



DEPOSITION
KELLY KNEUBUHL

DEPOSITION

Kelly Kneubuhl
at Irvine, California

May 16, 2014

1 kellykneubuh1k.docx
IN THE HIGH COURT OF AMERICAN SAMOA
2 TRIAL DIVISION
3

4 ROBIN KNEUBUHL ROUSH, FRANCES K.
5 OPELLE and BENJAMIN ("BEN")
6 KNEUBUHL, JR.,

HCCA No. 28-13

7 Plaintiffs,

8 vs.

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

13 Defendants.
14

15 DEPOSITION of KELLY KNEUBUHL

16 Irvine, California

17 Friday, May 16, 2014

18 Volume I
19
20
21

22 Reported by:
23 Kae F. Gernandt
24 RPR, CSR No. 5342

25 Job No. 1833360

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Deposition of KELLY KNEUBUHL, Volume I, taken
on behalf of plaintiffs, at 20 Corporate Park,
suite 350, Irvine, California, beginning at 3:25 p.m.
and ending at 4:18 p.m., on Friday, May 16, 2014, before
Kae F. Gernandt, RPR, Certified Shorthand Reporter No.
5342.

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♀

1 APPEARANCES (continued):

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3 For Defendants:

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I N D E X
VOLUME I

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FRIDAY, MAY 16, 2014

WITNESS
KELLY KNEUBUHL

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EXHIBITS REFERRED TO

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♀

1 IRVINE, CALIFORNIA, FRIDAY, MAY 16, 2014

6

2 3:25 P.M.

3
4 KELLY KNEUBUHL,

5 having been administered an oath, was examined and
6 testified as follows:

9 BY MR. VARGAS:

10 Q. Hello. I'm David Vargas. We haven't
11 formally met on the record. With me today is Fiti Sunia
12 and, of course, you know Mr. Hall, and the court
13 reporter is Kae.

14 Have you ever had your deposition taken
15 before?

16 A. No.

17 Q. Have you ever testified in a court of law
18 before?

19 A. Yes.

20 Q. Okay. And they gave you the oath and they
21 told you you have to tell the truth and all that stuff?

22 A. Yes.

23 Q. Okay. Well, the court reporter administered
24 an oath already, and it's the same oath that you would
25 give in a court of law, carries the same penalty. Your
1 testimony is under penalty of perjury, so it's best that
2 you be truthful in your responses.

3 Have you had an opportunity to discuss the
4 general nature of the deposition with Mr. Hall?

5 A. Yes.

6 Q. So, you kind of understand what's going on?

7 A. Yes.

8 Q. Okay. Well, let me just say a few things so
9 it's fairly clear. A deposition is a
10 question-and-answer session where the attorneys get to
11 talk to the witnesses about facts that they may have
12 that's germane or relevant to the case that they're
13 handling. And so, everyone will get an opportunity to
14 ask their questions.

15 And your attorney can object to those
16 questions or we can object to your attorney's questions.
17 But once the objection is made, unless you're instructed
18 not to answer, you should answer the question. Okay?

19 A. (The witness nods head.)

20 Q. The court reporter is taking everything
21 down, what you say, what I say, what Mr. Hall says,
22 verbatim. So, it's important for one person to speak at
23 a time. Otherwise, if Mr. Sunia asks you a question and
24 you start answering it before he's finished, then the
25 court reporter has to take and try to get them both, and
1 a lot of things get dropped in the process. So, wait
2 for the question to be completed before you answer, and
3 the attorneys will hopefully afford you the same
4 courtesy. Okay?

5 A. Yes.

6 Q. And because the court reporter is taking
7 everything down verbatim, it's important that you
8 provide audible responses and avoid modisms such as
9 "uh-huh" or "huh-uh" or shaking or nodding of the head.
10 'Cause that leaves it up to the court reporter to make a
11 determination as to what your response was.

12 So, if you can answer it "yes" or "no,"
13 answer it "yes" or "no." Also, if you don't know the
14 answer to a question, "I don't know" is a good answer
15 too. Or if you can't remember -- some of these things
16 go back several years, and if you don't remember, just
17 simply say you don't remember.

18 If we do ask a question that you find
19 troublesome or you can't understand it or it's not
20 clear, let us know, and we will ask the question again.
21 If you answer the question, and even though it's not

22 clear to you, we're operating under the assumption that
23 you understand the question, that's why you've given us
24 an answer. So, it's important that if you don't
25 understand a question to let us know. Okay?

1 A. Yes.

2 Q. No one wants you to guess or speculate in
3 order to provide an answer to our question. So, if you
4 don't know, give that answer.

5 We are, however, entitled to an estimate to
6 time, distance, et cetera. So, if you don't have a
7 clear recollection, you can say, "well, I believe it was
8 between five and ten years ago." That's an example of a
9 best estimate. Okay?

