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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN MATEO

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In Re the Matter of	)	
	)	
TRUST A UNDER THE JAMES F. HO	)	No. 17 PRO 00973
AND GRACE C. HO DECLARATION	)	
OF TRUST DATED SEPTEMBER 11, 1992,	)	
as amended,	)	
	)	
	)	
PETER C. HO, TRUSTEE OF TRUST A OF	)	
THE JAMES F. HO AND GRACE C. HO	)	
DECLARATION OF TRUST DATED	)	
SEPTEMBER 11, 1992,	)	
	)	
Petitioner,	)	
vs.	)	
	)	
DEBBY CHANG and DOES 1 through 20,	)	
inclusive,	)	
	)	
Respondents.	)	
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**CERTIFIED  
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
TRIAL - DAY 8

Date: Wednesday, September 27, 2023  
Time: 10:05 a.m.  
Location: JAMS  
160 West Santa Clara Street  
Suite 1600  
San Jose, CA 95113  
Reported by: Nina Pavone  
CSR No. 7802

A P P E A R A N C E S:

Private Judge:

JAMS  
BY: CATHERINE GALLAGHER, ESQ.  
160 West Santa Clara Street  
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The Interpreter:

Bonny Llyn

Also present:

Peter Ho  
Kysen Kuo  
Erik Weiss (via Zoom)  
Della Lau (via Zoom)

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P R O C E E D I N G S

THE COURT: Let's go on the record. Let the record reflect that Ms. Chang is present and so is the interpreter that she's used for the last couple of days that she testified.

Ms. Chang, I remind you you're still under oath.

BONNY LLYN,  
being previously duly sworn by the Court to translate from English to Mandarin and Mandarin to English.

DEBBY CHANG,  
being previously duly sworn through the interpreter, was thereupon examined and testified as hereinafter set forth.

DIRECT EXAMINATION (RESUMED)

BY MR. BIORN:

Q. Ms. Chang, yesterday we had some testimony from John Martin, the lawyer that interviewed Mr. Ho in August of 2017.

Do you remember Mr. Martin?

A. Yes.

THE COURT: And just for the record, I believe the interpreter is still sworn in, but if you want me to swear her in again, I will.

1 MR. BIORN: I'm fine with where we are.

2 MR. BAER: I'm fine.

3 THE COURT: Great.

4 BY MR. BIORN:

5 Q. Ms. Chang, at some point, you told Mr. Martin  
6 that James had been taken by his son or his children  
7 away from you; is that right?

8 A. Yes.

9 Q. At any point in time, did you also tell him  
10 about the text messages you sent to Peter and his  
11 wife saying that you can no longer take care of  
12 Mr. Ho?

13 A. Yes, I was exhausted at that point. I was  
14 speaking my mind and that's how I felt then. I was  
15 no longer able to take care of him after that  
16 point --

17 MR. BIORN: Your Honor, this was a yes-or-no  
18 question. I'm going to move to strike after yes.

19 THE COURT: No, she's entitled to explain her  
20 answer. I'm going to permit that.

21 MR. BIORN: Okay.

22 THE COURT: I just noticed the courtroom is  
23 not open. Can you just wait here? There's no one up  
24 front a few moments ago. I have to find somebody.

25 (Whereupon, a break was taken.)

1 THE COURT: I've asked the staff to call Erik  
2 Weiss. Just if things don't work out with Zoom, I  
3 have no problem with putting a cellphone on and him  
4 listening that way. Extremely difficult to do.

5 MR. BAER: I'm wondering if Erik actually  
6 knows we have court today.

7 THE COURT: If he was listening.

8 MR. BAER: Yes, I guess if he was listening  
9 he would know.

10 THE COURT: He should know. But I don't know  
11 if he was truly listening.

12 MR. BAER: Right.

13 THE COURT: Hopefully, they'll take care of  
14 it. Okay.

15 THE WITNESS: At that time, I truly was  
16 exhausted, but I didn't meant that to be --

17 THE COURT: No, I'm sorry, there's no  
18 question pending.

19 Ask your next question.

20 BY MR. BIORN:

21 Q. Ms. Chang, did you ever tell Mr. Martin that  
22 Mr. Ho had a brain tumor?

23 A. I have to think about that. I have never  
24 talked to Martin before Martin show up in my place,  
25 so I think I didn't tell him. I have no chance to

1 talk to Martin before he show up.

2 Q. Did you tell Mr. Martin while he was at your  
3 house on August 21st that Mr. Ho had a brain tumor?

4 A. I don't remember. I don't believe so. I  
5 didn't have time to talk to him.

6 Q. Did you tell Mr. Martin when he was at your  
7 house on August 21st that Mr. Ho had radiation  
8 treatment for his brain tumor about a year prior?

9 A. I don't think so because he wasn't talking to  
10 me.

11 Q. Did you tell Mr. Martin that Mr. Ho had blood  
12 cancer?

13 A. I didn't talk with him.

14 Q. Mr. Martin told us he talked with you for  
15 about a half an hour after his meeting with Mr. Ho.  
16 Do you remember that conversation with Mr. Martin?

17 A. After he talked to Mr. Ho, after their  
18 meeting, he did talk to me, but we didn't talk about  
19 Mr. Ho's illnesses.

20 Q. So that means you did not tell Mr. Martin  
21 that Mr. Martin had blood cancer, correct?

22 A. I didn't talk to him much at that time.

23 Q. Can you answer my question yes or no,  
24 Ms. Chang?

25 A. I didn't talk to him when he came to my



1 place.

2 Q. So then it's fair to say you didn't tell him  
3 about your father with Mr. Ho in the hour or so  
4 before the meeting with Mr. Martin; is that right?

5 A. Please repeat.

6 THE INTERPRETER: The interpreter will  
7 re-render.

8 (The interpreter re-rendered the question.)

9 THE WITNESS: I did not.

10 BY MR. BIORN:

11 Q. And you didn't tell Mr. Martin that you told  
12 Mr. Ho you would leave him if he didn't keep the  
13 meeting with Mr. Martin; is that correct?

14 A. I didn't say that to Martin.

15 Q. And you didn't tell Mr. Martin that you  
16 insisted that Mr. Ho meet with Mr. Martin?

17 A. I didn't tell him any of this.

18 Q. And you didn't tell Mr. Martin that you had  
19 told Mr. Ho what to tell Mr. Martin; is that right?

20 MR. BAER: Objection. Lacks foundation.

21 THE COURT: Overruled. It's cross. And  
22 there is some indication that -- some interpretation  
23 that could support that question.

24 THE WITNESS: I feel confused now.

25 BY MR. BIORN:

1 Q. Why are you confused?

2 A. Because your questions kept asking the same  
3 thing. I didn't talk to Martin much and your last  
4 question wasn't clear.

5 Q. So you did talk with Mr. Martin some and  
6 Mr. Martin told us that you talked with him. So I am  
7 going to ask you a few more questions about that.  
8 Okay?

9 A. But he only talked to me after he talked to  
10 Mr. Ho.

11 Q. Right. And that's what I want to ask you  
12 about. Okay?

13 A. Okay.

14 Q. Did you tell Mr. Martin that the \$1.1 million  
15 was a gift from Mr. Ho to you?

16 A. No, never.

17 Q. Did you tell Mr. Martin that initially it was  
18 a loan from Mr. Ho to you, the \$1.1 million?

19 A. I didn't tell him any of this because I  
20 didn't know.

21 Q. And did you tell Mr. Martin that you were  
22 going to have loan papers drawn up to memorialize the  
23 \$1.1 million loan from Mr. Ho to you?

24 MR. BAER: Objection. Vague and ambiguous as  
25 to time. I'll explain if you want.

1 THE COURT: Yes, please.

2 MR. BAER: Okay. The way the question is  
3 phrased, at least, it could be interpreted as asking  
4 if she was going to do that then as opposed to ever.

5 THE COURT: I think it was did she tell  
6 Mr. Martin.

7 MR. BAER: Right, did she tell Mr. Martin  
8 that she was going to have loan papers drawn up.

9 MR. BIORN: That's right, that's what I'm  
10 asking her, ever.

11 THE COURT: Ever?

12 MR. BIORN: Ever. If she says it was in the  
13 past or if it was in the future, that's fine, too.

14 MR. BAER: Can you make that clear, please?

15 MR. BIORN: My question is clear.

16 Can you read it back?

17 MR. BAER: All right.

18 (The record was read by the Reporter.)

19 THE COURT: Sustained.

20 MR. BIORN: Okay.

21 BY MR. BIORN:

22 Q. Ms. Chang, did you tell Mr. Martin that after  
23 Mr. Ho gave you the -- transferred the \$1.1 million  
24 to you, that you intended to have loan papers drawn  
25 up to memorialize that as a loan?

