

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABEL CÁNTARO CASTILLO,

Appellant,

vs.

WESTERN RANGE ASSOCIATION,

Respondent.

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Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENT WESTERN RANGE ASSOCIATION'S**  
**APPENDIX VOLUME 9, PART 1**

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Nevada State Bar No. 815

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**ATTORNEYS FOR RESPONDENT**  
**WESTERN RANGE ASSOCIATION**

## **CHRONOLOGICAL ORDER**

<b>Date</b>	<b>ECF</b>	<b>Document</b>	<b>Volume</b>	<b>Page Numbers</b>
6/16/2017	117	El Tejon's Motion to Dismiss Second Amended Complaint with Exhibits A-H	1	RA 00001 - RA 00073
6/20/2017	118	Mountain Plains' Motion to Dismiss Second Amended Complaint with Exhibit 1	1	RA 00074 – RA 00096
6/27/2017	121	Estill Ranches' Motion to Dismiss Second Amended Complaint with Exhibit 1	1	RA 00097 – RA 00111
7/5/2017	124	Western Range Association's Motion to Dismiss Counts I, III, IV, V and IX Second Amended Complaint	1	RA 00112 – RA 00127
7/26/2017	129	Plaintiffs' Consolidated Opposition to Motion(s) to Dismiss Second Amended Complaint with Exhibits A-G	2	RA 00128 – RA 00327
2/13/2018	140	Order Dismissing Second Amended Complaint Without Prejudice and Without Leave to Amend Western Range Association's Answer to Second Amended Complaint	2	RA 00328 – RA 00341
1/13/2021	242	Plaintiff's Status Conference Report	2	RA 00342 – RA 00348

<b>Date</b>	<b>ECF</b>	<b>Document</b>	<b>Volume</b>	<b>Pages Numbers</b>
7/9/2021	252	Plaintiff's Response to Deposition Objections Exhibits 1- 4	3	RA 00349- RA 00398
10/29/2021	264	Plaintiff's Motion for Class Certification Plaintiff's Memorandum in Support of Motion for Class Certification With Exhibits 1-4	3	RA 00399 – RA 00585
10/29/2021	264	Exhibits 5-26 to Plaintiff's Motion for Class Certification Plaintiff's Memorandum in Support of Motion for Class Certification	4	RA 00586 – RA 00828
10/29/2021	264	Exhibits 27-37 to Plaintiff's Motion for Class Certification Plaintiff's Memorandum in Support of Motion for Class Certification	5	RA 00829 – RA 01067
10/29/2021	264	Exhibits 38- 53 to Plaintiff's Motion for Class Certification Plaintiff's Memorandum in Support of Motion for Class Certification	6	RA 01068 – RA 01272
10/29/2021	264	Exhibits 54- 64 to Plaintiff's Motion for Class Certification Plaintiff's Memorandum in Support of Motion for Class Certification	7	RA 01273 – RA 01483
11/22/2021	270	Western Range Association's Opposition to Plaintiff's Motion for Class Certification with Exhibits 1-21	8	RA 01484 – RA 01705

<b>Date</b>	<b>ECF</b>	<b>Document</b>	<b>Volume</b>	<b>Page Numbers</b>
11/22/2021	270	Exhibits 22- 33 Western Range Association's Opposition to Plaintiff's Motion for Class Certification	9	RA 01706 – RA 01913
11/22/2021	270	Exhibits 34- 48 to Western Range Association's Opposition to Plaintiff's Motion for Class Certification	10	RA 01914 – RA 02108
4/14/2022	300	Exhibits 1-6 to Western Range Association's Motion for Summary Judgment	11	RA 02109 – RA 02157
5/18/2022	310	Exhibits 1-5 to Western Range Association's Reply in Support of its Motion for Summary Judgment	11	RA 02158 – RA 02238

**EXHIBIT 22**

**FILED UNDER SEAL**

**EXHIBIT 22**

RA 01706

DECLARATION OF GILMAR JHONNY MELO CASTILLO

Gilmar Jhonny Melo Castillo hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I am able to speak and write in Spanish. Through an interpreter, I was able to make any and all changes that I felt were necessary or appropriate to this Declaration before I signed it. Specifically, the interpreter read it to me, line by line, and I was able to have the interpreter repeat anything that I requested and I was able to change anything that I felt needed to be changed.

4. I am an employee of El Tejon Sheep Company (hereinafter "El Tejon"). I have been working for El Tejon since August 7, 2015 to the present. During that time I have had all promises made to me by El Tejon fulfilled.

5. Other than the fact that I was recruited by and given the formal employment offer from Western Range Association, during the prior 3 year time period, I have not worked in the United States as a sheep herder for any other company than El Tejon.

6. When I started, in August of 2015, I started in California and did work to prepare the winter grazing area for the sheep. I did this work until October, when the sheep were brought back from Nevada. I started tending sheep from October through about the end of January.

7. In February up to April 10, 2016, me and my band of sheep moved to a rural area west of Bakersfield on oil fields. This area is also very rural. While there are some roads (mostly dirt) near the grazing areas that I worked, there is no power and permanent housing. This area is uncultivated and the sheep eat natural growing grasses and plants. This area does not include feedlots or corrals, and is not near El Tejon's headquarters. There are no other herders with me in this



1 location and my daily activities are not monitored. My supervisor visits daily to bring water for the  
2 sheep and supplies. He stays with me only about 30-60 minutes, but maybe more depending on  
3 circumstances. Thus, no one but me can testify as to my daily work activities or work time.  
4 Similarly, since I am alone, I cannot testify as to the work time or work activities of other sheep  
5 herders working for El Tejon, much less herders working for other employers.

6 8. On April 10, 2016, we moved the sheep that I tended and myself to Nevada. My band  
7 of sheep and I were about 40 minutes on dirt roads north of Rendon, Nevada. I was in this area until  
8 the end of June. At the end of June to the present, we moved to Snow Canyon and then to Columbia  
9 basin area. The specific areas that I worked during all of the time in Nevada is very remote locations  
10 with only dirt roads. My housing in these areas is tipi tents and a cot and must be brought in by 4x4  
11 trucks. There is no electricity. I work this rugged area by walking. This areas are uncultivated and  
12 there are no permanent structures. This area does not include feedlots or corrals, and is not near El  
13 Tejon's headquarters. There are no other herders with me in this location and my daily activities are  
14 not monitored. My supervisor visits me about 3-4 times a week and he typically only stays about 2  
15 hours. Thus, no one but me can testify as to my daily work activities or work time. Similarly, since I  
16 am alone, I cannot testify as to the work time or work activities of other sheep herders working for El  
17 Tejon, much less herders working for other employers.

18 9. To be specific, this breaks down to about 3 months in Nevada and 7 months in  
19 California. Further, about 3 months of the California time is spent on rural oil field lands that were  
20 uncultivated. The remaining time in California (only about 4 months) is spent on cultivated fields.

21 10. From my personal experience, I conclude that I worked in range land (e.g.,  
22 uncultivated land, is located in a remote and isolated area, range housing is required, there are no  
23 feedlots or corrals, and are not near El Tejon's headquarters) for significantly more than 1/2 of the  
24 year. As I mentioned above, for almost the entire year each herder works alone and in different  
25 geographic locations. This means that while I personally worked on range land, other herders were  
26 not with me and my area of work is not the same as another sheep herder's area of work. Thus, while  
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1 I worked on range land, this says nothing about other herders working for El Tejon and certainly my  
2 work locations and time in each location cannot be equated to herders working for other employers.

3 11. In a very general sense, while in Nevada and the California oil fields, the sheep and I  
4 have a pretty standard routine, as follows:

- 5 a. I get up about 4-4:30 and make breakfast. I start walking to the sheep around 5 am,  
6 and it takes 15-45 minutes to walk to the sheep, depending on conditions and the  
7 location of the sheep.
- 8 b. When I get to the sheep in the morning, I make a count of the number of sheep with  
9 bells (I am supposed to have 9 sheep with bells at present). I then direct them to water  
10 and food that I want them to use that day.
- 11 c. After the sheep feed and water they typically sleep. How long they sleep depends on  
12 how hot it is, the hotter it is the longer they sleep. I typically start walking back to  
13 camp around 10 am, this can be earlier or later depending on circumstances.
- 14 d. When I get back to camp I sleep, prepare my meal, engage in activities to distract  
15 myself like write letters, play the guitar, wash my clothes, take care of personal  
16 hygiene, etc.
- 17 e. I start walking back to the sheep around 2:30-3 pm and I stay with them about 1-3  
18 hours, depending on circumstances.
- 19 f. The sheep bed down from just after sunset until just before sunrise. The sheep need  
20 no attention from me during sleep periods or when they moving in the direction I sent  
21 them, if they are moving appropriately. I use my discretion to decide this.

22 12. During the time the sheep are on cultivated fields, my day is shorter (days are shorter  
23 in the winter), though we have more work to do in the shorter time period.

24 13. During my employment, I was paid the same wage rate for the time periods that I  
25 worked in California that I was paid when I worked in Nevada. Specifically, from August 2015  
26 through December 31, 2015, I was paid \$1,661.72 per month. Beginning on January 1, 2016, I was  
27 paid twice a month at a rate of \$888.99 per pay period. In addition, part of my wage is room and  
28



1 board. This was explicitly agreed to as part of my compensation in my employment offer. I can also  
2 slaughter a lamb to eat and I do this about once every 2 weeks. I am supplied with meals every day  
3 and a place to stay. I have not been in America long enough to be able to estimate the value of my  
4 food and lodging.

5 14. I estimate that I actually perform work an average of 7-8 hours per day, if that. In fact,  
6 that may be an over estimate.

7 15. I was also given 2 weeks of paid vacation time each year by El Tejon. I have also  
8 received surprise discretionary bonus of \$400 around the end of 2015.

9 16. As a result, I do not believe that I was paid below Nevada's minimum wage of  
10 \$8.25/hour during any time period that I worked in Nevada.

11 I hereby declare under penalty of perjury under the laws of the United States and the State of  
12 Nevada that the foregoing is true and correct to the best of my knowledge.

13 Date: This 19th day of July, 2016.

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16 GILMAR JHONNY MELO CASTILLO  
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### DECLARATION OF INTERPRETATION

Ruben Burnias, hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I hereby certify that I am currently working with Interpreting Enterprises and have previously worked as a State and Federal Court Interpreter for over 25 years. I have also served in my capacity of Spanish Court Interpreter in over 1800 depositions.

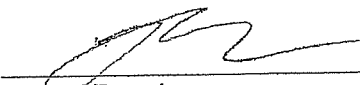
4. I am fluent in both English and Spanish languages and I am competent to translate from Spanish to English and English to Spanish.

5. I personally attended the witness interview of Elmer Alcides Cantaro Castillo ("Castillo") in Elko, Nevada, along with Anthony L. Hall, Esq. I have acted as an interpreter throughout the witness interview in order to ensure accuracy.

6. Following the witness interview, I certify that I read the Declaration of Castillo to him in a language that he understood (Spanish), and that he was given the opportunity to ask any questions and to make any changes or corrections that he felt were appropriate. I also certify that my translation of his declaration to him was true and correct. I certify that Castillo confirmed that he understood and agreed with his Declaration before signing it.

I hereby declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Date: This 17<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
Ruben Burnias  
Interpreting Enterprises

ETS000088

RA 01711

**EXHIBIT 23**

**FILED UNDER SEAL**

**EXHIBIT 23**

RA 01712

DECLARATION OF WILLIAM ARCHI LOZANO

William Archi Lozano hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I am able to speak and write in Spanish. Through an interpreter, I was able to make any and all changes that I felt were necessary or appropriate to this Declaration before I signed it. Specifically, the interpreter read it to me, line by line, and I was able to have the interpreter repeat anything that I requested and I was able to change anything that I felt needed to be changed.

4. I am an employee of El Tejon Sheep Company (hereinafter "El Tejon"). I have been working for El Tejon since October 14, 2015 to the present. During that time I have had all promises made to me by El Tejon fulfilled.

5. Other than the fact that I was recruited by and given the formal employment offer from Western Range Association, during the prior 3 year time period, I have not worked in the United States as a sheep herder for any other company than El Tejon.

6. My October 2015 employment began in California and I worked 3 months in cultivated alfalfa fields and then 3 months in the uncultivated oil fields to the west of Bakersfield. I did not work in the Mojave desert.

7. This area is also very rural. To be more specific, this area is uncultivated. The range housing is a trailer that is towed. This area does not include feedlots or corrals, and is not near El Tejon's headquarters. There are no other herders with me in this location and my daily activities are not monitored. The supervisor comes and visits me to bring water and food. The supervisor is only with me for about 1 hour. Thus, no one but me can testify as to my daily work activities or work

1 time. Similarly, since I am alone I cannot testify as to the work time or work activities of other  
2 sheep herders working for El Tejon, much less herders working for other employers.

3 8. On or about April 10 of 2016, we moved the sheep by truck from the oil fields to Elko  
4 county. The sheep remained in this area from April 10 up to June 5 of this year. This area is about an  
5 hour by truck on dirt roads north of Rendon, Nevada. This area is uncultivated and isolated area.  
6 My range housing is a tipi tents. There are no permanent structures. This area does not include  
7 feedlots or corrals, and is not near El Tejon's headquarters. The sheep feed on natural growing grass.

8 9. From June 5 until the present, we moved my band of sheep to the Columbia basin,  
9 Nevada. The specific area that I worked on during this time period is in a very remote location in the  
10 mountains with only dirt roads. There is no power. I work this rugged area by walking. This area is  
11 uncultivated, so the sheep eat natural growing grasses. My range housing is the same tipi tent. There  
12 are no permanent structures. This area does not include feedlots or corrals, and is not near El Tejon's  
13 headquarters.

14 10. In both Nevada locations, there are no other herders with me and my daily activities  
15 are not monitored. My supervisor comes to see me about 2-3 times per week and his stay with me  
16 varies depending on what needs to be done. Thus, no one but me can testify as to my daily work  
17 activities or work time with the exception of the hours my supervisor is present. Similarly, since I  
18 am alone, I cannot testify as to the work time or work activities of other sheep herders working for El  
19 Tejon, much less herders working for other employers.

20 11. To be specific, during my 9 months of employment, I have spent 3 months in Nevada  
21 and 6 months in California. Further, 3 months in California was spent on rural uncultivated oil field  
22 lands. The remaining time in California (only about 3 months) was spent on cultivated fields.

23 12. From my personal experience, I conclude that I worked in range land (e.g.,  
24 uncultivated land, is located in a remote and isolated area, range housing is required, there are no  
25 feedlots or corrals, and are not near El Tejon's headquarters) for significantly more than 1/2 of my  
26 employment. As I mentioned above, for almost the entire year each herder works alone and in  
27 different geographic locations. This means that while I personally worked on range land, other  
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1 herders were not with me and my area of work is not the same as another sheep herder's area of  
2 work. Thus, while I worked on range land, this says nothing about other herders working for El  
3 Tejon and certainly my work locations and time in each location cannot be equated to herders  
4 working for other employers.

5 13. In a very general sense, while in Nevada and the oil fields, the sheep and I have a  
6 pretty standard routine, as follows:

- 7 a. I get up around 4 am and make breakfast.
- 8 b. I start walking to where the sheep are at about 5 am and it takes me 30-60 minutes to  
9 get to the sheep.
- 10 c. I direct the flock to feed and water. I typically head back to camp around 10 am or a  
11 bit before or after, depending on circumstances.
- 12 d. The sheep bed down after they have morning food and water and sleep for 4-6 hours  
13 depending on how hot it is. The hotter it is, the more they sleep. They do not need my  
14 attention when they sleep (during the day or at night), so I head back to camp and  
15 may my meal, clean my possessions, wash my clothes and myself, etc.
- 16 e. Later in the afternoon, I direct them to where I want them that night. I spend about 2-  
17 3 hours with them before I walk back to camp.

18 14. When the sheep are on cultivated land, we work less time, because this is during the  
19 winter and the days are shorter.

20 15. During my employment, I was paid the same wage rate for the time periods that I  
21 worked in California that I was paid when I worked in Nevada. Specifically, from October 2015  
22 through December 31, 2015, I was paid \$1,661.72 per month. Beginning on January 1, 2016, I was  
23 paid twice a month at a rate of \$888.99 per pay period. In addition, part of my wage is room and  
24 board. This was explicitly agreed to as part of my compensation in my employment offer. I can also  
25 slaughter a sheep and I do this about 1 time per month. I am supplied with meals every day and a  
26 place to stay. I do not know the cost of food well enough in America to estimate the value of my  
27 meals or my lodging.

1 16. I estimate that I actually perform work an average of 8 hours per day, taking the full  
2 year into account.

3 17. I was also given 2 weeks of paid vacation time each year by El Tejon. I have also  
4 received surprise discretionary bonus of \$500 around October of 2015.

5 18. As a result, I do not believe that I was paid below Nevada's minimum wage of  
6 \$8.25/hour during any time period that I worked in Nevada.

7 I hereby declare under penalty of perjury under the laws of the United States and the State of  
8 Nevada that the foregoing is true and correct to the best of my knowledge.

9 Date: This 19th day of July, 2016.

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13 WILLIAM ARCHI LOZANO  
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### DECLARATION OF INTERPRETATION

Ruben Burnias, hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I hereby certify that I am currently working with Interpreting Enterprises and have previously worked as a State and Federal Court Interpreter for over 25 years. I have also served in my capacity of Spanish Court Interpreter in over 1800 depositions.

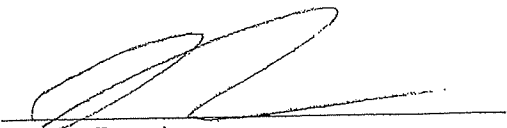
4. I am fluent in both English and Spanish languages and I am competent to translate from Spanish to English and English to Spanish.

5. I personally attended the witness interview of William Archi Lozano ("Lozano") in Elko, Nevada, along with Anthony L. Hall, Esq. I have acted as an interpreter throughout the witness interview in order to ensure accuracy.

6. Following the witness interview, I certify that I read the Declaration of Lozano to him in a language that he understood (Spanish), and that he was given the opportunity to ask any questions and to make any changes or corrections that he felt were appropriate. I also certify that my translation of his declaration to him was true and correct. I certify that Lozano confirmed that he understood and agreed with his Declaration before signing it.

I hereby declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Date: This \_\_\_\_ day of July, 2016.

  
Ruben Burnias  
Interpreting Enterprises

ETS000093

RA 01717



**EXHIBIT 24**

**FILED UNDER SEAL**

**EXHIBIT 24**

RA 01718



Deposition of:  
**Ted Borda 30(b)(6) Borda Land &  
Sheep Co., LLC**

*August 20, 2021*

In the Matter of:  
**Castillo, Abel Cántaro v. Western  
Range Association**

Veritext Legal Solutions

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO, on  
behalf of himself and those  
similarly situated,  
Plaintiff,

Case No.:

3:16-cv-00237-RCJ-CLB

vs.

WESTERN RANGE ASSOCIATION,  
Defendants.

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FRCP 30(b)(6) TELEPHONIC DEPOSITION OF  
BORDA LAND & SHEEP CO., LLC,  
REPRESENTED BY TED BORDA  
Friday, August 20, 2021  
Gardnerville, Nevada

Reported by:

Michelle C. Johnson, RPR-CRR

NV CCR 771, CA CSR 5962

Job No. 4765137

Pages 1 - 110

BE IT REMEMBERED that, pursuant to the laws governing the taking and use of depositions remotely, and on Friday, August 20, 2021, commencing at 12:03 p.m. thereof, from Gardnerville, Nevada, by way of telephonic appearance, before me, MICHELLE C. JOHNSON, a Certified Court Reporter in the States of Nevada and California, virtually appeared TED BORDA, called as a witness by the Plaintiff.

TELEPHONIC APPEARANCES:

For the Plaintiff:

MEGAN REIF  
CHRISTINE E. WEBBER  
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cwebber@cohenmilstein.com

For the Defendant, Western Range Association:

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KELSEY GUNDERSON  
Attorneys at Law  
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775.688.3000  
ewinograd@woodburnandwedge.com  
kgunderson@woodburnandwedge.com

For Third-Party Ranches and the Witness:

JERRY M. SNYDER  
Attorney at Law  
JERRY SNYDER LAW  
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Reno, Nevada 89509  
775.499.5647  
jerry@jerrysnyderlaw.com

-and-

TELEPHONIC APPEARANCES (CONTINUED):

LOUIS TEST

Attorney at Law

HOFFMAN & TEST, PC

429 Plumb Lane

Reno, Nevada 89509

775.322.4841

office@htag.reno.nv.us

Also Present: MONICA YOUREE

1           A. I mean, I wrote that. I can't remember, to  
2 be truthful. But if that's what I wrote, it must have  
3 been.

4           Q. Okay. And then for the next several --  
5 understanding that your sister filled these out --  
6 it's checked "No." To your memory, from 2011 through  
7 2015, did you or did you not spend part of the year in  
8 California?

9           A. We -- we would always -- we would have had to  
10 spend some time in California in all those years.

11          Q. Okay. Typically, how many months would it  
12 have been in California for those years?

13          A. Well, we always spend the month of March in  
14 California for sure. And then everything -- by the  
15 end of April, everything is in Nevada in those earlier  
16 years.

17          Q. Okay, so just so I'm understanding, when you  
18 say "those earlier years," what year would it have  
19 changed?

