

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," "A"),
7 TRANSPOSED WORDS, DOUBLE WORDS, CONTEXTUAL HEARING MISTAKES,
8 HEARING MISTAKES OF SOUND-ALIKE WORDS, POSSIBLE INCORRECT
9 SPEAKER IDENTIFICATION, AND AT TIMES STENO OUTLINES THAT HAVE
10 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 2

2 10:05 AM.

3 THE COURT: GABRIELINO-TONGVA TRIBE VERSUS STEIN,
4 BC361307. GOOD MORNING COUNSEL.

5 MR. FORDYCE: GOOD MORNING YOUR HONOR. NIALL
6 FORDYCE FOR THE STEIN DEFENDANTS. MAY I APPROACH.

7 THE COURT: THANK YOU YES.

8 MS. IBARRA: DELIA IBARRA FOR PLAINTIFF
9 GABRIELINO-TONGVA TRIBE.

10 MR. STEIN: JOHN STEIN FOR SMDC AND THE CRANE GROUP.

11 THE COURT: THANK YOU MADAM COURT REPORTER I SIGNED
12 YOUR ORDER.

13 THE REPORTER: THANK YOU YOUR HONOR.

14 THE COURT: COUNSEL I'M GOING TO HAVE A STANDING
15 ORDER YOU ALL NEED TO BE HERE AT 9:30 EVERY DAY REGARDLESS OF
16 WHEN THE JURY IS ORDERED TO BE RETURNED SO IF WE HAVE THINGS
17 TO DO WE GET THEM DEPOSIT BEFORE TRIAL AND I MAY CHANGE THE
18 STANDING ORDER BUT BEFORE NOW LET'S JUST KEEP THAT IN PLACE.

19 MR. STEIN: YOUR HONOR, IT'S OBVIOUSLY IN MY
20 RESPONSIBILITY TO GET THE COPYING DONE, SUPPOSED TO BE DONE
21 AT FIVE, SUPPOSED TO BE DONE THE NINE LAST NIGHT. IT WAS
22 ONLY DONE THIS MORNING WE GOT IT HERE. THOUGH WE HAVE
23 EVERYTHING WE NEED FOR THIS, WE DO NEED TO SET UP OUR
24 ELECTRONIC EQUIPMENT FOR SHOWING THE SCREENS AND WE DO HAVE A
25 SCREEN.

26 THE COURT: WELL WE'RE READY SO THE JURY IS GOING TO
27 COME IN NOW SO I DON'T KNOW. LET'S GO.

28 (WHEREUPON THE JURY ENTERS THE COURTROOM.).

1 THE COURT: DID YOU WANT TO GIVE AN OPENING?

2 MR. FORDYCE: NO, YOUR HONOR. WE'RE JUST GOING TO
3 GO STRAIGHT TO THE TESTIMONY.

4 THE COURT: SO YOU'RE GOING TO WAIVE?

5 MR. FORDYCE: CORRECT.

6 THE COURT: SO WE NEED TO DO A MINUTE ORDER, WOULD
7 YOU LIKE ME TO STAY ANYTHING ABOUT IT BEING WAIVED.

8 MR. FORDYCE: NO, YOUR HONOR. THAT'S FINE.

9 THE COURT: OKAY * * JURY IN * *.

10 THE COURT: DO YOU HAVE YOUR WITNESS OUTSIDE IS
11 THAT -- OKAY GOOD.

12 MR. STEIN: WE HAVE BOTH OF THEM IN CASE 1 FINISHES
13 EARLY.

14 THE COURT: THANK YOU. GABRIELINO-TONGVA TRIBE
15 VERSUS JONATHAN STEIN BC361307. GOOD MORNING, AND GOOD
16 MORNING TO COUNSEL. WE WERE GOING TO HAVE AN OPENING
17 STATEMENT BY THE PLAINTIFF, ARE YOU READY PLAINTIFF.

18 MS. IBARRA: I AM. SO GOOD MORNING YOUR HONOR MY
19 I'VE A- GAVINO I OBJECT AS HAD YOU KNOW, I'M THE ATTORNEY FOR
20 THE PLAINTIFF THIS THIS ACTION WHO'S AN ENTITY OR GROUP KNOWS
21 AS GABRIELINO-TONGVA TRIBE IS NOW IT'S MY TURN TO TELL YOU MY
22 SIDE OF THE STORY MY CLIENTS SIDE OF STORY. MY CLIENT IS AN
23 ENTITY WHO ENTERED INTO THE SMDC CONTRACT WITH SMDC AND MR.
24 STEIN. WE ALSO ALLEGE SEPARATELY AND INDEPENDENTLY FROM THE
25 CONTRACT THAT WE HAD A LONGSTANDING ATTORNEY-CLIENT
26 RELATIONSHIP WITH MR. STEIN, NOT WITH SMDC. THE EVIDENCE
27 WILL SHOW THAT MR. STEIN REPRESENTED US IN LITIGATION,
28 DRAFTED CONTRACTS, RESOLUTIONS, OTHER LEGAL DOCUMENTS FOR OUR

1 SIGNATURE AND PROVIDED US WITH COUNTLESS NUMEROUS LEGAL
2 ADVICE AND LEGAL OPINIONS, ALMOST TOO MANY TO MENTION OR TO
3 CATALOG BUT I WILL TO MY BEST BECAUSE THAT'S MY JOB. MOST OF
4 THOSE ARGUMENTS ABOUT THE ATTORNEY-CLIENT RELATIONSHIP ARE
5 FOR THE SECOND PART OF THE TRIAL. I WILL TOUCH UPON THOSE
6 FACTS HOWEVER IN THIS PART OF THE CASE WHEN IT'S NECESSARY
7 FOR YOU TO UNDERSTAND THAT WE HAVE THE SAME PARTY THAT SIGNED
8 THE SMDC AGREEMENT AND THAT WE'RE THE SAME PARTY THAT
9 INITIATED THIS LAWSUIT AGAINST MR. STEIN AFTER WE HAD A
10 FALLING OUT WITH HIM. TO DECIDE WHETHER WE'RE THE PARTY THAT
11 ENTERED INTO THE CONTRACT, YOU NEED TO UNDERSTAND SOME
12 IMPORTANT BACKGROUND INFORMATION ABOUT YOU IN CLIENT AND THE
13 ENTITY AND THE NATURE OF HER ORGANIZATION. FIRST OF ALL THE
14 INDIVIDUALS WHO COMPRISE ARE GROUP ARE INDIVIDUALLY
15 ACKNOWLEDGED AND RECOGNIZED ADD NATIVE AMERICANS BY THE
16 FEDERAL GOVERNMENT THROUGH THE BUREAU OF INDIAN AFFAIRS BUT
17 COLLECTIVELY THROUGH AS AN ENTITY THEY ARE NOT RECOGNIZED AS
18 A TRIBE, THAT'S AN IMPORTANT DISTINCTION AND ONE THAT YOU
19 NEED TO UNDERSTAND FROM THE VERY BEGINNING. THE INDIVIDUALS
20 ARE RECOGNIZED AS THE DESCENDENTS OF TONGVA, WHO ARE
21 INDEGINOUS PEOPLE TO THE LOS ANGELES BASIS AND WHOM THE
22 SPANISH CALLED THE GABRIELINOS. SO GENERICALLY YOU CAN CALL
23 THEM THE TONGVA, THE GABRIELINOS, THE GABRIELINO-TONGVAS.
24 THERE'S A LONG AND HISTORICAL ETHICOLOGICAL RECORD THAT
25 SUPPORTS THEIR EXISTENCE AND THEIR CLAIMS INDIVIDUALLY THAT
26 THEY'RE DESCENDENTS. BUT THERE'S NO RECOGNIZED ENTITY AT ALL
27 THAT'S A TRIBE. SO DESPITE THEIR NAME THEY'RE NOT TRIBAL A
28 TRIBAL ENTITY, THEY DO NOT CLAIM ANY SOVEREIGN RIGHTS AS MR.

1 STEIN SAYS, BUT AS THEIR NAME IMPLIES, THE ULTIMATE GOAL AND
2 ASPIRATION FOR MY CLIENT, THE GABRIELINO-TONGVA TRIBE, IS TO
3 SOMEDAY ACHIEVE FEDERAL RECOGNITION AS A TRIBE. I EXPLAIN
4 ALL OF THAT BECAUSE THAT IS THE KEY CONCEPT THAT WE WILL
5 RETURN TO OVER AND OVER AGAIN IN THIS TRIAL. THAT'S ALSO A
6 KEY PROMISE THAT WAS MADE BY MR. STEIN TO MY CLIENT THROUGH
7 MY CLIENT THE PLAINTIFF THROUGH THE SMDC AGREEMENT, AND THE
8 SMDC AGREEMENT STEIN THROUGH SMDC PROMISED THAT HE WOULD HELP
9 OUR PARTY, THE PLAINTIFF, THE TRIBE ACHIEVE FEDERAL
10 RECOGNITION AND ULTIMATELY OPERATE A TRIBAL GAMING CASINO.
11 SO PARTY THAT I REPRESENT, THAT IS MY CLIENT AND ITS MEMBERS
12 HAVE BEEN WORKING ON GOAL OF FEDERAL RECOGNITION LONG BEFORE
13 THEY MET JONATHAN STEIN. ARGUABLY WORKING OBJECT THIS GOAL
14 SINCE THE CALIFORNIA MISSION SYSTEM DISSOLVED BUT FOR
15 PURPOSES OF THIS CASE, ALL YOU NEED TO KNOW IS THAT THIS HAS
16 BEEN THEIR LONGSTANDING DESIRE AND THAT THEY HAVE WORKED ON
17 THIS EFFORT FOR A LONG TIME, LONG BEFORE MR. STEIN CAME INTO
18 THE PICTURE. ONE EFFORT THAT DOES NOT PRECEDE JONATHAN STEIN
19 IS THE GOAL OF TRIBAL GAMING IN THE CASINO AND THE L.A.
20 BASIN, BEFORE STEIN CAME INTO THE PICTURE THE TONGVA PEOPLE
21 WERE NOT FOCUSED ON THAT AT ALL, YOU HAVE HEARD DURING
22 STEIN'S OPENING STATEMENT, THERE ARE VARIOUS FACTIONS OF THE
23 GABRIELINO-TONGVA DESCENDENTS WHO ORGANIZE THEMSELVES IN
24 VARIOUS CLANS IN LOS ANGELES, THEY ORGANIZE THEMSELVES IN
25 EXTENDED FAMILY GROUPS. BEFORE MR. STEIN CAME INTO THE PICK
26 YOU'RE THESE GROUPS EXISTED IN FRIENDLY COMPETITION, FOR THE
27 MOST PART EVEN THOUGH THEY WERE SEPARATE FAMILIES THEY WERE
28 AND STILL ARE RELATED BY BLOOD OR AT THE VERY LEAST BY

1 ANCESTRY AND THEY ALL SHARED MUTUAL GOALS OF PRESERVING THEIR
2 HISTORY AND ACHIEVING FEDERAL RECOGNITION. MR. STEIN WHO'S
3 AN TONGVA, WHO'S NOT GABRIELINO, WHO'S DOES NOT CLAIM TO
4 DESCEND FROM THEM COMES INTO THE PICTURE EARLY 2000 WHEN HE
5 MEETS SAM DUNLAP. YOU'LL MEET HIM. HE'S A NATIVE AMERICAN
6 WHO IS A DESCENDENT OF GABRIELINO, HE IS FRIENDLY WITH A LOT
7 OF THE GABRIELINO EXTENDED FAMILY GROUPS AND ALL THE VARIOUS
8 FACTIONS, ASSIGNED SAM DUNLAP TO ASSIST THIS PURSUADING THE
9 GABRIELINOS TO ENGAGE IN THE TRIBAL GAMING, DUNLAP AGREES TO
10 HELP HIM HE FIRST APPROACHED THE MORALES GROUP IN SAN GABRIEL
11 VALLEY, THEY ARE VERY WELL ORGANIZED GROUP OF GABRIELINOS WHO
12 ARE MOSTLY ENTERED AROUND THE OLD SAN GABRIEL MISSION, THAT'S
13 THE OLD HISTORIC CENTER OF STRONGLY AGAINST THE CASINO
14 PROJECT. BUT THEY ARE VERY INTERESTED IN FEDERAL
15 RECOGNITION, AS ARE THE FAST MAJORITY OF OTHER GABRIELINO.

16 MR. STEIN: OBJECTION RELEVANCE.

17 THE COURT: OVERRULED.

18 MS. IBARRA: SO WHEN STEIN APPROACHES MORALES GROUP
19 WITH THIS IDEA, THEY REJECT IT. THEY DO NOT WANT A CASINO.
20 SO ONCE REJECTED BY THE MORALES GROUP AROUND NOVEMBER
21 DECEMBER 2000, DUNLAP INTRODUCES STEIN TO A DIFFERENT GROUP,
22 VELASQUEZ FAMILY. THE VELASQUEZ COASTAL AREA OF L.A. COUNTY.
23 INITIALLY THE TRIBAL MEMBERSHIP AND THE TRIBAL COUNSEL OF THE
24 VELASQUEZ GROUP TOOK A DISLIKE AND DISTRUST OF MR. STEIN, BUT
25 NOT TO THE IDEA OF GETTING ASSISTANCE FROM A LAWYER BY MR.
26 STEIN WHO REPRESENTS HIMSELF TO US AS AN EXPERT IN AMERICAN
27 INDIAN LAW AND WHO COULD POSSIBLY HELP THEM ACHIEVE FEDERAL
28 RECOGNITION. SO DESPITE -- DESPITE THE GROUP'S RESERVATIONS,

1 VELASQUEZ PATRIARCH JIM VELASQUEZ AND LOBBYIST CLARK AND
2 IMPOSES REST OF THE HIS CLAN.

3 MR. STEIN: OBJECTION YOUR HONOR WE HAVE A WITNESS
4 IN THE COURTROOM.

5 THE COURT: OKAY IS THAT YOUR WITNESS.

6 MS. IBARRA: HE'S HAD NOT -- HE'S NOT HERE TODAY
7 THOUGH, HE'S HERE AS A REPRESENTATIVE OF OUR PARTY BUT HE'S
8 NOT GOING TO BE TESTIFYING TODAY.

9 THE COURT: OH OKAY.

10 MS. IBARRA: SO INITIALLY THE MEMBERSHIP AND THE
11 TRIBAL COUNCIL FOR VELASQUEZ GROUP ALSO TAKE DISLIKE AND
12 DISTRUST BUT THEY LIKE THE ASSISTANCE WHO REPRESENTS HIMSELF
13 AS SUCH AND WHO COULD POSSIBLY HELP THEM ACHIEVE FEDERAL
14 RECOGNITION, SO DESPITE THE GROUPS RESERVATIONS, THE
15 VELASQUEZ PATRIARCH, MR. JIM VELASQUEZ AND IMPOSED HIS WILL
16 ON THE REST OF THE CLAN, HE PURSUADES THE VELASQUEZ CLAN TO
17 TRUST STEIN AND TO ENTERTAIN HIS IDEAS ABOUT ENGAGING IN --
18 ABOUT SCOUTING FOR AN INVESTOR TO GAIN FEDERAL RECOGNITION,
19 ENGAGE IN TRIBAL GAMING. NOW THE VELASQUEZ GROUP NEVER
20 CALLED THEM THEM SAYS VELASQUEZ GROUP, THEY CALLED THEMSELVES
21 GABRIELINO-TONGVA TRIBE AND SOMETIMES THEY USE MINOR VARIOUAS
22 IN THAT NAME. THAT IS THE NAME THAT APPEARS IN THE SMDC
23 AGREEMENT, THE GABRIELINO-TONGVA TRIBE, THE SMALL
24 CONSISTENCIES OR VARIATIONS IN THE NAMES THAT ARE COMMONLY
25 USED BY VELASQUEZ GROUP ARE ALSO USED IN THE SMDC AGREEMENT
26 AS YOU WILL SEE. DURING THIS PART OF THE TRIAL YOU WERE HEAR
27 FROM SOME OF THE INDIVIDUALS WHO WERE MEMBERS OF THE TRIBAL
28 COUNCIL, MEMBERS OF MY CLIENT WHO APPROVED THE SMDC AGREEMENT

1 IN 2001. THEM TELL YOU WHAT THEY REMEMBER ABOUT THE DAY THAT
2 THEY SIGNED THE RESOLUTION INCLUDING THE SMDC AGREEMENT IN
3 2001, IN SOME CASES SOME OF THEM REFUSED TO SIGN IT, SOME OF
4 THEM ABSTAINED. SO THEY WILL TELL YOU ABOUT THAT AND WHY
5 THEY REFUSED TO SIGN IT. THEY WILL ALSO TELL YOU WILL WHAT
6 HAS HAPPENED TO THEIR ORGANIZATION SINCE THAT DAY. THE
7 PATRIARCH JIM VELASQUEZ, THEY USED TO CALL HIM CHIEF
8 VELASQUEZ HAS LONG SINCE PASSED AWAY BUT OTHER MEMBERS OF HIS
9 FAMILY INCLUDING HIS BROTHER HAD WILL BE HERE FOR TESTIFY AS
10 WILL SAM DUNLAP WHO IS THE MEMBER OF TRIBAL COUNCIL IN SUN
11 INDICT. WE WILL ALSO HEAR FROM TWO TRIBAL COUNSEL MEMBERS
12 WHO ABSTAINED AND REFUSED TO SIGN, PATRICIA FROM THE EYE DANA
13 MISS TALLEY, THEY WILL ALSO ACKNOWLEDGE HOWEVER THAT DESPITE
14 THEIR PRO TESTS, THE SETTLEMENT AGREEMENT WAS INDEED SIGNED
15 BY PLAINTIFF. THEY WILL DESCRIBE HOW THEY LEFT THEIR
16 LEADERSHIP ROLLS WITH THE PLAINTIFF AFTER THE SETTLEMENT
17 AGREEMENT WAS SIGNED BUT THEY DID NOT STOP BEING MEMBERS OF
18 THE TRIBE. THEY MERELY LEFT THEIR LEADERSHIP ROLLS BECAUSE
19 THEY DIDN'T WANT TO DEAL WITH MR. STEIN, THEY DIDN'T TRUST
20 HIM. SOME OF THEM WERE MORE ACTIVE IN THE ORGANIZATION THAN
21 ANOTHER OTHERS BUT NONE OF THEM LEFT, THEY JUST -- HIKE I
22 SAID, THEY WILL TESTIFY THAT THE PLAINTIFF IS THE SAME
23 ORGANIZATION THAT SIGNED THE AGREEMENT, THAT APPROVED THE
24 RESOLUTION APPROVING THE AGREEMENT AND THEY HAVE ALWAYS BEEN
25 AFFILIATED WITH THIS ORGANIZATION, THESE WITNESSES WILL ALSO
26 TELL YOU WILL THAT AFTER THE SMDC AGREEMENT WAS EXECUTED,
27 SOME TRIBAL COUNCIL LEFT THEIR LEADERSHIP ROLLS OTHER PEOPLE
28 ASCENDED TO TAKE LEADERSHIP POSITIONS AND THEY ACKNOWLEDGE

1 THAT, ONE OF THEM OTHER VIRGINIA CARMELO WHO IN 2001, VERY
2 SON AFTER THE SETTLEMENT AGREEMENT WAS EXECUTED MAYBE TWO
3 MONTHS LATER, ASCENDED TO SHARE WOMAN OF THE PLAINTIFF TRIBE,
4 SO SHE SERVE AS A TRIBAL COUNCIL SHARE WOMAN FOR A VERY LONG
5 TIME. SO 2001, IN 2006, THE VIRGINIA TERM, SAM DUNLAP ARE
6 STILL ON THE TRIBAL COUNCIL WHEN THEY HAVE A FALLING OUT WITH
7 MR. STEIN, THIS SOMETIME IT WASN'T JUST ONE OR TWO MEMBERS OF
8 THE TRIBAL COUNCIL WHO HAD QUESTIONS, SUSPICIONS, MISGIVINGS,
9 IN THE FALL OF 2006 IT WAS THE ENTIRE TRIBAL COUNCIL WHO
10 WANTED NOTHING FURTHER TO DO WITH HIM AND WHEN HE TENDERED
11 HIS RESIGNATION IN SEPTEMBER OF 2006 THEY ACCEPTED IT WITHOUT
12 HESITATION, NOW THE EVENTS OF 2006 LEAD DIRECTLY TO THIS
13 LITIGATION. 10 YEARS LATER WE HAVE A TRIAL. THE SHORT STORY
14 IS THAT STEIN THREATENED LITIGATION FIRST, BOTH SIDES
15 LAWYERED UP, STEIN SUED THE TRIBE AND HE SUED EVERY INNING
16 SINGLE PERSON WHO WAS THE MEMBER OF THE TRIBAL COUNCIL
17 INCLUDING CARMELO DUNLAP OTHERS YOU WILL MEET AND THE ENTITY.
18 SO THREE YEARS AGO AFTER A BENCH TRIAL THEY WERE EXONERATED,
19 THEY HAVE NO -- THE TRIBAL COUNCIL MEMBERS HAVE INDIVIDUALLY
20 HAVE NO LIABILITY TO MR. STEIN SO HERE WE JUST HAVE THE
21 TRIBE, THE ENTITY REPRESENTED BECAUSE THE OTHER TRIBAL
22 COUNCIL PEOPLE ARE ARE DONE, NO LIABILITY, THEY WALKED AWAY
23 ON THE GROUND NOTHING. LIKE I SAID, THAT'S THE VERY SHORT
24 STORY BUT YOU NEED TO HEAR A LITTLE BIT MORE ABOUT THIS,
25 SOMETHING A LITTLE BIT NUANCES, JUST FOR PURPOSES OF
26 UNDERSTANDING THIS. AND MR. STEIN SPENT QUITE A BIT OF TIME
27 DESCRIBING THE EVENTS SOY NEED TO DO A LITTLE BIT OF THE
28 SAME. SO THE EVIDENCE WILL SHOW IN PLEA OF 2006 THE

1 PLAINTIFF AND STEIN SUCCEEDED IN CONVINCING A GROUP OF
2 INVESTORS, NOT MEMBERS OF THE TRIBE, JUST A SEPARATE GROUP OF
3 INVESTORS, WE'LL CALL ALL LIBRA INVESTORS TO SUPPORT THE TWIN
4 GOALS OF FEDERAL RECOGNITION AND TRIBAL GAMING, LIBRA
5 PROMISED THE TRIBE UP TO 21 MILLION DOLLARS AND 2.1 MILLION
6 TO START. EVENTUALLY AFTER HOLD SOMETHING IF YOU UNDERSTAND
7 BACK FOR EX PRESENTED RELATED TO [STPEPBLD] [AOE] LIBRA
8 TENDERED TO THE TRIBE A LITTLE LESS THAN \$2,000,000, IN MAY
9 OF 2006 THE MONEY COMES IN THE INVESTMENT DEAL IS DONE,
10 EVERYTHING IS SIGNED, THE MONEY COMES IN. SO FINALLY
11 PLAINTIFF HAS MONEY TO PURSUE THEIR GOALS BUT PLAINTIFF AND
12 SIGN SAY DEE AS HOW TO PURSUE THEIR GOALS SHARPLY SO THEY
13 FOUGHT ABOUT THIS, FIRST THEY FOUGHT ABOUT THE MONEY, BUT LET
14 ME BE CLEAR, THE EVIDENCE WILL SHOW THAT BOTH STEIN AND THE
15 TRIBAL PERSONS, COUNSEL PERSONS GOT PAID, THEY BOTH GOT PAID,
16 THE QUESTION WAS NOT ONE OF -- WAS NOT NOT GETTING PAID YOU
17 IT WAS PRY TORE FOR THIRD PARTY VENDORS AND THE ONES THAT
18 EACH OF THEM PREFERRED, BUT THAT'S ALSO IMPORTANT BECAUSE
19 THEY ARGUED ABOUT SOMETHING FUNDAMENTAL, WHETHER THE TRIBAL
20 COUNCIL HAD THE RIGHT TO RECEIVE, HERE AND CONSIDER ADVICE
21 FROM SAY LAWYER THAT WAS HAD NOT MR. STEIN. YOU'LL HEAR MORE
22 ABOUT THIS IN THE MAIN PART OF OUR CASE, OUR CASE IN CHIEF SO
23 I'LL SAVE THE DETAILS FOR LATER BUT YOU SHOULD KNOW THAT'S
24 WHAT OUR CASE IN CHIEF IS ABOUT THE SECOND KEY IS FUNDAMENTAL
25 PART OF THE DISPUTE THAT IS ABSOLUTELY RELEVANT HERE IS THAT
26 THE TRIBAL COUNCIL AND THE TRIBAL MEMBERS WERE STILL FOCUSED
27 ON IDEA OF FEDERAL RECOGNITION, THEY HAD MONEY TO PURSUE THIS
28 GOAL NOW AND TO HIRE EXPERTS WHO COULD HELP THEM ACHIEVE

1 FEDERAL RECOGNITION BY DOING THINGS LIKE REVISING THE
2 CONSTITUTION WHICH IS THE PLAINTIFFS GOVERNING DOCUMENT
3 AMONGST THEMSELVES, AND THEY WANTED THIS CONSTITUTION TO
4 COMPLY WITH THE RULES FOR THE BUREAU OF INDIAN AFFAIRS,
5 BUREAU OF INDIAN AFFAIRS IS THE ENTITY H FEDERAL ENTITY THAT
6 DECIDE WHETHER NATIVE AMERICANS WHO AREN'T RECOGNIZED AS
7 TRIBES CAN BECOME RECOGNIZED AS TRIBES SO THEY HAVE VERY
8 STRICT CRITERIA, THE TRIBES THEN CONSTITUTION HAD BEEN
9 DRAFTED VERY HASTILY BY MR. STEIN WHO AT YOU RECALL
10 REPRESENTED HIMSELF AS AN INDIAN LAW EXPERT AND SO IT WAS
11 DRAFTED VERY HASTILY TO COMPLY WITH LIBRA INVESTORS DOCUMENTS
12 TO GOVERN THE TRIBE THEY WEREN'T GOING TO GIVE THEM ANY MONEY
13 UNTIL THEY HAD A CONSTITUTION IN PLACE, SO THE SIGNED DRAFTS
14 OF THIS CONSTITUTION QUICKLY AND THE TRIBAL COUNCIL MEMBERS
15 SAID THAT'S FINE FOR PURPOSES OF LIBRA INVESTORS BUT WHEN WE
16 GO FOR FEDERAL RECOGNITION WE WANT SOMETHING THAT'S GOING TO
17 COMPLY WITH THEIR GUIDELINES SO AS SOON AS THE MONEY COMES IN
18 THEY'RE LIKE LET'S HAIR AN EXPERT WHO'S GOING TO HELP HUSBAND
19 DO THAT. THAT'S THEIR [PRAOER] [TAOE] FOR HOW TO SPEND THE
20 MONEY. STEIN WANTED TO SPEND THE MONEY ON POLITICAL
21 CONTRIBUTIONS TO POLITICAL LEADERS IN SACRAMENTO WHOM HE
22 THOUGHT COULD HELP THE TRIBE ACHIEVE FEDERAL GAMING WITHOUT
23 ACHIEVING FEDERAL RECOGNITION. SO LET ME REPEAT THAT, HE
24 WANTED TO PURSUE SUE THE CASINO WITHOUT GETTING FEDERAL
25 RECOGNITION FIRST. HE UNILATERALLY ABANDONED THE IDEA OF
26 FEDERAL RECOGNITION AND PURSUED THIS IDEA THAT TRIBAL GAMING
27 WAS POSSIBLE WITHOUT FEDERAL RECOGNITION. THAT WAS ABOUT
28 ENOUGH BECAUSE IT ABANDONED ONE OF THE PILLARS OF -- ONE OF

1 THE PURPOSES OF THE PLAINTIFFS EXISTENCE, THIS WAS THE MAIN
2 GOAL WHICH PRECEDED MR. STEIN'S HELP WITH THEM, THIS WAS
3 THEIR GOAL, BEING FEDERALLY RECOGNIZED TRIBE BUT THIS WAS
4 MAIN WORSE BECAUSE AT THE SAME TIME HE'S PURSUES CASINO FIRST
5 STRATEGY, PURELY UP AND GET A CASINO, WORRY ABOUT FEDERAL
6 RECOGNITION LATER, THE STATE OF CALIFORNIA'S LEGISLATIVE
7 COUNSEL'S OFFICE, LAWYERS ADVISE THE STATE SENATE IN THE
8 STATE OF CALIFORNIA IN SACRAMENTO ISSUED A CONFIDENTIAL
9 OPINION THAT HE GOT A COPY OF STATING THAT A NON-FEDERALLY
10 RECOGNIZED TRIBE SUCH AS THE GABRIELINO-TONGVA TRIBE
11 COULD NOT ENGAGE IN GAMING IN CALIFORNIA, THIS IS THE -- THE
12 DATE OF THAT OPINION IS MAY 26, THE LIBRA INVESTOR FUNDS ARE
13 MAY 20TH. SO THAT'S A SIGNIFICANT EVENT HERE. SO EVEN IF
14 THE PLAINTIFF TRIBE APPROVED OF MR. STEIN'S CASINO FIRST
15 STRATEGY WHICH THEY DID NOT, THEY WERE FIGHTING ABOUT THAT,
16 ASSUMED THAT THEY CONSENTED TO THAT IDEA IT WAS STILL A
17 LOSING STRATEGY, STATE OF CALIFORNIA HAD SAID IT'S NOT GOING
18 TO HAPPEN, THAT'S NOT LEGALLY APPROPRIATE HERE.
19 SIGNIFICANTLY STEIN NEVER TOLD THE TRIBE THAT THIS OPINION
20 HAD [PWEURPB] YOU'D. THE PLAINTIFF TRIBE ONLY FOUND OUT
21 ABOUT THIS OPINION DURING THE COURSE OF THIS LITIGATION WHEN
22 HE TURNED IT OVER, ATTACHED IT TO A DECLARATION SAYING THIS
23 IS WHY THEY'RE SILLY, NO LAUGHING AT US, THEY'RE SILLY LOOK
24 AT THEM H THEY SAY THEY'RE A STATE RECOGNIZED TRIBE, THEY'RE
25 NOT, LOOK HERE'S THIS OPINION SAYING THEY CAN'T EVEN ENGAGE
26 IN GAMING. SO THAT'S SIGNIFICANT THAT HE DIDN'T TELL US BUT
27 DO YOU SEE WHAT'S GOING ON HERE? STEIN IS PERSONALLY
28 INVESTED AND IN THE CASINO PROJECT BUT NOT AT ALL INVESTED IN

1 THE FEDERAL RECOGNITION PROJECT, THAT'S SWAY HUGE CONFLICT
2 FOR US, AND YOU KNOW WHAT? HE WAS FINANCIALLY INVESTED IN
3 THE CASINO PROJECT AS WELL. PURSUANT TO THE SETTLEMENT
4 AGREEMENT, HE WOULD TAKE 10 PERCENT OF THE REVENUE WIN FROM
5 THE CASINO FOR A PERIOD OF SEVEN YEARS, 10 PERCENT OF THE
6 REVENUE FROM A CASINO FOR SEVEN YEARS. SO HIS FINANCIAL
7 INCENTIVE TO GET THE CASINO PROJECT OFF THE GROUND AND
8 OPERATING IS SUBSTANTIAL. THERE'S NO SIMILAR FINANCIAL
9 INCENTIVE IN THE SETTLEMENT AGREEMENT FOR THEM TO GET FEDERAL
10 RECOGNITION, HE WASN'T GOING TO GET SOME EXTRA MONEY FOR
11 THAT, IT WAS ALL ABOUT THE CASINO, NOTHING HAVING TO DO WITH
12 FEDERAL RECOGNITION. MORE THAN THAT HOWEVER, YOU WILL HEAR
13 AN EXPERT OPINION THAT IF THE TRIBE HAD EVER ACHIEVED FEDERAL
14 RECOGNITION, THE SETTLEMENT AGREEMENT WOULD NEVER HAVE BEEN
15 APPROVED BY THE NATIONAL INDIAN GAMING COMMISSION BECAUSE THE
16 COMPENSATION TO HIM VIOLATED THE RULE OF SOLE PROPRIETARY,
17 WHICH HOLDS CHASSY THAT IN GAMING TO THE EXTENT THE FEDERAL
18 GOVERNMENT ALLOWS IT AND THE ONLY REASON THEY ALLOW IT IS FOR
19 THE BENEFIT OF NATIVE AMERICANS WHO HISTORICALLY HAVE BEEN
20 POOR SO IT MUST BE FOR THEIR BENEFIT ONLY. IF AN OUTSIDE
21 PARTY WHO'S NOT A MEMBER OF THE TRIBE TAKES ANY OWNERSHIP
22 INTEREST AT ALL IN THE REVENUE FROM THIS CASINO THEN THEY
23 INVALIDATE IT. SO THAT INVALIDATES THE TRIBAL GAMING, THAT
24 CONTRACT. SO HERE AS I'VE TOLD YOU STEIN OWNED 10TH PERCENT
25 OF THE REVENUE PURSUANT TO THE SETTLEMENT AGREEMENT FROM THIS
26 FUTURE CASINO, SO THAT SEEMS TO VERY [SHRAOEUPLG] EYE VIOLATE
27 THAT RULE OTHERS NOT A RULE.

28 MR. STEIN: YOUR HONOR THERE'S NO EVIDENCE OF WHAT

1 THE RULE.

2 THE COURT: OVERRULED THIS IS WHAT SHE THINKS THE
3 EVIDENCE WILL SHOW.

4 MS. IBARRA: SO HE'S NOT A MEMBER OF THE TRIBE, HE'S
5 NOT A TRIBAL MEMBER AND HE'S GOING TO OWN A SIGNIFICANT
6 OWNERSHIP OF THE GAMING REVENUE SO. SO THE QUESTION IS DID
7 STEIN KNOW THIS BEFORE WILL YOU DRAFTED THE SBDC AGREEMENT?
8 PROBABLY YES SINCE HE'S ACKNOWLEDGED TO BE [HRA*UL] EXPERT,
9 HE DID NOT BUT HE SHOULD HAVE BECAUSE HE WAS AN [HRA*UL]
10 EXPERT HE TOLD US HE WAS, EITHER WAY THE ANSWER IS NOT
11 GOVERNMENT EITHER WAY HE DRAFTED AN AGREEMENT FOR SIGNATURE
12 FROM US WHERE HE GIVES HIMSELF A SIGNIFICANT FINANCIAL
13 INTEREST THAT ALSO DISREGARDS ONE OF THE PILLARS OF OUR
14 EXISTENCE, ONE OF OUR MAIN GOALS. SO FEDERAL RECOGNITION AS
15 I SAID. SO IF WE EVER DID ACHIEVE FEDERAL RECOGNITION HIS
16 FINANCIAL INTEREST IN THE CASINO WOULD BE COMPLETELY
17 EVISCERATED BY THE NATIONAL INDIAN GAMING COMMISSION. SO OUR
18 [TPHEULD] I'VE WAS ENGAGE IN GAMING AND GET REVENUE BUT NEVER
19 ACHIEVE FEDERAL RECOGNITION, IF WE EVER DID ACHIEVE FEDERAL
20 RECOGNITION HIS 10 PERCENT INTEREST WAS GONE. MORE DETAILS
21 ABOUT THIS DURING THE CASE IN CHIEF BUT IT HAS A STRONG
22 BEARING IN THIS CASE, IN THIS PART OF THE CASE BECAUSE JUST
23 LIKE STEIN DISREGARDED OUR INTEREST IN FEDERAL RECOGNITION
24 WHEN IT CONFLICTED WITH HIS PERSONAL AND FINANCIAL INTEREST,
25 HE DISREGARDED THE TRIBE IN ITS ENTIRETY OR AT LEAST THE
26 TRIBES LEADERSHIP, IT'S TRIBAL COUNCIL WHEN IT WAS CLEAR THAT
27 HE COULD NO LONGER CONTROL THE TRIBAL COUNCIL. ONCE THE
28 TRIBAL COUNCIL STARTED TO EXERCISE INDEPENDENT JUDGMENT AND

1 IT STARTED TO EXPRESS STRONG INTEREST IN HEARING ADVICE FROM
2 LAWYERS OTHER THAN STEIN, ONCE THEY STARTED A GOVERNING
3 CONSTITUTION THAT WOULD COMPORT WITH THE PURELY OF [*EUF]
4 [WRAOEURPLTS] AND RECOGNITION STEIN HAD ENOUGH OF THEM. SO
5 AFTER ONE PARTICULARLY HEATED ARGUMENT DURING THE TRIBAL
6 COUNCIL MEETING, STEIN THROUGH THE TRIBAL COUNCIL MEMBERS OUT
7 OF THE OFFICE WHERE THEY WERE HOLDING THE MEETING, HIS OFFICE
8 ALSO HAS ATE TRIBAL COUNCIL SPACE, HIS OFFICE, SO HIS LAW
9 OFFICE BY THE WAY. SO HE TELLS THEM DURING THIS HEATED
10 ARGUMENT THAT HE'S QUITTING, HE'S QUITTING HIS EMPLOYMENT AS
11 THE TRIBE C [EFPL] O IN THAT IS ALSO THE DEVELOPER THROUGH
12 THE SETTLEMENT AGREEMENT AND AFTER HE MAKES THIS STATEMENT,
13 THE TRIBAL COUNCIL -- AND KICKS THEM OUT OF HIS OFFICE,
14 TRIBAL COUNCIL MEMBERS PRY TO GATHER ALL OF THE DOCUMENTS
15 THAT THEY COULD, THERE'S FIVE OF THEM AND LEAVE THE OFFICE
16 THEY COULDN'T TAKE ALL OF THE DOCUMENTS, AT THAT TIME WHAT
17 THEY THOUGHT THE IMPORTANT DOCUMENTS WERE WERE LIKE THE
18 LIBRA, ALL OF THE, THE CHECKS PERTAINING TO THE LIBRA FUNDS
19 BUT HE STILL HAD LIBRA FUNDS THEY TAKE THE CHECKS, THEY TAKE
20 WHATEVER ELSE THEY CAN TAKE BUT THEY LEAVE SOME REALLY
21 IMPORTANT DOCUMENTS INCLUDING OTHER FINANCIAL DOCUMENTS H
22 INCLUDING ALL OF THEIR RESOLUTION THAT'S THEY HAD SIGNED
23 CURING THE TIME THAT THEY WERE ACTING AS TRIBAL COUNCIL
24 PEOPLE. AND THE MOST IMPORTANT THING THAT FAR THEY LEFT
25 [HA*PBD] BEHIND WAS THE CONFIDENTIAL MEMBERSHIP RECORDS FROM
26 THE INDIVIDUALS THAT [TKPRAOEUZ] JOINDER TRIBE NOT JUST THE
27 BLUE THE [TRAO*EUPL] IN SOME MEMBERS BUREAU OF [*EUFZ] CARS
28 WHICH ARE HANDED OUT TO NATIVE AMERICANS TO SAME HERE AH

1 NATIVE AMERICAN THIS IS YOUR BLOOD PERCENTAGE BLOOD QUANTUM
2 AND THIS IS WHAT KIND OF NATIVE AMERICAN YOU ARE, YOU ARE
3 GABRIELINO AND/OR NAVAJO OR WHATEVER, SO THESE VERY
4 CONFIDENTIAL DOCUMENTS THAT BELONG NOT JUST TO THE TRIBE BUT
5 TO THE INDIVIDUAL MEMBERS STAY IN STEIN'S POSSESSION AS YOU
6 CAN IMAGINE THESE WERE VOLUMINOUS. SO THESE DOCUMENTS HAVE
7 BEEN IN STEIN'S POSSESSION FOR 10 YEARS. BECAUSE AS
8 EXPLAINED EARLIER BEFORE THE LITIGATION BREAKS OUT AFTER THIS
9 FALLING OUT -- OH NO. SO BEFORE THE LITIGATION BREAKS OUT,
10 THEY HAVE SOME NEGOTIATIONS, [STAOEUP] AND THE TRIBAL COUNCIL
11 FIGHT ABOUT THESE CONFIDENTIAL MEMBERSHIP RECORDS HE CLAIMS
12 THEY'RE ADD WORK PRODUCT, WE CLAIM THEY BELONG TO OUR
13 MEMBERS, THEY BELONG TO INDIVIDUALS BUT THEY ALSO COMPLIED
14 EYE NOT TO ANNEX PLAIN HE EMPLOYEE OF THE [PHRAOEBL] [AOE]
15 THIS IS FIGHT ABOUT CONTROL OF THE LIBRA IF YOU UNDERSTAND
16 AND OTHER LEGAL ISSUES THEY CAN'T AGREE SO THEY SUE EACH
17 OTHER. SO EVERYTHING I'VE DESCRIBED ABOUT IS UNFORTUNATE BUT
18 NOT UNCOMMON OR ATYPICAL FOR A BUSINESS LITIGATION DISPUTE.
19 THIS IS KIND OF WHAT HAPPENS, PEOPLE -- YOU KNOW PEOPLE FIGHT
20 OVER FUNDS AND OTHER INTANGIBLE THINGS WITH IMPORTANT
21 INTEREST, YOU KNOW THERE'S A AN INTERESTING NATIVE AMERICAN
22 ANGLE HERE, BUT THIS CASE TAKES AN EXTRAORDINARY TURN WHEN
23 ONCE THIS LITIGATION IS UNDER WAY, STEIN TRIES TO ORCHESTRATE
24 A RECALL OF THE PLAINTIFF'S LEADERSHIP WHICH IS OUR TRIBAL
25 COUNCIL. SO HE'S NOT A STANDING MEMBER OF THE TRIBE, SO HE
26 CAN'T EVEN VOTE ON THE RECALL ELECTION TO TRY AND ORCHESTRATE
27 ON AND HE DID, HE DOESN'T HAVE THE POWER TO VOTE, BUT HE DID
28 USE THE PLAINTIFFS LETTERHEAD BECAUSE YOU KNOW HE DRAFTED

1 CORRESPONDENCE ON OUR BEHALF DURING THE TIME HE WAS OUR
2 LAWYER AND OUR EXECUTIVE EMPLOYEE, SO HAD HE USES THIS TRIBES
3 HER HEAD WHICH HE RETAINED POSSESSIONS OF TO SEND NOTICES TO
4 THE ENTIRE MEMBERSHIP BECAUSE OF COURSE HE STILL HAD ALL OF
5 THE MILLIMETER MEMBERSHIP INFORMATION WHICH HE STILL HAS
6 COPIES OF, AND HE DEMANDS -- HE ASKS THEM, HE PLEADS WITH
7 THEM, TO TALK SOME CENTS INTO THE TRIBAL COUNCIL SO THAT HE
8 CAN BE REINSTATED AND ABSENT THAT IF HE'S NEVER RECALLED THEY
9 SAY THEN GET RID OF HIM BECAUSE HE THINKS HE'S MORE IMPORTANT
10 THAN THE TRIBAL COUNCIL TRIBAL COUNCIL.

