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GABRIELINO-TONGVA TRIBE VS. STEIN, TRIAL DAY 3

MR. STEIN: Continue the cross-examination.

THE COURT: Thank you continue it. You don't need to be re sworn, just have a seat?

A. Oh okay.

THE COURT: Okay you may begin.

Q. BY MS. IBARRA: Good afternoon again. So I just want to revisit a couple of issues and then touch on some new issues?

A. Okay.

Q. So one of the things that you mentioned yesterday was about the Salas' group?

A. The Salas family, right.

Q. And you said that refers to Andy Salas?

A. Andy Salas, right.

Q. So they left?

A. Right.

Q. And Bernie went to meet with them?

A. Well myself I did too.

Q. Oh so you did as well?

A. Oh no.

Q. And that was unfortunate that they beat him up?

A. No, I wasn't there when that happened. I met with him once, I met with them Bernie and myself at another meeting with them.

Q. So when was it that they beat him up?

A. Oh gosh, it was -- I don't remember the exact dates but I know it was right around, probably about a couple years ago now.

Q. But that was -- that was after you met with them with Bernie?

A. Right.

Q. I assume that was the last time he met with them?

A. Definitely.

Q. And I just want to clear that up, you're not alleging that has anything to do with --

A. No it has nothing to do.

THE COURT: Wait. Ma'am, remember what I said my admonition, you have to let her finish the question.

A. Okay sorry.

Q. BY MS. IBARRA: I I just want to clarify you're had not ago-ing it has anything to do with anything to do with our group, Sam Dunlap, Virginia Carmelo, Shirley Machado any of them right?

A. No it has nothing do with that.

Q. Okay thank you. So did you run for tribal council when you were a member of GT what what Mr. Stein first referred to as the split?

A. No.

Q. You never did?

A. No.

Q. So if other people testified to that why do you think

they're saying that?

A. That I did?

Q. That other people -- I assume that other people testified to that, is there an explanation for that?

A. Not that I.

MR. STEIN: Objection there's been no such testimony.

THE COURT: Well assume that they will or have.

MS. IBARRA: Assume that other people have said that out of court and they will say that in court here, I'm just offering you an opportunity to give an opportunity for you to give an explanation or do you think it's an understanding.

MR. STEIN: Okay incomplete hypothetical.

MR. FORDYCE: And lacks foundation.

THE COURT: Well, it's a hypothetical. As soon as somebody comes in and said what, and your question is what in ma'am, Ms. Ibarra, what are you --

MS. IBARRA: I'm asking her if she has an explanation for that or to you just want to leave it alone.

THE COURT: I'm going to sustain the objection.

MR. STEIN: Thank you.

MS. IBARRA: Objection getting back to the November 18th and November 19th meeting?

A. Yes.

Q. So you described them as two competing meetings, right, is that -- you can clarify if you don't think that's appropriate?

A. I don't know if they were competing meetings buzz there was two meetings, they had one, we had one.

Q. They had one and we had one?

A. Uh-huh.

Q. So who's they and who's we then?

A. They, Dunlap group, we the Candelaria faction.

Q. So were you already organized at that point?

A. No, not really organized yet. In the process.

Q. Okay. You said you went to both of them though?

A. Yes, I did.

Q. You did go to both of them. Do you recall which one was the first one?

A. You believe it was the Candelaria faction.

Q. So that would have been November 18th?

A. Right and then ours was the next day.

Q. The next day. So that would have been a weekend?

A. Yes.

Q. Because zero are your meetings usually on weekend?

A. Yes on weekends.

Q. The general membership meetings are on weekend?

A. Yes.

Q. So you said the first one, so the Saturday one would have been Mr. Dunlap's, Dunlap and Carmelo, right?

A. Correct.

Q. And had you testified that was in Long Beach?

A. I'm sorry in --.

Q. In Long Beach?

A. In Long Beach, correct.

Q. So the November 19th meeting was in Elysian Park and you referred to it as your group?

A. Correct.

Q. So you said and correct me if I'm wrong you said yesterday that you attended the Carmelo and Dunlap group meeting because you got -- you heard about it through word of mouth?

A. Yes. I don't remember receiving any mailers or anything or phone calls unless one of my sister's, did I say that that one of my sisters might have got a call or heard from somebody if there was going to be a meeting.

Q. Okay. ?

A. So that's --.

Q. And so how did you hear about the -- your meeting, I mean did you organize it because you're saying it was your meeting?

A. No, I did not organize it.

Q. Okay. But you're already referring to it as your meeting?

A. I'm only saying that because you guys are calling it the Candelaria faction.

Q. All right fair enough. And do you recall how you came to find out about that meeting?

A. I think I received a phone call from either Bernie or Martha.

Q. So I'm going to show you a document?

A. Yeah I don't remember.

Q. To refresh your recollection?

A. Sorry. Okay.

Q. Well actually it's in your book, it's in Defendants exhibit book, sorry about its heavy, it's 522.

THE COURT: Counsel for defense, would you mind coming and bringing up these books for her, put them up there.

MR. FORDYCE: Absolutely.

THE COURT: Just help her out.

MR. FORDYCE: Yeah of course. Here.

THE COURT: Now we've got all three of them?

A. That's the one.

MR. FORDYCE: Volume III?

A. Yeah.

MR. FORDYCE: Got it.

THE COURT: Which -- give us the exhibit number.

MS. IBARRA: 522?

A. Two.

Q. And it has not been previously marked, it's Defendants' 522?

THE CLERK: Goes with Plaintiffs.

THE COURT: Yeah?

A. Okay.

Q. BY MS. IBARRA: So it's similar letterhead as the document that we looked at before and it similarly does not have a date on it, okay? So it could be easily confused for other one but it's different, so I just want you to read the first sentence of the first paragraph?

A. Okay. I am -- I am Jonathan Stein and I write you this third letter to focus on the casino project. With some luck the tribe might gain legal entitlement to conduct gaming by September 2007, less than 52 weeks away.

Q. And I'll just give you just a couple minutes just to review it?

A. Okay.

Q. So that it's -- it's not Voit Al but I just want you to be familiar with some of the other questions that I'll ask you?

A. Okay.

Q. I just wanted you to be familiar with just the general gist of it?

A. Okay.

Q. Because there was actually just one simple point to it is that the second paragraph he refers to a meeting for November 18th, correct?

A. Correct.

Q. And actually I should have pointed this out earlier, even though it's not dated, the R E, read the R E at the top?

A. R E, oh, casino project stalled and November 18th meeting.

Q. And this is actually quite you know luminesque, there's a lot of information here but the gist of it is he's giving an update on the casino project and he's announcing the November 18th meeting?

A. Yes.

Q. So November 18th, so that would have been the first meeting then but there was written notice sent?

A. Okay I see what you're saying. I don't remember receiving this. I mean I might have, I don't know but you know I can't remember, it's been 10 years.

Q. He's referring to this as being the third letter and we saw the first letter?

A. Yes.

Q. Saw the first letter, so there's at least another interim one. Okay, so we see there are some communications being sent and that he is giving you notice?

A. Okay.

Q. So getting back to that idea that you're getting written -- you've acknowledged at least one, possibly a second?

A. And possibly a third.

Q. Possibly a third but you've acknowledged at least one and you never got any further communication from Virginia Carmelo and Sam Dunlap and the tribal council that were being attacked by

Stein?

A. No.

Q. Never again, right?

A. No I never received anything from them.

Q. And so it's clear that Mr. Stein has the membership information, so the contact information for the members?

A. Yes.

Q. So is it obvious to you that maybe Virginia and Sam didn't have that?

A. Could be, I mean they took a bunch of information is what I understand and paperwork and stuff from the office, but I don't know what they took.

Q. Right so you don't know what they took?

A. At that point we didn't know what they took so --

Q. But did you refer to Club Assistant yesterday?

A. Yes we had Club Assistant.

Q. Club Assistant. So you have access to that?

A. Correct.

Q. And that has all the membership information?

A. Correct.

Q. Okay. So you have it now?

A. Correct.

Q. Is it safe to say that it was -- that Mr. Stein had it then if he's sending out membership letters to the entire membership?

A. Yes he probably did have it.

Q. He probably did, okay. And do you have any reason to believe that Virginia Carmelo and Sam Dunlap also had access to Club Assistant?

A. I believe they do. They did --.

Q. Right now?

A. They did back then, not now.

Q. At some point they did and that it was cutoff?

A. Could be, I don't really know. You know I wasn't involved in that so I don't know if that was cut off because all you have to have is an ID and password to get into it.

Q. Yes passwords are easy to change, correct?

A. Yes yes.

Q. So let's get back to the blue cards and that is exhibit -- there's actually two blue cards, there was a 508 and there's a 509 and we looked at that before. Can I pop up the blue cards.

MR. STEIN: Your Honor may I cyst here with the.

MS. IBARRA: The blue cards.

MR. STEIN: The blue cards.

THE COURT: Sure, we should probably be doing that for all of these exhibits, okay.

MR. STEIN: Whatever the court would desire.

THE COURT: Yeah it makes it easier and the jury can see the documents but thank you for everything.

MS. IBARRA: Thank you.

MR. STEIN: Yeah I'll leave you alone in a minute but I've got to get it to the right point * * pause * *.

Q. BY MS. IBARRA: So this is what we looked at yesterday, this is one version of it?

A. Yes.

Q. This is 508. So and we looked at the language here?

A. Correct.

Q. And then we looked at -- it was confusing because it's addressed to Virginia Carmelo but then the Salutation is to Mr. Stein?

