EXHIBIT B TO

AFFIDAVIT OF SCOTT G. KNUDSON

UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION

SPRINT COMMUNICATIONS COMPANY, L.P.,

Plaintiff,

vs.

Civ. 10-4110

NATIVE AMERICAN TELECOM, LLC, B.J. JONES, in his official capacity as Special Judge of Tribal Court; and CROW CREEK SIOUX TRIBAL COURT,

Defendants.

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Deposition of: CARLOS CESTERO

Date: March 1, 2011

Time: 9:05 a.m.

APPEARANCES:

Mr. Scott G. Knudson Briggs & Morgan, P.A.

2200 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402-2157, appearing on behalf of the plaintiffs;

Mr. Scott R. Swier

Swier Law Firm, Prof. LLC

133 North Main Street Avon, South Dakota 57315,

appearing on behalf of the defendant;

Native American Telecom, LLC.

ALSO PRESENT:

Jeff Holoubek, Native American Telecom

REPORTED BY:

Audrey M. Barbush, RPR



Examination: Page Semination Page		tive American Teleconi, ELC, et al.	_,	March 1, 201
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13 Chr. Cestero, you're appearing here to give a deposition in a case involving Sprint Communications Company vs. Native American Telecom. Is that right? 15 DOCUMENTS REQUESTED: 16 DOCUMENTS REQUESTED: 17 Page Line 19 28 10 20 32 13 20 13 21 4 4 4 25 21 41 4 4 22 25 4 25 22 26 91 21 27 Yes and the standard parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a presented parties through their attorneys of record, whose a president of NAT. Page 3 1 STIPULATION 2 It is hereby stipulated and agreed, by and between the above-named parties through their attorneys of record, whose a president of Native American Telecom? Page 5 18 BY MR. KNUDSON: And you and I are in agreement here, when I refer to Native American Telecom? NR. SWIER: Yes. He serves as President of NAT. 19 BY MR. KNUDSON: Mr. Cestero, you and I are in agreement here, when I refer to Native American Telecom? NR. KNUDSON: Mr. Swier, I also had expected to take Tom Reiman's deposition. I take it it's your position that, since he's not a witness in the proceeding on Thursday, you're not making him available for his deposition today? MR. SWIER: That's correct. MR. KNUDSON: And you'd move for a protective order and		30	11	
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	25	testified as follows:	25	MR. KNUDSON: Eric Big Eagle, his position with

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1		the tribe is what?	1		Before 2010?
2	?	MR. SWIER: He is on the tribal council. I don't	2	Q	July, 2010.
3	}	know his exact position, but he is one of the elected	3		Free Conferencing Corporation.
4		tribal council members.	4	Q	How long have you worked for Free Conferencing
5	В	BY MR. KNUDSON:	5		Corporation?
6	Ç	Mr. Cestero, have you had your deposition taken before?	6	A	Since September of '09.
7		No.	7		Have you had any other experience in the accounting
8	Q	I assume you've been briefed a little bit; but, just so	8		field?
9		we know what the ground rules are: We have a court	9	Α	Yes.
10		reporter in here who is taking down a transcript of	10	Q	Could you give us, briefly, what your prior accounting
11		everything you and I say. Correct?	11		experience has been since before September, 2009?
12		Correct.	12	Α	I've handled the books for three other companies in
13		And, because she is taking down what we say, we have to	13		positions of CFO, COO, securitization accountant.
14		communicate verbally. So, it's not a nod of a head or	14	Q	What industry was that?
15		a shake of a head. It's a yes or a no; and it's better	15		Equipment leasing.
16		to be "yes" or "no" than "uh-huh," "um-hum," because	16	Q	Where do you office?
17		those are sometimes ambiguous as to what you meant.	17	Α	Where is my
18		The other thing here is that I like to ask a	18	Q	Your office today.
19		question, and I'd like you to wait until I finish my	19	Α	Long Beach, California.
20		question so she's not trying to take down what both of	20		And the street address, sir?
21		us are saying at the same time.	21	A	It's 110 West Ocean Boulevard, Suite A, Long Beach,
22		Does that seem simple enough?	22		California 90802.
23		Yes.	23	Q	Is that the address for NAT?
24		Well, then, tell me, what is your position at NAT?	24		No.
25	A	My position at NAT?	25	Q	What address is that for? Is that for
		Page 7			Page 9
1	Q	Yes.	1		Free Conferencing Corporation?
2	A	I handle the books.	2	Α	For Free Conferencing Corporation.
3		Do you have a title?	3	Q	So you do your work for NAT while serving as an
4		No.	4		employee of Free Conferencing Corporation at its
5	Q	You signed an affidavit in this case.	5		offices in Long Beach. Is that right?
6		Do you recall that?	6	A	I was asked to do the books for NAT.
7		Yes.	7		When you get a paycheck, whose company pays you?
8	Q	In that affidavit didn't you say you were the	8		Free Conferencing.
9		controller of NAT?	9	Q	Do you know of a company called WideVoice?
10	A	Well, I serve I do the functions of a controller,	10	Α	Yes, I do.
11		but I'm not the controller. I don't have a title.	11	Q	What is WideVoice?
12		Do you have any title at all?			They're a telephone carrier.
13		Not with NAT.			Do you know the ownership of Free Conferencing
L 4		Do you work for any other companies besides NAT?	14		Corporation?
		I do.	15	Α	I'm familiar with it.
		Who? Which companies?	16	Q	Who are the owners?
		Free Conferencing Corporation.	17	A	David Erickson.
		What is Free Conferencing Corporation?	18	Q	Anyone else?
		They provide conferencing services.	19	A	A few shareholders.
		How long have you had some position with NAT?	20	Q	Was David Erickson the founder of Free Conferencing
		Since July of 2010.	21		Corporation?
2	Q	Did you do any work for NAT before July, 2010?	22		I believe so.
:3	A	No.			What about WideVoice, where is it located?
		Prior to July, 2010, who was your employer?			Nevada.
:5	A	Free Conferencing Corporation oh, I'm sorry.	25	Q :	Does it have an office as well in Long Beach?

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1	A	No.	1	0	Just so I'm clear, then, the work you do for NAT as an
2	Q	Do you know who was the founder of WideVoice?	2	•	employee of Free Conferencing Corporation is done at
		I do not know.	3		the location at 110 West Ocean Boulevard, Long Beach.
4	Q	Do you know who the owners of WideVoice are?	4		Correct?
5		I do.	5	Α	That's where I am.
6	Q	Who are they?	6		What are your duties for Free Conferencing Corporation?
7	A	Pat Chicas, David Erickson, and Tandy DeCosta.	7		I handle the books.
8		MR. SWIER: Carlos, would you please spell	8	Q	And you handle the books for Free Conferencing
9		Tandy DeCosta, if you could, for Audrey.	9		Corporation at the same location as you do for NAT.
10		THE WITNESS: Sure. Tandy is T-a-n-d-y.	10		Correct?
11		Last name: D-e-C-o-s-t-a.	11	Α	Yes.
12		Y MR. KNUDSON:	12	Q	Do you recall preparing some documents to be produced
13	Q	Have you ever heard of an entity called Wydevoice	13		in this litigation?
14		that's spelled differently?	14	Α	I do.
15		And I'll spell it for you: W-y-d-e-v-o-i-c-e.	15	Q	What were you asked to pull together?
16		Yes, I have.	16	A	I was asked to give financials. I don't recall
17		What is Wydevoice, with a Y?	17		everything that I was asked to produce. I apologize.
18		They manufacture conferencing bridges.	18		MR. KNUDSON: Well, let me mark this as Cestero
19		So it's a hardware company?	19		Number 1.
20		It's software and hardware.	20		(Exhibit 1 is marked for identification.)
21	-	Where is its office?	21		MR. KNUDSON: Before I hand to you, Mr. Cestero,
22		Long Beach.	22		what's been marked as your Deposition Exhibit Number 1,
23	Q	Is it in the same place as Free Conferencing	23		I'd like to have a little discussion with Mr. Swier.
24		Corporation?	24		Scott, some of these documents are bank records,
25	A	Yes.	25		as you know you've looked at them, I'm sure and
		Page 11			Page 13
		Do you know who the owners of Wydevoice, with a Y, are?	1		it would appear that the Wells Fargo documents do not
2		Yes.	2		contain the full account number, but the First Dakota
3		Who are they?	3		Bank has the full primary account number on it. I was
4	A	David Erickson and Eugene I cannot say his last	4		not in a position when I looked at these yesterday to
5		name. It's Tcipnjatov. I cannot spell it.	5		be able to blank out sufficient amounts of the account
6		We'll give it a phonetic.	6		number to keep it confidential, but this is how they
7		Yeah.	7		were produced to us. I don't know if you have an issue
8	Q	Why don't you give the court reporter your best	8		of just leaving it the way it is or not.
9		phonetic spelling.	9		MR. SWIER: You're looking for a redaction on
10	A	You know, I don't even know. T-s-y-p-y-a-t-o-v (sic).	10		this, Scott?
11		That's not right. I don't even I really don't know	11		MR. KNUDSON: Well, I'm fine one way or the other.
12	_	his spelling.	12		I'm really just offering to you
13	Q	Now, Mr. Holoubek, does he have a position with	13		MR. SWIER: Why don't we go ahead and do this,
14		Free Conferencing Corporation?	14		similar to what I did in our discovery answers and
15		Free Conferencing Corporation, yes.	15		responses to you: I think I just X'd out the last four
16		What is his position there?	16		numbers of the account. For instance, if you look on
17		He's the Director of Legal and Finance.	17		Page 1 there, the account number is 319099 and then
18		Excuse me. Legal what?	18		XXXX.
		Director of Legal and Finance.	19		MR. KNUDSON: So, if we could turn to our court
		Is Mr. Holoubek a lawyer?	20		reporter, are you able to do this redaction?
		I don't know.	21		(Discussion off the record.)
		Does Mr. Holoubek have a position with WideVoice?	22		MR. KNUDSON: So we'll trust for the court
		I don't know.	23		reporter to take care of that, Mr. Swier?
24	Q	Does he have a position with Wydevoice with a Y?	24		MR. SWIER: Yes, you bet.
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25	A	I don't know.	25		

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		Page 14			Page
1		BY MR. KNUDSON:	1	LA	A No.
2	? (Mr. Cestero, I'm handing you what's been marked as your	2	2 (Now, I just want to confirm, then, that First Dakota
3	}	Deposition Exhibit Number 1. It starts with a cover	3		and Wells Fargo Bank are the only checking accounts
4	ŀ	sheet that's unnumbered; and then it begins with a	4	l	maintained by NAT. Is that correct?
5	•	numbering sequence that we've given to it, NAT 0001	5	5 A	A That's correct.
6		through NAT 00083. Does that seem correct?	6	5 (Would it be fair to say, then, that all money going
7		Yeah.	7		into NAT must flow through those two accounts.
8	Ç	Are these the documents you were asked to pull	8		Is that correct?
9		together?	9	A	Yes.
10		They appear to be.	10		Moving on to fixed assets, it shows here computer
11	Ç	Very good. We'll go through parts of this exhibit so I	11		equipment of \$8,210.33. Is that at acquisition cost?
12		can get a better understanding of the financial picture	12	A	Yes.
13		of NAT. Let's turn now for the moment, then, to the	13	Ç	Where is that computer equipment located?
14		back of Exhibit 1.	14	A	That's at the reservation in Crow Creek.
15		Let's just go to NAT 00082, which is the balance	15	Ç	Do you have an inventory schedule that would tell you
16		sheet as of December 31, 2010. Do you see that, sir?	16		what the \$8,200 represents?
17		I do.	17	. A	Yes.
18	Q	Was it among your duties for NAT to prepare this			What kind of equipment, then, sir?
19		balance sheet?	19	A	It's computers, monitors, keyboards.
20	A	Yes.	20	O	How many computers?
21	Q	So let me just look at this. Going down the column	1		I don't know.
22		Do you have that in front of you, sir?	1		How many monitors?
23	A	I do.			I don't know.
24	Q	it shows checking accounts. There's a First Dakota	1		Who would know that information?
25		checking account with a balance of \$1,814.19. Correct?	25	A	I would. I just don't know right now.
		Page 15	-		Page 17
1	Α	Correct.		^	
2		Where is that account maintained?	1		You just don't recall?
3		At First Dakota Bank.	ł		I don't recall.
4		Yes. But, at what branch, do you know?	3	Q	The Wi-Max line there, it's \$216,086.81, what does that
		Oh, I do not know.	4		represent?
l .		Do you know who the signers are for that account?	5	A	That's the cost for the communications tower and
		Yes.	6	^	related equipment to bring broadband into the area.
8		Who are they?	7	Q	So is that the so-called radio hut located on the
		It's Tom Reiman and Gene DeJordy.	8		reservation?
10			9		I don't know how you refer to it.
11	V	Do you or anyone else at Free Conferencing Corporation	10		It's the Wi-Max equipment at Fort Thompson. Correct?
	Δ	have the power to sign checks on that account? No.	11		Yes.
13			12	Q	The furniture and equipment for \$617, where is that
14	Y	Then looking down at the next line here, "WFB	13		located?
15		Checking 5526."	14		At the reservation as well.
	A	Do you see that, sir?	15	Q	So there are no assets for NAT that are located in
		Yes.	16		Long Beach. Is that correct?
		It has about \$10,000 in it as of December 31?	17		No.
		Correct.	18	Q	I'm just wondering: Have you taken any depreciation
		And WFB, that's Wells Fargo Bank. Is that correct?	19		yet against this equipment?
		Yes.	20	A	Not yet.
		What office or branch is that account maintained at?	21	Q	When was the Wi-Max equipment purchased?
		That's in Long Beach.	22	A	That was purchased throughout it was, I believe, in
		Who has the power to sign checks on that account?	23		late 2009 and part of 2010.
24	Α	Myself and Jeff Holoubek	~ .	\sim	377

