

DEPOSITION

ROBIN KNEUBUHL

DEPOSITION

Robin Alexandra Kneubuhl

May 17, 2014

Santa Barbara, California

Including:

- (1) Notice of Deposition
- (2) Interrogatories
- (3) Request for Production
- (4) Corrections
- (5) Requested Court Correspondence dated November 20,
and December 21, 2001.

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IN THE HIGH COURT OF AMERICAN SAMOA
TRIAL DIVISION

ROBIN KNEUBUHL ROUSH, FRANCES)
K. OPELLE AND BENJAMIN ("BEN"))
KNEUBUHL, JR.,)
PLAINTIFFS,)

LT NO. 20-2013
CA NO. 28-2013

VS.)

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

FRANCES OPELLE,)

PLAINTIFF,)

VS.)

DOUGLAS C. "MIKE" KNEUBUHL,)
CARRIE SUE ECKERT (ALSO KNOWN AS)
CARRIE SUE LAVIGNE), KELLY)
NADINE FULTS, MARK KNEUBUHL AND)
DOUGLAS C. KNEUBUHL,)
DEFENDANTS.)

DEPOSITION OF ROBIN ALEXANDRA KNEUBUHL
SATURDAY, MAY 17, 2014

FILE NO. 34702
REPORTED BY KIMBERLY EDELEN, C.S.R. NO. 9042, CRR, RPR.

1 DEPOSITION OF ROBIN ALEXANDRA KNEUBUHL, TAKEN ON BEHALF
2 OF THE DEFENDANTS, AT 1:13 P.M., SATURDAY, MAY 17, 2014,
3 AT 411 EAST CANON PERDIDO, SUITE 21, SANTA BARBARA,
4 CALIFORNIA, BEFORE KIMBERLY A. EDELEN, C.S.R. NO. 9042,
5 CRR, RPR.
6
7
8 APPEARANCES OF COUNSEL
9
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11 FRANCES K. OPELLE AND BENJAMIN ("BEN") KNEUBUHL, JR.:

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1 APPEARANCES OF COUNSEL (CONTINUED)
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14 ALSO PRESENT: MIKE KNEUBUHL
15 CARRIE SUE KNEUBUHL
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1 SANTA BARBARA, CALIFORNIA; SATURDAY, MAY 17, 2014;
2 1:13 P.M.
3
4
5 MR. HALL: Why don't we come onto the record.
6 This is the deposition of Robin Roush, a.k.a. Robin A.
7 Kneubuhl. And I'd like to have this marked as our first
8 exhibit in line for today's deposition.
9 MR. VARGAS: Before you continue, for the
10 record, the name is Robin Alexandra Kneubuhl, who used
11 to be known as Robin Roush.
12 MR. HALL: Well, for the record, this is my
13 deposition, so just type it the way I gave it.
14 MR. VARGAS: Note my objection to that.
15 MR. HALL: Objection is noted.
16 Okay. For the record, I am Roy J.D. Hall,
17 Junior. I'm the attorney for the defendants
18 Mike Kneubuhl, Carrie Eckert, Kelly Fults and
19 Douglas Kneubuhl, Junior. And for the record I do not
20 represent defendant Mark Kneubuhl in the consolidated
21 actions of LT 20-13 and CA 28-13. And if I should refer
22 to defendant or defendants, it does not include
23 Mark Kneubuhl.
24 I'd like to have the attorneys enter their
25 appearance.

1 MR. VARGAS: Good afternoon. David Vargas on
2 behalf of plaintiffs Robin Alexandra Kneubuhl, Benjamin
3 Kneubuhl and Francis K. Opelle in the civil action.
4 There's two different actions.
5 MR. SUNIA: Fiti Sunia for Frances Opelle in
6 the LT 2013 matter.
7 MR. HALL: Can you swear in the witness.
8 ROBIN ALEXANDRA KNEUBUHL,
9 having been first duly sworn by the reporter, was
10 examined and testified as follows:
11
12 EXAMINATION
13 BY MR. HALL:
14 Q Robin, can you please give your full name for
15 the record.
16 A My full name is Robin Alexandra Kneubuhl.
17 Q Again, my name is Roy Hall and I'll be taking
18 your deposition today.
19 Have you ever been deposed before?
20 A I have.
21 Q Can you tell me how many times?
22 A Two days in one case.
23 Q And what was that case?
24 A That case was Roush versus National Citibank, I
25 believe.

1 Q And did that case involve anything involving
2 breach of contract, fraud or misrepresentation?
3 A It was a breach of fiduciary duty case.
4 Q And how were you involved in that case?
5 A My children were the fiduciaries.
6 Q And can you tell me more about the case.
7 A Yes, actually, I can. There were trusts set up
8 for my children by their grandmother whose name is
9 Ruth Roush and she set up two trusts for two sets of
10 children. And the fathers of the two sets of children
11 actually participated more or less as directors of the
12 trust, which was inappropriate under the circumstances
13 because they were doing what -- the trustees were doing
14 what the fathers said rather than acting in the best
15 interest of the wards. So because the fiduciaries'
16 father --
17 Q What's the name of the father?
18 A George Roush, Dr. George Roush. And the other
19 one is Dr. Tom Roush. So two sets of Roush children.
20 Q And did you prevail in that case?
21 A I think the case absolutely prevailed.
22 Q Do you remember the case number?
23 A No.
24 Q What state was that case? What court was that
25 filed?

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1 A Ohio.
2 Q Ohio?
3 A Yes.
4 Q If you could get the case citation I'd love to
5 have it. If you can get it to your attorney he can get
6 it to me.
7 Would that be all right?
8 A I think it's on line, but I don't remember.
9 Q If you can find it, I'd appreciate it.
10 In the deposition, as you know, since you had
11 your deposition taken before, I'll be asking you
12 questions, and my questions and your answers will be
13 recorded by the court reporter sitting here to my right
14 just as if we were in court.
15 You understand that you need to speak up to
16 answer orally in giving your answers so that you can --
17 she can hear you clearly. She won't be able to record a
18 nod or a shake of your head.
19 Do you understand that?
20 A Yes.
21 Q On occasion I may ask a question that I may not
22 state very well, or that for some other reason you feel
23 you don't understand. If you don't understand my
24 question for any reason, don't answer it. Just ask me
25 to repeat it or rephrase it and I'll try to ask a better

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1 question.
2 Is that all right?
3 A That's fine.
4 Q I also want you to understand if you need to
5 take a break at any time for any reason, you should tell
6 me or tell your attorney, and we'll finish your answer,
7 if we're in the middle of the answer, and then we'll see
8 what we can do about a break.
9 Do you understand that?
10 A I do. I do with the stipulation that I may
11 have to dash out if I start coughing uncontrollably.
12 Q With that note, we'll note that for the record.
13 A Thank you.
14 Q I'm sure that your attorney has told you this
15 but let me reinforce it. If you want to talk to your
16 attorney, that's fine. I just ask that you finish your
17 answer if you're in the middle of an answer and then you
18 can talk to your attorney. If you need privacy,
19 those -- myself and my party will leave the room if
20 that's acceptable to you.
21 A It's acceptable.
22 Q Sometimes you give an answer and then later on
23 you remember some additional information in response to
24 that earlier response or perhaps you want to add an
25 explanation. If that happens to you, please tell us

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1 that you would like to add something to your earlier
2 answer and we can do that right away while it's still in
3 your mind.
4 Do you understand that?
5 A Sure.
6 Q Sometimes when you're answering you may think
7 of some documents that might help you remember the
8 answer or might help you give a more accurate answer.
9 If you do, tell us and we may have those documents here.
10 And if we do, we'll retrieve it and show it to you and
11 then you can answer the question.
12 Is that fine?
13 A That's fine.
14 Q Are you taking any medication or drugs of any
15 kind?
16 A Just lemon drops.
17 Q No prescribed medication?
18 A No.
19 Q Have you had anything alcoholic to drink in the
20 last eight hours?
21 A No.
22 Q Do you feel sick at all today? You said
23 something about you might have to run out in case you
24 have a coughing fit.
25 A I have chronic laryngitis which can take ten

Page 13

4 (Pages 10 - 13)

1 minutes to settle down.
 2 Q Well, I don't know. We can take longer than
 3 ten minutes, but if you do have that episode we will do
 4 our best to accommodate you.
 5 A I appreciate it.
 6 Q Now you were placed under oath to tell the
 7 truth. Will you promise me that you will answer my
 8 questions fully and truthfully?
 9 A Yes.
 10 MR. HALL: Counsel, do you have anything you'd
 11 like to add?
 12 MR. SUNIA: No.
 13 MR. VARGAS: No.
 14 (Deposition Exhibit No. 1
 15 was marked for identification.)
 16 BY MR. HALL:
 17 Q First, your attorney was served with the Notice
 18 of Deposition. It was marked already as my first
 19 exhibit, and it included a request to produce documents.
 20 Your counsel has produced some documents to me yesterday
 21 or the day before.
 22 But I'd like to ask you should you, after this
 23 deposition and before the trial date, if you find other
 24 documents relevant to that request, will you promise me
 25 to produce those documents --

1 A I've never used Gilian.
 2 Q I understand based upon comments made when we
 3 started that your name was changed?
 4 A My name was changed, yes.
 5 Q Legally?
 6 A Yes.
 7 Q I wish to have this marked as my next exhibit.
 8 MR. VARGAS: What was the first one?
 9 MR. HALL: We'll go with 1 and 2. I don't want
 10 to try and figure out where we left off.
 11 MR. VARGAS: Okay.
 12 (Deposition Exhibit No. 2
 13 was marked for identification.)
 14 BY MR. HALL:
 15 Q I'll show you what I've marked as Exhibit
 16 No. 2. Can you tell me what that document is?
 17 A That's a Decree Changing Name and it's signed
 18 by the judge, Judge Herman, effective November 20th,
 19 2013.
 20 Q And how does that involve you?
 21 A That's me.
 22 Q I know. And what was your name before the name
 23 change?
 24 A Up there it says Gilian Robin Roush and I have
 25 crossed out all the other a.k.a.s because I'm only

1 A Yes.
 2 Q -- to your attorney who can give them to me?
 3 A Yes.
 4 Q Now, we've had some introduction to your name.
 5 I'm going to ask you this: Have you used any other
 6 names in the last ten years?
 7 A Besides which?
 8 Q Robin Roush.
 9 A I think that's in my deposition answers you
 10 have received --
 11 Q This is a deposition. You'll have to -- if you
 12 could just answer my questions.
 13 A All right. So I've used the name
 14 Robin Alexandra Kneubuhl, and prior to that I used the
 15 name Gilian Robin Kneubuhl Roush, some of my checkbooks
 16 say Gilian Robinson Roush.
 17 Q What is the Robinson?
 18 A Robinson is my Scottish forebears on my
 19 mother's side.
 20 Q Was that added as a name change or legal name
 21 change?
 22 A I was born with that.
 23 Q Oh, excuse me.
 24 A It's my middle name.
 25 Q Sorry.

1 allowed to change one name to another name.
 2 Q And what is the name that you presently own?
 3 A Robin Alexandra Kneubuhl. That's what this
 4 decree says.
 5 Q That's fine. I just wanted something legal on
 6 file on your legal name.
 7 A I understand.
 8 Q For the purpose of this deposition I'll address
 9 you as Robin.
 10 A Thank you.
 11 Q I'll address Mike Kneubuhl as Mike.
 12 A Mike.
 13 Q James Kneubuhl as Jim or James. Benjamin
 14 Kneubuhl as Ben. Carrie Eckert as Carrie. Kelly Fults
 15 as Kelly and Douglas Kneubuhl, Junior as Doug. Is that
 16 all right?
 17 A That's fine. You need to distinguish between
 18 cousin Jim and uncle Jim.
 19 Q Cousin Jim to me would be Jimmy.
 20 A Okay.
 21 Q But I'm not going to be using his name.
 22 A Okay. I might.
 23 Q What is your current residence?
 24 A 64 Olive Mill Road in Santa Barbara,
 25 California.

1 Q Do you have any other residences?
 2 A I have two other homes.
 3 Q Can you please tell me those addresses.
 4 A The address in downtown New Haven is
 5 177 Everit Street, New Haven, Connecticut 06511. That
 6 house is under contract for sale.
 7 I also have another beach cottage called
 8 15 Linden Place, Branford, Connecticut a.k.a.
 9 15 Pawson Road, Branford, Connecticut 06405.
 10 Q Is that residence up for sale also?
 11 A It is.
 12 Q Are you married?
 13 A No.
 14 Q Have you ever been married?
 15 A Two times.
 16 Q Could you tell me the name of your first
 17 husband.
 18 A Ethan Nadel. I can't remember his middle name.
 19 Q Oh, okay. I thought you were trying to
 20 remember his last name.
 21 A No. N-a-d-e-l.
 22 Q Okay. And when were you -- I'm assuming you
 23 were divorced from him?
 24 A It took several years to have that occur. I
 25 think it was 1974.

1 A She was born in 1963. And I don't do numbers
 2 very well, so does that make her 51?
 3 Q I don't do numbers very well either.
 4 A Okay. Let's call her 51.
 5 Q Okay. And your second child?
 6 A Is Hannah Roush. Hannah Robinson Roush, and
 7 she is 30 as of October this year -- October this
 8 year -- last year.
 9 Q And your third child?
 10 A Is David James Roush and he's 29.
 11 Q Do all your children live here?
 12 A No.
 13 Q In California?
 14 A No.
 15 Q Where do they live?
 16 A Dana lives in Portland, Oregon. Hannah lives
 17 in Bozeman, Montana. And David lives in Philadelphia,
 18 Pennsylvania.
 19 Q Are they all employed?
 20 A My daughter Dana is employed at a health
 21 consortium. I believe she's a writer. She also
 22 developed a computer program for regulatory compliance
 23 on the part of physicians.
 24 My Hannah is a part-time student at the
 25 University in Bozeman, which is Montana State

1 Q And were you married after that?
 2 A Yes.
 3 Q And who was your second husband?
 4 A Dr. George C. Roush.
 5 Q And are both these husbands still alive?
 6 A Ethan Nadel died in 1998. And George C. Roush
 7 is alive.
 8 Q And where does he live?
 9 A Greenwich, Connecticut.
 10 Q And do you have an address for him?
 11 A No -- I might actually.
 12 Q If you do have an address, if you could give it
 13 to your attorney who could give it to me.
 14 A Okay.
 15 Q I'd appreciate that.
 16 Do you have any children?
 17 A I have three.
 18 Q And can you name your children?
 19 A My first --
 20 Q And give me their ages.
 21 A My first daughter is Dana Cecily Nadel Foley,
 22 F-o-l-e-y.
 23 Q That's her married name?
 24 A That's her divorced married name.
 25 Q Okay.

1 University. I think she's taking education and
 2 anthropology.
 3 My son David is getting his second Bachelor's
 4 degree in classical guitar and music.
 5 Q And do you have any siblings?
 6 A All of my siblings are deceased.
 7 Q Could you give me their names.
 8 A My first sibling is John Pritchard Kneubuhl.
 9 Q When did he pass away?
 10 A 2002. I'll start crying.
 11 Q Your next sibling?
 12 A David Craig Kneubuhl.
 13 Q And when did he pass?
 14 A 2006.
 15 Q Do you have any other siblings?
 16 A My father adopted a Tongan fellow named
 17 Sione Fonua, S-i-o-n-e space F-o-n-u-a.
 18 Q And where is Sione now?
 19 A He's also deceased.
 20 Q Do you remember when he passed away?
 21 A May 2006.
 22 Q And did he have any children?
 23 A He had ten.
 24 Q And do you know where they are living?
 25 A I do.

1 Q Where?
2 A One of them is a football player at -- is it
3 Baylor or Oklahoma. I think it's Oklahoma.
4 Q Okay.
5 A The rest of them tend to live in Euless, Texas
6 or Honolulu, Hawaii or someplace on the island of Oahu.
7 Q Tell me about your educational background.
8 Where did you go to high school?
9 A I went to Hollywood High and University High in
10 Los Angeles.
11 Q And when did you graduate from high school?
12 A '62. '62.
13 Q Did you attend college or university after
14 that?
15 A I did.
16 Q And where was that?
17 A I did freshmen year at Benington College in
18 Vermont and then I went back to the University of
19 California at Santa Barbara where I graduated, I think
20 in '68. And then I progressed into the graduate program
21 there in the department of political science, and then I
22 went to law school sometime later.
23 Q And did you get a Master's degree in political
24 science?
25 A No.

1 Q Can you tell me the names -- were you ever
2 employed by law firms in Connecticut?
3 A I was a volunteer at the public defender's in
4 major felonies in the New Haven and Bridgeport public
5 defender offices. And I had a state contract under the
6 Child Protection Department of the State of Connecticut
7 as a defender in abuse and neglect cases.
8 In addition to that I did pro bono family law
9 for highly contested custody cases appointed by the
10 judge.
11 Q Did you ever do any civil litigation in any
12 state or federal courts?
13 A No.
14 Q So you never worked for a law firm in the
15 popular sense?
16 A Or the unpopular sense, for that matter.
17 Q David, don't take offense with that.
18 A I've always been solo.
19 Q So let me just ask you this: Are you in any
20 way practicing law at this time?
21 A No. I retired in 2008.
22 Q That was my next question. As an attorney, a
23 person with legal training, if I should ask you
24 questions that may call for a legal opinion, would you
25 feel comfortable in answering those questions?

1 Q Where did you go to law school?
2 A I went to Quinnipiac College School of Law in
3 Hamden, Connecticut.
4 Q Are you licensed to practice law in any state?
5 A Connecticut.
6 Q Connecticut. Any other states?
7 A No.
8 Q When did you pass the bar exam in Connecticut?
9 A 1997.
10 Q Do you have a copy of your certificate or
11 license to practice law in the State of Connecticut?
12 A No.
13 Q Oh, you don't.
14 If you do find it, if you could give a copy to
15 your attorney who could get it to me.
16 Are you registered as an active member in the
17 Connecticut Bar?
18 A I think I'm inactive.
19 Q Okay. Do you know what year you went inactive?
20 A 2008.
21 Q And can you tell me, were there any
22 disciplinary complaints or actions filed against you
23 with the Connecticut Bar when you were in active
24 practice?
25 A Never.

1 A Certainly.
2 Q Let me just ask you another preliminary
3 question I need to ask. Is John Alexander Kneubuhl your
4 father?
5 A Yes.
6 Q And where was your father born?
7 A Pago Pago.
8 Q In --
9 A American Samoa.
10 Q Okay. Thank you.
11 And what is your mother's name?
12 A My mother's name is Dorothy Robinson Schenck,
13 S-c-h-e-n-c-k, Kneubuhl.
14 Q And both your parents are deceased?
15 A Both of my parents are deceased.
16 Q Where did your father John Kneubuhl pass away?
17 A In Samoa, American Samoa.
18 Q Do you remember the date?
19 A Yes, I do. February 20th, 1992.
20 Q Did you attend his funeral?
21 A I couldn't.
22 Q "Yes" or "no." Did you attend his funeral?
23 A No.
24 Q Do you know, how long did your father
25 John Kneubuhl live in American Samoa?

