

Emails to be Used in Deposition of Gwen Langkilde

It is essential that we convey to the court that it is our opinion that ASTCA did not want a new telephone directory published. We don't need to guess at why. It is also important to make the court understand that ASTCA did not wish to cancel the contract (MOU) and that they preferred to just keep stringing John along making him think there would be listings and other data available soon.

This file contains emails in which Gwen Langkilde was involved as Sent, Received, CC'd by her, or that are related to those emails. Below are the relevant questions for each email and other notes to help clarify why we need answers. Each email is numbered and each of the emails also appears in Attachment 1 of our Motion for Summary Judgment. In some instances, a long signature or disclaimer has been removed from the original email, but none of the body text or address of the emails has been changed. I have maintained the original email files in an Outlook client archive.

Before we start questioning on the emails, we need to verify Gwen's understanding of a few things.

Q: Did you work with John Newton and Margaret Willis on previous phonebooks – prior to 2010?

Q: Did you prepare and authorize the publication of the General Information section of the telephone books that were published during your time at ASTCA?

Q: Is it your understanding that John Newton prepares the telephone directories for printing, pays for the printing cost and all other costs and delivers the finished books to ASTCA free of charge?

Q: Is it your understanding that John Newton relies on income from advertising sales to pay all his costs and derive some profit for his efforts on telephone directory production?

Q: Do you understand that each time a telephone directory is published, John Newton expects to earn a profit from that production?

Q: Is it true that the MOU calls for 5 directories to be published, one each year for five years?

Q: So, would it be reasonable to assume that John Newton expected to earn some profit from each of the contracted-for five directories, each year for five years?

Q: So, if no directories were published during the contracted period, John Newton would have no opportunity to earn any profits from the directories?

Q: And, if fewer than the contracted-for five directories were published during the contract period, John Newton's income would be reduced accordingly?

Q: So, time is of the essence in regard to John Newton's income opportunities during the contract period?

Q: Would it then be reasonable to assume that any delay in publishing the directories would result in lost income opportunities?

Q: Have you read John Newton's Complaint for Breach of Contract in which he estimates his losses due to the breach of contract to be at least \$500,000?

Q: So, assuming that the claim for \$500,000 can be proven, would this then amount to about \$8,300 per month, for every month of delay in publishing?

The math here is \$500,000 divided by 60 months equals \$8,333 and we rounded to \$8,300, or \$1,900 per week, or \$273 per day. We will be using these figures in future questions.

Q: Can you confirm that the MOU you prepared contained a "cancellation" clause? And can you confirm that ASTCA never exercised their rights of cancellation? And can you explain why the MOU was never canceled?

Email 1
Not used at deposition

----- Original Message -----

From: [John Newton](#)

To: [Ethan](#)

Sent: Thursday, June 24, 2010, 4:17 PM

Subject: Telephone Directory

Ethan,

It's coming up three months since we first started talking about the telephone directory. You seemed highly motivated to get started and to have a new book every year. I want to get started too.

Has any progress been made regarding a new book?

Life's great,
John Newton
254-6398 or 733-3663

Confirm the From, To, CC, and dates for the record.

This shows that ASTCA asked John to produce telephone books in early 2010.

Q: Who is Ethan as mentioned in the "To" field of this email and what position did Ethan hold at ASTCA?

The answer to this question is Ethan Lake was Marketing Manager for ASTCA.

Q: When did Ethan first ask you to prepare a contract for John to produce telephone books?

She will avoid this question. It is hard to prove when Ethan asked for the contract, but it will become quite evident that this happened before June 2010.

Email 2

Deposition Exhibit 2

----- Original Message -----

From: [Gwen Langkilde](#)

To: '[Ethan](#)'; '[Gwen](#)'; '[JD Hall](#)'; '[J.D. Hall](#)'; '[J.D. Hall](#)'

Cc: '[carl sene](#)'; '[carl sene](#)'; '[Alex Sene](#)'; '[Alex Sene](#)'; 'Alex@samoatelco.com'; 'alex.sene@astca.net

Sent: Tuesday, August 24, 2010 2:28 PM

Subject: RE: ASCTA Phone Book

Ethan,

Here's a draft amendment to the current contract, which incorporates what you've set out below.

Tx,

Gwen

Confirm the From, To, CC, and dates for the record.

Notice that this email was not sent or copied to John Newton. John got a copy of this email from Ethan Lake.

Have her read the text of the email.

Q: Were you suggesting that ASTCA use the old 2002 contract with amendments as "set out below"?

I never got a copy of the suggested amendments.

I objected to using the old contract on the basis that using the old contract conflicted with procurement laws and the old contract required annual confirmation of start dates. I wanted us to agree to produce 5 directories, one for each of the following five years, with release dates based on twelve months following the previous release.

Email 3
Not used in Deposition

From: John Newton [mailto:john@pagopago.com]
Sent: Wednesday, September 15, 2010 3:06 PM
To: astca_counsel@samoatelco.com
Cc: Ethan <ethanlake@samoatelco.com>
Subject: agreement

Gwen,

I know how busy you must be but were you able to prepare an agreement as we discussed? Do you need anything from me?

