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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 6
2 ROUGH TRIAL TESTIMONY OF VIRGINIA CARMELO AND RICHARD
3 POLANCO

4 A. Virginia Carmelo, v i r g i n i a , c a r m e l o .

5 THE CLERK: Thank you.

6 THE COURT: Thank you. You may begin.

7 BY {LEFT1}:

8 Q. Ms. Carmelo we've heard a lot about you already so
9 we're going to try to go very quickly on some of this
10 stuff. Can you just very briefly tell me how you came to
11 joint the Gabrielino-Tongva Tribe and when?

12 A. My first I guess involvement was starting to
13 attend meetings in San Gabriel and at that time it was -- I
14 would go intermittently and I think it was in 2001 I was
15 reviewed-d by Sam Dunlap to join in an effort to unite the
16 different groups that were in our area.

17 {MIDDLE}: (Indicating.)?

18 A. Thank you so much.

19 Q. BY MS. IBARRA: So 2001, would you characterize it
20 as leaving the San Gabriel group and then going to this
21 Gabrielino-Tongva Tribe that was trying to be united?

22 A. At that time when I was working in the San Gabriel
23 group.

24 Q. Five different groups that made up the San Gabriel
25 group?

26 A. No a- different groups that were working
27 separately.

28 Q. I see.

1 A. And we were working towards an effort of uniting
2 all of those groups and so as a stepped away from the San
3 Gabriel group that was in an effort to unite another
4 groups.

5 Q. So Sam Dunlap was recruited you as a member?

6 A. Yes.

7 Q. And Sam Dunlap was already working with Mr. Stein
8 at that point?

9 A. Yes.

10 Q. And so you when come on board, was the SMDC
11 agreement was already in force?

12 A. I didn't learn about that until later, it took me
13 a couple months to be convinced that I should participate.

14 Q. So at that point you were just a member?

15 A. Yes, being pursued I think.

16 Q. Oh so join the tribe?

17 A. Yeah and not just me, I was -- in the conversation
18 I have had had with Sam Dunlap he asked me how large my
19 family was and I told him we were about 300 so I think he
20 viewed it as you know a large amount of members that would
21 come in with me and later on some of the talks were also
22 like that, well this person has X amount of members of
23 their family that come in if they came in.

24 Q. So 300 just in your family, is it Carmelo or is it
25 another different last name?

26 A. It's a different last name, there's several
27 different last names.

28 Q. But you're all related?

1 A. Uh-huh.

2 Q. So you joined in 2001?

3 A. I believe so, it was conscious I think it was 2001
4 I think it was, yes.

5 Q. And when did you ascend to tribal council?

6 A. Almost immediately, we were appointed, I think
7 either a- or six of us Originally appointed as family
8 leaders representing our families.

9 Q. Representing your family group. Who appointed
10 you?

11 A. We just did it in-house, amongst ourselves, the
12 leaders of the families were coming together.

13 Q. So there wasn't members -- there wasn't like
14 membership meetings where people appointed tribal council's
15 or?

16 A. No no.

17 Q. So you each were self appointed representatives of
18 your family, is that accurate?

19 A. Pretty much, yes.

20 Q. Okay. And so who else was on the tribal council
21 with you?

22 A. Sam Dunlap and Cindi Alvitre, Martin Alcala, Edgar
23 Perez. I think there were five of us maybe.

24 Q. Yeah I think we've seen the names so it's not
25 necessary to go through them. So fast forward to the
26 events at issue. Would you say that -- because I know that
27 if we get to the second part of the case there's going to
28 be a lot of stuff you'll want to say but let's just go

1 forward to the fall of 2006, you guys [TKORB] there's an
2 [S*ES] that's interested in the tribe?

3 A. Yes.

4 Q. Correct?

5 A. Right.

6 Q. So how did you come to find out about this
7 investor?

8 A. Well [AOUFL] along that was one of the intentions
9 and Jonathan Stein was actively seeking out investors for
10 our tribe so that we could move forward.

11 Q. And what was your understanding of what they were
12 interested in, what kind of investment they want to make?

13 A. They were making a long term investment with us, a
14 smaller initial investment of about 2.1 million dollars and
15 that was going to help us in our effort to seek federal
16 recognition.

17 Q. So was your under you go that it was for federal
18 recognition?

19 A. Yes.

20 Q. Would you be surprised if you were told that Mr.
21 Stein said that it wasn't for federal recognition, it was
22 just for casino gaming?

23 A. Well in order to do the gaming we would have to
24 obtain federal recognition and so I think early on we were
25 working under the premise that we would -- that we had
26 state recognition and that from that state recognition we
27 would get to have gaming in California but some of that
28 changed later on as things transpired.

1 Q. But as of May of 2006, your understanding was the
2 Libra development agreement was going to help you achieve
3 federal recognition?

4 A. Yes.

5 Q. Was it also going to help you achieve gaming?

6 A. Yes.

7 Q. Okay so it was two things?

8 A. Yes.

9 Q. Okay. And did they have a requirement, because we
10 heard testimony that they required that you get a governing
11 document, a constitution?

12 A. Yes.

13 Q. Okay. So you did that?

14 A. Yes.

15 Q. How did you feel about that constitution when it
16 was adopted?

17 A. We had been looking at different constitutions so
18 that we didn't have to invent the wheel over again, we were
19 looking at some of the local tribes and what they -- what
20 their constitutions look like but we didn't feel it was
21 adequate but we knew we had to adopt something so that the
22 agreement would go forward.

23 Q. And did you that?

24 A. Yes.

25 Q. So my question was how did you feel about it after
26 it was adopted?

27 A. Well for us it was a temporary, for the council
28 members it was temporarily bras we knew we had to work

1 towards something that was more effective and specific for
2 our tribe.

3 Q. Okay. So was it -- is it fair to characterize it
4 as you had always intend-d to amend your constitution or to
5 correct it and so forth?

6 A. Definitely.

7 Q. So from the beginning?

8 A. Yes.

9 Q. So was it your understanding that in order for it
10 to be you know fully effective that it needed to be
11 ratified by the membership?

12 A. Yes and we did want to encompass all of the
13 members, yes.

14 Q. And that would entail a vote?

15 A. Yes.

16 Q. Bitten tire membership?

17 A. Correct.

18 Q. And that number occurred for the constitution had
19 you adopted for Libra investors?

20 A. No.

21 Q. So did you guys -- was there any communications
22 about changing it before you submitted it to the
23 membership?

24 A. Yes, we were looking at the fact that we needed
25 something official to adopt something that would be more
26 effective so there was talk of what we would do in the
27 future.

28 Q. When did those talks start?

1 A. Well even as the temporary one was being adopted
2 all along, we were saying that this wasn't going to work,
3 that wasn't going to work but it was okay you know for now.

4 Q. Okay. So then as of May of 2006 which is when the
5 Libra agreement was a- [TKROPT] don't-d?

6 A. Uh-huh.

7 Q. You were [HR*S] already thinking about it? So
8 it's fair to say Mr. Stein's was well aware that that was
9 the council's wishes?

10 A. Yes he should have been, yes.

11 Q. Do you recall that he stated any specific concerns
12 about that process?

13 A. No, not at that point. When the Libra funding was
14 coming on that was kind of like at the forefront.

15 Q. What do you mean at the forefront?

16 A. Well I mean everything was about getting that
17 contract in place in May so the constitution was one of the
18 things that had to be done and we had looked into -- I
19 don't know if we were approached but at one point I did
20 have hey meeting with a Mr. John Velie and it was toward
21 that effort of at some time we would go forward with
22 something -- some advice on doing the [KOPS] [TAOUGS]
23 different.

24 Q. Could you describe who Mr. John Velie or who is?

25 A. He's a lawyer and his expert [TAOEZ] was in Indian
26 law.

27 Q. Do you recall when that was?

28 A. I don't but it was before 2006.

1 Q. As you understand it, it was there was say
2 breakdown in the relations between the tribe and Mr. Stein;
3 right?

4 A. Yes.

5 Q. So was your meeting with Mr. Velie, was that
6 further down in the relationship?

7 A. Yes.

8 Q. So was Mr. Stein aware that you were meeting with
9 John Velie?

10 A. I'm not sure if he was aware, but shortly
11 thereafter he had to have been.

12 Q. And you don't have any specific recollection about
13 whether he approved of the meeting or not?

14 A. I don't believe -- no I don't have a recollection
15 if he approved of it.

16 Q. Was there another agreement that needed to be
17 entered into for the [HRAOEB] agreement to become
18 effective, was there any other requirements imposed by --

19 A. There were several other requirements, of them
20 initially before anything [AO*EFR] even got off was that we
21 would have -- the tribe would have its own lawyer to
22 confirm that [STKPWHR-RT] its own lawyer separate from
23 [HRAO*EBZ]?

24 A. Pardon me.

25 Q. [S*P] from [HRAO*EBZ] is that what you mean?

26 A. No in order to process the contract we would have
27 Marilyn bare at come on as the tribes lawyer just for that
28 contract and then there were -- there were a couple of

1 things, the constitution and then there was the fact that
2 none of the tribal council members could be individually
3 responsible or I guess sued for that contract, and then
4 there was something about SMDC also having -- something was
5 changing there where they couldn't -- something had to
6 change with SMDC contract, I think it was the liability.

7 Q. Can you be more specific?

8 A. I think it was.

9 Q. Niall I'm going to use your exhibits.

10 MR. FORDYCE: Okay?

11 A. I think it was that SMDC was [APBL] original
12 contract was trying to hold the tribal council liable and
13 SMDC would end up with a limited liability not including
14 each individual tribal council member.

15 Q. So I'm going to show you the -- actually yeah it's
16 the SMDC agreement, I'll move on to something else while
17 this warms up?

18 A. Okay.

19 Q. Can you describe what some of the -- some of the
20 events that led to the breakdown in the relationship with
21 Mr. Stein?

22 A. Well there were several, there was some ongoing
23 conflict between -- between Mr. Stein and Mr. Dunlap,
24 Elizabeth Aronson our [TRAOEUPB] general counsel at the
25 time.

26 Q. Was she general counsel or assistant?

27 A. Assistant -- no she was -- I think she was -- she
28 was counsel to the tribal council.

1 Q. She was [KUPB] to the tribal council?

2 A. Yeah so she was -- she had taken the place of Rae
3 Lamothe which we always called.

4 Q. General counsel?

5 A. General counsel, yeah.

6 Q. Okay. So getting back to the issue of liability
7 for -- oh this is the -- this is the SMDC agreement Your
8 Honor it's 569 which has been marked and used a lot. So
9 the last document in the SMDC agreement, it's dated May
10 20th, 2006?

11 A. Okay.

12 Q. Is this the document that you're referring to --
13 so May 20, 2006 is also the date [PHRAO*EB] agreement?

14 A. Right.

15 Q. So this is letter amendment to St. Monica
16 development agreement?

17 A. Okay.

18 Q. Is this what you're re [TPEG] to that this was a
19 requirement that Libra imposed?

20 A. Yes yes uh-huh.

21 Q. So what does this do or I'll give you have a
22 minute to read it?

23 A. Okay. Could you lift up the smaller print a
24 little bit.

25 Q. Sure. Let me know if you need me to scroll down
26 more?

27 A. Yeah I think the whole purpose of this so that as
28 it said there, the individual members of the tribe and the

1 council shall not be liable personally for damages.

2 Q. Unless there's misappropriation?

3 A. Right.

4 Q. So this means that under the SMDC agreement [PHR*]
5 Mr. Stein couldn't sue you unless he could allege that you
6 misappropriated something?

7 A. Yes.

8 Q. So this is one of the requirements?

9 A. Right.

10 Q. Of the Libra agreement was this a source of
11 controversy when you entered into it?

12 A. No.

13 Q. And let's see who the signatories are?

14 A. Yeah myself and Mr. Stein.

15 Q. On behalf of SMDC?

16 A. Right.

17 Q. So [THET] this aside and just go ahead and tell me
18 the other events that were leading to this dispute with Mr.
19 Stein after -- after the money comes in, right, the money
20 comes in?

21 A. Right. Like I said, there was -- there was some
22 kind of static between Mr. Stein and Mr. Dunlap. Elizabeth
23 Aronson also relayed through Sam to us and to the rest of
24 the council that she was being asked to write checks that
25 were not authorized by the tribal council and they're not
26 on the budget, the authorized budget.

27 Q. Because Libra -- we've heard testimony that Libra
28 had authorized a specific budget?

1 A. Yes we proposed a budget and that was the
2 authorized budget to the court reporter.

3 Q. Oh I see, so you proposed a budget and Libra
4 approved it?

5 A. Yes uh-huh.

6 Q. Okay.

7 A. So some of that money was -- well there was checks
8 he was asking us to write, another problem--.

9 THE COURT: Who's he, who's he?

10 A. Mr. Stein.

11 THE COURT: Okay?

12 A. Another problem is that the original budget had
13 his monthly, I don't know, salary, \$25,000 and he was
14 asking that the next budget for the following year would
15 include a monthly budget of \$50,000 and we had not approved
16 that budget but it was in the talks but it was -- it wasn't
17 looked upon favorably by the tribal council.

18 Q. Okay. So why was Ms. -- did Ms. Elizabeth
19 Aronson have the signatory authority for the checks, why
20 was she the one that was doing the signing of the

21 **[KHEUBGZ]**?

22 A. Well yeah she had did have signatory, we had two
23 **[ABLGTS]** and she did have signatory, I think on one account
24 she was the sole signature **[RAOE]** and the other account
25 there were two signatories.

