

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 07-C-316

MENOMINEE TRIBAL ENTERPRISES,
the principal business arm of the Menominee Indian
Tribe of Wisconsin, MARSHALL PECORE, and
CONRAD WANIGER,

Defendants.

**PLAINTIFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANTS MENOMINEE TRIBAL ENTERPRISES, MARSHALL PECORE AND
CONRAD WANIGER**

TO: Menominee Tribal Enterprises	Marshall Pecore
Joshua Jay Kanassatega	Conrad Waniger
Leonard, Street and Deinard, P.A.	Glenn C. Reynolds
150 South Fifth Street	Reynolds & Associates
Suite 2300	407 East Main Street
Minneapolis, Minnesota 55402	Madison, WI 53703-4276

PLEASE TAKE NOTICE that pursuant to Rule 34 of the Federal Rules of Civil Procedure, you are hereby requested to produce to plaintiff, United States of America, at the Office of the United States Attorney, 517 East Wisconsin Avenue, Room 530, Milwaukee, Wisconsin, 53202, within thirty (30) days of service, for the purpose of permitting inspection and copying, the documents requested below. In the alternative, you may provide copies of the documents to the undersigned counsel.

This request is considered to be a continuing request pursuant to Rule 26(e) of the Federal Rules of Civil Procedure. Therefore, defendant requests that plaintiff adhere to the specific portions

of Rule 26(e) which make it mandatory to supplement the responses to this request for discovery with any information which will amend, change, modify, add to or correct in any manner your answers to this request.

DEFINITIONS AND INSTRUCTIONS

The definitions set forth in Civil Local Rule 26.3 are incorporated by reference herein. In addition, as used in this request, the term “document” includes, but is not limited to, any written, computer generated, recorded or graphic material, however produced or reproduced, including reports, correspondence, e-mail messages, and other written communication, photographs, films, notices, memoranda, agreements, working papers, statistical records, time sheets or logs, and articles or papers similar to any of the foregoing however denominated by you.

In the event that you object to a document request, you must, pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, state the reasons for such objection. In the event you claim that any document requested need not be produced as the result of any claim of privilege, specifically identify the document for which such claim of privilege is made, and state the ground(s) for such claim of privilege.

If a responsive document has already been produced, please indicate that the document has already been produced and describe its location by Bates number; it is unnecessary to produce an additional copy.

REQUEST NO. 1: Please provide copies (in color if applicable) of every document, including invoices, requests for reimbursement, accomplishment reports, maps, and time cards, submitted by MTE or any of its representatives to any BIA official in connection with the following Hazardous Fuel Reduction (HFR) Program Invoices, in the form in which the documents were

submitted to the BIA:

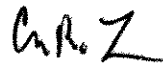
- HFR Invoice numbers 200, 202, 212, 214, 217, 219, 224, 248, submitted under Work Order No. 867;
- HFR Invoice numbers 220 and 222 (Prescribed Burns), submitted under Work Order 870.

REQUEST NO. 2: Please provide copies (in color if applicable) of every document, including invoices, requests for reimbursement, accomplishment reports, maps, and time cards, submitted by MTE or any of its representatives to any BIA official in connection with the following Invoices/Work Orders for Subsidiary Fire Work under the Forest Management Contract, Work Order No. 866, in the form in which the documents were submitted to the BIA:

- May 2001 MTE Invoice (USA0006920)(copy attached)
- June 2001 MTE Invoice (USA0006959)(copy attached)
- July 2001 MTE Work Sheet (USA0007006)(copy attached)
- August 2001 MTE Work Sheet (USA0007059)(copy attached)
- September 2001 MTE Work Sheet (USA0007155)(copy attached).

