

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

CHARLIE HUANG RESTAURANT)
CONCEPT 7, INC.,)

Plaintiff,)

vs.)

TERRACE VIEW PROPERTIES, LLC,)

Defendant.)

Case No. 18STCV08293

TERRACE VIEW PROPERTIES, LLC,)
a California limited)
liability company,)

Cross-Complainant)

vs.)

CHARLIE HUANG RESTAURANT)
CONCEPT 7, INC., a California)
corporation; TAIPING HUANG,)
an individual; and ROES 1)
through 100 inclusive,)

Cross-Defendants.)

DEPOSITION OF MARY CHEN HANES

MONDAY, AUGUST 19, 2019, 10:09 A.M.

LAKE FOREST, CALIFORNIA

Reported By: Gina Fuqua, CSR No. 12619

FLDS Job No.: 41394



FIRSTLEGAL
DEPOSITIONS

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17 Also Present:

18 SAM WONG

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(None.)

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1 LAKE FOREST, CALIFORNIA, MONDAY,

2 AUGUST 19, 2019, 10:09 A.M.

3

4

5 THE COURT REPORTER: Please raise your right
6 hand to be sworn.

7 Do you solemnly state under penalty of perjury
8 that the testimony you will give in this matter will be
9 the truth, the whole truth, and nothing but the truth?

10 THE WITNESS: I do.

11

12 MARY CHEN HANES,
13 a witness, having been first placed under oath,
14 testified as follows:

15

16 EXAMINATION

17 BY MR. ARMSTRONG:

18 Q Could you please state your name for the
19 record, please.

20 A Mary Chen Hanes, yeah, C-h-e-n.

21 Q And how do you spell Hanes?

22 A H-a-n-e-s.

23 Q And have you ever been deposed before?

24 A No. This is the first time.

25 Q Okay. So I'll start by just talking about how

1 this is an unusual communication event because as you
2 see we've have a court reporting taking things down, and
3 even though we're at my office, the testimony you give
4 is like you were giving testimony in a court of law.
5 And so there may be opportunities for portions of your
6 testimony to be read or whatnot and used as evidence in
7 trial. That's for the lawyers to deal with. That does
8 not really concern you so much, but I'm trying to give
9 you an idea of the importance of your testimony and to
10 be accurate as you possibly can. In these communication
11 events called depositions it's a little bit unusual.
12 Normal conversations people tend to talk over one
13 another because sometimes you can anticipate what
14 somebody is saying before they finish their question and
15 you might start answering, but as you see we have the
16 court reporter here who has the difficult job of trying
17 to accurately record any time anybody speaks. So it's
18 really important if someone is asking a question whether
19 it's me or the lawyer sitting next to you asking the
20 question, let us finish first and then answer. And it's
21 okay to take a moment to think about the question even
22 if you think you know the answer. That's fine too.
23 This isn't a memory test in the sense that you may --
24 very few people I've ever met have perfect recall about
25 anything.

1 **A Yes.**

2 **Q** But so don't feel bad if you don't recall a
3 specific date, but if you do have a specific
4 recollection, whenever you have a specific recollection
5 about a date, time, or place or people or what words
6 were used, that would be our preference for you to tell
7 us that. And then if you don't have a specific
8 recollection, but a general recollection, like, well
9 this was around fall, you know, and something happened,
10 try to get as accurate as you can as best you can
11 remember it.

12 **A Okay.**

13 **Q** And that's fine.

14 **A Okay.**

15 **Q** Also, what's really important is the questions
16 and answers have to be audible meaning that a lot of
17 times I'd ask -- I might ask you a question in normal
18 conversation, and you might nod your head. And I would
19 take that based on the direction of your head nod goes
20 up and down, I would probably say, oh, you're agreeing.
21 If it's side to side, you disagree, but the court
22 reporter really can't accurately record the head nods so
23 it's important to say yes or no if it's a yes or no
24 question, if that's the answer that you want to give.

25 **A I see.**

1 Q All right. So and you always want to make sure
2 she can hear you whenever you answer a question.

3 A Oh, sure.

4 Q Makes her job a little easier even though I
5 think our court reporter will tell you to speak up if
6 she couldn't hear you.

7 A Sure.

8 Q But just have that in mind. So what brings us
9 here today is about a business called Shinderman Cafe.
10 Have you ever heard of that business before?

11 A Yes.

12 Q And I'd just like to ask a few background
13 questions about you before we get too much detail about
14 Shinderman Cafe. So where are you presently employed?

15 A Right now you need a company name?

16 Q Yeah, uh-huh.

17 A Bodyflex, B-o-d-y-f-l-e-x, Sports. Yeah.

18 Q And where is that business?

19 A In City of Walnut.

20 Q City of what?

21 A City of Walnut, W-a-l-n-u-t, by Diamond Bar,
22 yeah.

23 Q Okay. And how long have you worked there?

24 A Since last November.

25 Q And before that where did you work?

1 **A** **Before that I was working for Shinderman Cafe.**

2 **Q** **Okay. And how long did you work for Shinderman**
3 **Cafe?**

4 **A** **About seven months. Seven, eight months.**

5 **Eight months. I'm sorry.**

6 **Q** **Eight months. Okay. And what did you do for**
7 **Shinderman Cafe?**

8 **A** **I was a bookkeeping, and then later on I take**
9 **on the store manager job.**

10 **Q** **And at what point did you take on the role of**
11 **store manager?**

12 **A** **At what point?**

13 **Q** **Yes.**

14 **A** **Like...**

15 **Q** **As best you can recall?**

16 **A** **Like what time?**

17 **Q** **Yeah, like what dates?**

18 **A** **Maybe mid February.**

19 **Q** **Of 2018?**

20 **A** **Sorry. Yeah, February 2018.**

21 **Q** **Now, while you worked there were you aware of**
22 **any issues regarding any odors or smells?**

23 **A** **I do.**

24 **Q** **What can you tell me about your experiences**
25 **there?**

1 A From start working there I working with the
2 people and people start -- employees start letting me
3 know that there is issue with the odor smells. And then
4 doing the -- as times goes they would report me like
5 daily if there is issue or not issue.

