

DEPOSITION

MARK KNEUBUHL

# **DEPOSITION**

**Mark Kevin Kneubuhl**

Annotated Comparison of this Deposition with  
the Deposition of Douglas C. "Doug" Kneubuhl, Jr.

Roy,  
I'd like to withdraw my comment on lines 6-21, page 61 of my deposition. I realized later that if these accusations are true, or Aunt Frances believes them to be true, I can understand her acting out of character,  
I may have other changes later.  
Thank you,  
Mark

On Wed, Sep 17, 2014 at 10:55 AM, <roy@rhalljrlaw.com> wrote:

Mark,

I enclose your deposition transcript and I will email separately the exhibits. Please note that you have 30 days from Sept. 12 (date received) to make corrections or revisions on a separate sheet, identifying the page and line numbers and inserting your corrections or revisions. Do not mark up the transcript.

If you have any questions, please call the court reporter Liz Puni at the High Court 633-4131. If you retain an attorney to represent you, please provide all the attorneys of record in this case, with your attorney's contact information.

Regards/Roy

CONFIDENTIAL

--

*Mark Kneubuhl*  
American Samoa Renewable Energy Committee  
[www.asrec.net](http://www.asrec.net)

Deposition of Mr. Mark Kevin Kneubuhl

IN THE HIGH COURT OF AMERICAN SAMOA.

TRIAL DIVISION

ROBIN KNEUBUHL ROUSH, FRANCES K. ) LT No. 20-2013  
OPELE and BENJAMIN ("BEN") ) CA No. 28-2013  
KNEUBUHL, JR., ) KNEUBUHL, JR., )

Plaintiffs, )

-vs- )

DOUGLAS CRANE "MIKE" KNEUBUHL, )  
DOUGLAS KNEUBUHL, JR., CARRIE SUE )  
KNEUBUHL LAVIGNE ECKERT and KELLY )  
KNEUBUHL NADINE FULTS, )

Defendants. )

FRANCES OPELE, )

Plaintiff, )

-vs- )

DOUGLAS CRANE "MIKE" KNEUBUHL, )  
CARRIE SUE ECKERT (also known as )  
CARRIE SUE LAVIGNE), KELLY NADINE )  
FULTS, MARK KNEUBUHL and DOUGLAS )  
C. KNEUBUHL, JR. )

Defendants. )

Deposition of  
MR. MARK KEVIN KNEUBUHL  
Held on  
September 2, 2014

Reported and prepared by: Elizabeth Puni/Ct. Reporter

**Deposition of Mr. Mark Kevin Kneubuhl**

1 DEPOSITION OF MR. MARK KEVIN KNEUBUHL,  
2 A WITNESS HEREIN, TAKEN ON BEHALF OF THE  
3 DEFENDANTS, @ 4:30P.M. AT THE LAW OFFICE  
4 OF HALL & ASSOCIATES, LOCATED AT FAGAIMA  
5 CENTER ONE, FAGAIMA, SUITE 201, PAGO PAGO,  
6 AMERICAN SAMOA, BEFORE ELIZABETH VAESAU-PUNI,  
7 A COURT reporter, PURSUANT TO NOTICE.

8 \* \* \*

9 **APPEARANCES:**

10 For the Plaintiff:  
11 (Ben Kneubuhl, Robin Kneubuhl, Frances Opele):

12 DAVID P. VARGAS ROSE JONESON VARGAS  
13 BY: DAVID P. VARGAS, Esq.  
14 Attorney-at-Law  
15 P.O. BOX 3501  
16 PAGO PAGO AMERICAN SAMOA 96799  
17 (684) 699-2100  
18 (684) 699-2105

19 For the Plaintiff:

20 FITI A. SUNIA, Esq.  
21 Attorney-at-Law  
22 P.O. Box 6778  
23 Pago Pago, American Samoa 96799  
24 (684) 699-7507  
25 (684) 699-7509

For the Defendants:  
Douglas Crane "Mike" Kneubuhl, Douglas C. Kneubuhl, Jr., Carrie  
Sue Kneubuhl, Lavigne Eckert and Kelly Kneubuhl Nadine Fults:

HALL & ASSOCIATES LAW OFFICES  
BY: ROY J.D. HALL, JR, Esq.  
Attorney-at-Law  
P.O. Box 2506  
Pago Pago American Samoa 96799  
(684) 699-3131  
(684) 699-3132  
Roy@rhalljrlaw.com

*Deposition of Mr. Mark Kevin Kneubuhl*

1 PAGO PAGO, AMERICAN SAMOA; (LT No. 20-2013; CA No. 28-2013)

2 -oOo-

3  
4 MR. HALL: We're going to go ahead and start our  
5 deposition. This is the time set for the taking of the  
6 deposition of Mark U. Kneubuhl in the consolidated action of  
7 L.T. No. 20-2013 and CA No. 28-13. And I'll have marked as my  
8 Exhibit Number 1 the "Notice of Deposition."

9 (Court reporter marks Exhibit No. 1 for identification  
10 purposes).

11 And, for the record, I am Roy J D Hall Jr the attorney  
12 for Defendants: Mike Kneubuhl, Carrie Eckert, Kelley Fults, and  
13 Douglas Kneubuhl Jr. And also, for the record, I'd like to put  
14 on the deposition I do not represent the defendant Mark Kneubuhl  
15 who we're taking his deposition today in the consolidated  
16 action. And if I should refer to "defendant" or "defendants",  
17 it does not include Mark Kneubuhl.

18 If I could have the attorneys introduce themselves and  
19 who they represent?

20 MR. VARGAS: David Vargas on behalf of Ben Kneubuhl,  
21 Robin Kneubuhl, and Frances Opele.

22 MR. SUNIA: Fiti Sunia for Plaintiff.

23 MR. HALL: And can we stipulate that there will be no  
24 speaking objection, just the standard objection, for the record;  
25 agreed?

**Deposition of Mr. Mark Kevin Kneubuhl**

1 MR. VARGAS: So stipulated.

2 MR. SUNIA: (Nods head up and down).

3 MR. HALL: At this time, since the court reporter is  
4 not a notary, I am, I'll swear in the witness.

5  
6 **WHEREUPON,**

7 **MR. MARK KEVIN KNEUBUHL,**  
8 **Having been first duly sworn to state the whole truth testified**  
9 **as follows:**

10

11

**DIRECT-EXAMINATION**

12

**BY MR. HALL:**

13

Q. Now, Mark, can you please give your full name for the  
14 record?

15

A Mark Kevin Kneubuhl.

16

Q. And again, my name is Roy J D Hall Jr., I'll be taking  
17 your deposition today.

18

Have you ever been deposed before? Have you ever had  
19 your deposition taken?

20

A Not like this. I don't think so, no.

21

Q. I'll go through some of the details of the deposition.  
22 In this situation, similar to a court proceeding, I'll be asking  
23 questions and my questions and your answers will be recorded by  
24 the court reporter here just as if you were in court. So I'm  
25 going to ask that you speak clearly in giving your answers so

**Deposition of Mr. Mark Kevin Kneubuhl**

1 that she can hear you to record your testimony. She won't be  
2 able to record nod for "yes", or a shake of your head from left  
3 to right for "no," so please speak clearly.

4 Now, on occasion, I may ask questions and if I don't  
5 say it very well, of course forgive me, but just tell me and  
6 I'll ask a better question. Is that alright?

7 A I'm not sure I understand that.

8 Q. Well, if I ask a question and you don't understand --

9 A I see.

10 Q. -- just let me know and I'll ask a better question.

11 A Yes. Understood.

12 Q. I also want you to understand that if you need to take  
13 a break, at anytime, just let me know and we'll take a break.  
14 If it's in a middle of an answer or a question pending, we'll  
15 have you finish the question and we'll take a break.

16 A Understood.

17 Q. I just want to ask, and I see that you're by yourself.  
18 Do you have an attorney representing you?

19 A No.

20 Q. Do you have any plans on hiring an attorney to  
21 represent you in these cases?

22 A No.

23 Q. Since you do not have an attorney, do you still want to  
24 continue with the deposition?

25 A Yes. This is voluntary?



Deposition of Mr. Mark Kevin Kneubuhl

1 Q. You're a party, so it's just as voluntary as parties  
2 are required to attend?

3 A All right.

4 Q. Now, during the deposition, if you want to add  
5 something to an earlier answer, just let me know and we can do  
6 that while it's still fresh on your mind, do you understand?

7 A Yes.

8 Q. At times, if when you're answering a question and you  
9 think of some documents or a document that might help you  
10 remember the answer and might help give you a more accurate  
11 answer, just tell us, maybe between the three of us lawyers here  
12 we may be able to find that document for you. Do you  
13 understand?

14 A Yes.

15 Q. Okay. Are you taking any medicines or drugs of any  
16 kind which might be difficult for you to understand and answer  
17 my questions today?

18 A No.

19 Q. Have you had anything alcoholic to drink in the last  
20 eight hours?

21 A No.

22 Q. How are you feeling today, are you sick today?

23 A Apprehensive. I'm feeling fine; scratch that.

24 Q. Okay. All right. Now you were placed under oath to  
25 tell the truth, and will you promise me that you'll answer my

*Deposition of Mr. Mark Kevin Kneubuhl*

1 questions fully and truthfully?

2 A Yes.

3 Q. Now, Mark, you were served with a "Notice of  
4 Deposition" and it's been marked as my Exhibit 1. In the  
5 "Notice" it asks that you produce certain documents. Were you  
6 able to bring with you some documents?

7 A Yeah. This is all I have.

8 Q. May I please see those?

9 A Just -- it has to do with the purchases of land from  
10 aunt Frances where I am living at now and my brother's place.