A. Right.

Q. Yeah that doesn't make sense?

A. Huh-uh.

Q. And then there's a different address furr for R Montoya and R Montoya is doing that. So let me show you -- so this is 509, so the first page of 509 is another sample of the blue card, have you ever seen the blue cards your sell?

A. Yes did I.

Q. And is it blue cards stark is that why it's called blue cards?

A. They were blue I think that's why.

Q. They were blue?

A. Yeah.

Q. And were they post cards?

A. It lacks like they were post cards, yes.

Q. And at least one side was blue it look like, I'm not sure about the other side. So this sample of the blue card is addressed to Mr. Stein, right?

A. Yes.

Q. And then it has a Lisa Lopez and her address as a return address, and then the salutation and the body of it is the same?

A. Correct.

Q. As the last one?

A. As the other one.

Q. So -- and we've seen this before, it's addressed to sign, and address -- it requests that Mr. Stein return the membership information. Now do you know what happened to the blue card senders, what happened to their -- what -- so actually did you testify earlier that their information was sent back?

A. Yes.

Q. And that was done by who?

A. Barbara Garcia.

Q. Barbara Garcia. Barbara Garcia. So let's look at the next document which is -- no it's in the same -- oh no no no, same exhibit, next page. It's a return of membership records. And so physically, the act of mail this out was done by Ms. Garcia correct?

A. Yes.

Q. But that was the administrative act, you were the one

who had the authority or who claimed the authority to like terminate their membership based on the record blue cards?

A. I wasn't involved yet with that, I hadn't -- well March 29th I probably was on council by then, 2007 but yes, she did have -- she -- council gave her authority to go ahead and mail out records.

Q. Oh counsel, okay. So this is not dated oh March 29th it is dated?

A. March 29th.

Q. It's dated by her, do you know who drafted these documents?

A. Probably Barbara.

Q. I want to know how you interpret the blue cards as requesting termination in the tribe, do you think that's a reasonable interpretation when they're basically just request that long Mr. Stein return their confidential business records?

A. Yes. The years that I've been on tribal council that has been the standard, if somebody's requesting their records back, we're assuming they're going to another tribe.

Q. Okay. ?

A. Because then we won't have their records on file so.

Q. Okay. But in this case they're not requesting them from the tribe, it's not even -- let's go back. This isn't addressed to the tribe, it's addressed to Mr. Stein and it's actually addressed to his law office. So are you saying that Mr. Stein is

the tribe?

A. His office -- our triable tribal office is in his office.

Q. Okay but he's also a lawyer?

A. Correct.

Q. Separate and apart from being you know, having an executive position and actually at this time wasn't he already either terminated or he -- he'd resigned, you know whatever version of the story you want to believe, like he's not -- he doesn't have an affiliation with the tribe so how is this a reasonable interpretation?

A. I don't know how to answer that.

Q. So you don't have a reasonable interpretation?

A. No. Barbara worked for him, she worked for the tribe so --

Q. But this is not addressed to Barbara?

A. No, but she was the administrator for the tribe and she also worked for Mr. Stein.

Q. It's not it addressed to her so you think it's a reasonable interpretation being addressed to Barbara?

A. I would interpret it being addressed to the tribe.

Q. So do you think all correspondence addressed to Mr. Stein is automatically also address today the tribe?

A. Not --.

MR. STEIN: Objection misstates testimony.

MS. IBARRA: No I'm asking her.

THE COURT: Let me rule. Overruled you may answer?

A. Overruled, okay. Not all -- not all -- not everything that that's sent to Mr. Stein is tribal but a lot of it is.

Q. BY MS. IBARRA: Do you think if -- okay. Well do you think it's reasonable -- assuming that he was still an executive with the tribe, do you think it's reasonable to assume that after it's widely known that he's no longer affiliated with the tribe and after it specifically cells you're no longer affiliated with the tribal council?

A. I'm trying to think date here for a second because when we sent the records he was affiliated with the new council and we consider ourselves a tribal so --.

Q. Okay. And that's fine but you were subsequently created, like you were created after the Dunlap group is already created.

MR. STEIN: Objection misstates testimony.

THE COURT: Well let's ask a question overruled.

Q. BY MS. IBARRA: Would you agree that your group is created after -- actually it was created after the Dunlap group and individual Carmelo's group had already been in existence, had a long relationship with Mr. Stein, correct.

MR. STEIN: Objection misstates testimony.

THE COURT: Overruled.

Q. BY MS. IBARRA: I'm asking her if that's correct?

A. I don't understand the question I'm sorry, can you repeat that.

Q. BY MS. IBARRA: So did your entity, the don't entity you represent now was created long after the relationship between Sam Dunlap and Carmelo and that group, long after the relationship of Mr. Stein had been in effect, right?

A. I consider we were created when we were elected as council. Then it became the Candelaria faction.

Q. So you were elected?

A. In spring.

Q. Spring of --?

A. 2000.

Q. And seven?

A. Sorry.

Q. And the blue cards are dated November of 2006?

A. Six, that's when I came on council and before then it was the oversight committee which you know we were kind of leading the group and trying to keep everybody together.

Q. So I'll return to this but I just want to ask you some more questions?

A. Okay.

Q. Because I think had you touched on some issues and why the casino was important and one of them being that you thought that the community of all Native Americans and Gabrielinos included tended to be poor is that correct?

A. That's correct, there's a lot that are very -- that live you know very below the national income level.

Q. So they suffer from poverty?

A. (Nods head.)

Q. So one of the related --.

THE COURT: That's yes please?

A. Yes sorry.

MS. IBARRA: That's yes.

Q. So do you think they're educational level is higher h the same or less than the general population?

A. I would say lower.

Q. Lower; okay. So would you say that they're like sophisticated in business matters?

A. No.

Q. They're not. Do you think that they're sophisticated in administrative issues?

A. Maybe some because I do know quite a few that are in business -- you know some kind of business administration or that capacity but there is a lot that are very poor.

Q. And I know a lot of Gabrielinos that are very sophisticated and very well educated?

A. I know some also but I would say the majority aren't up there like this -- like that.

Q. Right. So do you think it's very important to be very clear about communication and to not create confusion in general

when you're communicating, doing tribal membership communications?

A. Yes.

Q. So do you think the fact that you're using tribal letterhead and you're fired and you're including all these allegations, do you think that could create confusion? In fact I think you told me that you thought there was a lot of confusion?

A. There was a lot of confusion back then.

Q. And there was no communication from another side to just sort of give you another side of the story, right?

A. That's correct.

Q. So we heard testimony from Barbara Garcia this morning that some people sent in the blue cards and then got termination letters and said I don't want to be terminated. Do you have similar experiences, do you recall that happening?

A. I recall talking to Barbara and that happening but I didn't see it myself buff I heard from her because she got the cards in the office that that did happen.

Q. That did happen. So you heard about it?

A. Through Barbara, right.

Q. Let's me clarify, the tribal offices were in Mr. Stein's law office?

A. Yes.

Q. And that has always been in the case?

A. As far as I know.

Q. And you were just a member, not a tribal council person?

A. Prior, right.

Q. So did you ever have occasion to visit his law offices?

A. No.

Q. No. So when was the first time had you visited his law offices?

A. I'm trying to remember. When was when we -- it was when we were oversight committee, I think did he with did go to the office for a little meeting or something h I can't be sure of the exact date, I don't know. But her going to his office.

Q. So do you think that was before or after these two competing meetings that occurred on November 18th and November 19th?

A. Oh I'm sure it was probably after.

Q. After November 18th?

A. Yes.

Q. 2006 -- or November 19th?

A. Right.

Q. That would have been the second one. So getting back to this, do you think this is confusing if you're somebody who's sending in a letter saying Mr. Stein please accepted me my confidential membership BIA records card and all these other records back, and then you get a little note that says you're terminated?

A. Personally I don't think it's confusing but a member

might but I don't know. I don't think it's confusing because they did ask for their records back and that usually if you're -- in the Gabrielino history, you know since I've been on council, that's what it usually means, that they want to go somewhere else.

Q. When those requests are made of the tribal council?

A. Uh-huh.

Q. Or some other governing body for the tribe, so you're interpreting this -- I want to make sure I'm clear?

A. Okay.

Q. You're interpreting Mr. Stein as being the governing body for the Gabrielinos even after his termination?

A. I -- I don't know how to answer that, I mean I don't think he was a governing body but he was our -- you know he was our CEO, our -- helping us.

Q. Governing person?

A. Okay if you want to call him governing person.

Q. Okay let's call him governing person, he was your governing person even after his termination. Okay so you think that even after he was terminated that all the power still should reside with him and not with these other tribal council people who were -- who were in disagreement with him? You thought that the power should reside with him?

A. With the oversight committee and him.

MR. STEIN: Yes.

Q. BY MS. IBARRA: Okay and the oversight committee had what authority at this point?

A. I don't think we had full council authority but we were surely leading the group and making some of the decisions.

Q. Was there an election of the oversight committee?

A. Election of the oversight committee.

Q. Did the membership get together and say we need an oversight committee and we're going to vote on it?

A. Membership did question the oversight committee.

Q. My question was was there an election and a vote?

A. I don't believe there was an election. I.

Q. So --?

A. I think this is one time that he did appoint -- they did appoint us.

Q. Who appointed you?

A. The members.

Q. How did the members -- so the tribal council didn't appoint you?

A. No.

Q. So the tribal counsel being Virginia Carmelo, Sam Dunlap, Martin Alcala, all those names

A. No. Not to my knowledge.

Q. So the tribal council did not appoint you, the members did not have an election?

A. No.

Q. But you claim the membership appointed you, so explain to me how that works?

A. Well I think on the November 18th -- November 19th meeting that it was brought up that we were going to look into matters and try to keep the tribe together and I believe we -- Bernie I think spoke about this and I think somebody else spoke about that --.

