

FIRST JUDICIAL DISTRICT COURT
IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE) Case No. 062100046 AD
ADOPTION OF AMELYA FRANCES) Judge Stanton Taylor
KIRKPATRICK, D.O.B. 10/6/04)

DEPOSITION UPON ORAL EXAMINATION OF
DAN WAKEFIELD

Law Office of Steven Kuhnhausen
10 West Broadway Conference Room
Salt Lake City, Utah 84101

Friday, September 18, 2009
1:27 p.m. to 3:16 p.m.

Lori Lawrence
Certified Shorthand Reporter
Registered Professional Reporter

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A P P E A R A N C E S

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FOR MARY FRANCES and CURRY KIRKPATRICK:

Mr. Steven Kuhnhausen
Attorney at Law
10 West Broadway, Suite 603
Salt Lake City, Utah 84101

OTHERS PRESENT:

(None)

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I N D E X

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WITNESS: DAN WAKEFIELD

EXAMINATIONS

PAGE

By Mr. Kuhnhausen

5

E X H I B I T S

- - - - -

NUMBER

DESCRIPTION

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1 Salt Lake City, Utah

2 Friday, September 18, 2009; 1:27 p.m.

3 DAN WAKEFIELD,

4 produced as a witness, having been first duly
5 sworn, was examined and testified as follows:

6 MR. KUHNHAUSEN: This is the time and the
7 place set for the taking of the deposition of Dan
8 Wakefield, and Mr. Wakefield's present. Steve
9 Kuhnhausen is present. I have provided a copy of a
10 notice of deposition to Marlin Grant, the attorney
11 for Karen and Scott Banks in this case, as well as
12 to Roger Baron, the guardian ad litem, inviting them
13 to attend. Mr. Grant --

14 THE WITNESS: What was his name again?

15 MR. KUHNHAUSEN: Roger Baron.

16 THE WITNESS: From here?

17 MR. KUHNHAUSEN: He's the guardian ad
18 litem in Logan. Have invited their attendance.

19 THE WITNESS: Baron, huh?

20 MR. KUHNHAUSEN: Uh-huh (affirmative). I
21 have not heard from Mr. Baron. Mr. Grant filed an
22 objection to the taking of the depositions of Karen
23 and Scott Banks. There was a pending proceeding in
24 the Utah Supreme Court. We'll be filing a petition
25 for certiorari, and we're going to proceed with this

13:28 1 deposition without them. It's now about twenty
2 minutes after one. The deposition was scheduled for
3 one p.m. today.

4 EXAMINATION

13:28 5 BY MR. KUHNHAUSEN:

6 Q Would you state your name and address,
7 Mr. Wakefield.

8 A Dan Wakefield, and I'm presently at 247
9 West 500 North in Lehi, just temporarily.

13:28 10 Q Are you employed?

11 A Nope. I'm retired, but I basically have
12 been self-employed for years.

13 Q Where do you intend to go after your
14 temporary residence in Lehi? Do you have plans?

13:28 15 A I'll probably find me a place in Provo.

16 Q All right. Now, are you acquainted with
17 Scott and Karen Banks?

18 A Yes, I am.

19 Q How long have you known them?

13:29 20 A From this -- from right now back?

21 Q Yes.

22 A I haven't spoken to them probably in over
23 three years, but prior to that, I knew them for
24 about two and a half to three years prior to that.

13:29 25 Q Okay. So it's been about five years or

13:29 1

so?

2

A Five or six years.

3

Q Okay.

4

A Total.

13:29 5

Q And I'm informed that you were a

6

codefendant of the Banks in a federal criminal case.

7

Is that right?

8

A I guess -- a codefendant?

9

Q You were charged along with the Banks?

13:29 10

A I guess so, yeah, even though Banks and

11

I -- well, yes.

12

Q Yeah, you were part of that case. In

13

connection with that federal case, you had a lawyer

14

by the name of Steve McCaughey, M-C-C-A-U-G-H-E-Y?

13:30 15

A Correct.

16

Q And he was your lawyer for that case?

17

A Correct.

18

Q I am informed, Mr. Wakefield, that in

19

connection with that case, the United States of

13:30 20

America provided discovery to your lawyer,

21

Mr. McCaughey, and the discovery would have been

22

records and items seized from the Banks or obtained

23

from other sources that were given to your lawyer to

24

help defend you in that case.

13:30 25

A That's what I understand.

13:30 1 Q Yeah. At one point in time, there was a
2 federal gag order on discussing the contents of the
3 federal discovery, and the case is now over as far
4 as you're concerned; isn't that right?

13:30 5 A That's what I'm told.

6 Q You pled guilty to an offense, and you are
7 on probation?

8 A Correct.

9 Q Okay. I've given you a little background
13:31 10 during a telephone conversation previously about my
11 clients, the Kirkpatricks.

12 A Yes.

13 Q Do you remember that? And just for our
14 records here today: The Kirkpatricks are interested
13:31 15 in the welfare of a child that is in the custody of
16 the Banks at the present time. Are you aware of
17 that?

18 A Only through you, yes.

19 Q Okay. In connection with that case,
13:31 20 ultimately the court in Logan will have to determine
21 what is in the best interests of this child that is
22 the subject of this case between the Banks and my
23 clients, the Kirkpatricks.

24 A Correct.

13:31 25 Q Would you be willing to authorize Steve

13:31 1 McCaughey to allow me to have access to the federal
2 discovery that was provided to him in connection
3 with your case?

4 A Sure.

13:31 5 Q Okay. And what I'll do is once we get
6 this deposition back, I'll take this page that
7 reflects your agreement to allow that, and I'll give
8 it to Mr. McCaughey, and he'll let me see the
9 discovery.

13:32 10 A Uh-huh (affirmative).

11 Q You have to speak audibly.

12 A Yes.

13 Q Okay. Thank you. Appreciate that. Let's
14 start off with a simple question, and then you'll
15 get the idea of where I'd like to go here today with
16 this.

17 A Okay.

18 Q Would you let Scott and Karen Banks adopt
19 your grandchild?

13:32 20 A No.

21 Q Tell me why you wouldn't, other than the
22 fact that she probably -- he or she probably has
23 parents, but . . .

24 A For a year and a half to two years, I had
13:32 25 very high, high regard for the Bankses and what they

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were doing.

Q And what were they doing?

A As far as I -- I had never done anything with the adoption business ever in my life. They called me. I didn't call them. They asked for some help in an area in a country that I had an awful lot of friends and influence and knew a lot of people, and they --

Q What country was that?

A That was in Samoa, the Samoan Islands in the South Pacific.

Q And somehow they found out that you had some friends and access to --

A I've been there on a mission, and I knew the language very well, and I knew an awful lot of people.

Q Okay. And they made contact with you?

A Correct.

Q Was that in connection with their adoption agency, Focus on Children?

A Yeah. I'd never -- I'd never met them before. They introduced themselves on the phone and said that they figured that -- they were told that I could be of help to them and they would like to talk to me about it and see if I could help them for --

13:33 1 basically at that time it was referred to as a short
2 period of time.

3 Q Did they hire you?

4 A It was not a hire. It was strictly on a
13:33 5 completion -- may I make this clear?

6 Q Sure.

7 A The entire association over the years --
8 and I was -- I was the -- I'd produced between
9 eighty and a hundred children that came, all
13:34 10 documented, everything done right, that made it to
11 America, and they never produced a written agreement
12 with me on our relationship. It was all verbal,
13 handshake, and that was it.

14 Q So you mean you would find children in
13:34 15 Samoa?

16 A I didn't go out and look. They began to
17 refer referrals back to me, and I would go and begin
18 the process of informing the family on what -- what
19 the -- what the story was about adoption. I always
13:34 20 had a witness with me. And when we got to a certain
21 point, they were -- the birth parents were all
22 interviewed by two different judges -- two different
23 attorneys and a judge to make sure they understood
24 what the program was. And it made it look real easy
13:35 25 from the Bankses' point of view what I was doing in

13:35 1 Samoa, and that sometimes can turn around and bite
2 you.

3 Q So let me just see if I can understand
4 this. The Banks would contact you with the name of
13:35 5 a family that had a child?

6 A No. The Banks had -- they didn't know
7 anybody down there.

8 Q Okay. So how would -- you'd get a
9 referral from a friend or an acquaintance?

13:35 10 A Yeah. People were calling me day and
11 night to come and talk. There are an awful lot of
12 single mothers down there.

13 Q Okay.

14 A They're very, very healthy. They are
13:35 15 happy people. But there isn't a parent down
16 there -- you'd -- you'd -- it would be hard to find
17 a parent down there that wouldn't take the chance to
18 better the life of their child by adopting it to
19 U.S.A.

13:36 20 Q Okay. And so --

21 A So they would approach me.

22 Q And these people, these mothers or
23 families that were approaching you, were they doing
24 that before you began your association with the
13:36 25 Banks?

13:36 1 A Good question. The Banks had already
2 sent, I think, three adopted children to America.

3 Q Okay.

4 A And they found out that it was harder for
13:36 5 them than they thought it was going to be, I assume,
6 from our dialogue.

7 Q And they were in Logan, and you were in
8 Samoa?

9 A And I was doing some stuff in Samoa,
13:36 10 right.

11 Q Okay. So somehow the connection that you
12 had with these people that wanted to give up their
13 children to better their child's life and the Banks
14 somehow came together?

13:36 15 A The Banks -- I'm not sure how they got in
16 contact with their original three that they had sent
17 before I ever came on the scene.

