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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 5

Date: Friday, September 22, 2023  
Time: 10:14 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  
Suite 1600  
San Jose, CA 95113  
(408) 288-2240

For the Petitioner:

CRIST, BIORN, SHEPHERD & ROSKOPH  
BY: KRISTOFER W. BIORN, ESQ.  
BY: SCOTT A. FRASER, ESQ.  
2479 East Bayshore Road  
Suite 155  
Palo Alto, CA 94303  
(650) 321-5000  
kwb@cbsrlaw.com  
saf@cbsrlaw.com

For the Respondents:

HARTOG BAER ZABRONSKY &  
VERRIERE APC  
BY: DAVID BAER, ESQ.  
4 Orinda Way  
Suite 200D  
Orinda, CA 94563  
(925) 253-1717  
dbaer@hbzvlaw.com

Also present:

Peter Ho  
Kysen Kuo  
Erik Weiss (via Zoom)

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P R O C E E D I N G S

THE COURT: I'll remind you you're still  
under oath. We can proceed.

CROSS-EXAMINATION (RESUMED)

BY MR. BAER:

Q. Good morning, Mr. Ho. I have a hodgepodge of  
questions and a few newer items. Let's go back to  
Respondent's Exhibit 474 and that is one of the bank  
accounts.

MR. FRASER: Which one was that, David?

MR. BAER: 474.

MR. BIORN: It's 3.

BY MR. BAER:

Q. 474, we were doing some examination on this  
exhibit yesterday. This is the relationship change  
application for Wells account number ending in 2248.

So as of June -- as of essentially before  
this relationship change application was signed, this  
was a POD account with Ms. Chang, correct?

A. Correct.

Q. Do you know how long it had been a POD  
account with Ms. Chang?

A. I'm not sure.

Q. Did you ask your father if he wanted to

1 remove Ms. Chang as the beneficiary of this POD  
2 account?

3 A. I believe I did.

4 Q. And you thought he had sufficient  
5 understanding to make that decision for himself at  
6 the time?

7 A. Yes.

8 Q. Otherwise, you wouldn't have allowed him to  
9 sign this document, correct?

10 A. Correct.

11 Q. Let's go to Exhibit -- we're fortunate  
12 here -- Exhibit 505.

13 Exhibit 505, this is a Grant Deed by which  
14 you and your wife, Jeanny T. Ho, and James Ho  
15 conveyed their interests in the property to you and  
16 your wife, correct?

17 A. Correct.

18 Q. And at the time -- well, right before this  
19 deed was signed, your father had a one percent  
20 interest in the property, correct?

21 A. Correct.

22 Q. So were you there when he signed this?

23 A. Yes, we were all there.

24 Q. Okay. And you recognize his signature on the  
25 document, correct?

1 A. Yes.

2 Q. Okay. So at the time your father signed this  
3 Grant Deed, was he -- I'm sorry, let me back up a  
4 second.

5 You paid him something for his one percent  
6 interest?

7 A. No, I did not.

8 Q. Okay. At the time he -- I just wondered  
9 because there was a documentary transfer tax, and it  
10 says here "based on one percent computed on full  
11 value of property conveyed."

12 Does that refresh your recollection that you  
13 paid him something or does that change your  
14 testimony, I should say?

15 A. That does not change my testimony. I did not  
16 pay him anything.

17 Q. Okay. You thought at the time that he had  
18 sufficient understanding to transfer his one percent  
19 interest to you and your wife for nothing in  
20 exchange, correct?

21 A. For nothing in exchange at the time, yes,  
22 that's correct.

23 Q. And otherwise, you wouldn't have let him sign  
24 the Grant Deed, right?

25 A. That's correct.

1 Q. Okay.

2 MR. BAER: I'd like to move 505 into  
3 evidence.

4 MR. BIORN: No objection.

5 MR. BAER: Did you find 501?

6 THE COURT: 505 will be received.

7 (Whereupon, Exhibit 505 was admitted into  
8 evidence.)

9 MR. BAER: Thank you, Your Honor. So now --  
10 oh, sorry.

11 THE COURT: No, you can continue.

12 BY MR. BAER:

13 Q. Okay. So I frankly can't recall if I went  
14 over this deed before, but in any event,  
15 Exhibit Number 501, this deed -- maybe it's 505. Oh,  
16 yes -- never mind.

17 So Exhibit 507, which is a check dated May  
18 20, 2016 in the amount of \$100,000 payable by James  
19 Ho to you, sir.

20 And did you receive this check?

21 A. Yes, I did.

22 Q. And you cashed it?

23 A. Yes, I deposited it into my account.

24 Q. All right. And what was this check for?

25 A. This was a loan from my father to me.



1 Q. Okay. And what were the repayment terms?

2 A. Zero percent interest, and pay me back.

3 Q. And over what period of time was he -- or  
4 when was the obligation due? Was there a date or was  
5 it just when he asked?

6 A. When he asked.

7 Q. Did he ever ask you for the money?

8 A. Yes.

9 Q. And when was that?

10 A. That was about November of the same year,  
11 which is 2016.

12 Q. Okay. And at the time he issued this check  
13 to you, am I correct that you thought he had  
14 sufficient understanding to enter into this  
15 transaction where he would loan you \$100,000 based on  
16 an oral agreement with no interest to be paid on  
17 demand?

18 A. Yes, because he offered it.

19 Q. All right.

20 MR. BAER: I'd like to move 507 into evidence,  
21 please.

22 MR. BIORN: No objection.

23 THE COURT: Received.

24 (Whereupon, Exhibit 507 was admitted into  
25 evidence.)

1 MR. BAER: Okay. Next, we'll do Exhibit 540,  
2 but it was missing from our binder so we'll hand it  
3 out, Kysen will.

4 BY MR. BAER:

5 Q. Okay. So Exhibit 540, this is an account  
6 statement for your father's Wells Fargo checking  
7 account ending in 2248; is that right?

8 A. Yes.

9 Q. Do you recognize it as that? Okay.

10 And this account statement shows that at  
11 least at the time as of 2010, Ms. Chang was still the  
12 payee of this POD account, correct?

13 A. Correct.

14 Q. Okay. And so at least as far back as 2010,  
15 Ms. Chang had been the POD payee of this account,  
16 correct?

17 A. Correct.

18 Q. And is this the account for which you took  
19 Mr. Ho's checking -- checkbook register and checkbook  
20 away from him?

21 A. No. This is the one checkbook that I did not  
22 take away from him because it was his main checkbook.

23 Q. Okay.

24 MR. BAER: Okay. I'd like to move 540 into  
25 evidence.

1 MR. BIORN: No objection.

2 THE COURT: Is this related to 474?

3 MR. BAER: Yes. I'm sorry, this is the same  
4 account as 474.

5 BY MR. BAER:

6 Q. Right? In other words, both 540 and 474 are  
7 documents relating to the same Wells Fargo account  
8 ending in 2248?

9 A. Yes, that's correct.

10 Q. Thank you, sir.

11 THE COURT: Okay.

12 MR. BIORN: What's the number?

13 MR. BAER: 636.

14 THE REPORTER: 636?

15 MR. BAER: I think so, yes.

16 MR. KUO: I'll hand it to you. It's not in  
17 there, so I have to hand it to you.

18 THE WITNESS: Yes, because we didn't even  
19 have a tab.

20 THE COURT: I'm sorry, what's this?

21 MR. KUO: 636.

22 THE COURT: Help me out. The last two  
23 exhibits, if you haven't, did you move 540 into  
24 evidence?

25 MR. BAER: I thought I did, but if I did not,

1 I'll do it now.

2 THE COURT: The records don't match.

3 MR. BIORN: I'm sorry, what's this?

4 THE COURT: 474, the account ends in 2248.

5 540, Exhibit 540 it says the account number is 7120.

6 MR. BIORN: 540?

7 THE COURT: I'm just pointing it out. We can  
8 keep going.

9 THE WITNESS: Mine says 2248.

10 MR. BAER: Maybe she has the wrong one.

11 MR. KUO: This is supposed to be 540. I  
12 apologize. Sorry about that.

13 THE COURT: Oh, great.

14 It was just a technical error. I understand.

15 MR. BAER: Okay.

16 (Whereupon, Exhibit 540 was admitted into  
17 evidence.)

18 BY MR. BAER:

19 Q. So Exhibit 636, this is an estimated buyer's  
20 closing statement on your residence in Milpitas,  
21 correct?

22 A. That's correct.

23 Q. And this shows that you and your wife paid  
24 \$1,455,000 for this property. Is that what you paid  
25 for it?

1 A. Yes.

2 Q. Did your father contribute in any way to the  
3 purchase price of the property?

4 A. No.

5 MR. BAER: I'd like to move 636 into  
6 evidence.

7 MR. BIORN: No objection.

8 THE COURT: Received.

9 (Whereupon, Exhibit 636 was admitted into  
10 evidence.)

11 BY MR. BAER:

12 Q. So before I get to that exhibit, I'll ask  
13 some other questions. So these questions are  
14 essentially going to go to what you and your sisters  
15 inherited from your father.

16 So as I understand it, you and your sisters  
17 inherited -- I should say maybe from your parents,  
18 but in any event, they -- you and your sisters  
19 inherited from trust B --

20 MR. BIORN: Object -- sorry, go ahead.

21 BY MR. BAER:

22 Q. -- Boothbay property, correct?

23 MR. BIORN: Objection. Relevance.

24 MR. BAER: The relevance is, I would assume  
25 anyway, that they're going to try to shift the burden

1 of proof based on essentially his objective of  
2 showing that Debby was -- received an undue benefit.  
3 So then you get into a question of the essentially  
4 competing values of the assets that people get.

5 MR. BIORN: Correct, but I don't think trust  
6 B would come into that. Wouldn't that be just trust  
7 A?

8 MR. BAER: I think it would be trust B as  
9 well.

10 THE COURT: Overruled. I'll take it subject  
11 to a motion to strike. It might not be relevant; it  
12 might be relevant. But let's move on with your  
13 question.

14 MR. BAER: Okay.

15 BY MR. BAER:

16 Q. So am I correct that that the three of you  
17 inherited the Boothbay property?

18 A. Yes.

19 Q. And you inherited the property, the three of  
20 you, in equal interest?

21 A. Correct.

22 Q. And what was the value as of your father's  
23 date of death?

24 A. Approximately \$1.5 million.

25 Q. Did you and your sisters inherit anything

1 else from trust B?

2 A. There is 10 acres of land in Lancaster,  
3 California.

4 Q. What was the approximate value of that land  
5 as of your father's date of death?

6 A. I don't recall exactly, but it's somewhere  
7 between four and \$10,000.

8 Q. Thank you, sir. And then those were the two  
9 assets that you and your sisters received from trust  
10 B, correct, like or --

11 A. From -- to my best recollection.

12 Q. Thank you. And the Lancaster property, that  
13 was also inherited by the three of you in equal  
14 shares, correct?

15 A. Correct.

16 Q. Okay. So were there any assets in trust B  
17 that any of you inherited?

18 MR. BIORN: Did you mean A?

19 MR. BAER: I'm sorry, I did mean A.

20 THE WITNESS: Yes.

21 BY MR. BAER:

22 Q. And what were those, sir?

23 A. There were various retirement accounts and  
24 checking and savings accounts.

25 Q. And if you can tell me, what was the total

1 value of those different accounts that you just  
2 mentioned?

3 A. The total value was approximately \$550,000.

4 Q. And how was that money distributed?

5 A. It was distributed equally among my siblings  
6 and myself.

7 Q. And how did the -- so for the retirement  
8 accounts, the beneficiary designation, did that call  
9 for an equal division? Let me ask a different  
10 question. I'll withdraw the last one. I'm sorry.

11 So for these different accounts, were they  
12 divided in accordance with the documents, whatever  
13 the financial institution holding the account had  
14 expressing your father's wishes or -- these were in  
15 trust A. I'm sorry.

16 So let me just ask this, okay: Were there  
17 any documents on file with the banks for any of  
18 these -- financial institutions for any of these  
19 accounts that provided for different distribution  
20 than trust A?

21 A. Maybe, but I am not sure right now.

22 Q. Okay. And then were there any assets outside  
23 of trust A or trust B that any of the three of you  
24 inherited from your father? For example, an  
25 insurance policy or some asset that he just never



1 transferred into the trust?

2 A. Okay. It was, to my knowledge, it was  
3 pour-over will, that anything that wasn't in the  
4 trust ends up in trust. So to answer your question,  
5 not to my knowledge that there was anything outside  
6 of the trust that was -- that we inherited.

7 Q. Okay. So basically the three of you  
8 inherited what was in the trust; is that right?

9 A. Yes.

10 MR. BIORN: Your Honor, I will move to strike  
11 the questions and answers regarding the assets in  
12 trust B. This is not an inheritance case, Your  
13 Honor. This transaction occurred in February 2017  
14 and, according to Debby, was complete in February  
15 2017.

16 So the undue benefit question is what did she  
17 take from him that was unfettered? He didn't have  
18 unfettered access to trust B. So the question is  
19 really only in this trial, unlike most probate  
20 trials, is what was in trust A in February? What did  
21 she leave him with that he could take care of himself  
22 at age 84?

23 MR. BAER: So I don't agree with that. It  
24 seems to me that his state of mind with respect to  
25 what his children were going to inherit from trust B,

1 which was essentially fixed at that point, would be  
2 relevant to a determination of whether Ms. Chang  
3 received an undue benefit, i.e., it's more of an  
4 overall situation.

5 THE COURT: Okay. I'm going to contemplate  
6 the motion to strike. I will rule on it.

7 MR. BIORN: Let me make a quick response.  
8 There's no evidence of his state of mind as to what  
9 the kids would inherit in trust B, so I'm not sure  
10 why that would be raised in opposition to our motion  
11 to strike. There is no evidence on that.

12 MR. BAER: Well, I would say that the trust  
13 itself would be evidence of that because he signed  
14 it, and I don't know if, at that time, he had the  
15 Boothbay property in the trust or not, but I guess we  
16 have a deed on that. So by executing those  
17 documents, that would be part of his state of mind.

18 THE COURT: I don't know what Mr. Martin is  
19 going to testify about and, let's face it, his  
20 testimony is going to be pretty important in this  
21 case. This might be relevant. It might not. I just  
22 don't know what he's going to testify.

23 So I'm taking this subject to a motion to  
24 strike. If I forget before we finish this case,  
25 please remind me and I'll make a ruling then.

1 MR. BAER: I'm sure Mr. Biorn will.

2 MR. BIORN: Thank you.

3 MR. BAER: I might forget. Okay.

4 THE COURT: And just so you understand, my  
5 feeling is that Mr. Biorn is correct, that what the  
6 siblings received from their mom isn't relevant, but  
7 I'm not going to strike something and then unstrike  
8 it later on.

9 MR. BAER: Thank you for telling me that. So  
10 I guess the burden falls on us is how I see it.

11 THE COURT: Yes.

12 MR. BAER: Thank you.

13 BY MR. BAER:

14 Q. Did you ever determine whether your father  
15 had any life insurance policies in effect at the time  
16 of his death?

17 A. I tried to find out, but I was unable to  
18 determine whether he had one or not.

19 Q. Okay. And were you able to determine whether  
20 he had any annuities with a payout on death?

21 A. I cannot remember. He might have because  
22 this was all done previously, in 2017. So I would  
23 need to go check my records in order to give you an  
24 answer.

25 Q. Let's turn to a different topic then. Okay.

1           When you picked up James on August 22, 2017  
2           at the Fulton property, did you bring three days of  
3           medication with you?

4           A. I thought I brought one or two days of  
5           medication with me. That's my recollection.

6           Q. Okay. When you took James home that day, did  
7           you do that because he had met with attorney John  
8           Martin the day before?

9           A. No.

10          Q. Were you ever present when James signed any  
11          of his -- the checks that were payable to Debby in  
12          2016 or 2017?

13          A. Not that I recall.

14          Q. Isn't it true that Dr. Peak never told you  
15          that James' cognitive function had severely declined?

16          A. I don't think that's true.

17          Q. I know I asked this, but I don't remember the  
18          answer. I'm sorry.

19          MR. BAER: But anyway, I think I asked him  
20          did he take James home on August 22 because he met  
21          with Mr. Martin the day before. What was the answer?

22          MR. BIORN: You did. He answered no.

23          MR. BAER: He did, okay. Okay.

24          BY MR. BAER:

25          Q. Let's see. After December 2016, you and your

1 sisters tried to convince your father to move in with  
2 one of you, correct?

3 MR. BIORN: Objection. Overbroad as to time.

4 MR. BAER: I'm saying after --

5 BY MR. BAER:

6 Q. In or after December of 2016, am I correct  
7 that you and your sisters tried to convince your  
8 father to move in with one of you?

9 A. I'm not sure about my sisters, but for me, it  
10 was before that time and after that time.

11 Q. Okay. And at least after 2016, December  
12 2016, am I correct that he always responded that he  
13 did not want to inconvenience any of you?

14 A. I don't know what he responded to my sisters,  
15 but that was the general thing that he said to me.

16 MR. BAER: Which number is this?

17 MR. KUO: Exhibit 634.

18 MR. BAER: Okay.

19 BY MR. BAER:

20 Q. So let me turn your attention to Exhibit --

21 MR. BIORN: Volume 7?

22 MR. KUO: Volume 7.

23 MR. BIORN: 634.

24 BY MR. BAER:

25 Q. Exhibit 634 and I just want to read a couple

1 of things into the record, so first from paragraphs  
2 16 and 17. First, I'm just going to read the first  
3 sentence of paragraph 16.

4 THE COURT: Could you identify the document,  
5 please?

6 MR. BAER: I'm sorry, I thought I did. So  
7 Exhibit 634 is Mr. Ho's declaration in opposition to  
8 a motion to expunge notices of pending action. The  
9 hearing date was January 14, 2020 and it was signed  
10 on January 31, 2019.

11 BY MR. BAER:

12 Q. So page 9, that's your signature, sir?

13 A. Yes.

14 Q. And you understood at the time you signed  
15 this declaration that you were signing it under  
16 penalty of perjury?

17 A. Yes, I did.

18 Q. So now to page 16, this is just for  
19 orientation as to time, I'll read the first sentence.

20 THE COURT: Can I ask you a question? I  
21 think you said page 16. You're talking about  
22 paragraph?

23 MR. BAER: Paragraph, page 2 --

24 MR. BIORN: If you're going to read 16, I'd  
25 like to have the entire paragraph read.

1 MR. BAER: I don't agree to that.

2 MR. BIORN: Okay.

3 I'm not sure --

4 THE COURT: I'm going to -- if you're  
5 requesting that --

6 MR. BIORN: Yes, I am.

7 THE COURT: -- you have to read the whole  
8 thing. But highlight the portion that you want and  
9 if you want, Mr. Biorn can read -- after you read, he  
10 can read. But the context needs to get in.

11 MR. BAER: It's just for the purpose of a  
12 date, not for the purpose of facts so you understand  
13 the next paragraph. So I'm not offering the first  
14 sentence in paragraph 16 for the truth of the matter.  
15 Just I'm going to read in paragraph 17 intelligible.  
16 That's okay.

17 So I'll -- I might as well read the whole  
18 thing then. Okay.

19 Paragraph 16, "By December 2016, my father  
20 was confined to a wheelchair and needed help with  
21 everything. That same month, my father was diagnosed  
22 with multiple myeloma, a malignant, aggressive and  
23 fatal form of blood cancer. A true and correct copy  
24 of my father's medical records in support of this  
25 diagnosis is attached hereto as Exhibit C. My father

1 began chemotherapy treatments in hopes of prolonging  
2 his life. Debby was still living with my father at  
3 this time and he grew to be more dependent on her."

4 Paragraph 17. "By this point, my father  
5 could not reliably retain information for very long  
6 and his short-term memory was failing. Care  
7 instructions had to be given to me because my father  
8 would forget things shortly after being told. My  
9 siblings and I tried to convince our father to move  
10 in with one of them, but he always responded that he  
11 did not want to inconvenience us. He assured us that  
12 Debby would take care of him."

13 So as to the first sentence in paragraph 17  
14 that I just read, I would move to strike that on the  
15 grounds that it is expert opinion.

16 MR. BIORN: There's no foundation of expert  
17 opinion.

18 MR. BAER: Well, this is a statement.

19 MR. BIORN: I observe this all the time in  
20 people. I think this is something in the normal  
21 observation. It may not stem from a medical  
22 standpoint, but this is a normal observation of  
23 people. They don't have a long or short-term memory.  
24 When people initially get dementia, I think everybody  
25 notices it.



1 MR. BAER: Well, there there's no foundation  
2 that he had dementia.

3 MR. BIORN: My expert report says otherwise.

4 MR. BAER: That's not a foundation. It's an  
5 opinion. It's not a fact.

6 THE COURT: Okay. Do you want a ruling?

7 MR. BAER: Yes.

8 MR. BIORN: Yes.

9 THE COURT: That sentence will remain. That  
10 is within the knowledge of ordinary people, but it is  
11 not an expert opinion.

12 MR. BAER: Okay.

13 BY MR. BAER:

14 Q. Before you picked James up on -- actually,  
15 strike that.

16 Am I correct that you cancelled James'  
17 scheduled meeting with Mr. Martin that was set for  
18 August 22, acting as your father's attorney in fact?

19 A. I think you mean August 21.

20 Q. Oh, that's right, it's August 21. I have the  
21 wrong day.

22 In any event, did you cancel that appointment  
23 acting as your father's attorney in fact?

24 A. Yes, I did.

25 Q. And that was based on the 2002 power of

1 attorney, that was your state of mind?

2 A. That's correct.

3 Q. And at that time you hadn't been able to find  
4 the original, correct?

5 A. Yes, that's correct.

6 Q. At that point, you'd never even considered  
7 the possibility that your father had revoked that  
8 power of attorney, correct?

9 A. That's correct.

10 Q. So as of -- actually, hold on a second.

11 As of 2017, had you concluded that your  
12 father might either need to live in some sort of  
13 senior facility in the future or might need to live  
14 with either you or one of your siblings with hired  
15 caregivers?

16 A. Can you please repeat the question?

17 MR. BAER: Can you read it back, please?

18 MR. BIORN: Objection. Compound.

19 MR. BAER: I'll break it up.

20 THE COURT: It's sustained.

21 MR. BAER: I'll break it up.

22 BY MR. BAER:

23 Q. First, in 2017, did you come to the  
24 conclusion there was some possibility that your  
25 father might need to live in a senior facility of

1 some sort?

2 A. To be clear, I did not come to that  
3 conclusion.

4 Q. Did your sister Della, who's a nurse, come to  
5 that conclusion?

6 A. I don't think she did.

7 Q. And you did come to the conclusion in 2017  
8 that your father might need to live with one of the  
9 three of you; is that right?

10 A. That's correct.

11 Q. Okay. When did you come to that conclusion?

12 A. I've always known that.

13 Q. Okay. So at least as of 2017, for that to be  
14 feasible, you or your sisters would have needed to  
15 hire home caregivers, correct?

16 A. Are you asking me to speculate? Are you  
17 asking me to --

18 Q. I'm not asking you to speculate, sir. I'll  
19 just ask you as to yourself. Did you ever plan, if  
20 your father came home with you, that you would be  
21 your father's caregiver?

