

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE - CENTRAL JUSTICE CENTER
DEPARTMENT C23

LE XUAN KHOA,)	
)	
PLAINTIFF,)	
)	
VS.)	NO. 30-2021-1201012
)	
NGUYEN DINH THANG; BOAT PEOPLE S.O.S.,)	
INC., AND DOES 1 THROUGH 100,)	
INCLUSIVE,)	
)	
DEFENDANTS.)	
_____)	

HONORABLE DAVID J. HESSELTINE, JUDGE PRESIDING
REPORTER'S TRANSCRIPT
THURSDAY, NOVEMBER 7, 2024

MICHELLE LOTT-MEYERHOFER, CSR 8226
COURT-APPROVED OFFICIAL REPORTER PRO TEMPORE

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1 SANTA ANA, CALIFORNIA - THURSDAY, NOVEMBER 7, 2024
2 MORNING SESSION
3 *****

5 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
6 PRESENCE OF THE JURY:)

8 THE COURT: WE WILL GO ON THE RECORD CALLING KHOA V.
9 THANG. IF WE COULD HAVE THE APPEARANCES FOR THE RECORD.

10 MR. HART: GOOD MORNING, YOUR HONOR. HOYT HART FOR
11 THE PLAINTIFF, LE XUAN KHOA.

12 MR. VOSS: GOOD MORNING, YOUR HONOR. DAVID VOSS,
13 VOSS, SILVERMAN & BRAYBROOKE, ON BEHALF OF THE DEFENDANTS.

14 MR. ERIGERO: GOOD MORNING, YOUR HONOR. STEPHEN
15 ERIGERO, ROPERS MAJESKI, ALSO ON BEHALF OF THE DEFENDANTS.

16 THE COURT: THANK YOU VERY MUCH. ALL RIGHT. AND WE
17 SHOULD HAVE OUR JURORS HERE SHORTLY IN THE NEXT FEW MINUTES,
18 AND WE'LL DIVE IN WITH THE OPENING ARGUMENTS, AND THEN GET
19 INTO THE WITNESSES AS IDENTIFIED YESTERDAY.

20 A COUPLE THINGS, JUST BEFORE I FORGET, TO BE
21 CLEAR, A COUPLE DAYS AGO NOW WE WENT THROUGH THOSE
22 INSTRUCTIONS AND TALKED ABOUT VERDICT FORMS A LITTLE BIT.

23 SO BY TUESDAY MORNING, IF WE COULD HAVE THE
24 1700, I THINK IT WAS.

25 MR. VOSS: I'VE GOT A DRAFT ALREADY GOING.

26 THE COURT: PERFECT. AND THEN THERE WAS MENTION TO

1 MAYBE REVISING SOME OF THE SPECIALS OR OTHER ONES.
 2 SO TO THE EXTENT THERE'S ANY NEW VERSIONS OR
 3 ANYTHING ELSE, IF WE COULD HAVE THAT, AS WELL AS A DRAFT
 4 VERDICT FORMS, BY TUESDAY MORNING, SO THAT THEN GIVES THE
 5 COURT THE OPPORTUNITY. BECAUSE ONCE WE GET GOING THROUGH
 6 THIS, THIS IS GOING TO GO FAIRLY QUICKLY, AND WE DON'T WANT TO
 7 BE BLIND-SIDED, OH, WE'RE AT THE CLOSE, AND WE ARE NOWHERE
 8 NEAR GETTING THESE THINGS FINALIZED.
 9 MR. HART: WOULD YOU LIKE US TO COME IN A LITTLE
 10 EARLY ON TUESDAY AND MAYBE START THE DISCUSSION?
 11 THE COURT: NO, BECAUSE, ACTUALLY, I HAVE A COUPLE --
 12 I HAVE TWO LAW AND MOTION MATTERS I HAVE TO ADDRESS AT 8:00,
 13 SO TUESDAY MORNING DOESN'T WORK.
 14 AS LONG AS YOU GET IT IN BY TUESDAY MORNING,
 15 THEN TUESDAY OR TUESDAY NIGHT, I CAN LOOK AT THEM, AND THEN
 16 THAT WILL GIVE US --
 17 MR. HART: THESE DON'T NEED TO BE FILED, I ASSUME.
 18 WE JUST BRING THEM IN?
 19 THE COURT: JUST BRINGING THEM IN DOESN'T MAKE THEM
 20 PART OF THE REGISTER OF ACTIONS FOR BEING -- ANY APPELLATE
 21 REASON BEING IN THE RECORD, SO I WOULD DO BOTH.
 22 MR. HART: OKAY. VERY GOOD.
 23 MR. VOSS: YOUR HONOR, IF I MAY INQUIRE. I'M NOT
 24 SURE WHETHER COUNSEL INTENDS TO DO IT OR NOT, BUT WE HAVE THIS
 25 ISSUE REGARDING THE DEPOSITION TESTIMONY AND THE OBJECTION ON
 26 PAGE 89.

1 "I HAVE NO IDEA." I WOULD PREFER AN OFFER NOW
 2 AS TO WHETHER THAT'S GOING TO BE USED IN OPENING, RATHER THAN
 3 HAVE TO OBJECT IN THE MIDDLE OF AN OPENING STATEMENT. CAN
 4 WE --
 5 THE COURT: WELL, WE CAN HAVE A QUICK DISCUSSION
 6 ABOUT IT RIGHT NOW.
 7 MR. HART: OKAY.
 8 THE COURT: POINT OUT, I GUESS, THAT LIKELY, WE'RE
 9 AT, FOR THE RECORD, THE DEPOSITION OF DEFENDANT FROM
 10 AUGUST 8TH. ON PAGE 89, THERE'S A QUESTION AT LINES 21 TO 24.
 11 THERE IS AN ANSWER ON LINE 25. AND THEN IF WE GO OVER TO PAGE
 12 90, THERE IS THE OBJECTION AT LINES ONE AND TWO.
 13 SO DOES THAT ACCURATELY IDENTIFY WHERE WE'RE AT
 14 FOR THE RECORD PURPOSES?
 15 ALL COUNSEL: YES, YOUR HONOR.
 16 THE COURT: ALL RIGHT. AND SO WE OBVIOUSLY HAVE A
 17 DEPOSITION OF A PARTY, WHICH CAN BE USED FOR ANY PURPOSE UNDER
 18 THE CCP. AND WE HAVE, I'M PRESUMING, THE INTENT TO USE THAT
 19 OR READ IT OR QUESTION ABOUT IT. IS THAT --
 20 MR. HART: VERY LIKELY I'LL PARAPHRASE THIS IN MY
 21 OPENING.
 22 THE COURT: I'M JUST TALKING ABOUT IN GENERAL, ABOUT
 23 USING IT DURING THE EXAMINATION. LET'S CUT TO THE CHASE IN
 24 TERMS OF THE EXAMINATION A LITTLE BIT SO WE CAN FLUSH THAT
 25 OUT.
 26 MR. HART: YES. YES, EITHER HE'S GOING TO ANSWER THE

1 SAME WAY HE DID IN THE DEPOSITION, OR I WILL IMPEACH BY
 2 READING. THAT'S --
 3 MR. VOSS: AND IN EITHER EVENT, OR EVEN SO-CALLED
 4 PARAPHRASING IN RELIANCE ON THIS, WE OBJECT TO BECAUSE, FIRST
 5 OF ALL, IT'S NOT HIS COMPLETE STATEMENT. THERE'S NO FURTHER
 6 QUESTION ASKED. HE CONTINUES ON BEYOND THE EXCERPT THAT
 7 COUNSEL WOULD LIKE TO PRETEND NO OTHER PART OF THE ANSWER
 8 EXISTS.
 9 AND I OBJECTED TO THE FORM OF THE QUESTION, AND
 10 WHICH, IF YOU TRY TO READ JUST THAT QUESTION TO A JURY OR FOR
 11 ANY PURPOSE, AND SAY, "WHEN YOU WROTE THOSE COMMENTS WE JUST
 12 ARGUED ABOUT FOR THE LAST 30 MINUTES," THAT'S NOT A
 13 FREESTANDING QUESTION.
 14 NOBODY HAS ANY IDEA WHAT THAT INCORPORATES FROM
 15 THE LAST 30 MINUTES. THERE'S NO WAY TO TELL, NOR WAS IT AN
 16 INTELLIGIBLE QUESTION. IT'S VAGUE AND AMBIGUOUS. THE FORM OF
 17 THE QUESTION IS COMPLETELY IMPROPER. AND THAT'S WHY I
 18 OBJECTED AT THE TIME. I DIDN'T DO A SPEAKING OBJECTION. I
 19 JUST OBJECTED TO THE FORM OF THE QUESTION.
 20 MR. HART: SO, YOUR HONOR, IF YOU TAKE A REVIEW OF
 21 THE FOUR OR FIVE PAGES AHEAD OF THAT, YOU'LL SEE THAT IN THE
 22 CONTEXT OR IN THE PROCESS OF TAKING HIS DEPOSITION, THERE WAS
 23 AN EXCESSIVE AMOUNT OF INTERFERENCE AND COLLOQUY FROM MR. VOSS
 24 ABOUT THESE ISSUES.
 25 WE ALL KNOW EXACTLY WHAT TWO COMMENTS ARE BEING
 26 REFERRED TO BECAUSE THEY'RE THE TWO THAT ARE AT THE HEART OF

1 THIS LAWSUIT. AND IF I READ THIS AS IMPEACHMENT AND IT'S NOT
 2 CLEAR WHAT IT'S IMPEACHING, THAT'S THE RISK OF -- MY RISK OF
 3 NOT PROVING MY POINT.
 4 THERE WERE ONLY TWO THINGS DISCUSSED: THAT
 5 MR. KHOA MADE A FALSE STATEMENT, AND THAT THAT WAS A CRIMINAL
 6 OFFENSE.
 7 MY QUESTION TO HIM WAS ATTEMPTED OVER THE
 8 COURSE OF THESE FIVE PAGES AND FINALLY GOT THIS POINT AT WHICH
 9 HE SAID, "I HAVE NO IDEA."
 10 SO I INTEND TO PARAPHRASE THAT IN MY OPENING.
 11 AND IF HE SAYS SOMETHING ELSE, THEN THAT'S MY RISK THAT MY
 12 OPENING PRESENTATION DOESN'T MATCH WHAT HE SAYS.
 13 IF HE SAYS SOMETHING ELSE, THEN I'LL READ THIS
 14 AND WILL INQUIRE WHAT HE WAS TALKING ABOUT, IF IT WAS
 15 SOMETHING ELSE.
 16 THE COURT: AND THEN, MR. VOSS --
 17 MR. VOSS: WELL, FIRST OF ALL --
 18 THE COURT: WAIT. THEN FOR COMPLETENESS, WHAT IS
 19 YOUR THOUGHT ON THAT IF --
 20 WELL, HERE IS A COUPLE THINGS: FIRST OF ALL,
 21 WE HAVE OBJECTION TO THE FORM OF THE QUESTION. THAT'S NOT AN
 22 OBJECTION; THAT'S A WHOLE BROAD CATEGORY OF OBJECTIONS. IS IT
 23 VAGUE? IS IT ARGUMENTATIVE? IS IT COMPOUND? IS IT WHAT --
 24 MR. VOSS: AND THAT'S WHAT I'M DISCUSSING WITH YOU,
 25 YOUR HONOR.
 26 THE COURT: NO, NO, BUT THAT HAS TO BE AT THE TIME OF

1 THE DEPOSITION SO THAT THE QUESTION CAN BE ADDRESSED.
 2 SO MY MORE DIRECT QUESTION TO YOU IS: IS THERE
 3 MORE OF A COMPLETENESS ISSUE THAT YOU WERE SUGGESTING TO READ
 4 MORE OF?
 5 MR. VOSS: WELL, THERE'S BOTH, YOUR HONOR. FIRST OF
 6 ALL, COUNSEL JUST REPRESENTED TO THE COURT THERE ARE ONLY TWO
 7 THINGS THAT THE QUESTION ADDRESSES, AND WE SHOULD ONLY LOOK AT
 8 FIVE PAGES, WHEN THE QUESTION REFERS TO THE PAST 30 MINUTES.
 9 THERE'S WAY MORE THAN TWO THINGS IN THOSE 30
 10 MINUTES. I'M JUST GLANCING THROUGH. THERE'S THE
 11 R.O.V.R. STUFF. THERE'S FALSEHOODS CONTAINED IN THE
 12 PUBLICATION BY MR. KHOA THAT ARE DISCUSSED.
 13 THERE'S HIM SAYING -- MY CLIENT SAYING THERE'S
 14 NOTHING INACCURATE WITH THE STATEMENT.
 15 THERE'S HIM SAYING THAT THERE'S A REFERENCE TO
 16 CONGRESSMAN'S LETTER, AND REQUESTING THE INSPECTOR GENERAL,
 17 THE DEPARTMENT OF STATE TO INVESTIGATE MR. KHOA AND
 18 S.E.A.R.A.C. FOR -- FALSIFIED OR MISINFORMING HIS OWN BIO IN
 19 ORDER TO APPLY FOR A FEDERAL GRANT, AND THAT WAS MY REPORT OF
 20 THE CONTENT OF CONGRESSMAN DORNAN'S LETTER.
 21 I MEAN, UNLESS WE WANT TO READ THE ENTIRE
 22 HALF-HOUR BEFORE, THERE IS NO WAY TO SAY THAT THIS -- IN
 23 COMPLETENESS, THAT THIS QUESTION SAYING, "WE'VE ADDRESSED
 24 THESE THINGS IN THE PAST HALF-HOUR." WHAT THINGS? SO, UNLESS
 25 WE WERE LITERALLY TO GO BACK LIKE 25 PAGES AND START READING
 26 ALL OF THIS...

1 BUT WHAT COUNSEL IS TRYING TO DO IS TO TAKE ONE
 2 LINE, AND SAY, "I HAVE NO IDEA," WHICH BELIES THE FACT THAT
 3 FOR THE LAST HALF-HOUR, HE'S BEEN TESTIFYING ABOUT ALL THE
 4 THINGS THAT HE DID TO WHEN HE WAS WRITING THE STATEMENT THAT'S
 5 AT QUESTION HERE, ALL OF THE THINGS THAT HE RELIED UPON.
 6 HE THEN EVEN GOES ON TO SAY -- AND I NOTE AT
 7 PAGE 90, BECAUSE THIS JUST IS HOW -- THE COURT REPORTER GOES
 8 AS FAST AS THEY CAN, AND, YOU KNOW, WE'RE ALL HAVING AT IT, I
 9 REGISTERED MY OBJECTION. THE WITNESS' ANSWER CONTINUES. IT
 10 DOESN'T STOP AT, "I HAVE NO IDEA."
 11 HE THEN CONTINUES ON: "IT'S JUST REQUEST FOR
 12 INVESTIGATION; RIGHT? THERE HASN'T BEEN ANY RESULT OR REPORT
 13 YET. SO THIS WAS JUST A REQUEST. SO I JUST PARAPHRASE
 14 EXACTLY THE LETTER BY MR. DORNAN THAT IS THERE IN REQUEST FOR
 15 INVESTIGATION."
 16 AND, AGAIN, HE GOES ON. IT'S MASSIVELY
 17 MISLEADING AND OUT OF CONTEXT TO JUST PRETEND -- AND WE ALL
 18 KNOW WHAT COUNSEL'S TRYING TO DO WITH RESPECT TO THE
 19 REASONABLE UNDERSTANDING OF THE TRUTH OF THE STATEMENT THAT
 20 YOU'RE MAKING, IS TO SOMEHOW IMPLY THAT, BECAUSE THE FIRST
 21 FOUR WORDS OF HIS ANSWER WERE "I HAVE NO IDEA" TO THIS
 22 QUESTION REFERRING TO THE PRIOR HALF-HOUR, THAT THAT SOMEHOW
 23 ENTIRELY PROVES PLAINTIFF'S CASE THAT HE WAS ACTING
 24 UNREASONABLY IN MAKING THESE STATEMENTS BECAUSE HE HAD
 25 ABSOLUTELY NO IDEA.
 26 IN THE LAST-HALF HOUR, HE HAD LOTS OF IDEAS,

1 LOTS OF TESTIMONY, ABOUT EXACTLY WHAT IT WAS THAT HE RELIED
 2 UPON. HE GOES ON AFTER THIS, TALKING ABOUT VISITING THE
 3 CONGRESSMAN'S OFFICE. IN THE PRIOR HALF-HOUR, HE TALKS ABOUT
 4 HOW HE HIMSELF HAD TO PREPARE GRANTS. SO HE KNEW WHAT WAS
 5 REQUIRED AND WHAT WAS OR WASN'T ILLEGAL TO DO, BECAUSE HE HAD
 6 TO SIGN THEM ON BEHALF OF HIS OWN ORGANIZATION. THIS IS OF
 7 HIS OWN PERSONAL KNOWLEDGE.
 8 SO, AGAIN, TRYING TO JUST CHERRY PICK FOUR
 9 WORDS WITH AN OBJECTION, WITH A STATEMENT THAT SAYS, "IN THE
 10 LAST 30 MINUTES," THE JURY HAS NO WAY TO KNOW WHAT THAT MEANS,
 11 AND IT'S INCREDIBLY MISLEADING.
 12 I WOULD OFFER THAT UNDER 271, IT WOULD BE MORE
 13 PREJUDICIAL THAN PROBATIVE AND 352. AND SO WE SHOULD NOT
 14 PERMIT THE READING OF ONE EXCERPT AS AN AH-HA MOMENT OR
 15 PARAPHRASING IT WHEN IT'S EXTREMELY MISLEADING TO DO SO.
 16 MR. HART: MAY I ADDRESS THAT BRIEFLY, JUDGE?
 17 IF YOU LOOK AT PAGE 81, YOU CAN SEE WHAT'S
 18 HAPPENING HERE IN THE COLLOQUY BETWEEN MYSELF AND MR. VOSS. I
 19 ASK AT LINE 20: "MR. KHOA, WHAT I'M ASKING IS WHETHER THIS
 20 INCORRECTLY STATES WHAT YOU PUT IN YOUR ARTICLE. DOES YOUR
 21 ARTICLE SAY: 'MR. KHOA FALSELY CLAIMED THAT HE HELD A
 22 DOCTORAL DEGREE IN THE APPLICATION FOR A GRANT FROM THE
 23 DEPARTMENT STATE?'"
 24 THAT'S THE FIRST SENTENCE. THAT'S ON PAGE 81
 25 IN THAT BOTTOM PARAGRAPH.
 26 THEN ON PAGE 84, THERE'S A COMMENT WHERE I'M

1 ASKING AT LINE 12: "DR. THANG, THE TWO SENTENCES THAT I'VE
 2 READ, ARE THEY ACCURATELY TRANSCRIBED FROM YOUR REPORT OF WHAT
 3 CONGRESSMAN DORNAN SAID IN HIS LETTER?"
 4 AND HE SAYS, "IT'S NOT TOTALLY ACCURATE," AND
 5 THEN HE HAS MINOR CHALLENGES TO IT.
 6 AND ON PAGE 85, HE SAYS: "WHAT I WROTE IS NOT
 7 THE OFFICIAL TRANSLATION." AND HERE IT SAYS: "THAT WAS A
 8 CRIMINAL OFFENSE. WHAT I SAID WAS, 'THAT IS A CRIMINAL
 9 OFFENSE.'"
 10 SO THOSE ARE THE TWO SENTENCES THAT WE'RE
 11 TALKING ABOUT. AND THEN THERE'S THREE PAGES OF COLLOQUY.
 12 WHEN I FINALLY GET BACK TO THE FLOOR, PAGE 89, AFTER
 13 CONSIDERABLE ARGUMENT, I'M ASKING: "IN YOUR OPINION,
 14 DR. THANG, WHEN YOU WROTE THOSE COMMENTS, THE ONES WE JUST
 15 ARGUED ABOUT, DID YOU BELIEVE THEY WERE TRUE WHEN YOU WROTE
 16 THEM?"
 17 AND HE SAID: "I HAVE NO IDEA."
 18 THAT IS IMPORTANT BECAUSE, IF WE GO WITH 1700,
 19 I HAVE THE BURDEN TO ESTABLISH, BY CLEAR AND CONVINCING
 20 EVIDENCE, THAT HE KNOWINGLY PUBLISHED FALSE MATERIAL. THIS IS
 21 MY EVIDENCE THAT SUPPORTS THAT CONCLUSION.
 22 AND SO IT'S IMPORTANT. AT SOME POINT, IT'S
 23 GOING TO HAVE TO COME OUT HOW HE ADDRESSES THIS. AND THIS IS
 24 MY PROTECTION. THIS IS WHY WE DID THE DEPOSITION.
 25 MR. VOSS: AND, YOUR HONOR, I COMPLETELY DISAGREE
 26 WITH COUNSEL JUST SAYING, WELL, WHAT I SAID IN THE PRIOR

1 30 MINUTES, I ONLY MEANT THESE TWO THINGS HERE. AS EXCLUDING
 2 EVERYTHING ELSE THAT HAPPENED IN THE PRIOR 30 MINUTES? LIKE
 3 AT PAGE 44 WHERE HE'S TALKING ABOUT S.O.S. OBTAINING
 4 GOVERNMENT FUNDING AND WHAT HE HAD TO DO TO DO THAT.
 5 LIKE THE PART THAT HE SKIPPED OVER WHEN HE
 6 SAYS -- ASKS MY CLIENT ON PAGE 80: "WHAT, IF ANYTHING, IS
 7 INACCURATE ABOUT THE TWO SENTENCES THAT I READ?"
 8 AND THE ANSWER IS: "NOTHING IS INACCURATE."
 9 THEN COUNSEL WANTS TO READ -- YOU CAN'T ASK A
 10 QUESTION THAT SAYS "30 MINUTES," AND THEN TELL US DEFINITELY
 11 WHAT WAS MEANT BY THAT. HOW IS MY CLIENT SUPPOSED TO KNOW
 12 WHAT WAS MEANT BY, OH, IN THE LAST 30 MINUTES, I CLEARLY AND
 13 DEFINITELY MEANT THESE TWO STATEMENTS?
 14 IF THAT WAS WHAT HE MEANT, THAT'S THE WAY HE
 15 SHOULD HAVE ASKED THE QUESTION. OTHERWISE, IT'S AN EXCERPT
 16 THAT IS MISLEADING TO THE JURY.
 17 THE COURT: ALL RIGHT. WE'RE DONE. EVERYBODY HAD
 18 THEIR OPPORTUNITY.
 19 MR. HART: OKAY, JUDGE.
 20 THE COURT: SO YOU MAY EXPAND WHAT'S BEING READ, BUT
 21 I'M NOT EXCLUDING IT. THE OBJECTION TO FORM, THAT'S NOT A
 22 SUFFICIENT OBJECTION, FIRST OF ALL. AND YOU HAVE EVERY
 23 OPPORTUNITY TO QUESTION YOUR CLIENT FOR -- AND I ANTICIPATE
 24 YOU WILL QUESTION YOUR CLIENT, AT LENGTH, ABOUT EVERYTHING HE
 25 INTENDED AND WHAT HE MEANT AND ALL THOSE THINGS ALONG THOSE
 26 LINES.

1 SO I WILL GIVE YOU AN OPPORTUNITY HERE, BEFORE
 2 IT'S READ, TO MAKE SUGGESTIONS ABOUT A LARGER READING TO
 3 THE -- I MEAN, OBVIOUSLY, THE STATEMENT AFTER THE OBJECTION,
 4 AT A MINIMUM. SO I WILL ENTERTAIN HOW MUCH MORE YOU WOULD
 5 LIKE TO HAVE READ, BUT I'M NOT GOING TO WHOLESALE EXCLUDE IT.
 6 MR. VOSS: OKAY. SO JUST SO WE'RE CLEAR, BECAUSE I'M
 7 LOATHED TO RAISE AN OBJECTION DURING SOMEBODY'S OPENING, FOR
 8 OBVIOUS REASONS. BUT IF I AM HEARING FROM COUNSEL THAT HE'S
 9 GOING TO GET UP THERE AND SAY WORDS TO THE EFFECT OF HE WAS
 10 ASKED IF HE BELIEVED THAT THE STATEMENTS WERE TRUE, AND HE
 11 SAID HE HAS NO IDEA, AM I, AT THAT POINT, GOING TO BE
 12 OBJECTING, AND SAY, "YOUR HONOR, OBJECTION. COMPLETENESS.
 13 REQUEST THAT THE BALANCE OF THE TESTIMONY BE READ," OR HOW ARE
 14 WE HANDLING THAT?
 15 THE COURT: WE WILL HANDLE THAT IN YOUR OPENINGS AND
 16 SAY THAT YOU'VE HEARD THIS ARGUMENT; THAT IS WHATEVER YOUR
 17 PERSPECTIVE AND TAKE ON IT IS; THAT, FROM WHAT I'M HEARING
 18 FROM YOU, YOU THINK THAT'S A SOUND BITE TAKEN COMPLETELY OUT
 19 OF CONTEXT.
 20 THAT WOULD BE FOR THE JURY -- YOU CAN MAKE
 21 THOSE ARGUMENTS THAT IT GOES MUCH BEYOND THAT AND HERE IS --
 22 YOU KNOW, TO USE YOUR WORDS, IT'S A SNIPPET OR A SOUND BITE
 23 THAT YOU WERE DESCRIBING EARLIER. THE GREATER CONTEXT IS "X".
 24 MR. VOSS: AT A MINIMUM, IS IT CORRECT TO SAY THAT
 25 YOU HAVE TO USE THE ENTIRE ANSWER GOING THROUGH LINE EIGHT OF
 26 PAGE 90, NOT JUST THE BEGINNING PART OF THE ANSWER ON PAGE 89,

1 LINE 25?
 2 THE COURT: WELL, IN OPENINGS, WE'RE NOT PUTTING
 3 ANYTHING UP OR ANYTHING ALONG THOSE LINES. OPENING STATEMENT,
 4 HE'S GOING TO SAY: I THINK THE EVIDENCE IS GOING TO SHOW X, Y
 5 AND Z.
 6 YOU'RE GOING TO SAY: NO, THAT'S INACCURATE.
 7 THAT'S OUT OF CONTEXT. IT'S GOING TO SHOW, YOU KNOW, A, B AND
 8 C.
 9 MR. VOSS: I MEAN, WE CAN READ DEPOSITION TESTIMONY
 10 AS PART OF AN OPENING STATEMENT. SO IF HE IS SAYING THAT MY
 11 CLIENT SAID HE HAD NO IDEA, THAT'S AN EXCERPT OF A DEPO
 12 SKIPPING THE REMAINDER OF THE ANSWER, AND THAT WOULD BE AN
 13 OBJECTION DURING THE OPENING.
 14 THE COURT: AND THEN MAKE THE OBJECTION YOU THINK IS
 15 NECESSARY. AND THEN YOU -- MY RESPONSE IS LIKELY GOING TO BE
 16 YOU SPEAK SECOND. YOU GET TO --
 17 MR. VOSS: WELL, I'M GETTING TO WHAT YOUR HONOR JUST
 18 SAID, IS THAT CERTAINLY THE BALANCE OF THE ANSWER, THE
 19 REMAINDER, THAT OUGHT TO BE INCLUDED. YOU CAN'T JUST READ THE
 20 FIRST FOUR WORDS.
 21 THE COURT: AND THAT WOULD BE FOR HIM TO DECIDE HOW
 22 TO PRESENT HIS CASE, AND THEN YOU CAN PRESENT YOUR CASE, AND
 23 THE JURY WILL DECIDE WHO HAS GOT EGG ON THEIR FACE IN TERMS OF
 24 BEING FORTHRIGHT IN THE PRESENTATION OF THE EVIDENCE.
 25 THAT'S WHAT THE JURY IS HERE FOR, IS TO DECIDE
 26 WHO IS BEING -- WHO THEY FIND CREDIBLE. WHAT EVIDENCE THEY

1 FIND CREDIBLE, WHAT ARGUMENTS THEY FIND CREDIBLE. THAT'S
 2 THEIR ROLE. AND I THINK -- LIKE I SAID, I'M NOT GOING TO
 3 WHOLESALE EXCLUDE THAT.
 4 MR. VOSS: I'M NOT ASKING IT TO BE EXCLUDED. I'M
 5 ASKING THAT, FOR COMPLETENESS, THE ENTIRE ANSWER BE READ, NOT
 6 A PART OF IT. I MEAN, IT'S ONE THING TO SAY, I WANT MORE
 7 PAGES READ. I'M JUST SAYING THAT ANSWER.
 8 THE COURT: I UNDERSTAND.
 9 MR. VOSS: OKAY.
 10 THE COURT: THERE ARE TWO THINGS WE'RE TALKING ABOUT
 11 HERE. WE'RE TALKING ABOUT OPENING STATEMENT AND WE'RE TALKING
 12 ABOUT TESTIMONY.
 13 AND OPENING STATEMENT, HE CAN OFFER AS LITTLE
 14 OR AS MUCH AS HE WANTS. AND THEN HE RISKS THE EGG-ON-HIS-FACE
 15 MOMENT WITH THE JURY.
 16 MR. VOSS: THANK YOU.
 17 THE COURT: AS I INDICATED, YOU HAVE THAT OPPORTUNITY
 18 TO COME UP SECOND AND GO BEYOND WHAT HE HAS PRESENTED TO PUT
 19 IT IN THE CONTEXT THAT YOU THINK IS APPROPRIATE.
 20 MR. VOSS: I'M CLEAR ON YOUR ANSWER. THANK YOU, YOUR
 21 HONOR.
 22 THE COURT: THANK YOU VERY MUCH.
 23 SO WE'LL BRING IN THE JURY THEN, AND WE'LL GET
 24 GOING ON THOSE OPENINGS.
 25 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE
 26 PRESENCE OF THE JURY:)

1 THE COURT: GOOD MORNING, EVERYONE. WE HAVE BEEN
 2 JOINED BY ALL OF OUR JURORS.
 3 AND, MR. HART, DO YOU HAVE A QUESTION OR ARE
 4 YOU JUST GETTING READY?
 5 MR. HART: YES, I HAD A QUICK QUESTION, AND THAT IS:
 6 WITNESSES ARE OUTSIDE DURING OPENING OR ONLY TESTIMONY?
 7 THE COURT: DURING OPENING, AS WELL, PLEASE. I THINK
 8 SHE WAS HEADING OUT ALREADY BEFORE THAT.
 9 MR. HART: I JUST WANTED TO MAKE SURE.
 10 THE COURT: NOT A PROBLEM. THANK YOU FOR
 11 DOUBLE-CHECKING.
 12 SO, YES, LADIES AND GENTLEMEN, AS WE INDICATED
 13 YESTERDAY, WE WERE GOING TO START WITH THE OPENING STATEMENTS
 14 BY BOTH SIDES FIRST THING THIS MORNING, AND THEN WE'LL DIVE
 15 RIGHT INTO TESTIMONY.
 16 SO WITHOUT FURTHER ADO, I'LL START WITH
 17 MR. HART.
 18 GO RIGHT AHEAD.
 19 MR. HART: THANK YOU, JUDGE.
 20 GOOD MORNING, LADIES AND GENTLEMEN. THANK YOU,
 21 AGAIN, FOR THE TIME, IMPOSITION THAT YOU'RE ALLOWING TO
 22 PARTICIPATE IN THIS PROCESS.
 23 LITERALLY, NONE OF WHAT YOU SEE HAPPENING IN
 24 THIS BUILDING COULD HAPPEN OR WORK WITHOUT YOU. SO YOU'LL
 25 SEE, AS YOU ARE PARTICIPATING IN THIS TRIAL, THE ULTIMATE
 26 RESPECT IN THE ROOM IS TO YOU, AS THE JURORS, BECAUSE YOU'RE

1 HYPERCRITICAL TO THE PROCESS.
 2 SO WITH THAT SAID, LET ME JUST SAY A LITTLE BIT
 3 ABOUT OPENING STATEMENT AND WHAT'S GOING TO HAPPEN DURING THE
 4 TRIAL.
 5 OPENING STATEMENT IS WHERE WE GIVE YOU A BIT OF
 6 A ROADMAP SO THAT YOU CAN ANTICIPATE WHAT'S GOING TO HAPPEN IN
 7 THE TRIAL, WHAT YOU'LL BE SEEING.
 8 YOU ALREADY KNOW THAT THIS IS A CASE ABOUT
 9 DEFAMATION. YOU CAN SEE A COUPLE OF FAT EXHIBIT BOOKS HERE,
 10 SO THERE'S POTENTIALLY A LOT OF TWISTS AND TURNS IN THIS CASE,
 11 AND SO IT WILL BE EASIER FOR YOU TO UNDERSTAND WHAT YOU'RE
 12 SEEING AS THE TESTIMONY COMES IN IF YOU GET A PREVIEW. AND
 13 THAT'S WHAT OUR JOB IS IN OPENING STATEMENT. IT'S NOT
 14 ARGUMENT. IT'S JUST TELLING YOU WHAT THE EVIDENCE WILL SHOW
 15 IN THE CASE.
 16 ALL RIGHT. AND SO I WANTED TO START OFF BY
 17 PUTTING THE DEFAMATORY STATEMENT ON THE WHITEBOARD. I'M GOING
 18 TO CARRY THIS WITH ME SO I MAKE SURE I SAY IT CORRECTLY -- OR
 19 PRINT IT CORRECTLY.
 20 "MR. KHOA FALSELY CLAIMED THAT HE HELD A
 21 DOCTORAL DEGREE IN THE APPLICATION FOR A GRANT FROM THE
 22 DEPARTMENT OF STATE. THAT WAS A CRIMINAL OFFENSE."
 23 THAT STATEMENT -- DID I SPELL ALL THE WORDS
 24 CORRECTLY -- CAN WE READ THAT, I HOPE? THAT STATEMENT IS WHAT
 25 THIS CASE IS ABOUT.
 26 NOW THAT YOU UNDERSTAND THE STATEMENT, LET'S

1 TALK A LITTLE BIT ABOUT WHO THE PARTIES ARE.
 2 THE PLAINTIFF IN THIS CASE IS LE XUAN KHOA.
 3 HE'S THE PLAINTIFF.
 4 THE DEFENDANT IN THE CASE, THERE'S TWO, IT'S
 5 NGUYEN DINH THANG, DR. NGUYEN DINH THANG. HE HAS A PH.D. AND
 6 B.P.S.O.S. THIS IS A 501(C)(3) PUBLIC BENEFIT CORPORATION
 7 THAT HE USES.
 8 I'M SORRY, BUT I CAN'T ANSWER QUESTIONS.
 9 I'LL JUST ASSUME I SPELLED SOMETHING WRONG
 10 SO...
 11 OKAY. PART OF B.P.S.O.S. IS THEIR WEBSITE AND
 12 NEWSLETTER THAT'S CALLED MACH SON MEDIA. OKAY.
 13 NOW A LITTLE BACKGROUND: YOU'LL SOMETIMES HEAR
 14 ME REFER TO THE PLAINTIFF AS "PROFESSOR" OR "PROFESSOR KHOA."
 15 HE, IN THE COURSE OF WORKING ON HIS PH.D. AT THE SORBONNE IN
 16 PARIS, WAS ACTUALLY A LECTURER TO GRADUATE STUDENTS. HE,
 17 THEREFORE, IN MY MIND, CONSTITUTES A PROFESSOR.
 18 SO THAT'S HOW I WAS INTRODUCED TO HIM. THAT'S
 19 HOW WE REFER TO HIM. I WON'T DO IT ALL THE TIME. BUT IF YOU
 20 HEAR ME SAY THAT, I'M NOT IMPLYING THAT HE HAS A PH.D. OR THAT
 21 HE IS A DOCTOR, BUT HE IS LEGITIMATELY A PROFESSOR.
 22 SO MR. KHOA, SEATED HERE, 93 YEARS OLD NOW.
 23 SOMETHING OF AN ELDER STATESMAN FROM SOUTH VIETNAM.
 24 A LITTLE BIT OF HISTORY. IF YOU RECALL, OR IF
 25 YOU KNOW THE HISTORY OF VIETNAM, THE FRENCH WERE THERE. THEY
 26 CALLED IT INDOCHINA. AND HO CHI MINH PUSHED THEM OUT IN THE

1 50'S. A LOT OF PEOPLE FROM THE NORTH, INCLUDING PROFESSOR
 2 KHOA, MOVED TO THE SOUTH, IN THE 50'S, AS DID HE.
 3 IN THE LATE 50'S/EARLY 60'S, HE STUDIED AT THE
 4 SORBONNE. HE WAS WORKING ON A PH.D. THERE. HE DID NOT
 5 COMPLETE IT. THERE'S A NUMBER OF REASONS WHY, AND HE'LL
 6 EXPLAIN THAT WHEN HE TESTIFIES NEXT WEEK.
 7 HE HAD A THESIS THAT HE WAS WORKING ON AT THE
 8 TIME -- THIS IS THE SHORT VERSION -- WHEN THEY WERE ESCAPING
 9 DURING THE FALL OF SAIGON. SOME OF YOU CAN PROBABLY PICTURE
 10 THE OLD NEWSREEL COVERAGE OF THE U.S. EMBASSY IN SAIGON AT THE
 11 END OF APRIL IN 1975. HE WAS IN THAT CROWD. HE WAS ESCAPING.
 12 I'M NOT SAYING HE WAS AT THE EMBASSY, BUT HE WAS IN THAT CROWD
 13 ESCAPING.
 14 AND WHEN HE WAS TOLD -- I THINK HE WENT OUT ON
 15 AN AIR FORCE PLANE. YOU COULD ONLY BRING ONE BAG, AND HE
 16 PICKED THE WRONG BAG AND LEFT HIS THESIS ON THE RAMP. SO
 17 YOU'LL HEAR MORE ABOUT THAT FROM HIM. HE WAS A DOCTORAL
 18 CANDIDATE BUT DID NOT COMPLETE HIS DEGREE.
 19 FAST FORWARD INTO THE 90'S. HE HAS WORKED AT
 20 AN ORGANIZATION CALLED I.R.A.C., WHICH IS ASSISTING VIETNAMESE
 21 REFUGEES AND THEIR RESETTLEMENT IN THE U.S.
 22 SOME OF YOU MAY RECALL THAT WHEN THEY FIRST GOT
 23 HERE IN 1975, THEY WERE NOT VERY WELL WELCOMED. I THINK, IN
 24 FACT, AS I RECALL, GERRY BROWN WOULDN'T LET THEM ENTER THE
 25 STATE, AND THAT'S WHY THEY ENDED UP AT CAMP PENDLETON.
 26 SO PROFESSOR KHOA WAS ONE OF THE LEADERS IN

1 LOBBYING THE FEDERAL GOVERNMENT, PARTICULARLY IN THE 80'S AND
2 THEN DURING THE CLINTON ADMINISTRATION, FOR BETTER STATUS AND
3 BETTER TREATMENT FOR VIETNAMESE REFUGEES.

4 HIS EFFORTS WERE TO HELP INTEGRATE THEM INTO
5 OUR AMERICAN SOCIETY. AND IF YOU LIVE IN ORANGE COUNTY, YOU
6 KNOW THAT'S HAPPENED. THEY'RE AS MUCH A PART OF THE FABRIC OF
7 THIS COMMUNITY AS ANYTHING THAT'S EVER BEEN HERE FOR THE LAST
8 HUNDRED YEARS.

9 SO AS TO DR. THANG, HE'LL TELL YOU ABOUT HIS
10 ARRIVAL IN THE U.S. WHERE HE FINISHED HIGH SCHOOL, WENT TO
11 COLLEGE, GOT GRADUATE DEGREES, AND IN THE 90'S OBTAINED HIS
12 DOCTORAL DEGREE, HIS PH.D., IN, I THINK, ELECTRICAL
13 ENGINEERING. THAT MIGHT HAVE BEEN HIS MASTER'S BUT WE'LL SORT
14 THAT OUT.

15 SO IN THE 90'S, HE BEGINS TO WORK WITH A
16 SIMILAR ORGANIZATION CALLED B.P.S.O.S. THAT REFERS TO BOAT
17 PEOPLE. YOU MAY KNOW SOMEONE WHO ESCAPED VIETNAM BY BOAT.
18 MOST OF THE PEOPLE I KNOW WHO ESCAPED DIRECTLY, AS OPPOSED TO
19 BEING BORN HERE, ESCAPED BY BOAT. SO OSTENSIVELY, IN THE
20 BEGINNING, BOAT PEOPLE S.O.S. WAS ALSO AN ORGANIZATION CREATED
21 TO ASSIST THE INTEGRATION OF VIETNAMESE REFUGEES INTO AMERICAN
22 SOCIETY.

23 OVER THE COURSE OF THE 90'S, DR. THANG ROSE
24 FROM EXECUTIVE DIRECTOR TO CHAIRMAN OF THE BOARD AND PRESIDENT
25 OF THE ORGANIZATION. HE WAS PARTICULARLY SUCCESSFUL IN
26 OBTAINING GRANTS FROM THE FEDERAL GOVERNMENT TO PAY FOR

1 B.P.S.O.S.'S EFFORTS TO ASSIST THE REFUGEE COMMUNITY.

2 AT A TIME IN THE MID-90'S, BOTH PROFESSOR KHOA
3 AND HIS ORGANIZATION, WHICH BY THEN WAS CALLED
4 S.E.A.R.A.C. -- I.R.A.C. HAD CHANGED ITS NAME TO
5 S.E.A.R.A.C. -- AND BOAT PEOPLE S.O.S., WITH DR. THANG, WERE
6 SIMULTANEOUSLY APPLYING FOR GRANTS TO GET MONEY TO ASSIST THE
7 VIETNAMESE REFUGEES.

8 MID 90'S KIND OF SETS THE BEGINNING OF THE
9 STAGE OF THIS CASE. YOU'LL SEE SOME LETTERS DURING THE MID
10 90'S WHERE SOMEBODY HAD CAST DISPERSIONS UPON PROFESSOR KHOA
11 AND HIS INTEGRITY. THE CONGRESS WAS ASKED TO INVESTIGATE HIM.
12 I DON'T THINK YOU'LL SEE ANY EVIDENCE THAT HE WAS
13 INVESTIGATED, BUT THERE WERE ALLEGATIONS THAT HE SHOULD HAVE
14 BEEN INVESTIGATED.

15 AND THAT'S WHERE DR. THANG COMES IN. IN
16 DECEMBER OF 1995, HE PUT OUT ON MACH SONG MEDIA -- REMEMBER, I
17 WROTE THE NAME UP THERE, MACH SONG MEDIA. THAT'S HIS WEBSITE
18 AND THAT'S HIS NEWSLETTER THAT HE WILL TELL YOU GOES OUT TO AT
19 LEAST 8,000 PEOPLE ON HIS EMAIL LIST. AND THESE ARE MOSTLY
20 FORMER DONORS. PEOPLE WHO HAVE DONATED MONEY, HE KEEPS THEIR
21 LIST. I THINK THE NUMBER IS PROBABLY HIGHER, BUT 8,000 IS
22 MORE THAN ENOUGH FOR OUR PURPOSES.

23 SO IN DECEMBER OF '99 -- I'M SORRY, 2019,
24 DECEMBER OF 2019, HE PUBLISHES A VIDEO FROM BACK IN THE 90'S
25 WHERE CONGRESSMAN CHRIS SMITH FROM NEW JERSEY IS TALKING ABOUT
26 ONE OF THE FEDERAL PROGRAMS FROM BACK IN THE 90'S, R.O.V.R.

