



DEPOSITION

Carrie Sue Kneubuhl

**DEPOSITION**

**Carrie Sue Lavigne Kneubuhl**  
at Irvine, California, May 16, 2014

1 DEPOSITION EXHIBITS

2 CARRIE SUE ECKERT

3

4 NUMBER DESCRIPTION IDENTIFIED

5 Defendants' 3 E-mail dated 4/14/14 to Ututoa 60

Ino from Roy J. D. Hall, Jr.

6 (MK 145)

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10 EXHIBITS REFERRED TO

11 EXHIBIT NO. PAGE

12 Exhibit OPL-5 22

13 Exhibit OPL-6 20

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1 IRVINE, CALIFORNIA, FRIDAY, MAY 16, 2014

2 1:17 P.M.

3

4 CARRIE SUE ECKERT,

5 having been administered an oath, was examined and

6 testified as follows:

7

8 EXAMINATION

9 BY MR. VARGAS:

10 Q. Carrie, my name is David Vargas, and we've

11 known each other for a few years from a prior

12 acquaintance.

13 We're here today concerning a lawsuit that's

14 been filed involving land that's kept in the Kneubuhl

15 Land Trust.

16 Have you ever had your deposition taken

17 before?

18 A. No, I have not.

19 Q. Have you ever testified in a court of law

20 before?

21 A. No, I have not.

22 Q. Have you had an opportunity to discuss the

23 general nature of the proceedings today with Mr. Hall?

24 A. No, I have not.

25 Q. Okay. Let me go through a few ground rules

1 that we like to follow for --

2 A. Okay.

3 Q. -- for the proceeding.

4 First of all, the court reporter has given

5 you an oath, and it's the same oath that you would give

6 in a court of law, and it has the same force and effect

7 as if given under penalty of perjury. So it's important

8 that you testify truthfully here today.

9 A. Uh-huh.

10 Q. This is a question-and-answer session where

11 each of the attorneys have an opportunity to ask

12 questions of you concerning the land in Taputimu. From

13 time to time there may be an objection, and after the

14 objection is noted on the record, you should proceed to

15 answer the question unless Mr. Hall tells you

16 specifically not to answer the question.

17 A. Okay.

18 Q. So, like I said, this is a

19 question-and-answer session. If you don't understand a

20 question, let us know, whether it would be myself or

21 Mr. Hall or Mr. Sunia. Because if you do answer the

22 question and don't let us know, we'll assume that you

23 understood the question, and whatever response you give

24 will stand.

25 A. Okay.



1 Q. Okay. And you're doing very good so far.  
2 The court reporter is taking everything down verbatim,  
3 so it's important that you avoid comments such as  
4 "uh-huh" or "huh-uh" or shakes and nods of the head and  
5 respond verbally. "Yes" and "no" are both very  
6 acceptable responses. Nobody wants you to guess or  
7 speculate as to what you think the answer should be. If  
8 you don't know, simply tell us "I don't know."

9 A. Okay.

10 Q. If you do not recall -- sometimes you know  
11 it but you don't recall it as you're sitting here today.  
12 So, just say "I don't recall at this point." That's a  
13 perfectly fine answer.

14           At the conclusion of your deposition, the  
15 court reporter will prepare a transcript, and you'll be  
16 given an opportunity to review that transcript and make  
17 any changes that you feel are necessary. However, I'd  
18 caution you that if you do make a change that materially  
19 differs from the testimony you give today, either myself  
20 or any other attorney involved can make a comment on  
21 that and, that can affect your credibility. Do you  
22 understand that?

23       A. Yes.

24       Q. So, it's important that you give your best  
25 testimony here today.

1           We're going to change the stipulation at the

2 end as well with what will happen with the transcript.

3           Are you under any kind of medication or have

4 you taken any medication --

5           MR. HALL: You want to do our appearances next?

6           MR. VARGAS: I'm not starting now.

7 BY MR. VARGAS:

8           Q. Are you under any medication that would

9 affect your ability to recall events from the past?

10          A. No.

11          Q. Okay. Is there any reason why you can't

12 proceed with your deposition today?

13          A. No.

14 Q. Okay. All right. Appearances.

15 MR. SUNIA: Fiti Sunia for Frances Opelle.

16 MR. HALL: Roy J. D. Hall, Jr., attorney for the

17 defendants Mike Kneubuhl, Carrie Eckert, Kelly Fults,

18 and Douglas Kneubuhl, Jr.

19 And as I've said before, for the record, I

20 do not represent defendant Mark Kneubuhl in the

21 consolidated action: LG 2013 and CA 2813. If I should

22 refer to "a defendant" or "defendants," it does not

23 include Mark Kneubuhl. Thank you.

24 BY MR. VARGAS:

25 Q. Okay. Mr. Sunia will be asking you

1 questions first, and then if I think there are any  
2 further questions that are required, then I will pick up  
3 at the end, and then Mr. Hall will have an opportunity  
4 to ask a few questions. If something comes up that  
5 wasn't raised before, then we will all get another  
6 chance to explore that further if we think it's  
7 appropriate.

8 A. Uh-huh.

9 Q. Okay.

10

11 EXAMINATION

12 BY MR. SUNIA:

13 Q. Afternoon.

14 A. Hello.

15 Q. How are you?

16 A. Good.

17 Q. Okay. Please state your name.

18 A. Carrie Sue Eckert.

19 Q. Your current address?

20 A. 81215 Shinnecock Hills, La Quinta,

21 California.

22 Q. How long have you been living at that

23 address?

24 A. Two months.

25 Q. Prior to staying at that address, where had

1 you been staying?

2 A. I lived in Newport Beach.

3 Q. And how long were you at Newport Beach?

4 A. About nine months.

5 Q. And before that time, where were you

6 staying?

7 A. I lived in Laguna Woods.

8 Q. And how long were you in Laguna Woods?

9 A. Year and a half.

10 Q. Have you primarily stayed in California?

11 A. I lived in Hawaii for four and a half years,

12 but primarily California.

13 Q. And I mean no offense by this question:

14 What is your age?

15 A. 57.

16 Q. And where were you born?

17 A. Where?

18 Q. Yes.

19 A. In Santa Monica, California.

20 Q. Of those 57 years, how many years did you

21 live in California?

22 A. Just minus four and a half years living in

23 Hawaii. And that's all my life -- oh, sorry, I lived in

24 Samoa. Sorry. I lived in Samoa for four years of my

25 life.



1 Q. What period did you live in Samoa?

2 A. Well, I was age 7 to age 11.

3 Q. Outside of those four years and the -- was

4 it four years in Hawaii?

5 A. Four and a half years in Hawaii.

6 Q. The remainder of your life, you've lived in

7 California?

8 A. California.

9 Q. What's your marital status?

10 A. I'm married.

11 Q. You have children?

12 A. Yes.

13 Q. How many?

14 A. Two.

15 Q. Ages?

16 A. They're, right at the moment, 29 and 26.

17 Q. So, they're both adults?

18 A. Yes.

19 Q. Are they living in California?

20 A. Yes.

21 Q. Are they married?

22 A. No.

23 Q. Are they in school?

24 A. One is.

25 Q. Who's in school?

1 A My daughter Tawny.

2 Q. College?

3 A. She's graduating as a nurse practitioner.

4 Q. And your other child, what's his or her

5 name?