11 MR. STEIN: THAT'S THE PLEADING HE MAKES DIRECTLY TO
12 OUR COUNSEL [PHEUPL] AND HE TAKES THE PLEADING AND RE AT THAT
13 ORGANIZE OAF AS I STATED YESTERDAY AS HE ACKNOWLEDGED DURING
14 HIS OPENING STATEMENT, THAT FAILED, THAT RECALL ELECTION WAS
15 NEVER HELD. HE DOES THOUGH MANAGE TO LEAD A FEW MEMBERS AWAY
16 FROM THE TRIBE, NOTABLY A MEMBER WHO HAD PREVIOUSLY RUN FOR
17 THE TRIBAL COUNCIL AND LOST, HER NAME IS MS. LINDA
18 CANDELARIA, AND WE WILL MEET HER TODAY, MS. CANDELARIA
19 FOLLOWED STEIN AND LEFT THE TRIBE WHEN HE LEFT WHEN THE
20 RECALL LEFT HE FAILED, MOST EXTRAORDINARILY HOWEVER HE BEGINS
21 TO STATE THAT HE REAL TRIBE IS NOT US, WHO'S MEMBERS RECORDS
22 HE STOLE, THE PEOPLE HE STUDENT, THE PEOPLE WHO SIGNED THE
23 SETTLEMENT AGREEMENT, HE STARTS TO SAY THAT THE REAL PARTY IS
24 THE CANDIDATE GROUP. AND DO YOU KNOW WHO HE CLAIMS ARE THE
25 NAME OF THE CANDELARIA GROUP BESIDES MS. CANCER, IT'S ALWAYS
26 MEMBERS IN THE MEMBERSHIP LIST THAT HE OBTAINED A COPY OF AND
27 HIS CONFIDENTIAL RECORDS OF THE I A HE KEPT, THESE HE CLAIMS
28 ARE THE MEMBER OF THE CANDELARIA GROUP. NOW SOME OF THEM ARE

1 NO JUDGMENT DEBTOR IDEA WHAT IS WHAT IS GOING ON, THEY DON'T
2 LIKE MAKE -- LIKE I SAID NO RECALL ELECTION THIS IS
3 [AIDE|AID] AFFIRMATIVE THEY WANT THIS GROUP I WANT THAT
4 GROUP, THEY'RE JUST -- THEY'RE PASSIVE, SOME OF THEM NEVER
5 COME TO MEETINGS, SOME OF THEM THEY GAVE THEM THEIR
6 INFORMATION SO THEREFORE, FEDERAL RECOGNITION THEY WANT TO
7 JOIN THIS GROUP THAT IF WE EVER ACHIEVE FEDERAL RECOGNITION
8 THEY WANT TO BE PART OF IT AND STAY PASSIVELY INVOLVED
9 BECAUSE THEY LIVE IN TEMECULA OR THEY LIVE IN FRESNO OR THEY
10 LIVE IN SAN DIEGO AND THEY NEVER COME UP HERE SO THESE ARE
11 MEMBERS THAT HE CLAIMS ARE PART OF THIS GROUP AND HE WILL
12 PRESENT THIS EVIDENCE AND WE'RE GOING TO THAT SHOWS ARE THE
13 CONFIDENTIAL MEMBERSHIP RECORDS THAT WE GAVE HIM, WELL WE
14 GAVE HIM THAT HE WAS LAWFULLY EMPLOYED WITH US AND THAT HE
15 UNLAWFUL LOU PORTA LEE RETAINED POSSESSION OF.

16 MR. STEIN: YOUR HONOR THE USE OF THE WORD WE AND
17 US.

18 THE COURT: OVERRULED.

19 MS. IBARRA: WHAT WHAT WOULD BE PRESENTED HERE. HE
20 ALSO RETAINED POSSESSION OF CERTAIN GOVERNMENT FILINGS THAT
21 HE DID ON OUR BEHALF WHEN HE WAS OUR EXECUTIVE EMPLOYEE AND
22 OUR LAWYER AND THAT HE UNILATERALLY DECIDED AFTER THIS
23 LITIGATION IS WELL UNDER WAY THAT THESE DOCUMENTS HE WOULD
24 FILE WITH LINDA CANDELARIA'S SIGNATURE BECAUSE HE DECIDED
25 THAT LINDA CANDELARIA'S GROUP WAS THE REAL PARTY IN INTEREST.
26 I BESTOWED THESE DOCUMENTS THAT BELONGED TO US UPON MS.
27 CANDELARIA'S GROUP AND USED IT FOR HER BENEFIT AND THE
28 BENEFIT OF HER FACTION, WELL, TO SUPERFICIATE FOR HER BENEFIT

1 AND THE BENEFIT OF HER FACTION. AS YOU HAVE HEARD, HE TOLD
2 YOU YESTERDAY HE ENTERED INTO THE SETTLEMENT AGREEMENT WITH
3 THE CANDELARIA FACTION OVER THIS LITIGATION WHILE WE'VE BEEN
4 PURSUING IT, WHILE WE'RE STILL PROSECUTING IT, AND NEVER
5 MAKING A SHOWING THAT HE HAD RIGHT TO CONTROL THIS
6 LITIGATION. THAT'S WHAT WE'RE HERE, THAT'S WHY WE'RE HAVING
7 THIS TRIAL. AND AFTER HE ENTERED INTO A SETTLEMENT AGREEMENT
8 HE GOES BACK TO LIBRA AND ASKED LIBRA TO GIVE THEM MORE
9 MONEY, BUT THIS TIME GIVE IT TO THE CANDELARIA GROUP, NOT TO
10 US. SO BUT AS I MENTIONED, SO HE SUES EVERYBODY IN NOVEMBER
11 2006, HE HAPPENS TO ALSO SUE LIBRA INVESTORS BECAUSE THEY'RE
12 EVERYBODY WHO HAS ANYTHING TO DO WITH ANYTHING, SO HE SUES
13 LIBRA, BUT DESPITE THAT HE CLAIMS TO ENTER INTO A SETTLEMENT
14 AGREEMENT WITH CANDIDATE AND HE'S LIBRA SAYS WE'RE NOT GOING
15 TO MEET WITH YOU. AS LONG AS YOU'RE A PARTY TO THIS
16 LITIGATION, YOU KNOW YOU GUYS ARE AFFILIATED WITH STEIN,
17 STEIN IS SUING US, SO STEIN DISMISSES LIBRA IF -- HE AND HE
18 [OUFRZ] THIS TO THEM, HE SAID I'LL DISMISS YOU IF YOU NEED
19 WITH CANDELARIA GROUP IF YOU GIVE US [PHOR] [AOE] MONDAY HER
20 NOT THAT IN [AOE] SEW DOES [UDZ] DISMISSES LIBRA, CANDELARIA
21 GROUP GOES TO OVER TO MEET WITH LIBRA INVESTOR [H-Z] AND
22 LIBRA INVESTORS SAYS NO THANK YOU. BUT YOU HAVE KNOW THAT --
23 HE ALSO SUCCESSFULLY INTERFERED WITH OUR LINE WITH LIBRA
24 BECAUSE LIBRA WANTS NOTHING TO DO WITH THIS LAWSUIT AS YOU
25 CAN IMAGINE, SO LIBRA IS STOPS DOING BUSINESS WITH EVERYBODY.
26 SO THAT'S OUR CONTENTION, IT'S NOT JUST THAT HE STOLE THE
27 TRIBES IDENTITY, IT'S NOT JUST THAT THE CANDELARIA FACTION
28 STOLE THE TRIBE'S IDENTITY IT'S THAT THEY DO SO WITH STEIN'S

1 INSISTENCE WITH STEIN'S PRODDING, THEY COULD ONLY HAVE DONE
2 IT BECAUSE STEIN RETAINED POSSESSION OF DOCUMENTS THAT
3 [PWHROBBDZ] TO US AND THAT'S REALLY YOU NOW AUSTENSIBLY THIS
4 IS ABOUT MONEY REAL [AOEFT] IT ABOUT THOSE RECORDS BECAUSE WE
5 CAN'T GO FORWARD IF WE LET GO OF POSSESSION OF ALL OF THOSE
6 [ROURDZ], YOU KNOW WE STOP BEING WHO WE ARE IF HE NEVER GIVES
7 US THOSE CONFIDENTIAL MEMBERSHIP RECORDS BACK AND LIKE I SAID
8 THE CONFIDENTIAL BIA RECORDS THAT SHOW PEOPLE'S BIA IDENTITY
9 -- I MEAN NATIVE AMERICAN IDENTITY AND HE ALSO STOLE IT --
10 THE TRIBES IDENTITY WAS STOLEN I THINK, WE BELIEVE, MY CLIENT
11 BELIEVES WITH A SPECIFIC INTENT TO ASSIST STEIN MORE THAN TO
12 ASSIST THE CANDELARIA GROUP BECAUSE TO THE EXTENT THAT THEY
13 THINK THEY'RE GOING TO ACHIEVE A CASINO PROJECT WITHOUT FIRST
14 ACHIEVING FEDERAL RECOGNITION THERE'S A LOT OF PEOPLE HERE
15 THAT'S GOING TO SAY THAT'S NOT POSSIBLE. SO THE REAL
16 BENEFICIARY OF THIS WAS MR. STEIN. SO YOU'LL ALSO SEE SOME
17 DOCUMENTS THAT MS. CANDALARIA HAS PROFFERED TO THE COURT IN
18 THIS ACTION, IT'S OUR CONTENTION THAT ALL OF THEM WERE
19 DRAFTED BY MR. STEIN AND SHE JUST SIGNED THEM. DURING THE
20 COURSE WITH HIS DEALINGS WITH OUR TRIBE HE OFTEN TOLD ME THAT
21 WE WOULD SIGN ANYTHING THAT HE PUT IN FRONT MUCH US, SO WE
22 WILL SAY IF THAT'S THE SAME SITUATION WITH MS. CANDALARIA.
23 IN CLOSING LET ME BE CLEAR ABOUT WHAT WE ARE NOT ARGUING, WE
24 ARE NOT ARGUING THAT THE CANDELARIA FACTION DOES NOT HAVE THE
25 RIGHT TO END NEAR WHATEVER AFTER CONTRACT TO ENTER INTO TO
26 LEAVE OUR TRIBE, ORGANIZE [THUR] OWNED [AOE] IN WHAT THEY
27 WANT TO ORGANIZE THEMSELVES AS, THEY ABSOLUTELY HAVE RIGHT TO
28 DO THAT. THEY EVEN HAVE A RIGHT TO ENTER INTO A SETTLEMENT

1 WITH MR. STEIN OVER AN ACTION THAT THEY'RE NOT PARTIES TO, I
2 MEAN HE'LL NOT SURE THAT IT'S WISE TO DO SO BUT IT'S
3 CERTAINLY NOT ANY OF OUR BUSINESS IF THEY CHOOSE TO DO THAT.
4 WHAT THEY DO NOT HAVE A WHILE RIGHT -- AND THIS [AO*E]
5 [STH-LT] EYE TRITE TO MAKE GOVERNMENT HAD FILES AND MAKE
6 CONSTITUTIONS DO WHATEVER IT IS THEY WANT TO DO. WHAT THEY
7 DON'T WANT HAVE A RIGHT TO SO USE OR RECORDS THAT WE USED
8 FROM THE TIME WE STARTED ENGAGING WITH MR. STEIN UNTIL THE
9 TIME WE HAD A FALLING OUT AND START CLAIMING THAT HE OWN
10 THEM, THAT'S THE CONTENTION, THEY CAN GO AHEAD AND ORGANIZE
11 THEMSELVES, THEY CAN HAVE ELECTIONS AND THEY CLAIM THAT THEY
12 HAVE, THAT'S FINE, THEY'RE A SEPARATE GROUP NOW, THEY CAN
13 HAVE ALL THE ELECTIONS THAT THEY HAVE -- THAT THEY CLAIM TO
14 HAVE. THE THING IS THEIR ELECTIONS DON'T HAVE ANY BEARING ON
15 AN ALREADY EXISTING ORGANIZATION, THEY DON'T CHANGE US, THEY
16 CHANGE THEM. SO THAT'S OUR CONTENTION. AND THAT'S IN
17 CLOSING SEW THAT'S WHAT WILL BE SHOWN. LASTLY I'VE USED
18 DIFFERENT PRONOUN, SOMETIMES I SAY STEIN, SOMETIMES I SAY
19 SMDC AND THAT'S HAS TO DO WITH THE EXACT THAT STEIN IS --
20 IT'S AN SMDC STEIN'S ALTEREGO, HE'S THE SOLE OWNER HE'S THE
21 SOLE MANAGER, THERE'S NO OTHER EMPLOYEE OTHER THAN HIMSELF,
22 THEY SHARED OFFICES, HE HAS STATE IN PLEADINGS IN THIS CASE
23 THAT HE CREATED SMDC FOR THE SOLE PURPOSE OF CONDUCTING
24 BUSINESS UNDER THE SMDC AGREEMENT AND THAT ESTOPPED DOING
25 BUSINESS UNDER SMDC WHEN IT BECAME CLEAR WHEN HE WORK EXPOSED
26 TO LIABILITY IN THIS CASE. IT LOSE EIFFE 10 YEARS HE DID IT
27 DOESN'T HAVE ASSETS AND STEIN HAS ALREADY [WAF] STEREO SO I
28 SAY STEIN, I SAFE SMDC, I HAVE A GOOD REASON TO DO SO, SEAM

1 THING FOR MY EITHER, WHICH IS MY CLIENT, IT'S AN ENTITY, IT'S
2 AN IT, BUT IT'S ALSO A THEY, IT'S ALSO A WE BECAUSE IT'S
3 NOTHING WITHOUT ITS MEMBERS. SO INDIVIDUALLY THEY MAKE
4 DIFFERENT DECISIONS, THE TRIBAL COUNCIL DOES, SOMETIMES THE
5 ENTIRE MEMBERSHIP DOES, SO I WILL SAY WE, I WILL SAY IT BUT
6 LIKE I SAID HE SUED THE INDIVIDUAL DEFENDANTS, NOT A PARTY IN
7 THIS CASE ANY MORE, DON'T HAVE LIABILITY, SO TECHNICALLY IT'S
8 ONLY THE IT BUT WE WOULDN'T BE MAKING DECISION IF'S IT WASN'T
9 FOR THE THEY SO AND THAT'S WHAT THIS PARTY OF THE CASE IS
10 ABOUT. THANKS A LOT.

11 THE COURT: THANK YOU, DEFENDANTS CASE IN CHIEF HAD
12 YOU MAY PRESENT YOUR FIRST WITNESS.

13 MR. STEIN: THANK YOU LET ME -- SHE'S OUT IN THE
14 HALL IF I MAY.

15 THE COURT: YES.

16 THE COURT: WHO ROUGH CALLING.

17 MR. STEIN: LYDIA ANDERSON.

18 THE CLERK: YOU'LL GO RIGHT OVER HERE BY THIS CART,
19 FACE ME, RAISE YOUR RIGHT HAND. YOU DO SOLEMNLY STATE THAT
20 THE TESTIMONY YOU'RE ABOUT TO GIVE IN THE CAUSE NOW PENNED
21 EASTBOUND BEFORE THIS [TPAOEU] [-R] SHALL TRUTH [EUT] [KHEL]
22 EIFFE.

23 A. I DO.

24 THE CLERK: GO AHEAD AND PLEASE HAVE A SEAT BY THE
25 MICROPHONE AND AS A REMINDER, CAN WE MAKE SURE WE TURN OFF
26 ALL ELECTRONIC DEVICES.

27 MR. STEIN: YOUR HONOR.

28 THE CLERK: HOLD ON COUNSEL I'M NOT DONE. LET ME

1 JUST HAVE HER BE SEATED. PLEASE STATE YOUR NAME FOR THE
2 RECORD SPELLING YOUR FIRST AND LAST NAME?

3 A. LINDA CANDELARIA, L I N D A , C A N D E L A R I A .

4 THE CLERK: I APPRECIATE IT GO AHEAD COUNSEL.

5 THE COURT: THANK YOU.

6 MR. STEIN: YOUR HONOR WE WOULD LIKE TO SET UP OUR
7 AUDIO VISUAL PREFERABLY OVER A BREAK SO THAT WE'RE HAD NOT
8 SLOWING DOWN THE JURY.

9 THE COURT: OKAY THAT'S FINE WE CAN START NOW AND
10 YOU CAN SET IT UP, OR YOU CAN HAVE YOUR PERSON SET UP WHILE
11 WE'RE GOING.

12 MR. STEIN: IF YOU WOULDN'T MIND IF I'D BE ABLE TO
13 STAND OVER THERE AND HAVE IT SET UP HER THERE WOULD THAT BE
14 OKAY YOUR HONOR.

15 THE COURT: HAD YOU WAN TO STAND HERE AND HAVE THEM
16 SET IT UP HERE.

17 MR. STEIN: YEAH EVERYTHING IS OVER HERE AND WE JUST
18 NEED TO PLUG IN.

19 THE COURT: SURE..

20 MR. STEIN: AND MY APOLOGIZE TOTE JURY FOR NOT
21 HAVING THIS DONE EARLIER. IS THIS OKAY YOUR HONOR?

22 THE COURT: YEAH.

23 MR. FORDYCE: LINDA, I HOPE YOU DON'T MIND IF WE DO
24 THIS HERE AND I'LL SHOW YOU THE DOCUMENTS AS WE GO?

25 A. OKAY.

26 Q. LINDA WHAT DO YOU DO?

27 A. I'M ON TRIBAL COUNCIL I AM SECRETARY FOR THE TRIBE,
28 I ALSO FORK A COMPANY THAT'S LOCATED IN SAND BASH AND I WORK

1 FROM HOME FOR THEM.

2 Q. EXAM WHAT DO YOU DO FOR THAT COMPANY?

3 A. I DO ADMINISTRATIVE DUTIES PLUS I DO BILLING AND
4 COLLECTIONS, IT'S A PHARMACY.

5 Q. AND WHEN DID YOU FIRST GET INVOLVED WITH THE
6 GABRIELINO-TONGVA TRIBE?

7 A. WAY BACK IN 2003.

8 Q. AND WHAT DID YOU DO, HOW DID YOU FIND OUT ABOUT IT?

9 A. FIRST OF ALL I WAS INVOLVED WITH THE MORALES GROUP,
10 THAT IS THE FIRST GROUP OF GABRIELINO-TONGVA PEOPLE.

11 Q. TELL US ABOUT THE MORALES GROUP?

12 A. THEY WERE THE FIRST GROUP LOCATED OUT OF THE SAN
13 GABRIEL AREA, AND MY WHOLE FAMILY WAS A MEMBER, VERY ACTIVE
14 WITH THEM, AND MY PARENTS, MY GRANDPARENTS, IN FACT I HAVE
15 AUNTS AND UNCLES THAT ARE STILL ACTIVE WITH THEM.

16 Q. AND YOU SAID YOUR PARENTS AND GRAND PARENTS?

17 A. UH-HUH.

18 Q. WAS THE MORALES GROUP A VOLUNTARY GROUP?

19 A. YES.

20 Q. AND A GROUP CHARACTERIZED BY WHAT?

21 A. I DON'T UNDERSTAND THE QUESTION JONATHAN.

22 Q. WERE THEY ALL DESCENDENTS?

23 A. THEY WERE ALL DESCENDENTS OF THE GABRIELINOS.

24 Q. AND HOW DOES ONE DETERMINE THAT HE OR SHE IS A
25 DESCENDENT OF THE GABRIELINO-TONGVA TRIBE?

26 A. YOU CAN APPLY FOR A BLOOD QUANTUM CERTIFICATE FROM
27 THE BUREAU OF INDIAN AFFAIRS AND TURN IT INTO THE RIVERSIDE
28 OFFICE AND THEY WILL CERTIFY YOU -- THEN GIVE YOU EITHER A

1 LETTER OR A BLOOD QUANTUM CERTIFICATE STATING YOU ARE
2 GABRIELINO.

3 Q. DO YOU HAVE ONE OF THOSE?

4 A. YES, I DO.

5 Q. AND DO OTHER MEMBERS OF YOUR FAMILY HAVE ONE OF
6 THOSE?

7 A. YES.

8 Q. AND THEN WHY DOES THE GOVERNMENT GO TO THE TROUBLE
9 OF GIVING OUT BLOOD QUANTUM CERTIFICATES?

10 A. THEY WANT TO -- ACTUALLY I THINK FOR CONSENSUS
11 REASONS INFORM SEE HOW FAR GABRIELINOS THERE REALLY ARE PLUS
12 THAT GET UNDER THE CIRCUMSTANCES INTO A TRIBE OR A FACTION OF
13 THE GABRIELINOS AND IT LET'S THEM THOUGH YOU ARE CERTIFIED
14 AND YOU HAVE A HERITAGE.

15 Q. RIGHT. AND THE GOVERNMENT ORIGINATE THIS SYSTEM AT
16 AN EARLY DATE?

17 A. YES IT STARTED BACK IN 1920S BECAUSE --.

18 Q. AND WHAT WAS THE REASON?

19 A. I THINK THE FIRST CENSUS WAS ACTUALLY 1928. THEY
20 WANTED A COUNT OF ALL OF THE GABRIELINOS BECAUSE OF OUR
21 INDIGENOUS AREA BEING L.A. COUNTY SO LARGE IT WAS STARTING TO
22 GET MODERNIZED, URBANIZED, SO I THINK THEY WANTED TO THEY
23 WERE PAYING -- THEY THOUGHT ABOUT PAYING THE GABRIELINO
24 PEOPLE A CERTAIN AMOUNT OF THE MONEY FOR LAND.

25 Q. SO IS IT YOUR TESTIMONY THAT THE FEDERAL GOVERNMENT
26 WANTED TO PAY INDIVIDUAL INDIANS INSTEAD OF RECOGNIZING THE
27 INDIAN TRIBE FOR ALL LAND IN LOS ANGELES COUNTY?

28 A. YES.

1 Q. AND HAVE YOU EVER FELT THAT THEY SHOULD HAVE JUST
2 RECOGNIZED THE TRIBE INSTEAD OF JUST GIVING YOU INDIVIDUAL
3 MONEY?

4 A. DEFINITELY.

5 Q. AND WAS THAT A PROBLEM THAT YOU WERE TRYING TO
6 OVERCOME WITH YOUR MEMBERSHIP IN THESE VOLUNTARY
7 ORGANIZATIONS?

8 A. YES THAT'S BEEN THE GOAL OF ALL GABRIELINOS.

9 Q. AND IN THE MORALES GROUP, DID THEY HAVE A LOT OF
10 MEMBERS?

11 A. YES.

12 Q. AND WHY DID YOU LEAVE -- DID YOU LEAVE THAT GROUP TO
13 JOIN GT TRIBE?

14 A. YES, I DID.

15 Q. AND WHEN DID YOU DO THAT?

16 A. I BELIEVE IT WAS 2003.

17 Q. I SEE. AND THEN DID YOU HAVE ANY ASPIRATIONS TO BE
18 A LEADER IN 2003?

19 A. NO.

20 Q. WERE YOU EVER ELECTED TO BE A TRIBAL COUNCIL PERSON
21 BEFORE THE SPLIT OF GABRIELINO-TONGVA TRIBE?

22 A. NO.

23 Q. AND WHAT ACTUALLY BROUGHT YOU TO CHANGE FROM AN
24 ACTIVE MEMBER TO SOMEONE WHO'S A LEADER?

25 A. I -- WELL WHEN THE SPLIT HAPPENED, I WAS APPROACHED
26 BY BERNIE ACUNA AND MARTHA GONZALEZ AT A MEETING AT LONG
27 BEACH AT POMONA AND THEY AT THAT TIME ASKED ME IF I WANTED TO
28 BECOME PART OF A COMMITTEE THAT WAS BEING PUT TOGETHER BY THE

1 MEMBERS.

2 Q. AND WHAT WAS THE NAME OF THE COMMITTEE?

3 A. THE OVERSIGHT COMMITTEE.

4 Q. WAS THAT THE FULL NAME?

5 A. I THINK SO, YES.

6 Q. OVER SIDE?

7 A. OH SORRY, YES.

8 Q. AND WHEN YOU SAY THE OAF CITE COMMITTEE, WHY WAS IT
9 CALLED THE OVERSIGHT COMMITTEE?

10 A. WE WERE GOING TO LOOK -- A LOT OF MEMBERS WERE IN AN
11 UPROAR, THEY WANTED TO KNOW WHAT WAS GOING ON, ARE WE
12 BREAKING UP, IS JONATHAN NOT GOING TO BE WITH US ANY MORE,
13 WHAT IS GOING ON, WHAT ARE WE GOING TO DO, WHAT -- YOU KNOW
14 WHAT'S HAPPENING AND UNHAPPY OF COURSE. AND --.

15 Q. AND DO YOU KNOW WHAT MADE THEM UNHAPPY?

16 A. WELL A LETTER WAS PUT OUT AND IT TOLD THE STORY
17 ABOUT JONATHAN BEING FIRED AND THE OTHER FACTION, THE
18 ORIGINAL TRIBAL COUNCIL SORRY, THE ORIGINAL TRIBAL COUNCIL
19 HAD LEFT OUR TRIBE AND WAS STARTING A NEW FACTION.

20 Q. AND I'D LIKE TO SHOW A COPY OF THIS MEMBER LETTER,
21 NUMBER ONE, I DON'T KNOW IF WE'RE HOOKED UP FOR IT SO PERHAPS
22 IT WOULD BE A GOOD TIME FOR A BREAK YOUR HONOR.

23 THE COURT: WHAT TIME DID WE START.

24 THE CLERK: 10 '05.

25 THE COURT: NO LET'S KEEP GOING, WHY DON'T WE GO TO
26 AT LEAST 11 SOMETHING LIKE THAT, 105.

27 MR. STEIN: MAY WE JUST.

28 MR. FORDYCE: A TECHNOLOGY MOMENT.

1 THE COURT: DID YOU WANT TO PUT IT UP ON THE SCREEN.

2 MR. FORDYCE: EXACTLY.

3 MR. STEIN: YES THAT WOULD BE VERY HELPFUL.

4 THE COURT: IS THIS DEFENSE ONE OR WHAT IS YOUR
5 EXHIBIT YOU'RE SHOWING.

6 MR. STEIN: WE ARE PLOTTING THAT OUT.

7 THE COURT: OKAY.

8 THE COURT: COUNSEL MAYBE YOU CAN HAVE YOUR
9 CO-COUNSEL MANIPULATE AND YOU CAN JUST BEGIN THE QUESTION.

10 MR. STEIN: THANK YOU MY APOLOGIES TO THE JURY.

11 THE COURT: WHICH EXHIBIT NUMBER ARE YOU -- DO YOU
12 HAVE THE NUMBER.

13 MR. FORDYCE: YES IT'S 5/20 I BELIEVE.

14 THE COURT: 5/20.

15 MR. FORDYCE: YES.

16 THE COURT: THANK YOU, DEFENSE 5/20. AND WHEN YOU
17 GET IT UP ON THE SCREEN YOU CAN SHOW IT UP ON THE SCREEN.
18 COUNSEL LET'S START THE QUESTIONING, LET YOUR CO-COUNSEL PUT
19 IT ON THE SCREEN.

20 MR. STEIN: VERY GOOD. WELL LET'S --.

21 THE COURT: IS IT IN THE FIRST VOLUME OR.

22 MR. STEIN: VOLUME I, 5/20.

23 MR. FORDYCE: YES YOUR HONOR.

24 THE COURT: VERY GOOD, THANK YOU. .

25 MR. STEIN: AND NO WE'LL LOOK FOR THE ONE THAT GOES
26 FROM HERE TO THE COMPUTER.

27 Q. AND SO CAN YOU IDENTIFY THIS AS -- CAN YOU IDENTIFY
28 THE DOCUMENT PLEASE, EXHIBIT 5 20?

1 A. THIS IS THE LETTER THAT WAS SENT OUT.

2 Q. AND SINCE WE --

3 A. TO ALL MEMBERS.

4 Q. DON'T HAVE IT ON THE SCREEN YET WE'LL COME BACK TO
5 IT, SO PERHAPS WE'LL TALK ABOUT IT IN GENERAL TERMS TO KEEP
6 THINGS MOVING FOR THE JURY AND THEN WE'LL COME BACK TO IT
7 LATER WHEN WE CAN GO OVER SPECIFIC PARTS OF IT. DID THAT
8 LETTER INFORM YOU OF A NEW SET OF CIRCUMSTANCES?

9 A. YES.

10 Q. COULD YOU READ THE FIRST FOUR SHORT PARAGRAPHS
11 SLOWLY?

12 A. OKAY. I AM JONATHAN STEIN AND I WRITE TO YOU AND
13 OTHER TRIBAL MEMBERS UNDER DIFFICULT CIRCUMSTANCES, IN A
14 STRANGE TURN OF EVENTS I RAISED 21 MILLION DOLLARS FOR THE
15 TRIBE IN MAY AND LAST WEEK I WAS FIRED BY THE TRIBAL COUNCIL,
16 ON MAY 22ND, 2006, THE TRIBE RECEIVED THE FIRST FUNDS FROM A
17 21 MILLION DOLLARS REVENUE PARTICIPATION FACILITY, OUR
18 INVESTORS ARE RESPECTED FINANCIAL INSTITUTIONS SUCH AS JOHN
19 HANCOCK, INSURANCE OF BOSTON, THE TOMBSTONE, MARKING THE
20 TRANSACTION IS ENCLOSED, I WORKED TORE A SOLID YEAR TO
21 ORIGINATE THE FINANCING, CLOSE THE DEAL, BUDGET THE USE OF
22 INVESTOR FUNDS AND HIGHER SOME 20 PROFESSIONAL FIRMS THAT THE
23 TRIBAL ADMINISTRATION OFFICE NOW DIRECTS AND SUPERVISES, THE
24 TRIBAL ADMINISTRATION OFFICE WHICH I HAVE HEADED FROM
25 FEBRUARY 2001 UNTIL OCTOBER 3RD, 2006 IS DESIGNED TO ACT AS A
26 CHECK AND BALANCE ON TRIBAL COUNCIL AND TO SUPERVISOR THE USE
27 OF THE 21 MILLION DOLLARS IN THE INVESTOR FUNDS.

28 Q. NOW LET'S TAKE THAT PIECE BY PIECE. ANY IN THE

1 FIRST PART IT SAYS IN A STRANGE TURN OF EVENTS, I RAISED 21
2 MILLION FOR THE TRIBE IN MAY AND LAST WEEK I WAS FIRED. WERE
3 EITHER OF THOSE TWO FACTS NOPE TO YOU BEFORE RECEIVING THAT
4 LETTER?

5 A. NO.

6 Q. DO YOU KNOW ANYBODY ELSE AT THE TRIBE OTHER THAN THE
7 TRIBAL COUNCIL THAT HAD BEEN INFORMED THAT THIS LIFE CHANGING
8 21 MILLION DOLLARS HAD BEEN RAISED?

9 A. NO WE DIDN'T KNOW ANYTHING UNTIL THIS LETTER CAME
10 OUT.

11 Q. AND IT SAYS IN THE LETTER THAT STEIN HAD ALREADY
12 BEEN FIRED BEFORE THE LETTER CAME OUT, WAS THAT YOUR
13 UNDERSTANDING AS WELL WHEN YOU LATER LEARNED THE FACTS?

14 A. YES.

15 THE COURT: I'M NOT CLEAR, WHO SENT THE LETTER, WAS
16 ADDRESS TODAY AND WHO WAS IT SENT BY?

17 A. JONATHAN.

18 THE COURT: HE SENT IT?

19 A. UH-HUH.

20 THE COURT: AND IT WAS ADDRESS TODAY?

21 A. ALL TRIBAL MEMBERS.

22 THE COURT: IT HAS NO LATE THOUGH DOES IT.

23 MS. IBARRA: NO, IT DOESN'T.

24 THE COURT: IS IT DATED? IT DOESN'T APPEAR TO BE
25 DATED. OKAY, ALL RIGHT?

26 A. I DON'T SEE A DATE UP HERE.

27 Q. BY MR. STEIN: AFTER READING THE SENTENCE I AM
28 JONATHAN STEIN AND I WRITE TO YOU UNDER DIFFICULT

1 CIRCUMSTANCES, I RAISED 21 MILLION AND LAST WEEK I WAS FIRED,
2 WAS THERE ANY QUESTION IN YOUR MIND WHO THIS LETTER WAS FROM?

3 A. NO.

4 Q. WAS THERE ANY FEELING THAT MAYBE JONATHAN STEIN WAS
5 MASQUERADING AS SOMETHING THAT HE WASN'T?

6 A. NO.

7 Q. AND PRIOR TO THAT LETTER YOU HAD NOT HEARD THAT THE
8 TRIBE HAD RAISED 21 MILLION?

9 A. NO.

10 Q. WHY DID YOU JOIN THE FINANCIAL OVERSIGHT COMMITTEE?

11 A. BECAUSE OF MEMBERS DEMANDING TO MOW WHAT WAS GOING
12 ON, THEY ARE ALL IN AN UPROAR, BERNIE HAS A VERY LARGE
13 EXTENDED FAMILY AND HE WAS GETTING CALLS LEFT AND RIGHT TO
14 FIGURE OUT WHAT WAS GOING ON, RELATIVES WERE CALLING YOU KNOW
15 BECAUSE THEY ALL RECEIVED THIS LETTER AND WE'RE LIKE ARE WE
16 BREAKING UP, WHAT'S GOING ON.

17 Q. AND THE LETTER GOES ON, LET ME ASK YOU TO READ A
18 SMALL PART, WE DON'T WANT TO READ TOO MUCH BUT WE DON'T HAVE
19 IT UP THERE. CAN YOU READ THESE TWO PARAGRAPHS THAT COME
20 NEXT?

21 A. SINCE MAY, THE TRIBAL ADMINISTRATION OFFICE HAS
22 URGED THE TRIBAL COUNCIL TO ANNOUNCE THE 21 MILLION DOLLAR
23 FACILITY TO YOU, THE TRIBAL MEMBERSHIP. THE TRIBAL COUNCIL
24 HAS REFUSED FOR FIVE MONTHS, AND I REPEATEDLY REQUESTED TO
25 AUTHORIZE A LETTER. THIS LETTER IS SENT WITHOUT THEIR
26 AUTHORIZATION.

27 Q. SO IT'S STOPPING THERE. SO IS IT YOUR UNDERSTANDING
28 FROM READ THAT LONG LETTER IT WAS COMPLETELY UNAUTHORIZED

1 FROM THE TRIBAL COUNCIL?

2 A. YES.

3 Q. AND IT WAS SENT BY JONATHAN STEIN WHO HAD BEEN
4 FIRED?

5 A. YES.

6 Q. AND WAS IT YOUR UNDERSTANDING THAT IT WAS SENT ONLY
7 AFTER FIVE MONTHS OF REQUESTING AUTHORIZATION TO TELL THE
8 TRIBE THAT 21 MILLION DOLLARS HAD BEEN RAISED?

9 A. YES.

10 Q. AND THIS OVER SIDE COMMITTEE, WAS IT FOR -- TO BE
11 OVERSIGHT OVER WHAT HAPPENED TO THE MONEY THAT THE TRIBE HAD?

12 A. YES. AND TO ALSO -- ONE OF THE MAIN REASONS WAS WE
13 WANTED TO KEEP THE TRIBE TOGETHER, PEOPLE WERE -- DIDN'T KNOW
14 WHAT TO DO SO WE WANTED TO TRY TO ASSURE MEMBERS YOU KNOW
15 THAT WE'RE STILL HERE, WE DON'T KNOW WHAT'S HAPPENING YET,
16 WE'RE LOOKING INTO IT AND THAT'S WHY IT WAS CREATED.

17 Q. CAN YOU READ THE NEXT PARAGRAPH?

18 A. MANY OF YOU -- MANY OF YOU HAVE MET ME AND OTHERS
19 KNOW ABOUT MY WORK WITH THE TRIBE SINCE 2001. FOR FIVE LONG
20 YEARS I SUPPORTED THE EXPENSES OF THE TRIBE AND THE CASINO
21 PROJECT OUT OF MY OWN POCKET SPENDING ABOUT A QUARTER MILLION
22 DOLLARS IN CASH AS WELL AS \$3,000,000 IN PROFESSIONAL TIME.
23 ALL OF THE CHOICE AND DECISIONS ON THE CASINO PROJECT FOR THE
24 PAST FIVE AND A HALF YEARS WERE MINE, SUBJECT OF COURSE TO
25 FINAL APPROVAL BY THE TRIBAL COUNCIL.

26 Q. WAS THAT YOUR UNDERSTANDING AS A MEMBER AS OF
27 OCTOBER 2006 OF WHAT WAS GOING ON WITH THE CASINO PROJECT?

28 A. YES WE KNEW YOU WERE WORKING FOR THE TRIBE,

1 JONATHAN, AND YOU WERE PUTTING MONEY OUT OF YOUR OWN POCKET.

2 Q. AND HAD THERE BEEN MEMBER MEETINGS SINCE BEFORE
3 2006?

4 A. YES.

5 Q. AND HOW MANY TIMES A YEAR?

6 A. I THINK ABOUT TWICE.

7 Q. AND DID MR. STEIN ATTEMPT TO GET TO KNOW ALL THE
8 TRIBAL MEMBERS AND SAY HI HOW ARE YOU AND INTRODUCE HIMSELF?

9 A. YES.

10 Q. DID YOU MEET HIM?

11 A. YES.

12 Q. EXCUSE ME FOR SAYING HIM, OF COURSE. NOW, IN
13 REGARDS TO YOUR WORK ON THE OVERSIGHT COMMITTEE, HOW MANY
14 MEMBERS OF THE OVERSIGHT COMMITTEE WERE THERE?

15 A. I BELIEVE THERE WAS PROBABLY ABOUT FIVE OR SIX OF
16 US.

17 Q. AND HOW WOULD YOU MEET?

18 A. MOSTLY OVER THE PHONE, CONFERENCE CALLS, SEVERAL
19 TIMES WE GOT TOGETHER AT SOMEBODY'S HOUSE.

20 Q. AND WHAT WAS THE PURPOSE OF THESE MEETINGS?

21 A. TO SEE IF ANYBODY'S HEARD ANY NEWS, WHAT NEW THINGS
22 HAVE COME UP THAT WE'VE BEEN HEARING, ASSURING MEMBERS THAT
23 YOU KNOW THE CALLS WE WERE GETTING, ASSURING -- LETTING
24 EVERYBODY KNOW THAT THE CALLS WE WERE GETTING WERE ASSURING
25 MEMBERS THAT WE'RE STILL HERE.