1 A I'm counting it up to about 25 years after he
 2 returned, which would not include the years when he was
 3 there as a child.
 4 Q Well, do you know what year he returned?
 5 A He returned in '68 or '69.
 6 Q And prior to that, what did your father
 7 John Kneubuhl do before he returned to American Samoa in
 8 1969?
 9 A My father was a television writer and a writer
 10 of plays. He was working on a novel. He did not
 11 finish.
 12 Q And, in your opinion, was he very successful at
 13 that occupation?
 14 A My father was very, very successful.
 15 Q And when did your mother pass away?
 16 A October 24th or 21st, 2004.
 17 Q Where did she pass away?
 18 A In American Samoa, Fatuoaiiga,
 19 F-a-t-u-o-a-i-g-a.
 20 Q Did you attend your mother's funeral?
 21 A I did.
 22 Q And do you know how many years your mother
 23 lived in American Samoa?
 24 A She there lived from 1968 to 2004, take away
 25 two years during which she was separated from my father,

1 and possibly one year in which she both went to the
 2 island of Oahu where he was a visiting professor of
 3 something or another. Perhaps writing.
 4 Q So how many years does that make? Do you know?
 5 A I have to do the math.
 6 Q Okay.
 7 A 1968, 2004 -- all these zeros. 36 years take
 8 away two or three. 33 years.
 9 Q Where are your parents buried?
 10 A They are buried at Olo which is the family
 11 estate in Taputimu, American Samoa.
 12 Q Thank you.
 13 And how often did you visit American Samoa to
 14 see your parents when they were alive?
 15 A I went in 1969, and then I went again to bury
 16 my mother, and then I went again to see -- that's it.
 17 Two times to visit my parents.
 18 Q Do you know if anyone filed a probate action
 19 for the estate of your father John Kneubuhl in American
 20 Samoa?
 21 A I do know that Charles Ala'ilima did that, yes.
 22 Q Do you know who the administrator or executor
 23 was?
 24 A The petitioner?
 25 Q Yes.

1 A My mother.
 2 Q And do you know if her petition to be
 3 administrator was granted?
 4 A It was.
 5 Q Do you know the year that was done?
 6 A I believe 1998.
 7 Q I'm going to mark this as an exhibit.
 8 (Deposition Exhibit No. 3
 9 was marked for identification.)
 10 BY MR. HALL:
 11 Q This is a document I received from your
 12 attorney. Could you please look at that. That is
 13 Exhibit No. 3.
 14 Do you recognize that document?
 15 A I do.
 16 Q Can you tell us what it is?
 17 A This is the final decree settling my father's
 18 estate.
 19 Q Can you turn to the first page.
 20 A (Witness complies.)
 21 Q What is the caption at the top?
 22 A Estate of John Kneubuhl, Deceased, Judgment
 23 Settling First and Final Account and Report of
 24 Administrator and of Final Distribution of Estate.
 25 Q And who is the listed administrator there?

1 A Dorothy Kneubuhl.
 2 Q What's the number again?
 3 A PR 45-92.
 4 Q Okay. I wish to show you what I've highlighted
 5 on Page No. 4. Could you read that for me.
 6 A "Real property in American Samoa that may
 7 belong to the estate or in which the decedent or the
 8 estate may have an interest shall be distributed in
 9 accordance with applicable laws of American Samoa
 10 pertaining to intestate succession and real property.
 11 Except as provided in Paragraph 11 below, however, the
 12 court is presently unable to determine the specific
 13 respective rights of the heirs in any real property, and
 14 it will be incumbent on any heir who claims any rights
 15 to any real property to petition the High Court of
 16 American Samoa for a determination of such rights."
 17 Q When was the first time you saw this Exhibit
 18 No. 3?
 19 A This is Exhibit No. 3?
 20 Q Yes.
 21 A I don't really recall exactly. I had to get it
 22 in order to obtain guardianship of my mother in the
 23 State of Hawaii.
 24 Q But you have had -- you've seen that before?
 25 You've read it before?

1 A I have definitely read it.
2 Q Okay.
3 A Maybe the judge sent it to me.
4 Q Maybe what?
5 A The judge sent it to me.
6 Q Judge who?
7 A Judge Richmond.
8 Q Do you have a transmittal letter that he sent
9 this to you?
10 A I can get that for you.
11 Q Okay. I appreciate that.
12 Under Paragraph 10, which you read for us, it
13 states that it is "incumbent upon any heir who claims
14 rights to any real property to petition the High Court
15 of American Samoa for a determination of such rights."
16 Have you as an heir petitioned the High Court
17 of American Samoa?
18 A I did write to the High Court of American Samoa
19 with regard to my father's probate.
20 Q My question is did you petition the High
21 Court --
22 A No.
23 Q -- of American Samoa?
24 A No.
25 Q So there's been no declaration of your rights

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1 to the real property pursuant to this probate order?
2 A Those --
3 Q Just answer my question.
4 A There has been no formal petition or
5 declaration.
6 Q I'd like to have this marked as my next exhibit
7 in order.
8 (Deposition Exhibit No. 4
9 was marked for identification.)
10 THE WITNESS: Can I speak to David?
11 MR. VARGAS: She wants to talk to me.
12 MR. HALL: We're going to go off the record.
13 (Discussion held off the record
14 from 1:40 - 1:41 p.m.)
15 BY MR. HALL:
16 Q Coming back on the record, I want to show you
17 what I've marked as Exhibit No. 4. I'll give it to your
18 counsel first and his co-counsel. This is another
19 document, my Exhibit No. 4, that was given to me by your
20 attorney Mr. Vargas.
21 Can you tell me what that is? Give me the
22 name --
23 A It's a letter from me to Charles Ala'ilima.
24 Q What is the date of that letter?
25 A February 26, 1995.

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1 Q I see it's not signed, but can you acknowledge
2 you did prepare this letter?
3 A I did.
4 Q Did you, in fact, send it to --
5 A I did.
6 Q -- Mr. Ala'ilima?
7 A I did.
8 MR. VARGAS: Wait until he finishes.
9 THE WITNESS: Wait until he finishes.
10 MR. VARGAS: Yeah.
11 THE WITNESS: I'm sorry.
12 MR. VARGAS: It's for the court reporter.
13 THE WITNESS: I apologize.
14 MR. HALL: If the court reporter has any
15 problems with the transcript, just let us know rather
16 than having counsel interrupt when he feels like it.
17 BY MR. HALL:
18 Q Can you tell me, that document, what is the
19 purpose of that?
20 A It was to establish a communication with
21 Attorney Ala'ilima so that the heirs of my father's
22 estate and the beneficiaries of the trust could have a
23 conversation with him.
24 Q Did you consider Mr. Ala'ilima your attorney?
25 A No. He was my mother's attorney.

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1 Q I wish to have marked as another document in
2 line to my exhibits.
3 (Deposition Exhibit No. 5
4 was marked for identification.)
5 BY MR. HALL:
6 Q Can you tell me what that document is? Who
7 sent it to whom and the date?
8 A It's a letter from me to Mr. Ala'ilima of
9 September 12th, 1995.
10 Q And what is that letter?
11 A I'm asking him for a refund which he then sent.
12 He was not able to do the work that we had talked about.
13 Q And this work he was doing for you as your
14 attorney?
15 A He didn't do any work.
16 Q No. But he was doing it as your attorney?
17 A He wasn't doing any work.
18 Q Well, you tasked him to do some work. He
19 didn't do it so you asked for your refund; is that
20 correct?
21 A I didn't task him with any work.
22 Q Then how is it that he has to refund you money?
23 A Because he didn't do any work.
24 Q Then why did you give him that money?
25 A Because he asked for a retainer.

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1 Q To do legal work for you?
2 A To do some research.
3 Q Legal research?
4 A I don't know what kind of research it was at
5 the time.
6 Q Well, what was it then? Explain to me that
7 then. How do you give a lawyer money to do research?
8 What kind of research did you ask him to do?
9 A That would be privileged, wouldn't it?
10 Q I don't know.
11 A I think it would.
12 Q So you would only have a privilege relationship
13 if he was your attorney. Are you claiming that he was
14 your attorney?
15 A If I sent him a retainer at his request, even
16 before that check goes in the mail, if he accepts an
17 opportunity to do some work --
18 Q So that creates the attorney-client privilege?
19 A It does.
20 Q Thank you.
21 I'll have this marked as my next exhibit.
22 (Deposition Exhibit No. 6
23 was marked for identification.)
24 THE WITNESS: Your question.
25 ≡

1 BY MR. HALL:
2 Q Can you look at that and on the first page
3 there can you tell me what that document is?
4 A That is from the Honorable Judge Richmond to
5 Gilian Robin Kneubuhl Roush dated April 9, 1996.
6 Q Can you briefly summarize what that letter is?
7 Let me ask you this: Did you receive that letter?
8 A I did.
9 Q Can you tell me what that letter is?
10 A The second one?
11 Q No. The first.
12 A May I look at the second one?
13 Q When I tell you to.
14 A All right. What was your question?
15 Q Can you summarize what the first letter is?
16 Judge Richmond to you?
17 A The judge is responding to my request for a
18 continuance.
19 Q Okay. Now look at the second letter. Who is
20 that to and from who?
21 A That is from myself to the Honorable Michael
22 Kruse, Chief Judge of the High Court of American Samoa.
23 Q Tell me, what is the date of the letter to
24 Chief Justice Kruse?
25 A It's April 9th, 1996.

1 BY MR. HALL:
2 Q Tell me, what is that document. Again, who is
3 it from, who is it to and the date?
4 A April 1, 1996 from Charles Ala'ilima to Robin.
5 Q And what is that letter?
6 A He sent the accounting of my father's estate.
7 He seems to have accounted for some of the bills. He's
8 explaining some of the advancements that were made by my
9 mother. He refers to the interest in lands as being
10 complicated. And he expressed a very fine concern for
11 my mother's well-being.
12 Q And did you respond to that letter? I didn't
13 see a response in the documents that your attorney gave
14 me.
15 A I don't think I did.
16 Q Okay.
17 A If I did you have it somewhere.
18 Q Are you talking to me?
19 A No. I guess not.
20 Q You were talking to your counsel, Mr. Vargas?
21 A I might have been talking to myself.
22 Q Okay. I will show you what -- I'm going to
23 mark these two pages together as one document.
24 (Deposition Exhibit No. 7
25 was marked for identification.)

1 Q And can you tell me about that letter? What is
2 the purpose of that letter?
3 A The purpose of this letter is to request a
4 continuance for the probate of my father's estate.
5 Q And was it granted?
6 A It was granted.
7 Q Okay. Now, is it your common practice to write
8 directly to judges involving matters filed for the High
9 Court?
10 A Certainly not.
11 Q But in these two instances you did?
12 A I did.
13 Q I wish to have this next document marked.
14 (Deposition Exhibit No. 8
15 was marked for identification.)
16 MR. HALL: David.
17 BY MR. HALL:
18 Q Can you again tell me what that document is?
19 If it's a letter, who is it to, who is it from, a date?
20 A It is witnessed and signed on April 22, 1996 by
21 myself and it is to the Honorable Lyle L. Richmond.
22 Q And what is the date on that?
23 A April 22, 1996.
24 Q Okay. And what is that document?
25 A I'd have to go back way in time to state what

1 it is other than an objection -- that it is not other
2 than an objection.
3 Q Normally when the court receives documents in a
4 court matter, it normally file stamps the High Court
5 stamp on it.
6 Do you see a High Court stamp on it?
7 A This would not have been filed with the court
8 without it.
9 Q So is it your opinion that that document was
10 not filed with the court?
11 A I don't have a date -- I don't have a court
12 stamped copy.
13 Q But you did send that letter?
14 A I did.
15 Q Did Justice Richmond respond to you?
16 A I think he did.
17 Q Do you have a copy of that?
18 A No.
19 Q So that would be a date -- the response would
20 be a date soon after? Could you provide me with that?
21 A Okay. So you would like to have the April 22,
22 1996 response from Judge Richmond.
23 Q No. From you to Judge Richmond -- excuse me,
24 from -- correct. You're correct. From Justice Richmond
25 to yourself.

1 attorney. This is Exhibit No. 9.
2 It appears to be a draft of a letter but I'm
3 not sure. That's why I want to ask you.
4 Is this a letter that you -- look at it and
5 tell me who sent it, who received it and the date?
6 A This is a letter from myself to
7 Attorney Ala'ilima.
8 Q And the date?
9 A Dated March 13, 2001 with a copy to my brother
10 David Craig Kneubuhl asking him if he had received any
11 advancements or residual payments from my mother with
12 regard to my father's intellectual property and residual
13 checks therefrom.
14 Q Okay. My question is is that a draft letter or
15 is that a letter that you did, in fact, send?
16 A Oh, I definitely sent this.
17 Q Okay. And do you have a signed copy of the
18 letter that you sent?
19 A Probably not.
20 Q "Probably not" means "no"?
21 A "Probably not" means I didn't have a Xerox at
22 home, so if I wrote it at home there's no copy, but if I
23 wrote it at my office there probably is.
24 Q And this was printed off your computer? I'm
25 just curious.

1 And it is your --
2 A I do recall his response.
3 Q Excuse me.
4 You have a clear recollection that you did
5 receive -- that you did receive a response?
6 A I have two pieces of correspondence from
7 Judge Richmond.
8 Q My question is is it your clear recollection
9 that you did receive a response from Justice Richmond to
10 your objection to petition?
11 A I do not have a clear recollection --
12 Q Okay.
13 A -- of receiving a response to that particular
14 letter.
15 Q If you find it --
16 A I will.
17 Q -- please provide it to your attorney who will
18 provide it to me.
19 A I will.
20 Q I wish to show you a document which -- why
21 don't we do this one first.
22 (Deposition Exhibit No. 9
23 was marked for identification.)
24 BY MR. HALL:
25 Q These are documents I received from your

1 A Probably.
2 Q I'm going to show you this other document.
3 It's entitled Affidavit but I'll mark it first.
4 (Deposition Exhibit No. 10
5 was marked for identification.)
6 BY MR. HALL:
7 Q Can you tell me what that document is? It's
8 entitled Affidavit.
9 A Right. And it says "Beneficiary of the Estate
10 of John Alexander Kneubuhl Deceased 2/20/1990," which is
11 incorrect. It's corrected subsequently at Paragraph 2
12 to 1992.
13 Q Can you turn to the second page and tell me
14 whose affidavit that is?
15 A That would be mine.
16 Q Can you look at both pages and give us a
17 summary of what the affidavit is or the purpose it was
18 made.
19 A It's completely self-explanatory. My mother
20 was found incompetent due to Alzheimer's dementia and we
21 needed to obtain guardianship papers in order to
22 administer the affairs and the estate, the person and
23 the property of my mother and my father's estate.
24 Q Did you sign that affidavit?
25 A I did.

1 Q Is that one signed?
2 A No. This one is not signed.
3 Q Do you have a signed copy?
4 A Probably not.
5 Q Where would this affidavit be filed?
6 A This might have been filed in the High Court of
7 American Samoa but I don't think so. I think it was
8 filed in the Superior Court in the State of Hawaii,
9 family division, in order to obtain the guardianship
10 papers for my mother.
11 And we needed to do that promptly because her
12 affairs were deteriorating quite rapidly.
13 Q I want to ask you again, you're 100-percent
14 sure you signed this and it was filed with a court; is
15 that correct?
16 A I am 100-percent sure I signed this. I don't
17 know that it was filed with the court. I think it was.
18 Q Okay. Let me point out numbered Paragraph 15.
19 Could you read that for me?
20 A "I hold an account for the Estate of
21 John Alexander Kneubuhl at JP Morgan Chase Bank in New
22 Haven, Connecticut, with myself as executor."
23 Q Is there any order from any court appointing
24 you the executor of the estate of your father
25 John Kneubuhl?

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1 the caption.
2 A Oh, in the Family Court of the First Circuit,
3 State of Hawaii.
4 Q That's the Family Court that you were talking
5 about earlier in your testimony?
6 A Yes.
7 Q Okay. Read on and tell me what is that
8 document.
9 A This is an order appointing co-guardians of the
10 person -- of my mother Dorothy.
11 Q And just browse through the document and tell
12 me who were the co-guardians that were appointed?
13 A The co-guardians appointed were myself and the
14 wife of the adopted Tongan fellow Sione Fonua. Excuse
15 me, co-guardians of her person.
16 Q I wish to -- hold onto that one. I'm going to
17 mark this one.
18 (Deposition Exhibit No. 12
19 was marked for identification.)
20 BY MR. HALL:
21 Q This is another document also filed with the
22 Family Court at the First Circuit of the State of
23 Hawaii.
24 Can you look at this and tell me what that is?
25 Again, these are documents that your attorney gave me.

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1 A No.
2 Q Can you explain the reason you wrote that?
3 A Because somebody needed to be the executor of
4 his estate.
5 Q But as a lawyer only a court can appoint an
6 executor; is that correct?
7 A That's right, but there are de facto procedures
8 people need to use.
9 Q Under what rule of law, if you know?
10 A I don't know.
11 Q Okay. So do you wish to correct this
12 paragraph?
13 A No.
14 Q Okay. You mentioned in your testimony that
15 there was some action filed in the State of Hawaii, the
16 Family Court of the State of Hawaii. I'm going to show
17 you my next exhibit.
18 (Deposition Exhibit No. 11
19 was marked for identification.)
20 BY MR. HALL:
21 Q Can you tell me what that document is? It's a
22 court document, so if you could tell me what court it
23 was filed -- that it was filed in.
24 A You want to know what court it was filed in?
25 Q Yes. Right there at the top of the heading, at

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1 Can you tell me what that document Exhibit No. 12 is
2 that I gave you?
3 A It is an Acceptance of Appointment.
4 Q Excuse me. Do you want to have time to talk to
5 your attorney about this? Because whatever you say here
6 will be put on the record.
7 David, would you like a break?
8 MR. VARGAS: I don't think we need one.
9 You've never seen it? It was in the documents.
10 THE WITNESS: Then I did.
11 Yes.
12 BY MR. HALL:
13 Q Okay. That is an acceptance of guardianship?
14 A It's an acceptance of co-guardianship of the
15 person of my mother.
16 Q And who accepted -- who signed that acceptance?
17 A Ana Fonua Kneubuhl.
18 Q Okay. You were assigned as the separate
19 co-guardian; is that correct?
20 A Yes.
21 Q Did you execute an acceptance of
22 co-guardianship?
23 A I'm sure I did.
24 Q There was no signed copy that you had accepted
25 the appointment. Can I please ask you if you have other

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1 records, if you could find where you did sign it
2 accepting to be co-guardian, provide it to your attorney
3 who could give it to me?
4 A I will do that. My files are not perfect.
5 Q In regards to the Hawaii Family Court matter,
6 what is the status of the guardianship now?
7 A My mother's deceased.
8 Q What is the status of the court guardianship
9 matter? Is it still active? Has it been dissolved?
10 Has it been dismissed? What has happened to it?
11 A To my knowledge, nothing. It has probably been
12 closed.
13 Q So as of today you do not act as the guardian
14 for your mother or her estate; is that correct?
15 A I'm the only heir she has left.
16 Q My question, under the Hawaii State Court,
17 Family Court, you do not act as guardian or co-guardian
18 of your mother's estate; is that correct? "Yes" or
19 "no."
20 A No.
21 Q No. Explain your "no."
22 A Because you're asking me, in the sense,
23 essentially whether there has been an order continuing
24 what I speculate has been dissolved, and I have no
25 knowledge of that. So I'm not going to say yes if the

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1 answer might be no.
2 Q Okay. So if you could, again, when you're
3 searching your records of the Hawaii Family Court matter
4 involving your mom, if you should find such an order or
5 a dissolution, would you provide that to me?
6 A Yes.
7 Q Now, my next question in regards to the Family
8 Court matter, ordinarily in these matters, from my
9 experience, an accounting is made to the court at the
10 final stages to wrap up a guardianship.
11 Do you remember, as co-guardian of your
12 mother's estate in the Hawaii Court, did you prepare an
13 accounting and report to the court?
14 A No.
15 Q Again, when you look through your records, if
16 you should find one, if you could please give it to your
17 attorney.
18 A It would not be in my records.
19 Q Well, if you find one.
20 A All right.
21 Q Okay. I wish to have this document marked.
22 (Deposition Exhibit No. 13
23 was marked for identification.)
24 BY MR. HALL:
25 Q Okay. I marked my next exhibit in line No. 13.