6 A. She. Brittany.

7 Q. Is she working?

8 A. She works.

9 Q. Do the three of you stay together, or each

10 has their own place?

11 A. When?

12 Q. Now.

13 A. Now they each have their own place.

14 Q. Have you been -- how far did you go to

15 school?

16 A. How far -- college.

17 Q. You completed college?

18 A. A little shy from completing.

19 Q. Where did you go?

20 A. I went to Orange Coast College, USC and

21 UC Irvine.

22 Q. Are you working right now?

23 A. I am.

24 Q. Where do you work?

25 A. Self-employed.

1 Q. What do you do?

2 A. Sales.

3 Q. What kind of sales?

4 A. Internet sales.

5 Q. All right. How long have you been doing

6 Internet sales?

7 A. Ten years.

8 Q. Have you been -- how long have you been

9 self-employed?

10 A. Since that ten years.

11 Q. Prior to those ten years, what were you

12 doing?

13 A. I worked for my father.

14 Q. In California?

15 A. For South Pacific Duty Free Shops.

16 Q. And how long did you do that?

17 A. Well, approximately -- I want to say

18 approximately 13 years.

19 Q. Sales also?

20 A. I was in charge of the buying for the

21 stores, the merchandising of the stores, the training of

22 salespeople.

23 Q. Do you remember what years you worked for

24 your father?

25 A. I believe I started in 1999.

1 Q. And to what time, to what year?

2 A. I believe around 2004.

3 Q. And were you working out of California, or

4 were you working out of --

5 A. Base office was in California, and I

6 traveled to Samoa.

7 Q. Where in California was the base office?

8 A. Newport Beach.

9 Q. Okay. Your father, was he in California at

10 the same time?

11 A. Yes.

12 Q. All right. And your father is who?

13 A. Mike Kneubuhl.

- 14 Q. And who is your mother?
- 15 A. Suzanne Kneubuhl.
- 16 Q. Now, who are your siblings?
- 17 A. Kelly. Kelly Fults.
- 18 Q. Now, do you have any other siblings?
- 19 A. Yes.
- 20 Q. Who are they?
- 21 A. Doug Kneubuhl, Mark Kneubuhl, Stacy  
22 Kneubuhl, Debbie Kneubuhl.
- 23 Q. Do you know of an Adrian Kneubuhl?
- 24 A. No, I don't.
- 25 Q. Have you heard of an Adrian Kneubuhl?



- 1 A. Just recently, I have.
- 2 Q. Who did you hear from of Adrian Kneubuhl?
- 3 A. I guess this started circulating from Robin
- 4 Roush.
- 5 Q. What did you hear about Adrian Kneubuhl?
- 6 A. That he was a son of my father.
- 7 Q. But you've never met this person?
- 8 A. No.
- 9 Q. In the 1999-2004 time period, where were you
- 10 living?
- 11 A. In Newport Beach.
- 12 Q. Are you familiar with your -- what -- your
- 13 grandmother's, Adeline Pritchard Kneubuhl's trust?

14 A. I am familiar there is one.

15 Q. Are you familiar with the property that's in

16 that trust?

17 A. Yes, I am.

18 Q. How did you become familiar with your

19 grandmother's trust and the property in it?

20 A. Well, I'm familiar with the land in -- I'm

21 not sure you're talking about Olo in -- particularly.

22 I'm familiar with it. I used to live there. I'm a --

23 it's family lands.

24 Q. When did you live on Olo?

25 A. When I was age 7 to 11, in the house that

1 Ben Kneubuhl lives in now -- or, actually, Jimmy

2 Kneubuhl lives in now.

3 Q. When was the last time you've been on that

4 property, Olo?

5 A. In Olo? I believe -- well, for sure 2008.

6 Q. What makes you sure it was 2008?

7 A. Because I believe that was the year I was

8 there clearing the property.

9 Q. And what property were you clearing in 2008?

10 A. The property that my father purchased or

11 acquired from Frances.

12 Q. How did you know that the property that you

13 were clearing was the property that your father acquired

14 and/or purchased from Frances?

15 A. It was surveyed, and there was a piece of

16 paper from a sale from my Aunt Francie to my father.

17 Q. And the survey, how did you get ahold of the

18 survey?

19 A. From the surveyor's office.

20 Q. So -- all right. You went to the surveyor's

21 office and asked for a survey --

22 A. I didn't particularly. It was not a

23 transaction that I did at that time. It was between my

24 father and Aunt Francie. So I --

25 Q. So, who gave you the survey, is what I'm

1 asking.

2 A. Well, I imagine my father would have given

3 me the map of the survey that was done at the time.

4 Q. This clearing business, did someone help you

5 clear or did you personally clear?

6 A. I had help.

7 Q. All right. Who helped you do your clearing?

8 A. I don't remember the names.

9 Q. Did you hire a local company --

10 A. Yes.

11 Q. -- to do the clearing?

12 A. Yes.

13 Q. How much did you pay for it?

14 A. Several thousands of dollars, and I think my

15 brother probably has a record of that.

16 Q. Which brother?

17 A. Doug.

18 Q. If you're able to locate a record of that,

19 we'll -- will you be willing to share that with me

20 through your attorney, Mr. Hall?

21 A. Sure.

22 MR. HALL: No problems.

23 BY MR. SUNIA:

24 Q. And the survey, did you have someone -- when

25 you were doing the clearing, did you have someone look

1 over the survey --

2 A. Yes, I did.

3 Q. -- to determine for you --

4 A. Yes.

5 Q. -- whether you were, in fact, clearing --

6 A. Yes, Sumeo.

7 Q. You may want to wait until I finish my

8 question.

9 A. Sorry.

10 Q. So, who helped you read the survey?

11 A. A surveyor from Samoa whose name was Sumeo,

12 and he works for the land and survey in Samoa. He

13 located the pins and -- because it was jungly. So, he

14 helped us how a survey does, and he read his map and he

15 located the pins.

16 Q. Are you troubled by having to give your

17 deposition?

18 A. Am I in trouble?

19 Q. Are you troubled in having to give testimony

20 today?

21 A. No.

22 Q. Okay. Okay. I'm going to show you what's

23 been marked in this Exhibit OPL-6. I'll ask you to have

24 a look at it, please.

25 A. Uh-huh.



1 Q. Have you seen that document before?

2 A. Probably.

3 Q. What date was -- is on that document?

4 A. May 3rd, 2002.

5 Q. Does your signature appear on that document?

6 A. Yes.

7 Q. Is that your signature?

8 A. Yes.

9 MR. VARGAS: What exhibit is this?

10 MR. SUNIA: OPL-6.

11 BY MR. SUNIA:

12 Q. Now, what is that document, do you --

13 A. It's a quickclaim -- my dad giving the

14 property to my sister and myself.