26 Q. WELL WHAT WAS THE TRIBAL COUNCIL DOING AT THAT TIME,
27 THE CURRENT ELECTED TRIBAL COUNCIL?

28 A. I BELIEVE THEY WENT AHEAD AND SET UP A NEW OFFICE

1 AND THEY WERE CREATING A NEW FACTION OF THE GABRIELINOS.

2 Q. DID THEY HAVE ANY MONEY TO DO THIS WITH?

3 A. YES. WELL THEY TOO BIG -- WHAT I UNDERSTAND THEY
4 TOOK THE CHECKBOOKS AND I GET THE BANK ACCOUNTS WITH THEM.

5 Q. AND HOW MUCH MONEY WAS IN THEM TO YOUR KNOWLEDGE
6 AFTER INVESTIGATION?

7 A. PROBABLY ABOUT 900,000.

8 Q. SO THEY TOOK THE MONEY, SET UP NEW OFFICES, AND DID
9 THEY COMMUNICATE WITH THE MEMBERS SAYING HEY DON'T WORRY YOU
10 ALL VOTED FOR US, WE'RE STILL ALL REPRESENTING YOU?

11 A. TO MY KNOWLEDGE, I NEVER RECEIVED A LETTER AND NONE
12 OF MY FAMILY MEMBERS DID.

13 Q. AND DID YOU WANT TO FIND OUT WHAT HAPPENED TO THE
14 MONEY OR DID YOU WANT TO FORM A NEW GROUP?

15 A. WE DIDN'T WANT TO FORM A NEW GROUP, WE WERE ALREADY
16 A GROUP AND WE WERE JUST GOING TO GO FORWARD WITH THAT GROUP
17 AND YES, WE WERE INTERESTED TO FIND OUT WHAT THE OTHER GROUP
18 WAS DOING.

19 Q. NOVEMBER 18 AND NOVEMBER 19 OF 2006, WHAT HAPPENED?

20 A. NOVEMBER 18 I WAS AT A MEETING AT PAVULA IN LONG
21 BEACH AND THAT'S WHEN I WAS APPROACHED BY BERNIE ACUNA AND
22 MARTHA GONZALEZ, THEY WERE FILLING ME AND MY SISTER'S IN WHAT
23 WAS HAPPENING AND THEY ASKED ME WOULD I LIKE TO BE ON THE
24 COMMITTEE AND I SAID WELL LET ME THINK ABOUT IT, I DIDN'T
25 GIVE AN ANSWER RIGHT AWAY.

26 Q. AND THAT MEETING WAS IN LONG BEACH?

27 A. YES. IT WASN'T INSIDE THE PYRAMID, IT WAS OUTSIDE.
28 OUTSIDE IS WHERE I WAS APPROACHED, I MEAN THERE WAS SOMETHING

1 GOING ON INSIDE ALSO BUT I WAS APPROACHED OUTSIDE IN AN AREA
2 WHERE PEOPLE WERE MEETING.

3 Q. AND WAS THERE A SECOND MEETING THAT SAME WEEKEND?

4 A. YES. THERE WAS ANOTHER MEETING AT ELYSIAN PARK.

5 Q. AND WHERE IS ELYSIAN PARK?

6 A. IN LOS ANGELES.

7 Q. IS THAT WHERE THE DODGERS PLAY?

8 A. RIGHT NEXT DOOR.

9 Q. AND WHAT WAS THE MEETING -- DISCUSSED AT THE MEETING
10 AT ELYSIAN PARK?

11 A. JONATHAN DISCUSSED WHAT WAS GOING ON, WHAT HAPPENED,
12 HE INTRODUCED THE OVERSIGHT COMMITTEE, WHAT WE WERE DOING AND
13 WE ASSURED EVERYBODY THAT WE WERE CONTINUING ON.

14 Q. AND CONTINUING ON WITH MONEY OR WITHOUT MONEY?

15 A. WITHOUT MONEY AND WITH JONATHAN.

16 Q. I SEE. AND DID YOU WANT TO CONTINUE ON FOR THE
17 BENEFIT OF WHOM?

18 A. TRIBAL MEMBERS.

19 Q. AND ABOUT HOW MANY MEMBERS ENDED UP STAYING WITH
20 WHAT IS NOW CALLED AFTER THE SPLIT WE'RE REFERRING TO AS THE
21 CANDELARIA FACTION?

22 A. ABOUT 1500 MEMBERS STAYED.

23 Q. AND HOW MANY LEFT WITH THE DUNLAP FACTION AND THE
24 MONEY?

25 A. I WOULD SAY ABOUT 230 SOMETHING LIKE THAT, SOMEWHERE
26 AROUND THAT FIGURE.

27 Q. AND HOW DO YOU KNOW THE NUMBER 230?

28 A. WE GOT THAT MANY -- I GUESS THE DUNLAP GROUP CREATED

1 THESE LITTLE BLUE CARDS -- THAT MEMBERS SENT TO US REQUESTING
2 THEIR RECORDS BACK.

3 Q. AND WERE THESE THE CONFIDENTIAL BIA RECORDS FOR EACH
4 MEMBER THAT WERE SO IMPORTANT?

5 A. YES.

6 Q. AND DID EACH MEMBER THAT SENT IN A BLUE CARD SAYING
7 GIVE ME MY REALLY IMPORTANT CONFIDENTIAL BIA RECORDS BACK,
8 WHAT DID YOU DO WITH THAT?

9 A. WE COMPLIED, WE SEPTEMBER THEIR RECORDS BACK.

10 Q. TO SOME?

11 A. TO ALL OF THEM.

12 Q. SO EVERY SINGLE ONE?

13 A. YES.

14 Q. AND DID YOU DOUBLE CHECK THAT EVERY SINGLE ONE GOT
15 IT?

16 A. YES.

17 Q. AND WHO WAS IN CHARGE OF THAT EFFORT?

18 A. THAT WAS BARBARA GARCIA, SHE WAS TRIBAL
19 ADMINISTRATOR AT THE TIME.

20 Q. IT SAID IN THE LETTER THAT THERE WAS A CHECKS AND
21 BALANCES WITH THE TRIBAL ADMINISTRATION OFFICE AND THE TRIBAL
22 COUNCIL, DO YOU KNOW WHAT THAT REFERRED TO?

23 A. I'M NOT SURE.

24 Q. WOULD THAT BE THE INDEPENDENT OPTIONS OF THE
25 ADMINISTRATIVE OFFICE SO THAT BARBARA GARCIA COULD DO THINGS
26 LIKE HANDLE MEMBERSHIP RECORDS?

27 A. YES, YES.

28 Q. AND THEY OPERATED UNDER THE DIRECTION OF THE TRIBAL

1 COUNCIL?

2 A. YES.

3 Q. AND SO WHEN YOU SAID SEND EVERYBODY THEIR RECORDS
4 BACK, IT WAS BARBARA'S JOB TO MAKE SURE THAT THEY GOT THEM
5 BACK?

6 A. THEY -- THAT'S CORRECT.

7 Q. AND DID THAT ADMINISTRATIVE OFFICE OPERATE AS A
8 CHECK AND BALANCING ON THE DECISIONS OF THE COUNCIL, TRIBAL
9 COUNCIL?

10 A. YES.

11 Q. EXCEPT NOT WHEN IT CAME TO MONEY APPARENTLY?

12 A. THAT'S CORRECT.

13 Q. SO IN THE FAILURE OF THE ADMINISTRATIVE OFFICE TO
14 STOP OF THE REMOVAL OF THE CASINO FUNDS FROM THE CASINO
15 PROJECT, DID YOU SET UP THE OVERSIGHT COMMITTEE TO DO THE
16 SAME?

17 A. YES.

18 Q. AND WHO WERE THE INDIVIDUAL TRIBAL COUNCIL MEN WHO
19 HAD BEEN ELECTED AT THAT TIME?

20 A. I KNOW IT WAS SAM DUNLAP, VIRGINIA CARMELO, EDGAR
21 PEREZ, ADAM LOYA, SHIRLEY MACHADO. I CAN'T REMEMBER THE REST
22 OF THEM.

23 Q. I BELIEVE THAT'S FIVE?

24 A. I'M SORRY. OH IS THAT FIVE.

25 THE COURT: OKAY LET'S TAKE A BREAK NOW, OKAY.
26 LET'S TRY TO KEEP IT TO 10 THIS SOMETIME, 10 MINUTES, ALL
27 RIGHT AND YOU CAN SET UP.

28 MR. STEIN: THANK YOU SO MUCH * * JURY OUT * *.

1 THE COURT: OKAY THANK YOU OFF THE RECORD.

2 (BREAK TAKEN.) 11:13 AM TO 11:24 AM.

3 THE COURT: DO YOU HAVE IT RUNNING.

4 MR. FORDYCE: YES, WE DO.

5 THE COURT: OKAY GOOD. THAT WILL MAKE IT EASIER.

6 (WHEREUPON THE JURY ENTERS THE COURTROOM.).

7 MR. STEIN: YOUR HONOR.

8 THE COURT: HOLD ON A SECOND. GABRIELINO-TONGVA
9 TRIBE VERSUS STEIN BC361307.

10 MR. STEIN: MAY WE APPROACH FOR A SIDEBAR FOR A
11 MOMENT.

12 THE COURT: OKAY.

13 THE CLERK: WITH THE REPORTER.

14 THE COURT: NO * * SIDEBAR OFF THE RECORD * *
15 SIDEBAR ON THE RECORD * *.

16 THE COURT: OKAY WHAT'S YOUR ISSUE.

17 MR. STEIN: THE ISSUE IS I REQUESTED MY OPPOSING
18 COUNSEL TO TALK TO HER CLIENT RICHARD PLANNING CO TO MAKING
19 FACES AT ME, HE'S MAKING FACES AT ME SMILING AT ME SMIRKING
20 AT ME, GOING LIKE THIS AS IF IT'S ALL FALL OFF MY SHOULDER IF
21 AFTER EFFORT TO DISTRACT ME THIS EXAMINING THE WITNESS AND I
22 ASKED HER TO STOP AND I SAID I WOULD TELL THE JUDGE IF YOU
23 COULDN'T AND I ALSO DIDN'T THINK IT WAS AN IMPORTANT ISSUE.

24 THE COURT: JUST TORE ONE MINUTE, IS THIS SOMETHING
25 THAT WENT ON DURING THE BREAK BECAUSE.

26 MR. STEIN: IT WENT ON DURING LIVE TESTIMONY AND I
27 EXPECT IT WILL GO OBJECT NOW.

28 THE COURT: OKAY THE ON REASON I SAY THAT IS BECAUSE

1 HE'S IN THE AUDIENCE AND YOU WERE FACING THIS WAY, IS THIS
2 WHEN YOU WERE EXAMINING HIM.

3 MR. STEIN: WHENEVER I HAVE LOOK UP HE'S LOOKING TO
4 CATCH MY EYE, WHENEVER I LOOK I SOCIETY.

5 MS. IBARRA: SO WHAT YOU REQUESTED OF ME WAS TO GIVE
6 HIM AN INSTRUCTION NOT TO MAKE EYE CONTACT WITH YOU WHICH
7 THAT'S THE ONLY THING HAD YOU ASKED ME WHICH I CAN'T INSTRUCT
8 HIM TO NOT MAKE EYE CONTACT WITH YOU WHEN YOU'RE PRESENTING
9 THE CASE WHEN YOU'RE THE FOCUS OF EVERYBODY ATTENTION
10 INCLUDING HIS, SO THAT'S WHAT WE YOU ASK-D ME HE DIDN'T SAY
11 HE WAS MAKING FUNNY FACES, HE'S MAKING GESTURES, THIS IS THE
12 FIRST I'M HEARING MUCH IT, AND IF THAT'S WHAT YOU REQUEST H I
13 GLADLY ASK HIM TO BE PROFESSIONAL, AND HE WILL COMPLY I
14 PROMISE YOU THAT HE WILL IS THAT YOUR REQUEST NOW.

15 MR. STEIN: WELL THAT WILL SOLVE THE PROBLEM AND BY
16 THE WAY DIDN'T YOU JUST EXACTLY RIGHT THAT YOU AND SUPPLIED
17 WILL [TPHAEPLD] DIDN'T [KPHAOULTSZ] EYE THAT.

18 THE CLERK: HOLD ON. WE'RE NOT TALKING ABOUT THIS
19 ISSUE.

20 MR. STEIN: HE'S PAYING ALL THE MAJOR --

21 THE CLERK: COUNSEL HOLD ON.

22 THE COURT: THAT IS IRRELEVANT HAS TO WHO IS PAYING
23 THESE FEES, IT HAS NO RELEVANCE WHATSOEVER.

24 MR. STEIN: UNLESS IT'S SPECIFIC.

25 THE CLERK: DOWN SHE'S STILL TALKING.

26 THE COURT: COUNSEL, SO IT HAS NO PLACE IN HERE
27 WHO'S FINANCING WHAT, OKAY.

28 MR. STEIN: SURE UH-HUH.

1 THE COURT: SO IF -- MAYBE YOU CAN TALK TO HIM.

2 MS. IBARRA: I PLANNED ON DOING THAT.

3 THE COURT: HE'S DISTURBED BUT YOU HAVE DON'T.

4 MR. STEIN: CAN'T VERY DO THAT RIGHT NOW.

5 THE COURT: NO SHE'LL DO IT AT THE BREAK.

6 MR. STEIN: ALL RIGHT THANK YOU. AND ONCE AGAIN
7 SORRY.

8 THE CLERK: WE'RE NOT ON THE RECORD RIGHT NOW * *
9 END SIDEBAR * *.

10 Q. BY MR. STEIN: LINDA I HAVE THE SAME LETTER AS
11 YOU'RE LOOKING AT UP HERE NOW, IT SAYS HERE I -- COULD YOU
12 READ THAT PLEASE?

13 A. COULD I READ IT FROM HERE?

14 Q. SURE.

15 A. MY ASSISTANT BARABARA IS THE TRIBAL ADMINISTRATIVE,
16 BARBARA SERVICE THE TRIBAL ADMINISTRATIVE OFFICE PHONE AND
17 KEEPS MEMBERSHIP RECORDS, WITH THE EXCELLENT WORK OF THE
18 TRIBAL COUNCIL WE ABOUT THE YOU WILL TO TRIBAL MEMBERSHIP OF
19 OVER 1900 GABRIELINOS, YOUR MEMBERSHIP RECORDS IS SECURE,
20 PRIVATE AND COMPUTERIZED. EACH OF YOU HAS YOUR OWN MANILA
21 FOLDER FOR BIA AND PERSONAL DOCUMENTS.

22 Q. SO WAS IT YOUR UNDERSTANDING FROM THIS LETTER THE
23 TRIBAL ADMINISTRATIVE BARBARA GARCIA AND MR. STEIN WERE
24 TRYING TO REACH YOUR MEMBERS IN THE FACT OF THE UNUSUAL TURN
25 OF EVENTS, THAT IN FACT THE MEMBERSHIP RECORDS WERE SECURE,
26 PRIVATE, AND COMPUTERIZED?

27 A. YES.

28 Q. AND COULD YOU TELL US THOSE RECORDS BEING SECURE

1 PRIVATE AND COMPUTERIZED HOW YOU FOUND THEM WHEN YOU TOOK
2 OVER THE TRIBE IN SPRING OF 2007, OKAY, THIS IS MONTHS LATER?

3 A. RIGHT WHEN WE HAD THE ELECTIONS. OKAY. YES, THEY
4 WERE ALL IN ALPHABETICAL ORDER IN FILES AND WE HAVE A PROGRAM
5 CALLED CLUB ASSISTANT WHERE ALL INFORMATION ABOUT EACH MEMBER
6 IS KEPT, NAME ADDRESS, DATE OF BIRTH -- NAME ADDRESS, DATE OF
7 BIRTH, THEIR MEMBERSHIP NUMBER, WHAT CLASS THEY ARE.

8 Q. AND SO THOSE RECORDS, THE PROGRAM YOU'RE SAYING WAS
9 A COMPUTER PROGRAM, CLUB ASSISTANT?

10 A. YES.

11 Q. AND THAT HAD THE MEMBERSHIP INFORMATION ON IT?

12 A. YES.

13 Q. THEN THERE WERE SEPARATE PAPER FILES?

14 A. THAT'S RIGHT THERE WERE ALSO MANILA FOLDERS WITH
15 EACH MEMBERS PAYMENT IN IT.

16 Q. AND THOSE WHAT?

17 A. BLOOD QUANTUM CERTIFICATES, THE MEMBERSHIP
18 APPLICATIONS, BIRTH CERTIFICATES THAT KIND OF INFORMATION.

19 Q. EXAM WHAT WAS RETURNED TO MEMBER AT THEIR REQUEST
20 WHEN THEY SENT IN A BLUE CARD?

21 A. EVERYTHING IN THEIR MANILA FOLDERS.

22 Q. AND IS THAT HOW HAD YOU CAME UP WITH A COUNT OF 230
23 MEMBERS?

24 A. YES.

25 Q. AND THIS IS OUT OF HOW MANY GABRIELINOS?

26 A. I THOUGHT IT WAS ABOUT 1800 BUT IT'S 1900 HERE.

27 Q. 1700 1800?

28 A. RIGHT.

1 Q. 1900?

2 A. RIGHT.

3 Q. 200 OUT OF THAT TOTAL?

4 A. UH-HUH.

5 Q. WITH YOU READ THAT PARAGRAPH.

6 THE COURT: REFERRING TO THE NEXT PAGE OF THE
7 LETTER?

8 A. YES.

9 THE COURT: OKAY?

10 A. I ORGANIZED SUCCESSFUL MEMBERS -- SORRY. I
11 ORGANIZED SUCCESSFUL MEMBER MEETINGS IN SPRING 2005, FALL
12 2005 AND SPRING 2006. I ASKED TRIBAL COUNCIL PERMISSION TO
13 ORGANIZE A FALL 2006 MEMBER MEETING TO DISCUSS THE 21 MILLION
14 DOLLARS INVESTMENT IN THE TRIBAL ADMINISTRATION OFFICES
15 CASINO PROJECT AND THE CONSTITUTION WHICH THE TRIBAL COUNCIL
16 UNANIMOUSLY APPROVED. THE FALL 2006 MEMBER MEETING WOULD
17 AGAIN BE SPONSORED BY COCA COLA, SARAH LEE AND TYSON FOODS.

18 Q. SO TO YOUR KNOWLEDGE WERE THERE MEMBER MEETINGS IN
19 SPRING OF 2005 AND FALL OF 2005?

20 A. YES.

21 Q. AND A MEMBER MEETING IN SPRING OF 2006?

22 A. YES.

23 Q. BUT NO MEMBER MEETING IN FALL OF 2006?

24 A. FALL 2006, YEAH.

25 Q. I'M SORRY SPRING 2006 --?

26 A. YES I'M SORRY.

27 Q. AND DID YOU UNDERSTAND THAT LETTER TO BE COMPLAINING
28 THAT MR. STEIN AND THE TRIBAL ADMINISTRATIVE OFFICE WANTED

1 THAT MEMBER MEETING BUT TRIBAL COUNCIL REFUSED?

2 A. THAT'S CORRECT.

3 Q. COULD YOU READ THE NEXT SENTENCE PLEASE?

4 A. THE TRIBAL COUNCIL HAS REFUSED FOUR REQUESTS BY THE
5 TRIBAL ADMINISTRATION OFFICE TO SCHEDULE THE FALL 2006 MEMBER
6 MEETINGS.

7 Q. AND THIS MEETING ON NOVEMBER 18TH, 2006, WAS THIS
8 THAT FINALLY A MEETING IN THE FALL OF 2006?

9 A. THE MEETING -- I'M SORRY REPEAT THAT JONATHAN.

10 Q. WELL THE MEETING HERE, NOVEMBER 18, 2006, WAS THAT
11 FINALLY A MEETING IN THE FALL?

12 A. YES.

13 Q. AND THE MEETING IN -- HAD EACH OF THOSE OCCASIONS
14 WAS THE MEETING HELD IN ELYSIAN PARK?

15 A. YES.

16 Q. THEN WHO ORGANIZED THE MEETING ON NOVEMBER 19TH IN
17 LONG BEACH?

18 A. I BELIEVE IT WAS THE DUNLAP GROUP.

19 Q. NOW WERE THE DUNLAP GROUP INVITED TO THE NOVEMBER
20 18, 2006 MEETING?

21 A. YES AND I BELIEVE -- I THINK SAM DUNLAP DID
22 ATTEND.

23 Q. DID ANYONE ELSE ATTEND?

24 A. NOT TO MY KNOWLEDGE, I DON'T REMEMBER.

25 Q. DO YOU KNOW IF VIRGINIA CARMELO ATTENDED?

26 A. NO, I DON'T KNOW WHAT SHE DID.

27 Q. VERY GOOD. AND WHAT DID SAM DUNLAP DO AT THE
28 NOVEMBER 18TH, 2006 MEETING?

1 A. IT'S BEEN SO LONG BUT WHAT I REMEMBER, HE JUST STOOD
2 IN THE BACKGROUND AND LISTENED AND WATCHED. I DIDN'T SEE
3 ANYTHING ELSE OR I DON'T REMEMBER.

4 Q. UH-HUH. LET'S GO TO TRIBAL ADMINISTRATION OFFICE
5 BROUGHT COULD YOU READ THAT PARAGRAPH PLEASE?

6 A. THE TRIBAL ADMINISTRATION OFFICE BROUGHT IN TALLY
7 AND COMPANY TO VERIFY THE TRIBAL COUNCIL BOOKS AND PERFORM A
8 ROUTINE FINANCIAL AUDIT OF THE TRIBES CHECK-G ACCOUNTS. IN
9 AUGUST, THE THREE TRIBAL ACCOUNTS CONTAINED ABOUT \$1,000,000
10 IN CASH.

11 Q. NOW DO YOU KNOW WHO TALLY AND COMPANY WERE?

12 A. YES.

13 Q. WHO WERE THEY?

14 A. THEY WERE AN ACCOUNTING COMPANY THAT CERTIFIED OUR
15 ELECTIONS THEY ALSO KEPT THE BOOKS FOR US.

16 Q. THEY KEPT THE FINANCIAL STATEMENTS?

17 A. UH-HUH.

18 Q. AS WELL?

19 A. UH-HUH.

20 Q. SO WAS IT YOUR UNDERSTANDING THEY WERE BROUGHT IT IN
21 TO TRY TO FIND OUT AND MAKE A FINANCIAL AUDIT OF THE CASINO
22 PROJECT MONEY?

23 A. YES.

24 Q. AND DID THEY?

25 A. YES, THEY DID? .

26 MR. STEIN: THE TALLEY REPORT.

27 MR. FORDYCE: FIVE 78 THAT'S THE L.A. TIMES.

28 MR. STEIN: NO THIS OBJECT THE TALLEY ACTING REPORT.

1 MR. FORDYCE: NO THAT'S EXHIBIT 577.

2 MR. STEIN: VERY GOOD. OKAY SO I ASK YOU TO LOOK AT
3 EXHIBIT 577 IN THE BOOK.

4 THE COURT: I THINK IT GOES TO 575 SO IT'S PROBABLY
5 IN VOLUME II?

6 A. OH YEAH IT DOES.

7 MR. STEIN: LET ME GET VOLUME II FOR YOU?

8 A. 577?

9 THE CLERK: IS IT 577 OR 575.

10 MR. FORDYCE: 577, CORRECT.

11 THE COURT: 577.

12 Q. BY MR. STEIN: CAN YOU IDENTIFY EXHIBIT 577?

13 A. YES THIS IS FROM TALLY & CO., THEY GAVE US A FINAL
14 REPORT OF THE BANK ACCOUNTS, RECONCILIATIONS, ACCOUNT
15 PAYABLE, GENERAL LEDGER WHAT WAS LEFT IN THE CHECKING
16 ACCOUNTS.

17 Q. AND CAN YOU READ UNDER WHERE IT SAYS ACCOUNTS
18 PAYABLE?

19 A. OKAY. WE CONVERTED THE CHECK PAYMENTS TO BILL
20 PAYMENTS TO PROPERLY APPLY TO THE PAYMENTS TO THE OUTSTANDING
21 BILLS IN QUICKBOOKS. THE ACCOUNTS PAYABLE BALANCE AS OF
22 10/3/06 IS.

23 THE COURT: 4,000,000?

24 A. 4,000,000 NINE 18,000 17 FIVE 73 CENTS.

25 Q. SO ABOUT 4.9 MILLION?

26 A. YES.

27 Q. SO IS IT YOUR UNDERSTANDING THAT THE TRIBAL
28 ACCOUNTANTS WERE SAYING THAT OVER 4.9 MILLION DOLLARS WAS

1 OWED ON OCTOBER 3, 2006?

2 A. YES.

3 Q. I SEE. AND WAS THAT LARGELY FOR THE CASINO PROJECT?

4 A. YES.

5 Q. AND WAS A SIGNIFICANT CHUNK OF THAT DUE TO SMDC?

6 A. YES.

7 Q. LET ME MAKE A NEW SHEET. AND MS. CANDALARIA CAN I
8 ASK YOU TO GET THE EXACT AMOUNT AGAIN. ACTUALLY LET'S PUT
9 4.9 MILLION DOLLARS?

10 A. 4.9, MAKE IT EASY.

11 Q. AND THE DATE ON THAT AGAIN MS. CANDALARIA?

12 A. 10/3/06.

13 Q. TURNING THE SECOND PAGE, IT SAYS GENERAL LEDGER AND
14 REPORTING. AND DO YOU UNDERSTAND THIS SECTION TO DEAL WITH
15 THE VARIOUS TECHNICAL TASKS THAT THE TRIBE'S ACCOUNTANTS
16 PERFORMED?

17 A. YES.

18 Q. AND DO YOU UNDERSTAND THIS TO BE THE ACTUAL AMOUNTS
19 FOR CHECKS IN THE TRIBES ACCOUNTS?

20 A. YES, I MEAN THEY WERE CERTIFIED BY TALLEY AND THEY
21 WERE THE ACCOUNTANTS IN PREPARING THIS.

22 Q. ON THIS PAGE IS ACCOUNT BALANCES, IT ADDS THE
23 ACCOUNTS UP AND IT SHOWS THE BALANCES OF \$898,100. TO YOUR
24 UNDERSTANDING AFTER INVESTIGATION AFTER THE FACT, WAS, WERE
25 THE TRIBES ACCOUNTANTS ACCURATE IN SAYING THAT THE ACCOUNT
26 BALANCES WERE MILLION \$898,000 ON OCTOBER 3 OF 2006?

27 A. YES.

28 Q. IS IT YOUR UNDERSTANDING -- WHAT IS YOUR

1 UNDERSTANDING OF WHAT HAPPENED TO THAT MONEY?

2 A. I UNDERSTAND THAT THE DUNLAP GROUP DID CHECK THE
3 CHECKING ACCOUNTS WITH THEM AND THEY PAID A LOT OF BILLS WITH
4 IT INCLUDING THEMSELVES, THEY PAID UTILITIES, RENTS, I THINK
5 SOME CERTAIN VENDORS.

6 Q. IN THE NEW OFFICES?

7 A. RIGHT.

8 Q. OUT OF ALL -- AND DO YOU KNOW ABOUT HOW LONG IT TOOK
9 THEM TO GO THROUGH MOST OF THE 898,000, ACCORDING TO THE
10 INFORMATION YOU DISCOVERED LATER?

11 A. IT WAS ABOUT A WEEK AND A HALF, TWO WEEKS MAYBE.
12 VERY QUICKLY.

13 Q. SO ACCORDING TO YOUR INVESTIGATION, WOULD IT BE AN
14 ACCURATE STATEMENT TO SAY WITHIN A WEEK AND A HALF, TWO
15 WEEKS, MOST OF THE \$898,000 WAS SPENT?

16 A. YES.

17 Q. WERE YOU ABLE TO IDENTIFY A SINGLE EXPENDITURE THAT
18 WENT TOWARD THE TRIBES CASINO PROJECT?

19 A. NO.

20 Q. NOW I'M GOING TO STEP BACK FOR A MOMENT AND
21 SUMMARIZE THESE FACTS THAT WE'VE BROUGHT OUT IN THE SLOW
22 LAWFUL WAY THESE THINGS WORK. 898,000 IN CASH, WAS THAT
23 EVERYTHING THAT THE TRIBE HAD?

24 A. YES.

25 Q. THE TRIBE OWED 4.9 MILLION DOLLARS, WAS THAT
26 EVERYTHING THAT THE TRIBE OWED?

27 A. YES.

28 Q. AND ALL THE CASH WAS TAKEN AND SPENT IN ONE AND A

1 HALF TO TWO WEEKS?

2 A. YES.

3 Q. AND WAS THE FINANCIAL OVERSIGHT COMMITTEE SET UP TO
4 FIND OUT WHAT WAS GOING ON AND PERHAPS STOP THAT?

5 A. YES.

6 Q. WERE YOU ABLE TO STOP THAT?

7 A. NO.

8 Q. YOU SAID THAT THE DUNLAP FACTION LEFT. WHY DID YOU
9 SAY THAT?

10 A. BECAUSE THEY TOOK -- TOOK A LOT OF THE ACCOUNT --
11 THE BINDERS, THEY TOOK THE CHECKING ACCOUNTS, THEY TOOK A
12 BUNCH OF MISCELLANEOUS STUFF AND THEY STARTED ANOTHER FACTION
13 SO TO ME THERE'S JUST ANOTHER FACTION SPLIT LIKE ALL THE
14 OTHER FACTIONS.

15 Q. DO YOU THINK IT WOULD BE A FAIR STATEMENT TO SAY
16 BASED ON WHAT YOU HAVE DISCOVERED AND SEEN PERSONALLY, THAT
17 THEY LEFT TO JOIN A NEW FACTION SO THAT THEY COULD GET AWAY
18 FROM THE 4.9 MILLION DOLLARS OWED AND ENJOY THE PROCEEDS OF
19 THE \$898,000 WITHOUT THE BURDEN OF PAYING THE 4.9 MILLION?

20 A. I DIDN'T LOOK AT IT THAT WAY, YEAH THAT COULD BE
21 TRUE.

22 Q. HOW DID YOU LOOK AT IT?

23 A. WE DIDN'T -- WELL WHEN WE DISCOVERED HOW MUCH WAS
24 OWED WE WERE LIKE HOW ARE WE GOING TO PAY THAT OFF. THEY
25 PROBABLY WERE LOOKING AT IT THE SAME WAY AND WE WERE GOING TO
26 KEEP ALL OF OUR VENDORS AND EVENTUALLY HOPEFULLY TRY TO GET A
27 CASINO AND TRY AND PAY THEM. WE DIDN'T --

28 Q. SO AFTER THE SPRING 2007 ELECTIONS WERE YOU ON THE

1 TRIBAL COUNCIL?

2 A. THE SPRING 2000 -- YES THAT'S WHEN I WAS ELECTED AT
3 SECRETARY.

4 Q. AND A TRIBAL COUNCIL PERSON?

5 A. YES.

6 Q. DID ONE OF THE THINGS THAT YOU DID WHEN YOU FINALLY
7 GOT ELECTED WAS TO RECOGNIZE THE VENDORS THAT WERE OWED THIS
8 MONEY.

9 Q. AND WHY DID YOU DO THAT?

10 A. WE WANTED TO KEEP THEM ON BOARD WITH US AND ASSURE
11 THEM EVENTUALLY THEY WOULD GET PAID, WANTED TO STAY IN THEIR
12 GOOD GRACES I COULD SAY.

13 Q. EXAM WERE YOU EVER ABLE TO GET BACK THIS MONEY
14 (INDICATING.)?

15 A. NO.

16 Q. SO WHAT DID YOU USE TO PAY EXPENSES?

17 A. JONATHAN STEIN.

18 Q. WOULD THAT BE SMDC?

19 A. YES.

20 Q. SO SMDC PUT MORE MONEY IN --?

21 A. FOR GOING FORWARD.

22 Q. DID SMDC HAVE ANY CONTRACTUAL OBLIGATION THAT YOU
23 KNOW OF TO DO THAT?

24 A. NO.

25 Q. DO YOU KNOW WHY SMDC WOULD DO THAT?

26 A. TO KEEP THE TRIBE TOGETHER AND TO HELP US.

27 Q. AND DID THAT MONEY GO TOWARDS KEEPING THE CASINO
28 PROJECT GOING?

1 A. YES.

2 Q. SO WAS THAT MONEY GIVEN AS PART OF THE SMDC
3 AGREEMENT?

4 A. YES.

5 Q. NOW THAT HAD TERMINATED, WAS THERE ANOTHER COMPANY
6 CALL CENTURY?

7 A. CENTURY CAME IN, YES.

8 Q. AND WAS THAT ALSO ASSOCIATED WITH MR. STEIN?

9 A. YES.

10 Q. HERE IS THE TRIBES PROFIT AND LOSS FOR MAY THROUGH
11 OCTOBER, WAS THAT --.

12 THE COURT: HOLD ON ARE YOU REFERRING.

13 MR. STEIN: SAME EXHIBIT.

14 THE COURT: WHAT MAKE.

15 MR. STEIN: 577, THE BATES STAMP NUMBER DOWN AT THE
16 BOTTOM IS -- IT SHOULD BE THERE, I DON'T SEE IT.

17 THE COURT: MINE HAS THE PO L NUMBER.

18 MR. FORDYCE: IT'S ALSO GOT A THREE 44 16 YOUR HONOR
19 JUST SLIGHTLY ABOUT.

20 THE COURT: THREE 44 16.

21 MR. STEIN: VERY GOOD SO YOU'RE ON THE SAME PAGE.

22 MR. FORDYCE: CORRECT.

23 Q. BY MR. STEIN: AND WAS THIS THE BEST THE TRIBAL
24 ACCOUNTANTS COULD DO IN DECIDING HOW MONIES WERE SPENT FROM
25 THE CASINO PROJECT FROM WHEN THEY WERE RECEIVED IN MAY UNTIL
26 OCTOBER 3?

27 A. OCTOBER. YES.

28 THE COURT: YOU'RE LOOKING AT WHAT THE PROFIT AND

1 LOSS?

2 A. YES.

3 MR. STEIN: YES.

4 THE COURT: IS THAT WHAT THEY'RE LOOKING AT? OKAY
5 BECAUSE I STILL CAN'T FIND IT, HOLD ON.

6 MR. STEIN: 577 T THE THE FIFTH PAGE AND IT HAS THE
7 NUMBER 4 16 ON IT.

8 THE COURT: '03 44 16.

9 MS. IBARRA: IT'S THE FIFTH PAGE IN THAT EXHIBIT.

10 MR. FORDYCE: YOUR HONOR MA'AM THE POLANCO NUMBERS
11 ARE BETTER IT'S PO L DASH 12 DASH '03 11 SEVEN.

12 THE COURT: YES THANK YOU I HAVE IT.

13 Q. BY MR. STEIN: AND IT SAYS TRIBAL PROFESSIONALS
14 THREE 26,000 459?

15 A. TRIBAL -- OKAY I SEE IT.

16 Q. AND IT SHOWED THE EXPENSES MINUS THE 898,000 IS
17 LEFT?

18 A. RIGHT.

19 Q. GOING TO THE NEXT PAGE, YOU IS HE VEND BALANCE
20 SUMMARY?

21 A. YES.

22 Q. IS THIS THE BALANCE OF THE 4.9 MILLION OWED?

23 A. YES THIS IS ALL THE BILLS.

24 Q. AUNT SAINT MONICA DEVELOPMENT, WHAT AMOUNTS ARE
25 SHOWN?

26 A. SANTA MONICA DEVELOPMENT FP PC CONTRACT, 20,000;
27 SANTA MONICA DEVELOPMENT INTEREST, SIX 17,000 \$63 AND I THINK
28 IT'S 56 CENTS; SANTA MONICA DEVELOPMENT LOAN 23200047 \$2 40

1 CENTS AND THEN SANTA MONICA DEVELOPMENT MONTHLY FEES ONE
2 POINT 59 5,000,000.

3 Q. IT SAYS THE ONE POINT 59 FIVE IS FEES?

4 A. MONTHLY FEE.

5 Q. AND THE 232000 WOULD BE?

6 A. A LOAN.

7 Q. A LOAN. AND WOULD THAT BE REIMBURSABLE EXPENSES?

8 A. YES.

9 Q. DID YOU BELIEVE THAT WOULD BE THE CORRECT AMOUNT
10 OWED TO SMDC ON OCTOBER 3RD, 2006 FOR ITS EFFORTS THROUGH
11 THAT DATE?

12 A. YES.

13 Q. THE NEXT PAGE, I DON'T MEAN TO GO TOO FAST, VEND
14 BALANCE DETAIL, SHOWS THE VARIOUS VENDORS INCLUDING ADAM
15 LOYA, DO YOU KNOW WHO ADAM LOYA WAS?

16 A. OH YES, ADAM LOYA HE'S TRIBAL COUNCIL.

17 Q. SO AS A TRIBAL COUNCIL MAN HE HAS GOTTEN \$12,000?

18 A. YES THAT'S ACCURATE.

19 Q. AND THE CRANE GROUP, WHO WERE THEY?

20 A. A LOBBYIST GROUP.

21 Q. AND THEY ARE THE PARTY HERE THAT I REPRESENT. AND
22 HOW MUCH ARE THEY ODOR HOW MUCH HAD THEY BEEN PAID, I'M
23 SORRY?

24 A. I CAN'T FIND THEM ON HERE.

25 Q. LET ME SEE H IT'S PAGE 12 ONE? HAVE I GONE TOO FAST
26 AGAIN?

27 A. YEAH YOU DID, I DON'T KNOW WHERE YOU'RE AS.

28 Q. THERE WE GO I'M SORRY I DID GO TOO FAST. RIGHT

1 THERE (INDICATING.)?

2 A. OH OKAY. OKAY TOTAL CRANE GROUP, NOTHING.

3 Q. DO YOU SEE THE \$5,000 AMOUNT?

4 A. OH \$50,000, YEAH I SEE THAT.

5 Q. WAS CRANE PAID \$50,000 OUT OF THE CASINO MONEY TO
6 DATE?

7 A. YES.

8 Q. NOW WE ARE GOING TO THE NEXT PAGE WHERE IT SAYS
9 EDGAR PEREZ?

10 A. OKAY.

11 Q. HOLD ON A SECOND. I'M SORRY, LET'S GO TO -- I'M
12 GOING TO RATHER THAN CHANGE THE TOPIC, LET ME GET TO SMDC
13 FIRST.

14 MR. FORDYCE: DO YOU SEE IT.

15 MR. STEIN: I'M GETTING THERE, I'M GOING SLOWER SO
16 I'M ON PAGE 127 NOW?

17 A. I'M LOST.

18 Q. THE SAINT MONICA LOAN, ARE THESE TRANSACTIONS PAID
19 ON SAINT MONICA THAT WERE ACCRUED AND THEN EVENTUALLY
20 REIMBURSES?

21 A. YES.

22 Q. A LOT OF THEM, RIGHT?

23 A. THERE WERE A LOT OF THEM, YEAH.

24 Q. AND HERE ARE THE MONTHLY FEES SHOWS 1.5 MILLION OWED
25 ON PAGE, I'M SORRY.

26 MR. FORDYCE: 129.

27 MR. STEIN: 129?

28 A. 129.

1 Q. NOW IN THE COLUMN ON THE LEFT, DOUBTS THE AMOUNTS
2 THAT WERE PAID, IT SAYS BILL PAYMENT DASH CHECK, THE
3 NEGATIVES?

4 A. YES.

5 Q. SO DID IT SHOW THAT THE PAYMENTS MADE AFTER THE
6 CASINO MONEY CAME IN NEVER REDUCED THE BALANCE OWED TO SAINT
7 MONICA, IT ONLY FUNDED THE CURRENT AMOUNTS THAT SAINT MONICA
8 WAS DUE UNDER THE CONTRACT, IS THAT YOUR UNDER WILLING?

9 A. YES.

10 Q. SO INSTEAD OF SAINT MONICA GRABBING THE MONEY WHEN
11 IT CAME IN, IT ONLY TOOK FEES FOR THE NEW MONTHS SINCE THE
12 MONEY?

13 A. YES.

14 Q. AND IT LEFT OUTSTANDING NOT ONLY ONE POINT 59
15 5,000,000 IN FEES BUT ALSO THE VAST MAJORITY OF THE EXPENSE
16 EXPENSES IT HAD PAID ALREADY, IS THAT --?

17 A. YES THAT'S MY UNDERSTANDING.

18 Q. AND SO SAINT MONDAY CAR BECAUSE IT DIDN'T GRAB THE
19 MONEY, SAINT MONICA WAS PART OF THE 4.9 MILLION DOLLARS LEFT
20 BEHIND?

21 A. YES.

22 Q. AND THAT THE MONEY THAT HAD ALREADY BEEN DISPERSED
23 BY INVESTORS WAS TAKEN AND GRABBED FOR NONE CASINO PURPOSES?

24 A. YES.

25 Q. NOW, IS THAT ONE OF THE REASONS WHY YOU SAY THAT THE
26 DUNLAP FACTION LEFT?

27 A. YES. THEY LEFT AND START THE A NEW FACTION.

28 Q. AND AFTER THEY LEFT ST. MONICA'S WORK WAS FOR THE

1 CANDIDATE FACTION?

2 A. YES.

3 Q. AND AFTER THEY LEFT, DO YOU KNOW OF ANY FACTS OR
4 CIRCUMSTANCES TO INDICATE THAT SAINT MONICA WORKED WITH THE
5 DUNLAP FACTION?

