



DEPOSITION

D.C. 'MIKE' KNEUBUHL

SECOND

DEPOSITION

D.C. "Mike" Kneubuhl

at Indian Wells, California, September 2, 2015

HIGH COURT OF AMERICAN SAMOA

TRIAL DIVISION

ROBIN KNEUBUHL ROUSH, et al.,)
)
Plaintiffs,)
)
vs.) L.T.No.20-2013
) C.A.No.28-2013
DOUGLAS CRANE "MIKE" KNEUBUHL, et al.,)
) Consolidated
Defendants.) Matters
)
)
FRANCES OPELLE,)
)
Plaintiff,)
)
vs.)
)
DOUGLAS C. "MIKE" KNEUBUHL, et al.,)
)
Defendants.)
)
)
)

DEPOSITION OF: DOUGLAS CRANE "MIKE"
KNEUBUHL

DATE AND TIME: SEPTEMBER 2, 2015
9:00 a.m.

PLACE: 74-900 Highway 111
Suite 216
Indian Wells, California

REPORTER: MARITZA CASTRO
CSR CERTIFICATE NO. 14049

JOB NO.: 33069

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APPEARANCES OF COUNSEL:

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Also Present:

Robin Alexandra Kneubuhl
Carrie Eckert
Suzanne Kneubuhl
Robert Opelle

I N D E X

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1 DOUGLAS CRANE "MIKE" KNEUBUHL,
2 called as a witness on behalf of the plaintiffs, having
3 been first duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY MR. SUNIA:

7 Q. Good morning, Mr. Kneubuhl.

8 A. Good morning.

9 Q. We're here to take your deposition in --

10 MR. SUNIA: Do you need me to read the case
11 caption, or do you have that?

12 THE COURT REPORTER: I have it.

13 MR. SUNIA: Okay.

14 BY MR. SUNIA:

15 Q. In the matter of Kneubuhl vs. Kneubuhl, and
16 Opelle vs. Kneubuhl and others, L.T. No. 20-2013 and
17 C.A. No. 28-2013, consolidated matters, pending before
18 the High Court of the American Samoa Trial Division.

19 All right. Mr. Kneubuhl, we've -- I've taken
20 your deposition before, and you've given your testimony
21 before in a deposition in this matter; so the
22 instructions are the same. The -- in the event that
23 you may have forgotten, I'll just remind you you're now
24 under oath. The testimony you're giving is under oath
25 and that it is, therefore, subject to perjury.

6

1 If any of my questions are not clear today,
2 feel free to ask me to clarify them or ask your
3 counsel, who will from time to time object. If there
4 is an objection, unless you're instructed to not
5 answer, then you still must answer my question.

6 If you want to take a break, let me know, and
7 we'll take a break as often as you want. You get a
8 chance to review your deposition afterwards, and you
9 can make changes as you had in your first one; and your
10 attorney will explain to you how that process works.

11 All right. Are you under any medication this
12 morning that may cause you not to recall any of the
13 events that we may be talking about today?

14 A. Just my usual pills that I have to take.

15 Q. All right.

16 MR. SUNIA: Roy, is there anything?

17 MR. HALL: Yeah. Just for the record of
18 appearance, Roy J.D. Hall, Jr., the attorney for the
19 defendants in this case, except for Mark Kneubuhl. I
20 do not represent Mark Kneubuhl.

21 MR. SUNIA: And I am Fiti Sunia, and I
22 represent all of the plaintiffs in this matter -- in
23 these matters.

24 BY MR. SUNIA:

25 Q. Okay. Please state your name.

1 A. Douglas Crane Kneubuhl.

2 Q. And where do you live now, Mr. Kneubuhl?

3 A. We now live in La Quinta.

4 Q. Do you have an address?

5 A. Yes. It's 81-020 Legends Way.

6 Q. And how long have you been living there?

7 A. Since the end of May, May 1915.

8 Q. Of this year?

9 A. Of this year -- I mean, 2015. Excuse me.

10 Q. All right. Now, when we last spoke, you were
11 residing in -- was it Balboa?

12 A. Balboa Island.

13 Q. Balboa Island. The home that you had in
14 Balboa, do you still have it?

15 A. No.

16 Q. All right. Did you sell it?

17 A. Yes.

18 Q. All right. How much did you sell it for?

19 MR. HALL: I'm going to object and advise my
20 client not to answer. That has no relevancy to the
21 case in chief.

22 BY MR. SUNIA:

23 Q. And the home that you now moved to in La
24 Quinta, did you buy it?

25 A. Yes.

8

1 Q. The -- when we last spoke a year ago, I recall
2 you were -- had some health issues.

3 Do those remain the same?

4 A. Somewhat. Of course, I have cancer. I have
5 cancer, as you know.

6 Q. The trial in this matter is set for, I
7 believe, October 5th or 6th of this year.

8 Do you -- are you planning to attend the
9 trial?

10 A. Yes.

11 MR. SUNIA: I'm going to ask to have these
12 marked, please.

13 (Whereupon, Plaintiffs' Exhibits 1 through 3
14 were marked for identification.)

15 BY MR. SUNIA:

16 Q. All right. Mr. Kneubuhl --

17 MR. SUNIA: Will you show him No. 1, please,
18 Roy.

19 BY MR. SUNIA:

20 Q. Before you is Exhibit -- Plaintiffs' Exhibit
21 No. 1 in this deposition. If you'll just flip through
22 that document and see if you recognize it, please.

23 A. You'll have to excuse me. My eyes aren't that
24 good these days. I move slow.

25 Yes.

1 Q. All right. And what is that document?

2 A. It's a copy of a registration of land.

3 Q. And what land is that?

4 THE WITNESS: Is this it here? I can't read
5 that well.

6 MR. SUNIA: No. That's not the name of the
7 land.

8 Will you stipulate to this document, Roy?
9 It's an exhibit from the last deposition.

10 MR. HALL: Yeah. The printing is not very
11 good -- or the copy is not very good.

12 Why don't you ask some more questions, even if
13 you use the name of the land, to help him remember his
14 testimony.

15 BY MR. SUNIA:

16 Q. Do you recall that document as the instrument
17 that you claim Frances conveyed you her portion of
18 Fagaiofu land?

19 A. Yes.

20 Q. All right. Now, if you'll look at -- on page
21 2 of that document, and on the very, very top of that
22 document, do you see where there's a letter "F"?

23 A. On the very top?

24 Q. Yes. On the top margin.

25 A. Yes.

10

1 Q. There's a letter "F" there; right?

2 A. It looks like an "F."

3 Q. Okay. In your last testimony -- in your last
4 deposition, you said that this document was prepared by
5 Mr. Murray Drake.

6 Do you recall that?

7 A. I don't have his name here.

8 Q. All right.

9 A. Do you have a better document for me to look
10 at?

11 Q. Well, this -- do you remember this document at
12 the time it was prepared in 1984?

13 A. Yes.

14 Q. All right. And who prepared the document?

15 A. The -- Murray Drake's office, I believe.

16 Q. And Murray Drake was a lawyer you hired in
17 Apia; is that correct?

18 A. Yes.

19 Q. Can I -- can I ask you to have a look at
20 Exhibit No. 3, please.

21 Okay. Now, if you'll just flip through that
22 document and see if you -- if you go to the last page,
23 please.

24 Is your signature on that page?

25 A. Yes.

1 Q. All right. Do you remember that document,
2 Exhibit 3?

3 A. You'll have to give me a moment.

4 Q. Please do.

5 A. Yes.

6 Q. All right. What is that document?

7 A. It's a -- a trial that we -- in which I was a
8 plaintiff against some people that had encroached on
9 the property.

10 Q. And what property is that?

11 A. This is Fagaiofu Bay, and the plaintiffs were
12 three of the different matais of the village of
13 Falelatai.

14 (Mrs. Suzanne Kneubuhl entered the room.)

15 BY MR. SUNIA:

16 Q. Okay. Do you remember who the attorney was?
17 Did you have an attorney that assisted you in this
18 matter or represented you in this matter?

19 A. Yes.

20 Q. Do you remember who the attorney was?

21 A. Yes.

22 Q. Who was the attorney?

23 A. Patrick Fepuleai.

24 Q. Okay. This document, Exhibit No. 3, if you
25 look on the first page, it says it's an affidavit.

12

1 So this was an affidavit for you; correct?

2 A. Yes.

3 Q. If you would please turn to page 2,
4 paragraph 8.

5 A. Yes.

6 Q. Okay. That paragraph 8 of your affidavit
7 refers to the conveyance of one-sixth share of Frances
8 Opelle to you of this property, Fagaiofu; is that
9 correct?

10 A. Yes.

11 Q. All right. Now, if you would then -- and it
12 says "Marked F and annexed hereto." Of course, there's
13 nothing attached hereto, but if you'll look, please, at
14 Exhibit No. 1 and then on page 2.

15 A. Yes.

16 Q. All right. Now, remember I asked you earlier,
17 "On the margin is the letter 'F'"; correct?

18 A. Yes.

19 Q. Do you recall whether that is the attachment
20 to this affidavit that was submitted to the court?

21 A. I really don't recall.

22 Q. Where were you when that affidavit was
23 prepared?

24 A. I can't recall where I was.

25 Q. When you signed that affidavit, you were in

1 California; is that correct?

2 A. Yes. I believe so.

3 Q. Okay. So was the affidavit -- do you remember
4 whether the affidavit was prepared and then sent to you
5 in California to sign?