10 A. Yes.

11 Q. All right. If for any reason you need to
12 take a break for personal convenience or have a
13 conversation with your attorney, let us know, and we'll
14 go off the record. And, of course, that applies to the
15 court reporter as well.

16 At the conclusion of your deposition, a
17 transcript will be prepared and you will have an
18 opportunity to review it and make any corrections that
19 you deem are important. If you make a correction, if
20 you change your testimony significantly from what you
21 tell us here today, then any of the attorneys involved
22 can make a comment on that and it could affect your
23 credibility from whoever is hearing the case. But
24 better you give your best testimony today and try to
25 avoid any of those corrections.

1 Now, have you taken any medications in the
2 past 24 hours that might affect your memory?

9

10

3 A. No.

4 Q. Okay. Is there any reason why we cannot
5 proceed with your deposition today?

6 A. No.

7 Q. All right. At this time Mr. Sunia will be
8 asking you some questions. I will ask a few follow-up
9 questions. We'll try to get you out of here fairly
10 soon.

11 A. Thank you.

12 MR. SUNIA: Thank you.

13

14 EXAMINATION

15 BY MR. SUNIA:

16 Q. How are you?

17 A. Oh, I'm good. Thank you.

18 Q. Can you state your name?

19 A. Kelly Kneubuhl.

20 Q. And what is your age?

21 A. I'm 48.

22 Q. And your birth date?

23 A. 10/25/1965.

24 Q. Where were you born?

25 A. Santa Monica, California.

♀ 1 Q. How long have you lived in California?

2 A. Forty-five years.

3 Q. Your entire life you've lived here in
4 California, correct?

5 A. Most of my entire life, I've lived here.

6 Q. Did you live in American Samoa at any point
7 during your 45 years?

8 A. The first three years of my life.

9 Q. Since those three years, you've not --

- 10 A. Not in American Samoa.
- 11 Q. -- lived in American Samoa permanently,
- 12 right? You've not lived there permanently since --
- 13 A. No, I have not.
- 14 Q. Now, your parents, who are they?
- 15 A. Douglass Crane Kneubuhl and Suzanne Nelson
- 16 Kneubuhl.
- 17 Q. Your father is also known as Mike Kneubuhl?
- 18 A. Yes.
- 19 Q. You have siblings?
- 20 A. Yes.
- 21 Q. Can you name them for me?
- 22 A. Debbie Kneubuhl Durham, Mark Kneubuhl,
- 23 Douglas Kneubuhl, Carrie Eckert, Stacy Nelson.
- 24 Q. Okay. Do you know of an Adrian -- person
- 25 named Adrian Kneubuhl?
- 1 A. Yes.
- 2 Q. All right. Who is Adrian Kneubuhl?
- 3 A. I don't know.
- 4 Q. What do you know of Adrian Kneubuhl?
- 5 A. I've heard his name in reference to my
- 6 father in the past.
- 7 Q. And what kind of reference to your father --
- 8 A. That he may or may not be my father's
- 9 biological child.
- 10 Q. Have you met this person --
- 11 A. No.
- 12 Q. -- Adrian?
- 13 Are you married?
- 14 A. No, I'm not.
- 15 Q. Okay. Were you married before?

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A. Yes.

Q. When were you last married?

A. 2010, October 4th, 2010.

Q. Did you -- I assume you divorced?

A. Yes.

Q. Were you divorced here in California?

A. Yes.

Q. Is that the only marriage you had?

A. Yes.

Q. What was the name of your husband?

A. Jeffrey Christopher Fults.

Q. Where does he live now?

A. Newport Beach.

Q. You have a way of -- contact information for
him?

A. Yes.

Q. You have a phone number?

A. Yes.

Q. May I have it?

MR. HALL: what we'll do is she'll give it to me,
and then I'll decide whether to give it to you.

Go ahead.

BY MR. SUNIA:

Q. Do you have an address for him?

A. Yes.

MR. HALL: Same thing.

BY MR. SUNIA

Q. Will you give the address to your attorney,
and then he'll turn it over to me?

MR. HALL: Well, I will then decide whether or
not to turn it over to you.

BY MR. SUNIA:

