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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 4

Date: Thursday, September 21, 2023
Time: 10:20 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:

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Bonny Llyn (a.m. session)
Mimi Lain (p.m. session)

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: Let's go on the record.

Ms. Chang, I'll remind you you're still under oath. It's my understanding you're not feeling great this morning. If you need to take a break, just let us know.

DIRECT EXAMINATION (RESUMED)

BY MR. BIORN:

Q. Continuing with your examination, Ms. Chang, yesterday we were talking about a face-to-face conversation you had with Mr. Ho on August 21st before you went to see John Martin.

Do you recall that conversation?

A. Before we saw Martin?

Q. Yes. Do you remember us talking about that conversation yesterday?

A. I don't remember the discussion yesterday. I remember the fact that before Martin got there, we talked.

Q. Okay.

A. All we were talking about was to make another appointment.

Q. And yesterday, I asked you about some of the things you said to James, Mr. Ho, during that

1 conversation. And I want to ask you about a few more
2 things you said to James during that conversation.
3 Okay?

4 A. Okay. Yes.

5 Q. Did you tell Mr. Ho during that conversation
6 that it's your son who caused this, originally
7 everything was going smoothly, I called him here out
8 of courtesy, but now he turned it into a mess. Now
9 tell him either you go to his house or you don't go
10 to his house. I don't want to deal with him. I
11 don't want to see him again. He is very despicable.

12 Did you say that to Mr. Ho?

13 MR. BAER: Objection. Compound.

14 MR. BIORN: We can go more slowly if you
15 want. It's going to take a lot longer.

16 MR. BAER: I understand. But I don't know
17 how you can expect any witness to remember all that.

18 BY MR. BIORN:

19 Q. Did you say words to that effect to Mr. Ho?

20 MR. BAER: Same objection.

21 THE WITNESS: I don't remember.

22 THE COURT: Do you want that --

23 MR. BAER: I do want a ruling on the
24 objection because it's going to impact how this
25 proceeds.

1 THE COURT: Sustained. You're going to have
2 to break it up.

3 MR. BIORN: Okay.

4 BY MR. BIORN:

5 Q. Ms. Chang, did you tell Mr. Ho -- did you say
6 to Mr. Ho during this conversation, you tell the
7 lawyer that I want to keep this appointment. It's
8 your power. How can he cancel you?

9 Did you say words to that effect to Mr. Ho
10 that day?

11 A. I think I did.

12 Q. Did you also say to Mr. Ho when the lawyer
13 comes back today, tell him for a hundred times, tell
14 him, Peter, I still want to see this lawyer, it's a
15 gift to Aunt Debby. Call him now.

16 Did you say that to Mr. Ho?

17 THE INTERPRETER: Counsel, it's a gift to?

18 MR. BIORN: It's a gift to Aunt Debby.

19 MR. BAER: Same objection.

20 MR. BIORN: I'll break it up.

21 THE COURT: Okay.

22 BY MR. BIORN:

23 Q. On the same day, did you tell Mr. Ho to tell
24 his son, Peter, I still want to see this lawyer, it's
25 a gift to Aunt Debby.

1 Did you tell Mr. Ho to say that?

2 A. I really don't remember. I was extremely
3 upset that the appointment was cancelled.

4 Q. And did you tell Mr. Ho to say that to Peter
5 a hundred times?

6 A. I don't think I said anything like a hundred
7 times.

8 Q. During this conversation, did you tell Mr. Ho
9 call the lawyer now and tell him to come now?

10 A. I did.

11 Q. And did Mr. Ho respond to you saying I won't
12 call?

13 A. I don't remember.

14 Q. Did you say to Mr. Ho, no, why won't you
15 call? You are ready now. Your mind is clear. You
16 are clear.

17 Did you say words like that to Mr. Ho that
18 day?

19 A. I think I may have.

20 Q. Did you say again later in that conversation
21 to Mr. Ho, keep today's appointment with the lawyer,
22 one thing will be settled. Call the lawyer and tell
23 him you want to keep the appointment.

24 Did you say words like that to Mr. Ho?

25 A. This happened so long ago. I don't remember

1 every single thing I said. Okay? I was not happy
2 that he didn't respect us, the older people. He
3 didn't respect his father who was very old. What he
4 did is improper. That's what I remember.

5 Q. Did you tell Mr. Ho that I'm leaving, I'm
6 take the one million with me?

7 MR. BAER: Objection. That was asked and
8 answered yesterday, I believe.

9 THE COURT: Overruled. I'll permit it.

10 THE WITNESS: I don't remember.

11 BY MR. BIORN:

12 Q. Did you tell Mr. Ho, if you won't meet with
13 the lawyer today, I'm leaving and I won't come back?

14 A. Today, I don't remember if I said that, but I
15 knew that James would not believe me even if that's
16 what I said. He knew that I wouldn't leave him. I
17 knew that he wouldn't leave me.

18 Q. During that conversation, did Mr. Ho threaten
19 to commit suicide?

20 A. I didn't hear anything like that.

21 Q. Did Mr. Ho point to a gun that was already on
22 the ground and say, I'm going to kill myself?

23 A. How could there be a gun on the ground?

24 Q. Do you recall a gun laying on the ground
25 during this conversation in front of Mr. Ho?

1 A. I didn't see a gun. If there was a gun, I
2 would have run away.

3 Q. During this call --

4 THE COURT: Could you hold on one second.
5 Could you read that back?

6 (The record was read by the Reporter.)

7 THE COURT: I'm sorry. You can proceed.

8 BY MR. BIORN:

9 Q. During this conversation, did you tell Mr. Ho
10 that Peter and his daughter -- and Mr. Ho's daughter
11 were not allowed in that house?

12 A. I don't remember.

13 Q. During this call, did you tell Mr. Ho that
14 you had offered Peter to share some of the
15 \$1.1 million with him?

16 A. I didn't say that. Peter brought that idea
17 up before in the past, not at that time.

18 Q. So you're saying that you did not tell Mr. Ho
19 that you offered to Peter to share the money with
20 him?

21 A. To share or not to share, it was Peter's --
22 it was Peter himself who said something about
23 sharing.

24 MR. BIORN: Your Honor, we are going to want
25 to admit some of the recording that Peter has. We

1 can do it by way -- given where we are with the
2 witness and that I haven't asked Peter about the
3 recording yet, can we do that when I ask Peter about
4 the recording?

5 MR. BAER: So first of all, I object to the
6 admission of the recording under Penal Code 632.

7 Second, if the recording or the transcript of
8 the recording are going to be admitted, then I think
9 they should be admitted in whole, not in little
10 pieces because that's the context of everything that
11 was said.

12 So that would basically be my position if the
13 objection is overruled, is that the whole thing
14 should be admitted, not just part of it.

15 MR. BIORN: I was trying to limit the
16 admission to the impeachment. I can consider
17 Mr. Baer's request, but it is solely I think -- we do
18 believe there's an exception for impeachment.

19 I think Mr. Baer agreed the other day, but we
20 can provide you legal authorities if you want them.

21 THE COURT: I do. I would like to see legal
22 authorities. I can't find any case right on point.
23 Obviously, most of the cases are in the criminal area
24 and this is not a criminal case.

25 And I'm just asking for you to look at

1 things. My understanding, and I might be wrong, is
2 that you cannot impeach a witness if that witness
3 says I do not remember.

4 If the witness's testimony is opposite from
5 what might be in a secretly recorded conversation,
6 that might be admissible, but I'm still not finished
7 with research because I didn't know if it was going
8 to come up.

9 So, yes, I would like to know more about it
10 and Mr. Biorn, what statements are you looking for to
11 impeach?

12 MR. BIORN: We just went through so many. I
13 wasn't taking notes. Mr. Fraser was taking notes for
14 me.

15 We can provide that to you, along with the
16 legal authorities, the exact statements and I will
17 also confer and consider Mr. Baer's statement that,
18 if any of the recording comes in, all of it should
19 come in.

20 MR. BAER: Either that or, like with the
21 deposition, I would select explanatory portions
22 myself.

23 MR. BIORN: Let's first address whether you
24 will allow --

25 MR. BAER: Assuming the objection is

1 overruled.

2 MR. BIORN: Yes. We'll provide that to you,
3 Your Honor.

4 THE COURT: Great. And just so you know,
5 there were a number of I do not remember. So just
6 that portion of the transcript you might need to
7 order before I can rule on this. Just giving you a
8 heads-up.

9 MR. BIORN: Then let's get the portion
10 discussing that conversation yesterday and today on
11 expedited.

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

14 THE COURT: While we were off the record, we
15 discussed the issue at hand.

16 BY MR. BIORN:

17 Q. Ms. Chang, do you recall your deposition
18 being taken in July of 2018 in this case?

19 A. I don't remember.

20 Q. And that was less than a year after these
21 events that we've been talking about in August 2017
22 occurred, right?

23 A. Sometimes he could tell me something in the
24 morning, an hour later I wouldn't remember anything
25 because my brain suffers damages from this lawsuit,

1 my brain has been damaged from this lawsuit.

2 Like today, my daughter told me something.

3 MR. BAER: Wait a second. This is
4 nonresponsive to the question. He's just asking
5 essentially if it was when this deposition --
6 actually, why don't you just ask her again or have it
7 read back.

8 BY MR. BIORN:

9 Q. When this deposition was taken, it was less
10 than a year after the events we're talking about that
11 occurred in August 2017, right?

12 A. So what's your question? If that's less than
13 a year, how could I not have remembered things?

14 Q. I'd like to read from the witness's
15 deposition, volume 2, page 168 [sic], line 18 to
16 volume 2, 169, 25.

17 MR. BAER: What's the starting point?

18 MR. BIORN: 167, 18.

19 BY MR. BIORN:

20 Q. "Question: The day of the appointment with
21 Mr. Martin, Peter came over earlier that day to the
22 house, didn't he?

23 Answer: Yes, he came before the meeting.

24 Question: And he cancelled the appointment
25 with Mr. Martin, right?

1 Answer: Yes.

2 Question: And then the meeting with
3 Mr. Martin was reinstated after Peter left, right?

4 Answer: Yes.

5 Question: Did you, after Peter left and
6 before the appointment was reinstated, did you talk
7 to James at all?

8 Answer: I told him the time had already
9 passed, the appointment time. Do you want to make an
10 appointment?

11 Question: And he said?

12 Answer: Yes. He said yes. He insisted.

13 Question: Did you tell him anything else in
14 that conversation?

15 Answer: No, I just asked him whether or not
16 he wanted to.

17 Question: You didn't threaten him to leave
18 if he didn't reinstate the appointment?

19 Answer: I never threatened him anything.

20 Question: Did you ever -- did you tell James
21 that Peter was a liar?

22 Answer: Never.

23 Question: Did you tell James that Peter
24 wanted to brainwash James?

25 Answer: I would never say something like

1 this.

2 Question: You only spoke nicely to James
3 about his children?

4 Answer: I always do that. I always wanted
5 them to be back to happy zone again.

6 Question: Did you help James call Mr. Martin
7 to reinstate the appointment?

8 Answer: Yes, I helped him to. I just dialed
9 the phone number.

10 Question: How did you get that phone number?

11 Answer: I don't know the number -- I didn't
12 know the number. Then I called my daughter's
13 boyfriend.

14 Question: Why did he have the number?

15 Answer: Because he helped us to find Martin.

16 Question: Did you tell James before that
17 phone call to Mr. Martin that you would leave and
18 take the \$1.1 million with you?

19 Answer: I never talked to Martin. I don't
20 even know who Martin is.

21 Question: No, I'm asking did you tell James.

22 Answer: I never asked this kind of stuff to
23 James. Only one time I talk about this and he said
24 that money was a gift. I never discussed something
25 regarding money to James.

1 Question: And so you never told James that
2 if he doesn't meet with Martin that are you going to
3 leave and not work for him anymore?

4 Answer: No, I never say something like that.
5 I love him from my heart."

6 MR. BAER: I'm sorry, I thought you were
7 starting on 168, 18 but you started somewhere else.

8 MR. BIORN: 167, 18 to 169, 25.

9 MR. BAER: Oh, I misheard you.

10 MR. BIORN: And then I would also like to
11 read from the witness's deposition, volume 3.

12 THE INTERPRETER: Counsel, before you
13 continue, let me check with the witness if she needs
14 interpretation.

15 MR. BIORN: Okay.

16 (The interpreter asked for clarification in
17 Mandarin.)

18 BY MR. BIORN:

19 Q. Reading from volume 3, page 213, line 2 to
20 line 23.

21 MR. BAER: Give me the number again.

22 MR. BIORN: Page 213, line 2.

23 MR. BAER: Okay, I'm with you.

24 BY MR. BIORN:

25 Q. "Question: Prior to John Martin's coming to

1 the house on August 21st, 2017, did you talk to James
2 Ho in English language about John Martin's
3 appointment?

4 Answer: No.

5 Question: Did you yell at James Ho in
6 English on August 21, 2017 that he had to reschedule
7 the appointment with John Martin or else you would
8 leave him?

9 Answer: No.

10 Question: Did you tell James Ho that his son
11 Peter just wanted to brainwash him?

12 Answer: No. You mean telling James?

13 Question: Yes, did you tell James?

14 Answer: No.

15 Question: Did you tell James that day,
16 August 21st, 2017, quote, 'I will leave, I will also
17 take one million with me. I'm telling you I'm
18 leaving. I won't work anymore'?

19 Answer: I can swear to that, in my entire
20 life, I did not use those language. I did not say
21 that. I'm not that kind of person."

22 And then finally page 216, line 15 to 18,
23 continuing the same subject matter in the deposition.

24 "Question: Did you tell James Ho that day
25 that, without you, he would be unable to cure his

1 cancer?

2 Answer: No."

3 Ms. Chang, I'm not sure if I asked you that
4 question. Did you tell Mr. Ho, on August 24, 2017,
5 that without you, he would be unable to cure his
6 cancer or words to that effect?

7 A. I don't think I said that, but I'm not sure,
8 but I can tell you I don't say that. I'm not a
9 doctor. When I say -- I don't remember I say that.
10 I don't know.

11 Q. Just a few questions on various matters, to
12 clean up the testimony, Ms. Chang.

13 Do you remember the gift letter that we spoke
14 about yesterday?

15 A. I don't know.

16 Q. Exhibit 79. Ms. Ho [sic], you have in front
17 of you Exhibit 79.

18 MR. BAER: He wants to ask you about this
19 document.

20 BY MR. BIORN:

21 Q. Do you remember talking about this gift
22 letter yesterday?

23 A. I don't know.

24 Q. Do you remember testifying yesterday that you
25 and Mr. Ho signed this gift letter at your house?

1 MR. BAER: I'm going to object. The
2 transcript will speak for itself as to what her
3 testimony is.

4 BY MR. BIORN:

5 Q. Was anyone else present when you and Mr. Ho
6 signed this gift letter?

7 A. I think so.

8 Q. Who?

9 A. I don't know.

10 Q. Was it Peter?

11 A. Probably not.

12 Q. Was it Mary Bee Thrasher?

13 A. I don't think so.

14 Q. Was it Geoffrey Garcia?

15 A. I don't know. I really don't remember
16 because I had to deal with a lot of things on that
17 day. I only remember that they were there to have me
18 sign a lot of things and I had a lot of things to
19 take care of. I was exhausted. That's what I
20 remember.

21 I'm sorry, Mr. Biorn. I served James for a
22 long time. You are now asking me so many questions
23 after so many years later. I am old. This is a form
24 of abuse.

25 Q. Ms. Chang, I will make this next part a

1 little easier for you. I'm going to read from your
2 deposition about addendum number 2 that we spoke
3 about yesterday. That's the one that James was
4 removed as a co-purchaser. I'm going to read from
5 volume 2, page 102.

6 So on page 102, I'll refer to lines 18 and 19
7 for reference on the questions where it says PRDF
8 addendum 3-16-17. It was marked as Petitioner's
9 Exhibit Number 4 for identification.

10 And then we'll go on to page 103,
11 paragraph -- or 103, line 6 to page 105, line 15.

12 "Question: Ms. Chang, I've placed in front
13 of you a document that's been marked as Exhibit 4,
14 which is an addendum to a real estate purchase
15 contract.

16 Ms. Chang, do you remember signing this
17 document?

18 Answer: Yes.

19 Question: In the middle part of the page
20 there, it says 'James F. Ho to be removed from
21 purchase contract.'

22 Do you see that?

23 Answer: I did sign, but he asked me whether
24 or not I see this sentence removed. Yes, I did.

25 Question: Why was this document prepared?

1 Answer: This document came from either title
2 company or the bank. I don't know, but they asked me
3 to sign and I signed, but this is James' will so he
4 signed. No, not will. It's not will. It's just
5 this is a document for him to sign and be signed. He
6 understood what it meant. James is a very smart man.

7 Question: Did you tell the title company to
8 create this document?

9 Answer: No, I didn't know they prepared this
10 document.

11 Question: Did you tell anyone to prepare
12 this document?

13 Answer: No.

14 Question: Did you tell anyone that James
15 should be removed as a purchaser from the real estate
16 contract?

17 Answer: No.

18 Question: Are you sure you didn't tell Mary
19 Bee Thrasher that?

20 Answer: Because you asked me yes or no, so I
21 didn't elaborate. Actually, this matter I went to
22 the bank to fill out the application. As soon as I
23 sat down the bank person told me that I'm qualified
24 to get the loan. Then I was told that James doesn't
25 need to sign this application with me. Then I said

1 that I cannot say so to you. I need to go home and
2 tell him. After one day later, they told me Mary Bee
3 to prepare this form -- no, not this form, not this
4 form, another form, another piece of paper, to remove
5 his name on that form, but I didn't really see, but I
6 know it was to remove his name.

7 At that time, Mary Bee knew. I was surprised
8 Mary Bee knew and I was surprised he brought that
9 form to me. Later, I knew it was either the bank or
10 the title company gave the form to him or her. So
11 then I told Mary Bee that. Then I mentioned this to
12 Mary Bee."

13 And then page 106 lines 3 to 6.

14 "Question: Did James tell anyone, to your
15 knowledge, that he wanted to come off as a buyer on
16 the purchase contract?

17 Answer: No, no."

18 Ms. Chang, in February of 2017 when you were
19 applying for the loan to purchase Redwood City, did
20 you know how much money Mr. Ho had in the bank?

21 A. I didn't.

22 Q. Did you have any sort of approximate idea of
23 how much money he had in the bank?

24 A. I never knew how much money he had and I
25 never asked.

1 I would like to add, one day James told me,
2 Debby, you are a fool. You never asked me how much
3 money I have. My eyes became this big. I thought to
4 myself, why would I need to know? I make my own
5 living, but I didn't say anything.

6 Q. Ms. Chang, I'd like you to turn to
7 Exhibit 86, volume 1. The first page of that exhibit
8 where it says "Chase ACCT" on the pink sticky, is
9 that your handwriting, 86?

10 MR. BAER: He's talking about right here.

11 THE WITNESS: Oh. I think so, but I can't be
12 sure.

13 BY MR. BIORN:

14 Q. Ms. Ho [sic], the Chinese character writing
15 on this check, is that your writing?

16 MR. BIORN: Ms. Ho you said again.

17 BY MR. BIORN:

18 Q. Ms. Chang, I apologize. Ms. Chang, is that
19 your writing on the Chinese characters on this check
20 register?

21 A. Some were Mr. Ho's, some were mine.

22 Q. Which portion was Mr. Ho?

23 A. The first line on the top.

24 Q. Okay. And then all the Chinese characters
25 below the red number 3720, all those Chinese

1 characters are in your handwriting, correct?

