

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

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UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION No. 07-C-316
	:	
MENOMINEE TRIBAL ENTERPRISES,	:	
the principal business arm	:	Honorable Judge
of the Menominee Indian Tribe of Wisconsin,	:	William C. Griesbach
MARSHALL PECORE, and	:	
CONRAD WANIGER,	:	
	:	
Defendants.	:	
	:	
-----	x	

**AFFIDAVIT OF JOSHUA JAY KANASSATEGA IN SUPPORT OF
MENOMINEE TRIBAL ENTERPRISES' L.R. 7.4 MOTION**

STATE OF MINNESOTA)
) ss.:
COUNTY OF HENNEPIN)

JOSHUA JAY KANASSATEGA, being first duly sworn on oath, hereby deposes and states as follows:

1. I am an attorney duly admitted to practice in the state of Minnesota and before this Court. I am a shareholder with Leonard, Street and Deinard, Professional Association, 150 South Fifth Street, Suite 2300, Minneapolis, Minnesota 55402, and I am one of the attorneys representing Menominee Tribal Enterprises (“Menominee”) in the above-captioned matter.

2. I make this Affidavit on the basis of my personal knowledge and hereby submit that on October 25, 2007 at 11:00 a.m. I participated in a discovery conference call with Assistant United States Attorney Christian R. Larsen for the purpose of attempting to resolve differences between Menominee and the United States with respect to issues set out in my October 19, 2007 letter (attached hereto as Exhibit 1). I am also attaching Mr. Larsen’s October 22, 2007 response

(attached hereto as Exhibit 2), my October 23, 2007 reply (attached hereto as Exhibit 3), and his October 22, 2007 rejoinder (attached hereto as Exhibit 3A). The discovery conference call did not resolve the outstanding issues after one half hour of effort and I sent a letter to Mr. Larsen summarizing the conference (attached hereto as Exhibit 3B) and asking him to contact me if any ideas come to mind about how the parties' positions could be reconciled.

3. I am attaching hereto photocopies of documents the United States produced to Menominee, (some of which omitted the attachments) which documents are set out in chronological order.

Ex. 4	Congos Memo dated 04/26/2000	Ex. 23	Congos Memo dated 02/05/2003
Ex. 5	Congos Letter dated 01/25/2001	Ex. 24	Invest. Act. Report 02/27/2003
Ex. 6	Congos Memo dated 02/21/2001	Ex. 25	Congos Memo dated 03/31/2003
Ex. 7	Congos Memo dated 02/21/2001	Ex. 26	Congos Memo dated 04/09/2003
Ex. 8	Congos Memo dated 03/06/2001	Ex. 27	Congos Memo dated 03/24/2004
Ex. 9	Congos Memo dated 04/09/2001	Ex. 28	Congos Memo dated 12/02/2004
Ex. 10	BIA Report dated 04/18/2002	Ex. 29	Congos Memo dated 08/19/2004
Ex. 11	Congos Memo dated 06/13/2002	Ex. 30	Congos Memo dated 08/30/2004
Ex. 12	Invest. Act. Report 6/21/2002	Ex. 31	Congos Memo dated 08/19/2004
Ex. 13	Pubanz Memo dated 08/06/2002	Ex. 32	Congos Memo dated 09/09/2004
Ex. 14	Invest. Act. Report 07/19/2002	Ex. 33	Congos Memo dated 09/16/2004
Ex. 15	Invest. Act. Report 07/24/2002	Ex. 34	Congos Memo dated 10/26/2004
Ex. 16	Invest. Act. Report 08/06/2002	Ex. 35	Draft Invest. Act. Report 02/03/2005
Ex. 17	Congos Memo dated 09/16/2002	Ex. 36	Draft Invest. Act. Report 02/10/2005
Ex. 18	Congos Memo dated 10/04/2002	Ex. 37	Attach. to Ex. 36 02/11/2005
Ex. 19	Congos Memo dated 10/31/2002	Ex. 38	Larsen/Kanassataga email 08/02/2007
Ex. 20	Congos Memo dated 01/23/2003	Ex. 39	Larsen/Kanassataga email 10/25/2007
Ex. 21	Congos Memo dated 01/30/2003	Ex. 40	Invest. Act. Report 10/16/2002
Ex. 22	Congos Memo dated 02/03/2003	Ex. 41	Invest. Act. Reports dated 10/17/2007

FURTHER YOUR AFFIANT SAITH NOT.

/s/ Joshua Jay Kanassataga
JOSHUA JAY KANASSATEGA

SWORN TO BEFORE ME this
25th day of October, 2007.

/s/ Janet L. Skjei
Janet L. Skjei
NOTARY PUBLIC