13

♀

23 Q. Did you have children --

24 A. Yes.

25 Q. -- with your husband?

♀ 1 How many? 14

2 A. Two.

3 Q. How old?

4 A. 18 and 15.

5 Q. Are those children here in California with
6 you?

7 A. Yes.

8 Q. Their names?

9 A. Ian Christopher Fults, Paige Ainsley Fults.

10 MR. VARGAS: Sorry. The second one?

11 THE WITNESS: Paige Ainsley Fults.

12 BY MR. SUNIA:

13 Q. You would have attended all of your
14 education here in California, correct?

15 A. Yes.

16 Q. Where did you attend high school?

17 A. Corona Del Mar High School.

18 Q. And where is that high school?

19 A. In Newport Beach.

20 Q. Did you attend college?

21 A. Yes, I did.

22 Q. Where did you attend?

23 A. Fashion Institute of Design & Merchandising.

24 MR. VARGAS: What was that?

25 THE WITNESS: Fashion Institute of Design &
♀ 1 Merchandising. 15

2 BY MR. SUNIA:

3 Q. Where is that school?

- 4 A. Los Angeles, California.
- 5 Q. Any other schooling other than the fashion
6 design?
- 7 A. No.
- 8 Q. Are you working now?
- 9 A. Yes.
- 10 Q. Where do you work?
- 11 A. I work for the YMCA of Orange County.
- 12 Q. All right. How long have you been working
13 there?
- 14 A. Six years.
- 15 Q. Prior to the YMCA, did you work elsewhere?
- 16 A. I was a homemaker.
- 17 Q. Okay. Your YMCA job, is that the only job
18 you've held in the last 45 years?
- 19 A. No.
- 20 Q. Okay. After the fashion design school, did
21 you -- what work did you do?
- 22 A. I worked for Channel Cosmetics. I worked
23 for Sebastian International. I worked for Borghese
24 Cosmetics.
- 25 Q. How many years, the span of years, did you
1 work for those three companies? 16
- 2 A. Well, that was 21 years ago. I could only
3 approximate the years.
- 4 Q. What's your approximation?
- 5 A. My approximation would be 15 years, from age
6 16 to -- 16 to 28. So, that would be 12 years.
- 7 Q. And after those three companies, you became
8 a homemaker?
- 9 A. Yes.
- 10 Q. Where are you living now?

- 11 A. Corona Del Mar, California.
- 12 Q. And how long have you been living there?
- 13 A. Three years.
- 14 Q. Prior to that location, where did you live?
- 15 A. Newport Beach, California.
- 16 Q. How long did you live there?
- 17 A. Fifteen years.
- 18 Q. Do you own a home in Newport --
- 19 A. No --
- 20 Q. -- Beach?
- 21 A. -- I don't.
- 22 Q. Do you own a home where you're living now?
- 23 A. No, I don't.
- 24 Q. I'm going to show you two documents. One
- 25 has been marked Exhibit OPL-5 and the other has been
- 1 marked Exhibit OPL-6 in these depositions. 17
- 2 I'll ask you to have a look at them before I
- 3 ask you some questions on them.
- 4 Q. Okay.
- 5 A. Uh-huh.
- 6 Q. I'll start with Exhibit OPL-5. Have you
- 7 seen that document before today?
- 8 A. I'm -- yes, I'm sure I have.
- 9 Q. Okay. Does your signature appear on that
- 10 document?
- 11 A. Yes.
- 12 Q. Is that your signature --
- 13 A. Yes.
- 14 Q. -- on that document?
- 15 A. Uh-huh.
- 16 Q. And what is the -- what is the date on that

17 document?

18 A. 3/20/2002.

19 Q. All right. Now, what is your understanding
20 of that document?

21 A. Can you ask that in a different way?

22 Q. Do you know what that document is?

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

24 Q. In reviewing that document, do you know what
25 that document does?

‡ 1 A. I wouldn't be able to answer that without
2 having some legal counsel that I would answer that
3 correctly because I'm really not sure.

4 Q. What does the document say?

5 A. Shall I read it?

6 Q. Sure.

7 A. "This deed is made the 12th day of March,
8 2001 by and between D. C. Mike Kneubuhl and Frances K.
9 Opelle, for and hereafter called grantors and Carrie Sue
10 Lavigne of 2306 Orelia, Newport Beach, California and
11 Kelly Nadine Fults of 2670 Waverly Drive, Newport Beach,
12 California, hereafter called grantees, for and in
13 consideration of the sum of 1 dollar and other valuable
14 consideration, receipt of which is hereby acknowledged,
15 grantors demises, releases, sells and quickclaim deed to
16 grantees all their rights, title and interest in the
17 following described real property containing 2 acres
18 more or less as per the following legal description."

19 Q. Okay.

20 MR. VARGAS: We don't need to read it.

21 MR. SUNIA: We don't need to read it.

22 BY MR. SUNIA:

23 Q. So, it is a document that's conveying

24 2 acres of property to you and your sister Carrie,
25 right?

19

♀

1 A. Yes.

2 Q. You remember signing that document?

3 A. Yes.

4 Q. Did someone give you that document to sign?

5 A. Somebody must have given me this document to
6 sign.

7 Q. Do you know who prepared that document?

8 A. I don't.

9 Q. Normally, the -- we know it as a quitclaim,
10 q-u-i-t. That bears the title Quick, Q-u-i-c-k. That's
11 why I find it curious.

