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8 Attorneys for Plaintiffs  
9 Thang Dinh Nguyen, Ph.D. and  
10 Boat People SOS, Inc.

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF ORANGE**

13 THANG DINH NGUYEN, PH.D. and BOAT  
14 PEOPLE SOS, INC., a nonprofit corporation,

15 Plaintiffs,

16 vs.

17 KHOA XUAN LE, an individual, and HOLLY  
18 NGO, an individual, and DOES 1 thru 10,

19 Defendants.

CASE NO. 30-2024-01426630-CU-DF-CJC

**COMPLAINT FOR DEFAMATION AND  
DEFAMATION PER SE**

**[REQUEST FOR JURY TRIAL]**

**Assigned for All Purposes**

Judge Shawn Nelson

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1 Plaintiffs Thang D. Nguyen, Ph.D., and Boat People SOS Inc. (“Plaintiffs”) allege as follows:

2 **NATURE OF ACTION**

3 1. Plaintiffs bring this defamation action following numerous publications claiming that  
4 Plaintiffs are criminal defendants in a criminal matter that is brought by a criminal case plaintiff. The  
5 defendant made these statements to hurt Plaintiffs’ reputation and to insinuate that Plaintiffs had  
6 somehow been criminally charged in a case for their purported crimes. This has all resulted in  
7 substantial harm to Plaintiffs’ reputation and necessitated the filing of this action to clear their names.

8 **JURISDICTION AND VENUE**

9 2. Jurisdiction is proper in this Court pursuant to the California Constitution, Article VI, §  
10 10 because this case is a cause not given by statute to other trial courts.

11 3. This Court retains general jurisdiction over each named defendant who is a resident of  
12 California.

13 4. Venue is proper in this Court because the publications complained of herein occurred in  
14 this County.

15 **PARTIES**

16 5. Plaintiff Thang Dinh Nguyen, Ph.D. is an individual domiciled in the State of Virginia  
17 and at all times pertinent hereto held the position of Chief Executive Officer and President of Boat  
18 People SOS Inc. (“BPSOS”). At all times relevant herein, Plaintiff was not a public figure.

19 6. Plaintiff Boat People SOS (“BPSOS”) is a Virginia non-profit corporation with its  
20 principal place of business in Virginia, registration with the State of California, and a branch office in  
21 Orange County, California. Plaintiff BPSOS was formed in 1980 as a non-profit organization.

22 7. Defendant Khoa Xuan Le is at all times pertinent hereto domiciled in the State of  
23 California. He currently resides at 400 Limestone Apt 615, Irvine, CA, 92603.

24 8. Defendant Holly Ngo is at all times pertinent hereto domiciled in the State of California.  
25 She currently resides at 2181 Marble Cir., Garden Grove, California.

26 9. The true names and capacities, whether individual, corporate, associate or otherwise of  
27 defendants Does 1 through 10, inclusive, are unknown to Plaintiffs, who therefore sue said defendants  
28 by such fictitious names. Plaintiffs are informed and believe and thereon allege that each of the



1 defendants designated herein as a fictitiously named defendant is in some manner responsible for the  
2 events referred to, either contractually or tortiously, and caused the damage to the Plaintiffs as alleged.  
3 When Plaintiffs ascertain the true names and capacities of Does 1 through 10, inclusive, they will seek  
4 leave of this Court to amend his Complaint to include them.

5 10. At all times herein mentioned, each of the defendants named in the caption of this  
6 Complaint was and is the agent, servant and employee of each of the other defendants, and all of the  
7 things alleged to have been done by said defendants were done in the capacity of and as agent of the  
8 other defendants.

### 9 **GENERAL ALLEGATIONS**

10 11. Currently pending before the Superior Court of California, County of Orange, is a case  
11 entitled *Le Xuan Khoa v. Nguyen Dinh Thang*, case number 30-2021-01201012-CU-DF-CJC. This is  
12 unquestionably a civil matter and is not a criminal matter filed by the government.

13 12. Nevertheless, on numerous occasions, Defendants have referred to the matter as being a  
14 criminal matter and that Plaintiffs are “criminal accused”, *i.e.*, criminal defendants in a criminal matter.  
15 Being a defendant in a civil matter is completely different than being a criminal defendant in a criminal  
16 matter. Being a criminal defendant in a criminal matter implies that the defendant has committed a  
17 crime, that the government recognized that the criminal defendant had committed a crime, that the  
18 criminal defendant has been charged with committing a crime, and that the criminal defendant could be  
19 potentially punished with incarceration given that it is a criminal matter.