15 Q. All right. And that's a -- it's called --

16 that document is entitled "Quickclaim," correct?

17 A. Correct.

18 Q. Do you know who prepared that document?

19 A. No, I don't.

20 Q. Do you recall who -- how you ended -- how

21 you ended up signing that document?

22 A. How I ended up signing it was because my dad

23 wanted legal representation, I suppose, of giving the

24 property to my sister and myself.

25 Q. All right. Did your father put that

1 document before you and ask you to sign it?

2 A. Well, I suppose if you have to legalize

3 something, yes. I mean, he wanted to have it legalized,

4 so . . .

5 Q. I would assume you read that document before

6 you signed it?

7 A. At the time, yes.

8 Q. Now, if you'll look in the first paragraph.

9 A. Uh-huh.

10 Q. All right. Now, who is giving you and your

11 sister the property in that document?

12 A. Mike Kneubuhl.

13 Q. Okay. All right. Now I'm going to show you

14 what's been marked as Exhibit OPL-5.

15 A. Uh-huh.

16 Q. Look at that, please.

17 A. Uh-huh.

18 Q. Okay. Now, do you recognize that document?

19 A. Well, they look about the same.

20 Q. Okay. What is that document?

21 A. It's a "Quickclaim Deed."

22 Q. "Quickclaim."

23 Do you know -- is that your signature on

24 that document?

25 A. Yes, it is.

1 Q. Okay. And what's the date on that document?

2 A. March 20, 2002.

3 Q. So, that document which you've just

4 testified looks the same as the document Exhibit OPL-6.

5 A. Well, I have to put them next to each other.

6 Q. Yes. That document, OPL-5, looks to be a

7 document that preceded the OPL-6, right?

8 A. Yeah.

9 Q. Okay. Now, can you -- on document -- on the

10 Exhibit OPL-6 -- OPL-5, I'm sorry --

11 A. Uh-huh.

12 Q. -- who's giving property to who, if you can

13 tell?

14 A. Well, it says "Grantor Douglass Kneubuhl and

15 Frances Opelle."

16 Q. And that's document OPL-6, right?

17 A. Uh-huh.

18 Q. What about OPL-5?

19 A. My dad is quitclaiming the property he

20 bought to my -- looks like my sister and myself, and it

21 was recorded, then, in Samoa, in Territory of Samoa.

22 Q. Do you see on the document OPL-5 --

23 A. Uh-huh.

24 Q. -- do you see the name Frances or Francie --

25 A. Yes.

1 Q. -- Opelle on it?

2 A. Uh-huh.

3 Q. All right. What is her name on there as?

4 A. Frances K. Opelle.

5 Q. All right. Now, if you'll look on the first

6 paragraph of that document --

7 A. Uh-huh.

8 Q. -- what's the designation for Frances Opelle

9 on there?

10 A. They refer to her as Frances K. Opelle.

11 Q. All right. And is she a grantor on that

12 deed?

13 A. Yes.

14 Q. All right. And she's a grantor on OPL-5,

15 along with your father, right?

16 A. Correct.

17 Q. Now, can you explain to me, if you can

18 recall, how you were -- how you were given these

19 documents to sign? Do you remember?

20 A. No.

21 Q. All right. Can you explain to me how you

22 signed on to two different -- to two quickclaim deeds a

23 few months apart?

24 A. I can only assume one was done for the

25 benefit of registering it in Samoa since that's the



1 difference I see here.

2 Q. Do you know -- but you don't know who

3 prepared those, right?

4 A. No.

5 Q. Do you remember when you signed those?

6 A. Well, I guess on that date.

7 Q. No. I mean, sitting here today, do you

8 remember signing those?

9 A. No.

10 Q. Until -- at that time do you remember land

11 being conveyed to you and your sister?

12 A. I remember I was signing over that my dad

13 was quitclaiming the -- this property to my sister and

14 myself.

15 Q. All right. Now, and the dates again on

16 those, the year on those?

17 A. 2002.

18 Q. All right. Is it 2002 on both?

19 A. Yes.

20 Q. All right. Do you know when your father

21 acquired the land that he was conveying to you and your

22 sister in both of those documents?

23 A. The exact day? No, I don't.

24 Q. Do you remember the time period that he did?

25 A. Time period? Probably a year or two before

1 this.

2 Q. Do you remember generally when he did?

3 A. Do I remember the incident of it happening?

4 Q. Yeah.

5 A. I remember the incident of it happening.

6 Q. What do you remember of the incident that

7 was happening?

8 A. That he was acquiring, buying from Francie,

9 her -- part of her property.

10 Q. This was a time period when you were working

11 for your father?

12 A. Right.

13 Q. Okay. Did you have an involvement in -- in

14 the acquisition of --

15 A. No.

16 Q. -- land by your father from Frances?

17 A. No.

18 Q. Who is Frances, by the way?

19 A. My aunt.

20 Q. And Frances is your aunt how?

21 A. My dad's sister.

22 Q. And you're referring to Frances Opelle,

23 correct?

24 A. Correct.

25 Q. So, do you recall how you learned of your

1 father's acquisition?

2 A. Well, my father must have told me.

3 Q. Do you remember what he told you?

4 A. Not exactly.

5 Q. All right. Do you remember generally what

6 he told you?

7 A. Generally? Maybe you can rephrase that.

8 I-- I'm not sure what you're looking for, what you're

9 asking of me.

10 Q. What do you remember that he told you?

11 A. That he was buying some property from my

12 aunt.

13 Q. Did he tell you why he was doing it?

14 A. To help her out financially.

15 Q. Did you have knowledge of Frances' financial

16 situation at the time of the purchases by your father?

17 A. I've been aware of Aunt Francie's financial

18 problems from the beginning of -- many, many, many years

19 prior to this.

20 Q. All right. Let's -- what did you know in

21 the beginning of your Aunt Frances' financial condition?

22 A. Well, I mean, it could all be hearsay

23 because, you know, when people are in financial

24 problems, it's not like I'm hearing it directly from

25 Frances. I just know that they've had financial

1 difficulty for many years.

2 Q. All right. You can share your hearsay.

3 A. Just -- you know.

4 Q. What did you hear?

5 MR. HALL: Asked and answered. She said that

6 they had financial problems for many years.

7 BY MR. SUNIA:

8 Q. I think her -- her testimony is that it's

9 all hearsay, but she hasn't shared that.

10 A. Well --

11 Q. So, I'm asking you: What did you hear?

12 A. Because I'm not directly involved in their

13 financial problems, so I can't say -- because I'm not

14 involved in their day-to-day finances, I can't say -- I

15 can't speak for -- for problems that I hear that they've

16 been having.

17 Q. I'm not asking you to speak of what you

18 heard. I'm asking you to say what you heard.

19 A. I can't recall what I've -- what I've heard

20 30, 20 years ago.

