

1 CAUTIONS IN USING A REALTIME PARTIALLY EDITED TRANSCRIPT

2

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.

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GABRIELINO-TONGVA TRIBE VS. STEIN

ROUGH TRIAL TESTIMONY OF BARBARA GARCIA

THE COURT: Okay. Ms. Garcia go ahead and take the witness stand you don't need to be resworn as long as you under you're still under oath?

A. Yes.

THE COURT: Okay thank you.

Q. BY MR. STEIN: Barbara thank you for coming once again. And what I would like to focus on are a few points that occurred in testimony in your absence so if they sound a little bit scattered it's because we're trying to address discreet topics?

A. Okay.

Q. The first thing I'd like to ask you is in the recordkeeping for the GT Tribe, did you keep notebooks with resolutions and contracts in them?

A. Yes.

Q. Did you have more than one set?

A. Yes, there were two.

Q. I see. And were the contracts usually attached to the resolutions?

A. Yes.

Q. Was that 50 percent of the time, 90 percent of the time?

A. Almost -- well I would say about 98 percent of the time to 100. We had gone through a very thorough check because of the investment.

1 Q. So the investment, why did that cause you to go
2 through a thorough collect of the resolutions and contracts
3 of GT Tribe?

4 A. Because they were going to go through all of the
5 notebooks so we wanted to make sure that everything was
6 complete.

7 Q. So this would be Libra's work, would that be
8 Libra's due diligence?

9 A. Yes it was part of their due diligence.

10 Q. And about how many resolutions were there at that
11 time?

12 A. I don't remember. I mean there were several
13 volumes.

14 Q. Would there be over 100?

15 A. Yes I'm sure.

16 THE COURT: The resolutions or volumes?

17 A. Oh the resolutions.

18 Q. And these 100 resolutions, can you estimate, not
19 guess but estimate, how many notebooks they filled up?

20 A. I have want to say there were more than 10 for
21 sure.

22 Q. And how big were these notebooks were they small
23 or big?

24 A. No they were big so it was like the four inch.

25 Q. So would an estimate be over 10, four inch
26 notebooks?

27 A. Yes.

28 Q. And what you're saying is you double checked them

1 before Libra did its due diligence?

2 A. Right.

3 Q. And then to your knowledge did Libra then go
4 through them all and ask questions?

5 A. Yes.

6 Q. And so if you had missed something, they might
7 catch it?

8 A. Right.

9 Q. As well?

10 A. Right.

11 Q. And Libra said everything is okay?

12 A. I don't remember that. I mean they never came
13 back and asked anything.

14 Q. With these notebooks, were they available at any
15 time to the any member of the tribal council who requested
16 them from you?

17 A. Yes.

18 Q. Tell me how that might work?

19 A. Well they came into the office whenever they were
20 around, they had access to the office at all times, whether
21 you were is there or not.

22 THE COURT: They had keys to the office?

23 A. No but I was always there.

24 Q. BY MR. STEIN: And they could review the
25 notebooks?

26 A. Yes.

27 Q. And did anybody take advantage of that?

28 A. Sam Dunlap would come in.

1 Q. So Sam Dunlap took advantage of that, anybody
2 else?

3 A. Martin.

4 Q. Anybody else?

5 A. Those were the ones that were really in the office
6 regularly and that would go through.

7 Q. Did they have a job near the office?

8 A. Yes, they were working on the Playa Vista project.

9 Q. The Playa Vista project. And what was that?

10 A. It was a construction site near Marina Del Rey.

11 Q. So is this now the Playa Vista community was
12 actually under construction at that time?

13 A. Right.

14 Q. And what was their involvement with the
15 construction?

16 A. They were as part of -- I don't know what their
17 role was as far as what they -- I know that they did
18 construction.

19 Q. Were they -- were they looking for bones?

20 A. Oh yeah. I remember that, yes.

21 Q. I hope that wasn't too leading?

22 A. Sorry.

23 Q. Were they -- and what was their job -- why were
24 they looking for bones?

25 A. Because of the tribe, it was one of the areas that
26 there could be.

27 Q. Could you explain a little bit more why a
28 construction project as massive as Playa Vista would hire

1 people to look for Native American bones.

2 MS. IBARRA: Objection lacks foundation she
3 doesn't have any personal knowledge of that.

4 THE COURT: That's true, sustained.

5 Q. BY MR. STEIN: Do you have any knowledge, personal
6 knowledge of why a construction project the size of Playa
7 Vista would hire people to look for bones?

8 A. They would call --.

9 THE COURT: Yes or no.

10 A. Oh.

11 THE COURT: It's just a yes or no?

12 A. Yes.

13 THE COURT: Okay.

14 MR. STEIN: And when --.

15 THE COURT: And how did you learn about that
16 [TPR-RBGS] whom?

17 A. Because we'd get a lot of calls from archeology
18 [SKWREUFTS] and requiring Native American --.

19 THE COURT: Did any of the Plaintiffs explain to
20 you, in other words did Dunlap himself ever tell you why he
21 was out there?

22 A. Uh-huh.

23 THE COURT: Overruled you may answer?

24 A. So that they would tell us it was necessary
25 because if there were any bones then they would have to
26 find a burial place for them and since it was Native
27 American they had specific rituals and embalment and
28 routines that they had to follow.

1 Q. And would they after their workday come to the
2 office in Santa Monica?

3 A. Yes, often actually.

4 Q. And would Mr. Stein be there some of the time, all
5 of the time?

6 A. Sometimes.

7 Q. Sometimes. And would they look through the
8 resolutions to pass the time?

9 A. Yeah.

10 Q. Now, did Virginia Carmelo ever do this?

11 A. She came into the office, I don't think she was
12 working but she [KO*] would come in.

13 Q. But was there any effort to keep secret the tribal
14 records from the tribal council?

15 A. No.

16 Q. And this was during the full length of your time
17 there?

18 A. Yes.

19 Q. Did you attend most tribal council meetings?

20 A. Yes.

21 Q. Were the tribal council meetings free [WHAOELG] or
22 tightly disciplined?

23 A. Depending, I mean both.

24 Q. And how often did the tribal council meetings --
25 tribal council meet?

26 A. Once a month.

27 Q. And at that meeting, what would be some topics
28 that were covered?

1 A. There were resolutions, if there was any updates
2 on the project, updates that you regarding investment,
3 investors, potential investors.

