



Request for Production

# Lena P. Kneubuhl Folio

Estate and Court Documents

Opelle v. Adeline P. Kneubuhl Trust et al

HCCA No. 50-04

Frances' Response to Request for Production

Filed January 10, 2006

HIGH COURT OF AMERICAN SAMOA  
Clerk's Office

FILED TIME: 2:09 PM

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01/10/06  
ROBERT L. GORNIAK  
CLERK OF COURTS

1 Charles V. Ala'ilima  
2 Ala'ilima & Associates P.C.  
3 P.O. Box 1118  
4 Pago Pago, American Samoa 96799  
5 Tel (684) 699-6732 Fax (684) 699-6733  
6 E-mail CVALAW@msn.com  
7 Alternative Contact  
8 1304 Kings Place NW  
9 Bainbridge Island, WA 98110  
10 Tel (206) 780-9032 Fax (206) 780-9022

7 IN THE HIGH COURT OF AMERICAN SAMOA  
8 TRIAL DIVISION

9 FRANCES OPELLE  
10 Plaintiff

-v-

11 ADELINE PRITCHARD KNEUBUHL  
12 LAND TRUST, MARGARET K.  
13 LANDRIGAN, BENJAMIN F.  
14 KNEUBUHL, JR., DOUGLAS C.  
15 KNEUBUHL, HEIRS OF JOHN  
16 ALEXANDER KNEUBUHL, ALFRED J. P.  
17 KNEUBUHL  
18 Defendants

) CA Case No.: 50-2004

) RESPONSE TO DEFENDANT'S  
) REQUESTS FOR PRODUCTION

16 Plaintiff, through her undersigned counsel, submits the following response to requests for  
17 production submitted by defendants: Margaret K. Landrigan, Benjamin F. Kneubuhl, Jr. and  
18 Robin Gillian Rouche on behalf of the heirs of John Alexander Kneubuhl.

19 **DOCUMENTS REQUESTED**

20 1. Please identify, describe and disclose each and every document or writing that  
21 you contemplate may be introduced into evidence and/or used at trial;

22 *The documents requested are available for inspection and copying at the law offices of*  
23 *plaintiff's counsel located in the white building behind the Laufou Shopping Center in Nu'u'uli*  
24  
25

1 *during regular business hours from 8:00 am to 4:00 pm. Any additional documents that may*  
2 *acquired after inspection will be disclosed pursuant to continuing obligation of disclosure.*

3  
4 2. Please identify, describe and disclose any and all documents that reflect or relate  
5 to communications from or to you or any other person or entity concerning the "offering"  
6 referred to in paragraph 11 of your complaint in this matter.

7 *Plaintiff has responded to this request in her answer to interrogatories 42-49 and copies*  
8 *of correspondences were attached.*

9  
10 3. Please identify, describe and disclose any and all documents that reflect and/or  
11 refer to, directly or indirectly, the agreement that you signed in 1969 attached as Exhibit "B" to  
12 your complaint.

13 *Plaintiff does not understand the request. Plaintiff here simply seeks a declaration on*  
14 *whether she has the right to sell her beneficial interest in the family trust under the terms of the*  
15 *original trust and subsequent agreements.*

16 4. Please identify, describe and disclose any and all documents that reflect and/or  
17 refer, directly or indirectly, to the settlement agreement that you signed in 1982 that concerns the  
18 land trust agreement attached to your complaint as Exhibit "A".

19 *These cases were initiated primarily by Douglas Kneubuhl against other Kneubuhl heirs*  
20 *over a number of issues relating to various Kneubuhl properties and businesses including the*  
21 *Olo trust. "Plaintiff was included because she was an heir." As far as court filings, pleadings or*  
22 *other documents, plaintiff did not keep any copies other than a 1982 settlement agreement of*  
23 *these disputes.*

24  
25 5. Please identify, describe and disclose any and all other documentary evidence as

1 defined by Rule 1001 of the Trial Court Rules of Evidence that is relevant to your claims that the  
2 lands held under the trust agreement (Exhibit "A" to your complaint) may be sold by you as  
3 alleged in paragraph 15 of your complaint.

