

1 CAUTIONS IN USING A REALTIME PARTIALLY EDITED TRANSCRIPT

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3 IN A REALTIME PARTIALLY EDITED TRANSCRIPT, YOU MAY  
4 SEE THE REPORTER'S RAW SHORTHAND NOTES. CONSEQUENTLY, YOU  
5 MAY SEE ERRORS IN CAPITALIZATION AND PUNCTUATION,  
6 MISSPELLINGS, SMALL WORDS MISSING (SUCH AS "THE," "IT,"  
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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GABRIELINO-TONGVA TRIBE VS. STEIN

TRIAL TESTIMONY OF JONATHAN STEN, 6/28/16

THE COURT: THANK YOU MR. STEIN. IF YOU CAN COME FORWARD AND YOU SHOULD ALWAYS HAVE THIS MACHINERY GEARED UP BEFORE WE START, SO IT DOESN'T TAKE FIVE MINUTES TO GET IT GOING. OKAY.

MR. FORDYCE:

Q. GOOD MORNING LADIES AND GENTLEMEN.

THE COURT: THAT'S OKAY BECAUSE WE HAD AN HOUR AND 40 YESTERDAY SO 20 MINUTES.

Q. BY MR. FORDYCE: MR. STEIN WE'RE GOING TO MOVE STRAIGHT AHEAD INTO THE NOVEMBER 18TH AND 19TH SPLIT OF THE GABRIELINO-TONGVA TRIBE INTO THE TWO FACTIONS, CANDELARIA FACTION AND THE DUNLAP FACTION. YOUR HONOR THE EXHIBIT I'M GOING TO SHOW ON THE SCREEN HAS ALREADY BEEN IDENTIFIED AS EXHIBIT 5 23 IT'S MEMBERSHIP LETTER NUMBER 4.

THE COURT: OKAY THANK YOU.

Q. BY MR. FORDYCE: MR. STEIN CAN YOU IDENTIFY WHAT'S BEEN IDENTIFIED AS EXHIBIT 523. PLEASE?

A. YES THIS LETTER WAS THE PRODUCT OF ABOUT A DOZEN MEETINGS OF THE FINANCIAL OVERSIGHT COMMITTEE AND THEN IT WAS SEPTEMBER OUT BY BARBARA GARCIA AND I EDITED THE LANGUAGE FOR READ ABILITY.

Q. WHO WAS THE FINANCIAL OVERSIGHT COMMITTEE?

A. FINANCIAL OVERSIGHT COMMITTEE WAS A GROUP OF MEMBERS THAT HAD COME TOGETHER AFTER WE -- WHEN THE MEMBER LETTER NUMBER ONE WENT OUT SAYING THAT 21 MILLION DOLLARS

1 HAD BEEN RAISED, I WAS FIRED, WE DON'T KNOW WHAT HAPPENED  
2 TO ABOUT A MILLION IN CASH, THE PHONES RANG OFF THE HOOK IN  
3 THE OFFICE, I MEAN FROM IN THE MORNING UNTIL EIGHT AT NIGHT  
4 THEY WERE JUST RINGING RINGING RINGING. A LOT OF PEOPLE  
5 WANTED TO DO SOMETHING AND SO WE AGREED TO MAKE THE OFFICES  
6 AVAILABLE TO THEM, WE AGREED THAT WE WOULD PROVIDE A  
7 CONFERENCE CALL LINE BACK IN 2006 THAT WAS A LITTLE MORE  
8 EXOTIC THAN NOW, AND OUT OF THAT FURR MEANT OF THE HUNDREDS  
9 OF PEOPLE CALLING IN, A FINANCIAL OVERSIGHT COMMITTEE WAS  
10 FORMED BY THEM AND THIS LETTER WAS TO ANNOUNCE THE MEMBERS  
11 WHAT HAD HAPPENED, IN OTHER WORDS OUT OF THAT FURR MEANT  
12 THE FINANCIAL OVERSIGHT COMMITTEE THEMSELVES WANTED TO SAY  
13 HIVE THIS IS WHAT WE'RE DOING ON YOUR BEHALF.

14 Q. AND IF YOU REMEMBER WHICH INDIVIDUALS COMPRISED  
15 THE FINANCIAL PSYCHE?

16 A. BERNIE ACUNA WHO WAS HERE, ERNIE SALAS, HIS SON  
17 ERNIE SALAS JUNIOR, THERE'S ACTUALLY A LIST LATER IN THE  
18 LETTER WITH THE CONTACT INFORMATION SO THAT ALL THE PEOPLE  
19 THAT CALLED IN FOR INFORMATION WOULD HAVE PEOPLE THAT THEY  
20 COULD TALK TO, MARTHA GONZALEZ WHO LATER BECAME A TRIBAL  
21 COUNCIL PERSON, STEVE HOLGUIN, MICHAEL VIERA AND BERNIE  
22 VIERA.

23 Q. MR. STEIN WHO AGREED THAT THIS GROUP OF  
24 INDIVIDUALS WOULD BE THE FINANCIAL OVERSIGHT COMMITTEE?

25 A. THEY DID AMONG THEMSELVES AND AGAIN THE IDEA WAS  
26 THEY WANT TODAY INVESTIGATE WHAT THE TRIBAL COUNCIL WAS  
27 DOING THEY WEREN'T EXACTLY GOING TO GET AUTHORIZED BY  
28 TRIBAL COUNCIL THEY WANTED TO SAY WHAT HAPPENED TO THE

1 \$1,000,000, WHEN WE HAD THE MEETING ON NOVEMBER 18TH THEY  
2 RAN IT AND WE HAD SEVERAL HUNDRED PEOPLE THERE AND THEY SAY  
3 ALL IN FAVOR OF HAVE THE FINANCIAL OVERSIGHT COMMITTEE  
4 INVESTIGATING WHAT HAPPENED TO THE MONEY AND 90 PERCENT OF  
5 THE PEOPLE RAISED THEIR HANDS.

6 Q. AND MR. STEIN YOU MENTIONED THE NOVEMBER 18 MEETING,  
7 DRAWING DRAW YOUR ATTENTION TO THE BIG HEADING FINANCIAL  
8 OVERSIGHT COMMITTEE MEMBER, NOVEMBER 18TH MEETING, IS THIS  
9 TO WHAT YOU'RE REFERRING?

10 A. YEAH THE FINANCIAL OVERSIGHT COMMITTEE BASICALLY  
11 WANTED TO ESTABLISH POSITIONS, HAVE A MEMBER MEETING.  
12 AGAIN, I TRIED TO SCHEDULE A MEMBER MEETING WITH THE TRIBAL  
13 COUNCIL FOUR TIMES THEY REFUSED FOUR TIMES ASK SO THESE  
14 GUYS SAID WE'RE GOING TO HAVE A MEETING AND I AGREED I  
15 WOULD PAY THE EXPENSES, PARK PERMIT, FOOD, THAT KIND OF  
16 THING.

17 Q. I WANT TO DRAW YOUR ATTENTION TO THE LAST  
18 PARAGRAPH OF POSITION OF THE INVESTOR GROUP. CAN YOU READ  
19 THAT?

20 A. YEAH THAT PARAGRAPH I EDITED ON MY OWN, THAT  
21 PARAGRAPH WAS MY PARAGRAPH AFTER WE STATED THE POSITION  
22 THAT THE FINANCIAL OVERSIGHT COMMITTEE HAD AGREED TO AND  
23 THIS IS BECAUSE I WAS IN CONTACT WITH THE INVESTORS, AGAIN  
24 I WAS EXTREMELY CONCERNED ABOUT SECURITIES FRAUD. THEY ON  
25 THE ONE HAND, ON THE OTHER HAND THEY WANTED TO ASSURE THEM  
26 THAT WE'LL PATCH THIS UP, IF I HAVE TO GO I HAVE BUT LET'S  
27 TRY TO KEEP THIS TOGETHER. SO THEY BASICALLY SAID WELL  
28 FROM IN LIGHT OF ALL THIS FLUIDITY WE ARE NOT GOING TO MED

1     METTLE IN THE INTERNAL AFFAIRS OF THE TRIBE AND WE'LL SIT  
2     BACK AND WAIT FOR THE RESULTS.

3             Q.     SO MR. STEIN TO THE EXTENT YOU KNOW WAS THE  
4     FINANCIAL OVERSIGHT COMMITTEE WAS AN INTEND TO USURP [SURP]  
5     OR UNDER MINE THE TRIBAL COUNCIL THAT CONSISTED OF MR.  
6     DUNLAP OR MRS. CARMELO?

7             A.     NO NO, IT WAS AN ATTEMPT TO FIND OUT WHEN THEY GOT  
8     THE INFORMATION WHEN THEY GOT STONEWALLED, THEY THREATENED  
9     A RECALL ELECTION, AND THEN IN THE FACE OF THE POSSIBLE  
10    RECALL ELECTION, THAT'S I BELIEVE WHEN THE DUNLAP FACTION  
11    KIND OF MADE THEIR MENTAL DECISION THAT THEY WERE GOING TO  
12    SET UP THEIR OWN NEW GROUP.

13            Q.     SO THIS WAS AS YOU CAN SEE UNDER ITEM NO. 1 UNDER  
14    POSITIONS OF FINANCIAL OVERSIGHT COMMITTEE, THIS WAS A  
15    CHECK AND BALANCE?

16            A.     YEAH. THE ORIGINAL IDEA WAS THE TRIBAL  
17    ADMINISTRATION OFFICE WAS DOING TO BE A CHECK AND BALANCE,  
18    BARBARA GARCIA AND MYSELF WERE GOING TO MAKE SURE THE MONEY  
19    DID NOT GET SPENT WRONGLY, THAT THE PIGGY BANK WAS NOT  
20    BROKEN, THAT THE INVESTOR BUDGET WAS RESPECTED, THAT  
21    FAILED, THAT CHECK AND BALANCE FAILED AND WHEN IT FAILED,  
22    THE FINANCIAL OVERSIGHT COMMITTEE SAID WELL REALLY MR.  
23    STEIN, WITH ALL DUE RESPECT, THE CHECK AND BALANCE SHOULD  
24    BE AMONGST THE MEMBERS, IT'S US THAT SHOULD BE POLICING THE  
25    TRIBAL COUNCIL NOT PEOPLE THAT ARE NOT TRIBAL MEMBERS AND  
26    SO I ABSOLUTELY AGREED SO THEY CAME UP WITH NUMBER ONE. SO  
27    JUST MOVING FORWARD TO THE NOVEMBER 18 MEETING, YOU WERE  
28    PRESENT AT THIS NOVEMBER 18 MEETING, 2006 THAT WE'VE HEARD

1 ABOUT ALREADY IS THAT CORRECT?

2 A. YES.

3 Q. WERE YOU INVITED TO THE MEETING?

4 A. YEAH BY THE FINANCIAL OVERSIGHT COMMITTEE, I'M  
5 SORRY, NOT INVITED TO THE NOVEMBER 19TH MEETING BY THE  
6 OTHER GROUP.

7 Q. TELL ME --

8 A. ALTHOUGH I WAS WILLING TO GO.

9 Q. TELL ME ABOUT THE NOVEMBER 18 MEETING?

10 A. NOVEMBER 18 MEETING WAS CHAIRED BY FINANCIAL  
11 OVERSIGHT COMMITTEE, THEY [H-P] A BIG TABLE WITH THE  
12 MEMBERS BEHIND THEM, BEHIND THE TABLE, I WAS OFF TO THE  
13 SIDE AND AT THE END OF THE MEETING ONLY AFTER THE FINANCIAL  
14 OVERSIGHT COMMITTEE YOU KNOW HAD THE VOTE OF THE MEMBERS  
15 THERE, EXPLAINED THE SITUATION, MR. DUNLAP CAME UP AND  
16 ANSWERED QUESTIONS. I ASKED TO COME, A FRIEND OF MINE, A  
17 RETIRED JUDGE LAYER DESCRIPTION WHO IS A PROFESSIONAL  
18 MEDIATOR AND HE WAS KIND ENOUGH TO SIT THERE AND HANDLE  
19 INDEX CARDS, WE HANDED OUST THREE BY FIVE INDEX CARDS WHERE  
20 PEOPLE WROTE QUESTIONS ON THEM, THOSE QUESTIONS CAME IN THE  
21 STACK, THERE WERE A LOT OF THEM TO JUDGE CRISPO AND HE THEN  
22 WENT THROUGH THEM AND I UNDERSTAND HE DELETED EXPLETIVES  
23 AND REPHRASED QUESTIONS AND MADE SURE THE SAME QUESTION  
24 WASN'T ASKED TOO MANY TIMES TO MR. DUNLAP?

25 A. VIRGINIA CARMELO WAS ALSO THERE BUT SHE SAW THE --  
26 HOW ANGRY EVERYBODY WAS AND SHE QUITE LITERALLY WHEN SHE  
27 WAS INVITED UP AND SHE GOT UP OUT OF HER SEAT AND WE WERE  
28 IN THE MIDDLE OF HER MEETING, WE WERE IN THE MIDDLE OF A

1 PARK SHE WALKED SEVERAL HUNDRED YARDS TO HER CAR AND JUST  
2 DROVE AWAY.

3 Q. DID MR. DUNLAP RESPOND TO THE QUESTIONS THAT WERE  
4 POSED?

5 A. MR. DUNLAP HAD A LOT OF COURAGE. HE DIDN'T ANSWER  
6 OF THE QUESTION, HE REFUSED TO GIVE SUBSTANTIVE RESPONSES,  
7 BUT HE DID ANSWER EACH QUESTION THAT JUDGE CRISPO POSED AND  
8 PEOPLE GOT ANGRIER AND ANGRIER BECAUSE HE SAID I'M NOT  
9 GOING TO TELL YOU WHERE THE MONEY, AND WE'VE GOT GOOD PLANS  
10 FOR THE MONEY AND OUR LAWYERS TOLD YOU -- SHEPPARD MULLIN  
11 HAD BEEN HIRED, OUR LAWYERS TOLD ME NOT TO SAY ANYTHING,  
12 PEOPLE GOT ANGRIER AND ANGRIER AND I HIRED JUST A VERY  
13 SMALL SECURITY, JUST THREE PEOPLE, FOR THE EVENT, BUT I HAD  
14 TO MOTION THEM UP TO OF STAND IN FRONT OF MR. DUNLAP TO  
15 MAKE SURE NOBODY TOOK A RUSH AT HIM BECAUSE PEOPLE ALREADY  
16 GETTING OUT OF THEIR SEATS AND SCREAMING.

17 Q. MR. STEIN DID YOU GIVE ANY PRESENTATION OF ANY AT  
18 THE NOVEMBER 18 OF MEETING?

19 A. YES AFTER THE FINANCIAL OVERSIGHT COMMITTEE DID  
20 THEIR THING, AFTER MR. DUNLAP DID HIS THING, BERNIE ACUNA  
21 CAME FORWARD AND SAID LISTEN, WHILE WE HAVE EVERYBODY HERE,  
22 LET'S TALK ABOUT WHAT HAPPENED WITH THE CASINO PROJECT AND  
23 WHAT MR. STEIN WOULD LIKE TO DO IF HE COMES FORWARD AND I  
24 GAVE A DESCRIPTION OF THE CASINO PROJECT, I MADE SURE  
25 PEOPLE KNOW ALSO THAT I WAS HAPPY TO LEAVE THE CASINO  
26 PROJECT IF THEY WANTED SOMEBODY ELSE TO RUN IT. DAN CRANE  
27 HAD FLOWN OUT FROM WASHINGTON, D.C. TO EXPLAIN FEDERAL  
28 RECOGNITION AND HOW BROKEN THE SYSTEM WAS BUT HOW WE HAD

1 ALREADY MADE END ROADS INTO THAT BROKEN SYSTEM, CALIFORNIA  
2 SUPREME COURT JUSTICE CRUZ REYNOSO WHO WAS RETIRED, HE WAS  
3 A PROFESSOR AT U.S. DAVIS UP IN SACRAMENTO, HE HAD FLOWN  
4 DOWN TO LET PEOPLE KNOW THAT HE THOUGH GOING TO THE STATE  
5 GOVERNMENT TO GET AN INDIAN RESERVATION AND GETTING A  
6 TRIBAL COMPACT SHOULD ALLOW -- IN HIS VIEW OF THE  
7 CALIFORNIA CONSTITUTION SHOULD ALLOW FOR THE CASINO GAMING  
8 TO BE LAWFUL UNDER THE CALIFORNIA STATE CONSTITUTION

9 Q. LET ME ASK YOU MORE GENERALLY, WHAT WAS YOUR  
10 REACTION TO YOUR OFFER TO STEP DOWN?

11 A. PEOPLE REALLY DIDN'T WANT ME TO STEP DOWN. THE  
12 IDEA WAS THAT I HAD SUCCESSFULLY FINANCED, AFTER FIVE AND A  
13 HALF AREAS OF EFFORT, I SUCCESSFULLY FINANCED THE CASINO  
14 WITH THE LIBRA GROUP AND THEY WERE HAPPY TO SEE ME  
15 CONTINUE. ON THE OTHER HAND I WANTED TO MAKE SURE THAT IT  
16 WAS YOU KNOW THEIR CHOICE AND THAT TO ME THE MOST IMPORTANT  
17 THING TO ME WAS THE CASINO PROJECT AND GETTING A CASINO FOR  
18 THE MEMBERS NOT YOU KNOW WHETHER I WAS THE GUY IN CHARGE.  
19 ONE REASON I COULD SAY THAT IS MY RIGHTS UNDER THE SMDC  
20 AGREEMENT WERE EXTREMELY STRONG AND EVEN IF HE WAS REPLACED  
21 AND EVEN IF I WAS TERMED I WOULD STILL BE WELL  
22 COMPENSATED.

23 Q. BUT YOUR INTENTION WAS STILL TO MOVE A CASINO  
24 PROJECT FORWARD FOR THE GABRIELINOS AND THAT'S ALL THE  
25 GABRIELINOS, CORRECT?

