		503				585
		583	01:21:06PM	1	PROCEEDINGS	
गाउँग गण्डा व	TATES DISTRICT COURT		01:21:06PM	2	COURTROOM DEPUTY: Please come to order and remain	
	DISTRICT OF COLUMBIA		02:15:27PM	3	seated.	
			02:15:30PM	4	MR. QUINN: Good afternoon, your Honor.	
ELOUISE PEPION COBELL, et al.	•		02:15:33PM	5	THE COURT: Proceed.	
Plaintiffs,	. Civil Action 96-1285		02:15:34PM	6	MR. QUINN: Before we begin plaintiffs' cross of the	
v.			02:15:37PM	7	witness, defendants would like to move into evidence exhibits	
DIRK KEMPTHORNE, Secretary			02:15:42PM	8	used that relate to Ms. Herman's testimony today. That would	
of the Interior, et al.	. 1:57 p.m.		02:15:48PM	9	include Defendants' Exhibit 370. That's the internal funds and	
Defendants.	•			10		
			02:15:54PM		flowchart.	
	TRIAL - AFTERNOON SESSION ONORABLE JAMES ROBERTSON		02:15:55PM	11	THE COURT: Right.	
	TATES DISTRICT JUDGE		02:15:56PM	12	MR. QUINN: 371, which is the table, the updated to	
APPEARANCES :			02:16:02PM	13	AR171, Defendants' Exhibit 342, which is the first binder set,	
For the Plaintiffs:	DENNIS GINGOLD, ESQ. Law Offices of Dennis Gingold		02:16:10PM	14	five total. We referred to one of those today in the middle of	
	607 14th Street, NW Ninth Floor		02:16:13PM	15	her testimony, as well as the documents that Ms. Herman	
	Washington, D.C. 20005 202-824-1448		02:16:20PM	16	discussed and testified to in terms of historical money flow	
	ELLIOTT H. LEVITAS, ESQ.		02:16:25PM	17	examples. That would be Defendants' Exhibits 474, 475, 477,	
	WILLIAM E. DORRIS, ESQ. Kilpatrick Stockton, LLP		02:16:32PM	18	478, 479, 480, 481, Exhibit 485, Defendants' 486, Defendants'	
	1100 Peachtree Street Suite 2800 Atlanta, Georgia 30309-4530		02:16:48PM	19	491. There is the highlighted table of 371 indicating that	
	404-815-6450		02:16:54PM	20	relative to reliance of materials used in table 171, the color	
	KEITH HARPER, ESQ. JUSTIN GUILDER, ESQ.		02:17:04PM	21	highlighted table, that's Defense Exhibit 492, and then summary	
	Kilpatrick Stockton, LLP 607 14th Street, NW		02:17:09PM	22	table, Defendants' 495, and the electronic era own accounts	
	Suite 900 Washington, D.C. 20005		02:17:17PM	23	analysis, Defendants' 496. Also we would like to move into	
	202-585-0053		02:17:30PM	24	evidence the entire documents that are used in excerpted form	
APPEARANCES con't. on next	page.		02:17:34PM	25	within Defendants' binder, Defendants' Exhibit 371, and I could	
			02.11.04		Jacqueline M. Sullivan, RPR	
	ine M. Sullivan, RPR sial Court Reporter				Official Court Reporter	
		584			Official Court Reporter	
APPEARANCES, con't.						586
			02:17:38PM	1	identify those exhibit numbers for the Court. That would be	
DAVID C. SMI			02:17:40PM	2	Defendants' Exhibit 80, 85, 96, 380, 381, 385, 386, 387, 88, 89,	
	IH, ESQ.					
Kilpotsiek C	TAYLOR, JR., ESQ.		02:17:53PM	3	90, 391, 395, 413, 423, 424, 425, 426, 427, 428, 429, 430, 431,	
1001 West	TAYLOR, JR., ESQ. tockton, LLP Fourth Street		02:17:53PM 02:18:11PM	3 4	90, 391, 395, 413, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433. That should cover the materials, entire historical	
1001 West Winston-Sa	TAYLOR, JR., ESO. tockton, LLP Fourth Street Iem, North Carolina 27101					
1001 West Winston-Sa 336-607-73	TAYLOR, JR., ESQ. tockton, LLP Fourth Street Jem, North Carolina 27101 192		02:18:11PM		432, 433. That should cover the materials, entire historical	
1001 West Winston-Sa 336-607-73 For the Defendants: ROBEI JOHN WARS	TAYLOR, JR., ESQ. tockton, LLP Fourth Street Iem, North Carolina 27101 192 RT E. KIRSCHMAN, JR., ESQ. SHAWSKY, ESQ.		02:18:11PM 02:18:21PM	4 5	432, 433. That should cover the materials, entire historical document Ms. Herman relied on in connection with the calculation	
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06/16/2008 08:09:52 AM

1		_	587		4	589
02:19:06PM 1		Q.	Since October of 2007 what percentage of your professional	02:22:17PM	1 2	Angel had gathered times his ten percent estimate.
2			has been devoted to IIM trust issues that you testified	02:22:20PM	2	<b>Q.</b> Would you look in your binder to confirm I want to make
		400u <b>A.</b>	t today? Probably roughly 98 percent.	02:22:25PM	4	sure we get this right as we move forward.  A. From 1934 through 1945 a ten percent estimate times a
02:19:17PM 4		а. Q.	Okay. I'm not even going to ask about the other two	02:22:27PM 02:22:44PM	5	receipt number from a historical document Dr. Angel had found
02:19:26PM 6			ent. How much of your time has been spent working on the	02:22:44PM	6	was utilized, and then from 1946 a fifteen percent number.
02:19:30PM 7			ons to AR-171 including what we have in this notebook we	02:22:47PM	7	There is no data available for 1950 and '51.
02:19:37PM 8			given shortly before lunch?	02:22:58PM	8	<b>Q.</b> And where are you looking at this moment, where in the
02:19:39PM 9			I focused by efforts on that probably since the beginning	02:23:01PM	9	binder?
02:19:44PM 10			is year.	02:23:02PM	10	A. At page I don't have the DX number, but it's A-1.1, one
02:19:44PM <b>11</b>			So from January through now, early well, it's not so			of.
02:19:51PM <b>12</b>	е		anymore, June, you spent most of your professional time		12	Q. So we're looking in Defendants' Exhibit 372, and you're now
02:19:55PM 13		-	ing on revising AR-171?	02:23:15PM	13	looking under tab A-1.1?
02:19:58PM 14			I don't know exactly when early in this year, but the time	02:23:17PM	14	A. That's correct.
02:20:03PM 15	s	spen	t revising this has also, I'm also including our work on the	02:23:18PM	15	<b>Q.</b> Okay. So yours do not have Bates stamps?
02:20:06PM 16	d	data	completeness validation.	02:23:23PM	16	A. No, they do not.
02:20:08PM 17	G	Q.	The two go somewhat hand-in-hand?	02:23:25PM	17	<b>Q.</b> And what's the red handwriting on the bottom right of the
02:20:10PM 18		Α.	They do.	02:23:35PM	18	page you're looking at?
02:20:11PM <b>19</b>		<b>Q</b> .	Okay. Let me tell you kind of where I'm headed and we kind	02:23:36PM	19	<b>A.</b> That's the page reference that I was referring to.
02:20:18PM 20			I march through this. AR-171 and what has been developed	02:23:39PM	20	Q. Can you give that to me again?
02:20:25PM <b>21</b>			it are kind of in a couple different periods, at least from	02:23:40PM	21	<b>A.</b> Yes. It's A01.1, one of.
02:20:30PM <b>22</b>	tl	he s	ources you looked at, correct?	02:23:44PM	22	Q. Okay. That's going to be Bates page ten that we have?
02:20:31PM 23	A	Α.	Yes, they are.	02:23:51PM	23	MR. QUINN: We have a numbered copy if you want it.
02:20:33PM 24	G	Q.	And I want to start talking about the pre-1972 period and	02:23:54PM	24	It's the same thing, but it does have the numbering on it.
02:20:37PM <b>25</b>	tł	hen	we'll move chronologically forward, okay?	02:23:58PM	25	MR. DORRIS: Okay.
			Jacqueline M. Sullivan, RPR			Jacqueline M. Sullivan, RPR
			Official Court Reporter			Official Court Reporter
			588			590
02:20:40PM <b>1</b>	A	Α.	588 All right.	02:23:58PM	1	590 BY MR. DORRIS:
02:20:40PM <b>1</b> 02:20:41PM <b>2</b>		4. Q.		02:23:58PM 02:23:59PM	1 2	
0	G	Q.	All right.		-	BY MR. DORRIS:
02:20:41PM <b>2</b>	n	Q.	All right. Now, in pre-1972 when we look at both AR-171 and then the	02:23:59PM	2	BY MR. DORRIS: $\ensuremath{\mathbf{Q}}$ . Mr. Quinn just gave me one with the Bates numbers. Which
02:20:41PM 2 02:20:53PM 3	C n A	<b>Q.</b> new v <b>A.</b>	All right. Now, in pre-1972 when we look at both AR-171 and then the version, who provided that information to you?	02:23:59PM 02:24:02PM	2 3	BY MR. DORRIS: <b>Q.</b> Mr. Quinn just gave me one with the Bates numbers. Which would you prefer to work from?
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Image: With and you've used what he provided to you?       Image: With and you've used what he provided to you?         Image: With and you've used what he provided to you?       Image: With and you've used what he provided to you?         Image: With and you've used what he provided to you?       Image: With and you've used what he provided to you?         Image: With and you've used what he provided to you?       Image: With and you've used what he provided to you?         Image: With and you've used what he provided to you?       Image: With and you've used what he provided to you?         Image: With and you've used what he provided to you?       Image: With and you've used fifteen percent provided to you?         Image: With and you've used what he provided to you?       Image: With and you've used fifteen percent provided to you?         Image: With and you've used fifteen percent based       Image: With and you've used fifteen percent based         Image: With and you've used fifteen percent based       Image: With and you've used fifteen percent based         Image: With and you've used fifteen percent based       Image: With and you've used fifteen percent based         Image: With and you've used fifteen percent based       Image: With and you've used fifteen percent based         Image: With and you've used fifteen percent based       Image: With and you
02252594       3       Q. And then he told you to use fifteen percent from 1946         02252594       4       G. And then he told you to use fifteen percent from 1946         02253594       5       A. That's correct.         02253594       5       A. That's correct.         02253594       6       Q. And at what point in time do you stop using fifteen         02253594       7       percent?         02253594       8       A. When the I RMS data becomes available in 1986.         02253594       9       Q. So from 1946 through 1984 you've used fifteen percent based         02253594       10       on what Dr. Angel provided to you?         11       A. Through 1985, yes.       02283694         12       Q. Okay. Now, I don't see anywhere this chart that I'm
022831PM       4       forward; is that correct?         022832PM       5       A. That's correct.         022832PM       6       Q. And at what point in time do you stop using fifteen         022832PM       6       Q. And at what point in time do you stop using fifteen         022832PM       7       percent?         022832PM       8       A. When the I RMS data becomes available in 1986.         022832PM       9       Q. So from 1946 through 1984 you've used fifteen percent based         022832PM       10       on what Dr. Angel provided to you?         022832PM       11       A. Through 1985, yes.         022832PM       12       Q. Okay. Now, I don't see anywhere this chart that I'm
6 2233294       5 A. That's correct.         6 Q. And at what point in time do you stop using fifteen       6 Q. And at what point in time do you stop using fifteen         6 2233294       6 Q. And at what point in time do you stop using fifteen       6 Q. And the e-mail that you were sent just included two or         7 percent?       7 three numbers?         8 A. When the I RMS data becomes available in 1986.       6 Q. So from 1946 through 1984 you've used fifteen percent based         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your         6 0 on what Dr. Angel provided to you?       6 Q. And you just took that from that e-mail and put it in your
022533PM       6       Q. And at what point in time do you stop using fifteen       022632PM       6       Q. And the e-mail that you were sent just included two or         022537PM       7       percent?       022632PM       7       three numbers?         022537PM       8       A. When the LRMS data becomes available in 1986.       022632PM       8       A. It included a collection number and a disbursement number andit a disbursement number and a disbursement number and
022537PM       7       percent?         022537PM       8       A.       When the I RMS data becomes available in 1986.         022537PM       9       Q.       So from 1946 through 1984 you've used fifteen percent based         022537PM       10       on what Dr. Angel provided to you?         022537PM       11       A.       Through 1985, yes.         022537PM       12       Q.       Okay. Now, I don't see anywhere this chart that I'm
022537PM       8       A. When the IRMS data becomes available in 1986.       022837PM       8       A. It included a collection number and a disbursement numerand a disbursement numerand a disbursement
022542PM       9       Q. So from 1946 through 1984 you've used fifteen percent based       022642PM       9       for each of the three periods.         022542PM       10       on what Dr. Angel provided to you?       022632PM       10       Q. And you just took that from that e-mail and put it in your         022542PM       11       A. Through 1985, yes.       11       chart without any further study or analysis or thought, correct?         022542PM       12       Q. Okay. Now, I don't see anywhere this chart that I'm       12       A. It didn't appear in the first page of the chart because w
022550PM       10       on what Dr. Angel provided to you?         022550PM       11       A. Through 1985, yes.         022550PM       12       Q. Okay. Now, I don't see anywhere this chart that I'm
022552PM       11       A.       Through 1985, yes.         022552PM       12       Q.       Okay. Now, I don't see anywhere this chart that I'm         12       Q.       Okay. Now, I don't see anywhere this chart that I'm       12       A.       It didn't appear in the first page of the chart because w
022554PM       12       Q.       Okay. Now, I don't see anywhere this chart that I'm         022554PM       12       A.       I t didn't appear in the first page of the chart because w
13 looking at disc out in 1051. Is that the same short voulter 13 both a solution of the same short voulter
022857PM 14 looking at? 022857PM 14 if you look on page it's 372, page eight.
0228:08PM 15 A. That's correct. 0229:13PM 15 Q. Okay.
022609PW 16 Q. And then what have you put behind this chart?
0228:15PM 17 A. These are the receipt reports that were utilized to
0228:19FM     18     calculate the estimate.       10     2     2
222221PM 19 Q. Okay. Are these documents that Dr. Angel provided to you? 20 A V v v v
022822FM       20       A.       Yes, they are.         022822FM       21       Q.       Okay. And so vou've included these because he said this         022822FM       21       Q.       Okay. And so vou've included these because he said this
022832PM     24     Q. Have you reviewed these documents and studied them in order     022834PM     24     A. The Osage was based on our calculations and then the       022832PM     25     to be able to answer questions about them today?     25     differential was other rights.
Jacqueline M. Sullivan, RPR Jacqueline M. Sullivan, RPR
Official Court Reporter Official Court Reporter
592
1 A. I have reviewed them. I haven't studied them. Dr. Angel 022841PM 1 Q. But it flows, the numbers flow from the numbers that you
<b>2</b> and I discussed the various report that he had located over <b>2</b> were given by Dr. Sherod?
0228.48PM <b>3</b> time. 0229.55PM <b>3 A.</b> That's correct.
<b>4 Q.</b> Would it be fair to say that in terms of whether what is in <b>4 Q.</b> Now, in terms of this, were you provided numbers for each
0220556PM     5     this exhibit that we're looking at now under this Tab A-1.1,     5     year during this period?
<b>6</b> that that's something that Dr. Angel will be better able to <b>6 A.</b> No. I was provided a number for each period.
022707PM     7     answer what was done than you?       022707PM     7     Q.       Who selected the periods?
<b>8 A.</b> Yes. Dr. Angel and I discussed the reports themselves, but <b>8 A.</b> Dr. Angel and Dr. Scheuren and I all discussed the period
9 he would be better to discuss the percentage utilized to 0227:18PM 9 Q. So you were involved in at least discussing the periods?
02227:17PM     10     estimate the total number.       0230:19PM     10     A.
0227:18PM 11 Q. Okay. So that's tribal IIM pre-1972 and a little bit past
022725PM     12     '72. I take it there's no tribal IIM reflected in your chart     023022PM     12     the chart?
022732PM     13     prior to 1934?       11     A     Tibelieve it was a mutual decision.
022734PM     14     A.     That's correct.       15     0     0     0       16     0     0     0
022734PM       15       Q. And so while it shows tribal IIM for the period 1921 to       023028PM       15       because other periods were used in the original version of         16       1051       th setup the dependence of the period 1921 to       16       171
0227/MPM       16       1951, it actually doesn't start until 1934?         0227/MPM       17       A. That's correct.         0227/MPM       17       A. That's correct.
022754PM       19       disbursements, that came from Dr. Scheuren?       023044PM       19       approximates the time frame that the GAO managed the acc         022754PM       20       A.       That's correct.       023044PM       20       and the third time frame is the remainder between when GA
222759FM 20 A. That is correct. 222050FM 21 Q. And you told me I think before lunch there isn't anything 22050FM 21 stopped managing the accounts and I had electronic data fro
222007M 21 Stopped managing the accounts and thad electronic data in a stopped managing the accounts and that a
2228/39/W ZZ in this notebook that would show the now that was derived, is 0228/39/W ZZ GLGLDC system.
uzatarini     20     uzatarini     uzatarini
2221/2PW 25 Q. Have you been provided that though from which you then took 02211/2PW 25 A. Excuse me. I should have said reviewed the accounts.
Jacqueline M. Sullivan, RPR Jacqueline M. Sullivan, RPR
Official Court Reporter Official Court Reporter

	595	1	597
02:31:04PM	Q. Okay. I mean, BIA was involved all along, correct?	02:34:05PM	version, which is the June 4, 2008, and can you pull that up on
02:31:10PM 2	<ul> <li>A. That's my understanding, yes.</li> </ul>	02:34:10PM <b>2</b>	the screen? I'll tell you what we'll do. Let me ask you before
02:31:10PM 3	<ul><li>Q. And so when you were just saying manage the accounts, you</li></ul>	02:34:10FM 3	we look at this, were there any other revisions to AR-171 since
02:31:16PM 4	were talking about Treasury for a period reviewed the accounts,	02:34:30PM 4	October that we've not been provided a copy with?
02:31:20PM 5	GAO for a period reviewed the accounts, correct?	02:34:33PM 5	A. I'm sorry, since when?
02:31:23PM 6	A. That's correct.	02:34:33PM 6	<ul><li>Q. Since October of 2007 when AR-171, you testified about it?</li></ul>
02:31:23PM 7	Q. And then for the third period, from 1952 to 1972, what is	02:34:37FM <b>C</b>	A. That's correct.
02:31:30PM 8	that period?	02:34:43PM 8	<ul><li>Q. Have you made any other versions of AR-171, revisions to</li></ul>
02:31:30PM 9	A. From 1952 to 1971 is the remaining period before the	02:34:50PM 9	it, other than the two that have been provided to us dated May
02:31:36PM 10	electronic data was available.	02:34:54PM 10	30 and June 4, 2008?
02:31:30PM 10	Q. When nobody was reviewing the accounts?	02:34:57PM 11	<b>A.</b> I had several drafts that we had been working on prior to
02:31:39PM 12	<ul> <li>A. I believe there were internal audits performed by the BIA.</li> </ul>	02:35:00PM 12	the revisions that were provided to you.
02:31:43PM 13	Q. Okay. But nobody outside of BIA to your knowledge were	02:35:03PM 13	<b>Q.</b> Okay. So the others were just drafts?
02:31:46PM 14	reviewing the accounts?	02:35:07PM 14	A. That's correct.
02:31:47PM 15	A. Not of which I'm aware.	02:35:08PM 15	Q. And then when we were provided with AR-171, which I called
02:31:49PM 16	Q. Now, in terms of what you just said about who was	02:35:14PM 16	here at R-1, revision one, of May 30, 2008, that was not a
02:31:56PM 17	responsible for reviewing the accounts, is that something that	02:35:23PM 17	draft, correct?
02:31:58PM 18	Dr. Angel told you or is that something that you discovered on	02:35:24PM 18	A. That was as of May 30th.
02:32:01PM 19	your own?	02:35:26PM 19	Q. Right. It was not a draft, though, it wasn't marked
02:32:02PM 20	A. I searched through numerous packages of GAO settled account	02:35:29PM <b>20</b>	"draft," was it?
02:32:08PM 21	records in the national archives many years ago. I did not	02:35:30PM 21	A. No, it was not.
02:32:12PM <b>22</b>	personally review Treasury records though.	02:35:31PM <b>22</b>	Q. That was what you thought at that time was the final
02:32:14PM 23	<b>Q.</b> Okay. So you had some familiarity from some of your	02:35:33PM 23	version?
02:32:14PM 20	earlier work, but was it Dr. Angel who told you when the	02:35:33PM 24	A. That's correct.
02:32:22PM 25	particular periods were?	02:35:34PM 25	Q. And how soon after May 30, 2008 did you find out you were
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	596		598
02:32:24PM	<b>A.</b> I've done a study of all of the packages available at the	02:35:40PM	going to have to change your chart again?
02:32:28PM 2	national archives. I was more than aware of the period that GAO	02:35:42PM <b>2</b>	A. I believe it was June 4th.
02:32:32PM 3	studied the accounts.	02:35:44PM 3	Q. Okay. So you got new information a few days later?
02:32:33PM <b>4</b>	Q. So that's something that you knew based on your own work?	02:35:48PM <b>4</b>	A. That's correct.
02:32:36PM 5	A. That's correct.	02:35:49PM 5	Q. The information that you had gotten that you based the
02:32:36PM 6	Q. Now, we've talked today about the original AR-171 that we	02:35:54PM 6	first revision of May 20th, 2008, when had you gotten that
02:32:47PM 7	looked at in October, and then we've looked at Defendants'	02:35:59PM <b>7</b>	information from Dr. Scheuren?
02:32:52PM 8	Exhibit 371, which is a chart that is June 4, 2008?	02:36:01PM <b>8</b>	A. I don't recall specifically what date. It was right around
02:32:59PM <b>9</b>	A. That's correct.	02:36:06РМ 9	May 20th, though.
02:33:00PM 10	Q. Now, at some point were you given you prepared another	02:36:07PM <b>10</b>	Q. So I understand you don't recall precisely the date, but
02:33:08PM 11	version of this sometime before June 4th, correct?	02:36:13PM <b>11</b>	approximately on May 20th Dr. Scheuren provided you some
02:33:11PM <b>12</b>	A. That's correct. I believe it was May 30th.	02:36:16PM <b>12</b>	information that you used in putting on your chart for the pre-
02:33:13PM 13	<b>Q.</b> And we were provided a chart on May 20th that you had	02:36:19PM 13	1972 information, correct?
	<b>Q.</b> And we were provided a chart on way 20th that you had		1972 Information, correct:
02:33:18PM <b>14</b>	prepared, correct, or dated May 20th?	02:36:20PM 14	A. That's correct.
02:33:18PM 14 02:33:20PM 15		02:36:20PM 14 02:36:21PM 15	
45	prepared, correct, or dated May 20th?	45	A. That's correct.
02:33:20PM 15	prepared, correct, or dated May 20th? A. That's correct.	02:36:21PM <b>15</b>	<ul><li>A. That's correct.</li><li>Q. And then about five days later, six days later, he provided</li></ul>
02:33:20PM 15 02:33:21PM 16	<ul><li>prepared, correct, or dated May 20th?</li><li>A. That's correct.</li><li>Q. And then within a few days it changed significantly in the</li></ul>	02:36:21PM 15 02:36:28PM 16	<ul><li>A. That's correct.</li><li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li></ul>
02:33:20PM 15 02:33:21PM 16 02:33:27PM 17	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> </ul>	02:36:21PM 15 02:36:28PM 16 02:36:30PM 17	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> </ul>
02:33:20PM 15 02:33:21PM 16 02:33:27PM 17 02:33:25PM 18	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> </ul>	02:36:21PM 15 02:36:28PM 16 02:36:30PM 17 02:36:30PM 18	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if</li> </ul>
02:33:20PM 15 02:33:21PM 16 02:33:27PM 17 02:33:22PM 18 02:33:32PM 19	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> <li>Q. You don't like that word "significantly," do you?</li> </ul>	023621PM 15 023628PM 16 023630PM 17 023630PM 18 023637PM 19	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if you can blow up kind of the middle there of receipts and</li> </ul>
02:33:20PM 15 02:33:21PM 16 02:33:27PM 17 02:33:22PM 18 02:33:32PM 19 02:33:32PM 20	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> <li>Q. You don't like that word "significantly," do you?</li> <li>A. It's a judgment word.</li> </ul>	02:36:21PM 15 02:36:28PM 16 02:36:30PM 17 02:36:30PM 18 02:36:37PM 19 02:36:41PM 20	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if you can blow up kind of the middle there of receipts and disbursements. Can you see that any better?</li> </ul>
02:33:20PM         15           02:33:21PM         16           02:33:27PM         17           02:33:22PM         18           02:33:32PM         19           02:33:35PM         20           02:33:35PM         21	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> <li>Q. You don't like that word "significantly," do you?</li> <li>A. It's a judgment word.</li> <li>Q. Okay. And you don't want to provide judgments like that?</li> </ul>	02:36:21PM 15 02:36:28PM 16 02:36:30PM 17 02:36:30PM 18 02:36:37PM 19 02:36:41PM 20 02:36:47PM 21	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if you can blow up kind of the middle there of receipts and disbursements. Can you see that any better?</li> <li>A. The middle section is kind of blurry.</li> </ul>
02.33.20PM 15 02.33.21PM 16 02.33.27PM 17 02.33.22PM 18 02.33.32PM 19 02.33.35PM 20 02.33.35PM 21 02.33.34PM 22	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> <li>Q. You don't like that word "significantly," do you?</li> <li>A. It's a judgment word.</li> <li>Q. Okay. And you don't want to provide judgments like that?</li> <li>A. Not on Dr. Scheuren's work, no.</li> </ul>	02.36.21PM 15 02.36.28PM 16 02.36.30PM 17 02.36.30PM 18 02.36.37PM 19 02.36.41PM 20 02.36.41PM 21 02.36.51PM 22	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if you can blow up kind of the middle there of receipts and disbursements. Can you see that any better?</li> <li>A. The middle section is kind of blurry.</li> <li>Q. Okay. Well, I'll tell you what. It was for me too. I had</li> </ul>
02:33:20PM         15           02:33:21PM         16           02:33:27PM         17           02:33:27PM         18           02:33:32PM         19           02:33:35PM         20           02:33:35PM         21           02:33:341PM         22           02:33:46PM         233	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> <li>Q. You don't like that word "significantly," do you?</li> <li>A. It's a judgment word.</li> <li>Q. Okay. And you don't want to provide judgments like that?</li> <li>A. Not on Dr. Scheuren's work, no.</li> <li>Q. Okay. Fine. Now, I put together, I had our assistant copy</li> </ul>	02:36:21PM 15 02:36:30PM 16 02:36:30PM 17 02:36:30PM 18 02:36:37PM 19 02:36:41PM 20 02:36:41PM 21 02:36:51PM 22 02:36:51PM 23	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if you can blow up kind of the middle there of receipts and disbursements. Can you see that any better?</li> <li>A. The middle section is kind of blurry.</li> <li>Q. Okay. Well, I'll tell you what. It was for me too. I had another chart prepared, but we can come back to this if you want</li> </ul>
02:33:20PM         15           02:33:21PM         16           02:33:22PM         17           02:33:22PM         18           02:33:32PM         19           02:33:32PM         20           02:33:35PM         21           02:33:41PM         22           02:33:46PM         23           02:33:46PM         23           02:33:46PM         23           02:33:53PM         24	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> <li>Q. You don't like that word "significantly," do you?</li> <li>A. It's a judgment word.</li> <li>Q. Okay. And you don't want to provide judgments like that?</li> <li>A. Not on Dr. Scheuren's work, no.</li> <li>Q. Okay. Fine. Now, I put together, I had our assistant copy the top lines of AR-171, the first revision that we've been</li> </ul>	02.36.21PM         15           02.36.28PM         16           02.36.30PM         17           02.36.30PM         18           02.36.30PM         19           02.36.41PM         20           02.36.41PM         21           02.36.51PM         22           02.36.57PM         23           02.36.57PM         23           02.36.57PM         24	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if you can blow up kind of the middle there of receipts and disbursements. Can you see that any better?</li> <li>A. The middle section is kind of blurry.</li> <li>Q. Okay. Well, I'll tell you what. It was for me too. I had another chart prepared, but we can come back to this if you want to look at any of the figures.</li> </ul>
02:33:20PM         15           02:33:21PM         16           02:33:22PM         17           02:33:22PM         18           02:33:32PM         19           02:33:32PM         20           02:33:35PM         21           02:33:41PM         22           02:33:46PM         23           02:33:46PM         23           02:33:46PM         23           02:33:53PM         24	<ul> <li>prepared, correct, or dated May 20th?</li> <li>A. That's correct.</li> <li>Q. And then within a few days it changed significantly in the pre-1972 period, correct?</li> <li>A. There was a change in the pre-'72 period, yes.</li> <li>Q. You don't like that word "significantly," do you?</li> <li>A. It's a judgment word.</li> <li>Q. Okay. And you don't want to provide judgments like that?</li> <li>A. Not on Dr. Scheuren's work, no.</li> <li>Q. Okay. Fine. Now, I put together, I had our assistant copy the top lines of AR-171, the first revision that we've been provided, which was dated May 30, 2008, and then the third</li> </ul>	02.36.21PM         15           02.36.28PM         16           02.36.30PM         17           02.36.30PM         18           02.36.30PM         19           02.36.41PM         20           02.36.41PM         21           02.36.51PM         22           02.36.57PM         23           02.36.57PM         23           02.36.57PM         24	<ul> <li>A. That's correct.</li> <li>Q. And then about five days later, six days later, he provided other information that caused you to revise your chart?</li> <li>A. That's correct.</li> <li>Q. Now, let's look, if we might, can you I don't know if you can blow up kind of the middle there of receipts and disbursements. Can you see that any better?</li> <li>A. The middle section is kind of blurry.</li> <li>Q. Okay. Well, I'll tell you what. It was for me too. I had another chart prepared, but we can come back to this if you want to look at any of the figures.</li> <li>Can you pull up the chart that you based this on? And</li> </ul>