6 MR. RONAY: Excuse me, Ms. Hanes, you're doing
7 very well but my hearing is not as good. Could you
8 speak up a little bit louder, please.

9 THE WITNESS: Sure. Okay.

10 MR. RONAY: Thank you.

11 BY MR. ARMSTRONG:

12 Q All right. So you mentioned that while you
13 were working there the employees started complaining to
14 you daily about smells and odors?

15 A Yeah.

16 Q Now, did customers ever complain to you?

17 A I was not present all the time, and then I did
18 not have a direct customer contact me.

19 Q So where -- when you worked at Shinderman Cafe
20 did you work at Shinderman Cafe or some place else?

21 A I worked at -- from home, and then any issues
22 I'll go to store to work.

23 Q And how often would you say when you worked at
24 Shinderman Cafe that you actually visited the premises?

25 A At least four days a week.

1 Q Okay. So did you yourself ever experience any
2 of the smells or odors there at Shinderman Cafe?

3 A I did.

4 Q How would you describe the odor?

5 A It's strong -- it's noticeable. It's strong,
6 and unfortunately the location that odor coming out of
7 it --

8 Q Uh-huh.

9 A -- it's right when you walk in the shop, right
10 underneath the front of the register.

11 Q Now, you mentioned it was a strong odor and
12 noticeable. Would you say it was -- I take it it wasn't
13 a pleasant odor?

14 MR. RONAY: Can you allow her to answer the
15 question other than leading her, please. Objection.

16 MR. ARMSTRONG: Sure.

17 Q Again, so how would you describe the odor on a
18 scale between a pleasant odor or a foul odor?

19 A It's a foul odor.

20 Q Okay. And when you were there were you aware
21 of any attempts to try to correct the odor problem?

22 A I started -- yes. When employees were telling
23 me when we try to start to fix the odor we were
24 contacting the landlord. And then the first thing I was
25 talk to Mr. -- the landlord about would since he thinks

1 the drain at the bottom at the floor has issues so ask
2 us to put water to the drain daily to make sure that the
3 drain is cleared, and then also we were directed to turn
4 the air on at a certain -- turn air onto clear out the
5 odor.

6 Q The air-conditioning?

7 A The air-conditioning to clear the odor that the
8 instruction I was told and that I was directed the
9 employee to do that every day.

10 Q Okay. And did that solve the odor issue?

11 A It did not. Also we -- before I was started
12 there's a project going on with attic fan.

13 Q Uh-huh.

14 A I'm not sure. Yes, it's attic fan to be
15 installed to help ventilating the odor issue. I was
16 dealing with that for -- dealing with that, yeah.

17 Q And that's when before Shinderman Cafe moved in
18 or just around the time it moved in?

19 A After moved in. When I was there, I was
20 dealing with the contractor to install the fan. Yeah.
21 That's the project I was dealing with.

22 Q Okay. And do you know if that contractor was
23 hired by the landlord or Shinderman Cafe?

24 A It -- I don't recall.

25 Q Okay.

1 A I just had the contact info, and they come in
2 to install and pay the bills.

3 Q Okay. So with this project regarding the attic
4 fan did the attic fan ever get installed to your
5 knowledge?

6 A Yeah, it did get installed.

7 Q Did it help with the odor?

8 A I don't think so.

9 Q Why don't you think so?

10 A The smell still there. We try to -- we turn on
11 the attic fan, the odor still didn't go away.

12 Q Okay. All right. And when did you stop
13 working for Shinderman Cafe?

14 A August 1, 2018.

15 Q Okay. And did you -- I just need to get a
16 little more background questions. Did you ever go to
17 college or anything?

18 A I went to college in the U.S.

19 Q Where -- did you graduate or get a degree?

20 A Mt. S.A.C. I got AA degree in United States,
21 and BA degree in China.

22 Q And you said you got the AA from Mt. S.A.C.

23 A Mt. S.A.C.

24 Q Yeah. And you had a B.A. in China?

25 A In China.

1 Q And what was your B.A. degree in?

2 A In business.

3 Q And your AA, was that in general AA?

4 A General AA.

5 Q Yeah, okay. And where did you learn
6 bookkeeping?

7 A From my work and myself.

8 Q Self taught?

9 A Self taught and at home paying bills.

10 MR. ARMSTRONG: I don't have any questions at
11 this time; so pass the witness.

12

13 EXAMINATION

14 BY MR. RONAY:

15 Q Okay. Good morning, Ms. Hanes. Before you
16 came -- before you came here today did you look at
17 anything to help you remember what had happened back
18 when you were working with Shinderman Cafe?

19 A I did sort out a little bit as much I can.

20 Q What did you look into to prepare for today?

21 A Basically the text that people -- the employee
22 -- the text employee told me there's a smell, and they
23 report to me, yeah.