12 You don't know who prepared that document?

13 A. I don't know who prepared it.

14 Q. And you don't remember who gave you the
15 document to sign, correct?

16 A. I do not remember.

17 Q. Do you -- do you know if your father
18 presented you with that document to sign?

19 A. I couldn't speculate on that.

20 Q. Now, the date on that document is what
21 again?

22 A. 3/20/2002.

23 Q. Do you recall speaking or communicating with
24 Frances Opelle during that time?

25 A. I'm sure I must have.

20

♀

1 Q. Who is Frances Opelle to you?

2 A. My aunt.

3 Q. And how is she your aunt?

4 A. She's my father's sister, younger sister.

5 Q. When was the last time you spoke with
6 Frances Opelle?

7 A. Well, she wasn't at my Auntie Marge's
8 funeral.

9 Q. When was your Aunt Marge's funeral?

10 A. That was -- it might have been almost three
11 years now. And I don't believe I've spoken to her since
12 my father's cancer.

13 Q. And when did your father have cancer?

14 A. He has cancer. He was diagnosed the first
15 time in 2006.

16 Q. To the best of your --

17 A. Close to 2006.

18 Q. All right. So, did you speak with your
19 Aunt Frances at that time?

20 A. No.

21 Q. Now, do you remember communicating with your
22 Aunt Frances prior to 2006?

23 A. Yes.

24 Q. All right. Between the date of that deed,
25 "Quickclaim Deed," Exhibit OPL-5, and 2006, do you

1 recall whether you maintained communications either by
2 telephone or otherwise with your Aunt Frances?

3 A. I would imagine I had. I had small children
4 at the time, so the children would have been born, and
5 there would have been some conversation back and forth.
6 But I couldn't give you a date or time when that might
7 have happened.

8 Q. Do you know where your Aunt Frances was
9 living around the time of that deed?

10 A. I believe she was in San Juan Capistrano,
11 south county.

21

12 Q. How far -- and you were living in Newport?

13 A. Newport Beach.

14 Q. What is the distance between those two
15 places?

16 A. Approximately 35 minutes.

17 Q. 35 minutes would be the approximate time it
18 takes you to travel from Newport to Cap- -- what is it?

19 A. South county, Orange County.

20 Q. Okay.

21 A. And that's on a day with no traffic, which
22 is rare.

23 Q. Did you ever speak with your Aunt Frances
24 about that deed, Exhibit OPL-5?

25 A. I don't recall.

22

♀

1 Q. Had you ever discussed with your Aunt
2 Frances land that she owns or that belonged to your
3 grandmother Adeline Pritchard Kneubuhl's trust?

4 A. I would find that highly -- I don't think
5 so. That's not a conversation we would have had.

6 Q. Now I want you to look at Exhibit OPL-6.
7 What's the date on that document?

8 A. There's 5/3/2002.

9 Q. All right. Now, does your signature appear
10 on that document?

11 A. Yes.

12 Q. Now, that document is also titled
13 "Quickclaim," correct?

14 A. Yes.

15 Q. Okay. Can you explain to me how is it that
16 you signed two "quickclaim deeds" around that same
17 period?

18 A. I -- the only thing I could assume from this
19 is that my -- my name is Kelly Kneubuhl Fults. My name
20 was never Kelly Nadine Fults.

21 Q. So, are you saying that you didn't sign --

22 A. I did sign it. I signed it exactly as it
23 was stated because notaries tell you to sign exactly as
24 it's written, so that's what I did. I don't know if
25 they wanted -- I don't understand -- I don't know why

1 this is like this except for that I notice my name is
2 the only thing that's different on both of these.

3 Q. But you did sign both?

4 A. Yes, I signed both.

5 Q. Now, did you speak with your father about
6 these two deeds around -- on the day that you signed
7 them or some time --

8 A. I assume I must have.

9 Q. -- before?

10 You don't recall speaking with him?

11 A. No, I don't recall the conversation.

12 Q. Did your father ever speak with you about
13 land in American Samoa owned by his mother, Adeline
14 Pritchard Kneubuhl?

15 A. Most likely, I would assume, yes.

16 Q. Do you recall any specifics?

17 A. Nothing of any importance.

18 Q. What did you understand you were doing when
19 you signed those two documents, Exhibit OPL-5 and
20 Exhibit OPL-6?

21 A. I understood that my father had given my
22 Auntie Francie some money and that she, in turn, gave
23 him these 2 acres and that he, in turn, wanted to give
24 them to my sister and I.

23

25 Q. Where or who did you learn from that your
1 father had given your Aunt Frances some money in
2 exchange for land?

24

3 A. Well, I was at my parents' home on Balboa
4 Island on an occasion when my Auntie Francie called my
5 dad on the phone crying and she needed some funds.

6 Q. All right. Now, did you hear the
7 conversation?

8 A. I heard my dad's side of the conversation.

9 Q. Okay. And what did you hear your dad say?

10 A. That he was very sorry and he was very upset
11 and he was trying to console her. So that's how I
12 assume that she was crying because he was trying to
13 console her on the phone.