John

Confirm the From, To, CC, and dates for the record.

Q: When did Ethan Lake first ask you to prepare a contract for John Newton to publish telephone books?

She will most likely say that she does not remember. In that case, refer her back to Email 1.

Q: In Email 1, dated June 24, John expresses concern about not hearing from Ethan for several months. Is that correct?

Email 4

Deposition Exhibit 3

From: Gwen Langkilde [mailto:gwen.langkilde@astca.net]
Sent: Wednesday, November 17, 2010 5:33 PM
To: john@pagopago.com
Cc: 'J.D. Hall' <jd@rhalljrlaw.com>; 'J.D. Hall' <jd.hall@astca.net>; 'JD Hall' <jdhalliii@gmail.com>; 'Ethan' <ethan.lake@astca.net>
Subject: RE: 2011 Directory

Hi John,

Please use my astca.net account because I don't consistently check my samoatelco account(s).

My apologies for not getting back to you sooner after our September meeting. The Director has not been available to meet with me regarding your new proposal, and is currently off-island. He'll be back in the office on Friday at which time I hope to meet with him, hopefully, with an agreed upon draft.

I'm attaching a draft of the agreement based on my notes of the meeting, and language from your proposed agreement. Please review and let me know if you have any questions or concerns. I'm also asking JD to review and make sure that we can meet the promises made (ASTCA responsibilities section).

Let me know if any questions.

FYI – I'll be on leave tomorrow, but will be back in the office on Friday.

Sincerely,
Gwen Langkilde

Confirm the From, To, CC, and dates for the record.

Her comments regarding her email address are good for us because all our future emails were sent to her preferred address, so she cannot say we were sending emails or CCs of emails to the wrong address.

She apologizes for being late but her apology only references the September meeting. Fact is: this matter began in June and she is now over 5 months late.

She says she is asking JD to review the attached draft. This implies that she has supervisory authority or ranks above JD.

Q: On August 24, you sent an email to several people at ASTCA with suggested amendments to the 2002 contract. Is that correct?

Q: So, your August email was in response to some earlier request for you to prepare a contract. Is that correct?

Email 5

Deposition Exhibit 5

-----Original Message-----

From: John Newton [mailto:john@pagopago.com]

Sent: Friday, November 19, 2010 12:38 PM

To: 'Gwen Langkilde' <gwen.langkilde@astca.net>

Subject: RE: 2011 Directory

Gwen,

Apparently we are going to complete this agreement soon. Please make every effort to release the listings earliest possible. The timing is very critical at this point.

The future success of the book is largely dependent on effective circulation. I will make every effort to provide sufficient copies but I ask ASTCA to make every effort to provide effective distribution. Having the books available at the bill payment counter has not been an effective means of distribution. Advertisers are complaining about not having books 'everywhere'. Perhaps we can work together to insure good distribution to the business and government offices. I am willing to put a full-time person on that project for a couple of weeks.

I am sure 11k will be more than adequate if the books are managed properly. Our new relationship gives us the freedom to begin processing the 2012 book immediately when the 2011 book is distributed. If we keep the time span between books to 12 months, there will be plenty.

Also, the downloading and use of the digital edition of the book has become quite popular. My site, pagopago.com, where the digital book is available, has only that one item on it and the bandwidth used on that site is quite large. This indicates there must be many books being downloaded even now. ASTCA can put the book on their site too. This takes the pressure off the paper books.

Until next week,
John

Confirm the From, To, CC, and dates for the record.

This email was sent less than two weeks prior to the finalization of the MOU. It is my first request to expedite the delivery of listings.

Q: Did you receive this email?

Q: Did you ever respond to this email?

Q: This email confirms the fact that telephone listings from previous publications are available online and that I am offering to put the listings on the ASTCA site. Did you object to the listings being available online?

Q: You offered to amend the 2002 contract for telephone directory production. Are you aware that the 2002 contract required John Newton to put listings online?

Email 6

Deposition Exhibit 6

-----Original Message-----

From: John Newton [mailto:john@pagopago.com]

Sent: Friday, November 26, 2010 5:07 PM

To: 'Gwen Langkilde' <gwen.langkilde@astca.net>

Subject: RE: 2011 Directory

Gwen,

Have you been able to arrange for me to get the listings? I really need them next week.

Thanks,

John

Confirm the From, To, CC, and dates for the record.

Q: Did you receive this email?

Q: Did you respond to this email?

Althouse this is still prior to the signing of the contract; I am already asking for listings. My request went unanswered.

Email 7

Deposition Exhibit 7

From: John Newton [mailto:john@pagopago.com]
Sent: Thursday, December 9, 2010 4:00 PM
To: 'J.D. Hall' <jd.hall@astca.net>
Subject: listing format

Here are the full files for each section. Final formatting is done after the files are imported into Adobe InDesign but these Excel files are pretty close. We can discuss this after you review the attached.

I leave on Dec 16 for 6-8 weeks. We really need to get this setup before I leave. The final files can be sent to me while I am away but we need to figure out how to do it before then.

John Newton
633-3663

Confirm the From, To, CC, and dates for the record.

