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

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

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

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1 GABRIELINO-TONGVA TRIBE VS. STEIN, TRIAL DAY 5

2 ROUGH TRIAL TESTIMONY OF SANDONNE GOAD

3 THE COURT: Thank you counsel you may be seated
4 and Ms. Goad I believe you were on the witness stand. You
5 don't need to be re sworn just have a seat, you can bring
6 your water up. You understand you're still under oath?

7 A. Yes, I do.

8 THE COURT: Okay thank you, I believe it was
9 cross-examination.

10 MS. IBARRA: Yes.

11 MS. IBARRA: I'm asking to use the microphone now.

12 THE COURT: Yes.

13 MS. IBARRA: So Ms. Goad we were speaking about
14 the contusion?

15 A. Yes.

16 Q. No actually before that we were [TAOUFL] [HAOE]
17 finishing up about what efforts had you took after there
18 was a writ of attachment of the tribes records?

19 A. Okay.

20 Q. And so you had -- the tribes records had been
21 retained in the possession of this law office of Jonathan
22 Stein and you guys took some efforts to recreate those
23 records?

24 A. Yes.

25 Q. And then they were taken through a writ. So what
26 did you do after that?

27 A. After -- that would have been 2007 I believe that
28 they came in and took everything out and so what we did

1 from there is we convened a committee to put together a
2 citizenship act to govern according to our constitution the
3 procedures of how somebody would be able to come into the
4 tribe, how we would do the applications, the process of
5 approving an application as it came in and how many people
6 would be in that department and that was approved and the
7 tribal council appointed board members and I was one of
8 them and they chose me to be the chairperson.

9 Q. Board members of what?

10 A. The citizenship department of the board.

11 Q. So the tribal council appoints certain board
12 members for -- is this like a subcommittee?

13 A. Yes, it's a subcommittee.

14 Q. Of the membership?

15 A. It's a subcommittee for the council to approved
16 membership or citizen.

17 Q. Were you a member of the council at that point?

18 A. No I was I was not. You cannot be a member of the
19 council and be on this subcommittee.

20 Q. And what was the name of the subcommittee then?

21 A. It was the Gabrielino/Tongva Nation citizenship
22 department slash board.

23 Q. And you sue this was pursuant to your
24 constitution?

25 A. Yes.

26 Q. Is it your understanding that there were two
27 constitutions that you operated under at different periods?

28 A. Yes.

1 Q. Ask you describe the first?

2 A. I do not know a lot about it, I know that they,
3 the one thing that always sticks in my mind is they this a
4 class system in it and if you were on the judgment rolls,
5 you were Class A and if you were -- you had a CDIB, you
6 were a Class B, and if you didn't have any documentation,
7 such as your sister, your brother had a CDIB, you could
8 prove lateral and that was Class C, and the way I
9 understood it that those classes would coincide with any
10 per cap monies that came to the tribe through the casino
11 project, that they would be stair stepped down.

12 Q. So those classifications were focused on the
13 casino project?

14 A. I believe so.

15 MR. STEIN: Objection hearsay.

16 MS. IBARRA: Were me they --.

17 THE COURT: Overruled.

18 Q. BY MS. IBARRA: Were they focused on anything
19 having to do with the BIA class treatment classifications?

20 A. No.

21 Q. And do you know who drafted that agreement because
22 you were a member of the tribe at this point right?

23 A. I was -- I came into the tribe in 2003 I'm not
24 sure when they made that [KOPS] [TAOUGS]. So if I -- I
25 really don't know when they -- who did that, so if I had to
26 guess, it would be Jonathan Stein but that would be me
27 making a guess.

28 MR. STEIN: Objection hearsay.

1 THE COURT: No not hearsay but calls for
2 speculation. If you don't know don't guess?

3 A. Okay.

4 MS. IBARRA: Okay?

5 A. I don't know.

6 Q. I think you testified differently on Thursday but
7 that's fine if you don't recall?

8 A. I don't know.

9 Q. Dupe if it was ever ratified by the entire
10 membership of the --?

11 A. I was not involved in ratification so I don't
12 recall that it was.

13 Q. You don't recall if it was ever ratified because
14 you were a member right?

15 A. Yes and you were talking about the first.

16 Q. About the first --?

17 A. Of the class.

18 Q. About the one -- not the one that created the
19 citizenship board but the one [PRAO] see seeded I'll call
20 it the first one and then the second one.

21 MR. STEIN: Objection.

22 MS. IBARRA: So.

23 MR. STEIN: Objection leading.

24 THE COURT: Overruled.

25 Q. BY MS. IBARRA: So the first one, the first
26 constitution, you don't recall that it was ever ratified?

27 A. No.

28 Q. But you were very involved with the second one?

1 A. Yes I was.

2 Q. Is what you testified to?

3 A. Yes.

4 Q. So when did you -- did you get appointed to work
5 on that, is that what --?

6 A. Yes I did.

7 Q. Was that the same as the board on citizenship or
8 is that different?

9 A. To work on the constitution.

10 MS. IBARRA:

11 Q. Yes.

12 A. To work on the constitution was different.

13 Q. It was different?

14 A. It was a different subcommittee that worked on the
15 constitution and sat down with probably about 60 people.

16 Q. Uh-huh. ?

17 A. And hashed it out what we wanted and all families
18 were represented.

19 Q. Okay. Was there a lawyer named John Velie who was
20 involved in that process?

21 A. Yes there was.

22 Q. Was this after Mr. Stein had left his involvement
23 in the tribe?

24 A. Yes it was.

25 Q. So can you give me a general time frame of when
26 that was?

27 A. I know that we were well under way in November, I
28 believe we may have started at the end of October but we

1 were definitely under way in November and we finished up by
2 ratifying on -- in February -- I believe it was February
3 17th of 2007.

4 Q. And describe how this constitution is different?

5 A. It is very -- very different because it is behind
6 inclusive h it makes concessions for all kinds of
7 documentation, it puts into effect that we will not close
8 our rolls so that means that -- there's a lot of tribes out
9 there that they'll get to a certain point and they'll close
10 their rolls and --

11 Q. What does that mean, close rolls?

12 A. That means that they won't accept any more
13 citizens and in effect, they will eventually go extinct
14 because some of them don't even accept the children of
15 their citizenship already so eventually as people get older
16 they pass away there's nobody to take those places unless
17 they open their roles again and there are a lot of tribes
18 that hold fast until opening those rolls until it's
19 absolutely necessary that they're -- that they need to beef
20 up their citizens and so what happens is -- is if they --
21 if they don't do this, they will become extinct.

22 Q. So that was the key distinction in your mind?

23 A. That was one of them. Other was that we allowed
24 in our constitution, we put in a clause that we would waive
25 our sovereign right if in when we ever get one, to be able
26 to sit in front of a court of law if we were to take and
27 start did I say enrolling people.

