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TRIBAL COURT OF THE
COLORADO RIVER INDIAN TRIBES

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11 **IN THE TRIBAL COURT**
12 **OF THE COLORADO RIVER INDIAN TRIBES**

14 COLORADO RIVER INDIAN TRIBES,
15
16 Petitioner and Plaintiff,
17
18 v.
19 WATER WHEEL CAMP RECREATIONAL
20 AREA, INC., ROBERT JOHNSON, AND DOES
21 1-20,
22
23 Respondents and Defendants.

Case No. CV-CO-2007-0100
**DECLARATION OF WINTER KING IN
SUPPORT OF MOTION FOR WRIT OF
RESTITUTION**

1 I, Winter King, do declare as follows:

2 1. I am counsel for the Plaintiff Colorado River Indian Tribes ("CRIT" or "Tribe") in the
3 above-captioned case. I am an associate at Shute, Mihaly & Weinberger LLP and submit this
4 declaration in support of the Tribe's Motion for Writ of Restitution.

5 2. On February 29, 2008, the Tribe deposed Robert R. Johnson regarding the above-
6 captioned matter.

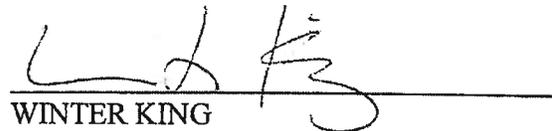
7 3. I represented the Tribe at the February 29, 2008 deposition.

8 4. During the course of this deposition, I asked Mr. Johnson questions about the
9 organization of Defendant Water Wheel Camp Recreational Area, Inc. Specifically, I asked him who
10 were the officers of the company and who were its employees.

11 5. My questions and Mr. Johnson's responses were recorded stenographically.

12 6. Attached as Exhibit 1 to this declaration is a true and correct copy of excerpts of the
13 transcript from Mr. Johnson's declaration.

14 I declare under penalty of perjury under the laws of the Colorado River Indian Tribes that the
15 above statements are true and correct and that this Declaration was executed this 17th day of August,
16 2010 in San Francisco, California.

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20 WINTER KING

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EXHIBIT 1

IN THE TRIBAL COURT
OF THE COLORADO RIVER INDIAN TRIBES

COLORADO RIVER INDIAN TRIBES,)
)
 Petitioner/Plaintiff,)
)
 vs.) No. CV-CO-2007-0100
)
 WATER WHEEL CAMP RECREATIONAL)
 AREA, INC., ROBERT JOHNSON,)
 and DOES 1-20,)
)
 Respondents/Defendants.)
)

Deposition of: ROBERT R. JOHNSON
Date: Friday, February 29, 2008
Time: 11:29 a.m.
Place: Colorado River Indian Tribes
Office of Attorney General
26600 Mohave Road
Parker, Arizona

Reported by: Christine Bemiss, Registered
Professional Reporter, Arizona
Certified Reporter No. 50073,
California Certified Reporter
No. 10082

A P P E A R A N C E S

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For the Plaintiff:

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For the Defendants:

Fred Welch, Esq.

LAW OFFICES OF FRED WELCH

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Parker, Arizona 85344

(928) 669-5892

1 Pursuant to Notice, the deposition of Robert R.
 2 Johnson, called by Plaintiff, was taken on Friday,
 3 March 29, 2008, at 11:29 a.m., at the Office of the
 4 Attorney General, Colorado River Indian Tribes, 26600
 5 Mohave Road, Parker, Arizona, before Christine Bemiss, a
 6 Registered Professional Reporter, Certified Reporter in
 7 Arizona, and a Certified Reporter in California.

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I N D E X

11

Witness:

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ROBERT R. JOHNSON

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Examination by Ms. King

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Examination by Mr. Welch

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Further Examination by Ms. King

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E X H I B I T S

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1 - Lease

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2 - Letter to Robert Johnson from Herman
Laffoon

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3 - Letter to Donna McCurdy from F.E. Rose
and Robert R. Johnson dated 8/11/83

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4 - Letter to Donna McCurdy from F.E. Rose
and Robert R. Johnson dated 9/25/83

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5 - Letter to Donna McCurdy from F.E. Rose
and R.R. Johnson dated 10/24/83

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1 with the questions I have, and when you identify the
2 ones that you think are the personal jurisdiction ones,
3 you can object at that time.

4 MR. WELCH: That sounds fair.

5 MS. KING: We'll go from there.

6 Q. (BY MS. KING) But I would say that you are
7 required to answer all questions except if they would
8 reveal attorney-client privilege or some other
9 privileged information, and personal jurisdiction,
10 that's not one of the reasons why you can refuse to
11 answer questions.

