

1 CAUTIONS IN USING A REALTIME PARTIALLY EDITED TRANSCRIPT

2

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

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

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

20

21

22

23

24

25

26

27

28

1 GABRIELINO-TONGVA TRIBE VS. STEIN.

2 ROUGH TRIAL TESTIMONY OF BARBARA GARCIA.

3 *****.

4 THE COURT: Okay Barbara Garcia. Just have a
5 seat. And ma'am you understand you're still under oath?

6 A. I do.

7 THE COURT: Okay thank you.

8 Q. BY MR. STEIN: Barbara I'd like to start off with
9 the -- we made a list of people and resolutions that had
10 all approved the SMDC agreement as well as amounts that
11 were due under the SMDC agreement, one amount being '76
12 \$5,000. Is that your understanding of what the records of
13 GT Tribe reflected?

14 A. Yes there and again, when were you with GT Tribe?

15 A. Since September of 2003 to May of 2010.

16 Q. So May of 2010, that was after the split occurred?

17 A. Right.

18 Q. And 2003 was before the split occurred?

19 A. Correct.

20 Q. During that time you testified that the
21 organization -- you didn't change organizations, did you?

22 A. No. No, I didn't.

23 Q. And during that time was the SMDC agreement in
24 force until terminated by GT Tribe?

25 A. Correct.

26 Q. And that was in force with the organization for
27 which you were tribal administrator?

28 A. Yes.

1 Q. So based on that you would say -- would you say
2 that the SMDC agreement, the contracting party with the
3 SMDC agreement was GT Tribe?

4 A. Yes.

5 Q. Would you say that the contracting -- that the
6 Dunlap faction was not the contracting party with the SMDC
7 agreement?

8 A. Yes.

9 Q. Why?

10 A. Because they left and if you look at all of the
11 contractual resolutions and agreements that were attached
12 to each resolution, several people were signing -- or
13 several tribal counsel people were signing, different
14 tribal counsel people were signing and they left, they
15 created, some of them created other factions and yet the
16 agreements didn't go with them. So in my opinion, why
17 would it be different?

18 Q. So what you're saying is that because of the large
19 number of signatories and if an individual leaves the
20 voluntary organization stays the same?

21 A. Correct.

22 Q. You mentioned you worked with public counsel
23 correct?

24 A. Yes yes.

25 Q. Has it had more than one CEO while you were there?

26 A. Yes actually. Right before I left the previous
27 CEO that I had worked with for five years left and there
28 was an interim.

1 Q. Is the public house run by a board of directors?

2 A. Yes.

3 Q. And how many people on this board?

4 A. 80.

5 Q. 80 people. So have there been a significant
6 number of changes as to who the people are on the board of
7 directors while you were with public counsel for five
8 years.

9 A. Yes.

10 MS. IBARRA: I'm going to object to relevance.

11 THE COURT: Sustained.

12 Q. BY MR. STEIN: In your experience then when a
13 voluntary organization has changes in personnel, does the
14 organization still maintain the same identity?

15 A. Yes.

16 Q. And in the case of GT Tribe were 1500 members the
17 same out of the 17 to 1800 members?

18 A. Yes.

19 Q. Were the 23 two members that left GT Tribe while
20 you were tribal administrator the only example of a mass
21 number of people leaving the voluntary organization?

22 A. Yes.

23 Q. Was there a second group, smaller but they left at
24 the same time called the Salas Group?

25 A. A little bit after, yes.

26 Q. Now let's kind of refresh your recollection. Did
27 the Salas Group leave while you were tribal administrator?

28 A. Yes.

1 Q. I see. And about when would that have been?

2 A. I don't remember exactly but I'm thinking it was
3 2008.

4 Q. Who were they led by?

5 A. Ernie Salas?

6 A. Ernie Salas.

7 Q. And did Ernie have a son Andy Salas?

8 A. Yes.

9 Q. And did Ernie and Andy Salas lead out a large
10 group of people or a smaller group of people?

11 A. A smaller, it was their family.

12 Q. Did they ask for their records?

13 A. Yes.

14 Q. Did you give them their records?

15 A. Yes.

16 Q. Did you happened it will the same or different
17 from how had you handled the record requests from the
18 Dunlap faction?

19 A. Same. They each got their old membership with a
20 letter, everything was the same.

21 Q. And do you know the issue that led the Salas Group
22 to leave?

23 A. They didn't agree with -- they wanted to be on
24 council and they didn't agree with certain things that were
25 going on and so they decided that they were going to form
26 their own group.

27 Q. Was one of the issues that they disagreed with the
28 spelling of Gabrielino-Tongva Tribe?

1 A. Yes.

2 Q. The way those members left, they all got their
3 records the same as the Dunlap faction?

4 A. Correct.

5 Q. Did they take any money with them?

6 A. No.

7 Q. Did they take any assets, did they steal chairs
8 from the office?

9 A. No.

10 Q. And do you know -- do you know from your personal
11 knowledge if that Salas Group exists today?

12 A. I don't know.

13 Q. Exhibit 6 '69 I will ask you to identify.

14 THE COURT: That's a new one huh.

15 THE CLERK: Yes.

16 MR. STEIN: Let me scroll through, these are a
17 series of handwritten cash years [TKHAOERPT] eye one or
18 \$146,000, a [H*EUPB] [KA*BG] for 58,000, a handwritten
19 [KA*BG] for 51,000 h a handwritten cash for 47,000, a
20 handwritten [KA*BG] for 42,000, please notice they're all
21 written the same date, November 8th, a [H*EUPB] check dated
22 November 8th for 10,000, another 10,000, 9500. Can you
23 identify Exhibit 6 '69?

24 A. These were bank records that were given to us from
25 the Gabrielino-Tongva Tribe checking account and they were
26 copies of withdrawals that had been made on that date, when
27 we later found out that it was to pay things in advance.

28 Q. Was this -- were these -- to your knowledge was

1 there one main account for the casino project?

2 A. Right.

3 Q. And did it have the vast majority of the \$898,000
4 in that one casino project account?

5 A. Yes.

6 Q. Were all of these withdrawals from that one
7 account?

8 A. Yes.

9 Q. Exam were they all on November 8th according to
10 records that you examined?

11 A. Yes.

12 Q. And these were records of the tribe of GT Tribe?

13 A. Correct.

14 Q. And its casino project?

15 A. Correct.

16 Q. Now the signature, do you recognize the signature?

17 A. Yes Elizabeth Aronson.

18 Q. And who is that?

19 A. Elizabeth Aronson.

20 Q. And Elizabeth Aronson was who?

21 A. The tribal general counsel.

22 Q. So she was the tribal general counsel, the lawyer
23 for the tribe?

24 A. Right.

25 Q. The GT Tribe. Do you know why these are all
26 handwritten and on the same day?

27 A. We later were -- found out that they had paid
28 vendors, their own vendors a year in advance, I think

1 including themselves and they were trying to get as much
2 money paid out because you were trying to freeze the
3 account while the problem was solved or while there was a
4 resolution between the investors and the tribe.

5 Q. Do you know if a litigation had been filed by
6 November 8th?

7 A. Not yet, I don't think.

8 Q. I'd like you to identify Exhibit 5 40.

9 MR. FORDYCE: And that's not been previously
10 marked, 54 zero.

11 MR. STEIN: Five 40, very good.

12 Q. Now this is a little bit hard to read, do you
13 recognize this as an Excel table that you helped put
14 together?

15 A. Yes.

16 Q. And does this track what happened to the 800 --.

17 THE COURT: I don't have that, is this five 40.

18 MR. FORDYCE: Correct Your Honor.

19 THE COURT: Oh I'm at six 40, sorry about that,
20 keep going.

21 Q. BY MR. STEIN: And does this track the actual
22 expenditures of the 898,000?

23 A. Yes.

24 Q. And were the vast majority of expenditures in what
25 period?

26 A. November 8th.

27 Q. November 8th. And were the vast majority of the
28 expenditures of the 898,000 over approximately what period?

1 A. November 8th.

2 Q. November 8th?

3 Q. And then I'd like to turn to exhibit -- the writ
4 of attachment, Santa Monica Boulevard. [TPHAEULT] do you
5 have the number for it.

6 MR. FORDYCE: Yeah that's for terminal or for
7 Santa Monica.

8 MR. STEIN: Santa Monica.

9 MR. FORDYCE: I have it as 78 five.

10 MR. STEIN: Thanks very much, I had forgotten it
11 too so thanks very much for helping me out.

12 Q. Okay. Can you please identify Exhibit 78 five?

13 A. It's a writ of attachment to the 50 one Santa
14 Monica Boulevard location.

15 Q. Right [SKP-FPLT] that's Paragraph 3, writ of
16 attachment to attach property at 50 one Santa Monica
17 Boulevard. Now Linda Candelaria testified previously about
18 Exhibit 78 four I believe it was which is to terminal
19 street, this is for Santa Monica Boulevard, is that where
20 your offices are?

21 A. They were.

22 Q. Are you describe to me when you first saw this
23 document?

24 A. The Sheriff's officer came and showed us the
25 document and said they were coming to pick up documents
26 that were attached to that writ and I showed them where the
27 files were, I also told them that Santa Monica development
28 company had their offices there as well so they were a

1 little confused because the writ was for the same address
2 so they ended up just leaving.