18 Q Okay.

19 A But they said, "We don't talk the
13:37 20 language. We don't know the people. You do. Would
21 you help us for a while."

22 It began to be a very, very good fit
23 because people had a lot of trust in me. I will say
24 that openly to anyone, and -- and I was doing
13:37 25 everything that was laid in front of me as far as

13:37 1 the processing and documentation and protocol that I
2 got from the Banks.

3 Q So did the Banks then -- after you got
4 involved with their process, they had certain things
13:37 5 that they wanted you to do or papers that needed to
6 be signed or information given to these birth
7 parents? Is that what it was?

8 A Yeah. The birth parents, they -- that was
9 the first step was to inform the family. Many
13:37 10 times -- over fifty percent of the children that
11 came that were referred to me never completed their
12 processing to get -- to get to the airplane to get
13 to America. There were that many that had dropped
14 out.

13:38 15 Q Let me show you what I want to have marked
16 as Deposition Exhibit No. 1, and while the court
17 reporter's typing what I'm saying and she's getting
18 out a sticker, let me show you this document.

19 A Uh-huh (affirmative).

13:38 20 Q Have you seen that before?

21 A You bet. I made it.

22 Q Okay. And is that something that was used
23 to give information to the Samoan birth parent?

24 A That was to go down a list. I -- Bankses
13:38 25 did not provide this. I told them, and I was

13:38 1 constantly interviewed by the newspaper and by
2 media, and I said, "I'll make up a deal to where you
3 will see what steps I go through and a Do You
4 Understand," and there is another set of papers.

13:39 5 Q Well, let's mark the first ones as Exhibit
6 1, the ones I've shown you.

7 A Uh-huh (affirmative).

8 Q And let me show you what we'll call
9 Exhibit 2, and I see your name on the top of --

13:39 10 A I compliment you on this, 'cause I didn't
11 know you had these. Yep.

12 Q And is Exhibit 2, then, your forms also?

13 A Yep.

14 Q And this was a way to document and make
13:39 15 sure you crossed your T's --

16 A That's exactly right.

17 Q -- dotted your I's, and that the people
18 were informed before they signed?

19 A Yep. Once again, I made these up. This
13:39 20 one here is incomplete, 'cause this goes down to
21 twenty-five.

22 Q Okay.

23 A And I've got the rest of them if you --

24 Q Okay. Here we go. Take a look and see if
13:40 25 I've got that completed. Is that it?

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A Yep.

Q Okay. So we'll call that Exhibit No. 2, and that's the steps of processing an adoptive Samoan child from start to finish. And then you're looking at Exhibit 3, and that is what?

A This one?

Q Yes.

A Points of understanding to be emphasized when talking to (unintelligible) . . .

MR. KUHNHAUSEN: He's reading aloud.

THE REPORTER: Sir, I can't understand you.

THE WITNESS: Oh, I'm sorry. I'm sorry. I was -- I'm just going over this to see if I made this up or if they did. I apologize.

MR. KUHNHAUSEN: We'll go off the record for a second and let him look at that and see.

THE WITNESS: I made this up.

MR. KUHNHAUSEN: Okay. We're back on the record.

Q Exhibit No. 3 is a document that you prepared?

A To clear the air -- to continue to clear the air with the media and myself and anybody who had any questions.

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Q Okay. Good.

A And this -- okay.

Q Okay. So after the birth parents were informed with all this information by you, would they then meet with some lawyers, or what would happen?

A We can go right back to the process here.

Q To No. 1?

A No. 2.

Q Okay.

A Meet with the family. Next, get a firm commitment from the birth parents. No. 3, make sure there's no problem with extended family, which many times extended family in New Zealand -- am I talking too fast? Okay. New Zealand or Australia would say, "Hey, we'll take that child. Let us raise it." Which was common in the islands. No. -- No. 5, make sure that there's no problem with -- if it's a single mother, that there's no problem with the natural father.

Q Once you took them through all those steps --

A Yes.

Q -- what would happen next?

A Take these steps down to where they'd had

13:42 1 a physical exam, a blood test, a birth certificate,
2 and it tells right there -- I forgot which number it
3 is, but we then take them into a nanny house.

4 Q Yeah, and you would also send all the
13:42 5 documentation to the Banks at Focus on Children?

6 A Correct.

7 Q So once the birth parent was informed and
8 you had obtained a birth certificate and the
9 physical and all of those kinds of things, would you
13:42 10 then -- before you took them to the nanny house,
11 would you have them sign a relinquishment or
12 document?

13 A Correct.

14 Q And is this the relinquishment?

13:42 15 A A preliminary relinquishment.

16 Q We're going to call that Exhibit No. 4,
17 the preliminary relinquishment.

18 A Yep.

19 Q Okay. Exhibit 4. And once the parents
13:43 20 signed that, then would the child be placed in the
21 nanny house?

22 A Correct.

23 Q And someone has told me there are no
24 abandoned children in Samoa. Does that make sense?

13:43 25 A No orphans.

13:43 1 Q No orphans.

2 A No orphans.

3 Q Now, I'm not asking you to tell me
4 anything that you don't want to tell me, but what
13:43 5 really did these birth parents understand was going
6 to happen to their child, as far as you know?

7 A This was all outlined to them. The
8 attorneys that interviewed the parents knew this
9 list of Do You Understand. The judge that had the
13:43 10 final interview with them knew that they had had an
11 explanation to them. What you asked me, what did
12 they actually understand?

13 Q Yes.

14 A The only -- the biggest thing you can go
13:44 15 by is to know what was said with the witness, go
16 down a list, inform the other interviewers of what
17 they were told was going on, and they -- and it
18 complied completely with Samoan adoption laws.

19 Q Okay. And was there any expectation in
13:44 20 the birth parent that after the child was educated
21 in this country, they would come back to Samoa?
22 That's what I -- that might be an odd question.

23 A No.

24 Q So these parents understood that was the
13:44 25 end game for them? Sign the papers, the child goes

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to the nanny house?

A End game. Name will be changed,
citizenship changed.

Q Okay.

A They may never come back.

Q And that's what it says.

A "Do you understand your child may never
come back?" It's on No. 1, I believe. Probably up
to the top.

Q Uh-huh (affirmative), it is. It's No. 2
on that box, yeah.

A It's been published in the newspapers,
that very thing. It's been gone over. Okay. The
genesis of your question is this. And I don't want
to get you off your list of questions.

Q No. I'm fine.

A The parents understood this totally until
federal team investigators come down and start
stirring up contention, misunderstanding,
perversion. Every parent of every -- every birth
parent of every child down there would ask sometime
in this whole process, "Will my baby ever be able to
come back to Samoa?"

Okay? I was advised by FOC, the local
attorney, "Tell them they'll never come back."

13:46 1 Steve, I tried that. The first time I
2 ever tried it, there was some extended families from
3 Seattle down there visiting, a family who came to me
4 in the night and said, "Come out and talk to us."
13:46 5 We'd taken the child down several steps in this
6 list, and we were meeting together, and it was a
7 very, very compatible meeting. Came down to that
8 very question. "The child may never go back. In
9 fact, he never will go back," like the attorney told
13:46 10 me to tell them. This is a local attorney.

11 Q Yeah.

12 A And he --

13 Q Was that Mr. Fepulea'i?

14 A Yeah, Fepulea'i.

13:46 15 Q Fepulea'i?

16 A Good on you.

17 Q And Schuster?

18 A Yep, and Schuster. They said, "Tell these
19 people, and that will eliminate the whole problem."

13:47 20 These Samoans that live in Seattle that were there
21 visiting their family said, "Mr. Wakefield, you're
22 lying to them, because the minute that that child
23 gets to be eighteen years old, he can go anywhere he
24 wants."

13:47 25 I was caught. I had always told the

13:47 1 people that their child in America, when they become
2 eighteen years old, they become what is known as an
3 adult, a tu-not-a-ma-tu-a (phonetic).

4 THE REPORTER: I didn't understand what
13:47 5 you just said.

6 THE WITNESS: I know that. Okay. That
7 was Samoan. I'm sorry. They become an adult.

8 Q (BY MR. KUHNHAUSEN) Okay.

9 A And that was just the word for adult.

13:47 10 Q Yeah.

11 A And when they are an adult, there are
12 obligations, and there are benefits. One of the --
13 one of the benefits is that they are -- that they
14 can get them a passport if they can afford it, buy
13:47 15 them a ticket if they can afford it, and they can
16 fly anywhere in the world that they want to,
17 including Samoa, and return as a visitor, just like
18 I do. That's the exact story I told them. "They
19 can come back, if they want, as a U.S. citizen, as a
13:48 20 visitor like I do, or they may never come back."

21 Now, the feds got down there with their
22 in-house interpreter. They got their translator
23 from the U.S. Embassy. It is like taking candy from
24 a baby to get a mother of a child who had been in
13:48 25 America, and she knows what the deal is. Two years

13:48 1 after the child's gone, someone comes in, like the
2 U.S. attorney team with their interpreter they got
3 from the U.S. Embassy, and they ask the mother, "Do
4 you miss your baby? Would you like to see your
13:48 5 baby? Were you ever told your baby would come back
6 at eighteen?"

7 "Uh-huh (affirmative), yes."

8 That's where that comes from.

9 Q Okay.

13:49 10 A They ought to have their mouth washed --
11 and they know. I caught them on it, and they know
12 that they -- it's corruption to the hilt on that.
13 Okay. Pardon me.