6 On Exhibit No. 3, Mr. Kneubuhl.

7 A. This one?

8 Q. Yes.

9 A. Would you rephrase the question, please?

10 Q. Do you recall whether the affidavit was
11 prepared and sent to you to sign in California?

12 A. I believe so.

13 Q. All right. And I assume you read that
14 affidavit before you signed it?

15 A. Yes.

16 Q. And that when you read that affidavit, you --
17 you noticed the attachments to your affidavit?

18 A. Where are the attachments?

19 Q. Referenced in your affidavit. If you'll look
20 on paragraph 8.

21 A. Yes.

22 Q. All right. Thank you.

23 And now I ask you to have a look at Exhibit
24 No. 2, please.

25 A. Yes.

14

1 Q. All right. Do you recognize that document?

2 A. Yes.

3 Q. All right. And what is that document?

4 A. It's a conveyance.

5 Q. And what kind of conveyance?

6 A. Conveyance of property.

7 Q. What property?

8 A. Fagaiofu.

9 Q. Fagaiofu property?

10 A. Fagaiofu property.

11 Q. All right. And who was conveying Fagaiofu to
12 whom?

13 A. My sister Frances was conveying her one-sixth
14 ownership to me.

15 Q. All right. Now, what I want to ask you is
16 that you just reviewed Exhibit No. 1 also in this
17 deposition?

18 You just reviewed Exhibit No. 1 in this
19 deposition also?

20 A. Yes.

21 Q. That's the same document as
22 Exhibit No. 3 -- No. 2 that you have before you?

23 A. This is No. 2?

24 Q. Number 1 and No. 2.

25 Would you put No. 1 and No. 2 before you,

1 please.

2 I ask you to turn to the second page and then
3 the second page of No. 2.

4 I believe your testimony was Exhibit No. 1 is
5 the deed conveying Frances -- your sister Frances's
6 interest in Fagaiofu to you in 1984; correct?

7 A. Yes, yes.

8 Q. And Exhibit No. 2 is also a deed, according to
9 your testimony, conveying Frances's one-sixth interest
10 of Fagaiofu property to you; correct?

11 A. Yes.

12 Q. All right. Looking at those two documents,
13 sir, can you explain to me why they're different
14 facially?

15 A. No.

16 Q. All right. But you agree that you provided --
17 you provided this matter, our side, both of those
18 documents; correct?

19 A. Yes.

20 Q. All right. If you look on Exhibit No. 1 on
21 that page 2, do you agree that it does not have a
22 signature of a notary; right?

23 A. It has no notary signature. True.

24 Q. All right. And that's the document with the
25 "F" on the top margin; right?

16

1 A. Yes.

2 Q. And on Exhibit No. 2, if you'll look, you'll

3 agree that there appears to be a notary stamp and a

4 name of a person, Debbie Sutton?

5 A. Yes.

6 Q. Now, remember from your first deposition,

7 you -- when I asked you if you -- if you knew Debbie

8 Sutton, and your response was "no." You don't know who

9 she is, but then that was corrected later.

10 A. Yes.

11 Q. All right. What made you remember her?

12 A. Well, the first time I answered the question,

13 some 30 years had passed by. I can't even remember

14 people's names I did business with five, ten years from

15 that date; so 30 years was a little hard for me to

16 remember that name. Then when all of this came about,

17 my memory was refreshed, and I remembered that she was

18 the notary.

19 Q. Can you --

20 A. The signature's here.

21 Q. All right. Can you -- since you provided

22 these two documents, Exhibit No. 1 and Exhibit No. 2,

23 can you explain why one has a signature -- what appears

24 to be Debbie Sutton's signature and one doesn't?

25 A. No, I can't.

1 Excuse me. There is a name, Debbie Sutton, on
2 this first signature [sic]. There's a name there,
3 Debbie Sutton, but it's not signed.

4 Q. Correct. And you're referring to
5 Exhibit No. 1?

6 A. Exhibit 1, yes.

7 Q. All right. So can you explain to me why that
8 document wasn't signed --

9 A. No, I can't.

10 Q. -- by Debbie Sutton?

11 Can you explain to me why it wasn't signed by
12 Debbie Sutton?

13 A. No, I can't.

14 Q. Now, there's -- there also -- look on the left
15 margin of Exhibit No. 2. There are all these what
16 appear to be duty stamps.

17 A. Yes.

18 Q. There are no duty stamps on Exhibit No. 1 on
19 the margin; correct?

20 A. Yes, yes.

21 Q. Can you explain to me why that is the case?

22 A. No.

23 Q. And Murray Drake was handling all of this for
24 you in Apia; correct?

25 A. Yes.

18

1 Q. And I believe he's still around; is that
2 correct? Do you know?

3 A. Yes, yes. As far as I know.

4 MR. SUNIA: I'm also going to have this marked
5 as No. 4, please.

6 (Whereupon, Plaintiffs' Exhibit 4 was marked
7 for identification.)

8 BY MR. SUNIA:

9 Q. Before we move away from those Exhibits 1, 2,
10 and 3 for now, can you -- do I understand correctly
11 that Mr. Drake prepared these -- the two deeds,
12 Exhibit 1 and Exhibit 2, and had them forwarded to you
13 in California?

14 A. Yes.

15 Q. For your signature?

16 A. Yes.

17 Q. All right. And you were handling this matter
18 on your own in California and returning them to
19 Mr. Drake?

20 A. Yes.

21 Q. And the same with Exhibit No. -- I believe,
22 Exhibit No. 3, which is your affidavit that Fepuleai
23 had prepared for you -- Patrick Fepuleai prepared?

24 A. I don't recall if all three documents. Number
25 3, I think, was handled separately. That was the court

1 case.

2 Q. Right.

3 A. That was not handled by Drake.

4 Q. That was handled by Mr. Fepuleai?

5 A. Fepuleai.

6 Q. Patrick Fepuleai. All right.

7 MR. SUNIA: Roy, I'm going to give you a copy
8 of this one.

9 BY MR. SUNIA:

10 Q. Exhibit No. 4 is before you now, Mr. Kneubuhl.
11 Why don't you have a look at that and see if you -- do
12 you see your signature on that page of Exhibit No. 4?

13 A. Yes.

14 Q. Can you have a look and tell me what that
15 document is?

16 A. It says "Transfer," "Land Title Registration
17 Act Samoa."

18 Q. Well, you signed the document, so you must've
19 seen it before; correct?

20 A. Yes.

21 Q. And if you look to the third -- why don't you
22 flip through the document, and then when you're ready,
23 I'll ask you some questions.

24 A. Yes.

25 Q. All right. Do you recall what that document

20

1 is now?

2 A. Yes.

3 Q. And what is that document?

4 A. The sale of Fagaiofu Bay.

5 Q. And who was it sold to?

6 A. Sold to Haleck Investments.

7 Q. So -- if you go to the page 3 of that

8 document, it appears to be the agreement for the sale

9 of the property; correct?

10 A. Yes.

11 Q. And the third-to-the-last page of that

12 document. Third-from-the-last page.

13 A. Yes.

14 Q. All right. Is that your signature on that

15 page?

16 A. Yes.

17 Q. All right. The date on that -- on that, say,

18 that agreement to sell, do you remember?

19 A. The date on the document is 1st of November,

20 2012.

21 Q. That's the date of the transfer; correct?

22 A. Yes.

23 Q. All right. If you turn to page 3 of the

24 document.

25 A. Yes.

1 Q. The agreement for sale and purchase of the
2 property, what date is the agreement?

3 A. November 17, 2008.

4 Q. All right. The agreement was made in 2008,
5 but it was finally transferred in 2012?

6 A. Yes.

7 Q. Okay. And the reason for the -- the lapse --
8 the time lapse between is because of the payment
9 schedule; is that right?

10 A. Yes.

11 Q. So when all the money was paid, then the
12 transfer was made?

13 A. Yes.

14 Q. And how much was the property sold for?

15 A. My recollection, it was sold for 2- -- \$2.4
16 million.

17 Q. The property was -- do you remember how
18 large -- or the size of the property?

19 A. I believe the survey -- the last survey that I
20 paid for, it was 220 acres.

21 Q. And who negotiated the sale for you? Did you
22 negotiate it yourself?

23 A. Yes.

24 Q. All right. That works out to something like
25 about 8,000 or so in the per-acre price?

22

1 A. If it does, yes.

2 Q. Did you determine at that time what the
3 acre -- what the market value was of an acre in Samoa
4 at the time?

5 A. No. I spoke with Fepuleai and his wife who
6 was in the real estate business, and she was a sales
7 agent for the property; and she suggested originally
8 that we sell the price -- sell the property for \$6.5
9 million. It was advertised for about ten years at that
10 price, and we had three or four bids of people who
11 wanted to sell -- wanted to purchase; however, it never
12 came through.

13 We had a lot of promoters also that approached
14 us, but from the time we first put the property up for
15 sale until we sold it, I think -- we put the property
16 up for sale in -- what is the year? I think it was
17 shortly after the property was fully conveyed to me by
18 Frances.

19 Q. This -- so the decision to -- to sell it at
20 that price, the 2.-some -- a hundred thousand -- the
21 agreement, I think, says 2.1, but I think you're saying
22 it may have been 2.4.

23 The decision to sell at that price is your
24 decision -- was your decision?

25 A. To sell at 2.4, yes.

1 Q. All right. The -- you've mentioned Fepuleai.

2 Was he the one who handled this matter for
3 you, this sale of Fagaiofu to Haleck Investments?

4 A. Yes. All the legal work.

5 Q. If you look on the front page of the first
6 page of Exhibit No. 4, please. There's -- you see
7 where there's a stamp with "Patrick Fepuleai,
8 solicitor," on the bottom third of the page?

9 A. Yes.

10 Q. All right. It says on there that the --
11 underneath the signature, it says "Signature of
12 transferee's solicitor."

