

1 CAUTIONS IN USING A REALTIME PARTIALLY EDITED TRANSCRIPT

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3 IN A REALTIME PARTIALLY EDITED TRANSCRIPT, YOU MAY
4 SEE THE REPORTER'S RAW SHORTHAND NOTES. CONSEQUENTLY, YOU
5 MAY SEE ERRORS IN CAPITALIZATION AND PUNCTUATION,
6 MISSPELLINGS, SMALL WORDS MISSING (SUCH AS "THE," "IT,"
7 "A"), TRANSPOSED WORDS, DOUBLE WORDS, CONTEXTUAL HEARING
8 MISTAKES, HEARING MISTAKES OF SOUND-ALIKE WORDS, POSSIBLE
9 INCORRECT SPEAKER IDENTIFICATION, AND AT TIMES STENO
10 OUTLINES THAT HAVE NOT BEEN TRANSLATED.

11 BE ASSURED THAT IN THE FINAL EDITED VERSION OF THE
12 TRANSCRIPT, ALL ERRORS ARE CORRECTED. AN UNEDITED OR
13 PARTIALLY EDITED TRANSCRIPT REPRESENTS A FIRST DRAFT AND
14 SHOULD BE USED ACCORDINGLY.

15 THEREFORE, IT IS NOT RECOMMENDED YOU RELY ON THE
16 UNEDITED VERSION AS YOU WOULD A FINAL EVIDENTIARY CERTIFIED
17 TRANSCRIPT. ALTHOUGH AN UNEDITED OR PARTIALLY EDITED
18 TRANSCRIPT WILL BE VERY READABLE AND MOSTLY ACCURATE, IT
19 SHOULD BE USED WITH GREAT CARE.

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1 GABRIELINO-TONGVA TRIBE VS. STEIN, TRIAL DAY 9

2 PLAINTIFF AND DEFENSE CLOSING ARGUMENT

3 THE COURT: Okay thank you. I have a proposal.
4 We can get all of the argument [do not|done] today if we go
5 over into the lunch hour a little bit. Obviously you won't
6 start to deliberate but I have to get a commitment from you
7 that it might go over I think it might be a half hour and
8 go to 1230 or quarter to 1:00 so if you're willing to do
9 that so we can get all the argument [do not|done] and when
10 you come back on Tuesday go back to deliberate. I've got
11 my staff agreeing to do that and counsel so I think we're
12 all on board. Okay good. All right closing argument on
13 behalf of Defendant.

14 MR. STEIN: Thank you Her Honor may we have a
15 chair to let Niall sit next to the recorder.

16 THE COURT: Yes.

17 MR. STEIN: And that will move things along
18 faster. Thank you so much for your service, I mean the
19 first thing I'd really like to say of course is thank you
20 since you're here as citizens and for 30 years I've been
21 saying thank you to the jury, thank you to the court for
22 the patients and restraint that a judge always has to show
23 when two attorneys are going at it. I wanted to say an
24 especially big thank you though in this case because this
25 case has been difficult for me to do, it's always easier to
26 advocate for someone else with a clear mind and a sense of
27 proportion and balance, it's harder to have a clear mind
28 and a sense of proportion and balance when your emotions

1 are running high, when your memories from difficult events
2 from 10 years ago come back. It's sometimes hard to talk
3 about yourself in public as well and I'm sure that all of
4 you have experienced that in some manner in your life. For
5 me, well this has been 10 years and I thank you for your
6 charitable understanding of the situation, your patience,
7 when I have not demonstrated a clear mind and a good sense
8 of proportion and I thank you he especially to the court as
9 well. The court I think has done a great job of keeping
10 this case moving fast for the benefit of the jury. That
11 does sometimes cause a little bit of strain on counsel, a
12 little shortness of sleep after so many days but the coat
13 has been generous in letting me talk to you for 90 minutes
14 and I've divided that in half. I've actually divide [T-D]
15 into three parts.

16 THE COURT: Actually it's 45 minutes total an hour
17 and a half but each side gets 45 unless had you allocate it
18 differently.

19 MR. STEIN: Well we're going to allocate our 90
20 minutes, I will be speaking for 75 of them and Mr. Fordyce
21 will be speak speaking for 15 so that will be '90.

22 THE COURT: Okay.

23 MR. STEIN: And my time I'm going to split in half
24 and that's because in my mind the jury -- the court and
25 opposing [counsel's|counsels] had to come up with a group
26 of compromises to create jury instructions and then the
27 verdict form, you spent -- you spent eight days here,
28 right? Monday we picked a jury and began closing

1 arguments, Tuesday and Wednesday and Thursday, that's four
2 days, right, and then this week Monday and Tuesday,
3 Wednesday and Thursday we finished up, and now here it is
4 Friday. So you spent eight days, today is the ninth. That
5 is all so you can answer two questions, so what is really
6 important to me is that you can connect what we've done for
7 eight days with exactly what those questions ask, exactly
8 what those questions mean. And I can tell you right now, I
9 think that the job we did was a little rushed, I think it
10 could have been done better, and I want to therefore, spend
11 the first part not to convince you to vote for Defendants,
12 for SMDC and Stein, I just want to make sure the light bulb
13 goes on, 14 of them, I need to see 14 light bulbs go on
14 just so that when you answer the question, you're really
15 expressing what you feel, what you think. And the reason
16 that what you feel and what you think is so important is
17 because the jury system is our answer to lots of problems
18 in the world. My wife was born in communist China she grew
19 up during Moa Tse-Tung's cultural revolution and she was
20 here today so she can see what the heck a jury trial was
21 they have nothing like that, but for eight up years first
22 in England and then the United States we've been doing it
23 that way, which is getting a little old fashioned in the
24 digital world perhaps but the reason is you can use your
25 common sense, so you can use your experience, you can use
26 your judgment hey that guy telling the truth. Here we are
27 10 years after the event, here we are several iterations
28 into the a trial and things have changed. The most

1 important change is the one I want to talk about next. And
2 that is there is a masquerade going on. You heard about
3 the Candelaria faction settlement so let's travel back in
4 time eight years ago, it's 2007, Candelaria faction says
5 hey we've had our spring elections, we have our list of
6 1500 members, we have given back the individual membership
7 records to the individuals that wanted them back so we had
8 our elections, meanwhile they adopt in those elections
9 their constitution and the Dunlap faction adopts its
10 constitution so it's pretty clear that the tribe has split
11 in half. That may be denied by some but it looks pretty
12 clear to me. At that point candidate goes to the court and
13 says let us out of the litigation, all the complaints in
14 the complaint, all the injuries complained of in the
15 complaint from 2001, 2002, three, four, Five, six, all
16 those injuries have been settled, we have a settlement, GT
17 Tribe is settling its complaint. Court says yes, I approve
18 I agree to that settlement but the same group here eight
19 years ago was there, different lawyers but same -- same
20 Dunlap faction, they said wait a second, we haven't
21 settled, we have our own constitution, we're different, we
22 haven't settled and the court said you're right had you
23 deserve a trial. So you can have a trial and if you can
24 prove that you are actually the same GT Tribe from 2001,
25 two, three four Five and six and that you were somehow
26 damaged go ahead have a trial, that was 2008, now let me
27 ask you, based on your experience, if you have a good claim
28 and you really think that you've got it going and you've

1 got a real legitimate beef, does it take eight years to get
2 to that trial? Here we are eight years later doing the
3 trial that should have happened a couple of days after the
4 Candelaria Group got their settlement approved, it took
5 them eight years to get in front of you, is that a good
6 claim or is that a stale claim, is that something that is
7 kind of questionable. Now the key thing that you're now
8 confronted with after that settlement, [SAFR] GT Tribe
9 settled out, after the 1500 members from GT Tribe settled
10 out, the key question is, are these guys GT Tribe, did they
11 have a contract with SMDC and was there some sort of
12 misconduct from 2001, two, three, four, Five, and six that
13 needs to be remedied today, that's what they're saying, and
14 we're saying it is a masquerade. They're saying that they
15 are masquerading at GT Tribe they're actually a different
16 group with a different constitution but it's the same
17 leaders, they ran away with the money and they formed a new
18 group only 230 people followed them, the other 1500 stayed
19 put with the Candelaria faction and then the Candelaria
20 faction settled out all of the injuries, it's called injury
21 in fact, it's called real party in interest, it's called
22 standing. That's the Candelaria faction had all those
23 things, they settled the lawsuit. We're here what should
24 have happened eight years ago which is saying is there
25 anything left to sue over and we have two questions to ask
26 the jury. Niall can you pull those up on the ELMO? He'll
27 take a second to set that up. The first question is no
28 capacity to sue, we're saying that -- do they have capacity

1 to sue, the answer is no. And the second question is do
2 they have standing to sue, are they the real party in
3 interest and we're saying no. Now the reason I want to you
4 under that these are legal terms these are things if you go
5 to law school you can under but even if you go to law
6 school you could practice 30 years and still not come
7 across exactly what we're doing here, it's that unusual.
8 If you think that GT Tribe is a different voluntary
9 organization from the Dunlap faction then you answer no,
10 they don't have standing or no they lack capacity to sue.
11 If you think they're the same, if you say Ms. Goad may have
12 replace Carmelo, but they are they're still GT Tribe all
13 the way back to 2001, then you answer yes, they do have
14 standing; yes, they are the real party in interest and yes
15 they do have capacity to sue, that's what you would do
16 although it's not clear that even then they have capacity
17 to sue, we'll look at it. So this is the verdict form, we
18 the jury in the above entitled action answer the questions
19 submitted to us, this is the first of two questions, does
20 the plaintiff Gabrielino-Tongva Tribe also known as the
21 Dunlap faction, right? It's not the Court's role to tell
22 you who plaintiff is. They have to accord respect even if
23 there's a masquerade going on, right? You go in with a
24 Shaquille O'Neal uniform on, you're obviously about
25 five-ten and it's like hey or Shaquille O'Neal or yeah
26 happy Halloween I ma Shaquille O'Neal that's a masquerade,
27 we think that these people are masquerading as a GT Tribe
28 that existed from 2001 to 2006 with 1700 members. They

1 took their money for sure, the same leaders formed a new
2 group for sure but that was very similar to what the Salas
3 Group did, they beat up Bernie Acuna, the Salas Group took
4 off with 50 members they wanted to smelled a- Gabrielino
5 with an E they wanted Robert Dorme out of the picture who
6 was Robert Dorme was I still haven't met the man but the
7 idea was if you leave the membership group, if you leave
8 the voluntary organization, it if had you leave the
9 softball team, if you leave the church congregation, it's
10 sill the church congregation, it's still the softball team
11 it's still a voluntary organization, if you think that
12 that's the case, then you're going to want to say no. And
13 tell me when you get there. I'm going to explain some more
14 about that because there's a difference between capacity to
15 sue and the second question, which is does plaintiff
16 Gabrielino-Tongva Tribe, right, Shaquille O'Neal and the
17 masquerade costume, does plaintiff Gabrielino-Tongva Tribe
18 also known as Dunlap faction have standing, are they the
19 people that were injured or was it GT Tribe that was
20 injured by misconduct in 2001, two, three, four, Five, six,
21 right? That misconduct, I don't think existed, what about
22 the millions of dollars owed but that's all by been settled
23 out. So I say that they don't have standing, they have not
24 been injured because they didn't even come into existence
25 until after October 3. The SMDC agreement ended October 3,
26 Mr. Stein stopped having any contact with them and
27 continued forward with the financial oversight group. They
28 took off and formed a new organization that first

1 established its constitution February 2007, first held
2 election February -- fall 2007, that's after all the events
3 of 2001 two three four Five. They don't have any injuries,
4 the injuries belong to GT Tribe, they were settled by the
5 Candelaria faction. So the answer to this is also no. Now
6 we'll come back to this as we explain the events. So to me
7 the theme I'm going to say to you when I start arguing is
8 please let's go home. Why do we want to go home? For me
9 is because this has gone on for 10 long years, it's
10 draining. How the heck can you earn a living if you're
11 spending full time putting on a major league trial and
12 you've seen the number of documents they all had to be
13 read, organized, you haven't seen about half the work
14 that's gone on here that the court has done to make sure
15 we're following rules of evidence, that's really hard to
16 do, the court has spent a lot of time beyond that and you
17 didn't see the 10 years prior that we went through motion
18 after motion to get to the point where we can say the
19 Candelaria faction is out and these guys are masquerading.
20 And yet they came back again and again and again with the
21 same vitriol that you saw in Mr. Dunlap, right, wasn't Mr.
22 Dunlap full of vitriol, wasn't Ms. Goad as good as Her
23 manners are getting ready to jump out of her chair saying
24 no no no we're the tribe, no no no this this and this.
25 Let's end it, if we end it now, then we have spent nine
26 days well, if we end it well we've spent nine days well.
27 If you answer either one of those as a no, that's it,
28 that's the end of our work that's the end of our time

1 together. If you answer them both yes, we have 20 to 22
2 court days so that we can review in detail 2001, 2002,
3 2003, four, Five, and in detail, they say there's
4 misconduct, SMDC says well wait a second I'm owed
5 one-million-five hundred 95,000 in feed, SMDC is owed 20
6 [#*] 23 \$2,000 in reimbursable expenses and a boat load of
7 interest. So we get to spend 22 court days, that's Five
8 weeks, right Five court days in a week, four.