26 Q. And those accounts, were those the first accounts
27 you ever had?

28 A. The tribal council, **[TKWRES]**.

1 Q. Yes?

2 A. Yes.

3 Q. And all of the money contain therein came from
4 Libra?

5 A. Yes.

6 Q. So Mr. Dunlap comes to you and relays what Ms.
7 Aronson had complained about. What do you do at that
8 point?

9 A. We were -- well we were trying to -- well we were
10 waiting for the next meeting also. During that time we
11 were in Sacramento doing some lobbying so there was a lot
12 of activity but I think what brought it to a head is when
13 we learned from Ms. Aronson that she had been fired by Mr.
14 Stein and it was very confusing because our first thought
15 was well he's not authorize today fire him, you're not
16 employed by him, you're employed by the tribe, that was
17 what kind of brought everything to the head.

18 Q. So was Ms. Aronson being paid with Libra funds?

19 A. [TKWRES].

20 Q. Exam when was she was hired?

21 A. I can't pinpoint the date right now but it was
22 sometime before the [TPOERBGS] [-Z] of Libra.

23 Q. She didn't do the negotiations for the Libra funds
24 right?

25 A. Was she going to?

26 Q. No you said that -- because you mentioned earlier
27 than Marilyn Barrett?

28 A. Yeah Marilyn Barrett, uh-huh.

1 Q. Was Marilyn Barrett ever fired?

2 A. Yes I think she was actually.

3 Q. So she was also fired --?

4 A. But not by us, not by the tribal council.

5 Q. So she was fired by Mr. Stein?

6 A. Yeah.

7 Q. Do you recall when she was fired?

8 A. You have know I think it was just prior to May
9 20th, somewhere around that time.

10 Q. Prior to the closing of this big agreement, this
11 big very sophisticated financial transaction that you
12 needed to get a corporate lawyer to handle, she was fired?

13 A. Yeah.

14 Q. When did you find out that she had been fired?

15 A. I don't know when. I know it was just around that
16 date, May 20th, there was just so much happening at that
17 time but what I do know is we did not fire her, we did
18 not.

19 Q. You never consented to that end of it?

20 A. Uh-huh.

21 Q. Eventually she size you for fees incurred, right?

22 A. I think so yes.

23 MR. STEIN: Objection leading.

24 THE COURT: Overruled.

25 Q. BY MS. IBARRA: Did she sue you for fees?

26 A. She did.

27 Q. So he fires two lawyers, did you have direct
28 relationships with them, did that he report directly to you

1 or did they report to Mr. Stein?

2 A. Well Ms. [PWAEURT], you know she it -- she did I
3 think speak more with Stein, he would report to us and then
4 after a while she spoke a lot with Sam and then Sam would
5 report to the rest of us so I think we did have a
6 relationship with her through the information that she
7 transferred to Sam.

8 Q. But Ms. Aronson is brand new and so she's having
9 conflicts with Mr. Stein and Mr. Stein fires her?

10 A. Yes.

11 Q. So that's one source of conflict and you mentioned
12 Dunlap, is there any others?

13 A. ?

14 A. You know I think that -- there were several
15 concerns the upcoming budget but by leave of absence that
16 time the funds had just come in and all of a sudden we were
17 on track for a new best of my knowledge [ET] for next years
18 so there were some discussions going badly concerning what
19 money would go where, of the funds that had already come in
20 and of the funds that were to come in.

21 Q. So you were fighting about how to spend the money?

22 A. How the budget would look like, uh-huh.

23 Q. So okay. Fair. So tell me about the September
24 9th meeting and Mr. Stein's law offices?

25 A. We were called to an evening meeting, normally our
26 meetings were in the afternoon, I think it might have been
27 a Monday night --.

28 THE COURT: When you say we were called who?

1 A. The tribal council.

2 THE COURT: The tribal council called the meeting?

3 A. Yes all of the meet [WR-GZ] at the [TKRAO*EUBG]
4 except for the general membership meetings.

5 MS. IBARRA: Can you [TREUPT] you did you [KAUFL]
6 the meeting or did Mr. Stein call the meeting?

7 A. Mr. Stein called the meet [STKPHR-G] so this like
8 why is the meeting Cal by Mr. Stein?

9 A. This was the did.

10 Q. This was the same adds all the other [PHAOEFT]
11 [-GDZ] he called the meeting?

12 A. Yes yes.

13 Q. So what was the purpose of this meeting [-FRPL]
14 the purpose of this meeting was to discuss the firing of
15 Ms. Aronson?

16 Q. Okay. So give me your best recollection of what
17 transpired at that meeting?

18 A. Well we got there, we started the meeting, Ms.
19 Aronson had not been invited but we did invite her by Mr.
20 Stein and we did invite her to show up and she did and she
21 brought a tape recording. We had -- in the discussion we
22 let her know that she wanted her to continue as tribal
23 general counsel and she relayed to us some of the things
24 that had transpired so that now she was in conflict with
25 Mr. Stein and she played [TPO*E] us a recording on a
26 cassette that was from her answering machine.

27 Q. It was her answering machine tape?

28 A. Yeah.

1 Q. Okay.

2 A. And she brought in a cassette player and she
3 played that tape and so the tape was of Mr. Stein call her
4 at home and the conversation -- the message left was a
5 little bit threatening in my opinion and Mr. Stein walked
6 in and -- well he had been there, he had walked from one
7 room of the office to the other and --

8 Q. While you guys were still meeting?

9 A. Yes uh-huh.

10 Q. And became very angry to hear the recording and he
11 quit, he said he was going to quit. And so Mr. Dunlap
12 asked him to put that in writing and at some point he took
13 the tape recorder and he threw it into the next room where
14 it narrowly missed one of the tribal members who had given
15 one of the council members he council members a right there
16 so she was waiting outside. And at that point he appeared
17 with his letter, his resignation letter, he left it there
18 and he left the office and at Ms. [AEURPBZ] directive she
19 said that that we should probably take any necessary
20 documents so we decided to take the accounting, the checks,
21 check books?

22 Q. So at any point did he throw you out of the
23 office?

24 A. No.

25 Q. He didn't?

26 A. No he had left, he left before us.

27 Q. And he left and he left his office open?

28 A. Yes.

1 Q. Did he indicate that he would let you use that
2 after he quit he would let you use his tribal council --
3 his law offices as your tribal of counsel headquarters.
4 Well left me ask you this, before he quit his law offices
5 served as our tribal council headquarters?

6 A. Yes.

7 Q. So when he quit, did he make any indication as to
8 whether you could use was tribal council headquarters any
9 locker?

10 A. No no.

11 Q. But you still took the financial records because
12 he quit?

13 A. Yes.

14 Q. What do you recall taking?

15 A. I recall that there were boxes of documents and
16 some of the other -- the men, the tribal council members
17 carried them out, Liz carried some stuff out, I don't think
18 myself person low carried anything out and they put them in
19 somebody's car and we left.

20 Q. So had Liz been working out of Mr. Stein's law
21 offices?

22 A. For the tribal council, yes.

23 Q. When she did work for the tribal council?

24 A. Yes.

25 Q. Okay. So she was more familiar with the documents
26 and what was being taken?

27 A. She knew exactly where they were, uh-huh.

28 Q. At that point you didn't take any confidential

1 tribal tribal membership information?

2 A. No.

3 MR. STEIN: Objection leading.

4 THE COURT: Overruled.

5 Q. BY MS. IBARRA: Did you access or take the
6 confidential like membership list and contact information?

7 A. No.

8 Q. But in your mind that date was the date of
9 separation, like the split between and you Mr. Stein?

10 A. Yes for me personally, I -- upon leaving there,
11 I did decide that I would not want to return. I don't like
12 to see acts of violence and didn't want to be present in
13 that kind of seen again.

14 Q. Did you think that his letter of resignation was
15 effective?

16 A. Well I thought more that when he said I quit
17 verbally that that was.

18 Q. Oh, you didn't even think that he needed to put it
19 in writing?

20 A. No but I thought it was a good addition,
21 definitely to get it in writing, uh-huh.

22 Q. But you think that just when he said I'm quit that
23 long that was it?

24 A. Yeah.

25 Q. And you accepted that resignation?

26 A. Well I don't think we actually said we separate
27 your resignation but it was -- you know at that point
28 that's what had happened so yes, you know we thought that

1 was it.

2 Q. So this is September 9th. What happens in the
3 taser after that?

4 A. In the days after that -- well Mr. Stein did try
5 to communicate with me and of the other tribal members but
6 telephone, on our cell phones [-FPL] the tribal council met
7 several times to try to make some decisions as to how we
8 could proceed, we would proceed forward, we decided several
9 things.

10 Q. Okay [*FPLT]?

11 A. One of them is that we would -- we met with Libra
12 to see where their stand would be and we referred to the
13 contract and said that we were you know we were right to do
14 what we wanted to do there, besides we aside-d by the
15 contract and she suggested that if we were going to switch
16 horses midway to get another horse and it was kind of a if
17 you please [AOE] parallel but -- so we decided to ask Mr.
18 Polanco to come in as the new person that [PWO] help us
19 towards our efforts.

20 Q. Were there any other decisions?

21 A. Yeah we did he side [THAD] we wanted our
22 membership records back so we were trying to communicate to
23 see if we could go get them but that wasn't going to
24 happen.

25 Q. Did you call Barbara Garcia to get those records
26 back?

27 A. Yes uh-huh, we had several People call to try
28 to -- several of the members I think there were one or two

1 memberships members that tried to call but we actually
2 wanted the membership records back. What we have actually
3 wanted you a- the hard copies, because we knew she had a
4 file in the computer.

5 A. A database but what we actually wanted the hard
6 copies because those were [peoples|People's|people's]
7 members genealogy.

8 Q. And were there [WREUPL] Hal and copies mixed in?

9 A. Can and we began to find out some of the members
10 did tell me they sent in copies, it was the more only copy
11 that they had so it became more important to try to get the
12 [WREUPZ] copies back to them.

13 Q. So you said Mr. Stein was trying to communicate
14 with you, so he was trying to communicate through
15 telephone?

16 A. Yes.

17 Q. And can you recall the substance of some of his
18 communications?

19 A. He just left messages that we need today meet
20 again and that if we didn't meet meet about I a certain
21 date, a deadline, everything was going to fall apart and I
22 chose not to answer the calls but at one point I did answer
23 without noticing that it was him on the line and as I spoke
24 I just let him know that I didn't want to communicate with
25 him any more and I don't remember getting more calls after
26 that.

27 Q. What time were these phone calls, what time during
28 the day was he calling you?

1 A. They were all different times but there was once
2 that I know of that was at 2:30 in the morning.

3 Q. Sew would call you very early in the morning?

4 A. Uh-huh.

5 Q. Was that the time that you picked up?

6 A. No it was actually in the afternoon the time I
7 picked up.

8 Q. But occasionally he would call you at 230?

9 A. Yes.

10 Q. So you said you were meeting, you were [PHAOEFT]
11 [W-G] another tribal council people but you were meeting
12 but just [-RPB] with Mr. Stein?

13 A. Right right.

14 Q. So where were you meeting them?

15 A. We met at different places, sometimes it would be
16 a restaurant, sometimes out towards Riverside [THR-RBGS]
17 there were several different place that's we met [STKWR]
18 and at a certain point, does he cut off your e-mail?

19 A. Yes.

20 Q. Do you recall when that was?

21 A. Well it was -- it was probably the week following
22 September 9th, it had to have been after -- after I
23 stopped -- after I told him that I didn't want to
24 communicate with him any more.

25 Q. And you communicated to that to him via telephone?

26 A. Yes.

27 Q. So you don't have -- we don't have an e-mail
28 [RORBD] of that but that's what you recall and --.

1 THE COURT: Oh is that --?

2 A. Yes.

3 Q. BY MS. IBARRA: And so at that point -- sometime
4 after that, your e-mail gets cut off?

5 A. Yes.

6 Q. When did you see your -- does your telephone ever
7 get cut off?

8 A. Yes.

9 Q. Your cell phone?

10 A. Yes my cell phone got cutoff also.

11 Q. When was it?

12 A. Well it was shortly after that time when I said I
13 didn't want to communicate with him any more.

14 Q. So at a certain point you guys get introduced to
15 Sheppard Mullin to represent you?

16 A. Yes.

17 Q. So how did you get introduced today Sheppard
18 Mullin?

19 A. Mr. Steinbras Jim McShane, a lawyer for Sheppard
20 Mullin to one of our tribal council meetings.

21 Q. This is after he quit or before he quit?

22 A. Before.

23 Q. Right before he quit. So he brings Jim McShane
24 and what's Jim McShane's purpose? Was this after Ms.
25 Aronson was fired or no?

26 A. It was -- it was exactly during that time. I
27 think he might have wanted -- you know there were so many
28 lawyers, I think he might have wanted Jim McShane to

1 replace her but we weren't -- she was still with us and we
2 were very happy with her. So he came and [HEUBT] deuce-d
3 him to us and he provided us with some information on one
4 of the documents, I forget which ones. I nor government.

5 Q. I was going to ask you which document but?

6 A. I forget.

7 Q. Did it have to do with the Libra agreement, did it
8 have to do with the dispute with Mr. [STAOEPB]?

9 A. I'm sure it probably had to do with the Libra
10 moving forward with that and our next effort so.

11 Q. So we've seen a letter from Jim McShane to Mr.
12 Stein terminating his services so when do you decide, so
13 Mr. Mac is brought in by Mr. Stein, so when do you decide
14 you're going to go with Mr. Mac and sue Mr. [STAOEUB]
15 through Mr. Mac?