This is just a reference email relative to Email 8 where JD says "Thanks".

Email 8

Not used at Deposition

From: J.D. Hall [mailto:jd.hall@astca.net]
Sent: Thursday, December 9, 2010 4:15 PM
To: John Newton <john@pagopago.com>
Cc: Gwen Langkilde <gwen.langkilde@astca.net>
Subject: Re: listing format

Hi John,

Thanks. I will review these before the end of this weekend and produce directory files for you early next week.

Regards,
J.D. Hall
ASTCA

Confirm the From, To, CC, and dates for the record.

This email was sent in response to a question from JD on how listings are formatted. I responded with a sample of the formatting as it appears in MS Excel. That is why he says "Thanks."

We are now 9 days into the contract and I am just now being told the directory files will be available early next week. The potential loss here is 2 weeks or \$3,800.

Q: Do you know who J.D. Hall is?

Q: Was JD working for you at the time he sent this email?

Q: Can you explain why JD copied you on this email?

Q: Did you realize the financial harm this delay was causing for John Newton?

Email 9
Not used at Deposition

-----Original Message-----

From: J.D. Hall[mailto:jd.hall@astca.net]
Sent: Thursday, February 3, 2011 2:07 PM
To: John Newton <john@pagopago.comy>
Subject: RE: Data files for directory



John,

a2z 2011 data file is the file in the format of your atoz ready.xls the terdd02.03001 file is a changes to the directory records listing for reference. I did as many spot checks as I could and with a few exceptions most of the changes to the directory records are reflected in the a2z file.

J.D.

Confirm the From, To, CC, and dates for the record.

This file is included as a reference from Email 10, which had two files attached.

This email was shown in Attachment A in the Affidavit of Jessica Pollack in opposition to Plaintiffs Motion for Summary Judgment. I don't have the transcript of that hearing but I believe the point she was attempting to make was that ASTCA had given John Newton the listings.

With the above in mind, you can understand my questions in Email 10.

Email 10

Not used at Deposition

From: John Newton [mailto:john@pagopago.com]

Sent: Thursday, February 3, 2011 3:16 PM

To: 'J.D. Hall' <jd.hall@astca.net>

Subject: RE: Data files for directory

Questions

1. Will I receive a separate list of commercial listings?
2. What about ASG listings?
3. What are the notations in column G and what do I do about them?
4. Please ask Gwen if there are any changes to General Information.

Confirm the From, To, CC, and dates for the record.

Reasons for these questions are explained in Email 9

Q: Were you responsible for managing the information in General Information section?

Email 11

Not used at Deposition

From: J.D. Hall [mailto:jd.hall@astca.net]
Sent: Thursday, February 3, 2011 3:34 PM
To: John Newton <john@pagopago.com>
Subject: Re: Data files for directory

I'll ask Gwen when she gets back from lunch.
Column G - I'll check. I think I know what those are.
ASG Listings have definitely changed a lot in the last two years. I can get you an unformatted list of ASG listings.
I can provide a separate list of commercial listings but I need to very carefully sort it out based on various legal restrictions on use of the data.

J.D.

Confirm the From, To, CC, and dates for the record.

Here JD is admitting that there are problems with the files he sent me. He defers to Gwen for information on the status of the General Information section.

Q: Did JD ask you about the status of the General Information section back in February of 2011?

Years later we will find that Gwen had abandoned the General Information section and that it was not ready for publication in 2013.

Email 12

Deposition Exhibit 10

-----Original Message-----

From: J.D. Hall [mailto:jd.hall@astca.net]

Sent: Wednesday, March 2, 2011 4:49 PM

To: John Newton <john@pagopago.com>

Cc: Gwen Langkilde <gwen.langkilde@astca.net>; Alex (astca.net) <alex.sene@astca.net>

Subject: RE: Residential Listings

John,

I'm almost done writing a new program to fix and repair all of our Residential Listings.

The program, when done running through the 5,172 Residential Listings will fix the large majority of name errors (first name/last name order, village name).

I believe that it will take me about 3 days to get the Residential Listings down to about 90-95% clean, and then I will have to write a similar program for the Business Listings.

Regards,

J.D. Hall

ASTCA

Confirm the From, To, CC, and dates for the record.

Q: JD copied you on this email, right?

Q: Do you have any understanding what he is talking about here?

Q: Do you know of any new program being created?

There never was any program created but this email confirms that JD is still trying to figure out how to fix the listings.

Email 13

Deposition Exhibit 11

From: Gwen Langkilde [mailto:gwen.langkilde@astca.net]
Sent: Monday, March 7, 2011 11:55 AM
To: 'John Newton' <john@pagopago.com>; 'J.D. Hall' <jd.hall@astca.net>; 'Ethan' <ethan.lake@astca.net>
Cc: 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: Statement in PagoPago.com website

John,

JD is still working on providing these listings, so please remove the following statement from your website... "ASTCA is apparently unable to supply accurate listings. "

JD,

Can you please provide John with an update & schedule for providing the listings.

Tx,
Gwen

Confirm the From, To, CC, and dates for the record.