25 Q Anyone else?

24 A Myself and Jeff Holoubek.

25 A I don't know.

24 Q Who made the decision to purchase that equipment?

	ive	American Telecom, LLC, et al.			March 1, 201
		Page 18			Page 20
1	Q	Then looking here at WideVoice Communications here on	1		Correct?
2	`	the liabilities side of the balance sheet, do you see	2	Α	No. Those are expenses that were incurred through the
3		that, sir?	3		bank account for certain expenses that they incurred in
4	A	Yes, I do.	4		the building of NAT.
5	Q	It shows \$474,949.38. That's money owed to WideVoice	5	Q	I'm trying to understand your answer, then, sir.
6		Communications. Is that correct?	6	-	You're saying this is money Reiman and DeJordy put
7	A	Yes, it is.	7		into NAT?
8	Q	And that's this Nevada LLC. Is that right?	8	A	They didn't put into NAT. It was money in the account
9	A	Yes no. It's actually not an LLC. It's an S-corp.	9		that they used for meals and fuel and airfare, other
10	Q	Sub S. Right?	10		business-related expenses.
11	A	Yes.	11	Q	So, in other words, this is distributions to them in
12	Q	And that's incorporated under the laws of Nevada.	12		the nature of reimbursement for personal expenses.
13		Correct?	13		Is that right?
1		Yes.	14	A	No, I wouldn't say they're personal expenses. They
	Q	How to you keep track of what's due WideVoice	15		could be expenses related to the entity. However, the
16		Communications?	16		tribe had asked that we record it this way until they
		Through journal entries.	17		figure out how we want to classify it. The company
- 1	Q	So there's an underlying journal entry that would have	18		didn't have any money since Sprint stopped paying; so,
19		all of the loans from WideVoice Communications to NAT.	19		as a result, they didn't want to record it as an
20		Correct?	20	_	expense on the books.
		Correct.	21		Who at the tribe made that decision?
22	Ų	And that schedule would show when those were made.	1		I don't know.
23	λ	Correct?	23	Q	Well, how do you know it was the tribe that made that
		Yes, it would. Were you asked to produce that schedule?	24	٨	decision?
23	V	were you asked to produce that schedule:	25	А	I was told by the tribe they made that decision.
		Page 19	 		D
		r age 19			Page 21
1	A	No.	1	0	
1		No.	1 2		And who told you that?
1		No. Then looking here at this line for shareholder	2	A	And who told you that? Jeff Holoubek.
2	Q	No.	1	A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a
2 3 4	Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do.	2	A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for
2 3 4 5	Q A Q	No. Then looking here at this line for shareholder distributions, do you see that, sir?	2 3 4	A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a
2 3 4 5	Q A Q	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of	2 3 4	A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct.
2 3 4 5 6	Q A Q	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to	2 3 4 5 6	A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line.
2 3 4 5 6 7	Q A Q	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of	2 3 4 5 6 7	A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct.
2 3 4 5 6 7 8	Q A Q	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether	2 3 4 5 6 7 8	A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all
2 3 4 5 6 7 8 9	Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going	2 3 4 5 6 7 8 9	A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT.
2 3 4 5 6 7 8 9	Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward.	2 3 4 5 6 7 8 9	A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right?
2 3 4 5 6 7 8 9 10 11 12	Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand	2 3 4 5 6 7 8 9 10	A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said.
2 3 4 5 6 7 8 9 10 11 12	Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC,	2 3 4 5 6 7 8 9 10 11 12	A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said
2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there?	2 3 4 5 6 7 8 9 10 11 12 13	A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's
2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members.	2 3 4 5 6 7 8 9 10 11 12 13	A Q A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made? Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah. Yes. But not shareholders. They're members.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made? Correct. Is there a loan agreement between WideVoice
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah. Yes. But not shareholders. They're members. Right, right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made? Correct. Is there a loan agreement between WideVoice Communications and NAT?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah. Yes. But not shareholders. They're members. Right, right. So this would be, for an LLC, really a member	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made? Correct. Is there a loan agreement between WideVoice Communications and NAT? I don't know.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah. Yes. But not shareholders. They're members. Right, right. So this would be, for an LLC, really a member distribution. Correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q A Q	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made? Correct. Is there a loan agreement between WideVoice Communications and NAT? I don't know. Do you know if there's interest to be charged to NAT?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q A Q A Q A Q A Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah. Yes. But not shareholders. They're members. Right, right. So this would be, for an LLC, really a member distribution. Correct? Correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made? Correct. Is there a loan agreement between WideVoice Communications and NAT? I don't know. Do you know if there's interest to be charged to NAT? I do not know.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q A Q A Q A Q A Q A	No. Then looking here at this line for shareholder distributions, do you see that, sir? I do. Does that represent a distribution to shareholders? They're expenses that were incurred on behalf of Tom Reiman and Gene DeJordy that the tribe had asked to classify it this way until they figure out whether they're going to how they want to record it going forward. So, by "shareholder distributions" you understand NAT is a limited liability company. Correct? Yes. So, technically, there are no shareholders of an LLC, are there? Well, there's members. Members, yeah. Yes. But not shareholders. They're members. Right, right. So this would be, for an LLC, really a member distribution. Correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q A	And who told you that? Jeff Holoubek. Then the last item there, it says net income of a negative \$134,609.40. That's the operating loss for NAT for 2010? That's correct. Let's go back to this WideVoice Communications line. You said you had a journal entry that would record all of the loans made from WideVoice to NAT. Is that right? That's not what I said. Well, you said I said journal entries, not journal entry. I mean it's a series of journal entities. I mean it's transactions. So there is a journal schedule that would show all the entries showing the loans made? Correct. Is there a loan agreement between WideVoice Communications and NAT? I don't know. Do you know if there's interest to be charged to NAT?

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		Page 22			Page 24
1	A	The money that comes in from WideVoice?	1	Q	Do you understand CABS Agent was a third-party billing
2	Q	Yes.	2		service NAT employed?
3	A	It comes from WideVoice.	3	A	Yes.
4	Q	From what bank?	4	Q	And CABS Agent was employed to bill all the
5	A	Oh, from one of the bank accounts from WideVoice.	5		long-distance carriers. Correct?
6	Q	Do you recall which?	6		That's my understanding.
7		The Wells Fargo Bank, the Wells Fargo checking.	7	Q	Well, you understand that Sprint has not paid any of
8	Q	Is there a separate checking account that WideVoice has	8		these invoices since early in 2010. Correct?
9		that sends the money?	9	A	Correct.
1		Yes.	10		They only paid two invoices. Correct?
1		Is that also located in Long Beach?	11		Correct.
1		The account?	12	Q	So there was income coming into NAT even after Sprint
1		Yes.	13		stopped paying. Correct?
	A	Yes actually, no. No. That account I'm sorry.	14		Not much after.
15	_	I'm sorry. That account is actually in Nevada.	15	Q	Well, do you know how much Sprint paid? It's under
1	-	Where in Nevada is that?	16		\$30,000. Correct?
1		I don't know.	17		I don't know how much Sprint paid.
	-	Is it Reno?	18	Q	Well, who are the other carriers that were paying into
1		I don't know.	19		NAT?
1	Q	Let's move, then, to the profit and loss statement; and	20		I don't know which ones actually were paying.
21		that's NAT 00083. Do you see that, sir?	21	Q	You don't review the detail from CABS Agent that
1		Yes, sir.	22		indicates which carriers were paying?
1		Did you prepare that profit and loss statement?	23		I don't recall.
		I did.	24	Q	You understand that this litigation concerns a dispute
23	Q	It's kind of an income statement. Is that right?	25		over whether or not Sprint or other long-distance
		Page 23			Page 25
1	A	It is.	1		carriers have to pay terminating access charges to NAT.
2	Q	Now, sir, on the income line, it shows that there was	2		Correct?
3		income into NAT for 2010 of \$1,148,925.84. Correct?	3	Α	Yes.
4	A	Right.	4	Q	And that there are other carriers besides Sprint that
5	Q	It's described as "CABS Collection Income."	5		are involved in this service. Correct?
6		Do you see that, sir?	6	Α	Excuse me? Rephrase that.
7	A	Um-hum.	7	Q	Do you know if CABS Agent billed AT&T on behalf of NAT?
1		What does the phrase "CABS Collection Income" mean?	8	Α	Yes.
9	A	That's just what it's been called since I started, so I	9	Q	Did AT&T pay those invoices?
10		continued the same methodology. It's income that comes	10	Α	They did, some.
11		in from the carriers.	11	Q	How much did AT&T pay?
1		Do you know what "CABS" stands for?	12	Α	I don't recall.
13		I do not know.	13	Q	But that would show on a journal entry somewhere, would
14	Q	Do you know that there's a billing service known as	14		it not?
15		CABS Agent that NAT has employed?	15	Α	That would be included in that CABS collection income.
16	A	Yes.	16	Q	Did Qwest pay any of the invoices from CABS Agent?
17	Q	Does NAT continue to employ CABS Agent?	17	Α	I don't recall.
18	A	No.	18	Q	So, as you sit here today, you can't say one way or the
19	Q	When did it stop employing CABS Agent?	19		other?
20	A	I do not know the exact month.	20	Α	I don't know which ones paid. I know some paid, some
21	Q	Sometime in 2010?	21		didn't. Most of them did not pay as soon as Sprint
22	٨	Vac	22		atonnod navina

25 A I do not know.

22 A Yes.

24

23 Q Would it be coincident with the creation of the

Wells Fargo account?

22

24

25

stopped paying.

CABS Agent?

23 Q Well, we'll go through the detail a little bit more;

but, did Verizon pay any of the invoices from

		D 00		Wiaich 1, 201
		Page 26		Page 28
	1 .	A I don't recall.	1	MR. KNUDSON: Well, Mr. Swier, I think this is a
	2 (Q Do you know if any other long-distance carrier paid any	2	
	3	of the invoices from CABS Agent?	3	
	4 /	A Some have, yes.	4	
	5 (Q Tell me who.	5	
	6 /	A I don't recall all of them. I could tell you Level 3	6	
'	7	paid, AT&T. Sprint paid, obviously. Excel. I don't	7	THE WITNESS: Yeah. I'll have to go call. I have
[:	8	recall much else.	8	
	9 (2 But that would be in the journal entry showing who was	9	·
1)	paying. Correct?	10	·
1:		A Correct.	11	journal entry backing up the WideVoice Communications
1:	2 (Were you asked to produce those journal entries to	12	
1:		Sprint?	13	
		Not as part of this deposition.	14	
1!	5 (How about as part of the document production that	15	
10		Sprint requested?	16	
1	7 A	Yes, I believe so. I just don't recall the exact	17	THE WITNESS: Yes.
18		figures.	18	MR. SWIER: Would anybody be there at this time in
19		So you gave the journal entries to someone?	19	
20		I didn't give the journal entries.	20	THE WITNESS: I don't know.
21	. (Did you obtain them for production to Sprint?	21	MR. SWIER: Well, should we take a quick break,
22		I produced a summary based on the journal entries.	22	
23	3 (And the summary is this profit and loss statement?	23	MR. KNUDSON: Why don't we do that.
		Part of it, yes.	24	
25	Ç	Where is the rest of the summary? What did it	25	(A short recess is taken.)
_				
		Page 27		Page 29
1		look like?		_
2		It was a spreadsheet that we maintain.	1	MR. SWIER: Scott, we are going to try to get
3		MR. SWIER: It was what, Carlos?	2	those. I question, number one, as to whether those
4		THE WITNESS: It's a spreadsheet.	3	were requested, those journal entries. Nonetheless, we
5		Y MR. KNUDSON:	5	are willing to get them. What it's going to take is
6		So where is this spreadsheet currently?	6	for the shop to open up in Long Beach, and then Carlos
		On my computer.	7	is going to have to walk the administrative assistant
8		Where is that, down in Long Beach?	8	through the process on his computer to get them; but we'll get them for you.
9		Where I work, yes.	9	MR. KNUDSON: Good.
10		Are you able to get it sent to you today?	10	· · · · · · · · · · · · · · · · · · ·
1		No.	11	When do you think you'll hear when they're available?
12		Could you get it sent to you tomorrow?	12	THE WITNESS: I don't know.
13	À	I don't know. I'd have to see.	13	
14		Could you get it sent to you before Thursday's hearing?	14	MR. SWIER: When does Camille get into the office?
		Probably.	15	THE WITNESS: She should be there within the next 30 minutes or so.
16		Do you have your computer with you?	16	•
		I don't.	17	MR. SWIER: Okay. BY MR. KNUDSON:
18		But somebody could print it off and fax it to Mr. Swier	18	
19	•	or to you?	19	Q So let's go back, then, to the P&L for 2010.
20	A	Possibly.	20	Do you have that in front of you now, sir? A I do.
21		Are you staying at a hotel in Sioux Falls?	21	Į.
1	-	Yes.	22	Q The advertising expenses of \$4,622.13, what was that for?
i		So there's a fax machine there that could receive this	23	
24	•	spreadsheet?	23	A Those are expenses that were incurred for advertising.
l .	Α	-	-	the same and determined purchased:
			25	A I don't know exactly where it was purchased.
		I		

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		Page 30			Page 32
1	0	What kinds of advertising media were used?	١,,	0	Did you make a charitable contribution to any charity
		I don't recall exactly.	2		on the reservation?
		Do you know in which markets the advertising was	_		No.
4		placed?			
ì		I do not.			Did you give gifts to anybody on the reservation?
]			1		I'm not certain.
6		Who would know that?			Is there a list of that somewhere?
		I would. I just don't recall.	7		There is.
		CABS collection and billing expense, do you see that,	8		Where is that list?
2		for \$96,967?	9	A	I would have to pull it up.
1		Yes.	10	Q	And that's part of the financial records of NAT.
		What does that line represent?	11		Correct?
12	A	That's for the CABS billing agent. Those are the fees	12	Α	Correct.
13		associated.	13		MR. KNUDSON: Well, why don't you get that sent
14	Q	Those are the fees associated with the revenue from	14		here, too, then, sir. Okay?
15		CABS of over \$1 million?	15		MR. SWIER: Yeah, we'll take a look at it.
16	A	For the billing and the collection.	16	В	Y MR. KNUDSON:
1		Is there a written agreement between NAT and CABS Agent	17		Now, marketing expense, this is the biggest expense
18		that you've seen?	18	~	item on the P&L. Isn't that correct?
		I don't know.	•	Δ	It is.
20		Do you know how CABS Agent prices its services?	20		\$794,307.49. Do you see that, sir?
21		Rephrase that, please.	1		Yes.
22		Well, does CABS Agent charge a percentage of what it			
1		invoices to NAT?	22		Can you explain what that marketing expense is?
23			1		That's to pay for the conferencing.
		I don't know the exact pricing model.	1	Q	So, in other words, that's money paid to
25	Q	So you don't know if it's a percentage of billings or	25		Free Conferencing Corporation?
					1
		Page 31			Page 33
1			1	Δ	
1 2		percentage of receipts?			Yes.
2	A	percentage of receipts? I do not know.	2		Yes. Is there a written agreement between NAT and
3	A Q	percentage of receipts? I do not know. Who would know that information?	2		Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it
3 4	A Q A	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall.	2 3 4	Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses?
2 3 4 5	A Q A	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense.	2 3 4 5	Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know.
2 3 4 5 6	A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir?	2 3 4 5 6	Q A Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document?
2 3 4 5	A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes.	2 3 4 5	Q A Q A	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not.
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2 3 4 5 6 7 8	A Q A Q A	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services.	2 3 4 5 6 7	Q A Q A	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid?
2 3 4 5 6 7 8	A Q A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid?	2 3 4 5 6 7 8	Q A Q A	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation
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2 3 4 5 6 7 8 9 10 11 12	A Q A Q A Q A	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant?	2 3 4 5 6 7 8 9 10 11 12	Q A Q A Q A Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes.
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2 3 4 5 6 7 8 9 10 11 12 13	A Q A Q A Q A Q A	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q A Q A Q A Q A	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A Q A Q A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount. Was Gene DeJordy paid for any consulting? He was not. Were any other people paid for consulting services?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A Q A	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek. Does he tell you how he calculates the amount due Free Conferencing Corporation? No.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q A Q A Q A Q A	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount. Was Gene DeJordy paid for any consulting? He was not. Were any other people paid for consulting services? I'm not certain. Then let's take a look here at gifts and charitable	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek. Does he tell you how he calculates the amount due Free Conferencing Corporation? No. He just tells you the amount to transfer to Free Conferencing Corporation?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount. Was Gene DeJordy paid for any consulting? He was not. Were any other people paid for consulting services? I'm not certain. Then let's take a look here at gifts and charitable contributions, \$3,451. Do you see that, sir?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek. Does he tell you how he calculates the amount due Free Conferencing Corporation? No. He just tells you the amount to transfer to Free Conferencing Corporation? Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount. Was Gene DeJordy paid for any consulting? He was not. Were any other people paid for consulting services? I'm not certain. Then let's take a look here at gifts and charitable contributions, \$3,451. Do you see that, sir? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek. Does he tell you how he calculates the amount due Free Conferencing Corporation? No. He just tells you the amount to transfer to Free Conferencing Corporation? Correct. Has he ever told you what the formal arrangement is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount. Was Gene DeJordy paid for any consulting? He was not. Were any other people paid for consulting services? I'm not certain. Then let's take a look here at gifts and charitable contributions, \$3,451. Do you see that, sir? Yes. What kind of expenses does this cover?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek. Does he tell you how he calculates the amount due Free Conferencing Corporation? No. He just tells you the amount to transfer to Free Conferencing Corporation? Correct. Has he ever told you what the formal arrangement is between NAT and Free Conferencing Corporation for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount. Was Gene DeJordy paid for any consulting? He was not. Were any other people paid for consulting services? I'm not certain. Then let's take a look here at gifts and charitable contributions, \$3,451. Do you see that, sir? Yes. What kind of expenses does this cover? Those are for softball, charity things that we do on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q A Q A Q A Q A Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek. Does he tell you how he calculates the amount due Free Conferencing Corporation? No. He just tells you the amount to transfer to Free Conferencing Corporation? Correct. Has he ever told you what the formal arrangement is between NAT and Free Conferencing Corporation for reimbursement of marketing expenses?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	percentage of receipts? I do not know. Who would know that information? I would, but I don't recall. There's a line item for consulting expense. Do you see that, sir? Yes. What kinds of consulting expenses would that be? That would be for anyone offering some services. Who? Who was paid? I don't recall exactly who was paid there. Was Tom Reiman paid any money as a consultant? Yes. Do you know how much? I do not know the exact amount. Was Gene DeJordy paid for any consulting? He was not. Were any other people paid for consulting services? I'm not certain. Then let's take a look here at gifts and charitable contributions, \$3,451. Do you see that, sir? Yes. What kind of expenses does this cover?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q A Q A Q A Q A Q	Yes. Is there a written agreement between NAT and Free Conferencing Corporation to determine how much it gets repaid for marketing expenses? I don't know. Have you ever looked for such a document? I have not. Who determines how much Free Conferencing Corporation gets paid? I don't know. Well, do you get instructions to deliver so much money to Free Conferencing Corporation? Yes. Who gives you those instructions? Jeff Holoubek. Does he tell you how he calculates the amount due Free Conferencing Corporation? No. He just tells you the amount to transfer to Free Conferencing Corporation? Correct. Has he ever told you what the formal arrangement is between NAT and Free Conferencing Corporation for