9 THE COURT: Counsel that's an estimate though.

10 MR. STEIN: That's an estimate.

11 THE COURT: We don't know whether it will go on
12 that long or not.

13 MR. STEIN: Obviously it's a lot of work, it's
14 it's a lot of retail over really old stuff. When in fact
15 SMDC is going to claim a lot of money and they're going to
16 claim what was [PH*EUBG] took place. That's [WHAPDZ] if
17 you vote yes. If you have [SROEFT] no, then they have no
18 stand, , this is a masquerade, they are not an [TH*ER] they
19 are a tribal nation in their own words. Now let's go to
20 the jury instruction for verdict form number one. Let's
21 first ask -- look at the question for a second Niall if I
22 can bother you, to go back to question one on the first
23 page. He's being very good, those things [SPUPBLG] at a
24 heartbeat so pull it up just a little bit. Does
25 Gabrielino-Tongva Tribe the Shaquille O'Neal on Halloween,
26 the masquerade, does plaintiff also known as the Dunlap
27 faction have the capacity to sue and now we're going to
28 look at the jury instruction, Niall, on the computer. Why

1 don't you leave that -- sure. And what that jury
2 instruction is going to talk about is capacity to sue.
3 Left me introduce the topic to you. An individual obvious
4 has capacity to sue right, any one of you walk out the door
5 here get hit by a car I have want to file a lawsuit, I was
6 in the crosswalk, that individual has capacity to sue but
7 what happens if you're like three years old, what happens
8 if you're terrible awful thing [THO] safe but what happens
9 if a three-year old gets hit by a car, well that person
10 doesn't have a capacity to sue that's a minor, somebody can
11 sue on their behalf buff there's a statute that says
12 somebody can sue on their behalf. Let's say you get
13 history by a car really hard and you're dead, right, can
14 you sue when you're [TKAEFD], no but there's there's a
15 statute that says that your estate can sue for you, that's
16 the capacity to sue. Can a corporation sue, yeah of
17 course, you have know apple corporation, [SKWRAOEU] Samsung
18 ripped off the iPhone sure it can file a lawsuit and that's
19 because a statute that says a corporation can sue. Now
20 those statutes are obviously not relevant to an Indian
21 tribe or an unincorporated association, so they're not in
22 the jury instructions. The relevant statute is a
23 partnership or other incorporation unincorporated
24 association so let's talk about that and eye a partnership
25 or other unincorporated association whether organized for
26 profit or not right we talked about voluntary organization,
27 that would be maybe organized for profit maybe not, you're
28 having a casino are you in if tore I didn't profit well not

1 if it's on for the profit this your member, a partnership
2 or other unincorporated association has the capacity to
3 sue, that's a statute that says partnership and
4 unincorporated associations can sue. Does it say state
5 recognized tribes can sue? It doesn't a state recognized
6 tribe does have not a capacity to a lawsuit. If you are a
7 tribal nation if you make up in your mind that this fantasy
8 that we are just like Five generations ago whether there
9 was an Indian tribe running around Los Angeles and you
10 don't get anybody to say it's no longer a fantasy then you
11 only have two choices, you can be an unincorporated
12 association and have the ability to contract and to sue, or
13 you can say hey we have inherent sovereignty, hey we have
14 the supreme law, hey we're a government with a government
15 to government relationship, well we're a free society if
16 you go around parading like that you can do that but you
17 can't sue, you can't use the court system to bother other
18 free people. What is it that keeps [UFS] free? What keeps
19 us free are ordinarily laughs to people can't bother you
20 have, your [TPHAEUBL] start parting at 4:00 in the morning
21 with his stereo blasting the police will come and turn them
22 down because part of being a free people is the ability not
23 to be bothered by other free people. If they are a tribal
24 nation they can't use the Court's to bother SMDC or me.
25 That was settled after lots of litigation with the
26 Candelaria faction that responsibly acknowledged the casino
27 project, they responsibly took care of the 1500 members
28 left on the beach, you saw Mr. Dunlap, he said this was a

1 marine h don't Marines leave [known|no one] behind isn't
2 [HA] what they say in the Marines, leave [known|no one]
3 behind, they left 1500 people [HEUPBTD], they left four the
4 \$9,000,000 in debt behind, the Candelaria Group said no
5 we're not going to do that. They said we're going to
6 continue our government filings, we're going to contact all
7 the vendors and tell them at least we acknowledge your
8 debts including SMDC, including the grain croup group and
9 we're going to go forward with the casino project to try to
10 help the entire tribe, not just our little group and oh
11 yeah we are a voluntary organization, oh yeah we are an
12 unincorporated association, that's not what the Dunlap
13 people did, they are free to claim what they, but they are
14 not a partnership or other unincorporated association, they
15 cannot sue. So going to the top now. Defendants have
16 asserted the affirmative defense of lack capacity to sue,
17 that's our defense, that's our burden of proof, we have to
18 prove it, not them, it's up to us, that's why we put on
19 lots of documents. How many documents did they show, very
20 few, how many documents did we show, an awful lot.
21 Defendants must prove by preponderance of the evidence that
22 they lack capacity to sue. Well preponderance of the
23 evidence that's really easy, it's 50/50 plus one, 50/50
24 exactly the scales are in balance, 51, 49, they're out of
25 balance. We've got the Five they've got the 49, so we have
26 to prove to you lack of capacity and to do that we have to
27 prove they are not an unincorporated association, that's
28 why you heard me ask that question again and again. Let's

1 go to the exhibit 55 Five is it, the fourth amended
2 complaint.

3 THE COURT: No I think that's 526.

4 MR. STEIN: 526.

5 MR. FORDYCE: 526.

6 MR. STEIN: Forgive me.

7 THE COURT: Is that right Nelli.

8 THE CLERK: That's right Your Honor, yes.

9 MR. STEIN: Okay so this is for the one that says
10 fourth amended complaint this is the one in 2015 remember
11 [-RBS] filed by Ms. Ibarra and we go down to Paragraph 1.
12 And by the way all of those things that you saw, go back
13 up, see there are 15 fraud, fraud alterego, unfair [KPAEUT]
14 eye penal [KOEZ] breach of implied warranty breach of
15 contract, negligence interference that's the estimated 20
16 to 22 days of court time that waits for everybody if in
17 fact the Dunlap faction is GT Tribe. So go back to
18 Paragraph 1. And that's besides the SMDC cause of action
19 saying you owe us a million Five and 23 two and a [PWO*ED]
20 boat load of interest. So you remember we showed you this,
21 plaintiff GT Tribe, Native American drive, the tribe is a
22 tribal nation, right? It's not just uninformed layman as
23 if layman in this day and age are uninformed, as if
24 somebody who's been in litigation for 10 years is still
25 naive about litigation, they changed this from the tribe is
26 an unincorporated association that their [SPERPBS] sieve
27 lawyer Sheppard Mullin put into the 2006 complaint, they
28 changed it to the tribe is a tribal nation so match their

1 constitution, remember their constitution? And I said to
2 Ms. Goad [TUZ] this match your constitution, yes, it does,
3 I said to Ms. Carmelo does this match your constitution,
4 yes, it does they did it on purpose.

5 MS. IBARRA: Objection misstates the testimony.

6 THE COURT: The I didn't remember will remember
7 the testimony.

8 MS. IBARRA: Okay.

9 MR. STEIN: So the first affirmative defense is
10 lack of standing, if you answer that no there is no
11 standing, let's go back to the verdict form because there's
12 a question of LAPD -- lack capacity to sue versus capacity
13 to sue let's just get this straight and then also let me
14 tell you if you disagree, okay? So does plaintiff
15 Gabrielino-Tongva Tribe, this is the guys masquerading as
16 Gabrielino-Tongva Tribe but they're actually the Dunlap
17 faction a different organization, a tribal nation have
18 capacity to sue in this action. If you answer that no
19 they're a tribal nation but their own admission, by their
20 constitution, by the complaint that they filed and then on
21 the stand said yes I reviewed that complaint and that's
22 correct we are a tribal nation, then the answer is no.
23 That one no means we all go home. So that's one defense.
24 Let's go to the second defense and start talking about the
25 jury instructions for the second affirmative defense and
26 that is a related concept do they have standing, are they
27 have the real party in interest, were these the people that
28 are injured or was GT Tribe and the Candelaria faction the

1 ones that are injured and they settled that out? Do they
2 -- do they have an injury in fact from 2001 and two and
3 three and four and Five are or they a different
4 organization that only started in 2007 when they passed a
5 constitution in February of 2007 after the split in
6 November 2006. We're saying they don't have standing,
7 let's look at the jury instruction on the computer and see
8 what's in the instruction, you're following the instruction
9 obviously and not me. So standing is a question of who the
10 real party in interest is. Is it the Candelaria faction
11 that settled out, is it the Dunlap faction that's here. If
12 you think it's the Dunlap faction if you really think that
13 the Dunlap faction is the GT Tribe that existed in 2001 two
14 and three then vote yes, they do have standing and if you
15 think that the Dunlap faction is the GT Tribe that existed
16 in 2001 and two and three, then vote yes, they do have the
17 capacity to sue unless of course they now said they're a
18 tribal nation instead, right? So in this question, if you
19 agree with plaintiff, it was a yes, if had you agree with
20 Defendants it's a no. In the first question, even if you
21 agree with plaintiff you might still say no. Even if you
22 say yeah you're the same GT Tribe but you are a tribal
23 nation then you answer the first question no because they
24 are by their own description a tribal nation and a tribal
25 nation can't sue in a California court until of course
26 they're federally recognized. Okay so we're now looking at
27 instruction Number 2, every action must be prosecuted in
28 the name of the real party in interest. Now you can't

1 masquerade as the real party in interest, you can't say oh
2 well GT Tribe we'll just -- we'll actually be
3 Gabrielino/Tongva Nation as it says in our constitution but
4 we'll masquerade as Gabrielino-Tongva Tribe, you can't mass
5 [KRA*EUT] [KRAEUD] like that, what this says is you've got
6 to be the real party in interest. Now going to what we
7 have to prove, we'll talk about the middle in a sec, we've
8 got to prove three things, three things, right, they're and
9 [-Z] there not or [-Z], we've got to [-L] prove all three
10 things, Plaintiffs did not suffer an injury in fact, right?
11 The Dunlap faction did not suffer the injuries of GT Tribe
12 in 2001 two and three. Well I don't think there were
13 injuries at all in 2001 two and three and in fact GT
14 Tribe owes a boat load of money but that GT Tribe was
15 settled, that settlement was approved by the court, that's
16 the Candelaria faction, if these guys are a new
17 organization with a new constitution and a different
18 membership, some the same but 1500 people were left behind,
19 if they are in fact different, then the injury in fact
20 belonged to GT Tribe it didn't belong to Dunlap faction
21 because we're talking about injuries from 2001, two, three,
22 four, Five, six, those are the injuries we're talking
23 about. Those belong to GT Tribe so in my mind I'm going to
24 say hey, these guys, this plaintiff, the people that go to
25 the Halloween party at Shaquille O'Neal they did not suffer
26 the injury in fact. GT Tribe did, that was settled out,
27 that's over as well as the debt. Number one was there
28 causal connection between Plaintiffs injury and Defendants

1 conduct? Well Dunlap faction -- we're again talking about
2 the injury that occurred to GT Tribe in 2001, two, and
3 three. Dunlap faction didn't exist then. Dunlap faction
4 didn't exist then. So the Defendants conduct was rendered
5 to GT Tribe. SMDC had a contract with GT Tribe a voluntary
6 organization with 1700 members, SMDC also rendered conduct
7 to Candelaria Group, it continued forward with the casino
8 project, in Garden Grove in Washington, D.C., in
9 Sacramento, senate bill number one, [PRET] print that was
10 put together, that was for the Candelaria faction, there
11 was no conduct with the Dunlap faction, they only came into
12 existence in 2006 after the split or 2007 February when
13 they adopted their constitution. That time is not part of
14 the complaint. So there is no causal connection between
15 Plaintiffs injury and Defendants conduct. Third it's
16 unlikely the Plaintiffs injury can be redressed by a
17 favorable court judgment. Why? These are why these are
18 somewhat awkward the phraseology, Plaintiffs injury was
19 settled out, that was Candelaria faction, they settled out
20 the injuries to GT Tribe. If you feel these guys are GT
21 Tribe well then those injuries aren't settled these guys
22 are GT Tribe but if you think they're masquerading, then
23 those injuries are settled out and a favorable judgment for
24 these guys would not do anything for GT Tribe, they're
25 different, they're they've had their elections since 2007
26 and 2008, 9, 10, we saw Ms. Goad talking about membership
27 in 2012, that's entirely separate from Candelaria faction,
28 everything that they've done. So you can see how difficult