28 Q. So can you explain that because that's an issue

1 that's kind of come up before on direct, is what is your
2 understanding of your sovereign rights as a tribe or as you
3 you know not federally recognized tribal entity?

4 A. I believe is that we have the sovereign right to
5 govern ourselves which means to go ahead and [KRAOE]
6 [KWRA*EUTS] [KWRAEUT] these laws and have a constitution
7 and have elections and that -- those laws, nobody has to
8 pay attention to them but as a group, as a tribe we adhere
9 to that, there's a trust there that we do this. The
10 sovereignty issue is the right to self govern, the right to
11 self realization, the right to move our tribe forward into
12 prosperity. The fact of not having federal recognition in
13 my mind is not an issue, it becomes an issue if somebody
14 wants to sue us, you know. It can be used against us that
15 we weren't but it's one of those things that we're a Native
16 American tribe and we're not like a club, we're not like a
17 church group, we have to move forward as a people and it's
18 a culture that we have to move forward with.

19 Q. So if I understand it, do you believe then that
20 your right to sovereignty is inherent because it predates
21 the federal government?

22 A. Yes.

23 Q. But that it hasn't been recognized by the federal
24 government and won't be recognized until you gain federal
25 recognition?

26 A. Correct.

27 Q. It's pretty simple straightforward it was what you
28 want but you realize you don't have that relationship with

1 the federal government again.

2 MR. STEIN: Objection leading.

3 MS. IBARRA: Is that --.

4 THE COURT: Sustained.

5 MS. IBARRA: Well it was just a very -- because I
6 understand there's a philosophical aspect to [T-FRPBLTS]
7 definitely.

8 Q. I just need to make it clear to me as an attorney
9 what that means.

10 MR. STEIN: Objection leading.

11 THE COURT: Overruled.

12 Q. BY MS. IBARRA: So you don't actually think that
13 you have sovereignty in this court of law, right?

14 A. No.

15 Q. Or in federal court either?

16 A. No.

17 Q. Okay. So when did you become tribal chairwoman?

18 A. I became tribal chairwoman in January of 2012.

19 Q. And were you in the council before or did you join
20 tribal and become tribla chairwoman at the same time?

21 A. I was on counsel for two years and one month, our
22 constitution allows that in order for there to be
23 continuity with the governing body that the tribal chair
24 and the vice chair be on the council for at least two
25 years.

26 Q. So just one more question on the constitution. Do
27 you believe the fact that you adopted a new constitution
28 with the help of John Velie h do you believe that makes you

1 a new entity than the one that operated under the old?

2 A. No, I do not I reason.

3 Q. Go ahead.

4 A. The reason why is because again just because we
5 lose our lease and move to a new office does not make us a
6 new tribe, our tied didn't change, our culture didn't
7 change, our governing body didn't change, we created a new
8 document that's a living document because the first one
9 made a class system that we didn't agree it and it was a
10 rush job is the way I understand it.

11 Q. But Defendants counsel ask going to say that you
12 actually adopted a new governing document so do you think
13 that that -- do you think that you adopted a new governing
14 document and that that make HUD's a new entity?

15 A. No, I do not.

16 Q. Was it contemplated that you were always going to
17 revise the original constitution?

18 A. Yes, it was.

19 Q. How do you know that?

20 A. Well when we sat down to -- and the committee for
21 the constitution that was discussed.

22 Q. The second constitution?

23 A. The second constitution, yes.

24 Q. Yes.

25 A. It was discussed why we were doing this.

26 Q. And what was that discussion like?

27 A. As I recall it was to let us know first off why we
28 needed one and we discussed the old constitution, why it

1 was created, it was created for the investor because we
2 couldn't be recognized as a tribe if we didn't have a
3 constitution.

4 Q. So the investor -- so Libra investors had
5 requested that you adopt a [TKPWOFBG] cooperate?

6 A. It's the way I understand it.

7 MR. STEIN: Objection hearsay.

8 THE COURT: Well I don't know it may be hearsay
9 but what's the basis of your understanding?

10 A. The committee that we sat down, when they -- when
11 they were explaining why we were doing this, the council
12 members, tribal chairwoman at the time explained.

13 THE COURT: And you were present?

14 A. Yes I was.

15 MR. STEIN: Objection, she talking -- she just
16 sandwiched three years into one, Libra was in 2006.

17 THE COURT: You have an objection what was your
18 objection.

19 MR. STEIN: Hearsay.

20 THE COURT: Overruled.

21 Q. BY MS. IBARRA: So those were the deliberations
22 about that so what was the need for the new one was?

23 A. The need for the if you one was the requirements
24 of the federal government and for federal recognition,
25 there are specific things that need to be in the
26 constitutions and we're about getting federal recognition
27 and so we put together a constitution that the government
28 would approve of.

1 Q. So this adoption of the new constitution really
2 had nothing -- or was that when, the second one ever
3 ratified by the entire membership?

4 A. Yes, it was.

5 Q. And so did that have anything to do or was it
6 precipitated by any of the events with Mr. Stein leaving?
7 I understand that he might have had something to do with
8 the first constitution but did you adopt the constitution
9 as a result of or because of Mr. Stein's departure from the
10 tribe?

11 A. No we did not, it was about getting a constitution
12 the federal government would approve of, it had nothing to
13 do with Mr. Stein.

14 Q. So do you know when the first elections were of
15 the tribe because you've been a member for a while right?

16 A. I believe the first election that I participated
17 in, created a new seat and the five council members being
18 Virginia Carmelo, Sam Dunlap, Martin Alcala, Edgar Perez
19 and Shirley Machado. I don't recall the date, I believe it
20 was in 2003.

21 Q. Okay. That's your best recollection?

22 A. That's my best recollection of the first one I
23 participated in because I came into this tribe in 2003 and
24 they had an election that year and it also created -- they
25 had created a new seat and Adam Loya came on to the counsel
26 at that time. So that was before the split obviously.

27 Q. So before Mr. Stein's departure?

28 A. Yes.

1 Q. So is it your best recollection that elections
2 proceeded as scheduled, was there schedule [TPOERB] [TK-R]
3 let me scuff was there a schedule for elections?

4 A. That, I don't know.

5 Q. But during the time you've been on the tribal
6 council?

7 A. Yes.

8 Q. Has it been a regular schedule for elections?

9 A. Absolutely.

10 Q. What's the schedule?

11 A. Every two years there are three seats, going back
12 to the constitution, when we created it, we created three
13 new seats, so there would be a nine member council and so
14 that first scheduled, they wanted to do it every three
15 years and be three seats up and they decided to hold them
16 in November and so every two years in November we have an
17 election and in January those people are sworn in and then
18 we have the officer elections from the tribal council?