6 A. NO.

7 Q. THE DUNLAP FACTION WOULD BE HERE, RIGHT?

8 A. (NODS HEAD.)

9 Q. HUH. SO IN YOUR MIND, WHO WAS THE CONTRACTING PARTY
10 WITH THE SMDC AGREEMENT?

11 A. WE WERE.

12 Q. AND IN YOUR MIND WAS THE DUNLAP FACTION THE
13 CONTRACTING PART WITH THE SMDC AGREEMENT?

14 A. NO.

15 Q. VERY GOOD. WE WOULD BE TAKING OFF AND STARTING ON
16 ANOTHER TOPIC AND I NOTICE IT'S TWO MINUTES OF 12.

17 THE COURT: OKAY IF YOU'RE ONTO ANOTHER TOPIC, WE'LL
18 START THE NEW TOPIC AFTER LUNCH, OKAY WE'LL SEE YOU AT 130.
19 THANK YOU.

20 (WHEREUPON THE JURY EXITS THE COURTROOM.).

21 THE COURT: I'M SEE EVERYBODY AT 130.

22 MR. FORDYCE: THANK YOU YOUR HONOR.

23 MR. STEIN: THANK YOU YOUR HONOR.

24 (NOON BREAK.) 11:59 AM TO.

25 .

26 *****.

27 .

28 01:31 PM.

1 THE COURT: GABRIELINO-TONGVA TRIBE VERSUS STEIN
2 BC361307 BEFORE WE CALL THE JURY IN.

3 MS. IBARRA: SO WE'VE JUST HAD A BRIEF ISSUE, I
4 THINK WE'VE COME TO AN AGREEMENT, THIS CHAIR WHEN IN I DON'T
5 HAVE A CLIENT WHEN IN FACT THE CEO OF THE TRIBE HAS BEEN
6 SITTING IN THE BACK. I DON'T WANT HIM SITTING HERE BECAUSE
7 AS THE COURT IS AWARE THERE'S TENSION BETWEEN THE PARTIES AND
8 MR. STEIN IS A PARTY. SO HE'S GOING TO KEEP SITTING BACK
9 THERE, STEIN AGREED TO NOT POINT TO THE CHAIR AS BEING EMPTY
10 BECAUSE IT'S NOT BUT I ALSO THINK THAT IT'S APPROPRIATE TO
11 TELL THE JURY THAT MR. POLANCO IS THERE AND ALSO FOR THE
12 REASON THEY'RE GOING TO SEE HIM IN THE COURTHOUSE AND YOU
13 HAVE KNOW THEY JUST SHOULDN'T INTERACT WITH HIM.

14 THE COURT: WHAT DID YOU WANT ME TO TELL THEM ABOUT
15 MR. POLANCO.

16 MR. STEIN: THAT PART I DIDN'T AGREE TO.

17 MS. IBARRA: OH THAT YEAH THAT HE DIDN'T AGREE TO,
18 HE AGREED TO STOP MOTIONING TO THE CHAIR TO NOT BEING EMPTY.

19 THE COURT: ALL RIGHT.

20 MS. IBARRA: THAT'S ENOUGH.

21 THE COURT: I THINK THAT'S FINE, SURE. I MEAN YOU
22 COULD INTRODUCE HIM AS YOUR CLIENT.

23 MS. IBARRA: CAN I DO THAT.

24 THE COURT: SURE.

25 MS. IBARRA: I'LL INTRODUCE HIM -- JUST BECAUSE ALSO
26 THEY'LL SEE EACH OTHER IN THE COURTHOUSE AND THEY SHOULD
27 AVOID EACH OTHER, I WON'T SHEA THAT BUT I'LL JUST INTRODUCE
28 HIM. THEY'VE ALREADY HEARD HIS NAME.

1 THE COURT: WHY DON'T YOU GIST LADIES AND GENTLEMEN
2 MY CLIENT IS IN THE COURTROOM.

3 MS. IBARRA: A REPRESENT IT I MY CLIENT.

4 THE COURT: THE REPRESENTATIVE OF MY CLIENT, NOT THE
5 TRIBE BUT THE REPRESENTATIVE OF MY CLIENT IS IN THE
6 COURTROOM, SEATED TO THE BACK.

7 MS. IBARRA: JUST FOR YOUR INFORMATION.

8 THE COURT: RIGHT SO THAT'S WHY JUST LIKE THEY HAVE
9 AN OPPORTUNITY TOE BEGINNING OF THE CASE TO INTRODUCE THEIR
10 CLIENTS OR A REPRESENTATIVE OF YOUR CLIENT SHOWS UP AND YOU
11 WANT TO INTRODUCE THEM LET ME KNOW AND YOU CAN DO THAT.

12 MR. STEIN: AND THANK YOU.

13 THE COURT: BUT THEY DON'T HAVE TO BE HERE BUT IF
14 YOU THEY ARE HERE AND I WANT TO INTRODUCE THEM THAT'S FINE.

15 MR. STEIN: AND I ACTUALLY RAISED AN ISSUE AND SHE
16 WAS BEING VERY CONSIDERATE OF OF EVERYONE'S CONCERN AND TWO
17 AND TWO DIDN'T MAKE FOUR OF MY [TPHAEUPBD] AND NOW THAT IT
18 DOES I REALIZE I SHOULDN'T DO THAT ANY MORE.

19 THE COURT: I'M NOT EVEN CLEAR WHY WE CAN'T HAVE TWO
20 PEOPLE SITTING AT THE SAME COUNSEL TABLE BUT YOU KNOW IF YOU
21 FEEL THAT STRONGLY ABOUT IT.

22 MR. STEIN: I DON'T. I DON'T.

23 MS. IBARRA: OH I JUST DON'T WANT TO BE IN THE
24 MIDDLE, I DON'T THAT'S JUST WHERE I AM SO IT'S MY CHOICE. IF
25 ANOTHER REPRESENTATIVE COMES IN, I'LL GLADLY HAVE HIM SIT
26 HERE.

27 MR. STEIN: YOUR HONOR.

28 THE COURT: YES.

1 MR. STEIN: THERE IS ONE ISSUE, VERY SIMPLE ISSUE,
2 WE NEVER DID A NOTICE TO APPEAR, GT TRIBE BY AND THROUGH RICH
3 POLANCO, NOW THAT HE'S HERE, WE'D LIKE TO BE SURE THAT HE
4 WILL BE A WITNESS SO THAT WE'LL BE ABLE TO ASK OUR QUESTIONS
5 BUT WE DON'T NEED TO TAKE HIM UNDER OF 776.

6 MS. IBARRA: I WILL CALL HIM UP, HE WILL BE ONE OF
7 MY WITNESSES.

8 MR. STEIN: SO THAT REPRESENTATION [H-Z] ARE BEING
9 MADE.

10 MS. IBARRA: YEAH YOU WILL HAVE BE THAT OPPORTUNITY
11 TO CALL HIM EXAM THAT COMES UP.

12 THE COURT: THE QUESTION IS DO YOU WANT TO [KAU] HIM
13 IN YOUR CASE AND THEN CROSS HIM IS THAT IT OR DO YOU WANT TO
14 WAIT [STPHAOEUPL].

15 MR. STEIN: I DON'T NEED TO TAKE THAT EXTRA STEP IF
16 THE JUDGE IS KIND ENOUGH TO REMIND ME OF, I DON'T THINK SO I
17 THINK WE'LL JUST WAIT.

18 THE COURT: SO BEFORE YOU -- WELL WHERE IS THE
19 WITNESS.

20 MR. STEIN: SHOULD I BRING HER IN.

21 THE COURT: YES.

22 MR. STEIN: I WASN'T SURE.

23 THE COURT: THAT'S OKAY. I USUALLY LIKE TO HAVE
24 THEM SEATED AND THEN THE JURY COMES IN.

25 MR. STEIN: OH VERY GOOD.

26 THE COURT: THAT WAY EVERYBODY IS READY TO GO. JUST
27 HAVE A SEAT. CALL THE JURY IN. AND THEN THE FIRST THING
28 THAT WILL HAPPEN IS YOU CAN INTRODUCE YOUR CLIENT AND THEN HE

1 CAN CONTINUE WITH HER.

2 MS. IBARRA: OKAY THANKS.

3 (WHEREUPON THE JURY ENTERS THE COURTROOM.) .

4 THE COURT: GABRIELINO-TONGVA TRIBE VERSUS JONATHAN
5 STEIN JONATHAN STEIN B C 37 ONE 307 GOOD AFTERNOON EVERYONE,
6 JUST ONE QUICK ANNOUNCEMENT AND THEN WE'LL CONTINUE WITH THE
7 EXAMINATION.

8 MS. IBARRA: SO JUST PROOF LEE JUST FOR YOUR
9 INFORMATION, I HAVE WANT YOU GUYS TO BE AWARE THAT A
10 REPRESENTATIVE OF MY CURRENT, ITS CURRENT CEO IS SITTING IN
11 THE AUDIENCE THAT'S MR. RICH POLANCO.

12 THE COURT: OKAY THANK YOU.

13 MS. IBARRA: THANK YOU.

14 THE COURT: YOU MAY CONTINUE WITH YOUR EXAMINATION.
15 YOU MAY BE SEATED EVERYBODY.

16 MR. STEIN: LINDA THANK YOU VERY MUCH FOR YOUR
17 TESTIMONY. CAN I REFER YOU TO EXHIBIT 5 HUNDRED WHICH WILL
18 BE IN VOLUME I SO LET ME GET THAT FOR YOU.

19 THE COURT: YOU KNOW WHAT WHY DON'T WE DO THIS, GO
20 AHEAD AND HAVE HIM PUT THAT HERE THAT WAY IF YOU NEED TO
21 REFER TO, PASS IT THROUGH YOUR WITNESS, AND GO AHEAD AND PUT
22 IT ON MY DESK SO THAT WAY IN YOU NEED TO PULL IT YOU CAN PULL
23 IT.

24 MR. STEIN: AND THEN VOLUME III WILL STAY BACK HERE
25 (INDICATING.) .

26 THE COURT: ALL RIGHT. 500.

27 Q. BY MR. STEIN: ON EXHIBIT 5 HUNDRED, YOU SEE IT SAYS
28 U.S. CORPORATE INCOME TAX RETURN?

1 A. RIGHT.

2 Q. DID YOU SIGN THAT LINDA?

3 A. LET'S SEE, THIS WAS FOR THE YEAR 2000. YES I
4 BELIEVE I DID.

5 Q. AND THIS IS THE FIRST PAGE ONLY AND CAN YOU IDENTIFY
6 THIS AS THE FIRST PAGE OF THE RETURN THAT YOU SIGNED IN 2000?

7 A. YES.

8 Q. I SEE. AND YOU DIDN'T -- DID YOU [TPAO*EUP] FILE IT
9 IN THE YEAR 2000 OR LATER?

10 A. LATER.

11 THE COURT: WHEN DID YOU FILE IT?

12 A. WHEN DID WE FILE? IT WAS SEVERAL YEARS LATER, WE
13 FILED A BUNCH OF THEM AT ONE TIME.

14 THE COURT: YOU FILED A LOT OF THEM AT ONCE?

15 A. UH-HUH.

16 THE COURT: OKAY.

17 Q. BY MR. STEIN: AND LINDA, SHOULD THEY HAVE BEEN
18 FILED EARLIER?

19 A. YES THEY SHOULD HAVE.

20 Q. AND WHEN YOU TOOK CONTROL OF THE TRIBAL COUNCIL DID
21 YOU WANT TO SEE THEM FILED?

22 A. YES THEY NEEDED TO BE FILED.

23 Q. I HAVE SEE AND SO --?

24 A. THEY'RE SUPPOSED TO BE FILED I SHOULD SAY.

25 Q. AND UP HERE, ON B , YOU SEE WHERE IT SAYS '06 UP IN
26 THE UPPER RIGHT-HAND CORNER?

27 A. OH YEAH.

28 Q. IT SAYS EMPLOYER IDENTIFICATION NUMBER AND WAS THAT

1 FOR THE GABRIELINO-TONGVA TRIBE?

2 A. YES, IT IS.

3 THE COURT: DOES '06 REFLECT 2006 PERHAPS?

4 A. I'M NOT SURE WHAT THE NUMBERS REPRESENT ON THE ID
5 NUMBER.

6 THE COURT: OKAY.

7 Q. BY MR. STEIN: BUT YOU WOULD HAVE FILED THE RETURNS
8 THAT HAD NOT BEEN FILED BEFORE IN 2006?

9 A. YES.

10 Q. SO --

11 A. YEAH.

12 Q. IT WOULD REFERENCE THE COURT'S COMMENT?

13 A. OH OKAY.

14 Q. AND IT SHOWED THAT THE TRIBE WAS AT 50 ONE SANTA
15 MONICA BOULEVARD?

16 A. YES.

17 Q. NOW, DID YOU CONTINUE AFTER THE YEAR 2000 AND AFTER
18 THE YEAR 2006 TO CONTINUE USING THE SAME EMPLOYER
19 IDENTIFICATION NUMBER?

20 A. YES WE DID. IT NEVER CHANGED.

21 Q. I SEE. AND THE -- LET'S NOW TURN TO THE RETURNS
22 THAT YOU FILED. NIAL DO YOU HAVE A NUMBER FOR ME.

23 MR. FORDYCE: FOR THE FEDERAL.

24 MR. STEIN: YES.

25 MR. FORDYCE: 503.

26 MR. STEIN: VERY MUCH THANK YOU.

27 Q. SO EXHIBIT 50 THREE, DO YOU HAVE THAT? NOW IN THIS
28 ONE EXHIBIT, ARE THESE THE VARIOUS RETURNS FROM WHAT PERIOD?

1 A. THESE ARE FROM -- EXCUSE ME -- 2000 UNTIL -- LET'S
2 SEE IF I CAN FIND 2008.

3 Q. NOW, WERE ALL THOSE RETURNS FILED AT ONE TIME?

4 A. YES.

5 Q. WELL DID YOU --?

6 A. WELL NO NOT AT ONE TIME BUT THEY WERE ALL FILED.

7 Q. SO THE EARLIER ONES WERE FILED?

8 A. FILED, RIGHT.

9 Q. AND THEN WAS THE 2007 FILED IN APRIL 2008?

10 A. I DON'T REMEMBER EXACT DATES BUT YES, I WOULD SAY
11 THEY WERE.

12 Q. AND THEN THE 2008 WOULD BE FILED IN APRIL 2009?

13 A. THAT'S CORRECT.

14 Q. AND HAS SINCE THAT TIME WHILE NOT RELEVANT TO THIS
15 TRIAL HAS THE CANDIDATE FACTION CONTINUED FOR USING THE SAME
16 IDENTIFICATION NUMBER?

17 A. WE HAVE.

18 Q. AND HAS THE CANDIDATE FACTION CONTINUED FILING TAXES
19 WITH THE FEDERAL GOVERNMENT?

20 A. YES.

21 Q. I'D LIKE TO TURN TO EXHIBIT 506. AND BY THE WAY I
22 SHOULD HAVE MENTIONED EARLIER TO THE COURT TO ADVISE THE JURY
23 IF I'M DIRECTLY IN SOMEONE'S WAY IF THEY CAN WAIVE AT YOU YOU
24 CAN WAIVE AT ME AND I CAN MOVE ONE WAY OR ANOTHER.

25 THE COURT: OKAY OR THEY CAN STAND.

26 Q. BY MR. STEIN: DID YOU TELL ME WHAT EXHIBIT 506
27 LOBBYING REPORT IS?

28 A. THESE ARE RETURNS WE FILED -- NOT RETURNS BUT

1 DOCUMENTS WE FILED FOR LOBBYING THAT WE --.

2 Q. I SEE. AND WERE THE FIRST RETURN -- THE FIRST
3 LOBBYIST FILINGS FILED BY YOU?

4 A. I BELIEVE SO, YES.

5 Q. WELL --

6 A. NO I THINK PREVIOUS TITLE COUNSEL FILED SOME ALSO
7 AND THEN WHEN I CAME ON STARTED FILING THEM.

8 Q. OKAY. SO IF WE LOOK NOW TO THE PAGE MARKED 54, 25
9 FOUR, LAST NUMBERS?

10 A. 54, OKAY.

11 Q. AND THEN WE LOOK AT THE EFFECTIVE DATE OF
12 REGISTRATION, FOR LOBBYING REGISTRATION, DO YOU SEE THAT DATE
13 A LITTLE BIT CLEARER?

14 A. RIGHT, ONE, ONE, 2008 I THINK IT SAYS OR 2006. IT'S
15 HARD TO READ ON HERE.

16 Q. SO THEN THE REGISTRATION WAS DONE WHEN GT -- WHEN IT
17 WAS STILL GT TRIBE BEFORE THE SPLIT OCCURRED IN NOVEMBER 18
18 AND 19 OF 2006?

19 A. THAT'S CORRECT.

20 Q. AND BEFORE YOUR ELECTION IN SPRING OF 2007?

21 A. THAT'S CORRECT.

22 Q. AND DID YOU CONTINUE THESE FILINGS IN LATER YEARS?

23 A. YES.

24 Q. SUCH AS THE 2007?

25 A. RIGHT.

26 Q. MID YEAR FILING?

27 A. RIGHT. 2007 IS HERE.

28 Q. AND OF THE NAME ON THE PAGE THAT SAYS 2007 IS DANIEL

1 A- CRANE, WAS HE ONE OF THE CASINO VENDORS?

2 A. HE WAS OUR LOBBYIST YES.

3 Q. AND HE'S ALSO KNOWN AS THE CRANE GROUP?

4 A. THE CRANE GROUP.

5 Q. LET ME MOVE YOU TO EXHIBIT 505, THIS MAY BE IN PART
6 IN IT, EXHIBIT 5 50, VERY GOOD?

7 A. YEAH.

8 Q. CAN YOU IDENTIFY EXHIBIT 50 FIVE, THESE ARE THE
9 STATE LOBBYING ACTIVE REPORTS, -- DOCUMENTS.

10 Q. YOU SAID BESIDES ALSO BEING TRIBAL BRIEF WOMAN YOU
11 ARE ALSO TRIBAL SECRETARY?

12 A. THAT'S CORRECT.

13 Q. AS BE THE TRIABLE SECRETARY ARE YOU FAT A [TPHRET]
14 GABRIELINO-TONGVA TRIBE?

15 A. YES.

16 Q. THE GT TRIBE OR THE CANDIDATE FACTION IN LATER
17 YEARS?

18 A. THAT'S CORRECT.

19 Q. THIS IS FROM 2005 SO IT WOULD BE BEFORE YOUR TIME?

20 A. THAT'S RIGHT.

21 Q. BUT FROM YOUR UNDERSTANDING IS THAT THIS WAS THE
22 LOBBYING ACTIVE IN 2005 WITH JONATHAN STEIN AND CLINE &
23 DUPRESSEA AS THE SACRAMENTO LOBBYIST?

24 A. YES.

25 Q. WAS CLINE & DUPRESSEA ONE OF THE LOBBYING FIRMS THAT
26 WAS PART OF THE CASINO PROJECT?

27 A. PROJECT, YES.

28 Q. AND WE'LL MOVE ON TO THE NEXT PAGE, IT SAYS

1 CALIFORNIA FORM 60 TWO, APRIL 24TH, 2006?

2 A. YES, IT'S FILED, FILED DATE.

3 Q. AND THAT IS LOBBYING FIRM ACTIVITY AUTHORIZATION AND
4 THAT WOULD BE FILED BY SMDC ON BEHALF OF THE TRIBE?

5 A. TRIBE, RIGHT.

6 THE CLERK: I'M SORRY IS THAT ANOTHER EXHIBIT OR THE
7 SAME THING.

8 THE COURT: 505.

9 BY {RIGHT2}:

10 Q. AND THEN THESE STATEMENTS, DOWN HOW MUCH THESE
11 STATEMENTS WERE DUE?

12 A. I'M NOT SURE JONATHAN.

13 Q. WERE THEY DUE QUARTERLY?

14 A. YEAH I THINK THEY ARE DUE QUARTERLY JUST LIKE THE
15 CORPORATIONS.

16 Q. AND TO YOUR KNOWLEDGE WAS THERE A FINE TO BE PAID IF
17 THEY WERE LAID IN FILING THAT STATEMENT?

18 A. YES THERE IS FINES.

19 Q. AND WHO WOULD THAT FINE BE PAID TO?

20 A. TO THE STATE.

21 Q. STATE OF?

22 A. CALIFORNIA.

23 Q. STATE OF CALIFORNIA. SO WHEN YOU GOT ELECTED, DID
24 YOU CONTINUE FILING THESE FORMS?

25 A. YES.

26 Q. AND THESE WERE THE SAME FORMS THAT HAD BEEN FILED
27 BEFORE THE TRIBE SPLIT INTO TWO FACTIONS?

28 A. YES.

1 Q. DO YOU KNOW IF THE DUNLAP FACTION TRIED TO FILE ANY
2 OF THESE FORMS?

3 A. NOT TO MY -- I -- NOT TO MY KNOWLEDGE, I DON'T KNOW
4 THEIR -- WHAT THEY DO.

5 Q. AND ARE YOU AWARE THAT THEIR CEO IS A FORMER SENATE
6 MAJORITY LEADER OF THE STATE OF CALIFORNIA?

7 A. YES.

8 Q. AND YET THEY FILED NO LOBBYING FORMS FOR THE
9 ACTIVITIES OF THEIR CEO, THE FORMER CALIFORNIA SENATE
10 MAJORITY LEADER?

11 A. (NODS HEAD.) .

12 THE COURT: THAT'S A QUESTION RIGHT?

13 A. YES THAT'S TRUE.

14 Q. BY MR. STEIN: AND HERE IS OCTOBER THROUGH -- I'M
15 SORRY I SHOULD HAVE GIVEN YOU THE PAGE, IT'S PAGE 32 AT THE
16 BOTTOM. IT SAYS REPORT COVERS PERIOD?

17 A. OCTOBER 1ST, 2006 THROUGH DECEMBER 31ST, 2006.

18 Q. NOW IT SAYS EXECUTED IN JANUARY FOR LINDA
19 CANDELARIA?

20 A. RIGHT.

21 Q. NOW THAT WAS BEFORE YOU WERE ELECTED RIGHT?

22 A. RIGHT, BUT IF YOU DON'T FILE THEM HAD YOU GET A
23 PENALTY SO WE WERE TRYING TO GET THESE DONE BEFORE THAT.

24 Q. DID YOU FEEL IT WAS IMPORTANT TO FILE PAPERS WITH
25 THE STATE OF CALIFORNIA ACCURATELY?

26 A. YES.

27 Q. DID YOU FEEL IT WAS IMPORTANT TO FILE PAPERS WITH
28 THE UNITED STATES AND THE UNITED STATES SENATE ACCURATELY?

1 A. YES.

2 Q. DO YOU KNOW WHETHER ANY OF THESE SUCH PAPERS WERE
3 FILED BY THE DUNLAP FACTION?

4 A. NOT TO MY KNOWLEDGE.

5 MS. IBARRA: I'M GOING TO OBJECT THAT IT LACKS
6 FOUNDATION.

7 THE COURT: SUSTAINS THE ANSWER IS STRICKEN.

8 MR. STEIN: FORGIVE ME I RESTED MY PAPERS ON
9 SOMETHING, SO YOU'LL FORGIVE ME WHILE I GET RID OF IT. MY
10 APOLOGIES TO THE JURY.

11 Q. EXHIBIT 508 IS WHAT I'LL POINT YOU TO NEXT, PUT IT
12 UP HERE AND THEN LET ME MAKE SURE THAT I HAVE YOU AT THE
13 RIGHT TAB. 508 FROM MEMBERSHIP TABS AND SAMPLE BLUE CARDS
14 NOW.

15 THE COURT: ARE WE LOOKING AT 508 NOW.

16 MR. STEIN: I THOUGHT WE WERE BUT WE'VE MADE A
17 MISTAKE AND WE'RE TRYING TO CORRECT IT. THE MEMBERSHIP
18 TABLES.

19 THE COURT: WELL SHOULD YOU TAKE DOWN WHATEVER IS
20 THERE.

21 MR. STEIN: I'M TRYING TO.

22 THE COURT: IS THIS YOUR LIST OF EXHIBITS.

23 MR. FORDYCE: 509.

24 MR. STEIN: 509.

25 THE COURT: 508 AND 509 ARE LISTED AS SAMPLES.

26 MR. STEIN: NO THAT'S NOT RIGHT?

27 A. THAT'S NOT IT, THE MEMBERSHIP TABLES.

28 MR. STEIN: LET'S MOVE ON TO ANOTHER TOPIC AND WE'LL

1 LOOK AT THOSE LATER. CAN I GET THE NUMBER FOR THE [S*PL]
2 [SAO*EPLT].

3 MR. FORDYCE: YEAH THAT'S 58 TWO?

4 A. THAT'S NOT IN THIS BOOK.

5 THE COURT: ANOTHER VOLUME, PROBABLY TWO.

6 THE CLERK: WHAT VOLUME IS THAT COUNSEL.

7 MR. FORDYCE: AND JONATHAN 2008 IS FIVE 18 NOT 508.

8 MR. STEIN: FIVE 18 SO WE'LL TAKE CARE OF THAT NOW.

9 THE COURT: COUNSEL FIVE 18 OR 58 TWO.

10 MR. STEIN: NO NO 58 TWO, THESE ALREADY CORRECTING
11 THE MISTAKE.

12 THE COURT: I THINK WE'RE ON 58 TWO.

13 MR. STEIN:

14 Q. SO GOING TO THE SECOND PAGE OF 58 TWO, MA I PLEASE
15 IDENTIFY THAT DOCUMENT?

16 A. THIS IS A -- EXCUSE ME -- A RESOLUTION ADOPTING SMDC
17 [SAO*EPLT] DISMISSING L S AS G ACTION.

18 Q. IS THAT THIS ACTION?

19 A. NO. YES, IT IS, IT IS A CONTINUATION.

20 Q. OKAY. READ THE FIRST -- THE FIRST WHEREAS CLAUSE?

21 A. OKAY. WHEREAS THE TRIBAL COUNCIL FINDS THAT IT IS

22 IN THE BEST INTERESTS OF THE TRIBE THAT THE LEGAL ACTION

23 FILED AS GABRIELINO-TONGVA TRIBE VERSUS JONATHAN STEIN, LAW

24 OFFICES OF JONATHAN STEIN, SANTA MONICA DEVELOPMENT COMPANY

25 LLC ET AL LOS ANGELES SUPER [KWROE] COURT [KAOERT] [TPHAUB] B

26 C36 ONE 307, THE L.A. SC ACTION, BE SETTLED AND DISMISSED

27 [SKPHR] AND SO THAT'S THE ACTION THAT WE'RE IN RIGHT NOW?

28 A. RIGHT THIS IS A CONTINUATION OF THIS.

1 Q. NOW GT TRIBE OF COURSE SPLIT INTO TWO PIECES RIGHT?

2 A. RIGHT.

3 Q. AND I'LL ASK YOU?

4 A. THAT'S CORRECT.

5 Q. TO LOOK UP HERE FOR A SECOND?

6 A. THAT'S CORRECT.

7 Q. AND THE CANDELARIA GROUP WAS ONE PIECE, DUNLAP GROUP
8 WAS ANOTHER?

9 A. YES ONE PIECE.

10 Q. THIS ACTION DIDN'T RECOGNIZE THAT IT WAS SPLIT IN
11 TWO?

12 A. YES, IT DID.

13 Q. AND HOW WAS THAT RECOGNIZED?

14 A. THEY STARTED A NEW FACTION, THEY HAD A NEW NAME, TWO
15 DIFFERENT GROUPS NOW?

16 A. SO THIS SETTLEMENT WAS FOR THE CANDIDATE FACTION?

17 A. YES.

18 Q. AND SO THAT'S NOT SO YOU WOULD HAVE TO BE HERE 10
19 YEARS LATER IS THAT THE CASE?

20 A. THAT'S CORRECT.

21 Q. AND CAN YOU READ THE SECOND WHEREAS CLAUSE?

22 A. WHEREAS THIS TRIBAL COUNCIL IS A DECISION-MAKING
23 BODY FOR THE PLAINTIFF IN THE ABOVE NAMED L.A. SC ACTION
24 WHICH IS GABRIELINO-TONGVA TRIBE, THE TRIBE AND ITS ATTORNEY
25 FOR THE LASC ACTION IS MR. JASON MEYERS OF LAW OFFICES OF
26 JASON MEYERS DESPITE CLAIMS OTHERWISE BY CARDENAS GONZALEZ PC
27 WHICH IS LATTER LAW FIRM HAS BEEN DISMISSED BY PRIOR ACTION
28 OF THIS TRIBAL COUNCIL.

1 Q. OKAY SOUNDS -- SOUNDS CLEAR, JASON MEYERS WAS WHO?

2 A. HE WAS OUR ATTORNEY.

3 Q. HE WAS THE ATTORNEY FOR THE CANDELARIA FACTION?

4 A. CANDIDATE FACTION CORRECT.

5 Q. AND CARDENAS GONZALEZ, THEY WERE THE ATTORNEYS FOR?

6 A. THE DUNLAP GROUP.

7 Q. DUNLAP FACTION?

8 A. DUNLAP FACTION.

9 Q. AND OF COURSE WE HAVE DIFFERENT ATTORNEYS THERE?

10 A. RIGHT.

11 Q. VERY GOOD. AND THIS SETTLEMENT SIMPLY MOVED YOU
12 HAVE OUT OF THIS ACTION?

13 A. CORRECT.

14 Q. AND TO ADVISE HAD YOU INDEPENDENTLY OF MR. STEIN OR
15 SMDC OR EVEN CENTURY, YOU HAD MR. JASON MEYERS?

16 A. THAT'S CORRECT HE WAS OUR ATTORNEY.

17 Q. AND CAN YOU READ THESE WHEREAS CLAUSES, THE FIRST
18 THREE?

19 A. ON THE NEXT PAGE?

20 Q. YES I'M SORRY, YES.

21 A. WHEREAS THIS VOTE IS MADE IN A TRIBAL COUNCIL
22 MEETING AT WHICH QUORUM IS PRESENT PURSUANT TO ARTICLE EIGHT,
23 SECTION 4 OF THE CONSTITUTION. WHEREAS THE TRIBAL COUNCIL
24 HAS HAD THE OPPORTUNITY TO REVIEW, DISCUSS AND CONSIDER THE
25 [SAO*EPLT] ATTACHED AS EXHIBIT A WITH MR. JASON MEYERS OF LAW
26 OFFICES OF JASON MEYERS AND OBTAINED HIS ADVICE. WHEREAS THE
27 COUNCIL UNANIMOUSLY FIND IT IS IN THE BEST INTERESTS OF THE
28 TRIBE TO ADOPT THE [SAO*EPLT] THAT IS ATTACHED HERETO AS

1 EXHIBIT A AND TO DISMISS THE LASC ACTION.

2 Q. DID YOU IN FACT SETTLE THE LASC [SABGS] MOVE-D
3 CANDIDATE FACTION OUT?

4 A. YES.

5 Q. AND DID MR. JASON MEYERS DO THAT AS YOUR ATTORNEY OF
6 RECORD?

7 A. YES, HE DID.

8 Q. AND DID THAT ALLOW THE DUNLAP FACTION TO CONTINUE
9 WITHOUT PREJUDICE-G THEIR RIGHTS?

10 A. THEY DID, THAT'S CORRECT.

11 Q. AND THE REFERENCE TO THE CONSTITUTION, THAT THE
12 REFERENCE TO THE CONSTITUTION THAT WAS VOTED ON BY THE
13 MEMBERS?

14 A. YES.

15 Q. SO THIS WAS ONLY DONE AFTER THAT VOTE OCCURRED?

16 A. THAT'S CORRECT.

17 Q. AND THAT CONSTITUTION THEY HAVE VOTED ON WAS THE
18 SAME CONSTITUTION PLUS OR MINUS A TYPO?

19 A. A COUPLE TYPO.

20 Q. AS THE ONE THE GT TRIBE HAD BEFORE IT SPLIT?

21 A. CORRECT, SAME CONSTITUTION.

22 Q. AND WHO IS BERNIE ACUNA?

23 A. ESSAY TRIBAL COUNCIL -- OWES ON TRIBAL COUNCIL AND
24 HE'S ALSO OUR CHAIR.

25 Q. AND LAURIE SALSE?

26 A. SHE WAS A TRIBAL COUNCIL MEMBER.

27 Q. IS SHE STILL ON THE TRIBAL COUNCIL?

28 A. NO.

1 Q. CAN YOU ESTIMATE THE NUMBER OF TRIBAL COUNCIL PEOPLE
2 YOU'VE HAD SINCE THE SPLIT?

3 A. I WOULD SAY -- PROBABLY WE'VE HAD I THINK SEVEN OR
4 EIGHT.

5 Q. OR MORE?

6 A. OR MORE YEAH.

7 Q. SO YOU CAN THINK OF SEVEN OR EIGHT BUT DO YOU THINK
8 THERE ARE MORE BESIDES THE SEVEN OR EIGHT?

9 A. THERE COULD BE, UH-HUH.

10 Q. AND THAT'S SINCE THE SPLIT?

11 A. THAT'S SINCE THE SPLIT.

12 Q. WERE ALL OF THESE ELECTED?

13 A. YES. OH NO. WE DID APPOINT SOME, I'M SORRY. WE
14 DIDN'T -- THEY WEREN'T ALL ELECTED, THEY WERE APPOINTED.

15 Q. WHY WOULD YOU APPOINT INSTEAD OF ELECT?

16 A. FIRST OF ALL ELECTIONS ARE VERY EXPENSIVE AND WE HAD
17 NO MONEY AND SECOND OF LAW -- SECOND OF ALL, A LOT OF OUR
18 MEMBERS, NOBODY WANTED TO RUN SO WE WENT TO SOMEBODY THAT
19 CAME FORWARD.

20 Q. WHY WOULDN'T THEY WANT TO RUN?

21 A. A LOT OF THEM WORK FULL TIME, DON'T HAVE THE TIME.
22 A LOT OF THEM DON'T WANT TO GET INVOLVED.

23 Q. THE TIME -- HOW MANY --.

24 THE COURT: WAIT A MINUTE, ARE YOU DONE.

25 A. THAT'S ALL RIGHT GO AHEAD.

26 MR. STEIN: OH MY APOLOGIES.

27 Q. THE TIME, HOW MANY PHONE CALLS DO YOU ESTIMATE THAT
28 YOU GET IN A WEEK FROM TRIBAL MEMBERS?

1 A. I WOULD SAY AT LEAST 30.

2 Q. 30 PHONE CALLS A WEEK. IS THAT PRETTY TYPICAL FOR
3 EVERY WEEK OF THE MONTH?

4 A. NOT EVERY WEEK BUT IT'S SOMETIMES IT'S MORE
5 SOMETIMES IT'S LESS DEPENDING ON WHAT'S GOING ON. I GET A
6 LOT OF MEMBER CALLS OF PEOPLE THAT ARE INTERESTED IN BECOMING
7 A MEMBER AND THEY WANT TO KNOW WELL HOW.

8 Q. AND THEN ARE THE TRIBAL COUNCIL MEETINGS ON TOP OF
9 THIS 100 PLUS PHONE CALLS A MONTH?

10 A. YES.

11 Q. AND HOW MUCH DO YOU GET PAID?

12 A. NOTHING.

13 Q. COULD THAT BE ONE REASON WHY NOBODY WANTS TO BE?

14 A. NOT EVERYBODY -- THAT'S ONE OF THE REASONS, ONE OF
15 MAIN REASONS.

16 Q. I'D LIKE TO DIRECT YOU TO EXHIBIT -- I BELIEVE IT'S
17 58 THREE BUT LET ME CHECK BEFORE YOU DO. 58 THREE?

18 A. OKAY.

19 Q. CAN YOU IDENTIFY EXHIBIT 58 THREE PLEASE?

20 A. THERE IS THE ESTOPPEL CERTIFICATE THAT STATES THAT
21 WE ARE WELL AWARE THAT WE OWE SMDC A LOT OF MONEY.

22 Q. HOW MUCH MONEY?

23 A. I THINK IT'S LIKE 1.6 AT THAT TIME MILLION DOLLARS,
24 SORRY.

25 Q. IF I CAN REFER YOU TO PAGE '68 TWO?

26 A. OKAY.

27 Q. LITTLE ROMAN I LITTLE ROAM AM TWO I, LITTLE ROMAN
28 THREE I COULD YOU READ THOSE?

1 A. MONTHLY AMOUNTS THROUGH OCTOBER 31ST, 2006 IN THE
2 AMOUNT OF 1,000,000 59 5,000 PLUS \$25,000 FOR NOVEMBER 2006.

3 MS. IBARRA: COUNSEL I'M SORRY MY EXHIBIT DOESN'T GO
4 AS FAR AS '68 TWO, IT JUST STOPS AT '67 ONE, SO ARE WE
5 TALKING ABOUT A DIFFERENT EXHIBIT.

6 THE COURT: 58 THREE, ARE YOU ON TAB 58 THREE.

7 MS. IBARRA: YEAH THIS IS 58 THREE SO I THINK I HAVE
8 MISSING PAGES MAYBE, JUST SO YOU'RE AWARE. I'LL FOLLOW HERE.

9 MR. STEIN: IS THAT -- OKAY. DO YOU WANT TO FOLLOW
10 ON THERE.

11 MS. IBARRA: YEAH I'LL FOLLOW HERE BUT JUST TO
12 YOU'RE AWARE.

13 MR. STEIN: AND WE'LL GET THEM DURING A BREAK. MY
14 APOLOGIES?

15 A. DO YOU WANT ME TO READ THE SECOND ONE.

16 MR. STEIN: THE SECOND ONE PLEASE?

17 A. YEAH. REIMBURSABLE [SP*EFPBS] [-Z] THROUGH AUGUST
18 2006 OF 23200047 \$2 40 CENTS PLUS REIMBURSABLE EXPENSES
19 INCURRED ON BEHALF OF THE TRIBE FROM SEPTEMBER 1 TO NOVEMBER
20 2, 2006 IN THE AMOUNT OF 34 3,000 EIGHT \$23 68 CENTS.

21 Q. THE EXTRA AMOUNT FROM SEPTEMBER 1ST UNTIL NOVEMBER
22 2ND, THAT WAS DURING THE DISPUTE WAS IT NOT?

23 A. THAT'S CORRECT.

24 Q. SO ARE YOU TELL ME THAT SMDC SPENT OUT OF ITS OWN
25 POCKET AN ADDITIONAL \$33,000 TO KEEP THE CASINO PROJECT GOING
26 DURING THE DISPUTE?

27 A. YES.

28 Q. AND THEN CAN YOU POINT TO NUMBER 3?

1 A. NUMBER 3. INTEREST THROUGH OCTOBER 31ST, 2006 ON
2 MONTHLY AMOUNTS OF 56 5,000 '87 \$5 AND ON REIMBURSABLE
3 [SP*ERPS] [-Z] IN THE AMOUNT OF 51,000 10 \$5 [#23S].

4 Q. SO THAT WOULD BE INTEREST FOR THE FIVE YEARS?

5 A. FIVE YEARS.

6 Q. FROM THE VERY BEGINNING OF AGREEMENT?

7 A. RIGHT.

8 Q. ON ALL THE AMOUNTS THAT WEREN'T PAID?

9 A. THAT'S INTEREST, RIGHT.

10 Q. BECAUSE MR. STEIN DID NOT GRAB THE INVESTOR MONEY?

11 A. MONEY, THAT'S RIGHT.

12 Q. AND THE ESTOPPEL CERTIFICATE, HAVE YOU PAID ANY
13 MONEY ON IT?

14 A. NO.

15 Q. DID YOU PAY ME MONEY AT THE BEGINNING?

16 A. NO.

17 Q. DID YOU TELL PAY ANY MONEY HALFWAY FROM THE
18 BEGINNING UNTIL NOW?

19 A. NO.

20 Q. HAVE YOU PAID ANY MONEY RECENTLY?

21 A. NO.

22 Q. BUT YOU DID ACKNOWLEDGE THE DEBT?

23 A. THAT'S CORRECT.

24 Q. IN VARIOUS FORMS LESS FORMAL THAN THIS THIS, DID YOU
25 ALSO ACKKNOWLEDGE THE DEBT TO THE OTHER VENDORS OF THE CASINO
26 PROJECT?

27 A. YES.

28 Q. NOW, DO WE HAVE THE NUMBER FOR THE VENDOR INVOICES.

1 MR. FORDYCE: I'LL HAVE TO GET IT.

2 MR. STEIN: AND WHILE YOU DO THAT WE'LL ADD
3 SOMETHING HERE.

4 MR. FORDYCE: THE VENDOR INVOICES IS 558?

5 A. 558.

6 THE COURT: COUNSEL I HAVE A QUESTION, IS THIS
7 EXHIBIT LIST, IS THAT WHAT HAS BEEN PULLED UP, WHEN YOU'RE
8 PULLING UP.