Q. It might have been John Aguirre, no? Does that ring a bell?

A. No. John Aguirre, not to my knowledge I don't recall him speaking. But they did agree that somebody needed to look into matters and find out what was going on and to continue working with Mr. Stein and keep the tribe together.

Q. So what was the process for having elections at this point? You guys had a process for elections, right?

A. Yes.

Q. What was the process?

A. We sent out mailers stating who was running -- well first of all we opened it up to all Gabrielinos in our faction who wanted to run for council or --.

Q. Can I interrupt you?

A. Yes sure.

Q. So can we call that like a notice period so if people wanted to?

A. Yes.

Q. Nominate themselves or nominate someone else during that period they could?

A. Yes.

Q. Okay.

A. So we had a member meeting, everybody that was going to run could speak and I guess present themselves what they could do for the tribe, their background and that kind of thing and then we had elections after that and they were sent to Talley and associates to be counted and certified.

Q. And that process wasn't followed for the oversight committee?

A. No.

Q. So at this meeting people said you know you should do whatever you think is right to fix this or what happened? I don't want to put words in your mouth, what happened?

A. Members at the meeting just stated yes we need somebody, yes these people can be the oversight committee at this point.

Q. Was there a little ballot?

A. And we -- no we just took count from hands yes we're in favor, no we're not in favor and we asked if anybody else wanted to be -- you know they had a chance to also be on the oversight committee.

Q. So this was consensus among the people who had shown up to this meeting?

A. Right, correct.

Q. Did you realize that there was already litigation between Virginia Carmelo and Sam Dunlap and Mr. Stein and a bunch of other people but those were the key parties?

A. I believe we did know something was going on.

Q. Okay. But you didn't -- did you know that it was litigation, that there was this court action going on?

A. I believe we knew that there was going to be a court action but we didn't know exactly.

Q. I think action was filed November 1 so at this point probably would have been --.

MR. STEIN: Objection facts not in evidence.

MS. IBARRA: Okay so.

THE COURT: Is there judicial notice of that? Madam clerk when was this action filed. Go ahead and take a look h you can keep going and we'll --?

A. Okay.

Q. BY MS. IBARRA: So it was like November 1 or November 2 of 2006 and then your meeting is on November 18th and 19th, like we've actually flip flopped a little bit about this, it looks like from the other document that I showed you was the letter from Stein which is the group that organized your faction, right?

A. Uh-huh.

Q. That was November 18th, so that was the Elysian valley one and then it sounds like the one, and then the later one was the one in Long Beach?

A. Correct. I'm -- I might have dates wrong, I don't know. It's been so long since we've been there and talked about all this.

Q. But that was a long weekend, right?

A. Yeah.

Q. So --.

THE COURT: Before you continue, action filed November 2nd, 2006.

MS. IBARRA: 2006?

A. Okay.

Q. So the action was already initiated by the time you guys had these competing meetings and do you recall any details being discussed about this?

A. I don't recall any. There might have been but I don't recall it's been like I said 10 years and --.

Q. You said Sam Dunlap --?

A. I believe Sam.

Q. Attended both meetings as well?

A. I believe Sam Dunlap -- yes was at both meetings.

Q. And do you recall what he said?

A. No, I don't recall.

Q. At either meeting?

A. I don't think he spoke --.

Q. At the Stein one?

A. At the Stein one, no.

Q. Did he speak at the Carmelo Dunlap one?

A. I can't remember if he did or not, I remember Virginia, you know that's the one that stood out, I don't recall if he did. I know a couple of the tribal council members did speak but I don't remember if Sam walls 16 them.

Q. Do you know who the Libra investors are?

A. Yes.

Q. These were the ones that made the investment with Jonathan.

Q. Do you know that Stein sued Libra in this action?

A. I think I did hear that.

Q. You did know that.

MR. STEIN: Objection facts not in evidence and are incorrect.

THE COURT: Overruled.

Q. BY MS. IBARRA: So you did hear that?

A. I think I heard that, yes.

Q. And do you know this he also dismissed them from this action?

A. I believe so, I mean I don't know.

Q. Do you know if -- do you recall having direct communications with Libra?

A. No I never have had any.

Q. You've never had a telephone communication with them?

A. No.

Q. You've never sent them an e-mail?

A. No.

Q. Do you know if Bernie has, Bernie Acuna?

A. I don't know what Bernie did.

Q. So, okay, so you don't know if Bernie had a meeting with them after --?

A. No, I don't know.

Q. What has Mr. Stein told you about Libra.

MR. STEIN: Objection hearsay.

THE COURT: Overruled?

A. All I know is what eyes told us is they're the ones that made the investment. I don't know any other details, sorry.

Q. Did he ever tell you that he wanted to persuade them to make more investments?

A. What I understand they gave us a portion of the money and they were going to fund more later on, that's --.

Q. Oh so --?

A. That's all I know is --.

Q. So do you recall when this communication took place?

A. No, I don't, I don't know.

Q. When did you first -- so you said that you've met Mr. Stein and that you had exchanged greetings when you were a member?

A. When I was just a member, yes.

Q. But you didn't actually have extensive dealings with

him?

A. No.

Q. Until had you joined the financial oversight?

A. Correct.

Q. The financial oversight committee was it organized at this November 18th meeting?

A. I think it was already -- it was -- I was approached like I said at the Dunlap meeting at Long Beach.

Q. But that was the 19th and then there was the 18th?

A. Yeah I didn't know anything about it previously.

Q. Oh no I'm just sort of trying to clarify the timeline?

A. Yes.

Q. And admittedly this is a long time?

A. I know.

Q. And memory's fade, so the letter we just looked at said the November -- it was signed by Stein?

A. On the 18th and --.

Q. And he's announcing a meeting on the 18th so that was the first one and then there was a second meeting in Long Beach?

A. On the 19th.

Q. In Long Beach and the second meeting -- so let me just clarify so that it's clear in my head too actually because I want to keep track of all of this stuff. So November 19th there is the meeting in Long Beach and that's the meeting that you didn't

get notice for, you just heard about it through word of mouth?

A. Correct.

Q. But the financial oversight committee, you said was formed sometime -- was -- got appointed on November 18th so on the Saturday, the financial oversight committee got appointed and so is that -- during that time, are you having communications with Mr. Stein?

A. On the 18th, I need to retract. I wasn't approached until the Long Beach meeting which was the 19th, by Bernie and Martha. The 18th they did talk about the oversight committee and then they asked me if I wanted to be on it the 19th.

Q. So you weren't -- I mean in theory, if there was a valid appointment on November 18th you weren't appointed?

A. I wasn't appointed but then they did -- Bernie and Martha asked me on the 19th and I said well can I give you an answer you know later on today or whatever and I did call them and let them know.

Q. So Bernie and -- Bernie Acuna?

A. Right.

Q. And Martha is Rodriguez?

A. No Gonzalez.

Q. Martha Gonzalez, so Martha Gonzalez and Bernie Acuna did they get appointed?

A. I think they talked about it h -- they talked it at the meeting about having the oversight committee and they were

already I guess considered on the 18th as being appointed.

THE COURT: Okay.

Q. BY MS. IBARRA: Considered by?

A. The members.

Q. And then you were approached at some point later?

A. Later on.

Q. That said do you have want to join, do you want to join us?

A. Yes.

Q. So is that the time you actually start having communications with Mr. Stein?

A. Actually Bernie -- Bernie and Martha got most of the communication because I wasn't really involved with Jonathan yet until way after that and then they filled me in and then I met Jonathan -- well met him because identify already met him being a member but you know I got more familiar with him.

Q. You got more familiar with him?

A. Uh-huh.

Q. So at what point did he tell you about the Libra -- I mean he told you about the money, he didn't tell you who they were right because he told you about the money?

A. In the letter.

Q. In the first letter?

A. Right.

Q. So when does he tell you about Libra investors and at

that there's -- you know that they're willing to invest more money.

Q. I don't think he actually told us they were going to invest nor money, I think because of what happened it was all put on hold. I don't know the correct terminology because they weren't going to release any more money?

Q. So we did hear testimony that you entered into a settlement agreement with Mr. Stein?

A. Yes for SMDC.

Q. For SMDC. So you claim to be a signatory to the SMDC agreement?

A. Yes.

Q. You did -- did you sign?

A. I believe I did.

Q. In 2001?

A. Oh I'm thinking another one.

MR. STEIN: Objection are we talking about -- vague and ambiguous which agreement with re talking about.

THE COURT: Okay maybe -- are you clear as to what is being asked?

A. I don't know the one 2001.

THE COURT: Why don't re re-ask the question.

Q. BY MS. IBARRA: You said you claim --?

A. There was several.

Q. Several SMDC agreements?

A. The one you're talking about in 2001 I know nothing about.

Q. Okay this is kind of important, if you don't know nothing about it because your settlement agreement settles all claims related to that contract for the 2001 contract between the Gabrielino-Tongva Tribe and SMDC which is a solely owned company by Mr. Stein. Sew do you know -- I want to know what you understand about that, what's your understanding about that?