14 Q No. It's all good. So I guess was
13:49 15 their -- the fed's theory that these people really
16 didn't understand because in Samoa, there's no such
17 thing as an adoption, and so that concept was
18 something they didn't understand? Is that how --

19 A These parents knew it. They knew it
13:49 20 because they were interviewed by two different
21 lawyers and a judge to clarify that very thing. The
22 feds knew it, and they spun it. They spun their
23 questioning and their answering.

24 I could go and do the same thing. If they
13:49 25 explained that to some parents, and give me two

13:49 1 years, and I'll get that screwed-up answer from them
2 that fast. That's what happens with a third-world
3 culture with such a delicate subject as your -- as
4 your children.

13:50 5 So it was -- it was a -- it was a
6 fabrication and a corruption on their part to get
7 the answer that fit their agenda. Bottom line.

8 Q Interesting.

9 A Yeah.

13:50 10 Q Very interesting. Was it those people
11 from Seattle that screwed everything up or what?

12 A No. They were just the ones that made me
13 decide that I couldn't lie to the people anymore
14 about the fact that they couldn't ever come back and
13:50 15 wouldn't ever come back. Of course they can come
16 back if they want to after they're eighteen years
17 old. You tell that, you open the door to people
18 like the feds to come in, twist it, and say "Would
19 come back or could come back?" The two different
13:50 20 words throw a whole different light, and they --

21 Q Exactly. Okay. I've got some questions,
22 and some you may not be able to answer.

23 A All right.

24 Q You wrote the guidelines, right, on how to
13:51 25 approach the Samoan birth mothers?

13:51 1 A Well, I wrote this much.

2 Q Yeah, the exhibits that we provided.

3 A Yeah.

4 Q So what role did Scott Banks play in that?

13:51 5 A I would call -- we had phone conversations
6 probably three times a week.

7 Q You and Scott?

8 A Yep, and he would come in every three or
9 four months and spend a week, and -- and I'll make
13:51 10 it -- I'll say this, and it's a colloquialism that
11 fits. The easier you make something look, the more
12 everybody thinks that they can do it.

13 Q Okay.

14 A And I know that happened with the Bankses.

13:52 15 Q Tell me what you mean by that.

16 A I mean they thought it was a walk in the
17 park to document children and get them out of the
18 country.

19 Q And were you -- go ahead.

13:52 20 A And it was a 24/7 job that I made look
21 easy for the Bankses. I made it look so easy that I
22 split up -- this is important. I split the thing up
23 on July 2nd of 2004. I said, "Hey, I'm not going to
24 keep working 24/7. I'll -- I'll take this thing
13:52 25 down halfway to where they are ready to go into the

13:52 1 nanny house, and you come and pick them up, and you
2 run the nanny house, and you pay for it." It was
3 killing me financially.

4 And so they got a toe in the door to begin
13:53 5 to try and do this themselves.

6 Q Had they been paying you before that time?

7 A Yes. They'd been paying me on submission
8 of documents.

9 Q Okay. So every time you would get
13:53 10 somebody into the nanny house, then you would submit
11 the paperwork to Focus on Children?

12 A Correct.

13 Q And what would they pay you? How much
14 would they pay you?

13:53 15 A It varied, and I couldn't commit myself to
16 that right now 'cause we had different things that
17 we -- different amounts that we agreed on.

18 Q And did they ever pay the birth parents to
19 sign these papers?

13:53 20 A No.

21 Q As far as you know?

22 A As far as I know, they didn't, 'cause I
23 sure didn't.

24 Q So in 2004 when you had the split, then
13:53 25 they were -- they, the Banks, Focus on Children,

13:53 1 funded and operated the nanny house?

2 A They did.

3 Q Okay. And the nanny house was a place
4 where these children would stay for a period of
13:54 5 time?

6 A Until the Banks got the adoptive parents
7 lined up in America to fly down.

8 Q Okay. And was there -- let me ask you
9 this. Was that sort of a way for the Banks to cover
13:54 10 the termination of the parental rights of the birth
11 parent, by claiming that there was an abandonment of
12 the child? Do you understand what I'm saying about
13 that?

14 A Yeah, yeah. There's a form that you don't
13:54 15 have here. I can dig one out. I brought it with
16 me.

17 Q Let's look at it if you want to take a
18 second.

19 A Basically, Steve, the reasons . . .

13:54 20 MR. KUHNHAUSEN: Let's mark these 1, 2, 3,
21 and 4.

22 (Deposition Exhibit Nos. 1 through 4 were
23 marked for identification.)

24 THE WITNESS: I'm surprised that you have
13:55 25 all these. That's okay.

13:55 1 Q (BY MR. KUHNHAUSEN) While you're looking,
2 let me just ask you a question here. How long would
3 the typical child stay in the nanny house? Six
4 months?

13:55 5 A They're really supposed to stay there
6 three. Some stayed over a year.

7 Q Some stayed over a year, and Samoa doesn't
8 have a -- it doesn't have any -- does it have
9 adoption statutes?

13:55 10 A Yeah, they do.

11 Q Do they have an abandonment requirement or
12 a way to terminate parental rights because of
13 abandonment?

14 A That was a Focus on Children form that
13:56 15 they provided for me. You can see halfway down
16 there, it says Reason for Adoption --
17 Adoption/Relinquishment, right?

18 Q Yeah.

19 A Death of parent, right?

13:56 20 Q Right.

21 A Disappearance, abandonment, desertion,
22 unable to support food and clothing, not married to
23 the child's father, or to open opportunities for the
24 child which are not available.

13:56 25 Q Whose form was this?

13:56 1 A That was Focus on Children's.

2 Q Okay.

3 A They provided that for me, and as I've
4 written on the top, you don't see the word "orphan"
13:56 5 anywhere on there, do you?

6 Q You don't. We'll have this marked as
7 Exhibit No. 5.

8 A That's a zinger, because one of the three
9 bottom ones would always be checked because they
13:56 10 were the ones that were true. Very seldom was there
11 ever a No. 1, death of a parent.

12 Q How about abandonment?

13 A Nope. Nobody abandons kids down there,
14 nobody.

13:56 15 Q I understand that, but if there was a
16 period of time when the parent didn't have any
17 contact with the child or pay any support, maintain
18 a relationship with the child, would that just make
19 it a little easier to complete this process for the
13:57 20 Banks to get the kid out of Samoa?

21 A Okay. Let me talk to you just a little
22 bit off the record here, because I'm just going to
23 talk fast.

24 MR. KUHNHAUSEN: Okay. Let's go off the
13:57 25 record.

13:58 1 (A discussion was held off the record.)
2 MR. KUHNHAUSEN: Sure. Let's go back.
3 Q So you were explaining to me that the word
4 "orphan" was eliminated from any of the forms that
13:58 5 the Banks used.
6 A Never showed up.
7 Q And the reason for that was?
8 A The reason for that -- the Bankses had
9 already adopted many, many kids from all over the
13:58 10 world.
11 Q Uh-huh (affirmative).
12 A I have not seen the forms they filled out
13 to process those children, but the majority of them
14 came from orphanages in China, in South America, in
13:58 15 Russia, and other places. They came from
16 orphanages, and they did their processing with
17 orphanage forms.
18 Q As the basis for the adoption?
19 A As the basis of justification. And when
13:58 20 they started -- when they decided they wanted to do
21 something in the Islands, they couldn't use
22 "orphan," even though I find out later that is a
23 prerequisite, U.S. laws, for a child to be adopted
24 to American parents. I had no idea that was ever
13:59 25 the case.

13:59 1 And so these other words were interjected
2 in there to infer just disappearance, abandonment,
3 and all these things, and it's got to be Bankses'
4 effort to compensate for eliminating "orphan."

13:59 5 Q Because if they had the word "orphan" in
6 there, the Samoans wouldn't stand for it, would
7 they?

8 A No, and I wouldn't have either.

9 Q Right.

13:59 10 A And they knew that.

11 Q So that's really what the problem was
12 here, isn't it, that --

13 A That's what I believe is the problem.

14 Q Yeah. Okay.

13:59 15 A I never saw the word "orphan" on any form
16 until I was accused or -- or I was guilty by
17 association of these children's names being on an
18 I-600. An I-600 is the immigration form that all --
19 all adopted children fill out or their American
14:00 20 parents fill out when they reach America, when they
21 reach America. I never saw the word "orphan" in
22 Samoa or any of the forms that I sent with the
23 parents to New Zealand to get a U.S. visa to travel
24 to America, and then they'd wait for their passport.
14:00 25 I never saw one until they started talking about an

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I-600.

I said, "I've never seen an I-600." And I requested -- underline, underline. I requested to see an I-600, see one for the first time in my life from my own attorney and the U.S. -- the U.S. attorneys. For four months, from October till March, they never delivered me one because they did not want me to see it because they would know then that it was a trumped-up case against me even being involved with these kids not being orphans. And so then I got one from a friend of mine ten minutes off the Internet.

Q And then you realized what --

A I realized -- I realized --

Q You had been taken, hadn't you?

A In every sense of the word.

Q Exactly. And that was really what got the feds interested in the Banks was that to get the child in the United States, they had to have an orphan designation, but they couldn't take these children out of Samoa calling them orphans, right?

A Correct.

Q Okay.

A And they had a death of a baby down there in their care.