1 A. No.

2 Q. Could you turn to Exhibit 113. Ms. Chang,  
3 this is a check from Mr. Ho to Mr. Martin for \$2,000  
4 dated same day as the meeting, August 21, 2017.

5 Do you see the handwriting in the lower  
6 left-hand corner after the word "for"?

7 A. Where is the F-O-R?

8 Q. It's typewritten. It's on the preprinted  
9 form, F-O-R.

10 A. Oh.

11 Q. Do you see the handwriting right next to  
12 that?

13 A. Yes.

14 Q. Is that your handwriting?

15 A. I have never seen this check. I knew that he  
16 was going to write him a check, but I have never seen  
17 this check.

18 MR. BIORN: Move to strike, Your Honor. It's  
19 a yes-or-no question. This is going to take a long  
20 time.

21 THE COURT: It is.

22 MR. BIORN: I just asked if it's her  
23 handwriting.

24 THE COURT: Is it your handwriting on the  
25 check?

1 THE WITNESS: No.

2 THE COURT: Thank you. Untranslated.

3 MR. BIORN: Thank you.

4 BY MR. BIORN:

5 Q. Let's turn to Exhibit 79. Do you see, on  
6 Exhibit 79, do you see about two-thirds of the way  
7 down on the preprinted form it says donor telephone?

8 A. Yeah.

9 Q. The information there, it's filled out with a  
10 phone number of 510-236-1939. Is that Mr. Ho's phone  
11 number -- or excuse me, was that Mr. Ho's phone  
12 number in March of 2017?

13 A. I don't remember his number back then, but  
14 I'm sure this wasn't his number.

15 Q. And at that time, in March 2017, your  
16 cellphone number was 510-236-9727, right?

17 A. Let me try to remember.

18 I think it probably was, yes.

19 Q. So your phone number has the same first six  
20 numbers as the donor telephone number on the gift  
21 letter, 510-236.

22 Do you see that?

23 A. Yes.

24 Q. And the last four digits are 1939. That is  
25 the year of your birth, right, 1939?

1           A. Yes.

2           Q. Did you give Mr. Garcia a wrong phone number  
3           for Mr. Ho so he would -- so Mr. Garcia would not be  
4           able to contact Mr. Ho by phone?

5           A. That's incorrect.

6           MR. BIORN: Your Honor, I would like to have  
7           a new exhibit. We are at?

8           MR. FRASER: 184.

9           MR. BIORN: Exhibit 184.

10          THE COURT: Thank you.

11          (Whereupon, Exhibit 184 was marked for  
12          identification.)

13          BY MR. BIORN:

14          Q. Which are selected responses of you,  
15          Ms. Chang, to Peter Ho's first set of special  
16          interrogatories. And I would like to read into the  
17          record your response to interrogatory number 55.

18          The interrogatory states "Provide all facts  
19          relating to the purported gift letter dated March 9,  
20          2017, including but not limited to whether James  
21          signed the document in his own hand."

22          Your response is as follows: "Responding  
23          party asserts that a loan officer, Geofrey Garcia,  
24          prepared the documents and she would not knowingly  
25          provide false information. Responding party further

1 admits that she and James signed where appropriate on  
2 all documents. Responding party asserts this was a  
3 quick qualifying loan and she discussed and signed  
4 several documents while at the loan office and  
5 asserts she would not knowingly provide Mr. Garcia  
6 with any inaccurate information."

7 "Further, responding party asserts that she  
8 and James signed further documents provided by  
9 Sterling Bank on or around March 9, 2017 at their  
10 home. Discovery is ongoing and this response may be  
11 updated as necessary."

12 And I would also like to read her response to  
13 interrogatory number 67.

14 THE COURT: Hold on just a second. Madam  
15 Interpreter, did you translate that?

16 THE INTERPRETER: I did not.

17 THE COURT: Okay. Go ahead. She's going to  
18 translate it.

19 MR. BIORN: I'm not asking her questions  
20 about this. I think on the prior time we didn't  
21 translate when I was reading into the record.

22 THE COURT: I think that was probably a  
23 mistake. Let me ask Mr. Baer what he'd like to do.

24 MR. BAER: I think it would be better to have  
25 her translate it to have her understand it.

1 MR. BIORN: Okay.

2 THE COURT: Okay.

3 THE INTERPRETER: Counsel, was it  
4 interrogatory 54 or 55?

5 MR. BIORN: 55.

6 THE COURT: This paragraph and this  
7 paragraph. He skipped a paragraph.

8 THE INTERPRETER: Thank you.

9 (The interpreter read the interrogatory and  
10 translated into Mandarin.)

11 THE WITNESS: I'm not following.

12 MR. BIORN: Okay.

13 THE COURT: You're not following?

14 THE INTERPRETER: The interrogatory.

15 THE COURT: Would you like to read it again?

16 THE WITNESS: Yes.

17 (The interpreter read the interrogatory and  
18 translated into Mandarin.)

19 THE COURT: Thank you.

20 MR. BIORN: Can we go off the record for a  
21 moment?

22 THE COURT: Okay.

23 (Whereupon, there was a discussion off the  
24 record.)

25 (Whereupon, Erik Weiss was allowed access via



1 Zoom.)

2 (Whereupon, Della Lau was allowed access via  
3 Zoom.)

4 THE COURT: Let's go back on the record.  
5 Please ask your next question.

6 MR. BIORN: Okay.

7 BY MR. BIORN:

8 Q. I would next like to read into the record the  
9 witness's response to interrogatory number 57. No,  
10 my mistake, 67.

11 "If you contend that James signed his name to  
12 the purported gift letter, provide all facts in  
13 support of that contention."

14 Then the response I'd like to read is on the  
15 next page, 57, lines 2 through 6. "Responding party  
16 asserts that a loan officer, Geofrey Garcia of  
17 Sterling Bank, completed the information on some  
18 documents associated with the loan application.  
19 Further, documents were later signed by herself and  
20 James at their home in Foster City on or around March  
21 9, 2017. Responding party did not sign James' name  
22 on any documents."

23 THE COURT: Okay. You can proceed.

24 THE WITNESS: Okay.

25 BY MR. BIORN:

1 Q. Ms. Chang, the other day your counsel asked  
2 you -- strike that.

3 When Mr. Ho died, did you inherit any money  
4 from life insurance as a result of his death?

5 A. No.

6 Q. When Mr. Ho died, did you inherit money from  
7 any bank accounts as a result of his death?

8 A. No.

9 Q. When he died, did you receive any money from  
10 any financial accounts, such as a bank account or an  
11 IRA, any financial account? Did you receive any  
12 money from those as a result of Mr. Ho's death?

13 A. No.

14 Q. I want to turn your attention to August 2017.  
15 So to orient you, the meeting with Mr. Martin was on  
16 August 21st, 2017 and the next day August 22nd is the  
17 day Mr. Ho went to the acupuncturist with Peter.

18 A. Okay.

19 Q. The day after Mr. Ho left to go to the  
20 acupuncturist with Peter, did you change the PG&E --  
21 or did you stop the PG&E service in Mr. Ho's name and  
22 change it into your name?

23 A. I don't believe so.

24 Q. I was talking about the PG&E services for the  
25 Redwood City property. Did you understand my

1 question that way?

2 A. I understand.

3 Q. Let's turn to Exhibit 110. Ms. Chang, you  
4 have a PG&E statement in here for you, and if you  
5 look on the first page in the upper left-hand corner  
6 it says service for James Ho at 229 Fulton Street in  
7 Redwood City.

8 Do you see that?

9 MR. BAER: There's no question.

10 MR. BIORN: There is.

11 BY MR. BIORN:

12 Q. Do you see that?

13 MR. BAER: Oh, does she see it, I'm sorry.

14 MR. BIORN: Can you point it out to her,  
15 David?

16 MR. BAER: Yes.

17 Do you see this? She indicated. I don't  
18 know if the interpreter picked that up or not.

19 MR. BIORN: All right.

20 THE WITNESS: I see it.

21 BY MR. BIORN:

22 Q. Let's turn to page 3, and do you see about  
23 four lines down it says "Service agreement ID closed"  
24 and it has a number and then it says closed. Do you  
25 see that?

1 MR. BIORN: David, can you point to it for  
2 her? It's going to take a long time.

3 MR. BAER: Right here.

4 MR. BIORN: Thank you.

5 BY MR. BIORN:

6 Q. If you turn to the next page, about five  
7 lines down it says "Service agreement ID" and then a  
8 customer number and at the end it says closed.