	599		601
02:37:08PM	can you blow that up for us?	02:40:25PM	1951, correct?
02:37:10PM <b>2</b>	Now, this is the information that I will tell you that	02:40:27PM <b>2</b>	A. That's correct.
02:37:14PM 3	I had taken from those three versions of AR-171 that are	02:40:28PM 3	<b>Q.</b> You had to know what the collections were between 1934 and
02:37:18PM 4	identified there. And you will have a copy. I'll provide a	02:40:33PM 4	1951 in order to determine what the tribal IIM was?
02:37:29PM 5	copy too.	02:40:38PM 5	A. That's correct.
02:37:32PM 6	We'll have this marked as Plaintiffs' Exhibit 117.	02:40:39PM 6	<b>Q.</b> And is there something is the chart that we were looking
02:37:34PM 7	(Plaintiffs' Exhibit No. 117 was marked for	02:40:43PM 7	at in tribal IIM earlier, does that show what it was year by
02:37:39PM 8	identification at about 2:37 p.m.)	02:40:47PM 8	year?
02:37:39PM <b>9</b>	BY MR. DORRIS:	02:40:47PM 9	A. Dr. Scheuren didn't provide an annual estimate so we had to
02:37:40PM 10	<b>Q.</b> And let me represent to you we tried to faithfully take the	02:40:51PM <b>10</b>	utilize the historical receipt reports that Dr. Angel had
02:37:45PM <b>11</b>	information and the math. I'm sure that you'll have to chance	02:40:55PM <b>11</b>	gathered, which have been provided to you.
02:37:48PM 12	to check it later to see if we took anything down wrong, but if	02:40:57PM 12	<b>Q.</b> Those are the ones that we just looked at in A-1.1?
02:37:51PM 13	you could, it is clear, I want you to look with me that in the	02:41:02PM 13	A. That's correct.
02:37:57PM <b>14</b>	Total column from that AR-171 to the first revision of AR-117 on	02:41:03PM 14	Q. So that was a total collection number from Dr. Scheuren for
02:38:05PM 15	May 30, 2008. The amount of total collections or revenues went	02:41:09PM 15	the period, but you didn't have a breakout for year by year,
02:38:10PM 16	up by about \$105 million. Do you see that?	02:41:12PM 16	correct?
02:38:14PM 17	A. I do.	02:41:12PM 17	A. That's correct.
02:38:15PM <b>18</b>	Q. And in all fairness, there were a few more years at the	02:41:13PM 18	Q. And you didn't have a breakout from 1934 to 1951, correct?
02:38:19PM <b>19</b>	beginning included in that period now where it was a time frame	02:41:18PM 19	A. That's correct.
02:38:24PM <b>20</b>	from 1887 through 1908, correct?	02:41:19PM <b>20</b>	Q. And so when I look at the Bates page, Defense Exhibit 372,
02:38:28PM <b>21</b>	A. That's correct.	02:41:26PM <b>21</b>	page ten, does that somehow show the \$38.2 million figure
02:38:29PM <b>22</b>	Q. And then from what Dr. Scheuren gave you on May 30, 2008 to	02:41:36PM 22	somewhere?
02:38:36PM 23	what he gave you six days later, it looks like about \$565	02:41:36PM 23	A. I'm sorry. I don't understand the question.
02:38:46PM <b>24</b>	million fell out of the revenue totals, correct?	02:41:39PM <b>24</b>	Q. Okay. When I look at tribal IIM from 1921 to 1951 on the
02:38:51PM <b>25</b>	A. That's what it appears, yes.	02:41:44PM <b>25</b>	last two versions of AR-171, the May 30 and the June 4, 2008, I
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	600		602
02:38:53PM <b>1</b>	600 Q. All right. And that's consistent with what you remember	02:41:50PM <b>1</b>	602 see that it's \$38.2 million between '21 and '51?
02:38:53PM 1 02:38:56PM 2		02:41:50PM 1 02:41:56PM 2	
-	$\ensuremath{\textbf{Q}}\xspace$ All right. And that's consistent with what you remember		see that it's \$38.2 million between '21 and '51?
02:38:56PM 2	<b>Q.</b> All right. And that's consistent with what you remember when you looked at it?	02:41:56PM 2	see that it's \$38.2 million between '21 and '51? <b>A.</b> That's correct.
02:38:56PM 2 02:38:58PM 3	<ul> <li>Q. All right. And that's consistent with what you remember when you looked at it?</li> <li>A. Yes, it is.</li> </ul>	02:41:56PM 2 02:41:56PM 3	<ul><li>see that it's \$38.2 million between '21 and '51?</li><li>A. That's correct.</li><li>Q. And is that somehow on this chart?</li></ul>
02:38:56PM 2 02:38:58PM 3 02:38:58PM 4	<ul> <li>Q. All right. And that's consistent with what you remember when you looked at it?</li> <li>A. Yes, it is.</li> <li>Q. All right. So the other information that when he provided</li> </ul>	02:41:56PM 2 02:41:56PM 3 02:41:58PM 4	<ul> <li>see that it's \$38.2 million between '21 and '51?</li> <li>A. That's correct.</li> <li>Q. And is that somehow on this chart?</li> <li>A. Yes, it is. On page ten.</li> </ul>
02:38:56PM 2 02:38:58PM 3 02:38:58PM 4 02:39:08PM 5	<ul> <li>Q. All right. And that's consistent with what you remember when you looked at it?</li> <li>A. Yes, it is.</li> <li>Q. All right. So the other information that when he provided that to you, did that cause you to have to change some of the</li> </ul>	02:41:56PM 2 02:41:56PM 3 02:41:59PM 4 02:42:01PM 5	<ul> <li>see that it's \$38.2 million between '21 and '51?</li> <li>A. That's correct.</li> <li>Q. And is that somehow on this chart?</li> <li>A. Yes, it is. On page ten.</li> <li>Q. Okay. And where does it show it on this chart?</li> </ul>
02:38:56PM 2 02:38:58PM 3 02:38:58PM 4 02:39:08PM 5 02:39:13PM 6	<ul> <li>Q. All right. And that's consistent with what you remember when you looked at it?</li> <li>A. Yes, it is.</li> <li>Q. All right. So the other information that when he provided that to you, did that cause you to have to change some of the other columns that you had already prepared?</li> </ul>	02-41:56PM 2 02-41:56PM 3 02-41:56PM 4 02-42:01PM 5 02-42:06PM 6	<ul> <li>see that it's \$38.2 million between '21 and '51?</li> <li>A. That's correct.</li> <li>Q. And is that somehow on this chart?</li> <li>A. Yes, it is. On page ten.</li> <li>Q. Okay. And where does it show it on this chart?</li> <li>A. It's the summary number at the bottom of the chart.</li> </ul>
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	603		605
02:43:17PM <b>1</b>	came out as being more or less than what is shown here?	02:46:47PM <b>1</b>	ledger?
02:43:20PM <b>2</b>	A. I can't tell you that, no.	02:46:48PM <b>2</b>	A. That's correct.
02:43:21PM 3	Q. Okay. Thank you.	02:46:48PM 3	Q. Those two different ledgers?
02:43:23PM <b>4</b>	Now, has it been explained to you why over \$550	02:46:50PM <b>4</b>	A. I'm sorry. That's the way the system was referred to, or
02:43:32PM 5	million disappeared in that week between May 30 and June 4?	02:46:53PM 5	as the finance system.
02:43:37PM 6	A. No. I'm sorry. You'd have to ask Dr. Scheuren.	02:46:55PM 6	Q. You don't know if that's two different ledgers?
02:43:40PM 7	Q. Now, let me be real clear on this question. Have you ever	02:46:58PM <b>7</b>	A. I'm sorry. That's the way the system itself was referred
02:43:50PM 8	seen the backup for any of Dr. Scheuren's calculations?	02:47:01PM <b>8</b>	to, as the name utilized.
02:43:54PM 9	A. To the extent that he relied upon our data and data that	02:47:02PM 9	Q. Okay. And have you worked extensively with that system?
02:43:58PM 10	Moore & Angel provided to us as well, then I have. In terms his	02:47:07PM 10	A. No, I have not.
02:44:01PM <b>11</b>	calculations, I have not.	02:47:08PM <b>11</b>	Q. In fact, your work with it has been very limited, correct?
02:44:02PM <b>12</b>	Q. Thank you.	02:47:12PM <b>12</b>	A. It has been limited, yes.
02:44:04PM 13	Have you ever seen anything from Dr. Scheuren that	02:47:14PM <b>13</b>	Q. Would it be fair to say you've not worked with that system
02:44:07PM <b>14</b>	provided revenue and disbursement numbers on a year-by-year	02:47:17PM <b>14</b>	at all?
02:44:11PM 15	basis?	02:47:17PM 15	A. No, that would not be fair.
02:44:11PM 16	A. No, not on an annual basis.	02:47:19PM 16	Q. It would be limited, but some?
02:44:13PM <b>17</b>	Q. Just based on these periods?	02:47:21PM <b>17</b>	A. That's correct.
02:44:18PM 18	A. That's correct.	02:47:22PM 18	<b>Q.</b> All right. Now, the information that is on this chart, is
02:44:18PM 19	<b>Q.</b> So let's try to be real clear on this. In terms of when	02:47:27PM <b>19</b>	this all something that you prepared?
02:44:28PM 20	you talk about there's been a total revenue through the IIM	02:47:29PM 20	A. The initial data from the GLDL system was provided to us by
02:44:36PM <b>21</b>	system for everything before 1972, you're basing what you say on	02:47:35PM <b>21</b>	Clifton Gunnerson, another firm employed by Otaugh.
02:44:40PM <b>22</b>	numbers that Dr. Scheuren has provided, correct?	02:47:39PM <b>22</b>	<b>Q.</b> Were they named something else before that?
02:44:43PM 23	A. In terms of the collections and disbursements in totality,	02:47:41PM <b>23</b>	A. That's correct.
02:44:47PM <b>24</b>	yes. In terms of the Osage numbers, those were our	02:47:42PM <b>24</b>	Q. And what was their name?
02:44:51PM <b>25</b>	computations.	02:47:44PM <b>25</b>	A. Sheveria, Dunne and Lamey (ph).
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	604		606
02:44:52PM	Q. And those are what you view as pieces of the collections,	02:47:46PM 1	Q. Now, but who prepared this document we're looking at right
02:44:55PM <b>2</b>	collect?	02:47:52PM <b>2</b>	now?
02:44:55PM 3	A. That's correct.	02:47:52PM 3	A. Our firm did.
02:44:59PM <b>4</b>	Q. So really it's Dr. Scheuren's information or analysis that	02:47:53PM <b>4</b>	Q. Because up in the upper left it says Department of
02:45:03PM 5	you based your total number on, correct?	02:47:57PM 5	Interior, Office of Historical Trust Accounting, but it was
02:45:04PM 6	A. The total number, yes.	02:48:01PM 6	actually prepared by FDI?
02:45:06PM <b>7</b>	Q. Now, let's talk some about the next period, the period from	02:48:02PM <b>7</b>	A. That's correct.
02:45:13PM 8	I guess that would be 1972 to when?	02:48:03PM 8	Q. And so a lot of times where we see the document that says
02:45:16PM <b>9</b>	<b>A.</b> To 1985.	02:48:09РМ 9	Department of Interior, Office of Historical Trust Accounting,
02:45:17PM 10	Q. And what is that, what would you call that period?	02:48:12PM 10	that's something that FDI actually prepared?
02:45:24PM <b>11</b>	•		
02:45:28PM 12	<b>A.</b> Basically we were starting with the finance system data,	02:48:15PM <b>11</b>	A. In this binder, yes.
02:45:28PM	<ul> <li>Basically we were starting with the finance system data, the general ledger data.</li> </ul>	02:48:15PM <b>11</b> 02:48:17PM <b>12</b>	<ul><li>A. In this binder, yes.</li><li>Q. Now, when we look at this would it be fair to say that what</li></ul>
02:45:28PM 12 02:45:30PM 13	,		
40	the general ledger data.	02:48:17PM <b>12</b>	<b>Q.</b> Now, when we look at this would it be fair to say that what
02:45:30PM 13	the general ledger data. Q. Was that electronic data?	02:48:17PM 12 02:48:23PM 13	<b>Q.</b> Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet
02:45:30PM 13 02:45:32PM 14	<ul><li>the general ledger data.</li><li>Q. Was that electronic data?</li><li>A. The finance system, some information from that was manually</li></ul>	02:48:17PM 12 02:48:23PM 13 02:48:29PM 14	<b>Q.</b> Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?
02:45:30PM 13 02:45:32PM 14 02:45:36PM 15	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that</li> </ul>	02:48:17PM 12 02:48:23PM 13 02:48:23PM 14 02:48:35PM 15	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse</li> </ul>
02:45:30PM 13 02:45:32PM 14 02:45:38PM 15 02:45:41PM 16	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> </ul>	02-48-17PM 12 02-48-23PM 13 02-48-23PM 14 02-48-35PM 15 02-48-35PM 16	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> </ul>
02:45:30PM 13 02:45:32PM 14 02:45:38PM 15 02:45:341PM 16 02:45:42PM 17	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up</li> </ul>	02-48:17PM 12 02-48:23PM 13 02-48:23PM 14 02-48:35PM 15 02-48:35PM 16 02-48:35PM 17	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> </ul>
02:45:30PM 13 02:45:32PM 14 02:45:36PM 15 02:45:31PM 16 02:45:41PM 17 02:45:42PM 18	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period</li> </ul>	02-48-17PM 12 02-48-23PM 13 02-48-23PM 14 02-48-35PM 15 02-48-35PM 16 02-48-41PM 17 02-48-43PM 18	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection</li> </ul>
02-45-30PM 13 02-45-32PM 14 02-45-32PM 15 02-45-42PM 16 02-45-42PM 17 02-45-42PM 18 02-45-52PM 19	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period of 1972 to 1985?</li> </ul>	02-48:17PM 12 02-48:23PM 13 02-48:23PM 14 02-48:23PM 15 02-48:35PM 16 02-48:41PM 17 02-48:43PM 18 02-48:43PM 19	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection numbers and the total disbursement numbers. Both.</li> </ul>
02-45-30PM 13 02-45-32PM 14 02-45-32PM 15 02-45-32PM 16 02-45-32PM 17 02-45-52PM 19 02-45-52PM 20	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period of 1972 to 1985?</li> <li>A. So if you switch to page 28.</li> </ul>	02-48:17PM         12           02-48:23PM         13           02-48:23PM         14           02-48:35PM         15           02-48:35PM         16           02-48:43PM         17           02-48:43PM         18           02-48:46PM         19           02-48:46PM         20	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection numbers and the total disbursement numbers. Both.</li> <li>Q. That's correct?</li> </ul>
02:45:30PM         13           02:45:32PM         14           02:45:32PM         15           02:45:32PM         16           02:45:32PM         17           02:45:32PM         18           02:45:32PM         19           02:45:52PM         20           02:46:04PM         21	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period of 1972 to 1985?</li> <li>A. So if you switch to page 28.</li> <li>Q. So this is in Defendants' Exhibit 372, page 28?</li> </ul>	02-48:17PM 12 02-48:23PM 13 02-48:23PM 14 02-48:35PM 15 02-48:35PM 16 02-48:43PM 17 02-48:43PM 18 02-48:46PM 19 02-48:46PM 20 02-48:46PM 21	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection numbers and the total disbursement numbers. Both.</li> <li>Q. That's correct?</li> <li>A. All right. 1 misunderstood.</li> </ul>
02.46:30PM         13           02.45:32PM         14           02.45:32PM         15           02.45:33PM         16           02.45:43PM         16           02.45:43PM         17           02.45:43PM         18           02.45:52PM         19           02.45:52PM         20           02.45:52PM         21           02.46:04PM         21	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period of 1972 to 1985?</li> <li>A. So if you switch to page 28.</li> <li>Q. So this is in Defendants' Exhibit 372, page 28?</li> <li>A. That's correct.</li> </ul>	02-48-17PM 12 02-48-23PM 13 02-48-23PM 14 02-48-23PM 15 02-48-35PM 16 02-48-43PM 17 02-48-43PM 18 02-48-43PM 19 02-48-43PM 20 02-48-43PM 21 02-48-43PM 22	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection numbers and the total disbursement numbers. Both.</li> <li>Q. That's correct?</li> <li>A. All right. I misunderstood.</li> <li>Q. I apologize.</li> </ul>
02-45-30PM 13 02-45-32PM 14 02-45-32PM 15 02-45-42PM 15 02-45-42PM 17 02-45-42PM 18 02-45-52PM 19 02-45-52PM 20 02-46-10PM 22 02-46-10PM 22 02-46-32PM 23	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period of 1972 to 1985?</li> <li>A. So if you switch to page 28.</li> <li>Q. So this is in Defendants' Exhibit 372, page 28?</li> <li>A. That's correct.</li> <li>Q. Okay. And as we begin, I begin to ask you some questions</li> </ul>	02:48:17PM         12           02:48:23PM         13           02:48:23PM         14           02:48:35PM         15           02:48:35PM         16           02:48:43PM         17           02:48:43PM         18           02:48:43PM         19           02:48:43PM         20           02:48:43PM         21           02:48:51PM         22           02:48:55PM         23	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection numbers and the total disbursement numbers. Both.</li> <li>Q. That's correct?</li> <li>A. All right. 1 misunderstood.</li> <li>Q. I apologize.</li> <li>Now, that spreadsheet then also appears in your</li> </ul>
02.46.30PM         13           02.45.32PM         14           02.45.32PM         15           02.45.454PM         15           02.45.42PM         16           02.45.42PM         17           02.45.42PM         18           02.45.52PM         19           02.45.52PM         20           02.45.54PM         21           02.46.32PM         23           02.46.32PM         24	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period of 1972 to 1985?</li> <li>A. So if you switch to page 28.</li> <li>Q. So this is in Defendants' Exhibit 372, page 28?</li> <li>A. That's correct.</li> <li>Q. Okay. And as we begin, I begin to ask you some questions about this document, let me ask this: It refers in a number of</li> </ul>	02-48:17PM         12           02-48:23PM         13           02-48:23PM         14           02-48:35PM         15           02-48:35PM         16           02-48:41PM         17           02-48:43PM         18           02-48:45PM         20           02-48:46PM         20           02-48:45PM         21           02-48:45PM         22           02-48:45PM         23           02-48:55PM         24	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection numbers and the total disbursement numbers. Both.</li> <li>Q. That's correct?</li> <li>A. All right. I misunderstood.</li> <li>Q. I apologize.</li> <li>Now, that spreadsheet then also appears in your notebook?</li> </ul>
02.46.30PM         13           02.45.32PM         14           02.45.32PM         15           02.45.454PM         15           02.45.42PM         16           02.45.42PM         17           02.45.42PM         18           02.45.52PM         19           02.45.52PM         20           02.45.54PM         21           02.46.32PM         23           02.46.32PM         24	<ul> <li>the general ledger data.</li> <li>Q. Was that electronic data?</li> <li>A. The finance system, some information from that was manually reentered. It was an electronic system but we don't have that completely available to us today.</li> <li>Q. Okay. What specific information did you use to come up with the numbers that then appear on your chart for the period of 1972 to 1985?</li> <li>A. So if you switch to page 28.</li> <li>Q. So this is in Defendants' Exhibit 372, page 28?</li> <li>A. That's correct.</li> <li>Q. Okay. And as we begin, I begin to ask you some questions about this document, let me ask this: It refers in a number of places to the GLDL. Is that the general ledger, detailed</li> </ul>	02-48:17PM         12           02-48:23PM         13           02-48:23PM         14           02-48:35PM         15           02-48:35PM         16           02-48:41PM         17           02-48:43PM         18           02-48:45PM         20           02-48:46PM         20           02-48:45PM         21           02-48:45PM         22           02-48:45PM         23           02-48:55PM         24	<ul> <li>Q. Now, when we look at this would it be fair to say that what you did here is largely, if not totally, based on a spreadsheet that you were provided by Sheveria, Dunne and Lamey?</li> <li>A. In terms of the total collection numbers, yes, and excuse me, the disbursement numbers.</li> <li>Q. What about the collection numbers?</li> <li>A. I believe that's what I just said, the total collection numbers and the total disbursement numbers. Both.</li> <li>Q. That's correct?</li> <li>A. All right. I misunderstood.</li> <li>Q. I apologize. Now, that spreadsheet then also appears in your notebook?</li> <li>A. Yes, it does.</li> </ul>