Q: We are now 3 months into the contract period and listings are still not available. This delay represents about \$25,000 in irretrievably lost revenues for John Newton. Can you understand why John was attempting to explain to the public that the telephone directory is delayed due to the fact that ASTCA is apparently unable to supply accurate listings?

Q: You instructed JD to provide John with an update and schedule for providing the listings. To your knowledge did JD ever do this?

Email 14

Deposition Exhibit 12

From: J.D. Hall [mailto:jd.hall@astca.net]
Sent: Monday, March 7, 2011 12:22 PM
To: Gwen Langkilde <gwen.langkilde@astca.net>
Cc: 'John Newton' <john@pagopago.com>; 'Ethan' <ethan.lake@astca.net>; 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: Re: Statement in PagoPago.com website

Will do. I'm a quarter of the way through the Residential listings, which is how far I got over the weekend. I got Alex's email and am focused entirely on this project.

I'm tasking more of the Internal Tech support requests to Joseph Felix for the time being.

By end of day, I expect to be done with most of the Residential listings and will be assigning the 5-10% of Residential Listings that require research to repair and verify. This will be close to 500 listings where we are missing either the village name or a correct subscriber name.

Business listings will be next.

J.D.

Confirm the From, To, CC, and dates for the record.

Q: This email is addressed to you with some explanation of the listing status. Can you explain why JD is giving this cryptic account of the status?

Q: Do you think this email gives John a schedule for providing the listings as you instructed him to do?

Be sure to use the word "instructed" here because we are building the case that Gwen was JD's supervisor.

Email 15

Deposition Exhibit 13

From: John Newton [mailto:john@pagopago.com]
Sent: Tuesday, March 8, 2011 1:48 PM
To: 'J.D. Hall' <jd.hall@astca.net>; 'Gwen Langkilde' <gwen.langkilde@astca.net>
Cc: 'Ethan' <ethan.lake@astca.net>; 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: RE: Statement in PagoPago.com website

Any progress yet? Don't forget you have about 600 duplicate listings and hundreds of disconnects.
John

Confirm the From, To, CC, and dates for the record.

Q: This email was copied to you?

Q: Did you read this email?

Q: Did you consider this email to be a complaint or just a reminder?

This question is in reference to Gwen's statement in her affidavit concerning my complaints.

Email 16

Deposition Exhibit 14

From: J.D. Hall [mailto:jd.hall@astca.net]

Sent: Tuesday, March 8, 2011 1:51 PM

To: John Newton <john@pagopago.com>

Cc: 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'Ethan' <ethan.lake@astca.net>; 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>

Subject: Re: Statement in PagoPago.com website

Got it. I've dropped the residential listings to 4600 subscribers and I'm clearing them as fast as I can.

J.D.

Confirm the From, To, CC, and dates for the record.

Q: Can you explain what JD is saying here and how it relates to when the listings will be ready?

Email 17

Deposition Exhibit 16

From: John Newton [mailto:john@pagopago.com]
Sent: Tuesday, March 8, 2011 2:18 PM
To: 'J.D. Hall' <jd.hall@astca.net>
Cc: 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'Ethan' <ethan.lake@astca.net>; 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: RE: Statement in PagoPago.com website

That's good news because I am getting some cancellations from major advertisers. I have talked them into giving me one more chance to set a reliable publication date but they won't wait long.

Confirm the From, To, CC, and dates for the record.

Q: In reading this email, can you understand why John is concerned about when he will get the listings so he can begin producing the directory?

Q: Can this email be characterized as complaining?

Email 18

Deposition Exhibit 17

From: John Newton [mailto:john@pagopago.com]
Sent: Thursday, March 10, 2011 5:52 PM
To: 'J.D. Hall' <jd.hall@astca.net>
Cc: 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'Ethan' <ethan.lake@astca.net>; 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: RE: Statement in PagoPago.com website

JD,
How are the listings coming?
John

Confirm the From, To, CC, and dates for the record.

Q: This email is copied to you, right?

Q: Did it concern you that John is still asking for an update on the availability of listings?

Email 19

Deposition Exhibit 18

From: J.D. Hall [mailto:jd.hall@astca.net]
Sent: Thursday, March 10, 2011 7:03 PM
To: John Newton <john@pagopago.com>
Cc: 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'Ethan' <ethan.lake@astca.net>; 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: Re: Statement in PagoPago.com website

So far so good. The residential listings are down to a few hundred that are missing village names or have subscriber name conflicts that need to be resolved. I've started work on filtering and cleaning up the business listings. 60% of them should be simple, 1-3 lines per location. 40% will likely have PBX systems, which will take some figuring out, but that isn't insurmountable.

The final format of the CSV for the listings is:
<lastname firstname initials, suffix>, <description 1>, <description 2>, <village name>

Description 1 = descriptions for the line such as "Director" or "Prayer Line"
Description 2 = facsimile machine

Any changes or if you want to merge the descriptions to a single field, let me know.

J.D.

Confirm the From, To, CC, and dates for the record.