13 The transferee in that transaction was Haleck
14 Investments; correct?

15 A. I don't know. I agree with you that Fepuleai
16 is solicitor here -- his signature of transferee's
17 solicitor, yes. I don't see where Haleck --

18 Q. Well, if you --

19 A. I see.

20 Q. If you look at No. 7.

21 A. Yes. Transferee. That's true.

22 Q. And who's the transferee?

23 A. Haleck Investments.

24 Q. I was curious about that. Is this the same
25 Fepuleai who handled the Talimatau --

24

1 A. Yes.

2 Q. -- transaction for you?

3 A. Yes.

4 Q. But at least according to this document, it
5 appears that Fepuleai was doing the work for Haleck
6 Investments; right?

7 A. Well, whatever it means, I don't know, but if
8 his name is on here...

9 I think it was just a matter of convenience
10 for them that they did that.

11 Q. As -- have you received all of the money from
12 Haleck Investments?

13 A. Yes.

14 MR. SUNIA: I'd like to have this marked next
15 in order, please.

16 (Whereupon, Plaintiffs' Exhibit 5 was marked
17 for identification.)

18 BY MR. SUNIA:

19 Q. Now, in our last -- in your last deposition,
20 do you recall testifying about a letter that Frances --
21 that you said Frances sent you, agreeing to convey you
22 her share of -- her share of Fagaiofu land?

23 Do you remember that?

24 A. A letter?

25 Q. A letter.

1 A. Well, if there is such a letter --

2 Q. No. I recall that being your testimony, and I
3 was wondering if you remember that.

4 A. No, I don't remember.

5 Q. All right. I'm going to ask you to have a
6 look at Exhibit No. 5, please.

7 A. Yes.

8 Q. But before I get to Exhibit No. 5, your
9 testimony about that you believe you sold Fagaiofu for
10 \$2.4 million --

11 A. Yes.

12 Q. -- did you receive an additional 300,000
13 outside of the 2.1 that's in the purchase agreement?

14 A. No.

15 Q. So is the purchase agreement wrong? It says
16 2.1 million.

17 A. No.

18 Q. So it was 2.1 million?

19 A. No. The sale price was 2.4.

20 Q. All right. So you received 2.4?

21 A. No. The other moneys went to pay what legal
22 fees -- fees that we had to pay in Samoa.

23 Q. Oh, so it's the purchase money plus expenses.

24 Is that how you got the 2.4?

25 A. The 2.4, yes. The other money stayed in Samoa

26

1 to take care of the various costs that had taken place.

2 It was paid out there.

3 Q. From -- Haleck Investments paid you how much?

4 2.4 or 2.1?

5 A. 2.4.

6 Q. Oh, okay.

7 All right. Now, before you is Exhibit No. 5.

8 Will you have a look at that, please.

9 A. Yes.

10 Q. All right. Do you remember that document?

11 A. Yes.

12 Q. All right. That's the -- and what is that

13 document?

14 A. Settlement Agreement.

15 Q. And what year is that document?

16 A. I believe -- it doesn't say here, but I

17 believe it's 19- -- I mean 20- --

18 Q. '82?

19 A. 1982.

20 Q. All right. Now, this Settlement Agreement,

21 what -- what was or were being settled under this

22 agreement?

23 A. What was being settled is -- is a dispute that

24 we had in our family between my brothers and I.

25 Q. All right. If you turn to page 3 of that

1 document, please.

2 A. Yes.

3 Q. Now, that page lists these five different
4 lawsuits or legal matters.

5 A. Yes.

6 Q. Do you see those?

7 A. Yes.

8 Q. And in each one of them you're named the first
9 party; correct?

10 A. Yes.

11 Q. All right. So is it fair to say that these
12 were legal matters that you commenced in court in
13 American Samoa and one in Los Angeles?

14 A. Yes.

15 Q. Now, the matter -- the matters in American
16 Samoa where it looks like they were -- they began in
17 '79. There's one in '79, one in '80, and two in '81,
18 but the matter in Los Angeles, do you remember when you
19 filed that?

20 A. No.

21 Q. All right. Why did you start these cases?

22 A. It's a long time ago. I'll try to remember as
23 best I can.

24 I was asked by my brother Jim to go back to
25 American Samoa sometime in the early '70s. My wife and

1 I had left -- my wife and I had lived in American Samoa
2 for eight years. We left in 1968. In 19-- around
3 1972, I commenced my business after we left American
4 Samoa in 1968.

5 Four, five years thereafter, my brother Jim,
6 who was in England at the time, contacted me and asked
7 me if I could go back to American Samoa as his personal
8 representative to be in charge of the businesses. I
9 accepted it. I had my own business. I just was
10 starting. It was going pretty good, but I did take
11 this job on, which necessitated my traveling back and
12 forth.

13 When I went down there, I made some changes.
14 Some people weren't happy with them. My brother Ben
15 was at that time -- and my -- and my brother-in-law Bob
16 Opelle disliked each other immensely. They could
17 hardly speak to one another; so I had to separate them
18 and then at that time decided it'd be best for Ben to
19 run and be in charge of the day-to-day operations of
20 Maritime, Kneubuhl Maritime Services, and I made Bob
21 Opelle in charge of the travel agencies, American
22 Express, things like that.

23 Bob Opelle had been in American Samoa much,
24 much longer than anybody, and in some ways, he felt
25 entitled. Bob Opelle was a very nice man, very good

1 man, and so was Ben, but they had this terrible
2 conflict and could hardly talk to one another.

3 So that was one thing I did as best I could
4 that seemed to work out for a few years. I started
5 Pacifica Foods, and that company started producing keg
6 salt beef. It became an extremely successful company,
7 and it made about a quarter of a million dollars profit
8 a year from nothing.

9 At the same time, I was able to get USDA in
10 American Samoa so that we could put the USDA stamp on
11 frozen products or anything we manufactured down there
12 or produced down in Samoa, and our plan out of Pacifica
13 Foods, the plan we had, which was all set up, was to
14 bring in mutton, which had a high, high, high cost
15 insurance rate.

16 If they were to ship mutton from New Zealand
17 directly to Los Angeles, the cost of the mutton made --
18 uncompetitive -- not competitive, made it very high
19 because of the high refusal rate. For example, ten
20 containers, let's say, of mutton, being shipped from --
21 from New Zealand to Samoa, they would refuse nine
22 containers and let one in, maybe.

23 So people in New Zealand producing this mutton
24 didn't do it, and so there was no business; but by us
25 being able to bring the mutton into American Samoa at a

1 good price from these people and cutting the mutton
2 into cubes, we could incur enough cost, say, in
3 American Samoa, to call it a product of American Samoa,
4 and the USDA inspector there in American Samoa would
5 put a stamp on the case; therefore, it made it very
6 competitive, and we were able to sell and could sell to
7 the United States.

8 It's another business we started -- I started,
9 and it was beginning to -- we were just in the
10 beginning throes of the business. Would've made
11 tremendous amount of money.

12 Q. Well --

13 A. Okay. The reason I'm saying this is so that
14 you can understand why later on there came a period of
15 time when my brother Jim was having a hard time with
16 his company. I didn't know at the time that he was an
17 alcoholic. I found this out a few years ago, but at
18 the time we were working together, I didn't know that.
19 He -- my wife and kids were down in Mexico having a
20 little vacation. I came back; I was fired.

21 Q. So the lawsuits that appear on page 3 of
22 Exhibit No. 5 that you brought were as a result of your
23 termination from the company?

24 A. I believe one of them was, yes.

25 MR. SUNIA: I'm going to make a copy after.

30

1 good price from these people and cutting the mutton
2 into cubes, we could incur enough cost, say, in
3 American Samoa, to call it a product of American Samoa,
4 and the USDA inspector there in American Samoa would
5 put a stamp on the case; therefore, it made it very
6 competitive, and we were able to sell and could sell to
7 the United States.

8 It's another business we started -- I started,
9 and it was beginning to -- we were just in the
10 beginning throes of the business. Would've made
11 tremendous amount of money.

12 Q. Well --

13 A. Okay. The reason I'm saying this is so that
14 you can understand why later on there came a period of
15 time when my brother Jim was having a hard time with
16 his company. I didn't know at the time that he was an
17 alcoholic. I found this out a few years ago, but at
18 the time we were working together, I didn't know that.
19 He -- my wife and kids were down in Mexico having a
20 little vacation. I came back; I was fired.

21 Q. So the lawsuits that appear on page 3 of
22 Exhibit No. 5 that you brought were as a result of your
23 termination from the company?

24 A. I believe one of them was, yes.

25 MR. SUNIA: I'm going to make a copy after.

1 I'm going to mark that as our next exhibit.

2 (Whereupon, Plaintiffs' Exhibit 6 was marked
3 for identification.)

4 BY MR. SUNIA:

5 Q. So the Exhibit No. 3, the Settlement
6 Agreement -- are you okay? Do you want to take a
7 break?

8 A. I'm fine.

9 Q. All right. Exhibit No. 3 -- I'm sorry.
10 Exhibit No. 5, the Settlement Agreement.

11 A. Yes.

12 Q. It was intended to -- to divest you of your
13 interest in your mother's trust lands; is that correct?

14 A. Yes.

15 Q. All right. Primarily in Taputimu.

16 A. I believe it encompassed all our land.

17 Q. So I'm going to ask you to have a look at
18 Exhibit No. 6, and look on the second page, please, of
19 that exhibit.

20 Is that -- is your signature on that page?

21 A. Yes.

22 Q. All right. Okay. Now, if you'll look back at
23 the first page of Exhibit No. 6.

24 What date is that?

25 A. May 5, 2005.

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1 Q. And do you recognize that document?

2 A. I'd like to have a little time to read this.

3 Q. Sure. Yeah.

4 A. Yes.

5 Q. Okay. You now recall what that document is?

6 A. Yes.

7 Q. What is that document?

8 A. It's a letter from me to Frances.

9 Q. All right. And Frances would be your sister;
10 correct?

11 A. Yes.

12 Q. Now, if you'll -- the first paragraph of that
13 document, you make the statement in there that you're
14 no longer part of the trust.

