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GABRIELINO-TONGVA TRIBE VS. STEIN, TRIAL DAY 55

ROUGH TRIAL TESTIMONY OF BARBARA GARCIA

THE COURT: Okay thank you. Let's bring our next witness up.

MR. STEIN: That would be Barbara Garcia Your Honor and she's waiting outside.

THE COURT: All right good, bring her in. Come forward name stand behind the court reporter, actually ma'am you've you've testified here before?

A. Yes.

THE COURT: I don't need to swear you, why don't you come on up Ms. Garcia you understand you're still under oath?

A. Yes.

THE COURT: Okay thank you. So we have what a half an hour for her.

MR. STEIN: Well it may take a little bit longer than that only because we have a number of [KPEUBLGTS], we will just try to introduce exhibits with Barbara since she's a little bit out of order to fit into her [SKPED] and Mr. Stein's testimony will say what the exhibits are all about.

THE COURT: So try to introduce them as a group that way you can get done soon, let's try for a half an hour and see where we are.

MR. STEIN: Sure.

THE COURT: Okay.

MR. STEIN: We're just finishing the numbering now.

THE COURT: Is this a new exhibitor --.

MR. STEIN: These are new exhibits, yes.

THE COURT: They're not in the books.

MS. IBARRA: Are these the quantum meruit exhibits.

MR. STEIN: Some are in the book some are not but we're just going to introduce them as a group.

THE COURT: I just wanted to know that you turned them over to the other side.

MR. STEIN: Yes these are the same exhibits -- we have copies of the for the other side right now.

THE COURT: Knot were they [PROUF] [KWRAOEFS] Lee [PROUF] deuce-d.

MR. STEIN: Yes in the motion.

THE COURT: The quantum meruit motion.

MR. STEIN: Yes but there is one that's new but once again let's introduce them and see how it goes.

THE COURT: Well why don't you show her first the new one.

MR. STEIN: Yes.

THE COURT: Her meaning Ms. Ibarra.

MR. STEIN: Let me give you each of your copies and I'll point out the new one.

MS. IBARRA: Yes.

MR. STEIN: This is the new one (Indicating.) and this

copy.

MS. IBARRA: Is this new, no this is totals. This is a Jonathan Stein declaration which isn't appropriate for this witness.

THE COURT: Yeah that's true.

MR. STEIN: Yeah again the idea was to just get all the documents that we're going to use, she's being taken a little bit out of order to meet her schedule and if there's one document you want me to hold back I'd be happy to do so Your Honor.

THE COURT: All right. At this point we're just showing Ms. Ibarra the documents had you want to use and which are the new ones you're going to use.

MR. STEIN: That is the new one.

THE COURT: She'll make the objections at the appropriate time.

MR. STEIN: What would the court like us to do.

THE COURT: Why don't you give them to -- do you have a copy for Neli or.

MR. FORDYCE: Yes.

MR. STEIN: Yes.

THE COURT: [SHO\*] so she can mark them. We [STPHAOED] to start now so let's start, we can parse through these later. Ma'am unless you're going to examine her she's going to step down.

MR. STEIN: No no. Your Honor you're asking me to do

one thing, I'm finishing it and I'm now doing the next thing that you're asking me.

THE COURT: What is it that you're doing right now.

MR. STEIN: I am showing the same documents to the witness to identify them as the court asks us to identify them.

MS. IBARRA: What number is this.

Q. BY MR. STEIN: Ms. Garcia can you identify 15 57 please.

THE COURT: This is 15 57. And then you'll mark it and Neli will give it to me. What --?

A. It's --.

THE COURT: Go ahead?

A. It's a table of contents for a notebook that I had prepared.

THE COURT: When did you prepare the notebook?

A. Starting -- 2003 when I started working for Mr. Stein.

THE COURT: You started preparing this notebook in 2003.

A. You you have. Yeah this was kept when Mr. Stein would prepare time slips, he would print them out and we kept a copy in a notebook which is what this table of contents blocks -- or used to belong to.

Q. And what happened to the notebook?

A. I believe it was taken with the rest of the contracts and resolutions because they were kept in that room with the tribal stuff.

Q. So how was the -- was it kept in the -- you're saying the room you're referring to is the tribal administration room?

A. Correct.

Q. And how was that -- how were the notebooks arranged in that room?

A. So we had a bookcase filled with resolutions and we had filing cabinets and there were notebooks on top of the filing cabinets which this is one of the ones that was kept there.

Q. I see. And see the table of contents, can you describe numbers one through 10, what the organizational ideas were.

THE COURT: By the way, you also did this [TAEUBLG] of contents as well?

A. Yeah.

Q. BY MR. STEIN: And when the notebook -- why were you able to salvage the table of contents if the notebooks were taken?