9 MR. BAER: I'm not there.

10 MR. BIORN: It's just the next page.

11 MR. BAER: But I'm still not there. I'm  
12 trying to change the pages.

13 Go ahead.

14 THE WITNESS: Okay.

15 BY MR. BIORN:

16 Q. And the next page, last question on this  
17 statement, do you see about four lines down where it  
18 says "Service agreement" and then an ID number and  
19 again it says closed?

20 A. Yes.

21 Q. And then for all three of those pages, above  
22 the word "closed," there's a time frame for the  
23 billing statement and it's either one or two days  
24 ending -- and the day -- the ending date for each one  
25 is either 8-22 or 8-23-2017.

1 Do you see that?

2 A. Where it say August 23rd?

3 MR. BIORN: David, if you could point out to  
4 her the three areas.

5 MR. BAER: This page.

6 BY MR. BIORN:

7 Q. Each of the three show the ending billing  
8 date of 8-23 or 8-23-17.

9 Do you see that?

10 A. Um-hmm.

11 MR. BAER: You need to answer yes or no.

12 THE WITNESS: Yes.

13 MR. BAER: Hold on. I'm going to object and  
14 move to strike the questions concerning this  
15 document. We can meet and confer afterwards, but I  
16 don't see a record that it was produced or that PG&E  
17 was subpoenaed.

18 MR. BIORN: Well, I have one more question on  
19 it. Can we take that up later?

20 MR. BAER: Yes. That's exactly what I'm  
21 suggesting because it will be objectively true that  
22 it was produced or not, and we're not going to go  
23 through that right now.

24 So what I propose doing is that this line of  
25 questioning be admitted, all the answers be admitted,

1 subject to a motion to strike for non-production of  
2 the record.

3 THE COURT: Okay.

4 MR. BIORN: Yes, we'll address after, fine.

5 MR. BAER: Can you make a note of that?

6 That's going to be your responsibility, basically.

7 Sorry, let's go off just a second.

8 (Whereupon, there was a discussion off the  
9 record.)

10 THE COURT: Back on the record.

11 BY MR. BIORN:

12 Q. Ms. Chang, we've looked at this PG&E energy  
13 statement indicating the was closed on August 22 or  
14 August 23.

15 Does that refresh your recollection that  
16 around August 22 or 23, you stopped the service of  
17 PG&E to the Fulton residence under the name James Ho  
18 and changed it to your own name?

19 MR. BAER: Objection. She didn't testify  
20 that she didn't recall, so to refresh her  
21 recollection is improper.

22 THE COURT: Right. You have to ask that  
23 question first.

24 MR. BAER: Well, he asked her if she did this  
25 and she said I don't believe so. I think those are

1 her exact words.

2 MR. BIORN: That, to me, sounds equivocal  
3 that she could have a recollection refreshed.

4 THE COURT: Okay. I'm going to permit this.  
5 We'll take it all subject to a motion to strike, just  
6 to move things along.

7 MR. BAER: Okay.

8 THE COURT: Looking at these documents, does  
9 that refresh your recollection that you contacted  
10 PG&E and cancelled the service? Hold on. She's  
11 going to translate for you.

12 THE WITNESS: I didn't on that day. I don't  
13 remember whether I did later.

14 BY MR. BIORN:

15 Q. Do you recall if you ever changed the account  
16 for PG&E services to Fulton from Mr. Ho's name to  
17 your name at any point in time?

18 MR. BAER: Including after he died?

19 MR. BIORN: Yes.

20 MR. BAER: Okay.

21 THE WITNESS: I don't know what I did later.  
22 They sent me something, but I didn't call them  
23 myself. If they said I called them, I don't  
24 remember. I was very sad.

25 BY MR. BIORN:

1           Q. Now, we talked a little bit in your previous  
2           days of testifying about when you -- when a  
3           preliminary title report was pulled for your Fulton  
4           property in August 2017 and when you first started  
5           contacting a real estate agent about selling Fulton  
6           in August 2017.

7           Do you recall us speaking about that earlier  
8           in your trial testimony?

9           A. I don't remember the date, slash, dates.

10          Q. Okay.

11          A. But I contacted an agent.

12          Q. Was it around August 2017, around the time  
13          that Mr. Ho met with Mr. Martin?

14          A. That, I also don't remember, but I don't  
15          think those two dates were close to each other.

16          Q. Was it before Mr. Ho died?

17          A. I think so.

18          Q. At that time did you have in your mind where  
19          you and Mr. Ho would live once you sold Redwood City?

20          A. At that time, I didn't know whether or not it  
21          was going to be sold, although quickly it became lis  
22          pendens.

23          Q. At that time, were you starting to sell the  
24          property because it was apparent that you could not  
25          afford the mortgage?



1           A. That wasn't in my mind because I always came  
2 up with solutions. I just wanted to sell it to have  
3 a resolution to this thing about gift or loan.

4           Q. Ms. Chang, I'm going to change subjects on  
5 you.

6           Did you ever pay rent to James for staying at  
7 the CSM property?

8           A. James never asked me and also didn't occur to  
9 me to ask him that.

10           Can I stop you? Can you stop?

11           Q. No, you have to translate everything.

12           A. Can I stop you? I would like to change what  
13 I just said.

14           MR. BIORN: Okay. Can we hear everything she  
15 just said, and then she can go on with the change?

16           THE COURT: Fine.

17           THE WITNESS: James didn't -- James never  
18 asked me. It also didn't occur to me to ask him  
19 about this because we lived together as if we were a  
20 married couple. That's a ridiculous question.

21           Could I now ask? Okay. I would like to  
22 change the last thing I said. I shouldn't have said  
23 ridiculous.

24           BY MR. BIORN:

25           Q. And so then it would be fair to say that you

1 never paid James rent for staying at any of the  
2 properties that he owned, correct?

3 A. I did not.

4 Q. On the Los Angeles property, on McCollum  
5 Street, you had a mortgage on that property when you  
6 first purchased it, right?

7 A. Yes.

8 Q. Did you ever refinance that mortgage before  
9 James died?

10 A. I think so.

11 Q. Do you recall when?

12 A. I don't.

13 Q. Ms. Chang, did your daughters ever tell  
14 you -- hold on. Let me reorient you to around the  
15 time that Mr. Ho sold the CSM property. Okay?

16 A. Okay.

17 Q. Did your daughters ever say to you that they  
18 thought you were pushing Mr. Ho to sell the CSM  
19 property?

20 MR. BAER: That's compound.

21 MR. BIORN: I'll rephrase.

22 THE COURT: Thank you.

23 BY MR. BIORN:

24 Q. Did any of your daughters ever say to you  
25 that they thought -- that she thought you were

1 pushing Mr. Ho to sell the CSM property?

2 A. No.

3 Q. Okay.

4 MR. BIORN: We've previously marked as  
5 Exhibit 157 certain individual requests for  
6 admission. I'd like to, if possible, Your Honor,  
7 just change out that exhibit for this one which has  
8 all of the requests for admissions and all of her  
9 responses.

10 THE COURT: Any problem?

11 MR. BAER: No.

12 THE COURT: That will be marked as 157 and  
13 you will receive the other 157 back.

14 (Whereupon, Exhibit 157 was marked for  
15 identification.)

16 MR. BAER: Thank you.

17 MR. BIORN: And here's an extra. David, will  
18 you switch that out in the witness binder for me,  
19 please?

20 MR. BAER: Yes, I will.

21 MR. BIORN: Here you go.

22 MR. BAER: Thank you.

23 Mission accomplished.

24 THE COURT: In the old 157, you asked about  
25 admission 64?

1 MR. BIORN: Yes.

2 THE COURT: I just read the last sentence of  
3 the answer.

4 MR. BIORN: Okay.

5 THE COURT: Do you want to have that  
6 translated now?

7 MR. BIORN: Sure.

8 THE COURT: Very short.

9 BY MR. BIORN:

10 Q. We previously read into the record your  
11 response to request for admission 64 and I'll do that  
12 again now since we have a translator here to  
13 translate it.

14 The request is "Admit that in February 2017,  
15 you knew that James F. Ho was weak and fatigued."

16 THE COURT: Thank you.

17 BY MR. BIORN:

18 Q. And your response was on the next page, 41,  
19 line 5: "Responding party admits this assertion."

20 THE COURT: Okay. Now, I don't remember.  
21 That was to be admitted as substantive evidence and  
22 not refreshing recollection document?

23 MR. BIORN: Correct.

24 THE COURT: Okay. Thank you.

25 MR. BIORN: Everything I'm reading into the

1 record is party admission.

