

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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1 GABRIELINO-TONGVA TRIBE VS. STEIN, TRIAL DAY 7

2 ROUGH TRIAL TESTIMONY OF RICHARD POLANCO AND SAM DUNLAP

3 THE COURT: Okay thank you you may be seated, we
4 have Richard Polanco on the witness stand and we were going
5 to begin cross-examination. You under Mr. Polanco that
6 you're still under oath?

7 A. I do.

8 THE COURT: All right thank you you may begin.

9 Q. BY MR. STEIN: Mr. Polanco you ended your
10 testimony yesterday in saying that no government filings
11 had been made by the Dunlap faction after you became CEO,
12 October 11th of 2006; is that correct?

13 A. The filings, government filings if you include IRS
14 we did not, individuals did.

15 MR. STEIN: Objection nonresponsive please
16 instruct the witness to answer the question.

17 THE COURT: Well let me hear the question again.
18 (Record read.).

19 THE COURT: Well okay you're responding -- there's
20 a defense between individuals versus something else, is
21 that what you're?

22 A. I'm responding.

23 THE COURT: Because Dunlap faction isn't -- okay.

24 MR. STEIN: Is an organization, voluntary
25 organization, may have I rephrase.

26 THE COURT: Yes I think you should.

27 Q. BY MR. STEIN: Do you understand what I mean when
28 I say the Dunlap faction?

1 A. Yes.

2 Q. What do you think the Dunlap faction was?

3 A. What it is and what it was is the individuals that
4 are party to the SMDC agreement.

5 Q. The individuals, it's not an unincorporated
6 association?

7 A. It has not been an unincorporated association.

8 Q. Its individuals only?

9 A. I did not say that.

10 Q. Please tell me what you mean?

11 A. It is a body of individuals who happen to be
12 Gabrielinos who organize themselves since 2001 who entered
13 into an agreement with SMDC at that time who's leadership
14 may have changed but the entity itself in terms of its
15 memberships continue to this day.

16 Q. And I'd like to show you Plaintiff's Exhibit 244.

17 MR. FORDYCE: And Your Honor that has been
18 identified.

19 THE COURT: Okay thank you.

20 Q. BY MR. STEIN: Do you're saying that that's the
21 organization of individuals that made that complaint,
22 United States postal mass [TERBGS] senator Richard Polanco?

23 A. That is my name on it and I was sending it on
24 behalf of the tribal council.

25 Q. And that includes the resume of Barbara Garcia?

26 A. It includes the resume of Barbara Garcia because
27 it was required as part of the submission.

28 Q. And how was it required as part of the submission

1 that a resume of the tribal administrator be included?

2 A. I believe of the forms that we need today fill out
3 listed like six items and I believe that happened to have
4 been one of them.

5 Q. And one of them was list a resume so she can show
6 that she majored in Spanish at the University of Southern
7 California?

8 A. No I don't believe that was the reason.

9 Q. And you said on December 1, okay, so this was sent
10 December 1, this is after the split on November 18 and 19,
11 is that your understanding that there was?

12 A. My --.

13 Q. Split on November 18 and 19?

14 A. There has never been a split, the split occurred
15 when you left and either you resigned or were terminated,
16 that is a very important point and distinction, you left
17 Jonathan, the tribe continued, the membership continued,
18 you then created a separate entity.

19 Q. There was no split in members on November 18 with
20 hundreds going to one meeting and then November 1900s going
21 to a different meeting?

22 A. If you're saying attending different meetings is a
23 split of the existing entity, that's your interpretation.
24 There has not been a split, the split was when you left.

25 Q. Okay. So you're saying that there's no split in
26 the voluntary organization dating back to that time?

27 A. I have think I answered the question already.

28 Q. Please answer that question?

1 A. Rephrase it please.

2 Q. Please read it.

3 THE COURT: Go ahead.

4 (Record read.).

5 MS. IBARRA: Objection asked and answered.

6 THE COURT: Sustained.

7 MR. STEIN: Okay. So you felt that on December 1
8 you could go to the postal inspector and say hey we have
9 moved, send all of the mail entitled Gabrielino-Tongva
10 Tribe to terminal street and none of the mail to 50 one
11 Santa Monica Boulevard?

12 A. The genesis of what generated this complaint was
13 based on the fact that we were not receiving any mail.

14 THE COURT: Mr. Polanco he didn't ask you that,
15 just listen to the question. Your attorney will have a
16 chance to ask you questions but listen to what he's asking
17 if you. Go ahead re-ask your question.

18 MR. STEIN: Actually if we can have the court
19 reporter.

20 THE COURT: [HR-RD] read it back.

21 (Record read.)?

22 A. Can it be divided because there's two answers to
23 that question, Your Honor. It's --.

24 MR. STEIN: Please answer the question.

25 THE COURT: Well if he can't answer it.

26 MR. STEIN: Then say he can't answer it?

27 A. I can't -- I will answer that the basis -- we went
28 and initiated this complaint because -- not [TPHO*UZ]

1 because we had changed our address, because we were not
2 receiving mail to this address.

3 Q. BY MR. STEIN: Wasn't in fact the complaint very
4 different from what you just said, isn't this complaint to
5 say stop sending mail to 50 one Santa Monica Boulevard
6 because we've moved to terminal street and those guys at
7 Santa Monica Boulevard are committing a felony and using
8 our name to get our mail that should be [SEPTD] to text
9 message [TPHAL] street, stop sending any mail whatsoever to
10 Santa Monica Boulevard?

11 A. What's the question.

12 Q. Was your complaint to them to say stop sending any
13 mail addressing to GT Tribe to Santa Monica Boulevard, sent
14 it all to terminal street?

15 A. That -- that was part of the complaint, yes.

16 Q. Okay. So it wasn't just we wanted to get our
17 mail, we weren't getting our mail, you [KWRAUPBT]-d to make
18 sure that all the mail address today's GT Tribe that might
19 otherwise go to the tribal administrator and might
20 otherwise go to the financial oversight committee instead
21 went to you guys and that was the purpose of this
22 complaint?

23 A. No.

24 Q. What was the purpose of this complaint?

25 A. The purpose of the complaint was to obtain
26 correspondence that through Ms. Garcia's effort was being
27 diverted back to your office.

28 Q. I see. And you're saying -- this is the complaint

1 that you wrote after you offered her a job with general
2 Russ pay?

3 A. This -- this complaint came after that discussion,
4 correct.

5 Q. I'd like to show you exhibit 569 and then Exhibit
6 62 one, so let me pull up '62 one first Niall what
7 provision of the SMDC agreement says --.

8 THE COURT: Counsel you can't pull it up to him
9 yet, pull it up in the book, '62 one is something you've
10 got to show him.

11 MR. FORDYCE: Correct it has not been identified
12 yet.

13 MR. STEIN: My mistake.

14 MR. FORDYCE: Jonathan was your what was.

15 MR. STEIN: The provision on rules of ethical
16 conduct do not apply in the agreement.

17 MR. FORDYCE: Yeah.

18 THE COURT: Is this '62 one, you need inform take
19 it down if it's '62 one.

20 MR. STEIN: No, it is not, this is the SMDC we've
21 seen many times, I just want to decrease the amount of that
22 he's going to look at he things.

23 THE COURT: But you want him to hook at '62 one.

24 MR. STEIN: That's right.

25 THE COURT: Okay he's found it in and out.

26 MR. STEIN: I found it Niall.

27 MR. STEIN:

28 Q. Can you identify Exhibit 62 one?

1 A. It's a complaint that was filed with the state bar
2 go by you?

3 A. Signed by me, yes.

4 Q. May I show the anywhere Exhibit 62 one.

5 THE COURT: Yes you may.

6 Q. BY MR. STEIN: So could you read the last
7 sentence -- well actually can you read the whole first
8 paragraph?

9 A. I have recently been appointed as the chief
10 executive officer of the tribal gaming authority of the
11 Gabrielino-Tongva Tribe a Native American tribe recognized
12 by the State of California with approximately 1900 members,
13 in parenthesis, the tribe. This letter concerns the
14 conduct of one of your members, Jonathan Alan Stein, who
15 was my predecessor as chief executive officer. I believe
16 that the conduct to be in conflict with his duties as a
17 member of the California state bar, specifically the
18 provisions of rule three dash 600 of the California rules
19 of professional conduct.

20 Q. Thank you Mr. Polanco. And exhibit 569 says rules
21 of professional conduct not to be applied. Developer, SMDC
22 agrees to provide --.

23 THE COURT: Counsel let's go to sidebar for a
24 minute * * sidebar * *.

25 THE COURT: I don't think the rules of
26 professional conduct can be contracted away, I don't think
27 there's any ability to contract away any obligations so
28 that would be a void provision for purposes of public

1 policy at a minimum. I mean I'm not -- I don't know if
2 this is appropriate.

3 MR. STEIN: No. That's -- I disagree with that,
4 but I don't mean to cut you off I'm sorry.

5 THE COURT: Okay. That's my statement, so --

6 MS. IBARRA: That is part of our case in chief is
7 that there were provisions there that were that intended to
8 also disclaim any attorney-client relation, any fiduciary
9 duties, the rules of professional conduct and all of that
10 we'll show didn't apply.

11 MR. STEIN: And those are all enforceable
12 provisions for SMDC and Stein's work at SMDC, you're
13 alleging Stein did work outside of the agreement and you've
14 got to show that Stein consented to that and that will be
15 the subject of expert testimony, the Court's impression was
16 wrong. Forgive me.

17 THE COURT: What authority is there is that says
18 that counsel can waive his professional obligations under a
19 contract?

20 MR. STEIN: A contract that is not for legal
21 services and is not between counsel but between a limited
22 liability counsel owned by counsel can have that.

23 THE COURT: Well, if that's true, if you were an
24 attorney, why would you even have a provision like that?

25 MR. STEIN: To avoid exactly what she's doing now
26 to avoid exactly this result 10 years later which is
27 exactly what the expert will say.

28 THE COURT: No. If you're not the attorney under

1 the agreement you wouldn't even need any kind of waiver for
2 the professional conduct rules because there's rules that
3 say you can't engage in business relationships with a
4 client. So.

5 MS. IBARRA: That is also true.

6 MR. STEIN: Well, you can with a waiver but again
7 this is why she has the burden of proof to show that
8 there's an attorney/client relationship after an agreement
9 says specifically that there's not. What that agreement
10 shows is that there's no implied consent now I would be
11 happy to move off the topic if the court says.

12 THE COURT: Well now they've seen it so is there
13 needs to be some type of explanation.

14 MS. IBARRA: And now we're opening the door to the
15 main case in chief because this is really all of this stuff
16 is going to go to that and there's going to be a lot of
17 testimony about that. And if you have want to do that.

18 MR. STEIN: No. I want to stick to Phase I. I
19 want to get this done.

20 THE COURT: Now we have to correct this in some
21 manner. What is your suggestion?

22 MR. STEIN: I didn't do anything wrong, Your
23 Honor.

24 THE COURT: Well --

25 MR. STEIN: That agreement is lawful, that
26 provision is lawful our expert will testify that it's
27 lawful.

28 THE COURT: This is what I'm going to do, I am
ROUGH DRAFT - UNCERTIFIED

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1 going to tell the jury that it is a disputed issue as to
2 whether or not an attorney can and the client can waive the
3 attorneys professional obligations under the rules of
4 conduct.

5 MR. STEIN: Not acting as attorney why is that in
6 dispute.

7 THE COURT: There's not an issue involving that.

8 MR. STEIN: Well, that would be the issue to bring
9 up.

10 THE COURT: No.

11 MS. IBARRA: I'm sorry there's also case law that
12 it doesn't matter the form of the entity, it could be a
13 professional corporation, it could be a limited liability
14 company, it doesn't matter what corporation the attorney is
15 using to term legal services. This SMDC agreement also
16 says that some of the services that will be provided by
17 SMDC, this entity will also be legal in nature, so while
18 you make that representation, you also disclaim all of
19 these other duties and obligations, our experts going to
20 say that that's just conscious that is just not -- you
21 can't do that so.

22 THE COURT: So this is what I'm going to do --
23 you're going to deposit go ahead.

24 MR. FORDYCE: Your Honor just very quickly that
25 begs her own question, she's answered her own question in
26 her statement, he's not -- that's the point, SMDC is not
27 providing legal services this was done in an abundance of

28 caution and now 15 years down the line.

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1 THE COURT: Right so that was a disputed issue
2 whether he was an attorney for them whether he should be
3 ending in business relationships with a client those are
4 all questions that need to be answered in the second phase,
5 but it's now been brought up in this phase of the trial and
6 the jury needs to understand that that's at a minimum a
7 disputed issue.

8 MR. STEIN: Sure that's a good point.

9 THE COURT: We need to drop this line of credit
10 I'm going to let the jury now that that is an disputed
11 issue as to whether a attorney can require a client to
12 waive any obligations under an agreement and that --.

13 MR. FORDYCE: But Your Honor would also be willing
14 to say that the purpose of this agreement is not to create
15 it's not an attorney relationship.

16 THE COURT: No because I don't know whether it is
17 or not, that's the second phase but because it was raised I
18 think it need to be addressed.

19 MR. STEIN: Yeah I think the Court's got it right.

20 THE COURT: I'm going to suggest that we drop this
21 line of credit I'm going to let them know there's a issue
22 for later.

23 MR. STEIN: For later.

24 THE COURT: If you do that I'm going to need to
25 advise them of what the rules actually say.

26 MR. STEIN: No no I think if you have just say it

27 is in dispute as it is for later Mr. Stein will move on,
28 what I'm trying to show is just all these things that he

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

12

1 did because that's not the actions of people that are --.

2 THE COURT: Did The State Bar ever resolve that
3 complaint.

4 MR. STEIN: [KWR-F] dismissed it, dismissed I'm
5 going to ask them exactly that they dismissed.

6 MR. FORDYCE: Maybe we should just move on to that
7 then.

8 MR. STEIN: Yeah, that's exactly what I planned to
9 move on to.

10 MS. IBARRA: Yeah, he said he'll say resolve this
11 in the litigation, that's what the letter is about. Don't
12 use our people when you're using our resources to go after
13 mortgage fraud lawyers for litigation disputes, he's using
14 too many resources that's what I'll say.

15 THE COURT: I'm going to give that instruction.

16 MR. STEIN: And I this the after the argument the
17 court is certainly right * * end sidebar * *.

18 THE COURT: Juror Number 6 has a question, certain
19 exhibits such as defense '62 one are entitled things like
20 Polanco dirty tricks, letter to state bar of California,
21 should we be assuming that these titled are relevant to the
22 exhibit or that the titles appear in the exhibit but may
23 not be shown to the jury, the titles are irrelevant.

24 MR. STEIN: That's right.

25 THE COURT: That's the Defendants title so from
26 now on let's not show the the exhibit list.

27 MR. STEIN: The ties [-LZ] are the PDF titles so
28 they're seeing it for a brief [TPHAOEUPLT].

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1 THE COURT: Well they're not relevant, they're his
2 spin on it but from now on don't show the exhibit list,
3 once you get the exhibit pulled up then you can turn on the
4 machine, okay. And I have one other instruction and that
5 is this: That assume there's a second phase of the trial,
6 the issue of whether an attorney can require a client to
7 waive the attorneys obligations under the rules of
8 professional conduct is it an issue that will be resolved
9 later, maybe in the contract but whether it can be done or
10 not is something that will be addressed in a second phase
11 should there be one, okay.

12 MR. STEIN: And Your Honor.

13 THE COURT: So we're going to drop this line of
14 credit for now with that instruction.

15 MR. STEIN: Very good.

16 Q. And that complaint was made right after you took
17 over at CEO?

18 A. The complaint was made on October they which is
19 right after I assumed the position of CEO.

20 Q. So we have now seen a complaint to the postal
21 service and a complaint to the state bar. I'd like to show
22 you and have you identify Exhibit 62. Have you seen
23 Exhibit 62 two before.

24 THE COURT: So just turn off the --.

25 MR. STEIN: Well Your Honor I'm not sure if that's

26 going to be good but we're going to be going through a warm
27 up period, if you've instructed the jury it's in the red
28 stripe.

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

14

1 THE COURT: I don't know what you [PHAEP] by red
2 stripe.

3 MR. STEIN: If you would like to release the jury
4 tore 10 minutes.

5 THE COURT: I don't want to release the jury tore
6 so minutes.

7 MR. STEIN: And get rid of the words dirty tricks
8 it's obviously something I've written not him.

9 THE COURT: Why don't we just go forward with the
10 books, you'll figure it out at the break, I don't want to
11 take another brake.

12 MR. STEIN: I'd like to show them the -- once Mr.
13 Polanco identifies I'd like to show them Exhibit 62 two. .

14 THE COURT: So we're showing him '62 two is that
15 it.

16 MR. STEIN: Uh-huh.

17 Q. Mr. Polanco is that a report that you made or
18 caused to be made?

19 A. I'm not sure that I made it but I do recognize the
20 names of George Dunlap and capital connection and mark a-
21 pray a- associates.

22 Q. May I show Exhibit 62 two to the jury Your Honor.

23 THE COURT: Did you say that you?

24 A. I'm not sure that I wrote this, it says the
25 unauthorized mass mailings.

26 THE REPORTER: Sorry? ?

27 A. I'm sorry.

28 THE COURT: Just read it to yourself.

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

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1 MR. STEIN: And Your Honor I'm taking the
2 opportunity to get rid of the tight that's the court finds
3 objectionable.

4 THE COURT: [SOUF] don't know whether you did it
5 or not?

6 A. I'm not sure that I -- that you know if I had --
7 if it I did it and I knew I did it I would say I did it but
8 I don't -- it's 2006, I don't recall.

9 THE COURT: All right?

10 A. But you do recall the names of each of these
11 individuals with whom I have interact-d with in the past.

12 MR. STEIN: So do you recall?

13 A. During this period of time.

14 Q. Do you recall that report being a business record
15 of the Dunlap faction, have you seen this before?

16 A. I'm going -- I'm going to say that I'm still not
17 convinced that I have seen it, I'm seeing it for the first
18 time. Your Honor let me rephrase, I'm not sure if I've
19 seen this before.

20 THE COURT: Okay.

21 A. It's 2006, again I do recognize the individuals, I
22 worked with them as a lobbyist, I had conversation with
23 Cruz Reynoso and so I'll attest to the fact that I have
24 engaged conversation with both Justice Reynoso, a- Varian,

25 judge did you know who I've known for many years, the
26 capital connections, Kristi who I've known for many years,
27 mark a- pray a-, event sponsors, I will prepare a letter.