14 Q. Did your father seem angry?

15 A. No. He was concerned.

16 Q. Okay. Now, do you remember anything in
17 particular he may have said to your Aunt Frances during
18 that telephone conversation?

19 A. He needed to speak with my mother and call
20 her back.

21 Q. Do you know what he spoke -- did your father
22 speak to your mother?

23 A. Yes.

24 Q. And he called her back?

25 Do you know what he spoke to your mother
1 about?

25

2 A. He spoke to my mother about giving
3 Auntie Frances some money.

4 Q. And did he mention how much money he wanted
5 to give?

6 A. I don't -- I don't remember the specific
7 amount.

8 Q. What was your mother's response?

9 A. She didn't want to give my Auntie Francie
10 any more money.

11 Q. Do you know why?

12 A. Because there had been too much money given
13 in the past.

14 Q. Were you aware of the -- of money that may
15 have been given in the past by your father to your
16 Aunt Frances?

17 A. I recall instances when I was young when I
18 was still living at home in their home that were sad and
19 difficult and she would come to the house and need
20 money.

21 Q. What do you mean by "sad and difficult"?

22 A. Well, it's heartbreaking to see an auntie
23 crying and needing money and in fear of losing her
24 house. It's a sad thing to see, and it's difficult to
25 everybody who cares about people.

♀ 1 Q. How did you -- how did you learn of your
2 Aunt Frances' fear of losing her house?

3 A. Just in conversations that you hear people
4 picking up when you're a young kid. Except for this
5 very last one when the specifics were that she was in
6 fear that her house was being foreclosed on and she
7 needed to pay the bank immediately.

8 Q. Okay. Let me try to clarify this. Your
9 knowledge that your Aunt Frances was in fear of losing
10 her house --

11 A. Yes.

12 Q. -- did you acquire that knowledge before you

13 heard the conversation --

14 A. That was during the conversation.

15 Q. Please don't speak while I'm asking my
16 question 'cause it's going to confuse the -- now, let me
17 ask you again.

18 Did you acquire the knowledge that your
19 Aunt Frances was in fear of losing her home before the
20 telephone conversation that you overheard when your
21 father said that he needed to ask your mom first?

22 A. I acquired that information by hearing the
23 telephone conversation.

24 Q. Okay. So, during this telephone
25 conversation that you overheard, is that how you
1 acquired your knowledge that your Aunt Frances was in
2 fear of losing her home?

27

3 A. Yes.

4 Q. Okay. Now, how is it that you formed the
5 knowledge that this -- that through this telephone
6 conversation your Aunt Frances was in fear of losing her
7 home?

8 A. Through the side of the conversation that I
9 could hear, it made me aware that she was in desperate
10 needs of funds quickly. Topics came up as to, you know,
11 when they did get off the phone and my dad was speaking
12 to my mother, the comment was, you know, he was in fear
13 of where she was going to go, what she was going to do.
14 I can't say that I can give you any -- any more
15 information than just it was a very difficult
16 conversation to be in the room to hear.

17 Q. But you overheard -- or you heard the
18 conversation between your parents, your father and your

19 mother, after the telephone conversation between your
20 father and Frances, correct?

21 A. Yes.

22 Q. Okay. Now, did your father say to either
23 you or your mother that Frances was in fear of losing
24 her home?

25 A. Yes.

♀ 1 Q. Okay. So, that's how you learned that
2 Frances was in fear of losing her home, right?

3 A. That comment, as well as the one-sided
4 comment I was -- or the one-sided conversation I was
5 listening to between my Auntie Francie and my father.

6 Q. What did your father say in this -- on his
7 side of the telephone conversation that led you to
8 believe that your Aunt Frances was in fear of losing her
9 home?

10 A. He would ask her how long it had been since
11 she had made a house payment. He asked her what bank
12 her mortgage was with. That's how I first understood
13 that this was about losing her home.

14 Q. Okay. Now, did your -- what did your father
15 say to your mother after the conversation, after this
16 telephone conversation with his sister Frances?

17 A. Well, I would be summarizing a conversation.

18 Q. Okay. Would you summarize the conversation
19 that your parents had after the telephone conversation
20 between your father and his sister Frances?

21 A. He informed her that Francie had called and
22 what the predicament that she was in and said that he
23 needed to do something to help her. It didn't go very
24 well. My mother was quite upset, and I think that just
25 went on for quite some time. And then he called her --

♀

1 he did call my Auntie Francie back and told her that he
2 would help her and that my mother was very upset.

3 Q. Now, the call that your father made back to
4 your Aunt Frances was also made while you were present
5 in your father's home?

6 A. I left at that point. I didn't want to
7 stay -- I had gone by then.

8 Q. How did you know that he made that phone
9 call?

10 A. I must have been told by somebody because
11 that's how I believe this all came about.

12 Q. So, you subsequently learned that your
13 father made the phone call?

14 A. Yes.

15 Q. All right. When your father asked -- when
16 your father asked your mother to help your Aunt Frances,
17 did the topic of land come up?