A. I signed one being on -- after being on council for a while but wasn't any -- wasn't 2001.

Q. So you signed a settlement agreement of this action though right?

A. For --.

Q. Let me backup?

A. I'm confused because --

Q. There is in evidence -- and there has been testimony that you settled this action, that you claim to settle -- do you claim that?

A. We did settle SMDC -- we did settle an SMDC contract, we did a settlement, it was just in -- I'm trying to remember the date, it was well after I became on council, it was with prior -- I think it was prior -- I can't remember the year I have signed that but I did sign a settlement agreement with SMDC.

Q. And what were you settling?

A. We were settling previous monies that were owed I'm

assuming, I can't remember exactly what it was, it's been so long since I looked at that contract.

Q. So that's your understanding. And was it a settlement of this action?

A. I believe it was.

Q. You're not sure?

A. I'm not sure. And I have know I signed an estoppel agreement also.

Q. Did Mr. Stein approach you about settlement and you had settlement discussions with Mr. Stein?

A. Yes.

Q. So Mr. Stein persuaded you that it was a good idea for you to settle?

A. He explained it to all of the council.

Q. Do you recall how he explained it?

A. No, I don't remember. It's a lot of legal terms and things.

Q. So -- and you just thought that if Mr. Stein wanted you to sign it that it was a good idea?

A. Yes he's a lawyer and he explained it to us and we all trust him.

Q. So he produced to you a settlement agreement and you said sounds look a good idea?

A. Yes.

Q. But you didn't know right now --?

A. I can't remember.

Q. Do you know if you knew then?

A. Probably, yes.

Q. And so you got a lot of advice from Mr. Stein and you trusted him?

A. Yes.

Q. You don't remember what that advice was?

A. I don't remember at this point. Can't remember exact words or what was said.

Q. Do you know if anybody else gave you advice?

A. No. Oh, we did have an attorney Jason Meyers.

Q. Oh how did you meet Mr. Meyers?

A. Through -- he came to one of our tribal council meetings and we met him.

Q. He just showed up on his own?

A. I think he was referred by Jonathan.

Q. Oh so he knew Jonathan?

A. Yes.

Q. So Jonathan invited him?

A. Yes and we -- and the council approved.

Q. Okay. So Jonathan invites Jason and does Jonathan introduce Jason to you?

A. Yes.

Q. And was the settlement agreement already drafted at this point?

A. I'm trying to remember. I think -- I think -- I think it was and Jason kind much explained everything to us, went offer it again with us and we all agreed it was a good thing.

Q. A good idea?

A. A good idea to sign it.

Q. Okay. So have you met Jason more than once?

A. Maybe twice.

Q. Maybe twice?

A. Yeah.

Q. Did you pay Jason?

A. I think we owe him money.

Q. So he's owed money. Dupe if Stein paid him?

A. That, I don't know.

Q. Is it like a little debt that you have to him that you guys have a little in your accounting books?

A. Probably.

Q. But you don't know?

A. I don't know for sure if it's in there, no.

Q. But you've only met him about twice?

A. I think twice -- two times.

Q. And did he provide you advice with my -- you don't need to tell me what advice he provided to you, but did he advise you about anything other than the settlement agreement with Mr. Stein?

A. I think that is it.

Q. That is it?

A. Uh-huh.

Q. So he's never represented you in anything else?

A. (Shakes head.).

Q. And as far as you know you've never paid him?

A. No we have never paid him, I have never paid him.

Q. Do you know if Mr. Meyers ever came into this court and attempted to take certain actions in this court on your behalf?

A. On our behalf? I don't believe so they've know of.

Q. Okay. Could you get a hold of Mr. Meyers if you wanted to right now?

A. I don't have his phone number on me.

Q. Mr. Stein probably could?

A. I guess we could if we wanted to.

Q. Let's talk about your constitution?

A. Okay.

Q. So you said your constitution is based on the Gabrielino-Tongva tribe's old constitution?

A. That's correct.

Q. What do you know about the old constitution?

A. What do you mean?

Q. Because had you called it the reinstated constitution?

A. Right because we made a couple typo -- corrected some little typo errors but it's the same constitution.

Q. How long did the Gabrielino-Tongva Tribe have that

constitution? Because the reason it's reinstated is because they have a new constitution now right?

A. The Dunlap group does yes.

Q. Okay yeah they do. So do you know how long they had their old constitution that you have reinstated?

A. I don't know.

Q. So you don't know anything about it. Do you know why they got the new constitution?

A. They're a new faction so I imagine they created a new construction fusion for that reason.

Q. Do you know what the BIA requires for new constitutions from entities that want to achieve federal recognition?

A. I know they have to have a constitution. I don't -- I think you have to have it for a certain amount of time but I'm not sure what that is exactly.

Q. Do you know that there's other requirements? I don't expect that you know them all but do you know that there's --?

A. I know that there's requirements for the federal recognition process.

Q. And some of them are pretty specific?

A. Yes but I don't know exactly what they are.

Q. And it usually requires a lawyer to give you advice?

A. That's right.

Q. On what a good constitution would be?

A. I know a normal person can't write it.

Q. Right. That's probably true. So did you ever hear that they had to adopt a new constitution in order to comply with --.

THE COURT: When you have say they who are you re [TPRERG] to.

MS. IBARRA: Oh I'm sorry, [AOEUP] referring to the tribal fax faction that you left the Sam Dunlap Virginia Carmelo Shirley Machado.

MR. STEIN: I'm having -- I photograph the case very well I'm having having trouble understanding who she's referring to. Is that a Dunlap faction, Candelaria faction, GT Tribe?

THE COURT: That's why I'm asking her to.

MS. IBARRA: Yeah Dunlap Carmelo.

THE COURT: Okay.

MS. IBARRA: She served a little bit longer that he did as tribal chairwoman, so Carmelo faction. She was the tribal chairperson when all this happened?

A. Right.

MR. STEIN: Your Honor, if I may have, so is she now insisting that the Dunlap faction that we're talking about the whole time --

THE COURT: Counsel do we have a objection? Just an objection and grounds.

MR. STEIN: Objection assumes facts evident there's no Carmelo faction in the case.

THE COURT: Overruled.

MS. IBARRA: So?

A. Can you repeat the question.

Q. BY MS. IBARRA: Sure so we were talking about the constitution and the fact that you guys re interstate joinder Candelaria faction, reinstated because apparently because it had been overthrown or something, this old constitution that was in use. And I'll represent to you that it was in use from 2006 for a few months in 2006.

THE COURT: Counsel your question is now too long you have to break it down because I'm getting confused keeping track?

A. Me too.

Q. BY MS. IBARRA: So let's talk about what your understanding is of Virginia Carmelo's and their constitution. Actually you were still a member, it was just one Gabrielino-Tongva Tribe at the time this constitution came into being. Let's call it the original constitution [THRAFS] drafted in you know spring in 2006?

A. Okay.

Q. That was the original constitution. At some point, right, there's a new constitution that they bring in.

THE COURT: They.

Q. BY MS. IBARRA: That Virginia Carmelo and Sam Dunlap and that group brings in?

A. For their --

Q. For their group. And when you re become tribal council

you reinstated the old constitution.

MR. STEIN: Objection the testimony and the document said.

THE COURT: Wait a minute, like I said, a ground, objection ground.

MR. STEIN: Restated not reinstated.

THE COURT: That's not a legal objection counsel, let's go to sidebar * * sidebar * *.

THE COURT: Say is again like I've said a number of times h objection, ground.

MR. STEIN: Ground.

THE COURT: Objection hearsay, objection relevance, no speaking objections.

MR. STEIN: Right.

THE COURT: Because what I see into here right now is leading and trying to suggest testimony to the witness. You need to stop.

MR. STEIN: Your Honor.

THE COURT: And I don't like having to tell you that and I don't want to have to say that in front of jury why I'm saying it now at sidebar in chambers so we don't continue, okay.

MR. STEIN: I'll absolutely follow that instruction, the court has been lenient in my experience so I appreciate the line yen see.

THE COURT: Okay.

MR. STEIN: However what is happening here is a word restated, reinstated. She says restated, reinstated, restated, reinstated, restated, reinstated which is exactly what is confusing the jury is she is purposely trying to confusion the jury, the objection would be facts not in evidence but it seems hike to me that I am just technically wrong because it's a word came that is purposely [do not|done] as if somehow it's went out much he [TAOEUPBD] the document is [OEUT] and [R*E] behind stayed restated [SHAOEPTZ] then oh reinstated, [R*E] [EUP] stated and the witness can't hear well enough to say she saying reinstated to the jury instead of restated which is what the witness said.

THE COURT: I think we're still trying to get clarification.

MS. IBARRA: Yeah.

THE COURT: So she's trying to ask so that we can get clarification. I'm also trying to ask to get clarification between [KPWHROFRPG] [OES] [R*E] stable [EUT] stated, and reinstated or restated are confusing. We're trying to get clarification so let her ask the questions to have get clarified okay.

MR. STEIN: I would respectfully disagree as to what's going on here but I certainly want to thank the court for allowing me to ask --

MS. IBARRA: And I'm just trying to figure out what she knows and doesn't know.

MR. STEIN: That's nonsense.

MS. IBARRA: And clarify.

THE CLERK: Counsel.