24 Q When you say "the text," are you referring to
25 some paper that was printed out for you?

1 A Oh, when they report me they text me through
2 the phone.

3 Q Oh.

4 A When they tell me there's a problem and then
5 they want me to go fix it, that's how they tell me.

6 Q And you have these phone texts printed out
7 anyplace?

8 A Not today.

9 Q I'm sorry? What?

10 A Not right now.

11 Q Did you print them out at any time previously?

12 A No.

13 Q Did you give those texts to anyone before
14 today?

15 A No, only to my boss. I need to let my boss
16 know what is the problem.

17 Q And when you say your boss, who are you
18 referring to?

19 A Charlie Huang.

20 Q And when did you give them to Charlie Huang?

21 A When the issue -- when they start telling me
22 the issues on that day or couple of days I will let boss
23 know, but I don't --

24 Q So -- I'm sorry.

25 A But I don't recall exactly days.

1 Q I can understand because it's awhile ago. So
2 were you reporting to Mr. Charlie Huang as these texts
3 came in you would turn them over to him?

4 A I would, yes, I would tell him that's the
5 issue.

6 Q So when you say that you told this to your
7 boss, this was as it was happening then?

8 A As it happening.

9 Q Have you looked at those texts within the last
10 month?

11 A No.

12 Q Okay. Have you spoken with -- who asked you to
13 be here today?

14 A I received the order. I received the court...

15 MR. ARMSTRONG: Subpoena?

16 THE WITNESS: Subpoena. To the house.

17 BY MR. RONAY:

18 Q And after you received the subpoena what did
19 you do with it?

20 A I prepared -- I tried to understand what the
21 subpoena is about, and then I prepare to be here.

22 Q Okay. Did you speak to anyone about what the
23 subpoena was about?

24 A Just my family because I don't understand what
25 it's about; so I got to get some background info what

1 I'm going to be dealing with.

2 Q Did you speak to anyone other than your family
3 about what the subpoena was about?

4 A No.

5 Q Now, you mentioned that your boss was Charlie.
6 You're referring to Charlie Huang?

7 A Uh-huh.

8 Q When did you first meet him?

9 A I meet him awhile back, years ago, like, back
10 to 2000 -- my daughter was born 2000 -- about 1998.

11 Q Did you work for him at any time before you
12 worked at Shinderman Cafe?

13 A No.

14 Q And how did it come about that Mr. Huang asked
15 you to work for him at Shinderman Cafe?

16 A He -- he's a family friend, and then he had
17 business at other state. He normally stay out there,
18 and he started business here. So he asked me to help
19 him.

20 Q And how often was Mr. Charlie Huang at
21 Shinderman Cafe during the time that you were there?

22 A I would say other two weeks. At the beginning
23 he was every week I remember. And then later on would
24 be two weeks.

25 Q Was the name of the cafe when you were hired

1 was it Shinderman Cafe?

2 A Shinderman Cafe.

3 Q Have -- do you know anything about whether or
4 not that cafe had a different name before or after
5 Shinderman Cafe?

6 A Not to my knowledge.

7 Q Does the name Mattlorna mean anything to you?

8 A Yes. I'm sorry, yes.

9 Q And what do you know -- what does Mattlorna
10 mean to you?

11 A I know that Mattlorna was the other owner was
12 doing business at that location, and then when I hired
13 as a Shinderman Cafe -- hired to change to Shinderman
14 Cafe, that's why.

15 Q So did it change from Mattlorna to Shinderman
16 Cafe after you were asked to work there?

17 A Yeah.

18 Q And do you know who the owner of Mattlorna was?

19 A I believe it's either Charlie with the people.
20 I don't know other partner.

21 Q But it was Charlie who also --

22 A Charlie Huang.

23 Q -- who was also involved in the business when
24 it was called Mattlorna?

25 A I think so.

1 Q Do you know the Ji Jun Zha?

2 A No.

3 Q You've never heard that name before?

4 A No.

5 Q What about Alan Shinderman?

6 A Alan Shinderman, yes.

7 Q When did you first meet Alan Shinderman?

8 A That was when -- I believe when I started
9 working there, just beginning work there.

10 Q And what was Mr. Shinderman's position at that
11 cafe?

12 A Exactly position I don't know. I do work with
13 them on some exterior project like awning project, and I
14 just work some project for the shop, I work with them
15 about the project.

16 Q Do you have any knowledge as to whether or not
17 he was an owner or part owner of Shinderman Cafe?

18 A I have -- owner? I don't recall.

19 Q I'm curious, do you know why it was called
20 Shinderman Cafe as opposed to Charlie Huang Cafe?

21 A Yeah, Alan Shinderman, yeah, but that part I do
22 not know exactly if they have any ownership in there.

23 Q Do you know -- do you have any information as
24 to why it was called Shinderman Cafe rather than any
25 other name?

1 A What I understand Charlie Huang used his name.

2 Q I'm sorry. Repeat that.

3 A Charlie used his name. That's all I know.

4 Q Now, you started working there -- I'm sorry --
5 you stopped working there August 1, 2018. Was Mr. Alan
6 Shinderman still working at the cafe when you stopped?

7 A He never actually worked there. All I deal
8 with him is more about the project. I don't see him
9 physically working there.

10 Q Did he -- would he come in to the cafe?

11 A He come in a couple of times. Two, three,
12 times or four times I see him during my working period
13 out there.

14 Q I'm sorry. Repeat?

15 A I only see him like maybe four times during the
16 period I was working there.

17 Q So from February of 2018 to August you saw him
18 there about four times?

19 A Approximately, yeah, if I remember correctly.

20 Q And since you've told me that it was a cafe
21 Mattleorna before it was Shinderman Cafe, would it be
22 correct to say that when you started working there the
23 cafe was completely built in terms of having all
24 appliances and tables and chairs and such in place and
25 working as a cafe?