1 these jury instructions are and my concern is whichever way
2 you're going to vote, just understand what you're
3 [SRAOET]-g for, whichever way you're going to vote just
4 understand what you're vote [H-G] for. If you think that
5 this group is GT Tribe then they did suffer an injury in
6 fact, if they're not GT Tribe the injury in fact was GT
7 Tribe's not theirs and that's been settle. Second if you
8 think [THAO] that these guys are GT Tribe and there's a
9 cause [-L] connection between the injuries of GT Tribe and
10 Defendants conduct, SMDC worked for GT Tribe in 2001, two
11 and three, Mr. Stein worked with GT Tribe in 2001, two and
12 three. But if you think that they're masquerading then
13 there's no causal connection because those considers were
14 settled out. Number 3, if these guys get a judgment, that
15 will not help GT Tribe because they are a different group.
16 If these guys get a judgment, if they get \$5,000, let's say
17 they overcome the millions of dollars that SMDC is owed
18 let's say okay damages are this and then SMDC is owed that
19 and you counter balance them and then they're owed \$5,000.
20 Would that \$5,000 help GT Tribe? The answer is no. It
21 wouldn't help the 15 up people that they left behind, it
22 wouldn't help the people that had an election and stayed
23 with the Candelaria Group, remember Jerry Maldonado, coat
24 and tie very well spoken guy, clean shaven, Jerry Maldonado
25 was a member, he didn't want to go with these guys, he
26 thought they took the money, he wanted to stay put, he want
27 today stay put where he was, and that's what's called
28 Candelaria faction, I haven't called them GT Tribe out of

1 respect for your intelligence and the fact that you have to
2 make your decision h it's your decision whether the
3 Candelaria faction is GT Tribe it's your decision whether
4 the Dunlap faction is GT Tribe if that's your preference
5 and it's your decision whether the Dunlap faction is a
6 tribal nation as they say in which case it can't see, or is
7 actually an unincorporated association despite everything
8 that everybody said when they had the chance and despite
9 the fourth amended complaint. Now let's go back to
10 instruction two just so we don't believe it incomplete you
11 might come back to it late [SKPER] say he didn't really say
12 anything about this, Defendants have asserted affirmative
13 defense of lack of standing, separate affirmative defense,
14 separate stand, , this is [KWES] me eye Defendant must
15 prove by preponderance of the evidence that, this is our
16 defense, we have to prove, we have to come up with a 51
17 percent, not 49 percent and then we have to show all three
18 of those things that this injury in fact belonged to GT
19 Tribe not these guys, that there's no causal connection
20 between that injury and my conduct, that causal connection
21 existed and was settled but not this group masquerading
22 that came into effect only in two [#20*] '07, six and Five
23 and four and three and two years after the conduct in 2001
24 and two, and three and four. And then the injury that was
25 settled would not be redressed by giving these people
26 money, you'd be giving money to the wrong people, right?
27 We spent 20 days figuring out how much SMDC is owed and
28 figuring out the damages and net [T-G] out and then we

1 come up with \$5,000 we give it to these people, will that
2 actually make it to the 1500 members that were left behind?
3 So I think what happened here is something very similar to
4 the Salas Group, the difference being they headlight money
5 and 230 people instead of no money and 50 people, they just
6 left and they formed a new organization because it's a free
7 country, you can form a new organization, you have don't
8 like a church you and the other people can leave, form a
9 new church, you and you don't [WAOUBG] at the approximately
10 leave and form another group, you don't like your moss
11 [-BG], leave, form a new moss [-BG]. These guys left and
12 formed a new tribe, you can dough that with a softball team
13 or bowling alley [AOE] and that's what the capacity to sue
14 talks about is can that organization that you belong to
15 sue, what this talks about is are they the real party in
16 interest, are they the guys that were damaged. And to be
17 the real party in interest you have to show -- do we have
18 the real party in interest in here Niall or do we have to
19 show -- there keg we go e for them to be the real party in
20 interest you have to say they are the same as the 1700
21 member GT Tribe which is was an unincorporated association.
22 Okay now everybody [THAOUT] -- I got so much grief writing
23 up here, excuse me for a second Niall, I did it for a
24 reason, I have a good reason and we're finding out today
25 what that reason was. When you deal with the government
26 and we are here in a government building, right, sometimes
27 things go a little bit differently than [PHRA*PBZ] planned,
28 there's lots of concerns that come up and procedure is very

1 important so everybody is treated fairly. I wrote these
2 things down so in fact something like the jury instructions
3 and verdict form didn't quite connect what you saw for
4 eight days with what the question is you have to ask, that
5 we be able to kind of come back to the high points and talk
6 about connecting lack of standing and lack capacity to sue
7 with some of the high points so let's kind of whip through
8 them fast. Remember Linda Candelaria was part of the
9 Morales group there is a different separate force of the
10 descendents of the historic Gabrielino-Tongva Tribe, and
11 then you had -- and then the group that became GT Tribe was
12 formed out of yet another organization, the coastal
13 Gabrielinos. These were all separate voluntary
14 organizations except in the views of Plaintiffs they
15 believe they are an Indian tribe and that each of these are
16 separate Indian tribes even though all all descend from the
17 Gabrielino-Tongva Tribe that was history chief in Los
18 Angeles County. Figure out that thing logically. Over
19 Saied cite committee, Linda Candelaria was recruited by
20 Bernie Acuna for the oversight committee, they participated
21 in the November 18th meeting in Elysian Park, the November
22 19th meeting was in Long Beach, remember that's what the
23 tribe split in two. That split in two, that could have
24 been temporary, it could have been put together but it
25 became permanent, right? If you go back to November 18th
26 and 19th, cooler heads could have prevailed, you might have
27 said hey you know let's just keep it together, we've got
28 this casino project that's what important. Well you took

1 the money got to get rid of Stein, okay, well Stein was
2 ready to leave, he was willing to leave but it split apart
3 instead. Once it split apart, the lawsuit had already been
4 filed, the lawsuit had already been filed by this time,
5 right. November 2nd was the lawsuit file, November 18th
6 was the meeting. What happens to the lawsuit, who controls
7 that?

8 Q. Well gee, if you control the organization that
9 files the lawsuit it [PW-BLGZ] your lawsuit if you leave the
10 organization that filed the lawsuit because you've got the
11 money and you [WA*UBGS] want to escape 4.9 million dollars
12 in debt, you lose the lawsuit, you've left behind the
13 organization, you're the did I say dent [TKPWRAOUFP] that
14 walked out of the church but the church still meets every
15 Sunday, it still has a lease on a building where it meets,
16 it still gets together, it still has a cemetery but if you
17 choose to leave you lose that. They close to lead, they
18 didn't patch it up, cooler heads did not prevail, even
19 though Mr. Stein was willing to leave, just wanted to see
20 he was going to paid on one 1,595,000 in fees. If you were
21 leaving an organization rightly or wrongly wouldn't you
22 want to see if you're going to get paid \$1,595,000 in fees,
23 how about reimbursables of the 232,000, never got paid. So
24 the 200,000 -- 230,000 of that was paid, the 230 that was
25 paid left Mr. Stein in the hold by \$2,000 for five years
26 work. Now what does that have to do with what we're
27 talking about? Do you think they are masquerading at GT
28 Tribe and do you really think that what really happened

1 here is they ran away from GT Tribe to get away from those
2 debts, to get away from the 4.9 million to get away from
3 the debts of SMDC and they spent all their money in a month
4 to avoid a [PWREUT] of [TA*PLT], well let me ask you, a
5 writ of attachment with the Sheriff's coming in taking your
6 books and record, a Sheriff Knocking our your door he's got
7 a gun on his hip and says I'm here to take everything
8 because the court authorized me for SMDC h do you think
9 SMDC's claims were running away from if a Sheriff followed
10 you around. That's what happened here. Now who ran away?
11 Dunlap, Carmelo, Perez, Loya, and Machado; right? Shirley
12 Machado, Edgar Perez, Virginia Carmelo, San Dunlap,
13 remember you saw Barbara Garcia here just a second ago to
14 show that even though people said they didn't get their
15 records they were on the list of terminated members and
16 Barbara spend a thousand hours making sure sure all these
17 people got all these records, if you believe here then
18 these guys did not tell the truth. These guys all left and
19 they got their records. Let's talk about what membership
20 records are while we're on topic. Membership records
21 doesn't that belong to members? Can you pull up letter
22 number one, the member letter number one, Niall, please and
23 the membership records if you look at them, can you scroll
24 them to where it seizure membership records are safe secure
25 and computerized. See, the first thing Mr. Stein says hey
26 I've been fired and he says later in the letter, this
27 letters not authorized but I wanted you to know we raised
28 21 million dollars, nobody knew that four times we wanted

1 to call the triable member meeting they said no they might
2 find out that we raised 21 million dollars and we got 2.15
3 million and Mr. Stein says hey I've been fired, don't know
4 where the million dollars that was left over, checks and
5 balances didn't work, we thought it would, it didn't, go
6 back down. And what he says is your membership records are
7 secure private and computerized. What members were worried
8 about is that the Dunlap faction might get their records,
9 they were worried about them, not the Candelaria faction,
10 they were worried about them?

11 A. Not the financial oversight committee, they were
12 worry he'd about them, not Mr. Stein who kept the records
13 security private and computerized. Those membership
14 records belonged to 1700 individuals. 230 of them said we
15 want them back, the blue cards, remember the blue cards, we
16 have want them back and they got them back. And a thousand
17 hours of time, let me ask you something, Barbara Garcia
18 look like a pretty smart lady, you saw her resume she went
19 to USC, she now worked for currently supervisor, she worked
20 as the executive assistant for the CEO of public council,
21 pretty impressive lady, how much do you think a thousand
22 hours of your time costs, because Mr. Stein paid that cost
23 just to make sure that each individual and their records
24 was treated with respect. Did these guys treat them with
25 respect or did they leave them on the beach? Did they
26 leave them behind, leave them on the beach, reduce
27 membership to 230 people and oh gee if you get a casino 230
28 people that's a lot for profits for each of those 230

1 people than if there are this dead weight of 1700 people
2 hanging over their head. Well we've got to dump some of
3 these members of 1500 members of dead weight. Plus they
4 may not like us, they may ask us difficult questions about
5 the money. We've got to leave them behind and that's what
6 happened here and now here her for whatever reason 10 years
7 later masquerading as GT Tribe, Shaquille O'Neal who's Five
8 foot 10 at the Halloween party. And so Linda Candelaria
9 went through the Talley report, do you want to pull the
10 Talley report, the 4.9 and the 898- \$4.9 million dollars
11 was owed. Was your incentive to say hey we're not GT Tribe
12 hey we're a different organization and we don't oh 4.9
13 million. You heard from Ms. Carmelo, Ms. Goad that no
14 debts were paid to any of the casino vendors with the
15 898,000 that they had, they paid Sheppard Mullin \$300,000.
16 When you go to the one of the exhibits you're going to see
17 Mr. Polanco right there, you'll see a check to him for
18 \$100,000, \$100,000 in one check on day one to Richard
19 Polanco, \$300,000 to [KHEP] mull, that's \$400,000, you'll
20 see checks there to the individual guys that left, \$12,000
21 a piece, 12,000 times six is '72 [THOUF] so in and out out
22 of the 898,000 you've got what, 300,000 her Sheppard
23 Mullin, you've got 100 [SHOUD] for Richard Polanco, what at
24 the do with it? He made complaints, he made complaints --
25 for \$100,000 he made complaints to the postal service about
26 Barbara Garcia, he became complaints to The State Bar about
27 Mr. Stein, he tried to get a permit canceled on November
28 18th, he got \$100,000 for doing that. So you've got 300

1 plus 100 is 400 and 72,000 for the tribal members d tribal
2 councilmen, these guys, you'll see the checks. Did you
3 know Dunlap, Perez, Loya, Machado. They ran away from the
4 4.9 million, never paid a dime for that and they would
5 refuse to work with the tribes accountants. They went down
6 -- you heard Virginia Carmelo went down, she said you're
7 still our accountants, give us a copy of the report, they
8 got a copy of the reports, the accountants say back to her,
9 let us see the check books, oh, you can't see that,
10 cooperate with our report, no huh can't to that, they said
11 the same to the financial oversight committee, let me ask
12 you if this was a realistic situation and the tribal
13 council had a dispute with Mr. Stein obviously they did
14 have a dispute with Mr. Stein wouldn't you think cooler
15 heads would prevail if people were being honest with each
16 other, at the present time you think it would be hey wet
17 don't need to split in two h we can work this out, Stein's
18 got to go, he it never got worked out, and here we are 10
19 years later the same people haven't worked anything else,
20 the Candelaria faction is the [-LD] odd GT Tribe they
21 worked it out they moved forward with the same casino
22 project as before, they moved forward with the same
23 government filings as before, they filed their U.S. tax
24 returns because of Ms. Candelaria's concerns that it hadn't
25 been done already, they made Washington lobbyist
26 statements, they made Sacramento lobbyist statements, they
27 got senate bill number one into pre print. You heard from
28 the Dunlap faction, we have a new constitution oh well we