3 Q. But left having officially attached the records?

4 A. Right, back to Santa Monica Boulevard.

5 Q. And then after attaching the records they turned
6 them over to Saint Monica?

7 A. Well yes technically.

8 Q. And the guy didn't actually pick up the notebook
9 and hand you it and go through 100 nobody's one at a time
10 did he?

11 A. Yeah he just said he had never seen that before.

12 Q. Well is it your understanding that whatever claims
13 that Plaintiffs had in those records the Los Angeles
14 Sheriff's instead took those records pursuant to that
15 document and turned them over to Saint Monica?

16 A. Right.

17 Q. And then.

18 THE COURT: Did he physically move them?

19 A. No.

20 THE COURT: They were physically in the same
21 location, so that's why they're confused?

22 A. Right.

23 THE COURT: So they're saying they're here but
24 they want to move them to the same place so they were kind
25 of confused?

26 A. Right.

27 THE COURT: So now I see why.

28 Q. BY MR. STEIN: And did about Saint Monica do with

1 the records?

2 A. Kept them.

3 Q. And did Saint Monica say to the Candelaria faction
4 here you go?

5 A. Yes.

6 Q. So in your view, did Saint Monica use legal
7 process to turn the records over to Candelaria faction?

8 A. Yes. Even though it was in the same location,
9 yes.

10 Q. Then I'd like to turn to exhibit 503. Well first
11 500. Was this the employer identification number of GT?

12 A. Yes.

13 Q. And did Mr. Stein spend his time to get the
14 employer identification number for GT Tribe?

15 A. Yes.

16 Q. And did you spend your time to get it?

17 A. Yes.

18 Q. And did you -- who filled out the paperwork to get
19 it?

20 A. I did.

21 Q. Exhibit 50 three is next, it is tax returns and
22 these tax returns, did you help assemble and process them?

23 A. I have the copies of them, Talley prepared them.

24 Q. Talley is who?

25 A. Talley was the accounting firm.

26 Q. That's the tribes accountants prepared them?

27 A. Correct.

28 Q. And then you processed the paperwork?

1 A. To send out, got the signatures and mailed them
2 out.

3 Q. Very good.

4 THE COURT: So which exhibit -- we were talking
5 when 500 right.

6 MR. STEIN: 500, 503 is this one which 500 has one
7 page with the EI N .

8 THE COURT: Yeah, okay.

9 MR. STEIN: Thank you.

10 Q. BY MR. STEIN: And then 505, the Gabrielino tribe
11 lobbyist papers were they filed quarterly?

12 A. Yes.

13 Q. And who would usually file them?

14 A. At the beginning it was a lobbying firm and then I
15 took over and started filing them myself.

16 Q. And were they signed by Mr. Martin Alcala?

17 A. The first couple of ones that I prepared, yes.

18 Q. And then were they later signed by Linda
19 Candelaria?

20 A. Correct.

21 Q. And you feel that you were being truthful with the
22 State of California's fair political practices commission
23 by saying this is the same GT Tribe that filed them before
24 the split and this is the same GT Tribe that filed them
25 after the split?

26 A. Yes.

27 Q. And you felt you were being truthful with the
28 State of California?

1 A. Yes.

2 Q. Exhibit 5 20, is the federal -- I'm sorry the
3 federal equivalent is 506.

4 THE COURT: I think that's new, 506, do you have
5 that madam clerk.

6 THE CLERK: Yes on six, 21.

7 THE COURT: So you do have 506.

8 THE CLERK: Yes.

9 THE COURT: All right.

10 MR. STEIN: I turned off light bulb.

11 Q. So we have seen the federal lobbyist papers before
12 filed in the federal government for lobbying in Washington
13 and Dan Crane. Did you keep the record of those filings
14 that Dan made in Washington, D.C. for the tribe?

15 A. Yes.

16 Q. And were those filings from before the split
17 began?

18 A. Yes.

19 Q. And were other filings from after the split a
20 habit?

21 A. Yes.

22 Q. Do you feel that you were, you and Mr. Crane were
23 truthful with the federal government by saying that the
24 same voluntary organization that made the filings before
25 was making the filings after the split?

26 A. Yes.

27 Q. Exhibit 5 14 is the Talley certification.

28 THE COURT: Did you call 506.

1 THE CLERK: 506 was on six, 21.

2 THE COURT: No I'm saying it was it's not
3 displayed, is there a reason, you don't have copies or --
4 506.

5 MR. STEIN: Forgive me I turned this off by
6 putting my paper on it so I'm waiting for it to warm up.
7 In the meanwhile.

8 THE COURT: Let's have a look at 506.

9 MR. STEIN: May I get the exhibit book.

10 THE COURT: Yes.

11 MR. STEIN: Barbara let me show this to you, I
12 tried to get a they can-er one but I couldn't find it?

13 A. Thanks.

14 Q. So let me try that again. Happily I was able to
15 give you the exhibit book just in time to look at the
16 screen. Is this the lobbying report that Crane Group filed
17 on behalf of GT Tribe in Washington?

18 A. Yes.

19 Q. And did you file the ones for the tribe?

20 A. For the state, yes.

21 Q. For the state and did you also keep the official
22 copy in the tribes records?

23 A. Yes.

24 Q. So that you could report to the United States
25 senate should they call?

26 A. Right.

27 Q. And is this report in particular from December
28 31st of 2006 that was received by the clerk of the U.S.

1 senate on February 12th, 2007, was that from after the
2 split?

3 A. Yes.

4 Q. And do you feel that you were being truthful by
5 saying that this was the same Gabrielino-Tongva Indian
6 tribe that [PH*] had made [PROEFS] [KWRAOU] filings?

7 A. [TKWRES].

8 Q. And is this another one after the split?

9 A. Yes.

10 Q. Very good. And let me just see if we -- and
11 here's one from before the [SPHR*ET] split from January 1st
12 of 2006?

13 A. Right.

14 Q. Then Exhibit 5 14.

15 THE COURT: I have a question, this 60 two that's
16 after that, it says California form, is that different than
17 the ones 245 we've just looked at?

18 A. Those are federal and the 60 two.

19 THE COURT: Yeah do you see how 25 two says it's a
20 lobbying report but then zero 28 says California form 60
21 two, are those federal forms or?

22 A. So this one's the federal form and this one is the
23 state.

24 MR. STEIN: Did I put them in the same exhibit.

25 THE COURT: Yeah.

26 MR. STEIN: That's my mistake. So you're not
27 intending to introduce the state ones.

28 MR. STEIN: Know we can pull it out if you want.

1 THE COURT: No that's okay I want to.

2 MR. STEIN: I'd like to blame it on the Xerox shop
3 but I'm pretty sure it was me.

4 Q. Exhibit 5 14 -- Exhibit 5 20 is the membership
5 Exhibit No. 1?

6 THE CLERK: Exhibit 5 14 or 520.

7 MR. STEIN: 520, my apologies.

8 Q. And we've identified this previously. Did you
9 mail that her out?

10 A. Yes.

11 Q. And if you notice in the first paragraph we went
12 over with Linda Candelaria while you were not here that
13 Jonathan Stein acknowledged that he was fired, Jonathan
14 Stein said later down here some other facts that were not
15 so hatch [AOE] about Mr. Stein himself but tried to tell
16 the truth. When you sent this to members was the use of
17 tribal letterhead appropriate or not appropriate in your
18 view when you sent it out?

19 A. In my view it was appropriate because we were
20 getting a lot of calls from members that had heard what was
21 going on and they wanted more information so that's when
22 this meeting [TPWAUZ] established.

23 Q. And you say a lot of calls, do you mean libeling
24 six?

25 A. No, we were getting a lot, I'm talking about 30,
26 40 calls from people, repeatedly, a lot of them had
27 questions, they would hear from [TAPL] [TPA*PLZ] so they
28 would call in and they would want answers as well so then

1 this meeting was [S*ETD] set to be able to give them
2 information there and was that the November 18th meeting?

3 A. Yes.

4 MR. FORDYCE: [STPHAO*E].

5 THE COURT: Mr. Stein just a five minute warning.

6 MR. STEIN: Very good actually think I'll probably
7 be finishing a little bit early.

8 Q. And was it your understanding that the tribal
9 council was happy with this meeting or was not willing to
10 participate?

11 A. They weren't willing to participate, in fact they
12 set up a different meeting the very next day.

13 Q. When you say they set up a different meeting the
14 very next day, did they find out about this meeting?

15 A. Yeah because all members were really talking to
16 each other, so they were telling each other what was going
17 on so once --.

18 Q. This was -- there were several letters like this,
19 were there not?

20 A. Yes.

21 Q. And you send them out?

22 A. Yes.

23 Q. Did you accepted them out to Sandonne Goad?

24 A. Everyone, every --.

25 Q. Did you send them to Virginia Carmelo?

26 A. Yes.

27 Q. Sam Dunlap?

28 A. Yeah.

1 Q. And did they mention the November 18th meeting?

2 A. Yes.

3 Q. And what you're saying in response is they set up
4 the November 19th meeting?

5 A. I'm assuming in response.

6 Q. And did you go to one of the meetings?

7 A. I went to the November 18th.

8 Q. Did you go to the 19th?

9 A. No.

10 Q. Was the result of those two meetings on November
11 18th and 19th that the tribe split into -- GT Tribe split
12 into two pieces?