9 THE COURT: LET'S HAVE A SIDEBAR FOR A MINUTE WITH
10 THE COURT REPORTER * * SIDEBAR * *.

11 THE COURT: I JUST WANT TO MAKE SURE THAT THESE
12 THINGS THAT ARE TABBED A.

13 MR. STEIN: NO THAT'S NOT ON IT.

14 THE COURT: AND B .

15 MR. STEIN: NO.

16 THE COURT: ARE NOT UP THERE BECAUSE --.

17 MR. STEIN: WHAT YOU HAVE --.

18 THE COURT: [HOEPLD] ON. BECAUSE I HAVE SOMETHING
19 HERE THAT SAYS E POLANCO DIRTY TRICKS CASE [KPH] CHIEF SO.

20 MR. STEIN: RIGHT.

21 THE COURT: I'M ASSUMING THESE THINGS ARE NOT BEING
22 DISPLAYED.

23 MR. STEIN: NO.

24 MR. FORDYCE: CORRECT YOUR HONOR.

25 MR. STEIN: WHAT ARE BEING DISPLAYED ARE A DIRECTORY
26 WITH THE PDFS AND EVERY PDF IS ENTITLED E X AND THE NUMBER SO
27 THEY FALL IN LINE AND THAT'S WHY I'VE BEEN ABLE TO LOCATE
28 THEM CONNECT QUICKLY OTHER THAN THE MISTAKE I THINK I GAVE

1 NIALL THE WRONG NUMBER.

2 THE COURT: THAT'S WHY I SAID THAT I WANTED TO MAKE
3 SURE I DIDN'T WANT TO MENTION IN FRONT OF THE JURY.

4 MR. STEIN: THANK YOU FOR POINTING THAT OUT.

5 THE COURT: OKAY THANK YOU.

6 MR. FORDYCE: THANKS YOUR HONOR * * END SIDEBAR * *.

7 MR. STEIN: SO I MAY I TURN YOU TOWARDS EXHIBIT 5

8 58?

9 A. 558.

10 Q. WAS THE ANALYSIS GROUP ONE OF THE [SR-PBDZ] FOR THE
11 CASINO PROJECT?

12 A. YES THEY WERE.

13 Q. AND.

14 Q. DID YOU ACKNOWLEDGE THE \$32,500 OWED TO THEM?

15 A. YES.

16 Q. HAVE YOU BEEN ABLE TO PAY IT?

17 A. NO.

18 Q. A- [PRA*EUFRPB] [PRAEUPB] COMPANY WERE THEY ONE OF
19 THE VENDORS FOR THE CASINO PROJECT?

20 A. YES THEY WERE.

21 Q. AND DID YOU ACKNOWLEDGE THE 5,000 \$16 OWED TO THEM.

22 Q. OH I'M SORRY, THERE'S ANOTHER INVOICE FOR 5,000.

23 THE COURT: THIS WHOLE GROUP INVOICES.

24 MR. STEIN: YES.

25 THE COURT: CAN WE INTRODUCE THEM AS A GROUP AND
26 THEN.

27 MR. STEIN: YEAH THEY'RE ALL IN ONE EXHIBIT 5 58. .

28 Q. AND FIELD RESEARCH CORPORATION WERE THEY A VENDOR?

1 A. YES THEY WERE.

2 THE COURT: ARE YOU ASKING HER TO GO THROUGH EACH
3 ONE OF THESE.

4 MR. STEIN: YES.

5 THE COURT: MAYBE YOU CAN JUST ASK HER IF THEY'RE
6 ALL INVOICES AND IF THEY WERE PAID AND SHE HAS A TOTAL MAYBE
7 DO IT THAT WAY.

8 MR. STEIN: OKAY VERY GOOD WE'LL MOVE IT ALONG.

9 Q. AND THAT'S THE FAMOUS FIELD [POLL|POLE] PEOPLE ISN'T
10 IT?

11 A. RIGHT THEY DID THE POLES FOR [KAPBLG].

12 Q. [SKPET] ARCHITECT.

13 THE COURT: LIKE I SAID AS A GROUP.

14 MR. STEIN: THEY HAVE DID THE STAPLES ISN'T-ER.

15 THE COURT: COULD YOU PLEASE AT SIDEBAR.

16 MR. STEIN: VERY GOOD * * SIDEBAR * *.

17 THE COURT: YOU NEED TO LISTEN.

18 MR. STEIN: YES YOU'RE EXACTLY RIGHT, EXACTLY
19 RIGHT.

20 THE CLERK: HOLD ON.

21 THE COURT: RIGHT. SO WHEN I HAVE SAFE INTRODUCE
22 THEM AS A GROUP, ARE THESE VENDORS, IS ALL OF THE BILLS
23 CONTAINED IN EXHIBIT 5 58, YES, WHAT'S THE TOTAL IF YOU HAVE
24 A TOTAL.

25 MR. STEIN: EXACTLY.

26 THE COURT: AND THAT WAY THEY GO INTO AS A GROUP
27 BECAUSE HUH ABOUT 10 BINDERS WORTH OF STUFF AND SO WE'RE NOT
28 GOING TO BE ABLE TO GO TO EVERY SINGLE DOCUMENT WE'RE GOING

1 TO HAVE TO DO SOME OF THEM AS A GROUP BUT I WAS SUGGEST [*G]
2 KIND OF GENTLY BUT YOU WEREN'T FOLLOWING.

3 MR. STEIN: TWO AND TWO AND I'M SLOW, THAT WAS MY
4 FAULT AND I DIDN'T JUMP LIKE I SHOULD HAVE JUMP.

5 THE COURT: IT'S HARD TO DO AND LISTEN AT THE SAME
6 TIME.

7 MR. STEIN: I WAS GETTING INTO IT I THOUGHT IT WOULD
8 BE A LITTLE BIT SMOOTHER BUT A- PERITONEUM LIE I WAS NOT VERY
9 SMOOTH BECAUSE I HERE I AM.

10 THE COURT: OKAY LET'S GO THAT'S WAY WE CAN MOVE IT
11 ALONG * * END SIDEBAR * *.

12 Q. BY MR. STEIN: EACH OF THE INVOICES WERE
13 ACKNOWLEDGES?

14 A. ALL OF THESE INVOICES WERE ACKNOWLEDGED AND WE
15 AGREED TO A ONCE WE HAD FUNDS.

16 Q. AND THE REST OF EXHIBIT 5 58 IS THE EXHIBIT OF OTHER
17 VENDORS?

18 A. YES.

19 Q. VERY GOOD. SO RETURNING TO THE 58 THREE EXHIBIT AND
20 THE AMOUNTS DUE. CAN WE TURN TO EXHIBIT 58 FOUR AND MY
21 APOLOGY I LEFT THIS OUT BEFORE SO SORRY FOR THE EXTRA
22 TROUBLE. SO VOLUME II, RIGHT THERE. GETTING YOUR WEIGHT
23 LIFTING IN TODAY?

24 A. I KNOW I'M GETTING MY EXERCISE.

25 Q. MAY I REACH ACROSS YOU?

26 A. YES. 58 FOUR?

27 Q. YES.

28 A. OKAY.

1 Q. CAN YOU IDENTIFY THIS DOCUMENT?

2 A. THIS WAS A DOCUMENT FOR -- HE WAS OUR TREASURER,
3 STEVE JOHNSON AND THIS WAS HIS AGREEMENT.

4 Q. SO STEVE JOHNSON WAS THE CONTROLLER FOR THE TRIBE?

5 A. YEAH HE WAS THE CONTROLLER, TREASURER.

6 Q. AND HE CALCULATED WHAT HERE?

7 A. HE CALCULATED HIS FEES -- THESE ARE HIS FEES AND
8 ALSO INTERESTS AND REIMBURSABLE AMOUNTS, BILLS THAT WERE --

9 Q. SO THE SETTLEMENT --?

10 A. EXPENSES.

11 Q. AMOUNT WAS SEPARATELY CALCULATED BY THE CONTROLLER
12 STEVE JOHNSON?

13 A. THAT'S CORRECT, OH HE WAS THE ONE THAT SIGNED THE
14 ESTOPPEL AGREEMENT, I'M SORRY.

15 Q. UH-HUH.

16 Q. AND WAS JASON MEYERS COUNSEL, AS WELL?

17 A. YES.

18 Q. SO WOULD YOU SAY EVERY EFFORT WAS MADE TO BE
19 ACCURATE AND FAIR IN CALCULATING THE TOTALS DUE TO SMDC AS OF
20 THE DATE OF THE ESTOPPEL CERTIFICATE?

21 A. YES.

22 Q. AND ACCORDING TO STEVE JOHNSON ON MARCH 18TH, THE
23 AMOUNTS TOTAL 1,000,000 700,000 897?

24 A. THAT'S CORRECT.

25 Q. BASED ON YOUR OBSERVATIONS, EXPERIENCE AT THE TIME,
26 IS THAT THE CORRECT AMOUNT OWED ON THE SMDC AGREEMENT AS OF
27 THE DATE THOSE CALCULATIONS WERE MADE?

28 A. YES.

1 Q. AND THAT'S BEFORE -- AND TODAY THOSE AMOUNTS WOULD
2 HAVE ACCRUED INTEREST?

3 A. INTEREST, THAT'S CORRECT.

4 Q. NOW, AFTER THE SPLIT WITH THE DUNLAP FACTION WHEN
5 230 PEOPLE LEFT AND THERE WERE ABOUT 1400 PLUS MEMBERS
6 REMAINING?

7 A. REMAINING.

8 Q. WAS THERE ANOTHER SPLIT?

9 A. YES, THERE WAS.

10 Q. WHEN?

11 A. A GROUP DECIDE -- WAS UNHAPPY WITH OUR NAME AND
12 WANTED TO CHANGE IT TO FAB [HREPB] OH INSTEAD OF [TPAEUB]
13 LIEN OH AND A GROUP OF THEM LEFT AND CREATED I DON'T REALLY
14 THEIR LEGAL NAME BUT WE CALL THEM THE SAL HE IS GROUP.

15 Q. THE SAL HE IS GROUP AND WHEN DID THAT OCCUR?

16 A. I CAN'T REMEMBER THE EXACT DATES BUT IT WAS SEVERAL
17 YEARS AGO NOW.

18 Q. SO AROUND 2010, 2011?

19 A. THAT COULD BE RIGHT, YEAH. YES.

20 Q. AND WHEN THE SALAS GROUP LEFT, ABOUT HOW MANY
21 MEMBERS LEFT WITH THEM?

22 A. PROBABLY ABOUT 50.

23 Q. IS THAT THE RIGHT SPELLING BY THE WAY FOR SALAS
24 GROUP?

25 A. YES S A L A S.

26 Q. WHEN THEY SPLIT DID THEY CLAIM THEY WERE GT TRIBE?

27 A. NO.

28 Q. EXAM WHY DID THEY SPLIT?

1 A. IT WAS DISPUTE OVER OUR NAME.

2 Q. AND HOW ABOUT [TK*] THEY WANT TO SPELL IT?

3 A. G A B R I . E . L E N O .

4 Q. E N O AND THEY FELT STRONGLY ENOUGH ABOUT THE E
5 INSTEAD OF AN I THAT THEY FORMED THEIR OWN GROUP?

6 A. THAT'S CORRECT, ANOTHER FACTION.

7 Q. DID THEY LEAVE PEACEFULLY?

8 A. I WOULD SAY SO.

9 Q. I GUESS EXCEPT FOR BERNIE ACUNA HUH?

10 A. EXCEPT FOR BERNIE, THAT'S RIGHT.

11 Q. AND WHO IS BERNIE ACUNA?

12 A. BERNIE ACUNA IS OUR CHAIR, THEY MET WITH HIM.

13 Q. AND WHAT DID THEY DO?

14 A. THEY BEAT HIM UP.

15 Q. THEY BEAT HIM UP. HOW MANY OF THESE?

16 A. THERE WAS PROBABLY -- I WASN'T THERE BUT APPARENTLY
17 THERE WAS PROBABLY ABOUT 10, 10 OF THEM THERE.

18 Q. BUT YOU SAW BERNIE AFTERWARDS?

19 A. YES I DID.

20 Q. AND WHERE WAS HE?

21 A. THAT WAS IN SAN GABRIEL.

22 Q. IN THE HOSPITAL?

23 A. HE WAS IN THE HOSPITAL, YES.

24 Q. AND WHEN DID OCCURRED, LET ME ASK YOU, WHEN THIS
25 OCCURRED, WHEN THESE 8 OR 10 PEOPLE BEAT UP BERNIE ACUNA, HOW
26 OLD WAS HE?

27 A. 60 -- PROBABLY '62, 63 YEARS OLD.

28 Q. THANK YOU. I'D LIKE TO START TALKING ABOUT ABOUT

1 THE SPRING 2007 ELECTION AND TO DO SO I'D LIKE TO REFER TO
2 THE TALLEY ELECTION CERTIFICATE. THE NUMBER.

3 MR. FORDYCE: FIVE 14?

4 A. YES.

5 Q. BY MR. STEIN: CAN YOU IDENTIFY EXHIBIT 5 14
6 PLEASE?

7 A. THIS WAS THE TALLEY REPORT OR CERTIFICATION FROM OUR
8 ELECTIONS.

9 Q. AND WHO WAS TALLEY?

10 A. TALLEY WAS AN ACCOUNTING FIRM.

11 Q. ABOUT HOW MANY PEOPLE IN THE FIRM, DO YOU KNOW?

12 A. NO, I DON'T.

13 Q. AND THEY'RE FROM ORANGE COUNTY?

14 A. YES, THEY ARE.

15 Q. AND THE CERTIFICATION, CAN YOU READ THE FIRST
16 PARAGRAPH?

17 A. I AM A CERTIFIED -- I AM A CERTIFIED PUBLIC
18 ACCOUNTANT IN GOOD STANDING IN CALIFORNIA AND A PRINCIPAL OF
19 TALLEY AND COMPANY. I SUPERVISED ELECTION WORK FOR THE
20 GABRIELINO-TONGVA TRIBE, A CALIFORNIA INDIAN TRIBE
21 HISTORICALLY KNOWN AS THE SAN GABRIEL [BANNED | BAND] OF
22 MISSION INDIANS, THE TRIBE. TALLEY CONDUCTED THE VOTE COUNT
23 AND CERTIFICATION FOR THE TRIBES SPRING 2007 ELECTION, THE
24 ELECTION AND THE FIVE OFFICES.

25 Q. AND TO YOUR KNOWLEDGE WAS THAT IN FACT WHAT TALLEY
26 DID?

27 A. YES.

28 Q. CAN YOU READ PARAGRAPHS THREE?

1 A. TALLEY USED THE TRIBES SPRING 2007 LIST OF
2 REGISTERED VOTERS TO DETERMINE THE VALIDITY OF BALANCE [OTS]
3 CAST. ONLY CLASS B ADULT MEMBERS OF THE TRIBE AND CLASS C
4 ADULT MEMBERS OF THE TRIBE WERE ENTITLED TO VOTE AND ONLY
5 THEIR VOTES WERE COUNTED IN OFFICIAL RESULTS. THEREFORE,
6 MEMBERS OF OTHER POLITICAL GROUPS DIFFERENT FROM THE TRIBE
7 WERE NOT INCLUDED.

8 Q. AND OTHER GROUPS --.

9 MS. IBARRA: I'M SORRY CAN I INTERRUPT TO MAKE AN
10 OBJECTION.

11 MR. STEIN: PLEASE.

12 MS. IBARRA: IF THIS IS FROM THE L.A. TIMES I'M
13 GOING TO OBJECT THAT IT'S HEARSAY.

14 MR. STEIN: THIS IS NOT THIS IS THE CERTIFICATION
15 FOR PUBLICATION.

16 MS. IBARRA: AND THIS IS PUBLISHED.

17 MS. IBARRA: AND YOU'RE NOT INTRODUCE-G.

18 THE CLERK: EXCUSE ME COUNSEL ADDRESS THE COURT.

19 THE COURT: THIS IS WHAT I HAVE WANT, EITHER HUH
20 OBJECTION, OBJECTION HEARSAY, OBJECTION RELEVANCE H OBJECT
21 DID YOU SEE, JUST STATE THE GROUNDS BECAUSE YOU HAVE SPEAKING
22 OBJECTIONS IT'S NOT APPROPRIATE.

23 MS. IBARRA: UNDERSTOOD.

24 THE COURT: I'M GOING TO OVERRULE BECAUSE IT DOESN'T
25 APPEAR TO BE AN L.A. TIMES ARTICLE SO I'M GOING TO OVERRULE
26 IT.

27 MR. STEIN: VERY GOOD.

28 Q. AND THE SPRING 2007 LIST OF REGISTERED VOTERS,

1 [PWAH*FS] THAT?

2 A. THAT WAS ALL OUR CLASS B ADULT MEMBERS AND CLASS C
3 ADULT MEMBERS.

4 Q. DID CLUB ASSISTANT HELP IN THAT EFFORT?

5 A. YES.

6 Q. AND AGAIN WHAT IS CLUB ASSISTANT?

7 A. CLUB ASSISTANT IS OUR MEMBERSHIP PROGRAM WE USE ON
8 THE INTERNET.

9 Q. AND WOULD IT HAVE INFORMATION TO [TKHREUF] EN
10 [KWRAEUT] SOMEONE URGED THE AIM OF 18 AS OPPOSED TO SOMEONE
11 OVER THE AGE OF 18?

12 A. YES YOU CAN SORT.

13 Q. AND I NOTICED CLASS B MEMBERS OF THE TRIBE WHAT ARE
14 THEY?

15 A. CLASS B MEMBERS ARE CONSIDERED CLASS B [THAEFDZ]
16 THAT HE [PWHRAO*BG] CERTIFICATE OR THEY CAN PROVE THEIR
17 HERITAGE THAT THEY ARE GABRIELINOS.

18 Q. WOULD YOUR SISTER IF SHE DIDN'T HAVE A [PWHRAO*BG]
19 OF CERTIFICATE BE ABLE TO USE [KWRURDZ]?

20 A. AS LONG AS HER BERTH CERTIFICATE WAS SUPPLIED AND
21 SHE SHOWED SHE WAS RELATED, YES.

22 Q. AND WAS THAT AN EFFORT TO BE FAIR INFORM EVERYBODY?

23 A. YES.

24 Q. CLASS [KR-PLT] MEMBERS WHAT ARE CLASS C?

25 A. CLASS C IS MEMBERS THAT CLAIM TO BE GAVE BUT HAVEN'T
26 PROVED THEIR HERITAGE.

27 Q. WOULD SOMEONE BE ABLE TO COME OUT OF THE BLUE AND
28 SAY I KIND OF LOOK GABRIELINO AND I'D KIND OF LIKE TO HAVE A

1 CASINO, CAN I BE A CLASS C MEMBERS?

2 A. NO.

3 Q. BUT PERHAPS HAD SOME OF THE CLASS C MEMBERS, THAT'S
4 EXACTLY THE STORY?

5 A. THAT'S EXACTLY THE STORY OF SOME OF THEM I WOULD
6 SAY.

7 Q. NONETHELESS, DID THEY HAVE A CHANCE TO VOTE?

8 A. IF THEY WERE ADULTS, YES.

9 Q. AND AND WAS THAT ARE ANOTHER EVERY TIME EFFORT TO
10 TRY TO BE FAIR TO EVERYONE?

11 A. EVERYONE.

12 Q. EVEN IF THEIR PAPERWORK WASN'T PERFECT?

13 A. THAT'S CORRECT.

14 Q. AND HERE IT SAYS RATIFICATION OF THE CONSTITUTION?

15 A. UH-HUH.

16 Q. WAS THE CONSTITUTION RATIFIED?

17 A. YES, IT WAS.

18 Q. AT THE SAME TIME?

19 A. YES IT WAS.

20 Q. OFFICE NUMBER ONE, LINDA CANDELARIA WOULD THAT BE
21 YOU?

22 A. THAT'S ME.

23 Q. VERY GOOD. AND THEN NOW THE NUMBER FOR THE
24 CONSTITUTION.

25 MR. FORDYCE: IS 54 ONE.

26 THE COURT: I MISSED THAT IS THAT 54 ONE.

27 MR. FORDYCE: YOUR HONOR THAT'S 54 ONE.

28 THE COURT: THANK YOU.

1 MR. STEIN: MAY I ASK YOU TO TURN TO EXHIBIT 5 41.
2 CUFF IDENTIFY EXHIBIT 54 ONE?

3 A. THIS WAS A RESOLUTION THAT WE ADOPTED THAT WAS DONE
4 TO RATIFY AND REINSTATE THE CONSTITUTION.

5 Q. CAN YOU READ THE FIRST WHEREAS CLAUSE?

6 A. WHEREAS THE TRIBAL COUNCIL FIND THAT IT IS IN THE
7 BEST INTERESTS OF THE TRIBE THAT THE CONSTITUTION BE ADOPTED
8 TO BE THE GOVERNING DOCUMENT AS DEFINED IN CALIFORNIA
9 CORPORATIONS CODE 180 ZERO EIGHT.

10 Q. WITHOUT ASKING YOU TO MAKE A LEGAL JUDGMENT IS IT
11 YOUR UNDERSTANDING THE CORPORATIONS CODE COVERS
12 UNINCORPORATED ASSOCIATIONS?

13 A. YES.

14 Q. AND WAS IT YOUR UNDERSTANDING THAT YOUR VOLUNTARY
15 ORGANIZATION WAS AN UNINCORPORATED ORGANIZATION?

16 A. THAT'S CORRECT.

17 Q. AND WHEN YOU IT SAY THE AMENDED AND RESTATED
18 CONSTITUTION, IS THIS ESSENTIALLY THE SAME CONSTITUTION THE
19 GT TRIBE HE BEFORE THE SPLIT?

20 A. THIS WAS THE SAME -- THIS WAS THE SAME CONSTITUTION
21 I THINK WE MADE A COUPLE, THERE WERE A COUPLE TYPOS WE
22 CORRECTED BUT THAT WAS IT.

23 Q. IF I CAN ASK YOU TO TURN PAGES THROUGH TO PAGE 39.
24 WERE THESE THE VARIOUS PROVISIONS OF THE CONSTITUTION?

25 A. YES.

26 Q. AND WERE THESE DONE IN ORDER TO PROVIDE A GOVERNING
27 DOCUMENT FOR THE CANDELARIA FACTION?

28 A. YES.

1 Q. AND THE CANDELARIA FACTION GOVERNING DOCUMENT WAS
2 THE SAME AS THE GT TRIBE DOCUMENT?

3 A. YES.

4 Q. CAN YOU READ ARTICLE ONE NAME?

5 A. SECTION 1, ARTICLE ONE NAME SECTION 1, THE NAME OF
6 THIS TRIBE OF INDIANS SHALL BE THE GABRIELINO-TONGVA TRIBE,
7 IT IS A CALIFORNIA INDIAN TRIBE HISTORICALLY KNOWN AS SAN
8 GABRIEL BAND OF MISSION INDIANS. SECTION 2. THE NAME OF ANY
9 FUTURE RESERVATION OF THE GABRIELINO-TONGVA TRIBE SHALL BE
10 THE GABRIELINO-TONGVA INDIAN RESERVATION.

11 Q. AND WAS THAT THE OFFICIAL NAME OF YOUR GROUP?

12 A. YES.

13 Q. AND WITHIN THIS GROUP THAT'S WHERE CLASS B, A, AND C
14 ARE SET FORTH?

15 A. RIGHT, THAT'S CORRECT.

16 Q. AND IS THE TRIBAL COUNCIL DESCRIBED, WHAT IT DOES IN
17 THERE?

18 A. YES.

19 Q. DID AT ANY TIME THIS THE -- OR ANY PROVISION OF THE
20 CONSTITUTION -- LET ME ASK THOSE SEPARATELY, FORGIVE ME. AT
21 ANY TIME HAS THE CANDELARIA FACTION OBTAINED THE POWER TO
22 PASS LAWS OR TO ACT AS A SOVEREIGN?

23 A. NO.

24 Q. AT ANY TIME DID IT CLAIM TO HAVE A JUDICIARY OR
25 POWER TO RESOLVE DISPUTES IN A BINDER MATTER?

26 A. NO.

27 Q. AND THIS IS THE SAME AS GT TRIBE FROM BEFORE THE
28 SPLIT?

1 A. YES.

2 Q. IS THERE ANYWHERE, PROVISION IN THE CONSTITUTION
3 PROVIDING THAT YOU ARE -- THAT THE CANDELARIA GROUP IS A
4 SOVEREIGN?

5 A. NO.

6 Q. THERE ANY PROVISION IN THE CONSTITUTION PROVIDE THAT
7 LONG THE CANDELARIA GROUP HAS A JUDICIARY, ABLE TO RESOLVE
8 DISPUTES?

9 A. NO.

10 Q. IS THERE ANY PROVISION IN THE CONSTITUTION CLAIMING
11 THAT YOU CAN HAVE A GOVERNMENT TO GOVERNMENT RELATIONSHIP?

12 A. NO.

13 Q. SO IF YOU DID ENTER INTO AN AGREEMENT WITH
14 CALIFORNIA FOR A CASINO, THEY WOULD SORT OF BE IN THE DRIVING
15 SEAT WOULDN'T THEY?

16 A. YES.

17 Q. THEY WOULD BE THE GOVERNMENT AND YOU WOULD NOT?

18 A. THAT'S CORRECT.

19 Q. UNLESS THEY ACTED TO RECOGNIZE YOU AS A GOVERNMENT?

20 A. GIVE US FEDERAL RECOGNITION, CORRECT.

21 Q. OR STATE RECOGNITION?

22 A. THAT'S RIGHT.

23 Q. NIALL, 2007 MEMBERSHIP AGREEMENT.

24 MR. FORDYCE: 517. YOUR HONOR IT'S 517.

25 THE COURT: THANK YOU.

26 Q. BY MR. STEIN: FIRST THERE ARE TWO -- CAN YOU
27 IDENTIFY EXHIBIT 5 17?

28 A. THIS IS A TABLE OF CLASS B AND CLASS C MEMBERS OF

1 ALL -- OF ALL THE OTHER FAXES, IT SHOWS THEIR MEMBERSHIP
2 TOTALS.

3 Q. CAN WE TURN TOWARDS THE PICTURE FIRST, IT'S NOT VERY
4 GOOD, AS A COPY?

5 A. IT'S BAD.

6 Q. AND GABRIELINO-TONGVA TRIBE A CALIFORNIA [*EUT]
7 HISTORICALLY KNOWN AS SAN GABRIEL BAN OF MISSION INDIANS?

8 A. RIGHT.

9 Q. WOULD THAT BE THE CANDELARIA FACTION?

10 A. YES.

11 Q. AND LISTED IN THE FIRST FROM LEFT TO RIGHT, THE
12 FIRST IS JONATHAN STEIN CEO?

13 A. RIGHT IT LOOKS LIKE THERE'S BERNIE IN THE BACK
14 THERE, AND BARBARA.

15 Q. [TKPWAR] SEE [AFRPBLGTS] GARCIA, SORRY. IT LOOKS
16 LIKE LAURIE SALSE, SUSAN RECOGNIZE RIG [EZ], MYSELF, AND
17 [PHAR] GONE AND STEVE JOHN.

18 Q. AND STEVE JOHN IS THE CONTROLLER?

19 A. THE CONTROLLER YEAH.

20 Q. THE TALL GENTLEMAN ON THE RIGHT?

21 A. YEAH.

22 Q. AND HERE IS A LIST AND IT'S UPDATED ON FEBRUARY 1,
23 2007.

24 MR. STEIN: YOUR HONOR.

25 THE COURT: WE'LL CHECK, I'M NOT SURE. WE MAY HAVE
26 A BOARD IN THE BACK.

27 Q. HOW IS THE TIME DOING.

28 THE COURT: DO YOU WANT TO USE THE CHALKBOARD IN THE

1 BACK [EURBGTS] ACTUALLY I WAS HOPING FOR A BUTCHER BLOCK IF
2 IT WERE AVAILABLE.

3 THE COURT: I DON'T KNOW.

4 MR. STEIN: SO THIS IS FEBRUARY 1, 2007?

5 A. AND '07.

6 Q. AND IT LISTS A TOTAL OR DOES IT LIST PIECES FOR THE
7 GABRIELINO-TONGVA TRIBE?

8 A. THIS IS FIVE GROUPS AND IT LISTS THEIR MEMBERSHIP,
9 MEMBERS, YEAH. THE NUMBER OF MEMBERS.

10 Q. SO WOULD YOU ADD THE 37 TWO AND THE 11 38?

11 A. YES.

12 Q. AND ONE IS CLASS B AND ONE IS CLASS C?

13 A. RIGHT.

14 Q. SO YOU'RE CONFIRM THAT THAT'S THE RIGHT WAY TO READ
15 THE GRAPH?

16 A. THAT'S CORRECT. AND THE CLASS B AGAIN IS DOCUMENTED
17 AND CLASS C IS NO DOCUMENTS.

18 Q. SO IT TAKE UP CAME UP TO 1500 AND -- SOMEBODY THAT'S
19 BETTER AT MATH THAN ME. SO THAT WOULD BE -- CAN WE CALL IT
20 CANDELARIA FACTION INSTEAD OF GT TRIBE?

21 A. YES.

22 [MIDDLE]: (INDICATING.).

23 MR. STEIN: THANK YOU SO MUCH.

24 Q. BY MR. STEIN: WHO IS LISTED NEXT?

25 A. CARMELO AND DUNLAP GROUP.

26 Q. AND WOULD THAT BE THE DUNLAP FACTION [WAOUF] BEEN
27 TALKING ABOUT THIS MORNING?

28 A. YES.

1 Q. AND HOW MUCH WOULD THEY ADD UP TO?

2 A. ABOUT 300 -- ABOUT 300 APPROXIMATELY.

3 Q. AND THE NEXT GROUP SAYS ANTHONY MORALES?

4 A. RIGHT.

5 Q. COULD YOU IDENTIFY WHO THEY WOULD BE?

6 A. THAT'S THE MORALES GROUP OUT OF SAN GABRIEL AND THEY
7 HAVE APPROXIMATELY 20.

8 Q. AND YOU SAID THAT EARLY ON BEFORE YOU JOINED YOU
9 WERE A MEMBER OF THE GROUP, WHAT GROUP WAS THAT?

10 A. THAT WAS THE [PHOERGS].

11 Q. AND WOULD BE THE APPROXIMATE -- WOULD THAT BE THE
12 SAME GROUP?

13 A. YES.

14 Q. AND THEY WERE THE PEOPLE WHO DID NOT WANT THE
15 CASINO?

16 A. THAT IS CORRECT.

17 Q. EXAM WHO IS THE BEAUMONT GROUP?

18 A. THEY'RE A VERY SMALL GROUP, I DON'T KNOW TOO MUCH
19 ABOUT THEM BUT I HAVEN'T HEARD ANYTHING ABOUT THEM, THEY'RE
20 NO QUIET IF THERE IS STILL A GROUP.

21 Q. AND BEAUMONT BEING THE TOWN IN RIVERSIDE COUNTY?

22 A. YES.

23 Q. AND THEN IT SAYS COASTAL GABRIELINOS AND DID I AGAIN
24 OWES, WHO WOULD THEY BE?

25 A. THEY WERE THE GROUP HELPED-D BY THE [SR*EL] FAMILY
26 AND I GUESS MR. [SR*EL] IS NOW DISEASES BUT I DON'T KNOW --
27 IT'S UNKNOWN AT THIS TIME WHERE THEY ARE OR IF THEY HAVE ANY
28 MEMBERS OR IF THEY [TKPEUFT] AND I BELIEVE SOME OF THE

1 [SR*EL] HAVE COME TO OUR GROUP, [SR*EL], I'M SORRY.

2 Q. SO DID THE GT TRIBE ORIGINALLY COME OUT OF THE
3 COASTAL GABRIELINOS AND LATER THE [PHOERGS] GROUP?

4 A. YES.

5 Q. AND DID THAT PRETTY MUCH TAKE THEIR MEMBERSHIP AWAY?

6 A. I THINK SO, YES.

7 Q. AND IS IT YOUR UNDERSTANDING THAT ONE OF THE REASONS
8 THAT THE MEMBERS [TPHROBGD] TO A GT TRIBE WAS THAT THE
9 MEMBERS INDIVIDUALLY WANTED A CASINO AND THEIR LEADER SAID
10 NO?

11 A. THAT'S CORRECT.

12 Q. AND SO THEIR GROUP SHRIVELED UP AND THE GT TRIBE
13 [PROS] [SPERD]?

14 A. THAT'S CORRECT.

15 Q. AND THESE ARE ALL VOLUNTARY ORGANIZATIONS?

16 A. YES.

17 Q. IS ANY ONE RECOGNIZED ABOVE ANY OTHER ONE.

18 Q. NOW [H*] IN THE CASINO PROJECT THAT YOU HAVE RUN
19 WEDNESDAY THE CANDELARIA GROUP HAS BEEN ESTABLISHED, WHAT IS
20 YOUR VIEW ON WHAT THE CASINO SHOULD DO WITH [H-Z] PROFITS?

21 A. HELP ALL GABRIELINOS, IT WOULD BE OPEN TO ALL
22 GABRIELINOS NO MATTER WHAT FACTION THEY'RE IN.

23 Q. WOULD IT MATTER IF THEY'VE BEEN A LONG LOYAL MEMBER
24 OF GT TRIBE AND CANDELARIA FACTION?

25 A. NO.

26 Q. WOULD IT MATTER IF THEY WERE IF THEY WERE A FIRE
27 BREATH [*G] DUNLAP FACTION GUY THAT SAYS WHATEVER HE SAYS
28 ABOUT THE CANDELARIA GROUP?

1 A. IT DOESN'T MATTER, THEY'RE ALL WELCOME.

2 Q. ASK WHY IS THAT?

3 A. WE WANT -- WE WANT TO [UFP] TO ALL GABRIELINOS.

4 Q. WOULD THAT MEAN THAT THERE WOULD BE LESS PROFITS PER
5 MEMBER GIVEN WHATEVER SIZE AN INDIAN CASINO MIGHT BE?

6 A. IN L.A. COUNTY, I DOUBT IT'S GOING TO BE LESS
7 PROFITS.

8 Q. BUT WHATEVER THE PROFITS ARE IN L.A. COUNTY, IF YOU
9 OPEN IT UP TO EVERYBODY, WOULD THERE BE LESS PROFITS PER
10 MEMBER THAT WAY?

11 A. YES.

12 Q. AND DOES THE REST OF THE TRIBAL COUNCIL OF THE
13 CANDELARIA FACTION FEEL THAT WAY?

14 A. YES, THEY DO, THEY WILL OPEN IT UP TO EVERYONE.

15 Q. AND HAVE ALL THE PEOPLE THAT HAVE EVER BEEN ON THE
16 TRIBAL COUNCIL OF THE CANDELARIA FACTION SINCE THE SPLIT
17 ALWAYS FELT THAT WAY?

18 A. YES.

19 Q. TO YOUR KNOWLEDGE, DID YOU SEE ANYBODY THAT IS IN A
20 LEADERSHIP ROLLED IN A DUNLAP FACTION FEEL THAT WAY.

21 MS. IBARRA: I'M GOING TO OBJECT LACKS FOUNDATION.

22 THE COURT: SUSTAINED UNLESS YOU CAN LAY A
23 FOUNDATION NOR THAT.

24 MR. STEIN: ALLOW ME TO TRY YOUR HONOR.

25 Q. DO YOU HAVE AN UNDERSTANDING OVER THE COURSE OF THE
26 YEARS OF THE POSITION OF THE DUNLAP FACTION TOWARDS A SPLIT
27 OF A POSSIBLE [KA*TS] [-Z] PROFITS AMONG MEMBERS?

28 A. I HAVE NOT HEARD OF ONE AND MOST OF OUR MEMBERS WILL

1 GREW AND COUNSEL THAT WE HAVE NOT RECEIVED ANYTHING OR HEARD
2 THAT THEY WOULD WANT TO SHARE WITH US.

3 Q. AND HAVE YOU TALKED INDIVIDUALLY WITH PEOPLE THAT
4 WERE ON THE DUNLAP FACTION TRIBAL COUNCIL?

5 A. YES, WE HAVE.

6 Q. AND OVER A PERIOD OF HOW LONG?

7 A. PROBABLY IN THE LAST COUPLE YEARS, THREE YEARS WIFE
8 TALKED TO THEM.

9 Q. AND DO YOU FEEL IN THOSE DISCUSSION THAT'S THEY
10 MIGHT BE CHARACTERIZED AS WIDE RANGE-G?

11 A. I DON'T UNDERSTAND WHAT DO YOU MEAN WIDE RANGING.

12 Q. A LOST TOPICS?

13 A. YES YES.

14 Q. EXAM WAS ONE OF THE TOPICS SPLIT OF CASINO PROFITS
15 AMONG -- SHOULD A CASINO EVER BEEN REALIZED?

16 A. YES.

17 Q. AND FROM THOSE WIDE RANGING CONVERSATIONS INCLUDING
18 A CONVERSATION ON THE TOPIC OF HOW A CASINOS PROFITS WOULD BE
19 SPLIT AMONGST THE MEMBERS, WERE YOU ABLE TO FORM AN
20 UNDERSTANDING OF THE VIEWS OF THE VOLUNTARY ORGANIZATION THE
21 DUNLAP FACTION.

22 MS. IBARRA: OBJECTION ALREADY ASKED AND ANSWERED.

23 THE COURT: OVERRULED?

24 A. NO.

25 Q. BY MR. STEIN: NO OR YES?

26 A. I MEAN YES I'M SORRY.

27 THE COURT: COUNSEL SIDEBAR * * SIDEBAR * *.

28 THE COURT: NO SUGGESTION OF ANSWERS TO THE WITNESS

1 PLEASE.

2 MR. STEIN: OH NO VERSUS YES, IT WAS JUST SUCH A
3 WINDY QUESTION I FELT LIKE.

4 THE COURT: NO THAT WAS A [PWHRAEU] ANT YES TRYING
5 TO SUGGEST THE ANSWER TO THE WITNESS. I MEAN DON'T DO THAT.

6 MR. STEIN: SHOULD IT BE BEST TO [PHRAOEB] THE.

7 THE CLERK: COUNSEL SHE'S [TAURBG] YOU GO.

8 THE COURT: NOT ONLY CAN YOU NOT DO IT YOU'RE GIG
9 THE IMPRESSION TO THE JURY THAT YOU'RE LEADING THE WITNESS
10 YOU'RE ALREADY LEAD EGG HER ENOUGH BUT BASICALLY ASKING HER
11 TO CHANGE HER ANSWER WHILE SHE'S ON THE WITNESS STAN DON'T TO
12 IT, IF IT HAPPENS AGAIN I MIGHT ADMONISH YOU IN FRONT OF THE
13 YES, SIR RIGHT NOW ITEM GOING TO DO IT OUTSIDE THE PRESENCE
14 OF THE JURY BUT IF YOU KEEP DOING THAT I MAY HAVE A PROBLEM.

15 MR. STEIN: YOU KNOW IT'S BEEN SO LONG SINCE I DID
16 IT I WANTED TO FIND OUT AND EYE MANY A GUY THAT'S 59 YEARS
17 OLD I USED TO DO IT BETTER ZOO I'LL LEAVE WITH THE TOPIC AND
18 GO ON TO THE AFTER THIS ACCIDENT.