21 Q. Well, how many years did you know of

22 Frances' financial condition prior to the acquisition --

23 A. I can't tell you exactly how many years.

24 Q. More than one year?

25 A. Yeah.



1 Q. All right. More than ten?

2 A. Yes.

3 Q. So, for a period of more than -- somewhere

4 around, what, 1990, you started -- you knew of problems

5 that your Aunt Frances was having financially?

6 A. Uh-huh.

7 Q. About fair?

8 A. Yeah --

9 Q. Okay. Was that general knowledge within

10 your --

11 A. -- I would say.

12 Q. -- within your immediate family?

13 A. Yes.

14 Q. Your father knew about those problems?

15 A. Yes. And other aunts. She'd come to my

16 aunt asking for money.

17 Q. Did you ask your father for land in American

18 Samoa?

19 A. No.

20 Q. So, what did you think at the time when

21 you -- when your father quitclaimed some land to you?

22 A. Uh-huh. I thought it was a nice gesture.

23 Q. At the time that that "Quickclaim" was

24 signed, you didn't have any plans to relocate to Samoa,

25 right?

1 A. Not at that time.

2 Q. Did you come to Samoa or did you visit Samoa

3 sometime after the "Quickclaim" was signed, acquired, to

4 your clearing in 2008?

5 A. Yes. I worked in Samoa, so I was there two

6 to three months a year. So, I was there quite often.

7 Q. When you did the clearing in 2008, what was

8 the purpose of the clearing?

9 A. We want -- well, the first time -- let's

10 see. Well, we wanted the land more habitable 'cause it

11 was jungle. All the other family members had cleared

12 off their property, and it was totally grass and

13 cleaned.

14 Q. Did you and your sister determine any

15 boundary between the two of you?

16 A. No.

17 Q. So, how much of the land did you clear when

18 you did your clear in 2008?

19 A. I can't tell you exactly. I was only there

20 a week, so we did as much as we could. But I really

21 couldn't tell you the exact amount.

22 Q. Were there people there who live there other

23 than the contractor that you hired that would have

24 witnessed the clearing?

25 A. Yes.

1 Q. Did you get some names?

2 A. I don't have names, no. There -- I know

3 there were people who lived on Mark Kneubuhl's land, his

4 tenants.

5 Q. What happened after the clearing that you

6 did in 2008? What happened to the land? Did it remain

7 cleared?

8 A. We never followed up on clearing it after

9 that.

10 Q. Have you been back to the property since

11 2008?

12 A. I'm trying to -- I can't remember if I was

13 actually on the property in 2010, if I -- when I went

14 to -- I believe I went to Samoa in 2010, but I actually

15 don't remember if I went on the property. And I'm not

16 going to -- I don't recall -- really, I'll try to -- if

17 I had my notes in front of me, I could tell you exactly

18 if I was there in 2010 or '8, but I don't have them in

19 front of me. I'm not --

20 Q. Do you know what's on that particular piece

21 of property you and your sister were given --

22 A. What's on it?

23 Q. -- at this time?

24 A. Like, houses or anything?

25 Q. What's on it? Trees?

1 A. Trees, yeah.

2 Q. Is there a structure on it?

3 A. Not that I'm aware of.

4 Q. Was there ever a structure on it?

5 A. If it was, there shouldn't have been.

6 Q. So, it was completely vacant when you did

7 your clearing --

8 A. Yes.

9 Q. -- in 2008?

10 MR. VARGAS: Let me just interrupt for a second

11 here. Once again, you're speaking over Mr. Sunia. The

12 court reporter -- it makes it difficult for her.

13 THE WITNESS: Okay.

14 MR. VARGAS: So, just kind of slow down a little

15 bit.

16 THE WITNESS: All right.

17 BY MR. SUNIA:

18 Q. You testified that your name is Carrie Sue

19 Eckert?

20 A. Yes.

21 Q. Were you previously known as Carrie Sue

22 Lavigne?

23 A. Yes.

24 Q. Were you Carrie Sue Lavigne in 2008?

25 A. No. Oh, yes, yes.



1 Q. So, you were Carrie Sue Lavigne. When did

2 you change your name to Carrie Sue Eckert?

3 A. When I got married.

4 Q. Were you previously married when you were

5 Carrie Sue Lavigne?

6 A. Yes.

7 Q. Now, your former husband, Lavigne, did he

8 come to American Samoa with you in 2008?

9 A. In 2008, no.

10 Q. Did he accompany you to American Samoa at

11 any point during your marriage?

12 A. Yes.

13 Q. Okay. What time was that?

14 A. Well, it would have been --

15 Q. What period was that, if you can remember?

16 A. Probably from 1993 to 2000 and, maybe, '3.

17 Q. Did he work down there, like you --

18 A. Part-time. Part of that time.

19 Q. What did he do?

20 A. He was an airline pilot.

21 Q. Do you remember the airline he worked for?

22 A. Air Canada.

23 Q. Was Air Canada flying to American Samoa

24 in --

25 A. No. Part of the time he flew -- during that

1 time he went to Samoa, he worked for Air Canada. Then

2 he retired from Air Canada after 9/11.

3 Q. 2001 is when he retired from Air --

4 A. (The witness nods head.)

5 Q. When your husband retired from Air Canada --

6 MR. VARGAS: You shook your head, but we don't

7 have an answer to the last question.

8 THE WITNESS: Okay. Ask --

9 BY MR. SUNIA:

10 Q. Was it 2001 that you think he retired?

11 A. I think he retired 2001.

12 Q. Okay. So, did your husband accompany you or

13 stay with you in American Samoa after he retired from

14 Air Canada?

15 A. Yes.

16 Q. Is your husband -- what was his full name?

17 A. Andre Norman Lavigne.

18 Q. Does he -- did you have children with him?

19 A. No.

20 Q. Does he -- let me go back.

21 Did you have -- were you married before

22 Andre, to another person before Andre Norman Lavigne?

23 A. Yes.

24 Q. Okay. And who did you marry before?

25 A. Mike Minna. Mike Minna.

- 1 Q. M-e-n-a?
- 2 A. M-i-n-n-a.
- 3 Q. Where does Mike Minna live now?
- 4 A. Newport Beach.
- 5 Q. And is he the father of your children?
- 6 A. Yes.
- 7 Q. Would you have contact information for a --
- 8 for Mike Minna, like a phone number?
- 9 A. Yes.
- 10 Q. Can you give me the phone number?
- 11 A. Not right now.
- 12 Q. Do you have it available?
- 13 A. I left my cell phone at the house.

14 Q. Okay. Will you give it to your attorney and

15 he can hand it over to us?

16 A. Okay.

17 Q. What about Andre Lavigne, where is he living

18 now?

19 A. Somewhere in France.

20 Q. You have any contact --

21 A. No contact.

22 Q. -- information?

23 Do you know what he might be doing in

24 France?

25 A. Flying airplanes.

1 Q. Was your husband, Andre Lavigne -- did he

2 work as a pilot in American Samoa?

