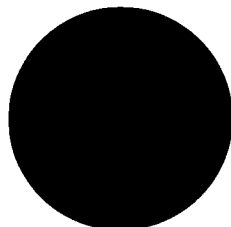
*American Renewable Technology (ARTI) designs and builds burners, pyrolysis, and gas-to-liquid components and integrated systems.*



## **Low Nox Burners**

Our proven Super Low Emission (SLE) burners achieve the lowest NOx emission levels (5 to 9 PPM) and CO emissions (20 to 50 PPM) in the world with the highest operating efficiency.

These very low emission levels are achieved while operating the burners at actual oxygen levels of 3.0% or lower maintaining the highest boiler efficiency performance in the world. Our burners meet all South Coast Air Quality Management (SCAQMD) requirements..



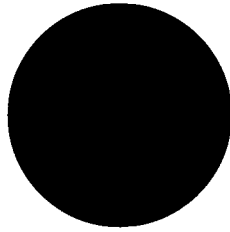
## **Pyrolysis**

ARTI manufactures a system utilizing pyrolysis which is capable of converting a variety of waste materials including municipal solid waste, post-consumer plastics, tires, bio-solids and virtually all other biomass and hydrocarbon based materials into highly valuable commodities including pyrolysis gas and carbon. This system is the culmination of years of research and development by testing the numerous feed stocks leading to commercialization of the process. Most importantly, the ARTI process has direct operating experience with municipal

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solid waste, tires, animal wastes and human waste among others. ARTI currently manufactures modular pyrolysis systems in the following sizes: 24, 36, 48, 54, 60, & 72 tons per day.



### **Gas-to-Liquid**

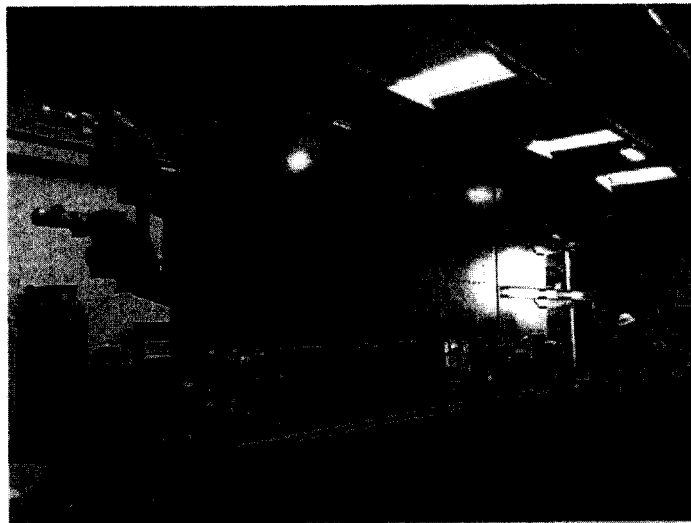
ARTI has developed its own patented gas-to-liquid system using a cobalt-based catalyst in its proprietary designed reactor. The ARTI gas-to-liquid technology works with various feedstocks, including natural gas and industrial off-gas, heavy crude oil, refinery byproducts, and coal and petroleum coke, among virtually all other carbon-bearing materials because of its ability to convert these product into gas via its patented Pyrolysis system. The ARTI patented gas-to-liquid technology primarily produces clean-burning middle distillates such as diesel and jet fuel and naphtha along with specialty products such as waxes, petrochemical feedstocks, fuel cell feedstocks and synthetic lubricant base stock. ARTI currently manufactures the following standard modular Gas-to-Liquid Systems: 100 barrels and 1000 barrels per day. Custom engineered systems are also available.