1 AND THE IMPLICATION IN THE MACH SONG MEDIA ARTICLE IS THAT THE
2 R.O.V.R. PROGRAM WAS A PRODUCT OF DR. THANG'S PERSONAL
3 EFFORTS.

4 NOW, IN 2019/2020, HERE'S PROFESSOR KHOA IN
5 RETIREMENT, WRITING BOOKS ABOUT THAT HISTORICAL PERIOD. AND
6 HIS FRIENDS BEGIN TO CALL HIM AND SAY, HEY, WE'RE READING THIS
7 THING ON MACH SONG MEDIA THAT SAYS, YOU KNOW, R.O.V.R. PROGRAM
8 WAS THE PRODUCT OF DR. THANG'S EFFORTS AND THAT DOESN'T SOUND
9 LIKE WHAT WE REMEMBER.

10 A NUMBER OF PEOPLE CONTACTED PROFESSOR KHOA AND
11 ASKED HIM OVER AND OVER TO SET THE RECORD STRAIGHT. SO HE
12 DOES. IN APRIL AND MAY OF 2020, HE BEGINS TO WRITE ARTICLES
13 WHERE HE COUNTERS THE CLAIMS THAT WERE PUBLISHED BY DR. THANG.

14 NOW, DR. THANG THEN TAKES SOME OFFENSE OF THAT
15 AND, PERFECTLY ACCEPTABLY, WRITES HIS VERSION OF THINGS; THAT
16 NO, IT WASN'T PROFESSOR KHOA; IT WAS ME AND B.P.S.O.S.

17 WHAT HE DOES IN ADDITION, THAT'S NOT ACCEPTABLE
18 AND THE REASON WE'RE HERE, IS HE DOESN'T RESTRAIN HIMSELF TO
19 THE R.O.V.R. SUBJECT. I MEAN, I DON'T KNOW HOW ANYBODY COULD
20 GET TOO EXCITED ABOUT THAT; IT HAPPENED 25 YEARS AGO. BUT FOR
21 WHATEVER REASON, HE DOESN'T RESTRAIN HIMSELF TO THAT SUBJECT
22 MATTER, AND HE WRITES IN THERE ABOUT PROFESSOR KHOA, A
23 STATEMENT THAT I PUT ON THE BOARD; NOT ONLY IS HE WRONG ABOUT
24 R.O.V.R., BUT HE'S CRIMINALLY DEFRAUDED THE U.S. GOVERNMENT.

25 NOW FRIENDS AND FORMER COLLEAGUES OF PROFESSOR
26 KHOA ARE CALLING HIM AND SAYING: WHAT IS THIS? DID YOU

1 DEFRAUD THE GOVERNMENT?

2 SO THAT'S THE BASIS OF THIS LAWSUIT. BEING
3 ACCUSED OF CRIMINALLY DEFRAUDING THE GOVERNMENT, YOU'LL SEE AT
4 THE END OF THE TRIAL, FITS THE DEFAMATION DEFINITION.

5 SO IN THE COURSE OF WORKING THIS CASE, WE HAVE
6 TAKEN DR. THANG'S DEPOSITION. AND I'VE ASKED HIM, "WHY DID
7 YOU SAY THAT?"

8 AND HE HAS REFERRED TO A COUPLE OF LETTERS FROM
9 CONGRESSMAN DORNAN. SOME OF YOU LONG-TIME ORANGE COUNTY
10 RESIDENTS WILL REMEMBER ROBERT DORNAN; QUITE A BIG FIGURE
11 LOCALLY.

12 IN HIS ARTICLE THAT HE WRITES TO CORRECT THE
13 RECORD FROM HIS PERSPECTIVE, HE DOESN'T REFER TO HIM AS
14 CONGRESSMAN DORNAN; HE REFERS TO HIM AS "CHRIS SMITH."

15 SO I ASK HIM ABOUT THESE, AND HE SAYS: THIS IS
16 WHY I THOUGHT WHAT I WROTE WAS TRUE, BECAUSE OF WHAT'S IN
17 THESE LETTERS.

18 YOU'LL SEE THESE LETTERS. AND THE EVIDENCE
19 THAT YOU GLEAN FROM THESE LETTERS WILL NOT SUPPORT THE TRUTH
20 OF THIS STATEMENT.

21 SO WHAT ELSE IS THERE?

22 I MEAN, THE STATEMENT ITSELF SAYS THAT HE
23 FALSELY CLAIMED HE HELD A DOCTORAL DEGREE IN APPLICATION FOR A
24 GRANT FROM THE DEPARTMENT OF STATE.

25 WE HAVE A COUPLE OF OLD S.E.A.R.A.C. GRANT
26 APPLICATIONS. AND THOSE GRANT APPLICATIONS HAVE WHAT'S CALLED

1 A CURRICULUM VITAE OR A CV, A RESUME, ATTACHED FROM PROFESSOR
 2 KHOA. AND IN THOSE ATTACHED RESUMES, HE LAYS OUT HIS
 3 EDUCATION. HE STARTS WITH DOCTORAL THESIS ENTITLED,
 4 "PHILOSOPHY OF DHYANA ZEN BUDDHISM IN VIETNAM."
 5 HE DOES NOT CLAIM THAT HE HAS A DOCTORAL DEGREE OR A
 6 PH.D., BUT HE DOES CORRECTLY STATE WHAT HIS DOCTORAL THESIS
 7 WAS IN.
 8 THEN HE TALKS ABOUT HIS MASTER'S DEGREE AND HIS
 9 HIGH SCHOOL.
 10 OKAY. THREE OF THESE OLD GRANT APPLICATIONS
 11 APPARENTLY WERE IN THE ARCHIVES OF UC IRVINE, WERE EASILY
 12 OBTAINED FROM UC IRVINE, TO SHOW THE TRUTH, AS MUCH AS WE
 13 COULD FROM THESE GRANT APPLICATIONS, OF THIS STATEMENT.
 14 NONE OF THESE GRANT APPLICATIONS SHOW A CLAIM
 15 BY PROFESSOR KHOA THAT HE CLAIMED A DOCTORAL DEGREE.
 16 THE DEFENSE WILL PRESENT OTHER DOCUMENTS THAT
 17 ARE NOT GRANT APPLICATIONS TO THE DEPARTMENT OF STATE OR GRANT
 18 APPLICATIONS TO ANYONE WHERE PROFESSOR KHOA IS REFERRED TO AS
 19 "DOCTOR." THEY'RE NOT BY HIM, BUT THEY'RE BY OTHER PEOPLE
 20 WORKING IN HIS ORGANIZATION.
 21 AND AS SOON AS THE SUBJECT CAME UP, HE
 22 IMMEDIATELY SAID: I DON'T HAVE A DOCTORAL DEGREE. OTHER
 23 PEOPLE REFER TO ME AS "DOCTOR" OUT OF RESPECT. THAT'S A
 24 CULTURAL THING.
 25 SO YOU'LL SEE SOME OF THOSE DOCUMENTS, BUT NONE
 26 OF THEM ARE GRANT APPLICATIONS.

1 SO THEN, AT THE END OF TRIAL, YOU'LL GET WHAT'S
 2 CALLED A VERDICT FORM. YOU ALL REMEMBER FROM MY COUSIN VINNY
 3 WHAT A VERDICT FORM IS FROM OUR LITTLE OLD ANCESTORS IN
 4 ENGLAND. "VERDICT" MEANS TRUTH. YOU, AS THE JURY, DETERMINE
 5 WHAT THE TRUTH IS.
 6 SO YOU'LL GET A VERDICT FORM THAT HAS A NUMBER
 7 OF QUESTIONS. THE QUESTIONS WILL BE SUCH AS: WAS THIS
 8 STATEMENT MADE? WAS IT MADE TO MORE PEOPLE THAN JUST HIM?
 9 WAS IT UNDERSTOOD TO BE ACCUSING HIM OF SOMETHING DEFAMATORY?
 10 WAS DR. THANG AWARE AT THE TIME HE DID THIS THAT THIS WAS NOT
 11 A TRUE STATEMENT? OR WAS HE NEGLIGENT IN MAKING THIS
 12 STATEMENT?
 13 HE TESTIFIED, IN HIS DEPOSITION ON THIS
 14 SUBJECT, THAT HE HAD ACCESS TO THE DORNAN LETTERS, WHICH
 15 YOU'LL SEE DON'T SUPPORT THIS, AND THAT HE REVIEWED THEM,
 16 REVIEWED THEM BEFORE THE PUBLICATION.
 17 INTERESTINGLY, HE DIDN'T REFER TO THEM AS "THE
 18 DORNAN LETTERS"; HE REFERRED TO THEM AS "CHRIS SMITH LETTERS".
 19 BUT, IN ANY EVENT, HE TOLD US, UNDER OATH, THAT
 20 HE CHECKED HIS SOURCES. HE DIDN'T CHECK THE PRIOR GRANT
 21 APPLICATIONS, WHICH WERE AVAILABLE AT UC IRVINE, BEFORE HE
 22 MADE THIS STATEMENT. SO ONE OF THE THINGS FOR YOU TO DECIDE
 23 WILL BE WHETHER OR NOT HE WAS RECKLESS OR NEGLIGENT OR
 24 DELIBERATE IN PUBLISHING THIS WITHOUT HAVING VERIFIED THE
 25 TRUTH FIRST.
 26 OKAY. NOW, THE NEXT PART OF THE TRIAL WILL BE:

1 WHAT HARM DID THIS CAUSE?
 2 IMAGINE THAT PROFESSOR KHOA IS ONE OF THE ELDER
 3 STATESMAN FROM THE NOW ENDED SOUTH VIETNAMESE GOVERNMENT.
 4 HE'S GOT A LOT OF CONTACTS OUT IN THE WORLD. HE'S BEEN
 5 CAREFUL TO MAINTAIN HIS REPUTATION.
 6 AND NOW THERE'S A PUBLICATION THAT SAYS HE
 7 DEFRAUDED THE FEDERAL GOVERNMENT. AND SOME THINGS HAPPEN
 8 AFTER THAT THAT ARE EVEN WORSE.
 9 YOU CAN IMAGINE THE EFFECT THAT THIS HAS ON
 10 THIS ELDERLY GENTLEMAN WHO HAS, AS YOU'LL HEAR, THROUGHOUT HIS
 11 LIFE PROTECTED THE PRINCIPLE OF INTEGRITY.
 12 HE SUFFERED FROM THIS PUBLICATION; SHAME,
 13 MORTIFICATION, EMBARRASSMENT. THAT'S WHY WE'RE HERE.
 14 WHILE WE ALL ENJOY THE FIRST AMENDMENT, WE ALSO
 15 ALL KNOW THAT THERE ARE LIMITATIONS TO THE FIRST AMENDMENT.
 16 ONE OF THE MOST IMPORTANT ONES IS WHAT YOU SEE HAPPENING IN
 17 THIS LAWSUIT. YOU CANNOT RECKLESSLY LIE ABOUT SOMEBODY ON THE
 18 INTERNET AND CAUSE THEM HARM AND GO ON YOUR MERRY WAY. ALL
 19 RIGHT?
 20 SO THAT'S OUR CASE IN A NUTSHELL. ONE OF THE
 21 THINGS I'M TRYING TO DO A LOT MORE THESE DAYS WITH THESE
 22 TRIALS IS TO SHORTEN THEM UP. SO WHILE I COULD HAVE SPENT AN
 23 HOUR GOING THROUGH ALL OF THIS, I THINK YOU HAVE ENOUGH OF A
 24 FLAVOR TO SEE WHERE THINGS ARE GOING, AND WE'LL SPEND OUR TIME
 25 PRESENTING THE EVIDENCE AND GETTING THIS CASE TO YOU AS
 26 QUICKLY AS WE CAN AS OPPOSED TO LABORING ON TOO MUCH. OKAY.

1 SO THANK YOU FOR YOUR ATTENTION, AND I'LL TURN
 2 THE FLOOR OVER TO MR. VOSS.
 3 THE COURT: THANK YOU VERY MUCH, MR. HART.
 4 MR. VOSS, THIS IS YOUR OPPORTUNITY.
 5 MR. VOSS: THANK YOU, YOUR HONOR.
 6 GOOD MORNING. THANK YOU FOR BEING HERE TODAY.
 7 I'M GOING TO CUT TO THE CHASE. I'M NOT GOING
 8 TO GIVE SOME LONG-WINDED STUFF ABOUT 1975 FOR YOU, BECAUSE THE
 9 ONLY THING THAT MATTERS HERE IS A STATEMENT THAT WAS MADE IN
 10 MAY OF 2020 IN RESPONSE TO STATEMENTS MADE BY THE PLAINTIFF IN
 11 APRIL AND MAY OF 2020. SOME LONG-WINDED HISTORY OF WHO IS
 12 RESPONSIBLE FOR WHAT OR WHO CAN CLAIM CREDIT FOR THINGS THAT
 13 HAPPENED IN THE 1970'S IS NOT WHAT THIS CASE IS ABOUT.
 14 THAT'S THE CASE. THAT'S IT, JUST THAT ONE
 15 LINE. AND MOST IMPORTANTLY, REALLY, JUST THE LAST FIVE WORDS,
 16 BECAUSE THE FIRST PART OF THAT STATEMENT ACTUALLY COMES FROM
 17 THE CONGRESSMAN.
 18 SO THE FACTS HERE ARE GOING TO SHOW YOU THAT IT
 19 WAS THE PLAINTIFF THAT FIRST INITIATED AND FIRST WROTE TWO
 20 PUBLICATIONS IN APRIL 27TH AND MAY 22 OF 2020. THERE'S A GAP
 21 OF DECADES, 25 YEARS, AS COUNSEL HIMSELF SAID, AND ALONG COMES
 22 PLAINTIFF TO WRITE THIS ARTICLE AND PUBLISH IT ON THE
 23 INTERNET.
 24 WHEN HE DID SO, WHICH WAS WHOLELY UNSOLICITED
 25 AND UNPROVOKED BY ANYTHING MY CLIENT DID -- MY CLIENT DIDN'T
 26 WRITE AN ARTICLE IN 2019 OR 2010. THIS IS DECADES AGO THAT

1 THEY HAD A DISCUSSION ABOUT WHO WAS RESPONSIBLE FOR WHAT. BUT
2 ALONG COMES THE PLAINTIFF, AND IN THE SPRING OF 2020, HE
3 ISSUES THESE ARTICLES, UNSOLICITED AND UNPROVOKED.

4 MY CLIENT SAW HIS ARTICLES; SAW THAT THERE WERE
5 INACCURACIES THAT IMPACTED HIS OWN REPUTATION, AND FELT THAT
6 THOSE INACCURACIES SHOULD BE CORRECTED.

7 SO OUT OF TWO FULL ARTICLES WRITTEN BY THE
8 PLAINTIFF, AND AN ENTIRE BIG ARTICLE WRITTEN BY MY CLIENT, THE
9 ONLY THING THAT ANYBODY HAS TO SAY THAT THERE'S A PROBLEM WITH
10 IS THOSE LAST FIVE WORDS, REALLY, OUT OF THAT STATEMENT.

11 BECAUSE OF EVERYTHING THAT DR. THANG WROTE, PLAINTIFF SINGLED
12 THESE THINGS OUT FOR THE LAWSUIT. NOTHING ELSE; NOTHING ELSE
13 IN THE ARTICLES. JUST THIS. IT'S VERY STRAIGHTFORWARD.

14 AND WHEN MY CLIENT, DR. THANG -- AND HE IS A
15 DOCTOR -- WROTE AND PUBLISHED AN ARTICLE WHICH ADDRESSED THE
16 FALSEHOODS ON MAY 25TH OF 2020 -- SO THREE DAYS AFTER THE
17 SECOND, NOT JUST ONE, BUT TWO ARTICLES WRITTEN BY THE
18 PLAINTIFF -- THREE DAYS LATER, MY CLIENT FINALLY SAYS: OKAY,
19 I'M GOING TO CORRECT THESE THINGS.

20 AND HIS MOTIVATION FOR AUTHORIZING THIS ARTICLE
21 IS TO SET THE RECORD STRAIGHT. YOU'RE GOING TO HEAR HIS
22 TESTIMONY THAT IT WAS TO SET THE RECORD STRAIGHT REGARDING HIS
23 AND B.P.S.O.S'S CONTRIBUTIONS TO THE REFUGEE PROGRAMS AND TO
24 DEFEND HIS AND B.P.S.O.S'S REPUTATION, ESPECIALLY IN THE
25 VIETNAMESE COMMUNITY.

26 SO WHAT WAS THAT STATEMENT? WHERE DID IT COME

1 FROM?

2 WELL, THE STATEMENT -- AND YOU'LL SEE IT IN THE
3 GREATER CONTEXT OF THE ARTICLE WHEN YOU RECEIVE THE EVIDENCE
4 IN THIS CASE.

5 THE STATEMENT IS, IN THE FULL PARAGRAPH,
6 "IMMEDIATELY" -- AND I QUOTE: "IMMEDIATELY AFTER THE TWO
7 HEARINGS, CONGRESSMAN SMITH SENT AN OFFICIAL LETTER REQUESTING
8 THE INSPECTOR GENERAL OF THE STATE DEPARTMENT TO INVESTIGATE
9 MR. KHOA AND S.E.A.R.A.C." -- HIS ENTITY -- "ON A FRAUDULENT
10 BACKGROUND STATEMENT USED WHEN APPLYING FOR A FEDERAL GRANT,
11 COLON," AND THEN THAT APPEARS.

12 SO THIS IS IN THE CONTEXT OF SAYING THAT THIS
13 WAS IMMEDIATELY AFTER SOME CONGRESSIONAL HEARINGS A LONG TIME
14 AGO IN AN OFFICIAL LETTER REQUESTING AN INVESTIGATION.

15 NOBODY WAS SAYING THAT ANY CONGRESSMEN OR
16 ANYBODY ELSE ACCUSED HIM OF BEING A CRIMINAL. THE QUESTION
17 WAS: IS THAT FALSE APPLICATION A CRIMINAL OFFENSE?

18 AND I SUBMIT TO YOU THAT IT IS, IT WAS, AND IT
19 REMAINS.

20 THE FACT OF THE MATTER IS THAT THE WORDS, ONLY
21 THOSE LAST WORDS, ARE THOSE OF MY CLIENT. BEFORE WRITING HIS
22 ARTICLE, DR. THANG DID NOT JUST BLURT IT OUT WITHOUT TAKING A
23 LOOK AT WHAT BACKED UP. HEY, HIS MEMORY FROM 25 YEARS AGO, HE
24 WENT AND PULL THE LETTERS OUT, TOOK A LOOK AT THEM BEFORE HE
25 WROTE HIS ARTICLE.

26 AND THOSE TWO LETTERS -- AND HE MISSPOKE. HE

1 SAID -- EVEN IN HIS DEPOSITION HE SAID, BEFORE WRITING HIS
2 ARTICLE, DR. THANG LOOKED AT A SERIES OF LETTERS FROM
3 CONGRESSMAN DORNAN -- AND AS HE SAID IN THE DEPO, OH, I ALMOST
4 SAID SMITH AGAIN. THAT'S MEANINGLESS, THE FACT THAT HE WAS
5 CONFUSING THEIR TWO NAMES -- AT A SERIES OF LETTERS FROM
6 CONGRESSMAN DORNAN AND DIFFERENT FUNDING AGENCIES REQUESTING
7 INVESTIGATION OF MR. KHOA AND S.E.A.R.A.C. AND DEMANDING
8 COPIES OF S.E.A.R.A.C.'S PROPOSALS AND I.R.A.C.'S PROPOSALS TO
9 THOSE AGENCIES.

10 SO WHAT HE'S SAYING IS, BEFORE WRITING THE
11 ARTICLE, HE WENT BACK AND HE LOOKED AT THOSE LETTERS.

12 THERE'S TWO LETTERS. YOU'RE GOING TO SEE THEM.
13 APRIL 2, 1996, APRIL 30, 1996, ON OFFICIAL HOUSE OF
14 REPRESENTATIVES STATIONARY AND THE WHOLE NINE YARDS.

15 AND, IN PART, WHAT CONGRESSMAN DORNAN
16 WROTE -- AND, AGAIN, THIS ISN'T MY CLIENT MAKING -- MY CLIENT
17 IS RELYING ON WHAT THE CONGRESSMAN SAID. IS IT REASONABLE TO
18 RELY ON A CONGRESSIONAL WRITING?

19 SO HE SAYS: "WE HAVE LEARNED" -- THIS IS THE
20 CONGRESSMAN. "WE HAVE LEARNED THAT I.R.A.C./S.E.A.R.A.C. HAS
21 MISREPRESENTED LE XUAN KHOA AS A DOCTOR."

22 THAT'S THE CONGRESSMAN'S LETTERHEAD SAYING
23 THAT. IT'S NOT MY CLIENT SAYING THAT; IT'S CONGRESSMAN DORNAN
24 SAYING: WE HAVE LEARNED THERE'S MISREPRESENTATIONS OF THE
25 PLAINTIFF AS A DOCTOR.

26 HE GOES ON TO SAY THAT: "RECENTLY, IN THE FACE

1 OF PUBLIC INQUIRY, MR. KHOA ADMITTED HE IS NOT A DOCTOR."

2 SO HOW DOES THAT DOVETAIL WITH THIS?

3 BECAUSE THEN THERE'S THE LETTER OF APRIL 30,
4 1996, IN WHICH CONGRESSMAN DORNAN NOW REFERS THE MATTER FOR
5 INVESTIGATION, WHICH IS WHAT I SAID TO YOU WAS IN THIS THING,
6 INVESTIGATION IN THE ARTICLE TO INVESTIGATE MR. KHOA AND
7 S.E.A.R.A.C. ON A FRAUDULENT BACKGROUND STATEMENT USED WHEN
8 APPLYING FOR A FEDERAL GRANT.

9 SO WHAT DOES THE LETTER FROM DORNAN SAY?

10 AND, AGAIN, MY CLIENT WRITES HIS ARTICLE. HE
11 MAKES THE STATEMENT, INCLUDING THAT THIS IS REGARDING AN
12 INVESTIGATION. AND HE'S RELYING ON WHAT? CONGRESSIONAL
13 DOCUMENTS. HE DOESN'T JUST GO OFF AND INVENT THIS OUT OF
14 WHOLE CLOTH TO MALIGN MR. KHOA. HE'S TRYING TO CORRECT THE
15 FACTS.

16 AND THE FACT IS THAT THE CONGRESSMAN SAYS,
17 QUOTE: "I HAVE RECEIVED AN OVERWHELMING NUMBER OF TELEPHONES
18 CALLS AND LETTERS FROM RESPECTED VIETNAMESE/AMERICAN LEADERS
19 IN MY DISTRICT AND ACROSS THE UNITED STATES. SPECIFICALLY,
20 THEY HAVE EXPRESSED THEIR OPPOSITION TO FEDERAL GOVERNMENT
21 FUNDING OF THE PRIVATE 501(C)(3) ORGANIZATION SOUTH ASIA
22 RESOURCE ACTION CENTER, FORMERLY KNOWN AS THE INDOCHINESE
23 RESOURCE ACTION CENTER."

24 THAT'S THE ENTITY MR. KHOA WAS REPRESENTING AT
25 THE TIME.

26 HE IS NOW GOING DIRECTLY, AS WE SAID, TO THE

1 INSPECTOR GENERAL OF THE UNITED STATES DEPARTMENT OF STATE,
 2 THE CONGRESSMAN DID. AND OF THE FIVE THINGS THAT HE EXPRESSED
 3 HIS CONCERN OVER, NUMBER FIVE: "MR. KHOA'S SELF-PROMOTION AS
 4 A PH.D."
 5 IT'S NOT MY CLIENT SAYING THAT. IT'S MY CLIENT
 6 SAYING THAT THERE WAS A REQUEST FOR AN INVESTIGATION BY A
 7 CONGRESSMAN ON THAT EXACT SUBJECT. WHEREAS YOU HEARD IN THE
 8 FIRST LETTER HE SAYS, WE HAVE LEARNED HE HAS MISREPRESENTED
 9 HIMSELF AS A DOCTOR, AND MR. KHOA'S ADMITTED HE ISN'T A
 10 DOCTOR.
 11 SO MR. KHOA, HIS -- AND THIS IS JUST QUOTING
 12 THE CONGRESSMAN: "HIS MISREPRESENTATION OF ACADEMIC
 13 CREDENTIALS MAY HAVE RESULTED IN HIS RECEIVING STATE
 14 DEPARTMENT GRANTS OVER COMPETING APPLICANTS."
 15 HOW WOULD THAT BE?
 16 WELL, YOU WANT TO MAKE YOURSELF LOOK AS GOOD AS
 17 POSSIBLE IN YOUR APPLICATION; RIGHT? YOU'RE TRYING TO GET
 18 MONEY FROM THE UNITED STATES GOVERNMENT. SO, HEY, PUFF
 19 YOURSELF UP A LITTLE BIT; CLAIM THAT YOU HAVE CREDENTIALS THAT
 20 YOU DON'T HAVE.
 21 BUT THOSE WORDS AND THE QUESTION ABOUT "THE
 22 MISREPRESENTATION OF ACADEMIC CREDENTIALS MAY HAVE RESULTED IN
 23 RECEIVING STATE DEPARTMENT GRANTS OVER COMPETING APPLICANTS,"
 24 THAT'S WHAT THAT ADDRESSES. MR. KHOA FALSELY CLAIMED HE HELD
 25 A DOCTORAL DEGREE IN THE APPLICATION FOR A GRANT FROM THE
 26 DEPARTMENT OF STATE. WELL, HE DID.

1 WOULD THAT BE A CRIMINAL OFFENSE?
 2 WELL, YES, IT WOULD BE A CRIMINAL OFFENSE. AND
 3 IRONICALLY -- WE'RE NOT SAYING HE WAS A CRIMINAL. IT DOESN'T
 4 SAY HE COMMITTED A CRIME. IT IS SAYING THAT IF YOU DID THAT,
 5 THAT WOULD BE A CRIMINAL OFFENSE. YOU'RE NOT ALLOWED TO
 6 MISREPRESENT THINGS ON A FEDERAL GRANT APPLICATION.
 7 SO THE FACTS WILL SHOW THAT NOT ONLY IS THE
 8 STATEMENT COMPLETELY TRUTHFUL, BUT THAT EVEN THE PLAINTIFF
 9 HIMSELF ADMITS THAT MAKING A FALSE REPRESENTATION ON AN
 10 APPLICATION IS UNLAWFUL.
 11 AGAIN, THE CONTEXT OF THE STATEMENT IS THAT THE
 12 CONGRESSMAN SENT THE OFFICIAL LETTER REQUESTING THE INSPECTOR
 13 GENERAL OF THE DEPARTMENT OF STATE TO INVESTIGATE MR. KHOA AND
 14 S.E.A.R.A.C. ON A FRAUDULENT BACKGROUND STATEMENT WHEN
 15 APPLYING FOR A FEDERAL GRANT.
 16 THAT PROCESS, YOU HAVE TO FILL OUT OF THE FORM,
 17 YOU HAVE TO SIGN THE FORM ON BEHALF OF THE APPLICANT
 18 ORGANIZATION, IS SOMETHING THAT MR. KHOA HIMSELF SAYS HE WAS
 19 THE ONE THAT SIGNED THOSE FORMS, ALL OF THEM, FOR THE ENTITY
 20 THAT HE REPRESENTED.
 21 SO WHEN YOU SEE A NUMBER OF GRANTS THAT ALL
 22 HAVE THE SAME INFORMATION ATTACHED THAT SUGGESTS THAT HE HAS
 23 HIS DOCTORATE, TO ANYBODY THAT'S JUST READING IT GENERALLY,
 24 YOU AND I, AS READING IT THROUGH, YOU WOULD ASSUME THAT WAS
 25 THE CASE. WELL, HE'S THE ONE WHO IS RESPONSIBLE FOR THAT
 26 CONTENT. HE'S THE ONE THAT'S SIGNING THOSE GRANT

1 APPLICATIONS.
 2 SO DURING THE COURSE OF DISCOVERY IN THE CASE,
 3 YOU'LL HEAR WE TAKE WHAT ARE CALLED DEPOSITIONS. WE GET AN
 4 OPPORTUNITY TO ASK QUESTIONS OF WITNESSES, PARTIES.
 5 AND IN THIS INSTANCE, THERE'S TESTIMONY THAT
 6 WAS GIVEN BY THE PLAINTIFF THAT, IN AND OF ITSELF, SHOULD BE
 7 DISPOSITIVE FOR YOU OF THIS ENTIRE SO-CALLED CASE.
 8 AND HE SAID, WHEN I ASKED: "DID YOU UNDERSTAND
 9 WHEN YOU WERE SUBMITTING THOSE GRANT APPLICATIONS" -- THIS IS
 10 THE QUESTION TO THE PLAINTIFF HIMSELF -- "DID YOU UNDERSTAND
 11 WHEN YOU WERE SUBMITTING THOSE GRANT APPLICATIONS THAT THEY
 12 HAD TO BE ACCURATE?"
 13 "YES, I KNOW."
 14 "YOU COULD NOT MAKE A MISREPRESENTATION ON A
 15 GRANT APPLICATION?"
 16 "I UNDERSTAND THAT."
 17 "SO AS A LAW-ABIDING CITIZEN, YOU UNDERSTOOD
 18 YOU HAVE TO HAVE TRUTHFUL INFORMATION ON THE GRANT
 19 APPLICATIONS; RIGHT?"
 20 "YES. BECAUSE OTHERWISE IT WOULD NOT BE
 21 LAWFUL. I DON'T -- "
 22 I SAID: "YOU SAID YOU WERE A LAWFUL CITIZEN SO
 23 IT HAD TO BE TRUTHFUL?"
 24 "YES."
 25 QUESTION: "BECAUSE IF IT WASN'T TRUTHFUL, THAT
 26 WOULDNT' BE LAWFUL, IN YOUR MIND; RIGHT?"

1 ANSWER, PLAINTIFF SAYING: "DEFINITELY CAN'T BE
 2 UNLAWFUL."
 3 LAST QUESTION THERE: "CAN'T BE UNLAWFUL. AND
 4 IF IT WAS INACCURATE -- IF IT WAS INACCURATE OR MISREPRESENTED
 5 FACTS, THAT WOULD BE UNLAWFUL; RIGHT?"
 6 "YES."
 7 SO IN THE CONTEXT OF AN
 8 INVESTIGATION -- REMEMBER, THE FULL PARAGRAPH THAT THAT
 9 STATEMENT APPEARS IN IS ABOUT THE INVESTIGATION, NOT A
 10 CONVICTION, BUT IF IT WAS INACCURATE OR MISREPRESENTING FACTS,
 11 EVEN THE PLAINTIFF SAYS THAT WOULD BE UNLAWFUL.
 12 YEAH, THAT WOULD BE A CRIMINAL OFFENSE.
 13 THERE'S NOT EVEN A DISAGREEMENT BETWEEN THE
 14 PLAINTIFF AND THE DEFENDANT. AND YET, OUT OF ALL OF THAT
 15 STUFF AND TWO ARTICLES BY THE PLAINTIFF AND AN ENTIRE ARTICLE
 16 WRITTEN BACK, THIS IS ALL THAT'S LEFT. THIS IS ALL THAT WE'RE
 17 SINGLING OUT; IS THAT IF YOU MADE A MISREPRESENTATION, THAT
 18 WOULD BE A CRIMINAL OFFENSE.
 19 WELL, IT WOULD BE. AND PLAINTIFF HIMSELF
 20 UNDERSTANDS IT WOULD BE. YOU CANNOT MAKE
 21 MISREPRESENTATIONS --
 22 MR. HART: OBJECTION, YOUR HONOR. IT'S BECOMING
 23 QUITE ARGUMENTATIVE.
 24 MR. VOSS: I'LL MOVE ON.
 25 THE COURT: I WAS GOING TO SAY. THANK YOU. YOU TOOK
 26 THE WORDS OUT OF MY MOUTH.

1 MR. VOSS: THE FACTS WILL SHOW THAT KHOA KNEW THAT HE
 2 WAS BEING HELD OUT BY OTHERS AS A DOCTOR, BUT HE DIDN'T TAKE
 3 ANY ACTION TO CORRECT THOSE REPRESENTATIONS.
 4 HE SAYS, WELL, THOSE REPRESENTATIONS WEREN'T
 5 MADE BY -- AND I'VE HEARD COUNSEL SAY THOSE WEREN'T MADE BY
 6 HIM. WELL, HOW CONVENIENT. SO YOU KNOW EVERYONE ELSE IS
 7 REFERRING TO YOU AS A DOCTOR, BUT YOU DON'T TAKE ANY OF -- AND
 8 THE FACTS ARE GOING TO SHOW HE WAS AWARE OF IT, BUT HE CHOSE
 9 NOT TO CORRECT IT.
 10 WHY?
 11 IT'S BENEFICIAL TO HIM TO LOOK BIGGER --
 12 MR. HART: OBJECTION. THAT'S ARGUMENTATIVE.
 13 THE COURT: SUSTAINED.
 14 THE FACTS WILL SHOW?
 15 MR. VOSS: THE FACTS WILL SHOW THAT HE WAS THE EDITOR
 16 IN CHIEF OF A PUBLICATION FROM HIS ENTITY CALLED "THE BRIDGE";
 17 THAT HE WAS RESPONSIBLE, AS THE EDITOR-IN-CHIEF, FOR THE
 18 CONTENT OF THAT MAGAZINE FROM HIS ORGANIZATION; AND THAT IN
 19 THAT MAGAZINE HE WAS HELD OUT AS DR. KHOA. HE WAS THE
 20 EDITOR-IN-CHIEF.
 21 AND HE SAYS -- COUNSEL SAID, NOT BY HIM.
 22 THAT'S NOT CORRECT. THE FACTS ARE GOING TO SHOW YOU THAT IT'S
 23 RIGHT IN THEIR OWN PUBLICATIONS.
 24 LIKEWISE, THE FACTS WILL SHOW THAT HE MADE
 25 HIMSELF LOOK BETTER BY PROVIDING INFORMATION AS PART OF THE
 26 GRANT THAT MADE THE ORDINARY READER BELIEVE HE WAS A DOCTOR,

1 INCLUDING THE GRANT APPLICATIONS TOUTING HIS THESIS AND
 2 DOCTORAL STUDIES.
 3 THE FACTS WILL SHOW THAT HE PREPARED AND SIGNED
 4 ALL THE GRANT APPLICATIONS WHICH CONTAINED THE THESIS IN THE
 5 ATTACHED RESUME THAT WAS ON THE BACK OF EVERY SINGLE ONE OF
 6 THOSE GRANT APPLICATIONS.
 7 AGAIN, EVEN THE PLAINTIFF KNEW IT WAS UNLAWFUL.
 8 THE FACTS WILL SHOW, BY CONTRAST, THAT
 9 DR. THANG HAD MANY REASONS TO BELIEVE THAT IT WAS, AND IS
 10 TODAY, A CRIMINAL OFFENSE TO MAKE A MISREPRESENTATION IN A
 11 GRANT APPLICATION. WHY? HIS EXPERIENCE IN APPLYING FOR GRANT
 12 FOR B.P.S.O.S.
 13 NOW, COUNSEL IN HIS OPENING STATEMENT SAID TO
 14 YOU THAT MY CLIENT HAS BEEN APPLYING FOR GRANTS SINCE THE
 15 1990'S. THAT'S FACTUALLY INCORRECT. IT WASN'T UNTIL 2006
 16 THAT THEY FIRST MADE GRANT APPLICATIONS.
 17 SO WHEN YOU GO BACK 25 YEARS AGO, AND THE
 18 IMPLICATION IS THAT THE GRANT APPLICATIONS WERE HAPPENING
 19 THEN, THEY WEREN'T. THAT'S AN ERROR OF FACT THAT WAS
 20 REPRESENTED TO YOU.
 21 BUT HE DOES NOW, AND DID HAVE AT THE TIME THAT
 22 HE WROTE THIS IN 2020, A CLEAR UNDERSTANDING BECAUSE HE HAD,
 23 BY THEN, FOR 14 YEARS, APPLIED FOR MANY GRANTS ON BEHALF OF
 24 THE BOAT PEOPLE S.O.S.
 25 AND HIS EXPERIENCE IN APPLYING FOR GRANTS, AND
 26 JUST LIKE MR. KHOA HAD TO SIGN THE GRANTS FOR S.E.A.R.A.C.,

1 DR. THANG WAS SIGNING THE GRANT REQUESTS FOR B.P.S.O.S.
 2 DIFFERENT GRANT REQUESTS, BUT NONETHELESS THE SAME CONCEPT;
 3 ASKING FOR MONEY FROM THE GOVERNMENT.
 4 WHAT IS THE POSITION FROM DR. THANG?
 5 HE SAYS THAT: I JUST STATE THE FACT THAT
 6 BECAUSE WE HAVE DONE A LOT OF PROPOSAL TO THE U.S. GOVERNMENT
 7 AGENCIES, THE FIRST THING WE'RE INSTRUCTED, TO BE TRUTHFUL
 8 BECAUSE, OTHERWISE, IT WILL BE A CRIMINAL OFFENSE. SO THE
 9 STATEMENT THAT ANY UNTRUTHFUL INFORMATION PROVIDED IN ORDER TO
 10 OBTAIN FUNDING FROM THE U.S. GOVERNMENT, THAT IS A CRIMINAL
 11 OFFENSE.
 12 WAS HE STATING FROM HIS OWN EXPERIENCE THAT HE
 13 KNEW?
 14 YES, BECAUSE HE'S ALSO APPLYING FOR THESE
 15 GRANTS.
 16 LIKEWISE, HE SAYS THAT: IT'S A STATEMENT OF
 17 FACT THAT ANY MISINFORMATION PROVIDED TO U.S. AGENCY IN ORDER
 18 TO OBTAIN TAX DOLLARS.
 19 RIGHT, THAT'S A CRIMINAL OFFENSE.
 20 AND WENT ON TO SAY: I THINK YOUR CLIENT AGREES
 21 WITH THAT AS WELL. I READ IT IN HIS DEPOSITION.
 22 WELL, THAT'S THE PART I READ YOU BEFORE.
 23 PLAINTIFF SAYS IT'S UNLAWFUL. MY CLIENT SAYS IT'S UNLAWFUL.
 24 IF YOU MISREPRESENT IN A GRANT APPLICATION, THAT WAS A
 25 CRIMINAL OFFENSE.
 26 SO WHAT IS IT THAT'S SO HORRIBLE ABOUT HIS

1 POINTING OUT THAT IF YOU MAKE A MISREPRESENTATION IT'S A
 2 CRIMINAL OFFENSE? THERE'S AN INVESTIGATION GOING ON?
 3 SO IMPORTANTLY, ALSO, IS THAT COUNSEL SAID THAT
 4 MY CLIENT, QUOTE, DIDN'T CHECK -- I BELIEVE I WROTE THE WORDS
 5 DOWN VERBATIM. IF I'M OFF BY ONE, I DID MY BEST. THAT,
 6 QUOTE: "HE DIDN'T CHECK THE PRIOR GRANT APPLICATIONS BEFORE
 7 HE MADE THIS STATEMENT."
 8 IN FACT, MY CLIENT HAD MET WITH CONGRESSIONAL
 9 STAFF FROM MR. DORNAN'S OFFICE WHEN ALL OF THIS WENT DOWN TO
 10 BEGIN WITH. AND THE FACTS ARE THAT HIS STAFF, THE
 11 CONGRESSMAN'S STAFF -- DR. ALBERT SANTOLI KNEW ME WELL AND
 12 ASKED ME TO VISIT DORNAN'S OFFICE ONE DAY. AND HE SHOWED ME
 13 THE STACK OF PROPOSALS DELIVERED BY THE OFFICE OF REFUGEE
 14 RESETTLEMENT TO DORNAN'S OFFICE IN RESPONSE TO THE REQUEST
 15 HERE. AND THEN HE PULLED OUT UNDERNEATH, AT THE BACK OF THOSE
 16 PROPOSALS, THE CV, THE BIO, SAYING "DR. KHOA."
 17 THIS WASN'T JUST SOMETHING HE INVENTED OUT OF
 18 THE CLEAR BLUE SKY. NOT ONLY DID HE RELY ON WHAT THE
 19 CONGRESSMAN WROTE, BUT AT THE TIME THAT HAPPENED, HE HAD BEEN
 20 ASKED TO COME DOWN AND SHOWN THE GRANT PROPOSALS BY THE
 21 CONGRESSMAN'S STAFF. AND THAT'S HIS TESTIMONY. HE DIDN'T
 22 JUST DO THIS, MAKE THE STATEMENT THAT IS AT ISSUE HERE WITH NO
 23 BASIS FOR DOING SO.
 24 THE FACTS ARE THAT UNDER I.R.A.C., WHICH IS --
 25 THE ENTITIES ARE S.E.A.R.A.C. AND I.R.A.C. IT WENT BACK AND
 26 FORTH THAT DR. -- OR MR. KHOA WAS WORKING FOR.