Here JD is attempting to explain the status of his work on listings, but he is actually saying that he is nowhere near completing the listings. He is also telling John that "The final format of the CSV for the listings is.... This statement proves that JD has no idea what he is doing or that he considers CSV to be another term for Excel files. You see, CSV has no formatting: not even bold, tabs, columns, until the CSV file is loaded into Excel or some other program that provides the formatting.

Q: Did you read this email?

Q: Can you explain what JD is trying to say here?

Q: Were you concerned that there has been no progress made toward providing listings to John?

Q: Did you actually want to complete a telephone directory, or did you simply want to keep stringing John along with vague descriptions of progress making him think listings might be forthcoming?

This is the first poke at suggesting that ASTCA didn't really want a telephone directory at all.

Email 20

Deposition Exhibit 19

-----Original Message-----

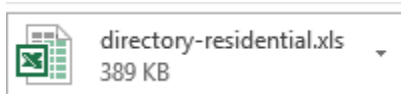
From: J.D. Hall [mailto:jdhalliii@gmail.com]

Sent: Tuesday, March 22, 2011 7:29 PM

To: Alex (astca.net) <alex.sene@astca.net>; Alex Sene <asene.astca@gmail.com>

Cc: Gwen Langkilde <gwen.langkilde@astca.net>; John Newton <john@pagopago.com>; Toni Betham <toni.betham@astca.net>; margaret.willis@astca.net

Subject: Updated Residential Listing, Excel Format



Hi Alex,

Residential Landline Only

This isn't in a final format, but these are the certified directory records for our subscribers that don't currently have non-pub/non-list, residential lines.

There are #'s in here that I believe should be non-pub/non-list but where the non-pub/non-list has expired, or have been manually removed from the directory by the publisher or by whoever provided the data to the publisher in the past.

Sorted by last name. Please review and see if you have any problems or spot any errors.

Thanks,
J.D.

Confirm the From, To, CC, and dates for the record.

This is an email from JD to Alex in which it is apparent that JD is responding to Alex's email which we do not have.

Q: This email is copied to you. Do you understand the references to non-pub/non-list?

Q: Is it a legal matter to comply with the customers' wishes when they have ordered and paid for non-publish listings?

Q: This is the first time Margaret Willis is copied in on an email on this subject. Can you explain why Margaret is copied?

Email 21

Deposition Exhibit 20

-----Original Message-----

From: John Newton [mailto:john@pagopago.com]

Sent: Tuesday, March 22, 2011 8:08 PM

To: 'J.D. Hall' <jdhalliii@gmail.com>; 'Alex (astca.net)' <alex.sene@astca.net>; 'Alex Sene' <asene.astca@gmail.com>

Cc: 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'Toni Betham' <toni.betham@astca.net>; 'margaret.willis@astca.net' <margaret.willis@astca.net>

Subject: RE: Updated Residential Listing, Excel Format

JD,

FYI: For at least the past 12 years, the publisher has never removed a listing from the directory, NEVER.

You do have some formatting problems to address. Let me know if you need further input on that.

You don't appear to have a key field and that will make sorting very difficult, if not impossible, in the business and government listings.

But, the listings do look much cleaner than before.

John

Confirm the From, To, CC, and dates for the record.

Q: Did you consider this email to be among the complaining you accuse John of, or is it just another attempt by John to be helpful?

Email 22

Deposition Exhibit 21

From: Gwen Langkilde [mailto:gwen.langkilde@astca.net]
Sent: Thursday, March 31, 2011 3:05 PM
To: 'John Newton' <john@pagopago.com>; 'J.D. Hall' <jd.hall@astca.net>; 'Ethan' <ethan.lake@astca.net>
Cc: 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: RE: Statement in PagoPago.com website

John,

As you know, JD has been working diligently to provide you with verified telephone listings, instead of the raw data that we have always provided you throughout the past years. He's completed and provided this to you for the residential listings, and is working on the business/government listings.

If you prefer, we can provide you with the raw data like we have in the past – whichever between that data and the 2008 listings would be more accurate. Let JD know.

As long as we are progressing with this verification process, your statement is untrue, and is defaming. Again, you are asked to REMOVE this statement from your website immediately.

Gwen

Confirm the From, To, CC, and dates for the record.

My response to Gwen is in Email 24. As you can tell by reading that email, I am getting pretty impatient.

Q: Why would you say here that JD has completed and delivered the residential listings when he is still trying to figure out how to provide them and whether non-list numbers are properly handled, which is evidenced by Email 21 to Alex?

Q: Isn't it true that JD is nowhere near completing even the residential listings at this time?

Q: Why would you even consider offering 2008 data for a directory that will not be published until at least 2012?

Email 23

Deposition Exhibit 22

From: J.D. Hall [mailto:jd.hall@astca.net]
Sent: Thursday, March 31, 2011 9:23 PM
To: John Newton <john@pagopago.com>
Cc: 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'Ethan' <ethan.lake@astca.net>; 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: Re: Statement in PagoPago.com website

Just so everyone knows, I am 15% done with the Business White Page listings.

The Government Agency White Page listings are also grouped and filtered and I will be ready to hand those off to the operators on Monday for them to start calling government agencies to verify the #'s they want to list, and how they want them listed.