15 See that?

16 A. The first paragraph, you say?

17 Q. Yeah.

18 A. I make what statement?

19 Q. There's a statement about you not being part
20 of the trust.

21 A. I don't see that.

22 Q. May I see the document?

23 MR. HALL: Do you want me to point it out to
24 him?

25 MR. SUNIA: Right. If you will.

1 BY MR. SUNIA:

2 Q. The last two sentences of the first paragraph,
3 please.

4 Can you read it? Can you read those two?

5 A. Yes.

6 Q. What did you say?

7 A. I'm not a part of the Kneubuhl trust.

8 Q. All right. Now, that statement you made was
9 because of the 1982 agreement; correct?

10 A. Yes.

11 Q. All right. And the intention of the 1982
12 agreement, as far as you were concerned, was to remove
13 you from the Kneubuhl trust?

14 A. Yes.

15 Q. Thank you.

16 Now, the -- the 1982 agreement also required
17 that you sell back your -- may I have it, please?

18 That you sell back your stocks in your
19 family's business; is that correct?

20 A. Yes.

21 Q. All right. So as -- as a result of that, you
22 ended up with no shares in the Kneubuhl businesses
23 after the 1982 agreement; correct?

24 A. Yes.

25 Q. And in return, in the Settlement Agreement,

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1 you received the other siblings', except for Frances,
2 shares in property that's listed on page No. 6 of that
3 agreement?

4 A. Yes.

5 Q. Right. Okay. And the properties were
6 Fuamete, Taupau, Poata, Fagiofu, and Talimatau --

7 A. Yes.

8 Q. -- is that correct?

9 Okay. Is Taupau still around?

10 A. I believe it is.

11 Q. Okay. And Poata?

12 A. Yes.

13 Q. Where is Taupau? Do you remember?

14 A. Taupau is a property in Leone on the tip -- on
15 the ocean. It's about 1.8 acres, I believe.

16 Q. And Poata? Where is that?

17 A. I think that's part of Olo. Oh, no. That's
18 in Fagatogo.

19 Q. Fagatogo?

20 A. Where the store was, the Kneubuhl store was.
21 It was part of where that store lay. I think the
22 property took up about a fourth of the store where the
23 store was sitting.

24 Q. Used to sit.

25 A. Used to sit. I don't remember. It was

1 Tiimalu -- part of the Tiimalu family property.

2 Q. All right. Now --

3 A. I would like to mention something.

4 Q. Sure.

5 A. Besides those things that I was supposed to
6 get, I was to be paid \$45,833, and let's see, "and to
7 Frances Opelle \$9,167 in cash with no offsets of any
8 kind without written consent. The conveyances and
9 assignments described in this paragraph shall be made
10 as appropriate by James Pritchard Kneubuhl, Benjamin
11 Franklin Kneubuhl, Jr., Alexander Kneubuhl, Douglas
12 Crane Kneubuhl, and Frances Kneubuhl of Opelle in
13 individual capacities, in their capacities as
14 beneficiaries and/or trustees of the trust parties, in
15 their capacities as legatees or executors of the
16 estate, and in the capacities as officers, directors,
17 shareholders of the" -- "the parties agree to execute
18 two instruments of transfer. One instrument of
19 transfer shall be the benefit of" -- let's see. I
20 think that's it. That's enough of that right now.

21 Q. Did you receive that money?

22 A. No.

23 Q. All right. But that was money that was
24 supposed to come from the company?

25 A. The company.

1 Q. Correct?

2 A. At an interest rate of 9 percent per item.

3 Q. All right.

4 A. And to my knowledge, Frances never received
5 hers either.

6 Q. Well, there's no more company; correct?

7 A. Well, there was a company going at the time,
8 and the debts were supposed to have been paid prior to
9 any other important debts. I forgot about it. I
10 forgot about it completely.

11 Q. Now, page 4 of the -- of that exhibit, the
12 paragraph 2 talks about -- you can have a look at that.

13 A. Yes.

14 Q. All right. Page 4, paragraph 2, it discusses
15 the estate litigation. That would be the estate of
16 Lena Pritchard Kneubuhl.

17 Lena Pritchard Kneubuhl was your mother;
18 correct?

19 A. Yes.

20 Q. And it admits probate of a will offered by Ben
21 Franklin Kneubuhl --

22 A. Yes.

23 Q. -- and John Kneubuhl and Margaret Kneubuhl and
24 dismisses with prejudice the petition for letters of
25 administration that you filed.

1 Were there competing wills? Is that the
2 situation that was being addressed there?

3 A. There may have been.

4 Q. All right. Why do you recall was the -- your
5 petition for letters to administer the estate of your
6 mother dismissed with prejudice?

7 A. It's part of the agreement.

8 Q. All right.

9 A. Because there was a will. My mother had a
10 will. I believe she wanted to, in that will, name me
11 as the total manager of the businesses down in Samoa
12 when she passed on. There was another will. When she
13 passed away, another will was given to the Court
14 without that being the case.

15 Q. And in the will that you're alluding to,
16 naming you the -- as manager of the businesses, did it
17 have -- did she distribute any of her trust lands?

18 A. I don't recall it had that. She was also
19 kicked off the board by -- at the same time that I was
20 and my sister Frances was. That, I know, is the reason
21 why she did that.

22 MR. SUNIA: I'm also going to have these
23 marked as the next one.

24 (Whereupon, Plaintiffs' Exhibit 7 was marked
25 for identification.)

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1 MR. SUNIA: Do you want to take a five-minute
2 break, Roy?

3 MR. HALL: Yeah. Okay.

4 MR. SUNIA: Let's take a five-minute break.
5 Can you make us two copies?

6 MR. HALL: And this is Exhibit No. --

7 MR. SUNIA: Should be 7.

8 (Whereupon, a recess was taken.)

9 BY MR. SUNIA:

10 Q. Mr. Kneubuhl, you have before you Plaintiffs'
11 Exhibit No. 7.

12 A. Yes.

13 Q. All right. Just a copy of a Samoa news --
14 page of the Samoa news; edition March 20, 2015.

15 Do you see on the bottom right corner there's
16 a -- an ad for a sale of approximately four acres?

17 Have you seen that before?

18 A. No. It's the first time.

19 Q. Have you had a chance to look at it now?

20 A. Yes. Right here.

21 Q. All right. Now, that is a -- an advertisement
22 for a sale.

23 Can you tell from that what land is being
24 advertised for sale?

25 A. Yes.

1 Q. All right. What land is that?

2 A. This is Fuamete.

3 Q. Now, Fuamete was land that you also received
4 under the 1982 agreement, except -- from all of your
5 siblings, except for Frances; correct?

6 A. Yes.

7 Q. All right. Did you authorize this
8 solicitation for buyers of Fuamete?

9 A. Yes.

10 Q. Do you know who prepared this ad for you?

11 A. I believe -- I believe Roy Hall's office did.

12 THE WITNESS: Roy, did you do it?

13 BY MR. SUNIA:

14 Q. I'm just curious --

15 A. I really don't know who prepared it.

16 Q. All right. Well, if you don't know who
17 prepared it, you don't know who prepared it.

18 A. I don't know who prepared the -- but I have to
19 say that the land -- this is an incorrect map of the
20 land.

21 Q. Oh, what makes you say that it's an incorrect
22 map?

23 A. Because it's L-shaped. There's a portion of
24 the property that goes up here.

25 MR. HALL: Let's just take a short break, and

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1 let me talk to my client.

2 MR. SUNIA: All right. Do you want us to
3 leave?

4 MR. HALL: No.

5 THE WITNESS: No.

6 MR. SUNIA: Okay.

7 (Whereupon, a recess was taken.)

8 BY MR. SUNIA:

9 Q. So you don't believe, Mr. Kneubuhl, this to be
10 the right survey for --

11 A. No.

12 Q. -- the right map?

13 A. It's not the right map.

14 Q. But this is the right land, Fuamete, that you
15 received out of the 1982 agreement; correct?

16 A. Yes.

17 Q. And it's the land in which Frances retained
18 one-sixth interest?

19 A. Yes.

20 MR. HALL: If you want to go back to who
21 prepared the ad, if you want to cover that again.

22 BY MR. SUNIA:

23 Q. Who prepared the ad?

24 A. Rick Eckert.

25 Q. Who's this?

1 A. Eckert.

2 Q. Is that --

3 A. My son-in-law.

4 Q. Oh, okay. He doesn't live in Samoa?

5 A. No, he's a realtor.

6 Q. All right. So this -- the contact e-mail on
7 there would be his as well?

8 A. Where's the contact?

9 MR. HALL: I'll just point it out to you.

10 THE WITNESS: Oh, I see. Yes.

11 BY MR. SUNIA:

12 Q. Sagacity13@gmail.com?

13 A. Yes.

14 Q. Is there a reason you didn't want your name
15 associated with this? Did you ask Rick --

16 A. To do it, yes.

17 Q. -- to do it?

18 And is there a reason why your name is not
19 disclosed on this ad?

20 A. No.

21 Q. Did you -- do you know if -- did you contact
22 or notify Frances, your sister, that you were putting
23 this ad out?

24 A. No.

25 Q. Do you know if your son-in-law, Rick,

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1 contacted Frances to let her know that she -- that this
2 ad was going out?