13 A. Yes.

14 Q. And we've referred to the two pieces, the
15 Candelaria faction and the Dunlap faction?

16 A. Correct.

17 Q. How many [peoples|People's|people's] in Candelaria
18 faction?

19 A. Over 15.

20 Q. How many members in the Dunlap faction?

21 A. Under 500 for sure.

22 Q. And how many blue cards were received?

23 A. 23 two.

24 Q. So there were at least 23 two?

25 A. Yes.

26 Q. And between those two factions that made up the
27 entirety of what had been GT Tribe?

28 A. Correct.

1 Q. In your opinion, did the GT Tribe continue with
2 the Dunlap faction?

3 A. No.

4 Q. Thank you very much. No further questions.

5 THE COURT: Thank you cross-examination.

6 Q. BY MS. IBARRA: My good morning Ms. Garcia?

7 A. Good morning.

8 Q. I [STPREPLT] eye Delia Ibarra and I represent the
9 plaintiff Gabrielino-Tongva Tribe and my client is Sandonne
10 Goad. So we heard a lot about your background yesterday?

11 A. Uh-huh.

12 Q. The most interesting thing to me was your
13 employment with Mr. Stein's law offices, so he paid you,
14 correct?

15 A. Correct.

16 Q. And you also served as a tribal administrator?

17 A. Correct.

18 Q. So did you get paid by the tribe?

19 A. No.

20 Q. So did you get paid by Mr. Stein for that -- for
21 those functions?

22 A. Uh-huh.

23 Q. So would you characterize it as were you
24 volunteering for the tribe?

25 A. A lot of my time was volunteered.

26 Q. Okay did you volunteer any time for Mr. Stein?

27 A. No.

28 Q. Did the tribe ever ask you to volunteer?

1 A. Sometimes.

2 Q. And your parents, did they ever -- did they ever
3 ask them to volunteer?

4 A. I asked them.

5 Q. You asked them, why would you ask them?

6 A. Because we needed the help, we didn't have enough
7 had people to do everything that needed to be done for the
8 meeting. There was a lot of work that went in so we needed
9 people to cook, so I asked my parents to help.

10 Q. Were you a- warranted tribal administrator by the
11 tribe or Mr. Stein?

12 A. At the beginning it was Mr. Stein but I know that
13 the tribal council had agreed with it, there wasn't
14 anything formal, I don't recall.

15 Q. So there was no resolution?

16 A. No.

17 Q. Saying we're appointing?

18 A. No.

19 Q. Barbara Garcia?

20 A. No.

21 Q. And you were -- your offices were -- were shared
22 with Mr. Stein's law offices?

23 A. Correct but one thing is that all of the
24 [mails|males] mail that went out had my name's as tribal
25 administrator and none of them ever complained.

26 Q. Okay. So they never complained to you so you
27 assume that they were okay with you?

28 A. Uh-huh.

1 Q. Being tribal administrator?

2 A. Uh-huh.

3 Q. Or getting appointed --

4 A. And they always prevented me as tribal
5 administrator.

6 Q. But the initial appointment was by Mr. Stein and
7 there was no objection on their part, and I'm sure they
8 never objected to getting free work from you, right?

9 A. I'm sure.

10 Q. I'm sure. So I've also seen a number of proves in
11 pleading before I was en flamed in this action that bear
12 your signature so you served documents Mr. Stein's law
13 offices correct?

14 A. Correct uh-huh.

15 Q. In this litigation?

16 A. Uh-huh.

17 Q. Were you his legal assistant?

18 A. Right.

19 Q. So what --?

20 A. I think that was stated at the very beginning, I
21 wore the hats of paralegal.

22 Q. You were Jack of all trade?

23 A. Right, so that was one of my functions.

24 Q. And that's what you did after you went to public
25 counsel, you were basically paralegal?

26 A. I was a part time paralegal, part time executive
27 assistant to the presidency. And I do have formal training
28 as paralegal at UCLA.

1 Q. Oh so you have a certificate?

2 A. Yes, I do.

3 Q. That's great. So we also heard from
4 Ms. Candelaria after you and she did mention that you
5 actually forwarded a lot of documents for her signature?

6 A. Uh-huh.

7 Q. Right? And she said she often received these
8 documents via e-mail. So I'm wondering if you were
9 exercising any independent judgment from Mr. Stein when you
10 transmitted those documents to Ms. Candelaria?

11 A. Most of them were tribal letters that were going
12 to go out so they would review them. They came from my
13 tribal administrator e-mail because I did have an e-mail
14 for that and I always kept those separate. So if would --
15 there was a member meeting coming up, there was a letter
16 always generated, they would review it and make changes if
17 if he deemed necessary.

18 Q. Now so now we're talking about Ms. Candelaria so
19 this is when you were sending documents for her signature
20 to be transmitted. So this is correspondence for the
21 Candelaria faction right?

22 A. Actually either [WAOEU], even with.

23 Q. So before what you call the split.

24 MR. STEIN: Objection if the witness can finish
25 her testimony.

26 THE COURT: Okay did you not finish your answer?

27 A. At this point I don't remember.

28 THE COURT: Okay.

1 Q. BY MS. IBARRA: So we were talking about you
2 prepared documents for their signature and we were talking
3 about the general sister of that was that it was candidate
4 who testified to that but you were about to tell me that
5 you did that also for Virginia Carmelo [WHOTZ] a tribal
6 chairwoman before the split or --?

7 A. Right because they would verify and look over all
8 of the letters, files, I would always send -- if I was
9 doing a filing I would send it to them to review, once they
10 approved it, you know I would mail it to them for original
11 signature.

12 Q. And what about the government filings?

13 A. Uh-huh.

14 Q. Did Mr. Stein instruct you to transmit those for
15 candidate signature?

16 A. I kept tally of when they were due, so I would let
17 them know that the filings were coming up and that I would
18 be send [T-G] to them.

19 Q. What about the --

20 A. Because there's -- I'm sorry I didn't mean to
21 interrupt you because there's due dates by when you have to
22 submit them so I would keep that -- calendar of that.

23 Q. But what about the tax forms though, so they
24 weren't filed until Ms. Candelaria took over in 2007 so you
25 weren't keeping track of them?

26 A. Those were --

27 Q. Before then?

28 A. Right. I don't recall when they were filed

1 exactly --.

2 THE COURT: Who instructed you to file them is the
3 question if anybody.

4 A. I know that because of the investment they wanted
5 to file all -- make everything -- all of the documentations
6 and all of the necessary filings so that came as part of
7 the investment.

8 THE COURT: Yeah but who, I mean the question is
9 for seven years nobody filed anything and then seven years
10 later oh we've got to file seven years worth of stuff did
11 you decide to do that on your own?

12 A. No.

13 THE COURT: Did somebody tell you to do it was the
14 investors, who was it?

15 A. I know that arose from one of the meetings, I
16 don't know who exactly made the final decision.

17 THE COURT: So you have don't know or?

18 A. Well I'm sure it was Mr. Stein who gave me the
19 task but I don't know who made the decision.

20 Q. BY MS. IBARRA: And you're talking about meetings,
21 what meetings are you talking about?

22 A. Tribal council meetings.

23 Q. So tribal council meetings so this is -- if we're
24 talking about the tax forms, we're talking about 2007, at
25 some point there's a tribal council meeting with Mr. Stein
26 and at a certain point he gives you direction to file call
27 of these back taxes?

28 A. Well he gave -- whoever gave Talley because I

1 didn't file the actual tax reforms, I didn't file tax
2 reforms, I'm not licensed to file tax forms.

3 Q. Did you have direct communication with Talley?

4 A. Sometimes.

5 Q. But you didn't task them with work, right, because
6 they would bill you?

7 A. Right.

8 Q. So that would be something that Mr. Stein would
9 do?

10 A. Or tribal council, they had direct commune

11 **[WAEUGS]** can tribal council as well.

12 Q. Okay because Ms. Candelaria did not mention Talley
13 at all, she didn't know who had prepared the forms.

14 Q. When you transmitted documents to Ms. Candelaria
15 did you try to make sure she understood what she was
16 signing?

17 A. Yes we would always talk about it before and it
18 wasn't just Ms. Candelaria, I would send it generally to
19 all of the tribal council members unless she was signing
20 directly, then I'd like her know that it was her signature
21 that was needed.

22 Q. Were you around when she signed the settlement
23 agreement of this action with Mr. Stein?

24 A. I believe so.

25 Q. So were you there when she executed the
26 document?

27 A. I can't recall.

28 Q. Do you know if she understood what she was signing

1 at that point?

2 A. Yes I'm pretty sure, they had counsel explain it
3 to them.

4 Q. Who was her counsel?

5 A. I have think at the time it was Jason Meyers maybe
6 and I can't -- there were so many attorneys that came by,
7 I'm so sorry if it's not.

8 Q. It's okay. So you were paid by Mr. Stein and you
9 did work for Mr. Stein and you were -- your work was
10 directed by Mr. Stein but sometimes you also did volunteer
11 work for the tribe?

12 A. Right.

13 Q. So as between the two of them who were you loyal
14 to?

15 A. Loyal?

16 Q. Yes your loyalty?

17 A. My loyalty was both of them, I worked with both of
18 them I wouldn't choose one over the other, if you're trying
19 to say Mr. Stein is one I was loyal so I know what's right
20 and what's wrong so I would never choose Mr. Stein if there
21 was something wrong so I don't understand the question
22 about loyalty.

23 Q. If there was a conflict between the two who would
24 you choose?

25 A. I would not -- I would recuse myself, it was
26 something I didn't have to pick one or the other, they
27 could find someone else to do whatever was needed but I was
28 never in that position.