26 A. YEAH IN OTHER WORDS FROM THE VERY BEGINNING, MY  
27 EMPHASIS WAS ALL THE GABRIELINOS SHOULD SHARE IN THIS, ALL  
28 THE DESCENDENTS SHOULD SHARE IN IT. SO WHEN I WROTE --



1 WHEN I WROTE WITH THE STAFF MEMBERS A B 156 ONE WITH  
2 UMBERG, S B 175 WITH SENATOR, STATE SENATOR VINCENT IN  
3 INGLEWOOD, UMBERG WAS DONE IN ORANGE COUNTY , AND THEN  
4 FINALLAY SENATE BILL 1 WITH JENNY OROPREZA, ALL OF THEM  
5 PROVIDED A SPECIFIC CLAUSE THAT SAID THAT THE GABRIELINO  
6 TRIBE WOULD HOLD ELECTIONS AND THAT ALL DESCENDENTS WOULD  
7 BE MEMBERS AND WE HAD APPROVED TO THE STATE OF CALIFORNIA,  
8 WE HAD AN AFFIRMATIVE OBLIGATION TO PROVE TO THE STATE OF  
9 CALIFORNIA AS THE SUPERVISOR OF A RESERVATION THAT ALL THE  
10 DESCENDENTS WERE WELCOME.

11 Q. SO THAT'S DUNLAP, THAT'S SALAS, THAT'S BEAUMONT,  
12 THAT'S COASTAL, THAT'S CANDIDATE, CORRECT?

13 A. YES AND THE MORGUE MORALES.

14 Q. MORALES?

15 A. AND THE SALAS GROUP AND OBVIOUSLY IT WOULD BE --  
16 THE OTHER THING THAT WAS IN THERE THAT I HAVE THOUGHT WAS A  
17 GOOD IDEA WAS THAT IT WAS A PROPERTY RIGHT. SO IF I  
18 PERSONALLY DIDN'T LIKE SAM DUNLAP OR IF BERNIE ACUNA HAD  
19 GOTTEN BEAT UP BY ANDY SALAS, ANDY SALAS AND SAM DUNLAP  
20 WOULD STILL HAVE PROPERTY RIGHTS INDEPENDENT OF THEIR  
21 BEHAVIOR.

22 Q. LET'S MOVE FORWARD MR. STEIN, I DON'T THINK  
23 THERE'S ANY DEBATE THUS FAR THAT THERE'S A SPLIT OF THE  
24 TRIBE SOMETIME IN NOVEMBER OF 2006. AND I'D LIKE TO MOVE  
25 FORWARD TO THE WORK THAT YOU CONTINUED TO DO WITH WHAT  
26 WE'RE CALLING THE CANDELARIA FACTION BUT WHAT -- DO YOU  
27 CONTEND THAT THE CANDELARIA FACTION IS IN FACT THE REAL  
28 PARTY IN FROM?

1           A.     WELL IT'S ACTUALLY A LITTLE BUT MORE CONTEMPLATED.  
2     GT TRIBE SPLIT INTO TWO PIECES, AFTER THE SPLIT THIS REALLY  
3     IS NO GT TRIBE, IT WAS REALLY UP TO THE JURY TO FIGURE OUT  
4     WHAT HAPPENED BUT THE CANDELARIA FACTION CONTINUED MOVING  
5     FORWARD WITH THE GREAT BULK OF MEMBERS AND CONTINUED USING  
6     ALL THE GOVERNMENT FILINGS THAT THE GT TRIBE DID.  AND I  
7     CONTINUED -- SMDC CONTINUED WORKING WITH THEM, IF YOU LOOK  
8     AT THE ACTUAL NUMBERS IN THE ESTOPPEL AGREEMENT IT'S NOT  
9     THROUGH OCTOBER OF 2006, THE NUMBERS ARE ACTUALLY THROUGH  
10    MARCH OF 2007.  THEN WHEN THEY WENT IN TO GET APPROVAL OF  
11    THE SETTLEMENT AGREEMENT SO THEY DIDN'T HAVE TO BE PART OF  
12    THIS LITIGATION THAT HAS NOW GONE ON FOR ANOTHER EXTRA 10  
13    YEARS, THEY AFTER THAT THE SETTLEMENT AGREEMENT SHOWS THAT  
14    THEY ARE THE GT TRIBE.

15           Q.     AND WE'LL GET TO THOSE DOCUMENTS IN A MOMENT.  I  
16    JUST WANT TO FOCUS A LITTLE BIT MORE SPECIFICALLY ON THE  
17    WORK THAT YOU CONTINUED TO DO AFTER THE SPLIT TOOK PLACE  
18    FOR THE WHAT WE'RE NOW CALLING THE CANDELARIA FACTION  
19    BECAUSE OF COURSE IT'S POST?

20           A.     RIGHT.

21           Q.     SPLIT.  YOUR HONOR IF I MAY, I'D LIKE TO DIRECT  
22    MR. STEIN TO EXHIBIT 34 BEFORE I PUT IT UP ON THE SCREEN, I  
23    WOULD LIKE TO CLEAR THAT WITH YOU.

24           THE COURT:  OKAY.

25           MR. FORDYCE:  THANK YOU YOUR HONOR.

26           MR. FORDYCE:  GO MR. STEIN CAN YOU IDENTIFY PLEASE  
27    THIS EXHIBIT WHICH HAS NOT PREVIOUSLY BEEN IDENTIFIED IT'S  
28    EXHIBIT 734?

1           A.     YEAH, THIS IS A PIECE OF INFORMATION THAT WAS PUT  
2     IN FOR THE 2008 SESSION OF THE LEGISLATURE.  IN OTHER WORDS  
3     IN DECEMBER YOU DO WHAT ARE CALLED PREPRINTS.  THIS WAS  
4     GOING TO BE THE VERY FIRST BILL CONSIDERED BY THE  
5     LEGISLATURE IN 2008.  IT WAS PROPOSED BY TWO SENATORS,  
6     JENNY OROPREZA BEING THE MAIN ONE, AND THEN IT WAS ALSO  
7     PROPOSED BY THREE ASSEMBLY MEMBERS SO THAT THE BILL COULD  
8     MOVE FORWARD ON THE ASSEMBLY SIDE AS WELL.  SO WHEN YOU  
9     SHOW THAT IN THE BILL THAT'S A VERY POWERFUL SIGNAL THAT  
10    IT'S AN IMPORTANT BILL.

11           Q.     SO BRIEFLY CAN, YOU LET THE JURY UNDERSTAND WHAT'S  
12    THE PURPOSE OF SENATOR BILL NUMBER ONE EXHIBIT 7 34?

13           A.     IT DOES TWO DIFFERENT THINGS, THE FIRST THING IT  
14    DOES IS IT SPEND A LOT OF TIME TALKING ABOUT A GABRIELINO  
15    INDIAN RESERVATION AND IT WOULD BASICALLY BE SET UP TO  
16    ALMOST IDENTICALLY TO A STATE HISTORICAL PARK SO IF YOU GO  
17    TO THE GOVERNER'S MANSION IN SACRAMENTO, YOU'LL FIND A  
18    CALIFORNIA STATE PARK SERVICE GUY THERE, THAT MANSION IS  
19    ACTUALLY RUN AS A PARK.  SIMILARLY IF YOU GO TO OTHER  
20    HISTORICAL PLACES LIKE WHERE THE CIVIL WAR BATTLE IN LOS  
21    ANGELES OCCURRED WHICH IS NOW IN SAN PEDRO, THAT'S A  
22    CALIFORNIA STATE HISTORICAL PARK, THIS INSTEAD OF BEING A  
23    HISTORICAL PARK, IF YOU STRIKE THE WORDS HISTORICAL PARK  
24    AND PUT IN STATE INDIAN RESERVATION, ACCOUNT SAME THING AND  
25    SO ALL THE LANGUAGES THAT I FOUND FROM PREVIOUS CREATIONS  
26    OF STATE HISTORICAL PARKS, THE SAME THING IS HERE BUT IT  
27    SAYS INDIAN RESERVATION INSTEAD OF HISTORICAL PARK.

28           Q.     LET ME JUST VERY BRIEFLY DRAW YOUR ATTENTION SO

1 SECTION 8 FIVE 75 AND AGAIN BRIEFLY CAN YOU JUST BRIEFLY  
2 DESCRIBE WHAT WE HAVE OUTLINED IN THE '85 75?

3 A. THOSE ARE -- THAT WOULD SAY THAT THAT'S THE  
4 CREATION OF THE RESERVATION AND WHAT IT SAYS IN B , BEFORE  
5 THE EFFECTIVE -- FOLLOWING THE EFFECTIVE DATE OF THE ACT  
6 AND EVERY FOUR YEARS, THE GABRIELINO TRIBE WOULD HAVE TO  
7 CERTIFY THAT NUMBER ONE ALL GABRIELINOS DOCUMENTED BY THE  
8 U.S. BUREAU OF I UNDERSTAND CAN AFFAIRS ARE MEMBERS OF THE  
9 TRY TRIBE OR MAY BECOME MEMBERS OF THE TRIBE, WE HAVE TO  
10 ESTABLISHED THAT THE TRIBAL MEMBERSHIP RIGHT IS A PROPERTY  
11 RIGHT IN OTHER WORDS EVEN IF YOU'RE MAD AT SAM DUNLAP AND  
12 EVEN IF YOU'RE MAD AT ANDY SALAS THEY STILL HAVE THEIR  
13 PROPERTY RIGHTS, THE THIRD THING IS THEY WOULD BE DUE  
14 PROCESS, IN OTHER WORDS WE COULDN'T TERMINATE A MEMBER  
15 ARBITRARILY YOU WOULD HAVE TO GIVE THEM FAIR PROCEDURE.

16 Q. SO MR. STEIN, EARLIER YOU TALKED ABOUT THE SB 1  
17 AND THERE COULD BE RECOGNITION, THERE COULD BE A CASINO FOR  
18 A STATE RECOGNIZED TRIBE, CORRECT?

19 A. YEAH, WHAT THE -- THE CALIFORNIA CONSTITUTION WAS  
20 AMBIGUOUS AND THIS IS WHAT THE LETTERS FROM JUSTICE RETIRED  
21 ARMAND ARABIAN, JUSTICE RETIRED CRUZ REYNOSO HAD SAID IS  
22 IT'S AMBIGUOUS, BUT IF THE STATE LEGISLATURE FULFILLS ITS  
23 TRADITIONAL ROLE, I MEAN WHEN WORKMANS COMP CAME TO  
24 CALIFORNIA THE STATE LEGISLATURE INTERPRETED THE CALIFORNIA  
25 CONSTITUTION AND SAID GIVEN THOSE AMBIGUOUS STATEMENTS IN  
26 THE CONSTITUTION WE WANT TO CREATE A WORKMAN'S COMP SYSTEM.  
27 SIMILARLY THEY WOULD LOOK AT THE AMBIGUOUS GAMING CLAUSE  
28 AND SAY WE WANT OUR TOWN STATE RECOGNIZED INDIAN TRIBES TO

1 BE ABLE TO HAVE CASINOS TOO.

2 Q. SO MR. STEIN YOU HAVE TESTIFIED THAT BOTH RETIRED  
3 JUSTICES ARABIAN AND CRUZ REYNOSO AT LEAST IN PRINCIPAL  
4 AGREED WITH YOUR POSITION REGARDING A STATE RECOGNIZED  
5 TRIBE AND CASINO DEVELOPMENT IS THAT CORRECT?

6 A. THEY WROTE SOME VERY LONG AND ELEGANT LETTERS THAT  
7 ARE THEY GAVE US PERMISSION TO SHOW THE LEGISLATURE'S TO  
8 SHOW THAT WHILE IT'S NOT A CERTAINTY THIS IS WHAT THEIR  
9 VIEWS WERE AT THE PRESENT TIME, OF COURSE THEY HADN'T READ  
10 EVERY SINGLE CASE YET BUT IT WAS A VERY POWERFUL THING THAT  
11 CONVINCED THE PEOPLE LIKE JENNY OROPREZA TO FILE THIS  
12 PRESENT LEGISLATION.

13 Q. YOUR HONOR IF I MAY I'D LIKE MR. STEIN BRIEFLY TO  
14 IDENTIFY LETTERS WRITTEN BY BOTH JUSTICE ARABIAN AND  
15 JUSTICE REYNOSO. THOSE ARE EXHIBITS 736 AND 737.

16 MS. IBARRA: I'M GOING TO OBJECT. I DON'T SEE HOW  
17 THIS GOING TO THE REAL PARTY IN INTEREST.

18 MR. FORDYCE: YOUR HONOR, THIS IS DIRECTLY  
19 RELEVANT TO DEMONSTRATE HOW MR. STEIN IN GOOD FAITH  
20 CONTINUED TO WORK FOR THE CANDELARIA FACTION WHO HE  
21 BELIEVED WAS THE REAL PARTY IN INTEREST AND THESE ARE  
22 ONGOING EFFORTS THAT MR. STEIN UNDERTOOK IN PURSUIT OF THAT  
23 GOAL FOR THE CASINO.

24 THE COURT: OKAY. OVERRULED YOU MAY.

25 Q. BY MR. FORDYCE: AND WE'LL JUST DO THESE VERY  
26 BRIEFLY MR. STEIN, PLEASE SIDE MR. '73 SIX?

27 A. THAT IS A LETTER FROM RETIRED SUPREME COURT  
28 JUSTICE ARMAND ARABIAN REGARDING THE PROVISION FOR GAMING

1 IN THE CALIFORNIA CONSTITUTION.

2 Q. AND YOU'VE ALREADY SUMMARIZED?

3 A. YES.

4 Q. MR. ARABIAN'S POSITION?

5 A. YES.

6 Q. THE NEXT EXHIBIT IS SEVEN 37 PLEASE AND AGAIN  
7 BRIEFLY IDENTIFY THIS EXHIBIT?

8 A. THE LETTER FROM RETIRED CALIFORNIA SUPREME COURT  
9 JUSTICE CRUZ REYNOSO WHO WAS A PROVIDE AT THE CALIFORNIA  
10 U.S. DAVIS LAW SCHOOL INTERPRET THE SAME CONSTITUTION.

11 Q. AND THAT'S JUSTICE REYNOSO.

12 THE COURT: FORMER JUSTICE.

13 MR. FORDYCE: THANK YOU YOUR HONOR.

14 THE COURT: THESE ARE TWO FORMER JUSTICES.

15 MR. FORDYCE: I DON'T WANT TO DROP BACK INTO THE  
16 MORASS AS IT WERE.

17 Q. NOW MR. STEIN CAN YOU ELABORATE FURTHER STEPS THAT  
18 YOU TOOK MOVING FORWARD FOR THE CASINO DEVELOPMENT FOR THE  
19 CANDELARIA FACTION?

20 A. WELL, BESIDES OPERATING IN SACRAMENTO, WE ALSO  
21 WANTED TO FIND A LOCATION FOR THE INDIAN RESERVATION, WHICH  
22 MEANT THAT SOME CITY --

23 THE COURT: YOU HAVE TWO MINUTES?

24 A. HAD TO SEED THEIR AUTHORITY SO WE WENT TO LONG  
25 BEACH AND GARDEN GROVE WAS THE MAIN ONE.

26 Q. YOUR HONOR I'D LIKE TO SHOW MR. STEIN AN EXHIBIT  
27 CONCERNING THE GOING GOING LOCATION.

28 THE COURT: THIS IS THE LAST ONE THING WHAT NUMBER

1 IS IT.

2 MR. FORDYCE: THIS IS '63 ONE, YOUR HONOR  
3 APPROXIMATELY HOW MUCH TIME DO YOU HAVE.

4 THE COURT: YOU ACTUALLY RAN OUT OF TIME BUT YOU  
5 CAN DO THIS EXHIBIT.

6 MR. FORDYCE: THANK YOU YOUR HONOR.

7 THE COURT: '63 ONE YOU SAID.

8 MR. FORDYCE: THAT IS CORRECT YOUR HONOR.

9 THE COURT: NO AT LEAST NOT HOW IT'S DESCRIBED  
10 HERE?

11 A. THIS WAS TO THE GARDEN GROVE.

12 THE COURT: '63 ONE.

13 MR. FORDYCE: CORRECT YOU WERE.

14 THE COURT: NO I THINK WE TALKED ABOUT THIS  
15 EARLIER.

16 A. NO NO MAY I.

17 THE COURT: LET'S GO TO SIDEBARD TALK ABOUT --.

18 MR. FORDYCE: THANK YOU YOUR HONOR IT'S NOT TITLED  
19 UP ON THE SCREEN \* \* SIDEBAR \* \*.

20 THE COURT: OKAY 6:30 IS DESCRIBED IN MY EXHIBIT  
21 LIST AS POLANCO DIRTY TRICKS LETTER.

22 MR. FORDYCE: YOUR HONOR I SIMPLY DID NOT REALIZE  
23 THAT'S HOW IT'S TITLED ON THE SCREEN I ABSOLUTELY GREEN OH  
24 GLEE, I'M NOT SURE IF I CAN PUT IT UP QUICKLY ENOUGH SO  
25 THEY CAN SEE THE PDF TITLE, I DIDN'T UNDERSTAND UNDERSTAND  
26 IT WAS.

27 MS. IBARRA: I LOOKED AT '63 ONE I DIDN'T SEE  
28 6:30.

1 THE COURT: BOTH 6:30 AND '63 ONE HAVE BEEN  
2 EXCUSED PLEASE TAKE AT THAT THE.

3 MR. FORDYCE: IT ACTUALLY HASN'T GONE UP YET.

4 THE COURT: WE TALKED ABOUT THAT.

5 MR. FORDYCE: YEAH ABSOLUTELY.

6 THE COURT: SO LET'S JUST DO NOT INCLUDE THE  
7 EXAMINATION NOW.

8 MR. FORDYCE: ABSOLUTELY \* \* END SIDEBAR \* \*.

9 THE COURT: THANK YOU CROSS-EXAMINATION. YOU CAN  
10 TAKE DOWN THE EXIT OR THE EXHIBIT LIST.

11 MR. FORDYCE: YES YOUR HONOR.

12 MS. IBARRA: I'M GOING TO USE SOME OF THE ONES  
13 THAT YOU JUST USED.

14 MR. FORDYCE: I'LL GIVE YOU A HAND, JUST LET ME  
15 KNOW?

16 A. NIALL CAN I --.

17 MS. IBARRA: KEEP THE CRUZ REYNOSO LETTER, WE'LL  
18 START WITH THAT.

19 MR. FORDYCE: WHICH IS THAT.

20 MS. IBARRA: 37 SEVEN 37?

21 A. NIALL MAY I BOTHER YOU FOR THE WATER.

22 MR. FORDYCE: YOU MAY ACTUALLY.

23 THE COURT: SO WE'RE LOOKING AT SEVEN 37.

24 MS. IBARRA: YES.

25 Q. SO LET'S START WHERE YOU LEFT OFF WITH MR.  
26 FORDYCE -- SO LET'S START MR. STEIN WHERE YOU LEFT OFF WITH  
27 MR. FORDYCE THIS IS GOING TO BE THE CRUZ REYNOSO LETTER?