	607		609
02:49:00PM <b>1</b>	Q. I saw it over the lunch hour. Can you tell us where that	02:51:47PM <b>1</b>	Q. Okay. Now, after you printed it off in this form, because
02:49:04PM <b>2</b>	is?	02:51:52PM <b>2</b>	it didn't come printed off to you in this form, right?
02:49:04PM 3	A. I believe that's something within the notebook. GLDLR	02:51:55PM 3	A. That's correct.
02:49:13PM <b>4</b>	referring to receipts, GLGLD referring to disbursements, and	02:51:55PM <b>4</b>	Q. Did you sit down and look over the column sum to see if
02:49:18PM 5	GLDLB, referring to balances.	02:51:59PM 5	there were some anomalies?
02:49:19PM 6	Q. Well, let's go to GLDLD first, GLDLD, and we have Bates	02:52:00PM 6	A. Yes, I did.
02:49:36PM <b>7</b>	pages legal-size sheet are you with me, your Honor?	02:52:01PM 7	Q. Okay. And you found a number of anomalies, didn't you?
02:49:39PM 8	THE COURT: Yes.	02:52:05PM 8	A. I found gaps in the information, yes.
02:49:39PM 9	BY MR. DORRIS:	02:52:07PM 9	Q. Okay, all right. And did you fill those gaps in?
02:49:40PM 10	Q. It's a legal-size sheet that starts at Bates page 120 and	02:52:09PM 10	A. No, I did not.
02:49:46PM <b>11</b>	goes to Bates page 121. Am I correct on that?	02:52:10PM <b>11</b>	Q. Okay. And when you talked to the people from Sheveria,
02:49:50PM 12	A. That's correct.	02:52:16PM <b>12</b>	Dunne and Lamey, now Clifton Gunnerson, they acknowledged that
02:49:51PM <b>13</b>	<b>Q.</b> So it's two legal sheets for the disbursements?	02:52:20PM 13	there were gaps in the information they had been provided,
02:49:55PM <b>14</b>	A. That's correct.	02:52:22PM <b>14</b>	correct?
02:49:56PM 15	<b>Q.</b> Now, is this a document that you prepared?	02:52:23PM 15	A. Actually, what the individuals explained to me was in many
02:49:59PM 16	<b>A.</b> Yes. This is the summary of the information provided to us	02:52:26PM 16	years the information was recorded at the area office level
02:50:02PM 17	by Clifton Gunnerson.	02:52:30PM 17	- instead of the agency level, which would explain some of the
02:50:04PM 18	<b>Q.</b> Looking on the second page, which is Bates page 21 of	02:52:33PM 18	gaps, and that in some other instances one region was processing
02:50:08PM 19	Defendants' Exhibit 372, I see the source is Sheveria down in	02:52:38PM 19	information for another region, so while there appeared to be
02:50:14PM 20	the bottom. It says Sheveria, Dunne and Lamey, Microsoft access	02:52:43PM 20	many gaps there aren't as many in essence as it appears.
02:50:19PM 21	2000 database, and it goes on with some other language there.	02:52:46PM <b>21</b>	<b>Q.</b> Let me ask that question again. Even if the people from
02:50:23PM 22	Do you see that?	02:52:49PM 22	Sheveria, Dunne and Lamey acknowledged to you that there were
02:50:23PM 23	A. Yes, I do.	02:52:52PM 23	gaps in the data, correct?
02:50:24PM 24	Q. So what were you provided?	02:52:53PM 24	A. That there were some gaps, yes.
02:50:26PM 25	A. They provided us some Microsoft access database containing	02:52:55PM 25	<b>Q.</b> And I notice that when I look at this sheet there are times
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
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02:50:31PM <b>1</b>	608 this information, and I wrote what's referred to as a cross-tab	02:53:00PM <b>1</b>	610 that there's nothing there and there's a dash line and there are
02:50:31PM <b>1</b> 02:50:34PM <b>2</b>		02:53:00PM 1 02:53:04PM 2	
-	this information, and I wrote what's referred to as a cross-tab	-	that there's nothing there and there's a dash line and there are
02:50:34PM 2	this information, and I wrote what's referred to as a cross-tab query to summarize it.	02:53:04PM 2	that there's nothing there and there's a dash line and there are times that there's nothing there and it's just left blank?
02:50:34PM 2 02:50:35PM 3	this information, and I wrote what's referred to as a cross-tab query to summarize it. <b>Q.</b> You're going to have to explain that to me, what that	02:53:04PM 2 02:53:07PM 3	<ul><li>that there's nothing there and there's a dash line and there are times that there's nothing there and it's just left blank?</li><li>A. The dash line indicates a zero.</li></ul>
02:50:34PM 2 02:50:35PM 3 02:50:39PM 4	<ul> <li>this information, and I wrote what's referred to as a cross-tab query to summarize it.</li> <li>Q. You're going to have to explain that to me, what that means.</li> </ul>	02:53:04PM 2 02:53:07PM 3 02:53:08PM 4	<ul><li>that there's nothing there and there's a dash line and there are times that there's nothing there and it's just left blank?</li><li>A. The dash line indicates a zero.</li><li>Q. And the blank line indicates a zero also?</li></ul>
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		1	
	611		613
02:54:47PM	to do something so we can move a little more quickly. I want	02:58:14PM	numbers weren't ordered at the area office, for instance,
02:54:50PM 2	you to concentrate on the red things that I have or I've	02:58:16PM <b>2</b>	looking at this chart.
02:54:54PM 3	highlighted in red there and you're going to tell me.	02:58:18PM 3	Q. You just don't know, do you?
02:54:58PM 4	Antonio, you're going to have to help me here. Can	02:58:20PM <b>4</b>	A. You can't make the assumption that there was no revenues
02:55:05PM 5	you blow up the top red bottom red one or the top red one at	02:58:24PM 5	for that agency. It could have been recorded at the regional
02:55:05PM <b>6</b>	all?	02:58:27РМ 6	level.
02:55:19PM <b>7</b>	Okay. You see in the top red one for a ten that would	02:58:27PM <b>7</b>	<b>Q.</b> And it might have just been missed altogether, correct?
02:55:22PM 8	be an agency, correct?	02:58:30PM 8	A. I'm sorry, I don't understand the question.
02:55:23PM 9	A. Yes, Standing Rock.	02:58:32PM 9	Q. In other words, you don't know if this was an instance of
02:55:25PM <b>10</b>	Q. And it shows a disbursement total that year of over	02:58:36PM 10	underreporting revenue or not, do you?
02:55:30PM 11	a-million-eight, correct?	02:58:39PM <b>11</b>	A. Not looking at these two schedules, no, I do not.
02:55:32PM <b>12</b>	A. Excuse me. 1.8 million, yes.	02:58:44PM <b>12</b>	Q. And you made no further investigation of these schedules to
02:55:35PM 13	Q. Okay. 1.8 million.	02:58:46PM 13	determine that, did you?
02:55:39PM <b>14</b>	And if you would go down that column, Antonio, and you	02:58:47PM <b>14</b>	A. We looked at other investment reports, for instance, that
02:55:45PM 15	see then a disbursement let's see. That was a ten. Let's	02:58:52PM 15	were available during this time frame, and in terms of the
02:55:52PM 16	look at a disbursement at the bottom of the page that's in red,	02:58:54PM 16	balance data it was very consistent with the information that
02:55:57PM 17	which is 7.6 million rounding up, correct, for 862? Do you see	02:58:57PM <b>17</b>	had been located from the GLDL.
02:56:05PM 18	that?	02:59:00PM 18	Q. But with respect to the specific issues we're looking at
02:56:05PM 19	A. I see the number but I can't see the year that it's	02:59:03PM 19	here, you did not investigate those specific issues?
02:56:08PM 20	referring to.	02:59:09PM 20	A. No, I don't believe I did.
02:56:10PM <b>21</b>	Q. Okay. It's in the column 1973?	02:59:16PM 21	<b>Q.</b> Look back then under GLDLB, which is the balance, and this
02:56:14PM <b>22</b>	A. Okay.	02:59:39PM 22	is on Bates page 123. Do you see for 1972 and 1973 that agency
02:56:15PM 23	Q. Are you with me?	02:59:46PM 23	A-10 was shown as having balances there?
02:56:16PM <b>24</b>	A. Yes, I am.	02:59:49PM <b>24</b>	A. Yes, I do.
02:56:17PM 25	Q. Let's look at one more on the next page, please. And it's	02:59:51PM 25	<b>Q.</b> So at least at the agency level they were tracking balances
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	612		614
02:56:24PM	P-12 in 1973, and it shows disbursements of can you read that	02:59:54PM	and they were tracking disbursements, correct?
02:56:38PM 2	-		5
	number?	02:59:56PM 2	<b>A.</b> Yes, but it's very common to record receipts at the area
02:56:39PM 3		02:59:56PM 2 03:00:00PM 3	<b>A.</b> Yes, but it's very common to record receipts at the area office level.
02:56:39PM 3	A. No, I'm sorry, I cannot.	-	office level.
02:56:41PM <b>4</b>	<ul><li>A. No, I'm sorry, I cannot.</li><li>Q. A little larger.</li></ul>	03:00:00PM 3 03:00:01PM 4	office level. Q. And okay. And you think that's
02:56:41PM <b>4</b> 02:56:43PM <b>5</b>	<ul> <li>A. No, I'm sorry, I cannot.</li> <li>Q. A little larger. THE COURT: 3.6 million.</li> </ul>	оз:00:00РМ 3 оз:00:01РМ 4 оз:00:05РМ 5	office level. <b>Q.</b> And okay. And you think that's THE COURT: How is the area office level shown on this
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03:01:31PM <b>1</b>	A. That's correct.	03:04:12PM <b>1</b>	A. I'm sorry. Relative to what?
03:01:33PM <b>2</b>	<b>Q.</b> Those are two different revenue numbers, correct?	03:04:15PM <b>2</b>	<b>Q.</b> When you look down for 1972 there are a number of agencies
03:01:36РМ 3	A. Yes, they are.	03:04:21PM <b>3</b>	and area offices where there's no or area offices where
03:01:37PM <b>4</b>	Q. And in the 1973 agency A-07 collected nothing, or at least	03:04:26РМ 4	there's no information, correct?
03:01:46PM 5	on this sheet, an area office then collected 6.6. Do you see	03:04:27PM 5	A. That's correct.
03:01:51PM 6	that?	03:04:28PM 6	<b>Q.</b> And there are actually 26 agencies there in that column
03:01:51PM 7	<b>A.</b> I do.	03:04:31PM 7	with information, and the total on page 118 is 132.5 million.
03:01:51PM 8	<b>Q.</b> So it went down. The area office went down, correct?	03:04:36PM 8	Do you see that?
03:01:55PM 9	A. Yes, it did.	03:04:37PM 9	A. I see the total, yes.
03:01:57PM 10	<b>Q.</b> And then the next year A07 shows it collects 2.8 million	03:04:42PM 10	<b>Q.</b> When I look in 1978 about halfway through the chart and
03:02:02PM 11	and the area office collects seven. Do you see that?	03:04:47PM 11	counted there were 49 agencies with numbers there with a total
03:02:06PM 12	A. Yes, I do.	03:04:53PM 12	revenue of 419 million. Do you see that?
03:02:07РМ 13	<b>Q.</b> So do you think that for A-07, that whatever it was	03:04:57PM 13	A. Yes, I do.
03:02:13PM 14	collected there in 1973 is somehow in the area office number?	03:04:58PM 14	<b>Q.</b> And then when I looked over at 1982 there were 57 agencies
03:02:17PM 15	A. I can't make that assessment looking at this sheet.	03:05:04PM 15	or area offices reporting with revenues over \$600 million. Do
03:02:20PM 16	<b>Q.</b> Okay. So there are a number of anomalies like that that	03:05:11PM 16	you see that?
03:02:24PM 17	you see here where it shows disbursement at times where there's	03:05:11PM 17	A. I'm sorry, I've lost you. I apologize.
03:02:27PM 18	no revenue and it raises questions of the accuracy of this	03:05:14PM 18	<b>Q.</b> Yes. In 1982 there are even more agencies and area offices
03:02:32PM 19	information, correct?	03:05:20PM 19	reporting and the revenues go over \$600 million, correct?
03:02:32PM 20	<b>A.</b> It raises questions as to whether or not it's complete.	03:05:26PM 20	A. That's correct.
03:02:40PM 21	don't think it raises questions as to the accuracy.	03:05:26PM 21	<b>Q.</b> Does it appear to you looking at this chart then that there
03:02:42PM <b>ZZ</b> 03:02:45PM <b>Z3</b>	<b>Q.</b> What is here you think is accurate in terms of what was	03:05:29PM <b>ZZ</b> 03:05:33PM <b>Z3</b>	is an underreporting of revenues and collections during this period?
03:02:45PM 23	recorded in the system, but whether everything got recorded in the system you don't know?	03:05:33PM 23	A. I don't know if these increases and decreases in
03:02:49PM 24	<b>A.</b> I remember placing this from hard copy records.	03:05:33PM 24	collections have to do with changes in, for instance, oil prices
03.02.50PM	Jacqueline M. Sullivan, RPR	03:05:37PM LV	Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
-			
	616		618
03:02:55PM <b>1</b>	616 Q. So this hasn't informed the electronic information that was	03:05:41PM <b>1</b>	618 or leasing or anything else of that nature.
03:02:55PM 1 03:02:59PM 2		03:05:41PM <b>1</b> 03:05:44PM <b>2</b>	
2	<b>Q.</b> So this hasn't informed the electronic information that was	-	or leasing or anything else of that nature.
03:02:59PM <b>2</b>	<b>Q.</b> So this hasn't informed the electronic information that was being run at the time?	03:05:44PM <b>2</b>	or leasing or anything else of that nature. <b>Q.</b> Or whether it may be related to the fact that the they
03:02:59PM 2 03:03:00PM 3	<ul><li>Q. So this hasn't informed the electronic information that was being run at the time?</li><li>A. This was data entered from hard copy records of the</li></ul>	03:05:44PM 2 03:05:51PM 3	or leasing or anything else of that nature. <b>Q.</b> Or whether it may be related to the fact that the they could not find reports for certain periods, correct?
03:02:59PM 2 03:03:00PM 3 03:03:04PM 4	<ul> <li>Q. So this hasn't informed the electronic information that was being run at the time?</li> <li>A. This was data entered from hard copy records of the electronic system.</li> </ul>	03:05:44PM 2 03:05:51PM 3 03:05:54PM 4	or leasing or anything else of that nature. <b>Q.</b> Or whether it may be related to the fact that the they could not find reports for certain periods, correct? <b>A.</b> That's correct.
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		1	
	619		621
03:07:15PM 1	me, please?	03:09:50PM 1	number twice for that would be A-10?
03:07:16PM 2	A. I'm sorry?	03:09:54РМ 2	A. I'm sorry, what year, sir?
03:07:16PM 3	Q. I don't understand what you've just told me.	03:09:56РМ 3	Q. For agency A-10, 1983 and 1984, do you see the same thing?
03:07:20PM <b>4</b>	A. I'm sorry.	03:10:02PM <b>4</b>	A. Yes, I do.
03:07:21PM 5	Q. Maybe repeat what you said.	03:10:03PM 5	<b>Q.</b> Look down at the bottom of those same two columns for '83
03:07:23PM 6	A. I'm sorry. I probably didn't explain myself very	03:10:08PM 6	and '84. Do you see the bottom through three numbers are all
03:07:27PM 7	effectively.	03:10:13PM 7	the same for 462, 42, 46?
03:07:28PM 8	<b>Q.</b> You may have explained yourself beautifully. I just didn't	03:10:19PM 8	A. Yes, I do.
03:07:33PM 9	understand it. Now, are you saying that, for example, in 1972	03:10:19PM 9	<b>Q.</b> Would it surprise you if I told you that when you go
03:07:37PM 10	they didn't have information so they used information from 1973?	03:10:25PM 10	through and total all the disbursements that are exactly the
03:07:41PM 11	A. I believe I misspoke. I apologize.	03:10:29PM 11	same from year to year that it's over \$580 million?
03:07:44PM 12	<b>Q.</b> What did Sheveria, Dunne and Lamey tell you about this when	03:10:33PM 12	A. I would have to perform that calculation to tell you that.
03:07:53PM 13	you asked them about it? Did you ask them about it?	03:10:36PM 13	<b>Q.</b> Okay. Look at the next page, page 21. What's the F
03:07:55PM 14	<b>A.</b> I don't know if I asked them about this particular year or	03:10:41PM <b>14</b>	region?
03:07:57PM 15	not. As I mentioned, we had several conversations.	03:10:42PM 15	A. Portland.
03:07:59PM 16	<b>Q.</b> Did Sheveria, Dunne and Lamey ever tell you they didn't	03:10:44PM 16	<b>Q.</b> And look under 1974 and '75 for the Portland region.
03:08:01PM 17	have reports so they used earlier-year reports?	03:10:52PM 17	A. Yes, I do.
03:08:04PM 18	A. I don't recall. I'm sorry. I believe that they did have	03:11:01PM 18	<b>Q.</b> So were reports just missing for one of those years so they
03:08:07РМ 19	to use some earlier reports for a particular month after a	03:11:06PM 19	used the same figures from one year to the next?
03:08:09PM 20	particular year but I don't recall. I'm sorry.	03:11:07PM <b>20</b>	A. I would have to check.
03:08:12PM 21	<b>Q.</b> Okay. Is this one of those situations where you don't have	03:11:09PM 21	<b>Q.</b> Did you ask them about each one of these things, or had you
03:08:16PM 22	a precise recollection but you kind of remember them telling you	03:11:15PM 22	discovered those before we pointed them out to you here in court
03:08:22PM 23	something to that effect?	03:11:19PM 23	today?
03:08:22PM 24	A. I would have to look at my notes.	03:11:19PM 24	A. I don't believe I asked them about each of these instances
03:08:24PM <b>25</b>	Q. You have notes of those conversations?	03:11:21PM <b>25</b>	that we discussed. I did notice that there were some numbers
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
1	620	1	622
03:08:26PM 1	A. No. I believe I have notes where they indicated that they	03:11:25PM 1	that were the same.
03:08:30PM 2	<b>A.</b> No. I believe I have notes where they indicated that they didn't have data for a particular year.	03:11:26PM <b>2</b>	that were the same. <b>Q.</b> Now, the information then that was used here was for the
03:08:33PM 2 03:08:33PM 3	<ul><li>A. No. I believe I have notes where they indicated that they didn't have data for a particular year.</li><li>Q. And where are those notes?</li></ul>	03:11:26PM 2 03:11:35PM 3	that were the same. <b>Q.</b> Now, the information then that was used here was for the period of 1972 through 1985?
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03:08:33PM 2 03:08:33PM 3 03:08:33PM 4 03:08:38PM 5	<ul> <li>A. No. I believe I have notes where they indicated that they didn't have data for a particular year.</li> <li>Q. And where are those notes?</li> <li>A. I believe that they're in my office.</li> <li>Q. And that's out in California?</li> </ul>	03:11:26PM 2 03:11:35PM 3 03:11:40PM 4 03:11:40PM 5	<ul> <li>that were the same.</li> <li>Q. Now, the information then that was used here was for the period of 1972 through 1985?</li> <li>A. That's correct.</li> <li>Q. Was incomplete, correct?</li> </ul>
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03.08.30PM         2           03.08.33PM         3           03.08.33PM         4           03.08.35PM         5           03.08.40PM         6           03.08.40PM         7           03.08.50PM         8           03.08.50PM         9	<ul> <li>A. No. I believe I have notes where they indicated that they didn't have data for a particular year.</li> <li>Q. And where are those notes?</li> <li>A. I believe that they're in my office.</li> <li>Q. And that's out in California?</li> <li>A. Yes, it is.</li> <li>Q. Let's look, for example, under 1974 and 1975. The C stands for what region?</li> <li>A. Billings.</li> </ul>	03.11.26PM         2           03.11.26PM         3           03.11.46PM         4           03.11.46PM         5           03.11.45PM         6           03.11.45PM         7           03.11.45PM         8           03.11.45PM         9	<ul> <li>that were the same.</li> <li>Q. Now, the information then that was used here was for the period of 1972 through 1985?</li> <li>A. That's correct.</li> <li>Q. Was incomplete, correct?</li> <li>A. Potentially, yes.</li> <li>Q. Oh, you were told it was incomplete, correct?</li> <li>A. It appears that it may be incomplete, yes.</li> <li>Q. And at times things were significantly a red flag to you</li> </ul>
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03:12:43PM	1	But for the total collections and disbursements pre-	03:16:20PM	1	A. We only made adjustments in three of the years. I believe
03:12:48PM	2	'72, those were estimated, correct?	03:16:25PM	2	that's what you're referring to.
03:12:49PM	3	A. That's correct.	03:16:31PM	3	<b>Q.</b> When you say you made beginning balances, what do you mean?
03:12:49PM	4	Q. For the period now from 1972 to 1985, you would say	03:16:35PM	4	<b>A.</b> Within the IRMS system it was posed a new receipt, a new
03:12:53PM	5	properly to characterize it as an estimate also, correct?	03:16:40PM	5	collection, and those funds represent the net amount of activity
03:12:58PM	6	<b>A.</b> Some of the numbers have been estimated.	03:16:44PM	6	that has happened prior.
03:13:00PM	7	<b>Q.</b> And exactly which have been estimated and which haven't you	03:16:46PM	7	<b>Q.</b> Now you're talking about the IRMS system. I'm totally
03:13:04PM	8	can't tell us sitting here today?	03:16:50PM	8	confused.
	9	A. Not as I sit here today.	03:16:51PM	9	<b>A.</b> It records the summary level information from the GLDL
	10	<b>Q.</b> Do you have data that would permit you to tell us what was	03:16:56PM		system.
03:13:13PM 1		estimated and what was not estimated during that period?	03:16:56PM		<b>Q.</b> How many years do you have summary-level information for
	12	<b>A.</b> I would have to talk to Caren Dunne from Sheveria, Dunne	03:17:05PM		the GLDL years?
03:13:20PM 1		and Lamey.	03:17:08PM		<b>A.</b> We're just using the paper time frame of the IRMS system,
	14	Q. Did you ever talk, have conversations?	03:17:12PM	. –	which is why these adjustments appear on this report and not on
03:13:24PM		A. Yes.	03:17:17PM		the AR-171.
	16	Q. Did you ever talk with Greg Sheveria about this?	03:17:19PM		<b>Q.</b> Okay, I'm lost. The IRMS system that you haven't had time,
	17	A. I don't believe so.	03:17:29PM		you had information beginning in February of 1985 and you are
	8	<b>Q.</b> All of your conversations with Sheveria, Dunne and Lamey	03:17:34PM		now going back and taking hard paper copies of receipts that
03:13:31PM 1	-	were with Caren Dunne?	03:17:38PM		were run from the IIM system prior to that time and keying them
03:13:32PM 2	-	A. I believe so.	03:17:44PM		back in?
03:13:33PM 2		<b>Q.</b> Now, let me ask you one other question on this area, this		21	A. Yes. Primarily transaction registers.
03:13:38PM 2		period, the estimated period from '72 to '85. When I look at	03:17:51PM		<b>Q.</b> You're doing that and now you're making some adjustments to
	23	the revenue numbers, look at sheet 118, Bates page 118.		23	some of the calculations on Sheveria Dunne's records?
	24	A. Can you tell me what tab that's in, sir?	03:18:02PM		A. Yes.
03:14:05PM 2	25	Q. That's under GLDLR for the receipts.	03:18:08PM	25	<b>Q.</b> The number on your final chart of June 4 is 426.6 million,
		Jacqueline M. Sullivan, RPR			Jacqueline M. Sullivan, RPR
		Official Court Reporter			Official Court Reporter
	4	624		4	626
03:14:11PM	1 2	When I look across the totals here at the bottom for	03:18:15PM	2	and Sheveria, Dunne and Lamey's spreadsheets shows 445.8
03:14:20PM	2	this period, is that the total receipts that you used?	03:18:22PM	2	million, correct?
03:14:29PM		A Liden't Me reduced this number by beginning belonges		2	A That's correct. You can turn to page 20 and you can cae
	3 1	<ul> <li>A. I don't. We reduced this number by beginning balances.</li> <li>Okay, Lata look then at the Defendante' Exhibit 211</li> </ul>	03:18:23PM	3 ⊿	<b>A.</b> That's correct. You can turn to page 28 and you can see
03:14:33PM	3 4 5	<b>Q.</b> Okay. Let's look then at the Defendants' Exhibit 371.	03:18:26PM	3 4 5	the adjustments that were made.
03:14:43PM	3 4 5 6	<b>Q.</b> Okay. Let's look then at the Defendants' Exhibit 371. Were you passed up a copy of that?	03:18:26PM 03:18:28PM	4 5	the adjustments that were made. Q. It's just going to show me that approximate \$20 million
03:14:43PM 03:14:45PM	4 5 6	<ul> <li>Q. Okay. Let's look then at the Defendants' Exhibit 371.</li> <li>Were you passed up a copy of that?</li> <li>A. No, I was not.</li> </ul>	03:18:26PM 03:18:28PM 03:18:31PM	4 5 6	<ul><li>the adjustments that were made.</li><li>Q. It's just going to show me that approximate \$20 million adjustment was correct?</li></ul>
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	627		629
03:19:45PM	testified to in October in the numbers during that period and	03:23:21PM <b>1</b>	transaction mapping that causes this change occurred before
03:19:49РМ 2	what you are showing on your present chart, correct?	03:23:24РМ 2	October when you testified last time?
03:19:52PM 3	A. There were some changes, yes.	03:23:26РМ 3	A. I can't tell you that as I sit here today.
03:19:54PM <b>4</b>	Q. Okay. Now, are those changes detailed in this notebook	03:23:30РМ 4	Q. Okay. Now, can you explain in as simple of terms as
03:19:59РМ 5	somewhere?	03:23:35РМ 5	possible how a transaction mapping, for example, in 1986 can
03:20:00РМ 6	A. The total numbers that we have reflected in this notebook.	03:23:41PM 6	cause the IIM beneficiaries to lose \$43.7 million in receipts?
03:20:04PM 7	I can't show you all 115 million transactions.	03:23:47PM 7	A. Perhaps if we could bring up one of the examples we
03:20:09РМ 8	Q. I'm not sure you'd be permitted to. But I don't want to	03:23:51PM 8	discussed earlier today that might facilitate the conversation.
03:20:15PM 9	see all 115 million transactions, but let me ask you, let me ask	03:23:54PM 9	Q. Well, it would help me if you could just describe it, how
03:20:22PM <b>10</b>	you the question this way. I understood your data completeness	03:23:58PM 10	transaction mapping can cause this to go down.
03:20:27PM <b>11</b>	validation, that part of that was you were going to look at what	03:24:01PM <b>11</b>	A. Okay. I'll describe it in the context of that example if
03:20:32РМ 12	was admittedly an incomplete database that you had been given to	03:24:05PM <b>12</b>	that's okay.
03:20:36РМ 13	try to fill in or restore some of the gaps?	03:24:06РМ 13	<b>Q.</b> However it would be best for you to describe it.
03:20:38РМ 14	A. Yes. We have continued to restore transactions to the	03:24:08PM 14	A. Okay. As you recall on the example of the forestry
03:20:42РМ 15	database.	03:24:15PM 15	payment, and your Honor asked me about why would you process a
03:20:42РМ 16	<b>Q.</b> So actually since the point in time where you here in	03:24:18PM 16	transfer with a check code, and we discussed the fact that the
03:20:45PM 17	October, you are putting in more transactions into the database,	03:24:22PM 17	collections on the other side would then again be posted and a
03:20:49РМ 18	correct?	03:24:25PM 18	collection to the system as A-01, so prior to mapping that
03:20:50РМ 19	A. That's correct.	03:24:30PM 19	transaction those would have been counted as unique collections
03:20:50РМ 20	<b>Q.</b> And is that part of the reason the number changes?	03:24:34РМ 20	and disbursements instead of counting them as transfers because
03:20:54PM <b>21</b>	A. The number changes actually in totality went down more as a	03:24:39PM <b>21</b>	of the coding within the system itself.
03:21:00PM 22	result of our transaction mapping.	03:24:43PM 22	<b>Q.</b> Okay. So that you did explain that one before a little
03:21:01PM 23	<b>Q.</b> So it's not from putting more information in the system,	03:24:47PM 23	bit, but I want to ask you some questions about that example as
03:21:04PM <b>24</b>	that's not what made it go down, correct?	03:24:50PM <b>24</b>	I recall it. I think you answered Judge Robertson's questions
03:21:06PM 25	A. No, it did not. I mean, we add transactions to the record	03:24:55PM <b>25</b>	that the system would not let you use a certain code where it
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	628		630
03:21:10PM 1	set, both collections and disbursement transactions.	03:25:03PM 1	didn't balance out. Those are my words and not yours.
03:21:13PM 2	set, both collections and disbursement transactions. <b>Q.</b> And how many transactions have you restored and the dollar	03:25:06PM <b>2</b>	didn't balance out. Those are my words and not yours. <b>A.</b> That's correct.
03:21:13PM 2 03:21:18PM 3	set, both collections and disbursement transactions. <b>Q.</b> And how many transactions have you restored and the dollar value of those since October of 2007?	03:25:06PM 2 03:25:07PM 3	<ul><li>didn't balance out. Those are my words and not yours.</li><li>A. That's correct.</li><li>Q. And what code was that?</li></ul>
03:21:13PM         2           03:21:18PM         3           03:21:21PM         4	<ul> <li>set, both collections and disbursement transactions.</li> <li><b>Q.</b> And how many transactions have you restored and the dollar value of those since October of 2007?</li> <li><b>A.</b> I don't know that number as I sit here.</li> </ul>	03:25:06PM 2 03:25:07PM 3 03:25:09PM 4	<ul> <li>didn't balance out. Those are my words and not yours.</li> <li>A. That's correct.</li> <li>Q. And what code was that?</li> <li>A. An 12 code was used for those types of transactions.</li> </ul>
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	631		633
03:26:25PM 1	A. The transaction mapping and the new transactions that we've	03:29:04PM	more conservative number, a higher revenue number.
03:26:28PM <b>2</b>	restored since AR-171 would result in these differences.	03:29:08РМ 2	<b>Q.</b> So there are times then that you used what third parties
03:26:32РМ 3	$\ensuremath{\textbf{Q}}\xspace$ And how much is from restored transactions, how much is	03:29:12РМ 3	have done and times you didn't?
03:26:36РМ 4	from mapping, do you know?	03:29:13PM <b>4</b>	A. I just disclosed the only times we didn't use the audit
03:26:37РМ 5	A. As I mentioned, I don't know the number nor amount of	03:29:17РМ 5	numbers.
03:26:40РМ 6	transactions we restored since that time.	03:29:18РМ 6	<b>Q.</b> Were in the Arthur Andersen years of 1988 through 1990 for
03:26:42PM <b>7</b>	<b>Q.</b> Okay. Now, the next period that you go into with respect	03:29:25РМ 7	the collection and disbursements, correct?
03:26:47PM <b>8</b>	to this AR-171 is then what affected 1995?	03:29:27РМ 8	A. I'd have to confirm which specific years, but yes.
03:26:54PM <b>9</b>	A. Beginning in 1996 I believe we have audited reports.	03:29:31PM 9	<b>Q.</b> Now, are you the person that actually went to the audit
03:26:59PM 10	Q. Okay. And what have you you've did you go to the	03:29:35PM 10	reports and took the information from them?
03:27:04PM <b>11</b>	audited reports and use that information?	03:29:38PM <b>11</b>	A. One of my staff or I, yes.
03:27:06PM 12	A. We used the interest and the total collections and the	03:29:41PM <b>12</b>	<b>Q.</b> Okay. And you understand that each one of those audited
03:27:12PM 13	total disbursements from the audited reports.	03:29:46РМ 13	statements, the auditors express a qualified opinion on that,
03:27:15PM <b>14</b>	Q. Okay. And those began in 1996?	03:29:51PM <b>14</b>	correct?
03:27:18PM 15	A. That was the second period of audit reports.	03:29:51PM <b>15</b>	A. Yes, I do.
03:27:21PM 16	Q. Okay. And so you used all that information from 1996	03:29:52PM 16	Q. And you're not a C.P.A., are you?
03:27:25PM 17	through 2007?	03:29:55PM <b>17</b>	A. No, I am not.
03:27:29PM 18	A. That's correct.	03:29:56PM <b>18</b>	<b>Q.</b> And so essentially what you have is you have management of
03:27:29PM <b>19</b>	<b>Q.</b> But you didn't use that same information during the first	03:30:04PM <b>19</b>	OST, prepares a financial statement, and then auditors come in
03:27:31PM <b>20</b>	audit period by Arthur Andersen; is that correct?	03:30:07РМ 20	and look at it and look at the books, correct?
03:27:35PM <b>21</b>	A. I used the interest numbers and the balance numbers, but	03:30:10PM <b>21</b>	A. That's correct.
03:27:38PM 22	not the receipt and disbursement numbers.	03:30:10PM <b>22</b>	<b>Q.</b> And so actually the financial statement is a financial
03:27:39РМ 23	<b>Q.</b> Okay. So for one audit period you used it for all that	03:30:14PM <b>23</b>	statement that is management's financial statement, correct?
03:27:44PM <b>24</b>	information, interest, balance, receipts and disbursements,	03:30:17PM <b>24</b>	A. As reviewed by the auditors.
03:27:50РМ 25	correct?	03:30:20PM <b>25</b>	<b>Q.</b> As reviewed by the auditors, and the auditors said in each
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	632		634
03:27:50РМ 1	632 A. That's correct.	03:30:25PM <b>1</b>	634 of these cases, essentially said in layman's terms we can't
03:27:50PM <b>1</b> 03:27:51PM <b>2</b>		03:30:25PM 1 03:30:28PM 2	
-	A. That's correct.	-	of these cases, essentially said in layman's terms we can't
03:27:51PM <b>2</b>	<ul><li>A. That's correct.</li><li>Q. And for another period you picked two of the pieces of</li></ul>	03:30:28PM 2	of these cases, essentially said in layman's terms we can't express an opinion on it?
03:27:51PM 2 03:27:54PM 3	<ul><li>A. That's correct.</li><li>Q. And for another period you picked two of the pieces of information out of Arthur Andersen's report but not collections</li></ul>	03:30:28PM 2 03:30:29PM 3	of these cases, essentially said in layman's terms we can't express an opinion on it? A. I believe in the audits they discussed risks and other
03:27:51PM 2 03:27:54PM 3 03:27:59PM 4	<ul><li>A. That's correct.</li><li>Q. And for another period you picked two of the pieces of information out of Arthur Andersen's report but not collections and disbursements?</li></ul>	03:30:28PM 2 03:30:29PM 3 03:30:32PM 4	of these cases, essentially said in layman's terms we can't express an opinion on it? <b>A.</b> I believe in the audits they discussed risks and other issues. I'd have to review them to tell you the specific
03:27:51PM 2 03:27:54PM 3 03:27:59PM 4 03:28:00PM 5	<ul> <li>A. That's correct.</li> <li>Q. And for another period you picked two of the pieces of information out of Arthur Andersen's report but not collections and disbursements?</li> <li>A. That's because the collection number I calculated was</li> </ul>	03:30:28PM 2 03:30:29PM 3 03:30:32PM 4 03:30:36PM 5	of these cases, essentially said in layman's terms we can't express an opinion on it? A. I believe in the audits they discussed risks and other issues. I'd have to review them to tell you the specific concerns the auditors had.
03:27:51PM         2           03:27:54PM         3           03:27:56PM         4           03:28:00PM         5           03:28:02PM         6	<ul> <li>A. That's correct.</li> <li>Q. And for another period you picked two of the pieces of information out of Arthur Andersen's report but not collections and disbursements?</li> <li>A. That's because the collection number I calculated was higher than that which was reported in the audit.</li> </ul>	03:30:28PM 2 03:30:29PM 3 03:30:32PM 4 03:30:38PM 5 03:30:38PM 6	of these cases, essentially said in layman's terms we can't express an opinion on it? A. I believe in the audits they discussed risks and other issues. I'd have to review them to tell you the specific concerns the auditors had. Q. Okay. Let's look at Plaintiffs' Exhibit 120. Can you go
0327.51PM 2 0327.54PM 3 0327.59PM 4 0328.00PM 5 0328.02PM 6 0328.04PM 7	<ul> <li>A. That's correct.</li> <li>Q. And for another period you picked two of the pieces of information out of Arthur Andersen's report but not collections and disbursements?</li> <li>A. That's because the collection number I calculated was higher than that which was reported in the audit.</li> <li>Q. For each of those years?</li> </ul>	03:30:28PM         2           03:30:28PM         3           03:30:32PM         4           03:30:32PM         5           03:30:38PM         6           03:30:38PM         7	of these cases, essentially said in layman's terms we can't express an opinion on it? A. I believe in the audits they discussed risks and other issues. I'd have to review them to tell you the specific concerns the auditors had. Q. Okay. Let's look at Plaintiffs' Exhibit 120. Can you go back to the first page of this document, please? Do you see
0327.51PM 2 0327.54PM 3 0327.54PM 4 0328.02PM 5 0328.02PM 6 0328.02PM 7 0328.04PM 7 0328.04PM 8	<ul> <li>A. That's correct.</li> <li>Q. And for another period you picked two of the pieces of information out of Arthur Andersen's report but not collections and disbursements?</li> <li>A. That's because the collection number I calculated was higher than that which was reported in the audit.</li> <li>Q. For each of those years?</li> <li>A. I don't recall if it was for each of those years. There</li> </ul>	03:30:28PM         2           03:30:28PM         3           03:30:32PM         4           03:30:32PM         5           03:30:38PM         6           03:31:08PM         7           03:31:14PM         8	of these cases, essentially said in layman's terms we can't express an opinion on it? A. I believe in the audits they discussed risks and other issues. I'd have to review them to tell you the specific concerns the auditors had. Q. Okay. Let's look at Plaintiffs' Exhibit 120. Can you go back to the first page of this document, please? Do you see that this is the audit report for 1999?
03:27:51PM 2 03:27:54PM 3 03:27:54PM 4 03:28:00PM 5 03:28:00PM 6 03:28:04PM 7 03:28:04PM 8 03:28:04PM 9	<ul> <li>A. That's correct.</li> <li>Q. And for another period you picked two of the pieces of information out of Arthur Andersen's report but not collections and disbursements?</li> <li>A. That's because the collection number I calculated was higher than that which was reported in the audit.</li> <li>Q. For each of those years?</li> <li>A. I don't recall if it was for each of those years. There was a large difference in the first year.</li> </ul>	03:30:28PM         2           03:30:28PM         3           03:30:32PM         4           03:30:32PM         5           03:30:38PM         6           03:30:38PM         7           03:31:05PM         7           03:31:14PM         8           03:31:20PM         9	of these cases, essentially said in layman's terms we can't express an opinion on it? <b>A.</b> I believe in the audits they discussed risks and other issues. I'd have to review them to tell you the specific concerns the auditors had. <b>Q.</b> Okay. Let's look at Plaintiffs' Exhibit 120. Can you go back to the first page of this document, please? Do you see that this is the audit report for 1999? <b>A.</b> Yes, I do.
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	635		637
03:32:29PM 1	<b>Q.</b> Okay. Well, this is actually a page where the Interior is	03:35:18PM <b>1</b>	disbursements what are the result of intrafund or interfund
03:32:33РМ 2	writing sending this audit on to the special trustee and	03:35:26РМ 2	transfers for the periods covered by your AR-171 and DX 371, can
03:32:37РМ 3	essentially reporting from what I just read that disbursements	03:35:32РМ 3	you?
03:32:40PM <b>4</b>	and collections were not able to be audited, do you see that?	03:35:32РМ 4	A. To the extent we've identified the transfers we've
03:32:43PM 5	A. This is a summary that I believe the inspector general	03:35:41PM 5	eliminated them from the numbers. To the extent we haven't
03:32:47PM 6	prepared of the audit itself. I don't know specifically based	03:35:44PM 6	identified the transfers the numbers would be overstated.
03:32:50PM 7	on this paragraph what Griffen & Associates said.	03:35:46PM 7	Q. You're assuming all the transfers that you're talking about
03:32:52PM 8	Q. Okay. Look down at what the inspector general, that would	03:35:50PM 8	are transfers going out?
03:32:58PM 9	be Interior's inspector general?	03:35:52РМ 9	A. No. I'm assuming, as you saw, they're marked as
03:32:59PM 10	A. Yes, I believe so.	03:35:56PM 10	disbursements and collections, so you would be counting those
03:33:00PM <b>11</b>	Q. Interfund and intrafund transfers. It says currently	03:35:58PM <b>11</b>	monies again.
03:33:07PM <b>12</b>	interfund and intrafund transfers are not always recorded using	03:35:59PM 12	<b>Q.</b> But you're looking at the IIM system on that, correct?
03:33:11PM 13	the CEI systems process. Do you see that?	03:36:02PM 13	A. That's correct.
03:33:15PM <b>14</b>		03:36:02PM 14	<b>Q.</b> Have you gone and looked at the other interfund, other
03:33:17PM 15	Q. What's CEI?	03:36:07PM 15	funds where funds are being transferred to and from and looked
03:33:17PM 16	A. That I believe this is referring to the TFAS system, but	03:36:11PM 16	at those to see what all they show about transfers to the IIM
03:33:21PM 17	I'm not certain.	03:36:15PM 17	system to determine whether all those transfers got properly
03:33:21PM 18	<b>Q.</b> Okay. And it goes on to say, This results in substantial	10	recorded in the IIM system?
03:33:21PM 10	manual efforts to identify and reclassify these efforts for	03:36:18PM 10	A. I don't believe I understand your question.
20	financial reporting purposes. Do you see that?	03:36:22PM 20	<ul><li>Q. Oh, sure. In other words, in this chart you're showing</li></ul>
03:33:35PM 20 03:33:36PM 21	A. I do.	03:36:22PM 20	only transfers going out of the IIM system to the tribal trust?
22	_	22	A. That's correct.
03:33:38PM 22		03:36:33PM ZZ 03:36:33PM Z3	
	about extensively, essentially what the inspector general is		<b>Q.</b> You don't show anything coming into the IIM system from the
05	saying is that it's real difficult to figure out what all these	25	tribal trust? A. That's correct.
03:34:04PM <b>25</b>	transfers are that you're referring to here in the blue box. Is	03:36:38PM <b>23</b>	
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
1	636	1	638
03:34:09PM 1	that it?	03:36:39PM 1	Q. But you've testified that that is inaccurate, that in fact
03:34:10PM 2	that it? A. No. What I believe the inspector general's referring to	03:36:43PM 2	<b>Q.</b> But you've testified that that is inaccurate, that in fact money does come from the tribal trust into the IIM system,
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	639		641
03:37:48PM	COURTROOM DEPUTY: Court stands in recess until 3:45.	03:53:46PM <b>1</b>	Q. Now, when you talk about the IIM system, where is that
03:50:56PM <b>2</b>	(Recess taken at about 3:37 p.m.)	03:53:52PM 2	system, what department or agency is it housed at?
03:37:53PM 3	COURTROOM DEPUTY: Please come to order and remain	03:53:57PM 3	<b>A.</b> Today that would be, the transactional information would be
03:50:58PM 4	seated.	03:54:01PM <b>4</b>	contained within the TFAS system.
03:51:04PM 5	MR. DORRIS: Thank you, your Honor.	03:54:03PM 5	<b>Q.</b> Okay. The money actually is at Treasury, correct?
03:51:07PM 6	BY MR. DORRIS:	03:54:07PM 6	A. I'm sorry, I don't understand your question.
03:51:08PM 7	Q. Ms. Herman, looking at your chart, Defendants' Exhibit 373,	03:54:09PM <b>7</b>	<b>Q.</b> In other words, the money that's being referred to in your
03:51:21PM 8	your chart, now, where would on the disbursement side Loretta	03:54:13PM 8	IIM system, there's money in the system, correct?
03:51:27PM 9	Rose, where would she be on, which of those boxes would she be	03:54:15PM 9	A. That's correct.
03:51:33PM 10	in?	03:54:16PM 10	<b>Q.</b> And that money is being held at Treasury?
03:51:33PM 11	A. I'm sorry. To whom are you referring?	03:54:18PM <b>11</b>	A. The majority of that money is being held in investments.
03:51:35PM 12	Q. The woman who was at the Crown Point agency of Navajo	03:54:22PM <b>12</b>	Q. Okay. That are held by Treasury?
03:51:42PM 13	descent whose account had checks written out of them, who's had	03:54:25PM <b>13</b>	A. I don't know the name of the investment holder.
03:51:51PM <b>14</b>	checks written out of her account by one of the BIA employees	03:54:28PM <b>14</b>	Q. Okay. Now, in terms of the cash, it's held by Treasury, is
03:51:56PM 15	and put into that BIA employee's own bank account.	03:54:32PM 15	that fair to say?
03:52:01PM <b>16</b>	A. I'm sorry. Are you suggesting she was an individual Indian	03:54:34PM 16	MR. QUINN: Excuse me. Objection, your Honor; beyond
03:52:03PM 17	accountholder?	03:54:36PM 17	the scope of direct.
03:52:03РМ 18	Q. Yes.	03:54:38PM 18	THE COURT: I'm going to allow it. She may not know,
03:52:04РМ 19	A. And a check was disbursed from her account?	03:54:41PM <b>19</b>	but I'm going to allow him to inquire.
03:52:06РМ 20	Q. And from her account and deposited by a BIA employee into	03:54:44PM <b>20</b>	THE WITNESS: It's my understanding that uninvested
03:52:10PM <b>21</b>	the BIA employee's account.	03:54:47PM <b>21</b>	cash is held by Treasury.
03:52:12PM <b>22</b>	A. Disbursements from individual accounts are only represented	03:54:49PM <b>22</b>	BY MR. DORRIS:
03:52:16PM 23	through the bottom arrow on the chart.	03:54:49PM 23	Q. Okay. Now, can you tell us of the amounts that were
03:52:17PM <b>24</b>	<b>Q.</b> Okay. So this would then be characterized by you as a	03:54:52PM <b>24</b>	disbursed in 2007 how much was disbursed to the third parties,
03:52:21PM <b>25</b>	payment to or for that beneficiary?	03:55:00РМ 25	tribal trust, stakeholders, and IIM beneficiaries?
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
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	010		642
03:52:23PM <b>1</b>	A. That's correct.	03:55:02PM <b>1</b>	642 A. Not as I sit here, no.
03:52:23PM 1 03:52:24PM 2	_	03:55:02PM 1 03:55:03PM 2	
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03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.43PM         6           03.52.43PM         7           03.52.43PM         8           03.52.43PM         9           03.52.43PM         10           03.52.57PM         10           03.52.301PM         11	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to 11M beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an 11M beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> </ul>	035503PM         2           035503PM         2           035513PM         3           035513PM         4           035513PM         5           035513PM         6           035513PM         7           035523PM         8           035523PM         10           035533PM         11	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.43PM         6           03.52.43PM         7           03.52.43PM         8           03.52.43PM         8           03.52.43PM         10           03.52.57PM         10           03.52.57PM         11           03.53.01PM         11	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work</li> </ul>	035503PM         2           035503PM         2           035511PM         3           035511PM         4           035511PM         5           035512PM         5           035512PM         6           035512PM         7           035523PM         8           035523PM         9           035523PM         10           035531PM         11           035534PM         12	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.43PM         6           03.52.43PM         7           03.52.43PM         7           03.52.43PM         8           03.52.43PM         9           03.52.54PM         9           03.52.57PM         10           03.53.01PM         11           03.53.02PM         12           03.53.03PM         13	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> </ul>	035503PM         2           035503PM         2           035511PM         3           035511PM         4           035512PM         5           035513PM         6           035513PM         7           035523PM         8           035523PM         10           035533PM         11           035534PM         12           035537PM         13           035537PM         13	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do</li> </ul>
03.52.24PM         2           03.52.33PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.43PM         6           03.52.43PM         7           03.52.43PM         8           03.52.43PM         9           03.52.43PM         10           03.52.57PM         10           03.52.57PM         11           03.52.57PM         12           03.53.03PM         12           03.53.06PM         14	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> <li>A. I have seen several reports that have referred to instances</li> </ul>	035503PM         2           035503PM         2           035513PM         3           035513PM         4           035513PM         5           035513PM         7           035513PM         7           035523PM         10           035533PM         11           035533PM         12           035533PM         13           035533PM         14	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do using the electronic data, but for those transactions that you'd</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.43PM         6           03.52.43PM         7           03.52.43PM         8           03.52.43PM         8           03.52.43PM         10           03.52.54PM         9           03.52.54PM         10           03.52.54PM         11           03.53.01PM         11           03.53.03PM         12           03.53.03PM         14           03.53.11PM         15	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> <li>A. I have seen several reports that have referred to instances of fraud.</li> </ul>	035503PM         2           035503PM         2           035513PM         3           035511PM         4           035512PM         5           035513PM         6           035528PM         8           035528PM         9           035528PM         10           035533PM         12           035533PM         13           035533PM         14           035534PM         15	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do using the electronic data, but for those transactions that you'd have to identify a financial document I don't know how long it</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.40PM         6           03.52.40PM         7           03.52.40PM         8           03.52.40PM         10           03.52.40PM         10           03.52.40PM         11           03.52.57PM         10           03.53.01PM         11           03.53.02PM         12           03.53.04PM         14           03.53.11PM         15           03.53.12PM         16	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> <li>A. I have seen several reports that have referred to instances of fraud.</li> <li>Q. Do you think those reports are right or not?</li> </ul>	035503PM         2           035503PM         2           035511PM         4           035511PM         5           035511PM         6           035512PM         7           035523PM         8           035523PM         10           035533PM         11           035533PM         12           035533PM         13           035533PM         14           035534PM         15           035534PM         15           035534PM         15	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do using the electronic data, but for those transactions that you'd have to identify a financial document I don't know how long it would take to review those documents.</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.40PM         6           03.52.40PM         7           03.52.40PM         8           03.52.40PM         10           03.52.40PM         10           03.52.50PM         10           03.52.50PM         11           03.53.00PM         11           03.53.00PM         13           03.53.00PM         14           03.53.11PM         15           03.53.12PM         16           03.53.12PM         17	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> <li>A. I have seen several reports that have referred to instances of fraud.</li> <li>Q. Do you think those reports are right or not?</li> <li>A. I haven't done a fraud study of the system, if that's your</li> </ul>	035503PM         2           035503PM         2           035513PM         3           035513PM         4           035513PM         5           035513PM         6           035513PM         7           035513PM         7           035513PM         7           035523PM         8           035523PM         10           035533PM         12           035533PM         13           035533PM         14           035534PM         15           035534PM         16           035534PM         17	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do using the electronic data, but for those transactions that you'd have to identify a financial document I don't know how long it would take to review those documents.</li> <li>Q. Okay. Now, let's go over, for example, in the third</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         6           03.52.40PM         6           03.52.40PM         7           03.52.40PM         8           03.52.40PM         8           03.52.40PM         10           03.52.57PM         10           03.52.57PM         11           03.53.01PM         11           03.53.02PM         12           03.53.03PM         14           03.53.11PM         15           03.53.11PM         16           03.53.16PM         17           03.53.21PM         18	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> <li>A. I have seen several reports that have referred to instances of fraud.</li> <li>Q. Do you think those reports are right or not?</li> <li>A. I haven't done a fraud study of the system, if that's your question.</li> </ul>	035503PM         2           035503PM         2           035513PM         3           035511PM         4           035512PM         5           035512PM         6           035512PM         7           035523PM         8           035523PM         9           035533PM         10           035533PM         12           035533PM         13           035533PM         14           035533PM         15           035543PM         16           035543PM         17           035534PM         18	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do using the electronic data, but for those transactions that you'd have to identify a financial document I don't know how long it would take to review those documents.</li> <li>Q. Okay. Now, let's go over, for example, in the third parties are you saying as third parties administrative fees are</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         5           03.52.40PM         6           03.52.40PM         7           03.52.40PM         8           03.52.40PM         8           03.52.40PM         10           03.52.40PM         10           03.52.40PM         11           03.52.40PM         12           03.52.50PM         12           03.53.00PM         14           03.53.11PM         15           03.53.14PM         16           03.53.14PM         18           03.53.21PM         18	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> <li>A. I have seen several reports that have referred to instances of fraud.</li> <li>Q. Do you think those reports are right or not?</li> <li>A. I haven't done a fraud study of the system, if that's your question.</li> <li>Q. Okay. And you've seen other reports that refer to</li> </ul>	035503PM         2           035503PM         2           035511PM         4           035511PM         4           035511PM         5           035511PM         6           035511PM         7           035511PM         7           035512PM         8           035523PM         9           035523PM         10           035534PM         11           035534PM         12           035533PM         14           035534PM         15           035534PM         16           035534PM         17           035534PM         18           035534PM         18           035534PM         18	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do using the electronic data, but for those transactions that you'd have to identify a financial documents.</li> <li>Q. Okay. Now, let's go over, for example, in the third parties are you saying as third parties administrative fees are paid out of the IIM system to third parties?</li> </ul>
03.52.24PM         2           03.52.24PM         3           03.52.40PM         4           03.52.40PM         5           03.52.40PM         5           03.52.40PM         6           03.52.40PM         7           03.52.40PM         8           03.52.40PM         9           03.52.40PM         10           03.52.40PM         10           03.52.40PM         11           03.52.40PM         11           03.52.50PM         10           03.53.01PM         11           03.53.02PM         12           03.53.030PM         14           03.53.11PM         15           03.53.11PM         16           03.53.11PM         17           03.53.21PM         18           03.53.21PM         19           03.53.221PM         20	<ul> <li>A. That's correct.</li> <li>Q. Okay. So your chart assumes, doesn't it, that all payments out of individual accounts are for or to IIM beneficiaries, correct?</li> <li>A. It does not take into consideration fraud, if that's what you're asking me.</li> <li>Q. Right. Or any other type of payment that may come out without the authorization of an IIM beneficiary, correct?</li> <li>A. I'm sorry. It just refers to the fact that payment from individual accounts are for or on behalf of individual account-holders.</li> <li>Q. Are you aware of any instances of fraud in all of the work that you've studied and done?</li> <li>A. I have seen several reports that have referred to instances of fraud.</li> <li>Q. Do you think those reports are right or not?</li> <li>A. I haven't done a fraud study of the system, if that's your question.</li> <li>Q. Okay. And you've seen other reports that refer to disbursements to some of these other four brown boxes, correct?</li> </ul>	035503PM         2           035503PM         2           035511PM         4           035511PM         4           035511PM         5           035511PM         6           035511PM         7           035511PM         7           035511PM         7           035511PM         7           035512PM         8           035512PM         10           035513PM         11           035533PM         12           035533PM         13           035533PM         14           035534PM         15           035534PM         16           035534PM         17           035534PM         18           035530PM         18           035530PM         19           035500PM         19           035600PM         19	<ul> <li>A. Not as I sit here, no.</li> <li>Q. Is that information available?</li> <li>A. That's something that would have to be computed.</li> <li>Q. How could you compute it?</li> <li>A. Some of the information you could compute using the electronic data. Some of the information you would have to look at financial documents.</li> <li>Q. So that information is not readily available?</li> <li>A. No, it's not readily available.</li> <li>Q. How long would it take to put that information together?</li> <li>A. I can't tell you that as I sit here today.</li> <li>Q. You've never tried to do that?</li> <li>A. Some of that information, as I mentioned, you could do using the electronic data, but for those transactions that you'd have to identify a financial documents.</li> <li>Q. Okay. Now, let's go over, for example, in the third parties are you saying as third parties administrative fees are paid out of the IIM system to third parties?</li> <li>A. I'm including the government in this instance as a third</li> </ul>
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643	645		
03.562.21PM <b>1</b> paying to itself is administrative fees?	accountholder as well?		
035624PM <b>2 A.</b> That's correct. 0358555	sepm <b>2 Q.</b> Yes.		
03.56.24PM <b>3 Q.</b> And those administrative fees are for what?	<b>3 A.</b> Yes, that would still appear in the stakeholder box.		
035628PM <b>4 A.</b> Collected on preparations, for instance.	<b>Q.</b> Are you saying that in order to be an IIM beneficiary you		
OBSEGRAPM         5         Q.         Last time you were here and you testified I recall your         OBSEGRAPM	5 have to have an account?		
<b>6</b> testimony, and I've read it recently, was that in fact the	<b>6 A.</b> I'm referring to IIM beneficiaries in this situation as		
O35646PM         7         administration fees never got into the IIM system, that they         O356906	7 holders of the accounts in the system.		
0356-49PM         8         were paid directly by the leasees to the government. Do you         0359-100	<b>8 Q.</b> Okay. So when you talk about an IIM beneficiary, that's		
035652PM 9 recall that?	<b>9</b> someone that has an account and account number in the system?		
<b>10</b> A. In the particular example we discussed I recall that, but	<b>10 A.</b> That's correct.		
COSSESSEM 11 that's not a general statement about the system.	<b>Q.</b> And we recall that when you were here and testified in		
COSSESSPM 12 Q. And you didn't make that general statement last time?	October you had not done any effort to do an external validation		
COSSTOIPM 13 A. Not that I recall. I haven't reread my testimony, though.			
<b>Q35704PM 14 Q.</b> So can you tell us the amount of administrative fees that			
035708PM <b>15</b> the government has paid to itself during any period of the			
0357:13PM 16 trust?	· · · · · · · · · · · · · · · · · · ·		
0357:14PM 17 A. Not as I sit here today, no.			
OSS7:18PM         18         Q.         How would you go about getting that information?         OSS8460	40 .		
<b>0357:18PM 19 A.</b> I'd have to analyze the disbursements from those accounts,	<b>^^</b>		
	beneficiaries as those who hold accounts.		
	<b>Q.</b> I understand that. I guess my question is, do you know		
035727PM 22 Q. When you say "financial documents," similar to the	<b>AA</b>		
035728PM     23     documents that you've gone through with us today?     040003       035731PM     24     A.     That's correct.     040003	<b>A</b> 4		
	••		
Dasr731PM 25 Q. And those would be documents that would be at Lenexa?	5		
Official Court Reporter	Jacqueline M. Sullivan, RPR Official Court Reporter		
644	646		
03.57.35PM <b>1 A.</b> In some instances.			
03.57.3SPM I A. In some instances.	<b>1</b> THE COURT: Overruled.		
OSSTARM     2     Q.     What about the amount of the unsuccessful bid deposit, do     040000//			
	2 THE WITNESS: If you'll explain to me, sir, how you're		
<b>Q Q</b> . What about the amount of the unsuccessful bid deposit, do	<ul> <li>2 THE WITNESS: If you'll explain to me, sir, how you're</li> <li>3 defining IIM beneficiaries I'll attempt to answer the question.</li> </ul>		
0357/37PM       2       Q. What about the amount of the unsuccessful bid deposit, do       0400099         0357/37PM       3       you know what that amount is?       0400191         0357/37PM       4       A. Not as I sit here today, no.       0400191         0357/37PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       0400191	<ul> <li>THE WITNESS: If you'll explain to me, sir, how you're</li> <li>defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> </ul>		
C035737PM2Q. What about the amount of the unsuccessful bid deposit, do0400099C035743PM3you know what that amount is?0400191C035743PM4A. Not as I sit here today, no.0400191C035743PM5Q. Okay. Now, what about the tribal trust, can you tell what0400191C035743PM6the amount that has gone to the tribal trust is for any0400191	<ul> <li>THE VITNESS: If you'll explain to me, sir, how you're</li> <li>defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest</li> <li>in any of the trust property.</li> </ul>		
035737PM       2       Q. What about the amount of the unsuccessful bid deposit, do       0400098         035743PM       3       you know what that amount is?       0400191         035743PM       4       A. Not as I sit here today, no.       0400191         035743PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       0400191         035754PM       6       the amount that has gone to the tribal trust is for any       0400241         035754PM       7       particular year?       0400241	<ul> <li>2 THE WITNESS: If you'll explain to me, sir, how you're</li> <li>3 defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>5 Q. A beneficiary that someone that has a beneficial interest</li> <li>in any of the trust property.</li> <li>7 A. I believe that if someone didn't prior to the</li> </ul>		
CXS7/37PM       2       Q. What about the amount of the unsuccessful bid deposit, do       040009         CXS7/37PM       3       you know what that amount is?       040019         CXS7/43PM       4       A. Not as I sit here today, no.       040019         CXS7/43PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       040019         CXS7/43PM       6       the amount that has gone to the tribal trust is for any       040029         CXS7/43PM       7       particular year?       040029         CXS7/43PM       8       A. To the extent that we've mapped those transactions, yes,       040029	<ul> <li>THE OCCUT CHARACE.</li> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone</li> </ul>		
COST/37PM2Q. What about the amount of the unsuccessful bid deposit, do0400000000000000000000000000000000000	<ul> <li>THE VITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on</li> </ul>		
035737PM       2       Q. What about the amount of the unsuccessful bid deposit, do       0400094         035737PM       3       you know what that amount is?       0400191         035743PM       4       A. Not as I sit here today, no.       0400191         035743PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       0400191         035743PM       6       the amount that has gone to the tribal trust is for any       0400294         035754PM       7       particular year?       0400294         035755PM       8       A. To the extent that we've mapped those transactions, yes,       0400294         035755PM       9       but I can't say that that's the number in its totality, as we       0400294         035059PM       10       still have work remaining.       0400394	<ul> <li>THE VITNESS: If you'll explain to me, sir, how you're</li> <li>defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest</li> <li>in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the</li> <li>implementation of the TMS, it's my understanding that if someone</li> <li>hadn't leased their land and wasn't expecting a collection on</li> <li>that land an account number wasn't necessarily established in</li> </ul>		
CXS7377M       2       Q. What about the amount of the unsuccessful bid deposit, do       OKENDER         CXS7377M       3       you know what that amount is?       OKENDER         CXS745PM       4       A. Not as I sit here today, no.       OKENDER         CXS745PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       OKENDER         CXS745PM       6       the amount that has gone to the tribal trust is for any       OKENDER         CXS755PM       6       the amount that has gone to the tribal trust is for any       OKENDER         CXS755PM       7       particular year?       OKENDER         CXS755PM       8       A. To the extent that we've mapped those transactions, yes,       OKENDER         CXS755PM       9       but I can't say that that's the number in its totality, as we       OKENDER         CXSE05PM       10       still have work remaining.       OKENDER         CXSE05PM       11       Q. And that would then only be for the mapping period that       OKENDER	<ul> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on that land an account number wasn't necessarily established in the system.</li> </ul>		
CR35737PM       2       Q. What about the amount of the unsuccessful bid deposit, do       Or CR059         CR35737PM       3       you know what that amount is?       Or CR059         CR35743PM       4       A. Not as I sit here today, no.       Or CR059         CR35743PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       Or CR059         CR35743PM       6       the amount that has gone to the tribal trust is for any       Or CR059         CR35743PM       7       particular year?       Or CR059         CR35743PM       8       A. To the extent that we've mapped those transactions, yes,       Or CR059         CR35743PM       9       but I can't say that that's the number in its totality, as we       Or CR059         CR35743PM       10       still have work remaining.       Or CR059         CR35743PM       12       you're doing?       Or CR059	<ul> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on that land an account number wasn't necessarily established in the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have</li> </ul>		
CR35737PM       2       Q. What about the amount of the unsuccessful bid deposit, do       Orecommendation         CR35737PM       3       you know what that amount is?       Orecommendation         CR35737PM       4       A. Not as I sit here today, no.       Orecommendation         CR35737PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       Orecommendation         CR35738PM       6       the amount that has gone to the tribal trust is for any       Orecommendation         CR35738PM       7       particular year?       Orecommendation         CR35738PM       8       A. To the extent that we've mapped those transactions, yes,       Orecommendation         CR35738PM       9       but I can't say that that's the number in its totality, as we       Orecommendation         CR35738PM       10       still have work remaining.       Orecommendation         CR35038PM       11       Q. And that would then only be for the mapping period that       Orecommendation         CR35038PM       13       A. For '86 through present, I think so.       Orecommendation	<ul> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on that land an account number wasn't necessarily established in the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have done anything to determine that all individual Indians that have</li> </ul>		
CXS7377M       2       Q. What about the amount of the unsuccessful bid deposit, do       Outcome         CXS7377M       3       you know what that amount is?       Outcome         CXS748M       4       A. Not as I sit here today, no.       Outcome         CXS748M       5       Q. Okay. Now, what about the tribal trust, can you tell what       Outcome         CXS748M       5       Q. Okay. Now, what about the tribal trust is for any       Outcome         CXS748M       6       the amount that has gone to the tribal trust is for any       Outcome         CXS758FM       8       A. To the extent that we've mapped those transactions, yes,       Outcome         CXS758FM       9       but I can't say that that's the number in its totality, as we       Outcome         CXS808FM       10       still have work remaining.       Outcome         CXS808FM       11       Q. And that would then only be for the mapping period that       Outcome         CXS808FM       13       A. For '86 through present, I think so.       Outcome       Outcome         CXS808FM       14       Q. And so whatever went into the tribal trust before you you       Outcome       Outcome	<ul> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on that land an account number wasn't necessarily established in the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have done anything to determine that all individual Indians that have beneficial interest in any of the trust property have accounts,</li> </ul>		
CR35737PM       2       Q. What about the amount of the unsuccessful bid deposit, do       Or CR059         CR35737PM       3       you know what that amount is?       Or CR059         CR35737PM       4       A. Not as I sit here today, no.       Or CR059         CR35737PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       Or CR059         CR35737PM       6       the amount that has gone to the tribal trust is for any       Or CR059         CR35738PM       7       particular year?       Or CR059         CR35738PM       8       A. To the extent that we've mapped those transactions, yes,       Or CR059         CR35738PM       9       but I can't say that that's the number in its totality, as we       Or CR059         CR35738PM       10       still have work remaining.       Or CR059         CR35738PM       11       Q. And that would then only be for the mapping period that       Or CR059         CR35808PM       13       A. For '86 through present, I think so.       Or CR059         CR35803PM       14       Q. And so whatever went into the tribal trust before you you       Or CR059         CR35803PM       14       Q. And so whatever went into the tribal trust before you you       Or CR059         CR35803PM       15       Couldn't do, you couldn't determine; is	<ul> <li>THE OCCUT CHARACT</li> <li>THE WITNESS: If you'll explain to me, sir, how you're</li> <li>defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li><b>5</b> Q. A beneficiary that someone that has a beneficial interest</li> <li>in any of the trust property.</li> <li><b>7</b> A. I believe that if someone didn't prior to the</li> <li>implementation of the TMS, it's my understanding that if someone</li> <li>hadn't leased their land and wasn't expecting a collection on</li> <li>that land an account number wasn't necessarily established in</li> <li>the system.</li> <li><b>12</b> Q. Okay. Have you done anything or FTI to your knowledge have</li> <li>done anything to determine that all individual Indians that have</li> <li>beneficial interest in any of the trust property have accounts,</li> <li>in fact have account numbers?</li> </ul>		
CR35737PM       2       Q. What about the amount of the unsuccessful bid deposit, do       Orecomm         CR35737PM       3       you know what that amount is?       Orecomm         CR35737PM       4       A. Not as I sit here today, no.       Orecomm         CR35737PM       5       Q. Okay. Now, what about the tribal trust, can you tell what       Orecomm         CR35738PM       5       Q. Okay. Now, what about the tribal trust is for any       Orecomm         CR35738PM       6       the amount that has gone to the tribal trust is for any       Orecomm         CR35738PM       7       particular year?       Orecomm         CR35738PM       8       A. To the extent that we've mapped those transactions, yes,       Orecomm         CR35738PM       9       but I can't say that that's the number in its totality, as we       Orecomm         CR35738PM       10       still have work remaining.       Orecomm         CR35038PM       11       Q. And that would then only be for the mapping period that       Orecomm         CR35038PM       13       A. For '86 through present, I think so.       Orecomm         CR35038PM       14       Q. And so whatever went into the tribal trust before you you       Orecomm         CR35038PM       14       Q. And so whatever went into the tribal trust before you you </th <th><ul> <li>THE OCCUT OF CHARGE.</li> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>Q. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on that land an account number wasn't necessarily established in the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have done anything to determine that all individual Indians that have beneficial interest in any of the trust property have accounts, in fact have account numbers?</li> <li>A. It's my understanding now with the implementation of TMS</li> </ul></th>	<ul> <li>THE OCCUT OF CHARGE.</li> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>Q. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on that land an account number wasn't necessarily established in the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have done anything to determine that all individual Indians that have beneficial interest in any of the trust property have accounts, in fact have account numbers?</li> <li>A. It's my understanding now with the implementation of TMS</li> </ul>		
CRS7377M2Q. What about the amount of the unsuccessful bid deposit, doORECOMMCRS7437M3you know what that amount is?ORECOMMCRS7437M4A. Not as I sit here today, no.ORECOMMCRS7437M5Q. Okay. Now, what about the tribal trust, can you tell whatORECOMMCRS7437M6the amount that has gone to the tribal trust is for anyORECOMMCRS7437M7particular year?ORECOMMCRS7437M8A. To the extent that we've mapped those transactions, yes,ORECOMMCRS7537M9but I can't say that that's the number in its totality, as weORECOMMCRS7537M10still have work remaining.ORECOMMCRS7537M11Q. And that would then only be for the mapping period thatORECOMMCRS8637M13A. For '86 through present, I think so.ORECOMMCRS8637M14Q. And so whatever went into the tribal trust before you youORECOMMCRS8637M16A. I would have to look at a different set of information.ORECOMMCRS8637M17Q. What information would that be?ORECOMM	<ul> <li>THE WITNESS: If you'll explain to me, sir, how you're defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>G. A beneficiary that someone that has a beneficial interest in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the implementation of the TMS, it's my understanding that if someone hadn't leased their land and wasn't expecting a collection on that land an account number wasn't necessarily established in the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have done anything to determine that all individual Indians that have beneficial interest in any of the trust property have accounts, in fact have account numbers?</li> <li>A. It's my understanding now with the implementation of TMS that everyone who has an interest in land as a TFAS account</li> </ul>		
CRSF137FM       2       Q. What about the amount of the unsuccessful bid deposit, do       ORECOMPT         CRSF137FM       3       you know what that amount is?       ORECOMPT         CRSF137FM       4       A. Not as I sit here today, no.       ORECOMPT         CRSF137FM       5       Q. Okay. Now, what about the tribal trust, can you tell what       ORECOMPT         CRSF13FFM       5       Q. Okay. Now, what about the tribal trust is for any       ORECOMPT         CRSF13FFM       6       the amount that has gone to the tribal trust is for any       ORECOMPT         CRSF13FFM       7       particular year?       ORECOMPT         CRSF13FFM       8       A. To the extent that we've mapped those transactions, yes,       ORECOMPT         CRSF13FFM       9       but I can't say that that's the number in its totality, as we       ORECOMPT         CRSF13FFM       9       but I can't say that the only be for the mapping period that       ORECOMPT         CRSF13FFM       10       still have work remaining.       ORECOMPT       ORECOMPT         CRSF13FFM       11       Q. And that would then only be for the mapping period that       ORECOMPT         CRSF13FFM       14       Q. And so whatever went into the tribal trust before you you       ORECOMPT         CRSF13FFM       14       Q. An	<ul> <li>THE OCCUR OF CHARGE.</li> <li>THE WITNESS: If you'll explain to me, sir, how you're</li> <li>defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>Q. A beneficiary that someone that has a beneficial interest</li> <li>in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the</li> <li>implementation of the TMS, it's my understanding that if someone</li> <li>hadn't leased their land and wasn't expecting a collection on</li> <li>that land an account number wasn't necessarily established in</li> <li>the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have</li> <li>done anything to determine that all individual Indians that have</li> <li>beneficial interest in any of the trust property have accounts,</li> <li>in fact have account numbers?</li> <li>A. It's my understanding now with the implementation of TMS</li> <li>that everyone who has an interest in land as a TFAS account</li> <li>number.</li> </ul>		
CONSTRATE2Q. What about the amount of the unsuccessful bid deposit, doCONSTRATECONSTRATE3you know what that amount is?CONSTRATECONSTRATE4A. Not as I sit here today, no.CONSTRATECONSTRATE5Q. Okay. Now, what about the tribal trust, can you tell whatCONSTRATECONSTRATE6the amount that has gone to the tribal trust is for anyCONSTRATECONSTRATE7particular year?CONSTRATECONSTRATE9but I can't say that that's the number in its totality, as weCONSTRATECONSTRATE10still have work remaining.CONSTRATECONSTRATE11Q. And that would then only be for the mapping period thatCONSTRATECONSTRATE12you're doing?CONSTRATECONSTRATE14Q. And so whatever went into the tribal trust before you youCONSTRATECONSTRATE15couldn't do, you couldn't determine; is that correct?CONSTRATECONSTRATE16A. I would have to look at a different set of information.CONSTRATECONSTRATE18A. As I mentioned, we're beginning to rekey the IRMSCONSTRATECONSTRATE19transaction registers, and prior to that you would have to lookCONSTRATE	<ul> <li>THE OCCUT OF CHARGE.</li> <li>THE WITNESS: If you'll explain to me, sir, how you're</li> <li>defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>Q. A beneficiary that someone that has a beneficial interest</li> <li>in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the</li> <li>implementation of the TMS, it's my understanding that if someone</li> <li>hadn't leased their land and wasn't expecting a collection on</li> <li>that land an account number wasn't necessarily established in</li> <li>the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have</li> <li>done anything to determine that all individual Indians that have</li> <li>beneficial interest in any of the trust property have accounts,</li> <li>in fact have account numbers?</li> <li>A. It's my understanding now with the implementation of TMS</li> <li>that everyone who has an interest in land as a TFAS account</li> <li>number.</li> <li>Q. I hear you say that. And my question to you was, has FTI</li> </ul>		
CXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	<ul> <li>THE OCCUT OF CHARGE.</li> <li>THE WITNESS: If you'll explain to me, sir, how you're</li> <li>defining IIM beneficiaries I'll attempt to answer the question.</li> <li>BY MR. DORRIS:</li> <li>Q. A beneficiary that someone that has a beneficial interest</li> <li>in any of the trust property.</li> <li>A. I believe that if someone didn't prior to the</li> <li>implementation of the TMS, it's my understanding that if someone</li> <li>hadn't leased their land and wasn't expecting a collection on</li> <li>that land an account number wasn't necessarily established in</li> <li>the system.</li> <li>Q. Okay. Have you done anything or FTI to your knowledge have</li> <li>done anything to determine that all individual Indians that have</li> <li>beneficial interest in any of the trust property have accounts,</li> <li>in fact have account numbers?</li> <li>A. I t's my understanding now with the implementation of TMS</li> <li>that everyone who has an interest in land as a TFAS account</li> <li>number.</li> <li>Q. I hear you say that. And my question to you was, has FTI</li> <li>done anything to validate that and determine if that's accurate?</li> </ul>		
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	647		649
04:01:27PM <b>1</b>	A. That's correct.	04:04:05PM	Herman. I was asking you if there were disbursements shown in
04:01:28PM <b>2</b>	Q. And what does that include?	04:04:09PM <b>2</b>	this column that were transfers in the system and not red arrows
04:01:30PM 3	A. It includes numerous things, so range income for instance,	04:04:13PM 3	going out.
04:01:36PM <b>4</b>	stock sales, bid deposits, bonds, school fees. There's many	04:04:14PM <b>4</b>	A. It's possible, yes.
04:01:41PM 5	different types of monies that actually come into the IIM	04:04:14PM 5	Q. Then that would have been an overstatement of
04:01:44PM 6	system.	04:04:16PM 6	disbursements, correct?
04:01:45PM 7	Q. Okay. When you talk about a disbursement, you're talking	04:04:17PM <b>7</b>	A. And an equal overstatement of receipts, yes.
04:01:50PM 8	about something that would be reflected by a red arrow going to	04:04:21PM 8	Q. So that if there was a if the receipts included the
04:01:56PM 9	the right of your chart, correct?	04:04:26PM <b>9</b>	transfers too, then you would view that as an overstatement of
04:01:57PM <b>10</b>	A. That's correct.	04:04:30PM 10	receipts?
04:01:57PM <b>11</b>	Q. So in other words, when you talk about a disbursement	04:04:30PM <b>11</b>	A. That's correct.
04:02:00PM 12	you're talking about something that goes outside the IIM system?	04:04:31PM <b>12</b>	Q. But to the best of your knowledge, there are no such
04:02:04PM 13	A. That's correct.	04:04:35PM 13	transfers in your disbursement category, are there?
04:02:05PM 14	Q. You would not view a transfer from an SBA to an individual	04:04:38PM 14	A. Yes. As I mentioned, our data validation work is still
04:02:13PM 15	account as a disbursement?	04:04:42PM 15	continuing. We still have transfers that we're mapping.
04:02:14PM 16	A. No. I'd consider that a transfer.	04:04:45PM 16	Q. What about your data validation study is a limited part of
04:02:16PM 17	Q. And now you were asked a question by Judge Robertson about	04:04:50PM 17	time? What about before 1985, what are you doing to try to take
04:02:25PM 18	this chart, and I think the word was this was really your	04:04:55PM <b>18</b>	out disbursements, internal disbursements that are being treated
04:02:29PM <b>19</b>	construct of the way you'd gotten where you viewed the	04:04:59PM <b>19</b>	as disbursements, internal transfers that are being treated as
04:02:35PM <b>20</b>	historical flow of funds in the IIM system, correct?	04:05:03PM <b>20</b>	disbursements?
04:02:39РМ 21	A. That's correct.	04:05:03PM <b>21</b>	A. Our study right now is focused on the '86, or excuse me,
04:02:39РМ 22	Q. Did you prepare this chart?	04:05:08PM 22	'85 forward period.
04:02:41PM <b>23</b>	A. Yes, I did.	04:05:09PM 23	Q. So you're not looking at that at this point?
04:02:42PM <b>24</b>	Q. All right. And when we say that it's your construct, for	04:05:12PM <b>24</b>	A. Not at this point, no.
04:02:49РМ 25	example, there are nonlabels that go on this account as	04:05:14PM <b>25</b>	<b>Q.</b> You said something in response to one of Mr. Quinn's
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	648		650
04:02:55PM	nonindividual accounts and individual accounts?	04:05:30PM	questions yesterday that was that I thought I heard, I've not
04:02:57РМ 2	<b>A.</b> No, there's not such a label in the system.	04:05:37PM <b>2</b>	read the transcript from your earlier testimony, but he said
04:02:59PM 3	<b>Q.</b> Or a break down between nonindividual accounts, a group of	04:05:42PM 3	that you characterized certain things by their destination? Do
04:03:02PM <b>4</b>	those and individual accounts?	04:05:49PM <b>4</b>	you remember something to that effect?
04:03:03PM 5	<b>A.</b> Only to the extent that you consider that, for instance,	04:05:49PM 5	A. Yes, I do.
04:03:07РМ 6	within the IIM system individual accounts are typically referred	04:05:50PM 6	
04:03:10PM 7		_	<b>Q.</b> What do you mean by that?
-	to as GL-230611.	04:05:53PM 7	<ul><li>Q. What do you mean by that?</li><li>A. For instance, a movement from the nonindividual section to</li></ul>
04:03:13PM 8	to as GL-230611. <b>Q.</b> Now, in terms of this, when we look at AR-171 and then the	04:05:53PM 7 04:05:58PM 8	
04:03:13PM 8 04:03:19PM 9			<b>A.</b> For instance, a movement from the nonindividual section to
04:03:19PM 9 04:03:26PM 10	$\ensuremath{\mathbf{Q}}$ . Now, in terms of this, when we look at AR-171 and then the	04:05:58PM 8 04:06:02PM 9 04:06:06PM 10	<b>A.</b> For instance, a movement from the nonindividual section to the tribal trust, it's identified as tribal trust based on
04:03:19PM 9 04:03:26PM 10 04:03:29PM 11	<b>Q.</b> Now, in terms of this, when we look at AR-171 and then the revisions that you've given us in May and June, do those always are those always consistent with what you've described as disbursements here?	04:05:58PM 8 04:06:02PM 9 04:06:06PM 10 04:06:12PM 11	<ul> <li>A. For instance, a movement from the nonindividual section to the tribal trust, it's identified as tribal trust based on identifying the posting in the tribal trust system.</li> <li>Q. Okay. So that you are characterizing what's in the IIM system by who it got disbursed to?</li> </ul>
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	651		653
04:06:57PM	Q. Okay. Because in fact as a part of all of your studies,	04:10:10PM <b>1</b>	reported in the reports I relied on.
04:07:01PM <b>2</b>	you really have done very little to determine if the funds are	04:10:12PM <b>2</b>	<b>Q.</b> So that somebody to the right of this blue box on your
04:07:06PM 3	flowing to the correct one of these brown boxes, correct?	04:10:22PM 3	chart, one of these people, the IIM beneficiary, stakeholders,
04:07:12PM <b>4</b>	<b>A.</b> Only through our LSA study, and in some regards through our	04:10:27PM <b>4</b>	tribal trust third parties, are entitled to that money; is that
04:07:17PM 5	data validation study.	04:10:31PM 5	correct?
04:07:18PM 6	Q. Now, you testified also today about this DX371, and you	04:10:31PM 6	A. That simply taking into consideration the fact that the
04:07:32PM <b>7</b>	were asked by the plaintiff using for some period of time on	04:10:35PM 7	calculation we made is different from the balances as reported.
04:07:38PM 8	their similar calculation a disbursement rate of approximately	04:10:38PM 8	Q. Okay. So that's just a number?
04:07:43PM 9	seventy percent?	04:10:44PM 9	A. That's the difference between the receipts and the
04:07:44PM <b>10</b>	A. That's correct.	04:10:46PM <b>10</b>	disbursements that we were able to identify through our analysis
04:07:44PM <b>11</b>	Q. And you testified something to the effect that one of the	04:10:50PM <b>11</b>	and the balances as reported.
04:07:49PM 12	problems you had with that is that the thirty percent factor	04:10:51PM <b>12</b>	<b>Q.</b> So is it fair to say it this way: That even on your chart
04:07:54PM 13	that was then being viewed as not having been disbursed would	04:10:58PM 13	as you calculated it up, you believe that \$158.7 million more is
04:07:58РМ 14	never view any of the balance as being disbursed. Do you	04:11:06PM <b>14</b>	in the IIM system than the present stated balance of the system?
04:08:03РМ 15	remember testifying something to that effect?	04:11:11PM <b>15</b>	A. It depends on which calculation is more accurate. What I'm
04:08:04РМ 16	A. I believe what I said, that it wasn't taken into	04:11:16PM 16	trying to say is that there's \$158 million difference that I
04:08:08PM 17	consideration until the final deduction of the current trust	04:11:21PM <b>17</b>	can't explain.
04:08:11PM <b>18</b>	fund balance.	04:11:22PM <b>18</b>	Q. Is \$158 million more? In other words, it's more money, not
04:08:12PM <b>19</b>	<b>Q.</b> Okay. Now, if the seventy percent factor, though, as you	04:11:29PM <b>19</b>	less money, than what's reported to currently being in the
04:08:18PM 20	have studied it, was taken over a period of time, correct?	04:11:33PM 20	system, correct?
04:08:24PM <b>21</b>	A. I'm sorry?	04:11:33PM <b>21</b>	A. I've calculated more than what's currently in the system,
04:08:24PM <b>22</b>	<b>Q.</b> The thirty percent or seventy percent disbursement rate was	04:11:36PM <b>22</b>	that's correct.
04:08:30PM 23	calculated over a period of time from roughly 1988 to 2002 based	04:11:36PM 23	<b>Q.</b> Now, what significance at all is it that you show that for
04:08:35PM 24	on CPNR data?	04:11:40PM 24	a particular years or periods?
04:08:38PM <b>25</b>	<b>A.</b> Based on CPNR date and the plaintiffs' revenue number?	04:11:42PM <b>25</b>	A. It was just a computation I did on each and every line item
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
1	652	1	654
04:08:42PM <b>1</b>	<b>Q.</b> Right. And that then during those years there was	04:11:52PM <b>1</b>	to show the difference in that particular year.
04:08:47PM <b>2</b>	<b>Q.</b> Right. And that then during those years there was disbursement of beginning balances in each of those years	04:11:56PM 2	to show the difference in that particular year. <b>Q.</b> So if we want to know when that \$158.7 million difference
04:08:47PM 2 04:08:51PM 3	<b>Q.</b> Right. And that then during those years there was disbursement of beginning balances in each of those years perhaps in the seventy percent, correct?	04:11:56PM 2 04:12:03PM 3	to show the difference in that particular year. <b>Q.</b> So if we want to know when that \$158.7 million difference occurs, you show us in different years and periods, correct?
04:08:47PM 2 04:08:51PM 3 04:08:53PM 4	<ul> <li>Q. Right. And that then during those years there was disbursement of beginning balances in each of those years perhaps in the seventy percent, correct?</li> <li>A. The way the seventy percent was being calculated was based</li> </ul>	04:11:56PM 2 04:12:03PM 3 04:12:07PM 4	<ul> <li>to show the difference in that particular year.</li> <li>Q. So if we want to know when that \$158.7 million difference occurs, you show us in different years and periods, correct?</li> <li>A. That's correct.</li> </ul>
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04.08.47PM         2           04.08.51PM         3           04.08.53PM         4           04.08.53PM         5           04.08.53PM         6           04.08.53PM         7           04.08.53PM         7           04.08.53PM         8           04.08.03PM         8           04.08.03PM         10           04.08.03PM         10           04.08.03PM         11           04.08.03PM         12           04.08.03PM         14           04.08.03PM         14           04.09.03PM         16           04.09.33PM         16           04.09.43PM         17           04.09.45PM         18           04.09.53PM         20           04.09.53PM         21           04.09.53PM         21           04.09.53PM         22           04.10.00PM         23           04.10.00PM         24	<ul> <li>Q. Right. And that then during those years there was disbursement of beginning balances in each of those years perhaps in the seventy percent, correct?</li> <li>A. The way the seventy percent was being calculated was based on revenues in a particular year, not based on the balance and the revenues.</li> <li>Q. Okay. So you don't think that it includes the payment of any of the balance?</li> <li>A. It doesn't appear based on the calculation that that's being taken into consideration.</li> <li>Q. Now, would you explain to me when we get to the second chart, second page of Defendants' Exhibit 371 can you bring that up, please the column that says Balance Difference, and there's a total of \$158.7 million. Do you see that?</li> <li>A. I do.</li> <li>Q. Now, I noticed that for the first several years above that there is no balance difference. Do you see that?</li> <li>A. I do.</li> <li>Q. What is this saying, this balance difference of 158.7 million?</li> <li>A. This is the difference between the calculated ending balance and the reported ending balance.</li> <li>Q. Okay. So what does that mean?</li> <li>A. That there is a difference between the receipts and</li> </ul>	04.11.56PM         2           04.12.03PM         3           04.12.03PM         4           04.12.03PM         5           04.12.03PM         5           04.12.03PM         5           04.12.03PM         5           04.12.23PM         6           04.12.23PM         9           04.12.23PM         10           04.12.23PM         10           04.12.23PM         12           04.12.23PM         12           04.12.23PM         12           04.12.23PM         12           04.12.23PM         12           04.12.23PM         12           04.12.34PM         12           04.12.34PM         12           04.12.34PM         15           04.12.56PM         16           04.13.02PM         17           04.13.02PM         19           04.13.13PM         20           04.13.13PM         21           04.13.13PM         23           04.13.13PM         23           04.13.17PM         24	<ul> <li>to show the difference in that particular year.</li> <li><b>Q</b>. So if we want to know when that \$158.7 million difference occurs, you show us in different years and periods, correct?</li> <li><b>A</b>. That's correct.</li> <li><b>Q</b>. So that, for example, between 1887 and 1920 you would find that there was \$11.1 million more received into the system and not disbursed than the reported ending balance, correct?</li> <li><b>A</b>. No. What that's saying is that based on the receipts and disbursements calculated that my number is \$11.1 million less than the reported balance.</li> <li><b>Q</b>. Okay. So that what you're saying is, is the reported balance back then you've now gone back and redone it such that you actually think there's less money that's come into the system than what they thought meant?</li> <li><b>A</b>. This is a calculation based on this time frame. The receipt and disbursements that have been estimated were less than the balance as reported in the historical report.</li> <li><b>Q</b>. So if you go to the historical report it would show that there's more money there than what you're calculating on this chart?</li> <li><b>A</b>. For that particular line item, yes.</li> <li><b>Q</b>. And for the next line item, correct?</li> <li><b>A</b>. Yes.</li> <li><b>Q</b>. Would you say then that you believe those historical</li> </ul>