2 A. I didn't write the red.

3 Q. Okay. But the Chinese characters you did
4 write?

5 MR. BAER: You mean the ones below the top
6 line?

7 MR. BIORN: Yes.

8 THE WITNESS: They seem to be mine.

9 BY MR. BIORN:

10 Q. Can you turn to the next page?

11 A. (Witness complies.)

12 Q. Do you see the pink sticky, it has some more
13 Chinese characters on it after the writing where it
14 says check number 105.

15 Are these Chinese characters in your
16 handwriting?

17 A. Yeah, yes.

18 Q. And the check number 105 in English, that's
19 your handwriting as well, correct?

20 A. Yes.

21 Q. So Ms. Ho [sic], can you translate --
22 Ms. Chang, I apologize again.

23 Ms. Chang, can you please translate for me
24 what you wrote in Chinese on the first page of this
25 exhibit?

1 MR. BAER: I'm going to object. She's not a
2 certified interpreter or anything like that. This is
3 a lot of text.

4 MR. BIORN: I'll tell you what --

5 MR. BAER: I don't think -- I don't remember
6 seeing a certified translation of this, but maybe
7 there is one. The next page shows that.

8 MR. BIORN: So I will get you the
9 certification for this. It's not in my exhibit, but
10 I believe it was provided.

11 MR. BAER: What matters is it's in the
12 judge's.

13 THE COURT: No.

14 MR. BIORN: We will get you that at the
15 break.

16 MR. BAER: Okay.

17 BY MR. BIORN:

18 Q. Ms. Chang, do you recall why -- this is
19 Mr. Ho's checkbook register, isn't it, or his
20 checkbook, I should say?

21 A. I don't think so because these are my
22 stickers. I don't know.

23 MR. BIORN: I'll have this marked -- this
24 will be next in order which is --

25 MR. FRASER: Next in order will be -- wait.

1 Oh, I see. That would be 165.

2 MR. BIORN: 165. This is 165.

3 (Whereupon, Exhibit 165 was marked for
4 identification.)

5 BY MR. BIORN:

6 Q. Ms. Chang, you have in front of you
7 Exhibit 165. It's a check written on James Ho's
8 Chase account dated April 16, 2017, payable to
9 Reinhard Oesterle for \$3,720.

10 Do you see that?

11 A. Yes.

12 MR. BAER: The only question is if you see
13 that.

14 THE WITNESS: Yeah.

15 BY MR. BIORN:

16 Q. This appears to coincide with Exhibit 86,
17 which indicates it's for -- it's the carbon copy
18 receipt for check 105 and that it was for \$3,720.

19 Do you see that?

20 A. 3720 is shown in here.

21 Q. Does it look to you like it coincides with
22 the carbon copy of the checkbook that's marked as
23 Exhibit 86?

24 MR. BAER: Objection. Calls for an opinion.

25 THE COURT: Sustained. Ask your next

1 question.

2 MR. BIORN: Okay.

3 BY MR. BIORN:

4 Q. Ms. Chang, looking at Exhibit 165 --

5 MR. BIORN: I'm sorry, if you two were
6 conversing, can you please interpret that for us?

7 THE INTERPRETER: Ms. Chang was asking the
8 interpreter to interpret Mr. Biorn's question and the
9 interpreter was telling Ms. Chang the judge sustained
10 the objection.

11 MR. BIORN: Thank you.

12 BY MR. BIORN:

13 Q. Ms. Chang, looking back at Exhibit 165, do
14 you recognize the handwriting where it says Reinhard
15 Oesterle at the top or on the pay to order line?

16 A. Yes.

17 Q. Whose is it?

18 A. My daughter's boyfriend.

19 Q. He's your daughter's boyfriend, but is that
20 your daughter Rita's hand printing where it says
21 Reinhard Oesterle?

22 A. I don't know.

23 MR. BAER: Can we take a break, please?

24 THE COURT: Yes. I should have mentioned
25 that. We traditionally take a break at 11:00.

1 MR. BAER: I just need a break, whatever time
2 it is.

3 THE COURT: Yes.

4 (Whereupon, a break was taken.)

5 MR. BIORN: Can we go back on the record?

6 THE COURT: Yes.

7 BY MR. BIORN:

8 Q. So we're still looking at Exhibit 165. Do
9 you have any idea why somebody other than Mr. Ho was
10 writing out a check to Reinhard Oesterle, your
11 daughter's boyfriend, for \$3,720 on April 16, 2017?

12 A. I'm surprised to hear about this, which I
13 have no idea at all. But I can tell you this is
14 Mr. Ho's signature.

15 Q. So at this point in time, April 2017, Peter
16 had already taken over writing checks for Mr. Ho and
17 managing his checkbook; isn't that right?

18 MR. BAER: Objection. Calls for speculation.
19 Let me withdraw the objection. I'll withdraw
20 it.

21 THE COURT: Okay.

22 BY MR. BIORN:

23 Q. If you know.

24 A. I don't know when Peter took away the
25 checkbooks. I know that one day Mr. Ho told me,

1 Debby, I want you to take over managing my computer.
2 I'll give you my password to my computer.

3 I said, I don't want it. I am having
4 difficulty managing my own. So I don't remember the
5 exact date, but I remember it was the very next day
6 that Peter took things over.

7 Q. Ms. Chang, let me show you Exhibit 166.

8 THE COURT: Thank you.

9 BY MR. BIORN:

10 Q. Ms. Ho [sic], Exhibit 166 is a check written
11 on Rita Chang's bank account at Bank of America on
12 April 16, 2017 to Mr. Ho for \$3,720.

13 Do you see that?

14 A. Yes.

15 Q. Do you see where it says James Ho and then
16 right below that is handwritten 3,720?

17 MR. BAER: This is the wrong check. He's
18 asking about this one.

19 BY MR. BIORN:

20 Q. Exhibit 166, do you see where it's hand
21 printed James Ho and it's written 3,720? Do you
22 recognize that handwriting and printing as your
23 daughter Rita's?

24 MR. BAER: Just for clarification, you're
25 referring to everything other than the signature?

1 MR. BIORN: Correct.

2 MR. BAER: Okay. So it's everything except
3 the signature, not the signature.

4 THE WITNESS: I don't know. I'm not familiar
5 with my daughter's handwriting. I don't know. I
6 have no idea what happened there. I don't even want
7 to guess. I don't know. I don't know.

8 BY MR. BIORN:

9 Q. Ms. Chang, do you recognize your daughter
10 Rita's signature in the lower right-hand corner of
11 the check?

12 A. It looks like it, but I'm not sure whether or
13 not it really was. It looks like it, but I don't
14 know.

15 Q. Ms. Chang, do you know why your daughter was
16 writing a check to Mr. Ho on April 16, 2017 for
17 \$3,720?

18 MR. BAER: I'm going to object to the
19 question as calling for hearsay or speculation.

20 THE COURT: Well, that's a yes-or-no answer.

21 MR. BAER: Okay. You're correct.

22 THE COURT: Do you know why your daughter
23 wrote a check like this? And that's either yes or
24 no.

25 THE WITNESS: No.

1 THE COURT: Okay.

2 And that's untranslated.

3 BY MR. BIORN:

4 Q. Ms. Chang, Exhibits 165 and 166, both of
5 these checks, they're dated the same day, they're in
6 the same amount and one check is from Mr. Ho to
7 Reinhard Oesterle and the other check is from your
8 daughter, Mr. Oesterle's girlfriend, back to Mr. Ho.

9 Does that refresh your recollection as to
10 what the purpose of these checks were for?

11 THE COURT: Hold on. Could you translate,
12 please?

13 THE WITNESS: I've said many times I had no
14 idea about what was happening there.

15 BY MR. BIORN:

16 Q. Ms. Chang, let's look back again to
17 Exhibit 86 on the first page at your Chinese
18 handwriting.

19 MR. BAER: Hold on a second. Too much stuff
20 going on.

21 Okay.

22 BY MR. BIORN:

23 Q. At least part of your Chinese handwriting, I
24 believe or I've been told, says "So Rita and Ho
25 balance, equal balanced, BAL equals zero."

1 Does that refresh your recollection on why
2 Mr. Ho was writing one check to Reinhard and Rita was
3 writing another check back to Mr. Ho for the same
4 amount around this time, April of 2017?

5 A. I don't know. I don't remember. To your
6 question, maybe it happened, but I don't remember.

7 Q. And then if you'll look to the fourth page of
8 Exhibit 86, the last page, if you will -- you can
9 refer to the Chinese characters that you wrote on
10 that.

11 Does anything there refresh your recollection
12 on why Mr. Ho, Reinhard and Rita were exchanging
13 checks on the same day for the same amount of \$3,720?

14 A. I don't recall, but there are things written
15 there. You can refer to what it says.

16 Q. Okay. We can move on.

17 Ms. Chang, will you take a look at Exhibit 2?

18 MR. BIORN: Will you turn to Exhibit 2,
19 David?

20 MR. BAER: Okay.

21 BY MR. BIORN:

22 Q. Ms. Chang, if you'll look to the second page
23 of Exhibit 2, do you see where it says 39689, about a
24 third of the way down?

25 MR. BAER: I'm struggling to find it, too.

1 MR. BIORN: Are you finding it?

2 MR. BAER: No.

3 MR. BIORN: Second page.

4 MR. BAER: No, I'm on the second page.

5 That's the third page, fourth page.

6 THE COURT: Here we go.

7 MR. BIORN: So actually the second page
8 should have the number 3, period, bank accounts at
9 the top left.

10 MR. BAER: Not in our copy.

11 MR. BIORN: Okay. Can you move that to your
12 second page?

13 MR. BAER: If I have it.

14 MR. BIORN: Judge, do you have that as your
15 second page?

16 THE COURT: Yes.

17 MR. BIORN: Where it says 3, bank accounts?

18 MR. BAER: Yes, okay.

19 MR. BIORN: The one you took out, David, can
20 now be the third page.

21 MR. BAER: Okay. I have to open this and
22 close this.

23 MR. BIORN: So the record is clear,
24 Exhibit 2, the first page has 1, real estate
25 underlined on it at the top. The second page says 3,

1 bank accounts at the top. Next at the very top says
2 assets, dash, James, ampersand, James Ho and then a
3 Social Security number. The last page has at the
4 very top right EIN and then the tax ID number.

5 BY MR. BIORN:

6 Q. Let's go to page 2. About a third of the way
7 down, do you see the number 39689? Right below that
8 is handwritten "His life." Do you see that?

9 Ms. Chang, is that your writing?

10 A. It looks like it, but I don't know why I
11 wrote this here.

12 Q. And then if we go down where it says 5A,
13 jewelry, to the right of that, it says 2000 and I
14 have a better copy by computer if you want it.

15 MR. BAER: Can you see this 2000?

16 THE WITNESS: Yes.

17 MR. BAER: Okay.

18 BY MR. BIORN:

19 Q. Is that your hand printing there?

20 A. I don't know.

21 Q. It says 5000 in hand printing. Again, on
22 this computer here, you can see it better. Is that
23 your hand printing?

24 MR. BAER: Do you understand what he's asking
25 you?

1 THE WITNESS: I got it. Thank you.

2 MR. BAER: So next to B, furnishings, he's
3 asking if this 5,000, yes, is your handwriting.

4 THE WITNESS: I don't know. I don't
5 recognize it.

6 BY MR. BIORN:

7 Q. Okay. Let's now go to over there on 5 sub C
8 automobile. Next to each of the automobiles in hand
9 printing kind of like, but looks better on the
10 computer, from top to bottom it says apostrophe 90,
11 apostrophe 90, apostrophe 87. Is that your hand
12 printing? Did you write that?

13 A. I can tell you now that I have never seen
14 this page. Whether or not these were my
15 handwritings, I can't be sure, but I have never seen
16 this page before. How could it be that I was writing
17 on his pages?

18 MR. BIORN: David, can I see the computer
19 real quick?

20 So now, if you go to the next page, Peter --
21 I mean, David, it says under 2 IRA TSA, then there's
22 Grace, colon, and below that is some handwriting.

23 BY MR. BIORN:

24 Q. And I'll show it to you on the computer
25 again, but it seems to say all in, capital T, small

1 r, period.

2 Is that your -- did you write that,
3 Ms. Chang?

4 A. I've never seen this. I've never seen it. I
5 have no idea what this is.

6 Q. Okay.

7 A. I was never interested in these sort of
8 things from him. I wouldn't have wanted to see this
9 sort of numbers. I hate numbers.

10 MR. BIORN: I move to strike as
11 nonresponsive.

12 THE COURT: Stricken.

13 BY MR. BIORN:

14 Q. Ms. Chang, my question only is: Where it
15 says all in, capital T, small r, period, is that your
16 handwriting?

17 A. If I have never seen it, how could it be my
18 handwriting?

19 Q. Does it look like your handwriting?

20 A. I really don't know, but I can tell you that
21 I've never seen this. I was never interested. He
22 never showed me this. How would he want to show me
23 that?

24 MR. BIORN: Move to strike after "I don't
25 know."

1 THE WITNESS: Yeah, I don't know.

2 THE COURT: Stricken.

3 BY MR. BIORN:

4 Q. Now, hopefully the last question, Ms. Chang.
5 Under James it says in handwriting again "In his name
6 only."

7 Does that look like your handwriting?

8 MR. BAER: Right here.

9 MR. BIORN: David, it's a yes-or-no question.

10 THE WITNESS: I already told you I've never
11 seen this. It's impossible my handwriting would be
12 on something that's new in my life. No.

13 MR. BIORN: So move to strike other than the
14 "No."

15 THE COURT: No, denied. That's going to stay
16 in.

17 On the exhibits that I have, I'm going to --
18 they're not great reproductions, so I'm going to have
19 to write it in if that's acceptable to both sides.

20 MR. BIORN: Yes.

21 THE COURT: Great.

22 MR. BAER: Yes, it is. Sorry.

23 MR. BIORN: And we may be able to send you
24 screenshots from the computer that would be better
25 than the copier. No?

1 THE COURT: That's not necessary.

2 MR. PETER HO: Mr. Baer, could you hand the
3 laptop back, please?

4 MR. BAER: Of course.

5 Let me ask you this, Mr. Biorn: Were any of
6 these pages in Exhibit 2 produced?

7 MR. BIORN: You asked that yesterday and they
8 were not because, as I understand, the request for
9 production began at 2005 or 2006.

10 MR. BAER: Okay. Well, let's see.

11 MR. BIORN: Do you want to do this at a --

12 MR. BAER: No. Request number 11 in our
13 document request dated -- here we go. It was issued
14 by Mr. Loew on February 28, 2018. And which was the
15 one here?

16 MR. KUO: 11 and 12.

17 MR. BAER: So 11 says "All documents
18 concerning decedent's life insurance policies,
19 including but not limited to all account statements,
20 policies and beneficiary designation forms."

21 And then the next one says "All documents
22 concerning decedent's retirement accounts, including
23 but not limited to account statements and beneficiary
24 designation forms."

25 And those ones don't have any date

1 restriction and I'm just looking for the -- at the
2 beginning here to see if there's just a general date
3 restriction.

4 I do not -- I do not see one.

5 MR. BIORN: Okay.

6 MR. BAER: On that basis, I'm going move to
7 strike Exhibit 2 and all the testimony concerning it.

8 THE COURT: Okay. We'll hear this a little
9 later.

10 MR. BIORN: Thank you.

11 BY MR. BIORN:

12 Q. Ms. Chang, I have some more questions for
13 you.

14 Did you ever tell your daughter Rita that you
15 don't want the money from Mr. Ho?

16 A. I don't remember.

17 Q. Did your daughter Rita ever tell you that you
18 were pressuring Mr. Ho to sell the CSM house?

19 A. No.

20 Q. Did you ever discuss with your daughters
21 negotiating with Mr. Ho and his children on how much
22 you would keep of the \$1.1 million and how much they
23 would get?

24 MR. BAER: Let me just say that's overbroad
25 and would call for information --

1 MR. BIORN: Okay.

2 MR. BAER: -- that would be covered by the
3 mediation privilege.

4 MR. BIORN: I'll restate it.

5 BY MR. BIORN:

6 Q. Ms. Chang, prior to Mr. Ho dying, did you
7 ever confer with your daughters about a settlement
8 with Mr. Ho and his children whereby you would keep
9 some of the \$1.1 million and they would get some?

10 A. I never had conversations with my daughters
11 about this.

12 Q. Ms. Chang, did your husband, James Chang, did
13 he die in 2018?

14 A. My husband or James?

15 Q. No. James Chang, did he die in 2018?

16 A. Yes.

17 Q. Do you recall which month?

18 A. I was just talking to my daughter the other
19 day. I thought he passed half a year after Mr. Ho
20 passed, but my daughter said no. We didn't continue
21 talking about it.

22 Q. And Mr. Chang, he was living in Taiwan when
23 he died, correct?

24 A. Correct.

25 Q. And you hadn't spoken to him in at least ten

1 years prior to his dying; is that right?

2 A. That's right, no talking.

3 Q. And you hadn't -- you and Mr. Chang separated
4 at least 20 years before he passed away, right?

5 A. I think he went back in 1995. Let me
6 clarify. I just said that I never talked to him, but
7 sometimes when my kids were talking to him, they
8 would put me on the phone and I would say hi.

9 What was your second question?

10 Q. Ms. Chang, I'd like to talk to you about when
11 Mr. Ho in August 2017 began living with Peter or his
12 daughter Della. Okay? Do you recall that time?

13 A. Up until five or six years ago, I had great
14 thinking ability. But now, I don't remember the
15 date. Okay? That's the fact.

16 Q. Okay. Let's read from the witness's
17 testimony, volume 2, page 138.

18 MR. BAER: Okay.

19 MR. BIORN: Line 13 to 18.

20 MR. BAER: Okay.

21 BY MR. BIORN:

22 Q. "Question: Ms. Chang, do you recall that
23 Peter Ho came and retrieved his father from the
24 Fulton Street property on August 22, 2017?

25 Answer: 21 or 22, you say?

1 Question: I said August 22.

2 Answer: Yes."

3 And as of that time, you had already
4 contacted a real estate agent to sell the Fulton
5 property; isn't that right?

6 A. When his father was still alive, I don't
7 remember now. I have very vague memories. I don't
8 know. I think his father was severely ill at that
9 time, but I did contact the agent. I don't remember
10 exactly when. I remember the circumstances.

11 Q. Ms. Chang, will you turn to Exhibit 106.
12 106, an Old Republic preliminary report.

13 Ms. Chang, this is a preliminary report from
14 Old Republic Title Company and you see in the -- sort
15 of the left top area where it's addressed to CSR Real
16 Estate Services, attention Pierre Malak, M-A-L-A-K.

17 Do you see that?

18 A. I see it.

19 Q. And Pierre Malak is the real estate agent
20 that you hired to sell the Redwood City property
21 around this time; isn't that right?

22 A. Yes.

23 Q. Now, if you look down at the bottom, almost
24 at the bottom, it says dated as of August 23, 2017 at
25 7:30 a.m.

1 Do you see that?

2 A. Yes.

3 Q. Given this report was dated as of August 23
4 at 7:30 in the morning, does that refresh your
5 recollection that you were already talking to an
6 agent about selling the Redwood City property at
7 least as early as August 22, 2017?

8 A. Yes.

9 MR. BAER: Could you read the last question
10 back, please?

11 (The record was read by the Reporter.)