THE COURT: You know what you need to stop Mr. Stein.

MR. STEIN: Sure.

THE COURT: One at a time okay, she's trying to make her statement, I let her make her statement, if you want to object to it you can object to it but please let her finish before you interject is a.

MR. STEIN: Sure.

THE COURT: Thank you. Anything wait a minute did you have something you'd like to say.

MS. IBARRA: I just want to get back to the witness and get to what she knows and what she doesn't know.

THE COURT: Okay try to be clearer because it does --.

MS. IBARRA: I know this is confuse to go me too so I don't want to confuse the jury, I think the clearer it is for them, you know the better it is, the easier it is to get to the truth.

THE COURT: Okay so when you use pronounce likes they, you need to be clear because I'm going to interject ask say they means who because it's fuzzy.

MS. IBARRA: My problem is is that you're contention is we are the original tribe so gives us a name just as somebody who is a splintered or break away group is sort of conceding a

important point I want to do for my client.

THE COURT: Well, that's my central issue.

MR. STEIN: You have to prove the central issue.

THE COURT: Mr. Stein, didn't I just say please don't interrupt.

MR. STEIN: Yes.

THE COURT: I give you all the opportunity you want to make any opportunity you want but it has to be done one at a time.

MR. STEIN: Been a long time forgive me h my apologies.

THE COURT: Okay. Yes maybe that's your contention but it creates confusion so if you're referring to a Dunlap group why don't you say the Dunlap group who contends that they are the tribe or something to that effect.

MS. IBARRA: I will do that, I will do that.

THE COURT: But it gets confusing so try to be clearer. Mr. Stein did I want to say something.

MR. STEIN: Thank you for court for taking the time to do this outside the presence of the jury I appreciate it.

THE COURT: Okay thank you * * end sidebar * *.

THE COURT: You may continue.

MS. IBARRA: Thank you.

Q. BY MS. IBARRA: So we were referring to two different constitutions?

A. Correct.

Q. So one is the Candelaria faction's constitution. And then we're also talking about the fact that the Dunlap group who contends that it is the original tribe, so they had two constitutions during the relevant time period, right were you aware of that?

A. They wanted -- they used the original one for a while until they drafted their own, is that --.

Q. That's correct.

A. That's what I'm understanding.

Q. That's correct. And your current -- is it still your current constitution?

A. Yes it is.

Q. So your current constitution is based on their old constitution.

MR. STEIN: Objection facts not in evidence, this -- objection.

THE COURT: Okay overruled. She's asking whether or not it's true.

Q. BY MS. IBARRA: Is that your your understanding?

A. Yes.

Q. That it's based on --.

MR. STEIN: Objection incomplete hypothetical.

THE COURT: No overruled.

Q. BY MS. IBARRA: So is that your understanding?

A. Yes.

Q. That it's based on their original constitution? Do you know who drafted their original constitution?

A. I don't know who did.

Q. Okay. Do you know who drafted their second constitution?

A. No.

Q. And you don't know the reasons for drafting the second constitution?

A. Only -- I'm thinking that because they're a new faction that they have to have their own and they have -- I guess they could have used the original one if we taunted to, maybe made a few changes or something on it but --.

Q. Has anybody ever told you that your current constitution meets the BIA requirements for entities that want to seek federal recognition, does that question make sense to you?

A. I believe I know what you're talking about.

Q. Okay.

A. To my knowledge nobody has told us that it doesn't.

Q. That it does not?

A. No.

Q. Has anybody told you that it does?

A. Not to my knowledge.

Q. Who advises you on those issues?

A. Either one of the tribal council members has gone to Washington, D.C. and has gotten all the requirements that are

necessary for federal recognition.

Q. Oh I see.

A. And it looks like ours does.

Q. And who's that council member?

A. He's a new council member Vincent hole quick.

Q. Oh Vincent hole Quinn, how new is he?

A. I think he's only on a couple of years, he's also the one that won the scholarship.

Q. So he's the one from SC U Long Beach?

A. Yes.

Q. Okay great. Is he a lawyer?

A. No.

Q. So he just recently graduated?

A. Yes.

Q. Great. Thank you. Can I ask you about the Jenny Oropeza, as well?

A. SB 1.

Q. What happened to it?

A. It is -- I don't know the correct terminology but it was canceled.

Q. Well just for the jury because they saw a lot of stuff yesterday, what did the Jenny Oropeza bill intend to do?

A. They were introducing a bill for the Gabrielinos to have an Indian reservation.

Q. So was it just to set aside land?

A. Yes.

Q. Was it for your specific faction?

A. Yes.

Q. I'm sorry what happened to it again?

A. I'm not sure of the terminology that they use in Sacramento but it was canceled, canceled.

Q. It was canceled?

A. Or terminated, I don't know how to say that.

Q. Was it defeated, like they didn't get enough votes?

A. I don't think it -- I'm not sure if it was defeated or not but it did not go through.

Q. Did she abandon it?

A. I believe she might have done that.

Q. She might have abandoned the bill?

A. Yes.

Q. Was it for gaming purposes?

A. No.

Q. Did you ever speak to her directly about that --

A. No I --.

Q. -- what bill?

A. I personally didn't.

Q. Did you speak to her staff about that bill?

A. I personally didn't.

Q. Did you -- who on your behalf spoke to her about that bill?

A. I believe it might have been Jonathan and it might have been one of the other council members but I don't remember who that was --

Q. So are you aware that there was a legislative council -- was Jenny Oropeza in the assembly or the senate, I actually don't know?

A. I'm not sure.

Q. It was AB so I'm going to assume assembly?

A. AB, yeah.

Q. So she was an assembly person. So did you know that the senate legislative counsel had issued an opinion in May of 2006 stating that tribal -- tribal entity that does not have federal recognition is not allowed to engage in gaming activities in the State of California.

MR. STEIN: Objection it's facts not in evidence.

THE COURT: Sustained.

MS. IBARRA: Okay.

Q. Did anybody give you advice on whether -- on whether you can engage in gaming without achieving federal recognition?

A. I believe Jonathan did a law review on that issue.

Q. Okay. And what was the gist of that?

A. That a state recognized tribe which we are state recognized can do the gaming.

Q. Did he show you that law review?

A. Yes, he did.

Q. Did he discuss that law review with you?

A. Yes.

Q. Did he ever discuss any counter veiling authority like any -- sorry. Did he ever discuss any opinions or other arguments by people of authority like in the legislature which disagreed with that contention?

A. I know that there was judge Reynoso who agreed with his views and there was another -- there was another one and I can't remember his name but I'm sure there was assemblies in it and governing bodies that disagreed with it.

Q. Just for the record who's Judge Reynoso?

A. He was Cruz -- Judge Cruz, supreme judge Cruz Reynoso.

Q. Retired now right?

A. Yeah retired now. He was -- we talked to him about Jonathan's law review and he agreed with it.

Q. So when did judge -- Justice Reynoso maybe -- so when did Justice Reynoso do you know when he retired from the Supreme Court?

A. No, I don't I don't know when he retired.

Q. Do you know if he rendered that opinion after he retired?

A. I believe it was.

Q. So do you know what authority an opinion from a retired Supreme Court justice?

A. No, I don't.

Q. It's probably persuasive but it's not binding right?

A. I don't know.

Q. Was there anybody else?

A. There was somebody else but I cannot remember his name.

I cannot remember, there was somebody else and I'm thinking he was also a retired judge or justice like had you said but I'm not sure who it was, I can't remember. I know there was two that reviewed Jonathan's law review.

Q. So you were told about the other opinions that supported him so two opinions from retired justice or judge, two opinions from one from a retired justice or judge and that was it?

A. We had heard and this was hearsay too that there was an opinion from Sacramento that you couldn't, some of the assembly, some of the senate said had you can't do it it and people were saying you can't do it but --

Q. So you had heard it?

A. I had heard it but I can't remember from who or where.

Q. -- did you hear it from Stein?

A. No.

Q. No?

A. I don't think so. He might have said there are people out there that aren't going to agree with it but --.

Q. So how soon after you became elected as a tribal council did you guys set about you know drafting inn corporation documents?

A. How soon?

Q. And do you know what I mean by incorporation documents?

A. Are you talking about the state corporate documents, the federal corporate documents.

MR. STEIN: Objection facts not in evidence.

THE COURT: Overruled.

Q. BY MS. IBARRA: So any documents to sort of show -- what did you do after you got elected to sort of show your authority?

A. I know that I signed a lot of the faction returns, I even signed some before I was council and I kept signing them ongoing. We did resolutions, we brought new people op to the tribal council with having elections, some of the tribal council left and so we had to re --

Q. Some of the tribal council left?

A. Well they didn't leave the tribe they just because of work and other commitments they couldn't stay on.

Q. So she stepped down?

A. Right.

Q. From their leadership positions?

A. Right. So we had elections again to bring more people on so we did appoint people by doing resolutions, we did a lot, I can't remember everything we've done, I mean we've done a lot in the last 10 years.

Q. So you Mac a distinction between people stepped down from leadership positions?

A. Right uh-huh.

Q. And people who leave?

A. Uh-huh.

Q. And so what's the distinction between stepping down and still being a member and somebody who you know says affirmatively I want to leave this group?

A. The difference is they're not leaving the tribe, they're just stepping down from tribal council because of work commitments or you know health reasons or you know other reasons.