20 13. On or about March 21, 2024, Defendant Khoa Xuan Le published on  
21 [www.baotienngdan.com](http://www.baotienngdan.com) an article titled “Prof. Le Xuan Khoa Speaks Up About the Lawsuit.” The  
22 March 21, 2024 article was available on the internet for readers to review and was also widely  
23 distributed via email google groups that reach hundreds of thousands of recipients. A copy of this  
24 article is available at: [26 14. In the March 21, 2024 article, Defendant Khoa Xuan Le called Dr. Thang and BPSOS  
27 the Vietnamese term “bị cáo.” The term “bị cáo” is understood to mean criminally accused or the  
28 criminal defendant in a criminal matter. In fact, the term “bị cáo” is defined in the Vietnam Penal Code](https://baotienngdan.com/2024/03/21/gs-le-xuan-khoa-len-tieng-ve-vu-kien-ts-<br/>25 <u>nguyen-dinh-thang/</u></a>.</p></div><div data-bbox=)

1 as the “person or legal entity who has been brought to trial by the Court's decision” (According to Clause  
2 1, Article 61 of the 2015 Criminal Procedure Code).

3 15. To be accurate, Defendant Khoa Xuan Le should have used the term “bị đơn,” which  
4 would mean a defendant in a civil matter. Instead, Defendant Khoa Xuan Le intentionally used the term  
5 “bị cáo” to claim that Plaintiffs were criminally charged and are criminal defendants in a criminal  
6 matter. As a result, the implication is that Plaintiffs are criminal defendants and that Plaintiffs are faced  
7 with criminal penalties, including incarceration.

8 16. In addition, instead of using the word “nguyên đơn,” which means “plaintiff,” in a civil  
9 matter, Defendant Khoa Xuan Le addressed himself as “nguyên cáo.” This term is commonly  
10 understood to be “a person with related rights and interests in a criminal case who requests the Court to  
11 force the offender to compensate him or her for damages caused by their criminal acts.” (See,  
12 <https://luatminhkhue.vn/nguyen-cao-la-gi.aspx>).

13 17. In the March 21, 2024 article, Defendant Khoa Xuan Le called Plaintiffs as “the  
14 criminally accused” eleven times and referred to himself as “the criminal-case plaintiff” eight times:

15 “... *Dr. Thang released an announcement that he had won 3/4 of the lawsuits, and **criminal-***  
16 *case plaintiff Le Xuan Khoa would have to pay **criminally accused Nguyen Dinh Thang** a total*  
17 *compensation amount of up to \$186,000 USD.*

18 ... *Indeed, this is completely untrue information from Dr. Thang because it was not until January*  
19 *16, 2024 that the Court of Appeal announced its decision NOT to accept **criminally accused Nguyen***  
20 ***Dinh Thang's** appeal.*

21 ... *On March 28, 2022, the **criminally accused** applied to the California Superior Court to*  
22 *dismiss the **criminal-case plaintiff's** lawsuit because the **criminally accused** has the right to freedom of*  
23 *speech. On September 16, 2022, the California Superior Court recognized that **criminal-case plaintiff***  
24 *Le Xuan Khoa had a legitimate reason to sue **criminally accused Nguyen Dinh Thang** for defamation...*

25 ... *On January 16, 2024, the Court of Appeals, after reviewing the **criminally accused's** appeal,*  
26 *and listening to arguments from both sides' lawyers on October 24, 2023, rejected the reason for the*  
27 *appeal and maintained the verdict of the Superior Court.*

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1 ... To avoid the **criminally accused's** efforts to prolong the lawsuit, which is very detrimental to  
2 my age and health, the **criminal-case plaintiff's** lawyer will ask the Supreme Court for special  
3 permission to set a trial date earlier than usual. In the meantime, the lawyer advised me not to respond  
4 to the untrue statements in the **criminally accused's** article..." [emphasis added]

5 18. Even in instances where Defendant Khoa Xuan Le translated the court order, he  
6 mistranslated "Defendant" as "Criminally Accused":

7 "*The **Criminally Accused**' objections to the Declaration of Le Xuan Khoa (**Criminal-case***  
8 ***Plaintiff** Dec.) are overruled. However, if **Criminal-case Plaintiff** intends to provide a different*  
9 *interpretation of the **Criminally Accused**' statement at trial, he must be prepared/able to factually*  
10 *backup his opinion.*"