16 A. Before -- okay when Mr. Mac was introduced to us,
17 he was in our -- the way he was presented was he was a
18 process respective person that would work with the tribe.
19 So he wasn't working with us, he just came in to be
20 introduced and when things fell apart after September 9th,
21 that's when the tribal council went to [SPABG] to gym Mac
22 for some legal counsel.

23 Q. And you spoke with to him about legal counsel
24 concerning your dispute with Mr. Stein?

25 A. Yeah and specifically it was concerning getting
26 our tribal records back, the hard copies, our membership
27 records.

28 Q. So he agrees to represent you?

1 A. Yes.

2 Q. And [TKUPZ] he make demands to Mr. Stein to return
3 your tribal council records?

4 A. Yes. And he also advised that we should
5 immediately give him a letter to cease and desist any work
6 for us judge okay. So this is --?

7 A. With the tribal council.

8 Q. Exam why is this necessary, because he's already
9 quit?

10 A. Right. At that point it was kind of like to cover
11 our bases but again it was a good thing because Mr. Stein
12 continued to act as if he was still work for the tribal
13 council when in fact he wasn't.

14 Q. So [PHA*BG] writes a cease and desist, does he
15 negotiate with Mr. Stein on your behalf to get these tribal
16 council records back?

17 A. I think at some point he does ask for the
18 documents back, the membership documents and any other
19 documents. Other than that, I don't know of any other
20 negotiations.

21 Q. Does he deal with the fact that your e-mail has
22 been cut off, that your cell phone has been cut off and
23 what about the website, did you guys lose control of the
24 [W*EPBS]?

25 A. You have photograph I did speak to the web master
26 exam basically told him that it was the [TRAO*EURBGZ]
27 website and he needed to give us control of it and his
28 response was you need to talk with Mr. Mac so no Mr. Mac

1 didn't deal with that.

2 Q. He didn't deal with that?

3 A. Huh-uh.

4 Q. So at a certain point you guys sue each other?

5 A. Yes.

6 Q. There was letters sent back and forth by Mr. Stein
7 to tribal council members, correct?

8 A. Yes.

9 Q. And you didn't have access to the tribal
10 membership list or their contact information?

11 A. No, we didn't.

12 Q. So how did you get your word out to people when
13 people started receiving the letters?

14 A. It was [TAOET] lie by word of mouth, so there were
15 [#*6] council members at that time exam all of us basically
16 reached out to our family and any other [known|no one]
17 members advising them of what had taken place ask that we
18 were establishing new offices and that any communication
19 was Stein was not communication from the tribal council.

20 Q. Did people have problems getting a hold of you
21 [PWAUS] you had didn't have an e-mail, you have didn't have
22 a cell phone and all of that far information had been
23 [KPHRAEUD] and you lost control of your website.

24 MR. STEIN: Same objection Your Honor he's
25 testifying.

26 THE COURT: I think those are already facts
27 established. Overruled.

28 Q. BY MS. IBARRA: Now we've looked at these a

1 million times so I don't want to spend any time with them I
2 just want to establish a time from the letters that Mr.
3 Stein was sending you -- had he also kept your letterhead
4 [KWR*ETS]?

5 A. Yes.

6 Q. And he was using to send out these letters?

7 A. Yes.

8 Q. So first membership letter -- oh these aren't
9 dated but they refer to -- they refer to events that had
10 just occurred and also to a membership meeting in --
11 November 18th, right?

12 A. Yes.

13 Q. So during that time period when eves sending out
14 these letters and people can't call you, who do you think
15 they're [TKAULG] calling to get more information?

16 A. Well they're calling the phone number on the
17 letterhead, they were calling Barbara Garcia, many of us
18 had report [THAD] they spoke to her -- she was the person
19 who answered the phone.

20 Q. And so do you know what [PA*RG] was tell people
21 about the dispute?

22 A. I have think she was -- from the people that were
23 talking to me said they were just acting like it's business
24 at usual, like the tribal council was still there, but we
25 weren't.

26 Q. So oh so she didn't actually say that there was a
27 dispute between Stein and the tribal council?

28 A. No. The members that refer to me never spoke of

1 that, they is he she sounded like everything was just the
2 same.

3 Q. So we've also heard a lot of testimony about the
4 blue cards, the jury's seen it and heard it so I don't need
5 to show it to you, you're also very familiar with it?

6 A. Right.

7 Q. So some of those letters requested that the
8 information be [REDACTED] to you is that correct?

9 A. The blue cards requested that the person sending
10 them in, the member sending them in be returned their own
11 file.

12 Q. So there weren't a certain cast cat of blue cars
13 that said return my cards to Virginia Carmelo?

14 A. The cards were basically to state that the member
15 wanted their own files back and that they were Allied with
16 the original tribal council.

17 Q. Then I do need to show you this?

18 A. Okay.

19 Q. This is not consistent with this. So this is one
20 sample blue card that we've seen and it's addressed to you?

21 A. Yes, that's me.

22 Q. It's addressed from you from R Montoya, do you
23 know who R Montoya is?

24 A. I think so.

25 Q. It's addressed to you, it's received December 12
26 but it's dated November 2006 and it says Mr. Stein?

27 A. Uh-huh.

28 Q. But then it says return my records to Virginia

1 Carmelo?

2 A. Some of the members put that on there, it was
3 intend-d, it was designed [TPO*EFR] for them to put their
4 own name [TKP] address on it but some of them had change of
5 addresses but some of the them about send to me.

6 Q. Some of them did because this looks [AOEUBG] it's
7 pre made and premarked?

8 A. No, it's not.

9 Q. This is?

10 A. Oh that is, that is.

11 Q. How about that?

12 A. Yeah that is -- that is, wait. Yes but if. No
13 those were not, I don't think those were marked. I'm sorry
14 I'm confused. [PWAUPLTZ] we sent out two different
15 cards.

16 Q. So there's a different version of this document?

17 A. Are you sure that's the blue card and not the
18 yellow card.

19 Q. Oh I'm sorry maybe. I'll show you the blue card.
20 We've seen two versions of what has been represented as
21 blue cards Your Honor -- sample blue card and here's the
22 sample membership record. This is the second sample blue
23 card that we've seen?

24 A. That's the blue card.

25 Q. This is the blue card.

26 Q. That was sent to Mr. Stein so that the member --
27 so that the member would request their own membership
28 records be sent to themselves so in this case the member

1 was Lisa Lopez Cervantes, it was address the to Mr.
2 Stein?

3 Q. So these were pre ma'am?

4 A. Yes.

5 Q. And pre addressed to Mr. Stein?

6 A. Yes.

7 Q. And the greeting is to Mr. Stein -- pre addressed
8 to Mr. Stein at his law office?

9 A. Yes.

10 Q. And state bar license on there?

11 A. Yes.

12 Q. And then addressed to him for a space for the
13 member to fill out --?

14 A. It's telling Mr. Stein please return my records,
15 my records and then please send them to me with this
16 address, when I ever me -- whichever the member is.

17 Q. And you did this because of your efforts to get
18 the [RORTSDZ] back from Mr. Stein failed?

19 A. Yes.

20 Q. Is 508 different or just the same, just a
21 different version of it or you think it's something else,
22 because this looks the same?

23 A. Yeah the yellow version was not the same, it was a
24 little bit different buff it was basically with the same
25 intention to get the membership records sent back.

26 Q. Were there any of these dressed to you to maybe
27 hand deliver to [STAOEUP] to get the records back that you
28 recall?

1 A. Hand delivered to Mr. Stein?

2 Q. Well no because this seems to be addressed to you,
3 that's why I'm asking, I literally want to figure out what
4 happened?

5 A. Okay but what's your question.

6 Q. Yeah we see two versions of it, was there two
7 versions of the blue cards?

8 A. There was a first effort and then since there
9 wasn't much response we made a second effort and that's why
10 first we had the [PWHRAO*UBGS] and then with we had the
11 yellow cards.

12 Q. Is this here the yellow cards?

13 A. I think there is the [KWR*EBG].

14 Q. So this is not the blue card this is the
15 [KWR*EBG]. So 508 you represent to be the [KWR*EBG] and
16 that was addressed to you but it was the -- the [TPRAOET]-g
17 is to Mr. Stein a demand to return records?

18 A. Yes.

19 Q. Did you get any response to this one?

20 A. No.

21 Q. So you never got any records back?

22 A. We never got any records back.

23 Q. All right. And the a- [TKHRES] on this one, is
24 this where you set up --

25 A. Yes.

26 Q. -- after you left Stein?

27 A. Right.

28 Q. And this is -- what happens the address here?

1 A. '76 one terminal street building one, second
2 floor, Los Angeles.

3 Q. And this where Mr. Polanco worked after you hired
4 him?

5 A. That's where the tribe and Mr. Polanco set up
6 their offices, yes.

7 Q. Is he did you also draft letters to the membership
8 in response to Mr. Stein's letters?

9 A. Yes, we did. The problem was that we had a very
10 limited amount of contact information, names addresses,
11 phone numbers. But we did draft hers and we did send them
12 out to those we knew and we did try to continue by word of
13 mouth asking people to communicate with us there, their
14 contact information.

15 Q. And did you attend the November 18th meeting that
16 was organized by Mr. Stein?

17 A. I didn't attend the meeting, I was actually there
18 early on as people started to arrive.

19 Q. So before the meeting started?

20 A. Yes.

21 Q. What were you doing there?

22 A. We had planned a meeting for the membership on the
23 19th and my intention was to give them information on what
24 had transpired via some of the letters and documents that
25 we had prepared and give information and let people know
26 about the real meeting, the one we were having the next
27 day. So I knew that there would be members attend to go
28 meeting and the [EUP] tension was to pass out these

1 basically like [flyer|flier] [PA*G] packages of information
2 so if they were confused or didn't know what was happening
3 we could give them the information.

4 Q. And what was the reaction that you got from the
5 members when you -- when they saw you? Because obviously
6 at this point they've gotten four different letters?

7 A. Right.

8 Q. About your alleged misconduct?

9 A. Uh-huh. Well I was able to talk to several of the
10 people that I did know and you know their reaction was with
11 the which just want to see what's happening, we're just
12 here to see what's happening. I said well fine but here's
13 the information, from the fund [ERZ], from ourselves.

14 Q. Information from the fund [ERZ]?

15 A. Yeah from Libra.

16 Q. So you passed out information from Libra?

17 A. We passed [OEUT] a letter of support from Libra
18 basically stating that they were backing our efforts, you
19 have photograph that nothing was wrong with our activity
20 concerning the contract. We provided a budget from Talley
21 because some of the accusations was that the money was
22 being spent wrong or stolen or I forget what the words
23 were, so I we provided a budget and current statement from
24 the accountants at that time which was Talley and
25 company.

26 Q. How did you get that information from Talley?

27 A. I went to their office and I requested it.

28 Q. So I just want to contact the reaction that you

1 got from Ms. Garcia when you requested information from
2 her, she said -- what did he say I'm not going to give it
3 to you to you -- whatever -- what did she say?

4 A. You have know initially when I contacted Barbara
5 [-P] once or twice she was just basically a closed door so
6 I kind of knew but that time into November we weren't going
7 to get any cooperation from her.

8 Q. But you don't recall what she said?

9 A. I recall a couple of times basically her telling
10 me it's nothing personal Virginia but I work for Stein.

11 Q. And that's the best you recall of any response you
12 got from her?

13 A. At this moment, yes uh-huh.

14 Q. And then you -- but you approached Talley at the
15 same time?

16 A. I went to the office and I asked the person who
17 had been working on our files?

18 A. Or Lorna [TKER] till [KWRAPB] I think is the name,
19 that I wanted an accounting statement, up to date and she
20 ran it by her supervisor and came back and provided with
21 the name and I hand carried it out of the office.

22 Q. So you copy [TH-RBGS] you copy this statement that
23 you get from Talley?

24 A. Right.

25 Q. You copy a letter of support Mr. [HRAOEB]?

26 A. Right.

27 Q. And was there a cover letter from you?

28 A. Yes.

1 Q. And you present that -- oh this is the fliers that
2 you handout?

3 A. Yeah it was an inter visitation to the November
4 19th meeting and it said to take a look at this you know
5 information and please attend the meeting and find out --
6 to be able to find out what was actually happening so that
7 wick answer, the tribal council will be able top answer any
8 of your questions.

9 Q. .

10 THE COURT: You have 10 more minutes.

11 MS. IBARRA: Oh okay.

12 Q. At this point had litigation already started?

13 A. [TKWRES].

14 Q. So you didn't stay to speak at the November 18th
15 meeting?

16 A. No that was never my [EUP] tension.

17 Q. So you didn't stay had you left?

18 A. My intention was to give information to
19 membership -- possible members that height be there.

20 Q. Fine. So then on November 19th how does that
21 meeting go?

22 A. It was pretty widely attended and we did get a lot
23 of questions and there was quite a long meeting, we were
24 able to [SWEFR] a lot of questions.

25 Q. Was there a lot of confusion?

26 A. I didn't think so. I think it was very well
27 organized, I think that you know there was time for the
28 membership to ask questions and get answers.