1 UNDER THE LETTERHEAD OF THE INDOCHINA RESEARCH
 2 ACTION CENTER AND THE STAFF PERSON, DR. SANTOLI, ASKED ME,
 3 THANG, WHETHER I WANT A COPY OR NOT. HE ONLY ASKED FOR A COPY
 4 OF THE C.V. AT THAT TIME.
 5 SO YES, HE HAD LOOKED AT THE C.V.'S. YES, THE
 6 CONGRESSMEN, THEMSELVES, SAID THAT THE MISREPRESENTATION OF
 7 ACADEMIC CREDENTIALS MAY HAVE RESULTED IN RECEIVING GRANTS
 8 OVER OTHER APPLICANTS.
 9 YES, THE CONGRESSMAN SAID, IN THE FACE OF
 10 PUBLIC INQUIRY, HE ADMITTED HE IS NOT A DOCTOR AND THAT THEY
 11 HAVE MISREPRESENTED THAT HE WAS.
 12 ALL OF THOSE ARE TRUE STATEMENTS FOR WHICH
 13 THERE'S FACTUAL SUPPORT THAT WILL BE SHOWN TO YOU.
 14 SO WE REASONABLY SUBMIT TO YOU THAT WHEN YOU
 15 LOOK AT THE JURY INSTRUCTIONS YOU'RE GOING TO GO THROUGH, YOU
 16 NEED TO APPLY TO THAT THAT MY CLIENT DID NOT ACT WITHOUT
 17 UNDERSTANDING FACTS AND JUSTIFICATION FOR THE STATEMENT THAT
 18 HE MADE.
 19 THIS WAS NOT, AS COUNSEL SUGGESTED TO YOU,
 20 SOMEHOW A NEGLIGENT STATEMENT BECAUSE HE HAD NO BASIS FOR IT.
 21 HE HAD A LOT OF BASIS FOR IT.
 22 FINALLY, AND I'M JUST GOING TO IN A -- I DON'T
 23 BELIEVE YOU'LL EVER GET THERE. BUT ASSUMING THAT SOMEHOW
 24 DR. THANG'S STATEMENT WAS FALSE, COUNSEL SAID, WELL, HE
 25 SUFFERED TERRIBLE SHAME. IT'S OUR POSITION THE PLAINTIFF
 26 DOESN'T EVEN HAVE ANY DAMAGES ANYWAY. THEY SHOULDN'T RECOVER

1 ANYTHING.
 2 MEDICALLY, PLAINTIFF HAS NO EXPERT, NO DOCTOR
 3 OR MEDICAL RECORDS THAT YOU'RE GOING TO SEE TO SUPPORT ANY
 4 DAMAGES PURPORTEDLY CAUSED BY THE FEW WORDS THAT ARE ALLEGED
 5 TO BE DEFAMATORY. NO MEDICAL ANYTHING.
 6 SO HIS REPUTATION? IT WAS LIKEWISE UNAFFECTED.
 7 HE HAD THOUSANDS OF FOLLOWERS THAT READ HIS WRITINGS WHEN HE
 8 CHOSE TO BE THE ONE THAT HURLED THE FIRST TWO LETTERS OUT
 9 THERE.
 10 BUT WHEN WE ASKED HIM AT HIS DEPOSITION TO
 11 IDENTIFY, GIVE ME THE NAME, IDENTIFY FOR ME ONE SINGLE PERSON,
 12 ANYBODY THAT WAS -- EVEN RAISED A CONCERN ABOUT THIS
 13 STATEMENT, HE WAS ABLE TO COME UP WITH ONLY ONE SINGLE PERSON.
 14 THE PLAINTIFF, IN HIS DISCOVERY RESPONSES, SAID
 15 THAT: "I HAVE NO PROBLEMS WITH FRIENDS AND COLLEAGUES WHO
 16 KNOW ABOUT MY CHARACTER WHO HAVE CONTACTED ME PERSONALLY TO
 17 INQUIRE ABOUT THE DEFENDANTS' UNTRUTHFUL STATEMENTS."
 18 THAT'S A FACT. OH, THIS HORRIBLE SHAME. IT'S
 19 HIS WORDS. "I HAVE NO PROBLEMS WITH FRIENDS AND COLLEAGUES
 20 WHO KNOW MY CHARACTER. HOWEVER, I AM A PUBLIC PERSON. AND IN
 21 THE COMMUNITY FOR MY HUMANITARIAN AND COMMUNITY EMPOWERMENT
 22 WORK, I HAVE MANY READERS AND VIEWERS OF MY PUBLISHED BOOK,
 23 ARTICLES OR VIDEOS. THE VIDEOTAPED INTERVIEW OF ME BY THE BBC
 24 NEWS. TIENG VIET (PHONETIC), VIETNAMESE LANGUAGE, ON YOUTUBE
 25 HAS BEEN VIEWED BY 5.6 MILLION PEOPLE, WITH ALMOST 6,000
 26 COMMENTS."

1 SO MILLIONS OF PEOPLE HAVE VIEWED HIS YOUTUBE
 2 STUFF. HE'S HAD THOUSANDS OF COMMENTS ON THINGS HE'S
 3 PUBLISHED. BUT WHEN IT COMES TO THIS STATEMENT AND HE'S ASKED
 4 TO SAY, WELL, WHO -- IF YOU'RE SAYING YOU HAD ALL THIS
 5 TERRIBLE SHAME, TELL ME. TELL ME WHO IT WAS THAT YOU SAID
 6 CAME TO YOU AND SAID, YOU KNOW, I'M RAISING AN ISSUE ABOUT
 7 YOUR REPUTATION BECAUSE OF THIS STATEMENT.
 8 ONE PERSON.
 9 OH, AND, BY THE WAY, THAT ONE PERSON DIDN'T BUY
 10 THE STATEMENT ANYWAY. HE JUST SAID: OH, I THINK YOU OUGHT TO
 11 WRITE SOMETHING TO CORRECT IT, BECAUSE OBVIOUSLY IT'S NOT
 12 CORRECT.
 13 SO HE DIDN'T EVEN LOSE THE ONE READER. THE ONE
 14 READER --
 15 MR. HART: OBJECTION, YOUR HONOR. IT'S
 16 ARGUMENTATIVE.
 17 THE COURT: SUSTAINED.
 18 MR. VOSS: THE FACTS ARE GOING TO SHOW YOU THAT MY
 19 CLIENT, DR. THANG, HAS DEDICATED HIS LIFE TO SUPPORTING
 20 VIETNAMESE REFUGEES. HE DIDN'T WAKE UP IN MAY OF 2020
 21 INITIATING FALSE STATEMENTS ABOUT THE PLAINTIFF. THAT'S A
 22 FACT.
 23 THE FACTS ARE HE WAS CORRECTING FALSE
 24 STATEMENTS MADE AGAINST HIM. HIS WORDS WERE NOT MOTIVATED BY
 25 MALICE WHEN HE WROTE THEM BUT TO PROTECT THE TRUTH.
 26 YOU MAY RECALL THAT I ASKED YOU TO KEEP AN OPEN

1 MIND UNTIL YOU HEAR OUR SIDE OF THE STORY. I REMIND YOU OF
 2 THAT BECAUSE THIS CASE IS MUCH ADO ABOUT NOTHING.
 3 THE COURT: ALL RIGHT. THANK YOU, MR. VOSS.
 4 AND JUST REMINDER THAT YOU HEARD YESTERDAY IN
 5 THE INSTRUCTIONS, WE'VE HEARD FROM BOTH SIDES IN TERMS OF
 6 THEIR OPENING STATEMENTS, WHAT THE ATTORNEYS SAY DURING THEIR
 7 OPENING STATEMENTS OR CLOSING ARGUMENTS, THAT IS NOT EVIDENCE.
 8 IT'S WHAT THEY THINK THE EVIDENCE -- THAT'S WHAT THEY HOPE THE
 9 EVIDENCE WILL SHOW, BUT THEIR STATEMENTS AND SUMMARIES AND
 10 THINGS ARE NOT EVIDENCE. THE EVIDENCE YOU'RE ABOUT TO HEAR
 11 NOW, STARTING IN JUST A FEW MOMENTS, IS THE TESTIMONY AND
 12 EVERYTHING THAT COMES IN.
 13 SO EVERYTHING YOU'VE HEARD OF SO FAR IS WHAT
 14 THEY BELIEVE AND HOPE THE EVIDENCE WILL SHOW FROM YOUR EYES
 15 AND PROSPECTIVE. SO I JUST WANTED TO REMIND YOU OF THAT FROM
 16 THE INSTRUCTIONS YESTERDAY.
 17 SO WE WILL THEN TURN TO PLAINTIFF FOR THE FIRST
 18 WITNESS.
 19 MR. HART: THANK YOU, YOUR HONOR. PLAINTIFFS CALL
 20 DR. NGUYEN DINH THANG TO THE STAND, PLEASE.
 21 NGUYEN DINH THANG,
 22 CALLED UNDER 776, AS A WITNESS ON BEHALF OF THE PLAINTIFFS,
 23 AND HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED
 24 AS FOLLOWS:
 25 THE WITNESS: I DO.
 26 THE CLERK: THANK YOU. PLEASE STATE YOUR NAME, AND

1 SPELL YOUR LAST NAME FOR THE RECORD.
 2 THE WITNESS: YEAH. MY NAME IS THANG, T-H-A-N-G,
 3 DINH, D-I-N-H, NGUYEN.
 4 THE COURT: THE BINDERS BEHIND YOU, WHEN THEY POINT
 5 YOU TO AN EXHIBIT, THAT'S WHERE THOSE WILL BE FOUND. BUT GO
 6 AHEAD AND SETTLE IN THERE; WE'LL LET YOU GET COMFORTABLE
 7 BEFORE WE START.
 8 MR. HART: WE'RE GOING TO START WITH EXHIBIT 238,
 9 DR. THANG, IF YOU WANT TO --
 10 CAN I HELP HIM, YOUR HONOR?
 11 THE COURT: HE'S GOING TO GET YOU STARTED RIGHT
 12 THERE. THERE'S TWO BINDERS; IT SHOULD BE BINDER 2 OF 2.
 13 DIRECT EXAMINATION
 14 BY MR. HART:
 15 Q DR. THANG, GET COMFORTABLE, IF YOU WOULD, AND
 16 LET ME KNOW WHEN YOU HAVE OPENED UP EXHIBIT 238.
 17 A YES, I'M READY.
 18 Q DO YOU HAVE EXHIBIT 238 BEFORE YOU?
 19 A YES.
 20 Q DO YOU RECOGNIZE WHAT THIS IS, DR. THANG?
 21 A YES. THIS IS THE MAY 25, 2020 ARTICLE THAT I
 22 AUTHORED.
 23 Q SO THIS IS YOUR MAY 25, 2020 ARTICLE?
 24 A THAT'S RIGHT.
 25 Q ALL RIGHT. AND TAKE A MINUTE TO LOOK THROUGH
 26 IT. WITH ALL THE PAGES, I THINK IT'S 20 PAGES -- 21 PAGES

1 TOTAL.
 2 CAN YOU TELL US IF THIS IS A TRUE AND CORRECT
 3 COPY OF YOUR ARTICLE, PLUS AN ENGLISH TRANSLATION.
 4 A IT APPEARS SO.
 5 Q AND IF YOU LOOK AT PAGE 7 OF EXHIBIT 238, WE
 6 SEE THE STATEMENT THAT'S WRITTEN ON THE WHITEBOARD; DO WE NOT?
 7 A EXCEPT THAT THE FIRST HALF OF THAT PARAGRAPH
 8 WAS MISSING HERE. YEAH, IT SAYS THAT: "IMMEDIATELY AFTER THE
 9 TWO HEARINGS, CONGRESSMAN SMITH" -- IT SHOULD BE "DORNAN" --
 10 "SENT AN OFFICIAL LETTER REQUESTING INSPECTOR GENERAL OF THE
 11 DEPARTMENT OF STATE TO INVESTIGATE MR. KHOA AND
 12 S.E.A.R.A.C." --
 13 MR. HART: OBJECTION, YOUR HONOR. MOVE TO STRIKE AS
 14 NONRESPONSIVE.
 15 THE COURT: SUSTAINED. SO THE FURTHER CLARIFICATION,
 16 IN ADDITION, WILL BE STRICKEN AND DISREGARDED BY THE JURY AT
 17 THIS TIME.
 18 SO WE NEED YOU -- I GUESS FOR EVERYBODY, THE
 19 PROCESS IS TO ANSWER DIRECTLY, TO THE BEST OF YOUR ABILITY,
 20 THE SPECIFIC QUESTION THAT IS DIRECTED TO YOU. YOUR COUNSEL
 21 WILL HAVE THE OPPORTUNITY TO QUESTION YOU LATER ON IN THE CASE
 22 TO ADD, CLARIFY, WHATEVER THE CASE MAY BE.
 23 SO IF WE COULD FOCUS ON RESPONDING TO THE
 24 SPECIFIC QUESTION TO THE BEST OF OUR ABILITIES.
 25 BY MR. HART:
 26 Q SO, DR. THANG, WITHIN THE 20 OR SO PAGES THAT

1 MAKE UP EXHIBIT 238, THESE WORDS APPEAR ONCE IN VIETNAMESE AND
 2 ONCE IN ENGLISH; CORRECT?
 3 A THAT'S CORRECT.
 4 MR. HART: I WOULD MOVE EXHIBIT 238 INTO EVIDENCE,
 5 PLEASE.
 6 MR. VOSS: NO OBJECTION.
 7 THE COURT: NO OBJECTION. 238 WILL BE ADMITTED.
 8 (EXHIBIT 238 ADMITTED.)
 9 MR. HART: I WOULD LIKE TO PUBLISH, YOUR HONOR.
 10 THE COURT: YOU MAY.
 11 MR. HART: OKAY. LET'S PUBLISH PAGE 7.
 12 (DOCUMENT PUBLISHED.)
 13 MR. HART: SO DON'T PUT ANYTHING UP YET.
 14 MR. VOSS: YOUR HONOR, I OBJECT TO -- THAT'S NOT
 15 EXHIBIT 7. THAT'S A MODIFIED EXHIBIT 7. YOU CAN'T SEE --
 16 THE COURT: WELL, I THINK WE'RE CORRECTING THAT RIGHT
 17 NOW. SO YES, THAT'S FAIR. WE NEED TO START WITH THE
 18 FOUNDATION.
 19 MR. VOSS: THE FACTUAL DOCUMENTS.
 20 THE COURT: AND THEN WE CAN TALK ABOUT BRINGING OUT
 21 OTHER FOCUSING PARTS.
 22 MR. HART: APOLOGIZE TO THE COURT, THE JURY, AND
 23 COUNSEL. THIS IS OUR FIRST TIME WORKING THIS PROCESS, SO
 24 WE'RE GOING TO HAVE A FEW HICCUPS.
 25 BY MR. HART:
 26 Q ALL RIGHT. SO DO YOU SEE PAGE 7, DR. THANG?

1 A I DO.
 2 Q AND YOU SEE IT ON YOUR MONITOR AS WELL?
 3 A YES.
 4 Q OKAY. AND SO IN THIS PART OF PAGE 7 --
 5 MR. VOSS: YOUR HONOR, I'M JUST CONCERNED. IF WE CAN
 6 INQUIRE IF THE JURY CAN READ THAT FROM OVER THERE. IT'S
 7 RATHER SMALL. IF IT CAN BE EXPANDED ON THE SCREEN OR ...
 8 THE COURT: THAT WOULD BE -- AND LET ME GO THROUGH
 9 THIS. COUNSEL IS GOING TO PUT ON THEIR CASE THAT THEY THINK
 10 THEY NEED TO PUT ON. IT IS EXPANDED THERE. BUT JUST IN TERMS
 11 OF EXHIBITS, IN GENERAL -- IN TERMS OF EXHIBITS, ANYTHING THAT
 12 IS ADMITTED INTO EVIDENCE, YOU WILL HAVE THE OPPORTUNITY TO
 13 ACTUALLY LAY YOUR HANDS ON DURING DELIBERATION. SO DURING THE
 14 COURSE OF THE TRIAL, NO. BUT WHEN YOU GET INTO THE JURY
 15 DELIBERATION ROOM, ANY EXHIBIT THAT IS ADMITTED WILL BE
 16 AVAILABLE TO YOU TO LOOK AT UP CLOSE.
 17 SO TO THE EXTENT YOU HAVE ANY DIFFICULTIES IN
 18 HERE, BUT TO THE EXTENT THERE ARE ANY DIFFICULTIES IN HERE
 19 READING ANYTHING, YOU'LL HAVE THAT OPPORTUNITY IN THE
 20 DELIBERATION ROOM.
 21 YOU MAY CONTINUE, MR. HART.
 22 MR. VOSS: I APPRECIATE THE CHANGE ON THE SCREEN.
 23 THANK YOU.
 24 BY MR. HART:
 25 Q OKAY. DR. THANG, WE HEARD MR. VOSS IN HIS
 26 OPENING STATEMENT SAY THAT YOU'RE NOT CLAIMING IN YOUR ARTICLE

1 THAT MR. KHOA WAS A -- COMMITTED A CRIMINAL OFFENSE. IS THAT
 2 CORRECT? IS THAT YOUR CLAIM?
 3 A THAT'S CORRECT.
 4 Q SO YOU'VE WRITTEN THAT: MR. KHOA FALSELY
 5 CLAIMED THAT HE HELD A DOCTORAL DEGREE IN THE APPLICATION FOR
 6 A GRANT FROM THE DEPARTMENT OF STATE. THAT WAS A CRIMINAL
 7 OFFENSE.
 8 YOU'RE TELLING US THAT YOU DIDN'T MEAN TO
 9 IMPLICATE A CRIMINAL OFFENSE TO PROFESSOR KHOA; YOU'RE JUST
 10 MAKING A STATEMENT FROM ONE OF DORNAN'S LETTERS?
 11 A THE FIRST PART OF THAT I PARAPHRASED FROM THE
 12 DORNAN'S LETTER DATED APRIL 30TH, 1996.
 13 Q OKAY. SO WHEN YOU MAKE THIS STATEMENT --
 14 BECAUSE AS WE CAN SEE FROM PAGE 7 OF EXHIBIT 238, YOU SEPARATE
 15 THE STATEMENT FROM THE REST OF THE PARAGRAPH WITH A COLON:
 16 "MR. KHOA FALSELY CLAIMED THAT HE HELD A DOCTORAL DEGREE IN
 17 THE APPLICATION FOR A GRANT FROM THE DEPARTMENT OF STATE.
 18 THAT WAS A CRIMINAL OFFENSE."
 19 WHAT ARE YOU INTENDING TO COMMUNICATE WITH THAT
 20 SEPARATE SENTENCE?
 21 A I COMMUNICATED THAT CONGRESSMAN DORNAN
 22 CONDUCTED A FOUR-MONTH-LONG INVESTIGATION INTO S.E.A.R.A.C.
 23 AND MR. KHOA.
 24 CONGRESSMAN DORNAN, AT THE TIME, WAS ON THE
 25 ADVISORY COMMITTEE OF S.E.A.R.A.C., AND HE RECEIVED MANY
 26 REQUESTS FROM GIVEN --

1 MR. HART: I'M GOING TO OBJECT. MOVE TO STRIKE AS
 2 NONRESPONSIVE.
 3 THE COURT: LET ME RULE ON THE OBJECTION AND THE
 4 MOTION TO STRIKE BEFORE WE ...
 5 MR. HART: SORRY.
 6 THE COURT: SO, YES, I THINK WE STARTED GETTING A BIT
 7 FAR AFIELD THERE IN GOING INTO IT. SO WE WILL SUSTAIN THE
 8 OBJECTION, AND THAT RESPONSE WILL BE STRICKEN AND DISREGARDED
 9 BY THE JURY.
 10 YOU MAY ASK YOUR QUESTION AGAIN.
 11 MR. HART: THANK YOU, YOUR HONOR.
 12 BY MR. HART:
 13 Q DR. THANG, WHAT ARE YOU INTENDING TO
 14 COMMUNICATE BY THAT ONE SENTENCE; THAT MR. KHOA FALSELY
 15 CLAIMED A DOCTORAL DEGREE? WHAT ARE YOU TRYING TO COMMUNICATE
 16 THERE, IF NOT WHAT WE READ IN THOSE TWO SENTENCES?
 17 A MY INTENTION --
 18 MR. VOSS: OBJECTION. VAGUE AND AMBIGUOUS AND
 19 ARGUMENTATIVE AS PHRASED.
 20 THE COURT: OVERRULED.
 21 THE WITNESS: MY INTENTION WAS TO EXPLAIN TO THE
 22 READER THAT MR. KHOA WAS INVESTIGATED BY CONGRESSMAN DORNAN,
 23 AND HE CAME UP WITH THE FINDING, AND HE COMMUNICATED THAT
 24 FINDING AFTER TRUTHFULLY VERIFYING THAT FINDING TO THE
 25 DEPARTMENT OF STATE. AND IT'S TO THE OFFICE OF THE INSPECTOR
 26 GENERAL OF THE DEPARTMENT OF STATE.

1 BECAUSE THE MANDATE OF INSPECTOR GENERAL OFFICE
 2 IS TO INVESTIGATE POTENTIAL CRIMINAL ACTS IN VIOLATION OF
 3 FEDERAL CRIMINAL LAW AND REGULATIONS INVOLVING FUND
 4 MISMANAGEMENT --
 5 MR. HART: I'M GOING TO MOVE TO STRIKE IF YOU GO TOO
 6 FAR BEYOND.
 7 THE COURT: HE'S FINE SO FAR. NO NEED TO -- THIS
 8 ISN'T AN OPPORTUNITY FOR A LONG --
 9 THE WITNESS: -- AND ABUSE OF AUTHORITY. THAT'S MY
 10 INTENTION.
 11 BY MR. HART:
 12 Q THE FULL PARAGRAPH SAYS THAT CONGRESSMAN SMITH,
 13 NOT DORNAN, SENT A LETTER REQUESTING AN INVESTIGATION.
 14 SO AT THAT POINT THERE HAD BEEN NO
 15 INVESTIGATION YET; RIGHT?
 16 A THAT'S NOT CORRECT.
 17 Q BECAUSE IT WAS ONLY BEING REQUESTED?
 18 A HE INFORMED THE DEPARTMENT OF STATE OFFICE OF
 19 INSPECTOR GENERAL OF THE FINDINGS THAT HE ALREADY OBTAINED
 20 THROUGH HIS OWN FOUR-MONTH-LONG, INTENSE, RIGOROUS, SYSTEMATIC
 21 INVESTIGATION. AND HE REQUESTED INVESTIGATION NOT WHETHER
 22 THAT WAS THIS FACT BUT THE IMPLICATION --
 23 Q HOLD ON.
 24 MR. HART: I OBJECT. HE'S SAYING HEARSAY. MOVE TO
 25 STRIKE.
 26 THE COURT: SUSTAINED. THAT WILL BE DISREGARDED BY

1 THE JURY AS WELL.
 2 BY MR. HART:
 3 Q DR. THANG, ARE YOU REFERRING TO THE TWO DORNAN
 4 LETTERS THAT WE TALKED ABOUT IN YOUR DEPOSITION?
 5 A YES.
 6 Q LET ME ASK YOU BEFORE WE LOOK AT THOSE: ARE
 7 YOU SAYING IN THIS ARTICLE THAT PROFESSOR KHOA COMMITTED A
 8 CRIME OR ARE YOU NOT?
 9 A NO.
 10 Q WHAT ARE YOU SAYING?
 11 A I WAS SAYING THAT PRESENTING FALSE STATEMENTS
 12 OR FALSE CLAIMS IN ORDER TO OBTAIN FEDERAL FUNDS, WHICH IS
 13 ESSENTIALLY AMERICAN TAX DOLLARS, WOULD BE A CRIME.
 14 Q SO YOU'RE TELLING US THAT THIS STATEMENT IS
 15 JUST SAYING, AS YOUR ATTORNEY SAID IN OPENING, IF MR. KHOA
 16 FALSELY CLAIMED A DOCTORAL CANDIDATE, THAT WOULD BE A CRIMINAL
 17 OFFENSE; IS THAT YOUR CLAIM?
 18 A CORRECT. THAT ACT WOULD BE A CRIME.
 19 Q OKAY. SO LET'S LOOK DOWN AT THE NEXT PARAGRAPH
 20 IN THE LETTER, WHICH SAYS: "WHEN INVESTIGATED, MR. KHOA
 21 EXPLAINED THAT OTHER PEOPLE SHOWED RESPECT TO HIM AND
 22 ADDRESSED HIM BY THE TITLE DOCTOR EVEN THOUGH HE OBJECTED.
 23 BUT SUCH AN EXPLANATION WAS NOT GOOD BECAUSE MR. KHOA HIMSELF
 24 CLAIMED TO HAVE A DOCTORAL DEGREE IN THE RESUME HE ATTACHED TO
 25 THE GRANT APPLICATION."
 26 SO NOW YOU'RE SAYING HE'S COMMITTED A CRIMINAL

1 OFFENSE?
 2 A I WAS SAYING THAT WE FOUND AND I WILL SHARE
 3 EVIDENCE OF HIS GRANT APPLICATIONS --
 4 (REPORTER ASKS FOR CLARIFICATION.)
 5 THE WITNESS: I WAS SAYING THAT I WAS SHARED EVIDENCE
 6 BY CONGRESSMAN DORNAN'S STAFFER OF EVIDENCE THAT HE AND
 7 S.E.A.R.A.C. SUBMITTED GRANT APPLICATIONS WITH HIS
 8 C.V. INSERTED AS PART OF THE GRANT APPLICATIONS THAT SHOW HIM
 9 TO BE A DOCTOR ON THE LETTERHEAD, OFFICIAL LETTERHEAD OF HIS
 10 ORGANIZATION.
 11 BY MR. HART:
 12 Q IS THAT YOUR EXPLANATION FOR: "BECAUSE
 13 MR. KHOA HIMSELF HAD CLAIMED TO HAVE A DOCTORAL DEGREE IN A
 14 RESUME ATTACHED TO THE GRANT APPLICATION"?
 15 A THAT'S A FACT. I GOT A COPY OF HIS C.V. PULLED
 16 OUT OF S.E.A.R.A.C.'S GRANT APPLICATION --
 17 Q OKAY.
 18 A -- THAT SHOW THAT MR. KHOA WAS A DOCTOR ON
 19 OFFICIAL LETTERHEAD OF HIS ORGANIZATION.
 20 Q SO NOW YOU'RE CLAIMING THAT HE HAS COMMITTED A
 21 CRIMINAL OFFENSE?
 22 A I DIDN'T SAY THAT, BECAUSE THAT'S NOT A
 23 CONCLUSION FOR ME TO MAKE.
 24 Q WELL, IF WE FOLLOW YOUR CONSTRUCTION OF THIS
 25 LETTER, YOU'VE SAID, "IF HE FALSELY CLAIMS."
 26 THEN WHEN HE SAID, "OTHER PEOPLE CALL ME

1 DOCTOR," YOU SAID THAT'S NOT GOOD ENOUGH BECAUSE HE'S ACTUALLY
 2 ATTACHED A RESUME THAT CLAIMED HE HAD A DOCTORAL DEGREE.
 3 SO IF YOU PUT THE TWO TOGETHER, AREN'T YOU
 4 CALLING HIM A CRIMINAL NOW?
 5 A NO.
 6 MR. VOSS: OBJECTION. COMPOUND. ARGUMENTATIVE.
 7 GOES BEYOND THE SCOPE OF THE ALLEGATIONS THAT ARE SUPPOSED TO
 8 BE SUPPORTING -- GOES BEYOND THE ALLEGATION THAT'S BEING
 9 PRESENTED.
 10 THE COURT: OVERRULED. AND HE ALREADY RESPONDED THAT
 11 HE WAS NOT.
 12 BY MR. HART:
 13 Q OKAY. SO LET'S TAKE A LOOK --
 14 THE COURT: I AM GOING TO ASK YOU, MR. HART, IF WE
 15 ARE STARTING INTO THESE OTHER LETTERS, IF THIS WOULD BE A GOOD
 16 TIME FOR OUR BREAK BECAUSE I DON'T WANT TO BREAK UP SUBJECT
 17 MATTER-WISE.
 18 MR. HART: COULD WE GO AT 10:30?
 19 THE COURT: OKAY.
 20 MR. HART: I'D LIKE TO GET THIS --
 21 THE COURT: NOT A PROBLEM.
 22 MR. HART: 221 IS THE NEXT EXHIBIT.
 23 BY MR. HART:
 24 Q CAN YOU TURN TO EXHIBIT 221?
 25 THE COURT: I THINK THAT'S PROBABLY GOING TO BE IN
 26 THE BINDER.

1 MR. HART: THE SAME BINDER.
 2 THE COURT: OH, IT'S THE SAME? OH, MINE IS THE LAST
 3 ONE OF THE BINDER ONE.
 4 MR. HART: SORRY.
 5 THE COURT: MY BINDER STOPS AT 222 IN THAT SECOND
 6 BINDER. I BELIEVE IT'S THE LAST ONE IN THAT OTHER BINDER.
 7 MR. VOSS: CAN WE ASK THAT THE SCREEN BE ON WHATEVER
 8 EXHIBIT WE ARE PRESENTLY ON?
 9 THE COURT: IT WILL, BUT NOT UNTIL IT HAS TO ACTUALLY
 10 BE PUBLISHED, SO NOT YET.
 11 SO YOU CAN TAKE THAT ONE DOWN. THAT'S FINE.
 12 BUT WE DON'T NEED TO PUT ANYTHING ELSE UP QUITE YET.
 13 BY MR. HART:
 14 Q SO TAKE A MINUTE TO LOOK AT EXHIBIT 221.
 15 DO YOU RECOGNIZE THAT?
 16 A YES.
 17 Q WHAT DO YOU RECOGNIZE THAT TO BE?
 18 A THIS IS ONE OF S.E.A.R.A.C. OR I.R.A.C. AT THAT
 19 TIME GRANT APPLICATION TO THE S.S.A. THAT IS THE SOCIAL
 20 SECURITY ADMINISTRATION.
 21 Q OKAY. AND DO YOU KNOW WHERE THIS CAME FROM?
 22 A I THINK THIS WAS FROM THE ARCHIVES OF UCI.
 23 Q UC IRVINE?
 24 A UC IRVINE, YEAH.
 25 Q OKAY. AND SO IF WE TURN TO PAGE 7 OF
 26 EXHIBIT 221, WE WILL SEE PROFESSOR KHOA'S RESUME.

1 THE COURT: JUST SO YOU'RE -- ON THE BOTTOM CENTER OF
 2 THE PAGE THERE, IT SAYS "E-X," IT HAS EXHIBIT NUMBER IN THE
 3 MIDDLE OF THE PAGE, NOT ON THE RIGHT-HAND CORNER, IN THE
 4 MIDDLE. SO THAT AFTER THE DASH, THAT IS THE NUMBER OF THE
 5 PAGE THAT IT IS.
 6 THE WITNESS: THANK YOU, YOUR HONOR.
 7 BY MR. HART:
 8 Q DO YOU RECALL, DR. THANG, THAT THIS IS ONE OF
 9 THE EXHIBITS WE TALKED ABOUT IN YOUR DEPOSITION?
 10 A CORRECT.
 11 Q AND IF YOU LOOK AT EXHIBIT 221, BEGINNING AT
 12 PAGE 5, WE SEE PROFESSOR KHOA'S RESUME?
 13 A YES.
 14 Q "YES"?
 15 A YES.
 16 Q OKAY. AND ANY REASON FOR YOU TO BELIEVE THIS
 17 IS OTHER THAN A TRUE AND CORRECT COPY OF THAT EXHIBIT WE
 18 LOOKED AT IN YOUR DEPOSITION?
 19 A IT JUST HAVE MISSING PAGES; RIGHT?
 20 BECAUSE THE ENTIRE PROPOSAL WASN'T IN HERE. IT
 21 STARTED AT PAGE 61; RIGHT?
 22 AND THEN A LETTER FROM -- IT'S SUPPORT LETTER,
 23 I THINK, SUPPORTING CALLING HIM DR. LE XUAN KHOA. AND HE
 24 SUBMITTED THIS LETTER TO -- OF SUPPORT ADDRESSING HIM AS
 25 DR. LE XUAN KHOA ON PAGE 4.
 26 MR. VOSS: OBJECTION. MOVE TO STRIKE AS

1 NONRESPONSIVE.

2 THE COURT: THE DISCUSSION REGARDING THE LETTER WILL

3 BE STRICKEN. THE QUESTION SIMPLY IS WHETHER THIS IS THE GRANT

4 APPLICATION. YOU'VE MADE REFERENCE THAT IT'S INCOMPLETE.

5 THE WITNESS: IT'S INCOMPLETE.

6 BY MR. HART:

7 Q LET'S FOCUS OUR ATTENTION ON THE RESUME THAT'S

8 ATTACHED. OKAY?

9 THE COURT: MR. HART, I THINK YOU MIGHT BE ABLE TO

10 SHORTCUT IT A LITTLE BIT.

11 MR. VOSS: I WOULD OFFER THAT WE WOULD ALLOW THE

12 EXHIBIT TO BE RECEIVED INTO EVIDENCE, IF THERE WAS SUCH A

13 REQUEST.

14 MR. HART: OKAY. IN THAT CASE, WE WILL MOVE

15 EXHIBIT 221 INTO EVIDENCE.

16 THE COURT: NO OBJECTION BY MR. VOSS. SO WE WILL

17 ADMIT THIS EXHIBIT NUMBER 221, WHICH IS PORTIONS OF ONE OF THE

18 GRANT APPLICATIONS. AND IT MAY BE PUBLISHED AT THIS POINT IN

19 TIME, IF YOU'D LIKE TO DO SO.

20 (EXHIBIT 221 ADMITTED.)

21 MR. HART: LET'S PLEASE PUT UP PAGE 7.

22 (DOCUMENT PUBLISHED.)

23 BY MR. HART:

24 Q DO YOU SEE THE PORTION ON PAGE 7 WHERE THE

25 EDUCATION IS DESCRIBED?

26 A YES.

1 Q DOES IT SAY THAT PROFESSOR KHOA HAS A PH.D. OR

2 THAT HE IS A DOCTOR?

3 A NO.

4 Q IT SAYS WHAT HIS DOCTORAL THESIS TITLE WAS;

5 CORRECT?

6 A CORRECT.

7 Q ANY REASON TO BELIEVE THAT'S INACCURATE?

8 A IT'S IN THE MISSING PAGE. BECAUSE IN MANY

9 GRANT APPLICATIONS THAT WE HAD A COPY OF, HE REFERRED TO

10 HIMSELF, EVEN IN NARRATIVE OF THE APPLICATION, THAT HE WAS A

11 DOCTORATE.

12 MR. HART: OBJECTION. MOVE TO STRIKE AS

13 NONRESPONSIVE.

14 THE COURT: OVERRULED AS TO THAT ONE.

15 BY MR. HART:

16 Q DOES THIS STATEMENT, WITHIN HIS CURRICULUM

17 VITAE, THAT HE AS A DOCTORAL THESIS ENTITLED, "THE PHILOSOPHY

18 OF DHYANA BUDDHISM IN VIETNAM," IS THERE ANYTHING INACCURATE

19 ABOUT THAT?

20 A NO, BUT IT'S MISLEADING BECAUSE --

21 THE COURT: WAIT. STOP. THE "NO." SO WHEN THERE'S

22 A YES-OR-NO QUESTION, THEN THERE'S A -- TO THE EXTENT IT CAN

23 BE ANSWERED YES OR NO, THEN THAT'S THE RESPONSE.

24 AGAIN, YOUR ATTORNEY WILL HAVE OPPORTUNITIES

25 LATER ON TO QUESTION YOU.

26 BY MR. HART:

1 Q OKAY. CAN YOU SHOW ME ANYWHERE IN THE SEVERAL

2 PAGES OF THE ATTACHED RESUME OF PROFESSOR KHOA WHERE HE CLAIMS

3 TO BE A DOCTOR OR TO HAVE A DOCTORAL DEGREE?

4 A HE CLAIMED IN THE NARRATIVE --

5 (REPORTER ASKS FOR CLARIFICATION.)

6 THE WITNESS: I'M SORRY. HE CLAIMED IN THE

7 NARRATIVE. AND THEN ADDED THIS TO HIS APPLICATION, CLEARLY IN

8 SUPPORT OF HIS NARRATIVE WHERE HE CLAIMED TO BE A DOCTOR.

9 MR. HART: MOVE TO STRIKE AS NONRESPONSIVE. THE

10 QUESTION IS WITHIN --

11 THE COURT: WAIT. YOU GOT TO LET ME RULE --

12 MR. HART: APOLOGIZE.

13 THE COURT: -- ON THE MOTION TO STRIKE. IT WILL BE

14 GRANTED.

15 MR. VOSS: YOUR HONOR --

16 THE COURT: WAIT.

17 IT WILL BE GRANTED. THE QUESTION WAS, IN THIS

18 RESUME. THAT WAS THE QUESTION, WHETHER IN THE RESUME THERE

19 WAS ANYTHING SAYING THAT HE HAD A DOCTORATE.

20 MR. VOSS: I WOULD REQUEST A READING BACK OF THE

21 QUESTION FROM THE -- BECAUSE WHAT I HEARD WAS IN THE PAGES --

22 THE COURT: OF THE RESUME.

23 MR. VOSS: NO, I THOUGHT IT WAS SURROUNDING THIS.

24 THAT WOULD INCLUDE PAGE 4, NOT JUST THE RESUME.

25 THE COURT: IT WAS RESUME. YOU WILL HAVE YOUR

26 OPPORTUNITY TO FOLLOW UP.

1 AND, MR. HART, YOU MAY ASK YOUR QUESTION.

2 BY MR. HART:

3 Q IT'S TRUE, ISN'T IT, DR. THANG, THAT NOWHERE IN

4 THE RESUME THAT'S ATTACHED TO WHATEVER THE GRANT APPLICATION

5 IS, DOES PROFESSOR KHOA CLAIM TO BE A PH.D. OR HOLD A DOCTORAL

6 DEGREE; ISN'T THAT TRUE?

7 A NO. IT'S BECAUSE HE SHOULD HAVE PUT IN

8 PARENTHESIS "INCOMPLETE"; RIGHT?

9 HE HAD NOT COMPLETED HIS DOCTORAL THESIS TO

10 QUALIFY AS A DOCTOR. HE DIDN'T SPECIFY THAT.

11 Q ARE YOU TELLING US THAT HAVING A DOCTORAL

12 THESIS MEANS YOU ARE CLAIMING TO BE A DOCTOR?

13 A TO ANY COMMON READER. I WOULD FEEL THAT WAY,

14 TOO. IF I WAS A REVIEWER OF THE GRANT APPLICATION, THAT'S

15 MY -- THAT WOULD BE MY CONCLUSION; THAT HE HAD A DOCTORAL

16 DEGREE.

17 Q OKAY. YOUR CONCLUSION. THANK YOU.

18 HAD YOU SEEN THIS, OTHER THAN IN DORNAN'S

19 OFFICE BACK IN THE 90'S, BEFORE YOU WROTE YOUR ARTICLE?

20 A I HAVE SEEN PLENTY OF COPIES OF GRANT

21 APPLICATIONS FROM S.E.A.R.A.C. DELIVERED TO THE OFFICE OF

22 CONGRESSMAN DORNAN.

23 Q AND THEY HAD THIS OR A SIMILAR COPY OF THIS

24 RESUME?

25 A AND THEY HAVE OTHER COPIES OF RESUMES WHERE IT

26 STATE VERY SPECIFICALLY THAT HE WAS A DOCTOR.

1 MR. HART: OBJECTION. HEARSAY.
 2 THE COURT: AGAIN, YOU HAVE TO ALLOW FOR --
 3 MR. HART: SORRY. I DON'T MEAN TO CUT YOU OUT OF THE
 4 PROCESS, I PROMISE.
 5 THE COURT: SO YES, IN TERMS OF -- WELL, FIRST OF
 6 ALL, THE QUESTION WAS, "THIS RESUME." SO, AGAIN, YOUR COUNSEL
 7 WILL HAVE THE OPPORTUNITY TO FOLLOW UP. WAS ATTACHMENTS OF
 8 COPIES OF THIS RESUME.
 9 IF WE COULD HAVE THE QUESTION READ BACK,
 10 PLEASE.
 11 (RECORD READ.)
 12 THE COURT: AND OVERRULED. IT WAS SIMILAR.
 13 BY MR. HART:
 14 Q OKAY. AND DO YOU HAVE ANY OF THOSE OTHER
 15 RESUMES WITH YOU TODAY THAT SHOW HIM TO CLAIM A DOCTORAL
 16 DEGREE?
 17 A MY COUNSELS DO.
 18 Q YOU THINK THEY'RE HERE TODAY?
 19 A I THINK SO.
 20 Q DO YOU KNOW WHAT THE EXHIBIT NUMBER IS?
 21 A I DON'T.
 22 THE COURT: OKAY. WE'RE RIGHT AT 10:30, STRAIGHT UP.
 23 SO, LADIES AND GENTLEMEN, WE WILL GO AHEAD TAKE
 24 OUR MORNING RECESS AT THIS TIME, 15 MINUTES, 10:45 BACK
 25 OUTSIDE.
 26 AGAIN, NO RESEARCH, DISCUSSING MATTERS. YOU

1 ARE STARTING TO HEAR THINGS, BUT THERE'S A WAYS TO GO, SO
 2 PLEASE KEEP THAT OPEN MIND.
 3 THANK YOU VERY MUCH FOR YOUR TIME.
 4 (JURY EXCUSED FOR MORNING RECESS.)
 5 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
 6 PRESENCE OF THE JURY:)
 7 THE COURT: SO WE'LL TAKE THAT BREAK, AND WE'LL PICK
 8 UP AT THAT POINT IN TIME. THANK YOU VERY MUCH EVERYONE.
 9 (MORNING RECESS.)
 10 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
 11 PRESENCE OF THE JURY:)
 12 THE COURT: LET'S GO ON THE RECORD. WE ARE OUTSIDE
 13 THE PRESENCE OF THE JURY. ALL RIGHT. A COUPLE THINGS TO
 14 ADDRESS.
 15 WE -- FIRST OF ALL, WE HAVE A REPORTER THAT HAS
 16 BEEN HERE IN THE COURTROOM. I THINK SHE WENT DOWN TO
 17 DOUBLE-CHECK WITH MEDIA RELATION. OBVIOUSLY, THIS IS AN OPEN
 18 PUBLIC COURTROOM; WELCOME TO BE HERE. BUT, I BELIEVE, SHE'S
 19 BEEN ADVISED IT CANNOT BE RECORDED. SHE'S WELCOME TO TAKE
 20 NOTES, BUT THERE CANNOT BE ANY AUDIO OR VIDEO RECORDING.
 21 AND SHE NEEDS TO REMAIN IN THE GALLERY. THEY
 22 ARE NOT WONDER AROUND THE COURTROOM.
 23 THERE WILL BE NO INTERVIEWS OR ANYTHING IN THE
 24 COURTROOM. TO THE EXTENT THERE ARE ANY DISCUSSIONS WITH THE
 25 REPORTER, THAT WOULD BE ON A BREAK, OUTSIDE OF THE COURTROOM.
 26 BUT, AGAIN, THIS IS OPEN TO THE PUBLIC,

1 THEREFORE, AND THEY ARE WELCOME TO SIT AND TAKE NOTES AND
 2 OBSERVE, BUT WE DO HAVE TO MANAGE THE COURTROOM AND NOT
 3 INTERRUPT OR INFLUENCE THE TRIAL ITSELF IN ANY WAY.
 4 MR. VOSS: WITHOUT LOOKING THEM UP AS I SIT HERE, THE
 5 FORMALITIES REQUIRED OF REPORTERS OR MEDIA ON THE ORANGE
 6 COUNTY RULES HAVE BEEN FOLLOWED?
 7 THE COURT: THE APPLICATION IS TO RECORD. ANYBODY,
 8 INCLUDING THE REPORTER, CAN SIT IN THE COURTROOM AND TAKE
 9 NOTES.
 10 MR. VOSS: I DIDN'T REMEMBER THEM OFF THE TOP OF MY
 11 HEAD.
 12 THE COURT: IF THERE'S TO BE SOME SORT OF RECORDING,
 13 WHETHER IT BE AUDIO OR VIDEO OR PHOTOGRAPHS, THOSE SORTS OF
 14 THINGS IS WHAT NEEDS, BECAUSE THOSE ARE PROHIBITED ABSENT
 15 APPROVAL FROM THE COURT.
 16 BUT, AGAIN, WE'RE OPEN TO THE PUBLIC. THE
 17 PUBLIC IS WELCOME TO SIT IN HERE, AND THAT INCLUDES THE MEDIA.
 18 THEY JUST CAN'T DO ANYTHING THAT'S PROHIBITED, WHICH WOULD BE
 19 RECORDING OF ANY WAY, PHOTOGRAPH ANYTHING, YOU KNOW,
 20 INTERRUPTING OR INTERFERING WITH THE TRIAL IN ANY WAY, WHICH
 21 WOULD INCLUDE WONDERING ABOUT THE COURTROOM, OR -- AND AGAIN,
 22 NO INTERVIEWS OR ANYTHING IN THE COURTROOM TO THE EXTENT -- OR
 23 TALK TO COUNSEL OR ANYBODY, THAT'S OUTSIDE THE COURTROOM, AND
 24 OBVIOUSLY, NOT WHILE WE'RE IN SESSION AND NOT IN THE COURTROOM
 25 AT ALL.
 26 MR. VOSS: THANK YOU FOR THE CLARIFICATION.