20          A. I really don't know off the top of my head,  
21 but we ran three bands of sheep for a very long time.  
22 That would have all been in Nevada. And then -- then  
23 in later years where we went to four and then five,  
24 two of those bands were always in California. Well, I  
25 didn't go to five bands until 2020. So prior to 2020,

1 I had four bands, one band would have been in  
2 California all the time.

3 Q. Okay. And for the other bands that were not  
4 in California all the time, did they still spend some  
5 time in California?

6 A. Everything would have been in California for  
7 the month of March.

8 Q. Okay. And if you look at the third page,  
9 because there's a blank second page, apologized about  
10 that -- there's a list of three herders. Is it your  
11 practice to list all of the herders that you have on  
12 this form when you fill out this form?

13 A. Sure. Why not? Yeah.

14 Q. I just want to make sure that this is  
15 reliable information. To your knowledge, everyone is  
16 listed on here who worked there at the time, correct?

17 A. Arcadio, Humberto -- yes, that would be  
18 correct.

19 Q. I'm sorry for doubling back, but I want to  
20 make sure. When did you say you switched to four  
21 bands?

22 A. I didn't say when I switched to four; I don't  
23 really know. I switched to five in 2020. Four  
24 bands -- four bands, I can't tell you exactly when.  
25 The second --



1 2014.

2 THE WITNESS: To my best recollection -- I  
3 mean, 2014 is a long time ago, so -- but yes.

4 BY MS. REIF:

5 Q. Great.

6 For the time period of 2010 to the present,  
7 would you say that this job description is accurate  
8 for your expectations for your herders?

9 MS. WINOGRAD: Objection to the form of the  
10 question, overbroad.

11 THE WITNESS: Well, it's only comprehensive,  
12 it's not accurate.

13 BY MS. REIF:

14 Q. In what ways is it not accurate?

15 A. Well, my guys are not on call 24 hours, seven  
16 days a week. That's just not true.

17 Q. Could you define for me what you mean by "on  
18 call"?

19 A. Well, for example, during lambing time, my  
20 guys split up into shifts and they work -- they work  
21 different shifts. When they're done, they're done.  
22 So they're not on call. When they go to bed -- when  
23 their shift's over, they're done.

24 When, example, right now, right now my guys  
25 are bored to death. They are absolutely bored to



1 death; they work about two hours a day. And when they  
2 go to bed, same thing, they're not on call.

3 We have guard dogs, we have two guard dogs  
4 with each man. We haven't shot a predator in years,  
5 we haven't shot at a predator in years. When my guys  
6 go to bed, they're done. We have guard dogs that take  
7 care of all of our problems. We haven't lost an  
8 animal to predator in years; we haven't shot a  
9 predator in years. They're not on call. They're just  
10 not.

11 Q. I'm certainly glad that you haven't lost any  
12 sheep to predators in years.

13 I'm not sure I got a clear answer from you.  
14 How would you define "on call"?

15 A. I guess "on call" would mean that at any time  
16 during the day or night, I guess I could ask them to  
17 go to work for me, do something, do something in  
18 regards to the sheep business.

19 Q. So you are defining on call to mean that you  
20 personally would give an order to the herder to  
21 perform a duty?

22 A. On call would mean that they need to be  
23 available to do some duty at some time other than  
24 expected hours, normal hours. Other than expected  
25 normal hours. That's what I would define on call as.

1 Q. Okay. And so could you lay out for me what  
2 the expected hours you're describing are?

3 A. Be more specific to that question. What I  
4 expect -- I don't expect my guys to be on call, so I  
5 don't have an expectation.

6 Q. Oh. Well, I was just using your word because  
7 you said "expected hours." So let me put it this way:  
8 During the daytime, do you expect your herders to be  
9 available to respond to the needs of the sheep?

10 A. At some -- at some part of the daytime, not  
11 all of it, no. At some parts of it, yes.

12 Q. And when you say "some parts," are you  
13 thinking of particular hours or what do you mean by  
14 that?

15 A. It -- yes. Yes, my herder, at some period  
16 during the year, he may have to go to work at sunrise  
17 in the open range and work for two or three hours.  
18 Then he returns to his camp knowing that he does not  
19 have to go back to work until sunset and work for  
20 another couple of hours. Right now, my herders work  
21 for a couple of hours at sunset. That's what's  
22 expected of them. I don't expect anything more from  
23 them than that.

24 Q. Okay. And so how are your herders aware of  
25 these expectations; do you give them instructions or

1 some sort of feedback?

2 A. Well, we meet -- I meet with them regularly,  
3 several times a week, at least once a week, but  
4 usually more than that, and I meet with them  
5 personally. And we discuss where we're at, what the  
6 feed situation is like, what our expectations of it,  
7 why we're in this particular area.

8 I give them a lot of leeway. I ask the  
9 questions, where do you want to be? where do you want  
10 your camp at? What do you want from -- where do you  
11 want to be and so forth. And we discuss how we're  
12 going to manage that particular grazing area at that  
13 time. Other than that, they also have cell phones  
14 that they're in constant contact with each other and  
15 so, yeah, it's discussed. It's discussed regularly,  
16 at least once a week, if not more.

17 Q. Okay. And so you said currently you believe  
18 that your herders only work for two-three hours around  
19 sunset. And what is your best estimate of for how  
20 many months of the year that would be true?

21 A. Um, so for one band, let me see, two months  
22 for sure, August and September. For another band,  
23 August and September. Let me see, for the other band,  
24 July, August, September. So for those periods of  
25 time, they probably don't work more than three hours a

1 day.

2 Q. And why is that? How are the conditions  
3 different that necessitates that change?

4 A. Well, for example, four of my five bands  
5 right now are in large meadows. The sheep get up on  
6 their own in the morning and they go out into the  
7 meadow on their own, they graze on their own, they  
8 water on their own, and when the sun starts to go  
9 down, they come back to camp on their own.

10 And all the herder has to do is kind of go  
11 out there and kind of bring up the tail end of it.  
12 That's all he has to do. That might require an hour  
13 of his time. And that's true for four of my five  
14 herders right now, four of my five bands. That is the  
15 absolute truth right there for those four bands.

16 For the fifth band, there's two herders with  
17 them, so one band with two guys, same thing, that band  
18 will push them out into the meadow or push them up  
19 into certain areas at sunrise. You know, by 9  
20 o'clock, they're all laying down, and the herder goes  
21 back. The sheep don't start moving until maybe 3:00  
22 or 4:00 in the afternoon and they'll go back at maybe  
23 5:00 or 6:00, maybe head them back towards camp and  
24 camp them. So for those two guys, there might be one,  
25 two, three hours in the morning, two hours at night,

1 six hours for the two guys. That's what open range is  
2 like.

3 Q. Okay. So for the sheep that are in these  
4 large meadows that you describe, is that considered on  
5 the range?

6 A. That is the open range, yeah, you're up in --  
7 everything right now is above 9200 feet. Yeah, that's  
8 open range.

9 Q. Okay, got it. And then for the rest of the  
10 year where you were describing they might get up at  
11 sunrise, work for two to three hours and then there is  
12 a break and they return around sunset to work a few  
13 more hours, during that middle time, are they still  
14 expected to be available to respond to the needs of  
15 the sheep?

16 A. No. You know, for the same reason they're  
17 not expected, there's guard dogs with the sheep  
18 constantly. There's no issues of predators. Those  
19 guys are -- you know, that's nap time. That's talk --  
20 they're on their phone. You know what, you might not  
21 even find that guy. He might be a mile away from the  
22 camp because he climbs a mile up the hill to call his  
23 wife or call his brother on the other side of the  
24 mountain. That's their own personal time. They're  
25 reading books, some of them read books. We always

1 bring a little local paper we get up to them to read.  
2 Some of them read, some of them don't. But that cell  
3 phone is going all the time.

4 Q. Okay, that was going to be my next question.  
5 My question was going to be, during that middle time,  
6 are they supposed to stay at the camp. But it sounds  
7 like to me they are allowed to go elsewhere. Do I  
8 have that right?

9 A. Sure, sure. They'll go -- they'll go over  
10 the mountain, visit their brother on the other side of  
11 the mountain, or they'll go over the mountain and  
12 visit somebody else's sheep band that's over there.  
13 Sure, that's their own time.

14 Q. So how far away are they allowed to go away  
15 from the sheep during that time?

16 A. There's no -- there's nothing on that --  
17 there's nothing on that. For example, well, you know,  
18 one guy -- I have one guy, Francisco, that's kind of  
19 going through some problems. We took him to the  
20 doctor the other day and we'll take him to the doctor  
21 again. I'm trying to set up an appointment next week.  
22 So we'll go up there at 9 o'clock and pick him up, and  
23 take him down to the ranch so he can shower and stuff,  
24 and take him in to the doctor, and then we'll take him  
25 back that evening. So those sheep will be unattended

1 for seven, eight, nine hours there. So what? We're  
2 fine. They're fine. Again, there's guard dogs, the  
3 sheep aren't going to go very far. They're in a large  
4 meadow, 700-acre meadow up there on the top of the  
5 mountain. So, yeah, that's just an example. But  
6 yeah.

7 Q. Okay. Do the herders have any means of  
8 transportation when they're on the range?

9 A. Not -- not on the range right now, no. Of  
10 course, during the wintertime, it's a different  
11 situation when they're herding sheep down. You know,  
12 November -- November, December, January, we're all in  
13 Nevada, all the sheep are in Nevada for those three  
14 months. They're in hayfields. So we supply them with  
15 a quad. They just make --

16 Q. I'm sorry, a quad?

17 A. They don't need a quad, but we supply them  
18 with some form of transportation, yes.

19 Q. I'm sorry, I'm not familiar with the term  
20 "quad."

21 A. It's a small four-wheel vehicle that --

22 Q. Oh, okay. Quad, four, that makes sense.  
23 Okay.

24 So if I have you right, November, December,  
25 January when they're in Nevada, they have access to a



1       timeframe.

2       BY MS. REIF:

3             Q.   Is that a yes?

4             A.   The answer would be yes.

5             Q.   I'm sorry; there was just a lag.  I heard you  
6       and Ellen; I wanted to be sure I heard you correctly.

7             A.   Sure.

8             MS. REIF:  We've been going about an hour,  
9       how about we take a ten-minute break?  I'm trying to  
10       get through this as quickly as possible.  I'm hopeful  
11       we're making good progress.  Can we go off the record?

12            THE REPORTER:  Okay.

13            (Recess taken.)

14       BY MS. REIF:

15            Q.   And I want to talk a bit about housing and  
16       living conditions for the herders.  So I understand  
17       that they have sheep camps for much of the year.  Is  
18       it correct that from 2010 to the present at least one  
19       of your herders each year has packed for part of the  
20       year?

21            A.   No, that is not correct.

22            Q.   Okay.

23            A.   We did not start -- we have one permit that  
24       we pack into, and we started that maybe five, maybe  
25       six years ago, and we don't it every year in those six



1 years. So there is one permit that we use for maybe,  
2 at the maximum, 30 days, closer to probably 25 days  
3 where we will pack in, yes.

4 Q. And is that all of your herders or just some  
5 of them that are packing?

6 A. When we do that -- when we do that, we will  
7 put two herders together. It's just more convenient  
8 for them, more comfortable for the two of them. Like  
9 I have the two brothers together right now, Reynaldo  
10 and Raul.

11 Q. Gotcha. So -- I'm sorry; go ahead.

12 A. Did I answer you -- I'm not sure if I  
13 answered your question.

14 Q. Well, what I understood you to say is that  
15 about five or six years ago, you started doing some  
16 packing, but you didn't do it each of those years and  
17 you're not certain which years. Is that right?

18 A. Correct.

19 Q. And am I also understanding correctly, at  
20 most two herders would be packing for 30 days?

21 A. Correct.

22 Q. Okay.

23 A. That would be two herders with one band of  
24 sheep, right?

25 Q. Right. Got it.

1 A. Okay.

2 Q. When they are doing the sheep camps, do they  
3 have some sort of refrigeration?

4 A. Yes, every camp has an icebox and freezer in  
5 it.

6 Q. Okay. And that's true from 2010 to the  
7 present?

8 A. Yes.

9 Q. Okay. What is the plumbing situation?

10 A. There is no plumbing.

11 Q. Okay. Do they have to haul water for  
12 themselves?

13 A. No, we haul water in to them.

14 Q. Okay. Do they ever have to haul water for  
15 the sheep?

16 A. During the wintertime, there are some times  
17 that they are required to do that, yes.

18 Q. Okay. And so it says in your declaration the  
19 herders are provided food at least once a week or  
20 every four to five days. Is it you who provides that  
21 food or do you have some sort of a camp tender or  
22 someone else?

23 A. I have a camp tender that assists me, but I  
24 do 90 percent of that.

25 Q. Okay.

1 A. I prefer -- as far as --

2 Q. And --

3 A. Yes, yes.

4 Q. Go ahead.

5 A. As far as acquiring the food, I do that. My  
6 sister does that, actually. And as far as actually  
7 delivering the food, I share that with the camp  
8 tender. We split it up, so during the wintertime, I  
9 do it all the time. In the summertime, when I have  
10 five bands, then he'll do some and I'll do some, and  
11 we go opposite directions every other week, so I make  
12 sure I see those people at least once every two weeks.

13 Q. Okay. And when you deliver the food, do you  
14 typically stay and visit with the herder or help them  
15 out with their duties or anything like that?

16 A. I do somewhat. I don't speak a lot of  
17 Spanish, a little bit. But that's also been a  
18 discussion with my camp tenders, that they know when  
19 they go, they're expected to try to stay maybe an hour  
20 or longer and maybe have a beer or two with those  
21 guys, and just socialize with them.

22 But that requirement kind of changed a little  
23 bit since the cell phone. Those guys are talking to  
24 their families every day. You know, they have an  
25 unlimited amount of -- for \$65, they have an unlimited

1 makes it out of the mountains: no paper, no cans, no  
2 nothing going underneath any sagebrush or anything.  
3 We make sure they know how to contact us. We send  
4 every band out the first couple weeks with two guys.

5 Again, it's just -- the first -- the toughest  
6 part of the whole 12 months herding sheep will be the  
7 first two weeks you leave the ranch, and so we always  
8 send two guys out those first two weeks, sometimes  
9 three weeks. So those are some examples of when we'll  
10 have a group meeting.

11 Q. Okay. Does all of your lambing take place in  
12 California?

13 A. Yes.

14 Q. Okay. And, sorry, what does RWA stand for?

15 A. Responsible Wool Certification.

16 Q. Ah.

17 A. It's about humane treatment of our animals  
18 and the appropriate treatment of our herders.

19 Q. Oh, that's great to hear.

20 You talked about checking in with them on the  
21 cell phone. If there is an emergency, is it your  
22 expectation that they would call you and inform you  
23 about that?

24 A. I can't think of too many emergencies in the  
25 last 20 years. But, yeah, absolutely. If they need

1 then we'll do them one at a time. But you sometimes  
2 have your herders in Carson City, Carson Valley,  
3 Silverton (sic) Meadow, Topaz, Gardnerville, Smith  
4 Valley, Mt. Rose area, Wolf Creek, Washoe Valley,  
5 Washoe County in Reno Metro area. And am I missing  
6 any other places within just Nevada?

7 A. Well --

8 MS. REIF: Objection to form.

9 THE WITNESS: So what you have down is a  
10 county versus a specific place in the county you have  
11 mentioned. I mean, I am -- in Nevada, I am in Lyon  
12 County, Store County, Douglas County, Carson City,  
13 Washoe County.

14 BY MS. WINOGRAD:

15 Q. Ah, I -- thank you.

16 And that's five of the, whatever, 17 counties  
17 in the State of Nevada, correct?

18 A. Correct. Correct.

19 Q. And while I have lived in Nevada for almost  
20 40 years, I need a little help on my geography here,  
21 and perhaps you can do it.

22 Carson City is our state capital, correct?

23 A. Yes.

24 Q. And you have herders that are in Carson City  
25 sometimes, correct?

1 A. Yes.

2 Q. Carson Valley is in Douglas County, correct?

3 A. Yes.

4 Q. And that's outside of Carson City where there  
5 is one or more resorts, correct?

6 A. That is outside of Carson City. That is  
7 adjacent to Minden and Gardnerville.

8 Q. Ah. And Minden and Gardnerville are also in  
9 Douglas County.

10 That's kind of a mountainous, woodsy area?

11 A. The mountains would be. The valley is a very  
12 large valley that's agriculture: crops and fields.

13 Q. Okay. How about Mt. Rose; that's where  
14 there's a ski resort, isn't it?

15 A. There is. But technically the ski resort is  
16 not on Mt. Rose, it's adjacent to it, Slide Mountain,  
17 actually.

18 Q. Fair enough. When you talk about the  
19 Mt. Rose area, you're talking about -- well, the  
20 timberline is in the Mt. Rose area, correct?

21 A. Yes. We are in -- we are in the top of  
22 Mt. Rose right now, yes. It's all timbers and small  
23 meadows, yes.

24 Q. And how about Topaz, is that near Topaz Lake?

25 A. It is.

1 Q. And Topaz -- well, obviously it's a lake, but  
2 I guess that's probably considered the desert right  
3 before you get into the Bridgeport and Mammoth area,  
4 correct?

5 A. Yes. Yes, it is.

6 Q. Thank you. All right, what about Smith  
7 Valley, where is that? That's in Lyon County?

8 A. Yes, it is.

9 Q. And what is the geography in Smith Valley?

10 A. Well, the valley, of course any valley is  
11 going to be flat, irrigated pasture.

12 Q. As opposed to say --

13 A. Carson Valley --

14 Q. I'm sorry.

15 As opposed to, say, a mountainous area,  
16 correct?

17 A. Correct.

18 Q. And what is Wolf Creek?

19 A. Wolf Creek is a place in Mono County. It's  
20 just a very -- it's a part of a large, permitted, it's  
21 a very specific area. Wolf Creek, Silver Creek are  
22 parts of a permit called a Silver Creek permit  
23 actually, but...

24 Q. And that's desert, isn't it?

25 A. No, it is not. It is 9200 -- it starts at

1 the very bottom at about 7,000, but the sheep run  
2 between 88- and 9200 feet the whole time.

3 Q. See, I told you my geography was bad.

4 Washoe County and Reno, those are -- perhaps  
5 not by Washington, DC or New York standards -- but  
6 those are metropolitan areas, correct?

7 A. Yes.

8 Q. So if I understand correctly, you have  
9 herders in these various areas: Carson City, Carson  
10 Valley, Topaz Lake area, Gardnerville, Smith Valley,  
11 Wolf Creek, Mt. Rose, Washoe Valley, Reno Metro area,  
12 and Silverton Meadow -- correct?

13 A. It's Silvertine Meadow, but yes.

14 Q. Oh, okay. Okay. And that's meadow, we've  
15 gone through that.

16 And it sounds to me from your prior testimony  
17 as if the duties of your herders are different  
18 depending upon where they're located at any given  
19 point in time. Correct?

20 MS. REIF: Objection, misstates prior  
21 testimony.

22 THE WITNESS: Yes, the duties are always  
23 changing.

24 BY MS. WINOGRAD:

25 Q. And that's within a single operation, your



1 single operation, correct?

2 A. Yes.

3 Q. Okay. And it would be accurate, then, that  
4 the job duties among your own herders, H-2A herders,  
5 vary depending upon where they are at a given time,  
6 correct?

7 MS. REIF: Objection, misstates prior  
8 testimony.

9 THE WITNESS: That is correct.

10 BY MS. WINOGRAD:

11 Q. When your herders work, as you testified  
12 earlier, only two hours per day on some days -- not on  
13 all days but on some days -- do they get paid the same  
14 salary?

15 A. Yes.

16 Q. Are most of your herders coming in from  
17 Mexico?

18 A. Yes, all of them.

19 MS. WINOGRAD: That's all I have. Thank you.

20 MS. REIF: I have just a couple more.

21 FURTHER EXAMINATION

22 BY MS. REIF:

23 Q. Ms. Winograd was just asking you about how  
24 the herders' duties change based on geography. Which  
25 duties change; what were you referring to in your

REPORTER'S DECLARATION

STATE OF NEVADA           )  
                                  )    s:  
COUNTY OF CLARK         )

I, Michelle C. Johnson, CCR 771, declare as follows:

That I reported virtually the taking of the deposition of the witness, TED BORDA, commencing on Friday, August 20, 2021 at 12:03 p.m.

That prior to being examined, the witness was by me virtually duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I simultaneously transcribed my said shorthand notes into typewriting via computer-aided transcription, and that the typewritten transcript of said deposition is a complete, true, and accurate transcription of said shorthand notes taken down at said time. That prior to completion of the proceedings, review of the transcript pursuant to FRCP 30(e) was requested.

I further declare that I am not a relative or employee of any party involved in said action, nor a person financially interested in the action.

Dated: September 9, 2021.



Michelle C. Johnson, RPR-CRR, CCR No. 771

**EXHIBIT 25**

**FILED UNDER SEAL**

**EXHIBIT 25**

RA 01744



Deposition of:  
**30(b)(6) Bonnie Little**

*July 8, 2021*

In the Matter of:  
**Castillo, Abel Cántaro v. Western  
Range Association**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO on )  
behalf of himself and )  
those similarly situated )

Plaintiff )

vs.

) Case No.: 3:16-cv-  
) 00237-RCJ-CLB

WESTERN RANGE ASSOCIATION )

Defendant )

VERITEXT VIRTUAL DEPOSITION OF BONNIE LITTLE

Taken at the Law Offices of Simons, Hall, Johnston  
6490 South McCarran Boulevard, Suite E46  
Reno, Nevada

On Thursday, July 8, 2021  
At 9:09 a.m.