3 A. No.

4 Q. Okay. Do you know if there were any -- any
5 responses to this ad?

6 A. Yes, we had some.

7 Q. All right. Can you tell me how many
8 perspective buyers responded to this ad?

9 A. We had about five.

10 Q. All right. And do you know what the -- were
11 there any offers to buy?

12 A. Yes.

13 Q. How much were the offers for?

14 A. Well, one man was talking about paying a
15 hundred thousand for quarter of an acre, but they
16 were -- most of the offers were just people who just
17 talked a lot and didn't have the money or wherewithal
18 to buy it; and so it was just an initial thing on our
19 part to see where it would go.

20 I understand -- and we're trying to survey --
21 we're trying to make a survey actually of where -- what
22 the land should -- should cost.

23 Q. At our last -- in your last deposition, you --
24 you testified about a \$50,000 check that you received
25 from the Godinets that was returned.

1 A. Yes.

2 Q. Now, is there a portion -- a portion of
3 Fuamete -- let me strike that.

4 Do you recall which portion of Fuamete Godinet
5 wanted to buy?

6 A. Well, Fuamete is -- as you know, the term
7 "Fuamete" involves a lot of property. The freehold
8 part of it is -- he's on the extreme corner to the
9 right of this map, and he had a little house just
10 outside of it, and then he had a pig farm back here
11 someplace.

12 And he wanted to buy an acre and put up the
13 50,000, but when we saw the case -- it's gone on since
14 2002 and a lot of money has been spent, of course; and
15 of course then I asked my attorney, Roy Hall, to please
16 give him back his money, which they did when we saw
17 there's another long-term situation and has been. It
18 was since 2002 shortly before this ad and shortly, you
19 know -- shortly before this ad was put out. That's how
20 long this case has been going on.

21 We got a final judgment decision from the
22 Court. We won the case, and it wasn't just us
23 involved. It's the other five acres that are on the
24 other side of the freehold land. It was Keshon
25 Pritchard's, a dear family, being represented by

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1 Keshon. Keshon and I divided the property.

2 Q. Did -- so the Godinets -- or Godinet, he is
3 encroaching or has developments that are on --

4 A. That side.

5 Q. -- a portion of Fuamete?

6 A. Yes. We -- he's still interested in buying.
7 Nothing's been done.

8 Q. Now, there is a -- that is -- other than the
9 Godinet situation, is the property free of any other --
10 anyone else being on it?

11 A. Yes. There's the Lancaster family, and they
12 are -- they -- the property that Mark built his home
13 on -- they bought the home from Mark, and the back part
14 of that house is, I believe, right on the border,
15 encroaching on not only our land -- my land, but also
16 the land that belongs to Keshon, which is freehold.

17 Q. Now, the house that Mark sold -- and this is
18 the -- to the Lancasters?

19 A. Yes.

20 Q. It went with part of the Fuamete land;
21 correct?

22 A. Pardon me?

23 Q. I mean, it sits on part of Fuamete land?

24 A. It's Fuamete land of the freehold land -- my
25 portion of the freehold land and most of the house is

1 on -- he sold it to Frances along with the land.

2 Q. The Lancasters?

3 A. To the Lancasters.

4 Q. Right.

5 A. So this is another thing we have to deal with.

6 Q. All right. So --

7 A. And also another thing is the road that was
8 built going up to the water tank takes up part of that
9 land. That's why I say four acres. The freehold land,
10 total freehold land, is five acres.

11 Q. All right. How much land did the Lancasters
12 buy?

13 A. I think the transaction between Mark and them
14 was for one acre.

15 Q. Did you authorize the transaction that Mark
16 did with the Lancasters?

17 A. Not -- no. Not finally. I didn't know it was
18 finalized.

19 Q. Did you receive money from that transaction
20 that Mark entered into with the Lancasters?

21 A. No. I believe Frances received moneys from
22 Mark.

23 Q. Now, are there any other non-Kneubuhl families
24 residing or using any part of Fuamete --

25 A. No.

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1 Q. -- the freehold land?

2 A. No.

3 Q. No other?

4 In this Fuamete litigation that you testified
5 has finally concluded, did you attend any of that --
6 any of the hearings? Any of the trial?

7 A. No.

8 Q. So you didn't give any testimony in that case?

9 A. No. There were a lot of cases.

10 Q. The -- following that case -- following the
11 ruling of the appeal in that Fuamete litigation, you
12 attempted to register title to that land?

13 A. Yes.

14 Q. Do you recall that?

15 A. Yes.

16 Q. And I believe that your view was that the
17 Court concluded it was your land; correct?

18 A. Well, I -- we never hid the fact that Frances
19 owned one-sixth of the property, never. It was never
20 my intention to even go in. I think I always told
21 Frances that when we were going to sell the land, she
22 was going to get her one-sixth interest plus -- less
23 the expenses, of course.

24 Q. My question is: If that had been your
25 understanding all along, then why were you attempting

1 to register the land under your sole name?

2 A. Well, I -- I don't know. I'm -- we -- we were
3 thinking of a situation where we could actually sell
4 the land and start using it and getting Frances her
5 one-sixth. You know, it wasn't anything that I object
6 to. In fact, I'm prepared to do that right now, give
7 Frances her one-sixth interest. I'm not worried about
8 it.

9 MR. SUNIA: I'm going to also have this marked
10 as our next exhibit.

11 (Whereupon, Plaintiffs' Exhibit 8 was marked
12 for identification.)

13 BY MR. SUNIA:

14 Q. Mr. Kneubuhl, if you'll have a look at what's
15 been marked as Exhibit No. 8 in this deposition.

16 You've seen that document before; correct?

17 A. Yes.

18 Q. And what is that document?

19 A. It's an accounting of the sale of the land of
20 Talimatau. It's spelled, T-A-L-I-M-A-T-A-U.

21 Q. Now, the first page of that document is an
22 accounting from Patrick Fepuleai, your attorney?

23 A. Yes.

24 MR. SUNIA: You need the spelling?

25 F-E-P-U-L-E-A-I.

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1 BY MR. SUNIA:

2 Q. And what's the date of that letter or
3 accounting from Fepuleai?

4 A. December 23, 2004.

5 Q. All right. Now, the attachments, pages 2, 3,
6 and 4 of that document, do you recognize those?

7 A. Yes.

8 Q. All right. And what are those three
9 documents -- three pages?

10 A. Yes.

11 Q. What are those three pages?

12 A. They are expenses that were incurred.

13 Q. By whom?

14 A. To attain the property. By me.

15 Q. Which property?

16 A. The Talimatau property.

17 Q. Now, who prepared that -- those three pages of
18 expenses?

19 A. I did.

20 Q. And -- those three pages were prepared
21 sometime after this -- this case started; correct?

22 A. Which case?

23 Q. This case. The case that you're giving your
24 deposition in now.

25 A. They were prepared, yeah.

1 Q. Right. In fact, you had these with you the
2 last time you gave a deposition --

3 A. I believe so.

4 Q. -- in this matter? Okay.

5 All right. I'll ask you a few questions about
6 that.

7 If you look on page 1, the legal fees that
8 appear on page 1 were the legal fees of Fepuleai -- is
9 that correct? -- or is that total legal fees for
10 anyone -- for any lawyer?

11 A. Let's see. Purchase price, road expense,
12 fence, commissions, Piki's survey, outstanding legal
13 fees. I think that was for everyone who was involved.

14 Q. Okay.

15 A. And Fepuleai.

16 Q. That commission for 39,000, who received that
17 commission?

18 A. For what?

19 Q. The \$39,000 commission, do you know who was
20 paid that commission?

21 A. The lawyers.

22 Q. Fepuleai?

23 A. I think the 5-percent commission was paid to
24 the lawyers.

25 Oh, no, no. Pardon me. It was paid to the

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1 Fepuleai's real estate company who sold the property.

2 Q. And that would be his wife's company?

3 A. Yeah.

4 Q. All right. Do you know what commission was
5 paid in the sale of Fagaiofu?

6 A. No commission -- yeah, I do know. It was
7 approximately the same as that.

8 Q. All right. If you'll turn to pages -- pages 2
9 and 3 and 4, the next series of questions will be about
10 those.

11 Incidentally, did you -- in this sale of
12 Talimatau and also the sale of Fagaiofu, did you raise
13 the issue of a potential conflict between the real
14 estate agent and the husband acting as lawyer for the
15 same seller?

16 A. No, I don't believe so.

17 Q. On pages 3 -- 2, 3, and 4 of Exhibit No. 8,
18 you -- your accounting is -- the total expenses were
19 \$109,509 -- U.S. dollars, and then on pages 3 and 4,
20 you itemized the 109,000 in expenses.

21 Your itemization includes payment to Marshall
22 Ashley.

23 Do you see that?

24 A. Yes.

25 Q. Did Marshall Ashley work on any part of

1 Talimatau land transaction?

2 A. Yes.

3 Q. What did he do?

4 A. I don't recall.

5 Q. But that payment you -- to Marshall Ashley --
6 because you testified earlier that the expenses were
7 for the Talimatau land deal.

8 A. The Marshall Ashley -- Marshall Ashley thing
9 was -- was actually for the -- was the -- was for
10 the -- the case that I paid for against Suhayl Alai,
11 and Frances sued Suhayl Alai. She -- yeah, that was
12 what that was for.

13 They were doing the lease, and Frances was
14 dissatisfied with the lease, and I agreed with her it
15 was a very low lease and she should get more money; and
16 so the only way we could do it was to sue Suhayl Alai,
17 but then we had - the lawyer had to include Frances --
18 us suing Frances and the Alais; and I paid for that
19 lawsuit and I and my sister Marge and -- I talked my
20 brother Jim into joining me in that suit suing Frances
21 and the Alais.

22 Q. And this was the -- the lease that the Alai --
23 Alais had was for land in Taputime.

24 So essentially, at least according to this
25 accounting that you're making here, you're having

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1 Frances pay for part of the expenses for bringing --
2 for hiring Ashley to bring a lawsuit on the Alai lease?