28 Q. So you're familiar with all the content?

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

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1 A. I'm familiar with the content, yes.

2 Q. Very good, may I show Exhibit 62 two to the jury.

3 THE COURT: Okay.

4 MR. STEIN: And I've taken the chance to get rid
5 of any reference to dirty tricks Your Honor.

6 THE COURT: Just don't -- just do it the way
7 you're doing it right now, when you show it pull the cap
8 right off.

9 THE COURT: Not that the [TKOBGS].

10 MR. STEIN: It's all complained up Your Honor.

11 THE COURT: No.

12 MR. STEIN: Very good.

13 THE COURT: Just do it the way we talked about.

14 MR. STEIN: Yes, ma'am.

15 THE COURT: Just pull it up and take the cap off.

16 MR. STEIN: Yes, ma'am.

17 Q. BY MR. STEIN: So this is the report update on
18 Elysian Park November 18, 2006, no now November 18, Elysian
19 Park, that was the meeting of the Candelaria faction is
20 that correct?

21 A. That's correct.

22 Q. And November 19 that was nine meeting of the
23 Dunlap faction?

24 A. That's correct.

25 Q. And in this report you are going to each person
26 that was invited to the meeting and reporting that you're
27 trying to dissuade them from addressing the tribal members
28 on November 18th at Elysian Park?

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

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1 A. No that was not my -- I do recall. My purpose of
2 reaching out to Cruz Reynoso and Mr. Arabian was to
3 inform that they were employed by hired by and working
4 for the tribe and not for you and that the request from the
5 council was that they consider also attending the November
6 19th meeting but it was not to -- as -- it was to let them
7 know that their duty really is to the Gabrielino-Tongva
8 Tribe and to the council who had paid for their services
9 contrary to testimony that we've heard before.

10 Q. Oh, okay. So you're saying it wasn't to say hey
11 don't go to that meeting?

12 A. I'm saying that it was -- if you were not -- were
13 not going to disallow or tell you not but we want you to
14 know that the client is the tribe and not Mr. Stein. You
15 may be working with Mr. Stein and under his direction
16 throughout the relationship.

17 Q. Did -- are you done?

18 A. Yes.

19 Q. Okay. What about all the tribal members that
20 wanted to know what was going on? Why did you want to
21 dissuade people from talking to tribal members?

22 A. That was not the intent, the intent was to inform
23 the members [-FPL] the November 18th meeting, we prepared a

24 packet that was distributed to every person that was in
25 attendance. That packet included a budget, the packet
26 included additional -- at least six additional attachments
27 to it so it was not to -- not one to inform it was to
28 [KHRAEUR] [STKPAOEU] inform.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

18

1 Q. Can you please identify Exhibit 6 23?

2 A. Yes.

3 Q. Have you seen that document before?

4 A. I'm familiar with the subject matter.

5 Q. And may I put on Exhibit 6 23.

6 THE COURT: Once you close that.

7 MR. STEIN: Very good.

8 THE COURT: Right because you have to go back to
9 your exhibit list once you get --.

10 MR. STEIN: I get it, yeah.

11 Q. BY MR. STEIN: This report is report on Elysian
12 Park permit?

13 A. I'm familiar with did.

14 Q. And did you make a photographer conversation with
15 mark --?

16 A. I have certainly did.

17 Q. Was your intent in this report and the
18 communications mentioned to conviction the City of Los
19 Angeles, department of parks and recreations to not allow
20 the tribal members to meet in Elysian Park after they had
21 already issued a permit to do so?

22 A. No.

23 Q. What was your purpose?

24 A. My purpose was to inform mark that the application
25 that was submitted was being submitted by the
26 Gabrielino-Tongva Tribe and that you were no longer engaged
27 with the tribe and that we were concerned with liability.
28 In the previous hearings it was brought forth that Barbara

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

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1 Garcia was the individual that was involved with this app.
2 The intent was never ever to did he [HA] Nye the assembly
3 of individuals at that event.

4 Q. But the financial oversight committee called the
5 meeting and ran the meeting, why are you saying that Mr.
6 Stein and doing this and this, it was the financial
7 oversight committee that called the meeting and ran the
8 meat egg to find out what happened to \$898,000. Did you
9 try to yank the permit so that meeting concur?

10 A. No.

11 Q. After it had been advertised?

12 A. No.

13 Q. This was not an effort to yank that permit?

14 A. Nope it was an effort to inform them that you and
15 Barbara Garcia were utilizing the Gabrielino-Tongva Tribe
16 name for purposes of gaining a permit and we were concerned
17 with liability issues. That was the extent, there was a
18 letter that was sent by the tribal chair that was part of
19 the evidence in previous proceedings, that is very, very
20 [TKHRAER] and concise as to why we were concerned.

21 Q. Exhibit 63 two, may I ask you to look at it and
22 identify it. [-RPB] the first page, the first page will

23 not be show.

24 MS. IBARRA: Your Honor this is hearsay.

25 MR. FORDYCE: Exhibit number.

26 MS. IBARRA: '63 two.

27 THE COURT: Well you're saying second page is what
28 you're interested in.

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

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1 MR. STEIN: Second and third payment is what
2 you're referring to.

3 THE COURT: Wait a second, don't put it up yet.

4 MR. STEIN: I'm putting the cover on for exactly
5 that purpose.

6 MS. IBARRA: The first page is hearsay.

7 MR. STEIN: Ask and once between we're not going
8 to be showing the first page, that's been eliminated from
9 the exhibit that they will see.

10 THE COURT: Okay 1500. This is a document that
11 doesn't have any -- he wouldn't have any foundation for
12 this.

13 MR. STEIN: That's what [HAOEUPL] trying to hey
14 now Your Honor.

15 THE COURT: Okay well maybe you can so don't show
16 it yet, just [SKW] him.

17 MR. STEIN: Have you seen Exhibit 63 two before.

18 THE COURT: No 1500 because you're not showing him
19 the entire exhibit so ask him specifically about the page
20 you want him to look at.

21 MR. STEIN: I've found a few more exhibit
22 references that I'm deleting.

23 Q. Have you seen the envelope addressed to Mark Stain
24 Berger of the Beverly Hills bar association before?

25 A. No.

26 Q. And have you seen an envelope addressed to Mark
27 Stainberger saying that it was from --

28 THE COURT: Wait, wait. You're reading the
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1 document counsel.

2 MR. STEIN: Very good.

3 Q. And inside the envelope was a complaint that you
4 and Virginia Carmelo filed with the Fair Political
5 Practices Commission.

6 THE COURT: You know what, Counsel? Let's go to
7 sidebar * * sidebar * *.

8 THE COURT: Why shouldn't I stop this examination
9 right now?

10 MR. STEIN: I'm trying to understand why this is a
11 serious matter. I can see it's a serious matter and I
12 want --

13 THE COURT: It's a very serious matter. He had no
14 foundation for that. I let you attempt to ask him, he said
15 he never seen it before, and you proceeded to read it into
16 record. Entirely inappropriate.

17 MR. STEIN: The second page --

18 THE COURT: And then I went on to ask him about a
19 newspaper, which is clearly hearsay which the plaintiff had
20 objected to.

21 MS. IBARRA: Yes.

22 THE COURT: And you went on to say isn't that a
23 newspaper article or something to that effect.

24 MR. STEIN: He issued a press release with his
25 name in it.

26 THE COURT: It doesn't matter.

27 MR. STEIN: There's a press release.

28 THE COURT: You can ask him about it but not read

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1 from the document and tell the jury it's a press release.

2 MR. STEIN: Sure. Let me get off this document.

3 THE COURT: No. Why shouldn't I shut this
4 examination down right now?

5 MR. STEIN: Your Honor --

6 THE COURT: What else?

7 MR. STEIN: My apologies.

8 THE COURT: What else do you intend to ask this
9 witness?

10 MR. STEIN: He wrote a letter that I want to bring
11 up saying that SMDC got 300,000 out of the \$900,000 and I'm
12 going to show him that and the Carmelo declaration that the
13 court had included --

14 THE COURT: Did he write that letter?

15 MR. STEIN: Yes.

16 THE COURT: Fine; you can ask him about that.

17 What else do you have about that?

18 MR. STEIN: I have flyers that you would probably
19 object to if he said he did not send them.

20 THE COURT: So don't ask about them.

21 MR. STEIN: I will not ask about this; that will

22 be the right thing to do.

23 THE COURT: What's your next area of examination?

24 MR. STEIN: I am going to talk to him about
25 whether they are the contracting party or not.

26 THE COURT: So you have two areas of questions,
27 you're going to take 10 minutes at most and then you're
28 done.

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1 MR. STEIN: And --

2 THE COURT: No.

3 MR. STEIN: -- why the Dunlap -- they did not
4 spend any of the money, of the 898,000, on any of the
5 contractors from the casino project, that's in the Carmelo
6 declaration.

7 MS. IBARRA: I don't know why we're asking him
8 about the Carmelo declaration, if it was the Polanco
9 declaration, I could see it comes in.

10 MR. STEIN: She identifies those numbers as the
11 numbers saying that's how we spent the money.

12 THE COURT: You have those two questions. You're
13 not asking about how it was spent.

14 MR. STEIN: Again --

15 THE COURT: You're asking about a letter that he
16 wrote and the second question? What was your second area?
17 Repeat it.

18 MR. STEIN: That the Carmelo declaration, the
19 funds that were spent.

20 THE COURT: No, that was not the second one.

21 Okay. So you only have one area. Fine, one area.

22 MR. STEIN: Sure.

23 THE COURT: And that's it and then we're done and
24 we can go on to redirect or cross -- redirect.

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

26 Q. BY MR. STEIN: Mr. Polanco will you please
27 identify Exhibit 553?

28 A. 553.

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1 Q. Mr. Polanco, it may be in this file.

2 MR. FORDYCE: And that's previously been
3 identified.

4 MR. STEIN: And, Your Honor, since it's been
5 previously identified, may I put it on the screen?

6 THE COURT: Has it been previously identified?

7 THE CLERK: 553, yes, Your Honor.

8 THE COURT: All right. You may.

9 Wait a minute. Is this a letter that he wrote?

10 Q. BY MR. STEIN: Mr. Polanco, is that your signature
11 at the bottom of the letter.

12 THE COURT: Oh okay.

13 THE WITNESS: Yes, it is.

14 Q. Did you write this letter?

15 A. Yes I did.

16 Q. Can you read the two paragraphs in bold?

17 A. Oh, here. You need to know that of the \$900,000

18 in cash that is alleged to be missing, Stein purposely

19 fails to inform you that he and his development

20 corporation, SMDC received almost \$300,000 of this amount

21 as evidenced in canceled checks signed by Stein.

22 Q. In fact, isn't it true that of the \$898,000, no
23 money went to the casino project vendors and no money went
24 to SMDC or Stein?

25 A. We have canceled checks that are signed by you to
26 SMDC that were submitted as evidence in the fraudulent
27 conveyance claims against us in previous --

28 MR. STEIN: Objection; facts not in evidence, Your
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1 Honor.

2 THE COURT: Okay. Regarding the fraudulent
3 conveyance, that's stricken, but checks going to you,
4 that's in.

5 MR. STEIN: You have cancelled checks from
6 \$898,000?

7 A. We have canceled checks from Libra security funds
8 that came from the tribal's control that were signatories
9 to that Libra agreement.

10 Q. So doesn't that 300,000 refer to the amount given
11 to Sheppard Mulling, not Mr. Stein or SMDC?

12 A. Sheppard Mullin was provided \$300,000 as a
13 retainer in order to protect the tribe against your claims
14 and those of Crane.

15 MR. STEIN: Your Honor, may I show the Carmelo
16 declaration --

17 THE COURT: No. We talked about that.

18 MR. STEIN: -- that Ms. Carmelo talked about
19 yesterday?

20 THE COURT: We talked about that already and I
21 said no.

22 MR. STEIN: Isn't it true that Ms. Carmelo signed
23 a declaration under penalty of perjury?

24 THE COURT: Didn't I just say that wasn't coming
25 in.

26 MR. STEIN: I'm sorry?

27 THE COURT: Didn't we just have a discussion?
28 Let's go to sidebar * * sidebar * *.

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1 THE COURT: Now if I said that he couldn't be
2 examined on the Carmelo declaration, what made you think it
3 was okay to start reciting the Carmelo declaration.

4 MR. STEIN: Because --

5 THE COURT: Under what theory did you think that
6 was appropriate?

7 MR. STEIN: Impeachment of a direct statement that
8 is exactly the opposite of what the Carmelo declaration
9 says.

10 THE COURT: You can't Impeach him with Carmelo's
11 declaration, I can impeach him with his own, by not
12 Carmelo's, I'm setting a sanction hearing tomorrow at 10:00
13 a.m. for this conduct and all the other conduct you've
14 engaged in disobeying a court order, I just told you at
15 sidebar not to talk about the Carmelo declaration.

16 MR. STEIN: Sure sure.

17 THE COURT: And you just went ahead and do it.

18 MR. STEIN: Your Honor.

19 THE COURT: So we are setting a sanction hearing

20 tomorrow morning 10:00 a.m. when we come back for court and
21 I want an explanation as to why you shouldn't be sanctioned
22 for disobeying a court order.

23 MR. STEIN: My understanding Your Honor, I'll make
24 the same point I made before, my understanding is that the
25 court wouldn't let it in, I agree, the impeachment I
26 thought once he said exactly the option of what the Carmelo
27 declaration said and he denied that it existed, then I
28 thought I was able to bring it in. If I made a mistake, my

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1 deepest apologize.

2 THE COURT: He never denied it existed.

3 MS. IBARRA: Yeah.

4 THE COURT: And you can't impeach him with
5 somebody else's statement and that's why we had that
6 discussion before so --.

7 MR. STEIN: Then I'm mace taken about the Evidence
8 Code I thought.

9 THE COURT: We'll talk about it tomorrow.

10 MR. STEIN: Absolutely.

11 THE COURT: You said.

12 MR. STEIN: I absolutely thought in good faith I
13 was following the Court's order that once he set it out
14 thieves are checks and the Carmelo said these are the
15 checks that I wrote and testified to the jury with that
16 exact issue on that exact list and said that was at list
17 that I could bring this list before you have and said did
18 you know Virginia Carmelo did she make that list, he's

19 lying and what I will impeach him with is --

20 THE COURT: You can impeach him if you have
21 something to impeach him with, but you can't impeach with
22 somebody else's statement and you went ahead and did it any
23 way. We're going to have a hearing tomorrow and I would
24 appreciate an explanation as to your actions, but I think
25 it would be best if you think about overnight. We'll have
26 tomorrow to come back here and explain to me why I
27 shouldn't sanctioned you.

28 MR. STEIN: That's a rule of evidence that I don't

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ROUGH DRAFT - UNCERTIFIED

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1 understand. The point that you can't impeach someone on
2 something testified about that, I just simply didn't
3 understand that as a matter of the California law.

4 THE COURT: I understand that.

5 MR. STEIN: I have 30 years of being a lawyer and
6 I have gaps and can't --

7 THE CLERK: Counsel, you're speaking over the
8 judge and the court reporter can't get a clear record.

9 THE COURT: Thank you, Madam Clerk.

10 So even if you didn't understand the rules of
11 evidence you have certainly understood the court order when
12 we walked out that you are not to refer to the Carmelo
13 declaration, so it's a problem but what I'm going to do is
14 I don't want to spend anymore time on it, I'm going to give
15 you time to think about it and we'll have a hearing
16 tomorrow morning.

17 MR. STEIN: May I identify.

18 MR. FORDYCE: Jonathan, let's --

19 MR. STEIN: Sure. May I identify a different list
20 of expenditures, may I impeach him with that list?

21 THE COURT: No.

22 MR. STEIN: Very good.

23 THE COURT: I gave you two years, one years that
24 you can impeach him on and we're trying to get through
25 that, but you have decided you wanted to bring up something
26 else so I think the best thing to do at this point is to
27 conclude the examination before anything else happened that
28 will end up inappropriate evidence or excluded evidence

ROUGH DRAFT - UNCERTIFIED

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29

1 being admitted or shown to the jury.

2 MR. STEIN: Sure sure.

3 THE COURT: And I'll allow redirect but I think in
4 order to avoid any future problems this would be the best
5 thing to do at this time.

6 MR. STEIN: I -- I would be more than happy to
7 follow the Court's advice given that the court has been
8 lenient and thorough in her explanations, when I've
9 misinterpreted a core order it's my mistake to
10 misinterpreting it's not any intention to violate a court
11 order, I thought the Court's order was more limited, I was
12 wrong and I'm more than happy to take the Court's advice at
13 this time.

14 THE COURT: Well we'll still have the hearing
15 tomorrow morning * * end sidebar * *.

16 THE COURT: We need to take the exhibit down.
17 Thank you redirect.

18 Q. BY MS. IBARRA: So Mr. Polanco, when you took over
19 as -- was it CEO of the GT Tribe after Mr. Stein had his
20 professional relationship with the tribe had terminated,
21 was it part of your duties to clarify some of the
22 information that Mr. Stein was putting out there to the
23 different professionals who were working with the tribe?

24 A. That's correct.

25 Q. And so is that what you were trying to do in --
26 was it exhibit -- you actually didn't recall that you had
27 typed what seemed like a memo?

28 A. That's correct.

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ROUGH DRAFT - UNCERTIFIED

30

1 Q. Of communications that you might have had with Mr.
2 Dunlap and the Justice Arabian and Justice Reynoso, is it
3 because Mr. Stein continued to have communication with
4 these members?

5 A. He continued to have communication with these
6 members that's correct after he had been terminated
7 terminated.

8 Q. How did you come to find out about that?

9 A. I believe the notices had gone out inviting the
10 consultants and.

11 Q. I didn't say.

12 A. I believe that newsletter came from the law
13 offices address of Jonathan Stein and it was distributed
14 and I think that was the means that we became aware that he
15 was conducting an unauthorized meeting on November 8th with
16 a permit that had been applied for under the false pretense
17 that it was being conducted by Gabrielino-Tongva Tribe.

18 Q. Do you have knowledge of the kind of notice that
19 was received by these professionals as opposed to the
20 notice that was received by the members, was it the same as
21 that notice?

