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# **EXHIBIT**

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

\* \* \* \* \*

Case Civ. 10-4110

SPRINT COMMUNICATIONS COMPANY, L.P.,

Plaintiff,

-vs-

THERESA MAULE, in her official capacity  
as Judge of Tribal Court, CROW CREEK  
SIOUX TRIBAL COURT, and  
NATIVE AMERICAN TELECOM, LLC,

Defendants.

U.S. District Courthouse  
Sioux Falls, SD  
October 14, 2010  
9:00 o'clock a.m.

\* \* \* \* \*

H E A R I N G

\* \* \* \* \*

BEFORE: The Honorable Karen E. Schreier

APPEARANCES:

Mr. Stanley E. Whiting  
Whiting Law Office  
142 East 3rd Street  
Winner, SD 57580

-and-

1 Mr. Scott G. Knudson  
Briggs & Morgan  
2 2200 IDS Center  
80 S. Eighth St.  
3 Minneapolis, MN 55402-2157

4 -and-

5 Mr. Tommy Drake Tobin  
Attorney at Law  
6 PO Box 730  
Winner, SD 57580

7  
for the Plaintiff

8

9 Ms. Jamie L. Damon  
Attorney at Law  
10 Box 1115  
Pierre, SD 57501

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for Defendant Theresa Maule, in her official  
12 capacity as Judge of Tribal Court

13

Ms. Judith H. Roberts  
14 DeMersseman Jensen Christianson Stanton & Huffman  
Box 1820  
15 Rapid City, SD 57709

16 for Defendant Crow Creek Sioux Tribal Court

17

Mr. Scott R. Swier  
18 Swier Law Office  
Box 256  
19 Avon, SD 57315

20 for Defendant Native American Telecom, LLC

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1 very little to live off of. There are no jobs, no economic  
2 activity out there.

3 So what we decided to do is do a joint venture with  
4 the Crow Creek Reservation where we thought we could maybe  
5 start or thought we could do economic development out there  
6 by starting a Tribally-owned telephone company.

7 Q. Let me stop you right there. You're going to be asked  
8 this by Mr. Knudson, and it's in his pleadings. Sprint is  
9 alleging that the Defendant in this case, Native American  
10 Telecom, LLC, is simply a shell or a sham organization  
11 because you were one of the organizers of the LLC.

12 Explain to the Court again a little more in-depth the  
13 ownership structure of Defendant NAT and how this is a  
14 Tribally-owned business.

15 A. Native American Telecom, LLC, was formed with my  
16 partner and I, Gene DeJordy, prior to us ever talking to  
17 any Tribes. We were going to form this corporation, Native  
18 American Telecom, LLC, and then approach a Tribe and give  
19 them the opportunity to start their Tribally-owned  
20 telephone company. That's what we did. Then the agreement  
21 was drawn up with the Tribal Council.

22 We had a pretty big to-do over it just because it was  
23 an exciting thing for them. There isn't a lot of companies  
24 investing much money on Indian lands today.

25 Q. Talk about that a little bit. Talk about the

1 one of the classrooms.

2 Q. Exhibit 43 is a before. Exhibit 44 is an after?

3 A. Yes, but it's a partial after, because there are other  
4 rooms in this building.

5 Q. If you look at Defendant's Exhibit 45, please.

6 Explain to the Court what that shows.

7 A. That's another office in that same building.

8 Q. And Exhibit 46, please.

9 A. I don't have 46.

10 MR. SWIER: Your Honor, at this time I would move  
11 to admit Defendant's Exhibits 42, 43, 44, and 45 into  
12 evidence.

13 THE COURT: Any objection?

14 MR. KNUDSON: We'd like copies, but otherwise no  
15 objection.

16 THE COURT: Exhibits 42, 43, 44, and 45 are  
17 received.

18 BY MR. SWIER:

19 Q. Tom, financially how does NAT try to make this work?

20 A. We do conferencing out there. The reason is, you have  
21 to have that to be able to provide what we're trying to  
22 build out there. We get funded by IXCs, interexchange  
23 carriers, AT&Ts, Sprints, for the traffic they got paid  
24 for, and we have a tariff, that it's a legal tariff and  
25 it's been filed with the FCC and also with the Tribal

1 Utility. We bill those companies, and that's how this  
2 whole big picture works. That's how the business model is  
3 based on.

4 Q. So you are a Tribally-owned private company that wants  
5 to make a profit.

6 A. That's correct, and make things better out there.

7 Q. How dare you.

8 MR. KNUDSON: Objection.

9 THE COURT: Sustained.

10 MR. KNUDSON: Move to strike.

11 THE COURT: Motion to Strike is granted.

12 BY MR. SWIER:

13 Q. Explain to the Court -- Keith did this somewhat, but  
14 explain how the conference calling is part of NAT's  
15 business plan.

16 A. We run conferencing minutes out there, and we get paid  
17 on those. We set up a competitive local exchange carrier  
18 status. I can get into the background on how that got  
19 started, if you wish.

20 Q. Sure.

21 A. We initially went to the Public Utilities Commission  
22 to get our competitive local exchange carrier status to be  
23 a telephone company. Every telephone company in South  
24 Dakota intervened objecting to us becoming a competitive  
25 local exchange carrier.



1 A. Yes.

2 Q. The other individual that is also liable for the debts  
3 of Native American Telecom is Mr. DeJordy. Correct?

4 A. Yes.

5 Q. Mr. DeJordy is also one of the founders of Native  
6 American Telecom. Correct?

7 A. Yes.

8 Q. You live in Sioux Falls?

9 A. Yes.

10 Q. How is it your Affidavit was signed in Wyoming?

11 A. It was signed there, because I was there visiting my  
12 daughter.

13 Q. And you are not a member of the Crow Creek Sioux  
14 Tribe. Are you?

15 A. No.

16 Q. You are not a Native American, are you?

17 A. No.

18 Q. Mr. DeJordy, as far as you know, is not a member of  
19 the Crow Creek Sioux Tribe?

20 A. As far as I know of, he is not.

21 Q. And he is not a Native American either, is he?

22 A. Not that I'm aware of.

23 Q. Mr. DeJordy now lives in Connecticut?

24 A. That is correct.

25 Q. In the City of Fairfield?