19 THE COURT: I'LL STRIKE THAT LAST ANSWER AND YOU
20 MOVE ON.

21 MR. STEIN: AND IF YOU INSTRUCT ME TO MOVE ON THAT'S
22 FINE.

23 THE COURT: NO NO YOU CAN JUST MOVE ON AFTER TIME
24 ON.

25 MR. STEIN: THANKS * * END SIDEBAR * *.

26 THE COURT: THE LAST ANSWER IS STRICKEN.

27 MR. STEIN: VERY GOOD.

28 Q. I'D LIKE TO MOVE ON TO THE BOOKS AND RECORDS OF THE

1 TRIBE AND NOW CAN I ASK YOU FOR THE WRIT OF ATTACHMENT NIALL.

2 MS. IBARRA: YES WRIT OF ATTACHMENT FOR TERMINAL IS
3 784 AND WRIT OF ATTACHMENT FOR THE SANTA MONICA IS 785.

4 THE COURT: 784 AND 78 FIVE.

5 MR. FORDYCE: THAT'S CORRECT YOUR HONOR AND MADAM
6 CLERK.

7 THE COURT: CAN YOU HELP MR. STEIN.

8 MR. STEIN: THINK I HAVE IT AND IF I SWALLOW A THUMB
9 TACK I PROMISE TO REPLACE IT.

10 THE COURT: I DON'T THINK YOU SHOULD USE THAT, USE
11 THE CLIPS AT THE TOP.

12 MR. STEIN: OH YEAH THAT WILL BE BETTER.

13 THE COURT: THAT WAY IT WILL STAY ON.

14 MR. STEIN: YEAH.

15 MR. STEIN: I SEE YOU'VE MADE OTHER PEOPLE REPLACE
16 THEM --

17 THE CLERK: EXCUSE ME COUNSEL.

18 MR. STEIN: ONE FOR GOOD MEASURE.

19 Q. BY MR. STEIN: MAY I ASK YOU TO TURN TO EXHIBIT 784.
20 START WITH 78 SIX, I'M SORRY.

21 THE COURT: SO WE'RE AT 78 SIX NOW.

22 MR. STEIN: YES.

23 THE COURT: OKAY.

24 MR. STEIN: MY APOLOGIES.

25 Q. BY MR. STEIN: WHEN [PURP] ON THE FINANCIAL SCIATIC
26 DID YOU HAVE A CHANCE TO LOOK AT TRIBAL RECORDS?

27 A. YES.

28 Q. AND WE SAW THAT THE MEMBERSHIP RECORDS WERE

1 COMPUTERIZED, PRIVATE AND SECURE?

2 A. RIGHT. THEY WERE.

3 Q. AND HOW ABOUT THE REST OF THE RECORDS?

4 A. YES EVERYTHING WAS SECURE. I MEAN IT WAS LOCKED IN
5 AN OFFICE AND --.

6 Q. HAD RECORDS BEEN REMOVED?

7 A. SOME OF THEM HAD BEEN TAKEN BY THE PREVIOUS TRIBAL
8 COUNCIL.

9 Q. WOULD THAT INCLUDE THE CHECK BOOKS?

10 A. YES.

11 Q. WOULD THAT INCLUDE THE TRIBAL COUNCIL RESOLUTIONS?

12 A. YES.

13 Q. AND THESE WERE FIVE YEARS OF FORMAL ACTIONS OF GT
14 TRIBE?

15 A. YES.

16 Q. DID YOU GET THOSE BACK?

17 A. I BELIEVE WE DID. YEAH WE DID, YEAH.

18 Q. NOW DID YOU GET ALL OF THIS BACK?

19 A. NO.

20 Q. DID YOU GET THE OFFICIAL RESOLUTIONS BACK?

21 A. YES.

22 Q. AND HOW DID YOU GET THEM BACK?

23 A. WE PICKED THEM UP FROM A STORAGE FACILITY THAT THEY
24 WERE IN.

25 Q. DO YOU REMEMBER HOW YOU PICKED THEM UP?

26 A. I HAD TO GO TO THE COURTHOUSE, I REMEMBER, AND I HAD
27 TO SIGN SOME KIND OF PAPERWORK FOR THEM AND THEN ME AND ONE
28 OF THE OTHER TRIBAL COUNCIL MEMBERS WENT AND PICKED THEM UP.

1 Q. AND WOULD THE COURTHOUSE, WOULD THAT SHALL THE LOS
2 ANGELES COUNTY SHERIFF OFFICE IN THE COURTHOUSE?

3 A. YES YES.

4 Q. AND WAS THIS A RESULT OF WRIT OF ATTACHMENT TO GET
5 THE RECORDS BACK?

6 A. YES. I DON'T KNOW WHAT THE LEGAL NAMES OF THINGS
7 ARE BUT YES.

8 Q. AND WAS THAT IN APRIL OF 2007?

9 A. THAT'S -- I THINK THAT'S RIGHT.

10 Q. DID YOU GET MR. [PO*ELZ] COMPUTER?

11 A. I BELIEVE WE PICKED UP SEVERAL COMPUTERS. WHO THEY
12 BELONGED TO, I DON'T KNOW.

13 Q. WAS THERE ANY PAPERWORK OR DOCUMENTATION PROTESTING
14 THAT?

15 A. NO.

16 Q. CAN YOU READ NUMBER ONE.

17 THE COURT: REFERRING TO EXHIBIT 78 SIX.

18 MR. STEIN: AND I'M SORRY THE PAGE WOULD BE AT THE
19 BOTTOM.

20 THE COURT: 149 [#*] 14 '03?

21 A. 14 '03 YES. NUMBER ONE, ANY PROPERTY OF DEFENDANT
22 GABRIELINO-TONGVA TRIBE, A DK A GAVE TRIBAL GAMING AUTHORITY
23 FOR WHICH A METHOD OF LEVEE IS PROVIDED.

24 Q. AND WHAT SORT OF PROPERTY DID YOU GET BACK?

25 A. WE GOT BACK, THERE WERE SOME COMPUTERS, THERE WAS
26 SOME MISCELLANEOUS PAPERWORK, THERE WERE SOME BINDERS,
27 MISCELLANEOUS OFFICE EQUIPMENT.

28 Q. READ NUMBER 2 PLEASE?

1 A. ANY AND ALL DEPOSIT ACCOUNTS, BANK ACCOUNTS,
2 INVESTMENT ACCOUNTS, FINANCIAL INSTRUMENTS OR ANY OTHER
3 ACCOUNT HELD IN THE NAME OF DEFENDANT, OR IN WHICH DEFENDANT
4 HOLDS AN INTEREST, IN ANY FINANCIAL INSTITUTION.

5 Q. DID YOU GET ANY MONEY BACK?

6 A. NO THERE WAS NO MONEY OR BANK ACCOUNT INFORMATION.

7 Q. NUMBER 4, CAN YOU READ NUMBER 4?

8 A. ANY AND ALL MONEY, FUNDS.

9 THE COURT: THAT'S A LONG ONE.

10 Q. JUST THE FIRST PART?

11 A. ANY AND ALL MONEY FUNDS, SECURITY DEPOSITS, ACCOUNTS
12 OR ANY OTHER MONIES HELD BY ANY LAW FIRM, PROFESSIONAL FIRM,
13 LANDLORD, OR PROPERTY MANAGER, RETAIL OR COMMERCIAL STORE,
14 INDIVIDUAL, OR ANY OTHER THIRD PARTY WHETHER HELD.

15 Q. WAS IT YOUR UNDERSTANDING THAT THE CASINO FUNDS MAY
16 HAVE BEEN STANDARD IN A TRUST ACCOUNT OF A LAW FIRM?

17 A. COULD HAVE. COULD BE, YES.

18 Q. AND WAS THIS DIRECTING THE SHERIFF'S TO GET IT BACK?

19 A. YES.

20 Q. DID YOU GET MY BACK?

21 A. NO.

22 Q. AND THE OTHER ONE WOULD BE DUPLICATIVE BUT WERE
23 THERE OTHER WRITS ISSUED?

24 A. NOT TO MY KNOWLEDGE. DON'T KNOW, I DON'T THINK
25 THERE WAS.

26 Q. SO YOU DON'T KNOW WHETHER THERE WAS OR NOT?

27 A. NO.

28 Q. VERY GOOD?

1 A. THIS IS THE ONLY ONE I KNEW.

2 Q. AND THEN MAY I DIRECT YOU TO EXHIBIT 5 58?

3 A. IT'S IN ANOTHER BOOK.

4 Q. I'M SORRY. NIALL.

5 MR. FORDYCE: YEAH WHAT ARE YOU LOOKING FOR.

6 MR. STEIN: MEMBERSHIP CARDS.

7 MR. FORDYCE: OH TRY FIVE 12.

8 MR. STEIN: LET ME TAKE A LOOK AT IT FIRST. OKAY.

9 Q. CAN I DIRECT YOU TO EXHIBIT 5 12?

10 A. MEMBERSHIP CARDS.

11 Q. IN EXHIBIT 5 12, CAN YOU IDENTIFY THAT PLEASE?

12 A. YES. THESE ARE -- THIS WAS A REPLICA I GUESS OR
13 SAMPLE OF OUR MEMBERSHIP CARDS, WE STARTED ISSUING MEMBERSHIP
14 CARDS INFORM OUR MEMBERS WITH THEIR PICTURE ON IT AND IT
15 GIVES THEIR CLASS, DATE OF BIRTH AND THEIR MEMBER NUMBER.

16 Q. SO A PHOTO QUALITY VERSION OF THE SAME THING MIGHT
17 BE PRINTED OUT?

18 A. YES.

19 Q. CUT UP?

20 A. AND LAMINATED.

21 Q. AND LAMINATED. AND THEN IT WOULD BE A MEMBERSHIP
22 CARD?

23 A. YES.

24 Q. NOW WAS THIS SOMETHING THAT THE CANDELARIA FACTION
25 INSTITUTED?

26 A. YES.

27 Q. AND WHY DID YOU INSTITUTE IT?

28 A. FIRST OF ALL, I HAD BEEN TALKING TO SOME OF THE

1 CLINICS FOR HEALTHCARE AND THEY INFORMED ME THAT THEY WOULD
2 LIKE TO SEE THESE AND IF A MEMBER HAD ONE OF THESE, THEY
3 WOULD GIVE THEM HEALTHCARE PLUS THEY WOULD HAVE TO SUBMIT
4 PROOF OF RESIDENCY TO THE COUNTY OF WHICH THEY LIVED AND
5 ALSO --.

6 Q. WELL IF I MAY?

7 A. YEAH.

8 Q. INDIAN HEALTH CLINICS, WHAT IS AN INDIAN HEALTH
9 CLINIC?

10 A. WHAT IS A HEALTH CLINIC, IT'S USUALLY ON A
11 RESERVATION, MORE ON [TKPWOE] HAS ONE IS A [PWOEB] A- HAS
12 ONE, PECHANGA HAS ONE, SAN DIEGO HAS ONE, I CAN'T REMEMBER
13 WHAT RESERVATION THAT'S ON. BUT THERE'S HEALTH CLINICS THAT
14 NATIVE AMERICANS THAT CAN PROVE THEIR HERITAGE CAN GO TO AND
15 GET FREE HEALTHCARE.

16 Q. YOU SAID EARLIER THAT THE GABRIELINO-TONGVA TRIBE
17 WAS CERTAINLY NATIVE AMERICAN, LIVED IN LOS ANGELES COUNTY
18 BUT NOT FEDERALLY RECOGNIZED?

19 A. THAT'S CORRECT.

20 Q. FEDERAL GOVERNMENT PREFERRED TO PAY INDIVIDUALS
21 INSTEAD OF THE TRIBE?

22 A. THAT'S CORRECT.

23 Q. WERE GAVE INDIANS THAT WANTED FREE HEALTHCARE, FREE
24 HEALTHCARE WERE THEY PERMITTED TO GET THAT AT INDIAN CLINICS?

25 A. YES THEY WERE.

26 Q. BECAUSE OF WHAT?

27 A. FIRST OF ALL, BECAUSE THEY CAN PROVE THEIR HERITAGE
28 AND THEY HAD AN ID CARD.

1 Q. AND WHEN THE ID CARDS FIRST CAME OUT, DID THE
2 CLINICS SEPARATE THEM?

3 A. NOT AT FIRST AND THEN AFTER TALKING TO THEM AND
4 VARIOUS OF THE -- MOST OF THE CLINICS, THEY ACCEPTED THEM.

5 Q. NOW I KNOW THERE WERE OTHER PEOPLE INVOLVED LINDA?

6 A. YEAH.

7 Q. BUT DID YOU MAKE IT A REAL POINT OF YOUR WORK ON THE
8 TRIBAL COUNCIL TO MAKE SURE THAT EVERY INDIAN HEALTH CLINIC
9 WOULD SEPARATE THE GABRIELINO-TONGVA MEMBERSHIP CARD SO THAT
10 MEMBERS COULD GET HEALTH SERVICES?

11 A. YES THIS IS ONE OF THE REQUIREMENTS THAT THEY WANTED
12 WAS A MEMBERSHIP CARD SHOWING THAT THEY BELONGED TO A TRIBE,
13 ALONG WITH -- THEY REQUIRED OTHER DOCUMENTS ALSO BUT THIS WAS
14 ONE.

15 Q. AND YOU HAVE STATED AT FIRST THEY DIDN'T DO IT, AS
16 OF TODAY DO THEY DO IT?

17 A. YES THEY DO.

18 Q. DO THEY ALL DO IT?

19 A. YES. MOST OF THEM THAT I KNOW OF.

20 Q. DURING YOUR WORK WITH THE CANDELARIA FACTION, LINDA,
21 WERE YOU ABLE TO ESTABLISH ANY SCHOLARSHIPS?

22 A. YES AND WE CHOSE ONE TO RECEIVE A SCHOLARSHIP FROM
23 LONG BEACH STATE AND IT WAS A FOUR YEAR SCHOLARSHIP, INCLUDED
24 DORM, BOOKS AND ALL THE FEELS THAT GO WITH IT AND WE OPENED
25 IT UP TO OUR YOUNG MEMBERS WHO WANTED TO GO TO COLLEGE AND WE
26 HAD A MEMBER -- WE INTERVIEWED A WHOLE BUNCH OF YOUNG NATIVE
27 AMERICANS.

28 Q. AND THAT'S CAL STATE LONG BEACH?

1 A. YES. AND IT WAS A FOUR YEAR SCHOLARSHIP.

2 Q. AND WHO SELECTED THE RECIPIENT?

3 A. TRIBAL COUNCIL.

4 Q. AND WHO GOT IT?

5 A. VINCENT HOAG WINDOW.

6 Q. AND THAT WAS HOW LONG AGO?

7 A. PROBABLY ABOUT FIVE, SIX YEARS AGO NOW BECAUSE HE'S

8 GRADUATED NOW AND --.

9 Q. AND WHAT DID YOU SEE HAD HE DO?

10 A. HE'S AN ELECTRICAL ENGINEER.

11 Q. DOES HE DO ANY WORK ON THE VOLUNTEER LEVEL?

12 A. YES, HE DOES.

13 Q. AND WHAT DID YOU SEE HAD HE DO?

14 A. HE ALSO IS VERY ACTIVE AT LONG BEACH STATE. HE'S

15 PRESIDENT OF ONE OF THE NATIVE AMERICAN GROUPS, HE KEEPS US

16 INFORMED OF WHAT'S GOING ON THERE WITH ALL THEIR ACTIVITIES,

17 IN FACT THEY'RE GOING TO HAVE A RE BURIAL SOON AND VERY GOOD

18 YOUNG MAN.

19 Q. NIALL NUMBER FOR --.

20 THE COURT: COUPLE MORE MINUTES AND WE'RE GOING TO

21 TAKE A BREAK.

22 MR. STEIN: WOULD YOU LIKE TO DO THAT NOW I'M ABOUT

23 TO CHANGE TOPICS.

24 THE COURT: WE'LL DO THAT NOW SEE YOU IN 10

25 **[PH*EUFRPBZ]** MINUTES.

26 (WHEREUPON THE JURY EXITS THE COURTROOM.).

27 THE COURT: BEFORE I LET YOU GO, HOW MUCH TIME DO

28 YOU HAVE LEFT WITH THIS WITNESS? I'M ASSUMING NO LATER THAN

1 FOUR OR.

2 MR. STEIN: 10 MINUTES AT MOST, [STPHFT] I FEEL
3 BADLY THAT I'LL LEFT ONE THING OUT, I'LL DOUBLE CHECK I MIGHT
4 FIND A SECOND THING BUT 15 MINUTES AT MOST AND WE HAVE AT
5 MOST JERRY [PHOLD] IN ADDITION OH THAT WOULD TAKE ABOUT AN
6 HOUR.

7 THE COURT: SHE'S GOING TO CROSS SO HE PROBABLY
8 WON'T GO ON TODAY.

9 MS. IBARRA: YEAH I COULD START TODAY BUD I THINK
10 SHE GOT TO COME BACK TOMORROW BECAUSE YOU COVERED A LOT OF
11 GROUPED.

12 MR. STEIN: OH, YOU DO WANT TO COULD.

13 MS. IBARRA: A LOT OF TOPICS YOU COVERED AND I ALSO
14 HAVE SOME OTHER TOPICS.

15 THE COURT: SO SHE HAS.

16 MR. STEIN: I'M NOT SURE SHE BROUGHT ANOTHER
17 CLOTHING SHE IS STAYING A HOTEL AND SHE IS ALL THE WAY OUT IN
18 INDIO.

19 (BREAK TAKEN.) 03:00 PM TO 03:17 PM.

20 MR. STEIN: YOUR HONOR WE HAVE A PROBLEM THAT WE
21 WANTED TO BRING UP.

22 THE COURT: WELL THEN.

23 THE CLERK: HOLD ON, ONE SECOND POUR [TPAEUF] OR.

24 MR. STEIN: YOUR HONOR, MS. CANDALARIA HERE, WHAT
25 I'M GOING TO TALK TO YOU ABOUT, I'VE ALREADY TALKED ABOUT
26 WITH OPPOSING COUNSEL SO I HOPE YOU'LL SOLICIT HER VIEWS, MS.
27 CANDALARIA HAS [PW-R] BEEN ONE DAY WITHOUT A LONG SERIES OF
28 MEDICATION H SHE SIMPLY CAME OUT FROM INDIO, ABOUT A THREE

1 HOUR DRIVE [PWOUS] THEM AND THEY START OUT WITHOUT HIGH BLOOD
2 PRESSURE?

3 A. YES I'M ON HIGH BLOOD PRESSURE AND I'M EYE I'M ON
4 [AOD] MATE VIE AL [TKA] FOR US TIFF [KHRAOEUT] [EUS] AND I
5 HAVE ONLY BROUGHT ONE DAY BECAUSE I ONLY THOUGHT I WAS GOING
6 TO BE HERE ONE DAY. I DON'T HAVE ANY MEDICATION WITH ME AND
7 IF I HAVE TO CAM BACK TOMORROW IT WILL BE TWO DAYS WITHOUT
8 ANY MEDICATION.

9 MR. STEIN: SO WE HAVE A SUGGESTION IT HAS NOT BEEN
10 ACCEPTED BY OPPOSING COULD YOU PLEASE SOY SHOULD SAY I HAVE A
11 SUGGESTION THAT LINDA WOULD BE ABLE TO DRIVE HOME AFTER RUSH
12 HOUR TRAFFIC TONIGHT, SLEEP IN TOMORROW, AND BE HERE WELL
13 BEFORE THE 130 START OF THE AFTERNOON EXCEPTION TO CONTINUE
14 TESTIMONY THAT WAS HAD NOT FINISHED TODAY.

15 THE CLERK: PLEASE CALL THE WITNESS BY HER LAMP NOT
16 HER FIRST FAME, SECOND TIME COUNSEL.

17 MR. STEIN: UH-HUH.

18 MS. IBARRA: SO I WANT TO BE COOPERATIVE BUT I FEEL
19 LIKE COUNSEL DIDN'T GET BACK TO ME ABOUT WHO WOULD BE
20 TESTIFYING TESTIMONY.

21 MR. STEIN: I DID BUT LATE.

22 THE CLERK: HOLD ON JUST A MOMENT.

23 MS. IBARRA: I FEEL LIKE I'VE PREPARED FOR HER AND I
24 HAVE ALL THIS STUFF FOR HER FOR TOMORROW AND SO IF THERE'S A
25 WAY THAT WE CAN COME BATE HERE BUT STILL HAVE HER TOMORROW,
26 HOW FAR IS INDIO.

27 THE CLERK: TWO HOURS.

28 MR. STEIN: THAT'S ASSUMING ZERO TRAFFIC, YES.

1 MS. IBARRA: AND I'M ALSO CONCERNED THAT THERE'S
2 GOING TO BE COACHING GOING ON OVERNIGHT AND JUST ALL THIS
3 STUFF.

4 MR. STEIN: I WOULDN'T HAVE A SECOND FOR IT BUT.

5 THE COURT: WELL OKAY. SO SHE CAN GO HOME ON HER
6 OWN TONIGHT, I MEAN THERE'S NO REASON WHY SHE CAN'T GO HOME,
7 THE QUESTION IS WHAT TIME CAN SHE BE HERE TOMORROW.

8 MR. STEIN: AND LINDA YOU SAID --?

9 A. TRAFFIC IS JUST HER I BELIEVE COMING IN HERE BECAUSE
10 I CAME IN HERE FOR WEST COVINA TODAY AND IT TOOK ME OVER AN
11 HOUR AND IT'S NOT THAT FAR.

12 THE COURT: SO WHEN COULD YOU GET HER?

13 A. LIKE JONATHAN SUGGESTED I COULD COME IN IN THE
14 AFTERNOON THAT WAY TRAFFIC CAN BE DIED DOWN BY THEN, BE HERE
15 BY -- I GUESS YOU START AFT 130.

16 MR. STEIN: BUT YOU WOULD BE ABLE TO BE HERE AT
17 NOON, 1230 WAITING?

18 A. RIGHT I CAN BE HERE BEFOREHAND WAITING.

19 THE COURT: 130 IS FINE BUT TRY TO?

20 A. YEAH I'LL BE HERE FOR EARLIER THAN THAT.

21 THE COURT: OKAY 130 THEN BUT WHO DO YOU HAVE IN HER
22 PLACE.

23 MR. STEIN: WE HAVE JERRY MALDONADO AND WE HAVE
24 BRING IN BECAUSE OF THIS UNEXPECTED CIRCUMSTANCE OF MISSING
25 MEDICATION WE SHOULD EITHER BRING IN JUDGE LAWRENCE CHRIS
26 [POE] OR JASON MEYERS AND BOTH ARE SHORT WITNESSES -- ALL
27 THREE OF THOSE ARE SHORT WITNESSES.

28 MS. IBARRA: THAT'S MY FEAR IS THAT THOSE THREE ARE

1 VERY SHORT WITNESSES, MAYBE JASON MEYERS MIGHT BE A LITTLE
2 BIT LONGER BUT SQUARE [PHA*ULD].

3 MR. STEIN: VERY SHORT.

4 MS. IBARRA: AND [KRES] [POE] ARE BOTH VERY SHORT
5 BOEING FOR HIM AND ME AND MS. CANDALARIA IS A LONGER WITNESS
6 FOR BOTH OF US. THAT'S AWKWARD SO WE MIGHT NOT USE THE TWO
7 HOURS IN THE MORNING BUT THAT'S FINE?

8 A. I CAN BE HERE EARLIER IT'S JUST YOU KNOW I'VE GOT TO
9 ALLOW FOR TRAFFIC BUT I CAN LEAVE EARLIER.

10 THE COURT: SO WHAT'S THE EARLIEST YOU CAN GET HERE?

11 A. PROBABLY.

12 THE COURT: 11.

13 MR. STEIN: I THINK THAT'S [WHAUFT] GOING TO HAPPEN
14 IS SHE'S GOING TO AGREE TO SOMETHING, TRY TO DO IT GIVEN
15 TRAFFIC AND THEN END UP THAT SHE'S DOING HER BEST, WE'RE
16 DOING OUR BEST AND WE STILL END UP WITH A JURY THAT'S NOT
17 ANYTHING TO DO, WHERE IF SHE COMES IN AT 130.

18 THE COURT: WELL I GUESS MY QUESTION IS WHAT ARE WE
19 GOING TO BE DOING ANYWAY IF YOU END EARLIER YOU WON'T BE
20 READY.

21 MR. STEIN: IF WE HAVE JERRY MALDONADO, LAWRENCE
22 CRISPO.

23 THE COURT: LET'S TALK ABOUT THIS LATER.

24 MR. STEIN: SORRY * * JURY IN * *.

25 THE COURT: GABRIELINO-TONGVA TRIBE VERSUS STEIN
26 BC361307. OKAY LET'S CONTINUE.

27 MR. STEIN: MAY I A- DIRECT THE WITNESS TO EXHIBIT 7
28 34.

1 Q. CAN YOU IDENTIFY EXHIBIT 7 34?

2 A. YES. IT IS -- THIS WAS A BILL THAT WAS GOING TO BE
3 INTRODUCED BY SENATOR JENNY OROPEZA, SHE WAS GOING TO
4 REPRESENT US IN TRYING TO GET A RESERVATION.

5 Q. AND WAS THIS BILL PASSED BY THE LEGISLATURE?

6 A. NO.

7 Q. BUT IT WAS INTRODUCED TO THE LEGISLATURE?

8 A. YES IT WAS.

9 Q. AND DID YOU VISIT LEGISLATORS IN SACRAMENTO TO
10 DISCUSS THE CONTENT OF SENATE BILL ONE?

11 A. YES.

12 Q. AND IT SAYS THAT SENATOR SCOTT WAS ALSO AN AUTHOR?

13 A. RIGHT.

14 Q. AND IT SAYS THAT ASSEMBLYMAN DAVIS WAS ALSO AN
15 AUTHOR AND KARNETTE?

16 A. AND PARRA.

17 Q. SO THERE WERE MORE THAN ONE SENATOR AND IS
18 ASSEMBLYMAN THAT WANT TODAY DO THIS?

19 A. RIGHT.

20 Q. IS IT YOUR UNDERSTANDING THAT THE GAVE TRIBE COULD
21 GAMBLE IF THIS WAS PUT INTO EFFECT?

22 A. THIS WAS GIVING US A RESERVATION, NOT NECESSARILY
23 GAMING?

24 A. AND THAT GAMING WOULD COME AFTER THE RESERVATION WAS
25 ESTABLISHED?

26 A. POSSIBLY YES.

27 Q. AND HERE WHERE IT SAYS LEGISLATIVE COUNSEL DIGEST,
28 WAS IT YOUR UNDERSTANDING THAT THE LEGISLATIVE COUNSEL SAID

1 THAT IT'S LAWFUL FOR THE ASSEMBLY AND THE SENATE TO ADOPT
2 THIS BILL?

3 A. YES.

4 Q. WAS THIS PART OF THE CASINO PROJECT CONTINUED BY THE
5 CANDELARIA FACTION?

6 A. YES.

7 Q. DECEMBER 2007 HOW LONG AFTER THE SPLIT WAS THAT,
8 AFTER THE SPLIT?

9 A. LESS THAN A YEAR OR ABOUT A YEAR ABOUT A YEAR?

10 A. YEAH.

11 Q. SO THE FACT THAT THE CANDELARIA FACTION CONTINUED
12 THE CASINO PROJECT ONE FACTOR THAT MAKES YOU FEEL THAT THE
13 CANDELARIA FACTION WAS IN FACT GT TRIBE?

14 A. YEAH WE -- YES THIS IS -- WE ARE GT TRIBE.

15 Q. WHAT ELSE DID YOU DO FOR THE CASINO PROJECT AFTER
16 THE SPLIT AS THE CANDELARIA FACTION?

17 A. WE HAVE WENT TO SACRAMENTO NUMEROUS TIMES TO MEET
18 WITH DIFFERENT SENATORS AND DIFFERENT ASSEMBLY. I DID THE
19 SENATE HEARINGS IN FRONT OF THE SPEAKER OF THE HOUSE AND THE
20 SENATE. I ALSO WENT TO WASHINGTON, D.C.

21 Q. YOU SAID YOU WENT TO THE WASHINGTON, D.C., DID YOU
22 PHYSICALLY GET ON A PLANE AND GO THERE?

23 A. YES.

24 Q. AND WHAT DID YOU DO IN WASHINGTON, D.C.?

25 A. I MET WITH THE B I -- THE BUREAU OF INDIAN AFFAIRS
26 AND ALSO MET WITH THE GREEN GROUP AND I'M TRYING TO THINK WHO
27 ELSE WE MET WITH, WE MET WITH SEVERAL DIFFERENT PEOPLE. IT'S
28 BEEN SO LONG I CAN'T REMEMBER.

1 Q. DID YOU GREAT WITH CONGRESSMEN?

2 A. YES, WE DID MEET WITH ONE OF THE CONGRESSMAN AND I
3 FORGET HIS NAME.

4 Q. AND DID YOU MEET WITH MORE THAN ONE CONGRESSMAN?

5 A. YES.

6 Q. BUT YOU SAID YOU FORGET EVEN ONE?

7 A. I CAN'T REMEMBER IT'S BEEN SO LONG AND RIGHT NOW
8 I'VE GOT A HORRIBLE HEADACHE.

9 Q. SORRY TO HEAR THAT.

10 THE COURT: WELL I THINK WE'RE GOING TO GO TO 4:30
11 SO.

12 MR. STEIN: VERY GOOD.

13 Q. BY MR. STEIN: AND THEN WOULD YOU SAY THAT YOU
14 ALSO -- YOU CONTINUED THE CASINO PROJECT WITH LOCAL CITIES IN
15 LOS ANGELES AND ORANGE COUNTY?

16 A. YES, WE DID. WE PURSUED GARDEN GROVE -- CITY OF
17 GARDEN GROVE, WE PURSUED LONG BEACH.

18 Q. AND WHAT HAPPENED IN GARDEN GROVE?

19 A. WE MET WITH CITY MANAGER IN LONG BEACH AND HE WAS
20 OKAY FOR HAVING A CASINO IN HIS CITY, HE WANTED IT AND WE
21 THEN WERE TOLD THAT WE NEEDED TO GET OUR ACT TOGETHER AND GET
22 WITH THE POLANCO -- SORRY DUNLAP GROUP, DUNLAP FACTION, AND
23 THEY APPARENTLY CALLED AND SPOKE WITH THE CITY MANAGER AND
24 SAID THEY WERE THE TRIBE.

25 Q. THE DUNLAP FACTION CONTACTED THE CITY MANAGER OF
26 GARDEN GROVE?

27 A. YES.

28 Q. AND THIS WAS DURING SENSITIVE NEGOTIATIONS?

1 A. YES.

2 Q. AND WHAT DID THEY SAY TO THAT -- WHAT DID HE SAY TO
3 YOU?

4 A. THE CITY MANAGER? THAT WE NEEDED TO RESOLVE OUR
5 DISPUTE.

6 Q. SO HE WAS FOR A CASINO IN GARDEN GROVE IS THAT
7 CORRECT?

8 A. CORRECT.

9 Q. BUT THE DUNLAP FACTION ACTIONS TURNED HIM AGAINST
10 IT?

11 A. RIGHT.

12 Q. AND HOW ABOUT LONG BEACH?

13 A. LONG BEACH, WE MET WITH THE OPENER OF THE QUEEN MARY
14 AND I BELIEVE THE CHIEF OF POLICE WAS AT THIS MEETING, THERE
15 WAS VARIOUS ATTORNEYS AND IT JUST DIDN'T WORK OUT, SOMEBODY
16 THERE DIDN'T WANT A CASINO THAT WAS ON THE STEVE COUNCIL AND
17 JUST DIDN'T WORK OUT.

18 Q. BUT IT WAS A GOOD EFFORT?

19 A. IT WAS A GOOD EFFORT, YES WE TRIED.

20 Q. DID THE DUNLAP FACTION -- DID THE DUNLAP FACTION GET
21 INVOLVED?

22 A. NO.

23 Q. DO YOU KNOW WHY NOT?

24 A. MAYBE THEY DIDN'T KNOW ABOUT IT BECAUSE WE TRIED TO
25 KEEP IT SECRET.

26 Q. AND LONG BEACH WAS AFTER GARDEN GROVE?

27 A. YES.

28 Q. [TKP] WHEN YOU SAY THE CONTINUATION OF THE CASINO

1 PROJECT, HEALTH CLINICS, THE SCHOLARSHIP OF CAL STATE LONG
2 BEACH, WERE THOSE ALL INDICATORS THAT YOU WERE TRYING TO
3 SERVE THE GABRIELINO-TONGVA TRIBE?

4 A. YES.

5 Q. NO FURTHER QUESTIONS YOUR HONOR.

6 THE COURT: ALL RIGHT THANK YOU CROSS-EXAMINATION.

7 Q. BY MS. IBARRA: SO GOOD AFTERNOON WE HAVEN'T A HAD A
8 CHANCE TO MEET. MY NAME IS DALIA IBARRA AND WE REPRESENT THE
9 PLAINTIFFS IN THIS ACTION AND WE USE THE NAME
10 GABRIELINO-TONGVA TRIBE AS WELL AND OUR TRIBAL COUNCIL
11 INCLUDE SAM DUNLAP, WHO I BELIEVE YOU KNOW, VIRGINIA CARMELO
12 I BELIEVE YOU KNOW AMONG OTHER PEOPLE?

13 A. YES.

14 Q. SO I WANT TO BEGIN WITH YOU SAID YOU WERE A MEMBER
15 OF THE MORALES GROUP FOR A TIME?

16 A. RIGHT, RIGHT.

17 Q. OKAY SO WHEN DID YOU FIRST BECOME A MEMBER OF
18 MORALES GROUP?

19 A. GOSH I CAN'T EVEN REMEMBER I WAS SO -- MY PARENTS
20 AND MY GRANDPARENTS BECAUSE I LIVED WITH MY GRAND PARENTS FOR
21 A WHILE AND THEY WERE ALWAYS INVOLVED AND I STILL HAVE
22 RELATIVES -- I CAN'T EVEN REMEMBER, I MEAN WE WERE YOUNG.

23 Q. SO IT'S FAIR TO SAY THAT YOU -- SINCE YOU WERE VERY
24 YOUNG?

25 A. YES YES.

26 Q. SO ARE YOU RELATED TO THE MORALES?

27 A. YES [STKPH] SO YOU'RE PART MORALES SOMEWHERE?

28 A. RIGHT.

1 Q. AND WHEN DID YOU LEAVE?

2 A. I BELIEVE IT WAS LIKE IN 20 [#2*] [THOU|THOUSAND]
3 THREE. 2003, AROUND THERE.

4 Q. AND IS IT CORRECT TO SAY THAT YOUR EARLIER WAS THAT
5 YOU LEFT BECAUSE THE MORALES GROUP WAS?

6 A. RIGHT.

7 Q. AGAINST THE CASINO PROJECT?

8 A. RIGHT WE ALWAYS -- ALL MY SISTER'S LEFT ALSO AND WE
9 GREW UP AS ADULTS AND THEY WERE -- HE -- THE ORIGINAL
10 MORALES, THE FATHER WAS AGAINST GAMING, DID NOT WANT A CASINO
11 AND THE NEW -- THE SON NOW, I THINK HIS NAME IS ANTHONY, DOES
12 NOT -- HAS NOT EXPRESSED INTEREST.

13 Q. OKAY. WERE YOU AWARE THAT MR. STEIN HAD APPROACHED
14 THE MORALES GROUP?

15 A. NO.

16 Q. AROUND 2000 ABOUT A CASINO PROJECT?

17 A. NO.

18 Q. YOU WERE NOT AWARE OF THAT?

19 A. NO.

20 Q. OKAY. SO IS THIS THE FIRST TIME THAT YOU'RE HEARING
21 ABOUT THAT?

22 A. YES.

23 Q. OKAY. SO YOU LEFT IN 2003?

24 A. 2003, YEAH.

25 Q. AND YOU LEFT TO WHICH GROUP?

26 A. TO G -- G -- GABRIELINO-TONGVA TRIBE.

27 Q. GABRIELINO-TONGVA TRIBE?

28 A. UH-HUH.

1 Q. SO WOULD THAT BE -- WAS VIRGINIA CARMELO IN THAT
2 GROUP?

3 A. YES.

4 Q. WAS [SA*PL] IN THAT GROUP?

5 A. YES.

6 Q. WAS ADAM LOYA IN THAT GROUP?

7 A. I BELIEVE HE WAS ON COUNCIL.

8 Q. LET'S SEE WHO ELSE?

9 A. SHIRLEY [PHA] CHAD OH, EDGAR PEREZ.

10 Q. [PHAR] TEEN AL CAL A- MAYBE?

11 A. OH THAT'S RIGHT MARTIN AL CAL A-.

12 Q. ASK WAS [SEPB] TORE POLANCO AFFILIATED WITH THAT
13 GROUP?

14 A. BACK IN 2003, NO.

15 Q. NOT AS A POLITICAL CONSULTANT?

16 A. NOT TO MY KNOWLEDGE.

17 Q. MAYBE LATER?

18 A. NO.

19 Q. 2004.

20 MR. STEIN: OBJECTION SHE [H-Z] NO KNOWLEDGE.

21 THE COURT: OVERRULED?

22 A. I HAVE NO KNOWLEDGE, I DON'T REMEMBER HIM.

23 Q. BY MS. IBARRA: WHEN DO YOU FIRST REMEMBER [SEPB]
24 POLANCO?

25 A. WHEN THE SPLIT HAPPEN.

26 Q. UNTIL THEN YOU HAVE NO KNOWLEDGE?

27 A. I KNEW [THEFS] A [S*EPB] BY NAME BUT I DIDN'T KNOW
28 HE WAS INVOLVED WITH IT.

1 Q. SO -- AND WHEN DID YOU FIRST BACK QUAIN-T WITH MR.
2 STEIN?

3 A. -- WELL 2003.

4 Q. 2003?

5 A. I MEAN I'M SORRY 2006 WHEN I -- ACTUALLY WHEN I
6 JOINED THE GABRIELINO-TONGVA, 2003, SORRY.

7 Q. OKAY. SO YOU JOINED AND THERE WAS AN EXISTING
8 TRIBAL COUNCIL AND YOU JUST BECAME A MEMBER?

9 A. RIGHT I WAS JUST A MEMBER, DIDN'T GET INVOLVED.

10 Q. SO WHAT AFFIRMATIVE STEPS DID YOU TAKE TO BECOME A
11 MEMBER OF THAT GROUP?

12 A. I BELIEVE WE HAD TO FILL OUT AN APPLICATION A
13 MEMBERSHIP APPLICATION, YOU HAD TO PRODUCE YOUR DOCUMENTS.

14 Q. AND WHAT DO YOU MEAN BY YOUR DOCUMENTS?

15 A. BLOOD QUANTUM, BIRTH CERTIFICATE.

16 Q. ANYTHING ELSE?

17 A. I THINK -- I DON'T KNOW, I CAN'T REMEMBER IF WE HAD
18 TO SUBMIT OUR DRIVER'S LICENSE OR NOT BUT I THINK IT WAS IT.

19 Q. EXAM DID YOU GIVE THEM COPIES, DID YOU GIVE THEM
20 ORIGINALS?

21 A. COPIES.

22 Q. COPY?

23 A. ALWAYS COPIES.

24 Q. SO --?

25 A. I BELIEVE WE HAD TO ONE [#*] SIGN ONE MORE MORE TOO,
26 I BELIEVE IT WAS THAT AFFIRM [AEUGS] I THINK THEY CALLED IT
27 THAT YOU WOULDN'T JOIN ANY OTHER GROUP OR THAT KIND OF
28 THING.

1 Q. SO YOU WERE A MEMBER?

2 A. UH-HUH.

3 Q. AND THERE WAS A TRIBAL COUNCIL?

4 A. RIGHT.

5 Q. DID YOU GO TO MEETINGS?

6 A. YES.

7 Q. HOW MANY MEETINGS DID YOU GO TO?

8 A. OH GOSH. I CAN'T EVEN REMEMBER, IT'S BEEN SO LONG.
9 I DON'T KNOW I THINK THEY HAD THEM A COUPLE TIMES A YEAR, ONE
10 TIME A YEAR SOMETHING.

11 Q. OKAY.

12 A. YEAH. I MAIN NOT HAVE MADE THEM ALL.

13 Q. AND HOW MANY PEOPLE ATTENDED THESE MEETINGS?

14 A. I THINK THAT -- I KNOW THERE'S USUALLY MORE THAN
15 LIKE 100 [PHAEPLZ] TEND.

16 Q. WHO ATTENDED -- PERSON [HAOE] ATTENDED THE MEETINGS?

17 A. YEAH, UH-HUH, YEAH.

18 Q. SO THERE WERE A LOT MORE MEMBERS THAT WEREN'T
19 PERSONALLY ATTENDING?

20 A. RIGHT AND THAT'S HOW IT IS NOW, YOU KNOW COUPLE
21 HUNDRED AT THE MOST.

22 Q. SO THAT WOULD BE BIG MEETINGS IF YOU'RE HAVING A
23 COUPLE HUNDRED MEETINGS?

24 A. RIGHT UH-HUH.

25 Q. AND DO YOU REMEMBER THE LOCATION OF THE MEETINGS.

26 THE COURT: HOLD ON A SECOND H MAKE SURE YOU'RE NOT
27 STEPPING OVER EACH OTHER.

28 MS. IBARRA: OH OKAY.

1 THE COURT: LET HER FINISH HER QUESTIONS?

2 A. OKAY I'M SORRY.

3 THE COURT: AND GO BACK AND FORTH?

4 A. I'M SORRY.

5 MS. IBARRA: SURE SO WHAT WAS THE LOCATION.

6 Q. DO YOU REMEMBER THE LOCATIONS OF MEETING?

7 A. ELYSIAN PARK AND LONG BEACH, A POEM.

8 Q. AND ELYSIAN PARK WAS IT LIKE OPEN AIR?

9 A. YEAH.

10 Q. THE PARK?

11 A. YEAH.

12 Q. AND SO DID YOU PERSONALLY KNOW AT THAT TIME HOW MANY

13 MEMBERS THERE WERE IN THIS [TKPWRAOPL]?

14 A. NO, I DIDN'T.

15 Q. YOU DIDN'T?

16 A. HUH-UH. I WASN'T THAT INVOLVED BACK THEN.

17 Q. AND AT THAT POINT DID YOU -- YOU BECAME A- WASN'T

18 QUAIN [W-D] MR. STEIN?

19 A. YES.

20 Q. DID YOU HAVE A --?

21 A. I KNEW WHO HE WAS, I DIDN'T PERSONALLY KNOW HIM

22 BUT --

23 Q. OKAY. SO DID YOU HAVE -- SO YOU HAVE DIDN'T SPEAK

24 TO HIM PERSON [HAOEF] AT THAT TIME?

25 A. MAYBE HELLO WHEN I INTRODUCED MYSELF OR SOMETHING

26 LIKE THAT, BUT NOTHING --.

27 Q. SO YOU MIGHT HAVE EXCHANGED GREETINGS?

28 A. RIGHT RIGHT.

1 Q. OKAY. SO WERE YOU AWARE THAT HE HAD A PROFESSIONAL
2 RELATIONSHIP WITH THE TRIBE?

3 A. YES.

4 Q. AND HOW DID YOU KNOW THIS?

5 A. WHEN THEY STARTED THE MEETINGS, THEY INTRODUCED YOU
6 KNOW EVERYBODY AND THEY INTRODUCED HIM.

7 Q. HOW DID THEY [HEUPT] DEUCE HIM?

8 A. I BELIEVE HE WAS -- BACK THEN HE WAS -- HE WASN'T
9 THE ATTORNEY FOR THE TRIBE BUT HE WAS THE PROBABLY CHIEF
10 [TP-BL] -- CHIEF EXECUTIVE OFFICER OR SOMETHING LIKE THAT, IT
11 WASN'T -- THEY DIDN'T INTRODUCE HIM AS AN ATTORNEY.