My best estimate for completion of the business and government listings is two and a half weeks with the help of the operators to do the last and final verifications via phone calls to customers.

I have already grouped and labeled Government vs. Commercial/Private #'s, Semi-Private entities (ASPA/ASTCA/ASCC), and have a sub-class of Commercial/Private for companies with a lot of lines and accounts, as well as a sub-class for organizations like the churches that have multiple locations. I'll be using any internal resources I can get my hands on, including the operators and communicators to do the verification calls and to send a fax to those customers. I estimate that the final 5-10% of listings that require direct contact to sort out their listings data will take up the bulk of the second week of April.

This is detailed and time consuming work that is constantly on-going. I will send out an email when I hit the 50% and 90% work completion milestones, which I estimate (for 50%) will around Wednesday or Thursday next week. The last 3 days of the 2.5 endgame period will be updating the Directory data with changes made by customers as recent as the last 8 weeks, or since the last directory data dump from our billing database.

We are including a Bill Message on the April 1 bill for customers to update their listings info by April 15.

I have already emailed the Rotary Club and Chamber of Commerce to inform them of the deadline.

I am waiting to see if I can get the contact info for the Lion's Club secretary and the Women's Professional Business group contact info to get a notice out to them about the deadline. While I've spoken with many of the members from each of the organizations, only a few of them have responded by sending me their info.

We are closing in and work is progressing. It goes without saying that I have other projects that are on-going as well at this time that are eating into my time. But this is the last update until I hit the 50% completion mark sometime middle of next week.

We need all of this data anyway to update our database once and for all. We will load all of the corrected information back into the iVue Directory database and I am planning some additional training for Customer Service staff on the issue of Directory Name/Info data integrity and quality. Next year we shouldn't have this problem.

Regards,
J.D.

Email 23 (continued)

Confirm the From, To, CC, and dates for the record.

This email from JD is in response to Gwen's order that he update me.

Q: Do you realize that at this point we were 3 months into the contract period and John has irretrievable losses of about \$24,500?

Q: Can you explain the difference between what JD is calling White Pages here and the residential listings you said earlier that he had completed?

Q: Aren't the White Pages actually the residential listings plus most of the other listings?

Q: Do you understand anything in this email?

Q: Do you know whether anything in this email was actually carried out?

Q: Can you still maintain that JD has completed the residential listings and delivered them?

They are going to attempt to tell the Court that ASTCA did deliver listings, so we need to take every opportunity to prove them wrong.

Email 24

Deposition Exhibit 23

From: John Newton [mailto:john@pagopago.com]
Sent: Thursday, March 31, 2011 5:43 PM
To: 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'J.D. Hall' <jd.hall@astca.net>; 'Ethan' <ethan.lake@astca.net>
Cc: 'Alex Sene' <asene.astca@gmail.com>; 'Toni Betham' <toni.betham@astca.net>
Subject: RE: Statement in PagoPago.com website

Gwen,

The first paragraph of your email adds credence to the statement that appeared on my website. Just when do you anticipate being able to deliver accurate listings? Really, all I am asking at present is a delivery date for the listings that we all agreed, in March of 2010, would “be ready soon”. Apparently I am using an incorrect definition for “soon”.

You have never delivered “raw data” to me, not now or in previous years. Raw data was never a part of our conversations or agreements. I cannot make a decision between your so called raw data and the 2008 listings because I have never seen any raw data of the complete listings. I’m not even sure how you define this. Some of what you might call raw data that JD sent me contained items that were not to be listed without any indication of which those “not to be listed” items were.

There has never been a section of the book containing just residential listings. The white pages contains ALL listings. What JD has sent me is just what he has determined to be the residential listings. He also declared what he sent me was incomplete.

The statement on the website was removed as soon as I had some indication that JD was actually working on the listings. I made this removal at my own volition, not at your demand.

John Newton

Confirm the From, To, CC, and dates for the record.

Q: Can you explain what is meant by “raw data” as you wrote in your email of March 22, 2011?

Q: At this point I had concluded that you have no intention of seeing that I am given all the data with which to produce the next directory. Can you explain why no usable data has been forthcoming for over 12 months?

Q: Do you think ASTCA actually wanted a published directory?

Here I am starting to interject the thought that ASTCA did not want a directory published.

Email 25

Deposition Exhibit 24

-----Original Message-----

From: John Newton [mailto:john@pagopago.com]

Sent: Friday, April 15, 2011 5:25 PM

To: 'J.D. Hall' <jd.hall@astca.net>

Cc: 'Alex (astca.net)' <alex.sene@astca.net>; 'Gwen Langkilde' <gwen.langkilde@astca.net>

Subject: RE: Formatting Question

Can I please get some indication as to when I can expect to receive the listings?

John Newton

Confirm the From, To, CC, and dates for the record.

Q: Did you ever respond to this email or tell JD to respond?