12 MR. BAER: I think the question is
13 misleading.

14 MR. BIORN: I think it's pretty
15 straightforward.

16 THE COURT: Can you help me out?

17 MR. BAER: Oh, just the dates don't match,
18 that's all.

19 MR. BIORN: She seemed to understand. She
20 gave us an answer.

21 MR. BAER: I'm going to move to strike. I'll
22 object to the question.

23 THE COURT: I guess I'm having trouble
24 figuring out what date you're talking about.

25 MR. BIORN: So the preliminary report says

1 August 23 at 7:30 in the morning. So I asked if that
2 refreshed her recollection.

3 THE COURT: I have that.

4 MR. BIORN: Okay.

5 THE COURT: Mr. Baer?

6 MR. BAER: Yes.

7 THE COURT: Why do you say the dates don't
8 match? I'm just asking you.

9 MR. BAER: This document is dated the 23rd
10 and he's asking about the 22nd.

11 MR. BIORN: The 23rd at 7:30 in the morning.

12 MR. BAER: The other -- we had another
13 exhibit on this before?

14 MR. BIORN: No.

15 THE COURT: There's a preliminary report
16 later on in that document, but that's an updated
17 report.

18 MR. BIORN: There's no question pending.

19 THE WITNESS: Could I ask you a question?

20 MR. BIORN: No.

21 THE COURT: Objection overruled.

22 Go ahead.

23 MR. BIORN: Okay.

24 BY MR. BIORN:

25 Q. Ms. Chang, so as we heard from your

1 deposition testimony, Peter came to get Mr. Ho on
2 August 22, 2017. And then Mr. Ho stayed with Peter
3 that night; is that right?

4 A. Yes.

5 Q. And Peter sent you a text on August 22, 2017,
6 saying that his dad would spent the night with him,
7 and you did not object; is that correct?

8 MR. BAER: Objection, compound.

9 THE COURT: Yes. Rephrase.

10 BY MR. BIORN:

11 Q. Ms. Chang, when you found out on August 22,
12 2017 that Mr. Ho was spending the night with Peter,
13 did you object?

14 MR. BAER: Objection, lacks foundation.

15 THE COURT: Sustained.

16 Rephrase.

17 BY MR. BIORN:

18 Q. Ms. Ho -- Ms. Chang, let's turn to
19 Exhibit 105.

20 MR. BIORN: There's no question pending.

21 MR. BAER: There's no question pending.

22 THE WITNESS: I haven't answered his
23 question.

24 MR. BAER: You don't have to.

25 BY MR. BIORN:

1 Q. Ms. Chang, do you see Exhibit 105 is a
2 two-page document? Do you see it?

3 MR. BAER: This page and this page.

4 BY MR. BIORN:

5 Q. Do you recognize the text there and your
6 picture to the left of it where it says, "Okay, I'm
7 cutting and color my hair"?

8 MR. BAER: He's just asking if you see it.

9 THE WITNESS: Yes, I saw it.

10 BY MR. BIORN:

11 Q. And do you see in the next box where you text
12 "Peter, is Hobobo coming home tonight?"

13 Do you see that?

14 A. I see that.

15 Q. Did you refer to Mr. Ho as Hobobo?

16 A. Yes.

17 Q. And do you see in the next line where Peter
18 responded to you "Very likely staying with me"?

19 A. Yeah.

20 Q. And then if you turn to the next page, the
21 first full box that has your picture just to the left
22 of it says "Did you bring extra medicine, such
23 Nifedipine and Dexam"?

24 A. I see that.

25 Q. So it's fair to say that you did not object

1 when Peter told you in this text chain that Mr. Ho
2 was staying with him that night; is that correct?

3 MR. BAER: Objection. The document speaks
4 for itself.

5 THE COURT: Sustained.

6 BY MR. BIORN:

7 Q. At any point in time, did you object when
8 Peter told you that Mr. Ho was staying with you [sic]
9 that night?

10 A. I need to know exactly which date we're
11 talking about. If that's the day he went to see the
12 doctor? I need to know which date we're talking
13 about. If you give me a date like August something
14 something, I wouldn't remember now. But I don't
15 remember.

16 The date he kept him with him was the day
17 that he took him to see the acupuncturist. If we're
18 talking about that day, he didn't text me first.

19 Q. Ms. Chang, on that day, did you object to
20 Peter that Mr. Ho was staying at Peter's house?

21 MR. BAER: Objection. Vague and ambiguous as
22 to what "that day" is.

23 MR. BIORN: Well, she just --

24 THE COURT: I'm going -- the acupuncturist
25 day.

1 MR. BAER: That's fine. So do you -- well --
2 MR. BIORN: I can rephrase it.
3 BY MR. BIORN:
4 Q. Ms. Chang, on the day that Peter Ho took
5 Mr. Ho to the acupuncturist that you just referred
6 to, did you object to anybody when you found out that
7 Mr. Ho was staying at Peter's house that night?
8 A. I did not object.
9 Q. Let's move to Exhibit 111.
10 MR. BAER: Can we take a break again, please?
11 THE COURT: Sure.
12 (Whereupon, a break was taken.)
13 THE COURT: Mr. Biorn, you can proceed.
14 MR. BIORN: Okay. Back on the record?
15 THE COURT: Yes.
16 BY MR. BIORN:
17 Q. Ms. Chang, we are back on the record.
18 You have in front of you Exhibit 111. This
19 is a text chain between you and Peter. And you can
20 see on the first page where it says Wednesday,
21 08-23-2017.
22 Do you see that?
23 MR. BAER: This.
24 THE WITNESS: Yeah.
25 BY MR. BIORN:

1 Q. So this is the day after Peter took Mr. Ho to
2 the acupuncturist, okay?

3 A. Okay.

4 Q. And if you turn to the next page, you'll see
5 down towards the bottom, the big text box towards the
6 bottom Peter texts you that "He'll stay with me again
7 tonight."

8 Do you see that?

9 A. I see that.

10 Q. Did you object to anyone about Mr. Ho staying
11 again with Peter that night?

12 MR. BAER: Do you mean then?

13 MR. BIORN: Yes.

14 THE WITNESS: I don't remember.

15 BY MR. BIORN:

16 Q. Let's turn to the top of the next page and we
17 can see your response. Your response is at the very
18 top there "Okay, you can keep him as much as you
19 want. My back started hurting two weeks ago, then
20 last few days have been bad."

21 That's the first text box. Do you see that?

22 A. Yes.

23 Q. And then on the next page, you continue and
24 text Peter again on the second, third and fourth
25 boxes. "So Peter, be honest with you, I like to be

1 with him and continue to take care of him, but
2 considering of my age and health condition, I don't
3 think I can take it without any help."

4 Do you see that?

5 A. I see that.

6 Q. Do you recall sending that text message to
7 Peter?

8 A. Yes.

9 Q. Then on the next page, you continue, and
10 we'll go to the third full text box, you text to
11 Peter "I don't think I can take it with help anymore.
12 Besides I want to have a vacation to Taiwan and L.A.
13 Sorry, correction, I cannot take the job," and
14 continuing on the next page, "without helper
15 anymore."

16 Do you see those text messages?

17 A. I see those.

18 Q. Do you recall sending those texts to Peter?

19 A. I do, but I need to clarify what I meant
20 there.

21 Q. I just asked if you remember sending them.

22 A. Okay.

23 Q. So the next I'd like you to turn to
24 Exhibit 112 and this is a voicemail that you left for
25 Jeanny Ho, Peter's wife, and you did it on August 23,

1 2017. So we're still the day after Peter took Mr. Ho
2 to the acupuncturist.

3 In your voicemail to Jeanny, you say "Hi
4 Jeanny, this is Aunt Debby. I just left a message
5 for Peter saying that I can no longer take care of
6 Daddy Ho anymore because of my age and health. I
7 forgot you and Peter have to work, so if you need me
8 to take care of him for a short time, I can still do
9 it. This decision to stop taking care of him was
10 very sudden. My back is not good. If needed, I can
11 still care for him for a few days. Okay, sorry.
12 Please inform Peter. Bye-bye. Please tell Papa. I
13 took care of him for so long. How could he just left
14 without calling me at all? How can he act this way?
15 Please let him know and have him call me when he has
16 time."

17 Do you recall leaving that text for Jeanny
18 Ho?

19 A. Vaguely. I don't remember everything that I
20 said, but vaguely, I do remember it.

21 Q. So you called and left a voicemail to Jeanny
22 telling her this. Why didn't you call Mr. Ho that
23 day and tell him?

24 MR. BAER: So I want to object for lacking
25 foundation.

1 MR. BIORN: It does.

2 BY MR. BIORN:

3 Q. On this same day, did you call Mr. Ho and
4 tell him that you could no longer take care of him?

5 MR. BAER: That's compound. Well, go ahead.
6 I'll withdraw the objection.

7 THE WITNESS: I didn't tell him things like
8 that.

9 BY MR. BIORN:

10 Q. This date, August 23, 2017, this is about a
11 week after Mr. Ho met with John Martin; isn't that
12 right?

13 MR. BAER: I'm sorry, what's the date of this
14 voicemail?

15 MR. BIORN: Let me withdraw the question and
16 reask you.

17 BY MR. BIORN:

18 Q. This voicemail you left for Jeanny, you sent
19 that just two days after Mr. Ho met with John Martin?

20 A. I don't remember how many days after he met
21 with Martin. I don't remember. What I remember is I
22 texted him, but I don't remember whether it was
23 before or after Martin. I also didn't have any
24 specific plan.

25 Q. Did you tell Jeanny that you couldn't take

1 Mr. Ho or that you couldn't take care of Mr. Ho --
2 strike that.

3 Before the meeting with Mr. Martin, did you
4 tell Jeanny that you could no longer take care of
5 Mr. Ho?

6 A. Like I said earlier, I don't remember whether
7 it was before or after, but I did tell Jeanny because
8 at that time, I was already very tired. I was over
9 80. People thought that I was 80-year-old, but I am
10 86 and at that time, I was already after -- I was
11 already over 80-year-old. No, no. Over 80, right.

12 Q. Ms. Chang, you're 84 years old today; is that
13 right?

14 A. My real age is 86, but the ID is 84.

15 Q. Do you recall telling Peter before the
16 meeting with Mr. Martin that you could no longer take
17 care of Mr. Ho?

18 A. I don't remember before or after. I remember
19 I was very tired.

20 Q. We just saw the text message where you told
21 Peter that you could no longer take care of Mr. Ho.
22 Was that the first time you told Peter that?

23 A. I don't care whether it was the first time or
24 how many times I told him that. I know that I was
25 just very exhausted. I was extremely dizzy. That's

1 why I said that to him, because no one was helping
2 me, but I didn't have any specific plan. Don't ask
3 me more questions about before or after.

4 Q. Let's turn to Exhibit 116. Ms. Chang,
5 Exhibit 116 is before you. It is a voicemail that
6 you left for Peter in Mandarin. It has been
7 translated and transcribed on the second page into
8 English.

9 On this voicemail to Peter -- oh, it was --
10 you left the voicemail on August 24, 2017. So now
11 we're the next day. We're now two days after Peter
12 took Mr. Ho to the acupuncturist. Okay?

13 My question is: Do you understand that we're
14 now two days after Peter took Mr. Ho to the
15 acupuncturist? Can you answer the question?

16 A. So you're asking this was two days after the
17 acupuncturist?

18 Q. Yes.

19 A. I couldn't read it.

20 Q. Well, let me read it to you. This is a
21 voicemail from Debby to Peter. And what you said to
22 Peter in the voicemail is "Hello, Peter" --

23 MR. BAER: I object to this. If you want to
24 read some part of it with a question, that's fine.
25 Otherwise, the document speaks for itself.

1 MR. BIORN: Well, I would normally play it in
2 a court, but I can't.

3 MR. BAER: I understand.

4 MR. BIORN: So I do want to read it, Your
5 Honor.

6 THE COURT: Okay. He's just asking to break
7 it up for his client, not read the whole thing.

8 MR. BIORN: Is that what you're asking?

9 MR. BAER: If you have a question about a
10 sentence or two, that's fine. But I think it's a
11 waste of time to just read a document that's here for
12 the judge to read.

13 THE COURT: It's not yet in evidence.

14 MR. BIORN: You know, it's going to be a lot
15 faster if I read the whole thing. If that's what
16 you're looking for, then ask her if she recalls
17 receiving this voicemail for Peter.

18 MR. BAER: Let's just proceed. I'll withdraw
19 my objection.

20 MR. BIORN: Okay.

21 THE COURT: Okay.

22 BY MR. BIORN:

23 Q. Ms. Chang, you left this voicemail for Peter
24 on August 24, 2017. "Hello, Peter, you told me this
25 morning saying you keep daddy for two days. I want

1 to tell you primarily what I already told you in the
2 text message, that I can no longer take care of your
3 dad. If he wants to meet me, I can come see him. It
4 was quite a distance for me to drive there the last
5 time, so please figure out some way. If he's tired,
6 please make him some homemade soup with vegetables
7 and meat because there's MSG if you buy it. He needs
8 to drink lots of soup because he has poor digestion,
9 so he needs to have a lot of liquid intake. If you
10 can make him some chicken soup or plain broth.
11 Anyway, everything is secondary currently. If you
12 guys want money, you can take it. I hope you can
13 make it smooth instead of us fighting about it.
14 Okay? It's making him anxious. He has already said
15 that what's the fuss that we are arguing about which
16 was causing him anxiety. Okay, you can call me if
17 you have time. I may be going out with friends on
18 Saturday, taking a trip somewhere. Okay. Thank you,
19 bye."

20 Do you recall leaving this voicemail for
21 Peter?

22 A. I remember the first part, but I don't know
23 about the later part, something about he already said
24 arguing about something, what caused that. I don't
25 know whether I said that. Okay?

1 Q. Ms. Chang, you say in this voicemail, "I can
2 come to see him."

3 Did you go drive to see Mr. Ho?

4 A. No.

5 Q. Why not?

6 A. Because, first of all, I lost the address.
7 Secondly, every time I went, Hobobo had to direct me
8 left, right, forward and other turns. Thirdly, it's
9 a new area for me. And fourthly, I wasn't able to
10 keep a clear head. I was very exhausted, so I didn't
11 go see him. But I pretty much -- but I very much
12 wanted to see him.

13 Q. Ms. Chang, around this time, did you ask Rita
14 to drive you to go see Mr. Ho?

15 A. I couldn't think. I was very, very sad. I
16 was about to go crazy.

17 Q. Ms. Chang, around this time, did you ask your
18 daughter Sophie to drive you to go see Mr. Ho?

19 A. Same answer. I didn't ask Sophie. Both my
20 daughters were very busy. They worked very hard. As
21 much as I had the thought, I wasn't able to help
22 them.

23 Q. In fact, after Peter arrived to take Mr. Ho
24 for the acupuncture treatment, you never saw Mr. Ho
25 again until -- except for one time before he died; is

1 that right?

2 A. Just because I didn't see him didn't mean
3 that I wasn't missing him. I missed him every day.
4 Even now, I dream of him. I think having him taken
5 away -- I think taking him away was a sin. The two
6 of us spent so many years living together.

7 MR. BIORN: I'm going move to strike as
8 nonresponsive. My question is whether she went to
9 see him only once after Peter took him to the
10 acupuncturist on August 22nd.

11 THE COURT: Mr. Baer, any comments?

12 MR. BAER: I'm just thinking about it for a
13 second.

14 No, I don't have any comment.

15 MR. BIORN: Motion to strike, Your Honor.

16 THE COURT: I think she's trying to answer.
17 So I'm going to permit it to stay. Admittedly, it's
18 a close one.

19 BY MR. BIORN:

20 Q. Ms. Chang, at this time, you were living in
21 Redwood City?

22 MR. BAER: Objection. Could you clarify as
23 to what date?

24 BY MR. BIORN:

25 Q. We're still on August 23, right around August

1 2017. At this time you were still living in Redwood
2 City, right?

3 A. I think so, but I'm not sure.

4 Q. And Della -- Mr. Ho was staying at Della's
5 house at this time; is that right?

6 A. I don't --

7 MR. BAER: Lacks foundation.

8 THE COURT: Sustained. Rephrase.

9 BY MR. BIORN:

10 Q. Ms. Chang, do you know where Mr. Ho was
11 staying at this point in time? We're talking August
12 '17 after Peter took him to the acupuncturist.

13 MR. BAER: So from then until his death?

14 MR. BIORN: Well, it is the same spot.

15 MR. BAER: Okay.

16 THE COURT: Well --

17 MR. BIORN: I guess I asked Mr. Ho. Okay.

18 BY MR. BIORN:

19 Q. Ms. Chang, from the time Peter took Mr. Ho to
20 the acupuncturist and he didn't come back that night,
21 to Mr. Ho's death, do you know at which places Mr. Ho
22 was staying?

23 A. Nobody told us.

24 Q. Did you know at the time that Della lived in
25 Fremont?

1 A. I guess so.

2 Q. And at the time Peter lived in Milpitas,
3 right?

4 A. Yes.

5 Q. Now, we were just talking about that
6 voicemail that you left for Peter on August 24th.
7 You spoke with Mr. Ho on the phone that evening;
8 isn't that right?

9 A. I think so.

10 Go ahead. Sorry.

11 Yes.

12 Q. And on that phone call, Mr. Ho asked you to
13 come over for dinner, right?

14 A. How would he have asked me to come over for
15 dinner?

16 No.

17 Q. Did you talk to him on the phone that night?

18 A. Yes.

19 Q. Do you recall him telling you -- asking you
20 on the phone to come over for dinner?

21 A. No. He said he wanted to come home. He was
22 crying.

23 Q. Did Mr. Ho tell you on that conversation that
24 he was living at Della's house?

25 A. I don't remember.

1 Q. Do you remember telling Mr. Ho on that
2 conversation that he should just stay at Della's
3 house?

4 A. Please repeat.

5 THE INTERPRETER: The interpreter will
6 deliver the rendition again.

7 (The interpreter repeated the question again
8 in Mandarin.)

9 THE WITNESS: I may have asked him. I asked
10 where are you? But I didn't ask him whether he lived
11 at Della's. He didn't exactly answer my question.
12 He said something like he was living at someone's
13 home.

14 BY MR. BIORN:

15 Q. That was an answer to my prior question.

16 My question this time is: Did you tell
17 Mr. Ho that he should just stay at Della's house?
18 And we're still on the same phone conversation.

19 A. No.

20 Q. Did you tell Mr. Ho during this conversation
21 that you could no longer take care of him?

22 A. I don't think I would have said that.

23 Q. Did you tell Mr. Ho during this conversation
24 that he should just stay and be taken care of by his
25 own offspring?

1 A. No.

2 Q. Did you tell Mr. Ho during this conversation
3 don't live with me?

4 A. I didn't.

5 Q. Did you tell Mr. Ho during this conversation
6 that you are so ill that you are confused and can't
7 understand anything seriously?

8 A. No.

9 Q. Okay. Let's move on.

10 THE INTERPRETER: Excuse me, Mr. Biorn, if
11 you remember from yesterday, I have to leave by 1:20.

12 MR. BIORN: Okay.

13 THE INTERPRETER: Thank you.

14 BY MR. BIORN:

15 Q. Ms. Chang, you texted with Jeanny Ho
16 frequently; is that right?

17 A. No. I think only once since her father --
18 no, I think only once since what happened to her
19 father happened. I don't know. I don't remember.