4 Q. And would there be updates on lobbying in
5 Sacramento?

6 A. Yes.

7 Q. Would there be updates on lobbying in Washington?

8 A. Yes.

9 Q. So lobbying in Sacramento and lobbying in
10 Washington.

11 Q. Were they informed of the various legislation
12 proposed by Mr. Stein on behalf of the casino project?

13 A. Yes.

14 Q. And were they informed of a bill to be carried by
15 Vincent Senator Vincent?

16 A. Yes.

17 Q. Were they informed by a similar bill to be carried
18 by assemblyman Tom Umberg?

19 A. Umberg.

20 Q. Of Orange County.

21 MS. IBARRA: Objection she is wasn't the recipient
22 of this information.

23 MR. STEIN: She said she was at the tribal council
24 meetings.

25 THE COURT: I guess it would depend who was doing
26 the informing. You said they were updated, they were
27 informing, who was doing the informing?

28 A. Jonathan, sometimes the lobbyists would call.

1 THE COURT: Okay.

2 Q. BY MR. STEIN: Did Mr. Crane ever call into a
3 tribal council meeting that you attended.

4 THE COURT: So there -- well okay.

5 MS. IBARRA: Well I don't know. She wasn't part
6 of the meetings, she wasn't a tribal council person?

7 A. I wasn't but I was the administrator.

8 THE COURT: Right?

9 A. I took notes.

10 THE COURT: The point is that it's hearsay because
11 Mr. Stein is offering it on his own behalf. If he's
12 offering it for the truth.

13 MR. STEIN: We're not Your Honor, we're offering
14 it for the fact that it occurred in her presence.

15 THE COURT: That the statements were made.

16 MR. STEIN: That statements were made in her
17 presence regarding lack of capacity in Sacramento and lack
18 of capacity in D.C..

19 MS. IBARRA: How is that not the truth.

20 MR. STEIN: This is not hearsay. These are events
21 and circumstances.

22 THE COURT: All right I'll overrule your
23 objection, whether the contents of those those
24 conversations I guess are not for the truth but that Mr.
25 Stein gave updates, okay.

26 Q. BY MR. STEIN: And --.

27 THE COURT: But what those updates were, if you're
28 trying to introduce those.

1 MS. IBARRA: Right.

2 THE COURT: Then those are for the truth so I
3 won't consider those for that purpose.

4 MS. IBARRA: So there was a question about did
5 legislative council opinion.

6 THE COURT: Well something about Vincent so.

7 MS. IBARRA: That's the contents.

8 MR. STEIN: No Your Honor nothing I've talked
9 about, I'd like to continue my examination and I'll lay a
10 better foundation with Ms. Garcia.

11 THE COURT: Okay well that portion is stricken
12 concerning Vincent. Did you give updates, yes, did you
13 inform them of legislation, yes generally but any of the
14 contents of those communications, I'm sustaining the
15 objection.

16 MR. STEIN: Objection very good.

17 Q. Ms. Garcia did you generally attend tribal council
18 meetings over the four years there?

19 A. For the most part, yes.

20 Q. And why did you attend?

21 A. Take notes, I would be given instructions on
22 making copies, sometimes if they had changes we'd make them
23 there to resolutions, so --.

24 Q. And were the tribal council [person's|persons]
25 given copies of the resolutions that they were going to
26 sign or not sign?

27 A. Yes we'd make a copy of each one of them.

28 THE COURT: Who was giving the copies of the

1 resolutions to the tribal members?

2 A. I did, I made the copies and then there were the
3 ones that were going to be for wet signatures.

4 THE COURT: And when did you get those or from who
5 did you get them?

6 A. From the general counsel or from Mr. Stein.

7 THE COURT: So sometimes Stein would give them to
8 you or sometimes the general counsel who would be?

9 A. At the time it was Rae Lamothe and Elizabeth
10 Aronson.

11 THE COURT: So various times those as well?

12 A. Yeah.

13 THE COURT: Okay.

14 Q. BY MR. STEIN: So would it be accurate to say that
15 you would get copies and then provide copies to the tribal
16 council to have in front of them before they voted?

17 A. Right.

18 Q. Ask was Rae Lamothe at those meetings or Aronson
19 app those meetings?

20 A. For the most part.

21 Q. What percentage of the time?

22 A. Aronson was there all of the time, Rae I want to
23 say about 75 percent but she would always talk to them on
24 the phone before.

25 Q. And were resolutions sometimes not voted on
26 because she was not there?

27 A. Yes if they had questions.

28 Q. And was there any restraint on a tribal council

1 person asking the tribal general counsel what's going on
2 here, I want your advice?

3 A. No they always had communication with them.

4 Q. Did they seek advice from Mr. Stein or was Mr.
5 Stein reporting to them?

6 A. Reporting to them.

7 THE COURT: You mean they wouldn't ask Mr. Stein
8 any questions at the meetings?

9 A. They would, they would.

10 THE COURT: What kind of questions would they ask?

11 A. If they a question about the specific resolution
12 they would ask him and then they would ask general counsel
13 if she wasn't there but he'd give more clarification
14 generally about who was involved.

15 THE COURT: So they would ask questions of Mr.
16 Stein if he was there?

17 A. Uh-huh.

18 THE COURT: And he would explain the resolutions,
19 answer the questions?

20 A. Right.

21 THE COURT: What kind of questions did they have
22 do you remember?

23 A. I don't remember exactly.

24 THE COURT: Okay.

25 Q. BY MR. STEIN: Out of this 100 plus resolutions
26 was there any resolution by the tribal council to appoint
27 Mr. Stein as their attorney?

28 A. No, not that I recall. My understanding was that

1 they always required to have separate counsel.

2 Q. And who set that rule?

3 A. Mr. Stein.

4 Q. So is it accurate to say that Stein insisted they
5 have their own counsel?

6 A. Yes.

7 THE COURT: And you know that because?

8 A. There was a period of time when Rae Lamothe wasn't
9 there so he was telling them to look for an attorney
10 because they needed someone to explain aside from him.

11 THE COURT: So you overheard that?

12 A. Uh-huh.

13 THE COURT: Okay.

14 Q. BY MR. STEIN: And we talked about no written
15 Velasqueses to appoint Stein as counsel, were there any
16 oral resolutions to appoint Stein as attorney for the GT
17 Tribe?

18 A. No, not that I was aware of.

19 Q. And what percentage of tribal council meetings do
20 you think you attended?

21 A. I would say between '85 and '90. If they were on
22 weekends I generally didn't if they were in the office or
23 if I was out of town.

24 Q. And you're also familiar with the meet and confers
25 minutes of the meetings you missed?

26 A. Yeah.

27 Q. And did you see any evidence of that in the
28 meetings?

1 A. No.

2 THE COURT: Sorry evidence of.

3 Q. BY MR. STEIN: Of any written or oral resolutions
4 to appoint Stein as attorney to GT Tribe.

5 THE COURT: I think there would be a stipulation
6 that there's no resolution, correct.

7 MS. IBARRA: Yes we don't contend that there is.

8 MR. STEIN: Is it stipulated.

9 MS. IBARRA: Yeah we don't contend there are any
10 resolutions.

11 THE COURT: I think their contention was there was
12 an attorney-client relationship regardless if it was any
13 writing.