1 have a really complex citizenship application, oh we've got
2 a very long detailed citizenship department act to become a
3 citizen, to get in. While they left behind 1500 people.
4 And in 2012 Ms. Goad shows what, that they'd gone only up
5 to 271 members, do you remember that, see if I can find it.
6 There it is, 2012, 271 citizens. 2006 they had 230 people
7 ask for their membership records back, six years later,
8 271. I would think that even just babies being born might
9 bring it up to 271. So now we go to the one and a half,
10 two weeks they spent most of the money, why would you spent
11 \$20,000 on postage if Your Honor doing the right thing, why
12 would you prepay rent a year in advance, why would you get
13 new cell phones and then pay for 12 months usage on day
14 one, you have a cell phone, have you ever paid 12 months in
15 advance on your cell phone, that's what they did, that's
16 what's in that spreadsheet, do you want to get that
17 [SPRAET] out for a second. Go look at t if they were
18 honest why did they do that? They did that because they
19 were being -- they were going to be chased for SMDC's money
20 they wanted to escape the 4.9 million in debt and they
21 formed a new organization to do so. Well while they were
22 forming a new organization, Candelaria faction was
23 continuing business with GT Tribe and GT Tribe says hey
24 let's have our spring 2007 elections, they were certified
25 by the Talley group. They settled, they acknowledged the
26 debts owed by SMDC, they acknowledged the debts owed by
27 Crane and then they went about and made sure they had their
28 employer identification number. Let me ask you, why didn't

1 Dunlap faction with its two any employees filed a federal
2 identification number, they had a chance to put on their
3 case, did they show any documents whatsoever? They didn't
4 show any documents on membership, they didn't show any
5 documents on government files, they've had 10 years to
6 generate new records. No documents, no government filings.
7 Mr. Polanco is a former state senator, don't he you think
8 he it did some lobbying, there are no lobbying reports,
9 they even said that they changed a constitution, not to
10 create a new organization, which for all intend and
11 purposes it's obviously that they adopted a new
12 constitution to create a new organization, but they said
13 they did it for federal recognition and yet both Mr.
14 Polanco and Ms. Goad said the [SEUPL] thing as Mr. Dunlap
15 said remember what will [TK*URP] said 12, 31 of 2010,
16 December 31 of 2015 from the formation of Dunlap faction
17 until then no federal recognition application was put in.
18 Why would you adopt a constitution saying you're a
19 sovereign.

20 MS. IBARRA: Misstates testimony.

21 THE COURT: Overruled.

22 MR. STEIN: Why would you adopt a constitution
23 that says you're a sovereign with a government to
24 government relationship and phone for 10 years not put in
25 federal recognition application. Your Honor.

26 JUROR NO. 5: I need to use the restroom.

27 THE COURT: All right takes a 10-minute break then
28 I guess.

1 (Whereupon the jury exits the courtroom.).

2 THE COURT: All right thank you.

3 (Break taken.) 10:58 AM to 11:06 AM.

4 MR. STEIN: Mr.

5 THE CLERK: Mr. Stein did you want to say
6 something.

7 MR. STEIN: Yes Your Honor, and tell me if I'm
8 just paddling up river. Is there a way to fix any of the
9 jury instructions because I'm seeing the look on the jurors
10 faces as I'm trying to see Plaintiffs injuries is this and
11 Plaintiffs injuries is that it's like who's on first, and
12 [THAPBZ] the problem for one two and three, is two three
13 are the right elements for standing but who's are the
14 injuries they're talking about because they don't know
15 about the complaint and again Delia -- into I just --.

16 THE COURT: Well if the jury after argument and is
17 deliberating and has questions because they don't
18 understand they will write us a note and tell us they don't
19 understand.

20 MR. STEIN: Sure.

21 THE COURT: If it becomes a situation where
22 additional argument is needed, sometimes in rare
23 circumstance, the court had allow a reopening of argument
24 if it's unclear, but right now I think the instructions are
25 fine. I don't think we need to do anything further at this
26 point but --.

27 MR. STEIN: Yeah and I think that both sides can
28 argue to the instructions as I've done so I just wanted to

1 flag it as a potential problems and I was looking over at
2 the jurors and they're going huh.

3 THE COURT: Well we'll see, I mean maybe -- maybe
4 they will have questions.

5 MS. IBARRA: But we spent a lot of time on this
6 already I mean I just.

7 THE COURT: Right. And part of the reason too is
8 they haven't heard the other side.

9 MS. IBARRA: Yes exactly.

10 THE COURT: So they have to hear both side and
11 maybe they have questions after that, we'll address them.
12 Are they all here.

13 COURT ATTENDANT: No we're still missing two Your
14 Honor.

15 THE COURT: We're in recess.

16 (Break taken.) 11:08 AM to 11:12 AM.

17 THE COURT: Can we bring the jury in.

18 THE CLERK: Mr. Stein wanted to talk to you.

19 THE COURT: Okay.

20 MR. STEIN: Your Honor the instruction that has
21 all the and [-Z], one two and three.

22 THE COURT: Uh-huh.

23 MR. STEIN: Are you sure they're not or [-Z].

24 THE COURT: No, I don't think so.

25 MR. STEIN: That's my point is it would be good to
26 see if they're maybe or [-Z], not and [-Z], in which case
27 any one of the three is enough not all three.

28 THE COURT: No, I don't think so I think you have

1 to show all three but if you want to do some research on
2 that go ahead and do it but.

3 MR. STEIN: Sure I just wanted to put in my
4 objection thank you.

5 THE COURT: Okay I need some -- you need to show
6 me that it shouldn't different you can't just -- I mean I
7 need a case or something.

8 MR. STEIN: Sure.

9 THE COURT: Okay bring them in * * jury in * *.

10 THE COURT: Gabrielino-Tongva Tribe versus
11 Jonathan Stein, BC361307, you have may continue with your
12 closing argument.

13 MR. FORDYCE: [HRAEUPBLGZ] my any a- Niall Fordyce
14 as you know I work with Jonathan Stein on this matter, Mr.
15 Stein is going to sit down for a few minutes and I'm going
16 to speak to you, give his voice a chance to rest and I want
17 to give you my take on this matter, it's a different
18 approach than Mr. Stein's but I just want to communicate to
19 you some of the things that have stuck out here for the
20 last two weeks that we've been together and just have you
21 think about them and have you contemplate them when you
22 actually go back to that jury room and start deciding this
23 matter. Plaintiffs counsel yesterday spent about a half
24 hour comparing two similar documents and I hope you
25 remember that, those were the two GT Tribe constitutions
26 one pre split and one post split and that would be the
27 Candelaria faction's constitution post split. Well in that
28 half hour we found a couple of documents, the later

1 documents, the financial oversight committee. Fair enough,
2 I consider that a lesson well learned. That clause wasn't
3 necessary when the initial agreement was drafted in 2006.
4 Hadn't been a need for it yet. Counsel pointed out a
5 change in the pre am be for the document and again this
6 reflected an event, the statement of unincorporated
7 association that hadn't yet taken place when the initial
8 documented was draft [SKP-D] we saw a couple of other
9 paragraphs where numbers were changed, 25 percent to 15
10 percent, that's it. It's up to you guys to compare the
11 documents. You mean everything up to and including the
12 type fix, the typesetting, the table of contents, look at
13 those documents. So what's really going on? The
14 comparison here is between either one of those documents
15 and the GT nation constitution from 2007 and that's Exhibit
16 5 47. Now, when we look at these documents, here are two
17 markedly, markedly different documents. We're talking
18 different categorization of the tribe, it's a sovereign
19 [TPHAEUBGS] or is it an unincorporated association, we're
20 talking about a different intent, government to government
21 relations, the language in it is different, the terms used
22 is different, the membership categorization are different,
23 those are different documents. Now now remember that
24 plaintiff claims that the GT nation constitution, this is
25 our Exhibit 5 47 was changed because they needed to go
26 forward with the goal of federal recognition but ask
27 yourself, Ms. Goad, Mr. Dunlap and Mr. Polanco have all
28 testified that no such applications have been made.

1 Remember also that the Dunlap faction paid attorney John
2 Velie \$100,000 for Exhibit 547 the new constitution, 100
3 grand, it's 18 pages folk, that is 5,500 \$56 and change per
4 change. No federal recognition sought. So what's the
5 conclusion that I draw from this? Obviously you can draw
6 your own conclusions and that's what you're here for,
7 that's they very, very important service that you provide
8 for which we thank you for your time, but what do you draw
9 from this? That is a new constitution for a new faction.
10 We heard testimony that also struck me, lots of attacks on
11 Mr. Stein, a lot from senator Richard Polanco who sits
12 there today. He instigates a bunch of investigations
13 concerning Mr. Stein and even the Candelaria faction, you
14 heard about this, this is a Barbara Garcia, this was the
15 U.S. postal investigation where Mr. Polanco included Ms.
16 Garcia's resume at the front end of that investigative
17 document. Why he did that I don't know. You guys get to
18 think about that. Why was he trying to discredit Mr.
19 Stein? Was it to tear down the Candelaria faction and to
20 forward the new Dunlap faction which he now functionally
21 headed? Again that's not for me to decide, obviously I
22 have my opinions, but you guys get to decide. Now, let's
23 also be careful and remember that of Mr. Polanco's
24 activities that you heard, nothing actually came to
25 fruition. Was Ms. Garcia [SAEUFRPGS]-d or otherwise
26 disciplined by the U.S. post office, no, was there any
27 follow-up to the bar association with Mr. Stein, no. Again
28 they presented no evidence to suggest that anything came to

1 fruition. So is the Dunlap faction were Mr. Polanco at the
2 helm were they really trying to get a casino or was the
3 former GT Tribe Al counsel the Dunlap faction just taking
4 money from Libra funding that was allocated for actual
5 casino development and the disparage ago attempts by Mr.
6 Polanco is nothing to deflect attention for misconduct,
7 again that's up to you guys to decide. But remember, it's
8 undisputed by either side here, there's testimony and
9 evidence showing that the vendors, the casino vendors were
10 unpaid, that's for sure, we know that. Check Exhibit 5 58,
11 no dispute. And this was spent the \$900,000 in close to a
12 week, maybe two weeks, maybe not that big a difference but
13 we do know is that money was expended not to benefit the
14 1500 tribal members that were left behind, they were left
15 in the cold, they were left high and dry, they were left on
16 the beach, however you want to put it. [STH-T] actions of
17 the original GT Tribe, contracting party, with St. Monica
18 development or is this a new faction with new goals and new
19 intentions? What's really going on? I think it's a new
20 faction, we think it's a new faction we think we've
21 presented you with sufficient evidence to show that this is
22 a new faction. Let's talk a little bit more about other
23 thing that struck me. Related to Mr. Polanco's attempts to
24 disparage Mr. Stein, we've heard testimony subpoenaing-g
25 that somehow Mr. Stein and Ms. Garcia were in cahoots or
26 maybe even a conspiracy to control the pre split GT Tribe.
27 I didn't hear any actual evidence of this other than
28 testimony which of course you've been instructed you can

1 consider but think about the motivation, does this make
2 sense, you saw Ms. Garcia come here and testify, take time
3 off her work just as all of you have and sit here and
4 testify honestly as to what happened. It's up to you to
5 determine whether she's credible or not, that's a
6 determination you have to make. But she testified honestly
7 and forthright Lee about her role in this process. What
8 possible motivation could she have for any sort of
9 conspiracy, any sort of an inn cahoots with Mr. Stein to
10 control the tribe? I haven't seen any evidence, just
11 doesn't make sense but that is up to you to determine. Mr.
12 Stein neither formed nor controlled the financial oversight
13 committee. Plaintiff wants you to think he did but you
14 have heard testimony from multiple witnesses that were
15 directly involved, what we call percipient witnesses who
16 were involved in that process who said no, he didn't, that
17 was us. So once they found out -- when you say they I mean
18 the members of the pre split GT Tribe, once they found out
19 what was going on, one, there's a big chunk of money that's
20 come to the tribe, two, they have not been told about it,
21 and three, monies been spent? They wanted to know what the
22 heck was going on. That's what the financial oversight
23 committee was formed to do, Mr. Stein didn't form it, it
24 wasn't an attempt to usurp, it wasn't an attempt to
25 control, it wasn't an attempt to have a coup, it was simply
26 what's going on and we need another organization within
27 that tribe to figure it out. So ask yourself because again
28 you've heard testimony and seen plaintiff of evidence,

1 November 18th meeting, November 19th meeting, the elections
2 that both factions had post split, but ask yourself what
3 did Loya, Machado, Dunlap per he is do in the face of the
4 attempt to form a group inform provide a check and balance
5 to what at that tribal council was down, what did they do?
6 Did they work with them? No. They took off. They took
7 off with the money and they formed another group, they took
8 230 members, but off they went. You have not heard a
9 witness of evidence to suggest that these individuals
10 engaged in an attempt to negotiate, to work with. And
11 think about the consequences of working the tribe. That
12 means that whole tribe benefits should a casino come to
13 fruition. With the way it's been set up now with the
14 Dunlap faction, 230, it's 400, it's whatever, it's a
15 smaller group of people splitting the same pie, that means
16 each person gets more pie. I understand it, I like pie,
17 whatever, but the reality, the reality is are we working
18 for greater good or are we working for ourselves. And
19 again, you can go back, and you'll look, you'll see exhibit
20 57 two, 57 three, 575, these are the letters that [KAEUPLZ]
21 from Mr. Stein's attorneys concerning the attempts to let's
22 figure this out, okay? We're on the cusp of litigation,
23 there's no question things had gone pretty wrong, but one
24 part of this equation, one part tried to fix it and they
25 tried to fix it multiple times, they're willing to mediate
26 and as you've heard Mr. Stein say, he was willing, SMDC,
27 they were willing to step down, the only thing that he
28 wanted is pay the man. Not unreasonable, right? . Mr.