22 A. If my father came home to live with us, it  
23 would be Jeanny and myself and if we needed someone  
24 else, we would hire additional help.

25 Q. Did you ever do anything to try to determine

1       what the value -- I'm sorry, what the cost of live-in  
2       caregivers might be?

3             A. We knew what the value would be.

4             Q. What the cost would be?

5             A. Yes.

6             Q. My fault. Okay. And so as of 2017, what did  
7       you think the cost per hour of a live-in caregiver  
8       would be?

9             A. It would be approximately \$150 per day for a  
10       live-in caregiver.

11            Q. Did you ever take any trips with your father  
12       and Ms. Chang?

13            A. Yes.

14            Q. Where to?

15            A. In 1998, we went on a cruise with them and my  
16       sister and her husband to Mexico. It was a four-day  
17       cruise.

18                 In 2003, Debby, my father, Jeanny and myself  
19       went on a Panama Canal cruise.

20                 In 2012, the four of us went on a  
21       Mediterranean cruise because Jeanny and I were  
22       celebrating our 10th anniversary.

23            Q. And was there any occasion for the other two  
24       cruises?

25            A. I don't remember any special occasions for

1 that. Maybe it was a Thanksgiving, something like  
2 that. But I don't think it was anything personal.

3 Q. Okay. At some point after 1995, did Debby  
4 start attending, as you put it, special occasion  
5 events with your family, you or your sisters?

6 A. I don't recall Debby coming to any of my  
7 birthday parties. Maybe one, if at all. I really  
8 don't recall that.

9 And you'll have to ask my sisters if she  
10 showed up for theirs. I don't recall her showing up.

11 Q. Did you attend any family dinners with Debby  
12 and James?

13 A. Are you saying family dinners with all of my  
14 siblings? Are you saying between just Jeanny and  
15 with them? I guess we --

16 Q. Let me break it up. I'll withdraw the  
17 question.

18 So did you and your wife have dinners  
19 sometimes with your father and Ms. Chang?

20 A. Yes, absolutely.

21 Q. And when did that begin?

22 A. That probably began in 1998.

23 Q. And when was the last time you had a dinner  
24 like that?

25 A. 2017.

1 Q. Would it be fair to say that that was a  
2 regular occurrence?

3 A. No.

4 Q. How many dinners did just the four of you  
5 have together?

6 MR. BIORN: Objection. Overbroad.

7 THE WITNESS: I can't remember.

8 THE COURT: He said he can't remember.

9 BY MR. BAER:

10 Q. Are you able to give any estimate?

11 A. Ballpark, I guess.

12 MR. BIORN: I'm sorry, what was that?

13 THE WITNESS: A real ballpark estimate.

14 MR. BIORN: Don't speculate.

15 THE WITNESS: It's very close to speculation.

16 BY MR. BAER:

17 Q. If you can't answer without speculating, then  
18 there's no point.

19 MR. BIORN: Peter [sic], can we take a short  
20 break? David, I'm sorry.

21 Your Honor, I should ask, may we have a short  
22 break?

23 THE COURT: Okay. Off the record.

24 (Whereupon, a break was taken.)

25 THE COURT: Let's go back on the record.

1 MR. FRASER: Your Honor, I did take a quick  
2 look at the San Mateo Court website on appearance by  
3 Zoom.

4 THE COURT: Okay.

5 MR. BIORN: Is that at trial?

6 MR. FRASER: Yes, at trial. So the default  
7 rule is that Zoom may not be used for public access,  
8 but the -- each individual judicial officer has the  
9 discretion to grant access by Zoom.

10 THE COURT: Okay. Can you give me the --

11 MR. FRASER: I can e-mail you the link. It's  
12 just like -- I don't think there's even a local rule.  
13 It's just on the website.

14 THE COURT: Neil's fixing my computer, so  
15 yes, e-mail it to me and hopefully I'll get it.

16 MR. FRASER: Okay.

17 THE COURT: Very good. Let's proceed.

18 BY MR. BAER:

19 Q. Just a few more questions, Mr. Ho.

20 So back to the topic of dinners, from time to  
21 time, did you and your wife attend dinners with your  
22 father and Ms. Chang and other members of your  
23 family?

24 A. Not that I recall.

25 Q. From time to time, did you and your wife

1 attend dinners with -- I'm sorry, with your father,  
2 Ms. Chang and one or both of her daughters?

3 A. Very rarely. In fact, probably ever sense  
4 I've known them, less than a handful of times in all  
5 these years.

6 Q. And when was the first time you had that?

7 A. I don't recall. It probably is in the early  
8 2000s when they invited us over for Christmas dinner.

9 Q. So sometime in the early 2000s, you had you a  
10 Christmas dinner with whom besides your father and  
11 Ms. Chang?

12 A. All of Debby's daughters and whoever was  
13 their significant others, if I can remember  
14 correctly.

15 Q. When you went over -- did you, from time to  
16 time, go to the Brewster house in El Cerrito, Debby's  
17 Brewster house, to see your father?

18 A. Yes.

19 Q. When you went over there, Debby was always  
20 there, correct?

21 A. Most of the time, yes. Almost all of the  
22 time.

23 Q. When you went to your dad's home in San  
24 Mateo, the CSM property, did you ever see Debby  
25 there?



1 A. Yes.

2 Q. Roughly how often would that happen?

3 A. Half of the time.

4 Q. Okay. And the Boothbay property, you saw  
5 them together there as well, right?

6 A. Yes.

7 Q. Was that every time you went over, most of  
8 the time you went over?

9 A. I didn't go there very much so I'm trying to  
10 remember if I saw her. Sometimes I would see her  
11 alone. Sometimes I would see him alone. Sometimes I  
12 would see them together.

13 Q. Fair enough. Okay. And your father and  
14 Ms. Chang they lived together at the Boothbay  
15 property, correct?

16 A. To my knowledge, yes. However, she still had  
17 her mail and her principal residence over at  
18 Brewster.

19 MR. BAER: I'm going to strike everything  
20 after however.

21 THE COURT: Stricken.

22 BY MR. BAER:

23 Q. So I'd like to read into the record another  
24 interrogatory. I'm sorry, this is the first one, and  
25 the only one.

1 So Exhibit 595.

2 MR. BIORN: Let me pull it up.

3 MR. BAER: Sure. And this is in volume --

4 MR. KUO: 5.

5 MR. BAER: Yes, 5. Thank you.

6 BY MR. BAER:

7 Q. So first, let's go to the next to last page  
8 of Exhibit 595, the verification.

9 That's your signature, correct?

10 A. It is.

11 Q. You understand that when you signed you were  
12 signing under penalty of perjury?

13 A. I did.

14 Q. Okay. So now let's go to page 25, please.

15 THE COURT: Could you identify it, this  
16 document, for the record?

17 MR. BAER: I'm sorry. Okay. So Exhibit 595  
18 is petitioner Peter C. Ho's responses to respondent  
19 Debby Chang's first set of requests for admission.

20 BY MR. BAER:

21 Q. And now page 25, I'd like to read the  
22 response -- or the request and the response to  
23 request for admission number 71.

24 "Admit that you took decedent to your home as  
25 a result of his meeting with Mr. Martin.

1 Response: Admitted."

2 Did you take any trips with your father and  
3 Debby within the United States?

4 A. Yes, we did.

5 Q. Where did you go?

6 A. We went to visit the national parks in the  
7 southwestern United States.

8 Q. How long a trip was that?

9 A. I don't recall exactly. Maybe one to two  
10 weeks.

11 Q. And what year was that, approximately?

12 A. I think it might have been 2001. I'm not  
13 sure.

14 Q. Did you take any other trips with them within  
15 the United States or locally within California?

16 A. Yes.

17 Q. Where were they to?

18 A. One was to Benicia. And at the moment, I  
19 can't recall anymore.

20 Q. Okay.

21 MR. BAER: No further questions. Thank you,  
22 Mr. Ho.

23 THE COURT: Redirect.

24 MR. BAER: Your Honor, I do have redirect  
25 or -- yes, redirect.

REDIRECT EXAMINATION

BY MR. BIORN:

Q. Peter, let me direct your attention to the time where you started taking over for your dad's -- handling his checkbook and balancing it.

Did your dad allow you to write checks from this checkbook?

A. At that time, he did, but before that, definitely not. He was very strict on anyone writing anything in his checkbooks.

Q. Do you know if he ever let Debby write checks in his checkbook?

MR. BAER: I'm going to object. Calling -- well, I'll withdraw the objection.

THE WITNESS: I don't recall seeing any checks that Debby wrote.

BY MR. BIORN:

Q. We're going to be skipping around a little here. Let's go to Exhibit 119. I'll show it to you.

Exhibit 119 is a check dated April 23, 2016 from Mr. Ho to Debby Chang for \$5,000. It's the one that says "June rent and food" in the lower left-hand corner.

Did your dad -- I'll wait for the judge.

THE COURT: You can proceed.

1 BY MR. BIORN:

2 Q. Did your dad ever discuss this check with  
3 you?

4 A. Yes, he did.

5 Q. When?

6 A. He discussed it after I found it in his -- or  
7 saw it in his checkbook register.

8 Q. What did he say to you about this check?

9 A. I asked him what was this check for because  
10 it looked like it was voided.

11 Q. In the register it looked like it was voided?

12 A. Yes.

13 Q. And when you asked him that, what was his  
14 response?

15 A. He said let's go ask Debby.

16 Q. Did you?

17 A. Yes. We called Debby and we went into his  
18 room and we discussed it.

19 Q. Tell me what your dad and Debby said during  
20 that conversation.

21 A. So my dad said, I think this should be void  
22 and then Debby goes, oh, okay. And then I said, this  
23 check will be void? And my dad said, yes. So we  
24 told Debby to void this check and she agreed.

25 Q. And as managing your dad's checkbook, do you

1 know if she did cash it?

2 A. Yes.

3 Q. Do you know when?

4 A. I believe it was August 28th, 2017. In fact,  
5 it was that date because I can see the posted date on  
6 the exhibit.

7 Q. Peter, Mr. Baer asked you about some  
8 beneficiary change forms yesterday. And the first  
9 one was Exhibit 307. This was an IRA beneficiary  
10 form for a Wells Fargo account ending in 1361.

11 THE COURT: Could you just hold on? I'm just  
12 having trouble finding it. Which book is that?

13 MR. BIORN: It is their binder, number 1.

14 THE COURT: I got it. Thanks.

15 BY MR. BIORN:

16 Q. Did you ever learn what happened to this  
17 account?

18 MR. BAER: Objection. Calls for hearsay.

19 THE COURT: It appears to, unless you can  
20 come up with some exception.

21 MR. BIORN: Well, they're claiming that Debby  
22 was the main beneficiary of this account.

23 BY MR. BIORN:

24 Q. Are you aware if it was in existence as of  
25 your dad's date of death?

1 MR. BAER: Objection. Calls for hearsay.

2 THE COURT: It appears to. I need some  
3 exception.

4 MR. BIORN: Well, we did talk -- okay.

5 BY MR. BIORN:

6 Q. Let's move next to Exhibit 310, the Lincoln  
7 Life annuity.

8 Did you inherit any assets from this account  
9 on your dad's date of death?

10 A. I believe I did.

11 Q. Are you aware of when you were named the  
12 beneficiary of this account?

13 MR. BAER: Objection. Calls for hearsay.

14 MR. BIORN: That's fine. I'll move on.

15 BY MR. BIORN:

16 Q. And then Exhibit 343 is a Vanguard account,  
17 beneficiary plan application naming Debby as the  
18 beneficiary.

19 On your dad's death, did you inherit this  
20 account?

21 A. Yes.

22 THE COURT: And again, what number is that,  
23 please?

24 MR. BIORN: That is 343.

25 THE COURT: Thanks. And what was your

1 question that he answered yes?

2 MR. BIORN: That he inherited the funds in  
3 that account.

4 THE COURT: Okay.

5 BY MR. BIORN:

6 Q. Peter, yesterday, Mr. Baer asked you some  
7 questions about the change of a beneficiary  
8 designation on a Wells Fargo account in June of 2017  
9 and you referred vaguely to it, an agreement with  
10 your dad visiting Skylawn Cemetery.

11 When was that visit with your dad to Skylawn  
12 Cemetery?

13 A. It was in January of 2016.

14 Q. Why were you there?

15 A. Because we were commemorating my mom's death  
16 anniversary.

17 Q. Did your dad discuss anything with the  
18 funeral directors there?

19 A. Yes. While we were there, we went to  
20 discuss -- well, look at funeral planning or to  
21 discuss funeral planning with the funeral director  
22 named Matthew Wong.

23 Q. Did you decide to go forward with any funeral  
24 planning at that point in time? I'm sorry, was this  
25 for your dad's funeral?



1           A. Yes, for his future funeral and the  
2           arrangements for that.

3           Q. Did your dad decide to go forward with any  
4           plan for a funeral at that point in time?

5           A. So at the time we were discussing whether we  
6           should go with a prepayment plan or just -- in which  
7           the cost could be less, or just pay it at the time of  
8           the funeral.

9           Q. And did you reach an agreement with your dad  
10          regarding that subject at that time?

11          A. Yes, we did.

12          Q. What was the agreement?

13          A. So I told him, I said, dad, you should just  
14          use your money right now and then we will -- whenever  
15          you pass away, I would take care of your funeral  
16          expenses. But also your checking accounts, whatever  
17          is left over, because you always have something in  
18          there, we'll also use that to help pay for your  
19          funeral expenses.

20          Q. And did you inherit that account on your  
21          dad's death?

22          A. Yes. Based on that --

23                 MR. BAER: He answered the question.

24          BY MR. BIORN:

25          Q. What did you use the funds for?

1           A. Sorry, I guess I had an addition to the  
2 previous question because we weren't done with the  
3 agreement.

4           Q. I'm sorry, I thought you had finished with  
5 the agreement.

6           MR. BAER: I'll withdraw the objection. Or  
7 it wasn't really an objection. I'll withdraw the  
8 interruption.

9 BY MR. BIORN:

10          Q. Please continue with the explanation of the  
11 agreement you had with your dad in January of 2016  
12 when you were at Skylawn Cemetery.

13          A. So because we identified his checking account  
14 and savings account over at Wells Fargo, you know, to  
15 be used for the -- his funeral expenses in the  
16 future, since we weren't going to pay for the  
17 prepayment plan. Then he agreed that I would be the  
18 POD or the beneficiary of his accounts and that he  
19 would make the change.

20          Q. And did you inherit the money in that account  
21 when your dad died?

22          A. Actually not.

23          Q. Do you know who did?

24          A. Yes, my sister Shan-Yuan.

25          Q. Did your dad ever tell you he had changed the

1 beneficiary to Shan-Yuan?

2 A. No, he actually didn't. So would you like  
3 me -- okay.

4 Q. Yes.

5 A. Okay. So in June, that is when I noticed  
6 that I was not the beneficiary. So I reminded my  
7 father of our discussion and agreement on the -- on  
8 his funeral plans and he agreed and we went into  
9 Wells Fargo together to have it changed from Debby to  
10 me.

11 Q. And what happened?

12 A. Subsequently, okay, in -- in -- it was in  
13 either August or September, I went to Wells Fargo and  
14 asked them to change the beneficiary from myself to  
15 my sister using the power of attorney for expediency.

16 Q. Why did you do that?

17 A. We did that because we needed to see and  
18 discuss my father's financial records at Wells Fargo  
19 at that time when we were sitting in front of the  
20 bank teller.

21 Q. But why did you change the beneficiary  
22 designation to Shan-Yuan?

23 A. Because the bank teller would not disclose  
24 information to the non-beneficiary, but since I had  
25 power of attorney, the bank teller could discuss with

1 me. And so for expediency, change it over to  
2 Shan-Yuan so he could discuss it with both of us  
3 instead of having me to repeat it to my sister.

4 MR. BAER: I'm going to object and move to  
5 strike as inputting a legal conclusion, but primarily  
6 hearsay.

7 THE COURT: The reason he did it because the  
8 bank teller would not discuss the financial  
9 information in front of a non-beneficiary will  
10 remain.

11 The rest, some of it is legal conclusion,  
12 that will be stricken. So it's a hybrid.

13 MR. BIORN: Okay.

14 BY MR. BIORN:

15 Q. Moving on, did you know your dad's Kaiser  
16 login and password?

17 A. I did.

18 Q. When did you learn it?

19 A. 2006.

20 Q. How did you learn it?

21 A. Because that's when he first found out he had  
22 this meningioma. So I started keeping a notebook,  
23 and at the same time, he gave me his login and  
24 password so I could help with his medical care.

25 Q. And by meningioma, are you referring to his

1 brain tumor?

2 A. Yes.

3 Q. Did your dad discuss with you at all that the  
4 use of his Kaiser records at that time -- excuse me,  
5 your use of his Kaiser records at that time?

6 A. Yes, he did.

7 Q. What did he say?

8 A. He said he was happy that I -- he wanted to  
9 give me his login so I could see what the doctors  
10 were saying and also to converse with the doctors.

11 Q. Did you ever learn of your dad's Chase  
12 account login and password?

13 A. Yes.

14 Q. When?

15 A. He gave them to me approximately 2016.

16 Q. Did he say anything to you about that at that  
17 time?

18 A. He just wanted me to have it just in case.

19 Q. Just in case what?

20 A. That's all he said.

21 Q. Did he ever -- are you aware of his Wells  
22 Fargo account logins and passwords?

23 A. Yes.

24 Q. When did you learn those?

25 A. Approximately the same time as when he gave

1 me the Chase account passwords.

2 Q. Did he say anything to you at that time about  
3 using the Wells Fargo login or passwords?

4 A. He said the same thing, just in case.

5 Q. Yesterday you spoke with Mr. Baer about  
6 transactions you executed under the power of attorney  
7 your dad signed in August 2017. I'd like to ask you  
8 a few questions about that.

9 How many times did you use that power of  
10 attorney?

11 A. I used it twice.

12 Q. What was the first time?

13 A. The first -- I can't remember the order of  
14 them, but they were pretty close together. But one  
15 of the times was for Kaiser Hospital. I needed to  
16 provide a power of attorney in order to get his  
17 medical records.

18 MR. BAER: So I'm going to object as stating  
19 a legal conclusion as to what he needed. I probably  
20 wouldn't make the objection if it was a financial  
21 power of attorney.

22 MR. BIORN: I think he opened the door on the  
23 use. Mr. Baer asked him about how many times he used  
24 it.

25 THE COURT: I'm not quite sure --

1 MR. BAER: So the power of attorney, the word  
2 that we were talking about yesterday, it's for  
3 financial decisions.

4 MR. BIORN: That's right.

5 MR. BAER: So Kaiser is saying they want a  
6 power of attorney for financial decisions to get  
7 medical records?

8 MR. BIORN: The one that you showed us  
9 yesterday was produced by Kaiser.

10 MR. BAER: I understand -- okay.

11 MR. BIORN: So they asked for it. I mean it  
12 is what it is.

13 MR. BAER: Then it's hearsay. Then I'll  
14 change the objection.

15 MR. BIORN: I think he --

16 THE COURT: Okay. The 2017 power of attorney  
17 either it's '16 or '17, has Kaiser on it. It was a  
18 Kaiser standard form.

19 MR. BIORN: No, that was a Kaiser-produced  
20 form. That's why it says Kaiser.

21 THE COURT: Kaiser-produced, what do you  
22 mean?

23 BY MR. BIORN:

24 Q. Well, let me ask you: Was that power of  
25 attorney a form from Kaiser?

1 A. No.

2 THE COURT: Oh, it wasn't.

3 MR. BIORN: It just looked like it was  
4 yesterday, Your Honor, because Kaiser produced it  
5 from their files.

6 MR. BAER: That's exactly right. That's  
7 right.

8 MR. BIORN: So I think he's opened the door  
9 on Peter's use of the power of attorney. He asked  
10 him yesterday.

11 MR. BAER: I agree. This doesn't open the  
12 door on what Kaiser said to him. You can ask him  
13 what he used it for.

14 MR. BIORN: Okay.

15 BY MR. BIORN:

16 Q. What did you use it for?

17 THE COURT: Sustained. Objection sustained.  
18 You can answer that.

19 BY MR. BIORN:

20 Q. What did you use the power of attorney for?

21 A. I used it to obtain my father's medical  
22 records.

23 Q. Did you use it for any other reason?

24 A. Not with Kaiser.

25 Q. How about anywhere else?



1           A. Yes. So the second time, a second instance  
2 where I used it was with Wells Fargo.

3           Q. And how did you use it there?

4           A. It was to change the accounts from me as a  
5 beneficiary to my sister Shan-Yuan.

6           Q. Did you use it anywhere else?

7           A. No.

8           Q. When you -- are you familiar with Debby  
9 Chang's handwriting, printing?

10          A. Yes, I am.

11          Q. Let me show you Exhibit 2. This is the  
12 handwritten notes of your dad from 1995 regarding his  
13 assets and we discussed yesterday some hand printing  
14 on page 2 where it says his file [sic], 2,000, 5,000.  
15 And then it '90, '90, '85 and '87.

16               Do you recognize that handwriting?

17          MR. BAER: Objection. There's not a  
18 sufficient foundation laid for his familiarity with  
19 her handwriting.

20          THE COURT: I think he said he's familiar  
21 with it.

22          MR. BAER: I understand. But it's just a  
23 general conclusion.

24          BY MR. BIORN:

25          Q. How are you familiar with Debby's

1 handwriting?

2 A. She would write me a lot of notes. She would  
3 write Jeanny notes or my father notes and I would see  
4 them.

5 Q. Have you seen any of her handwriting during  
6 this five years of litigation?

7 A. Oh, absolutely.

8 Q. How many times do you think you've seen her  
9 handwriting?

10 A. All over because they were in all the checks  
11 that were produced from Chase and also her notes to  
12 Martin.

13 Q. Okay.

14 A. Yes.

15 Q. So going back to page 2 of Exhibit 2, do you  
16 recognize Debby's handwriting?

17 A. Yes.

18 Q. Which items are in her handwriting?

19 A. They're the ones that you had mentioned  
20 before where it says his life. Also the numbers  
21 2,000, 5,000 and the years, '90, '90, '82 and '87.

22 Q. Turning to the third page of Exhibit 2, do  
23 you recognize Debby's handwriting anywhere else?

24 A. Yes.

25 Q. Where?

1           A. Under item number 2, and under Grace and the  
2           writing, her writing I recognize is "all in TR,"  
3           which I would say is trust.

4           Q. Do you recognize her handwriting anywhere  
5           else on this exhibit?

6           A. Yes. So under 2B, under James, I recognize  
7           her handwriting as "in his name only."

8           Q. Okay.

9           MR. BAER: Okay. So are you done with that  
10          one?

11          MR. BIORN: Yes.

12          MR. BAER: So I'm going object and move to  
13          strike all the testimony on the basis that  
14          Exhibit Number 2 was not produced in discovery.

15                 I believe Your Honor admitted it subject to a  
16          motion to strike. We have this issue about whether  
17          or not it needed to be disclosed because of the prior  
18          discovery. That's my recollection anyway. Either  
19          that or it was admitted -- or it was not admitted  
20          subject to a later showing. I'm a little mixed up as  
21          to which, but I think it's the former.