14 MS. IBARRA: Exactly.

15 THE COURT: So the stipulation was it was had not
16 in writing.

17 MR. STEIN: And [HR-FS] there was no oral decision
18 of the GT Tribe.

19 MS. IBARRA: Oral resolution of such.

20 MR. STEIN: Yeah.

21 MS. IBARRA: So stipulated.

22 MR. STEIN: I stipulate as well.

23 MR. FORDYCE: So do I.

24 THE COURT: So there's it's clear there's no
25 tribal.

26 MS. IBARRA: Resolution.

27 THE COURT: Resolution either oral or in writing.

28 MS. IBARRA: Yes.

1 MR. STEIN:

2 Q. Is it your understanding that Mr. Stein's
3 relationship with the tribe was to run the casino project?

4 A. Yes.

5 Q. And was it your understanding that Mr. Stein
6 operated only with GT Tribe to run its casino project?

7 A. Yes.

8 Q. And was it your understanding that you and tribal
9 council ran GT Tribe not Mr. Stein?

10 A. Well the tribal council.

11 Q. To your knowledge, who drafted most of the
12 resolutions?

13 A. The general counsel.

14 Q. And that would be?

15 A. Rae Lamothe or Elizabeth Aronson.

16 Q. Did they draft --.

17 THE COURT: How down that though?

18 A. Because they would send the e-mails to get
19 printed -- they [KO*] would come into the office and work
20 on them, generally there were things that needed to be put
21 into resolutions, topics and they would come in, they would
22 have office hours, they would come in and then they'd give
23 me the documents so that I can prepare it for the next
24 meeting and I would make the copies.

25 THE COURT: When they came in, were they drafting
26 them -- you said you saw them drafting it, were they draft
27 [T-G] from scratch or did they have --?

28 A. No there were several other resolutions that they

1 would basically have the same for the at and change the
2 whereas language to fit whatever the resolution was.

3 THE COURT: So when they came in they had
4 something they were working off?

5 A. Yeah it was the tribal records.

6 Q. BY MR. STEIN: Turning to the member records, very
7 important, to your understanding were the members records
8 prior of GT Tribe or property of each member?

9 A. The individual.

10 Q. Why do you say that?

11 A. Because if they requested to take their records we
12 would send it to them or they would come into the office
13 and take them.

14 Q. And during your time there, did you always treat
15 them as property of the individual members?

16 A. Yes.

17 Q. And did you take special concern for their privacy
18 and their best organization since they were not property of
19 the tribe?

20 A. Yes. There were members that raised HIPAA
21 regulations so we would only give it to the individual. I
22 get calls of people saying that they were related to others
23 and they wanted a copy of their BIA certificates and I
24 would never give them a copy unless the person themselves
25 sent something in writing or --.

26 Q. Did you say hippie?

27 A. HIPAA.

28 Q. HIPAA, h i P a?

1 A. I think it's double A.

2 THE COURT: Isn't it double P?

3 MR. FORDYCE: Yes.

4 MR. STEIN: There we go. Much better than
5 hippie.

6 Q. During your time with GT Tribe did you help order
7 stationery for the tribe?

8 A. Yes.

9 Q. Was it good stationery, mediocre stationery, bad
10 stationery?

11 A. Good.

12 Q. And was it expensive?

13 A. Yeah.

14 Q. And did you go through a lot of stationery?

15 A. Yes.

16 Q. Why did you go through the stationery?

17 A. Because of the member letters, resolutions,
18 everything was on stationery.

19 Q. And so the member letters, about how many member
20 letters might go out?

21 A. 900, 1100, depending on how many -- at first it
22 was a lot more because we had a lot of bad addresses and
23 then we started fixing all the of the database we found a
24 way to prevent from printing to those that didn't have a
25 known address.

26 THE COURT: So you would update it with the return
27 mail or something?

28 A. Yeah you have of.

1 Q. BY MR. STEIN: Let me draw your attention to an
2 example of the stationery found in something the court has
3 seen a lot of, Exhibit 67.

4 THE COURT: That's in evidence already.

5 MS. IBARRA: Yes, it is in evidence.

6 MR. STEIN: It's going to be a safe choice -- now
7 we're waiting for it to wake up, we're going to show you
8 the seal of the Gabrielinos. Did a lot of concern by the
9 tribal council go into the stationery?

10 A. Yes they wanted to have the dolphin -- they
11 wanted -- they designed it.

12 Q. And did Mr. Stein accommodate their expensive
13 choices?

14 A. Yes.

15 Q. The [STRAO*EUBG] spent a lot of time approving the
16 stationery?

17 A. Yeah.

18 Q. And you September ordering more and more of it
19 because you'd go through a [THOUS] of pieces in a
20 mailing?

21 A. Right.

22 Q. And if the mailing had two pages it might be 2000
23 pieces?

24 A. Right.

25 Q. And is this -- I'm going to just use this
26 [*EUPDZ], that as Gabrielino-Tongva Tribe with a hyphen in
27 Los Angeles?

28 A. Uh-huh.

1 Q. And what was the significance of the dolphin?

2 A. It was something very representative to the Tongva
3 tribe.

4 Q. And what is the significance of the Indian woman?

5 A. It was one of their like an [SES] [TERZ].

6 Q. And did Los Angeles County actually adopt that
7 same design?

8 A. Yes.

9 Q. For its remodeled seal?

10 A. Yeah.

11 Q. And so now that Indian woman is in the Los Angeles
12 county seal?

13 A. Right.

14 MS. IBARRA: Objection relevance.

15 THE COURT: Overruled.

16 Q. BY MR. STEIN: Going to the bottom of the
17 stationery, was this typical for the bottom of the
18 stationery?

19 A. Yes.

20 Q. And how is Ms. -- and does it list the six tribal
21 council people?

22 A. Correct.

23 Q. Now were those tribal council people fairly
24 constant through October of 2006?

25 A. Yes. The newest one was Adam Loya, he was the
26 last one.

27 Q. And how is Mr. Stein listed?

28 A. Tribal development officer.

1 Q. And was it just him or his company.

2 THE COURT: I'm sorry tribal what?

3 A. Development officer.

4 THE COURT: Oh development officer?

5 A. His company as well.

6 Q. BY MR. STEIN: And do you know why SMDC is listed
7 there?

8 A. Because you were in charge of the project, the
9 casino project.

10 Q. It did Mr. Stein insist that SMDC be listed on all
11 of the stationery?

12 A. Uh-huh.

13 Q. And did Mr. Stein insist -- did Mr. Stein explain
14 why he insisted on that?

15 A. I don't remember.

16 Q. Very good. And it says here tribal general
17 counsel law offices of Rae Lamothe?

18 A. She was the attorney at the time.

19 Q. And she didn't put Rae Lamothe, she put she had
20 law offices of Rae Lamothe is that correct?

21 A. Right.

22 Q. And each time that the stationery was ordered was
23 this or something very close to this put on the bottom?

24 A. Yes.

25 Q. And that was during your whole time there?

26 A. Yes.

27 Q. And one more question before we turn to the events
28 of 2006, during the time there, did you ever hear any of

1 the tribal council members refer to Mr. Stein as their
2 attorney?