Q. So I'm asking what your -- like what -- how you make that distinction?

A. Well --.

Q. Somebody decide to be -- let me -- can I just finish my question? If somebody decides to be an inactive member, that doesn't mean they left the tribe they're still -- so what distinguish-ing those.

THE COURT: Well is that correct ma'am.

Q. BY MS. IBARRA: Can somebody be an inactive member if they don't go to meetings?

A. Yes yes we don't count those people as being none members they're just not coming to meetings for one reap or another.

Q. Could it with they're not getting your notices?

A. Could be because we have a lot of members that move and don't call us with a change of address and now we're doing e-mail

blasts we call them and they don't have an e-mail on file with us yet.

Q. And you claim to have 1700 members or how many?

A. Yes.

Q. And how many of them actually come to meetings?

A. Our meetings can run from 200 people maybe 150, we have had up 20 -- well I can remember a couple meetings where we were inundated with people, which means about 600 or 700.

Q. And your member was the same member which I'll called them the Dunlap group which contends they're the original tribe.

MR. STEIN: Objection we would.

MS. IBARRA: Are those your members.

THE COURT: Well wait a minute, hold on there's an objection.

MR. STEIN: Incomplete hypothetical, we are here to determine whether the Dunlap group is the GT Tribe she's assume the case.

THE COURT: Overruled, overruled, remember what I said, keep it to action and ground.

Q. BY MS. IBARRA: So your remember consists of the people who were in -- who are in those records that Mr. Stein wrote to in the first letter that are safe and secure in his possession and computerized, those lists which he retained are now the lists that you have and that you claim to be your members?

A. Correct.

Q. And do you know how that membership started?

A. No, I don't. I mean well a lot of the members broke off from like I stated before from the Morales group when they split from that Morales group and created the new Gabrielino-Tongva Tribe.

Q. So that's your understanding?

A. Yes.

Q. So these membership records Stein -- Stein quits, Stein gets fired, whatever, like there's a termination of the relationship, he keeps those records and then he gives them to you, the membership records?

A. He didn't give them to me they remain in the office.

Q. They remain in Mr. Stein's office?

A. The actual Manilla folders.

Q. So they're still in Mr. Stein's possession is what you're saying?

A. Not at this point they're not.

Q. Oh. In who's possession are they?

A. As about of about a month ago they are at Charles Rodrigez I mean Charles Alvarez's home.

Q. Okay so --?

A. And they are in a secure location there.

Q. So from November of -- oh actually it was like resignation September, termination October, litigation in November, he has possession of these records?

A. That's right.

Q. And until a month ago they were in his office?

A. About a month ago.

Q. Okay. So and for a long time he had no affiliation with anybody, right, he was just on his own? He wasn't -- I mean he was fired is what you believe?

A. Yes but now we -- we decide today keep him with the new Candelaria faction.

Q. So you -- can I use the word reinstated here?

A. To us -- to us he was never fired from our group or resigned from our group.

Q. Buff you didn't exist in September of 2006. I mean there was -- well you existed because you actually were a member, you were a member of what I call?

A. Correct.

Q. The Dunlap faction that claims to be the original tribe you were a member?

A. Correct.

Q. And there was a tribal council?

A. Right.

Q. And did you acknowledge that the tribal council had the authority to either except his resignation or fire him, do you except that?

A. Yes. I -- I would say because if we were on tribal council and we decided to do that, then yes. And I would think

that you need to get the members opinions also but that's my opinion.

Q. Okay. Fair point. Like you would have sought the memberships opinion, but is the tribal council's action binding on the tribe if they either accept a resignation or terminate him?

A. I would say yes.

Q. It would be binding?

A. It would be binding.

Q. So you do acknowledge that his professional relationship did end in November -- at the latest October?

A. October.

Q. And it was distinctly add serial when there was litigation on November 2, like they were actually -- they couldn't actually speak to each other because they were like opposite you know?

A. Right.

Q. And he's a lawyer, and they're a represented parties, there's all these rules, so he wasn't -- he couldn't actually have the authority to -- so -- never mind. Strike that. So but during this time he's keeping these records, right.

MR. STEIN: Objection vague as to time.

MS. IBARRA: That's what we saw with the letter.

THE COURT: Overruled.

Q. BY MS. IBARRA: So we saw with the letter that we went

through, we've been through it.

THE COURT: Counsel we've been through this a couple time?

A. Yeah I'm confused.

THE COURT: This is the last time during the time whether Mr. Stein the records.

Q. BY MS. IBARRA: Did he have the records?

A. Yes did he.

Q. Do you acknowledge he didn't have authority to retain the records?

A. I don't know how to answer that and I think if he didn't have authority why didn't they pick them up.

Q. Well it might have something to do with the litigation?

A. I don't know but if he didn't have authority I would think somebody should have subpoenaed the records I don't know how they do it or subpoenaed the records or get them somehow.

Q. Or get a final adjudication in the trial at that actually tells you who has the rightful possession of it that's what this trials all about, that's what we're trying to figure out is -- so in any event at some point he gives them to you? Oh no no you said had he didn't give them to you?

A. No. No we just got the records probably a month, a month -- two months ago, I can't remember exact dates when we picked them up but we do have -- one of the council members does have the records.

Q. So what did you -- but you used the records?

A. Yes I personally use Club Assistant, I am responsible for entering all of our new B class members that are coming to us and I am getting requests from members that are requesting their records back and I've gotten probably six or seven of those in the last year or so but that's it and I'm responsible for you know making sure they get the records back and they also get entered in Club Assistant if they're new members or if they're going to you know another tribe.

Q. Is Club Assistant just contact information?

A. It's contact information, it tells us what class they're in, if they're a B class or a C class, it gives their e-mail address, phone numbers.

Q. Does it also have their -- their actual -- their records attached to it?

A. No, it doesn't.

Q. So those -- did you ever review them yourself?

A. The records?

Q. Yeah the original records, the 1700 records?

A. I have -- I'm not going to say I've done all 1800 of them but 1700 of them but I have re [SRAOD] a lot of the records.

Q. And where have you reviewed them?

A. Either at the office or at my home. I don't have any of the records but I have copies -- people send me their records

when they want to join the tribe.

Q. And before they were in -- is it Charles as home?

A. They're in Charles Charles home at this date I don't have them.

Q. And they would send them to you?

A. And I would review them and make sure they have the correct -- required documentation for them to be a member.

Q. And before they were in Charles Charles possession, did you give them to Mr. Stein?

A. They were -- Barbara did them when she was in office and then also he's had several employees that have taken -- that took over Barbara's duties when she left.

Q. Also we covered yesterday those tax forms?

A. Uh-huh.

Q. That you had filed. And you felt like you needed to do that because it was improper that they hadn't been done before?

A. I believed, I mean to me every business has to file tax returns so we did tax returns, Barbara -- like I explained yesterday, she would send them to me she had the backup of them and I would sign them and send them back to her.

Q. So if -- these were years where Mr. Stein -- you signed some of those tax forms -- well actually we didn't see signatures?

A. Right.

Q. But you prepared them or you --?

A. I didn't prepare them, all did I was sign them.

Q. About we didn't see signatures so, so you just approved of them, you approved of their filing and-- but you have felt like something wrong had been done by not having filed them earlier?

A. I just thought -- I don't -- I don't know anything about corporate tax returns or any of that stuff too much but I'm assuming they needed to be done.

Q. So relied on somebody's advice?

A. Opinion, right.

Q. Would it have been Stein's?

A. Actually he never talked to Stein too much about them it was mostly Barbara?

A. Barbara?

A. That we needed to get these out.

Q. But Barbara isn't a tax lawyer or accountant?

A. Well I didn't ask her where she got her idea for doing these or not.

Q. But she worked at the direction of Mr. Stein?

A. She worked in the office with him, yes.

Q. So if something was improperly done by not filing them and Mr. Stein was the only professional employee of the tribe, is it fair to say that it was you know could be attribute today Mr. Stein during those year 2001 to 2006, you were back filing all these taxes?

A. Could be.

Q. Or do you think it was Virginia Carmelo's fault?

A. Maybe a little bit of both.

Q. So Mr. Stein and Virginia?

A. Right.

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

THE COURT: Thank you. Any redirect.

MR. STEIN: Yes Your Honor do we want to take a small break.

THE COURT: At 3:00 o'clock we'll take a small break.

MR. STEIN: Very good.

Q. BY MR. STEIN: Is your stamina okay to go for testimony?

A. Yes.

Q. Can I state something just to clarify things and then ask you about exactly what I'm stating?

A. Okay.

THE COURT: No you have to ask questions, you can't.

MR. STEIN: I will ask questions.

THE COURT: Can't state facts and ask questions or you can state something ask if it crew.

MR. STEIN: I will state [STPHEUFRBLGT] eye.

Q. There was an [ORGTIS] that had an contract with SMDC and we've been referring to as GT Tribe.

THE COURT: Is that true ma'am, is that true?

A. Yes.

MR. STEIN: GT Tribe split its two pieces is that true?

A. Yes.

Q. We have referred to one piece as the Candelaria faction is that your piece?

A. Yes.

Q. We've referred to the other piece as the Dunlap faction, that the piece that has Sam Dunlap and Virginia Carmelo, Richard Polanco and this lawsuit?

A. Yes.

MS. IBARRA: Objection that it misstates facts.

THE COURT: Overruled.

Q. BY MR. STEIN: It your piece settle out of this lawsuit?

A. Yes.

Q. Is it your understanding that the organization that we're referring to as GT Tribe that had the contract with SMDC is now the Candelaria faction?