## **PRODUCTS**

*ARTI's Energy Conversion Processor (ECP) has been designed to convert energy from all organic, bio-degradable or hydrocarbon-based waste such as plastics, paper, rubber, medical, green, and or human and animal waste. All units are designed and built for efficient and continuous operation while producing high quality gaseous and liquid fuels. The efficiency of the units is entirely dependent on the purity and the energy content of the waste material.*

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## Pyrolysis Systems



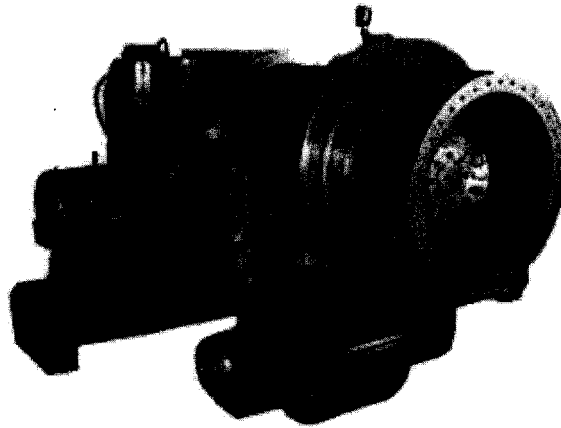
Gas to Liquid Systems



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## **Gas-to-Liquid Systems**



### **Burners**

# **SYSTEMS**

*ARTI has deployed 20 systems to 10 different countries across the globe*

**2015**

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## **Los Angeles, CA**

Process: Pyrolysis

Operation: New installation

Capacity: 24,000 tons/year

Feedstock: Sewage sludge



**2015**

## **Slovakia**

Operation: New installation

Capacity: 8,000 tons/year

Feedstock: Biomass



**2014**

## **Aruba**

Capacity: 26,200 tons/day

Feedstock: MSW



**2014**

## **Turkey**

Capacity: 12,600 tons/year

Feedstock: Chicken manure



**2013**

## **Hudson, CO**

Capacity: 52,000 tons/year

Feedstock: Tires



**2013**

## **Bistrita, Romania**

Capacity: 8,400 tons/year

Feedstock: MSW, tires

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**2012**

**Chino, CA**

Process: Pyrolysis

Capacity: 15,000 tons/year

Feedstock: Cow manure



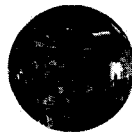
**2012**

**Chino, CA**

Process: Gas-to-Liquid

Capacity: 15,000 tons/year

Feedstock: Cow manure



**2012**

**Portland, PA**

Capacity: 8,000 tons/year

Feedstock: Plastic



**2012**

**Brisbane, Australia**

Capacity: 16,000 tons/year

Feedstock: Coal



**2009**

**Korea**

Capacity: 1,000 tons/year

Feedstock: Tires



**2008**

**Carson, CA**

Process: Pyrolysis

Capacity: 250 lbs/hour

Feedstock: Bio solid

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Yield: 30,000 gal/year diesel