22          MR. BIORN: Your Honor, we don't think it was  
23          responsive to the discovery. They decided yesterday.  
24          We think -- was there a protective order in this  
25          regarding the scope of financial records?

1 THE WITNESS: No.

2 MR. BIORN: Okay.

3 THE COURT: I thought you asked for -- I  
4 thought the discussion, and I could be wrong, that  
5 the -- you said you asked for insurance records or  
6 some kind of financial records? I mean, if it was  
7 supposed to be produced and it wasn't, it's not going  
8 to be received in evidence.

9 MR. BIORN: So the insurance. And what was  
10 the other one?

11 MR. KUO: Retirement accounts.

12 So request number 11 asks for all documents  
13 concerning decedent's life insurance policies -- 11  
14 and 12.

15 MR. BAER: There might be more if we go  
16 through. But in any event, 11 requests all documents  
17 concerning decedent's life insurance policies, and 12  
18 requests all documents concerning retirement  
19 accounts. I'd have to go through this more carefully  
20 to see if there might be more.

21 MR. BIORN: Your Honor, I think on page 1  
22 there's -- I guess would be fine then, based on your  
23 tentative ruling, striking this as to retirement  
24 accounts and life insurance.

25 THE COURT: No, that's what you requested

1 with no date; is that right?

2 MR. BAER: No date restriction. I don't  
3 think that's appropriate, Your Honor. If a document  
4 needs to be produced, it needs to be produced. If we  
5 give them a request like that, they can't just say,  
6 well, page 2 is responsive so we'll just give them  
7 that.

8 MR. BIORN: Directly contradicts the  
9 witness's testimony, Your Honor. It's for  
10 impeachment.

11 MR. BAER: That doesn't change anything. If  
12 it was required to be produced, it's required to be  
13 produced. You can't just bring in new documents  
14 simply because they're contradictory to another  
15 witness's testimony.

16 THE COURT: I haven't done discovery in so  
17 long. I think it might be able to be used for  
18 impeachment, but that's not legal issue.

19 MR. BIORN: We'll get you a brief by Monday,  
20 short brief.

21 MR. BAER: Can we do it a little later than  
22 that? It's just I need to prepare for the next two  
23 days as well.

24 MR. BIORN: Yes, I'm fine.

25 MR. BAER: Doesn't strike me that there's an

1 urgency to do it.

2 MR. BIORN: Yes, we can save this just like  
3 we're saving the other one.

4 MR. BAER: Can we do it by Friday? Would  
5 that be okay, Counsel?

6 MR. BIORN: Yes.

7 MR. BAER: And I'll let you know over the  
8 weekend as far as the other one.

9 THE COURT: By next Friday you're saying?

10 MR. BIORN: Yes.

11 MR. BAER: Is that all right with you, Your  
12 Honor?

13 THE COURT: Yes, that's fine. And the issue  
14 is if a document isn't produced in discovery, can it  
15 be used for impeachment of a witness? In this case  
16 it would be Debby. Is that right?

17 MR. BIORN: Yes.

18 MR. BAER: Yes. Let me just say, though, the  
19 way it would be used to impeach her was because it  
20 was used to ask her questions about the document. So  
21 I mean, that's very circular.

22 MR. BIORN: No, no, no, no. She denied ever  
23 knowing anything about his assets numerous times.

24 MR. BAER: Okay.

25 THE WITNESS: Could we take a break?

1 THE COURT: Sure. We'll be off the record.  
2 (Whereupon, a break was taken.)

3 (Whereupon, Mr. Weiss entered the room via  
4 Zoom.)

5 MR. BIORN: Let's go back on the record.

6 THE COURT: (Nods head.)

7 MR. BIORN: Let's mark this as next in order  
8 as I have as 165.

9 MR. FRASER: 167.

10 MR. BIORN: 167, thank you. 167. David,  
11 here you go.

12 MR. BAER: Thank you.

13 MR. BIORN: Judge, this is a new exhibit.

14 THE COURT: Oh, it's a new exhibit?

15 MR. BIORN: Yes.

16 (Whereupon, Exhibit 167 was marked for  
17 identification.)

18 BY MR. BIORN:

19 Q. Peter, let me show you what's been marked as  
20 Exhibit 167. It's a Fidelity Investment account  
21 statement, revised account profile dated October 11,  
22 2007, account name in James Ho, account number ending  
23 in 5410.

24 Have you seen this document before?

25 A. I did not see this before my father's death.

1 Q. Have you seen it ever before?

2 A. Yes, after my father's death.

3 Q. What is it?

4 A. This is a document naming me as the primary  
5 beneficiary of his Fidelity account.

6 Q. And does it indicate what date you are named  
7 that?

8 A. Yes, October 11, 2007.

9 Q. Did you inherit that account on his death?

10 A. Yes, I did.

11 Sorry, to answer your question before, if the  
12 revised account profile was October 11, 2007, but he  
13 apparently -- apparently, he signed this on April  
14 12th, 2006.

15 Q. You're looking at the second page of the  
16 exhibit; is that right?

17 A. That's correct.

18 Q. Okay.

19 MR. BIORN: 168.

20 THE COURT: Thank you.

21 (Whereupon, Exhibit 168 was marked for  
22 identification.)

23 BY MR. BIORN:

24 Q. Let me show you Exhibit 168, a document from  
25 Lincoln Financial Group entitled "Change of



1 beneficiary." It is signed on the second page by  
2 your father on April 26, 2006.

3 Have you seen this document before?

4 A. I've only seen -- the first time I saw it was  
5 after my father died.

6 Q. At any point in time, have you seen it?

7 A. Yes.

8 Q. What is it?

9 A. This is a change of beneficiary form for his  
10 Lincoln account and it was signed by him on April 26,  
11 2006.

12 Q. Who is named as the beneficiary?

13 A. I'm named as the beneficiary.

14 Q. It's your understanding that you are still  
15 the beneficiary at your dad's date of death?

16 A. Yes.

17 MR. BIORN: Exhibit 169.

18 THE COURT: Thank you.

19 (Whereupon, Exhibit 169 was marked for  
20 identification.)

21 BY MR. BIORN:

22 Q. This is an AIG Valic, V-A-L-I-C, and it's a  
23 beneficiary designation form signed on the first page  
24 by James F. Ho, dated 4-26-06.

25 Have you seen this document before?

1 A. Yes.

2 Q. What is it?

3 A. I saw this after my father passed away for  
4 the first time. It is a beneficiary designation form  
5 and it is designating me as a primary beneficiary for  
6 his Valic account.

7 Q. Are you aware of whether you are still the  
8 designated beneficiary of that account at your dad's  
9 death?

10 A. Yes, I was.

11 MR. BIORN: Next in order, 170.

12 (Whereupon, Exhibit 170 was marked for  
13 identification.)

14 BY MR. BIORN:

15 Q. Let me show you what's been marked as  
16 Exhibit 170. It's a New York Life change of  
17 beneficiary request form signed by your dad at the  
18 bottom on April 26, 2006.

19 Have you seen this document before?

20 A. Yes.

21 Q. What is it?

22 A. This is a change of beneficiary request form  
23 that is naming me as the first beneficiary for New  
24 York -- for his New York Life account.

25 Q. Are you aware if you were still the

1 beneficiary as of your dad's date of death?

2 A. Yes.

3 Q. I asked if you were. Were you?

4 A. Yes.

5 MR. BIORN: This is Exhibit 171.

6 THE COURT: Thank you.

7 (Whereupon, Exhibit 171 was marked for  
8 identification.)

9 MR. BIORN: Let me know if I'm going too  
10 fast.

11 THE REPORTER: You are.

12 MR. BIORN: I am. Thank you.

13 BY MR. BIORN:

14 Q. Let me show you what's been marked as  
15 Exhibit 171. It's an Accumulator Elite enrollment  
16 form. Accumulator Elite apparently is part of AXA  
17 Equitable. I don't see your father's -- oh. Yeah, I  
18 don't see your father's signature on here.

19 Have you seen this form before?

20 A. Yes.

21 Q. What is it?

22 A. This is a request form or a designation form  
23 of -- for a beneficiary for my father's Accumulator  
24 Elite and Accumulator Select with AXA Equitable.

25 Q. So are you aware if you were the beneficiary

1 of that account at your dad's date of death?

2 A. At my dad's date of death, I was not aware  
3 that I was the beneficiary of this -- these two  
4 accounts.

5 Q. Were you the beneficiary upon his passing?

6 A. Yes.

7 MR. BIORN: I'll move all of those exhibits  
8 into evidence, Your Honor.

9 THE COURT: Sure. Can you help me out? Is  
10 this last one, 171, dated?

11 MR. BIORN: Well, on the first page under  
12 owner, it lists Mr. Ho's driver's license number with  
13 an expiration date of July 2007.

14 So we know -- well, we have a good idea it  
15 was prior to that date.

16 THE COURT: Very good. Very good. Thank  
17 you.

18 (Whereupon, Exhibits 167 to 171 were admitted  
19 into evidence.)

20 BY MR. BIORN:

21 Q. Peter, Mr. Baer showed you a \$100,000 check,  
22 Exhibit 507, that you indicated was a loan from your  
23 father. How much money did your father loan you at  
24 that time?

25 A. At that time, he had loaned me \$200,000.

1 Q. Do you know when the prior \$100,000 was  
2 loaned to you?

3 A. It was a few months before that. I believe  
4 it was in February or March of 2016.

5 MR. BIORN: I'd like to have marked as next  
6 in order, 173.

7 THE COURT: Thank you.

8 (Whereupon, Exhibit 173 was marked for  
9 identification.)

10 BY MR. BIORN:

11 Q. It's a two-page document with two different  
12 checks from your father to you, each for \$100,000,  
13 one dated March 2, 2016, one dated May 20, 2016.

14 What are those?

15 A. These are the two \$100,000 checks that my dad  
16 wrote to me as a loan.

17 THE COURT: And I heard you describe this  
18 exhibit as 73. It's really 173, right?

19 MR. BIORN: It's 173, but it has two checks.

20 THE COURT: Right. But it's Exhibit 173,  
21 correct?

22 MR. BIORN: Correct.

23 BY MR. BIORN:

24 Q. Did you pay the \$200,000 loan back to your  
25 father?

1           A. Yes, I did. We sold our townhouse to get the  
2 funds to pay him back.

3           Q. Do you remember what year it was?

4           A. It was in 2017.

5           Q. Did you pay him back in full?

6           A. Yes.

7           Q. Let's take a look at Exhibit 71. Do you  
8 recognize that document?

9           A. Yes, I do.

10          Q. What is it?

11          A. It's a check I wrote to my father for  
12 \$205,400 to repay him for the \$200,000 loan.

13          Q. And why did you pay more than \$200,000?

14          A. This was -- included in this was also the  
15 \$30,000 that Jeanny and I paid him for the property  
16 tax base transfer reimbursement.

17          Q. This next document is Exhibit 174. It has --  
18 I'm sorry, it's Exhibit 163. It has a tab, but it  
19 has not been put into the tab, so it's in volume 2.

20          THE COURT: Thank you.

21          MR. BIORN: There's a slot for it. 162, I  
22 just handed it to you.

23          MR. BAER: Okay.

24          164 is blank in my notebook. 163 is a text  
25 thread.

1           THE COURT:   Would you like this to be 164?

2           MR. BIORN:   Yes.

3           THE COURT:   Great.

4   BY MR. BIORN:

5           Q. I'll show you what's been marked as

6   Exhibit 164, document entitled "Grant Deed."   The

7   property -- and it's recorded on January 10, 2014.

8           Have you seen this document before?

9           A. Yes.

10          Q. What is it?

11          A. This is the Grant Deed for when my father

12   sold CSM to the new buyers.

13          MR. BAER:   I thought we admitted this one,

14   but maybe not.

15          MR. BIORN:   Maybe you had it.   I didn't

16   recall.

17          MR. BAER:   That's okay.

18          MR. BIORN:   This one is next in order.   It

19   will be 173 -- I'm not keeping good track, sorry.

20   This is 174.

21          THE COURT:   Thank you.

22          THE WITNESS:   You're welcome.

23          (Whereupon, Exhibit 174 was marked for

24   identification.)

25   BY MR. BIORN:

1           Q. This is a three-page document entitled "Grant  
2       Deed." It was recorded with the County Recorder on  
3       April 29, 2014.

4           Have you seen this document before?

5           A. Yes.

6           Q. What is it?

7           A. This is the Grant Deed for the Flying Cloud  
8       property for when my father purchased it.

9           Q. Okay. And here is Exhibit 175.

10           (Whereupon, Exhibit 175 was marked for  
11       identification.)

12       BY MR. BIORN:

13           Q. This is a Grant Deed dated April 28, 2015.  
14       Have you seen this document before?

15           A. Yes.

16           Q. And what is it?

17           A. It's a Grant Deed where my father is  
18       transferring the Flying Cloud property to his trust,  
19       trust A.

20           Q. All right.

21           MR. BIORN: Here's a document marked as 176.

22           (Whereupon, Exhibit 176 was marked for  
23       identification.)

24           THE COURT: Thank you.

25           THE WITNESS: You're welcome.



1 BY MR. BIORN:

2 Q. A document titled "Grant Deed" recorded with  
3 the County Recorder on February 16, 2016.

4 Have you seen that document before?

5 A. Yes.

6 Q. What is it?

7 A. It is a Grant Deed for when my father sold  
8 the Flying Cloud property.

9 Q. Do you remember discussing with your father  
10 the sale of that property?

11 A. Yes.

12 Q. When did you discuss it with him?

13 A. Probably 2015 and all the way until he sold  
14 the property.

15 Q. What do you recall discussing with him?

16 MR. BAER: Objection. Asked and answered.

17 MR. BIORN: "What" do you recall discussing  
18 with him?

19 BY MR. BIORN:

20 Q. About the sale of the property?

21 THE COURT: We did discuss how he didn't like  
22 something about it.

23 MR. BAER: I'll withdraw the objection. It's  
24 a little hard to figure out. Go ahead.

25 THE WITNESS: He disliked the property and he

1 was contemplating whether or not to transfer the  
2 property tax basis from CSM to this property and he  
3 was under the two-year time limit and he felt very  
4 pressured. And also very disturbed that he couldn't  
5 sleep.

6 BY MR. BIORN:

7 Q. Who told you about the two-year time limit?

8 A. My father did.

9 Q. Did your dad sell Flying Cloud within two  
10 years of selling the CSM property?

11 A. It was close to that. Within a month, plus  
12 or minus a month.

13 Q. Did your dad attempt to sell the Flying Cloud  
14 property prior to that point?

15 A. I'm sorry?

16 Q. When did your dad first start trying to sell  
17 the Flying Cloud property?

18 A. In September of 2015.

19 Q. Do you recall discussing with him the process  
20 of selling that property in the fall of 2015?

21 MR. BAER: I have to say I think all these  
22 questions have been gone over, but go ahead.

23 THE WITNESS: Sorry, could you please repeat  
24 the question?

25 MR. BIORN: You know what, I think you're

1 right. I can withdraw the question.

2 BY MR. BIORN:

3 Q. You testified with Mr. Baer that you had a  
4 dollar amount savings on your real property taxes  
5 because your dad transferred his real property tax  
6 base year to you.

7 Do you recall that?

8 A. No, he did not transfer his tax year basis to  
9 me. He transferred it to his property, which he was  
10 a part owner at in Milpitas.

11 Q. Correct. And you -- sorry. And you  
12 testified that you were splitting that savings with  
13 your sisters.

14 Do you recall that?

15 A. That's correct.

16 Q. Why did you do that or why are you doing  
17 that?

18 MR. BAER: Objection. Relevance.

19 THE COURT: What is the relevancy?

20 MR. BIORN: I'll withdraw it.

21 THE COURT: I'm sorry?

22 MR. BIORN: I'll withdraw it.

23 THE COURT: Okay. Before we do that,  
24 Mr. Baer, I don't know if this witness's sisters are  
25 going to testify. Are you going to ask them about

1 this?

2 MR. BAER: No, I have no plan to. I don't  
3 see its relevance.

4 THE COURT: Okay. Thank you.

5 BY MR. BIORN:

6 Q. Let me show you Exhibit 558.

7 MR. BAER: 558.

8 MR. BIORN: Binder 4. No? Or binder 5.

9 MR. FRASER: Can I help you with that, Your  
10 Honor?

11 THE COURT: Yes. Thank you.

12 BY MR. BIORN:

13 Q. Looking at Exhibit 558, this is described in  
14 the exhibit list as transcription of voicemails.

15 Have you listened to each of these voicemails  
16 that were produced in the litigation?

17 A. I have.

18 Q. And the voicemails are in Mandarin, right?  
19 Do you recall if they're in Mandarin or English?

20 A. Some parts were in English, some parts were  
21 in Mandarin.

22 Q. All right. Thank you. Now, the timing of  
23 these voicemails is not listed on here. What do you  
24 recall about the timing of the voicemails?

25 For instance, on Exhibit 4748 [sic], it says

1 "Aunt Debby, Aunt Debby, Aunt Debby, hello, Aunt  
2 Debby, hello."

3 Was that all a voicemail left by your dad  
4 that you listened to one after the other?

5 THE COURT: It's 47 what?

6 MR. BIORN: Oh, no, no. We're still on  
7 Exhibit 558.

8 THE COURT: Oh, okay.

9 MR. BIORN: Which is in -- I'll wait for you,  
10 Your Honor.

11 THE COURT: I've got it right here.  
12 Mr. Fraser helped me.

13 MR. BIORN: Okay, great. If you turn to the  
14 second page, the voicemails are identified, they were  
15 produced by Debby Chang. The third voicemail down is  
16 identified by Debby in the production process as DCO  
17 4748.

18 BY MR. BIORN:

19 Q. Do you remember how long that voicemail was?

20 A. I wrote it down. I remember it was like  
21 three minutes and one second. That's the best of my  
22 recollection.

23 MR. BAER: David, my client wrote down -- are  
24 we on the record or off?

25 MR. BIORN: We're on. We can either play the

1 voicemails and listen to them to get the timing of  
2 what was left or we can mark as an exhibit his notes  
3 from the timing of the voicemails -- his notes that  
4 he took while listening to the voicemails.

5 MR. BAER: I haven't seen his notes.

6 MR. BIORN: Okay.

7 MR. BAER: I mean, it's an objective fact, if  
8 we need to play them.

9 THE COURT: I'm terribly sorry. What are you  
10 alluding to? That these voicemails don't have  
11 everything that was said?

12 MR. BIORN: No, they do. But if you --

13 BY MR. BIORN:

14 Q. Well, let me ask you this: On 4748, did your  
15 dad say those words "Aunt Debby, Aunt Debby, Aunt  
16 Debby, hello, Aunt Debby, hello," one after the other  
17 quickly, like I just did?

18 A. Not quickly. It took him over three minutes  
19 to say all those words.

20 Q. And how long were the intervals between  
21 saying them?

22 A. Quite a long time.

23 MR. BAER: Objection.

24 THE COURT: As to "quite a long time."

25 MR. BAER: All right.

1 THE COURT: I presume it's three minutes one  
2 second, he interspersed it out.

3 THE WITNESS: Yes.

4 BY MR. BIORN:

5 Q. And the last one that he says, how far into  
6 the voicemail is that?

7 A. I would need to refer to my notes.

8 MR. BIORN: David, can he refer to his notes  
9 or we can play the voicemails?

10 MR. BAER: Refer to your notes.

11 THE WITNESS: The last one where he said  
12 hello was one minute and 43 seconds.

13 BY MR. BIORN:

14 Q. And how long is the voicemail?

15 A. Three minutes and one second.

16 Q. Could you hear anything your dad was doing in  
17 the background?

18 A. Yes.

19 Q. For the last minute and 18 seconds?

20 A. Yes. It sounded like he was tapping on the  
21 phone screen.

22 MR. BAER: I'm going to move to strike the  
23 testimony as speculation and irrelevant.

24 MR. BIORN: Well, that's what he heard.

25 MR. BAER: I understand what he said.

1 MR. BIORN: Your Honor, I think it's no  
2 different than hearing a word or hearing a yell or  
3 hearing --

4 THE COURT: Yes, I'll permit the tapping to  
5 stay in.

6 Where are we going on this?

7 MR. BIORN: Well --

8 THE COURT: He tried to call.

9 MR. BIORN: In our brief, it's going to be  
10 he's having difficulty leaving just a voicemail.

11 THE COURT: He's having difficulty leaving a  
12 voicemail?

13 MR. BIORN: Yes.

14 THE COURT: Not he was hoping she'd  
15 eventually pick up?

16 MR. BIORN: Well, we think the tapping shows  
17 that's not the case.

18 THE COURT: Okay.

19 MR. BIORN: That will be our argument.

20 THE COURT: Okay. I guess I'll permit it.

21 BY MR. BIORN:

22 Q. When did he leave the voicemail dated 4748?

23 MR. BAER: Objection. Lacks foundation.

24 Personal knowledge.

25 BY MR. BIORN:



1 Q. Was there a date stamp on it?

2 A. There was not a date stamp on the Mp3 files  
3 when I received them, but they are stamped on the  
4 exhibit list that Mr. Baer provided us.

5 Q. So the exhibit list provides the dates?

6 A. I see dates here.

7 Q. And what date do you see?

8 MR. BAER: I'm going to object. The exhibit  
9 list is in evidence.

10 THE WITNESS: It's represented to me as  
11 August 24, 2017.

12 THE COURT: The objection is sustained.  
13 Exhibit list is not evidence.

14 But if we're going to establish this through  
15 Debby, we might as well establish it now. I don't  
16 know -- do you want to go off the record and just  
17 talk about this? Is there any purpose to it?

18 MR. BIORN: Yes.

19 THE COURT: We're off the record.

20 (Whereupon, there was a discussion off the  
21 record.)

22 THE COURT: Let's go back on the record.  
23 While we were off the record, counsel discussed  
24 things. They're going to see if they can work out  
25 something and we'll put it on the record later.

1 BY MR. BIORN:

2 Q. Now, if you look at the last voicemail, DCO  
3 4751, at what point in the -- how long was the  
4 recording?

5 A. It was three minutes and one second.

6 Q. At what point in the recording did he say the  
7 word "hello" four times?

8 A. He started that at 43 seconds into the  
9 recording.

10 Q. And the other ones?

11 A. I don't recall -- sorry. And also at 47  
12 seconds, a minute and seven seconds and a minute and  
13 13 seconds for the last hello.

14 Q. Did he say anything after that?

15 A. No.

16 Q. Did you hear him doing anything for the last  
17 almost just under two minutes?

18 A. Not that I recall.

19 Q. Okay. Peter, you picked up -- you testified  
20 with Mr. Baer that you picked up your dad on August  
21 22nd, 2017 to take him to an acupuncture appointment?

22 A. (Witness nods head up and down.)

23 Q. And you didn't return him that night to  
24 Debby's house. Why not?

25 A. The acupuncture appointment was in Cupertino

1 in the South Bay and we were already thinking that he  
2 would stay with me. So I had told Debby before I had  
3 taken my dad and after the acupuncture appointment,  
4 dad was very happy and he wanted to stay with me so  
5 we could spend more time. So I confirmed with him  
6 afterwards, dad, you can stay with me.