Reported by: Margie L. Carlson  
C.C.R. No. 287

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21 \* \* \* \* \*  
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25

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1 two, 24-hour day, I think that it's so hard to say  
2 'cuz it goes back so far, and it's so roughly hard  
3 to say how many times I've slept there, but I've  
4 definitely slept there and been there at different  
5 occasions.

6 Q. When you refer to the sheep being in the  
7 Ruby Mountains in the summer and in the desert near  
8 Duck Water in the winter, do you, do the sheep walk  
9 from one location to the other or do you truck them?

10 A. They walk.

11 Q. How long does it take for them to get  
12 from their grazing areas in the mountains in the  
13 summer down to the desert around Duck Water where  
14 they spent the winter?

15 A. Varies band to band. They're all very  
16 different and in different areas and operate a  
17 little different than each other, so one band might  
18 take a certain time, another band another time.  
19 It's just, it's different for each band.

20 Q. And I understand that the bands are not  
21 all exactly the same location so of course if  
22 they're in a different part of the mountain range  
23 it's going to be a different distance between where  
24 they start off and where they end up. What's the  
25 general range of time that it takes the sheep to



1 make the walk from their summer range in the  
2 mountains to the winter range in the desert?

3 A. It's still very hard for me to say, and  
4 the nonbreeding band is much different than the  
5 breeding band, so they operate a little bit  
6 different so it's just -- and they go to different  
7 areas, so I don't really know.

8 Q. The nonbreeding band can move more  
9 quickly since they don't have lambs?

10 A. Well, the breeding bands don't have lambs  
11 for most of the year.

12 Q. And for either breeding or nonbreeding  
13 you can't give any estimate of, of the least amount  
14 of time it may take the sheep to move from the  
15 mountains to the desert or the longest amount of  
16 time it may take a band of sheep to move from the  
17 mountains to the desert?

18 A. I don't know how that works very well  
19 because as I understand it they graze as they go,  
20 and there is some areas that they might have to have  
21 to get through faster than other areas. There's  
22 some that they purposely stay a little longer in,  
23 and so that, those logistics are something that I'm  
24 not really familiar with. I just know it's very  
25 different for each band and each area because you're

1 have reworded I'd be happy to do that.

2 A. Divided or available, which one.

3 MS. WEBBER: I didn't say divided.

4 Can the court reporter please read back  
5 my last question?

6 THE COURT REPORTER: I don't know. My  
7 paper is very, my ink is very thin, I mean.

8 MS. WEBBER: Okay. I'll start over.

9 Q. Are herders on the range always provided  
10 with horses?

11 A. Can you please tell me what you mean by  
12 always?

13 Q. A hundred percent of the time.

14 A. I think it varies.

15 Q. Okay. And what does it vary based upon?

16 A. As we were talking earlier in the  
17 deposition sometimes there's more than one herder in  
18 the bands and maybe one herder, I don't really know  
19 if he, if both need the horses at the same time or  
20 if there's occasionally one might not have one for a  
21 period for whatever reason because he doesn't need  
22 it.

23 Q. You don't, you just don't know; is that  
24 fair?

25 A. Well, I think it's hard to say. I think



1 it would be hard to say a hundred percent of the  
2 time because I think situations just change.

3 Q. Under what circumstances would a herder  
4 out on the range not have need of a horse?

5 A. Maybe he can get the job done without it.

6 Q. But you don't know if there are  
7 circumstances where a herder doesn't need a horse to  
8 get their job done?

9 A. I'm just trying to think about my  
10 experiences when I've been to sheep camp, and I know  
11 how many men are there, and I'm not sure if there's  
12 always the same amount of horses.

13 Q. Okay. Have you ever been to a sheep camp  
14 where there were not any horses?

15 A. I, I, yes.

16 Q. Okay. And when have you been to a sheep  
17 camp where there were no horses provided for the  
18 herders?

19 A. I'm pretty sure that the nonbreeding band  
20 herder does not always have a horse.

21 Q. Okay. Is the nonbreeding band stationary  
22 or do they move around between summer in the  
23 mountains and winter in the desert the way the  
24 breeding bands do?

25 A. I'd say it varies. They're in areas for

1 a certain amount of time and then they move to  
2 another area later.

3 Q. And so when they have to move is the  
4 herder walking the entire distance then?

5 A. I guess if he does not have a horse.  
6 It's not necessary, it's not necessarily needed, and  
7 he would walk with the sheep.

8 Q. But on your, in your attachment to your  
9 declaration or in your declaration itself you  
10 described horses as typically being provided,  
11 correct?

12 A. Let me look at that. (Witness does so.)

13 I don't see the word typically.

14 Q. What were you describing in your  
15 declaration?

16 A. That we supply herders with horses.

17 Q. Okay. So would you say you supply  
18 herders with horses if you only occasionally  
19 provided herders with horses or were you intending  
20 to describe the typical situation of how you  
21 operate?

22 MS. WINOGRAD: Object to the form of the  
23 question.

24 THE WITNESS: Could you please ask me the  
25 question again?



1 MS. WEBBER:

2 Q. Would you have said that you provide your  
3 herders with horses if it was unusual or atypical  
4 for you to provide them with horses?

5 A. I said that we supply herders with horses  
6 because it's a common enough practice to state that.

7 Q. So it's fair to say that you commonly  
8 provide herders with horses?

9 A. Commonly.

10 Q. Okay. But commonly is less frequent than  
11 typically? Is that a distinction you're trying to  
12 make?

13 A. I don't understand the question.

14 Q. I -- you objected to my phrasing as  
15 typically provide them with horses. You agreed that  
16 you commonly provide them with horses, and I'm  
17 trying to understand if I should draw a conclusion  
18 about the frequency with which they're provided  
19 horses based on your preference for the word  
20 commonly or typically.

21 A. No, I did not oppose to your word of  
22 typically, so to speak. I said that I -- you stated  
23 that I had written it in my declaration, and I was  
24 just clarifying for the record that that word  
25 typically was not in my declaration.

1 pressing deposition on my mind, and I didn't even  
2 think to try to remember anything else.

3 Q. That's totally fine, just I sometimes  
4 find that after a break people come back with  
5 something else they want to add, and so I wanted to  
6 make sure I gave you the chance to do that.

7 With respect to the herders who are out  
8 on the range, if they had a need to go into town,  
9 and I think you did mention that that occasionally  
10 happens, they would need transportation from David  
11 or you or somebody else to get from being out on the  
12 range into town; is that correct?

13 A. Yes.

14 Q. All right. So you or you or your husband  
15 would know if one of the herders was leaving their  
16 post on the range to go into town, correct?

17 A. No.

18 Q. Okay. Why is that?

19 A. When they abscond we do not know about  
20 it.

21 Q. Okay. And I'm not referring to  
22 absconding in terms of actually abandoning their job  
23 and leaving you, but if they were to with approval  
24 go into town for an afternoon or for the day, that's  
25 something that you or David would be aware of?



1           A.    David and I are the only ones that have  
2   ever transported them from the range to town.

3           Q.    Okay. And how often over the course of a  
4   year would a herder ask to leave the range and go  
5   into town?

6           A.    It varies between each herder.

7           Q.    Right, so what's the range? Are there  
8   some who never ask?

9           A.    Well, that's not necessarily true because  
10   I've had to take them all into the bank even if they  
11   ask or not, and some of 'em have different needs  
12   than others, so it varies.

13          Q.    Right, so I'm just trying to get the  
14   range, so when you said that all of them have had to  
15   go to the bank, is that something that you have to  
16   do on a periodic basis or is it something they just  
17   have to do once?

18          A.    It's hopefully not very often because  
19   it's difficult, but it's not something that we do  
20   consistently as far as banking.

21          Q.    Okay. And because you said that all of  
22   them had to do it I wasn't sure if that meant that  
23   it was just sort of a routine, you know, at the  
24   start of the year they have to go set up a bank  
25   account or something like that, so would you say

REPORTER'S CERTIFICATE

STATE OF NEVADA )

) ss

COUNTY OF CLARK )

I, Margie L. Carlson, CCR No. 287, do hereby  
certify:

That I reported the taking of the deposition  
of the witness, BONNIE LITTLE, commencing on July 8,  
2021, at the hour of 9:09 a.m.

That prior to being examined, the witness was  
duly sworn to testify to the truth and that I  
thereafter transcribed said stenotypy notes and said  
deposition is a complete, true, and accurate  
transcription of said stenotypy notes taken down at  
said time.

The witness and/or a party has requested to  
read and sign the deposition transcript.

I further certify that I am not a relative or  
employee of any party involved in said action, nor a  
person financially interested in the action.

Dated at Las Vegas, Nevada, this 14th day  
of July, 2021.

Margie L. Carlson

Margie L. Carlson

CCR No. 287



**EXHIBIT 26**

**FILED UNDER SEAL**

**EXHIBIT 26**

RA 01758



Deposition of:  
**Hank Dufurrena**

*August 6, 2021*

In the Matter of:  
**Castillo, Abel Cántaro v. Western  
Range Association**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO, on  
behalf of himself and those  
similarly situated,  
Plaintiff,

Case No.:

3:16-cv-00237-RCJ-CLB

vs.  
WESTERN RANGE ASSOCIATION,  
Defendants.

\_\_\_\_\_ /

VIRTUAL ZOOM/TELEPHONIC

FRCP 30(b)(6) DEPOSITION OF DUFURRENA SHEEP COMPANY,

REPRESENTED BY HANK DUFURRENA

Friday, August 6, 2021

Reno, Nevada

Reported by:

Michelle C. Johnson, RPR-CRR

NV CCR 771, CA CSR 5962

Job No. 4684477

BE IT REMEMBERED that, pursuant to the laws governing the taking and use of depositions remotely, and on Friday, August 6, 2021, commencing at 9:00 a.m. thereof, from Reno, Nevada, by way of virtual Zoom/telephonic appearance, before me, MICHELLE C. JOHNSON, a Certified Court Reporter in the States of Nevada and California, virtually appeared HANK DUFURRENA, called as a witness by the Plaintiff.

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HANK DUFURRENA

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## INFORMATION TO BE SUPPLIED

(None)

## INSTRUCTIONS NOT TO ANSWER

(None)

1           Q. If you go to page 10 of the PDF, which is  
2 Bates No. 8235. At the top there it says "Addendum."  
3 Can you see that?

4           A. Yes.

5           Q. And then it looks like maybe it got cut off a  
6 bit, but it says "of alcohol, illegal drugs or misuse  
7 of prescription medication is cause for termination."

8                   Are your herders allowed alcohol?

9           A. No.

10          Q. No.

11                   And is that because alcohol may impair their  
12 ability to be available to respond to emergency the  
13 sleep may encounter?

14          A. No.

15                   MS. WINOGRAD: Objection to the form of the  
16 question and lack of foundation.

17 BY MS. REIF:

18          Q. No.

19                   Why is it that they're not allowed to have  
20 alcohol?

21          A. I just don't allow alcohol on my ranch, so  
22 that's how it is.

23          Q. Are they allowed alcohol while they are on  
24 the range, not on the ranch?

25          A. No.

1 A. At their camp.

2 Q. Uh-huh. Is there anyone else besides you who  
3 goes to check on the herders?

4 A. There's other people that go by and visit  
5 with them a lot, yeah.

6 Q. And who would that be?

7 A. The cowboys, my cousins. I don't know, could  
8 be many people. That's a question there.

9 Q. But those people who are visiting are  
10 visiting in their personal capacity and not to help  
11 you in any way, correct?

12 A. Yeah, most of the time. Yes, I would say so.

13 Q. Understanding that there are usually two  
14 herders on each of your bands, for the majority of the  
15 time, are those two herders just those two herders and  
16 no one else is there?

17 A. Yeah, for the majority of the time, they are.

18 Q. Okay.

19 A. But -- I'm sorry.

20 Q. I'm sorry; I cut you off.

21 MS. WINOGRAD: You can finish your answer.

22 THE WITNESS: So the two herders are in camp  
23 in the same camp most of the time, yes, that's it.  
24 They don't necessarily -- are herding, one of them  
25 might be off fishing or something else. But, yes,

1       they're there.

2       BY MS. REIF:

3             Q.   Okay.  Is it your expectation that both  
4       herders will stay with the sheep the majority of the  
5       time?

6             MS. WINOGRAD:  Objection to the form of the  
7       question as to "stay with the sheep."  I don't know  
8       what that means and I don't know if Mr. Dufurrena does  
9       either.

10            THE WITNESS:  No, I don't.  Explain yourself  
11       a little better, please.

12       BY MS. REIF:

13            Q.   Yeah.  Is it your expectation that for the  
14       majority of the time both of your herders will stay  
15       with the sheep or at the campsite as opposed to going  
16       somewhere else?  For example, fishing.

17            MS. WINOGRAD:  I'm going to make an  
18       additional objection to "the majority of the time"  
19       because I don't know what you're talking about there.

20            MS. REIF:  Majority does mean more than 50  
21       percent.

22            MS. WINOGRAD:  Of what period of time?

23            MR. HALL:  I object, vague and ambiguous as  
24       to the time.

25            THE WITNESS:  Okay, so, no, I don't expect



1 the herders to be there -- actually, they're with the  
2 sheep a small amount of the time. But they could be  
3 in the camp or off fishing or whatever. Their time  
4 with the sheep is pretty limited, especially in the  
5 summer and the winter, the fall.

6 BY MS. REIF:

7 Q. To be precise, my question was if they were  
8 with the sheep or at the campsite. So for the  
9 majority of the time, do you expect them to be there,  
10 both of them, as opposed to off fishing or any other  
11 activity they might do?

12 A. No, I do not expect them -- they can do as  
13 they wish as long as they take care of the sheep. And  
14 they know that.

15 Q. Okay.

16 A. And that could be one guy very easily.

17 Q. Have you given them any instructions about  
18 when it is appropriate for one of the herders to go  
19 fishing or do some other activity?

20 A. No, ma'am. They're farther along than that.

21 Q. You leave it up to their judgment?

22 A. Yes, I do.

23 Q. Okay. Have you ever come to check in on the  
24 herders and the sheep and find that neither herder was  
25 there?

1 MS. WINOGRAD: I'm going to object to the  
2 form of the question. I don't know what you mean by  
3 "there."

4 THE WITNESS: I do not understand it either,  
5 so...

6 BY MS. REIF:

7 Q. When you come to the campsite and wherever  
8 the sheep are, be it right next to them or half mile  
9 or however far away they are, have you ever come to  
10 check in on your two herders and the sheep and could  
11 not find the herders?

12 A. I wouldn't say couldn't find them, but maybe  
13 they weren't -- they probably weren't with the sheep.  
14 They might have been off on a hill talking on the cell  
15 phone or visiting the other herders next by or  
16 something. I could say that. But everything is under  
17 control pretty easy.

18 Q. Okay. So to be clear, you have no problem  
19 with your herders going to visit the other herders at  
20 the other band, if it's nearby?

21 A. No, definitely they can do that.

22 Q. Okay. Have you ever gone to the campsite to  
23 check on the herders and the sheep and found that some  
24 of the sheep had wandered away?

25 A. Not to a point -- no, that doesn't really

1       happen. My guys are good, so they know the job is  
2       pretty basic.

3               Q. If part of the herd were to wander away,  
4       would it be the herder's responsibility to go locate  
5       those missing sheep?

6               MS. WINOGRAD: I'm going to object to the  
7       form of the question in terms of "wander away" and  
8       some of the sheep wandering away. But if he can --

9               THE WITNESS: If I was to go to the campsite  
10      and the sheep wandered away, I would probably put them  
11      back myself. But that doesn't happen. They're pretty  
12      well under control.

13      BY MS. REIF:

14              Q. Okay. Your herders are required to have some  
15      experience before they come to work for you, correct?

16              A. Correct.

17              Q. Do you give them any training when they first  
18      arrive to be herders for you?

19              A. Yeah, I do.

20              Q. What kind of training do you give them?

21              A. So I talk with them, and all the new guys  
22      usually herd with another guy for quite some time just  
23      to understand how it goes.

24              Q. How long is "quite some time"?

25              A. Maybe a year until they get it. Yeah. Until

1 I'm comfortable with them. That is my whole career  
2 with them.

3 Q. Right. And you said previously that you  
4 always have two herders on a band. So when you put  
5 one herder with an experienced herder to train them  
6 for up to a year, is that what you are describing?

7 A. Yes. I don't always have two in a band. You  
8 misunderstood me there. Sometimes --

9 Q. I did, sorry.

10 A. Most of the time.

11 Q. What times of the year do you have two  
12 herders on a band?

13 MS. WINOGRAD: Object to the form of the  
14 question.

15 Have at it, Hank.

16 THE WITNESS: So it's not -- that could be  
17 maybe a week any time of the year or something  
18 different. There's no standard there.

19 BY MS. REIF:

20 Q. Okay.

21 A. It takes one person to run the band pretty  
22 much. They usually have two, mainly for safety, my  
23 concerns. It's a -- yeah.

24 Q. Okay, I'm sorry I misunderstood you before.  
25 To be clear, for the majority of the time, there are

1 two herders on each band?

2 A. There you go.

3 Q. Great, thank you.

4 So we spoke about training and putting a  
5 herder with a more experienced herder. In addition to  
6 that, are there particular instructions you give to  
7 your new herders to acclimate them to how you run your  
8 operation?

9 A. We visit and talk about how we do things all  
10 the time. And that's what it takes. I always visit  
11 with them and we talk about what we're doing, so...

12 Q. Are there any specific instructions that you  
13 usually give them about your expectations for herding?

14 A. I wouldn't know how to answer that. Like I  
15 say, we visit about it.

16 Q. Okay.

17 A. Just --

18 Q. I'm sorry. Did I cut you off?

19 A. No.

20 Q. Okay. Sometimes I get some feedback on these  
21 (indicating).

22 Do you give your herders any instructions  
23 about how quickly they should respond to an emergency  
24 with the sheep? For example, a wildfire or a predator  
25 attack.

1 MS. REIF: Thank you, Ellen. We knew what we  
2 meant.

3 THE WITNESS: I was in trouble.

4 BY MS. REIF:

5 Q. So according to your declaration, lambing  
6 happens in March and early April. What are your  
7 herders' responsibilities during lambing?

8 A. That varies quite a bit. They all have a  
9 little bit different jobs through there. But we move  
10 the lambs into the barn. Some of them feed them, some  
11 of them watch the different ones. There's a big  
12 variance in there of what they do.

13 Q. Do you have a day crew and a night crew?

14 A. Yes, I do.

15 Q. Okay. How many on the day crew versus the  
16 night crew?

17 A. They're all on the day crew except one, maybe  
18 two a night. When I say "crew," I mean a couple hours  
19 a night. They don't stay all night with the sheep.

20 Q. To be clear, the night crew does not stay up  
21 all night?

22 A. No.

23 Q. Okay. So what they do is they attend to the  
24 sheep at night for two hours; is that right?

25 A. No, probably four hours, couple hours at 9

1 o'clock, and couple hours at 3:00 and then -- 3:00 or  
2 4:00 -- and that's where they -- that's how they do  
3 it.

4 Q. When they are attending to the sheep at  
5 night, what are they doing?

6 A. As the ewes lamb, they take --

7 MS. WINOGRAD: I'm going to object to the  
8 form of the question. Sheep -- what are the sheep  
9 doing or what are the herders doing?

10 MS. REIF: The herders.

11 THE WITNESS: So they lead the ewes into the  
12 barn and put them in little corrals, and that's  
13 basically what they do. Look them over.

14 BY MS. REIF:

15 Q. Sure. Do they assist the ewes in giving  
16 birth or is that something the ewe handles on her own?

17 MS. WINOGRAD: I object to the form of the  
18 question and the word "assist."

19 THE WITNESS: Yeah, it's possible they could,  
20 if they need it, yes.

21 BY MS. REIF:

22 Q. Okay. How often would you say a ewe needs  
23 assistance giving birth?

24 A. Maybe one a night, but that could take five  
25 minutes, maybe.

1 MS. WINOGRAD: Yes.

2 MR. HALL: We've avoided the interference  
3 pretty well so far today.

4 MS. REIF: Yeah.

5 EXAMINATION

6 BY MR. HALL:

7 Q. Hank, I'm going to ask you just a few  
8 questions. You were asked a couple of questions about  
9 occasions where they might go to town, so I want to  
10 explore that just a little bit. If a herder gets  
11 sick, would you take them to town?

12 A. I always take them to town, yeah. Any  
13 problem, if they're sick, take them to the doctor;  
14 take them to town, get whatever they need, take them  
15 home.

16 Q. And are there any deductions that are made  
17 when that happens?

18 A. We deduct nothing. I never have that I have  
19 been involved.

20 Q. And on occasion, do you take some of the  
21 herders to town for lunch?

22 A. Yeah. If they're not doing anything and they  
23 want to go for a ride, we'll go have lunch, get  
24 groceries and visit, drink a beer. Yeah, hunting or  
25 anything else we do.



1 Q. And are there any deductions for that?

2 A. No, they're all on pay.

3 Q. On occasion, do you take them to Walmart for  
4 shopping?

5 A. Yeah, I do.

6 Q. And are there any deductions from their pay  
7 for that?

8 A. No.

9 Q. I understand you recently had a big horn  
10 sheep tag. Is that correct?

11 A. Yes, it is.

12 Q. Did any of your herders go with you and scout  
13 and just observe what you were doing with that?

14 A. So, yeah, they like to. They're interested  
15 in all that, so, sure, they jump in and go for the  
16 day, and they love it. If they're not doing something  
17 else, they're happy to go. And we have a good time.