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04:13:22PM	A. No. I'm suggesting that I don't know which of the two is	04:16:23PM <b>1</b>	the notebook.
04:13:25PM <b>2</b>	more accurate.	04:16:24PM <b>2</b>	A. That's correct.
04:13:25PM 3	<b>Q.</b> So you're just putting information here and not indicating	04:16:24PM 3	<b>Q.</b> Can you tell us the correct tab that would provide the best
04:13:33PM <b>4</b>	whether it's accurate or not?	04:16:30PM <b>4</b>	overview of how you come up with this Osage calculation?
04:13:34PM 5	<b>A.</b> This is the best historical information that I was able to	04:16:33PM 5	<b>A.</b> Depends on the time frame you'd like to discuss.
04:13:38PM 6	find and I'm reporting it as such.	04:16:37PM 6	Q. Okay. I guess your answer makes me ask this question: I
04:13:40PM 7	Q. And then from 1952 to 1971 it's showing a balance	04:16:42PM 7	take it it's calculated differently for different time frames?
04:13:46PM 8	difference of 156.8 million. That would be indicating that	04:16:47PM 8	<b>A.</b> No. What I meant by that statement was we have electronic
04:13:51PM 9	there's \$156.8 million more in the system than what the balance	04:16:50PM 9	data from '72 forward so we have actual numbers from the system.
04:13:58PM 10	being shown at that time is, correct?	04:16:56PM 10	In earlier years we have some, but not all, of the data.
04:14:00PM 11	<b>A.</b> No. That means that I calculated more money than was	04:16:59PM 11	<b>Q.</b> Okay. So from '72 forward you have what you say is actual
04:14:05PM 12	reflected in the historical balance.	04:17:06РМ 12	data for the Osage?
04:14:08PM 13	<b>Q.</b> Understood. And if your calculations are correct, that	04:17:07PM 13	<b>A.</b> Yes. I believe there may be one gap or two in 1972, but
04:14:10PM 14	would then indicate that there's \$156.8 million more in the	04:17:13PM 14	I'd have to look to confirm that.
04:14:14PM 15	system than was then being carried as a balance reported in the	04:17:15PM 15	Q. Where did you get that information?
04:14:19PM 16	system, correct?	04:17:16PM 16	<b>A.</b> From some of the data that has been rekeyed from the GL
04:14:20PM 17	A. I'm sorry. I believe that I don't understand your	04:17:21PM 17	system for the tribal reconciliation.
04:14:23PM 18	question.	04:17:24PM 18	Q. But where did you get the Osage data generally?
04:14:24PM 19	<b>Q.</b> Yes. In other words, if the calculations that you've set	04:17:27PM 19	A. The headright information, is that the question?
04:14:27PM 20	forth out here are correct, then as of 1971 there's \$156.8	04:17:30PM 20 04:17:31PM 21	Q. Yes.
04:14:36PM 21	million more in the IIM system than the reported balance at that time?	04:17:31PM <b>21</b> 04:17:37PM <b>22</b>	<b>A.</b> We have two sources for the total headright payment. One
04:14:41PM <b>22</b> 04:14:41PM <b>23</b>	A. That's correct.	04:17:37PM 22	is from the Osage website, and one is I believe a 1975 annual report published by the tribe.
04:14:41PM 23 04:14:42PM 24	<ul><li>Q. None of your interest figures in Column B take into account</li></ul>	04:17:41PM 23	Q. Okay. Now, would you go and show me the information you
04:14:42PM 24	anything in Column L, do they?	04:17:43PM 24	used for the Osage from 1972 forward?
04.14.55PM	Jacqueline M. Sullivan, RPR	04.17.40°M <b>±</b> 0	Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	656		·
			658
04:14:55PM	A. No. The interest column takes into consideration interest	04:17:49PM <b>1</b>	محم A. Would you like summary information, sir, or detailed
04:14:55PM <b>1</b> 04:14:59PM <b>2</b>	<b>A.</b> No. The interest column takes into consideration interest earned on the money sitting in the IIM system.	04:17:49PM <b>1</b> 04:18:14PM <b>2</b>	
-			A. Would you like summary information, sir, or detailed
04:14:59PM <b>2</b>	earned on the money sitting in the IIM system.	04:18:14PM <b>2</b>	<b>A.</b> Would you like summary information, sir, or detailed information?
04:14:59PM 2 04:15:02PM 3	earned on the money sitting in the ITM system. <b>Q.</b> Is that interest that was actually earned or is that	04:18:14PM 2 04:18:14PM 3	<ul> <li>A. Would you like summary information, sir, or detailed information?</li> <li>Q. Let's start off with the summary and see if that won't do</li> </ul>
04:14:59PM 2 04:15:02PM 3 04:15:05PM 4	earned on the money sitting in the ITM system. Q. Is that interest that was actually earned or is that interest that someone has gone back and calculated as having	04:18:14PM 2 04:18:14PM 3 04:18:17PM 4	<ul> <li>A. Would you like summary information, sir, or detailed information?</li> <li>Q. Let's start off with the summary and see if that won't do the trick. If you turn to page 150 behind tab Osage A. Okay.</li> </ul>
04:14:59PM 2 04:15:02PM 3 04:15:05PM 4 04:15:12PM 5	earned on the money sitting in the ITM system. <b>Q.</b> Is that interest that was actually earned or is that interest that someone has gone back and calculated as having should have been earned?	04:18:14PM 2 04:18:14PM 3 04:18:14PM 4 04:18:36PM 5	<ul> <li>A. Would you like summary information, sir, or detailed information?</li> <li>Q. Let's start off with the summary and see if that won't do the trick. If you turn to page 150 behind tab Osage A. Okay. And we're in Defendants' Exhibit 372.</li> </ul>
04:14:59PM 2 04:15:02PM 3 04:15:05PM 4 04:15:12PM 5 04:15:13PM 6	<ul> <li>earned on the money sitting in the HM system.</li> <li>Q. Is that interest that was actually earned or is that interest that someone has gone back and calculated as having should have been earned?</li> <li>A. These are based on investment reports and audits and other</li> </ul>	04:18:14PM 2 04:18:14PM 3 04:18:17PM 4 04:18:36PM 5 04:18:36PM 6	<ul> <li>A. Would you like summary information, sir, or detailed information?</li> <li>Q. Let's start off with the summary and see if that won't do the trick. If you turn to page 150 behind tab Osage A. Okay.</li> <li>And we're in Defendants' Exhibit 372.</li> <li>A. That's correct. So you'll see beginning in 1972 the total</li> </ul>
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	659		661
04:19:41PM 1	<b>A.</b> And the next column lists the funds that were transferred	04:22:30PM 1	<b>Q.</b> Okay. Now, look forward to the next page of this, which
04:19:45PM 2	into the IIM system.	04:22:37PM 2	would be Bates page 151. And I notice that there are a whole
04:19:46PM 3	Q. Okay. Now, the column that had the \$4,600,000, and I'm	04:22:45PM 3	range of percentages that are being used there. How were those
04:19:54PM <b>4</b>	approximating under Column D on this, is that right, those then	04:22:52PM <b>4</b>	toward the bottom. Are you with me?
04:19:59PM 5	are largely going to individual Indians who have a headright	04:22:53PM 5	A. Lam.
04:20:06PM 6	interest, correct?	04:22:54PM 6	<b>Q.</b> I see five different percentages and averages. How are
04:20:06PM 7	A. There are also corporations and nonlindians that hold head-	04:22:58PM 7	those then used in any of your calculations?
04:20:14PM 8	right interest.	04:23:01PM 8	A. As you turn to the page previous you can see where we're
04:20:14PM 9	<b>Q.</b> There are a few, but most of them and still even today are	04:23:07PM 9	utilizing percentages in our calculation, so for years where we
04:20:18PM 10	individual Indians, correct?	04:23:11PM 10	weren't able to locate a hundred percent of the documentation we
04:20:20PM 11	A. I haven't studied that.	04:23:14PM <b>11</b>	had to estimate what the payment was that came into the IIM
04:20:20PM 12	<b>Q.</b> So then you're showing a-million-one-fifty or	04:23:17PM <b>12</b>	system.
04:20:24PM 13	a-million-five-hundred-four-thirty coming into the IIM system?	04:23:17PM 13	Q. Can you just take me from showing me where one of these
04:20:30PM 14	A. That's correct.	04:23:22PM <b>14</b>	percentages is used somewhere so that I can follow what you're
04:20:31PM 15	<b>Q.</b> That is a number that then goes on to your chart?	04:23:25PM 15	saying?
04:20:34PM 16	A. That's correct.	04:23:25PM 16	A. Certainly. For instance, in 1930 we only were able to
04:20:34PM 17	Q. So that when we go to DX371 for 1972, we see \$1.5 million,	04:23:30PM 17	identify 75 percent. I apologize, if you flip back to the first
04:20:42PM 18	correct?	04:23:38PM 18	page.
04:20:43PM 19	A. I'm sorry. I'm flipping pages. Yes, you do.	04:23:43PM 19	Q. What year again?
04:20:49PM <b>20</b>	Q. Okay. And so that none of the \$4.6 million that was paid	04:23:45PM <b>20</b>	A. To 1880, or excuse me, 1887, you'll see that the estimated
04:20:56РМ 21	directly to individual Indians, whatever part of that was paid	04:23:51PM <b>21</b>	IIM payment column is color-coded and you'll see that the first
04:21:01PM <b>22</b>	to individual Indians, is included in your chart?	04:23:55PM <b>22</b>	section is in blue and the next section is in yellow in that
04:21:04PM <b>23</b>	A. I did not include payment from the tribal trust system, no.	04:24:00PM 23	column.
04:21:07PM <b>24</b>	<b>Q.</b> Right. And your understanding of the Osage is based on	04:24:03PM <b>24</b>	<b>Q.</b> Oh, down toward the bottom of the page?
04:21:12PM <b>25</b>	what?	04:24:05PM <b>25</b>	A. It's the column that says H. The first half is blue and
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	660		662
04:21:12PM <b>1</b>	A. I'm sorry, my understanding of what component of the Osage?	04:24:09PM	then at the very bottom it's yellow, and as you continue to page
04:21:17PM <b>2</b>	Q. That it's in the tribal trust and being paid out of the	04:24:13PM <b>2</b>	150 it's yellow at the top.
04:21:22PM 3	tribal trust?	04:24:15PM 3	Q. Yes.
04:21:23PM 4	A. That's correct.	04:24:15PM <b>4</b>	A. So those correspond with the percentages with the similar
04:21:25PM 5	Q. Yes. And how did you get that understanding?	04:24:19PM 5	colors on page 151.
04:21:27PM 6	A. Because I watched I traced the transactions crediting	04:24:23PM 6	Q. Oh, okay. So if I go to page 151 and I see a blue, that
04:21:32PM 7	into the IIM system, and then I began reviewing financial	04:24:28PM 7	means that it's 31.2 percent was used between 1880 and 1925?
04:21:35PM 8	documents.	04:24:38PM 8	A. No. Only for the years that are in the blue coloring, so
04:21:36PM 9	Q. Okay. And so in your calculation you're treating all of	04:24:41PM 9	it would be 1887 is the first year we carry forward through to
04:21:39PM 10	that money as being tribal money; is that correct?	04:24:50PM 10	1925.
04:21:43PM <b>11</b>	A. I'm not making an assessment of that other money, only that	04:24:51PM <b>11</b>	<b>Q.</b> Well, I'll need to study this some more obviously and ask
04:21:46PM <b>12</b>	it doesn't come into the IIM system.	04:24:55PM <b>12</b>	you more questions about it, but what we have, we got all
04:21:48PM 13	<b>Q.</b> Okay. So that even if it was paid to individual Indians	04:25:00PM 13	different percentage, is primarily what I'm wanting to ask you.
04:21:53PM <b>14</b>	from the Treasury, you're not viewing that as being coming into	04:25:04PM <b>14</b>	<b>A.</b> Over time a different amount of the Osage annuity came into
04:21:57PM 15	the IIM system?	04:25:08PM 15	the IIM system, and as you
04:21:58PM 16	A. No, I am not.	04:25:12PM <b>16</b>	$\ensuremath{\textbf{Q}}\xspace.$ Maybe let me get at it this way. There are times where you
04:21:59PM 17	Q. And that's a part that is what then drives what you said	04:25:16PM <b>17</b>	don't know actually how much came in, you don't have any
04:22:05PM 18	was roughly a \$10 billion difference between your calculations	04:25:21PM <b>18</b>	documentary evidence as to how much actually came in in your
04:22:09PM 19	and the plaintiffs' calculations?	04:25:25PM 19	opinion to the IIM system so you have calculated percentages
04:22:11PM <b>20</b>	A. Including interest, yes.	04:25:30PM 20	based on other years where you do have information to apply
04:22:13PM <b>21</b>	<b>Q.</b> Now, for prior periods does this chart help us at all in	04:25:33PM <b>21</b>	against the total in those years?
04:22:18PM 22	terms of explaining how you calculated Osage?	04:25:35PM <b>22</b>	<b>A.</b> That's correct, for certain time frames.
04:22:21PM <b>23</b>	A. This is the summary chart, so you could continue back	04:25:38PM 23	<b>Q.</b> So for certain of the Osage time frames these are estimated
04:22:25PM <b>24</b>	through to the chart to see all of the different historical	04:25:43PM <b>24</b>	amounts that have come into the IIM system?
04:22:28PM <b>25</b>	documents that we had available and those that we did not.	04:25:45PM <b>25</b>	A. Yes, based on the other years and documents that we
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
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	Official Court Reporter	662 of 683	Official Court Reporter

