

**Kanassatega, Joshua**

**From:** Kanassatega, Joshua  
**Sent:** Monday, May 12, 2008 12:32 PM  
**To:** 'Larsen, Chris (USAWIE)'  
**Cc:** 'Glenn C. Reynolds'  
**Subject:** RE: Congos and Waniger depos

Good afternoon Mr. Larsen,

I have reviewed the e-mail communication below, in particular, your statement, "I have blocked off the week of May 26 for the depositions of the BIA employees (current and former), since most (but not all) of the ensuing two weeks are booked for many of them." This incorrectly assumes that Menominee's counsel has agreed to notice depositions for the "BIA employees" for the week of May 26. While I am aware of the Government's position that the "BIA employees" would prefer to be deposed that week; however, Menominee has never consented to notice and take the depositions during that time. In fact, as Menominee would have informed you at tomorrow's "meet and confer" on the subject, those dates will not work for Menominee.

To the extent that some of those employee are not available for deposition between June 2 and June 13, namely only Mr. Hart and Mr. West, it is incumbent upon the Government to make those individuals available after June 13th, presumably the week of June 16th. Menominee would also expect that the Rule 30(b)(6) deposition likely will involve Mr. Hart (because of your earlier admissions as to his role in collecting documents responsive to discovery requests and the computer laptop issue), Menominee expects that these depositions would go forward the week of June 16th, as well. In light of Mr. Hart's and Mr. West's unavailability during two of the four weeks that the Court granted to the parties upon the Government's motion to extend discovery, Mr. Hart's and Mr. West's respective unavailability is not Menominee's problem. Accordingly, Menominee expects the Government's cooperation is setting deposition dates for the week of June 16th for Mr. Hart, Mr. West, and the Rule 30(b)(6) depositions, one day of seven hours each.

Menominee is considering the following deposition dates for other individuals (each expected to be one half day):

Marty Casselius and Andy Bellcourt on June 3, 2008.  
 Larry Morrin and Bernita Lonetree on June 4, 2008.  
 Stuart Mani and Terrence Virden on June 5, 2008.  
 Linda Caldwell on June 13, 2008.  
 Lisa Waukau on June 13, 2008 (contingent on Court's order).

In addition, I note that the Government would like Menominee to notice the "BIA employee" depositions to occur in Minneapolis, MN. Menominee has no objection, except it wants the Government's assurance that all MRO documents are available for use at the depositions. We could work out the specific deposition location details tomorrow.

Regards,

Joshua Jay Kanassatega

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**From:** Larsen, Chris (USAWIE) [mailto:Chris.Larsen@usdoj.gov]  
**Sent:** Saturday, May 10, 2008 11:39 AM

**To:** Glenn C. Reynolds; Kanassatega, Joshua; Tchida, Bryant  
**Cc:** greynolds@reynlaw.net  
**Subject:** RE: Congos and Waniger depositions

Dear Counsel:

That schedule works for me. I anticipate being able to make our final document production no later than Wednesday, May 14, so all counsel should have two weeks to review these documents before the Congos deposition. Also, for planning purposes I have blocked off the week of May 26 for the depositions of the BIA employees (current and former), since most (but not all) of the ensuing two weeks are booked for many of them. We would like to have as many of these conducted in Minneapolis as possible to minimize travel costs, and it is my understanding that Mr. Reynolds will likely not attend most of these.

Thanks for your consideration,

Chris Larsen  
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**From:** Glenn C. Reynolds [mailto:reynlaw@earthlink.net]  
**Sent:** Friday, May 09, 2008 5:54 PM  
**To:** Larsen, Chris (USAWIE); 'Kanassatega, Joshua'; 'Tchida, Bryant'  
**Cc:** greynolds@reynlaw.net  
**Subject:** Congos and Waniger depositions

Dear Chris, Jay, and Bryant:

Conrad says he can be in Madison on May 22, 2008 for deposition by Chris. If that date is okay with everyone, we propose that Glenn depose Congos the day before, which is May 21, 2008. Please please let us know at your earliest opportunity whether these May 21-22 dates are workable for each of you.

Have a nice weekend, guys.

-Wade

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