19 A. And that was done because the council deciding who
20 the officers were rather than the membership or the
21 citizens at large because one family could actually
22 outnumber another family and you could end up with a tribal
23 council chairperon, vice chairman, and secretary that you
24 couldn't get rid of because of the numbers of a large
25 family because some of these families had like 400
26 people.

27 Q. So do you mean the membership if you left the
28 appointment of the specific tribal council officers to the

1 membership is that what you're saying?

2 A. Yes so in the constitution it says that the
3 council, the nine council members in January will decide on
4 who the officers are.

5 Q. So the membership decides on who the council
6 members are?

7 A. Yes.

8 Q. And then the tribal council decides who's going to
9 be the chair, the secretary, et cetera?

10 A. Yes.

11 Q. Okay got that. So did you say it's every two
12 years you've had elections?

13 A. Every two years.

14 Q. Have you ever not had an election?

15 A. No we've kept to that schedule.

16 Q. Have you ever had to appoint somebody to council
17 because you didn't have enough people running?

18 A. No. We've had special elections where [TKO*UPL]
19 Martin Alcalá [PAFS] the away.

20 Q. I see. ?

21 A. And so he needed to be replaced and so there was
22 an un scheduled election between -- I mean we just had them
23 in 2000 -- November of 2007 and Martin passed away I
24 believe February so we had -- we held the elections in May
25 and that council member was sworn in shortly after that and
26 took his seat on the council and then the next year in 2009
27 we had regularly scheduled elections for the three seats.

28 Q. So your best recollection is that since the time

1 before the split with Mr. Stein there has been regularly
2 scheduled elections?

3 A. Yes.

4 Q. Have they all been contested?

5 A. I don't think any of them have been contested.

6 Q. Sorry not contested but do people -- do more than
7 one person vie for any individual council seat?

8 A. Yes. There was -- 2009 was a strange year, we had
9 actually three council members decide that they were going
10 [TOR] [R*E] sign-in protest and when they --.

11 Q. Protest over what?

12 A. They didn't like how Virginia Carmelo was running
13 the tribe, they thought they could do things differently,
14 possibly better and so they tried to use the instance of
15 mart as passing and the new counsel member coming on as a
16 place to redo the officers and they didn't finish the
17 process and Virginia was put back in as tribal chairwoman.
18 And so when it was done they decided that they didn't agree
19 with it and were leaving. And in actuality two of the
20 members left because they actually didn't approve of the
21 citizenship act.

22 Q. I see.

23 A. Because of the -- the -- we weren't accepting
24 genealogy yet and they didn't have any CDIB's so they
25 vacated their seat for that reason because that was a
26 protest, they didn't agree with the citizenship act and so
27 they left.

28 Q. So at that point you were only taking CDIB's as

1 evidence of Gabrielino ancestry?

2 A. Yes.

3 Q. And not like if your mom had a CDIB and you didn't
4 or anything like that?

5 A. Correct, the other thing we would have taken is a
6 CIJA letter which is the California Indian judgment act
7 letter and I can explain what the judgment acts are if
8 you'd like but what that is is a different kind of
9 acknowledgment from that Indian affairs you're put on a
10 judgment roll to receive a check from the federal
11 government for the land that was promised to us in a treaty
12 that we did not receive.

13 Q. But the treaty was never signed, right?

14 A. No they lost it.

15 Q. Which was the reason -- oh it was physically lost?

16 A. Yes it was lost photographer hey while, it was
17 behind -- it was in a drawer behind a little did he
18 divider, it was behind that and there was I believe 18
19 tribes in California that were involved in these treaties,
20 it was 1951 and 1952 and they lost them until I want to say
21 1905.

22 Q. And they're referred to as the lost?

23 A. The lost treaties.

24 Q. The lost treaties?

25 A. Yes.

26 Q. And they were lost by the BIA?

27 A. They were lost by the federal government.

28 Q. The federal government --

1 A. Yes.

2 Q. -- like whatever predecessor entity to the BIA in
3 the department of interior?

4 A. Yes.

5 Q. And that's a historical matter?

6 A. Yes.

7 Q. And that was you are federally recognized?

8 A. Yes.

9 Q. And it had been adopted you would have been
10 federally recognized?

11 A. Yes.

12 Q. But getting back to the issue about the tribal
13 council, so there's disagreements and there's whatever?

14 A. Just like any other group.

15 Q. Like any governing body people don't always agree?

16 A. Right.

17 Q. So people stepped down from the council and other
18 people come forward?

19 A. And so what happened was because the constitution
20 makes a concession, if you -- you have a six year term that
21 you're elected to and so if you're within the last 36 five
22 days of your term so you're in your final year and you
23 resign or you pass away or -- you know something happens to
24 you and the seats vacated, then the council can appoint
25 someone to the council. If it's over that, it's 366 days
26 and farther out, they have to have what they call a special
27 election and these three people that vacated their seats
28 they had four years left on their terms and so that year

1 there was only six people -- there were six people seats
2 and only six people stepped forward but every year since
3 then we've had more than -- actually there was one special
4 election that there was only one person stepped forward for
5 that.

6 Q. But usually you have multiple Candidates?

7 A. We usually very [PHUPD] approximately sand
8 [TKATS].

9 Q. For every seats.

10 THE COURT: Wait you're talking over each other?

11 A. Yes sorry.

12 THE COURT: We didn't hear that so why don't you
13 re-ask the question.

14 Q. BY MS. IBARRA: So usually there's multiple
15 candidates for every tribal council seat?

16 A. Yes well there's always three seats unless it's a
17 special election, if there's three seats there's usually
18 four people if had not five running for election.

19 Q. How many members do you have now?

20 A. We have 606 citizens, we actual had he on our list
21 we have 611, five of them have passed away and we -- do you
22 want me to tell me how many application.

23 Q. Yes please.

24 A. We have about approximately 300 applications that
25 people need to clean up their documentation or they need to
26 clean up their application, some of the people will only
27 fill out the application halfway and turn it into in
28 thinking that that's good enough and so we have to send it

1 back to them and try and get the rest of the information
2 from them.

3 Q. So all the citizens, you call them citizens?

4 A. Yes.

5 Q. Is that a term that's used in your new
6 constitution?

7 A. Yes, it is.

8 Q. To all the citizens get to vote?

9 A. Yes. Well anybody over 18.

10 Q. So had not children. How many voters do you have,
11 do you know?

12 A. I have photograph it's -- it's probably in the 400
13 range at the last election, it was -- I know it was over
14 400 that they could vote.

15 Q. Okay. Ask so on that basis you don't think that
16 there's anything that cause you to change and form merely
17 perfecting your governing structure during the time that
18 you've been there?