A. Yes.

Q. And you feel totally clear on that?

A. Yes.

Q. Is it your understanding and feeling as you sit here today that the Dunlap faction split off and created a new organization that did not have a contract with SMDC?

A. No.

Q. What is your understanding?

A. My understanding is they still have a contract with

SMDC.

Q. And why is that?

A. That's why we're here.

Q. I see. Okay. And then the financial oversight committee was informal?

A. I would say yes.

Q. Had the Dunlap faction and all the tribal council left in your views in 2006 when you have joined the financial oversight committee?

A. Yes.

Q. And when they left was there a sense of disarray?

A. Definitely.

Q. Was there a sense of who's telling the truth?

A. Correct.

Q. Was there a sense of what do we do now?

A. Yes.

Q. And did -- [WHAOFS] your goal this joining the financial oversight committee?

A. My main goal was keeping the tribal tribe together and making sure the members were happy.

Q. And about how many members were there?

A. There was probably about 18 [STKPWHRUPB] how many left with the Candelaria faction in your view?

A. About 200, maybe 230 somewhere in there.

Q. What about the rest over 1500?

A. They decided to stay with the original group.

Q. And was it -- were those people your concern?

A. Yes.

Q. Was it the five years of hard work to get those people organized and moving in the same direction your concern?

A. Yes.

Q. And did you want to move in the same direction at GT Tribe?

A. Yes.

Q. And did you use the GT Tribe constitution that was in effect when you joined the oversight committee. Yes.

Q. And did you then formally get it ratified by the 1500 people that were organized and moving in the same direction?

A. Yes.

Q. And do you feel did you the right thing by doing so?

A. I believe we did.

Q. You have mentioned when you went to the meeting Long Beach, there were two meetings on the same [WAOEBT] end?

A. Right.

Q. You found out maybe they were like this, maybe they were like that but they were the same weekend. At the meeting in Long Beach Virginia Carmelo was on the stage and you said there was a commotion and you said she walked off the stage?

A. Yes she was very upset because people were asking her questions and throwing things -- questions at her and she finally

put her hands hutch in the area and said is this pick on

[SREURPL] [SREURPBL] day.

Q. And what was the nature of the questions they were asking?

A. They were asking what happened to the money, where's the money, we heard that there was an investment made, what is going on, why did you guys leave, just numerous questions.

Q. Okay. When the financial oversight committee inhabited the GT Tribe headquarters, had some of the GT Tribe records, other records had left?

A. That's correct.

THE COURT: A juror needs to make a call at three [SO*] but we're going to take a break so you can make your call so let's do 15 minutes.

MR. STEIN: Very good.

THE COURT: Come back in 15.

(Whereupon the jury exits the courtroom.).

THE COURT: I'll see you in 15 minutes.

MR. FORDYCE: Thank you Your Honor.

THE COURT: I'm assume the other witness should be here.

MR. STEIN: I will double check when she's here she should be here at two 15.

THE COURT: She should have been here at 230 but we have no need for her right now.

MR. STEIN: Your Honor she is here.

(Break taken.) 03:01 PM to 03:16 PM * * jury in * *.

THE COURT: Gabrielino-Tongva Tribe versus Stein B C36
one 307. Okay this is redirect.

MR. STEIN: Thank you.

Q. BY MR. STEIN: Linda do you feel more composed after the
break?

A. Yes.

Q. Very good. Where we left off, we had finished talking
about the meeting in Long Beach, the nature of the questions to
Virginia Carmelo and her walking off the stage. We then began
talking about the nature of the records taken by Dunlap faction
which you said earlier included money, the check books and other
records?

A. Right, miscellaneous records.

Q. You earlier testified that the Sheriff, the Los Angeles
county Sheriff the records and that you went with Charles Charles
to the storage facility of the Los Angeles County Sheriff's?

A. Correct.

Q. Is that how had you got the records back?

A. Yes.

Q. The records that were in the office were always in the
office?

A. That's correct, they were never taken.

Q. Regardless of authority they were respect the as the
tribes property to your understanding?

A. Yes.

Q. And you said that the Candelaria faction would take care of them is that correct?

A. That's correct.

Q. And then the Candelaria faction controlled the records even though they were resident in the law office?

A. That's correct.

Q. And was the Candelaria faction willing to pay rent to have them moved somewhere else?

A. If that needed to be done, yes.

Q. Did you?

A. Not at that time.

Q. Right.

THE COURT: Why were they moved?

A. We wanted -- first of all we need to clean them up, there's a lot -- they're mixed up and I wanted to get them all alphabetized, cleaned up, separated, Bs from Cs and that's why they were moved.

THE COURT: And you couldn't do that where they were before or --?

A. I work a full-time job at home and you know I live over 100 miles from the office.

THE COURT: Uh-huh.

Q. BY MR. STEIN: Turning to the tax returns, when you were elected tribal council in spring of 2006, which tax returns did

you then file in a group?

A. I believe it started with -- I can't remember exact dates but I'm going to say 2006, 2007, 2008, I think there was one more so maybe it started with 2005.

Q. Okay. And then after that, each April did you file a new tax return after that?

A. Yes.

Q. The exhibits were not signed, the tax returns that we showed as Exhibit 50 three were not signed?

A. Correct I see that.

Q. You earlier testified that you recalled signing the tax forms, now that you've had a chance to think of it, do you still believe you signed the tax forms?

A. Yes I did.

Q. The people that wanted their records back, were members of the Gabrielino-Tongva Tribe?

A. That's correct.

Q. And they -- when they said they want our records back, you testified that amongst Gabrielinos it's [known|no one] that when you ask for your records back you're leaving one faction and going to another faction?

A. That's correct. I have members that also said we haven't decided what we want to do so we just want our records back.

Q. And did the 50 members that left for the Salas group

also saying we want our records back?

A. I believe some of them did, some didn't.

Q. And do other individual members at the time that left the Dunlap faction and came to our faction did they say here we're bringing our records back to you?

A. Yes.

Q. And so was it understood amongst the descendents of the historic Gabrielino Indian tribe of this long history of one faction and another faction and another faction that when you ask for your records back it's because you're changing factions?

A. That's correct.

Q. And the same person that might leave a faction might could have back to the same faction?

A. That's correct.

Q. And that same person years later might leave for a third faction?

A. That's correct.

Q. You say you have access to Club Assistant?

A. Yes [TKOEU].

Q. Do you also have access to printouts of the information from Club Assistant?

A. Yes, I do.

Q. And it's a push of a button that is correct?

A. That's correct.

Q. And if you don't want to push the button when Barbara

Garcia worked for the tribe could you wall Barbara Garcia and say Barbara Garcia could you give me a read out of of the tribal members?

A. Yes.

Q. And could you say Barbara Garcia gave me a read out of the tribal members and their addresses?

A. Yes.

Q. And could you do that once a year, once a month, once a week?

A. Anytime I wanted to.

Q. [TKO*URPBLG] do you think that individual [TARPL] and Sam Dunlap would have readouts to the members and their addresses from Barbara Garcia one or more times before they left.

MS. IBARRA: Objection lacks personal knowledge and foundation.

THE COURT: Overruled?

A. Yes they could.

Q. BY MR. STEIN: And so they could send my mailers that they wanted using a list it just might take more time doing it old [PHAGS]-d way instead of the digital way?

A. The digital way, yes.

THE COURT: So are you saying that if Mr. Dunlap same to you and said give me all the information, all the records, everything in club whatever --?

A. Club Assistant.

THE COURT: Club Assistant that you would provide that?

A. Not at this point but back then they could have requested it from Barbara at any time.

THE COURT: Why not at this point though?

A. Because they're with another faction.

THE COURT: All right.

Q. BY MR. STEIN: So let me clarify apparently I was vague as to time. At any time in 2004, 2005, and 2006 before Virginia Carmelo and Dunlap left to form the Dunlap faction, could we have gotten a read out of member names and addresses from Barbara Garcia just as since then you have done?

A. Yes they could.

Q. And that would have been when they were on the tribal council?

A. On the tribal council.

Q. Of GT Tribe working with Barbara Garcia?

A. That's correct.

Q. Regarding the blue cards. Is it your understanding that all of the blue cards looked like they were typed on exactly the same typewriter?

A. They kind of looked like they were, that I can remember, yeah I didn't notice that.

Q. And let's just take a moment with it, if the machine will just take a moment to get warmed up. And while it does warm up?

A. Where are they --

Q. Please go to exhibits 508 which is addressed to Mr. Jonathan Stein -- 508 is addressed to Virginia Carmelo and 509 to Jonathan Stein. It should come on in just a moment. And what I'd like to ask you about the blue cards Ms. Candelaria is this, were some of the blue cards, the majority in fact delivered in a stack?

A. I believe they were, a whole bunch came at one time.

Q. So were they delivered in a stack perhaps from Virginia Carmelo after she handed them out to people saying gosh accepted them back to me and then we'll put them into the office that we left?

A. I don't remember that Jonathan but I remember -- Barbara telling me a whole bunch came at one time and I don't know if she hand delivered them or mailed them.

THE COURT: If Barbara, the assistant delivered them to you in a stack?

A. She didn't deliver them to me.

THE COURT: So I'm trying to figure out who's delivering what to whom.

MR. STEIN: Right was it yours.

THE COURT: Well let me ask.

MR. STEIN: Gore my me.

THE COURT: Who was delivering a stack to whom?