7 Q. Now, before you picked him up, did Debby say  
8 anything to you to acknowledge that she understood  
9 your dad might stay with you that night?

10 A. I think she did. Right now, I just don't  
11 remember right now, but I think she did.

12 Q. Now, the next day is August 23rd and he  
13 didn't go home that day either. Why not?

14 A. We were actually having a very good time and  
15 he wanted to stay with me for another night.

16 Q. Did you inform Debby of that?

17 A. Yes, by text.

18 Q. Did she respond in any way?

19 A. Yes. She said you can keep him as much as  
20 you want.

21 MR. BAER: I'm going to object. I believe  
22 the witness is referring to a text. It speaks for  
23 itself. I don't think they had a phone call as far  
24 as I know.

25 BY MR. BIORN:

1 Q. Is that correct?

2 A. That's correct.

3 Q. Okay.

4 THE COURT: Okay. The text does speak for  
5 itself.

6 MR. BIORN: Okay.

7 BY MR. BIORN:

8 Q. And then the next day, the 24th of August,  
9 you didn't take him home that day either. Why not?

10 A. At that time, Debby had already started  
11 texting me and my wife and also leaving a voicemail  
12 for her saying that she could no longer take care of  
13 my dad.

14 MR. BAER: Same objection.

15 THE COURT: I'm not going to admit his  
16 testimony as to what's in the text for the truth of  
17 the matter because the text is the best evidence, but  
18 it is to direct what happened on August 24th.

19 MR. BIORN: Okay.

20 THE COURT: If you need a better explanation,  
21 I can rephrase it.

22 MR. BIORN: The text is already in evidence.  
23 I just want the fact of why he didn't return him  
24 because of what was in the text. That's all.

25 BY MR. BIORN:

1 Q. Peter, I don't have anything else --

2 MR. BIORN: Unless, Your Honor, I need to  
3 call him just to lay a foundation for any of the  
4 videos or audios when Debby testifies further or  
5 somebody else testifies, but I don't want to go  
6 through all those now unless we need to.

7 And it would be a short laying of the  
8 foundation at that time. So I would propose that we  
9 postpone that until needed.

10 MR. BAER: I'm not sure a foundation hasn't  
11 been laid. I asked him basically how he made them,  
12 didn't I? He explained the whole process.

13 MR. BIORN: Okay. To the extent that I  
14 have -- that there's an objection I have to lay a  
15 foundation, I would just ask that I can call him back  
16 at that time.

17 MR. BAER: I agree that a foundation was  
18 laid. I'm telling you myself.

19 MR. BIORN: Okay.

20 MR. BAER: I think I laid it. I mean, he  
21 explained it. He said that all those icons were what  
22 was on the SD file that he took out of the nanny cam  
23 and he explained how he made the audiotape as well  
24 from his dad's phone.

25 MR. BIORN: With that agreement, I'm done

1 with my examination.

2 MR. BAER: I just have a few questions, I  
3 think.

4 RECROSS-EXAMINATION

5 BY MR. BAER:

6 Q. When you brought up the -- in 2017, you  
7 brought up the prior oral agreement that you had with  
8 your father to change the POD account to use as a  
9 means to finance his funeral, correct?

10 A. Correct.

11 Q. Okay. And when you did that and reminded  
12 your dad of the agreement, he confirmed that he  
13 remembered the agreement, correct?

14 A. Not immediately, but yes, eventually.

15 Q. Okay. And you testified, I believe, to  
16 changing beneficiaries of a -- was it a bank account,  
17 after your father signed the 2017 power of attorney?

18 A. Yes, that's correct.

19 Q. Okay. And that's something you couldn't have  
20 done based on the 2002 power of attorney, correct?

21 A. That's correct.

22 Q. And there were a series of beneficiary  
23 designations that were offered, and let me ask if you  
24 inherited -- first, as a compound question, did you  
25 inherit something from all of these accounts?

1 A. I would need to refer --

2 Q. Okay. Why don't you refer to the exhibit and  
3 basically tell me: From which ones did you not  
4 inherit anything?

5 A. I would need to refer to my notes as well.

6 Q. Okay. So we're talking about --

7 MR. BIORN: I don't want you referring to  
8 your notes. Give him your best testimony.

9 BY MR. BAER:

10 Q. Let's just go through them one-by-one.

11 A. Sure.

12 Q. You already testified that you inherited  
13 something from 160 -- the account associated with or  
14 shown by Exhibit 167.

15 So 168, this is the Lincoln Financial Group  
16 account?

17 A. May I just say that, for all of these  
18 accounts, if they existed, still were in existence  
19 when my dad passed away, I was a beneficiary and I  
20 inherited from them.

21 Q. Okay. And is the testimony you gave earlier  
22 when I was kind of going through what you inherited  
23 from your father, does that include the assets in  
24 these accounts 167 through 172?

25 A. Yes, it does.

1 Q. So let's just pick a decade. Okay?

2 So from 2010 through his passing, did your  
3 father make any cash gifts to you over a thousand  
4 dollars?

5 A. Could you repeat the dates?

6 Q. Yes. From January 1, 2010 through your  
7 father's passing, did he make any gifts of cash or  
8 cash equivalence to you?

9 A. Yes, I believe he did.

10 Q. Were any of them over a thousand dollars?

11 A. Yes, I believe so.

12 MR. BIORN: Your Honor, I think this is  
13 overbroad as to time on relevance. There's no claim  
14 that Peter improperly took any gift in 2010 or 2011  
15 or 2012, nor has there been a cross-complaint filed.  
16 I think he can ask the questions as to 2016 on.

17 MR. BAER: Well, there's a complaint, as I  
18 recall anyway, that goes back to a transaction that  
19 occurred in 2006.

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

21 MR. BIORN: Okay.

22 MR. BAER: Okay.

23 BY MR. BAER:

24 Q. What's the largest cash gift he made to you  
25 in that period?



1 A. I believe it was 1,500.

2 Q. And did he make cash gifts to you with any  
3 regularity? Did he have like a pattern of making a  
4 cash gift to you on your birthday or anything like  
5 that?

6 A. Yes. It would be either birthday or  
7 Christmas, generally.

8 Q. And generally each year, how much did he gift  
9 to you?

10 A. To my recollection, about \$400.

11 Q. Okay. So Exhibit 71, as I recall, that's a  
12 check for about \$205,800, I believe, or \$208,400. We  
13 can look at it.

14 A. It's \$205,400.

15 Q. So you borrowed \$200,000 from your father at  
16 that point, correct?

17 A. Correct.

18 Q. Had you made any prior payments on the loan?

19 A. For the \$200,000, no.

20 Q. Okay. And so the check 71, that included the  
21 \$200,000 loan and was the rest of it just the balance  
22 of the \$30,000?

23 A. That's correct.

24 Q. Okay. So I believe you gave some testimony  
25 to the effect that your father transferred the base

1 year value to his interest in the property and not to  
2 you or you and your wife?

3 A. That's correct.

4 Q. Okay. So when your dad basically transferred  
5 his interest in the property back to you and your  
6 wife, you continued to claim the benefit of that base  
7 year value, did you not?

8 A. Yes.

9 MR. BAER: No further questions.

10 MR. BIORN: Nothing further, Your Honor.

11 MR. BAER: I have one little piddly piece of  
12 homework.

13 THE COURT: I'd like to have the exhibits  
14 admitted so I can kind of clear the air.

15 MR. BAER: Yes. So Exhibit 595 was the one  
16 with the request for admission. I'd like to offer  
17 just what I read into evidence. The document is kind  
18 of bulky.

19 And so I was, with Mr. Biorn's agreement and  
20 hopefully your indulgence, planning on trimming it  
21 down so we can have just the cover page and the  
22 signature page and that one RFA later.

23 MR. BIORN: What I suggest is -- well, I  
24 guess the cover page, the RFA -- cover page, the  
25 testimony that was read, counsel's signature page and

1 the verification.

2 MR. BAER: Is that all right, Your Honor?

3 THE COURT: That's fine with me.

4 MR. BAER: Okay. We'll do that.

5 Can you make a note of that?

6 THE COURT: Are you going to do that today?

7 MR. BAER: No, we're not going to do it  
8 today. Well, we could do it today, I suppose. Can  
9 that be done today?

10 MR. KUO: Yes.

11 MR. BAER: Okay. We'll do it today.

12 THE COURT: On these admissions, you're not  
13 going to be discussing other admissions in this?

14 MR. BAER: I don't expect to now. If I do, I  
15 can make another exhibit.

16 THE COURT: Well, we don't need to kill  
17 anymore trees.

18 MR. BAER: All right. Then we'll wait. I  
19 don't know what will happen. It would be a small  
20 exhibit. But that's fine, we'll wait. We'll do it  
21 at the end.

22 THE COURT: Sure.

23 MR. BAER: Do you understand what's happened?  
24 When the trial is over, we're going to replace  
25 Exhibit 595 with just -- are we still on the record?

1 THE COURT: We can go off the record.

2 (Whereupon, there was a discussion off the  
3 record.)

4 THE COURT: Let's go back on the record.  
5 Could you repeat what you just said?

6 MR. BAER: Yes. So I did stipulate to the  
7 admission of Exhibits 167 through -- I seem to be  
8 missing 171 -- but through 173.

9 MR. BIORN: What about 176?

10 MR. BAER: What's 176? Is it one of those  
11 deeds --

12 THE COURT: Let's just go through so it's  
13 clear.

14 167, 168, 169, 170 and 171 will be received  
15 in evidence.

16 (Whereupon, Exhibits 167, 168, 169, 170 and  
17 171 were admitted into evidence.)

18 MR. BAER: And also 172 and 173.

19 MR. FRASER: I don't think there is a 172.

20 MR. BAER: No? Isn't it the Accumulator  
21 Elite or is that wrong?

22 MR. FRASER: I think that's the 171.

23 THE COURT: Let's go off the record.

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

1           THE COURT: Let's go on the record right now.  
2       Let's see. Mr. Fraser, you were describing --  
3           MR. FRASER: Exhibit 173.  
4           THE COURT: Right.  
5           MR. FRASER: The two checks for 100,000.  
6           THE COURT: Any objection?  
7           MR. BAER: Just a quick sec.  
8           No.  
9           THE COURT: Received.  
10          (Whereupon, Exhibit 173 was admitted into  
11       evidence.)  
12          MR. FRASER: Exhibit 174.  
13          MR. BAER: No objection.  
14          THE COURT: Received. That is the Grant  
15       Deed.  
16          MR. FRASER: For the purchase.  
17          THE COURT: Yes.  
18          (Whereupon, Exhibit 174 was admitted into  
19       evidence.)  
20          MR. FRASER: 175 which is the Grant Deed for  
21       the trust transfer.  
22          MR. BAER: No objection.  
23          THE COURT: Received.  
24          (Whereupon, Exhibit 175 was admitted into  
25       evidence.)

1 MR. FRASER: 176 which is the Grant Deed for  
2 the sale.

3 MR. BAER: No objection.

4 THE COURT: Received.

5 (Whereupon, Exhibit 176 was admitted into  
6 evidence.)

7 MR. FRASER: So there are some others from  
8 yesterday and the day prior.

9 THE COURT: Okay. Can you help me out?

10 MR. FRASER: Yes.

11 THE COURT: For some reason, I have 164 also  
12 out of the book.

13 MR. FRASER: Yes. We'll need to get you  
14 tabs. But this is 164. That is the Grant Deed  
15 for -- I believe it's for the sale of CSM.

16 THE COURT: Do you have any opposition to  
17 that?

18 MR. BAER: No. I think we have it admitted,  
19 too, but I might be wrong.

20 THE COURT: Okay. That will be received.

21 (Whereupon, Exhibit 164 was admitted into  
22 evidence.)

23 THE COURT: And now going to yesterday,  
24 Mr. Fraser.

25 MR. FRASER: Thank you. So I'll just go in

1 order.

2 MR. BAER: Hold on.

3 MR. FRASER: I apologize, there's one more  
4 from today, which is 71. It was the check for  
5 205,400.

6 MR. BAER: No objection.

7 THE COURT: Received.

8 (Whereupon, Exhibit 71 was admitted into  
9 evidence.)

10 MR. FRASER: From yesterday, 86.

11 MR. BAER: Which exhibit is that?

12 MR. FRASER: Number 86.

13 MR. BAER: That's the other check?

14 MR. FRASER: It's a carbon copy of check 105.

15 THE COURT: With a translation.

16 MR. BAER: No objection.

17 THE COURT: Received.

18 (Whereupon, Exhibit 86 was admitted into  
19 evidence.)

20 MR. FRASER: Number 105, the text messages  
21 between Debby and Peter.

22 MR. BAER: No objection.

23 THE COURT: Received.

24 (Whereupon, Exhibit 105 was admitted into  
25 evidence.)

1 MR. FRASER: 106, which is a preliminary  
2 title report on the Redwood City property.

3 MR. BAER: No objection.

4 THE COURT: Received.

5 (Whereupon, Exhibit 106 was admitted into  
6 evidence.)

7 MR. FRASER: 112, the voicemail with  
8 translation from Debby to Jeanny.

9 MR. BAER: No objection. Was Debby asked  
10 about that?

11 MR. FRASER: I believe so. Let me check.

12 MR. BAER: No objection. It's fine.

13 MR. BIORN: Yes, I asked her.

14 THE COURT: 112 will be received.

15 (Whereupon, Exhibit 112 was admitted into  
16 evidence.)

17 MR. FRASER: The next one is 163.

18 THE COURT: Which are text messages between  
19 Debby and Jeanny Ho according to the description I  
20 have.

21 MR. BAER: No objection.

22 THE COURT: Received.

23 (Whereupon, Exhibit 163 was admitted into  
24 evidence.)

25 MR. FRASER: 165 which, ironically, is check



1 165.

2 MR. BAER: So just to go back for a sec to  
3 163, I have no objection except to the extent it's  
4 got hearsay statements in it, it wouldn't be accepted  
5 for the truth.

6 THE COURT: They will not be received for the  
7 truth?

8 MR. BAER: Yeah.

9 MR. FRASER: Which one is this?

10 MR. BAER: 163, the texts.

11 MR. BIORN: Yes.

12 MR. FRASER: Next is 165.

13 MR. BAER: Hold on. I'll be with you in a  
14 second here. I don't have a 165. Which one is that  
15 one?

16 MR. FRASER: I think it was a check, 165.

17 THE COURT: That's the 3,720 --

18 MR. BAER: Yes, I remember that. No  
19 objection if that's what it is.

20 THE COURT: Yes.

21 (Whereupon, Exhibit 165 was admitted into  
22 evidence.)

23 MR. FRASER: And then 166 is the check for  
24 3,720 from Rita to James.

25 MR. BAER: So the first one is the check

1 from -- is it from James to Reinhard Oesterle?

2 THE COURT: Correct.

3 MR. BAER: Okay. Thank you.

4 Is that it?

5 MR. FRASER: I think that's it.

6 MR. BAER: Great.

7 MR. FRASER: 166 was received?

8 THE COURT: Yes.

9 MR. FRASER: Thank you.

10 THE COURT: Off the record just for a minute.

11 (Whereupon, Exhibit 166 was admitted into  
12 evidence.)

13 (Whereupon, there was a discussion off the  
14 record.)

15 (Lunch recess taken.)

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AFTERNOON SESSION:

THE COURT: Let's go on the record. I'm going to swear you in. Could you raise your right hand?

DELLA LAU,  
being duly sworn by the Court to tell the truth, the whole truth, and nothing but the truth, testified as follows.

THE COURT: Thank you. And can you start by stating your first and last name.

THE WITNESS: Della Lau.

THE COURT: Thank you. Spell the last name.

THE WITNESS: L-A-U.

THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. BIORN:

Q. Good afternoon, Ms. Lau. How are you?

A. Fine, thank you.

Q. We're here for your trial testimony in the matter of Peter Ho against Debby Chang, which I know you're very familiar with.

In the years leading up to 2016, so before 2016, did you talk with your father?

A. Yes.

Q. How frequently?

1           A. I'd say I talked to him minimum of two to  
2           four times a month.

3           Q. In those years, did you meet up for special  
4           occasions?

5           A. Yes.

6           Q. Which ones?

7           A. Definitely Christmas, Chinese New Years, his  
8           birthday, my birthday, Thanksgiving. Sorry, forgot  
9           one.

10          Q. That's five or so, by my count, each year.  
11          Typically, would these be at your house, at a  
12          restaurant, at his house?

13          A. Usually at my house.

14          Q. Okay. In those years leading up to 2016, how  
15          often did you see your dad?

16          A. In the years up to --

17               MR. BAER: I think that's overbroad. Her  
18          whole life to 2016?

19               MR. BIORN: Okay.

20          BY MR. BIORN:

21               Q. Before your kids started school, how often  
22          did you see your dad?

23               A. Quite a bit because we were more flexible.  
24          I'd say at least twice a month.

25               Q. And it changed after your kids started

1 school?

2 A. It became more challenging.

3 Q. Your kids, once they started to enter middle  
4 school, how often did you see your father?

5 A. Aside from those events, my father -- my  
6 children -- or at least my son was involved in sports  
7 and so he would come out to his games.

8 Q. What sports?

9 A. He played baseball and football and  
10 basketball. Did all three.

11 Q. Did he play those all through high school?

12 A. He actually was heavily involved in baseball  
13 I mean, it's the season, sorry, I'm getting my  
14 seasons mixed up, but he definitely played baseball  
15 and basketball up through high school, dabbled a  
16 little bit more with just baseball before he swapped  
17 to football in high school.

18 Q. Did your dad tell you he enjoyed coming to  
19 see your son play sports?

20 A. Oh, yes.

21 Q. Your dad, did he enjoy sports?

22 A. I would say yes. Probably different sports.  
23 My dad had been an athlete his whole life. He was a  
24 gymnast. He was a swimmer. He I wouldn't say  
25 necessarily played baseball or basketball, and

1 definitely not football. Chinese people don't play  
2 football, except for my son. But he definitely  
3 enjoyed sports.

4 Q. Any particular sports he liked to play  
5 throughout his life?

6 A. Oh, my father used to play a lot of tennis.  
7 He loved it to the point where if he couldn't even  
8 meet up with a partner, he would go and play  
9 individually and hit the board.

10 Q. Did your dad exercise much?

11 A. Oh, yeah. He probably was, aside from my  
12 sister, probably the most fit in the family. He was  
13 very, very much into his health.

14 Q. Prior to 2016, did you and your family go on  
15 trips at all with your dad and Debby?

16 A. We went on only one and that was actually  
17 before I got married.

18 Q. When was this?

19 A. I want to say 1997.

20 Q. Where did you go?

21 A. On a trip. We went to the Catalina Islands.  
22 It was a three-day cruise. I don't recommend it, for  
23 the record.

24 Q. Let me show you a picture on page 9 of  
25 respondent's Debby Chang's trial brief.

1 Do you recognize yourself in that picture?

2 A. Yes.

3 Q. Who else was in there?

4 A. Well, at the time my boyfriend Steve, my  
5 father, Debby, Peter and Jeanny.

6 Q. And that's from when?

7 A. 1997. We were not married yet.

8 Q. Have you seen any other pictures Debby took  
9 of you and Steve over the years?

10 A. No.

11 Q. Are you aware of any other pictures similar  
12 to this one closer in time than 1997?

13 A. No.

14 Q. I'd like to switch and talk to you about  
15 Debby Chang. Overall, how would you describe your  
16 relationship with Debby?

17 A. To be very truthful, I guess of an  
18 acquaintance. I didn't really have a relationship  
19 with her. We weren't mean to each other. I would  
20 say we were cordial, but we certainly never had  
21 in-depth conversations. I don't think she really  
22 knows much about me, nor do I know much about her.

23 Q. How often would you see her a year?

24 A. I would say I probably saw her a little bit  
25 more before 2000, maybe two or three times a year.

1 Every time I saw my father, I'd say probably maybe a  
2 quarter of the time, I might see her.

3 Q. Okay. Was that relatively consistent until,  
4 say, 2016?

5 MR. BAER: Leading.

6 THE WITNESS: I'd say I saw her even less,  
7 spoke to her even less. I want to say once a year,  
8 honestly.

9 BY MR. BIORN:

10 Q. Okay. Did she participate in your holiday --  
11 family holiday gatherings when you saw your dad?

12 A. It always felt like, you know, because the  
13 holidays land on one day, her daughter also lived in  
14 Fremont. So felt like she wanted to spend more time  
15 over there than with my family and my father.

16 MR. BAER: I'll move to strike as speculation  
17 as to what Debby wanted.

18 THE COURT: What Debby felt will be stricken.  
19 I think the point is -- just rephrase.

20 BY MR. BIORN:

21 Q. Yes-or-no question: Did Debby typically  
22 attend the holiday gatherings with you, your family  
23 and your father?

24 A. No.

25 Q. Did she ever tell you where she would go



1 during those family events?

2 A. Yes.

3 Q. Where?

4 A. To her daughter Sophie's house.

5 Q. Okay. Did Debby ever refer to herself as  
6 if -- like an old married couple -- let me strike  
7 that.

8 Did Debby ever refer to herself and your  
9 father like an old married couple?

10 MR. BAER: Objection. Leading.

11 THE COURT: Sustained.

12 BY MR. BIORN:

13 Q. How did Debby refer to herself with respect  
14 to her relationship with your dad?

15 A. She was always James Ho's friend. And then  
16 the other reference, which my children called her and  
17 everybody else, was Aunt Debby.

18 Q. Did she ever use the term "girlfriend" when  
19 referring to her relationship with your dad?

20 A. Never.

21 MR. BAER: Objection. Leading.

22 I'll withdraw.

23 THE COURT: Thank you.

24 BY MR. BIORN:

25 Q. Did your dad ever tell you if he wanted to

1 marry her?

2 A. He told me he didn't want to marry her.

3 Q. Did not?

4 A. Did not.

5 Q. How often did he tell you that? How many  
6 times do you recall him telling you that?

7 A. I remember asking more frequently, probably  
8 before 2000 when I had just -- the beginning years of  
9 having met her. I probably had asked him at least  
10 five times on different times throughout the years,  
11 and the answer was always no.

12 Q. Can you estimate the years over which you  
13 heard your dad say those words?

14 A. You mean 15 years, like the times I've asked  
15 him, is that what you're asking?

16 Q. Yes. What's the latest in time that you  
17 heard him say that?

18 A. I probably stopped asking at some point. So  
19 I'm going to say maybe 2012.

20 Q. Okay. Is that your best estimate?

21 A. It's my estimate.

22 Q. Okay. Did you ever discuss with your dad how  
23 he and Debby managed their finances?

24 A. He actually volunteered that to me. He just  
25 said you think probably -- well, he said that they

1       kept their finances separate.

2               Q. Do you remember when he told you that?

3               A. I remember him telling me a couple times. I  
4       probably -- it honestly was in relation to the "are  
5       you married" question. So I think that was always  
6       followed up with our finances are separate.