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		Page 34			Page 36
1	. (What did he say?	1	A	Those are expenses related to the build-out of the
2	A	It's about 75 percent.	2		communications center,
3	ζ	2 So 75 percent of the revenue received goes back to	3	C	So it's really not maintenance or repairs as such.
4		Free Conferencing Corporation?	4		It's actually new construction?
5	A	Yes. And NAT keeps 25 percent to pay for all its	5	A	Some of it.
6		expenses.	6	Ç	The build-out of the communications center cost how
7	Ç	But you've not seen anything in writing that would set	7		much?
8		forth that arrangement. Is that right?	8	A	I don't know.
9		I have not.	9	Ç	Where is that shown on the balance sheet?
10	Ç	So, payroll expenses, what does that represent?	10		Some of it would be possibly in the Wi-Max. I don't
11		Employees.	11		know.
12		Employees of NAT. Correct?	12	Ç	Let's go down to telephone and circuit expenses of
13		. Correct.	13		almost \$127,000. Do you see that, sir?
14		For 2010 it had payroll expense of just over \$25,000.	14	A	Yes.
15		Is that right?	15		What are those expenses?
		Yes.	16	A	Those are expenses for the circuits, to maintain the
17		Those employees, would those be people working on the	17		conferencing on the reservation.
18		equipment on the reservation?	18	Q	"Circuit expenses," what does that particular phrase
19	А	They're working in the communications center as well as	19		refer to?
20	0	on the reservation.	20		I don't know. I'm not a circuit expert.
21		Where is the communications center located? On the reservation.	21	Q	Does any of this expense go to equipment that
23			22		Free Conferencing Corporation maintains?
24	Q	So the only location for NAT employees is on the reservation. Is that right?	23	A	I would assume that it goes towards the communications,
1	Δ	Correct.	24	^	the overall. I don't know exactly what it pertains to.
		Control.	25	Q	Does any of it go to WideVoice?
		Page 35	-		Page 37
1	0	As of today, how many employees does NAT have?			· · · · · · · · · · · · · · · · · · ·
		Four.			Say that again.
3		What do they do?	3	Q A	Does any of that circuit expenses go to WideVoice?
4		They manage the communications center and help with any	4		What do you mean, "go to WideVoice"?
5	• •	computer problems that people have, the residents have,	5	Ų	In other words, it maintains equipment that it allows NAT to use.
6		on the reservation, for the routers and so forth for	1	٨	You know, I don't know what these what the exact
7		the broadband service.	7	А	circuits are for. You know, we get bills; and we pay
8	0	Do you know what the monthly payroll expense is for	8		them.
9	`	NAT?	9	0	Do you get bills from WideVoice for services?
10	A	The monthly payroll expense?	1		No.
11		Yes.	11		Do you get bills from Free Conferencing Corporation for
12	A	I don't know exactly.	12	•	services?
		Moving down this here to professional fees for 2010, a	1	Α	No.
14		figure over \$85,000, what are those for?	t		Then who is billing you for circuit expenses?
15	A	Those would be legal fees.			SDN.
16	Q	Besides Mr. Swier, are there any other lawyers being	l .		SDN, South Dakota Network?
17		paid in that figure?	1		Yes.
18	A	I believe so, yes.	18	Q	What about Midstate Communications?
19	Q	Do you pay any Washington, D.C., attorneys to work for			Yes.
20		NAT?	l		What about AT&T?
		I don't know.	ľ		I don't know.
22	Q	Repairs and maintenance, almost \$99,000.	22	Q	Do you know who Keith Williams is?
23		Is that correct?			Yes.
		Yes.	24	Q	Who is he, sir?
25	Q	What do these expenses represent?			He is someone that works on behalf of NAT to set up all
			i .		· · · · · · · · · · · · · · · · · · ·