28 A. YES MA'AM.



1 Q. SO THIS IS HIS LETTERHEAD. SO THE FIRST LETTER  
2 SAYS I HAVE BEEN RETAINED?

3 A. DO YOU MIND IF I --

4 Q. SURE PULL IT UP PLEASE.

5 THE COURT: WHILE HE'S LOOKING YOU CAN CONTINUE TO  
6 QUESTION.

7 MS. IBARRA: SO I BEEN RETAINED, THAT MEANS HE WAS  
8 PAID IMPACT PROVIDE THIS OPINION?

9 A. YEAH, HE ACTUALLY ASKED THAT THE MONEY BE GIVEN TO  
10 A LEGAL FOUNDATION CHARITY THAT HE WAS ASSOCIATED WITH,  
11 RIGHT.

12 MS. IBARRA: HE WASN'T WILLING TO DO IT WITHOUT  
13 PAYMENT TO HIM OR SOMEBODY ELSE.

14 MR. FORDYCE: OBJECTION ASSUMES FACTS?

15 A. I HAVE NEVER FOUND ITEM.

16 THE COURT: HOLD ON THERE'S AN OBJECTION.

17 MR. FORDYCE: ASSUMES FACTS.

18 THE COURT: OVERRULED?

19 A. I NEVER FOUND THAT OUT BECAUSE WHEN YOU SAID DO  
20 YOU MIND MAKING A DID HE NATION TO A LEGAL FOUNDATION FOR  
21 THE POOR IN SACRAMENTO I SAID SURE SO I NEVER FOUND OUT IF  
22 HE WAS WILLING TO DO IT WITHOUT PAYMENT.

23 MS. IBARRA: SO YOU APPROVED HIM AND YOU ASKED HIM  
24 TO PROFFER THIS OPINION AND HE ASKED FOR A DONATION?

25 A. FIRST WE SPOKE FOUR TIMES I THINK BEFORE HE  
26 BROUGHT THAT UP.

27 Q. OKAY.

28 A. AND THEN HAD HE SAID BY THE WAY WOULD YOU MIND AND

1 I SAID SURE THAT'S VERY NICE OF YOU.

2 Q. AND HE WAS LISTED AS SOMEBODY WHO WAS PAID OUT OF  
3 THE LIBRA FUNDS CORRECT OR SOMEBODY TRYING TO --?

4 A. I DON'T THINK SO, NO NO I PAID HIM, I PAID HIM AND  
5 I MAY HAVE PUT IN FOR REIMBURSEMENT.

6 Q. OH. ?

7 A. I DON'T KNOW IF I DID OR NOT BECAUSE GIVEN IT WAS  
8 FOR A CHARITY, I'M NOT SURE IF I DID OR NOT.

9 Q. SO WE'LL TRY TO FIND THE DOCUMENT WHERE HE'S  
10 LISTED AS ONE OF YOUR REIMBURSABLES?

11 A. YEAH YOU'D LIKE IN THE TALLEY REPORT.

12 Q. I THINK I'VE SEEN THAT LISTING. AND HOW ABOUT MR.  
13 REYNOSO, WE DON'T NEED TO LOOK AT HIS OPINION BECAUSE I  
14 ASSUME THE SUBSTANCE IS GOING TO BE THE SAME BUT DID HE  
15 ALSO REQUEST PAYMENT FOR HIS OPINION?

16 A. OH YEAH, AIR MANDATORY HE'S MORE OF A CUT EXAM AND  
17 DRY GUY, AND HE SAID I GET HIRED FOR MEDIATION PURPOSES I  
18 GET HIRED FOR TRIALS HE WAS ESPECIALLY WELL-KNOWN FOR  
19 CRIMINAL LAW SO HE WANTED PAYMENT BUT HE CHARGED US LIKE 10  
20 PERCENT OF HIS NORMAL RATES.

21 Q. BUT IT WAS LIKE RETAINING AN EXPERT BASICALLY?

22 A. NO, IT WASN'T LIKE RETAINING AN EXPERT, IT WAS  
23 LIKE RETAINING A FORMER CALIFORNIA SUPREME COURT JUSTICE  
24 WHO WAS RETIRED.

25 Q. BUT YOU DID PROVIDE PAYMENT THOUGH?

26 A. I PROVIDED PAYMENTS TO ARM [RAEUB] AT ABOUT 10  
27 PERCENT OF HIS FORM RATE AND I MADE A CHARITABLE DONATION AT  
28 THE REQUEST OF CRUZ REYNOSO.

1 Q. OKAY. SO LET'S GO BACK -- I'M NOT GOING TO SHOW  
2 IT TO YOU BECAUSE WE'VE SEEN IT [PHRAOEPB] [TAOE] IS THE  
3 SMDC AGREEMENT WHICH IS DEFENDANT'S EXHIBIT 56 FIVE?

4 A. 569.

5 Q. 56 FIVE BUT WE'VE --.

6 MR. FORDYCE: I BELIEVE IT'S 569.

7 MS. IBARRA: 569.

8 MR. FORDYCE: YEAH.

9 MS. IBARRA: IT'S BASICALLY THE SMDC AGREEMENT AND  
10 ALL THE RESOLUTIONS?

11 A. PLEASE GO AHEAD AND ASK AND QUESTION I JUST WANT  
12 TO MAKE SURE I DON'T GET INTO TROUBLE.

13 Q. YOU DESCRIBED THE SIGNATORIES AS NOT PARTICULARLY  
14 SOPHISTICATED?

15 A. NO SOME OF THEM WERE VERY SOPHISTICATED, SOME OF  
16 THEM WERE NOT.

17 Q. SO WHICH ONES WERE AND WHICH ONES WERE NOT AS YOU  
18 CAN RECALL?

19 A. WELL WHERE WOULD YOU LIKE TO START AND I CAN GO  
20 DOWN THE LIST.

21 Q. OKAY SO MAYBE WE SHOULD PULL IT UP THEN. SO LET'S  
22 LOOK AT THE LIST OF SIGNATORIES THEN?

23 A. IF YOU CAN GIVE ME A PAGE NUMBER, THERE ARE SIX  
24 DIFFERENT APPROVALS.

25 Q. SO WE'RE LOOKING AT THE ORIGINAL SIGNATORIES FROM  
26 MARCH OF 2001 AND THEY'RE GOING TO BE DOWN IN PAGE -- THE  
27 LAST PAGE OF THE AGREEMENT IS GOING TO BE-- SO MARY  
28 AGUILARA WAS SHE SOPHISTICATED?

1 A. THIS IS RESOLUTION 10 ON PAGE 54?

2 Q. YES.

3 A. OKAY GOOD I WANT TO MAKE SURE I'M IN THE SAME  
4 PLACE YOU ARE AND YOU'RE TALKING ABOUT THE SAM DUNLAP AND  
5 GYM VELASQUES.

6 Q. YEAH SO PAGE 36 OF THE RESOLUTION I GUESS, THIS  
7 ONE HERE?

8 A. WOULD THAT BE PAGE 37, THE CERTIFICATION AS TO.

9 Q. SO PAGE 36 WHICH CONTAINS ALL THE ORIGINAL  
10 SIGNATURES APPROVES THE RESOLUTION TO THE ORIGINAL  
11 AGREEMENT?

12 A. I'M SORRY PAGE 36 CONTAINS THEIR SIGNATURES, 37.

13 Q. 37 DOWN HERE?

14 A. UH-HUH.

15 Q. SO YOU WERE GOING TO DESCRIBE WHICH ONES YOU THINK  
16 ARE SOPHISTICATED, WHICH ONES BEEN SOPHISTICATED?

17 A. IF I CAN START AT THE TOP?

18 Q. SURE.

19 A. SAM DUNLAP HAD A COLLEGE EDUCATION, HE WENT TO  
20 STATE PRISON FOR THREE YEARS AND HE FINISH HIS COLLEGE  
21 DEGREE THERE, I CONSIDERED HIM PRETTY SAVVY, HE WAS AN  
22 OPERATOR. JIM VELASQUES WAS VERY MUCH OLDER, I HAVE MEAN  
23 HE WAS DEFINITELY IN HIS 60S BUT HE WAS A WELL EDUCATED MAN  
24 I THINK THAT'S.

25 Q. HE HAD BEEN APPOINTED CHIEF. RICHARD AGUILERA I  
26 DON'T HAVE A PARTICULAR RECOLLECTION OF. VICTOR VELASQUES  
27 I BELIEVE WAS EITHER THE SON OR THE NEPHEW OF ERNIE  
28 VELASQUES, HE WAS WELL EDUCATED HE WAS A VERY NICE MAN,

1 TOO.

2 Q. PERHAPS YOUNGER BROTHER OF MR. VELASQUES?

3 A. IT COULD BE, I DON'T -- THEY SEEM TO BE FATHER SON  
4 IN TERMS OF AGE DIFFERENCE.

5 Q. YES.

6 A. BUT THAT COULD HAVE BEEN FROM AN EXTENDED FAMILY.

7 Q. RIGHT.

8 A. MARY ELLEN ARREOLA, I DON'T HAVE A RECOLLECTION  
9 OF, MARY AGUILERA WHO ALSO SIGNED THE DOCUMENT, SHE WAS  
10 FAIRLY WELL EDUCATED, I DON'T KNOW WHAT LEVEL OF EDUCATION  
11 BUT SHE SPOKE VERY WELL. CONNIE MARIE TORRES, I DON'T HAVE  
12 A RECOLLECTION OF. ROBERT AGUILAR WAS NOT SOPHISTICATED.  
13 IF YOU COULD SCROLL UP A LITTLE BIT.

14 Q. SURE (INDICATING)?

15 A. THE NO VOTE DIANNE SIMENTAL WAS NOT WELL EDUCATED  
16 BUT SHE UNDERSTOOD WHAT WAS GOING ON, SHE UNDERSTOOD VERY  
17 WELL THAT SHE DID NOT WANT TO VOTE FOR THIS AT ALL.  
18 PATRICIA NEMINSKI, SAME SITUATION, I DON'T KNOW HOW  
19 SOPHISTICATED SHE WAS BUT SHE REALLY UNDERSTOOD SHE REALLY  
20 DIDN'T WANT THIS EITHER BUFF SHE SOMEHOW WANTED -- BUT HER  
21 VIEW WAS THE RIGHT THING TO DO WAS OBTAIN AND SIGN IT BUT  
22 OBTAIN, SO THAT'S WHAT SHE DID.

23 Q. SO WITH THAT, NOW, I'LL JUST SAY THAT MY CLIENT IS  
24 AND YOU ARE GOING TO DISAGREE ABOUT WHO DRAFTED THE  
25 AGREEMENT AS BETWEEN YOU AND YOUR COUNSEL SO I'LL JUST  
26 LEAVE THAT ALONE FOR LATER IN THE PROCEEDINGS?

27 A. I'M SORRY I THOUGHT YOUR CLIENT WAS MS. GOAD.

28 Q. YES.

1           A.    MS. GOAD HAD NOTHING TO DO WITH THIS.

2           Q.    MS. GOAD REPRESENTS THE ENTITY WHO CLAIMS TO HAVE  
3 ENTER INTO THIS AGREEMENT AND MRS. DUNLAP AND ACTUALLY  
4 WE'LL HERE FROM MS. SIMENTAL AND MS. NEMINSKI PROBABLY  
5 TOMORROW. SO THERE'S GOING TO BE DISAGREEMENT ABOUT WHO  
6 DRAFTED IT, BUT THERE'S NO DISAGREEMENT THAT IT WAS DRAFTED  
7 AT YOUR BEHEST OR YOUR BEHALF EITHER BY YOURSELF OR MR.  
8 SULZER, CORRECT, OR SOMEBODY IN MR. SULZER'S OFFICE?

9           A.    NO THAT'S NOT CORRECT, WHAT IS CORRECT IS A PIECE  
10 OF WHAT YOU SAID, KENNY SULZER AND HIS PARTNER DRAFTED IT,  
11 I REVIEWED AND APPROVED EVERYTHING IN IT.

12          Q.    OKAY.

13          A.    AND THEY DID IT ON BEHALF OF ST. MONICA AND ON  
14 BEHALF OF JONATHAN STEIN THE THIRD PARTY BENEFICIARY.

15          Q.    WE WILL RESERVE THAT ARGUMENT FOR LATER. I WANT  
16 TO ASK YOU SOME OTHER QUESTIONS ABOUT THE AGREEMENT BECAUSE  
17 DO YOU AGREE THAT EVEN IF YOU DIDN'T DRAFT IT, YOU DID  
18 REVIEW IT?

19          A.    FORGIVE, I'M NOT ARGUING WITH YOU, I'M TELLING YOU  
20 WHAT I BELIEVE IT'S TRUE, YOU CAN ARGUE BUT I'M NOT ARGUING  
21 WITH YOU, I'M JUST TELLING YOU WHAT I THINK.

22          Q.    OKAY. SO I'LL PRESENT OTHER EVIDENCE THAT WILL  
23 SHOW OTHERWISE.

24                THE COURT: OKAY YOU ARE ARGUING. IF YOU'RE GOING  
25 TO SAY.

26                MS. IBARRA: CAN I JUST ASK.

27                THE COURT: COUNSEL YOU'RE NOT LISTENING. IF  
28 YOU'RE GOING TO SAVE IT FOR LATER THAN SAVE IT BE TORE

1       LATER.

2                   MS. IBARRA:   OKAY SO I WANT TO ASK YOU ABOUT THE  
3       AGREEMENT HOWEVER.   SO YOU DID REVIEW IT, AT A MINIMUM YOU  
4       REVIEWED IT AND DO YOU AGREE THAT THERE'S AN INCONSISTENCY  
5       HERE AS TO THE NAME THAT IS USED FOR CONTRACTING TRIBAL  
6       PARTY?

7           A.    I DON'T UNDERSTAND YOUR QUESTION.

8           Q.    SO THE NAME THAT APPEARS IN THE AGREEMENT, DO YOU  
9       AGREE THAT IT'S NOT CONSISTENT THROUGHOUT THE DOCUMENT.   SO  
10      LET'S START AT THE BEGINNING, IT'S THE GABRIELINO-TONGVA  
11      TRIBAL NATION?

12          A.    I'M SORRY IF YOU COULD STOP THERE.

13          Q.    SURE.

14          A.    THAT NAME, THAT'S WHAT'S IN THE STATE RESOLUTION,  
15      THAT'S ACTUALLY THE STATE RESOLUTION LANGUAGE, THAT'S WHY  
16      IT'S SAID THAT WAY.

17          Q.    SO THE STATE RESOLUTION FROM '94?

18          A.    RIGHT.   IMMEDIATELY AFTER THE AGREEMENT WAS  
19      SIGNED, THE TRIBAL COUNCIL CHOSE TO USE GABRIELINO DASH  
20      TONGVA TRIBE AND THAT WAS THEIR CHOICE AND THAT'S HOW THEY  
21      WANTED TO BE ADDRESS AND THAT'S HOW OUT RESOLUTIONS SAYS  
22      GABRIELINO-TONGVA TRIBE, THE LETTER SAYS GABRIELINO-TONGVA  
23      TRIBE BECAUSE THOSE WERE THE DECISIONS OF THE TRIBAL  
24      COUNCIL THAT'S THE WAY THEY WANTED TO DO THINGS AND BARBARA  
25      EXECUTED ON THEIR REQUESTS.

26          Q.    AND YOU CONTEND THAT FAST RESOLUTION FROM '94  
27      REFERS TO THIS CONTRACTING PARTY?

28          A.    THE STATE RESOLUTION HAS THAT LANGUAGE, SEE

1 LEGISLATIVE RESOLUTION CHAPTER 146.

2 Q. AND REFERS TO A PARTY NAMED GABRIELINO-TONGVA  
3 TRIBAL NATION?

4 A. NO IT REFERS TO A HISTORICAL TRIBE THAT THE STATE  
5 WISHES TO RECOGNIZE, UNFORTUNATELY THE STATE NEVER TOOK THE  
6 SECOND STEP TO RECOGNIZE ONE SINGLE BODY AND THAT'S WHY  
7 DIFFERENT GROUPS, DIFFERENT VOLUNTARY ORGANIZATIONS SPRANG  
8 UP BECAUSE THE STATE NEVER SAID YOU'RE THE GUYS, HAVE  
9 ELECTIONS, EVERYBODY JOIN THEM, INSTEAD IT WENT INTO ALL  
10 THESE FACTIONS THAT THEN TURNED AROUND AND STARTED GOING  
11 AFTER EACH OTHER.

12 Q. WELL THEN THAT MAKES IT EVEN MORE CONFUSING BECAUSE  
13 IS THIS AGREEMENT BETWEEN YOU AND ALL GABRIELINOS WHO WAS  
14 REFERENCED?

15 A. NO.

16 Q. IN THIS 1994 RESOLUTION?

17 A. NO. THE CONTRACTING PARTY WAS GT TRIBE THAT SMDC  
18 WORKED FORECLOSURE FIVE AND A HALF YEARS, DAY IN AND DAY  
19 OUT. SMDC WORKED WITH THEM WITH GT TRIBE. IN NOVEMBER 18  
20 AND 19 ON THE WEEK OWNED GT TRIBE SPLIT INTO TWO UNEQUAL  
21 PIECE.

22 Q. BUT THIS CAPTION PAGE APPEARS TO BE BETWEEN THE  
23 ENTITY RECOGNIZED IN THE 1994 RESOLUTION AND SMDC SO  
24 NOTEBOOK NOBODY -- YOU'RE NOT CONTENDING THAT THEY EXISTED  
25 IN 1994, GT TRIBE?