A. Because they were a word document.

Q. I see. And in this organizational documents how do the numbers work, A one through 10?

A. So the notebook had tabs for each year and as Mr. Stein would printout the time sheet, I would add it to the notebook so when it was created we had the time sheets and they were divided -- usually I would use a colored paper to separate them and then I had them all per year. So each tab indicated a year.

Q. And then Number 7 eight nine and 10, what did those tabs

indicate?

A. We had separated them by quarter because those were getting bigger.

Q. I see. And then that was in A what was B organized?

A. B was the expense slips. So those usually were -- we the time slip and then we also had the expenses.

Q. And the -- how many copies were printed out?

A. Just one.

Q. For the notebook?

A. Yeah.

Q. Was there a second copy printed out?

A. Generally yes to give to the general counsel or [-RT] tribe.

Q. I see. And that was on a monthly basis?

A. Yes. They were printed out and generally I would put them into the notebook right away unless I was extremely busy then I would do it --.

Q. So how often did you -- before this task of taking a printout and putting it in the notebook?

A. Once a month, if not every other month.

Q. And can we now turn to Exhibit 15 58. We're going to skip 15 58 that's a signed declaration. Can we turn to Exhibit 15 59. And describe that exhibit for me.

MS. IBARRA: So this is a new exhibit that they've -- that wasn't attached to the quantum meruit motion and the court

gave instructions that those documents would be allowed but this wasn't attached to the quantum meruit motion.

THE COURT: All right so let's strike 15 59, this is one apparently wasn't in there.

MS. IBARRA: Wasn't in there.

MR. STEIN: Your Honor the quantum meruit motion as the court will recall said that any type of evidence can be used we're now setting a foundation for the evidence, there is no reason to strike it.

THE COURT: It needed to be turned over so that plaintiff could have an opportunity to review t challenge it if necessary and this is insufficient time. There were items that were in a notebook that I looked at I said fine these things can come in, these haven't had time to review it.

MR. STEIN: May we bring it back tomorrow with a different witness.

THE COURT: Unlikely, but for now, it's stricken.

MR. STEIN: And the rational for the court's decision --

THE COURT: I just said.

MR. STEIN: -- has been fully stated.

THE COURT: Yeah. We briefed this. We briefed this entire issue, you presented all the documents you're going to use, no new documents now.

MR. STEIN: Actually that was not the rational of the briefing, it was some not all of the documents used, there was no

representation that there would not be another document found.

THE COURT: I understand you disagree with my ruling, Mr. Stein, but that's my ruling.

MR. STEIN: Thank you, Your Honor. Let's move on to --

THE COURT: So move on to 1560 maybe.

MR. STEIN: 1560, can you identify 1560 please?

A. This was the quantum meruit damages calculation which was the spreadsheet I believe that had all of the time slip entries per year. And do you know how this document was prepared?

A. Steven Johnson had worked on this I believe, he prepared it and --.

MS. IBARRA: So -- I'll let you finish and then I'll object?

A. And I went through it just kind of matching, making sure that the hours matched to the entries.

Q. BY MR. STEIN: Besides Mr. Johnson and yourself.

THE COURT: Hold on there's an objection.

MS. IBARRA: I was going to object that it lacks foundation.

THE COURT: Yeah it does appear that way plus the bottom says 2017 Your Honor.

MR. STEIN: 2007 Your Honor.

THE COURT: I think it says 2017 unless my eyes are bad.

MR. STEIN: I believe your eyes.

THE COURT: All right.

MR. STEIN: Happens to us all.

Q. BY MR. STEIN: And anyone else work on this document besides and you Mr. Johnson?

A. No. Maybe you reviewed it as well.

Q. So counting --.

THE COURT: So somebody else prepared it and you reviewed it to other documents and you're saying it's accurate?

A. Right.

THE COURT: All right overruled.

Q. BY MR. STEIN: And you're also saying Mr. Stein also reviewed it?

A. Right.

Q. And what did you compare it to?

A. The time slip entries that we had. When the notebook disappeared, Mr. Stein printed out from the program all of the -- or a duplicate of all the time slips and he H\* each had the entries and so we got those and compared it to Mr. Johnson's excel spreadsheet and made sure that they just matched up.

THE COURT: So this is Johnson's spreadsheet is what you're saying.

A. (Nods head.).

THE COURT: So I'm assuming he'll come in, I think he's on the witness list right.

MR. STEIN: Friday.

THE COURT: So there's some kind of link here so it will will be conditionally admitted.

MR. STEIN: Thank you Your Honor. That will be Friday when Mr. Johnson is available.

THE COURT: I don't know about the schedule but he is going to come in at some point anyway, okay.

MR. STEIN: Thank you. Can -- Niall there's an exhibit for September and October time slips.

MR. FORDYCE: You grabbed everything I had so.

MR. STEIN: The September or October time slips.

MR. FORDYCE: You grabbed everything I had so it's over there --.

MR. STEIN: Very good.