14:01 1 Q Let's talk about that for a minute. Now,
2 that was Baby Heta?
3 A Baby Heta.
4 Q And tell me what happened there.
14:01 5 A I knew the family, but I had nothing to do
6 with bringing the child in. That was after I had --
7 after I had left -- on July 2nd of '04, I
8 relinquished myself from anything to do with the
9 care of the children, and so they were in the care
14:02 10 of the child clear to the end of the year. Banks
11 had had such a -- such a major meltdown between July
12 of '04 and December of '04 --
13 Q What do you mean by that?
14 A I mean they were screwing up all over, and
14:02 15 they hadn't paid me what they had promised to pay
16 me.
17 Q What did they promise to pay you?
18 A I made a trip up here because they owed me
19 XX dollars.
14:02 20 Q What is XX dollars?
21 A Well, it's 14,000.
22 Q And that was for how many adoptions?
23 A And that was for -- I don't remember
24 exactly, but I brought all the documentation.
14:02 25 Q Okay. Good.

14:02 1 A And my son and I went up to Logan and met
2 with them, and they went through them, and they
3 said, "Well, there's a couple of questions on
4 these," and I took them out, and then they only paid
14:03 5 me half, and I said, "Give me a postdated check for
6 the other half." They wouldn't do it. "Promise,
7 promise, promise. Trust us, trust us, trust us."

8 On the 20th of December -- that was on the
9 29th of November of '04. 20th of December, "We'll
14:03 10 send you a -- we'll send you a check, a money order.
11 Send it to your boy."

12 MR. KUHNHAUSEN: Excuse me. I need to
13 take about five minutes to make a phone call. Take
14 a break for a second.

14:03 15 (A recess was taken from 2:03 p.m. to
16 2:07 p.m.)

17 Q (BY MR. KUHNHAUSEN) So this baby died in
18 the nanny house?

19 A It was in the nanny house. They -- they
14:07 20 concluded -- and I didn't know anything about it
21 except the family knew me.

22 Q And this was a baby that was put in the
23 nanny house?

24 A After I --

14:07 25 Q After you were done. You and the Banks

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split that.

A Yep.

Q And they were in charge of the nanny house?

A Totally.

Q And did they have employees at the nanny house?

A Yes, they did.

Q Okay. And were the children in the nanny house receiving proper care?

A Well, that's -- that's up for -- the coroner's inquest on Heta was that she was malnourished. The family came to see her, and she was sickly. They took her home. The families aren't supposed to know where the nanny house is 'cause that is what is supposed to qualify abandonment, as I see it now.

Q Yeah.

A "Oh, yeah. The parents have not seen the child. Don't let the parents come to the child because then it's not" --

Q Abandonment.

A -- "abandonment."

Q Right.

A And it was Bankses' effort to bog up the

14:08 1

whole issue.

2

Q And to make it so that they could take this child out of the nanny house and claim it as an orphan?

14:08 5

A Correct.

6

Q And that was their plan?

7

A Well, they would never say that, but that is exactly -- they were painting an elephant, and finally you saw the whole elephant standing there.

14:09 10

Q So who is Duke Purcell?

11

A Duke Purcell is a great guy.

12

Q Okay. Have you talked to him lately?

13

A He was up here a year or so ago. Some of the investigators -- do you know Bridget Stevenson?

14:09 15

Q I do.

16

A Okay. She and her assistant. Duke and I are good friends because -- you know how his involvement is here, I guess?

19

Q I don't. I want you to tell me.

14:09 20

A Well, okay. In the Bankses' house -- and I won't -- I won't -- I won't stand good for the numbers.

23

Q Okay.

24

A But they had some of their own children.

14:09 25

Q Right.

14:09 1 A Two or three.

2 Q Yes.

3 A And then they had a whole bunch of others

4 from all over.

14:09 5 Q And they'd adopt them. Gregory --

6 A I guess.

7 Q -- and a couple others?

8 A I don't even know.

9 Q Auriel?

14:09 10 A I've been to the house a couple times.

11 Q Ethan?

12 A Yeah.

13 Q Do you know those kids?

14 A I've heard the names.

14:09 15 Q Okay.

16 A Now, a couple of them were from the

17 Ukraine or Pakistan.

18 Q Or Romania maybe?

19 A Or Romania, and I can't even tell you

14:10 20 exactly if they were brother and sister or if they

21 both just came from the same place. They didn't fit

22 in too good. They were -- they had maybe attention

23 deficit or something.

24 Q Or some problem, and the Banks sent them

14:10 25 to Samoa, didn't they?

14:10 1 A Correct. They called me and said, "Where
2 can we put these kids for a few months until they
3 can kind of grow up a little bit?"

4 Q 'Cause they needed some respite care,
14:10 5 didn't they?

6 A They -- well, yeah, 'cause they were
7 thumping on the rest of the kids here, and that
8 one -- two we were talking about we just -- a little
9 while ago, kid chewing the --

14:10 10 Q Uh-huh (affirmative).

11 A Yeah, and so, yeah, they needed to get
12 away.

13 "You got a family?"

14 "Oh, there's families."

14:10 15 They would pay to have the kids kept.

16 Q The Banks would?

17 A The Banks would. So I said, "Man. That's
18 fine."

19 He said, "One catch. We got to go to
14:10 20 America Samoa because we don't have the proper
21 papers for them to go into Independent Samoa," which
22 is independent. They're only eighty-five miles
23 apart, American and Western Samoa.

24 And, "Could you find a family?"

14:11 25 And I said, "Hey, you bet. There will be

14:11 1 some people that would love to help you out, and
2 they'd love to have the income."

3 And so I knew Duke Purcell. I called him
4 up, and I said, "Hey, you're" -- he's got a big
14:11 5 construction company, and he's well thought of, and
6 he -- I think he was -- he had -- he had a position
7 in the Church, and he -- I said, "Hey, can you find
8 a home for two kids? They are X" -- how old? I
9 can't even remember that.

14:11 10 Q Right.

11 A And he said, "Well, yeah, I guess so." He
12 said, "Maybe we'll take them for a little while and
13 help out on that," 'cause he had a great big house.

14 So next thing, I can't remember if Scott
14:12 15 brought them down or what, because I basically
16 walked away. I lined the whole thing up, and Scott
17 sent money down every month.

18 Q Did Scott come and visit the children? Do
19 you know?

14:12 20 A I -- I wasn't there that I can remember
21 when he did, but I'm sure he did.

22 Q Okay.

23 A But, hey, you know how long they've been
24 there?

14:12 25 Q How long?

14:12 1 A They've been there for going on five
2 years, I think.

3 Q Jeez.

4 A They don't even talk -- they talk more
14:12 5 Samoan than they do English, and I wrote a letter to
6 the -- when I was breaking up with them and they
7 were pulling so many hanky pank deals, I wrote a
8 letter to the U.S. Embassy stating how corrupt it
9 was to adopt children from Ukraine or wherever it
14:12 10 was under the auspices that they would be Americans
11 and grow up in America and be American citizens and
12 then pawn them off here because they didn't fit in
13 the family and then under the auspices they'd only
14 be there for a few months, and five years later,
14:13 15 they're still there. It is --

16 Q So did you ever go in the nanny house
17 after the Banks took it over?

18 A After the Banks took it over, I did not.

19 Q Okay. So you don't know what kind of
14:13 20 condition it was in there?

21 A When they -- when I walked away from the
22 nanny house part of it and they assumed the rent
23 payment that I had been paying all the time and the
24 food and the salaries and everything that went along
14:13 25 with the nanny house, they -- they assumed all --

14:13 1 and it was clear as a bell they assumed all
2 responsibility.

3 When we had our final breakup, they tried
4 to back up and say that all of the trashed nanny
14:13 5 house that had been -- had kids in it for how many
6 years -- 'cause they wanted to move out. This is
7 after I had split. They wanted to move out of the
8 nanny house, but it needed some fix-up, and they
9 weren't willing to do it, and they said, "Oh, that's
14:14 10 Dan's."

11 And I agreed -- I told you on the phone I
12 agreed to testify against them with the people and
13 their attorney who owned the nanny house, and
14 they -- they -- they put a stop order on the Banks
14:14 15 and wouldn't let them leave until they agreed to
16 something. To this day, I don't know if it's fixed.

17 Q So there were real problems with the nanny
18 house?

19 A Correct.

14:14 20 Q And the kids were in there under those
21 conditions?

22 A Yeah, but the problems weren't problems
23 that made it unlivable. It would be like
24 something -- some stuff broken or --

14:14 25 Q Leaky roof or whatever?

14:14 1 A Yeah, yeah, something like that.

2 Q Okay.

3 A Okay.

4 Q All right. So go ahead.

14:14 5 A The last time I was at that nanny house
6 under their care, the very guy that was my
7 right-hand man, they had undermined him and said,
8 "Come and work for us because your job with Dan may
9 not last because he's going to do some other
14:15 10 things."

11 This was early on. And they hired him.
12 The last time I ever went to the nanny house, he
13 had -- this is when Banks were running it. He
14 had -- in the washroom where there was a washing
14:15 15 machine and stuff -- but I think they washed by
16 hand -- he had a whole batch of baby pigs feeding
17 them like Samoans do, and that's fine but not in the
18 nanny house for kids that are going to America.

19 Q Right.

14:15 20 A And it was full of -- I could have called
21 the health department in on that, and there would
22 have been a bunch of people go to jail.

23 Q So it wasn't a fit place for children to
24 be?

14:15 25 A That's a clue right there. They could

14:15 1 say, "We didn't know anything about it." Well, they
2 should have known about it. That is an absolute
3 no-no to be running pigs in your washroom on your --
4 in your little wash house right the side of the
14:16 5 garage where you're supposed to be washing clothes
6 for the kids that are getting ready to go to
7 America.

8 Q So --

9 A I appreciate you bearing with me.

14:16 10 Q Yeah. It's good.