Email 26

Deposition Exhibit 25

-----Original Message-----

From: John Newton [mailto:john@pagopago.com]

Sent: Wednesday, May 18, 2011 1:32 PM

To: 'J.D. Hall' <jd.hall@astca.net>

Cc: 'Alex (astca.net)' <alex.sene@astca.net>; 'Margaret' <mwillis@samoatelco.com>; 'Gwen Langkilde' <gwen.langkilde@astca.net>

Subject: RE: Draft

I just don't know what to do. Why can't I get listings? Why does nobody return phone calls or answer their phone when I call? Why are my emails ignored?

Every day this thing is delayed is another day of direct cost to me. There seems to be no end in sight. I appreciate your efforts to clean up the listings but I just cannot believe it is not complete after over a year of promises.

I leave island permanently next week and I will have to leave it to you to explain to advertisers and telephone users why there is no directory.

John Newton

Confirm the From, To, CC, and dates for the record.

Q: You were CCd on this email. Can you tell that John is very frustrated by the lack of responses to his inquiries?

Q: Did you realize that we are now nearly 18 months into the contract and no usable listings have been delivered to John?

Q: Do you realize that John has suffered irretrievable losses approaching \$41,000?

Email 27

Deposition Exhibit 26

From: John Newton [mailto:john@pagopago.com]
Sent: Monday, November 28, 2011 1:49 PM
To: 'J.D. Hall' <jd.hall@astca.net>
Cc: 'ttulafono@aol.com' <ttulafono@aol.com>; 'David Robinson' <interplan@blueskynet.as>; 'Gwen Langkilde' <gwen.langkilde@astca.net>; 'alex.sene.jr@gmail.com' <alex.sene.jr@gmail.com>; Beverley Annesley Canales <ba61254@gmail.com>; mrsala@samoatelco.com
Subject: RE: Listings

JD,

Thank you for your 11/23 response to my 10/12 email. I must say your response makes it very clear to me that you simply don't have a clue. After over a year of promise after promise, you have finally decided that you just can't do the job.

If you had actually merged, compared and updated records, you certainly would have noticed things like the fact that there are no listings for Bluesky, ASPA, the hospital, homeland security, just to mention a few. You might also have noticed that ASTCA doesn't have a single listing anywhere. How about the schools. Do schools not have phones? You tried to pawn off the task of creating ASG listings on ITD and they did a miserable job of collecting a few numbers but not anything close to a representation of all vital ASG numbers (see attached).

You have not given me the commercial listings and, given all the other errors, I cannot be certain that you have removed the unlisted numbers and you have never indicated to me that these things would be or have been done.

Throughout the world, telephone directories are the source of vital and emergency information. We have done a pretty good job of providing that information for many years. But, the listings you are trying to give me do not meet minimum requirements. It is clear that ASTCA simply doesn't know who their customers are.

Your comments about formatting demonstrate your lack of ability and/or understanding of your objective. My thirteen-year-old daughter has it figured out just fine. So don't worry about those things that are so perplexing to you. Just give me the listings in a format similar to the previous 10 years' and we'll take it from there. But the listings must be COMPLETE AND ACCURATE!

Perhaps you should have Margaret handle this. She has been doing a much better job than you for many years.

Oh, and btw if you think I'm angry, you finally got it. You have cost me 10s if not 100s of thousands of dollars in lost revenues and unnecessary expenses.

AMERICAN SAMOA DOES NOT HAVE A CURRENT TELEPHONE DIRECTORY AND IT'S YOUR FAULT!

John Newton

Confirm the From, To, CC, and dates for the record.

Email 27 (continued)

Q: We are now almost exactly 12 months into the contract and John has suffered irretrievable losses of about \$100,000. Do you have any sympathy for John?

Q: Do you consider this email just another one John's alleged complaining or is it simply a statement of fact?

Email 28

Deposition Exhibit 27

From: J.D. Hall [mailto:jd.hall@astca.net]
Sent: Wednesday, November 30, 2011 5:12 PM
To: John Newton <john@pagopago.com>
Cc: ttulafono@aol.com; 'David Robinson' <interplan@blueskynet.as>; 'Gwen Langkilde' <gwen.langkilde@astca.net>; alex.sene.jr@gmail.com; Beverley Annesley Canales <ba61254@gmail.com>; mrsala@samoatelco.com
Subject: Re: Listings

Hi John,

I have put some updated exports into the drop box. There was an old filter parameter that excluded all Telecoms from the drafts due to all the lines used for testing or circuits (hence no BlueSky or ASTCA). I've removed the filter from the script. DOE has never responded to requests for their listing preferences for the schools, and both myself and ASG ITD attempted to get that information. The data for DOE, never having been verified was excluded until they respond to either my request for verification or ASG ITD's request.

LBJ has responded with their preferred listing since the last export and their listing now shows up in the exports. No other ASG agencies other than the ones that responded to ASG ITD have responded to queries and were excluded. As most ASG agencies are listed in the Brown Pages rather than the White Pages, offices identified as ASG are excluded by default from the white pages export.

The unlisted #'s were removed early on based on a list of people who had been current on their payments for that feature. I'll pull a new report on that feature as doubtless others have added their feature to their account.

As I stated before, after spending a lot of time working with export scripts the formatting you've requested is practically impossible to do as part of the database export. The problem is the insertion of empty rows and extra columns.