MR. FORDYCE: And let me see if I can get you a number.

MR. STEIN: Okay. I'm sorry.

Q. So moving to 15 58, can you identify 15 58.

MR. FORDYCE: That's correct?

A. It looks like time slips for September 6 through October 4th, 2006.

Q. And the handwriting on the bottom that says Exhibit C dash one?

A. That's mine.

Q. That's yours. So what were -- what did Mr. Stein use the time slips for?

A. It looks like it was an attachment to probably something

having to do with either settlement or the trial.

Q. Very good. And did you prepare this exhibit?

A. Yes.

THE COURT: What --.

MR. STEIN: And who actually made the --.

THE COURT: Hold on, how did you end up with 4,000,000  
Five 29,000 at the end when the bills, I don't think they're  
4,000,000 total, I could be wrong but --?

A. City this is part of that printout that I was talking  
about, the -- when we didn't have a time slip, he just printed  
out out everything from the program and if you look at the top  
it's like the --.

THE COURT: 156?

A. All of them. .

THE COURT: So what happened to the first 155 pages?

A. I think it was just the part that was used for that  
motion or whatever this was attached to.

THE COURT: I know but do you know what happened to the  
pages 155? In other words how did you end up with this but not  
have 155, one through 155?

A. When we printed everything out, partly most of it was  
redacted. We used --.

THE COURT: When you printed it it was redacted?

A. Well when we printed it we redacted **[-RBGTS]** so we  
started trying to redact things that -- well Mr. Stein didn't

want to submit the time slips with the names of the people he was calling because this is the entry of all of the work that he was doing so he was having me redact the names and the phone calls and the companies he was making but it was just getting to the point where the majority of the entry was being redacted so I ended up just redact-g the entire thing and as I was redact-g it was still showing up when we were making copies.

THE COURT: So what happened to Page 1 through 155 is the question?

A. Well that, I mean we should have --.

MR. STEIN: If I may show this.

THE COURT: Do we have it.

MR. STEIN: Exhibit 1562, can you identify that?

A. These are the time slips that were redacted?

A. So this --.

THE COURT: So these are the Page 1 through 15?

A. Yeah.

THE COURT: Can I take a look at them.

A. (Indicating.).

THE COURT: Are they numbered the same way, because they don't even look the same, the format is totally different.

MS. IBARRA: They're not numbered the same way.

THE COURT: And there's no numbering to them either so.

MR. STEIN: I think --.

THE COURT: So is your representation [THAO] these are

pages one through 155 is that what you're saying.

MR. STEIN: This is a different style of printout?

A. [RAO\*] yeah.

THE COURT: So they're not Page 1 through 155 then.

Were why are they different styles of printout if that's supposed to be representing pages one through 155?

A. That I'm not sure.

MR. STEIN: And Your Honor I'll be able to clear up a lot.

THE COURT: When you testify is what you're saying?

MR. STEIN: Yeah, but I don't want do anything wrong.

THE COURT: I'm just asking her to see if she knows, but I understand. If you're going to clear it up, then you can clear it up. But she doesn't know -- so you don't know whether this number, \$4,529,494.71 is accurate, right, because you don't have pages one through 155? And Mr. Stein is showing her exhibit 1562, the documents and she said she didn't know if they represented pages one through 155. So is that accurate ma'am.

A. Yes.

THE COURT: All right.

MR. STEIN: And I'll be able to fill-in tomorrow we just wanted to show how these were created.

THE COURT: Hold on.

MS. IBARRA: For the record Your Honor.

THE COURT: Yes.

MS. IBARRA: The Bates numbers indicated 16 three pages in 1562.

THE COURT: Yes well it looks like it's 156, 157, 1589, 159, 160, 16 one, 16 two and then 16 three shows a total there but it was missing pages one through 155 but okay so --.

MR. STEIN: And Barbara.

MS. IBARRA: I meant the [TPHURBZ] just based on Bates numbers?

A. And the total at the end is pretty close.

Q. BY MR. STEIN: What is one total and what is the other please?

A. On Exhibit 15 58 is 4,000,000 Five 29,000 49 four and seven one cent and in exhibit 1562 it's 4,000,000 600 2000 19 eight 96 cents.

THE COURT: The numbers [R\*BT] rat name but the documents aren't the same are this?

A. Right.

THE COURT: In other words the document that you're referring to which is 1562 isn't pages one through one 55 right?

A. It looks like it would be but this looks like this might be a summary.

THE COURT: It's not the same is it?

A. No, it's not the same.

THE COURT: So they're completely different?

A. Yeah.

MR. STEIN: Uh-huh.

THE COURT: Just so we're clear.