22 A. I don't recall, I don't have knowledge of that.

23 Q. So you don't have knowledge as to whether he was
24 representing to them that he was -- that he still had a
25 professional relationship with the tribe or that had he
26 been terminated?

27 A. I believe that that had not been shares
28 consistently, clearly to the members, the letters that he

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

31

1 authored will either leaving facts out such as the first
2 letter, I was fired, never talked about the fact that he
3 submitted his letter of resignation and that it was
4 accepted, so there was always those communications there
5 were always omissions or the facts were incorrect.

6 Q. So you don't know if his communications with the
7 professionals were the same as those letters.

8 MR. FORDYCE: Objection calls for speculation.

9 MS. IBARRA: I'm asking him if he knows.

10 THE COURT: Overruled.

11 A. I don't know if they were receiving the same
12 letters that he was sending out to out to the members, if
13 that is the question.

14 MS. IBARRA:

15 Q. Yes, that is the question. So taking you back to
16 the complaint that you have find against Ms. Garcia

17 concerning the mail, let's start from the beginning, so
18 what happens? They higher you and you need to establish
19 new offices?

20 A. That's correct and we do at terminal building in
21 Los Angeles.

22 Q. So that means there needs to be a change of
23 address?

24 A. That is correct.

25 Q. So do you -- are you the person who files that?

26 A. I believe the person who did was Virginia.

27 Q. I see, Ms. Carmelo?

28 A. Ms. Carmelo, yes the chair, yes.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

32

1 Q. So she files that and did you begin receiving mail
2 at the terminal address?

3 A. We did for a short period of time.

4 Q. Okay.

5 A. And then we noticed that mail stopped coming and I
6 asked Virginia to inquire, make an inquiry as to what and
7 why and that then triggered the complaint, she went to the
8 Santa Monica police department originally, she came back
9 with the card of the officer, he said go to the postal
10 inspector, they will hand this will complaint and so that
11 is how it was triggered.

12 Q. How did you find out that it was -- that Ms.
13 Garcia had anything to do with it and that it wasn't just
14 some sort of glitch with the post office?

15 A. There were five names or five cards that had
16 interchangeable names, Gabrielino-Tongva Tribe,

17 Gabrielino/Tongva Nation, and they were all signed by
18 Barbara Garcia in the left-hand corner of those cards and
19 that's how we come to know that it was Barbara on her her
20 own or at the direction of Mr. Stein was make that long
21 change.

22 Q. I'm sorry I don't understand these cards, from?

23 A. You have to fill out a U.S. postal change of
24 address card.

25 Q. So let me just make sure I'm understanding this
26 correctly. So you establish your new offices for the tribe
27 because you were no longer with Mr. Stein, you fill out a
28 change of address and then throughout this investigation

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

33

1 you find out that there's no change of address forms, is
2 that what you mean by these cards?

3 A. Yes. And those cards were submitted by Barbara in
4 five different sets for five different forms.

5 Q. So five different names why used?

6 A. That's correct.

7 Q. Do you have a copy of this cards?

8 A. I believe the answer is yes, I have to look at --
9 have to go through the file but I believe there is, cards
10 with her name on them signed by her I should say.

11 Q. So your complaint was that she didn't have
12 authority to fill those out?

13 A. That's correct, our complaint was she had no
14 authority to fill it out for a change of address and then
15 have all of our mail come back to the law offices of

16 Jonathan Stein's address.

17 Q. I see. Okay. And we also looked at a state bar
18 complaint, we don't need to go through the details it but
19 what was of the resolution of it?

20 A. We were disappointed in that nothing was done with
21 regards to the returning of any materials, we were very
22 disappointed that for whatever reasons and we don't know to
23 this day why they did not see the conduct. In the letter
24 that I was asked to read on the second and third page
25 you'll see that we identified --

26 Q. Well we don't need to go through that?

27 A. Oh okay.

28 Q. Because that was disputed, but was there any

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

34

1 [REFR] [R-RPBS] to the fact that [TPHURP] this litigation,
2 in the resolution letter that you got from the state bar
3 complaint? Did they reference the fact.

4 MR. STEIN: Objection.

5 MS. IBARRA: The fact that you were already in
6 litigation.

7 MR. STEIN: Objection facts not in evidence and
8 best evidence.

9 THE COURT: Well it's leading, sustained?

10 A. I'm not sure, I mean we are in litigation, we are
11 in litigation, February 2nd with Jonathan filing his
12 complaint in Santa Monica and we're filing here in central
13 and then the following beginning of the year Crane files in
14 Beverly Hills and then the cases are couldn't dated.

15 MR. STEIN: Objection nonresponsive.

16 THE COURT: Moisture dome -- I'm sorry [SKWROBGS]
17 overruled.

18 MS. IBARRA: So you don't recall that.

19 A. (Shakes head.).

20 Q. I'll just leave it at that?

21 A. I don't recall.

22 Q. And same thing with your complaint regarding the
23 permit. So was your complaint only about the use of the
24 name?

25 A. Exactly, we were not any -- our intention was
26 never to not allow them to associate and assemble, never
27 our intention it was to let them know that Jonathan Stein
28 was no longer affiliated with the tribe, that had he been

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

35

1 terminated and that the use of the name was an unauthorized
2 [A0*UDZ] use, he had already been terminated.

3 Q. So aside from the examples that Mr. Stein pulled
4 up for this, cupping of any other examples where had you
5 knew that Mr. Stein was represent be himself as still being
6 affiliated with the tribe during this time period and using
7 the authority to -- or using that tight when had he no
8 authority to do so.

9 MR. FORDYCE: Objection Your Honor vague and
10 ambiguous as to tribe at this time period.

11 THE COURT: Overruled?

12 A. There was another letter that Jonathan sent to the
13 members of the city council, it was a letter that --.

14 MS. IBARRA: Can I interrupt you just to ask that

15 Los Angeles city council?

16 A. Yes Los Angeles city council received this letter
17 unauthorized, basically saying that --.

18 MR. STEIN: Objection nonresponsive to the
19 question, best evidence.

20 THE COURT: Well okay sustained he's going I don't
21 understand your question.

22 Q. BY MS. IBARRA: Well I'm just -- I'm going
23 through -- this is a pattern by Mr. Stein of
24 representing -- you know making misrepresentation and Mr.
25 Polanco suggesting.

26 MR. FORDYCE: Your Honor objection she's
27 testifying.

28 MR. STEIN: She's testifying as to facts of the

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

36

1 case.

2 THE COURT: All right sustained. I didn't ask for
3 argument, just ask your next question.

4 Q. BY MS. IBARRA: So is there any other--?

5 A. So the Steve is one.

6 Q. Can efficient his testimony Your Honor or no.

7 MR. STEIN: Objection.

8 THE COURT: Okay why don't we just go back, see if
9 you can find the original question.

10 MS. IBARRA: Yes before the objection.

11 (Record read.).

12 THE COURT: So it's yes or no, I couldn't aware of
13 circumstances?

14 A. Yes Yes, there were many others.

15 MS. IBARRA: Can I ask him about some of the
16 others.

17 THE COURT: Ask what you want.

18 Q. BY MS. IBARRA: Mr. Polanco can you just give
19 me -- just give me two more examples that you can think of?

20 A. Stein -- Mr. Stein had been terminated, he was
21 representing himself to Wells Fargo bank as still the CEO
22 asking the banks to freeze the trial briefs bank accounts,
23 series of e-mails went back back and forth either under his
24 e-mail address or signed by Mr. Stein. That obviously was
25 a series of independent acts during the course of this
26 litigation. I believe that the letters that were sent out
27 to the members, there were more than that of what is being
28 presented, there was one particular letter that was

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

37

1 September out in May authored by Mr. Stein signed by Bernie
2 candidate and the council at that time that [TREUGD]-er a
3 lawsuit, a liable lawsuit filed in San Diego on behalf of
4 Virginia Carmelo, Sam Dunlap, and a couple of other tribal
5 members against the Linda Candelaria group, they prevailed
6 in that slander --.

7 MR. STEIN: Objection assumes facts not in
8 evidence.

9 THE COURT: Sustained that portion of the answer
10 is stricken.

11 MR. STEIN: That was completely wrong.

12 MS. IBARRA: I'll just leave it at that, we could
13 do this all day, that's it.

14 THE COURT: You may step down. Do you have
15 another witness you can call.

16 MS. IBARRA: Yes, we have Mr. Sam Dunlap.

17 THE COURT: Bring him in.

18 THE COURT: Sir come forward, stand behind the
19 court reporter to my left and face the clerk who is to my
20 right.

21 THE CLERK: Please raise your right hand * *
22 state, so help you god * *.

23 A. Yes, I do.

24 THE CLERK: Thank you sir you may have a seat.
25 And sir can you please state and spell your first and last
26 name for the record?

27 A. Samuel Dunlap.

28 THE CLERK: Can you spell your first and last

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

38

1 name?

2 A. S a m u e l , d u n l a p .

3 THE CLERK: Thank you.

4 THE COURT: Could you move the microphone a little
5 get closer to you.

6 A. (Indicating.).

7 THE COURT: Thank you you may begin.

8 MS. IBARRA: Thank you.

9 Q. BY MS. IBARRA: Mrs. Dunlap we've heard a lot of
10 testimony already about a lot of the key he [SREPDZ] at
11 issue, so I'm just going to [TPOB] us your testimony on
12 three things, A, the creation you know the group that we
13 call the Gabrielino-Tongva Tribe that you belong to as a

14 member and the SMDC agreement, the banker's boxes that you
15 brought in with the confidential tribal membership
16 information that belonged to your family and then that --
17 and then just your interactions with the financial
18 oversight committee that was created as the predecessor
19 group to the Candelaria Group?

20 A. Okay.

21 Q. So why don't we start at the beginning because you
22 have the longest relationship with Mr. Stein, correct?

23 A. Yes.

24 Q. When did you meet him?

25 A. February of 2000.

26 Q. Okay. And do you recall the -- who introduced
27 you?

28 A. The circumstances back then was I was tribal

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

39

1 spokesman for the San Gabriel band of Mission Indians in
2 San Gabriel and on behalf of the triable chairman Anthony
3 Morales I was followed there was a gentleman named Jonathan
4 Stein who wanted to meet with the tribe.

5 Q. Okay.

6 A. And then I met Mr. Stein for the first time in
7 Westwood at a meeting also attended by Duane Champange from
8 UCLA, Ron Andrade from the L.A. City/County Indian
9 commission, and there mmight have been someone else, I
10 don't recall.

11 Q. So that meeting went well?

12 A. Yes I thought so.

13 Q. And then you introduced him to Mr. Morales and the
14 Morales group at some point?

15 A. Yes subsequently, I want to say in June of 2000 as
16 a member of the tribal council I attempted to introduce Mr.
17 Stein and the idea of bringing gaming to Los Angeles count
18 oh, Indian gaming.

19 Q. Okay.

20 A. That meeting did not go well, Mr. Morales and
21 members of the tribal council refused to have anything to
22 do with Mr. Stein.

23 Q. So that was Mr. Stein's idea was that bring
24 gaming?

25 A. Yes.

26 Q. Did he also introduce the idea of helping you gain
27 federal recognition?

28 A. It was also discussed, it was my opinion that

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40

1 federal recognition for the tribe is the only way to bring
2 about the gaming industry to Los Angeles.

3 Q. So the discussion, the idea was two things,
4 federal recognition and gaming?

5 A. Yes.

6 Q. So when do you get -- could I characterize it as
7 rejected by the Morales leadership?

8 A. Absolutely.

9 Q. When was this?

10 A. That would have been in June of 2000.

11 Q. Okay. And so you were affiliated with Morales?

12 A. Yes, I served as tribal spokesman for the group.

13 Q. So did you leave when Morales rejects Mr. Stein?

14 A. No. Subsequently I spoke with Mr. Stein, with
15 regards to what to do next and we decided that in order to
16 bring the idea of gaming to the tribal membership it would
17 be best if I was tribal chairman of the San Gabriel group,
18 so that way I would have a better chance of influencing the
19 tribal council, which meant there were upcoming elections
20 that same year and the plan was to bring in members of my
21 family to be members of the San Gabriel group and then
22 simply out vote Mr. Morales.

23 Q. Oh so you were going to be tribal chair with the
24 help of your family?

25 A. Correct.

26 Q. And how did that plan go?

27 A. It did not go well, Mr. Morales and his immediate
28 family which served on the tribal council at that time

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ROUGH DRAFT – UNCERTIFIED

41

1 realized basically what I was up to and Mr. Morales
2 [TAOUFL] [HAOEF] put a halt to any [PHU] membership which
3 of course I had disagreed with, it was my opinion he no
4 right to do so, and a few months later he suspended the
5 constitution on his own so there would be no tribal
6 election election [-Z] that year. At that point I realized
7 there was no future for myself or Mr. Stein to work with
8 the San Gabriel with Anthony Morales.

9 Q. So what did you do after that?

10 A. In September of 2000 I resigned from the tribal
11 council in San Gabriel with Mr. Morales and I introduced

12 Mr. Stein to another tribal group that I was affiliated
13 with the coastal Gabrielinos headed by then the late Jim
14 Velasques.

15 Q. So was this an [EUP] formal meeting or did you
16 introduce him at a tribal council meeting or membership
17 meeting? This was a long time ago?

18 A. It was a long [ABG].

19 Q. So to the best of your recollection?

20 A. It was in I believe -- still in late 2000 when Mr.
21 Stein Stein, myself, and Mr. Velasques met to discuss these
22 issues and the follow year, 2001 is and Mr. Stein was
23 introduced to the Jim Velasques tribal council.

24 Q. And how did that meeting go?

25 A. It took a lot of convincing on the behalf of Jim
26 Velasques who was tribal chairman slash [KHAEUP] for his
27 tribal council which basically was his immediate family to
28 accept Mr. Stein and exactly.

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42

1 Q. So does Mr. Velasques, Mr. Jim Velasques does he
2 eventually prevail?

3 A. Yes he does. At one point in 2001, I believe it
4 was 2001, several members of the Jim Velasques tribal
5 council which by this time I was serving on resigned en
6 mass as a protest to any agreement that may be coming
7 forthwith Mr. Stein.

8 Q. Oh this is before the SMDC agreement was signed?

9 A. That, I'm not clear on, on the dates. I would
10 have to see who -- I would have to look at the signatures
11 on the SMDC agreement, the original signatures to be clear.

12 MS. IBARRA: Could you please can look at your
13 objections 569, which is the SMDC agreement.

14 MR. STEIN: I would defer you to the the court.

15 THE COURT: As long as you don't put up the
16 exhibit you can put up whatever you want.

17 MS. IBARRA: I used it yet so I'm familiar with or
18 we can actually I can just read off the names because we
19 have them?

20 A. Yes if that helps, it probably would.

21 Q. It's 569.

22 THE COURT: Why don't you show him, he may not be
23 able to manipulate the tabs there?

24 A. Here we go.

25 Q. The jury has seen her plenty.

26 MR. STEIN: Your Honor would it be easy if I help
27 with the.

28 THE COURT: As long as you don't put the exhibit

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43

1 list up.

2 MR. STEIN: I just want to avoid any more sidebars
3 over --.

4 MS. IBARRA: That's the original agreement then
5 we'll look at the resolution that's attached to it?

6 A. Okay. Between March 4th --.

7 Q. BY MS. IBARRA: In the meantime, what's the name
8 of the signatory to the agreement on behalf of the tribe?

9 A. Mary Aguilara.

10 Q. Do you know who that is?

11 A. Yes dated March 4th, 2001.

12 Q. So is it your recollection that that was before or
13 after there was a mass resignation?

14 A. I have a -- to the best of my recollection it
15 would be prior.

16 Q. Okay.

17 THE COURT: Let's be clear, prior --?

18 A. Prior -- I'm sorry prior to a mass resignation.

19 THE COURT: So signed prior to the mass
20 resignation?

21 A. Correct.

22 Q. BY MS. IBARRA: And to be clear the resignation
23 was of the tribal council not membership?

24 A. Correct just tribal council members, I believe the
25 immediate family members, I believe there was six of them,
26 from the Jim Velasques group.

27 Q. So you recognize Ms. Aguilera on March 4th?

28 A. Yes.

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ROUGH DRAFT - UNCERTIFIED

44

1 Q. And then there was a resolution that was entered.

2 MS. IBARRA: On March 4th as well and the
3 resolution is of the tribal council people as well as of
4 that time. Now your name is on here, you're the first name
5 actually?

6 A. Oh I'm sorry I was -- I'm sorry I was looking
7 at --

8 Q. The March 4th resolution?

9 A. I'm sorry I have the looking at the one dated
10 April 29th but March 4th, yes.

11 Q. So why is your name on here, are you already part
12 of the tribal council?

13 A. I believe so, yes, member of the tribal council.

14 Q. Had you stood for election?

15 A. No I was appointed by Jim Velasques.

16 Q. Was everybody else here appointed by Jim
17 Velasques?

18 A. To the best of my recollection, yes.

19 Q. And do you recognize the other people who are
20 signatories here?

21 A. Patricia Neminski, Dianna Simental, Connie Marie
22 Torres, Robert Aguilar, [merry|marry] lag [HRAR] -- excuse
23 me, Aguilera, Victor Velasques, Mary Ellen Arreola and
24 Richard Aguilar I believe. I do recognize -- or actually
25 remember everyone with the exception of David Velasques and
26 Richard Aguilera.

27 Q. So everybody else you recognize. Were any of
28 those names people who resigned?

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45

1 A. Yes.

2 Q. Which ones of them?

3 A. Well as far as I remember, the only two that
4 remains were Dianna Simental and Patricia Neminski. I
5 believe there was one other but I'm not sure -- remember
6 which one it was.

7 Q. I see, so Dianna Simental voted no and Patricia
8 Neminski abstained?

9 A. Yes.

10 Q. So what did you do, how did you move forward after
11 these tribal council people had resigned?

12 A. I moved forward with the advice of Mr. Stein to
13 move the tribal council meetings which were usually held in
14 Riverside, California and move them to his law office in
15 Santa Monica with the belief that the remaining tribal
16 council members, Patricia Neminski, Dianna Simental and one
17 other which I don't recall would not be willing to make the
18 trip to Santa Monica to attend any meetings, therefore,
19 given I believe three months was Mr. Stein's advice, we
20 could -- we meaning myself, Jim Velasques could declare
21 that they have abandoned their positions.