18 A. Not at that time that I -- I don't remember
19 that then.

20 Q. Do you recall if there was a suggestion
21 of -- of helping her in exchange for land?

22 A. I don't think at that point in time that's
23 what I had heard.

24 Q. When did you first hear of this -- of the
25 topic of money for Frances in exchange for her land?

30

♀

1 A. After my father gave her the money.

2 Q. All right. When did you learn that your
3 father had given her money?

4 A. After the phone conversation.

5 Q. Okay. Now, how did you understand -- when
6 you learned that your father had given your Aunt Frances

7 money for land, exactly how -- what did you hear that
8 gave you that knowledge?

9 A. I don't know how I heard it.

10 Q. Did your father share with you that he had
11 given money to your Aunt Frances for land at that point?

12 A. I don't know who I heard it from.

13 Q. All right. Now, your father, do you know
14 whether your father purchased or -- purchased the land
15 from your Aunt Frances in one purchase or two purchases
16 or several purchases?

17 A. I have no idea.

18 Q. Okay. So, you don't know how he acquired
19 the 2 acres from your Aunt Frances, correct?

20 A. Correct.

21 May I say something?

22 Q. Did your -- did your mother -- did your
23 mother know of Frances' financial difficulties around
24 the time that the -- that your father helped to -- your
25 Aunt Frances with her home?

1 A. I would assume, yes.

2 Q. Now, I think you testified earlier that you
3 had knowledge of Frances' financial difficulties?

4 A. Yes.

5 Q. What kind of difficulties were you hearing
6 about other than this foreclosure risk?

7 A. I can only say that throughout my entire
8 childhood, I knew that there were difficulties and
9 shortcomings. And I played with Robert John and Marie
10 as a child. My auntie would bring them over to the
11 house. We'd go to their house. You hear this in
12 passing when you're a little kid. You see your auntie
13 crying. You see your father hugging her. You ask

31

14 what's wrong. They don't go into it with a child, but
15 you -- I would say it was an assumption throughout my
16 childhood.

17 Q. Did you notify members of -- of your
18 kneubuhl family that you were acquiring land from your
19 father in 2002?

20 A. No.

21 Q. Do you know if your father notified the
22 kneubuhl family that he was conveying land to you and
23 your sister in 2002?

24 A. I have no idea.

25 Q. When was the last time you've been to
1 American Samoa?

32

2 A. July 1995.

3 Q. That's the last time you've been to American
4 Samoa?

5 A. Yes.

6 Q. So, you've not actually seen the property
7 that your father conveyed to you in 2002, correct?

8 A. No, I have not.

9 Q. Did you speak with your sister Kelly
10 about -- Carrie about your land that you acquired from
11 your dad?

12 A. From time to time, we spoke about it.

13 Q. What kind of things did you talk about with
14 respect to the land?

15 A. It was overgrown. She -- they wanted to get
16 the boundaries, so they were pinning it. So, it was
17 about clearing it. I think at one time Carrie thought
18 she might want to move back down there again. I haven't
19 really had a whole lot of conversation about it.

20 Q. what about your brother Doug?

21 A. No, not really, huh-uh.

22 Q. Did you have any plans to move down to
23 American Samoa and stay on this land?

24 A. No.

25 Q. Do you have any plans now to move down to
1 American Samoa and stay on this land?

33

2 A. No.

3 Q. what are your plans for this land?

4 A. I can't say that I have any plans for this
5 land.

6 Q. Now, have you attempted to sell this land
7 that you acquired from your father?

8 A. Did I attempt to sell it?

9 Q. Yes.

10 A. Did I -- I -- it was -- there was an offer
11 made to me. I didn't actively go out and sell it.

12 Q. All right. who offered you to buy your
13 land?

14 A. I forget her name. I forget her name.
15 Sorry.

16 Q. Do you remember how much was offered for the
17 land?

18 A. \$100,000.

19 Q. For 2 acres or one -- or for an acre?

20 A. I think that was -- I -- I don't know
21 actually.

22 Q. Okay. Did someone act on your behalf in
23 soliciting an offer to buy your land?

24 A. I don't think anyone solicited it. I don't
25 think so.

1 Q. Do you know how -- where this -- how this

34

2 offer materialized?

3 A. I don't really know.

4 Q. Who told you about the offer, that there was
5 an offer to buy your land?

6 A. Originally somebody in my immediate family,
7 but I couldn't say exactly who that was.

8 Q. All right. Could it be your sister Carrie?

9 A. It could or couldn't be my sister.

10 Q. Could it be your brother Doug?

11 A. It could or couldn't be Doug.

12 Q. The land as of this date had not been sold,
13 right?

14 A. Correct.

15 Q. Are you still interested in selling your
16 land?

17 A. I don't actually think about it.

18 Q. Do you think your children would move to
19 American Samoa to stay on this land?

20 A. I don't think so, but I can't speak for
21 them.

22 Q. Basically your life is in California,
23 correct?

24 A. At this point in time.

25 Q. Do you understand exactly what rights you
1 acquired when this -- when these "quickclaim deeds" were
2 signed conveying you part of your Aunt Frances'
3 property?