26 A. RIGHT AND SO I'M SAYING THE CAPTION PAGE SAYS ONE  
27 THING, THE TRIBAL COUNCIL DID ANOTHER, BUT THE FACT OF THE  
28 MATTER IS THE CONTRACTING PARTY WAS GT TRIBE AND THAT WAS



1 PROVEN BY DAY AFTER DAY OF EFFORT, DOLLAR AFTER DOLLAR OF  
2 EXPENDITURE, IT WAS THE PERFORMANCE OF THE CONTRACT THAT  
3 PROVES THAT, THAT CAPTION PAGE TURNED OUT TO BE LESS  
4 INACCURATE.

5 Q. OKAY THAT'S ALL I HAVE WANTED TO GET AT IS THAT  
6 IT'S AMBIGUOUS AND PERHAPS INACCURATE. SO LET'S GO TO THE  
7 ACTUAL DEVELOPMENT AGREEMENT, THE FIRST PARAGRAPH OF THE  
8 DEVELOPMENT AGREEMENT REFERS TO GABRIELINO/TONGVA NATION?

9 A. THAT SAYS THE EXACT SAME THICK ON THE FRONT PAGE.

10 Q. NO THIS IS A SLIGHTLY DIFFERENT NAME, THIS IS  
11 GABRIELINO/TONGVA NATION AND THE FIRST PAGE IS  
12 GABRIELINO-TONGVA TRIBAL NATION?

13 A. CAN YOU SHOW ME AGAIN.

14 Q. SEE GABRIELINO-TONGVA TRIBAL NATION,  
15 GABRIELINO-TONGVA WITH THE DASH AND THEN TRIBAL NATION, AND  
16 THEN IF WE LOOK AT THE FIRST PARAGRAPH, IT'S GOING TO SAY  
17 GABRIELINO/TONGVA NATION, NO GABRIELINO-TONGVA TRIBAL  
18 NATION, IT'S JUST GABRIELINO/TONGVA NATION?

19 A. SURE.

20 Q. SO SLIGHT DIFFERENCE, VARIATION IN THE NAMES?

21 A. I THINK YOU'RE RIGHT.

22 Q. AND YOU ALSO -- YOU WERE IN LAW REVIEW?

23 A. YES I WAS IN LAW REVIEW, I'M NOT SURE KEN SULZER  
24 WAS.

25 Q. KEN SULZER IS A VERY SOPHISTICATED LITIGATOR  
26 RIGHT?

27 A. I WOULD SAY 15 YEARS LATER HE WOULD BE A VERY  
28 SOPHISTICATED LITIGATOR.

1 Q. OH, YOU DON'T THINK HE WAS AT THIS TIME?

2 A. I THINK HE WAS PRETTY GOOD AT THIS TIME BUT I  
3 THINK NOW HE'S VERY SOPHISTICATED, I DON'T THINK I WAS VERY  
4 GOOD AT THAT TIME EITHER.

5 Q. ABOUT MY POINT BEING IS THAT CAREFUL LAWYERS ARE  
6 CAREFUL ABOUT?

7 A. YES.

8 Q. THE NAME THE CONTRACTING PARTY?

9 A. THAT'S RIGHT.

10 Q. AND THERE SEEMS TO BE JUST VARIATIONS AND NOT VERY  
11 CAREFUL OF THE NAME OF THE CONTRACTING PARTY THAT'S ALL I'M  
12 GETTING AT?

13 A. THERE WAS EVERY EFFORT TO BE CAREFUL, IT'S  
14 APPARENTLY WE WERE NOT CAREFUL ENOUGH.

15 Q. DO YOU THINK THAT'S CHANGES OR VERIFICATIONS ARE  
16 MATERIAL OR VERY IMPORTANT?

17 A. NO IT'S WHO YOU PERFORM YOUR CONTRACT WITH, AND  
18 THE GROUP THAT WE PERFORMED IT WITH FROM 2001 WAS GT TRIBE  
19 THROUGH THE SPRING AND THEN AFTER UNTIL MARCH OF 2007 WE  
20 PERFORMED -- SMDC TERMED PERFORMED WITH THE CANDELARIA  
21 FACTION AND DURING THAT ENTIRE TIME, SMDC DID NOT PERFORM  
22 WITH THE DUNLAP FACTION, THAT -- THE GROUP THAT SPLIT OFF  
23 AND BECAME THE DUNLAP FACTION, SMDC HAD NOTHING TO DO WITH  
24 THEM.

25 Q. INDEPENDENT YOUR ARGUMENT COUNSEL?

26 A. AGAIN I'M NOT ARGUING, THESE ARE WHAT I BELIEVE.

27 Q. NO I UNDERSTAND, SORRY FOR MISCHARACTERIZING LIKE  
28 THAT. I UNDERSTAND YOUR TESTIMONY. SO YESTERDAY WE LOOKED

1 AT A DEMAND LETTER SENT BY YOUR COUNSEL ON THE SAME DAY  
2 THIS ACTION WAS FILED. SO I HAVE WANT TO HOOK AT ANOTHER  
3 AT THE MANDATORY LETTER ALSO BY YOUR COUNSEL, IT'S 575 SO  
4 575. NIALL I NEED YOUR HELP IN GETTING IT UP AGAIN.

5 MR. FORDYCE: THAT HAS BEEN PREVIOUSLY IDENTIFIED,  
6 THAT WAS IDENTIFIED YET YOUR HONOR.

7 THE COURT: OKAY THANK YOU.

8 MS. IBARRA: OH I GOT IT, THANK YOU.

9 Q. BY MS. IBARRA: SO THIS IS THE ONE WHERE -- THIS  
10 IS THE FINAL DEMAND, SORRY THAT'S NOT THE ONE THAT I NEED.  
11 I'M GOING TO GO TO FIVE '73 WHICH PRECEDES THIS BY ABOUT A  
12 WEEK.

13 THE COURT: RIGHT IT HASN'T BEEN SO BEFORE YOU PUT  
14 IT UP, LET HIM LOOK AT IT.

15 THE COURT: ACTUALLY COUNSEL AND YOUR HONOR I HAVE  
16 IT BEING MARKED YESTERDAY.

17 THE CLERK: SO DO I YOUR HONOR.

18 THE COURT: OH OKAY GO AHEAD AND PULL IT UP, THANK  
19 YOU.

20 Q. BY MS. IBARRA: SO THIS IS OCTOBER 23, 2006, SO  
21 LIKE A WEEK, WEEK AND A HALF BEFORE THE ACTION WAS FILED  
22 AND THIS BETWEEN -- OH CAN YOU IDENTIFY IT IF YOU CAN?

23 A. YES THIS WAS -- THE FIRST DEMAND LETTER WAS SEND  
24 OCTOBER 5, THIS WAS THE SECOND ONE OCTOBER 23, IT'S MARKED  
25 CONFIDENTIAL AND PRIVILEGED SETTLEMENT COMMUNICATION WHICH  
26 IS BECAUSE IT SUGGESTED THAT WE RESOLVE THIS DISPUTE  
27 PRIVATELY SO AS NOT TO UPSET THE INVESTORS, SO AS NOT TO  
28 UPSET THE CASINO PROJECT THAT WAS IN THE PUBLIC EYE IN

1 SACRAMENTO AND IN THE PUBLIC EYE IN VARIOUS CITIES LIKE  
2 LONG BEACH OR GARDEN GROVE OR INGLEWOOD.

3 THE COURT: SO JUST SO I'M CLEAR, IS THERE A  
4 WAIVER OF THAT PRIVILEGE.

5 MS. IBARRA: OF WHAT.

6 THE COURT: IT'S A SETTLEMENT PRIVILEGE.

7 MS. IBARRA: I BELIEVE THIS WAS DISCUSSED  
8 EXTENSIVELY IN PRIOR -- IN PRIOR PROCEEDINGS IN THIS  
9 LITIGATION, INCLUDING MR. STEIN'S DEPOSITION.

10 THE COURT: WELL WOULD IT HAVE BEEN PRIOR HEARINGS  
11 WAS THERE DISCLOSURE.

12 MS. IBARRA: OH WELL YESTERDAY WE DISCUSSED IT IN  
13 IT ACTION, IN THIS TRIAL.

14 THE COURT: LET'S GO TO SIDEBAR FOR A MINUTE \* \*  
15 SIDEBAR \* \*.

16 THE COURT: OKAY SO MY QUESTION IS THE SETTLEMENT  
17 PRIVILEGE BECAUSE WE HAD DISCUSSED THIS EARLIER.

18 MR. STEIN: THAT'S EXACTLY RIGHT.

19 MS. IBARRA: AND.

20 THE COURT: AND I SAID THIS ISN'T COME IN PAUSE  
21 THERE'S A SETTLEMENT PRIVILEGE AND NOBODY SAID ANYTHING  
22 ABOUT THERE'S BEEN SOME DISCLOSURE OR WAIVER OR WHATEVER  
23 SO.

24 MR. STEIN: THIS IS HER ARGUMENT NOT OURS.

25 MS. IBARRA: WE DISCUSSED THIS YESTERDAY-- THIS  
26 SPECIFIC -- THESE COUPLE OF EXHIBITS WERE DISCUSSED BY YOU  
27 YESTERDAY IN THE TRIAL.

28 MR. STEIN: ONLY TO IDENTIFY IT AND TO THEN ORALLY

1 STATE WE DID NOT GO THROUGH IT EXACTLY BECAUSE OF THE  
2 ARGUMENTS THAT YOU POINTEDLY RAISE NOT ONCE BUT TWICE ON  
3 THIS, THIS IS THE EXACT EXHIBIT YOU WERE TALKING ABOUT.

4 MS. IBARRA: I ACTUALLY ONLY NEED TO GO TO A- THE  
5 ATTACHMENT TO THIS EXHIBIT, WHICH IS THE COMPLAINT THAT WAS  
6 ALREADY DRAFTED.

7 THE COURT: OKAY WELL --.

8 MR. STEIN: NO IT'S PART OF THE SAME DOCUMENT SO  
9 ONCE AGAIN IT'S JUST -- AT THIS POINT IT'S A QUESTION OF  
10 KIND OF AN ESTOPPEL, YOU CAN'T ARGUE AGAINST US SO WE CAN'T  
11 USE IT AND THEN ARGUE FOR YOU SO YOU CAN USE IT SO AT THIS  
12 POINT I WOULD.

13 THE COURT: TRUE BUT WHAT WAS THE TESTIMONY THAT  
14 HE REFERRED TO YESTERDAY, YOU'RE LIMITED TO WHATEVER THAT  
15 WAS, DO YOU REMEMBER WHAT THE TESTIMONY WAS.

16 MR. STEIN: ONE SIMPLE POINT WE WERE TRYING TO  
17 MEDIATE AND AVOID THE EMBARRASSMENT, I JUST REPEATED IT UP  
18 THERE, THAT WAS THE ONLY THING I SAID.

19 MR. FORDYCE: I BELIEVE THAT'S CORRECT YOUR HONOR  
20 IT WAS A PENULTIMATE PARAGRAPH AND IT WAS STILL ATTEMPT TO  
21 GO MEDIATE AND RESOLVE.

22 MR. STEIN: ONE PARAGRAPH.

23 THE COURT: IF THAT WAS ONE THEN I'M GOING TO  
24 SUSTAIN THE OBJECTION.

25 MS. IBARRA: I CAN SKIP DISCUSSIONS OF THE LETTER  
26 AND WE CAN GO TO THE DIRECTLY TO THE COMPLAINT.

27 MR. STEIN: WE DIDN'T DISCUSS THE COMPLAINT.

28 THE COURT: YOU CAN QUESTION YOU JUST CAN'T

1 DISCLOSE THE DOCUMENT AND THE SETTLEMENT DISCUSSIONS BUT  
2 YOU CAN ASK HIM ANYTHING YOU WANT ABOUT --.

3 MR. STEIN: WHY DON'T YOU GET THE COMPLAINT THAT  
4 WAS ACTUALLY FILED.

5 MS. IBARRA: YEAH BUFF YOU HAVE DON'T -- IT'S NOT  
6 IN OUR PAPERS AND IT'S NOT YOUR PAPERS.

7 MR. STEIN: YOU COULD HAVE PUT IT, YOU HAD HOW  
8 MANY EXHIBIT LISTS INCLUDING THE MOST RECENT ONE YET IS  
9 THE -- IF YOU WANT TO QUOTE MY COMPLAINT, YOU SHOULD HAVE  
10 IT AS AN EXHIBIT, WE PUT TWO VERSIONS YOUR COMPLAINT IN AND  
11 WE'VE TALKED ABOUT THEM.

12 MS. IBARRA: I CAN ASK YOU ABOUT YOUR ALLEGATIONS  
13 IN YOUR COMPLAINT.

14 THE COURT: OKAY THEN DO THAT \* \* END SIDEBAR \* \*.

15 Q. BY MS. IBARRA: ACTUALLY I'M GOING TO TAKE YOU TO  
16 THE LIBRA INVESTOR AGREEMENT, WHICH IS '64 FOUR. HAS THAT  
17 BEEN PREVIOUSLY MARKED I BELIEVE IT HAS.

18 MR. FORDYCE: I BELIEVE SO.

19 THE CLERK: WHAT NUMBER.

20 MR. FORDYCE: '64 FOUR.

21 THE COURT: YES, IT HAS BEEN, '64 FOUR.

22 MR. FORDYCE: YOU KNOW I'M NOT ABSOLUTELY SURE IT  
23 HAS COUNSEL.

24 THE COURT: NO I HAVE IT LISTED AND MY CLERK HAS  
25 IT IDENTIFIED.

26 MR. FORDYCE: OKAY THEN IT HAS BEEN IDENTIFIED.

27 THE COURT: YOU CAN USE THIS PART IF YOU'D LIKE

28 MR. STEIN?

1 A. OH THANKS.

2 THE COURT: IF YOU NEED TO PUT A BOOK?

3 A. THANK YOU. OKAY.

4 Q. BY MS. IBARRA: SO YOU RECOGNIZE THAT AS THE LIBRA  
5 INVESTOR AGREEMENT?

6 A. I'M SORRY.

7 Q. DO YOU RECOGNIZE THAT AS THE LIBRA INVESTOR  
8 AGREEMENT?

9 A. THIS IS THE LIBRA INVESTOR AGREEMENT AND THE  
10 TRIBAL COUNCIL APPROVING IT.

11 Q. SO WHO ARE THE CONTRACTING PARTIES IN THE LIBRA  
12 INVESTOR AGREEMENT?

13 A. GT TRIBE, THIS WAS MAY OF 2006, SO THIS IS BEFORE  
14 GT TRIBE SPLIT INTO TWO PIECES. SMDC WORKED ONLY WITH GT  
15 TRIBE BEFORE THE SPLIT.

16 THE COURT: JUST ANSWER THE QUESTION?

17 A. AND --.

18 THE COURT: COUNSEL.

19 A. THIS AGREEMENT WAS WITH THE SAME GT TRIBE.

20 Q. BY MS. IBARRA: SO THE CONTRACTING PARTIES ARE?

21 A. GABRIELINO DASH TONGVA TRIBE AND ABOUT 30  
22 DIFFERENT INVESTMENT FUNDS.

23 Q. OKAY.

24 A. LOCATED IN SEVERAL STATES AND OFF STORE.

25 Q. IF WE CALL THEM LIBRA INVESTORS WILL YOU  
26 UNDERSTAND WHAT I'M SAYING?

27 A. RIGHT. THEY WERE ORGANIZED ABOUT BY AN INVESTMENT  
28 BANKBY LIBRA THAT ORGANIZED THEM ALL TOGETHER TO COME

1 TOGETHER TO FORM THIS GROUP.

2 Q. SO WE'LL CALL THEM LIBRA INVESTORS AND WE'LL CALL  
3 THIS --

4 A. SURE.

5 Q. -- THE LIBRA INVESTMENT AGREEMENT?

6 A. SURE.

7 Q. SO LET'S SEE WHAT THE NEXT ONE SO IT'S THE NEXT  
8 ONE AFTER 645.

9 THE COURT: 645 HASN'T BEEN -- WELL MADAM CLERK DO  
10 YOU HAVE 645 IDENTIFIED BECAUSE I DON'T.

11 THE CLERK: I HAVE '64 FOUR BUT NOT 645.

12 THE COURT: SAME HERE SO DON'T PULL IT UP BEFORE  
13 IT'S IDENTIFIED.

14 MS. IBARRA: IS THAT OKAY.

15 THE COURT: NO I SAID DON'T PULL IT UP UNTIL MR.  
16 STEIN HAS IDENTIFIED IT. SO ARE YOU ON 645 MR. STEIN?

17 A. YES.

18 THE COURT: ONCE HE'S IDENTIFIED IT THEN YOU CAN  
19 PULL IT UP.

20 BY {LEFT1}:

21 Q. CAN YOU IDENTIFY IT?

22 A. THIS IS ONE OF THE PAGES OF '64 FOUR?

23 A. OH IT'S JUST SEPARATELY MARKED?

24 A. I DON'T KNOW, IT'S ONE OF THE PAGES, IT'S, THERE'S  
25 ABOUT 20 SIGNATURE PAGES, IT'S ONE OF THE SIGNATURE PAGES  
26 AND THE WHOLE GROUP IS ABOUT 100 PAGES FOLLOWED BY THE  
27 TRIBAL COUNCIL RESOLUTION APPROVING IT AND OTHER EXHIBITS.

28 Q. AND WHOSE SIGNATURE IS REFLECTED ON IT?



1 A. ON WHAT?

2 Q. ON 645?

3 A. ON 645? THAT SIGNATURE PAGE, GABRIELINO DASH  
4 TONGVA TRIBE BY ITS TRIBAL COUNCIL ON BEHALF OF THE TRIBAL  
5 COUNCIL IS VIRGINIA CARMELO AND MARTIN ALCALA

6 Q. OKAY.

7 A. AND THEN FOR THE GABRIELINO TRIBAL GAMING  
8 AUTHORITY THAT WAS ENTITY WITHIN THE TRIBE THAT I WAS  
9 SUPPOSED TO RUN THAT WOULD BE RESPONSIBLE TORT CASINO  
10 PROJECT THAT WAS OVERSEEN BY VIRGINIA CARMELO AND MARTIN  
11 ALCALA AS WELL.