1 THE COURT: NOT A PROBLEM.
 2 AND THEN, AS ALWAYS, WE HAVE A COUPLE OF JUROR
 3 NOTES HERE. WE HAVE -- WHICH NUMBERS ARE THESE? THIS IS
 4 NUMBER 5, WHICH IS MERIT PEOU, P-E-O-U, IN JUROR SEAT NUMBER
 5 5, WHO SAYS: "I WAS INFORMED BY MY EMPLOYER THAT I WILL ONLY
 6 BE COVERED AND PAID FOR THREE DAYS FROM MY COMPANY. I'M
 7 REQUESTING TO BE EXCUSED AS I AM THE HEAD OF THE HOUSEHOLD,
 8 AND THIS WILL BE FINANCIAL HARDSHIP. I'M RESPONSIBLE FOR ALL
 9 HOUSEHOLD FINANCES, INCLUDING MORTGAGE. MY SUPERVISOR CAN BE
 10 CONTACTED AT THE PROVIDED NAME AND PHONE NUMBER."
 11 THE OTHER NOTE WE HAVE IS FROM JUROR NO. 6,
 12 WHICH IS MR. HUNG: "I WILL HAVE A DOCTOR'S APPOINTMENT
 13 (SPECIALIST) THAT WAS SCHEDULED ON NOVEMBER 13TH, WHICH IS
 14 NEXT WEDNESDAY, THE EXACT APPOINTMENT TIME IS AT 10:30 A.M.
 15 IT WAS DONE BEFORE I WAS APPOINTED TO BE A JUROR. I JUST
 16 CHECKED AND FOUND OUTLAST NIGHT. I APPARENTLY DID NOT
 17 REMEMBER TO INCLUDE WHEN THE COURT ASKED ME EARLIER. THANK
 18 YOU FOR YOUR UNDERSTANDING."
 19 SO AS I TOLD THEM YESTERDAY, I NEED TO HEAR
 20 ABOUT ANY EXCUSE OR ANY PROBLEMS BEFORE WE EXCUSE THE OTHER
 21 JURORS. SO I'M NOT GOING TO CALL THEM IN INDIVIDUALLY.
 22 BEFORE WE RESUME WITH QUESTIONING, I'LL SAY WE'VE RECEIVED
 23 SOME NOTES, AND AS WE'VE INDICATED PRIOR TO SWEARING EVERYONE
 24 IN AS JUROR, RELEASING ANY JURORS, WE HAD TO FIND OUT ABOUT
 25 ANY CONFLICTS OR REQUESTS BEFORE WE EXCUSED EVERYBODY.
 26 AT THIS POINT, AS I STATED, WHAT MAY HAVE BEEN

1 A GROUND YESTERDAY IS LIKELY NOT A GROUND TODAY. I WILL
 2 ACKNOWLEDGE THEM AND LEAVE IT AT THAT.
 3 THEN WE'LL SEE WHAT HAPPENS OVER THE NEXT
 4 COUPLE DAYS WITH OUR ATTENDANCE, BUT AT THIS POINT, THAT'S ALL
 5 I CAN DO IS ACKNOWLEDGE THEM SO THEY DON'T KEEP PESTERING MY
 6 STAFF ABOUT THE NOTES, AND THEN GO FROM THERE. I JUST WANTED
 7 TO KEEP EVERYBODY INFORMED.
 8 MR. HART: VERY GOOD. THANK YOU, JUDGE.
 9 THE COURT: ALL RIGHT. HE'S CHECKING IN WITH THE
 10 JURORS, I ASSUME THEY'RE OUT THERE, AND WE'LL GET STARTED
 11 RIGHT BACK UP.
 12 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE
 13 PRESENCE OF THE JURY:)
 14 THE COURT: WE HAVE BEEN REJOINED BY ALL OF OUR
 15 JURORS. THANK YOU VERY MUCH.
 16 WE DID RECEIVE A COUPLE OF NOTES FROM THE
 17 JURORS. AND AS I INDICATED YESTERDAY, WITH ANY CONFLICTS OR
 18 PROBLEMS OR SCHEDULING THINGS, WE NEED TO HEAR ABOUT BEFORE WE
 19 SWORE ALL THE JURORS AND EXCUSED EVERYBODY AT THIS TIME. SO
 20 THINGS THAT MAY HAVE BEEN A BASIS YESTERDAY, UNFORTUNATELY
 21 WE'RE NOT IN POSITION TO ACCOMMODATE NOW BECAUSE IF WE GET
 22 BELOW OUR NECESSARY NUMBER OF JURORS, THEN THE WHOLE THING HAS
 23 TO BE STARTED ANEW. SO UNFORTUNATELY, THAT'S KIND OF THE
 24 CIRCUMSTANCE THAT WE FIND OURSELVES IN.
 25 SO I JUST WANT TO MAKE SURE THAT YOU KNOW THAT
 26 WE DID SEE THOSE NOTES, BUT THAT'S WHERE WE STAND.

1 WITH THAT, WE HAVE DR. THANG COME BACK UP TO
 2 THE WITNESS STAND.
 3 AND, MR. HART, YOU MAY RESUME WITH YOUR
 4 QUESTIONING.
 5 MR. HART: THANK YOU, YOUR HONOR.
 6 BY MR. HART:
 7 Q DR. THANG, THE EXHIBIT 221 THAT WE WERE TALKING
 8 ABOUT WHEN WE TOOK THE BREAK, THAT WAS A GRANT APPLICATION TO
 9 THE SOCIAL SECURITY ADMINISTRATION; CORRECT?
 10 A CORRECT.
 11 Q AND THAT'S DIFFERENT THAN THE STATE DEPARTMENT;
 12 ISN'T IT?
 13 A THAT'S DIFFERENT -- DIFFERENT AGENCY.
 14 Q TURN, IF YOU WOULD, TO EXHIBIT 222.
 15 THE COURT: THAT WOULD BE THE OTHER BINDER.
 16 BY MR. HART:
 17 Q DO YOU HAVE IT?
 18 A YES.
 19 Q DO YOU RECOGNIZE WHAT EXHIBIT 222 IS, PLEASE?
 20 A YES. IT WAS A GRANT APPLICATIONS TO THE
 21 DEPARTMENT OF HEALTH AND HUMAN SERVICES DATED AUGUST 7, 1986.
 22 Q AND IF YOU LOOK AT PAGE 36 OF EXHIBIT 222, DO
 23 WE SEE THE SAME RESUME AS WE SAW ATTACHED TO EXHIBIT 221?
 24 THOSE WOULD BE PAGES 36 THROUGH 39.
 25 A IT APPEARS TO BE THE SAME.
 26 Q OKAY. AND WOULD YOU AGREE WITH ME THAT THIS

1 COPY ALSO DOES NOT CLAIM A DOCTORAL DEGREE?
 2 A IS IT GOING TO BE SHOWN?
 3 THE REPORTER: I'M SORRY?
 4 THE WITNESS: IS IT GOING TO BE SHOWN HERE?
 5 THE COURT: NOT YET. BUT YOU CAN GO AHEAD AND LOOK
 6 AT IT. TAKE YOUR TIME AND LOOK THROUGH THE PAGES THERE IN
 7 FRONT OF YOU.
 8 THE WITNESS: YES.
 9 BY MR. HART:
 10 Q SO YES, YOU AGREE WITH ME?
 11 A ABOUT WHAT? SORRY.
 12 Q THE QUESTION WAS: DO YOU AGREE WITH ME THAT
 13 THIS COPY OF YOUR RESUME, AS IN THE ONE FROM 221, DOES NOT
 14 CLAIM A DOCTORAL DEGREE?
 15 A IT DOES CLAIM TO HAVE -- THAT HE HAS COMPLETED
 16 DOCTORATE THESIS ENTITLED, SO -- AND THE TITLE WAS THERE.
 17 WHEN I SWORE IN THIS MORNING, I HAVE TO SWEAR
 18 TO TELL THE TRUTH AND ENTIRE TRUTH. THIS IS NOT ENTIRE TRUTH.
 19 IT WAS MISLEADING.
 20 Q WHAT PART OF THE RESUME ARE YOU LOOKING AT?
 21 A AT PAGE 3.
 22 Q OKAY.
 23 A "EDUCATION." IF I WERE HIM, I WOULD SAY:
 24 "PH.D. CANDIDATE."
 25 Q OKAY. HE DIDN'T SAY "PH.D. CANDIDATE." HE
 26 ALSO DIDN'T SAY "PH.D. DEGREE"; DID HE?

1 A BUT -- NOT IN HERE, BUT IN OTHER PAGES.
 2 Q OKAY. NOT THE QUESTION.
 3 MR. HART: I WOULD LIKE TO ADMIT EXHIBIT 222, PAGE 1,
 4 AND ALSO PAGES 38 -- 37 --
 5 THE COURT: 36.
 6 MR. HART: 36, 37, 38, AND 39. SO JUST THE FRONT
 7 PAGE AND THE RESUME.
 8 THE COURT: LET ME HEAR FROM MR. VOSS ON THAT.
 9 MR. VOSS: HANG ON, YOUR HONOR.
 10 THE COURT: TAKE YOUR TIME. SO THAT'S THE COVER PAGE
 11 AND THE RESUME.
 12 MR. VOSS: IT'S GOING TO TAKE ME A FEW MOMENTS, YOUR
 13 HONOR. IT'S A FAIRLY LENGTHY DOCUMENT. I'M NOT SURE WHAT
 14 HE'S TRYING NOT TO INCLUDE.
 15 THE COURT: WE DON'T NEED ANY COMMENTARY. WE JUST
 16 NEED TO TAKE YOUR TIME TO REVIEW IT AND THEN YOUR DECISION.
 17 THE WITNESS: YOUR HONOR, MAY I GO BACK TO SOMETHING?
 18 THE COURT: NO, NOT RIGHT NOW.
 19 THE WITNESS: I FOUND SOMETHING IN --
 20 THE COURT: THE QUESTION IS: THE COVER PAGE AND THEN
 21 THE FULL RESUME, 36 THROUGH 39.
 22 MR. VOSS: EXCLUDING ALL THE OTHER --
 23 THE COURT: THE QUESTION WAS --
 24 MR. VOSS: 36 TO 39?
 25 THE COURT: CORRECT, THE ENTIRETY OF PLAINTIFF'S
 26 RESUME THAT'S PART OF THIS.

1 MR. VOSS: WE WOULD HAVE NO OBJECTION TO THOSE BEING
 2 RECEIVED INTO EVIDENCE.
 3 THE COURT: SO, AGAIN, JUST SO WE HAVE A CLEAR
 4 RECORD, WE HAVE EXHIBIT 222. THE FOLLOWING PAGES WILL BE
 5 ADMITTED AS OPPOSED TO THE ENTIRETY OF IT: PAGE NUMBER 1,
 6 WHICH IS THE COVER PAGE FOR THE APPLICATION, AND THEN PAGES 36
 7 THROUGH AND INCLUDING PAGE 39, WHICH IS THE ENTIRETY OF THE
 8 PLAINTIFF'S RESUME THAT WAS ATTACHED TO THIS APPLICATION. SO
 9 THOSE PAGES WILL BE ADMITTED AT THIS POINT.
 10 (EXHIBIT 222, PAGE 1 AND PAGES 36 TO 39 ADMITTED.)
 11 THE COURT: THANK YOU VERY MUCH. YOU MAY CONTINUE.
 12 MR. HART: THANK YOU, YOUR HONOR. I WOULD LIKE TO
 13 PUBLISH, FOR THE JURY'S BENEFIT, EXHIBIT 222, PAGE 38.
 14 THE COURT: ANYTHING FOR THOSE THAT WERE ADMITTED MAY
 15 BE PUBLISHED.
 16 (DOCUMENT PUBLISHED.)
 17 MR. HART: OKAY. SO YOU CAN ZOOM INTO THE EDUCATION
 18 PART.
 19 BY MR. HART:
 20 Q DR. THANG, WE SEE, AGAIN, THIS COPY OF THE
 21 RESUME ATTACHED TO THE GRANT PROPOSAL BY I.R.A.C. TO THE
 22 HEALTH AND HUMAN SERVICES DEPARTMENT; AGAIN DECLARES A
 23 DOCTORAL THESIS; IT DOES NOT CLAIM TO BE A DOCTORAL DEGREE;
 24 CORRECT?
 25 A YES.
 26 Q OKAY. LET'S MOVE ON NOW TO EXHIBIT --

1 MR. VOSS: YOUR HONOR, OBJECT TO THE HIGHLIGHTING.
 2 THAT'S NOT PART OF THE DOCUMENT.
 3 THE COURT: YES, THE HIGHLIGHTING IS NOT. SO WE CAN
 4 GO AHEAD AND -- I THINK WE'RE DONE WITH THIS, SO WE CAN TAKE
 5 IT DOWN.
 6 BY MR. HART:
 7 Q DR. THANG, LET'S TAKE A LOOK NOW AT
 8 EXHIBIT 233.
 9 DO YOU RECOGNIZE WHAT EXHIBIT 233 IS?
 10 A YES, I DO.
 11 Q AND WHAT DO YOU RECOGNIZE IT TO BE?
 12 A IT WAS A LETTER FROM CONGRESSMAN DORNAN TO THE
 13 DIRECTOR OF THE OFFICE OF REFUGEE RESETTLEMENT, OR O.R.R.,
 14 WHICH WAS PART OF THE ADMINISTRATION FOR CHILDREN AND
 15 FAMILIES, WHICH WAS UNDER THE DEPARTMENT OF HEALTH AND HUMAN
 16 SERVICES.
 17 Q CAN YOU TELL ME WHERE THIS COPY OF THE
 18 APRIL 2ND, 1996 ROBERT DORNAN LETTER CAME FROM?
 19 A IT CAME FROM MR. AL SANTOLI, THE STAFF OF
 20 DORNAN, ASSIGNED TO CONDUCT INVESTIGATION I HAD MENTIONED
 21 ABOUT, THE FOUR-MONTH-LONG INVESTIGATION. AND YOU CAN SEE HIS
 22 NAME ON PAGE 2, AT THE BOTTOM, THE LAST SENTENCE. HE GAVE ME
 23 THE COPY OF THIS LETTER.
 24 Q I'M SORRY. WHERE IS IT? OH, AL --
 25 A SANTOLI.
 26 Q -- SANTOLI?

1 A YES.
 2 Q SO AT THE TOP OF THIS EXHIBIT, WE SEE A FAX
 3 NUMBER AND A DATE FROM MAY 3RD OF 1996.
 4 WAS THIS LETTER FAXED TO YOU?
 5 A I DON'T REMEMBER.
 6 Q DO YOU RECOGNIZE THAT NUMBER?
 7 A NO.
 8 Q WOULD IT BE FAIR TO SAY THAT WHOEVER YOU GOT
 9 THIS FROM RECEIVED IT BY FAX FROM DORNAN'S OFFICE?
 10 A NO. THIS, I DON'T REMEMBER. BUT THIS CAME
 11 DIRECTLY, BECAUSE I WAS VERY GOOD FRIEND OF MR. SANTOLI.
 12 Q AND WHO IS MR. SANTOLI?
 13 A MR. SANTOLI, HE SERVE IN VIETNAM, IN THE
 14 VIETNAM WAR, AS AN INFANTRYMAN. AND WHEN HE COMPLETED HIS
 15 TOUR OF DUTY, HE RETURN TO U.S. AND HE BECAME AN AUTHOR, A
 16 BEST-SELLER AUTHOR. AND I KNEW HIM AND HIS VIETNAMESE WIFE
 17 YEARS BEFORE HE JOINED MR. DORNAN AS A STAFFER.
 18 AND HE WAS ASSIGNED BY DORNAN AS A DEDICATED
 19 STAFF TO CONDUCT THE FOUR-MONTH-LONG INVESTIGATION INTO
 20 S.E.A.R.A.C. AND MR. KHOA, THE PLAINTIFF.
 21 Q OKAY. AND WHAT WAS HIS POSITION IN DORNAN'S
 22 OFFICE IN SPRING OF 1996? DO YOU KNOW?
 23 A HE WAS A LEGAL ASSISTANT. IT WAS STATED THERE,
 24 "MY ASSISTANT, AL SANTOLI."
 25 Q OKAY. DO YOU BELIEVE THIS TO BE -- LET ME ASK
 26 YOU THIS FIRST: IS THIS A COPY OF ONE OF THE LETTERS THAT YOU

1 RELIED ON WHEN YOU PUBLISHED YOUR MAY 25TH, 2020 ARTICLE?
 2 A IT WAS ONE OF THE MANY DOCUMENTS, YES.
 3 Q OKAY. WELL, I'M NOT ASKING ABOUT "THE MANY".
 4 I'M ASKING ABOUT THIS ONE.
 5 IS THIS A TRUE AND CORRECT COPY OF ONE OF THE
 6 DOCUMENTS THAT YOU RELIED ON?
 7 A THAT'S CORRECT.
 8 Q OKAY. AND DO YOU REMEMBER WHEN YOU LOOKED AT
 9 THIS LETTER IN RELATION TO PUBLISHING THE ARTICLE ON MAY 25TH
 10 OF 2020?
 11 A OH, YES.
 12 Q HOW CLOSE IN TIME?
 13 A I HAVE HAD THIS ONE ARCHIVED. AND WHEN I
 14 RECEIVED THE TWO PUBLICATIONS BY MR. KHOA DISPARAGING US, I
 15 LOOK AT THESE DOCUMENTS THAT I HAVE IN ARCHIVE.
 16 Q OKAY. SO AS OF APRIL AND MAY OF 2020, YOU'VE
 17 GONE BACK INTO YOUR ARCHIVES AND FOUND THIS LETTER?
 18 A YES.
 19 Q AND IS THIS A TRUE AND CORRECT COPY OF THAT
 20 LETTER THAT YOU FOUND?
 21 A IT IS.
 22 MR. HART: OKAY. YOUR HONOR, I WOULD MOVE THIS INTO
 23 EVIDENCE, PLEASE.
 24 MR. VOSS: NO OBJECTION.
 25 THE COURT: OKAY. IT SHALL BE ADMITTED. AND FOR THE
 26 RECORD, IT'S TWO PAGES, IS THE ENTIRETY OF THE EXHIBIT.

1 MR. HART: 223.
 2 THE COURT: 233.
 3 MR. HART: 233. SORRY.
 4 (EXHIBIT 233 ADMITTED.)
 5 BY MR. HART:
 6 Q SO, DR. THANG, IF YOU LOOKED AT THIS LETTER,
 7 DID YOU RELY ON THIS IN ANY WAY TO FACT-CHECK YOURSELF FOR
 8 WHAT YOU WERE SAYING IN YOUR MAY 25, 2020 ARTICLE?
 9 A MOST DOCUMENTS, YES.
 10 Q SO THE ANSWER IS YES, YOU DID REFER TO THIS?
 11 A YES.
 12 Q AND SO CAN YOU EXPLAIN TO US WHY, WHEN YOU
 13 WROTE THE ARTICLE, IF YOU'RE REFERRING TO THIS LETTER OR
 14 REVIEWING THIS LETTER IN REALTIME, YOUR ARTICLE SAYS THE
 15 AUTHOR OF THE LETTER WAS CHRIS SMITH INSTEAD OF ROBERT DORNAN?
 16 A YES. AT THE TIME, I WAS WORKING WITH
 17 AL SANTOLI TO SUPPORT A LEGISLATION AUTHORED BY CONGRESSMAN
 18 CHRISTOPHER SMITH, A VERY GOOD FRIEND OF MINE, TOO, OF NEW
 19 JERSEY. AND THAT LEGISLATION, IF PASSED, WOULD BLOCK THE
 20 FORCED REPATRIATION OF TENS OF THOUSANDS --
 21 (REPORTER ASKS FOR CLARIFICATION.)
 22 THE WITNESS: IT WOULD BLOCK THE FORCED REPATRIATION
 23 OF TENS OF THOUSANDS BOAT PEOPLE.
 24 BY MR. HART:
 25 Q LET ME INTERRUPT, JUST BRIEFLY.
 26 ARE YOU TALKING ABOUT BACK IN 1996 OR IN 2020?

1 A IN 1995 AND 1996.
 2 MR. HART: OKAY. AND MOVE TO STRIKE AS
 3 NONRESPONSIVE.
 4 THE COURT: IT WAS UNCLEAR. SO YES, I WILL --
 5 MR. VOSS: I THINK IF HE HAD BEEN ALLOWED TO FINISH
 6 HIS ANSWER AND NOT BEEN INTERRUPTED, THE QUESTION WAS ASKED OF
 7 HIM IN THE NARRATIVE. HE IS CALLED AS AN ADVERSE WITNESS.
 8 THE COURT: I UNDERSTAND. BUT I WILL GRANT THE
 9 MOTION TO STRIKE IT. AND YOU CAN RE-ASK THE QUESTION. AND
 10 THEN IT WAS --
 11 MR. VOSS: IT WAS ASKED IN THE NARRATIVE.
 12 THE COURT: IT HAS NOTHING TO DO WITH THE NARRATIVE,
 13 BUT WE'RE NOT GOING TO HAVE A DEBATE ABOUT IT.
 14 GO RIGHT AHEAD, COUNSEL, WITH YOUR QUESTION.
 15 MR. HART: THANK YOU.
 16 BY MR. HART:
 17 Q DR. THANG, MY QUESTION IS VERY SIMPLE: IF YOU
 18 HAVE ACCESS TO THIS LETTER AT THE TIME YOU'RE PREPARING YOUR
 19 MAY 25 ARTICLE, WHY IS IT THAT YOU MISIDENTIFY THE AUTHOR OF
 20 THE LETTER?
 21 A THE SHORT ANSWER IS THIS: I WAS WORKING VERY
 22 CLOSELY WITH BOTH DORNAN AND SMITH TO PROTECT THE REFUGEES
 23 FROM BEING FORCIBLY REPATRIATED. AND ON THE SIDE -- AND I
 24 WORK WITH AL SANTOLI ON THAT ISSUE. AND ON THE SIDE, HE
 25 BRIEFED ME ABOUT THE PROGRESS OF HIS INVESTIGATION INTO
 26 S.E.A.R.A.C. AND MR. KHOA.

1 AND IF YOU READ, AGAIN, MY ARTICLE OF MAY 25,
 2 2020 -- AND YOU HAVE EXCERPT HERE -- MOST OF IT WAS ABOUT
 3 SMITH, CONGRESSMAN SMITH.
 4 AND I HAD TO HURRIEDLY COME OUT WITH A
 5 RESPONSE, BECAUSE THE SECOND WRITING OF MR. KHOA WAS VERY
 6 DAMAGING TO ORGANIZATION. I HAD TO COME OUT AND -- IT WAS A
 7 TRICK OF THE MIND. IT'S SO OBVIOUS THAT I DIDN'T EVEN CHECK
 8 THAT.
 9 AND YOU MAKE THE SAME MISTAKE AT DEPOSITION,
 10 MR. COUNSEL. AND IT'S VERY COMMON. IT'S SO OBVIOUS. OFTEN
 11 YOU DON'T DOUBLE-CHECK WHAT YOU THOUGHT TO BE OBVIOUS.
 12 BY MR. HART:
 13 Q OKAY. BUT, DR. THANG, YOU HAVE THIS REFERENCE
 14 MATERIAL IN FRONT OF YOU WHEN YOU'RE PREPARING THE ARTICLE.
 15 A NO. I READ A LOT OF THEM, AND THEN I SAT DOWN
 16 AND WROTE IT IN JUST THREE DAYS TO RESPOND IMMEDIATELY BEFORE
 17 THE DAMAGE GOT TO A POINT OF NO RETURN, BEYOND MY CONTROL. I
 18 HAD TO MITIGATE IT IMMEDIATELY.
 19 Q ISN'T IT TRUE, DR. THANG, THAT YOU DIDN'T FIND
 20 THIS LETTER UNTIL AFTER YOU GOT SUED?
 21 A NO, I ALWAYS HAD IT.
 22 Q YOU ALWAYS REMEMBERED, BUT YOU DIDN'T HAVE THIS
 23 LETTER UNTIL AFTER YOU GOT SUED?
 24 A NO, I HAD IT WITH ME ALL ALONG, AND MORE THAN
 25 JUST THIS LETTER.
 26 Q OKAY. SO WHAT FACT-CHECK DID THIS LETTER

1 PROVIDE YOU IN TERMS OF WRITING THAT MR. KHOA COMMITTED A
 2 CRIMINAL FRAUD AGAINST THE GOVERNMENT?
 3 MR. VOSS: OBJECTION TO THE FORM OF THE QUESTION.
 4 VAGUE AND AMBIGUOUS AND MISLEADING. CRIMINAL --
 5 THE COURT: WAIT. IF YOU WANT TO REPHRASE, I'LL
 6 SUSTAIN. YOU MAY REPHRASE THE QUESTION.
 7 BY MR. HART:
 8 Q WHAT PART OF THIS EXHIBIT, THIS APRIL 2ND, 1996
 9 LETTER FROM ROBERT DORNAN, SUPPORTS THE STATEMENT THAT YOU
 10 MADE IN YOUR MAY 25, 2020 LETTER THAT I HAVE PRINTED ON THE
 11 WHITEBOARD?
 12 A "IN ADDITION, WE HAVE LEARNED THAT
 13 I.R.A.C./S.E.A.R.A.C. HAS MISREPRESENTED MR. LE XUAN KHOA."
 14 THE COURT: CAN I INTERRUPT YOU? CAN YOU DIRECT US
 15 IN THE LETTER WHAT PARAGRAPH OR PAGE YOU'RE LOOKING AT.
 16 THE WITNESS: OKAY.
 17 THE COURT: AND THEN YOU CAN START OVER.
 18 THE WITNESS: PAGE 1.
 19 THE COURT: OKAY.
 20 THE WITNESS: THE SECOND PARAGRAPH.
 21 THE COURT: IN THE MIDDLE OF THAT SECOND PARAGRAPH?
 22 THE WITNESS: YES.
 23 THE COURT: OKAY. AND THEN, NOW, YOU MAY GO AHEAD
 24 AND HIGHLIGHT IT NOW THAT WE'RE ALL TO THAT.
 25 MR. HART: OKAY. LET'S PUBLISH.
 26 MR. VOSS: HE'S ANSWERING THE QUESTION.

1 THE COURT: YOU MAY CONTINUE. I JUST WANTED TO MAKE
 2 SURE THAT WE WERE ALL SEEING WHERE --
 3 THE WITNESS: SHOULD I READ THE ENTIRE PARAGRAPH?
 4 THE COURT: WHATEVER WORKS. YOUR RESPONSE TO THE
 5 QUESTION.
 6 THE WITNESS: YES. "ENCLOSED IS AN ARTICLE FROM THE
 7 MARCH 1996 COMMUNITY NEWS, WHICH IS PUBLISHED BY ORANGE COUNTY
 8 MAGAZINE, PUBLISHED IN MY DISTRICT IN ORANGE COUNTY,
 9 CALIFORNIA. THE ARTICLE ENTITLED S.E.A.R.A.C. AND NAVASA" --
 10 WHICH WAS A CREATION OF S.E.A.R.A.C. -- "FOUND TO HAVE
 11 MISAPPROPRIATED VIETNAMESE COMMUNITY OF ORANGE COUNTY NAME IN
 12 EFFORT TO SECURE GOVERNMENT FUNDS."
 13 NAVASA OF ORANGE COUNTY IS A NON-PROFIT
 14 ORGANIZATION BASED IN ORANGE COUNTY.
 15 MR. HART: OBJECTION. MOVE TO STRIKE.
 16 NONRESPONSIVE.
 17 THE COURT: OVERRULED.
 18 I DON'T NEED AN EDITORIAL. JUST HIGHLIGHT TO
 19 THE LETTER, THE PORTIONS OF THE LETTER.
 20 THE WITNESS: "IN ADDITION, WE HAVE LEARNED THAT
 21 I.R.A.C./S.E.A.R.A.C. HAS MISREPRESENTED LE XUAN KHOA AS
 22 DOCTOR. RECENTLY IN THE FACE OF PUBLIC INQUIRY, MR. KHOA
 23 ADMITTED THAT HE'S NOT A DOCTOR."
 24 "WE HAVE ALSO FOUND THAT MEMBERS OF THE PRESENT
 25 O.R.R. STAFF AFFILIATED WITH THE COMMUNITY DEVELOPMENT GRANT
 26 PROCESS HAD PREVIOUS ASSOCIATION WITH I.R.A.C./S.E.A.R.A.C. AS

1 PAID STAFF OF CONSULTANTS."
 2 MR. HART: I'D LIKE TO PUT THIS PORTION UP FOR THE
 3 JURY NOW.
 4 THE COURT: YOU MAY.
 5 MR. HART: LET'S BLOW IT UP SO WE CAN SEE THE SECOND
 6 PARAGRAPH.
 7 (DOCUMENT PUBLISHED.)
 8 BY MR. HART:
 9 Q DR. THANG, THE PORTION THAT YOU READ FROM IS
 10 NOW SHOWN AS THE SECOND PARAGRAPH. "ENCLOSED" IS THE FIRST
 11 WORD AND "STAFFER CONSULTANTS" AT THE END.
 12 THAT'S WHAT YOU READ?
 13 A THAT'S CORRECT.
 14 Q AND THIS EXHIBIT IS IN EVIDENCE.
 15 CAN YOU TELL US WHERE IN THIS LETTER IT SAYS
 16 THAT MR. KHOA FALSELY CLAIMED A DOCTORAL DEGREE?
 17 A IT SAYS THAT I.R.A.C AND S.E.A.R.A.C. AND
 18 MR. KHOA, AT THE TIME, WAS THE PRESIDENT OF EITHER BOARD OF
 19 DIRECTORS AND ALSO EXECUTIVE DIRECTOR. AND HE SIGNED ALL THE
 20 PROPOSAL GRANT APPLICATIONS. AND IN MANY OF THOSE
 21 APPLICATIONS, HE LISTED HIMSELF AS A PROJECT DIRECTOR,
 22 INCLUDING HIS -- INCLUDE HIS C.V., HIS RESUME.
 23 Q OKAY. SO HOW DOES THAT SHOW US THAT YOUR
 24 STATEMENT IS TRUE; THAT MR. KHOA FALSELY CLAIMED A DOCTORAL
 25 DEGREE IN A GRANT APPLICATION TO THE DEPARTMENT OF STATE?
 26 A AS A CEO --

1 THE COURT: WAIT.
 2 GO AHEAD.
 3 MR. VOSS: OBJECTION. ARGUMENTATIVE.
 4 THE COURT: OVERRULED.
 5 YOU MAY RESPOND.
 6 THE WITNESS: AS A CEO MYSELF, I'M HELD ACCOUNTABLE
 7 TO WHATEVER APPLICATION I SUBMITTED TO ANY GRANT-MAKING
 8 AGENCY, REGARDLESS. THAT'S THE ULTIMATE RESPONSIBILITY OF A
 9 CEO, LET ALONE A CEO AND A PRESIDENT.
 10 BY MR. HART:
 11 Q OKAY. AND SO WHAT YOU'RE TELLING US IS, THIS
 12 IS GOOD ENOUGH FOR YOU, WHAT'S SAID HERE, FOR YOU TO SAY WHAT
 13 YOU SAID IN YOUR LETTER -- IN YOUR ARTICLE?
 14 A THIS IS GOOD ENOUGH FOR CONGRESSMAN DORNAN TO
 15 SAY IT TO THE GRANT-MAKING AGENCY HERE, WHICH IS THE OFFICE OF
 16 REFUGEE RESETTLEMENT.
 17 Q BUT THAT'S NOT THE QUESTION.
 18 THE QUESTION IS WHETHER THIS IS GOOD ENOUGH FOR
 19 YOU TO DERIVATIVELY APPLY TO PROFESSOR KHOA?
 20 A IT'S GOOD ENOUGH FOR ME TO TRUST MR. DORNAN'S
 21 LETTER.
 22 Q AND WHAT IF MR. DORNAN IS WRONG?
 23 MR. VOSS: OBJECTION. RELEVANCE, YOUR HONOR.
 24 THE COURT: SUSTAINED. CALLS FOR SPECULATION.
 25 BY MR. HART:
 26 Q HAVEN'T YOU ASSUMED THE RISK THAT DORNAN MIGHT

1 BE INCORRECT?
 2 MR. VOSS: OBJECTION. SAME. CALLS FOR SPECULATION
 3 AND RELEVANCE.
 4 THE COURT: SUSTAINED.
 5 BY MR. HART:
 6 Q ALL RIGHT. SO YOU AGREE WITH ME, AT LEAST,
 7 THAT THE LETTER DOESN'T SAY PROFESSOR KHOA MISREPRESENTED;
 8 DOES IT?
 9 A IT'S IMPLIED.
 10 Q IT DOESN'T SAY IT; DOES IT?
 11 A IT DOESN'T SAY IT, BUT EVERYONE KNOWS IT'S
 12 IMPLIED. ULTIMATE RESPONSIBILITY OF THE CEO AND PRESIDENT.
 13 Q OKAY. I GET YOUR POINT.
 14 LET'S MOVE NOW TO EXHIBIT 234. TAKE A FEW
 15 MINUTES TO LOOK AT EXHIBIT 234, AND TELL ME IF YOU RECOGNIZE
 16 WHAT THAT IS.
 17 A I DO.
 18 Q WHAT DO YOU RECOGNIZE THAT TO BE?
 19 A IT WAS A LETTER FROM CONGRESSMAN DORNAN DATED
 20 APRIL 30, 1996, TO THE HONORABLE WILLIAMS-BRIDGERS, THE
 21 INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF STATE.
 22 Q ALL RIGHT. AND DO YOU KNOW WHERE THIS LETTER
 23 CAME FROM? IS THIS SOMETHING YOU'VE HAD IN YOUR ARCHIVES?
 24 A YES.
 25 Q AND IS THIS SOMETHING YOU REVIEWED AT THE TIME
 26 YOU WERE WRITING YOUR MAY 25 ARTICLE?

1 A YES.

2 Q ALL RIGHT. AND CAN YOU TELL ME WHERE IN THIS

3 LETTER IT SAYS THAT MR. KHOA FALSELY CLAIMED A DOCTORAL DEGREE

4 IN HIS GRANT APPLICATION?

5 THE COURT: CAN YOU START BY IDENTIFYING THE

6 PARAGRAPH SO WE CAN ALL KIND OF --

7 THE WITNESS: SORRY. ON PAGE 1, THE BOTTOM

8 PARAGRAPH, NUMBER 5, MARKED AS NUMBER 5: MR. KHOA'S

9 SELF-PROMOTION AS PH.D. HOWEVER, HE RECENTLY ADMITTED THAT HE

10 DOES NOT HAVE SUCH A DEGREE. HIS MISREPRESENTATION OF

11 ACADEMIC CREDENTIAL MAY HAVE RESULTED IN HIS RECEIVING STATE

12 DEPARTMENT GRANTS OVER COMPETING APPLICANTS.

13 AND THEN THE NEXT PAGE: I HEREBY REQUEST THAT

14 YOUR INSPECTOR GENERAL'S OFFICE INVESTIGATE THESE MATTERS AND

15 PROVIDE ME WITH THE FULL INFORMATION BY MAY 30, 1996.

16 AND HE LISTED A NUMBER OF ITEMS. AMONG THEM,

17 THE THIRD SENTENCE, IT SAYS THIRD, ITEM NUMBER 3, THIRD:

18 "DIPLOMAS AND OTHER CERTIFICATION OF MR. LE XUAN KHOA'S

19 ACADEMIC CREDENTIALS."

20 BY MR. HART:

21 Q I'M SORRY. WHERE ARE YOU READING THAT?

22 A OH, THAT'S THE NEXT-TO-LAST PARAGRAPH.

23 THE COURT: ON PAGE 2, THE LARGEST PARAGRAPH THERE IN

24 THE MIDDLE, THAT SENTENCE THAT STARTS WITH THE WORD "THIRD."

25 MR. HART: OKAY. SO I WOULD OFFER THIS EXHIBIT INTO

26 EVIDENCE, YOUR HONOR. IT'S EXHIBIT 234.

1 MR. VOSS: NO OBJECTION.

2 THE COURT: THEN IT SHALL BE ADMITTED. AND THIS IS,

3 IN ITS ENTIRETY, TWO PAGES. EXHIBIT 234 IS ADMITTED.

4 (EXHIBIT 234 ADMITTED.)

5 MR. HART: SO I'D LIKE TO PUBLISH THE FIRST PAGE.

6 THE COURT: YOU MAY.

7 (DOCUMENT PUBLISHED.)

8 BY MR. HART:

9 Q SO THIS LETTER FROM CONGRESSMAN DORNAN SAYS

10 THAT HE'S RECEIVED TELEPHONE CALLS AND LETTERS, EXPRESSED

11 OPPOSITION TO FEDERAL GOVERNMENT FUNDING OF PRIVATE 501(C)(3)

12 ORGANIZATION S.E.A.R.A.C., FORMALLY KNOWN AS I.R.A.C.;

13 CORRECT?

14 A CORRECT.

15 Q THAT'S WHAT HE'S SAYING. AND THEN THE --

16 A YOU MISSED THE FIRST PART THAT WE DID IT IN

17 JANUARY 1996.

18 Q YEAH. SO THEIR CONCERNS INCLUDE -- NOW LET'S

19 RAISE IT UP SO WE CAN READ NUMBER 5.

20 SO SOMEBODY IS TELLING ROBERT DORNAN THAT

21 THEY'RE CONCERNED THERE MIGHT BE A SELF-PROMOTION AS PH.D. BY

22 MR. KHOA; CORRECT?

23 A CORRECT.

24 Q AND HE'S ASKING THE INSPECTOR GENERAL TO LOOK

25 INTO THAT?

26 A NO, THAT'S NOT CORRECT.

1 Q OKAY. THE TOP OF THE SECOND PAGE: "I HEREBY

2 REQUEST THAT THE INSPECTOR GENERAL'S OFFICE INVESTIGATE THESE

3 MATTERS"?

4 A MAY I EXPLAIN?

5 Q WELL, NOT YET.

6 DO YOU DISAGREE WITH MY CHARACTERIZATION AS

7 THIS IS CONGRESSMAN DORNAN ASKING THE INSPECTOR GENERAL TO

8 INVESTIGATE CONCERNS THAT HAVE BEEN COMMUNICATED TO HIM?

9 A NO, I DISAGREE.

10 Q WHAT IS YOUR DISAGREEMENT BASED ON?

11 A MY DISAGREEMENT IS -- CAN YOU GO BACK TO THE

12 FIRST PAGE?

13 RIGHT THERE, YES.

14 CONGRESSMAN DORNAN ASSERTED FOUR FINDINGS THAT

15 HE HAS VERIFIED OVER FOUR MONTHS OF INVESTIGATION. AND THE

16 ONE THAT WAS FINDING THAT HE HAS NOT FULLY VERIFIED BEING

17 MARKED AS ALLEGATIONS, VERY CLEAR.

18 NUMBER 5 IS A FINDING THAT HAD BEEN CHIEFLY

19 VERIFIED. ONE, IT IS BY KNOWLEDGEABLE PERSONS WHO KNEW

20 MR. KHOA BECAUSE THEY SERVED IN THE GOVERNMENT OF THE VIETNAM,

21 SOUTH VIETNAM, AND ALSO IN ACADEMIA WITH MR. KHOA. AND THEY

22 GOT SHARED THE SAME COPIES OF THESE GRANT APPLICATIONS. AND

23 THEY KNEW HIM. AND THEY TOLD CONGRESSMAN DORNAN, THAT: NO,

24 KHOA WAS NOT A DOCTOR. WE KNEW HIM.

25 AND, THEN, THESE VIETNAMESE-AMERICAN LEADERS,

26 THEY WENT ON THE PRESS, IN THE RADIO PROGRAM -- NEWS, TO

1 CHALLENGE MR. KHOA OF THAT, TO THE POINT THAT HE HAD TO COME

2 OUT IN LATE FEBRUARY, ADMIT THAT: I WAS NOT A DOCTOR.

3 SO THAT'S A SECOND VERIFICATION BY THE

4 PLAINTIFF HIMSELF.

5 AND THE THIRD ONE IS, DORNAN WROTE THE

6 S.E.A.R.A.C.'S BOARD OF DIRECTORS ON MARCH 6TH OF 1996 ASKING

7 THEM TO, FIRST OF ALL, REMOVE HIS NAME FROM S.E.A.R.A.C.'S

8 ADVISORY COMMITTEE AND --

9 MR. HART: OBJECTION. HE'S TESTIFYING HEARSAY.

10 THE COURT: WAIT. OVERRULED. IT'S NOT BEING OFFERED

11 FOR THE TRUTH. IT'S BEING OFFERED FOR WHY YOU DISAGREE, WAS

12 THE QUESTION.

13 MR. HART: VERY WELL.

14 THE WITNESS: MAY I CONTINUE?

15 THE COURT: YOU MAY. BUT I WILL NOTE THAT THIS IS

16 BEING OFFERED FOR WHAT HE -- WHY HE DISAGREED, NOT NECESSARILY

17 THAT ANY STATEMENT IS TRUE OR FALSE THAT HE IS REPORTING.

18 THE WITNESS: AND HE ASKED THE BOARD OF DIRECTORS OF

19 S.E.A.R.A.C. TO PROVIDE PROOF THAT KHOA WAS A DOCTOR. HE KNEW

20 THE BOARD OF DIRECTORS, BECAUSE HE SERVED ON ADVISORY

21 COMMITTEE OF S.E.A.R.A.C., MR. DORNAN. AND THERE WAS NO

22 PROOF. AND THIS IS BEING COMMUNICATED TO THE INSPECTOR

23 GENERAL OF DEPARTMENT OF STATE THE FACT THAT HAD BEEN TRIPLY

24 VERIFIED.

25 THE ONLY THING HE ASKED WAS TO FIND OUT,

26 INVESTIGATE, THAT MISREPRESENTATION THAT HAD BEEN PROVEN BY

1 HIM; HOW IT MIGHT HAVE AFFECTED THE GRANT-MAKING PROCESS OF
 2 THE DEPARTMENT OF STATE, WHICH IS, BY THE WAY, STRICTLY
 3 REGULATED BY FEDERAL LAW.
 4 THE COURT: OKAY. NOW WE'RE GETTING A LITTLE BIT
 5 AFIELD.
 6 BY MR. HART:
 7 Q OKAY. SO I CAN READ THIS LETTER, AND I DON'T
 8 SEE ANY OF THAT IN THIS LETTER.
 9 YOU'RE NOT THE AUTHOR OF THIS LETTER; ARE YOU?
 10 A I'M NOT.
 11 Q AND, YET, YOU'RE TELLING US THAT THIS LETTER
 12 MEANS SO MUCH MORE THAN THE ENGLISH WORDS CONTAINED THEREIN;
 13 CORRECT?
 14 A BECAUSE I HAVE THE BACKGROUND.
 15 THE COURT: WAIT. WAIT.
 16 MR. VOSS: OBJECTION. ARGUMENTATIVE. COUNSEL IS
 17 TESTIFYING.
 18 THE COURT: OVERRULED.
 19 YOU MAY RESPOND.
 20 THE WITNESS: BECAUSE I HAVE BEEN BRIEFED BY MR. AL
 21 SANTOLI ALL ALONG. AND I HAVE MANY OTHER DOCUMENTS, AND NOT
 22 JUST THIS AND THE OTHER LETTER FROM DORNAN.
 23 BY MR. HART:
 24 Q OKAY. SO YOU KNOW BETTER THAN THIS DOCUMENT
 25 ALONE BECAUSE YOUR FRIEND, IN CONGRESSMAN DORNAN'S OFFICE,
 26 TOLD YOU HE REALLY MEANS TO SAY MORE THAN HE'S ACTUALLY

1 WRITTEN HERE?
 2 A YES AND NO, BECAUSE HE ALSO SHARE WITH ME MANY
 3 OTHER DOCUMENTS FROM HIS OFFICE.
 4 Q OKAY. BUT THIS PARTICULAR DOCUMENT DOESN'T SAY
 5 THAT'S WHAT THE FINDING IS, DOES IT?
 6 A IT DOES.
 7 Q IT SAYS THEIR CONCERNS ARE 1, 2, 3, 4, 5. IT
 8 SAYS --
 9 THE COURT: I THINK WE CAN SCROLL UP A LITTLE BIT SO
 10 WE CAN SEE IT.
 11 BY MR. HART:
 12 Q -- HIS MISREPRESENTATION OF ACADEMIC
 13 CREDENTIALS MAY HAVE RESULTED IN RECEIVING STATE DEPARTMENT
 14 GRANTS OVER COMPETING APPLICANTS.
 15 SO THAT REMAINS A NOT-PROVEN ISSUE.
 16 DO WE KNOW IF HE GOT GRANT FUNDS OVER SOMEBODY
 17 ELSE BECAUSE THERE'S A MISREPRESENTATION?
 18 A WE KNOW THAT, AND DORNAN KNOWS THAT HE RECEIVED
 19 GRANTS. AND IT'S NOT JUST ONE TIME THAT THE MISREPRESENTATION
 20 HAPPEN, IT'S NOT JUST ONE YEAR, NOT JUST WRITTEN ONE FEDERAL
 21 AGENCY, BUT WITH MULTIPLE AGENCIES, INCLUDING DEPARTMENT OF
 22 COMMERCE, DEPARTMENT OF EDUCATION, DEPARTMENT OF SAFETY,
 23 DEPARTMENT OF HEALTH AND HUMAN SERVICES, OVER SPAN OF MORE
 24 THAN 12 YEARS. SO HE KNEW THAT.
 25 AND MAY I --
 26 Q NO.