3 A. He did not work as a pilot in Samoa. The

4 only time he worked as a pilot in Samoa is when Air

5 Canada -- when Polynesian Air leased Air Canada's planes

6 to fly to Apia. That's the only time he worked as a

7 pilot in Samoa.

8 Q. Do you know if your husband, Lavigne,

9 explored any business opportunities in American Samoa?

10 A. Yes, he did.

11 Q. What kind of business opportunity --

12 A. He acquired Samoa Air.

13 Q. All right. And do you remember what

14 happened with that acquisition?

15 A. Yeah -- yes.

16 Q. What happened?

17 A. Well, he ran -- he lived down there. He ran

18 that business, and it didn't make it.

19 Q. So, the planes were actually flying

20 somewhere, planes were actually flying?

21 A. Yes, uh-huh.

22 Q. Do you have an understanding of what your

23 entitlement is to that land that your father conveyed to

24 you and your sister?

25 A. Do I understand we don't actually own the



1 land?

2 Q. Well, what do you understand you actually

3 have of that land?

4 A. It's, like, in a trust. It's -- we can't

5 own land there. So, we're like -- I don't really know

6 the proper word for it, to tell you the truth.

7 Q. Do you remember --

8 A. It's called trustee or beneficiary. I don't

9 really know the proper term.

10 Q. Did you try to sell the land --

11 A. Yes.

12 Q. -- to a third party?

13 When did you attempt to sell this land?

14 When did you first try to sell this land?

15 A. I can't tell you exactly because I believe

16 my brother Doug handled that, and I didn't really have a

17 lot of input on that. I mean, I know it was for sale

18 last year.

19 Q. Well, when you did the clearing in 2008, was

20 it your intention to sell the land at that time?

21 A. Well, the initial -- the initial clearing

22 that we did was we initially thought we'd live there.

23 And that was when my husband had a business there, Samoa

24 Air, and we thought we would actually build a house

25 there because we had Samoa Air. And then that turned

1 out to be not the case.

2 Q. All right. So, the intention in 2008, just

3 to be clear, was to clear the land so you and your

4 husband could live on it?

5 A. Well --

6 Q. Right?

7 A. It -- it was just a collective thought that

8 the land would be more habitable if you could see the

9 land and have a place to build.

10 Q. Well, your sister, were you -- did you

11 communicate with your sister about the clearing of

12 the land --

13 A. Yes.

14 Q. -- at that time?

15 A. But mostly my brother Doug.

16 Q. Now, when things didn't work out with the

17 airline, and so you left the property the way it was, so

18 after that time, when did you think about selling it?

19 A. I really don't know.

20 Q. Was it, like --

21 A. The day or time or -- you know, I, pretty

22 much, didn't really think about the property.

23 Q. You didn't think about the property after

24 2008?

25 A. No. I mean that, you know, I had more

1 important things to concentrate on, and that's raising

2 children and earning a living. And so, that property in

3 Samoa is something that's -- was not in the -- my

4 thought process much.

5 Q. You remember when you -- what's your

6 clearest recollection of your attempt to sell the

7 property?

8 A. I couldn't give you a year. I really can't.

9 Q. Do the names of -- does the name -- Ututoa

10 Ino ring a bell with you?

11 A. Rings a bell.

12 Q. How do you -- where did you hear that name?

13 A. Through my brother, Doug. I believe. They

14 wanted to buy the property.

15 Q. You sent out a notice to your family members

16 proposing to sell this property; is that correct?

17 A. I didn't personally.

18 Q. Do you know if one was sent out to your

19 family?

20 A. Yes.

21 Q. All right. Do you know who sent it?

22 A. No.

23 Q. Did you -- how long have you known Mr. Hall,

24 Roy Hall, your attorney?

25 A. Oh, my gosh. I don't know. Probably for as

1 long as he might have been my dad's attorney, if I had

2 to be acquainted somehow.

3 Q. I assume -- I'm going to assume that you

4 asked Mr. Hall for advice on your attempt to sell

5 land -- to sell this property?

6 A. I didn't personally go to him and ask for

7 his advice on selling the property. I didn't

8 personally.

9 Q. Did you receive any advice or an opinion

10 from Mr. Hall as to what you can or cannot do with

11 respect to your property?

12 A. I would imagine we have.

13 Q. Are you familiar with The Voice of -- have

14 you heard of the name Voice of Olo?

15 A. The Voice of Olo. Well, I think someone

16 might have mentioned that to me, yes.

17 Q. Oh, okay.

18 Did you have any involvement in that, Voice

19 of Olo?

20 A. I don't ever -- I've never seen a document

21 that says "The Voice of Olo." No, I've never seen a

22 document that says "The Voice of Olo."

23 Q. Do you even know what it is?

24 A. I have a vague recollection that Robin Roush

25 said to me in some derogatory remark about me being



1 The Voice of Olo, "Who elected you to be The Voice of

2 Olo?" I have -- I have a vague recollection. That's

3 where I've heard that.

4 Q. That was a reference to you?

5 A. I -- yes.

6 Q. Were you elected to anything in connection

7 with The Voice of Olo?

8 A. Was I elected?

9 Q. Right.

10 A. I drafted up a -- what would you call it --

11 like an association to attempt to beautify, keep the

12 land area beautified because there was a concern by

13 Robin Roush that her brother, Sione, had degraded the

14 property by building homes and having multiple amounts

15 of people on the property that she did not want there.

16 And she voiced her opinion to me that -- and

17 my Aunt Marge voiced opinion to have some sort of unity

18 and common ground where we all could agree and keep the

19 land beautiful and take care of the graves and maintain

20 the road.

21 Q. What year did you draft that?

22 A. I believe 2001.

23 Q. All right. Was that after you acquired the

24 property that you and your sister received from your

25 father?

1 A. This is dated 2002.

2 Q. So, it was before?

3 A. Yeah, I guess so, yeah.

4 Q. All right. So, this was -- this thing that

5 you drafted was prior to your acquisition of land down

6 there --

7 A. I can't say for sure. I'd have to look at

8 correspondence from over ten years ago, but -- but at

9 some point I did draft a -- a letter coming to an

10 agreement with all of the family members to try to keep

11 the land in good condition and from people trespassing

12 and using the land for their own benefit that weren't

13 family members.

14 Q. Was your father aware of your attempt to --

15 before your drafting of this document that you're

16 referring to?

17 A. Yes, I would imagine.

18 Q. Did you speak with your father about that --

19 that notion of organizing this association?

20 A. I spoke to a lot of family -- well, several

21 family members, not just my father.

22 Q. And this -- this discussion, discussions

23 that you had with your father and several family

24 members, was that around the same time period that you

25 drafted this --

- 1 A. Yes.
- 2 Q. -- association?
- 3 A. Uh-huh.
- 4 Q. What became of that draft?
- 5 A. Well, I have letters from some people
- 6 thanking me for doing this. And some people did not
- 7 want to participate in it. Actually, I have a letter
- 8 from Robin Roush thanking me for doing this. And Ben
- 9 Kneubuhl's family did not want to participate with it.
- 10 I have a letter from Aunt Francie saying the points she
- 11 agreed with and the points she didn't have much of a
- 12 comment about. That was from Robert John and Francie,
- 13 that letter.