11 A I'm worked up over this whole thing.

12 Q Yeah. I don't blame you. So let me ask
13 you this. Did the Banks -- after the feds began
14 their investigation, did the Banks ask you to lie
14:16 15 for them?

16 A Never did.

17 Q Okay.

18 A I didn't have any discussion with them.

19 Q Do you know whether the Banks knowingly
14:16 20 separated a set of twins?

21 A Now, say that again.

22 Q Do you know whether the Banks separated a
23 set of twins on -- to send one twin to one home and
24 one to another?

14:16 25 A Oh. They didn't under my tutorship. That

14:16 1 was never -- and even siblings -- if siblings went
2 together, they -- they would go with a single
3 parent, and if some siblings went to this family,
4 later on some from the same family may have gone to
14:17 5 some others.

6 Q Okay.

7 A But as far --

8 Q If they came at once, they all went
9 together?

14:17 10 A That's correct.

11 Q Okay. All right. And do you know whether
12 or not, after Baby Heta died, did Karen ask you to
13 ask that same family for another child?

14 A I sure don't know that.

14:17 15 Q Okay.

16 A What I know about that is I got a ring on
17 my telephone, and it was the mother of the dead Baby
18 Heta, and they had just come from the hospital,
19 'cause they took Heta home, and she in two days --
14:17 20 they took her straight to the hospital, and she died
21 at the hospital. She didn't die at the nanny house.
22 She died at the hospital because she was in such bad
23 shape, and the coroner's report -- I don't know if
24 you got one, but I can get you one.

14:17 25 Q Okay. Yeah. I'd love to see that.

14:17 1 A Yeah. I'll put it in the mail to you.
2 But the coroner's report said malnutrition.

3 Q Okay.

4 A And that has to come right back to
14:18 5 their --

6 Q To the Banks?

7 A To the Banks.

8 Q And did they go into the nanny house, do
9 you know, after you separated from them?

14:18 10 A I have no idea whether they went into the
11 nanny house or not.

12 Q Okay.

13 A Several times I would go in there, and --

14 MR. KUHNHAUSEN: Excuse me. We need to go
14:18 15 off.

16 (A recess was taken from 2:18 p.m. to
17 2:34 p.m.)

18 Q (BY MR. KUHNHAUSEN) Did you know whether
19 or not --

14:34 20 A Did we finish Duke Purcell?

21 Q No. Let's go back to Duke for a minute.
22 Are we back on the record?

23 THE REPORTER: Yes.

24 Q (BY MR. KUHNHAUSEN) So he took two kids
14:34 25 to his home?

14:35 1 A Yeah, and I believe they're still there
2 today.

3 Q Do you know whether he's had any problems
4 getting the paperwork so he can move forward with
14:35 5 the kids?

6 A When the deal started to stink with the
7 baby dying and the Bankses coming down and the court
8 deal, I happened to see Duke in the hotel in Samoa.
9 He'd come over for something. He's got a big home
14:35 10 and stuff over there too in Independent Samoa, and I
11 saw him in the lobby, big hug and everything, and he
12 said, "Boy" -- he said even though he was housing
13 the children and he had -- and they were paying him,
14 he -- they had some difficulty, and he said, "Boy,
14:35 15 they are really crooked people to work with."

16 And I said, "Boy, you got it. I know
17 that."

18 And we shook and hugged and everything
19 else.

14:36 20 Q He was talking about the Banks?

21 A Uh-huh (affirmative). And he loves the
22 kids. They've quoted him in the newspaper 'cause
23 somebody got -- some reporter got to him and said,
24 "Man, you know, would you" -- ta-da, ta-da, ta-da,
14:36 25 and he said, "Yeah. I've got two of the children

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that we've adopted."

Hey, they hadn't adopted them.

Q Yeah, I know.

A But they had set him up to lie for them about the fact that they'd adopted them rather than being there on a very questionable long-term visit just to get them out of the Bankses' house.

Q Yep. Well, let's talk a little bit about that. I think you said the word the Banks -- I think you said the Banks were crooked.

A Oh, they are.

Q Well, tell me about that.

A Well, they're crooked first off -- and I've thought about this, because I'm going to put it down in real concise terms. They started off by expunging the -- the orphan bit out of everything they had me do and kept me in the dark about the fact that if it all blew up, the U.S. -- that's just as crooked as you can get, and they've lost everything that they've had, plus they implicated me, and I wasn't even aware of anything. That's crooked, No. 1.

Q Okay.

A They said -- told me what -- they never would produce a -- they never would produce a

14:37 1 working agreement. I asked --

2 Q Between you and them?

3 A Yep.

4 Q Okay.

14:37 5 A I asked and asked and asked. Now, why
6 wouldn't they do that? They wanted to keep calling
7 me an independent --

8 Q Contractor?

9 A -- contractor, because somebody had got to
14:37 10 them and said -- when I -- when I -- on July 2nd,
11 '04, I took my boy with me again. He was going to
12 BYU at the time, and we went up to Wellsville where
13 they live and sat around their big table, and Coleen
14 was there too.

14:38 15 Q Coleen Bartlett?

16 A And I'll just have to say I think Coleen
17 is a pretty nice lady. She doesn't have a conniving
18 mind that I know of. We sat around there and made
19 our deal, made our deal of the breakup, who would do
14:38 20 what and who would do what and what the price would
21 be, and everything was done, but to clean it up,
22 they owed me for so many children that they hadn't
23 paid for, and I said -- I told them, "I know you
24 guys are going to have problems here with your
14:38 25 second -- with your Phase 2 because you're totally

14:38 1 unprepared to come into a country without an
2 orphanage. I've made it look easy, but it's wearing
3 me out." And I said, "These are yours; these are
4 mine. What you owe me, I'll tell you what I'm going
14:39 5 to do. I'm going to cut what you owe me in half to
6 help you get along."

7 I cut -- you say how much was it? It was
8 several thousands of dollars that I cut and said,
9 "You keep that. You keep that to help you, 'cause I
14:39 10 don't want something like this going sour in Samoa
11 'cause they don't know you guys from Adam, but they
12 know me."

13 Q And that was your reputation on the line?

14 A It was my reputation hanging out all over.
14:39 15 I no sooner got back to Samoa than Scott had already
16 called a guy down there that they had just barely
17 hired to start helping with the nanny house because
18 I wasn't going to, and he called me a liar, and I
19 finally -- days later I had a lunch with him and my
14:39 20 sidekick guy that always went with me to witness,
21 and I pinned him down, and I pinned him down, and I
22 pinned him down, and he finally said, "Scott called
23 and told me that you were a liar."

24 Okay. They -- go ahead.

14:40 25 Q Let me ask you a question. So as I'm

14:40 1 hearing this story, was the nanny house sort of, in
2 reality, an orphanage for the Banks?

3 A They were trying to make it look like an
4 orphanage.

14:40 5 Q They were so that they could call these
6 children orphans when they --

7 A Correct, so that they had been abandoned
8 to the nanny house. Once in a while -- now, several
9 times parents -- birth parents would find out where
14:40 10 the nanny house was, through talking. There isn't a
11 birth parent alive that I wouldn't see downtown, and
12 there would be a big hug.

13 "Has my baby left for America?"

14 I wouldn't dare tell them a lie because if
14:40 15 they found out I was lying to them, my credibility
16 was shot all over.

17 And so I'd say, "No, not yet. They're
18 still here."

19 "Well, can we -- can we see him?"

14:41 20 "Well, not -- not" -- and sometimes they
21 would go to Fepulea'i's office, and he'd call up and
22 say --

23 Q F-E-P-U-L-E-A-apostrophe-I.

24 A Fepulea'i.

14:41 25 Q He's the lawyer?

14:41 1 A Yeah. And I made him a lot of money. Do
2 you want me to tell you?

3 Q Sure.

4 A Okay. It averaged out right around 2,000
14:41 5 U.S. dollars per child, the paperwork their law
6 office did.

7 Q Whoa?

8 A Yes, whoa.

9 Q Paid by the Banks?

14:41 10 A Paid by the Banks. I didn't pay him. The
11 Banks did. Nevertheless, he would call up and say,
12 "Hey, the mother and the grandmother of so and so is
13 here, and they're pretty ripped up. Could you come
14 down and douse the fire on this deal?"

14:41 15 I'd go in there, shake hands with them,
16 give them a hug, and say, "Your -- your little
17 grandson or your son hasn't left yet, but it's
18 getting close, and how would it be if I get a -- go
19 get a sack of hamburgers, and we'll go out to the
14:42 20 end of the island out there, which is about a mile
21 away, and we'll have a picnic, and we'll take some
22 pictures."

23 And they said, "Oh, that would be" -- this
24 happened time and time and time again. They would
14:42 25 call me to smooth things over, and we'd go out there

14:42 1 and take pictures, and the parents would be -- and
2 the kids, maybe they left two weeks later, and never
3 another word said, but it took the edge off.

4 Q So what? You would get the kid from the
14:42 5 nanny house?

6 A Yeah. I would go and pick the kid up.
7 Now, what did that do? If some U.S. fed teams come
8 down and they say, "Hey, did you ever see your child
9 after it went to the nanny house, after you signed
14:42 10 the relinquishment?"

11 "Yeah, a couple times."

12 Uh-oh. Uh-oh. That severed the
13 abandonment bit.

14 Q Yeah.

14:43 15 A And I'd say it sure did. That's part of
16 the culture that you ain't going to -- well, and
17 they tried to make a case on that, and there is no
18 case.