11 Q. I'll have copies made after the deposition and I'll  
12 share this with counsel.

13 But you know, even after this deposition and before the  
14 trial, if you find other documents which might be relevant to  
15 the request for the production of documents, will you promise to  
16 produce those documents to me?

17 A I'll do my best, but I really have a very few  
18 documents, but --

19 Q. Just in case.

20 A -- if I do I will.

21 Q. All right. Are you married?

22 A Yes.

23 Q. And who are you married to?

24 A Tepora Olevia Kneubuhl.

25 Q. And do you have any children?

**Deposition of Mr. Mark Kevin Kneubuhl**

1 A I have five children.

2 Q. Can you give me their names and their ages?

3 A Starting from the youngest Sela and she is 26 now, then  
4 there is Alfred he'll be 29, something like that; Jackie she's  
5 30, she'll be 31, and Sydney -- and Shiloh.

6 Q. Do any of them still live in American Samoa?

7 A They live in America. They all live in Texas.

8 Q. Okay. One stay in Texas?

9 A One is not there presently, but yes, generally.

10 Q. Where's that person today?

11 A He is in St. Louis right now in the military.

12 Q. Okay. What branch in the military?

13 A Air Force.

14 Q. And which son is that?

15 A That's the eldest Sydney.

16 Q. Tell me about your educational background. Where do  
17 you go to high school?

18 A I went to high school in Mountain View, California, a  
19 school called "Awalt Chester F. High School." I did some  
20 Junior College in the same area, Foothill College Junior College  
21 at Sequesta College, University of Berkeley, and a couple of  
22 courses at Cal-Poly in San Francisco.

23 Q. And what year did you graduate from high school?

24 A '73.

25 Q. Okay. And after college university, did it result in a

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Bachelor's degree of any sort?

2 A A S degree not a Bachelor.

3 Q. Do you hold any professional certification or license  
4 as --

5 A I have the Master Mariners License a hundred ton.

6 Q. And how long have you had that?

7 A I've had that off and on for about six years. It  
8 expired and I had to retake it six or more.

9 Q. And what is your employment at this time?

10 A I have two part-time jobs: One is with the American  
11 Samoa Renewable Energy Committee, I'm the coordinator for that.

12 Q. Do you get paid for that?

13 A At times, yes. And the other is kind of a substitute  
14 for the Port when they need a captain. They're very short on  
15 captains.

16 Q. And you're compensated for that?

17 A Yes.

18 Q. Do you have any other private businesses that you  
19 operate?

20 A I have a home that I rent, yes. Is this -- may I get  
21 the question again? Can we go off the record anytime, or no?  
22 Let's go off the record.

23 MR. HALL: Let's go off the record.

24 (Off the record).

25

**Deposition of Mr. Mark Kevin Kneubuhl**

(Back on the record).

BY MR. HALL:

Q. Now, what I'm going to be asking you today in the deposition is that, I'll ask you are a defendant in the court case involving Frances Opele verses Mike Kneubuhl, Carrie Eckert Kelley Fults and Douglas Kneubuhl.

A Am I?

Q. Yes. Are you a named defendant?

A No, I don't really understand if I am.

Q. In the "Notice of Deposition" in the caption in civil action I believe it's 28-2013 which is Frances Opele verses -- you are listed as the named defendant. Would you like to take a look at it?

A I believe you.

Q. Okay.

A Actually -- never mind. Let's go ahead.

Q. So you are a named defendant?

A I am a named defendant on this document, yes.

Q. Okay. And were you ever served with a Complaint in that case?

A Is this the same case?

Q. Yes.

A I was served with something four-months ago, five-months ago, something like that.

Q. It was a Complaint?

*Deposition of Mr. Mark Kevin Kneubuhl*

1 A It was a Complaint with allegations like a page or two  
2 pages.

3 Q. And were you also served with an "Amended Complaint"?

4 A I wasn't served the second time, unless -- well, I  
5 wasn't served. I haven't been home a lot too.

6 Q. I'll just ask counsel Fiti Sunia, do you confirm the  
7 Complaint marked "Complaint" was served?

8 MR. SUNIA: Yes, the Amended Complaint.

9 MR. HALL: Okay. All right.

10 THE WITNESS: I was served two papers, the original and  
11 then this.

12 BY MR. HALL:

13 Q. Okay. So you were served with a document entitled  
14 "Complaint" in this case?

15 A Yes.

16 Q. All right. And that is the case where Frances Opele is  
17 the Plaintiff?

18 A Yes, and I signed off on both documents.

19 Q. And I'll say it again so we don't get confused because  
20 there's two complaints in this case. In this case, the  
21 Plaintiff is Frances Opele, and the Defendants are: Mike  
22 Kneubuhl, Carrie Eckert, Kelley Fults, Mark Kneubuhl and Douglas  
23 Kneubuhl in civil action no. 28-2013?

24 A Okay. You didn't put my name.

25 Q. I did. Mark Kneubuhl and Douglas Kneubuhl.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 A (Witness nods head up and down).

2 Q. Now, do you have a family relationship with the  
3 Plaintiff, Frances Opele?

4 A Yes, I do.

5 Q. And what is that relationship?

6 A She's my aunty.

7 Q. And how is she related to your father?

8 A She's my father's youngest sister.

9 Q. Okay. And this case that, that we spoke about earlier  
10 has been consolidated with a second case which was filed by  
11 Robin Roush also known as Robin Kneubuhl, Frances Opele (your  
12 aunty), Ben Kneubuhl and it's against Mike Kneubuhl, Carrie  
13 Eckert, Kelley Nadine Fults, and you are not named as a  
14 defendant in that case.

15 A All right.

16 Q. Okay. But tell me, what is your relationship to Robin  
17 Roush also known "Robin Kneubuhl"?

18 A She's my first cousin. Her father and my father are  
19 brothers.

20 Q. What is her father's name?

21 A John Alexander Kneubuhl.

22 Q. And what about Ben?

23 A He's my uncle. He's another older brother of my  
24 father.

25 Q. Okay. And what is your relationship with Carrie Sue

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Eckert?

2 A She is my sister, stepsister.

3 Q. And what about Kelley Fults?

4 A Kelley is my sister. They're both my sisters.

5 Q. And Doug Kneubuhl?

6 A That's my brother.

7 Q. Tell me, how long have you lived in American Samoa?

8 A Since 1977.

9 Q. And what village do you live in?

10 A I live in Leone.

11 Q. Do you live on Kneubuhl land?

12 A Yes.

13 Q. And what is the name of that parcel of land?

14 A It's generally referred to as "Olo", but it has five  
15 different names.

16 Q. Okay. And do you know of the five different names?

17 A I would have to look them up.

18 Q. Okay. But you don't know them right now?

19 A No.

20 Q. But you would refer to it as "Olo" land?

21 A Everyone does, yes.

22 Q. And how did you come to own this land or take  
23 possession of this land?

24 A I bought it off my aunt Frances somewhere around --  
25 somewhere around 2001.



**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Okay. What I'm going to do at this time is I'm just  
2 going to start showing you some documents and we'll move on from  
3 there. I'll ask you questions about the document.

4 I'm going to have this next document marked as the next  
5 Exhibit 2 in line of my documents?

6 (Court reporter marks Exhibit No. 2 for identification.  
7 Purposes)?

8 Mark, can you take a look at what's been marked as  
9 Exhibit No. 2. Can you tell me what it is?

10 A Exhibit No. 2. This?

11 Q. Yes.

12 A Okay. Number 3 Tagavaa.

13 Q. Okay. Now, in this litigation where you have referred  
14 to this document as the "1960 Lena P. Kneubuhl Deed of Trust" --

15 A Right.

16 Q. -- have you seen this document before?

17 A I haven't. Some of the names are familiar though.  
18 Some of them are part of that land we referred to.

19 Q. But the document itself, have you ever seen this  
20 before?

21 A I don't think so; may have.

22 Q. Do you want to take another look at it to see if you've  
23 seen it before?

24 A I couldn't -- I couldn't tell you if I have.

25 MR. VARGAS: Go through it. Flip through the pages,

**Deposition of Mr. Mark Kevin Kneubuhl**

1 you're just looking at one page.

2 BY MR. HALL:

3 Q. See if the signatures and the names of the people there  
4 and the dates help refresh your recollection to that document.

5 BY THE WITNESS:

6 A I've seen the map.

7 Q. I'm talking about the document.

8 A The document? You know, honestly, I have no reason to  
9 say I haven't seen it, but you know I can't recall seeing it.  
10 I've seen many, many documents, legal documents.

11 Q. Okay. Let me ask you this. Would you consider  
12 yourself a beneficiary to the Lena P. Kneubuhl trust?

13 A I always do, yes.

14 Q. And who else would you consider to be beneficiary of  
15 the Lena P. Kneubuhl trust?

16 A Well, I was always under the understanding that the  
17 children and grandchildren were beneficiary of the Trust. But  
18 then I've also heard, not by any legal people or judges, but  
19 I've also heard that it's just the immediate children that are  
20 beneficiaries, so quite honestly I have no idea who are the real  
21 beneficiary.

22 Q. My question is who do you believe to be the beneficiary  
23 to the Lena P. Kneubuhl trust?

24 A Lena P. Kneubuhl trust; the kids that's what I would  
25 take, the children.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. The children?

2 A The children, yes.

3 Q. Okay. And this would be -- who would be her children?

4 A It's my father Mike. And starting from the top it  
5 would be Jim the eldest, Marge, John, Frances and Ben.

6 Q. And when you said "grandchildren" earlier, would those  
7 be the children of your uncles and aunts that you've just named?