Page 40 1 the circuits. 2 Q Is he a Free Conferencing Corporation employee? 3 A No. 4 Q Is he a WideVoice employee? 5 A Yes. 5 Q Mr. Williams testified in October that there's a dedicated latternet line from the WideVoice switch in Los Angeles back to Stor in Sous Falls. 5 Does that seem correct? 1 A Iske Is said, Im not a circuits expert. I don't know the circuits. 2 Q Does AT&T bill NAT for the use of that line? 1 A Iske Issid, The most activuits expert. I don't know the circuits. 2 Q Does AT&T bill WideVoice for that, then? 1 A John throw. 1 Q Does it bill WideVoice for that, then? 1 A Maybe. I don't know. 1 Q Does it bill WideVoice for that, then? 1 A Thigs to Washington, D.C., and other miscellaneous trips. 2 Q What kind of travel is that? 3 A Time to Washington, D.C., and other miscellaneous trips. 4 Q What business does NAT have in Washington, D.C.? 2 A J don't know. How Shington, D.C., and other miscellaneous trips. 3 E WideVoice was localized account statement for January, 2011, 100 Wind was deposits of that amount from WideVoice? 4 (Exhibit 2 is marked for identification.) 4 Page 39 Page 40 1 BY MR. KNUDSON: Let's mark this as Cestero Number 2. (Exhibit 2 is marked for identification.) 5 C Q Mr. Cestero, Wind hand the profit and loss for January of NAT. 9 MR. KNUDSON: Let's mark this as Cestero Number 2. (Exhibit 2 is marked for identification.) 6 Q Mr. Cestero, Wind hand the profit and loss for January of NAT. 9 MR. KNUDSON: Let's go off the record a second. (Discussion off the record.) 10 MR. KNUDSON: Let's go off the record as econd. (Discussion off the record.) 11 MR. KNUDSON: Let's go off the record as econd. (Discussion off the record.) 12 Q Mr. Cestero, would you kindly identify what Exhibit 2 is represented. 14 A Yes. It's the balance sheet for the year ending because a nature for January, 2011; Exhibit 2 is that a yes or no? 1 NAT, it would show up in the Wells Fargo checking account statement for January, 2011; Exhibit 2, do you see an entry for CABS collection income of 310.02? 1 NATA is						11aich 1, 2011
2 Q Is he a Free Conferencing Corporation employee? 3 A No. 4 Q Is he a WideVoice employee? 5 A Yes. 7 dedicated Internet line from the WideVoice switch in Los Angelse back to SDIn is Sioux Falls. 9 Does that seem correct? 10 A Like Is add, Pin not a circuits expert. I don't know. 11 the circuits. 12 Q Does AT&T bill NAT for the use of that line? 13 A I don't know. 14 Q Does it bill WideVoice for that, then? 15 A Maybe. I don't know. 16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous or trips. 10 A What kind of fravel is that? 11 A I A Okay. 12 What business does NAT have in Washington, D.C.? 13 A I M. KNUDSON: Let's mark this as Cestero Namber 2. 14 Cans from WideVoice? 15 A Maybe. I don't know. 26 What kind of travel is that? 27 A Fes. 28 Q What kind of travel is that? 29 A Trips to Washington, D.C., and other miscellaneous or trips. 20 Mr. Cestero, I'm handing you what's been marked by the court proport as your Deposition Exhibit Number 2. 21 G W.C. Cestero, furn handing you what's been marked by the court proport as your Deposition Exhibit Number 2. 22 A Take a moment to look air it, and tell me if you receive it is a proportion Exhibit Number 2. 23 A Correct. 24 (Witness examines document.) I do. 25 What kind of travel is that? 26 What kind of travel is that? 27 A Yes. 28 A W. K. K. NUDSON: Let's go off the record a second. 29 (Discussion off the record). 20 (Mr. Cestero, fund you kindly identify what Exhibiz 2 represents? 21 A Yes. That would show up in the Well's Fargo checking account? 22 A Yes. 23 A Yes. 24 (Witness examines document.) I do. 25 (Witness examines document.) I do. 26 (Witness examines document.) I do. 27 (Witness examines document.) I do. 28 (Witness examines document.) I do. 39 (Witness examines document.) I do. 40 (Witness examines document.) I do. 41 (Witness examines document.) I do. 42 (Witness examines document.) I do. 43 (Witness examines document.) I do. 44 (Witness examines			Page 38			Page 40
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3 A No. 4 Q Is he a WideVoice employee? 5 A Yes. 6 Q Mr. Williams testified in October that there's a dedicated Internet line from the WideVoice switch in 18 Los Angeles back to SDN in Sioux Falls. 9 Does that seem correct? 10 A Like I said, I'm not a circuits expert. I don't know the circuits. 11 Q Does AT&T bill NAT for the use of that tine? 12 Q Does AT&T bill NAT for the use of that tine? 13 A I don't know. 14 Q Does it bill WideVoice for that, then? 15 A Maybe. I don't know. 16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous trips. 20 q What kind of travel is that? 21 Q What R.K.NUDSON: Lor's go and the miscellaneous trips. 22 (Exhibit 2 is marked for identification.) 23 MR. K.NUDSON: Lor's go what is a Scestron Number 2. 24 (Exhibit 2 is marked for identification.) 25 Page 30 26 Page 41 27 A Yes. 28 A It's the profit and loss for January for NAT. 29 A Yes. K.NUDSON: Lor's go off the record. 20 Q Mr. Cestero, I'm handing you what's been marked by the court reporter as your Deposition Exhibit Number 2. 24 Take a moment to look at it, and tell me if you recognize it. 26 A (Witness examines document.) I do. 27 Q What is it, si?? 38 A It's the profit and loss for January for NAT. 39 A It's the profit and loss for January for NAT. 30 MR. KNUDSON: Ler's go back on the record. 31 Q Mr. Cestero, would you kindly identify what Exhibit 2. 32 Take a moment to look at it, and tell me if you recognize it. 33 A Yes. 34 A Yes. It's the balance sheet and the profit and loss for Manuary 31, 2011. 34 C Yes would it was an		O				· · · · · · · · · · · · · · · · · · ·
4 Q Is he a WideVoice employee? 5 A Yes. 7 dedicated internet line from the WideVoice switch in Los Angeles back to SDIn Sioux Falls. 9 Does that seem correct? 10 A Like I said, I'm not a circuits expert. I don't know 11 the circuits. 11 Q Does AT&T bill NAT for the use of that line? 12 Q Does AT&T bill NAT for the use of that line? 13 A I don't know. 14 Q Does it bill WideVoice for that, then? 15 A Maybe. I don't know. 16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous trips. 10 Q What business does NAT have in Washington, D.C.? 21 A I don't know. I don't know. 22 A I don't know. I don't know. 23 MR. KNUDSON: Let's mark this as Cestero Number 2. 24 (Exhibit 2 is marked for identification.) 25 Page 39 1 BY MR. KNUDSON: Let's mark this as Cestero Number 2. 25 Take a moment to look at it, and tell me if you receive in January, 2011, from WideVoice? 10 Q What is it, sir? 20 M. What is it, sir? 21 Q What is it, sir? 22 A I don't know. I don't know. 23 A You would see several deposits, and then you'd see expenses reducing the cash balance. 24 C Can we get a copy of the January checking account statement from Wells Fargo checking account statement from Wells Fargo? 22 A Yes. 23 A Yes. 24 Q Can we get a copy of the January checking account statement from Wells Fargo? 25 A Yes. 26 Q What is it, sir? 27 A Yes. Is the balance sheet and the profit and loss for Ianuary for NAT. 28 A If she profit and loss for January for NAT. 29 A Yes. Sorry. I was watching him write. 21 A Yes. If we could ake a look at P&L for January, 2011, from WideVoice? 22 A Yes. 23 A Yes well? 24 A Yes. Is that a yes or no? 25 Q What care the meif you receive in January, 2011, from WideVoice? 26 A Yes. 27 Q Would you agree that it's approximately a \$55,000 increase in what's woming wideVoice? 28 A Yes. 29 Q So let's just take a look here; and, if you can, refer back to the balance sheet and the profit					Α	
5 A Yes. 6 Q Mr. Williams testified in October that there's a 7 dedicated internet line from the WideVoice switch in 8 Los Angeles back to SDN in Sioux Falls. 9 Does that seem corret? 10 A Like I said, I'm not a circuits expert. I don't know 11 the circuits. 11 Q Does AT&T bill NAT for the use of that line? 12 Q Does AT&T bill NAT for the use of that line? 13 A I don't know. 14 Q Does it bill WideVoice for that, then? 15 A Maybe. I don't know. 16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous trips. 20 trips. 21 Q What business does NAT have in Washington, D.C.? 22 A I don't know. I don't know. 23 Mr. KNUDSON: Let's mark this as Cestero Number 2. 24 (Exhibit 2 is marked for identification.) 25 Page 39 1 BY Mr. KNUDSON: Cat's mark this as Cestero Number 2. 26 Take a moment to look at it, and tell me if you recognize it. 27 A Wind would be the net amount, yeah. 28 O go Mr. Cestero, Tru handing you what's been marked by the court reporter as your Deposition Exhibit Number 2. 38 A I's the profit and loss for January for NAT. 39 Mr. KNUDSON: Let's go back on the record. 30 (Discussion off the record a second. 31 (Discussion off the record). 32 A I's subject that seed to subject that seed to use as well? 33 A Yes. I's the balance sheet and the profit and loss for NAT as of January 31, 2011. 39 Q Would the correct to say thats for one month? 31 A Okay. 31 A Okay. 32 Q So now you have Exhibit 1, NAT 82, in front of you and the balance sheet for January 31 as well. Correct? 40 A Yes. 41 A Yes. 41 A Yes. 42 A Yes. 43 A Yes. 44 A Yes. 45 So now you bave Exhibit 1, NAT 82, in front of you and the balance sheet for January 31 as well. Correct? 41 A Yes.	4			_		
6 Q Mr. Williams testified in October that there's a 7 dedicated Internet line from the WideVoice switch in 8 Los Angeles back to SDN in Sioux Falls. 9 Does that seem correct? 10 A Like I said, I'm not a circuits expert. I don't know 11 the circuits. 12 Q Does ATATE bill NAT for the use of that line? 13 A I don't know. 14 Q Does it bill WideVoice for that, then? 15 A Maybe. I don't know. 16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous to trips. 19 Q What kind of travel is that? 10 A Tips to Washington, D.C., and other miscellaneous to trips. 11 GEARCH SAME SAME SAME SAME SAME SAME SAME SAME	5		- '		~	· · · · · · · · · · · · · · · · · · ·
dedicated Internet line from the WideVoice switch in Los Angeles back to SDN in Sloux Palls. Does that seem correct? 10 A Like I said, I'm not a circuits expert. I don't know the the circuits. 11 Q Does AT&T bill NAT for the use of that line? 12 Q Does AT&T bill NAT for the use of that line? 13 A I don't know. 14 Q Does it bill WideVoice for that, then? 15 A Maybe, I don't know. 16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous trips. 20 U What business does NAT have in Washington, D.C.? 21 A I don't know. I don't know. 22 A I don't know. 23 MR. KNUDSON: Let's mark this as Cestero Number 2. 4 (Exhibit 2 is marked for identification.) Page 39 Page 41 BY MR. KNUDSON: 2 Q What it, and tell me if you receive in January, 2011, for what's owing WideVoice at the year-end? 2 WideVoice at month-end to what's due WideVoice at the year-end? 2 Well, would it be to compare the liabilities due WideVoice at month-end to what's due WideVoice at the year-end? 20 What is in sir sir year. 21 A John's how the exact amount. 22 Well, would be the net amount, yeah. 23 A Yes. 24 (Exhibit 2 is marked for identification.) Page 39 Page 41 BY MR. KNUDSON: Let's mark this as Cestero Number 2. 4 Take a moment to look at it, and tell me if you receive in January, 2011, for whickevoice at the year-end? 2 Well, would it be to compare the liabilities due WideVoice at month-end to what's due WideVoice at the year-end? 2 Well would you agree that it's approximately a \$55,000 increase in what's owing WideVoice? 2 Yes was a checking account statement for January, 2011, would we see deposits of that amount from WideVoice? 2 Yes was a checking account statement for January, 2011, would we see expert deposits, and then you'd see experts deposits, and then you'd s	ŀ				Α	
B Los Angeles back to SDN in Sioux Falls. Does that seem correct? A Lake Is asid, I'm not a circuits expert. I don't know the circuits. C Qobes ATATE bill NAT for the use of that line? A I Q Does ATATE bill NAT for the use of that line? A Maybe. I don't know. C Travel expenses of \$15,575.77, do you see that, sir? A Yes. A Maybe. I don't know. C Travel expenses of \$15,575.77, do you see that, sir? A Yes. A Waybe. I don't know. C What business does NAT have in Washington, D.C.? A I don't know. Let's mark this as Cestero Number. C What business does NAT have in Washington, D.C.? A Maybe. KNUDSON: Let's mark this as Cestero Number. C Wide Voice at month-end to what's due Wide Voice at the vac-end? A Yes. C Would you agree that it's approximately a \$55,000 in crease in what's owing Wide Voice. A Yes. That would be the net amount, yeah. C Wide you agree that it's approximately a \$55,000 in crease in what's owing Wide Voice? A Yes. C What business does NAT have in Washington, D.C.? A I don't know. I don't know. C Wide Voice. C What is it, sir? A Yes. C What is it, sir? A Yes. C What is it, sir? A Yes. C Wide Seeveral deposits, and then you'd see expenses reducing the cash balance. D Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at the Wide Voice at month-end to what's due Wide Voice at month-end to what's due Wide Voice at the Wide Voice at the Vide Voice at t				7		
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10 A Like I said, I'm not a circuits expert. I don't know the circuits. 11 the circuits. 21 Q Does ATAET bill NAT for the use of that line? 13 A I don't know. 14 Q Does it bill WideVoice for that, then? 15 A Maybe. I don't know. 16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous trips. 21 Q What business does NAT have in Washington, D.C.? 22 A I don't know. I don't know. 23 MR. KNUDSON: Let's mark this as Cestero Number 2. 24 (Exhibit 2 is marked for identification.) 25 (Exhibit 2 is marked for identification.) 26 Q Mr. Cestero, I'm handing you what's been marked by the court reporter as your Deposition Exhibit Number 2. 4 Take a moment to look at it, and tell me if you recognize it. 5 A (Witness examines document.) I do. 6 A (Witness examines document.) I do. 7 Page 39 Page 41 NAT, it would show up in the Wells Fargo checking account? 3 A Yes. 4 Vou would see several deposits, and then you'd see expenses reducing the cash balance. 24 Q Mr. Cestero, I'm handing you what's been marked by the court reporter as your Deposition Exhibit Number 2. 4 Take a moment to look at it, and tell me if you recognize it. 6 A (Witness examines document.) I do. 7 Q What is it, sir? 8 A It's the profit and loss for January for NAT. 9 MR. KNUDSON: Let's go off the record. 10 Q Discussion off the record. 11 MR. KNUDSON: Let's go off the record. 12 Q Mr. Cestero, would you kindly identify what Exhibit 2 represents? 13 A Yes. 14 A Yes. It's the balance sheet and the profit and loss for January for NAT. 15 Q Would it be correct to say that's for one month? 16 A Yes. That would be the net amount, wah. 17 Q Would you garee that it's aproximately a \$55,600 increase in what's owing WideVoice? 18 A Yes. 19 A Yes. 20 C an we make arrangements to get that sent to us as well? 21 A Yes. Sorry. I was watching him write. 22 A Yes. Sorry. I was watching him write. 23 A Yes. 24 A Yes. It's the balance sheet for the year ending labeled the ne	9			9	Α	
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15 A Maybe. John't know. 15 Q Year-end? 16 A Yes. 17 Q Would you agree that it's approximately a \$55,000 increase in what's owing WideVoice? 18 A Trips to Washington, D.C., and other miscellaneous of trips. 20 What business does NAT have in Washington, D.C.? 21 A John't know. John't know. 23 MR. KNUDSON: Lef's mark this as Cestero Number 2. 24 Lefthibit 2 is marked for identification.) 25 WideVoice? 26 WideVoice? 27 A Ves. 28 WideVoice? 28 A Yes. 29 WideVoice? 29 A Yes. 20 If we saw a checking account statement for January, 20 If, would we see deposits of that amount from 20 WideVoice? 27 A Yes. WideVoice? 28 A Yes. WideVoice? 29 A Yes. WideVoice? 20 If we saw a checking account statement for January, 20 WideVoice? 20 If we saw a checking account statement for January, 20 WideVoice? 20 If we saw a checking account statement for January, 20 WideVoice? 20 VideVoice? 20 VideVoice? 20 VideVoice? 21 A Yes. WideVoice? 21 A Yes. WideVoice? 22 A Yes. WideVoice? 23 A You would see several deposits, and then you'd see expenses reducing the cash balance. 24 A Yes. WideVoice was loaning money to 22 A Yes. 23 A Yes. 24 A Yes. A Yes hat a moment to look at it, and tell me if you 23 A Yes. A Yes. A Yes. A Yes. A Yes hat a well? A Yes. A Yes. A Yes. A Yes hat a well? A Yes.	14	Q	Does it bill WideVoice for that, then?	1	`	•
16 Q Travel expenses of \$15,575.77, do you see that, sir? 17 A Yes. 18 Q What kind of travel is that? 19 A Trips to Washington, D.C., and other miscellaneous trips. 20 trips. 21 Q What business does NAT have in Washington, D.C.? 22 A I don't know. I don't know. 23 MR. KNUDSON: Let's mark this as Cestero Number 2. 24 (Exhibit 2 is marked for identification.) Page 39 1 BY MR. KNUDSON: 25 What is it, sir? 26 Q Mr. Cestero, I'm handing you what's been marked by the court reporter as your Deposition Exhibit Number 2. 26 Take a moment to look at it, and tell me if you recognize it. 27 A (Witness examines document.) I do. 28 A Ifs the profit and loss for January for NAT. 39 MR. KNUDSON: Let's go off the record. 30 (Discussion off the record.) 31 MR. KNUDSON: Let's go ack on the record. 32 Q Mr. Cestero, would you kindly identify what Exhibit 2 represents? 33 for NAT as of January 31, 2011. 34 A Yes. It she balance sheet and the profit and loss for NAT as of January 31, 2011. 36 Q Would it be correct to say that's for one month? 37 A Correct. 38 Q So let's just take a look here; and, if you can, refer back to the balance sheet for the year ending 20 December 31 in Exhibit 1, NAT 82, in front of you and 21 the balance sheet for January 31 as well. Correct? 29 C Table and the net amount, yeah. 20 Q If we saw a checking account statement for January, 2014 were expenses reducing the cash balance. 24 Yes. 25 Q If we saw a checking account statement for January, 2014 were expenses reducing the cash balance. 26 Q But you'd agree that, if WideVoice? 27 A Yes. 28 Q Can we get a copy of the January checking account? 38 Yes. 39 A Yes. 40 Can we make arrangements to get that sent to us as well? 41 A Yes. I'm at would show up in the Wells Fargo checking account? 42 A Yes. 41 Q Can we make arrangements to get that sent to us as well? 43 A Yes. 41 Yes. 42 Q Mr. Cestero, would you kindly identify what Exhibit 2 is that a yes or no? 43 A Yes. 44 Yes. 45 Q What is it, sir? 46 Q Would it be correct to say that's for one month? 47 A Cor				15		
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			T		March 1, 201
		Page 42			Page 44
1	A	We have a different company.	1	Α	That would be Tom DeJordy and Tom Reiman.
2	ζ	Who is your billing agent now?	2		MR. SWIER: Gene DeJordy.
3	A	It's CDG.	3		THE WITNESS: I mean Gene. I'm sorry. Let me
4	Ç	Can you	4		reanswer that: Tom Reiman and Gene DeJordy.
5		Communications Data Group.	5	B	Y MR. KNUDSON:
6		How long has CDG been the billing agent?	6	Q	Duly noted.
7	A	I don't know.	7		So, although WideVoice is an owner of NAT, it's
8	Ç	But at some point in 2010 it replaced CABS Agent.	8		also a lender to NAT. Is that right?
9		Correct?	9	Α	Yes.
10		Correct.	10	Q	And you're recording these transfers from WideVoice
11	Q	But you haven't changed the description on your	11		Communications to NAT as a loan and not an investment.
12		financial records, have you?	12		Correct?
1		No. No need to.	13	Α	Correct.
1	Q	Now, you paid \$3,000 in consulting expenses in January	14	Q	Yet you've never seen a document that would evidence
15		of 2011. Right?	15		that this is an actual creditor-lender relationship.
16		Correct,	16		Correct?
17		Who got the \$3,000?	17	A	I have not.
1		Tom Reiman.	18	Q	Let's take a look now back to Exhibit 1. The first
		What did he do for those services?	19		page, NAT 0001, what does that represent?
1		He made sure the reservation was operating.	20	A	These are reports that are required to support the
21	Q	Well, you have employees on the reservation as well,	21		amount of minutes.
22		don't you?	22	Q	So this is a minutes of usage report for NAT?
23		Yes.			Yes.
1	Q	In fact, your payroll expense for January was about	24	Q	So the total number of minutes of use for January,
25		\$1,900. Correct?	25		2011, was over 12 million. Is that right?
-					
		Page 43			
1		r age 45			Page 45
1		That's what it shows, yes.	1	Α	That's what the report shows.
1 2	Q	That's what it shows, yes. Professional fees of \$23,543, what are those fees for?			•
	Q A	That's what it shows, yes. Professional fees of \$23,543, what are those fees for? I don't know exactly, but some would be legal.	2	Q	That's what the report shows.
2 3 4	Q A Q	That's what it shows, yes. Professional fees of \$23,543, what are those fees for? I don't know exactly, but some would be legal. What other kind of professional fees does NAT incur?	2	Q A	That's what the report shows. Who prepared this report?
2 3 4	Q A Q A	That's what it shows, yes. Professional fees of \$23,543, what are those fees for? I don't know exactly, but some would be legal. What other kind of professional fees does NAT incur? Accounting.	2 3 4	Q A Q	That's what the report shows. Who prepared this report? I don't know.
2 3 4	Q A Q A	That's what it shows, yes. Professional fees of \$23,543, what are those fees for? I don't know exactly, but some would be legal. What other kind of professional fees does NAT incur? Accounting. Do you have like an outside auditor examine the books	2 3 4 5	Q A Q A	That's what the report shows. Who prepared this report? I don't know. But you recognize it for what it is? I do.
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Na	tive	American Telecom, LLC, et al.			March 1, 201
		Page 46			Page 48
1	0	So, the first one, NAT 2, Page 1 of 1, the account is	1	Α	I'd have to look at the ledger.
2		opened, if I'm correct, then, on July 23, 2010?	2		You can't say one way or another whether these are from
3	A	Correct.	3	`	long-distance carriers or not, then.
4	Q	Did you open that account?	4		Is that right, sir?
5		Yes.	5	Α	It's impossible to say from the statement.
6	Q	If you go to the next page, NAT 0003, and you go on to	6		But these are not loans from WideVoice Communications,
7		the next page after that, NAT 0004, is that the	7		are they?
8		statement for August, 2010?	8	A	I don't know.
9	A	Yes, it is.	9	Q	Well, let's take a look, then, at NAT 0007 and 8.
10	Q	Here we show some deposits of \$75,000 and \$128,855.42.	10		Is that the Wells Fargo statement for October, 2010?
11		These are wire transfers from First Dakota National	11	Α	Yes, it is.
12		Bank to this Wells Fargo account. Correct?	12	Q	Well, do you see on NAT 0007 an online transfer of
13	A	Yes.	13		\$6,000?
14	Q	So, in essence, what happened then in August is that	14	Α	Yes.
15		you transferred the bulk of the money out of the	15	Q	Was that a loan from WideVoice Communications?
16		First Dakota accounts to Wells Fargo. Correct?	16	Α	That would be a loan.
17	A	Correct.	17	Q	How can you tell that that is a loan?
18	Q	And, since then, that First Dakota account has been	18	Α	It says, "Online Transfer Loan to Natcc."
19		pretty much inactive. Right?	19	Q	So, if it's coming in as a loan, you make a notation
20	A	Correct.	20		that it would be a loan. Is that right?
21	Q	Then on August 9, if you'd look here on NAT 0003, there	21	Α	When I make the transfer, yes.
22		is a transfer on August 9 of \$96,641.53.	22	Q	But, if it came in as a check from CDG, it would be
23		Do you see that, sir?	23		recorded as a deposit. Is that right?
24	A	Yes.	24	Α	A check from CDG would be recorded as a deposit.
25	Q	That's the transfer to Free Conferencing Corporation?	25	Q	So is it fair to say that in September of 2010,
-		Dogo 47	+		D 10
		Page 47			Page 49
1		Yes.	1		NAT 0005, that those are deposits from CDG?
2		Yes. And that transfer was at the direction of Mr. Holoubek.	1		NAT 0005, that those are deposits from CDG? I can't tell from here.
2	Q	Yes. And that transfer was at the direction of Mr. Holoubek. Is that right?	2	Q	NAT 0005, that those are deposits from CDG? I can't tell from here. You'd have to look at what, sir, to know?
2 3 4	Q A	Yes. And that transfer was at the direction of Mr. Holoubek. Is that right? Correct.	2 3 4	Q A	NAT 0005, that those are deposits from CDG? I can't tell from here. You'd have to look at what, sir, to know? I'd have to look at the ledger for the detail.
2 3 4 5	Q A Q	Yes. And that transfer was at the direction of Mr. Holoubek. Is that right? Correct. Did you prepare the paperwork for the transfer?	2 3 4 5	Q A Q	NAT 0005, that those are deposits from CDG? I can't tell from here. You'd have to look at what, sir, to know? I'd have to look at the ledger for the detail. Were you paying Free Conferencing Corporation any money
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q	Yes. And that transfer was at the direction of Mr. Holoubek. Is that right? Correct. Did you prepare the paperwork for the transfer? I did the transfer. Did you ask for any documentation of the accuracy of the amount to be transferred, sir? No. Then take a look at NAT 0004. Do you see these checks being paid? Yes. What are these checks being paid for, do you recall? I do not recall. If we move on, then, the next two pages in Exhibit 1, NAT 0005 through 6, are the statement for September, 2010? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A Q	NAT 0005, that those are deposits from CDG? I can't tell from here. You'd have to look at what, sir, to know? I'd have to look at the ledger for the detail. Were you paying Free Conferencing Corporation any money in October of 2010? No. How do you know that? Not from here. It doesn't look like any money was paid out. The next two pages of Exhibit 1, NAT 0009 through 10, is that the account statement for November? Yes. Now look at the deposits. You see there are three deposits. Are these all loans from WideVoice Communications? The ones for \$51,000? Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q	Yes. And that transfer was at the direction of Mr. Holoubek. Is that right? Correct. Did you prepare the paperwork for the transfer? I did the transfer. Did you ask for any documentation of the accuracy of the amount to be transferred, sir? No. Then take a look at NAT 0004. Do you see these checks being paid? Yes. What are these checks being paid for, do you recall? I do not recall. If we move on, then, the next two pages in Exhibit 1, NAT 0005 through 6, are the statement for September, 2010? Yes. Here we see some deposits that total \$38,765.67. Do you see that, sir? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A	NAT 0005, that those are deposits from CDG? I can't tell from here. You'd have to look at what, sir, to know? I'd have to look at the ledger for the detail. Were you paying Free Conferencing Corporation any money in October of 2010? No. How do you know that? Not from here. It doesn't look like any money was paid out. The next two pages of Exhibit 1, NAT 0009 through 10, is that the account statement for November? Yes. Now look at the deposits. You see there are three deposits. Are these all loans from WideVoice Communications? The ones for \$51,000? Yes. Yes. The next two pages, NAT 00011 through 12, is that the account statement from Wells Fargo for NAT for
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q	Yes. And that transfer was at the direction of Mr. Holoubek. Is that right? Correct. Did you prepare the paperwork for the transfer? I did the transfer. Did you ask for any documentation of the accuracy of the amount to be transferred, sir? No. Then take a look at NAT 0004. Do you see these checks being paid? Yes. What are these checks being paid for, do you recall? I do not recall. If we move on, then, the next two pages in Exhibit 1, NAT 0005 through 6, are the statement for September, 2010? Yes. Here we see some deposits that total \$38,765.67. Do you see that, sir? Yes. Are these deposits revenues being received from long-distance carriers paying NAT?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q A Q A Q	NAT 0005, that those are deposits from CDG? I can't tell from here. You'd have to look at what, sir, to know? I'd have to look at the ledger for the detail. Were you paying Free Conferencing Corporation any money in October of 2010? No. How do you know that? Not from here. It doesn't look like any money was paid out. The next two pages of Exhibit 1, NAT 0009 through 10, is that the account statement for November? Yes. Now look at the deposits. You see there are three deposits. Are these all loans from WideVoice Communications? The ones for \$51,000? Yes. Yes. The next two pages, NAT 00011 through 12, is that the account statement from Wells Fargo for NAT for December, 2010? It is.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q	Yes. And that transfer was at the direction of Mr. Holoubek. Is that right? Correct. Did you prepare the paperwork for the transfer? I did the transfer. Did you ask for any documentation of the accuracy of the amount to be transferred, sir? No. Then take a look at NAT 0004. Do you see these checks being paid? Yes. What are these checks being paid for, do you recall? I do not recall. If we move on, then, the next two pages in Exhibit 1, NAT 0005 through 6, are the statement for September, 2010? Yes. Here we see some deposits that total \$38,765.67. Do you see that, sir? Yes. Are these deposits revenues being received from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q A Q	NAT 0005, that those are deposits from CDG? I can't tell from here. You'd have to look at what, sir, to know? I'd have to look at the ledger for the detail. Were you paying Free Conferencing Corporation any money in October of 2010? No. How do you know that? Not from here. It doesn't look like any money was paid out. The next two pages of Exhibit 1, NAT 0009 through 10, is that the account statement for November? Yes. Now look at the deposits. You see there are three deposits. Are these all loans from WideVoice Communications? The ones for \$51,000? Yes. Yes. The next two pages, NAT 00011 through 12, is that the account statement from Wells Fargo for NAT for December, 2010?