1 **A Yeah.**

2 **Q Did -- so have you heard of the term We-Chat?**

3 **A Yes.**

4 **Q What is We-Chat?**

5 **A It's a, like, how do I put it? Chinese program**
6 **people using to communicate each other like American,**
7 **not Twitter.**

8 **Q It's like Facebook or something like that?**

9 **A Facebook or something like that.**

10 **Q And when you were at Shinderman Cafe working at**
11 **Shinderman Cafe, were you involved or did you use the**
12 **We-Chat as it referred to the cafe?**

13 **A We-Chat, I don't use We-Chat with the**
14 **employees.**

15 **Q So I guess I'll rephrase the question if you**
16 **don't mind. Did you ever use We-Chat to talk about your**
17 **employment with Shinderman Cafe?**

18 **A Yes.**

19 **Q Okay. And what did you say on We-Chat with**
20 **regard to your employment?**

21 **A We-Chat use contact sometimes contact Charlie**
22 **with it, sometimes contact landlords, business manager,**
23 **office manager to -- with some issues. Yeah.**

24 **Q On the We-Chat how are -- how are those**
25 **conversations kept, meaning if you have a printout of**

1 them or are they on your computer or are they in some
2 other format?

3 A **It's in my phone.**

4 Q Okay. And are you able in your phone to print
5 out the We-Chats as to which you were involved?

6 A **Yes.**

7 Q Have you done so before today?

8 A **No.**

9 Q When you used We-Chat -- I'm sorry -- let me
10 rephrase that. When you go on We-Chat to use it, do
11 you, like, send the message to somebody?

12 A **Uh-huh, yes.**

13 Q And do you recall to whom you would not send a
14 We-Chat message that has to do with the Shinderman Cafe?

15 A **I -- if regard business?**

16 Q Yes.

17 A **I was for any issues for the shop I need to**
18 **contact landlord or office manager, I would use that to**
19 **send info to.**

20 Q When you say office manager, who's that?

21 A **Fiana? Fiana?**

22 Q Fiona?

23 A **F-i-a-n-a. If you want, I'll check that.**

24 Q That's okay.

25 A **Yeah, F-i-a-n-a. Then we have also Mattlorna**

1 Cafe. We have Jackie Ding, and then Sam in the group
2 chat. We talk about issues. Okay.

3 Q Okay. So you referred to Fiana as the manager.
4 Is she the manager of the building in which the cafe was
5 located?

6 A Yeah.

7 Q And what is Jackie Ding's involvement with the
8 cafe?

9 A I personally did not directly work with her.
10 It's just in the e-mail contact when the issue happened
11 people start jumping -- giving the communication in the
12 group chat.

13 Q Did you ever meet personally with Jackie Ding?

14 A No.

15 Q And do you know the gentleman seated at my
16 left?

17 A (No audible response.)

18 Q And his name is?

19 A Sam Wong.

20 Q And have you met him at the cafe?

21 A Couple times.

22 Q About how many times during the time period
23 February to August of 2018 did you meet with Mr. Wong at
24 the premises?

25 A If I recall, two to three times.

1 Q And what did you meet with him about?

2 A First was about the drain, putting -- Mr. Wang
3 was direct me to put the water in the drain to try to
4 resolve the problem. And second time was the drop off a
5 check. I believe it's for the attic fan or some project
6 that we did. I drop the check to Mr. Wong.

7 Q Did you know of any other efforts that Mr. Sam
8 Wong did to try to locate the source of the odor?

9 A Not to -- not directly hearing that
10 information. Maybe for something, but not directly --

11 Q Okay.

12 A Not directly deal with me. Yeah.

13 Q Did you hear from anyone else as to any efforts
14 that Mr. Sam Wong was doing to try to find the source of
15 the odors?

16 A Yes, from Charlie Huang.

17 Q What did Charlie tell you about what Mr. Sam
18 Wong was doing?

19 A He's working. He's finding a source working
20 with Charlie.

21 Q Okay. So was there working together, was that
22 a cooperative effort between the two of them?

23 A From my take, yes. Not to that extent detail.

24 Q But you knew that they, meaning Charlie and
25 Sam, were in communication? They were trying to find

1 the source of the odor?

2 A Right.

3 Q Does the name Jonathan Wu mean anything to you?

4 A I don't know this person.

5 Q Do you know when the Shinderman Cafe closed the
6 business at that location?

7 A If -- early July, July 2nd or 4th. I don't
8 recall exactly.

9 Q So it was in July of 2018, some time there?

10 A Yeah.

11 Q I don't need to have an exact because it's been
12 awhile. Okay. Thank you.

13 A Yeah, July '18 -- in 2018.

14 Q Let's go back to the odor. You mentioned it
15 certainly was not a pleasant odor?

16 A That's right.

17 Q Did it smell like it was some type of sewage?

18 A (No audible response.)

19 Q You're nodding your head, which means yes?

20 A Yes. Yes. I'm sorry. Yes. I'm trying to
21 recall.

22 Q And did that smell happen every day or was
23 it -- or did it just happen occasionally?

24 A Happen occasionally what I notice when the
25 weather is hot. And it sometimes the odor is in the

1 garage, like you go into the parking lot, it comes --
2 it's from where the shops maybe hundred feet away from
3 the shop from the parking lot, you will -- when you go
4 in the shop, you will smell the odor from the parking
5 lot.

6 Q You referred to a parking lot. Let me ask you
7 a little bit about the building in which Shinderman Cafe
8 was located. Is the cafe in the large five-story
9 building?

10 A Uh-huh. Yes.

11 Q And are there any other restaurants or
12 commercial spaces at that building other than on the
13 first floor?

14 A So the question is? I'm sorry?

15 Q So you've got a five-story building?

16 A Uh-huh.

17 Q And on the first floor --

18 A Yes.

19 Q -- we've talked about the Shinderman Cafe?

20 A Correct.

21 Q Was there another restaurant also on the first
22 floor?

23 A Yes.

24 Q And do you know the name of that restaurant?

25 A Earth.

1 Q Earth Kitchen?

2 A **Earth Kitchen. I just remember the hot pot.**

3 Q Hot pot, Earth Kitchen. And above the first
4 floor as far as you are aware everything else are
5 residential condominiums?