8 A Yeah.

9 Q. And are any of the beneficiaries are they deceased, do  
10 you know?

11 A Yes.

12 Q. And who would those be, if you know?

13 A Aunt Marge is gone, Jim is gone; they're all gone at  
14 that level at that generation, with the exception of my father  
15 and Ben and Frances sister who are still alive.

16 Q. I don't know if you named John Kneubuhl.

17 A John has passed away.

18 Q. So it's John, James and Margaret?

19 A Have passed away, and Jim the oldest.

20 Q. James.

21 A Jim, yeah James.

22 Q. You said that you've always considered yourself as a  
23 beneficiary to the Lena P. Kneubuhl trust. Can you tell me what  
24 your understanding, your understanding -- and I don't care if  
25 it's legal or not, just your understanding of what you believe

*Deposition of Mr. Mark Kevin Kneubuhl*

1 to be the "Property in Trust" to lands in American Samoa that  
2 would fall under the Lena P. Kneubuhl Trust?

3 A Right. Honestly, I have -- again, I have no idea what  
4 type of legal rights I have. And in --

5 Q. I'm not asking you that.

6 A -- in terms of beneficiary, it's something I don't like  
7 the word, but the term "Right", "family right", I believe I have  
8 a right. When I first came back, many, many people heard this,  
9 you have yourself. And my grandmother told me I could build  
10 anywhere I want and she named every single property we have and  
11 she, many times, told me. In fact, one piece of paper that I  
12 don't have anymore is a little handwritten note by her to Eddie  
13 Pritchard, he's a matai, again my grandmother's half brother,  
14 instructing him to show where I can build my house at  
15 'Talimatau' which is one of her pieces of land. But yeah, I  
16 always felt that I had a right.

17 Q. And this included the land named "Olo", is that  
18 correct?

19 A At the time, yes, when she was alive, yes. I always  
20 felt that I could build a house anytime I want, anywhere I want.

21 Q. Okay. I'm just going to ask you another question.  
22 I'll see if you can answer the question. Do you know what the  
23 equitable interest is in the real property listed in the Lena P.  
24 Kneubuhl trust?

25 A No.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Okay. I'm going to show you an e-mail that is dated  
2 September 28, 2012 from Robin Roush. I'm just going to ask you  
3 to see if you've seen this e-mail before.

4 I'm marking this one as the next exhibit?

5 MR. SUNIA: Exhibit 3.

6 MR. HALL: Exhibit No. 3.

7 (Court reporter marks Exhibit No. 3 for identification  
8 purposes).

9 Q. Have you ever seen that e-mail before?

10 BY THE WITNESS:

11 A I'd have to say no, but my cousin Robin and I we have a  
12 very good relationship and she copies me a lot of things, and I  
13 don't want to be copied. And that's the other thing, I have a  
14 thing called "O.M." called "Ostrich Mode" and that's what I go  
15 into. But she does. I may have seen it, but I don't know what  
16 it is.

17 Q. Now, in this e-mail, she makes reference to a  
18 "forfeiture clause". Are you familiar with that phrase?

19 A No.

20 Q. I'm going to mark the next document as an exhibit and  
21 I'm going to ask that you look at it. Please take a look at it.

22 A Okay.

23 Q. That will be No. 4.

24 (Court reporter marks Exhibit No. 4 for identification  
25 purposes).

*Deposition of Mr. Mark Kevin Kneubuhl*

1 Do you recall ever seeing this document before? Does  
2 that document look familiar?

3 A You know, again, I've seen so many documents I may  
4 have.

5 Q. That document has, in this litigation, has been  
6 referred to as the "Settlement Agreement of 1982". Does that  
7 refresh your recollection in regards to that document?

8 A 19 what? I'm sorry.

9 Q. '82.

10 A No.

11 Q. All right. Again I'm going to ask you, have you ever  
12 heard and discussed with your family the two words "forfeiture  
13 clause?"

14 A No.

15 Q. Okay. I'm going to have this marked as my next exhibit  
16 and see if you recall ever seeing this document before?

17 (Court reporter marks Exhibit No. 5 for identification  
18 purposes).

19 A Can I ask a question? Was I supposed to have seen this  
20 document?

21 Q. Well, that's what I'm asking if you've seen them  
22 before.

23 A Okay.

24 Q. Does that document look familiar to you?

25 A No.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. I'm going to mark this next document as the next  
2 exhibit in line. And the next one would be No. 6.

3 (Court reporter marks Exhibit No. 6 for identification  
4 purposes).

5 Now, I just want to show you that, that is -- I'll just  
6 call it "Internet Map" that refers to a "Robert John Opele." Is  
7 there a "Robert John Opele" in the Lena P. Trust?

8 A That's one of the adopted children by Frances and Bob.

9 Q. And, in your opinion, are the adopted children by your  
10 aunt, are they beneficiaries under the Lena P. Kneubuhl trust?

11 A I have no idea.

12 Do you want

13 Q. Yes.

14 A My opinion,

15 Q. Okay. Now,

16 A No.

17 Q. And that ac  
18 correct? lawyer, is that

19 A It -- it s

20 Q. And, in regards to the address, does the address look  
21 familiar?

22 A Well, yes, she does actually look out for us.

23 Q. And that was Robert John Opele's home?

24 A I believe it was his mother's home, yes.

25 Q. Okay. That was the address?

**Deposition of Mr. Mark Kevin Kneubuhl**

1 A I'm pretty sure, yes.

2 Q. All right. Thank you.

3 I'm going to have the next document marked as an  
4 exhibit next in line, that will be No. 7.

5 (Court reporter marks Exhibit No. 7 for identification  
6 purposes)?

7 I'll ask you if you've seen that e-mail from Robin.

8 Does that e-mail, that document, look familiar?

9 A I'm not sure if it's the e-mail or just -- I -- I knew  
10 that Wally wanted to purchase the home, so I'm not sure if I've  
11 seen this.

12 Q. That was my question of the purpose to show that.

13 Who is Wally?

14 A Wally Jennings, he used to live there. He used to rent  
15 the house.

16 Q. What house is that?

17 A Aunt Frances. The old Coke House; we call it the "Coke  
18 House."

19 Q. Okay. And tell me about Wally Jennings. He offered to  
20 buy the property?

21 A Yeah. I wasn't -- I wasn't really in that. I mean I  
22 don't have intimate knowledge of that, but yeah, he made an  
23 offer to my aunt Frances.

24 Q. You weren't involved in that?

25 A No.



*Deposition of Mr. Mark Kevin Kneubuhl*

1 Q. All right. And from what you have heard or understand,  
2 did that have to do with Wally Jennings purchasing the Coke  
3 House or the land where the Coke House is?

4 A All I know is that he did make an offer to my aunt  
5 Frances. I guess it's almost hearsay because I heard it through  
6 the family circles. But I heard that Wally did make an offer  
7 that she turn down; and maybe it's not true, but that's what I  
8 heard.

9 Q. Okay. Now my question again is, was it an offer to  
10 purchase the land and the Coke House?

11 A Well, obviously the house, yes. I'm not sure how much  
12 the land was for: 2 acres, one piece, whole piece, or part of  
13 it; yeah, that's what I understood at the time.

14 Q. Okay. I'm going to mark the next document and that  
15 will be Exhibit No. 8.

16 (Court reporter marks Exhibit No. 8 for identification  
17 purposes).

18 Can you tell me what that document is?

19 A Okay, I recall this generally. Basically what happened  
20 was my brother and I purchased 3 acres of land from my aunt  
21 Frances for \$15,000. 2 acres was for me, 1 for my brother and  
22 I'm not really sure what happened, how this came about. I don't  
23 recall if she was paid in full, but I paid my \$10,000 right  
24 away.

25 Q. So what is that document?

**Deposition of Mr. Mark Kevin Kneubuhl**

1 A Well, it's -- it's a Promissory Note to pay her for her  
2 land I guess.

3 Q. And who signed that document?

4 A That's me, yeah.

5 Q. Your signature is on there?

6 A Um-hmm.

7 Q. And you prepared that?

8 A Yes.

9 Q. And this was a Promissory Note to pay your aunt Frances  
10 how much money?

11 A A total of \$15,000 dollars. And that was for the 3  
12 acres of land at \$5000 an acre.

13 Q. Okay. I'm going to show you the next document I have.  
14 This will be marked as No. 9.

15 (Court reporter marks Exhibit No. 9 for identification  
16 purposes).

17 A This is my brother's handwriting.

18 Q. You're referring to the handwriting portion of that  
19 exhibit?

20 A Um-hmm.

21 Q. And whose handwriting is that?

22 A That's Doug Jr.

23 Q. I'm showing you what's been marked as Exhibit No. 9.  
24 Can you tell me what that document is?

25 A This is the "Quitclaim Deed" that I also prepared this

**Deposition of Mr. Mark Kevin Kneubuhl**

1 from the internet for transfer of I think all 3 acres to me,  
2 yes.

3 Q. And what is the date of that document?

4 A June 15th, 2001. I think that's one of the documents  
5 that I gave you there, so you can give me that back if you want.

6 Q. All right. So -- and explain to me how did it come  
7 about between you negotiating to buy the land. Did you go  
8 through a negotiating period with your aunt?

9 A Very short. It was just that I asked her and she said  
10 she'd think about it and she'd get back to me. She got back to  
11 me and she said yes. I noticed on the original -- are you  
12 getting to that point on the original complaint?

13 Q. No, I'm just talking about this document?

14 A Okay.

15 Q. And she finally got back to you?

16 A Yes.

17 Q. Do you know if there were any outside, any  
18 circumstances involved with her financial situation that brought  
19 it to your attention --

20 A Yes.

21 Q. -- and brought this to you?

22 A I knew she was -- I knew she was having hard times,  
23 very hard times.

24 Q. Okay. I'm going to have this next document marked as  
25 the next exhibit it's No. 10.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 (Court reporter marks Exhibit No. 10 for identification  
2 purposes).