14 Q. Was that the end of this association?

15 A. Well, when I wrote that letter, I got

16 several letters back: One from Robin Roush, one from

17 Aunt Francie and Robert John, and one from the Ben

18 Kneubuhl family. Those are the three letters I -- and

19 then because of the nastiness that turned from there, I

20 had no more -- I didn't want anything to really be done

21 with it anymore.

22 Q. So, today there's no such thing as Voice of

23 Olo --

24 A. Well, not that I'm aware of.

25 Q. -- or an association?

1 A. No.

2 Q. When was the last time, if you can recall,

3 that you spoke with or met with your Aunt Frances?

4 A. I really can't recall when the last time

5 was.

6 Q. Did the business -- did you handle any of

7 the financing for the Samoa -- what was it? -- Samoa

8 Duty Free Shops?

9 A. South Pacific Duty Free Shops.

10 Q. Yeah.

11 A. Did I handle any of the financing?

12 Q. Did you handle any of the financing?

13 A. No, I don't do the financing.

14 Q. So, you wouldn't know if any payments for  
15 land acquired from Frances came out of that business  
16 deal?

17 A. Well, I wasn't the financial person.

18 MR. SUNIA: Thank you very much. Those are my  
19 questions.

20

21 FURTHER EXAMINATION

22 BY MR. VARGAS:

23 Q. I'm just going to ask you a few follow-up  
24 questions. I think Mr. Sunia has covered pretty much  
25 everything.



1           You mentioned during your testimony that  
2 your Aunt Frances had approached your father several  
3 times for money?

4           A. I'm aware of several times where my dad  
5 helped Bob and Francie out with money.

6           Q. Okay. Do you know when that first started?

7           A. No, I don't.

8           Q. Do you know when the last time was he helped  
9 her?

10          A. Not exactly, no.

11          Q. What's the last time that you can recall  
12 that he helped her? It was about the time --

13          A. What I recall -- and I don't know the

14 chronological order -- I recall he gave her money from  
15 sales of some land, minus the attorney fees, and he gave  
16 her money. And I can't even tell you what land that  
17 was, but I know he gave her money. I'm alleging that he  
18 helped her out and gave her money then.

19 Q. You don't know if the money he was paying to  
20 her was her portion of the sales proceeds?

21 A. Probably -- yes, probably, it was. I know  
22 that my dad paid for all the legal fees to make the  
23 transactions or to fight, possibly, squatters that were  
24 on the land and, you know, quite a bit of money involved  
25 that she could not afford to do, and so, he paid for

1 them. And then against her portion of the land, he gave

2 her money.

3 Q. He gave her the money after he deducted the

4 legal fees?

5 A. The legal fees, correct.

6 Q. Do you know if he had an agreement with

7 Frances to do that?

8 A. I don't know.

9 Q. And it was your testimony that the land that

10 he acquired from Frances that you now hold --

11 A. Uh-huh.

12 Q. -- was an effort to help her out financially

13 because she had some problems, correct?

14 A. Correct.

15 Q. When's the last time you've been to the Olo

16 land?

17 A. Well, actually, it was probably 2010.

18 Q. 2010?

19 A. 2010.

20 Q. And you recently -- recently, I mean within

21 the last couple years -- attempted to sell that land?

22 A. Correct.

23 Q. And did you have paperwork prepared

24 concerning those transactions, the offer of sale and --

25 A. Yes, there was paperwork.

1 Q. Was there a purchase and sale agreement?

2 A. I believe so.

3 Q. And was there a firm offer set forth in

4 written form to you?

5 A. Yes.

6 Q. And do you know who prepared those

7 documents?

8 A. I believe Roy Hall did.

9 Q. Okay. And that was at your direction -- or

10 at your request, I should say?

11 A. Well, yeah, we needed legal counsel, yes.

12 Q. You said "we" earlier, and you said you

13 didn't -- you didn't ask Mr. Hall to represent you. Who

14 did you ask?

15 A. Could have been Doug or I don't know.

16 Q. But it wasn't you?

17 A. It wasn't me.

18 Q. And those sales didn't materialize; is that

19 correct?

20 A. No, they did not.

21 Q. Do you have an understanding of exactly what

22 interest you may have under the exhibit that's in front

23 of you, the deed from Frances and your dad and then the

24 deed from your dad to you and Kelly?

25 A. Do I understand those deeds?

1 Q. No. Do you understand what legal interest

2 you have in those deeds?

3 A. Well, I have, yes. I don't know the actual

4 legal terms of it.

5 Q. Just tell me what you think you have. That

6 would be sufficient.

7 A. That we can't actually own land, that land.

8 It's not our land to sell. We are selling an interest.

9 Q. Okay.

10 A. Our -- whatever portion.

11 Q. You have any understanding of how long your

12 interest in that land will last, assuming that you hold

13 on to it?

14 A. That -- well, I think until I die.

15 Q. Where did you get that from?

16 A. Just my understanding from hearing everyone

17 talk, that it's pretty much after the gomies'

18 grandchildren die, there is no longer -- from my

19 understanding, there is no longer a trust.

20 Q. Is it your understanding -- first of all,

21 let me ask you a question. Do you recall ever

22 discussing the 1982 settlement agreement with your

23 father? Had you ever heard that term, "1982 settlement

24 agreement"?

25 A. Just recently I have.



- 1 Q. Okay. You have some knowledge of it then?
- 2 A. Only just recently.
- 3 Q. Is it your understanding with respect to
- 4 this agreement that your father relinquished land in Olo
- 5 in return for lands, trust lands, in other areas?
- 6 A. That's my understanding.
- 7 Q. Was it your understanding that as of that
- 8 transaction where he gave his lands in Olo to others and
- 9 he got land elsewhere, that he was no longer an owner of
- 10 any interest in Olo?
- 11 A. I suppose that's debatable by law.
- 12 Q. No, no, I'm just --
- 13 A. Yeah, I understand -- I understand something

14 to that effect. Whether he's still a trustee, I don't

15 know.

16 Q. No, I'm not talking about that.

17 A. Okay.

18 Q. I'm talking about the legal -- we're not

19 talking about the cemetery because he's retained an

20 interest there because that's where family members are

21 buried.

22 A. Right, uh-huh.

23 Q. But his land that was allocated to him under

24 the trust agreement was returned to other beneficiaries,

25 and in return for that, your father received land

1 outside of Olo?

2 A. I'm understanding there was trades of land,

3 yes.

4 Q. As a part of that settlement agreement?

5 A. If it's that agreement, I'm not positive

6 'cause I've never looked at a document.

7 Q. Okay. Has anyone ever expressed an opinion

8 to you to the effect that what you have acquired at Olo

9 will be measured by the life of the conveyor or the

10 grantor, which would be Frances?