1 Q. Okay. So after that did you start establishing
2 your [KORPB] tact list from that meeting?

3 A. ?

4 A. Yes.

5 Q. Over again?

6 A. Yes.

7 Q. So you started all over?

8 A. Yes right.

9 Q. The litigation has already started?

10 A. Yes.

11 Q. [SKPWH] there's a [KOUL] [TPOEUR] a reconstruction
12 recall election from the financial oversight committee from
13 what we've heard?

14 A. Uh-huh.

15 Q. Is that your understanding of what happened?

16 A. Yes uh-huh.

17 Q. Did they ever take any accepts, any meaningful
18 steps to do a recall election?

19 A. No.

20 Q. So was a recall election ever scheduled?

21 A. No.

22 Q. So they didn't get that far?

23 A. No.

24 Q. So were you ever recalled?

25 A. No.

26 Q. So what other communication did you ever have with
27 Ms. Linda -- did you -- what was your relationship with Ms.
28 Candelaria before this split with Mr. Stein?

1 A. I just knew that she was a member, I didn't know
2 her personally [WH-RBGS] we had the re [HREBGS] [-Z], the
3 previous elections, she was one of the persons that was
4 running so -- and she rap and she didn't -- she wasn't
5 seated, she didn't win in the election.

6 Q. Over what, Bernie Acuna?

7 A. Same situation.

8 Q. But you didn't know him personally?

9 A. I Nye of Bernie I didn't know him personally, no.

10 Q. Did they ever ask you -- did they ever approach
11 you or ask you about any of the events at [EUFRPB] usurp or
12 any of the allegations against you?

13 A. Not personally, no. I did have one conversation
14 though with Ms. Candelaria when [STHE] told me that
15 basically she was I don't know working with Stein.

16 Q. And what was the substance of that conversation?

17 A. I told her to make sure that she had all her facts
18 straight and whatever she did know, not to sign anything.

19 Q. That was the only advice you gave her?

20 A. Yeah, yeah.

21 Q. So after that I assume at some point you heard
22 that Ms. Candelaria and Mr. Acuna start referring to them
23 as the GT Tribe?

24 A. Yes uh-huh.

25 Q. So how did that happen, do you have an explanation
26 for that?

27 A. I really don't know what was happening in their
28 camp but from my experience with Stein I think he just

1 brought them on, he needed [PHU] tribal council members and
2 all of a sudden they were it.

3 Q. So did anything happen to you as an organization
4 that sort of took away your power and gave it to Ms.
5 Candelaria and Mr. Acuna or anybody acting in concert with
6 them?

7 A. You know I think they were a great attempt to take
8 aware power, I we were stable, we kept on operating as we
9 were, [W-Z] a tribal council as a tribe.

10 Q. But you didn't have your tribal records but we
11 did -- you know because learning families we were able to
12 communicate with people and eventual low we establish some
13 of the communication and I I think some was lost but a lot
14 of it was reestablished?

15 Q. So I think the contention is that because they
16 used their tribal records and list these people as members,
17 that gives them power, do you agree with [THAFRPBLGTS] no.

18 Q. Contention?

19 A. No.

20 Q. Why not?

21 A. Maybe because you know the tribal records first of
22 all, they believe to that individual member, and the member
23 chooses to place them in the care of whoever that tribal
24 council is. That never happened with this oversight
25 committee they were just there and they said now they're
26 ours.

27 Q. Well do you think that they were given access to
28 those records by Mr. Stein?

1 A. I would assume so, I don't know.

2 Q. Did you think that Mr. Stein had a right to
3 possession of them?

4 A. Absolutely not.

5 Q. I'll reserve sometime and I'll just --.

6 THE COURT: I don't think you have anytime left.

7 MS. IBARRA: Oh okay. Well we'll see.

8 THE COURT: Cross-examination.

9 THE COURT: What are you showing.

10 MR. STEIN: A previous eye [AOEUFD]-d exhibit that
11 the court has approved showing.

12 THE COURT: What is that.

13 MR. STEIN: Exhibit 577 the Talley report from
14 October 2006.

15 THE COURT: 577, yes okay that's fine.

16 Q. BY MR. STEIN: [TPH-Z] Carmelo thank you very much
17 for coming today. Let me -- you said you had gone to the
18 Talley offices in Orange County is that correct?

19 A. Yes.

20 Q. And they were the long time tribal accountants?

21 A. Yes.

22 Q. And so Lorna [TKER] [TAEUD] [KWRAPB] is who you
23 saw?

24 A. Yes.

25 Q. And she knew you?

26 A. Yes.

27 Q. And she gave you a copy of this report from
28 October 3?

1 A. That looks like the same report.

2 Q. Sure she gave you the copy for -- did she ask you
3 for the records from the T G A [PHROEPBLG] [PWRABG]
4 account, the triable gaming authority brokerage account?

5 A. Did she [AOE] [TRAOEUBLG] gaming record?

6 A. No.

7 Q. She didn't ask?

8 A. No.

9 Q. And you ever didn't give them to her?

10 A. I didn't have them, so I would not have been able
11 to give them to her because I didn't have them at that
12 time.

13 Q. And where where were they?

14 A. I don't know, I would imagine either in your
15 possession or Elizabeth Aronson's possession.

16 Q. Well you have stated on September 9th the check
17 books were taken out of the office after Mr. Stein left the
18 office and left you in the office unlocked is that correct?

19 A. Yes.

20 Q. And this is October 3rd. So do you think that
21 after you took the check books that Mr. Stein still had
22 them in his possession?

23 A. I did not personally take the check books, it was
24 Ms. Aronson that took the check books and she continued to
25 have them for sometime after that. So.

26 Q. And she was the tribal general could you please,
27 she was the lawyer for the tribal council?

28 A. And she was signatory to the accounts.

1 Q. (Ditto)?

2 A. Yes.

3 Q. And did [HROERP] [HROERP] said you're the tribal
4 chairwoman can you get those records so we can do a full
5 audit?

6 A. She did not -- she did not ask me for [THARBGS]
7 what I asked her for was an [UFP] to date accounting
8 statement.

9 Q. Was it your understanding that on or about October
10 3 of 2006 the tribe owed 4.9 million dollars?

11 A. To whom.

12 Q. To the various vendors of the casino project
13 including SMDC and Crane Group?

14 Q. All of the funds that would have been owed were
15 pending the actual establishment and up and running of a
16 casino.

17 MR. FORDYCE: Objection nonresponsive [O*]
18 nonresponsive.

19 MR. STEIN: So everybody agreed.

20 THE COURT: Wait wait.

21 MR. FORDYCE: That was nonresponsive it was a yes
22 or no question.

23 THE COURT: Yes or no, did the tribe oh four the
24 9,000,000 to whom, SMDC.

25 MR. STEIN: To vendors of the casino project
26 including SMDC and the Crane Group?

27 A. The tribe did have some debt, yes.

28 Q. So four point \$9,000,000 was the debt as Talley &

1 Company found it?

2 A. Yes the account seemed -- yes that's correct.

3 Q. And there was \$898,000 in the three accounts to
4 pay it?

5 A. Yes.

6 Q. And then did you fill out a declaration, Exhibit
7 72 one if I may have the permission of the court to show
8 the jury, that has the figures on how that \$898,000 was
9 spent.

10 THE COURT: This is a new exhibit.

11 MR. FORDYCE: That's correct Your Honor.

12 THE COURT: Okay so take a look at it, see if you
13 recognize it.

14 MS. IBARRA: What exhibit is it.

15 MR. STEIN: '72 one?

16 A. Okay let me get my glasses.

17 MR. STEIN: Your Honor may I show it to the jury.

18 THE COURT: Let her look at it first.

19 MR. STEIN: Very good?

20 A. This is the declaration? The declaration.

21 Q. BY MR. STEIN: Yes. And if you go to Page 6, you
22 stated under penalty of perjury this is how we spent the
23 money?

24 A. That's Page 8 15 for the Court.

25 THE COURT: Is that your declaration ma'am?

26 A. This is my declaration yes.

27 THE COURT: All right you can put it up.

28 MR. STEIN: All right so Exhibit 72 one,

1 declaration of Virginia Carmelo sworn under penalty of
2 perjury on how \$898,000 was spent. So starting with
3 \$64,000 in one account going to a second account for
4 168,000, this shows how the money was spent, the full
5 898,000, is that your recollection from that declaration
6 you signed under penalty of perjury?

7 A. Are you asking me if this is correct?

8 Q. Yes.

9 A. Yes.

10 Q. And none of that money was spent on the casino
11 project; is that correct?

12 A. Well, No, I wouldn't say so. In order for a
13 casino project to be forward, the tribal council needs to
14 continue to operate and this was operating expenses.

15 Q. Of the tribal council?

16 A. Of the tribal council.

17 Q. And that included paying rent one year in advance?

18 A. Yes.

19 Q. And that included buying \$20,000 worth of postage?

20 A. Yes.

21 Q. And [TKHA] included putting new phones and cell
22 phones in place?

23 A. Yes.

24 Q. And that included a \$300,000 retainer to Sheppard
25 Mullin to represent the tribe?

26 A. Yes.

27 Q. The \$300,000 to represent the tribe, was that in
28 response to Mr. Stein's letter saying let's sit down and

1 mediate this and work this out, you paid them a \$300,000
2 retainer?

3 A. That wasn't in response to that, no. That was
4 in -- well it just wasn't in response to that.

5 Q. It was at the same time though?

6 A. It was at the same time.

7 Q. So at the same time as Mr. Stein is sending you
8 letters saying this is how much I'm owed, let's sit down
9 and talk about it and I'm willing to step aside, you took
10 \$300,000 of money from the [KA*PBLGZ] 898,000 and paid it
11 to Sheppard Mullin to retain their services?

12 A. Yes.

13 Q. What did you expect them to do that would cost
14 \$300,000?

15 A. We didn't expect that it would cost \$300,000 but
16 it seemed visible to put it there just in case. What we
17 expected was for them to help us get our triable membership
18 records back in our own hands where they belonged.

19 Q. And --.

20 THE COURT: So you retained them to try to get the
21 tribal records back?

22 A. Legally yeah, because they weren't being handed
23 over by request.

24 Q. BY MR. STEIN: And in fact weren't the tribal
25 records sent back by Barbara Garcia member by member using
26 member termination letters?

27 A. Not that we know of, we don't know any of that are
28 received the membership records back.

1 Q. You know of no person that received a return of
2 membership forms from Barbara Garcia saying I have enclosed
3 the records and signed by Barbara Garcia?

4 A. Some forms, forms [HRAOEURBG] an application were
5 received but their actual documentations were not.

6 Q. So then Barbara Garcia just basically defrauded
7 everybody, right some she certified that she said I have
8 enclosed the original membership records but then never
9 enclosed them?

10 A. I don't know what Barbara did.

11 Q. Is that your under -- is that what you're saying
12 though that she just defrauded people by saying that she
13 sent them their records back but then never actually sent
14 them?

15 A. No what I'm saying is I don't know of any tribal
16 member who told me they received their documents or tribal
17 records back.

18 Q. I'd like to show you Exhibit 5 58 that has been
19 previously identified and allowed to be shown by the Court.
20 Analysis group invoice, total professional services for
21 10,000, was that paid by any of the \$898,000?

22 A. Well if it's not in this list, no.

23 Q. Can you check the list and see if it's in there?

24 A. No, it's not in there.

25 Q. And so a- pre a- exam company 5,000 and another
26 5,000 is a- pre accompany in there?

27 A. No.

28 Q. So these, you did not in fact pay any of the

1 outstanding invoices construction [TAOUFT]-g the 4.9
2 million dollars for vendors of the casino project; is that
3 correct?

4 A. Correct.

5 Q. And instead you paid expenses in advance by up to
6 one year for the tribal council; is that correct?

7 A. Eventually that's what happened, yes. Not
8 immediately.

9 Q. And you did that all -- you paid all of the
10 \$898,000 except for a small amount, almost all of it within
11 a week of when litigation was filed by Sheppard Mullin on
12 November 2nd; is that correct?

13 A. It was during the same month, I don't know if it
14 was in a week.

15 Q. And why did you do that?

16 A. Well the reason was is that we needed to spend --
17 we need today spend the money in a way that would keep the
18 keep the tribal council operating in the event that we
19 would be involved in litigation.

20 Q. Would this be the litigation that the \$300,000
21 retainer to Sheppard Mullin would pay for?

22 A. Yes.

23 Q. And was in fact the \$898,000 supposed to be used
24 under the Libra agreement only for casino project purposes,
25 not for suing Mr. Stein or running your new offices?

26 A. The intention of the Libra agreement was that the
27 money, the rest of the money would be used to pursue the
28 efforts -- to pursue the tribes efforts to get a casino in

1 the long run. Along the way as things changed, Libra
2 basically told us that we were in charge of spending the
3 money how we saw fit within the parameters of the contract.

4 Q. So they were just peachy keen with the \$900,000
5 being spent in this way?

6 A. They were not as interested in that as interested
7 as they would be in us continuing on in our efforts.

8 Q. Uh-huh. And may I show you another piece of the
9 Talley report, the amounts owed to St. Monica, 20,000,
10 617,000 interest, reimbursables of 232000, monthly fee of
11 one point 59 [#*] 59 million, was any of the money spent
12 for this that?

13 A. This money no.

14 Q. And in fact didn't you spend all of that money in
15 advance because you said oh my goodness they're going to
16 get a writ of attachment so we've got to get rid of this
17 money as fast as we can we'll just prepay all of our
18 expenses for a year?