20 Q. Now, I believe we talked the other day
21 about -- if you'd turn to Exhibit 119.

22 MR. BAER: We're on this.

23 BY MR. BIORN:

24 Q. Exhibit 119, this is the check for \$5,000
25 dated 4-23-16 from Mr. Ho to you and it shows a

1 posting date of August 28, 2017.

2 So around this time, Mr. Ho is not living
3 with you and you went and deposited a check from him
4 for \$5,000, right?

5 A. Yes, I did.

6 Q. And that is a check from at least many
7 months, if not over a year prior to August 28, 2017,
8 right?

9 A. Yes.

10 Q. And then the next day you went to the police
11 station to report that Mr. Ho had been abducted; is
12 that right?

13 A. I didn't say he was abducted. I said we
14 couldn't find him, don't know where he was.

15 Q. Well, you had just spoken with him a few days
16 before on the phone, right?

17 A. I'm not following.

18 Q. Well, you --

19 A. We went to -- we went to the police and you
20 are talking about a phone call. I don't remember
21 whether or not I talked to him on the phone.

22 Q. Well, we just talked about a phone call you
23 had with Mr. Ho on August 24th just a minute ago.
24 And you go to the police five days later on August
25 29th; is that right?

1 A. I don't remember what day I went to the
2 police. I think -- I don't remember.

3 Q. So after you spoke with Mr. Ho on the phone
4 on August 24th and before you went to the police
5 department, did you speak with Mr. Ho again on the
6 phone?

7 A. Say that again.

8 THE INTERPRETER: The interpreter will
9 redeliver the rendition.

10 (The interpreter repeated the question again
11 in Mandarin.)

12 THE WITNESS: I couldn't figure out. I
13 couldn't figure out. I was very worried at that
14 time, but I don't remember today. The first few
15 years, I still remembered that.

16 BY MR. BIORN:

17 Q. But Ms. Chang, it's fair to say that in the
18 few days prior to you going to the police station,
19 you made no effort to find Mr. Ho; is that correct?

20 A. I don't know how I did not -- I don't
21 remember the details. I know that I was very worried
22 when I couldn't find him, so the only thing I could
23 do was to go to the police.

24 Q. And then the next day you called the police
25 station to make a further report; isn't that right?

1 A. They messed up. I said to them to not do
2 that. I said -- let me think about it.

3 MR. BIORN: This response is already
4 nonresponsive, so I'll move to strike.

5 The question is whether she called the police
6 department the next day.

7 THE COURT: Could you answer yes or no if you
8 called?

9 THE WITNESS: The next day I went to the
10 police station in person; it wasn't a phone call.

11 BY MR. BIORN:

12 Q. Okay. And did you tell the police at that
13 time -- strike that.

14 At that time, did you tell the police that
15 you don't want them to call Mr. Ho's children?

16 A. I may have said something like if you don't
17 know where he is today, don't call.

18 Q. And did you tell the police in either of your
19 visits that you did not want to report Mr. Ho missing
20 at this time?

21 A. I may have.

22 Q. Do you remember Peter around this same
23 time -- and this goes into early September 2017 -- do
24 you remember Peter coming over to pick up his dad's
25 car?

1 A. He drove the car away. He was here, but I
2 don't remember which day he was here.

3 Q. And when he came to get the car, you told him
4 that Mr. Ho's handicap placard had been sent back to
5 the DMV; is that right?

6 A. I don't even -- I don't even know whether I
7 talked to him, but I let them know that I brought
8 that back to the DMV.

9 Q. Now, Mr. Ho died on September 5th, 2017; is
10 that right?

11 A. September which date?

12 Q. September 5th, 2017.

13 A. Yes.

14 Q. Did you attend his funeral?

15 A. No.

16 Q. Your daughters did go to the funeral, didn't
17 they?

18 A. Yes.

19 Q. And the day after Mr. Ho died, you signed a
20 listing agreement with Pierre Malak to sell the
21 Redwood City property; isn't that right?

22 A. I think so, but I don't remember which date.

23 Q. But it was right around the same time that
24 Mr. Ho died, right?

25 A. No, September 5th for him and which date did

1 you say the listing was?

2 Q. Right around the same time that Mr. Ho died
3 you signed the listing agreement with Pierre Malak,
4 right?

5 A. Does the same time mean the same date?

6 THE COURT: She asked for a clarification.

7 THE WITNESS: Does the same time mean the
8 same date?

9 BY MR. BIORN:

10 Q. No. On or after the day that Mr. Ho died you
11 signed a listing agreement -- excuse me.

12 On or after -- on the day Mr. Ho died or
13 within a few days after, you signed the listing
14 agreement with Pierre Malak, correct?

15 A. Yes.

16 Q. And that was for the sale of the Redwood City
17 property, right?

18 A. Yes.

19 MR. BIORN: Marking next in order --
20 actually, this was already put into the binder, 163,
21 but the exhibit didn't make it in. It was on the
22 list as Exhibit 163.

23 MR. BAER: Thank you.

24 BY MR. BIORN:

25 Q. Ms. Chang, these are text messages between

1 you and Jeanny Ho, Peter's husband [sic]?

2 MR. BAER: Peter's wife.

3 MR. BIORN: Peter's wife. It's been a long
4 week.

5 BY MR. BIORN:

6 Q. Do you see that?

7 A. I don't know. I have to read it.

8 Q. Okay. So the first text I'll represent to
9 you, you see in the middle of the first page says
10 Monday, September 4 at 8:47 p.m. That's from Jeanny
11 to you.

12 And then if you move to the third page,
13 you'll see a text from September 5th, the next day,
14 the day that Mr. Ho died, from you back to Jeanny and
15 then they go on from there.

16 Can you take a look at this exhibit?

17 A. (Witness complies.)

18 Q. Let me know when you're done reading it,
19 Ms. Chang.

20 A. Do you want me to finish reading every one?

21 MR. BAER: She's working her way through the
22 entire text, it's about nine pages or so long.

23 MR. BIORN: It is.

24 MR. BAER: Maybe you have specific --

25 BY MR. BIORN:

1 Q. So I can ask you a few questions. Let me
2 know if you want to go back and read the exhibit.

3 So the first text starts on the first page on
4 Monday, September 4th at 8:47 p.m. If you turn to
5 the next page, and I won't read everything, but
6 you're entitled to if you want to.

7 Jeanny texts you, "I also can't believe
8 you've stolen money from Daddy Ho. You said you have
9 your own money and that you don't want anything from
10 Daddy Ho. Instead, you are so greedy."

11 And then your response on the next page --

12 MR. BAER: Objection. Hearsay.

13 MR. BIORN: Hearsay?

14 MR. BAER: Yes, this is Jeanny talking.

15 MR. BIORN: It goes to Debby's state of mind.

16 MR. BAER: Well, then you're not offering it
17 for the proof.

18 MR. BIORN: What?

19 MR. BAER: Are you offering this for the
20 proof of the matter stated?

21 MR. BIORN: Well, that question goes to
22 Debby's state of mind. Her answer I'm asking for the
23 proof, Debby's answer.

24 MR. BAER: Same objection.

25 MR. BIORN: If the witness --

1 THE COURT: Proof? I've only heard truth.
2 Hearsay. It's not true that she stole money or you
3 can't prove that she stole money by this text.

4 MR. BIORN: No, but...

5 THE COURT: But you're asking for this to
6 be -- you're highlighting this to explain Debby's
7 answer?

8 MR. BIORN: Correct. That's why whenever
9 Debby -- whenever a party responds, you're entitled
10 to ask a hearsay question because you have to show
11 the response state of mind.

12 MR. BAER: I understand. I'm just objecting
13 for the truth of the matter.

14 THE COURT: Fair enough. It will only be
15 received for a limited purpose.

16 BY MR. BAER:

17 Q. So you see that Jeanny texted you that. And
18 then the next page -- I'll just read a few words.
19 "Don't get mad, I really need to talk to you all. I
20 always try to talk to your husband about the issue.
21 He always out of time. I'm not trying to do anything
22 for the money. And then, from the beginning, I said
23 in my first text msg," for message, "I will pay you
24 back the money after selling 229 Fulton, but no one
25 replied to my text until now."

1 Ms. Chang, my question is: Did you ever pay
2 back the money that you're referring to in this text
3 message?

4 A. No.

5 Q. And you sold the Redwood City property, I
6 believe, in -- I believe it was in 2020, you sold the
7 Redwood City property. And when you sold it and you
8 received the money from the sale, did you pay Peter
9 then?

10 A. No.

11 MR. BIORN: So it's 1:19. I'm getting close
12 to done, but then I will still need to review my
13 notes for cleanup. Let me just ask in case we can
14 just do it with this. By this, I mean the exhibit.
15 Okay, that's the question.

16 So now is a good time to stop and it may be
17 that we don't need to reconvene. I may not need any
18 more questions from this exhibit, as long as it's
19 admitted, and I may not have any follow-up items
20 after I review the file.

21 THE COURT: Very good. Let's take a break.
22 Thank you.

23 MR. BIORN: Thank you.

24 THE COURT: Let's go off.

25 (Whereupon, there was a discussion off the

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(Lunch recess taken.)

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AFTERNOON SESSION:

THE COURT: Let's go on the record. We have some people here on Zoom, but I can't -- I'd like to see you, if you don't mind. Is there an interpreter there and could you go on the screen, please?

THE INTERPRETER: Yes, this is Mimi Lain, certified court interpreter in Mandarin. I'm right here on Zoom.

THE COURT: Great. Are you the person that I saw with a mask on?

THE INTERPRETER: No. This is me. Can you see me waving my hand?

THE COURT: Oh, I see you. Yes.

THE INTERPRETER: Hi.

THE COURT: Hi. We've got a big room. So you're way at the end.

THE INTERPRETER: I understand. I'm not the most important person.

THE COURT: Raise your right hand.

MIMI LAIN,
was first duly sworn by the Court to translate from English to Mandarin and Mandarin to English.

THE COURT: State your first and last name.

THE INTERPRETER: Mimi, M-I-M-I, last name Lain, L-A-I-N, certified court interpreter by the

1 California Judicial Council, number 301079.

2 THE COURT: Thank you very much.

3 Could you proceed with the witness?

4 MR. FRASER: Hi, Ms. Tsai, can you hear me?

5 MS. TSAI: There's no sound.

6 THE COURT: Are you both in the same place or
7 are you in two --

8 THE INTERPRETER: No, ma'am. The interpreter
9 is in a different place.

10 THE COURT: I'm going to get somebody in
11 here.

12 (Whereupon, the Court left the room.)

13 THE COURT: Ms. Tsai, this is Judge Gallagher
14 again. Can you hear me?

15 THE WITNESS: Yes, I can hear you.

16 THE COURT: Very good. Can you start by
17 stating your first and last name?

18 THE WITNESS: My last name is Tsai, T-S-A-I,
19 my first name is Shiow-Yuh, S-H-I-O-Y-U-H --
20 S-H-I-O-W, Y-U-H.

21 THE COURT: And what is your nickname?

22 THE WITNESS: Not really, but I have an
23 English name, Anna, A-N-N-A.

24 THE COURT: Thank you very much. You're
25 going to be asked a series of questions about an

1 employment verification.

2 Is that correct, Mr. Fraser?

3 MR. FRASER: Correct.

4 THE COURT: Are there other documents that
5 are going to be discussed?

6 MR. FRASER: Possibly one or two others.

7 THE WITNESS: Okay, okay.

8 THE COURT: And Mr. Fraser, other documents?

9 MR. FRASER: Possibly one or two others, but
10 I don't believe anymore related to the loan.

11 THE WITNESS: Okay. Fine.

12 THE COURT: Ms. Tsai, are you alone?

13 THE WITNESS: Yes, I'm by myself.

14 THE COURT: Okay. Someone else was helping
15 you before; is that right?

16 THE WITNESS: After she helped me set up, she
17 left.

18 THE COURT: Okay. If there's a possibility,
19 could you move your computer so we can see you in
20 total, including your mouth? We only can see half of
21 your face.

22 THE WITNESS: Is that okay?

23 THE COURT: Very good. Thank you. I want to
24 let you know that in connection with this case, there
25 are some allegations that there's false documents

1 signed. Do you understand that?

2 THE WITNESS: Yes, I did something in March
3 of 2011. No, it was two years ago in March, I think
4 so.

5 THE COURT: Okay. Well, the attorneys will
6 ask you about certain things, but I want you to know
7 that there's allegations of false documents. I do
8 not know if that's true or not. Do you understand
9 that?

10 THE WITNESS: I'm not aware of that.

11 THE COURT: Okay. There's allegations that
12 Ms. Debby Chang told you false information, I
13 believe, but all of the evidence isn't in, but false
14 information about a workplace.

15 THE WITNESS: Okay.

16 THE COURT: But the long and short of it is
17 if there's false information used to acquire a loan,
18 that can be a criminal offense. Do you understand
19 that?

20 THE WITNESS: I truly did not know.

21 THE COURT: Okay. And you have a right not
22 to incriminate yourself, so you don't have to answer
23 questions if you don't want to. Do you understand
24 that?

25 THE WITNESS: Now that you've told me, I

1 understand now.

2 THE COURT: Okay. And if you wanted to, I'd
3 let you consult with an attorney about that. Do you
4 understand that?

5 THE WITNESS: Okay.

6 THE COURT: Great. Mr. Fraser is going to
7 ask you a couple of questions, or maybe more than a
8 couple. I'm not sure. And then another attorney is
9 going to ask you some questions. Thank you.

10 Could you raise your right hand, please.

11 SHIOW-YUH "ANNA" TSAI,
12 called as a witness by the Petitioner, and who, being
13 first duly sworn through the interpreter, was
14 thereupon examined and testified as hereinafter set
15 forth.

16 THE WITNESS: Yes, I'm willing to do that 100
17 percent.

18 THE COURT: Thank you. Proceed.

19 DIRECT EXAMINATION

20 BY MR. FRASER:

21 Q. Good afternoon, Ms. Tsai. My name is Scott
22 Fraser. I'm an attorney for Peter Ho in this matter.

23 A. Hi, how are you?

24 Q. I'm well. Thank you.

25 So I'm going to ask you some questions. Are

1 you familiar with Evergreen Life Company?

2 A. Yes, this is my company.

3 Q. When was Evergreen Life established?

4 A. Well, it's been established for a very long
5 time, since 2000 something, and then it ceased
6 operation, then it started again. But my husband
7 would be the one who helped me to do that. However,
8 it ceased operation in 2018.

9 Q. So Evergreen Life Company existed from
10 approximately 2000, you said, to 2018?

11 A. Well, about more than two years ago when I
12 had my deposition, I did not have the paperwork, but
13 I realized that it ended its business in 2018 because
14 the Japanese products I used to purchase from ceased
15 business in 2017. So my company Evergreen ceased
16 business in 2018.

17 Q. What kind of business was Evergreen Life?

18 A. Sleeping systems in which the bedding such as
19 the -- the thing that you put on top of your bed, and
20 also pillows and those kind of things.

21 Q. So Evergreen Life sold those kinds of
22 products?

23 A. Yes, that's correct. It sold a product
24 imported from Japan.

25 Q. In the year 2017, did Evergreen Life have any

1 employees aside from you?

2 A. I didn't hear that question very clearly.

3 Would you please repeat?

4 Q. In the year 2017, did Evergreen Life have any
5 employees aside from you?

6 A. No.

7 Q. In the year 2017, did Evergreen Life employ
8 any independent contractors?

9 A. Well, what I do is that I would sell the
10 products I import, and then there are some people who
11 help referring people to come and purchase from me.

12 Q. In the year 2017, did anyone else work for
13 Evergreen Life in any other capacity?

14 A. This company is not a big company. It's just
15 my company. I'm a sole business owner.

16 Q. So you were the sole employee of Evergreen
17 Life Company?

18 A. Yes.

19 Q. Do you know who Debby Chang is?

20 A. I do.

21 Q. How do you know her?

22 A. She purchased my product approximately
23 30-something years ago. That's why I got to meet
24 her.

25 Q. Do you know who James Ho was?

1 A. We called him by Fred Ho.

2 Q. When did you first meet James Ho?

3 A. I think it was about 2005 or 2006 or so.

4 Q. Ms. Tsai, I'm going to share on my screen
5 what we have marked as Exhibit 80.

6 A. Okay.

7 Q. Do you recognize this document?

8 A. I saw it last time, but I was very surprised.

9 Q. Please look at the bottom of the document.
10 Is that your signature?

11 A. Yes, it is.

12 Q. Do you recall signing this document on March
13 11, 2017?

14 A. Let me explain to you how. It's going to
15 take me a long time to explain. I don't know how to
16 say it. It was David. Because at that time, Fred Ho
17 often get sick and need to go to the emergency room,
18 so they wanted to purchase a house that is accessible
19 for the emergency vehicle. As I understand, both
20 Fred Ho and Debby Chang, they're both very wealthy.

21 THE INTERPRETER: Interpreter asked for a
22 pause for interpretation.

23 THE WITNESS: Because as I understand, both
24 Fred Ho and Debby Chang has a lot of money and due to
25 the fact that Fred Ho was so sick, so seriously sick,

1 they wanted to buy a house accessible to the
2 emergency vehicle and I wanted to help them.

3 And since my English basically is not that
4 good, Debby had sent me some loan document by fax for
5 me to sign.

6 The loan company sent it to me and then I
7 signed it right away and sent it right back. I
8 really didn't read any of the contents at all. Who
9 knew that it would become something like this today?
10 I really didn't know.

11 My purpose was to help out a seriously ill
12 elderly man. Who knows it would become something
13 like this today.

14 BY MR. FRASER:

15 Q. And so it was your understanding in March of
16 2017 that James Ho, who you know as Fred Ho, was
17 seriously ill at the time?

18 MR. BAER: Objection. Leading.

19 THE COURT: Appears to be. Objection is
20 sustained. Don't answer that question. Mr. Fraser
21 will follow up with another question.

22 BY MR. FRASER:

23 Q. Earlier you said that someone was seriously
24 ill. Who were you referring to?

25 A. It was Fred. It was Fred Ho, an elderly

1 gentleman.

2 Q. So turning back to the document that's on
3 your screen, who told you that Fred was ill?

4 A. Debby. I saw him several times because both
5 Fred and Debby were very nice to me. I visited them
6 after their several moves.

7 Q. What did Debby say to you about Fred's
8 condition?

9 A. At the time, Debby was living in Foster City
10 at a condo. At the time she told me that the condo
11 had an elevator and that there's quite a distance
12 from the elevator to the parking lot and Fred was
13 very seriously ill. He was not able to walk, so he
14 can't really walk from the elevator to parking. So
15 they needed to buy another home.

16 Q. Turning back to this document that's in front
17 of you titled "Request for verification of
18 employment," did you discuss this document with
19 anyone before you signed it?

20 A. No. Actually it was Debby who called me and
21 told me that somebody at the loan company whose name
22 I don't remember, that that person was going to call
23 me to ask me if I was the owner of Evergreen Life and
24 asked me to sign something. That's all.

25 Q. Did Debby say anything else to you?

1 A. No, she didn't say anything. She had no
2 mentioning of money related to this. I thought they
3 were very wealthy people. They're just elderly
4 people. I was merely helping out.

5 Q. Do you recall when you had that conversation
6 with Debby?

7 A. Regarding the loan?

8 Q. Yes.

9 A. I don't remember the date. However, she just
10 said, Anna, Anna, I need your help. That's all.

11 Q. Do you recall if you had that conversation
12 before you received this employment request for
13 verification of employment?