19 A. .

20 A. Can she --.

21 THE COURT: Can you repeat the question.

22 MS. IBARRA: Yes.

23 Q. So on the basis of what you've testified that
24 you've had consistent elections, that you've adopted a new
25 constitution that better suited your need, do you think
26 there's any of that has sort of an indication that you've
27 actually changed or become a separate entity than you were
28 before the split?

1 A. No.

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

3 THE COURT: Thank you. Redirect.

4 MR. STEIN: Thank you Your Honor.

5 THE COURT: Remember how we're going to do this,
6 if a documents been admitted then you can show it, if it
7 hasn't been then you can't show it on the screen, okay
8 unless it's admitted.

9 MR. STEIN: Very well.

10 THE COURT: In other words all the old exhibits
11 fine, but if it hasn't been admitted and we're trying to
12 establish a foundation don't put it up on the screen.

13 MR. STEIN: Thank you Your Honor.

14 Q. BY MR. STEIN: Ms. Goad may have I refer you to
15 exhibit 57 four?

16 A. In here (Indicating.)

17 Q. I'll help you with the pages it's kind of heavy.

18 THE COURT: You said 57 four.

19 MR. STEIN: Is that the GT Tribe.

20 MR. FORDYCE: No that's 507.

21 MR. STEIN: 507, my apologies.

22 THE COURT: That's true it hasn't been admitted.

23 MR. STEIN: So that's five --.

24 MR. FORDYCE: Five 47.

25 MR. STEIN: 57 four.

26 MR. STEIN: No five 47.

27 MR. STEIN: Five 47 [THAEUFRPLGZ] very much.

28 Q. Can you please identify Exhibit 5 47?

1 A. It is our tribes constitution.

2 Q. So let me begin my redirect, on exactly the
3 testimony that you were giving before about the new
4 constitution. This is the one -- do you identify Exhibit 5
5 47 as the constitution adopted in February of 2007?

6 A. Yes that's correct.

7 Q. And that constitution, I'd like to walk-through it
8 quickly but I'd like to ask you questions as we go because
9 you testified to a number of things that don't seem to
10 match the document and so I want to -- it raises questions
11 in my own mind when you're describing what's in the
12 constitution and it seems to be actually very different.
13 So Your Honor may I now that it's identify bring up Exhibit
14 5 47.

15 THE COURT: Sure, uh-huh.

16 MR. STEIN:

17 Q. Okay. So let's start with the preamble and
18 article one. Now, can you read if you can just to kind of
19 center things and I know you've got the right part of the
20 constitution of what you're looking at, article one and
21 what's that called?

22 A. Nation name, government to government
23 relationship, and jurisdiction.

24 Q. Now in article one, are you in fact stating that
25 your organization is not like a church, it's not like a
26 bowling team, it's a sovereign nation that can have a --
27 it's a government like the city of Santa Monica might be a
28 government, is that what article one is intend today

1 convey?

2 A. I believe so.

3 Q. And this has been in effect since 2007?

4 A. Yes.

5 Q. So it's been in effect what nine years now?

6 A. Yes.

7 Q. And is it my understanding according to your
8 deposition testimony that you in that nine years you've
9 never put in an application for federal recognition?

10 A. I do not believe so.

11 Q. So this -- you testified that this constitution
12 was adopted to meet the requirements of federal
13 recognition, it was adopted nine years ago and you in that
14 nine years you've not even put in an application paper, a
15 piece of paper saying we're applying for federal
16 recognition, is that your testimony?

17 A. Not that I'm aware of.

18 Q. And you're the tribal chairperson?

19 A. Yes.

20 Q. It says here the legal name should shall
21 Gabrielino slash Tongva nation?

22 A. That's correct.

23 Q. And it's different than Gabrielino hyphen to have
24 [SRA] tribe?

25 A. No, it's not because we have use them
26 interchangeable.

27 Q. We use thud [EUPBLT] changeable what we're
28 saying --?

1 A. This is [WHAG] we're going to move forward with
2 yes.

3 Q. So in to '07 you have said in Gabrielino-Tongva
4 Tribe has been on every single resolution for six years,
5 we're going to go forward with a legal name that's
6 Gabrielino/Tongva Nation; is that correct?

7 A. That's correct. The reason why we went with
8 nation was so we can include everyone. If they were
9 willing to come, Anthony Morales group, now the Ernie Salas
10 group, even the the Candelaria group we wanted to make sure
11 that it was understood it was it was for everybody.

12 Q. And that's really true, isn't it, because isn't
13 the Morales group the official name of the Morales group --
14 do you know those guys?

15 A. Yes, I do, well I know of them.

16 Q. And they're different than you guys, right?

17 A. Correct.

18 Q. Doesn't the Morales group bylaws state that their
19 official name is Gabrielino slash Tongva Nation, exactly
20 the name that you adopted in 2007?

21 MS. IBARRA: Objection; she has no basis for
22 knowledge.

23 THE COURT: Overruled. You may answer?

24 A. I don't have any idea what their laws say.

25 MR. STEIN: And they've been in effect, that's
26 groups been around since World War II, right?

27 A. I don't know how long they've been around.

28 Q. Section Number 3, section Number 3?

1 A. The Gabrielino/Tongva Nation reserved the right to
2 conduct government to government relations through
3 treaties, compacts or other legally binding agreements.

4 Q. Treaties compacts or binding agreements for
5 government to government relationship. And oh by the way
6 is it okay if I say another name, since you said you had
7 used it before, it's just another name than GT Tribe, isn't
8 it?

9 A. Which name?

10 Q. Gabrielino slash Tongva nation.

11 A. Yes.

12 Q. And you're saying that the way you establish
13 government to government relationships is treaty, compacts
14 or other legally binding agreements. Aren't those only for
15 federally recognized Indian tribes?

16 A. We're hoping object a federally recognized Indian
17 tribe Mr. Stein.

18 Q. But you've gone nine years with this constitution
19 have not put in an application for federal recognition and
20 yet you say you should have the same rights as somebody who
21 fought after the civil war that has a treaty because they
22 fought military conflicts with the United States
23 Government; is that correct?

24 A. Yes it is.

25 Q. Thank you. Let's move on to article two. Can you
26 read what the title of article two is?

27 A. Supremacy of the constitution.

28 Q. And can you read Section 1 please because I'm

1 going to ask you about that?

2 A. The this constitution is the supreme law of the
3 Gabrielino/Tongva Nation.

4 Q. When you say it's a supreme law, that means that
5 California -- California law is not the supreme law binding
6 you guys, it's your constitution?

7 A. We adhere to laws of the State of California and
8 also of the United States Government.

9 Q. That's not what it says there, it says that the
10 supreme law for your nation is not California law, it's
11 this constitution that you've passed?

12 A. Yes and this is to govern our people.

13 Q. To govern your people and also to govern any --
14 Section 2, any entity who did you see business with or
15 comes within the jurisdiction of the nation, right?