11 A. You lost me on that one.

12 MR. HALL: Lost me too.

13 BY MR. VARGAS:

14 Q. All right. Do you know the difference

15 between an ownership in fee simple and a life estate?

16 Have you ever heard those terms before?

17 A. I have heard of a life estate --

18 Q. And tell me what you understand.

19 A. -- and fee simple.

20 Q. Let me ask you what you understand about a

21 life estate?

22 A. Well, I have a life estate on my house.

23 Q. That means what?

24 A. When my -- my husband and I own a house

25 together and because we own it together, it's in a

1 trust, and he -- and while he's alive, he gets to live  
2 in that house. But when he dies, that money goes to my  
3 children. That's my understanding of it. If I got that  
4 right or not, I don't know. That -- no?

5 Q. I'm not sure.

6 A. Oh, well, that's -- that was my  
7 understanding of it.

8 Q. Lawyers are pretty creative in terms of  
9 these kind of things, so I'm not exactly sure on that  
10 one.

11 But has anyone ever suggested to you,  
12 though, that the piece of property that you have in  
13 front -- in the exhibit that's in front of you will be

14 in jeopardy -- your interest will be in jeopardy when

15 Frances dies? Has that ever been suggested to you?

16 A. No. I don't recall. No, it hasn't.

17 Q. But you believe that you will -- your

18 interest in that land will remain until either you sell

19 it or you die?

20 A. Correct.

21 Q. Now, you mentioned the first time that you

22 were thinking about selling that maybe Doug was involved

23 in that?

24 A. Yes.

25 Q. Okay. And what was Doug's role in that?

1 A. Trying to find a buyer.

2 Q. Did he solicit by advertising or otherwise?

3 A. I really don't know what he did. I mean, to

4 tell you the truth, I -- you know, I've not been that

5 involved in it.

6 Q. Do you know what timeframe that was? Well,

7 this --

8 A. Last couple of years. I would imagine last

9 couple of years.

10 Q. Were any offers made to you for that land

11 when Doug was looking after it?

12 A. Yes.

13 Q. And who made the offers?

14 A. Well, I know that one person you mentioned:

15 Ututoa Ino or Ino.

16 Q. Yeah.

17 A. Yes.

18 Q. Was that the only time that you -- you had

19 offers for this particular piece of land?

20 A. My recollection, that was the only firm

21 offer.

22 Q. Okay. So, you've only been trying to --

23 thinking about selling the land within the last couple

24 of years then?

25 A. My -- yes, that's my recollection.



1 Q. So, back in 2006 and 2007 when Doug may have

2 been interested in selling, you weren't involved in

3 that?

4 A. No.

5 Q. Okay. When you were out at the site with

6 Sumeo when you were doing some clearing work --

7 A. Uh-huh.

8 Q. -- did he point out the corners of your

9 property?

10 A. He pointed out the front pins and some of

11 the side pins. And I don't believe we could locate some

12 of the very back pins.

13 Q. How would you describe the pins that you

14 observed there?

15 A. There was a big -- well, they had orange

16 painted on them. The stakes had orange painted on them.

17 I believe there might have been some metal stakes with

18 orange on them.

19 Q. So, you're talking about a wooden stake with

20 orange on them?

21 A. I'm trying to remember if it was a metal

22 stake. I believe there was more than one survey done,

23 and so, I -- I think at different times different

24 surveyors left different types of metal or wood.

25 Q. When you met with Sumeo, did he point out

1 what he had placed on the --

2 A. I don't think he -- I'm not -- I can't

3 recall if he placed anything. I -- I can't recall that.

4 I remember looking for markers and pointing out markers.

5 Q. And you pointed at some wooden stakes and

6 possibly some metal stakes?

7 A. Uh-huh.

8 Q. Is that correct?

9 A. I believe so.

10 Q. Okay. Did you see any -- did he point out

11 anything more permanent than that, like a piece of

12 concrete buried within the dirt with a brass cap on top?

13 A. Brass cap on top?

14 Q. If he didn't --

15 A. I don't recall that.

16 Q. All right. But was he showing you the full

17 2 acres that were there or just the acre that you

18 thought might belong to you? Because the parcel has

19 never been divided, as I understand it; it's a full

20 2 acres?

21 A. Correct.

22 Q. So, did he point out the 2-acre parcel, or

23 did he point out a single-acre parcel?

24 A. No, we couldn't -- I mean, we -- I don't

25 think -- I only got Sumeo there brief times, and I was

1 also really busy trying to clear in areas that I knew

2 wouldn't encroach on anybody else.

3 Q. So, part of the reason you had him there was

4 so you wouldn't stray outside your boundary?

5 A. Well, I didn't want to stray outside the

6 boundary, yes, for sure.

7 Q. So, that's why you had him there, to kind of

8 show you where --

9 A. Well, I -- we wanted to find those pins.

10 I -- we personally had never seen them so we wanted to

11 find them. And so, it was total jungle, so we were just

12 trying to find the previous surveyor markers.

13 Q. The work that you commissioned from Sumeo,

14 did he do the work before the time that you met him out

15 there or was he doing the work while you were out there

16 doing the cleaning?

17 A. Well, I only met Sumeo -- I was not the only

18 one involved here, so I can't answer that --

19 Q. No, I'm just asking for what you know.

20 A. From what I know, when I met with Sumeo, I

21 recall him trying to find the markers and -- I was only

22 there a week. And it's often pretty hard to get someone

23 to come out there just because you're there for a week.

24 He was a busy guy. So, while I had him there, we found

25 what we could find.

1 Q. To your knowledge, before you met with him  
2 and asked him to come out and he was looking for pins,  
3 had he been out there previously to perform the survey  
4 work that you said you wanted done?

5 A. I can't say for sure.

6 Q. Okay. So -- but would it be fair to say  
7 that it was obvious to you that he had been out there  
8 recently 'cause he was having trouble finding the pins?

9 A. I don't know who surveyed it before. I  
10 don't know the name of the person. I only know the name  
11 of the person who I met while I was there.

12 Q. Let's try it a different way.

13 A. Okay.

14 Q. Sumeo was looking very hard to find these

15 pins?

16 A. Right.

17 Q. He didn't know where they were at when he

18 was looking for them. So, it's not like he had been out

19 there recently and set the survey points. He was with

20 you, and he was looking for the points, correct? That's

21 not --

22 A. Yeah, I -- yes. Like I said, I don't know

23 who the -- the other -- the previous surveyors were.

24 So . . .

25 Q. Did you pay Sumeo?



1 A. We did, yes.

2 Q. Who's "we"?

3 A. Well, my brother Doug and I. I mean, we --

4 Q. So --

5 A. -- we pooled money together, and we paid for

6 the clearing.

7 Q. Was Sumeo surveying your brother's part as

8 well?

9 A. No. No, I don't believe he did.

10 Q. Why was your brother paying it?

11 A. Well, 'cause we had a road we -- my brother

12 and I had paid to put right between, supposedly, our two

13 parcels that we had. And just, you know, we pooled our

14 money together to -- to -- for the surveying and --

15 Q. Was the area that was to be the road, was

16 that actually surveyed?