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1 Can you take a look at this, David, and show it
2 to your client.
3 After you review it, I'd like to have you tell
4 us what it is, if it's a letter, who wrote it and who it
5 was sent to and the date.
6 A It's dated April 4, 2001 written by myself to
7 Attorney Richard Chun in Downtown Honolulu.
8 Q Can you tell me what that letter was about?
9 A We needed to take control of my mother's
10 person, her estate and her condition and her affairs,
11 because they were being very badly exploited, used and
12 improperly conveyed by the family and person of the
13 Tongan that my father adopted named Sione Fonua.
14 Q Okay. What property was being abused?
15 A All of it.
16 Q Name the properties that were being taken
17 advantage of.
18 A There was the intellectual property.
19 Q And how much money was that?
20 A I understood it to be about \$30,000 by the time
21 I got my hands on it.
22 Q And how was that being controlled?
23 A They called up the Writer's Guild and forwarded
24 it. Checks would come to my parents' mailbox in Pago
25 Pago. They would open accounts in my mother's name, get

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1 cash cards. Her automatic deposits were moved.
2 Q Was your mother in American Samoa at the time
3 when you wrote this?
4 A She was probably in Hawaii.
5 Q Okay. Continue. How do you know that the
6 checks were going to American Samoa?
7 A Because I could see where they were cashed. I
8 would call the Writer's Guild. We had to track the
9 money. They bought cars in her name. They paid bills
10 in her name. They had the utilities in her name.
11 Q Can you tell me, was Sione -- your adopted
12 brother, Sione, was he a player in this activity of
13 abuse?
14 A I think he was.
15 Q Did you see any of the checks that were signed
16 or any endorsements to show that he was involved?
17 A No. I was told.
18 Q So, please, continue. What else is in that
19 letter that you'd like to share with us?
20 A What would you like to know?
21 Q If there's anything else in there that you'd
22 like to share as to what that -- the purpose of that
23 letter was to the attorney?
24 A Well, the purpose of this was to obtain an
25 order for the guardianship of the estate.

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1 Q And is this what prompted you becoming the
2 co-guardian?
3 A Of the estate?
4 Q Yes.
5 A I think. Not this letter. These
6 circumstances.
7 Q That was the purpose for this letter to this
8 attorney?
9 A Yes.
10 Q And the attorney's name is Richard Chun?
11 A Richard Chun.
12 Q Was he your attorney or your mother's attorney?
13 A My mother was not competent to engage an
14 attorney.
15 Q Then what is his role, if you know?
16 A He represented my brother and myself. My
17 brother John Pritchard.
18 Q So he was your attorney?
19 A And my brother's.
20 Q Okay. I wish to have these two documents --
21 this document and this document marked.
22 (Deposition Exhibit Nos. 14 and 15
23 were marked for identification.)
24 BY MR. HALL:
25 Q Robin, I'd like to show you two documents to

1 review. Their exhibit numbers are 14 and 15.
2 Can you please review Document 15 and tell me
3 what that is?
4 MR. VARGAS: 15 first or 14 first?
5 BY MR. HALL:
6 Q Oh, excuse me. 14.
7 A It's a quitclaim deed.
8 Q Now, I'm not saying I overheard you, but you
9 said something about that document. Have you ever seen
10 this document before?
11 A I have not seen this document in this
12 particular form.
13 Q Okay. Let's set that document down. Let's
14 look at the next document, No. 15.
15 A Yes.
16 Q Is that the document that you remember seeing?
17 A This is the document I remember seeing.
18 Q Can you compare both those documents? Let's
19 put it on the record. What are those documents? You
20 said it's a quitclaim deed. Who is the grantor?
21 A The grantor is James P. Kneubuhl.
22 Q And who is the grantee?
23 A Gilian Robin Kneubuhl Roush as guardian.
24 Q Do you recognize the signature of
25 James Kneubuhl?

1 A I do.
2 Q And your signature?
3 A Yes.
4 Q Okay. Can you compare those two deeds? Are
5 they both quitclaim deeds with the same parties?
6 A Yes. One appears to have been registered with
7 the Territorial Registrar on 3/19. I can't read the
8 year. And the other does not -- well, the other one
9 does appear to be registered as well.
10 Q Okay. Let me ask you this: The document that
11 was not registered, is that the document that you
12 recognize?
13 MR. VARGAS: Well, let me interpose an
14 objection. She said they were both registered.
15 MR. HALL: Oh, excuse me.
16 THE WITNESS: Thank you.
17 Frankly, I don't recall seeing the recordation
18 in the land transfer. There are so many copies in
19 various forms of the grantor James Kneubuhl to the
20 grantee Gilian Robin Kneubuhl Roush that...
21 BY MR. HALL:
22 Q In regards to that document -- let's not get
23 hung up on the recordation stamp there. What is that
24 document? That's a quitclaim deed for what purpose?
25 A It's a quitclaim deed.

1 MR. VARGAS: Which one are we talking about?
2 14 or 15?
3 MR. HALL: 14.
4 THE WITNESS: It's a quitclaim deed.
5 BY MR. HALL:
6 Q And what does it -- what does James Kneubuhl as
7 grantor grant to you in quitclaim as -- in that
8 document?
9 A It grants approximately one acre more or less
10 of Samoal land located in Puapua, P-u-a-p-u-a.
11 Q And you signed it as the grantee?
12 A I did what my aunt Margaret told me to do.
13 Q Did you sign it as a grantee?
14 A Definitely. It's my signature.
15 Q And under your signature what does it say?
16 A Sworn --
17 Q Under your signature.
18 A "As guardian." "Heirs of John Kneubuhl."
19 Q "As guardians of Heirs of John Kneubuhl," is
20 that what it says?
21 A It was filled out as the grantee, heirs of
22 John Kneubuhl. And I signed it as Gilian Robin Kneubuhl
23 Roush as guardian.
24 Q Okay. Now, let me ask you this: Is there a
25 court order appointing you the guardian of the heirs of

1 John -- I mean of John Kneubuhl?
2 A There is no such appointment for me as guardian
3 of the heirs of John Kneubuhl.
4 Q Then can you explain how you were able to write
5 that you are the guardian of the heirs of John Kneubuhl?
6 Under what authority?
7 A I don't think that's what the signature says.
8 I think it says "as guardian." It doesn't say "guardian
9 of the heirs."
10 Q Is there a court order that appoints you as
11 guardian?
12 A Asked and answered. No.
13 Q Okay.
14 A Except that filed in the Court of Hawaii.
15 Q There's no question before you. Okay.
16 MR. VARGAS: Roy, she's clarifying. You told
17 her --
18 MR. HALL: No. David, you know this.
19 MR. VARGAS: -- if she remembered something to
20 add it.
21 MR. HALL: If there's a problem, you can do it
22 on your examination.
23 BY MR. HALL:
24 Q Let me have that document back, please.
25 A (Witness complies.)

1 James Kneubuhl on No. 14.
2 A That is 2/25/02.
3 Q Now, going to Exhibit No. 15, and what is the
4 date to the left of James P. Kneubuhl's signature?
5 A 2/25/02.
6 Q Can you tell me who prepared -- if you know,
7 who prepared these quitclaim deeds?
8 A I have no clue. And that's not my handwriting
9 on the date. I believe I received it without a date and
10 that this was filled in later.
11 Q Okay. Were you present when James Kneubuhl
12 signed Exhibit No. 14?
13 A No.
14 Q Were you present when James Kneubuhl signed
15 Exhibit No. 15?
16 A No.
17 Q When you signed Exhibits 14 and 15, was
18 James Kneubuhl's signature on it?
19 A Yes.
20 Q And was it an original signature?
21 A Probably not.
22 Q It's a "yes" or "no" question.
23 A Okay. No.
24 Q And do you know where the original is?
25 A No.

1 Q I want you to look at these two documents now,
2 14 and 15. I want to direct your attention to the
3 signature of James Kneubuhl.
4 Just looking at these documents, these
5 signatures, do you see any difference between the
6 signatures?
7 A Yes.
8 Q What is that difference?
9 A One has the initial P and the other does not.
10 Q Okay. What are the dates of -- what is the
11 date on Exhibit No. 14?
12 A Exhibit No. 14's number is missing.
13 THE REPORTER: I can give you another one.
14 THE WITNESS: Thank you.
15 I forgot your question.
16 MR. HALL: Okay. Can you read back the last
17 question.
18 (Record read as follows:
19 Q What is the date on
20 Exhibit No. 14?)
21 MR. HALL: That's right.
22 MR. VARGAS: There's several dates.
23 THE WITNESS: There's several dates.
24 BY MR. HALL:
25 Q The date next to the signature to the left of

1 Q You made an original signature, though, when
2 you signed the document; is that correct?
3 A I would have.
4 Q Do you have a copy of -- or do you have a deed
5 with your original signature on it?
6 A No.
7 Q You know that for a fact?
8 A I have several deeds with my signature.
9 Q With the original signature?
10 A I don't have any original.
11 Q And you don't know who prepared these?
12 A I don't know who prepared these. I think they
13 were prepared under the direction of my aunt
14 Margaret Kneubuhl.
15 Q What gives you that recollection?
16 A Because she had her daughter Leslie Wood send
17 them to me to sign, and I said don't bother. They're
18 not worth the paper that they're written on.
19 Q Do you have the cover letter --
20 A No.
21 Q -- from Leslie to you asking you to sign --
22 A No.
23 Q -- 14 or 15?
24 A No.
25 Q Do you recall signing both of these deeds on

1 the same day?
 2 MR. VARGAS: I think her testimony was that she
 3 didn't date them, Roy.
 4 MR. HALL: I'm seeing if she signed them on the
 5 same day.
 6 THE WITNESS: I'm going to say no.
 7 BY MR. HALL:
 8 Q So you recollect that you received one, signed
 9 it, and later you received another one?
 10 A Possibly. That would explain it.
 11 Q Now, there's one document, No. 14, it has what
 12 appears to be a notary certification at the bottom.
 13 Do you know what that is? Is it notarizing
 14 your signature or is it a notary of James Kneubuhl's
 15 signature? Let me ask you this question. Did you sign
 16 before a notary?
 17 A I did as I was told.
 18 Q My question is, again, did you sign before a
 19 notary?
 20 MR. VARGAS: Do you recall?
 21 THE WITNESS: It says something "of CT" and
 22 "County of New Haven," so I'm fairly convinced that this
 23 was notarized for me by Phyliss D. Tucker on March 13th,
 24 2002.
 25 \\\

1 A For that piece.
 2 Q And why do you say there is an erroneous
 3 description?
 4 A Because I compared it with that property
 5 description and I found the numbers discrepant. We
 6 couldn't find it on any map whatsoever and we
 7 subsequently determined that one of the property
 8 descriptions referred to a completely different piece of
 9 property.
 10 Q My question is did you see any survey drawing
 11 which was for 1.18 acres more or less. I see that
 12 you're looking through some documents.
 13 A I did see --
 14 Q Excuse me. I see you're looking through some
 15 documents. Do you need some time to look for a survey
 16 drawing to complete your answer?
 17 A Maybe 30 seconds.
 18 Q We will wait.
 19 A All right.
 20 Q While you're going through those documents, can
 21 I ask you, are those documents that have already been
 22 produced for me?
 23 MR. VARGAS: Yes.
 24 MR. HALL: Okay. And those have your Bates
 25 numbers on them?

1 BY MR. HALL:
 2 Q So it's your recollection that you signed this
 3 in Connecticut?
 4 A I don't have a recollection of it, but I do
 5 have my recollection refreshed by seeing this date here
 6 in the County of New Haven.
 7 Q Do you know that notary?
 8 A No.
 9 Q Do you have any recollection that you took this
 10 document to a notary to be signed?
 11 A I have no recollection of taking this document
 12 to a notary to be signed, because it was a completely
 13 unimpressive and unimportant event.
 14 Q And you don't have an original?
 15 A I have no original.
 16 Q So if I should return to American Samoa and
 17 ask Leslie did you mail this quitclaim deed between
 18 James Kneubuhl and yourself, Robin, she would say yes?
 19 A I would hope she would because that's what
 20 happened.
 21 Q In regards to Documents 14 and 15, do you know
 22 if there was a survey drawing of a parcel of 1.18 acres
 23 more or less that's described in 14 and 15?
 24 A There is an erroneous description.
 25 Q For --

1 MR. VARGAS: These don't have the Bates numbers
 2 because these are the ones that she used to send copies
 3 to me.
 4 MR. HALL: Okay. I just had a question.
 5 THE WITNESS: I don't have a map of that
 6 particular piece.
 7 BY MR. HALL:
 8 Q My next question is did you ever locate or find
 9 a -- since your father John Kneubuhl passed away, did
 10 you ever find a written last will and testament of your
 11 father John Kneubuhl?
 12 A My father didn't write a will that I'm aware
 13 of.
 14 Q My question is did you ever find one.
 15 A No.
 16 Q Do you know if your father had a living or
 17 irrevocable trust that named you as the successor
 18 trustee or trustee?
 19 A I don't think my father made a trust.
 20 Q Can you explain -- I'm asking you for a legal
 21 opinion as we discussed earlier -- how you claim to own
 22 any lands in American Samoa that were owned by your
 23 father John Kneubuhl? What is your legal theory?
 24 A I've never made that claim.
 25 Q Do you claim that you own any land in American

1 Samoa?
2 A No. The trust owns the land.
3 Q But my question is you do not claim any land
4 through your father John Kneubuhl?
5 A I claim interest in land through my father
6 John Kneubuhl.
7 Q And what interest in land is that?
8 A Short of five acres smack dab in the middle of
9 Olo.
10 Q Do you have a survey of those five acres?
11 A I don't have a survey.
12 Q Okay. Continue.
13 A I have a map that's a reconstruction of some of
14 the deeds.
15 Q Do you have that map here with you today?
16 A Yes.
17 Q Can we see that map so I can mark it as an
18 exhibit.
19 MR. VARGAS: Roy, these are her documents. We
20 provided a copy of the map to you. We're not going to
21 produce them again. Okay.
22 MR. HALL: We'll have a copy made of it.
23 That's all.
24 MR. VARGAS: Use your own documents.
25 MR. HALL: I'm not going to take her document.

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1 BY MR. HALL:
2 Q I want to show you what you've given to me.
3 And I acknowledge I most likely have a copy given to me
4 by your attorney, but I want to thank you for providing
5 this for your testimony.
6 David, can you take a look at it before you
7 give it to your client.
8 MR. VARGAS: I've already seen it.
9 BY MR. HALL:
10 Q Can you please explain that Exhibit No. 16?
11 A Explain it?
12 Q Yes. What is that?
13 A This is a reconstruction of various deeds and
14 surveys compiled by the firm of Penfield and Smith here
15 in Santa Barbara throughout the year 2012 wherein they
16 sought to define and identify the various parcels at
17 Olo, Taputimu, put together by my family.
18 Q And what information or documentation -- what's
19 the name of the firm?
20 A Penfield and Smith.
21 Q What information did they use to compile this
22 Exhibit No. 16?
23 A They used the original Sau Pritchard deed to
24 Lena. They used the -- I believe a 1963 or something
25 survey which was in my possession and which you have.

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1 Could I see it?
2 MR. VARGAS: This one.
3 MR. HALL: Can we have a copy of this?
4 MR. VARGAS: No. Give it back. You have a
5 copy in your stack. Dig it out.
6 MR. HALL: Don't you talk to me that way.
7 MR. VARGAS: You have it --
8 MR. HALL: You don't talk to me that way. Sit
9 back. This is my deposition.
10 MR. VARGAS: I understand whose deposition.
11 MR. HALL: Make the copies.
12 MR. VARGAS: You were rude to my client and I'm
13 not going to tolerate it.
14 MR. HALL: Then I apologize.
15 MR. VARGAS: Give her the document back, Roy.
16 MR. HALL: Can I have a copy.
17 MR. VARGAS: Don't make a copy of that
18 document.
19 (Discussion held off the record.)
20 MR. HALL: I'll mark this as an exhibit.
21 (Deposition Exhibit No. 16
22 was marked for identification.)
23 MR. SUNIA: What number is it?
24 MR. HALL: 16.
25 ∞

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1 They used the 1969 agreement which parceled out the
2 allocations which you see here. They used the quitclaim
3 deed of Plot B wherein Mike Kneubuhl quitclaimed out of
4 Olo.
5 They used a subsequent deed David Vargas found
6 to Lena. And there was the 1995 control diagram which
7 is here somewhere. There was also a map or survey
8 created by my aunt Margaret after the various transfers
9 between herself, my uncle Benjamin Franklin Kneubuhl and
10 my uncle James Pritchard Kneubuhl. All of those pieces
11 of data were put together to arrive at this map.
12 Now, the acre you were looking at is to the
13 east of "Plot F Olo other," and it is that property
14 description which is the troublesome property
15 description and we sorted it all out.
16 Q And is that related to Exhibits 14 and 15?
17 A I think the intention was to confer that piece
18 of property on John Kneubuhl.
19 Q Now, this firm, Penfield and Smith, I assume
20 they're a reputable firm?
21 A Top of the line.
22 Q Did they travel to American Samoa to do an
23 actual on-site verification of proof of their findings?
24 A No. Absolutely not.
25 Q Okay.

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1 A And they have made all sorts of waivers and
2 disclaimers and so forth to the effect this must be
3 replicated on the ground. The problem is I can't find
4 anybody on the ground to do a survey for me.
5 Q I wish to show you a document that I'd like to
6 have marked at this time. And this is what we've been
7 referring to in these depositions as the Lena P.
8 Kneubuhl's 1960 trust.
9 (Deposition Exhibit No. 17
10 was marked for identification.)
11 BY MR. VARGAS:
12 Q Robin, have you seen that document before?
13 It's marked as my Exhibit No. 17.
14 A I haven't seen the third page. I haven't seen
15 the fourth page.
16 Q If you could look at the -- just the first two
17 pages. We'll note it for the record that you had not
18 seen Pages 3 and 4 before.
19 Have you seen this Lena P. Kneubuhl Trust 1960?
20 A Many times.
21 Q Okay. Who are the named beneficiaries named in
22 the Lena P. Kneubuhl Trust?
23 A The named beneficiaries are Alfred James
24 Pritchard, Benjamin Junior, John Alexander,
25 Douglas Crane, Margaret Adeline Kneubuhl Wood,

1 interest is that that passes?
2 A The acreage outlined and allocated in the 1969
3 and 1982 amendments to the trust. That's exclusive use
4 and enjoyment of those acres.
5 Q How does that relate to the life estate?
6 A A life estate is use and enjoyment of
7 everything except legal title and fee.
8 Q And what is it? The equitable title interest?
9 A Some people would call it that, yes.
10 Q What would you call it?
11 A The equitable title interest.
12 Q Okay. Thank you.
13 So let me ask you this: After a beneficiary,
14 one of your uncles, aunts, your father, after they pass
15 away and all their children die, what happens to that
16 equitable interest?
17 MR. VARGAS: Are you asking for her legal
18 opinion?
19 MR. HALL: Yes.
20 MR. VARGAS: If you have one.
21 THE WITNESS: Duh.
22 MR. VARGAS: Go ahead.
23 THE WITNESS: At the end of -- what was your
24 question?
25 \\\

1 Frances Emilie Kneubuhl Opelle.
2 Q And who are those people?
3 A Those are Lena's six children.
4 Q How are they related to you?
5 A One of them is my father and the others are my
6 aunts and uncles.
7 Q Okay. Thank you.
8 In your Complaint you reference life estates in
9 regards to --
10 A Yes.
11 Q Can you explain or give me your legal opinion
12 or theory in regards to the beneficiaries holding life
13 estates.
14 A Where would you like me to begin?
15 Q From the beginning.
16 A In the trust there is a clause or phrase which
17 says should any of my beloved children --
18 Q You can use this.
19 A Thank you.
20 Should any of these, my beloved children,
21 should expire, their share shall pass to their children.
22 Which means upon the death of the first holder, the
23 share, that estate passes to their children. So I
24 regard that as --
25 Q And what share is that? What real property

1 BY MR. HALL:
2 Q Okay. In regard to equitable interest, after a
3 beneficiary dies and all that beneficiary's children
4 die, what happens to that equitable interest?
5 A We haven't as a family resolved that yet, but
6 the trust document which you --
7 Q I'm asking for a legal opinion.
8 A I'm giving it to you.
9 Q Okay.
10 A The trust document which you sat in front of me
11 as Exhibit 16 shows that the trustee has the power to
12 manage these parcels of land in whatever manner he deems
13 best. And so for an estate which has no more people to
14 enjoy the interests, it becomes the responsibility, in
15 my legal opinion, of the trustee, to as he deems best,
16 manage those parcels.
17 And I believe the trustee has the power to
18 dispense and disburse with them as he sees fit pursuant
19 to the law of the case.
20 Q So say all the beneficiaries die, all their
21 children die, what powers does this trustee have?
22 A The power to manage the trust. The trust
23 dissolves --
24 Q Can he sell the property?
25 A I would think he would have to.