12 Q. CAN I PUT THIS UP YOUR HONOR?

13 THE COURT: YES.

14 MS. IBARRA: OKAY. SO THIS IS WHAT IT IS. SO  
15 EVEN THOUGH YOU WERE RUNNING THE GABRIELINO TRIBAL GAMING  
16 AUTHORITY AND YOU HAD A CONTRACT WITH GABRIELINO-TONGVA  
17 TRIBE, YOU DON'T CONTEND THAT YOU ARE A PARTY TO THIS  
18 AGREEMENT; CORRECT?

19 A. NO, BUT WHAT SCARED ME WAS JUST ABOUT EVERY SINGLE  
20 E-MAIL HAD MY NAME ON IT, SO IF MONEY WAS TAKEN IN  
21 VIOLATION OF SECURITIES LAWS AND VIOLATION OF THIS  
22 AGREEMENT, I WOULD BE ON THE HOOK EVEN THOUGH I WAS ON THE  
23 SIGNATORY. I WOULD BE ABSOLUTELY A CO-CONSPIRATOR OR JOINT  
24 AND SEVERALLY LIABILITY THOSE TYPES OF CONCEPTS.

25 Q. BUT MONEY PROVIDED BY LIBRA INVESTORS WAS FOR THE  
26 BENEFIT OF THE TRIBE, RIGHT?

27 A. WRONG.

28 Q. HOW -- OKAY.

1           A.     IT WAS CONSCIOUS IT WAS VERY -- IF YOU HOOK IN THE  
2 REPRESENTATIONS AND WARRANTIES, IT WAS VERY SPECIFICALLY TO  
3 DO THE CASINO PROJECT WHICH WAS GIVEN A SEPARATE NAME AND  
4 IDENTITY, THE GABRIELINO TRIBAL GAMING AUTHORITY IT WAS FOR  
5 THE BENEFIT OF THE CASINO PROJECT SO THE INVESTORS COULD  
6 MAKE MONEY OFF OF IT NOT FOR THE TRIBE WAS THE INVESTORS  
7 WERE NOT GOING TO MAKE MONEY OFF OF THE TRIBAL MEMBER  
8 MEETINGS.

9           Q.     WAS THERE ANY PROVISION IN THE INVESTOR AGREEMENT,  
10 THE LIBRA INVESTOR AGREEMENT FOR FEDERAL RECOGNITION?

11          A.     NO.

12          Q.     SO --

13          A.     THEY WERE -- THIS MONEY WAS TO GO THE STATE ROUTE.  
14 FEDERAL RECOGNITION WOULD HAVE TAKEN 30 YEARS EASILY, WE  
15 SPOKE WITH THAT SPECIFICALLY WITH THE LIBRA INVESTORS ABOUT  
16 THAT POSSIBILITY AND THEY SAID DON'T USE OUR MONEY FOR THAT  
17 STUFF, THEY MIGHT HAVE USED OTHER MORE COLORFUL TERMS.  
18 THEY WANTED THE STATE RECOGNITION PROJECT, IF IT FAILED  
19 THEY'D LOSE THEIR MONEY, BUT THEY THOUGHT IT WOULD SUCCEED  
20 AND THEY WERE WILLING TO BACK IT.

21          Q.     DID IT EXPRESSLY FORBID USING THIS MONEY FOR  
22 FEDERAL RECOGNITION?

23          A.     IT EXPRESSLY FORBID USING THIS MONEY FOR ANYTHING  
24 OTHER THAN WHAT WAS IN THE BUDGET. WE HAD THE BUDGET FOR  
25 THE 2.15 MILLION AND THEN WE WOULD GO THROUGH A LATER  
26 PROCESS IF WE WANTED ANOTHER \$2,000,000 OR HALF A MILLION  
27 DOLLARS WE WOULD PUT IN A NEW BUDGET FOR THAT AND THEY  
28 WOULD HAVE ABSOLUTE DISCRETION ON WHETHER TO FUND THE

1 BUDGET OR NOT, DO IT NOW, DO IT LATER, IT WAS ENTIRELY UP  
2 TO THEM.

3 Q. DID THE LIBRA INVESTORS REQUIRE THAT THE TRIBE OR  
4 THE TRIBAL COUNCIL TAKE YOUR ADVICE ON THE LIBRA INVESTMENT  
5 FUNDS?

6 A. NO THERE WAS -- I'M -- COULD YOU PLEASE.

7 Q. SURE. DID THE LIBRA INVESTORS REQUIRE THROUGH  
8 THIS AGREEMENT OR OTHERWISE THAT THE TRIBAL COUNCIL FOLLOW  
9 YOUR ADVICE?

10 A. NO, NO. THEY ABSOLUTELY DID NOT, DID HE DID NOT  
11 REQUIRE THAT THE TRIBAL COUNCIL USE ST. MONICA DEVELOPMENT  
12 OR JONATHAN STEIN.

13 Q. SO WERE YOU -- DID YOU IN FACT -- DID YOU IN FACT  
14 END OF SUING LIBRA INVESTORS?

15 A. ON THE ADVICE OF COUNSEL, YEAH ABSOLUTELY, THAT'S  
16 RIGHT.

17 Q. AND WHAT WERE YOUR ALLEGATIONS AGAINST LIBRA?

18 A. THAT IF THEY CONTINUED TO FUND THE TRIBE WITHOUT  
19 PROVIDING ANY MONEY THAT WAS OWED BY THE TRIBE TO ME, THEN  
20 THEY COULD BE HELD LIABLE UNDER SEVERAL THEORIES IN  
21 CALIFORNIA LAW TO -- FOR THE FAILURE TO PAY MONIES THAT  
22 WERE OWED BEFORE THEY MADE THEIR FUNDING DECISIONS.

23 Q. SO THEN LET'S GO BACK AND LOOK AT SOME OF THE  
24 LETTERS YOU SEND SO THE TRIBAL MEMBERS?

25 A. AND BY THE WAY THAT'S ONE OF THE REASONS WHY THE  
26 AMOUNT TAKEN OUT BY SMDC WERE SO LIMITED BECAUSE WE HAD ONE  
27 ON THE ONE HAND FOLLOWED THE BUDGET, ON THE OTHER HAND THEY  
28 KNEW ALL ABOUT THE SMDC DEBT AND THEY KNEW THAT THEY HAD TO

1 PROVIDE FOR ITS PAYMENT SO THAT'S WHY NEGOTIATE AND FOLLOW  
2 AGREEMENTS, HAVE BIG THICK DOCUMENTS AND AGREE TO THINGS.

3 Q. OKAY, BUT YOU TESTIFIED EARLIER TODAY, WE WERE  
4 DISCUSSING ONE OF THE -- WE WERE DISCUSSING ONE OF THE  
5 LETTERS THAT YOU SENT TO THE TRIBAL COUNCIL WHERE YOU MAKE  
6 REPRESENTATIONS WHY LIBRA WOULDN'T WORK WITH THE TRIBE SO  
7 IT'S FIVE 23, MEMBERSHIP LETTER NUMBER 4.

8 THE COURT: I'M SORRY WHICH EXHIBIT.

9 MS. IBARRA: FIVE 23 AND IT'S MEMBERSHIP LETTER  
10 NUMBER 4 SO WE.

11 THE COURT: WHY DON'T YOU PUT IT UP HERE SO I  
12 CAN -- I'M SORRY I MISSED IT.

13 MS. IBARRA: IT'S FIVE 23.

14 THE COURT: FIVE 23.

15 THE COURT: OKAY.

16 MS. IBARRA: IT'S THE ONE WE DISCUSSED THIS  
17 MORNING, CAN I PUT IT UP.

18 THE COURT: WELL I DON'T KNOW?

19 A. IF IT'S THE ONE WE DISCUSSED THAT'S NOT WHAT I  
20 SAID.

21 MS. IBARRA: WELL WE CAN LOOK AT THE LETTER?

22 A. PLEASE.

23 Q. CAN I PULL IT UP.

24 THE COURT: ALL RIGHT.

25 MS. IBARRA:

26 Q. OKAY SO THIS IS THE LETTER THAT WE DISCUSSED THIS  
27 MORNING AND IT'S -- ALL OF THESE ARE UNDATED BUT IT'S  
28 BEFORE NOVEMBER 18TH?

1           A.     IT'S BEFORE NOVEMBER 18TH, THE LAST PAGE I READ TO  
2 THE JURY FOR --.

3           Q.     AND YOU SAID THIS LANGUAGE WAS SPECIFIC LANGUAGE  
4 THAT YOU INCLUDED?

5           A.     YES THE LEAD INVESTOR INDICATED THAT THE INVESTOR  
6 DO NOT WISH TO METTLE IN THE INTERNAL AFFAIRS OF THE TRIBE  
7 AND AWAIT THE RESULTS. YOU SAID THAT I SAID THAT THEY  
8 DIDN'T WANT TO WORK WITH THE TRIBE, THAT'S NOT TRUE. THEY  
9 DIDN'T WANT TO METTLE AND THEY WERE WAITING RESULTS AND  
10 THAT'S WHY I WROTE THAT.

11          Q.     DID YOU -- WHY DIDN'T YOU DISCLOSE THAT YOU HAD  
12 SUED LIBRA?

13          A.     WELL THE IDEA AND WE WERE IN CONSTANT CONTACT  
14 NEARLY EVERY DAY WAS WE WERE HOPING THIS COULD ALL GO AWAY,  
15 IN FACT THE LIBRA PART OF THE LAWSUIT DID GO AWAY WITHIN 30  
16 DAYS.

17          Q.     WITHIN 30 DAYS?

18          A.     WITHIN 30 -- I THINK IT WAS ABOUT 30 DAYS.

19          Q.     OKAY WELL WE'LL LOOK AT THAT?

20          A.     THE IDEA WAS TO GET THE TRIBAL COUNCIL THAT HAD  
21 RUN AWAY WITH 898,000 IN LIBRA'S CASH BACK TO THE TABLE.  
22 UNFORTUNATELY THE TRIBAL COUNCIL CHOSE VERY PUBLIC  
23 LITIGATION IN 2006 WRITE THEY CONTINUE TO THIS DAY, 10  
24 YEARS LATER.

25          Q.     BUT ISN'T IT TRUE THAT YOU WANTED LIBRA TO TAKE  
26 YOUR SIDE IN THIS DISPUTE WITH THE TRIBE, THE TRIBAL  
27 COUNCIL, THEY REFUSED SO YOU SUED THEM.

28                 MR. FORDYCE: OBJECTION?

1           A.    NO THAT'S NOT THE CASE AT ALL, NO.  NO THAT'S NOT  
2 THE CASE AT ALL.

3           Q.    OKAY.  BUT YOU DID SUE THEM.  THEY DIDN'T SUE THE  
4 TRIBAL COUNCIL?

5           A.    DO YOU WANT TO HEAR WHAT THE CASE WAS?

6           Q.    YES PLEASE.

7           A.    LIBRA WANTED TO SEE THIS MESS HANDLED, THEY HAD  
8 READ THE CHRONOLOGY OF CONFLICT THAT I HAD SENT THEM, WE'RE  
9 IN DAILY COMMUNICATIONS WITH SAMMY LI AND JESS RAVITCH  
10 WHO'S AN EXTREMELY BUSY GUY OR WAS AT THAT TIME AND THEY  
11 WERE HOPING AS I UNDERSTOOD IT FROM THEM, THAT THIS WOULD  
12 BE RESOLVED AND THEY ASKED ME WERE YOU WILLING TO WALK AWAY  
13 AND I SAID SURE, I'M FOR CONCERNED ABOUT THE CASINO PROJECT  
14 GOING FORWARD AND I'VE GOT THESE VERY IMPORTANT RIGHTS  
15 UNDER THIS VERY BIG SMDC AGREEMENT AND THEY SAID FINE WELL  
16 WE MIGHT HONOR THEM OR WE MIGHT NOT, DEPEND ON WHAT THE  
17 TRIBAL COUNCIL WANTS TO DO AND WHEN THEY WENT BACK TO THE  
18 TRIBAL COUNCIL I WENT TO THE TRIBAL COUNCIL AND AS THE  
19 E-MAILS MADE CLEAR, THE TRIBAL COUNCIL SAID NO, WE'RE NOT  
20 GOING TO PAY YOU A DIME AND IF LIBRA TELLS US TO PAY YOU A  
21 DIME WE'RE STILL NOT GOING TO PAY YOU A DIME.  I REPORTED  
22 THAT TO LIBRA, THEY DIDN'T SAY OY VEY, BUT THEY SAID, YOU  
23 KNOW, DON'T KNOW WHAT TO DO AND THAT PRETTY MUCH WAS THE  
24 END OF THAT.  WE KEPT GOING BACK TO THE TRIBAL COUNCIL,  
25 LETTER AFTER LETTER, DEMAND AFTER DEMAND, EVEN AFTER  
26 LITIGATION STARTED, RIGHT TO ANNOUNCEMENTS AT THE NOVEMBER  
27 18TH MEETING SAYING LISTEN CAN WE GET THESE GUYS BACK TO  
28 THE TABLE, CAN THE FINANCIAL OVERSIGHT COMMITTEE FIND THE

1 MONEY OR FIND OUT WHAT HAPPENED AND IF NECESSARY I'M ALSO  
2 HAPPY TO WALK AWAY AND AT EVERY TURN THE TRIBAL COUNCIL  
3 SAID NO, NO, NO. NOT FAR DIFFERENT FROM MS. GOAD --  
4 MS. GOADS ANSWER TODAY 10 YEARS LATER.

5 Q. SO I UNDERSTAND YOUR TESTIMONY ABOUT WHAT HAPPENED  
6 WITH LIBRA, I DON'T UNDERSTAND WHY YOU SUED THEM IF  
7 EVERYTHING HAPPENED AS YOU DESCRIBED AND IF WHAT LIBRA SAID  
8 WAS SOMETHING CLOSE TO OY VEY SO WHY DID YOU SUE LIBRA?

9 A. WE SUED LIBRA AT THE ADVICE OF MY COUNSEL AND WITH  
10 THE UNDERSTANDING THAT WE'RE HOPEFULLY GOING TO SETTLE THIS  
11 ALL OUT QUICKLY. WE SENT A DRAFT COMPLAINT --.

12 THE COURT: WHAT WAS THE DISPUTE THAT HAD TO BE  
13 SETTLED IS THE QUESTION?

14 A. IT'S THE SAME DISPUTE THAT I SAID BEFORE WHICH IS  
15 IF SMDC IS NOT GOING TO GET PAID BY MONEY THAT THEY ARE  
16 FUNDING KNOWING THAT SMDC IS NOT GETTING PAID THEN WE WERE  
17 GOING TO HOLD THEM RESPONSIBLE FOR THE ACTIONS OF FUNDING  
18 WITHOUT MAKING A PROVISION FOR PAYMENT OF SMDC.

19 THE COURT: SO YOU'RE SAYING IF THEY GO FORWARD  
20 FUNDING THE TRIBE YOU'RE GOING TO SUE THEM?

21 A. THAT'S CORRECT.

22 THE COURT: IF THEY CONTINUE TO PROVIDE FUNDS?

23 A. THAT'S CORRECT.

24 MS. IBARRA: AH OKAY. SO IF THEY WENT FORWARD  
25 WITH THE TRIBE THEN YOU WOULD SUE THEM AND YOU DID SUE  
26 THEM?

27 A. IF THEY FAILED TO MAKE ANY PROVISION FOR PAYMENT  
28 OF THE \$2,000,000 OWED, ONE POINT 59 5,000,000 IN FEES,

1 232000 IN REIMBURSABLES AND INTEREST CHARGES, IF THEY MADE  
2 ABSOLUTELY NO PROVISION FOR THAT, THEN ACCORDING TO MY  
3 LAWYER, KEN SULZER AT SEYFARTH SHAW THEY COULD BE HELD  
4 LIABLE UNDER CALIFORNIA LAW THAT WAS IN THE DRAFT COMPLAINT  
5 AND THEN --.

6 THE COURT: NO YOU'VE ANSWERED POINT QUESTION?

7 A. GREAT.

8 THE COURT: THAT WAS THE DUPE, OKAY.

9 Q. BY MS. IBARRA: SO IS IT FAIR TO CHARACTERIZE IT  
10 AS YOU THOUGHT LIBRA SHOULD BE -- OR SHOULD BE FOLLOWING  
11 YOU INSTEAD OF FOLLOWING THE TRIBAL COUNCIL?

12 A. NO I JUST THOUGHT THAT THEY SHOULD BE PROVIDING  
13 FOR PAYMENT OF 4.9 MILLION DOLLARS IN DEBTS INCLUDING THE  
14 AMOUNTS OWED TO SMDC.

15 Q. YOU TESTIFIED YESTERDAY HOWEVER THAT YOU THOUGHT  
16 IT WAS LESS FOR THE TRIBAL COUNCIL TO SUE BECAUSE IT WAS  
17 GOING TO -- IT WAS GOING TO SCARE OFF LIBRA BUT YOU DIDN'T  
18 SAY THAT YOU ACTUALLY SUED LIBRA ON THE SAME DAY THAT THEY  
19 INSTITUTED A LAWSUIT?

20 A. WHEN THEY -- LIBRA KNEW ABOUT THE DRAFT COMPLAINT,  
21 THE REASON WE GAVE THE DRAFT COMPLAINT TO EVERYBODY IS SO  
22 THEY COULD SEE WHAT WAS GOING ON TO GO ON IF WE DON'T SIT  
23 BACK AND PRIVATELY MEDIATE THIS, THE TRIBE KNOWING THAT  
24 THEN FILED THEIR COMPLAINT AND WHEN WE FOUND OUT THE TRIBE  
25 FILED THE COMPLAINT WE FILED OURS.

26 Q. SO --?

27 A. IF YOU LOOK UP HOW NUCLEAR WARS ARE WAGED, THEY DO  
28 IT THE SAME WAY.



1 Q. SO ARE YOU BASICALLY UPSET THEY PULLED THE TRIGGER  
2 BEFORE YOURS, BY AN HOUR ACTUALLY?

3 A. I WASN'T UPSET, WE WERE FOLLOWING WHAT YOU TO IN  
4 LITIGATION AND WHAT YOU DO WHEN YOU DON'T SETTLE DISPUTES  
5 OUTSIDE OF THE COURTROOM.