1 Stein wanted to make money, we know that. But the evidence
2 that we've heard here thus far shows he wanted to make
3 money but he wasn't willing to sell out 1500 tribal
4 members. He didn't want to leave them high and dry, he
5 didn't want to leave them on the beach, he have didn't want
6 to leave them. He kept working, and you've seen evidence
7 that he put his own money into the casino project to the
8 tune of losing of hundreds of thousands of dollars going
9 into deep debt. This is after the split, he continued to
10 work with the Candelaria faction, and think about what that
11 means, just from kind of a logical standpoint and this is
12 one of the billing things that you guys have to do, this is
13 an artificial and odd process, we speak oddly to one
14 another and there's all sorts of [STREUBG] [TERZ] and
15 regulations that we have to follow, including you guys but
16 one thing you don't have to do is you don't have to leave
17 your common sense at the door and you don't have to leave
18 logic at the door and let's go back to what I was saying h
19 think about this linearly. You've got the SMDC agreement
20 in 2001, we've got the attempts to develop a casino, this
21 is moving forward, 2006, things go south, we know we have
22 the split [SPWU] what did you see SMDC and Mr. Stein do
23 after the split, he keeps working in the capacity that he
24 was working before. Is the guy stupid, you might not like
25 him, he's not stupid, he's a smart guy, he's an honorable
26 man who was honoring an obligation that he had and
27 continued to believe he had, continues to work forwarding
28 that development project. Heard about SB 1, you saw it,

1 you heard about Mr. Stein's trips to Washington, D.C. on
2 his dime, his money, you heard about the attempts to get a
3 casino in Garden Grove, this is all after the split. So
4 what do you make of that? That's up to you. You have to
5 decide what to make of that, but our position is that is an
6 entity, SMDC working with the entity it believed it
7 contracted with and continued to do so. Mr. Stein never
8 worked for the [SHR*EUG], the [K*UF] [TKR*UF], the Five
9 council members, and boy did they put a lot of weight, Five
10 council members, they signed the document. Does that mean
11 when they leave they take everything with them, therapy the
12 tribe, they and their 230 members, that's for you to
13 decide. Our position is no. They have a new constitution,
14 they have new elections, they have every indication of
15 being a new group. They left and they left 1500 people
16 behind. Just a kind of nuts and bolts you've been
17 instructed regarding the nature presented and the failure
18 inform produce evidence. I have just wanted to produce
19 evidence, the instruction you read said you may consider
20 the ability of each party to provide evidence, if a party
21 provided weaker evidence than it could have produced when
22 it could have produced stronger evidence you have may
23 distrust the weaker evidence, okay? Well just a couple
24 points, you heard Ms. Carmelo testify she said oh yeah you
25 know 2009, 2010, and a half whatever, 1800 members in the
26 new faction, 1800 members, she can do that that's perfectly
27 legitimate for her to do is but if you have 1800 [PHEPLSZ],
28 if you had the continuation of that GT Tribe pre split, how

1 about showing husband membership records, how about showing
2 us a document that says hey look, look at all the members
3 we have, you know what, these guys, these guys -- these
4 guys are lying, here's the documents that shows it, as I
5 said she can say it and you can consider it but I'd ask
6 you, where is the documents. Couple more along those
7 lines, Ms. Carmelo also testified that Libra, and you
8 remember Libra investors, these are the investor that's Mr.
9 Stein busted his hump through SMDC to get millions of
10 dollar in seed money, millions. They only wanted to give
11 him 500,000 hopefully you remember that testimony but he
12 got them 2.1 million and then kind of loosey-goosey
13 commitment for another 19 or so million. Well think about
14 what an investor would do, an investor is going to say well
15 you know if you want to go and spent 2.1 million of my
16 dollars on gummy bears, I don't care what it is, if you
17 want to spend it on something that's not forwarding our
18 investment, do you think they're going to have an issue
19 with that, do you think they'll have an issue with that?
20 Well Ms. Carmelo said that Libra was all well and good with
21 this, eh, whatever, they didn't mind, they have had no
22 issue, well again here's the thing, where is the letters,
23 where's the e-mails, where anything other than Ms.
24 Carmelo's testimony saying that Libra was find with them
25 spending their money on none casino funded projects.
26 Finally Mr. Dunlap testified that the Dunlap faction
27 actually filed a statement of un corporation but remember
28 folks I think it was exhibit 107 that hung just hear

1 (Indicating.) plaintiff showed you that, and if you
2 remember what exhibit 107 was, it was actually the
3 statement of un corporation filed by the Candelaria
4 faction. Okay, what are you going to make of that? Well
5 my question is if the Dunlap faction filed their own
6 document why not show it? Why show the Candelaria
7 faction's document. Again you can take Mr. Dunlap at his
8 word, you can evaluate him as you see fit, that's fine but
9 these are just things to think about. Now what I'd like to
10 end with is just kind of an overall view as to how I've
11 approached it, and I'll give it to you I'm the attorney
12 that's been in this matter the least amount of time but
13 trust me I've been in it for sometime and I'm well vested
14 in it and I've been deeply involved in it. And what I want
15 to say here is because they say so. What do I mean? So
16 why is the plaintiff the real party in interest [-FPL] the
17 same as the GT Tribe before split with whom SMDC had a
18 contractual relationship? Because they say so. So what is
19 Plaintiffs because they say so position require of you?
20 They're asking you to ignore evidence, okay? Here is just
21 the partial list. Don't look at the Dunlap faction's
22 [PWRA*PBT] [PWRAPD] new and totally different constitution
23 that cost \$100,000, ignore. Don't look at no efforts on
24 the part of the Dunlap faction after the split to gain
25 federal recognition. Don't pay attention to the fact that
26 Mr. Polanco's repeated attempts to discredit Mr. Stein came
27 to nothing and are much more in line with a new faction
28 trying to understand mine the Candelaria faction. Ignore

1 that Five council members left with Libra funds never
2 having told the membership that millions in funds had been
3 received. Ignore that the pre split tribal council left
4 with the Libra money, disregarding high and dry, on the
5 beach, out to lunch the 1500 other Gabrielino members.
6 Ignore that the only group that in the pre split GT Tribe
7 that had any say over the tribal council was the tribal
8 council. Ignore evidence that the financial oversight
9 committee was created by the members of the pre split GT
10 Tribe not Mr. Stein. Ignore that the financial oversight
11 committee was in place to act as a check and balance on the
12 actions of tribal council not to usurp up to that point,
13 that is the financial oversight committee and you can go
14 back and look at Exhibit 5 23. Up to that point there were
15 no checks and balances on the tribal council's authority.
16 Disregard Mr. Stein's testimony about his very serious
17 concerns concerning possible securities and exchange
18 violations. Investor funds were being used for [P*EU]
19 purpose that's he believed were improper. That is a
20 tremendously serious violations and creates enormous risk
21 for Mr. Stein personally, for SMDC for the tribe, his
22 concerns were real, they have want you to ignore it.
23 Disregard at that Mr. Stein and SMDC were still trying to
24 resolve the disputes that happened in the later part of
25 2006, you've seen the evidence, you've seen the letters,
26 they, plaintiff, the Dunlap faction has shown nothing of
27 the kind. Disregard Mr. Stein was willing to leave as long
28 as SMDC got paid. Ignore that the pre split tribal council

1 took no similar steps to try and resolve the 2006 disputes.
2 Ignore that the Dunlap faction's claim that they are the
3 real party in interest and was the original contracting
4 party and can sue Mr. Stein and SMDC but that it has
5 absolutely no obligations whatsoever for monies owed under
6 the agreement, and of course disregard that the pre split
7 tribal council solution to the dispute was to form a new
8 and distinct faction with 230 break away members.
9 Plaintiff doesn't want you to pay any attention to this.
10 It's the real party in interest because they say so.
11 Dunlap faction, there's no injury in fact, have no injury.
12 There's no causal link between the alleged conduct here and
13 any injury to the Dunlap faction and as a result this court
14 in all its which is come and you in all your which is come
15 can't offer a solution to Plaintiffs. So Mr. Stein's going
16 to join you again but I really appreciate your time and
17 thank you so much nor your service.

18 THE COURT: Okay thank you. I think there's 12
19 minutes.

20 MR. STEIN: Is there any way we can include that
21 in rebuttal and end at this point.

22 THE COURT: No no.

23 MR. STEIN: Okay let me just use it -- very nice
24 job, can I bug you to put on the ELMO. You have know I
25 think kind of Niels summary said enough I don't really need
26 to go over the points again, what I would like to do is
27 clean up my own awkwardness and forgive me we came up with
28 this stuff so you can read it h we only had yesterday

1 afternoon to prepare, a day to prepare, let me just
2 [KHRAEFPB] up the awkwardness and remember you're going to
3 have a chance to discuss it when you're [TKHRAOEUB] late-g.
4 So let's go to question number one and we'll also look at
5 the jury instructions. So question number one, does
6 plaintiff Gabrielino-Tongva Tribe, in other words we don't
7 think GT Tribe is actually the plaintiff but that's what
8 they're called here that's what you're masquerading as also
9 none as the Dunlap faction have have the capacity to sue.
10 We think that answer is no. Now if you do think that they
11 are still part of the group that was in 2001, two and three
12 you can still somewhere no I just want to make sure that
13 that's clear. If you want to vote against us and say they
14 are GT Tribe, you can still say no if you if I that they
15 are a tribal nation because their complaint says that
16 they're a [TRAO*EUP], they changed it from unincorporated
17 association, you still say no because Polanco, goad,
18 Dunlap, everybody said we are not a an unincorporated
19 association. So either way vote for us or against us, you
20 would still answer no, one no that's the end of this 10
21 year sag a-, if you think you've heard enough about this 10
22 year sag a-, one no is enough. Number 2, does plaintiff
23 Gabrielino-Tongva Tribe, again we talk about plaintiff
24 masquerading, the court has to give dignity, you have
25 Shaquille O'Neal even though you're five-ten, does
26 plaintiff Gabrielino-Tongva Tribe also known as the Dunlap
27 faction have standing. Now that's if you vote with us and
28 say no they are a new group, they do not have stand, ,

1 that's a no. If you vote against us and say yes, they are
2 the same group that was there 2001 two and three then they
3 do have standing the answer's yes, main thing I just want
4 to clear up number one and Number 2, separate questions,
5 separate answers. Let's go to the jury instructions and
6 then that will be it for what I say, I just want to round
7 out. So let's go to number one first. So Defendants have
8 asserted the affirmative defense of lack capacity to sue,
9 this is for question number one. We have to prove, we have
10 the preponderance of the evidence that's 51 to 49 we have
11 to prove that they don't have capacity, so when you're
12 asked -- now go back to the other one, no no forgive me,
13 can you go back to the ELMO nor a second to number one. So
14 once again huh a question that says do they have capacity
15 and we say no, you have an instruction that says do they
16 lack capacity which is kind of a different way to look at
17 it so that's why I want to make sure to get it absolutely
18 clear in your mind, we're looking for a no that [TKAO] they
19 have capacity to sue, no, that [PHAEPZ] they lack capacity
20 the. Jury instruction said lack capacity, this one says
21 capacity to sue, the answer is no. So let's now go back to
22 the other one?