4 A. No, I don't.

5 MR. SUNIA: Thank you very much. Those are all
6 my questions. Mr. Vargas will ask his questions.

7 THE WITNESS: Thank you.

35

♀

8

9

EXAMINATION

10 BY MR. VARGAS:

11 Q. So, the difference in the two documents that
12 you were looking at, 5 and 6, there's a couple. One is
13 with respect to the grantors. One lists the grantors as
14 Douglass Mike Kneubuhl and Frances Opelle to the two
15 girls, and the other one is just --

16 A. I see.

17 Q. -- Douglass Crane Kneubuhl to the two girls.
18 You see that?

19 A. Yes.

20 Q. Do you know how -- why there's a difference
21 there?

22 A. No.

23 Q. No idea?

24 And you speculated that the reason for the
25 two was because you never went by the name of Nadine?

1 A. I actually have no idea.

2 Q. Okay.

3 A. I just said that because that is the only
4 thing I had originally seen was different. Now you
5 pointed out the other.

6 Q. So, you've never used the name Nadine at
7 all?

8 A. That was my -- my maiden name's middle name.

9 Q. Okay. Because the reason I ask is because
10 in documents that I've seen, I've seen it Kelly Nadine
11 Fults.

12 A. The Nadine was taken off when I was married,
13 and my new middle name became Kneubuhl.

14 Q. Okay. That's fine.

15 Now, you mentioned that -- I think if I can
16 quote you, when Mr. Sunia was talking to you about the
17 frantic phone call from Frances to your dad and the
18 discussion between your mom and dad, that these two
19 documents -- I think you said this was how all of these
20 came about. Is that what --

21 A. That's all I can assume.

22 Q. That's your belief?

23 A. They followed that phone conversation.

24 Q. And it was very close in time to that phone
25 conversation?

♀ 1 A. I think so.

2 Q. So, if I understand your testimony
3 correctly, when you first learned that there was some
4 thought given to selling this land, it was because an
5 offer was made to one of your family members for the
6 purchase of the land?

7 A. That's my understanding.

8 Q. Okay. And they conveyed that offer to you?

9 A. Somebody called me and told me that. I just
10 don't know who.

11 Q. And what was your response? You say, "Yes,
12 okay"? "No way, Jose"? What was your response?

13 A. Well, no. I was quite happy.

14 Q. You were in favor of selling it?

15 A. It was -- I suppose so. I -- you know, it
16 was just --

17 Q. Otherwise, why were you happy?

18 A. That's quite a -- well, if someone is
19 offering to give you \$100,000, most people would be
20 pretty happy.

37

21 Q. So, did you seriously consider going through
22 with the sale then at that point?

23 A. Yes.

24 Q. Okay. And so, you approved the sale?

25 A. I suppose that's what I did.

38

♀

1 Q. You don't recall?

2 A. I just was quite happy that someone wanted
3 to purchase this property.

4 Q. So, did you tell anyone, "Okay, I approve
5 the sale"?

6 A. Probably.

7 Q. Did you do anything in writing concerning
8 this, if you can recall?

9 A. I can't recall.

10 Q. But the sale never went through?

11 A. No.

12 Q. Do you know why it didn't go through?

13 A. My understanding is because the family
14 members did not think that this was a correct thing to
15 happen.

16 Q. So, the family members didn't approve of
17 the --

18 A. Correct.

19 Q. -- of the conveyance?

20 A. Yes.

21 Q. But you don't recall who in the family first
22 informed you about the offer?

23 A. I just don't, no.

24 Q. Do you know whether or not anyone in your
25 family placed this property on the market for sale?

39

♀

1 A. I don't know that.

2 Q. You don't know one way or the other?

3 A. I really don't.

4 Q. Okay. If it had been put on the market, you
5 would have had to been notified about it, right, because
6 it was your property?

7 A. I have no idea.

8 Q. Oh, okay.

9 But you'll agree that because your dual name
10 is on the deed, that they couldn't sell it without your
11 consent, right?

12 A. For sure, yeah.

13 Q. Okay, okay. But is it a matter that you
14 don't remember any of this happening or it's possible
15 or --

16 A. It's all very possible.

17 Q. Okay. Were you going through some difficult
18 times during this time period?

19 A. Absolutely.

20 Q. Okay. So, your mind was directed in --

21 A. I absolutely was not concentrating on any of
22 this.

23 MR. VARGAS: I have nothing further. Thank you
24 for your time.

25 THE WITNESS: Thank you.

1

EXAMINATION

40

2 BY MR. HALL

3 Q. Okay. I'm going to show you what's been
4 marked as the Defendants' Exhibit No. 3, Kelly. Can you
5 take a look at this and tell me who is it from?