3 Would you please tell me what that document is?

4 A Yeah, this is the second --

5 Q. Go ahead, just tell me what that document is.

6 A Quitclaim Deed from me deeding off the 1 acre to my  
7 brother. I bought it. I negotiated with aunt Frances for the 3  
8 acres total and then I had to get a surveyor which I used Meko  
9 who did the map (right here) and then I then quitclaimed his  
10 acre off to him.

11 Q. And what's the date of that Deed, the Quitclaim Deed,  
12 that you made to Mark, I mean to Doug?

13 A Looks like the 28th day of June 2001.

14 Q. Can I just see that real quick? I want to check the  
15 date there. And let's see the first Deed.

16 In regards to -- I'm going to hand back to you deeds  
17 number 9 and number 10. Were both of those deeds recorded at  
18 the Territorial Registrar?

19 A Yes.

20 Q. And what was the recording date for Exhibit No. 9?

21 A June 15th, 2001.

22 Q. And the Exhibit 10, what's the recording date?

23 A July 27, 2001.

24 Q. Okay. Thank you.

25 I'm going to mark the next exhibit in line No. 11.

*Deposition of Mr. Mark Kevin Kneubuhl*

1 (Court reporter marks Exhibit No. 11 for identification  
2 purposes).

3 Can you tell me what that is?

4 A These are checks made out to Frances Opele from my  
5 brother Douglas.

6 Q. And, are those checks to Frances from your brother  
7 Douglas are they in anyway related to Exhibit No. 9?

8 MR. SUNIA: Objection.

9 MR. HALL: Do you know? If you know.

10 THE WITNESS: Oh, I mean it seems obvious. I don't  
11 know how he paid her, I have no idea, but evidently he did in  
12 full. I never heard any complaints, otherwise, but this doesn't  
13 amount to \$5000 dollars.

14 Q. I just wanted to see if you knew anything about it, but  
15 that's fine.

16 I'm going to show you this. Let me ask you. Did you  
17 and your brother Douglas, did you ever, between the two of you,  
18 discuss selling your separate properties, your 2-acres and his 1  
19 acre, to anyone else after you bought it?

20 A No, not -- not together. He wanted to sell his, not  
21 me.

22 Q. And did you want to sell yours?

23 A No.

24 Q. Did he ever discuss with you what the value might be, I  
25 mean the sale price?

**Deposition of Mr. Mark Kevin Kneubuhl**

1 A No, he did tell me. I made him an offer once of  
2 \$30,000 but he didn't take it.

3 Q. And when did you make that offer? How soon thereafter  
4 he bought the land from you?

5 A It would have been about a year after --  
6 (Cell phone rings).

7 Oops, I'm sorry. Do you mind if I take this real  
8 quick?

9 Q. Let's just take a break.

10 A No, no, it's okay.

11 It was -- it was around -- it was the year of Katrina.  
12 Do you remember that, the Hurricane Katrina? That was '05 I  
13 believe; was it? It was just after that. It was six-months or  
14 so after that.

15 Q. And that's when you made the offer of \$30,000 to  
16 purchase that money back from --

17 A Verbal offer.

18 Q. Did you ever know of Frances selling the 2 acres to  
19 your dad that eventually was --

20 A Yes.

21 Q. -- was transferred to your sisters Carrie and Kelley?

22 A Yes.

23 Q. When did you first find out about that?

24 A It would have been around about 2000 or so, after it  
25 was purchased. But I didn't hear it from him, but I learned

Deposition of Mr. Mark Kevin Kneubuhl

1 about the \$3000 dollars per acre, that's what I learned. I  
2 remember thinking it was a wonderful thing I -- I would have  
3 liked to buy some land too. And what happened, shortly after  
4 that around 2000 or something my maternal grandmother passed  
5 away and she left me \$15,000. And so I talked to my brother and  
6 he said he'd like to have an acre also, and I told him my aunt  
7 Frances was not -- she was rather bad off financially. But I  
8 told him, I said, we're not going to pay \$3000 each. I always  
9 believed it was some sort of family agreement and that's what

...s and sisters went for. It's, you know, of  
...ome nearly to tenth value of a land. So we  
...agreed that we pay \$5000 instead of \$3000,  
...fer anyway.

...re?

...nd so -- and then after that, shortly after  
...y aunt Frances and she said she'd get back  
...it wasn't 2 weeks but she did get back to

...and your brother Douglas, did you consult with  
...the purchase of those 2 acres?

...he did, almost a 100% percent sure he did. I

...to have this marked, this next document which  
...ter from Robin. That will be the next

...be number -- excuse me?

*Mark  
acknowledges  
value of the land is  
not nearly 1/10<sup>th</sup>*  
↓

*Mark &  
Doug coordinated  
a plan  
to pay more than  
family prices*

**Deposition of Mr. Mark Kevin Kneubuhl**

1 MR. VARGAS: 12.

2 THE COURT reporter: 12.

3 MR. HALL: 12.

4 (Court reporter marks Exhibit No. 12 for identification  
5 purposes).

6 Q. Can you tell me have you ever seen that letter?

7 BY THE WITNESS:

8 A It looks very familiar. Again I get so many letters  
9 it's very difficult to say for sure, but I think I have.

10 Q. I'm going to mark this next document as another  
11 document, a letter from Robin. And we'll mark this as Exhibit  
12 No. 13.

13 (Court reporter marks Exhibit No. 13 for identification  
14 purposes).

15 Have you seen that letter from Robin? Do you recall  
16 ever seeing that?

17 A I may have. I just, you know, I hear all these things  
18 and this was dated 2001, 13 years ago, so I'm not sure if I  
19 remember seeing the letter or it's just things that I've talked  
20 to people about. But this content is familiar.

21 Q. Okay. All right. Thank you.

22 What I'm going to do at this time is I'm going to go  
23 through the Complaint which is served on you in this action of  
24 Frances Opele verses your father Douglas Mike Kneubuhl, Carrie  
25 Eckert and Kelley Fults, yourself, and Douglas Kneubuhl, okay?



Deposition of Mr. P

1 A Okay.

2 Q. What I've

3 I've highlighted

4 defendant of Mike

5 A All right

6 Q. So, Alle

7 1999 through 2005

8 financial diffic

9 her home she maintained in California, requiring her to move in

10 with her adult children." Do you believe that to be true?

11 A Yes, I do.

12 Q. On, Allega

13 March 2nd, 2000, s

14 defendant Mike Kne

15 Mark Kneubuhl, on

16 circumstances unc

17 Plaintiff's land

18 acquisition of

19 that true?

20 A It's true; however, the word "circumstances" I'm not --

21 I have no no idea how my father got that land, I was not privy

22 to that. I was just aware he bought land from my aunt Frances.

23 Q. No. 48, Allegation No. 48: "In or about March 2000,

24 defendants Douglas C. Kneubuhl Jr. And Mark Kneubuhl offered

25 Plaintiff \$5000 for an acre of the "Olo" lands, an offer that

Complaint and  
you as a group

ring the years  
perienced severe  
in the loss of

time of the  
"Olo" by  
neubuhl Jr. And  
aware of the  
2 acres of  
sue a similar  
land Olo." Is

*awareness FKO  
destitute*

*on or  
about  
March 2000  
DCJR + Mark OFFERED  
to buy  
30*

**Deposition of Mr. Mark Kevin Kneubuhl**

1 the Plaintiff declined."

2 A The Plaintiff aunt Frances declined?

3 Q. Yes.

4 A It's not true. Absolutely the category is not true.

5 Q. Allegation No. 49: "Even after Plaintiff's rejection,  
6 defendants Douglas C. Kneubuhl Jr. And Mark Kneubuhl continued  
7 to pursue the acquisition of Plaintiff's land "Olo." Is that  
8 true?

9 A That's not true. I'll just say it's not true. It's  
10 worse.

11 Q. Allegation No. 50: "In July 2000, while defendants  
12 Douglas C. Kneubuhl Jr. And Mark Kneubuhl pursued a purchase of  
13 Plaintiff's land "Olo", defendant Mike Kneubuhl, without  
14 disclosure, surveyed 3 acres of Plaintiff's land "Olo" and  
15 indicated on the survey that he was the owner."

16 A Mike?

17 Q. Mike.

18 A Yes, I'm not sure; I don't know. I wasn't privy to  
19 that.

20 Q. Allegation No. 52: "On or about August 1, 2000,  
21 Plaintiff executed a Quitclaim Deed prepared by defendants  
22 Douglas C. Kneubuhl Jr. And Mark Kneubuhl conveying 3 acres of  
23 "Aso To'elau" land to defendant Mark Kneubuhl for \$15,000." Is  
24 that true?

25 A She signed it, yes that's true.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Allegation No. 53: "The legal description of metes and  
2 bounds in the August 1, 2000, Quitclaim Deed signed by the  
3 Plaintiff was identical to the legal description of metes and  
4 bounds of the July 2000 survey of 3 acres of her land  
5 commissioned by defendant Mike Kneubuhl." Is that true?

6 A First I've heard of it.

7 Q. True.

8 A I hope it's not. Are you saying --

9 Q. That's what she's saying.

10 A I don't think so. I'm pretty sure she had. I mean --

11 Q. The Allegation No. 54 --

12 A Do you have the maps we can --

13 Q. That's all I want is your answer to that allegation?

14 A I don't remember reading it.

15 Q. Okay. On Allegation No. 54: "On August 8, 2000,  
16 defendant Mark Kneubuhl, without appropriate disclosure,  
17 commissioned two separate land surveys subdividing the 3 acres  
18 acquired from Plaintiff on August 1, 2000, into a 2-acre parcel  
19 owned by the defendant Mark Kneubuhl and a 1-acre parcel owned  
20 by the defendant Douglas C. Kneubuhl Jr." Is that true?