1 Q. So we took judicial notice yesterday that this
2 litigation was filed on November 1st.

3 THE COURT: November 2nd.

4 MS. IBARRA: November 2nd, I keep confusing those
5 two dates, November 2nd of 2006, right?

6 A. Uh-huh.

7 Q. So they're at odds with each other, the tribal
8 council, Stein, you had possession of the documents, what
9 would you do?

10 A. I didn't do anything. Are you asking because they
11 were asking me for the documents?

12 Q. So yeah you had -- well they were asking Mr.
13 Stein?

14 A. Uh-huh.

15 Q. But you didn't have discretion to do anything
16 other than what Mr. Stein asked you to do right?

17 A. Well I didn't -- okay. So there was a
18 conversation with tribal council where they were asking me
19 to take the files but they were asking me to steal because
20 they were asking me to do it without Mr. Stein knowing. So
21 at that point I felt like I couldn't do anything and even
22 Elizabeth Aronson advised that I shouldn't do anything that
23 was not in knowledge of Mr. Stein because then I would be
24 accused of stealing. So if that's what you're referring
25 to.

26 Q. By Mr. Stein -- yes?

27 A. If that's what you're referring to? Can.

28 Q. Yes.

1 A. Then I did not -- and yes I chose not to commit a
2 crime.

3 Q. So by -- so being accused of stealing is actually
4 different than stealing so --?

5 A. The way they were trying to get me to do it was
6 stealing.

7 Q. Okay.

8 A. Because otherwise they could have come into the
9 office and taken whatever they needed. Jonathan never
10 closed the door, he have never looked the door, they
11 actually came during the split, they could have taken
12 things then, in fact they did take some things so for them
13 to ask me specifically to make copies of database
14 information, that was had not legal.

15 Q. Okay that was going to be my next question is
16 if -- because that came up yesterday was with one of the
17 other witnesses would you have given them a copy of the
18 membership information if they had asked and you're
19 basically saying they did ask and you didn't or --?

20 A. Well but the question is for me is the tribe was
21 the entity, Carmelo and Dunlap and everyone that was
22 leaving was creating their own separate group, they had
23 formed a whole different application --.

24 Q. Okay can I stop you there.

25 MR. STEIN: Your Honor.

26 MR. FORDYCE: Your Honor can she finish her answer
27 please.

28 MS. IBARRA: Okay.

1 THE COURT: Yes finish.

2 A. She they had [RAOE] [KRAOEUT]-d at this member
3 meeting on the 19th they had forms that were completely
4 different than what was different from before, they were
5 asking them to fill out all these new membership forms so
6 it was a whole new entity. So if you're asking me what am
7 I supposed to do at that point if they're forming something
8 different, then it would be stealing from the tribe.

9 Q. Okay. So and your evidence that they were
10 creating a new entity was that they were filling out these
11 blue cards?

12 A. No. People were giving me membership
13 application -- see everyone was going [ORB] or a lot of the
14 members went to both meetings so the members that went to
15 their meeting brought us back the packets that were being
16 issued at that time. So they were giving a whole new
17 membership, they had new constitution, I mean they had
18 everything that was completely different so if it's a new
19 group, wouldn't it be stealing from one group to give to
20 the other?

21 Q. Okay but --?

22 A. And I did not want to get caught in that and I did
23 not want to find out if it was stealing or not to be quite
24 honest with you.

25 Q. And you have did not want to be in cross hairs
26 with Mr. Stein who was my employer's?

27 A. I mean he could have fired me and I would have
28 found another job, that's not -- that's not what I was

1 afraid of.

2 Q. So November 1st -- November 2nd litigation starts
3 and then the meetings are November 18th and 19th. They
4 don't have access because like you said -- [SKPUF] wouldn't
5 have given them access to the membership information so Mr.
6 Stein was sending out all these letters, there's three of
7 them explaining his side of the story, they didn't have the
8 same access to the membership, right?

9 A. They had copies of something because --.

10 Q. Of some?

11 A. Right.

12 Q. Okay so they had copies of some and maybe they
13 were able to reach some but they didn't have the entire
14 full set, right?

15 A. They were pretty close because they were each
16 given a copy of lists to make calls for the first meetings.
17 So they did have, maybe just not updated addresses from
18 whatever the last meeting to that November.

19 Q. So if they [KOBLD] them all together they might
20 come up to something that was close to the full list?

21 A. Right.

22 Q. But they didn't have the little Club Assistant
23 that would just generate the information and you know --
24 right?

25 A. Right.

26 Q. So just -- it just meant it was going to be a lot
27 more work for them to sort of figure it out and maybe they
28 were missing a lot of information too?

1 A. But even if I would have given him the CD they
2 still wouldn't have had the program so they would have
3 still had to do the work.

4 Q. So in any event, in order to do what you admitted
5 Lee said yesterday took you like three days for --?

6 A. But it was just me.

7 Q. Right but it was just you?

8 A. That would have been six of them, right.

9 Q. With Club Assistant to generate this information
10 for one meeting so you have know you have thought that they
11 should have like recreated the list and mailed it out and
12 try to you know generate the same, the same you know amount
13 of work that this little proprietary Club Assistant program
14 got them to?

15 A. Right.

16 Q. Okay. So they're trying to recreate their list,
17 right, because they don't have access to it, so they ask
18 people to submit information to them so they can keep -- so
19 they can recreate the list and I think that's evidence?

20 A. But it wasn't just a simple give me your address
21 for, it was a very detailed application that had gene [OL]
22 gee information, you know it was just more than just an
23 address, so it wasn't just them trying to [KRAOE] create a
24 mailing list, it was a whole new for, it was [AOEP] more
25 detailed than the one we had.

26 Q. Okay. So but you have kept all of the
27 confidential membership information about anticipate of the
28 members?

1 A. Right in their files.

2 Q. So they didn't have that?

3 A. Right.

4 Q. So if they want today recreate it because it was
5 going to be [PRO*E] tract-d litigation and I think nobody
6 thought it was going to be 10 years, a litigation always
7 last a time [TAOEUBG] so in they wanted to do business in
8 the interim and keep in contact and update their records
9 they needed to -- they mope Ed to photograph [AOE] update
10 their he'd Gabrielino h more on [TKPWOE], whatever right?

11 A. Uh-huh.

12 Q. So people that need to show up to the meeting they
13 kind of needed to start off from scratch?

14 A. Right but they were also giving oust Ah any
15 constitution.

16 Q. And we'll hear more about the constitution today I
17 think. But lastly -- not lastly actual but more on this
18 topic is you talked about how you've create [-FD] the
19 little files for each of the members, right?

20 A. Uh-huh.

21 Q. But the original information came to you via Sam
22 Dunlap?

23 A. For -- he gave me three months but those weren't
24 the entire.

25 Q. No of course not because you continued to grow?

26 A. Right.

27 Q. You still do, both sides still do?

28 A. Right.

1 Q. But the original membership information and the
2 families moved from there came from Mr. Dunlap?

3 A. Right and what he had was mostly just name and
4 address and at the member meetings we started giving out
5 you know forms so they could fill out more detailed because
6 he had you know lined paper, like the notepads with
7 information, so.

8 Q. So it was handwritten stuff?

9 A. Right.

10 Q. That he had kept for a long time?

11 A. Uh-huh.

12 Q. And do you know who those members were, did they
13 like -- did they come from a different group, had they been
14 engaged in any faction before?

15 A. Honestly I don't remember that.

16 Q. So we've seen the blue card a lot during just the
17 last couple of days?

18 A. Uh-huh.

19 Q. And the blue card was addressed obviously to Mr.
20 Stein and then the salutation was to Mr. Stein and then it
21 requested that you know the individual who was mailing the
22 blue card was requesting that Mr. Stein send the
23 information back to the individual or in some case [TOZ]
24 accepted it to Virginia Carmelo?

25 A. Correct.

26 Q. Buff you took that as an indication that this was
27 an official communication to the tribe even though it was
28 addressed to Mr. law as law offices of Jonathan Stein?

1 A. If you look at the card, most of them were
2 addressed to Virginia Carmelo, they have had -- one side
3 was Virginia Carmelo and then the other side says the
4 person's name and said please [S-PBD] the forms to and it
5 had the terminal address, a lot of them had the [SREURPL]
6 Carmelo one -- and [AOEP] the one that was posted op here
7 was [SREURPL] [SREURPBL]. Not all of them had Mr.
8 Stein's -- because they came in batches and some of them
9 were hand delivered to us.

10 Q. So it's possible that people mailed them to
11 Virginia to deliver to Mr. Stein? Because the salutation
12 was dear Mr. Stein?

13 A. I have think a lot of them -- well they were given
14 at that meeting and I think families -- I remember they
15 were coming into the office and they were -- some of them
16 were brought but I don't remember how the bulk happened
17 because they weren't all mailed.

18 Q. Some of them were walked in?

19 A. Yeah.

20 Q. Both of them that we saw here had a?

21 A. A stamp.

22 Q. Little cancellation stamp. Do you think it's a
23 reasonable interpret [TAEUFGS] to say they wanted to quit
24 the tribe because -- let's just take the ones that were
25 address today Mr. tine?

26 A. Uh-huh.

27 Q. Do you think it's a reasonable [TER]
28 interpretation to see they wanted to quit the tribe if they

1 didn't want to be affiliated with Mr. Stein?