23 A. Always good to have a lawyer that not only speaks
24 well but it Defendant's Exhibit truss. Every action --
25 let's go above that first to number is one there we go.
26 And so Defendants must profit by preponderance of the
27 evidence that Plaintiffs lack capacity, remember lacking
28 capacity [PHAEPZ] they no capacity. Now the reason they

1 lack capacity is because you have to have a statute saying
2 you can sue somebody, that's what protects us from noisy
3 neighbors, that's what protect us from lawsuits is when a
4 statute says this type of person can sue but that type of
5 person can't. In this case the closest it is, they must be
6 an unincorporated association to sue. So if you believe
7 that they are a tribal nation as they say, if you believe
8 that the complaint, Paragraph 1 that says it's a tribal
9 nation is right, if they say that we have sovereignty in
10 our hearts, it exists inherently and they are a tribal
11 nation, not an unincorporated association, and they say
12 this after 10 years of litigation, then that means it's a
13 no, they do not have capacity to sue. Now let's go to jury
14 instruction Number 2. There we go, now this is a related
15 content but [SOEPT] Lee different concept, remember you can
16 say no to one is and yes to another because they are
17 different concepts. Defendant must he though -- we have to
18 prove that they are not the real party in interest, GT
19 Tribe is the real party in interest, they are not GT Tribe,
20 that is our [PWUFRP] burn, this you believe they are GT
21 Tribe then you say yes, they do have standing because they
22 have GT Tribe, if you say no GT Tribe became the Candelaria
23 faction and settled out of this action, then everything has
24 been settled, everything is over because Candelaria faction
25 settled it. And the court approved it, said that's right
26 but these guys still get a trial. What's weird is that it
27 took eight years to get there, why would you want eight
28 years to do what we've done today. Number one. Plaintiffs

1 did not suffer an injury in fact, that means that the
2 Dunlap faction did not suffer an injury, that was suffered
3 by GT Tribe and that injury has been settled out, that
4 injury has been settled out, Dunlap faction was created
5 after the injuries of 2001, two, three. Of course SMDC was
6 owed money for 2001 two and three but would not get it from
7 the Dunlap faction. So in a way you'd be helping the
8 Dunlap faction get on their own lives with their own 237
9 members because they wouldn't have to pay SMDC and SMDC is
10 okay with that. After 10 years, SMDC has one request of
11 you, please let us go home. Number 2, there's no causal
12 connection between Plaintiffs injury and Defendants
13 conduct, SMDC's conduct in 2001 two and three, that was
14 rendered to GT Tribe, they had a contract with GT Tribe,
15 these guys lost control of the voluntary organization, they
16 wanted to the money so bad they gave up [KWROEL] of the
17 voluntary organization, why did they get to keep the
18 lawsuit? They don't. If you loose control of a church to
19 another faction and you start your own church, you don't
20 get to keep the churches cemetery, you don't get to keep
21 the [KHOUFZ] building you've got to go find your own
22 building and cemetery. These -- GT Tribe got the conduct
23 from SMDC, GT Tribe got the conduct from Stein, that
24 conduct was terminated on October 3, Dunlap faction only
25 came into being after the split, November 18, 2006 and they
26 passed their own constitution February 2007. Number 3, it
27 is unlikely Plaintiffs injury can be redressed by a
28 favorable court decision, again we spent 20 or 22 court

1 days, Five weeks and we net out SMDC's damages and what
2 they claim is damages and you say okay you owe them \$5,000,
3 that Five [THO*UD] thousand dollars would go to the wrong
4 people, it would go to the people without standing, it
5 would go to the Dunlap faction. GT Tribe who would get the
6 \$5,000 from the conduct of 2001 two and three, they
7 settled. They said we would rather move on with life that
8 have a lawsuit that might last 10 years. That seems in
9 [PRET] [TROE] respect a good decision, wasn't it, they kept
10 the casino project going, Mr. Stein kept pouring up of
11 thousands of dollars into things like senate bill number
12 one and into the Garden Grove effort and into the effort by
13 Barbara Garcia to give back membership records to the
14 individuals, the individuals who's records they were. So
15 if you agree -- so going back -- bet had he just close by
16 saying number one thank you for your service, thank you to
17 the court for everything, Number 2 you've got two questions
18 to answer, if you answer even one of them no we're done.
19 And Number 3, can we please go home, this has been a 10
20 year journey and I think it's time to end, I think a fair
21 trial has been given. If this should have happened eight
22 years ago, at least it's happening [-P] today, people that
23 obviously that feel very strongly has been given their day
24 in court buff it's time to go home thank you again.

25 THE COURT: Thank you. Closing argument on behalf
26 of the plaintiff.

27 MS. IBARRA: And I'm actually going to use the
28 microphone. So good morning everybody, first of all I

1 really do want to thank you yore your service and thank the
2 court for her patience with everybody and counsel, I've
3 been doing this not as long as the court or Mr. Stein but
4 this is definitely an unusual case and I've never seen
5 anything like it and I hope you never see anything like
6 this, so I thank you for your service. My client, the
7 group which is long used the name Gabrielino-Tongva Tribe
8 I'll refer to it as the tribe ask that you find that the
9 tribe is a real party in interest in this case so that it
10 can pursue it's contract and tort claims against the
11 Defendants and cross-complainants, Stein and Stein's solely
12 owned company SMDC. The evidence that you have heard in
13 this part of the trial supports that conclusion h you've
14 heard testimony from individual [TKARPL], Sam Dunlap, Mr.
15 Stein himself, that the core members of the tribe and their
16 tribal council leaders, came together at the time the SMDC
17 [WA*USZ] was executed in 2001 or soon thereafter and then
18 affirmed the SMDC agreement a number of times through
19 triable resolutions many times between 2001 and 2006. Now
20 the SMDC agreement is the key document and I'm going to ask
21 you to refer to it a lot. It's Defendants document but we
22 used it a lot because it is a key document that you should
23 refer to, it's 569. You've heard that the tribe had an
24 election in 2005 which formalized the role of certain
25 tribal council members who had acted in that capacity
26 consistently since 2001, you heard that this same actually
27 elected tribal council quickly adopted a constitution in
28 spring 2006, that's Exhibit 44 and that although the tribal

1 council members thought the 2006 constitution was I am
2 manometer [TPEBGT] and they never submitted for
3 ratification bitten tire membership because they didn't
4 like it, this document, this 2006 constitution generally
5 governed relations between the members at this time that
6 this action was initiated. You heard that around the same
7 time the tribe -- its tribal council entered into the Libra
8 Securities agreement which they believed provide the the
9 tribe with seed money for achieving federal recognition and
10 possibly casino gaming. For the first time in this trial,
11 Mr. Stein said oh, no, it was not for federal recognition,
12 it was for casino owe gaming, but that is a number of
13 inconsistencies that you should pay attention to in Mr.
14 Stein's testimony and what he says now, what he says during
15 the course of this litigation and even during the course of
16 the time that he was on the stand. You also heard that
17 when they had a falling out with their chief development
18 officer and the head of SMDC, Mr. Stein, Mr. Stein retained
19 possession of their confidential individual tribal
20 membership records and their tribal letterhead and their
21 website and the membership lists and the contact
22 information for those members and all of the government
23 filings which Stein had ever caused to be filed on the
24 tribes behalf through his assistant Barbara Garcia. Mr.
25 Stein did not really dispute these facts here, I mean he
26 admitted most of these. He also admitted that he cut off
27 the tribal council members e-mail he cut off their cell
28 phones their access to the website and just generally

1 interfered with the tribal council members ability to
2 communicate with their membership and in effect to explain
3 their side of the story to its members, as he himself
4 continued a one-sided dialogue with the membership. More
5 shocking than the fact that he retained possession of all
6 of these disputes which he does not dispute and that he
7 controlled all of the communications with the members
8 during this time period was the fact that he used all of
9 these same documents after he was terminated, after he
10 quit, he uses these documents that he unlawfully retained
11 and continued to make more filings on behalf of the tribe
12 through Barbara Garcia after it was abundantly clear that
13 he lacked any authority to do so and he used these
14 unauthorized filings as key evidence now that the faction
15 of members that he recruited to take over the tribe, the
16 Candelaria faction, somehow did manage to take over the
17 tribe because Stein allowed them to use confidential
18 business and tribal records as their own. So that's the
19 key basis of him claiming that candidate ascended to
20 control the tribe. More than that, after it was
21 unambiguous us Lee obvious that Stein and his employee
22 Ms. Barbara Garcia had no right to act on behalf of the
23 tribe, Stein authorized Ms. Garcia to file the statement of
24 unincorporated association which she had every right to do,
25 she just didn't have the right to do that in the name of
26 the tribe who was already using that name. So this was
27 done in December of 2006 after this litigation was under
28 way and after Stein was a key Defendant and

1 cross-complainant in this action. Now that's just the
2 first of many documents which Mr. Stein inexplicably
3 authorizes Ms. Garcia to prepare for Ms. Candelaria's
4 signature over the course of the next several years. All
5 of these documents pretend to be filed on behalf of the
6 plaintiff because they use the exact same name as the
7 Gabrielino-Tongva Tribe but they're prepared by Mr. Stein's
8 employee and signed by Linda Candelaria. Among the
9 inexplicable filings were the back filing of tax returns of
10 the tribe which were unsigned but Ms. Candelaria says she
11 signed, these are Exhibit 50 three, these tax returns as
12 you will see and I think you already have seen, they date
13 back to 2000. So think about this, the SMDC agreement is
14 filed in 2001. He's bag filing taxes to 2000 for a period
15 when the tribe had no money and the period that predates
16 the SMDC agreement itself which everybody agrees was
17 executed in 2001. There's just no good explanation for
18 these filings. Now I say that these filings were
19 inexplicable except that they are explicable or
20 explainable. If you believe that Mr. Stein authorized
21 these filings in order to further Stein's argument that
22 something happened that took away Virginia Carmelo, Sam
23 Dunlap et al, the rest of the duly elected tribal council's
24 authority to act on behalf of the tribe and then invested
25 that authority with Ms. Linda Candelaria, but something did
26 happen, Stein gave them confidential business records,
27 financial records, that's what happened. Now Stein
28 claims -- Stein claims the fact that candidate made filings

1 gives Candelaria faction some credibility and it's an
2 indicator that her group is the real party in interest but
3 if you reflect about the time frame during which these
4 filings were made after the key events at issue here, you
5 realize that these filings have no credibility and may in
6 fact eventually prove to be fraudulent and it may actually
7 be criminal, you have know but that's for later. These
8 strange filings also make sense if you believe Stein
9 authorized them in order to create an impression that Ms.
10 Candelaria had authority to settle this action and he's
11 doing this in this very action that causes Ms. Candelaria
12 to usurp our item identity for purpose of saving himself
13 the trouble of having to defend himself against the claims
14 made here. This appears to be the plan. That is why you
15 know they signed the SMDC agreement. More importantly the
16 only witness to testify on behalf of Mr. Stein's position
17 besides Stein were his former employees, Barbara Garcia,
18 Jason Meyers. We did hear the testimony from Ms.
19 Candelaria regarding the SMDC agreement that she entered
20 into with Mr. Stein and his company but her testimony was
21 surprising, and didn't necessarily support Mr. Stein's
22 claims. Candidate [con|could not] explain what the SMDC
23 agreement was about or what the estoppel certificate she
24 signed were supposed to do, she plainly admitted she did
25 not understand legal matters and that she relied on Mr.
26 Stein as a trusted advisor with extensive legal knowledge
27 in entering into the settlement agreement. She remembered
28 there was another lawyer Mr. Jason Meyers who provided

1 advice but explained he was introduced to her by Mr. Stein
2 and that they met only once perhaps twice. So Mr. Jason
3 Meyers testimony was equally trouble, he admits had he did
4 not negotiate the terms of the settlement agreement between
5 Stein and Candelaria's faction he claims that Stein gave
6 him the deal points or the settlement terms which had
7 already been negotiated between Stein and Candelaria's
8 faction and that all that was required you have him that he
9 memorialize those terms in a settlement agreement and then
10 ensure that agreement was executed. He claims the
11 settlement deal was arm's length or fair, even though all
12 that he appears to have done is just basically stamped his
13 name on it because Stein asked him to do so. So questions
14 must linger in your mind about whether the Candelaria
15 faction's settlement agreement was conclusive. Bernie
16 Acuna testimony was bewildering he did not seem to
17 understand what this action was about or that the
18 Candelaria faction claimed that it was a party to the SMDC
19 agreement. He very clearly said the SMDC agreement [KERBD]
20 the Dunlap faction not his group and he got annoyed when
21 questioned further about it. He also seemed to be unaware
22 that despite that admission he had actually signed an
23 agreement settling the claims arising from the SMDC
24 agreement, he combative Leah certificate [THAD] had he
25 never heard of Jason Meyers, stop asking me, don't know who
26 that is. That's the lawyer that gave him advice to enter
27 into that agreement. Jerry Maldonado, he was interesting,
28 he was straightforward, he basically said that estopped