6 A. It's from Roy Hall, Jr.

7 Q. And can you tell me what the subject is?

8 A. "Ututoa sale deadline expired, including any

9 extension of time to complete the sale."

10 Q. Okay. What's the date of this document?

11 A. April 14th, 2014.

12 Q. And it's addressed to who?

13 A. Ututoa Ino.

14 MR. HALL: I have nothing further.

15 MR. VARGAS: You want a stipulation on this one
16 too?

17 MR. SUNIA: That one's already in.

18 MR. VARGAS: It's a different deposition.

19 MR. SUNIA: Oh, yeah.

20 MR. HALL: Okay. Stipulated to be in.

21 MR. VARGAS: Okay. It's in.

22 We're going to stipulate concerning the
23 handling of the original and the signing of the
24 deposition transcript.

25 Kelly, what's going to happen is the court
1 reporter is going to send an electronic copy of the
2 transcript to Mr. Hall, along with a signature page and
3 a page for corrections.

4 He's going to get that to you, and you will
5 have 30 days to review your deposition transcript, make
6 any corrections you want, sign the original correction
7 sheet, sign the original signature page for your
8 deposition, and Mr. Hall will get it back to the court
9 reporter. Okay?

10 THE WITNESS: Okay.

11 MR. VARGAS: The only thing you have to be aware
12 of is if you don't review and sign it within 30 days,
13 then an unsigned copy can be used as though it had been
14 signed. So, it's really important that you take the
15 time to review the transcript, make sure that there are

16 no glaring errors or nothing of any consequence that you
17 need to correct at that time. Okay?

18 THE WITNESS: Yes.

19 MR. VARGAS: All right.

20 MR. HALL: All right. Completed the deposition
21 for today?

22 MR. SUNIA: Yes.

23 MR. HALL: Thank you very much.

24 (TIME NOTED: 4:18 p.m.)

25

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♀

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2

3

4 I, KELLY KNEUBUHL, do hereby declare under penalty
5 of perjury that I have read the foregoing transcript;
6 that I have made any corrections as appear noted, in
7 ink, initialed by me, or attached hereto; that my
8 testimony as contained herein, as corrected, is true and
9 accurate.

10

11 EXECUTED this _____ day of _____ 2014, at

12 _____,

13 (City)

(State)

14

15

16

17

18

19

KELLY KNEUBUHL

20

VOLUME I

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♀

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4

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

6

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

10

11

12

13

14

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

15

16

17

IN WITNESS WHEREOF, I have this date subscribed my name.

18

19

20

Dated: May 16, 2014

21

22

23

24

Kae F. Gernandt

25

CSR No. 5342

44

♀

1 IN THE HIGH COURT OF AMERICAN SAMOA

2 TRIAL DIVISION

3

4

ROBIN KNEUBUHL ROUSH, FRANCES K.

5 OPELLE and BENJAMIN ("BEN")

KNEUBUHL, JR.,

6 HCCA No. 28-13

Plaintiffs,

7

vs.

8

DOUGLAS CRANE "MIKE" KNEUBUHL,

9 DOUGLAS KNEUBUHL, JR., CARRIE

SUE KNEUBUHL LAVIGNE ECKERT and

10 KELLY KNEUBUHL NADINE FULTS,

11 Defendants.

12

13

14

15 DEPOSITION of CARRIE SUE ECKERT

16 Irvine, California

17 Friday, May 16, 2014

18 Volume I

19

20

21

22 Reported by:

Kae F. Gernandt

23 RPR, CSR No. 5342

24 Job No. 1833360

25 PAGES 1 - 65

1 IN THE HIGH COURT OF AMERICAN SAMOA

2 TRIAL DIVISION

3

4

ROBIN KNEUBUHL ROUSH, FRANCES K.

5 OPELLE and BENJAMIN ("BEN")

KNEUBUHL, JR.,

6 HCCA No. 28-13

Plaintiffs,

7

vs.

8

DOUGLAS CRANE "MIKE" KNEUBUHL,

9 DOUGLAS KNEUBUHL, JR., CARRIE

SUE KNEUBUHL LAVIGNE ECKERT and

10 KELLY KNEUBUHL NADINE FULTS,

11 Defendants.

12

13

14

15

16 Deposition of CARRIE SUE ECKERT, Volume I,

17 taken on behalf of plaintiffs, at 20 Corporate Park,

18 Suite 350, Irvine, California, beginning at 1:17 p.m.

19 and ending at 2:54 p.m., on Friday, May 16, 2014, before

20 Kae F. Gernandt, RPR, Certified Shorthand Reporter No.

21 5342.

22

23

24

25

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