3 A. No.

4 MS. IBARRA: Objection hearsay.

5 THE COURT: That would be but -- no it wouldn't
6 be.

7 MR. STEIN: Prior.

8 THE COURT: No it wouldn't be.

9 MR. STEIN: Prior inn consistent statement from
10 witnesses.

11 THE COURT: To it would be I statement direct
12 admission so overruled you may answer?

13 A. No.

14 Q. BY MR. STEIN: So this is during your whole time.
15 And were you often engaged in phone calls with the tribal
16 council?

17 A. Yes a lot.

18 Q. And were you often engaged with chitchat before
19 and after tribal council meetings?

20 A. Yes.

21 Q. And you never heard any of them refer to Mr. Stein
22 as their attorney?

23 A. No.

24 Q. Did you ever hear any of them refer to him as GT
25 Tribe's attorney?

26 A. No. That was always Rae Lamothe or Aronson.

27 Q. Turning to the events of 2006, did you watch the
28 events unfold in August, September, and October of 2006?

1 A. Yes.

2 Q. And what unfolded in August, September and October
3 of 2006?

4 A. There was a meeting and the tribe left with the
5 tribal notebooks, the checks and --.

6 MS. IBARRA: Objection foundation. Was she at the
7 meeting.

8 THE COURT: I'm assuming you're going to lay that
9 foundation.

10 MR. STEIN: Sure.

11 Q. BY MR. STEIN: Were you at the September 9th
12 meeting?

13 A. No.

14 Q. Were you there at the beginning when tribal
15 council people arrived?

16 A. Yes.

17 Q. And were you --.

18 THE COURT: So you were only there for a portion
19 of --?

20 A. The days meeting up to it because September 9th I
21 was in Santa Barbara, I was out of the town but actually
22 everyone was calling me, the tribal council and actually
23 Jonathan didn't call me.

24 THE COURT: So any testimony concerning the night
25 is stricken but you want to ask her about events leading up
26 to it.

27 Q. BY MR. STEIN: And on September 10th did you
28 return to the office?

1 A. The 11th, that was a Saturday so.

2 Q. The 11th. And was anything missing from the
3 office?

4 A. Yes. One set of the nobody's and all of the check
5 books that had been in the safe.

6 Q. So really I would be -- really I would write after
7 September 9th what was missing was one full set of
8 notebooks?

9 A. Yes.

10 Q. And that would be --.

11 THE COURT: She would only know that after
12 September 11th because that when she returned right.

13 MS. IBARRA: Yes.

14 MR. STEIN: Should I put 11th.

15 THE COURT: Yeah.

16 MR. STEIN: Very good.

17 THE COURT: Well that's the point in time.

18 MR. STEIN: And the set of notebooks would be 10
19 plus four inch binders right?

20 A. Right.

21 Q. And what else was missing?

22 A. The checks.

23 THE COURT: How would somebody get a hold of a
24 check, how many people had access to --?

25 A. The general counsel did.

26 THE COURT: Oh to the safe?

27 A. Uh-huh she had access to those checks as an
28 attorney.

1 Q. BY MR. STEIN: Did Mr. Stein have access --.

2 THE COURT: Hold on hold on?

3 A. She was signatory on the checks.

4 THE COURT: But she had the key to -- it was a
5 safe right?

6 A. Right. It was a code.

7 Q. BY MR. STEIN: And so -- and the tribal general
8 counsel Liz Aronson had the Code?

9 A. Right.

10 THE COURT: Did Rae Lamothe have the Code?

11 A. I don't think we had an account with Ms. Lamothe.

12 THE COURT: So it was with Liz Aronson?

13 A. Uh-huh. I don't think we had that back then.

14 THE COURT: You had the safe, but you didn't have
15 the checks at that time, right?

16 A. Right.

17 Q. BY MR. STEIN: After the checkbooks disappear, did
18 Mr. Stein express to you any worries?

19 A. Yes. He was afraid that there would be securities
20 fraud committed.

21 Q. Why would securities fraud be committed according
22 to Mr. Stein's expressions?

23 A. Because we started seeing there was a lot of
24 payments that were pending and the money had been taken or
25 the checks had been taken and we started finding out that
26 checks had been written.

27 Q. And --.

28 A. And they were paying themselves a year in advance.

1 Q. And had there been argument over Ms. Aronson's
2 approval of an \$18,000 expenditure?

3 A. Yes.

4 Q. And was --.

5 THE COURT: Well wait a minute. How would you
6 know that though?

7 A. She was saying.

8 THE COURT: She would say something about it?

9 A. Right.

10 THE COURT: What was she saying?

11 A. I would hear them when they were in the office
12 because he kept his door open all the [TAOEUFPLT].

13 THE COURT: What did you hear?

14 A. She want [TH-D] expense to be approved for Sam
15 Dunlap and Jonathan didn't think it was appropriate at that
16 time because there was a lot of expenditures that needed to
17 be done for the project itself that Libra had allocated
18 money for.

19 THE COURT: Okay.

20 Q. BY MR. STEIN: And was Mr. Stein's concern that
21 that \$18,000 expenditure was basically securities fraud?

22 A. Right.

23 Q. And was there a second expenditure of \$1300 for
24 comic books?

25 A. That was coloring books.

26 Q. Coloring books. And were the coloring books for
27 coloring in casinos?

28 A. No.

1 Q. .

2 THE COURT: What were they for?

3 A. I don't remember, I have think they wanted them
4 for kids but --.

5 THE COURT: For the tribe children?

6 A. Yeah.

7 Q. BY MR. STEIN: And was Mr. Stein mad at Ms.
8 Aronson for a- [PROFLG] those expenditures?

9 A. Yes because --.

10 Q. And did Mr. Stein try to block toes expenditures?

11 A. Yes because Mr. Stein said that that should come
12 later, not right now, that this money should be used for
13 the investment, the lobbying expenses that they had and --.