6 Q. SO BACK TO THIS LETTER, ARE WE IN AGREEMENT THAT  
7 YOU DID NOT CLOSE THAT AT THIS POINT YOU'RE ALREADY IN  
8 LITIGATION AT LIBRA?

9 A. YES THAT'S CORRECT.

10 Q. OKAY. SO DO YOU -- OTHER THAN IN THIS  
11 COMMUNICATION, IS THERE ANOTHER COMMUNICATION, RATHER  
12 WRITTEN OR ORAL WELL YOU TELL THE TRIBE -- THE TRIBAL  
13 MEMBERSHIP ACTUALLY BECAUSE THE TRIBAL COUNCIL AT THIS  
14 POINT WAS WELL AWARE, BUT DID YOU KNOW TESTIFY THE TRIBAL  
15 MEMBERSHIP THAT YOU WERE IN LITIGATION WITH LIBRA?

16 A. I DON'T KNOW, I DON'T KNOW IF I MENTIONED IT ON  
17 NOVEMBER 18TH OR.

18 Q. DID YOU THINK THAT IF YOU TOLD THEM THAT THAT THEY  
19 WOULD THINK LESS OF YOUR POSITION?

20 A. NO I -- I DON'T KNOW BECAUSE I DON'T HAVE ANY  
21 RECOLLECTION WHETHER I DID OR NOT BUT GIVEN HOW STRONGLY --  
22 OH STRONGLY THE MEMBERS FELT ABOUT THE TRIBAL COUNCIL NOT  
23 TELL THEM THAT THERE WAS ANY MONEY AT ALL AND HOW STRONGLY  
24 THEY FELT ABOUT WHAT HAPPENED TO THE \$898,000, I DON'T  
25 THINK THAT THEY WERE FOCUSING ON WHETHER LIBRA AND THEIR  
26 INVESTMENT GROUPS HAD BEEN SUED OR NOT, THEY WERE REALLY  
27 FOCUSED ON THE TRIBAL COUNCIL'S ACTIONS AND MOVING THE  
28 FINANCIAL OVERSIGHT COMMITTEE FORWARD TO CHECK AND BALANCE

1 THOSE ACTIONS.

2 Q. SO IT'S BEEN A FEW -- IT'S BEEN A LONG TIME SINCE  
3 THIS LETTER, SO WHY DON'T WE FOCUS ON A SPECIFIC LANGUAGE  
4 THAT YOU USED TO THE MEMBERSHIP?

5 A. HERE?

6 Q. YES. GO THROUGH THE FIRST SENTENCE CAN YOU READ  
7 IT OUT LOUD PLEASE?

8 A. THE FIRST SENTENCE SAYS THE INVESTOR GROUP REFUSED  
9 TO FORWARD NEW INVESTOR FUNDS TO THE TRIBE SINCE  
10 TERMINATION OF MR. STEIN AND REFUSAL OF THE TRIBAL COUNCIL  
11 TO COOPERATE WITH THE TRIBES ACCOUNTANTS.

12 Q. SO I INTERPRET THAT AS THEY WANTED YOU BACK --.

13 Q. ?

14 THE COURT: LIBRA WANTED HIM BACK.

15 MS. IBARRA: THAT'S WHAT THAT LETTER IMPLIES. YOU  
16 DON'T THINK THAT'S A REASONABLE INTERPRETATION OF THAT?

17 A. NO IT SAYS THAT WE HAD INVESTOR FUNDS WE COULDN'T  
18 GET NEW DEVELOPMENT FUNDS BECAUSE OF TWO THINGS, NUMBER ONE  
19 THE TERMINATION OF MR. STEIN AND NUMBER 2 NOBODY WOULD  
20 PRODUCE A CHECK SO THAT THE TRIBES LONG TIME ACCOUNTANTS  
21 COULD ACTUALLY SEE WHERE THE MONEY WAS AND PRODUCE MORE  
22 THAN A REPORT THAT THIS HAD TO GUESSTIMATE THAT THERE WAS  
23 898,000 OVEN ACCOUNTED FOR.

24 Q. BUT YOU JUST TESTIFIED THAT LIBRA HAD ASKED YOU IF  
25 YOU'RE WILLING TO I FORGET THE WORD THAT YOU USED TO MOVE  
26 AWAY OR TO LEAVE THIS BEHIND OR MOVE FORWARD OR SOMETHING  
27 FROM THIS -- FROM THE SMDC AGREEMENT?

28 A. WHEN SEARCHING FOR A SOLUTION TO THIS DISPUTE,

1 LIBRA ASKED ME, ARE YOU WILLING TO STEP AWAY TO RESOLVE THE  
2 DISPUTE AND I SAID CERTAINLY, I JUST JUST WANT TO MAKE SURE  
3 THE MONEY OWED TO ME IS EITHER PAID OR A MECHANISM THAT  
4 WOULD WE AGREE TO TO PROVIDE FOR FUTURE PAYMENT IS  
5 AGREED.

6 Q. OKAY. I DON'T THINK THAT THIS IS WHAT THAT SAYS.

7 MR. FORDYCE: YOUR HONOR OBJECTION COUNSEL IS  
8 TESTIFYING.

9 THE COURT: SUSTAINED LET THE JURY DECIDES WHAT IT  
10 MEANS OR IF IT SAYS WHAT IT SAYS OR IF IT'S CONSISTENT,  
11 THAT'S THEIR CALL.

12 MS. IBARRA: ALL RIGHT.

13 Q. SO AFTER THIS OCCURS AND YOU HAVE DON'T RECALL  
14 EVER TELLING THE TRIBAL MEMBERSHIP THAT YOU HAD A SPECIFIC  
15 DISPUTE WITH LIBRA, WERE YOU OPENING A NEW TRIBAL LIP WOULD  
16 RE INSTEAD YOU BECAUSE THERE'S NO DISPUTE THAT YOU EITHER  
17 QUIT OR WERE TERMINATED, WERE YOU HOPING IF YOU BROUGHT  
18 ALONG SOME CHANGE OF LEADERSHIP THAT THAT LEADERSHIP COULD  
19 THEN REINSTATE YOU AND YOU COULD AGAIN CONTROL THE LIBRA  
20 FUNDS?

21 A. NO.

22 Q. THAT WASN'T YOUR MOTIVATION?

23 A. NO. I WANTED TO RECEIVE THE CASINO PROJECT GO  
24 FORWARD, I WANTED TO SEE IT BENEFIT THE MEMBERS AND I  
25 WANTED TO MAKE SURE THAT I GOT -- THAT SMDC GOT PAID, THE  
26 REST WAS TO ME NOT THAT IMPORTANT AND QUITE FRANKLY THERE  
27 WERE PLENTY OF OTHER THINGS I COULD DO WITH MY TIME.

28 Q. BUT THAT DIDN'T PRECIPITATE -- BUT THAT DID PRE AT

1 THE TIME CITIZENSHIP DATE YOUR DESIRE TO SEE A CHANGE IN  
2 LEADERSHIP INCLUDING A RECALL?

3 A. THE RECALL WAS FROM THE FINANCIAL OVERSIGHT  
4 COMMITTEE, THEY WERE THE GUYS THAT REALLY WANTED TO SEE THE  
5 RECALL AND I THOUGHT THE RECALL ELECTION WOULD BE VERY  
6 DIFFICULT TO ORGANIZATION AND EXPENSIVE. AS IT TURNED OUT  
7 IT WAS TOO EXPENSE SIEVE AND TOO DIFFICULT TO ORGANIZE SO  
8 EVERYBODY GOT THEIR ACT TOGETHER IN SPRING, THE SPRING 2007  
9 ELECTION.

10 Q. THERE WAS SPRING 2007 RESOLUTIONS?

11 A. YEAH THERE WAS ONE IN 20,000 A- AND ANOTHER ONE IN  
12 TO '07.

13 Q. WAS THERE EVER EYE RECALL ELECTION?

14 A. NO THERE WASN'T BUT I BELIEVE WHAT HAPPENED WAS  
15 THE TRIBAL COUNCIL SAW THE RECALL ELECTION, HAD THE MONEY,  
16 DIDN'T WANT TO PAY THE 4.9 MILLION DOLLARS AND SAID HEY  
17 IT'S TIME TO MOVE ALONG AND AND YOUR EVIDENCE OF THAT,  
18 WE'VE SEEN IT IT THE BLUE CARDS, THAT THE EVIDENCE?

19 A. NO IT'S THE NOVEMBER 19TH MEETING THAT THEY SET UP  
20 I OBJECT [STAEFD] OF GOING TO THIS ONE AND EXPLAINING  
21 THEMSELVES TO THE MEMBERS AND EXPLAINED WHY THE FINANCIAL  
22 OVERSIGHT COMMITTEE SHOULD GET A YEA OR NOT GET A AREA YEA  
23 THEY SAID NO WE'RE GOING TO HAVE A SEPARATE MEETING AND ON  
24 TO NOT OF THAT MR. POLANCO THEN CAN EVERYTHING HE COULD DO  
25 KEEP THIS MEETING FROM HAPPENING. HE SENT LETTERS TO ALL  
26 THE SPEAKERS, HE PULLED POLITICAL MANIPULATIONS THROUGH THE  
27 CITY OF LA SO WE COULDN'T GUEST A PARK PERMIT, ONE HINGE  
28 AFTER ANOTHER TURNED AROUND AND SAID NOPE H GOOD IDEA TO

1 HAVE A MEETING.

2 Q. AND TOUR TALKING ABOUT THIS FIRST MEETING THE  
3 NOVEMBER 18 MEETING?

4 A. THE NOVEMBER 18 MEETING, AND INSTEAD OF GOING TO  
5 THAT THEY SET UP THEIR NOVEMBER 19 MEETING, INSTEAD OF  
6 ELYSIAN PARK THEY WENT TO LONG BEACH.

7 Q. AND YOU HAVE TESTIFIED THAT YOU PAID FOR THIS  
8 MEETING?

9 A. I PAID FOR THE NOVEMBER 18TH MEETING IN ELYSIAN  
10 PARK, YEAH WE SERVED SOME OF FOOD FOR EVERYBODY, I PAID THE  
11 PERMIT FEES AND I PAID TO HAVE LETTERS LIKE THAT GO OUT,  
12 THE POSTAGE TO, YOU KNOW, 15 -- 1700 PEOPLE, THE POSTAGE IS  
13 1700 TIMES WHATEVER.

14 Q. AND SOME OF THESE LETTERS WERE AUTHORED BY YOU  
15 EXCEPT FOR THIS ONE; RIGHT?

16 A. I AUTHORED THE FIRST LETTER THAT WE SHOWED, SAYING  
17 I'M BEEN FIRED AND I'M NOT AUTHORIZED BUT I'M WRITING IT  
18 ANYWAY, AND THIS ONE WAS AUTHORED BY FINANCIAL OVERSIGHT  
19 COMMITTEE BUT I REVISED THE LANGUAGE AND MADE SURE IT READ  
20 NICELY AND.

21 Q. AND NUMBER 2 AND NUMBER 3 YOU AUTHORED?

22 A. WE HAVEN'T SEEN NUMBER 2 AND NUMBER 3, BUT THERE  
23 WERE OTHER LETTERS, YES.

24 Q. YES, THERE ARE OTHER LETTERS AND WE HAVE DISCUSSED  
25 THEM. SO LET'S SEE IF WE CAN FIND IT. BUT IS IT FAIR TO  
26 SAY THAT YOU THROUGH BARBARA GARCIA WHO WAS YOUR EMPLOYEE,  
27 YOU WORKED THIS MEETING?

28 A. NO. THE FINANCIAL OVERSIGHT COMMITTEE ORGANIZED

1 THE MEETING AND I SAID BARBARA, FOLLOW THEIR ADVICE INSTEAD  
2 OF THE TRIBAL COUNCIL AND THEN BARBARA WENT FORWARD AND  
3 ORGANIZED IT, AND THEN WHEN MR. POLANCO BLOCKED OUR ABILITY  
4 TO GET A PERMIT IN THE NAME OF GT TRIBE WE GOT A SECOND  
5 PERMIT EITHER IN BARBARA'S NAME OR MY NAME OR THE NAME OF  
6 HER DAD, I DON'T REMEMBER WHO WAS.

7 Q. BUT YOU SAID JUST NOW YOU ASKED BARBARA TO FOLLOW  
8 THEIR DIRECTION?

9 A. SURE.

10 Q. SO THAT'S YOUR EMPLOYEE, SO YOUR OFFICES, YOUR LAW  
11 OFFICES ORGANIZED THIS MEETING?

12 A. AS I STATED EARLIER MANY TIMES, BARBARA GARCIA WAS  
13 DIRECTED GO AHEAD AND TAKE CARE OF THE TRIBES BUSINESS FOR  
14 THE TRIBAL COUNCIL, THAT'S FOR GT TRIBE 2001 THROUGH 2006.  
15 WHEN IT SPLIT IN HALF AND THE TRIBAL COUNCIL LEFT, THE  
16 FINANCIAL OVERSIGHT COMMITTEE WAS THERE AND I SAID BARBARA  
17 GIVE THEM WHAT THEY WANT.

18 Q. WELL THEY LEFT BECAUSE YOU KICKED THEM OUT YOUR  
19 OFFICE?

20 A. I NEVER KICKED THEM OUT OF MY OFFICE, I HAD TO GO  
21 HOME ON SEPTEMBER 9TH I WAS DEAD TIRED I HAD FLOWN BACK AND  
22 FORTH TO SACRAMENTO TWICE IN THREE DAYS, GETTING TO THE  
23 AIRPORT AT 4:30 IN THE MORNING GETTING BACK FROM THE  
24 AIRPORT AT 11:00 AT NIGHT TWO DAYS IN A [ROEF] AND THIS WAS  
25 A THIRD DAY AND I SAID WILL YOU PLEASE GET OUT BECAUSE I  
26 CAN'T KEEP MY EYES OPEN AND THEY WOULDN'T SO I LEFT AND  
27 WHILE I WAS GONE, THEY STOLE THE CHECK BOOKS AND OTHER  
28 TRIBAL RECORDS AND THEREIN TOOK OFF OUT OF THE OFFICE.

1 Q. IS SEPTEMBER 9TH ALSO THE DATE WHERE YOU ALLEGEDLY  
2 RESIGNED AND WHERE YOU SUBMIT THE LETTER OF RESIGNATION?

3 A. THAT'S WHEN I RESIGNED AS AN OFFICER OF THE  
4 GABRIELINO TRIBAL GAMING AUTHORITY. THE OFFICER -- THAT  
5 SIGNATURE PAGE YOU SAW, GABRIELINO TRIBAL GAMING AUTHORITY  
6 BECAUSE THAT'S WHEN THEY STARTED TAKING THE MONEY BIG TIME  
7 AND THAT'S WHEN I SAID WHOA, WHOA, THIS IS REALLY DANGEROUS  
8 AND I GOT OUT OF THAT. SMDC STILL HAD ITS AGREEMENT AND ON  
9 OCTOBER 3, ABOUT THREE WEEK LATER SHEPPARD MULLIN READ THE  
10 AGREEMENT AND SAID THIS IS HOW WE TERMINATE IT AND THEY  
11 WROTE A LETTER SAYING WE TERMINATE UNDER SECTION 5 AND 13  
12 OR WHATEVER THE RIGHTS SECTIONS WERE.

13 Q. OKAY WELL -- BUT ON SEPTEMBER 9TH IS THE DATE THAT  
14 YOU BOTH ORALLY RESIGN AND THEN MEMORIALIZE YOUR  
15 RESIGNATION AND THEN KICKED THEM OUT OF -- KICKED THEM OUT  
16 OF YOUR OFFICE AND THAT THEY TAKE WHATEVER DOCUMENTS THEY  
17 CAN TAKE.

18 MR. FORDYCE: OBJECTION MISSTATES.

19 A. THAT'S NOT WHAT I SAID.

20 THE COURT: OVERRULED SHE'S ASKING IF THAT'S WHAT  
21 THE TESTIMONY IS?

22 A. THAT'S NOT WHAT MY TESTIMONY WAS IT'S CLOSE BUT  
23 THAT'S NOT WHAT IT WAS.

24 Q. BY MS. IBARRA: DO DID YOU RESIGN ON THAT -- DID  
25 YOU SEND THAT LETTER INTENDING TO RESIGN?

26 A. I INTENDED TO RESIGN AS CEO OF GABRIELINO TRIBAL  
27 GAMING AUTHORITY AS OF SEPTEMBER 9TH, I LEFT THE OFFICE  
28 AFTER GIVING THEM THAT LETTER, AND SAID IF YOU ARE NOT

1 GOING TO -- IF YOU ARE NOT GOING TO LEAVE MY LAW OFFICES  
2 BECAUSE YOU CLAIM THEY'RE THE TRIBAL COUNCIL HEADQUARTERS  
3 YOU CAN STAY BUT I CAN'T KEEP MY EYES OPENING OPEN I'M  
4 LEAVING. I LEFT, WHEN I CAME BACK THE NEXT MORNING THEY  
5 HAD STOLEN, AND I USED WORD STOLEN, THE TRIBAL  
6 ADMINISTRATION OFFICE, THE CHECK BOOKS AND THE MAJOR  
7 RESOLUTION AND OTHER IMPORTANT DOCUMENTS THAT WERE ALL IN  
8 THIS VERY NICE SEAT OF WHITE NOBODY'S, WE HAD CLOSE TO 100  
9 NOBODY'S BY THAT TIME, THEY TOOK THE KEY ONES AND THEY LEFT  
10 I FOUND IT OUT THE NEXT MORNING, BARBARA GARCIA CAME IN SHE  
11 WAS VERY -- I REMEMBER HER CRYING SHE WAS REALLY CRYING.

12 Q. WAS SHE THERE THAT NIGHT?

13 A. HUH.

14 Q. WAS BARBARA GARCIA THERE -- WAS IT DURING THE DAY  
15 OR WAS IT THE EVENING?

16 A. IT WAS THE EVENING WHEN I LEFT AND BARBARA GARCIA  
17 HAD LEFT AT THE END OF NORMAL WORK HOURS.

18 Q. AND YOU LEFT YOUR OFFICE OPEN?

19 A. I LEFT MY OFFICE WITH THE TRIBAL COUNCIL BECAUSE  
20 THEY WERE CLAIMING THIS WAS THE TRIBAL HEADQUARTERS AND  
21 THEY HAD A RIGHT TO SAY AND I SAID --.