22 Q. Did that in fact happen?

23 A. Yes.

24 Q. Because they didn't make the trip out to Santa
25 Monica?

26 A. Correct.

27 Q. So how did you re populate the tribal council?

28 A. I appointed.

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46

1 Q. You appointed?

2 A. Excuse me, I recruited, I recruited members of
3 different families that I had known for the past -- at that
4 point maybe 10, 12 years, several different families that
5 represented some of the larger family groups that are
6 within what we call traditional tribal territory. It had
7 been [-P] my experience before whether it was the other
8 groups acting as Gabrielino that they only had members of
9 their immediate family whether it be -- excuse me, whether

10 it be Jim Velasques, whether it be Anthony Morales, whether
11 it be Robert Doramen who is another tribal leader and in my
12 opinion in order to create a true tribal nation I needed to
13 have family diversity in order to increase membership and
14 be representative of a true tribal nation. So what I did
15 was recruit, go about to recruit leaders of different
16 family groups that I was involved with and I was aware of
17 namely Edgar Perez, Martin Alcala, Shirley Machado, oh
18 Virginia Carmelo and then [STAP] Cindi Alvitre.

19 Q. So if we look at the next resolution, the date and
20 the signatories to the next resolution regarding the
21 agreement is the April 29th that you said you had been
22 looking at?

23 A. Yes.

24 Q. Oh actually this one is not signed so -- oh
25 there's a second April 29th that I think was signed and so
26 this has -- this has the names that you just identified?

27 A. Yes.

28 Q. Dunlap, Alcala, [PHA] [KHATD] oh, Perez, Carmelo.

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ROUGH DRAFT - UNCERTIFIED

47

1 So you moved very quickly from March 1 to April 29th?

2 A. Very quickly, yes.

3 Q. And then does that group stay consistent?

4 A. Yes that group has stayed consistent since that
5 time.

6 Q. Since that time?

7 A. To the present day.

8 Q. To the present. Those family groups stayed

9 consistent as well?

10 A. To the present day, yes.

11 Q. So those were the same family groups that were
12 involved when you entered into the Libra agreement with the
13 Libra investors?

14 A. No. In 2005 four years after we had our first
15 tribal election and Adam Loya I believe was elected to the
16 tribal council, so by the time [T-FT] Libra agreement in
17 roughly May of 2006 we had Adam Loya as the new what I used
18 to call new kid on the block, he was the youngest of our
19 tribal council members.

20 Q. And who did he replace?

21 A. I believe he would have replaced either Cindi
22 Alvitre, yeah, or it might even have been my sister, my
23 sister Elizabeth did you know lap served for a brief period
24 of time, I believe only two months on the tribal council.

25 Q. Any other significant changes that you recall?

26 A. No.

27 Q. So with the addition of Mr. [HROEU], the named
28 that you profession [KPWHRAOUFS] Lee mentioned were people

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ROUGH DRAFT – UNCERTIFIED

48

1 that were sitting on the counsel during the Libra
2 agreement?

3 A. Yes Shirley Machado, Edgar Perez, Martin Alcala,
4 Virginia Carmelo, Adam Loya and myself.

5 Q. And most of their families represented the
6 membership?

7 A. Correct.

8 Q. And they were also the same tribal council members

9 and representative of the membership that was involved when
10 there was a dispute between the tribal council and Mr.
11 Stein after the Libra funds come in?

12 A. Correct, yes.

13 Q. And they were all there when the litigation
14 started on November 2nd in this case?

15 A. Yes, they were.

16 Q. They were. So I understand there's a lot of other
17 facts that you may want to testify to regarding the dispute
18 but we'll just leave that alone for now and then get back
19 to the issue of the three banker's boxes that you brought
20 in to -- first let me ask you, did you bring in a lot of
21 individual tribal council membership records to the law
22 offices of Jonathan Stein at some point?

23 A. Yes, I have did, I believe it was in 2003 or 2004.
24 I had been actively recruiting membership for several
25 years, it was my belief that a large tribe would benefit
26 our desire to become federally recognized that numbers
27 would matter. So I had developed, created basic Manilla
28 folders with information in each folder that either held an

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ROUGH DRAFT - UNCERTIFIED

49

1 individual name or members of a family.

2 Q. Did these records or banker's boxes also include
3 information regarding your family?

4 A. I believe so [-RBLGS] they have should have,
5 yes.

6 Q. And so why did you give those documents over to
7 Mr. -- to the law offices of Jonathan Stein?

8 A. Well we use the law office of Jonathan Stein as
9 our tribal office, all information that I had collected
10 over the years either with these files or other names and
11 numbers that I acquired as a tribal council man for nearly
12 six years would be entered into a database that was
13 maintained by Jonathan Stein's legal secretary for lack of
14 a better word Barbara Garcia and entered into Jonathan
15 Stein's computer.

16 Q. Did you build from that [TPOFPGS]?

17 A. Build, I'm sorry.

18 Q. Yes, so.

19 A. Oh yes, the membership grew very well in my
20 opinion. By 2005 had our first tribal meeting for our
21 group which was held at the Playa Vista development
22 office -- a library excuse me, it was the Playa Vista
23 library. It was -- I'm sorry.

24 Q. It's okay. Do you need a moment?

25 A. It was standing room only.

26 THE COURT: Why at the present time we take our
27 lunch break now and come back at 130.

28 MS. IBARRA: Yeah thank you.

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50

1 THE COURT: Thank you * * jury out * *.

2 THE COURT: Okay.

3 MR. STEIN: Your Honor we have a document that has
4 been previously talked about and after the sidebar that we
5 had I really want to bend over backwards and make sure I'm
6 not making a same mistake. There's a chronology of
7 conflict.

8 THE COURT: Why doesn't he step out.

9 MR. STEIN: Yeah.

10 THE COURT: You can step out and we'll call you
11 back at 130?

12 A. Yes you were.

13 THE COURT: You can wait outside if you're waiting
14 for somebody * * witness out * *.

15 THE COURT: Okay.

16 MR. STEIN: There's a chronology of conflict, I
17 believe Mr. Dunlap is familiar with it, it was introduced
18 already and identified already and it pour trays all of the
19 event that [STAOEUP] and Dunlap went through however it
20 does [TAUBLG] about the ant scanning electron microscope
21 [TEUZ] many exam how he's [banned|band] from the office for
22 it, we're going to bring up those topics, the question is
23 whether we can show that exhibit that was sent to Libra and
24 the investors and was identified by Mr. Stein for that
25 purpose.

26 MS. IBARRA: So I previously objected that the
27 allegations about apartment scanning electron microscope
28 [TEUZ] many, the question about his faith, the fact that he

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ROUGH DRAFT - UNCERTIFIED

51

1 has been ---er did convert to Islam, I think those are all
2 unduly [PHREPBL] [TKEURBL] and [TKWROFRPG] they go to
3 anything substantive on this part of the case and maybe not
4 even on the main part of the case either.

5 MR. STEIN: It was the reason the tribe split in
6 half is Sam Dunlap and his [SAPT] scanning electron

7 microscope [TEUZ] many [PHRUFLS] the money split everything
8 in half they're saying there's no split and that's no
9 surprise and we would like to put on our case.

10 THE COURT: Let's backtrack a little bit you want
11 to use a document is that correct.

12 MR. STEIN: Nods.

13 THE COURT: Why don't you show me a copy or
14 whatever it is.

15 MR. STEIN: I can pop it up.

16 THE COURT: No I have want to hook at it here.

17 MR. STEIN: Absolutely six 17.

18 THE COURT: Six 17 there's nothing in my book.

19 MR. FORDYCE: I'll have it for you.

20 THE COURT: I don't want to see it on the
21 [SKRAOEP] I want to see the hard copy.

22 MR. STEIN: Right I'm actually using this -- I'll
23 cover it up on the screen, chronology of conflict five 19
24 and I'm pulling it up myself so I can hook at it here.

25 THE COURT: So it's five 19.

26 MR. FORDYCE: Correct Your Honor.

27 MR. STEIN: And it may be that I should be a
28 rebuttal witness and go through this myself, it may be the

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ROUGH DRAFT - UNCERTIFIED

52

1 cross of --.

2 THE COURT: Well I think if you -- I don't think
3 you can use it to cross him other than to ask him questions
4 about -- you can see it but I don't know -- the document
5 itself can't be introduced through him, this was prepared
6 by you, right.

7 MR. STEIN: And it has been identified as that,
8 yes.

9 THE COURT: Okay so.

10 MR. STEIN: It may be better after Mr. Dunlap is
11 finished to be a rebuttal witness and then go through this
12 document if necessary.

13 THE COURT: Five 19 hasn't been identified.

14 MR. FORDYCE: I have it has being identified.

15 THE COURT: No it was.

16 THE CLERK: I have it Your Honor, June 27th.

17 MR. FORDYCE: It on the 27th as well.

18 THE COURT: So this was state of mind chronology.

19 MS. IBARRA: But it wasn't shown to the jury it
20 was identified but not shown to the jury.

21 MR. FORDYCE: We can't parse through it, but it
22 was shown to the jury.

23 THE CLERK: Can he would check with the court
24 reporter?

25 THE COURT: We could.

26 MR. FORDYCE: I'm not 100 percent sure whether
27 there was shown to the jury.

28 THE COURT: Well, I was given the impression that

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ROUGH DRAFT – UNCERTIFIED

53

1 it was here.

2 MR. STEIN: Well, it says right here 2006 it was
3 prepared contemporaneously and I'd be happy to go through
4 that in laying the foundation.

5 THE COURT: Well no 2006 is the events in the

6 document is not.

7 MR. STEIN: Well actually the testimony Your Honor
8 with full respect the testimony was that the document had
9 been send September to Libra because Mr. Stein was
10 concerned about securities liability so he prepared a
11 document outlining all of the documents and is this a
12 document, yes, it is and we moved right on so we never got
13 into it but it was up on the screen.

14 THE COURT: So this was a document that you sent
15 to Libra.

16 MR. STEIN: Yes.

17 THE COURT: So we should find that testimony,
18 madam contract.

19 MR. FORDYCE: So there was two days ago I would
20 assume kind of direct looking in my outline I see it
21 identify [SKP-D] I think it would have been near the end of
22 my direct with Mr. Stein.

23 THE COURT: So you want to ask him -- this was
24 received in evidence through your testimony, okay so you
25 have want to ask him about the events in there yeah or if
26 there's a better way and once again you can see how this is
27 reflective of the Carmelo declaration and Mr. Polanco and
28 that's why I'm bringing it up now so I feel very bad about

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ROUGH DRAFT - UNCERTIFIED

54

1 what happened earlier can without that make the same
2 mistake.

3 THE COURT: So is there an objection he want to
4 know events are true or [-RPB].

5 MS. IBARRA: He hasn't established that Mr. Dunlap

6 is familiar with it, I have it as being attached from an
7 e-mail e-mail to Stein to Libra investors?

8 A. It wasn't attached to everything.

9 MR. STEIN: It was admitted.

10 MS. IBARRA: So I have it in my exhibit is
11 separate exhibit.

12 MR. STEIN: No that's a separate exhibit for
13 [PHA*EPL] transaction. So you're saying yes, it is the
14 separate signature and not the same exhibit.

15 MS. IBARRA: I'm saying how it was always
16 represent today me it was a document that was attached an
17 e-mail from Mr. Stein to Libra investor [SOZ] how Mr.
18 Dunlap is supposed to have knowledge of it.

19 MR. FORDYCE: Your Honor just the exhibit as we
20 introduced it is just the chronology of events and if I'm
21 understanding co-counsel correctly, what he wants to do is
22 walk Mr. Dunlap through the events not to show him through
23 five 19 and say down this document, I agree five 19 as it
24 stands right now there's no foundation to [SHO] Mr. Dunlap
25 has any experience in it however the events in the in the
26 he documents I'm fairly confident Mr. Dunlap has all kind
27 of experience with.

28 THE COURT: And it's admitted through Stein and

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ROUGH DRAFT - UNCERTIFIED

55

1 the time wants to ask question whether it was true.

2 MR. STEIN: I have would put the document on the
3 screen, I would say did it happen or didn't it.

4 THE COURT: Okay.

5 MR. STEIN: And this would be only after he's
6 established what he thinks happened beforehand and it would
7 be impeachment, very similar to the impeachment.

8 THE COURT: Well it's not really [PA*EPLT] because
9 it's not for the truth, if he [TKA0*ERPZ] it it's your
10 word against his to the jury later because you said you
11 have created this as your own document, your own history of
12 events.

13 MR. STEIN: And sent it to Libra.

14 THE COURT: I'll allow you to to that but I think
15 you need to represent to the witness that this was a
16 document in evidence that you have had created and then ask
17 him if what's noted in there is true or not.

18 MR. STEIN: Thank you very much Your Honor.

19 THE COURT: Or if he knows.

20 MS. IBARRA: The copy that I have Your Honor was
21 the copy that was used previously in this litigation by the
22 party that is redacted of some of the most inflammatory
23 information and some of it was the basis of? Of the
24 disputes between them, it was part of the defamation claims
25 so I would prefer to use that but you know there is -- this
26 document has been redacted for use in litigation.

27 MR. STEIN: I don't know what you're talking
28 about, you may have that and you may have redact [T-D] but

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ROUGH DRAFT - UNCERTIFIED

56

1 I never redact [T-D].

2 THE COURT: Well this is triple trigger passport
3 review by C I A.

4 MR. STEIN: Yeah once again I --.

5 THE COURT: That is.

6 MS. IBARRA: It's out there.

7 THE COURT: That is out there and there's no.

8 MS. IBARRA: And also calls people drunk [ARDZ]
9 and it's mostly towards him but it goes to a lot of other
10 people as well.

11 THE COURT: What is the redacted version that was
12 used prior, [UFRBG] use the redacted version.

13 MR. STEIN: This is something I've never seen Your
14 Honor.

15 THE COURT: Why don't you have look at zero every
16 the love time.

17 MR. STEIN: I'll be happy to do is that. Also
18 Your Honor if she says I don't like specific paragraph if
19 the court agrees I can edit this [TOPLTD], highlight in
20 black, we'll wipe out that the paragraph.

21 THE COURT: Okay as long as you both can review
22 what you're talking about and come to an agreement.

23 MR. STEIN: And give me a copy of what you're
24 talking about.

25 MS. IBARRA: Let me get a copy.

26 THE COURT: My staff does need to go to lunch so
27 can you do this --.

28 MS. IBARRA: We'll to the [AOE] cafeteria.

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ROUGH DRAFT - UNCERTIFIED

57

1 MR. STEIN: Your Honor one last question we are
2 for sure starting closing tomorrow.

3 THE COURT: Yeah we're not going to get to it

4 today, if we have to send the jury home early we can do
5 that.

6 (Noon break.) 12:02 PM to

7 *(Mr. Fordyce exits.)*

8 01:31 PM.

9 THE COURT: Gabrielino-Tongva Tribe versus Stein
10 BC361307 good afternoon.

11 MS. IBARRA: Good afternoon.

12 MR. STEIN: Good afternoon Your Honor.

13 THE COURT: Okay do you have want to talk to me
14 about something.

15 MR. STEIN: Yes Your Honor we met and conferred
16 and arrived at absolutely no useful conclusions on
17 redactions, I've voluntarily redacted the two inflammatory
18 parts of Exhibit 5 17 that the court has allowed me to use,
19 one regarding his trip to visit friends of his that he had
20 admitted to me were his pal a- members.

21 THE COURT: His what.

22 MR. STEIN: He traveled to Syria and [HREB] I
23 don't know and stayed with a family knows as [HES] balance
24 a- and he's very proud of that fact and would say it out so
25 I've redacted that far out so that inflammatory matter is
26 not there.

27 THE COURT: Okay.

28 MR. STEIN: There's a second redaction along the

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ROUGH DRAFT - UNCERTIFIED

58

1 same lines he went to Syria, I raised Patriotic act
2 concerned I showed that [THO*ET] to the verses I redacted
3 that out.

4 THE COURT: Okay so what's left, what was redacted
5 in the last trial, .

6 MR. STEIN: Nothing --.

7 THE COURT: Was there more.

8 MS. IBARRA: The copy that I have and I wasn't
9 counsel of record but the copy I have re [TKABGTS] all of
10 that information as well as just representations about
11 others of the council members and their work habits and you
12 know whether they have problems with alcohol, just assorted
13 issues, mostly towards the beginning so if we're going to
14 go through it, it's hard for them not to see that
15 information. If it was buried in the back --.

16 THE COURT: Okay so --.

17 MR. STEIN: It was not an exhibit in the trial,
18 forgive me, it has not been an exhibit, it was not a
19 exhibit in the trial so she's talking about a trial she was
20 not counsel at.

21 THE COURT: Well where did you get that document
22 redacted.

23 MS. IBARRA: I got it [PR] prior copy and this has
24 been our working copy.

25 THE COURT: Well why don't you call prior counsel
26 and find out.

27 MS. IBARRA: Okay. Find out if.

28 THE COURT: If that was a redacted document that

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ROUGH DRAFT - UNCERTIFIED

59

1 was used during the trial.

2 MS. IBARRA: I believe I got this from David

3 Greeley who used to represent senator Polanco 10 years ago.

4 MR. FORDYCE: He wasn't trial counsel, Edgar
5 Rosenfeld was trial counsel.

6 MS. IBARRA: He wasn't. But this is what I had in
7 my file and this was attached to --

8 THE COURT: It doesn't sound like any of that
9 information is relevant or impeachment as to him so I don't
10 understand.

11 MS. IBARRA: We could do this [PA*ES] meal so that
12 if he's going to bring up any of those issues which I think
13 are going to go hundred duly [PREPL] [TKEURBL] and not
14 relevant I can just make that --.

15 THE COURT: Well no, if the question is--d ask.

16 MR. STEIN: Sure.

17 THE COURT: No you don't want to do that, that
18 wouldn't be right. So just redact it the way it's redacted
19 there, I mean there's no reason why somebody's claim that
20 somebody's is a drunkard is relevant to this.

21 MR. STEIN: Your Honor this is not what she has
22 redacted she has purposely redacted out all the things I
23 have wanted to bring out on a substantive manner.

24 THE COURT: Such as what

25 MR. STEIN: One of the big reasons for the seem is
26 Sam Dunlap made a lot of anti is he Matt I can and I banned
27 him from the office and had he got back by splitting the
28 tribe including taking the money, including [A0EFS] \$18,000

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ROUGH DRAFT - UNCERTIFIED

60

1 request that was approved that was not in the he the

2 \$13,000 that was approved [THARZ] not in the budget ** what

3 this is has nothing to do what she's stating her concern
4 is, this is a flimsy argument that is made [HURPBD] false
5 pre tensions to the court that has not seen the document.