Respectfully submitted,

STEVEN M. BISKUPIC
United States Attorney



CHRIS R. LARSEN
Assistant United States Attorney

Dated: January 17, 2008

200-2000
COPY

TO: Conrad Waniger, Forestry
 FROM: Myron Pat Grignon, Roads Dept.
 DATE: June 1, 2001

MAY

INVOICE
 ROADS DEPARTMENT ACTIVITY - MAY 2001

Week 1: April 30 - May 5, 2001

Bob Delabruce	16.0 hrs @ \$70	\$ 1,120.00
Kendall Madosh	08.0 hrs @ \$70	560.00
Eugene Wescott	24.0 hrs @ \$70	1,680.00
TOTAL WEEK 1		\$ 3,360.00

Week 2: May 7-12, 2001

Bob Delabruce	40.0 hrs @ \$70	\$ 2,800.00
Kendall Madosh	40.0 hrs @ \$70	2,800.00
Eugene Wescott	32.0 hrs @ \$70	2,240.00
TOTAL WEEK 2		\$ 7,840.00

Week 3: May 14-19, 2001

Bob Delabruce	24.0 hrs @ \$70	\$ 1,680.00
Kendall Madosh	24.0 hrs @ \$70	1,680.00
Eugene Wescott	32.0 hrs @ \$70	2,240.00
TOTAL WEEK 3		\$ 5,600.00

Week 4: May 21-26, 2001

Bob Delabruce	30.0 hrs @ \$70	\$ 2,100.00
Kendall Madosh	32.0 hrs @ \$70	2,240.00
Eugene Wescott	24.0 hrs @ \$70	1,680.00
SubTotal		6,020.00
Tom Zarda	16.0 hrs @ \$65 Backhoe	1,040.00
TOTAL WEEK 4		\$ 7,060.00

Week 5: May 28-31, 2001





Myron Pat Grignon	16.0 hrs @ \$70	\$ 654.80
Bob Delabruce	16.0 hrs @ \$70	1,120.00
Kendall Madosh	16.0 hrs @ \$70	1,120.00
Tom Zarda	24.0 hrs @ \$70	1,680.00
TOTAL WEEK 5		\$ 4,574.80

GRAND TOTAL THIS INVOICE












\$28,434.80

**INVOICE FOR W.O. # 0866
 ROADS DEPARTMENT ACTIVITY
 FOR MONTH OF: JUNE '01**







WEEK 1 JUNE 04 - JUNE 09, 2001

	16.0 HRS @ \$40/HR	\$640.00
	08.0 HRS @ \$65/HR	\$65.00
	16.0 HRS @ \$75/HR	\$1,200.00
	16.0 HRS @ 17.018/HR	\$272.29
TOTAL WEEK 1:		\$2,177.29


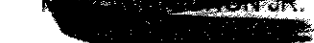
WEEK 2 JUNE 11 - JUNE 16, 2001

	24.0 HRS @ \$45/HR	\$1,080.00
	8.0 HRS @ \$50/HR	\$400.00
	16.0 HRS @ 45/HR	\$720.00
	8.0 HRS @ 45/HR	\$360.00
	4.0 HRS @ 45/HR	\$180.00
	24.0 HRS @ \$50/HR	\$1,200.00
	4.5 HRS @ 45/HR	\$1,552.50
	10.0 HRS @ 80/HR	\$3,040.00
	36.0 HRS @ 70/HR	\$2,520.00
	36.0 HRS @ 70/HR	\$2,520.00
	36.0 HRS @ 70/HR	\$2,520.00
TOTAL WEEK 2:		\$17,532.50

WEEK 3 JUNE 17 - JUNE 23, 2001

THOMAS ZARDA	4.0 HRS @ 80/HR	\$320.00
	4.0 HRS @ 45/HR	\$180.00
	36.0 HRS @ 70/HR	\$2,520.00
	4.5 HRS @ 45/HR	\$202.50
	12.5 HRS @ 50/HR	\$625.00
	36.0 HRS @ 70/HR	\$2,520.00
	35.0 HRS @ 70/HR	\$2,450.00
MYRON GRIGNON JR	40.0 HRS @ 17.018/HR	\$680.72
TOTAL WEEK 3:		\$9,498.22