7               Q. Did you discuss their finances with your  
8       dad -- sorry.

9               Did you discuss Debby and your dad's finances  
10       with your dad after, say, the year or in the year  
11       2016 or 2017?

12              A. I actually didn't discuss finances with my  
13       father, but for some reason, he felt the need to  
14       offer up finances are separate. It's just not a  
15       conversation. We didn't talk about that.

16              Q. Did he offer that up in the years 2016 or  
17       2017?

18              A. I feel like, you know, it's always been  
19       consistent. So did he actually say it in 2016? I'm  
20       going to say yes.

21              Q. You're going to say what?

22              A. Yes.

23              Q. Okay. When did you become aware that your  
24       dad was sick with a brain tumor?

25              A. That one I recall him telling me in November

1 2016. That was the first time I had heard he had  
2 meningioma.

3 Q. Why do you remember that specifically?

4 A. I remember it specifically because he was  
5 supposed to come to a football game for Dean in  
6 October, but he got the dates mixed up so he missed  
7 that game. So with constant reminders, he did make  
8 it to the game in 2016 in November.

9 Q. Who gave him the constant reminders?

10 A. I did. I'd text him or call him.

11 The other reason I remember that date very  
12 clearly is my father is a very strong man physically  
13 and it was the first time I saw him using a cane.

14 Q. First time what?

15 A. Using a cane.

16 Q. Okay.

17 A. So when we were walking up to the stadium, I  
18 noticed he was struggling a little bit with the  
19 walking. It's the first time you actually see your  
20 parent as they're not going live forever. It just  
21 kind of hit me. And then he gave me that news.

22 Q. When did you learn that he -- did you ever  
23 learn that he had blood cancer, multiple myeloma?

24 A. He did share that with me in December when we  
25 were -- during one of our phone calls.

1 Q. Did you see him over Christmas -- is this  
2 December 2016?

3 A. Yes.

4 Q. Did you see him over Christmas?

5 A. Yes.

6 Q. Where did you see him over Christmas?

7 A. Sorry. He was actually tired the day that we  
8 went to see him, the whole family went. So we didn't  
9 stay long, but it was at his place in Promontory  
10 Point, the condo. So we dropped off gifts.

11 Q. Do you recall how many times you saw your  
12 dad, say, through this Christmas of 2016 until the  
13 time he came to live at your house in August 2017?

14 A. I remember seeing him. So let's see. So we  
15 saw him at Christmas. We saw him that month because  
16 Chinese New Year changes, so it was closer to my  
17 sister's birthday in January. So I remember seeing  
18 him in January for Chinese New Year.

19 I remember my daughter licking the plate  
20 clean because she liked the food where we were  
21 eating.

22 Q. I'm sorry, can you speak up a little bit? My  
23 hearing is not great.

24 A. I'm sorry, I'm soft.

25 Q. So we have Chinese New Year --

1           A. Chinese New Year in January of 2017. I  
2       remember he missed my birthday, got confused. My  
3       birthday is in February, and so we saw him for my  
4       birthday in March of 2017.

5           MR. BAER: I'm going to object to the  
6       testimony about him getting confused for lacking  
7       foundation.

8           MR. BIORN: We'll come back to that.

9           THE COURT: Sustained. Right now, it's  
10      sustained.

11          MR. BIORN: Okay.

12      BY MR. BIORN:

13          Q. After the March dinner, when was the next  
14      time you saw him?

15          A. I saw actually -- actually, we had a meal  
16      with him again in April.

17          Q. Okay.

18          A. I remember during my phone call, one of my --  
19      he and I had a set time. I would always call him,  
20      but he forgot we had eaten together.

21          MR. BAER: Same objection. Lacks foundation  
22      as to what he forgot.

23      BY MR. BIORN:

24          Q. Did he tell you --

25          A. He said, I haven't seen you. And I said, I

1 just ate with you.

2 Q. How many days before had you stayed with him?

3 A. It was probably less than a week. So it was  
4 my weekly call with him and he goes, I haven't seen  
5 you. I said, yes, you did, we just ate.

6 Q. Is that the first time something like that  
7 happened with your dad?

8 A. Yes. That was in April.

9 Q. When did you first see the house in Redwood  
10 City?

11 A. We first saw that house in Redwood City in  
12 June of 2017.

13 Q. And when was the next time you saw your dad  
14 after that?

15 A. The next time I saw him was on his birthday  
16 in July.

17 Q. Is that July 21st?

18 A. Yes.

19 Q. We'll come back to those.

20 During these times, did your dad have any  
21 trouble walking, these times that you saw him?

22 A. I remember the one -- actually, so November  
23 surprised me because he was walking with a cane.  
24 January, he wasn't. So I was actually, you know, my  
25 understanding was he was a little stronger.

1           March, I remember he was actually struggling  
2           a little bit. My son had to help him. April --  
3           April -- I can't remember if we used the wheelchair  
4           or not. He's very strong. His upper body is very  
5           strong, so he might have had a walker.

6           And then June, for sure, he needed a lot of  
7           assistance. His left leg was really bothering him.

8           July, for his birthday, he needed assistance  
9           as well.

10          Q. Okay. How is that different than the dad  
11          that you knew before he started needing assistance  
12          walking?

13          A. My dad was a very proud and strong man. I'm  
14          sure he didn't want to use that cane. He didn't want  
15          to use that walker. Again, being a gymnast, being an  
16          athlete, he was very proud of the fact that he was  
17          still playing tennis.

18          Q. Did he tell you the last time he played  
19          tennis, if he told you?

20          A. No, he didn't.

21          Q. Okay. So let's go to your -- the dinner in  
22          March. Where was that dinner?

23          A. It was my choice, so I chose an Italian  
24          restaurant.

25          Q. Who all was there?



1           A. My whole family. Basically Steve, myself, my  
2           two children and my dad.

3           Q. Was Debby there?

4           A. No.

5           Q. Did your dad say why Debby wasn't there?

6           A. I don't even think I asked, to be honest with  
7           you, because she's not always present when we get  
8           together. So I know she had her own place in El  
9           Cerrito, so in the past she'd -- she had things to do  
10          over there, but I did not ask why she didn't show up.

11          MR. BAER: I'm going to move to strike as  
12          speculation and nonresponsive, the last couple of  
13          sentences.

14          THE COURT: She didn't know why she didn't  
15          show up?

16          MR. BAER: Yes, after she said that, and  
17          everything else was speculation or nonresponsive.

18          THE COURT: Sustained.

19          BY MR. BIORN:

20          Q. Did Debby say things to you that made you  
21          believe you knew where she was in the past during  
22          these events?

23          A. She had mentioned in the past she has to take  
24          care of her own home.

25          Q. Okay. When is your actual birthday?

1 A. February 12.

2 Q. Why were you having a birthday dinner in  
3 March?

4 A. He forgot. He usually remembers. I'm  
5 probably the only child he remembers because my  
6 birthday, I was supposed to be born on Valentine's  
7 Day.

8 THE WITNESS: Sorry, he doesn't remember your  
9 birthday, Peter.

10 BY MR. BIORN:

11 Q. How do you know he forgot?

12 A. Because I talked to him about getting  
13 together and he says, oh, I forgot. And then he  
14 usually -- will sometimes call, too.

15 Q. Was your birthday dinner an annual event with  
16 him?

17 A. Yes.

18 Q. During the dinner in March, did your dad seem  
19 to be enjoying himself?

20 A. Oh, yeah. He loves it when he sees the  
21 grandkids. Probably more than me, but it's okay.

22 Q. Did he exhibit any memory difficulties?

23 A. I actually don't remember, aside from him  
24 forgetting my birthday that year.

25 MR. BIORN: I'd like to mark next in order --

1 what's next in order, Scott? Sorry. 175?

2 MR. FRASER: I believe so. I think I left it  
3 in the other room.

4 MR. BIORN: I think it's 175.

5 THE COURT: No, the Grant Deed is 175.

6 MR. BIORN: Oh, you're right. This is 176.  
7 So that means it's 177.

8 THE COURT: I believe so.

9 MR. FRASER: 175.

10 MR. BIORN: We had -- let's mark it as 177.  
11 If we miss a number, we miss a number.

12 THE COURT: Okay.

13 MR. BAER: Thank you. Sorry. I didn't  
14 notice it.

15 (Whereupon, Exhibit 177 was marked for  
16 identification.)

17 BY MR. BIORN:

18 Q. Let me show you what's been marked as  
19 Exhibit 177. It looks like text messages. It's a  
20 three-page document.

21 Have you seen these before?

22 A. Yes.

23 Q. What are they?

24 A. This is a text chain between Debby and I.

25 Q. The first page is May 23. Is that 2017?

1 A. Yes.

2 Q. So Debby, why was she texting you?

3 MR. BAER: Objection. Calls for speculation.

4 BY MR. BIORN:

5 Q. Can you tell why she was texting you by what  
6 was said in the first text message?

7 A. That my dad wants to have dinner with me.

8 Q. Was that with you or your family?

9 A. Usually with my family.

10 Q. Okay. Again, going to Debby's state of mind,  
11 not the truth of the matter, you respond "Hi, Debby,  
12 I spoke to him yesterday, need to figure out a time.  
13 Can you remind him that I had spoken to him  
14 yesterday?"

15 Is that Debby's response on the next page?

16 A. Nini, N-I-N-I, is my nickname.

17 Q. Is that Nini?

18 A. Yes.

19 Q. She starts with "Nini, he didn't mention  
20 anything about what did you talk to him. Sometimes  
21 he seems lost memory a lot."

22 Did you discuss your father's memory with  
23 Debby on any other occasion that you recall?

24 A. I know like on his birthday, I told my father  
25 that I was coming over. There's also another time in

1 August. I guess he forgot to tell her, even though I  
2 reminded him. I know I reminded him.

3 MR. BAER: I'm going to move to strike as  
4 nonresponsive. I thought the question was if she had  
5 discussed this with Debby.

6 MR. BIORN: That's right. Let me re-ask it.

7 BY MR. BIORN:

8 Q. Did you discuss any memory issues concerning  
9 your dad with Debby?

10 A. I probably just said something to the effect  
11 of like he forgets that I call him, he's forgetting  
12 conversations. So, yes, I have.

13 Q. And did she respond to those sorts of  
14 comments from you?

15 A. I'm trying to remember, but given what she  
16 says here, I mean, I'm going to have to say yes.

17 MR. BAER: I'm going to object to  
18 speculation.

19 THE COURT: Sustained.

20 BY MR. BIORN:

21 Q. Debby goes on towards the bottom and talks  
22 about your husband's dad and then she says "I'm doing  
23 better these days. Daddy Ho is getting a little bit  
24 better."

25 Did you talk to her about, in May of 2017,

1 about Mr. Ho's -- about your father's health, if you  
2 recall?

3 A. I don't recall.

4 Q. Okay. Then she continues in her text to you,  
5 "The house I purchased was closed of escrow. Buying  
6 a house is also a pain. I did that is just for the  
7 tax purposes. This should be my last time in my  
8 life."

9 Did Debby ever tell you what she meant by she  
10 bought the house just for tax purposes?

11 A. No.

12 Q. Did you ever discuss the purchase of the --  
13 prior to August 2017, did you ever discuss the  
14 purchase of the Fulton house with Debby?

15 A. No.

16 Q. And Fulton is the Redwood City property,  
17 right?

18 A. Yes.

19 Q. Prior to August 2017, did you discuss the  
20 purchase of Redwood City with your dad?

21 A. No.

22 Q. The next text message says "Hi, Debby, we can  
23 come by today" -- you know, a lot of these say Debby,  
24 I-E. What does that mean?

25 A. Aunt.

1 Q. "Hi, Aunt Debby, we can come by today at 4:30  
2 P. I was asleep when you called last name. See you  
3 later today." She responds "Thank you. I'll see you  
4 at 4:30 p.m. this afternoon."

5 Is that when you went over to see the Redwood  
6 City house for the time?

7 A. Yes.

8 Q. Okay. And that's on June 19th, 2017.

9 Do you recall that day when you went over to  
10 see the Redwood City house for the first time?

11 A. Yes.

12 Q. Who went with you?

13 A. My whole family.

14 Q. Who are they?

15 A. My husband and my two children.

16 Q. How old were your kids at the time?

17 A. Twelve and sixteen.

18 Q. Over the years, did your dad always recognize  
19 each of your children?

20 A. Yes.

21 Q. Over the years, did he always appear to know  
22 what their names were?

23 A. Yes.

24 Q. Did you meet your dad anywhere before going  
25 to the Redwood City property?

1 A. Yes.

2 Q. Where?

3 A. We met at a restaurant.

4 Q. Why?

5 A. We wanted to eat beforehand.

6 Q. Was Debby there, too?

7 A. Yes.

8 Q. And when you got there, did your dad -- he  
9 said hi to you?

10 A. Yes. I do recall my son helping him out of  
11 the car. We had arrived at the restaurant first and  
12 I noticed that his left leg was bothering him, his  
13 left leg. So I told Dean to go on to his left side  
14 to assist.

15 Q. You have a son named Dean?

16 A. Yes.

17 Q. And a daughter named Grace?

18 A. Sarah Grace.

19 Q. Sarah Grace, what a nice name.

20 A. Thank you.

21 Q. Did your dad thank Dean for helping him out  
22 of car?

23 A. He actually didn't know who Dean was.

24 Q. How did you know that?

25 A. Because he asked who is that, who is this



1 boy?

2 Q. Is that the first time you'd ever heard him  
3 say something like that?

4 A. Yes.

5 Q. Did he say hi to Sarah Grace?

6 A. No.

7 Q. During dinner, did your dad comment about  
8 Dean at all?

9 A. During dinner, my dad started behaving a  
10 little differently. He started thinking that Dean  
11 was having an allergic reaction and he wanted to call  
12 an ambulance.

13 Q. And when you looked at Dean, did you notice  
14 any symptoms of an allergic reaction?

15 A. No. Dean -- Dean is sitting there eating  
16 quietly. Dean also has no allergies to anything.

17 Q. What's your profession?

18 A. I'm a nurse.

19 Q. Which department do you work in?

20 A. Emergency department.

21 Q. Let's go to your father's birthday. When is  
22 that?

23 A. July 21st.

24 Q. Did you celebrate his birthday with him?

25 A. We -- yes.

1 Q. Where did you go?

2 A. We went to the Fulton house.

3 Q. Who else was there?

4 A. My husband Steve, both of my children, Peter,  
5 dad and Debby.

6 Q. During that visit, did you discuss with your  
7 dad and Debby your dad's health?

8 A. Yes.

9 Q. In what way?

10 A. My dad, having seen the property in June, it  
11 actually was quite a surprise for us. The home is  
12 two stories. It has a spiral staircase. They're  
13 uneven floors, like steps, and it's hardwood  
14 everywhere.

15 Q. Why was that concerning to you?

16 MR. BAER: Well, wait a second. I'm going to  
17 move to strike. The question is if she discussed  
18 this with her father and Debby. He's just testifying  
19 about observations. Maybe she discussed them. I  
20 don't know.

21 BY MR. BIORN:

22 Q. Were these things you discussed with your dad  
23 and Debby?

24 A. We were -- my dad actually got tired, so he  
25 was going to bed. So it was a discussion between

1 Debby and I and Peter.

2 Q. And tell me about that discussion.

3 A. So I just sort of brought up my observations  
4 for this home, how I felt it was --

5 Q. Those observations are what you just provided  
6 to us?

7 A. Yes.

8 Q. And you told her what else?

9 A. I was concerned about the safety for an  
10 85-year-old man to be living in that environment.  
11 Noticing, I guess, my father was also becoming  
12 weaker, anticipating that we were going to need to  
13 require more assistance for his care. We started  
14 talking along those lines.

15 Q. Okay. And at this point, your dad had gone  
16 upstairs to his room to go to bed?

17 A. My husband Steve and my son Dean and Sarah  
18 Grace assisted him in going to bed.

19 Q. Did you watch your dad go up the stairs?

20 A. Yes.

21 Q. How did he do?

22 A. Needed quite a bit of assistance from Steve  
23 and Dean just to be safe.

24 Q. How did they assist him?

25 A. Steve was on the side. My dad had the rail

1 and Dean was behind.

2 Q. Are you aware if your father's room was  
3 always upstairs in that house?

4 A. Yes. There were no bedrooms downstairs.

5 Q. Was there any other place for him to sleep  
6 downstairs?

7 A. No.

8 Q. Okay.

9 MR. BAER: I'm going to object as vague and  
10 ambiguous. Move to strike.

11 THE COURT: I'm going to permit that. Was  
12 his bedroom downstairs on the first floor?

13 THE WITNESS: No.

14 MR. BIORN: No, Peter's already  
15 testified that he --

16 THE COURT: Peter's already testified, but  
17 she hasn't.

18 MR. BIORN: True.

19 THE COURT: So stricken, but there's no  
20 bedroom on the first floor.

21 MR. BIORN: Okay.

22 BY MR. BIORN:

23 Q. So you're discussing his care and maybe  
24 bringing in some help. Did Debby mention anything  
25 about money being available for that assistance for

1 your dad?

2 MR. BAER: Objection. Leading.

3 THE COURT: I don't think that's leading.  
4 I'm going to permit it.

5 THE WITNESS: Discussing the funds, you know,  
6 my father had sold our childhood home. He did share  
7 that there was over a million from that. So we were  
8 discussing utilizing that -- some of that money for  
9 his care.

10 BY MR. BIORN:

11 Q. Did Debby say anything about the million  
12 dollars that he had received from selling his -- your  
13 family home, your childhood home?

14 A. At that point, she clarified that the money  
15 was in the Fulton house.

16 Q. How did she refer to the Fulton house?

17 A. She called it her house.

18 Q. Did Debby tell you -- did she tell you how  
19 she used the million dollars in that house?

20 A. She said it was a loan from my father.

21 Q. Did she say anything else about that loan?

22 A. Yes. She said that she was going to sell her  
23 Brewster home to repay him.

24 Q. Did she mention anything else about the  
25 Redwood City home at this time?

1           A. At some point, it did come up that her rent  
2       was -- or mortgage was 9,000, and then she brought up  
3       talking about a retirement home, a one-room, a  
4       one-bedroom place in Burlingame was 10,000. And then  
5       mentioned that she was charging my father rent of  
6       6,500, but he was using three rooms.

7           Q. Did you respond to her when she told you she  
8       was charging your dad rent?

9           A. It honestly didn't make a whole lot of sense.  
10      It didn't seem -- it didn't seem very kind. It  
11      didn't seem --

12           MR. BAER: This is not responsive, the  
13      witness's reactions.

14           THE COURT: Sustained. But I didn't write it  
15      down. How much is your recollection that she said  
16      your dad was going to pay?

17           THE WITNESS: She said she was charging him  
18      6,500.

19           THE COURT: Okay. Thank you.

20           You can proceed.

21      BY MR. BIORN:

22           Q. Did she mention if she was being compensated  
23      by James for helping him?

24           A. That did -- the first time I had heard of  
25      that word was from Debby. She said that she felt she

1       needed compensation. She felt that she needed a  
2       reward for helping James.

3               Q. How did you respond?

4               A. She -- well, how did I respond? I told her,  
5       I said, why did you stay with him? You could have  
6       left.

7               Q. Did she reply to that?

8               A. Got a little upset with me, but she said she  
9       pitied him. She said that, you know, my father sees  
10      her more like a mother and that it would break his  
11      heart if she left.

12              Q. During this visit, did Debby tell you  
13      anything about James' memory?

14              A. At some point, we were discussing her  
15      reference to this being her home and then it came up  
16      that my father wasn't on title.

17              When I asked her about that --

18              MR. BAER: This is nonresponsive, Your Honor.

19              MR. BIORN: We don't know yet.

20              MR. BAER: What?

21              MR. BIORN: We're not sure yet.

22              THE COURT: Your question was what?

23              MR. BIORN: Read the question back.

24              (The record was read by the Reporter.)

25              BY MR. BIORN:

1 Q. Let's have you start your answer again.

2 MR. BAER: Is that stricken?

3 MR. BIORN: Let's hear the answer.

4 (The record was read by the Reporter.)

5 THE COURT: Stricken.

6 MR. BIORN: Okay.

7 THE COURT: But you can still answer the  
8 question.

9 BY MR. BIORN:

10 Q. You can still answer the question.

11 A. Okay. Because we discussed further why he  
12 wasn't on title --

13 Q. No, I'm going ask you that question.

14 A. Sorry.

15 MR. BIORN: Will you read the question back  
16 one more time?

17 (The record was read by the Reporter.)

18 THE WITNESS: Yes.

19 BY MR. BIORN:

20 Q. What did she tell you?

21 A. She said that he was confused and that it was  
22 difficult to get him on the loan, so took him off.

23 Q. Okay. Did Debby give you -- during this  
24 call, did Debby say anything about who was on title  
25 for the Redwood City property?



1 A. Just herself because this was her home.

2 Q. Did you ask her why?

3 A. I guess with the previous question, why my  
4 father wasn't on title was because he was too  
5 confused to sign. And she also mentioned he didn't  
6 have an income and so that's why he couldn't be on  
7 title.

8 Q. Did you ask her if she had an income?

9 A. I didn't ask.

10 Q. Did Debby complain at all about taking care  
11 of your father?

12 MR. BAER: Objection. Leading. I'll  
13 withdraw the objection. He'll get there.

14 THE COURT: Thank you.

15 THE WITNESS: Yes.

16 BY MR. BIORN:

17 Q. What did she say?

18 A. He was quite forgetful. The instance she  
19 said that night was he made a mess in the bathroom,  
20 kind of missed the toilet. So she really wanted him  
21 to sit when he was voiding and he would forget. And  
22 so she said she would threaten him to help him  
23 remember to sit.

24 Q. Did she say how she would threaten him?

25 A. She said she was going to threaten to put him

1 in a retirement home.

2 Q. Did you say anything to her in response?

3 A. I said that wasn't nice.

4 Q. Did she reply to you?

5 A. She said, well, it actually worked for a  
6 little bit.

7 Q. What was the tone of this conversation?

8 MR. BAER: Objection. Vague and ambiguous.

9 BY MR. BIORN:

10 Q. Did anyone yell during this conversation?

11 A. No.

12 Q. How did the conversation end?

13 A. It actually ended with we have a lot to think  
14 about, we'll discuss this later.

15 Q. Who said that?

16 A. She did.

17 Q. Okay. When is the next time you saw your  
18 father?

19 A. July 21st, August 6.

20 Q. In August?

21 A. Yes.

22 Q. Okay. Where did you see him?

23 A. At my house.

24 Q. What was the occasion?

25 A. We had a family reunion.

1 Q. Who was there?

2 A. My sister, Shan-Yuan, Peter, my dad, myself,  
3 my husband Steve and then my two children.

4 Q. Debby wasn't there?

5 A. No.

6 Q. Did you ask your dad why Debby wasn't there?

7 A. No.

8 Q. Do you recall Debby ever telling you that she  
9 would not be able to attend?

10 A. Now that I think about it, we didn't invite  
11 her.

12 Q. Why did you not invite her?

13 A. We wanted it just to be the seven of us.

14 Q. Your dad arrives. How did he get there?

15 A. Peter drove him.

16 Q. And when he arrives, are your kids Dean and  
17 Sarah Grace there?

18 A. Yes.

19 Q. Did your dad greet hem?

20 A. I think he smiled at them. I'm not sure he  
21 recognized them until a little bit later in the  
22 evening.

23 Q. Did you and your dad have an argument during  
24 this dinner?

25 A. Oh, no.

1 Q. Okay.

2 A. To be honest, it was our first family reunion  
3 in a while, so he was quite happy.

4 Q. So you had dinner that night. What else did  
5 you do that evening with your dad?

6 A. Probably talked a little bit about the past,  
7 reminisced, talked about the kids, what they were up  
8 to.

9 Q. Do you recall any memory issues with your dad  
10 at this dinner?

11 A. The only thing that stands out for me is that  
12 when it got dark, he all of a sudden looked really  
13 uneasy, like nervous, like he wanted to go home. He  
14 didn't want to be late.