1 hearing from the Dunlap group and so hence he's with the
2 Candelaria Group, he would have like to have heard -- had
3 he would have been interested in hearing more but he just
4 stopped hearing from them. But back to Mr. Acuna on
5 redirect when prodded and guided by Mr. Stein and Mr.
6 Acuna, Mr. Acuna acknowledged that he personally had indeed
7 signed the documents pretending to settle the claims that
8 arose from the SMDC agreement but I'm not sure to make of
9 his testimony except that it's just unreliable, I mean the
10 obvious question is if you sign documents you don't under
11 and can't explain, what value do those documents have?
12 What value should they have? Here, the only person who
13 could attest the value of those documents, settlement
14 agreement, the estoppel certificate between Stein and
15 Candelaria faction was Mr. Stein himself, not Ms.
16 Candelaria, not Mr. Acuna. The only person who claims that
17 settlement was negotiated was Mr. Stein, not even Mr. Jason
18 Meyers, his friend, his former employee. He did not claim
19 that, he said he did not negotiate it. So what is Mr.
20 Stein's explanation for why he edge [TKPWAEUPBLD] in all of
21 this? That the Dunlap group had a- back [TKOPBD] their
22 duties and Ms. Candelaria, Mr. Acuna successfully assent
23 today control the tribe but the facts that he asserts
24 [do not|done] amount to that, his interpretation of the
25 undisputed facts are just unbelievable, he said the blue
26 cards h and you've seen them, both verses of are evidence
27 that a certain faction abandoned the tribe and another
28 faction ascended but you have to stop that [SHER]

1 [aide|aid], you've seen it, as reasonable people you can
2 interpret what you think the blue cards say. Any
3 reasonable reading of the blue cards leads to only one
4 conclusion, they don't want to be associated with Stein.
5 Stein is an executive officer who left the tribe. There is
6 no indication that the blue cards intend today end the
7 relationship with the tribe itself or to change the
8 composition of the tribe. So it goes -- the blue cards,
9 Exhibit 508 and 509 please review them carefully. Stein is
10 forced to admit that no recall elections ever took place,
11 as we saw in his letters to the members, Mr. Stein badly
12 wanted a recall election because he wanted new leadership
13 that would work with him and he pleaded with the membership
14 through a series of letters suggesting that they hold such
15 a recall, but in the end he's forced to admit and he
16 admitted it that a recall election never came to fruition.
17 So in the absence of any hard evidence of change in
18 leadership, any leadership status in the tribe, he merely
19 slings mud at the tribal council members that they became
20 greedy and grabbed the money and took it with them to form
21 another tribe. His indicate [THAER] Mrs. Carmelo, Mr.
22 Dunlap formed a new tribe was that they adopted a new
23 constitution and they tailed they failed to make government
24 filings but those aren't persuasive for the idea they
25 payment a new tribe, that is because [STAOEUP] always new
26 the original [STRAO*EUBG] was unhappy with the constitution
27 from 2006 it was hastily drafted as you have seen and they
28 wanted another one. So that is not a realistic inn

1 [KAEUGTSDZ] that the [TRAOEUFBL] experiences a change in
2 form, the constitution was always going to be changed
3 that's why they didn't submit it to ratification by all the
4 members. Also it is unreasonable to expect that an entity
5 that had no money would continue to make government filings
6 when it was not engaged in activity that required
7 government filings moreover Mr. Stein was Ah person who had
8 taken charge of government filings touring eyes tenure and
9 this retained possessions of them and those government
10 filings as we've seen very much Mr. Stein's own personal
11 previous tore lob [AOEFPG] and influence in Sacramento, the
12 practice maybe [THAOUL] [HAOE] and maybe supplies-g Lee
13 continue continue [TOUP] Polanco's [TEPB] tour for a lot of
14 reasons that are mainly relevant to the main part of the
15 case, buff he [KWAOUL] Lee important are the [AOEURB]
16 [THAURZ] that Stein does not address or explain and
17 remember he bears the burden. [TPO*EPBGS] [TPOEFBGS]
18 despite his dramatic claims of a money grab by tribal
19 council members he fails to explain why no vendors sued the
20 tribe for nonpayment except Mr. Stein and his sole [HAOE]
21 owned company and Crane, the lobbyist that never med the
22 tribal council members that was only connected to the tribe
23 through Stein.

24 MR. STEIN: Objection.

25 MS. IBARRA: And he --.

26 MR. STEIN: Objection.

27 THE COURT: Hold [THR-FRZ] an objection.

28 MR. STEIN: Objection I'd like to file an okay on

1 [PWOFT] of the Crane [TKPWRAOURP] that is a vendor suing
2 the tribe.

3 THE COURT: Overruled.

4 MS. IBARRA: That's what I said those that was
5 vendor suing the tribe those are the only vendors to ever
6 sue the tribe for nonpayment. More [PORPL] he never
7 mention [-Z] or explained except when confronted then he
8 admits that Libra gave the development money to the tribe
9 not tine, there was for tribes use [STOPB] Stein and Libra
10 had no complaints with how tribal council members use that
11 money in fact sign size Libra because Libra does not
12 [TA*EUPBG] take his side. He admits that, he admits that
13 he size them but he can't give a good explanation why
14 because there's no good explanation, it's just that they
15 preferred the tribal council over him. I en deed he
16 finally acknowledged that Libra acknowledged that the
17 tribal council follow Mr. Stein's voice or that they even
18 continue to employ them, he was not essential to their deal
19 although he thought he was. At a certain point you'll hear
20 that this part of the case is about Mr. Stein's managed to
21 control a certain mart of the tribes business records and
22 tribal records when he function as a tribal executive
23 officer and that made him believe that he was the tribe and
24 the tribe could not move forward without him. When Libra
25 appeared to indicate otherwise, that the tribe indeed could
26 move forward without him that enranged him and so that set
27 about a plan to show Libra and everybody else how
28 impossible it would be for them to move forward and that's

1 why we're here. Important if the tribe cannot move forward
2 in his [KHRAEUPLIS] against Stein because you decide that
3 plaintiff tribe continue I real party in interest then some
4 important documents will never be regained and we heard a
5 lot about them during the team Mr. Sam Dunlap and
6 Ms. Barbara Garcia they both remember that that somewhere
7 in 2003, Mr. Dunlap brought in three bankers boxes of
8 documents containing confidential tribal information
9 belonging to individuals, mostly his family and his
10 friends. And from that base, they built their entire
11 membership from the tribal membership records. The
12 membership records were people who Mr. Dunlap and the other
13 tribal council knew and were related to. These were not
14 records that could have been generated by Mr. Stein, Mr.
15 Stein had absolutely -- absolutely needed the stint of
16 Dunlap and the other tribal council members to build this
17 membership base and those tribal council confidential
18 documents and to fulfill his dream of tribal game in Los
19 Angeles County but it should be abundantly clear by now
20 that the tribal membership records belong to the family and
21 friends of the tribal members and there's a justification
22 or and there has never been any justification or Mr. Stein
23 retaining a portion of them for this long and depriving
24 their use for the tribe for 10 years. So we think the we
25 amply proved that the injury of the tribe in use of the
26 records clearly fell on the plaintiff in this case, not to
27 the Candelaria faction and that the tribal council members
28 who presided at the time and who are still members of the

1 tribe and who generated those records by reaching out to
2 their family and friends are the people who collectively
3 suffered that injury and that a favorable resolution in
4 this case will attest that the long voyage and regain
5 possession of those records once more and deprive Stein of
6 the right to have use them and possess them, that is why we
7 claim that the plaintiff is the real party in interest.
8 All we ask that in part of this is that you decide that Mr.
9 Stein is not the tribe, the fact that he retained
10 possession of records and use them for the benefit of the
11 Candelaria faction does not make him or Ms. Candelaria's
12 proxy his signatory the tribe. Mr. Stein however that's a
13 second argument which is equally un a- veiling and un
14 persuasive. So Stein makes this outrageous claim that the
15 plaintiff claims some sort of sovereignty has a tribal
16 entity and thus is not really a proper plaintiff in this
17 action after 10 years, they're not a proper plaintiff, that
18 it does have not capacity to pursue et cetera claims
19 against him since it's not a federally recognized tribe and
20 [STEBD] [AOE] [TRAO*EUPBT] entity it must be a none [-PT]
21 [TAOE], [THA*UZ] that's just not the way it work. As
22 you've heard [AOEFR] and over again in this case the
23 individual tribal council members are Native Americans who
24 [TKHAOEP] Lee want to gain federal recognition. They
25 believe deep in their core that they are a tribe [THARBGs]
26 they are a sovereign, that predates the exist fence of the
27 federal government and the State of California and that
28 they should be federally recognized as a tribe and [TPABG]

1 [HAOE] if they as individuals and lead [ERDZ] of the
2 triable [do not|done] believe [HAOE] deeply and sin
3 [SKRAOER] [KPRAOE] about [THEFL] [SAFLZ] a collective then
4 the federal government will [TPHEB] believe they are a
5 tribe either. The reason is you don't become a tribe and
6 the federal government grants you recognition, you are a
7 tribe, you prove to the government that you are a tribe and
8 then the [TKPW*ED] government acknowledges that that's why
9 it's called the federal recognition process. The federal
10 government doesn't give you permission to be a tribe it
11 gives not an acknowledgement that you've always been a
12 tribe so that's the easiest way of explain it, so when the
13 Plaintiffs witnesses make the statement in this case about
14 being a tribe they did not make the statement as a legal
15 argument or a statement of law, they make this statement as
16 a sincere belief, they were [-RPB] saying that this court
17 did not have jurisdiction over this matter nor did they
18 state that there was another court who had better
19 [SKWRURTS] diction, in fact they are here as a collective
20 tribe because they are invoked the power of this court in
21 enforcing state law because there is no other remedy for
22 them as a none federally recognized tribe, they couldn't
23 even go to [TP*ETD] court on this matter because the issues
24 here are purely a matter of state law with no federal
25 issues involved. You photograph it's like who stole who's
26 records and who breached a contract, you know and who
27 submit committed malpractice, that's really the only forum
28 here to resolve this dispute is this one. Now Stein will

1 hold to those witness statements that their [HEPT] [TAOE]
2 is a tribe and their tribal entity is some sort of
3 admission that there are not an unincorporated association
4 for purpose of this lawsuit. They are an unincorporated
5 association for purposes of this lawsuit but that doesn't
6 mean that they need to understand that when they're on the
7 witness stand because they're not lawyers, they're not
8 making legal argument and it doesn't mean that they need to
9 make a statement of unincorporated filings because you
10 don't need to do that to act as one you just need to come
11 together and work in concert which is what they did.
12 [UPLD] the laws of the State of California, you know so --
13 under the laws of the State of California they're going to
14 be an unincorporated association whether they like it or
15 not, that's why they're in this court with the right to
16 enforce and settle this litigation. But you know he makes
17 a big deal out of it because he calls well Linda Candelaria
18 acknowledges that she's an unincorporated association she
19 made that filing in December of 2006 so she's the real
20 party in interest. And that's precisely the Stein game
21 book, create confusion. So you see how ridiculous his
22 argument is? As a matter of law when plaintiff tribe inn
23 [SROEBGZ] the power of [courts|court's] as a none federally
24 recognized tribal entity, they're treated as an
25 unincorporated association.

26 MR. STEIN: Objection misstates --.

27 MS. IBARRA: I've seen stereo.

28 THE COURT: Overruled.

1 MS. IBARRA: They did not have federal
2 recognition, we've never claimed to have federal
3 recognition. This does not make -- this does not mean that
4 they go around calling them [KHROEG] [KWAOE] all [AOE]
5 we're the Gabrielino-Tongva Tribe, the unincorporated
6 association, they would probably never do that, but neither
7 do a lot of other entities who are treated as
8 unincorporated associations I'll give you have one good
9 example. Labor unions, united fire fighters of Los
10 Angeles, you [TPHRABGS] local 112 they do not go around
11 saying [AOER] unite [EUD] fire fighters unincorporated
12 association, we they a-er un fight identifier fight [ERBZ]
13 the fire [TKPAOEUT] [ERZ] union for Los Angeles, that is
14 how they describe themselves, it would be silly to deny
15 them to invoke the power of the court because they don't go
16 around calling themselves an unincorporated association or
17 because they don't file a statement of unincorporated
18 association. They're not required to file that. Yet Mr.
19 Stein is hinging his entire case on that. So now you see
20 the value of the fraudulently filed statement of
21 unincorporated association made by Ms. Candelaria in 2006,
22 exhibit 107, what is most trouble about this argument is
23 that when Stein first encounter the Gabrielinos he
24 represented to them that even though they did not have
25 federal recognition, that they had a special status under
26 California law as state recognized tribe if you want to see
27 this representation and perhaps misrepresentation, you've
28 actually already seen it but you can refer back to it, it's

1 in writing, it's the first page of exhibit 569 wills the
2 SMDC agreement, this is the first time that this is written
3 down. So the SMDC agreement which Stein drafted or a
4 lawyer drafted on his behalf will at the time [-L] that in
5 the second part of this case, but Mr. -- Mr. Stein you know
6 admits that he edited it very [KOES] Lee. In the caption
7 page was the Stein writs was the Gabrielino-Tongva Tribe
8 are a duly recognized tribe under state law. That fix was
9 repeated by Mr. Stein over and over and over again over the
10 course of many years. He wrote long legal briefs and long
11 law review articles and advocacy memos arguing that the
12 Gabrielinos although needed to engage in tribal gaming in
13 California without government recognition, the is he Ed the
14 fact that you're [ROFGD] by the State of California that's
15 all you need. This was a representation Stein made to the
16 tribe about [TH*EL] themselves and to policy makes [SKPERZ]
17 to others, to perhaps the investors and [THA*SZ] that's a
18 theory that he's actually kind of described in this court
19 as well so to their settlement, the Gabrielinos believed
20 this, a lot of other people believed it too. The Sheppard
21 Mullin complaint that was filed also made this
22 representation. Now they still acknowledge that under the
23 laws of the State of California they have no special status
24 you know when coming into court, that they were going to be
25 treated as an unincorporated association but that doesn't
26 mean that they liked it but Stein exploits the confusion
27 that he created by pointing to that language as some sort
28 of indication that they are invoking sovereignty, this is

1 classic Stein, create confusion, [ORB] have I skate the
2 facts, deny that you had any party [KRAO*E] [KWRAEUFT] the
3 confusion and then benefit from it. But you can go back to
4 569 the document that he drafted or his lawyer drafted with
5 his edits and you will find that representation so you
6 shouldn't let him get away with it, he has the burden of
7 proof, that the tribe has no capacity to sue. You can let
8 him hang his hat -- you cannot let him hang his hat on some
9 ambiguous statements about sincere beliefs being a tribal
10 entity, that just does not meet the standard. Thank you
11 for your service.