1 Q What happens -- isn't there also a provision
2 that in order for the trustee to sell, it must receive
3 the approval of all the beneficiaries?
4 A I think the trustee would be --
5 Q Or the majority of the beneficiaries?
6 A Yes.
7 Q And you're saying that the trustee will have
8 all that power?
9 A He already does.
10 Q So he becomes the owner of properties?
11 A No. He's the owner of the legal title.
12 Q Okay. And he can do whatever he feels is in
13 the best interest of the trust?
14 A He can do whatever he deems the best interest
15 of the beneficiaries of the trust.
16 Q Okay. Let me ask you this: Since your father
17 has passed away, you passed away, what does your estate
18 receive from your father?
19 A Nothing.
20 Q And what about your children? What do they
21 inherit?
22 A Nothing.
23 Q What happens if a living beneficiary wishes to
24 sell their equitable interest? What is the procedure --
25 A If --

1 value of an equitable life estate interest under the
2 Lena P. Kneubuhl Trust?
3 A It would be an actuarial analysis based on life
4 tables, based on the remaining years of the life estate
5 holder or in combination of the successive life estate
6 holder.
7 Q Do you have a dollar value that you can put on
8 it?
9 A You have to look it up.
10 Q I understand. That's a "yes" or "no."
11 MR. VARGAS: I'm going to interpose an
12 objection because it's an incomplete hypothetical.
13 MR. HALL: Then object that it's a
14 hypothetical.
15 BY MR. HALL:
16 Q No. You answered the question. That's fine.
17 A Thank you.
18 Q So the older the beneficiary becomes, the
19 lesser the value of the life estate equitable interest;
20 is that correct?
21 A Right. Unless they --
22 Q Excuse me.
23 So if a beneficiary is 85 or 84 years old, his
24 equitable life interest is very low?
25 A If you're talking about a woman whose life

1 Q Let me finish.
2 What is the procedure that they would have to
3 follow to accomplish that?
4 A First they have to define their interests.
5 Q And how would they do that?
6 A I think they would have to come up with a
7 property description, a valid title, a history of proper
8 and valid claims of title. I think they would have to
9 show the registrations, if any.
10 Q And who would make the determination whether
11 that beneficiary has fully met all those requirements?
12 Do they have to go to court or is it the remaining
13 beneficiaries?
14 A I think that if there's a common understanding
15 and assent, nobody needs to go to court. But I think if
16 there is not a common understanding and assent, it
17 behooves one to clarify that within the family. And if
18 they cannot do that, then they must go to court. That's
19 what the judge said earlier.
20 Q There's no question before you.
21 Okay. If everyone -- all beneficiaries hold an
22 equitable life estate interest; is that correct?
23 A Yes.
24 Q What would be the market value, if you know --
25 if you feel qualified to tell me, what is the market

1 expectancy is 84, yes.
2 Q Okay. And a man?
3 A I think their life expectancy is less.
4 Q Okay. Now, I guess we've come to an agreement
5 in regards to your testimony for the purpose of the
6 equitable life estate interest. Assuming that you
7 held -- well, that you do hold an equitable life
8 interest, life estate interest in the Olo property under
9 the Lena P. Kneubuhl Trust, are you interested in
10 selling that equitable interest?
11 A I would not sell an equitable interest.
12 Q And the reason is...?
13 A It wouldn't be worth very much. But I would
14 seek to obtain the approval of the majority to the sell
15 the actual title to the land itself.
16 Q And the reason is...?
17 A Because then it would be worth a whole lot
18 more.
19 Q Okay. Thank you.
20 But assuming that -- again, if you should pass
21 away there would be nothing left of your equitable
22 interest?
23 A Nothing for me unless the trustee decided to do
24 something with it and got the approval of the majority
25 of the beneficiaries to make -- is it inter vivos? -- a

1 transfer while I'm alive.
 2 Q But you would have to initiate that; is that
 3 correct?
 4 A I can't think of anyone else who would.
 5 Q Okay. So let's say this beneficiary decides to
 6 sell their equitable interest and their legal title
 7 interest --
 8 A They don't have a legal title interest.
 9 Q Under the trust that's held by the trustee.
 10 A Okay.
 11 Q Based upon your legal opinion in regards to
 12 reading Lena P. Kneubuhl's 1960 Trust, what is the
 13 procedure that that beneficiary would have to do?
 14 A I think Judge Richmond was perfectly crystal
 15 clear in his 2006 opinion and his subsequent 2007 order
 16 correcting that opinion, that in order to sell an
 17 equitable interest, a person needed to define those
 18 interests with specificity so that it was clear as to
 19 what was being sold, and then go seek Right of First
 20 Refusal with a bona fide offer circulated amongst the
 21 remaining beneficiaries who, if they met the offer,
 22 would have first refusal.
 23 Q And what happens after that if they receive --
 24 no one exercised their Right of First Refusal, say
 25 they're not interested, what's the next step?

1 A I don't know.
 2 Q When do they go to the trustee?
 3 A I'm not sure if they do have to go to the
 4 trustee. I think that was the essence of the opinion.
 5 The gravamen on the case is who is constrained by the
 6 Right of First Refusal and who is constrained by
 7 majority approval. Is the beneficiary constrained or
 8 the trustee. And I think the court found the trustee
 9 was constrained as to selling interests.
 10 Q Now, what about beneficiaries, if one
 11 beneficiary wants to give another beneficiary some land
 12 or they wanted to partition the land that's been clearly
 13 defined within their -- under their beneficiary
 14 equitable interest control, they just wanted to give
 15 each other parcels of land, can they do that?
 16 A I think if everybody agrees.
 17 Q Do they have to put out a Right of First
 18 Refusal to all the others or can they just get
 19 consensus?
 20 A I think that consensus has worked in our family
 21 very well when people sold within the family or traded
 22 or transferred or otherwise exchanged their interest in
 23 order to achieve exclusive use and benefit.
 24 Q So say Ben Kneubuhl -- say Jimmy, okay, Jimmy,
 25 Ben Kneubuhl's son, they decide to exchange, change with

1 yourself, John Kneubuhl's heir, one acre for this and
 2 one acre for that. What is the procedure that they
 3 would have to follow in regards to the other
 4 beneficiaries?
 5 A I don't think we have one.
 6 Q But I'm asking you, give me your legal opinion
 7 as to what they would have to do.
 8 A I would hope that they would ask one another
 9 and make sure that everybody knows, because notice is
 10 the fundamental of due process, and it's the fundamental
 11 therefore of the statute which permits the trust in the
 12 first place.
 13 You have to have notice, so without notice
 14 nothing really validly occurs in my opinion as a lawyer.
 15 Q But do they have to give notice for Right of
 16 First Refusal in that case?
 17 A Well, I think --
 18 Q "Yes" or "no."
 19 A -- first refusal is a form of notice.
 20 Q So you're saying yes they do?
 21 A I'm not saying that. I'm saying they have to
 22 give notice if they want to exchange their interests.
 23 But if they want to sell them, then first refusal, yes,
 24 is necessary.
 25 Q So you feel that there is a difference between

1 land swap, or between the beneficiaries fair notice
 2 would be sufficient?
 3 A I think it would depend.
 4 Q Okay.
 5 A It's someone's right to compromise. There
 6 would have to be notice and an opportunity to object.
 7 Q What would be the form of that notice?
 8 A I like notices in writing.
 9 Q Okay. And what else? What would have to be in
 10 the notice?
 11 A Well, the judge's clarification, the rules the
 12 judge set forth, you have to be clear as to the nature
 13 of the interest being sold.
 14 Q So that is -- excuse me. Finish.
 15 A And you have to have first refusal. The judge
 16 did not opine first refusal necessarily operated within
 17 the family, but the judge did opine that every
 18 beneficiary has an exclusive use and quiet enjoyment and
 19 that impliedly requires adequate notice to maintain and
 20 address issues of quiet use and enjoyment.
 21 Q Okay. We're going to move to this next one
 22 here. I'd like to have this marked as an exhibit.
 23 (Deposition Exhibit No. 18
 24 was marked for identification.)
 25 ///

1 BY MR. HALL:
2 Q This is the document which we've all been
3 referring to as the 1982 Settlement Agreement. Have you
4 seen this document before?
5 A Many times.
6 Q Okay. Can you go to Page 13.
7 A It starts at 12.
8 Q What starts at 12?
9 MR. VARGAS: The forfeiture clause.
10 THE WITNESS: Where are you headed?
11 BY MR. HALL:
12 Q Let me see. That's right. On Page 13 right at
13 the very bottom, the words, "If any individual" and then
14 finish reading the paragraph that ends on Page 14.
15 Can you do that?
16 A It doesn't make much sense without the rest of
17 it.
18 Q I'm just asking you to read.
19 A "If any individual party takes or causes to be
20 taken any contrary position in any judicial proceeding,
21 he or she shall immediately forfeit all right, title and
22 interest to any and all assets held by the August 15,
23 1960 Trust, and such interest shall be divided equally
24 among the other beneficiaries of that trust."
25 Q And would you agree with me, lawyer to lawyer,

1 that that would be interpreted as a forfeiture clause?
2 A I would say that that is a sentence in a
3 forfeiture section.
4 Q I'll accept that.
5 A But that's not the forfeiture clause.
6 Q There's no question before you.
7 Now, can you explain to me how, if it does, the
8 forfeiture clause applies or does not apply to the
9 filing of your Complaint?
10 A Well, if I could have it back.
11 In the first place, the forfeiture sentence
12 says if any individual causes an action to be taken,
13 they shall forfeit.
14 Q Okay.
15 A So I do not feel that I caused this action to
16 be taken, nor do my co-plaintiffs feel we caused this
17 action to be taken.
18 The forfeiture clause does not apply because it
19 applies only to certain paragraphs, claims, disputes and
20 disagreements. This is why my uncle was allowed to
21 proceed with the Alai suit with no concern with the
22 forfeiture clause. It didn't apply but he did go to
23 court.
24 This is why my aunt Frances was allowed to do
25 it with nobody objecting, including my uncle Mike.

1 Forfeiture was never raised. I was allowed to
2 intervene. The forfeiture clause was not raised.
3 So there is precedent in the family for having
4 lawsuits without the application of the forfeiture
5 clause.
6 Q So that is your legal opinion?
7 A That's the second part of my multi-tasked legal
8 opinion.
9 The first is nobody amongst the plaintiff
10 caused this action to be taken.
11 Would you like the rest of it?
12 Q Okay. Go ahead.
13 A The forfeiture clause applies to certain
14 paragraphs. And these paragraphs are waivers of
15 resurrection of future claims and future theories which
16 were raised up to and including the date of the signing
17 of this document, which is sometime around the middle
18 of -- the summer of 1982.
19 So the forfeiture clause says if any of these
20 claims are resurrected, then forfeiture shall occur.
21 None of the claims we are making was raised in the
22 context of this agreement.
23 There are exceptions as well where the
24 forfeiture clause does not apply. And these are -- this
25 No. 4, and they are in Paragraph 13, Subparagraph B,

1 "Any dispute arising from or relating to the Olo Land
2 Planning Agreement is exempt." You can go sue on the
3 Land Planning Agreement whenever you want. Apparently,
4 I find that unusual, but you cannot dispute the validity
5 of the trust.
6 You have to accept that James Kneubuhl is the
7 trustee. And you have to accept that the 1969 agreement
8 is valid and enforceable, and that the Land Planning
9 Agreement is valid and enforceable.
10 Q Are you done?
11 A I think so.
12 Q Okay. Thank you.
13 A You're welcome.
14 MR. HALL: Does anybody want to take a break?
15 MR. VARGAS: Yeah. If we could.
16 (Recess taken from 2:56 - 3:11 p.m.)
17 MR. HALL: Back on the record.
18 (Deposition Exhibit No. 19
19 was marked for identification.)
20 BY MR. HALL:
21 Q I'll show you what I have marked as Exhibit
22 No. 19 that I received from your attorney David Vargas.
23 Can you identify that? Do you know anything
24 about that?
25 A I do.

1 Q It's what appears to be a survey drawing.
2 A This is what's called a control diagram. See
3 over here.
4 Q And how is it that you -- if you can tell me,
5 were you involved in using this document in regards to
6 the compilation in Exhibit No. 16?
7 A Yes.
8 Q Okay. And could you tell me, again, how did
9 the Exhibit No. 19 relate to 16, just briefly?
10 MR. VARGAS: Other than what she testified to
11 earlier?
12 MR. HALL: Yeah.
13 THE WITNESS: That's asked and answered.
14 BY MR. HALL:
15 Q Just briefly.
16 A The engineers at Penfield and Smith used this
17 to confirm, approximate and, where necessary,
18 guesstimate how to reconstruct the map using this as the
19 basis.
20 Q I have one question. I showed this to your
21 attorney, I believe, yesterday. I just want to ask you,
22 there's a -- where I'm pointing, it's called -- I can't
23 read upside down, Aso...?
24 A Toelau.
25 Q Aso Toelau, approximately 8.288 acres.

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1 Within this drawing of this 8.288 acres -- or
2 is that 8.20? -- anyway, do you know which Kneubuhl
3 beneficiary would have owned or had the equitable
4 interest on that property?
5 A Do I know what Kneubuhl received the equitable
6 interest of that Aso Toelau?
7 Q Yes.
8 A Yes. My aunt Frances and my father John.
9 Q I'm going to ask you to see if you recollect.
10 I thought that your aunt Frances for Aso Toelau received
11 ten acres.
12 A She did.
13 Q But this one only shows 8.288 acres; is that
14 correct?
15 A That's right.
16 Q All right.
17 A But she got more from Olo No. 2.
18 Q Where would that be located?
19 A Where is the -- this is north. This is south.
20 She would have gotten the southern portion of Olo No. 2.
21 Q And you know that how?
22 A That's how Penfield and Smith resurrected it
23 with the 1969 allocations and deeds. This is not 1969.
24 Q Okay. We'll take a look at this. I wanted to
25 have you explain how it was related.

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1 What I'm going to do toward the end here is
2 just go through some documents and see if you recognize
3 them and then we'll be done.
4 A Okay.
5 Q I'd like to have this marked as the next
6 exhibit.
7 (Deposition Exhibit No. 20
8 was marked for identification.)
9 BY MR. HALL:
10 Q What I've marked as Exhibit 20, have you seen
11 that document before?
12 A I have.
13 Q What is that document?
14 A That appears to be a quitclaim deed.
15 Q And who's the grantor?
16 A Grantor is Frances Opelle.
17 Q And who is the grantee?
18 A Mark Kneubuhl.
19 Q Okay. Thank you.
20 And I'll mark as the next exhibit.
21 (Deposition Exhibit No. 21
22 was marked for identification.)
23 BY MR. HALL:
24 Q Can you look at this document and tell me if
25 you recognize it, if you've seen it before?

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1 A I have seen this before.
2 Q Can you tell us what it is?
3 A Another quitclaim deed.
4 Q Who is the grantor?
5 A Mark Kneubuhl.
6 Q And who is the grantee?
7 A Douglas Kneubuhl.
8 Q What is the date on that?
9 MR. VARGAS: The date it was signed in the body
10 of the document?
11 MR. HALL: Signed.
12 THE WITNESS: It was signed July -- it looks
13 like 27th.
14 MR. VARGAS: This is recording.
15 THE WITNESS: I don't know where it's signed.
16 Where does it say?
17 MR. VARGAS: Are you looking for the date in
18 the body of the document?
19 MR. HALL: Yes. Or a witness or notary.
20 MR. VARGAS: Okay.
21 THE WITNESS: June 28, 2001.
22 MR. HALL: All right.
23 (Reporter interruption.)
24 (Deposition Exhibit No. 22
25 was marked for identification.)

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22 (Pages 82 - 85)

1 MR. HALL: Coming back on the record.
2 BY MR. HALL:
3 Q I've shown you what's been marked as Exhibit
4 No. 22.
5 A Yes.
6 Q Can you tell me what that is?
7 A That is another -- that is a quickclaim deed,
8 with a K rather than a T.
9 Q Who is the grantor?
10 A Well, there appear to be two grantors.
11 Q Yes. Okay. What are the names there?
12 A They are D.C. Mike Kneubuhl and Frances K.
13 Opelle.
14 Q And there are signatures there?
15 A Yes.
16 Q Okay. Who are the grantees?
17 A Carrie Sue Lavigne and Kelly Nadine Fults.
18 Q And what's the date on that document?
19 A It has two dates and there's another deed.
20 Q We're just talking about this document.
21 A The deed is the 12th day of March 2001, but it
22 is signed by the grantors more than a year later.
23 Q Okay. And what is that year?
24 A 3/20/2002.
25 Q As an attorney can you give me your definition

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1 of what a quitclaim deed is?
2 A I'm not very good at that, but I think all it
3 says is that the only thing you're conveying is what you
4 own.
5 Q Okay.
6 A No more, no less.
7 Q Okay. I'm going to have this one marked.
8 These are e-mails and correspondence. I want to see if
9 you can say if you sent them or received them.
10 (Deposition Exhibit No. 23
11 was marked for identification.)
12 BY MR. HALL:
13 Q Can you look at that e-mail. Towards the
14 bottom there, is that an e-mail from you or to you?
15 A It's a thread. That's for sure. And it is
16 definitely from and to --
17 Q From who?
18 A Oh, Lord. I have to -- I have serious
19 Dyslexia.
20 Q I'm sorry I don't have a better copy. I'm
21 going to be asking you for a better copy.
22 A You received it.
23 Q I have a copy of it.
24 A No. You received a better copy.
25 Q Okay. I didn't receive the copies from you

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1 until the day I was leaving for the depositions. If I
2 can find it in there, I'll use it.
3 I want to see if you can acknowledge that you
4 did either receive it or sent it.
5 A Yeah. I sent this.
6 Q Okay. I wish to have this marked.
7 (Deposition Exhibit No. 24
8 was marked for identification.)
9 BY MR. HALL:
10 Q Do you know what that is?
11 A What?
12 Q Can you tell me what that is?
13 A It is another letter.
14 Q Who is it from and who received it and the
15 date?
16 A It is from myself.
17 Q And who is it addressed to?
18 A And it is addressed in response to the voice of
19 Olo documents by Carrie and others addressing their
20 concerns about the presence of the Tongan family at Olo.
21 Q This is your concern?
22 A No. They expressed their concerns to me, and
23 this is written in response to try and be supportive and
24 responsive to their concerns. I had my own individual
25 concerns in addition to these.

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1 Q What were your individual concerns?
2 A They're too numerous.
3 MR. VARGAS: Give him an example.
4 BY MR. HALL:
5 Q Give an example.
6 A My mother had a black eye.
7 Q How did she get a black eye?
8 A I was told she was hit.
9 Q By whom?
10 A One of the Tongans.
11 Q Who?
12 A By one of the Tongans.
13 Q And the name of that person, if you know?
14 A Who hit her?
15 Q Yes.
16 A I don't remember their names.
17 Q All right. I'd like have this marked as my
18 next exhibit.
19 (Deposition Exhibit No. 25
20 was marked for identification.)
21 BY MR. HALL:
22 Q Okay. Again, did you -- is that your letter?
23 A Well, it's signed "Robin, et al." So I would
24 be speaking on behalf of myself and my two biological
25 brothers.