6 THE COURT: It should have been brought to my
7 attention ahead of time and it wasn't.

8 MR. STEIN: And the exhibit is already in
9 evidence.

10 THE COURT: Well, that doesn't mean -- it hasn't
11 been shown to the jury yet.

12 MS. IBARRA: Like I said, I didn't redact this,
13 this is --

14 THE COURT: Let's put this pay [WHAEURBGS] [HETS]
15 not show it to the jury, you can ask whether [HAOEFT] he
16 have anti-semetic comment and that's it h this [ST-RPT]
17 fifth [PR-BLD] [AOE] anti-semetic [-L].

18 MR. STEIN: This is improvement [PHAOEUFLZ]
19 [AOEUFT] ant cement [KPHREPTS].

20 THE COURT: But they're not his records you can't
21 impeach him with somebody else [H-Z] statement, when you
22 testify and you [SAEUD] [H*E] [AOE] anti-semetic comments
23 and he denies it then the jury can decide whether they want
24 to believe you or him so to that ex [TEPLTD] I guess
25 there's a credibility termination but that document doesn't
26 impeach him in any way [SHAOEURBGS] and I'm be happy to
27 bring this up as a registered nurse by the but I'm eye
28 state [AEUFD] a rebuttal [W*EUT] [SKPEUFBG] eye Ah

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ROUGH DRAFT - UNCERTIFIED

61

1 [TPHAOEUFL] [S-L].

2 THE COURT: Sure.

3 MR. STEIN: Let's plan on that.

4 THE COURT: If you asked a true that you
5 anti-semetic statement or anti-semitism statements or you
6 could say you said X at the meeting is it true, I assume
7 he's going to say no, maybe he'll admit it I don't know, if
8 he denies it then you have get on the stand, I was at the
9 meeting, I heard the statements, this is what he said, and
10 so yes, that's the way you should prove up your -- the
11 statement.

12 MR. STEIN: Thank you and we'll plan on doing
13 exactly that Thursday morning as soon as Niall is back.
14 Then if I may raise another point that I wish to talk to
15 him about is the his prison record I'll bring that up, if
16 that's okay.

17 THE COURT: So he ahs a prior conviction.

18 MS. IBARRA: Yes (ditto).

19 THE COURT: For.

20 MS. IBARRA: When he was 20 he was convicted of --
21 you might know more about this.

22 MR. STEIN: Mr. Dunlap spend two years of state
23 penitentiary for of [TAEUR] eyes [-FPL] he [SHRAOUF] eye
24 fire pardon me in the communist party headquarters in San
25 Diego while there are people that he did not know in the
26 room.

27 MS. IBARRA: He's not going to [TKAOEPB] that when
28 he was 20 e we don't have to go into the [TKOER] [AOE]

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

62

1 divide.

2 MS. IBARRA: He was a marine at the time, was he
3 an angry young man.

4 THE COURT: He was a marine when he did.

5 MS. IBARRA: (Ditto).

6 THE COURT: He was in the Marines.

7 MR. STEIN: No he have wasn't.

8 MS. IBARRA: You'll ask him and then he will tell
9 him.

10 MR. STEIN: It was a civilian sentence posed in a
11 California [STAEUFT] penitentiary.

12 MS. IBARRA: [THRAS] true.

13 MR. STEIN: Not a military proceeds tore prison.

14 MS. IBARRA: But he was on leave from the Marines,
15 so yes, he did that he's not going to deny it.

16 MR. STEIN: En [TKPWO*] then we can talk about.

17 THE COURT: There's been no motion to ex chewed,
18 all the [SRAO*EULT] accounts don't necessarily bear on
19 credibility, in other words the salts, those types of
20 things don't bear on [KRED], performing statement
21 conviction fraud those [PHAEUBLG] credibility and you've
22 made no motion to [KHAO*] exclude.

23 MS. IBARRA: It was in the last trial.

24 MR. STEIN: It will be brief.

25 THE COURT: Well like I said had you didn't make a
26 motion to exclude. All right. Then I'll go ahead and
27 impeach him with that then, anything else because the
28 serious stuff and the [HEZ] [PWA] [HRA] that's out.

ROUGH DRAFT - UNCERTIFIED

1 MS. IBARRA: That's crazy.

2 MR. STEIN: Sure and I have actually already did
3 the re [TKABG] [-Z] over lunch.

4 THE COURT: We're not going to show the document
5 you're just going to ask.

6 MR. STEIN: Sure sure.

7 THE COURT: If we're going to admit it to the jury
8 we're going to have to go piece by piece later as to what
9 is going to be shown to the jury if any of that document, later
10 before they deliberate.

11 MR. STEIN: Sure. And the last thing is I may be
12 asking him about one of I tattoos.

13 THE COURT: Because? What's the relevance of his
14 tattoos.

15 MR. STEIN: I think it bears on the anti-semitic
16 part.

17 THE COURT: How.

18 MR. STEIN: Well the tattoos '03 11, that is -- I
19 don't know if he got it in prison or he got it after prison
20 but '03 11 is a widely [known|no one] tattoo from the KKK
21 the, it's the one first letter is K, zero means there's
22 three of them K.

23 MS. IBARRA: He's Native American.

24 MR. STEIN: Yeah I think that should be put out
25 ease Native American and has a '03 11 tattoo on his arm.

26 MS. IBARRA: This, I had no idea you were going to
27 be contending this.

28 THE COURT: On what basis are you making -- I've

ROUGH DRAFT - UNCERTIFIED

1 never heard such a claim.

2 MR. STEIN: There was a famous law case about it.

3 THE COURT: Do you have the case.

4 MR. STEIN: No, I don't, Niall brought it up to
5 me, I didn't realize it myself.

6 MS. IBARRA: So Niall pointed it out to you today.

7 MR. STEIN: Yeah because he worked with the
8 [banned|band] called 31 one that began performing, a bunch
9 of very well-known studio musician [-Z] that wanted to go
10 on tour and they immediately ran into exactly this problem,
11 they were [AULD] 31 one are you guys the KKK because '03 11
12 is KKK.

13 MS. IBARRA: Zero I couldn't be loosely
14 [banned|band] never knew that or they wouldn't adopt that
15 name.

16 THE COURT: Well this is too late for that it's
17 too explosive to do that. So if you have the occasion that
18 describes '03 11, there's a reference to the KK then I
19 might consider it but doing this at the last minute, and I
20 don't have any familiarity with it.

21 MS. IBARRA: Neither do I.

22 THE COURT: I'm going to have to exclude it but if
23 you come up with something.

24 MR. STEIN: So it's 352 is the idea.

25 THE COURT: 352 is the idea but if you have
26 something you can show me that would.

27 MR. STEIN: Sure.

28 THE COURT: So I'm going to exclude that but you

ROUGH DRAFT - UNCERTIFIED

1 can ask him about anti-semetic comments in he made them in
2 your presence you can ask him about that.

3 MR. STEIN: Uh-huh.

4 THE COURT: Or you know maybe what you can do is
5 just ask him, what is the '03 11 mean.

6 MR. STEIN: That's exactly what I plan to do I
7 just wanted to -- given the nature of it, I just wanted to
8 be -- especially after this sidebars that I caused myself,
9 I just wanted to be extra cautious.

10 THE COURT: You can ask him that, if he says
11 something else and you can't impeach him and say isn't it
12 true you're a KKK member.

13 MR. STEIN: That's exactly night.

14 THE COURT: He [PHEUT] might admit, he mate admit
15 it's a KKK reference in which case had you get the evidence
16 you need but the jury doesn't have to.

17 MR. STEIN: That's exactly how I plan on handle
18 it.

19 THE COURT: If you have wanted to do that but
20 him-d counsel.

21 MR. STEIN: Right.

22 THE COURT: Do you understand what I'm saying?
23 You can ask him what is the tattoos zero -- you have the
24 tatoo '03 11.

25 MS. IBARRA: What does it mean.

26 THE COURT: What is it or what does it mean.

27 MR. STEIN: Very good.

28 THE COURT: And if he gives you the ex ambulance

ROUGH DRAFT - UNCERTIFIED

1 [TPHAEUPGS] had you want then you [WAO*ET] want.

2 MS. IBARRA: He [TP*] says KKK.

3 THE COURT: If he denies it's something else then
4 just drop it.

5 MR. STEIN: If he is ambiguous can I ask about
6 being the 11 being the 11th letter of the alphabet.

7 THE COURT: No.

8 MR. STEIN: No very good the court has laid out
9 some good lines, my job is to follow them. I'd like to
10 bring out the good point, as the court knows it's the
11 Defendant burden is bearing the entire [PAOEUD] for
12 [THAOER] the entire day ** which actually is a plys to me I
13 thought they would be split with counsel and then in
14 addition the transcribe-er the Defendants are be bearing
15 the entire cost of the description as well and my question
16 is about appeal first of all are the jury fees supposed to
17 be split.

18 THE COURT: Well the party who requested the jury
19 is the one who eyes the fees.

20 MR. STEIN: I'm sorry.

21 THE COURT: (Ditto).

22 MR. STEIN: Very good. And then as far as the
23 transcripts go Your Honor I assume I can do whatever I want
24 with them including destroy them.

25 MS. IBARRA: Well if I buy a copy.

26 THE COURT: No you can't do that.

27 MS. IBARRA: I may buy a copy later.

28 THE COURT: They're the [PR] property of the court

1 reporter actually I'm not sure you want to destroy them.

2 MR. STEIN: On appeal if I'm going to bear the
3 entire cost of it of having a court reporter it's not
4 [TKOERT] [PROEFT]-d it's privately court reporter-d and
5 they are not contributing daily \$900 a day h it's \$900 a
6 day we've been here a lot of days, we've refused may have
7 been asked three times [EUT] court I have assume they are
8 mine and I can do with them what I wish.

9 THE COURT: Actually they're the court reporter's
10 in fact we give orders to the court reporter's as well so
11 as far as I know they belong to the court reporter, you
12 just buy them from the court reporter's you buy the order I
13 don't think you can order her to destroy them.

14 MS. IBARRA: And my client buy --.

15 THE COURT: We can discuss this after, I don't
16 think we should scope the jury waiting to discuss this
17 administerial. I could be wrong you can talk to them.

18 MR. STEIN: Again Your Honor they said they were
19 going to pay for half and they haven't.

20 MS. IBARRA: We never discussed that (Ditto).

21 THE COURT: Plaintiff you have 30 minutes left.

22 MS. IBARRA: Yes.

23 (Whereupon the jury enters the courtroom.).

24 THE COURT: Gabrielino-Tongva Tribe versus
25 Jonathan Stein BC361307 good afternoon.

26 JURY PANEL: Good afternoon.

27 THE COURT: Okay we have Mr. Dunlap on the witness
28 stand and half an hour left for direct you may continue,

1 and do you understand you're still under oath Mr. Dunlap,
2 Mr. Dunlap?

3 A. Yes.

4 THE COURT: Do you understand you're still under
5 oath?

6 A. Yes I understand.

7 Q. BY MS. IBARRA: So Mr. Dunlap we left off, we were
8 discussing about how you built upon the three banker's
9 boxes that you took over to the law offices of Jonathan
10 Stein that contained the individual tribal records of
11 mostly your family it sounds like?

12 A. Correct, along with other tribal members if I
13 recall, different family groups.

14 Q. And then you were going to describe how you built
15 on those and you were starting by describing a meeting. Is
16 it that Marina Del Rey?

17 A. Yes the ply a- Vista development by Marina del Rey
18 had a library so we conducted our first tribal gathering or
19 first tribal meeting there, and it was overwhelming,
20 standing room only. It turned out to be everything we
21 hoped for.

22 Q. And how does this relate to your building upon
23 those three first banker's boxes?

24 A. Well the process continued on my part to expand
25 the tribe and expand the tribal membership, that's what I
26 always envisioned so it was a nonstop process. [AOEP]
27 after -- excuse me, after [#20*] 2005, 2006, 2007, 2008 and
28 it's always been an ongoing process [STKPH] okay. But

1 we're focusing on the time before -- before November 2nd of
2 2007 [#*] '06?

3 A. Understood.

4 Q. So the efforts that you took at that point to
5 build upon -- you said you brought them in to -- the three
6 bank [ERZ] boxes that you brought into the law offices of
7 Jonathan Stein around 2002, 2003, is that what you said?

8 A. Somewhere along that timeline, yes and then in the
9 course of the next three years up until 2006 by meeting
10 members of the community, native community, answering phone
11 calls, e-mails, whatnot, the membership was continually
12 built upon.

13 Q. And did those people bring in their tribal
14 membership records?

15 A. Either through -- yes. I don't recall exactly how
16 many office visits there might have been by potential
17 tribal members to Mr. Stein's law office, I wasn't there
18 all the time however information was mailed in, e-mailed,
19 other tribal council -- excuse me, other tribal council
20 members were also doing the same thing, collecting names
21 and addresses.

22 Q. So would you characterize this as mostly a process
23 that involved the tribal council members and them bringing
24 in their families and their records?

25 A. Well yes. It was -- this was there their
26 responsibility as tribal council members to build the
27 tribe, these were our people, no one else's. They were
28 members of the Gabrielino-Tongva community. These were our

1 relatives.

2 Q. So they were members of your extended families,
3 all of your collective extended families?

4 A. Yes. What was -- I'm sorry what I might add is
5 during this whole process of building the tribe, many
6 members of the tribal council including myself, we didn't
7 realize how well we were related to one another and I found
8 out I had cousins that never knew existed, we were all
9 related.

10 Q. And was any of that Mr. Stein's efforts, did Mr.
11 Stein have an independent base of relationships with
12 Gabrielino-Tongvas from the tribal council?

13 A. I'm not sure I understand the question.

14 Q. So was Mr. Stein also going out there and building
15 relationships with Gabrielinos who weren't members of the
16 tribe or were you just bringing them to him?

17 A. No we were specifically bringing them to him in
18 his office.

19 Q. And bringing their confidential membership records
20 to him?

21 A. Correct. It was our responsibility as tribal
22 council members to ensure the protection of those records.
23 Members of the tribe trusted us to maintain those records.

24 Q. I'm going to fast forward now to the events that
25 actually immediately following the dispute with Mr. Stein,
26 all right? So the Libra investment comes in?

27 A. Yes.

28 Q. There's all kinds of disputes, and Mr. Stein re

1 signs, Mr. Stein is terminated there's a dispute about
2 which one occurred but there's no dispute about which
3 relationship, a professional relationship and then a fiscal
4 oversight committee comes in.

5 MR. STEIN: Objection this is testimony then.

6 MS. IBARRA: So why don't I ask you about what you
7 remember about the fiscal oversight committee.

8 MR. STEIN: Your Honor financial oversight
9 committee.

10 MS. IBARRA: Financial oversight committee thank
11 you for the correction?

12 A. The so-called financial oversight committee, my
13 understanding was it was recruited by Mr. Stein from
14 members of the tribe, of course without the authority or
15 the approval of any governing tribal council, tribal body
16 and it became clear to me even back in November I believe
17 is when I first realized November October perhaps even a
18 month prior of the existence of this fiscal oversight
19 committee. By this time, Mr. Stein had already made false
20 accusations about embezzlement of investor money be being
21 performed by myself and other members of the tribal
22 council. It was clear in my mind I think that the creation
23 by Mr. Stein of the fiscal -- excuse me, the financial
24 oversight committee was going to be a vehicle for him to
25 try to pursue creation of another tribal group and that's
26 exactly what happened.

27 Q. So you had a special connection with one member
28 which is Mr. John a- [TKPAEUR] a-, can you describe your

1 relationship with Mr. John Aguirre?

2 A. Certainly.

3 MR. STEIN: Objection relevance.

4 THE COURT: What's the relevance of his
5 relationship with Aguirre.

6 Q. By MS. IBARRA: Mr. John Aguirre, can I ask him to
7 establish certain relevance.

8 THE COURT: Okay who is he?

9 A. Mr. Aguirre was a -- was recruited by Mr. Stein as
10 one of the members of the fiscal oversight committee.

11 THE COURT: Okay overruled you may.

12 Q. BY MS. IBARRA: How did you know Mr. Aguirre?

13 A. I met Mr. Aguirre perhaps a few years prior to
14 2006, Mr. Aguirre is a career firefighter with Los Angeles
15 County. And John Aguirre had a like interest in the type
16 of work that I do, which is archeology which I've been
17 doing for over 20 years. So between the archeology and the
18 genealogical connections, Mr. Aguirre was very much
19 involved with -- wanted to be very much involved in tribal
20 politics, even running for a tribal council position in
21 2005 and he lost.

22 Q. And to clarify he was Gabrielino?

23 A. He was very much Gabrielino, yes. So John Aguirre
24 for example in a meeting prior to November 18th 2006, Mr.
25 Aguirre contacted me --.

26 MR. STEIN: Objection it's going into hearsay and
27 nonresponsive.

28 THE COURT: Sustained.

1 MS. IBARRA:

2 Q. Did you meet with Mr. Aguirre before the November
3 18th meeting?

4 A. Yes, I did.

5 Q. And did you set up the meeting, did he set up the
6 meeting?

7 A. He contacted me through my personal e-mail.

8 Q. And why did he use your personal e-mail?

9 A. Well at that point in time Mr. Stein had blocked
10 out tribal council access to our own website and
11 [known|no one] in the general public was available to
12 contact us through our website using those cell phone
13 numbers or e-mail addressed. Mr. Aguirre had my e-mail
14 address from before and after Mr. Aguirre apparently heard
15 Mr. Stein's version of events.

16 MR. STEIN: Objection hearsay and also
17 nonresponsive.

18 THE COURT: Well your statement wouldn't be
19 hearsay, is there Aguirre repeating what he said, what Mr.
20 Stein said.

21 Q. BY MS. IBARRA: Are you going to --.

22 THE COURT: It's hearsay if it is because it's
23 coming from Aguirre, so we've got two levels there, one
24 which is per [-S] miss I believe, the other which is not,
25 so I'm just saying.

26 Q. BY MS. IBARRA: Let's go with what Mr. -- okay.
27 So point is what Mr. Stein said.

28 THE COURT: Yeah buff it's coming there Aguirre so
ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

74

1 that would be hearsay.