6 A **Yes.**

7 Q Okay. Did you ever get any complaints from any
8 residential tenants that they had odors?

9 A **No, not direct to me.**

10 Q Does the name Avery Wang mean something to you?

11 A **She's owner of the Earth Cafe.**

12 Q Earth, okay. And did you ever speak to Avery
13 about these odors?

14 A **Yes.**

15 Q What did you speak with Avery about as to the
16 odors?

17 A **Just concerns, if she had experienced the same**
18 **problems as we did since we're on the same level, same**
19 **floor, and then we're in the same running restaurants,**
20 **just asking if she has any issues with this.**

21 Q And then what did she say to you?

22 A **She said yes.**

23 Q Did she and you ever talk about whether the
24 odor issue was better or worse at Shinderman than it was
25 at Earth Kitchen?

1 A I don't recall.

2 Q Okay. To your best recollection do you believe
3 that she was having an odor issue as often as the
4 Shinderman Cafe was having an odor issue?

5 A I can't assume.

6 Q Okay.

7 A Yeah.

8 Q You mentioned the odor was worse when it's hot?

9 A Uh-huh. When the issue started happening,
10 we're trying to figure out what happened. We're trying
11 to figure it out, what's happening, how we can fix the
12 problem. So we start taking -- paying more attention to
13 what exactly is going on as far as I can do is the
14 weather it sounds like doesn't happen when the morning.
15 It happened during the noon or afternoon when it's
16 getting really hot. It's constantly occurred like that.

17 Q So when it's hot, the odor became worse and was
18 stronger?

19 A Yeah. More, yes.

20 Q And the air-conditioning would not help that?

21 A Would not help. Yeah, if it turned on 24/7.

22 Q Was there a particular place in the restaurant
23 where the odor was more noticeable?

24 A At -- when you first walk in, front of the
25 register there's a pipe that air comes out. That's very

1 noticeable from there.

2 Q Okay. Can you describe the pipe that you're
3 referring to?

4 A It's like this wide (indicating) black, brown
5 pipe. It's decor also looks like a vent, the pipe.

6 Q So as a vent was there something coming out?

7 A Yeah.

8 Q And did it appear to you that that was the
9 source of the odor?

10 A I can't tell exactly if the source. It's just
11 like air-conditioning vent, and then the smell just come
12 from there.

13 Q When you say air conditioning vent, I'm not
14 sure what you mean. So let me ask it this way: At
15 least at my house which you've never seen we have vents
16 that have louvers in them, and they're -- vents are
17 typically about this size (indicating) and I'm showing
18 you this size as being about 12 inches by maybe 8
19 inches.

20 MR. ARMSTRONG: That's the vent that's at
21 issue, something like that (indicating).

22 THE WITNESS: It's like a pipe decoration hang
23 over the vent.

24 BY MR. RONAY:

25 Q What we're looking at, and I have to describe

1 this for the court reporter, at the ceiling in this room
2 we're in there is what appears to be a vent which is
3 about a foot square, and it's got little louvers in it?

4 A Uh-huh.

5 Q So is that the type of thing that you saw near
6 the cashier's desk from which the odor seemed to come?

7 A Not exactly like this.

8 Q Okay. How -- in what way was it different than
9 what we're looking at?

10 A It was -- I don't see that. Maybe it's
11 restaurant decor. It's a pipe going through, like, it's
12 a decoration piping that have like -- like plumbing
13 pipe, the giant bigger size.

14 Q Is it a large pipe?

15 A Large pipe.

16 Q About this big, and by "this big," I'm holding
17 my hands about 18 inches apart?

18 A Uh-huh.

19 MR. ARMSTRONG: And you said it was like black
20 or bronze?

21 THE WITNESS: Black or bronze like a decoration
22 pipe on the ceiling because I do not know exactly it's
23 hooked to the vent. That I can't tell.

24 BY MR. RONAY:

25 Q But it was coming down from the ceiling of the

1 restaurant?

2 A Right.

3 Q Where is the restroom of the facility of the
4 cafe in relationship to the cashier's desk to which you
5 were aware of the pipe coming -- I mean, of the vent
6 coming down?

7 A It's look -- are you looking for the distance?

8 Q Yes.

9 A Or location?

10 Q Yes, both.

11 A Both. I would say if the pipe is right there
12 (indicating), restaurant is in the back of the building,
13 I kind of gauging 20, 25 feet. It's far away.

14 Q So let me try it this way: As you come into
15 the restaurant --

16 A Uh-huh.

17 Q -- where is the location of the cashier's desk
18 from the front entry door?

19 A The cashier is right here (indicating),
20 entrance right there (indicating); so I would say when
21 you walk in directly you would see the cashier.

22 Q So as you walk in the cashier's desk is
23 immediately in front of you and is visible?

24 A It's visible.

25 Q And when I say immediately, I shouldn't say

1 that because I have to ask you. Is it like 10 feet?
2 15 feet?

3 A I would say from here to that; so from here to
4 that (indicating) black.

5 Q So you're saying from here where you are
6 sitting to the cabinet that's on the other side of this
7 table?

8 A Right.

9 Q And I am estimating that as being about
10 12 feet?

11 A 12 feet.

12 Q Is that a close estimate?

13 A Right, yes.

14 Q So from the cashier's desk --

15 A Uh-huh.

16 Q -- walk me around to where the restroom would
17 be located?

18 A When you walk in the front door, cashier is
19 right here (indicating), and then there's a hallway.

20 Q So there's a hallway to your right?

21 A Hallway to the right to walk in to the restroom
22 in the back. As we walk in the hallway, there is a
23 desk, there is chairs and tables. And then all the way
24 to the back is the restroom.