		American Telecom, EDC, et al.	т—		Waren 1, 201
		Page 50			Page 52
1	A	I can't tell from here.	1	Α	Yes.
2	Q	What other sources of cash for NAT in December, 2010,	2		Wouldn't that suggest that was the opening deposit?
3	•	were there except either a deposit from CDG or a loan	3		You could assume.
4		from WideVoice Communications?	4		Let's take a look here at September, which is
5	A	I don't know.	5	`	NAT 00015. It's the only page I have for September.
6	Q	Well, you're in charge of the financial records of NAT,	6		Would you agree that's the only page for
7		are you not?	7		September, 2009?
8	A	Yes, but from here I can't tell.	8	Α	Yes.
9		Well, I'm asking you: Was there any other source of	9	Q	Again it shows a minor deposit from Reiman Rentals of
10		cash besides either a deposit from CDG or a loan from	10	`	\$50. Correct?
11		WideVoice?	11	Α	Yes.
12	A	Again, from here I can't tell.	12	Q	Let's move on to October. That's NAT 00016.
13		I'm not asking you from this statement; but, do you	13		Again a minor transfer from Tom's account is the
14		recall whether there was	14		only revenue coming in. Correct?
15	A	I don't recall, no.	15	Α	Correct.
16		MR. SWIER: Make sure you let Scott finish his	16		Let's look at the account statement for November, 2009,
17		question.	17	`	NAT 00017. Again it shows just a miscellaneous
18		THE WITNESS: Oh, I'm sorry.	18		transfer from Tom's account as revenue. Correct?
19		MR. KNUDSON: It's not for my benefit. It's for	19	Α	Correct.
20		our court reporter's benefit.	20	Q	Now let's move to December, 2009. Do you see that?
21		THE WITNESS: I understand.	21	`	That's a two-page statement, NAT 00018 through 19.
22	B.	Y MR. KNUDSON:	22		Do you see that, sir?
23	Q	So, WideVoice loaned \$44,000 to NAT in December, 2010?	23	Α	Yes, I do.
24		That's the way it appears, yes.	24		Now, I see two deposits. Do you see an incoming wire
i		Again, all loans that WideVoice made to NAT from the	25	`	transfer from WideVoice?
		Page 51			Page 53
		·			Page 53
1		period of August, 2010, through December, 2010, would			Yes.
2		period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo.	2	Q	Yes. Do you know if that's a loan?
2	Δ.	period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct?	2	Q A	Yes. Do you know if that's a loan? That would be a loan.
2 3 4		period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct? They would, yes.	2 3 4	Q A	Yes. Do you know if that's a loan? That would be a loan. So that is the first loan from WideVoice in 2009.
2 3 4 5		period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct? They would, yes. Let's move a little further into Exhibit 1. I think,	2 3 4 5	Q A Q	Yes. Do you know if that's a loan? That would be a loan. So that is the first loan from WideVoice in 2009. Isn't that correct?
2 3 4 5 6		period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct? They would, yes. Let's move a little further into Exhibit 1. I think, if you'll take a look at Exhibit 1, all the way to the	2 3 4 5 6	Q A Q A	Yes. Do you know if that's a loan? That would be a loan. So that is the first loan from WideVoice in 2009. Isn't that correct? Yes.
2 3 4 5 6 7		period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct? They would, yes. Let's move a little further into Exhibit 1. I think, if you'll take a look at Exhibit 1, all the way to the very end, except for the balance sheet and income	2 3 4 5 6 7	Q A Q A	Yes. Do you know if that's a loan? That would be a loan. So that is the first loan from WideVoice in 2009. Isn't that correct? Yes. Now let's just take a look here at this withdrawal,
2 3 4 5 6 7 8		period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct? They would, yes. Let's move a little further into Exhibit 1. I think, if you'll take a look at Exhibit 1, all the way to the very end, except for the balance sheet and income statement for 2010, would you agree with me that these	2 3 4 5 6 7 8	Q A Q A	Yes. Do you know if that's a loan? That would be a loan. So that is the first loan from WideVoice in 2009. Isn't that correct? Yes. Now let's just take a look here at this withdrawal, December 31, on Page NAT 00018. Do you see that entry
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2 3 4 5 6 7 8 9	Q	period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct? They would, yes. Let's move a little further into Exhibit 1. I think, if you'll take a look at Exhibit 1, all the way to the very end, except for the balance sheet and income statement for 2010, would you agree with me that these are the bank statements for the account Native American Telecom maintained at First Dakota?	2 3 4 5 6 7 8 9	Q A Q A Q	Yes. Do you know if that's a loan? That would be a loan. So that is the first loan from WideVoice in 2009. Isn't that correct? Yes. Now let's just take a look here at this withdrawal, December 31, on Page NAT 00018. Do you see that entry for \$318.40 transferred to Tom's account? Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A	period of August, 2010, through December, 2010, would be reflected in the bank statements from Wells Fargo. Correct? They would, yes. Let's move a little further into Exhibit 1. I think, if you'll take a look at Exhibit 1, all the way to the very end, except for the balance sheet and income statement for 2010, would you agree with me that these are the bank statements for the account Native American Telecom maintained at First Dakota? Yes, they are. Are these all the bank statements available for this account at First Dakota? Through December 31st, yes. So we start with, on NAT 00013 through 14, the account statement for August, 2009? Yes. That's the first statement available from First Dakota. Correct? Yes. So the account was opened at some point in time in August, 2009. Correct? I don't know. I wasn't there.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q	Yes. Do you know if that's a loan? That would be a loan. So that is the first loan from WideVoice in 2009. Isn't that correct? Yes. Now let's just take a look here at this withdrawal, December 31, on Page NAT 00018. Do you see that entry for \$318.40 transferred to Tom's account? Yes. Now, is this one of those expense items that's a part of the balance sheet that the tribe has asked it be characterized in a special way? Yes. MR. SWIER: Scott, do we want to take a break so we can call and see if we can MR. KNUDSON: Yeah, why don't we do that. (A short recess is taken.) (Exhibit 3 is marked for identification.) YMR. KNUDSON: Mr. Cestero, we're back on the record. I'm handing you what's been marked as Cestero Exhibit Number 3. Take a moment to look at it. Tell me if you can recognize it.
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		Page 54			Page 56
1	A	It's the "due to" WideVoice Communications from NAT.	1		general journal. Do you see that, sir?
2	Q	This would be the journal backup for the balance sheet,	2	Α	Yes.
3		is that right, for 2010?	3	Q	Now, on Exhibit 3, then, this shows all the cash loans
4	Α	Correct.	4		made to NAT in 2010. Correct?
5	Q	Now, I believe I had asked you to provide me with the	5	Α	Correct.
6		journal backup for the P&L for 2010 which would show	6	Q	There is, however, a loan repayment in 2010, is
7		the detail for the income coming into NAT for 2010.	7		there not?
8		Do you recall that, sir?	8	A	Yes.
9	Α	I don't. I'm sorry.	9	Q	Do you see that on February 12, 2010, \$5,000 was repaid
10	Q	Well, Exhibit 3 is your journal entry support for your	10		to WideVoice. Correct?
11		balance sheet that shows the amount due WideVoice	11	A	Yes.
12		Communications. Correct?	12	Q	That was a repayment of an advance made in December,
13	Α	Yes.	13		2009. Correct?
14	Q	There is another journal entry, is there not, in the	14	Α	Yes.
15		records of NAT that would be backup for the revenue	15	Q	So the total on this schedule adds up to \$479,949; and
16		statement, showing the amount of income received from	16		that's the line entry, then, on the balance sheet on
17		what source in 2010. Right?	17		Exhibit 1, NAT 82? I just want to tie these two
18		Yes, but I believe he already discussed that.	18		together.
19	Q	Well, before we get to that, that documentation is	19	A	It's \$474,000, not \$479,000 as you stated. You're
20		available. Correct?	20		looking at the wrong column.
21		Yes.	21	Q	I am, indeed. Thank you.
22	Q	And you could have printed it off for me on recess	22		So, \$474,949 ties, from Exhibit 3, to the balance
23		right now. Correct?	23		sheet, which is Exhibit 1. Correct?
1		Yes.	24		Yes, sir.
25	Q	And you're not producing that backup documentation on	25	Q	Thank you. Now, if you go back to the first page of
		Page 55			Page 57
1		instructions from your counsel. Correct?	1		Exhibit 1 for a second, that's this minutes of usage
2	Α	Correct.	2		report. Do you see that, sir?
3		MR. KNUDSON: Mr. Swier, we'll bring this up with	3	Α	Yes.
4		the Court on Thursday; but I think we're entitled to	4	Q	What percentage of the minutes of usage in January,
5		know where the money came from in 2010 because it added	5		2011, were to numbers maintained by Free Conferencing
6		up to a substantial amount of money.	6		Corporation?
7		MR. SWIER: Objection duly noted.	7	Α	I don't know.
8	B	Y MR. KNUDSON:	8	Q	Who would know that information?
9	Q	Let's just go back to Exhibit 3 now for a moment; and	9	Α	I don't know.
10		just kind of, if you will, generally walk me through	10	Q	Let's go back to the detail here, then, on Exhibit 1.
11		what this exhibit represents.	11		Let's go to the statement for January, 2010. That's
12	Α	Well, it represents payments that have been made by	12		NAT 20.
13		WideVoice on behalf of NAT in addition to loans made	13	Α	Okay.
14		directly to NAT by WideVoice.	14	Q	It's a two-page statement, is it not, NAT 20 and 21?
15	Q	So, when I look at an entry that says: "General	15	A	It is, yes.
16		Journal, 6-4-2009, Number 6, Wirefree Communications,"	16	Q	So, if we look at the first page of the statement
17		that's money, \$47,750, that WideVoice paid Wirefree	17		MR. KNUDSON: Just, by the way, Mr. Swier, the
18		Communications for technology to place on the	18		court reporter during the recess went through this and,
19		reservation. Is that right?	19		I believe, has tried to redact all the identifying
20	A	Correct.	20		information.
21	Q	When it says: General Journal entry, 6-4-2009,	21		MR. SWIER: That'd be great. Thank you.
22		Number 6, that's the sixth entry in the general	22	B	Y MR. KNUDSON:
23		journal. Is that correct?	23	Q	Back again, then, to NAT 20, the first page of the
24	A	Yes.	24		statement for January, 2010, the deposit line shows no
25	Q	So there's a sequential log here of the entries in the	25		deposits. Is that right?