12 So, you know, if you advise your client and if
13 you don't respond to those questions, we can go to the
14 Court and ask for an order compelling you to answer and
15 also for sanctions.

16 So we'll get started.

17 Okay. What position or office do you hold in
18 Water Wheel Camp Recreational Area, Inc.?

19 A. I'm the president of Water Wheel Camp and
20 Recreational Area, Inc.

21 Q. And for the rest of this deposition I'll refer
22 to that company as Water Wheel and the resort as Water
23 Wheel Resort or the resort.

24 Is that acceptable and clear?

25 A. (Nods head.)

1 Q. Okay. So you're the president -- you're not on
2 the Board of Directors?

3 Is there a Board of Directors?

4 A. There's -- my wife is secretary and I'm here in
5 the capacity as president of Water Wheel Resort
6 Recreation Area, Inc.

7 Q. Is there a treasurer?

8 A. No.

9 Q. At any time in the past has there been a Board
10 of Directors or --

11 A. It's a family-held corporation.

12 Q. So there's no Board of Directors?

13 A. Board of Directors are the president, and the
14 secretary.

15 Q. Okay. And any other officers?

16 A. No.

17 Q. Okay. Let me just ask you to take a look at I
18 believe it's Exhibit 82 -- no, not 82. Sorry. Exhibit
19 68.

20 So this is a -- purports to be a filing with
21 the State of California by Water Wheel Camp Recreation
22 Area, Inc.

23 Is that your signature at the bottom of the
24 page there?

25 A. Yes.

1 Q. Okay. And this lists as chief
2 executive officer -- it's dated February 26th, 1998.

3 Did you file this with the State?

4 A. Yes.

5 Q. And it lists Robert R. Johnson as the chief
6 executive officer, Christine R. Johnson as the
7 secretary, Robert R. Johnson as the chief financial
8 officer, and as to directors, Robert R. Johnson and
9 Christine R. Johnson.

10 Was that accurate in 1998?

11 A. Robert Johnson and Christine Johnson, yes.

12 Q. And all of the listings for the officers and
13 the directors?

14 A. It is just Robert Johnson and Christine
15 Johnson.

16 Q. I'm just asking if those were the correct
17 designations for those individuals.

18 A. Yes.

19 Q. And today has that changed?

20 A. No.

21 Q. Okay. When did you first become president of
22 Water Wheel?

23 A. I think 1984 or '85.

24 Q. And have you been president ever since?

25 A. Yes.

1 Q. And what are your duties as president of the
2 company?

3 A. To -- I run the operation of Water Wheel Resort
4 and Recreation Area, Inc.

5 Q. So do you manage day-to-day operations of the
6 resort?

7 A. Yes.

8 Q. So you do repairs, if there are any repairs
9 that are needed?

10 A. I have employees.

11 Q. Okay. So you contract --

12 A. Delegate.

13 Q. -- delegate to do repairs?

14 Do you collect rent from the tenants?

15 A. Yes.

16 Q. And negotiate the -- I'll refer to them as
17 subleases, the agreements you have with the tenants who
18 come and stay there.

19 Do you negotiate those subleases --

20 A. Yes.

21 Q. -- in the capacity of the president of Water
22 Wheel Resort?

23 Do you advertise for the business?

24 A. No.

25 Q. You don't do any advertising. Okay. Does

1 A. No.

2 Q. How long are the stays of the tenants?

3 A. They are weekend and vacation resort.

4 Q. So the tenants will usually stay only for a
5 weekend?

6 A. Weekends and vacations.

7 Q. How long is a vacation?

8 A. A week to two weeks.

9 Q. Okay. And they bring their own trailers in?

10 A. Yes.

11 Q. There are no permanent trailers on the site?

12 A. There are. They're brought in by my members.

13 They own their own home. They own all the improvements
14 above the ground.

15 Q. And so the improvements stay? They're
16 permanent in that sense, they stay there year-round, and
17 then the tenants just come and visit periodically?

18 A. Yes.

19 Q. Okay. Is there a store?

20 A. Yes.

21 Q. And who runs the store day to day? Who manages
22 the store?

23 A. My employees.

24 Q. Do you -- have you ever managed the store?

25 A. Worked in the store.

1 Q. Worked in the store?

2 A. Yes.

3 Q. Okay. When did you work in the store?

4 A. From 1981 to present on a part-time basis I
5 guess you could say.

6 Q. And is there a business that operates from the
7 resort that sells trailers -- mobile homes, excuse me?

8 A. Water Wheel Resort and Recreation Area, Inc.
9 sells mobile homes.

10 Q. Okay. And is -- do you manage the sale of
11 mobile homes for Water Wheel?

12 A. My wife does.

13 Q. Okay. And do you -- let's see. Are any of the
14 tenants, any -- I guess you refer to them as members.
15 Are any of the tenants tribal members of the Colorado
16 River Indian Tribes?