19 Q So did most of these -- or as far as you
14:43 20 know, did these birth parents, did they think once
21 they signed the relinquishment, went to the lawyer's
22 office, kids were on the plane? They didn't realize
23 that they were in the nanny house waiting for the --

24 A They knew they was going to the nanny
14:43 25 house.

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Q They did?

A Yeah. You can read those deals there,
and --

Q Did they understand how long the child
would be in the nanny house?

A No, 'cause I didn't even know.

Q Did they think that the nanny house was
just a temporary place waiting for the airplane or
something?

A Yep, waiting for the documentation on the
other end for the parents to fly in. The birth
parents always wanted to meet the American parents.
FOC said, "No way." So there was no way. I would
drive them through the village that the child came
from just so they had a mental picture of where the
baby came from, but we'd never stop and talk.

Q Wow. Okay. Were there ever children that
were placed in the nanny house that had problems?
Like maybe they had been abused in the past or
sexually abused or anything like that?

A By their Samoan family?

Q Or somebody, yeah.

A The only one -- the only one that was
blatantly that way was a -- were two sisters a
couple years apart, and they were older, like ten

14:44 1 and eleven or ten and twelve or something like that,
2 that went to Alaska. There's a lot of Samoans in
3 Alaska.

4 Q Did the Banks make -- did they lie to the
14:44 5 adoptive parents about the condition of the
6 children? Do you know?

7 A No. It was after -- this particular case,
8 it was after the kids got to Alaska.

9 Q That they found out?

14:44 10 A That the adoptive parents found out, and I
11 was real close to them. I bet I've even got a
12 picture of them.

13 Q Did the Banks know that the kids had been
14 abused before they --

14:45 15 A No.

16 Q Okay.

17 A I didn't either.

18 Q Okay.

19 A If they would have been abused, we would
14:45 20 have addressed that. There was a time, like I said,
21 halfway through my association with the Banks, I'd
22 have gone to the -- I'd have gone to the mat for the
23 Banks.

24 Q Do you know about any other illegal
14:45 25 adoptions or adoption practices of the Banks in

14:45 1 other countries? Cambodia? Vietnam? Guatemala?

2 A I don't have any -- they were very -- I
3 didn't ever ask, and they were very smug, and the
4 only guy that delivered some horror stories was this
14:45 5 Bob Skillman.

6 Q Bob Skillman?

7 A He's a CEO, and he is a -- "rascal" is
8 giving him too much credit.

9 Q Is he from Logan?

14:45 10 A Yeah. Well, I think -- I don't know where
11 his home is, but he knows that I would -- I'd string
12 him up by his heels, boy.

13 Q And he's a friend of the Banks?

14 A Well, he's their CEO.

14:46 15 Q And what did he do?

16 A Well, he's -- the only time I had any --
17 he's just a -- he's just a bald-faced liar and a --
18 and if the Banks were sitting right there, I'd turn
19 and tell them, "Your CEO is the one that cooked your
14:46 20 goose. This whole thing would have still been
21 flying today if you guys would have come clean on
22 stuff between -- because I would have made sure
23 things were clean down there. You would have had
24 some heat put on you, but when you start screwing me
14:46 25 around and undermining me," and doing everything

14:46 1 they could to get me out of the way, because they
2 would have made the money -- they -- they wanted to
3 hire my right-hand man, pay him infinitely less.
4 That's why he was raising pigs in the nanny house,
14:46 5 and that excess would have gone to them.

6 Q Gone to the Banks.

7 A And yet they didn't know how to do the
8 job.

9 Q They were greedy.

14:47 10 A Totally.

11 Q Do you know anything about whether the
12 Banks allowed a child with spina bifida to be
13 adopted from Guatemala? Do you know anything about
14 that?

14:47 15 A I haven't heard a thing about that.

16 Q Do you know who Madeline Banks might be?

17 A Madeline Banks? I do not know.

18 Q Loren Banks?

19 A Nope.

14:47 20 Q Okay. Did anybody call, that you know
21 about, or was Duke Purcell's home known as a boot
22 camp?

23 A I never heard it referred to as a boot
24 camp. I -- I know this, that he -- he would

14:47 25 never -- in all of my association with him, he would

14:47 1 be -- he would never be considered abusive in any
2 way to kids like that, and I'm trying to think of
3 where the name boot camp would come from.

4 Q Okay.

14:48 5 A Not unless they concocted it there, and it
6 wouldn't surprise me. The Banks coined a lot of
7 defamatory talk because they had their problems
8 with -- with Duke. They were trying to get him to
9 lie for them. Bridget and her -- Sherry.

14:48 10 Q Bridget Stevens?

11 A Bridget Stevens. I lined up Duke. He's
12 got a daughter in American Fork. He always -- well,
13 he just about always calls whenever he comes, and
14 they wanted to talk to him. I lined it up at IHOP
14:48 15 down in American Fork, and we sat there for two
16 hours eating a little bit of something, and they
17 were -- and they interviewed him.

18 So they do have an interview from him on
19 this, and I -- you know, he's in a -- he's in a
14:48 20 delicate deal there because he's taking care of the
21 kids, and he doesn't want to lie, but yet they have
22 probably forced him into it, like the fact that he
23 adopted the kids in the newspaper, and that isn't
24 so. It just totally isn't so. They set him up to
14:49 25 that.

14:49 1 Q Now, let me ask you this. Do you know
2 how many times Karen and Scott came to Samoa at the
3 same time?

4 A Both of them together?

14:49 5 Q Yes.

6 A Of the top of my head, I'd say twice, and
7 then Karen put Scott in charge of Samoa.

8 Q Okay.

9 A Karen and I had -- Karen knew that I
14:49 10 didn't trust whatever she said.

11 Q Why didn't you?

12 A Just being around her, just being around
13 her. Like she can be talking to some of her
14 workers. I brought the deputy prime minister up,
14:50 15 who is in charge of a lot of this, to Salt Lake to
16 go through all the humanitarian things here and see
17 some of the kids in the area that had been adopted
18 here, and I picked him up at the airport, put their
19 family in. It was a high-class deal. Bought him
14:50 20 tickets to the Jazz game.

21 She was having a little contact with the
22 hotel with her and Coleen and a few of the others,
23 and they were -- they were all -- and I don't -- but
24 I remember I walked over there, and, boom, they all
14:50 25 stopped. Hey, I wasn't born yesterday. This isn't

14:50 1 my first rodeo. She was a very conniving person.
2 (Referring to some papers) That's a start.
3 That's the tip of the iceberg. I got notes. Just
4 chuck it in there. Get another note go through my
14:51 5 head, and I chuck it in there, and if they ever
6 become something that you would --
7 Q I may need to see some of those at some
8 point.
9 A I understand.
14:51 10 Q Do you know whether or not Karen was
11 overseeing this nanny house when that child died?
12 A Well, Karen Banks or --
13 Q Yes, or any -- you've already told me that
14 they took that over from you and they were in
14:51 15 charge, they paid the rent.
16 A Totally, totally in charge.
17 Q Who seemed to be running that? Karen or
18 Scott?
19 A Well, they probably had somebody here that
14:51 20 was their point person that -- that was letting the
21 thing melt in front of their eyes.
22 Q Do you know whether or not Karen was
23 detained when Baby Heta died?
24 A Yes, she was. I was there.
14:52 25 Q Why was she detained?

14:52 1 A Because -- oh, she was detained when she
2 came -- she came down to Samoa after the baby died.

3 Q Okay.

4 A Court case, and the court case was
14:52 5 basically over the unwillingness to fix the nanny
6 house, which was about -- off the top of my head, I
7 can't remember. 50,000 Samoan dollars, about half
8 U.S. And so it went to court, and that's when I got
9 outside of court, and they came out, and she walked
14:52 10 by me this close and was shocked that I was there
11 with the opposition. She was on -- she was detained
12 then. There was a stop order on her and Coleen at
13 that point.

14 Q And when you say a stop order, what do you
14:52 15 mean?

16 A That means they can't leave the country.

17 Q Okay.

18 A And they agreed -- and I don't know to
19 this day if they have paid off their agreement or
14:53 20 not.

21 Q Was Duke the one who was able to convince
22 the prime minister to let them go?

23 A Duke?

24 Q Yes.

14:53 25 A He may have.

14:53 1 Q You don't know. Okay.

2 A I don't know. You know, next time . . .

3 Q Do you know whether or not the

4 investigation into the baby's death was terminated

14:53 5 by Duke or the prime minister?

6 A Boy, that's the first I've heard of that.

7 Q Okay.

8 A And it's -- Duke and the Baby Heta?

9 Q Yeah, the ending of the investigation.

14:53 10 A Heta's court case.

11 Q So --

12 A A lot of that goes on in third-world

13 countries, probably as you know.

14 Q Yeah.

14:54 15 A And Duke is a pretty high, well-thought-of

16 guy. He didn't -- he didn't unload on the Bankses

17 when we had lunch at the IHOP. He was critical of

18 the way they had acted, but I -- boy, this is -- the

19 only reason this kind of shocks me is the fact that

14:54 20 there's a possibility of that, and it's pretty ugly,

21 and I -- I probably don't blame Duke. I really

22 don't. For whatever reason, that's the way they do

23 stuff. I blame the Bankses for leaning on him to

24 clean it up.

14:54 25 Q So Scott told me that he was just a

14:54 1 volunteer for Focus on Children. Is that true?

2 A Crud, no.

3 Q Tell me why that's not true.

4 A You're asking me?

14:54 5 Q Yeah.

6 A Well, his wife is the boss. He's -- I
7 mean you can just be around them, and you can tell
8 that, No. 1. No. 2, did he sign checks? Sure he
9 did.