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1 Q Is that what "et al." means for you?
 2 A Yes.
 3 Q And who is it sent to?
 4 A Dear Family Member.
 5 Q And what is it? A brief summary of what that
 6 letter is. What's the date on it?
 7 A October 10, 2001. It's in response to being in
 8 a discussion once again with family about the various
 9 particulars that were raised in response to the presence
 10 of the Tongans at Olo.
 11 Q And then if you start off, "Recently we were
 12 very fortunate to have our cousin Carrie Lavigne
 13 circulate a memo." Those are your words?
 14 A That's the voice of Olo memorandum that she
 15 circulated.
 16 Q What is this voice of Olo? What is that?
 17 A Well, my cousin Carrie Sue claimed to have been
 18 elected as the voice of Olo.
 19 Q Was that a word or phrase she coined?
 20 A Yes.
 21 Q All right.
 22 A Or perhaps it was in the document itself. I
 23 don't have the document in front of me, so I can't...
 24 Q Well, it's not that important.
 25 Okay. I would like to have this next document

1 (Deposition Exhibit No. 27
 2 was marked for identification.)
 3 BY MR. HALL:
 4 Q Okay. Here's 27. Can you tell me what that
 5 is.
 6 A I am writing to the Territorial Registrar on
 7 January 28, 2002 asking him to put the orders of
 8 guardianship of the property and of -- I think the
 9 person or is it just the property?
 10 Q So that's a communication you sent to the --
 11 A Territorial Registrar showing my mother's
 12 estate, life estate at Olo which the judge awarded her
 13 in my father's probate, was her property, and that I was
 14 her guardian of that property.
 15 Q Okay. I wish to have this marked.
 16 (Deposition Exhibit No. 28
 17 was marked for identification.)
 18 BY MR. HALL:
 19 Q This was marked as Exhibit 28. I'm going to
 20 have you read one of the paragraphs. Can you take a
 21 look at that and tell me, did you send that e-mail and a
 22 date.
 23 A The foundation --
 24 MR. VARGAS: He wants to know if you wrote
 25 this.

1 marked.
 2 (Deposition Exhibit No. 26
 3 was marked for identification.)
 4 BY MR. HALL:
 5 Q Can you tell me if that is your letter and who
 6 did you send it to and what the date is?
 7 A It is October 10, 2001. It's signed by myself
 8 and it is to Dear Family Members, and that would be to
 9 family members whose e-mails I had.
 10 Q What is the date of it?
 11 A October 10, 2001.
 12 Q Okay. And do you have anything else to say
 13 about that?
 14 A Well, if you have a question I'll answer it.
 15 Q No. If you have nothing to add to it, I'm just
 16 having you identify these documents.
 17 A I would like to comment on that.
 18 Q We're going back to Document 26.
 19 A This announces to the others that we want to
 20 continue a conversation, to have a more inclusive
 21 conversation as opposed to resurrecting the old Olo
 22 Association, whatever that was.
 23 So we wanted to address all the problems that
 24 were there, but we wanted to use a different format.
 25 I'm so sad that her feelings were hurt by it.

1 THE WITNESS: I don't think it's relevant.
 2 MR. VARGAS: Okay.
 3 BY MR. HALL:
 4 Q You can put your objection on the record that
 5 it's not relevant.
 6 A The objection is this is improper -- let's go
 7 outside.
 8 MR. VARGAS: Let's take a break.
 9 MR. HALL: Off the record.
 10 (Discussion held off the record
 11 from 3:29 - 3:31 p.m.)
 12 BY MR. HALL:
 13 Q Coming back on the record. Okay. Can you tell
 14 me what that is?
 15 A It's an e-mail.
 16 Q And what's the date of that?
 17 A December 4th, 2006.
 18 Q And did you send it?
 19 A I did.
 20 Q Let me show you where I want you to read.
 21 Could you please hand it to me.
 22 A (Witness complies.)
 23 Q Paragraph numbered 2, and I'll point to it,
 24 right there, can you read that paragraph.
 25 MR. VARGAS: Let me interpose an objection.

1 The document speaks for itself.
 2 Go ahead.
 3 THE WITNESS: Do you want me to read it?
 4 MR. VARGAS: Go ahead and read it.
 5 THE WITNESS: "Robert John and his slimeball
 6 friend Alailima are apparently suing everyone to get
 7 their land back. Has anyone heard about this? While
 8 the horsetrading over the years really was invalid
 9 transferring since 1982, the entire family has honored
 10 it, over time, and we can make the case that Frances
 11 reassigned her acres to the Balboans at family rates,
 12 and therefore those interests, which she was allowed to
 13 sell to Mark and Doug are not subject to re-sale since
 14 she has already sold them. Anymore than the acres my
 15 father and Marg and Ben traded off of Jim. On Robert
 16 John's theory, Uncle Jim could sue to get his back and
 17 sell them on the open market, too, including all
 18 improvements. Of course he won't, but that is the proof
 19 of the family's historical understanding. Whatever we
 20 think, we must all stand behind Mark's permanent use and
 21 quiet enjoyment. We did not object to the transfers,"
 22 meaning transfers to Mark, "believing as we did, that
 23 everyone benefits when family members live at Olo."
 24 BY MR. HALL:
 25 Q And those are your words?

1 A I have a new position.
 2 Q What is that new position?
 3 A That Robert John was misled.
 4 Q Excuse me?
 5 A That Robert John was misled and that he
 6 misunderstood a great deal. That an entire lawsuit was
 7 taken for no particular reason at all except to obtain a
 8 legal theory for somebody else's benefit.
 9 Q What lawsuit was that?
 10 A That would be Opelle versus Kneubuhl. My
 11 comments towards Robert John, however unkind they were,
 12 I see now why he was behaving as he did and what he was
 13 basing his behaviors upon.
 14 Q Robert John, is that Robert John Opelle?
 15 A Yes.
 16 Q Is he an attorney?
 17 A No.
 18 Q Okay. I'll have this marked.
 19 (Deposition Exhibit No. 29
 20 was marked for identification.)
 21 BY MR. HALL:
 22 Q I'll show you this. I don't know if you've
 23 seen that or know about that. I was under the
 24 impression that he was an attorney.
 25 MR. SUNIA: Can we get a copy of that?

1 A Those are probably my words.
 2 Q And do you stand by those words?
 3 A I'm sure I've changed several of the points of
 4 view in the paragraph.
 5 Q Can you read No. 3?
 6 MR. VARGAS: Once again, I'll object that the
 7 document speaks for itself.
 8 MR. HALL: Objection noted.
 9 MR. VARGAS: Paragraph No. 3?
 10 MR. HALL: Yes.
 11 MR. VARGAS: Do you want her to read it on the
 12 record?
 13 MR. HALL: Yes.
 14 MR. VARGAS: Go ahead.
 15 THE WITNESS: "Frances has apparently signed
 16 over the Coke House to Robert John. Again, I suggest
 17 reinstating some Tongans in the Coke House for a few
 18 brief months to impose some reality on that jackass."
 19 BY MR. HALL:
 20 Q And those are your words?
 21 A Those are my words.
 22 Q And do you stand by those words?
 23 A I have changed them. I have changed my opinion
 24 about those words.
 25 Q Okay.

1 MR. HALL: Yes.
 2 BY MR. HALL:
 3 Q I'll give you the benefit of the doubt. I need
 4 to double-check this. I need to verify this, but can
 5 you tell me what that is?
 6 A It's a print-off of a website.
 7 Q And what is the name of the attorney name
 8 there?
 9 A Robert John Opelle.
 10 Q What is the address?
 11 A 32482 Lookout Court.
 12 Q Does that address sound familiar?
 13 A I don't know.
 14 Q Okay.
 15 A Printed off on 5/15/14.
 16 Q Okay. Thank you.
 17 Robert John is not a lawyer?
 18 A I have no clue.
 19 MR. VARGAS: You don't believe him to be a
 20 lawyer?
 21 THE WITNESS: No.
 22 MR. VARGAS: Okay.
 23 BY MR. HALL:
 24 Q I just want to show you this letter. See if
 25 you can identify that you sent it, the date and who you

1 sent it to.
2 (Deposition Exhibit No. 30
3 was marked for identification.)
4 MR. VARGAS: Let me show it to Fiti.
5 MR. HALL: Well, if he would come closer.
6 MR. VARGAS: So the question is is that your
7 e-mail.
8 THE WITNESS: Yes.
9 BY MR. HALL:
10 Q And the date?
11 A Is December 20th, 2006.
12 Q And who was it sent to?
13 A My Auntie Frances.
14 Q Okay. What is the purpose of that?
15 A Frances went to court to appoint
16 Charles Ala'ilima to be her own personal trustee to
17 effectuate the sale of her land at Olo.
18 Attorney Vargas was off island so we asked the
19 firm of Rose Joneson Vargas to take initiative to
20 dissuade her from this step, and they did so by filing,
21 I believe, a Motion for Contempt, at which point we were
22 desperately seeking to avoid any sale of her property
23 until the qualifications of the buyer and majority
24 approval had been received.
25 Q That's the purpose of this e-mail?

1 sent?
2 A I can't see what date -- oh, it's December 22,
3 2006. It is from me to my aunt Margaret and uncle
4 Keith.
5 Q Can you read that?
6 MR. VARGAS: You want her to read the small
7 print?
8 MR. HALL: No.
9 THE WITNESS: No. I can't read the small
10 print.
11 MR. HALL: I can't read the small print.
12 THE WITNESS: "Dear Marge and Keith, not to
13 butt into your business, but you need to immediately
14 e-mail David Vargas and tell him to file a lien,"
15 parens, "I can't spell that," closed parens, "in the
16 land records on Frances' Olo interests for the
17 outstanding judgment in what was it? \$60,000? In your
18 prior suit. He can find a case citation. It is
19 published by searching under Landrigan v. Opelle. If
20 you do this immediately it'll put a big kabosh on
21 Frances' plans, plus the debt is real and they owe it to
22 you. Why wouldn't you? I am sending another letter to
23 Frances to respond to her latest letter which I got
24 yesterday giving us the laughable news she intends to go
25 into court this week and appoint Charlie her," and

1 A That's the purpose of this letter.
2 Q I wish to have this marked.
3 (Deposition Exhibit No. 31
4 was marked for identification.)
5 BY MR. HALL:
6 Q Can you tell me if that is an e-mail that you
7 sent, to whom it was sent and the date?
8 A It was sent by me and it was sent to Frances.
9 Q And briefly, what is the subject matter of that
10 e-mail?
11 A Again, it's pursuant to her efforts to have her
12 own personal trustee appointed in the form of her own
13 attorney, Charles Ala'ilima, so he could sell the land
14 itself to Wally Jennings who we understood was not a
15 qualified buyer.
16 (Deposition Exhibit No. 32
17 was marked for identification.)
18 BY MR. HALL:
19 Q Okay. I have to apologize in advance for this.
20 I did not have very good copying. I'm sure in the stack
21 of documents your counsel provided to me there is a
22 better copy, but I've sort of enlarged the e-mail so
23 that I could have you read it.
24 A Thank you for doing that.
25 Q Could you tell me, is that an e-mail that you

1 that's in quotation marks, "trustee. In a moment, I am
2 going to ask David Vargas to enjoin that. Honestly, I
3 have no problem with Wally. I just don't want her to
4 set any more legal precedents for her, and possibly
5 Doug's, Carrie's and Kelly's, planned firesale to
6 strangers. And there is so much she is not addressing,
7 it is better to put a stop to this latest madness at the
8 earliest opportunity. Okay. Gotta go."
9 BY MR. HALL:
10 Q All right. Those are your words?
11 A Those are my words.
12 Q And you stand by these words?
13 A Not anymore.
14 Q And what is your position now?
15 A My position is that the debt that is referred
16 to there was most likely satisfied because the order to
17 make payments to the court was enforceable by the court.
18 And I have no perfect knowledge that the debt
19 was paid, but there was a judgment in favor of the land
20 from the Opelles and it was taken from the rents that
21 were payable under the Alai lease.
22 Q Now, you mention in this e-mail something Doug
23 and Carrie and Kelly's planned firesale to strangers?
24 A Yes.
25 Q So you had knowledge that Doug, Kelly and

1 Carrie were planning on selling their properties?
2 A Yes. We had just learned that November 2006 as
3 soon as that judgment came out they were out there
4 advertising the three acres that they believed they
5 owned in the Samoa News.
6 Q So you knew that they were intending or
7 planning to sell the land?
8 A We discovered it from third persons.
9 Q So you had knowledge that they wanted to sell?
10 A If we hadn't been told we wouldn't have known.
11 Q I appreciate that. So you had knowledge?
12 A I had knowledge that I was told they intended
13 to sell.
14 Q Okay. That's fine.
15 (Deposition Exhibit No. 33
16 was marked for identification.)
17 BY MR. HALL:
18 Q 33 was marked. Can you tell me what that is
19 and the date?
20 A It's a letter from me to the registrar
21 Mr. Samuel White asking him to put some stuff on the
22 land records for Olo on the Lena P. Kneubuhl Trust.
23 Q And the date of that e-mail?
24 A It is February 18, 2012 showing chain of title
25 to the various persons at Olo.

1 A It does look as if I did go and have it
2 notarized, just because it was going to go in the
3 records. It was notarized February 20th, 2012.
4 Q So that is your document?
5 A You mean my affidavit?
6 Q Yes.
7 A Yes.
8 Q Okay.
9 A And attached to that is a summary of all the
10 deeds which I have been discussing throughout this
11 entire deposition. This is a compilation of my research
12 about the origin and destination of the various deeds
13 and conveyances that were collected which make up the
14 Lena P. Kneubuhl Trust and various properties elsewhere.
15 Q And that is the reason why I marked it as an
16 exhibit.
17 A Good.
18 (Deposition Exhibit No. 36
19 was marked for identification.)
20 BY MR. HALL:
21 Q Just identify that, who you sent it to -- to
22 whom you sent it and the date.
23 A It says one of two. There's only one.
24 Q Is your name at the bottom of that page?
25 A Yes.

1 (Deposition Exhibit No. 34
2 was marked for identification.)
3 BY MR. HALL:
4 Q Can you identify this? Can you just identify
5 the document?
6 A This would be what that refers to.
7 Q So you're saying that this Exhibit No. 34 is
8 related to the e-mail of Exhibit No. 33?
9 A Yes.
10 Q Okay. And you sent that to the registrar?
11 A I did.
12 Q What's the date on the fax?
13 A March 6th, 2012.
14 Q Okay. Thank you.
15 (Deposition Exhibit No. 35
16 was marked for identification.)
17 BY MR. HALL:
18 Q Here's another letter that goes to the
19 territorial registrar. Is that connected to this fax?
20 I may be wrong. Can you tell me what date that is?
21 A February 20th, 2012.
22 Q And what is that, Exhibit No. 35?
23 A It's a --
24 Q Correct me if I'm wrong, but it looks like some
25 sort of affidavit; is that correct?

1 Q So that is an e-mail that you sent?
2 A It is.
3 Q Okay. And who did you send it to?
4 A It looks like to Douglas Mike Kneubuhl.
5 Q And what's the date of that?
6 A Friday, February 24th.
7 Q The year?
8 A 2012.
9 Q And can you just briefly tell us what that is?
10 A It is a reaction and a response to a
11 communication we received from Mike Kneubuhl having to
12 do with the family communications and family
13 interactions as a result of the attempted sale by
14 Douglas of his acre, and it attempts to set forth as
15 best I could the various difficulties people had with
16 the attempted conveyance.
17 It also attempts to object to the manner in
18 which my aunt Frances was treated in the passage of time
19 throughout February -- January and February 2012.
20 (Deposition Exhibit No. 37
21 was marked for identification.)
22 BY MR. HALL:
23 Q Okay. Can you tell me if that is an e-mail
24 that you sent and the date and who you sent it to.
25 A Well, it doesn't have the attachment. It

1 concerns the forfeiture clause.
 2 MR. VARGAS: What's the date?
 3 THE WITNESS: And the date is September 28th,
 4 2012.
 5 MR. VARGAS: From who to who?
 6 THE WITNESS: It is to Sandra Batson,
 7 Leslie Wood, Ralph Wood, Karen Takei, James Kneubuhl,
 8 Janet Schloat, to myself and Marie Borton.
 9 BY MR. HALL:
 10 Q What is the subject matter of that e-mail?
 11 A The subject matter of this e-mail is the
 12 forfeiture clause.
 13 Q Okay. What were you explaining or informing
 14 the people that you named that you sent that to?
 15 A If you recall, you earlier asked me for my
 16 interpretation of the forfeiture clause.
 17 Q That's correct.
 18 A And I gave it to you at some length.
 19 Q Is that part of that message in that e-mail?
 20 A This is to cause people to discuss the meaning
 21 of the forfeiture clause and how they interpret it so
 22 they are not afraid to go seek declaratory judgment in a
 23 court of law.
 24 Q And you shared this with --
 25 A All of those folks.

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1 Q Okay. My final question -- not my final, final
 2 question, but I want to ask you, Robin, are you paying
 3 for any of the legal fees for Frances Opelle?
 4 A I beg your pardon?
 5 Q Are you paying for any of the legal fees for
 6 Frances Opelle?
 7 A That would be confidential.
 8 Q "Yes" or "no."
 9 A It would be privileged. That's Frances'
 10 privilege to hold and hers to waive.
 11 Q But she's not objecting to it.
 12 A You can ask her.
 13 Q I'm asking you.
 14 A I'm not going to answer.
 15 Q My next question is are you advancing any funds
 16 to cover the deposition travel expenses for Fiti Sunia?
 17 MR. SUNIA: I'll object to that. You don't
 18 have to answer.
 19 THE WITNESS: Frances has not waived her
 20 privilege.
 21 BY MR. HALL:
 22 Q "Yes" or "no."
 23 MR. SUNIA: You don't have to answer that.
 24 THE WITNESS: I'm not answering it.
 25 MR. HALL: Okay. That's the answer.