21 A I believe so. What does it mean "Without the proper  
22 disclosure?"

23 Q. It just says "Without appropriate disclosure."

24 A Meaning?

25 Q. I don't know. That's -- that's her saying. I mean

*Deposition of Mr. Mark Kevin Kneubuhl*

1 that's her word.

2 A Okay. Aside from that it's yes, we did in and around  
3 that time.

4 Q. Allegation No. 55: "Subsequently, defendant Mark  
5 Kneubuhl, on or about June 8, 2001, executed a Quitclaim Deed  
6 conveying to defendant Douglas C. Kneubuhl Jr for the piece of  
7 \$5000, an acre of land acquired from the Plaintiff," your aunt.

8 A Yes. That's a yes.

9 Q. Allegation No. 56: "Defendant Douglas C. Kneubuhl Jr  
10 admitted that he and defendant Mark Kneubuhl purchased 3 acres  
11 of Plaintiff's land." Yes or no?

12 A Yes.

13 Q. Okay. Allegation No. 57: "Plaintiff did not provide  
14 any of the beneficiaries of the APK Trust (which is the Lena  
15 Kneubuhl trust) with an opportunity to exercise their right of  
16 first refusal on defendant Mike Kneubuhl's offer to buy 2 acres  
17 for \$3000 each, or -- and this is where you come in -- the offer  
18 from defendant Douglas Kneubuhl and Mark Kneubuhl to pay \$15,000  
19 for 3 acres, nor did defendants advise her to offer the  
20 beneficiaries that opportunity."

21 A Yes, I believe that's true.

22 Q. Allegation No. 59: "Defendant Mark Kneubuhl presently  
23 occupies and makes his home on a 2 acres of Plaintiff's land he  
24 acquired."

25 A Yes.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Allegation No. 60: "Plaintiff's lands acquired by  
2 defendants Carrie Sue Eckert, Kelley Nadine Fults and Douglas C.  
3 Kneubuhl Jr have remained unoccupied and undeveloped since their  
4 acquisitions more than 10 years ago."

5 A Slight development, but yes I'll agree there's been a  
6 road put in.

7 Q. So what's "slight development?"

8 A That's a road.

9 MR. VARGAS: He put a road in.

10 MR. HALL: Well, no, no, I'm asking him. Yes, thank  
11 you.

12 Q. Okay, slight development. You put a road in?

13 BY THE WITNESS:

14 A It's true. It's true, but other than the fact it's  
15 true, they did develop a little bit they put a road in.

16 Q. Okay. Did you have any participation in assisting this  
17 road through the --

18 A No.

19 Q. And does the property -- I mean does the road go  
20 alongside your boundary?

21 A No, my boundary would be closest to the main road and  
22 then my boundary with my brother is inland a little further than  
23 that, and then beyond that is Carrie and Kelly's piece of land  
24 that my father bought. And that road is between that piece of  
25 land and my brother. It's kind of half-half thing they worked

**Deposition of Mr. Mark Kevin Kneubuhl**

1 out.

2 Q. Okay. All right. I'm going to go to Allegation No.  
3 69: "Plaintiff relied on defendant Mark Kneubuhl as her  
4 caretaker and agent relative to her interests in the 'Coke  
5 House' on her (Lena P. Kneubuhl )trust lands." Is that correct?

6 A Not -- maybe a matter of semantics, but I always -- I  
7 helped her. I offered to help. The house was empty after  
8 Wally, this is Wally Jennings. And I knew that I had to help my  
9 nephew who needed a place with his wife and children, so I got  
10 them together on that and I was the one because she didn't  
11 have -- she didn't even have a checkbook, but I was the one who  
12 take the money. And in terms of the word "agent", I don't like  
13 the wording because it implies that I have some sort of legal  
14 obligation to do so, that we had some sort of legal obligation.  
15 We had nothing, nothing of some sort.

16 Q. I'm going to go to Allegation No. 70: "From time to  
17 time, Plaintiff conveyed to defendant Mark Kneubuhl her  
18 preferences with respect to the Coke House property."

19 A Her preferences, I don't understand what you mean by  
20 "Her preferences."

21 Q. Okay. I don't know, but that's her word.

22 A Well, she -- the only time I was ever involved in that  
23 house was with this last tenant who was there five, six years.  
24 And the only instructions that I had was when he was late for  
25 rent and he was finally actually kicked out because he was three

Deposition of Mr. Mark Kevin Kneubuhl

1 months behind, but other than those instructions there was  
2 nothing.

3 Q. Going to Allegation No. 72: "Before defendant Mark  
4 Kneubuhl acquired a portion of Plaintiff's land under the (Lena  
5 P. Kneubuhl) trust, he was living on "Fuamete" land in Leone  
6 since his father and Plaintiff owned part of that land in  
7 undivided proportio

8 A Um-hmm.

9 Q. Is that t

10 A That is t

11 Q. Okay. Al  
12 defendant Mike Kne  
13 defendant Mark Kne  
14 in land 'Fuamete'

15 A Now, that again is semantics. I don't really  
16 understand what kind of assignment their talking about. I mean,  
17 was it a legal assignment? Was it -- I mean I was always there.  
18 My father actually gave me 2 acres which he never transferred.

19 Anytime he  
20 a father/s  
21 trustee or  
22 anything,  
23 business :

24 Q. (  
25 Mark Kneul

*Mark  
admits he  
father says, denies  
agency. just  
"Semantics"  
not legal*

*↑  
didn't really  
give him  
any acres*

on and belief,  
onsibilities to  
tiff's interest

ne, but it was more of  
agent or assigned  
ver once received  
I had any -- any

August 2002, defendant  
E (your aunt) and

**Deposition of Mr. Mark Kevin Kneubuhl**

1 defendant Mike Kneubuhl concluded the sale of a portion of  
2 'Fuamete' land with improvements for the price of \$100,000 and  
3 arranged the payment of Plaintiff's share of proceeds. Is that  
4 true?

5 A That's true.

6 Q. The August 2002 sale of "Fuamete"--

7 A It's kind of true.

8 Q. Explain what you mean.

9 A Well, again, I was never instructed to do anything. I  
10 decided to sell the house for a certain reason. My father was  
11 selling his land right behind me and I had bought this land at  
12 "Olo" previous to that and we decided we're going to sell it.  
13 We weren't too happy with people who were interested at the  
14 time, and that fell through. We sold it, and I didn't even know  
15 that he and Frances had an interest in the land until very  
16 shortly before the sale went through and then my father told me.  
17 And I had heard about the one-sixth agreement that he had with  
18 aunt Frances and so I said, fine, and the sale went through and  
19 I paid that for that one-sixth.

20 Q. So your aunt Frances share to the "Fuamete" was  
21 one-sixth acre?

22 A This is what I understand. I haven't seen any  
23 documentations to that effect, but it seems -- in fact, she  
24 decided all the lands that he got after my grandmother's  
25 passing, my father was I guess the Trustee for them both and he



*Deposition of Mr. Mark Kevin Kneubuhl*

1 would have five-sixth interest in that land and she would have  
2 one-sixth. That's what I understand.

3 Q. Now, when you say your father is the trustee, how do  
4 you come to that conclusion?

5 A Again, I'm sorry, it's a matter of semantics. I -- I  
6 meant he was -- how it was explained to me by my father was that  
7 he was more or less looked after those lands for both himself  
8 and his sister.

9 Q. Okay. Allegation No. 75: "The August 2002 sale of  
10 'Fuamete' was negotiated and managed entirely by defendants Mike  
11 Kneubuhl and Mark Kneubuhl."

12 A It wasn't my father, it was all me really.

13 Q. Okay.

14 A He had --

15 Q. Excuse me?

16 A He did -- he did have to sign off on the land because,  
17 although he gave me the property, he never actually deeded it to  
18 me.

19 Q. Okay. Allegation No. 76: "To date, Plaintiff has not  
20 received any formal or final accounting of the August 2002 sale  
21 of 'Fuamete' from either defendant Mike Kneubuhl or defendant  
22 Mark Kneubuhl." Is that correct?

23 A That's absolutely not correct. I mean, I sold the land  
24 and the value, I was struggling with this in the last couple of  
25 days, a hundred thousand dollars. And I forget how I deed that

*Deposition of Mr. Mark Kevin Kneubuhl*

1 out because it was some development that I did. It was two  
2 houses and the land was developed, but the original land was I  
3 had to try to determine what that was worth and then what the  
4 house was worth. And my determination to my best recollection  
5 was \$70,000 for that 1 acre of land and \$30,000 for my houses.  
6 And as soon as that happened then -- I should remember, I should  
7 -- I should know this, but I sent her a check. I got \$80,000  
8 check, she paid me over a period of year after that for the  
9 balance, and I took the one-sixth of the \$70,000 and I sent her  
10 a check and less then a couple of weeks later her daughter Marie  
11 sent me a "thank you" and that was it.

12 Q. Do you know the exact amount that you sent?

13 A It was probably -- it was over \$10,000. It was  
14 probably one-sixth of \$70,000. It could have been one-sixth of  
15 \$30,000. So either \$11,000 something or \$13,000 something.

16 Q. And you received a "thank you" note from whom?

17 A Marie, that's her daughter. That's Frances -- that's  
18 Robert Johns sister. They had two adopted children, Marie is  
19 one. Very nice letter thanking me.

20 Q. Did you keep that?

21 A No. And at that time, I mean when I sent her the check  
22 it was explained to her how much the property was sold for,  
23 property and houses. And I felt it was my right to keep the  
24 total amount for the value of the houses because it was her  
25 land, but not Alice.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Did you keep a copy of that explanation to her?