18 Q. Were there any deductions for the times that  
19 various herders were with you for that?

20 A. No, I don't deduct them for anything.  
21 They're somewhat family for me, so...

22 Q. And do they on occasion have dinners with  
23 your family at the ranch?

24 A. Yes, they do. When they're there, they  
25 always come have Christmas dinner with us whenever

1 they're around. Or maybe it's their birthday, I'll  
2 have them down to the house for dinner. Ginny's a  
3 good cook.

4 Q. And are there any deductions taken --

5 A. No.

6 Q. -- from their pay for any of those?

7 A. No deductions.

8 Q. Megan asked you a question about whether they  
9 would be expected to stay at the camp. Do you recall  
10 that line of discussion?

11 A. Yes.

12 Q. I'm going to explore that for just a little  
13 bit. You had also told us that your herders are in  
14 relatively close proximity to the other band. Is that  
15 correct?

16 A. Most of the time, yes.

17 Q. Okay. And you had told us that it was  
18 permissible for them to go over and visit with each  
19 other?

20 A. Oh, all the time, yeah, they do, regular.

21 Q. I want to combine those two things. For  
22 example, would it be permissible or is there any  
23 reason a herder couldn't go over and stay the night at  
24 the other camp and visit with his cronies?

25 A. No, as long as one of them is around to watch

1 opinion. And they do quite a lot of that to visit  
2 their home, they visit their families and all that.  
3 So that's definitely not considered working in my  
4 opinion. But I do pay for their cell phone and their  
5 wage.

6 BY MS. WINOGRAD:

7 Q. Has the Department of Labor ever cited you  
8 for failure to pay an incorrect (sic) wage?

9 A. No.

10 Q. Has the Nevada Department of Labor -- I'm  
11 sorry, the labor commissioner in Nevada ever cited you  
12 or investigated you for failure to pay an incorrect  
13 (sic) wage?

14 A. No.

15 MS. REIF: Objection, calls for speculation.

16 THE WITNESS: No, I have never had an issue  
17 there, no.

18 BY MS. WINOGRAD:

19 Q. You said something that every operation is  
20 different. What did you mean by that?

21 A. Each one of us run a completely different  
22 operation. Some people lamb outside, inside. I  
23 run -- I'm very hands on with my guys, and it's a  
24 smaller, richer piece of country, so I don't cover the  
25 areas that a lot of them do. And in that sense, it's

1 easier.

2 I handle my sheep different. They camp right  
3 in the camp. That's one reason it's not a -- they're  
4 not out there chasing sheep all the time. My sheep  
5 stay right there. Not many people do it that way. We  
6 move tent and burro right to the spot the sheep camp,  
7 so that's how I say I'm different.

8 Q. Would you agree with me that because of these  
9 differences in operations, the herder duties are  
10 different?

11 MS. REIF: Objection, foundation.

12 THE WITNESS: Yeah, they're very much  
13 different. They don't have to get on horse and ride  
14 to the sheep or any of that in my operation. They're  
15 right there. So there's a lot of differences.

16 MS. WINOGRAD: That's all I have. Thank you.

17 MS. REIF: I have just a few more.

18 FURTHER EXAMINATION

19 BY MS. REIF:

20 Q. Just now Ellen was asking you about different  
21 times in which your sheep are in the desert or in the  
22 mountains or in rocky areas, and she asked if the  
23 duties are different, and I believe you responded yes.

24 What do you mean by that?

25 A. In the wintertime, you have the -- so the

REPORTER'S DECLARATION

STATE OF NEVADA )  
 ) s:  
 COUNTY OF CLARK )

I, Michelle C. Johnson, CCR 771, declare as follows:

That I reported virtually the taking of the deposition of the witness, HANK DUFURRENA, commencing on Friday, August 6, 2021 at 9:00 a.m.

That prior to being examined, the witness was by me virtually duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I simultaneously transcribed my said shorthand notes into typewriting via computer-aided transcription, and that the typewritten transcript of said deposition is a complete, true, and accurate transcription of said shorthand notes taken down at said time. That prior to completion of the proceedings, review of the transcript pursuant to FRCP 30(e) was requested.

I further declare that I am not a relative or employee of any party involved in said action, nor a person financially interested in the action.

Dated: August 23, 2021.

*Michelle C. Johnson*

Michelle C. Johnson, RPR-CRR, CCR No. 771

**EXHIBIT 27**

**FILED UNDER SEAL**

**EXHIBIT 27**

RA 01779



Deposition of:  
**Ira Wines - 30(b)(6)**

*June 2, 2021*

In the Matter of:  
**Castillo, Abel Cántaro v. Western  
Range Association**

**Veritext Legal Solutions**  
800-734-5292 | [calendar-dmv@veritext.com](mailto:calendar-dmv@veritext.com) |



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO, on  
behalf of himself and those  
similarly situated

Plaintiffs

Case No.:

vs.

3:16-cv-00237-RCJ-CLB

WESTERN RANGE ASSOCIATION

Defendants

TELEPHONIC FRCP 30(b)(6) DEPOSITION  
OF ELLISON RANCHING COMPANY,  
REPRESENTED BY IRA WINES  
Wednesday, June 2, 2021  
Tuscarora, Nevada

Reported by:

Michelle C. Johnson, RPR-CRR

NV CCR 771, CA CSR 5962

Job No. 4614126

Pages 1 - 115



1 BE IT REMEMBERED that, pursuant to the laws  
2 governing the taking and use of depositions remotely,  
3 and on Wednesday, June 2, 2021, commencing at  
4 9:11 a.m. thereof, from Tuscarora, Nevada, by way of  
5 telephonic appearance, before me, MICHELLE C. JOHNSON,  
6 a Certified Court Reporter in the States of Nevada and  
7 California, telephonically appeared IRA WINES, called  
8 as a witness by the Plaintiffs.

9 TELEPHONIC APPEARANCES:

10 For the Plaintiffs:

11 MEGAN REIF  
12 CHRISTINE E. WEBBER  
13 Attorneys at Law  
14 COHEN MILSTEIN SELLERS & TOLL PLLC  
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16 Suite 500  
17 Washington, DC 20005  
18 202.408.4600  
19 mreif@cohenmilstein.com  
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21 For Defendant, Western Range Association:

22 ELLEN WINOGRAD  
23 Attorney at Law  
24 WOODBURN AND WEDGE  
25 600 Neil Road  
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For Third Party Ranches and the Witness:

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-and-

TELEPHONIC APPEARANCE (CONTINUED):

LOUIS TEST

Attorney at Law

HOFFMAN & TEST, PC

429 Plumb Lane

Reno, Nevada 89509

775.322.4841

office@htag.reno.nv.us

1 year.

2 Q. And does every herder get two weeks' paid  
3 vacation?

4 A. Yes.

5 Q. And then the next two columns, it says  
6 "Bonus" and then it says "Christ..." Does "Christ"  
7 expand for Christmas?

8 A. Yes.

9 Q. I see there is one entry in the Bonus column  
10 and the rest of the entries are in the Christmas  
11 column.

12 What is the difference between those two  
13 columns?

14 A. I don't know.

15 Q. Is it Ellison Ranching Company's practice to  
16 pay Christmas bonuses?

17 A. Yes.

18 Q. How do you determine if someone gets a  
19 Christmas bonus?

20 A. By what caliber of employee they are and how  
21 many years they've been with us.

22 Q. Does everyone get a Christmas bonus?

23 A. Yes.

24 Q. Looking at this column, it looks like there  
25 are a few that have zeros.

1 Q. What about during downtime?

2 MS. WINOGRAD: Object to the form of the  
3 question. I'm not sure, based on his testimony, what  
4 "downtime" is.

5 BY MS. REIF:

6 Q. Fair enough. Is there any time that herders  
7 are allowed alcohol?

8 A. No.

9 Q. Okay.

10 A. But that's not to say that -- I'm not with  
11 them all the time. They're grown men. What they have  
12 access to, I don't -- I can't control that.

13 Q. I understand. Is the reason they're not  
14 allowed alcohol because it could impair their judgment  
15 while they're supposed to be on call with the sheep?

16 A. That and -- yes. Alcohol creates a lot more  
17 problems than just that.

18 Q. Understood.

19 If you go down to No. 16, the job  
20 description. If you could just take a moment to read  
21 that first paragraph to yourself.

22 A. This is in E, as in echo?

23 Q. Yes.

24 A. Mine ends at 13. Okay. All right.

25 Q. It's the third page, I believe. At the

1 A. Yes.

2 Q. From the winter range. Sorry.

3 A. Yes.

4 Q. How long does that take?

5 A. There's one band that takes -- it takes about  
6 seven days to get them there.

7 Q. Okay. What about the other bands?

8 A. They're within three days.

9 Q. Okay. You said there were five bands during  
10 the winter, correct?

11 A. Yes.

12 Q. So four of them are three days away?

13 A. Four -- one band that stays right there close  
14 during the winter, right there close to Fish Creek.

15 Q. Okay. So if we move on to lambing season,  
16 does lambing season take place after shearing?

17 A. Yes.

18 Q. And is that in the same location?

19 A. There is one band we lamb right there at Fish  
20 Creek inside. The rest of them are lambed out on the  
21 range which, oh, it's within 30 miles of there.

22 Q. Okay. So approximately how many are lambing  
23 in the shed?

24 A. 1400.

25 Q. Okay. How many herders do you need to assist

1 with the shed lambing?

2 A. Six.

3 Q. What are the duties of herders assisting with  
4 shed lambing?

5 A. There is a day crew and a night crew. It's  
6 ewes that are having their first lambs and they  
7 require quite a bit more help because they have never  
8 done it before, they don't know what -- they get  
9 scared and don't know what's going on. So it  
10 requires -- they require more help, that's why we lamb  
11 them inside so we can watch them closer. So we split  
12 the crew up into daytime and nighttime.

13 Q. Okay. So is it like 12 hours for the day  
14 crew, 12 hours for the night crew?

15 A. Yeah. Not --

16 Q. Does the night crew stay up all night or do  
17 they wake up if there is a sound?

18 MS. WINOGRAD: I'm sorry. He didn't finish  
19 his answer.

20 MS. REIF: Oh, I'm sorry.

21 THE WITNESS: The 12 hours is probably split  
22 a couple of times. Morning duties, afternoon duties.

23 BY MS. REIF:

24 Q. Okay.

25 A. We feed sheep --

REPORTER'S DECLARATION

STATE OF NEVADA )  
 ) s:  
 COUNTY OF CLARK )

I, Michelle C. Johnson, CCR 771, declare as follows:

That I reported telephonically the taking of the deposition of the witness, IRA WINES, commencing on Wednesday, June 2, 2021 at 9:11 a.m.

That prior to being examined, the witness was by me telephonically duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I simultaneously transcribed my said shorthand notes into typewriting via computer-aided transcription, and that the typewritten transcript of said deposition is a complete, true, and accurate transcription of said shorthand notes taken down at said time. That prior to completion of the proceedings, review of the transcript pursuant to NRCP 30(e) was requested.

I further declare that I am not a relative or employee of any party involved in said action, nor a person financially interested in the action. Dated June 16, 2021.

*Michelle C. Johnson*

Michelle C. Johnson, RPR-CRR, CCR No. 771

**EXHIBIT 28**

**FILED UNDER SEAL**

**EXHIBIT 28**

RA 01789





Deposition of:  
**Nicholas Etcheverry 30(b)(6) Eureka**  
*July 12, 2021*

In the Matter of:  
**Castillo, Abel Cántaro v. Western  
Range Association**

**Veritext Legal Solutions**  
800-734-5292 | [calendar-dmv@veritext.com](mailto:calendar-dmv@veritext.com) |

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

-----:

ABEL CANTARO CASTILLO on :

behalf of himself and those :

similarly situated :

Plaintiffs :

vs. : Case No.:

WESTERN RANGE ASSOCIATION : 3:16-CV-00237-

Defendant : RCJ-CLB

-----:

Remote Zoom Deposition of

EUREKA LIVESTOCK, LLC

Washington, D.C.

Monday, July 12, 2021

2:00 p.m.

Job No. PA-4684450

Pages 1 - 135

Reported by: Robert M. Jakupciak, RPR

1  
2 Remote Zoom Deposition of NICHOLAS T.  
3 ETCHEVERRY, held via Zoom Video Conference, at the  
4 offices of:

5 Veritext - Washington, D.C.  
6 1250 Eye Street, N.W.  
7 Washington, D.C.  
8

9 Pursuant to Notice, before Robert Michael  
10 Jakupciak, RPR, a Notary Public in and for the  
11 District of Columbia, when were present on behalf of  
12 the respective parties:  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

A P P E A R A N C E S

On behalf of the Plaintiffs:

MEGAN REIF, ESQUIRE

CHRISTINE E. WEBBER, ESQUIRE

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On behalf of the Defendant:

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A P P E A R A N C E S

On behalf of the Witness:

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Simons Hall Johnston

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Reno, Nevada 89509

(775) 785-0088

shjnevada.com

ALSO PRESENT: Monica Youree

1 over.

2 Q Okay. Can you tell me in broad strokes  
3 how you described the job description for a lamber?

4 A Well, it would be in California would be  
5 the lamber.

6 Q The entire time?

7 A The entire time.

8 Q Okay. Then I'm not interested in that.  
9 How about for the herder or summer herder I think  
10 you said?

11 A For the summer herder?

12 Q Uh-huh.

13 A So the job description for him would be he  
14 has got to get up in the morning with the sheep, go  
15 two to three hours, feed them, bring them down the  
16 water. Goes back to his camp, hangs out there.  
17 Goes back in the afternoon two to three hours, late  
18 evening. And I mean they are herding the sheep, you  
19 know, keeping them away from some poisonous plants  
20 during the time that they are herding them, and, you  
21 know, they have got to watch my dogs, because they  
22 have probably got four dogs. If one is sick, if

1 different amounts?

2 A No. No. Those last two years I've been  
3 paying what we are supposed to pay.

4 Q Got it. And it looks like the pay records  
5 do not include January through April. Are you in  
6 California in January through April?

7 A Yes.

8 Q Okay. Got it. Do you recall that from  
9 2010 to 2013 Western Range offered health insurance  
10 to the herders?

11 A I do.

12 Q Okay. After 2013 did Eureka ever offer  
13 health insurance to the herders?

14 A We did not.

15 Q That covers that. Moving right along. I  
16 would like to mark exhibit, I think we are on five,  
17 which is Document D, as in dog.

18 (Eureka Exhibit Number 5

19 was marked for identification.)

20 A That's a big one.

21 Q It is. We won't look at every page.

22 Don't worry.

1 anticipated period of employment. That's August 1,  
2 2014 to July 31, 2015. Do you see that?

3 A I do.

4 Q I just want to make sure we are on the  
5 same time, we understand what time period this  
6 document refers to, 2014, 2015.

7 And then below that, box eleven says  
8 anticipated hours of work, and it says, "on call for  
9 up to 24 hours per day, seven days per week." Is  
10 that -- sorry.

11 A I see that.

12 Q Is that consistent with your expectations  
13 for your herders?

14 A No.

15 Q Can you elaborate on that?

16 A I don't -- are we talking about -- what  
17 are we talking about?

18 Q Is it your expectation that your herders  
19 are on call for up to 24 hours, seven days per week  
20 to respond to the needs of the sheep?

21 A Not really at night, no. I don't -- they  
22 don't go back to them. The sheep are far away. How



1 are they going to know anything. That's why I have  
2 the dogs.

3 Q How far away are the herders from the  
4 sheep?

5 A A mile.

6 Q A mile. If there were some sort of  
7 emergency, would it still be your expectation that  
8 they would be on call at night to respond to that?

9 MS. WINOGRAD: Objection. Asked and  
10 answered.

11 A Okay. Yeah. No. I would, the only thing  
12 I would think is if there is a fire, and then their  
13 life is at risk probably more, you know.

14 Q Right.

15 A That would probably be the only thing.

16 Q So if there was a fire, it would be your  
17 expectation they would respond to that emergency  
18 regardless of what time it was?

19 A Or call me. Because I'm sure they would  
20 be trying to get themselves, you know. It depends  
21 where they were. If they are in the wilderness,  
22 they have to walk.

1 Q Did they have horses?

2 A One guy has a horse and two mules.

3 Q Okay.

4 A I don't understand why the other guys have  
5 horses. It's just a problem. The men, they are not  
6 that far away. They want to ride their horse over  
7 there. For me it's just the horse gets hurt, you've  
8 lost the horse. It's like a whole thing.

9 Q Okay. So why is it that the herders are  
10 about a mile away from the sheep?

11 A Because I don't camp the herders on the  
12 side of the hill. The sheep tend to go up and sleep  
13 at night up higher. So the sheep are going to be --  
14 and even if you do bed them down and then they go  
15 back. They are not there with them in the dark.

16 If they get there late afternoon, early  
17 evening, as they settle the sheep, the sheep will go  
18 to their spot. Sometimes if it's a little brighter  
19 moon, maybe they move a little higher, they are a  
20 little further away.

21 Q Okay. When you say I don't camp the  
22 sheep, are you the one setting up where the herders

1           Q     Have you given your herders instructions  
2     that they should not respond to emergencies at  
3     night?

4           A     Yeah. I don't even give them guns. Only  
5     one guy has a gun.

6           Q     One guy has a gun?

7           A     Yeah. I mean the dogs are there. The  
8     dogs are barking all the time. So I mean they are  
9     really not going to know if there is something,  
10    because it's -- the dogs bark. The dogs just bark.  
11    If there is a coyote, if there is not a coyote, they  
12    bark.

13          Q     Got it.

14          A     Just as an example, if they're going out  
15    there, it's all dark, it's brush. I have to worry  
16    about my workers comp too. I guy trips on the brush  
17    in the dark; well, what were you doing? Well, I  
18    heard something, you know.

19          Q     So to be clear, have you given them  
20    instructions that if there is a threat from a  
21    predator at night, they should not go out and engage  
22    with that predator?



1           Q    Has Western Range ever approached you  
2 about referring a domestic sheep herder?

3           A    I don't know.

4           Q    All right. That makes it is easy. We can  
5 skip to the next one.

6                   Go down to box 16. It's a job  
7 description. Take a second and read that bold job  
8 description to yourself.

9           A    Okay.

10          Q    Okay. Is that an accurate job description  
11 of the expectations that you have for your herders  
12 at your ranch?

13          A    I mean they don't need to be on call for  
14 24 hours.

15          Q    Is there any other parts of that  
16 description that you would modify or add to?

17          A    Not really.

18          Q    All right. Is there any additional tasks  
19 that you would add to that?

20          A    I don't have them drench the sheep. We  
21 would probably have no drenching.

22          Q    Does someone else do the drenching?

1           A     No. I don't drench.

2           Q     Got it. Okay. Are there any other  
3 additions you would make to that to describe the  
4 expectations for your herders?

5           A     I mean not in Nevada. If it was  
6 California.

7           Q     We don't need to worry about California.

8           A     No. That's good.

9           Q     Great. Do you speak Spanish by chance?

10          A     I do.

11          Q     Okay. Do you see that bottom part of the  
12 Spanish right underneath? There is three asterisks  
13 that starts with "Nota".

14          A     Uh-huh.

15          Q     Do you know what that says?

16          A     Just because I speak it doesn't mean I  
17 read it.

18          Q     So no?

19          A     No.

20          Q     No?

21          A     No. I mean I can guess, because it's in  
22 the same spot where it is right above in English.

1           A     For my operation in Nevada. Other people  
2 stay and lamb and do other things, but that's not --

3           Q     I gotcha.

4           A     If I were to write something, that's how I  
5 would write hours a day.

6           Q     You said, I think you said spring Nevada  
7 summer and I got confused. Spring is in Nevada or  
8 summer is in Nevada?

9           A     Like in Bakersfield April and May is not  
10 spring because it's hot. In Nevada spring -- I mean  
11 and summer is May in Bakersfield. Nevada is April  
12 to May, and then through October.

13          Q     Through October. So lambing happens  
14 before April/May in Nevada; is that right?

15          A     So I don't -- no. We lamb in November.

16          Q     Oh.

17          A     In California.

18          Q     I was totally off on that. November is  
19 lambing?

20          A     Yeah. Christmastime. Like everybody's  
21 Christmas Day; nope, I'm out there with the sheep,  
22 castrating lambs. There is nobody on the road at



1 Too many horses, the government doesn't control  
2 them, they need to gather them, they are their  
3 horses. I adopt them. I have 12. We like the  
4 mustangs. I rode one four days ago. They are  
5 tough, nice horses, there are just too many.

6 Q Are your herders allowed alcohol?

7 A They are.

8 Q How do they obtain alcohol?

9 A They could give me money or I will buy it  
10 for them.

11 Q Are there any rules about how much alcohol  
12 they are allowed to drink while tending the sheep?

13 A Well, I will give them some alcohol, maybe  
14 five beers a week. And, you know, they have always  
15 been very good about it. Like I don't really try to  
16 regulate, but I don't think giving five a week, you  
17 know. I guess if they drink them all right there at  
18 that moment, I'm sure they would probably go to bed.  
19 Then I give them wine sometimes. It just depends on  
20 the time of year.

21 Q Okay. You were describing an incident  
22 earlier with a fight with some sheriffs, and I can't



1 MS. REIF: I think those were my follow-up  
2 questions. I don't know if we want to pass off to  
3 Ellen or, Anthony, if you want to go first?

4 (Recessed at 5:02 p.m.)

5 (Reconvened at 5:07 p.m.)