Q. BY MR. STEIN: So Ms. Garcia did you work with the time slips program itself?

A. Not really. You did the entries.

Q. Mr. Stein?

A. Mr. Stein did all the entries.

Q. And then when did you begin working with the documents?

A. After they were printed.

Q. And that was the once a month procedure that you were speaking of before?

A. Right.

Q. And the exhibit 15 58 is this a good example of what each of the months looked like?

A. Yes.

Q. And so it had the date entry?

A. Right.

Q. And then it had J AS and what did J AS refer to?

A. Jonathan A Stein.

Q. And then it had an even tree after [THAFRPBLTS] the rate.

Q. And who made that en [THRAOE] to your knowledge?

A. You did.

Q. And to your knowledge p when were those entries made?

A. These entries?

Q. Yes.

A. On on a daily basis, as Mr. Stein worked, he generally entered his time slip entries.

THE COURT: You saw him do that?

A. Yeah and he was really good about it.

Q. BY MR. STEIN: And to your knowledge was there a reason that Mr. Stein did it on a daily basis?

A. Because generally as you were doing the work, you kept the time and you were really thorough about entering what you were doing.

Q. There's a column marked hours slash rate, do you know what that referred to?

A. The hour was the time that you worked on that specific entry and the rate was the rate that the contractor used or was charging.

Q. The '87 Five per hour?

A. Right.

Q. And then the amount refers to what?

A. The total of the time, times the rate.

Q. Turning to the last page, we had a chance to talk about this earlier but let's revisit, the hours rate is 5018 two point 29, what does that refer to?

A. The total hours times the rate that -- well the total hours of work done.

THE COURT: But that doesn't reflect the hours from

these?

A. Not from this--.

THE COURT: The 10 pages?

A. Right.

THE COURT: You're assuming that these 5,000 hours come from the missing pages?

A. Right.

THE COURT: So you're make that long assumption?

A. Right.

THE COURT: Okay.

MR. STEIN: May I refer you back to exhibit 1560 and the totals at the bottom of exhibit 1560.

A. Yes.

Q. And what is the total for hours at the bottom of 1560 for the period covered there?

A. 5,181 hours and .99.

Q. And referring to Exhibit 1558 what is the total for hours there?

A. 5,182.29.

Q. So that's a difference of approximately three-tenths of an hour of over 5,000 hours?

A. Correct.

Q. So what is your understanding for how -- for the 16 three [PAEUFPLZ] that were part -- this document was part of and the spreadsheet was there any relationship?

A. As far as for the discrepancy?

Q. No. Was there any relationship between the two documents?

A. Oh yeah.

Q. I'm trying not to lead you?

A. Yeah. So the 16 three pages were the time slips that we used to verify the entries for each year, each month in Mr. Johnson's spreadsheet.

THE COURT: So my question is if this is based on pages one through 155 in part, how were you able to come up with this fable we don't have them here?

A. We had the -- I don't know what happened to the -- because we did have it.

Q. All right.

A. But I remember -- this part itself was taken for.

Q. .

THE COURT: But not --?

A. Taken for something, I don't remember the motion.

THE COURT: You have don't have know explanation as to why we only have pages 156 through 16 three, you have --?

A. In this, in this exhibit? .

THE COURT: Right?

A. Only this was take not because that's the only thing that they were showing, the entries -- I'm thinking it was probably for settlement because it starts with September 6th

through October so those are the problem days, right, the end.  
So I'm assuming that's what it was part of or Exhibit 2.

THE COURT: So you --?

A. I don't remember.

THE COURT: Remember why?

A. Right.

THE COURT: And is it your testimony that there are documents that support page -- this document?

A. Right.

THE COURT: What documents support that?

A. This one here (Indicating.) should total each one because this even though looks different it should be the same.

Q. And may have I refer you to exhibit 1562, when did you see 1562 begin.

THE COURT: You mean the redacted one.

MR. STEIN: Yes.

THE COURT: What's been --?

A. December 15th, 2000.

Q. And in spreadsheet, [WHA\*] when did you see the spreadsheet [TKPWEUB]?

A. January 2001.

Q. Would the small discrepancy of about '90 hours of over 5,000 be the difference between the December entry being missed, being not part of the spreadsheet?

A. Yes.

Q. Your Honor I'd like to examine Ms. Garcia on matters raised by the late produced witness Elizabeth Aronson who was only testimony came out of order after Ms. Garcia finished her testimony.

THE COURT: I thought she was only [KAUD] for this purpose, quantum meruit so.

MS. IBARRA: She's been here four times Ms. Aronson.

MR. STEIN: But, again, Ms. Aronson testified after all that other stuff and we would like to rebut that testimony and Ms. Garcia I think in 15 minutes could do that.

MR. FORDYCE: And, Your Honor, just to be clear, I think that would comport with what the court asked us to do. We have rebuttal testimony from Mr. Stein and other witnesses and that rebuttal testimony did not manifest itself until after Ms. Aronson testified. We have Ms. Garcia here, it would seem to make every bit of of sense to have Ms. Garcia rebut Ms. Aronson's testimony.