2 A I did at some point, but I can't find it.

3 Q. Okay. We're going to move to Allegation No. 92 and it  
4 states: "The 2 acres of Plaintiffs land acquired by defendant  
5 Mike Kneubuhl from the Plaintiff and re-conveyed to defendants  
6 Carrie Eckert and Kelly Fults. And then now, the 3-acres of  
7 Plaintiff's land acquired by defendants Douglas C. Kneubuhl Jr  
8 and Mark Kneubuhl, and later subdivided between them were not  
9 acquired in accordance with *Opele v Adeline Pritchard Kneubuhl*  
10 *Land Trust*, civil action number 50-04 and the conveyance laws of  
11 American Samoa." What is your answer to that?

12 A I just don't know what it means.

13 Q. Allegation No. 93: "Having failed to comply with *Opele*  
14 *v Adeline Pritchard Kneubuhl Land Trust*, and the purchasing laws  
15 of American Samoa, the purported acquisitions of Plaintiff's  
16 land by the defendants has no title to the defendants," which  
17 would include yourself.

18 A If you can reword that maybe I can comment a little.

19 Q. Having failed to comply with *Opele verses Adeline*  
20 *Pritchard Kneubuhl Land Trust* and the pertinent laws of American  
21 Samoa, the purported acquisition of Plaintiff's land by the  
22 defendants pass no title to the defendants.

23 A I'm not sure. I don't even know that court case. Do  
24 you know how many court cases the family had?

25 Q. The position is that her position appears to be that

*Deposition of Mr. Mark Kevin Kneubuhl*

1 you have no title to the land?

2 A Well, that's not true, I do have title. And the fact  
3 is when she talks about the case that we were supposed to  
4 transfer the land under that Adeline against somebody, that is  
5 one thing which I know nothing about. But also, the laws of  
6 American Samoa, I believe we did. We notified neighbors. The  
7 things where Meko came and I mean I know my Quitclaim Deed.

8 Q. Okay. We're going to go to Allegation No. 94: "Title  
9 (which is the land title) to the 5 acres of Plaintiff's land now  
10 held, possessed and controlled by the defendants (which includes  
11 you, Mark Kneubuhl) has been and continuous to be vested in the  
12 Plaintiff. She still owns the land."

13 A First I've heard of that.

14 Q. Is that true or not?

15 A That she still owns the land? I didn't hear about that  
16 until I read that a few months ago or three months ago.

17 Q. So is that true?

18 A Not in my books, no.

19 Q. We're going to go to Allegation No. 98: "The land  
20 deeds conveying Plaintiff's land to defendants Mark Kneubuhl and  
21 Douglas C. Kneubuhl Jr were invalid because defendants cannot  
22 own land in American Samoa and because the deeds did not comply  
23 with applicable law of this case and of American Samoa, and the  
24 trust terms." What is your response?

25 A I -- I just don't.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Do you agree with that, or don't agree?

2 A None of this -- none of this makes sense to me. This  
3 is how many years later? What happened? I mean it's just  
4 beyond me.

5 Q. Do you agree with this, or don't?

6 A I don't agree with it obviously. Do you have an extra  
7 pen? I get thoughts flashed through my head.

8 Q. Okay. Allegation No. 99: "The court, therefore,  
9 should declare invalid and void Plaintiff's deed to defendant  
10 Mike Kneubuhl, defendant Mike Kneubuhl's deed to his daughters,  
11 Plaintiff's deed to defendant Mark Kneubuhl and defendant Mark  
12 Kneubuhl's deed to defendant Douglas C. Kneubuhl Jr." Do you  
13 agree with that?

14 A No.

15 Q. Allegation No. 101: "There is a substantial likelihood  
16 that Plaintiff will prevail on the merits of her claim that she  
17 has a life estate of the 5 acres of her land that defendants  
18 Carrie Sue Eckert, Kelly Nadine Fults, Mark Kneubuhl and Douglas  
19 C. Kneubuhl, Jr., now claim to own."

20 A I would agree with a high likelihood, but yeah there's  
21 a chance she's going to court with that property. Doesn't seem  
22 likely that she's going to get it back.

23 Q. Does what?

24 A Doesn't seem likely that she's going --

25 Q. Does not?

Deposition of Mr. Mark Kevin Kneubuhl

1 A

2 I don't s

3 Q.

4 "Defendar

5 confident

6 Plaintiff

7 children

8 Plaintiff

*I know nothing about inadequate consideration I did not know of any fathers transaction until after it was done*

going to get it back.

egation No. 111:  
iduciary, trust and  
f, as well as  
r to himself and his  
nefit of obtaining  
ation."

9 A I know nothing about that. That whole -- that whole  
10 transaction, those 2 acres of my father, I did not know about  
11 that at all. I knew about it after it was done.

12 Q. Allegation No. 112: "Defendants knew that they  
13 obtained a great benefit from their acquisitions of Plaintiff's  
14 lands considering the prices they paid and considering that they  
15 no longer had any interest in (Lena P. Kneubuhl) trust land by  
16 virtue of the 1982 Settlement." Defendants here, it would  
17 include you.

18 A Could you repeat that one more time.

19 Q. Okay. Defendants knew that they obtained a great  
20 benefit from their acquisitions of Plaintiff's lands considering  
21 the prices they paid and considering that they no longer had any  
22 interest in the (Lena Kneubuhl) trust land by virtue of the 1982  
23 Agreement.

24 A I'd have to say yes, that's an agreement. I mean it's  
25 a known fact.

*Deposition of Mr. Mark Kevin Kneubuhl*

1 Well, do you want me to elaborate?

2 Q. Yes, go ahead.

3 A Okay. Like I said earlier, it was this agreement that  
4 each siblings had with my aunt and my uncle and my father of  
5 transferring land between -- between each other and the  
6 agreement was \$3000. Again this is what I've heard. I've never  
7 seen anything in writing and so that's why I was never -- I was  
8 never shocked that my father bought it. Well, I learned about  
9 it, but I wasn't shocked that he had bought that land off aunt  
10 Frances for \$3000. Jim started it off selling to aunt Marge, I  
11 believe it was \$3000 an acre at that time too. So it wasn't a  
12 shock to me, but yes it was a great benefit to us. But it  
13 wasn't exactly like we're buying off Joe, you know? We felt  
14 that, that was part -- I mean that was the benefit of having our  
15 last name.

16 Q. The Kneubuhl?

17 A Yes.

18 Q. Okay. Exhibit -- I mean Allegation No. 113:

19 "Defendants attempted sales of Plaintiff's lands to third  
20 parties for a profit ranging from 2000 to 100,000 further  
21 demonstrate defendant's knowledge of the benefit they received  
22 and their true intentions from the outset."

23 A I'd have to agree with that, yeah.

24 Q. It would be -- okay. Allegation No. 114: "It would be  
25 inequitable for the defendants to retain Plaintiff's lands

**Deposition of Mr. Mark Kevin Kneubuhl**

1 without paying full value of the land at the time of the  
2 acquisitions."

3 A Can you just run it back again, please?

4 Q. "It would be inequitable for the defendants to retain  
5 (your aunt) Plaintiff's lands without paying full value of the  
6 land at the time of the acquisitions."

7 A Well, at the time, quite frankly we didn't -- we didn't  
8 have the money for the full value. We couldn't buy it for the  
9 price we bought it for. Is that what it said?

10 Q. And how did you, in your mind, justify the value that  
11 you did pay?

12 A Well, I -- I -- I told my brother we're paying \$5000  
13 not \$3000 because of my aunty's condition. She was -- she  
14 needed money, you know, and I couldn't give her \$3000 for that  
15 land. And knowing that I had the money, you know, a few times  
16 in my life I did. And he -- he agreed with me too, so that's  
17 why we paid her \$5000.

18 Q. And did your aunt agree to accept the \$5000 --

19 A Yes.

20 Q. --\$5000 an acre?

21 A Yes, yes. She said, when I talked to her on the phone,  
22 she said she'd think about it. She never mentioned anything  
23 about any other price. She said okay, let me think about it.  
24 And as I recall, it could have been a week, could have been  
25 three weeks, but it was not long afterwards she got back to me



Deposition of Mr. Mark Kevin Kneubuhl

1 and she said yes without reservation.

2 Q. Allegation No. 115: "To prevent defendants from  
3 benefitting from their intentional exploitation of Plaintiff's  
4 dire circumstances, the court should rescind any all deeds  
5 purporting to transfer any of Plaintiff's lands to the  
6 defendants and impose a constructive trust on the property  
7 involved in said deeds." How do you respond?

8 A I obviously don't agree with that.

9 Q. Allegation No. 117: "The land transfers from Plaintiff  
10 to the defendants were orchestrated and facilitated entirely by  
11 defendant Mike Kneubuhl's breach of his fiduciary, trust and  
12 confidential relationship; vated by  
13 defendant's self-interest acing  
14 financial ruin."

15 A Again, I can't c t at all  
16 privy at all to that trans

17 Q. Well, she's sayin e  
18 Plaintiff to Defendants.

19 A To all of us?

20 Q. Yes, to all.

21 A Oh, I -- I wasn't trying to take advantage of her at  
22 all, ever.

23 Q. Allegation No. 118: "The land transfers from Plaintiff  
24 to the defendants were presumably induced by defendants' unique  
25 influence as evidenced by the inadequacy of the consideration

*didn't  
pay enough  
and knew it*

*Deposition of Mr. Mark Kevin Kneubuhl*

1 they paid to acquire 5 acres of Plaintiff's land."