2 MS. IBARRA: Yeah that's right.

3 Q. Let me just go about this a different way, did you
4 come to find out that Mr. Aguirre was one of the people
5 who was designated as part of the financial oversight
6 committee?

7 A. Yes.

8 Q. And did you know this before he contacted you?

9 A. I believe so, yes.

10 Q. So did you know when he reached out to you that he
11 was looking to get clarification about some of the
12 allegations contained in the letters in Mr. Stein's --?

13 A. Yes absolutely.

14 MR. STEIN: Objection leading, objection hearsay.

15 THE COURT: Sustained.

16 MS. IBARRA:

17 Q. So you met with him, what was your intent in
18 meeting with him?

19 A. To clarify the events that had occurred prior to
20 that day. What I was -- what I was there to do was inform
21 Mr. Aguirre of the side of the tribal council and the tribe
22 and not just Jonathan Stein's version of events.

23 Q. So after the meeting, did you feel you had
24 accomplished that?

25 A. Yes. John Aguirre was --.

26 MR. STEIN: Objection nonresponsive.

27 THE COURT: Sustained.

28 Q. BY MS. IBARRA: Did you want to add something else

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

75

1 about Mr. Aguirre after you felt you accomplished that.

2 MR. STEIN: Objection calls for a narrative.

3 THE COURT: Overruled.

4 MS. IBARRA: You can finish your statement?

5 A. Mr. Aguirre always wanted to find out both sides
6 of the story and that's exactly what did he that day into
7 meeting with me.

8 Q. So after your meeting, did you decide had you
9 wanted to attend the November 18th meeting?

10 A. Yes absolutely, I felt it was my responsibility to
11 tell the truth about the events involving Mr. Stein.

12 Q. So you attended?

13 A. Yes.

14 Q. And what was Mr. -- so Mr. Aguirre had been
15 designated earlier as a member of the financial oversight
16 committee. What was his role at the November 18th meeting
17 as you observed if, because he was there and you observed
18 him?

19 A. Mr. Aguirre and other members of the financial
20 oversight committee had an agenda that day. That agenda
21 was to force a recall selection -- excuse me a recall
22 election of the tribal council. Unfortunately the process
23 for the recall election for Mr. Stein of course was that it
24 was -- it was illegal which was of course one of John
25 [A*GZ] concerned.

26 MR. STEIN: Objection hearsay.

27 MS. IBARRA: It's not his statements but Mr.
28 [A*GZ] concerns.

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

76

1 MR. STEIN: Well it is.

2 MS. IBARRA: That is the impression he took.

3 MR. STEIN: If Mr. Aguirre is here that's fine
4 he's not.

5 THE COURT: Well how would he know about Mr.
6 [A*GZ] concerned so I'm going to sustain [OT] objection.

7 Q. BY MS. IBARRA: So what was Mr. [A*GZ] role at the
8 November 18th meeting?

9 A. Well as per the February 2008 declaration that
10 John Aguirre had submitted.

11 MR. STEIN: Objection facts not in evidence.

12 THE COURT: Could you repeat it.

13 (Record read.).

14 THE COURT: Sustained.

15 Q. BY MS. IBARRA: What do you recall about Mr. John
16 [A*GZ] role at the November 18th meeting pursuant to your
17 observations of his conduct there?

18 A. Mr. Aguirre did not initiate the recall election
19 as instructed by Mr. Stein.

20 Q. Did anybody else --.

21 MR. STEIN: Objection facts not in evidence that
22 there was any instruction from Mr. Stein.

23 THE COURT: Overruled.

24 Q. BY MS. IBARRA: Did anybody else?

25 A. No.

26 Q. So nobody took the initiative to ask for a recall

27 election?

28 A. Not at all.

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

77

1 Q. So the process never got in motion?

2 A. Correct, never.

3 Q. So let's briefly, you briefly mentioned that --
4 and we've Ben through this before but I just want to
5 establish that your cell phone got disconnected, your
6 e-mail got disconnected?

7 A. Yes, there was tribal e-mails and tribal cell
8 phones that were provided by Mr. Stein.

9 Q. Did you ever submit a blue card?

10 A. I don't know -- the blue card meaning the cards
11 that were designed to demand our tribal records back.

12 Q. Right and that they be sent back to the individual
13 holders of those record?

14 A. Well I recall many blue cards being sent in to be
15 honest, I don't recall if I sent mine in, either out of
16 just -- I don't think I wanted to be involved in the
17 whole -- in that process so I can't say for sure, I can't
18 say for sure if I actually sent in my blue card to demand
19 my records back.

20 Q. Did you ever get your records back?

21 A. No.

22 Q. No. Do you know if your family ever got their
23 records back?

24 A. Not that I'm aware of, none of them.

25 Q. Do you think that any of them -- so you testified

26 that there was never a recall election called for?

27 A. Correct.

28 Q. Was there any -- at least in the November 18th

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

78

1 meeting. Was it ever called for at any other meeting or
2 any other gathering?

3 A. The November 18th meeting that Mr. Stein called
4 was the last meeting that I participated with anything that
5 Jonathan Stein had -- had to do or not involved with.

6 Q. To your -- so to your knowledge was recall
7 election of your position or the other tribal council
8 [person's|persons] positions ever held or accomplished?

9 A. No.

10 Q. So do you think that there was any event that ever
11 occurred that took away your authority to act on behalf of
12 the tribe?

13 A. No none what else. The tribal council that was
14 duly elected in 2005 as the Gabrielino-Tongva Tribe still
15 exists. There was never ever a break-in authority and
16 there was ever any issue of abandonment as what I've been
17 hearing along with some other false statements that
18 Jonathan Stein has made.

19 Q. Why do you think that Ms. Candelaria and Mr. Acuna
20 and the other members of their tribal council claim to be
21 the Gabrielino-Tongva Tribe?

22 A. Jonathan Stein never wanted to give up control of
23 the tribal council that he felt he had, that's why he
24 created another one that included Bernie Acuna, Linda
25 Candelaria, Martha Gonzalez, Laurie Salse and that issue of

26 control is exactly why we're here today nearly 10 years
27 later dealing with this same issue and grant the it's been
28 a long time but Mr. Stein's unwillingness to accept his own

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

79

1 termination by the tribal council, the duly elected
2 governing body of the tribe is still like I said very clear
3 today. For me, it's sometimes mind boggling.

4 Q. Nothing further.

5 THE COURT: Thank you cross-examination.

6 MR. STEIN: Thank you Your Honor.

7 Q. BY MR. STEIN: Mr. Dunlap I'm going to try and
8 form a timeline for things that you've already said to the
9 jury and I'm going to ask for clarification on that and I'm
10 going to to have move on to the zero type [EUBGSZ] is that
11 okay?

12 A. Okay.

13 Q. And I hope that you [PHAEBG] sure if I write
14 something down that you disagree with you tell me to change
15 it. Now before we begin, let's just get something on the
16 table, you spent time in state penitentiary?

17 A. Correct.

18 Q. How long?

19 A. Two years 10 months three days.

20 Q. (Ditto). And what act was that for?

21 A. [POPLG] of communist party headquarters in Los
22 Angeles 1980.

23 Q. So you bombed the (Ditto), when you threw the bomb
24 were there people that you did not know in the

25 headquarters?

26 A. Absolutely not.

27 Q. Very good. And I have notice the tatoo here, '03

28 11?

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

80

1 A. Correct.

2 Q. What does that stand for?

3 A. It's Marie core infantry M0 S. At the time of the
4 [PW0PLG] I had already served three years in the that
5 reason core, I was an active duty marine at the time, I was
6 20 years old.

7 Q. Very good. And Mr. Stein knew all these things
8 when he went in to work with you and formed GT Tribe, you
9 would form [TKPW0*T] [TKPW0*T] and he would try to get a
10 casino project going he knew these things already?

11 A. As far as I know yes.

12 Q. And he was willing to overlook any problems with
13 that?

14 A. Yes.

15 Q. Very good. In the year 2000 you said you were
16 part of the Morales faction?

17 A. Yes.

18 Q. Is that correct?

19 A. Correct.

20 Q. And you said you were a spokesperson for them?

21 A. Yes.

22 Q. Now you said also in 2000 that you were part of
23 the coastal Gabrielino faction run by chief Jim Velasques?

24 A. Yes.

25 Q. Now because that a different part of 2000 or did
26 you do those two things simultaneously?

27 A. I had a long standing relationship with Jim
28 Velasques and working with his group.

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

81

1 Q. You became a tribal council person of the
2 Velasques faction?

3 A. In 2001.

4 Q. In 2001, thank you. And I'll call those coastals
5 and I mention Jim Velasques. Now the Morales faction was
6 that a voluntary organization or was that an Indian tribe?

7 A. It was an Indian tribe.

8 Q. It was a tribe, it was not just simply an
9 organization -- a voluntary organization of descendents of
10 the historic Gabrielino-Tongva Indian tribe?

11 A. It was an Indian tribe.

12 Q. So that was an Indian tribe. Coastal Gabrielinos
13 was that a voluntary organization of the descendents of the
14 historic Gabrielino-Tongva Indian tribe or was it an Indian
15 tribe as well?

16 A. Indian tribe.

17 Q. It was an Indian tribe. Now why do you say that
18 two different organizations were both Indian tribes when
19 they were both descendents of the Gabrielino-Tongva --
20 historic Gabrielino-Tongva tribe?

21 A. They were led by two different tribal councils.

22 Q. So a different tribal council means a different
23 Indian tribe?

24 A. Yes.

25 Q. You then convinced the coastal Gabrielino tribal
26 council to form a new group called Gabrielino-Tongva Tribe
27 or were they adopting the SMDC agreement as this group, to
28 your understanding in 2001?

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ROUGH DRAFT – UNCERTIFIED

82

1 A. Members of the coastal Gabrielino tribe adopted
2 the SMDC agreement.

3 Q. So in your view that's the coastals doing it.
4 What happened when there was what you call the mass
5 resignation leaving you and two others on the counsel.

6 MS. IBARRA: Objection misstates his testimony.

7 MR. STEIN: Forgive me, what is your understanding
8 of what happened after the SMDC agreement was adopted.

9 THE COURT: That's vague though, what do you mean
10 what happened after.

11 MR. STEIN: Forgive me let me do a better job of
12 that. Thank you.

13 Q. After the SMDC agreement was adopted, did some
14 tribal council persons leave?

15 A. Yes, I believe.

16 Q. You said that the council persons left but their
17 family members stayed?

18 A. You mean the remaining members of the tribal
19 council?

20 Q. Yes, sir.

21 A. Yes that's what I said.

22 Q. And was it your understanding -- and then had you
23 brought in new family groups with Edgar Perez and Virginia

24 Carmelo?

25 A. And Shirley Machado.

26 Q. So brought in Carmelo, Perez, Machado, right? At
27 that point was that a different Indian tribe or the same
28 Indian tribe as the coastals?

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ROUGH DRAFT – UNCERTIFIED

83

1 A. And Alcala if you recall.

2 Q. Let me add Mr. Alcala. Was that a different
3 Indian tribe or the same Indian tribe as you understand
4 these organizations to be?

5 A. Same Indian tribe.

6 Q. Same Indian tribe. So same as coastals. Now at
7 that point though didn't the resolutions show -- I'd like
8 to show you exhibit 569. And Your Honor may a show.

9 THE COURT: Is it up, okay.

10 MR. STEIN: I just wanted to double check.

11 MR. STEIN:

12 Q. And this was a resolution Gabrielino-Tongva Tribe,
13 it doesn't say coastals there Mr. Dunlap?

14 A. No, it doesn't.

15 Q. But you feel that it actually should have said
16 coastals?

17 A. No, I didn't say that.

18 Q. Tell me why Gabrielino-Tongva Tribe would be the
19 right title for the resolution with the coastal tribal
20 council that you say are still the same Indian tribe?

21 A. Because that's the way you want [T-D] Jonathan,
22 don't you remember? You wrote it.

23 Q. So then would it be accurate to say it's still the
24 coastals but Stein wanted GT Tribe; is that what your
25 testimony is?

26 A. Yes. We discussed this Jonathan, what would be
27 the best name for the tribe.

28 Q. And how did those discussions go according to your

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ROUGH DRAFT – UNCERTIFIED

84

1 recollection?

2 A. Well the SMDC agreement reflects that, that was
3 the tribe that we chose to call ourselves.

4 Q. Okay. So now was this a new voluntary
5 organization different from the coastal organization that
6 included Alcala, Carmelo family, per he is family, Machado
7 family, was this a different organization of descendents of
8 the historic Gabrielino-Tongva Tribe?

9 A. No.

10 MS. IBARRA: I'm going to interrupt and request
11 that Mr. Dunlap speak inform the microphone so we can here
12 you?

13 A. Sorry.

14 MS. IBARRA: Sorry about that. I have the
15 statement problem?

16 A. Can I hear your question again John than.

17 MR. STEIN: Yes.

18 THE COURT: Nods.

19 MR. STEIN: If I can have the contract.

20 (Record read.)?

21 A. No.

22 Q. BY MR. STEIN: Why not?

23 A. Because we as the tribal council why acting as the
24 same organization.

25 Q. As the same Indian tribe or the same voluntary
26 organization?

27 A. Same Indian tribe.

28 Q. Same Indian tribe. So it's not the same

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ROUGH DRAFT – UNCERTIFIED

85

1 organization, it's the same Indian tribe. And you see no
2 difference in bringing in all new members here and a group
3 of family leaders leaving saying we want nothing more to do
4 with this?

5 A. Those family leaders might have left but their
6 family members still stayed with us.

7 Q. I see. So in your view, it's the fact that it's
8 all one Indian tribe; is that correct?

9 A. I don't understand your question.

10 Q. Is there more than one Indian tribes representing
11 descendents of the Gabrielino-Tongva Tribe that inhabited
12 Los Angeles long ago?

13 A. Yes.

14 Q. And that depends on the tribal council's?

15 A. Yes.

16 Q. And that depends on their family groups?

17 A. Did pedestrian owned on the tribal council that
18 was the govern body of the tribe.

19 Q. The govern body of the tribe and is this according
20 to the California law or is this according the custom of
21 the Gabrielino peoples?

22 A. Well it's in my opinion it's the custom of the
23 Gabrielino and other Indian tribes not just the Gabrielino.

24 Q. Now did you help write the constitution adopted in
25 February of 2007?

26 A. No.

27 Q. Did you help don't it, did you vote for it as a
28 tribal council person in in February.

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ROUGH DRAFT - UNCERTIFIED

86

1 Q. Of 2007?

2 A. Yes.

3 Q. Did you read it?

4 A. Yes.

5 Q. And did you agree with the idea that the customs
6 of the Gabrielino are based on their sovereignty?

7 A. Yes.

8 Q. And is it these customs and Sovereignty that makes
9 had you say that you continued being a tribal council
10 person after spring 2007 when the Candelaria faction held
11 their elections and you had a new constitution?

12 A. I don't follow you Jonathan.

13 Q. Let me break that down, let me break that down
14 there's a lot to digest. Is it the same idea of the
15 customs of the Gabrielino and their sovereignty as
16 expressed in the constitution that you voted for that makes
17 you say, it is those ideas that make had you say that even
18 though the Candelaria faction had a set of elections in
19 spring of 2007 you were still the tribal council, you were
20 still the Indian tribe that had the contract with SMDC?

21 A. Yes.

22 Q. So would it be accurate to state -- and once again
23 we're here to hear what you think, that the customs of the
24 Gabrielinos and the sovereignty in the constitution, that's
25 why you think that the Dunlap faction is GT Tribe?

26 A. Well first of all, I don't recognize the Dunlap
27 faction, that's one of your inventions Jonathan.

28 Q. There is no Dunlap faction?

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ROUGH DRAFT - UNCERTIFIED

87

1 A. That is your intention.

2 Q. So you are unwilling -- so in your mind, there was
3 no split on November 18 and 19 where the Gabrielino tribe,
4 GT Tribe split into two unequal part?

5 A. The only split that occurred is the tribal faction
6 that you created Jonathan much Bernie Acuna, Linda
7 Candelaria, Martha Gonzalez and Laurie Salse, [THABZ] the
8 only split that I recognize.

9 Q. So you're saying there was a split and you
10 recognize there was a split but it was created by Stein?

11 A. Yes.

12 Q. So you can't see that there's a split that might
13 have occurred because members aren't stupid, it was
14 Jonathan Stein that did all this because he's the guy with
15 the brains?

16 A. No. You're just a criminal Jonathan, that's all.

17 Q. Okay. So let me get that right. The split did
18 occur, new tribal council, Candelaria Group right, you
19 recognize that they exist, right?

20 A. Oh absolutely.

21 Q. As more than I think Virginia Carmelo did, and it
22 was -- but it was only from Stein's criminal activities, is
23 that what you think?

24 A. For lack of a better word, yes.

25 Q. So these are criminal activities like throwing a
26 fire bomb in the communist party headquarters.

27 MS. IBARRA: I'm going to object that it's unduly
28 prejudicial.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

88

1 THE COURT: Overruled?

2 A. So what type of answer are you looking for
3 Jonathan.

4 MR. STEIN: Please repeat the question. An honest
5 one.

6 THE COURT: You may properly report thank you.

7 (Record read.)?

8 A. Actually I did not toss a fire bomb into the
9 communist party headquarters, it was annex below sieve
10 device, a pipe book.

11 THE COURT: He didn't ask you about that, he asked
12 you if it was criminal like that act so yes or no?

13 A. Yes.

14 Q. BY MR. STEIN: So as like a pipe bomb would be,
15 would that be it?

16 A. Crime is crime Jonathan.

17 Q. Very good. And Mr. Dunlap is one of the
18 factors -- we heard testimony earlier that your
19 relationship with Mr. Stein over the course of five and a
20 half years from 2001 to 2006, by January of 2006 we

21 understand there was an irritant in your relationship with
22 Mr. Stein?

23 A. It's mostly your personality.

24 Q. Wouldn't be the first to say that I'm sure?

25 A. Yes.

26 Q. Was it also because Mr. Stein was Jewish and you
27 were making a lot of anti-semetic comments to his face?

28 A. No Jonathan.

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ROUGH DRAFT – UNCERTIFIED

89

1 Q. It was not because in January 2006 you were making
2 a large number of anti-semetic comments to Mr. Stein's
3 face.

4 MS. IBARRA: Objection asked and answered.

5 THE COURT: I don't think it was answered.

6 Overruled?

7 A. My answer was no.

8 MR. STEIN: I see. Your Honor how did we decide
9 to handle this.

10 THE COURT: I think we decided you weren't going
11 to put that up in that fashion.

12 MR. STEIN: Exhibit 6 17 Your Honor.

13 THE COURT: No.

14 MR. STEIN: Objection very good.

15 Q. And do you recall Mr. Stein reporting to the
16 investor group that one of the difficulties occurring in
17 2006 was because he had banned you from the office because
18 of the large number of anti-semetic comments made to his
19 face?