2 THE COURT: Okay. Great.

3 BY MR. BIORN:

4 Q. So I'd next like to read request for  
5 admission 76 on page 47. The request is "Admit that  
6 you provided false information to Sterling Bank and  
7 Trust in your loan application relating to the  
8 purchase of the real property located at 229 Fulton  
9 Street, Redwood City, California."

10 THE INTERPRETER: Mr. Baer, could the  
11 interpreter have that copy?

12 MR. BAER: Oh, I'm sorry, I haven't turned  
13 the witness's attention to the document.

14 You're on page 47 now?

15 MR. BIORN: Yes.

16 MR. BAER: Sorry.

17 He was on lines 11 and 12.

18 BY MR. BIORN:

19 Q. And the response is "Responding party denies  
20 this assertion."

21 The next request for admission I'd like to  
22 read is on page 50, number 82. It starts at line 23.

23 The request states "Admit that you charged  
24 James F. Ho rent to live in the real property located  
25 at 229 Fulton Street, Redwood City, California."

1           Your response is on the next page, 51, line 9  
2           as follows, "Responding party denies this assertion."

3           A. That's right.

4           Q. There's no question. On all of these,  
5           there's no question for her to respond to. I'll let  
6           you know when there's a question.

7           The next one I'd like to read is also on page  
8           51, request for admission number 84, lines 25 and 26.  
9           "Admit that in August 2017, you arranged for John  
10          Martin, Esquire, to meet with James F. Ho on August  
11          21, 2017."

12          Your response is on the next page, 52, line  
13          12 as follows: "Responding party denies this  
14          assertion."

15          Next, I'd like to read request for admission  
16          number 85. It's on that same page 52, lines 14 and  
17          15. "Admit that you asked Reinhard Oesterle to speak  
18          to John Martin, Esquire about meeting with James F.  
19          Ho regarding the \$1.1 million and \$67,050."

20          The response is on the same page, 52, line  
21          27. "Responding party denies this assertion."

22          I'd next like to read request for admission  
23          number 86, top of page 53, line 2 to 3. "Admit that  
24          you asked Reinhard Oesterle to tell John Martin,  
25          Esquire that the \$1.1 million and \$67,050 were gifts

1 from James F. Ho to you."

2 Your response is on the same page, 53, line  
3 15. "Responding party denies this assertion."

4 The next request for admission is number 96  
5 on page 58, lines 18 to 20. "Admit that during your  
6 conversation with John Martin in person on August 21,  
7 2017 in the real property located at 229 Fulton  
8 Street, Redwood City, California, you told Mr. Martin  
9 that the \$1.1 million and \$67,050 were gifts."

10 MR. BIORN: I'm sorry, did I read that answer  
11 yet?

12 MR. FRASER: No.

13 BY MR. BIORN:

14 Q. The response is on the top of the next page,  
15 59, line 5. "Responding party denies this  
16 assertion."

17 And the last request I'd like to read into  
18 the record is your response to request for admission  
19 number 100 on page 60, lines 22 to 23.

20 MR. BAER: Just a quick sec. What was the  
21 last number?

22 MR. BIORN: 96.

23 MR. FRASER: 96.

24 MR. BAER: Okay. Thank you.

25 MR. BIORN: Back to number 100, the request

1 is: "Admit that when you applied for a loan from  
2 Sterling Bank and Trust in February of 2017, you  
3 falsely stated that you earned \$18,500 per month  
4 working for Evergreen Life Company."

5 The response on the next page 61, line 8:  
6 "Responding party denies this assertion."

7 THE COURT: Recess?

8 MR. BIORN: Yes.

9 THE COURT: Okay.

10 (Whereupon, a break was taken.)

11 THE COURT: Back on the record.

12 BY MR. BIORN:

13 Q. Next exhibit, there's already an exhibit tab  
14 and it's already on the exhibit list, but there's  
15 nothing in the tab. It's Exhibit 158 and it is  
16 Debby's responses to the first set of special  
17 interrogatories from Peter Ho, 158.

18 And I would like to read -- it's selected  
19 portions of those interrogatories. I'd like to read  
20 into the record 66, which the interrogatory start is  
21 on the bottom of 55, line 26.

22 THE INTERPRETER: Is that 158?

23 MR. BIORN: Yes.

24 MR. BAER: I just put it in there. Yes, this  
25 is 158.



1 BY MR. BIORN:

2 Q. Turn to the fourth page, but at the bottom,  
3 it will say page 55. And I'm going to read line 26  
4 which is interrogatory number 66 as follows "Do you  
5 contend that James signed his name on the purported  
6 gift letter?"

7 The response is on the next page, 56, lines  
8 12 to 14 as follows "Responding party asserts James  
9 signed a document prepared by Sterling Bank in  
10 connection with the loan documents on March 9, 2017  
11 at their home in Foster City."

12 The next interrogatory is number 67. It's  
13 also on page 56, lines 16 to 17, as follows: "If you  
14 contend that James signed his name to the purported  
15 gift letter, provide all facts in support of that  
16 contention."

17 The response is on the next page, 57, lines 2  
18 through 5 as follows "Responding party asserts that a  
19 loan officer, Geoffrey Garcia of Sterling Bank,  
20 completed the information on some documents  
21 associated with the loan application. Further,  
22 documents were later signed by herself and James at  
23 their home in Foster City on or around March 9, 2017.  
24 Responding party did not sign James' name on any  
25 documents."

1 Okay.

2 MR. BIORN: Your Honor, I would like to move  
3 the entirety of Exhibits 157 and 158 into evidence.  
4 157 would include all of the requests for admissions  
5 even those that were not read into the record.

6 MR. BAER: Are you going to read them into  
7 the record if I object?

8 MR. BIORN: I mean I can. They are just  
9 requests for admissions.

10 MR. BAER: No objection.

11 THE COURT: 157 and 158 will be received.

12 (Whereupon, Exhibit 157 was admitted into  
13 evidence.)

14 (Whereupon, Exhibit 158 was admitted into  
15 evidence.)

16 MR. BIORN: Let's turn to Exhibit -- on the  
17 big binder -- 14. And the first page of that is a  
18 letter from the Loew Law Group. That can be removed  
19 from the exhibit.

20 This is -- it is only supposed to be a  
21 complete Debby Chang 2003 revocable trust.

22 THE COURT: Exhibit what?

23 MR. BIORN: 14.

24 THE COURT: Okay.

25 BY MR. BIORN:

1           Q. Ms. Chang, you're taking a look at Exhibit 14  
2           on the first page. It says it's the Debby Chang 2003  
3           revocable trust, right?

4           Do you see that?

5           A. Yes.

6           Q. On the third to last page you signed this  
7           document, right?

8           A. I couldn't see it. I couldn't read it. It's  
9           not clear.

10           MR. BAER: David, will you stipulate that  
11           this is her trust? Maybe I should have left the Loew  
12           letter in.

13           MR. BAER: Can I ask her a question?

14           MR. BIORN: Sure.

15           MR. BAER: Is this your trust? You can look  
16           at it.

17           THE WITNESS: I believe so -- wait a minute.  
18           I don't remember if this was my trust.

19           MR. BIORN: Let me ask her a different  
20           question then.

21           MR. BAER: Okay.

22           BY MR. BIORN:

23           Q. Ms. Chang, in your trust, did you provide for  
24           a gift for James Ho?

25           A. In my trust? How do I put it? When we went

1 to the attorney's office to change it, he said he  
2 didn't want to change it. So I believe the lawyer  
3 didn't change it.

4 MR. BIORN: Move to --

5 MR. BAER: I'll stipulate --

6 MR. BIORN: No, that's okay. I'm not moving  
7 to strike.

8 MR. BAER: I'll move to strike it then.

9 THE COURT: Sustained.

10 BY MR. BIORN:

11 Q. So Ms. Chang, is it your testimony --

12 THE COURT: I mean stricken. Sorry.

13 BY MR. BIORN:

14 Q. Ms. Chang, did you intend to provide a gift  
15 for Mr. Ho in your trust?

16 MR. BAER: Objection. Relevance.

17 THE COURT: I'm going to permit it.

18 Overruled. But we're not going to go a long time  
19 into this.

20 MR. BIORN: It was supposed to be a  
21 three-minute set of questions.

22 THE COURT: Did you intend to give Mr. Ho any  
23 money in your trust or any item or anything after you  
24 passed away?

25 THE WITNESS: On that day, we went to the

1 attorney's, I didn't have --

2 THE COURT: Hold on. That's a yes-or-no  
3 question.

4 Just proceed.

5 BY MR. BIORN:

6 Q. Yes or no. Can you answer that question yes  
7 or no?

8 A. I didn't plan ahead, so I didn't know what I  
9 was going to say.

10 Q. Okay. At any point, did ask the lawyer to  
11 provide for a gift for Mr. Ho in your trust during  
12 that meeting?