**2008**

**Carson, CA**

Process: Gas-to-Liquid

Capacity: 250 lbs/hour

Feedstock: Bio solid

Yield: 30,000 gal/year diesel



**2008**

**Zheijang, China**

Capacity: 8,000 tons/year

Feedstock: Medical waste



**2007**

**Tacoma, WA**

Capacity: 500 lbs/hour

Feedstock: Tires

Yield: Tire oil and carbon

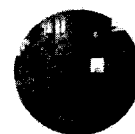


**2007**

**Tennessee**

Capacity: 1,000 tons/year

Feedstock: MSW



**2006**

**Milan, Italy**

Capacity: 1,000 tons/year

Feedstock: Waste plastic

**2004**

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### **Chino, CA**

Capacity: 1,500 tons/year

Feedstock: Cow manure



**1993**

### **Dalian, China**

Capacity: 73,000 tons/year

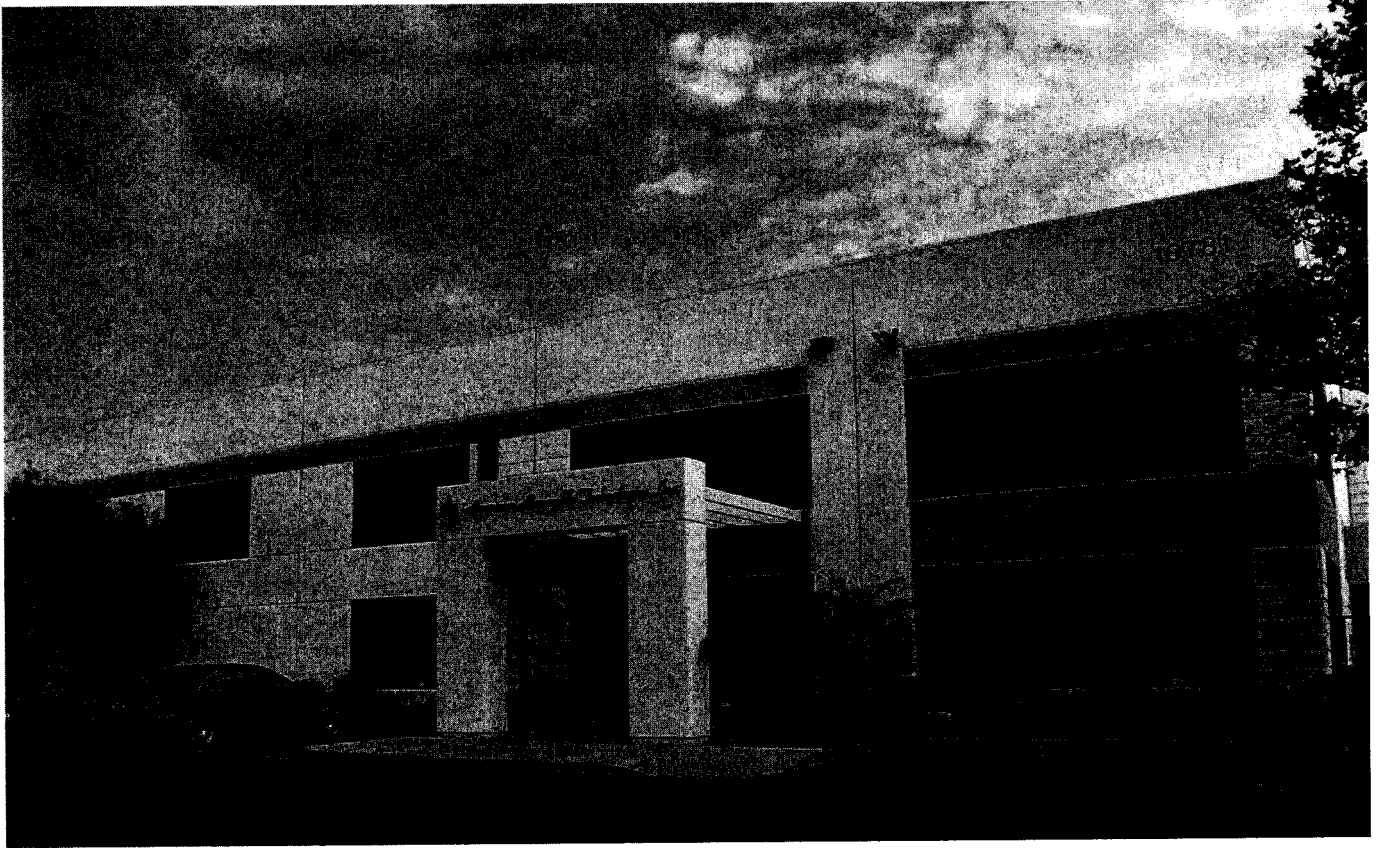
Feedstock: Tires

## **COMPANY**

*Our mission at American Renewable Technologies of California, Inc. (ARTI) is to provide the world with an environmentally and economically practical solution for wastemanagement and renewable energy production. We are constantly innovating with our customers and providing them worldwide with reliableand high quality solutions that meet their key challenges in waste management. The ACTI Energy Conversion Process is capable of converting waste into renewable energy through an environmentally friendly process. This system provides solutions for several environmental and economic problems facing the world today.*