20 A. To Libra security is that who we're talking about.

21 Q. Mr. Stein said it to Libra Securities, yes, wrote
22 a document?

23 A. Well obviously they didn't believe you.

24 Q. Did you see that document?

25 A. Yes I did.

26 THE COURT: Well.

27 MR. STEIN: May I show it to you.

28 THE COURT: No it has to be redacted for various

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

90

1 reasons, we talked about this, so.

2 MR. STEIN: Very good. May we have a sidebar to
3 show just the very first paragraph.

4 THE COURT: Let's just go to sidebar and we'll
5 figure it out * * sidebar * *.

6 THE COURT:

7 {LEFT2}: .

8 MR. STEIN: I think we can get just the first
9 paragraphs but I also would want to do the -- just
10 anticipate in the future, the fact that he may very well
11 deny the fact that he made requests for money. It's not
12 this here.

13 THE COURT: Oh no.

14 MS. IBARRA: They took it out.

15 THE COURT: Go ahead and go out and get it, do you
16 know where the document is.

17 MR. STEIN: Yeah.

18 THE COURT: Just pick [TUP].

19 MR. STEIN: I've been using the electronic verse

20 version for so long.

21 (Pause in proceedings.).

22 MR. STEIN: Five 19.

23 THE COURT: Did you get it? Well you hold onto
24 and show me what you want to oh show me, actually show both
25 of us.

26 {LEFT2}: Highlight it.

27 THE COURT: Go ahead. Is that the only copy [UFP]
28 you may not want to mark it up.

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ROUGH DRAFT – UNCERTIFIED

91

1 THE CLERK: 35 [#*] five 19 not 517.

2 MS. IBARRA: .

3 MR. STEIN: Five 19 that's correct.

4 THE CLERK: Make sure this is what I have for five
5 19.

6 THE COURT: Yeah that's it.

7 {RIGHT3}: Just the first page.

8 THE COURT: It wasn't from being the first
9 paragraph to the first page.

10 MR. STEIN: And I have already redacted on the
11 deck [TROFRBG] copy that.

12 THE COURT: I already see [-PBT] first payment
13 there's Mrs. [HES] [PWA] [HRA], terrorist, there's
14 problems.

15 MR. STEIN: That's exactly with a I redacted in
16 anticipation of that and that's all I need the first page.

17 THE COURT: Let me look at it. Show Plaintiffs
18 counsel.

19 MS. IBARRA: I've seen this one.

20 THE COURT: Well okay. So now you've got this
21 other thing, his third religion, credit card and gambling
22 debts and all that.

23 MS. IBARRA: And I [PHAEP] if you're going to
24 delve into haze bankruptcy he's going to bring up the fact
25 that you worked with the Morales group and that let him to
26 bankruptcy so you're dealing with -- I'd rather not deal
27 with this right now.

28 THE COURT: Yeah well, okay. And no I don't think

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

92

1 we should --.

2 MR. STEIN: How about just the -- excuse me may I
3 have it back please.

4 MS. IBARRA: (Indicating.).

5 THE COURT: How about counsel for --.

6 MR. STEIN: Just.

7 THE COURT: Hold on just [EUT] [HREUPBTS] tote owl
8 about counseling men Sam Dunlap begins [SAPBT] [SEPLT] I
9 can comments in Mr. Stein's present.

10 MS. IBARRA: He's already asked him about that.

11 THE COURT: And he admitted.

12 MS. IBARRA: No, he didn't admit it he denied.

13 MR. STEIN: That's [PA*EFG] him.

14 THE COURT: But this doesn't impeach [*FR] impeach
15 him this is your comment.

16 MR. STEIN: So maybe I'll bring it up on rebuttal.

17 THE COURT: So let's not introduce this but thank
18 you.

19 MR. STEIN: Very good * * end sidebar * *.

20 THE COURT: Go ahead.

21 MR. STEIN:

22 Q. Mr. Dunlap was there at irritant [TPH*] in 2006 in
23 your relationship with Mr. Stein?

24 A. Refresh my memory Jonathan.

25 Q. Was a second irritant that you declared personal
26 bankruptcy without naming the assets that you were get
27 [TPR-G] the Libra financing?

28 A. Yes.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

93

1 Q. And the amount of assets from the Libra financing
2 you got was over \$60,000?

3 A. No.

4 Q. How much did you get?

5 A. The reimbursable expenses for the periods of 2000
6 to 2006 was 54,000 \$480 30 cents.

7 Q. And you were simultaneously involved in a no asset
8 bankruptcy when you got the check?

9 A. Yes Jonathan, if you recall you were the one who
10 instructed me not to report it to the bankruptcy court.

11 Q. Okay. And that was not -- the fact that you did
12 not report it to the bankruptcy court was not -- was an I
13 remember [TARPBT] in the relationship between you and Mr.
14 Stein?

15 A. No Jonathan there was no irritant there because
16 you told me to say that it was a loan, do you remember. It
17 didn't become an irritant until after you threatened to

18 file a letter with the bankruptcy court bankruptcy court I
19 had withheld those funds after your termination.

20 Q. Did you file a blue card or a yellow card such as
21 this one to get your tribal records?

22 A. I may have.

23 Q. Turning to exhibit 509, did you receive a return
24 of membership records from Barbara Garcia in response to
25 your blue card?

26 A. Not that I recall.

27 Q. You don't recall receiving that return of
28 membership records and then a thick stack of records from

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

94

1 Barbara Garcia?

2 A. No.

3 Q. This was [AOEUFD] for evidence by Barbara Garcia
4 as a list of terminated members for blue cards. Have you
5 ever seen a list like this printed out from Club Assistant?

6 A. No Jonathan, again that's one of your inventions.

7 Q. So you never saw anything from Club Assistant?

8 A. I don't recall, no.

9 Q. And Club Assistant, the membership list was an
10 invention of Mr. Stein?

11 A. No I'm saying this list, this terminated list as
12 you call it.

13 Q. Uh-huh.

14 A. That's your invention sir.

15 Q. And why do you say that?

16 A. I didn't create it.

17 Q. And that's why it was a fix?

18 A. I wouldn't say it's a fix it's right in front of
19 me but I didn't create it, I'm saying had you did, the
20 tribal council did not create that.

21 Q. And the Candelaria faction council did not create
22 it?

23 A. Perhaps they did, I don't know I wasn't there sir.

24 Q. Would it matter if they created it because they're
25 just creatures of Mr. Stein?

26 A. It wouldn't matter to me, no, sir.

27 Q. Because of why?

28 A. Because of why?

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

95

1 Q. Of why.

2 A. Is this dated 2007?

3 Q. Yes.

4 A. Well then Linda Candelaria, Bernie Acuna, Martha
5 Gonzalez, Laurie Salse were all in your camp taking your
6 direction sir.

7 Q. So the fact that they had a spring election of
8 2007 makes no difference?

9 A. Not to me, no, sir.

10 Q. And why does it make no difference? Why does it
11 make no difference?

12 A. Another tribal group can do whatever they please,
13 I was an elected member of the Gabrielino-Tongva Tribal
14 nation, Gabrielino-Tongva Tribe.

15 Q. And you had more than 230 members in 2007?

16 A. I'm not sure of the membership number.

17 Q. Did you have a list of them saying gosh we -- you
18 know we better have a list, they're making lists we better
19 make a list?

20 A. Oh I'm sure there was a list sir.

21 Q. And was it 230 long?

22 A. I don't recall the number.

23 Q. Okay. And I will show you, these were member
24 identification cards for membership in the Candelaria
25 faction, calls Gabrielino-Tongva Tribe. Do they make any
26 difference to you?

27 A. Other than the fact that they are Gabrielino?

28 Q. I asked you have a question does it make a

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

96

1 difference to you.

2 THE COURT: Your questions vague though, does it
3 make a difference to what, your opinion.

4 Q. BY MR. STEIN: Does it make a difference to your
5 views that the Candelaria faction and its election makes no
6 difference to your group.

7 MS. IBARRA: Objection asked and answered.

8 THE COURT: I don't know if it's there, I think
9 it's vague. Maybe you could reformulate.

10 MR. STEIN: Sure let me try again, my apology for
11 not being more precise.

12 Q. Do the fact that all of these members have
13 identification cards in the Candelaria faction mean nothing
14 to you?

15 A. No they look break, they're break looking cards.

16 Q. So it does mean something to you?

17 A. Very nice, how's that.
18 Q. Very nice is what they [PHAEP] to you?
19 A. Sure. How's that.
20 Q. Does it mean anything else besides very nice?
21 A. They have -- they have membership cards, that's
22 great.
23 Q. Could it be that 1500 members of GT Tribe, a
24 voluntary organization sought to move forward without
25 you?
26 A. No.
27 Q. Why not?
28 A. Well first of all Jonathan, are you claiming to

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

97

1 have 1500 members in 2007.
2 Q. Am I claiming? I'm not making think claims at
3 all, there's evidence in front of the jury?
4 A. Okay.
5 Q. But the evidence is yes they had 15 [HUFPPB]
6 members --.
7 THE COURT: It happens to be what the jury finds
8 is the evidence, it's not what you say, it's not even what
9 I say, it's what they find.
10 MR. STEIN: Very good?
11 A. By 2007 Jonathan, any number that you would have
12 come up with from your camp I would have been highly
13 suspect of, not to mention the fact that your constitution
14 if I recall that you created had a Class A B and C in it.
15 Class C being anyone could join your tribe without showing

16 any proof of descendent see of Gabrielino blood --

17 Q. Now would you?

18 A. -- only with the promise.

19 Q. Motion to strike as nonresponsive.

20 THE COURT: Denied. Only with the promise?

21 A. A Class C members in Jonathan's tribe only to had
22 to fill out a membership form and then promise to one way
23 prove somehow that they were Gabrielino. In other words
24 anyone off the street could claim to be Gabrielino in the
25 Jonathan Stein tribe. So whether it's 1500 or 15,000,000,
26 no, they don't -- I was about ready to say a bad word, I'm
27 sorry. They don't mean anything to me, sir. Your numbers
28 mean nothing to me.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

98

1 THE COURT: Well it's your numbers mean nothing.

2 MR. STEIN: Yes Your Honor.

3 Q. BY MR. STEIN: Mr. Dunlap did you offer any fair
4 procedure to the 1,500 members of GT Tribe that chose not
5 to follow you and the other tribal council men to terminal
6 street?

7 A. Meaning?

8 Q. Any fair procedure saying you're not going to be
9 part of our group any more but we're going to have less
10 members but we'll offer you a fair procedure if you do want
11 to be part of our group.

12 MS. IBARRA: Objection argumentative.

13 THE COURT: I think it's assumption facts not in
14 evidence.

15 MS. IBARRA: Yes [SA0*UPLS] assumes facts not in

16 evidence as well.

17 THE COURT: Are you asking him whether his group
18 contacted I guess the people on these cards.

19 Q. BY MR. STEIN: You're saying that you're still GT
20 Tribe after the split in November and after the spring
21 2007, you're saying you're GT Tribe is that correct?

22 A. Yes.

23 Q. And you're recognizing that there are an awful lot
24 of people that were members of GT Tribe that continued on
25 with the Candelaria faction; is that correct?

26 A. As evidenced there, yes.

27 Q. If you were the same group as had a contract from
28 2001 to 2006, if you're the same group, did you offer any

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

99

1 fair procedure to all the people that were no longer part
2 of that group?

3 A. Well I see it a little bit problematic because I
4 don't have their addresses because even up to that date I
5 think you still refused to return our records and our
6 mailing lists.

7 Q. So you're saying no fair procedure because you
8 could not [-RPBLGT] no. What I'm saying it was impossible
9 to contact those people because you never returned our God
10 dam records.

11 Q. Okay. And you are then saying that you didn't
12 have any fair procedure to continue on without 1500
13 members.

14 MS. IBARRA: I'm going to object because it

15 assumes facts not in evidence.

16 THE COURT: Repeat the question.

17 (Record read.).

18 THE COURT: Your objection was assumes facts.

19 MS. IBARRA: Assumes facts not in evidence that
20 they -- that --.

21 THE COURT: I think it's been answered, I think he
22 said no because he didn't have a way to contact them so I
23 think it's been answered.

24 MS. IBARRA: So asked and answered.

25 THE COURT: He doesn't need to answer.

26 MR. STEIN: Very good.

27 Q. So would it be accurate to say that you had no
28 fair procedure for --.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

100

1 THE COURT: That's the same question counsel.

2 MR. STEIN: I'm sorry but I'm a little bit lost, I
3 don't want to write what the court says but I do want to
4 write what the Mr. Dunlap thinks and if the court's summary
5 would acknowledge that then I will write that -- **.

6 THE COURT: Well he's already answered that
7 question, and a different question.

8 MR. STEIN: Okay very good.

9 THE COURT: Mr. Stein again the exhibit list, Mr.
10 Stein.

11 MR. STEIN: Oh apologies.

12 Q. BY MR. STEIN: Exhibit 5 20 is a letter from
13 Jonathan Stein to members.

14 THE COURT: Wait a minute, 520. Okay that's okay.

15 Q. BY MR. STEIN: Did you see a copy of that letter
16 from Mr. Stein to members saying I'm Jonathan Stein I write
17 you and other tribal members under difficult circumstances,
18 in a strange turn of events I raised 21 million dollars for
19 the tribe in May and last week I was fired by the tribal
20 council?

21 A. Yes I remember that letter.

22 Q. Did you and the other tribal council men spend in
23 the month of November most or all of the \$898,000 from the
24 casino project?

25 A. I don't recall.

26 Q. Did you spend it on things other than the casino
27 project?

28 A. Whatever money was spent was approved by the

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

101

1 investor to be spent.

2 Q. It was part of the investor budget?

3 A. As far as I know, yes.

4 Q. And that would include a year of prepaid postage
5 of \$20,000?

6 A. It may very well have been, it must have been
7 because that's what happened Jonathan.

8 Q. Okay. And during your time -- you're no longer on
9 the tribal council of the Gabrielino/Tongva Nation, the
10 Dunlap faction no lapping-er has Mr. Dunlap on the tribal
11 council?

12 A. You were correct the first time the
13 Gabrielino/Tongva Nation thank you.

14 Q. Well I'm going to save the Dunlap faction only
15 because the jury has heard that before you testified. The
16 tribal council no longer includes you?

17 A. Correct.

18 Q. And is it your understanding from your time with
19 council that they made no filings with the State of
20 California?

21 A. What type of filings.

22 Q. Any type of filings?

23 A. I'm not -- I'm not sure to be honest.

24 Q. Do you know -- but do you recall any filings that
25 they made?

26 A. No. Enlighten me.

27 Q. No I'm asking you, so you don't recall any filings
28 that they made.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

102

1 THE COURT: During the time that he was on the
2 tribal council, is that --.

3 MR. STEIN: Yes.

4 THE COURT: Okay.

5 Q. BY MR. STEIN: And when you were on the tribal
6 council after November 18?

7 A. Yes.

8 Q. Of 2006 for how long were you on the tribal
9 council of the Dunlap faction?

10 A. Up until December 31st, 2015.

11 Q. So November 2006 to 12, 31, 15 and you recall no
12 filings with the State of California during that time?

13 A. Not that I'm aware of. Of course what kind of

14 filings are you -- are you talking about.

15 Q. Governmental filings, any filings with the federal
16 government?

17 A. Not to my knowledge. I don't recall that.

18 THE COURT: Well -- okay. Is it no filings or you
19 don't know because --.

20 MS. IBARRA: Yes.

21 MR. STEIN: You don't recall?

22 A. I don't recall.

23 THE COURT: So do not recall on there.

24 MR. STEIN: Very good.

25 Q. BY MR. STEIN: And do you recall any filings or
26 statement by unincorporated association made in that 11
27 year period -- nine year period, forgive me?

28 A. Yes.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

103

1 Q. And what was that?

2 A. It was the filing that Linda Candelaria made on
3 your behalf, yes.

4 Q. So you recall this filing by -- for GT Tribe by
5 Linda Candelaria but not by the Dunlap faction?

6 A. With the State of California.

7 Q. Right. The Secretary of State of the State of
8 California?

9 A. Yes, I do. I do recall a filing.

10 Q. And that was this one?

11 A. No.

12 Q. What was it?

13 A. It was a filing with the Secretary of State, State
14 of California in 2008 I believe.

15 Q. I see. And did you bring it with you?

16 A. No.

17 Q. Did you have your counsel get a copy of it?

18 A. No.

19 Q. We've heard person after person say that no such
20 filing exists. Do you have a copy?

21 A. I do not.

22 THE COURT: That this document doesn't exist
23 or --.

24 MR. STEIN: No no he says that they filed one just
25 like this in 2008?

26 A. No.

27 THE COURT: No no.

28 MS. IBARRA: Misstates testimony.

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ROUGH DRAFT - UNCERTIFIED

104

1 THE COURT: Let's clarify a little bit (Ditto).

2 MR. STEIN: Please I'd love to clarify?

3 A. I stated that I filed.

4 Q. You filed?

5 A. Yes.

6 Q. What did you feel?

7 A. State of California statement of unincorporated
8 association.

9 Q. I see. And have you shown that to your counsel?

10 A. No.

11 Q. But you filed it?

12 A. Yes.

13 Q. And do you have a copy to this day?
14 A. No.
15 Q. So statement -- and you did that own even though
16 GT Tribe is an Indian tribe and not an unincorporated
17 association?
18 A. Did I file, yes, even though what.
19 Q. That in your -- what was the name here by the way?
20 A. Gabrielino/Tongva Nation.
21 Q. Nation, and was it a statement of unincorporated
22 association?
23 A. Yes.
24 Q. And you said earlier that your Indian tribes,
25 you're not voluntary organizations?
26 A. Right.
27 Q. But you filed one anyway?
28 A. Yes.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

105

1 Q. Good. And when did you do that?
2 A. In 2008.
3 Q. In 2008, I see. And that's after 2006?
4 A. Yeah that's the way it works.
5 Q. And would that indicate to you that they're two
6 different organizations?
7 A. No.
8 Q. They're not two different organizations?
9 A. No the reason I filed it was to secure the name so
10 you wouldn't file another document just like that is.
11 Q. Well they get filed once every year, ?

