

**BROWN & JONES REPORTING, INC.**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

-vs-

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.

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Examination of MARSHALL J. PECORE, taken  
at the instance of the Plaintiff, under and pursuant to  
the Federal Rules of Civil Procedure, before ERICA  
PETERS, Registered Professional Reporter and Notary  
Public in and for the State of Wisconsin, at Reynolds &  
Associates, 407 East Main Street, Madison, Wisconsin, on  
02/06/2008, commencing at 9:40 a.m. and concluding at  
6:29 p.m.

735 North Water Street, Suite M185  
Milwaukee, WI 53202  
(414) 224-9533  
(800) 456-9531

EXHIBIT 18

MARSHALL J. PECORE, 02/06/2008

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A P P E A R A N C E S

UNITED STATES ATTORNEY'S OFFICE, by  
MR. CHRIS R. LARSEN,  
517 East Wisconsin Avenue, Room 530,  
Milwaukee, Wisconsin 53202,  
appeared on behalf of the Plaintiff.

LEONARD, STREET & DEINARD, by  
MR. JOSHUA J. KANASSATEGA,  
150 South Fifth Street, Suite 2300,  
Minneapolis, Minnesota 55402,  
appeared on behalf of the Defendant Menominee Tribal  
Enterprises.

LEONARD, STREET & DEINARD, by  
MR. BRYANT TCHIDA,  
150 South Fifth Street, Suite 2300,  
Minneapolis, Minnesota 55402,  
appeared on behalf of the Defendant Menominee Tribal  
Enterprises.

REYNOLDS & ASSOCIATES, by  
MR. GLENN C. REYNOLDS,  
407 East Main Street,  
Madison, Wisconsin 53703-4276,  
appeared on behalf of the Defendant Marshall Pecore.

A L S O P R E S E N T

Mr. Charles Westphal, Paralegal Specialist, United  
States Attorney's Office.

05:48 1 Q All right. Do you see the line where it says,  
05:48 2 "Requested by Marshall Pecore"?

05:48 3 A Yes, I do.

05:48 4 Q Okay. Do you recall getting B.I.A approval of any  
05:49 5 kind before you -- before this work order was  
05:49 6 submitted?

05:49 7 A Do I, again --

05:49 8 Q Yeah, do you recall getting any B.I.A approval  
05:49 9 before you requested that this grader be  
05:49 10 purchased?

05:49 11 A Again, we were at Minneapolis talking to Larry  
05:49 12 Morrin, and it was the consent of that meeting  
05:49 13 that we could purchase equipment.

05:49 14 Q Okay. Without any -- did you get any written  
05:49 15 approval for that?

05:49 16 A No.

05:49 17 Q No? When did that conversation take place, if you  
05:49 18 recall?

05:49 19 A I don't know. That's what I was saying before, I  
05:49 20 don't know if it was before or after the Kirby  
05:49 21 modification.

05:49 22 Q So it's possible that conversation took place  
05:49 23 before you wrote the May 5th, 1998 letter?

05:49 24 MR. KANASSATEGA: Objection, form of the  
05:49 25 question, misleading.

05:49 1 THE WITNESS: I don't recall.

05:49 2 BY MR. LARSEN:

05:49 3 Q Okay. It could have been before or after, you

05:49 4 just don't recall?

05:49 5 A Right.

05:49 6 Q Okay. But that conversation, you recall that

05:49 7 Mr. Morrin did say it would be okay to go ahead

05:50 8 and purchase the equipment?

05:50 9 A Right.

05:50 10 Q And do you recall who else was at that meeting?

05:50 11 A It was Shirley Dayling.

05:50 12 Q Excuse me, can you say that name?

05:50 13 A Shirley Dayling, who was the M.T. chair at the

05:50 14 time.

05:50 15 Q All right. Anyone else?

05:50 16 A Pat Greeno, or Myron Greeno.

05:50 17 Q Okay.

05:50 18 A I'm not sure if Larry Waukau went along at that

05:50 19 one or not, but that's the ones I remember.

05:50 20 Q All right. Anyone else from B.I.A besides Larry

05:50 21 Morrin?

05:50 22 A Stuart Mani came in, and then Mr. Morrin had to

05:50 23 wait outside.

05:50 24 Q Okay. Do you know why Mr. Morrin did that?

05:50 25 A No, I don't.

MARSHALL J. PECORE, 02/06/2008

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1 STATE OF WISCONSIN )  
 2 COUNTY OF MILWAUKEE ) SS:

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I, ERICA PETERS, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the above deposition of MARSHALL J. PECORE was recorded by me on 02/06/2008, and reduced to writing under my personal direction.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof I have hereunder set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 20th day of February, 2008.

\_\_\_\_\_  
 Notary Public  
 In and for the State of Wisconsin

My Commission Expires: September 13, 2009.