3 A. That's right.

4 Q. Now, this -- so it had nothing to do with
5 Talimatau?

6 A. Right.

7 Q. But the proceeds from Talimatau, you're
8 saying, goes to pay for part of that, for the Alai
9 lawsuit?

10 A. Well, part of it, anyway. There were other
11 lawyers involved. Actually, in the -- in the Talimatau
12 lawsuit but, what this bill -- this -- this bill here,
13 the first one to Marshall Ashley, had to do with
14 American Samoa.

15 When Frances needed to -- she -- she needed to
16 sue them to increase the value of the lease, and in
17 order to do that, Marshall Ashley said, "I can't do it
18 without suing both Frances and the" --

19 Q. Alai.

20 A. -- Alai."

21 And so that's what happened, but that is the
22 wrong accounting on my part.

23 Q. What's that again?

24 A. Wrong accounting on my part. This deduction
25 should not be there.

1 Q. All right. So that money should not have
2 been -- should not have been deducted from the
3 Talimatau money, is what you're saying?

4 A. Yes.

5 Q. All right. Okay. Now, on the Kruse, Enari,
6 Barlow expense.

7 A. Yes.

8 Q. Those were Apia lawyers; correct?

9 A. Yes.

10 Q. They worked on Talimatau?

11 A. Yes.

12 Q. Stevenson, Nelson, Mitchell -- also Apia
13 lawyers?

14 A. Yes.

15 Q. They worked on Talimatau?

16 A. Yes.

17 Q. And the -- the final page, 3, that's the Hall
18 & Associates. Did Mr. Hall's office worked on
19 Talimatau?

20 A. Yes.

21 Q. Up to now?

22 A. Up to now. There's no more legal fees but at
23 that time, there were.

24 Q. All right. If you'll look at the note you
25 made on page 4 -- page 4 of that document.

54

1 A. Yes.

2 Q. All right. See where you have a note --

3 A. Yes.

4 Q. -- on the middle of the page?

5 A. Yes.

6 Q. All right. And it talks about -- it mentions
7 Fuamete.

8 Are you sure that Mr. Hall's expenses aren't
9 related to Fuamete?

10 A. No.

11 Q. Can you describe for me what work Mr. Hall did
12 in Apia on the Talimatau sale transaction?

13 A. Yes. I took -- we charged Frances \$15,000 for
14 part of the legal fees that she owed on -- on Fuamete.

15 Q. Okay. So the -- the fees from Mr. Hall were
16 not Talimatau fees; correct?

17 A. That's right.

18 Q. All right. So just like in the Ashley
19 situation, this would also be an error in accounting;
20 correct?

21 A. Right.

22 Q. All right. So the expenses that were deducted
23 here should be put back on the -- for accounting
24 purposes; correct?

25 A. Yeah.

1 Q. All right. Was there a result in the Alai
2 case? I'm trying to remember. Do you remember?

3 A. We lost the Alai. Alai won.

4 Q. All right. Mr. Kneubuhl, do you recall a --

5 MR. SUNIA: Let me have this marked first.

6 (Whereupon, Plaintiffs' Exhibit 9 was marked
7 for identification.)

8 BY MR. SUNIA:

9 Q. All right. Sir, I'm going to ask you to have
10 a look at this document that's been marked as No. 9.

11 MR. HALL: This has been marked by the court
12 reporter?

13 MR. SUNIA: Yeah.

14 MR. HALL: Okay. So this is my copy?

15 MR. SUNIA: Yeah.

16 THE WITNESS: Okay. Yes.

17 BY MR. SUNIA:

18 Q. Did you -- do you recognize that document,
19 sir?

20 A. Yes.

21 Q. And what's that document?

22 A. It's a letter addressed to me and my wife,
23 Suzie.

24 Q. And who's the letter -- who was the letter
25 from?

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1 A. From Jim Kneubuhl.

2 Q. Okay. What I'm interested in in that

3 letter -- and did you receive that letter?

4 Do you recall receiving that letter?

5 A. Yes. I suppose I did. I don't remember

6 receiving it.

7 Q. What I'm interested in is paragraph 3.

8 Paragraph 3 of that letter, first page, it refers to a

9 claim that you submitted on July 11th that appears to

10 have been notarized, but there was no record of it in

11 court.

12 Do you recall that?

13 A. No.

14 Q. You don't remember that situation at all?

15 A. No.

16 Q. You don't remember a document -- a claim you

17 made that may have been notarized by a person named

18 Beeb or Beebe, B-E-E-B-E?

19 A. No.

20 Q. No?

21 A. It's a long time ago.

22 Q. There's -- it also -- it says, "Perhaps you

23 can offer some clarification," that same paragraph.

24 Did you ever give some clarification to Jim

25 Kneubuhl in response to this letter?

1 A. Let me have a few more minutes to review this,
2 please.

3 Q. Please do.

4 A. All right.

5 Q. All right. So the request from Jim Kneubuhl
6 to you in that letter for clarification of that
7 situation, did you ever give a clarification?

8 A. Clarification of what?

9 Q. All right. If you look on paragraph 3, first
10 page, where there's a reference to a document, your
11 claim of July 11th that you submitted to the board, it
12 appears to have been notarized by the Clerk of the
13 Court, and a search of the court records found nothing.

14 A. I don't know what that refers to.

15 Q. And you never gave any clarification?

16 A. I don't know. It's so long ago. I have no
17 idea what this is.

18 MR. SUNIA: I'm going to have this marked.
19 I'm going to do that as No. 10.

20 (Whereupon, Plaintiffs' Exhibit 10 was marked
21 for identification.)

22 THE WITNESS: I don't remember seeing this.

23 BY MR. SUNIA:

24 Q. And you're referring to Exhibit No. 10?

25 A. Yes.

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1 Q. You don't remember? You don't remember that
2 document?

3 A. No.

4 Q. All right. And you've had an opportunity to
5 read that document now; right?

6 A. Yes.

7 Q. And even after reading it, you don't recollect
8 anything about it?

9 A. No, not really.

10 Q. All right. Fair enough.

11 Mr. Kneubuhl, I think I have maybe one more.
12 In your last deposition, I asked you early in the
13 deposition some background information on your family,
14 and I asked you about a person named Adrian Kneubuhl,
15 who you admitted knowing. I asked you in that
16 deposition if he was a child of yours, and you said
17 "no."

18 Do you stand by that testimony?

19 A. Yes.

20 MR. SUNIA: I'm going to have this marked.

21 I'll have that marked as Exhibit No. 11.

22 (Whereupon, Plaintiffs' Exhibit 11 was marked
23 for identification.)

24 MR. HALL: 11; right?

25 MR. SUNIA: Yes.

1 BY MR. SUNIA:

2 Q. Mr. Kneubuhl, I'm going to ask you to have a
3 look at Exhibit No. 11, and if you'll turn to the last
4 page of that document. I'll direct your attention to
5 the bottom right-hand corner where there is a signature
6 of "Mike."

7 A. Yes.

8 Q. Is that your signature?

9 A. Yes.

10 Q. All right. If you'll have a look at the
11 document.

12 Have you seen it? Obviously, you've seen the
13 document before. It's your signature; right?

14 A. Yes.

15 Q. All right. And do you recall the document?

16 A. Yes.

17 Q. And what is that document?

18 A. It's a letter I wrote to Gloria Cooper.

19 Q. And who is Gloria Cooper?

20 A. She's a lady that I knew in American Samoa.

21 Q. Would that person be Adrian's mother?

22 A. Yes.

23 Q. And the -- and I'll ask you to look at the
24 very last paragraph on the last page.

25 Did you have a chance to review it?

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1 A. Yes.

2 Q. All right. In your letter to Gloria, you're
3 referring to "our baby."

4 Is that in reference to Adrian?

5 A. Yes.

6 MR. SUNIA: All right. Mr. Kneubuhl, I thank
7 you. Those are all the questions I have for this
8 morning. After Mr. Hall, we'll see if I have any
9 follow-up. Thank you.

10 EXAMINATION

11 BY MR. HALL:

12 Q. Mike, I want to refer to the Settlement
13 Agreement which is marked -- I'll just go ahead and use
14 the same numbers -- as Exhibit No. 5.

15 You had testified that as part of the
16 Settlement Agreement, you were to receive the sum of
17 \$45,000, I believe. Let me find that page.

18 You were to receive \$45,833; is that correct?

19 A. Yes.

20 Q. And, again, did you ever receive that payment?

21 A. No.

22 Q. And at the time that this Settlement Agreement
23 was made, was B.F. Kneubuhl, Inc., an ongoing business?

24 A. Yes.

25 Q. And was there some time after this said

1 agreement in 1982 -- did B.F. Kneubuhl sell property
2 which generated proceeds from the sale?

3 A. Yes.

4 Q. And what property was that?

5 A. Satala.

6 Q. And Satala consisted of real property and
7 improvements?

8 A. Yes.

9 Q. And do you recall how much that was sold for?

10 A. I believe -- I don't know the exact number,
11 but I know that Frances received one-sixth of
12 approximately 20- -- over \$30,000; so it'd be like
13 180,000, 200,000, I think.

14 Q. So those would've been funds that would've
15 been sufficient to pay this off; is that correct?

16 A. Yes.

17 Q. And it was never done?

18 A. No.

19 Q. And was it your understanding that the 45,000
20 would receive a priority in regard to payments as to --
21 as a debt of B.F. Kneubuhl, Inc.?

22 A. Yes.

23 MR. HALL: I wish to have this document marked
24 as the Defendants' No. 1.

25 I don't have extra copies. Sorry, Fiti.

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1 (Whereupon, Defendants' Exhibit 1 was marked
2 for identification.)