22 THE COURT: IS THAT THE ADDRESS ON THE LETTERHEAD,  
23 THAT CEASE GABRIELINO-TONGVA TRIBE, IS THAT THE SAME  
24 ADDRESS?

25 A. YES.

26 MS. IBARRA: SORRY?

27 A. FOR THIS LETTER THEN IT IS THAT THEY THEN TOOK THE  
28 LETTERHEAD AND USED ADOBE TECHNIQUES OR WHATEVER TO CHANGE



1 THE ADDRESS I MY OFFICE WAS AT 50 ONE SANTA MONICA  
2 BOULEVARD, SUITE 500 IN SANTA MONICA. THEY TOOK PUT EYE  
3 USED ADVANCED XEROX GRAPH [AOE] TECHNIQUES BUT THE 761  
4 TERMINAL STREET.

5 Q. OH BECAUSE YOU RETAINED CUSTODY OF THE LETTERHEAD?

6 A. NO THEY TOOK LETTERHEAD WITH HIM.

7 Q. BUFF YOU HAVE CONTINUED TO HAVE USED LETTERHEAD  
8 AFTER THAT, AFTER THAT?

9 A. I USED THAT LETTERHEAD IN ANY LETTER TO THE  
10 MEMBERS THAT SAID I HAVE BEEN FIRED, I RAISED 21 MILLION  
11 AND WE CAN'T ACCOUNT FOR A MILLION DOLLARS AND THAT WAS  
12 BECAUSE THEY HAD TAKEN OUT THE CHECK BOOKS ON SEPTEMBER  
13 9TH.

14 Q. AND THIS ADDRESS LISTED HERE 5015 SANTA MONICA  
15 BOULEVARD, SUITE 500, THIS IS WHERE THESE EVENTS HAPPENED?

16 A. THAT'S RIGHT.

17 Q. SO THE ADDRESS LISTED AS THE -- YOU KNOW THE  
18 ADDRESS FOR THE GABRIELINO-TONGVA TRIBAL COUNCIL?

19 A. THAT'S RIGHT.

20 Q. WE'LL HERE MORE FROM OTHER WITNESSES ABOUT THOSE  
21 EVENTS TOOK.

22 THE COURT: LET'S TAKE A 10-MINUTE BREAK AND WE'LL  
23 HEAR ABOUT IT LATER. OKAY STEP DOWN, 10 MINUTES?

24 A. THANK YOU YOUR HONOR \* \* JURY OUT \* \*.

25 THE COURT: OKAY JUST A CAUTION MR. STEIN, YOU  
26 NEED TO ANSWER THE QUESTION THAT'S BEING ASKED, OKAY? YOU  
27 GO ON AND ON AND ON, I'M GOING TO START RAINING YOU IN SO.

28 MR. STEIN: I NOTICED THE SAME THING AND YOU WERE

1 VERY TOLERANT, YEAH.

2 THE COURT: SO IF IT CALLS FOR YES OR NO, IT'S YES  
3 OR NO, OKAY? ALL RIGHT. THANK YOU.

4 MR. FORDYCE: THANK YOU YOUR HONOR.

5 MS. IBARRA: THANK YOU.

6 (BREAK TAKEN.) 11:27 AM TO 11:35 AM.

7 THE COURT: WHY DON'T YOU GO AHEAD AND TAKE A SEAT  
8 MR. STEIN.

9 MR. STEIN: VERY GOOD.

10 (WHEREUPON THE JURY ENTERS THE COURTROOM.).

11 THE COURT: GABRIELINO-TONGVA TRIBE VERSUS  
12 JONATHAN STEIN BC361307. YOU MAY CONTINUE.

13 MS. IBARRA: THANK YOU.

14 Q. BY MS. IBARRA: SO I DON'T HAVE THAT MUCH MORE,  
15 JUST A COUPLE OF THINGS. SO THE NOVEMBER 18TH MEETING,  
16 THAT'S THE ONE YOU ATTEND AND SO -- AND YOU CONTEND THE  
17 TRIBAL COUNCIL DIDN'T COME TO THAT, IT DIDN'T ATTEND THAT  
18 MEETING?

19 A. SAM DUNLAP ATTENDED AND ANSWERED QUESTIONED AND  
20 THEN VIRGINIA CARMELO ATTENDED AND THEN WALKED OUT VERY  
21 EARLY.

22 Q. OKAY. BUT SO NOVEMBER 8TH MEETING, THE LITIGATION  
23 HAD STARTED ON NOVEMBER 1ST -- SO THEY WOULD HAVE BEEN  
24 ADVISED -- NOVEMBER 1ST, YES. SO LITIGATION, I KEEP  
25 GETTING THOSE DATES CONFUSED, NOVEMBER 2ND THE LITIGATION  
26 STARTS, THE MEETING IS ON NOVEMBER 18TH?

27 A. THAT'S CORRECT.

28 Q. AND YOU GUYS WERE OPPOSING PARTIES AT THIS POINT

1 BECAUSE YOU HAD SUED SAM DUNLAP AS AN INDIVIDUAL AND  
2 VIRGINIA CARMELO AS AN INDIVIDUAL SO THEY WOULD HAVE BEEN  
3 ADVISE TODAY COME WITH COUNSEL IF THEY WERE GOING TO SPEAK  
4 AT ALL, RIGHT.

5 MR. FORDYCE: OBJECTION LACKS FOUNDATION.

6 THE COURT: WELL SPECULATION, SUSTAINED.

7 Q. BY MS. IBARRA: DO YOU THINK IT WOULD BE WISE FOR  
8 THEM IF THEY'RE IN LITIGATION WITH SOMEBODY TO SHOW UP AT A  
9 MEETING WITH THEM WITHOUT LAWYERS?

10 A. THEY WERE BEING -- THEIR LITIGATION HAD BEEN FILED  
11 BY SHEPPARD MULLIN WHO WAS A BIG NATIONAL FIRM VERY  
12 WELL-KNOWN FOR LITIGATION.

13 THE COURT: WELL, THE QUESTION WAS EVERYONE RIGHT.

14 MS. IBARRA: YES.

15 THE COURT: WOULD IT BE WISE, YES OR NO?

16 A. YES.

17 MS. IBARRA: SO AS [THAUL] ON THAT. SO NOVEMBER  
18 9TH, WE'LL RETURN TO THAT LATER WITH OTHER WITNESSES?

19 A. NOVEMBER --

20 Q. SORRY SEPTEMBER 9TH WAS THE DATE OF THE MEETING AT  
21 YOUR LAW OFFICES IN SANTA MONICA WHERE THERE'S AN  
22 ALLEGATIONS THAT YOU RESIGN, THERE'S AN ALLEGATION THAT YOU  
23 KICKED THEM OUT AND I GUESS THAT YOU DISPUTE THEM. WAS  
24 THERE A TAPE RECORDING OF YOUR COMMENTS THAT WAS -- THAT  
25 ANGERED YOU BY ONE OF THE TRIBAL COUNCIL MEMBERS OR MAYBE  
26 BY MS. ARONSON?

27 A. THERE WAS A TAPE RECORDING THAT MS. ARONSON HAD  
28 MADE OF AN EARLY CONVERSATION WITHOUT MY APPROVAL THAT SHE

1 TRIED TO PLAY ON SEPTEMBER 9TH AND IT MADE ME VERY ANGRY  
2 BECAUSE NOT ONLY IS IT ILLEGAL TO RECORD THINGS, IN MY MIND  
3 IT WAS A BIG BREACH OF FAITH SINCE I HAD BEEN WORKING ON A  
4 DAILY BASIS WITH MS. ARONSON.

5 THE COURT: OKAY SO YES, THERE WAS A TAPE  
6 RECORDING CONVERSATIONS THAT ANGERED YOU.

7 Q. BY MS. IBARRA: WAS A TAPE RECORDER O THAT WAS  
8 USED TO PLAY THAT DEVICE OR RECORDING. WAS THERE A  
9 PHYSICAL TAPE RECORDER AT THE MEETING?

10 A. AT THE SEPTEMBER 9TH MEETING?

11 Q. YES.

12 A. YES.

13 Q. AND DID YOU FLING IT AT THE TRIBAL COUNCIL?

14 A. NO.

15 Q. WE'LL HEAR MORE TESTIMONY ABOUT THAT FROM OTHER  
16 PEOPLE TODAY. SO WE'VE ESTABLISHED NO RECALL ELECTION EVER  
17 TOOK PLACE. DID YOU CUT OFF THE TRIBAL COUNCIL'S E-MAIL  
18 DURING THIS TIME PERIOD?

19 A. DURING THIS TIME PERIOD?

20 Q. YES.

21 A. NO.

22 Q. WHEN DID YOU CUT IT OFF?

23 A. WE CUT OFF THE E-MAIL RIGHT AROUND THE BEGINNING  
24 OF 2007.

25 Q. SO OH, YOU THINK IT WAS IN 2007?

26 A. I'M NOT SURE, I DON'T REMEMBER, THAT'S WHY I SAID  
27 RIGHT AROUND.

28 Q. SO YOU HAVE DON'T THINK IT WAS AT THE SAME TIME

1 THAT YOU EITHER RESIGNED OR WERE TERMINATED WHICH WOULD  
2 HAVE BEEN IN SEPTEMBER OR OCTOBER?

3 A. I DON'T RECALL THE EXACT DATE.

4 Q. OKAY YOU DON'T RECALL. DID YOU ALSO CUT OFF THEIR  
5 CELL PHONES?

6 A. SINCE SMDC WAS PAYING THE BILLS FOR THE CELL  
7 PHONES ON THE SMDC ACCOUNT.

8 THE COURT: IS THAT YES OR NO?

9 A. YES.

10 Q. BY MS. IBARRA: AND WHAT TIME PERIOD DID YOU CUT  
11 OFF THEIR CELL PHONES?

12 A. ABOUT THE SAME TIME.

13 Q. SO SAME TIME AS THE E-MAILS WHICH YOU CONTEND IS  
14 2007 OR DO YOU AGREE THAT IT WOULD HAVE BEEN -- AT THE TIME  
15 THAT YOU HAD A FALLING OUT EITHER -- A SEPARATION I'LL CALL  
16 IT, SO EITHER IT WAS RESIGNATION OR TERMINATION, SEPTEMBER  
17 OCTOBER OF 2006?

18 A. YOUR HONOR WHICH QUESTION.

19 THE COURT: YEAH IT'S A LITTLE VAGUE AND --.

20 Q. BY MS. IBARRA: SO WHICH TIME PERIOD DO YOU  
21 CONTEND THAT YOU CUT OFF THE CELL PHONES, I'LL JUST ASK YOU  
22 THAT?

23 A. I DO REMEMBER SEEING A BILL RECOGNIZING --.

24 THE COURT: HOLD ON, WHEN DID YOU CUT OFF THE CELL  
25 PHONE?

26 A. OCTOBER OR NOVEMBER CELL PHONE BILL WOULD BE WHEN  
27 IT WAS.

28 MS. IBARRA:

1 Q. EXAM YOUR RECOLLECTION ABOUT THE E-MAIL WAS THAT  
2 IT WAS LATER, IT WAS IN 2007?

3 A. I DON'T HAVE A SPECIFIC RECOLLECTION BUT IT WOULD  
4 HAVE BEEN AFTER THE CELL PHONE.

5 Q. AND DID YOU CUTOFF THEIR ACCESS TO THE WEBSITE  
6 THAT WAS MAINTAINED FOR THEIR BENEFIT WHERE YOU POSTED  
7 UPDATES AND WHAT WAS GOING ON WITH THE TRIBE?

8 A. I'M SORRY. YOUR HONOR THE WEBSITE.

9 THE COURT: DID YOU HAVE A HARD TIME UNDERSTANDING  
10 THE QUESTION?

11 A. YEAH.

12 THE COURT: OKAY.

13 Q. BY MS. IBARRA: DID YOU MAINTAIN A WEBSITE ON  
14 BEHALF OF THE GABRIELINO-TONGVA TRIBE?

15 A. GT TRIBE HAD A WEBSITE, YES.

16 Q. OKAY. DID OTHER TRIBAL COUNCIL PEOPLE -- WELL NOT  
17 OTHERS BUT DID THE TRIBAL COUNCIL HAVE ACCESS TO THE  
18 WEBSITE?

19 A. YES THEY INTERFACED DIRECTLY WITH DAN WEGNER WHO  
20 MAINTAINED THE WEBSITE.

21 Q. DID YOU CUT OFF ACCESS TO THAT WEBSITE FOR THE  
22 TRIBAL COUNCIL?

23 A. I BELIEVE I INSTRUCTED DAN WEGNER TO CUT OFF THEIR  
24 ACCESS, YES.

25 Q. EXAM WHAT DATES, TO THE BEST OF MY KNOWLEDGE, WHAT  
26 TIME DID YOU CUT OFF THAT ACCESS?

27 A. THE SAME PERIOD AS THE E-MAILS AND THE CELL  
28 PHONES.

1 Q. SO YOU'VE TESTIFIED TO TWO DIFFERENT DATES FOR  
2 THAT, YOU SAID FOR THE CELL PHONES -- REFRESH MY  
3 RECOLLECTION, DID YOU SAY FOR THE CELL PHONES IT WAS THE  
4 FALL AND THEN FOR THE E-MAIL IT WAS LATER?

5 A. OCTOBER AND NOVEMBER FOR THE CELL PHONES, LATER  
6 FOR THE E-MAILS AND OCTOBER NOVEMBER OR LATER FOR THE  
7 WEBSITE.

8 Q. OR LATER, OKAY. SO THEN ONE LAST THING, MY LAST  
9 ISSUE IS GOING TO BE PLAINTIFF'S EXHIBIT 107 IT'S IN THE  
10 DIFFERENT BOOK THAT WE'VE USED.

11 MR. FORDYCE: DELIA, DO YOU HAVE COPIES FOR THE  
12 WITNESS.

13 MS. IBARRA: YES, I DO (INDICATING.)?

14 A. THANK YOU.

15 THE COURT: ALL RIGHT YOU MAY -- I THINK HE HAS A  
16 COPY.

17 MS. IBARRA:

18 Q. MAY I SHOW IT TO THE -- OH CAN YOU IDENTIFY IT  
19 FIRST?

20 A. THIS IS A STATEMENT THAT YOU FILE ANNUALLY OR  
21 EVERY FIVE YEARS, I'M NOT SURE WHICH, IT'S CALLED STATEMENT  
22 BY UNINCORPORATED ASSOCIATION AND THIS WAS FILED BY LINDA  
23 CANDELARIA.

24 Q. OKAY. CAN I SHOW IT TO THE --?

25 A. YES.

26 Q. SO I DON'T HAVE A PDF COPY BUT I DO HAVE THIS,  
27 THIS IS PLAINTIFF'S EXHIBIT 107 AND I ALSO HAVE.

28 THE COURT: WHY DON'T YOU -- WAIT A SECOND, IS

1       THERE A WAY YOU CAN CLIP IT.

2               MS. IBARRA: I ALSO HAVE INDIVIDUAL COPIES THAT  
3 CAN BE CIRCULATE-D.

4               THE COURT: IF YOU WANT BUT I THINK IT SHOULD BE  
5 PUT UP SO EVERYBODY CAN SEE IT. VERONICA CAN HELP YOU.  
6 IT'S KIND OF SMALL STILL.

7               MS. IBARRA: SO THAT'S WHY I HAVE AN EXTRA COPY  
8 FOR THE JURY.

9               THE COURT: GO AHEAD, HAND THIS TO JUROR NUMBER 7  
10 ON THE CORNER THERE AND HE CAN PASS IT DOWN.

11              MS. IBARRA: THANK YOU IF YOU CAN CIRCULATE THIS  
12 (INDICATING.).

13              Q. BY MS. IBARRA: MR. STEIN WHAT'S THE DATE STAMP ON  
14 THIS DOCUMENT?

15              A. THERE ARE TWO DATES ON THE DOCUMENT.

16              Q. OKAY. LET'S LOOK -- FIRST THE FILE STAMP?

17              A. THE FILE STAMP BY THE SECRETARY OF STATE OF THE  
18 STATE OF CALIFORNIA IS DECEMBER 18, 2006.

19              Q. OKAY.

20              A. THAT'S UP TOP.

21              Q. AND THEN THE SIGNATURE BY MS. CANDELARIA REFLECTS  
22 A DIFFERENT DATE, RIGHT?

23              A. THE SIGNATURE BY LINDA CANDELARIA OF THE FINANCIAL  
24 OVERSIGHT COMMITTEE MEMBER IS DECEMBER 17 AND THAT'S AT THE  
25 BOTTOM UNDER THE FINANCIAL OVERSIGHT COMMITTEE MEMBER AND  
26 THERE'S A SECOND STAMP ON THAT ONE.

27              Q. AND IDENTIFY NUMBER 4, CAN YOU READ WHAT THAT  
28 SAYS?



1           A.     IDENTIFY NUMBER 4 IS NAME OF AGENT FOR SERVICE OF  
2 PROCESS, BARBARA GARCIA.

3           Q.     AND NUMBER 5 WHAT DOES THAT SAY?

4           A.     50 ONE SANTA MONICA BOULEVARD SUITE 500 IN SANTA  
5 MONICA.

6           Q.     SO THAT'S YOUR ADDRESS, YOUR LAW OFFICES.

7           THE COURT: IS THAT CORRECT?

8           A.     IT'S LISTED AS THE ADDRESS OF THE  
9 GABRIELINO-TONGVA TRIBE AND BARBARA GARCIA IS THAT AT THAT  
10 ADDRESS.

11           THE COURT: THE QUESTION IS THAT YOUR LAW OFFICES  
12 ADDRESS?

13          A.     YES.

14          Q.     AND LET'S JUST LOOK BRIEFLY AT THE TOP, THERE IS  
15 ATE LITTLE FAX IDENTIFICATION, AND CAN YOU READ THE DATE?