15 Q. Did anyone reply to him?

16 A. Peter spoke to him. I was listening.

17 Q. What did Peter say?

18 A. Trying to understand why and then I don't --  
19 I just remember what Peter said. I don't really --

20 Q. What did Peter say?

21 A. Peter said we didn't need to tell Debby that  
22 he was at Della's house.

23 Q. How did your dad react to that?

24 A. He actually calmed down.

25 Q. How much later did your dad stay?

1 A. Probably about half an hour.

2 Q. Do you know what time it was when he left?

3 A. I want to say about 8:30, 9:00.

4 Q. And Peter drove him home as well?

5 A. Yes.

6 Q. Okay.

7 MR. BIORN: Your Honor, can we take a short  
8 break?

9 THE COURT: Yes. Off the record.

10 (Whereupon, a break was taken.)

11 THE COURT: While we were off the record, we  
12 discussed some of the exhibits. And just a bit of  
13 clarification, Mr. Fraser.

14 MR. FRASER: There is no Exhibit 172. That's  
15 a blank.

16 And Exhibit 175 is a Grant Deed in connection  
17 with the Flying Cloud property and that was the deed  
18 that transferred the property into trust A.

19 THE COURT: This doesn't mean you can't  
20 backfill the 172. Just right now, we don't have one.

21 MR. FRASER: No. I think that's a good  
22 housekeeping item.

23 THE COURT: Thank you very much.

24 You can proceed.

25 BY MR. BIORN:

1 Q. Ms. Lau, we're back on the record with your  
2 direct examination in this trial.

3 When was the next time -- I'm sorry.

4 Your son Dean, did your dad show affection  
5 towards him over the years?

6 A. Dean was his favorite. First off, he's male.  
7 And he's also his only grandson.

8 Q. Why is that important?

9 A. It's just huge in the Chinese culture, they  
10 all love boys.

11 Q. Did your son have a Chinese name?

12 A. Yes.

13 Q. What was it?

14 A. Liu Ding E.

15 Q. Can you spell that in English? We're not  
16 going to be able to spell that. How would you spell  
17 that in English?

18 A. L-I-U and then D-I-N-G and then E.

19 Q. How did he get that name?

20 A. My father chose it.

21 Q. At what age for Dean?

22 A. For Dean?

23 Q. Yes.

24 A. Oh, before he was born. We knew I was having  
25 a boy, so it's a whole process, but he was very

1 careful.

2 Q. Did your dad treat Dean differently than  
3 Sarah Grace over the years?

4 A. It's on record. I don't really want to say  
5 it. I hope my daughter never reads this, but yes.

6 Q. In what way?

7 A. You know, if you're going to go eat a piece  
8 of cake, you know how you might have a bigger piece,  
9 that bigger piece would go to Dean.

10 Q. Are there other examples?

11 A. Just subtle ones. If you were to choose  
12 somebody for something, he would always pick Dean.  
13 He preferred Dean.

14 Q. Prior to 2016, did he ever not recognize  
15 Dean?

16 A. No, he knew Dean.

17 Q. Did he ever forget Dean's name prior to 2016?

18 A. No.

19 Q. We left off at the end of the first session  
20 with dinner at your house and what was that day?

21 A. The family reunion was August 6.

22 Q. When was the next time you saw your dad?

23 A. The next time I saw my dad was August 11th.

24 Q. What was the occasion?

25 A. I had gone over to the Fulton house. I told

1 my father I wanted to talk to both him and Debby.

2 Q. How did your dad respond to that?

3 A. He was fine.

4 Q. Okay.

5 A. He -- yeah.

6 Q. Why did you want to speak to the two of them?

7 A. Peter told me that my father was getting very  
8 upset with me. He shared that Debby said I wanted to  
9 put my father in a retirement home.

10 Q. Who did you understand Debby said that to?

11 A. She said that to my father.

12 Q. And did you understand how your father  
13 redacted to that?

14 A. Peter said my father was cursing and swearing  
15 and getting very upset.

16 Q. So where did the August 11, 2017 meeting  
17 occur?

18 A. At the Fulton house.

19 Q. Who all was there?

20 A. James, Debby, Steve, myself, Dean and Sarah  
21 Grace.

22 Q. And when you got there, did your dad say hi  
23 to Dean and Sarah Grace?

24 A. He saw me first and so he said hi to me. He  
25 said hi to everybody, but he didn't necessarily say



1 their names.

2 Q. And at some point, you had a discussion with  
3 your dad and Debby?

4 A. At that point, I told my father I wanted to  
5 clarify some things with him.

6 Q. Okay. Was everyone that you just mentioned,  
7 were they all part of this conversation?

8 A. No. So I excused the kids to the backyard.

9 Q. Okay.

10 A. And so it was myself, Debby, my husband Steve  
11 in the room.

12 Q. Was Peter there?

13 A. No.

14 Q. Okay. And how did that conversation go?

15 A. I pretty much went straight into it. I just  
16 said, dad, I wanted to clarify some things. I want  
17 to let you know I never said I was going to put you  
18 in a retirement home despite what Debby said and  
19 Debby acted like she didn't understand what I was  
20 saying. I will say the conversation was in English  
21 because my husband was also there and he doesn't  
22 speak Chinese.

23 So I repeated myself. I said it very slowly,  
24 then she understood what I was saying.

25 Q. By "she," do you mean Debby?

1 A. Debby.

2 Q. How did she respond?

3 A. She looked -- she started saying that I did  
4 say that. And I said no, I never said that. And  
5 then I brought up the fact that I was not the one  
6 researching retirement homes in Burlingame.

7 Q. How did she reply to that?

8 A. She was silent.

9 Q. Did she deny it?

10 A. She did not deny it.

11 Q. Did your dad respond to this?

12 A. My dad was silent, just sitting there  
13 listening.

14 Q. Did this conversation continue?

15 A. It did.

16 Q. Regarding the retirement home?

17 A. The retirement home part stopped.

18 Q. Did your dad ever say anything to you about  
19 the retirement home issue after that?

20 A. He did say he was not going to a retirement  
21 home and I said -- we've always known that dad was  
22 going to go with Peter. Peter had a room in his  
23 house for him. If somehow that didn't work out, then  
24 dad would come with me.

25 Q. Did the conversation continue?

1 A. It did.

2 Q. Tell me about that conversation.

3 A. Then she started accusing me of wanting an  
4 inheritance.

5 Q. How did you respond?

6 A. I told her I was not after an inheritance. I  
7 said I was willing to sign a piece of paper right  
8 here saying I'm not after an inheritance.

9 Q. Did your father say anything during this part  
10 of the conversation?

11 A. He said no, Della doesn't want my money.

12 Q. How did Debby respond?

13 A. She didn't quite respond. She said you do  
14 want an inheritance, at which point I said, if I'm  
15 willing to sign this piece of paper, are you willing  
16 to sign this paper as well saying don't want my  
17 father's money?

18 Q. How did she respond to that?

19 A. Not very well.

20 Q. Describe for me her response.

21 A. She got very angry. She started yelling.  
22 She said no one's ever treated her like this before.  
23 She got very upset.

24 Q. Did she leave the room?

25 A. At one point, she did. She wanted to go find

1 her phone so that she could call my brother.

2 Q. Did she say why she would want to call your  
3 brother?

4 A. She wanted to yell at him for what she said  
5 was spreading lies.

6 Q. At any point in time, did Debby leave the  
7 house?

8 A. She left the room but not the house.

9 Q. At one time, did Debby threaten to leave?

10 A. Yes.

11 Q. What did she say?

12 A. She said, I'm leaving and then told me, you  
13 know, take him with you, meaning my father.

14 Q. Meaning your father. How did you respond?

15 A. I was more than happy to take my father and  
16 so I said, dad, it's time for us to go and he didn't  
17 want to leave.

18 Q. He didn't want to?

19 A. No.

20 Q. Did he have any other response to Debby  
21 saying that she's leaving and you can take her  
22 father -- I mean, you can take your father?

23 A. She said she was going to call her daughter  
24 to pick her up and I proceeded to ask my father three  
25 more times, my husband as well, please come with us.

1 Q. As you were leaving the house -- did Debby  
2 say anything else as part of this conversation?

3 A. Only that she was leaving.

4 Q. How much later after this part of the  
5 conversation did you leave?

6 A. I left probably at the point where I could  
7 overhear her on the phone with my brother.

8 Q. Did you hear what she was saying?

9 A. I could just hear her yelling.

10 Q. Did you talk to your dad again about this  
11 incident?

12 A. He was very calm. He sat there. I think he  
13 understood what I was saying because I said, I just  
14 wanted to clarify two items for you, dad, because I  
15 heard you were very angry and don't need you to be  
16 angry right now when you're sick and so this is not  
17 right.

18 Q. Prior to 2016, is that typically the way your  
19 dad would react to an argument like that, to sit to  
20 the side quietly?

21 A. Oh, no.

22 MR. BAER: Objection. Overbroad. Lacks  
23 foundation.

24 MR. BIORN: I can narrow it down, but it's  
25 going to take a while.

1 THE COURT: There's an objection. I'll  
2 sustain it.

3 BY MR. BIORN:

4 Q. The years that you saw your dad between 2010  
5 and 2016, if there had been an argument like that  
6 between you and Debby, how would your dad respond?

7 MR. BAER: Objection. Calls for speculation.

8 THE COURT: Sustained.

9 BY MR. BIORN:

10 Q. Based upon your knowledge of knowing your dad  
11 for your entire life, how did your dad typically  
12 respond to those types of situations that you saw in  
13 2010 to 2016?

14 MR. BAER: That lacks foundation.

15 MR. BIORN: It's based on her observations.

16 MR. BAER: I understand, but there's no  
17 foundation for it.

18 MR. BIORN: She's already said how many times  
19 she met with her dad over that time. It's based  
20 on -- if you want to impeach her that she didn't see  
21 him very often, that's fine.

22 MR. BAER: That's not it. There's just no  
23 foundation for any argument that occurred during this  
24 time period other than the one in 2017. That's the  
25 problem with it.

1 MR. BIORN: Okay.

2 MR. BAER: So I don't know if there were.

3 There may be, and then I won't object.

4 MR. BIORN: Got it. Then I'll withdraw the  
5 question.

6 BY MR. BIORN:

7 Q. In the years 2010 to 2016, do you recall any  
8 incidents where there were arguments in front of your  
9 dad?

10 A. Arguments, yeah.

11 Q. Okay.

12 A. Between my siblings.

13 Q. In those instances, how would your dad  
14 typically respond?

15 A. He would have an opinion one way or the  
16 other.

17 Q. At some point in time, your dad moved into  
18 your house in August of 2017?

19 A. Yes.

20 Q. When was that?

21 A. He moved in August 23rd.

22 Q. Did you and your family care for him?

23 A. Yes.

24 Q. Who was living at home at that time?

25 A. I had my immediate family, my husband Steve,

1 my two children, Dean and Sarah Grace, my sister  
2 Shan-Yuan.

3 Q. When he was there, what did you have to do to  
4 care for him?

5 A. Are you talking about a typical day?

6 Q. Yes.

7 A. Okay. He likes to sleep in late, so probably  
8 get up around 10:30. We basically had to assist him,  
9 helping him to the bathroom, put the toothbrush in  
10 his hand. Sometimes he would be able to brush,  
11 sometimes he wouldn't. We just had to monitor that.

12 After the bathroom, I'd say -- got him  
13 dressed, which he definitely needed assistance with.  
14 Then we would have breakfast.

15 After breakfast, we might go for a walk or  
16 might put on the Chinese television for him, in which  
17 case he'd take a nap, fall asleep.

18 Afternoon, you know, he'll watch us prepare  
19 the meal, we'll have a family meal together. Then we  
20 would assist with bathing, and then tuck him in for  
21 the night.

22 Q. While he was staying at your house, did you  
23 hear him speaking with Debby on the telephone at any  
24 time?

25 A. I did overhear one conversation.



1 Q. What did you hear?

2 A. I overheard her telling my father that she --  
3 that he could not come back to the Fulton house, that  
4 she was expecting guests, Judy was going to be in  
5 town. And then she was going to go on a vacation to  
6 Taiwan.

7 Q. To where?

8 A. Taiwan.

9 Q. Did you hear your dad's response to that?

10 A. My dad's response was he wanted to go with  
11 her to Taiwan and she said you're too sick to go.

12 Q. Do you recall any other response by your dad?

13 A. No.

14 Q. While he was staying at your house, was your  
15 dad able to eat his meals by himself?

16 A. He shook quite a bit and so we would  
17 definitely give him the fork, but we did assist with  
18 putting some bites in.

19 Q. Was he able to walk around your house by  
20 himself?

21 A. Being a -- coming from the background of a  
22 gymnast, he still had his upper body strength. And  
23 so he could help in terms of if he had the walker, he  
24 could stand and only because of his upper body  
25 strength could take a few steps. The legs were not

1 cooperating.

2 So if we had to go somewhere faster, we would  
3 definitely use the wheelchair. I'd say most of the  
4 time wheelchair, but he could help some.

5 Q. Was he able to manage his own medications?

6 A. No.

7 Q. How did you have to help him with those?

8 A. We just took over.

9 Q. And by that, you mean?

10 A. We timed it. We gave him what he needed. My  
11 sister actually did.

12 Q. Did Debby come over to your house to see him  
13 at all?

14 A. No.

15 Q. Well, did she eventually come over towards  
16 the end of his life?

17 MR. BAER: Objection. Asked and answered.

18 MR. BIORN: Okay.

19 THE WITNESS: Actually, I apologize, there  
20 was one time she did come over. Sorry.

21 BY MR. BIORN:

22 Q. Okay. When was that?

23 A. The reason why I answered so quickly, I  
24 apologize, is because she really disliked me. She  
25 disliked me to the point that she said that she would

1 not come over until I apologized.

2 MR. BAER: Okay. I'm going to move to strike  
3 as, one, nonresponsive; and the part "she disliked  
4 me" doesn't have foundation. Maybe there is some,  
5 but not yet.

6 THE COURT: Stricken.  
7 Ask your next question.

8 MR. BIORN: All right.

9 BY MR. BIORN:

10 Q. When did she come over to your house to see  
11 James?

12 A. She came over on September 5th.

13 Q. How do you remember it was that day?

14 A. I remember that day because I had to leave my  
15 own house for her to come in.

16 Q. Why did you have to leave your own house?

17 A. That is the only way she would come see my  
18 father.

19 Q. Was your father able to speak with her at  
20 that point in time?

21 A. I would say no.

22 Q. Why?

23 A. I think he was just transitioning.

24 Q. When you say "transitioning," do you mean  
25 towards passing?

1 A. Yes.

2 Q. Was he on hospice at this time?

3 A. Yes.

4 MR. BIORN: I don't have anything further.

5 Thank you.

6 THE COURT: Cross-examination. Is this a  
7 good arrangement?

8 THE REPORTER: Yes.

9 CROSS-EXAMINATION

10 BY MR. BAER:

11 Q. So my name is David Baer and I represent  
12 Ms. Chang, so I have some questions as well.

13 Did your father ever explain to you that  
14 Ms. Chang was already married?

15 A. No.

16 Q. Now, you said that through 2012, you asked  
17 your dad about five times whether he was planning to  
18 marry Debby; is that correct?

19 A. Yes.

20 Q. And when was the first time you asked him  
21 that?

22 A. I want to say like '99, 2000.

23 Q. Okay.

24 A. From my recollection.

25 Q. So would it be correct to conclude from the

1 fact that you were asking your dad five times through  
2 2012 that you thought it was a possibility that he  
3 might marry her?

4 A. Yes.

5 Q. You wouldn't have asked him the question if  
6 you didn't think that, correct?

7 A. No.

8 Q. So is it your testimony that you would have  
9 asked him whether he was going to marry her even if  
10 you didn't think that it was a possibility that might  
11 happen?

12 A. I was curious what kind of friendship this  
13 was.

14 Q. Through at least -- well, from 1995 through  
15 2000, you thought that Debby and your father were  
16 partners, correct?

17 A. Yes.

18 Q. And what gave you that impression?

19 A. They would travel a little bit together,  
20 spend some times at each other's homes.

21 Q. Okay. And neither one of them ever  
22 essentially denied that, did they?

23 MR. BIORN: Deny what? Vague and ambiguous.

24 MR. BAER: That they were partners.

25 MR. BIORN: Okay. Go ahead.

1 THE WITNESS: No.

2 BY MR. BAER:

3 Q. So did anyone ever -- strike that.

4 Did your brother Peter ever tell you when  
5 your father was first diagnosed with a brain tumor?

6 A. No.

7 Q. Did your father ever tell you that?

8 A. He told me in November of 2016.

9 Q. Okay. So until you heard that, you didn't  
10 have any sense that he had any kind of tumor in his  
11 brain, did you?

12 A. No.

13 Q. Did you ever make any kind of arrangements  
14 for Ms. Chang to get more help in caring for your  
15 father at the Fulton Street property?

16 A. No.

17 Q. So you mentioned -- let's see, which dinner  
18 was this? I guess it was a dinner on August 6, 2017,  
19 you did not invite Debby to that dinner, correct?

20 A. Yes.

21 Q. Okay. And that was atypical, wasn't it?

22 A. No.

23 Q. Before then, isn't it true that when you were  
24 having dinners that you would invite both your dad  
25 and Debby?

1 A. Not usually.

2 Q. Sometimes you did, sometimes you didn't; is  
3 that fair?

4 A. I think it's fair to say maybe a quarter of  
5 the times I did. Three-quarters, I didn't.

6 Q. Am I correct through about 2000, anyway, it  
7 was very important to your father for Debby to attend  
8 any kind of family functions?

9 A. Whose family functions?

10 Q. Your family functions.

11 A. May I clarify? You're asking me was it  
12 important for my dad to attend our family functions  
13 or her family functions?

14 Q. No. Was it important for your father that  
15 Debby attend your family functions?

16 MR. BIORN: Objection. Lacks foundation.  
17 Calls for speculation -- may call for speculation.

18 MR. BAER: Fair enough.

19 BY MR. BAER:

20 Q. Did your dad ever say to you that he wanted  
21 Debby to come to any of your family functions, family  
22 get-togethers?

23 A. Not that I recall.

24 Q. Am I correct that before 2017, you did not  
25 regard Debby as your father's caregiver?

1 A. Yes.

2 Q. Did your father ever tell you that in 2003,  
3 he purchased an investment property in Albany,  
4 California with Debby?

5 THE COURT: I'm sorry, could you just repeat  
6 the beginning of it?

7 BY MR. BAER:

8 Q. Did your father tell you that in 2003, he  
9 purchased an investment property in Albany,  
10 California together with Debby?

11 THE COURT: Thank you.

12 THE WITNESS: I -- this is -- I feel like  
13 I've heard of it, but it's very fuzzy.

14 BY MR. BAER:

15 Q. Did he ever tell you that in 2005, he  
16 purchased another investment property with Ms. Chang  
17 in Los Angeles, California?

18 A. No.

19 Q. Did he ever tell you in 2006 that he deeded  
20 an interest in property that -- strike that.

21 Did he ever tell you that in 2006 he had  
22 deeded his interest in a property in Los Angeles to  
23 Ms. Chang?

24 A. No.

25 Q. Did he ever tell you that he had taken out



1 loans together with Ms. Chang?

2 A. No.

3 Q. Did he ever tell you that he owned investment  
4 properties -- strike that.

5 Did he ever tell you that he owned an  
6 investment property with Ms. Chang as joint tenants,  
7 meaning that the survivor of the two would inherit  
8 the other's interest in the property?

9 A. No.

10 Q. Did he ever tell you that he signed  
11 beneficiary designations in favor of Ms. Chang?

12 A. No.

13 Q. Did he ever tell you that he held -- do you  
14 know what a POD bank account is?

15 A. No.

16 Q. Did he ever tell you that he owned or that he  
17 had a bank account that was set up so that if he  
18 passed away and Ms. Chang was alive, she would  
19 inherit the account?

20 A. No.

21 Q. Between 2010 and 2017, did your father make  
22 any cash gifts to you, cash or cash equivalent?

23 A. Are you asking for Christmas or birthdays?

24 Q. Yes, Christmas, birthdays or no occasion at  
25 all.

1 A. I'd say yes.

2 Q. All right. And did he have any particular  
3 pattern of making gifts to you?

4 A. I'd say usually a check.

5 Q. And was there any occasion for which he wrote  
6 you a check, like your birthday or something, or was  
7 it just random?

8 A. Always associated with a holiday.

9 Q. Okay. And typically how large were the  
10 checks that he gave you on holidays?

11 A. 200 to \$500.

12 Q. Did he ever, from time to time, give you red  
13 envelopes?

14 A. I got married too soon.

15 Q. In what year did you get married?

16 A. '98.

17 Q. Did Debby attend your wedding?

18 A. I don't remember.

19 Q. Do you remember whether you invited her?

20 A. Oh, gosh, no.

21 Q. You don't remember?

22 A. I don't remember.

23 Q. Do you remember whether you invited any of  
24 her daughters?

25 A. That I'll say for sure no.

1 Q. Did your father pay for the wedding?

2 A. That's a loaded question.

3 Q. It certainly is, having a sister.

4 A. Yeah, right. Okay. Hold on.

5 He paid for his guests there.

6 Q. Did he ever buy a car for you?

7 A. Oh, he might have helped me with half of a  
8 car.

9 Q. One time?

10 A. Um-hmm.

11 Q. And when was that?

12 A. When Dean was born, 2000.

13 Q. Did he make any loans to you?

14 A. No.

15 Q. Did you ever ask him to loan money to you?

16 A. No.

17 Q. Did your -- am I correct that your father  
18 never told you that he was living with Peter?

19 A. Yes.

20 MR. BIORN: Vague as to time.

21 MR. BAER: Ever.

22 BY MR. BAER:

23 Q. Did Peter ever tell you that your father was  
24 living with him?

25 A. No.

1 Q. Did your dad ever tell you that he was  
2 planning to move into Peter's house?

3 A. Yes.

4 Q. When did he tell you that?

5 A. This is -- it was just always well known that  
6 Peter was going to take care of dad and dad knew he  
7 had a room at Peter's house and that he could go  
8 there.

9 Q. Okay. So would it be fair to say that that  
10 essentially was the plan if your dad needed to do  
11 that, but there was no specific timeline?