14 Q. And was Mr. Stein concerned that coloring books
15 were not part of a casino project budget?

16 A. Right.

17 Q. And that an \$18,000 payment to Sam Dunlap without
18 explanation was not part of the casino project budget?

19 A. Right.

20 Q. And was Mr. Stein concerned that the \$18,000
21 payment might violate the Patriot Act, as well?

22 A. I don't remember that part.

23 Q. Very good?

24 A. And may I ask --

25 THE COURT: I'm assuming you're going to be
26 testifying this is all hearsay coming from her, your
27 statements are hearsay coming from her but I'm assuming
28 since you were part of those conversations you are going to

1 be testifying to them but --

2 MR. STEIN: Very good.

3 THE COURT: Now any of the tribal member
4 statements aren't so I'll consider those.

5 MR. STEIN: Very good.

6 THE COURT: But I'll expect to hear the same from
7 you.

8 MR. STEIN: Very good.

9 Q. BY MR. STEIN: After -- and did Mr. Stein -- how
10 did the tribal council handle Mr. Stein's arguments with
11 Ms. Aronson over the 18,000 and over the 1300?

12 A. She told them and then everyone was getting upset
13 because they thought that you should approve it, even
14 though I made the arguments that that wasn't part of the
15 budget, that you wanted to stick to everything that you had
16 told Libra because you wanted them to come back and give
17 additional monies after.

18 MS. IBARRA: I'm going to object that it's hearsay
19 but.

20 THE COURT: What part.

21 MS. IBARRA: What the tribal council people said.

22 THE COURT: No overruled, that's an admission.

23 Q. BY MR. STEIN: And were the tribal council people
24 view this as part of their authority that Mr. Stein was
25 trying to interfere with?

26 A. Yes.

27 Q. And so they said we can spend the money the way we
28 want and Stein is interfering, is that the point?

1 A. Right.

2 THE COURT: That was your impression that they
3 thought Stein was interfering?

4 A. Uh-huh.

5 THE COURT: They meaning the tribal council?

6 A. Right.

7 Q. BY MR. STEIN: And was Mr. Stein's -- was -- did
8 they believe the arguments that the investors might not
9 agree to give us any more money if they went and spent
10 investor funds on non casino purposes?

11 A. No.

12 Q. Why?

13 A. Because they felt that -- that they were going to
14 continue and that at some point this was part of the tribal
15 history, at least the coloring books, I don't know about
16 the 18,000.

17 THE COURT: About the coloring books but you don't
18 remember about the 18,000?

19 A. Right.

20 Q. BY MR. STEIN: So she viewed that the tribal --
21 that the casino money could be diverted no matter what?

22 A. Right.

23 Q. And did they large Lee ignore Stein's warnings
24 about the investors?

25 A. Yes.

26 Q. And after -- did Mr. Stein ever discuss with you
27 who he thought he owed his duties to?

28 A. Yes.

1 Q. During this time period?

2 A. The tribe.

3 Q. And when you say the tribe, is that Sam Dunlap
4 [-FRPBL] the tribe as a whole.

5 Q. And did you -- what did you say back to him?

6 A. You should [HRELT] them know what was going on.

7 MS. IBARRA: Objection unclear who's who.

8 THE COURT: Well it's hearsay but.

9 MS. IBARRA: It's hearsay too.

10 Q. BY MR. STEIN: Did you express to Mr. Stein your
11 thoughts?

12 A. Yes.

13 Q. During this period, what were your thoughts?

14 A. That you should let the tribe as a whole know what
15 was going on because the money was being spent and no one
16 was giving an accounting to anyone else.

17 Q. And by the tribe you mean the tribal members?

18 A. Yes.

19 Q. Had the tribal council forbid that?

20 A. No. Honestly I don't remember them giving me an
21 instruction on that.

22 Q. And so did you feel that you were free to inform
23 the tribal council members that investor money had been
24 raised?

25 A. Yeah.

26 Q. And did you feel that you were free to inform the
27 tribal members that now there was a dispute over the
28 money?

1 A. Yes.

2 Q. And --.

3 THE COURT: Why did you think it was your place or
4 obligation to do that?

5 A. Well that's what I was telling him to do.

6 THE COURT: I see but -- okay. Why did you -- why
7 did you --?

8 A. It was a lot of money and they needed to know that
9 it had been raised and that -- because the project was out
10 there, they had talked -- they had had an initial meeting
11 when it was close to getting to a point where they were
12 going to get investment money so they knew that he was
13 trying to get it.

14 THE COURT: So you're saying just I told Mr. Stein
15 that he should inform the rest of them?

16 A. Right.

17 Q. BY MR. STEIN: And as tribal administration
18 officer -- forgive me, as head of the tribal administration
19 office, what was your personal opinion as to who you owed
20 your duties to?

21 A. To the membership as a whole.

22 Q. And if the Sam Dunlap said no you owe your duties
23 to me what would you say back as a -- for example?

24 A. No, he wasn't the only part of the -- he wasn't
25 the tribe. And the whole investment was to help the tribe
26 as a whole, not just the tribal council.

27 Q. So you were willing to work to look past the
28 tribal council to your duties to the organization?

1 A. Yes.

2 Q. And you were willing to look past the tribal
3 council to your duties to the members?

4 A. Yes.

5 Q. And to your knowledge -- and you advised Mr. Stein
6 to do the same?

7 A. I mean I offered my opinion.

8 Q. Very good. No further questions.

9 THE COURT: Okay thank you cross-examination.

10 Q. BY MS. IBARRA: Ms. Garcia I'm going to do it from
11 here because I need to look at my notes?

12 A. Uh-huh.

13 Q. First, I'll start with this, do you know what
14 securities fraud is?

15 A. Jonathan explained it to me back then and but if
16 you're going to ask me to explain it to you now, it's been
17 10 years, it's not something I work with on a daily
18 basis.

19 Q. Oh I totally understand. Did he explain it to the
20 tribal council?

21 A. That, I'm not sure.

22 Q. So -- but he --

23 A. I know he talked to Elizabeth Aronson in depth
24 about it but I don't know.

25 Q. So he was accusing them of you know perhaps having
26 liability about securities fraud he never explained it?

27 A. I don't know.

28 MR. STEIN: Objection that was had not the

1 testimony.

2 THE COURT: Overruled.

3 Q. BY MS. IBARRA: So it's possible that he did and
4 you just didn't hear him say that?

5 A. I don't remember to be quite honest with you.

6 Q. So it's possible that you weren't there?

7 A. I don't know so I guess it is possible.

8 Q. But this was a big topic of conversation with Mr.
9 Stein, securities fraud?

10 A. Yes and with Elizabeth Aronson.

11 THE COURT: Did you tell Mr. Stein I think you
12 should explain that to the tribe like you said about the
13 check books?