		D 50			iviaich 1, 201
		Page 58	'		Page 60
1	. <i>F</i>	A Correct.	1	. /	A It would be, yes.
2	(2 So there was no revenue coming into NAT in January,	2		So NAT paid some of this directly as well.
3		2010. Correct?	3		Is that correct?
4	F	A No, not to this account.	4	A	A Yes.
5	(2 Is that right? There was no money coming in?	5	(Q Go to the next page of the statement. Do you see the
6		A There was no money.	6		outgoing wire transfer to Free Conferencing Corp on
7	(Then if you turn to Page 2 on NAT 21, it would be	7		February 5?
8		do you see the handwritten notation, "Tom \$2,400"?	8	Α	A I do.
9	A	Yes.	9	Ç	Is that, then, its share of the revenues coming in?
10	(Is that your handwriting?	10		A It would be.
11	A	No.	11	Ç	Then there is the February 12 outgoing transfer to
12	(Does that represent the amount of money that was paid	12		WideVoice Communications. That's the repayment of the
13		to Tom Reiman in January, 2010?	13		loan made in December. Correct?
14	A	I don't know what that is.	14	A	A Correct.
15	Ç	If we go back to the first page of the statement, don't	15	C	Let's move on to the March statement. This one is a
16		we see a number of transfers to Tom's account: \$1,000,	16		little longer. It goes on for eight pages, beginning
17		\$500, \$500, and \$400?	17		with NAT 24 and ending with NAT 31. Is that right?
18	A	Yes.	18	Α	Yes.
19	Ç	Does that add up to \$2,400?	19		Let's go back to the first page of the statement; and
20		It does.	20	`	again we see a deposit on March 3 with the entry, "WFB
21	Ç	Then let's move to the statement for February, 2010,	21		Direct Pay CCD," for \$142,043.72.
22		NAT 22 through 23. Do you see that, sir?	22		Do you see that, sir?
23	Α	Yes.	23	А	Yes.
24	Q	That is the statement for February, 2010?	24		But you can't tell me whether that's revenue from
1		. It is.	25	*	long-distance carriers that were paying NAT's invoices?
			1		the paying that were paying that is invoices?
1					
		Page 59			Page 61
1	0	·			Page 61
1	Q	Now, you recall that in January there were no deposits,	1 .		Not from here I can't tell.
2		Now, you recall that in January there were no deposits, no revenue coming in. Correct?	2		Not from here I can't tell. But, if we turn to the second page of the statement,
3	A	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes.	2		Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on
2 3 4	A	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47.	2 3 4		Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of
2 3 4 5	A Q	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47. Do you see that, sir?	2 3 4 5		Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of \$106,532.79, that's Free Conferencing Corporation's
2 3 4 5 6	A Q A	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47. Do you see that, sir? Yes.	2 3 4 5 6	Q	Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of \$106,532.79, that's Free Conferencing Corporation's share of the revenues from NAT. Correct?
2 3 4 5 6 7	A Q A	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47. Do you see that, sir? Yes. It says here, "WFB Direct Pay CCD." Do you know what	2 3 4 5 6 7	Q A	Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of \$106,532.79, that's Free Conferencing Corporation's share of the revenues from NAT. Correct? I would assume so, yes.
2 3 4 5 6 7 8	A Q A Q	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47. Do you see that, sir? Yes. It says here, "WFB Direct Pay CCD." Do you know what that entry stands for?	2 3 4 5 6 7 8	Q A Q	Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of \$106,532.79, that's Free Conferencing Corporation's share of the revenues from NAT. Correct? I would assume so, yes. Do you have a calculator with you?
2 3 4 5 6 7 8 9	A Q A Q	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47. Do you see that, sir? Yes. It says here, "WFB Direct Pay CCD." Do you know what that entry stands for? I do not.	2 3 4 5 6 7 8 9	Q A Q A	Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of \$106,532.79, that's Free Conferencing Corporation's share of the revenues from NAT. Correct? I would assume so, yes. Do you have a calculator with you? No, not with me.
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2 3 4 5 6 7 8 9 10 11 12 13	A Q A Q A Q	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47. Do you see that, sir? Yes. It says here, "WFB Direct Pay CCD." Do you know what that entry stands for? I do not. Do you know if it's Wells Fargo Bank? I don't know. Do you know, is this revenue coming in from CABS Agent, from invoices it sent to long-distance carriers?	2 3 4 5 6 7 8 9 10 11 12 13	Q A Q A	Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of \$106,532.79, that's Free Conferencing Corporation's share of the revenues from NAT. Correct? I would assume so, yes. Do you have a calculator with you? No, not with me. Can you work a calculator from my cell phone? Sure. I could try. Let's just do this in round numbers. Divide 106 and we'll round that to, let's say, \$107,000 by
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2 3 4 5 6 7 8 9 10 11 12 13 14	A Q A Q A Q A	Now, you recall that in January there were no deposits, no revenue coming in. Correct? Yes. Now, we see a deposit of \$114,138.47. Do you see that, sir? Yes. It says here, "WFB Direct Pay CCD." Do you know what that entry stands for? I do not. Do you know if it's Wells Fargo Bank? I don't know. Do you know, is this revenue coming in from CABS Agent, from invoices it sent to long-distance carriers? I'm not certain. I can't base it off of this statement.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q A Q	Not from here I can't tell. But, if we turn to the second page of the statement, sir, and we look at the outgoing wire transfer on March 4, a day later, to Free Conferencing Corp of \$106,532.79, that's Free Conferencing Corporation's share of the revenues from NAT. Correct? I would assume so, yes. Do you have a calculator with you? No, not with me. Can you work a calculator from my cell phone? Sure. I could try. Let's just do this in round numbers. Divide 106 and we'll round that to, let's say, \$107,000 by \$142,000. Where is your "divide by"? I don't know how to use
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25 Q Is that part of the build-out on the reservation?

25

\$142,043.

Iva	uve	American Telecom, LLC, et al.			March 1, 201
		Page 62			Page 64
1	Α	(Witness calculates.) Okay.	1		NAT for May, 2010. Correct?
		What do you get?	2	Α	Correct.
		.75.	1		Now let's take a look at the entry on the first page
i		So that percentage, you would agree that's 75 percent?	4	Q	
- 1		Yes.			from May 4. There's a deposit of \$217,877.45.
6			5		Do you see that, sir?
		And that's consistent with what you testified to	6		Yes.
7		earlier that the agreement between Free Conferencing	7		Again, it says, "WFB Direct Pay CCD." Correct?
8		Corporation and NAT was, that Free Conferencing would	8		Correct.
9		get 75 percent of the revenues NAT was bringing in.	9	Q	Now, it goes from around \$7,000 in April to \$217,000 in
10		Correct?	10		May. Does that indicate that some long-distance
11		My understanding is that they received 75 percent.	11		carriers were still paying NAT?
12	Q	So that would make sense, then, if the \$142,000 we saw	12	Α	You could infer that, yes.
13		on the first page of the statement was, in fact, the	13	Q	Then we go to the next page, NAT 42; and we see a debit
14		revenues derived from the invoices being paid by the	14		memo of May 10 for \$163,448.09. Would you say that
15		long-distance carriers. Correct?	15		that's a payment to Free Conferencing Corporation?
16	Α	Yes.	16	Α	I can't tell from here.
17	Q	Let's go to the next statement for April, 2010. It	17	Q	Should we do the math again?
18		begins at NAT 00032 and goes on for eight pages and	18		Sure. (Witness calculates.) Seventy-five percent.
19		ends on NAT 00040. Do you see that, sir?	19		So that would reflect what would be Free Conferencing
20	Α	Yes.	20	~	Corporation's share of the revenues received by NAT.
21	0	You'll agree this is the First Dakota statement for NAT	21		Correct?
22		for April, 2010. Right?	22	۸	I would assume that to be.
		Yes.	23		
1		Do you see that, on the first page of the statement,	1		Stay with Page 2 of the statement if you would, sir.
25	Q	there's a deposit of \$7,909.88 on April 5. Correct?	24		Okay.
25		uncles a deposit of \$7,909.88 on April 3. Correct?	25	Q	Then, just above that large debit memo, you see four
		Page 63	ļ		Dogo 65
					Page 65
		Correct.	1		entries that are ATM withdrawals?
2	Q	It has the same notation as the deposits in February	2	A	Yes.
3		and March of "WFB Direct Pay CCD." Correct?	3	Q	One is a transfer to Tom's account, but three of
4		Correct.	4		these May 6, May 6, and May 10 these are all ATM
5	Q	Would it stand to reason, then, that this is a	5		withdrawals on something that says "NCL-Pearl."
6		similar it's revenue received from invoices paid by	6		How about that Norwegian Cruise Line's the Pearl,
7		long-distance carriers?	7		that's down in Miami.
8	Α	Again, I mean, I'd have to look at the ledger just to	8		Is that right?
9		confirm.	9	Α	I don't know what those charges are for.
10	Q	Now, that \$7,900 number is quite a bit lower than the	10		Do you know if Tom Reiman took a cruise in Miami in May
11	`	previous month when it was \$142,000. Correct?	11	•	of 2010?
12	Α	Correct.	12	Α	You know what? I don't know.
13		Do you recall why the revenue dropped off so much in	13		Now, he had a debit card, did he not?
14	~	April, 2010?			He did.
15	٨	I believe that's when everybody, for the most part,	ł		
1	А		15		Did Gene DeJordy have a debit card?
16		stopped paying. As soon as Sprint brought the case on,	16		I'm not certain if he did or not.
17	_	most of the other companies stopped paying.	17	Q	So somebody is down in Miami drawing funds out of the
18	Q	So it's your testimony, then, it dropped so much	18		account, though. You'd agree with that. Correct?
19		because most of the long-distance carriers stopped	19		Yes.
1				\circ	Then there's somebody that's got some handwriting
20		paying NAT's invoices then. Correct?	20	Ų	Then there's somebody that's got some handwriting
1	A		20 21	Ų	there. It says, "S/H Distribution NATE."
20		paying NAT's invoices then. Correct?		Ų	
20 21	Q	paying NAT's invoices then. Correct? A good number of them.	21		there. It says, "S/H Distribution NATE." What does that represent?
20 21 22	Q	paying NAT's invoices then. Correct? A good number of them. So then let's look at May, 2010. It begins on	21 22	A	there. It says, "S/H Distribution NATE." What does that represent? NATE is Native American Telecom Enterprise.
20 21 22 23	Q A	paying NAT's invoices then. Correct? A good number of them. So then let's look at May, 2010. It begins on NAT 00041 and ends on NAT 00048. Do you see that, sir?	21 22 23	A Q	there. It says, "S/H Distribution NATE." What does that represent?

		American relecting DDC, et al.	~~~~~		March 1, 2011
		Page 66			Page 68
1	0	Is that your handwriting?	1	0	You said something about the tribe going through some
		This appears to be my handwriting, yes.	2	~	kind of reorganization. When was that?
3		Are you saying, then, you added those up and this	3	Α	I don't remember.
4	_	should be money that should be allocated as a	-		Well, can you say, was it around May, 2010?
5		distribution to NATE. Correct?	1		I don't know exactly the month.
1 -	Α	Yes.	6		Was it last year?
7		In fact, that becomes part of the \$27,000 figure that's	1		Yes.
8	_	on the balance sheet, too?	8		Was it in the last half of last year?
9	Α	Yes.	9		I don't know.
10		I do want to make a correction, though, on the	10		When you say "reorganization," what kind of
11		shareholder distribution. I think I may have misspoken	11	•	reorganization were you referring to?
12		or misunderstood the question. I'm not sure.	1	Α	I really don't know much about the reorganization at
13		But, the shareholder distributions that are on the	13		all.
14		balance sheet were not something that the tribe	14	O	How did you come to believe it was a reorganization of
15		instructed me to classify. That was something that the	15	•	the tribe?
16		board decided to classify that way because it was in		Α	I just overheard it.
17		the middle of the tribe was in the middle of			Who did you overhear it from?
18		reorganizing, and they figured that was the most	18		Jeff Holoubek.
19		conservative way to classify it. So, I just wanted to	19		Where were you when you overheard that?
20		put it on the record that	20		I don't recall.
21	О	I appreciate your correction. And what led you to	21		Were you at your offices in Long Beach?
22	•	change your testimony?	1		I'd assume so.
23	Α	Because, after I realized I said it, I thought about	23		Did Mr. Holoubek say how he came to understand that the
24		it; and it was inaccurate.	24	~	tribe was reorganizing?
25	O	So, when you refer to the board making the	1	Α	No. I don't know.
-	_	ce, when journess to the occur a manning the			1
		Page 67	-		Page 69
		Page 67			Page 69
1		determination to reclassify the expenses, who are you	1		You don't know, or you don't recall?
2		determination to reclassify the expenses, who are you referring to?	2	A	You don't know, or you don't recall? I don't recall.
2		determination to reclassify the expenses, who are you referring to? The board?	2	A	You don't know, or you don't recall? I don't recall. Let's move on to the next statement from First Dakota.
2 3 4	Q	determination to reclassify the expenses, who are you referring to? The board? Yeah.	2 3 4	A	You don't know, or you don't recall? I don't recall. Let's move on to the next statement from First Dakota. That's June, 2010, NAT 49 through NAT 54.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q A Q A Q A Q A Q A Q A Q A Q A	determination to reclassify the expenses, who are you referring to? The board? Yeah. The members of the board? Yeah. That would be Jeff Holoubek, David Erickson, Pat Chicas, and the Native Americans. Who are the tribal members of the board? I don't know. So we've got David Erickson, Jeff Holoubek, and Pat Chicas Chicas. And they all work for Free Conferencing Corporation? No, they don't. Who does David Erickson work for? He is Free Conferencing. And Jeff Holoubek? Free Conferencing. Pat Chicas? He is WideVoice. So he is WideVoice's representative on the board? I don't know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q	You don't know, or you don't recall? I don't recall. Let's move on to the next statement from First Dakota. That's June, 2010, NAT 49 through NAT 54. Do you see that, sir? Yes. You'd agree that's the statement for June, 2010. Correct? It is, yes. So now we see another deposit on June 3, \$239,879.58. Again, WFB Direct Pay CCD. So would that be the revenues NAT was receiving from the long-distance carriers that were paying invoices? Again, I can't tell from here. There is a corresponding outgoing wire transfer to Free Conferencing Corp the next day for \$137,909.69 on Page 2. Isn't that true? Yes. Again, should we do the numbers; or would you believe that that's Free Conferencing Corporation's share of the \$239,000 that was received the day before? I would believe that that's the Free Conferencing