2 A I don't know.

3 Q. What's your response?

4 A I don't agree. I don't agree with that. It's not in  
5 the context, it's way out.

6 Q. Allegation --

7 A We're sinking here.

8 Q. Okay. Well, that's fine. I just want you to give full  
9 answers?

10 A Yeah.

11 Q. Okay. Allegation No. 119: "The land transfers from  
12 Plaintiff to the defendants were the products of a calculated  
13 maneuver by the defendants to exploit and benefit from  
14 Plaintiff's financial crisis."

15 A I can only speak on behalf of myself and my brother  
16 because I discussed this with him and absolutely not in that  
17 case, otherwise I have no idea.

18 Q. Okay. Allegation No. 122: "Defendants are unjustly  
19 enriched by holding any interest in Plaintiff's land and by  
20 gaining any amount of money from selling any of Plaintiff's land  
21 to any third-party."

22 How do you respond? Do you feel that the 2 acres that  
23 you have that you are unjustly enriched?

24 A Well, no I don't. No.

25 Q. Do you have anything to add to that?

**Deposition of Mr. Mark Kevin Kneubuhl**

1           A     I'm thinking. I'll answer when we come back to that  
2 later. We're not -- we are enriched, of course we are. But  
3 again, this refers to what we always believed to be it's become  
4 part of our right. It was her land, yeah, her land, but to the  
5 best of our understanding (I'm talking about my brother and I  
6 only) you know, this was a family, we had agreements; and, yes  
7 it was a wonderful thing for us kids. My brother and I, we, on  
8 our own, we decided \$5000 would cover this situation and she  
9 took it. She never -- I never heard a single complaint about  
10 this up until you know a couple of months ago. And so yes we  
11 were enriched, but we were not enriched because of anything that  
12 we felt we did to take advantage of the situation.

13           Q.     Okay. Allegation No. 123: "To prevent the defendant  
14 from unjustly enriching themselves with ill-gained benefits at  
15 Plaintiff's grave expense, a constructive trust should be  
16 imposed on the property and held, possessed or controlled by the  
all proceeds received or to be  
from their sale or attempted sale of

*I can  
only speak for  
myself. The lands  
go to my kids.*

2           A     I -- I take issue with the  
21                   , number one. Number two:  
22                   for myself. I -- I have no  
23                   land. They go to my kids, if  
24                   sell it I hope they can; and three, putting it in  
25 trust, I don't think that's -- I just do not agree with that.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Okay. Allegation No. 126: "Defendant Mike Kneubuhl  
2 directly oversaw and managed all matters relating to "Fagaiofu"  
3 and "Talimatau" and "Fuamete" indirectly through  
4 defendant Mark Kr interests in  
5 those lands."

6 A That's  
7 asked me to do a  
8 lands. Actually  
9 "Fagaiofu". In  
10 that. I learne  
11 came out that morning,  
12 Q. Okay. Allegation No. 127: "As Plaintiff's fiduciary,  
13 trustee and confidant, defendant Mike Kneubuhl and his agent  
14 defendant Mark Kneubuhl, owe Plaintiff a duty to account to the  
15 Plaintiff for any and all conveyances of "Fuamete", "Fagaiofu"  
16 and "Talimatau" lands, including any and all proceeds received  
17 or expected to be received from any such conveyance."  
18 A Well, again I was not the agent and yes I think she  
19 probably should get accounting of any sale. She has mine, I  
20 gave it to her. But the other two properties, I don't know how  
21 it transpired, "Talimatau" and "Fagaiofu". I have no idea how  
22 it happened. I would think she should have accounting for that.

23 Q. Okay. I'm going to mark the Amended Complaint. So it  
24 will be an exhibit where we could make reference to your  
25 response.

*Agent  
for Talimatau  
Fagai, & Fuca.  
yes she deserves an  
accounting.*

*Deposition of Mr. Mark Kevin Kneubuhl*

1           A     This a lot longer than -- excuse me, off the record. I  
2 thought --

3           MR. HALL: All I'm saying is that, that is the Amended  
4 Complaint.

5           Q.     I'm going to mark as next the exhibit which is a "out  
6 of the transcript of the deposition of Robin, Robin Roush aka  
7 "Robin Kneubuhl" where we took her deposition in Santa Barbara  
8 on May 17, 2014. I'd like you to read that, it's about 3 pages,  
9 4 pages.

10           (Court reporter marks Exhibit No. 15 for identification  
11 purposes)?

12           We'll go ahead and take a short break. We're going do  
13 take a short.

14           (A short break was had and reconvened thereafter).

15

16           Back on the record)

17           MR. HALL: We're going to come back on the record.

18           Q.     Okay. Have you had an opportunity to read that?

19 BY THE WITNESS:

20           A     No, not all of it.

21           Q.     Okay. Continue.

22           (Witness continues reading exhibit).

23           Mark, have you had a chance to read the partial  
24 transcript I've given to you as marked Exhibit No. 15?

25           A     Yes.

*Deposition of Mr. Mark Kevin Kneubuhl*

1 Q. Do you understand what she's saying?

2 A Not really. I was speaking semantics again, you know.  
3 That's the -- the equitable trust interest. I'm not really  
4 sure --

5 Q. One thing -- excuse me. Did you want to finish?

6 A No, no. I didn't really fully understand what she's  
7 saying.

8 Q. At the very end on page 70 when I asked her on line  
9 starting on line 16, "Since your father has passed away, you  
10 passed away, what does your estate receive from your father?"

11 "Nothing." "And what about your children? What do they  
12 inherit?" "Nothing."

13 A Okay, I saw that.

14 Q. Do you agree that you inherit nothing from your father,  
15 or that your children will inherit nothing from you, as a  
16 Kneubuhl living on "Olo" land?

17 A Everybody is different.

18 Q. I mean but you, you.

19 A No, my children would inherit anything, everything,  
20 anytime of course.

21 Q. I'm just going to ask you this. I'm almost close at  
22 the end here. Did your cousin Robin Roush aka "Robin Kneubuhl"  
23 tell you, after this litigation started, that your land that you  
24 bought from your aunt Frances would not be effected by these  
25 lawsuits?

**Deposition of Mr. Mark Kevin Kneubuhl**

1 A Not in those words, no.

2 Q. What did she say to you?

3 A Verbatim I can't say, but the general gist was that,  
4 that I would be -- "protected" is not the right word, but I have  
5 a very good chance that I'll be okay.

6 Q. Okay. Did your cousin Robin Roush aka Robin Kneubuhl  
7 tell you that she would sell you any of her land in the Kneubuhl  
8 family that she would get from her father John Kneubuhl?

9 A She -- she talked about things like that and even  
10 giving it to the trustee for my kids. We talked. We -- we're  
11 very good, we have a good relationship. We talk a lot and she  
12 has no -- I don't think she has an interest or her kids  
13 certainly don't about ever coming.

14 Q. Did your aunt Frances or any of her children tell you  
15 that you will be able to keep your land that you bought from  
16 your aunt Frances after these lawsuits are over?

17 A No, I didn't talk to my aunt Frances. I e-mailed her a  
18 lot, but I haven't talked to her. I've never talked to her  
19 about this lawsuit; in fact, she stopped e-mailing me for some  
20 reason I don't know.

21 Q. Have you ever had any communication with your aunt  
22 Frances by e-mail or letter about this litigation?

23 A No.

24 Q. Since the complaint was served on you, have you ever  
25 had any contact with her?

**Deposition of Mr. Mark Kevin Kneubuhl**

1           A     Let me see. July, it was probably sometime in July  
2 last year, that was the last time I e-mailed her and it had to  
3 do with the last tenant who left and more or less tell her  
4 everything is cleaned up. And I also had him sign a promissory  
5 note to her for that four months span that I give it to her, but  
6 she never e-mailed me back. It's really odd, she always e-mailed  
7 me back, but she never e-mailed me back.

8           Q.    Has her children ever contacted you?

9           A     Yeah. Yeah.

10          Q.    Who was it that contacted you?

11          A     Robert John did.

12          Q.    When was that?

13          A     It was around about the same time I was -- I was  
14 driving on the record and --

15          Q.    What time was that?

16          A     It would have been around -- it was in the afternoon  
17 late afternoon, not this late, but I would say 3:00 or 4:00  
18 something.

19          Q.    What month that was?

20          A     In August probably about early August 1st week.

21          Q.    And what did he say to you?

22          A     He threatened me. He big time threatened me about the  
23 house and the tenant and just started saying -- can I swear?

24          Q.    Yes.

25          A     He said --



**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Well, spell it.

2 A He said, "I'm going to beat the ass out of you" you  
3 know. I didn't even know who it was I just blown away I thought  
4 it was a joke or something. And I kept saying, "Who's this?  
5 Who's this?" And he finally said, "This is your cousin" or  
6 something like that. And I was -- I thought -- I still thought  
7 he was joking, and I said, "Hi. How are you doing, Robert  
8 John?" I hadn't talked to him probably 50 years, and he said,  
9 "Yeah" and then he hung up on me. And I tried calling him back,  
10 he wouldn't answer.

11 Q. Have you had any contact from his sister?

12 A Marie, no. I really had a good relationship with Marie  
13 before, but after that phone call I did notify Frances again, I  
14 told her about it. I thought she should know. I didn't know  
15 Robert John was her power of attorney or had her power of  
16 attorney, which he claimed to me he had. I then said I'm really  
17 sorry the way this turned out, and I did not want to do anything  
18 with that guy Robert John again. And I said I'm very sorry I  
19 apologize and said goodbye.

20 Q. Did you ever have a rough relationship with your cousin  
21 Robert John?

22 A I hardly knew him and honestly hardly knew him. I came  
23 back in '77 and he was living with his sister they were kids  
24 then over at Malaloa, duty-free, duty free over there. And, I  
25 mean I hardly knew him back then I probably said a hundred words

**Deposition of Mr. Mark Kevin Kneubuhl**

1 to him, said hi and bye.