25 Q We guessed at about 12 feet from where you're

1 sitting to that cabinet?

2 A Uh-huh.

3 Q How much further were the restrooms from the
4 cashier than this 12-foot distance?

5 A Maybe one-half, little further than this.
6 Maybe like if...

7 Q Maybe twice as far?

8 A 1.5.

9 Q Okay. That's good. Thank you. Were you
10 involved in hiring anyone to try to locate the source of
11 the odor?

12 A Hire somebody?

13 Q Yes. Did you ever hire someone to find the
14 source of the odor?

15 A I do know the -- at the beginning I didn't hire
16 anyone. Beginning there is -- I had the bill somebody I
17 don't know who did it trying to look into the source.

18 Q Do you remember the name of the vendor that
19 billed for the work?

20 A Built the work?

21 Q No, I'm sorry. That --

22 MR. ARMSTRONG: Charged.

23 BY MR. RONAY:

24 Q You got an invoice from someone that had to do
25 with inspecting the cafe to find the odor; is that

1 accurate?

2 A Yeah.

3 Q And you remember the name on the invoice?

4 A If I'm correct Sierra Plumbing or something.

5 Q Sierra Pacific?

6 A Sierra Pacific.

7 Q And do you remember about when that was?

8 A Before I came. Before I start working.

9 Q Did Sierra Pacific come in at any time while
10 you were working as far as you are aware?

11 A I don't think I was there.

12 Q Do you recall whether there was one or more
13 than one invoice from Sierra Pacific?

14 A I don't remember. It's a small invoice. Only
15 I think I remember it's a small invoice.

16 Q Do you know -- do you know what a dba is?

17 A Business dba?

18 Q Yes.

19 A Yeah. Do business as.

20 Q Correct.

21 A Uh-huh.

22 Q Do you know if Shinderman Cafe had a business
23 dba?

24 A Yeah.

25 Q And do you know who the name was of the owner

1 listed for the dba of Shinderman Cafe?

2 A DBA name is Charlie Huang Restaurant --

3 THE COURT REPORTER: I'm sorry?

4 THE WITNESS: Charlie Huang Restaurant Concept
5 7, Inc.

6 THE COURT REPORTER: Concept 7. Thank you.

7 BY MR. RONAY:

8 Q So did you see the dba certificate at any time?

9 A Uh-huh.

10 Q And was he meaning Charlie Huang Concept 7, was
11 that the only name -- was that the only owner name on
12 the dba?

13 A Yes.

14 Q Did you see any other dba for that restaurant
15 location?

16 A Uh-uh, no.

17 Q Do you recall when the name was changed from
18 Mattlorna to Shinderman?

19 A When Shinderman Cafe started I believe it was
20 in November 2017 when the business was changed over
21 because I was doing bookkeeping for them.

22 Q So you were a bookkeeper before you became
23 manager; right?

24 A Uh-huh, yeah.

25 MR. ARMSTRONG: That's a "yes"?

1 **THE WITNESS: Yes. Sorry.**

2 BY MR. RONAY:

3 Q And who was the manager before you were the
4 manager?

5 A Jenner. Jenner or something, J-e-n-n-e-r.
6 Last name Gabriel or something. I don't have exactly
7 name right now.

8 Q Can you -- if were you to look in your phone,
9 would you be able to recognize the name or recall the
10 name?

11 A Yeah. Let me... Jenner, J-e-n-n-e-r. I don't
12 have his last name. It was -- only text. It's just
13 Jenner.

14 Q I'm sorry. Repeat?

15 A I am sorry. I don't have his last name right
16 now.

17 Q It was a male, and the name was at least first
18 name was what?

19 A J-e-n-n-e-r.

20 Q Jenner. Okay. I've been asking you about the
21 change in name from Mattlorna to Shinderman. Was there
22 a sign identifying the restaurant outside of the
23 building?

24 A As for changing name?

25 Q I'm not trying to confuse you, but I sometimes

1 have difficulty asking a question clearly.

2 A This is my first time.

3 Q When I walk into a restaurant, I usually see a
4 sign some place that gives me the name of the
5 restaurant?

6 A Uh-huh.

7 Q When you walked up to the Shinderman Cafe, was
8 there a sign on the building that gave the name of the
9 restaurant?

10 A There's sign was Mattlorna. There's a sign for
11 Mattlorna.

12 Q Do you remember if there was ever a sign for
13 Shinderman Cafe?

14 A That's the project I was working on to changing
15 the sign at outside, but inside on the -- there's a sign
16 for Shinderman Cafe on the inside of the building, I
17 mean, the shop.

18 Q So within the cafe. So inside the cafe there
19 was a sign that said Shinderman Cafe?

20 A Right.

21 Q And you were working on a project to change the
22 exterior sign from Mattlorna. Did that project finish?

23 A Did not finish.

24 Q So the exterior sign Mattlorna stayed through
25 at least July 2018?

1 A Wow. Yes. Can I recall -- can I take back my
2 answer.

3 Q Sure. Please. We're not here to confuse you;
4 so if you need to change anything, please do so now.

5 MR. ARMSTRONG: Yeah.

6 MR. RONAY: I get confused enough on my own.

7 THE WITNESS: I really can't recall. We change
8 the inside and tell the customer we're Shinderman Cafe,
9 but exterior did we take it out? I don't remember. I
10 can't remember.

11 BY MR. RONAY:

12 Q If you don't recall, that's a perfectly
13 reasonable answer.

14 A Okay.

15 Q So you were working on the project to change
16 the sign, but you do not recall if it was finished; is
17 that correct?