		D 70		March 1, 20
		Page 70		Page 7
1		share	1	said that was based in Nevada. Correct?
2	Α	Share, yes.	2	
3	Q	Let's look at NAT 53. That's Page 5 of the June	3	
4		statement. Do you see that down towards the bottom	4	
5		there, there are two entries for \$177.40?	5	A I don't, but I can only assume that it's not.
6	Α	Yes.	6	
7	Q	And they reference Delta Airlines. Correct?	7	· · · · · · · · · · · · · · · · · · ·
8		Correct.	8	•
9	Q	Would this be for airfare on Delta Airlines?	9	
10	A	I would assume so.	10	
11	Q	Would these be part of the travel expenses that show up	11	•
12		on the expense statement for 2010?	12	
13	Α	I can't be sure. I do not know.	13	
14	Q	So you don't know if it's part of the travel expenses	14	
15		that are listed on the income and loss statement, or is	15	
16		it part of the money that's supposedly attributable to	16	A I would have to look at the detail on this transaction.
17		Reiman and DeJordy?	1	Q What kind of detail are you referring to?
18	Α	It's going to be either of those two. Don't know.		A I'd have to look in the ledger.
19		Let's go to July, 2010. That's the statement this	19	
20	Ì	is a longer one, quite a bit longer, in fact. I have	20	<u>-</u>
21		it going on for 17 pages, beginning with NAT 00055 and	21	
22		ending with NAT 71.	22	
23	Α	Yes.	23	
24		Would you agree, sir, that that's the statement from	24	
25	_	First Dakota for NAT for July, 2010?	25	
				mic. 5 wiele. Thank you.
		Page 71		Page 73
1	A	I do.	1	BY MR. KNUDSON:
2		Again let's look at the first page of the statement.		
3	~	We see a deposit on July 7, \$158,955.70; and again it	3	, , , , , , , , , , , , , , , , , , , ,
4		says: "WFB Direct Pay CCD." Do you see that, sir?	4	,-
	Δ	I do.	1	Q Do you know who authorized that transfer? A I do not.
6		Would that be, again, the revenues received from		
7	Ų		6	Commence of the commence of th
	٨	long-distance carriers that were paid to NAT? Again, I can't confirm that.	7	
8			8	
9		You'd have to look at that	9	the same to the same to the same of the balance
10		I'd have to look at the ledger.	10	20101
11	Q	But, if you look further at Page 4, there's a transfer	11	
12		of \$119,216 to Free Conferencing Corporation. Correct?	12	1
13		Correct.		A I don't know.
14	Q	That would stand to reason, then, that that represents	14	5
15		Free Conferencing Corporation's share of the revenues	15	
16		received by NAT for July of 2010. Correct?	16	Similar and surface and surfac
17		I would presume, yes.	17	NAT 66 now, there's a debit card entry for
18	Q	Let's go back to Page 2 of this statement. There is an	18	Radisson Hotels on July 19 for Bismarck, North Dakota,
19		outgoing wire on July 1 to Nevada State Bank for	19	\$129.96.
20		\$18,657.48. What was that for?	20	• · · · · · · · · · · · · · · · · · · ·
21		I don't know.	21	A I do.
22	Q	Would that have been something paid to WideVoice	22	Q What kind of business does NAT have in Bismarck,
23		Communications?	23	North Dakota?
24	A	No.	24	A I don't know.
0.5	0	Well, do you know if WideVoice Communications you	25	Q And then the same day somebody's running a debit charge
25	•	•	1	, , , , , , , , , , , , , , , , , , , ,

		Trimer Ican Tolocom, EDC, et an			171d1CH 1, 2011
		Page 74			Page 76
1		at Donovan House in Washington, D.C., for \$926.06.	1	O	Well, look at the entry from Wells Fargo. It says it
2		Do you see that, sir?	2	Ì	came from First Dakota National Bank, does it not?
3	A	I do.	3	Α	It does, yes.
4	Q	Is that a hotel in D.C.?	4	Q	So isn't this \$75,000 coming out of the First Dakota
5	Α	I do not know.	5		Bank and going to the Wells Fargo Bank on August 4,
6	Q	Do you know what business NAT had in Washington, D.C.,	6		2010?
7		on July 19, 2010?	7	Α	They're two separate amounts. I don't know.
8	Α	I do not.	8	Q	There's a wire transfer fee that would explain the
9	Q	Taking both these Radisson and Donovan House charges	9		difference, isn't there?
10		together, where did they end up on NAT's balance sheet	10	Α	That's you assuming that.
11		for 2010?	11	Q	Again we'd have to look at the journal detail to know
12		I don't know.	12		for sure. Is that correct?
13	Q	Then there's a charge in New Town, North Dakota, on	13	Α	To be sure, yes.
14		July 20 for \$31.90. What business does NAT have in	14	Q	You will agree with me, though, that, if you're still
15		New Town?	15		holding the first page of the Wells Fargo statement,
1		I don't know.	16		there's a transfer for \$128,855.42. Yes?
	Q	Let's take a look at August, 2010, for NAT. This is	1		Yes.
18		the First Dakota statement. It starts with NAT 00072	18	Q	That's on August 9, and that corresponds to the precise
19		and finishes with NAT 00076. Do you see that, sir?	19		amount of the deposit at First Dakota on August 6.
20		Would you agree that's the August, 2010, statement from	20		Correct?
21		First Dakota for NAT?	21		Say that again. I'm sorry.
ì		Yes.	22		On August 6
23	Q	One thing I noticed here is there's a new address noted			Yes.
24		on there: 400 North Main Avenue, Apartment 310,	[Q	the First Dakota Bank received a deposit of
25		Sioux Falls, South Dakota. Do you know whose address	25		\$128,855.42. Correct?
		Page 75	 		Page 77
1		that is?			Correct.
		I believe that's Tom Reiman's.	2	Q	Then on August 9 the Wells Fargo account gets
3	_	That's his home address?	3		\$128,855.42; and that's the exact same amount, is it
		I don't know his home address.	4		not?
6	Q	Then on August 6 this is Page 1 of the statement			It is. And it indicates it's a transfer from First Dakota
7		there's a deposit from WFB Direct Pay CCD of \$128,855.42. Do you see that, sir?	6	Ų	National Bank. Correct?
8	٨	Yes, I do.	8	٨	Correct.
9		Then let's look at Page 2. There's a debit memo on	9		So is it fair to conclude that what happened in August,
10	V	August 4 of \$75,030.	10	Q	2010, is most of the money in the First Dakota Bank was
11		Is this the first transfer into the Wells Fargo	11		transferred to the Wells Fargo account? Correct?
12		Bank account that was set up July, 2010?		Δ	Yes.
13	Δ	I don't know.	13		Then if you look at the remainder of the statements for
14		Let's see if we can tie it together, then. Let's go	14	~	the First Dakota account through December that would
15	V	take a look at NAT 0003 of Exhibit 1, and keep 73 up as	15		be September, October, November, December, beginning
1					
116		•	1		
16 17		well because that will show if you look on Page 3,	16		with NAT 0077 through NAT 00081 confirm that those
17		well because that will show if you look on Page 3, that would be the statement for August, 2010, of	16 17	А	with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir.
17 18		well because that will show if you look on Page 3, that would be the statement for August, 2010, of Wells Fargo. There's a transfer on August 4 of	16 17 18		with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir. Yes.
17 18 19	A	well because that will show if you look on Page 3, that would be the statement for August, 2010, of Wells Fargo. There's a transfer on August 4 of \$75,000. Correct?	16 17 18 19		with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir. Yes. Take a look at the deposits in each line.
17 18		well because that will show if you look on Page 3, that would be the statement for August, 2010, of Wells Fargo. There's a transfer on August 4 of \$75,000. Correct? Correct.	16 17 18 19 20	Q	with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir. Yes. Take a look at the deposits in each line. Is there any revenue coming in?
17 18 19 20 21		well because that will show if you look on Page 3, that would be the statement for August, 2010, of Wells Fargo. There's a transfer on August 4 of \$75,000. Correct? Correct. Would that correspond to the debit memo plus wire	16 17 18 19	Q A	with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir. Yes. Take a look at the deposits in each line. Is there any revenue coming in? No.
17 18 19 20		well because that will show if you look on Page 3, that would be the statement for August, 2010, of Wells Fargo. There's a transfer on August 4 of \$75,000. Correct? Correct.	16 17 18 19 20 21	Q A	with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir. Yes. Take a look at the deposits in each line. Is there any revenue coming in? No. So, essentially, any revenue that was coming into NAT
17 18 19 20 21 22	Q	well because that will show if you look on Page 3, that would be the statement for August, 2010, of Wells Fargo. There's a transfer on August 4 of \$75,000. Correct? Correct. Would that correspond to the debit memo plus wire charges that was the First Dakota entry on August 4,	16 17 18 19 20 21 22	Q A	with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir. Yes. Take a look at the deposits in each line. Is there any revenue coming in? No.
17 18 19 20 21 22 23	Q	well because that will show if you look on Page 3, that would be the statement for August, 2010, of Wells Fargo. There's a transfer on August 4 of \$75,000. Correct? Correct. Would that correspond to the debit memo plus wire charges that was the First Dakota entry on August 4, 2010?	16 17 18 19 20 21 22 23 24	Q A Q	with NAT 0077 through NAT 00081 confirm that those are the statements for those months, sir. Yes. Take a look at the deposits in each line. Is there any revenue coming in? No. So, essentially, any revenue that was coming into NAT beginning in September, 2010, was coming into the

		Page 78			Page 80
١.	_	W-II diseases and a second sec			
	Ų	Well, there's no other revenue coming into the			Correct.
2		First Dakota account. Correct?	1	Q	If I found a check, of course, that was 75 percent of
3		Right.	3		that number, would that represent a payment to
4	Q	And you testified there are only two accounts	4	٨	Free Conferencing Corporation?
5	٨	maintained by NAT. Correct? Correct.	5		I couldn't say. Couldn't be certain.
6			6	Q	Do you know who, which of the long-distance carriers,
7	Ų	So, if there is any revenue coming into NAT, it would go into the Wells Fargo account beginning in September	7		was paying NAT in December, 2010? I do not.
8		of 2010. Correct?	8		
1 -	٨	I don't know. I'd have to look at the statements to	9		You'd have to look at the journal detail? Yes.
11	л	see where the money went.			Now, you said the invoicing entity had changed from
	0	Well, if the statements show that there's revenue	12	Q	CABS Agent to CDG. Correct?
13	V	coming in, it's coming in from where, sir?	13	٨	Yes.
14		Should we look at the statements again?	14		
15	Δ	Sure.	15	Ų	And that was in 2010, but you can't tell me when that was?
16		Let's go back to the Wells Fargo accounts.	1	۸	I don't recall the month, no.
17		Okay.	17		Is CDG affiliated with WideVoice?
18		Let's start with the August statement.	1	-	I don't know. No. I don't know.
19	V	Do you see the credits there?	19		Is it affiliated with Free Conferencing Corporation?
	Δ	Yes.	1		I don't know.
21		Those are all transfers from the First Dakota account.	21		Do you know where its headquarters are?
22	V	Correct?	1		No.
23	Δ	Correct.	23		Do you see the invoices that come from CDG?
24		Now, in September, if we go there that's NAT 5 we			Yes.
25	V	see some deposits, but we don't see any detail as to	1		Does it indicate a mailing address for CDG?
		see some deposits, but we don't see any detail as to		V	boos it indicate a marinig address for CDG:
		Page 79			Page 81
1			1	٨	
1	٨	where they came from. Correct?	1		I would assume so. I don't know.
2		where they came from. Correct? Correct.	2		I would assume so. I don't know. Let's go back here. Just take a look at NAT 74 for a
2 3		where they came from. Correct? Correct. There's no notation that it's a loan from WideVoice,	2	Q	I would assume so. I don't know. Let's go back here. Just take a look at NAT 74 for a second.
2 3 4	Q	where they came from. Correct? Correct. There's no notation that it's a loan from WideVoice, is there?	2 3 4	Q A	I would assume so. I don't know. Let's go back here. Just take a look at NAT 74 for a second. NAT 74?
2 3 4 5	Q A	where they came from. Correct? Correct. There's no notation that it's a loan from WideVoice, is there? No.	2 3 4 5	Q A Q	I would assume so. I don't know. Let's go back here. Just take a look at NAT 74 for a second. NAT 74? Yeah, in Exhibit 1.
2 3 4 5 6	Q A	where they came from. Correct? Correct. There's no notation that it's a loan from WideVoice, is there? No. Then looking at the October statement	2 3 4 5 6	Q A Q A	I would assume so. I don't know. Let's go back here. Just take a look at NAT 74 for a second. NAT 74? Yeah, in Exhibit 1. Okay.
2 3 4 5 6 7	Q A	where they came from. Correct? Correct. There's no notation that it's a loan from WideVoice, is there? No. Then looking at the October statement MR. SWIER: Scott, I'm sorry. Which number?	2 3 4 5 6 7	Q A Q A	I would assume so. I don't know. Let's go back here. Just take a look at NAT 74 for a second. NAT 74? Yeah, in Exhibit 1. Okay. That's Page 3 of the August, 2010, statement.
2 3 4 5 6 7 8	Q A	where they came from. Correct? Correct. There's no notation that it's a loan from WideVoice, is there? No. Then looking at the October statement MR. SWIER: Scott, I'm sorry. Which number? MR. KNUDSON: That's NAT 7.	2 3 4 5 6 7 8	Q A Q A	I would assume so. I don't know. Let's go back here. Just take a look at NAT 74 for a second. NAT 74? Yeah, in Exhibit 1. Okay. That's Page 3 of the August, 2010, statement. Would you agree with me that on the right-hand
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	Page 82	Τ	-	D 0.4
	Page 62			Page 84
1	BY MR. KNUDSON:	1	Α	I don't know.
2	Q So is it correct that in August, 2010, the management	2	0	Who do you report to?
3	of NAT moved to Free Conferencing Corporation in	3		Jeff Holoubek.
4	Long Beach, California?	4		And he's the President of NAT. Is that right?
5	A Excuse me? Say that again.	5		Correct.
6	Q Well, the money transferred from First Dakota to	6		When did he become the President of NAT?
7	Wells Fargo in an account in Long Beach, California, in	1		I don't know.
8	August of 2010. Isn't that true?	8		When did Tom Reiman stop being the President of NAT?
9	A Yes.	9		I don't know.
-		-		
10	Q And you said you started working for NAT in July, 2010. Correct?	10	Ų	Are there any other officers of NAT located in
11		11		Long Beach?
12	A I started doing the books.			Officers of NAT located in Long Beach? I don't know.
13	, , , , ,	1	Q	Are there any other people who work for
14	Free Conferencing Corporation take over the management	14		Free Conferencing Corporation who have any involvement
15	and the financial affairs of NAT?	15		in the affairs of NAT?
16	MR. SWIER: Objection.		A	Not that I'm aware of. I don't know. I don't know the
17	It's an ambiguous and vague question.	17		question. I'm sorry.
18	I guess answer it if you can, Carlos.	18		Well, you handle the books for NAT. Correct?
19	THE WITNESS: No.	19		Right.
20	BY MR. KNUDSON:	20	Q	And Jeff Holoubek is the man who makes decisions for
21	Q When did Free Conferencing Corporation take over the	21		NAT. Correct?
22	management of the financial affairs of NAT?	22	Α	Yes.
23	MR. SWIER: Same objection. Vague, ambiguous, and	23	Q	Is there any other person at Free Conferencing
24	assumes facts not in evidence.	24		Corporation that makes decisions for NAT?
25	Answer if you can.	25	Α	I don't know.
	Page 83			Page 85
				-
1	THE WITNESS: They never took over. I handle the	1		If there were, would you know?
2	THE WITNESS: They never took over. I handle the books.	2	A	If there were, would you know? No.
2	THE WITNESS: They never took over. I handle the books. BY MR. KNUDSON:	2	A	If there were, would you know? No. Well, this revenue that was coming in through August
2 3 4	THE WITNESS: They never took over. I handle the books. BY MR. KNUDSON: Q You started handling the books in July of 2010.	2 3 4	A	If there were, would you know? No. Well, this revenue that was coming in through August and then tails off to very small amounts, would you
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: They never took over. I handle the books. BY MR. KNUDSON: Q You started handling the books in July of 2010. Correct? A Around July. Q Well, by "around July" you opened an account in July, 2010, did you not? A Yes. It was the tail end of July, yes. Q And then in the first part of August, 2010, you moved all the money into that account. Correct? A Correct. Q And since then you've been managing the financial affairs of NAT. Correct? A I've been handling the books. Q The books. A Yes. Q When you draw a distinction between the books and the financial affairs, what distinction are you drawing between those two terms? A I don't make decisions. I record. Q So who makes decisions about the financial affairs of NAT?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q	If there were, would you know? No. Well, this revenue that was coming in through August and then tails off to very small amounts, would you agree, in September, beginning in September? I'm sorry. Repeat the question. I'm sorry. Well, during 2010, there was money coming into NAT from this Wells Fargo transfer; and it went from \$114,000 in February to as much as would you agree in June it was almost \$240,000? I don't know. I'm not looking at anything. Sorry. Well, let's just kind of walk through this, then, because I want to get a sense of the revenue stream. Let's take a look at NAT 22. Okay. There there's a deposit of \$114,138 on February 3, 2010. Correct? Correct. And that's consistent with receiving money from CABS Agent or some other billing service for money received from long-distance carriers for NAT. Correct? I'm assuming, yes. Then let's take a look at NAT 49, then. This would be