12 A. That's fair.

13 Q. You were talking about the, I think, July 11,  
14 2017, you went over to the property at Redwood City,  
15 correct?

16 A. You mean July 21st?

17 Q. I thought there was an earlier meeting in  
18 July.

19 A. No.

20 Q. That was the only one in July?

21 A. Yes.

22 Q. And did you conclude then that your father  
23 needed more care than Debby could provide?

24 A. We were anticipating the future, that he was  
25 going to require more care. That's how the

1 discussion ended.

2 Q. Would it be fair to say that you did not  
3 regard your father's mental decline between 2015 and  
4 2017 as a big thing?

5 MR. FRASER: Vague and ambiguous as to big  
6 thing.

7 THE WITNESS: Yeah, what do you mean by --  
8 he's slowing down. It's not like a light switch  
9 overnight, but you can tell he's slowing down. So  
10 I'm not sure how to answer your question. Sorry.

11 BY MR. BAER:

12 Q. Did you regard that as something that was  
13 very significant?

14 A. When you say "significant," may I clarify?  
15 When you say "significant," are you saying is there  
16 something that can be done about it?

17 Q. I think the question -- there's no objection  
18 from counsel.

19 A. I'm sorry, I'm just trying to understand.

20 MR. BIORN: It sounds like the witness  
21 doesn't understand the question.

22 MR. BAER: Significant?

23 THE COURT: That's what she is asking you.

24 MR. BAER: I'll use a simpler word.

25 BY MR. BAER:

1 Q. Was that something that was important to you?

2 A. Your parent's mental decline, is it something

3 that's important to me, my father's mental decline?

4 Q. That's the question.

5 A. I mean, sure, it's important, but -- sorry,

6 I'm not sure what you're trying to get at. Am I

7 concerned? Of course I am.

8 Q. Sorry, I don't want to interrupt. Finish.

9 A. Sorry. I'm just not quite sure.

10 Q. Okay. I'd like to read from the witness's

11 deposition. Are there transcripts for this witness?

12 MR. BIORN: No.

13 MR. BAER: Do we have any extra transcripts

14 for Ms. Lau?

15 THE COURT: Do you want to move on to

16 something else?

17 MR. BAER: Yes, that's what I'm doing for the

18 time being.

19 THE COURT: Okay.

20 MR. KUO: Here we go.

21 MR. BAER: And do we have a sealed transcript

22 for Judge Gallagher?

23 Okay. We have two.

24 THE COURT: What page are you going to?

25 MR. BAER: Do you want to give one of them

1 to --

2 MR. BIORN: I've got mine here.

3 MR. BAER: I'd like too read page 29, line 1  
4 to line 7.

5 BY MR. BAER:

6 Q. "Question: Can you think of any examples of  
7 your father's mental decline between 2015 and 2017?

8 Answer: I can't say it's necessarily a big  
9 thing, you know, something, let's say he missed a  
10 wedding, but it was just more frequent. It seemed  
11 like it was getting a little more frequent, little  
12 things that I was sharing earlier."

13 MR. BIORN: How does that relate to the  
14 question you asked? You can't just read from this  
15 witness's deposition for any reason.

16 MR. BAER: I understand that. I think this  
17 is contrary to the testimony she gave.

18 MR. BIORN: Okay.

19 BY MR. BAER:

20 Q. Your father informed you in late 2016, was it  
21 December or later, that he had multiple myeloma?

22 A. December.

23 Q. Okay. And when he explained that to you, you  
24 thought he was coherent, correct?

25 A. Yes, when he told me about his diagnosis.

1 Q. At some point, did you decide that Debby and  
2 James were just acquaintances?

3 A. Yes.

4 Q. Did you -- the conversation that you  
5 overheard between Debby and your father at your  
6 house, that was in August 2022, correct?

7 A. August 2017.

8 Q. I'm sorry, yes, 2017. Thanks for reorienting  
9 me.

10 Anyway, did you feel that that conversation  
11 broke your father's heart?

12 A. Yes.

13 Q. Did you know that the telephone call was  
14 being recorded?

15 A. No.

16 Q. Were you subsequently informed that the call  
17 was recorded?

18 A. I don't know.

19 Q. You don't know if anybody ever told you it  
20 was?

21 A. I wasn't paying attention, no.

22 Q. That wouldn't be significant, to have a phone  
23 call, someone tell you that it has been recorded  
24 between your father and Debby?

25 MR. BIORN: Objection. Lacks foundation.



1 THE COURT: Would it be significant to her if  
2 somebody was recording her dad and Debby's  
3 conversation?

4 MR. BAER: Yes, if she learned that that is  
5 what happened.

6 THE COURT: I'll permit it. She obviously  
7 heard both sides.

8 MR. BAER: Yes. I'm not asking if she  
9 consented. She wasn't even part of the call. She  
10 was just witnessing it.

11 THE COURT: Okay. Was it significant?

12 THE WITNESS: No. I was just listening to a  
13 conversation. I didn't know if it was being recorded  
14 or not.

15 THE COURT: Fair enough.

16 THE WITNESS: I don't -- it's not like  
17 recording me.

18 BY MR. BAER:

19 Q. Did your brother Peter ever tell you he was  
20 going to install a nanny cam at the Fulton residence?

21 A. I don't recall.

22 Q. You're a nurse, correct?

23 A. I am.

24 Q. And so did your brother ever ask you is there  
25 any kind of device that we can use at the house to

1 make things safer or safer for dad?

2 A. He didn't ask me.

3 Q. He never said anything to you like is there  
4 any kind of camera or any kind of audio transmitting  
5 device that would enable us to listen to or see dad  
6 in realtime at the house?

7 A. He didn't tell me.

8 Q. Did you ever recommend that to him?

9 A. He didn't ask me.

10 Q. I understand. But independent of him asking  
11 you, did you ever volunteer to him, we could put in  
12 something so we can watch dad in the room and see if  
13 something happens?

14 A. No.

15 Q. So you were describing essentially what you  
16 had to do for your father as of August 23, 2017. Did  
17 you feel, at that time, that you had to monitor or at  
18 least somebody had to monitor him all the time?

19 A. At that time, yes.

20 Q. And about how much time did you and others  
21 spend in addition to just -- or separately from just  
22 watching him, actually helping him do something?

23 A. Do you want me to add up the time I took to  
24 feed him, to --

25 Q. Yes, that's the question.

1 A. Is that the question?

2 Q. Thank you.

3 A. Maybe three or four hours.

4 Q. After your father told you that he had  
5 multiple myeloma, did he ever discuss the plan of  
6 care with you?

7 A. No.

8 Q. Did he ever discuss his treatments with you?

9 A. No.

10 MR. BAER: I have no further questions.  
11 Thank you very much, Ms. Lau.

12 THE COURT: Redirect.

13 MR. BAER: Do you want a break?

14 MR. BIORN: Let's take a short break.

15 MR. BAER: It's 4:00. Do you want to break  
16 for maybe ten minutes?

17 MR. BIORN: Sure, but we're not going to be  
18 much longer with you and then we'll go on with  
19 Jeanny.

20 MR. BAER: That's fine.

21 (Whereupon, a break was taken.)

22 THE COURT: Let's go back on the record.

23 I'm going to swear you in. Could you raise  
24 your right hand, please.

25 JEANNY HO,

1 being duly sworn by the Court to tell the truth, the  
2 whole truth, and nothing but the truth, testified as  
3 follows.

4 THE COURT: Great. And could you start by  
5 stating your first and last name and spelling it?

6 THE WITNESS: Jeanny Ho.

7 THE COURT: Okay. Could you spell Jeanny  
8 because I think that can be spelled different ways.

9 THE WITNESS: J-E-A-N-N-Y, last name is Ho,  
10 H-O.

11 THE COURT: I think we know how to spell  
12 that.

13 DIRECT EXAMINATION

14 BY MR. BIORN:

15 Q. Good afternoon, Jeanny. How are you?

16 A. I'm okay.

17 Q. Is it okay if I call you Jeanny or Mrs. Ho?

18 A. Just call me Jeanny.

19 Q. Okay. We've heard a lot about the family, so  
20 I'm not going to go too much into real background  
21 with the family here.

22 I really would like to ask you a few  
23 questions about the background, which is: In the  
24 years leading up to 2016, 2010 to 2016, how often  
25 would you see Mr. Ho?

1           A. We usually celebrate my birthday, Peter's  
2 birthday, his birthday, Debby's birthday,  
3 Thanksgiving, Christmas. Say maybe seven, eight  
4 times a year. And sometime more than that, but to  
5 estimate, I think it's about seven, eight times a  
6 year.

7           Q. So let's call those various events in your  
8 life. Were there other times, typical times, that  
9 you and -- that you would see Mr. Ho between 2010 and  
10 2016?

11          A. Yes. Occasionally during the weekend, we  
12 would get together and sometimes just go over to  
13 visit dad and just see how he was doing.

14          Q. Were you taking care of anyone else in your  
15 life at this time?

16          A. Yes, I was taking care of my elderly mom.

17          Q. Did that preclude you from joining Peter for  
18 all of the events?

19          A. Sometimes. We have to make the arrangement.

20          Q. You've known Debby for how long?

21          A. I've known her -- I think I met her in 1998.

22          Q. Overall, how would you describe your  
23 relationship with Debby?

24          A. My relationship with her was pretty good.  
25 She was someone I confided in when certain things you

1 can't talk to your sister or your parent about it,  
2 you know, I would talk to Debby about it.

3 Q. You and Peter got married in 2002; is that  
4 correct?

5 A. That's correct.

6 Q. When did you start confiding in Debby?

7 A. I was having a difficult time with my husband  
8 starting in 2006. So I knew that Debby was divorced,  
9 so I was just asking her, you know, how she dealt  
10 with it up to the time that she divorced. So yes.

11 Q. Did this continue after those conversations?

12 A. It continues on and off for a while, yes.

13 Q. Until when?

14 A. Probably, I don't know, 2009. I can't really  
15 remember the time, but it could be up to 2012 or  
16 after.

17 Q. Are you talking about the discussions about  
18 your marriage with Peter?

19 A. Yes.

20 Q. Did you confide in her over the years about  
21 other things?

22 A. Debby, it's not just me confiding with her.  
23 Debby IE also called me times after time and complain  
24 about dad; oh, he's just like a kid, he doesn't  
25 listen to me, he's so dirty, whenever he come over to

1 my house, if he give you something to eat, don't take  
2 it from his hand because his hand is so dirty.

3 Or whenever I give my Daddy Ho a massage on  
4 his scalp, it was like, why you do that? He didn't  
5 wash his hair for so many days. I'm like, if daddy  
6 likes it, I will just go ahead and do it. What's  
7 wrong with that? I'll just wash my hands.

8 MR. BAER: Your Honor, this is all  
9 nonresponsive. I'll move to strike. The question  
10 was whether the witness confided in Debby.

11 THE COURT: Yes. Stricken.

12 MR. BIORN: Okay. For the court reporter,  
13 when she says Debby IE, it's Debby, new word, capital  
14 I, capital E.

15 BY MR. BIORN:

16 Q. Did you say Debby IE?

17 A. I did say Debby IE. IE is in Chinese auntie.

18 Q. Auntie, right.

19 So beginning in 2005 -- excuse me, beginning  
20 in 2006, was there any regular frequency with which  
21 you spoke with Debby on a monthly basis?

22 A. When I confided with her about my problem  
23 with Peter, the first thing she told me was you need  
24 to transfer everything under your name.

25 MR. BAER: Your Honor, the question is how

1 often you spoke. Move to strike.

2 THE COURT: Stricken.

3 BY MR. BIORN:

4 Q. Let's -- we're going to go through all your  
5 testimony. Okay.

6 So the question is: Was there any frequency,  
7 regular frequency with which you spoke to Debby on a  
8 monthly basis from 2006 on?

9 A. It depends. Sometimes I would talk to her  
10 like maybe two, three times a week. Other times I  
11 don't talk to her for like three-something months.  
12 So it depends.

13 Q. Is there anything that you recall that would  
14 increase the frequency of your conversations with  
15 Debby?

16 A. Yes. Whenever Debby had a fight with dad or  
17 she's upset about something, she'd complain about  
18 him, you know, she would call me up and complain  
19 about it.

20 Q. And when did this start?

21 A. It start ever since I've known her.

22 Q. And when did it end?

23 A. It probably end, you know, when I found out,  
24 you know, that she kicked him out and I was upset at  
25 him. So I just stopped talking to her about that.



1 You know, I didn't want to talk to her anymore.

2 Q. Okay. Did she typically complain about the  
3 same things concerning Mr. Ho?

4 A. Yes.

5 Q. What were those? And you need to speak  
6 slowly for our court reporter.

7 A. The same old thing, he's dirty, if you come  
8 over, don't put your head on the pillow because his  
9 pillow is dirty because he sleep and, you know, stuff  
10 come out of his mouth. It's dirty, so don't put your  
11 head on there.

12 You have to be nice to Daddy Ho. Daddy Ho  
13 has lots of money. Maybe when he pass, maybe he'll  
14 give you some. And I'm like -- I'm a type of person,  
15 you take care of your elderly. You don't talk about  
16 when somebody die, because that's almost like a bad  
17 omen.

18 I disliked that so much. And to me, to take  
19 care of the elderly, that's part of my job and that's  
20 my tradition. And for her to say you need to be nice  
21 to him so that he can give you money, that's like I  
22 don't need to be nice to him. I treat Daddy Ho the  
23 way I treated my family or any elder person. I don't  
24 need to be nice to him because I am already  
25 whole-heartedly --

1 Q. Is this what you would say to Debby?

2 MR. BAER: Wait a second. I move to strike.  
3 I'd request the Court to instruct the witness about  
4 how the process works to make it a little better so  
5 we don't keep going through this.

6 THE COURT: You know how you have  
7 conversations with friends and it kind of flows? You  
8 say what you want, your friends said things. That's  
9 not how this is at all.

10 THE WITNESS: Okay.

11 THE COURT: He will ask questions. There  
12 will be an objection if you go on. Is it night out?  
13 Oh, yes, it's night out and it's very dark because we  
14 had smoke today, things like that. It's just "yes,  
15 it's night out." So it's a very strange way to do  
16 it.

17 Mr. Biorn has been an attorney for a long  
18 time. He knows what he wants to ask you. He just  
19 has to do it slowly for all of us to understand.

20 If you need a drink of water or you need a  
21 break, just tell me.

22 MR. BIORN: Do you want to take a short  
23 break?

24 THE WITNESS: No, I'm okay. I'm sorry. I  
25 just got into --

1 THE COURT: Something tells me you've never  
2 testified before; is that right?

3 THE WITNESS: That's true.

4 THE COURT: Yes. So we'll just take it  
5 slowly.

6 MR. BIORN: Okay.

7 BY MR. BIORN:

8 Q. So I once had a judge admonish a witness she  
9 could only answer yes or no and that's all she ever  
10 and answered thereon.

11 So if the question calls for more than a  
12 yes-or-no answer, you can provide the full answer.  
13 But try to just keep answering to my question. Okay?

14 A. (Witness nods head up and down.)

15 Q. Is that all right with you?

16 A. (Witness nods head up and down.)

17 Q. Okay. On the other hand, we want to hear  
18 everything you remember, so please tell us.

19 MR. BAER: That's responsive to the question.

20 MR. BIORN: That's responsive to the  
21 question.

22 BY MR. BIORN:

23 Q. So when you first confided in Debby that you  
24 and Peter were having marital problems, did she give  
25 you advice?

1 A. Yes.

2 Q. And what did she say?

3 A. She told me to change the 401(k), every asset  
4 that we have from Peter to my name, put all money,  
5 anything that we share, put it all into my name.

6 MR. BAER: Your Honor, I'm going to move to  
7 strike as irrelevant.

8 MR. BIORN: What?

9 MR. BAER: It's irrelevant.

10 THE COURT: Overruled.

11 BY MR. BIORN:

12 Q. During this call -- yes, during this call  
13 when you were confiding in her, did she say anything  
14 about Peter?

15 A. She said Peter's stupid. She doesn't  
16 understand why I stay with him. Maybe it's best if I  
17 just leave him.

18 Q. In 2008, did you talk to Debby about a  
19 property that was owned, at least at one point, by  
20 her and Mr. Ho on McCollum Street in Los Angeles?

21 A. Yes. She -- I did talk to her about that.

22 Q. And what did she tell you?

23 A. It was just not -- it was weird. I think it  
24 was over at her house. We visited her and Daddy Ho  
25 and I think at that time she was so busy and she was

1 flustered and then she was complaining, oh, I don't  
2 have time; I need to go see my CPA.

3 I'm like, you're retired, what is there to  
4 do? Oh, well, I have property, I need to do this and  
5 that. And I was like, oh, okay. And then she's  
6 like, oh, I signed a quitclaim on McCollum and I'm  
7 like, huh? Whatever.

8 So that conversation was like -- okay, I  
9 didn't know anything about quitclaim. I didn't know  
10 anything about --

11 Q. Okay, wait. We're asking you --

12 THE COURT: That's exactly what.

13 BY MR. BIORN:

14 Q. Yes. We want you to tell us what Debby told  
15 you. Okay?

16 Did she say why a quitclaim was signed?

17 A. Something about paying high taxes or low  
18 taxes or something like that.

19 Q. Do you recall who she said signed the  
20 quitclaim deed?

21 A. She said have Daddy Ho sign a quitclaim.

22 Q. Okay. Did you tell Peter about this  
23 conversation?

24 A. I did not.

25 Q. Okay. During this conversation, did she

1 compare her wealth to Mr. Ho's at all?

2 MR. BAER: Objection. Leading.

3 THE COURT: Sustained.

4 BY MR. BIORN:

5 Q. Did she discuss her wealth?

6 A. It wasn't at that conversation. When I first  
7 knew her, she made me believe --

8 Q. Okay, it wasn't that conversation. Did she  
9 ever discuss her wealth?

10 A. Yes, she did. She made me believe that she's  
11 a rich person, that she has lots of money, that Daddy  
12 Ho is cheap, you know, and she has lots of money, she  
13 doesn't need money.

14 Q. Did she say this to you any other time than  
15 early on when you first met her?

16 A. Early on when I first met her, it was  
17 probably before our marriage, after our marriage,  
18 different time.

19 Q. When's the last time you heard her mentioning  
20 her wealth?

21 A. I can't really remember the actual date, but  
22 it probably before we went on our trip, the  
23 Mediterranean trip.

24 Q. Was this in 2012?

25 A. 2012 is when we went on the Mediterranean

1 trip.

2 Q. Good. So on that trip, did Debby say  
3 anything about Mr. Ho's education?

4 A. Yes, she did. And it's embarrassing.

5 Q. What --

6 A. She say that Daddy Ho's Ph.D. was a dog poop  
7 Ph.D., that he bought the Ph.D. himself. In fact,  
8 all of the whole Ph.D. means nothing because her  
9 daughters are smarter. Her daughter doesn't need to  
10 go to Ph.D., they were wealth by themselves.

11 Q. Was there anything in the conversation that  
12 led her to bring this up?

13 A. It was just that, you know, I -- it could be  
14 that maybe I was being proud at my husband for  
15 finishing his Ph.D., and the conversation would be  
16 like, yeah, I think it was nice because Daddy Ho had  
17 a Ph.D., Peter has a Ph.D. You know, that is so  
18 great, you know.

19 And then for her, it's like oh, Ph.D. is like  
20 dog fart, you know. He bought the Ph.D. himself; did  
21 you know that? I'm like, I don't think you can  
22 really buy a Ph.D. But I didn't want to argue with  
23 her because I know she would only get mad at me. So  
24 I was just took it, okay, whatever.

25 Q. During the 2012 Mediterranean cruise, did

1 Debby complain to you about Mr. Ho?

2 A. Yes.

3 Q. What do you recall her saying?

4 A. Oh, he loved to talk to women. Every time we  
5 go to restaurant to eat, he talk to women. He has  
6 lots of girlfriends. He's too cheap, he doesn't love  
7 me, and also he gave me \$20 euro; how can I buy a  
8 purse with \$20 euro?

9 And I told her, it's like, Debby IE --

10 MR. BAER: Was there --

11 BY MR. BIORN:

12 Q. Okay. Well, how did you reply to her?

13 A. I replied to her and I said, if you feel  
14 Daddy Ho don't love you, why don't you just leave  
15 him?

16 Q. How did she respond to that?

17 A. She say, oh, he's just an old man. It's  
18 fine, I just take care of him. Like that.

19 Q. Did Debby ever mention this conversation to  
20 Mr. Ho?

21 A. Yes, she did. She threw me under bus and she  
22 went and told Daddy Ho that I said to leave him. I'm  
23 like -- I was upset at her, you know, because I cried  
24 for her whenever Daddy Ho treated her bad. You know,  
25 for example, when she had --



1 MR. BAER: Okay. I'm going to object now.

2 MR. BIORN: Okay.

3 BY MR. BIORN:

4 Q. Did Mr. Ho come speak with you about this  
5 subject that Debby said that you had told Debby to  
6 leave Mr. Ho?

7 A. No, he did not. But he did complain to my  
8 husband about that.

9 MR. BAER: I'm going to move to strike the  
10 last sentence.

11 MR. BIORN: No objection.

12 THE COURT: Stricken.

13 BY MR. BIORN:

14 Q. Based on your observations, did you consider  
15 Debby and Mr. Ho like an old married couple?

16 A. No.

17 Q. Why not?

18 A. When Daddy Ho was really sick and he was  
19 hospitalized and then Peter had to go spend the night  
20 with him, what did Debby do at that time? She was  
21 looking for houses at that time. Why wouldn't she  
22 spend a night with Debby [sic] because when my dad  
23 was sick in the hospital --

24 MR. BAER: Again, Your Honor.

25 BY MR. BIORN:

1 Q. Let's not talk about your dad. I know you  
2 handled it differently. We just want to know what  
3 Debby did. Okay.

4 When was this?

5 A. I think it was November or December of 2016  
6 when he was sick.

7 Q. Okay. Do you remember what he was sick with?

8 A. I believe he had something like blood cancer.

9 Q. Okay.

10 A. Or he couldn't go poop or something like  
11 that. He was hospitalized the whole month for  
12 like -- I think in the whole month he was in the  
13 hospital like two, three time and was at the same  
14 time my mom was also hospitalized.

15 Q. Okay.

16 A. So we both each have an elder person to take  
17 care of. That's how I remembered it.

18 Q. The complaints that you described Debby made  
19 about Mr. Ho over the years, did that ever stop?

20 A. It doesn't stop. It doesn't stop because you  
21 know that's why I advise her --

22 MR. BAER: Your Honor --

23 MR. BIORN: It's all right.

24 BY MR. BIORN:

25 Q. I'm really looking for what Debby's told you.

1       There are certain rules of evidence. Okay? I know  
2       it feels frustrating for someone who doesn't play by  
3       these rules, and we don't in real life.

4             A. I'm sorry.

5             Q. It's okay. You're not in trouble, but we're  
6       just going to stop you at some point in time. You're  
7       doing just fine.