THE COURT: Yeah, the problem is then we're going to bring Aronson back and go back and forth and at some point -- was there anything new that Aronson testified to?

MS. IBARRA: Ms. Aronson testified basically -- all of her testimony was contained in declarations and letters. There was nothing enough that she testified to that she hadn't testified to before. That wasn't in the record.

MR. STEIN: Your Honor Ms. Aronson conducted all other

testimony in the case but saying that the resolutions were written by Mr. Stein and that she couldn't type and Ms. Garcia is here to have [R\*E] bust the fact that she saw Ms. Aronson typing and she saw Ms. Aronson writing the resolutions.

MS. IBARRA: Ms. Aronson said that in a declaration give.

MR. STEIN: Forgive me, that was enough testimony provided by Ms. Aronson.

THE COURT: Ms. Ibarra.

MS. IBARRA: Ms. Aronson had testified as to Mr. Stein having written most of the resolutions in the prior trial and to the declarations [SHAOE] submitted to the Polanco S M S.

THE COURT: In this case.

MS. IBARRA: In this case.

MR. STEIN: That's slightly false.

MS. IBARRA: So there's nothing new that she testified to.

THE COURT: So let's just stick to the quantum meruit that was the point of bringing her here so let's stick to the quantum meruit.

MR. STEIN: The court is denying us a chance to rebut Elizabeth Aronson's testimony with --

THE COURT: It doesn't appear to be in the nature of rebuttal.

MS. IBARRA: And it's also part of Ms. Garcia's

testimony --

MR. STEIN: Forgive me, if I may finish my colloquy.

THE COURT: No, I'm listening to Ms. Ibarra.

MS. IBARRA: Ms. Garcia has already testified as to what she saw Ms. Rae Lamothe do, what she saw Elizabeth Aronson do.

THE COURT: So let's stick to the quantum meruit.

MR. STEIN: Well we were about finished with the quantum meruit that's why I said we --.

THE COURT: Okay well anything further, do you want to begin your cross then.

MR. STEIN: Thank you Your Honor.

THE COURT: Uh-huh.

Q. BY MS. IBARRA: Ms. Garcia just to be clear when did you start working with Mr. Stein?

A. September 2003.

Q. So you don't -- so before September of 2003 you don't have any personal knowledge of what his work habits were with respect to keeping his time, right?

A. No just that did he did have the time slips because that's when I did the -- the notebook and I used the beginning as well.

Q. And what is time slips?

A. It's a program that he used to enter time and keep track of expenses.

Q. So would it be like afternoon attorney time keeping

program?

A. Yeah.

Q. Did he use it just for the tribe or did he use it for his law practice?

A. For all of them.

Q. So for all of his clients?

A. Uh-huh.

Q. And did he use it the entire time that you worked with him?

A. I believe so.

Q. Do you recall any other time program that he kept?

A. Well he did use Quickbooks but that was for the expenses. I don't recall if it changed in between, at the end. I think he always used time slips.

Q. So descend -- when he was sending out bills to his clients, did he use time slips to run a bill for them?

A. Yeah it was all of [THOEPL].

Q. So he -- and he did this monthly?

A. Uh-huh.

Q. Did other clients ever dispute the amount of time spent on their cases?

A. No.

Q. Not that you're aware of?

A. Not that I'm aware of.

THE COURT: Why is that relevant.

MS. IBARRA: Because it's relevant how thorough he was in keeping his time, whether it was -- whether other people believed it was thorough.

MR. FORDYCE: That has nothing to do.

THE COURT: Yes, sustained.

Q. BY MS. IBARRA: So do you recall for 1562 how you redacted? Were you the only person who redacted this document?

A. Yeah. So because as I explained earlier because we were he was redact-g or most is it ended up being redacted, it just seemed easier to redact the entire entry so I would just mark a box and then use it with a Sharpie and as we were making copies, the words were still coming up, so I made a copy of the redacted and then redacted again because like I said it was still coming up.

Q. Okay. So did he not keep the work that he did with the tribe directly, for example if he attended a tribal council meeting, why would you redact that?

A. Because it generally had other -- he was really thorough with his notes as what he had done. So if he enter he had you know other things that might have needed to be redacted so it got to a point again where it was just like maybe one sentence so it was just easier to redact the whole thing.

Q. So but if this was work that he was doing for the tribe, then what -- who's privacy or who's interests was he protecting by redact-g it?

A. When the litigation started this ended up being part of an exhibit. So because he didn't want to disclose the people people that he was talking to because he was still trying to move forward with the casino deal, he didn't want those names to be shown because what ended up happening was that your clients were calling the groups and saying that not to work with Mr. Stein because he wasn't employed and that the tribe that he was working with had no leadership so to work with them instead. So in order to avoid that he had me redact, because what happened is he kept hearing that Mr. Polanco was coming the groups that he was calling try trying to move forward with the deal and basically killing it because then people were confused [TAOZ] who was who.