14 A. Yes.

15 Q. After you received this document, did you
16 send it to anyone?

17 A. It was the loan company that faxed it to me
18 and asked me to sign. So I quickly signed it and
19 faxed it back to them. I didn't even read it. I
20 didn't know anything about the contents.

21 Regarding the money and monthly -- money, I
22 had no idea whatsoever. I did not even read it.

23 Q. From the time you received the document to
24 the time you sent it back to the loan company, how
25 much time elapsed?

1 A. Immediately. Indeed, I just faxed it back
2 immediately because I had no understanding whatsoever
3 when it comes to loan.

4 Q. Turning to part 2 of the form verification of
5 present employment, was Debby Chang employed by
6 Evergreen Life Company from January 9, 2012 to March
7 2017?

8 A. I have no idea. I wasn't told at all. I
9 really have no knowledge.

10 Q. And so Ms. Tsai, I want you to listen to the
11 question. Was Debby Chang an employee of Evergreen
12 Life Company beginning January 9, 2012?

13 A. No, she did not.

14 Q. In March of 2017, was Debby Chang a sales
15 executive of Evergreen Life Company?

16 A. No.

17 Q. In March of 2017, did Debby Chang work in
18 accounting at Evergreen Life Company?

19 A. No, she did not. I don't have an accounting
20 department. I'm by myself.

21 Q. In March of 2017, did Evergreen Life Company
22 pay Debby Chang \$18,500 per month?

23 A. No. I did not even know about this amount.
24 One hundred percent I had no idea.

25 Q. In March of 2017, did Evergreen Life Company

1 provide Debby Chang with an \$8,000 annual bonus?

2 A. I wasn't even aware of this amount at all. I
3 didn't even know how did she come up with this
4 amount.

5 MR. BAER: I'm going to move to strike the
6 response. Lacks foundation.

7 THE WITNESS: I was purely helping out
8 Mr. Ho, this elderly and sick gentleman.

9 THE COURT: Could you just hold on a minute?
10 The first part of that question where there was an
11 objection will remain. The second part will be
12 stricken.

13 MR. BAER: Okay.

14 THE COURT: Thank you.

15 BY MR. FRASER:

16 Q. Ms. Tsai, I'm going play an audio recording
17 for you.

18 (Audio recording playing.)

19 THE INTERPRETER: Mr. Fraser, do you expect
20 the interpreter to interpret the audio?

21 MR. FRASER: First, I just want to play the
22 message for Ms. Tsai and I don't need you to
23 interpret it.

24 THE INTERPRETER: Okay.

25 MR. BAER: I'd like to take a break.

1 THE COURT: Sure, while we work out technical
2 difficulties.

3 (Whereupon, a break was taken.)

4 THE COURT: Back on.

5 BY MR. FRASER:

6 Q. Ms. Tsai, can you hear me?

7 A. Yes, I can hear you.

8 Q. I'm going to play a recording for you.

9 (Audio recording playing.)

10 THE WITNESS: I can't hear that.

11 BY MR. FRASER:

12 Q. You can't hear that?

13 A. I cannot hear the audio at all.

14 Q. Can you hear us? Can you hear me now?

15 A. Yes, I can hear you speak.

16 I can't hear that.

17 THE INTERPRETER: May the interpreter make a
18 suggestion?

19 MR. FRASER: Yes.

20 THE INTERPRETER: May you share that on Zoom?
21 It's very vague.

22 MR. BIORN: Let's try one more time here.
23 One more time.

24 (Audio recording playing.)

25 BY MR. FRASER:

1 Q. Were you able to hear that, Ms. Tsai?

2 A. No, I could not.

3 Q. Do you recognize if that's your voice?

4 A. I only heard the interference making the
5 noisy sound.

6 (Audio recording playing.)

7 BY MR. FRASER:

8 Q. Ms. Tsai, were you able to hear that?

9 A. Not too clearly.

10 Q. Were you able to recognize the voice in the
11 message?

12 A. I seem to heard it. It sounded like my
13 voice, but it's not very clear.

14 MR. BIORN: David, we can e-mail it to her,
15 have her play it that way, or we can agree it's her
16 voice.

17 MR. BAER: Can we go off?

18 THE COURT: Yes, we can go off the record if
19 you want. But if you don't want to, that's fine.

20 MR. BAER: We'll go off.

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

23 THE COURT: Let's go back on the record.
24 Counsel, you've reached a stipulation. You want to
25 state it for the record?

1 MR. BAER: Yes, we'll stipulate the voice on
2 the audio tape that was just played, assuming that it
3 is an audio tape of the text of -- which exhibit has
4 this?

5 THE COURT: 81.

6 MR. BAER: 81, is Ms. Tsai's voice.

7 THE WITNESS: However, it wasn't very clear
8 because the audio --

9 MR. BIORN: There's no question pending.

10 MR. BAER: Doesn't matter anyway.

11 THE COURT: It's already been received.

12 MR. BIORN: Okay. So there we go.

13 THE COURT: Ask your next question, please.

14 BY MR. FRASER:

15 Q. Did Debby say anything else to you about how
16 sick Fred was in 2017?

17 A. She said he often goes to emergency room.

18 Q. Did Debby say anything else to you about this
19 loan in 2017?

20 A. Yes. She asked me for my help so that Fred
21 can easily go to see the doctor.

22 Q. Do you recall --

23 A. They needed a place to stay that is easily
24 accessible for him. That's why they kept on looking
25 at houses.

1 Q. Do you recall anything else?

2 A. No, she kept on telling me that he was very
3 sick.

4 MR. FRASER: No further questions.

5 MR. BAER: All right.

6 CROSS-EXAMINATION

7 BY MR. BAER:

8 Q. Good afternoon, Ms. Tsai.

9 MR. BAER: Oh, I've got to turn on my
10 computer.

11 THE WITNESS: Hi, good afternoon.

12 THE COURT: I don't know if you have to turn
13 off your sound. Your video is off.

14 MR. BAER: Is muting okay?

15 MR. FRASER: Yes.

16 BY MR. BAER:

17 Q. Ms. Tsai, can you hear me?

18 A. Okay. I can hear you.

19 THE COURT: Do you want her to see you? You
20 have to turn on your video if you want her to see
21 you.

22 MR. BAER: Oh, I thought it was on. Thank
23 you.

24 THE COURT: Okay.

25 BY MR. BAER:

1 Q. Okay. Ms. Tsai, my name is David Baer and I
2 represent Debby Chang, and I have some questions for
3 you, too.

4 A. Okay. Fine.

5 Q. Did you ever meet James Ho?

6 A. Yes, I met him several times. We had meals
7 together. James Ho was very kind to me. He paid for
8 meals for me when we went out together.

9 Q. He did that without Debby asking him to,
10 correct?

11 A. I truly did not know. All I did was to help
12 out an elderly sick gentleman. Debby kept on telling
13 me that he was very sick. I also visited him many
14 times.

15 Q. Okay. And she told you that he was sick in
16 2017; is that right?

17 A. Not only 2017. He was already sick in 2016.

18 Q. Okay. What year did you first meet James Ho?

19 A. Well, I think it was back in 2005 or 2006 or
20 so. Debby Chang was the one who introduced me to
21 Fred Ho and we met in her house.

22 Q. And James Ho was at the house at the time?

23 A. He was at Debby Chang's house.

24 Q. In El Cerrito?

25 A. Yes, yes.

1 Q. Do you remember if it was a weekday or a
2 weekend?

3 A. I don't recall.

4 Q. And how did she introduce him -- how did she
5 refer to him? Did she explain -- let me ask a better
6 question.

7 Did she say that he was her boyfriend or her
8 partner or anything to that effect?

9 A. He didn't say. Because Debby had purchased
10 my product and so she referred Fred to come over to
11 look at my product. He also purchased. It's purely
12 a customer relationship.

13 Q. What about Debby's relationship to James, did
14 she tell you that she was his girlfriend?

15 A. He did not tell me that expressively.
16 However, they were both very nice to me. Every time
17 we went out for meals together, they were always
18 together.

19 So I'm a businesswoman. I don't ask
20 questions very much. All I know was that they were
21 often together.

22 Q. Did you have the impression that they were in
23 a girlfriend/boyfriend-type relationship?

24 MR. FRASER: Calls for speculation.

25 MR. BAER: No, it's her...

1 THE WITNESS: When they asked me out to have
2 meals together, they were always together. But
3 looking at that, it's just my impression, I think
4 they were boyfriend and girlfriend. But I'm a
5 businesswoman. I don't ask questions like that.
6 It's kind of embarrassing.

7 BY MR. BAER:

8 Q. And what gave that you impression over the
9 years?

10 A. Because each time I was invited to a meal,
11 the two of them always show up together.

12 Q. In 2005 or 2006 when you first saw James Ho,
13 did you think that there was anything wrong with him
14 physically?

15 A. No. I did not ask. He's only a customer. I
16 wouldn't ask questions like that.

17 Q. The question is just about what you observed.
18 So when you first saw him, did you have the
19 impression that something was wrong with him
20 physically?

21 A. No.

22 Q. When you first saw him in 2005, 2006, did you
23 have the impression that anything was wrong with him
24 mentally?

25 THE INTERPRETER: The interpreter did not

1 hear the last part of the question. Counsel, could
2 you please repeat?

3 MR. BAER: Sure.

4 BY MR. BAER:

5 Q. When you first met him at El Cerrito, did he
6 give you the impression that there was something
7 wrong with him mentally?

8 A. No.

9 Q. When was the last time that you saw James Ho?

10 A. The very last time?

11 Q. Yes, the very last time.

12 A. That was in Redwood City. I don't know if it
13 was June, July or August of 2017. That's before he
14 passed away.

15 Q. And when you came over then, sometime between
16 June or August of 2017, was Mr. Ho awake?

17 A. Yes, he was awake. He would call my name,
18 Anna, but he was very, very weak.

19 Q. Did you have a conversation with him?

20 A. No, we didn't really have much to say. He
21 was very weak. All I said to him was to encourage
22 him. I said go, go, go, go, you will get better.

23 Q. And what was his response to that?

24 A. He was quiet. He wasn't feeling well.

25 Q. Did he tell you that he wasn't feeling well?

1 A. No, he didn't say that. However, I could
2 tell, because he was just lying there very weak. You
3 could just tell.

4 Q. Did you ever observe any kind of argument
5 between Debby and James Ho?

6 A. No, never, because when we met, we were
7 always having a meal.

8 Q. And when you met for meals with the two of
9 them, would it be fair to say that they always got
10 along?

11 A. Yes, they were smiling and laughing in the
12 conversation.

13 Q. You never observed Debby trying to pressure
14 James into doing anything, did you?

15 A. No. They were very kind to me and they
16 really respected me.

17 Q. Okay. But the question is different. The
18 question is basically this: Am I right that you
19 never saw Debby pressure James to do anything?

20 A. She did not. She did not. She did not.

21 Q. When you first met with them, did Debby tell
22 you she was James' caregiver or refer to herself as
23 James' caregiver?

24 A. No. We never talked about that. Every time
25 we had a meal together, she would ask me how my

1 business was going and we would chat here and there.
2 We did not talk about that.

3 Q. Okay. Do I correctly understand from your
4 answer that, to you anyway, Debby never referred to
5 herself as James' caregiver?

6 A. It felt to me like they were really good
7 friends.

8 Q. Why do you say that?

9 A. Because they were together each time they
10 took me out for a meal.

11 Q. Did Debby ever tell you about any fight that
12 she had with James Ho?

13 A. No, never.

14 Q. Did she ever tell you that she and James had
15 broken up?

16 A. Never.

17 Q. In watching them interact over the years, did
18 you have an impression as to who of the two was the
19 more dominant one in the relationship?

20 A. We don't even see each other, once or twice a
21 year. I'm a businessperson. And we only had meals
22 to have a good time, laughing. Fred was a -- really
23 liked to make jokes, and that's all.

24 Q. Would it be fair to say that he was always in
25 a good mood when he was with you and Debby?

1 A. Yes, yes.

2 Q. Did he ever complain about her to you when
3 you were there?

4 A. No, never.

5 Q. And did she ever complain about him?

6 A. No.

7 Q. Did Debby ever describe her feelings towards
8 James to you?

9 A. I do not touch areas like that.

10 Q. You saw them at their third floor rental; is
11 that right?

12 A. What third floor?

13 Q. Did you see them at a place called Promontory
14 Point in Foster City?

15 A. That's a rental that they rented. I've been
16 there before.

17 Q. Okay.

18 A. She held a party. Many people attended that
19 party.

20 Q. Do you know if anybody else from James'
21 family attended that party?

22 A. No. They were just friends who were elderly
23 friends. Not that many. Maybe a table's worth of
24 people.

25 Q. Okay. And at that party, James and Debby,

1 they got along the entire time, at least the time you
2 saw them?

3 A. Yes, that's correct.

4 Q. Did you speak with James during the party at
5 any time?

6 A. Yes. I said hello to him and we chitchatted.

7 Q. Do you remember -- what's your best estimate
8 as to the date of the party?

9 A. I don't recall which year.

10 Q. Okay. And you didn't have any difficulty
11 communicating with James at that party, did you?

12 A. No problem. He spoke to me.

13 Q. Okay. Nothing gave you the impression at the
14 party that he was confused, correct?

15 A. No, I didn't think so.

16 Q. And what he was saying to you made sense?

17 A. He didn't say very much. He just said hello,
18 how are you doing, because he had other guests and
19 I'm not a very talkative person.

20 Q. Do you remember when he first saw you at the
21 party?

22 A. That was at the place in Foster City, but
23 that wasn't the first time he saw me.

24 Q. Sorry. I meant at the party, but let me ask
25 a different question. Okay.

1 When he first saw you at the party, did he
2 say hi, Anna?

3 A. Yes, he did.

4 MR. BAER: I have no further questions.

5 THE COURT: Redirect?

6 REDIRECT EXAMINATION

7 BY MR. FRASER:

8 Q. Ms. Tsai, other than as you have already
9 testified, can you recall any other times that Debby
10 told you about James Ho's sickness?

11 A. Well, when she called me, because I often
12 liked to care for them by calling them, and then she
13 would call back and say -- when I asked her how's
14 Fred doing and she would say, oh, he went to the
15 emergency yesterday, that's all.

16 Q. Do you recall when Debby told you that he
17 went to the emergency?

18 A. No, I don't talk -- I was really busy, so I
19 did not try to remember things like that.

20 MR. FRASER: No further questions.

21 MR. BAER: Just a couple.

22 RECROSS-EXAMINATION

23 BY MR. BAER:

24 Q. So the house you were at for the party, is
25 that the house that Debby said she wanted to move

1 away from?

2 A. Yes, that's her house in Foster City, yes,
3 that's correct.

4 Q. So did Fred also tell you that he wanted to
5 move?

6 A. No, he did not tell me that.

7 Q. Did he -- am I right that he didn't tell you
8 the -- let me make this sentence positive. Okay.

9 Did he tell you that he did not want to move?

10 A. No, he didn't. We did not talk about things
11 in that respect.

12 Q. And when you were at the party, was James
13 having any difficulty walking that you saw?

14 A. I don't remember.

15 Q. Okay. Thank you very much, Ms. Tsai.

16 A. Thank you. Thank you.

17 THE COURT: Can this witness be excused? By
18 that I mean we will not call her back unless the
19 Court gives permission to do so.

20 MR. BAER: Yes.

21 MR. FRASER: Yes.

22 THE COURT: Thank you very much. You're free
23 to go.

24 THE INTERPRETER: May the interpreter also be
25 dismissed?

1 THE COURT: Absolutely.

2 THE INTERPRETER: Thank you very much.

3 THE COURT: Take care. I'm going to end the
4 Zoom meeting, unless you want to look at each other.

5 MR. BIORN: No.

6 THE COURT: Okay.

7 MR. BAER: I need to use the restroom.

8 THE COURT: Who's going to testify next?

9 MR. BAER: Mr. Ho.

10 (Whereupon, a break was taken.)

11 THE COURT: Mr. Ho, I'll remind you you're
12 still under oath.

13 THE WITNESS: Yes, Your Honor.

14 CROSS-EXAMINATION (RESUMED)

15 BY MR. BAER:

16 Q. Mr. Ho, first, I would like to make sure I
17 have the timeline of events straight concerning your
18 learning about the loan.

19 So as I understand it, your father told you
20 in mid or early February 2017 that he wanted to loan
21 a million dollars to Debby to buy a house; is that
22 right?

23 A. That's correct.

24 Q. Okay.

25 THE COURT: I'm terribly sorry, what date did

1 you say?

2 MR. BAER: Early or mid February of 2017.

3 THE COURT: Great. Thank you.

4 BY MR. BAER:

5 Q. And then after that, I'm not sure if it
6 was -- how much after that did you speak to Debby
7 about what you learned from James, your father?

8 A. Probably that same week.

9 Q. Okay. So the same week you spoke to Debby
10 and you suggested the possibility that she sign a
11 promissory note or -- to repay your father or to put
12 a lien on her property in El Cerrito; is that
13 correct?

14 A. He spoke about that when Debby first brought
15 it up, before I spoke to my father, and probably
16 subsequently as well, that same week.

17 Q. Okay. And that was your idea, correct, that
18 she do those things?

19 A. The promissory note was my idea. The lien, I
20 believe it was hers, but it could have been mine.

21 Q. Okay. And when you spoke to Debby then a
22 week or so after you spoke to your father, she told
23 you she would get a lawyer to prepare those, correct?

24 A. She told me that at the meeting before I
25 spoke to my father.

1 Q. Okay. So she told you she'd actually get an
2 attorney before you confirmed from your dad in early
3 or mid February that he actually did want to loan the
4 money to her, correct?

5 A. That's correct.

6 Q. Okay. And then in March, you learned that
7 your father had put \$1,167,050 into the purchase of
8 the Fulton property, right?

9 A. That's correct.

10 Q. That was when you took over responsibility
11 for his checkbook, correct?

12 A. That was after I took over balancing his
13 checkbook.

14 Q. You got the checkbook, you looked through it
15 and in some period of time, you realized you saw that
16 he had made -- he had withdrawn the money and
17 essentially put it into the purchase of the property;
18 is that right?

19 A. Yes, I believe that is correct.

20 Q. Okay. And how long did it take before you
21 learned that?

22 A. I don't recall.

23 Q. Okay. And then you -- when did you learn how
24 much Ms. Chang had paid for the property in Redwood
25 City?

1 A. When did I learn? I believe it was early
2 March, because she told me about they didn't accept
3 her first offer, but they did make a counteroffer and
4 that Debby and my father accepted the counteroffer.

5 Q. Okay. So you understood that the purchase
6 price was \$2.235 million?

7 A. That's correct.

8 Q. Okay. So you understood basically that the
9 rest of the purchase price had been financed, i.e.,
10 there was a loan?

11 A. That's correct.

12 Q. Okay. So the loan would have been something
13 over -- well, something around 1 million and I guess
14 \$70,000 or so?

15 A. I'll take your word for it. I didn't do the
16 math myself.

17 Q. Okay. I think that would take us to 2.237.
18 Okay.

19 And in March you, again, asked Debby if she
20 had found an attorney to prepare a promissory note or
21 the lien documents, correct?

22 A. Correct.

23 Q. And she said she had not?

24 A. That's correct.

25 Q. Okay. And then in July, you reminded her

1 that she was going to do those things and she told
2 you that she was too busy, correct?