14 A. I think I had assumed that because he had talked
15 to Elizabeth that she would have explained it to them
16 because she was their attorney.

17 THE COURT: So you made that assumption?

18 A. Yeah.

19 Q. BY MS. IBARRA: Do you recall any other
20 proclamations that Mr. Stein made with regards to maybe
21 some liability that the tribal council members might be
22 exposed to because of how they were spending the money?

23 A. Yeah I do remember, I just don't remember the
24 exact what it was but I do remember him telling them
25 because it was just happening soft in the period of three
26 days and then they were paying themselves and you know
27 Polanco all -- they were basically depleting the money all
28 in three days so I know Jonathan had called the bank to try

1 to avoid that but Elizabeth had already signed the checks.

2 Q. Okay so [PW-RB] but my question is about what he
3 said to the tribal council members about their exposure in
4 terms of liability whether it was civil or criminal, you
5 understand the difference between civil and criminal
6 liability right?

7 A. Right.

8 Q. So that's what I'm asking is if you recall any
9 specific statements that Mr. Stein made to the tribal
10 council members about their exposure for civil or criminal
11 liability during that time?

12 A. I don't remember.

13 Q. But he did -- he was very upset, right?

14 A. I think as -- yes.

15 Q. So were you at all -- all tribal council meetings?

16 A. No not all.

17 Q. Was Mr. Stein at all tribal council meetings.

18 THE COURT: Well she wouldn't know that 23 she
19 wasn't at all of them, right.

20 MS. IBARRA: That's true. Oh but [STHE] reviewed
21 the meeting minutes afterwards?

22 A. Uh-huh. I typed them up, I mean, I didn't write
23 the minutes.

24 Q. Who took the minutes?

25 A. Generally the general counsel and sometimes I
26 would do them because Elizabeth Aronson's writing, she
27 would do her own.

28 Q. Oh I see so she took handwritten notes?

1 A. Uh-huh.

2 Q. And she would type them or you took them?

3 A. Uh-huh.

4 Q. So from your review of those minutes, was Mr.
5 Stein at all the meetings?

6 A. I don't remember. I mean generally I would read
7 them, but I don't remember exactly.

8 Q. Okay that's fine if you don't remember. So you
9 talked about how Mr. Dunlap and Mr. -- is it Mr. Alcala?

10 A. Uh-huh.

11 Q. Would come by and take a look at resolutions or
12 was there --?

13 A. They would come into the office [OFP], sometimes
14 they would grab the notebooks and go through the
15 resolutions but it wasn't every time they came, they would
16 go, they would go through the mail because they were [-Z]
17 ones that opened all the triable mail.

18 Q. Oh, you didn't do that?

19 A. Sometimes but mostly they would be the ones that
20 would come especially because they were looking for
21 archaeological jobs to see if there were anything, anything
22 pending we'd get those a lot.

23 Q. So archaeological requests?

24 A. Right, for -- I think what is it that they did,
25 monitoring jobs.

26 Q. Monitoring because they're like experts?

27 A. Right.

28 Q. On their tribal customs or something?

1 A. Right.

2 Q. Did they ever take copies when they were in the
3 office and reviewing records?

4 A. Of the resolutions [STKPWR*]?

5 Q. Of anything?

6 A. They would make copies but I don't remember if
7 they were specifically the resolutions because they would
8 get a copy of the resolution during the meeting or before.

9 Q. Oh so they would get copies and they could take
10 them home?

11 A. Uh-huh.

12 Q. So was the SMDC agreement kept in --

13 A. The notebooks?

14 Q. Yeah.

15 A. Yes.

16 Q. And the SMDC agreement?

17 A. Uh-huh.

18 Q. And could they take copies of that?

19 A. If they wanted to. I mean the notebooks weren't
20 restricted in any way they could go through them if they
21 needed to or wanted to.

22 Q. So talked about when you came back on September
23 11th, so was only one resolution book was missing?

24 A. All of them, the one set of books was taken.

25 Q. Oh, I see. So how many sets did you have?

26 A. Two.

27 Q. So one set was taken?

28 A. We had one and one was taken.

1 Q. So you retained a copy of one full set?

2 A. Uh-huh.

3 Q. Sorry I'm just getting through this. You were a
4 full time employee; correct?

5 A. Yes.

6 Q. Of the law offices of Jonathan Stein?

7 A. Yes.

8 Q. Were you also an employee of SMDC?

9 A. No.

10 Q. So you never -- you were never considered an
11 employee?

12 A. No.

13 Q. So you got your paycheck from SMDC?

14 A. No.

15 Q. I mean law offices of Jonathan Stein?

16 A. Yes.

17 Q. Did you have an employment agreement with the law
18 offices of Jonathan Stein?

19 A. I think I did.

20 Q. It was like a little -- it was a written
21 agreement?

22 A. Yeah, I think it was.

23 Q. So what was your capacity with the
24 Gabrielino-Tongva Tribe?

25 A. I was tribal administrator so I was in charge of
26 making copies.

27 THE COURT: Counsel please don't shake your head
28 up and down it's --.

1 MR. STEIN: Forgive me and the core has [PHEPBG]
2 [T-TD] before.

3 THE COURT: I have and you may unconsciously be
4 doing it but I have reminded you Uh-huh a number of times
5 and I'll just remind you that you not do that.

6 MS. IBARRA: So then your position with the
7 Gabrielino-Tongva Tribe was through law offices of Jonathan
8 Stein, right?

9 A. I wasn't getting paid -- so there were a lot of
10 things that I did for the tribe that weren't paid and I
11 didn't have any agreement with the tribe, it was just
12 something that -- a task that was given to me so.

13 Q. By Mr. Stein?

14 A. And by the tribal council.

15 Q. Did SMDC have any shared offices with law offices
16 of Jonathan Stein?

17 A. Yes.

18 Q. Did SMDC have any employees?

19 A. Just Jonathan. Sometimes we'd have the computer
20 tech, he was, I believe he was hired through SMDC.

21 Q. Was he an independent contractor?

22 A. Yes.

23 Q. So he wasn't an employee?

24 A. No.

25 Q. So your computer that you used, did you have one
26 computer?

27 A. Oh there were computers in every office.

28 Q. In the office. Did you have one designated

1 computer for you?

2 A. Yeah.

3 Q. So you worked on tribal stuff and you worked on
4 law offices of Jonathan Stein?

5 A. Oh but the tribal stuff I would do in their
6 office. So it was a huge office and it was just the law
7 office and then SMDC had one -- the tribal stuff was all in
8 one, right, one of those offices, so the general counsel
9 would come in and work in that office, whenever I I'd do
10 things I'd go into the computer because that one had most
11 of the files so I would tend to do it later in the day
12 because otherwise I would need to be up front.