04:25:48PM 1	663	04:28:36PM	665 Description So that has not affected any of the percentage
2	located. Q. Now, let me ask you this question. Look at on Bates page	2	<b>Q.</b> Right. So that has not affected any of the percentage below, correct?
2		2	A. That's correct.
	151, 1985, '86, and '87. In those years you show that there was that you've located a hundred percent of the documents.	04:28:44PM 3	<ul><li>Q. Because previously when you had calculated AR-171 you had</li></ul>
04:26:06PM 4	Do you see that?	04:28:45PM 4	used, you had calculated the Osage a little differently,
04:26:10PM 6	<b>A.</b> I do.	04:28:56PM 6	correct?
04:26:10PM <b>7</b>	Q. So you found everything?	04:28:56PM <b>7</b>	<b>A.</b> We've been able to locate additional documents since the
04:26:12PM 8	A. I did.	04:29:00PM 8	last time we prepared an RS-71.
04:26:13PM 9	Q. And very few checks, correct?	04:29:03PM 9	<b>Q.</b> So much of what is in this notebook that we were given
04:26:18PM 10	A. That's correct.	04:29:07PM 10	today for Osage is now in terms of your analysis of DX371?
04:26:19PM <b>11</b>	Q. And virtually all of the money in those three years you	04:29:13PM <b>11</b>	A. Information prior to 1972. I believe that after 1972 this
04:26:24PM <b>12</b>	show is coming into the IIM system?	04:29:21PM <b>12</b>	information is consistent.
04:26:27PM 13	A. That's correct.	04:29:23PM 13	MR. DORRIS: Your Honor, I got through as much of this
04:26:27PM <b>14</b>	Q. Now, were each of those Osage headright owners, did they	04:29:25PM <b>14</b>	notebook as I could over the long lunch break we had today and I
04:26:34PM 15	have IIM accounts?	04:29:31PM 15	really almost had no time to review other stacks of exhibits
04:26:37PM 16	A. In this year, these three years excuse me were a bit	04:29:35PM 16	that we got. I'd be more than happy to proceed on with the
04:26:40PM 17	of an anomaly. This was right as Osage was converting into I RMS	04:29:40PM 17	examination, but I will tell you I think it would be much more
04:26:45PM <b>18</b>	in 1988. It's my understanding that these payments were made	04:29:45PM <b>18</b>	efficient and we will use less time if I will be permitted to
04:26:49PM <b>19</b>	similar fashion but from the special deposit accounts. The	04:29:48PM <b>19</b>	have a chance to study this and understand it a little better
04:26:53PM <b>20</b>	direct pay component was paid and the balances was transferred	04:29:51PM <b>20</b>	and continue the examination on Monday.
04:26:57PM <b>21</b>	down to individual accounts.	04:29:54PM <b>21</b>	MR. QUINN: We have no objection to that, your Honor,
04:26:58PM <b>22</b>	Q. Let me ask my question again. My question was: Did each	04:29:59РМ 22	as long as it continues on Monday.
04:27:02PM <b>23</b>	one of those Osage headright owners have an IIM account?	04:30:02РМ 23	MR. DORRIS: It will continue on Monday.
04:27:09PM <b>24</b>	A. I'm sorry, I thought I had answered that. These funds were	04:30:03PM <b>24</b>	THE COURT: That's reasonable to me.
04:27:13PM 25	credited into a special deposit account. Some of the money was	04:30:06РМ 25	MR. DORRIS: I'm sorry. I felt like I interrupted
	Jacqueline M. Sullivan, RPR		Jacqueline M. Sullivan, RPR
	Official Court Reporter		Official Court Reporter
	664		666
04:27:17PM <b>1</b>	664 transferred to individual accounts and some was paid via check	04:30:11PM <b>1</b>	666 you.
04:27:17PM <b>1</b> 04:27:20PM <b>2</b>		04:30:11PM <b>1</b> 04:30:12PM <b>2</b>	
_	transferred to individual accounts and some was paid via check		you.
04:27:20PM 2	transferred to individual accounts and some was paid via check from the special deposit account.	04:30:12PM <b>2</b>	you. THE COURT: I was closing up my papers.
04:27:20PM 2 04:27:23PM 3	transferred to individual accounts and some was paid via check from the special deposit account. <b>Q.</b> You obviously think you're answering my question, and it's	04:30:12PM 2 04:30:14PM 3	you. THE COURT: I was closing up my papers. MR. DORRIS: I would say that clearly with the
04:27:20PM 2 04:27:23PM 3 04:27:27PM 4 04:27:31PM 5 04:27:36PM 6	<ul><li>transferred to individual accounts and some was paid via check from the special deposit account.</li><li>Q. You obviously think you're answering my question, and it's late in the day and I've looked at a lot of new material today.</li></ul>	04:30:12PM         2           04:30:14PM         3           04:30:18PM         4           04:30:23PM         5           04:30:23PM         6	you. THE COURT: I was closing up my papers. MR. DORRIS: I would say that clearly with the information it's clear that there's information from Dr.
04-27-20PM 2 04-27-23PM 3 04-27-27PM 4 04-27-37PM 5 04-27-37PM 6 04-27-36PM 7	transferred to individual accounts and some was paid via check from the special deposit account. <b>Q.</b> You obviously think you're answering my question, and it's late in the day and I've looked at a lot of new material today. I thought it was kind of a yes-or-no deal. Do all of the Osage	04:30:12PM 2 04:30:14PM 3 04:30:18PM 4 04:30:23PM 5 04:30:25PM 6 04:30:25PM 7	you. THE COURT: I was closing up my papers. MR. DORRIS: I would say that clearly with the information it's clear that there's information from Dr. Scheuren that is extensive that we are going to need to review and we're going to run into the same thing next week. THE COURT: Yes, we are. What's the story on
0427209M         2           0427239M         3           0427239M         4           042731PM         5           042734PM         6           042734PM         6           042734PM         7           042742PM         8	<ul> <li>transferred to individual accounts and some was paid via check from the special deposit account.</li> <li>Q. You obviously think you're answering my question, and it's late in the day and I've looked at a lot of new material today.</li> <li>I thought it was kind of a yes-or-no deal. Do all of the Osage headright owners other than the corporate ones have individual Indian IIM accounts?</li> <li>A. I don't know if all of the Osage headright owners have</li> </ul>	04:30:12PM         2           04:30:14PM         3           04:30:18PM         4           04:30:23PM         5           04:30:23PM         6           04:30:23PM         7           04:30:23PM         8	you. THE COURT: I was closing up my papers. MR. DORRIS: I would say that clearly with the information it's clear that there's information from Dr. Scheuren that is extensive that we are going to need to review and we're going to run into the same thing next week. THE COURT: Yes, we are. What's the story on Scheuren's data?
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	667	669
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2		2 I, JACQUELINE M. SULLIVAN, Official Court Reporter,
04:31:42PM 2	has to prepare cross-examination on this kind of stuff over a	<ul><li>3 certify that the foregoing pages are a correct transcript from</li></ul>
04:31:46PM 3	lunch hour that means he's going to get several days. We're	<ul><li>4 the record of proceedings in the above-entitled matter.</li></ul>
04:31:49PM <b>4</b>	just going to have to adjourn and come back. I don't want to do	5
04:31:53PM 5	that. I want to get this data in their hands, so come on, get	JACQUELINE M. SULLIVAN
04:31:57PM 6	them in the plaintiffs' hands.	6
04:31:59PM 7	MR. WARSHAWSKY: To the extent the plaintiffs are	7
04:32:00PM 8	compiling any analyses.	
04:32:02PM 9	THE COURT: Of course.	8
04:32:04PM 10	MR. WARSHAWSKY: Thank you.	9
04:32:05PM <b>11</b>	MR. DORRIS: Thank you, your Honor.	10
04:32:07PM <b>12</b>	THE COURT: I think that's it for the week, is it?	11
04:32:12PM 13	All right, Ms. Herman, you'll be back here on Monday.	12
04:32:14PM <b>14</b>	THE WITNESS: Yes, your Honor.	13
04:32:15PM 15	THE COURT: I guess you will.	14
04:32:17PM <b>16</b>	All right. Have a pleasant weekend everybody.	15
04:32:17PM 13	MR. DORRIS: Thank you, your Honor.	16
10	(Proceedings adjourned at about 4:32 p.m.)	17
04:32:21PM 18		18
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	Jacqueline M. Sullivan, RPR	Jacqueline M. Sullivan, RPR
	Official Court Reporter	Official Court Reporter
	668	
1	668 INDEX.	
2	I N D E X.	
23		
2 3 4	I N D E X. WITNESSES:	
2 3 4 5	I N D E X. WITNESSES: MICHELLE HERMAN	
2 3 4 5 6	I N D E X. WITNESSES:	
2 3 4 5 6 7	I N D E X. WITNESSES: MICHELLE HERMAN	
2 3 4 5 6 7 8	I N D E X. WITNESSES: MICHELLE HERMAN	
2 3 4 5 6 7 8 9	I N D E X. WITNESSES: MICHELLE HERMAN	
2 3 4 5 6 7 8 9 10	I N D E X. WITNESSES: MICHELLE HERMAN	
2 3 4 5 6 7 8 9 10 11	I N D E X. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586	
2 3 4 5 6 7 8 9 10 11 12	I N D E X. WITNESSES: MICHELLE HERMAN	
2 3 4 5 6 7 8 9 10 11 12 13	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS	
2 3 4 5 6 7 8 9 10 11 12	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs'	
2 3 4 5 6 7 8 9 10 11 12 13 14	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit	
2 3 4 5 6 7 8 9 10 11 12 13	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs'	
2 3 4 5 6 7 8 9 10 11 12 13 14 15	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	INDEX.   WITNESSES:   MICHELLE HERMAN   Torss-examination by Mr. Dorris     EXHIBITS   Plaintiffs'   Exhibit   No. Identification Marked Admitted   117 599	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	INDEX. WITNESSES: MICHELLE HERMAN Cross-examination by Mr. Dorris 586 EXHIBITS Plaintiffs' Exhibit No. Identification Marked Admitted	

\$	<b>123</b> [1] - 613:22	612:1, 612:12,	584:14	<b>395</b> [1] - 586:3
P	<b>132.5</b> [1] - 617:7	612:17, 612:19,	202-354-3187 [1] -	<b>3:37</b> [1] - 639:2
	<b>14th</b> [2] - 583:15,	612:20, 613:22,	584:18	<b>3:45</b> [1] - 639:1
<b>\$10</b> [1] - 660:18	583:23	614:10, 615:4,	202-585-0053 [1] -	<b>3.43</b> [1] - 033.1
			= =	
<b>\$105</b> [1] - 599:16	<b>150</b> [3] - 602:7, 658:4,	615:14, 618:19,	583:24	4
<b>\$158</b> [2] - 653:16,	662:2	619:10	202-824-1448 [1] -	
653:18	<b>151</b> [4] - 661:2, 662:5,	<b>1974</b> [2] - 620:7,	583:16	4
<b>\$20</b> [1] - 626:5	662:6, 663:3	621:16	<b>20th</b> [5] - 596:13,	<b>4</b> [7] - 596:8, 597:1,
<b>\$243</b> [1] - 628:15	<b>156.8</b> [4] - 655:8,	<b>1975</b> [2] - 620:7,	596:14, 598:6,	597:10, 600:8,
<b>\$250</b> [1] - 628:10	655:9, 655:14,	657:22	598:9, 598:11	601:25, 603:5,
<b>\$3.198</b> [1] - 620:25	655:20	<b>1978</b> [1] - 617:10	<b>21</b> [2] - 607:18, 621:13	625:25
<b>\$4,600,000</b> [1] - 659:3	<b>158.7</b> [4] - 652:14,	<b>1982</b> [2] - 617:14,	<b>26</b> [1] - 617:6	<b>4.6</b> [1] - 659:20
<b>\$550</b> [1] - 603:4	652:19, 653:13,	617:18	<b>27101</b> [1] - 584:5	404-815-6450 [1] -
<b>\$565</b> [1] - 599:23	654:2	<b>1983</b> [3] - 620:24,	<b>28</b> [3] - 604:20,	583:20
<b>\$580</b> [1] - 621:11	<b>171</b> [1] - 585:20	621:3, 624:19	604:21, 626:3	<b>413</b> [1] - 586:3
\$6,100,000 [1] -	<b>1880</b> [2] - 661:20,	<b>1984</b> [3] - 591:9,	<b>2800</b> [1] - 583:19	<b>419</b> [1] - 617:12
	662:7	620:24, 621:3	<b>2:37</b> [1] - 599:8	<b>42</b> [1] - 621:7
658:11	<b>1887</b> [4] - 599:20,	<b>1985</b> [10] - 591:11,		<b>423</b> [1] - 586:3
<b>\$600</b> [2] - 617:15,	654:5, 661:20, 662:9	604:9, 604:19,	3	<b>424</b> [1] - 586:3
617:19		622:3, 623:4,	3	<b>425</b> [1] - 586:3
	<b>1908</b> [1] - 599:20	624:12, 625:17,		
•	<b>1920</b> [1] - 654:5		36 101 610-5 610-7	<b>426</b> [1] - 586:3
	<b>1921</b> [4] - 592:15,	626:16, 649:17,	<b>3.6</b> [3] - 612:5, 612:7,	<b>426.6</b> [1] - 625:25
	600:12, 600:25,	663:3	612:9	<b>427</b> [1] - 586:3
<b>'21</b> [1] - 602:1	601:24	<b>1986</b> [2] - 591:8, 629:5	<b>30</b> [10] - 596:25,	<b>428</b> [1] - 586:3
<b>'51</b> [2] - 589:7, 602:1	<b>1925</b> [2] - 662:7,	<b>1988</b> [3] - 633:6,	597:10, 597:16,	<b>429</b> [1] - 586:3
<b>'72</b> [7] - 592:12,	662:10	651:23, 663:18	597:25, 599:15,	<b>43.7</b> [1] - 629:6
614:24, 618:23,	<b>1930</b> [1] - 661:16	<b>1990</b> [1] - 633:6	599:22, 600:8,	<b>430</b> [1] - 586:3
623:2, 623:22,	<b>1934</b> [10] - 588:24,	<b>1995</b> [1] - 631:8	600:25, 601:25,	<b>431</b> [1] - 586:3
657:9, 657:11	589:4, 590:12,	<b>1996</b> [3] - 631:9,	603:5	<b>432</b> [1] - 586:4
<b>'75</b> [1] - 621:16	590:17, 592:13,	631:14, 631:16	<b>300</b> [2] - 614:8, 614:9	<b>433</b> [1] - 586:4
<b>'83</b> [1] - 621:5	592:16, 600:22,	<b>1997</b> [1] - 626:23	30309-4530 [1] -	<b>44</b> [1] - 616:21
<b>'84</b> [1] - 621:6	601:3, 601:18,	<b>1999</b> [1] - 634:8	583:20	<b>445.8</b> [1] - 626:1
<b>'85</b> [2] - 623:22,	602:12	1:57 [1] - 583:7	<b>30th</b> [2] - 596:12,	<b>46</b> [1] - 621:7
649:22	<b>1945</b> [2] - 589:4,		597:18	<b>462</b> [1] - 621:7
<b>'86</b> [3] - 644:13,	590:12	2	<b>31.2</b> [1] - 662:7	
	<b>1946</b> [3] - 589:6,	L	<b>333</b> [1] - 584:17	<b>474</b> [1] - 585:17
649:21, 663:3 <b>'87</b> [1] - 663:3	591:3, 591:9		<b>336-607-7392</b> [1] -	<b>475</b> [1] - 585:17
67 [1] - 003.3	<b>1950</b> [1] - 589:7	<b>2.6</b> [1] - 614:24	584:5	<b>477</b> [1] - 585:17
		<b>2.8</b> [1] - 615:10	<b>342</b> [2] - 585:13,	<b>478</b> [1] - 585:18
1	<b>1951</b> [9] - 588:25,	<b>2000</b> [1] - 607:21		<b>479</b> [1] - 585:18
	591:13, 592:16,		614:20	<b>480</b> [1] - 585:18
	600:12, 601:1,	<b>20001</b> [1] - 584:17	<b>370</b> [1] - 585:9	<b>481</b> [1] - 585:18
<b>1.5</b> [1] - 659:17	601:4, 601:18,	<b>20005</b> [3] - 583:16,	<b>371</b> [10] - 585:12,	<b>485</b> [1] - 585:18
<b>1.8</b> [2] - 611:12,	601:24, 602:12	583:24, 584:9	585:19, 585:25,	<b>486</b> [1] - 585:18
611:13	<b>1952</b> [3] - 595:7,	<b>2002</b> [1] - 651:23	586:6, 596:8, 624:4,	<b>49</b> [1] - 617:11
<b>1001</b> [1] - 584:4	595:9, 655:7	<b>20044</b> [1] - 584:14	624:25, 637:2,	<b>491</b> [1] - 585:19
<b>11.1</b> [2] - 654:6, 654:9	<b>1971</b> [3] - 595:9,	<b>2007</b> [8] - 587:1,	648:13, 652:12	<b>492</b> [1] - 585:21
<b>1100</b> [2] - 583:19,	655:7, 655:20	597:6, 628:3,	<b>372</b> [7] - 589:12,	<b>495</b> [1] - 585:22
584:8	<b>1972</b> [23] - 595:7,	628:23, 628:24,	593:14, 601:20,	<b>496</b> [1] - 585:23
<b>115</b> [2] - 627:7, 627:9	598:13, 603:21,	631:17, 640:23,	604:21, 607:19,	
<b>116</b> [2] - 612:15,	604:8, 604:19,	641:24	624:22, 658:5	<b>4:32</b> [1] - 667:18
614:20	613:22, 616:24,	<b>2008</b> [12] - 583:7,	<b>373</b> [1] - 639:7	<b>4th</b> [3] - 596:11, 598:2,
<b>117</b> [3] - 599:6, 599:7,	617:2, 618:18,	596:8, 596:25,	<b>38</b> [1] - 602:7	628:14
668:16	619:9, 622:3,	597:1, 597:10,	<b>38.2</b> [3] - 601:21,	-
<b>118</b> [4] - 617:7,	622:23, 623:4,	597:16, 597:25,	602:1, 602:7	5
	624:12, 624:19,	598:6, 599:15,	<b>380</b> [1] - 586:2	
623:23, 624:22	656:9, 657:13,	599:22, 600:25,	<b>381</b> [1] - 586:2	
	657:25, 658:6,	601:25		<b>50</b> [1] - 614:9
<b>119</b> [1] - 628:15		301.20	<b>385</b> [1] - 586:2	<b>57</b> (4) 617.14
<b>12</b> [2] - 583:7, 630:4			206 141 500.0	<b>57</b> [1] - 617:14
<b>12</b> [2] - 583:7, 630:4 <b>120</b> [3] - 607:10,	658:11, 659:17,	202-307-0010 [1] -	<b>386</b> [1] - 586:2	<b>586</b> [1] - 668:6
<b>12</b> [2] - 583:7, 630:4			<b>386</b> [1] - 586:2 <b>387</b> [1] - 586:2 <b>391</b> [1] - 586:3	