1 A -- ANSWER YOUR QUESTION?
 2 Q I APOLOGIZE. I CAN'T LET YOU JUST NARRATE.
 3 ISN'T IT TRUE, DR. THANG, THAT YOU USED YOUR
 4 RELATIONSHIP WITH THIS PERSON IN DORNAN'S OFFICE IN ORDER TO
 5 GENERATE LETTERS LIKE THIS?
 6 A NO. I DIDN'T HAVE THE AUTHORITY.
 7 Q YOU SENT LETTERS, AND YOU'RE PART OF THE
 8 ENTITIES REQUESTING INVESTIGATION AGAINST MR. KHOA AND
 9 S.E.A.R.A.C.; ARE YOU NOT?
 10 A YOU HAVE NO EVIDENCE TO THAT, AND I DIDN'T.
 11 Q I THINK I MIGHT HAVE SOME.
 12 A I DON'T THINK SO. BUT LET ME ANSWER THE
 13 QUESTION.
 14 THE COURT: WAIT, WAIT, WAIT, EVERYBODY. WE NEED TO
 15 LISTEN TO THE QUESTION AND ANSWER THE QUESTION AS DIRECTLY AS
 16 POSSIBLE. AND SO IF WE CAN HAVE --
 17 MR. HART: I'LL START OVER.
 18 THE COURT: -- THAT QUESTION AGAIN AND LISTEN.
 19 AGAIN, YOUR ATTORNEY WILL HAVE THE OPPORTUNITY
 20 TO QUESTION YOU AND FLESH OUT OR CLARIFY WHATEVER THEY BELIEVE
 21 IS NECESSARY. BUT AT THIS POINT, YOU NEED TO LISTEN TO
 22 MR. HART'S QUESTION.
 23 THE WITNESS: I HADN'T ANSWERED HIS LAST QUESTION.
 24 THE COURT: HE'S GOING TO ASK IT AGAIN RIGHT NOW.
 25 BY MR. HART:
 26 Q ISN'T IT TRUE THAT YOU USED YOUR RELATIONSHIP

1 WITH THE STAFF AT DORNAN'S OFFICE TO GENERATE THIS
 2 INVESTIGATION BY THEM AGAINST S.E.A.R.A.C. AND MR. KHOA?
 3 A NO.
 4 MR. VOSS: OBJECTION, YOUR HONOR. MISCHARACTERIZES
 5 THE EVIDENCE.
 6 THE COURT: OVERRULED. HE SAID, "NO."
 7 MR. VOSS: REQUEST THAT THEY SHOW THE TOP OF THE
 8 PAGE. CAN WE SCROLL TO THE TOP OF THE PAGE?
 9 THE COURT: THERE WE GO. THAT'S GOOD.
 10 BY MR. HART:
 11 Q DR. THANG, ISN'T IT TRUE THAT YOU, ON BEHALF OF
 12 BOAT PEOPLE S.O.S., MADE YOUR OWN REQUEST OF THE INSPECTOR
 13 GENERAL TO INVESTIGATE MR. KHOA AND S.E.A.R.A.C.?
 14 MR. VOSS: OBJECTION. RELEVANCE.
 15 THE COURT: OVERRULED.
 16 THE WITNESS: I DID WRITE ON BEHALF OF ALL THE
 17 ORGANIZATIONS, THE VIETNAMESE-AMERICAN LEADERS. AND THE
 18 INVESTIGATION STARTED BEFORE THAT LETTER. I JUST SUPPORTED
 19 THE REQUEST FROM DORNAN TO THE OFFICE OF REFUGEE RESETTLEMENT.
 20 BY MR. HART:
 21 Q WHY WERE YOU ASKING THE INSPECTOR GENERAL TO
 22 INVESTIGATE S.E.A.R.A.C.?
 23 A I DON'T RECALL ASKING INSPECTOR GENERAL OF
 24 DEPARTMENT OF STATE INVESTIGATE S.E.A.R.A.C.
 25 MR. HART: YOUR HONOR, I'D LIKE TO APPROACH THE
 26 WITNESS AND GIVE HIM SOMETHING THAT MIGHT REFRESH HIS

1 RECOLLECTION. UNFORTUNATELY, I ONLY HAVE ONE COPY.
 2 THE COURT: WELL, LET MR. VOSS SEE IT FIRST, AND THEN
 3 WE CAN ...
 4 (DISCUSSION BETWEEN COUNSEL.)
 5 MR. VOSS: YOUR HONOR, WE WOULD OBJECT AT THIS TIME.
 6 PERHAPS WE CAN DISCUSS THAT AT A BREAK.
 7 THE COURT: OBJECT TO HIM JUST SHOWING IT TO REFRESH
 8 HIS RECOLLECTION?
 9 MR. VOSS: YES. ESPECIALLY THE DOCUMENT IS, ON TOP
 10 OF EVERYTHING ELSE, HAS GOT MARKINGS ON IT AND --
 11 THE COURT: WELL, THAT'S ONE THING FOR ADMISSION OR
 12 PUBLICATION. BUT IN TERMS OF JUST SHOWING IT TO THE WITNESS
 13 TO REFRESH RECOLLECTION, I AM INCLINED TO ALLOW THAT.
 14 MR. VOSS: REFRESH RECOLLECTION OF WHAT?
 15 THE COURT: HIS DENIAL THAT THERE WAS A REQUEST TO
 16 INSPECT OR TO CONDUCT AN INVESTIGATION.
 17 MR. VOSS: OF WHOM?
 18 THE COURT: OF S.E.A.R.A.C., I BELIEVE.
 19 MR. VOSS: BY WHAT ENTITY? INVESTIGATE BY WHOM?
 20 MR. HART: THE QUESTION WAS THE INSPECTOR GENERAL,
 21 SAME AS THE DORNAN LETTERS.
 22 MR. VOSS: YOUR HONOR, WE WOULD OBJECT. IT'S NOT A
 23 LETTER TO THE INSPECTOR GENERAL.
 24 THE COURT: ALL RIGHT. SO YOU MAY SHOW IT TO THE
 25 WITNESS. YOUR OBJECTION'S NOTED. IT'S NOT BEING ADMITTED AND
 26 IT'S NOT BEING SHOWN TO ANYBODY.

1 MR. VOSS: I SEE NO REFERENCE TO INSPECTOR GENERAL AT
 2 ALL.
 3 THE COURT: WE CAN SHOW JUST ABOUT ANYTHING TO A
 4 WITNESS TO TRY TO REFRESH RECOLLECTION.
 5 MR. HART: I'D LIKE TO MARK THIS AS EXHIBIT 18 FOR
 6 IDENTIFICATION.
 7 THE COURT: FOR IDENTIFICATION ONLY. WHAT NUMBER?
 8 MR. HART: 18.
 9 THE COURT: IS THAT THE NEXT IN ORDER?
 10 MR. HART: YES.
 11 THE COURT: SO 18. SO IT'S HOW MANY PAGES, JUST SO
 12 WE KNOW FOR THE RECORD?
 13 THE WITNESS: SIX PAGES.
 14 THE COURT: IT'S A SIX-PAGE LETTER THAT'S BEING
 15 MARKED FOR IDENTIFICATION ONLY AS EXHIBIT 18.
 16 (EXHIBIT 18 MARKED)
 17 THE COURT: HE'LL HAVE A QUESTION. WE DON'T NEED TO
 18 TESTIFY AS TO ANY CONTENTS OF THAT AT THIS POINT.
 19 ALL RIGHT. HE HAS REVIEWED THE LETTER.
 20 BY MR. HART:
 21 Q DR. THANG, DOES THIS, EXHIBIT 18, REFRESH YOUR
 22 RECOLLECTION THAT IN MARCH OF 1996, YOU WROTE A LETTER TO THE
 23 DEPARTMENT OF HEALTH AND HUMAN SERVICES REQUESTING THAT THEY
 24 INVESTIGATE S.E.A.R.A.C.?
 25 MR. VOSS: YOUR HONOR, OBJECTION. WE WERE TOLD THAT
 26 IT WAS REGARDING INSPECTOR GENERAL. I'M NOW HEARING HEALTH

1 AND HUMAN SERVICES.
 2 THE COURT: AGAIN, HE'S JUST SHOWING HIM TO REFRESH
 3 HIS RECOLLECTION. THAT'S THE QUESTION HE WANTS TO ASK --
 4 THAT'S THE QUESTION HE WANTS TO ASK.
 5 MR. VOSS: SO THE PRIOR REQUEST FOR RECOLLECTION IS
 6 WITHDRAWN, AND WE HAVE A NEW ONE NOW?
 7 THE COURT: SUPPOSEDLY, IT IS.
 8 BY MR. HART:
 9 Q DR. THANG, THE QUESTION IS --
 10 A I'M STILL READING.
 11 MR. VOSS: IS THERE A COPY WE COULD BE LOOKING AT?
 12 THE COURT: I'VE BEEN REPORTED THAT THERE IS ONLY
 13 ONE.
 14 THE WITNESS: WHAT'S THE QUESTION AGAIN, PLEASE?
 15 BY MR. HART:
 16 Q DOES THIS, EXHIBIT 18, REFRESH YOUR
 17 RECOLLECTION THAT YOU WROTE A LETTER TO, LET'S JUST SAY
 18 BROADLY, THE FEDERAL GOVERNMENT ASKING THAT THEY INVESTIGATE
 19 S.E.A.R.A.C. AND MR. KHOA?
 20 A NO, IN THE SENSE THAT I WROTE TO -- ON BEHALF
 21 OF MANY OTHER ORGANIZATIONS, I WROTE TO THE DIRECTOR OF THE
 22 OFFICE OF REFUGEE SETTLEMENT, WHICH WAS PART OF THE DEPARTMENT
 23 OF HEALTH AND HUMAN SERVICES. IT'S NOT PART OF THE U.S.
 24 DEPARTMENT OF STATE. AND SHE WAS NOT INSPECTOR GENERAL, LET
 25 ALONE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.
 26 AND IN ALL OF THESE HERE, THE FIVE POINTS, AND

1 NONE OF THAT ADDRESSES THE MISREPRESENTATION BY MR. KHOA OF
 2 HIS ACADEMIC CREDENTIALS IN ORDER TO APPLY AND OBTAIN GRANT
 3 FROM THE FEDERAL GOVERNMENT.
 4 Q THAT'S BECAUSE YOU DIDN'T LEARN ABOUT ANY OF
 5 THAT UNTIL AFTER YOU'D BEEN TALKING TO DORNAN STAFF, CORRECT,
 6 WHICH HAPPENED LATER THAN THAT LETTER?
 7 A NO. DORNAN STAFF -- ACTUALLY, DORNAN FOUND OUT
 8 IN EARLY MARCH, AS TESTIFIED, ON MARCH 6, 1996. HE WROTE TO
 9 THE BOARD OF DIRECTOR OF S.E.A.R.A.C. DEMANDING PROOF OF HIS
 10 ACADEMIC CREDENTIALS OF HIS BEING A DOCTOR.
 11 Q BACK TO THE ORIGINAL QUESTION.
 12 DOES THIS REFRESH YOUR RECOLLECTION THAT YOU'VE
 13 WRITTEN THIS LETTER ON B.P.S.O.S. STATIONARY ASKING THE
 14 DEPARTMENT OF REFUGEE RESETTLEMENT TO INVESTIGATE
 15 S.E.A.R.A.C. AND MR. KHOA?
 16 MR. VOSS: YOUR HONOR, IF I MAY, WE REALLY NEED TO
 17 HAVE A COPY OF THIS LETTER WHEN WE'RE GETTING QUESTIONS LIKE
 18 THAT. I HAVE NO WAY TO BE ABLE TO VERIFY THE APPROPRIATENESS
 19 OF THE QUESTION.
 20 THE COURT: CAN YOU SHARE ANOTHER ONE?
 21 MR. HART: I JUST DON'T HAVE ANOTHER ONE.
 22 MR. VOSS: THAT WAS A MOUTHFUL.
 23 MR. HART: I CAN TAKE WHAT THE WITNESS HAS.
 24 THE COURT: YES, THAT'S WHAT WE'LL NEED TO DO AT THIS
 25 POINT IN TIME, SINCE WE DON'T HAVE SUFFICIENT COPIES. AND
 26 THEN WE'LL SEE HOW THIS GOES.

1 BY MR. HART:
 2 Q FROM THIS PROCESS, DR. THANG --
 3 MR. VOSS: IS THE PRIOR QUESTION WITHDRAWN?
 4 MR. HART: I THOUGHT IT WAS ANSWERED.
 5 THE COURT: DID YOU HAVE ANY FURTHER RESPONSE TO THE
 6 PRIOR QUESTION?
 7 THE WITNESS: I WAS TOLD IRRELEVANT.
 8 THE COURT: NOT A COMMENTARY ON THE PRIOR QUESTION.
 9 DID YOU COMPLETE YOUR RESPONSE TO THE PRIOR QUESTION?
 10 THE WITNESS: YES.
 11 THE COURT: SO NOW WE'RE HAVING A DIFFERENT QUESTION.
 12 MR. VOSS: AND MY OBJECTION TO THE PRIOR QUESTION
 13 WAS, I DIDN'T HAVE THE DOCUMENT TO BE ABLE USE TO BE ABLE TO
 14 FORMULATE AN OBJECTION. AND WE HAD A WHOLE GIANT MOUTHFUL BY
 15 COUNSEL. I DON'T THINK IT WAS APPROPRIATE TO ASK THAT
 16 QUESTION WITHOUT ME HAVING A CHANCE TO SEE IT AND OBJECT.
 17 THE COURT: OKAY. LADIES AND GENTLEMEN, WE'RE GOING
 18 TO TAKE A LITTLE BIT OF AN EARLY LUNCH BREAK HERE TODAY. IT'S
 19 ABOUT A QUARTER TILL. SO WE'RE GOING TO GO AHEAD AND PAUSE SO
 20 WE CAN STREAMLINE THINGS A LITTLE BIT MORE HERE, AND MAKE A
 21 LITTLE MORE EFFICIENT USE OF EVERYBODY'S TIME.
 22 SO WE'LL TAKE THAT LUNCH RECESS. IF YOU COULD
 23 BE BACK AT 1:30 SO THAT WE CAN RESUME AND GET OUR AFTERNOON
 24 SESSION IN.
 25 THANK YOU FOR YOUR TIME; WE APPRECIATE IT.
 26 (JURY EXCUSED FOR LUNCH.)

1 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
 2 PRESENCE OF THE JURY.)
 3 THE COURT: ALL RIGHT. YOU MAY RETURN TO YOUR SEAT.
 4 WE ALL NEED TO STEP UP OUR GAME HERE A BIT. WE NEED TO
 5 START --
 6 WAIT. IT IS MY TURN RIGHT NOW TO BE SPEAKING.
 7 WE NEED TO START WITH OUR WITNESS WHO NEEDS TO
 8 ANSWER THE QUESTIONS THAT ARE POSED TO HIM, NOT VOLUNTEER WHAT
 9 HE WANTS EVERYBODY TO HEAR.
 10 SO YOUR COUNSEL WILL HAVE THE OPPORTUNITY TO
 11 QUESTION YOU. AT THAT TIME, HE WILL ASK AND SEEK WHATEVER
 12 CLARIFICATION, ADDITIONAL INFORMATION IS NECESSARY.
 13 AT THIS TIME, IT IS MR. HART'S OPPORTUNITY TO
 14 ASK THE SPECIFIC QUESTIONS HE WOULD LIKE A RESPONSE TO.
 15 AND, AS I'VE SAID BEFORE, IT IS YOUR OBLIGATION
 16 TO ANSWER THOSE QUESTIONS TO THE BEST OF YOUR ABILITY AND
 17 RECOLLECTION AS DIRECTLY AS POSSIBLE, NOT TO VOLUNTEER AND
 18 THROW IN A BUNCH OF OTHER STUFF THAT YOU MAY WANT TO MISDIRECT
 19 OR WHATEVER THE CASE MAY BE, OR THINK THAT IT IS, YOU KNOW,
 20 NECESSARY FOR CONTEXT, WHATEVER THE CASE MAY BE.
 21 MR. VOSS, AGAIN, WILL HAVE THAT OPPORTUNITY TO
 22 FOLLOW UP WITH YOU.
 23 AND NEXT THING IS, WE NEED TO STOP BUTCHERING
 24 THIS RECORD IN TERMS OF OUR BACK-AND-FORTH WITH EVERYBODY. WE
 25 NEED -- IF WE HAVE DOCUMENTS, WE NEED COPIES OF DOCUMENTS FOR
 26 EVERYBODY. THAT STARTS WITH NUMBER ONE.

1 MR. VOSS, I DO NOT NEED A BUNCH OF SPEAKING
 2 OBJECTIONS AND ARGUMENT IN FRONT OF THE JURY EITHER.
 3 SO THAT'S WHY I'M SAYING WE ALL NEED TO ELEVATE
 4 OUR PERFORMANCE HERE A LITTLE BIT SO THAT WE CAN, AS I SAID TO
 5 THE JURY, HAVE AN EFFICIENT AND CLEAR PRESENTATION OF WHATEVER
 6 THE FACTS MAY BE AND BOTH SIDES HAVE AN EQUAL AND FAIR
 7 OPPORTUNITY TO PRESENT WHAT THEY -- AS THEY UNDERSTAND THE
 8 FACTS.
 9 SO WE START WITH THE PLAINTIFFS. THEY GET TO
 10 PRESENT THEIR EVIDENCE FIRST. SO, DR. THANG, YOU WILL HAVE
 11 YOUR OPPORTUNITY, AGAIN, ON QUESTIONING FROM YOUR COUNSEL,
 12 DURING YOUR CASE, IF THERE'S ADDITIONAL THINGS. BUT THE
 13 PLAINTIFF HAS THE BURDEN OF PROOF, AND THEY, THEREFORE, GET TO
 14 GO FIRST IN TRYING TO PRESENT EVERYTHING.
 15 SO IF THERE ARE ANY OTHER DOCUMENTS, MR. HART,
 16 I WOULD ENCOURAGE YOU TO USE THE LUNCHTIME, THE LUNCH BREAK,
 17 TO GET COPIES OF THINGS.
 18 WE NEED TO MAKE SURE, ALSO, THAT WE HAVE CLEAN
 19 COPIES OF MATTERS. SO, I MEAN, OBVIOUSLY, YOUR COPIES CAN BE
 20 THAT YOU'RE USING FOR YOUR OWN PERSONAL USE, ANNOTATE AS MUCH
 21 AS YOU LIKE FOR YOUR OWN USE. BUT IN TERMS OF WHAT'S GOING TO
 22 BE SHOWN TO A WITNESS, WHAT'S GOING TO BE PRESENTED TO THE
 23 JURY, WE NEED TO HAVE CLEAN COPIES OF DOCUMENTS SO THAT
 24 NOTHING IS ADDED TO THE EXHIBIT ITSELF.
 25 MR. HART: UNDERSTOOD, JUDGE. AND I APOLOGIZE FOR
 26 THIS LITTLE TRIP UP TODAY.

1 THE COURT: THANK YOU. I APPRECIATE THAT.
 2 MR. VOSS: I APOLOGIZE, TOO, ON THE SPEAKING
 3 OBJECTIONS, YOUR HONOR. I KNOW BETTER.
 4 THE DIFFICULTY, OF COURSE, IS, IF I DON'T HAVE
 5 THE DOCUMENT, I CAN'T TELL YOU WHETHER IT MISCHARACTERIZES IN
 6 THE QUESTION OR NOT.
 7 THE COURT: AND I'VE JUST ADDRESSED THAT. SO I'M NOT
 8 ASKING FOR AN EXPLANATION OR DEFENSE OR ANYTHING; I'M NOT
 9 SANCTIONING ANYBODY OR ANYTHING. I'M TRYING TO BE CLEAR ON
 10 THE EXPECTATIONS THAT I HAVE SO THAT WE CAN, AGAIN, PRESENT
 11 THIS CASE TO THE JURY IN AS CLEAR A WAY AS POSSIBLE, AND SO
 12 THAT BOTH SIDES HAVE THE FAIR OPPORTUNITY TO PRESENT THEIR
 13 VERSION, THEIR FACTS, IN THE WAY THAT IT'S SUPPOSED TO BE
 14 DONE. NOT JUST THROWING THEM OUT WHEN WE THINK WE HAVE AN
 15 OPENING TO THROW OUT SOME INFORMATION.
 16 SO DOES ANYBODY HAVE ANY QUESTIONS, OR IS
 17 ANYBODY UNCLEAR ON ANYTHING THAT THE COURT HAS INDICATED?
 18 MR. HART: NO, YOUR HONOR.
 19 MR. VOSS: NO, YOUR HONOR. HEARD YOU THE FIRST TIME;
 20 I APOLOGIZE.
 21 THE COURT: THANK YOU VERY KINDLY; I APPRECIATE THAT.
 22 MR. HART, WE HAVE A LITTLE EXTRA TIME HERE. IF
 23 YOU NEED TO GET OTHER DOCUMENTS TOGETHER, THEN I WOULD
 24 ENCOURAGE YOU TO MAKE USE OF THAT TIME TO GET COPIES AND
 25 EVERYTHING.
 26 MR. HART: I THINK WHAT I REALLY NEED TO DO RIGHT NOW

1 IS JUST MAKE ENOUGH COPIES FOR EVERYBODY TO HAVE ONE,
 2 INCLUDING THE COURT.
 3 IS THERE A PLACE HERE I CAN DO THAT
 4 COMMERCIALY?
 5 THE COURT: THE LAW LIBRARY ACROSS THE COURTHOUSE
 6 MIGHT HAVE -- THERE'S A PLAZA OF FLAGS. WE HAVE A LAW LIBRARY
 7 ON THE OTHER SIDE.
 8 MR. HART: I'VE BEEN THERE.
 9 THE COURT: THEY USED TO HAVE -- IT'S BEEN YEARS
 10 SINCE I BEEN IN THERE. THEY USED TO HAVE PHOTOCOPIER MACHINES
 11 OVER THERE. I WOULD ASSUME THAT WOULD BE THE CLOSEST THAT
 12 COMES TO MY MIND.
 13 LOOK THROUGH YOUR NOTES AND SEE, ARE THERE
 14 OTHER DOCUMENTS? TRY AND ANTICIPATE A LITTLE BIT, DO YOU
 15 ANTICIPATE MAYBE IF THERE ARE ADDITIONAL -- I KNOW YOU CAN'T
 16 NECESSARILY READ THE FUTURE.
 17 MR. HART: THIS IS THE ONLY LOOSE EXHIBIT THAT HAS
 18 COME UP.
 19 THE COURT: THAT'S WHAT I'M SAYING, IF YOU THINK
 20 THERE MAY BE POTENTIAL OTHER DOCUMENTS THAT YOU HAVE THAT YOU
 21 THINK COULD BE NECESSARY, I WOULD ENCOURAGE YOU TO MAKE COPIES
 22 OF THOSE AS WELL.
 23 MR. HART: THANK YOU, JUDGE.
 24 MR. VOSS: BECAUSE, YOUR HONOR, WE EXCHANGED 240
 25 DOCUMENTS ON THIS CASE. SO I'M CONCERNED WHEN I SEE SOMETHING
 26 THAT APPEARS TO HAVE BEEN USED IN A DEPO.

1 THE COURT: I'LL HAVE TO CROSS THE BRIDGE AS EACH ONE
 2 PRESENTS ITSELF. BUT I'M REQUESTING THAT WE GET COPIES
 3 TOGETHER SO THAT WE CAN ALL HAVE THE OPPORTUNITY TO
 4 UNDERSTAND, AND EVERYBODY CAN MAKE THE RECORD AS CLEAN AS
 5 POSSIBLE.
 6 MR. VOSS: THANK YOU, YOUR HONOR.
 7 MR. HART: VERY GOOD. THANK YOU, JUDGE.
 8 MR. VOSS: YOUR HONOR, CAN WE HAVE INDICATION OF TIME
 9 ESTIMATES? I'M NOT SURE HOW LONG WE'VE BEEN ON THIS WITNESS
 10 SO FAR BUT JUST TRYING TO GET ROADMAP FOR HOW MUCH LONGER, AND
 11 WHO IS GOING NEXT.
 12 THE COURT: THANK YOU FOR REMINDING ME; THAT WAS A
 13 MENTAL NOTE THAT I HAD IN TERMS OF GETTING STARTED THERE.
 14 MR. VOSS: I BELIEVE WE HEARD AN HOUR TO 90 MINUTES.
 15 THE COURT: 90 MINUTES WAS THE MOST RECENT ONE THAT
 16 I'VE HEARD. AND WE'VE BEEN GOING ABOUT OVER AN HOUR, PROBABLY
 17 ABOUT 75 MINUTES OR SO. WE'RE IN THAT BALLPARK; THAT'S, YOU
 18 KNOW, WITHOUT DOING THE MATH ON MY LITTLE NOTES HERE REAL
 19 QUICKLY, BUT WE'RE IN THAT BALLPARK, AND WHERE DO YOU THINK
 20 YOU STAND?
 21 MR. HART: I'M NEVER GOOD AT THIS QUESTION, JUDGE. I
 22 JUST DON'T KNOW, BECAUSE I HAVE TO SEE WHERE THE WITNESS GOES,
 23 AND, YOU KNOW, THIS IS QUITE A SEQUITOUS TO RIDE, THIS
 24 PARTICULAR WITNESS.
 25 THE COURT: I UNDERSTAND. AND IT HAS BEEN DRAGGED
 26 OUT SOME THROUGH THE PROCESS HERE.

1 MR. VOSS: AND ADMITTEDLY, BOTH BY THE NATURE OF THE
 2 EXPANSIVE ANSWERS, YOU KNOW, BUT, AS WELL AS, I JUST HAVE TO
 3 SHARE WITH THE COURT MY CONCERN, 352 -- THAT WE'RE SPENDING
 4 ALL THE TIME IN THE 1970S AGAIN, OR 1990S, AND NOT ON THE TIME
 5 IN QUESTION.
 6 THE COURT: WELL, I THINK WHAT WE'RE ATTEMPTING TO
 7 FOCUS ON IS WHAT HE RELIED UPON -- WHAT THE -- IF THESE ARE
 8 THE LETTERS OR SOME OF THE INFORMATION THAT HE --
 9 MR. VOSS: BUT THE QUESTIONS WERE BEING ASKED NOW,
 10 DOES THIS REFRESH YOUR RECOLLECTION AS TO WHETHER YOU WROTE
 11 SOME ON THE LETTER IN 1996; IT'S NOT ADDRESSING WHAT DID HE
 12 USE TO DRAFT THIS IN 2020.
 13 THE COURT: THANK YOU VERY MUCH.
 14 MR. VOSS: SO DO WE HAVE ANY KIND OF BALLPARK? HOW
 15 ABOUT THIS WAY, ARE WE HALFWAY THROUGH, OR ARE THREE-QUARTERS
 16 OF THE WAY THROUGH.
 17 MR. HART: I WOULD SAY WE'RE MORE THAN HALFWAY
 18 THROUGH.
 19 THE COURT: WE HAVE THE TIME ESTIMATES. AND THE BIG
 20 THING IS THE OVERALL TIME ESTIMATES. IF YOU WANT TO
 21 REALLOCATE, YOU KNOW, YOUR TIME THAT YOU'VE ESTIMATED FROM ONE
 22 WITNESS TO ANOTHER, I HAVE NO PROBLEM WITH THAT. WE HAVE TO
 23 BE CONCERNED WITH OUR OVERALL TIME ESTIMATES.
 24 MR. HART: IF WE FINISH THIS WITNESS TODAY, WE'RE ON
 25 SCHEDULE. THAT'S BECAUSE WE'RE A LITTLE AHEAD OF THINGS FROM
 26 THE JURY SELECTION AND FROM SHORT OPENINGS.

1 MR. VOSS: YOUR HONOR, WHAT I'M CONCERNED ABOUT, WE
 2 SAID TO THE JURY, WE'RE GOING TO GET THE CASE TO THEM ON
 3 CLOSING DAY ON THE 19TH. AND I DON'T WANT THIS -- WE SAID IT
 4 WAS 90 -- FIRST IT WAS AN HOUR, THEN IT WAS 90 MINUTES FOR
 5 THIS WITNESS. AND IF WE SPEND ALL DAY ON THIS WITNESS, THEN
 6 IT'S NECESSARILY GOING TO START TO IMPINGE ON THE TIME WE HAVE
 7 TO PUT ON OUR DEFENSE, AND THAT'S NOT APPROPRIATE.
 8 SO HOW DO WE AGREE AS TO WHAT THE TIME LIMITS
 9 ARE, BECAUSE I DON'T WANT TO BE HERE ON WEDNESDAY, GOING,
 10 OKAY, YOUR TURN, YOU HAVE GOT TWO HOURS.
 11 THE COURT: I WILL CONTINUE TO MONITOR, AS WE GO
 12 ALONG, HOW WE'RE DOING WITH THEIR OVERALL TIMES ESTIMATES FROM
 13 THE PLAINTIFFS SIDE, AND MAKING SURE THE DEFENSE GETS THEIR --
 14 MR. VOSS: I SHARE THAT AS A CONCERN.
 15 THE COURT: I APPRECIATE THAT. AND, LIKE I SAID, WE
 16 NEED TO MAKE SURE WE STICK TO IT BECAUSE WE WILL START TO LOSE
 17 JURORS. THEY'VE ALREADY TRIED A COUPLE TIMES.
 18 MR. HART: I UNDERSTOOD, JUDGE.
 19 MR. VOSS: THANK YOU.
 20 (LUNCH RECESS.)
 21
 22
 23
 24
 25
 26

1 SANTA ANA, CALIFORNIA - THURSDAY, NOVEMBER 7, 2024

2 AFTERNOON SESSION

3 * * * * *

4 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT:)

5 THE COURT: LET'S GO AHEAD AND GO ON THE RECORD AT
6 THIS POINT IN TIME.

7 WE'VE BEEN HAVING A DISCUSSION OUTSIDE THE
8 PRESENCE OF THE JURY, TRYING TO PIN DOWN WHAT PORTIONS OF
9 DEFENDANT'S DEPOSITION TRANSCRIPT WOULD BE READ, IF THE NEED
10 ARISES, RELATED TO THAT PAGE 89 THAT WE DISCUSSED EARLIER.

11 SO WE KIND OF WORKED THAT IN OFF THE RECORD. I
12 JUST WANTED TO POINT THAT OUT.

13 AND THIS IS A COMPLETELY ADMINISTRATIVE SIDE
14 MATTER, BUT I NEED TO RAISE BEFORE I FORGET. THERE'S A MOCK
15 TRIAL IN HERE TONIGHT, SO WE NEED TO CLEAN UP. I WOULD'N'T
16 LEAVE ANYTHING THAT GETS -- YOU KNOW, THAT NEEDS TO BE
17 PROTECTED OR ANYTHING, SO IT WOULD BE BEST TO -- JUST SO YOU
18 ARE AWARE.

19 MR. HART: ARE YOU USING JURY BOX?

20 THE COURT: THERE WILL BE -- THERE WILL BE THE
21 SCOREKEEPER. SO THERE WILL BE A FEW PEOPLE, THE ATTORNEY
22 SCOREKEEPERS USUALLY SIT IN THE JURY BOX.

23 YOU CAN PUT BOXES IN THE JURY ROOM. THE JURY
24 BOX, IT WON'T BE FULL, BUT THERE WILL BE PEOPLE IN THE JURY
25 BOX, THE SCOREKEEPERS ARE TYPICALLY IN THERE.

26 MR. HART: FAIR ENOUGH.

1 MALICIOUS.

2 THE COURT: I JUST WANT TO MAKE SURE WE HAVE, OUTSIDE
3 THE PRESENCE OF THE JURY, THE OPPORTUNITY TO SPEAK TO THEM,
4 AND MAKE SURE, THE EXPECTATIONS, YOU HAVE EVERY RIGHT TO BE
5 HERE. TAKE YOUR NOTES, THAT'S A OKAY.

6 ALL RIGHT. AND WE'LL BRING IN THE JURORS, AND
7 I APOLOGIZE FOR THE DELAY HERE.

8 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE
9 PRESENCE OF THE JURY:)

10 THE COURT: WE HAVE BEEN REJOINED BY OUR JURORS.
11 THANK YOU VERY KINDLY, LADIES AND GENTLEMEN, FOR YOUR
12 PATIENCE. WE'RE JUST TRYING TO KEEP THINGS -- WORKING ON
13 STREAMLINING THINGS TO KEEP IT GOING SO WE ARE SAVING TIME. I
14 WOULD APOLOGIZE FOR KEEPING YOU OUT FOR A LITTLE BIT, BUT WE
15 ARE, IN THE LONG RUN, SAVING TIME THROUGH THOSE EXERCISES.

16 IF WE COULD HAVE OUR WITNESS COME BACK, AND
17 WE'LL GO AHEAD AND PICK UP.

18 GO RIGHT AHEAD, MR. HART.

19 MR. HART: THANK YOU, JUDGE.

20 BY MR. HART:

21 Q DR. THANG, YOU HAVE YOUR COPY OF WHAT'S BEEN
22 MARKED AS EXHIBIT 18?

23 A YES.

24 Q OKAY. DO YOU RECOGNIZE WHAT THIS IS?

25 A YES.

26 Q TELL THE JURY WHAT THIS IS, PLEASE.

1 THE COURT: I WAS GOING TO TALK TO OUR MEDIA
2 REPRESENTATIVE, BUT I HAVEN'T SEEN ANY OF THEM RETURN.

3 MR. VOSS: ALSO WANT TO CHECK.

4 THE COURT: WHAT?

5 MR. VOSS: IT WASN'T A HUGE DEAL, BUT IT WOULD BE
6 WORTH IT.

7 MR. HART: I UNDERSTAND THAT SOME OF THEM WANT TO SIT
8 IN AND WATCH AND TAKE THEIR NOTES. I'VE TOLD THEM I THINK
9 THAT'S OKAY.

10 THE COURT: I JUST WANT TO MAKE SURE THAT WE'RE ALL
11 ON THE SAME PAGE OF WHAT'S --

12 MR. VOSS: I WAS APPROACHED IN THE COURTROOM.

13 THE COURT: I JUST WANT TO MAKE SURE -- THIS IS A
14 PUBLIC PROCEEDING. THEY'RE WELCOME TO SIT IN THE GALLERY AND
15 TAKE NOTES, BUT THEY CANNOT PHOTOGRAPH, DO ANY SORTS OF
16 RECORDING WHATSOEVER. THEY CANNOT COME IN PAST THE RAIL AND
17 WONDER AROUND THE COURTROOM. THEY CAN'T DISTURB THE
18 PROCEEDINGS IN ANY WAY. THEY CAN'T DO ANY INTERVIEWS HERE IN
19 THE COURTROOM.

20 AND I WANT TO MAKE SURE THAT THEY UNDERSTAND,
21 THE JURORS HAVE BEEN TOLD NOT TALK TO ANYBODY ABOUT THE CASE,
22 SO THEY SHOULD NOT BE TRYING TO INTERVIEW OR INTERACT WITH THE
23 JURORS, EITHER. SO, I MEAN, THEY ARE COMPLETELY WELCOME. I
24 JUST WANT TO TRY AND NIP IT IN THE BUD TO AVOID ANY
25 MISUNDERSTANDINGS.

26 MR. VOSS: WHAT OCCURRED WAS INCORRECT BUT NOT

1 A IT WAS A LETTER DATED MARCH 10, 1996, TO
2 MS. LAVINIA LIMON, DIRECTOR OF OFFICE OF REFUGEE RESETTLEMENT,
3 WHICH IS PART OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

4 Q OKAY. AND IS THIS B.P.S.O.S. STATIONARY?

5 A THAT'S CORRECT.

6 Q AND IS IT SIGNED BY YOU ON THE LAST PAGE?

7 A IT WAS SIGNED BY ME.

8 Q CAN YOU SAY, FOR THE RECORD, HOW MANY PAGES
9 THIS LETTER IS?

10 A IT WAS SIX PAGES.

11 Q AND WHO ALL WAS COPIED WITH THIS LETTER? IS
12 THAT SHOWN ON THE LAST PAGE?

13 A YES.

14 Q ALL RIGHT. AND SO CAN YOU TELL THE JURY, NOW
15 THAT YOUR RECOLLECTION IS REFRESHED, WHAT THE PURPOSE OF THIS
16 LETTER WAS?

17 MR. VOSS: OBJECTION, YOUR HONOR. THIS IS NOT AN
18 EXHIBIT THAT'S BEING OFFERED TO SEE IF IT REFRESHED HIS
19 RECOLLECTION. I OBJECT TO THE FORM OF THAT QUESTION.

20 MR. HART: I'LL REPHRASE, JUDGE.

21 THE COURT: ALL RIGHT.

22 BY MR. HART:

23 Q DR. THANG, HAVING HAD A CHANCE TO LOOK AT THIS
24 MARCH 10, 1996 B.P.S.O.S. LETTER TO LAVINIA LIMON, DOES THAT
25 REFRESH YOUR RECOLLECTION THAT YOU REQUESTED AN INVESTIGATION
26 INTO S.E.A.R.A.C. AND PROFESSOR KHOA?