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## INFORMATION

*Learn more about our work and our company by browsing the following certifications, analyses, testimonials, and presentations.*

### CERTIFICATIONS



Certificate of Conformation European Commission CE Mark

(<https://drive.google.com/open?id=0BxwZzmMi49RaSzJXX25LcGdIRGM>)

### PRODUCT INFORMATION


<http://www.americanrenewabletech.com/>


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 ARTI Burners (<https://drive.google.com/open?id=0BxwZzmMi49RaY2o3dnd5aHJkNU0>)


## TECHNICAL DOCUMENTS

 Confirmation of ARTI Tire Process (<https://drive.google.com/open?id=0BxwZzmMi49Raa2dlVVp6cGk1RDg>)


 Tech Review of ARTI (<https://drive.google.com/open?id=0BxwZzmMi49RaajZ0QVg4VnB1QkRCQkJMS2RTazFpbzRVVTRR>)

 1 Ton Unit Layout (<https://drive.google.com/open?id=0BxwZzmMi49RaQ3BKamJDU25idEk>)


## FEEDSTOCK INFORMATION

 MSW Composition by Country (<https://drive.google.com/open?id=0BxwZzmMi49RaY0VJejFXU2x6UFpVODNYSkVMWGFERkdtYmdv>)

 Representative BTU Values of Feedstocks (<https://drive.google.com/open?id=0BxwZzmMi49RaM09XUDJIR0VNTEJyMFVzazRDNEUzUTU2U0M0>)


 Proximate and Ultimate Analysis 100 (<https://drive.google.com/open?id=0BxwZzmMi49RaZWhsYVl0MnlhNC14TXpiNHlla0dYWmREbUtB>)

 Pyrolysis of Polyethylene (<https://drive.google.com/open?id=0BxwZzmMi49RabkotX1hneUhoMTA5ajEzZmNhVjBYdXlieXpF>)


 Ultimate Analysis of Biomass (<https://drive.google.com/open?id=0BxwZzmMi49RaU2d2Q2RQMXA5MjVWMFBLVUcwSTU1LW9hbGVR>)


## VIDEOS

 MSW Demo (<https://www.youtube.com/watch?v=GkKYOva8l1s>)


 MSW Demo (Spanish)  
(<https://drive.google.com/file/d/0BzbX6OnB6skKNkNMaENNUW80Uzg/view>)

 Aruba MSW (<https://drive.google.com/file/d/0BxwZzmMi49RaWDNqb01iN29jaFk/view>)

 Kore Infrastructure Biosolids to Fuel Movie (<https://drive.google.com/open?id=0BzbX6OnB6skKWU1OOWsyenhNZVk>)

 GTL January 19 - 23, 2016 (<https://www.youtube.com/watch?v=DphDHG8fY-k&feature=youtu.be>)

## SLIDESHOWS

 ARTI Deployed Systems (<https://drive.google.com/open?id=0BzbX6OnB6skKeE5NOGx1aTdLU28>)

 Aruba MSW (<https://drive.google.com/open?id=0BxwZzmMi49RaM3FkRXBnT2J2UVk>)

▶ Chicken Manure (<https://drive.google.com/open?id=0BzbX6OnB6skKa19wZ2gxY2FYQnc>)

# FAQ

*Frequently asked questions*

## WHAT IS PYROLYSIS?

Pyrolysis is a commercially proven manufacturing process that converts carbonaceous materials such as coal into a synthesis gas (Pyrogas). This gas can then be used as fuel (e.g. for power generation) or further processed into liquid fuels. Pyrolysis is a method for extracting energy from organic material and is an efficient technology that can produce high value products from low-value feedstock such as many waste products.