17 A. Well, actually -- I can't recall. We put

18 a -- a road in there. I don't know what year it was.

19 Q. So, you and your brother physically had

20 someone cut a road to the property?

21 A. Yes. From the -- and that was early. I

22 can't recall.

23 Q. Sometime after your --

24 A. Maybe 2003, maybe.

25 Q. Did any of the beneficiaries voice

1 objections to the cutting of the road?

2 A. No.

3 Q. Anyone voice any objection to you when you

4 were cleaning?

5 A. Actually, my Aunt Marge got a little upset,

6 the fact that this big tractor came in and chipped off

7 some of the concrete on the little runway there.

8 Q. That's what I was alluding to.

9 A. Yes. She got a little miffed about that.

10 She didn't object. She just got miffed off about that.

11 Q. I'm curious, as Mr. Sunia was, why we have

12 two deeds to your -- you have them in front of you. One

13 is from -- from Mike Kneubuhl and Frances K. Opelle to

14 Carrie Sue Lavigne and Nadine Fults. That's on

15 March 12th, 2001. And the other deed is dated in

16 May 2001. And one is recorded and one isn't.

17 Do you -- can you explain that?

18 MR. HALL: I'm going to object. This question

19 was asked by separate counsel and was answered. And I

20 think that this is just duplication.

21 MR. VARGAS: Well, I don't think it was answered,

22 Mr. Hall, and that's why I asked her again.

23 MR. HALL: Well, we can argue about that, but I

24 think it was fully answered. Right, Fiti?

25 MR. VARGAS: Well, your objection is noted.

1 BY MR. VARGAS:

2 Q. So, if you can help me out here, ma'am?

3 A. Well, all I can surmise, as I said before,

4 was I'm --

5 MR. HALL: Well, we don't want you to guess.

6 Surmise is guessing.

7 THE WITNESS: Okay.

8 MR. HALL: What you know. As Mr. Vargas advised

9 earlier, just tell us what you actually know and

10 remember.

11 THE WITNESS: I don't actually know and remember.

12 I know these are my signatures.

13 BY MR. VARGAS:

14 Q. And you confirm that they were executed on

15 different dates?

16 A. Yes.

17 Q. And Frances is on one deed, and only your

18 father is on the other deed?

19 A. This is a deed between -- I would -- between

20 my dad and Frances. This is between D. C. Mike Kneubuhl

21 and Frances.

22 Q. And what is the other one?

23 A. And this is -- what it says is from my dad

24 to Carrie and to Kelly.

25 Q. And you're referring to exhibit number what?

1 A. The later, OPL-6, that's recorded in

2 American Samoa.

3 MR. VARGAS: Okay. Thank you. I have nothing

4 further. With respect to the handling of -- oh, I'm

5 sorry.

6 MR. HALL: Okay. Could we just have a couple

7 minutes' break? I just want to talk to her.

8 (A brief recess was taken.)

9 MR. HALL: Coming back on the record.

10 Carrie, I'm going to have this document

11 marked as the Defendants' Exhibit No. 1 for this

12 deposition.

13 MR. SUNIA: Okay.

14 MR. VARGAS: I thought we were keeping a running  
15 sequence because the other one for the three depositions  
16 are going numerically for us anyhow. It doesn't matter.  
17 It's one document.

18 MR. HALL: Would this be my 3 now?

19 THE REPORTER: It could be.

20 MR. HALL: All right. Mark this the next exhibit

21 for the defendants in order.

22 (Defendant's Exhibit 3 marked for

23 identification.)

24 MR. HALL: That's in your package.

25 MR. VARGAS: I can read it now, and reading it on



1 that screen gives me a headache.

2 MR. HALL: Read some more. I want that headache

3 to turn into a migraine. Excuse me.

4

5 EXAMINATION

6 BY MR. HALL:

7 Q. Carrie, if you could look at what I've

8 marked as the Defendants' Exhibit No. 3, can you tell me

9 what this document is, who is it from?

10 A. It's from you.

11 Q. And what is the date?

12 A. April 14th, 2014.

13 Q. And what is the subject?

14 A. Regarding the sale of our property in --

15 Q. Is this to the Ututoa family?

16 A. Yes, it is.

17 Q. Did you receive a copy of this e-mail?

18 A. Yes, I did.

19 MR. HALL: Thank you very much.

20 MR. VARGAS: We stipulate. I have to stipulate

21 too. I'm part of this party.

22 MR. HALL: I have nothing further.

23 MR. VARGAS: Okay. With respect to the

24 stipulation about the deposition, what we're going to

25 do, because the other stipulations are already on record

1 in the prior depositions, we're going to have to submit  
2 something in writing to the court reporter by way of  
3 stipulation about handling the transcripts, and it will  
4 be attached to the other two.

5 But for purposes of this deposition, we  
6 stipulated that the court reporter can e-mail an  
7 electronic version to Mr. Hall for transmittal to the  
8 deponent, along with a signature page and a correction  
9 page, and that she will be required to review and sign  
10 that within 30 days and get it back to the court  
11 reporter through Mr. Hall.

12 And we will -- before, it was that they had  
13 to come down here, and it's a little inconvenient, so

14 we're going make it easier for you. So, they will be

15 returning the original of the signature page and

16 corrections to the court reporting service.

17 MR. HALL: I concur.

18 MR. SUNIA: And then she'll send it to --

19 MR. VARGAS: Right. And when -- I forgot we

20 didn't talk about this yesterday, but the original

21 transcript will be submitted under seal to the High

22 Court of American Samoa.

23 And I will -- we will include that in our

24 stipulation so it will be attached to all three of the

25 depositions, ultimately, all five. Okay?

1 MR. SUNIA: Thank you.

2 MR. HALL: Thanks very much.

3 (TIME NOTED: 2:54 p.m.)

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4 I, CARRIE SUE ECKERT, do hereby declare under

5 penalty of perjury that I have read the foregoing

6 transcript; that I have made any corrections as appear

7 noted, in ink, initialed by me, or attached hereto; that

8 my testimony as contained herein, as corrected, is true

9 and accurate.

10

11 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_ 2014, at

12 \_\_\_\_\_,

13 (City) (State)

14

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CARRIE SUE ECKERT

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VOLUME I

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4 I, the undersigned, a Certified Shorthand

5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken before

7 me at the time and place herein set forth; that any

8 witnesses in the foregoing proceedings, prior to

9 testifying, were placed under oath; that a verbatim

10 record of the proceedings was made by me using machine

11 shorthand which was thereafter transcribed under my

12 direction; further, that the foregoing is an accurate

13 transcription thereof.

14 I further certify that I am neither financially

15 interested in the action nor a relative or employee of

16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed

18 my name.

19

20 Dated: May 16, 2014

21

22

23

---

24 Kae F. Gernandt

25 CSR No. 5342