1 A THIS WAS A LETTER FROM OUR BOARD OF DIRECTORS,
 2 OUR LATE BOARD CHAIR --
 3 (REPORTER ASK FOR CLARIFICATION.)
 4 THE WITNESS: -- OUR LATE BOARD CHAIR DRAFTED THIS
 5 ONE. AT THE TIME, I ACTUALLY REMEMBER I WAS A YOUNG PH.D.
 6 WORKING FULL-TIME AT THE NAVY. I DIDN'T KNOW MUCH WHAT WAS
 7 GOING ON IN THE COMMUNITY. BUT AS EXECUTIVE DIRECTOR, I SIGN
 8 IT.
 9 BY MR. HART:
 10 Q OKAY. WERE YOU TOLD TO SEND THIS LETTER BY THE
 11 BOARD OF DIRECTORS?
 12 A THE BOARD OF DIRECTORS ONLY TOOK CARE OF
 13 INTERNAL GOVERNANCE. MY LATE BOARD CHAIR WAS VERY MUCH IN
 14 TUNE WITH THE COMMUNITY. HE COLLECTED AND COMPILED ALL THE
 15 CONCERNS AMONG VIETNAMESE-AMERICAN LEADERS, AND HE COMPILED
 16 THIS LETTER. AND IT WAS MY DUTY TO SIGN IT AND SEND IT OUT.
 17 Q DO YOU RECALL NOW, HAVING REVIEWED THIS LETTER,
 18 THAT B.P.S.O.S. IN MARCH OF 1996 WAS REQUESTING AN
 19 INVESTIGATION OF S.E.A.R.A.C. AND PROFESSOR KHOA?
 20 A VERY VAGUELY AFTER YOU SHOW ME THIS.
 21 Q OKAY. AND DO YOU AUTHENTICATE THAT THIS IS A
 22 LETTER THAT YOU RECALL SENDING AND SIGNING ON THE LAST PAGE?
 23 A YES.
 24 MR. HART: YOUR HONOR, I WOULD LIKE TO OFFER THIS
 25 EXHIBIT INTO EVIDENCE AS EXHIBIT 18.
 26 MR. VOSS: YOUR HONOR, I HAVE TWO OBJECTIONS. ONE OF

1 WHICH IS A COPY IS STILL NOT A CLEAN COPY. YOU KNOW, IF THE
 2 COURT IS GOING TO RECEIVE IT, I THINK WE OUGHT TO GET A CLEAN
 3 COPY BEFORE NEXT WEEK TO BE THE ONE TO INTRODUCE.
 4 AND SECONDLY, UNDER 352, I DON'T BELIEVE THIS
 5 SHOULD BE APPROPRIATELY RECEIVED.
 6 MAY I BE HEARD FURTHER IN THAT REGARD?
 7 THE COURT: NOT RIGHT NOW. I THINK I UNDERSTAND YOUR
 8 TIMING POINT.
 9 ALL RIGHT. WE DO NEED TO GET A LITTLE BIT
 10 CLEANER COPY OF IT. ARE WE INTENDING TO PUBLISH THIS AT THIS
 11 POINT IN TIME?
 12 MR. HART: NO, BUT I'D LIKE TO INQUIRE INTO SOME OF
 13 THE CONTENT.
 14 THE COURT: OKAY. SO AS TO THE CONDITION OF THE
 15 COPY, WE DO NEED -- FOR OUR NEXT TRIAL DATE WE'LL NEED A CLEAN
 16 COPY OF IT. HOPEFULLY, WE CAN TRACK DOWN THAT.
 17 AND AS TO THE 352, IT WILL BE OVERRULED. BUT
 18 WE ARE GOING TO NOT SPEND A DEEP DIVE AT ALL ON THIS ONE. SO
 19 IT WILL BE ADMITTED AT THIS TIME.
 20 (EXHIBIT 352 ADMITTED.)
 21 MR. HART: THANK YOU, YOUR HONOR.
 22 BY MR. HART:
 23 Q SO, DR. THANG, THE LETTER SAYS AT THE
 24 BEGINNING: "WE ARE WRITING TO EXPRESS OUR CONCERN ABOUT
 25 O.R.R.'S CONTRACTING PRACTICE. SPECIFICALLY, YOUR OFFICE HAS,
 26 IN THE PAST SEVEN YEARS, CONTRACTED COMMUNITY DEVELOPMENT

1 PROJECTS TO AN ORGANIZATION, WHICH IS FREQUENTLY AT ODDS WITH
 2 THE COMMUNITY IT IS SUPPOSED TO SERVE."
 3 AND THAT'S A REFERENCE TO S.E.A.R.A.C.
 4 DO YOU SEE THAT?
 5 A YES, I DO.
 6 Q DO YOU REMEMBER WHY BOAT PEOPLE S.O.S. WAS AT
 7 ODDS WITH S.E.A.R.A.C.?
 8 MR. VOSS: AGAIN, YOUR HONOR, I RENEW MY OBJECTION
 9 UNDER 352.
 10 THE COURT: WE'RE STARTING TO GET A BIT FAR AFIELD
 11 FROM THE INTENDED PURPOSE OF THAT.
 12 MR. HART: I UNDERSTAND, JUDGE.
 13 THE COURT: WAIT. WAIT. WAIT.
 14 MR. HART: SORRY.
 15 THE COURT: WE CAN GET THIS ONE, AND THEN WE NEED TO
 16 GET MOVING ALONG.
 17 MR. HART: YES, JUDGE.
 18 THE COURT: YOU MAY RESPOND TO THAT ONE QUESTION, AND
 19 THEN WE'RE NOT GOING TO DIVE DEEP HERE.
 20 THE WITNESS: CAN YOU REPEAT IT?
 21 BY MR. HART:
 22 Q MY QUESTION WAS: DO YOU RECALL WHY BOAT PEOPLE
 23 S.O.S. WAS AT ODDS WITH S.E.A.R.A.C., HAD ISSUES WITH
 24 S.E.A.R.A.C., IN MARCH OF 1996?
 25 A IT SAID THAT S.E.A.R.A.C. WAS AT ODDS WITH THE
 26 COMMUNITIES IT'S SUPPOSED TO SERVE, INCLUDING REFUGEES,

1 IMMIGRANTS IN THE U.S., AS WELL AS BOAT PEOPLE IN THE CAMPS IN
 2 HONG KONG AS WELL IN SOUTHEAST ASIA.
 3 Q OKAY. THE QUESTION IS: DO YOU REMEMBER WHAT
 4 THAT ISSUE WAS?
 5 MR. VOSS: AGAIN, YOUR HONOR, 352. THIS HAS NO
 6 RELEVANCE TO THE STATEMENT.
 7 THE COURT: ALL RIGHT. JUST RESPOND TO THE ONE
 8 QUESTION, TO THE QUESTION POSED, NOT AS TO OTHER MATTERS.
 9 THE WITNESS: I REMEMBER, BUT IT REQUIRES ME A LOT OF
 10 TIME TO EXPLAIN, YOUR HONOR.
 11 MR. HART: I'LL WITHDRAW --
 12 THE COURT: OKAY.
 13 MR. HART: -- BASED ON THAT AND ASK A DIFFERENT FINAL
 14 QUESTION.
 15 BY MR. HART:
 16 Q WHICH IS: THE CC LIST INCLUDES SEVEN PLACES ON
 17 THE BACK OF THE PAGE, INCLUDING ALL MEMBERS OF CONGRESS ON THE
 18 TWO SUBCOMMITTEES, CONGRESSMAN DORNAN, SENATOR CHARLES ROTH.
 19 DO YOU HAVE ANY RECOLLECTION OF WHY THIS LETTER
 20 COMPLAINING ABOUT S.E.A.R.A.C. WAS SENT TO ALL THOSE PARTIES?
 21 MR. VOSS: AGAIN, OBJECTION. 352, YOUR HONOR.
 22 THERE'S NO RELEVANCE TO THIS INQUIRY.
 23 THE COURT: SUSTAINED.
 24 BY MR. HART:
 25 Q PROFESSOR -- I'M SORRY. DR. THANG, PLEASE OPEN
 26 VOLUME I OF THE EXHIBIT BOOK TO EXHIBIT 16.

1 MR. VOSS: YOUR HONOR, BEFORE WE MOVE FORWARD, IN
 2 LIGHT OF THE FACT THAT THERE ARE NO RELEVANT QUESTIONS ON
 3 EXHIBIT 18, I WOULD ASK THAT THAT BE STRICKEN.
 4 THE COURT: DENIED.
 5 MR. VOSS: THANK YOU.
 6 THE WITNESS: I'M THERE.
 7 BY MR. HART:
 8 Q DO YOU RECOGNIZE WHAT EXHIBIT 16 IS? AND I'M
 9 REFERRING ONLY TO THE PAGES THAT LEAD UP TO YOUR SIGNATURE ON
 10 PAGE 18 OF -- I'M SORRY, IT'S PAGE 7 OF EXHIBIT 16.
 11 A PAGE 7?
 12 Q RIGHT.
 13 A THIS IS MY DECLARATION.
 14 Q OKAY. AND YOU SIGNED THIS DECLARATION UNDER
 15 PENALTY OF PERJURY?
 16 A CORRECT.
 17 Q AND THAT'S YOUR SIGNATURE ON PAGE 7?
 18 A CORRECT.
 19 Q ALL RIGHT. AND EXHIBIT 16, PAGES 1 THROUGH 7,
 20 CONSTITUTE YOUR STATEMENTS UNDER OATH IN SUPPORT OF YOUR SLAPP
 21 MOTION, THE DECLARATION FOR YOUR SLAPP MOTION; CORRECT?
 22 A CORRECT.
 23 MR. VOSS: OBJECTION, YOUR HONOR, ON 352.
 24 MAY I BE HEARD?
 25 THE COURT: NOT YET. BUT LET ME HEAR WHERE THIS IS
 26 GOING, AND THEN YOU CAN RENEW THAT IN A MOMENT. I NEED TO GET

1 A LITTLE CONTEXT.
 2 MR. VOSS: IT WILL OPEN --
 3 BY MR. HART:
 4 Q OKAY. ON PAGE 5 OF EXHIBIT 16, DO YOU SEE
 5 THAT, PARTICULARLY PARAGRAPH 12?
 6 A YES.
 7 MR. VOSS: ONE MOMENT. PAGE 5?
 8 THE COURT: PAGE 5 OF THE EXHIBIT, NOT OF THE PAGE
 9 NUMBERING OF THE DOCUMENT ITSELF. AND IT'S PARAGRAPH 12.
 10 MR. HART: RIGHT.
 11 BY MR. HART:
 12 Q AND SO TAKE A MINUTE TO READ THE INDENTED
 13 QUOTATION. AND THEN I'M GOING TO ASK YOU A QUESTION ABOUT
 14 THAT. OKAY?
 15 MR. VOSS: YOUR HONOR, I RENEW MY OBJECTION UNDER
 16 352. THIS IS JUST CUMULATIVE.
 17 THE COURT: LET ME READ IT.
 18 WAIT. LET ME HEAR THE QUESTION, MR. HART.
 19 AND THEN YOU CAN ASSERT YOUR OBJECTION.
 20 BY MR. HART:
 21 Q HAVE YOU READ THE INDENTED QUOTATION --
 22 A YES.
 23 Q -- IN PARAGRAPH 12?
 24 A YES.
 25 MR. VOSS: AND MY OBJECTION THAT IT'S UNDER 352 AND
 26 IT'S JUST CUMULATIVE.

1 THE COURT: OKAY. AND AS I JUST SAID, THAT IS
 2 OVERRULED. LET ME HEAR WHAT THE FOLLOW-UP QUESTION IS. AND
 3 THEN YOU CAN REASSERT THAT OBJECTION.
 4 BY MR. HART:
 5 Q DO YOU SEE IN -- THE LAST TWO SENTENCES OF THE
 6 INDENTED QUOTATION PART, DR. THANG?
 7 A YES.
 8 Q AND THOSE LAST TWO SENTENCES ARE, IN FACT, THE
 9 SAME TWO SENTENCES THAT ARE ON THE WHITEBOARD; ARE THEY NOT?
 10 MR. VOSS: OBJECTION, YOUR HONOR. 352. BRING AN
 11 ANTI-SLAPP.
 12 THE COURT: OVERRULED. THIS IS STILL FOUNDATIONAL.
 13 I'M TRYING TO HEAR WHAT THE ULTIMATE QUESTION IS. AND THEN
 14 YOU MAY ASSERT THE 352 WHEN I FIND OUT WHAT THE ULTIMATE
 15 QUESTION IS.
 16 THE WITNESS: IT IS.
 17 BY MR. HART:
 18 Q IT IS THE SAME; THOSE ARE THE SAME TWO
 19 SENTENCES.
 20 WHEN YOU PUBLISHED THOSE TWO SENTENCES IN YOUR
 21 MAY 25, 2020 ARTICLE, YOU DIDN'T KNOW WHETHER THEY WERE TRUE
 22 OR NOT; DID YOU?
 23 MR. VOSS: OBJECTION, YOUR HONOR, 352. THIS DOCUMENT
 24 IS NOT NEEDED. IT'S ALREADY ON THE BOARD. THIS DOCUMENT IS
 25 CUMULATIVE AND --
 26 THE COURT: AND THERE'S BEEN NO REQUEST TO ADMIT IT

1 INTO EVIDENCE YET.
 2 OVERRULED.
 3 BY MR. HART:
 4 Q OKAY. IS IT CORRECT, DR. THANG, THAT YOU
 5 STATED IN THIS DECLARATION, UNDER OATH, THAT THOSE TWO
 6 SENTENCES WERE WHAT YOU WROTE IN YOUR ARTICLE?
 7 A CORRECT.
 8 Q AND AS YOU SIT HERE TODAY, CAN YOU TELL US
 9 THAT, AT THE TIME YOU WROTE THOSE TWO SENTENCES IN YOUR
 10 ARTICLE, YOU HAD NO IDEA WHETHER THEY WERE TRUE OR NOT?
 11 A THAT'S NOT CORRECT. I HAVE VAGUELY IDEA THAT
 12 THEY WERE TRUE.
 13 MR. HART: OKAY. SO NOW I'D LIKE TO READ FROM THE
 14 WITNESS' DEPOSITION, BEGINNING AT PAGE 81.
 15 MR. VOSS: FOR CLARITY, IS THIS BEING OFFERED AS
 16 IMPEACHMENT?
 17 MR. HART: YES, OFFERED AS IMPEACHMENT.
 18 MR. VOSS: I OBJECT TO THE READING AS OFFERED FOR
 19 IMPEACHMENT, BEING THAT THE ANSWER JUST GIVEN IS NOT IMPEACHED
 20 BY THE PROFFERED READING THAT IS SUGGESTED.
 21 THE COURT: ALL RIGHT. WE'LL NOTE AND ACKNOWLEDGE
 22 THE OBJECTIONS. AND WE'LL ALLOW IT TO BE READ. WE HAVE A
 23 WITNESS, A PARTY WITNESS, AND IT IS ALSO POTENTIALLY
 24 IMPEACHMENT AS WELL.
 25 SO YOU MAY GO AHEAD.
 26 MR. HART: RIGHT. SO FOR THE RECORD --

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1 THE COURT: WALK CAREFULLY, BECAUSE WE TALKED ABOUT
2 WHAT PORTIONS, SO LET'S MAKE SURE WE ARE ALL ON THE SAME PAGE.
3 MR. VOSS: THANK YOU, YOUR HONOR.
4 MR. HART: FOR THE RECORD, I'M INTENDING TO READ FROM
5 PAGE 81, LINE 10 THROUGH PAGE 90, LINE 19, MINUS THE COLLOQUY
6 AMONG COUNSEL.
7 THE COURT: I WILL NOTE FOR THE RECORD, WE KIND OF
8 WENT THROUGH THIS OFF THE RECORD, AND SO WE'LL FOLLOW ALONG TO
9 TRY AND MAKE SURE WE'RE ALL ON THE SAME PAGE IN TERMS OF THE
10 EXTRA STUFF THAT WE'RE NOT INCLUDING.
11 YOU MAY CONTINUE.
12 MR. HART: THANK YOU, JUDGE. (AS READ:)
13 "QUESTION: I'M READING FROM THE
14 TRANSLATION THAT YOU PROVIDED OF WHAT YOU
15 SAID IN THE ARTICLE. AND I WANT YOU TO
16 TELL ME WHAT, IF ANYTHING, FROM EITHER OF
17 THESE TWO SENTENCES IS NOT CORRECT?
18 "QUESTION: WHAT I'M ASKING IS
19 WHETHER THIS INCORRECTLY STATES WHAT YOU
20 PUT IN YOUR ARTICLE? DOES YOUR ARTICLE
21 SAY: 'MR. KHOA FALSELY CLAIMED THAT HE
22 HELD A DOCTORAL DEGREE IN THE APPLICATION
23 FOR A GRANT FROM THE DEPARTMENT OF STATE?'
24 IS THAT SENTENCE NOT TRANSLATED CORRECTLY
25 FROM YOUR ARTICLE, MEANING IS THAT NOT WHAT
26 YOU MEANT TO SAY?

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1 "QUESTION: ARE THOSE YOUR WORDS OR
2 THE WORDS OF THE CONGRESSMAN?
3 "ANSWER: I REPORTED THE CONTENT OF
4 CONGRESSMAN DORNAN'S LETTER DATED
5 APRIL 30TH."
6 WE'RE NOW ON PAGE 84, AT LINE 12: (AS READ:)
7 "QUESTION: DR. THANG, THE TWO
8 SENTENCES THAT I HAVE READ, ARE THEY
9 ACCURATELY TRANSCRIBED FROM YOUR REPORT OF
10 WHAT CONGRESSMAN DORNAN SAID IN HIS LETTER?
11 "ANSWER: TRANSLATED, YOU MEAN;
12 RIGHT?
13 "QUESTION: ARE THEY ACCURATELY SET
14 FORTH?
15 "ANSWER: IT'S NOT TOTALLY ACCURATE.
16 "QUESTION: WHAT'S WRONG ABOUT IT?
17 "ANSWER: NO.
18 "WHAT'S WRONG ABOUT IT?
19 "ANSWER: FOR INSTANCE, THE
20 TRANSLATION SAYS THAT, ON A FRAUDULENT
21 BACKGROUND STATEMENT USED WHEN APPLYING FOR
22 FEDERAL GRANT, WHAT I WROTE -- THIS IS NOT
23 OFFICIAL TRANSLATION -- MEANS THAT -- ABOUT
24 THE ACT OF FALSIFYING THE BIO TO APPLY FOR
25 FEDERAL GRANT OR FUNDING IN GENERAL.
26 "QUESTION: OKAY.

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1 "ANSWER: AND, HERE, IT SAYS THAT
2 'THAT WAS A CRIMINAL OFFENSE'. WHAT I SAID
3 IS, 'THAT IS A CRIMINAL OFFENSE'.
4 "QUESTION: OKAY. IS THERE ANYTHING
5 ELSE THAT YOU DISAGREE WITH IN TERMS OF THE
6 ENGLISH TRANSLATION OF THE SENTENCE BETWEEN
7 THOSE TWO POINTS?
8 "ANSWER: YES. IN MY ORIGINAL
9 WRITING, I WROTE THAT MR. KHOA FALSELY
10 CLAIMED TO BE A DOCTOR IN HIS APPLICATION
11 FOR GRANTS FROM THE DEPARTMENT OF STATE.
12 IN HERE IT SAYS THAT HE HELD A DOCTORAL
13 DEGREE. SO THAT'S A DIFFERENCE.
14 "QUESTION: ANY OTHER DIFFERENCES?
15 "ANSWER: I SAW THOSE THREE.
16 "QUESTION: WHEN YOU WROTE THE MAY
17 25 ARTICLE, DID YOU SAY -- THIS MAY 25TH OF
18 2020, DID YOU SAY -- OR DID YOU GO BACK AND
19 LOOK AT DORNAN'S LETTER AGAIN?
20 "(NO RESPONSE.)
21 "QUESTION: WHY DID YOU -- "
22 THE COURT: NO, "(NO AUDIBLE RESPONSE.)"
23 MR. HART: RIGHT. (AS READ:)
24 "WHY DID YOU SAY CHRISTOPHER SMITH?
25 IF YOU HAD DORNAN'S ACTUAL LETTER TO LOOK
26 AT, WHY DID YOU MAKE THAT MISTAKE ABOUT

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1 SMITH VERSUS DORNAN?
2 "ANSWER: BECAUSE I WAS TALKING
3 ABOUT SMITH AT THE TIME, I GUESS. I MUST
4 HAVE MEANT DORNAN, BUT THROUGHOUT THE
5 ARTICLE, IT'S JUST A TYPO, YOU KNOW.
6 "QUESTION: SO THE QUESTION IS,
7 BEFORE YOU PUBLISHED THAT ARTICLE, DID YOU
8 GO BACK AND LOOK AT THE LETTER?
9 "I LOOKED AT THE LETTER WHEN I WAS
10 WRITING.
11 "QUESTION: OKAY. AND THEN DID YOU
12 MISPLACE THE LETTER AFTER THAT?
13 "ANSWER: NO, I HAD IT IN MY
14 ARCHIVE.
15 "QUESTION: YOU ALWAYS HAD IT?
16 "ANSWER: YES, YES.
17 "AND YET THE -- QUESTION: AND YET
18 THE -- I THINK IN THE EARLY DAYS OF THE
19 LITIGATION, EVEN THE SLAPP MOTION, IT WAS
20 REFERRED TO AS 'SMITH'?
21 "ANSWER: NO, I THINK WE CORRECTED
22 IT.
23 "QUESTION: DID YOU DO ANY OTHER
24 RESEARCH BEFORE YOU PUBLISHED THAT ARTICLE
25 TO MAKE SURE THAT -- THAT YOU SAID IT
26 ACCURATELY?

1 "ANSWER: NO. WE HAD A LOT OF
2 DOCUMENTS ABOUT THE ISSUE AT THE TIME AS I
3 READ IT, YEAH.
4 "QUESTION: ALL RIGHT. SO TELL ME
5 WHAT YOU LOOKED AT BEFORE YOU PUBLISHED THE
6 MAY 25, 2020 ARTICLE.
7 "ANSWER: I LOOKED AT A SERIES OF
8 LETTERS FROM CONGRESSMAN DORNAN -- I ALMOST
9 SAID SMITH AGAIN -- DORNAN TO DIFFERENT
10 FUNDING AGENCIES REQUESTING INVESTIGATION
11 OF MR. KHOA AND S.E.A.R.A.C. AND DEMANDING
12 COPIES OF S.E.A.R.A.C.'S PROPOSALS AND
13 I.R.A.C.'S PROPOSALS TO THOSE TWO FEDERAL
14 AGENCIES.
15 "QUESTION: SO YOU LOOKED AT THESE
16 LETTERS BEFORE YOU PUBLISHED THE ARTICLE?
17 "ANSWER: YES.
18 "QUESTION: OKAY. AND EXHIBIT F IS
19 THE APRIL 30, 1996 LETTER. TELL ME WHAT IT
20 IS IN THAT LETTER THAT SUPPORTS WHAT YOU
21 WROTE ABOUT LE XUAN KHOA.
22 "ANSWER: IT ADDRESSES THE HONORABLE
23 JACQUELINE L. WILLIAMS-BRIDGERS, INSPECTOR
24 GENERAL OF THE U.S. DEPARTMENT OF STATE.
25 AND IN HERE, AS DORNAN WROTE, 'I HEREBY
26 REQUEST THAT YOUR INSPECTOR GENERAL'S

1 OFFICE INVESTIGATE THESE MATTERS AND
2 PROVIDE ME WITH THE FOLLOWING INFORMATION
3 BY MAY 30, 1996.
4 "AND WHAT WERE THOSE MATTERS?
5 "THE FIVE MATTERS. THE FIFTH ONE IS
6 MR. KHOA'S SELF-PROMOTION AS A PH.D.
7 HOWEVER, HE RECENTLY ADMITTED THAT HE DOES
8 NOT HAVE SUCH A DEGREE. HIS
9 MISREPRESENTATION OF ACADEMIC CREDENTIALS
10 MAY HAVE RESULTED IN HIS RECEIVING STATE
11 DEPARTMENT GRANTS OVER COMPETING
12 APPLICANTS.
13 "QUESTION: IS IT YOUR POSITION THAT
14 THIS LETTER, THIS APRIL 30, 1996 LETTER,
15 MAKES THE COMMENT YOU WROTE IN YOUR ARTICLE
16 TRUE?
17 "QUESTION: IN YOUR OPINION,
18 DR. THANG, WHEN YOU WROTE THESE -- THOSE
19 COMMENTS THAT WE JUST ARGUED ABOUT FOR THE
20 LAST 30 MINUTES IN YOUR ARTICLE, DID YOU
21 BELIEVE THEY WERE TRUE WHEN YOU WROTE THEM?
22 "I HAVE NO IDEA. IT'S JUST REQUEST
23 FOR INVESTIGATION; RIGHT? THERE HASN'T
24 BEEN ANY RESULT OR REPORT YET. SO THIS WAS
25 JUST REQUEST. SO I JUST PARAPHRASED
26 EXACTLY THE LETTER OF MR. DORNAN. THAT IS,

1 THERE IS A REQUEST FOR INVESTIGATION.
2 "QUESTION: IS IT YOUR OPINION, FROM
3 LOOKING AT THIS APRIL 30TH LETTER, THAT
4 MR. DORNAN IS ASKING SOMEBODY TO
5 INVESTIGATE MR. KHOA'S FALSE CLAIM OF
6 PH.D.?
7 "ANSWER: YES, IT'S RIGHT HERE.
8 THAT'S WHAT HE SAID.
9 "QUESTION: ARE THERE ANY OTHER
10 LETTERS THAT TEND TO SUPPORT WHAT YOU WROTE
11 IN THE MAY 25 ARTICLE ABOUT MR. KHOA?
12 "ANSWER: I JUST CITED THIS LETTER."
13 (DONE READING.)
14 BY MR. HART:
15 Q DR. THANG, YOU HAVE WRITTEN ABOUT THIS LAWSUIT
16 AFTER THE LAWSUIT WAS FILED; HAVE YOU NOT?
17 A YES.
18 Q TAKE A LOOK, PLEASE, AT EXHIBIT 13.
19 DO YOU RECOGNIZE EXHIBIT 13?
20 A YES.
21 Q WHAT DO YOU RECOGNIZE IT TO BE?
22 A THIS WAS MY ARTICLE DATED SEPTEMBER 4, 2023.
23 Q AND WHERE WAS THIS ARTICLE PUBLISHED?
24 A ON THE MACH SONG MEDIA. THAT IS THE WEBSITE OF
25 BOAT PEOPLE S.O.S.
26 Q I'M SORRY?

1 A IT'S THE WEBSITE.
2 Q HOW MANY PEOPLE ARE SUBSCRIBED TO MACH SONG
3 MEDIA?
4 A WE HAVE ABOUT 8,000.
5 Q AND WHO ARE THESE PEOPLE? HOW DO YOU GET THEIR
6 SUBSCRIPTIONS?
7 A WELL, THESE ARE THE PEOPLE WHO ARE CONCERNED
8 ABOUT REFUGEE ISSUES MAINLY AND ABOUT OUR ACTIVITIES SUCH AS
9 RESCUING VICTIMS OF HUMAN TRAFFICKING, DEFENDING CHRISTIANS
10 AND OTHER PEOPLE FAITH AGAINST BEING PERSECUTED BY THE
11 COMMUNIST REGIME IN VIETNAM.
12 Q OKAY. AREN'T THESE 8,000 PEOPLE FORMER
13 DONATORS OR DONORS TO B.P.S.O.S.?
14 MR. VOSS: OBJECTION, YOUR HONOR. RELEVANCE AND 352.
15 THIS IS POST-LAWSUIT WRITINGS.
16 MR. HART: I'M SORRY, THIS IS A GENERAL QUESTION.
17 THE COURT: WAIT. WE'LL INVITE ARGUMENT, IF
18 NECESSARY. THE QUESTION IS JUST SIMPLY ABOUT THE SUBSCRIBERS
19 RIGHT NOW. SO WE'LL SEE WHAT COMES UP AS THE ARTICLE.
20 THE WITNESS: YES.
21 THE COURT: GO AHEAD. YOU MAY RESPOND.
22 THE WITNESS: YES, MANY OF THEM DONATED TO BOAT
23 PEOPLE S.O.S.
24 BY MR. HART:
25 Q OKAY. AND SO WHENEVER YOU PUBLISH AN ARTICLE
26 ON THE MACH SONG MEDIA WEBSITE, ANYBODY WHO GOES TO THE

1 WEBSITE CAN READ IT; RIGHT?
 2 A THAT'S CORRECT.
 3 Q AND IN ADDITION TO THAT, YOU EMAIL IT OUT TO AT
 4 LEAST 8,000 PEOPLE?
 5 A OH, I'M SORRY. WE DON'T HAVE SUBSCRIBERS TO
 6 THE WEBSITE. WE SEND OUT TO 8,000 PEOPLE.
 7 Q RIGHT.
 8 A YEAH.
 9 Q YOU SEND IT OUT BY EMAIL?
 10 A BY EMAIL.
 11 Q OKAY. SO ANYTHING YOU PUBLISH ON MACH SONG
 12 MEDIA GOES TWO DIFFERENT WAYS; ONE TO THE WEBSITE WHERE THEY
 13 CAN LOOK AT IT?
 14 A THAT'S RIGHT.
 15 Q AND THE OTHER IS EMAIL TO THE 8,000-PERSON
 16 EMAIL LIST?
 17 A CORRECT.
 18 MR. VOSS: OBJECTION, AGAIN, YOUR HONOR. 352 AND
 19 RELEVANCE OF POST-LITIGATION COMMUNICATIONS AT ALL.
 20 THE COURT: OKAY. OVERRULED.
 21 I'M TAKING THIS AS IN GENERAL, NOT SPECIFIC TO
 22 THIS ARTICLE, BUT IN GENERAL WHO THESE ARE SENT TO.
 23 MR. VOSS: THEN OBJECT AS TO THE FORM OF THE QUESTION
 24 AS VAGUE, BECAUSE ARE WE ASKING ABOUT ANY PRIOR, OR ARE WE NOW
 25 ASKING IN THE FUTURE? THE QUESTION IS UNCLEAR.
 26 THE COURT: IF YOU COULD CLARIFY, MR. HART.

1 BY MR. HART:
 2 Q HOW LONG HAS IT BEEN THE PRACTICE OF B.P.S.O.S.
 3 TO EMAIL OUT TO THE PEOPLE ON THEIR EMAIL LIST WHAT YOU POST
 4 ON MACH SONG MEDIA?
 5 A SINCE RIGHT AFTER 2001, 9/11.
 6 Q OKAY. SO OVER 20 YEARS?
 7 A YES.
 8 Q SO THAT MEANS YOUR MAY 25TH, 2020 ARTICLE WAS
 9 SIMILARLY POSTED ON THE WEBSITE AND EMAILED OUT TO 8,000
 10 PEOPLE?
 11 A CORRECT.
 12 Q SO IF THEY OPENED THE EMAIL AND READ IT, THEN
 13 AT LEAST 8,000 PEOPLE READ THE TWO SENTENCES ABOUT MR. KHOA;
 14 DIDN'T THEY?
 15 A USUALLY, THE READERSHIP WAS ABOUT --
 16 MR. VOSS: OBJECTION. PRESUMES FACTS NOT IN
 17 EVIDENCE. CALLS FOR SPECULATION.
 18 THE COURT: OVERRULED.
 19 THE WITNESS: ABOUT 200 TO ABOUT 500 PEOPLE WOULD
 20 OPEN THE EMAIL AND READ THE ARTICLE.
 21 BY MR. HART:
 22 Q HOW DO YOU KNOW THAT?
 23 A BECAUSE WE HAVE A TRACKER IN OUR MACH SONG
 24 WEBSITE WHICH STATES HOW MANY VIEWERS, HOW MANY READERS.
 25 Q SO THAT TELLS YOU HOW MANY PEOPLE ARE LOOKING
 26 AT THE WEBSITE?

1 A YES.
 2 Q BUT YOU DON'T KNOW HOW MANY OF THE 8,000 EMAILS
 3 OPEN AND READ WHAT --
 4 A NO, WE DON'T.
 5 Q I'M SORRY?
 6 A NO, WE DON'T.
 7 Q "WE DON'T"?
 8 A WE DO NOT KNOW.
 9 Q OKAY. BUT WE KNOW WE SENT IT OUT TO AT LEAST
 10 8,000 EMAILS?
 11 A THAT'S CORRECT.
 12 Q AND SO THIS EXHIBIT 13 WAS SIMILARLY EMAILED
 13 OUT TO 8,000 PEOPLE AND POSTED ON THE WEBSITE?
 14 A CORRECT.
 15 Q NOW, MY QUESTION IS: WHY DID YOU FIND IT
 16 NECESSARY TO DISCUSS THE PENDING LAWSUIT WITH THE 8,000 PEOPLE
 17 AND WHOEVER LOOKS AT THE WEBSITE?
 18 MR. VOSS: OBJECTION. RELEVANCE. 352.
 19 THE COURT: SUSTAINED. UNLESS THERE'S SOME SPECIFIC
 20 COMMENT IN HERE THAT WE CAN FIND -- BE DIRECTED TO.
 21 BY MR. HART:
 22 Q WHEN YOU WROTE THESE POST-LAWSUIT ARTICLES, DID
 23 YOU MAKE ANY COMMENTS ABOUT WHETHER THE TWO STATEMENTS ON THE
 24 WHITEBOARD WERE TRUE?
 25 MR. VOSS: OBJECTION. RELEVANCE AND PRESUMES FACTS
 26 NOT IN EVIDENCE.

1 THE COURT: OVERRULED.
 2 MR. HART: LET ME DRAW YOUR ATTENTION TO PAGE 14 OF
 3 EXHIBIT 13.
 4 THE WITNESS: I'M ON PAGE 14.
 5 BY MR. HART:
 6 Q YOU SEE DOWN AT THE BOTTOM, THE REMAINING ONE
 7 QUARTER?
 8 A RIGHT.
 9 Q "THE ONLY PART THAT HAS NOT BEEN RESOLVED
 10 CONCERNS THE CONTENT MR. KHOA FALSELY DECLARED HIMSELF A
 11 PH.D."
 12 DO YOU SEE THAT?
 13 A YES.
 14 Q SO HERE YOU HAVE, IN 2023, REPUBLISHED THE TWO
 15 SENTENCES, HAVEN'T YOU?
 16 MR. VOSS: OBJECTION, YOUR HONOR. RELEVANCE. 352.
 17 LITIGATION PRIVILEGE. WE KNOW THE CURRENT LAWSUIT ISN'T
 18 SEEKING RECOVERY FOR THIS STATEMENT. THERE'S NO REPUBLICATION
 19 ALLEGATION.
 20 THE COURT: THERE IS NO REPUBLICATION ALLEGATION.
 21 THAT IS CORRECT.
 22 MR. HART: WELL, I LOATH TO ENTER INTO A SPEAKING
 23 ARGUMENT WITH THE COURT OVER THIS ISSUE. HOWEVER, REGARDLESS
 24 OF WHETHER IT'S REPUBLISHED OR NOT, THIS CONSTITUTES AN
 25 ADMISSION BY THE DEFENDANT THAT --
 26 THE COURT: ALL RIGHT. WAIT. WAIT. IN THE HALLWAY.

1 MR. HART: THANK YOU, YOUR HONOR.
 2 (SIDEBAR. NO REPORTER.)
 3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE
 4 PRESENCE OF THE JURY:)
 5 THE COURT: THANK YOU, LADIES AND GENTLEMEN. THANK
 6 YOU VERY MUCH FOR YOUR PATIENCE THERE.
 7 THEN WE WILL TURN TO MR. HART.
 8 BY MR. HART:
 9 Q DR. THANG, WHEN YOU WROTE THESE TWO SENTENCES
 10 IN YOUR MAY 25, 2020 ARTICLE, YOU IDENTIFIED MR. KHOA;
 11 CORRECT?
 12 A YES.
 13 Q WERE YOU TALKING ABOUT ANYBODY ELSE BESIDES
 14 HIM?
 15 A JUST HIM.
 16 MR. HART: NO FURTHER QUESTIONS AT THIS TIME, JUDGE.
 17 THE COURT: THANK YOU VERY MUCH.
 18 MR. VOSS: MAY WE HAVE A MOMENT, YOUR HONOR?
 19 THE COURT: BRIEFLY.
 20 CROSS-EXAMINATION
 21 BY MR. VOSS:
 22 Q DR. THANG, WE JUST HAD A LONG READING FROM YOUR
 23 DEPOSITION TESTIMONY. DO YOU RECOLLECT THAT, JUST A FEW
 24 MINUTES AGO?
 25 A YES.
 26 Q AND BURIED IN ALL THAT LONG READING WAS, AT

1 PAGE 89, LINE 21, A QUESTION THAT YOU WERE ASKED: (AS READ:)
 2 "IN YOUR OPINION, DR. THANG, WHEN
 3 YOU WROTE THOSE COMMENTS WE JUST ARGUED
 4 ABOUT FOR THE LAST 30 MINUTES IN YOUR
 5 ARTICLE, DID YOU BELIEVE THEY WERE TRUE
 6 WHEN YOU WROTE THEM?
 7 "ANSWER: I HAVE NO IDEA. IT'S JUST
 8 REQUEST FOR INVESTIGATION; RIGHT? THERE
 9 HASN'T BEEN ANY RESULT OR REPORT YET. SO
 10 THIS WAS JUST REQUEST. SO I JUST
 11 PARAPHRASED EXACTLY THE LETTER OF
 12 MR. DORNAN, AND THAT IS, THERE IS A REQUEST
 13 FOR INVESTIGATION."
 14 AS TO THE FIRST PART OF YOUR ANSWER WHERE YOU SAID,
 15 "I HAVE NO IDEA," WHAT DID YOU MEAN IN SAYING THAT?
 16 A IT WAS THE START OF MY QUESTION TO COUNSEL
 17 HERE, MR. HART.
 18 I'M SORRY. MY VOICE IS A LITTLE BIT COURSE.
 19 I INTEND TO ASK HIM -- BECAUSE HE ASKED A VERY
 20 GENERAL, BROAD QUESTION, ABOUT 30 MINUTES OF CONVERSATION. SO
 21 I WAS ABOUT TO ASK HIM, "I HAVE NO IDEA WHAT YOU ARE REFERRING
 22 TO," BUT THEN I WAS INTERRUPTED IN MID-SENTENCE.
 23 AND THEN AFTER INTERRUPTION, I CONTINUED MY
 24 QUESTION TO HIM, IS THAT: "ARE YOU TALKING ABOUT THIS LETTER
 25 DATED APRIL 30, 1996 OR NOT? WAS IT RIGHT?
 26 BECAUSE AT THE TIME, THE LETTER WAS IN FRONT OF

1 ME.
 2 Q AND, DR. THANG, WHEN YOU WERE ASKED ON PAGE 88
 3 OF THAT LONG QUOTE WHETHER YOU HAD -- YOUR ANSWER WAS: "WE
 4 HAD A LOT OF DOCUMENTS ABOUT THE ISSUE AT THE TIME. YEAH, SO
 5 I READ IT, YEAH."
 6 AND THAT WAS CONTEMPORANEOUS WITH PUBLISHING
 7 YOUR MAY 25, 2020 ARTICLE; RIGHT?
 8 A I DON'T GET THAT. CAN YOU READ IT AGAIN?
 9 Q SO YOU WERE ASKED: "DID YOU DO OTHER RESEARCH
 10 BEFORE YOU PUBLISHED THE ARTICLE TO MAKE SURE YOU SAID IT
 11 ACCURATELY?
 12 YOU SAID: "ANSWER: NO. WE HAD A LOT OF DOCUMENTS
 13 ABOUT THE ISSUE AT THE TIME. YEAH, SO I READ IT, YEAH."
 14 SO IS IT CORRECT TO SAY THAT YOU WERE -- LOOKED AT
 15 THE LETTERS FROM THE CONGRESSMAN AT THE TIME YOU WROTE THE
 16 LETTER?
 17 A YES. AND ALSO I SAID: NO, WE DIDN'T NEED TO
 18 DO ANY FURTHER RESEARCH BECAUSE WE ALREADY HAVE PLENTY OF
 19 EVIDENCE IN OUR ARCHIVE.
 20 Q AND IN ADDITION TO LOOKING AT A PARTICULAR
 21 DOCUMENT, YOU HAD OTHER KNOWLEDGE THAT ALLOWED YOU TO BE ABLE
 22 TO MAKE THAT STATEMENT --
 23 A THAT'S TRUE. IT'S IN THE DEPOSITION.
 24 THE COURT: OKAY. MAKE SURE THAT WE DON'T SPEAK OVER
 25 ONE ANOTHER SO THAT WE HAVE A CLEAR -- IT'S DIFFICULT ENOUGH
 26 TO GET EVERYTHING DOWN BY THE COURT REPORTER. SO WE NEED TO

1 WAIT AND HAVE A PAUSE THERE.
 2 MR. HART: YOUR HONOR, I NEED TO OBJECT THAT THESE
 3 QUESTIONS ARE LEADING. AND THIS IS TECHNICALLY DIRECT, SO
 4 IT'S IMPROPER FORM OF QUESTION ON DIRECT.
 5 MR. VOSS: IT'S CROSS.
 6 MR. HART: MY EXAM WAS CROSS.
 7 THE COURT: THE LEADING TO DIRECT, BUT NOT -- SO BE
 8 CAREFUL OF THE LEADING. SO IF SOMETHING -- IT'S FOUNDATIONAL
 9 TO DIRECT TO THE AREA OF THE THING, BUT OTHERWISE THAT GETS
 10 BEYOND. SO BE CAREFUL OF THE LEADING QUESTIONS.
 11 BY MR. VOSS:
 12 Q SO WHEN YOU WERE ASKED ABOUT DOING ANY OTHER
 13 RESEARCH, DID YOU HAVE OTHER INFORMATION AVAILABLE TO YOU THAT
 14 INFORMED YOU AS TO THE TRUTH OF THE SENTENCE THAT YOU WROTE?
 15 A YES, BECAUSE I SPEND -- AS I ALREADY MENTIONED
 16 BEFORE, I FREQUENTLY MET WITH MR. SANTOLI ON ANOTHER ISSUE
 17 RELATING TO REFUGEES, BUT HE ALSO KEPT ME POSTED ON THE
 18 ONGOING INVESTIGATION THAT HE WAS RESPONSIBLE FOR AND WENT ON
 19 FOR A TOTAL OF ABOUT FOUR MONTHS, YES.
 20 SO HE EXPLAINED A LOT OF THINGS TO ME, EVEN
 21 THOUGH IT'S NOT MY MAIN ISSUE OF INTEREST. AND LATER ON -- AT
 22 THE TIME, I DIDN'T KNOW MUCH ABOUT THE LAW. I WAS STILL A
 23 PH.D. STUDENT, PH.D. GRADUATE, RECENTLY NEW, WORKING FULL TIME
 24 AT THE U.S. NAVY AND ONLY SPENDING PART TIME, ON A VOLUNTEER
 25 BASIS, TO TRY TO GET THE LEGISLATURE THAT I MENTIONED, TO GET
 26 IT PASSED IN CONGRESS TO SAVE ABOUT -- TENS OF THOUSANDS BOAT

1 PEOPLE FROM BEING REPATRIATED. SO I DIDN'T HAVE MUCH TIME.
 2 HOWEVER, HE EXPLAIN TO ME THAT PRESENTING FALSE
 3 STATEMENTS --
 4 MR. HART: OBJECTION. HEARSAY.
 5 THE COURT: ALL RIGHT. SO OVERRULED IN THAT THIS
 6 IS -- AND THIS IS NOT -- ANY STATEMENT HERE IS NOT TO BE TAKEN
 7 FOR THE TRUTH OF THE MATTER ASSERTED. IT IS TO BE -- IT'S
 8 SIMPLY OFFERED AS WHAT HE WAS -- INFORMATION HE WAS
 9 CONSIDERING.
 10 THE WITNESS: THANK YOU.
 11 MR. VOSS: THANK YOU, YOUR HONOR.
 12 THE WITNESS: I HAVEN'T FINISHED. CAN I CONTINUE?
 13 THE COURT: BRIEFLY, YES, BECAUSE WE'RE STARTING TO
 14 GET TO A NARRATIVE HERE.
 15 TURN TO YOUR COUNSEL, ACTUALLY.
 16 MR. VOSS: I'M MOVING ON TO A DIFFERENT QUESTION.
 17 BY MR. VOSS:
 18 Q I'D LIKE TO RETURN TO EXHIBIT NUMBER 221.
 19 MR. VOSS: MAY I PROCEED, YOUR HONOR?
 20 THE COURT: YOU MAY.
 21 BY MR. VOSS:
 22 Q I'D LIKE TO DIRECT YOUR ATTENTION TO PAGE 221-5
 23 FIRST.
 24 A I'M THERE.
 25 Q OKAY. IS IT CORRECT TO SAY THAT THIS BEGINS
 26 THE SEVERAL PAGES RELATING TO THE RESUME OF LE XUAN KHOA?

1 A IT IS.
 2 Q AND THIS ALSO CONTAINS THE REFERENCE IN IT TO
 3 THE DOCTORAL THESIS; CORRECT?
 4 A CORRECT.
 5 Q NOW, AS PART OF 221, IF YOU WOULD GO BACK AND
 6 LOOK AT 221-4.
 7 AND THIS WAS ALSO A PAGE INCLUDED IN THE
 8 APPLICATION OF THE INDO RESOURCE ACTION CENTER -- INDOCHINA
 9 RESOURCE ACTION CENTER; CORRECT?
 10 A CORRECT.
 11 MR. HART: OBJECTION. FOUNDATION.
 12 MR. VOSS: IT'S BEEN RECEIVED.
 13 THE COURT: OVERRULED. IT'S BEEN ADMITTED IN
 14 EVIDENCE IN TERMS OF --
 15 MR. HART: I'M NOT ARGUING THAT, JUDGE. IT'S JUST
 16 THAT THE QUESTION IS, THIS WAS INCLUDED IN THE APPLICATION.
 17 WE DON'T KNOW THAT. AND I'M OBJECTING ON FOUNDATION THAT HE
 18 DOESN'T KNOW THAT.
 19 THE COURT: IT'S PART OF THE APPLICATION THAT'S
 20 BEEN --
 21 MR. HART: SO THE APPLICATION IS ADMITTED. I
 22 UNDERSTAND THAT. BUT WHETHER THIS WAS PART OF THE APPLICATION
 23 IS NOT ESTABLISHED, AND HE LACKS FOUNDATION TO SAY IT.
 24 I'M SORRY, IT'S IN THIS COPY, AGREED. BUT I
 25 DON'T KNOW WHETHER THAT MEANS IT WAS INCLUDED IN THE ORIGINAL
 26 APPLICATION OR INSERTED AFTER.