13 Q. Oh so you -- oh so you had to be up front for like
14 legal stuff?

15 A. Yeah in case anyone came in because there wasn't
16 anyone else.

17 Q. And did he have a busy legal practice?

18 A. Yeah but -- well, we wouldn't get people coming in
19 unless they had an appointment. The only people that would
20 drop by were tribal members.

21 Q. So he does a lot of litigation or did he?

22 A. But they were big cases, they weren't little cases
23 where you have several. He had one big one at a time.

24 Q. So how did you decide your time between like up
25 know responding to litigation and to go like really big
26 filings and doing stuff for the tribe?

27 A. I had -- Mr. Stein is very organized so he had
28 to-do lists that I would go through and I would separate

1 what I needed to do for the tribe and what I needed to do
2 for the law office. So if I had a deadline for the law
3 office obviously I would take care of that first before
4 going into the tribal work.

5 Q. So the tribal work was always secondary?

6 A. No not always because it depended I had the
7 specific line that was coming in for the tribe so if people
8 were calling in I would take care of what they needed.
9 Generally I would -- you know if they were on the phone,
10 obviously I would take care of the call immediately. So if
11 they were requesting a document or if they needed know look
12 something up or make a change, I would do it then.

13 Q. So was there somebody who took care of account for
14 the law offices?

15 A. Jonathan did his own time keeping.

16 Q. Okay. So what about accounting like sending
17 [PWHREULZ] to clients?

18 A. Did he that.

19 Q. And collecting that? He did that?

20 A. Uh-huh.

21 Q. And how about for the tribe?

22 A. Lorna.

23 Q. And who did that for SMDC?

24 A. Lorna and actually Steve, I think Steve did a lot
25 of it too.

26 Q. So Steve came later though right?

27 A. Yeah.

28 Q. So he doesn't count because he was hired after the

1 split?

2 A. Did he come after? I don't remember that
3 actually.

4 Q. Okay. Who did it for SMDC?

5 A. Jonathan.

6 Q. And all those records were kept together?

7 A. What do you mean by kept together?

8 Q. They were kept in the same law offices?

9 A. Yes in separate offices within the big office.

10 Q. Did you have access to them?

11 A. Uh-huh.

12 Q. You did?

13 A. Uh-huh.

14 Q. Did you send them out, did you send out bills?

15 A. Jonathan would.

16 Q. So you didn't need to make copies and the put them
17 in the mail?

18 A. Sometimes I'd make copy buzz generally he took
19 care of all of thighs billing.

20 Q. Including putting in the mail?

21 A. I mean they would pick up, I don't -- he might
22 leave it on my desk.

23 Q. Well you know what I mean by addressing them and
24 stamping them and making sure they're -- you know that part
25 of it. I understand he typed -- maybe typed his own bills
26 but --?

27 A. Yeah. I might have done that.

28 Q. Were there any bills for the SMDC?

1 A. Yes.

2 Q. That were separate there the tribe?

3 A. What do you mean actually, can you clarify that?

4 Q. So did SMDC have -- was the work that you did for
5 the tribe separate from the work that you did from SMDC?

6 A. Yes.

7 Q. How so?

8 A. It was completely different because I rarely did
9 anything for the SMDC and if I did something that was
10 together by making copies of the resolution, that I guess
11 could be technically conscious I mean that was the tribes.

12 Q. You said -- did you say last time you were here
13 that you were the custodian of records of the SMDC
14 agreement?

15 A. Uh-huh.

16 MR. STEIN: Objection misstates testimony.

17 THE COURT: Overruled she's asking if that was her
18 testimony?

19 A. No. It's in the set of volumes, it was one of the
20 resolutions.

21 Q. But remember you testified that Mr. Ken Sulzer
22 drafted the SMDC agreement and that was because you were
23 the custodian of records and you knew about the SMDC
24 agreement.

25 MR. STEIN: Objection that's your not the
26 testimony.

27 MR. FORDYCE: Join.

28 THE COURT: I don't remember her testimony about

1 custodian of records.

2 MR. STEIN: She was custodian of records for the
3 tribe not for the law offices.

4 THE COURT: Counsel, if you have an objection but
5 don't give the witness the answer if you think she to be
6 testifying to.

7 MR. STEIN: That's fine.

8 THE COURT: Well, you know, I know all about that
9 so let's not do that, okay. Let's state our objection,
10 hearsay, relevance and I will make the ruling. No speaking
11 objections?

12 A. I was the tribal administrator. I saw all of the
13 resolutions that were there, I mean clearly I had stated
14 that I had gone through this all to make sure they were
15 complete and the last time I testified you made clear how
16 did I know it was Ken Sulzer.

17 Q. BY MS. IBARRA: Yes?

18 A. So I didn't specifically state that he's the one,
19 right because you showed me a letter.

20 Q. I don't recall but I remember asking you the
21 question?

22 A. Right.

23 Q. You can say what your testimony is?

24 A. Okay can you restate it?

25 Q. Sure. So with a I recall and it could be
26 different than what you recall or from your testimony was
27 that you were here as a custodian of records for SMDC and
28 the SMDC being the key documents?

1 A. Not for SMDC for the tribe.

2 Q. And then the rest of it is just your recollection
3 of whether Ken Sulzer drafted it?

4 A. Right. So it was not SMDC and your question
5 before was not about SMDC it was about the tribe, that I do
6 recall.

7 Q. It was about the SMDC agreement?

8 A. It was part of the volume of resolutions that I
9 kept for the tribe, yes.

10 Q. So you saw your work as tribal administrator and
11 if I recall your testimony before that was that there was
12 no official action by the tribe?

13 A. No but they acknowledged me as the tribal
14 administrator all the time.

15 Q. Oh they didn't -- okay that's your testimony?

16 A. Right there was no formal resolution appointing me
17 as tribal administrator.

18 Q. So you saw that within your capacity as law
19 offices of Jonathan Stein and not within your capacity as
20 an employee of SMDC?

21 A. I was not an employee of SMDC at all.

22 Q. Okay. So you are aware that two weeks ago the
23 jury here decided that the party that I represent is the
24 real party in interest right?

25 A. No, I don't know anything about what happened
26 [-FPL] the last thing that I honestly heard about this was
27 the last time I was here for [TEFPL] and I haven't talked
28 to Jonathan, I haven't talked to anyone and --

1 Q. So that happened -- I think it was exactly two
2 weeks ago?

3 A. Okay.

4 Q. So they decided that the party I represent is the
5 real party in interest. Does that make you rethink the
6 fact that --?

7 A. I'm sorry what did they -- can you repeat that?

8 Q. Sure.

9 THE COURT: Does that change your testimony?

10 A. No but I don't know what the --.

11 THE COURT: I'm just telling her does that make
12 you rethink, the appropriate question is would it change
13 your testimony.