14:55 10 Q Okay. And --

11 A Being a volunteer is one way of escaping a
12 hold order. "Hey, I'm just a volunteer." I want
13 you -- if you have a chance to talk to them, I want
14 you to -- I would like you to say -- you can tell
15 them that I wanted them to know this. There were

16 three big boxes that long and that wide.

17 Q Like three feet by two feet?

18 A Yeah, of e-mails that the feds took off
19 their machines when they --

14:55 20 Q When they seized them?

21 A Seized them, and a sat for a good week and
22 a half at Bridget's house, and I didn't even know
23 what I was supposed to be looking for. I said,
24 "What am I looking for here?"

14:56 25 "Well, just go through them and see if

14:56 1 there's anything there that" -- boy, I'll tell you
2 what. In hindsight, I should have -- I should
3 have -- I've got a few of them, but I should have
4 kept an armful of ugly, totally -- totally insipid
14:56 5 e-mails of Karen's. I've got --

6 Q Who were they sent to?

7 A Huh?

8 Q Who were they sent to?

9 A They were sent to different people, and
14:56 10 some of them were totally untrue, totally,
11 absolute -- and to discredit anything I would say.
12 They not only wanted a gag order on me, they wanted
13 to try and discredit me 'cause they knew that if I
14 started doing stuff like we're doing today, it would
14:56 15 be all over. I went through all those, and they
16 need to know I have read their e-mails.

17 Q And those e-mails are part of the federal
18 discovery that --

19 A Probably.

14:57 20 Q Yeah. That's how Bridget got them, I
21 would imagine.

22 A Richard who?

23 Q Bridget got the e-mails.

24 A Oh, Bridget. Oh, yeah.

14:57 25 Q Because they were produced by the U.S.

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Attorney.

A That's correct.

Q And that's what you've authorized me to get from Steve.

A You bet.

Q I'll look at those again or for the first time really. Do you know anything about a company called Transcend?

A Tanscsend. Nope. Never heard of them.

Q Worldwide Market, Inc.?

A Huh-uh (negative).

Q Okay. Do you know anything about who owned Focus on Children? You said Karen, I think.

A Well, Karen. See, they tried to jockey that around so nobody's in the crosshairs.

Q Do you know that Karen was the president of Focus on Children and Scott was the treasurer or the secretary, and they were both directors? Did you know that?

A I think I did.

Q Yeah. And then somebody pled guilty on behalf of the corporation.

A Who did?

Q I think the lawyer admitted it for them, but they were the president and the secretary, I

14:58 1 believe, of the corporation.

2 A Boy.

3 Q Have you seen Scott or Karen commit any
4 crimes other than what we've talked about here
14:58 5 today?

6 A "Crimes" being what?

7 Q Well, we've talked about them --

8 A About fraudulent signatures or anything
9 like that?

14:58 10 Q Fraudulent things like that, yeah,
11 anything like that, putting together fraudulent
12 documents, adoption documents or anything.

13 A No. I -- I'll say that I have not
14 witnessed. I never -- I never really -- I had hoped
14:58 15 I wouldn't catch, even though it was so evident of
16 what they were -- their sleazy business practices
17 with me the last year of our existence together
18 was -- was -- it was fostered by greed. Maybe they
19 had a money shortage on the other end. I don't
14:59 20 know.

21 But the input of this Skillman guy and the
22 greed of not settling -- and they were using
23 absolutely innocuous, just fabricated reasons why
24 they -- everything was brought current on July 2nd
14:59 25 of '04. Nobody owed either one of them. I

14:59 1 discounted half of what they owed me. They settled
2 up, so we started right from there, and it was from
3 there down to December that they had -- they had
4 tried so many dirty tricks on me, including
14:59 5 nonpayment, that it was the first week in January
6 when I delivered a letter to the Fepulea'i attorney
7 saying, "I will do nothing more for FOC Adoption
8 Agency, period, until they clean up their act."

9 So it was about six months, July, August,
15:00 10 September, October, November, December. Well, five
11 and a half months.

12 Q When you say "clean up their act," do you
13 mean do things differently with their business
14 practices and their adoption practices where they
15:00 15 were honest about the orphan thing?

16 A The whole thing is I know how much they
17 taunted and teased and baited and tried to get my
18 man to go work for them, and yet I've got e-mails.
19 You may want -- there may be some here.

15:00 20 Q What's that man's name?

21 A Tagaloa, T-A-G-A-L-O-A. He talked very
22 good English, and he was -- he worked -- he worked
23 his pants off. I paid him the end of every day.
24 That's how short of a leash I had on him, and he --
15:00 25 and he was good. He was real good. But, boy, when

15:00 1 I wasn't there to see him every day, he started
2 jack -- he wouldn't get the job done, and Scott just
3 started a barrage of e-mails down to me through the
4 attorney, 'cause I didn't have e-mail capability or
15:01 5 even a fax capability --

6 Q When you say "through the attorney,"
7 through who?

8 A He would send them to the attorney, and
9 I'd go in there and pick them up.

15:01 10 Q Which attorney?

11 A Fepulea'i.

12 Q Okay.

13 A And he'd say, "Boy," he'd say, "Hey,
14 Tagaloa," who he had been baiting and taunting and,
15:01 15 "Come on, work for us," for six -- for six months,
16 five, four months, and he wasn't getting the job
17 done, nothing was happening, and I -- and I had
18 stepped clear away from what he was supposed to be
19 doing, and -- and he says, "Man, Dan," he says,
15:01 20 Tagaloa is a bald-faced liar."

21 I've got it. I've got copies of that if
22 it comes down to it.

23 So what I'm saying here: Scott teased and
24 teased and baited and baited for him to come to work
15:02 25 for him. Then he wasn't doing the job, and he cries

15:02 1 on my shoulder 'cause he's not getting the job done.
2 Now, that is -- and, see, Scott knows that I've got
3 the e-mails that he was sent too, but he doesn't
4 know of all the things that people have come to me
15:02 5 about, the other workers, and told what he's said
6 behind my back during this time he was trying to
7 take over. Hey, they could have -- they could have
8 survived their whole business on what came out of
9 Samoa if they could get a hundred kids -- get a
15:02 10 hundred kids a . . .

11 Q A hundred kids a year?

12 A A hundred kids a year on the airplane.

13 Q Yeah.

14 A Put on your seat belt.

15:02 15 Q Dan, you're getting out some photographs.
16 What do you got here?

17 A Those are the kids I put on the airplane.

18 Q For Focus on Children?

19 A For Focus on Children.

15:03 20 Q And I don't want to -- I don't want to
21 have this marked as an exhibit because it's your
22 original.

23 A Don't mark it as an exhibit. And you want
24 to see the kids that had every -- some of them only
15:03 25 a few things happen, but they never made it, except

15:03 1 old Danny boy here spent hours and hours packing
2 their parents around? Those are kids that never
3 made it to the airport.

4 Q And why is that? It looks like there's a
15:03 5 hundred kids there.

6 A Look at that.

7 Q Why didn't they make it to America?

8 A They changed their mind.

9 Q The parent?

15:03 10 A A minister, their Catholic or Protestant
11 or whatever minister would go against it, the
12 village would sanction it, their extended family.

13 Q And what would --

14 A A myriad, a myriad of things. So when
15:03 15 somebody says, "Man, all you had to do was go down
16 and lie to them and they get on the plane," that's
17 just absolute poppycock. That many kids. Part of
18 these -- part of these were left on the vine when I
19 walked away, but the rest of these I'd taken down,
15:04 20 and I've had every one of these kids in my car along
21 with their mother and part of their family going to
22 a doctor, going to a birth certificate place.
23 People think it's a walk in the park.

24 Q And then finally to the nanny house?

15:04 25 A And then finally to the nanny house, and I

15:04 1 was in charge of all of these here until I finally
2 walked away.

3 Q So --

4 A And the Banks figured it was a piece of
15:04 5 cake. "Look what Dan's delivering to us," and they
6 mucked the whole flipping --

7 Q Otherwise they could have had all those
8 children here too?

9 A They'd have had these every year.

15:04 10 Q So --

11 A Clean as a pin.

12 Q Now, let's talk for a minute. These
13 families and these children that didn't go --

14 A Pipeline but never made it to America.

15:04 15 Q -- do you think those families and those
16 children suffered as a result of what happened, the
17 process gets started, they go to the nanny house,
18 and then they leave the nanny house? Is that
19 harmful to these parents and these children?

15:05 20 A These kids --

21 Q We're talking about the ones who didn't
22 go.

23 A Yeah, these here.

24 Q Yeah.

15:05 25 A These kids will all get schooling, 'cause

15:05 1 every kid goes to school in Samoa. It's a
2 government deal.

3 Q I'm talking about the pain that they went
4 through --

15:05 5 A I know it.

6 Q -- the separation when the mom would
7 sign --

8 A The fact that they didn't go, they will be
9 fed plenty good. The fact that they didn't go, they
10 will still have an excellent religious life.

11 Q But I'm talking about the emotional pain.

12 A I know, and I'm getting to that.

13 Q Yeah.

14 A So there's these things which will not
15 change.

16 Q Okay.

17 A And if they got their hopes up -- I was
18 not unaware of the fact -- and the biggest thing the
19 Banks were banking on was the fact that old Danny
15:06 20 boy here -- I know -- and I'm not trying to be a
21 smart aleck here, but I know I have a good chemistry
22 with Polynesians. Whether you were there or not, I
23 would have done the same thing with the guy in that
24 truck.

15:06 25 Q I believe it.