WEEK 4 JUNE 24 - JUNE 30, 2001

	40.0 HRS @ 45/HR	\$1,800.00
	8.0 HRS @ 17.018/HR	\$136.15
TOTAL WEEK 4:		\$1,936.15

TOTAL FOR MONTH OF JUNE: \$29,704.16

*11-251 Roads,
 Surface,
 Snow removal*

**WORK SHEET FOR W.O. # 0866
ROADS DEPARTMENT ACTIVITY
FOR MONTH OF: July '01**

July

RATE -
LEASE HRS TOTAL:

[REDACTED]
[REDACTED]
WEEK 2 JULY 8 - JULY 14, 2001
[REDACTED]
[REDACTED]

WEEK 3 JULY 15 - JULY 21, 2001

	D	H	
[REDACTED] MACK TRK	45.00	[REDACTED]	\$1,305.00
[REDACTED] LOADER	50.00	[REDACTED]	\$1,200.00
[REDACTED] BACK HOE	65.00	[REDACTED]	\$1,560.00
[REDACTED]			\$33.87
[REDACTED] GRADER	70.00	[REDACTED]	\$560.00
[REDACTED] COMPACTOR	45.00	[REDACTED]	\$180.00
[REDACTED]	70.00	[REDACTED]	\$1,050.00
[REDACTED]			\$451.20
[REDACTED]			\$701.20 ✓

WEEK 4 JULY 22 - JULY 28, 2001

[REDACTED]	70.00	[REDACTED]	\$1,282.50
[REDACTED] GRADER	70.00	[REDACTED]	\$1,680.00
[REDACTED]	50.00	[REDACTED]	\$2,000.00
[REDACTED] MACK TRK	45.00	[REDACTED]	\$450.00
[REDACTED] COMPACTOR	45.00	[REDACTED]	\$382.50
[REDACTED] BACK HOE	65.00	[REDACTED]	\$780.00
[REDACTED]	70.00	[REDACTED]	\$2,590.00
[REDACTED] COMPACTOR	45.00	[REDACTED]	\$1,080.00
[REDACTED] GRADER	70.00	[REDACTED]	\$2,240.00
[REDACTED]	45.00	[REDACTED]	\$225.00
[REDACTED]			\$480.00

TOTAL: \$22,031.27

**WORK SHEET FOR W.O. # 0866
ROADS DEPARTMENT ACTIVITY
FOR MONTH OF: Aug. '01**

		RATE -		TOTAL:
		LEASE	HRS	
WEEK 1	July 29 - Aug. 4, 2001			
[REDACTED]	Grader	\$70.00	[REDACTED]	\$1,680.00
[REDACTED]	Compactor	\$45.00	[REDACTED]	\$416.25
[REDACTED]	Loader	\$50.00	[REDACTED]	\$2,350.00
[REDACTED]	D6 Dozer	\$40.00	[REDACTED]	\$2,800.00
[REDACTED]	Compactor	\$45.00	[REDACTED]	\$405.00
[REDACTED]	Mack Truck	\$45.00	[REDACTED]	\$1,980.00
[REDACTED]	Grader	\$45.00	[REDACTED]	\$360.00
[REDACTED]	Grader	\$70.00	[REDACTED]	\$2,765.00
[REDACTED]	Compactor	\$45.00	[REDACTED]	\$517.50
[REDACTED]	D4 Dozer	\$45.00	[REDACTED]	\$1,732.50
	Sub Total:			\$15,006.25
WEEK 2	Aug. 5 - Aug. 11, 2001			
[REDACTED]	Grader	\$70.00	[REDACTED]	\$1,680.00
[REDACTED]	Compactor	\$45.00	[REDACTED]	\$720.00
[REDACTED]	Grader	\$70.00	[REDACTED]	\$560.00
[REDACTED]	Back hoe	\$65.00	[REDACTED]	\$520.00
[REDACTED]	D6 Dozer	\$80.00	[REDACTED]	\$2,560.00
[REDACTED]	Back Hoe	\$65.00	[REDACTED]	\$130.00
[REDACTED]	Compactor	\$45.00	[REDACTED]	\$225.00
[REDACTED]	Mack Truck	\$45.00	[REDACTED]	\$1,440.00
[REDACTED]	D-4 Dozer	\$45.00	[REDACTED]	\$1,800.00
[REDACTED]	Grader	\$70.00	[REDACTED]	\$560.00
[REDACTED]	Loader	\$50.00	[REDACTED]	\$1,250.00
[REDACTED]	Compactor	\$45.00	[REDACTED]	\$765.00
	Sub Total:			\$12,210.00
WEEK 3	Aug. 12 - Aug. 18, 2001			
[REDACTED]	[REDACTED]			\$631.04
	Sub Total:			\$631.04
WEEK 4	Aug. 19 - Aug. 25, 2001			
[REDACTED]	[REDACTED]	\$70.00	[REDACTED]	\$1,680.00
[REDACTED]	[REDACTED]	\$17.53	[REDACTED]	\$701.16
[REDACTED]	[REDACTED]	\$70.00	[REDACTED]	\$1,680.00
	Sub Total:			\$4,061.16
WEEK 5	Aug. 26 - Sept. 1, 2001			
[REDACTED]	Grader	\$70.00	[REDACTED]	\$2,240.00
[REDACTED]	D-4 Dozer	\$45.00	[REDACTED]	\$1,080.00
[REDACTED]	Grader	\$70.00	[REDACTED]	\$2,240.00
	Sub Total:			\$5,560.00
	Total:			<u>\$37,468.45</u>