## WHAT IS PYROGAS?

ARTI Pyrogas is comprised of primarily hydrogen, methane, carbon dioxide, and carbon monoxide. Pyrogas can be combusted to produce electric power or used to produce a variety of other chemicals and fuels. The pyrogas produced by in-situ coal Pyrolysis produces a high-purity CO<sub>2</sub> byproduct, which is efficiently removed from the pyrogas.

## WHAT ARE THE DISTINCT ATTRIBUTES OF PYROLYSIS?

- A clean, flexible, and reliable way of turning waste into clean energy.



- Ability to convert low-value feedstock into high-value products.
- Provides a cost effective way to capture CO<sub>2</sub>.
- Provides economic benefits with respect to investment and job creation.
- Pyrolysis is enabling redefinition of "clean energy."

## **WHAT ARE THE BENEFITS OF PYROLYSIS?**

- Pyrolysis for electricity production provides environmental and cost benefits compared to traditional combustion technologies including:
- Pyrogas is cleaned before which reduces air pollutants to the atmosphere.
- Pyrolysis enables the use of low-value feedstocks to produce energy.
- CO<sub>2</sub> can be cost-effectively captured from the Pyrolysis process.

## **WHAT ARE THE ECONOMIC BENEFITS OF PYROLYSIS?**

- Pyrolysis can compete effectively in high-cost energy environments.
- Pyrolysis converts abundant low-value feedstocks into high-value products.

## **WHAT ARE THE ENVIRONMENTAL BENEFITS OF PYROLYSIS?**

- Pyrolysis-based systems offer significant environmental advantages over competing technologies, particularly waste-to-electricity combustion systems:
- Reduced air emissions: Significant air emission reductions achieved through Pyrolysis with CO<sub>2</sub> capture, at reduced cost compared to other post-combustion capture alternatives
- Ability to sequester carbon dioxide (CO<sub>2</sub>): In a Pyrolysis system, CO<sub>2</sub> can be cost-effectively captured and sequestered using commercially available technologies before it would otherwise be vented to the atmosphere.
- Ability to use Pyrolysis for clean power generation: Low- carbon content syngas can fuel combined cycle power generation, leading to air

emissions levels much lower than those of conventional coal-fired power or even natural gas-fired combined cycle generation.

## **WHAT MAKES PYROLYSIS ENVIRONMENTALLY FRIENDLY?**

Biomass is organic matter- and Biomass energy development likes to take what is usually thrown away and turn it into energy. Our technology allows business and industry to operate "off the grid" using their own waste stream (pallets, boxes, paper), or materials from agriculture such as farming, milling and ranching. We use clean technology to take the stored energy from these materials and create heating, electricity, even cooling. ...

## **WHAT ARE SOME ISSUES WITH BIOMASS PYROLYSIS?**

To reduce costs, biomass should be located within 20-50 miles of the Pyrolysis facility. Appropriate (and potentially large) storage facilities need to be located in close proximity to the facility. Most importantly, however, is ensuring that a quality and sufficient supply of biomass can be obtained.

## **HOW DOES BIOMASS PYROLYSIS COMPARE TO ETHANOL?**

The production of ethanol and the resulting producer gas of biomass Pyrolysis require very different processes. Ethanol is produced through the breakdown of starches and sugars in a low oxygen environment to create alcohol fuel. The process of biomass Pyrolysis involves heating biomass to create gases to be used in various applications.

## **WHAT IS THE HISTORY OF PYROLYSIS?**

Thermal distillation, commonly known as Pyrolysis, dates back nearly three hundred years. It was commonly used throughout England, France and Germany to create liquid fuels from solid carbon based materials such as coal. Pyrolysis was the most viable method to create liquid fuels before petroleum fuels became more readily accessible.

As the use of petroleum fuels and natural gas became more profitable, capitalism cast the Pyrolysis technology out of favor. Today, the immense consumption of petroleum fuels creates an unfavorable dependence on foreign powers. This addiction for fuel reserves has drawn attention back towards alternatives such as Pyrolysis. Despite inadequacies in environmental sustainability and financial impracticality, enormous subsidies and grants from the US government have allowed inferior gasification technologies to develop into large scale test plants. Even with financial subsidies, these programs have been incapable of evolving their technologies beyond environmental and financial impracticality into industrial viability Any business created around our technology is financially viable WITHOUT govt. subsidies.