12 Q. OKAY. SO THEY INTRODUCED HIM [SAZ] THE CHIEF
13 EXECUTIVE OFFICER?

14 A. SOMETHING LIKE THAT, RIGHT.

15 Q. DID THEY EVER INTRODUCE, SAINT MONICA DEVELOPMENT
16 COMPANY?

17 A. I DON'T REALLY RECALL.

18 Q. SO DID YOU HAVE ANY KNOWLEDGE AT THE TIME ABOUT THE
19 SAINT MONICA DEVELOPMENT AGREEMENT?

20 A. NO.

21 Q. NO. ?

22 A. LIKE I SAID WHEN I FIRST CAME ON I [WRAEPBT]
23 INVOLVED AT ALL WITH THAT.

24 Q. SO YOUR HONOR A MEMBER?

25 A. I WAS A MEMBER BUT I DIDN'T KNOW THE KNOWLEDGE THAT
26 YOU HAVE WHEN YOU ARE ON COUNCIL.

27 Q. OKAY. SO A LOT OF STUFF HAPPENS IN 2006?

28 A. YEAH.

1 Q. IN 2007, YOU CLAIM THAT AH SEND-D TO CONTROL THE
2 TRIBE, RIGHT?

3 A. RIGHT. WE TRIED TO LEAVE THE TRIBE TO FIND OUT WHAT
4 HAPPENED, WHAT WAS GOING TO HAPPEN. 2007 I DID BECOME TRIBAL
5 COUNCIL.

6 Q. SO WALK ME THROUGH THE STEPS WHERE YOU GO FROM BEING
7 A MEMBER?

8 A. UH-HUH.

9 Q. TO BEING THE TRIBAL COUNCIL CHAIRPERSON?

10 A. OKAY. WE -- WE HAD -- WE PUT OUT A DOCUMENT THAT
11 SAID WHO WAS RUNNING FOR TRIBAL COUNCIL AND MY NAME WAS ON
12 IT. WE DID A LITTLE [P-FPL] R WORK, LET'S SAY WITH MEMBERS
13 AT A MEETING AND I PASSED OUT LITTLE CARDS WITH DREAM CATCH
14 EAR [TAFPD] TO IT AND YOU KNOW HAD A LITTLE MOTTO ON IT THAT
15 I WANT TO WORK HARD FOR THE TRIBE OR SOMETHING LIKE THAT AND
16 GOT VOTED IN.

17 Q. SO IT'S FAIR THAT YOU'RE REPRESENT THAT LONG THERE
18 WAS AN ELECTION AND THAT YOU WON THE ELECTION?

19 A. IN 2007, YEAH.

20 Q. 24 [#*] IN 2007?

21 A. YEAH.

22 Q. SO HOW DOES THAT AFFECT, LINDA, INDIVIDUAL [KARPLZ]
23 OR [SA*PLZ] AUTHORITY TO ACT ON BEHALF OF TRIBE. I
24 UNDERSTAND YOU HAD AN ELECTION BUZZ CAN YOU EXPLAIN TO
25 [WHAOE] WHAT GAVE YOU AUTHORITY TO ASCEND TO TAKE CONTROL OF
26 THE TRIBE?

27 A. AT THAT TIME THEY LEFT AND STARTED ANOTHER FACTION
28 JUST LIKE THE MORALES GROUP, THE SALAS GROUP DID AND WE WERE

1 JUST ANOTHER GROUP, AND THEY WERE JUST ANOTHER GROUP.

2 Q. SO YOU GUYS WERE JUST ANOTHER GROUP, YOU WERE JUST
3 ANOTHER [SPHREUPB]-ER?

4 A. YEAH FACTION H [SPHREUPBLT]-ER GROUP.

5 Q. [SOURP] A SPLINTER GROUP?

6 A. RIGHT.

7 Q. I GUESS THAT JUST WAS SALAS GROUP?

8 A. RIGHT.

9 Q. WAS ANOTHER GROUP?

10 A. RIGHT.

11 Q. BUT YOU THE SALAS GROUP YOU DON'T OH CAME TO ROAR
12 DEPOSE YOU FROM THE TRIBAL?

13 A. NO, I DON'T, THEY DO HAVE THEIR OWN COUNCIL ALSO.

14 Q. SO MY QUESTION AGAIN IS HOW DID YOUR ELECTION --
15 LIKE YOU SAID, WHAT WAS THE FIRST NAME OF THE SALAS PERSON?

16 A. I THINK IT'S ANDY SALAS.

17 Q. OR ANDY SALAS?

18 A. YEAH, HE WAS THE ONE, HIM AND HIS SISTER. I CAN'T
19 REMEMBER HER FIRST NAME.

20 Q. SO ANDY SALAS LEAVES YOUR GROUP, WHAT YEAR WAS THAT?

21 A. I CAN'T REMEMBER WHAT YEAR IT WAS. I DON'T KNOW.

22 Q. LET ME BACKTRACK A LITTLE BIT. SO IT SOUNDS LIKE
23 WE'VE DESCRIBED A LOT OF SEQUENCE OF EVENTS?

24 A. EVENTS.

25 Q. WHERE PEOPLE GET UPSET WITH PEOPLE AND THEN THEY
26 LEAVE, RIGHT?

27 A. UH-HUH.

28 Q. THAT [HAPDZ]. IT SOUNDS LIKE IT HAPPENED A LOT

1 DURING THE SEVERAL 100 YEARS.

2 MR. STEIN: OBJECTION MISSTATES TESTIMONY.

3 THE COURT: OVERRULED.

4 Q. BY MS. IBARRA: I [TH*U] THINK YOU WERE SHAKING YOUR
5 HEAD IN AGREEMENT?

6 A. YEAH THERE'S BEEN A LOT.

7 Q. THERE'S BEEN A LOT. SO IT HAPPENS. SO WHAT
8 CHANGES -- YOU KNOW WHAT MAKES A SPLINTER GROUP TAKE OVER THE
9 ORIGINAL GROUP? BECAUSE EVERYTHING ELSE YOU SAID SALAS NEVER
10 CAME TO CONTROL YOUR GROUP?

11 A. NO.

12 Q. WHEN YOU LEFT MORALES NOTHING CHANGED FROM MORALES?

13 A. NO.

14 Q. THERE MIGHT ONLY BE LIKE THE FIVE MORALES [-Z] LEFT,
15 THAT'S WHAT YOU BELIEVE RIGHT?

16 A. RIGHT I KNOW THEY'RE VERY SMALL, I DON'T KNOW
17 EXACTLY HOW MANY MEMBERS, YEAH, THEY HAVE.

18 Q. SO THERE MIGHT BE ONLY FIVE MORALES [-Z] LEFT BUT
19 THEY'RE STILL OUT THERE?

20 A. UH-HUH.

21 Q. AND SO IF YOU WANTED TO TAKE OVER THE MORALES GROUP
22 WHAT WOULD YOU DO?

23 A. WE WOULDN'T WANT TO TAKE OVER THE MORALES GROUP, I
24 MEAN --.

25 Q. WHY NOT?

26 A. WE WANT THEM TO WANT TO COME ON THEIR OWN MEMBERS.

27 MR. STEIN: OBJECTION RELEVANCE.

28 THE COURT: OVERRULED.

1 Q. BY MS. IBARRA: SO WHAT'S NOT APPEALING -- BUT YOU
2 WANTED TO TAKE OVER THE [KA*RPL] DUNLAP, YOU EVER WANTED TO
3 DID HE POSE THAT TRIBAL COUNCIL BUT YOU DON'T CARE ABOUT ANT
4 MORALES.

5 MR. STEIN: OBJECTION MISSTATES THE TESTIMONY.

6 THE COURT: OVERRULED?

7 A. WE DIDN'T WANT TO TAKE OVER THEIR -- THEY LEFT AND
8 STARTED THEIR OWN FACTION SO WE STAYED WITH THE ORIGINAL
9 FACTION AND HAD TO DO SOMETHING TO KEEP THE MEMBERS
10 TOGETHER.

11 Q. OKAY. SO LET'S TALK ABOUT HOW THEY LEFT?

12 A. YEAH.

13 Q. SO THEY LEFT, WHO DO YOU MEAN LEFT?

14 A. THE TRIBAL COUNCIL.

15 Q. OKAY. CAN YOU BE SPECIFIC ABOUT THE NAMES BECAUSE
16 IT'S CONFUSING ALREADY?

17 A. VIRGINIA CARMELO, [SA*PL], SHIRT [AOE] [PHA] CHAD
18 OH, EDGAR PEREZ, I CAN'T THINK OF WHO THE FIFTH ONE IS. ADAM
19 LOYA I THINK [STKPHR-FS] POSSIBLY, YEAH?

20 A. YEAH.

21 Q. AND CAN YOU EXPLAIN LIKE WHAT STEPS THEY TOOK TO
22 LEAVE?

23 A. WHAT I -- WHAT I WAS TOLD BY [PWERPB] OTHER AND
24 [PHAR] GONE WHEN THEY ASKED ME IF I WANTED TO BE ON THE
25 SCIATIC IS THAT THEY FIRED --.

26 MS. IBARRA: I'M GOING TO OBJECT THAT THAT'S HEARSAY
27 BUT I'LL LET YOU ANSWER?

28 A. OH OKAY. BECAUSE I PERSONALLY DIDN'T KNOW AT THAT

1 TIME SO YOU HAVE TO PERSONAL KNOWLEDGE OF IT?

2 A. NO.

3 Q. JUST WHAT YOU HEARD?

4 A. JUST WHAT I HEARD AND WHEN I STARTED SEEING EVIDENCE
5 OF STUFF.

6 Q. WE'LL GO THROUGH THAT.

7 A. YEAH.

8 Q. BUT YOU STARTED TO TELL ME THE HEARSAY THAT YOU
9 HEARD?

10 A. YEAH, THEY APPROACHED ME AND WANTED TO KNOW IF I
11 WANTED TO BE PART OF THE GROUP. THEY TOLD ME WHAT HAPPENED,
12 WHAT WAS GOING ON. WE RECEIVED THE LETTER FROM JONATHAN AND
13 YOU KNOW I SAID YES TO THEM, YEAH, I'D LIKE TO HELP TO KEEP
14 THE TRIBE TOGETHER.

15 Q. SO LET'S TALK ABOUT THAT?

16 A. OKAY. IS IT -- WAS IT YOUR UNDERSTANDING THAT MR.
17 STEIN EITHER -- DID HE IS HE IDENTIFY OR WAS IT FIRED?

18 A. WE UNDER HE WAS FIRED.

19 Q. OKAY. AND WHERE DO YOU GET THAT UNDERSTANDING FROM?

20 A. FROM HIS LETTER AND THAT'S WHAT I WAS TOLD ALSO.

21 Q. SO YOU WERE -- SO YOUR UNDERSTANDING WAS THAT HE WAS
22 FIRED?

23 A. UH-HUH.

24 Q. AND THEN HE SENT OUT A LETTER?

25 A. UH-HUH.

26 Q. SAYING THAT HE WAS FIRED?

27 A. RIGHT.

28 Q. AND THEN WE DISCUSSED THE LETTER, RIGHT, HE [SHO*ED]

1 SHOWED YOU A COPY OF THE LETTER?

2 A. RIGHT.

3 Q. LET'S SEE WHAT EXHIBIT NUMBER THAT IS. HE -- BUT
4 YOU WILL NOTE THAT THAT -- THAT LETTER IS IN TRIBAL COUNCIL
5 LETTERHEAD, CORRECT?

6 A. YES. YES.

7 Q. AND DID IT ALSO IN THE FOOTER -- LET ME SEE IF I CAN
8 GET A COPY OF IT SO THAT WE CAN LOOK AT IT OR AT LEAST YOU
9 CAN LOOK AT IT. I BELIEVE IT'S 520.

10 THE COURT: 520 OKAY.

11 MS. IBARRA: 520.

12 THE COURT: VOLUME I.

13 MS. IBARRA: SO 520 IS THE LETTER THAT WE DISCUSSED
14 EARLIER THAT MR. STEIN SHOWED YOU.

15 MS. IBARRA: I'M GOING TO TAKE A COPY AND APPROACH
16 YOU SO WE CAN TALK ABOUT IT.

17 THE COURT: SHE HAS IT RIGHT [STPHAOER] WELL I'LL
18 JUST BRING MY COPY TOO.

19 Q. SO THE LETTER SAYS I'M JONATHAN STEIN, MAKES ALL
20 THESE REPRESENTATIONS, SAYS HE WAS FIRED?

21 A. UH-HUH.

22 Q. WE WENT THROUGH THAT?

23 A. YES.

24 Q. AND IT'S WRITTEN IN THE TRIBAL LETTERHEAD?

25 A. YEAH IT'S IN THE LETTERHEAD, YEAH.

26 Q. AND CAN YOU READ THE FOOTER?

27 A. TRIBAL COUNCIL MEMBERS.

28 Q. YES CAN YOU READ THE NAMES?

1 A. YES. HONORABLE MARTIN ALCALA, HONORABLE VIRGINIA
2 CARMELO, HONORABLE SAM DUNLAP, HONORABLE ADAM LOYA, HONORABLE
3 CHARLENE MACHADO, AND HONORABLE EDGAR PRICE AND THEN THE
4 ADDRESS. I DON'T KNOW THE ADDRESS BUT --.

5 Q. THERE'S AN ADMISSION BY MR. STEIN IN THIS LETTER
6 THAT HE'S NO LONGER AFFILIATED WITH THE TRIBE CORRECT, THAT
7 IS CORRECT?

8 A. YES THAT I WAS FIRED, UH-HUH.

9 Q. BUT HE'S SENDING OUT A LETTER IN TRIBAL LETTERHEAD
10 [-FRBG] DO YOU THINK HE HAD AUTHORITY TO DO THAT?

11 A. I WOULD SAY YES BECAUSE HE WAS STILL TRYING TO KEEP
12 THE [TRAO*EUG] TRIBE [TORBGTS] MAYBE, THE ORIGINAL TRIBE AND.

13 Q. AND SO THAT GAVE HIM --?

14 A. I MEAN THAT'S MY OPINION.

15 Q. RIGHT. SO THAT IS YOUR OPINION. SO IN YOUR OPINION
16 IT WAS FINE FOR HIM TO USE THE TRIBAL LETTERHEAD?

17 A. FOR HIM TO REACH OUT TO US, YES.

18 Q. WOULD YOU THINK IT WOULD HAVE BEEN BETTER FOR HIM
19 JUST TO SEND OUT A LETTER ON HIS OWN, ON HIS OWN PERSONAL
20 LETTERHEAD?

21 A. [EUFPL] [KWR*ES] GUESS HE COULD HAVE GONE EITHER
22 WAY.

23 Q. WHAT DOES THE LETTERHEAD CONVEY TO YOU, LIKE WHAT
24 MESSAGE, WHEN YOU SEE THE TRIBAL LETTERHEAD WHAT DOES IT SAY
25 TO YOU?

26 A. THIS IS LETTER HEAVED FROM THE TRIBAL COUNCIL OR NOT
27 FROM THE TRIBAL COUNCIL, FROM THE TRIBE.

28 Q. DOES IT CONVEY THAT THIS IS A COMMUNICATION FROM THE

1 TRIBE TO THE MEMBERSHIP?

2 A. IT'S -- YEAH I WOULD SAY IT'S FROM THE TRIBE.

3 Q. THE FACT THAT ALL THESE PEOPLE'S NAMES ARE DOWN
4 HERE, DOES THAT CONVEY THAT IT'S AN ENDORSEMENT BY THEM TO
5 WHAT HE'S SAYING WHICH IS ADMITTED ALLEGATIONS. AGAINST THEM
6 BUT STILL IT'S ON THEIR LETTERHEAD?

7 A. I DON'T KNOW HOW TO ANSWER THAT. I GUESS, YEAH I
8 HAVE GUESS. BUT TO ME JONATHAN WAS LEADING THE GROUP AND HE
9 USED THE HER HEAD, I MEAN I THINK IT WAS PERFECTLY OKAY IN
10 FACT WHAT DO YOU MEAN -- OH I LET YOU FINISH I'M SORRY?

11 A. I THINK IT WAS PERFECTLY OKAY, MAYBE HE COULD HAVE
12 USED HIS LETTERHEAD TOO I DON'T KNOW BUT YOU KNOW FOR HIS LAW
13 OFFICES BUT --

14 Q. SO YOU JUST SAID THAT JONATHAN WAS LEADING THE
15 GROUP, WHAT DO YOU MEAN BY THAT?

16 A. WELL HE WAS THE ONE YOU KNOW PUTTING OUT THE MONEY
17 FOR THE GROUP, HE WAS ONE OF THE TOP LEADERS ALSO ALONG WITH
18 THE TRIBAL COUNCIL.

19 Q. OKAY. SECOND LINE, SO WHAT IS YOUR UNDERSTANDING OF
20 WHO RECEIVED THIS LETTER? YOU RECEIVED IT?

21 A. MEMBERS, ALL OF -- PROBABLY MEMBERS, ALL THE
22 MEMBERS, I WOULD IMAGINE THEY DID IT FROM, THEY TOOK
23 ADDRESSES THROUGH CLUB ASSISTANT PROBABLY.

24 Q. CLUB ASSISTANT IS WHAT?

25 A. IS OUR MEMBERSHIP, IT'S A COMPUTER PROGRAM, IT HAS
26 ALL OUR MEMBERSHIP INFORMATION AND YOU CAN PULL OUT CERTAIN
27 INFORMATION THAT YOU WANT LIKE IF YOU WANT A MEMBERS ADDRESS
28 AND NAME YOU CAN SPIT OUT THOSE -- YOU KNOW JUST THOSE

1 INFORMATION FOR THEM TO GET THIS LETTER.

2 Q. SO IT'S LIKE A MEMBERSHIP LIST?

3 A. YEAH IT'S A MILLIMETER MEMBERSHIP LIST.

4 Q. WITH THEIR --?

5 A. WITH ALL THEIR INFORMATION.

6 Q. WHERE IS CLUB ASSISTANT -- IT'S A PROGRAM?

7 A. IT THE A PROGRAM IN THE COMPUTER RIGHT.

8 Q. WHERE DOES IT LIVE AND WHO'S COMPUTER CLUB
9 ASSISTANT?

10 A. I HAVE ACCESS TO IT.

11 Q. YOU HAVE ACCESS TO IT, WHERE DOES IT LIVE. IN WHO'S
12 COMPUTER OR IN WHO'S SERVER IS IT BASED?

13 A. IT'S INTERNET BASED. I'M NOT SURE.

14 Q. WHO'S SERVER, IS THERE A SPECIFIC SERVER THAT
15 [TKPWO*EZ] OWNS WHO CLUB ASSISTANT HAS --?

16 A. I BELIEVE HAS ACCESS TO IT, WE HAVE A COMPUTER
17 PERSON THAT HELPS US AND HIS NAME IS MEALS, I DON'T KNOW HIS
18 LAST NAME.

19 Q. [TPHAOELZ]?

20 A. YEAH.

21 Q. STARTS WITH AN F?

22 A. I CAN'T REMEMBER HIS LAST NAME, I JUST KNOW HIM AS
23 [TPHAO*EUL] NIALL.

24 Q. AND IF WE HAVE COMPUTER PROBLEMS -- I MEAN IF WE
25 HAVE SOFTWARE PROBLEMS WE CALL HIM?

26 Q. SO YOU'RE NOT SURE BESIDES IF IT'S IN A SERVER OR IF
27 IT'S --?

28 A. I DON'T THINK IT'S AN SIN [*ER] IT'S AN INTERNET

1 BASED PROGRAM.

2 Q. SO IT'S JUST IN THE WEB SOMEWHERE?

3 A. RIGHT, RIGHT.

4 Q. SO JUST TO REPEAT, WHO HAS ACCESS TO IT?

5 A. JUST MYSELF, I BELIEVE JONATHAN DOES AND NIELS.

6 Q. NIELS, WHO IS AN IT?

7 A. IT, YEAH.

8 Q. AND IT'S TO MR. NIALL FORDYCE WHO IS SITTING INT HE
9 COURTROOM?

10 A. NO.

11 Q. SIMILAR NAME, NOT THE SAME PERSON?

12 A. NOT THE SAME PERSON.

13 Q. SO ONLY THOSE PEOPLE HAVE ACCESS TO IT?

14 A. RIGHT.

15 Q. AS FAR AS YOU KNOW?

16 A. RIGHT.

17 Q. SO BACK TO THIS LETTER, MR. STEIN MAKES ANOTHER
18 IMPORTANT REPRESENTATION, RIGHT, AT THE BOTTOM, CAN YOU READ
19 THE LAST PARAGRAPH, YOU READ IT FOR MR. STEIN I BUT I WANT TO
20 YOU READ IT AGAIN?

21 A. THE MY ASSISTANT BARBARA GARCIA IS THE TRIBAL
22 ADMINISTRATOR, BARBARA ANSWERS THE TRIBAL ADMINISTRATION
23 OFFICE PHONE AND KEYS WORDS, ARE THE SEX LENT WE BUILT
24 GABRIELINOS YOUR MEMBERSHIP RECORDS ARE SECURE PRIVATE AND
25 COMPUTERIZED, EACH OF YOU HAS A OWN MANILLA FOLDER FOR
26 PERSONAL DOCUMENTS.

27 Q. SO WE'VE ESTABLISHED AT THIS POINT THAT IT'S NOT
28 DISPUTED THAT MR. STEIN HAS COMPLETELY TERMINATED WHATEVER

1 RELATIONSHIP HE HAD WITH THE TRIBE, RIGHT?

2 A. (NODS HEAD.)

3 Q. AND HE STILL DOES.

4 THE COURT: [WHAUPZ] THAT A YES.

5 MS. IBARRA: OH SORRY.

6 MR. STEIN: MISSTATES THE TESTIMONY.

7 MS. IBARRA: I DIDN'T GET AN ANSWER.

8 THE COURT: WHAT WAS THE ANSWER?

9 A. I'M SORRY ASK THE QUESTION AGAIN, I'M CONFUSED.

10 Q. SO I BELIEVE WE HAD ESTABLISHED DURING OUR
11 CONVERSATION THAT AT THIS POINT IT WAS UNDISPUTED THAT MR.
12 [STAOEUPBZ] PROFESSIONAL RELATIONSHIP WITH THE PLAINTIFF, THE
13 GABRIELINO-TONGVA TRIBE HAD UN DISPUTE LEE ENDED?

14 A. RIGHT HE --.

15 MR. STEIN: OBJECTION NOT YET ESTABLISHED, FACTS NOT
16 EVIDENCE THAT GABRIELINO-TONGVA TRIBE IS THE PLAINTIFF,
17 THAT'S WHAT WE'RE HERE FOR.

18 THE COURT: OVERRULED.

19 Q. BY MS. IBARRA: DID HE STATE IN THIS LETTER THAT
20 HE'D BEEN FIRED?

21 A. YES.

22 Q. SO DO YOU THINK THAT THAT MEANS THAT HIS
23 RELATIONSHIP WITH EVERYBODY LISTED DOWN HERE WHICH IS MART
24 AL, VIRGINIA CARMELO, SAM DUNLAP [THARBGS] THAT TRIBAL
25 COUNCIL IS IT ESTABLISHED THAT HIS PROFESSIONAL RELATIONSHIP
26 WITH THEM WAS DONE?

27 A. ENDED, YES.

28 Q. BUT SO HERE WE ARE H HE'S TALKING ABOUT HAVING

1 CUSTODY OF ALL THE MEMBERSHIP RECORDS?

2 A. WHICH HE DID.

3 Q. WHICH HE DID. SO CAN YOU EXPLAIN TO ME WHAT
4 AUTHORITY HE HAD TO RETAIN CUSTODY OF THOSE RECORDS WHEN HE'S
5 NO LONGER A- FILLING [KWRAEUT]-D WITH THE TRIBE?

6 A. LET ME THINK HOW I WANT TO SAY THIS.

7 Q. TAKE YOUR TIME.

8 A. I BELIEVE HE -- WHEN WE TALKED TO HIM ABOUT STARTING
9 A COMMITTEE TO FIND OUT WHAT WAS GOING ON AND WE THOUGHT --
10 WE THOUGHT YOU KNOW WE THOUGHT THIS THIS GROUP HERE, THE
11 COUNCIL, THE EXISTING TRIBAL COUNCIL WAS LEAVING AND STARTING
12 A NEW FACTION AND US AS THE SCIATIC SAID WE WOULD STAY WITH
13 JONATHAN SO WE CONSIDERED THOSE RECORDS OUR RECORDS ALSO
14 BECAUSE WE ALSO ARE GT TRIBE.

15 Q. SO LET'S TAKE THAT IN STAGES BECAUSE YOU SAID A LOT
16 OF INTERESTING THINGS. FIRST YOU HAVE SAID THAT THEY WANT TO
17 LEAVE THE TRIBE SO I MEAN --.

18 Q. THE COUNCIL.

19 Q. THE COUNCIL DOWN HERE?

20 A. YEAH.

21 Q. THEY WANTED TO LEAVE THE TRIBE?

22 A. THEY LEFT THE TRIBE.

23 Q. CAN YOU SHOW ME IN THIS RAILROAD WHERE IT SAYS
24 THEY'RE LEAVING THE TRIBE?

25 A. I DON'T THINK ON THIS -- WELL I DON'T REMEMBER, LET
26 ME READ IT AGAIN.

27 Q. OKAY TAKE YOUR TIME?

28 A. NO, IT DOESN'T SAY THAT.

1 Q. IT DOESN'T SAY THAT?

2 A. HUH-UH.

3 Q. SO THE NEXT THING THAT YOU SAID WAS HAD YOU DECIDE
4 TODAY STAY WITH [STAOEUFRLPBLGTS] RIGHT BECAUSE WHEN I WAS A-
5 MARKED BY MARTHA AND BERNIE, WE TALKED ABOUT IT AND THAT WAS
6 ONE OF THE THINGS THAT CAME UP, WHAT ARE WE GOING TO DO WAS
7 WE HAD HEARD THAT THEY WERE GOING TO START ANOTHER FACTION
8 AND WE --

9 Q. OKAY. I'M GOING TO OBJECT TO THAT HEARSAY BUT I DO
10 WANT TO HEAR ABOUT WHERE YOU HEARD IT FROM?

11 A. WELL IT WAS AT THAT MEETING IN POMONA.

12 Q. POMONA?

13 A. [PA] [SHUB] THAT, IT'S THE MERE MID IN LONG BEACH.

14 Q. MERE MID IN LONG BEACH.

15 Q. IN LONG BEACH STATE, THERE WAS A MEETING HELD AND IT
16 WAS BY THE DUNLAP GROUP.

17 Q. SO THERE WAS COMPETING MEETINGS IN NOVEMBER?

18 A. THERE WAS TWO, YEAH. I REMEMBER.

19 Q. BECAUSE THIS GETS REALLY CONFUSING [AOEUPB] FOR ME
20 AND I'VE BEEN IN THIS CASE FOR A COUPLE YEARS SO IT GETS
21 REALLY CONFUSING FOR THE JURY AND EVERYTHING ELSE. SO IF YOU
22 CAN JUST TELL ME WHAT HAPPENED IN THOSE TWO MEETINGS?

23 A. OKAY THE FIRST NOVEMBER MEETINGS WAS LIKE ON A
24 SATURDAY OR SUNDAY I CAN'T REMEMBER WHAT DATE.

25 Q. ANY BAY I'M SORRY?

26 A. YEAH.

27 Q. CAN I INTERRUPT YOU BECAUSE I DIDN'T ASK YOU FIRST
28 IF YOU HAVE ATTENDED BOTH OF THE MEETING?

1 A. YES.

2 Q. YOU DID OKAY?

3 A. YES YES.

4 Q. GOOD?

5 A. I WAS AT BOTH MEETINGS AND THE MEETINGS WITH THE
6 DUNLAP GROUP HAD PUT -- HAD IT, THEY'RE THE ONES THAT CALLED
7 THE MEETING IN LONG BEACH WE -- GO AHEAD.

8 Q. THANK YOU. SO LET'S FIRST GO THROUGH THE MEETING IN
9 LONG BEACH, SO HOW DID YOU FIND HOW TALL ABOUT THE MEET
10 [TPH-G] LONG BEACH?

11 A. I'M TRYING TO REMEMBER HOW I FOUND OUT ABOUT THAT.

12 Q. I DON'T REMEMBER HOW I FOUND [OEUT] BUDS ME AND ALL
13 MY SISTER'S ALL A- TENDERNESS-D IT, I DON'T REMEMBER HOW I
14 HEARD OR IF SOMEBODY GOT A CALL, I DON'T HAVE HOW THEY HEARD
15 ABOUT IT?

16 Q. SO THE DUNLAP GROUP AT THAT POINT DIDN'T HAVE THE
17 MEMBERSHIP RECORDS?

18 A. RIGHT.

19 Q. BECAUSE STEIN HAD THEM, RIGHT?

20 A. RIGHT UH-HUH.

21 Q. SO HOW WOULD THEY HAVE [KNOWN|NO ONE] TO REACH OUT
22 SO YOU?

23 A. THAT'S WHAT I DON'T KNOW, I DON'T REMEMBER WHO
24 REACHED OUST TO ME.

25 Q. SO IT WAS UNLIKELY THEY COULD HAVE USED THEIR OWN
26 MEMBERSHIP RECORDS TO SEND YOU A IN THE?

27 A. NO I DON'T THINK A NOTICE WAS SEND OUT.

28 Q. SO YOU DON'T RECALL RECEIVING? ?

1 A. I DON'T RECALL HAD RECEIVING [STKPWR-L] [SHAOEFG]
2 ONE.

3 THE COURT: WAIT WAIT WAIT, YOU KEEP TALKING OAF
4 EACH OTHER BECAUSE THE COURT REPORTER CAN'T TAKE BOTH OF YOU?

5 A. OKAY.

6 THE COURT: SO?

7 A. I DON'T REMEMBER I DON'T RECALL A NOTICE BEING SEND
8 OUT IT WAS EITHER MYSELF OR ONE OF MY [SEUFS] [-Z] RECEIVED.

9 Q. BY MS. IBARRA: SO SOMEBODY IN THE DUNLAP OR
10 [KA*RPL] OR SOMETHING [ET]?

11 A. RIGHT.

12 Q. STARTED EVERYBODY SAYING?

13 A. MAYBE THAT'S WHAT HAPPENED, SURE.

14 Q. BUT DO YOU RECALL A TELEPHONE CALL?

15 A. I DON'T PERSONALLY BUFF ONE OF MY OF SISTER [H-Z]
16 MIGHT HAVE GOTTEN IT BECAUSE I HAVE FIVE SISTER.

17 Q. FAIR ENOUGH. SO YOU DON'T RECALL A NOTICE, YOU
18 RECALL GETTING WORD OF MOUTH CAN WE SAY WORKED OF MOUTH?

19 A. YEAH IT CAN BE [WOD] WORD OF MOUTH.

20 Q. SO YOU ATTEND THAT MEETING. BEFORE WE DESCRIBE BOTH
21 OF MEETINGS I WANT TO FIND OUST HOW FAR YOU GET NOTICE OF THE
22 OTHER MEETING?

23 A. I --.

24 Q. YEAH GO AHEAD, SORRY TO INTERRUPT YOU, I NEED TO --?

25 A. I WAS TOLD BY -- I BELIEVE IT WAS [PHAR] GONE, SHE
26 TOLD ME ABOUT THE MEETING THAT WAS GOING TO HAPPEN AT ELYSIAN
27 PARK.

28 Q. SO DID YOU GET A NOTICE POUR THAT?

1 A. I DON'T REMEMBER RECEIVING. I DON'T REMEMBER HOUR
2 I -- I HAVE KNOW MARTHA TOLD ME ABOUT IT AND WHAT TIME IT WAS
3 GOING TO START AND WHERE IT WAS BUT I DON'T REMEMBER HOW --
4 IF [SPH-TS] [-DZ] WERE SENT OUT I DON'T KNOW, BECAUSE I
5 WASN'T REAL INVOLVED WITH TRIBAL COUNCIL OR YOU KNOW THE
6 POLITICAL PART THE TRIBE.

7 Q. WHAT DO YOU MEAN BY THE POLITICAL PART OF THE
8 TRIBE?

9 A. WELL-BEING ON TRIBAL COUNCIL OR BEING AWARE OF
10 DIFFERENT THINGS THAT WERE GOING ON.

11 Q. OKAY. DID THEY HAVE YOUR ADDRESS ON FILE?

12 A. YES, OH YES, UH-HUH.

13 Q. HOW DID YOU ORDINARILY GET NOTICES FROM THE TRIBE?

14 A. USUALLY IN THE MAIL. THEY DIDN'T DO INTERNET LIKE
15 WE DO NOW.

16 Q. SO LET'S GO THROUGH THE FIRST MEETING. WHICH ONE
17 WAS THE FIRST MEETING?

18 A. I BELIEVE THE FIRST MEETING WAS -- THE ONE [TPH*] IN
19 LONG BEACH.

20 Q. SO THAT WOULD BE [KA*RPL] PEOPLE ON THIS LETTERHEAD?

21 A. RIGHT, RIGHT THIS GOOP HERE.

22 Q. SO HOW DID THAT MEETING GO?

23 A. IT WASN'T OKAY, IT WAS -- I GOT TO MEET A LOT OF
24 PEOPLE, BERNIE -- THAT'S WHERE I WAS APPROACHED BY PERSON
25 [SKPAOE] [PHAR] GONE THAT THEY WERE FORGE A COMMITTEE TO KIND
26 OF KEEP THE TRIBE TOGETHER BECAUSE SO MANY PEOPLE WERE JUST
27 IN AN UP LOWER, THEY DIDN'T KNOW WHAT WAS HAPPENING AND WE
28 DIDN'T WANT PEOPLE LIKE LEAVING, YOU KNOW GOING TO ANY

1 FACTIONS OFTEN ANYTHING LIKE THAT SO THEY WERE FORMING THIS
2 COMMITTEE TO HOOK INTO WHAT HAPPENED AND DIAGNOSE -- [PHAEBG]
3 DECISIONS WHAT WE WERE GOING TO DO.

4 Q. SO THAT'S AFTER YOU HAD RECEIVED THIS LETTER,
5 CORRECT?

6 A. I BELIEVE SO.

7 Q. SO THIS LETTER -- WAS THIS LETTER THE CAUSE OF THE
8 UPROAR?

9 A. YES.

10 Q. IN THE MEMBERSHIP?

11 A. YES. NOBODY KNEW WHAT WAS GOING TO HAPPEN.

12 Q. ALL RIGHT. AND SO THAT -- WHAT WAS THE PURPOSE --
13 HAD YOU DESCRIBED SORT OF YOUR INTERACTION [W-Z] OTHER
14 MEMBERS DURING THAT MEETING?

15 A. UH-HUH.

16 Q. RIGHT BECAUSE THAT'S WHAT YOU SAID?

17 A. YES.

18 Q. YOU SPOKE TO BERNIE ACUNA? WHAT WERE THE
19 PRESENTATIONS LIKE AT THAT MEETING?

20 A. INSIDE -- THEY WERE INSIDE THE BUILDING BECAUSE WHEN
21 I WAS APPROACHED BY MARTHA AND -- WE WERE OUTSIDE. IT WAS
22 VERY [HOEUS] IT WILL, QUESTIONS WERE BEING THROWN AT
23 [SREURPL] [SREURPBL] AND SHE EVEN MADE THE COMMENT WHAT IS IT
24 PICK ON VIRGINIA DAY AND SHE YOU KNOW WAS ASKED ABOUT HER --
25 PEOPLE ASKED DIFFERENT QUESTIONS, I DIDN'T ASK ANYTHING, I
26 JUST SAT AND LISTENED, I BELIEVE MARTHA DID ASK A QUESTION
27 BUT I CAN'T REMEMBER WHAT SHE [K-D]. AND I THINK SHE ENDED
28 UP WALKING OFF THE STATEMENT.

1 Q. SO MY QUESTION WAS WHAT WERE THE PRESENTATIONS LIKE,
2 SO I CAN'T SAY TO [SREURPL] VERDICT FORM WAS THERE ANYBODY
3 ELSE THAT YOU --?

4 A. I BELIEVE -- I'M TRYING TO THINKING WHO [EULS].

5 A. I THINK SAM DID TALK. I'M TRYING TO THINK WHO ELSE
6 MIGHT HAVE TALKED?

7 A. I CAN'T REMEMBER. IT'S SO FAR BACK.

8 Q. OKAY. AND DID ANYBODY TALK ABOUT MR. STEIN SINCE
9 THIS WAS THE CAUSE OF A LOST FRICTION?

10 A. I BELIEVE, YEAH, VIRGINIA DID ADDRESS SOME OF THE
11 THING IN THE LETTER.

12 Q. WHAT DO YOU REMEMBER HEARING ABOUT THAT ABOUT MR.
13 STEIN?

14 A. I THINK SHE HAD.

15 MR. STEIN: OBJECTION HEARSAY.

16 THE COURT: IS IT HEARSAY.

17 MS. IBARRA: IT'S YOUR RECOLLECTION OF WHAT YOU
18 HEARD?

19 A. YEAH IT'S MY RECOLLECTION I HAVE GUESS OF WHAT I
20 REMEMBER, IT'S BEEN SO LONG.

21 THE COURT: ALL RIGHT IT'S NOT FOR TRUTH OF THE
22 MATTER GO AHEAD?

23 A. YEAH IT'S BEEN SO LONG I CAN'T REMEMBER, I'M OLD. I
24 THINK SHE DID ADDRESS SOME OF THESE ISSUES AND I THOUGHT IT
25 WAS BROUGHT UP THAT HE RESIGNED INSTEAD OF BEING FIRED AND IT
26 WAS ALSO BROUGHT UP ABOUT -- ABOUT TAKING THE MONEY AND ALL
27 THAT KIND OF THING, IT WAS THEIR -- YOU KNOW SHE SAID IT WAS
28 THEIR CHECK BOOKS, IT WAS THEIR MONEY AND THAT KIND OF THING

1 BUT SHE KIND OF WENT THROUGH THE LETTER AND EXPLAINED SOME OF
2 THE THINGS.

3 Q. AND SO AFTER HER EXPLANATION YOU WERE NOT SATISFIED
4 IT SOUND LIKE?

5 A. NO. MOST -- I'LL TELL YOU WHY, BECAUSE MOST OF THE
6 MEMBERS RESPECTED JONATHAN AND LIKED JONATHAN FOR [WHA*Z]
7 WHAT HE'S DONE THROUGHOUT THE YEARS, YOU KNOW HE FUNDED US
8 FOR SO MANY YEARS AND HE WAS WORKING ON A CASINO PROJECT THAT
9 EVERYBODY WANTED. SO I THINK THAT'S WHY YOU KNOW PEOPLE WERE
10 UPSET.

11 Q. AND HE ALSO GOT YOU ALL THIS AMOUNT OF MONEY, RIGHT?

12 A. RIGHT.

13 Q. SO DID YOU -- LET GET BACK TO THE MORALES GROUP?

14 A. YEAH.

15 Q. DID YOU KNOW THAT JONATHAN HAD ADVISED VIRGINIA
16 CARMELO, SAM DUNLAP, MART AL TO SUE THE MORALES GROUP.

17 MR. STEIN: OBJECTION FACTS NOT IN EVIDENCE?

18 A. I DIDN'T --.

19 THE COURT: HOLD ON WHEN THERE'S AN OBJECTION?

20 A. OKAY.

21 THE COURT: SUSTAINED.

22 Q. BY MS. IBARRA: SO I'LL ASK SOMETHING ELSE -- WE'LL
23 RETURN TO THAT WHEN I CAN LAY A FOUNDATION THORACIC THAT?

24 A. OKAY.

25 Q. GETTING BACK TO THIS, SO DID THEY GIVE YOU AN
26 EXPLANATION [-Z] A- TO WHY THE AMOUNT OF MONEY THAT CAME IN
27 FROM LIBRA GROUP WAS NOT DISCLOSED TO YOU?