3 BY MR. HALL:

4 Q. I wish to show you this document that's been
5 marked as the Defendants' Exhibit No. 1.

6 Can you tell me the date of that document?

7 A. May 5, 2005.

8 Q. And it's a letter to -- to you?

9 A. Yes.

10 Q. And who is the letter from?

11 A. From Frances.

12 Q. And what is that letter about?

13 Could you please read -- it's only a short
14 letter.

15 Can you read the first two paragraphs.

16 A. "Thank you for your letter dated April 27th.
17 Please send me the 20,000 check by mail upon your
18 return home. I understand that this amount represents
19 payment of my one-sixth portion of the Talimatau" --
20 "Talimatau sale. The balance to be paid out at a later
21 date. I hope you and Suzie" -- yeah.

22 Q. Okay. All right. And where was this \$20,000
23 payment, if you recall?

24 A. That was toward her one-sixth ownership of
25 Talimatau.

1 Q. And that was her recognition that she was to
2 receive this money?

3 A. Yes.

4 MR. HALL: I wish to have this next document
5 marked as my next exhibit.

6 (Whereupon, Defendants' Exhibit 2 was marked
7 for identification.)

8 MR. HALL: Again, Fiti, I don't have an extra
9 copy. This is a document that we used in the past
10 depositions.

11 BY MR. HALL:

12 Q. I wish to show you what I've marked as
13 Defendants' Exhibit No. 2.

14 Can you tell me what the date of that document
15 is?

16 A. May 5, 2005.

17 Q. And is that your letter?

18 A. Yes.

19 Q. And who was it sent to?

20 A. Sent to Frances.

21 Q. And can you just tell us -- summarize what is
22 said in that letter.

23 Did it have anything to do with Talimatau?

24 A. Yes. It says, "Now, as to Talimatau, this was
25 an undivided interest in land shared with Uncle Jack's

1 heirs, Uncle Frank's heirs, Uncle Ron's heirs, and the
2 Kleis family, who purchased Aunt Nellie's undivided
3 share. Also, Lilomaiava, George Pritchard, our
4 mother's half-brother, who occupied a corner of the
5 property for some years.

6 "We had to deal with 25 different people of
7 which seven were first cousins and the others were
8 children of deceased cousins. Furthermore, Uncle Frank
9 and Uncle Ron never closed their estates in Western
10 Samoa, which included Talimatau."

11 Q. And did this letter also tell her that the
12 land in Talimatau was sold?

13 A. Yes.

14 Q. And what is the amount?

15 A. The amount of Talimatau was for -- "Now, to
16 conclude what I have been trying to convey to you, here
17 is what I wanted to do. The land in Talimatau sold for
18 250,000. Your one-sixth portion is 41,000. If you
19 want" --

20 One-sixth appears. It says 60,000.

21 Q. Okay. Your one-sixth portion is \$41,666; is
22 that right?

23 A. Yeah.

24 Q. Thank you.

25 MR. HALL: And I wish to have this marked as

1 my next document. I wish to have this marked as
2 Defendants' Exhibit No. 3.

3 (Whereupon, Defendants' Exhibit 3 was marked
4 for identification.)

5 BY MR. HALL:

6 Q. And can you tell me what date that is?

7 A. May 7, 2005.

8 Q. And can you tell us what that is?

9 A. Let's see.

10 Q. Is that a letter from --

11 A. It's a letter from Frances.

12 Q. Okay. Now, is that letter signed by Frances?

13 A. No.

14 Q. How do you know it's from Frances?

15 A. I don't.

16 Q. Okay. Can you read the first sentence to that
17 letter after "Dear Mike"?

18 A. Yes. It says, "Thank you for your letter of
19 May 5 and all the information about Talimatau."

20 Q. Do you believe that she's making reference to
21 the exhibit that we just marked as our Exhibit No. 2,
22 which was your letter dated May 5, 2005?

23 A. Yes.

24 Q. Okay. Go on. You can read it.

25 A. "Thank you for your letter of May 5 and all

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1 the information about Talimatau and Fuamete contained
2 therein. I really appreciate you taking the time and
3 making the effort to supply me with the facts and
4 history involved, something which until now has been
5 unavailable to me.

6 "I was asking questions, Mike, simply to
7 obtain more information. In no way was I trying to
8 besmirch your character or doubt your honesty. As I
9 mentioned before, I want" -- "all I wanted was more
10 information. Like I told you before, I am perfectly
11 willing to pay my one-sixth share of expenses, first,
12 the amount of \$10,000 for the Talimatau sale, and then
13 my one-sixth share of the Fuamete expenses after all
14 accounting is completed."

15 Q. So she had indicated that she would be
16 responsible for her share of the expenses related to
17 Talimatau and to Fuamete; is that correct?

18 A. Yes.

19 MR. HALL: I wish to have this marked.

20 Fiti, could you just staple this, please?

21 That'll be my Exhibit No. 4.

22 (Whereupon, Defendants' Exhibit 4 was marked
23 for identification.)

24 BY MR. HALL:

25 Q. Can you please look at what I had marked as

1 Defendants' Exhibit No. 4.

2 A. Yes.

3 Q. Can you tell me what the date of that document
4 is?

5 A. May 20, 2005.

6 Q. And who is it to?

7 A. This is to Frances.

8 Q. Okay. And just look at it and tell me what --
9 what that letter's about. Not reading it. Just
10 summarize what it is.

11 What points were you trying to make in there?

12 A. Well, it was a conflict as to my sister Marge,
13 I believe, that called me and said that she overpaid
14 Frances.

15 Q. And what -- was this --

16 A. For the Satala sale. She had overpaid our
17 sister. Marge had overpaid her for the Satala sale,
18 and that when I called Marge, Marge told me, "You will
19 send the money just as soon as you receive some money
20 from me."

21 Well, I did tell her that, you know -- I
22 advanced \$20,000 and didn't think it was any secret;
23 but anyway, it was that.

24 Q. Did you use any of the funds from the sale of
25 Talimatau to repay the overpayment to Frances?

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1 A. Yes.

2 Q. And this payment was made to Marge?

3 A. Yes.

4 Q. I wish to show you the second page where it
5 says -- just starts off as paragraph 6.

6 Can you read that sentence?

7 A. Yes.

8 "Again, I'm not the trustee of Fuamete or
9 Talimatau. You do not need a trustee for freehold
10 land. Francie, you can't agree to" -- "you can't agree
11 to have me forward the money to Marge that you owe out
12 of the funds being held for you and then write me and
13 tell me to forward the funds back to you after the
14 fact."

15 Q. Okay. Thank you. I'm going back to what is
16 marked as Plaintiffs' No. 2, which is the -- a deed
17 signed by Frances Opelle as donor to you, Douglas Crane
18 Kneubuhl, transferring her one-sixth interest in the
19 property known as -- in Falelatai.

20 Can you tell me before this was -- this deed
21 was signed, did you have a conversation or talk to
22 Frances about the property?

23 A. Yes.

24 Q. Okay. And what was that -- what was that
25 conversation?

1 This is concerning Fagaiofu.

2 A. You mean as far as --

3 Q. Yes. Did you have a conversation with her in
4 regards to her one-sixth interest and you helping her
5 with some things?

6 A. Yeah. I did. I said, you know, "We need to
7 have this deed signed," and Frances said to me, I
8 think, at that particular time -- well, you know, it's
9 going back quite a few years already. I can't remember
10 exactly the wording, but Frances had owed some money, I
11 think, to -- to Dick Higbi by Bob Opelle, her husband,
12 who worked for Dick Higbi, who tried to work off the
13 money that was owed Higbi, and there was no paperwork,
14 but I think she said something to the effect, "Well,
15 look, I'll just give you my property in Fagaiofu as
16 part, and you can settle with Dick Higbi."

17 Q. Okay.

18 A. Something to that effect.

19 Q. And it was after that that she signed this
20 deed?

21 A. Yes.

22 Q. Okay. And looking at the document that's been
23 marked a Plaintiffs' No. 2, there's a signature here of
24 Frances Kneubuhl Opelle.

25 Do you recognize that signature?

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1 A. Yes.

2 Q. And whose signature is that?

3 A. That's Frances Opelle's.

4 Q. And you've seen her signature many times
5 before?

6 A. Yes.

7 Q. Okay. And it also has a notary, Debbie
8 Sutton?

9 A. Yes.

10 Q. Okay. Do you recall if Debbie Sutton was a
11 notary?

12 A. Yes.

13 Q. And where was her office at?

14 A. It was in Newport Beach, Balboa Island.

15 Q. I know this was some time ago.

16 Do you recall on July 11, 1984, where this
17 document was signed and notarized by Frances Opelle?

18 A. Yes.

19 Q. Where was that?

20 A. It was in Balboa Island.

21 Q. And was it --

22 A. At Debbie Sutton's office.

23 Q. And what makes you remember that?

24 A. Well, because we lived there, you know, at

25 Balboa Island at the time, and that's where she had her

1 office, and that's where we took the document to be
2 signed.

3 Q. And did you ever use Debbie Sutton's note --
4 notary services in the past?

5 A. I think we did.

6 Q. Okay. Oh, in regard to what's been marked as
7 Plaintiffs' No. 2, do you -- do you have the original
8 deed with you?

9 A. Yes.

10 Q. Okay. And it's in your possession?

11 A. Yes.

12 Q. And I've agreed with Counsel Fiti Sunia that
13 after this deposition, we would allow him to inspect
14 it.

15 Is that all right with you?

16 A. Yes.

17 Q. Okay. I wish to go back to what's been marked
18 as Plaintiffs' No. 1. I just want to go over this
19 because Mr. Sunia's made a big to-do that his
20 Plaintiffs' Exhibit 1 does not look like Plaintiffs'
21 Exhibit 2.

22 I just want you to read what's written in the
23 border, if you could. There's some typed wording
24 there.

25 What does that say on that document marked as

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1 Plaintiffs' No. 1?