6 BY MR. HALL:

7 Q So we had talked about -- I'm trying to  
8 think of how to rephrase this. We were talking  
9 about in your deposition earlier the bonuses that  
10 you pay.

11 A Yes.

12 Q One of the bonuses that we discussed was  
13 your seniority or longevity bonus that you paid once  
14 they hit three years. Do you recall that?

15 A Yes.

16 Q With regard to that bonus, is that  
17 something you talked to your employees about?

18 A Yes.

19 Q Is that something you felt obligated to  
20 pay?

21 A Yes.

22 Q So did you feel it was discretionary?

1           A     No, I didn't.

2           Q     Turning to when your herders left Nevada,  
3     as I understand the scenario, the herders would  
4     leave Nevada and come to California at different  
5     times; is that right?

6           A     Right.

7           Q     So they weren't all leaving Nevada  
8     simultaneously?

9           A     No. Or coming in Nevada simultaneously.  
10    There was always a little bit of a trickle. You  
11    can't move all the sheep in one day.

12          Q     That's largely because of the way you  
13    handled lambing?

14          A     No. Oh.

15          Q     For leaving.

16          A     So for leaving it's how we handled  
17    lambing, because the feed is so expensive at home.  
18    I would send the sheep as they were going to have  
19    babies. Because there was no point for them to go  
20    eat the expensive alfalfa that's like this tall when  
21    they could be in Nevada not having a baby.

22                But going, it has to do with like trucks.

1 Anthony said?

2 MS. WINOGRAD: Why don't you hold them,  
3 because you might have follow-ups to mine also.

4 MS. REIF: All right.

5 BY MS. WINOGRAD:

6 Q What county or counties does Eureka  
7 operate in in Nevada?

8 A Elko and Eureka County.

9 Q So two different counties?

10 A Two different counties.

11 Q Has Eureka Livestock ever been cited by  
12 the DOL for failure to pay appropriate wages in  
13 Nevada?

14 A No.

15 Q Has Eureka Livestock ever been cited by  
16 the Nevada Labor Commissioner for failure to pay  
17 appropriate wages in Nevada?

18 A No.

19 Q Has Eureka Livestock ever been cited by  
20 the Nevada State Work Force Authority or SWFA, which  
21 is DETR, D-E-T-R, for failure to pay appropriate  
22 wages in Nevada?

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABEL CÁNTARO CASTILLO,

No. 85926

Appellant,

vs.

WESTERN RANGE ASSOCIATION,

Respondent.

---

**RESPONDENT WESTERN RANGE ASSOCIATION'S**  
**APPENDIX VOLUME 9, PART 2**

ELLEN JEAN WINOGRAD, ESQ.

Nevada State Bar No. 815

JOSE TAFOYA, ESQ.

Nevada State Bar No. 16011

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**ATTORNEYS FOR RESPONDENT**  
**WESTERN RANGE ASSOCIATION**

1 UNITED STATES OF AMERICA )

2 SS:

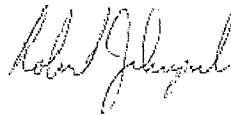
3 DISTRICT OF COLUMBIA )

4 I, ROBERT M. JAKUPCIAK, an RPR and Notary  
5 Public within and for the District of Columbia do  
6 hereby certify:

7 That the witness whose deposition is  
8 hereinbefore set forth, was duly sworn and that the  
9 within transcript is a true record of the testimony  
10 given by such witness.

11 I further certify that I am not related to  
12 any of these parties to this action by blood or  
13 marriage and that I am in no way interested in the  
14 outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand this 22nd day of July, 2021.

17   
18

Robert M. Jakupciak

19  
20  
21 My Commission Expires:

22 February 29, 2024

**EXHIBIT 29**

**FILED UNDER SEAL**

**EXHIBIT 29**

RA 01809



Deposition of:  
**Kristofor Leinassar 30(b)(6)**

*August 26, 2021*

In the Matter of:  
**Castillo, Abel Cántaro v. Western  
Range Association**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO, on  
behalf of himself and those  
similarly situated

Plaintiff

vs.

Case No.:

3:16-cv-00237-RCJ-CLB

WESTERN RANGE ASSOCIATION

Defendant

TELEPHONIC

FRCP 30(b)(6) DEPOSITION OF  
WESTERN RANGE ASSOCIATION  
BY KRISTOFOR LEINASSAR  
LAS VEGAS, NEVADA

VOLUME 1

REPORTED BY:  
KENDALL KING-HEATH  
NEV. CCR NO. 475  
CALIF. CSR NO. 11861  
JOB NO.: 4744626  
PAGES 1 - 140

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO, on  
behalf of himself and those  
similarly situated

Plaintiff

vs.

Case No.:  
3:16-cv-00237-RCJ-CLB

WESTERN RANGE ASSOCIATION

Defendant

Telephonic Deposition of KRISTOFOR  
LEINASSAR, Volume 1, taken on behalf of  
Plaintiff, commencing on Thursday, August  
26, 2021, at 11:01 a.m. The witness  
appeared remotely from Smith, Nevada,  
before Kendall King-Heath, Certified Court  
Reporter for the State of Nevada, No. 475  
and California, No. 11861.

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1 doesn't pertain to his entity?

2 MS. WEBBER: Yes.

3 MS. WINOGRAD: Thank you.

4 (Court reporter asks for clarification)

5 MS. WEBBER: Espil, E-s-p-i-l, John Espil  
6 Sheep Company.

7 BY MS. WEBBER:

8 Q Turning back to Exhibit 3, and if you  
9 have it open, I want to direct your attention about  
10 a third or halfway down the very first page where  
11 it has a question, "Do you use sheep camps all year  
12 or do you pack at some time during the year?" Do  
13 you see that?

14 A What letter was Exhibit 3?

15 Q I'm sorry. C, as in cat.

16 A Okay. I've got the document open. What  
17 page?

18 Q The very first page.

19 A Okay.

20 Q About halfway down the page it has a  
21 question, "Do you use sheep camps all year or do  
22 you pack at some time during the year?" Do you see  
23 that?

24 A Yes.

25 Q It looks like for 2010, the response

1 given was, "Sheep camp for seven months and pack  
2 for five months." Is that consistent with your  
3 recollection of how FIM divided the year in 2010?

4 A Yes, it is.

5 Q Is that something that's pretty  
6 consistent over time, that four or five months out  
7 of the year you have herders packing in tents and  
8 the rest of the time in sheep camp?

9 MS. WINOGRAD: Objection to the form of  
10 the question. It's vague and overbroad.

11 THE WITNESS: Fairly consistent,  
12 depending on any situation we have to deal with  
13 such as fires, but we also do have fixed housing on  
14 our ranch.

15 BY MS. WEBBER:

16 Q And herders are in that fixed housing  
17 during lambing season; is that correct?

18 A Yes.

19 Q And then for most of the rest of the  
20 year, they would be in sheep camps, meaning  
21 something like a trailer; is that correct?

22 A Yes.

23 Q Then for about four or five months out of  
24 the year, depending on exact weather or fire  
25 circumstances, they would be using tents; is that

1 right? That's what it's referring to when it says  
2 "pack"?

3 A Yes.

4 Q Then going about the bottom third or  
5 quarter of that first page of Exhibit 3, do you see  
6 the question, "Do you use open range in more than  
7 one state?"

8 A Yes.

9 Q And this question was answered with an X  
10 next to yes and says, "California, two and a half  
11 months." Is it correct that in 2010, FIM herders  
12 would have spent approximately two and a half  
13 months in California?

14 MS. WINOGRAD: I'm going to object to the  
15 form of the question because using open range and  
16 spending time in California may be two different  
17 things.

18 BY MS. WEBBER:

19 Q Is it your understanding or is it your  
20 recollection, sir, that when your herders were in  
21 California, that they were on the range?

22 A I don't know.

23 Q Okay. Other than during lambing season,  
24 is there any time of the year when you do not  
25 consider your herders to be on the range?



1 of sheep and themselves out of danger of the fire.  
2 And my recollection, that's what that was for.

3 Q So it appears, if we can take just the  
4 first one, it was for \$66 for July 16th to 31st.  
5 If you look to the prior page to the pay period  
6 ending July 31st, there's a little notation of \$66  
7 added to the regular rate of 816, and it looks like  
8 the individual was paid 882.67 for that pay period.  
9 Do you see that?

10 A Yes.

11 Q It looks like each of these is an extra  
12 amount that was added to the individual's pay for  
13 the pay period over and above the salary that they  
14 were regularly paid; is that right?

15 A Yes.

16 Q And why did you decide that the work  
17 involved in leading the sheep away from the fire  
18 would receive additional pay for these hours that  
19 are listed here on Exhibit 7?

20 MS. WINOGRAD: Object to the form of the  
21 question. I think he said trailing the sheep.

22 But go ahead and answer.

23 THE WITNESS: We had followed in the  
24 framework that my grandfather had set up where we  
25 tried to justify above and beyond what a typical

1 eight-hour workday would be and to compensate for  
2 those situations.

3 If there was extra hours added for some  
4 kind of task like that, he still had his job  
5 watching the sheep on the ranch, taking care of  
6 bucks on the ranch, moving -- taking care of sick  
7 and lame sheep on the ranch, moving them to  
8 pastures or fields as needed.

9 Until when something extreme as a fire  
10 happens and you got to have all hands on deck that  
11 are available to get the bands, the men and  
12 everybody to safety, that's what you focus on.

13 And sometimes that ends up adding up more  
14 hours than a typical eight-hour day. And that's  
15 the choice that we had made to compensate our men  
16 for that.

17 BY MS. WEBBER:

18 Q Was there a particular reason that you  
19 chose the 8.25 an hour as the basis for the  
20 additional hours that you compensated?

21 A I believe that was Nevada state minimum  
22 wage at that point.

23 Q And you said this particular individual  
24 was somebody who was otherwise, sounded like based  
25 at the ranch managing, I think you said the bucks

1 or the sick -- yeah, I think you said sick sheep or  
2 problem lambs; is that correct?

3 A And the sheep that we keep here on the  
4 ranch to butcher.

5 Q This individual wasn't, at least for this  
6 particular year, was not somebody who was out on  
7 the range with his own flock, but was instead  
8 managing these different groups of sheep or rams  
9 that you had back at the ranch?

10 A He may have been. He may have been out  
11 on the range assisting a new herder. He may have  
12 been on the range helping someone that is sick or  
13 injured and cannot do the job, or mostly assisting  
14 an inexperienced herder.

15 Q And when a note refers to "trailing  
16 sheep," what is meant by "trailing sheep"?

17 A Moving them from point A to point B over  
18 X amount of days, whatever that may be.

19 Q And does that have the sheep sort of  
20 walking on the trail or does that mean putting them  
21 into trucks and hauling them in trailers? That was  
22 the main thing I wanted to distinguish between.

23 A That means walking them over the ground.

24 Q Thank you. I thought so, but sometimes  
25 we get confused because of references to trailers

1 the trail.

2 So Jaime, as one of our more experienced  
3 herders, he was able to go up there and help  
4 instruct him and show him the trail and get him  
5 through kind of on his first time. I think that  
6 happened later in the summer also.

7 Q So that was for extra hours that he put  
8 in over and above what you would have expected him  
9 for?

10 A Yes.

11 Q Turning to page Exhibit 8, Bates numbered  
12 FIM0012, this is actually for Edgar again. For  
13 this one, if you turn to the page that follows  
14 FIM13, it looks like the notes there relate to the  
15 same individual as we have the payroll detail for  
16 on page FIM12. Am I reading that correctly?

17 A What was the question there? I'm looking  
18 at page 13?

19 Q Am I correct in understanding that the  
20 notes on page 13 relate to the individual whose  
21 payroll detail is on page 12?

22 A Yes.

23 Q So the first note listed is with the date  
24 March 31st, 2020. It says, "Night lambing  
25 compensation." And then when we look at March

1 31st, 2020, pay period on page 12, it looks like he  
2 was paid an extra \$200 for that pay period as  
3 compared to other pay periods. And that would be  
4 the night lambing; is that correct?

5 A Yes. That is the sheepherder or the man  
6 that is in charge, handles the night lambing  
7 position.

8 Q Turning back to page FIM13, there's two  
9 other notes. The first one from April 30th says,  
10 "Coyote bounty (5)."

11 Am I correct in understanding that you  
12 pay your herders a bounty if they kill a predator  
13 like a coyote?

14 A Yes.

15 Q Does the (5) mean he killed five  
16 coyotes?

17 A Yes.

18 Q And that was all in the pay period ending  
19 April 30th, 2020?

20 A It looks like the coyote bounty was in  
21 April 30, 2020, yes.

22 Q Are the bounties -- when you pay those  
23 bounties, do you do it as part of the regular  
24 payroll or do you handle it any differently?

25 A It's not included in payroll. It is

1 a mechanical injury of some sort and could be  
2 dealing with a herder with a broken leg. That is  
3 never a requirement for anything that we ask them  
4 to do.

5 Q What do you do to control predators at  
6 night?

7 A There isn't a whole lot that can be done.  
8 The herder can be alerted of a situation either by  
9 hearing the bells that the sheep wear making some  
10 kind of noise or the dogs barking. And if it's  
11 pitch black dark out there, he can pretty much  
12 stick his rifle out of the tent or the camp and  
13 fire one in the air and assess the situation once  
14 daylight has come.

15 Q So they do have guard dogs?

16 A Yes.

17 Q Would you say your herders are on the  
18 clock 24 hours a day, seven days a week?

19 A Not by any means, no.

20 MS. WEBBER: Objection as to form, as to  
21 the vagueness of what "on the clock" means.

22 BY MR. SNYDER:

23 Q Can you take a look at document E that we  
24 talked about again?

25 A Yes. Let me bring that up.

1           Q     Go to page 5 of that, which is marked at  
2 the bottom WRA009260.

3           A     Okay.

4           Q     That is a list of job duties, and you had  
5 said that there were some additional duties not  
6 listed. And Ms. Webber got into some of those, but  
7 I just wanted to ask you if she had covered all of  
8 them.

9                     Are there additional duties you have for  
10 the herders that were not listed in that job  
11 description that we haven't talked about already?

12          A     Yeah. If someone is not familiar with a  
13 sheep operation and how things can be done, lambing  
14 in general can be pretty vague compared to someone  
15 that lambs openly out on the desert versus somebody  
16 that lambs enclosed in corrals like we do.

17                     So there are some different job duties to  
18 that, as far as preparing jug corrals; cleaning jug  
19 corrals; assessing whether lambs are ready to be  
20 processed and pushed out to the next series of  
21 corrals.

22                     They have to assess whether that lamb is  
23 strong enough and the bond is there between the  
24 lamb and the mother, whether she accepts it or she  
25 wants to butt it away.



1           If they get out in the little alleyway  
2       behind the night shed or in between the next series  
3       of corrals and the relationship and the bond isn't  
4       there, you have to bring them back in and button  
5       them back up into the jug corrals and just kind of  
6       wait for that connection to occur.

7           And it takes being around sheep and  
8       experience with sheep to see that. And you're  
9       experienced herders understand that, have been  
10      trained for that, taught that. So ...

11           (Court reporter asks for clarification.)

12           MS. WEBBER: Jug, j-u-g.

13           THE WITNESS: Jug corrals. They are very  
14      small, just the ewe and her lambs.

15           BY MR. SNYDER:

16           Q     Anything else?

17           A     I think that's it. I mean, like I said,  
18      we kind of spoke about the electric fence and  
19      dealing with that. I think that unless I'm drawing  
20      a blank, that's all I got right now at this point.

21           Q     That's really helpful.

22                   Now, in terms of you said you lamb mostly  
23      in corrals, as far as you know, are there  
24      operations in the state of Nevada, are there sheep  
25      ranchers that lamb on the open range?



1 that you had to replace an absconded herder. Do  
2 you recall that?

3 A Yes.

4 Q What did you mean by "absconded"?

5 A Meaning the herder had broke the  
6 contract, left the sheep in the middle of the  
7 night, and we did not have a replacement to go with  
8 him.

9 Q Is it your understanding, and I'm not  
10 asking for a legal conclusion, but I'm asking for  
11 your understanding that a herder who leaves his or  
12 her employment under the H-2A program and absconds  
13 is in violation of the H-2A visa under which he  
14 came into the United States?

15 MS. WEBBER: Objection. That does call  
16 for a legal conclusion.

17 THE WITNESS: Yes, it is.

18 BY MS. WINOGRAD:

19 Q Do you, from time to time, have occasion  
20 to speak with other member ranch operation  
21 owners?

22 A Not as much as I have in the past. I  
23 have been able to come to some of the Western Range  
24 meetings in the past. I don't think I've been  
25 there for the last couple of years. I've just kind

1 of had my head in what I'm involved with over here  
2 in this operation. So in the past, yes, but not on  
3 a daily means.

4 Q Based upon your past interactions with  
5 other Western Range Association members, was it  
6 your understanding and experience and based on that  
7 contact, that your herders don't necessarily  
8 perform the same duties as other Nevada  
9 sheepherders?

10 MS. WEBBER: Objection. Foundation.

11 THE WITNESS: Yes. And we talk about how  
12 things are going on the ranch, what season, what  
13 days of the season they are in, the dealings of  
14 day-to-day stuff. And what we end up talking  
15 about, there are noticeable difference in our  
16 operations.

17 I mean, just the explanation of what I  
18 got from the transfer alone kind of says that  
19 there's different things happening over there in  
20 California where he came from than what we do and  
21 how we operate.

22 BY MS. WINOGRAD:

23 Q Would you agree with me that within the  
24 state of Nevada even, there are differences based  
25 upon whether an operation is based in, say, the

1 Ruby Mountains versus the Mojave Desert?

2 MS. WEBBER: Objection. Foundation;  
3 calls for speculation.

4 THE WITNESS: The terrain, the feed,  
5 those are all different.

6 BY MS. WINOGRAD:

7 Q And you know that from personal  
8 experience, don't you?

9 A Yes.

10 MS. WINOGRAD: That's all I have. Thank  
11 you.

12 MR. SNYDER: I don't have anything else.

13 MS. WEBBER: I'm sorry. I'm just taking  
14 a minute to think if there's anything I want to  
15 follow up on.

16 FURTHER EXAMINATION

17 BY MS. WEBBER:

18 Q Mr. Leinassar, just a couple of things I  
19 did want to ask you about given some of the  
20 questions that were asked by your counsel and  
21 counsel for Western Range.

22 Are you familiar with the definition of  
23 "on the range" as used in H-2A regulations?

24 A Yes.

25 MS. WINOGRAD: Objection. Calls for a



REPORTER'S CERTIFICATE

I, the undersigned, a Certified Shorthand Reporter of the State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, before completion of the proceedings, review of the transcript [ ] was [ ] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 9-10-2021

Kendall King Heath

NV. CCR NO. 475

CALIF. CSR NO. 11861

**EXHIBIT 30**

**FILED UNDER SEAL**

**EXHIBIT 30**

RA 01830



Deposition of:

**Gary Snow**

*August 9, 2021*

In the Matter of:

**Castillo, Abel Cántaro v. Western  
Range Association**

**Veritext Legal Solutions**

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3  
4 -----x

5 ABEL CANTARO CASTILLO on :

6 behalf of himself and :

7 those similarly situated, :

8 Plaintiff, : Case No.

9 vs. : 3:16-cv-00237-RCJ-CLB

10 WESTERN RANGE ASSOCIATION, :

11 Defendant. :

12 -----x

13  
14 VIRTUAL DEPOSITION OF GARY SNOW

15 Reno, Nevada

16 Monday, August 9, 2021

17 1:15 p.m.

18  
19 Job No.: 4710362

20 Pages 1 - 115

21 Reported by: Cappy Hallock, RPR, CRR



1  
2 Virtual Deposition of GARY SNOW, held  
3 by Courtroom Connect.  
4  
5

6 Pursuant to Notice, the Virtual  
7 Deposition of GARY SNOW was taken commencing at  
8 1:15 p.m. on Monday, August 9, 2021 before Cappy  
9 Hallock, Registered Professional Reporter,  
10 Certified Realtime Reporter, and Notary Public in  
11 and for the State of Maryland.  
12  
13  
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10  
11  
12  
13  
14  
15 Also Present: Monica Youree, WRA

16  
17  
18  
19  
20 Reporter: Cappy Hallock, RPR, CRR

1 writing, no.

2 Q I see the contact person listed is  
3 Ellie. Is Ellie the lady who used to work for  
4 you?

5 A Yes, ma'am.

6 Q One of the things that is asked on the  
7 survey is whether you use sheep camps all year or  
8 if you pack at some time during the year. Between  
9 2010 and 2016, did you have your herders in sheep  
10 camps year-round or were they packing tents at  
11 some part of the year?

12 A They were in sheep camp year-round.

13 Q Okay.

14 And they also ask in the surveys if  
15 you had herders on the range in more than one  
16 state. Throughout the year were your herders and  
17 your sheep always located in the state of Nevada  
18 or did you have any part of the year when they  
19 would be out-of-state?

20 A Not in every year but in drought years  
21 when there was no feed we had the sheep in Utah.

1           Q       And do you know was there a particular  
2 time period in the year when you sometimes went to  
3 Utah? Was that in the summer or in the fall?

4           A       That would have been in the summer to  
5 the fall.

6           Q       Okay.

7                   Do you recall if any of the years  
8 between 2010 and 2016 were such a drought year  
9 where you had to send your sheep into Utah?

10          A       Yes, but I do not recall what years.

11          Q       When your sheep were in Utah, were  
12 they on private land or was it BLM or other public  
13 lands?