11 ...*We find the trial court did not abuse its discretion in considering Khoa's declaration in ruling*  
12 *on Thang **criminally accused**' anti-SLAPP motion.*" [emphasis added]

13 19. Defendant Khoa Xuan Le's use of the words for criminal accused and criminal-case  
14 plaintiff was not due to ignorance as he, per his own biography, was a professional English-Vietnamese  
15 translator from 1971 to 1975. In addition, Defendant Khoa Xuan Le was Director of the Vietnamese-  
16 American Association Press, entrusted with the supervision and quality control of the translation and  
17 publication of textbooks for Vietnamese students, which, as of April 1975, had published thirty-five  
18 books with ten others in preparation or being printed.

19 20. Rather, Defendant Khoa Xuan Le intentionally used the term "bị cáo" so that the reader  
20 of the article would believe that Plaintiffs were criminally accused and were criminal defendants in a  
21 criminal matter.

22 21. Defendant Khoa Xuan Le may not claim inadvertence as the March 21, 2024 article was  
23 not the first time he called Plaintiffs the "criminally accused." He did the same in an article published  
24 on March 16, 2023 titled "Prof. Lê Xuân Khoa spoke about the statement made by former Ambassador  
25 G.J. Rees on the ROVR Program." Therein, he wrote:

26 "*Preliminary results of Le Xuan Khoa's lawsuit against Nguyen Dinh Thang were made public*  
27 *by the California Superior Court in Orange County on September 16, 2022, revealing that the Court*  
28 *rejected the petition by the lawyer of **the criminally accused Nguyen Dinh Thang** to dismiss the lawsuit*

1 filed by **criminal-case Plaintiff Le Xuan Khoa** on the grounds that **the criminally accused** used the  
2 right to freedom of speech in the spirit of the Federal and State Constitutions. However, the Court  
3 requires the **criminal-case plaintiff** to present to the Court all the arguments and evidence supporting  
4 the claim that the **criminally accused** committed the crime of slander and defamation.” [emphasis  
5 added]

6 22. As with the March 21, 2024 article, Defendant Khoa Xuan Le claimed that Plaintiffs  
7 were criminally accused and criminal defendants in a criminal matter.

8 23. On March 31, 2024, Defendant Holly Ngo republished Defendant Khoa Xuan Le’s  
9 defamatory statements to a new audience on her Facebook page “Mot Thoi AT GL.” On April 6, 2024,  
10 Defendant Holly Ngo distributed said statements through Google groups reaching hundreds of  
11 thousands of Vietnamese email account holders.

12 24. These publications painted Plaintiffs as having been charged with a crime and who are  
13 criminal defendants in a pending criminal matter. Further, because Defendants imply that Plaintiffs are  
14 criminally accused defendants in a criminal matter, there is a possibility of incarceration. All these  
15 statements are false because the pending matter is a civil matter and Plaintiffs were never charged with  
16 a crime in the matter. The government has never brought criminal charges against Plaintiffs in the  
17 underlying matter. Additionally, because it is a civil matter, Plaintiff are not criminally accused  
18 defendants and Defendant Khoa Xuan Le is not a criminal-case plaintiff.

19 25. Defendants made and caused to be published these defamatory statements with  
20 knowledge that they were false, or, at the very least, with reckless disregard as to whether they were  
21 false. As such, Defendants acted with actual malice. Defendants, especially Defendant Khoa Xuan Le,  
22 had actual knowledge of the underlying case and knew that it was a civil matter. Defendants, especially  
23 Defendant Khoa Xuan Le, knew that the underlying case was not brought as a criminal matter by the  
24 government. Defendants knew that the term they used in describing Plaintiffs was as criminally accused  
25 defendants in a criminal matter. Defendant Khoa Xuan Le specifically has training on translating  
26 Vietnamese to English. And Defendants made multiple false publications which showed that they were  
27 recklessly disregarding the falsity of the publications.

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1 characterizations, tend to deter other people from associating or dealing with Plaintiffs, both personally  
2 and professionally.

3 33. Defendants authored and caused to be published and broadly disseminated to the public  
4 these false and defamatory statements knowing that they were false and without any factual bases for  
5 making the statements. Defendants did so with knowledge of their falsity, or at the very least, with  
6 reckless disregard for their truth or falsity.