2 A. "Certified that the foregoing alienation is
3 with the provision of the alienation of Freehold Land
4 Act 1972."

5 Q. And then it's signed?

6 A. The sign says "Solicitor for the donee."

7 Q. Okay. And that's -- there's a signature
8 there?

9 A. Yes, there is.

10 Q. Okay. Now, I wish to also ask -- and I'll
11 point to the area right here at the bottom of that
12 page.

13 Can you read those words?

14 A. "Compared with the original and certified to
15 be a true copy thereof."

16 Q. And is there a signature?

17 A. There is a signature.

18 Q. Okay. Do you recognize that signature?

19 A. No.

20 Q. So this copy -- or this document, which was
21 marked as Plaintiffs' No. 1, is only a copy which was
22 compared with an original and certified?

23 A. Yes.

24 Q. All right. So these two documents,
25 Plaintiffs' No. 1 and Plaintiffs' No. 2, are -- are

1 different?

2 A. Yes.

3 MR. HALL: I have nothing further.

4 MR. SUNIA: I just have a few more.

5 EXAMINATION

6 BY MR. SUNIA:

7 Q. The Exhibit No. 1 that Mr. Hall was just
8 referring to -- Exhibit No. 1 -- Plaintiffs' Exhibit
9 No. 1, Mr. Kneubuhl, if you'll turn to page 2 that you
10 just read off of this certification that it is a true
11 copy of the original.

12 A. Yes.

13 Q. On the bottom left-hand corner there.

14 A. Yes.

15 Q. All right. Bottom right-hand corner.

16 All right. That document that you have before
17 you, it was not signed by Debbie Sutton; correct?

18 A. No. Could I just --

19 Q. No, it was not, or no, it was?

20 A. The name -- please refrain [sic] your
21 question.

22 Q. Do you see a Debbie Sutton signature on that
23 document?

24 A. No, I don't.

25 Q. Right. Now, do you know -- your testimony is

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1 that you -- that Frances exchanged a debt to Dick Higbi
2 for conveying you her Fagaiofu land.

3 That was your testimony; correct?

4 A. I think so, yes.

5 Q. How much -- did you pay Dick Higbi?

6 A. Yes.

7 Q. How much?

8 A. I forgot the amount. It was a little over
9 \$10,000. I didn't pay him in cash.

10 Q. You have no written -- do you have any written
11 communication with Frances about that? About that
12 transaction you just testified to?

13 A. No. Not that I know of.

14 Q. Now, on Exhibit -- Exhibits No. -- Defendants'
15 Exhibits No. 3 and 4.

16 Do you have those before you?

17 A. Yes.

18 Q. You testified that this -- it involved moneys
19 you -- you paid to Marge to reimburse an overpayment by
20 Marge to Frances?

21 A. Yes.

22 Q. All right. And I think your testimony was
23 that from the sale of -- payment to Frances from the
24 sale of the warehouse in Satala?

25 A. Yes.

1 Q. Did you ask Marge at that time where's --
2 where your 45,000 was?

3 A. Whose 45,000?

4 Q. Your 45,000.

5 A. No. You mean for the debt that --

6 Q. Right. You were promised 45,000 in the 1982
7 Settlement Agreement.

8 A. Oh, I understand the question now.

9 Q. And that sale, you should've been paid first,
10 according to your testimony; correct?

11 A. Yes.

12 Q. Well, did you ask her at that time about your
13 45,000?

14 A. No.

15 Q. Why didn't you ask her about your 45,000?

16 A. I'd forgotten about it.

17 Q. But you're sure you received nothing?

18 A. Yes.

19 Q. The -- I'm going to ask you to have a look
20 again at Exhibit -- Defendants' Exhibit No. 2.

21 MR. SUNIA: And if you will, Roy, please, my
22 Plaintiffs' Exhibit No. 8.

23 BY MR. SUNIA:

24 Q. All right. Now, on your Exhibit No. -- your
25 Exhibit No. 2, that was -- that was a letter that

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1 you -- or is it No. 3?

2 All right. Mr. Kneubuhl, on your Defendants'
3 Exhibit No. 2, that was a letter dated May 5, 2005,
4 from you to Frances advising her of the Talimatau sale;
5 correct?

6 A. Yes.

7 Q. All right. If you'll look at Plaintiffs' --
8 the accounting from Fepuleai, which is Plaintiffs'
9 Exhibit No. 8.

10 That's dated December 2004; correct?

11 A. Yes.

12 Q. All right. Was -- do you -- do you remember
13 if the sale of Talimatau was actually on December 31,
14 2004, or was it prior to that time?

15 A. It was prior to this letter.

16 Q. All right. And so to your knowledge, your
17 letter to Frances in May of 2005, was it the first
18 notice you gave her of the sale?

19 A. Yes. I told -- no, excuse me. I told Frances
20 it had been sold before this letter was written, by
21 phone.

22 Q. Was it -- do you remember if that phone call
23 you made was after Fepuleai sent you the accounting in
24 May -- in December of 2004?

25 A. It was so long ago, but all I'm saying is that

1 immediately after the property was definitely sold, one
2 of the first people I informed was Frances; and where
3 that falls in within these dates and so forth, I don't
4 know.

5 Q. All right. Now, on Exhibit -- your
6 Defendants' Exhibit No. 1, I just want to clarify
7 something.

8 You read out the -- your note to Frances as
9 payment for the -- the \$20,000 payment.

10 That's from Talimatau; correct?

11 A. Yes.

12 Q. And that payment was just partial; right?

13 A. Yes.

14 Q. All right. Your testimony is that you think,
15 approximately, Frances should've been paid 41,600 from
16 the Talimatau sale.

17 Do you know if all of that money was paid?

18 A. I have to go back and check my accounting.

19 Q. Now, earlier this morning, you testified that
20 some of the accounting was wrong.

21 A. Yes.

22 Q. So you agree that that money has to be put
23 back in into Frances's share?

24 A. Yes. It was a different sheet of the
25 accounting. I mean, the money is owed to me by Frances

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1 for other legal matters. I guess I took the other
2 legal matters and put it in there.

3 Q. In the Talimatau -- in the Talimatau matter,
4 the -- that transaction was handled by Mr. Fepuleai;
5 correct?

6 A. Yes.

7 Q. And you hired him to -- Mr. Fepuleai to handle
8 that?

9 A. As my lawyer.

10 Q. Right. And at that time, both -- he was
11 handling both -- well, the property wasn't
12 self-divided; so he was handling it for your interest
13 as well as Frances' interest; correct?

14 A. Yes.

15 Q. Okay. All right.

16 MR. SUNIA: Nothing further.

17 MR. HALL: Nothing.

18 MR. SUNIA: Thank you, Mr. Kneubuhl, for your
19 time this morning.

20 THE WITNESS: Thank you.

21 MR. SUNIA: I will -- as I'd indicated
22 earlier, the transcript will be provided to you, and
23 you'll have a chance to review it; and then whatever
24 changes, if any, that you want to make, you can sign
25 and get it back just as we did before.

1 MR. HALL: Are we going to be able to get an
2 expedited transcript from you?

3 MR. SUNIA: You can. You can if you want.

4 THE COURT REPORTER: Yes.

5 MR. HALL: All right.

6 MR. SUNIA: We're -- we'll order ours just on
7 a regular course, but for them, they probably --
8 because they have to edit --

9 You want it expedited?

10 MS. ROBIN KNEUBUHL: Frances might want hers
11 expedited too.

12 MR. SUNIA: All right. We'll have ours
13 expedited too then.

14 All right. Is there anything?

15 MR. HALL: Okay. No, that's it.

16 MR. SUNIA: We're done. Thank you.

17 (The deposition was concluded at
18 11:56 a.m.)

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1 ERRATA/CORRECTION SHEET FOR THE TRANSCRIPT OF:

2 CASE NAME: ROBIN KNEUBUHL ROUSH, ET AL. VS.
 3 DOUGLAS CRANE "MIKE" KNEUBUHL, ET AL.
 4 FRANCES OPELLE VS. DOUGLAS C. "MIKE"
 5 KNEUBUHL, ET AL.
 6 CASE NO: L.T NO. 20-2013 AND C.A. NO. 28-2013
 7 CONSOLIDATED MATTERS
 8 DATE: SEPTEMBER 2, 2015
 9 WITNESS: DOUGLAS CRANE "MIKE" KNEUBUHL

PLEASE CHECK ONE OF THE FOLLOWING:

10 NO CORRECTIONS WERE MADE TO THE TRANSCRIPT.
 11 CHANGES WERE MADE TO THE TRANSCRIPT AS FOLLOWS:

9	PAGE/LINE CURRENTLY READS	CHANGE TO
10	____/____ _____	_____
11	____/____ _____	_____
12	____/____ _____	_____
13	____/____ _____	_____
14	____/____ _____	_____
15	____/____ _____	_____
16	____/____ _____	_____
17	____/____ _____	_____
18	____/____ _____	_____

19
 20 I hereby declare under penalty of perjury
 21 under the laws of the State of California that I have
 22 read the foregoing deposition and that the testimony
 23 contained therein is a true and correct transcript of
 24 my testimony given at said time and place.

25 Dated this _____ day of _____,
 _____, at _____, _____.

 SIGNATURE OF THE WITNESS

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CERTIFICATE
OF
DEPOSITION OFFICER

I, Maritza Castro, Certified Shorthand Reporter, in and for the State of California, do hereby certify under the laws of the State of California:

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed, and that the foregoing pages contain a true record of the testimony given by the witness.

That the dismantling of the original transcript will void the reporter's original certificate.

In witness whereof, I have subscribed my name this date:

Maritza Castro, CSR
Certificate No. 14049