18 A I recall it's not finished.

19 Q Okay.

20 A Yeah. It's the project is awning project did
21 not finish.

22 Q Have you ever -- have you ever worked for a
23 restaurant prior to the Shinderman Cafe?

24 A No.

25 Q Have you ever heard the term vanilla shell

1 building?

2 A No.

3 Q Have you ever heard the term rough-in plumbing?

4 A No.

5 Q I've been asking about the location of the
6 cashier's desk to the restrooms. Was the odor that you
7 were aware of on hot days, was it stronger at the
8 cashier or was it stronger at the restroom area?

9 A Stronger at the cashier's area.

10 Q Okay. What about the kitchen area, was it --
11 was there an odor the same type of odor in the kitchen
12 area?

13 A I don't recall. Not to my own knowledge.

14 Q Do you -- you may not have been involved in it,
15 but do you know where the trash area is for the
16 restaurant?

17 A Trash is by the parking lot when you walk out
18 on the right-hand side.

19 Q Okay.

20 A Yeah.

21 Q Did you ever detect that same odor at the trash
22 area?

23 A Me detect?

24 Q Yes.

25 A Like smell anything?

1 Q Yes. Did you ever smell the same odor at the
2 trash area that you smelled near the cashier's desk?

3 A I do smell the smell in the parking lot.

4 Q Okay.

5 A And parking lot smells much stronger than the
6 cafe area. Maybe -- yeah. If it happens like parking
7 lot area smells very strong, then go in there, it smell
8 it's prominent, but less -- yeah.

9 Q Now, the parking area is --

10 A Outside.

11 Q The parking area is within the five story
12 building?

13 A Within the five-story building.

14 Q And is it more than one level?

15 A Parking area one level. There's no...

16 Q There's just one level parking area?

17 A One level.

18 Q And the odor which you referred to that you
19 smelled in the parking area, was there a particular
20 place in the parking area where that odor was stronger?

21 A Only thing I notice when I walk in the back,
22 walk into the shop, that's how I notice -- I aware of
23 the smell.

24 Q When you say "shop," you're referring to the
25 cafe?

1 A To the cafe.

2 Q Okay.

3 A When I walk from the parking lot walking to the
4 cafe where is the parking area we walk in, that's how I
5 noticed.

6 Q So as you walked into the cafe you noticed the
7 odor was there?

8 A Yeah.

9 Q Do you have any recollection of -- let me
10 phrase it this way: How many cars spaces are in the
11 parking lot?

12 A I can't...

13 Q Are there a lot?

14 A There's a lot.

15 Q Or a few?

16 A There's a lot.

17 Q More than just five or ten?

18 A Yeah.

19 Q Would it be correct to say it's almost the
20 almost entire level other than where the two restaurants
21 are?

22 A Entire level of --

23 Q Of the parking --

24 A -- the parking?

25 Q -- area?

1 A Yeah.

2 Q Okay.

3 MR. RONAY: May I have just a few moments,
4 Counsel?

5 MR. ARMSTRONG: Sure.

6 (A brief recess was taken.)

7 MR. ARMSTRONG: Let's go ahead and go back on
8 the record.

9 BY MR. RONAY:

10 Q While you were employed by Shinderman Cafe how
11 many employees worked inside the cafe?

12 A One, two, three, four, five, six, seven, eight,
13 nine, roughly ten from the front and the back.

14 Q By front and back you mean waiters in the front
15 and kitchen staff in the back?

16 A Yes.

17 Q Do you recall the names of any of these ten?

18 A Jen, J-e-n. I don't recall her last name.
19 Stephanie Morales. She's been there longer. And then
20 Cain, C-a-i-n. And then there's Ashley. And then there
21 is the girl -- what's her name? Stephanie -- I don't --
22 there's -- and also Andy is a chef. Also, yeah, there's
23 a Chinese guy. Whose name? The chef I forgot. There's
24 two Chinese chef in there. Mr. Hu, H-u.

25 Q H-u?

1 **A It's H-u, yeah. And Mr. Li, L-i is a chef.**

2 Q What position -- or you mentioned Stephanie
3 Morales. Is she a front staff or back staff?

4 **A She's a front staff barista.**

5 Q You mentioned barista?

6 **A She's barista.**

7 Q And going back to the manager before the -- you
8 believe -- was it Jenner?

9 **A Uh-huh.**

10 Q Was his name Roger by any chance?

11 **A Uh-uh.**

12 Q Definitely was not Roger?

13 **A Definitely not Roger.**

14 Q Does the name Roger ring any bell with regard
15 to being a manager?

16 **A No.**

17 Q Okay. Now, the project for changing the sign
18 from Mattlorna to Shinderman Cafe was your involve -- in
19 terms of your involvement, did you work with the City in
20 terms of getting permission for the sign?

21 **A I work with the contractor who made the sign,**
22 **and they deal with the City.**

23 Q Okay. What was the name of the contractor?

24 **A I don't recall. Some place in Pacoima Valley.**

25 Q Okay. So you had -- let me rephrase it.

1 Sorry. Did you have any direct contact with the City of
2 Alhambra as part of the project that's changing the
3 sign?

4 A No.

5 Q And going back to the smell that you were aware
6 of as you're entering the shop from the parking area --

7 A Uh-huh.

8 Q -- did that smell get stronger as you came in
9 to the shop?

10 A Stronger came in the shop? If you walk in, and
11 then, no.

12 Q Stays about the same?

13 A Stayed about the same.

14 Q And would you detect it would you say within
15 five feet of entering the shop?

16 A When you -- if you go in the front or the back?

17 Q No. Well, the parking area is in the back;
18 correct?

19 A (No audible response.)

20 Q So if you're coming in from the parking area
21 going to the back door of the shop?

22 A Uh-huh.

23 Q So this odor that you detected what you
24 detected would you say was within five feet of the back
25 door of the shop?