13 MR. BAER: Okay. You mean the meeting that  
14 James Ho also attended?

15 MR. BIORN: The one that she's referring to  
16 in her answers today.

17 MR. BAER: Just wanted to clarify that  
18 because otherwise, it's privileged.

19 THE WITNESS: I'm not following what you're  
20 talking about. You.

21 BY MR. BIORN:

22 Q. By "you" --

23 MR. BIORN: Your Honor, can you ask the  
24 interpreter by "you" is she referring -- we don't to  
25 have spend too much time on this. I do want to get

1 back to this -- the stricken testimony where, to me,  
2 she appears to blame the lawyer for not including  
3 Mr. Ho in the trust and so I do --

4 THE COURT: It was stricken.

5 MR. BIORN: Okay. But I'd like to get back  
6 and try and get that in because it seems to be a  
7 character trait.

8 MR. BAER: Is there another way to proceed  
9 besides asking questions?

10 THE COURT: Stipulation?

11 MR. BAER: What is the fact to which I would  
12 stipulate?

13 MR. BIORN: That Ms. Chang did not provide  
14 for Mr. Ho in her trust. We can talk about this at  
15 the break.

16 THE COURT: Okay. Thank you. We'll pass.

17 MR. BIORN: Let's move on. Let's go to  
18 Exhibit 85.

19 THE COURT: Again, what number?

20 MR. BIORN: 85.

21 BY MR. BIORN:

22 Q. Ms. Chang, I'm showing you Exhibit 85. It's  
23 a \$10,000 check from Mr. Ho to you for cash dated --

24 MR. BIORN: Didn't we already ask about this  
25 one? Was this admitted? It was? Oh, okay. Never

1 mind. I withdraw the question.

2 BY MR. BIORN:

3 Q. Let's go to Exhibit 89. Let me show you  
4 Exhibit 89, which is a series of text messages  
5 between you and Jeanny Ho.

6 And the order of the text messages is the  
7 upper left quadrant, then the upper right quadrant,  
8 then the lower left quadrant, then the lower right  
9 quadrant.

10 Do you see those text messages?

11 A. I see them.

12 Q. And do you see in the upper right-hand  
13 quadrant where I'll represent to you the boxes in the  
14 light color are your text messages. The boxes in the  
15 green color are Jeanny's text messages.

16 MR. BAER: I object to that. Basically  
17 that's not question. That's a statement and  
18 Mr. Biorn is testifying.

19 MR. BIORN: Okay.

20 THE COURT: Sustained.

21 BY MR. BIORN:

22 Q. Let me direct your attention to the first  
23 full text in box number 1. It says "Hi, Jeanny.  
24 Thank you for the no Mother's Day present" --

25 MR. BAER: Presently.

1 MR. BIORN: Presenty. Present with a Y on  
2 it. It's a typo.

3 BY MR. BIORN:

4 Q. Do you see where it says "Hi, Jeanny"?

5 A. I see it.

6 Q. Do you see in the upper part there where from  
7 the printout of the text from the phone shows this is  
8 from your phone -- yes, shows this is from Debby, DC?

9 Do you see that?

10 A. Yes, I see it.

11 Q. Since the first full text says "Hi, Jeanny,"  
12 does that lead you to conclude that your texts are in  
13 the light color boxes and Jeanny's are in the green  
14 color boxes?

15 A. Yes.

16 Q. On the next page, do you see the second to  
17 the bottom -- sorry.

18 On the next upper right quadrant, the second  
19 from the bottom text box, you are typing "He is an  
20 unhealthy person, I meant his brain is not healthy."

21 Do you see that?

22 A. I see that.

23 Q. And earlier in the text chain you were  
24 referring to Daddy Ho. Is your comment about "He is  
25 an unhealthy person, I meant his brain is not



1 healthy" does that refer to Daddy Ho?

2 A. I don't remember saying that. I don't  
3 remember.

4 Q. Okay.

5 MR. BIORN: Move to strike. That's  
6 nonresponsive.

7 BY MR. BIORN:

8 Q. My question is: Does that text message --

9 MR. BIORN: Well, move to strike as  
10 nonresponsive.

11 THE COURT: Quite frankly, I forgot what you  
12 asked. Did you ask is that her?

13 MR. BIORN: No. She said that was her.

14 THE COURT: Okay.

15 MR. BIORN: But what I asked was whether, in  
16 looking at the other text messages, that text about  
17 he is an unhealthy person, I meant his brain is not  
18 healthy, if that referred to Daddy Ho.

19 THE COURT: Okay. Stricken. You can  
20 proceed.

21 BY MR. BIORN:

22 Q. Does that refer to Daddy Ho?

23 A. I don't remember saying that.

24 Q. Okay.

25 MR. BIORN: Your Honor, I would move this

1 exhibit into evidence.

2 MR. BAER: No objection.

3 THE COURT: Received.

4 (Whereupon, Exhibit 89 was admitted into  
5 evidence.)

6 MR. BIORN: Okay.

7 BY MR. BIORN:

8 Q. Then let's go to Exhibit 90, the next page.  
9 This is a --

10 THE COURT: On this, do we have any date?

11 MR. BIORN: We do, Your Honor. We were  
12 wondering the same thing. On the fourth box, there's  
13 a date of Saturday, May 20, which we have as 2017, if  
14 you look at the calendar.

15 THE COURT: Or four or five years earlier?

16 MR. BIORN: I could ask to bring Jeanny back.

17 MR. BAER: Well, she's been excused.

18 MR. BIORN: She has, and I could ask. Yes,  
19 Saturday, May 20. Well, we'll make that argument in  
20 the brief, but the fact of the matter is she still  
21 said it. So --

22 THE COURT: That's fine.

23 MR. BIORN: We'll just make the argument.

24 MR. BAER: It's in.

25 MR. BIORN: All right.

1 BY MR. BIORN:

2 Q. So then if we move to the next exhibit, 90,  
3 these are, again, text messages between you and  
4 Jeanny.

5 And again, the order is the upper left  
6 quadrant, upper right quadrant, lower left, lower  
7 right, and we have a date of Friday, June 2, which,  
8 again, corresponds with the year of 2017 calendar.

9 MR. BIORN: And I could print out that  
10 calendar, but I would ask the Court to take judicial  
11 notice that June 2nd landed on a Friday in 2017.

12 THE COURT: Remind me and I'll look at that.

13 MR. BIORN: Yes, we'll do that at the break.

14 THE COURT: You're saying this is a  
15 continuous text?

16 MR. BIORN: The text messages kind of keep  
17 going on and on and these are four screenshots of  
18 text messages.

19 THE COURT: So you have one on June and then  
20 next to that is one in August, right?

21 MR. BAER: Yes.

22 MR. BIORN: That is true. I withdraw my  
23 question on 90.

24 THE COURT: Thank you.

25 BY MR. BIORN:

1 Q. Let's turn to Exhibit 73. Exhibit 73 is a  
2 two-page document.

3 MR. BIORN: I believe the entire exhibit was  
4 admitted into evidence already.

5 MR. FRASER: I believe so.

6 MR. BIORN: So I would like to -- the first  
7 page is a pre-approval letter from General Mortgage  
8 Capital Corporation. It's addressed to you and  
9 James, and it says in the first paragraph "Based upon  
10 the financial information you have submitted to us,  
11 General Mortgage Capital Corporation is pleased to  
12 inform you that you are pre-approved."

13 Do you remember being pre-approved for the  
14 purchase of the Redwood City property for a loan from  
15 General Mortgage Capital Corporation?

16 A. I don't remember.

17 Q. Let's turn to the next page. This is an  
18 e-mail between your real estate broker, Mary Bee  
19 Thrasher, and other real estate brokers about the  
20 Redwood City transaction.

21 In the text of the e-mail on the third line,  
22 one associate is saying to your real estate broker,  
23 Mary Bee, "I am confused regarding the buyer's  
24 financing. The pre-approval letter has been signed  
25 by Michael Chiu" with a phone number and then it says

1 "General Mortgage Capital Corporation" with a phone  
2 number and goes on "Have you changed the lender?  
3 Please let me know."

4 Does this refresh your recollection that you  
5 and James were pre-approved for a mortgage to buy the  
6 Redwood City property from the lender at General  
7 Mortgage Capital Corporation?

8 A. I don't remember.

9 Q. Ms. Chang, when you bought the Redwood City  
10 property, do you believe you could have qualified for  
11 a loan to buy that property if you did not get  
12 \$1.1 million from Mr. Ho?