7 34. Defendants knew, or should have known, that publishing the false and defamatory  
8 statements would injure Plaintiffs' personal and/or professional reputation and Plaintiffs' ability to work  
9 or raise funds, as well as Plaintiff's' personal, social and/or professional relationships. Nevertheless,  
10 Defendants published the defamatory statements with actual malice, ill will and personal animosity  
11 towards Plaintiffs intending to harm Plaintiffs' reputation, career, relationships and/or operations.

12 35. Plaintiffs have suffered, and continue to suffer, damages as a direct and proximate result  
13 of the false and defamatory statements in an amount to be determined at trial, including but not limited  
14 to harm Plaintiffs' reputation, career, relationships and/or operations.

15 36. In addition, Defendants have engaged in willful and malicious conduct, or conduct that  
16 manifests a knowing and reckless indifference toward, and disregard of, the rights of Plaintiffs. Among  
17 other purposes, Defendants published the defamatory statements with the intent to harm Plaintiffs  
18 professionally and personally. As a result of such conduct, Plaintiffs are entitled to an award of  
19 damages, including exemplary and punitive damages against Defendants.

20 **SECOND CAUSE OF ACTION**

21 **(Defamation Per Se)**

22 **(Against Defendants and DOES 1 through 10, inclusive)**

23 37. Plaintiffs reallege and incorporate herein by reference each and every foregoing  
24 paragraph as though stated in full herein.

25 38. Defendants authored or otherwise published the above defamatory statements against  
26 Plaintiffs. Such defamatory statements were not privileged or authorized.

27 39. Defendants' defamatory statements against Plaintiffs were published on various  
28 websites, through Facebook and through mass email. Thus, Defendants were aware that their



1 defamatory statements would be visible and available to anyone with access to the internet and  
2 Facebook, including Plaintiffs' friends, employees, volunteers, colleagues, supporters and donators.

3 40. Readers and viewers of the articles and defamatory statements understood that the  
4 statements concerned Plaintiffs and that Plaintiffs were criminally accused defendants in a criminal  
5 matter.

6 41. Such statements about Plaintiffs were clearly false as they falsely represented that  
7 Plaintiffs were criminally accused defendants in a criminal matter. As a result, the implication is that  
8 Plaintiffs are criminals and that Plaintiffs could have criminal penalties, including incarceration if found  
9 guilty.

10 42. Such statements were defamatory *per se* because the false statements, and the  
11 implications from such characterizations, claimed that Plaintiffs were criminals who had been charged  
12 with a crime. As a result, the statements exposed Plaintiffs to public contempt, ridicule, aversion or  
13 disgrace, or to induce in the minds of a substantial number of members of the community an opinion of  
14 Plaintiffs as criminals. Moreover, such false statements, and the implications from such  
15 characterizations, tend to deter other people from associating or dealing with Plaintiffs, both personally  
16 and professionally.

17 43. Defendants authored and caused to be published and broadly disseminated to the public  
18 these false and defamatory statements knowing that they were false and without any factual bases for  
19 making the statements. Defendants did so with knowledge of their falsity, or at the very least, with  
20 reckless disregard for their truth or falsity.

21 44. Defendants knew, or should have known, that publishing the false and defamatory  
22 statements would injure Plaintiffs' personal and professional reputation and Plaintiffs' ability to work  
23 or raise funds, as well as Plaintiffs' personal, social and/or professional relationships. Nevertheless,  
24 Defendants published the defamatory statements with actual malice, ill will and personal animosity  
25 towards Plaintiffs intending to harm Plaintiffs' reputation, career, relationships and/or operations.

26 45. Plaintiffs have suffered, and continue to suffer, damages as a direct and proximate result  
27 of the false and defamatory statements in an amount to be determined at trial, including but not limited  
28 to harm to Plaintiffs' reputation, career, relationships and/or operations.



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**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial for all applicable claims.

Date: September 17, 2024

Respectfully Submitted,

**DHILLON LAW GROUP INC.**

By:           /s/ Brandon Q. Tran          

BRANDON Q. TRAN

Attorney for Plaintiff Thang D. Nguyen, Ph.D.  
and Boat People SOS Inc.

**VERIFICATION**

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I, Thang Dinh Nguyen, Ph.D., declare:

I am the individual plaintiff in this case, as well as the C.E.O. of Boat People SOS Inc. I declare under the penalty of perjury that I have read and reviewed the Complaint for Defamation and Defamation Per Se, and that the contents of the Complaint are true to the extent they are based on my personal knowledge, and as to all other matters which are therein stated to be based on information and belief, I also believe them to be true.



Date: September 17, 2024

By: \_\_\_\_\_