1 MY OBJECTION --
 2 THE COURT: STOP. STOP. STOP. I UNDERSTAND YOUR
 3 OBJECTION. THIS HAS BEEN ADMITTED INTO EVIDENCE AS PART OF
 4 IT. IT IS OVERRULED.
 5 YOU MAY CONTINUE.
 6 BY MR. VOSS:
 7 Q AND PAGE 4 OF THE PAGE PRIOR TO THE RESUME
 8 BEING INCLUDED IS A LETTER; IS IT NOT?
 9 A YES. IT'S FROM THE REFUGEE POLICY GROUP. THAT
 10 IS A LETTER OF SUPPORT.
 11 Q AND TO WHOM IS THE LETTER ADDRESSED?
 12 A TO DR. LE XUAN KHOA, AND THEN ADDRESSING HIM
 13 AS, "DEAR, DR. KHOA."
 14 Q SO THE VERY PAGE PRIOR TO THE RESUME IS A
 15 LETTER THAT I.R.A.C. CHOSE TO INCLUDE AS PART OF THIS DOCUMENT
 16 INTRODUCING HIM AS DR. KHOA; CORRECT?
 17 MR. HART: OBJECTION. LEADING AND LACKING
 18 FOUNDATION.
 19 THE COURT: IT IS LEADING. SUSTAINED AS TO LEADING.
 20 BY MR. VOSS:
 21 Q I WANT TO DIRECT YOUR ATTENTION TO PAGE 1 OF
 22 THIS EXHIBIT, 221.
 23 WHEN YOU HAD TO PREPARE GRANTS, DID YOU HAVE TO
 24 SIGN THEM?
 25 A YES.
 26 Q OKAY.

1 A AS THE CEO.
 2 Q OKAY. AND THIS DOCUMENT ALSO CONTAINS A
 3 SIGNATURE OF LE XUAN KHOA, PRESIDENT; CORRECT?
 4 A CORRECT.
 5 Q AND AS PART OF THE DOCUMENTS SUBMITTED, IS IT
 6 CORRECT TO SAY THAT INCLUDED THEREIN -- STRIKE THAT.
 7 IS THERE ANYTHING ABOUT EXHIBIT 221-4 THAT
 8 WOULD CAUSE YOU TO BELIEVE THAT LE XUAN KHOA WAS A DOCTOR?
 9 A YES.
 10 MR. HART: OBJECTION. RELEVANCE.
 11 THE COURT: OVERRULED.
 12 THE WITNESS: YES.
 13 BY MR. VOSS:
 14 Q WHAT IS IT?
 15 A BECAUSE, FIRST OF ALL, THIS IS CLEARLY A LETTER
 16 OF SUPPORT FOR THIS GRANT APPLICATION, BECAUSE IN THE CONTENT
 17 OF LETTER IT SAYS THAT --
 18 THE COURT: WAIT. WE NEED TO FOCUS ON AND RESPOND TO
 19 THE QUESTION THAT WAS ASKED.
 20 THE WITNESS: YES. BECAUSE THIS IS PART OF THE
 21 APPLICATION PACKAGE, AND IT PRECEDED THE RESUME OF DR. KHOA.
 22 THE COURT: THAT IS NOT RESPONSIVE TO THE QUESTION,
 23 EITHER.
 24 THE WITNESS: CAN YOU REPEAT THE QUESTION?
 25 BY MR. VOSS:
 26 Q IS THERE ANYTHING ABOUT EXHIBIT 4 THAT YOU WERE

1 POINTING TO THAT WOULD TEND TO SUPPORT YOUR UNDERSTANDING AS
 2 TO WHETHER OR NOT LE XUAN KHOA WAS REPRESENTING HIMSELF AS A
 3 DOCTOR?
 4 A YES. RIGHT IN HERE, HE SAID THAT THERE'S
 5 DOCTORATE THESIS WITHOUT SPECIFYING THAT HE WAS ONLY A
 6 PH.D. CANDIDATE AND WITHOUT SPECIFYING THAT THE THESIS WAS
 7 INCOMPLETE.
 8 Q ON PAGE 4?
 9 A ON PAGE 4.
 10 Q IS THERE ANYTHING ON PAGE 4 OF SIGNIFICANCE
 11 REGARDING THE ISSUE OF WHETHER OR NOT HE WAS HOLDING HIMSELF
 12 OUT AS A DOCTOR IN THE APPLICATION FOR A GRANT?
 13 A OH, ON PAGE 4, YES.
 14 Q AND WHAT WOULD THAT BE?
 15 A IT PRECEDED THE RESUME THAT STATED THAT HE WAS
 16 A DOCTOR BASED ON WHY HE COULD HAVE BEEN -- IT COULD HAVE
 17 ASKED FOR --
 18 (REPORTER CLARIFICATION.)
 19 THE COURT: WE NEED TO, VERY CAREFULLY, LISTEN TO THE
 20 QUESTION THAT IS BEING ASKED, AND ANSWER THAT SPECIFIC
 21 QUESTION AND NONE OTHER.
 22 THE WITNESS: THANK YOU. I THOUGHT I ALREADY
 23 RESPONDED.
 24 BUT, AGAIN, YES. IN HERE STATED, VERY CLEARLY,
 25 THE LETTER SIGNED BY THE EXECUTIVE DIRECTOR OF THE REFUGEE
 26 POLICY GROUP IN SUPPORT FOR GRANT APPLICATION. IT STATED

1 ADDRESSED TO "DR. LE XUAN KHOA," AND THEN, "DEAR, DR. KHOA."
 2 MR. VOSS: THANK YOU.
 3 I HAVE NOTHING FURTHER FOR THIS WITNESS AT THIS
 4 TIME, RESERVING MY RIGHT TO CALL HIM IN ON DIRECT IN MY
 5 CASE-IN-CHIEF.
 6 THE COURT: THEN WHY DON'T WE TAKE -- WE'LL TAKE OUR
 7 BREAK, AND YOU CAN HAVE YOUR REDIRECT AFTER THE BREAK.
 8 MR. HART: THANK YOU, JUDGE.
 9 THE COURT: SO LADIES AND GENTLEMEN, IT IS 2:50. IF
 10 WE COULD BE BACK AT 3:05 TO START OUR LAST STRETCH OF THE
 11 AFTERNOON.
 12 THANK YOU VERY MUCH, LADIES AND GENTLEMEN. WE
 13 APPRECIATE IT.
 14 (JURY EXCUSED FOR AFTERNOON RECESS.)
 15 THE COURT: ANYTHING WE NEED TO DO BEFORE WE TAKE OUR
 16 BREAK?
 17 ALL COUNSEL: NO, YOUR HONOR.
 18 THE COURT: WANTED TO CHECK. SO WE'LL PICK UP WITH
 19 MR. HART'S REDIRECT AT 3:05.
 20 MR. VOSS: THANK YOU, YOUR HONOR.
 21 MR. HART: THANK YOU, JUDGE.
 22 (AFTERNOON RECESS.)
 23
 24 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE
 25 PRESENCE OF THE JURY:)
 26 THE COURT: ALL RIGHT. THEN WE HAVE BEEN REJOINED BY

1 ALL OF OUR JURORS, AND WE ARE NOW -- IF YOU COULD PLEASE COME
 2 BACK, DOCTOR, AND WE'LL GET THIS GOING.
 3 AND THEN, MR. HART, WHENEVER YOU ARE READY, GO
 4 RIGHT AHEAD.
 5 MR. HART: THANK YOU, YOUR HONOR.
 6 REDIRECT EXAMINATION
 7 BY MR. HART:
 8 Q DR. THANG, DO YOU HAVE A COPY OF YOUR
 9 DEPOSITION TRANSCRIPT UP THERE?
 10 THE COURT: I DON'T BELIEVE SO.
 11 MR. HART: CAN I PROVIDE HIM ONE?
 12 THE COURT: SURE.
 13 MR. HART: I THINK IT OCCURRED TO ME THAT IT MIGHT BE
 14 A LITTLE LESS THAN FAIR TO ASK ABOUT THESE THINGS WITHOUT
 15 LETTING HIM HAVE ONE TO LOOK AT. MAY I APPROACH, YOUR HONOR?
 16 THE COURT: YES.
 17 MR. HART: THIS IS CALLED A CONDENSED COPY. IT'S A
 18 LITTLE SMALLER PRINT, BUT WE'RE GOING TO TALK ABOUT THIS PAGE
 19 AND THE NEXT PAGE.
 20 THE COURT: AND IF YOU COULD IDENTIFY IT FOR US AND
 21 MR. VOSS WHAT PAGES YOU REFERRING TO.
 22 MR. HART: I'VE GIVEN THE WITNESS A CONDENSED COPY OF
 23 HIS DEPOSITION TRANSCRIPT, AND I REFERRED HIM TO PAGES 89 AND
 24 90.
 25 THE COURT: OKAY.
 26 BY MR. HART:

1 Q YOU'VE HAD A CHANCE TO REVIEW THOSE PAGES.
 2 SO ON REDIRECT, YOU TOLD MR. VOSS THAT WHEN YOU
 3 ANSWERED THE QUESTION WHETHER YOU BELIEVED THOSE TWO
 4 STATEMENTS TO BE TRUE WHEN YOU WROTE THEM, THAT YOU HAVE NO
 5 IDEA AND THAT YOU WERE CUT OFF?
 6 MR. VOSS: OBJECTION, YOUR HONOR. MISCHARACTERIZES
 7 THE QUESTION. AT LINES 21 THROUGH 24 --
 8 THE COURT: LET'S PUT IT THIS WAY: WHY DON'T WE SAY
 9 IN RESPONSE TO THE QUESTION AT LINES 21 TO 24, HOW ABOUT THAT?
 10 SO WE DO HAVE DON'T HAVE ANY CHARACTERIZATION ISSUE.
 11 BY MR. HART:
 12 Q ALL RIGHT. MIGHT QUESTION FOR YOU, DR. THANG,
 13 IS WHETHER YOU UNDERSTAND THE QUESTION POSED AT LINES 21 TO 24
 14 ON PAGE 89?
 15 A I DIDN'T KNOW WHAT YOU'RE REFERRING TO OVER THE
 16 PAST 30 MINUTES OF CONVERSATION.
 17 Q WERE YOU CONFUSED ABOUT THE REFERENCE TO THE
 18 TWO SENTENCES?
 19 MR. VOSS: OBJECTION, YOUR HONOR. MISCHARACTERIZES
 20 THE EVIDENCE.
 21 THE COURT: I WILL JUST READ THE QUESTION THAT WE'RE
 22 TALKING ABOUT SO THERE'S NO CONFUSION.
 23 MR. VOSS: IT'S ONLY TWO SENTENCES.
 24 MR. COURT: VERY GOOD. THE QUESTION THAT HE'S
 25 REFERRING TO FROM THE DEPOSITION TRANSCRIPT AT PAGE 89, LINES
 26 21 THROUGH 24 IS AS FOLLOWS: "IN YOUR OPINION, DR. THANG,

1 WHEN YOU WROTE THOSE COMMENTS THAT WERE JUST ARGUED ABOUT FOR
 2 THE LAST 30 MINUTES IN YOUR ARTICLE, DID YOU BELIEVE THEY WERE
 3 TRUE WHEN YOU WROTE THEM?"
 4 BY MR. HART:
 5 Q RIGHT. AND MY QUESTION TO YOU IS: WERE YOU
 6 CONFUSED ABOUT THAT QUESTION?
 7 A YES.
 8 Q OKAY. AND DID YOU SIGNAL ME IN SOME WAY THAT
 9 YOU WERE CONFUSED ABOUT THAT QUESTION?
 10 A I WAS --
 11 MR. VOSS: OBJECTION. RELEVANCE.
 12 THE COURT: OVERRULED.
 13 THE WITNESS: I WAS ABOUT TO ASK YOU. "I HAVE NO
 14 IDEA" SHOULD BE DOT, DOT, DOT, "WHAT YOU ARE TALKING ABOUT."
 15 AND THEN AFTER YOU INTERRUPTED, I CONTINUE THE QUESTION.
 16 THE COURT: THE ANSWER?
 17 THE WITNESS: OH, NO, THE QUESTION TO HIM.
 18 THE COURT: OKAY.
 19 THE WITNESS: YEAH.
 20 THE COURT: I'M SORRY.
 21 BY MR. HART:
 22 Q AND SO THAT CONTINUED QUESTION THEN APPEARS ON
 23 PAGE 90?
 24 A YES. "IT'S JUST REQUEST FOR INVESTIGATION;
 25 RIGHT?" AND I WAS POINTING TO THE LETTER OF
 26 CONGRESSMAN DORNAN; WERE YOU ASKING ME ABOUT THIS LETTER AT

1 THIS POINT?
 2 Q THE APRIL 30TH LETTER?
 3 A THAT'S RIGHT.
 4 Q CAN WE PUBLISH THAT WHILE WE'RE TALKING ABOUT
 5 IT?
 6 THE COURT: YES, THAT WAS ALREADY ADMITTED. SO YES,
 7 YOU MAY. THE EXHIBIT NUMBER ALLUDES ME.
 8 MR. VOSS: 223.
 9 THE COURT: OKAY.
 10 MR. VOSS: APRIL 30 IS 234.
 11 THE COURT: CORRECT. JUST SO WE'RE CLEAR, IS IT THE
 12 APRIL 2ND OR APRIL 30TH LETTER WE'RE LOOKING FOR?
 13 THE WITNESS: APRIL 30.
 14 MR. HART: APRIL 30TH.
 15 THE COURT: SO THAT WOULD BE EXHIBIT 234. IT HAS
 16 BEEN PREVIOUSLY ADMITTED AND MAY BE PUBLISHED.
 17 (DOCUMENT PUBLISHED.)
 18 BY MR. HART:
 19 Q SO WHAT YOU'RE TELLING US, DR. THANG, IS THAT
 20 WHEN YOU SAID, "I HAVE NO IDEA," YOU WERE POINTING TO THIS
 21 LETTER AND SAYING, IT'S JUST A REQUEST FOR INVESTIGATION;
 22 RIGHT?
 23 MR. VOSS: OBJECTION. MISCHARACTERIZES THE WITNESS'
 24 TESTIMONY.
 25 THE COURT: OVERRULED. IT'S A QUESTION AS TO, AND HE
 26 MAY RESPOND.

1 THE WITNESS: YES. I CONTINUED THE QUESTION ASKING
 2 YOU, WERE YOU REFERRING TO THIS LETTER, RIGHT, OF APRIL 30TH,
 3 1996, AND ABOUT THAT NUMBER FIVE, WITH THE NEXT PARAGRAPH
 4 ABOUT INVESTIGATED, REQUEST FOR INVESTIGATION, OF NUMBER FIVE,
 5 WHICH IS ABOUT --
 6 BY MR. HART:
 7 Q OKAY. SO I'M JUST TRYING TO GET THIS STRAIGHT.
 8 WHAT YOU'RE SAYING IS, IN FURTHER RESPONSE TO THE QUESTION
 9 ABOUT WHETHER THE COMMENTS WERE TRUE, YOU SAID, "I HAVE NO
 10 IDEA," AND YOU THEN QUESTIONED ME ABOUT ITEM NUMBER FIVE IN
 11 THE APRIL 30TH LETTER; YES?
 12 A YES.
 13 MR. VOSS: OBJECTION.
 14 THE COURT: WAIT.
 15 MR. VOSS: OBJECTION, YOUR HONOR. THAT WOULD
 16 MISCHARACTERIZE THE EVIDENCE AT PAGE 90, LINES THREE THROUGH
 17 EIGHT.
 18 THE COURT: OVERRULED. HE AGREED WITH IT.
 19 THE WITNESS: I HAVEN'T FINISHED.
 20 MR. HART: I THINK I WAS IN THE MIDDLE OF A QUESTION.
 21 THE COURT: YES.
 22 BY MR. HART:
 23 Q SO WHAT YOU'RE TELLING US IS THAT YOU'RE
 24 ANSWERING AND YOU'RE POINTING TO THIS EXHIBIT AND YOU'RE
 25 ASKING ME, "IT'S JUST A REQUEST FOR INVESTIGATION; RIGHT?" IS
 26 THAT HOW YOU EXPLAIN WHAT YOU SAID ON PAGE 89 AND 90 OF YOUR

1 DEPOSITION?
 2 A YES, IN THE SENSE THAT I WASN'T CLEAR ABOUT
 3 YOUR QUESTION RELATING TO THE 30 MINUTES PRIOR. SO I WAS
 4 ASKING YOU: WERE YOU REFERRING TO THIS SENTENCE HERE, TO
 5 THESE TWO PARAGRAPHS HERE ON THIS EXHIBIT?
 6 Q OKAY. AND YOU SEE FOLLOWING THAT STATEMENT ON
 7 PAGE 90 I ASK YOU A LITTLE CLARIFICATION: "IS IT YOUR OPINION
 8 FROM LOOKING AT THIS APRIL 30 LETTER THAT MR. DORNAN IS ASKING
 9 SOMEBODY TO INVESTIGATE MR. KHOA'S FALSE CLAIM OF PH.D.?"
 10 YOU SEE THAT PART?
 11 A YES.
 12 Q AND YOUR ANSWER WAS: "YES, IT'S RIGHT THERE.
 13 THAT'S WHAT HE SAID."
 14 SO THIS LETTER IS REQUESTING AN INVESTIGATION?
 15 A IT'S REQUESTING AN INVESTIGATION ABOUT THE
 16 RAMIFICATIONS, THE IMPACT OF MISREPRESENTING ONE'S ACADEMIC
 17 CREDENTIALS IN A GRANT APPLICATION.
 18 Q DIDN'T YOU TELL US EARLIER THAT THIS LETTER WAS
 19 THE REPORT OF A DETAILED FOUR-MONTH LONG INVESTIGATION?
 20 A IT WAS.
 21 Q SO HOW CAN IT BE BOTH?
 22 A NO, IT WAS NOT BOTH. HE, CONGRESSMAN DORNAN,
 23 INFORMED THE OFFICE OF THE INSPECTOR GENERAL OF WHAT HE HAD
 24 FOUND AFTER TRIPLY VERIFYING THE FACTS.
 25 MR. HART: OBJECTION. HEARSAY. FOUNDATION.
 26 THE COURT: AS TO THAT, YES. SO I'LL SUSTAIN IT AS

1 TO THAT STATEMENT.
 2 BY MR. HART:
 3 Q ALL RIGHT. SO LET'S MOVE ON TO YOUR
 4 EXHIBIT 221.
 5 DO YOU SEE THAT?
 6 THE COURT: THE LAST EXHIBIT IN BINDER NUMBER ONE.
 7 BY MR. HART:
 8 Q YOU SEE THAT?
 9 A YES.
 10 Q WHERE DID YOU TELL US THIS CAME FROM?
 11 A THIS CAME FROM --
 12 MR. VOSS: OBJECTION. RELEVANCE.
 13 THE COURT: OVERRULED.
 14 MR. HART: IT'S BEEN RECEIVED.
 15 THE COURT: OVERRULED.
 16 THE WITNESS: THIS CAME FROM THE UC IRVINE ARCHIVE.
 17 BY MR. HART:
 18 Q WAS THIS OBTAINED BY YOU?
 19 A IT WAS OBTAINED BY MY COUNSEL.
 20 Q SOMEBODY FROM ONE OF THE ATTORNEYS' OFFICES?
 21 A CORRECT.
 22 Q DID YOU PERSONALLY VIEW WHAT WAS IN THE ARCHIVE
 23 RELATED TO THIS PARTICULAR --
 24 A NO.
 25 Q -- REQUEST?
 26 A NO.

1 Q DID YOU EVER SEE THIS PARTICULAR REQUEST BACK
 2 IN 1985 WHEN IT WAS SUBMITTED TO THE SOCIAL SECURITY
 3 ADMINISTRATION?
 4 A I DIDN'T SEE THAT IN 1985, BUT I DID SEE A LOT
 5 OF COPIES OF GRANT APPLICATIONS SIMILAR TO THIS.
 6 THE COURT: HOLD ON. HAVE YOU SEEN THIS ONE
 7 APPLICATION IN THE 1985 TIME FRAME. THAT'S THE ONLY QUESTION.
 8 BY MR. HART:
 9 Q WOULD YOU AGREE THAT THERE SEEMS TO BE A LOT OF
 10 PAGES MISSING?
 11 MR. VOSS: OBJECTION. RELEVANCE, YOUR HONOR. THERE
 12 WAS A STIPULATION.
 13 THE COURT: WAIT. I'M GOING TO SUSTAIN FOR THAT ONE.
 14 BY MR. HART:
 15 Q MY QUESTION TO YOU, DR. THANG, IS: HOW DO YOU
 16 KNOW THAT PAGE FIVE -- OR PAGE FOUR, RATHER, WAS SUBMITTED TO
 17 THE SOCIAL SECURITY ADMINISTRATION IN 1985, AS I BELIEVE YOU
 18 TESTIFIED, WHEN YOU DIDN'T SEE THIS IN THE ARCHIVES, AND YOU
 19 DIDN'T SEE IT THEN, AND YOU HAVEN'T SEEN ANY OF THIS UNTIL ONE
 20 OF YOUR LAWYERS SHOWED IT TO YOU?
 21 MR. VOSS: OBJECTION. ARGUMENTATIVE. THE DOCUMENT
 22 WAS INTRODUCED BY PLAINTIFFS AND RECEIVED INTO EVIDENCE.
 23 THE COURT: SUSTAINED.
 24 BY MR. HART:
 25 Q HOW CAN YOU -- I'M SORRY. IT'S A FOUNDATION
 26 QUESTION.

1 HOW DO YOU KNOW WHETHER THAT LETTER BELONGS
 2 THERE OR NOT?
 3 MR. VOSS: SAME OBJECTION, YOUR HONOR.
 4 THE COURT: SUSTAINED.
 5 MR. HART: OKAY. NO FURTHER QUESTIONS, JUDGE.
 6 THANKS VERY MUCH.
 7 THE COURT: SHALL HE RETURN TO HIS SEAT?
 8 MR. VOSS: NO FURTHER QUESTIONS AT THIS TIME,
 9 RESERVING OUR RIGHT TO CALL DR. THANG ON OUR DIRECT.
 10 THE COURT: ON YOUR CASE, YES. YOU MAY RETURN TO
 11 YOUR SEAT. AND THEN YOU CAN RETURN THAT TO MR. HART AS YOU GO
 12 BY THERE.
 13 MR. HART: THANK YOU.
 14 THE COURT: AND WE HAVE OUR NEXT WITNESS?
 15 MR. HART: PLAINTIFFS WILL CALL CECILE TRUONG.
 16 THE COURT: ALL RIGHT, THEN. SHE'S IN THE HALLWAY.
 17 CECILE THU TRUONG,
 18 CALLED AS A WITNESS ON BEHALF OF THE PLAINTIFF, AND HAVING
 19 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:
 20 THE WITNESS: YES.
 21 THE CLERK: PLEASE STATE AND SPELL YOUR FIRST AND
 22 LAST NAME FOR THE RECORD.
 23 THE WITNESS: CECILE THU, T-H-U, AND LAST NAME IS
 24 TRUONG, T-R-U-O-N-G.
 25 THE CLERK: THANK YOU. YOU MAY BE SEATED.
 26 THE COURT: GOOD AFTERNOON. WE'LL GIVE YOU A COUPLE

1 MOMENTS TO SETTLE IN THERE. YOU CAN CLOSE UP THAT BINDER FOR
 2 THE TIME BEING. HE'LL PROBABLY DIRECT YOU TO SOME LATER ON.
 3 DIRECT EXAMINATION
 4 BY MR. HART:
 5 Q GOOD AFTERNOON, MS. TRUONG. THANK YOU FOR
 6 MAKING YOURSELF AVAILABLE TO TESTIFY TODAY. WE APPRECIATE
 7 YOUR TIME.
 8 WOULD YOU TELL THE -- SAY FOR THE RECORD AND
 9 SPELL YOUR NAME, PLEASE.
 10 A CECILE IS SPELLED C-E-C-I-L-E. AND THEN THE
 11 SECOND PART OF MY FIRST NAME IS T-H-U. AND MY LAST NAME IS
 12 TRUONG T-, AS IN TOM, R-U-O-N-G, AS IN GEORGE.
 13 Q OKAY. SO, MS. TRUONG, WOULD YOU PLEASE TELL
 14 THE JURY WHAT YOUR RELATIONSHIP IS TO THE PLAINTIFF, WHO I
 15 REFER TO AS PROFESSOR KHOA.
 16 A I'M THE SECOND DAUGHTER OUT OF FOUR CHILDREN.
 17 Q ALL RIGHT. AND CAN YOU TELL US WHERE AND WHEN
 18 YOU WERE BORN.
 19 A I WAS BORN IN SAIGON, VIETNAM. IT'S SOUTH
 20 VIETNAM.
 21 Q ALL RIGHT. AND SO TELL US, IF YOU WOULD, WHAT
 22 YOUR -- AS YOU GREW, WHAT YOU UNDERSTOOD YOUR FATHER'S
 23 EMPLOYMENT TO BE DURING THE 60'S.
 24 A I WAS BORN IN JANUARY, 1961. SO I ONLY KNEW UP
 25 UNTIL CERTAIN AGE, BUT DEFINITELY I KNEW THAT HE WAS A
 26 UNIVERSITY PROFESSOR. WE HAD, YOU KNOW, MEETINGS AT OUR HOUSE

1 AND HE HAD STUDENTS ALSO VISITING. I DO HEAR PEOPLE CALLING
 2 HIM "PROFESSOR" IN VIETNAMESE, A VERY SPECIFIC WORD, GIAO SU,
 3 G-I-A-O AND THEN S-, AS IN SAM, U. THAT MEANS PROFESSOR IN
 4 VIETNAMESE.
 5 MR. ERIGERO: OBJECTION. MOVE TO STRIKE. 352.
 6 THE COURT: OVERRULED.
 7 THE WITNESS: HE -- SO A PROFESSOR. AND I DID
 8 REMEMBER US LIVING -- HAVING TO MOVE TO A DIFFERENT HOME, A
 9 VERY BIG HOME IN -- BECAUSE HE WAS -- HE RECEIVED A POSITION
 10 THAT'S DEPUTY MINISTER OF EDUCATION THAT MY -- AND SOME OF THE
 11 PRIVILEGES THAT WE HAD LIVING IN THAT HOME WHEN HE WAS THE
 12 DEPUTY MINISTER OF EDUCATION.
 13 BY MR. HART:
 14 Q HOW OLD WERE YOU WHEN THAT HAPPENED?
 15 A GOSH, THREE TO FIVE, AROUND THAT AGE.
 16 Q SO YOUR RECOLLECTION IS MOSTLY MOVING INTO A
 17 NICE BIG HOUSE?
 18 A YEAH, AND ALSO SEEING PHOTOS THAT REMIND ME OF
 19 THAT TIME.
 20 Q OKAY.
 21 A HE ALSO BECAME THE -- ONE OF THE THREE
 22 DIRECTORS OF V.A.A., WHICH STANDS FOR VIETNAMESE AMERICAN
 23 ASSOCIATION. HE HAD -- HIS GOAL WAS -- I WAS A LITTLE OLDER
 24 BY NOW. I WENT WITH HIM TO HIS WORK A FEW TIMES, DO HOMEWORK
 25 AND THAT KIND OF THING -- HAVING BASICALLY INTRODUCING
 26 AMERICAN TEXTBOOKS AND NOVELS TO VIETNAMESE. SO I THINK HIS

1 TITLE WAS DIRECTOR OF LETTERS AND PRESS AT THE V.A.A.
 2 Q ARE EITHER OF THESE GOVERNMENT FUNCTIONS?
 3 A V.A.A. IS NOT VIETNAMESE GOVERNMENT, BUT I
 4 GUESS THE U.S. GOVERNMENT GAVE MONEY TO CREATE THAT
 5 ORGANIZATION TO HELP IMPROVE EDUCATION IN VIETNAM.
 6 Q OKAY.
 7 MR. ERIGERO: OBJECTION. FOUNDATION. SPECULATION.
 8 MOVE TO STRIKE.
 9 THE COURT: AS TO THE GOVERNMENT, THE MONEY FROM THE
 10 U.S. GOVERNMENT, THAT WILL BE STRICKEN AND DISREGARDED.
 11 BY MR. HART:
 12 Q WHAT WAS YOUR UNDERSTANDING OF HIS
 13 RESPONSIBILITIES WHEN HE WAS A DEPUTY MINISTER OF EDUCATION?
 14 A I DID NOT KNOW MUCH. I JUST SAW THAT HE HAD
 15 MEETINGS OR WAS VISITED BY WHAT I WAS TOLD IMPORTANT PEOPLE.
 16 SO "YOU KIDS BEHAVE AND GO TO THE OTHER SIDE OF THE HOUSE,"
 17 YOU KNOW, THAT TYPE OF THING.
 18 Q SO AS WE MOVE FROM THE 60'S INTO THE 70'S,
 19 THROUGH THE PEACE TALK PERIOD, TO THE PEACE AGREEMENT, YOU'RE
 20 10, 12 YEARS OLD. WHAT'S YOUR RECOLLECTION OF YOUR FAMILY
 21 SITUATION WITH YOUR FATHER?
 22 MR. ERIGERO: OBJECTION. 352.
 23 THE COURT: I'M GIVING HIM A LITTLE LEVERAGE. WE'RE
 24 NOT SPEND VERY MUCH TIME ON THIS.
 25 THE WITNESS: HE WAS VERY BUSY WORKING BUT NEVER
 26 FORGOT TO PICK US UP FROM SCHOOL; ALWAYS SPENT SOME TIME WITH

1 US WITH HOMEWORK. HE WAS VERY STRICT. AND I REMEMBERED ALSO
 2 HELPING HIM WITH -- BECAUSE HE WAS -- HE ALSO HAD PUBLISHED,
 3 WAS A PUBLISHER WITH SOME MAGAZINES THAT DEALT WITH SOCIETY,
 4 ADVANCING SOCIETY, THAT TYPE OF THING. HELPING HIM COUNT HOW
 5 MANY BOOKS, YOU KNOW, THERE WERE AND THAT TYPE OF THING.
 6 AND THEN IN '74, I WAS 13, ACTUALLY ALMOST 14
 7 BY THEN, WE RECEIVED CONGRATULATORY MESSAGES FROM FRIENDS,
 8 NEIGHBORS BECAUSE THEY HAD READ IN THE NEWSPAPER THAT MY
 9 FATHER WAS APPOINTED AS ONE OF THE THREE VICE PRESIDENTS OF
 10 UNIVERSITY OF SAIGON.
 11 BY MR. HART:
 12 Q OKAY. AND SO WHAT YEAR DID YOU AND YOUR FAMILY
 13 TRAVEL TO THE U.S.?
 14 A IT WAS 1975, RIGHT BEFORE THE FALL OF SAIGON.
 15 Q SO WHAT MONTH WAS IT IN '75?
 16 A IT WAS APRIL OF 1975.
 17 Q EARLY OR MID APRIL?
 18 A VERY LATE, BECAUSE AS DIRECTOR OF -- ONE OF THE
 19 DIRECTORS OF V.A.A., THE AMERICAN'S V.A.A. DIDN'T WANT MORE
 20 PEOPLE TO PANIC. SO AS A HIGHER TITLED PERSON, HE HAD TO STAY
 21 AND NOT LEAVE THE COUNTRY TOO SOON. SO WE WERE AMONG THE LAST
 22 GROUPS. SO THE 28 OR 29 THAT WE LEFT VIETNAM. SO THE FALL OF
 23 SAIGON WAS ON THE 30TH OF APRIL.
 24 MR. ERIGERO: OBJECTION. MOVE TO STRIKE EVERYTHING
 25 AFTER APRIL 1975 AS NONRESPONSIVE.
 26 THE COURT: OVERRULED.

1 BY MR. HART:
 2 Q SO DO YOU HAVE ANY RECOLLECTION OF YOUR FATHER
 3 WORKING ON HIS DOCTORAL THESIS?
 4 A YES, I REMEMBERED -- I DIDN'T UNDERSTAND A LOT
 5 OF IT. WHEN I WAS YOUNGER, I DID REMEMBER HIM TALKING, YOU
 6 KNOW, BECAUSE HE HAD A LOT OF PEOPLE VISITING OUR HOME,
 7 DIFFERENT GROUPS, FROM INTELLECTUALS TO JUST FRIENDS AND
 8 DISCUSSING THE DIFFERENT -- YOU KNOW, HIS -- THE SUBJECT THAT
 9 HE TAUGHT WAS PHILOSOPHY. AND MY OLDER SISTER AND I, EVEN
 10 THOUGH WE WERE YOUNG, WE WERE KIND OF CURIOUS AND LISTENED TO
 11 SOME OF IT, BUT I CAN'T SAY THAT I UNDERSTOOD IT ALL.
 12 Q OKAY. DO YOU KNOW WHAT HAPPENED TO YOUR
 13 FATHER'S DOCTORAL THESIS?
 14 A YOU MEAN THE ACTUAL PAPERWORK, THE PACKAGE?
 15 Q THE PHYSICAL COPY.
 16 A THE PHYSICAL COPY, UH-HUH, YEAH. SO WHEN WE
 17 HAD TO LEAVE IN 1975, THE FALL OF SAIGON, JUST LIKE EVERYBODY
 18 ELSE, IT WAS EVACUATION QUICK. YOU KNOW, WE WERE NOT ABLE TO
 19 BRING A LOT OF THINGS. SO THAT'S WHY MANY VALUABLE THINGS --
 20 NOT IN TERMS OF MONEY, BUT OTHER THINGS COULDN'T BRING OUT.
 21 BUT MY FATHER, ONE OF THE FEW THINGS THAT HE
 22 WAS ABLE BRING OUT WAS A COPY -- THAT HE WANTED TO BRING OUT
 23 WAS A COPY OF HIS DOCTORATE THESIS.
 24 AND WHEN WE MET AT THE LOCATION FOR THE
 25 AMERICANS TO TAKE US BY BUS INTO THE AIRPORT, WE WERE TOLD
 26 THAT YOU COULD NOT -- INITIALLY, THEY TOLD US THAT EACH OF US

1 WOULD BE ABLE TO HAVE A BAG. AND AT THE VERY END, THEY SAID
 2 NO, WE COULD NOT.
 3 SO HE HAD TO LEAVE THAT BEHIND, BECAUSE WHAT
 4 WAS MORE IMPORTANT TO HIM WAS FOR US, HIS CHILDREN, NEEDED IN
 5 THOSE SUITCASES. SO HE LOST THAT COPY OF HIS THESIS.
 6 Q TELL US BRIEFLY HOW YOUR FAMILY INTEGRATED INTO
 7 THE U.S.
 8 A JUST LIKE MANY REFUGEES AT THE TIME AND FOR US
 9 KIDS -- I WAS 14 AT THE TIME -- IT WAS EXCITEMENT LEARNING
 10 NEW -- MAKING NEW FRIENDS, LEARNING THE SCHOOL. AND THE
 11 SCHOOLS WERE NOT AS DIFFICULT AS SCHOOLS IN VIETNAM, SO IT WAS
 12 EASIER FOR US.
 13 BUT WE DID CHANGE IN THAT, YOU KNOW, WE
 14 WERE -- HAD MORE COMFORT IN VIETNAM IN THE SENSE THAT, YOU
 15 KNOW, WE HAD A HOUSE. WHEREAS COMING TO THE U.S., SIX OF US
 16 LIVING IN A TWO-BEDROOM APARTMENT AND SEEING MY FATHER
 17 ACCEPTING, JUST LIKE MANY OTHER REFUGEES, ANY TYPE OF JOB TO
 18 MAKE MONEY.
 19 Q WHAT KIND OF JOB DID YOU SEE YOUR FATHER DO?
 20 A SO HE APPLIED FOR 7-ELEVEN AND MCDONALD'S. AND
 21 I REMEMBER HIM COMING HOME AND SHARING WITH US WHAT HE
 22 LEARNED, BECAUSE HE HAD NO IDEA, NEVER WENT IN THE KITCHEN TO
 23 TOUCH ANYTHING BEFORE.
 24 BUT FORTUNATELY FOR HIM, AFTER JUST, IF I
 25 REMEMBER CORRECTLY, A FEW MONTHS OF DOING THAT WORK, THAT HE
 26 WAS HIRED AS A RESEARCHER FOR A -- AN ORGANIZATION. I GUESS

1 IT'S CALLED O.S.I., OPPORTUNITY SYSTEMS INCORPORATED, THAT DID
 2 RESEARCH THINGS ON REFUGEES.
 3 Q OKAY. TELL US FOR A SECOND A LITTLE BIT ABOUT
 4 YOUR BACKGROUND, YOUR EDUCATION.
 5 A I HAVE THE BACHELOR OF SCIENCE IN NURSING FROM
 6 GEORGETOWN UNIVERSITY FROM WASHINGTON, D.C.
 7 Q WHAT YEAR WAS THAT?
 8 MR. VOSS: OBJECTION, YOUR HONOR. RELEVANCE.
 9 THE COURT: I'M GOING TO ALLOW BRIEFLY JUST DEGREES
 10 AND WE'RE GOING TO MOVE ON.
 11 BY MR. HART:
 12 Q WHAT YEAR?
 13 A 1983.
 14 Q 1983. AND DID YOU WORK AS A NURSE AFTER THAT?
 15 A YES. SO I AM A REGISTERED NURSE AND LICENSED
 16 PUBLIC HEALTH NURSE. I AM -- I SAY "I AM" BECAUSE I STILL
 17 HOLD MY LICENSE, IT'S STILL ACTIVE, BUT I RETIRED AT THE END
 18 OF MARCH OF THIS YEAR; TWO YEARS EARLIER THAN I HAD PLANNED
 19 TO, WANTED TO, BUT I NEEDED MORE TIME TO ATTEND TO MY FATHER.
 20 MR. ERIGERO: OBJECTION. MOVE TO STRIKE THE LATTER
 21 SENTENCE.
 22 THE COURT: ALL RIGHT. SO OVERRULED. BUT WE'LL MOVE
 23 ALONG.
 24 BY MR. HART:
 25 Q OKAY. AND SO WHAT PERIOD OF TIME WERE YOU IN
 26 THE HOME WITH YOUR FATHER IN THE 80'S AND 90'S? I'M TRYING TO

1 THINK REAL QUICKLY WHERE YOU WOULD HAVE MOVED OUT. HOW LONG
 2 DID YOU LIVE AT HOME? WHAT AGE?
 3 A UNTIL THE END OF 1988, WHEN I MOVED OUT TO
 4 CALIFORNIA TO BE WITH MY HUSBAND.
 5 Q OKAY. SO WHERE WAS THE FAMILY BEFORE YOU MOVED
 6 TO CALIFORNIA?
 7 A WE WERE LIVING IN MARYLAND, JUST RIGHT OUTSIDE
 8 OF WASHINGTON, D.C.
 9 Q ALL RIGHT. AND SO DURING THAT TIME FRAME, ARE
 10 YOU FAMILIAR WITH YOUR FATHER'S ACTIVITIES ASSISTING REFUGEE
 11 INTEGRATION INTO THE U.S.?
 12 A YES, BUT NOT IN DETAIL. WE WERE JUST VERY
 13 BUSY. I DID HELP HIM IN THE OFFICE DOING CLERICAL WORK, YOU
 14 KNOW, THAT TYPE OF THING OCCASIONALLY, NOT THERE ALL THE TIME.
 15 HEARING PEOPLE, WHEN I MET PEOPLE, YOU KNOW, AT EITHER SOME
 16 SOCIAL EVENT OR WHATEVER, AND THEY WOULD PRAISE MY DAD ABOUT
 17 SOMETHING. BUT AS A YOUNG PERSON, I DIDN'T CARE TOO MUCH.
 18 YOU KNOW, DAD IS DAD. I DIDN'T PAY TOO MUCH ATTENTION UNTIL A
 19 CERTAIN POINT.
 20 Q SO YOU'RE FAMILIAR WITH THE
 21 I.R.A.C. ORGANIZATION?
 22 A OH, YES.
 23 Q HOW ARE YOU FAMILIAR WITH THAT ORGANIZATION?
 24 MR. ERIGERO: OBJECTION. FOUNDATION.
 25 THE COURT: OVERRULED. THAT THE QUESTION IS SEEKING
 26 THE FOUNDATION.

1 THE WITNESS: SO GO AHEAD?
 2 THE COURT: YOU MAY RESPOND.
 3 THE WITNESS: OKAY. SO HE -- BEFORE HE CAME TO WORK
 4 FOR I.R.A.C., HE HAD A JOB WITH THE PSYCHIATRIC INSTITUTE IN
 5 PENNSYLVANIA, IN PHILADELPHIA. AND THEN, SO HE WAS COMMUTING.
 6 AND THEN HE TOLD US THAT HE DIDN'T HAVE TO COMMUTE ANYMORE
 7 BECAUSE HE HAS SOME WORK IN WASHINGTON, D.C.
 8 AND HE WAS -- AT FIRST, HE WORKED AS A
 9 CONSULTANT FOR I.R.A.C. ONLY. WE ONLY HAD ONE CAR AT THE
 10 TIME. SO OCCASIONALLY I HAD TO DRIVE HIM THERE AND DROP HIM
 11 OFF AND THAT TYPE OF THING.
 12 SO THAT'S I.R.A.C. OH, AND I MET -- I GOT TO
 13 MEET MR. ROB STEIN, THE FOUNDER OF I.R.A.C. HE WAS A HUMAN
 14 RIGHTS ATTORNEY AND A VERY PROMINENT ATTORNEY IN WASHINGTON,
 15 D.C. SO THAT WAS AN HONOR FOR ME BECAUSE I HAD HEARD SO MUCH
 16 ABOUT MR. ROB STEIN.
 17 BY MR. HART:
 18 Q OKAY. AS PROFESSOR KHOA'S DAUGHTER LIVING IN
 19 THE HOUSEHOLD IN MARYLAND, DID YOU HAVE SOME UNDERSTANDING OF
 20 WHAT THE WORK OF I.R.A.C. WAS?
 21 A YES, GENERAL UNDERSTANDING, YES.
 22 Q WHAT WAS THAT?
 23 A BASICALLY THAT THEY WERE NOT PROVIDING THE
 24 RIGHT SERVICE, LIKE SOME OTHER ORGANIZATIONS, YOU KNOW,
 25 HELPING NEWLY-ARRIVED REFUGEES SETTLE. IT'S NOT THAT. IT'S
 26 MORE ABOUT POLICY, ADVOCACY. BECAUSE I REMEMBERED HIM BEING

1 NERVOUS HAVING TO TESTIFY IN FRONT OF THE SENATE.

2 AND I REMEMBER MR. STEIN SHARING THE STORY WITH
3 ME THAT MY DAD WAS VERY NERVOUS, AND MY DAD SAID, "WHO AM I, A
4 NEWLY-ARRIVED REFUGEE, TO BE TALKING TO THE SENATORS AND ALL
5 OF THAT?" AND MR. STEIN SAID THAT HE TOLD MY DAD, "DON'T LOOK
6 AT THEM AS HIGH OFFICIALS IN THE U.S. LOOK AT THEM AS IF THEY
7 WERE YOUR STUDENTS BECAUSE THEY DON'T KNOW THE SUBJECT ABOUT
8 REFUGEES, SO YOU EDUCATE THEM." AND THAT DID HELP MY DAD TO
9 HAVE A LITTLE BIT MORE CONFIDENCE.