13 MR. BAER: Objection. Calls for speculation.  
14 Also it calls for an opinion.

15 THE COURT: I thought this had already been  
16 discussed.

17 MR. BIORN: I'm asking if she had that in her  
18 mind at the time.

19 THE COURT: I'm going to permit it. It's  
20 cross. There'll be some latitude.

21 THE WITNESS: I can't tell you. I don't  
22 remember.

23 BY MR. BIORN:

24 Q. Go to Exhibit 93. Do you see Exhibit 93 is a  
25 notice of action taken from Bank of America dated

1 July 5, 2017.

2 Do you see that?

3 A. I see that.

4 Q. Okay. And then I think a voicemail got added  
5 at the end of this exhibit. That can be taken out.  
6 We just need the first three pages. That's the  
7 notice of action taken.

8 MR. BAER: Something else in there, too? Oh,  
9 I see. Okay.

10 MR. BIORN: So, Your Honor, keep the first  
11 three pages of Exhibit 93 and remove the last two  
12 pages.

13 THE COURT: Can I discard those or they might  
14 be relevant later?

15 MR. BIORN: I know I made a mistake, but this  
16 time I'm sure.

17 Did we get an answer from the witness?

18 MR. BAER: Could you please read the question  
19 back?

20 (The record was read by the Reporter.)

21 BY MR. BIORN:

22 Q. Ms. Chang, do you recall receiving this  
23 document, Exhibit 93?

24 A. I have no recollection.

25 Q. Do you recall trying to refinance your loan

1 on the Redwood City property in or around June or  
2 July of 2017?

3 A. I don't remember that.

4 Q. Well, on the second line of the letter, do  
5 you see where it says applicant's name Debby Chang?

6 Do you see that?

7 A. Yes.

8 Q. And then a few lines down it says property  
9 address and it's got the Redwood City property  
10 address.

11 Do you see that?

12 A. Yes.

13 Q. And then the next line, it says requested  
14 credit and below that it says "Mortgage application."

15 A. I see that.

16 Q. You don't see that?

17 A. I see that.

18 Q. Does that refresh your recollection of you  
19 attempting to refinance your loan on the Redwood City  
20 property with Bank of America in or around June or  
21 July of 2017?

22 A. I can't recall.

23 Q. And then the next few lines down in the first  
24 sentence after description of action taken it says --  
25 this is the second sentence -- "After careful

1 consideration of your application, we are unable to  
2 approve your request at this time."

3 Do you see that?

4 My question is: Do you see that?

5 A. Yes.

6 Q. Then if you go down one -- part 1, principal  
7 reason for credit denial, and then it says  
8 "debt-to-income ratio, excessive obligations in  
9 relation to income."

10 Do you see that?

11 MR. BAER: It's right here.

12 THE WITNESS: I see that.

13 BY MR. BIORN:

14 Q. Does that refresh your recollection that you  
15 were denied credit by Bank of America in June or July  
16 of 2017?

17 A. If I was denied of something, I would not  
18 have remembered it because was something -- was  
19 denied is no longer important. If it was not  
20 important, there was no need for me to remember it  
21 because I was too busy taking care of Daddy Ho.

22 MR. BIORN: I'll move Exhibit 93 into  
23 evidence.

24 MR. BAER: Objection. Hearsay.

25 MR. BIORN: It's the business record.



1 MR. BAER: It's not produced by the bank as  
2 far as I know.

3 MR. BIORN: It was produced, as I understand  
4 it, by Bank of America in the litigation.

5 MR. BAER: Okay. So let's do the same thing  
6 again. We'll figure out if it was produced by Bank  
7 of America in the litigation. So I'll agree to its  
8 submission subject to a motion to strike if it wasn't  
9 produced by Bank of America.

10 THE COURT: You're going to have to remember  
11 these things.

12 MR. BAER: Yes, it's our burden. It's our  
13 motion to strike.

14 THE COURT: I agree there's no foundation for  
15 this document right now.

16 MR. BAER: That as well.

17 THE COURT: So it will be received subject to  
18 discussion later.

19 MR. BIORN: Yes, I believe it was produced  
20 pursuant to subpoena, and as Mr. Baer and I had  
21 talked about, we were not going to bring in  
22 custodians of records if we already have the  
23 documents by subpoena.

24 MR. BAER: Yes, there's a custodian -- I  
25 agree with that, if there's a custodian of records

1 declaration, then it's admissible for an act, event  
2 or condition. So the act would be the denial of the  
3 loan.

4 So I would agree that if it was produced by  
5 Bank of America, it's admissible to show that the  
6 bank denied approval of this loan application.

7 MR. BIORN: So we'll check that. And then I  
8 believe Mr. Baer and I had a discussion off the  
9 record before we -- during the break and I believe  
10 his prior motion to strike today, he was going to  
11 inform the Court that we're not -- he's not going to  
12 pursue that.

13 MR. BAER: Yes, that was in regards to -- I'm  
14 forgetting the exhibit number, but the PG&E bill.  
15 I've got a note of it here, but the PG&E bill that  
16 was produced so we're not going to make a motion --  
17 that's one, yes.

18 MR. BIORN: So we'll move --

19 THE COURT: I'll let you put in evidence  
20 anything.

21 But do we know who made the phone call to  
22 PG&E?

23 MR. BAER: She didn't --

24 MR. BIORN: She didn't remember anything.

25 THE COURT: Right. Do we know if somebody

1 else made the phone call to PG&E?

2 MR. BIORN: I'm going -- I am going to see  
3 what else we have in the files. I'm not going to be  
4 able to ask her anything on that today.

5 THE COURT: Okay. Fair enough. So motion to  
6 strike in connection with Exhibit 110 is withdrawn.

7 MR. BIORN: Move Exhibit 108.

8 THE COURT: And I'm terribly sorry, 110 will  
9 be received into evidence.

10 (Whereupon, Exhibit 110 was admitted into  
11 evidence.)

12 MR. BIORN: Thank you.

13 THE COURT: So we're moving to 108?

14 MR. BIORN: Correct.

15 THE COURT: Thank you.

16 MR. BIORN: And I have no questions. I just  
17 want to move this exhibit into evidence.

18 MR. BAER: Has there been testimony  
19 concerning it?

20 MR. BIORN: She did say that she retained  
21 Pierre Malak to sell her property in around October,  
22 September 2017 and it was produced as part of the  
23 litigation.

24 MR. BAER: That doesn't mean it comes in  
25 without any testimony.

1 MR. BIORN: I know. I'll ask her some  
2 questions about it if you want me to.

3 MR. BAER: No, it's okay. I'm just  
4 verifying.

5 Okay. No objection.

6 THE COURT: Received.

7 (Whereupon, Exhibit 108 was admitted into  
8 evidence.)

9 MR. BIORN: And 123.

10 MR. BAER: The only thing I just want to the  
11 notice, it looks -- well, anyway, it doesn't matter.  
12 It's in. This is 108.

13 MR. BIORN: Exhibit 123 is a Redwood City  
14 Police Department incident report. Ms. Chang --  
15 essentially I want to move this into evidence. It's  
16 a business record. We have asked Ms. Chang about her  
17 reports or her visits to the police department, but  
18 she didn't make a formal report.

19 MR. BAER: It's hearsay. Objection.

20 MR. BIORN: Business record exception. It  
21 was produced by subpoena.

22 MR. BAER: I don't think that matters. The  
23 statements still are hearsay other than Ms. Chang's.  
24 If those would be produced pursuant to subpoena, then  
25 her statements could come in.

1 MR. BIORN: Okay. The comment says the RP,  
2 reporting party. That's all I ask comes in.

3 MR. BAER: Okay.

4 MR. BIORN: Okay?

5 MR. BAER: Okay.

6 THE COURT: Okay. Exhibit 123 on this  
7 document numbers 15 through 21, those lines will be  
8 received. Is that it?

9 MR. BIORN: There are other references to RP.

10 MR. BAER: Some of what's there is actually I  
11 think what the police are saying, too.

12 MR. BIORN: They're just -- wherever it says  
13 what RP did.

14 MR. BAER: Okay. So hold on a second.

15 No custodian of records?

16 MR. KUO: No. They produced it, but I don't  
17 see that they put a declaration statement.

18 MR. BAER: That's okay. They should have.

19 Anyway, I have no objection to it being  
20 received for statements that Ms. Chang made that are  
21 in it and which those are can be sorted out to the  
22 extent necessary when we have trial briefs or  
23 arguments.