3 A. Yes. I actually asked her probably every
4 other week regarding that until May when my father
5 told me not to ask her anymore, but then we did
6 resume again in June. Well, we resumed, meaning I
7 started asking again in June.

8 Q. Okay.

9 A. And at each of those times, she did say to me
10 that she's too busy or she has been too busy to find
11 a lawyer.

12 Q. Okay. So when he told you that he wanted to
13 loan Debby a million dollars, you didn't suggest to
14 him that he should not do that, did you?

15 A. No, I did not.

16 Q. Did you ask him if he had done any kind of
17 financial analysis to determine how she might be able
18 to repay him?

19 A. He told me that she had enough equity in her
20 Brewster and the McCollum properties to pay him back.

21 Q. Did he tell you how much equity she had in
22 those properties?

23 A. He did not.

24 Q. Did you ask him?

25 A. I did not.

1 Q. Did he give you any other information from a
2 financial perspective, explain how he had analyzed
3 whether it made sense for him to loan Debby
4 \$1 million, whether it was prudent to do so?

5 A. I don't recall right now.

6 Q. You can't think of anything as we sit here,
7 right?

8 A. That's correct.

9 Q. Okay. So at least as of February of 2017, it
10 would be fair to say that you left it to your father
11 to decide whether or not to loan a million dollars to
12 Debby?

13 A. One moment, Counselor. We did have other
14 discussions, this will take up most of your cash, is
15 this really what you want to do. Is that what you
16 were trying to ask, Mr. Baer?

17 Q. Not exactly, but in any event, you didn't try
18 to prevent him at that time from loaning her the
19 money?

20 A. No, I don't think I ever tried to prevent
21 him.

22 Q. You didn't try to dissuade him from doing
23 that, did you?

24 A. No, I don't think I ever tried to dissuade
25 him.

1 Q. Essentially, then, since you never tried to
2 dissuade him, you left it for him to decide whether
3 he wanted to loan Debby the money or not, correct?

4 MR. BIORN: Objection. Argumentative.

5 THE COURT: Overruled.

6 THE WITNESS: Yes, he made this decision to
7 do that.

8 BY MR. BAER:

9 Q. Okay. And am I correct that essentially at
10 no point did you what I would call crunch numbers to
11 determine the financial implications of a million or
12 \$1.67 million loan to Debby, I mean, the financial
13 implications to your father?

14 A. That would be incorrect.

15 Q. So what did you do?

16 A. I recalled that the loan on my house was
17 approximately the same, so I told him what my numbers
18 were.

19 Q. Okay. So you understood roughly what the
20 payments would be on a loan of \$1.7 million?

21 A. That's correct.

22 Q. Okay. And you didn't undertake any further
23 analysis to determine the financial implications of
24 the loan for your father, correct, other than what
25 you've already testified to?

1 A. Well, we did discuss that. If he kept it in
2 the bank, he could get three or four percent from
3 Valic. So basically because of that, instead of
4 getting the three or four percent from Valic, he said
5 that he could get three or four percent from Debby.

6 Q. Okay. Did you do any kind of financial
7 analysis to determine whether or not she had the
8 funds available to her to pay that and to pay
9 essentially her share of the existing mortgage of
10 \$1.17 million on the Fulton property?

11 A. I actually mentioned it to Debby that the
12 monthly payment would be approximately \$4,000 for
13 that size of a loan and then she said -- she told me
14 that she wouldn't be living in Brewster in the
15 upstairs anymore and she could rent that out, and her
16 rental income would be more than enough to pay my
17 father back.

18 And in any case, she was thinking about just
19 paying him at least some money first because my dad,
20 as long as -- she said as long as he got some money
21 back, he would be very happy to see that.

22 Q. Okay. So am I correct that you accepted that
23 as sufficient evidence that she would have the
24 financial ability to repay a million or
25 \$1.167 million loan from your father?

1 A. Yes, I took her word for it.

2 Q. Okay. Did your father independently --
3 independent of what you just said do anything to try
4 to analyze whether Debby had the money to pay the
5 loan and meet her other obligations?

6 By the loan, I should be more specific, a
7 loan from your father of \$1.67 million and her half
8 of the -- of the loan that was taken out when they
9 bought the property.

10 A. Sorry, that was a very long question.

11 Q. Sure. So what I was trying to do at the end
12 is define the loan.

13 A. Okay.

14 Q. So there were actually two loans. There was
15 the one loan, \$1.67 million, that would have been
16 from your father to Debby.

17 And then there was an existing loan for about
18 \$1.17 million also. So there are two together.

19 Did your father do any kind of analysis, so
20 far as you know, to determine whether or not Debby
21 would have the money to service the debt on those
22 loans?

23 A. Not that I know of.

24 Q. Okay. And then your father, at that point in
25 time, 2017, you didn't think he was going to live

1 very long, did you?

2 A. Counselor, I actually thought that he would
3 beat his multiple myeloma and live a long, long time.

4 Q. Okay. He --

5 A. May I finish?

6 Q. I'm sorry. I'm not trying to cut you off.
7 You stopped.

8 A. I understand.

9 Most of the members in my family, my uncles,
10 they lived into their 80s and one into his 90s.

11 So I told him, since he was still 83 at that
12 time, he had many years to go, and I truly believed
13 that.

14 Q. Okay. Now, I'm the one who's starting to
15 tear up.

16 So in any event, whether it was one day or 15
17 years, you understood that if your father passed
18 away, then you would expect Debby to pay the entire
19 mortgage?

20 A. Yes.

21 Q. Okay. And did you do any kind of analysis to
22 determine whether or not that was something that was
23 possible for her -- would be something that would be
24 possible for her to do now with an extra roughly
25 \$585,000 of debt to service?

1 A. Personally, I did not.

2 Q. Did your father?

3 A. I do not know.

4 Q. When you learned from Debby in March that she
5 had not yet gone to an attorney, did you consider
6 finding an attorney for your father yourself?

7 A. At that time, no.

8 Q. Was there anything to prevent you from
9 finding an attorney for your dad?

10 A. At that time, I believed she still would
11 repay the loan, at least I believed she would repay
12 the loan and that dad always said that she would just
13 sign a note. It would be as easy as that.

14 Q. That's not the question, sir.

15 A. Sorry.

16 Q. That's okay. The question is: Was there
17 anything to prevent from you finding an attorney for
18 your father?

19 A. Oh. So I apologize, but I thought that
20 answered the question because it was the belief that
21 she would repay that prevented me from finding -- I
22 didn't see a need to find a lawyer.

23 Q. Okay. So didn't you see a need to find a
24 lawyer at that point; is that fair?

25 A. Yes.

1 Q. If you wanted to find a lawyer, though, you
2 were completely free to do so, right?

3 A. Yes.

4 Q. Okay. And Debby never tried to dissuade you
5 from trying to find a lawyer, did she?

6 A. No.

7 Q. And basically, I think your testimony was
8 essentially every couple weeks, you talked to Debby
9 about finding a lawyer and she told you on all of
10 those occasions that she had not, correct?

11 A. That's correct.

12 Q. Okay. And did you consider any of those
13 times finding a lawyer for your dad yourself?

14 A. Yes.

15 Q. Okay. When did you first do that?

16 A. I considered it in -- I believe in June of
17 2017.

18 Q. Okay. And am I right that after June of
19 2017, you did not actually identify any lawyer for
20 your father to prepare documents, essentially loan
21 documents, for the transaction between your father
22 and Debby?

23 A. I have lawyers in mind and they were the ones
24 who had prepared my dad's will and another one who
25 had prepared his trust because my father always told

1 me that if there was any problems with his real
2 estate -- I'm sorry, his estate planning documents,
3 these were the two people that he trusted and that I
4 should consult.

5 Q. Okay. You never actually engaged those
6 lawyers, correct?

7 A. I never engaged them before his death.

8 Q. Fair enough. And I appreciate the
9 correction.

10 And your father never engaged them again from
11 2017 on, correct -- strike that.

12 I should have just said in 2017. But I
13 really kind of have a different question.

14 So he never engaged them for the purpose of
15 preparing any documents for a loan that he would make
16 to Debby, correct?

17 A. Not that I'm aware of.

18 Q. Okay. Did you ever check with him to see if
19 that happened? Well --

20 A. Talk to the lawyers?

21 Q. Yes.

22 A. No.

23 Q. Okay. And did you tell your father that you
24 were looking for a lawyer?

25 A. No, I did not.

1 Q. There was nothing to prevent you from
2 actually engaging a lawyer to represent your father
3 to document the loan transaction, was there?

4 MR. BIORN: Asked and answered.

5 MR. BAER: No. This question is over.

6 MR. BIORN: Okay. Withdrawn.

7 MR. BAER: I'm sorry. I apologize for
8 just --

9 THE WITNESS: That's correct.

10 BY MR. BAER:

11 Q. Let's see. After your dad passed away, you
12 found his handwritten note. Let's see. I think it's
13 Exhibit 82.

14 Did you say that you found this in one of his
15 spiral -- or in a spiral notebook?

16 A. Yes, I did.

17 Q. Okay. So the spiral notebook, if you wanted
18 to show somebody a page from the notebook, you would
19 have to either tear it out or show them the whole
20 book?

21 A. That's correct.

22 Q. And when you saw this note, it was still in
23 the spiral notebook, correct? In other words, it
24 hadn't been torn out?

25 A. It had been torn out. It was folded in half

1 and it was in the middle of the notebook.

2 Q. Okay. And so you testified, I believe, that
3 your dad told you that he had asked Debby to sign a
4 note -- well, let me back up a little bit. Okay.

5 So your dad told you that he prepared a note
6 himself, correct?

7 A. Correct.

8 Q. You didn't ask to see what he prepared?

9 A. That's correct.

10 Q. Okay. And he never offered to show you what
11 he had prepared?

12 A. That's -- that's correct.

13 Q. Were you concerned it might be hard for him
14 to prepare a note for himself in light of his
15 cognitive state as of March 2017?

16 A. No, I was not.

17 Q. So you thought he was capable of doing that
18 for himself?

19 A. Yes, I did.

20 Q. Okay. And then you learned from your father,
21 according to your testimony anyway, that he showed
22 the note to Debby and she had said she would not sign
23 it, right?

24 A. That's correct.

25 Q. Okay. And did you contemplate hiring an

1 attorney at that time?

2 A. I thought about it, but since my father said
3 don't ask her about it, you know, in case she gets
4 angry, I didn't do anything. Well, obviously, I
5 didn't do anything.

6 Q. Okay. So you deferred to your father to make
7 the decision then as to whether or not to hire an
8 attorney?

9 A. Well, since we didn't talk about it, I don't
10 see how I deferred to him to hire an attorney. I
11 thought it was all about me and whether I thought
12 about hiring an attorney and whether I did or not.

13 Q. Okay. So in any event, even after learning
14 from Debby that she wouldn't sign the note that your
15 father prepared, you did not hire an attorney in
16 deference to what your father's request was; is that
17 right?

18 A. Yes, that was my thought.

19 Q. When Debby told you that she wasn't going to
20 sign his note, did you think any longer that she was
21 going to hire an attorney?

22 MR. BIORN: She?

23 MR. BAER: Yes, she.

24 MR. BIORN: Okay.

25 THE WITNESS: Debby did not tell me that she

1 wouldn't sign this note.

2 BY MR. BAER:

3 Q. Sorry, I might have misspoken myself. That's
4 what your testimony is, is that your father told you
5 that?

6 A. That's correct.

7 Q. And when your father told you that, didn't
8 you come to the conclusion that she was never going
9 to hire an attorney?

10 A. The other thing that crossed my mind was
11 there needed to be a cooling-off period because my
12 father and Debby had an argument. That's what he
13 told me.

14 Q. I'm not sure that I got an answer to that.
15 Did it or did it not occur to you that Debby was not
16 going to hire an attorney?

17 A. It crossed my mind, yes.

18 Q. And you still yourself did not go and hire an
19 attorney yourself?

20 A. That's correct.

21 Q. And you understood from the beginning that
22 the idea of hiring an attorney would be to protect
23 your father's interests, right?

24 A. Yes.

25 Q. And you didn't think the idea was to protect

1 Debby's interest, did you?

2 A. No, it was not to protect her interests.

3 May I add one more thing?

4 Q. If it's responsive.

5 A. Yes. At this time, I believe that he was
6 still on title and that at least would secure his
7 loan.

8 Q. So when did you learn that your father was
9 not on title?

10 A. First week of June before -- well, sorry,
11 while we were preparing to move him into Fulton.

12 Q. Okay. So you learned that in the first week
13 of June and then you realized that the situation was
14 much more precarious for your father, correct?

15 A. Absolutely.

16 Q. And you still didn't hire an attorney for
17 him, did you?

18 A. No.

19 Q. And at that point, did you undertake any kind
20 of further financial analysis to see whether --
21 essentially what the financial risk in the
22 transaction might be for your father?

23 A. Sorry, I thought the financial risk was that
24 he would lose all his money because Debby wouldn't
25 repay him.

1 Q. Okay. But you understood essentially that he
2 wouldn't have the right himself, or his successors
3 wouldn't have the right themselves to just sell the
4 property if that's what they wanted to do?

5 A. That's correct. That's my understanding
6 because it was not in his name.

7 Q. Okay. So you understood that created
8 additional risk for sure when your dad wasn't on
9 title, right?

10 A. Yes.

11 Q. Am I correct that you made an audio recording
12 of your father and Debby having a conversation on
13 August 21, 2017?

14 A. Yes.

15 Q. And can you explain how you -- and that was
16 using your father's cellphone, right?

17 A. That's correct.

18 Q. Okay. And can you explain how you were able
19 to make that recording?

20 A. Yes.

21 Q. Please do.

22 A. On August 20th, after I had brought my father
23 back to the Fulton property and drove off, when I got
24 home, I noticed that he had left his cellphone with
25 me. So that night, I decided to install an app on

1 his cellphone that would allow remote recording. The
2 next day, you know, when I saw him again, then I
3 returned his phone to him.

4 Would you like me to continue?

5 Q. Yes.

6 A. Then I had cancelled the meeting with
7 Mr. Martin and I drove back to work. I felt uneasy
8 and felt I should start the remote recording, so I
9 remotely started a recording on his phone.

10 Q. Okay. And so you had an app that enabled you
11 to do that, correct?

12 A. That's correct.

13 Q. Okay. And did the app enable you to
14 essentially listen in realtime?

15 A. No, it did not.

16 Q. Did the app enable you to listen essentially
17 without getting your father's phone?

18 A. No, you could not retrieve it remotely. You
19 had to have his phone in your possession in order to
20 listen to the recording.

21 Q. Okay. So in light of your description of how
22 you set this up, am I correct in assuming that you
23 never asked -- you never asked Ms. Chang for her
24 permission to -- well, let me lay a little bit more
25 foundation. Okay.

1 You understood that your dad was mainly in
2 one room of the house at Fulton at that time, right?

3 A. That's correct.

4 Q. Okay. And Debby was frequently there as
5 well?

6 A. Yes.

7 Q. You had conversations with her and your
8 father both in that room before, right?

9 A. Yes, because it's part of the kitchen.

10 Q. Okay. So you understood that it was possible
11 if you turned that audio -- turned on the recording,
12 audio recording device on your father's phone or app,
13 that you would possibly get a conversation
14 involving -- in which Ms. Chang was participating?

15 A. Yes.

16 Q. You did not ask her for her consent to do
17 that, did you?

18 A. No, I did not.

19 Q. You did not ask your father for his consent
20 to turn on the recording device, did you?

21 A. I did not.

22 Q. You told neither of them that you had the
23 capability of doing that, did you?

24 A. That is correct.

25 Q. Okay. And you basically made that

1 arrangement to be able to spy on Debby; is that fair
2 to say?

3 A. I would not characterize it that way. It was
4 because of my concern for my father, but the concern
5 was related to Debby.

6 Q. Your concern for your father was essentially
7 what Debby might say or do, correct?

8 A. That's correct.

9 Q. Okay. So you wanted to be able to hear what
10 she said without her knowing, right? That was --
11 that was what you wanted, correct?

12 A. That was my fear and that was what I expected
13 to hear from the recording if there was something
14 untowards going on, yes.

15 Q. Okay. Just to be clear, your desire was to
16 be able to hear what she said without her knowing
17 that you could hear her, correct?

18 A. My desire was to hear what she was saying to
19 my father if she was going to say something to him.

20 Q. Okay. But you don't consider that spying; is
21 that right?

22 A. If --

23 MR. BIORN: Objection. Argumentative.

24 THE COURT: Sustained.

25 BY MR. BAER:

1 Q. And when you turned on the recording app on
2 your father's phone, you expected to record whatever
3 was picked up in a private place essentially in the
4 Fulton property, right?

5 A. It was in a private house in the Fulton
6 property, but not in a private room because this was
7 in a common area. It was part of the kitchen.

8 Q. Was there anyone --

9 A. I'm sorry, Counselor. I really have to
10 backtrack because that actually -- I was thinking
11 about the nanny cam. I apologize. This is on my
12 father's cellphone. I would not have known where he
13 would have been. So he could have been in a
14 bathroom, for instance. So I would not have known.

15 Q. Okay. Generally, you expected him to be at
16 the Fulton property on August 22, right?

17 A. Yes, because he was there when I left him and
18 when I gave him his cellphone.

19 Q. As far as you knew, he had no plans to go
20 anywhere else?

21 A. He was pretty much immobile, so that's
22 correct.

23 Q. You expected, when you turned on the device,
24 that you would essentially record what was being said
25 within the confines of the Redwood City property,

1 right?

2 A. I would expect whatever was spoken to him or
3 what he would say within the confines of wherever he
4 was. If it's -- because he's immobile, I don't know
5 if somebody -- he could have gone -- taken to the
6 emergency room. It could have been there. That's
7 all I'm saying.

8 Q. Right. Well, anything was possible, but the
9 most likely thing was that if he was recorded, it
10 would have been inside the Fulton home. You
11 understood that, right?

12 A. Yes, I understood that, and I agree with you.

13 Q. So you also installed a nanny cam in the
14 Fulton home, correct?

15 A. That's correct.

16 Q. Can you explain what a nanny cam is? I'm not
17 sure if the judge understands what we're talking
18 about.

19 A. Well, a nanny cam is a video recording device
20 used to watch over kids, pets, elderly people, to
21 make sure that everything is okay. In general, I
22 suppose a lot of cases it's because there is a belief
23 that there is abusive babysitters or some other
24 activities that the person installing it wants to be
25 aware of.

1 Q. When did you purchase the nanny cam?

2 A. In August.

3 Q. 2017?

4 A. 2017.

5 Q. And the nanny cam that you purchased
6 essentially was designed so that others in a room
7 wouldn't realize that there was a nanny cam, correct?

8 A. I'll agree with that.

9 Q. And you installed the nanny cam on what day?

10 A. August 17th, 2017.

11 Q. Okay. And you never directly told Debby that
12 you had done so, correct?

13 A. That's correct.

14 Q. Okay. And you never asked her whether she
15 realized that you had installed the nanny cam,
16 correct?

17 A. That's correct.

18 Q. And you never asked for her consent
19 essentially to make any recordings of her when the
20 nanny cam was on, correct?

21 A. That's correct, because it was not intended
22 to record her.

23 Q. Okay. First of all, where did you put the
24 nanny cam?

25 A. It was placed on the TV stand, pointed

1 directly at my father's bed.

2 Q. And that was the room where he spent most of
3 the time, at that point anyway, when he was at the
4 Fulton property?