16 A. That is correct.

17 Q. That would include SMDC as a vendor?

18 A. Most likely.

19 Q. Would it include the other casino project vendors
20 that went unpaid?

21 A. I would say yes.

22 Q. Would it include the 4.9 million dollars in debts
23 from the casino project found by the Talley report on
24 October 3 of 2006?

25 A. If that's what this court finds then yes.

26 Q. So what you're saying is you think you're the GT
27 Tribe that owes all that money, the Candelaria faction says
28 yes we owe all that money but you're saying well we're the

1 same tribe but we don't oh the money because we'll never
2 have to pay it because this constitution binds those
3 vendors.

4 MS. IBARRA: Objection calls legal conclusions as
5 to on the ground.

6 MR. STEIN: She testified.

7 THE COURT: I think it's unintelligible but maybe
8 you can break it down.

9 MR. STEIN: Please.

10 THE COURT: Because huh a lot of facts assumed in
11 there may be break it down a little bit.

12 MR. STEIN: Thank you Your Honor.

13 THE COURT: All right.

14 Q. BY MR. STEIN: Vendors that are owed money would
15 have to come forward and prove their case under the laws
16 established under this constitution; is that your
17 understanding?

18 A. It would be if we were federally recognized.

19 Q. But is that what this constitution says?

20 A. The constitution says that yes, they would have to
21 come in under our judicial system.

22 Q. Right [SKP-FPLT] it's the entity who did you see
23 business with or comes within the jurisdiction of GT nation
24 that would be the casino vendors?

25 A. Yes.

26 Q. So is it your understanding -- is it your
27 testimony that you are the same entity that had a casino
28 project but that 4.9 million dollars you're just not going

1 to have to pay it because those vendors have to follow your
2 laws which might say we don't have to pay it.

3 MS. IBARRA: Objection calls for a legal
4 conclusion.

5 THE COURT: Overruled?

6 A. I would say no.

7 Q. BY MR. STEIN: You said yes earlier, what's the
8 difference now.

9 THE COURT: Did she say -- did you say yes
10 earlier?

11 A. I don't remember if I did or not.

12 THE COURT: We ask your question.

13 Q. BY MR. STEIN: What's the difference now.

14 THE COURT: No no?

15 A. What's the --.

16 MR. STEIN: Forgive me.

17 THE COURT: I don't remember if she said that
18 so --.

19 MR. STEIN: Can I --.

20 THE COURT: Mr. Stein are you listening to me.

21 MR. STEIN: Oh I'm sorry.

22 THE COURT: Okay let's go to sidebar * * sidebar *
23 *.

24 THE COURT: Let's start off the morning right,
25 please listen to me, don't cut me off because I will have
26 to admonish you in front of the jury because you do that a
27 lot and I try not to but you know, I'd rather you just
28 listen to what I have to say and then you can respond to

1 with a I have to say.

2 MR. STEIN: I actually had already thought other
3 you'd finished and was moving on and that's why I moved
4 away from you and I didn't realize you kept calling it,
5 it's my miss make, I'll be more patient in the future I'd
6 been working on exactly that point.

7 THE COURT: Just wait a little bit of time so I
8 shall finish all right let's go * * end sidebar * *.

9 MR. STEIN: May have we begin we begin again.

10 THE COURT: [SHRARZ] the court reporter is
11 ready.

12 THE REPORTER: Yes Your Honor thank you.

13 MR. STEIN: And also you're going to have to
14 forgive me I'm recovering from a little bit of a cold, I'm
15 a little [STPHEUFL] Lee. Turning back to article two,
16 Section 1, the constitution of the supreme law of the
17 Gabrielino/Tongva Nation, is it your understanding that BIA
18 requirements include a phrase different from that that
19 would say that the supreme law is federal [PHRAU] and
20 underneath federal law comes the law of a federally
21 recognized Indian tribe.

22 MS. IBARRA: Objection calls that calls for legal
23 knowledge and conclusion.

24 THE COURT: Yes sustained.

25 Q. BY MR. STEIN: So you have no layman's
26 understanding that could have a federal --.

27 THE COURT: Counsel she may have a layman's
28 understanding but it may be wrong and you're asking for a

1 legal conclusion, I'll sustain that.

2 MR. STEIN: Yes Your Honor.

3 THE COURT: I'm not sure the premise you even
4 stated are even correct.

5 MR. STEIN: Very good.

6 THE COURT: Government to government.

7 Q. BY MR. STEIN: Section 4, can you read Section 4?

8 A. Judges of the Gabrielino/Tongva Nation courts are
9 bound by the constitution in perform all duties including
10 interpretation and enforcement of all laws passed pursuant
11 there to.

12 Q. Is it your understanding that this was written to
13 comply with federal requirements?

14 A. That's what I was told.

15 Q. And is it your understanding that the judge of a
16 federally recognized Indian tribe does not have to comply
17 with federal law, eves only bound by the tribes
18 constitution, not by federal law?

19 A. I believe further in the constitution it says they
20 have to be able to -- what do you call it -- practice law
21 in the State of California so I would think that they would
22 have to adhere to their laws too, State of California and
23 the federal government.

24 Q. Article three, citizenship, it was the third page?

25 A. Okay.

26 Q. And your citizenship act is to put this into event
27 the article three on citizenship?

28 A. Yes.

1 Q. So let's move to article four. I hope you'll
2 correct my pronunciation but article four sets the
3 Peo'tskome?

4 A. It would be Peo'tskome.

5 Q. Peo'tskome?

6 A. Peo'tskome.

7 Q. Peo'tskome. Okay I'll do my best?

8 A. It's fine.

9 Q. You in your testimony you kept saying the tribal
10 council, the tribal council, isn't it a fact that this
11 constitution does haven't a tribal council, it has a
12 Peo'tskome?

13 A. Peo'tskome means tribal council.

14 Q. In what language?

15 A. Tongva.

16 Q. In Tongva so you were just translate [TPR-G]
17 Tongva. In fact isn't Peo'tskome a different body than the
18 tribal council was under GT Tribe?

19 A. No.

20 Q. It doesn't have nine elected members instead of
21 six?

22 A. It does have nine members because they wanted to
23 increase it for the families that were coming in.

24 Q. And if you read through this whole document you'll
25 never see the word tribal council, you'll see the term
26 Peo'tskome?

27 A. Correct.

28 Q. So why do you say that tribal council referring to

1 GT Tribe and tribal council referring to the group
2 referring to you're tribal chairwoman of?

3 A. The reason we use Peo'tskome is because [TH-TS] a
4 tribal word we wanted to have something there of our higher
5 damage, our language and our constitution, it means tribal
6 council.