2 A. They have didn't want to be part of that
3 organization, yes.

4 Q. But Mr. Stein was fired or he would either
5 voluntarily resigned in September or he was terminated in
6 October and the blue cards are November, so what authority
7 did he have to even keep these documents. So why would you
8 interpret that as a request to terminate a relationship
9 that you are no longer affiliated with?

10 A. There were several members that did not want him
11 to believe, there were several members that were still
12 trying to figure out what was going on, why did the mop
13 [HAOE] -- why was the money taken so they were asking them
14 not do anything, to just, you know wait for them to figure
15 out what was going on and part of that created an oversight
16 committee that --.

17 Q. Yes we've heard about that?

18 A. Right, so that's what -- that's how I interpret it
19 because they didn't want him to leave, they wanted him to
20 continue and the cards when I was getting the cards from
21 members and remember I was getting a lot of calls they were
22 saying that they wanted to leave this group to go to the
23 Dunlap group and those cards clearly had their address on
24 there.

25 Q. So earlier we talked about who you were loyal too
26 and who you the [PHALT] [HAOE] owed any loyal [TAO*E]
27 [TAOE] to. So during the process of the disagreement
28 between Mr. Stein and the tribal council, do you feel you

1 have [TPHAEUD] a decision, setting aside the documents that
2 you sort of retained possession of in Mr. Stein's law
3 offices, setting aside that, did you feel that you owed
4 them any responsibilities, any obligations, he [SP-RBL] lie
5 when litigation breaks out between them?

6 A. If I'm being honest, it's not that I had loyalty
7 to Jonathan [SO*] or to the tribe, it's just that their
8 actions to me were questionable. So I entertained the idea
9 of going to work with them, I mean obviously making more
10 money in that's what I was going after and did sound good
11 but the way they were acting and the actions and the
12 [TPHABGT] they were withholding payment to Jonathan after
13 all the time that he has been and after all the money that
14 he put in personally, to me just seemed pretty shady and
15 therefore, it's not that I had more loyalty [THO] one or
16 the other it's that I was looking at right and wrong and
17 what they were doing to me in my opinion was wrong.

18 Q. So you did ultimately decide that you believed
19 Stein, you didn't believe the tribal council and you --?

20 A. Well I was seeing the actions. You know, it
21 wasn't that I believed one over the other, it's that I was
22 seeing what was happening and to me at that point I felt
23 like the way they were -- everything was unraveling was
24 just really really messed up.

25 Q. So when you were -- if when you were at public
26 counsel or now that you're in a supervisor Solis office, if
27 somebody size Mrs. Solis?

28 A. I left county counsel handle that.

1 Q. Right but you're not going to assist -- you're
2 going to be mindful of the fact that it the a legal
3 proceeding?

4 A. Right.

5 Q. And you're not going to assist somebody who's
6 suing your boss, right?

7 A. Well I mean everything goes through county could
8 you please so we get calls from people that are suing the
9 county that are suing or threatening to sue or office I'm
10 all time so it's not that I'm going to stop helping them,
11 it's that there is legal ramifications so I would go call
12 county counsel, let them toe what they need and let me know
13 what is to be done.

14 Q. I'm sorry?

15 A. Go ahead.

16 Q. That's a bad example that's not really what I want
17 to get into. My question is whether -- under any
18 circumstance even if you thought that the supervisor had
19 done something incorrectly or somebody at public counsel
20 had done something incorrectly and you saw it and you
21 believed them and they were getting sued, you still under
22 that you have an obligation to your employer that goes
23 beyond --?

24 A. To a certain extent because --.

25 Q. You could quit but --?

26 A. But I'm not going to put myself.

27 THE COURT: Hold on there's an objection what's
28 your objection.

1 MR. STEIN: No just the interruption of the
2 witnesses statements?

3 A. I'm [-P] going to put myself in the position where
4 I'm not going to do anything illegal. So it's not a
5 question of loyalty, it's not a question of you know -- I'm
6 not going to to something that I feel is right or wrong.
7 Whether it was something -- if Jonathan asked me to do
8 something incorrect I wouldn't do it and he knows that. So
9 you know I don't understand why you're asking about
10 loyalty, if you're trying to say I was loyal to Jonathan
11 over the tribe.

12 Q. Yes.

13 A. That's not the case, it's just that I was seeing
14 all the things that that was happening and the way they
15 were talking, you forget they were talking to me, I wasn't
16 telling him everything but the [THEUPGD] that they were
17 telling me were just messed up. So yeah, you're right I
18 stayed with Jonathan, I didn't believe that what they did
19 was appropriate after everything that had led them to that
20 investment, I mean they lost that investment and you know
21 these people are poor whether they would have to the en a
22 casino or not, they would have at least had the chance to
23 try to find out and because of this they lost it so to me
24 that was messed up.

25 Q. The whole thing was, right?

26 A. Yeah, yeah.

27 Q. So you are aware that Mr. Stein also sued all of
28 those individual council members for the specific actions

1 that you just described here, right, so you size Virginia
2 Carmelo.

3 MR. STEIN: Objection.

4 MS. IBARRA: And Sam Dunlap.

5 MR. STEIN: Objection facts not in evidence.

6 THE COURT: Overruled.

7 MS. IBARRA: We can take judicial notice of that
8 fact because it's part of this action and there was a bench
9 trial of those claims that he asserted against them and you
10 also testified during that bench trial, right?

11 A. Uh-huh.

12 Q. In front of Judge Linfield?

13 A. Uh-huh you have.

14 Q. So you provided all of this testimony?

15 A. Very limited.

16 Q. Okay in any event, Mr. Stein was there, he tried
17 to elicit your testimony and they were completely
18 exonerated, correct, is that your understanding of the
19 judgment?

20 A. I honestly didn't see the judgment to be quite
21 honest with you.

22 Q. So I'll represent to you that that's what
23 happened. I have one more thing for you is the mail, the
24 postal service, was there a controversy between you and the
25 postal service when this was happening?

26 A. There was. There was a change of address that had
27 occurred and I [WREPBT] into the post office and it was
28 deemed fraudulent, I can't recall all the details but I

1 know they started sending mail back.

2 Q. So you filed a change of address form so when they
3 --?

4 A. No, I did not file.

5 Q. Oh I have the documents here if you we can review
6 them?

7 A. I think it's because we were -- we were -- I don't
8 remember exactly what it was but there was a change of
9 address filed and then we did not submit that change of
10 address, I think we had to resubmit it because they had
11 done a change of address to the terminal office.

12 Q. Yes.

13 A. If I remember correctly.

14 Q. So when they lose their offices because Stein
15 is -- Stein had offered his -- to keep custody of the
16 records in his law office and he offered his law office as
17 its meeting space **[-DZ]** for tribal council, it's not big
18 enough for the entire membership right?

19 A. Uh-huh.

20 Q. But when they had tribal council meetings they
21 were held at his law offices so once they get they get
22 **[HRAOEB]** -- they have get thrown out of his laugh offices
23 and there's separation then them, they set up a new offices
24 so Virginia and Sam and all them set up a new office in
25 down **[TOUP]**?

26 A. Uh-huh.

27 Q. Is that **[WHAFPD]**?

28 A. They did have a new office in town town.

1 Q. They had new office downtown since they didn't
2 have an office so they submit a change of address form and
3 then you submit a change of address form back?

4 A. Because the tribe had not left.

5 Q. So that's the dupe here is --?

6 A. Right.

7 Q. But there was -- was there any final ruling on
8 whether or not what the did was proper, improper by the
9 because there was like a little mail fraud investigation of
10 you?

11 A. We initiated that.

12 Q. Do you want to look at the documents?

13 A. Yeah that would be great.

14 MS. IBARRA: And Your Honor I just saw these this
15 morning so they're not on my list.

16 THE COURT: Well share them now. Do you have
17 extra cop [HAOEZ].

18 MS. IBARRA: I don't have extra copies.

19 THE COURT: Show him. .

20 MS. IBARRA: Owe I do I have two copies.

21 THE COURT: Well give one to the other side.

22 MR. STEIN: Your Honor we spend 40 minutes talking
23 to in the hallway and this is the first I'm being shown
24 this.

25 MS. IBARRA: Sorry I just got them.

26 THE COURT: This is impeachment material but give
27 them a chance to look at them before you start questioning,
28 okay, because it looks like 10 pages or e Your Honor may we

1 sidebar over this there's some documents that's very
2 different than what's been described I'm sure there's a
3 solution.

4 THE COURT: All right sidebar * * sidebar * *.

5 MR. FORDYCE: So I'm sorry it was given to me
6 while -- I'm sorry.

7 THE COURT: No go ahead.

8 MR. STEIN: Can we show the judge what we're
9 talking about.

10 THE COURT: Go ahead.

11 MS. IBARRA: So it was given to me when we were
12 already started and the jury was seated so I just reviewed
13 it and it's -- I have reviewed it quickly and I quickly but
14 apparently it's not a overruled, but it's a complaint
15 against Ms. Barbara Garcia but it does go to a judge she
16 does not like her because she file her on this basis.

17 THE COURT: So there's a investigation because her
18 because he made a complaint it's not going to come in the
19 document itself.

20 MS. IBARRA: No that's fine.

21 MR. STEIN: Well I think Ms. Garcia testified that
22 she wanted to see it and the only problem is up front
23 there's a resume, I don't know if that's part of the
24 document.