A. Either they came by mail a whole big bunch in an

envelope or they were brought to the office I'm not sure how they were delivered to the office.

THE COURT: So you don't photograph how they got there?

A. I just know a whole bunch came at one time, Barbara had told me.

THE COURT: All right.

Q. BY MR. STEIN: And my follow on question for that was would that be because a whole bunch had been handed out to members saying sign this if you want to and the members say yes we want to join the Dunlap faction and so they were all addressed to Virginia so that the members could individually at their leisure send them back to him -- to her, she could put them together in a big stack and send them to the tribal office?

A. That's my understand [STKPHR-G] and is it your understanding that others dribbled in several at a time that were individually address today Jonathan but they were all addressed like that right down to the state bar license number?

A. Yes.

Q. And is it your understanding that to show an appropriate sampling you would want to show the sampling of one addressed to Virginia and the sampling of the other address today Mr. Stein?

A. Yes.

Q. Leading up to the spring 2007 elections, you talked about a notice period?

A. Right.

Q. Where people were giving notice saying do you want to run for council, we're going to have an election in the spring?

A. That's correct.

Q. And then there was a meeting where everybody could talk to people?

A. That's right.

Q. Were the elections held on site or were the elections by absentee ballot?

A. On site.

Q. Very good. And were people also allowed to put in balance [OTS] absentee?

A. That's correct.

Q. And therefore, was there one meeting or more than one meeting before the final spring election tally was taken?

A. Before the spring -- I believe -- I can't remember Jonathan I'm sorry.

Q. Perfect.

THE COURT: I'm sorry you believe --?

A. I can't remember how many meetings were held before that.

Q. BY MR. STEIN: Now did these meetings take time by the way?

A. Yes they do take a lot of time.

Q. Okay. So from your understanding Bernie and Martha were already working on the oversight committee when they asked you to

join it November 19th?

A. That's correct.

Q. And apparently they the day before they had taken as a little bit of authorization of vote by hands of several hundred tribal members at the Elysian Park meeting?

A. That's correct.

Q. That was move 19th. The election occurred by the spring?

A. Spring.

Q. By March?

A. Spring.

Q. April?

A. Spring 2007, I believe it was April.

Q. That's November 18, December 18, January 18, February 18, March 18. Given that there's a notice period and a meeting and mailers to members to show up to the meeting and information about the election and time to get your materials in after the notice of the election, do you feel that four months is too long before taking over a tribe where all the money had been grabbed and all the tribal council had left, do you feel that four months is too long so organize an election that was fair?

A. No.

Q. Jason Meyers, I would like to refer back to exhibits 582, 583, and 58 four that were previously identified.

THE COURT: I think that's Volume II.

MR. FORDYCE: It is Your Honor do you need --?

A. And Volume II is --.

THE COURT: It's this one. I think that might be yours. We're on 582 is that right.

MR. STEIN: 582, 583 and 584. Starting with 582 that says tribal council resolution October 2007, was that after the spring 2007 elections?

A. Yes.

Q. And this October resolution was that adopting the SMDC settlement agreement?

A. Yes.

Q. And did that include having independent advice from independent counsel Jason Meyers?

A. That's correct.

Q. And did you approve a settlement and release agreement that simply said you didn't want to sue SMDC any more and you didn't want to be sued by SMDC any more?

A. Yes we did.

Q. And that's why you're not here today sitting behind this table?

A. Yes.

Q. 10 years later.

Q. And the settlement agreement, is that to your knowledge Jason Meyers' signature?

A. Yes.

Q. And that your signature?

A. Yes.

Q. And that's Mr. Stein's signature on the settlement agreement?

A. That's correct.

Q. And is this a separate tribal council approval hiring Jason Meyers?

A. Yes.

Q. And terminating the law firm that said he spoke for you, that's 582, let us turn to 583, the estoppel certificate. Do you recall being advised by independent counsel on this long and complicated estoppel certificate?

A. Yes.

Q. And was Tisdale and Nicholson, LLC attorneys for tribe and tribal council that independent counsel?

A. Tisdale, that was the other one I couldn't remember. Yes it is.

Q. And to your knowledge was that his signature?

A. Yes.

Q. And at the time, was the controller in charge Steven K. Johnson?

A. Yes he was the controller.

Q. And was that his signature?

A. Yes.

Q. Thank you. Exhibit 584. Did the controller of GT Tribe

certify that the amounts calculated or true and correct to the best of his knowledge?

A. Yes he did.

Q. The constitution. May I first ask you a question about two words. Is the word restated the same as the word reinstated?

A. No.

Q. Do those two words sound the same to you?

A. No. If you pronounce them correctly they do not sound the same.

Q. But if I talk to you and have my back to the jury to the words restated and reinstated sound the same to the jury?

A. Yes.

Q. The GT Tribe constitution was approved by GT Tribe is that your understanding?

A. Yes.

Q. And when did that occur?

A. By GT Tribe in 2007.

Q. By GT Tribe, was the original -- that's when the members approved; is that correct?

A. That's correct.

Q. Was it previously approved by the GT Tribe tribal council before the split?

A. Yes, it was back in -- I believe it was 2006.

Q. Was that same constitution with simple typos that restated the constitution approved by the Candelaria faction and

the members in spring of 2006?

A. Yes it's the same.

Q. Did the Dunlap faction that you have said the new faction have a new constitution?

A. Yes they did have a new constitution.

Q. Did she adopt that after they left?

A. Yes.

Q. And they are -- to your understanding they claim that they had to make all these changes because the BIA regulations said you had to do so?

A. That's correct.

Q. Is it your testimony that the original constitution adopted and the restated constitution of the Candelaria faction meet BIA regulations.

THE COURT: That would be the subject of expert testimony.

MR. STEIN: Thank you.

Q. BY MR. STEIN: SB 1, I'd like it pull it up a second, Niall you have the number on that.

MR. FORDYCE: Yeah.

MR. STEIN: Seven hundreds.

MR. FORDYCE: I believe it's seven 34 let me just confirm.

MR. STEIN: Seven 34.

MR. FORDYCE: It is seven 34.

MR. STEIN: Okay.

Q. The legislative [counsel's|counsels] die gist, is that the ledge hey tiff counsel that you were questioned about before to your knowledge?

A. Yes.

Q. And does that say can you read the first paragraph?

A. An act to add -- that one or the one before if.

Q. The first paragraph of the legislative [counsel's|counsels] die gist?

A. Prevent SB 1 as oh [prose|pros]-d oh president a-Gabrielino-Tongva Tribe. Under existing federal law of the bureau of Indian affairs within the department of the interior is responsible for the administration and management of land held in trust by the United States for American I understand I can't understand Indian tribes and lass can natives. Under existing law, there are 56 one federally recognized tribal governments in the United States. California law identifies various Indian tribes and reservation lands but does not have a formal system of recognizing state Indian tribes such as that contained in federal law.

Q. Is it your understanding that the Gabrielino-Tongva Tribe is one of those various Indian tribes does not have the California state reservation lands that is mentioned there?

A. Yes.

Q. And is the point that California does not have an

inclusive system ties-d system with 561 tribes in it?

A. That's correct.

Q. Is it your understanding that Gabrielino-Tongva action was a piecemeal action that was not part of a system attic appraisal of Indian affairs by State of California.

THE COURT: You're asking her what she knows what the State of California was doing.

MR. STEIN: It was water understanding that it was a peace heal action that was not part of --.

THE COURT: Wait a minute are you asking whether the state or the piecemeal action was done by the tribe I'm not sure.

MR. STEIN: No piecemeal action that was.

MS. IBARRA: Lacks foundation objection.

MR. STEIN: Let me off on we're all tired?

A. I don't understand it.

Q. BY MR. STEIN: Is it your understand that former Supreme Court justice Cruz Reynoso believed that this bill made lawful a reservation and eventually gaming by the Gabrielino-Tongva Tribe without federal recognition?

A. Yes.

Q. If I may refresh your recollection, is Armand Arabian a familiar name?

A. That was the other one I couldn't think of.

Q. I see. And is Armand Arabian also a former California

Supreme Court justice?

A. Yes, he did.

Q. And did he actually have the reputation for disagreeing with Cruz Reynoso on just about everything that the State of California ever did or ever might do.

THE COURT: Counsel she has no foundation for that.

MR. STEIN: Very good.

Q. BY MR. STEIN: Did both Cruz Reynoso and Armand Arabian that if a bill like that because passed at Gabrielino-Tongva Tribe could gamble in California on a state reservation and without federal recognition?

A. They did state that.

Q. In writing?

A. Yes.

Q. You mentioned before earlier a distinction, people who step down and someone who leads. And you mentioned that the five tribal council men of the Dunlap faction left?

A. That's correct.

Q. Cindy Al vee tree was a tribal council person for the Gabrielino-Tongva Tribe?

A. I believe she was at one time.

Q. Did she step down?

A. Yes.

Q. Andy Salas, was he a member of GT Tribe?

A. Yes he was.

Q. Did he step down or leave to form the Salas group?

A. He left.

Q. Felicia Sheerman, was she a tribal council person for the Gabrielino-Tongva Tribe?

A. Yes she was.

Q. Did she step down or leave?

A. She stepped down.

Q. Were there other tribal council men over the course of these turbulent years that have either stepped down or left?

A. Yes there was.

MR. STEIN: No further questions thank you.

THE COURT: Anything further for this witness.

MS. IBARRA: No nothing further.