19 A. No that was had not the thinking of the tribal
20 council.

21 Q. Was a writ of attachment issued?

22 A. Yes and we were very surprised.

23 Q. And did it get the membership records for the
24 Candelaria faction?

25 A. Our group never got our tribal membership records
26 back.

27 Q. So actually now let me [TAEUBLG] a moment now
28 because you haven't been here when we did [TH-RBGS] before

1 now we've used three different terms I'm going to explain
2 them to you and and ask you questions about them is that?

3 A. You have [STKPHRUF] so remember the jury has to
4 make a decision [AOER], so I'm not claim what's right or
5 wrong when using the term h I'm not claiming something that
6 was right and try to fool you have with it, so GT Tribe
7 referred tote voluntary organization that had a contract
8 with SMDC which was performed from 2001 until the split
9 occurred in 2006.

10 THE COURT: So your -- what is your question I
11 guess --.

12 MR. STEIN: I'm going to define the three things
13 and then ask her about each of thieves three questions.

14 THE COURT: Rough suggesting there was testimony
15 to that effect in this trial, are you saying assuming this
16 is true, asking her was eye hypothetical.

17 MR. STEIN: So I'm asking you to assume it's true.

18 THE COURT: It's a hypothetical, just assume what
19 eves telling [SU] true.

20 MR. STEIN: That GT Tribe is the voluntary
21 organization that worked with SMDC from 2001 to 2006 when
22 it split in two in November 2006, is it your understanding
23 that GT Tribe split in into two unequal pieces in November
24 18 and 19 of 2006?

25 A. No that's not my understanding.

26 Q. Tell me what your understanding is?

27 A. My understanding is that in 2001 [-RBGTS] several
28 leaders, family leaders, or tan leader as you would call

1 them, gathered together to unite different groups into one
2 tribe and in 2006 as we entered into -- after entering into
3 the Libra agreement and disputes occurred with you Mr.
4 Stein and the tribal council just backed away from
5 continuing on with you as our CEO and we continued on our
6 way and at some point after that, you recruited the people
7 that had lost the previous election to be first the
8 oversight committee and then a new group of tribal council
9 members I think. So that's my recollection.

10 Q. So once again, in your mind the tribe did not
11 split in two?

12 A. The tribe over many years even you know pre
13 history has always been in group.

14 Q. Forgive me that's nonresponsive I'm going to try
15 to give you a better question, forgive me for giving you Ah
16 bad question?

17 A. Okay.

18 Q. November 18 and 19 do you recall there's a meeting
19 in Elysian Park [RUPBL] by financial oversight committee
20 which included Bernie Acuna and then Linda Candelaria later
21 and a second meeting in Long Beach on November 19th of a
22 group that you belonged to, do you recall that?

23 A. Yes.

24 Q. And you actually attended the first meeting in
25 [HRAOEPBLG] pack for a short time, handed out your fliers
26 and left; is that correct?

27 A. I did -- I did attend -- I was at Elysian Park I
28 did not attend the meeting, I left before it started.

1 Q. And then you attended the entire meeting on
2 November 19th in Long Beach?

3 A. Yes of course, I was one of the organize [ERZ] of
4 the meet [STKPWHR-G] and is it your understanding that
5 [SAFRLT] of those two meetings, the tribe split into two
6 pieces?

7 A. That was not my understanding, no.

8 Q. Very good. Returning to what you said before,
9 saying that it didn't [SPHREUFT] in two pieces, what you
10 said is you guys just continued being the tribal council
11 with no change whatsoever?

12 A. Oh there were major changes but we were still the
13 elected tribal council.

14 Q. What about the 1500 members that opted not to join
15 the Dunlap faction?

16 A. Where do you get that 1500 from, there was -- that
17 was never any kind of a number that was verified.

18 Q. Can we --?

19 A. The numbers that we knew that were possibly two
20 hundreds, possibly.

21 Q. Two up was the numbers that sent blue cards and
22 you're saying yellow cards as well?

23 A. Oh you're talking about our group, okay.

24 Q. 200 people, your group, no?

25 A. No no I'm saying yours.

26 Q. Oh the Candelaria faction had 200 people?

27 A. Yes possibly.

28 Q. And you guys -- or less, or less than that?

1 A. Well --.

2 Q. And you guys had the 1500 people?

3 A. At that point in time?

4 Q. At that point in time. ?

5 A. We were nearing those numbers, I can't give you
6 the exact number but it was over a thousand.

7 Q. Niall can we pull up the membership tables please.

8 MR. FORDYCE: Uh-huh.

9 MS. IBARRA: .

10 MR. STEIN: 2007.

11 MR. FORDYCE: Yeah. 508 is March 2007.

12 MR. STEIN: Into that's the membership list.

13 MR. FORDYCE: Here we go. I'm sorry 517.

14 Q. BY MR. STEIN: As of February 1, 2007, after the
15 split, is it your understanding that the Carmelo and Dunlap
16 group had about 300 members?

17 A. No.

18 Q. How many members do you think the Carmelo and
19 Dunlap group had February 1, 2007?

20 A. What does that have to do with this, this paper
21 paper here.

22 MS. IBARRA: You have haven't asked her to
23 identify it.

24 MR. STEIN: These are membership tables.

25 THE COURT: Does she know what that is, do you
26 know what that is?

27 A. It looks to me that something that was prepared by
28 Jonathan Stein.

1 THE COURT: So that's not membership that you
2 prepared or --?

3 A. No.

4 Q. BY MR. STEIN: And you [TPHEFRD] heard -- and you
5 never got any mailers with membership tables in them?

6 A. We were able to view them, I never received any
7 myself personally, some of the members did and they did
8 show them to me but we --.

9 Q. And membership tables were regularly sent out to
10 members?

11 A. I don't know, not by us.

12 Q. Not by you?

13 A. No.

14 Q. Did you guys -- by the way, did you guys make any
15 government filings? We heard testimony that through the
16 last 10 years you made no government filings for the Dunlap
17 and Carmelo group?

18 A. The Gabrielino-Tongva tribal council has made
19 several -- several document filings I guess, I know one of
20 them is -- we had to file with the IRS, I don't know if
21 that's what you're referring.

22 Q. Do you have a copy of that filing because we heard
23 testimony from your present triable chairwoman that no such
24 filings have ever been made.

25 A. Well, it's possibly not in her administration
26 because we haven't had any other funding so in order to pay
27 IRS we have to have funding and only during my
28 administration did that funding come in.

1 Q. Can you give to the lawyers so that we can see
2 these government filings?

3 A. I didn't bring any documents with me today.

4 Q. Would you be able to give them to her tomorrow?

5 THE COURT: Are you talking about a tax return
6 because those are privileged and she's going -- she's going
7 to have to talk to her counsel.

8 MR. STEIN: That's what I'm saying, can your
9 counsel produce those because we've been told that they
10 don't exist.

11 MS. IBARRA: Can we sidebar by this.

12 THE COURT: Yeah let's do that * * sidebar * *.

13 THE COURT: Ask why are you asking for tax
14 returns, those are privileged, I'm sure you know that quite
15 well Mr. Stein so why are you asking for somebody to
16 produce privileged records? She's admitted that they filed
17 them.

18 MR. STEIN: She said that she file them whereas we
19 heard previous testimony that no such things were filed.

20 THE COURT: They're different talks returns.

21 MR. STEIN: Including files.

22 THE COURT: They're different tax years.

23 MR. STEIN: No no she said ever, goad said ever.

24 THE COURT: How would goad know that she wasn't
25 the triable chief forever.

26 MR. STEIN: She was with them day one and wrote
27 the constitution.

28 THE COURT: Huh need to clarify should she needs

1 to talk to counsel if there's going to be a December of tax
2 returns she can drop that, talk to the lawyers afterwards
3 and drop that like.

4 MR. STEIN: Well Your Honor nothing was meant by
5 it.

6 THE COURT: Maybe not but it was inappropriate,
7 just drop it*.

8 MR. STEIN: Sure * * end sidebar * *.

9 THE COURT: It's break time already, thank you
10 very much ladies and gentlemen it's break time.

11 (Whereupon the jury exits the courtroom.).

12 THE COURT: That's fine.

13 MR. STEIN: Your Honor can we clear 55 four which
14 will be the next document out.

15 THE COURT: To we're at a break right now.

16 MR. STEIN: Very good.

17 (Break taken.) 03:00 PM to 03:15 PM

18 Gabrielino-Tongva Tribe versus Stein BC361307 who wanted to
19 speak.

20 MR. STEIN: (Indicating.).

21 THE COURT: Mr. Stein.

22 MR. STEIN: I just wanted to see, given how short
23 a time that we have and the court is being fair to both
24 sides in this, I have four brief subject areas to cover,
25 the first would include this exhibit 55 four, I was
26 wondering -- this is the meetings, it shows the motion by
27 Virginia Carmelo, I thought we could clear it up before the
28 jury got here so we didn't go through the --.

1 THE COURT: 55 four. It says meeting minutes.

2 MR. STEIN: Yeah, of the Dunlap faction.

3 THE COURT: Wait a minute, this has to do with the
4 malpractice, isn't this something that has to do with the
5 second phase, no that is malpractice of Sheppard Mullin and
6 we're looking at notion motion number one.

7 MS. IBARRA: Motion number one.

8 MR. STEIN: Yeah.

9 THE COURT: Why is that relevant in this.

10 MR. STEIN: They are filing Chapter 11.

11 MS. IBARRA: But they didn't file.

12 MR. STEIN: I'd like to ask her why they did.

13 Once again, this was the idea that this is a new
14 organization, they're going to throw it into Chapter 11.

15 THE COURT: Okay, explain to me using Chapter 11
16 and -- what about Chapter 11.

17 MR. STEIN: They voted, Virginia Carmelo moved and
18 they voted, the Dunlap faction in April 2007, this is after
19 all the money was spend into chapter 11 and sue Sheppard
20 Mullin the same firm they gave \$300,000 for malpractice.

21 THE COURT: How is that relevant to this?

22 MR. STEIN: It's very relevant to the the
23 testimony that the tribe and nothing happened.

24 THE COURT: Yeah everyone says nothing happened.
25 I'm not sure why this is relevant to this portion of the
26 trial.

27 MS. IBARRA: And I'm not even sure it's relevant
28 to the main dispute.

1 THE COURT: I am not sure -- I agree, why is that
2 relevant to the main dispute, I thought malpractice is
3 between against you.

4 MR. STEIN: No it's against Sheppard Mullin.

5 THE COURT: But this lawsuit isn't a malpractice
6 against Sheppard Mullin it's malpractice against you I
7 think you're the Defendant right Mr. Stein.

8 MR. STEIN: Yes.

9 MS. IBARRA: And cross-complainant I believe.

10 THE COURT: And you're also plaintiff in the
11 cross-complaint.

12 MR. STEIN: That's different, that's the liability
13 [-RBLGS] we're just talking about who was the contracting
14 party. So no let's not go into that. What else are you
15 trying to get into because it isn't --.

16 MR. STEIN: Well I'll move -- the other areas are
17 the statement of authority right there.

18 MR. FORDYCE: That's theirs.

19 MR. STEIN: I'd like to ask her the same three
20 questions I asked Sandonne Goad about contracting party,
21 whether they are the contracting party that makes them
22 liability.

23 THE COURT: That's fine [EUBGS] second thing, so
24 one, two and then I'd like to clean up this point about the
25 blue cards, the membership.

26 THE COURT: Okay.

27 MR. STEIN: Just get her further on record on what
28 is very different testimony.

1 THE COURT: Okay that can be done in what 20
2 minutes.

3 MR. STEIN: 20 minutes will be fine.

4 THE COURT: I think you can get that done then. I
5 mean if she answers them accurately.

6 MR. STEIN: That's a good point.

7 THE COURT: I have mean if she goes on it may take
8 a little bit longer but if she was forthright and if she's
9 not I'll give you have a little more time.

10 MR. STEIN: Great, sounds fine and we've taken 55
11 four off the screen.

12 THE COURT: This we're taking off the screen too,
13 right.

14 MR. STEIN: No this is actually what I'm going to
15 be continuing to ask her about.

16 THE COURT: Well the problem is she doesn't have a
17 foundation for that, this is created by you or your people,
18 right she doesn't know who [KRAOES] [KWRAEUT]-d with it.

19 MR. STEIN: Well she's disagreeing with it, so I'd
20 like to give her ample opportunity for you to disagree with
21 it.

22 THE COURT: Well why don't you preface it with who
23 created why don't you give manometer a foundation for it
24 and she might be able to decide how to respond but she has
25 no, this is your document that you have create [H-D] right,
26 she seemed to recognize it, she already recognized it.

27 MS. IBARRA: She said it's [WHAOF] she thought it
28 was.

1 MR. FORDYCE: Your Honor that's being said that's
2 all well and good it may be create bid Candelaria faction
3 but the numbers she can speak to.

4 THE COURT: Did she calculate [STPHA].

5 MR. STEIN: Into into [THO] she's reacting to it
6 she's saying this is dead wrong and I'd like to hear her
7 say that a little bit more.

8 THE COURT: Well let's bring her in and I'll make
9 sure she understands what it is.

10 MR. STEIN: I'll lay a foundation.

11 THE COURT: Why don't you make sure she understand
12 what it is.

13 MR. STEIN: She already understands, but let me do
14 a better job of it.

15 THE COURT: No. You help her understand who
16 created it and ask her a question, otherwise has no basis
17 and you can stop asking questions.

18 MR. STEIN: Sure.

19 THE COURT: Yes bring them in.

20 (Whereupon the jury enters the courtroom.).