## **HOW MUCH DOES THE PYROLYSIS SYSTEM COST?**

We customize solutions based on specific needs. Please refer to the "Business" section to submit a Request for Proposal Form. Each system is customized for your specific waste management and energy consumption needs. Costs will vary depending on the system. The system pays for itself as biogases produced in the thermal distillation process provide a surplus that is utilized for operational energy consumption and free market sales. Other operational costs are nominal and will vary depending on each system solution.

## **HOW MUCH DOES IT COST TO MAINTAIN THE SYSTEM?**

Each system is customized for your specific waste management and energy consumption needs. Costs will vary depending on the system. Nevertheless, the system pays for itself as biogases produced in the thermal distillation process provide a surplus that is utilized for operational energy consumption and free market sales. Other operational costs are nominal and will vary depending on each system solution. Please submit your request for a full proposal entailing a complete estimate of waste reduction, energy conversion, revenue projections, operational expenses and profit projections.

## **WHAT INDUSTRIES WOULD THIS SYSTEM APPLY TO?**

This technology applies to any industry and business sector that incurs the high cost of waste disposal and high-energy consumption costs with an emphasis on existing and established waste disposal, land filling and recycling companies.

## **WOULD I NEED TRAINED STAFF TO OPERATE THE SYSTEMS?**

Our system solutions are almost completely automated, turnkey solutions with only a minimal need for operational and maintenance staff.

## **DO WE NEED LICENSES/PERMITS TO INSTALL AND RUN THE MACHINERY.**

The regulations and laws governing the technology will vary depending on the waste matter for which our system solution is customized. Please submit a request for full proposal, which will entail a full report on how our solutions can be implemented.

## **DO YOU OFFER SERVICE AND MAINTENANCE PLANS?**

ARTI provides full and extended warranty and service plans.

## **CAN I HAVE THE SYSTEM TESTED FOR VERIFICATION BY A THIRD PARTY?**

ARTI has existing EPA/third party reports confirming all claims. We also welcome qualified interested parties to request their own EPA approved third party testing facility to confirm our data.

## **WHAT IS THE COMPETITIVE MARKET FOR THIS SYSTEM?**

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Below are some common types of waste reduction/management technologies in use and their apparent limitations in meeting stringent air and environment quality standards.

- **Traditional Gasification:** Traditional techniques use an oxidizing agent such as oxygen to create the desired reaction. With the introduction of oxygen, oxidation occurs resulting in creation of undesired emissions such as acid gases, dioxins and furans, nitrogen oxides, sulphur dioxide, particulates, cadmium, mercury, lead and hydrogen sulphide.
- **Incineration:** The most widely used waste reduction method internationally is still the burning or incineration of trash. Air emissions include in extreme amounts acid gases, dioxins and furans, nitrogen oxides, sulphur dioxide, particulates, cadmium, mercury, lead, hydrogen sulphide, carbon monoxide, and carbon dioxide.
- **Landfills:** Contradictory to common belief, landfills are not a viable solution to sustain our environment. People are misled to believe land filling provides a suitable environment for natural decomposition, believing eventually that waste in landfills will decompose over long periods of time. The truth is decomposition needs oxygen to occur and with time landfills become oxygen-depleted environments. Over time, decomposition actually slows and waste materials in landfills are preserved for future generations to deal with.

## **WHAT ARE THE BENEFITS OF USING THE AMERICAN RENEWABLE THERMAL DISTILLATION SYSTEM?**

- The gases created are extremely combustible with immense thermal potential, allowing superior marketability.
- Extreme reduction of volume and mass. The remaining solids are the inert proportion of the waste material.
- Our licensed technology can efficiently process ANY carbon based material without harmful emissions into the atmosphere or environment.
- The extreme reaction temperatures decompose organic toxins such as PCB's & dioxins.
- The re-utilization of the accumulated synthetic fuels back into the operations of our thermal distillation system solutions allows the solution to be completely independent of exterior/third party energy sources.