24 MR. BIORN: Okay.

25 THE COURT: Thank you. Received.

1 (Whereupon, Exhibit 123 was admitted into  
2 evidence.)

3 MR. BIORN: All right. Exhibit 1 -- no.  
4 Exhibit 126.

5 BY MR. BIORN:

6 Q. I just have a question for you, Ms. Chang.  
7 Ms. Chang, did you ever tell your daughter Rita that  
8 as to the \$1.1 million, you don't want the money?

9 A. I don't remember.

10 Q. Did you ever tell any of your daughters that  
11 you don't want the \$1.1 million?

12 A. I did not.

13 Q. Exhibit 143 is the Grant Deed by which James  
14 Ho and Debby Chang took title to the McCollum Street,  
15 Los Angeles property.

16 MR. BIORN: All I want to do is move it into  
17 evidence.

18 MR. BAER: No objection.

19 THE COURT: Again the number?

20 MR. BIORN: 143.

21 THE COURT: Received.

22 (Whereupon, Exhibit 143 was admitted into  
23 evidence.)

24 MR. BIORN: 144 is the deed of trust for --  
25 also for the McCollum Street address. I would move

1       this into evidence.

2               MR. BAER: No objection.

3               THE COURT: Received.

4               (Whereupon, Exhibit 144 was admitted into  
5 evidence.)

6               MR. BAER: Can we take a break briefly?

7               THE COURT: Absolutely.

8               MR. BAER: Thank you.

9               (Whereupon, a break was taken.)

10              MR. BIORN: Back on, Your Honor?

11              THE COURT: Yes.

12              MR. BIORN: Exhibit 151, David, is a deed of  
13 trust for Albany. I would like to admit that.

14              MR. BAER: No objection.

15              THE COURT: I have it as already being  
16 admitted. But if it hasn't, it will be.

17              MR. BIORN: And Exhibit 152, the Grant Deed  
18 by which Mr. Ho and Ms. Chang sold the Albany  
19 property.

20              MR. BAER: No objection.

21              THE COURT: Received.

22              (Whereupon, Exhibit 152 was admitted into  
23 evidence.)

24              MR. BAER: The Grant Deed by which they  
25 transferred it, but that's okay.

1 MR. BIORN: That is true.

2 Now, I would like to refer to Exhibit 161,  
3 which is the witness's declaration filed in this  
4 litigation on August 28, 2020. Already been admitted  
5 into evidence as to the paragraphs that were read.  
6 And I'd also like to read paragraph 40 into the  
7 record. I'll wait for the court interpreter.

8 Page 11 of the document, lines 1 through 6,  
9 "We went to Sterling Bank to deposit the check. Then  
10 the bank's loan consultant, Geoffrey Garcia, with whom  
11 we did not have an appointment, had me fill out a  
12 loan application without James, even though he knew  
13 James had intended to be a co-borrower. Mr. Garcia,  
14 however, assured me that I was qualified to obtain a  
15 loan myself and did not need James to co-sign the  
16 loan, which would save James from a lot of  
17 paperwork."

18 MR. BAER: So she --

19 MR. BIORN: I have no question -- oh, that's  
20 right, she's going to interpret.

21 Then I'd like to read from the witness's  
22 deposition, volume 2, page 104, line 13 to page 105,  
23 line 15.

24 MR. BAER: I'm showing that 104, 13 to 105,  
25 15 has been read, but...



1 MR. BIORN: Are you showing that as -- well,  
2 104, 13 to 105, 15, I'm going to ask a question of  
3 the witness about that and about the paragraph 40  
4 that I just read.

5 MR. BAER: Go ahead, because I just want to  
6 the move things along.

7 THE COURT: It has been read.

8 MR. BAER: All right. If it's been read,  
9 then you can ask questions, I guess.

10 MR. BIORN: Okay. And one other paragraph  
11 from Exhibit 161, which is paragraph 41. Back to  
12 Exhibit 161, which I think is still in front of the  
13 witness, thank goodness.

14 MR. BAER: Yes.

15 MR. BIORN: It is page 11, the first two  
16 sentences of paragraph 41, which is lines 7 and 8,  
17 and this follows the paragraph 40 we just read where  
18 Mr. Garcia had assured Ms. Chang that she could get  
19 the loan by herself and James did not need to  
20 co-sign.

21 She states in her declaration at 41, "After  
22 obtaining this information, James and I decided that  
23 I would be the only purchaser. On March 6, 2017,  
24 James signed the addendum to the purchase contract  
25 for the Redwood City property, eliminating him as a

1 buyer."

2 Now, Your Honor, on that portion of the  
3 deposition we already read, I don't believe that was  
4 translated for Ms. Chang. So let's reread it and  
5 have it translated, if that's okay. It pertains to  
6 my final question for her, too.

7 So it's page 104, line 13 to page 105, line  
8 15.

9 MR. BAER: Oh, 104, sorry.

10 MR. BIORN: 104, 13.

11 "Question: Did you tell anyone that James  
12 should be removed as a purchaser from the real estate  
13 contract?

14 Answer: No.

15 Question: Are you sure you didn't tell Mary  
16 Bee Thrasher that?

17 Answer: Because you asked me yes or no, so I  
18 didn't elaborate. Actually, this matter, I went to  
19 the bank to fill out the application. As soon as I  
20 sat down, the bank person told me that I'm qualified  
21 to get the loan. Then I was told that James doesn't  
22 need to sign this application with me. Then I said  
23 that I cannot say so to you, I need to go home and  
24 tell him. After one day later, they told Mary Bee to  
25 prepare this form. No, not this form. And then --

1 not this form, another form, another piece of paper  
2 to remove his name on that form, but I didn't really  
3 see, but I know it was to remove his name. At that  
4 time, Mary Bee knew. I was surprised Mary Bee knew  
5 and I was surprised he brought that form to me.  
6 Later I knew it was either the bank or the title  
7 company gave the form to him or her, so then I told  
8 Mary Bee that, then I mentioned this to Mary Bee."

9 BY MR. BIORN:

10 Q. So Ms. Chang, is it accurate that Mr. Ho was  
11 taken off of the purchase contract because he was not  
12 on the loan at Sterling Bank?

13 A. Right now, I really don't remember what  
14 happened.

15 Q. Okay.

16 MR. BIORN: I don't have anything further,  
17 Your Honor.

18 MR. BAER: I'd prefer to start my direct at  
19 one time, but I can start now if you want. We can go  
20 for 20 minutes.

21 THE COURT: You decide whatever you want to  
22 do. I'm not going to force you.

23 MR. BAER: Okay. I'd rather start later so  
24 that I can present it continuously. There's just so  
25 little to accomplish.

1 MR. BIORN: That's fine.

2 THE COURT: Very good. Then we're done right  
3 now?

4 MR. BAER: We're done.

5 THE COURT: Okay.

6 MR. BAER: Actually, you know what, maybe  
7 I'll use the 20 minutes. Okay. I'll use the 20  
8 minutes.

9 THE COURT: We don't need everybody, but we  
10 do need to do some housekeeping because this isn't  
11 going to be -- cleanup stuff and move around,  
12 physically move around stuff. Okay, but proceed.

13 CROSS-EXAMINATION

14 BY MR. BAER:

15 Q. Ms. Chang, I'm going ask you some questions  
16 now.

17 What is your date of birth?

18 A. June 2nd, 1939.

19 Q. Where were you born?

20 A. China.

21 Q. Have you ever been married?

22 A. I have.

23 Q. And what was your husband's name?

24 A. James Chang.

25 Q. Is he alive now?

1 A. He's passed.

2 Q. When did that occur?

3 A. 2017.

4 Q. What year did you and James Chang get  
5 married?

6 A. I don't remember whether it was 1960 or 1961.

7 Q. Did the two of you have any children?

8 A. Yes.

9 Q. And their names are Judy, Rita and Shirley,  
10 right?

11 A. Yes.

12 Q. And where were they born?

13 A. Taiwan.

14 Q. And where were you when you got married to  
15 Mr. Chang?

16 A. In Taiwan.

17 Q. Did you live with each of your children until  
18 they became adults?

19 A. Yes.

20 Q. When did you come to the United States?

21 A. 1973.

22 Q. Why did you come here?

23 A. For better education for my children.

24 Q. Did you come with anyone else in your family?

25 A. My youngest daughter.

1 Q. And which daughter is that?

2 A. My youngest daughter is called Judy.

3 Q. Did you husband James and then your daughters  
4 Rita and Shirley join you later in the United States?

5 A. They arrived the next year.

6 Q. Where did you live when you first came to the  
7 United States?

8 A. I lived at a friend's place in Redwood City.

9 Q. How long did you stay with your friend in  
10 Redwood City?

11 A. Probably less than a month.

12 Q. Where did you first live with your entire  
13 family; in other words, with Mr. Chang and your three  
14 daughters?