1 144		Timerican Telecom, DDC, et al.			March 1, 201
		Page 86			Page 88
1		Do you see a deposit on June 3 from WFB Direct Pay	1		take a look at what's happening still.
2		CCD of \$239,879.58. Correct?	2		We have August. That's NAT 3 and 4. That's the
3	A	I do, yes.	3		money coming from the First Dakota account.
4		And so the deposits from this source, WFB Direct Pay,	4		Then, if you look at the detail, the deposits
5	-	went from \$114,000 in February to nearly \$240,000 in	5		it would be NAT 5 for September, the deposits drop
6		June. Correct?	6		down to \$38,765.67. Correct?
7	Α	Yes.	7	Α	Correct.
8	Q	Now, do you remember the last time Sprint paid an	8	Q	Then, if we go to October that's NAT 7 the
9		invoice of NAT's?	9		deposit drops to \$6.54. Correct?
10	Α	Yes.	10	A	Yes.
11	Q	When was that?	11	Q	Then it bounces back up in November a little bit to
12	A	In February, 2010.	12		\$7,077.69. Correct?
13	Q	So, even though Sprint stopped paying, other	13	Α	Correct.
14		long-distance carriers were paying, correct, over this	14	Q	And then it's down a little bit in December that's
15		period of time?	15		NAT 11 \$3,519.77. Correct?
16		I'm sorry. Say that again.	16	Α	Correct.
17	Q	Even though Sprint stopped paying in February of 2010,	17	Q	You would agree, though, that, in terms of the size of
18		the dollars received by NAT continued to increase from	18		the deposits coming into NAT, they dropped off
19		February to June, 2010. Correct?	19		considerably after August of 2010, did they not?
20		We got money in June.			Yes.
21	Q	Try my question, though: From February, when Sprint	21	Q	So it's fair to conclude that there are other
22		stopped paying, 2010, to June of 2010, the money NAT	22		long-distance carriers that have determined not to pay
23		received continued to increase. Correct?	23		NAT's invoices?
24		Well, minutes increased at the same time.	24		I don't know if that's a conclusion.
25	Q	Answer my question, though. Did the money coming into	25	Q	So you don't know one way or the other?
1					
		Page 87			Page 89
1		Page 87 NAT increase?	1	A	•
1	A				I don't know why they stopped paying.
1		NAT increase? Yes. And it peaked in June because, if we look at NAT 55	2	Q	I don't know why they stopped paying. You'd agree they've stopped paying, though?
2		NAT increase? Yes. And it peaked in June because, if we look at NAT 55 that's the statement for July, 2010 it drops from	2	Q A	I don't know why they stopped paying. You'd agree they've stopped paying, though? Certain ones have stopped paying, yeah.
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Nat	ive	American Telecom, LLC, et al.			March 1, 2011
		Page 90			Page 92
1		(Exhibit 4 is marked for identification.)	1	Q	'11, excuse me.
2	В	Y MR. KNUDSON:	1	-	February, 2011, we've got four employees, yes.
3	Q	Mr. Cestero, I'm handing you what's been marked as your	1		I think you testified that this is Exhibit 2 that
4	-	Deposition Exhibit Number 4. It says it's Defendant	4	-	the payroll for those four employees for that month
5		Native American Telecom's Answers to Plaintiff	5		was, it shows in Exhibit 2, \$1,906.91. Correct?
6		Sprint Communications Company's First Set of	6	Α	For January?
7		Interrogatories.	7	Q	Well, that would be January. That was five employees.
8		Take a moment, sir, and see if you can identify	8		Correct?
9		this document.	9	Α	January would have five employees, yes.
10	A	(Witness examines document.) Yes.	10	Q	And that added up to \$1,906.91?
11	Q	What is Exhibit 4?	11	Α	Yes.
12	Α	It's the interrogatory do you want me to give you	12	Q	Do you know why the head count went down from five to
13		the title?	13		four?
14	Q	No. It's NAT's Answers to Sprint's Interrogatories?	14	Α	I do not.
15	Α	Yes. Right.	15	Q	And these are the people that are running the Internet
16	Q	And that's your signature on Page 10. Correct?	16		cafe. Is that right?
		It is.	17	A	Yes. The communications center, the Internet cafe,
18	Q	When it says, "Subscribed and sworn to before me,"	18		yes.
19		you're attesting to the truthfulness of the answers in	19	Q	Do you know what the hours of operation are for the
20		this document, are you not?	20		communications center?
21	A	Yes.	21	Α	I don't know.
22	Q	So let's go for the moment to Page 5, and I'll read	22	Q	Who would know that information?
23		what Interrogatory Number 8 is:	23	Α	Tom Reiman.
24		"Provide an employee count by month since NAT was	24	Q	What role does he have in overseeing the communications
25		started to the present and identify each employee's	25		center?
1					
		Page 91			Page 93
1		Page 91 primary location of employment."	1	A	Page 93 He oversees the communications center.
1 2			1		-
		primary location of employment."	2	Q	He oversees the communications center.
2		primary location of employment." Then is it correct to say that there's a table	2 3	Q A	He oversees the communications center. For which he gets a consulting fee of \$3,000 a month? Yes, in addition to other services he provides.
2 3 4	Α	primary location of employment." Then is it correct to say that there's a table that gives the information requested in that	2 3	Q A	He oversees the communications center. For which he gets a consulting fee of \$3,000 a month?
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2 3 4 5 6	Q	primary location of employment." Then is it correct to say that there's a table that gives the information requested in that interrogatory?	2 3 4 5	Q A Q A	He oversees the communications center. For which he gets a consulting fee of \$3,000 a month? Yes, in addition to other services he provides. Is there a consulting agreement between NAT and Tom Reiman?
2 3 4 5 6	Q A	primary location of employment." Then is it correct to say that there's a table that gives the information requested in that interrogatory? Yes. You prepared these Interrogatories, you say?	2 3 4 5 6 7	Q A Q A Q	He oversees the communications center. For which he gets a consulting fee of \$3,000 a month? Yes, in addition to other services he provides. Is there a consulting agreement between NAT and Tom Reiman? I don't know.
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1144	110	American Telecom, LLC, et al.			Wiarch 1, 2011
		Page 94			Page 96
1		gone down from \$530,000 to \$400,000?	1	Α	Correct.
2	Α	Yes.	2	Q	That means you're attesting to the truthfulness of
3	Q	Who paid down that amount?	3	·	what's in this affidavit. Correct?
4	-	NAT did.	4	Α	Yes.
5	Q	Where did NAT get the resources to do that?	5	Q	There's a reference in Paragraph 9 of your affidavit on
6		They received a payment, and they paid it.	6	•	Page 2 to the amount that you say Sprint has refused to
7		Who made that payment?	7		pay, and it's approximately \$674,000 of invoices.
8	-	NAT did.	8		Is that correct?
9	Q	No. Who made a payment to NAT to give them the	9	Α	Yes.
10	•	resources to pay down the WideVoice Communications?	10	Q	Do you know what time period is encompassed with that
11	A	I believe it was AT&T.	11		figure? It says beginning March, 2010.
12	Q	In the amount of about \$130,000?	12		What is the ending point?
13	A	I believe the amount was \$150,000.	13	Α	I don't recall.
14	Q	So Free Conferencing got 25 percent of that. Correct?	14	Q	What is the last invoice you say Sprint has refused
15	Α	No, they did not.	15		to pay?
16	Q	How much did they get?	16	Α	The February.
17	A	It went immediately it went to pay WideVoice.	17	Q	February, 2011?
18	Q	So the \$150,000 went to WideVoice entirely?	18	Α	Yeah.
19	Α	\$140,000 went to WideVoice.	19	Q	Is that based on the tariff NAT filed with the FCC?
20	Q	So now the amount owing WideVoice is \$390,000.	20	Α	I don't know.
21		Is that correct?	21	Q	Now, you make reference to the financial condition of
22	A	It's just short of \$400,000.	22		NAT in Paragraph 12 of your affidavit.
23	Q	And that's the result of a payment that AT&T made to	23		Do you see that?
24		NAT of about \$140,000 in February of 2011. Correct?	24	Α	Yes.
25	Α	Correct.	25	Q	It says that, using your words, "NAT's current
		Page 95			Page 97
1	0	-	1		•
1	Q	Do you know what NAT's operating expenses were for	1	A	Page 97 financial condition is perilous." Correct? Yes.
2		Do you know what NAT's operating expenses were for February, 2011?	1		financial condition is perilous." Correct? Yes.
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		American relectin, LLC, et al.	,	Wiarch 1, 2011
		Page 98		Page 100
1		required.	1	BY MR. KNUDSON:
2	Q	What about professional fees?	2	Q Let's look at Exhibit 1 again, sir. Do you remember
3		Those are required. There's legal fees to fight cases	3	talking about the minutes of usage report?
4		like this.	4	A Um-hum.
5	Q	Well, why are you paying a billing agent when you're	5	Q That shows 12 million minutes of usage for January,
6	`	hardly collecting any money?	6	2011. Do you see that?
7	Α	Well, someone has to bill.	7	A Yes.
8		Let's look at Paragraph 15. Do you see where you're	8	Q Do you know what percentage of those minutes were
9	Ì	saying that NAT will be out of business or into	9	minutes that were billed to Sprint?
10		bankruptcy before this matter can be brought to trial?	10	A I do not know.
11	Α	Yes.	11	Q So you couldn't say whether it's 5 percent, 10 percent,
12	Q	Do you know how fast cases can be brought to trial in	12	or 15 percent?
13		the District of South Dakota?	13	A I don't know.
14	Α	Excuse me?	14	Q You have no idea at all?
15	Q	How quickly cases can be brought to trial in the	15	A No.
16		District of South Dakota, do you know?	16	MR. KNUDSON: That's all.
17	Α	I do not know.	17	MR. SWIER: Carlos, I have a couple questions for
18	Q	So you have no factual basis for making that assertion,	18	you.
19	`	do you?	19	EXAMINATION
20	Α	I do. It's based on what I've heard of WideVoice,	20	BY MR. SWIER:
21		that, if we lose this case, they're not going to	21	Q Earlier you talked with Mr. Knudson about the fact
22		provide any funds to NAT anymore; and it will force	22	that, if NAT lost this case, it would look to file for
23		them into bankruptcy.	23	bankruptcy or go out of business. Is that right?
24	О	So WideVoice is saying, if you lose this case, they'll	24	A Yes.
25	`	stop funding. Is that what they're saying?	25	Q When you talk about "this case," are you talking about
		1 3 - 3		when you ama accut who case, are you tanking accut
		Page 99		Page 101
1	Α	That's correct.	1	this case to the end to the case; or were you talking
Z	O	But they'll keep funding until this has been decided	2	
3	Q	But they'll keep funding until this has been decided. Correct?	2	about Thursday's preliminary injunction hearing?
3		Correct?	3	about Thursday's preliminary injunction hearing? A I'm talking about Thursday's preliminary injunction
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Page 102 Page 104 1 Q So, when you have in your affidavit that NAT will 1 deposition at 5:00 p.m. tomorrow here at the hotel and, likely be forced out of business or into bankruptcy 2 in fact, this very room. 3 before this matter can be brought to trial, you're 3 That's all I have. 4 really talking about what you know from Jeff Holoubek. 4 (12:30 p.m.) 5 5 6 A Correct. 6 7 Q So, absent what he told you, you have no independent 7 basis for knowing whether or not NAT would file 8 8 9 bankruptcy. Correct? 9 10 A Correct. 10 11 MR. KNUDSON: I have nothing further. 11 12 MR. SWIER: Carlos, you have the ability to either 12 13 read the transcript of your deposition or the ability 13 14 to waive that reading. I fully trust Audrey; and, 14 15 since we are on a short time schedule here, I would 15 16 advise you to waive the reading of your deposition so 16 17 that we can move this matter along and both parties can 17 18 have as much time as possible to review the transcript. 18 19 THE WITNESS: She looks trusting. Okay. I will. 19 20 MR. SWIER: You'll waive? 20 21 THE WITNESS: Yes, I will waive. 21 22 (Discussion off the record.) 22 23 MR. SWIER: Sprint's counsel has asked us to 23 24 produce Eric Big Eagle, who is a member of the 24 25 Crow Creek Sioux Tribal Council. Mr. Big Eagle will be 25 Page 103 Page 105 1 STATE OF SOUTH DAKOTA 1 available for a deposition tomorrow, Wednesday, 2 CERTIFICATE 2 March 2nd of 2010. Mr. Big Eagle has been contacted. 3 COUNTY OF MINNEHAHA 3 There was never a Notice of Deposition that was 4 I, Audrey M. Barbush, a Registered Professional 4 served on Mr. Big Eagle. However, I am more than Reporter and Notary Public, do hereby certify that the 5 willing to accommodate the best we can to have Sprint's witness was first duly sworn by me to testify to the truth, 6 counsel depose Mr. Big Eagle; and the soonest I can do the whole truth, and nothing but the truth relative to the 7 that, with both my schedule and his, is 5:00 o'clock on matter under consideration; that the foregoing Pages 4-104, 8 Wednesday. inclusive, are a true and correct transcript of my stenotype 9 I understand that's a short turnaround time, but 10 notes. 10 we think that we are being very accommodating in 11 producing a witness that there was not a Notice of I further certify that I am not a relative or employee 11 12 12 or attorney or counsel of any of the parties or a relative Deposition filed. 13 And I'd also like the record to reflect I just did 13 or employee of such attorney or counsel, and that I am not 14 14 notify Mr. Knudson a few days ago that we would have financially interested in this action. 15 15 Mr. Big Eagle; so this is why I'm making the In testimony whereof, I have hereto affixed my 16 16 accommodation, but that's the best I can do in a tight signature this 2nd day of March, 2011. 17 17 time frame. 18 MR. KNUDSON: I have a question for the court 18 19 reporter. 19 20 (Discussion off the record.) 20 21 MR. KNUDSON: In response to Mr. Swier's offering 21 22 to make Eric Big Eagle available, it was rather short 22 23 notice that he'd be on the witness list and not 23 3/8/2011 Commission Expires: 24 Peter Lengkeek; so I appreciate the offer. 24

We will take up the opportunity to take his

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