14          A       They were on private land.

15          Q       Now, in completing surveys for Western  
16 Range would you have expected your assistant,  
17 Ellie, to complete documents like that if you were  
18 sent them from Western Range?

19                   MS. GUNDERSON: Objection to form.  
20 Calls for speculation.

21          A       Repeat that question again.

1 can rely on those lists as to what the individuals  
2 were paid that was something more than what  
3 Western Range communicated to you; is that right?

4 A That would be correct.

5 MS. GUNDERSON: Object to form. Calls  
6 for speculation.

7 Q In addition to the salary that you  
8 paid the herders, did you ever pay them any  
9 bonuses?

10 A Not to my knowledge.

11 Q Okay.

12 And do you recall that through  
13 approximately 2013 that Western Range Association  
14 had a health insurance program for the herders?

15 A Yes, I do.

16 Q Okay, and through 2013 did you  
17 participate in that health insurance program in  
18 which you paid half the premium and the herder  
19 paid half the premium for the health insurance?

20 A To my best knowledge.

21 Q When that Western Range program ended,



1 not. Okay?

2 A All right.

3 Q So the description begins, "Attends  
4 sheep and/or goat flock grading on range or  
5 pasture: Herds flock and rounds up strays using  
6 trained dogs."

7 Is that a very general description of  
8 what your herders were expected to do?

9 A Yes.

10 Q And did you have herding dogs who the  
11 sheepherders worked with?

12 A Yes.

13 Q The description continues, "Beds down  
14 flock near evening campsite. Guards flock from  
15 predatory animals and from eating poisonous  
16 plants." Were those --

17 A No.

18 Q Let's take it one at a time. The  
19 bedding down the flock near the campsite, is that  
20 something that the herders would do?

21 A Yes.



1           Q       And guarding the flock from predatory  
2 animals and from eating poisonous plants, were  
3 those among the things that the herders were  
4 expected to do in your ranch?

5           A       No.

6           Q       Okay.

7                   Is that true as to the poisonous  
8 plants and the predatory animals both?

9           A       To the plants.

10          Q       Okay.

11                   So you did not expect them to try and  
12 keep sheep from any poisonous plants that he might  
13 see?

14          A       No.

15          Q       Were your sheep -- I mean, I can  
16 understand that on the alfalfa. When the sheep  
17 were out on the range were they in an area that  
18 you didn't believe had any poisonous plants?

19          A       Correct.

20          Q       So as far as you were concerned that  
21 just wasn't a risk that your sheep were exposed

1 to; is that right?

2 A That's correct.

3 Q Okay, but in terms of guarding the  
4 flock from predatory animals, is that something  
5 that you would expect the sheepherders to do?

6 A I expect my night guard dogs to do  
7 that job.

8 Q So in addition to having herding dogs  
9 you sent some guard dogs out with them?

10 A Yes. White Pyrenees. Always had them  
11 with them.

12 Q Did your herders also have a rifle  
13 with them?

14 A Yes.

15 Q And you gave the herders that rifle so  
16 that they would have something, a tool to use if  
17 there were attacks on the sheep from a coyote or  
18 other predators?

19 A Yes.

20 MS. GUNDERSON: Objection to form.  
21 Calls for speculation.

1           A       Yes.

2           Q       Okay.

3                   Turning back to the job description  
4 given in Exhibit 3 it says, "Drenches sheep and/or  
5 goats." Did you drench your sheep?

6           A       No.

7           Q       I would have to say I don't think I  
8 have talked to anybody yet who drenches the sheep.  
9 Somebody should amend this job description.

10                   The job description goes on to state,  
11 "May examine animals for signs of illness and  
12 administer vaccines, medications and insecticides  
13 according to instructions."

14           A       No.

15           Q       Did your herders examine the animals  
16 and look for any signs of illness?

17           A       Yes.

18           Q       And if there were signs of illness  
19 that they reported to you, would you have them  
20 administer any medication?

21           A       Yes. Antibiotics only.



1           Q       Were the herders ever involved in  
2       vaccinating any of your animals?

3           A       No, ma'am.

4           Q       So no on the vaccines but yes on  
5       medications; is that right?

6           A       Yes.

7           Q       And did your -- I'm sorry, let me go  
8       to the job description that says, "May assist in  
9       lambling, docking and shearing." I will break that  
10      down.

11                   Did your herders assist in lambling?

12          A       Yes.

13          Q       Did they also assist in docking?

14          A       Yes.

15          Q       And did they assist in shearing?

16          A       No.

17          Q       Did you have a specialty crew come to  
18      do the shearing?

19          A       Yes.

20          Q       Were your herders needed to round up  
21      their flock and get them organized to go in to

1 where the shearing crew was working?

2 A Yes.

3 Q So they were still working on the  
4 herding part but not the actual cutting of the  
5 wool; is that right?

6 A Correct.

7 Q Okay.

8 Going back to the job description in  
9 Exhibit 3 it states, "The work activities involve  
10 the herding or production of livestock (which  
11 includes work that is closely and directly related  
12 to herding and/or the production of livestock)."

13 Were there other duties that we  
14 haven't discussed that are, you know, related  
15 somehow to herding or production of sheep that  
16 your herders were involved in?

17 A The only other thing they were  
18 involved in was the period of time when they were  
19 on the pivots, they put up electric fence around  
20 the pivots.

21 Q And --

1           A       Otherwise, no.

2           Q       Okay. Was that electric fence  
3 something that they just had to put up once at the  
4 beginning of the time period when they were on the  
5 pivots or is that something where they would move  
6 the sheep from one part of the alfalfa to the  
7 other by moving the fence?

8           A       They had to be moving the fence where  
9 the feed was.

10          Q       Okay.

11          A       Maybe every fifth or seventh day. Not  
12 all the time. On occasion.

13          Q       And then when they were out on the  
14 range, the rest of the year they wouldn't be doing  
15 any temporary fencing or anything like that?

16          A       None. No.

17          Q       How about during lambing season? Did  
18 they set up, I think I have heard them called  
19 jugs, little sort of bits of shelter to use going  
20 into lambing? Did you have them do anything like  
21 that?



1           A       No. Most of our ewes lamb out in the  
2 hills. Some inside if we had problems.

3           Q       Were there some that you knew were  
4 likely to have difficulty that you kept closer to  
5 a shelter?

6           A       Only the thin ones or the poor ones,  
7 yes.

8           Q       And when they were out on the range,  
9 were there some locations where they might need to  
10 haul water for the sheep to have access to water?

11          A       On occasion, yes. My herders did not  
12 do that, though. My camp tender did that water  
13 hauling.

14          Q       Okay, and any other activities -- oh,  
15 I know what I wanted to ask. The herders were out  
16 with the herding dogs and the guard dogs. Were  
17 they responsible for making sure those dogs all  
18 got fed?

19          A       Yes. They were fed with the sheep,  
20 not near the house. The guard dogs were fed with  
21 the sheep. Otherwise they would be hanging out at



1 the house.

2 Q Sure. That makes sense.

3 A The herd dogs came to the house.

4 Q When you say the house, you mean  
5 the --

6 A The camp tender, yes.

7 Q And so I assume that the herder would  
8 carry the food out to the flock to feed to the  
9 guard dogs?

10 A Yes. He was camped right near where  
11 the sheep were at, where the water is. That's  
12 where they come in early in the morning, or  
13 mid-morning they come in there.

14 Q So the campsite is right by where the  
15 flock are; is that right?

16 A Correct.

17 Q And were the herders -- did the  
18 herders use horses at all as they were moving  
19 about the range?

20 A Yes.

21 Q So would they also be responsible for

1 making sure their horse was fed and had water,  
2 et cetera?

3 A Yes.

4 Q So turning back to Exhibit 3, the very  
5 last line of the job description says that, "On  
6 call for up to 24 hours seven days a week." Is  
7 that something that you recall hearing as part of  
8 the job description?

9 A I would say that's incorrect.

10 Q And I want to hear you out on that but  
11 I first wanted to ask, were you aware that that  
12 line was included in the job description for H-2A  
13 shepherders?

14 MS. GUNDERSON: Objection to  
15 foundation.

16 A No, I was not aware of that.

17 Q Okay.

18 Do you have an understanding of what  
19 is meant by being on call?

20 MS. GUNDERSON: Objection to form,  
21 legal conclusion.

1 UNITED STATES OF AMERICA )

2 STATE OF MARYLAND )

3  
4 I, CAPPY HALLOCK, the reporter before  
5 whom the foregoing deposition was taken, do hereby  
6 certify that the witness whose testimony appears  
7 in the foregoing deposition was sworn by me; that  
8 said deposition is a true record of the testimony  
9 given by said witness.

10 I further certify that I am neither  
11 counsel for, related to, nor employed by any of  
12 the parties to the action in which this deposition  
13 was taken; and further that I am not a relative or  
14 employee of any attorney or counsel employed by  
15 the parties hereto, or financially or otherwise  
16 interested in the outcome of this action.

17  
18   
19

20 Cappy Hallock, RPR, CRR

21 My Commission expires January 19, 2025

# **EXHIBIT 31**

**FILED UNDER SEAL**

**EXHIBIT 31**

RA 01850



Deposition of:  
**John Espil 30(b)(6 ) John Espil Sheep**  
*July 16, 2021*

In the Matter of:  
**Castillo, Abel Cántaro Vs. Western  
Range Association**

**Veritext Legal Solutions**  
800-734-5292 | [calendar-dmv@veritext.com](mailto:calendar-dmv@veritext.com) |

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO, on  
behalf of himself and those  
similarly situated,  
Plaintiff,

Case No.:

3:16-cv-00237-RCJ-CLB

vs.  
WESTERN RANGE ASSOCIATION,  
Defendant.

FRCP 30(b)(6) VIRTUAL ZOOM/TELEPHONIC  
DEPOSITION OF JOHN ESPIL SHEEP CO.,

REPRESENTED BY JOHN ESPIL

Friday, July 16, 2021

Reno, Nevada

Reported by:

Michelle C. Johnson, RPR-CRR

NV CCR 771, CA CSR 5962

Job No. 4684471

Pages 1 - 126



1 BE IT REMEMBERED that, pursuant to the laws  
2 governing the taking and use of depositions remotely,  
3 and on Friday, July 16, 2021, commencing at 9:03 a.m.  
4 thereof, from Reno, Nevada, by way of virtual  
Zoom/telephonic appearance, before me, MICHELLE C.  
JOHNSON, a Certified Court Reporter in the States of  
Nevada and California, virtually appeared JOHN ESPIL,  
called as a witness by the Plaintiffs.

5 VIRTUAL ZOOM/TELEPHONIC APPEARANCES:

6 For the Plaintiffs:

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25 ///

VIRTUAL/ZOOM TELEPHONIC APPEARANCES (CONTINUED):

Also Present: MONICA YOUREE

CAROLYN ESPIL

REED SHAW

CHARLOTTE HENDREN

DAN DRAGAN

1           Q. All right. We have marked what is titled  
2 "Information for Master Job Order Member Survey" forms  
3 for the John Espil Sheep Company. The ones we found  
4 were for the years 2010 through 2014.

5           Would you or whomever was completing these  
6 forms on behalf of the John Espil Sheep Company have  
7 given accurate, truthful information to Western Range  
8 in completing these forms?

9           MS. WINOGRAD: Objection, lack of foundation.

10          THE WITNESS: You're asking me if I would  
11 have given them accurate information?

12          BY MS. WEBBER:

13          Q. Yes. I mean, I assume you would, but I have  
14 to ask to confirm before I can rely on the documents.

15          A. Yes.

16          Q. Now, on the very first page, about two-thirds  
17 of the way down, there's a question, "Do you use open  
18 range in more than one state?" Do you see that?

19          A. Yes.

20          Q. And your answer was yes, and you identified  
21 California, it looks like zero to three months.

22          A. Uh-huh.

23          Q. Now, you're based in Nevada, correct?

24          A. Yes.

25          Q. And your sheep, and consequently your

1       shepherders, are in Nevada for most of the year; is  
2       that correct?

3             A.   Most of the year, yes.

4             Q.   And then there can be a period of time, it  
5       looks like between zero and three months, when they  
6       may be in California instead of Nevada.  Is that  
7       right?

8             MS. WINOGRAD:  Objection, vague as to time.

9       BY MS. WEBBER:

10            Q.   Has that -- has the amount of time that your  
11       sheep and herders may spend in California changed  
12       since 2010; is it still in the zero- to three-months  
13       per year range?

14            A.   Normally it's three to four months.  I think  
15       I put the zero down at the time I was still holding  
16       some sheep back in Nevada during that year, but not --  
17       normally, no.

18            Q.   And if you look at subsequent pages, I think  
19       you did usually change it to two to three instead of  
20       zero to three months.

21            A.   Two to three months.  Well, I was probably  
22       being -- I guess I was careless.

23            Q.   That's okay, I was just trying to understand.  
24       I understand now why you had in 2010 and you didn't  
25       during the other years.  But if you turn to the fourth

1 page of this exhibit.

2 If you turn to the fourth page of this  
3 exhibit, it's the form completed for June of 2011.

4 A. Wait a minute. What was that again?

5 Q. I'm looking at the form for June 2011, which  
6 should be the fourth page of this exhibit.

7 MR. HALL: What's the Bates you're looking  
8 for?

9 MS. WEBBER: It's Bates 8357.

10 Q. Are you on that page now, sir?

11 A. Yes, uh-huh.

12 Q. For the number of months in more than one  
13 state for 2011, as we discussed, you said two to three  
14 months, and then it looks like it says for three men.  
15 Is that correct?

16 A. Yes.

17 Q. So does that mean that only some herders were  
18 in California in 2011 and the rest would have stayed  
19 in Nevada?

20 A. Um, not necessarily. There's a period of  
21 time when herders could be reported as California or  
22 Nevada and that's when we're on the state line. It  
23 depends on the year. Every year is different. This  
24 year it must have been for three men. Other times,  
25 it's -- like today, I can guarantee you that all of



1 the men are in California.

2 Q. Okay.

3 A. Every year is different.

4 Q. And what is it that impacts whether you have  
5 all or only some of your herders in California for  
6 part of the year?

7 A. Forage conditions.

8 Q. Do you have the same -- the same leases -- or  
9 I should say leases to the same land from year to year  
10 in general?

11 A. Yes.

12 Q. Do you have land that is leased on the  
13 California side of the border --

14 A. Yes.

15 Q. -- or have you had that every year since  
16 2010?

17 MS. WINOGRAD: Objection to form. It is  
18 compound.

19 MR. HALL: Let her finish her question before  
20 you answer.

21 BY MS. WEBBER:

22 Q. So is it correct that since 2010, each year  
23 you have had some leased land available for you to use  
24 in California?

25 A. Yes.



1 Q. And you think for most of the time period  
2 from 2010 to the present, it's been three to four  
3 months out of the year that herders and your sheep  
4 would be on the California side of the border; is that  
5 right?

6 A. Yes.

7 Q. What time of year is it that the flocks might  
8 be crossing from Nevada into California?

9 MS. WINOGRAD: Objection to the form of the  
10 question.

11 THE WITNESS: It can be May -- usually around  
12 the first of May to the first of June. Sometimes on a  
13 wet year, can be a little later.

14 BY MS. WEBBER:

15 Q. Okay. And how long -- how -- I'm sorry.

16 What month would you expect to see the sheep  
17 returning from California back into Nevada?

18 A. October, sometimes September, October,  
19 depending on the year.

20 Q. All right. Turning back to Exhibit 3, these  
21 master job surveys, and going back to that first page.  
22 Do you see at the bottom where it asks you to list the  
23 salaries of the herders for 2010?

24 A. Uh-huh.

25 Q. That was left blank on this form, but can you

1 A. No, I don't.

2 MS. WEBBER: Let's mark as Exhibit 5 what was  
3 sent to you as document M. And that is dated January  
4 of 2017. It's another Form 9142.

5 MR. HALL: Did you say M, as in Mary?

6 MS. WEBBER: M as in Mary, yes.

7 (Plaintiff's Exhibit 5 was marked for  
8 identification.)

9 BY MS. WEBBER:

10 Q. Do you have that document in front of you,  
11 sir?

12 A. Yes.

13 Q. If you turn to page -- if you turn to page 6  
14 of the exhibit. It's numbered in the lower right  
15 corner 9834. Do you see that?

16 A. Yes.

17 Q. Okay. The bottom third of the page has a  
18 section titled "Place of Employment" and it lists a  
19 Meadow Road in Lovelock, Nevada. Is that -- is that  
20 where your ranch is located?

21 A. I have multiple ranches.

22 Q. Okay. Is that part of John Espil Sheep  
23 Company?

24 A. Yes.

25 Q. And do you recall having seen this document

1           Q. It sounds like it's relatively rare to get  
2 somebody transferred from another ranch. But when you  
3 do have somebody like Elvis come in, do you have to  
4 give them any further instructions from what they were  
5 trained at the prior ranch?

6           MS. WINOGRAD: Objection, calls for  
7 speculation as to his knowledge of what they were  
8 trained at their prior ranch.

9           But go ahead.

10          THE WITNESS: Not much.

11 BY MS. WEBBER:

12          Q. What -- do you tell the herders who come to  
13 work for you how quickly you expect them to respond if  
14 they see or hear that something is amiss with the  
15 flock?

16          A. No.

17          Q. Given their experience as sheepherders, is  
18 that something you leave up to their experience and  
19 judgment?

20          A. Yes.

21          Q. When the herders are in Nevada as opposed to  
22 California, is there housing for the entire part of  
23 the year they're in Nevada in sheep camps or trailers?

24          A. Yes.

25          Q. And do all of your sheep camps have a stove



1 for them to use for cooking?

2 A. Yes.

3 Q. And do they have refrigeration?

4 A. Yes.

5 Q. Is that propane-powered refrigerators?

6 A. Yes.

7 Q. Do they have any sort of toilet or shower  
8 facilities?

9 A. Showers, we carry -- it's a -- I can't think  
10 of the name. It's a company. It's called a bag  
11 shower. It holds like three gallons of water, it's a  
12 black plastic, hang it in the pine tree and the sun  
13 warms it. In the afternoon, you can take a nice  
14 shower.

15 Q. Oh, you get the sun to heat up the water.  
16 That is very clever. I was thinking you would have to  
17 heat the water up on the stove. That's nice.

18 MS. WINOGRAD: Eco-friendly too.

19 BY MS. WEBBER:

20 Q. In the sheep camps, do they have electricity  
21 for lights or anything else?

22 A. Yes.

23 Q. And how is that powered?

24 A. Solar panels.

25 Q. And at least since 2010, your sheep camps

1 have been equipped with those sorts of solar panels?

2 A. I believe so, yeah.

3 Q. So do you have an understanding of what time  
4 of day herders begin their work? And I should say  
5 focusing for now just on the period when they're in  
6 Nevada, so from September-October to May or early  
7 June.

8 MS. WINOGRAD: Object to the lack of  
9 foundation that it's all uniform.

10 Go ahead and answer.

11 THE WITNESS: Why don't you ask one more  
12 time, please.

13 BY MS. WEBBER:

14 Q. Sure. For the portion of the year that  
15 herders are in Nevada -- so from your prior testimony  
16 I understand that would be September-October to May or  
17 June -- during that portion of the year, do you have  
18 an expectation as to when the herders will begin their  
19 workday?

20 MS. WINOGRAD: I'm going to object. That's a  
21 different question: expectation versus understanding.  
22 I don't know which one he's supposed to answer.

23 MS. WEBBER: When you objected as to the form  
24 of the question, Ellen, I took an opportunity to  
25 rephrase the question in a way I thought might be more

REPORTER'S DECLARATION

STATE OF NEVADA           )  
                                  )    s:  
COUNTY OF CLARK         )

I, Michelle C. Johnson, CCR 771, declare as follows:

That I reported virtually the taking of the deposition of the witness, JOHN ESPIL, commencing on Friday, July 16, 2021 at 9:03 a.m.

That prior to being examined, the witness was by me virtually duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I simultaneously transcribed my said shorthand notes into typewriting via computer-aided transcription, and that the typewritten transcript of said deposition is a complete, true, and accurate transcription of said shorthand notes taken down at said time. That prior to completion of the proceedings, review of the transcript pursuant to FRCP 30(e) was requested.

I further declare that I am not a relative or employee of any party involved in said action, nor a person financially interested in the action.

Dated: August 4, 2021.



Michelle C. Johnson, RPR-CRR, CCR No. 771



**EXHIBIT 32**

**FILED UNDER SEAL**

**EXHIBIT 32**

RA 01865



Deposition of:  
**Sierra Knudsen**

*February 1, 2021*

In the Matter of:  
**Abel Cántaro Castillo Vs. Western  
Range Association**

**Veritext Legal Solutions**  
800-734-5292 | [calendar-dmv@veritext.com](mailto:calendar-dmv@veritext.com) |

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ABEL CANTARO CASTILLO on )  
behalf of himself and those )  
similarly situated )

Plaintiff )

vs. ) Case No. 3:16-cv-  
00237-RCJ-CLB

WESTERN RANGE ASSOCIATION )  
Defendants )

\_\_\_\_\_ )

DEPOSITION of SIERRA KNUDSEN, taken remotely  
via Zoom videoconference, commencing at 9:42 a.m., on  
Monday, February 1, 2021, before Marlene Duron, RPR, CSR  
No. 13333 and CCR No. 958.