1 A Five feet? I would -- sometimes more like when
2 I park maybe 10 feet away from the shop.

3 Q So between 5 to 10 feet?

4 A Yeah. I park there 10 feet, 15. From the
5 first available parking to there.

6 Q Then going back to Stephanie Morales who's the
7 barista, when was the last time that you've spoken with
8 her?

9 A Spoke? I spoke to her -- text her about the --
10 she received a subpoena.

11 Q Subpoena?

12 A Subpoena. And then the attorney's office is
13 trying to contact her.

14 Q So when did you find out that Stephanie Morales
15 had also been served a subpoena to come here and be
16 questioned.

17 A From the lawyer office.

18 Q I'm sorry?

19 A From this office.

20 Q From which office?

21 A From -- your office, law office.

22 MR. ARMSTRONG: Probably from my assistant
23 Janina.

24 THE WITNESS: Janina, yeah.

25 MR. ARMSTRONG: Yeah.

1 BY MR. RONAY:

2 Q So you heard from Janina when about Stephanie
3 Morales?

4 A What day is that? Ten days ago, August 9.

5 Q So that's when Janina contacted you with regard
6 to Stephanie?

7 A She contact me for confirm my appointment and
8 Stephanie appointment.

9 Q When Jeanine called you to confirm your
10 appointment, did she tell you what you would be
11 questioned about?

12 A We didn't spoke on the phone. We just -- we
13 exchange the e-mail.

14 Q Okay.

15 A And it's about deposition subpoena, about
16 Shinderman Cafe and the -- which one versus the Terrace
17 View Property.

18 Q So you were told it had to do with Shinderman
19 Cafe versus Terrace View Properties. Terrace view is
20 the landlord?

21 A Uh-huh.

22 MR. ARMSTRONG: That's a "yes"?

23 THE WITNESS: Yes.

24 BY MR. RONAY:

25 Q And were you told anything else about what you

1 would be questioned about today?

2 A I'm so sorry?

3 Q Were you told anything else in the e-mail about
4 what you would be questioned about today?

5 A I'm just -- no. Just regarding the deposition
6 subpoena.

7 Q And did you speak with Stephanie Morales or
8 just text her.

9 A Text her.

10 Q Do you have Stephanie's phone number?

11 A Yes.

12 Q What is that?

13 A Okay. Coming right now. Stephanie. Stephanie
14 (626) 692-4685.

15 Q Ms. Hanes, thank you very much. I appreciate
16 your cooperation. At least you got out of here
17 relatively quickly.

18 A Okay.

19 MR. ARMSTRONG: Yep. So what happens now is
20 that we're done with our questioning. And what's going
21 to happen is the court reporter is going to type all the
22 questions and answers in a booklet. And then they're
23 going to give you an opportunity to read the booklet and
24 make any changes, but I will caution you that if you
25 change a yes to a no that if you were called as a

1 witness to trial, either lawyer myself or the gentleman
2 sitting next to you can make a comment that you changed
3 from a yes to a no when you first answered the question
4 you know here, but it's important to get the testimony
5 accurate, of course; so you want to try to get it right.

6 **THE WITNESS: Yeah.**

7 MR. ARMSTRONG: So you'll have an opportunity
8 to do that, and then you need to sign the transcript to
9 say that, yes, you've read it over and this is what you
10 agree with the answers or at least that's what you
11 answered to more accurately. Okay.

12 **A Okay.**

13 MR. ARMSTRONG: And with that I propose we
14 stipulate that if the court reporter will maintain
15 custody of the original and then on demand provide it
16 for trial or hearing purposes as necessary; and if the
17 original is unavailable, that a certified copy or the
18 original for whatever reason isn't signed that a
19 certified copy of the transcript can be used for all
20 intents and purposes as though it were the original.

21 MR. RONAY: So stipulated.

22 (The deposition concluded at 11:17 a.m.)

23 ***

24

25

1 I declare under penalty of perjury under the laws of
2 the State of California that the foregoing is true
3 and correct.

4 Executed on _____, 2019, at _____,
5 _____.

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MARY CHEN HANES

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1 DEPOSITION OFFICER'S CERTIFICATE

2

3 STATE OF CALIFORNIA)
4) SS.
5 COUNTY OF ORANGE)

6

I, Gina R. Fuqua, hereby certify:

7

I am the deposition officer that stenographically
8 recorded the testimony in the foregoing deposition.

9

Written notice pursuant to Code of Civil Procedure,

10 Section 2025(q)(1), having been sent, the deponent took
11 the following action within the allotted period with
12 respect to the transcript of the deposition:

13 () In person, at the offices of the deposition officer,
14 made the changes set forth on the original of the
15 transcript. (The parties attending the deposition have
16 been notified of said changes.)

17 () Approved the transcript by signing it.

18 () Refused to approve the transcript by not signing it.

19 () By means of a signed letter, made the changes and
20 approved or refused to approve the transcript as set
21 forth therein. (Said letter has been attached to the
22 original transcript and copies thereof mailed to all
23 parties attending the deposition.)

24 () Failed to approve the transcript within the allotted
25 time period.

1


2 Dated: September 16th, 2019.

3

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Gina R. Fuqua, CSR 12619

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1 Errata Sheet

2

3 NAME OF CASE: CHARLIE HUANG REST. vs TERRACE VIEW PROP.

4 DATE OF DEPOSITION: 08/19/2019

5 NAME OF WITNESS: Mary Chen Hanes

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

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