15 A. We lived in Albany or El Cerrito around the  
16 border.

17 Q. Are you a United States citizen now?

18 A. Yes.

19 Q. When did you become a citizen?

20 A. 1981.

21 Q. When did you first meet James Ho?

22 A. 1995. Excuse me, the first time we met was  
23 when I was 22.

24 Q. Where were you then?

25 A. Taiwan.

1 Q. And what year was it when you were 22?

2 A. Let me do the math. So what was your  
3 question again?

4 Q. What year was it?

5 MR. BAER: You don't mind if I lead, do you?

6 MR. BIORN: (Shrugs shoulders.)

7 BY MR. BAER:

8 Q. That would have been 1961, correct?

9 A. Correct.

10 Q. And how did you meet Mr. Ho?

11 A. A friend introduced us.

12 Q. And what was the nature of your relationship  
13 with Mr. Ho when you were in Taiwan?

14 A. Friends.

15 Q. Did Mr. Ho get married?

16 A. Did he get married?

17 Q. Yes, did Mr. Ho get married?

18 A. When I met him, he wasn't married yet.

19 Q. Okay. Did he later get married?

20 A. Yes, a year later.

21 Q. How do you know that?

22 A. He invited me to his wedding.

23 Q. Did you attend?

24 A. I did.

25 Q. And what was -- do you remember the name of

1 his wife from the wedding?

2 A. Yes.

3 Q. What was her name?

4 A. Her name was Grace.

5 Q. Did you ever meet her?

6 A. At the wedding and before the wedding.

7 Q. Is she still alive?

8 A. No.

9 Q. How did you learn that she is no longer  
10 alive?

11 A. My friend, slash, friends told me and also  
12 after I met up with James, he told me.

13 Q. And when is that that you're referring to you  
14 met up with James?

15 A. 1995.

16 Q. Where did you meet with him then?

17 A. In San Francisco.

18 Q. Okay. So let's go back again to Taiwan. So  
19 when you knew James in Taiwan, were you attracted to  
20 him?

21 A. Yes.

22 Q. What about him attracted you to him?

23 A. He liked me very much as well.

24 Q. So the question is a little different. What  
25 was there about James that attracted you to him?



1           A. He was very kind, very polite, very eloquent,  
2           and he cared about me very much from the very  
3           beginning.

4           Q. Did you want to have a relationship then with  
5           Mr. Ho that was more than just friends?

6           A. Yes, I thought about it.

7           Q. Did you pursue trying to do that?

8           A. Not very earnestly because I knew that he was  
9           engaged to his wife.

10          Q. Did you think that James wanted to be more  
11          than just friends with you?

12          A. Yes.

13          Q. What made you think that?

14          A. Because my friend, slash, friends told me  
15          later that he wanted to dissolve his marriage in  
16          order to be my friend -- not marriage, engagement.

17          Q. Did you do anything -- did you do anything  
18          together with Mr. Ho in Taiwan besides just talk?

19          MR. BIORN: Objection. Overbroad.

20          THE COURT: Sustained.

21          MR. BAER: Okay.

22          BY MR. BAER:

23          Q. So did you do anything with Mr. Ho in Taiwan  
24          to have fun?

25          A. He invited me to dance often.

1 Q. When he invited you, did you always go with  
2 other friends?

3 A. If I went out with him once or twice, ever,  
4 then I was with other friends.

5 Q. Did he ever invite you to go without friends?

6 A. Many times.

7 Q. What was it like dancing with him?

8 A. We both enjoyed it.

9 Q. Why did you enjoy it?

10 A. Because I liked him.

11 Q. When you danced with Mr. Ho in Taiwan, did  
12 you touch or did you stay apart?

13 A. We touched each other.

14 Q. And how did you touch each other?

15 A. We were dancing, so we had to touch each  
16 other. He liked me a lot so he held me really  
17 closely.

18 Q. Did you and Mr. Ho maintain a friendship in  
19 Taiwan once he married Grace?

20 A. Are you asking before or after?

21 Q. After he got married, did you maintain a  
22 friendship with him in Taiwan?

23 A. No.

24 Q. Did Mr. Ho tell you that he was planning to  
25 move to the United States?

1 A. After he got married, I lost touch with him.

2 Q. Okay. Before you came here, did you tell him  
3 that you were moving to the United States?

4 THE INTERPRETER: Counsel, the interpreter  
5 lost the question. Can you repeat?

6 MR. BAER: Sorry.

7 BY MR. BAER:

8 Q. Before you left Taiwan, did you tell Mr. Ho  
9 that you were going to move to the United States?

10 A. We were not in communication. We were not in  
11 communication.

12 Q. Okay. I believe you testified already that  
13 you saw or communicated with Mr. Ho in the United  
14 States in 1995. How did that come to pass?

15 A. My friend -- excuse me, excuse me. After his  
16 wife passed, he got my number from my friend.

17 Q. Did he call you or did you call him?

18 A. He called me, but I missed the call, then I  
19 returned his call.

20 Q. Okay. Were you excited about the fact that  
21 he had called you?

22 A. I was very excited.

23 Q. Okay. And let's see. So I'd like to ask you  
24 a little bit about the first call. So what did  
25 Mr. Ho tell you during that call?

1           A. He said a lot of things. First of all, he  
2 asked where I was.

3           Q. Did you tell him?

4           A. I did. I said I was in El Cerrito.

5           Q. Did he tell you where he was?

6           A. Yes. He told me he was in San Mateo.

7           Q. And how long were you speaking with him?

8           A. At least half an hour.

9           Q. And did either one of you bring up the  
10 possibility of getting together?

11          A. We didn't talk about being together, but we  
12 talked about meeting up.

13          Q. Okay. And did he ask you to meet him, did  
14 you ask him to meet you or how did that go?

15          A. I think he asked me first, but we were both  
16 very happy that we were going to meet.

17          Q. So at that point in time, were you still  
18 married?

19          A. At that point in time, I was still married,  
20 but my husband was often gone from El Cerrito.

21          Q. Okay. At some point, did he move back to  
22 Taiwan?

23          A. Who's "he"?

24          Q. Mr. Chang.

25          A. It wasn't at that point in time --

1 THE INTERPRETER: I'll re-render.

2 THE WITNESS: It wasn't then that he moved  
3 back. It was -- the fact was he spent less and less  
4 time in the U.S., even before 1995 and he moved back  
5 in 1995.

6 BY MR. BAER:

7 Q. Okay. Why did Mr. Chang go back to Taiwan?

8 A. For his work.

9 Q. Did he come back to the United States after  
10 that?

11 A. Not since 1995.

12 Q. That was the last time he came back, 1995?  
13 Is that a yes or no? Sorry.

14 A. Let me think.

15 Q. Okay.

16 A. Probably. I don't remember. I think so.

17 Q. In 1995 when Mr. Chang returned to the United  
18 States, did you want to resume having a marriage with  
19 him -- having a marital relationship? Sorry.

20 A. Let me try to remember. I don't think I  
21 thought about that because my life here was going  
22 well.

23 Q. Prior to 1995, had you had any kind of  
24 falling out with Mr. Chang?

25 A. There was no major fallout, but yeah, he had

1 a girlfriend there.

2 Q. Okay. So going back to your call with Mr. Ho  
3 in 1995, for the next year, how frequently did the  
4 two of you speak on the telephone?

5 MR. BIORN: David, if you're switching  
6 subjects, it's 1:00 o'clock.

7 MR. BAER: Okay.

8 MR. BIORN: You can continue to go. I just  
9 know the interpreter has to leave between 1:00 and  
10 1:10.

11 MR. BAER: Okay. I mean, it's going to take  
12 a little while to go through the story of their  
13 meeting, so it will be a cliff hanger.

14 THE COURT: Thank you. Okay. Let's go off  
15 the record.

16 (Whereupon, there was a discussion off the  
17 record.)

18 (WHEREUPON, the proceedings were adjourned at  
19 1:06 p.m.)  
20  
21  
22  
23  
24  
25

R E P O R T E R ' S     C E R T I F I C A T E

I, NINA PAVONE, hereby certify that the foregoing proceedings were taken down in shorthand by me, a Certified Shorthand Reporter, and a disinterested person, at the time and place therein stated, and that the proceedings were thereafter reduced to typewriting under my direction and supervision;

I further certify that I am not of counsel or attorney for either/or any of the parties to the said proceedings, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Date: June 26, 2024



NINA PAVONE,  
CSR No. 7802