7 Q. Do you usually use Peo'tskome?

8 A. [P-RP] [HAOE] myself, no, I use the word tribal
9 council.

10 Q. Article seven. Well first let's start with
11 article five very quickly, [powers|powers'] and due he's of
12 the Peo'tskome. That's very different from
13 [powers|powers'] and duties of tribal council [R-PBLT] they
14 under the old constitution?

15 A. I don't -- I didn't ever receive a copy of the old
16 constitution.

17 Q. So you've never seen the GT Tribe constitution?

18 A. No, I haven't.

19 Q. And yet you felt free to testify about the old
20 constitution and the new constitution, I thought your
21 testimony?

22 A. Yes.

23 Q. Said that we looked at the old one and then we
24 adopted a new one, you said -- now you -- is that not
25 correct?

26 A. No that was the information that was provided for
27 me by questioning the council.

28 Q. But you've actually never seen --

1 A. No, I have not.

2 Q. -- the GT Tribe constitution?

3 A. No, I have not.

4 Q. Going to article seven, judiciary. Could you read
5 Section 1 please?

6 A. The judicial power of the Gabrielino/Tongva Nation
7 shall be vested in the Gabrielino-Tongva Supreme Court, and
8 the underlying Gabrielino-Tongva district court. Until
9 such time as the Gabrielino-Tongva citizens shall establish
10 a court system, the current procedural rules shall apply.
11 The Gabrielino/Tongva Nation hereby waives sovereign
12 immunity to its citizens limited to bringing actions
13 pursuant to the language of this constitution.

14 Q. So article seven waives sovereign immunity. So
15 you have to have something to waive it, right?

16 A. That would be correct.

17 Q. So under that constitution you had sovereign
18 immunity but you're waiving it for your citizens is that
19 correct?

20 A. In specific instances.

21 Q. Yes. But not even entirely for them, right?

22 A. Not entirely for them, right.

23 Q. How about for vendors, how about for people that
24 do business with GT nation?

25 A. It's not in the constitution but it could be in
26 the contract.

27 Q. But it says citizens, it doesn't say vendors?

28 A. That's correct.

1 Q. So what you're saying is you have this sovereign
2 immunity and you have for nine years even without federal
3 recognition is waived in some cases for citizens but not
4 all but it's sure not waived for vendors such as the people
5 who are owed 4.9 million dollars such as SMDC such as the
6 Crane Group such [APTZ] the other casino project vendors.

7 MS. IBARRA: I'm going zero object that it
8 misstates the evidence, nobody is claiming immunity in this
9 action.

10 THE COURT: Maybe you could lay some foundation.

11 MR. STEIN: Sure.

12 THE COURT: If they're claiming immunity.

13 MR. STEIN: Well I was relying on the foundation
14 from her earlier testimony that the [SREUPBDZ] did not have
15 to be paid fit.

16 THE COURT: Well let me ask you this, when you
17 brought this action were you submitting to the [SKWRURS]
18 [TKAOEUBGS] of this court?

19 A. Yes.

20 THE COURT: In other words if you claim sovereign
21 immunity you can consent to [SKWRURTS] diction right?

22 A. Yes.

23 THE COURT: And were you consenting to
24 jurisdiction in this action?

25 A. [TKWRES].

26 Q. BY MR. STEIN: Is there anything in writing that
27 shows that you consent to jurisdiction? No I'm serious,
28 there any writing that you just answered the court that you

1 just said --?

2 A. Yes I understand, I just answered of the court.
3 This action was brought in November, we didn't ratify this
4 constitution until February so I would think that the
5 timeline we didn't have to waive our sovereignty because it
6 wasn't -- I don't know.

7 Q. It didn't exist -- in other words it didn't exist
8 in November before the split occurred, right?

9 A. I believe that it did.

10 Q. Wait a second, it just sound like it didn't exist,
11 you're saying we didn't have to waive anything because it
12 didn't exist in 2006.

13 MS. IBARRA: Objection misstates the testimony.

14 THE COURT: Sustained.

15 MS. IBARRA: And evidence.

16 THE COURT: Sustained.

17 MR. STEIN: Very good. Forgive me.

18 Q. What about a judgment issued by this court in 20
19 16, is that going to be -- are you going to claim immunity
20 if there's a judgment by the Court? After all this has
21 been in effect for nine years?

22 A. No we would not claim immunity.

23 Q. And what writing indicates that is the case?

24 A. There isn't any writing that I'm aware of.

25 MS. IBARRA: Objection calls for legal [TPHOPL],
26 conclusions.

27 THE COURT: Overruled.

28 Q. BY MR. STEIN: So in other words, now that this

1 constitutions been in effect for nine years, if in fact
2 there is a judgment from the casino vendors such as the
3 [KRAOEUPB] group or SMDC you'll just say hey sovereign
4 immunity, we don't have any written waiver after all and
5 your judgment was only obtained nine years after our
6 constitution went into effect.

7 THE COURT: Yes or no is that what you have would
8 claim?

9 A. No, I wouldn't claim that, I would --

10 Q. BY MR. STEIN: You wouldn't claim that --

11 THE COURT: Counsel.

12 MR. STEIN: Can you speak for the nine years of
13 the Peo'tskome?

14 THE COURT: Counsel one you're yelling so keep
15 your voice down and two let her finish. Okay so did you
16 get all of that Ms. Reporter?

17 THE REPORTER: Yes, Your Honor.

18 THE COURT: Can you read it back.

19 (Record read.)

20 A. I would adhere to the court -- the Court's
21 decision.

22 Q. BY MR. STEIN: And you say I, do you speak for the
23 other eight members of the Peo'tskome?

24 A. I would have to take it to them, yes, but I
25 believe that they would do what the court orders.

26 Q. On what basis? On the basis of a writing?

27 A. No.

28 Q. So what you're saying is the other eight people

1 might out vote you but we should just sit here and accept
2 the idea that you don't think they would because \$1.7
3 million that's not much money, is that the reason?

4 A. No.

5 Q. Can we move to article 12 please, I'm sorry
6 article 11. Does article 11 show how the constitution is
7 amended?

8 A. That's correct.

9 Q. And if in facts this is an amendment or a
10 restatement of the previous constitution as you've
11 testified --.

12 MS. IBARRA: Misstates -- objection misstates the
13 testimony.

14 THE COURT: Sustained.

15 MR. STEIN: Okay.

16 Q. Is this a constitution that replaced a prior
17 constitution in your voluntary organization?

18 A. That's what I believe.

19 Q. And that's because you believe that the Dunlap
20 faction is the same as GT Tribe?

21 A. Correct.

22 Q. And therefore, GT Tribe's constitution was only
23 the precursor to this constitution?

24 A. Yes.

25 Q. And you -- we talked about the GT Tribe
26 constitution as the no darn good constitution and this
27 constitution as the sovereignty constitution?