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1 I'm done with the questions.
 2 MR. SUNIA: I have no questions.
 3 MR. VARGAS: No questions.
 4 MR. HALL: Okay then, let me finish up.
 5 I want you to know that the court reporter will
 6 prepare a transcript of your deposition for you to
 7 review and you may make corrections to your testimony.
 8 But if you do, at trial I may bring to your attention
 9 that you made those corrections or revisions to your
 10 testimony for the purpose of impeachment or to raise
 11 questions on your credibility.
 12 Do you understand that?
 13 THE WITNESS: Yes.
 14 MR. HALL: The attorneys have stipulated that
 15 after the transcripts have been delivered to you -- your
 16 attorney, and they may be delivered by e-mail, that we
 17 will -- you will review them and within 30 days you can
 18 sign the signature page, and it will also provide an
 19 errata sheet for you to write any of the changes that
 20 you want. And the original of that will be mailed or
 21 dropped off where?
 22 THE REPORTER: If it comes to Personal Court
 23 Reporters, we will make sure Veritext gets it.
 24 MR. HALL: Okay. And the transcript will be
 25 filed with the High Court of American Samoa pursuant to

Page 108

1 the Rules of Civil Procedure applicable to depositions
 2 with your signature.
 3 If you don't complete the errata sheet or the
 4 signature page within 30 days, the procedure will be
 5 that the transcript will be -- will be sent to the High
 6 Court of American Samoa as if you had signed it.
 7 Do you understand?
 8 THE WITNESS: I do.
 9 MR. HALL: Okay.
 10 MR. VARGAS: That's the stipulation.
 11 MR. SUNIA: Yes.
 12 THE REPORTER: So you guys did not want copies?
 13 MR. VARGAS: I do. I want a copy.
 14 MR. SUNIA: I want a copy.
 15 THE REPORTER: But you did not want roughs,
 16 correct?
 17 MR. VARGAS: Correct.
 18 MR. SUNIA: No rough.
 19
 20 (Whereupon, at 3:55 p.m., the deposition of
 21 ROBIN ALEXANDRA KNEUBUHL was concluded.)
 22
 23 ---oOo---
 24
 25

Page 109

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5
6 I, the undersigned, hereby certify under
7 penalty of perjury under the laws of the State of
8 California that the foregoing testimony is true and
9 correct.
10 Executed this _____ day of
11 _____, 20____, at _____,
12 California.
13
14
15 _____
16 ROBIN ALEXANDRA KNEUBUHL
17
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21
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25

1
2 I, Kimberly A. Edelen, C.S.R. No. 9042, in and for
3 the State of California, do hereby certify:
4 That prior to being examined, the witness named in
5 the foregoing deposition was by me duly sworn to
6 testify the truth, the whole truth and nothing but the
7 truth;
8 That said deposition was taken down by me in
9 shorthand at the time and place therein named, and
10 thereafter reduced to typewriting under my direction,
11 and the same is a true, correct and complete transcript
12 of said proceedings;
13 That if the foregoing pertains to the original
14 transcript of a deposition in a Federal Case, before
15 completion of the proceedings, review of the transcript
16 { } was { } was not required.
17 I further certify that I am not interested in
18 the event of the action.
19
20 Dated: May 21, 2014
21
22
23
24 _____
25 KIMBERLY A. EDELEN, C.S.R. NO. 9042

[& - 4th]

&	17 1:21 2:2 5:22 8:1 66:9,13	91:7,11	3
& 3:5 5:20	177 18:5	2002 6:18 21:10 58:24 92:7	3 4:16 5:8,13,16 6:11 7:10 28:8,13 29:18,19 66:18 95:5 95:9
0	18 5:23 7:7 77:23 102:24	2004 26:16,24 27:7	3-20-2002 6:9
06405 18:9	19 6:4 81:18,22 82:9	2006 6:23 7:5 21:14 21:21 74:15 93:17 98:11 100:3 102:2	3/19 52:7
06511 18:5	1960 5:22 66:8,19 74:12 78:23	2007 74:15	3/20/2002 86:24
1	1963 20:1 64:24	2008 23:20 24:21	30 6:23 20:7 60:17 98:2 108:17 109:4
1 4:13,15,19,21,22 5:10,14,18,19,21 6:4,8,9,15,17,19,22 7:6,8,14 14:14 16:9 35:4	1968 26:24 27:7	201 3:6	30,000 48:20
1.18 59:22 60:11	1969 26:8 27:15 65:1 68:2 81:7 83:23,23	2012 7:7,9,11,13,15 64:15 102:24 103:13,21 104:3 105:8,19 106:4	31 4:18 7:4 99:3
10 5:11 6:12,14,16 30:12 41:4 90:7 91:7,11	1974 18:25	2013 9:6 16:19	32 7:5 99:16
100 42:13,16	1982 68:3 78:3 80:18 94:9	2014 1:21 2:2 8:1 111:20	32482 97:11
102 7:7	1992 25:19 41:12	20th 16:18 25:19 98:11 103:21 104:3	33 4:20 7:7 27:8 102:15,18 103:8
103 7:9,11	1995 4:18,20 31:25 33:9 65:6	21 2:3 6:7 84:21 111:20	34 4:22 7:9 103:1,7
104 7:13	1996 4:22 5:4,5 35:4 36:5,25 37:20,23 38:22	21st 26:16	34702 1:23
105 7:15	1997 23:9	22 6:9,23 7:5 37:20 37:23 38:21 85:24 86:4 100:2	35 5:4 7:11 103:15 103:22
107 7:22,22	1998 19:6 28:6	23 6:10 87:10	3501 2:12
11 5:13 29:11 43:18	1:13 2:2 8:2	24 6:12 7:13 88:7	36 7:13 27:7 104:18
12 4:20 5:14 44:18 45:1 78:7,8	1:40 31:14	24th 26:16 105:6	37 5:7 7:15 105:20
12th 33:9 86:21	1:41 31:14	25 6:14 26:1 89:19	39 5:9
13 5:9,15 40:9 47:22 47:25 78:6,12 80:25	2	2506 3:7	3:11 81:16
13th 58:23	2 4:15,23 5:6,12 6:6 6:21,24 7:4,16 16:9 16:12,16 41:11 83:17,20 93:23	26 4:18 6:16 31:25 91:2,18	3:29 93:11
14 4:13 5:17 50:22 51:1,4,6 53:2,3 55:2 55:11,20 56:1,12,17 57:23 58:11 59:21 59:23 65:16 78:14	2-23-12 7:14	27 5:23 6:18 92:1,4	3:31 93:11
14's 55:12	2-25-02 5:17,19	27th 85:13	3:55 109:20
15 5:19,22 6:6 7:22 18:8,9 42:18 50:22 51:1,2,4,14 53:2 55:2 56:3,15,17 57:23 59:21,23 65:16 78:22	2/20/1990 41:10	28 4:16 6:7,18,20 7:15 85:21 92:7,16 92:19	4 4:14,17,18 5:15,22 6:5,13 29:5 31:8,17 31:19 48:6 66:18 80:25
16 4:15 5:20 63:21 63:24 64:10,22 69:11 82:6,9	2/25/02 56:2,5	28-13 8:21	4-4-02 5:18
	20 6:5 7:11 84:7,10 110:11	28-2013 1:6	41 5:11
	20-13 8:21	28th 106:3	411 2:3
	20-2013 1:5	29 6:22 20:10 96:19	43 5:13
	2000 6:6	2:56 81:16	44 5:14
	2001 5:9,15 6:6,8,12 6:14,16 40:9 48:6 85:21 86:21 90:7		45-92 29:3
			47 5:15
			4th 93:17

Deposition

Robin Alexandra Kneubuhl

- (1) Notice of Deposition
- (2) Interrogatories
- (3) Request for Production
- (4) Corrections
- (5) Requested Court Correspondence dated November 20, and December 21, 2001.

1 Law Offices of

2 **Hall & Associates**

3 Fagaima Center One, Suite 201
PO Box 2506, Pago Pago AS 96799
(684) 699-3131 Fax: (684) 699-3132
Cell: (684) 254-1424 or (684) 733-7300

4 Email: roy@rhalljrlaw.com

5 Roy J.D. Hall, Jr., Esq.

6 Attorney for: DEFENDANTS DOUGLAS CRANE "MIKE" KNEUBUHL, DOUGLAS
7 C. KNEUBUHL, JR., CARRIE SUE KNEUBUHL LAVIGNE ECKERT and KELLY
8 KNEUBUHL NADINE FULTS

9 HIGH COURT OF AMERICAN SAMOA

10 TRIAL DIVISION

11 ROBIN KNEUBUHL ROUSH, FRANCES K.
12 OPELLE and BENJAMIN ("BEN")
13 KNEUBUHL, JR.,

14 Plaintiffs,

15 vs.

16 DOUGLAS CRANE "MIKE" KNEUBUHL,
17 DOUGLAS KNEUBUHL, JR., CARRIE SUE
18 KNEUBUHL LAVIGNE ECKERT and KELLY
19 KNEUBUHL NADINE FULTS,

20 Defendants.

21 _____
22 FRANCES OPELLE,

23 Plaintiff,

24 vs.

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

Defendants.

) LT No. 20-2013
) CA No. 28-2013

) NOTICE OF TAKING OF
) DEPOSITION AND DEMAND TO
) PRODUCE DOCUMENTS
) (T.C.R.C.P. Rule 30(b)(5))

1
2 **NOTICE OF TAKING OF DEPOSITION AND DEMAND TO PRODUCE**
3 **DOCUMENTS**

4 TO: ROBIN ROUSH A.K.A. ROBIN A. KNEUBUHL and DAVID VARGAS,
5 attorney for PLAINTIFF ROBIN ROUSH A.K.A. ROBIN A. KNEUBUHL

6 PLEASE TAKE NOTICE that Defendants DOUGLAS C. "MIKE"
7 KNEUBUHL, CARRIE SUE ECKERT (also known as CARRIE SUE LAVIGNE),
8 KELLY NADINE FULTS, MARK KNEUBUHL and DOUGLAS C. KNEUBUHL, JR.
9 will take the deposition of ROBIN ROUSH A.K.A. ROBIN A. KNEUBUHL
10 at 1:00 pm, on May 17, 2014, before a person qualified to give
11 or receive oaths in the state of California, and will continue
12 from day to day (except Sundays) until completed. The place of
13 the deposition will be at 411 E. Canon Perdido Suite 21, Santa
14 Barbara, CA, 93101 (805-569-9590), and Santa Barbara,
15 California. This deposition may be videotaped pursuant to
16 applicable High Court Rules and the stipulation of the parties.
17

18 As indicated, documents and other things are requested and
19 are identified in Exhibit "A" attached.

20 Dated: 5/2/2014


21 
22 _____
23 ROY J.D. HALL, JR., ESQ.,
24 Attorney for DEFENDANTS
25 DOUGLAS CRANE "MIKE"
26 KNEUBUHL, DOUGLAS C.
KNEUBUHL, JR., CARRIE SUE
KNEUBUHL LAVIGNE ECKERT and
KELLY KNEUBUHL NADINE FULTS

EXHIBIT "A"

- 1
2 1. All emails, correspondences, notes and memorandums
3 relevant to the Lena P. Kneubuhl Land Trust (1960) and
4 the lands known as: Olo, Taputimu, Puapua, Taupou,
5 Tagavaa, and Lesea.
6
- 7 2. All emails, correspondences, notes and memorandums
8 relevant to the Douglas Crane "Mike" Kneubuhl, Douglas
9 C. Kneubuhl, Jr., Carrie Sue Kneubuhl Lavigne Eckert And
10 Kelly Kneubuhl Nadine Fults, involving the lands known
11 as: Olo, Taputimu, Puapua, Taupou, Tagavaa, and Lesea.
12
- 13 3. Any document, legal opinion or memorandum in your
14 possession that support the allegations concerning
15 beneficial interests and life estates of the
16 beneficiaries of the Lena P. Kneubuhl Land Trust (1960),
17 as asserted in paragraphs 18 to 23 of the complaint
18 filed in the above-entitled action LT No. 20-2013.
- 19 4. Any document, court order, civil or probate appointing
20 Robin Roush a.k.a. Robin A. Kneubuhl as Executor or
21 Administrator of the Estate of John Alexander Kneubuhl,
22 including a statement of final accounting and inventory,
23 and decree of distribution and closing estate.
- 24 5. Any document, civil or probate court order, appointing
25 Robin Roush a.k.a. Robin A. Kneubuhl as Executor or
26

1 Administrator of the Estate of Dotsy Schenck Kneubuhl,
2 including a statement of final accounting and inventory,
3 and decree of distribution and closing estate.

4 6. Any survey drawing(s) of lands described in the Lena P.
5 Kneubuhl Land Trust (1960), in particular lands known
6 as: Olo, Taputimu, Puapua, Taupou, Tagavaa, and Lesea.

7 7. Any other documents that you and your attorney may
8 introduce as evidence, whether or not the document is in
9 fact introduced as evidence at trial in the above
10 entitled consolidated cases.
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David
Vargas

COURT OF AMERICAN SAMOA
Clerk's Office

FILED TIME: 3:11 pm
7/8/14
TERRY S. WELDING
CLERK OF COURTS

Law Offices of

Hall & Associates

Fagaima Center One, Suite 201
PO Box 2506, Pago Pago AS 96799
(684) 699-3131 Fax: (684) 699-3132
Cell: (684) 254-1424 or (684) 733-7300

Email: roy@rhalljrlaw.com

Roy J.D. Hall, Jr., Esq.

Attorney for: DEFENDANTS DOUGLAS CRANE "MIKE" KNEUBUHL,
DOUGLAS C. KNEUBUHL, JR., CARRIE SUE KNEUBUHL LAVIGNE ECKERT
and KELLY KNEUBUHL NADINE FULTS

HIGH COURT OF AMERICAN SAMOA
TRIAL DIVISION

ROBIN KNEUBUHL ROUSH, FRANCES K.
OPELLE and BENJAMIN ("BEN")
KNEUBUHL, JR.,
Plaintiffs,

vs.

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

Defendants.

) LT No. 20-2013
) CA No. 28-2013

) DEFENDANTS FIRST DISCOVERY
) REQUEST TO PLAINTIFF ROBIN
) ROUSH A.K.A. ROBIN KNEUBUHL
) FOR INTERROGATORIES AND
) REQUEST FOR PRODUCTION OF
) DOCUMENTS
) (T.C.R.C.P. RULES 33 - 34)

FRANCES OPELLE,
Plaintiff,

v.

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

Defendants.

1
2 Please take notice that Defendants Douglas C. "Mike"
3 Kneubuhl, Carrie Sue Eckert (a.k.a. Carrie Sue Lavigne), Kelly
4 Nadine Fults, and Douglas C. Kneubuhl, Jr. in the above-
5 entitled action, pursuant to T.C.R.C.P. Rule 33, requires
6 Plaintiff Robin Kneubuhl Roush a.k.a. Robin Kneubuhl to
7 answer, under oath, within thirty (30) days of the date of
8 service of the following interrogatories:

9 **INTERROGATORIES**

10 INTERROGATORY NO. 1: What is your full name?

11 RESPONSE:

12
13 INTERROGATORY NO. 2: Have you ever been known by any
14 other name?

15 RESPONSE:

16
17 INTERROGATORY NO. 3: If yes, state by what other name,
18 alias, or married name (if applicable) you have been known?

19 RESPONSE:

20
21 INTERROGATORY NO. 4: Are you married?

22 RESPONSE:

23
24 INTERROGATORY NO. 5: If yes, please state:

- 25 a. Your husband's full name
26 b. The date of your marriage
27 c. The state in which you were married
28

1
2 d. Any changes in your marriage, i.e., divorced, widowed
3 or separated

4 RESPONSE:

5
6 INTERROGATORY NO. 6: Are you employed?

7 RESPONSE:

8
9 INTERROGATORY NO. 7: If yes, state:

10 a. The name and address of your employer

11 b. Full time or part-time

12 c. Position description of employment

13 RESPONSE:

14
15 INTERROGATORY NO. 8: Please describe your educational
16 degrees and any professional certifications?

17 RESPONSE:

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19 INTERROGATORY NO. 9: Please provide the name or names of
20 your children and their place of residence and present mailing
21 addresses.

22 RESPONSE:

23
24 INTERROGATORY NO. 10: Please provide the name or names
25 of your siblings and their place of residence and present
26 mailing addresses.

27 RESPONSE:

28

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2 INTERROGATORY NO. 11: Do you have a survey drawing of
3 all lands distributed or claimed by John Kneubuhl (deceased)
4 and/or his heirs, whether or not it has been registered with
5 the American Samoa Office of Territorial Registrar?

6 RESPONSE:

7
8 INTERROGATORY NO. 12: If yes, can you please attach a
9 copy of the said survey drawing?

10 RESPONSE:

11
12 INTERROGATORY NO. 13: Do you have a survey drawing of all
13 lands distributed to all the children of Lena P. Kneubuhl,
14 whether or not it has been registered with the American Samoa
15 Office of Territorial Registrar?

16 RESPONSE:

17
18 INTERROGATORY NO. 14: If yes, can you please attach a
19 copy of the said survey drawing and if you have more than one
20 drawing, please attach a copy of all the survey drawings?

21 RESPONSE:

22
23 INTERROGATORY NO. 15: Did you receive any letter
24 notifying you of the Right of First Refusal to a proposed
25 offer and/or offer from Defendants Carrie Sue Eckert (a.k.a.
26 Carrie Sue Lavigne), Kelly Nadine Fults or from Defendants'
27 counsel Roy J.D. Hall, Jr.?

28 RESPONSE:

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INTERROGATORY NO. 16: Did you advise your children that each one has an equitable title interest to real property in American Samoa under the Lena P. Kneubuhl Land Trust (1960)?

RESPONSE:

INTERROGATORY NO. 17: If yes, can you please provide the document, email or other communication or if verbal, the date or approximate date and place when this happened?

RESPONSE:

INTERROGATORY NO. 18: If you are qualified as an attorney, can you provide your legal opinion as to the allegations to the statutory life estates set forth in paragraph 18 of your complaint wherein you are a named plaintiff in the above-entitled action (C.A. No. 28-13)?

RESPONSE:

I, _____, hereby swear under oath and declare under penalty of perjury that the foregoing answers to interrogatories herein above are true and correct.

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SUBSCRIBED AND SWORN to before me on this _____
day of _____, 2014, personally appeared before me
_____, known to me to be the person who
voluntarily executed these Interrogatories.

NOTARY PUBLIC
My commission expires: _____

1 Law Offices of

2 **Hall & Associates**

3 Fagaima Center One, Suite 201
PO Box 2506, Pago Pago AS 96799
(684) 699-3131 Fax: (684) 699-3132
Cell: (684) 254-1424 or (684) 733-7300

4 Email: roy@rhalljrlaw.com

5 Roy J.D. Hall, Jr., Esq.

6 Attorney for: DEFENDANTS DOUGLAS CRANE "MIKE" KNEUBUHL, DOUGLAS
7 C. KNEUBUHL, JR., CARRIE SUE KNEUBUHL LAVIGNE ECKERT and KELLY
8 KNEUBUHL NADINE FULTS

9 HIGH COURT OF AMERICAN SAMOA

10 TRIAL DIVISION

11 ROBIN KNEUBUHL ROUSH, FRANCES K.)
12 OPELLE and BENJAMIN ("BEN"))
13 KNEUBUHL, JR.,)
14 Plaintiffs,)

) LT No. 20-2013
) CA No. 28-2013

14 vs.)

) **NOTICE OF TAKING OF**
) **DEPOSITION AND DEMAND TO**
) **PRODUCE DOCUMENTS**
) (T.C.R.C.P. Rule 30(b)(5))

15 DOUGLAS CRANE "MIKE" KNEUBUHL,)
16 DOUGLAS KNEUBUHL, JR., CARRIE SUE)
17 KNEUBUHL LAVIGNE ECKERT and KELLY)
18 KNEUBUHL NADINE FULTS,)
19 Defendants.)

20 _____)
21 FRANCES OPELLE,)
22 Plaintiff,)

22 vs.)

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

_____)
Defendants.)

1
2 **NOTICE OF TAKING OF DEPOSITION AND DEMAND TO PRODUCE**
3 **DOCUMENTS**

4 TO: ROBIN ROUSH A.K.A. ROBIN A. KNEUBUHL and DAVID VARGAS,
5 attorney for PLAINTIFF ROBIN ROUSH A.K.A. ROBIN A. KNEUBUHL

6 PLEASE TAKE NOTICE that Defendants DOUGLAS C. "MIKE"
7 KNEUBUHL, CARRIE SUE ECKERT (also known as CARRIE SUE LAVIGNE),
8 KELLY NADINE FULTS, MARK KNEUBUHL and DOUGLAS C. KNEUBUHL, JR.
9 will take the deposition of ROBIN ROUSH A.K.A. ROBIN A. KNEUBUHL
10 at 1:00 pm, on May 17, 2014, before a person qualified to give
11 or receive oaths in the state of California, and will continue
12 from day to day (except Sundays) until completed. The place of
13 the deposition will be at 411 E. Canon Perdido Suite 21, Santa
14 Barbara, CA, 93101 (805-569-9590), and Santa Barbara,
15 California. This deposition may be videotaped pursuant to
16 applicable High Court Rules and the stipulation of the parties.
17

18 As indicated, documents and other things are requested and
19 are identified in Exhibit "A" attached.

20 Dated: 5/2/2014

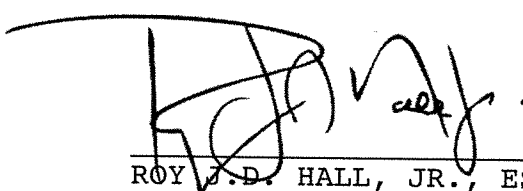
21 
22 _____
23 ROY J.D. HALL, JR., ESQ.,
24 Attorney for DEFENDANTS
25 DOUGLAS CRANE "MIKE"
26 KNEUBUHL, DOUGLAS C.
KNEUBUHL, JR., CARRIE SUE
KNEUBUHL LAVIGNE ECKERT and
KELLY KNEUBUHL NADINE FULTS

EXHIBIT "A"

- 1
2 1. All emails, correspondences, notes and memorandums
3 relevant to the Lena P. Kneubuhl Land Trust (1960) and
4 the lands known as: Olo, Taputimu, Puapua, Taupou,
5 Tagavaa, and Lesea.
6
- 7 2. All emails, correspondences, notes and memorandums
8 relevant to the Douglas Crane "Mike" Kneubuhl, Douglas
9 C. Kneubuhl, Jr., Carrie Sue Kneubuhl Lavigne Eckert And
10 Kelly Kneubuhl Nadine Fults, involving the lands known
11 as: Olo, Taputimu, Puapua, Taupou, Tagavaa, and Lesea.
12
- 13 3. Any document, legal opinion or memorandum in your
14 possession that support the allegations concerning
15 beneficial interests and life estates of the
16 beneficiaries of the Lena P. Kneubuhl Land Trust (1960),
17 as asserted in paragraphs 18 to 23 of the complaint
18 filed in the above-entitled action LT No. 20-2013.
- 19 4. Any document, court order, civil or probate appointing
20 Robin Roush a.k.a. Robin A. Kneubuhl as Executor or
21 Administrator of the Estate of John Alexander Kneubuhl,
22 including a statement of final accounting and inventory,
23 and decree of distribution and closing estate.
- 24 5. Any document, civil or probate court order, appointing
25 Robin Roush a.k.a. Robin A. Kneubuhl as Executor or
26

1 Administrator of the Estate of Dotsy Schenck Kneubuhl,
2 including a statement of final accounting and inventory,
3 and decree of distribution and closing estate.