28 A. I DON'T BELIEVE THEY DID, I DON'T BELIEVE THEY GIVE

1 ANNEX [PHRAEUP] NATION OF THAT.

2 Q. THEY DIDN'T TELL YOU THAT MR. STEIN HAD ADVISED THEM
3 NOT TO?

4 A. NO, I DON'T REMEMBER THAT.

5 Q. OKAY. I DON'T RECALL THAT ANYWAY.

6 Q. THAT'S FINE. SO GETTING BACK TO EXHIBIT 5
7 HUNDRED -- WELL ACTUALLY -- YEAH YOU'VE COVERED IT WITH MR.
8 STEIN, EXHIBIT 5 HUNDRED WHICH IS THE FIRST EXHIBIT IN THEIR
9 GROUP?

10 A. OH THE TAXES.

11 Q. YES THE TAXES. SO LET JUST HEY A LITTLE TIME LINE
12 HERE?

13 A. UH-HUH.

14 Q. SO YOU'RE IN THE MORALES AND THEN YOU LEAVE THE
15 MORALES GROUP, JOIN THIS GROUP WITH THE LETTERHEAD WITH YOU
16 KNOW [KA*RPL] AND DUNLAP ET CETERA?

17 A. RIGHT UH-HUH.

18 Q. IN 2003. AND IN 2007 YOU CLAIM THAT YOU A- SEND-D
19 TO CONTROL THIS GROUP?

20 A. RIGHT.

21 Q. AND IN 2007 YOU CLAIM THAT YOU FILED THESE TAXES?

22 A. TAXES.

23 Q. FOR 2000?

24 A. RIGHT, I BELIEVE THAT THAT WAS CORRECT.

25 Q. WHY ARE YOU IN 2007 FILING TAXES FOR 2000?

26 A. BECAUSE THEY WERE NEVER DONE.

27 Q. WHO -- DID THE TRIBE HAVE ANY INCOME IN 2000?

28 A. NO.

1 Q. THEY DIDN'T HAVE ANY INCOME?

2 A. I -- I DON'T KNOW, THESE ARE PREPARED BEEN AN
3 ACCOUNTING PERSON AND --

4 Q. DID YOU ALSO FILE THEM FOR 2001?

5 A. I BELIEVE WE DID.

6 Q. BECAUSE THESE ARE A GROUP, RIGHT?

7 A. THERE'S ONLY ONE HERE -- WELL THERE WAS ANOTHER AREA
8 WHERE THERE WAS A BUNCH OF THEM BUT I DON'T REMEMBER.

9 Q. I'LL ASK YOU IF YOU RECALL, DO YOU RECALL HOW MANY
10 BACK INCOME TAXES YOU WERE FILING FOR THIS GROUP?

11 A. I DON'T REMEMBER HOW MANY.

12 Q. WAS IT YOUR IDEA TO FILE THESE INCOME TAXES?

13 A. MINE -- MY IDEA AND I HAVE FRIENDS THIS ARE
14 ACCOUNTANTS AND STUFF SO THEY SAID THEY NEEDED TO BE DONE.

15 Q. SO YOU JUST DECIDED THAT YOU WERE GOING TO -- SO YOU
16 RECALL THAT IT WAS YOUR IDEA?

17 A. YEAH.

18 Q. WITH THE ADVICE FROM SOME ACCOUNT [APBLTS]?

19 A. RIGHT.

20 Q. AND YOU FILED THAT IN 2007, WAS IT 2007 OR WAS IT
21 LATER?

22 A. AGAIN HE WAS WAITING.

23 THE COURT: MA'AM YOU'VE GOT TO HAVE WAIT FOR HER TO
24 FINISH BECAUSE THE COURT REPORTER CAN'T GET IT THE ALL DOWN.

25 Q. BY MS. IBARRA: SO WAS IT 2007 OR LATER WHAT WAS
26 YOUR RECOLLECTION?

27 A. I BELIEVE IT WAS [PROB] FLEE 2007 IT COULD HAVE BEEN
28 LATER, I DON'T EXACTLY REMEMBER YEARS BUT I KNOW WE FILED A

1 BUT OF THEM.

2 Q. A BUNCH OF THEM. SO WOULD YOU HAVE FILED EVERY ONE
3 FROM THE YEAR 2000?

4 A. I BELIEVE SO.

5 Q. SO IT'S YOUR BELIEF THAT IN 2000, THE GROUP THAT YOU
6 CONTROLLED WAS IN EXISTENCE?

7 A. YES.

8 Q. AND?

9 A. THAT'S CORRECT.

10 Q. WERE THEY DOING -- DO YOU KNOW WHAT KIND OF BUSINESS
11 THEY WERE DOING IN 2000?

12 A. WHAT DO YOU MEAN, I DON'T UNDERSTAND WHAT KIND OF
13 BUSINESS.

14 Q. YEAH SO WHAT KIND OF -- YOU'RE FILING INCOME TAXES I
15 SUPPOSE?

16 A. RIGHT.

17 Q. BECAUSE YOU FEEL LIKE YOU HAD BUSINESS [-FRPBL] WELL
18 WE HAD.

19 Q. OR YOU HAD INCOME OR YOU HAD SOMETHING?

20 A. WE FILED TAXES [PWAU] THEY NEEDED TO, THERE WAS
21 SOME -- THERE IS SOME DOLLAR FIGURES ON HERE SO THEY --.

22 Q. ARE THEY NEGATIVE DOLLAR FIGURES?

23 A. THIS ONE.

24 Q. CAN YOU READ THE DOLLAR FIGURES [PHRAOEUS]?

25 A. 12 [TR-RB] THERE'S A POSITIVE AND A NEGATIVE.

26 Q. AND WHAT'S THE TOTAL?

27 A. ZERO.

28 Q. ZERO. OKAY SO I'M NOT A TAX LAWYER?

1 A. I'M NOT EITHER.

2 Q. I'M [-P] AN ACCOUNTANT. ARE YOU AN ACCOUNTANT?

3 A. NO.

4 Q. SO YOU FELT THE NEED TO FILE IT BECAUSE IT
5 REPRESENTED ACTIVITY?

6 A. I BELIEVE SO.

7 Q. IT REPRESENTED INCOME?

8 A. ACTIVITY PROVE FLEE.

9 Q. BUT YOU'RE FILING THIS UNDER PENALTY OF PERJURY?

10 A. UH-HUH.

11 Q. BUT YOU DON'T HAVE ANY FOLLOW UP OF WHAT WAS GOING ON
12 AND WHAT THOSE FIGURES REPRESENT.

13 MR. STEIN: OBJECTION MISSTATES THE TESTIMONY.

14 THE COURT: OVERRULED.

15 Q. BY MS. IBARRA: DO YOU HAVE ANY KNOWLEDGE OF WHAT
16 THESE FIGURES REPRESENT?

17 A. I PROBABLY DID AT THAT TIME BUT NOW I DON'T
18 REMEMBER.

19 Q. DO YOU HAVE ANY KNOWLEDGE OF WHAT THOSE FIGURES
20 REPRESENTED FOR ANY SUBSEQUENT YEARS? LET ME BACK UP AND SAY
21 WHICH YEARS DO YOU REMEMBER FILING TAXES FOR?

22 A. I DON'T REMEMBER ANY OF THESE, I I MEAN I REMEMBER
23 FILING THEM, I HAD THE INFORMATION, I WAS HELPED ON BARBARA
24 ON FILING THESE.

25 Q. WHO'S BARBARA?

26 A. BARBARA IS OUR ADMINISTRATOR, SHE WOULD SEND THEM TO
27 ME AND --

28 Q. I'M SORRY, WHAT IS BARBARA'S LAST NAME?

1 A. BARBARA GARCIA.

2 Q. IS BARBARA GARCIA THE SAME PERSON WHO'S A LEGAL
3 ASSISTANT TO MR. STEIN?

4 A. I THINK SO, YEAH. YES I THINK IT'S THE BARBARA
5 GARCIA [STKPH] SO SHE'S A PERSON THAT WORKS WITH MR.
6 [STAOEPB], SHE SIGNS --?

7 A. SHE'S AN AN ADMINISTRATIVE [-R] FOR THE TRIBE.

8 Q. BUT SHE SIGNS THE PROVES OF SERVICE FOR HIS OFFICE.
9 MR. STEIN: OBJECTION ASSUMES FACTS NOT IN EVIDENCE.
10 THE COURT: OVERRULED IS THAT TRUE, YES OR NO?

11 A. YES, YES, I WOULD SAY YES, SHE DOES.

12 Q. BY MS. IBARRA: SHE DOES. SO DO YOU KNOW SHE
13 PROVIDES LITTLE ASSISTANT SERVICES TO WILL MR. STEIN IN SOME
14 [KAS] [EUT]?

15 A. I KNOW SHE DOES SOME [TAOEUPBLGZ] THINGS FOR HIM
16 BUFF I'M NOT SURE WHAT.

17 Q. AND SO SHE HELPED YOU PREPARE THESE DOCUMENTS?

18 A. RIGHT. SHE -- I DON'T KNOW WHO PREPARED THEM BUT
19 SHE WOULD SEND THEM TO ME AND SAY YOU PHOTOGRAPH THESE ARE
20 DOCUMENTS AND SHE WOULD TELL ME WHAT AND I WOULD SIGN THEM
21 AND -- BUT SHE WOULD -- YOU KNOW SHE'D HAVE THE DOCUMENTATION
22 TO BACK IT UP.

23 Q. I SEE. AND HOW WOULD SHE COMMUNICATE WITH YOU,
24 EITHER BY PHONE OR BY E-MAIL?

25 A. SO WHEN SHE TRANSMITTED THESE DOCUMENTS HOW WOULD
26 THEY HAVE LIKELY GOTTEN TO YOU?

27 A. E-MAIL.

28 Q. E-MAIL?

1 A. SHE WOULD SCAN THEM IN PROBABLY AND SEND THEM TO
2 ME.

3 Q. AND HOW DID YOU SEND THEM BACK TO HER?

4 A. SAME WAY.

5 Q. AND HOW DID SHE EXPLAIN WHAT YOU WERE SIGNING?

6 A. SHE TOLD ME THESE WERE THE TAX RETURNS THAT WE HAD
7 TO FILE AND WE DID THEM.

8 Q. DID YOU THINK THAT SHE HAD AUTHORITY TO DO THAT OR
9 DID YOU THINK THAT WAS -- THAT THE REQUEST WAS COMING FROM
10 MR. STEIN?

11 A. I BELIEVE THAT SHE PROBABLY WAS GETTING SOME
12 DIRECTION FROM HIM ALSO BUT TO ME SHE HAD THE AUTHORITY TO
13 SEND THEM TO ME FOR SIGNATURE.

14 Q. SO DO YOU KNOW EITHER WAY WHETHER MR. STEIN PREPARED
15 THESE?

16 A. I DON'T KNOW.

17 Q. YOU DON'T KNOW WHO PREPARED THESE?

18 A. NO.

19 Q. DID YOU SIGN THEM?

20 A. YES I DID.

21 Q. BECAUSE IT'S NOT A SIGNED COPY?

22 A. NO BUT I DID SIGN THEM. YEAH I REALIZE MY
23 SIGNATURES NOT ON HERE.

24 Q. WHY WOULD YOU HAVE NOT KEPT COPIES OF THE DOCUMENTS
25 THAT YOU SIGNED?

26 A. I DO HAVE COPIES OF EVERYTHING THAT I SIGNED AT
27 HOME.

28 Q. WHY DIDN'T YOU PROVIDE PRODUCE A SIGNED COPY TO US.

1 MR. STEIN: OBJECTION?

2 A. I WASN'T ASKED TO.

3 MR. STEIN: YOUR HONOR SHE'S PUTTING THE WITNESS
4 TOWARD THE WRONG EXHIBIT, WE ADMITTED AN EXHIBIT IN EVIDENCE
5 THAT OTHER HAS SIGNATURES SHE'S JUST USING THE WRONG ONE.

6 MS. IBARRA: BUT THIS WAS THE SAME DOCUMENT THAT WAS
7 USED.

8 THE COURT: WELL IF YOU HAVE THE SIGNED ONE WHY
9 DON'T YOU TELL US WHERE IT IS.

10 MR. STEIN: VERY GOOD.

11 THE COURT: IS IT IN THIS EXHIBIT BOOK.

12 MR. STEIN: IT'S THE ONE WITH THE LONG TAXES.

13 THE COURT: I THINK IT IS THE ONE YOU SHOWED [OT]
14 JURY.

15 MR. STEIN: WITH HAD HE FIFTH EMPLOYER FEDERAL
16 IDENTIFICATION NUMBER WHICH IS THE ONE I THINK SHE'S HOOKING
17 FOR NOW WE HAD A MUCH OF THICKER DOCUMENT.

18 THE COURT: DO YOU HAVE A SIGNED COPY.

19 MS. IBARRA: , IS [-RT] QUESTION.

20 MR. STEIN: EXHIBIT 50 THREE IS THE QUESTION AND
21 THAT'S THE EXHIBIT SHE IDENTIFIED.

22 MR. STEIN: .

23 THE COURT: IT IT'S ALL UNSIGNED THAT'S WHERE'S THE
24 SIGNED ONE.

25 MR. STEIN: OH THAT WOULD BE THE QUESTION.

26 THE COURT: IF YOU HAVE ONE, YOU HAVE WANT TO GO
27 HOME AND BRING IT TO US SOME OTHER DAY OR TOMORROW THAT'S
28 FINE BUT AGAIN.

1 Q. BY MS. IBARRA: BUT AS OF NOW YOU HAVE DON'T HAVE
2 THE SIGNED COPY BUT YOU RECALL SIGNING THEM?

3 A. I RECALL PSYCHE THEM FOR ALL THE STATE AND FEDERAL.

4 Q. BUFF YOU REPRESENTED THAT YOU HAVE DIDN'T PREPARE
5 THEM?

6 A. NO, I DIDN'T PREPARE THEM.

7 Q. AND YOU ALSO REPRESENTED -- I'M NOT A -- I'M
8 SORRY?

9 Q. SORRY. YOU ALSO REPRESENTED THAT YOU THINK MR.
10 STEIN MIGHT HAVE PREPARED?

11 A. I DON'T KNOW WHO PREPARED THEM.

12 Q. YOU DON'T KNOW WHO PREPARED THEM?

13 A. I DON'T THINK MR. STEIN IS AN ACCOUNTANT OWN CPA
14 ALSO.

15 Q. BUT A LOT OF LAY PEOPLE PREPARED ESPECIALLY WHEN
16 IT'S ZERO IT MIGHT NOT BE THAT DIFFICULT.

17 THE COURT: DO YOU AGREE?

18 A. YES.

19 Q. BY MS. IBARRA: SO WE DON'T KNOW AND YOU DON'T HAVE
20 ANY INDEPENDENT RECOLLECTION OF WHAT THEY MEANT?

21 A. NOT AT THIS POINT, I MEAN I QUESTIONED MARTHA ON
22 BARBARA ON SOME OF THEM AND SHE TOLD ME, SHE HAS EVERYTHING
23 IN THE OFFICE SO --

24 Q. WHAT OTHER KINDS OF DOCUMENTS WOULD BARBARA SEND FOR
25 TO YOU SIGN?

26 A. THE LOB EVENING AGREEMENT, THE LOBBYING PAPERWORK, I
27 HAVE SHOULD SAY, OR DOCUMENTS BUT [THRAZ] TWO.

28 Q. WOULD SHE ALSO SEND SOME DECLARATIONS IN THIS

1 COURTROOM ACTION FOR US TO SIGN?

2 A. IN THIS COURT ACTION, NO. I DON'T REMEMBER SIGNING
3 ANYTHING IN THE COURT ACTION.

4 A. OH SHOULD I SHOW YOU SOME?

5 A. YEAH.

6 Q. OKAY. .

7 THE COURT: IS THIS A NEW BOOK.

8 MS. IBARRA: OH [SH-S] IN DEFENDANTS BOOKS.

9 THE COURT: IT'S IN [TKEFPTS] BOOKS.

10 MR. STEIN: YOUR HONOR ARE WE EXAMINING THE
11 CREDIBILITY OF THE WITNESS ON STATEMENTS.

12 THE COURT: WHY ARE YOU ASKING ME THAT. DO YOU HAVE
13 AN OBJECTION OR.

14 MR. STEIN: YEAH THE OBJECTION WOULD BE RELEVANCE.

15 THE COURT: OVERRULED.

16 MR. STEIN: THE DECLARATION -- OKAY.

17 MS. IBARRA: ACTUALLY I IDENTIFIED A DECK [KHRAEULS]
18 OF BARBARA GARCIA.

19 THE COURT: [KOURPB] IF YOU DON'T HAVE IT HANDY YOU
20 CAN MOVE ON U YOU CAN FIND IT LATER AND RAISE IT LATER.

21 MS. IBARRA: [KWHRAF] I'LL JUST MOVE ON?

22 A. WHEN YOU HAVE MEAN COURT DOCUMENTS, I MEAN I SIGNED
23 A DECLARATION FOR HERE.

24 Q. BY MS. IBARRA: THAT WOULD BE A COURT DOCUMENT?

25 A. YEAH I DON'T UNDERSTAND TERMINOLOGY SOMETIMES IN THE
26 LEGAL FIELD BUT.

27 Q. OKAY. I'M SORRY THEN THAT'S WHAT I MEANT?

28 A. OKAY YEAH.

1 Q. I MEANT DECLARATIONS?

2 A. I DID SIGN A DECLARATION.

3 Q. DID YOU PERHAPS SIGN MORE THAN ONE?

4 A. I DON'T THINK SO.

5 Q. BUT YOU'VE AT LEAST SIGNED ONE?

6 A. ONE, YES.

7 Q. ONE DECLARATION?

8 A. RIGHT.

9 Q. WHO PREPARED THAT DECLARATION?

10 A. I BELIEVE NIELS, NIELS OR -- HE'S THE ATTORNEY I
11 BELIEVE HE PRE PAIRED IT.

12 THE COURT: NIELS REFERRING TO -- YOU'RE POINTING TO
13 COUNSEL?

14 A. NIELS.

15 THE COURT: SITTING AT COUNSEL TABLE ON THE DEFENSE
16 SIDE.

17 Q. BY MS. IBARRA: SO MR. FORDYCE, MR. NIELS FOR THE?

18 A. YEAH.

19 Q. WHO'S COUNSEL FOR MR. STEIN?

20 A. STEIN, YOU HAVE OF.

21 Q. SO YOU RECALL SIGNING A DECLARATION?

22 A. DECLARATION.

23 Q. THAT WAS PREPARED BY MR. FORDYCE?

24 A. I BELIEVE IT WAS PREPARED BY HIM H RIGHT.

25 Q. SO IT WAS PROBABLY ON BEHALF OF MR. STEIN?

26 A. PROBABLY.

27 Q. SO MR. FORDYCE HAS ONLY BEEN ENGAGED IN THIS ACTION
28 FOR ABOUT A YEAR SO BEFORE THAT YOU NEVER SIGNED A

1 DECLARATION?

2 A. NOT -- I DON'T REMEMBER, I KNOW I HAVE HAD COME TO
3 COURT BEFORE BUT I DON'T REMEMBER SIGNING.

4 Q. I THINK I HAVE ONE THAT I WILL SHOW YOU?

5 A. YEAH I DON'T RECALL IT.

6 Q. IF YOU'LL RECALL?

7 A. IT'S BEEN TOO LONG.

8 THE COURT: MA'AM I THINK WHAT IT IS, SOMETIMES YOU
9 MAY THINK YOU'RE ANSWERING THE QUESTION IT MAY NOT BE THE
10 QUESTION THAT'S BEING ASKED SO IF YOU WAIT YOU CAN HEAR THE
11 FULL QUESTION AND THEN ANSWER, OKAY.

12 Q. BY MS. IBARRA: CAN WE TALK ABOUT THE BLUE CARDS?

13 A. YES.

14 Q. SO BEFORE WE LOOK AT IT, CAN YOU PLEASE TELL ME WHAT
15 IT IS, WHAT THE BLUE CARDS DO?

16 A. THE BLUE CARDS TAX DOCUMENTS -- REQUEST FOR
17 DOCUMENTS -- MEMBERS DOCUMENTS BACK.

18 Q. AND WHO ARE THE BLUE CARDS ADDRESSED TO?

19 A. TO THE TRIBE GT TRIBE AT THE SANTA MONICA ADDRESS.

20 Q. AND THEY BASICALLY WANT THEIR DOCUMENTS BACK?

21 A. CORRECT.

22 Q. AND ARE THEY ADDRESSED TO YOU?

23 A. I DON'T THINK SO.

24 Q. WHO DO YOU THINK THEY'RE ADDRESSED TO?

25 A. PROBABLY BARBARA, I MEAN SHE HANDLES -- I MEAN SHE
26 WORKED IN THE OFFICE AND HAD ACCESS TO ALL THE TRIBAL
27 MEMBERSHIP FOLDERS, I'M NOT SURE THEY WERE ADDRESSED TO, THE
28 TRIBE BUT WHAT PERSON I DON'T KNOW.

1 Q. SO THAT'S ALSO DEFENDANT'S EXHIBIT 508 AND I'M GOING
2 TO ASK YOU TO READ IT TO THE JURY. FIRST LET ME SEE DO YOU
3 HAVE IT IN FRONT OF YOU?

4 A. YES, I HAVE IT IT LOOKS LIKE IT WAS ADDRESS TODAY
5 VIRGINIA, TRIABLE CHAIR.

6 Q. THAT IS CORRECT.

7 THE COURT: WAIT A MINUTE HAVE WE IDENTIFIED IT
8 FIRST, 508 HAVE YOU PLACED IT IN FRONT OF HER DO YOU HAVE IT
9 IN FRONT OF YOU?

10 A. YES.

11 MS. IBARRA: YOU HAVE IT IN FRONT OF IT.

12 THE COURT: WHAT IS IT.

13 MS. IBARRA: IS IT --?

14 A. THESE WERE WHETHER YOU CARDS THAT WERE SENT OUT
15 BY -- I'M ASSUMING VIRGINIA BECAUSE HER NAME IS ON HERE
16 ASKING FOR MEMBERSHIP RECORDS BACK.

17 Q. BY MS. IBARRA: OKAY. SO WHAT'S -- CAN YOU DESCRIBE
18 IT BECAUSE THERE'S TWO IMAGES HERE, DESCRIBE THE IMAGES?

19 A. THE FIRST IMAGE IS THE FRONT OF THE CARD.

20 Q. OKAY. AND IT LOOKS LIKE IT'S FROM A R MONTOYA AND
21 HAS THEIR ADDRESS AND THEN IT HAS A RETURN ADDRESS IN THE
22 VIRGINIA CARMELO TRIABLE CHAIR GABRIELINO-TONGVA TRIBE '76
23 ONE TERMINAL STREET, BUILDING ONE, SECOND FLOOR LOS ANGELES,
24 CALIFORNIA.

25 Q. SO THEN THE SECOND HALF THE SECOND IMAGE, WHAT'S THE
26 LETTERHEAD ON TOP?

27 A. GABRIELINO-TONGVA TRIBAL COUNCIL.

28 Q. AND THEN IT'S DATED NOVEMBER 2006?

1 Q. AND THEN IT SAYS, AFTER THAT SAYS?

2 A. DEAR MR. STEIN.

3 Q. SO IS IT FAIR TO SAY IT'S ADDRESSED TO MR. STEIN?

4 A. YES.

5 Q. AND CAN YOU READ THE BODY OF THE LETTER THAT
6 FOLLOWS?

7 A. I DEMAND YOU RETURN ALL MY MEMBER RECORDS WITHIN IN
8 48 HOURS OF RECEIVING THIS POSTCARD, YOU ARE NO LONGER
9 AFFILIATED WITH THE TRIBAL COUNCIL. FORWARD ALL MY MEMBERS
10 TO THE FOLLOWING AND THEY ARE GOING TO VIRGINIA.

11 Q. SO WHILE THE SIGNATURE SAYS WHAT?

12 A. RUBEN MONTOYA, THAT'S THE MEMBER.

13 Q. RUBEN MONTOYA, SO THIS IS NOT A PRE FILLED CARD?

14 A. NO.

15 Q. SO THE ONLY PREFILLED PART IS THE NAME, UNDERLINE,
16 SPACE FOR THEM SO WRITE?

17 A. THEIR --

18 Q. THE PERSON THEY WANT TO HAVE IT SENT TO?

19 A. RIGHT.

20 Q. IT LOOKS LIKE MR. RUBEN MONTOYA WANTED THIS
21 INFORMATION TO BE TAKEN FROM MR. STEIN?

22 A. RIGHT.

23 Q. AND GIVEN TO?

24 A. TO VIRGINIA.

25 Q. TO VIRGINIA. NOW DID YOU CHARACTERIZE AS EVIDENCE
26 THAT THEY WERE LEAVING THE TRIBE, THAT MR. MONETARY AND
27 OTHERS THAT SENT THE BLEW YOU BLUE CARD WERE LEAVING THE
28 TRIBE?

1 A. YES.

2 Q. EXPLAIN TO ME HOW THAT WORKS?

3 A. WE HAVE MEMBERS THAT WANT THEIR RECORDS RETURNED
4 BECAUSE THEY'RE GOING TO JOIN ANOTHER FACTION OF THE
5 GABRIELINOS SO THEY WRITE LETTERS TO US WANTING THEIR RECORDS
6 BACK.

7 Q. BUT THIS IS NOT ADDRESSED TO YOU?

8 A. HUH-UH.

9 Q. THIS IS NOT ADDRESSED TO THE TRIBAL COUNCIL?

10 A. UH-HUH.

11 Q. IS THIS ADDRESSED TO THE GABRIELINO-TONGVA TRIBE?

12 A. NODS.

13 Q. IS IT?

14 A. NO IT'S DIRECTED TO MR. STEIN.

15 Q. OKAYMENT SO THEY WANTED TO END AN AFFILIATION WITH
16 MR. STEIN IS THAT CORRECT.

17 MR. STEIN: OBJECTION GOES TOTE INTENT, THAT'S
18 HEARSAY, GOES TO THE INTENT OF THE WRITER.

19 THE COURT: SUSTAINED, SPECULATION.

20 MS. IBARRA: SPECULATION, OKAY.

21 Q. WHAT DO YOU -- IS THIS ADDRESSED TO MR. STEIN?

22 A. IT SAYS DEAR MR. STEIN.

23 Q. AND THEN IT SAYS AFTER THAT, CAN YOU PLEASE READ IT
24 AGAIN?

25 A. HE DEMAND YOU RETURN ALL MY MEMBERS RECORDS WITHIN
26 48 HOURS RECEIVING THIS POSTCARD.

27 MR. STEIN: OBJECTION WE'RE MISCHARACTERIZING THE
28 WITNESS CAN'T SEED [THED] ADDRESSED TO MS. VIRGINIA CARMELO

1 AT THE [TPHERPL] THAT WILL STREET DOWNTOWN, SEE THE FRONT.

2 THE COURT: WHY DON'T WE JUST SHOW IT TO THEM.

3 MR. STEIN: IF THAT'S WILL BE HELPFUL TOTE COURT

4 [AOEUP] HAPPY TO SHOW IT TO HIM.

5 THE COURT: YEAH AND YOU CAN SEE WHAT IT SAYS.

6 MR. STEIN: YEAH.

7 THE COURT: SHOW AND TELL IS ALWAYS BETTER.

8 MS. IBARRA: YEAH MUCH EASIER.

9 MR. STEIN: AND THIS IS.

10 MR. FORDYCE: 508.

11 MR. STEIN: 508 THANK YOU NIALL.

12 MR. STEIN: SO IT'S -- WELL ACTUALLY CAN I LET YOU
13 USE THIS PLEASE BECAUSE I DON'T WANT TO DO YOUR WORK.

14 MS. IBARRA: OH BUT I DON'T WANT YOU TO -- OH HERE
15 IT IS, THERE IT IS.

16 MR. STEIN: YEAH UP AND DOWN AND THEN IF YOU HAVE
17 ANY TROUBLE I'LL COME BACK, .

18 MS. IBARRA: CAN YOU JUST PULL THIS UP AND PUT THIS
19 ON THE SCREEN. LET'S PULL DOWN TO THIS PART. FORGIVE ME IF
20 I MAY. MY POINT TO THE COURT YOUR HONOR THE CARD IS CLEARLY
21 ADDRESS TODAY MS. VIRGINIA CARMELO SO WHEN THEY SAY IT'S
22 ADDRESS TODAY MR. STEIN, IT'S A MISSTATEMENT THE FACTS.

23 THE COURT: WELL LET'S LOOK AT THE WHOLE THING, LET
24 COUNSEL DO HER EXAMINATION SO I'M GOING TO OVERRULE IT RIGHT
25 NOW.

26 MS. IBARRA: SO I AGREE THIS IS WHAT IT SAID?

27 A. YES.

28 Q. IT SEEMS TO BE ADDRESS TODAY MS. CARMELO AND THEN

1 THE RETURN ADDRESS IS TO MR. MONETARY IN FRESNO. BUT LET'S
2 LOOK AT THE BODY?

3 A. THEN IT SAYS TO MR. STEIN.

4 Q. SO THE BODY HAS THE GABRIELINO-TONGVA TRIBAL
5 COUNCIL, WHO WAS USING THAT MONIKER AT THAT TIME THERE
6 NOVEMBER 2007?

7 A. GABRIELINO-TONGVA TRIBAL COUNCIL, THIS WAS IN 2006.

8 Q. NOVEMBER.

9 A. NOVEMBER. PROBABLY THEM.

10 Q. RIGHT THAT WAS ONE OF THE VARIATIONS OF THE NAME?

11 A. RIGHT RIGHT.

12 Q. THAT VIRGINIA AND SAM AND HISTORICALLY THEY WERE
13 LIKE INTERCHANGEABLY.

14 MR. STEIN: OBJECTION FACTS NOT IN EVIDENCE.

15 THE COURT: OVERRULED.

16 Q. BY MS. IBARRA: SO THIS IS ONE OF THEM THAT YOU
17 RECOGNIZE THAT VIRGINIA WOULD HAVE USED OR SAM, THAT'S WHAT
18 YOU RECALL?

19 A. YES.

20 Q. SO THEN WE GO -- HOW COME THIS ISN'T COMING UP.
21 THERE YOU GO. SO IT THE DATE IS NOVEMBER 2006 AND IT'S DEAR
22 MR. STEIN?

23 A. STEIN.

24 Q. AND THEN IT SAYS I DEMAND YOU RETURN ALL MY MEMBER
25 RECORDS WITHIN 48 HOURS OF RECEIVING THIS POSTCARD. YOU'RE
26 NO LONGER AFFILIATED WITH THE TRIBAL COUNCIL. AND THEN THEY
27 ASK THAT IT BE -- THAT THEIR MEMBER RECORDS BE SENT TO
28 MS. VIRGINIA CARMELO?

1 A. THAT'S WHAT IT LOOKS LIKE.

2 Q. SO HOW IS THAT AN INDICATION THAT THEY WERE LEAVING
3 THE TRIBE?

4 A. BECAUSE THEY WERE REQUESTING THEIR RECORDS BACK AND
5 WHEN THAT HAPPENS IT'S ALWAYS THAT THEY'RE LEAVING ONE
6 FACTION AND GOING TO ANOTHER OR --

7 Q. BUT THEY -- OH SORRY. DID YOU FINISH, SORRY?

8 A. OR THEY'RE NOT GOING TO GO TO ANY FACTION, THEY JUST
9 WANT THE RECORDS BACK.

10 Q. THEY'RE JUST WITHDRAWING. OKAY BUT AT THE VERY
11 LEAST THIS IS AMBIGUOUS BECAUSE IT'S ADDRESSED TO MR. STEIN
12 WHO DOESN'T HAVE A LEADERSHIP POST IN NOVEMBER OF 2006. SO
13 WHEN WAS WAS HE FIRED OR RESIGNED, WHATEVER?

14 A. THAT WAS IN OCTOBER, I BELIEVE OF 2006.

15 Q. OCTOBER 2006, SO BY NOVEMBER OF 2006 HE'S JUST AN
16 ATTORNEY OR WHATEVER, DEVELOPER, DEVELOPER OR AN ATTORNEY
17 WHO'S NO LONGER AFFILIATED WITH THE TRIBE BUT WHO HAS
18 RETAINED POSSESSION OF MEMBERSHIP RECORDS, RIGHT.

19 MR. STEIN: OBJECTION THAT'S SMDC.

20 THE COURT: OVERRULED.

21 MS. IBARRA: RIGHT WE AGREED EARLIER THAT HE
22 ADMITTED THAT HE RETAINED POSSESSION OF THESE MEMBERSHIP
23 RECORDS?

24 A. YES HE STILL HAD POSSESSION OF THE MEMBER RECORDS
25 BUT --.

26 THE COURT: ALL RIGHT IT'S 4:30. WHAT TIME. DO YOU
27 HAVE WANT TO COME AT 9:30 OR 10 JURY JURY 10.

28 THE COURT: YOU HAVE DON'T HAVE TO FIGHT THE TRAFFIC

1 TOO MUCH. COUNSEL 9:30, YOU 10. ALL RIGHT I'LL SEE I AT 10
2 TOMORROW.

3 JUROR NO. 7: THANK YOU YOUR HONOR * * JURY OUT *
4 *.

5 THE COURT: SO DO WE HAVE THE LINEUP READY FOR
6 TOMORROW, ARE WE FINISHING WITH HER OR IS SHE GOING TO GO
7 HOME AND THEN COME BACK, DID RE WE RESOLVE THAT SO THAT SHE
8 CAN.

9 MS. IBARRA: OH I NEED TO FINISH WITH HER SO I HAVE
10 SOME MORE.

11 THE COURT: HE I KNOW YOU DO BUT MY QUESTION IS WHAT
12 TIME SHOULD WE BRING HER BACK.

13 MR. STEIN: TIME ESTIMATE.

14 MS. IBARRA: I PROBABLY HAVE AN [HOEUR] I WOULD SAY
15 AT LEAST AN HOUR AND A HALF SO YOU DON'T WANT TO BE HERE IN
16 THE MORNING YOU WANT TO BE?

17 A. I PREFER THE AFTERNOON OR I CAN GET TRY TO GET HER
18 EARLIER BUT YOU KNOW IT DEPENDS ON TRAFFIC TOO.

19 MS. IBARRA: I KNOW?

20 A. IT'S --.

21 THE COURT: WELL LET ME ASK THIS [-RBGZ] DO YOU HAVE
22 ANY ENOUGH WITNESSES TO FILL THE MORNING.

23 MR. STEIN: OH WE DEFINITELY DO THE PROBLEM IS BEING
24 FAIR TO OPPOSING COUNSEL WE CAN [HROERP] DOOR [TAOEG]
25 [KWRAP], THE ACCOUNTANT, STEVE JOHNSON, THE CONTROLLER,
26 LAWRENCE CRISPO THE RETIRED JUDGE THAT WAS MEET AND CONFER
27 MEDIATOR AT THE MEETINGS WE DISCUSSED, JERRY MALDONADO FOR
28 SURE [EZ] GOING TO BE SHE DOESN'T HAVE A LOT OF QUESTIONS FOR

1 HIM SO SEIZE GOING TO BE MAYBE [#1R5], 20 MINUTES AND JASON
2 MEYERS AND I JUST HAVE TO.

3 THE COURT: YOU HAVE ALL THOSE PEOPLE LINED UP FOR
4 THE MORNING.

5 MR. STEIN: YEAH EXAM THAT'S ONLY FOR BARBARA GARCIA
6 WHO WAS AVAILABLE FOR TOE [AIDS|AIDS] MY INSURANCE COUNTY
7 SUPERVISOR HILDA SOLE ICE CONDITION MAKE IT UNTIL THE
8 AFTERNOON BECAUSE THE EX GENERAL SEIZE OF HER
9 RESPONSIBILITIES. SO THAT'S WHAT'S [THRONE|THROWN] INTO
10 ADVERTISE ARRAY AND I'M ABOUT A DAY BEHIND MY WORK I HOPE TO
11 CATCH UP BEHIND [STKPHR*].

12 THE COURT: SO DO WE HAVE ENOUGH WITNESSES FOR
13 TOMORROW --.

14 MR. STEIN: THEY WILL BE BUSY.

15 THE COURT: WILL YOU LET ME FINISH. DO YOU HAVE
16 ENOUGH WITNESSES FOR TOMORROW MORNING SUCH THAT WE CAN START
17 WITH THIS WITNESS IN THE AFTERNOON AND THEN THE OTHER GARCIA
18 WITNESS IN THE AFTERNOON, AS WELL.

19 MR. STEIN: YES, YOUR HONOR. AND AS I FIND
20 INFORMATION, I CAN SEND ONE OR MORE E-MAILS TO OPPOSING
21 COUNSEL, AS I DID LAST NIGHT. OPPOSING COUNSEL WAS KIND TO
22 REMIND ME. I WAITED AND THE COURT SAID IMMEDIATELY AND I
23 DIDN'T SEND THEM IMMEDIATELY.

24 MS. IBARRA: THAT'S RIGHT. I PROMPTED HIM AT 9:30
25 OR SO LAST NIGHT.

26 THE COURT: 9:30 AT NIGHT?

27 MR. STEIN: TO WHICH SHE GOT A FIVE MINUTE RESPONSE;
28 9:00 O'CLOCK.

1 THE COURT: SHE DIDN'T HAVE TO PROMPT YOU, COUNSEL.
2 I ORDERED YOU SEND THE INFORMATION TO HER.

3 MS. IBARRA: SO IN WHICH CASE.

4 MR. STEIN: YOUR HONOR, WE DIDN'T HAVE THE
5 COMMUNICATION OCCASION.

6 THE COURT: YOU SHOULD HAVE COMMUNICATED WITH HER
7 JUST TO LET HER KNOW.

8 MR. STEIN: YES THIS WOULD HAVE BEEN A GOOD IDEA
9 YOUR HONOR.

10 THE COURT: SO LET'S DO THAT IN THE FUTURE. SO AS A
11 COURTESY TO MS. CANDALARIA, WE'LL TAKE THE WITNESSES THAT YOU
12 HAVE AVAILABLE IN THE MORNING BUT THEN WHEN SHE COMES IN CAN
13 WE JUST FINISH HER.

14 THE COURT: YEAH YOU'RE ORDERED TO RETURN AT 130.

15 MR. STEIN: AND THE OTHER WITNESSES WILL BE PUSHED
16 TO THE SIDE THAT'S YOU ABSOLUTELY.

17 MS. IBARRA: AND WE'LL FINISH HER AT 130.

18 MR. STEIN: I'M TRYING TO DEMONSTRATE TO THE COURT
19 THE JURY HAS A FULL PANEL.

20 THE COURT: THAT'S THE IDEA I DON'T WANT THEM
21 WAITING AROUND.

22 MS. IBARRA: JUST ONE LAST ISSUE FOR THE COURT,
23 THERE ARE OTHER VERSIONS OF THIS BLUE CARD SO WHEN I -- IN
24 LOOKING AT THIS I JUST REALIZED FOR THE FIRST TIME THAT THIS
25 IS DIFFERENT SO I JUST WANT PERMISSION TO PRESENT OTHER
26 VERSIONS THAT WE HAVE.

27 MR. STEIN: WELL LOOK AT 509 THEY HAVE ANOTHER
28 VERSION IN 509 FOR EXACTLY THAT REASON.

1 THE COURT: WELL PRESENT WHATEVER VERSION YOU WANT.

2 MS. IBARRA: AGAIN I'LL BRING OTHER VERSIONS.

3 THE COURT: YEAH.

4 MS. IBARRA: OKAY SO I SHOULD HAVE USED 509 AND I
5 MIGHT -- YEAH SO THIS IS THE TRADITIONAL COPY E YOU SHOWS
6 508.

7 MS. IBARRA: SORRY IT WAS MY MISTAKE I HAVE TO GO
8 BACK AND SHOW HER THIS ONE.

9 THE COURT: SO I'M GOING TO ASK YOU TO MOVE OUT
10 QUICKLY AND MY STAFF HAS TO WAIT AROUND UNTIL YOU MOVE OUT SO
11 I HATE TO MOVE YOU ON SOON BUT WE'RE ANXIOUS TO LEAVE.

12 THE REPORTER: WE'RE OFF THE RECORD YOUR HONOR.

13 THE COURT: WE ARE.

14 THE REPORTER: THANK YOU. 04:34 PM.

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