1 APPEARANCES:

2  
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18 (Videoconference appearance)

19 ALSO PRESENT:

20 Jerry Snyder,  
21 (Videoconference appearance)  
22 Kelsey Gunderson  
23 (Videoconference appearance)  
24 Megan Reif  
25 (Videoconference appearance)  
Monica Youree  
(Videoconference appearance)

## I N D E X

WITNESS: SIERRA KNUDSEN

EXAMINATION	PAGE
Ms. Webber	5, 139
Ms. Winograd	121, 144

## E X H I B I T S

EXHIBIT		MARKED
Exhibit 1	Notice of Deposition	9
Exhibit 2	Western Range Association Members Manual	18
Exhibit 3	Information for Master Job Order, Member Survey, June 23, 2010	23
Exhibit 4	Information for Master Job Order, Member Survey, June 1, 2011	150
Exhibit 5	Information for Master Job Order, Member Survey, May 1, 2012	150
Exhibit 6	Information for Master Job Order, Member Survey, May 1, 2013	150
Exhibit 7	Agricultural and Food Processing Clearance Order, 2011	37
Exhibit 8	2013 job order	150
Exhibit 9	Application for temporary employment Certification, 2011	56

1 well, but they were not numbered, other than the  
2 Bates-stamped numbers. So, you know, if she's working  
3 off of numbered copies and the court reporter is working  
4 off of numbered copies, and I am not, it would be very  
5 helpful if you could just go through the numbers in  
6 advance.

7 MS. WEBBER: Yeah. And, Ellen, just so you  
8 know, you, the court reporter, and the witness were all  
9 sent exactly the same set of documents where the number  
10 appears in the name of the file rather than on the face  
11 of the document itself.

12 MS. WINOGRAD: Thank you.

13 MS. WEBBER: Okay. So -- and certainly, if I  
14 can -- I can -- if it's helpful, I can give you the name  
15 of the document and Bates number of the document when  
16 we -- when we refer to one in its exhibit number.

17 BY MS. WEBBER:

18 Q So, Ms. Knudsen, how long have you been an  
19 owner of K&N ranch?

20 A Oh, we started, I believe, in 2005.

21 Q Okay. And -- and have you operated ranching --  
22 the same type of ranching operation since 2005?

23 A No, we have not.

24 Q Okay. My questions for you are going to focus  
25 on the period from 2010 to 2016. Can you tell me,



1 during that time period, what -- what kind of ranch  
2 operation you had?

3 A Yeah. We ran goats. We had -- at smallest, we  
4 had 700 head of goats. At largest, we had two bands  
5 of -- so that would equal 2,000 head of goats.

6 Q Okay. And in addition to being an owner of K&N  
7 ranch, you're actively involved in the many operations  
8 of K&N?

9 A Yes.

10 Q In preparation for your deposition today, did  
11 you speak to anybody?

12 A Yes.

13 Q And who did you speak to?

14 A I spoke to my husband, and we also talked to  
15 Ellen.

16 Q Okay. And when you say "Ellen," you're  
17 referring to Ellen Winograd?

18 A Yes.

19 Q And when did you speak to Ms. Winograd?

20 A Last night, Sunday evening.

21 Q Okay. And what did you speak to Ms. Winograd  
22 about?

23 A Ellen told us a little bit to what to expect.  
24 We're really new to this, because we've never been --  
25 we're not in common with any of how it works.

1 A Yes.

2 Q Is the place where you are now the same  
3 location you operated from in 2010 to 2016?

4 A No, it is not.

5 Q Okay. Where -- where was your ranch operation  
6 located 2010 to 2016?

7 A We were located in Ruby Valley, Nevada.

8 Q And where are you located now?

9 A We are in Pine Valley. It's between Eureka and  
10 Carlin.

11 Q And after you made the move from Ruby Valley to  
12 Pine Valley, did you continue to run goats or did you  
13 change the nature of your ranching operation?

14 A No. When we moved here we were able to get a  
15 lease -- a cattle lease here in Nevada. And so when we  
16 made that change to cattle, we got out of the goat  
17 business, and that's why we no longer work with Western  
18 Range or have a need for herders.

19 Q Right. And so some of the differences that you  
20 observed between Ruby Valley and Pine Valley would be  
21 differences associated with changing from running goats  
22 to -- to running a cattle operation, correct?

23 A Can you rephrase that? I'm sorry.

24 Q Sure. There are differences between running  
25 goats and running a cattle ranch, correct?

1           A     Correct. And the night pen, like I said, takes  
2     10, 15 minutes to set up. And it's kind of a lifesaver  
3     just to be able to have them in one spot.

4           Q     Sure. Otherwise I'd imagine the herders have a  
5     lot more trouble from predators if the -- if there's no  
6     fencing to -- between the goats and the coyotes or  
7     whatever else is out there.

8           MS. WINOGRAD: I -- I'm going to interject with  
9     an objection on the form of the question -- I have  
10    allowed you all these leading questions. And just for  
11    the record, objection to the form of the question as to  
12    leading, but I'm thrilled to have her answer it. Thank  
13    you.

14           THE WITNESS: So -- yeah. So when you have  
15    coyotes come in at night -- and they scatter the herd if  
16    they don't have a fence or -- I mean, they still can,  
17    even with the fence, but it's going to be much less than  
18    it would be if you didn't have a fence, especially  
19    during kidding season, because they come in and try to  
20    get the kids.

21           BY MS. WEBBER:

22           Q     I would imagine so.

23                   How often -- do you have an understanding of  
24    how often the herders would have to deal with predators  
25    coming after your goats?



1           A     That depended on location, mainly. You know,  
2     it's always a worry. The actual incident, I would say  
3     probably less than ten in the whole time that we had  
4     goats, that we ever had -- actually, probably less than  
5     five. Five incidents at night where, you know, things  
6     were scattered or something got caught in the fence.

7           Q     And you don't -- and you don't know how many  
8     other times coyotes or other predators may have come by  
9     and -- and, then, been deterred by the fence from --  
10    from trying to get at your goats?

11          A     Well, not only the fence -- because we have  
12    guard dogs. We had Pyrenees and Anatolian dogs that did  
13    a pretty dang good job of keeping those predators out.  
14    So I would say that, yeah, under five times that there  
15    were incidents. And that was in the whole time that we  
16    ran goats, which were several years.

17          Q     Okay. Are the Pyrenees dogs the same ones that  
18    you referred to, that were used in rounding up strays,  
19    or were those different dogs?

20          A     Those are different. Those, we refer to them  
21    as working dogs.

22          Q     Okay. And you mentioned that not all of the  
23    herders were comfortable working with a working dog.  
24    Did all the herders have the Pyrenees or other dogs to  
25    assist in guarding in the evenings?

1           A     Yes, they did.

2           Q     Now, do the -- do predators only come out at  
3 night, or did the herders also have to deal with coyotes  
4 or other predators when the goats were grazing during  
5 the day?

6           A     Again, that kind of depends on where we were at  
7 in the time of the season. When we're kidding and when  
8 there's -- so when we kid goats, a lot of times you'll  
9 have to leave those that have kidded behind, and the  
10 rest of the herd keeps moving. And so there is always  
11 that danger that there are goats that are left behind,  
12 that they are taking care of their young. And so, you  
13 know, that will attract predators. But a lot of times  
14 we were able to have enough of the guardian dogs that  
15 they were able to kind of spread out and be able to try  
16 and get a handle on that, also.

17          Q     But it's something you'd say herders and -- and  
18 the dogs need to be alert to over the course of the day  
19 to make sure that the flock of goats is safe,  
20 particularly when there's young kids with them?

21          A     Yeah. You know, there's -- that's always a --  
22 a danger. You just never know.

23          Q     Okay. Turning back to Exhibit 7 in the job  
24 description, after referencing "guarding the flock from  
25 predatory animals," it goes on to reference, "guarding



1     them from eating poisonous plants." Now, I -- I've  
2     heard that goats can eat almost everything, but are  
3     there some things -- some plants that would be bad for  
4     goats to eat?

5           A     Yes.

6           Q     And one of the responsibilities of your herders  
7     is to make sure, when the goats are grazing, that they  
8     don't go into areas with plants that would be poisonous  
9     for them?

10          A     That's correct. And a lot of the times, on  
11     areas that -- where we were, where we grazed, that's  
12     something that my husband would look at. And he's very  
13     familiar with, you know, anything that could be a danger  
14     or if anything was of feed value to use. And so he had  
15     a pretty good idea of that before and was able to let  
16     the herders know so they'd be aware what part --

17          Q     But where --

18                   I'm sorry. I apologize. I didn't know you  
19     were still speaking. Go ahead.

20          A     No, that's okay.

21                   Just, kind of, give them a warning, if there  
22     was one. Off the top of my head, I can't remember  
23     having incidents where we really ran into that problem.  
24     We had with cattle, but not when we were with the goats.

25          Q     So your husband was able to identify to the



1 herders, like, this is, you know -- this section over  
2 here, there's stuff I don't want you to let the goats  
3 eat, and they were able to keep the goats away from that  
4 area so you didn't end up having any sick goats; is that  
5 fair?

6 A That's fair, but I don't remember ever being in  
7 an area where we actually had to worry about that with  
8 the goats.

9 Q Okay. Turning back to Exhibit 7, the next item  
10 listed is, "drenches sheep and/or goats." Is that  
11 something that your herders were responsible for doing?

12 A Yeah, and that just -- that just refers to the  
13 health of the animal. They were -- they have medicine,  
14 and my husband, you know, would give them instructions.  
15 The herders were given cell phones. So if they had  
16 questions on, you know, this was what's happened with  
17 the goats, is there something we have we can give them,  
18 or, you know, what to use or dosage or questions like  
19 that, they're able to get a hold of him and be able to  
20 take care of animals and -- and, hopefully, be able to  
21 keep them alive.

22 Q Sure. Was there any sort of preventive that  
23 was sort of uniformly applied to all of the goats  
24 that -- as part of the herder's responsibilities or was  
25 it only when they saw signs of illness?

1           A     When we would work our goats and, you know, get  
2 things to be able to ship out and that -- I can recall  
3 giving them, like, a pour-on for worms. And we were  
4 able to give them a vaccination. But when we did those  
5 big days, when we did administer those vaccines, me and  
6 my husband were there and usually were the ones that did  
7 that. And the herders were the ones that would usually  
8 work them up the alley and be able to, you know, keep  
9 that flow coming to where we could get them all  
10 finished.

11           MS. WINOGRAD: We should put you to work on  
12 vaccine distribution here now, because that's something  
13 you could --

14           MS. WEBBER: That's -- that's what we need. We  
15 need more herders to get people through the lines more  
16 quickly.

17           MS. WINOGRAD: I think she said it was their --  
18 the members, not the -- the herders themselves. But  
19 anyway, thank you.

20           MS. WEBBER: Well --

21           MS. WINOGRAD: That's all. You can leave that  
22 on the record, but I was just joking.

23           MS. WEBBER: I -- I understood.

24           BY MS. WEBBER:

25           Q     Turning back to Exhibit 7 and the position

1 description, it also lists, "assisting in lambing,  
2 docking, and sheering." Since you ran goats, I assume  
3 that the proper term is "kidding" rather than "lambing";  
4 is that right?

5 A That's correct. That's correct.

6 Q But -- but the herders did assist in that; is  
7 that right?

8 A They did, yes.

9 Q Okay. And "docking," is that the -- I think  
10 you referred to clipping the ears. Is that what the  
11 docking refers to or does docking involve the tail?

12 A No. That -- sorry. That's referring to tails  
13 on lambs. So docking and shearing were not -- not  
14 relative to what we did with goats.

15 Q Understood.

16 But were the herders involved in -- in  
17 castrating the male kids and clipping the ears?

18 A Yes.

19 Q All right. Do you have Exhibit 9, which is --  
20 hold on, let me get the right title. It's the 2011 -- I  
21 have it short-formed as "2011 cert." It's the 2011  
22 application for temporary employment certification.

23 And, Ellen, the first page of the exhibit is  
24 Bates No. WRA 8320, although I'm going to actually start  
25 questions, probably, on 8323.

1 help with him, working goats, when that's been  
2 available. He is no longer in goats, either. I think  
3 he was out before we were. So --

4 Q Okay.

5 A -- I mean, there was that discussion, but you  
6 just never know what other operations are going to be  
7 doing.

8 Q Okay. So I have three pages of operations.  
9 And I can go through them one at a time, but I'd like  
10 you to take a moment and look at all three pages -- the  
11 first three pages of Exhibit 9, which are numbered  
12 WRA 008320 through WRA 008322, and just take a moment  
13 and look -- look through that.

14 A Okay.

15 Q Do you have any familiarity with how each of  
16 the Western Range Association member ranches utilizes  
17 herders?

18 A I cannot say that I -- yeah, I do not know  
19 their operations. Everybody's operation is different.  
20 I'm sure they have herders for the same purpose. But as  
21 far as, you know, the rules that they set for the  
22 herders, that's something that's -- that's between them,  
23 and I have no idea what that is.

24 Q Would you agree that the job duties for those  
25 herders are also different?

1           A     They would be --

2           MS. WEBBER:  Objection --

3           THE WITNESS:  -- because of the --

4           MS. WEBBER:  Objection.

5   BY MS. WINOGRAD:

6           Q     Go ahead and answer.

7           A     Sorry.  It's -- it's just going to be --

8           MS. WEBBER:  I'm sorry, just needed to get the  
9   objection on the record.

10          THE WITNESS:  Oh.  This is my --

11          THE REPORTER:  Can I -- hold on --

12          THE WITNESS:  -- first time.  I'm sorry.

13          THE REPORTER:  Hold on.  Hold on.  This is the  
14   reporter --

15          MS. WEBBER:  No, no, no, no.  You're doing  
16   great.

17          THE REPORTER:  Hold on --

18          MS. WEBBER:  You're doing great.  I just try to  
19   get my -- get this so that it's easier for the court  
20   reporter.  Just trying to get it in before you start  
21   your answer, so apologies.

22          THE WITNESS:  It's okay.

23          THE REPORTER:  The court reporter did not hear  
24   the objection.  So can you please --

25          MS. WEBBER:  So the objections are just to



1 preserve them. There's obviously not a judge here to  
2 rule on these objections.

3 Did everybody hear the objection on the record?

4 THE REPORTER: Hold on. I'm sorry, I didn't  
5 hear the objection, so I need you to repeat -- repeat  
6 it, please.

7 MS. WEBBER: I just -- I actually only got out  
8 the word "objection."

9 THE REPORTER: Okay, that's what I thought.

10 MS. WINOGRAD: So I take it the objection is to  
11 form.

12 Okay. Madam Court Reporter, would you read  
13 back my question, please?

14 (Record read as follows:

15 "Would you agree that the job  
16 duties for those herders are also  
17 different?")

18 THE WITNESS: Yes.

19 BY MS. WINOGRAD:

20 Q When herders come to your ranch house and have  
21 meals with your family, are they working?

22 A No, they are not. Like I mentioned before,  
23 though, there's some herders, that you give them a day  
24 off, and they're not going to just sit around. If my  
25 husband was busy doing something other than ranch



1 work -- I mean, if they see somebody working, they're  
2 going to go do that. They were part of our family. And  
3 when we did something, it -- they're not going to sit  
4 there and watch. And I think that's just their  
5 personality. They like to work.

6 Q Do they sometimes participate in activities  
7 with your family?

8 A We have had many soccer games with the  
9 Peruvians. They like their soccer. We've taken them to  
10 church. We've had -- one went with us to a Thanks- --  
11 or not a Thanksgiving -- a trick-or-treat party I can  
12 remember. There's Christmas meals. There's -- those  
13 are the ones that I can remember off the top of my head.

14 Q Okay. And you testified earlier, you said,  
15 sometimes they will get time off and you will take them  
16 into town and get them a hotel room, correct?

17 A Correct.

18 Q And during those times, are they still paid  
19 their normal salary?

20 A Yes.

21 Q Are they paid for vacation?

22 A Yes.

23 Q From your understanding and your experience and  
24 your contacts with other ranches and the goat herding  
25 and sheepherding industry, is it accurate to say that

1 everybody uses different tools?

2 A Yes.

3 MS. WEBBER: Objection; foundation.

4 BY MS. WINOGRAD:

5 Q From your understanding and experience and  
6 contact with other ranches, is it accurate to say that  
7 different herders have different hours?

8 MS. WEBBER: Objection --

9 THE WITNESS: Yes.

10 MS. WEBBER: -- foundation.

11 BY MS. WINOGRAD:

12 Q From your understanding, experience, and  
13 contact with other ranches, is it accurate to say that  
14 your herders don't have the same type of housing as all  
15 herders in Nevada?

16 MS. WEBBER: Objection --

17 THE WITNESS: Yes.

18 MS. WEBBER: -- foundation.

19 BY MS. WINOGRAD:

20 Q From your understanding, experience, and  
21 contact with other ranches, your understanding of the  
22 herding industry, is it accurate to say that your  
23 herders have food delivered or cooked for them in  
24 different manners?

25 MS. WEBBER: Objection --

1 THE WITNESS: Yes.

2 MS. WEBBER: -- foundation.

3 BY MS. WINOGRAD:

4 Q From your understanding, experience, and  
5 contact with other ranches and the herding industry, is  
6 it accurate that your herders have different duties than  
7 some of the other ranches -- or all of the other  
8 ranches?

9 MS. WEBBER: Objection --

10 THE WITNESS: Yes.

11 MS. WEBBER: -- foundation.

12 THE WITNESS: Yes, and one of the big  
13 differences is sheep and goat. While they may look the  
14 same, they're totally different. So that's going to be  
15 a big difference in operation and -- and how it's run.

16 BY MS. WINOGRAD:

17 Q So your herders don't have the same -- didn't  
18 have the same duties as the sheep herders?

19 MS. WEBBER: Objection --

20 THE WITNESS: Oh, I should mention before --

21 MS. WEBBER: -- foundation.

22 Go ahead and --

23 THE WITNESS: Just like what was mentioned  
24 before with the lambs, that's going to involve the  
25 docking and the shearing. That's one less thing we have

1 to do. And a lot of -- I mean, we've heard from herders  
2 that sheep and goats are different to herd. So I don't  
3 know all the details on that, but they say that goats  
4 walk a lot more and a lot faster, and so most herders  
5 would rather herd sheep over goats.

6 BY MS. WINOGRAD:

7 Q Is it your understanding that the United States  
8 Department of Labor dictates the base levels of salary  
9 for herders?

10 A Yes.

11 MS. WEBBER: Objection --

12 MS. WINOGRAD: All right. That goes into the  
13 record -- I don't know --

14 MS. WEBBER: Ellen, Ellen -- Ellen, just so  
15 that we can just talk one at a time, I just want to make  
16 sure the court reporter recorded my objection as to form  
17 as to the last question.

18 THE REPORTER: The question of whether it was  
19 her understanding that the United States Department of  
20 Labor dictates the base levels of salary for herders?

21 MS. WINOGRAD: Correct.

22 MS. WEBBER: Yes. I said "Objection" at the  
23 end of that, but it -- I know it's hard, with the next  
24 question following so quickly, to get everything down.

25 THE REPORTER: It was objection to form?

STATE OF NEVADA

)

) ss.

COUNTY OF CLARK

)

I, MARLENE A. DURON, a Certified Shorthand Reporter in the State of Nevada, holding Certificate No. 958, do hereby certify that SIERRA KNUDSEN, the witness named in the foregoing deposition, was by me duly sworn; that said deposition was taken Monday, February 1, 2021, at the time and place set forth on the first page hereof.

That upon taking the taking of the deposition, the words of the witness were written down by me in stenotypy and thereafter transcribed by computer under my supervision; that the foregoing is a true, and correct transcript of the testimony given by the witness.

I further certify that I am neither counsel for or in any way related to any party to said action, nor in any way interested in the result or outcome there.

Dated this 20th day of January, 2021, at Las Vegas, Nevada.




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Marlene Duron, CCR No. 958

# **EXHIBIT 33**

**FILED UNDER SEAL**

**EXHIBIT 33**

RA 01888





Deposition of:  
**Henry Vogler, IV**

*June 1, 2021*

In the Matter of:  
**Castillo, Abel Cántaro v. Western  
Range Association**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ABEL CANTARO CASTILLO on  
behalf of himself and those  
similarly situated,  
Plaintiffs,

Case No.:

3:16-cv-00237-RCJ-CLB

vs.

WESTERN RANGE ASSOCIATION,  
Defendant.

TELEPHONIC FRCP 30(b)(6) DEPOSITION OF  
NEED MORE SHEEP COMPANY, LLC,  
REPRESENTED BY HENRY VOGLER, IV  
Tuesday, June 1, 2021  
North Spring Valley, Nevada

Reported by:

Michelle C. Johnson, RPR-CRR

NV CCR 771, CA CSR 5962

Job No. 4593878

Pages 1 - 184

BE IT REMEMBERED that, pursuant to the laws governing the taking and use of depositions remotely, and on Tuesday, June 1, 2021, commencing at 9:25 a.m. thereof, from North Spring Valley, Nevada, by way of telephonic appearance, before me, MICHELLE C. JOHNSON, a Certified Court Reporter in the States of Nevada and California, telephonically appeared HENRY VOGLER, IV, called as a witness by the Plaintiffs.

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1 the member survey that was marked as Exhibit 3, why  
2 you listed the Rivas Reyes brothers with an \$800 a  
3 month wage rate instead of sounds like \$1050 a month  
4 that you were paying them?

5 A. Didn't figure it was anybody's business.  
6 That was the minimum I was supposed to pay, but it  
7 didn't say there was any graduated scale what I could  
8 go to. They paid their income taxes on it. That was  
9 the only thing withheld from their check.