4 6. Any survey drawing(s) of lands described in the Lena P.
5 Kneubuhl Land Trust (1960), in particular lands known
6 as: Olo, Taputimu, Puapua, Taupou, Tagavaa, and Lesea.

7 7. Any other documents that you and your attorney may
8 introduce as evidence, whether or not the document is in
9 fact introduced as evidence at trial in the above
10 entitled consolidated cases.
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Robin's Responses to Hall Interrogatories as of April 10, 2014

1. Robin Alexandra Kneubuhl
2. Yes.
3. Gillian Robin Kneubuhl, Gillian Robinson Kneubuhl, Gilian Robin Kneubuhl, Gilian Robinson Kneubuhl, Gilian Robin Kneubuhl Nadel, Robin Kneubuhl, Gilian Robin Kneubuhl Roush.
4. No.
5. n/a
6. No.
7. n/a
8. B.A. University of California at Santa Barbara; Juris doctor, Quinnipiac University School of Law.
9. Dana Nadel Foley, Hannah Robinson Roush and David James Roush, residing in Portland, Oregon, Bozeman, Montana, and Philadelphia, Pennsylvania, respectively.
10. My siblings are John Pritchard Kneubuhl, deceased and David Craig Kneubuhl, deceased. My father adopted Sione Fonua. He is also deceased.
11. Yes.
12. See attached.
13. Yes.
14. See attached.
15. No. I received a letter of intent to discuss an offer.
16. No.
17. n/a
18. This asks for legal conclusions which are properly determined by the court.

Requests for Production

1. Emails from Robin Kneubuhl to Defendants from January 1, 1998 to the present.

Communications which are strictly personal are omitted. Attached are recoverable communications.

2. Survey drawings for Olo, Taputimu.

See attached.

3. Documents you or attorney may mark as exhibits

See attached.



Robin Kneubuhl <robin.kneubuhl@gmail.com>

Robin's Deposition Corrections

1 message

Robin Kneubuhl <robin.kneubuhl@gmail.com>

Sat, Jun 21, 2014 at 8:19 AM

To: David Vargas <david.p.vargas@gmail.com>

Hello David,

Here are my "corrections" to which Hall will of course object; please do not spend any time or resources arguing with him about my answering questions he did not ask, when he opened the door himself, and slammed it because he did not like the answer. I'll put a witnessed copy in the mail later this week.

Thank you,
All best, Robin

**Kvk_depo_Robin_corrections.docx**

17K

Corrections to Deposition of Robin Kneubuhl:

Note: A signed witnessed copy is sent under separate cover, US mail. Items requested throughout by defendants' counsel cannot be located in my files as of this date.

Page 10 line 5, and line 15 I meant "beneficiaries" not "fiduciaries"

Page 30 line 10 send transmittal letter re probate from judge Richmond

Page 43 line 7 This affidavit is of an "ex parte" nature (not "de facto" as stated) prepared to obtain orders to prevent imminent loss or damage to the person and property of my parents' estates or estate, however configured at that time.

Page 46-47, Line 25-1

In February, 2002, my mother Dorothy Kneubuhl was committed to the facility Fatuoaga, in American Samoa. As a condition of her admission, guardianship of her person was granted to the program administrator Sister Sheila, and also guardianship of her estate, as a condition, to the Fatuoaga financial administrator for purposes of receiving her social security disbursements and any other property or assets she might have enjoyed at the time. These were de minimus/personalty. Prior to her admission, the adopted Tongan family had converted any assets to their personal use. Hence, the only other asset in her estate was a life estate at Olo, Taputimu, granted to her by Judge Richmond under the Probate of my father's estate referenced earlier. Therefore, subsequent to these transfers any form or other paperwork for dissolution or final order closing the guardianship of her person and property would have gone to these individual Fatuoaga personnel as successor guardians for purposes of final accounting. And would therefore not be in my files.

Page 47, line 18: re: closure of guardianship. If I was sent a second form to complete, I would not have retained a copy, since all of the entries would be or approximate "zero" or "don't know."

Page 69, line 25. Expand answer as follows: "I think he [trustee] would have to [sell or otherwise dispose of the property] because the enabling statute permits the trust to continue only for two generations of beneficial use and enjoyment, pursuant to Craddick and its progeny."

Page 74, Line 16, expand answer as follows: "correcting Plaintiff's interpretation of the Court's prior opinion and holding."

Page 84, line 12: Correct answer to read: I did not see that document [Exhibit 20] until August, 2008 when, pursuant to our request to have a title search of the contested properties conducted by the law firm of Rose, Joneson and Vargas, whereupon it was produced as one of 3 recorded deeds, not previously disclosed by defendants.

Page 90, line 22-23: Carrie Sue stated in an e-mail to me that she was elected the "Voice of Olo," i.e. manager of the supposedly resurrected "Olo Association," when in fact no election had been held and such result would have been rejected, since, pursuant to the 1982 Agreement the children of Mike Kneubuhl had no interests at Olo after he was separated out permanently. We did not make this clear, since trying to be polite.

Page 92, line 23: Expand objection comment, "The foundation...." Which comment is interrupted by defendants' counsel, and which comment in objection ought have been permitted, especially as to foundation, is as follows:

The foundation is, and the record should read:

"This email is only one of several in a series of exchanges in which the family discusses the reports made to Robin and others by Douglas Kneubuhl, Junior in a very recent telephone call, in which Douglas stated to Robin that (1) Frances wanted her land back (2) Frances imminently intended to sue the family, especially Mark, to get both the land and the houses Mark built for her own benefit (3) Frances had plans for the imminent sale of all Olo lands allocated to her, (4) Frances had given the Coke house to her son Robert John who had (5) fraudulently or otherwise inappropriately obtained title to it for his own sole personal benefit. Douglas statements and representations as to Frances' intentions and Robert's conduct were the subject of continuing subsequent inquiry, and were found mostly to be untrue, especially where, unbeknownst to the writer/deponent and the rest of the Kneubuhl family (except defendants), it was Douglas himself and not Robert John who had actually, continuously and secretly sought to sell Frances' acreage on the open market as soon as the Court's initial holding in *Opelle v. Kneubuhl* was handed down, i.e. 2006 and corrected in 2007."

The reference to "these transfers" refers to the transfers made by the first generation after the 1982 Settlement Agreement, referenced elsewhere in this deposition (e.g. James to John, which was actually James to Ben and Margaret). Page 94, lines 14-23.

Page 101, line 19: change "land" to "Landrigans."

High Court of American Samoa

Pago Pago, American Samoa 96799

Lyle L. Richmond
Associate Justice

December 21, 2001

Gilian Robin Kneubuhl Roush
151 Everit Street
New Haven, CT 06511

Dear Mrs. Roush:


This is in further response to your letter of October 23, 2001, inquiring about pending litigation over interests in the land "Olo" in the High Court of American Samoa. I first learned this week, having presided over the trial setting motion, that there is in fact a pending action, CA No. 11-01, concerning a lease of a portion of the land. The trial setting hearing was continued at counsel's request to January 14, 2002.

Copies of the complaint and answers, the pleadings on file, are enclosed, as you requested. Your cost is \$14.50 (29 pages @ \$0.50 per page).

The best advice is to retain a local attorney if you or any other Kneubuhl heir decides to intervene in the pending action. However, the court would treat the proposed intervenor's letter requesting intervention as a motion and schedule a hearing for this purpose. The hearing could be conducted by a teleconference with sufficient advance arrangements. Meanwhile, your letter of October 23, 2001, related to CA No. 11-01 and copies of my replies of November 20, 2001, and today will be placed in the case file.

I apologize for the misinformation provided in my letter of November 20, 2001, when first responding to your letter.

Sincerely,


LYLE L. RICHMOND
Associate Justice

High Court of American Samoa

Pago Pago, American Samoa 96799

Lyle L. Richmond
Associate Justice

November 20, 2001

Gilian Robin Kneubuhl Roush
151 Everit Street
New Haven, CT 06511

Dear Mrs. Roush:

This replies to your two letters, dated October 23, 2001, to Robert Gorniak, Clerk of the High Court. One letter concerns the Estate of John Alexander Kneubuhl, Deceased, PR No. 45-92. The other letter concerns litigation regarding the land "Olo" and involving Douglas C. "Mike" Kneubuhl as a party.

Your letter concerning the closed probate proceeding for John Alexander Kneubuhl's estate, PR No. 45-92, and the attached copy of the Order Granting Petition for Appointment of Co-Guardians of the Property issued by the First Circuit Court of Hawaii in the proceeding entitled In the Matter of the Protection of the Property of Dorothy Schenck Kneubuhl, Protected Person, G. No. 01-1-0082, are placed in the file of PR No. 45-92 for future reference. As for recording in the territorial land records, you will need to send copies of the letter and the Hawaii court order, with the \$5.00 recording fee, to the Territorial Registrar, American Samoa Government, Pago Pago, American Samoa 96799, for that purpose.

Regarding your second letter, the land "Olo" was included in Lena Pritchard Kneubuhl's estate, probate proceeding PR No. 8-80, now also closed. Douglas C. Kneubuhl was the original petitioner for letters of administration in that action. Several related non-probate actions were resolved during the course of this probate proceeding. Based upon the potential litigants identified in your letter, there does not appear to be any ejection, eviction, or lease enforcement action concerning the land "Olo" pending before the High Court at this time. However, the justices of the High Court are not positioned to opine abstractly, directly or indirectly, on the legal nature or consequences of either past or present litigation to the extent you are apparently requesting, and the Clerk could not do so in any event. If you have current concerns, you are best advised to retain an attorney to research the records and provide this kind of legal advice on the relevant closed and active proceedings before the court.

I hope that this limited response is of some help.

Sincerely,



Lyle L. Richmond

Subject: Re: Robin's interrogatories

From: David P. Vargas (david.p.vargas@gmail.com)

To: robin.roush@snet.net;

Date: Thursday, April 10, 2014 1:52 PM

Ms Kneubuhl:

Thank you for the very fast response! While you are correct that your children are not beneficiaries under the land trust, they would be considered heirs of Lena's estate after the last grandchild passes on. For the present, we will leave your response as is and I will make appropriate objections where needed.

I note that you refer to documents "attached", but they were not included. I know that I have some of the surveys and emails, but think that it would be best if you put the package together.

David

On Thu, Apr 10, 2014 at 9:13 AM, Robin Kneubuhl <robin.roush@snet.net> wrote:

Short and sweet. He doesn't need my children's addresses- they are prohibited by the statute from being beneficiaries, he ought to know that.

All best,

Robin

OLO, TAPUTIMU

The Registrations at Aso Toelau

The partitioned "box" in Aso Toelau labeled 06/28/01 represents subsequent conveyances which P&S could not pin down, (true v. magnetic north, GPS, etc.) made among and between various children and grandchildren which can be found appended in these documents.

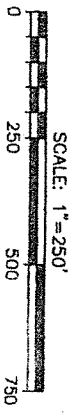
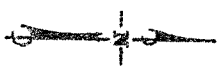
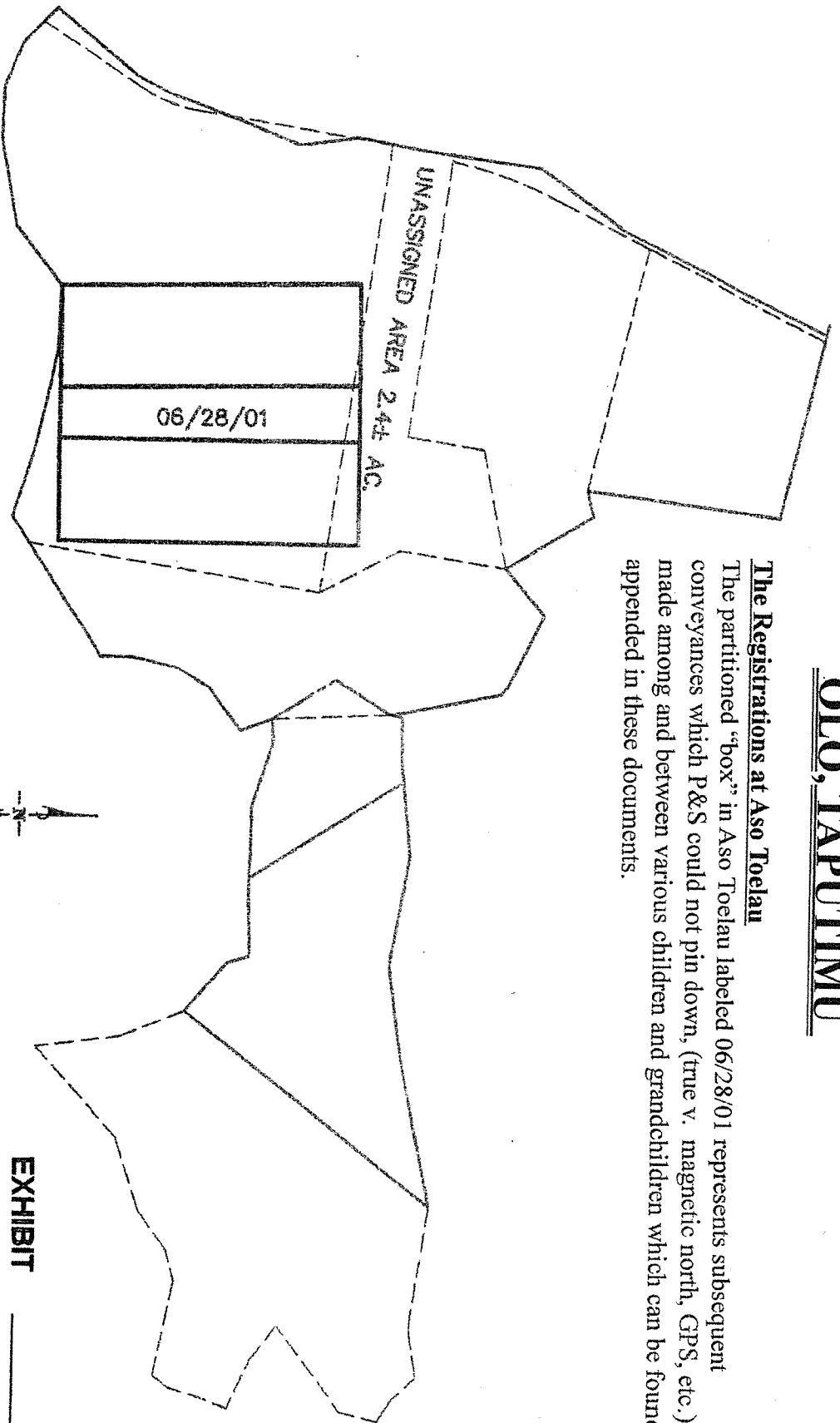


EXHIBIT _____
KNEUBUHL PROPERTIES
VILLAGE OF TAPUTIMU
TUTUILA, AMERICAN SAMOA
PAGE _____

Penfield and Smith is unable to locate these precisely on the map, with only the survey data given.

OLO, TAPUTIMU on or about 2000

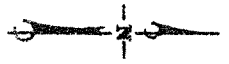
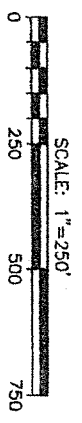
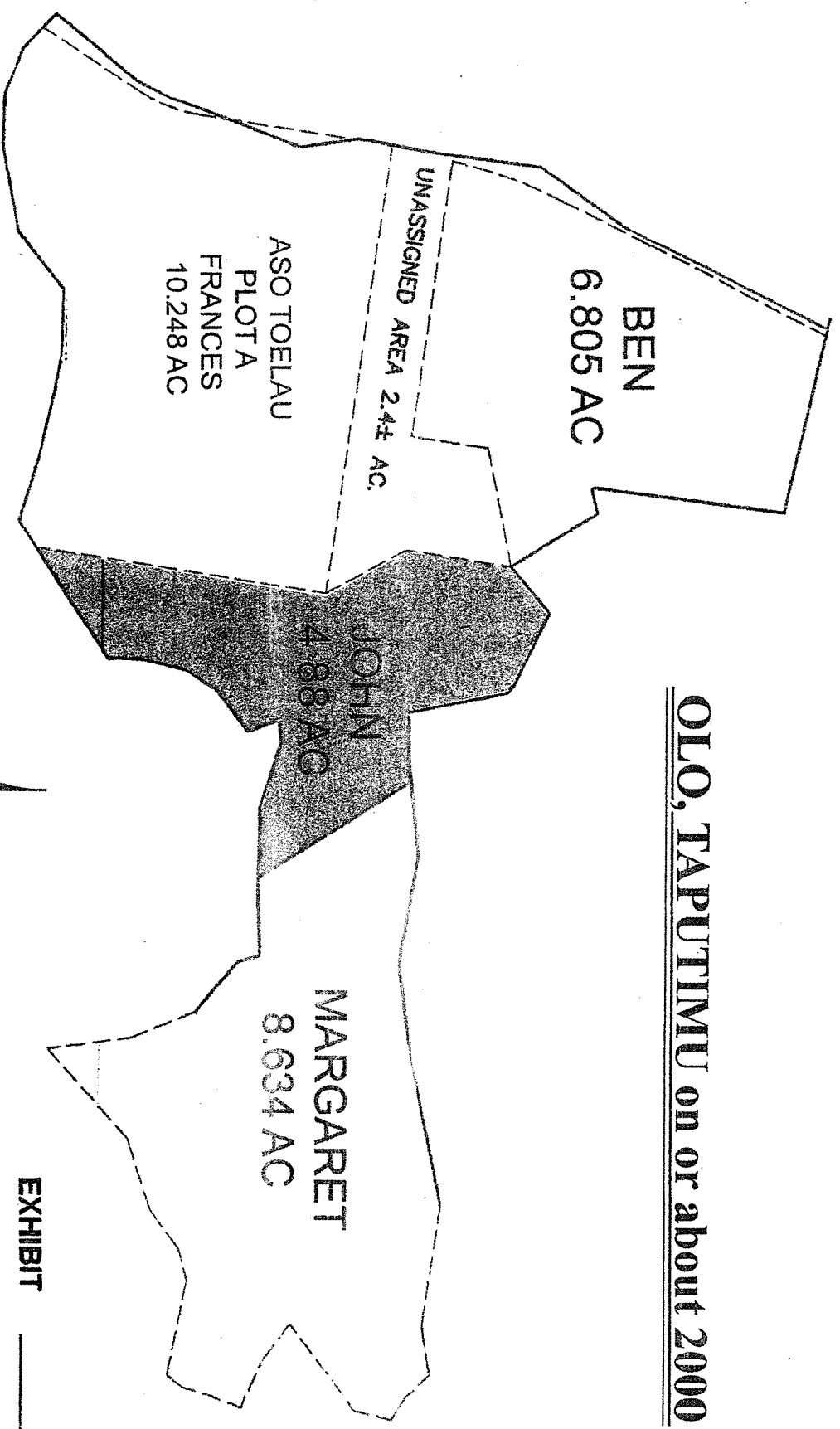