25 MR. FORDYCE: Buff it's not going to come in so
26 she can review it and it's part of her right side may.

27 MR. STEIN: I'm happy for it to come in.

28 THE COURT: Do you want it in.

1 MR. STEIN: Well actually what's going to happen
2 later.

3 MS. IBARRA: I'm fine with that.

4 MR. STEIN: I'm trying to disclose to the judge
5 and I'm sounding wrong, what I'm trying to disclose is when
6 Mr. Polanco is on the stand he did this and 20 other
7 investigations and we are going to bring one after the
8 other to see if the jury believes if 20 investigations
9 including the postal investigation so we actually do not
10 have this document, that's what I -- that's why I wanted to
11 honestly disclose well actually if we're going to use it
12 later, I don't want to be unfair if she wants to use it
13 now.

14 MR. FORDYCE: So this is just.

15 MS. IBARRA: A complaint.

16 THE COURT: I guess the point is you have all the
17 information about Polanco's other investigations, this is
18 just a new one you didn't see.

19 MR. STEIN: We knew about it we didn't have the
20 documents therefore, this actually helps you are occasion
21 and [PWAZ] we're going to do this later we're going to hold
22 onto this.

23 MS. IBARRA: Yeah you can keep it.

24 MR. STEIN: And I don't want to disassemble and
25 have [POEF] owes Dunlap say well when [PEU] wanted to use
26 it Mr. Stein you were behalf blah, blah.

27 THE COURT: So what you're saying is you want to
28 use this later in your case, okay. And are you going to

1 try to --.

2 MR. STEIN: Not object.

3 THE COURT: Move to -- okay.

4 MR. STEIN: Not object now because of that.

5 THE COURT: I see.

6 MS. IBARRA: Okay.

7 THE COURT: So you can admit it now because he's
8 going to admit it later because he's not going to object
9 because he's going to use it later that's fine.

10 MS. IBARRA: That's fine so we can mark it.

11 THE COURT: Whatever next in order.

12 THE CLERK: We're marked for identification and
13 admitting.

14 THE COURT: There's going to be no objection
15 because it's going to be used.

16 MR. STEIN: That's what I'm I go going to have say
17 there's.

18 MR. FORDYCE: And can we be clear there's nothing
19 else waiting in the wings right.

20 MS. IBARRA: I just asked him.

21 THE COURT: There may be but that's impeachment.

22 MR. STEIN: That's right.

23 THE COURT: And that's why you have all that
24 position about Polanco.

25 MR. FORDYCE: And there's no finding here.

26 MR. STEIN: No no we've reviewed it. I would ask
27 the court what are the numbers -- you're one through 500.

28 MS. IBARRA: Yes.

1 MR. STEIN: Use used all those numbers.

2 MS. IBARRA: No.

3 MR. STEIN: Would you like to find an empty number
4 take just a moment and find an empty number and use it so
5 it stays one through 500 clerk he.

6 THE COURT: Right the clerk can.

7 THE CLERK: Next plank in order.

8 MR. STEIN: Forgive me the next in order for
9 Plaintiff's exhibits.

10 THE CLERK: Yeah Plaintiff's exhibits.

11 MR. STEIN: Okay I wasn't clear, thank you Your
12 Honor * * end sidebar * *.

13 THE COURT: Is this the first exhibit you're
14 referring to in the trial, jar.

15 MS. IBARRA: That's not.

16 THE COURT: That wasn't a defense exhibit.

17 MS. IBARRA: Exhibit 240.

18 THE CLERK: It's going to be 244 is your next
19 blank. Exhibit 244, Plaintiff's Exhibit 244.

20 THE COURT: Thank you.

21 Q. BY MS. IBARRA: So I'll show this to you and I'll
22 just [THRAEPT] it doesn't show a final adjudication it's
23 just a complaint that was filed against you about that.

24 THE COURT: Well a question, is it a complaint.

25 Q. BY MS. IBARRA: Do you recall seeing this?

26 A. No.

27 THE COURT: Do you have a question about the
28 document or --.

1 MS. IBARRA: Have you finished reviewing it?

2 A. I mean no there's a lot.

3 Q. Yeah there's a lot?

4 A. Do you want to ask a question, I can --

5 Q. So you don't recall seeing it?

6 A. No.

7 Q. Do you want to describe it for the jury because we
8 don't have a blow up of it?

9 A. It's my resume and it's a letter to postal
10 inspector R D Hinkley in which senate Richard Polanco
11 submits a complaint and he's requesting appropriate action
12 immediately and then there's a form discarded mail, damage
13 to mailbox, suspicious active questionnaire and it's filled
14 out by senate Polanco, there's a lot of see attachment see
15 attachment see attachment see attachment see attachment,
16 signed by Mr. Polanco December 1st, 2006 and then there's
17 the actual complaint and that's what I was reading.

18 Q. Okay. So did anybody ever speak to you about this
19 from the postal service?

20 A. I don't recall. And I think I would remember
21 something like this.

22 Q. Whatever happened to --

23 A. I know there was, I just don't remember it being a
24 complaint against me.

25 Q. But you do recall there was something about
26 concerning --

27 A. I remember the change of address but again I don't
28 remember it being a complaint or an investigation on me.

1 That, I don't recall, and I think I would remember
2 something like that.

3 Q. So even if it wasn't a complaint against you that
4 you recall, do you recall the investigation about the
5 mail?

6 A. Yeah I do remember that there was something about
7 the change of address but we started getting the mail again
8 so I just assumed it was resolved.

9 Q. And you never got -- and you don't recall any
10 final -- you got the mail started [TKOPLG] if it was a-
11 [TKPWRAOEUT]-d to the Gabrielino-Tongva Tribe?

12 A. Right it was addressed to the tribe.

13 Q. Okay I'll take that back from you. Lastly on the
14 Saint Monica development agreement, the SMDC agreement that
15 we've been referring to, so you weren't employed by Mr.
16 Stein when that was executed, right?

17 A. No.

18 Q. And you didn't know any of the tribal counsel
19 people who signed either the agreement or the resolutions?

20 A. Not at the time -- obviously not at the time but
21 I've met a few of them throughout the years.

22 Q. You knew some of them you knew Virginia which ones
23 did you know?

24 A. Sam Dunlap obviously Virginia Carmelo, as I
25 understand Al, I believe Jim Velasques I met at one of the
26 meetings and I don't recall the other names.

27 Q. And did you ever meet the name of Steve [OT] oh?

28 A. No, the attorney.

1 Q. The attorney. Were you aware that he sent a memo
2 to Mr. Stein stating the SMDC agreement should be
3 considered as not having reviewed by counsel?

4 A. No.

5 Q. Because he didn't want to be engaged in the matter
6 as representing the tribe?

7 A. No.

8 Q. So if there's a document out there that says that,
9 shouldn't it be part of your custody of records because
10 otherwise the SMDC agreement, the way that -- one of the
11 resolutions states that he had reviewed it, it's incorrect
12 if he said had he didn't review it?

13 A. Right.

14 Q. So why wasn't that part of your records?

15 A. I inherited the actual documents as of September
16 2003, that was previous, so I have that was there starting
17 September 2003.

18 Q. So why wasn't it in there?

19 A. I can't explain, I wasn't the tribal administrator
20 at the time.

21 Q. Who was the tribal administrator?

22 A. I don't know.

23 Q. Did they have a tribal administrator?

24 A. I don't think so but --.

25 Q. So it was Mr. Stein who was responsible for the
26 custody of records before you?

27 A. I don't know.

28 Q. Did he have an assistant before you?

1 A. Yes.

2 Q. Who was that?

3 A. I don't know.

4 Q. You don't know who preceded you?

5 A. No. I didn't meet them. I wasn't trained by
6 anyone.

7 Q. So if you weren't trained by anybody, is it safe
8 to assume that there wasn't anybody?

9 A. There was. We just didn't overlap.

10 Q. And did Mr. Stein -- Mr. Stein gave you the
11 records, right?

12 A. They were in the office, yes.

13 Q. Do you know Ken Sulzer?

14 A. Yes.

15 Q. Do you have -- do you know that he preferred the
16 SMDC agreement?

17 A. From the --.

18 Q. Well the SMDC agreement said to give notice to Mr.
19 Sulzer, it didn't say that he draft [T-D]?

20 A. Right.

21 Q. So why did you say that he drafted it?

22 A. I think estate [T-D] in meetings before because he
23 did come to the office.

24 Q. Okay I will -- I feel like this goes to the case
25 in chief about who drafted it because it's not per se who's
26 relevant to a real party in interest?

27 A. I think you should ask him, no?

28 Q. Yeah, if he comes yes, then we will ask him. I

1 will also show documents that indicate that Mr. Stein
2 drafted it and send it to Mr. Sulzer with a copy to Mr.
3 Dunlap that I could show you.

4 MR. STEIN: Objection is this for the -- for the
5 jury to hear.

6 THE COURT: Well what's your objection.

7 MR. STEIN: Objection no question pending.

8 THE COURT: All right sustained.

9 Q. BY MS. IBARRA: Should I show the document where
10 Mr. Stein transmits the SMDC agreement to Mr. Dunlap and
11 says here is my draft of the SMDC agreement but Ken is just
12 looking at it for the first time? Do you want to review
13 that.