Regards,
J.D. Hall III
Marketing & IT Services
E: jd.hall@astca.net

Confirm the From, To, CC, and dates for the record.

Q: After reading this email, can you still maintain that JD is working diligently, or is this just another example of his excuses?

Email 29

Deposition Exhibit 28

From: John Newton [mailto:john@pagopago.com]

Sent: Monday, July 16, 2012 7:52 PM

To: 'J.D. Hall' <jd.hall@astca.net>; 'Gwen Tauiliili-Langkilde' <gwen.langkilde@astca.net>

Subject: where are the listings?

Can someone please tell me when I can expect to get the listings?

John Newton

Confirm the From, To, CC, and dates for the record.

Q: Did you receive this email?

Q: Did you ever take any action to find out what has happened to the listings

Q: Do you have any sympathy for John, knowing he has now suffered irretrievable losses of about \$150,000?

Email 30

Deposition Exhibit 29

From: John Newton [mailto:john@pagopago.com]
Sent: Friday, September 7, 2012 2:21 PM
To: 'Gwen Tauilili-Langkilde' <gwen.langkilde@astca.net>
Subject: Telephone Directory

Gwen,

I am just wondering if there is any plan to ever get listings to me as we agreed over two years ago. Is there anything I can do to expedite this process?

Regards,
John Newton
702-265-0497

Confirm the From, To, CC, and dates for the record.

Q: Did you ever respond to this email?

Email 31

Deposition Exhibit 30

From: John Newton [mailto:john@pagopago.com]
Sent: Tuesday, September 18, 2012 12:01 AM
To: 'Gwen Tauilili-Langkilde' <gwen.langkilde@astca.net>; astca_counsel@samoatelco.com
Subject: Telephone Directory

Your response is requested.

Gwen,

I am just wondering if there is any plan to ever get listings to me as we agreed over two years ago. Is there anything I can do to expedite this process?

Regards,
John Newton
702-265-0497

Confirm the From, To, CC, and dates for the record.

This is a re-send of email 30. No response was ever received.

Q: Did you ever respond to this email?

Q: Did you realize that we were about 22 months into the contract and no usable listings were ever delivered?

Q: Do you understand that John has, by this time, suffered 22 months of lost revenues amounting to about \$182,000?

Email 32

Not used at Deposition

From: J.D. Hall [mailto:jd.hall@astca.net]
Sent: Monday, October 22, 2012 5:44 PM
To: John Newton <john@pagopago.com>
Cc: Gwen Tauilili-Langkilde <gwen.langkilde@astca.net>; Alex Sene Jr. Jr <alex.sene@astca.net>
Subject: Directory Data



John,

Please find the enclosed data for ASTCA's public subscriber listings. It is in XLS format, basic tabular format.

ASG Public Listings are provided as a separate file and are not included in the private and federal listings file.

Confirm the From, To, CC, and dates for the record.

Q: You were copied on this email, did you read it?

Q: Did you open the attached files to see what they contained?

Q: Did you notice that there were no phone numbers, in the "ASG Public Listings 2.xls", for any senate member?

Q: Can you explain what the "directory-private-federal export.xls" file is? This file is probably the White Pages, wouldn't you say?

Q: Did you represent Alex Sene at his deposition?

Q: Do you think it is this email and the attached files that Alex Sene was referring to in his deposition when he said "So, yeah, there was a disconnect period. ... I do know there were messages. – I know of was around the time I was retiring about October [of 2012] ...or there was a message that, you know, a data was given to Mr. Newton at that time."?

Q: Although this email was most likely the one Alex was referring to, did you see any cell phone, commercial listings or General Information in either of the attached files?

Of course not! Although these two files are very close to being ready for publication, they are still only 2 out of the contract-required five files.

Email 33

Deposition Exhibit 31

From: J.D. Hall [<mailto:jd.hall@astca.net>]
Sent: Tuesday, July 9, 2013 12:41 PM
To: John Newton
Cc: Moefa'auo Bill Emmsley; Roy Hall; Gwen Tauiliili-Langkilde; Moefa'auo Bill Emmsley
Subject: Re: publishing schedule

Hi John,

I'll work on producing the updated listing.

I currently don't have an assistant, which was a huge difference in last year's efforts. Will do my best.

RE: Fono - I'll check again and try their IT guys if the admin secretaries give us the run around again.

RE: Cell #'s inclusion, I'll check to see what management wants.

Regards,
J.D. Hall III
Marketing & IT Services
P: (684) 633-1121
C: (684) 733-9057
E: jd.hall@astca.net

Confirm the From, To, CC, and dates for the record.

Q: In the last statement in this email, is it reasonable to assume that JD does not know the status of cell phone listings?

Q: Do you know whether cell phone listings were ever provided to John Newton?

Q: Would it be correct to say that this is the last time you were copied on emails relating to the daily activities of telephone directory development and that Bill Emmsley had now taken over?

Q: I understand that you left your post as in-house counsel for ASTCA but remained working for them as an attorney in private practice. Is that correct?

Q: It is now more than 31 months into the contract and John has suffered irretrievable losses of over a quarter million dollars. Can you relate to that?