16          A.     THAT IS THE FAX NUMBER SHARED BY MY LAW OFFICE AND  
17 THE TRIBE 58 '72 TWO '81.

18          Q.     AND THAT'S YOUR NAME ON TOP?

19          A.     JONATHAN STEIN GETS READ OUT ON THE [TPHABGS]  
20 MACHINE, .

21          Q.     THAT'S RIGHT. WHAT AUTHORITY DID MS. BARBARA  
22 GARCIA OR MS. LINDA CANDELARIA HAVE TO FILE THIS DOCUMENT?

23          A.     THE FINANCIAL OVERSIGHT COMMITTEE WANTED TO FILE  
24 THE DOCUMENT AND SO IT WAS UNDER THAT AUTHORITY.

25          Q.     BUT THERE WAS STILL -- THE LITIGATION HAD BEEN  
26 FILED ON NOVEMBER 1, YOU HAD --?

27          A.     THAT'S NOT CORRECT.

28          Q.     NOVEMBER 2ND, I'M SO SORRY I KEEP MAKE THAT LONG

1 MISTAKE. SO NOVEMBER 2ND THERE'S LITIGATION, YOU HAD A  
2 MEETING ON NOVEMBER 18TH AND YOU HAD PLANNED FOR A RECALL  
3 ELECTION?

4 A. I HAD NOT -- I DIDN'T SAY THAT. I SAID THE  
5 FINANCIAL OVERSIGHT COMMITTEE HAD PLANNED THAT, I DIDN'T  
6 PLAN IT.

7 Q. I'M SORRY. THE FINANCIAL OVERSIGHT COMMITTEE YOU  
8 MAINTAIN WAS THE ENTITY THAT HAD PLANNED FOR A RECALL  
9 ELECTION BUT THE RECALL ELECTION WASN'T SCHEDULED -- THEY  
10 WERE HOPING WAS GOING TO BE IN JANUARY?

11 A. THEY WERE HOPING THAT THE TRIBAL COUNCIL WOULD  
12 COOPERATE AND MAKE A RECALL UN NECESSARY BUT THE TRIBAL  
13 COUNCIL NEVER COOPERATED, THAT'S WHAT THEY WERE HOPING.

14 Q. WERE THEY HOPING THE TRIBAL COUNCIL WOULD  
15 COOPERATE IN FILING THIS DOCUMENT?

16 A. THEY WERE NOT HOPING THAT THE TRIBAL COUNCIL WOULD  
17 COOPERATE IN FILING THIS DOCUMENT.

18 Q. SO WHY DID THEY FILE THIS DOCUMENT?

19 A. THEY FILED THIS DOCUMENT BECAUSE OF AN  
20 UNPRECEDENTED SITUATION WHERE THE FINANCIAL OVERSIGHT  
21 COMMITTEE AND 1500 MEMBERS OF THE TRIBE WERE GOING FORWARD  
22 AND THE TRIBAL COUNCIL HAD TAKEN OFF WITH ALL THE MONEY AND  
23 WOULDN'T EXPLAIN THEMSELVES AND CONTRAST WOULDN'T SHOW WHAT  
24 THEY WERE DOING BUT THEY WERE CLAIMING THAT THEY WERE THE  
25 TRIBE AND THIS WAS AFTER THE MEMBER MEETING WHEN THE TRIBE  
26 WAS SPLIT IN HALF, IT SPLIT IN HALF ON NOVEMBER 18TH AND  
27 NOVEMBER 19TH SO SHE FILED THIS ON DECEMBER 18, ONE MOVE  
28 LATER, THEY GAVE THEM A MONTH AND SAID OKAY, THERE'S A

1 QUESTION WHO THE TRIBE IS, WE'RE GOING TO ANSWER THAT  
2 QUESTION FOR -- BY MAKING A GOVERNMENTAL FILING, THAT'S  
3 WHAT GOVERNMENTAL FILINGS ARE FOR.

4 Q. TO YOUR KNOWLEDGE, DID MS. BARBARA GARCIA TYPE  
5 THIS OR DID MS. LINDA CANDELARIA TYPE THIS DOCUMENT?

6 A. IT WOULD BE BARBARA GARCIA TYPED IT.

7 Q. WOULD SHE HAVE FILED SOMETHING LIKE THAT WITHOUT  
8 YOUR KNOWLEDGE?

9 A. OH KNOW, I KNEW THEY WERE DOING IT.

10 Q. SO -- AND YOU AGREED TO IT?

11 A. I THOUGHT IT WAS A GREAT IDEA.

12 Q. DID YOU DIRECT THEM TO DO THIS?

13 A. NO THEY -- THEY WANTED TO FILE SOMETHING, I DID  
14 RESEARCH AND IT TURNED OUT WE SHOULD HAVE BEEN FILING THIS  
15 ALL ALONG, ANNUALLY OR EVERY FIVE YEARS, I DON'T KNOW WHICH  
16 BUT IT HADN'T BEEN DONE, SO I BROUGHT THAT TO THEM AND THEY  
17 SAID WELL IF WE SHOULD HAVE DONE THAT BEFORE LET'S AT LEAST  
18 DO THAT NOW AND LET'S MAKE IT CLEAR WHERE THE ADDRESS IS  
19 AND IN PART THAT HAD BECOME AN ISSUE BECAUSE OF THE POSTAL  
20 INSPECTOR TRICK THAT MR. POLANCO HAD PLAYED.

21 Q. AND THIS IS AFTER SHEPPARD MULLIN HAD FILED THE  
22 NOVEMBER 2ND?

23 A. YEAH.

24 Q. COMPLAINT WHERE SHEPPARD MULLIN IDENTIFIES THE  
25 TRIBE AS AN UNINCORPORATED ASSOCIATION, CORRECT?

26 A. THAT'S RIGHT.

27 Q. SO YOU REALIZED THAT THEY HADN'T ACTUALLY FILED  
28 THIS, THEY HADN'T FILED A STATEMENT OF INCORPORATION SO

1 THEN YOU RUSHED TO GET MS. CANDELARIA TO FILE ONE SO THAT  
2 YOU CAN [PWRAOFB] THAT LINDA CANDELARIA WAS A REAL PARTY IN  
3 INTEREST IN THIS CASE.

4 MR. FORDYCE: OBJECTION LACKS FOUNDATION ASSUMES  
5 FACTS NOT IN EVIDENCE.

6 THE COURT: OVERRULED?

7 A. THAT'S NOT WHAT I SAID AND THAT'S NOT WHAT I DID.

8 MS. IBARRA: I KNOW THAT'S NOT WHAT I SAID H I'M  
9 ASKING YOU IF THAT WAS YOUR MOTIVATION?

10 A. NO MY MOTIVATION WAS TO DO RESEARCH ON HOW DO  
11 WE -- IS THERE A STATEMENT THAT WOULD SHOW WHO THE TRIBE  
12 IS, THERE WERE OVER 1500 MEMBERS WHO THOUGHT THEY WERE THE  
13 TRIBE, THEY JOINED THE VOLUNTARY ORGANIZATION, THEY DIDN'T  
14 LEAVE, THEY HAVE DIDN'T GET TERMINATED THEY DIDN'T WANT TO  
15 GET TERMINATED, THEY DIDN'T WANT TO GO TO ANOTHER GUYS OR  
16 THEY CHOSE NOT TO GO OR THEY WEREN'T ADMITTED THEY DIDN'T  
17 KNOW SO THE FACE WAS --.

18 THE COURT: SO THE ANSWER IS IT NO THAT WAS NOT MY  
19 MOTIVATION?

20 A. THAT WAS NOT MY MOTIVATION.

21 MS. IBARRA: OKAY THAT'S ALL I HAVE FOR YOU THANK  
22 YOU.

23 THE COURT: ANY REDIRECT.

24 MR. FORDYCE: YES YOUR HONOR VERY BRIEF.

25 Q. MR. STEIN CONCERNING EXHIBIT 107 THAT YOU WERE  
26 JUST SEEN, WAS THAT DOCUMENT REJECTED BY THE CALIFORNIA  
27 SECRETARY OF STATE TO YOUR KNOWLEDGE?

28 A. NO IT WAS ACCEPTED.

1 Q. MR. STEIN WE'VE HEARD TESTIMONY THAT E-MAILS WERE  
2 CUTOFF, CELL PHONES WERE CUT OFF THE AND WEBSITE ACCESS WAS  
3 CUT OFF AND WHY DID YOU CUT OFF THE OF THE CELL PHONES IF  
4 YOU DID -- IN FACT LET ME START WITH THAT I COULDN'T DID  
5 YOU CUT OFF THE THE CELL PHONE?

6 A. YES.

7 Q. WHY DID YOU DO IT?

8 A. I DIDN'T WANT TO PAVE THE MONEY.

9 Q. DID YOU CUT OFF THE E-MAILS?

10 A. YES AND I SET UP NEW E-MAILS FOR THE FINANCIAL  
11 [SAO\*EUBGZ].

12 Q. AND WHY DID YOU CUT OUT OF THE ORIGINAL E-MAILS?

13 A. THEY WERE USING THEM BASICALLY TO BAD MOUTH ME,  
14 THEY WERE USING IN A REALLY NASTY WAY.

15 Q. CAN YOU ELABORATE?

16 A. I DON'T KNOW IF I'M ALLOWED TO USED WORDS THAT  
17 THEY WERE USING IN THEIR E-MAILS AND LETTERS.

18 Q. PLEASE DON'T USE --.

19 THE COURT: BELIEVE I'VE HEARD WORSE, I'M HEARD  
20 PROBABLY THE MOST FOUL LANGUAGE YOU CAN HEARD IN THE  
21 COURTROOM SO YOU WON'T OFFEND ME.

22 MR. FORDYCE: WELL MR. STEIN?

23 A. WELL I'M NOT A [SHREUFPG]-G FILE VIOLATE EITHER SO  
24 I WOULDN'T MIND.

25 MR. FORDYCE: LET'S JUST KEEP IT TO A MINIMUM.

26 A. WE GOT A FAX SAYING, DICK HEAD DID YOU GET A  
27 CASINO YET, WE GOT MAILERS SENT TO THE BEVERLY HILLS BAR  
28 ASSOCIATION WHERE I WAS ON THE BOARD OF GOVERNERS, THIS IS

1 A GROUP OF LAWYERS, 3,000 LAWYERS AT THE TIME HAD NOTHING  
2 WHATSOEVER TO DO WITH MY ACTIVITIES AS A BUSINESSMAN FOR  
3 ST. MONICA, WE GOT STATE BAR COMPLAINTS, WE GOT -- I GOT  
4 PHONE CALLS AFTER WORKING HOURS FROM EDGAR PEREZ SAYING YOU  
5 KNOW I DON'T GIVE A IF YOU CAN ABOUT YOUR FACT I DON'T CARE  
6 IF WE WIN JUST AS LONG AS YOU DON'T GET PAID AND THAT SORT  
7 OF STUFF WAS ALSO GOING OUT TO MEMBERS AND I WANTED TO MAKE  
8 SURE THAT IT WASN'T GOING OUT IN MY E-MAILS, THEY COULD  
9 SEND IT OUT IN THEIR OWN E-MAILS, THEY HAD THE MEMBERSHIP  
10 LIST FROM PAST REQUESTS TO BARBARA GARCIA, LET THEM TO IT  
11 THEMSELVES, SO I CUT OFF THE WEBSITE AND I CUT OFF WILLS  
12 ASSOCIATED WITH THE E-MAILS AND I CUT OFF THE E-MAILS THAT  
13 ARE ASSOCIATED WITH THE WEBSITE.

14 MR. FORDYCE: YOUR HONOR WE HAVE EXHIBITS THAT  
15 SPEAK TO THIS, MAYBE I SHOW THE JURY AT LEAST ONE OF THEM  
16 THAT MR. STEIN HAS JUST TESTIFIED.

17 THE COURT: WHAT ARE YOU TALKING ABOUT THE  
18 E-MAILS.

19 MR. FORDYCE: NOD EXHIBIT 63 ONE CONTAINS SOME OF  
20 THE LANGUAGE MR. STEIN JUST REFERRED TO.

21 THE COURT: WELL THE PROBLEM -- WHERE IS '63 ONE.

22 MR. FORDYCE: VOLUME --.

23 THE COURT: LET ME TAKE A LOOK AT IT.

24 MR. FORDYCE: AND YOU WERE THERE'S ALSO MULTIPLE  
25 OTHERS.

26 THE COURT: NO LET ME LOOK AT IT.

27 (PAUSE IN PROCEEDINGS.).

28 THE COURT: WELL JUST HOW ABOUT PAGE 85 TWO.

1 MR. FORDYCE: YES YOUR HONOR AND THAT'S '63 ONE.

2 MR. STEIN I'M GOING TO SHOW YOU EXHIBIT 63 ONE.

3 THE COURT: PAGE 52 OF '63 ONE.

4 MR. FORDYCE: WHICH ONE YOUR HONOR.

5 THE COURT: KEEP GOING, THAT'S IT.

6 Q. MR. STEIN CAN YOU IDENTIFY EXHIBIT 63 ONE PLEASE?

7 A. THIS WAS PART OF A LARGER FAX SENT TO US TO SHOW  
8 THAT SHE HAD SENT SIMILAR THINGS TO PEOPLE IN SACRAMENTO,  
9 PEOPLE THAT WE'RE DOING BUSINESS WITH IN GARDEN GROVE AND  
10 HAD IT HAD A FALSE LEGAL FUND REQUEST SAYING I JONATHAN  
11 STEIN WANT YOU HAD TO CONTRIBUTE TO MY LEGAL FUND BECAUSE  
12 I'M BEING SUED AND AT THE END OF THIS LONG RECITATION OF  
13 ALL THESE NASTY AND PHONY THINGS THAT WERE MADE UP WAS THIS  
14 PAGE, THAT WAS THE LAST PAGE OF THE E-MAILS, THEY WANTED US  
15 TO SEE THE STATEMENTS THAT WERE BEING MADE TO THE GARDEN  
16 GROVE CHAMBERS OF COMMERCE, TO ALL THE LEGISLATORS IN  
17 SACRAMENTO, TO ALL GOVERNERS OF BEVERLY HILLS BAR AND THAT  
18 WAS THE LAST PAGE OF THE FAX INFORMING US OF THIEVES  
19 THINGS.

20 Q. SO THAT WAS NOT PROPAGATED TO YOU CORRECT?

21 A. RIGHT. WELL THIS WAS PROPAGATED TO ME WITH THIS  
22 LAST PAYMENT TO SHOW ME THAT THEY HAD PROP [AEULT] THE  
23 [TKPWAEUTD] TODAY ANOTHER IDENTIFY THE GARDEN GROVE  
24 CHAMBERS, BEVERLY HILLS BAR, ALL THE LEGISLATORS OF  
25 SACRAMENTO STAYING I JONATHAN STEIN WANT YOU TO CONTRIBUTE  
26 TO MY LEGAL DEFENSE.

27 Q. AND THIS WAS ONE OF THE MANY EXAMPLES OF SHALL  
28 WITH SEA INFLAMMATION RHETORIC?

1           A.     YES IT WAS ONE OF MANY EXHIBITS THAT LED ME TO GET  
2 DISTURBED ENOUGH TO SHUT THEM OFF THE FROM THE E-MAIL.

3           MS. IBARRA:   OKAY MR. CLARIFY.

4           MS. IBARRA:   OCCUPY OBJECTION THE DATE ON THERE IS  
5 SEPTEMBER 2007.

6           MR. FORDYCE:   I DON'T OBJECT TO WHAT THE DOCUMENT  
7 SAYS AND SPEAKS FOR ITSELF YOUR HONOR.   ALL RIGHT MR.  
8 STEIN, SEPTEMBER 25TH, 2007 WERE YOU STILL WORKING IN THE  
9 CANDELARIA FACTION IN TRYING TO DEVELOP A CASINO TO BENEFIT  
10 ALL OF THE GABRIELINOS?

11          A.     YES.

12          Q.     OKAY JUST MR. STEIN TWO HER QUESTIONS JUST TO  
13 CLEAN UP, SEPTEMBER 9TH, 2006 WE'VE JUST HEARD TESTIMONY  
14 ABOUT THIS, PLAINTIFF HAS CHARACTERIZED THIS AS THE DATE  
15 WHEN YOU STEPPED DOWN OR RESIGNED IN BROAD TERMS.   IS THAT  
16 ACTUALLY CORRECT OR CAN YOU CLARIFY MORE PARTICULARLY WHAT  
17 HAPPENED ON SEPTEMBER 9, 2006?

18          A.     WELL THERE WERE TWO THINGS THAT HAD TO HAPPEN, ONE  
19 HAPPENED ON SEPTEMBER 9TH.   ON SEPTEMBER 9TH AT MANAGER OF  
20 SMDC I ALSO HELD THE NOMINAL POSITION AS CEO OF THE  
21 GABRIELINO-TONGVA AL GAMING AUTHORITY, THAT WAS PART OF THE  
22 EFFORT TO MAKE SURE THE INVESTOR MONIES WAS SPENT ONLY ON  
23 THE CASINO PROJECT, I WAS IN CHARGE OF THE CASINO PROJECT  
24 AS A CONTRACTOR FOR THE TRIBE, I STEPPED DOWN FROM THAT  
25 POSITION ON SEPTEMBER 9TH BECAUSE IT WAS APPARENT TO ME  
26 THAT THERE WERE GOING TO BE LARGE SCALE FINANCIAL  
27 IMPROPRIETIES THAT THAT HAD OCCURRED AND MORE THAT WERE  
28 EXPECTED BY ME IN THE FUTURE.



1 Q. SO MR. STEIN --?

2 A. SEPARATELY THE SMDC AGREEMENT HAD TO BE TERMINATED  
3 AND THAT WAS DONE BY THE TRIAL ON OCTOBER 3 AND THAT WAS  
4 DONE BY THEIR ATTORNEYS SHEPPARD MULLIN.

5 Q. AND TO B ECLEAR MR. STEIN THAT'S THE DISTINCTION  
6 I'M GOING AFTER, I COULD HAVE BEEN MORE CLEAR. THE  
7 GABRIELINO-TONGVA CLAIMING ASSOCIATION, YOU AS CEO IS  
8 SEPARATE AND APART FROM THE SANTA MONICA -- ST. MONICA  
9 DEVELOPMENT AGREEMENT UNDER WHICH YOU WERE STILL TO BE  
10 PAID?

11 A. RIGHT, RIGHT.

12 Q. OKAY I HAVE NOTHING FURTHER.

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