14 Q. So Plaintiff's Exhibit Number 6?

15 THE CLERK: Plaintiff's Exhibit 6.

16 THE COURT: Plaintiff's 6, okay.

17 Q. BY MS. IBARRA: So why don't you read this
18 document (Indicating.).

19 THE COURT: To yourself.

20 MS. IBARRA: Okay?

21 A. To myself.

22 THE COURT: Yeah and then she can ask you
23 questions about it.

24 MR. STEIN: May we see the document, we haven't.

25 MS. IBARRA: Oh it's in six, Plaintiff's 6.

26 Plaintiff's 6 is a memo is yours different? No it's the
27 same.

28 MR. FORDYCE: Thanks.

1 Q. BY MS. IBARRA: Did you read it?

2 A. Yeah.

3 Q. Sorry I'm going to have to share it with you. So
4 from this letter, do you believe that -- so this is Mr.
5 Stein's signature which you're very familiar with, correct?

6 A. That's not his signature.

7 Q. Oh it's not?

8 A. It says but it you see it's initials, someone
9 signed it.

10 Q. So do you recognize the initials?

11 A. Huh-uh.

12 Q. Did he have an assistant that often signed for
13 him.

14 MR. STEIN: Objection hearsay.

15 THE COURT: Overruled?

16 A. 2000, I have no idea.

17 THE COURT: Pardon?

18 A. In 2000, I have no idea.

19 Q. BY MS. IBARRA: Did you sign documents for him on
20 occasion?

21 A. Sometimes and identify initial mine.

22 Q. So was his practice to sometime allow his
23 assistant or paralegal to sign documents for him?

24 A. Uh-huh sometimes.

25 Q. Okay but it is by him, right?

26 A. Yes.

27 Q. And what's the gist of the letter, if you can
28 summarize it?

1 A. Can I see it again?

2 Q. Sure. ?

3 A. Sorry.

4 Q. It's a letter or memo?

5 A. So it's a cover letter with the development
6 agreement and it's to Sam -- Sam Dunlap and Ken Sulzer
7 stating that there has been changes made -- I guess there
8 had been an employment agreement and there were changes
9 made to that employment agreement and the S M -- the
10 development agreement is supposed to be the new version of
11 that employment agreement and he says that this needs to be
12 further reviewed by Ken and Lee who are receiving this.

13 Q. You can receive this line?

14 A. Who are only receiving this with in mailing.

15 Q. For the first time?

16 A. Right.

17 Q. So does that indicate to you that he drafted -- he
18 did a first draft of the SMDC agreement and then [TARD]
19 forward today Mr. Dunlap and to Mr. Sulzer for review?

20 A. From what I gather from that letter is that there
21 were changing made to an employment agreement and I don't
22 know who drafted that employment agreement but the changes
23 seems like Mr. Stein did make.

24 Q. So why don't you read the full second paragraph?

25 A. I am the owner of 99 percent of Saint Monica
26 [-RBS] my mother owned one percent, I believe that based
27 upon the advice to date of my counsel an LLC may serve our
28 purpose to full enforce ability better than the employment

1 agreement that I originally instructed counsel to produce.

2 Q. So his employment counselor?

3 A. Uh-huh.

4 Q. Which was an Ken -- well I don't know if you know?

5 A. I don't know.

6 Q. And is that it for that paragraph?

7 A. Yeah.

8 Q. So read the [TPH*ED] next paragraph?

9 A. This agreement still needs further review by Ken
10 and Lee would be only receiving it with this mailing. I
11 also understand that the Tongva have in the process of
12 selecting their counsel and should allow its counsel to
13 begin to review with this draft.

14 Q. And who is Lee, can you read?

15 A. I don't know.

16 Q. Who's the letter addressed to in full?

17 A. Oh, Sam Dunlap, Ken Sulzer, Lee Bergen and Ron
18 Andrade.

19 Q. Can you read their titles of each, names and
20 titles?

21 A. Mr. Sam Dunlap, professional Native American; Mr.
22 Ken Sulzer, Seiferth Shaw fairweather and Geraldson; Mr.
23 Ron Andrade, 1 a city county Native American Indian; and
24 Mr. Lee Bergen, Nordhouse Halton Taylor, Taradash and Fry
25 LLP.

26 Q. So you're a paralegal so of those names which are
27 the lawyers?

28 A. Ken Sulzer --

1 MR. STEIN: Objection. No evidence shown to the
2 witness she already said she wasn't there.

3 THE COURT: Overruled.

4 A. Ken Sulzer and Lee Bergen.

5 Q. So read the paragraph again about who need review
6 it?

7 A. This agreement still needs further review by Ken
8 and Lee who are only receiving it with this mailing, I also
9 under that the Tongva are in the process of selecting their
10 counsel and so should allow its counsel to begin its review
11 with this draft.

12 Q. Great thank you. So after reading this do you
13 believe that Mr. Stein drafted any of the agreement of the
14 SMDC agreement?

15 A. He drafted part -- to me he changed whatever part
16 of his employment agreement was and there's changes to that
17 through this SMDC agreement. Who created that first
18 initial draft I don't know.

19 Q. You're very charitable to Mr. Stein aren't you?

20 A. I'm just interpreting the letter as you asked.

21 Q. Thank you. I think that's all for now.

22 THE COURT: New redirect.

23 MR. STEIN: Yes Your Honor. I wish we could have
24 a break you must be tired?

25 A. No I need to get back to work.

26 THE COURT: You want to leave, right?

27 A. I need to go back to work.

28 THE COURT: Finish.

1 Q. BY MR. STEIN: Let's start with Plaintiff's 6.
2 You worked for Mr. Stein for how long?

3 A. Since 2003 to 2007 -- 2010.

4 Q. Would you say that Mr. Stein.

5 THE COURT: Madam Court Reporter can you read that
6 back.

7 (Record read.)

8 A. I was about to say seven years, sorry.

9 Q. BY MR. STEIN: You worked for Mr. Stein for seven
10 years?

11 A. Yes.

12 Q. You never got a medal for honorable service or
13 anything like that?

14 A. I should have.

15 Q. In your experience, is Mr. Stein an anal retentive
16 writer that might draft things 12 and 15 times?

17 A. Yes.

18 Q. Might he have sent a letter like this to the other
19 recipients 12 or 15 times before finishing a document?

20 A. Yes.

21 Q. Did Mr. Stein waste a lot of your time backa dnd
22 forth with that sort of work over the last seven years?

23 A. I mean it was part of my job, I don't know if it
24 was a waste of time.

25 Q. Thank you. Let's try to go very quickly. First
26 of all, Barbara was Mr. Stein rich when you worked for him.

27 THE COURT: That's irrelevant, completely
28 irrelevant.

1 Q. BY MR. STEIN: Were you well paid when you worked
2 for Mr. Stein?

3 A. No I mean -- what do you consider well paid, it
4 was average.

5 Q. Did you take a pay cut from your last job to work
6 pour Mr. Stein?

7 A. A little bit.

8 Q. And did you ever see Mr. Stein talk over the
9 course of seven years and say let's just add another staff
10 person if you're too busy?

11 A. No.

12 Q. Did you work long hours?

13 A. Yes.

14 Q. Were you presented as tribal administrator by
15 various members of the tribal council at member meetings
16 and other formal occasions?

17 A. Yes.

18 Q. About how many times?

19 A. Every single time that we had a meeting?

20 A. And starting when?

21 A. Starting -- well I was always identified as tribal
22 administrator since 2004, [SHOET] Lee after I had started.

23 Q. And then starting 2004, that continued -- they
24 introduced you in 2005?

25 A. Yeah.

26 Q. 2006?

27 A. Yes.

28 Q. After the split in 2007?

1 A. Yes.

2 Q. Eight?

3 A. Yes.

4 Q. Nine?

5 A. Yes.

6 Q. 10?

7 A. Yes.

8 Q. So if there was no formal resolution in this
9 voluntary under funded group, did you feel that you were
10 still authorized as tribal administrator?

11 A. Yes.

12 Q. The tribal council reviewed documents before they
13 went out, when they do so did Mr. Stein say well maybe --
14 maybe you just send them out because had you I want you to
15 or did you follow what the tribal council wanted?

16 A. I followed what they want [STKPWHR-D] and could
17 they contact you without contacting Mr. Stein.

18 A. Yes.

19 Q. And when they contacted you when they tried to
20 bring Mr. Stein in, did he [OFP] say don't bug me I'm
21 trying to earn a living?

22 A. Yes.

23 Q. How many years did Mr. Stein and you work before
24 the investor funds came in in May 2006?

25 A. Three about.

26 Q. And did Mr. Stein beginning in resolution 10 in
27 2001 how many years that would that?

28 A. [TWEPLTS] 2001 and 2003 or 2001 and 2006.

1 Q. 2006 when the money came in?

2 A. Five.

3 Q. 45 years?

4 A. Right.

5 Q. So that's five years without money?

6 A. Right.

7 Q. The litigation filed on November 2nd, you saw it,
8 who filed first?

9 A. They did.

10 Q. They filed first. Was it your understanding that
11 Mr. Stein was trying to mediate privately?

12 A. Yes.

13 Q. Exam [TKWR] would Mr. Stein want to mediate
14 privately and avoid a public lawsuit.

15 MS. IBARRA: I'm going to object.

16 MR. STEIN: To your knowledge.

17 THE COURT: Hold on.

18 MS. IBARRA: I object on the basis of settlement
19 privilege.

20 THE COURT: Yes sustained.

21 Q. BY MR. STEIN: For SMDC, why would Mr. Stein want
22 to mediate privately.

23 THE COURT: No no.

24 MS. IBARRA: Okay same basis.

25 THE COURT: Privileged, privileged.

26 MR. STEIN: I'm sorry.

27 MS. IBARRA: Objection settlement privilege.

28 THE COURT: Privilege.

1 MR. STEIN: Got it, my mistake.

2 Q. BY MR. STEIN: You said is that the way that the
3 tribal council and I assume Mr. Polanco here wanted -- am I
4 correct that he wanted you to get the files out of 50 one
5 Santa Monica Boulevard?