12 A. Five years.
13 Q. Or once every five years?
14 A. Something like that, uh-huh.
15 Q. But you never shared that with counsel?
16 A. I didn't think it was important.
17 Q. Very good. On the day -- you adopted the
18 constitution in 2007 in a large ceremony, correct?
19 A. I'm sorry?
20 Q. A convention?
21 A. I'm sorry I didn't --
22 Q. You adopted your constitution?
23 A. Constitution, yeah.
24 Q. The sovereignty constitution is what we've called
25 it in your absence in a big ceremony is that correct.
26 MS. IBARRA: I'm going to object to the same
27 there's no.
28 THE COURT: Sustained.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

106

1 MS. IBARRA: Agreement on that.
2 Q. BY MR. STEIN: Exhibit 54 two, may I ask you to
3 identify that.
4 THE COURT: Is this a new one Nelli, 54 two.
5 THE CLERK: 54 two yes, it is new.
6 THE COURT: Okay it's a new one.
7 Q. BY MR. STEIN: Can you identify that document
8 please.
9 THE COURT: ? A letter that he wrote. Can I see
10 it before you -- let me see?
11 A. (Indicating.).

12 THE COURT: Okay (Indicating.).

13 Q. BY MR. STEIN: Have you seen that document before?

14 A. I believe I must have, yes.

15 Q. And what is it?

16 A. It looks like a notice of a convention to ratify

17 the constitution of the Gabrielino/Tongva Nation.

18 MR. STEIN: May I show that on the screen Your

19 Honor.

20 THE COURT: Yes you may.

21 MR. STEIN: Thank you.

22 Q. BY MR. STEIN: So this is showing the letterhead

23 of the Dunlap faction on terminal street?

24 A. Yes.

25 Q. And February 9th, 2007, is that the letter about

26 when the letter was September out?

27 A. Yes, I would say so.

28 Q. And Sam Dunlap tribal secretary is that you?

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

107

1 A. Yes.

2 Q. Can you read the first paragraph please?

3 A. The convention to ratify the constitution of the

4 Gabrielino/Tongva Nation is set for February 17th, 2007,

5 the convention is to be held at the City of Los Angeles

6 council chambers located on the third floor in City Hall.

7 Q. So it was kind of a big deal, right?

8 A. Yes.

9 Q. And you put out a newsletter with pictures from

10 the event for the various members?

11 A. I don't recall. Most likely we did.

12 Q. How many copies of that went out?

13 A. I don't recall sir.

14 Q. I notice from the date you must have had some sort
15 of membership records to be able to send out a copy of a
16 letter to members?

17 A. Yes by February of 2007 which was four months
18 after the November 18th meeting, we tried to reconstitute
19 our membership list through family members.

20 Q. And we heard about a list of 500 names that
21 Virginia Carmelo had do you recall that?

22 A. No but I wouldn't be surprised.

23 Q. And then added to those five hub was the extended
24 family members of the tribal council and all the people
25 that had joined them, do you recall that?

26 A. No not necessarily.

27 Q. Very good. And this letter went out and it says
28 the convention to ratify the constitution. Is that a new

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

108

1 constitution?

2 A. You mean like brand spank [-PG] new out of the box
3 constitution?

4 Q. Yeah.

5 A. No.

6 Q. What was it if it wasn't brand spanking new?

7 A. It was a revision to the constitution that you and
8 I drafted up back in 2006 prior to the Libra agreement.

9 Q. Okay. And when it says here down here it says the
10 final version, that's the final version of the -- of the

11 sovereignty constitution, right.

12 MS. IBARRA: Objection to the name.

13 THE COURT: Well do you agree that it's a
14 sovereignty constitution?

15 A. No. It's a.

16 THE COURT: Okay?

17 A. Tribal constitution.

18 THE COURT: Okay so let's refer to it as tribal
19 constitution.

20 MR. STEIN: Very good.

21 Q. The final version is because the tribal
22 constitution had gone through many versions with the
23 constitution committee led by Ms. Goad and others and made
24 a number of their technical changes; is that correct?

25 A. To the best of my knowledge. I did not serve on
26 that committee.

27 Q. I see. Is there anything in here that says that
28 we are amending an existing constitution?

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

109

1 A. No I don't see it.

2 Q. And is there -- let me take a moment to find the
3 constitution itself --.

4 THE COURT: Let's take a break, we'll take a
5 15-minute break and we'll start with that.

6 MR. STEIN: Perfect.

7 (Whereupon the jury exits the courtroom.).

8 THE COURT: We'll see you in 15 minutes.

9 MR. STEIN: May I stay in here so I can find

10 the --.

11 THE COURT: Yes yes we'll still be in here.

12 (Break taken.) 02:59 PM to 03:13 PM.

13 THE COURT: Gabrielino-Tongva Tribe versus Stein B

14 C36 one 307.

15 MR. STEIN: We'll be finished about in five

16 minutes.

17 THE COURT: Oh I don't know you want to know how

18 much time you have left.

19 MR. STEIN: No I have five but I think I have

20 about five.

21 THE COURT: And you have some redirect.

22 MS. IBARRA: Yes, I will some I probably [SPWR]

23 seven minutes.

24 THE COURT: Redirect.

25 MS. IBARRA: Maybe less than that it's just two

26 topics.

27 MR. STEIN: And then Your Honor we have identified

28 exhibits if about want to take the time to move them into

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

110

1 evidence --.

2 THE COURT: Not now let's wait until we have time.

3 MR. STEIN: Well since the jury will be gone

4 before four.

5 THE COURT: Is there some reason why we can't wait

6 until they're gone and we can talk about the admission of

7 exhibits.

8 MR. STEIN: Oh I'm sorry that's actually what I

9 was suggesting, forgive me that's exactly [WHAEUFS]

10 suggesting, yes.

11 THE COURT: Okay.

12 THE CLERK: Plaintiff rested after.

13 THE COURT: Well I don't know do you have rebuttal
14 I guess --.

15 MR. STEIN: No we have rebuttal tomorrow morning
16 when Niall will be back, it will be me on rebuttal and it
17 will be very short.

18 MS. IBARRA: So that's if, just one refresh
19 witness.

20 MR. STEIN: I'm not sure I have haven't figured it
21 out fully.

22 MS. IBARRA: And I'm resting after this witness.

23 THE COURT: After this testimony, all right. All
24 right well if you figure out who your additional rebuttal
25 witness is you should let her know.

26 MR. STEIN: Yeah I'm [PROET] pretty sure it's just
27 me and I may forgo the opportunity.

28 THE COURT: Okay. Well we'll let them go home

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

111

1 when you're done and I'll let member know there may be
2 rebuttal.

3 MR. STEIN: And then I was hoping we might be
4 able.

5 THE COURT: We can address those issues.

6 THE CLERK: We're missing two jurors.

7 THE COURT: Okay once -- maybe we can spend the
8 rest of the afternoon going over the exhibits since all

9 that will be left is your testimony we could go over all
10 the exhibits today perhaps.

11 MR. STEIN: Yeah.

12 THE COURT: I don't know.

13 THE COURT: The jurors are asking if they can have
14 the afternoon off on Friday because some of them have
15 travel plans for the long weekend so I try to remember if
16 we had planned any of the argument on Friday and if so
17 would we be able to finish in the morning.

18 MR. STEIN: Your Honor what I had hoped might
19 occur and I'll just throw this out to begin the discussion
20 is that we would go to the jury before lunch, have the
21 closing arguments finish by lunchtime which may or may not
22 happen with the rebuttal.

23 THE COURT: Wait a second, what day.

24 MR. STEIN: Tomorrow Thursday, with the idea that
25 since they would have to answer one or two questions and
26 sounds like we have more discussion to do, that they would
27 have enough time to deliberate before they leave, so the
28 question is if they left on Friday early, you know after

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

112

1 lunch that would [PHAEP] that they might be in the middle
2 of deliberation and all disappear for a long weekend and
3 come back, I don't think that would be healthy.

4 THE COURT: Well I don't want to keep them from.

5 MS. IBARRA: Travel plans.

6 THE COURT: Leaving early if they have travel
7 plans. If -- what is your concern, just --.

8 MR. STEIN: That we finish Phase I and get a

9 result from the jury before the weekend and I think
10 everybody would be in favor of that.

11 MS. IBARRA: Of course everybody is in favor of
12 getting a judgment sooner rather than later but we just
13 don't know how long it's going to take for them to [TKHREB]
14 [KWRAEUT].

15 THE COURT: Yeah I can't control that.

16 MS. IBARRA: Nobody can so --.

17 THE COURT: I mean if your concern that you won't
18 have time to prepare a second phase or just gather yourself
19 we can always take a day or so and then resume a second
20 phase assuming there is one.

21 MR. STEIN: Well that's the whole idea is to get
22 it over and [do not|done] and I think we will get the best
23 response from the jury. Maybe the best thing to do would
24 be to just quite literally for me to just wrap it up in a
25 question or two and then let her wrap it up and then begin
26 the deliberations that we have so that we can begin with
27 opening arguments --.

28 THE COURT: See the problem is that it sounds very

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

113

1 easy is what happens is we have jury instruction that's
2 aren't finalize [SKP-D] prepare.

3 A. We don't have a verdict form that's finalized and
4 prepared. Do we have anything -- the [TKPEUBTS] need to be
5 pulled, [TKAGD], redacted if necessary, you know it's a lot
6 of work and they sit there and wait sometimes and I just
7 don't think it's going to happen. We can try but. I mean

8 if we were all prepared and everything was all in order
9 then.

10 MR. STEIN: I see what the court is saying.

11 THE COURT: We could do our best but. So I'm
12 going to tell them they can have Friday that they can do
13 what they need to do and if we're not done we'll resume on
14 Monday.

15 {LEFT2}: I agree I mean regardless of the
16 circumstances I feel like we need to be grateful to the
17 jury tore putting up with all of this so we need to give
18 them whatever -- you know and they haven't asked for a lot
19 of time off so.

20 THE COURT: Well this is another issue, I
21 typically pre instruct which means all the jury
22 instructions need to be done before you argue. So the jury
23 instructions aren't ready unless you want to argue would
24 you tell the jury instructions and I just read a whole set
25 after you've argued but most attorneys want to use the
26 instructions.

27 MR. STEIN: Yeah.

28 THE COURT: Weave them into their arguments but.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

114

1 MR. STEIN: Well Your Honor if we gave the jury
2 Friday off.

3 THE COURT: Entire Lee.

4 MR. STEIN: Yeah how would that work.

5 THE COURT: I don't think they'd object to that
6 but that does [-P] mean we'd be done.

7 MR. STEIN: I think we should have closing

8 argument and then go into a jury deliberation that gets
9 finished for Phase I consecutively, in other words the idea
10 of arguing and then sending them off on the weekend and
11 then coming back and deliberating --.

12 THE COURT: Are we going to have all the jury
13 instructions and settled and printed and ready to go so --.

14 MR. STEIN: Well for Phase I it's very minute pal,
15 I thought we already had the general instructions figured
16 out pretty well, before [KWRE] just pick from amongst the
17 general instructions.

18 THE COURT: Well I don't know I give the
19 instructions you agree on.

20 MS. IBARRA: Yeah we haven't agreed.

21 THE COURT: So let's let the bill -- we might give
22 them Friday afternoon off we might give them the entire day
23 but we'll tell them Friday afternoon is fine.

24 MR. STEIN: Very good.

25 THE COURT: At a minimum.

26 {MIDDLE}: Are we going to come in with Mr.
27 Dunlap.

28 THE COURT: Bring him in first.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

115

1 (Whereupon the jury enters the courtroom.).

2 THE COURT: Gabrielino-Tongva Tribe versus Stein
3 BC361307. Okay let's finish the cross.

4 Q. BY MR. STEIN: Mr. Dunlap just [A*U] a few more
5 questions, everybody has been very patient with us.
6 Exhibit 5 47, [-S] new constitution, in February of 2007?

7 A. Yes.

8 Q. Do you recognize that?

9 A. Yes I do.

10 Q. And.

11 MS. IBARRA: Counsel before you go forward can I
12 object that [TPH*T] on the board it's also referred to as
13 sovereignty constitution.

14 THE COURT: Okay yes you may.

15 MR. STEIN: And what did the court say.

16 THE COURT: Well I think tribal constitution.

17 MR. STEIN: No actually sovereignty constitution
18 was used by merchandise goad.

19 THE COURT: Is this Ms. Goad this is written just
20 now, her testimony was days ago right? So -- well this
21 isn't going to go back to the jury anyway so.

22 MR. STEIN: That's correct.

23 THE COURT: Their memories will prevail.

24 MR. STEIN: Very good.

25 Q. BY MR. STEIN: Mr. Dunlap you made a number of
26 changes from what you say is the predecessor constitution
27 in GT Tribe?

28 A. Yes.

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

116

1 Q. And what were the changes.

2 MS. IBARRA: Objection that he [HRA*BGZ] lacks
3 personal knowledge.

4 THE COURT: Overruled did he participate in the
5 drafting of the constitution?

6 A. New constitution, no.

7 THE COURT: Oh okay then sustained.

8 MR. STEIN: Very good.

9 Q. BY MR. STEIN: And we had earlier testimony that
10 the changes that were made were so that federal recognition
11 could be gained, was that your understanding of what was
12 going on in the adoption of the February 2007 tribal
13 constitution?

14 A. Yes.

15 Q. For federal recognition?

16 A. Yes.

17 Q. We also had earlier testimony that there was no
18 federal recognition application put in through 2016 is that
19 your understanding?

20 A. Well if you recall Jonathan, Rae Lamothe back in
21 March of 2005 drafted a federal recognition petition in
22 your office, however, it was submitted but then recalled by
23 Lee Flemming with the department of the interior. And the
24 reason for that drafting of that federal recognition
25 petition was to ensure that the State of California Native
26 American heritage commission would keep our tribe on the
27 Native American contact list for the State of California so
28 officially was not splitted -- a federal recognition

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

117

1 petition was not submitted back in March of 2005.

2 Q. And through the end of 2015 there was no federal
3 recognition petition or application?

4 A. Not to my knowledge, no.

5 Q. So federal recognition was reason for changes?

6 A. Correct.

7 Q. But there was no federal recognition application?

8 A. Correct.

9 Q. The final area of questioning -- and that's
10 through December 31st of 2015?

11 A. That was my last day on the tribal council, yes.

12 Q. And then final line of questioning very briefly,
13 you said earlier you didn't know what expenditures were
14 made out of the \$898,000 after September 9th, 2006?

15 A. Well not without looking at a list broke not
16 down.

17 Q. Okay. Do you know if any of those expenditures
18 were for unpaid casino project invoices?

19 A. No, I don't recall.

20 Q. And September 9th, that was when Mr. Stein left
21 his law office and you you folks were left in the law
22 office after a meeting?

23 A. September 9th, 2006?

24 Q. Yes.

25 A. Yes that's the day that I believe you threw a tape
26 recorder at Shirley Machado in your law office and that's
27 the day that you stated that you would quit or had quit
28 because you no longer wanted to work with us unless we

ROUGH DRAFT - UNCERTIFIED

ROUGH DRAFT - UNCERTIFIED

118

1 terminated our tribal attorney Elizabeth Aronson?

2 Q. And.

3 A. I think that's the day you stormed out of your own
4 office and told us to get out or something like that.

5 Q. And left the office?

6 A. Yes.

7 Q. And the tape recorder was thrown out of the office
8 into the hallway?

9 A. Out of the meeting room into the office lobby, out
10 of the first office space.

11 Q. So it was not thrown in the first lobby out into
12 the hallway, it was thrown from an interior office into the
13 lobby?

14 A. As far as I know, I was not in a position to see
15 exactly where it landed.

16 Q. And Ms. Machada was there?

17 A. I believe it was Shirley Machado.

18 Q. I don't recall her ever come to my law office,
19 please tell me was she in the law office that night?

20 A. It was my understanding, yes, my recall.

21 Q. And then that night Mr. Stein left, left the law
22 office open and you folks stayed in the law office is that
23 correct?

24 A. That's correct.

25 Q. And you went in one or more trips to your cars,
26 you emptied out check books and other tribal files?

27 A. Yes we took possession of our tribal property as
28 much as we could.

ROUGH DRAFT – UNCERTIFIED

ROUGH DRAFT – UNCERTIFIED

119

1 Q. No further questions.

2 THE COURT: We direct.

3 Q. BY MS. IBARRA: Mr. Dunlap how long was your
4 working relationship with Mr. Stein?

5 A. Since February 2000 until September I believe of
6 2006, six and a half years something like that.

7 Q. And during most of that time was it -- would you
8 call it a close professional relationship?

9 A. Yes very much.

10 Q. Would you call it a friendship?

11 A. Yes.

12 Q. So up until -- during that -- the course of that
13 relationship, did you ever get called an anti-semite by Mr.
14 Stein?

15 A. Up until which day?

16 Q. Up until -- let's take in pieces, how about up
17 until January of 2006?

18 A. No.

19 Q. Up until the Libra agreement in May of 2006?

20 A. I don't believe so, no.

21 Q. So it was only after there was problems regarding
22 the Libra funds that you became characterized as an
23 anti-semite?

24 A. Yes among other things.

25 Q. There was discussion about the fact that you filed
26 for bankruptcy?

27 A. Correct.

28 Q. Was there any one event that precipitated your

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ROUGH DRAFT - UNCERTIFIED

120

1 filing for bank bank?

2 A. Yes absolutely, the one and other only event which
3 was the judgment from the Morales litigation, I believe in
4 2003, there was a \$65,000 judgment imposed upon the

5 individuals, myself, Virginia Carmelo, Martin Alcala for
6 attorneys' fees and costs by the opposing side, the same
7 lawsuit that Mr. Stein represented me in.

8 Q. So Mr. Stein was your lawyer in that litigation?

9 A. Yes he was up until a certain point.

10 Q. And that resulted in a judgment against you?

11 A. Yes against all the individuals.

12 Q. And he -- that resulted in your bankruptcy?

13 A. Oh yes.

14 Q. And you testified that he gave you advice
15 regarding your bankruptcy develop?

16 A. Yes.

17 Q. Thank you that's all I have.

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