6	592:6, 635:4,	628:21, 628:25,	662:24	approximate [1] -
0	653:10, 655:5,	665:7	Anadarko [1] - 618:19	626:5
	661:10, 661:16,	adds [1] - 610:7	analyses [1] - 667:8	approximates [2] -
<b>6.6</b> [1] - 615:5	665:7	adjourn [1] - 667:4	analysis [7] - 585:23,	594:17, 594:19
<b>6.7</b> [1] - 614:11	above-entitled [1] -	adjourned [1] - 667:18	593:11, 602:20,	approximating [1] -
<b>607</b> [2] - 583:15,	669:4	adjustment [1] - 626:6	604:4, 653:10,	659:4
583:23	access [2] - 607:20,	adjustments [5] -	665:10, 666:21	<b>AR</b> [1] - 628:11
<b>6720</b> [1] - 584:16	607:25	625:1, 625:14,	analyze [2] - 608:16,	AR-117 [1] - 599:14
0/20 [1] - 304.10	account [23] - 595:20,	625:22, 626:4, 626:9	643:19	<b>AR-171</b> [24] - 587:7,
7	639:13, 639:14,	administration [1] -	Andersen [2] - 631:20,	587:13, 587:20,
7	639:15, 639:19,	643:7	633:6	588:2, 590:16,
	639:20, 639:21,	administrative [6] -	Andersen 's [2] -	594:16, 596:6,
<b>7.6</b> [1] - 611:17	640:10, 644:22,		632:3, 632:14	596:24, 597:3,
<b>7.9</b> [1] - 614:25	645:5, 645:9,	610:14, 642:18,		
	645:13, 645:17,	643:1, 643:3,	<b>Angel</b> [23] - 588:7,	597:6, 597:8,
<b>73</b> [1] - 618:23	646:10, 646:15,	643:14, 650:14	588:16, 588:17,	597:15, 599:3,
<b>75</b> [1] - 661:17	646:17, 647:15,	admit [1] - 586:6	588:18, 588:20,	599:14, 601:25,
•	647:25, 655:24,	Admitted [1] - 668:15	589:1, 589:5,	625:15, 626:25,
8	663:23, 663:25,	admittedly [1] -	590:21, 590:25,	628:13, 628:24,
	664:2	627:12	591:10, 591:19,	631:2, 631:8, 637:2,
<b>00</b> /// E00/0		advisement [1] -	592:1, 592:6, 592:8,	648:8, 665:4
<b>80</b> [1] - 586:2	accountholder [2] -	586:15	594:8, 595:18,	AR-176 [1] - 610:17
<b>85</b> [1] - 586:2	639:17, 645:1	affect [1] - 664:22	595:24, 600:18,	AR171 [1] - 585:13
<b>862</b> [1] - 611:17	accounting [3] -	affected [2] - 631:8,	601:10, 603:10,	archives [2] - 595:21,
<b>88</b> [2] - 586:2, 616:21	630:9, 630:12,	665:1	656:22, 666:19	596:2
<b>89</b> [1] - 586:2	630:14	afternoon [4] - 585:4,	annual [3] - 601:9,	area [19] - 609:16,
-	Accounting [2] -	586:24, 586:25,	603:16, 657:22	613:1, 614:2, 614:5,
9	606:5, 606:9	638:20	annuity [4] - 656:24,	614:10, 614:12,
	accounts [36] -	AFTERNOON [1] -	658:7, 662:14	614:14, 614:24,
	585:22, 594:18,	583:11	Annuity [1] - 664:15	615:5, 615:8,
<b>90</b> [1] - 586:3	594:19, 594:21,	agencies [8] - 614:13,	anomalies [3] - 609:5,	615:11, 615:14,
<b>900</b> [1] - 583:23	594:23, 594:25,	616:21, 617:2,	609:7, 615:16	616:21, 617:3,
<b>96</b> [1] - 586:2	595:3, 595:4, 595:5,	617:6, 617:11,	anomaly [1] - 663:17	617:15, 617:18,
<b>96-1285</b> [1] - 583:5	595:11, 595:14,	617:14, 617:18,	answer [4] - 591:25,	618:19, 623:21
<b>975</b> [1] - 584:13	595:17, 596:3,	620:16	592:7, 646:3, 657:6	arrow [2] - 639:23,
<b>98</b> [1] - 587:4	639:22, 640:3,	agency [15] - 609:17,	answered [2] -	647:8
	640:10, 643:19,	611:8, 612:24,	629:24, 663:24	arrows [2] - 648:16,
Α	645:7, 645:20,	613:5, 613:22,	answering [1] - 664:3	649:2
	645:23, 646:14,	613:25, 614:7,	anticipated [1] -	Arthur [4] - 631:20,
	648:1, 648:3, 648:4,	614:8, 614:22,	666:17	632:3, 632:14, 633:6
<b>A-01</b> [1] - 629:18	648:6, 650:13,	615:4, 618:10,	Antonio [2] - 611:4,	assessment [2] -
<b>A-07</b> [2] - 615:4,	650:14, 650:15,	621:3, 639:12, 641:2	611:14	615:15, 660:11
615:13	663:15, 663:19,	ago [1] - 595:21	apiece [1] - 608:20	assistant [1] - 596:23
<b>A-1.1</b> [4] - 589:10,	663:21, 664:1,	ahead [1] - 658:13	apologize [4] -	Associates [3] -
589:13, 592:5,	664:7, 664:9	aided [1] - 584:22	606:22, 617:17,	588:7, 634:13, 635:7
601:12	accuracy [4] - 615:18,	<b>al</b> [2] - 583:4, 583:7	619:11, 661:17	assumes [1] - 640:2
<b>A-10</b> [5] - 612:12,	615:21, 622:10,	Alaska [3] - 620:12,	appear [7] - 593:12,	assuming [4] -
612:17, 613:23,	622:14	620:14, 620:15	593:17, 604:18,	628:14, 637:7,
621:1, 621:3	accurate [5] - 615:22,	allow [2] - 641:18,	617:21, 625:14,	637:9, 650:21
A-62 [1] - 612:19	646:20, 653:15,	641:19	645:3, 652:9	assumption [1] -
<b>A-7</b> [1] - 614:22	655:2, 655:4	almost [2] - 628:10,	APPEARANCES [3] -	613:4
a-million-eight [1] -	acknowledged [2] -	665:15	583:13, 583:25,	assure [1] - 586:18
611:11	609:12, 609:22	altogether [1] - 613:7	584:1	Atlanta [1] - 583:20
a-million-five-	Act [1] - 590:23	•	appeared [1] - 609:19	attempt [1] - 646:3
hundred-four-thirty	Action [1] - 583:5	amount [14] - 588:18,		
[1] - 659:13	activity [1] - 625:5	599:15, 602:12,	application [2] -	attempting [1] -
a-million-one-fifty [1]	actual [2] - 657:9,	618:11, 625:5,	666:11, 666:12	650:24
- 659:12	657:11	631:5, 643:14,	apply [1] - 662:20	Attorney [1] - 584:11
	add [1] - 627:25	644:2, 644:3, 644:6,	applying [1] - 600:19	audit [11] - 631:15,
<b>A01.1</b> [1] - 589:21	added [1] - 610:10	648:16, 658:7,	approach [1] - 590:8	631:20, 631:23,
<b>A07</b> [1] - 615:10	additional [4] -	658:11, 662:14	appropriate [2] -	632:6, 633:4, 633:9,
able [8] - 591:25,		amounts [2] - 641:23,	590:22, 626:9	634:8, 634:23,
	1	1		

634:25, 635:2, 635:6 audited [7] - 631:9, 631:11, 631:13, 632:21, 633:12, 634:17, 635:4 auditors [6] - 633:13, 633:19, 633:24, 633:25, 634:5 audits [3] - 595:12, 634:3, 656:6 authorization [1] -640:8 available [14] - 589:7, 591:8, 595:10, 596:1, 604:16, 613:15, 616:9, 628:5, 642:2, 642:8, 642:9, 660:25, 666:10, 666:13 Avenue [1] - 584:17 averages [1] - 661:6 averaging [1] - 620:21 aware [3] - 595:15, 596:2, 640:12

## В

backup [1] - 603:8 Balance [1] - 652:13 balance [24] - 613:16, 613:21, 626:7, 630:1, 631:21, 631:24.651:14. 651:18, 652:5, 652:8, 652:17, 652:19, 652:22, 653:14, 654:7, 654:10, 654:12, 654:17, 655:7, 655:9, 655:12, 655:15, 655:21 balances [13] - 607:5, 613:23, 613:25, 624:3. 625:3. 626:13, 626:14, 634:16, 652:2, 652:25, 653:7, 653:11, 663:20 bank [1] - 639:15 Based [1] - 651:25 based [22] - 591:9, 593:24, 596:4, 598:5, 598:25, 602:15, 603:17, 604:5, 606:13, 635:6, 650:8, 651:23, 652:4, 652:5, 652:9, 654:8, 654:15, 656:6,

659.24 662.20 662:25, 666:23 basing [1] - 603:21 basis [2] - 603:15, 603:16 Bates [13] - 589:15, 589:22, 590:2, 601:20, 607:6, 607:10, 607:11, 607:18, 612:15, 613:22, 623:23, 661:2, 663:2 beautifully [1] - 619:8 becomes [1] - 591:8 BEFORE [1] - 583:11 began [2] - 631:14, 660:7 begin [3] - 585:6, 604:23 Beginning [2] -626:14, 631:9 beginning [10] -587:9, 599:19, 624:3. 625:3. 625:17, 626:7, 626:13, 644:18, 652:2,658:6 behalf [1] - 640:10 behind [2] - 591:16, 658:4 below [2] - 664:18, 665:2 Ben [1] - 584:13 beneficial [2] - 646:5, 646:14 beneficiaries [10] -629:6, 630:11, 640:3, 641:25, 645:6, 645:13, 645:18, 645:20, 645:22.646:3 beneficiary [8] -639:25, 640:8, 644:23, 645:4, 645:8, 646:5, 653:3 benefit [1] - 624:14 best [4] - 629:13, 649:12, 655:5, 657:3 better [5] - 592:6, 592:9, 598:20, 632:23, 665:19 between [15] - 594:20, 600:8, 601:3, 602:1, 602:12, 603:5, 626:25, 628:11, 648:3, 652:21, 652:24, 653:9, 654:5, 660:18, 662:7 beyond [1] - 641:16 BIA [7] - 595:1,

595:12, 595:13, 639:14, 639:15, 639:20, 639:21 bid [3] - 640:21, 644:2, 647:4 Billings [3] - 620:9, 620:10 billion [1] - 660:18 binder [8] - 585:13, 585:25, 588:25, 589:2, 589:9, 590:4, 590:6, 606:11 **bit** [5] - 592:11, 600:21, 610:21, 629:23, 663:16 blank [3] - 610:2, 610:4, 610:5 blanks [1] - 616:25 blow [3] - 598:19, 599:1, 611:5 blue [6] - 635:25, 653:2, 661:22, 661:25, 662:6, 662:8 blurry [1] - 598:21 bonds [1] - 647:4 books [1] - 633:20 **bottom** [12] - 589:17, 602:6, 607:20, 611:5, 611:16, 621:5, 621:6, 624:1, 639:23, 661:4, 661:24, 662:1 box [5] - 635:25, 645:3, 646:23, 650:16, 653:2 Box [1] - 584:13 boxes [3] - 639:9, 640:20, 651:3 Branch [1] - 584:12 break [3] - 638:21, 648:3, 665:14 breakout [2] - 601:15, 601:18 bring [3] - 628:9, 629:7, 652:12 brown [2] - 640:20, 651:3 business [1] - 593:19 **BY** [11] - 586:23, 590:1, 590:10, 599:9, 607:9, 612:10, 614:16, 624:18, 639:6, 641:22, 646:4 С C.P.A [1] - 633:16 C50 [1] - 620:11

C59 [1] - 620:11 calculate [7] - 591:18, 593:13, 602:11, 602:12, 628:7, 664:18, 664:19 calculated [18] -588:10, 622:21, 632:5. 632:24. 651:23.652:4. 652:21, 652:25, 653:13, 653:21, 654:9, 655:11, 656:4, 657:7, 660:22, 662:19, 665:4, 665:5 calculating [1] -654:19 calculation [15] -586:5, 591:22, 621:12, 651:8, 652:9.653:7. 653:15, 654:15, 656:7, 656:8, 656:21, 656:24, 657:4, 660:9, 661:9 calculations [11] -588:13, 593:24, 603:8, 603:11, 625:23, 655:13, 655:19, 660:18, 660:19, 661:7, 664:23 California [1] - 620:5 cannot [1] - 612:3 Caren [2] - 623:12, 623:19 Carolina [1] - 584:5 carried [1] - 655:15 carry [1] - 662:9 cases [1] - 634:1 cash [5] - 626:14, 630:20, 634:16, 641:14, 641:21 category [4] - 644:24, 646:24, 648:22, 649.13 caused [1] - 598:16 causes [1] - 629:1 CEI [2] - 635:13, 635:15 certain [8] - 618:3, 629:25, 635:17, 640:23, 650:3, 656:13, 662:22, 662:23 Certainly [1] - 661:16 certainly [1] - 666:9 CERTIFICATE [1] -669:1 certify [1] - 669:3

chance [4] - 586:12, 586:16, 599:11, 665:19 change [5] - 596:18, 598:1, 600:5, 608:8, 629.1 changed [2] - 596:16, 600.15 changes [7] - 617:25, 626:25, 627:3, 627:4, 627:20, 627:21, 628:8 characterize [1] -623:5 characterized [2] -639:24, 650:3 characterizing [1] -650:10 chart [56] - 588:9, 591:12, 591:13, 591:16, 592:12, 593:1, 593:11, 593:12, 593:16, 594:12, 596:8, 596:13, 598:1, 598:12, 598:16, 598:23, 598:25, 601:6, 602:3, 602:5, 602:6, 602:8, 604:18, 605:18, 613:2, 616:16, 617:10, 617:21, 618:14, 622:11, 622:15, 625:25, 627:2, 628:9, 628:10, 628:11, 635:22, 637:20, 639:7, 639:8, 639:23, 640:2, 647:9, 647:18, 647:22, 648:23, 650:24, 652:12, 653:3, 653:12, 654:20, 659:15, 659:22, 660:21, 660:23.660:24 check [7] - 599:12, 608:11, 621:20, 629:16, 639:19, 658:23, 664:1 checked [1] - 616:8 checks [3] - 639:13, 639:14, 663:9 CHRISTOPHER [1] -584:7 chronologically [1] -587:25 Civil [2] - 583:5, 584:12 clear [6] - 599:13,

603.7 603.19 661:23, 661:25, consider [4] - 586:16, 593:11, 593:23, 638:3, 638:5, 640:1, 666:4, 666:22, 664:11 594:3, 594:10, 640:4, 640:8, 647:16, 648:5, 666:24 594:17, 595:1, 640:20, 640:24, **Column** [4] - 624:12, 650·18 655:24, 655:25, 640:25.641:5. clearly [2] - 650:12, 595:5, 595:6, 596:5, consideration [5] -666.3 659.4 596.9.596.11 641:8.641:9. 640:5, 651:17, **Clifton** [4] - 605:21, columns [4] - 600:6, 652:10, 653:6, 656:1 596:12.596:14. 642:24.643:2. 607:17, 608:13, 596:15, 596:17, 643:24, 644:15, 608:5, 610:19, 621:5 consistent [6] - 600:1, 597:7. 597:14. 644:24.645:10. 602:16, 613:16, 609.12 coming [6] - 612:24, 597:17, 597:24, 647:1, 647:9, closing [1] - 666:2 637:23, 638:16, 634:22, 648:10, 598:4, 598:13, 647:10, 647:13, COBELL [1] - 583:3 659:13, 660:14, 665.12 598:14, 598:17, 647:20, 647:21, code [6] - 629:16, 663:12 consists [1] - 666:10 599:20, 599:21, 648:16, 648:17, 629:25, 630:3, Commercial [1] -Constitution [1] -599:24, 600:10, 648:23, 649:6, 630:4, 630:5, 630:17 584:12 584:17 600:13, 600:23, 649:11, 650:20, coded [1] - 661:21 common [1] - 614:2 construct [2] - 647:19, 601:1, 601:2, 601:5, 651:3, 651:10, coding [1] - 629:21 comparison [1] -647:24 601:13, 601:16, 651:20, 652:3, 628:9 consuming [3] collect [1] - 604:2 601:17, 601:18, 653:5, 653:20, compiled [1] - 608:14 636:22, 636:23, Collected [1] - 643:4 601:19, 602:2, 653:22, 654:3, compiling [2] -636:24 collected [5] - 614:24, 603:18, 603:22, 654:4, 654:7, 614:25, 615:4, 666:17,667:8 contained [2] - 593:2, 604:3, 604:5, 654:22, 655:10, 615:5, 615:14 complete [3] - 615:20, 641:4 604:22, 605:2, 655:13, 655:16, 616:10, 622:24 collection [13] - 588:4, containing [1] -655:20, 655:23, 605:11, 605:17, completely [1] -607.25 593:8, 593:19, 656:18, 656:19, 605:23, 606:7, 604.16 context [1] - 629:11 601:14.606:15. 606:20, 607:11, 657:2, 657:3, 658:6, 606:17, 606:18, completeness [2] continue [4] - 660:23, 607:12, 607:14, 658:12, 659:6, 625:5, 629:18, 587:16, 627:10 662:1, 665:20, 608:10, 609:3, 659:10, 659:14, 632:5. 633:7. 646:9. component [2] -665:23 609:14, 609:23, 659:16, 659:18, 660:1.663:20 continued [1] - 627:14 666:21 610:8, 610:15, 660:4, 660:10, collections [23] computation [1] continues [1] - 665:22 611:8, 611:11, 662:22, 663:9, 588:23, 593:20, 653:25 continuing [1] -611:17, 612:17, 663:10, 663:13, 599:15, 600:25, computations [1] -649:15 612:18, 612:24, 664:11, 664:15, 601:3, 603:23, 603:25 conversation [1] -612:25, 613:7, 664:16, 665:2, 604:1, 608:24, compute [2] - 642:4, 629:8 614:1, 615:1, 615:2, 665:3, 665:6, 669:3 617:22, 617:25, 642:5 conversations [9] -615:8, 615:19, correctly [1] - 650:22 623:1.628:1. computed [1] - 642:3 608:13, 608:15, 616:7, 616:13, correspond [1] -628:12.629:17. computer [2] - 584:22, 608:18, 608:19, 616:14, 616:25, 662:4 629:19.631:12. 666:11 608:21, 619:15, 617:4, 617:5, count [1] - 616:22 632:3. 635:4. computer -aided [1] -619:25, 623:14, 617:19, 617:20, counted [3] - 616:20, 637:10, 638:12, 584:22 623:18 618:3, 618:4, 617:11, 629:19 648:24, 656:14, con't [2] - 583:25, converting [1] -618:21, 618:22, counting [2] - 629:20, 656:15 663:17 584:1 620:18, 622:4, 637:10 collects [2] - 615:10, concentrate [1] copies [4] - 616:5, 622:5, 622:7, couple [2] - 587:21, 615:11 616:9, 616:10, 611:2 622:11, 622:19, 618:18 color [2] - 585:20, 625:18 concerned [1] -622:20, 622:22, course [1] - 667:9 661:21 copy [10] - 589:23, 632:24 623:2, 623:3, 623:5, COURT [27] - 583:1, color-coded [1] concerns [1] - 634:5 596:23, 597:4, 626:2, 626:3, 626:6, 585:5, 585:11, 661.21 599:4, 599:5, 612:8, conclusion [1] -626:17, 626:24, 586:10, 586:15, coloring [1] - 662:8 615:25, 616:3, 645:25 627:2, 627:18, 586:20, 590:9, colors [1] - 662:5 624:5, 624:14 conditions [1] -627:19, 627:24, 607:8, 612:5, 612:7, COLUMBIA [1] - 583:1 corporate [1] - 664:6 634:16 628:17, 628:23, 614:5, 614:10, column [25] - 588:8, corporations [1] confirm [3] - 589:2, 630:2, 630:9, 614:15, 624:16, 593:16, 593:23, 659:7 633:8, 657:14 630:11, 630:16, 638:22, 638:24, 599:14, 600:7, Correct [1] - 624:23 confirmed [1] - 638:15 631:18, 631:20, 641:18, 646:1, 609:4, 611:14, correct [212] - 587:22, confused [1] - 625:8 631:25, 632:1, 665:24, 666:2, 611:21, 616:24, 588:11, 589:14, conjunction [1] -633:7, 633:14, 666:7, 666:14, 617:6, 624:24, 590:13, 590:14, 630:19 633:20, 633:21, 666:18, 666:24, 648:14, 649:2, 590:16, 591:2, connection [1] - 586:5 633:23, 634:22, 667:9, 667:12, 652:13, 656:1, 591:4, 591:5, consecutive [1] -636:6, 636:7, 667:15 658:8, 658:14, 591:15, 591:23, 618:11 636:10, 636:13, **Court** [7] - 584:15, 658:21, 659:1, 592:14, 592:17, conservative [1] -637:12, 637:13, 584:16, 586:1, 659:3, 661:21, 592:20, 592:24, 633:1 637:22, 637:25,

586:6. 624:15. 639:1, 669:2 court [1] - 621:22 Courthouse [1] -584:16 COURTROOM [3] -585:2, 639:1, 639:3 cover [1] - 586:4 covered [1] - 637:2 covering [1] - 656:12 CPNR [2] - 651:24, 651:25 created [1] - 628:24 credited [1] - 663:25 crediting [1] - 660:6 credits [1] - 630:20 Cross [1] - 668:6 cross [3] - 585:6, 608:1,667:2 cross-examination [1] - 667:2 **Cross-examination** [1] - 668:6 cross-tab [1] - 608:1 Crown [1] - 639:12 current [1] - 651:17

D

**D-00** [1] - 618:19 **D.C** [6] - 583:6, 583:16, 583:24, 584:9, 584:14, 584:17 DANIEL [1] - 584:3 dash [3] - 610:1, 610:3, 610:6 data [44] - 587:16, 588:25, 589:7, 591:8, 594:21, 595:10, 602:15, 602:16, 603:9, 604:11, 604:12, 604:13, 605:20, 609:23, 610:5, 610:6. 610:9. 610:10, 610:24, 613:16, 616:3, 620:2, 622:23, 623:10, 626:10, 626:11, 626:12, 627:10, 642:6, 642:14, 649:14, 649:16, 651:5, 651:24, 657:9, 657:10, 657:12, 657:16, 657:18, 666:8, 666:10, 666:12, 667:5

database [11] -607:21, 607:25, 608:7, 608:8, 608:12, 608:16, 616:6, 616:16, 627:12, 627:15, 627:17 date [3] - 598:8, 598:10, 651:25 dated [3] - 596:14, 596:25, 597:9 **DAVID** [1] - 584:3 days [6] - 596:16, 598:3, 598:15, 599:23, 667:3 deal [3] - 586:17, 664:5, 666:20 debit [1] - 630:18 decided [1] - 590:21 decision [2] - 594:11, 594:13 decreases [1] - 617:24 deduction [1] - 651:17 Defendants [2] -583.8.584.6 defendants [1] - 585:7 Defendants ' [22] -585:9.585:13. 585:17, 585:18, 585:22, 585:23, 585:25, 586:2, 586:6, 589:12, 596:7, 604:21, 607:19, 624:4, 624:22, 624:25, 639:7.648:13. 652:12, 658:5 Defense [2] - 585:21, 601:20 define [1] - 650:16 defining [1] - 646:3 demonstrate [1] -650:24 DENNIS [1] - 583:14 Dennis [1] - 583:14 Department [5] -584:8, 584:11, 606:4, 606:9, 634:11 department [1] - 641:2 deposit [5] - 644:2, 650:13, 663:19, 663:25,664:2 deposited [1] - 639:20 deposits [2] - 640:21, 647.4 DEPUTY [3] - 585:2, 639:1.639:3 derived [1] - 592:22 descent [1] - 639:13 describe [4] - 629:9,

629:11, 629:13, 634:14 described [1] - 648:10 destination [1] - 650:3 detailed [3] - 604:25, 627:4, 658:1 determine [10] -586:16, 601:4, 613:13, 637:17, 643:21, 644:15, 645:13, 646:13, 646:20, 651:2 determined [1] - 588:5 developed [1] -587:20 devoted [1] - 587:2 dies [1] - 591:13 difference [12] -630:23, 632:9, 652:17, 652:19, 652:21, 652:24, 653:9, 653:16, 654:1, 654:2, 655:8, 660·18 Difference [1] - 652:13 differences [1] - 631:2 different [14] - 587:21, 590:15, 605:3, 605:6, 615:2, 644:16, 647:5, 653:7, 654:3, 657:7, 660:24.661:6. 662:13.662:14 differential [1] -593.25 differently [2] - 657:7, 665:5 difficult [5] - 620:25, 635:24, 636:20, 636:23, 638:12 direct [3] - 628:18, 641:17, 663:20 directly [4] - 643:8, 644:22, 658:21, 659:21 DIRK [1] - 583:7 disappeared [1] -603:5 disbursed [7] -639:19, 641:24, 650:11, 651:13, 651:14, 654:7 disbursement [27] -588:4. 593:8. 593:19, 603:14, 606:16, 606:19, 611:10, 611:15, 611:16, 615:17, 618:5, 626:12, 628:1, 631:22,

639.8 640.24 644:22.647:7. 647:11, 647:15, 648:22, 649:13, 650·18.650·21. 651:8, 651:22, 652:2 disbursements [40] -592:19, 593:21, 598:20, 603:23, 607:4, 607:13, 608:24, 610:10, 612:1, 612:23, 614:1, 621:10, 623:1, 626:15, 629:20, 631:13, 631:24, 632:4, 633:7, 634:17, 635:3, 637:1, 637:10, 640:20, 643:19.648:11. 648:14, 648:24, 648:25, 649:1, 649:6, 649:18, 649:19, 649:20, 650:17, 652:25, 653:10, 654:9, 654:16 Disbursements [1] -639.22 disclosed [1] - 633:4 discovered [2] -595:18. 621:22 discuss [2] - 592:9, 657:5 discussed [10] -585:16, 592:2, 592:8, 594:8, 600:16, 621:25, 629:8, 629:16, 634:3, 643:10 discussing [3] -594:9, 614:9, 636:19 display [1] - 602:9 distribution [2] -630:6, 630:19 DISTRICT [3] - 583:1, 583:1, 583:12 Division [1] - 584:12 document [10] -586:5, 589:5, 604:24, 606:1, 606:8, 607:15, 634:7, 634:10, 634:20, 642:15 documentary [1] -662:18 documentation [2] -661:10, 664:25 documents [21] -585:15, 585:24,

591.19 591.24 642:7, 642:16, 643:21, 643:22, 643.23 643.25 656:7, 658:14, 658:17, 658:18, 660:8, 660:25, 662:25.663:4. 664:20, 665:7, 666:21 dollar [5] - 618:11, 618:21, 624:20, 628:2 dollars [1] - 590:24 done [13] - 592:7, 596:1, 628:9, 633:3, 638:14, 638:15, 640:13, 640:17, 645:12, 646:12, 646:13, 646:20, 651:2 Dorris [1] - 668:6 DORRIS [32] - 583:18, 586:8, 586:11, 586:18, 586:21, 586:23, 589:25, 590:1, 590:8, 590:10, 599:9, 607:9, 612:6, 612:9, 612:10, 614:16, 624:13, 624:18, 638:20, 638:23, 638:25, 639:5, 639:6, 641:22, 646:4, 665:13, 665:23, 665:25, 666:3, 666:20, 667:11, 667:17 down [21] - 588:19, 599:12, 607:19, 609:4, 611:14, 615:8, 616:15, 616:24, 617:2, 620:25, 621:5, 627:21, 627:24, 628:10, 629:10, 635:8, 636:12, 648:3, 661:24, 663:21 Dr [40] - 588:17, 588:18, 588:20, 588:25, 589:5, 590:21, 590:25, 591:10, 591:19, 592:1, 592:6, 592:8, 592.19 594.2 594:8. 595:18. 595:24.596:22. 598:7, 598:11, 599:22, 600:17,

600:24.601:9. 601:10, 601:14, 602:11, 602:13, 602:16, 602:18, 603:6. 603:8. 603:13.603:22. 604:4,656:22, 666:4.666:10. 666:19 draft [3] - 597:17, 597:19, 597:20 drafts [2] - 597:11, 597:13 drives [1] - 660:17 Dunne [14] - 605:25, 606:14, 607:20, 609:12, 609:22, 616:5. 618:24. 619:12, 619:16, 623:12, 623:18, 623:19, 626:1 Dunne's [1] - 625:23 duplication [1] -636:19 during [9] - 594:5, 613:15, 617:22, 623:11, 627:1, 631:19, 643:15, 652:1, 664:19 During [1] - 664:24 DX [2] - 589:10, 637:2 DX371 [4] - 651:6, 659:17, 664:11, 665:10 Ε e-mail [5] - 593:2, 593:4, 593:5, 593:6, 593:10 earlier-year [1] -619:17 early [4] - 587:11, 587:12, 587:14, 590:23 earned [6] - 656:2, 656:3, 656:5, 656:7, 656:9, 656:10 earnings [1] - 656:23 easier [2] - 590:5, 590:6 Edward [1] - 666:19

effect [4] - 619:23,

650:4, 651:11,

effectively [1] - 619:7

efficient [1] - 665:18

effort [1] - 645:12

efforts [3] - 587:9,

651:15

635:19 eight [2] - 593:14, 611:11 either [1] - 636:8 electronic [11] -585:22, 594:21, 595:10, 604:13, 604:15, 608:7, 616:1, 616:4, 642:6, 642:14, 657:8 eliminated [1] - 637:5 ELLIOTT [1] - 583:17 ELOUISE [1] - 583:3 employed [1] - 605:21 employee [1] - 639:20 employee's [2] -639:15, 639:21 employees [1] -639:14 end [2] - 612:22, 632:15 ending [3] - 652:21, 652:22, 654:7 ends [1] - 614:9 enlightened [1] -614:15 entered [2] - 616:3, 616:6 entire [4] - 585:24, 586:4, 600:19, 656:12 entirety [2] - 588:9, 626:10 entitled [2] - 653:4, 669:4 equal [1] - 649:7 era [1] - 585:22 **ESQ** [11] - 583:14, 583:17, 583:18, 583:21, 583:22, 584:3, 584:3, 584:6, 584:7, 584:7, 584:10 essence [1] - 609:20 essentially [4] -633:18.634:1. 635:3, 635:23 established [1] -646:10 estimate [14] - 588:6, 588:20.589:1. 589:4, 591:18, 592:10, 600:18, 601:9, 622:16, 622:18, 623:5, 656:15, 661:11, 664:25 estimated [12] -593:18, 622:20, 622:22, 623:2, 623:6, 623:7,

623:11, 623:22, 654:16, 661:20, 662:23 et [2] - 583:3, 583:7 etcetera [1] - 646:24 Etcetera [1] - 646:25 evaluate [1] - 638:10 evaluated [1] - 638:18 evidence [4] - 585:7, 585:24, 586:7, 662:18 exact [2] - 618:10, 618:21 exactly [3] - 587:14, 621:10, 623:7 examination [4] -665:17, 665:20, 667:2, 668:6 example [12] - 619:9, 620:7, 629:5, 629:11, 629:14, 629:23, 630:24, 640:23, 642:17, 643:10, 647:25, 654:5 examples [3] - 585:17, 629:7.630:23 excerpted [1] - 585:24 Excuse [4] - 594:25, 611:12, 634:23, 641:16 excuse [4] - 606:15, 649:21, 661:20, 663.16 Exhibit [24] - 585:9, 585:13, 585:18, 585:21, 585:25, 586:2, 586:6, 589:12, 596:8, 599:6. 599:7. 601:20, 604:21, 607:19, 614:20, 624:4, 624:22, 624:25, 634:6, 639:7, 648:13, 652:12, 658:5, 668.14 exhibit [2] - 586:1, 592.5 exhibits [5] - 585:7, 586:11, 586:13, 628:11, 665:15 Exhibits [1] - 585:17 **expect** [2] - 586:13, 658:18 expecting [1] - 646:9 Explain [1] - 594:14 explain [10] - 608:3, 609:17, 618:25, 619:6, 628:18,