10 I provide them with telephones, the entire  
11 crew, Wi-Fi, telephones. They even have wide-screen  
12 TV, DISH Network all provided in the bunkhouse. I  
13 take care of my men; they take care of me.

14 But I didn't think it was anybody's business  
15 just as long as I complied with that minimum wage that  
16 they asked for, the whatever, the Department of Labor  
17 said that was the minimum wage, or State of Nevada,  
18 whoever came up with those figures. That's between me  
19 and my men. But they still pay taxes on that.

20 Q. Was the extra 250 a month, was that something  
21 you paid to others in 2014 as well? You listed some  
22 of the other names, Percy Orihuela, I think, and Alan  
23 Toralba Rodriguez. Did they get any extra?

24 A. Jaime Pena Taquia, Percy Orihuela, Alan  
25 Toralba, I paid their -- I deducted zero from there

1 checks. They got 100 percent of \$800, plus shoes,  
2 other sundries that they requested.

3 Q. Okay. But unlike the Rivas Reyes brothers,  
4 they didn't get the extra \$250, right?

5 A. I'm not trying to be Wally the Whiner, but  
6 since 2011, October 14th, I was operated on for  
7 pancreatic cancer, and it took me over a year and a  
8 half to recover from that. So if my memory fails me a  
9 little bit, it fails me a little bit. But I promise  
10 you, I took care of my men.

11 Q. I understand -- by the way, I hope you have  
12 made a full recovery from that, and I understand that  
13 may make 2014 harder for you to recall. And I  
14 certainly am not questioning your care for your  
15 workers, sir, just trying to make sure I have a clear  
16 record as to who received extra cash payments and who  
17 received, as you said, you know, all the food and  
18 clothes and other things that you provided, and wanted  
19 to see if it was anybody other than the Rivas Reyes  
20 brothers?

21 A. All of these people that are listed had  
22 access to Peru, to Chile at all times gratis. They  
23 had big TV when they were in the bunkhouse. When it  
24 came time for income tax, if they had been a loyal  
25 employee and were still working for me, I paid for



1 their income tax preparation. At Christmastime,  
2 everybody got a hat, a winter coat, gloves, and a box  
3 of candy. That's not in the Western Range contract  
4 either.

5 Q. Okay. And I'm assuming from what you said  
6 about the Rivas Reyes brothers actually being in your  
7 will that the extra \$250 a month was not just  
8 something you paid in 2014, but in subsequent years as  
9 well. Is that correct?

10 A. That is correct. Leonet Rivas Reyes has been  
11 here for 30 years. His brother, I believe, is pushing  
12 20.

13 Q. That's great to have workers come back to you  
14 over and over again. One thing I wanted to ask,  
15 because you mentioned the bunkhouse, which sounds very  
16 nicely appointed, can you tell me a little bit about  
17 the schedule of how many weeks per year the herders  
18 would be based at the bunkhouse as opposed to in sheep  
19 camps or packing?

20 A. I doubt that you could come up with an hourly  
21 schedule. We do not have platoons of people here.  
22 They have jobs. There's not enough paper, trees to  
23 make paper, for all the things that are required to  
24 take care of -- this is animal husbandry, ma'am, this  
25 is not some game.

1           They come in and out of the bunkhouse. They  
2           want to take a shower, they get tired of taking a bath  
3           in a pan in the sheep camp. Sheep are bedded at  
4           night; they're certainly welcome. If they want to  
5           call mama, if they want to go to town for a couple of  
6           days. But we don't have an accountant on staff; we  
7           don't have a bookkeeper on staff. We are all working  
8           on this together shoulder to shoulder. So keeping  
9           track of was he here for an hour, two hours, 15  
10          minutes and that kind of stuff, impossible.

11          Q. Okay. So it sounds like from what you're  
12          saying that there are times when even though the  
13          herders are on the range in a sheep camp that they're  
14          close enough to the bunkhouse that they'd be able to  
15          come back for an evening or for a day; am I  
16          understanding you correctly?

17          A. A lot of times on payday, they want to go to  
18          town. They want to go to the riding academy. They  
19          usually do that.

20          Q. I'm sorry, the what academy?

21          A. I believe that's a colloquial for a brothel.

22          Q. Oh, understood.

23                 And so from what you're saying, they are  
24                 close enough to your ranch headquarters or to the  
25                 bunkhouse that, even if they're based out on the

1 range, that they're able to get back, at least as you  
2 said, on payday to take advantage of the facilities  
3 both at the bunkhouse and in town?

4 MS. WINOGRAD: Object to the form of the  
5 question. It's vague as to when they're out on the  
6 range.

7 THE WITNESS: There are people in the  
8 summertime who are in the mountains in a wilderness  
9 who are pack-string in and pack-string out. They are  
10 in the camp for that period of time.

11 We travel in about a 200-mile circle in the  
12 wintertime. Most of those camps are within 80 to 100  
13 miles of the house. Some of the sheep go to Jackpot,  
14 Nevada; Ruby Valley, at that time not now. They go to  
15 Jackpot, and when they go to Jackpot, they're about  
16 170 miles from here, but they are close to Jackpot,  
17 Wells, Twin Falls, and they have opportunity as long  
18 as the sheep are taken care of. I'm not a babysitter.  
19 I cannot take care of 12,000 sheep by myself.

20 BY MS. WEBBER:

21 Q. Understood. So let's try and pin down a bit  
22 of the annual schedule, then. On the surveys that  
23 have been marked as Exhibit 3, you did mention that  
24 you pack during the summer. Most of the surveys don't  
25 specify exactly what month. But on the 2012 survey, I

1 noticed that you listed June, July, August, September.

2 Do those four months generally cover the time  
3 when the herders are packing up in the mountains with  
4 the sheep?

5 A. The forest opens on the 15th of June, some of  
6 them open the 1st of July; some of them end 30th of  
7 September, some of them even go into the 15th of  
8 October. We generally try to get out of the forest  
9 before the hunters arrive, which is sometime in the  
10 first part of October, depending on weather, depending  
11 on a lot of things.

12 There's only two bunches that are not  
13 attended by Wilson Camps with refrigerators, stoves,  
14 solar panels, everything. Only two of them go into  
15 the camps in the wilderness.

16 Q. Okay. So you have two herders during those  
17 summer months who are in the wilderness where they  
18 need to pack in tents. The other herders, even during  
19 the summer months, are able to make use of the sheep  
20 camps; is that correct?

21 A. That is correct. The only exception is there  
22 are some areas where there is no road access for the  
23 camps, so they may have to tent out for two or three  
24 days to get to their destination, to their sleep camp.

25 But other than that, or if they're having

1 things. You turn it in to both of them so in the  
2 event that you can't get one from one organization,  
3 maybe you can get a transfer from another. You've got  
4 to -- you've got to keep all the balls in the air.

5 Q. Yep, understood. And thank you for the  
6 clarification.

7 Turning back, then, to where we were before  
8 the break with Exhibit 5, the Form 790 from 2018. I  
9 think we were on page 3 of that exhibit that has  
10 section 15 at the top and 16 at the bottom.

11 A. Mine has 15, 16, and then there's a  
12 checklist.

13 Q. Right. Going back up to the top portion with  
14 Exhibit 15 -- not Exhibit 15, I apologize -- with  
15 section 15 of Exhibit 5.

16 A. The deal with the --

17 Q. Did you -- if you could just let me finish my  
18 question, Mr. Vogler.

19 Am I correct that you supplied groceries to  
20 the herders at the sheep camps so that they could cook  
21 their meals?

22 A. My commissary looks like Walmart. And it's  
23 the -- when I need groceries for my house, I go to  
24 their commissary.

25 Q. How does --



1           A. Unless it's filet mignon or Beluga caviar,  
2 it's in the commissary. They eat better than me.

3           Q. How does the food get from the commissary in  
4 the bunkhouse to the herders out in the range?

5           A. In a pickup truck, along with water, along  
6 with hay, along with grain, along with dog feed, along  
7 with other things -- salt -- all the things that it  
8 takes to be a shepherd.

9           Q. And how often do food and other provisions  
10 get delivered to the herders when they're out on the  
11 range?

12          A. Every three days somebody in that -- maybe  
13 they don't need all the food and all the water and all  
14 the stuff like that, but there's somebody going by,  
15 whether it's the trapper, whether it's me, whether  
16 it's another person. But three days.

17          Q. Okay. And is the trapper somebody who works  
18 for you?

19          A. We darn sure chip in. Some of them work for  
20 the state, some of them are federal trappers, but they  
21 check in on those camps to see if they're having any  
22 trouble with coyotes.

23          Q. Okay, I was mostly wondering in terms of if  
24 they were part of the people that might be delivering  
25 supplies from the commissary out to the sheep camp.



1           A. Not a clue. Couldn't give it to you.  
2           Wouldn't be worth it. This guy might be working more  
3           than another; if ewes are complicated, that might take  
4           a little more experience.

5           You know, good judgment comes from  
6           experience; experience comes from poor judgment.

7           Q. And as you said, you have lambing take place  
8           wherever the good feed is that year, not back at the  
9           ranch, correct?

10          A. The only ones that land here at the ranch are  
11          the ones that are in the artificial insemination  
12          program with Australian blood.

13          Q. Yep.

14          A. Dohne, D-o-h-n-e.

15          Q. So the herders are scattered all over during  
16          lambing season; they're not all where you can even see  
17          them, right?

18          A. That is correct.

19          Q. But would you agree that lambing season is  
20          relatively busy in terms of the number of things that  
21          herders need to be taking care of?

22          MS. WINOGRAD: I'm going to object to the  
23          form of the question, use of the word "busy."

24          THE WITNESS: Lambing time is a critical  
25          time.

1 BY MS. WEBBER:

2 Q. Understanding it's a critical time, would you  
3 agree that it is also a busy time?

4 A. Yes.

5 Q. Okay. Now, one thing I remember you  
6 mentioned with respect to not the sheep camp itself,  
7 but that wagon -- I think you called it a commissary  
8 that was hitched along behind it -- in addition to  
9 supplies for the herder and dog food, you also  
10 mentioned -- I think you said hay and grain. I assume  
11 that hay and grain are for the lambs -- or the sheep,  
12 excuse me.

13 A. For the horse.

14 Q. For the horse. Forgot there was a horse. I  
15 just knew that the dogs and the people were probably  
16 not eating the hay.

17 So does each herder have a horse with him out  
18 on the range?

19 A. The ones that need them.

20 Q. Okay. How do you decide if they need one?

21 A. If they can ride a horse. We call him  
22 Hercules. Hercules, ha ha ha. He don't want to ride  
23 a horse. And I'm sure the horses are glad, he's a  
24 pretty good-sized fella.

25 Q. Do most of the herders go out with a horse?

1           A.   Yes.

2           Q.   So in addition to feeding the dogs, they're  
3 obviously feeding the horse and making sure the horse  
4 has water to drink?

5           A.   Yes.

6           Q.   Okay. Do they ever have to supplement feed  
7 for the sheep with anything that you would haul in,  
8 like hay or grain, or do the sheep always subsist on  
9 what they can eat growing on the ground?

10          A.   This last year, first time in the last 36, we  
11 bought some supplemental tubs that we set out that had  
12 kind of a molasses mineral mix in it to hopefully make  
13 whatever feed they had more palatable.

14          Q.   Okay. In the winter, do you ever have issues  
15 with snow covering the grazing land so that sheep  
16 can't get to the food supply?

17          A.   Top on the priority list, very seldom does it  
18 happen, but it has in the past. 1992-'93, I was in  
19 the oldest sheep camp we got. And it wasn't a Wilson  
20 and it dropped like I was on the ocean. And every  
21 morning, I got up at daylight, tied the mules together  
22 and broke trail through the snow drift so the animals  
23 wouldn't starve to death. Me, nobody else. Nobody  
24 even knew where I was at.

25          Q.   And understanding that at least the sheep

1 Q. -- is that consistent with your experience as  
2 a herder?

3 A. Yes.

4 MS. WEBBER: Objection, leading.

5 BY MR. SNYDER:

6 Q. What was your answer, sir?

7 A. My answer, yeah, yeah. Once you get it  
8 figured out and you know how to take care of the  
9 sheep, couple hours in the morning, point them down  
10 the hill towards water. Get up late afternoon when it  
11 cools off, point them to the top of the mountain. The  
12 sheep will show you where they're going to head.  
13 They'll start collecting on a knob somewhere. You go  
14 around a little bit. Just you being there, scent off  
15 of your own body keeps the predators back. The white  
16 dogs, everything. You figure out how to do it.

17 MR. SNYDER: All right. I don't have  
18 anything else.

19 MS. WEBBER: I'll be quick, but I am going to  
20 have just a couple of follow-ups to questions that  
21 Ellen asked.

22 FURTHER EXAMINATION

23 BY MS. WEBBER:

24 Q. Mr. Vogler, you were asked if different tools  
25 were provided by different ranches. What are some of

1 the other ranches you're familiar -- just name a  
2 couple ranches that you're familiar with.

3 A. Well, I've sold a lot of sheep to Ted Borda.  
4 He's over on the other side of the state. There's  
5 lots of alfalfa fields and private properties that are  
6 close to his operation to where he can go to in the  
7 fall and put his ewes and things like that. So he has  
8 a complete different set of dynamics to deal with.

9 Q. Okay, so my -- okay, so then what tools are  
10 different that the Borda Land & Sheep operation  
11 provides to their herders than you provide to your  
12 herders?

13 A. Probably tools for electric -- all kinds of  
14 things.

15 Q. Just give me one example.

16 A. Electric fence tools, trucks to haul hay. I  
17 think he works out of a shed. The lamb, they would  
18 haul hay into the shed, haul manure out of the shed.  
19 Just all sorts of things, the nuances that go along  
20 with shed lambing and being able to -- we're so far  
21 away from alfalfa fields, and because alfalfa is very  
22 valuable for the dairy, we get -- they cut the alfalfa  
23 fields so short it doesn't pay to go on them, so it's  
24 completely different. Where other people have -- just  
25 a sec.



(Interruption for ringing phone.)

THE WITNESS: Okay, Dave Little. He goes --

BY MS. WEBBER:

Q. Excuse me. I just want to follow up on your testimony about Borda. Then I'm happy to hear about Dave Little as well.

You described trucks to haul hay. But you have trucks and you said they haul hay for the horses to eat. So the tool might be used --

A. We have a pickup. They haul a couple of bales, put through the commissary, lasts a couple weeks or so. They're hauling hay every day into the sheds, into the day pens, into the sun pens, completely different. They're not hauling one or two bales; they're hauling a pickup load. I think he has about 5,000 sheep.

MS. REIF: Hello, this is Megan. Christine just told me she's been disconnected from the conference line.

(Interruption for technical issues.)

BY MS. WEBBER:

Q. So I'm not sure -- I'm not sure exactly how much I missed, but I think you were -- you said something about two bales of hay near the commissary.

A. Well, my men, my camp tender or myself, to



1 restock the men on the range or even during lambing,  
2 haul a couple bales in the back of a pickup. Where  
3 Ted Borda is lambing in sheds and 4,000 sheep are  
4 probably eating five pounds a piece, which is what,  
5 several tons a day. So you've got to have a pretty  
6 good-sized truck. Then you've got to get water into  
7 your shed, sun pens, day pens, night pens. You've got  
8 night men, you've got day men, you've got all sorts of  
9 things going on, whereas we're on the range.

10 Q. Okay.

11 A. Forest service permits, he's doing some  
12 rehabilitation around some of the houses that burned  
13 down around Carson City, he's having some concentrated  
14 grazing there which would be completely different from  
15 what we do. Very different, different organization.

16 Q. And do the differences between having lambing  
17 sheds versus having lambing jugs that you referred to  
18 using, do those differences affect the number of hours  
19 per day that the herders are working?

20 A. I wouldn't think so. I would think you would  
21 have boys working in the night, working in the day.  
22 When I used to lamb in Oregon in the jugs, we had  
23 night men, we had day men.

24 Q. When we went through the duties, you said  
25 that your herders did assemble and clean out jugs,

1 MS. WINOGRAD: Yeah, I think 2:45 would be  
2 just fine.

3 MS. WEBBER: Okay, I'm going to go on mute,  
4 then.

5 We can go off the record.

6 (Recess taken.)

7 EXAMINATION

8 BY MS. WINOGRAD:

9 Q. Mr. Vogler, my name is Ellen Winograd. You  
10 and I have met before, correct?

11 A. Yes.

12 Q. When a herder transfers to Need More Sheep  
13 from another ranch, do they still go through a  
14 training period?

15 A. Every ranch is different. Yeah.

16 Q. Okay. Well, that was actually -- I guess  
17 that would be my next question.

18 In what ways are they different?

19 A. Go back to day one.

20 Q. Okay. What does that mean?

21 A. Bill Vascos always said the same thing. If  
22 you love your family, if you want to have a new life  
23 and have money, go to the desert. If you want to have  
24 a party, go to California. Lots and lots of young  
25 women, you're in town, everything is great. The

1 desert says you can't spend the money because you have  
2 no place to spend it. That's never changed. But  
3 every desert operation is as different as night and  
4 day.

5 Q. So even within the state of Nevada, would you  
6 agree with me that all herders have different jobs and  
7 tasks?

8 A. Yes.

9 MS. WEBBER: Objection, lack of foundation.

10 BY MS. WINOGRAD:

11 Q. Based upon your decades in the sheepherding  
12 industry as an owner and as a rancher, would you agree  
13 with me that even within the state of Nevada  
14 sheepherders are having different tasks at different  
15 operations?

16 MS. WEBBER: Objection, calls for  
17 speculation, lack of foundation.

18 THE WITNESS: There are very few of us; we  
19 generally hold our annual convention in a phone booth.  
20 I've seen these operations, I've seen the differences,  
21 and every one is as unique as night and day.

22 Maybe you're solidly in the BLM to have a  
23 different set of circumstances than if you have BLM or  
24 if you're completely contingent upon the forest  
25 service, different situation. Or if you have both of

1       them to deal with, different situations. If you have  
2       range that goes all the way down towards the test  
3       site, different situation. Maybe more water hauling  
4       in the wintertime because there's less chance of snow.  
5       Where I'm at, more chance of snow. Last few years,  
6       hasn't happened. Every unique -- every one of these  
7       ranches is unique. If you tried to tell me there's  
8       two of them parallel, I'd like to see them.

9       BY MS. WINOGRAD:

10           Q. And that, in your experience, would have an  
11       effect on how herders are utilized, correct?

12           A. Yes.

13           MS. WEBBER: Objection.

14       BY MS. WINOGRAD:

15           Q. Is the manner in which -- I'm sorry.

16           MS. WEBBER: Excuse me. I just want to make  
17       sure that the court reporter is able to record my  
18       objection before we go on to the next question.

19           MS. WINOGRAD: I think she got it. I got it.

20           MS. WEBBER: I was going to give the basis  
21       for the objection. But we can leave it as objection  
22       to form and move on.

23       BY MS. WINOGRAD:

24           Q. In your experience, are tools at each ranch  
25       unique?

1 MS. WEBBER: Objection, foundation, calls for  
2 speculation.

3 MS. WINOGRAD: We can have a standing  
4 objection on this and that way we can save some time  
5 and get Mr. Vogler out of here quicker.

6 THE WITNESS: You guys went fuzzy; I didn't  
7 even understand the question.

8 BY MS. WINOGRAD:

9 Q. Okay. Are the tools that each ranch provides  
10 to the H-2A sheepherders different?

11 A. Yes.

12 Q. Is the food and the manner in which it is  
13 provided by each ranch within Nevada to the H-2A  
14 sheepherders different?

15 A. Yes.

16 Q. Is the manner of supply provision within the  
17 Nevada ranches different?

18 A. Yes.

19 Q. Is the number of head of sheep in each flock  
20 different from ranch to ranch within Nevada?

21 A. Yes.

22 Q. Is the geography different from ranch to  
23 ranch within Nevada?

24 A. Yes.

25 Q. Is the method of transporting the herders



1 from the ranch or range into town different from  
2 operation to operation?

3 A. Time and distance, yes.

4 Q. Is the topography from one ranch to another  
5 and where the herders are herding different from ranch  
6 to ranch?

7 A. Yes.

8 Q. Is the manner in which dogs are used  
9 different?

10 A. Yes.

11 Q. In your experience, you were asked questions  
12 a few moments ago about what you considered work. Do  
13 you consider your herders to be working when they're  
14 watching TV?

15 A. No.

16 Q. Do you consider your herders to be working  
17 when they're sleeping?

18 A. No.

19 Q. Do you consider your herders to be working  
20 when they're eating?

21 A. No.

22 Q. Do you consider your herders to be working  
23 when they're napping?

24 A. No.

25 Q. Do you consider your herders to be working



REPORTER'S DECLARATION

STATE OF NEVADA           )  
                                  )   s:  
COUNTY OF CLARK         )

I, Michelle C. Johnson, CCR 771, declare as follows:

That I reported telephonically the taking of the deposition of the witness, HENRY VOGLER, IV, commencing on Tuesday, June 1, 2021 at 9:25 a.m.

That prior to being examined, the witness was by me telephonically duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I simultaneously transcribed my said shorthand notes into typewriting via computer-aided transcription, and that the typewritten transcript of said deposition is a complete, true, and accurate transcription of said shorthand notes taken down at said time. That prior to completion of the proceedings, review of the transcript pursuant to FRCP 30(e) was requested.

I further declare that I am not a relative or employee of any party involved in said action, nor a person financially interested in the action.

Dated: June 15, 2021.



Michelle C. Johnson, RPR-CRR, CCR No. 771