4 *Plaintiff seeks an interpretation of the trust documents. The agreement of 1969 (Exhibit*  
5 *"B") reflects a modification on the disposition of the trust property approved by the*  
6 *beneficiaries that is permitted under the last clause of the trust (Exhibit "A").*

7  
8 6. Please identify, describe and disclose any and all documents that reflect or refer to  
9 the names, telephone numbers, addresses and/or identities of any person or persons that you may  
10 consider calling at the time of trial;

11 *William Robert Opelle*

12 *Frances Opelle*

13 *Robert John Opelle*

14 7. Please identify, describe and disclose any and all documents that refer to or relate  
15 to, directly or indirectly, statements of witnesses that you intend to call or that may be called as a  
16 witness at the time of trial including, but not limited to, any and all written statements or written  
17 summaries of the written and/or oral statements of any such witness.

18 *William Robert Opelle and Frances Opelle will discuss the circumstances surrounding*  
19 *the making of the trust in 1960 and the agreement of 1969.*

20 *Robert John Opelle will testify as to current family financial situation and discussions*  
21 *with other beneficiaries regarding the trust land.*

22  
23 8. Please identify, describe and disclose all documents identified in your response  
24 to the interrogatories served upon your attorney on September 7, 2005.

25 *Documents relevant to the responses to interrogatories were provided with*

1 *interrogatories.*

2 9. Please identify, describe and disclose any and all documents that reflect or refer  
3 to any leases, licenses, rental and/or sale agreements regarding trust lands held by you under the  
4 1960 trust agreement or the 1969 agreement attached as Exhibits "A" and "B", respectively.

5 *Plaintiff's response to interrogatories identified Moran/Pacific Products leases that were*  
6 *the subject of litigation in LT 22-01 with the defendants and an expired Jennings lease*  
7 *which plaintiff cannot find.*

8 10. Please identify, describe and disclose any and all documents that reflect the  
9 current fair market value of the property allocated to you under the 1969 agreement and/or the  
10 1960 trust agreement (Exhibits "B" and "A", respectively to your complaint) or any of the  
11 property allocated to you as a result of the 1982 settlement agreement.  
12

13 *None*

14 11. Please identify, describe and disclose any and all documents that reflect,  
15 represent or refer to any offers you made to your siblings and/or heirs of deceased siblings as  
16 alleged in paragraph 11 of your complaint.

17 *See plaintiff's answer to interrogatories 42-49 and attachments*

18 12. Please identify, describe and disclose any and all documents that reflect,  
19 represent or suggest that less than a majority of the beneficiaries of the 1960 trust (Exhibit "A" to  
20 your complaint) can legally agree to allow the trustee to mortgage, encumber, lease, sell or  
21 otherwise dispose of land held under the 1960 trust agreement.  
22

23 *Response requires a legal conclusion. The issue here is a beneficiary's right to dispose of*  
24 *her beneficial interest based on the trust documents that have been provided.*

25 13. Please identify, describe and disclose any and all documents in your possession

1 or in the possession of your attorneys, agents, accountants, representatives, children, heirs or  
2 assigns that relate to or reflect the issues litigated in the High Court of American Samoa in LT  
3 No. 12-82, HCCA No. 58-51, HCCA No. 77-79, LT No. 74-81 and the dispute litigated in the  
4 lawsuit filed in the Los Angeles Superior Court, Case No. C 355 861 including, but not limited  
5 to, all pleadings, correspondence, memoranda, motions, rulings, judgments, orders and the like.

6 In the event that you are claiming that any document encompassed by this request is privileged or  
7 not otherwise required to be produced in response to this discovery request, please identify each  
8 such document and explicitly state the applicable objection and describe the nature of the  
9 information not provided in sufficient form to enable the proponent and other parties to assess  
10 the applicability of the privilege asserted.