629.4 629.22 646:2, 652:11, 653:17 explained [3] - 603:4, 609:15, 619:8 explaining [2] -650:12, 660:22 express [2] - 633:13, 634.2 extensive [1] - 666:5 extensively [2] -605:9, 635:23 extent [7] - 603:9, 637:4, 637:5, 644:8, 648:5, 648:19, 667:7 external [1] - 645:12 F facilitate [1] - 629:8 fact [15] - 605:11, 610:20, 618:2, 629:16, 636:20, 638:1, 638:8, 638:11, 640:9, 643:6, 645:13, 646:15, 651:1, 653:6, 664:21 factor [2] - 651:12, 651:19 fair [7] - 592:4, 605:13, 605:15, 606:12, 626:21, 641:15, 653:12 fairness [2] - 590:25, 599:18 faithfully [1] - 599:10 fall [1] - 650:17 familiar [1] - 626:20 familiarity [1] - 595:23 fashion [2] - 630:15, 663:19 favorable [3] - 632:10, 632:15 FDI [2] - 606:6, 606:10 February [1] - 625:17 fees [6] - 642:18, 643:1, 643:3, 643:7, 643:14, 647:4 fell [1] - 599:24 felt [3] - 590:24, 632:25, 665:25 few [6] - 596:16, 598:3, 599:18, 626:17, 659:9, 663:9 fewer [1] - 590:24 fifteen [7] - 588:21, 589:6, 590:20, 591:3, 591:6, 591:9,

608:23 Fifteen [1] - 590:17 fifteen-year [1] fifty [1] - 659:12 figure [3] - 601:21, 618:21, 635:24 figures [3] - 598:24, 621:19, 655:24 fill [2] - 609:9, 627:13 final [3] - 597:22, 625:25, 651:17 finance [3] - 604:11, 604:14, 605:5 financial [10] - 633:19, 633:22, 633:23, 635:20, 642:7, 642:15, 643:20, 643:22, 660:7 fine [2] - 590:4, 590:7 Fine [1] - 596:23 firm [4] - 588:6, 588:12, 605:21, first [21] - 585:13, 593:12, 594:17, 596:24. 598:6. 599:14, 607:6, 610:19, 616:24, 624:11, 631:19, 632:9, 632:12, 632:17, 632:25, 634:7, 652:16, 661:17, 661:21, 661:25, 662:9 five [5] - 585:14, 598:15, 620:25, 659:13, 661:6 flag [3] - 618:12, 618:23, 622:9 flags [1] - 620:18 flip [1] - 661:17

608:23

606.3

flipping [1] - 659:19

Floor [1] - 583:15

flow [3] - 585:16,

594:1, 647:20

flowing [1] - 651:3

flows [1] - 594:1

649.21

586.22

focus [1] - 610:18

focused [2] - 587:9,

follow [1] - 661:14

foregoing [1] - 669:3

forestry [1] - 629:14

form [3] - 585:24,

forth [2] - 610:25,

609:1, 609:2

FOR [2] - 583:1,

flowchart [1] - 585:10

28 of 36 sheets

655:20	Gingold [1] - 583:14	headright [7] - 657:19,	659:13, 661:10,	654:25
forward [11] - 587:25,	given [9] - 587:8,	657:21, 659:5,	663:4	include [6] - 585:9,
589:3, 590:17,	594:2, 596:10,	663:14, 663:23,		593:5, 647:2,
591:4, 626:16,	600:24, 608:7,	664:6, 664:8		648:19, 656:11,
649:22, 657:9,	627:12, 630:24,	hear [1] - 646:19	-	659:23
657:11, 657:25,	648:9, 665:9	heard [2] - 586:8,		included [12] - 591:21
661:1, 662:9	<b>GL</b> [1] - 657:16	650:1	Identification [1] -	593:6, 593:8,
four [7] - 608:19,	GL-230611 [1] - 648:7	held [5] - 641:10,	668:15	599:19, 646:24,
608:21, 640:20,	GLDL [5] - 604:25,	641:11, 641:12,	identification [1] -	648:21, 649:8,
658:18, 658:19,	605:20, 613:17,	641:14, 641:21	599:8	650:15, 656:14,
659:13	625:9, 625:12	help [3] - 611:4, 629:9,	identified [5] - 599:4,	656:18, 659:22,
fourteen [1] - 608:23	<b>GLDLB</b> [2] - 607:5,	660:21	637:4, 637:6,	664:14
Fourth [1] - 584:4	613:21	Herman [8] - 585:15,	648:20, 650:8	includes [4] - 645:17,
frame [15] - 590:22,	GLDLD [2] - 607:6	586:5, 586:24,	identify [5] - 586:1,	647:3, 652:7, 666:13
594:18, 594:19,	GLDLD-1 [1] - 610:22	610:19, 614:17,	635:19, 642:15,	Including [1] - 660:20
594:20, 599:19,	GLDLR [2] - 607:3,	639:7, 649:1, 667:13	653:10, 661:17	including [3] - 587:7,
600:19, 600:20,	623:25	HERMAN [2] - 586:22,	identifying [1] - 650:9	587:15, 642:20
613:15, 625:13,	GLGLD [1] - 607:4	668:5	<b>IIM</b> [79] - 587:2, 588:6,	income [2] - 646:22,
626:17, 636:17,	GLGLDC [1] - 594:22	Herman's [1] - 585:8	588:15, 588:19,	647:3
654:15, 656:12,		high [1] - 626:12	588:23, 590:12,	incomplete [4] -
657:5, 664:24	government [8] -	0	590:24, 592:11,	622:5, 622:7, 622:8,
frames [3] - 657:7,	632:15, 642:20,	higher [4] - 632:6,	592:12, 592:15,	627:12
662:22, 662:23	642:22, 642:23,	632:17, 632:25, 633:1	593:13, 600:7,	inconsistent [1] -
Franklin [1] - 584:13	642:25, 643:8,		600:11, 600:19,	622:12
fraud [4] - 640:5,	643:15, 666:25	highlighted [5] -	600:22, 601:4,	incorporated [1] -
640:12, 640:15,	green [1] - 646:23	585:19, 585:21,	601:7, 601:24,	602:14
640:12, 640.13, 640:17	Greg [1] - 623:16	611:3, 634:13,	602:15, 603:20,	
	<b>Griffen</b> [2] - 634:13,	634:15	625:19, 629:6,	increases [1] - 617:24
<b>FTI</b> [2] - 646:12,	635:7	Historical [2] - 606:5,	636:10, 636:12,	Indian [3] - 590:23,
646:19	group [1] - 648:3	606:9	637:12, 637:16,	639:16, 664:7
fund [2] - 634:16,	guess [4] - 604:8,	historical [14] -	637:18, 637:21,	Indians [6] - 646:13,
651:18	645:21, 657:6,	585:16, 586:4,	637:23, 638:2,	659:5, 659:10,
funds [9] - 585:9,	667:15	589:5, 590:19,	638:4, 638:8, 638:9,	659:21, 659:22,
625:5, 636:4,	GUILDER [1] - 583:22	600:17, 601:10,	638:16, 638:17,	660:13
637:15, 647:20,	Gunnerson [4] -	647:20, 654:17,	640:3, 640:8,	indicate [1] - 655:14
651:2, 659:1, 663:24	605:21, 607:17,	654:18, 654:24,	640:24, 641:1,	indicated [2] - 620:1,
	608:14, 609:12	655:5, 655:12,	641:8, 641:25,	622:18
G		656:23, 660:24	642:19, 642:22,	indicates [3] - 610:3,
	H	<b>hold</b> [2] - 645:20,	643:7, 644:22,	610:4, 610:5
<b>010</b>		659:7		indicating [3] -
<b>GAO</b> [5] - 594:19,		holder [1] - 641:13	645:4, 645:6, 645:8, 645:13, 645:17,	585:19, 655:3, 655:8
594:20, 595:5,	half [1] - 661:25	holders [2] - 640:11,	645:19, 645:22,	individual [22] - 608:6,
595:20, 596:2	halfway [1] - 617:10	645:7	646:3, 647:5,	636:3, 639:16,
gap [1] - 657:13	hand [2] - 587:17	Honor [21] - 585:4,	647:12, 647:20,	639:22, 640:3,
gaps [8] - 609:8,	hand-in-hand [1] -	586:8, 586:21,		640:10, 644:25,
609:9, 609:13,	587:17	590:8, 607:7, 612:6,	648:6, 650:10,	646:13, 647:14,
609:18, 609:20,	handed [2] - 624:13,	614:7, 624:13,	650:14, 653:3,	648:1, 648:4, 648:6,
609:23, 609:24,	624:15	629:15, 638:20,	653:14, 655:21,	659:5, 659:10,
627:13	hands [2] - 667:5,	638:25, 639:5,	656:2, 659:2,	659:21, 659:22,
gathered [3] - 589:1,	667:6	641:16, 645:24,	659:13, 660:7,	660:13, 663:21,
600:18, 601:11	handwriting [1] -	665:13, 665:21,	660:12, 660:15,	664:1, 664:6, 664:9
general [11] - 604:12,	589:17	666:9, 666:20,	661:11, 661:21,	individuals [3] -
604:25, 635:5,	happy [1] - 665:16	667:11, 667:14,	662:15, 662:19,	588:14, 608:13,
635:8, 635:9,	hard [9] - 612:8,	667:17	662:24, 663:12,	609:15
	615:25, 616:3,	HONORABLE [1] -	663:15, 663:23,	Information [1] -
635:23, 636:15,	616:5, 616:9,	583:11	664:7, 664:12	665:11
635:23, 636:15, 638:11, 638:14,			IMC [1] - 636:18	information [69] -
		hour [3] - 607:1.		
638:11, 638:14, 643:11, 643:12	616:10, 624:14,	hour [3] - 607:1, 608:20, 667:3	impacted [1] - 602:24	
638:11, 638:14,	616:10, 624:14, 625:18, 636:16	608:20, 667:3	implementation [2] -	588:3, 592:18,
638:11, 638:14, 643:11, 643:12 general's [1] - 636:2	616:10, 624:14, 625:18, 636:16 HARPER [1] - 583:21	608:20, 667:3 hours [1] - 608:21	-	588:3, 592:18, 598:3, 598:5, 598:7,
638:11, 638:14, 643:11, 643:12 general's [1] - 636:2 generally [1] - 657:18	616:10, 624:14, 625:18, 636:16	608:20, 667:3	implementation [2] -	588:3, 592:18,

				1
599:11, 600:4,	656:11, 656:14,	<b>JR</b> [2] - 584:3, 584:6	629:2, 643:12, 665:8	look [62] - 586:12,
604:4, 604:14,	656:21, 656:23,	Judge [2] - 629:24,	Last [1] - 643:5	588:2, 588:24,
604:17, 605:18,	659:6, 659:8, 660:20	647:17	late [1] - 664:4	589:2, 590:11,
607:16, 608:1,	Interfund [1] - 635:11	JUDGE [1] - 583:12	Law [1] - 583:14	593:14, 597:3,
608:14, 608:22,	interfund [4] - 635:12,	judgment [2] - 596:20,	layman's [1] - 634:1	598:18, 598:24,
609:8, 609:13,	636:5, 637:1, 637:14	640:22	leased [1] - 646:9	599:13, 601:20,
609:16, 609:19,	Interior [6] - 583:7,	judgments [1] -		601:24, 606:12,
613:16, 615:19,	606:5, 606:9,	596:21	leasees [1] - 643:8	609:4, 609:25,
616:1, 617:4, 617:7,	634:11, 635:1, 636:4	June [13] - 583:7,	leasing [1] - 618:1	610:13, 610:20,
619:10, 622:2,	Interior's [1] - 635:9	587:12, 596:8,	least [6] - 587:21,	610:25, 611:16,
622:10, 622:15,	internal [4] - 585:9,	596:11, 597:1,	594:9, 613:25,	611:25, 612:11,
622:24, 625:9,	595:12, 649:18,	597:10, 598:2,	615:4, 632:12,	612:12, 614:17,
625:11, 625:17,	649:19	600:8, 601:25,	632:17	616:15, 616:20,
626:19, 627:23,	interrupted [1] -	603:5, 625:25,	ledger [3] - 604:12,	616:24, 617:2,
631:11, 631:16,	665:25	628:13, 648:9	604:25, 605:1	617:10, 618:5,
631:19, 631:24,	intrafund [4] - 635:11,	Justice [2] - 584:8,	ledgers [3] - 605:3,	618:14, 618:18,
632:3, 632:22,	635:12, 636:11,	584:11	605:6, 644:20	619:24, 620:7,
633:10, 641:3,	637:1	JUSTIN [1] - 583:22	left [3] - 606:4, 610:2,	620:10, 620:24,
642:2, 642:5, 642:6,	investigate [1] -	<b>JUJ IN</b> [I] - JUJ.22	610:21	621:16, 623:22,
642:8, 642:10,	613:19	V	legal [4] - 607:7,	623:23, 624:1,
642:13, 643:18,	investigation [1] -	K	607:10, 607:13,	624:4, 624:11,
644:16, 644:17,	613:12		645:25	626:11, 627:11,
655:3, 655:5, 656:9,		<b>KEITH</b> [1] - 583:21	legal-size [2] - 607:7,	632:13, 632:18,
656:20, 657:15,	investment [3] -	KEMPTHORNE [1] -	607:10	632:19, 633:20,
657:19, 657:24,	613:14, 641:13,	583:7	Lenexa [1] - 643:25	634:6, 634:10,
658:1, 658:2,	656:6	keying [1] - 625:19	<b>less</b> [7] - 603:1,	634:12, 638:7,
662:20, 665:12,	investments [1] -	<b>Kilpatrick</b> [3] - 583:18,	628:15, 653:19,	642:6, 644:16,
666:4	641:11	583:22, 584:4	654:9, 654:13,	644:19, 648:8,
informed [1] - 616:1	involved [2] - 594:9,	<b>kind</b> [9] - 587:19,	654:16, 665:18	648:13, 657:14,
initial [1] - 605:20	595:1	587:21, 598:19,	<b>level</b> [8] - 609:16,	661:1, 666:22
inquire [1] - 641:19	IRMS [10] - 591:8,	598:21, 619:22,	609:17, 613:6,	looked [11] - 587:22,
inside [2] - 636:12,	625:4, 625:7,	664:5, 664:21, 667:2	613:25, 614:3,	596:7, 600:2,
648:18	625:13, 625:16,	KIRSCHMAN [1] -	614:5, 625:9, 625:11	601:12, 613:14,
inspector [8] - 635:5,	626:17, 626:18,	584:6	LEVITAS [1] - 583:17	617:14, 626:8,
635:8, 635:9,	632:23, 644:18,	knowledge [3] -	light [1] - 656:13	637:14, 637:15,
635:23, 636:2,	663:17 issue [4] - 602:9,	595:13, 646:12,	likely [2] - 590:5,	664:4
636:15, 638:11,		649:12	643:20	Looking [2] - 607:18,
638:13	626:13, 626:15, 636:18	<b>KOHN</b> [1] - 584:7	limited [4] - 605:11,	635:22
instance [15] - 610:11,	issued [1] - 634:13			
			605:12, 605:16,	looking [24] - 589:8,
013.1.013.9.		-	649:16	looking [24] - 589:8, 589:12, 589:13,
613:1, 613:9, 613:14, 617:25,	issues [4] - 587:2,	L	649:16 line [9] - 608:6, 610:1,	589:12, 589:13,
613:14, 617:25,	<b>issues</b> [4] - 587:2, 613:18, 613:19,	L	- 649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5,	589:12, 589:13, 589:18, 591:13,
613:14, 617:25, 630:5, 630:18,	<b>issues</b> [4] - 587:2, 613:18, 613:19, 634:4		649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25,	589:12, 589:13,
613:14, 617:25,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25,	label [1] - 648:2	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22	label [1] - 648:2 Lamey [11] - 605:25,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24	589:12, 589:13, 589:18, 591:13, 591:14, 592:5,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6	label [1] - 648:2 Lamey [11] - 605:25, 606:14, 607:20,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7,	<b>label</b> [1] - 648:2 <b>Lamey</b> [11] - 605:25, 606:14, 607:20, 609:12, 609:22,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18,	<b>label</b> [1] - 648:2 <b>Lamey</b> [11] - 605:25, 606:14, 607:20, 609:12, 609:22, 616:5, 618:25,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 instances [8] -	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23,	<b>label</b> [1] - 648:2 <b>Lamey</b> [11] - 605:25, 606:14, 607:20, 609:12, 609:22, 616:5, 618:25, 619:12, 619:16,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15,	label [1] - 648:2           Lamey [11] - 605:25,           606:14, 607:20,           609:12, 609:22,           616:5, 618:25,           619:12, 619:16,           623:13, 623:18	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23,	label [1] - 648:2           Lamey [11] - 605:25,           606:14, 607:20,           609:12, 609:22,           616:5, 618:25,           619:12, 619:16,           623:13, 623:18           Lamey's [1] - 626:1	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13	label [1] - 648:2           Lamey [11] - 605:25,           606:14, 607:20,           609:12, 609:22,           616:5, 618:25,           619:12, 619:16,           623:13, 623:18           Lamey's [1] - 626:1           Iand [3] - 646:9,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15,	label [1] - 648:2           Lamey [11] - 605:25,           606:14, 607:20,           609:12, 609:22,           616:5, 618:25,           619:12, 619:16,           623:13, 623:18           Lamey's [1] - 626:1           land [3] - 646:9,           646:10, 646:17	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 <b>instead</b> [3] - 608:5,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13	label [1] - 648:2           Lamey [11] - 605:25,           606:14, 607:20,           609:12, 609:22,           616:5, 618:25,           619:12, 619:16,           623:13, 623:18           Lamey's [1] - 626:1           land [3] - 646:9,           646:10, 646:17           language [1] - 607:21	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 <b>looks</b> [1] - 599:23
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 <b>instead</b> [3] - 608:5, 609:17, 629:20	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13 J	label [1] - 648:2         Lamey [11] - 605:25,         606:14, 607:20,         609:12, 609:22,         616:5, 618:25,         619:12, 619:16,         623:13, 623:18         Lamey's [1] - 626:1         land [3] - 646:9,         646:10, 646:17         language [1] - 607:21         large [2] - 632:9,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7 located [6] - 592:2,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 looks [1] - 599:23 Loretta [1] - 639:8
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 <b>instead</b> [3] - 608:5, 609:17, 629:20 <b>intended</b> [1] - 630:15	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13 JACQUELINE [3] -	label [1] - 648:2         Lamey [11] - 605:25,         606:14, 607:20,         609:12, 609:22,         616:5, 618:25,         619:12, 619:16,         623:13, 623:18         Lamey's [1] - 626:1         land [3] - 646:9,         646:10, 646:17         language [1] - 607:21         large [2] - 632:9,         666:21	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7 located [6] - 592:2, 613:17, 658:14,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 looks [1] - 599:23 Loretta [1] - 639:8 lose [1] - 629:6
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 <b>instead</b> [3] - 608:5, 609:17, 629:20 <b>intended</b> [1] - 630:15 <b>interest</b> [20] - 631:12,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13 JACQUELINE [3] - 584:15, 669:2, 669:5	label [1] - 648:2         Lamey [11] - 605:25,         606:14, 607:20,         609:12, 609:22,         616:5, 618:25,         619:12, 619:16,         623:13, 623:18         Lamey's [1] - 626:1         land [3] - 646:9,         646:10, 646:17         language [1] - 607:21         large [2] - 632:9,         666:21         largely [2] - 606:13,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7 located [6] - 592:2, 613:17, 658:14, 658:17, 663:1, 663:4	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 looks [1] - 599:23 Loretta [1] - 639:8 lose [1] - 629:6 lost [3] - 600:21,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 <b>instead</b> [3] - 608:5, 609:17, 629:20 <b>intended</b> [1] - 630:15 <b>interest</b> [20] - 631:12, 631:21, 631:24,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13 JACQUELINE [3] - 584:15, 669:2, 669:5 JAMES [1] - 583:11	label [1] - 648:2         Lamey [11] - 605:25,         606:14, 607:20,         609:12, 609:22,         616:5, 618:25,         619:12, 619:16,         623:13, 623:18         Lamey's [1] - 626:1         land [3] - 646:9,         646:10, 646:17         language [1] - 607:21         large [2] - 632:9,         666:21         largely [2] - 606:13,         659:5	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7 located [6] - 592:2, 613:17, 658:14, 658:17, 663:1, 663:4 Look [8] - 613:21,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 looks [1] - 599:23 Loretta [1] - 639:8 lose [1] - 629:6 lost [3] - 600:21, 617:17, 625:16
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 <b>instances</b> [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 <b>instead</b> [3] - 608:5, 609:17, 629:20 <b>intended</b> [1] - 630:15 <b>interest</b> [20] - 631:12, 631:21, 631:24, 646:5, 646:14,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13 JACQUELINE [3] - 584:15, 669:2, 669:5 JAMES [1] - 583:11 January [1] - 587:11	label [1] - 648:2         Lamey [11] - 605:25,         606:14, 607:20,         609:12, 609:22,         616:5, 618:25,         619:12, 619:16,         623:13, 623:18         Lamey's [1] - 626:1         land [3] - 646:9,         646:10, 646:17         language [1] - 607:21         large [2] - 632:9,         666:21         largely [2] - 606:13,         659:5         larger [1] - 612:4	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7 located [6] - 592:2, 613:17, 658:14, 658:17, 663:1, 663:4 Look [8] - 613:21, 614:22, 618:18,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 <b>looks</b> [1] - 599:23 <b>Loretta</b> [1] - 639:8 <b>lose</b> [1] - 629:6 <b>lost</b> [3] - 600:21, 617:17, 625:16 <b>LSA</b> [1] - 651:4
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 instances [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 instead [3] - 608:5, 609:17, 629:20 intended [1] - 630:15 interest [20] - 631:12, 631:21, 631:24, 646:5, 646:14, 646:17, 655:24,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13 JACQUELINE [3] - 584:15, 669:2, 669:5 JAMES [1] - 583:11 January [1] - 587:11 JOHN [2] - 584:7,	label [1] - 648:2         Lamey [11] - 605:25,         606:14, 607:20,         609:12, 609:22,         616:5, 618:25,         619:12, 619:16,         623:13, 623:18         Lamey's [1] - 626:1         land [3] - 646:9,         646:10, 646:17         language [1] - 607:21         large [2] - 632:9,         666:21         largely [2] - 606:13,         659:5         larger [1] - 612:4         last [6] - 601:25,	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7 located [6] - 592:2, 613:17, 658:14, 658:17, 663:1, 663:4 Look [8] - 613:21, 614:22, 618:18, 621:5, 621:13,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 613:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 <b>looks</b> [1] - 599:23 <b>Loretta</b> [1] - 639:8 <b>lose</b> [1] - 629:6 <b>lost</b> [3] - 600:21, 617:17, 625:16 <b>LSA</b> [1] - 651:4 <b>lunch</b> [5] - 587:8,
613:14, 617:25, 630:5, 630:18, 642:20, 642:24, 643:4, 645:19, 647:3, 648:5, 650:7, 661:16 instances [8] - 609:18, 612:23, 618:24, 621:24, 640:12, 640:14, 643:20, 644:1 instead [3] - 608:5, 609:17, 629:20 intended [1] - 630:15 interest [20] - 631:12, 631:21, 631:24, 646:5, 646:14, 646:17, 655:24, 656:1, 656:3, 656:4,	issues [4] - 587:2, 613:18, 613:19, 634:4 item [3] - 653:25, 654:21, 654:22 items [1] - 608:6 itself [8] - 605:7, 629:21, 632:18, 635:6, 642:23, 643:1, 643:15, 664:13 JACQUELINE [3] - 584:15, 669:2, 669:5 JAMES [1] - 583:11 January [1] - 587:11	label [1] - 648:2         Lamey [11] - 605:25,         606:14, 607:20,         609:12, 609:22,         616:5, 618:25,         619:12, 619:16,         623:13, 623:18         Lamey's [1] - 626:1         land [3] - 646:9,         646:10, 646:17         language [1] - 607:21         large [2] - 632:9,         666:21         largely [2] - 606:13,         659:5         larger [1] - 612:4	649:16 line [9] - 608:6, 610:1, 610:3, 610:4, 610:5, 610:6, 653:25, 654:21, 654:22 lines [1] - 596:24 list [1] - 656:23 lists [4] - 658:7, 658:14, 658:21, 659:1 Litigation [1] - 584:12 LLP [3] - 583:18, 583:22, 584:4 locate [2] - 661:10, 665:7 located [6] - 592:2, 613:17, 658:14, 658:17, 663:1, 663:4 Look [8] - 613:21, 614:22, 618:18,	589:12, 589:13, 589:18, 591:13, 591:14, 592:5, 600:16, 601:6, 606:1, 612:7, 612:22, 613:2, 613:11, 613:18, 615:15, 617:21, 618:9, 624:19, 624:22, 624:24, 637:12, 639:7, 649:23 <b>looks</b> [1] - 599:23 <b>Loretta</b> [1] - 639:8 <b>lose</b> [1] - 629:6 <b>lost</b> [3] - 600:21, 617:17, 625:16 <b>LSA</b> [1] - 651:4 <b>lunch</b> [5] - 587:8, 592:21, 607:1,

М	middle [3] - 585:14,	663:11, 663:25	new [8] - 588:3, 598:3,	632:14, 632:17,
141	598:19, 598:21	monies [5] - 637:11,	625:4, 626:14,	633:1, 644:9, 645:9,
	might [6] - 598:18,	640:22, 647:5,	630:20, 631:1, 664:4	645:17, 646:10,
machine [1] - 584:21	613:7, 614:11,	650:17, 664:12	next [19] - 583:25,	646:18, 651:25,
mail [5] - 593:2, 593:4,	624:14, 629:8,	month [1] - 619:19	604:7, 611:25,	653:8, 654:9,
593:5, 593:6, 593:10	638:20	Moore [1] - 603:10	612:19, 615:10,	658:15, 659:15
major [1] - 630:5	million [46] - 599:16,	Morgan [2] - 588:6,	621:13, 621:19,	numbered [1] - 589:23
majority [2] - 626:22,	599:24, 601:21,	588:15	631:7, 634:15,	numbering [1] -
641:11	602:1, 603:5,	morning [2] - 586:19,	654:22, 658:8,	589:24
manage [1] - 595:3	611:11, 611:12,	624:15	658:14, 658:20,	numbers [44] - 586:1,
managed [4] - 594:18,	611:13, 611:17,	<b>most</b> [4] - 586:11,	658:21, 659:1,	588:5, 588:21,
594:19, 594:23,	612:5, 612:7, 612:9,	587:12, 632:10,	661:1, 661:22,	590:2, 593:1, 593:2,
636:4	614:11, 614:24,	659:9	666:6, 666:18	593:7, 593:19,
management [1] -	615:10, 617:7,	motion [1] - 586:16	ninety [1] - 610:18	594:1, 594:4,
633:18	617:12, 617:15,	<b>move</b> [5] - 585:7,	Ninth [1] - 583:15	603:14, 603:22,
management 's [1] -	617:19, 620:25,	585:23, 587:25,	nobody [2] - 595:11,	603:24, 604:18,
633:23	621:11, 625:25,	589:3, 611:1	595:13	606:15, 606:16,
managing [1] - 594:21	626:2, 626:5, 627:7,	movement [1] - 650:7	none [1] - 659:20	606:17, 606:19,
manual [2] - 635:19,	627:9, 628:11,	moving [1] - 636:12	None [1] - 655:24	613:1, 615:2,
644:20	628:15, 629:6,	<b>MR</b> [43] - 585:4, 585:6,	nonIndians [1] - 659:7	617:11, 621:6,
manually [1] - 604:14	652:14, 652:20,	585:12, 586:8,	nonindividual [4] -	621:25, 622:13,
mapped [1] - 644:8	653:13, 653:16,	586:11, 586:18,	648:1, 648:3, 650:7,	622:21, 623:6,
mapping [11] - 627:22,	653:18, 654:2,	586:21, 586:23,	650:15	623:23, 627:1,
628:22, 629:1,	654:6, 654:9, 655:8,	589:23, 589:25,	nonlabels [1] - 647:25	627:6, 628:22,
629:5, 629:10,	655:9, 655:14,	590:1, 590:8,	NORC [6] - 588:5,	631:21, 631:22,
629:18, 630:25,	655:21, 659:12,	590:10, 599:9,	593:17, 656:16,	632:13, 632:24,
631:1, 631:4,	659:13, 659:17,	607:9, 612:6, 612:9,	656:20, 656:22,	633:5, 637:5, 637:6,
644:11, 649:15	659:20, 666:13	612:10, 614:16,	666:16	646:15, 657:9,
march [1] - 587:20	minute [1] - 616:15	624:13, 624:18,	NORF [1] - 600:18	664:10
March [1] - 628:24	minutes [3] - 608:20,	638:20, 638:23,	North [1] - 584:5	numerous [2] -
marked [4] - 597:19,	626:17, 638:24	638:25, 639:5,	notebook [13] - 587:7,	595:20, 647:3
599:6, 599:7, 637:9	Miss [1] - 614:17	639:6, 641:16,	592:22, 593:4,	<b>NW</b> [4] - 583:15,
Marked [1] - 668:15	missed [2] - 613:7,	641:22, 645:24,	593:5, 606:24,	583:23, 584:8,
material [1] - 664:4	628:20	646:4, 665:13,	607:3, 610:23,	584:17
materials [2] - 585:20,	missing [4] - 616:11,	665:21, 665:23,	612:11, 627:4,	
586:4	616:12, 616:25,	665:25, 666:3,	627:6, 657:1, 665:9,	0
math [2] - 599:11,	621:18	666:9, 666:16,	665:14	
628:14	misspoke [1] - 619:11	666:19, 666:20,	notes [4] - 619:24,	
matter [1] - 669:4	misunderstood [1] -	667:7, 667:10,	619:25, 620:1, 620:3	object [1] - 586:17
mean [8] - 594:24,	606:21	667:11, 667:17	nothing [4] - 610:1,	Objection [2] -
595:1, 622:14,	model [4] - 602:14,	mutual [1] - 594:13	610:2, 615:4, 622:17	641:16, 645:24
625:3, 627:25,	602:23, 602:24,		notice [3] - 609:25,	objection [1] - 665:21
650:6, 652:23,	602:25	N	621:25, 661:2	objections [2] -
658:17	moment [2] - 586:9,		noticed [2] - 600:11,	586:13, 586:17
means [5] - 608:4,	589:8		652:16	obviously [2] -
610:6, 655:11,	Monday [5] - 586:18,	name [3] - 605:8,	number [48] - 588:4,	662:11, 664:3
662:7, 667:3	665:20, 665:22,	605:24, 641:13	588:5, 589:5, 589:6,	occurred [2] - 590:15,
meant [2] - 654:14,	665:23, 667:13	named [1] - 605:22	589:10, 592:10,	629:1
657:8	Money [1] - 638:4	national [2] - 595:21,	593:8, 593:13,	occurs [1] - 654:3
memo [1] - 630:18	money [26] - 585:16,	596:2	594:6, 600:24,	October [12] - 587:1,
	588:18, 626:14,	nature [1] - 618:1	601:14, 602:6,	590:16, 596:7,
mentioned [10] -	630:20, 638:2,	Navajo [1] - 639:12	604:5, 604:6,	597:4, 597:6, 627:1,
mentioned [10] -	050.20, 050.2,		1	007 17 000 0
586:14, 619:15,	641:5, 641:7, 641:8,	necessarily [2] -	604:24, 609:7,	627:17, 628:3,
586:14, 619:15, 631:5, 642:13,		necessarily [2] - 630:17, 646:10	604:24, 609:7, 611:19, 612:2,	627:17, 628:3, 628:13, 628:22,
586:14, 619:15, 631:5, 642:13, 644:18, 645:19,	641:5, 641:7, 641:8,	-		
586:14, 619:15, 631:5, 642:13, 644:18, 645:19, 649:14, 656:16,	641:5, 641:7, 641:8, 641:10, 641:11,	630:17, 646:10	611:19, 612:2,	628:13, 628:22,
586:14, 619:15, 631:5, 642:13, 644:18, 645:19, 649:14, 656:16, 656:22, 664:24	641:5, 641:7, 641:8, 641:10, 641:11, 642:22, 650:19,	630:17, 646:10 <b>need</b> [5] - 656:25,	611:19, 612:2, 615:14, 615:16,	628:13, 628:22, 629:2, 645:12
586:14, 619:15, 631:5, 642:13, 644:18, 645:19, 649:14, 656:16, 656:22, 664:24 <b>MICHELLE</b> [2] -	641:5, 641:7, 641:8, 641:10, 641:11, 642:22, 650:19, 650:25, 653:4,	630:17, 646:10 <b>need</b> [5] - 656:25, 662:11, 664:19,	611:19, 612:2, 615:14, 615:16, 617:2, 621:1, 624:3,	628:13, 628:22, 629:2, 645:12 OF [2] - 583:1, 583:11
586:14, 619:15, 631:5, 642:13, 644:18, 645:19, 649:14, 656:16, 656:22, 664:24	641:5, 641:7, 641:8, 641:10, 641:11, 642:22, 650:19, 650:25, 653:4, 653:18, 653:19,	630:17, 646:10 <b>need</b> [5] - 656:25, 662:11, 664:19, 664:25, 666:5	611:19, 612:2, 615:14, 615:16, 617:2, 621:1, 624:3, 625:25, 627:20,	628:13, 628:22, 629:2, 645:12 OF [2] - 583:1, 583:11 office [13] - 609:16,