28 A. Correct.

1 Q. How come in the amendments it doesn't mention
2 there was a constitution in force before this was adopted?

3 A. I don't know.

4 Q. Wouldn't this constitution be an amendment of the
5 existing constitution if you are in fact the same voluntary
6 organization?

7 A. Not if we didn't ratify it.

8 Q. Not if you didn't ratify it. Where do you see
9 that? You helped write this constitution didn't you?

10 A. Yes.

11 Q. Where in this constitution does it say that?

12 A. It doesn't, it's my personal opinion.

13 Q. Does this constitution -- does it constitution
14 state anywhere that there was a constitution before this
15 for the Dunlap faction for this voluntary organization?

16 A. No.

17 Q. So nowhere in this document does it mention the GT
18 Tribe constitution existed in any form prior to this one?

19 A. No.

20 THE COURT: Why does it not, is there some reason
21 why it wouldn't?

22 A. I don't -- I don't know why they didn't put that
23 in there.

24 Q. BY MR. STEIN: Finally article 12 talks to you
25 about elections and you've described that far elections
26 would be for nine different position and would happen every
27 other year?

28 A. That is correct.

1 Q. And who would vote in those elections?

2 A. All citizens over 18 if they are registered to
3 vote.

4 Q. All citizens. And do you recall from our
5 deposition that you acknowledged that in 2012 there were
6 271 citizens?

7 A. I believe so.

8 Q. And in 2007 -- Niall what is the membership
9 tables --.

10 THE COURT: If this is new, what exhibit are you
11 referring to.

12 MR. STEIN: No, it's not.

13 MR. FORDYCE: No these have been identified.

14 THE COURT: Okay.

15 MR. FORDYCE: We have -- sorry. 2007 is 517.

16 MR. STEIN: 517.

17 Q. BY MR. STEIN: Remember the as of March 1, 517.
18 So your understanding as of March, 517 you had 18 six
19 members.

20 MS. IBARRA: Lacks foundation and personal
21 knowledge.

22 THE COURT: Sustained.

23 Q. BY MR. STEIN: To your knowledge, how many members
24 were there in 2007?

25 A. I don't know, I went involved with the citizenship
26 and the process at that time.

27 Q. The 2007 there it says 18 six but I'm going to put
28 that goad does not know so that --.

1 THE COURT: Remind me who prepared that, who
2 prepared the chart.

3 MR. STEIN: Barbara Garcia.

4 THE COURT: Oh Barbara Garcia.

5 MR. STEIN: And [HR*EUBD] because they were
6 talking about the G dash C -- and that was the name that
7 was used prior to the formation of the Dunlap group right,
8 Gabrielino-Tongva Tribe with a hyphen and it was a tribe
9 not a nation is that correct?

10 A. Well the way you stated it, no.

11 Q. Tell me what would be correct?

12 A. You stated that forming of the Dunlap group so you
13 can restate your question with me for -- I need you to
14 restate the question.

15 Q. Do you recall that there was a split in November
16 of 2006?

17 A. Yes I to.

18 Q. Do you recall that there were 1700 members in GT
19 Tribe before the split?

20 A. That's what people were saying back then, yes.

21 Q. And that GT Tribe was spelled Gabrielino dash
22 Tongva and then the split occurred then we said out of
23 deference to the jury who has to make a decision the
24 Candelaria faction is one piece that came out, is that your
25 understanding?

26 A. Yes.

27 Q. And the Dunlap faction is another piece that came
28 out, is that your understanding?

1 A. Yes.

2 Q. But you believe that the Dunlap faction is
3 actually the same voluntary organization as GT Tribe?

4 A. That's correct.

5 Q. Even though it has a different name,
6 Gabrielino/Tongva Nation?

7 A. That's correct.

8 Q. And you don't know the membership that broke off
9 in 2006 is that correct?

10 A. Yes.

11 Q. But in 2012 it had 271.

12 MS. IBARRA: Objection I'm going to object to the
13 term broke off because that's contest tested as to who
14 broke off.

15 THE COURT: Overruled, maybe faction is the better
16 term.

17 MR. STEIN: Very good.

18 Q. And in all the elections after the Dunlap faction
19 that were held under the Dunlap faction and under this new
20 constitution adopted in February 2007, in all of those
21 elections, did only the citizens vote?

22 A. The citizens that went through the process under
23 our constitution.

24 Q. So it's less than the 271?

25 A. For which year?

26 Q. Anytime -- you had testified earlier that the
27 first election of the Dunlap faction held under the new
28 constitution was fall of 2007?

1 A. Correct.

2 THE COURT: You have five more minutes.

3 Q. BY MR. STEIN: What happened to the other 1500
4 members?

5 A. I don't know.

6 Q. You don't know? Were they able to vote for this
7 new constitution that he [PWOL] [EURBD] Class A B and C ?

8 A. I believe that Virginia contacted as many people
9 as she was able to with the database that she had. I
10 don't -- I was not involved with that so I don't know.

11 Q. In fact, if they had not filled out a citizenship
12 application that you helped write they couldn't vote under
13 this constitution to adopt this constitution or any of
14 those elections 1500 people?

15 A. Incorrect because your timeline is wrong.

16 Q. Why is that incorrect?

17 A. Because I didn't create the application until
18 2009?

19 A. So you're saying they could have voted had they
20 [known|no one] about your stuff?

21 A. I don't know if -- I don't know if who was
22 notified Jonathan, I wasn't involved with the erections.

23 Q. What happened to the 1500 people, did they receive
24 any fair procedure for 1500 out of 1700 members, did they
25 receive any fair procedure that a voluntary organization
26 had changed and adopted a new constitution with nine new
27 elections Peo'tskome members?

28 A. I don't know your answer, I don't have knowledge

1 of it.

2 Q. Did 1500 people, many of whom were Class B and
3 counted on being Class B to be differentiated from Class C,
4 didn't they lose that differentiation even though it was
5 the product of hard work and legitimacy and all the efforts
6 that they had made to file documents with the federal
7 government, didn't they lose that?

8 A. You could look at it that way.

9 Q. And did you have any fair procedure for those 1500
10 people, many of whom were Class B standing?

11 A. Again, I have no knowledge if they were notified
12 or not.

13 Q. And were there in fact 1500 people that were left
14 out so that 271 could go forward towards their efforts for
15 casino without them?

16 A. I don't know who was contacted, I don't know if
17 the 1500 people that you're speaking of were contacted, I
18 have no knowledge of that.

19 Q. And by the way, has the Dunlap faction since the
20 split made any government filings whatsoever?

21 A. No.

22 Q. Okay. So the Dunlap faction since November 19 of
23 2006 through June of 2016, 10 years, you've made no
24 government filings with the federal government is that
25 true?