Q. What do you mean, what deal and killing what?

A. Because he was [TRAEUG] to still move [TPAORD] gain money again to move forward with the casino project so he was still doing the work for the tribe.

THE COURT: You have mean after his termination and after the litigation started?

A. At the end, right.

Q. BY MS. IBARRA: So was he calling Libra?

A. I don't know he was [KPAULG] to be quite honest with you.

Q. But he was calling any other investors and then did you say Polanco would call and say he's no longer affiliated with the

tribe?

A. That they were the group that he should be dealing with so he basically was trying to get them to work with them and not Jonathan.

Q. So Jonathan was still representing himself as being the developer for the tribe?

A. For the Candalaria group, yes.

Q. Okay. And so -- but why were you redact-g stuff that had happened in 2000 and 2001 in 2006?

A. I don't know why it was just -- I don't remember that to be quite honest with you.

Q. Did you exercise any judgment in doing the redactions or did you just take direction from Mr. Stein?

A. Direction.

Q. So whatever he said redact you just did?

A. Right.

THE COURT: Did he ever tell you why you were redact-g them for each redaction or he just said every single entry [PWA\*URBGS] because every single entry is completely redacted?

A. I don't remember, sorry.

THE COURT: [WAUPTZ] the instruction redact everything, every description because that's what you did?

A. Right, yeah.

THE COURT: I see. And was there any explanation to you as to why you have to redact every description for every bill

beginning in 2000?

A. I don't recall to be honest with you as to why it was from the beginning.

THE COURT: No I asked you what were his instructions to you and did he say why?

A. I don't recall it's been too long.

Q. BY MS. IBARRA: So I understand that after the notebooks were taken you printed out out a new set, right?

A. He did, yeah.

Q. He did. And did you put it in another notebook?

A. I don't think we put it in another notebook.

Q. Did you put it in a way in a file?

A. I think we just clipped it.

Q. But you kept a copy?

A. We had a red well with all this stuff, yeah.

Q. And so the unredacted copy stayed there until you left?

A. I am assuming so, I don't know what happened once I left.

Q. But you don't recall that it ever went missing?

A. No.

Q. And worked there until when?

A. June 2010.

Q. Okay. So up until then you don't recall?

A. Right.

THE COURT: So when they were reprinted there was no

redactions in them?

A. Right.

Q. BY MS. IBARRA: So just to be clear h you weren't in charge of keeping track of Mr. Stein's time?

A. No.

Q. So if he went to a meeting, you know --?

A. He did it himself, I mean that's one thing that I can say I've worked with many attorneys and he was so good about keeping his time.

Q. Right.

A. Because most attorneys just are not.

Q. But the other attorneys you were working with other public counsel, right?

A. Right but they still have time keeping.

Q. But they didn't have to send out monthly bills usually?

A. Litigation -- or of the department I work for was strictly [HR\*EUFRPBLG] sew yes they had to keep time because settlement always required them to produce their time at the end.

Q. Oh for attorneys' fees or something at the end?

A. Right so I worked for impact [STKPWHR\*EUPBLG] I get it.

A. So they -- but they were never as good at keeping time.

Q. Right. So but you weren't -- if he spent you know three hours in a meeting and then went to lineup, you have weren't tracking you know --

A. (Shakes head.).

Q. No. So it was all up to him and nobody else?

A. Right.

MR. FORDYCE: Relevance.

THE COURT: Overruled, that pretty much explains what most attorneys do I think.

MS. IBARRA: That's right.

THE COURT: They keep their own time and staff just enters it.

Q. BY MS. IBARRA: But did you -- you didn't do the entries did you?

A. No.

Q. He did his own entries?

A. Right.

Q. Okay. Was there two copies of this, there's 1562 and 1558?

A. Right.

MR. FORDYCE: Well that's vague and ambiguous?

A. I think it's different.

MR. FORDYCE: Copies of what.

THE COURT: Yeah sustained it's a little ambiguous.

MS. IBARRA: Okay.

Q. BY MS. IBARRA: So 15 '62 there's there was an unredacted version that you said you clipped and that was maintained in the records, uh-huh.

Q. Was thereof a different one that had the same formatting as 15 58 a complete version of this?

A. I think so, yes.

Q. So you do recall two different sets of these records?

A. I do recall the printout of these two.

Q. Okay. So do you recall how 15 58 was maintained?

A. After?

Q. After the litigation, is that what you mean, is that your question?

A. I guess I'm not understanding your question.

Q. Yes. So this appears to be an unredacted version but the formatting -- by this, I I mean 15 58?

A. Uh-huh.

Q. Appears to be an un [TKABGD] version of 1562 but the formatting is different?

A. Because this one it looks like it's an actual worksheet s 1562 looks like it's an actual worksheet.

Q. What [TKOUFPL] by that?

A. [SHAOE] because of the way that the formatting, the way it is, it looks like it's a worksheet format, whereas this one seems to be the actual time slips.