615:8, 615:11,	663:23, 664:5,	663:20, 664:1	587:1, 590:11,	placing [1] - 615:25
615:14, 618:19,	664:8, 664:14,	paper [2] - 625:13,	592:9, 658:14,	plaintiff [1] - 651:7
620:4	665:5, 665:10	625:18	658:17, 662:13,	PLAINTIFFS [1] -
Office [2] - 606:5,	<b>OST</b> [1] - 633:19	papers [1] - 666:2	664:19, 665:1	586:22
606:9	Otaugh [1] - 605:21	paragraph [2] -	percentages [7] -	Plaintiffs [2] - 583:5,
offices [5] - 616:21,	outside [2] - 595:13,	634:19, 635:7	661:3, 661:6, 661:9,	583:14
617:3, 617:15,	647:12	part [9] - 591:22,	661:14, 662:4,	plaintiffs [4] - 632:11,
617:18	Overruled [1] - 646:1	627:11, 627:20,	662:19, 664:18	632:16, 666:11,
Offices [1] - 583:14	overstated [1] - 637:6	634:15, 649:16,	perform [1] - 621:12	667:7
Official [2] - 584:16,	overstatement [3] -	651:1, 659:21,	performed [1] -	Plaintiffs' [5] - 599:6,
669:2	649:5, 649:7, 649:9	660:17, 666:23	595:12	599:7, 628:15,
<b>oil</b> [1] - 617:25	overstating [1] -	particular [17] -	Perhaps [1] - 629:7	634:6, 668:14
once [1] - 602:25	648:24	595:25, 610:11,	perhaps [2] - 650:12,	plaintiffs ' [4] - 585:6,
one [39] - 585:14,	overview [1] - 657:4	614:7, 618:10,	652:3	651:25, 660:19,
589:10, 589:21,	<b>own</b> [4] - 585:22,	619:14, 619:19,	period [48] - 587:24,	667:6
590:2, 597:16,	595:19, 596:4,	619:20, 620:2,	588:23, 588:24,	pleasant [1] - 667:16
602:15, 609:18,	639:15	634:23, 643:10,	592:15, 594:5,	Point [1] - 639:12
610:11, 611:5,	owners [4] - 663:14,	644:7, 650:13,	594:6, 594:17,	point [6] - 591:6,
611:7, 611:25,	663:23, 664:6, 664:8	652:5, 653:24,	594:18, 595:4,	596:10, 627:16,
612:22, 614:13,		654:1, 654:21,	595:5, 595:7, 595:8,	649:23, 649:24,
614:17, 619:21,	P	658:16	595:9, 596:2,	666:17
621:18, 621:19,		<b>parties</b> [6] - 633:2,	596:17, 596:18,	pointed [1] - 621:22
621:21, 623:21,		641:24, 642:18,	599:19, 600:12,	points [1] - 622:23
624:14, 628:13,	<b>P-12</b> [2] - 612:1,	642:19, 653:4	601:15, 604:7,	Portland [2] - 621:15,
629:7, 629:22,	612:20	parts [1] - 634:13	604:10, 604:18,	621:16
630:10, 631:23,	<b>p.m</b> [4] - 583:7, 599:8,	party [3] - 632:21,	608:23, 608:24,	posed [1] - 625:4
633:12, 639:14,	639:2, 667:18	642:21, 642:23	612:12, 617:23,	possible [3] - 629:5,
642:25, 649:25,	<b>P.O</b> [1] - 584:13	passed [1] - 624:5	622:3, 622:18,	649:4, 666:15
651:3, 651:11,	packages [2] - 595:20,	past [1] - 592:11	623:4, 623:11,	post [1] - 626:14
653:3, 657:13,	596:1	pay [1] - 663:20	623:22, 624:2,	posted [2] - 629:17,
657:22, 658:20,	Page [2] - 614:20,	paying [2] - 642:22,	626:16, 627:1,	630:21
659:12, 661:13,	618:7	643:1	631:7, 631:15,	posting [3] - 610:11,
663:23	<b>page</b> [47] - 583:25,	payment [11] - 629:15,	631:20, 631:23,	626:13, 650:9
<b>One</b> [2] - 633:11,	589:10, 589:18,	639:25, 640:7,	632:2, 643:15, 644:11, 649:22,	potential [1] - 620:19
657:21	589:19, 589:22,	640:9, 652:7,	651:7, 651:20,	Potentially [3] -
ones [4] - 586:14,	590:11, 593:12,	657:21, 658:7,	651:23, 664:20	618:13, 618:23,
586:17, 601:12, 664:6	593:14, 601:20,	659:23, 661:11,	periods [17] - 587:21,	622:6
opinion [3] - 633:13,	601:21, 602:4,	661:21	593:9, 594:7, 594:8,	pre [2] - 598:12, 623:1
634:2, 662:19	604:20, 604:21,	payments [6] - 640:2,	594:9, 594:11,	pre-'72 [1] - 596:18
opinions [1] - 634:14	607:10, 607:11,	640:22, 658:15,	594:14, 594:15,	pre-1972 [5] - 587:24,
order [5] - 585:2,	607:18, 610:18, 611:16, 611:25,	658:18, 658:21,	595:25, 603:17,	588:2, 592:11,
591:24, 601:4,	612:15, 612:19,	663:18	616:11, 618:3,	596:17, 622:20
639:3, 645:4	613:22, 617:7,	Peachtree [1] - 583:19	626:20, 637:2,	precise [1] - 619:22
ordered [1] - 613:1	618:6, 621:13,	<b>people</b> [5] - 608:21,	653:24, 654:3,	precisely [2] - 598:10
organized [1] - 608:8	623:23, 624:11,	609:11, 609:21,	660:21	620:16
original [2] - 594:15,	624:22, 626:3,	645:22, 653:3	permit [2] - 623:10,	prefer [1] - 590:3
596:6	634:7, 634:10,	PEPION [1] - 583:3	626:11	preparations [1] -
<b>Osage</b> [29] - 588:5,	634:25, 635:1,	<b>percent</b> [28] - 587:4,	permitted [2] - 627:8,	643:4
588:8, 588:13,	652:12, 658:4,	587:6, 588:20, 588:21, 588:22,	665:18	prepare [3] - 616:16,
593:13, 593:22,	661:1, 661:2, 661:8,		person [3] - 633:9,	647:22, 667:2
593:13, 593:22, 593:24, 600:8,	661:18, 661:24,	589:1, 589:4, 589:6, 590:12, 590:17,	644:25, 650:22	prepared [11] -
603:24, 622:21,	662:1, 662:5, 662:6,	590:12, 590:17, 590:21,	personally [2] -	596:10, 596:14,
656:24, 657:4,	663:2	590.20, 590.21, 591:3, 591:7, 591:9,	588:12, 595:22	598:23, 600:6,
657:12, 657:18,	pages [3] - 607:7,	651:9, 651:12,	pertain [1] - 614:13	605:19, 606:1,
657:22, 657:25,	659:19, 669:3	651:19, 651:22,	<b>ph</b> )[1] - 605:25	606:6, 606:10,
658:4, 659:24,	paid [9] - 642:19,	652:3, 652:4,	picked [1] - 632:2	607:15, 635:6, 665:
660:1, 660:22,	643:8, 643:15,	658:19, 661:10,	pieces [2] - 604:1,	prepares [1] - 633:19
662:14, 662:23,	659:20, 659:21,	661:17, 662:7, 663:4	632:2	present [3] - 627:2,
663:14, 663:17,	660:2, 660:13,	percentage [8] -	places [1] - 604:25	644:13, 653:14
- , - , - , - ,	, ,	F 21 CC1112 G [0]		prevented [1] - 634:16
	1	i la		1

previous [1] - 661:8	pull [5] - 597:1,	receipt [9] - 588:25,	639:11, 642:23,	reports [33] - 591:17,
previously [1] - 665:4	598:25, 610:17,	589:5, 591:17,	645:6, 645:19,	592:8, 600:17,
PREVIOUSLY [1] -	624:11, 643:20	600:16, 600:17,	650:16	601:10, 602:13,
586:22	purposes [2] - 635:20,	601:10, 625:4,	refers [2] - 604:24,	602:19, 613:14,
prices [1] - 617:25	656:21	631:22, 654:16	640:9	616:11, 616:12,
primarily [2] - 628:21,	put [9] - 588:18,	Receipts [3] - 593:22,	reflected [5] - 592:12,	618:3, 618:25,
662:13	591:16, 593:1,	600:7, 646:25	627:6, 630:20,	619:17, 619:19,
Primarily [1] - 625:21	593:10, 596:23,	receipts [24] - 590:12,	647:8, 655:12	620:19, 621:18,
printed [2] - 609:1,	602:25, 630:8,	592:18, 598:19,	regarding [1] - 656:20	631:9, 631:11,
609:2	639:15, 642:10	602:10, 602:11,	regards [1] - 651:4	631:13, 631:15,
problems [1] - 651:12	puts [1] - 608:5	602:21, 602:23,	region [6] - 609:18,	632:21, 633:10,
Proceed [1] - 585:5	putting [4] - 598:12,	602:25, 607:4,	609:19, 620:8,	640:14, 640:16,
proceed [1] - 665:16	627:17, 627:23,	614:2, 623:25,	620:10, 621:14,	640:19, 640:21,
Proceedings [2] -	655:3	624:2, 625:18,	621:16	653:1, 654:25,
584:21, 667:18		629:6, 631:24,	regional [1] - 613:5	656:6, 656:11,
proceedings [1] -	Q	634:17, 636:25,	regions [1] - 620:16	656:22, 656:23
669:4		638:17, 649:7,	registers [2] - 625:21,	represent [2] - 599:10,
process [2] - 629:15,		649:8, 649:10,	644:19	625:5
635:13	qualified [2] - 633:13,	652:24, 653:9, 654:8	rekey [1] - 644:18	represented [2] -
processing [1] -	634:14	receive [1] - 650:22	rekeyed [2] - 626:10,	616:10, 639:22
609:18	query [1] - 608:2	received [1] - 654:6	657:16	reread [1] - 643:13
produced [1] - 584:21	questions [9] -	recently [1] - 643:6	rekeying [1] - 626:11	respect [6] - 588:15,
professional [2] -	591:25, 604:23,	recess [1] - 639:1	relate [1] - 585:8	613:18, 628:8,
587:1, 587:12	615:18, 615:20,	Recess [1] - 639:2	related [1] - 618:2	630:8, 631:7, 636:12
programmed [1] -	615:21, 629:23,	reclassify [1] - 635:19	relative [2] - 585:20,	response [1] - 649:25
630:12	629:24, 650:1,	recollection [1] -	658:15	responsible [1] -
programs [2] - 630:6,	662:12	619:22	Relative [1] - 617:1	595:17
630:19	quickly [1] - 611:1 QUINN [7] - 585:4,	reconciliation [1] -	reliance [1] - 585:20	restore [2] - 627:13, 627:14
properly [4] - 623:5,	585:6, 585:12,	657:17	relied [4] - 586:5,	restored [4] - 628:2,
637:17, 638:9,	589:23, 641:16,	record [4] - 610:14,	602:18, 603:9, 653:1	631:2, 631:3, 631:6
638:17	645:24, 665:21	614:2, 627:25, 669:4	remain [2] - 585:2,	restraint [1] - 630:8
property [2] - 646:6,	Quinn [2] - 590:2,	recorded [11] -	639:3	result [4] - 627:22,
646:14	624:13	609:16, 613:5, 614:11, 614:12,	remainder [1] - 594:20	630:14, 631:2, 637:1
protect [2] - 630:9,	Quinn's [1] - 649:25	615:23, 635:12,	remaining [2] - 595:9,	results [1] - 635:18
630:11		637:18, 638:7,	644:10 remember [8] - 600:1,	return [1] - 640:21
provide [6] - 596:21,	R	638:9, 638:17	600:22, 615:25,	revenue [19] - 599:24,
599:4, 601:9, 656:20, 657:3,		records [6] - 595:21,	616:18, 619:22,	603:14, 603:20,
666:11		595:22, 615:25,	628:6, 650:4, 651:15	612:11, 612:13,
provided [39] - 588:3,	<b>R-1</b> [1] - 597:16	616:3, 625:9, 625:23	Reorganization [1] -	612:17, 612:20,
588:5, 588:6,	raise [1] - 618:11	red [15] - 589:17,	590:23	612:25, 613:10,
588:16, 588:18,	raises [3] - 615:18,	611:2, 611:3, 611:5,	repeat [2] - 619:5,	614:18, 615:2,
588:20, 591:1,	615:20, 615:21	611:7, 611:16,	648:12	615:18, 616:20,
591:10, 591:19,	range [3] - 620:11,	618:12, 618:23,	report [9] - 592:2,	617:12, 623:23,
592:25, 593:2,	647:3, 661:3	620:18, 622:9,	602:22, 625:14,	628:15, 633:1,
593:17, 593:18,	rate [2] - 651:8, 651:22	647:8, 648:16, 649:2	632:3, 632:18,	651:25
593:20, 594:4,	read [5] - 612:1,	redone [1] - 654:12	634:8, 654:17,	revenues [11] -
594:6, 596:13,	634:15, 635:3,	reduced [1] - 624:3	654:18, 657:23	599:15, 612:24,
596:25, 597:4,	643:6, 650:2	reentered [1] - 604:15	reported [13] - 584:21,	613:4, 614:11,
597:9, 597:12,	readily [2] - 642:8,	refer [1] - 640:19	632:6, 652:22,	614:12, 617:15,
597:15, 598:11,	642:9	reference [1] - 589:19	653:1, 653:7,	617:19, 617:22,
598:15, 600:4,	reading [1] - 634:19	referred [9] - 585:14,	653:11, 653:19,	628:10, 652:5, 652:6
600:18, 601:11,	real [3] - 603:7,	605:4, 605:7, 608:1,	654:7, 654:10,	reversal [1] - 610:12
602:13, 603:10,	603:19, 635:24	630:18, 640:14,	654:11, 654:17,	review [5] - 595:22,
603:14, 603:22,	really [4] - 604:4,	641:7, 646:23, 648:6	655:15, 655:21	634:4, 642:16,
605:20, 606:14,	647:18, 651:2,	referring [15] - 589:19,	Reporter [3] - 584:15,	665:15, 666:5
607:16, 607:24,	665:15	607:4, 607:5,	584:16, 669:2	reviewed [9] - 591:24,
607:25, 609:13,	reason [1] - 627:20	611:20, 625:2,	reporting [5] - 617:15,	592:1, 594:25,
656:15, 656:22	reasonable [1] -	635:16, 635:25,	617:19, 635:3,	595:4, 595:5, 610:11 632:22
published [1] - 657:23	665:24	636:2, 638:11,	635:20, 655:6	610:11, 632:22,

633:24, 633:25	603:22, 666:5	seventy [5] - 651:9,	662:4, 663:19	specifically [2] -
reviewing [4] -	Scheuren's [5] -	651:19, 651:22,	simple [1] - 629:4	598:8, 635:6
595:11, 595:14,	596:22, 603:8,	652:3, 652:4	simply [2] - 632:23,	spent [4] - 587:6,
595:17, 660:7	604:4, 666:8, 666:10	several [6] - 597:11,	653:6	587:12, 587:15,
reviews [1] - 634:20	school [1] - 647:4	616:11, 619:15,	sit [8] - 609:4, 623:9,	626:22
revise [1] - 598:16	scope [1] - 641:17	640:14, 652:16,	628:4, 629:3, 642:1,	spreadsheet [6] -
revised [1] - 628:22	screen [1] - 597:2	667:3	642:11, 643:17,	602:9, 606:13,
revising [2] - 587:13,	searched [1] - 595:20	sheet [10] - 607:7,	644:4	606:23, 610:14,
587:15	seated [2] - 585:3,	607:10, 609:25,	sitting [2] - 623:8,	610:20, 614:6
revision [4] - 596:24,	639:4	610:22, 610:23,	656:2	spreadsheets [1] -
597:16, 598:6,	second [6] - 594:18,	614:18, 615:5,	situation [2] - 645:6,	626:1
599:14	607:18, 631:15,	615:15, 616:21,	664:22	stacks [1] - 665:15
revisions [5] - 587:7,	652:11, 652:12,	623:23	situations [1] - 619:21	staff [1] - 633:11
597:3, 597:8,	658:9	sheets [1] - 607:13	<b>six</b> [2] - 598:15,	stakeholder [2] -
597:12, 648:9	Secretary [1] - 583:7	Sherod [1] - 594:2	599:23	644:24, 645:3
rights [2] - 593:25,	section [5] - 598:21,	Sheveria [15] - 605:25,	size [2] - 607:7,	stakeholders [2] -
656:21	650:7, 650:15,	606:14, 607:19,	607:10	641:25, 653:3
risks [1] - 634:3	661:22	607:20, 609:11,	slower [1] - 600:21	Stakeholders [1] -
<b>ROBERT</b> [1] - 584:6	see [61] - 591:12,	609:22, 616:5,	SMITH [1] - 584:3	644:21
Robertson [1] -	593:18, 598:20,	618:24, 619:12,	someone [5] - 645:9,	stamps [1] - 589:15
647:17	599:12, 599:16,	619:16, 623:12,	646:5, 646:7, 646:8,	Standing [1] - 611:9
ROBERTSON [1] -	602:1, 606:8,	623:16, 623:18,	656:4	stands [2] - 620:7,
583:11	607:19, 607:22,	625:23, 626:1	sometime [1] - 596:11	639:1
Robertson 's [1] -	609:4, 610:21,	shorthand [1] -	somewhat [1] -	start [5] - 587:24,
629:24	610:22, 611:7,	584:21	587:17	592:16, 618:9,
Rock [1] - 611:9	611:15, 611:17,	shortly [1] - 587:8	somewhere [3] -	658:3, 666:16
Room [1] - 584:16	611:19, 612:13,	<b>show</b> [17] - 592:22,	601:22, 627:5,	starting [1] - 604:11
Rose [1] - 639:9	612:20, 613:22,	601:7, 601:21,	661:14	starts [2] - 600:22,
roughly [5] - 587:4,	614:22, 615:5,	602:5, 626:5, 627:7,	<b>soon</b> [3] - 597:25,	607:10
594:17, 628:15,	615:11, 615:17,	637:16, 637:23,	666:15, 667:1	statement [7] -
651:23, 660:18	616:8, 616:24,	640:23, 653:23,	sorry [36] - 597:5,	633:19, 633:22,
rounding [1] - 611:17	617:8, 617:9,	654:1, 654:3,	601:23, 603:6,	633:23, 643:11,
rounds [1] - 602:9	617:12, 617:16,	654:18, 657:24,	605:4, 605:7, 612:3,	643:12, 657:8
rows [1] - 608:5	618:14, 620:15,	663:3, 663:12,	612:6, 612:14,	statements [1] -
<b>RPR</b> [1] - 584:15	620:25, 621:3,	664:10	613:8, 616:17,	633:13
<b>RS-71</b> [1] - 665:8	621:6, 626:3, 626:8,	<b>showing</b> [5] - 627:2,	616:19, 617:1,	STATES [2] - 583:1,
run [3] - 616:2,	626:12, 627:9,	637:20, 655:7,	617:17, 618:6,	583:12
625:19, 666:6	628:14, 634:7,	659:12, 661:13	619:2, 619:4, 619:6,	Station [1] - 584:13
	634:17, 635:4,	<b>shown</b> [8] - 594:11,	619:18, 619:20,	stayed [3] - 600:8,
S	635:13, 635:20,	603:1, 613:23,	621:2, 624:21,	600:11, 600:15
•	637:16, 638:7,	614:5, 628:16,	639:11, 639:16,	STEMPLEWICZ [1] -
	652:14, 652:17,	638:15, 649:1,	640:9, 641:6,	584:10
Salem [1] - 584:5	658:3, 658:6,	655:10	645:15, 648:12,	still [5] - 644:10,
sales [1] - 647:4	659:17, 660:24,	<b>shows</b> [14] - 590:11,	650:12, 651:21,	645:3, 649:14,
<b>SAS</b> [1] - 666:12	661:6, 661:8,	592:15, 611:10,	655:17, 656:15,	649:15, 659:9
<b>saw</b> [3] - 607:1,	661:20, 661:21,	612:1, 612:13,	659:19, 660:1,	stock [1] - 647:4
618:10, 637:9	662:6, 663:5, 664:21	612:17, 612:19,	663:24, 664:19,	Stockton [3] - 583:18
<b>SBA</b> [2] - 644:22,	selected [2] - 594:7,	612:20, 612:23,	665:25	583:22, 584:4
647:14	594:14	615:10, 615:17,	<b>sort</b> [3] - 636:16,	stop [2] - 591:6, 658:
schedule [1] - 652:25	sending [1] - 635:2	626:1, 628:10,	636:20, 666:20	stopped [1] - 594:21
schedules [2] -	Senior [1] - 584:11	658:11	source [1] - 607:19	story [1] - 666:7
613:11, 613:12	sent [1] - 593:6	<b>side</b> [3] - 612:12,	sources [3] - 587:22,	Street [5] - 583:15,
Scheuren [16] -	separate [1] - 638:12	629:17, 639:8	646:22, 657:21	583:19, 583:23,
592:19, 594:8,	SESSION [1] - 583:11	significance [1] -	special [6] - 634:12,	584:4, 584:8
598:7, 598:11,	<b>set</b> [6] - 585:13,	653:23	635:2, 650:13,	studied [6] - 591:24,
599:22, 600:24,	602:15, 628:1,	significantly [3] -	663:19, 663:25,	592:1, 596:3,
	644:16, 655:19,	596:16, 596:19,	664:2	640:13, 651:20,
601:9, 601:14,				
601:9, 601:14, 602:12, 602:13,	666:12	622:9	<b>specific</b> [5] - 604:17,	659:11
	666:12 settled [1] - 595:20 seven [1] - 615:11	622:9 similar [5] - 626:8, 643:22, 651:8,	<b>specific</b> [5] - 604:17, 613:18, 613:19, 633:8, 634:4	659:11 studies [1] - 651:1

[	T	T	T	T
596:1, 608:11,	645:17, 646:11,	<b>TFAS</b> [6] - 626:18,	642:10	584:22
608:16, 640:17,	647:6, 647:12,	626:19, 635:16,	took [4] - 592:25,	transfer [8] - 629:16,
649:16, 649:21,	647:20, 648:2,	636:18, 641:4,	593:10, 599:12,	636:5, 636:8,
651:4, 651:5,	648:6, 649:2, 650:9,	646:17	633:10	638:10, 638:18,
662:11, 665:19	650:11, 653:14,	<b>THE</b> [35] - 583:1,	top [5] - 596:24,	647:14, 647:16,
	653:20, 653:21,	583:11, 585:5,	611:5, 611:7, 662:2	648:18
studying [1] - 626:22	654:6, 654:14,			
stuff [1] - 667:2	655:9, 655:15,	585:11, 586:10,	<b>Total</b> [3] - 599:14,	transferred [4] -
subset [1] - 600:20	655:16, 655:21,	586:15, 586:20,	624:11, 624:24	637:15, 659:1,
substantial [2] -	656:2, 656:10,	586:22, 590:9,	total [38] - 585:14,	663:20, 664:1
626:25, 635:18		607:8, 612:5, 612:7,	588:4, 592:10,	transfers [25] -
suggesting [2] -	657:9, 657:17,	614:5, 614:7,	592:18, 593:16,	629:20, 635:11,
639:16, 655:1	658:22, 659:2,	614:10, 614:12,	593:18, 593:19,	635:12, 635:25,
<b>Suite</b> [2] - 583:19,	659:13, 659:23,	614:15, 624:16,	593:20, 599:15,	636:3, 636:11,
583:23	660:7, 660:12,	624:17, 638:22,	600:25, 601:14,	636:16, 637:2,
SULLIVAN [3] -	660:15, 661:12,	638:24, 641:18,	602:19, 603:20,	637:4, 637:6, 637:7,
584:15, 669:2, 669:5	662:15, 662:19,	641:20, 646:1,	604:5, 604:6,	637:8, 637:16,
<b>sum</b> [3] - 593:16,	662:24, 663:12,	646:2, 665:24,	606:15, 606:18,	637:17, 637:21,
602:19, 609:4	664:12	666:2, 666:7,	606:19, 608:24,	638:7, 638:12,
summarize [1] - 608:2	systems [1] - 635:13	666:14, 666:18,	611:10, 617:7,	638:15, 648:19,
summary [10] -		_ 666:24, 667:9,	617:9, 617:11,	648:21, 649:2,
585:21, 602:6,	Т	667:12, 667:14,	621:10, 623:1,	649:9, 649:13,
607:16, 618:5,		667:15	624:2, 627:6,	649:15, 649:19
625:9, 625:11,	1.1	themselves [1] - 592:8	628:12, 631:12,	Treasury [10] - 594:18,
635:5, 658:1, 658:3,	tab [5] - 589:13, 608:1,	third [12] - 594:20,	631:13, 652:14,	595:4, 595:22,
660:23	623:24, 657:3, 658:4	595:7, 596:25,	656:15, 657:21,	641:5, 641:10,
summary -level [1] -	Tab [1] - 592:5	632:21, 633:2,	658:6, 658:11,	641:12, 641:14,
625:11	table [5] - 585:12,	641:24, 642:17,	662:21	641:21, 658:23,
support [1] - 590:19	585:19, 585:20,	642:18, 642:19,	totality [3] - 603:23,	660:14
surprise [1] - 621:9	585:21, 585:22	642:20, 642:23,	627:21, 644:9	treated [2] - 649:18,
switch [1] - 604:20	tabs [2] - 590:4, 590:6	653:4	totally [2] - 606:13,	649:19
SWORN [1] - 586:22	<b>TAYLOR</b> [1] - 584:3	thirty [4] - 608:20,	625:7	treating [1] - 660:9
system [101] - 594:22,	<b>ten</b> [14] - 588:20,	651:12, 651:22,	totals [3] - 599:24,	TRIAL [1] - 583:11
603:21, 604:11,	588:22, 589:1,	659:13	624:1, 624:20	Trial [1] - 584:11
604:14, 604:15,	589:4, 589:22,	three [15] - 593:7,	toward [2] - 661:4,	Tribal [1] - 600:7
605:4, 605:5, 605:7,	590:11, 590:12,	593:9, 594:14,	661:24	tribal [44] - 588:6,
605:9, 605:13,	590:20, 590:21,	599:3, 608:19,	traced [1] - 660:6	588:15, 588:19,
605:20, 615:23,	601:21, 602:4,	608:21, 610:19,	track [1] - 624:20	588:22, 588:23,
615:24, 616:4,	611:7, 611:15,	612:23, 621:6,	tracking [2] - 613:25,	590:12, 590:24,
625:4, 625:7,	638:24	625:1, 632:12,	614:1	592:11, 592:12,
625:10, 625:13,	terms [20] - 585:16,	634:10, 663:11,	transaction [12] -	592:15, 593:13,
625:16, 625:19,	592:4, 592:18,	663:16, 664:22	625:21, 626:7,	600:11, 600:19,
626:14, 627:23,	594:4, 595:16,	Thursday [1] - 583:7	627:22, 628:21,	600:22, 601:4,
629:18, 629:21,	603:10, 603:19,	time-consuming [3] -	629:1, 629:5,	601:7, 601:24,
629:25, 630:7,	603:23, 603:24,	636:22, 636:23,	629:10, 629:19,	602:15, 636:3,
630:9, 630:12,	606:15, 613:15,	636:24	630:25, 631:1,	636:5, 637:21,
630:14, 630:17,	615:22, 629:4,	titles [1] - 593:18	644:19	637:24, 638:2,
632:23, 635:16,	630:22, 634:1,	<b>TMS</b> [2] - 646:8,	transactional [1] -	638:4, 638:6,
636:9, 636:10,	636:25, 641:14,	646:16	641:3	638:10, 638:16,
636:11, 636:12,	648:8, 660:22,	today [21] - 585:8,	transactions [14] -	638:18, 641:25,
637:12, 637:17,	665:10	585:14, 587:3,	627:7, 627:9,	644:5, 644:6,
637:18, 637:21,	testified [11] - 585:16,	591:25, 596:6,	627:14, 627:17,	644:14, 650:8,
637:23, 638:2,	587:2, 597:6, 627:1,	604:16, 621:23,	627:25, 628:1,	650:9, 650:14,
638:7, 638:8, 638:9,	629:2, 635:22,	623:8, 623:9, 629:3,	628:2, 630:4, 631:1,	650:19, 653:4,
638:16, 638:17,	638:1, 643:5,	629:8, 636:25,	631:3, 631:6,	657:17, 658:22,
638:19, 640:17,	645:11, 651:6,	642:11, 643:17,	642:14, 644:8, 660:6	659:23, 660:2,
640:24, 641:1,	651:11	643:23, 644:4,	TRANSCRIPT [1] -	660:3, 660:10
, - ,			1	
641:2, 641:4, 641:8,	testifying [1] - 651:15	651:6, 659:9, 664:4,	583:11	tribe [1] - 657:23
	testifying [1] - 651:15 testimony [5] - 585:8,	651:6, 659:9, 664:4, 665:10, 665:14	583:11 transcript [3] - 584:21,	tribe [1] - 657:23 trick [1] - 658:4
641:2, 641:4, 641:8,	<b>testimony</b> [5] - 585:8, 585:15, 643:6,			
641:2, 641:4, 641:8, 642:19, 642:22,	testimony [5] - 585:8,	665:10, 665:14	transcript [3] - 584:21,	trick [1] - 658:4
641:2, 641:4, 641:8, 642:19, 642:22, 643:7, 643:11,	<b>testimony</b> [5] - 585:8, 585:15, 643:6,	665:10, 665:14 <b>Today</b> [1] - 641:3	transcript [3] - 584:21, 650:2, 669:3	trick [1] - 658:4 tried [3] - 599:10,

[			
true [1] - 638:12	613:10, 617:22	647:14, 649:9,	601:7, 601:8,
trust [29] - 587:2,	understood [1] -	651:14	601:15, 603:14,
634:16, 636:4,	627:10	viewed [2] - 647:19,	608:23, 611:10,
636:5, 637:21,	Understood [1] -	651:13	611:19, 612:22,
637:24, 638:2,	655:13	viewing [1] - 660:14	615:10, 616:18,
638:4, 638:6,	uninvested [1] -	virtually [1] - 663:11	619:14, 619:17,
638:10, 638:16,	641:20		619:20, 620:2,
638:18, 641:25,	unique [2] - 626:13,	W	620:20, 621:2,
643:16, 644:5,	629:19	••	621:11, 621:19,
644:6, 644:14,	UNITED [2] - 583:1,		632:9, 632:12,
646:6, 646:14,	583:12	wait [1] - 614:15	632:17, 632:25,
650:8, 650:9,	unsuccessful [1] -	WARSHAWSKY [6] -	640:23, 644:7,
650:19, 651:17,	644:2	584:7, 666:9,	652:5, 654:1,
653:4, 658:22,	unusual [1] - 664:21	666:16, 666:19,	658:16, 661:19,
659:23, 660:2, 660:3	<b>up</b> [27] - 591:1,	667:7, 667:10	662:9, 663:16
Trust [2] - 606:5,	593:22, 597:1,	Washington [6] -	year-by-year [1] -
606:9	598:19, 598:25,	583:6, 583:16,	603:14
trustee [2] - 634:12,	599:1, 599:16,	583:24, 584:9,	years [36] - 590:23,
635:2	604:17, 606:4,	584:14, 584:17	595:21, 599:18,
trusts [1] - 636:3	610:7, 610:10,	watched [1] - 660:6	609:16, 618:11,
try [5] - 603:19,	610:17, 611:5,	website [1] - 657:22	618:15, 618:16,
627:13, 630:9,	611:17, 612:22,	week [3] - 603:5,	618:25, 620:15,
630:11, 649:17	616:20, 624:5,	666:6, 667:12	621:18, 622:23,
trying [2] - 610:25,	624:11, 624:15,	weekend [1] - 667:16	625:1, 625:11,
653:16	628:9, 629:7,	welcome [1] - 634:14	625:12, 632:7,
turn [6] - 626:3, 658:4,	632:15, 636:12,	West [1] - 584:4	632:8, 632:13,
661:8, 666:25, 667:1	652:13, 653:13,	whole [1] - 661:2	633:6, 633:8, 652:1,
twelve [1] - 666:13	657:4, 666:2	WILLIAM [1] - 583:18	652:2, 652:16,
twice [1] - 621:1	updated [1] - 585:12	Winston [1] - 584:5	653:24, 654:3,
two [19] - 587:5,	upper [1] - 606:4	Winston-Salem [1] -	657:10, 661:9,
587:17, 593:6,	utilize [1] - 601:10	584:5	662:8, 662:20,
597:9, 601:25,	utilized [6] - 588:25,	WITNESS [7] - 586:22,	662:21, 662:25,
605:3, 605:6,	589:6, 591:17,	614:7, 614:12,	663:3, 663:11,
607:13, 613:11,	592:9, 600:17, 605:8	624:17, 641:20,	663:16, 664:17,
615:2, 618:11,	utilizing [1] - 661:9	646:2, 667:14	664:22, 664:23
620:15, 620:16,	_	Witness [1] - 634:20	<b>yellow</b> [3] - 661:22,
621:5, 628:11,	V	witness [4] - 585:7,	662:1, 662:2
632:2, 655:1,		590:8, 624:14,	yes-or-no [1] - 664:5
657:13, 657:21		666:18	yesterday [1] - 650:1
<b>type</b> [4] - 630:23,	validate [1] - 646:20	WITNESSES [1] -	yourself [2] - 619:8,
630:24, 640:7	validation [6] -	668:3	634:15
types [3] - 630:4,	587:16, 627:11,	woman [1] - 639:12	
647:5, 650:13	645:12, 649:14,	word [3] - 596:19,	Z
typically [1] - 648:6	649:16, 651:5	596:20, 647:18	
Typically [1] - 614:9	value [2] - 593:18,	words [8] - 613:9,	
	628:3	630:1, 637:20,	<b>zero</b> [4] - 610:3, 610:4,
U	values [2] - 593:17,	641:7, 645:16,	610:7, 610:10
	666:13	647:11, 653:18,	
	varies [1] - 614:8	655:19	
<b>U.S</b> [3] - 584:8,	various [1] - 592:2	writing [2] - 634:11,	
584:11, 584:16	verify [2] - 608:11,	635:2	
under [13] - 586:15,	608:16	written [2] - 639:13,	
589:13, 592:5,	version [8] - 588:3,	639:14	
593:17, 613:21,	590:16, 590:18,	wrote [1] - 608:1	
618:18, 620:7,	594:15, 596:11,		4
621:16, 623:25,	597:1, 597:23, 600:9	Y	
624:11, 648:14,	versions [3] - 597:8,		-
659:4, 664:14	599:3, 601:25	_	
Under [1] - 646:25	via [1] - 664:1	<b>year</b> [36] - 587:10,	
underreporting [2] -	<b>view</b> [4] - 604:1,	587:14, 594:5,	
1			