5 A. That's correct.

6 Q. And so you understood that Debby was
7 frequently there as well?

8 A. Yes.

9 Q. Okay. So you understood that with the nanny
10 cam there, you, whether intentionally or otherwise,
11 might make a video recording of Ms. Chang, right?

12 A. Yes.

13 Q. So with that realization, you did not ask her
14 consent, correct?

15 A. I did not ask her consent.

16 Q. You say the purpose of the nanny cam was
17 to -- well, what, in your mind, was the purpose of
18 the nanny cam?

19 A. The purpose of the nanny cam was for the
20 safety of my father so I could see what was going on.

21 Q. Okay.

22 A. To see if he fell or anything else.

23 Q. Okay. So you're talking about the physical
24 safety of your father; is that the idea?

25 A. Yes.

1 Q. Okay. So with this nanny cam, was there an
2 app that enabled you to watch what was happening in
3 the room in realtime?

4 A. No.

5 Q. You understand that there are different kinds
6 of cameras at the time that were made that would
7 enable you to essentially watch what was happening in
8 the room in realtime, correct?

9 A. At the time --

10 Q. Yes. Sorry.

11 A. At the time, I was just learning about nanny
12 cams. I had never purchased one before and didn't
13 really know how they worked or what they did.

14 Q. Okay. Did you try to figure out whether you
15 might be able to get a nanny cam that would enable
16 you to watch your dad in realtime so that you could
17 respond more quickly if there was a problem?

18 A. Eventually.

19 Q. Okay. In any event, what was the date you
20 installed it? August 20, you said?

21 A. August 17.

22 Q. You installed it August 17, okay. So as of
23 August 17, as far as -- you weren't aware that such
24 cameras existed?

25 A. I was not sure. I do not remember exactly,

1 but the best answer is I probably was not aware that
2 such cameras existed.

3 Q. So since there was no app, am I correct that
4 for you to be able to observe -- well, let me do it a
5 little differently.

6 Okay. So basically the nanny cam had, what
7 do you call it, an SD card in it?

8 A. Yes, that's correct.

9 Q. So the nanny cam was motion activated, right?

10 A. It was either motion or sound activated. I
11 can't remember if it's one or both.

12 Q. I believe we got a response, interrogatory
13 response that said it was motion activated, but
14 anyway.

15 So the way it basically worked, it would be
16 activated and it would make a file, an electronic
17 file on the SD card?

18 A. That's correct.

19 Q. Okay. And so basically what would happen is
20 after the motion activation wasn't detecting motion
21 or audio, that that recording would end?

22 A. That's right.

23 Q. Okay. And so there would be one discrete
24 file from that recording, correct?

25 A. That's correct.

1 Q. Okay. And so I'll call those a clip. Okay?

2 A. Okay.

3 Q. And so basically for you to be able to see
4 what was going on in your father's room, you had to
5 go there yourself, take the SD card out and watch the
6 image, movie or -- video recording, audio video
7 recording on the SD card, right?

8 A. That's correct.

9 Q. Connected to a computer.

10 So how was that any different than just going
11 to the house to see what your dad was doing?

12 A. Well, he could have fallen during that time
13 and then I would like to see what the situation was
14 that -- why he had fallen.

15 Q. Okay. So it would be fair to say that
16 putting that thing, the nanny cam there, that would
17 enable you to see what had happened after the fact,
18 but it wouldn't enable you to see that your father
19 was in any kind of distress?

20 A. It would not let me see if he was in distress
21 in realtime, that's correct.

22 Q. So as far as that was concerned, the nanny
23 cam basically didn't change a thing; is that right?

24 MR. FRASER: Objection. Argumentative.

25 THE COURT: Overruled. I'll permit it.

1 THE WITNESS: That nanny cam would not have
2 afforded me that functionality.

3 BY MR. BAER:

4 Q. Okay. Did you ever talk with Debby -- strike
5 that.

6 You never talked with Debby about the idea of
7 putting in an audio nanny cam that would enable her
8 to make sure that she could watch him whenever she
9 was in Fulton, correct?

10 A. I'm not sure. I think I might have. I just
11 don't remember.

12 Q. You don't remember doing that?

13 A. I don't remember right now.

14 Q. Okay. You don't remember discussing with her
15 the possibility that she might carry around
16 essentially -- not a nanny cam, but a nanny recorder
17 so she could always hear what was going on in the
18 room when she was at the Fulton property?

19 A. I think we actually did discuss a baby
20 monitor with her, but I'm not sure.

21 Q. Okay. In any event, you never bought a baby
22 monitor for the house?

23 A. No.

24 Q. Okay. You understood that if any kind of
25 emergency arose, that a baby monitor would

1 essentially enable faster action to help your father
2 than a nanny cam, correct?

3 A. For Debby, yes.

4 Q. Okay. And you went to the house again.
5 Actually, let me go back to August 21.

6 When you were at the house, did you
7 discourage your father from seeing an attorney?

8 A. No, I didn't.

9 Q. So you said nothing essentially in an effort
10 to convince him that he shouldn't see an attorney; is
11 that fair?

12 A. Yes, I think that's what happened.

13 Q. Did you -- you told him that he wasn't ready
14 to see an attorney, correct?

15 A. Yes, that's what happened.

16 Q. And then you left the house without your
17 father, correct?

18 A. That's correct.

19 Q. All right. And then you had learned from
20 Debby the night before that he had an appointment to
21 see an attorney that day, correct?

22 A. That's correct.

23 Q. And you cancelled the appointment, correct?

24 A. Yes, I did.

25 Q. You didn't ask dad -- your father, I'm sorry.

1 You didn't ask your father if you wanted him to
2 cancel the appointment, did you?

3 A. Well, dad told me he didn't want to see the
4 lawyer and then because Debby was hanging around and
5 for reasons -- I didn't want to upset her, I told
6 dad, do you trust me to do what's in your best
7 interest? And he said, yes.

8 So my meaning being that, you know, I'm going
9 to cancel because I told him already, I told both of
10 them I'm going to cancel this meeting, because dad is
11 not ready, he is confused, and Debby was starting to
12 have a fit.

13 Q. Okay. So before you left, your testimony is
14 that you told them both that you were going to cancel
15 the meeting; is that right?

16 A. Well, I told them earlier. She was starting
17 to have a fit. So before I left, I just said, dad,
18 do you trust me to do what's in your best interest?

19 Q. Okay. So I'm trying --

20 A. That's what I said.

21 Q. So you weren't specific. You had in mind --
22 in your own mind that you were going cancel the
23 meeting, correct?

24 A. So earlier, I was specific. When I left, I
25 was not specific.

1 MR. BAER: 182 what?

2 MR. KUO: 182, 12 through 15.

3 MR. BIORN: Which volume?

4 MR. BAER: Volume 2.

5 MR. BIORN: 2 to 15 you said?

6 MR. KUO: 12 to -- well, I don't know.

7 BY MR. BAER:

8 Q. Just lines 12 to 15, page 182, volume 2.

9 MR. BIORN: I must be in the wrong spot.

10 This doesn't have anything to do with the question
11 you just asked.

12 MR. BAER: It doesn't directly relate to it.
13 It's just taken me a while to get to it.

14 MR. BIORN: Oh, okay.

15 MR. BAER: I'll actually start at line 2.
16 You're right. So 182, line 2 through line 15.

17 BY MR. BAER:

18 Q. "Question: All right. What is your
19 understanding as to what causes the camera to stop?

20 Answer: My understanding of your question is
21 that the camera stops, meaning it turns off -- the
22 nanny cam does not turn off. My understanding that
23 it remains on to detect motion.

24 Question: Okay. So at some point the device
25 is not detecting motion and stops recording; is that

1 your understanding?

2 Answer: Yes.

3 Question: All right. So the device is on,
4 but it's not recording unless there's motion in the
5 room; is that fair?

6 Answer: Yes."

7 So you picked James up -- well, you went over
8 to the Redwood City property on the next day, August
9 22, right?

10 A. That's correct.

11 Q. Okay. And you picked up your father,
12 correct?

13 A. Yes.

14 Q. Okay. And then you were planning on taking
15 him to an acupuncture appointment, correct?

16 A. Yes.

17 Q. And you were also planning on bringing him
18 over to your house, correct?

19 A. That's correct.

20 Q. And you did not tell Debby that until that
21 evening, correct?

22 A. That's incorrect. I think what I remember is
23 that when I took my dad, I said he might stay at my
24 house tonight.

25 Q. You definitely planned to have him stay there

1 that night, didn't you?

2 A. I had planned for it.

3 Q. And you told Debby it was a possibility?

4 A. Yes.

5 Q. And so that's essentially why she sent you
6 texts at 10:00 or so that evening or that night
7 asking if he was coming home?

8 A. Correct. We confirmed with each other that
9 he was staying with me.

10 Q. And so when you picked up your father, would
11 it be fair to say to say that the first thing that
12 you did was listen to the audio tape that had been
13 recorded on your phone?

14 A. No, that's not fair to say.

15 Q. How soon afterwards did you listen to the
16 audio tape?

17 A. That evening at my house.

18 Q. How soon after that did you listen to the --
19 or watch the videotapes?

20 A. I believe the videotapes, either that evening
21 or the next day. I don't remember.

22 Q. Am I correct that when you listened to the
23 audio tape, you decided not to bring your father back
24 to the Fulton property?

25 A. At that point, I was still deciding.

1 Q. When your father was at your house, he was
2 there August 22, August 23. Was he there August 24
3 also?

4 A. He might have been. If he wasn't, then he
5 was over at Della's.

6 Q. While he was at your house, he told you that
7 he wanted to go back to the Redwood City property,
8 correct?

9 A. No, he did not. When he was at my house on
10 the 22nd and the 23rd, I don't recall him saying
11 anything about wanting to go back.

12 MR. BAER: I want to take a break.

13 THE COURT: Of course.

14 MR. BAER: It's almost 5:00 anyway. Sorry.

15 (Whereupon, a break was taken.)

16 BY MR. BAER:

17 Q. In connection with the loan, did your father
18 ever tell you how much equity he thought Debby had in
19 the Brewster property?

20 A. Other than telling me that she had enough --

21 Q. Yes. Was he specific as to an amount?

22 A. He wasn't specific to me.

23 Q. And you never did anything to try to find out
24 how much equity she might have in the property,
25 correct?

1 A. I understood that he already did, so no, I
2 did not.

3 Q. And there was a McCollum property. And did
4 you do anything to determine how much equity might be
5 in that property?

6 A. For me, no I did not.

7 Q. Did you have a sense of that from having
8 prepared your father's -- actually, strike that.

9 You had not seen any 1099 with respect to the
10 McCollum property, had you?

11 A. No, I did not.

12 Q. Okay. So you didn't know how much of an
13 encumbrance might be on that property in 2017, right?

14 MR. FRASER: I think you're referring to a
15 1098.

16 MR. BAER: Did I say 1099? I didn't mean to.
17 I meant to say 1098.

18 BY MR. BAER:

19 Q. So you'd never seen a 1098 for the McCollum
20 property, correct?

21 A. That's correct.

22 Q. As of 2017, you did not know how much debt
23 was on the property?

24 A. That's correct.

25 Q. And your father never told you how much debt

1 was on that property, did he?

2 A. That's correct.

3 Q. You did know that the property was
4 encumbered, though, correct?

5 A. I would have to say yes, that was my belief.

6 Q. Yes, because you were reporting a mortgage
7 interest deduction on the tax returns that you
8 completed, right?

9 A. Right.

10 Q. Okay. So going back to August of 2018. So
11 after August 22, when you picked up your father at
12 the --

13 MR. BIORN: Did you mean August 2017?

14 MR. BAER: Did I say '18? I'm sorry, I'm
15 getting a little tired.

16 BY MR. BAER:

17 Q. So August 22, 2017, you pick up your father
18 at the Redwood City property and then -- between then
19 and the time he died, he did tell you that he wanted
20 to go back, correct?

21 A. Yes.

22 Q. And he told you that also he wanted to see
23 Debby, correct?

24 A. Correct.

25 Q. He told you that he wanted to see Debby

1 between one and ten times, right?

2 A. Yes.

3 Q. And he told you that he wanted to go back to
4 the Fulton property twice, correct? That would be
5 your best estimate? Let me put it like that.

6 A. Two or more times.

7 Q. So what's your best estimate of the upper end
8 then?

9 A. A dozen.

10 Q. You never took him back to the Fulton
11 property, did you?

12 A. I did not.

13 Q. And before he died, Ms. Chang communicated to
14 you that she wanted to have him come back, did she
15 not?

16 A. Yes, she did.

17 Q. And she did that in a text message to you,
18 correct?

19 A. Correct, on August 25th, 2017.

20 Q. Okay. So let me turn your attention to what
21 we've marked as Exhibit 637.

22 A. Oh, it's a new exhibit? Thank you.

23 Q. So this is --

24 MR. BIORN: Do you have two of these? Thank
25 you.

1 BY MR. BAER:

2 Q. Exhibit 637, this is a continuation of one of
3 the texts that we were looking at, or text threads
4 that we were looking at earlier today. I forget the
5 exhibit number. But you and Ms. Chang were texting
6 one another, I believe, on August 22 and August 23.

7 So now this one on the second from the last
8 page, just to make sure we're on the -- in the same
9 place, the first text on the page I'm looking at says
10 "It was hit by accident." Just trying to orient us.

11 A. So that is my third to last page.

12 Q. Correct. I would call it the second, but
13 that's understandable.

14 A. Okay. Got it.

15 Q. Anyway, as long as we're on the same page.

16 So you see the date stamp and timestamp
17 there, Friday, August 25, 10:20?

18 A. Yes.

19 Q. Okay. And so Debby told you then, please
20 bring your dad back if he wishes -- I'm sorry, I
21 misread it.

22 "Please bring your dad back if he wish to.
23 He called me many times and said he want to come
24 back."

25 So that is when Debby first told you that she

1 wanted you to bring James back to the Fulton
2 property, correct?

3 A. That's correct.

4 Q. After you took your dad, anyway. Okay.

5 THE COURT: I'm terribly sorry. This is 637?

6 MR. KUO: Yes.

7 THE COURT: Which page is it?

8 MR. BAER: Could you please help her?

9 THE COURT: Thank you.

10 MR. KUO: No problem.

11 BY MR. BAER:

12 Q. All right. And so after you received this
13 text, your father did tell you that he wanted to go
14 back to the Fulton property, correct?

15 A. That's correct.

16 Q. Okay.

17 MR. BAER: I'd like to move 637 into
18 evidence.

19 MR. BIORN: That's fine. Peter [sic], you
20 can either read the text of that text block that you
21 just read now or we can do it when I do my redirect.

22 MR. BAER: I'll do it now.

23 So it goes on to say "Just let him do what he
24 wants to. Money for me is nothing. If everyone
25 think money is so important, I'll sell 229 and return

1 the money back to you to make you all happy. Thank."

2 And do you want me to keep going?

3 MR. BIORN: No, that's okay.

4 BY MR. BAER:

5 Q. Okay. She never told you after that that she
6 didn't want you to bring him back, did she?

7 A. No, Debby did not.

8 Q. You understood when she asked if you had his
9 medicines with you on August 22, that she was
10 concerned about his welfare, correct?

11 A. Could you please repeat the question?

12 Q. Okay. Do you remember the text you received
13 from her when you told her that you weren't bringing
14 him back on the night of August 22, she asked you if
15 you had taken two of his medicines with you?

16 A. Yes.

17 Q. Okay. And you understood that that reflected
18 her concern about your father, correct?

19 A. Yes.

20 Q. And the next morning she asked if you could
21 make sure that he took a shower, right?

22 A. That's correct.

23 Q. And she wanted you to provide certain kinds
24 of foods to him as well?

25 A. Yes.

1 Q. And those also -- those things that she told
2 you then also reflected her concern for him, correct?

3 A. At that point, my opinion was starting to
4 change, so I was not sure if that reflected her
5 concern.

6 Q. Okay. So going back to the nanny cam, you
7 removed the SD card from the nanny cam on August 22,
8 correct?

9 A. That's correct.

10 Q. And you looked at essentially the files that
11 had been created by the nanny cam that day as well,
12 correct?

13 A. It was either that evening or early the
14 following day.

15 Q. Okay. And how many -- how many different
16 files or video clips had it made?

17 A. I actually don't recall the exact number, but
18 we produced all of them.

19 MR. BAER: So can you get the exhibit that
20 has that?

21 THE COURT: Thank you.

22 BY MR. BAER:

23 Q. So 638 --

24 MR. BAER: Does the judge have this?

25 MR. KUO: Yes.

1 THE COURT: Yes, I do.

2 BY MR. BAER:

3 Q. 638, this is a screenshot of the files that
4 were made with the nanny cam, correct?

5 A. I believe it is.

6 Q. And so whatever number on this page, that's
7 the number that were on the SD card, fair?

8 A. That's fair enough, yes.

9 Q. Okay.

10 MR. BAER: Can we go off the record for a
11 second?

12 THE COURT: Absolutely.

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

15 THE COURT: Back on the record.

16 MR. BAER: Yes.

17 THE COURT: While we were off the record,
18 there was a discussion about the nanny cam and the
19 clips and which ones are important, particularly in
20 light of the fact that they might just be pictures of
21 James without Debby. So counsel worked out a plan.

22 And I'm sorry, Mr. Baer, you can go forward.

23 MR. BAER: Thanks. So I'd like to move 638
24 into evidence.

25 MR. BIORN: These were all produced?

1 MR. BAER: Yes.

2 MR. BIORN: Okay.

3 THE COURT: Received.

4 (Whereupon, Exhibit 638 was admitted into
5 evidence.)

6 MR. BAER: These are the icons that will
7 reflect that.

8 MR. BIORN: No objection.

9 MR. BAER: Okay.

10 BY MR. BAER:

11 Q. So the day that you picked your father up,
12 August 22, am I correct that you brought him to a
13 title company?

14 A. That's correct.

15 Q. And you brought him to a title company so you
16 could sign a power of attorney?

17 A. That's correct.

18 Q. And you got the form from the title company,
19 correct?

20 A. I don't recall where I got the form from.

21 Q. Do you recall when you got the form?

22 A. No, I don't actually. But I think it's
23 reasonable to assume it was within that week.

24 Q. Okay. And with some narrow exceptions, the
25 power of attorney -- once your father signed it, it

1 gave you complete control over his financial affairs,
2 correct?

3 A. This power of attorney, as well as the
4 previous one, yes.

5 Q. And you had a prior power of attorney from
6 some 15 years ago, right?

7 A. That's correct, from 2002.

8 Q. Okay. And he had given you that power of
9 attorney because he was going to go to Taiwan,
10 correct?

11 A. I believe those are the circumstances when he
12 gave it to me, not because of.

13 Q. All right. And so when you -- when your
14 father signed -- at the time or before your father
15 signed the power of attorney, did you explain to him
16 that its purpose was to give you complete control
17 over his financial affairs?

18 A. I'm assuming you're talking about the second
19 power of attorney?

20 Q. Yes, the 2017 power of attorney.

21 A. No, I did not explain that to him.

22 Q. Okay. Did you do anything before your father
23 signed that power of attorney that day to ascertain
24 whether he might have revoked the one in the 15 years
25 since 2002?

1 A. No, I did not.

2 Q. So at the time he signed it, you did not know
3 whether he had revoked the power of attorney or not,
4 correct?

5 A. That's correct, and it didn't even occur to
6 me that he would have revoked it. I thought the one
7 in 2002 was still in effect.