MR. FORDYCE: And by this one the witness is referring to?

A. 15 58.

MR. FORDYCE: Thank you.

Q. BY MS. IBARRA: So this is what it would look like when you printout a time slip monthly bill?

A. Right except that.

THE COURT: Which one you're referring to.

MS. IBARRA: 15 58 right?

A. 15 158 [#\*] 58 right except when whoa printout by the month, when he would printout that month it [SHO] though [ET] entries like this for that month and it would be on you know SMDC's letterhead.

Q. Okay. And 1562 is a worksheet so do you think that -- what do you mean by [THARBGS] was it transcribed into another program?

A. No it's the same program but I think it has the two different printout options but I'm not -- I don't remember why it was printed out out that way.

Q. So it's a different function in time slip?

A. I think so but it's the same exact document, if that makes sense.

Q. And then for 15 58, his entries go into 10, 4/20 '06, right? Did he continue to maintain his time afterwards for the tribe?

A. Uh-huh.

Q. Up until the time that you left?

THE COURT: That's a "yes"

A. Yes.

Q. BY MS. IBARRA: And do you know if he ever showed that to -- do you know if he ever showed his time slip entries to the tribe.

MR. FORDYCE: Vague and ambiguous as to tribe and as to time.

THE COURT: Overruled?

A. They were given to Linda Candalaria I believe.

Q. BY MS. IBARRA: So was Ms. -- so were they given monthly or just the totals?

A. No monthly. He always did everything monthly.

Q. Okay. And what about during -- before the split?

A. To the general council who he would give them to?

Q. Yes.

A. Zero to the general council.

Q. And was a record kept of those?

A. Yes that's the binder.

Q. So that was the [THAOEUPL] slip entries?

A. Uh-huh.

Q. So okay. Were you there during the time that there was an attachment of all of the documents from Polanco and the office in downtown?

A. Was I --.

THE COURT: You mean the writ of attachment.

MS. IBARRA: The writ of attachment.

A. Yes.

Q. You were there.

MR. STEIN: Your Honor there was no direct testimony on this.

MS. IBARRA: No I'm asking.

THE COURT: True.

MR. STEIN: So we --.

MS. IBARRA: I'm going to ask about the Time Slips, though.

MR. STEIN: Once again there was an objection that it is outside the scope of cross-examination.

MR. FORDYCE: Join.

THE COURT: It appears is it related.

MS. IBARRA: Jess what happens too the time slips.

THE COURT: Overruled if you're referring to the Time Slips that's fine.

Q. BY MS. IBARRA: So after the writ of attachment you were still working for Mr. Stein, right?

A. Uh-huh.

Q. Did you take the documents that came in from the attachment and what did you do with them h what did you do with the Time Slips.

MR. STEIN: Objection outside the scope.

THE COURT: Overruled.

MR. FORDYCE: And also lacks foundation.

THE COURT: Overruled I'll allow you to ask any

follow-up, okay.

MR. STEIN: Very good?

A. Sorry. I don't remember -- once they came back, I didn't go through everything so I don't know what was there.

MS. IBARRA: Oh so did anybody go through them.

MR. FORDYCE: Calls for speculation.

THE COURT: Overruled.

Q. BY MS. IBARRA: Do you know if anybody went through the documents that came back?

A. I mean I can't -- I don't want to say yes because I don't know if this was part of it or not, I didn't see it myself so but the box that's did come through obviously Linda Candalaria went through them, so I don't know what was in there.

Q. Okay. So other than Linda Candalaria did anybody else go through them?

A. I don't know. They could have, I don't know what they reviewed or didn't review.

Q. Okay. But you weren't in charge of doing anything with them?

A. Not going through the boxes, no.

Q. All right. I think that's all I have.

THE COURT: All right you can do your redirect if you want to get into the writ, you can get into it.

MR. STEIN: Thank you Your Honor.

Q. BY MR. STEIN: As part of my rebuttal, I'd like to show

a new exhibit.

THE COURT: You mean your redirect.

MR. STEIN: As part of my redirect I'd like to show a new exhibit. Could you identify exhibit 15 59.

THE COURT: Is that the one is that I struck.

MR. STEIN: It is Your Honor and you said it was not in the nature of rebuttal, we are now redirecting after cross-examination that shed doubt on the nature of the two readouts.

THE COURT: On what.

MR. STEIN: On the nature of the two readouts.

MS. IBARRA: My objection is still that he didn't turn it over, this is still part of the quantum meruit.

THE COURT: Yes okay.

MR. STEIN: This is a rebuttal exhibit.

THE COURT: No sustained, you have still needed to turn it over, it still had to be part of that document, you can use it in rebuttal, but it still has to be part of the document, it wasn't so I'm going to strike it.