17 A. No.

18 Q. And just to clarify, is the Water Wheel Resort
19 located on the property that's the subject of this
20 lease?

21 A. There's a description in the lease, and Water
22 Wheel is at that description.

23 Q. It's on that property?

24 A. Yes.

25 Q. Okay. So how often are you -- let's say in the

1 last six months, how often have you been physically
2 present on the resort property?

3 A. As president of Water Wheel Resort, in my
4 capacity as president, maybe one to two days per week.

5 Q. And what are your typical activities on those
6 one to two days per week when you're at the resort?

7 A. I oversee the operations of the Water Wheel
8 Resort.

9 Q. So do you conduct repairs?

10 A. I oversee the repairs.

11 Q. And do you work in the store?

12 A. No, not -- I have employees that work in the
13 store.

14 Q. Okay. So what -- when you say you oversee the
15 operation of the resort, can you give me examples of
16 actual activities that you do?

17 A. Make sure that the resort is in operating
18 condition as a corporate officer of the corporation.

19 Q. So -- okay. When was the last time -- last day
20 that you were there?

21 A. Wednesday.

22 Q. And what did you do on Wednesday?

23 A. I paid the bills of the corporation.

24 Q. Okay. And do you have an office at the
25 resort?

1 A. I share an office.

2 Q. Who do you share it with?

3 A. The employees at Water Wheel Resort.

4 Q. And where's the office?

5 A. It's located in the store.

6 Q. Okay. So you conduct Water Wheel business out
7 of this office?

8 A. Yes.

9 Q. Okay. And how long have you had the office at
10 the resort?

11 A. 20 -- I share -- I've shared an office with my
12 employees for 20 years.

13 Q. How many employees are there?

14 A. At the present, four.

15 Q. And who are they? Could you give me their
16 names?

17 A. Brandon Johnson, Christine Johnson, Salvador
18 Sepulveda, and Nellie Toburen.

19 Q. How do you spell that?

20 A. T-o-b-u-r-e-n. And Bob Johnson, president.

21 Q. And Christine Johnson is your wife?

22 A. Yes.

23 Q. And is Brandon Johnson your son?

24 A. Yes.

25 Q. Okay.

1 A. Oh, and, sorry, Patricia Mirindra. I don't
2 know how to spell it, M-i-r-i-n-d-r-a.

3 Q. Okay. So when you visit the resort, do you
4 ever stay overnight?

5 A. Occasionally.

6 Q. And where do you stay?

7 A. We have employee housing.

8 Q. Is that one of the mobile homes?

9 A. No.

10 Q. It's a permanent structure?

11 A. It's connected to the office.

12 Q. And how often do you estimate in the last six
13 months you've stayed over?

14 A. Once a week.

15 Q. Once a week. Okay. Where is your current
16 residence?

17 A. Rancho Mirage, California.

18 Q. And when did you move there?

19 A. Lived there approximately eight years.

20 Q. And where did you live before there?

21 A. I lived in San Diego. I'm trying to think.
22 San Diego.

23 Q. Have you ever lived at the resort?

24 A. No.

25 Q. So you said earlier that over the last six

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2010, the foregoing DECLARATION OF WINTER KING IN SUPPORT OF MOTION FOR WRIT OF RESTITUTION was personally delivered to the Tribal Court of the Colorado River Indian Tribes for filing to:

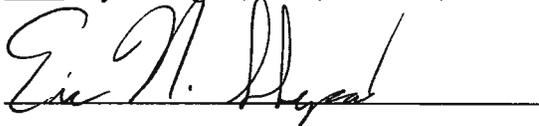
Clerk of the Tribal Court
Colorado River Indian Reservation
26600 Mohave Road
Parker, AZ 85344

I further certify that on August 17, 2010, I caused to be served via U.S. Certified Mail, Return Receipt one copy of DECLARATION OF WINTER KING IN SUPPORT OF MOTION FOR WRIT OF RESTITUTION to the following:

Michael L. Frame
Attorney at Law
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*Attorney for Defendant Water Wheel Camp
Recreational Area*

Dennis J. Whittlesey
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International Square
1875 Eye St., N.W., Suite 1200
Washington, D.C. 20006
Tel: (202) 659-6928
Fax: (202) 659-1559
Attorney for Defendant Robert Johnson

17th I declare the above to be true and correct under penalty of perjury. Executed this day of August, 2010, at Parker, Arizona.


Eric M. Hyslop