- Our system solutions can be customized to maintain or vary reaction temperature facilitating optimal reduction and conversion conditions for various waste stream materials. Reaction can be meticulously controlled to gasify virtually any and all waste materials.
- Organic materials are thermally decomposed while inorganics are condensed into an inert slag.
- Our thermal decomposition system solutions are completely customized for your waste management and energy consumption needs.
- Solid waste is reduced in volume and weight in significant amounts without harmful emissions into our environment and atmosphere.
- An abundant NET surplus of fuel is created after all energy has been deducted for fueling our thermal distillation operations. This fuel energy is accumulated, refined and sold as a commodity for revenue. No harmful emissions are released into the atmosphere or environment.
- We work with municipalities, States and Federal governments all over the world. If you incur the high costs of waste management or hazardous solid materials, incur a high cost for energy consumption, we can customize a solution for you to eliminate your liability management expenses energy consumption expenses and many time create a revenue stream in substitution.

## **WHAT IS BIOCHAR?**

Biochar is a term used for biomass charcoal derived from plant biomass materials. This definition generally includes chars and charcoal, and excludes fossil fuel products or geogenic carbon.

## **WHY SHOULD I BE INTERESTED IN BIOCHAR ?**

One of the most exciting new benefits of biomass pyrolysis is its ability to produce valuable soil amendments in the form of charcoal (biochar). Recent archeological exploration has found that indigenous peoples of the Amazon used charcoal to enrich their soil over 1,000 years ago. However, the use of charcoal as a soil amendment is not limited to ancient civilizations. New research has shown that biochar is more efficient at increasing soil fertility and nutrient retention than un-charred organic matter (Lehmann et al., 2006).

Carbon enhanced soil organic matter offers direct value through improved water infiltration, water holding capacity, structural stability, cation exchange

capacity, soil biological activity and as a CO<sub>2</sub> sink (Lehmann, 2007). Charcoal can also reduce fertilizer runoff and adsorb ammonium ions. That's USDA soil scientist, Dr. David Laird calls it a "A Win–Win–Win Scenario for Simultaneously Producing Bioenergy, Permanently Sequestering Carbon, while Improving Soil and Water Quality"

## **HOW CAN THE PRODUCTION AND USE OF BIOCHAR CONTRIBUTE TO SUSTAINABLE AGRICULTURE?**

Biomass fuels such as wood, herbaceous materials and agricultural by-products currently form the world's third largest primary energy resource, behind coal and oil. At best, conventional biomass to energy is considered to be carbon neutral. Harvesting biomass to produce energy may not be sustainable because it can result in reduced soil productivity by depletion of carbon and nutrients. Biomass pyrolysis addresses this dilemma, because it can utilize waste products and about half of the original carbon can be returned to the soil. The deployment of biomass pyrolysis systems can create new local businesses, job opportunities and raise the income of people in rural communities (Okimori et al., 2003). Farming communities can benefit most from this system because the biochar co-product can reduce or eliminate purchased fertilizers while sequestering atmospheric CO<sub>2</sub> (Glaser and others., 2002). This can create new profit centers for landowners by creating carbon credits and energy, which farmers can use or sell. This can decentralize fertilizer and energy distribution, making resources more available to farmers. It can reduce agricultural dependence on petroleum and natural gas based products by allowing regional energy production that is cost competitive with fossil fuels.

## **CONTACT US**

11/2/2017

American Renewable Technologies Inc.

*Send us some information about your project and one of our salespeople will follow up with you*

**YOUR NAME \***

**YOUR EMAIL \***

**YOUR PHONE \***

**YOUR MESSAGE \***

**SEND MESSAGE**

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