11  
12 *Plaintiff does not understand this request. Any court filings, pleadings or orders are a*  
13 *matter of public record.*

14 14. Please identify, describe and disclose any and all financial documents that relate  
15 to, directly or indirectly, or that would otherwise tend to establish or prove, that you are in need  
16 of "financial assistance" as alleged in paragraph 9 of your complaint.

17 *See plaintiff's answer to interrogatories 50-64*

18 15. Please identify, describe and disclose any and all documents that relate to,  
19 directly or indirectly, or otherwise support the assertion in paragraph 15 of your complaint to the  
20 effect that "the trust provisions and general principles of law do allow for the sale of . . . trust  
21 land . . .".

22  
23 *Request asks for a legal conclusion. Relevant trust documents that plaintiff relies upon*  
24 *have been disclosed.*

25 You are reminded that a request for discovery otherwise proper is not necessarily objectionable

1 merely because a response to the request may involve an opinion or contention that relates to fact  
2 or the application of law to fact. [TCRCP, Rule 33(b)].

3 Dated: September 16, 2005

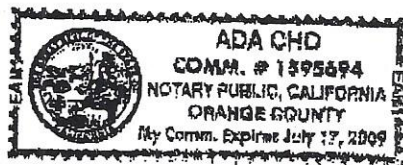
4  
5  
6 I, Frances K. Opelle aver, upon my oath, that I have read the foregoing response to  
7 Defendants' Request for Production of Documents and Things and that the responses are true  
8 and correct to the best of my knowledge, information and belief.

9 Dated: Jan 9, 200~~5~~<sup>6</sup>

Frances K. Opelle  
FRANCES K. OPELLE

11 ACKNOWLEDGEMENT

12  
13 On this 9<sup>th</sup> day of JANUARY, 200~~5~~<sup>6</sup>, before the undersigned, a Notary Public in  
14 and for the County of ORANGE, State of California, personally appeared FRANCES K.  
15 OPELLE known to me to be the persons whose name is subscribed to the within instrument, and  
16 acknowledged that she executed the same for the intents and purposes set forth therein.



17  
18 [Signature]

19 NOTARY PUBLIC

20 My Commission Expires:

21 JULY 17, 2009

22  
23 VERIFICATION

24 I, FRANCES K. OPELLE, Plaintiff in the above captioned matter hereby swears and  
25 affirms under penalty of perjury under the laws of American Samoa that I have read the



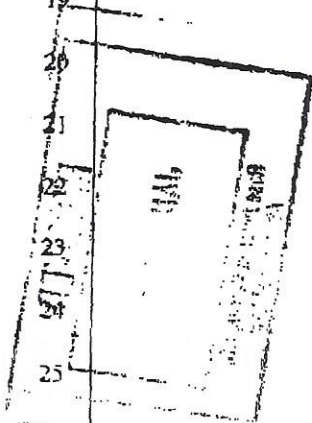
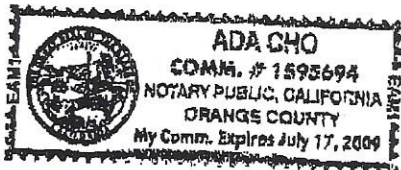
1 foregoing ANSWERS TO INTERROGATORIES and that they are true, correct and complete to  
 2 the best of my information, knowledge and belief.  
 3

4 Frances K. Opelte  
 5 FRANCES K. OPELLE

6 Subscribed and Sworn to before me this JAN 9 <sup>2006</sup> ~~2005~~

7 [Signature]  
 8  
 9 NOTARY PUBLIC  
 In and for the State of California

10 My commission expires: JULY 17, 2009





OPELLE v KNEUBUHL

HCCA No. 50-2004

MOTION TO SET TRIAL DATE

08-29-05