21 THE COURT: Gabrielino-Tongva Tribe versus
22 Jonathan Stein BC361307. Okay so Mr. Stein is going to
23 tell you a little bit -- well, he's going to testify as to
24 how this document was created and then he's going to ask
25 you some questions about it?

26 A. Okay.

27 Q. BY MR. STEIN: Ms. Carmelo, this is a document
28 created by Candelaria faction, you can see Bernie Acuna

1 there, Linda Candelaria there, Steve Johnson, the tribes
2 controller there, Barbara Garcia the tribal administrator,
3 there's Mr. Stein and there are the two tribal council
4 people that would be elected, Martha Gonzalez and Laurie
5 Salse in election that's were held about a month later.
6 Now do you understand who created these membership tables
7 at this point?

8 A. What I'm understanding you're telling me that they
9 created them --

10 Q. That's correct?

11 A. -- this table.

12 Q. Yes. . I understand that?

13 A. I understand that's what you're telling me.

14 Q. Thank you, I'm just trying to -- and then do you
15 understand that in the Linda Candelaria -- in the
16 Candelaria faction's view that they had about 1200 -- a
17 little over 1300 members right there, sorry a little over
18 1400 members right there, 1300; is that correct?

19 A. That's what that document states.

20 Q. And it says the Carmelo and Dunlap group had about
21 186 members right there. Now do you agree with those
22 numbers?

23 A. Absolutely not.

24 Q. And the 186 would not be reflective of
25 approximately 230 blue cards that had been received a
26 little bit earlier where you were created with 300 members.
27 How many blue cards were there, blue cards and yellow
28 cards?

1 A. You know we just gave them to the membership, I
2 don't know how many we distributed.

3 Q. But you kept --?

4 A. And we only distributed them to family heads so
5 for instance if there was a father with three children that
6 father only got one card so how many I don't know how many
7 we distributed, we never took count of that.

8 Q. You said it was your understanding that about a
9 thousand people or more were in part of the Dunlap faction
10 after November 18 and 19 h in other words whether --
11 regardless of whether the tribe split, your view is you had
12 over a thousand people with you?

13 A. As of November of 2006.

14 Q. Right.

15 A. That's what we're talking about? I would -- I
16 would say a safe estimate was around a thousand.

17 Q. Exam then as of March of 2007, would that estimate
18 be about a thousand as well as of March 1, 2007?

19 A. I recollect that we were growing in numbers and it
20 was in increments sometimes of 30, 50, 80 members.

21 Q. So you would take the thousand from November and
22 then you'd add increments of 30 or 50 or more through March
23 of 2007 it would be well over a thousand?

24 A. I don't have that recollection in my head but I
25 now it was around a thousand, I can't give you Ah specific
26 number today.

27 Q. If I can ask something that happens in court,
28 maybe it doesn't happen too much out of court but do you

1 know this woman?

2 A. Yes.

3 Q. And you were a tribal --.

4 THE COURT: Wait a minute, identifying.

5 MR. STEIN: [SA*PBD] goad?

6 A. Yes.

7 Q. And she's tribal council chairwoman before?

8 A. Yes.

9 Q. And [URB] [TRAO*EUFPL] chairwoman before?

10 A. Right.

11 Q. And while you were tribal chairwoman Sandonne Goad
12 helped to got the Dunlap faction constitution?

13 A. She helped a- [TKOPBS] the Gabrielino-Tongva Tribe
14 constitution.

15 Q. And she helped adopt the citizenship act of the
16 Dunlap faction?

17 A. She helped adopt the citizenship act of the
18 Gabrielino tribe.

19 Q. So would she be aware of the number of members
20 that were set [SEPBZ] of the Dunlap faction?

21 A. When?

22 Q. From the -- from after -- from March 1, 2007?

23 A. No she wouldn't be aware of the specific number,
24 I'm sure if she attended a meeting she could see there was
25 whatever number was there, 300 but no particular person at
26 the tribe would be aware of any specific number.

27 Q. Why wouldn't any specific person of the Dunlap
28 faction after November of 2006 be aware of any specific

1 number?

2 A. Know the numbers were constantly changing, they
3 were constantly growing and it wasn't the kind of
4 information that was divulged, nobody ever said how many
5 are we [TKOD] today, you know we just kept --.

6 Q. Did you have any member records?

7 A. We did, we were establishing them at that time,
8 reestablishing them.

9 Q. I see. And did you count them, did you count the
10 membership records and say this is how many members we
11 have?

12 A. You know I didn't specifically do that myself,
13 there were administrators that were doing that, I don't
14 know that they counted them but they were organizing them
15 and managing did them and filing them.

16 Q. And that's one of the reasons that you feel
17 confident to say we had a least a thousand people?

18 A. Yes.

19 Q. And then would it surprise you if Sandonne Goad
20 testified that a cord-g to her very extensive citizenship
21 records and her very extensive citizenship applications and
22 very extensive citizenship act that in two [#*] 2012 you
23 had 271 members?

24 A. That doesn't surprise me.

25 Q. Why not?

26 A. Because the requirements changed from 2007 to
27 2012.

28 Q. [Thou Thousand] did they change [TPH-FRPBLT] 2007,

1 members were self identifying, basically if they said I'm
2 Gabrielino they were Gabrielino, we understood that there
3 was a process that going to take place and at some point in
4 time there would be more specific verification of their
5 genealogy, I think that during when Ms. Goad took office
6 that that change took place.

7 Q. Was one of the problems of the split that you were
8 a Class C member without BIA documentation and that you
9 [con|could not] produce the Class B documentation to win a
10 second election at the GT Tribe.

11 MS. IBARRA: Objection lacks foundation.

12 THE COURT: Let let me hear the question again.

13 MS. IBARRA: Facts not evidence.

14 THE COURT: Let me hear the question [TKPW*E]
15 again.

16 (Record read.).

17 THE COURT: It's unintelligible, I'm not sure --
18 make you can break that down.

19 MR. STEIN: Let me break that down to sections, so
20 you have --.

21 THE COURT: You -- her individually.

22 MR. STEIN: That's right.

23 THE COURT: Okay.

24 Q. BY MR. STEIN: Do you individually have blood
25 quantum certificate documentation?

26 A. I do.

27 Q. Very good. And can I ask you, did your group
28 file -- we're changing topics now?

1 A. Okay.

2 Q. So accepting your answer, statement of
3 unincorporated association.

4 THE COURT: You're referring to what exhibit, does
5 this have a mark on it.

6 MR. STEIN: No, it doesn't.

7 MR. FORDYCE: Plaintiffs 107 I believe.

8 MS. IBARRA: 107.

9 MR. STEIN: Plaintiffs 107 it's a blowup of
10 statement of unincorporated association, filed by GT Tribe
11 and Linda Candelaria. Did your group file anything
12 similar?

13 A. No.

14 Q. Did your group file any documentation with the
15 state fair political practices commission for registered
16 lobbying in Sacramento?

17 A. I don't remember.

18 Q. Did your group file any documentation for lobbying
19 with the department of interior in the federal government?

20 A. I don't remember.

21 Q. And you didn't file one of -- did you find out
22 about this early on?

23 A. We did find out about that later after December,
24 yeah.

25 Q. Did you say hey that's us what are they doing?

26 A. We knew it wasn't us. Obviously it's signed by
27 Linda Candelaria.

28 Q. So Gabrielino-Tongva Tribe a California Indian

1 trial date tribe historically known as San Gabriel band of
2 behind Indians, that's not your voluntary organization?

3 A. We are a tribe not a voluntary organization, we
4 could comfortably use that title, we are the Gabrielino
5 tribe of California and we were formerly knowns as San
6 Gabriel band of Mission Indians.

7 Q. So it's your testimony that the voluntary
8 organization of which you are a member of now is not an
9 unincorporated association?

10 A. We are a tribe and we're not a voluntary -- what
11 did you call it.

12 Q. Organization?

13 A. Organization.

14 Q. And you're not an unincorporated association?

15 A. No.

16 Q. And you are a tribal nation would that come
17 closer?

18 A. All of them come close, we're a bond, we're a
19 tribe, we're an indigenous group.

20 Q. But not an unincorporated association?

21 A. No.

22 Q. And you are not this one that filed this
23 document?

24 A. No.

25 Q. And you wouldn't file a document, anything like
26 this even if it's required by the Corporations Code because
27 you're not an unincorporated association.

28 MS. IBARRA: Objection misstates law.

1 MR. STEIN: It says right here Corporations Code.

2 THE COURT: Sustained, she wouldn't know that
3 anyway.

4 MR. STEIN: Let me try to rephrase, forgive me,
5 forgive me.

6 Q. And you wouldn't want to file anything that said
7 you were an unincorporated association?

8 A. I would not.

9 Q. Can we see -- can we go very quickly exhibit,
10 original compliant, Niall and then the fourth amended
11 complaint after that.

12 MR. FORDYCE: Yep, I believe it's 526 and 541 but
13 let me just check.

14 THE COURT: I think those have already been
15 referred to I have think.

16 MR. FORDYCE: They have they both have.

17 MR. STEIN: No 541 is not correct, the original
18 complaint.

19 MR. FORDYCE: The fourth amended complaint is 526.

20 MR. STEIN: And the original compliant.

21 MR. FORDYCE: Is 555.

22 Q. BY MR. STEIN: So you do recall that a complaint
23 was filed against SMDC and Mr. Stein by your -- by your
24 group Gabrielino slash Tongva Tribe on November 2nd do you
25 understand that?

26 A. Yes.

27 Q. And the Paragraph 1, the last section says the
28 tribe is an unincorporated association. Is it your

1 understanding that the voluntary organization that you have
2 been tribal chairwoman of since the meeting November 2006
3 is a tribal nation, not an unincorporated association?

4 A. Could you state the question again and how does it
5 refer to this.

6 Q. Well I'm now -- I'm now at -- the first amended
7 complaint said the unincorporated association?

8 A. Uh-huh.

9 Q. And then we're now at the most recent complaint
10 which is the fourth amended complaint that says tribal
11 nation and you said that tribal nation comes close and this
12 is from 2000 --?

13 A. Comes close to what, what are you referring to?

14 Q. You said that you are a tribe?

15 A. We are a tribe.

16 Q. Okay. Very good. And then I'd like to ask you
17 three questions that I asked of Sandonne Goad, goad I'm
18 sorry my miss pronunciation. And you don't understand the
19 question please say I don't understand and I'll break it
20 down. So the first question is, do you understand that if
21 you are the contracting party with SMDC that you may you
22 may be -- that your voluntary organization may be found
23 liable for amounts agreed by the Candelaria faction, the
24 same amounts under the SMDC agreement.

25 MS. IBARRA: I'm going to object that it misstates
26 [THARBGS] it still misstates any basis of liability.

27 THE COURT: Well you used the word voluntary
28 association.

1 MR. STEIN: Forgive me.

2 THE COURT: So maybe you can change the wording.

3 Q. BY MR. STEIN: Do you understand that -- first of
4 all, let me back up a second, once again. Are you claiming
5 that the group that you belong to today is the contracting
6 party with SMDC?

7 A. The SMDC agreement was already in place when I
8 came on board with the tribe as a tribal council person so
9 yes, we were part of the agreement.

10 Q. Okay. So -- and that's the group that you are a
11 member of today?

12 A. Yes.

13 Q. And do you understand that if that is your point
14 of view that you may be held liable for the amounts owed
15 under the SMDC agreement?

16 A. That was already determined in the last court
17 case, we are not liable, no individual tribal council
18 member is held liable.

19 Q. Right I understand that.

20 MR. FORDYCE: .

21 MR. FORDYCE: .

22 THE COURT: Individuals.

23 MR. STEIN: But I'm talking about.

24 THE COURT: Hold on counsel, you're talking about
25 a trial that concerned the individual tribal council
26 members?

27 A. And the tribe also.

28 THE COURT: Well the tribe is different but the

1 individual?

2 A. Correct.

3 THE COURT: Those are were resolved?

4 A. Yes.

5 THE COURT: Bull you're asking about the tribe now
6 right.

7 MR. STEIN: Yes.

8 THE COURT: So he's not asking about the
9 individual tribal members he's asking about the tribe, your
10 group?

11 A. Well he did say individual but I'm under the
12 impression that all of that has already been determined
13 from the last court case.

14 THE COURT: No that's why we're here h different
15 case?

16 A. Okay.

17 Q. BY MR. STEIN: So is it your understanding is that
18 there's already been a court case where the organization,
19 the tribal nation, GT Tribe that you're a member of today
20 is not liable for anything?

21 A. Is that my understanding.

22 Q. Yeah.

23 A. At this point.

24 Q. Yeah.

25 A. Yes.

26 Q. And it's based on that understanding that you're
27 saying that your organization, your tribal nation, your GT
28 Tribe, the organization, is the contracting party with

1 SMDC?

2 A. They were the contracting party with SMDC.

3 Q. And they were found they didn't oh a penny?

4 A. I believe so, yes.

5 Q. I don't have any further questions.

6 THE COURT: Counsel there was a prior trial,
7 right.

8 MS. IBARRA: So the prior trial I will represent
9 was against the individuals tribal council members
10 including Ms. Carmelo Mr. Alcalá [STK-FS] [PREPLTD] he'd
11 [PROEUPL] [HRAOEF] on liability on [TKPW*] GT.