**WORK SHEET FOR W.O. # 0866
ROADS DEPARTMENT ACTIVITY
FOR MONTH OF: SEPT. '01**

WEEK	DATE		RATE - LEASE	HRS	TOTAL:
WEEK 1	Sept. 2 - Sept. 8, '01				
		[REDACTED] Grader	70.00	[REDACTED]	840.00
		[REDACTED] Compactor	45.00	[REDACTED]	360.00
		[REDACTED] Mack Truck	45.00	[REDACTED]	585.00
		[REDACTED] Grader	70.00	[REDACTED]	280.00
		[REDACTED] Loader	50.00	[REDACTED]	1,250.00
		[REDACTED] Bernard vanderpie	45.00	[REDACTED]	1,440.00
		[REDACTED]	17.53	[REDACTED]	701.20
				Total for wk:	<u>5,456.20</u>
WEEK 2	Sept. 9 - Sept. 15, '01				
		[REDACTED]	70.00	[REDACTED]	1,680.00
		[REDACTED]	45.00	[REDACTED]	1,080.00
		[REDACTED] 66 Dozer	80.00	[REDACTED]	2,160.00
		[REDACTED] at	45.00	[REDACTED]	1,440.00
		[REDACTED] Grader	70.00	[REDACTED]	1,680.00
		[REDACTED] Loader	50.00	[REDACTED]	1,825.00
		[REDACTED] Mack Truck	45.00	[REDACTED]	1,372.50
				Total for Wk:	<u>\$11,237.50</u>
WEEK 3	Sept. 16 - Sept. 22, '01				
		[REDACTED]	70.00	[REDACTED]	1,365.00
		[REDACTED]	70.00	[REDACTED]	1,120.00
		[REDACTED]	45.00	[REDACTED]	832.50
		[REDACTED] Dozer	45.00	[REDACTED]	585.00
		[REDACTED] Grader	70.00	[REDACTED]	1,365.00
		[REDACTED]	50.00	[REDACTED]	950.00
				Total for Wk:	<u>\$6,217.50</u>
WEEK 4	Sept. 23 - Sept 29, '01				
		[REDACTED] Grader	70.00	33.50	2,345.00
		[REDACTED] Grader	70.00	8.00	560.00
		[REDACTED]	80.00	[REDACTED]	400.00
		[REDACTED] Compactor	45.00	[REDACTED]	720.00
		[REDACTED] Mack Truck	45.00	11.00	495.00
		[REDACTED] Dozer	45.00	[REDACTED]	1,080.00
		[REDACTED] Grader	70.00	[REDACTED]	1,680.00
		[REDACTED] Loader	50.00	[REDACTED]	1,337.50
		[REDACTED] Wages	17.53	[REDACTED]	701.20
				Total for Wk:	<u>\$9,318.70</u>
				Grand TTL:	<u>\$32,229.90</u>