12 THE COURT: Thank you rebuttal on behalf of
13 Defendant.

14 MR. STEIN: Your Honor did you see a five-minute
15 break sound in order. Does the jury need a break I think
16 they want you to keep going.

17 JUROR NO. 7: Your Honor how long does he have for
18 rebuttal.

19 THE COURT: Oh it's 15 minutes each side. Does
20 that interfere with travel plans?

21 JUROR NO. 7: I was wondering if the jury wanted a
22 break but we're good.

23 THE COURT: Okay.

24 MR. STEIN: So let me just bring up a couple
25 things haphazardly, you've really listened to a lot you've
26 seen a lot of evidence and you can draw your own
27 conclusion, you can decide is what I'm an amazing
28 mastermind, I've never thought of myself as a mastermind.

1 I remember the court almost losing patience with me a few
2 times the mastermind, that's not being a mastermind I don't
3 think, and I've never typed of sit here and listen to that,
4 but that's what we're here to decide. We heard that the --
5 they need today explain their side of the story to the
6 member as to what happened to the money. They they've had
7 eight days, this is the ninth day, have they ever explained
8 what happened to the \$898,000, they want today explain to
9 the members what they'd do with the member and yet all the
10 financial oversight committee said they buffed it, and
11 here, have they explained what they did with the \$898,000,
12 why it was a good move? I don't think they did, I don't
13 think they did. The closest was Virginia Carmelo. She
14 said okay, yeah, it was supposed to be casino money but you
15 don't have a casino project unless we stay organized that
16 why we have he three up thousand dollars for Sheppard
17 Mullin we now here \$100,000 for John Velie for the
18 constitution, for Mr. Polanco 100,000 that's five 72- for
19 the tribal members themselves 572 out of 900 and then they
20 prepaid a years expenses with the rest, does that really
21 work on behalf of 1700 members of the tribe? We can talk
22 about it for 20 days but to me what it's evidence of is
23 they simply left behind 1500 members and they simply took
24 the money with them. Second she said they were duly
25 elected, they were duly elected members, well that was 10
26 years ago, since that time the Candelaria Group had an
27 election in 2007 and again in 2008 and they had their
28 elections with their constitutions. Can you pull up one

1 constitution and then the next. Let's go back in time for
2 just a moment to 2007, this is March 24th, this is the
3 constitution, keep -- just scroll down while I talk that
4 would be great, this is the candidate constitution remember
5 it's very, very similar to the GT Tribe constitution, typos
6 and Ms. Ibarra very correctly many pointed out there was a
7 substantive change or two in the course of all of these
8 articles but you saw how similar it was, this is a GT Tribe
9 constitution March 2007 and there is all the same articles
10 as the earlier one. Now let's go to the Dunlap group
11 constitution that was from 2007 as well, February 2007 and
12 this is the John Velie group and if we scroll down, let's
13 just stop it right there, government to government
14 relationship, very, very different. But with we look at
15 the differences let's first look at the moment in time,
16 right, we've got one constitution over here with the
17 Candelaria faction, we've got another [KOPS] [TAOUGS] over
18 here with the Dunlap faction. The Candelaria faction has
19 an he election among 1500 members, yeah that's hour
20 [KOPBLGS] [TAOUPGS] we [TPOEBLD] zero usurp new tribal
21 council we [TPHOEU] control GT Tribe, these guys say we've
22 got a new constitution what the whoa new set of rules but
23 we've got 230 members, we're a new group, they left behind
24 the old group and formed a- [TPH*E] new because at that
25 point in time March 2007 there were two constitutions
26 simultaneously, how could there be one group if there were
27 two constitutions simultaneously, and that's why there's a
28 lack of standing, now let's look at what the constitution

1 says and see why they do not have the capacity to sue, they
2 say they have a government to government relationship, let
3 me ask you, does the fire man's union have a government to
4 government relationship? Web we remember we talked about
5 corporation [SR-Z] their own statute and you get hit by a
6 car and you die interests a statute that says you're estate
7 can sue and then we have trusts have a statute and there's
8 a statute saying in your poor little child gets hurt you
9 can sue for your child. Unions have their own statute,
10 anybody ever heard of the [TPHAEUPGS] Al labor relations
11 act, that's a federal statute that creates unions, that's
12 what created the fire men's union and in that statute is
13 she can sue, now these they can't sue directly they've got
14 to go to the [TPHAEUPGTS] at labor relations board, you've
15 heard that meet.

16 MS. IBARRA: Mice states law.

17 THE COURT: [HET] he me merely argument and I'll
18 rule on it.

19 (Record read.).

20 THE COURT: Sustained.

21 MR. STEIN: [SR*ERBG] very good.

22 THE COURT: That argument is stricken, Bernie
23 Acuna, now Mr. Acuna was confused, he was confused and knew
24 that was a risk when asking him a a witness [WHAOEBL] eye
25 brain seizure, he had not one brain seizures he also had
26 three mowers, sore [HAOEZ] a comes foamy from Fallbrook
27 California to talk to you folks for not too long but he
28 wanted to be here, he may not be what he used to be but you

1 can get an idea what he have used to be before the four
2 brain seizures and you wanted to be here to tell you what
3 he told you and if he told you a few things wrong, please
4 understand his condition. I think it's entirely okay that
5 she brought that up, I think that's appropriate, not at all
6 bullying but I would like to talk about what is bullying.
7 What was bullying, that was the word Jason Meyers used was
8 when he tried to go to court to tell the judge hey listen,
9 we have 1500 of the members and we want to settle out and
10 move forward with our casino project and he says he was
11 bullied by the attorneys here who didn't want the court to
12 hear him but he did it anyway [TH-FPLT] another thing that
13 I'd like to talk about is the banker's boxes of Mr. Dunlap,
14 I believe Ms. Ibarra please correct me if I'm wrong but I
15 believe Ms. Ibarra [S*E] said that the reason that they
16 have the capacity to sue, the reason that they should have
17 standing is so that they can get back those bankers boxes
18 of records. Now ask yourself first of all, we've been in
19 litigation for 10 years, don't you think they would have
20 every records [THRUFR] a discovery, the second thing I ask
21 yourself why didn't Mr. Dunlap if they were his records sue
22 personally right if they were his records why didn't he sue
23 personally, as far as any ownership of records, if they
24 were individuals they were owned by the individuals and
25 when there was a big split by the tribe and people wanted
26 them back, you heard Barbara Garcia say she spend a
27 thousand hours at my cost to give them back. So do they
28 need something from this lawsuit that that they don't have

1 and should we spend 20 days investigating what happened in
2 2003 to what box of records and what was the boxes. Now
3 outrageous claims of sovereignty, let's look at what Ms.
4 Ibarra calls out last name us [THRAOEUPLD] of Sovereign
5 see. This is they are client, this is not her client,
6 she's [AOE] outrage a [STAOEUPLD] I sovereign receive she's
7 calling what Ms. Goad says, Ms. Goad is right here, she
8 ease [SOFB] [TAOE] she said [THAER] out ladies and
9 gentlemen us claims they're really an unincorporated
10 association, well [TPERS] of all here they say here they
11 are a sovereign, keep [PHOPLG] down and I'm going to go
12 through [TPART] so if I don't give you time -- they have
13 government to government relationship through treaties and
14 compacts, keeping going down, they have constitution h the
15 [STPRAOEPL] [SHRAU] is a government nation, stop there for
16 a sec maybe we'll have to figure out whether the vendor who
17 is [TKPWOFRD] by this, this is the vendor SMDC and the
18 vendor Crane whether they can get past their constitution
19 because supreme law is their law not California law not
20 federal law, keep going down, they then say that -- keep
21 going, that's citizenship, let's see how long citizenship
22 continued, yeah citizens, more citizenship, more
23 citizenship, more citizenship, more citizenship, more
24 citizenship, let's keep going there, let me stop for a
25 moment. [TKPOUR] the a- app [SAEUGS], the citizenship
26 application why don't he don't you show that for a sec.
27 The citizenship application is what had you to put in to
28 move from GT Tribe into the Dunlap faction. And it wasn't

1 just a little application, it wasn't to a citizenship
2 department that checked your genealogy, what happens if you
3 didn't have all your documents that's why there were Class
4 C members in GT Tribe lots of people didn't have all their
5 documents, you had to check your genealogy, you had to go
6 back Five generation [H-Z] go to the citizenship
7 application page f you could not complete their
8 application, you could not move from GT Tribe to Dunlap
9 faction, keep going to the next, keep going, that's the
10 one. One generation, two generally [RAEUB] [H-Z] keep
11 going, three general [RAEUBGS] [-TZ] keep going, four
12 general [RAEUBGS] [-Z], you had to prove back Five general
13 [RAEUBGS] [-Z] to get into their group in you were just a
14 rig standard member of GT Tribe and you were Class C you
15 might not have the rights of Class B but at least you had
16 time to get your documents together, if you have had Class
17 B you have had special status they abolished all that and
18 said you've got to get in here buddy and it made it hard.
19 So let me then move to just one or two more points because
20 I think I'm exhausting everybody's patience. They said
21 that they could gain without federal recognition and that
22 was a big fraud. In other words SMDC said you can gain out
23 federal recognition but you can't be -- you have don't have
24 capacity to sue. Buff you saw senate bill number one, that
25 was one bill there would have to be other bills, that one
26 created a reservation [-S] but there would have to be other
27 bills so that a tribal nation could be recognized with full
28 rights not just recognized and saying oh yeah you used to

1 live in Los Angeles County we'll start the process with an
2 assembly joint resolution, to [THAOUL] loaf get federal
3 recognition you need Ed senate bill number one including
4 other bills, including one to give you have the right to
5 sue, otherwise you get federal recognition and to it that
6 way, but you can't compare that to a union that operates
7 under federal statutes. That's exactly the comparison that
8 she's trying to make. In closing, I'd just like to mention
9 one more thing and that is I'd like to look at the letter
10 for the letter to the Dunlap faction and -- there we go,
11 okay now. Remember we look at the time constitution with
12 goad and then also with [TKA*RPL] and also with Dunlap and
13 then we looked at this letter with one of them, I'm not
14 quite sure which, all three of them admitted there's
15 nothing in the constitution that it is replacing an earlier
16 constitution. And there is [PHOG] in this letter saying oh
17 yes we're amending and restating a constitution, they're
18 ratifying a new constitution, it's a big deal, why is it a
19 big deal because they're announcing a new group they're
20 announcing a new group, because they're a new group they
21 lack standing, because that are a tribal nation whether
22 you're a new group or not, if that are a tribal nation they
23 don't have capacity to sue. So again this is their idea,
24 they replaced the tribal council with the Peo'tskome, they
25 did everything they could to make citizenship very, very
26 formal and difficult here, move down a little bit and then
27 they sent it out to members, if they didn't have the
28 ability to communicate with members, what happened to the

1 list of 500 people that Virginia Carmelo had, remember
2 Ms. Goad talked about that, what happened to all their
3 efforts to work together in their extended families to
4 increase that list and why are you they sending out this
5 letter if they have [known|no one] to send it out to. So I
6 just think that what you see is Niall was right, most of
7 this case, they're just doing what they think they ought to
8 do and to heck with the law, to heck with pair [TPHES] and
9 the heck with 10 years passing by. Eight years ago, a
10 judge said hey you have the right to show you are the
11 tribe -- you GT Tribe that Candelaria Group settlement,
12 Candelaria faction faction made or not. 10 years later
13 having [RUP] a- [WRAEU] are debts they're now running back
14 saying they're a tribe and we're calling a bluff on the
15 mass [KRAEUDZ], please [KWRURBG] inform [R*E] [SEUGS] [-Z]
16 thank you again for your patience we're working ale very
17 long [PHO*ET] morning and thank you again.

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