12 MR. STEIN: Your Honor is this something that
13 should be heard.

14 THE COURT: Well you're suggesting.

15 MR. STEIN: She's giving testimony.

16 THE COURT: Hold on there's a suggestion that
17 somehow there was a trial that concerned the tribe, the
18 trial that occurred prior concerned the individuals so you
19 know perhaps there's some error in this regard so --.

20 MS. IBARRA: It was -- the claims against by Mr.
21 Stein against the individual Defendants were a flawed lent
22 [con|could not] [SRAEUPBGS] and it was partly premised on
23 the idea that they stole on this money from GT Tribe and
24 used it to set up a separate organization called GT nation.

25 MR. STEIN: Your Honor we have had a specific
26 ruling of the court regarding this we should be at sidebar
27 discussing this and not having testimony from Ms. Ibarra
28 this is testimony from Mr. I object that have all right.

1 THE COURT: Well overruled, sit down sit down.

2 MR. STEIN: Very good.

3 THE COURT: I [WAUFRPLT] under to make clear there
4 was a trial that concerned the individuals that's over.

5 MR. STEIN: Right.

6 THE COURT: This is the trial concerning the
7 group, okay?

8 A. (Nods head.).

9 THE COURT: All right. Now that she understands
10 that, may I try the three questions again.

11 THE COURT: No just go on to the next question.

12 MR. STEIN: Exhibit 569 I'll show you exhibit 569,
13 what make would I find respiratory 37 on Niall. I'll race
14 you there.

15 Q. Is that your signature on for going Resolution 46?

16 A. Well I can't say that it's 46 yes that's my
17 signature.

18 Q. Let's go see what it is. Resolution 46, approval
19 of 20 [#*] 2003 amendments to the SMDC agreement with GT
20 Tribe, do you see that?

21 A. Okay yes.

22 Q. And then had you signed saying yes I approve this
23 resolution and the resolution goes through how Resolution
24 10 had occurred, how Resolution 17 had occurred, how
25 respiratory 37 occurred and whereas the tribe satisfied
26 with the agreement and by this resolution seems to approve
27 and ratify it once again, so you signed a resolution that
28 said you approve and are the in a again and recognize over

1 28 months of satisfactory performance by the developer, by
2 SMDC, do you see where that says that?

3 A. Yes I see that.

4 Q. And is that the resolution that you signed?

5 A. Yes.

6 THE COURT: Well was it signed, I'm sorry.

7 MR. STEIN: Virginia Carmelo.

8 THE COURT: No when.

9 MR. STEIN: September 28, 2003.

10 THE COURT: Thank you.

11 Q. BY MR. STEIN: And in this resolution, does it
12 also say that seven \$25,000 is owed and approved as an
13 amount owed on that date?

14 A. Yes.

15 Q. In light of your agreement that seven \$25,000 is
16 owed and now that your understanding is that it hasn't been
17 determined that the tribe owes no money to SMDC, do you
18 still feel that GT Tribe is a contracting party with SMDC?

19 A. [TKOEU] still feel that --.

20 Q. The tribal nation?

21 A. Our tribe.

22 Q. That your tribe?

23 A. Yes.

24 Q. The organization that you are part of today?

25 A. Uh-huh.

26 Q. Is a contracting party with SMDC?

27 A. Was, yes, yes, we were the contracting party.

28 Q. You were, okay?

1 A. Yes.

2 Q. And do you feel that no money is owed to SMDC?

3 A. The terms of that contract were that the money
4 would be paid at the time when a casino was up and running
5 and that has never occurred to this date. So it is my
6 understanding that no money is due until if and when that
7 would happen, if that contract were still in place.

8 Q. And is that why your organization never paid a
9 dime to SMDC?

10 A. I'm sorry, when we received the investor funds
11 SMDC was paid.

12 Q. Sure, sure.

13 A. For that --.

14 Q. But you're saying?

15 A. By the -- go forgive [TPH*E] please?

16 A. By the budget that had been developed and
17 approved.

18 Q. So SMDC was paid?

19 A. Oh yes.

20 Q. But now you're saying that SMDC doesn't get paid
21 until the casino comes?

22 A. They don't get paid anything back and that would
23 have been back like from that starting point of when the
24 contract was in place, there was a forward going budget
25 that was in place to promote the efforts of the tribe for
26 federal recognition and to develop and open a casino.
27 Everything that was before that date, any funds that had
28 been accumulated or debts, the agreement was that they

1 would -- anything previous would not be paid until a casino
2 was open.

3 THE COURT: All right thank you. Any redirect.

4 MS. IBARRA: Actually no I think we're okay.

5 THE COURT: Thank you, ma'am. You may step down.
6 Do you want to call your next witness.

7 MS. IBARRA: Yes Mr. Polanco.

8 THE COURT: Come forward stand behind the court
9 reporter to my left. Face the clerk to my right.

10 THE CLERK: Please raise your right hand * *
11 state, so help you God * *.

12 A. Yes, I do.

13 THE CLERK: Thank you sir you may have a seat.
14 Sir can you please state and spell your first and last
15 name?

16 A. Richard Garcia Polanco, r i c h a r d, p o l a n c o
17 .

18 THE CLERK: Thank you.

19 THE COURT: Garcia, g a r c i a ?

20 A. Garcia yes Your Honor.

21 THE COURT: Thank you you may begin.

22 MS. IBARRA: Thank you.

23 Q. BY MS. IBARRA: Mr. Polanco can you tell me how
24 you first gotten [TKPWAEUPBLGD] with the Gabrielino-Tongva
25 Tribe?

26 A. I was contacted by Jonathan Stein by phone, we
27 arranged to meet a later date, we met I believe at the
28 Pacific dining car.

1 Q. What date was this?

2 A. I believe it would be around -- I'm not quite sure
3 if it was 2004 and I say that because in 2004 is when there
4 is a resolution that is passed by the council on [PREUPS]
5 [P-LZ] that Jonathan Stein and I had talked about, followed
6 up the actual agreement I believe a month later, 2004.

7 Q. And what was the terms of your engagement?

8 A. It was -- there was a percentage, a quarter
9 percent of incentives, there was --.

10 Q. What do you mean a quarter percent of incentive
11 tiffs?

12 A. The gaming revenue which is what we've come to
13 learn that pretty much the standard that Jonathan Stein had
14 negotiated and put into the agreements so it's a quarter
15 percent of revenue from the net loss -- yes, the net loss
16 on the slot machine.

17 Q. Let's step back a little bit. What services were
18 you engaged to provide the tribe?

19 A. Both consulting and political lobbying.

20 Q. So you were a consultant and a lobbyist?

21 A. That's correct.

22 Q. And did you -- and did you get any monthly
23 payments?

24 A. Yes, I did.

25 Q. But so at this point the tribe doesn't have any
26 funds correct?

27 A. That's correct.

28 Q. So you weren't actually getting paid?

1 A. I was getting paid through Jonathan Stein.

2 Q. So Jonathan Stein would pay you -- would pay you
3 directly?

4 A. Several of the canceled checks came from his I
5 believe law office, then later when investment money did
6 come in, it was coming from the tribes accounts.

7 Q. Okay. Once they had Libra investor funds?

8 A. That's correct.

9 Q. So you were getting a monthly and then you also
10 had this percentage interest in casino revenue from slot
11 machines?

12 A. Correct.

13 Q. Okay. And did you -- did you -- so did you meet
14 anybody other than Mr. Stein at that point?

15 A. No. I met absolutely no one else, all the contact
16 was through Mr. Stein.

17 Q. And were you lobbying in Sacramento and in Los
18 Angeles, where --?

19 A. Only in the Sacramento area, the lobbying
20 activity, consulting here local Lee with regard to some
21 potential sides for consideration.

22 Q. Were you lobbying federally?

23 A. No.

24 Q. So only in Sacramento. And then so you don't have
25 any communication with the rest of the tribal council?

26 A. No, none at all. In fact when I asked Jonathan
27 Stein about the possibility of I presenting myself to the
28 council, his comments were don't worry about it, they do

1 anything and everything I ask them to do.

2 Q. So this is in 2004, at a certain point you become
3 engaged as this -- you replace Mr. Stein, right as the
4 development officer?

5 A. Not in 2004.

6 Q. Oh I'm sorry. ?

7 A. Yeah. But another important event occurs in 2004.

8 MR. STEIN: Objection nonresponsive.

9 THE COURT: Sustained.

10 Q. BY MS. IBARRA: Can you tell me about what other
11 event happened in 2004?

12 A. Yes. Former member duplicity, former member Frank
13 him and myself send Mr. Stein a letter resigning as
14 lobbyists.

15 Q. Oh I see. So there were -- so you were not the
16 only Sacramento lobbyist that was being engaged?

17 A. That's correct.

18 Q. So you mentioned these other people, were there
19 others?

20 A. Later after Jonathan had been terminated and/or
21 resigned, he enlisted others to engage or to continue to
22 engage so yes to your question were there others yes, there
23 were others.

24 Q. But you're talking about people who are engaged
25 after he resigned?

26 A. That's correct.

27 Q. But before he resigned, there was just --?

28 A. Myself I believe it was, bill duplicity, Frank

1 hill, I believe there may have been two others who name
2 escapes me at this point in time.

3 Q. Were you guys all working together or
4 individually?

5 A. We were working together, especially due [PHREUFS]
6 see, myself and Frank hill.

7 Q. So you were going to tell me why you resigned from
8 your lobbying position?

9 A. We resigned and sent a letter on the letterhead of
10 duplicity and [KHRAOEUPB], signed by three of [HUFS]
11 because Jonathan Stein continued to make representations
12 before members of the legislature in the same course of
13 public policy conversation, he was talking about political
14 contributions, which is something you do not do. We met
15 with him in person, the three of us in Burbank and he
16 continued to do the same and so we decide today send the
17 letter of resigning. The letter was addressed to Jonathan
18 at his law offices at 50 one Santa Monica Boulevard.

19 Q. And what was the time frame of this?

20 A. 2000 --.

21 MR. STEIN: Objection relevance.

22 THE COURT: Overruled?

23 A. So it would be -- it would be in 2004, I would
24 want to say June, around June, so yes, around June 2004.

25 Q. BY MS. IBARRA: Did you want to clarify that?

26 A. Yes let me clarify that. So the resolution comes
27 in in March of 2000 -- it's in 2005 when we resign.

28 Q. So you --?

1 A. If I'm not mistaking the year but there is a
2 letter that I signed.

3 Q. So you are lobbying for the tribe for about a year
4 and what was the substance of your lobbying?

5 A. Both an introduction to the members, the
6 Gabrielino history and story is probably one [S-FRT] best
7 kept secrets, they are the indigenous group to the Los
8 Angeles basin and so we were doing a lot of meet and great
9 and we participated in advocating the concept on behalf of
10 the tribe of the possibility of gaming without a federal
11 recognition.

12 Q. So you're actually engaged in the project of
13 gaming for a California recognized tribe without federal
14 recognition?

15 A. We -- the answer is yes. .

16 Q. Okay so --?

17 A. For a period of time.

18 Q. So then you [R*E] sign, how did you make your way
19 back to the tribe?

20 A. I received a phone call from Sam who asked me to
21 please reconsider.

22 Q. And by Sam had you mean Mr. Sam Dunlap?

23 A. That's correct. He asked me to reconsider. He
24 indicated that they would have conversation with Jonathan
25 regarding him advocating public policy and political
26 contributions.

27 Q. At this point had you met Mr. Dunlap?

28 A. I believe I had, yes, as a result of lobbying

1 in -- I'm not sure, let me backtrack. Let me see if I
2 could -- I may have met him through trips that were being
3 made to Sacramento.

4 Q. By the tribal council?

5 A. By the tribal council.

6 Q. And so what's the time frame for this?

7 A. If -- my agreement was in April of 2004, we were
8 making the trips then, 2005, June is when we resign and
9 then continue on until October 3rd when Stein is either
10 resigned or terminated at which point in time the tribal
11 council offers me the position of CEO.

12 Q. So you met -- had you said huh probably met Mr.
13 Dunlap, have you met anybody else at the tribal council at
14 this point?

15 A. I believe at that time I had, we spent a couple of
16 days up in [S*BG] meeting members. I believe Shirley might
17 have been -- Shirley Machado might have been on a couple of
18 the tour, of the visits, I'm not sure if Adam was, I
19 believe Virginia might have been, I don't recall but I
20 think she was. And so there was a group of at least three
21 to four council members attending some of these meetings.

22 Q. Just for background because I didn't ask you we've
23 seen your name a lot. But ask you explain obviously our Ah
24 lobbyist and what's your back grouped?

25 A. I served 16 years in the California legislature, I
26 served eight in the assembly, eight in the senate, my last
27 four years in the senate I serve as at senate majority
28 leader. Prior to that I worked for assemblyman Richard Al

1 story, I worked in Jerry brown as his first administration,
2 supervised [ET] [-L] man when he was first elected.

3 Q. Okay good. So you weren't involved in this
4 dispute between the tribal council and Mr. Stein?

5 A. I was not involved in the dispute, I was brought
6 in to the dispute when Jonathan Stein decide to sue me.

7 Q. But you were -- you were brought in to replace
8 him?

9 A. That is correct.

10 Q. Can you describe those events then?

11 A. I was invited to a meeting at Libra Securities, I
12 attended, I was invite today give a legislative update.

13 Q. Is this before they asked to you replace him or
14 after?

15 A. I was offered after. I had left and stepped into
16 a different room which they asked me to do.

17 Q. I'm sorry, let step back and talk about the time
18 frame. So this is --?

19 A. October the 3rd.

20 THE COURT: Wait a minute, let her finish because
21 you're talking cross purposes right knew no [S-RB]?

22 A. Okay.

23 MS. IBARRA: So let's just establish the time
24 frame, so you're engaged as a political consultant,
25 lobbyist, at a certain point what time frame did you get a
26 phone call from Mr. Dunlap, was it a phone call from Mr.
27 Dunlap that you got?