15:06 1 A And those people -- and I was the first
2 step of that child to a Polongi life, to a --

3 Q An American life.

4 A -- American life. And those kids --
15:06 5 virtually every one of those kids would come out of
6 their folly (phonetic), and I could -- they would
7 come over, and I could -- I could even pick them up
8 or do something to where there was body contact and
9 a hug to where they weren't afraid. Were they

15:06 10 building up a hope? Did they understand that this
11 was a trip to America? Many of them were too young
12 to really -- if there's an emotional damage there, I
13 would say not unless it came as they got older and
14 somebody said, "You came that close to going to
15:07 15 America," and they say, "Oh, man, wouldn't that have
16 been something." Because they're grown up, and, "I
17 could have got me a job, got some money, come back."

18 Q Is that basically a dream of all these
19 people in Samoa, that they can come to America and
15:07 20 get an education and marry a beautiful blonde and
21 drive a fast car?

22 A The culture in Samoa is that many, many
23 children are given within the family, within the
24 family at New Zealand, Australia, where they raise
15:07 25 the kids up, and you really have to pin them down

15:07 1 hard to find out who the dad is, and yet it's worked
2 for them for hundreds of years. Is it a dream of
3 the parents? There isn't a parent alive that
4 wouldn't love to have their kid go and be --

15:07 5 Q Educated in America?

6 A Educated in America, have an American job,
7 marry an American, come back.

8 Q So is that really -- I mean so you've got
9 the birth mother with her child in Samoa, and she's
15:08 10 going to have to raise this child there, and was
11 that really what she got from the Banks by giving
12 her child up to the nanny house was the promise that
13 the child would be raised in America? Is that what
14 they got?

15:08 15 A You can see basically what I said on that
16 deal, on the twenty-five . . .

17 Q Okay. On Exhibit No. 2.

18 A You had to -- you had to have -- and maybe
19 it's up the line a little bit, but you had to have
15:08 20 known that the parents were wondering inside their
21 mind, "Is my baby going to have medical attention?
22 Is my baby going to be educated? Is he going to
23 have good food and good clothing and good housing,
24 and will it ever be able to come back?"

15:09 25 So there's all these things that they were

15:09 1 cutting loose, and they knew they were cutting
2 loose, and yet in that culture, it isn't that
3 devastating to see your kid leave.

4 Q And so I guess maybe what I'm saying --
15:09 5 maybe a better way to say it would be that these
6 children didn't need to leave their birth parents
7 because the birth parents were neglectful --

8 A Nope.

9 Q -- or abusive or had abandoned the
15:09 10 children. They were leaving their birth parents on
11 the promise that they'd come to America. Isn't that
12 it?

13 A The bottom deal. What does that bottom
14 one say right here?

15:09 15 Q "To open opportunity" -- on Exhibit 5, "To
16 open opportunities of life for the child which are
17 not available in Samoa under present family
18 conditions."

19 A I didn't write that up. The Bankses wrote
15:09 20 that up, and they knew what they were doing. They
21 were trying to massage the system.

22 Q And almost trick the parent, huh?

23 A Oh, yeah.

24 Q All right.

15:09 25 A But that's basically -- but nobody told it

15:10 1 to the parents -- I didn't tell it to the parents to
2 try and trick them. That was basically what was
3 happening.

4 Q Yeah.

15:10 5 A And . . .

6 Q Boy, I'll tell you --

7 A This is good. You know, part of my deal
8 is I'll never go in the adoption business again.

9 Q I hope not.

15:10 10 A But, you know, the adoption business goes
11 on. I know exactly what I would do if I did. I
12 would have someone like you, and there's -- and --
13 well, you know, someone like you. You're here and
14 they're down there, but I'd have a government

15:10 15 person, I'd have a -- I'd have an attorney, and I'd
16 have a little tripod with a videocamera, and I'd
17 have the birth parents, and I'd have a cleancut -- I
18 wouldn't even do the talking so somebody couldn't --

19 Q Come back on you?

15:10 20 A -- come back, and I would log all these in
21 a room, and I'd -- clean as a pin. There would be a
22 hundred kids a year that would go on a plane.

23 Q Almost like a scholarship.

24 A What?

15:11 25 Q Almost like a scholarship.

15:11 1 A You said that. I didn't, but that came
2 out of -- that came out of -- those words came out
3 of Karen's mouth.

4 Q Oh, they did?

15:11 5 A Kind of like a scholarship, and I've been
6 blamed for calling this whole thing a scholarship.
7 It is like a scholarship. The only thing is, they
8 will always be a -- they will always be a
9 Polynesian, and they can go back if they want when
15:11 10 they're eighteen, and nobody's going to stop them
11 and so forth.

12 Q Let's do this if it's okay with you. It's
13 been a long day for me.

14 A Okay.

15:11 15 Q I would like you to think about some of
16 the things we've talked about. You were going to
17 get me a couple documents, maybe a form that you
18 have somewhere, I think.

19 A Well, I didn't know you had these.

15:12 20 Q Yeah. If there's anything else that you
21 think I need, if you could get that to me, and then
22 I'd like to see if I can go through some of the
23 federal discovery and then invite you to come back
24 on another day.

15:12 25 A Okay.

15:12 1 Q And I'll --

2 A Do I get paid again to come back?

3 Q You do, and you're going to get 18 --

4 A I'm not chintzy.

15:12 5 Q I know that.

6 A Let me ask you: Are you interested at all

7 in talking to the CBS 48 Hours man?

8 Q I might be.

9 A Take down this -- do you want to photostat

15:12 10 that?

11 Q Tell me what his name is. You can just

12 tell me.

13 A Huh?

14 Q Just give me the information. We'll go

15:12 15 off the record now.

16 (A discussion was held off the record.)

17 MR. KUHNHAUSEN: We're back on the record,

18 and we've had a bit of a discussion about coming

19 back, and Dan wanted to tell me the three major

15:14 20 mistakes that he made.

21 THE WITNESS: And I want the door left

22 open, and I can add another ten.

23 Q (BY MR. KUHNHAUSEN) Okay.

24 A Three major mistakes. No. 1, I didn't

15:14 25 absolutely demand for a written --

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Q Contract?

A -- contract, agreement. No. 2, I led them in the door with Phase 2. They got their toe in the door, and, boy, it was all downhill from there. They lie, cheat, and steal to try and worm this great fishing hole -- they called it that.

Q They called it a fishing hole?

A Sure they did. The great fishing hole of Samoa, that they could get me out of the way, and they -- if I would have never -- if I would have kept them clear out, they would have been totally dependent on me. When I said, "Hey, here's the nanny house. You take care of it. I get them all ready. You pick them up, and you take care of them from here till they're on the plane. Do you understand?"

"Yeah, yeah."

They were tickled to death because they could hire this guy to help them do this first part, which he knew everything here, and he knew the whole process and how to get it done, and, "We can hire him for that much, and we'll have this whole thing, and, Dan, sayonara."

No. 3, I should have gone right back to their office in Logan when they only paid me half,

15:15 1 'cause I went to Wells Fargo and cashed the check
2 before I left Logan. Had the money in my hand, and
3 my boy was standing right there, and I should have
4 gone right back up fifteen blocks up through Logan
15:15 5 to their office and said, "Gentlemen, I'm here for a
6 written IOU," 'cause I asked for it. And they
7 bumbled and bumbled and bumbled around, and I said,
8 "I either want a postdated check," which is not
9 legal, "or I want an IOU, or I want a letter of
15:16 10 intent signed. And I've already cashed this. You
11 can't put a stop order on it now."

12 But there was -- I didn't go back because
13 they had made a promise, and that was the last
14 promise they made, and I had a gut feeling all the
15:16 15 way back to Provo that it was tinkling cymbals.

16 Q One more little lie.

17 A Another little lie, and that was -- if I
18 started -- if I started digging in this deal here,
19 we'd be here another three hours.

15:16 20 Q Well, maybe you can kind of get some
21 information and let me see it before we come back.

22 Dan, you have an opportunity, if you'd
23 like, to read this deposition before you sign it to
24 make sure that the court reporter was accurate in
15:16 25 what you said, so she'll send you a copy of it to

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review, and she's going to give me a copy, and we'll go from there, and we'll go upstairs and get your witness fee check, okay?

A Yeah.

(The deposition concluded at 3:16 p.m.)

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<u>PAGE-LINE</u>	<u>CORRECTION</u>	<u>REASON</u>	<u>INITIALS</u>

STATE OF UTAH)
)
COUNTY OF _____)

I, DAN WAKEFIELD, depose and say: That I am the witness referred to in the foregoing deposition; that I have read the same and know the contents thereof; that the same is true of my knowledge.

DAN WAKEFIELD

Subscribed and sworn to before me this _____ day of _____ 2009.

Notary Public for Utah
Residing at: _____
My commission expires: _____

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STATE OF UTAH)
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COUNTY OF SALT LAKE)

I, Lori Lawrence, C.S.R., R.P.R., and
Notary Public for the State of Utah, residing in
Salt Lake County, certify:

That the deposition of DAN WAKEFIELD was
taken before me at the time and place herein set
forth and that he was previously duly sworn by me to
testify the truth;

That the testimony of the witness and all
objections made and all proceedings had of record at
the time of the examination were recorded
stenographically by me and were thereafter
transcribed into printing under my direction and the
transcript is a full, true, and correct record of my
stenographic notes so taken;

That I am neither counsel for nor related
to any party to said action nor in anywise
interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my
name and affixed my seal this 25th day of September
2009.

Lori Lawrence
C.S.R., R.P.R.
Notary Public