8             A. And also I have a hearing problem on my left  
9       side, so I really don't hear him say sometimes.

10            Q. Okay. Do you want to take a break?

11            A. No, I'm fine.

12            Q. Okay.

13            A. The more I -- whatever. The more -- let's  
14       just get this.

15            Q. Are you nervous today?

16            A. I am, but if my heart is pure, I should not  
17       be nervous about anything.

18            Q. Are you sad about Mr. Ho?

19            A. I'm very sad. I'm very sad for my Daddy Ho.

20            Q. Did you have a Chinese name?

21            A. Yes, I do.

22            Q. I'm sorry. What was your Chinese name --  
23       what is your Chinese name?

24            A. My Chinese name is Lian Hua Rong.

25            Q. Are you able to spell that for our court

1 reporter?

2 A. Lian is L-I-A-N, Hua is H-U-A, Rong is  
3 R-O-N-G.

4 Q. And by what name did Mr. Ho usually call you?

5 A. He call my Lian Hua Rong, or he called me  
6 Jeanny. But he liked to make fun of me because the  
7 sound of my Chinese name, Lian Hua Rong, he liked to  
8 make joke all the time. So it sounds like red face.

9 So it's like every time I see him, oh, Lian  
10 Hua Rong, red face coming, red face coming. Or my  
11 English name, which is Jeanny, so when you say it  
12 fast in Mandarin it's like Jeanny, that means squeeze  
13 you.

14 So he always liked to make fun of me every  
15 time he see me by calling me those name, and he would  
16 laugh about it, ha, ha, ha.

17 Q. And when you said he laughed about for your  
18 Chinese name, that was red, R-E-D, face?

19 A. Yes.

20 Q. I just said that for the court reporter so  
21 she understood that first word.

22 A. Okay.

23 Q. Now, was there ever a time when he stopped  
24 making these jokes?

25 A. Yes.

1 Q. When?

2 A. This was the time when Peter brought him over  
3 to my house. I believe it's like a month before he  
4 passed. He was getting tired, so I said, dad, why  
5 don't we bring you into your room so you can rest.

6 So when I was sitting him in the room and he  
7 was just sitting down, we were face-to-face, looking  
8 at each other. So I just looked at him. It's like  
9 Daddy Ho, do you want some watermelon? And he said  
10 yes.

11 So I'm here, feeding him watermelon, and then  
12 I'm asking him, Daddy Ho, do you know who I am? And  
13 he looked at me in the eye and he just smiled. I  
14 said Daddy Ho, it's me. You know who I am, you  
15 always make fun of me.

16 And then he just smiled like, oh, you're  
17 Peter's wife. Can you say my name? He just look at  
18 me and just smiled. And that's when I knew that he  
19 totally forgot my name. He used to make fun of me  
20 all the time when he saw me.

21 Q. Aw.

22 A. And it's like his brain is gone or what.  
23 It's like am I losing my Daddy Ho, too?

24 Q. I don't think we're picking up anymore. Do  
25 you want to take a short break?

1 A. Yeah.

2 Q. Let's do that. Okay? We've got plenty of  
3 time today. Let's take a short break.

4 (Whereupon, a break was taken.)

5 THE COURT: Okay. Let's go back on the  
6 record. I remind you you're still under oath. Okay?  
7 Mr. Biorn is going to ask you some more questions.

8 BY MR. BIORN:

9 Q. Okay. We were talking about the names Mr. Ho  
10 called you and when he stopped calling you those  
11 names.

12 Was there any time in 2016 that he seemed to  
13 you to be unable to recall your name?

14 A. Yes.

15 Q. When was that?

16 A. It was probably around Peter's birthday. So  
17 I would say around September time frame.

18 Q. Okay.

19 A. And I believe we went on a boat ride.

20 Q. What?

21 A. A boat ride. And he basically stopped  
22 calling me by my name. He doesn't even remember to  
23 make fun of me. He just smile. I asked him -- he  
24 just say, you're Peter's wife. He just referred to  
25 me as Peter's wife or my daughter-in-law.

1 Q. Did that change between that time and when he  
2 passed away?

3 A. No.

4 Q. Did you see him that year at Christmas, 2016?

5 A. I think I did, but I can't remember.

6 Q. Do you recall how many times you saw him in,  
7 say, September, October, November and December in  
8 2016?

9 A. I probably saw him one or two time because at  
10 that time, my mom was sick, so I had to take care of  
11 my mom. I believe -- yeah, my mom was hospitalized  
12 because she had to get her kidneys removed, yeah.

13 Q. How about the first two or three months in  
14 2017, let's say the first three months in 2017, do  
15 you recall how many times you saw Mr. Ho?

16 A. Probably one or two, but I really can't  
17 remember.

18 Q. Okay.

19 A. It's probably like over the weekend.

20 Q. And then how about from April to June in  
21 2017, how about April to the time they moved in to  
22 Redwood City, which is early June 2017?

23 A. I might -- I probably saw him one or two more  
24 times, but I can't really remember.

25 Q. In the last few months of his life, how many

1 times did you see him?

2 A. I probably saw him a couple times in July  
3 because we celebrated his birthday.

4 Q. In August, do you recall seeing him?

5 A. No, it's not August. His birthday was on  
6 July 21st, so it was sometime in July.

7 Q. So between his birthday and the day in August  
8 22nd that he came to live at your house, did you see  
9 him at all in that time frame?

10 A. I did not.

11 Q. Okay. Did Debby complain to you at all about  
12 Peter?

13 A. She did.

14 Q. What would she say?

15 A. She always call my husband a stupid and  
16 stubborn. I was offended by it. It's like that's my  
17 husband you're talking about.

18 But then Debby IE is Debby IE. Okay, Debby  
19 IE, if you think my husband is stupid, then he's  
20 stupid, I married a stupid guy.

21 Q. When did she -- at any point in time, did she  
22 stop saying things like that about Peter?

23 A. She -- she didn't -- I'm sorry, I'm thinking  
24 in Chinese. I really don't know how to put that in  
25 words. It's almost like she's jealous that Peter has



1 a Ph.D., that she's not proud of him because Peter  
2 has a Ph.D.

3 MR. BAER: I'm going move to strike as  
4 nonresponsive.

5 MR. BIORN: No objection.

6 THE COURT: Stricken.

7 BY MR. BIORN:

8 Q. Did she ever say good things about Peter?

9 A. She actually did. This was when she already  
10 moved into the Fulton house and I believe Peter help  
11 her put up all the painting, all the picture, right?

12 Q. Okay.

13 A. I can't believe it, I wish I had a son like  
14 Peter, he's so helpful. You know, in an hour, he  
15 helped me put up all the picture. Okay?

16 And then there's also other time when she  
17 mentioned that Peter is a good son and then she would  
18 kind of make fun of me and say, oh, when I get older,  
19 you probably would not take care of me. I said no,  
20 Debby IE, I will take care of you. It was like, oh,  
21 because no one, you know, is going to take care of  
22 me, you know, the way Peter takes care of his dad. I  
23 said no, we'll take care of you.

24 It's like you have three daughters, they will  
25 take care of you. And then she would tell me, oh,

1 no, they all Americanized. I don't think they would  
2 take care of me, you know.

3 Q. So when Mr. Ho was at your house, was there  
4 ever an incident where he was incontinent? Do you  
5 know what that means?

6 A. No, I don't.

7 Q. Okay. In general, it means when you have an  
8 accident in your pants.

9 A. Oh, yes. Oh, yes.

10 Q. Was there ever an occasion when that  
11 occurred? Yes or no.

12 A. Yes, it occurred.

13 Q. About when did it occur?

14 A. It was -- I don't remember when, but it was  
15 one of the time that he came over to stay with us.

16 Q. Okay. Do you remember what year?

17 A. I think it was 2016. This is -- this is when  
18 he was -- this is when he was having the cancer  
19 treatment and sometime his foot, you know, he cannot  
20 walk. So then after Peter brought him to see the  
21 doctor, then he will bring him to stay with us.

22 Q. Okay. But when he was having the cancer  
23 treatment, that was chemotherapy, right?

24 A. I don't know.

25 MR. BAER: Leading.

1 BY MR. BIORN:

2 Q. Okay. Well, do you remember the name of the  
3 cancer treatment?

4 A. The name of the cancer treatment? I know he  
5 had blood cancer and I know he have something on the  
6 head.

7 Q. Okay.

8 A. Meningioma -- I can't pronounce the word.

9 Q. When he was having the cancer treatment, what  
10 happened as far as his incontinence?

11 A. He complained that his leg have problem, like  
12 not enough strength for him to walk.

13 Q. Where was this?

14 A. This was when he was staying over with us.

15 Q. And what did you discover?

16 A. It's kind of embarrassing.

17 Q. I know.

18 A. But he pooped in his pants and he didn't know  
19 about it and he had diarrhea. And I pointed to  
20 Peter, I was like, you need to go help dad clean up  
21 because it's leaking right now. And then dad was  
22 like embarrassed about it because, you know, he's a  
23 proud -- the way I describe Daddy Ho was he's a  
24 proud --

25 MR. BAER: Objection. Nonresponsive.

1 MR. BIORN: That's okay.

2 BY MR. BIORN:

3 Q. I know. It's unfortunate, but you're not  
4 able to tell us that right now. Okay? But you've  
5 answered my question. That's fine.

6 In 2017, were there any similar incidents  
7 that Mr. Ho had in the bathroom?

8 A. He did. There was only two times that I  
9 remember, but I can't really remember the time frame,  
10 but he went to pee and he missed the toilet.

11 Q. Who cleaned it up?

12 A. Peter, and then I went and cleaned afterward  
13 because I don't like the way he cleans thing.

14 Q. So at some point in time, Mr. Ho came to live  
15 at your house in August of 2017; is that right?

16 A. Yes.

17 Q. We've established that date is August 22nd,  
18 2017. Okay?

19 A. Okay.

20 Q. Did your mom visit you during that time?

21 A. Yes, she did.

22 Q. And did she talk to Mr. Ho?

23 A. Yes, she did.

24 Q. Did your mom report to you that Mr. Ho was  
25 having any difficulties?

1 MR. BAER: Objection. Hearsay.

2 THE COURT: Appears to be.

3 BY MR. BIORN:

4 Q. Did you watch your mom and Mr. Ho talking?

5 A. Yes. Both of them were on the couch.

6 Q. Based on your observations, did you see any  
7 memory issues in Mr. Ho?

8 MR. BAER: Objection. Leading.

9 MR. BIORN: Okay.

10 THE COURT: Just rephrase.

11 BY MR. BIORN:

12 Q. Tell us what they said.

13 MR. BIORN: Thank you. That's a better  
14 question.

15 THE WITNESS: My mom was so annoyed that she  
16 kept rolling her eye at me. And I just like, mom,  
17 you know, I talk -- I told my mom, (speaking  
18 Chinese), mom just deal with it because Daddy Ho was  
19 really sad.

20 BY MR. BIORN:

21 Q. What was Daddy Ho saying?

22 A. My mom was so annoyed because Daddy Ho kept  
23 on asking her the same question over and over again.

24 Q. What question was that?

25 A. Did you eat dinner? What did you eat? And

1 to my mom, he said the same thing over and over  
2 again, and she was getting annoyed.

3 Q. Do you recall any other instances with  
4 Mr. Ho?

5 A. I think it was during one of our outing when  
6 we were eating at the restaurant and Daddy Ho did the  
7 same thing to me, asking me, oh, how's your job,  
8 how's your job, how's your job. I told him it's  
9 fine, it's fine. And then he kept on saying the same  
10 thing over and over again, and Peter and I just look  
11 at each other, okay, just...

12 Q. Okay. Do you recall when that dinner was?

13 A. I think sometime in -- I don't know, 2016,  
14 2015, sometime around that time where we had one of  
15 the outing.

16 Q. Okay. When Mr. Ho was staying at your house  
17 in August 2017, did he attempt to speak to you about  
18 his children -- about your children?

19 A. Yes. I was going to tell you that. It was  
20 at the same incident when I was giving him watermelon  
21 and I asked him my name and, you know, he wouldn't  
22 want to tell me or he's just like, oh, you're just my  
23 daughter-in-law.

24 And then, all of a sudden, he got panic. Oh,  
25 you need to stop feeding me. What about your son?

1 I'm like, what son are you talking about? I was like  
2 Daddy Ho, you forget, Peter and I didn't have any  
3 kid. We tried, but we didn't.

4 And it's like, oh, but Ding Ding's only a few  
5 months old, you need to go feed milk to him. I was  
6 like, no, no, no. It's like, oh, daddy -- Daddy Ho,  
7 you're going to see Ding Ding later.

8 But Ding Ding is actually Dean. That was  
9 Della's son. And at that time, Dean was like 16 or  
10 17 years old, and I was shocked. I'm like how did he  
11 mess up? I don't have any kids, you know.

12 Q. Did he mention about his granddaughter during  
13 this call?

14 A. No. He only remembered Dean. And I was  
15 shocked that it's like you only have two  
16 grandchildren and you forgot. I think he forgot that  
17 he even have grandchildren because he mix up Ding  
18 Ding --

19 MR. BAER: I'm going to object to the last  
20 sentence where she said --

21 BY MR. BIORN:

22 Q. Unfortunately, you can't say what you think  
23 on that. We're just talking about what he said to  
24 you. Okay? And you've testified to all that just  
25 fine.

1 A. Sorry.

2 Q. It's okay. You're not in trouble.

3 I would like to turn to Exhibit 163. So this  
4 is -- it's about an eight-and-a-half page document.  
5 Could you review it as long as you need to, but just  
6 generally familiarize yourself with it and we're fine  
7 on time because this is probably my last or so  
8 question.

9 A. Okay, I finish.

10 Q. Do you recognize these text messages?

11 A. Yes.

12 Q. What are they?

13 A. Texts between Debby IE and myself.

14 Q. The first date shows a date of Monday,  
15 September 4th. Is that 2017?

16 A. Yes.

17 Q. And she begins her response at the bottom of  
18 the next page, September 5th.

19 Do you recall when Mr. Ho died?

20 A. I think he passed away on September 5th,  
21 2017, like right after dinner.

22 Q. On the second page -- and we've looked at  
23 this a few times in the trial and you just read it  
24 pretty well, so I'm not going to read a lot of it.

25 But you mentioned about a half -- two-thirds



1 of the way down on the green box there, "I also can't  
2 believe you've stolen money from Daddy Ho."

3 Is this the first time that you've texted or  
4 talked with Debby about this subject?

5 MR. BAER: Objection. Vague and ambiguous.  
6 The subject of stealing money?

7 MR. BIORN: Yes.

8 MR. BAER: Okay.

9 THE WITNESS: I think this is like the second  
10 time. The first time that I knew about this, she  
11 told me.

12 BY MR. BIORN:

13 Q. What did she tell you the first time?

14 A. She told me that, oh, I just wanted to let  
15 you know that I'm going to borrow money from Daddy Ho  
16 and I'm going to sell Brewster to return the money.  
17 I don't want you to think I'm taking advantage of  
18 Daddy Ho, so just so you know, something along those  
19 lines.

20 Q. Do you recall when this conversation was?

21 A. I don't quite remember, but it was either at  
22 my house or at her house. Probably one of the time  
23 we got together. I can't remember.

24 Q. Do you recall if it was before or after  
25 Mr. Ho moved into the Redwood City house?

1           A. I believe this is before.

2           Q. Do you recall how long before?

3           A. I don't even remember when they move in, so I  
4       can't -- you know.

5           Q. Okay. Was it the same year of these text  
6       messages, 2017?

7           A. I believe so.

8           Q. And then on the -- when she told you this the  
9       first time that she was going to borrow money from  
10      Mr. Ho and sell Brewster and wanted you to know that  
11      it was a loan and she didn't want to take advantage  
12      of Mr. Ho, how did you respond?

13          A. To me, you know, I trusted Debby IE. And I'm  
14      like why she telling me this. It's like, you know,  
15      whatever happened between you and Daddy Ho, you know,  
16      just do it. Why are you telling me?

17          Q. Did she reply to that?

18          A. She said well -- she just like, I want to  
19      make clear, you know, just make clear, something like  
20      that, along that line.

21          Q. So this conversation you just described in  
22      2017 and this text message Exhibit 163, are those the  
23      only two times you recall discussing this subject  
24      with Debby?

25          A. Yes.

1           Q. Let's go back to Exhibit 163, and go to the  
2           next page. Oh, I'm sorry. Go to the third page of  
3           the exhibit. About halfway down, it says "Please  
4           stay calm. From the beginning I said in my first  
5           text message I will pay you back the money after  
6           selling the 229 Fulton, but no one replied my text  
7           until now."

8                        So she said here "I said in my first text  
9           message." Does that refresh your recollection that  
10          she had told you about this money for Fulton prior to  
11          this text message we're looking at?

12                   A. Okay. I kind of lost you because you said  
13          third page. One, two, three.

14                   Q. So right here it says "Please stay calm."

15                   A. Okay.

16                   Q. And then the next couple lines says "From the  
17          beginning I said in my first text message" and it  
18          goes on. "I will pay you back." It's not part of  
19          that exhibit.

20                   My question is: Her reference to "I said in  
21          my first text message," does that refresh your  
22          recollection that she had texted you previously about  
23          this money that she used to buy Fulton?

24                   MR. BAER: Objection. Leading.

25                   MR. BIORN: It's basically a refresh your

1 recollection question.

2 THE COURT: Sustained. Just rephrase it.

3 BY MR. BIORN:

4 Q. Does this refresh your recollection about  
5 Debby texting you previously about this same subject?

6 A. Okay. Now that I read this again, I don't  
7 recall the first message that she text me.

8 Q. Okay.

9 A. So, yeah, I don't know what first message she  
10 talking about.

11 Q. You've answered.

12 On the next page at the bottom, she said --  
13 do you see where it says "I just mentioned everything  
14 has to be fair"?

15 A. Um-hmm.

16 Q. "But now my life philosophy has changed, just  
17 continue to talk to me even without my daughters."

18 Did you discuss this subject with her  
19 again --

20 A. No.

21 Q. -- after this?

22 A. No.

23 Q. No. Did you ever discuss with her or did she  
24 ever say to you any other time about how her  
25 philosophy had changed?

1 A. No.

2 Q. And you go to the second to last page. Do  
3 you see the Chinese characters about two-thirds of  
4 the way down? You don't have to read them. I'm just  
5 directing you to that point.

6 Starting with the English word "Afterwards,  
7 regarding the way Peter want me to return the money,  
8 the fastest time is waiting for selling of 229  
9 Fulton."

10 Did you talk to her about how she would  
11 return the money?

12 A. During this time, I'm talking about during  
13 this time when I read her message, I was extremely  
14 disappointed in her and I felt betrayed. So I didn't  
15 want to talk to her about anything.

16 MR. BAER: Move to strike.

17 MR. BIORN: No objection.

18 THE COURT: Stricken.

19 BY MR. BIORN:

20 Q. My question is: Do you recall talking to her  
21 about this subject?

22 A. No.

23 Q. Okay. And then the next sentence says "This  
24 is the third time I have mentioned."

25 Do you remember -- you've only described for

1 us two times she's mentioned this money. Do you  
2 remember any other time? Does that refresh your  
3 recollection?

4 A. Could it that be she left me a voicemail? I  
5 don't know.

6 Q. I'm just asking if you do remember. You  
7 don't?

8 A. I don't remember. If it is the third time,  
9 it could be a voicemail. I don't know. I'm sorry, I  
10 can't remember.

11 Q. Are you aware if Debby ever paid back the  
12 money she took from Mr. Ho to buy the Redwood City  
13 property?

14 A. No.

15 MR. BIORN: I don't have anything further.

16 THE COURT: Okay. This is your bad ear, your  
17 left one?

18 THE WITNESS: Bad ear.

19 MR. BAER: Do you want to switch places? I  
20 just have a couple questions. It's like two minutes.

21 THE WITNESS: Sure. I can just turn here.

22 THE COURT: The court reporter has to hear  
23 her.

24 THE REPORTER: I'm fine.

25 CROSS-EXAMINATION

1 BY MR. BAER:

2 Q. So Mrs. Ho, my name is David Baer. I  
3 represent Ms. Chang.

4 So you talked about a conversation with  
5 Ms. Chang in which she made the statement "just  
6 leave," referring to your husband.

7 When did that conversation occur?

8 A. It was during the Mediterranean cruise.

9 Q. And that was what year?

10 A. 2012.

11 Q. Okay. And am I correct that you continued to  
12 confide in her after that?

13 A. Confide in her for what?

14 Q. Confide in her. I believe you gave testimony  
15 that you confided in Ms. Chang.

16 A. Yes. For what?

17 Q. For anything.

18 A. Not really.

19 Q. And did you at any point regard Mr. Ho and  
20 Ms. Chang as partners in life?

21 A. Never.

22 Q. Did you ever see them at their -- at  
23 Ms. Chang's home in El Cerrito?

24 A. Yes.

25 Q. How many times did you go there?

1           A. A lot of time. I can't really count how many  
2           time. Every time we get together, it's always there.  
3           But I'm pretty sure there's always Thanksgiving at  
4           her place.

5           Q. Okay.

6           MR. BAER: No further questions.

7           MR. BIORN: I don't have anything further,  
8           Your Honor.

9           THE COURT: Can this witness be excused?

10          MR. BIORN: Yes.

11          MR. BAER: Yes.

12          THE COURT: You're free to go.

13          THE WITNESS: I'm good to go?

14          MR. BIORN: You can go, yes.

15          THE WITNESS: I don't have to think about  
16          this over the weekend?

17          MR. BIORN: You don't. And thank you for  
18          coming in.

19          THE WITNESS: Thank you very much.

20          Thank you.

21          MR. BIORN: That's the second witness to say  
22          thank you to you.

23          MR. BAER: Oh, she said it to me?

24          MR. BIORN: Yes.

25          MR. BAER: Oh, you're welcome. I didn't



1 notice that you were talking to me.

2 THE WITNESS: I just thank everybody.

3 MR. BAER: Well, thank you. You helped us.  
4 We should be thanking you, or thank you.

5 MR. BIORN: We're spending money for the  
6 court reporter every time we talk.

7 MR. BAER: Okay.

8 THE COURT: Do you have some exhibits?

9 MR. FRASER: I think we just needed to get in  
10 Exhibit 177, the text chain between Della and Debby.

11 MR. BAER: No objection, other than for the  
12 truth of the matter stated.

13 THE COURT: It's already in, I think, isn't  
14 it? Other than for the truth of the matter.

15 MR. BIORN: No, 177.

16 MR. FRASER: 177.

17 THE COURT: 177, okay, it will be received  
18 with those caveats.

19 (Whereupon, Exhibit 177 was admitted into  
20 evidence.)

21 MR. BIORN: Okay.

22 THE COURT: Anything more we need to put on  
23 the record?

24 MR. BIORN: Let's see. Other than make sure  
25 we put on the record that Mr. Baer and I have agreed

1       that we will present the testimony of Mary Bee  
2       Thrasher by way of designation in her deposition  
3       transcript.

4               MR. BAER:    So are we off?

5               MR. BIORN:   Yes.

6               THE COURT:   Are we?

7               MR. BAER:    Yes.

8               THE COURT:   Yes.

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

11               (WHEREUPON, the proceedings were adjourned at  
12       5:17 p.m.)

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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