28 A. Yes, it was after -- let me clarify, is it -- I

1 got a phone [TKAUL] and an invitation from Dunlap to attend
2 the October 3rd meeting that took place in Libra Securities
3 offices.

4 Q. Did he -- during that phone call did he already
5 invite to you replace there Stein?

6 A. No.

7 Q. Or no?

8 A. No no.

9 Q. So you show up -- do you know why you're showing
10 up to a meeting with Libra Securities?

11 A. I'm showing up to give a legislative update.

12 Q. So Libra?

13 A. To Libra.

14 Q. Okay. So you show up to this October 3rd meeting
15 and what happens -- who's at the meeting, first of all
16 October 3rd at Libra Securities?

17 A. Jess Ravitch, I believe their attorney, some
18 council members.

19 Q. From tribal council members?

20 A. Tribal council members, I'm not sure if Marilyn
21 Barrett was there but she might have been, I'm not sure.
22 And those are the individuals.

23 Q. And Marilyn Barrett is the attorney who helped
24 negotiate the Libra agreement on behalf of the tribe?

25 A. That's correct.

26 Q. And Mr. Stein was not there?

27 A. No Mr. Stein was not there but waiting outside in
28 the lobby area. In other words he was not in that

1 particular meeting.

2 Q. Did it -- so did you burr eyeing saying that most
3 of your communication had been with Mr. Stein, so did it
4 surprise you that he wasn't at this meeting?

5 A. Yeah it would surprise me that he would not be
6 attending.

7 Q. Did you know why he wasn't there?

8 A. I don't know the reason other than he was not
9 invited.

10 Q. Okay. So what happened at the meeting?

11 A. I gave my legislative report.

12 Q. Okay?

13 A. And then was asked to leave the room and I did.

14 Q. And then did they bring you back?

15 A. Then they brought me back.

16 Q. And what did they say?

17 A. And they asked if I would be interested in
18 assuming the position in replacing Jonathan Stein.

19 Q. Did you ask what had happened to Mr. Stein?

20 A. I believe by then -- September -- there had been
21 just an elevation of difficulty between Jonathan Stein and
22 the council.

23 Q. Were you aware of that?

24 A. I was aware in that Jonathan Stein sent me an
25 e-mail at the height of I think what was developing and
26 said are you going to interfere with my contract and I
27 didn't respond to it because I just didn't respond to it.

28 Q. Okay. So I want to focus more on the dispute

1 between the tribe and between Stein and how that developed.
2 So you weren't there, by the time you get there they're
3 already replacing Mr. Stein?

4 A. I would think that -- I would think that the
5 discussion is taking place already about replacing Mr.
6 Stein because of the activities that were mounting prior to
7 the October 3rd.

8 Q. Did you have any hesitations about taking over in
9 the midst of what [STAOEPLD] leak a chaotic situation?

10 A. I don't -- I believe I said let me give it some
11 thought and get back and then I think I had the
12 conversation with Sam.

13 Q. So during this time, there's allegation that's
14 there's records that are kept by the law offices of
15 Jonathan Stein, what was your role in trying to get them
16 back [-FRBGS] my role in trying to get them back were
17 several?

18 Q. Okay.

19 A. One, I created the blue card that was sent to the
20 attention of Jonathan Stein with his state bar that was
21 requesting the return of the individuals documents. There
22 was a second card that I created on behalf of the tribal
23 council that asked for the information to be turned or
24 returned to the tribal offices attention to individual
25 [SREURPL] if I'm not mistaken and then.

26 Q. Was that -- oh I'm sorry was that blue or yellow?

27 A. I'm not sure, it might have been yellow if okay.

28 A. The blue was different, the the bluff was real

1 clear, three sentences, you are no longer associated with
2 the tribe h please return my documents with a signature
3 line on them. Then there was -- then there was another
4 that was a card that was sent to the tribal office which
5 was to express support for the tribal council. So there
6 were three.

7 Q. Okay. When you left, you didn't accept the
8 appointment -- yeah you have didn't accept the appointment
9 for replacement for Mr. Stein during the meeting with Libra
10 right?

11 A. Correct.

12 Q. Was it [TKWRUR] impression that Libra was
13 consenting to this?

14 A. It was.

15 Q. What gave you that impression?

16 A. I think that everything that was -- that had
17 occurred and maybe it's an assumption and not an
18 impression, I assumed it was taking place and it's not
19 until I think October 11th that I'm officially given a
20 contractual -- entry for a contractual relationship.

21 Q. But they asked that you replace him, was that done
22 in the presence of Jess Ravitch and Sammy Li?

23 A. I don't believe so. I believe it was done -- I
24 don't believe so, no.

25 Q. It was done in their offices but not in their
26 presence?

27 A. That's correct.

28 Q. You said Mr. Stein was in -- was also there?

1 A. Yes.

2 Q. But he wasn't in the meeting?

3 A. Correct.

4 Q. How did you know that he was present in the
5 offices?

6 A. There was a glass door -- the conference room had
7 a glass wall and he was waiting in the lobby.

8 Q. Did you interact with him?

9 A. No.

10 Q. Did you witness him interacting with anybody else?

11 A. I can't recall.

12 Q. Do you know if he was there because he wanted to
13 be in the meeting that you were in?

14 A. I don't know that. I can only assume that he was
15 there to want to prevent or try to regain his reentry into
16 the position of CEO and I would assume that would be it.

17 Q. So he was -- but you were -- your impression was
18 he was there inform meet with Libra not to meet with the
19 tribal council.

20 MR. STEIN: Objection facts not in evidence.

21 THE COURT: Overruled she's asking, is that your
22 impression.

23 MR. STEIN: Objection speculation.

24 THE COURT: Overruled. You may answer?

25 A. Please restate the question.

26 Q. BY MS. IBARRA: So was it your impression that he
27 was waiting in the Libra lobby offices to meet with Libra?

28 A. Yes.

1 Q. But other than that, you don't know?

2 A. Other than that I don't know.

3 Q. So you create the blue cards?

4 A. Correct.

5 Q. Do you also manage the outside attorneys and I'm
6 speaking about Sheppard Mullin?

7 A. Yes.

8 Q. So were they engaged before or after you came on
9 board?

10 A. I believe they were engaged after I came offer
11 board. Jeffer Mangels I believe were before Sheppard
12 Mullin.

13 Q. So did you handle the engagement of Sheppard
14 Mullin if you handled the engagement of also Jeffer
15 Mangels?

16 A. I believe that Jeffer -- Jeffer -- yes the firm
17 Jeffer Mangels came in for the Santa Monica case. Jonathan
18 Stein I believe had sued in Santa Monica at the same time
19 when he -- the tribe was filing here and so I did not
20 manage per se that activity with the law firm of Jeffer
21 Mangels.

22 Q. So who on behalf of the tribal council was
23 managing the law firm that was representing the tribe when
24 you're engaged in litigation with Stein?

25 A. When we're engaged in litigation, the Sheppard
26 Mullin, I'm very much involved, I'm not the CEO at the time
27 of the --

28 Q. But you were sued though, you were sued in this

1 action.

2 MR. STEIN: Objection it's interfering with the
3 witness' testimony.

4 THE COURT: Are you finished with your answer?

5 A. I was sued at --.

6 THE COURT: Wait?

7 A. I'm sorry.

8 THE COURT: Were you finished with your answer?

9 A. Please repeat the question.

10 MS. IBARRA: Can you read the last question I

11 [SKW].

12 THE COURT: You may.

13 MS. IBARRA: Contract.

14 (Record read.)?

15 A. Who was managing the in was --.

16 THE COURT: Who was managing shepherd?

17 A. That's where I'm confused.

18 THE COURT: Re-ask your question or break it down
19 maybe.

20 MS. IBARRA: Or maybe let backup.

21 Q. So you became engaged and you said the resolution
22 adopting you in [OPBLGT]?

23 A. Correct.

24 Q. The litigation gets filed November 1st.

25 MR. FORDYCE: Second.

26 THE COURT: November 2nd.

27 MS. IBARRA: November 2nd I keep forgetting that
28 to so it gets filed on November [#120E] you're already CEO.

1 We've heard it was Sheppard Mullin that sent a cease and
2 desist letter to Mr. Stein and then a termination letter.

3 A. Correct.

4 Q. So you couldn't have been hired until there was a
5 vacancy?

6 A. That's correct.

7 Q. So then there was -- you wouldn't have been
8 hired until October then?

9 A. That's when I was hired.

10 Q. And then so Sheppard Mullin must have already been
11 engaged, does that make sense?

12 A. I believe -- I believe -- I'm not sure on the
13 dates as to when they were engaged. I know that when I was
14 hired I have continued -- maintained the communications and
15 we worked together in managing the case.

16 Q. Okay. So but during this time period there's
17 already -- we're seeing this letters come about from Mr.
18 Stein, right?

19 A. Which letters?

20 Q. So there's four separate letters to membership
21 about sort of setting up this November 18th meeting?

22 A. That's correct.

23 Q. So were you already engaged when those letters
24 come in?

25 A. Yes.

26 Q. And we've also heard that there's no -- that you
27 have guys don't have access to the tribal council and I
28 assume because you're working with the tribal council, you

1 have don't have access to confidential membership records
2 and contact information?

3 A. That's correct.

4 Q. So what did you do in response to that, how do
5 you --

6 A. The individual council members begin just to
7 outreach to families and we begin to do the best we can in
8 compiling new records. Part of that involves an
9 application, a lot of it is done word of mouth, general
10 council meetings are conducted. So it's just a rebuilding.
11 We had no access to the records, he kept them and he still
12 has them to this day.

13 Q. Did you take over the issue of any government
14 filings that needed to be done on behalf of the tribe?

15 A. Government filings, we had no money at some point
16 there and so there were no federal filings on behalf of the
17 GT Tribe. Individual, individuals I believe when Libra
18 money came in did file 1099 forms.

19 Q. So we're talking about tax records, is there
20 anything else other than tack records?

21 A. I was managing and looking at the FP PC records
22 that had been committed.

23 THE COURT: FP PC.

24 MS. IBARRA: Yes?

25 A. Fair police Cal practices commission.

26 Q. BY MS. IBARRA: Is that a federal or a state
27 agency?

28 A. That's a state agency.

1 Q. So you were looking at them for what?

2 A. I was looking at them because the original was
3 filed with Jonathan Stein's name on it, there had been a
4 dispute as to whether or not -- there was an FPPC contract
5 between Jonathan Stein and/or SMDC and the tribe.

6 Q. Oh so what does that mean, you were looking at
7 them because there was a contractor there wasn't a contract
8 h I'm not sure what your testimony is?

9 A. I was looking at the FPPC reports because there
10 were [TPAO*EULGZ] filings and we had -- I believe Marilyn
11 Barrett, I had asked Marilyn Barrett to review the filings,
12 a report was put together by Marilyn Barrett, it was
13 submitted, I believe to the FPPC, we asked the FPPC to
14 investigate some allegations of wrongdoing in the reporting
15 and so that is the degree of my inquiries into his filings
16 on behalf of the tribe.

17 Q. So you take over review of filings that had
18 already been done?

19 A. Correct.

20 Q. Did you take responsibility for any new filings
21 that needed to be done [-PBLGS] we had ran out of money and
22 therefore, there was no continuation of FPPC reporting
23 requirements.

24 Q. What are the FPPC reporting requirements?

25 A. One, there's a 60 two form [W-S] a form that
26 designates the lobbying company and then a 605 form that
27 validates from the client that this firm or this individual
28 has been hired to do the lobbying work.

1 Q. So because you didn't have any more money, all
2 lobbying activities ceased?

3 A. As it relates to the Carmelo group it did. He
4 continued to do lobbying on behalf of the Linda Candelaria
5 group using the Gabrielino-Tongva Tribe name.

6 Q. I see, but you contend that he wasn't authorize
7 today do that?

8 A. That's correct.

9 Q. Okay. But as far as you were concerned, you
10 didn't have any money, you weren't promising to pay any
11 more lobbyist, you have weren't engaging lobbyists and you
12 had no reporting requirements?

13 A. That's correct.

14 Q. Was there any other government filings that needed
15 to be done?

16 A. I believe there was federal filing for federal
17 activity, Crane and associates later was filing to
18 represent the tribe in the senate, U.S. senate and members
19 of Congress and I believe also the executive branch of
20 government which would also include the bureau of Indian
21 affairs.

22 Q. And Crane -- did you know Crane?

23 A. Never met him.

24 Q. So you never met him, so you become CEO, did you
25 know that Crane had an agreement with the tribe?

26 A. I believe after conscious at some point in time I
27 did -- I received a letter from Crane to the tribal office
28 terminating his contract with the tribe.

1 Q. So that was the first you heard of him?

2 A. That was the first I heard of him.

3 Q. Or it because it was Crane Group Inc.

4 A. There was Crane Group and Inc., Crane Group and
5 Crane Group Inc.

6 Q. So as far as you were aware that was the only
7 federal lobbyist?

8 A. Yes.

9 THE COURT: Okay we're going to need to stop it's
10 four 15 so I have to let the jury go. 10:00 o'clock.

11 10:00 o'clock.

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