26 A. That's true.

27 Q. And no government filings with the state
28 government, is that true?

1 A. That's true.

2 Q. I would like to close by showing Exhibit 526,
3 which was a copy of the complaint filed in 2015.

4 THE COURT: Well --.

5 MR. STEIN: Just one paragraph in it.

6 THE COURT: Okay.

7 MR. STEIN: Can you read -- this is the complaint
8 filed --.

9 THE COURT: I'm sorry which number is it again.

10 MR. STEIN: Exhibit 526, that's filed on or about
11 August 20th of 2015, did you review the complaint before it
12 was filed?

13 A. Yes.

14 Q. So you did review it. Can you read the last
15 sentence of Paragraph 1?

16 A. The tribe is a tribal nation located in Los
17 Angeles County.

18 Q. So you're identifying yourself to this court as a
19 tribal nation, would that be consistent with a constitution
20 that claims sovereignty?

21 A. Yes.

22 Q. And wasn't that changed from what it used to say
23 which is we are an unincorporated association?

24 A. I don't know that.

25 Q. Very good. Let me close on this one question, I
26 know the court has already been very lenient time wise.
27 You mention that the writ of execution wiped you out and
28 you had to start over from scratch is that true?

1 A. Yes.

2 Q. Isn't it true that the computerized records that
3 Virginia Carmelo had made for her letters were kept.

4 MS. IBARRA: Objection.

5 MR. STEIN: In Orange count [HAOE] to your
6 knowledge.

7 MS. IBARRA: Objection she lacks personal
8 knowledge.

9 THE COURT: Well she may or may not overruled?

10 A. I to not know.

11 MR. STEIN: You have remember that you testified
12 that Virginia Carmelo had 500 names for labels?

13 A. Uh-huh.

14 Q. And you testified further that extended family
15 members were added to this list so it was more than 500
16 members.

17 MS. IBARRA: Objection misstates prior testimony.

18 THE COURT: If it does then she can answer.

19 Q. BY MR. STEIN: Is that correct?

20 A. Can I have that --.

21 THE COURT: Okay read it back.

22 (Record read.)?

23 A. Yes.

24 Q. BY MR. STEIN: And this list was kept on a
25 computer in individual Carmelo's home in Orange County
26 isn't that correct?

27 A. I don't know if it was or not, if it was in Orange
28 county but -- I don't know.

1 Q. And is it your understanding that only two writs
2 were served, one on terminal street downtown and one in the
3 old headquarters office in Santa Monica?

4 A. I didn't know about the one in Santa Monica.

5 Q. Uh-huh. Do you --?

6 A. So I learned about that in these proceedings.

7 Q. Would it be your assumption then, and I say this
8 almost in closing, would it be your assumption then that if
9 Virginia Carmelo kept her computerized list at home in
10 Orange County that it wouldn't be subject to a writ of
11 attachment for a location in downtown Los Angeles.

12 THE COURT: Well that calls for a legal
13 conclusion.

14 MS. IBARRA: Yes that calls -- objection calls
15 legal.

16 THE COURT: So I'm going to [STA*EUP] that, she
17 wouldn't know if it was subject -- the Court's orders
18 whether they're subject to jurisdiction, Orange County et
19 cetera.

20 MR. STEIN: Very good.

21 THE COURT: So I'll sustain the Court's objection
22 to that. All right anything further.

23 MS. IBARRA: Just briefly, recross.

24 THE COURT: All right.

25 Q. MS. IBARRA: Ms. Goad, you don't -- the tribe
26 doesn't actually have any judiciary right now?

27 A. No we do not.

28 Q. So you actually don't have any other jurisdiction

1 except this court or federal court right?

2 A. That's correct.

3 Q. Or any other administrative [courts|court's]?

4 A. That's correct.

5 Q. So you're not actually claim there's a better
6 jurisdiction for you, it's just a statement of inherit --?

7 A. Inherent right.

8 Q. An inherent right that you believe you have? And
9 you've never claimed sovereign immunity from the people who
10 are [SAOUPG] you in this action, right?

11 A. No, we have not.

12 Q. And Mr. Stein keeps referring to vendors. Aside
13 from [KRAOEUPB] group is there any other vendors that are
14 suing you?

15 A. Not that I am aware of.

16 Q. So unless you consider Mr. SMDC and Mr. Stein at
17 vendors I guess but besides Mr. Stein and crane, nobody
18 else?

19 A. No.

20 Q. So -- you testified that you didn't know if the
21 prior constitution had ever been ratified?

22 A. That is correct.

23 Q. Do you know if it would have been valid if it
24 hadn't been ratified by the membership?

25 A. I've been told that it wouldn't --.

26 Q. It wouldn't be valid?

27 A. Yes but not by a lawyer.

28 Q. I see, so it's not a legal understanding?

1 A. Right.

2 Q. It still -- it was the only thing you had sort of
3 governing relations between you guys, right because there
4 was nothing else written that says this is how we interact
5 with each [AORBGS] these are the rules for our group?

6 A. Yes.

7 Q. But this was -- this has been ratified by the
8 membership?

9 A. Yes.

10 Q. And this just governs your relations amongst
11 yourselves?

12 A. Yes at the moment.

13 Q. At the moment?

14 A. If we got federal recognition it may do over the
15 casino, the vendors there.

16 Q. So let's clarify then because I wasn't sure what
17 your testimony was to Mr. Stein. So you wouldn't expect
18 any vendors to submit to this judiciary that you don't have
19 notice had you gained federal recognition and then could
20 establish a judiciary where people could come in and
21 mediate disputes with you or disputes among members

22 [-FRBLG] I would be more -- I would think it would be more
23 dupes among members.

24 Q. And not necessarily disputes with outside -- with
25 none tribal members?

26 A. Correct.

27 Q. So if the vendor is not a tribe you would still
28 end up in this court?

1 A. Yes I believe so.

2 Q. So even if you were a federally recognized tribe
3 and Mr. Stein was suing you, you might still be here is
4 your understanding?

5 A. Yes.

6 Q. But you recognize that you're not a federally
7 recognized and you're had not asserting jurisdiction?

8 A. Yes.

9 Q. I mean you're not asserting sovereign immunity?

10 A. Correct.

11 Q. So -- and during the time that you've been tribal
12 chairwoman, [HABZ] the tribe had any significant income to
13 report?

14 A. No.

15 Q. Have you -- I know prior -- when Mr. Stein was
16 part of the -- had an association with the tribe, there was
17 a lot of political contributions that were paid, that had
18 to be -- there were legal requirements for reporting, have
19 you made any political contributions?

20 A. No, we have not.

21 Q. So have you engaged in any activity that require
22 you make any government filings?

23 A. No, we have not.

24 Q. As far as you know we haven't?

25 A. Yes that's correct.

26 Q. That's all I need, thank you.

27 THE COURT: Thank you. Anything further?

28 MR. STEIN: Shakes.

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THE COURT: Thank you had you may step down. I
guess defense you're still in your case.