MS. IBARRA: There's also representations --.

MR. STEIN: But we'd like to use it -- we're using it redirect not rebuttal, since we are redirecting after cross-examine.

THE COURT: Well it wasn't produced so it --.

MR. STEIN: Your Honor just making my record we want to

cooperate with the court but we do believe that in redirect you're allowed to bring in a enough document that has not been produced previous into the Lee into the trial as part of the redirect Tom [R\*E] [TPAOUT] matters brought up on cross-examine.

THE COURT: Yes but this document should have been produced in connection with your quantum meruit motion, I said everything that -- the motion in limine that you brought up which I allowed you to bring up late.

MR. STEIN: Yes Your Honor.

THE COURT: Was whether I can [PWREUF] in these quantum meruit documents, I [STED] after take [T-G] under submission and looking at your documents even though [TH\*ERP] completely redacted I said I would allow to you do that.

MR. STEIN: Yes.

THE COURT: No you're coming up with some other document that wasn't produce [SKP-D] that's the problem so it shall.

MR. STEIN: Your Honor.

THE COURT: It should have been produced so that's the problem.

MR. STEIN: This is a document containing writings from Elizabeth Aronson and also it answers the point raised on cross-examine where she says why would there be two different formats they must be two different documents we're showing the document in the same format as the previous document and we'll explain.

THE COURT: And it should have been produced earlier so I'm going to strike it.

MR. STEIN: It should have been of produced.

THE COURT: So let's move [ORPB].

MR. STEIN: Thank you Your Honor.

MS. IBARRA: Just for the record there was also testimony that 15 58 is the only un [TKARBGD] force [\*F] it and belated now there's another unredacted force portion of it.

THE COURT: So let's --.

MR. STEIN: Europe not going to allow me to [EUF RPBT] [TKPAOUS] it a second time.

THE COURT: That's right.

MR. STEIN: Thank you Your Honor just creating a [RORBD].

Q. Ms. Garcia you have said you have started in September 2003?

A. Yes.

Q. Had you said that you saw the Time Slips monthly printouts from the period 2003 to 2001 to 2003 though?

A. Right.

Q. How was that?

A. Because I created the notebook and in order to create the notebook I had the old Time Slips as you can see in the table of contents for each year that Mr. Stein worked and had Time Slips for.

Q. And were they also on a monthly basis, the Time Slips was one per month?

A. Yes.

Q. And again looking at the format for the invoicing which is Exhibit 1558 and comparing that to the format for the worksheet which is 1562, these Time Slips from 2001 through 2003, which format were they in, the worksheet or the invoice format?

THE COURT: I'm sorry, which documents were in which format? I'm a little confused. The 2001.

MR. STEIN: 2001 through 2003 that she put in the notebook after she began in 2003.

THE COURT: Which format were they in.

MR. STEIN: right. The invoicing, which is the 1558 or the worksheet, 1562.

A. 1558.

Q. BY MR. STEIN: And is it accurate to characterize one format as invoicing and the other format as worksheet?

A. Yeah.

Q. Why is that accurate?

A. Because the invoicing has all of the details that would generally go in the ones that we'll send out. I never sent out anything that looked like this (Indicating.).

THE COURT: This meaning --?

A. Like the worksheet.

THE COURT: Like the redacted worksheet?

A. Right it was always detailed like that for the client.

Q. BY MR. STEIN: And in the invoice format for the 2001 through 2003, did you have a chance to have review some of the entries?

A. Just to look at it, I mean.

Q. Would often the same people that Mr. Stein contact [TPH-D] 2001 be contacted again in 2003 or later?

A. Some.

Q. I see. So when you did the redactions for all the [TAO\*EUPL] Time Slips were you trying to get steroid of the names that might appear in 2001, 2003 and 2006?

A. That makes sense, yes.

MS. IBARRA: Objection she said she didn't exercise any discretion.

THE COURT: Yeah, okay. Well the court will consider all the time together.

Q. BY MR. STEIN: And was that one reason that all the redactions were done even old time entries?

A. That would make sense, yes.

Q. When you said that you showed the -- you showed it to Linda Candalaria, to general counsels Rae Lamothe and Aronson, which format was shown to them, the invoice format in 1558 or the worksheet format in 1562?

A. Invoice format in 1558.

Q. And is it accurate to say that a copy was given to Rae

Lamothe?

A. Yes.

Q. And was it accurate to say copies given to Beth Karen?

A. Yes.

Q. And how often were copies given to them?

A. Monthly, Mr. Stein did this monthly.

Q. And regard the writ of attachment, did anybody else besides -- did Mr. Stein review the materials brought back from writ of attachment?

A. Could have, yes.

Q. And Ms. Candalaria did as well?

A. Yes.

Q. Thank you. No further questions.

THE COURT: Okay. All right anything further.

MS. IBARRA: No, nothing further.