2 Q. Before this run-in with him, have you ever had another  
3 run-in with him like that before?

4 A No. But several years back, I had a -- I had -- it was  
5 a possibility that I could have purchased the house, the Coke  
6 House and I -- and -- and Frances told me to deal with him. And  
7 I made an offer I think I offered a hundred thousand dollars to  
8 buy that and the land. And it was a spur of the time, but it  
9 was a time thing you know. I had a chance to come up with about  
10 fifty thousand and then pay off -- it was -- it was something  
11 like that, similar to that, and he turned it down. It was  
12 cordial, he just automatically turned it down.

13 Q. Okay. But that concludes my portion of the deposition  
14 and I want to thank you. At this time, the opportunity is given  
15 to other counsels here, Mr. Vargas and Mr. Sunia, to see if they  
16 have any questions for you concerning questions that I've asked  
17 and the answers that you've given. So I'll ask Mr. Vargas if he  
18 has any questions.

19 MR. VARGAS: I just have a few.

20 **CROSS-EXAMINATION**

21 **BY MR. VARGAS:**

22 Q. In looking at the document, the deeds, the deed to  
23 yourself, the 2-acres. What does that mean to you in terms of  
24 the title that you hold to the land?

25 A What does it mean to me?

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Yeah.

2 A To me, I believe it means that I have a portion of the  
3 property, that's what I believe.

4 Q. Are you a 50% Samoan?

5 A No.

6 Q. Then you can't hold title to land?

7 A Beneficiary own land. My daughter -- but that's the  
8 way it is. I mean that's the way it is.

9 have a an attorney.

10 re --

11 you c have an attorney. I know  
12 a leg gumentative. He's giving us  
13 attorney.

14 to just ask his questions.

15 oy, you kind of did the same

16 thing

17 ed to get his answers.

18 MR. VARGAS: You were given latitude.

19 MR. HALL: Well, that's a good job.

20 BY MR. VARGAS:

21 Q. You got here in 1977 --

22 A Late '77.

23 Q. -- were you aware during that timeframe Mr. Hall

24 showed you a Settlement Agreement called a "1982 Settlement

25 Agreement," were you aware there were a couple of lawsuits going

*Refusal to  
Acknowledge  
State in Blood  
a "carrier deed"  
from A-B-C  
Are invalid.*

**Deposition of Mr. Mark Kevin Kneubuhl**

1 on these family members?

2 A Oh yes. You know and counsel here knows very, very  
3 well about our family, we live in court. Lots of lawsuits. And  
4 that's probably why I don't remember specifically certain  
5 documents. Over the years, many, many documents have been loose  
6 and sometimes I get a hold of one or don't.

7 Q. But, from your understanding from the 1982 Settlement  
8 Agreement the document?

9 A Yes, I understand that.

10 Q. He's out of order?

11 A Yes.

12 Q. So it is correct that you don't have any plan on  
13 selling that land?

14 A Yes. That's correct.

15 Q. Do you have an idea what's the estimate of an acre of  
16 land out there is worth these days?

17 A You know, I don't know. Its seems to -- the value of  
18 the land always seems to be the same. Seems to be it's kind of  
19 guidelines it's 25 a quarter acre, that's what I understand.  
20 And then you, take or give, depending on where, if it's the  
21 beach front. I mean that's the rule of thumb everywhere.  
22 That's how I value the land.

23 Q. And you mentioned -- you mentioned hard times for your  
24 aunt Frances.

25 A Yeah.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 Q. Hard times financially?

2 A I understood she was having a hard time, yes.

3 Q. Did you ever talk to her about the nature extent of her  
4 financial problems?

5 A No, we never talked.

6 Q. Okay. I have a couple more questions.

7 When you put together the Promissory Note for the land  
8 purchase --

9 A Um-hmm.

10 Q. -- you did that yourself?

11 A Yeah, I did. I obviously did. I honestly don't recall  
12 why I did a Promissory Note.

13 Q. Okay. Do you know -- do you know who prepared Exhibit  
14 9?

15 A I prepared this. I did this.

16 Q. So you created this document and --

17 A Yes.

18 Q. -- and same thing with Exhibit Number 10?

19 A Correct.

20 Q. Okay. The Deposition Notice is Exhibit 1?

21 A Yeah.

22 MR. VARGAS: All right. Thank you. I have nothing  
23 further.

24 MR. HALL: Fiti?

25 MR. SUNIA: Yes, very briefly.

Deposition of Mr. Mark Kevin Kneubuhl

CROSS-EXAMINATION

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BY MR. SUNIA:

Q. When your brother turned down your offer for thirty thousand, did he explain why?

A No. And, quite honestly, I'm trying to think if it was twenty or thirty, but it was either or guarantee either twenty or thirty.

Q. But he didn't say -- he just said no with no reason?

A Yes.

Q. Now the Deed, the Quitclaim Deed that you showed, Exhibits 9 and 10, the survey work. I think you said Meko did those for you?

A (Witness nods head up and down).

Q. Who pointed out the boundaries of exactly where -- where this the 3-acres plot survey?

A Well, it could have been me. My father had sold it off, yeah, because he bought t prior to that. And I was told that the land my father bought was the outer boundaries of the land since we had no other way to go because, just the back boundaries and then the road. So I just -- I told Meko to just start along that boundary that he bought and then and then measure off retangularly the 3 acres.

Q. Were you involved in -- do you know who pointed out the boundaries of the parcel that your father surveyed?

A At the time there was still pins, I found a couple of

*Deposition of Mr. Mark Kevin Kneubuhl*

1 those things and pins, and I remember there's a reference to  
2 them on the datums by the road, the main road, and they tied it  
3 in.

4 Q. But your aunt Frances was living in California at the  
5 time?

6 A Yeah.

7 Q. So the Coke House, is it vacant now?

8 A Right now it is -- it's been vacant for over a month.

9 MR. SUNIA: Okay. I have no more questions?

10 A There are some interest in renting though.

11 MR. HALL: Okay. Mark, I just want to let you know  
12 that the court reporter will prepare a transcript of your  
13 deposition and she'll give you a copy for you to review. I'll  
14 ask that since you don't have counsel that she can give it to me  
15 and I'll e-mail it to you. At the same time I'll e-mail counsel  
16 with it and then you've got 30 days to review it, make any  
17 corrections or additions that you may wish in response to the  
18 questions that I asked or that they ask. But you need to  
19 understand that, at trial, if you should change your testimony  
20 some way that counsel, any of us, would be able to point that  
21 out --

22 THE WITNESS: Okay.

23 MR. HALL: -- to try to discredit you or show that  
24 you've changed your previous answer. Do you understand that?

25 THE WITNESS: I do.

**Deposition of Mr. Mark Kevin Kneubuhl**

1 MR. HALL: Okay? It has to be done in 30 days. If  
2 it's not done in 30 days, we'll just stipulate among ourselves  
3 that if you do not sign it within 30 days it will automatically  
4 be sealed and made part of the court record. Do you accept  
5 that?

6 THE WITNESS: Yes. Can I make a comment real quick --

7 MR. HALL: Yes?

8 THE WITNESS: -- for the record?

9 This whole Complaint thing -- and I'll re-read it  
10 again, but one of my first observation was that it did not sound  
11 anything like my aunt; did not. It just -- it's kind of like  
12 somebody right on down wrote it. I just assume the aspects of  
13 it that I cannot see it coming from her and it makes me  
14 suspicious about where this is all coming from.

15 MR. HALL: And where does that, in your suspicious,  
16 come?

17 THE WITNESS: Anywhere, but from her.

18 MR. HALL: Do you have names that you want to put on  
19 there?

20 A No. No, I don't because I have no idea. But it just  
21 does not sound like her.

22 MR. HALL: Okay.

23 All right. Now, nothing further, we'll conclude.

24 MR. VARGAS: Well, so do you understand that if you  
25 don't sign your deposition in 30 days it's as though you have



*Deposition of Mr. Mark Kevin Kneubuhl*

1 signed it?

2 THE WITNESS: Yes.

3 MR. VARGAS: Also, with respect to the exhibits, other  
4 than the deposition transcript, I don't have any problems with  
5 it. I'm not going to argue that at this point.

6 MR. SUNIA: But when -- when are you returning from  
7 your trip?

8 THE WITNESS: The whole schedules changed. For now  
9 we're just going to Manu'a.

10 MR. SUNIA: Oh, we're done.

11 THE WITNESS: Oh yeah, yeah. We're done.

12 MR. HALL: In other words, we're done. Even before he  
13 felt we're done because he just repeated what I said.

14 (Proceedings concluded at 6:17 p.m.).

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Deposition of Mr. Mark Kevin Kneubuhl

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COUNTY OF MAOPUTASI. )  
) CERTIFICATE OF reporter  
)  
\_\_\_\_\_ )

I, ELIZABETH VAESAU-PUNI, an Official Court reporter for the High Court of American Samoa do hereby certify that, prior to being examined, the witness named in the foregoing deposition, to wit, MARK KEVIN KNEUBUHL, was duly sworn by notary public Roy J.D. Hall, Jr to testify the truth, the whole truth and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named, and thereafter reduced to typewriting by me, and the same is a true, correct and complete transcript of said proceedings.

I further certify that I am not interested in the event of this action.

Dated at Fagatogo, American Samoa, this 9<sup>th</sup> day of September 2014.

  
\_\_\_\_\_  
ELIZABETH VAESAU-PUNI  
Court reporter

**Deposition of Mr. Mark Kevin Kneubuhl**

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