8 Q. That didn't occur to you until right now,
9 correct?

10 A. That's correct.

11 Q. So you didn't ask your dad, obviously, dad,
12 have you revoked this?

13 A. Correct.

14 Q. And did you ask your father if he wanted you
15 to be his attorney in fact to make all financial
16 decisions on his behalf or something to that effect?

17 A. When? After the --

18 Q. I'm sorry, in 2017, before he signed.

19 A. No, I did not ask him on that day or near
20 that day.

21 Q. You didn't advise him on the day that he
22 signed -- you didn't advise him any time, at any time
23 before he signed the power of attorney on August 22,
24 2017 that he should consult an attorney before doing
25 that, did you?

1 A. No, I did not.

2 Q. He did not ask you if you thought it would be
3 a good idea for him to sign a power of attorney,
4 correct?

5 A. That's correct.

6 Q. Okay.

7 MR. BAER: Can we get Exhibit 560?

8 MR. KUO: Volume 4.

9 MR. BAER: And also while we're at it, can we
10 get the 2002 power of attorney?

11 MR. KUO: 561.

12 MR. BAER: Oh, yes, they're both together at
13 the bottom.

14 BY MR. BAER:

15 Q. Okay. So Exhibit 560, am I correct, and take
16 your time to look at it, but am I correct that this
17 is the power of attorney that your father signed on
18 August 22, 2017?

19 A. Yes, this is the one he signed and initialed.

20 Q. And he did that in your presence, correct?

21 A. That is correct.

22 Q. And you had the document notarized?

23 A. That's correct.

24 Q. Did your father read it before he signed it?

25 A. No, not that I was aware of.

1 Q. Did you explain any of its provisions to him?

2 A. I tried.

3 Q. And as I recall your deposition testimony,
4 you brought the 2002 power of attorney with you to
5 the title company; is that right?

6 A. I don't recall if I brought that with me or
7 not.

8 Q. Okay. Whether you brought it with you or
9 not, did you do anything to try to compare the power
10 of attorney that he had signed in 2002 to the one
11 that he was going to sign in -- on August 22, 2017?

12 A. Yes, I did.

13 Q. And did you find that they were the same?

14 A. There's a difference.

15 Q. And the difference was that in the power of
16 attorney for 2017, you would have the power to change
17 the beneficiaries on his trust or his will, but the
18 2002 one did not give you that power, correct?

19 A. That's correct.

20 Q. You didn't add anything to the 2022 power of
21 attorney to essentially make an exception so that you
22 would not have the power to change beneficiaries in
23 his trust or will, correct?

24 A. I believe you misspoke and I think you meant
25 the 2017 power of attorney. But it is correct, I did

1 not add anything to the 2017 power of attorney to
2 reflect that.

3 Q. Okay. So did you know, at the time that your
4 father signed the 2017 power of attorney, that that
5 difference existed?

6 A. Yes, I did.

7 Q. Did you explain that to your dad?

8 A. I did.

9 Q. And you had the impression that he understood
10 you; is that right?

11 A. No, he did not. My impression was he did not
12 understand.

13 Q. Was it your impression when he signed the
14 power of attorney in 2017, Exhibit 561, that he
15 understood the power of attorney?

16 A. I think you're referring to 560, because
17 that's the 2017.

18 Q. Oh, I'm sorry, yes, 560. I'm looking at the
19 wrong number.

20 A. Could you repeat the question? I lost it.

21 Q. Did you have the impression that your father
22 understood this 39 paragraph, durable power of
23 attorney, when he signed it on August 22, 2017?

24 A. I don't think so because when I tried to
25 explain what a power of attorney was, he couldn't get

1 it.

2 Q. Am I correct that you would not have let your
3 father sign the power of attorney unless you thought
4 he understood it?

5 A. That's not correct, because he had previously
6 signed a power of attorney. I explained to him that
7 this was basically the same as the previous one, and
8 that he understood.

9 Q. You thought that he had understood in 2002
10 what he was signing then, right?

11 A. Yes, because he did it by himself and handed
12 it to me.

13 Q. Okay. Did you think that in 2017 he still
14 understood what he had signed in 2002?

15 A. Probably not.

16 Q. Okay. I'm going to read on page 187 from
17 lines 15 to 20 and that's just to orient us.

18 MR. BIORN: 187?

19 MR. FRASER: Which volume was that?

20 MR. BAER: 2, lines 15 to 20. And then I'm
21 going to read from line 7 to 14 -- until 14.

22 BY MR. BAER:

23 Q. Okay. "Question: Was there anyone else that
24 you could have first seen it besides the title
25 company or the restaurant or before you got to the

1 restaurant?

2 Answer: Yes."

3 And going on to 188, "Question: And when
4 your father signed the power of attorney, you
5 believed that he understood what he was signing,
6 didn't you?

7 Answer: Yes.

8 Question: You wouldn't have let your father
9 sign a power of attorney if you didn't think he
10 understood what he was doing by signing it, right?

11 Answer: Yes."

12 As of that time, if you knew it was
13 happening, would you allow your father to sign any
14 document if you did not think he understood it?

15 A. No.

16 THE COURT: Could you just tell me again --
17 well, I'll read it back.

18 MR. BAER: Do you want me to read it back?

19 The reason --

20 THE COURT: I've got these. But what was the
21 question?

22 (The record was read by the Reporter.)

23 THE COURT: Okay.

24 MR. BAER: And the answer?

25 (The record was read by the Reporter.)

1 MR. BAER: Okay.

2 BY MR. BAER:

3 Q. Am I correct that you never asked your father
4 if he wanted to sign the new power of attorney,
5 Exhibit 560?

6 A. Correct.

7 Q. Did you engage in any transactions on your
8 father's behalf following his execution of
9 Exhibit 560, the August 22, 2017 power of attorney?

10 A. Yes, I did.

11 Q. So am I correct from that answer that you
12 thought that power of attorney was valid and
13 enforceable?

14 A. You're referring to the 2017?

15 Q. Yes.

16 A. Yes.

17 Q. So I don't know that I had you identify this,
18 but 561, this is the power of attorney that your
19 father signed in 2002, correct?

20 A. That's correct.

21 Q. Okay.

22 MR. BAER: So I'd like to move 560 and 561
23 into evidence.

24 MR. BIORN: No objection.

25 THE COURT: Thank you.

1 (Whereupon, Exhibit 560 was admitted into
2 evidence.)

3 (Whereupon, Exhibit 561 was admitted into
4 evidence.)

5 MR. BAER: Can you get 307, 310 and 319?

6 THE WITNESS: Counselor, which numbers again?

7 BY MR. BAER:

8 Q. We'll just start at 307. Exhibit 307, this
9 is an IRA beneficiary change form for a Wells Fargo
10 investment account.

11 Do you recognize your father's signature on
12 the document?

13 A. I recognize his signature and all of the
14 writing as his.

15 Q. That includes the date?

16 A. That's correct.

17 Q. Did he tell you that in 2001, he had made a
18 change in the beneficiary of his IRA putting Debby in
19 first place and you in second, so to speak? In other
20 words, for you to inherit this whatever might be in
21 this account, she would have to have died before him?

22 A. I don't recall.

23 MR. BAER: I'd like to move 307 into
24 evidence.

25 MR. FRASER: No objection.

1 THE COURT: Received.

2 (Whereupon, Exhibit 207 was admitted into
3 evidence.)

4 MR. BAER: We don't have -- is this like more
5 legible on the computer screen, Exhibit 308?

6 I'll pass. I guess the same is true of 310.

7 BY MR. BAER:

8 Q. Let me turn your attention now to
9 Exhibit 310. And this is for a Lincoln Life annuity
10 or annuities. It's a change of beneficiary form.

11 Have you ever seen this document before?

12 A. I do not believe I've seen it before this
13 lawsuit.

14 Q. Okay. And you recognize your father's
15 signature on the document?

16 A. That's correct.

17 Q. And all the print on the document is your
18 father's, correct?

19 A. All of it except for the general information
20 at the top is my father's writing.

21 Q. Oh, I see. Thank you.

22 So your father never told you -- well, strike
23 that.

24 You could have not seen the document, I
25 suppose. But anyway, did your father ever tell you

1 that he had changed the beneficiary of his annuity so
2 that Ms. Chang would be the primary beneficiary of
3 the entirety annuity?

4 A. He did not tell me and I was not aware.

5 Q. And he basically made the contingent
6 beneficiary trust A. Is that what you see here?

7 A. That's what I see.

8 Q. So he didn't tell you that at least as of the
9 time he executed this, that he would rather have
10 Ms. Chang get the money than you and your sisters,
11 correct?

12 A. That's what I see, yes, in 2001.

13 MR. BAER: So I'd like to move 310 into
14 evidence.

15 Did I move 308 into evidence?

16 THE COURT: No, because it was illegible.
17 310, any objection?

18 MR. BIORN: None.

19 (Whereupon, Exhibit 310 was admitted into
20 evidence.)

21 BY MR. BAER:

22 Q. Let me bring to your attention Exhibit 311.
23 So 311, this appears to be a letter, maybe I could
24 call it a will, holographic will of sorts, not trying
25 to be legalistic, but basically trying to explain his

1 wishes for some of his properties, tangible
2 properties.

3 So have you ever seen this document before
4 this litigation?

5 A. Yes, I have.

6 Q. Did your father give you a copy of this?

7 A. Yes, he did.

8 Q. Okay. And did he give you a copy of this
9 document before he went to Taiwan?

10 A. Yes, he did.

11 Q. Did he express to you that he was worried
12 that something might happen to him in Taiwan?

13 A. He was worried that something might happen to
14 him on the trip.

15 Q. And did he tell you that that's why he wrote
16 out this letter?

17 A. That was my understanding of why he wrote it
18 out.

19 Q. Did he tell you that that's why he signed a
20 power of attorney? Does this refresh your
21 recollection that that is why he signed the power of
22 attorney in 2002 as well?

23 A. No. I'm not sure.

24 Q. You recognize your father's signature on the
25 document, correct?

1 A. Yes.

2 Q. And the date is in his handwriting, correct?

3 A. That's correct.

4 Q. Okay. Thank you.

5 MR. BAER: I'd like to move 311 into
6 evidence.

7 MR. BIORN: No objection.

8 THE COURT: Received.

9 (Whereupon, Exhibit 311 was admitted into
10 evidence.)

11 MR. FRASER: David, I'm not trying to be
12 difficult, but I just noticed that on the most recent
13 exhibit list that you gave, that document is
14 identified as 312 even though it's under tab 311.

15 MR. BAER: I don't find you being difficult.
16 It is under tab 312 also. What's supposed to be in
17 311, I guess, isn't there and I didn't think about
18 that when I used 311.

19 MR. FRASER: I just want to make sure we are
20 on the same page.

21 MR. BAER: We are. Or we are now. Thank
22 you.

23 Oh, I see.

24 BY MR. BAER:

25 Q. So let me call your attention now to

1 Exhibit 343. Are you there?

2 A. Oh, yes, I am. Sorry.

3 Q. That's okay. I just want to make sure we're
4 on the same place.

5 Did you see 343 at any time before this
6 litigation was filed?

7 A. I have not seen this before the litigation
8 was filed.

9 Q. And Exhibit 343, this is a Vanguard directed
10 plan -- I'm sorry, Vanguard directed beneficiary plan
11 application.

12 And then on the second page of it, you see
13 there's a plan beneficiary designation and then
14 there's a list of contingent beneficiaries.

15 A. Yes, I see all of that.

16 Q. All right. And the primary beneficiary of a
17 hundred percent of this account, once set up, is
18 Ms. Chang, correct?

19 A. Correct.

20 Q. And the contingent beneficiaries, were she to
21 die before him, are you and your two sisters,
22 correct?

23 A. That's correct. We're one-third each.

24 Q. Yes. And you recognize the handwriting on
25 the first page as your father's, correct?

1 A. All of the handwriting is my father's on both
2 pages.

3 Q. And the signature on the second page is your
4 father's as well, correct?

5 A. The signature is my father's, as well as
6 initials and the date, the year 2000.

7 MR. BAER: Can we go to Exhibit 474, please?
8 BY MR. BAER:

9 Q. This is totally out of order, but before we
10 look at this exhibit, let me ask you a question.

11 THE COURT: Hold on. Let me find it.

12 MR. BAER: Oh, sorry.

13 Can you help her find the exhibit?

14 THE COURT: Did you move Exhibit 343 into
15 evidence?

16 MR. BAER: No, but I'll move for that now,
17 Your Honor. Thank you for reminding me.

18 MR. BIORN: No objection.

19 THE COURT: Great. Thank you.

20 (Whereupon, Exhibit 343 was admitted into
21 evidence.)

22 MR. BAER: Okay.

23 BY MR. BAER:

24 Q. So different topic. Why did your father
25 borrow \$280,000 secured by the San Mateo property

1 that he owned?

2 A. So the 280,000, I believe you're talking
3 about 2013 --

4 Q. Yes.

5 A. -- the mortgage that he borrowed. He told me
6 it was for the renovation of 272 Boothbay Avenue in
7 Foster City, his investment property.

8 Q. Okay. Exhibit 474, this is a Wells Fargo
9 relationship change application and this one is dated
10 June 6, 2017 and -- okay.

11 First of all, have you seen this document
12 before the litigation?

13 A. Yes.

14 Q. This is one of the documents that you
15 produced, right?

16 A. Yes.

17 Q. Okay. Were you with your father -- first of
18 all, do you know if your father signed the document?

19 A. He made the changes, he signed it and I was
20 with him.

21 Q. That's what I thought.

22 So you can -- basically, you did testify that
23 he signed this document.

24 Did he do that on or about June 6, 2017?

25 A. Yes, he did.

1 Q. Okay. And did your father tell you that he
2 wanted -- before signing this document, that he
3 wanted to change the beneficiaries of this Wells
4 Fargo account?

5 A. We had agreed that I was to be the
6 beneficiary of this account.

7 Q. Did he tell you that that's what he wanted to
8 do, that -- I'm sorry. Let me do it differently.

9 Okay. Did he tell you in 2017 that that was
10 what he wanted to do?

11 A. He agreed that this was what he wanted to do.

12 Q. In 2017?

13 A. In 2017.

14 Q. So as I understand your testimony, let me
15 know if I'm wrong, you asked your father, do you
16 still want to change the beneficiaries of this
17 account, or something to that effect?

18 A. Okay. In 2017, in January, we went up to
19 Skyline cemetery to visit my mother.

20 Q. That's not my question.

21 A. I have to give you some basis for this.

22 Q. No, I don't think so.

23 A. Okay.

24 MR. BAER: Can you read the question back?

25 MR. BIORN: Let's hear it.

1 (The record was read by the Reporter.)

2 MR. BIORN: Objection. Vague as to time.

3 MR. BAER: Okay.

4 BY MR. BAER:

5 Q. In 2017, did you discuss with your father --
6 did you have any discussion with your father
7 concerning the beneficiaries of this Wells Fargo
8 account?

9 A. Yes, we did.

10 Q. And did you ask him, do you want to change
11 the beneficiaries of this account?

12 MR. BIORN: Again, vague as to time.

13 MR. BAER: Well, it was kind of relating back
14 to the other question, in 2017.

15 THE WITNESS: Not in those words.

16 BY MR. BAER:

17 Q. Did you remind him that there was an
18 agreement that you had reached -- strike that.

19 The agreement that you referenced, who was
20 that between?

21 A. Between me and him.

22 Q. And when was that reached?

23 A. January of 2017.

24 Q. At the time the agreement was reached, did
25 you know who the beneficiaries of the account were?

1 A. No, I don't remember if I knew back then.

2 Q. Did you subsequently learn who the
3 beneficiaries of the account were?

4 A. I think I did, but I don't recall. I believe
5 it was myself.

6 Q. Okay. And you learned that the beneficiary
7 of the account was Ms. Chang, right?

8 A. No. I believed it was me back in 2016.

9 Q. Okay. And did --

10 MR. BAER: First of all, let me just move it
11 into evidence, Exhibit 474.

12 MR. BIORN: No objection.

13 THE COURT: Received.

14 (Whereupon, Exhibit 474 was admitted into
15 evidence.)

16 BY MR. BAER:

17 Q. Okay. Did you -- before your father signed
18 this document, did you get a copy of the current --
19 the then current beneficiary designation form?

20 A. I don't recall, but I'm going to assume that
21 we did because we were told that it was -- Debby was
22 first.

23 Q. Okay.

24 A. So I guess we must have is what I'm saying.
25 I just don't recall.

1 MR. BAER: I'm going to move to strike the
2 answer as speculation. I think it's pretty apparent
3 that the witness is testifying based on logic and not
4 memory and also hearsay as to what they were told.

5 MR. BIORN: No objection.

6 THE COURT: Stricken.

7 MR. BAER: Okay.

8 BY MR. BAER:

9 Q. So I think buried in there, but please
10 confirm, you don't remember if you actually got the
11 prior beneficiary form for this account before your
12 father signed this one, Exhibit 475?

13 A. At the moment, I can't recall.

14 Q. Okay. And before this was signed, you
15 learned that Debby had some affiliation with this
16 account, correct?

17 A. Yes.

18 Q. What was that?

19 A. If I recall correctly, she was either
20 beneficiary or POD, which stands for payable on
21 death.

22 Q. Okay. And so was your agreement with your
23 father to completely remove Debby as a beneficiary;
24 in other words, to not have her be the primary
25 beneficiary or a contingent beneficiary?

1 A. The agreement didn't involve Debby at all.

2 Q. Okay. So to the extent that was a change,
3 that wasn't part of the agreement you'd reached with
4 your father, correct?

5 A. I didn't understand the question.

6 Q. The change that was made by removing Debby as
7 a beneficiary of this account, that was not part of
8 the agreement with your father, correct?

9 A. Excuse me, can I confer with counsel?

10 Q. No, no. This is a trial.

11 A. Oh, I'm sorry.

12 THE COURT: Yes. You can't.

13 BY MR. BAER:

14 Q. I'm not faulting you or anything, but that's
15 just not what happens in trial.

16 A. Sorry, I watch too much TV.

17 So I don't understand your question or I
18 don't accept the premise. It's one of the two.

19 Q. Okay. This application form when your father
20 signed it, it removed Debby as a beneficiary or a POD
21 of this account, right?

22 A. Yes.

23 Q. Okay. And those things, they weren't part of
24 the agreement that you had reached with your father
25 in January of 2016, right?

1 A. My testimony was that Debby had nothing to do
2 with our agreement. So when you ask if she was
3 deleted as part of our agreement, that's -- she had
4 nothing to do with it, so that's why I don't know how
5 to answer your question.

6 Q. Okay. I think I understand your testimony.
7 Basically you're saying you already answered the
8 question, right?

9 MR. BIORN: Yes.

10 MR. BAER: Okay. All right.

11 THE COURT: And it is 6:00.

12 MR. BIORN: It is 6:00 o'clock.

13 MR. BAER: Okay. It's kind of an opportune
14 time to break anyway because I could kind of clean up
15 and have my last questions tomorrow.

16 MR. BIORN: Is that all you have is cleanup
17 tomorrow?

18 MR. BAER: Pretty much, I think so.

19 THE COURT: Off the record?

20 MR. BAER: Sorry.

21 THE COURT: No, is it good to go off the
22 record?

23 MR. BAER: One quick thing, I think I moved
24 474 into evidence.

25 THE COURT: Yes, and it was received.

1 MR. BIORN: We will need a rough of yesterday
2 morning and this morning.

3 (WHEREUPON, the proceedings were adjourned at
4 6:00 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