EXHIBIT _____

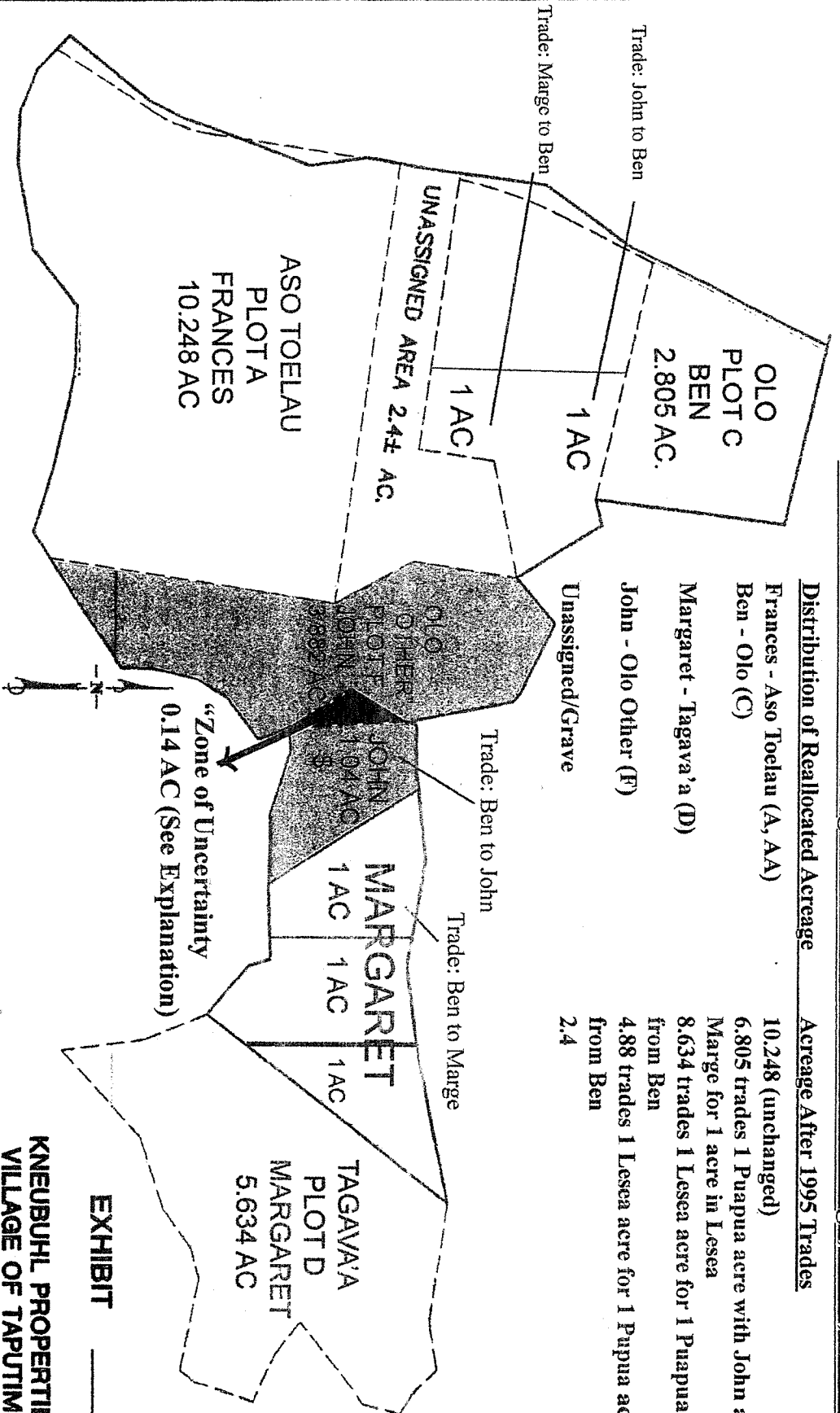
**KNEUBHL PROPERTIES
VILLAGE OF TAPUTIMU
TUTUILA, AMERICAN SAMOA**

PAGE _____

1995 Allocations Resulting From Trades Between Marge, John, and Ben

Distribution of Reallocated Acreage Acreage After 1995 Trades

Frances - Aso Toelau (A, AA) Ben - Olo (C) Margaret - Tagava'a (D) John - Olo Other (F) Unassigned/Grave	10.248 (unchanged) 6.805 trades 1 Puapua acre with John and Marge for 1 acre in Lesea 8.634 trades 1 Lesea acre for 1 Puapua acre from Ben 4.88 trades 1 Lesea acre for 1 Puapua acre from Ben 2.4
--	--



**KNEUBUHL PROPERTIES
VILLAGE OF TAPUTIMU
TUTUILA, AMERICAN SAMOA**

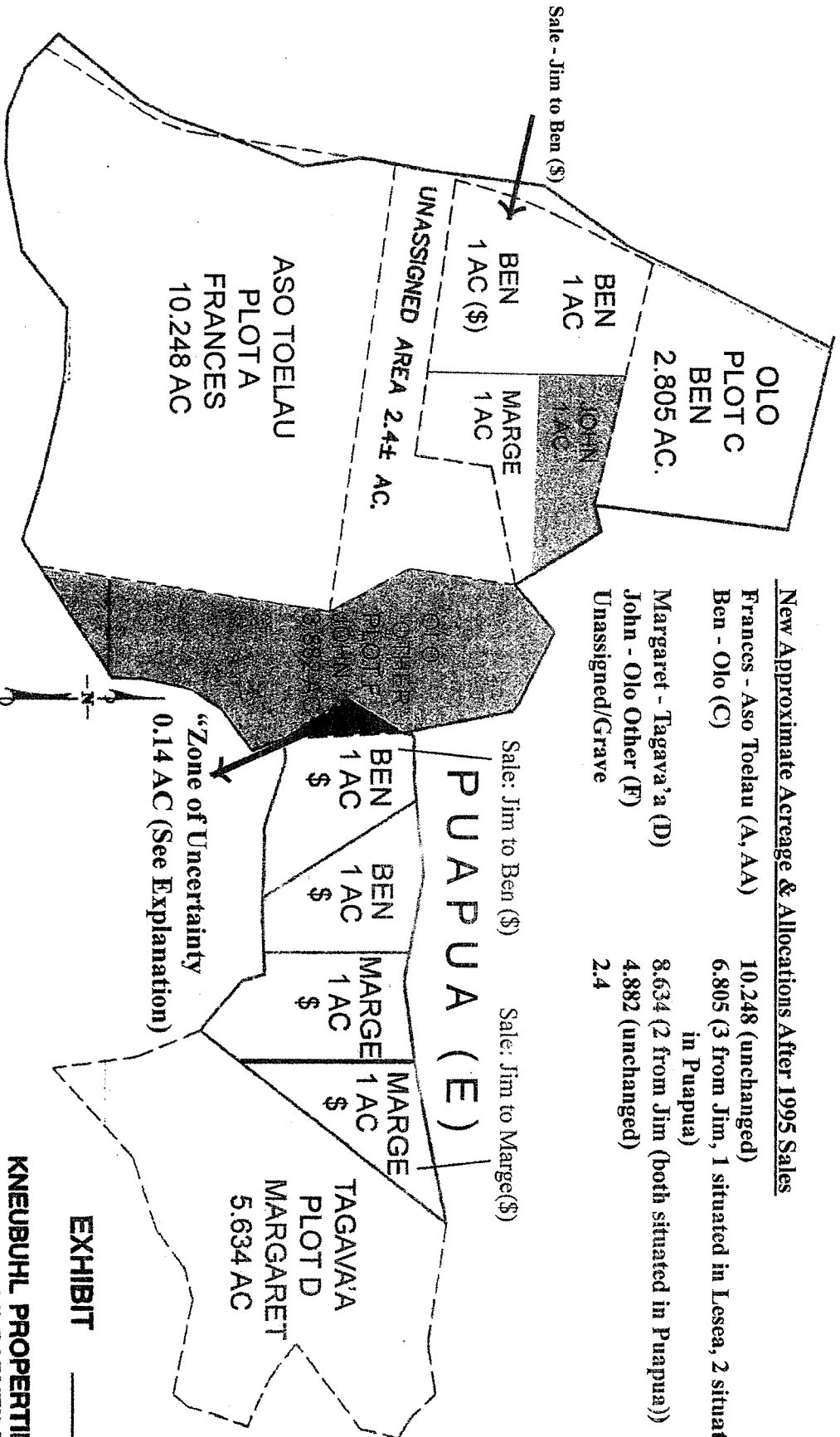
PAGE _____

Note: To achieve contiguous acreage in individual plots, the beneficiaries finalized their reallocation by trading the remaining interests in Lesea, held by John and Marge to Ben for those in Puapua, which he had purchased from Jim. John traded his 1 acre in Lesea for Ben's acre in Puapua adjacent to the east of his existing Plot F; Margaret traded her one acre in Lesea for Ben's acre in Puapua immediately west of those he purchased from Jim. The deed from Jim to Marge does not reflect that she paid for only two, but his letter of April 13, 1992 does. A survey of sorts memorializes this.

1995 Re-Allocations Resulting From Sale of Jim's Interests in Puapua

New Approximate Acreage & Allocations After 1995 Sales

Frances - Aso Toelau (A, AA)	10.248 (unchanged)
Ben - Olo (C)	6.805 (3 from Jim, 1 situated in Lesea, 2 situated in Puapua)
Margaret - Tagava'a (D)	8.634 (2 from Jim (both situated in Puapua))
John - Olo Other (F)	4.882 (unchanged)
Unassigned/Grave	2.4



**KNEUBUHL PROPERTIES
VILLAGE OF TAPUTIMU
TUTUILA, AMERICAN SAMOA**

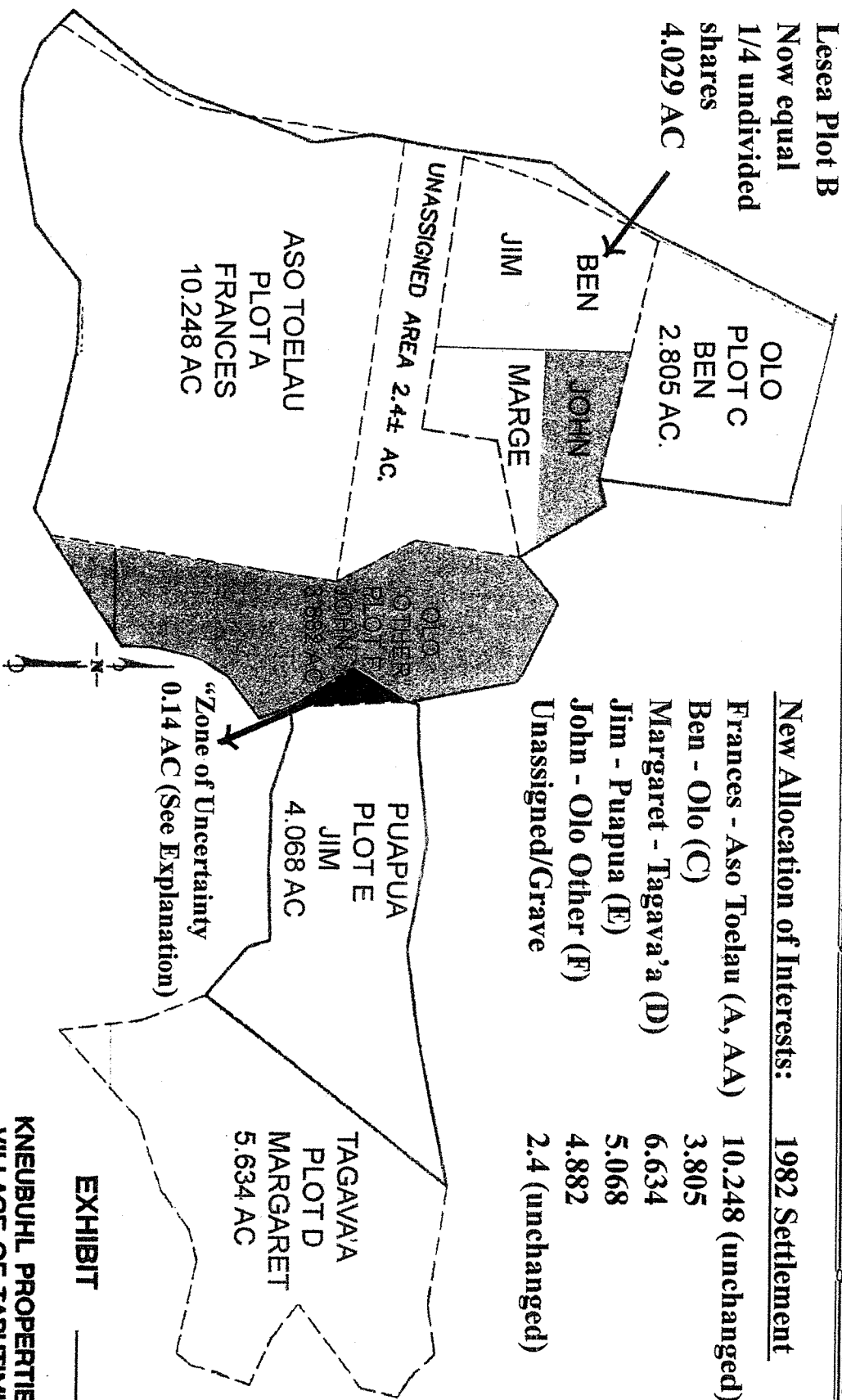
EXHIBIT _____

PAGE _____

Note: After 1982 and until 2002, the beneficiaries enjoyed years of open, informal possessory use, discussion, and conducted active "horse trading" over price and amounts, contemplating trades and sales to achieve contiguous plots of adjacent acres. In 1995, Jim sold 3 acres to Ben, 2 situated in Puapua, and 1 situated in Lesea. Jim also sold 2 acres to Margaret, both situated in Puapua. A survey of sorts was conducted in 1995. Registration of interests was not finalized until 2002.

Reallocation of Lesea (Plot B) by the 1982 Settlement Agreement

Lesea Plot B
Now equal
1/4 undivided
shares
4.029 AC



New Allocation of Interests:		1982 Settlement
Frances - Aso Toelau (A, AA)		10.248 (unchanged)
Ben - Olo (C)		3.805
Margaret - Tagava'a (D)		6.634
Jim - Puapua (E)		5.068
John - Olo Other (F)		4.882
Unassigned/Grave		2.4 (unchanged)

"Zone of Uncertainty"
0.14 AC (See Explanation)

KNEUBHL PROPERTIES
VILLAGE OF TAPUTIMU
TUTUILA, AMERICAN SAMOA

EXHIBIT _____

PAGE _____

Note: In 1982, Mike quitclaimed all his interests in Lesea and Olo except the gravesite to Jim, Ben, Marge, and John in equal shares of approximately 1 acre each. While this schematic shows color-coded assignment of interests in roughly equal (1/4) shares, these interests remained formally undivided and un-allocated until 1995 but were not registered until 2002 when the sales and the trades reflecting their informal use were completed.



Robin Kneubuhl <robin.kneubuhl@gmail.com>

Answers to Interrogatories

Robin Kneubuhl <robin.kneubuhl@gmail.com>

Fri, May 9, 2014 at 9:42 PM

To: David Vargas <david.p.vargas@gmail.com>

Hello David, I am seeing in my sent file in response to interrogatories and dscovery requests that I forwarded answers on April 10 (1), on April 25, (2); on April 28 (1); on April 30(20) and on May 6 (4). If you would like me to recompile and resend I will be happy to do so, but not to pay twice. Please let me know your preference. All bet, Robin

[Quoted text hidden]

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DR. GEORGE C. ROUSH, et al.)	CASE NO. 5:93 CV 1112
)	
Plaintiffs,)	JUDGE DOWD
)	
v.)	
)	
NATIONAL CITY BANK, NORTHEAST,)	<u>PLAINTIFFS' BRIEF IN</u>
et al.)	<u>OPPOSITION TO THE MOTION</u>
)	<u>FOR APPOINTMENT OF</u>
)	<u>GUARDIAN AD LITEM AND TO</u>
Defendants.)	<u>INTERVENE BY GILLIAN</u>
)	<u>ROBIN ROUSH</u>

I. INTRODUCTION AND FACTS.

This case was originally brought in May, 1993 by the Plaintiffs, Drs. George and Thomas Roush, on behalf of themselves and as the natural parents and next friends of their children, all as beneficiaries of certain Trusts for which Defendants acted as fiduciaries. Also consolidated with this action are two other lawsuits, filed by Defendants Society National Bank and National City Bank, Northeast (the "Banks"), for a declaration of the parties' various rights and responsibilities with regard to the Trusts. Gillian Robin Roush ("Robin Roush"), as natural mother of Hannah and David Roush (the "children") (who are also Plaintiffs herein) was served with copies of each of the Banks' Complaints in May, 1993. Answers to those Complaints were



Customs Declaration Dispatch Note CP 72
USPS TRACKING #



9405 5102 0082 9149 1829 05

U.S.
Postage Paid
via
endicia.com

From Robin Roush 64 OLIVE MILL RD MONTECITO CA 93108	License Number:	Nondelivery Instructions: Return to Sender
	Certificate Number:	
	Invoice Number:	
To David P. Vargas Box 3501 PAGO PAGO AS 96799	Importer's Telephone/Fax/Email:	Comments (e.g. goods subject to quarantine, sanitary/phytosanitary inspection or other restrictions):

Detailed description of contents	Qty	Weight lb oz	Value (US \$)	HS Tariff Number	Country of Origin	Insured Amount (US \$):
Correspondence/No Value	1	2 0.00	1.00		US	SDR Value:

Contents: <input type="checkbox"/> Gift <input type="checkbox"/> Commercial Sample <input type="checkbox"/> Merchandise <input checked="" type="checkbox"/> Documents <input type="checkbox"/> Returned Goods <input type="checkbox"/> Other		Total Wt 2 0	Total Value 1.00	Postage and Fees \$9.97
Sender's Customs Reference: (if known)	Importer's Customs Reference: (Fiscal or VAT number of the addressee, if known)	EEL / PFC: NOEEI 30.40		
I certify that the particulars given in this customs declaration are correct. This item does not contain any dangerous article, or articles prohibited by legislation or by postal or customs regulations. I have met all applicable export filing requirements under the Foreign Trade Regulations.				
Sender's signature: Robin Roush		Date: 04/10/2014		
		POSTAL USE ONLY Date In: Time In: Employee Initials: <input type="checkbox"/> AM <input type="checkbox"/> PM		



Robin's Responses to Hall Interrogatories as of April 10, 2014

1. Robin Alexandra Kneubuhl
2. Yes.
3. Gillian Robin Kneubuhl, Gillian Robinson Kneubuhl, Gilian Robin Kneubuhl, Gilian Robinson Kneubuhl, Gilian Robin Kneubuhl Nadel, Robin Kneubuhl, Gilian Robin Kneubuhl Roush.
4. No.
5. n/a
6. No.
7. n/a
8. B.A. University of California at Santa Barbara; Juris doctor, Quinnipiac University School of Law.
9. Dana Nadel Foley, Hannah Robinson Roush and David James Roush, residing in Portland, Oregon, Bozeman, Montana, and Philadelphia, Pennsylvania, respectively.
10. My siblings are John Pritchard Kneubuhl, deceased and David Craig Kneubuhl, deceased. My father adopted Sione Fonua. He is also deceased.
11. Yes.
12. See attached.
13. Yes.
14. See attached.
15. No. I received a letter of intent to discuss an offer.
16. No.
17. n/a
18. This asks for legal conclusions which are properly determined by the court.

Requests for Production

1. Emails from Robin Kneubuhl to Defendants from January 1, 1998 to the present.

Communications which are strictly personal are omitted. Attached are recoverable communications.

2. Survey drawings for Olo, Taputimu.

See attached.

3. Documents you or attorney may mark as exhibits

See attached.