6 A. Well he didn't ask me directly, it was the tribal
7 council.

8 Q. Tribal council. And what was their suggestion on
9 how you should do it?

10 A. That I should make copies of the database on discs
11 on CD Rom and give it to them.

12 Q. Without Mr. Stein knowing or --

13 A. Correct.

14 Q. Exam when might you do that, when Stein was out of
15 the office?

16 A. Right.

17 Q. Did they specifically suggest that?

18 A. They didn't tell me how, they just told me to do
19 it or asked me to do it.

20 Q. I'd like to go to Exhibit 5 39, you testified that
21 you were asked to -- that you saw packages that people
22 brought back from the November 19th meeting?

23 A. Uh-huh.

24 Q. And we won't go into a lot of detail, we will be
25 talking to others about these same documents but Exhibit 5
26 39, let me let you leaf through that, that's respectfully
27 verge Carmelo and the Gabrielino slash Tongva tribe, that
28 slash is a different than a dash right?

1 A. Right.

2 Q. And the terminal street address, it says tribal
3 membership application, this the package, the membership
4 application that you were discussing on cross-examination
5 with Ms. Ibarra?

6 A. That's one of the forms that I saw.

7 Q. And was this to join a new group?

8 A. Yes.

9 Q. And if had you didn't fill out 16 these.

10 MS. IBARRA: I'm going to object on lacks
11 foundation, lacks no knowledge of what the document is
12 supposed to do.

13 THE COURT: Okay sustained. Maybe you can hey a
14 foundation thoracic that.

15 MR. STEIN: Yeah absolutely.

16 Q. Did members come back with documents for you from
17 the November 19th meeting in Long Beach?

18 A. Yes.

19 Q. And did they represent that they had received
20 those documents on November 19th in Long Beach from the
21 Dunlap faction?

22 A. Yes.

23 Q. And it they give you physical possession so that
24 you could study those documents?

25 A. Yes.

26 Q. And after your student [AOE] of those documents,
27 let me give you the rest of the pages, here's proof of
28 Gabrielino heritage, here is a chart you can fill out

1 [-FPL] was this the same package as Your Honor handed by
2 members from the November 19th meeting?

3 A. Yes.

4 THE COURT: I thought she -- can you re [WAED] her
5 initial answer.

6 MR. STEIN: And Your Honor of course we're trying
7 to redirect on testimony elicited by Delia Ibarra on
8 cross-examination that had he said she was given these
9 packages or new agreements, this is why I did what I did,
10 and Ms. Ibarra continued questioning on her on that line so
11 that's why --.

12 THE COURT: Hold on a second, so your testimony
13 was they would deliver this package to you?

14 A. They gave me a copy.

15 THE COURT: But did they say anything when they
16 were handing the package to you?

17 A. That this was a package that was given to them at
18 the November 19th meeting so that they could go and go with
19 their group.

20 THE COURT: And leave your group?

21 A. Right.

22 THE COURT: Okay.

23 MR. STEIN: May I proceed then with this line of
24 questioning?

25 THE COURT: Yes.

26 Q. Thank you, Your Honor. The application, in your
27 view, was this the application to join a new voluntary
28 membership organization of descendents of the historic

1 Gabrielino-Tongva Indian Tribe in Los Angeles County?

2 A. Yes.

3 Q. And did it ask much the same as the tribal
4 membership application for new membership who wanted to
5 join GT Tribe when it was new?

6 A. Similar.

7 Q. And did it ask for proof of heritage?

8 A. Yes.

9 Q. Did it ask for bureau -- BIA, Bureau of Indian
10 affairs, certificate degree of Indian blood, a blood
11 quantum certificate?

12 A. Yes.

13 Q. So the idea was you had to get your files from GT
14 Tribe so you could show your blood quantum certificate to
15 fill out this application and attach it to it?

16 A. Right because a lot of them had lost their
17 certificates.

18 Q. And how would you get your files from GT Tribe if
19 you wanted to do that?

20 A. Request it.

21 Q. And is that what you blue cards did?

22 A. Yes.

23 Q. And when you gave everybody a chance to make phone
24 calls, is that what they -- is that what some people said?

25 A. Some people -- most of the calls were tell us that
26 they were leaving us to go join their group.

27 Q. And other calls said what?

28 A. Other calls just wanted to have their files

1 because they didn't know what was going on exam didn't want
2 to get caught in the middle.

3 Q. And was there a third type of call [-FRPBL] the
4 other calls I couldn't see just wanting to find out what
5 was going on?

6 Q. Did some people say hey you send in an application
7 to leave but I didn't want to leave my sister did that or
8 my [UFRPG] [-RL] did that?

9 A. Yeah a lot of them.

10 Q. A lot of them. And do you recall that we saw a
11 membership table showing that about six months after all of
12 this 50 of the 230 had already come back from that?

13 A. Yes and in fact even at meetings they would come
14 and request the membership ID card from us and we had them
15 marked off as having left the Gabrielino-Tongva Tribe to go
16 join the Dunlap group and that was the first time they were
17 hearing of it so when I declined giving them the card
18 because of this fact, they would tell me they didn't
19 know -- they didn't know why I had taken them off because
20 they didn't know that they had been terminated or wanted to
21 be terminated. So at that time I would request for them to
22 give us an affirmation in writing letting us know that they
23 had never intended to leave.

24 THE COURT: A few more minutes on this redirect
25 and then we're going to take a short break.

26 MR. STEIN: Very good. Should the new stationary
27 at the terminal street address?

28 A. Yes.

1 THE COURT: Which exhibit.

2 MR. STEIN: Exhibit 5 49. [STKPHR*] can you
3 identify this as being send by Virginia Carmelo and Sam
4 Dunlap?

5 A. Yes.

6 Q. And are you familiar with their signatures?

7 A. Yes.

8 Q. And are those their signatures as best you can I
9 understand?

10 A. As best I remember, yes.

11 Q. And they now -- this time they don't have the
12 slash, they have the hyphen?

13 A. Right.

14 Q. Very good. And can you read the first paragraph?

15 A. We are writing this letter to respond to the
16 unauthorized mailings which some of you may have received
17 from Jonathan Stein, the did I say greased former chief
18 executive officer of the Gabrielino slash [HOPBG] [SRA]
19 tribal gaming authority. As though mailings admit, they
20 are unauthorized.

21 Q. Very good. Now is it your understanding that this
22 was sent to practically all the same members, practically
23 all the same members as received Mr. Stein's unauthorized
24 mailing?

25 A. That is correct.

26 Q. Except this time they were told he was not just
27 unauthorized and he was unauthorized and disgraced?

28 A. Right.

1 Q. Was that because he grabbed the money? And let me
2 ask you, I'm going to skip forward as we have Mr. Polanco
3 right here, I'd like to show you Plaintiff's 6 from the
4 post office.

5 THE COURT: How much more do you have counsel.

6 MR. STEIN: I'm sorry.

7 THE COURT: How much -- this is the last document,
8 okay.

9 MR. STEIN: We actually plan to -- we can continue
10 after the break but.

11 THE COURT: We'll try to finish before we go to
12 the break, a few more minutes.

13 MR. STEIN: I can certainly within 22 minutes but
14 probably about 10 minutes.

15 THE COURT: No, three.

16 MR. STEIN: This is the same document, I'm sorry
17 not Plaintiff's 6, the postal that you reviewed earlier.

18 MR. FORDYCE: Oh sure what did I do with that.

19 MR. STEIN: May I borrow your copy.

20 MS. IBARRA: Sure (Indicating.).

21 MR. STEIN: That's my copy.

22 THE COURT: I think that's Plaintiff's 6.

23 MR. FORDYCE: No Your Honor that's Plaintiffs 244.

24 THE COURT: Thank you.

25 MR. FORDYCE: Sure.

26 Q. BY MR. STEIN: Based on review of the document,
27 the first part I'd like to point out, is that your resume?

28 A. Yes.

1 Q. So and is the first payment a fax cover to the
2 U.S. postal master inspector David McKenna?

3 A. Yes.

4 Q. Do you know how Mr. Polanco got your resume?

5 A. Because when he offered me the position and the
6 salary of 60,000 he told me to send him a resume and as I
7 was entertaining it I sent him a resume.

8 Q. And then you said no?

9 A. Right.

10 Q. And 60,000 was at the time was 2006 that was a
11 word of money more than what Mr. Stein was paying you?

12 A. Yes.

13 Q. So let me I understand this straight, Mr. Polanco
14 offers you a world of money, you say no, and then soon
15 thereafter he reports you as committing a fraud on the U.S.
16 [mails|males] and includes your resume that you sent him
17 with the fraudulent complaint of fraud, is that your
18 understanding?

19 A. From these documents, yes.

20 Q. And that was Mr. Polanco right here?

21 A. Correct.

22 THE COURT: Let's leave it at that. Okay let's
23 take a 10-minute break and we'll do 15 minutes and then go
24 to lunch.

25 *****.

26

27

28