14 MS. IBARRA: Okay and I think the witnesses
15 question is what real party in interest is, is that what
16 you mean?

17 A. Uh-huh.

18 Q. It's whether -- who has the right to enforce the
19 SMDC agreement with Mr. Stein or SMDC?

20 A. Okay.

21 Q. Between the tribe and Mr. Stein. So does that
22 make you rethink any of your testimony so far?

23 A. No I mean that's what they ruled.

24 Q. How about can you look at exhibit 107 which I
25 don't recall I asked you about before.

26 THE COURT: It has **[-PT]** been -- I don't have it.

27 MR. FORDYCE: I believe it has been that's the
28 statement of unincorporated if I'm correct counsel.

1 MS. IBARRA: Yeah it's the statement it was
2 hanging up there for a really long time.

3 THE CLERK: 107.

4 MS. IBARRA: Yes it's in the blue one.

5 THE CLERK: I don't have it.

6 MR. FORDYCE: I can get that for you Your Honor if
7 Nelli doesn't have it.

8 THE CLERK: June 28th and July 11th.

9 THE COURT: That's the date she has.

10 MR. FORDYCE: I think June 28 sounds correct too.

11 THE COURT: That's the better one.

12 MR. FORDYCE: Yeah.

13 THE COURT: Orange thank you.

14 MS. IBARRA: Oaf it's missing from here. Here it
15 is.

16 THE COURT: Oh it's another copy of that
17 unincorporated association unincorporated association
18 document.

19 MS. IBARRA: This is the only copy we've used Your
20 Honor.

21 THE COURT: Oh okay.

22 Q. BY MS. IBARRA: So you said you never filed
23 anything without the approval of Mr. Stein?

24 A. Right.

25 Q. So did you file this on behalf of --?

26 A. The oversight committee?

27 Q. Yeah.

28 A. Yeah.

1 Q. Who requested that you file it?

2 A. Linda.

3 Q. [WHREUPBD] a-, Linda knew -- did she request this
4 specific document?

5 A. I don't know. I don't remember who requested the
6 document.

7 Q. But you do recall that it was Linda who asked you
8 to file?

9 A. I remember I spoke about it with Linda, she's the
10 one that signed it and we talked about it but I don't
11 remember who initially requested the form.

12 Q. Do you recall any conversations with Mr. Stein
13 about it?

14 A. Huh-uh.

15 Q. Would you have done it on your own?

16 A. No.

17 Q. So is it --?

18 A. It's not something I would just --.

19 Q. Think of to file?

20 A. Right.

21 Q. So it was instigated by somebody else but as you
22 sit here today you don't remember who it was?

23 A. No because there were so many things going on
24 around this time.

25 Q. Okay I think that's all I have.

26 THE COURT: Redirect.

27 MR. STEIN: Just a few more.

28 Q. BY MR. STEIN: Other than Mr. Stein's first

1 letter, were the balance of the letters to member sent by
2 Mr. stein or at the instigation of the financial oversight
3 committee?

4 A. Financial oversight committee.

5 Q. But the first one was Mr. Stein?

6 A. Right.

7 THE COURT: Are you talking about letters to the
8 members, the member letters?

9 A. Uh-huh.

10 THE COURT: Yeah.

11 Q. BY MR. STEIN: So would you say that they
12 instigated the rest?

13 A. Right.

14 Q. But you have actually September them out?

15 A. Yeah.

16 Q. And Mr. Stein would often help with the draftsman
17 ship?

18 A. Yes and they would then tell you the changes.

19 Q. You were custodian of records for who?

20 A. The tribe.

21 Q. Were you custodian of custodian of records for
22 SMDC?

23 A. No.

24 Q. So GT Tribe yes, SMDC no?

25 A. Correct.

26 Q. Other than Ms. Ibarra's apparent confusion over
27 that, were you ever confused over that?

28 A. No.

1 Q. When Mr. Stein talked about securities fraud, was
2 Mr. Stein worried about the tribes security fraud or was he
3 worried about his own liability for security fraud?

4 A. I think both to a certain extent because you were
5 the one that had been dealing with all the investment.

6 Q. Did Mr. Stein ever say they're going to spend the
7 money and have nothing and then the investors are going to
8 come after me?

9 A. Yes.

10 THE COURT: I'm assuming you're going to be
11 testifying to this because it's all hearsay at that point.

12 MR. STEIN: Well then let me cut that short,
13 (Ditto), the court is right and the court made the analysis
14 before.

15 THE COURT: Right I just --.

16 MR. STEIN: Absolutely correct.

17 THE COURT: That will speed it up a little bit.

18 Q. BY MR. STEIN: You said that the minutes were
19 taken by Liz Aronson. Were minutes also take not by Rae
20 Lamothe?

21 A. Yes.

22 Q. And did Mr. Stein take any minutes?

23 A. No because if Rae Lamothe wasn't there, I would
24 take minutes.

25 Q. So Rae Lamothe, Elizabeth Aronson or yourself,
26 right?

27 A. Right.

28 Q. But not Mr. Stein?

1 A. Right.

2 Q. Okay I think I may have one more question. Oh,
3 you know, in Mr. Stein's computer network, was he networked
4 or were the computers stand alone?

5 A. It's been so long, I'm sorry and I worked there
6 for such a long time.

7 Q. Old computers, old technology, old memory's?

8 A. Totally. I don't remember.

9 Q. Did each computer have its own separate memory?

10 A. Yes.

11 Q. Did you have to get on the tribes computer to
12 access the tribes documents?

13 A. Yes.

14 Q. So let's kind of make a little list of things.
15 The first thing is tribe had own computer and then had its
16 own documents is that correct?

17 A. Right.

18 Q. Did it have its own phone line?

19 A. Yes.

20 Q. And is that what members used?

21 A. Yes.

22 Q. And they had a tribal administration office, was
23 that a separate office within Mr. Stein's larger suite?

24 A. Yes.

25 Q. And did they have a tribal administration office
26 head being you?

27 A. Yes.

28 Q. And did they have a general counsel?

1 A. Yes.

2 Q. And that was Rae Lamothe and then Elizabeth
3 Aronson?

4 A. Uh-huh.

5 Q. And was Marilyn Barrett an outside counsel for the
6 tribe?

7 A. Yes.

8 Q. And then was Sheppard, Mullin hired as outside
9 counsel for the tribe?

10 A. Yes.

11 Q. No further questions.

12 THE COURT: Anything further.

13 MS. IBARRA: No.

14 THE COURT: Thank you ma'am you may step down?

15 A. Thank you.

16 *****.

17

18

19

20

21

22

23

24

25

26

27

28