10 AND THEN I ALSO GOT TO MEET MR. JEFFREY -- WHO
11 WAS MY DAD'S BOSS. HE WAS THE DIRECTOR OF I.R.A.C. AND MY
12 DAD, AT THE TIME -- I DON'T KNOW IF HE WAS EVEN THE DEPUTY
13 YET -- SHARED WITH US, FAMILY, HOW PROUD HE WAS OF MY DAD.
14 AND I THINK EVEN WROTE IN A LETTER THAT HE WISHED THAT SOMEDAY
15 HE WOULD HAVE THE WISDOM, THE ELOQUENCE AND SOME OTHER THINGS
16 TO TALK IN FRONT OF THE SENATE, LIKE MY DAD DID.

17 SO, AGAIN, IT WAS A BIG DEAL FOR A RELATIVELY
18 NEWLY-ARRIVED REFUGEE. I THINK THAT WAS '81 OR '82 WHEN THAT
19 HAPPENED.

20 Q SAY AGAIN WHAT YEAR YOU MOVED AWAY FROM
21 MARYLAND AND OUT HERE TO CALIFORNIA.

22 MR. ERIGERO: OBJECTION. RELEVANCE, 352, AND ASKED
23 AND ANSWERED.

24 THE COURT: I DON'T THINK WE GOT THAT. I DIDN'T HEAR
25 THE YEAR. OVERRULED.

26 THE WITNESS: OCTOBER, 1988.

1 Q OKAY. DO YOU HAVE ANY RECOLLECTION FROM THE
2 90'S OF BEING AWARE OF B.P.S.O.S.?

3 A I HAD ONLY HEARD ABOUT THEM, AN ORGANIZATION IN
4 SAN DIEGO THAT HELPED A LOT OF BOAT PEOPLE.

5 Q OKAY. AND HOW ABOUT NGUYEN DINH THANG, THE
6 DEFENDANT, WHEN DID YOU FIRST BECOME AWARE OF HIM?

7 MR. ERIGERO: OBJECTION. FOUNDATION. SPECULATION.
8 THE COURT: OVERRULED.

9 YOU MAY RESPOND.

10 THE WITNESS: I DID NOT HEAR OR DIDN'T PAY ATTENTION
11 TO THE NAME OF DR. NGUYEN DINH THANG UNTIL PROBABLY AROUND THE
12 END OF 2019 OR BEGINNING OF 2020. BECAUSE I WAS OVER AT THE
13 APARTMENT A LOT AND HAD MY MOTHER WITH ALZHEIMER'S, AND I
14 HEARD HIM ON THE PHONE. I HEARD PEOPLE CALLING OR VISITING
15 HIM. SO I COULD HEAR SOMETHING ABOUT THAT, BUT I DIDN'T PAY
16 MUCH ATTENTION TO IT AT THAT TIME.

17 BY MR. HART:

18 Q OKAY. LET'S BACK UP A LITTLE BIT AND CLEAN UP
19 THE CHRONOLOGY.

20 YOUR PARENTS MOVED BACK TO CALIFORNIA IN 2005?

21 A CORRECT.

22 Q HERE IN ORANGE COUNTY?

23 A YES.

24 Q OKAY. AND SO HAD HE BEEN RETIRED, YOUR FATHER,
25 IN MARYLAND FOR SOME PERIOD OF TIME?

26 A YES.

1 BY MR. HART:

2 Q OKAY. AND SO WHEN DID YOUR FATHER THEN MOVE TO
3 CALIFORNIA?

4 A 2005.

5 Q ALL RIGHT. AND SO WHAT WAS YOUR CONTACT WITH
6 HIM BETWEEN 1988 AND 2005?

7 A HE CAME OUT TO CALIFORNIA QUITE OFTEN FOR
8 DIFFERENT MEETINGS. HE ALSO CAME OUT TO VISIT US AND, THEN,
9 GRANDCHILDREN. AND THEN I ALSO TOOK MY CHILDREN BACK AT LEAST
10 ONCE A YEAR IN THE SUMMER TO VISIT WITH HIM.

11 Q SO HE HAS SEVERAL GRANDCHILDREN?

12 A I HAVE TWO. AND MY SIBLINGS, TWO OF THEM HAD
13 THREE CHILDREN, AND ONE ALSO HAS TWO, SO TOTAL OF TEN, TEN.

14 Q OKAY. WHAT'S YOUR RECOLLECTION OF WHEN YOUR
15 FATHER RESIGNED FROM S.E.A.R.A.C.?

16 A I REMEMBERED HIM TELLING US THAT HE WAS GOING
17 TO RETIRE, AND WE SAID WE DON'T BELIEVE HIM UNTIL HE REALLY
18 RETIRED. I DID KNOW ABOUT HIM ACCEPTING OR TEACHING AS AN
19 ADJUNCT PROFESSOR AT JOHNS HOPKINS UNIVERSITY ABOUT THE TIME
20 BEFORE HE OFFICIALLY RETIRED.

21 AND WE WERE VERY HAPPY BECAUSE S.E.A.R.A.C.
22 WORK WAS SO MUCH, AND WE ALSO KNOW THAT HIS LOVE IS TO TEACH.
23 SO THAT HE GOT TO GO BACK TO HIS FIRST LOVE, TO TEACH. SO WE
24 WERE VERY HAPPY ABOUT THAT.

25 Q WHAT YEARS WAS HE AT JOHN HOPKINS?

26 A '96 WAS, I THINK, WHEN HE BEGAN.

1 Q OKAY. AND WHEN WAS -- WHEN DID HE COMPLETE HIS
2 WORK AT JOHNS HOPKINS?

3 A I DON'T KNOW, MAYBE '98, BECAUSE HE WANTED TO
4 FOCUS ON WRITING HIS BOOK TO BE PUBLISHED IN THE U.S.

5 Q OKAY. SO DO YOU KNOW THE REASONS HE MOVED TO
6 CALIFORNIA IN 2005?

7 A I ASKED HIM. I INVITED THEM BOTH, BECAUSE I
8 DID SEE THAT THEY WERE GETTING OLDER. AND CALIFORNIA HAS SUCH
9 BEAUTIFUL WEATHER, THEY COULD GO OUT HERE AND EXERCISE, WALK
10 ETC. AND BECAUSE OF ME BEING A NURSE AND HE, AT THE TIME, WAS
11 LIVING WITH MY BROTHER AND HIS WIFE AND THE TWO YOUNG
12 CHILDREN, I KNEW THAT IT'S BETTER FOR HIS OWN DAUGHTER --
13 THEIR OWN DAUGHTER TAKE CARE OF THEM THAN MY SISTER-IN-LAW
14 HAVING TO. SO I CONVINCED THEM TO MOVE OUT HERE IN 2005.

15 Q SO GENERALLY SPEAKING, WHEN THEY ARRIVED IN
16 2005, WERE YOUR PARENTS BOTH PHYSICALLY AND MENTALLY
17 INDEPENDENT?

18 A YES.

19 MR. ERIGERO: OBJECTION. MOVE TO STRIKE.

20 THE COURT: OVERRULED. BUT WE NEED TO MOVE ALONG
21 HERE.

22 BY MR. HART:

23 Q SO CAN YOU SUMMARIZE WHAT THE LIFESTYLE WAS
24 THERE BETWEEN 2005 AND 2019 WHEN YOU FIRST HEARD DR. THANG'S
25 NAME MENTIONED.

26 MR. ERIGERO: OBJECTION. MAY CALL FOR EXPERT

1 OPINION.
 2 THE COURT: OVERRULED ON BACKGROUND.
 3 THE WITNESS: SO MY DAD WAS VERY INDEPENDENT AND
 4 DROVE, AND HE -- HE -- I KNOW HE WROTE A LOT OF ARTICLES. HE
 5 TALKED TO A LOT OF PEOPLE. HE DOES -- HE DID A LOT OF PRO
 6 BONO CONSULTATIONS. HE HAS A LOT OF INTEREST IN VIETNAM/CHINA
 7 RELATIONS AND ALSO THINGS IN THE VIETNAMESE COMMUNITY TO
 8 EMPOWER THE VIETNAMESE AMERICANS TO CONTRIBUTE TO THE AMERICAN
 9 SOCIETY, AS WELL AS HELPING IN VIETNAM WITH PEOPLE -- LIKE,
 10 YOU KNOW, THE POLITICAL PRISONERS AND ISSUES OF THE M.I.A.'S,
 11 MISSING IN ACTION, YOU KNOW, THE BODIES AND HOW, YOU KNOW,
 12 VIETNAM'S GOING TO USE THAT TO NEGOTIATE WITH U.S., ETC. SO
 13 THOSE KINDS OF THINGS.
 14 BY MR. HART:
 15 Q SO DID YOUR PARENTS LIVE WITH YOU OR
 16 SEPARATELY?
 17 A THEY LIVED NEAR ME. THEY LIVED IN AN APARTMENT
 18 NEARBY.
 19 Q DID YOU KEEP TABS ON THEM?
 20 A YES.
 21 Q AND HOW OFTEN WAS THAT?
 22 A THE FIRST FIVE YEARS, NOT THAT MUCH, BECAUSE
 23 THEY WERE QUITE INDEPENDENT. AND THEN WHEN MY MOM STARTED TO
 24 SHOW SIGNS OF ALZHEIMER'S, THEN I SAW THEM AT LEAST THREE,
 25 FOUR TIMES A WEEK.
 26 Q SO AROUND 2010?

1 A UH-HUH.
 2 Q "YES"?
 3 A YES. I'M SORRY.
 4 Q ALL RIGHT. AND SO WHAT WERE THE CIRCUMSTANCES
 5 IN, LET'S SAY, 2019 WHEN YOU BEGAN TO HEAR DR. THANG'S NAME
 6 MENTIONED?
 7 MR. ERIGERO: OBJECTION. VAGUE.
 8 THE COURT: TO THE EXTENT YOU UNDERSTAND, YOU MAY
 9 RESPOND TO THAT QUESTION.
 10 THE WITNESS: I HAD -- SO WHEN I VISITED THE
 11 APARTMENT, I OVERHEARD SOME PHONE CALLS, SOME -- OR PEOPLE
 12 VISITING AND THEIR CONVERSATIONS, BUT I WAS THERE MORE TO TAKE
 13 CARE OF MY MOM. SO I HEARD A LITTLE BIT HERE AND THERE.
 14 AND THEN PROBABLY, AGAIN, SOMETIME THE END OF
 15 2019, DECEMBER OR EARLY JANUARY THAT I ALSO HAD SOME RELATIVES
 16 CALLING AND ASKING OR MAKING COMMENTS ABOUT SOME BREAKING NEWS
 17 THAT DR. THANG HAD PUBLISHED ON HIS ORGANIZATION'S WEBSITE.
 18 MR. ERIGERO: OBJECTION, YOUR HONOR. MOVE TO STRIKE.
 19 HEARSAY AND NONRESPONSIVE TO THE QUESTION.
 20 THE COURT: OVERRULED.
 21 BY MR. HART:
 22 Q ALL RIGHT. AND SO IN THAT TIME FRAME, LATE
 23 2019, EARLY 2020, IS YOUR MOM STILL ALIVE?
 24 A YES.
 25 Q AND WHEN DID SHE PASS?
 26 A SHE PASSED IN 2021.

1 Q OKAY. SO IN THIS TIME FRAME, IS YOUR FATHER
 2 INVOLVED IN TAKING CARE OF HER AS WELL?
 3 A OH, YES. SO I'D SAY LIKE, YOU KNOW, HE TOOK
 4 CARE OF HER BECAUSE SHE DIDN'T DRIVE, SO ALL THAT TIME. AND
 5 THEN UP UNTIL 2017, HE WAS HER MAIN CAREGIVER. HE EVEN
 6 LEARNED TO COOK, EVEN THOUGH THAT MAN NEVER EVEN WENT IN THE
 7 KITCHEN BEFORE, AND BECAME A VERY GOOD COOK ACTUALLY. SO HE
 8 TOOK CARE OF HER UNTIL 2017.
 9 Q AT SOME TIME IN THIS TIME FRAME 2019, 2020,
 10 2021, DID YOU NOTICE A CHANGE IN YOUR FATHER'S HEALTH?
 11 MR. ERIGERO: OBJECTION. 352. LAY OPINION.
 12 THE COURT: OVERRULED. SO ANY OBSERVATIONS ABOUT
 13 PHYSICAL CIRCUMSTANCES.
 14 THE WITNESS: I'M SORRY. BETWEEN WHAT YEAR TO WHAT
 15 YEAR?
 16 BY MR. HART:
 17 Q 2019 TO 2021, IN THAT TIME FRAME, DID YOU
 18 NOTICE A CHANGE IN HIS GENERAL HEALTH?
 19 A BETWEEN 2019 TO 2020, I DIDN'T NOTICE YET
 20 ANY -- YOU KNOW, HE DIDN'T SHOW THE AGING PART YET. HE WAS
 21 QUITE STILL ACTIVE, ETC., BUT WHAT I SAW WAS THAT HE WAS VERY
 22 DISTRACTED AND HE WASN'T WORKING ON HIS BOOK, BECAUSE
 23 OCCASIONALLY HE'D ASK FOR MY HELP ON HIS RESEARCH OR WHATEVER
 24 FOR THE BOOK. AND THAT WAS WHAT I FIRST NOTICED THAT HE
 25 DIDN'T SPEND TOO MUCH TIME ON WORKING ON HIS BOOK.
 26 Q DID YOU NOTICE ANY OTHER CHANGES IN HIS

1 INTERACTION WITH FAMILY?
 2 A NOTE UNTIL LATER. SO NOT BETWEEN 2019, 2020.
 3 Q ALL RIGHT. AND SO AT WHAT POINT DID YOU BEGIN
 4 TO NOTICE CHANGES IN HIS ACTUAL HEALTH CONDITION?
 5 A PROBABLY NOTICEABLY WAS ABOUT 2022.
 6 Q OKAY. HOW OFTEN ARE YOU SEEING HIM IN THIS
 7 TIME FRAME NOW, 2022?
 8 A 2022? ALMOST EVERY DAY.
 9 Q RIGHT. AND WHAT CHANGE DID YOU NOTICE?
 10 A I'M SORRY.
 11 THE COURT: TAKE YOUR TIME.
 12 THE WITNESS: HE WAS WEAKER, MUCH LESS ENERGY.
 13 BECAUSE EVEN UP TO THAT POINT -- EVEN THOUGH HE RECOVERED FROM
 14 OPEN-HEART SURGERY IN 2017, HE SPENT SIX CONSECUTIVE MONTHS IN
 15 THE HOSPITAL BECAUSE OF COMPLICATIONS. HE WAS ON MECHANICAL
 16 VENTILATION AND ALL THAT. I DIDN'T THINK HE COULD MAKE IT,
 17 BUT HE DID, TO HIS SURPRISE HIS PHYSICIANS HIS NURSES,
 18 PHYSICAL THERAPIST, ETC.
 19 AND FOR HIM TO BE ABLE TO RETURN HOME AFTER
 20 THAT IN MARCH 2018 AND THEN EVENTUALLY LIVING INDEPENDENTLY,
 21 RELATIVELY INDEPENDENTLY AFTER THAT WAS A HUGE FEAT. AND THAT
 22 WAS BECAUSE HE IS VERY DETERMINED, BECAUSE HE FELT HE HAS
 23 ACCOMPLISHED EVERYTHING IN LIFE THAT HE WANTED TO. BUT THE
 24 LAST THING HE WANTED TO DO WAS TO WRITE THE SECOND BOOK, WHICH
 25 IS PART OF THE DUOLOGY THAT HE HAD ON THE HISTORY OF
 26 VIETNAMESE REFUGEES.

1 THE COURT: WE'RE GETTING A LITTLE BIT FAR AFIELD.
 2 THE QUESTION WAS DIRECTED TO WHAT OBSERVED -- CHANGES IN HIM
 3 IN 2022, WHAT OBSERVABLE CHANGES THERE WERE IN THAT 2022 TIME
 4 PERIOD.
 5 BY MR. HART:
 6 Q WHAT YOU'RE TELLING US IS HE HAD OPEN-HEART
 7 SURGERY IN 2017, WHICH WAS A DRAMATIC INSULT TO HIS HEALTH,
 8 BUT HE RECOVERED?
 9 A YES.
 10 Q SO IN 2018/2019 THERE WAS A GOOD RECOVERY?
 11 A YES.
 12 Q AND THEN AS OF 2022, YOU SEE A NEW DECLINE?
 13 MR. ERIGERO: OBJECTION. LEADING.
 14 THE COURT: OVERRULED.
 15 THE WITNESS: A SIGNIFICANT DECLINE WHEN HE LOST
 16 INTEREST IN WRITING HIS BOOK, BECAUSE HE WAS FATIGUED A LOT OF
 17 TIME AND HE WAS TOO DISTRACTED WITH DR. THANG'S ATTACKS ON HIM
 18 AND, OF COURSE, THEN THE LAWSUIT. AND HE WAS IN PAIN A LOT
 19 MORE, ETC. SO I ACCOMPANIED HIM TO ALL HIS MEDICAL
 20 APPOINTMENTS.
 21 AND IN 2022, I ACTUALLY DIDN'T EVEN KNOW THE
 22 EXTENT OF STRESS OR WHATEVER HE WAS EXPERIENCING BECAUSE HE
 23 NEVER SHARED IT WITH ME. SO I SAW THAT HE WAS WEAKER, HE
 24 DIDN'T EAT AS MUCH. SO HE HAD PROBLEMS SLEEPING. BUT I
 25 DIDN'T REALLY KNOW. I MEAN, OF COURSE, I WAS GUESSING SOME,
 26 BUT HE NEVER TALKED TO ME ABOUT IT.

1 AND EVEN GOING TO THE DOCTOR'S OFFICES FOR HIM
 2 TO ASK FOR SLEEPING MEDICATION OR WHATEVER, HE NEVER TOLD THEM
 3 ANYTHING ABOUT HIS LAWSUIT OR THE PROBLEMS.
 4 MR. ERIGERO: OBJECTION.
 5 THE COURT: WE'RE GOING TO JUMP IN THERE.
 6 MR. ERIGERO: MOVE TO STRIKE.
 7 THE COURT: IN TERMS OF THAT LAST LITTLE BIT RELATING
 8 TO TELLING THE DOCTORS ABOUT ANYTHING RELATING TO THE LAWSUIT.
 9 SO WE NEED TO FOCUS IN. THE QUESTION IS ABOUT OBSERVABLE
 10 CONDITIONS THAT -- OR BEHAVIOR THAT'S OBJECTIVELY OBSERVABLE.
 11 BY MR. HART:
 12 Q DID YOUR FATHER WILLINGLY SHARE WITH YOU WHAT
 13 WAS CAUSING HIS PROBLEMS?
 14 A NOT AT THAT TIME, NOT -- NOT IN 2022.
 15 Q HOW DID YOU LEARN ABOUT WHAT WAS CAUSING THE
 16 PROBLEMS?
 17 MR. ERIGERO: OBJECTION, YOUR HONOR. I'M NOT SURE
 18 WHERE THIS IS GOING.
 19 THE COURT: WELL, I'M NOT SURE OF THE EVIDENCE CODE
 20 SECTION FOR THAT OBJECTION, BUT I'M GOING TO WATCH AND SEE
 21 WHERE WE'RE GOING THAT WE'RE NOT GOING DOWN THE HEARSAY PATH.
 22 MR. ERIGERO: THANK YOU.
 23 THE WITNESS: IT WAS ABOUT SEPTEMBER 2023.
 24 BY MR. HART:
 25 Q AND WHAT HAPPENED IN 2023 IN TERMS OF YOUR
 26 LEARNING WHAT WAS BOTHERING HIM?

1 A SO I BASICALLY CONFRONTED HIM AND TOLD HIM WHAT
 2 I OBSERVED ABOUT HIM, WHAT MY CONCERNS WERE. THEN THAT WAS
 3 WHEN HE TOLD ME THAT DR. THANG HAD CONTINUED TO USE STRONG
 4 WORDS --
 5 MR. ERIGERO: OBJECTION. MOVE TO STRIKE, YOUR HONOR.
 6 THE COURT: JUST ONE MOMENT.
 7 LET'S SEE. ABOUT CONFRONTING HIM WILL REMAIN.
 8 STATEMENTS ABOUT DR. THANG HAD SAID WILL BE STRICKEN,
 9 DISREGARDED.
 10 BY MR. HART:
 11 Q DID THE EXPLANATION THAT YOUR FATHER GAVE YOU
 12 ABOUT WHAT HAD BEEN BOTHERING HIM MAKE SENSE TO YOU?
 13 A YES.
 14 MR. ERIGERO: OBJECTION. CALLS FOR SPECULATION.
 15 THE COURT: SUSTAINED.
 16 MR. ERIGERO: RELEVANCE.
 17 BY MR. HART:
 18 Q WHAT DID YOU DO, IF ANYTHING, ONCE YOU LEARNED
 19 WHAT THE PROBLEM WAS?
 20 A I BECAME MORE INVOLVED WITH HIM TO SHOW HIM MY
 21 SUPPORT. BUT ALSO I SAW THE DETERIORATION IN HIM. YOU KNOW,
 22 HE WAS PRETTY PROFICIENT IN COMPUTER, FOR EXAMPLE, AND NOW I'M
 23 SEEING HIM THAT HE'S MORE FORGETFUL. BUT ONE DAY HE COULD BE
 24 SCANNING, DOING ALL KINDS OF THINGS JUST FINE, AND THEN THAT
 25 AFTERNOON OR NEXT DAY HE SEEMS LIKE HE COULDN'T REMEMBER HOW
 26 TO DO IT OR HAVE DIFFICULTY DOING IT.

1 SO I STARTED TO HELP HIM MORE WITH THE LAWSUIT,
 2 AND THAT WAS ALSO, WHEN I WAS HELPING HIM SCAN, THAT I GOT TO
 3 SEE A LOT OF DOCUMENTS THAT I DIDN'T SEE BEFORE.
 4 Q OKAY.
 5 MR. ERIGERO: OBJECTION. I'D MOVE TO STRIKE
 6 EVERYTHING BUT THE LAST TWO SENTENCES, YOUR HONOR.
 7 THE COURT: OVERRULED. BUT WE'RE STOPPING IT RIGHT
 8 THERE. NEXT QUESTION.
 9 MR. HART: THANK YOU, JUDGE.
 10 BY MR. HART:
 11 Q DID YOU RETIRE EARLY FROM YOUR PUBLIC HEALTH
 12 CARE NURSE POSITION IN ORDER TO SPEND MORE TIME WITH YOUR
 13 FATHER?
 14 A YES.
 15 Q WHY DID YOU DO THAT?
 16 A BECAUSE I SAW DETERIORATION IN HEALTH, AND HE
 17 ALSO HAD MORE MEDICAL PROBLEMS, SUCH AS -- SHOULD I SAY THE
 18 DIAGNOSIS?
 19 SO HE DEFINITELY NEEDED MORE HELP, MORE
 20 ASSISTANCE, NOT JUST WITH HIS DAILY ACTIVITIES OF LIVING.
 21 Q OKAY. NOW THAT HE HAS -- LET'S SAY AS OF 2022,
 22 HE HAD SHARED WITH YOU AND YOU'VE LEARNED MORE ABOUT WHAT IT
 23 WAS THAT WAS BOTHERING HIM. CAN YOU TELL US WHETHER OR NOT
 24 YOU SEE ANY OTHER AFFECTS IN HIS INTERACTIONS WITH FAMILY?
 25 MR. ERIGERO: OBJECTION. VAGUE, YOUR HONOR.
 26 THE COURT: SUSTAINED.

1 BY MR. HART:

2 Q HOW ACTIVE WAS HE WITH YOUR GRANDCHILDREN
3 BEFORE HIS HEART ATTACK?

4 A VERY ACTIVE. HE LIKES TO TALK TO YOUNG PEOPLE.
5 FAMILY IS EXTREMELY IMPORTANT TO HIM. AND HE WAS CLOSE TO ALL
6 GRANDCHILDREN, EVEN THOUGH THEY LIVED OUT OF THE STATE.

7 Q AND DID YOU SEE A CHANGE IN THAT PARTICULAR
8 RELATION OR DEMEANOR IN THE TIME FRAME WHEN HE WAS RECOVERING
9 FROM THE OPEN-HEART SURGERY?

10 A SO AFTER THE OPEN-HEART SURGERY, YOU KNOW, AND
11 HE CAME HOME 2018, 2019, HE CONTINUED TO BE, YOU KNOW, VERY
12 CLOSE TO THE GRANDCHILDREN.

13 Q OKAY. AND WAS HE STILL AS ACTIVE ONCE YOU
14 LEARNED WHAT THE PROBLEM WAS WITH HIS HEALTH CONDITION?

15 A NO. WHAT'S VERY DISHEARTENING IS HIS FAVORITE
16 GRANDCHILD IS MY BROTHER'S DAUGHTER, AND SHE'S IN NEW YORK
17 CITY. SHE CAME OUT TO L.A. THIS PAST AUGUST FOR JUST A FEW
18 DAYS. AND HE DIDN'T HAVE THE ENERGY AND DIDN'T WANT TO SEE
19 HER BASICALLY. AND NOT JUST HER, BUT HE -- ALSO MY CHILDREN
20 LIVE IN ORANGE COUNTY. HE DIDN'T WANT TO SEE THEM AS MUCH,
21 BECAUSE THEY ASKED HIM, "WHY ARE YOU" --

22 MR. ERIGERO: OBJECTION, YOUR HONOR. WE'RE GETTING
23 FAR AFIELD AND WE'RE GETTING INTO HEARSAY.

24 THE COURT: SUSTAINED.

25 BY MR. HART:

26 Q OKAY.

1 THE COURT: SUSTAINED.

2 BY MR. HART:

3 Q IN YOUR 60 OR SO YEARS ASSOCIATION WITH YOUR
4 FATHER, HAVE YOU EVER KNOWN HIM TO MISREPRESENT HIS
5 PH.D. STATUS?

6 MR. ERIGERO: OBJECTION. 352.

7 THE COURT: OVERRULED.

8 THE WITNESS: NO.

9 BY MR. HART:

10 Q HAVE YOU SEEN HIM BE CAREFUL TO KEEP IT
11 ACCURATE?

12 A IT IS VERY IMPORTANT FOR ANY KIND OF
13 INFORMATION TO BE ACCURATE, WAS HOW I WAS TAUGHT BY HIM AND
14 HOW HE LED EXAMPLES.

15 Q IN YOUR PRESENCE, HAVE YOU SEEN OTHER PEOPLE
16 REFER TO YOUR FATHER AS "DOCTOR" OR "PROFESSOR"?

17 A YES.

18 MR. ERIGERO: OBJECTION. CALLS FOR HEARSAY.

19 THE COURT: OVERRULED. NOT OFFERED FOR THE TRUTH OF
20 THE MATTER ASSERTED BUT SIMPLY THE STATEMENT THEY MADE.

21 BY MR. HART:

22 Q AND HOW HAS YOUR FATHER RESPONDED TO THOSE
23 THINGS IN THE TIMES THAT YOU'VE SEEN THEM?

24 A I REMEMBERED HIM TELLING US ONE TIME THAT
25 HE -- WHEN HE FIRST HEARD SOMEBODY CALLING HIM "DOCTOR," HE
26 DID ASK MR. STEIN AND A FEW OTHERS, LIKE, "WHY ARE YOU CALLING

1 A SO THAT'S A BIG CHANGE IN CHARACTER FOR HIM.

2 Q ARE YOU FAMILIAR WITH YOUR FATHER'S REPUTATION
3 OR INTEGRITY?

4 A YES, VERY MUCH SO.

5 Q TELL US WHAT YOUR UNDERSTANDING OF THAT IS.

6 A FROM THE TIME THAT I COULD REMEMBER -- WHATEVER
7 ELSE I CAN'T REMEMBER -- THAT WAS SOMETHING HE INSTILL IN US,
8 IS INTEGRITY AND PRINCIPLE. SO THAT'S JUST IN THE FAMILY.

9 AND THEN I SEE EXAMPLES OF HIM SHOWING, YOU
10 KNOW, JUST IN EVERYDAY LIFE, ETC.

11 AND OTHER PEOPLE TELLING US ALSO ABOUT HIM, OR
12 BECAUSE I ATTENDED THE PARTY OR WHATEVER, EITHER THEY TELL ME
13 DIRECTLY OR I HEARD PEOPLE TALK ABOUT IT, BUT I DIDN'T PAY
14 SUCH ATTENTION, BECAUSE THAT WAS JUST A GIVEN. THAT'S DAD.
15 SO...

16 Q IS IT --

17 MR. ERIGERO: OBJECTION, YOUR HONOR. MOVE TO STRIKE
18 AS CHARACTER EVIDENCE AND HEARSAY.

19 THE COURT: OVERRULED FOR THIS POINT IN TIME. LET'S
20 MOVE ALONG.

21 BY MR. HART:

22 Q WHAT WE SEE WRITTEN ON THE BOARD HERE ABOUT
23 YOUR FATHER, IS THAT TYPICAL OR NOT TYPICAL OF HIS CHARACTER,
24 IN YOUR EXPERIENCE?

25 MR. ERIGERO: OBJECTION. 352 AND SPECULATION. NO
26 FOUNDATION.

1 ME DOCTOR?" BECAUSE, AGAIN, VIETNAMESE, THE WORD FOR
2 PROFESSOR, IS PROFESSOR.

3 SO HE SHARED WITH US THAT AS A PROFESSOR, HE
4 COULD BE REFERRED TO AS "DOCTOR" EVEN WITHOUT PH.D., BUT A
5 PERSON WHO HAS A PH.D. CANNOT BE CALLED "PROFESSOR," THEY'RE
6 CALLED "DOCTOR," BUT THEY CANNOT BE CALLED "PROFESSOR" IF THEY
7 DON'T TEACH.

8 SO DOCTOR, YOU KNOW -- AND, AGAIN, IN LATIN,
9 THE WORD "DOCERE" MEANS "TO TEACH."

10 SO -- OH, THAT'S WHAT IT MEANT. BUT HE ALWAYS
11 PREFERRED "PROFESSOR" BECAUSE, TO HIM, THAT'S HIS LOVE, IS TO
12 TEACH, TEACHING. SO, TO HIM, THAT TITLE "PROFESSOR," IF
13 ANYBODY HAD TO ADDRESS HIM FORMALLY, IS A LOT MORE IMPORTANT.

14 BUT MY DAD CARE ABOUT TITLE. I'M JUST TALKING
15 ABOUT -- YOU KNOW, MANY PEOPLE WHO ARE CALLED PROFESSORS, WE
16 CALL THEM UNCLE. THIS IS HOW WE ADDRESS IN VIETNAMESE.
17 "BAC," WHICH IS UNCLE, B-A-C, UNCLE. SO IT'S ONLY IN FORMAL
18 SETTINGS THAT -- OR PEOPLE WHO DON'T KNOW HIM WELL THAT THEY
19 WOULD CALL HIM "PROFESSOR KHOA."

20 MR. HART: VERY GOOD. THANK YOU. YOUR HONOR, NO
21 FURTHER QUESTIONS.

22 THE COURT: OKAY. WE CAN GET AT LEAST STARTED. WE
23 HAVE A FEW MORE MINUTES HERE.

24 CROSS-EXAMINATION

25 BY MR. ERIGERO:

26 Q GOOD AFTERNOON.

1 A GOOD AFTERNOON.
 2 Q IT'S TRUE, IS IT NOT, THAT YOU FIRST EVEN HEARD
 3 ABOUT THIS STATEMENT WE HAVE ON THE BOARD, THAT ARTICLE
 4 PUBLICATION, YOU DID NOT EVEN HEAR ABOUT OR LEARN ABOUT IT
 5 UNTIL AT LEAST 2022; CORRECT?
 6 A I WANT TO CLARIFY THAT, IN 2021, I WAS AWARE OF
 7 SOME ISSUES AND MY DAD, WITH SUPPORT FROM HIS FRIENDS AND
 8 ETC., TO FILE A DEFAMATION LAWSUIT.
 9 Q BUT I THINK MY QUESTION --
 10 MR. ERIGERO: EXCUSE ME. MOVE TO STRIKE AS
 11 NONRESPONSIVE.
 12 THE COURT: THAT WILL BE SUSTAINED. THAT LAST
 13 RESPONSE WILL BE DISREGARDED.
 14 BY MR. ERIGERO:
 15 Q SO MY QUESTION IS SIMPLY: THAT STATEMENT
 16 THAT'S UP THERE, YOU FIRST LEARNED ABOUT THAT STATEMENT -- YOU
 17 FIRST LEARNED ABOUT THAT IN 2022; CORRECT?
 18 A I -- I -- THAT'S TO MY BEST RECOLLECTION.
 19 Q OKAY. THANK YOU.
 20 AND THE COMPLAINANT, YOUR FATHER, IN VIETNAMESE
 21 SOCIETY, IT'S VERY IMPORTANT TO BE LOYAL TO YOUR FATHER;
 22 CORRECT?
 23 A LOYALTY MEANS --
 24 Q HONOR TO YOUR FATHER?
 25 A -- HONOR.
 26 Q RESPECT?

1 A YES, UH-HUH.
 2 MR. ERIGERO: I HAVE TO GET MY GLASSES. I'M SORRY.
 3 THE COURT: NO WORRIES. I CAN'T COMPLAIN ABOUT
 4 SOMEBODY HAVING TO WEAR GLASSES. FOR THE RECORD, I WEAR
 5 GLASSES.
 6 BY MR. ERIGERO:
 7 Q AND IT'S TRUE YOUR FATHER DID NOT NEED
 8 DAY-TO-DAY ASSISTANCE, THAT IS SOMEONE COMING IN EACH DAY
 9 CARING AFTER HIM, UNTIL AFTER 2022; CORRECT?
 10 A CORRECT.
 11 Q AND WE TALKED ABOUT -- OR YOU TALKED ABOUT THE
 12 FACT THAT YOUR FATHER HAD OPEN-HEART SURGERY IN 2017; CORRECT?
 13 A CORRECT.
 14 Q AND YOU TOLD US HE HAD QUITE A LENGTHY PERIOD
 15 OF RECOVERY; CORRECT?
 16 A CORRECT.
 17 Q SIX MONTHS OF ADDITIONAL HOSPITAL OR
 18 CONVALESCENT CARE OUTSIDE OF THE HOME; CORRECT?
 19 A CORRECT.
 20 Q AND ONE OF THE REASONS HE DECIDED TO UNDERTAKE
 21 OPEN HEART SURGERY WAS, IN PART, TO FINISH HIS SECOND BOOK;
 22 CORRECT?
 23 A CORRECT.
 24 Q AND OTHER THAN -- I THINK OTHER THAN THE FACT
 25 THAT -- AT SOME POINT YOU BECAME AWARE OF THIS LAWSUIT;
 26 CORRECT?

1 A YES.
 2 Q RIGHT.
 3 AND, HOWEVER, YOU REALLY DIDN'T UNDERSTAND THE
 4 DIFFERENT CLAIMS IN THE LAWSUIT UNTIL PROBABLY 2023 AS OPPOSED
 5 TO WHEN IT WAS FILED; CORRECT?
 6 A I HAD -- I DON'T KNOW IF THIS IS YOUR QUESTION,
 7 BUT I HAD SOME UNDERSTANDINGS OR MORE UNDERSTANDING IN 2022
 8 AND THEN A LOT MORE IN 2023.
 9 Q ALL RIGHT. THANK YOU.
 10 AND YOU FIRST NOTICED ISSUES WITH YOUR FATHER
 11 IN TERMS OF NOT BEING ABLE TO PAY ATTENTION AND NOT HAVING AS
 12 MUCH ENERGY, THOSE ISSUES YOU FIRST NOTICED IN ABOUT 2022,
 13 LATE 2022; CORRECT?
 14 A IT WAS WHEN IT WAS MORE NOTICEABLE.
 15 Q MORE NOTICEABLE.
 16 AND YOUR FATHER IS 93 YEARS OLD TODAY; RIGHT?
 17 A LITTLE BIT MORE THAN THAT.
 18 Q LITTLE BIT MORE.
 19 WHEN IS HIS 94TH BIRTHDAY?
 20 A IT WILL BE -- AUGUST OF 2025 HE WILL BE 94.
 21 Q SO HE'S 93 AND --
 22 A FEW MONTHS.
 23 Q -- ROUGHLY THREE MONTHS; RIGHT?
 24 A YES, SIR.
 25 Q AND HE NEEDS HELP COMING IN HERE. IN FACT, WE
 26 SEE HIM COMING IN. HE'S SITTING IN THE FRONT ROW; RIGHT? HE

1 NEEDS SOMEBODY WITH HIM; RIGHT?
 2 A CORRECT.
 3 Q PRESENTLY HE'S NOT WORKING ON HIS BOOK;
 4 CORRECT?
 5 A NOT AT ALL ON HIS BOOK.
 6 Q RIGHT.
 7 AND YOU HAVE NO DIRECT KNOWLEDGE ON HOW THE
 8 ARTICLE HAS AFFECTED YOUR FATHER OTHER THAN WHAT YOU OBSERVE;
 9 CORRECT?
 10 MR. HART: I'M GOING TO OBJECT TO THAT. IT'S A
 11 LITTLE VAGUE.
 12 THE COURT: I'LL SUSTAIN. YOU CAN REPHRASE.
 13 MR. ERIGERO: ALL RIGHT. I'LL REPHRASE. JUST ONE
 14 MOMENT.
 15 NO FURTHER QUESTIONS. THANK YOU.
 16 MR. VOSS: RESERVING THE RIGHT TO CALL.
 17 THE COURT: WHAT WAS THAT?
 18 MR. VOSS: RESERVING THE RIGHT TO CALL HER ON OUR
 19 CASE-IN-CHIEF.
 20 MR. HART: I DO HAVE SOME, BUT I CAN CUT IT DOWN, IF
 21 WE COME BACK, AND DO IT ON TUESDAY.
 22 THE COURT: WE'RE RIGHT UP AGAINST IT ANYWAY. WE
 23 ONLY HAVE A COUPLE MINUTES.
 24 ALL RIGHT, THEN, LADIES AND GENTLEMEN, WE HAVE
 25 REACHED THE END OF OUR DAY AND OUR TRIAL WEEK AS WELL. SO I
 26 WILL GIVE YOU THE ADMONISHMENT I TOLD YOU YOU'LL HEAR MANY

1 TIMES, AND THAT IS: IT IS YOUR DUTY NOT TO CONDUCT, RESEARCH,
2 DISSEMINATE INFORMATION OR CONVERSE WITH OR PERMIT YOURSELVES
3 TO BE ADDRESSED BY ANY OTHER PERSON ON ANY SUBJECT OF THE
4 TRIAL.

5 AND IT IS YOUR DUTY NOT TO FORM OR EXPRESS AN
6 OPINION THEREON UNTIL THE CASE IS FINALLY SUBMITTED TO YOU.

7 THE PROHIBITION ON RESEARCH, DISSEMINATION OF
8 INFORMATION AND CONVERSATION APPLIES TO ALL FORMS OF
9 ELECTRONIC AND WIRELESS COMMUNICATIONS AS WELL.

10 SO I WISH EVERYBODY A FANTASTIC WEEKEND. WE
11 WILL START AGAIN TUESDAY, 9:00 A.M. THANK YOU SO VERY, VERY
12 MUCH FOR YOUR TIME AND SERVICE.

13 (JURY EXCUSED FOR THE EVENING.)
14 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
15 PRESENCE OF THE JURY:)

16 THE COURT: ALL RIGHT. WE ARE OUTSIDE THE PRESENCE
17 OF THE JURY. SO A COUPLE THINGS THEN. SO WE HAVE REDIRECT
18 WE'LL START WITH ON TUESDAY MORNING. SO I WOULD IMAGINE
19 THAT'S GOING TO BE PRETTY QUICK GIVEN THAT THE CROSS WASN'T
20 VERY -- THAT LONG.

21 AND THEN PLAINTIFF WILL BE OUR NEXT WITNESS
22 THEN?

23 MR. HART: YES, JUDGE.

24 THE COURT: AND DO WE ANTICIPATE ANY OTHER WITNESS
25 BEING CALLED BY PLAINTIFF AT THAT POINT IN TIME?

26 MR. HART: I'M NOT SURE, BUT I'LL KNOW TOMORROW, OVER

1 THE COURT: SO WE DO NOT KNOW WHICH ONE IS THE
2 POTENTIAL TO BE CALLED?

3 MR. HART: RIGHT. THERE'S TWO ISSUES HERE. I DON'T
4 KNOW FOR SURE I WANT TO CALL THEM. SECOND ISSUE IS I'M NOT
5 SURE WHICH ONE WOULD FILL WHAT I MIGHT WANT TO DO. I HAVE TO
6 TALK TO THEM. I HAVE A ZOOM MEETING TOMORROW. I HAVE A
7 MEETING TONIGHT TO ADDRESS THAT ISSUE. IF I SORT IT OUT AND
8 HAVE A POTENTIAL NAME, WHETHER I CALL THEM OR NOT, I'LL SHARE
9 IT WITH COUNSEL.

10 THE COURT: ALL RIGHT. I HAVE SAID WE NEED 48-HOUR
11 COMMUNICATION.

12 MR. VOSS: AND I ASSUMED THAT WAS BUSINESS DAYS. I
13 MEAN, WE HAVE A COURT HOLIDAY ON MONDAY. I'M MAKING USE OF
14 THAT WHILE TRAVELING. SO THE OPPORTUNITY TO PREPARE FOR
15 WHOEVER THIS MYSTERY WITNESS IS, IT'S NOT FAIR TO TELL ME OVER
16 THE WEEKEND.

17 MR. HART: I'LL TELL BY TOMORROW, JUDGE.

18 THE COURT: WE NEED TO FIND OUT BY NOON TOMORROW.

19 MR. HART: VERY GOOD. NO PROBLEM.

20 MR. VOSS: I'LL BE ON AN AIRPLANE BY NOON TOMORROW,
21 YOUR HONOR. AND SO WE WERE SUPPOSED TO KNOW -- THIS IS
22 CASE-IN-CHIEF OF PLAINTIFF. IT'S NOT A REBUTTAL WITNESS. WE
23 HAVEN'T CALLED ANYBODY. I RESPECTFULLY REQUEST THAT AT LEAST
24 WHICH TWO IS IT? WHO ARE WE DECIDING BETWEEN? SOMETHING SO I
25 CAN AT LEAST MAKE SOME USE OF PREPARATION TIME. OTHERWISE,
26 WE'RE WALKING INTO THE COURT ON TUESDAY AND THIS 48-HOUR'S

1 THE WEEKEND LATEST. I'LL COMMUNICATE THAT INFORMATION TO
2 COUNSEL. I HAVE ALL THEIR CELLPHONES.

3 THE COURT: WE NEED TO HEAR -- THAT NEEDS TO BE
4 IDENTIFIED AS SOON AS POSSIBLE, AND THEN WE WILL CROSS
5 WHATEVER BRIDGE AT THAT POINT.

6 MR. VOSS: I'M GOING TO BE TRAVELING. SO CALLING A
7 WITNESS, SO WHO IS EVEN THE POTENTIAL WITNESS? COULD WE AT
8 LEAST KNOW THAT?

9 MR. HART: SOMEBODY ON THE LIST DEPENDING UPON HOW
10 THEY RESPOND.

11 MR. VOSS: WE'RE NOT PLAYING HIDE THE BALL. WHO
12 MIGHT IT BE?

13 THE COURT: JUST A MINUTE, PLEASE, EVERYONE. SO WE
14 HAD INDICATED BEFORE THAT WE HAD A NUMBER OF PEOPLE ON THE
15 WITNESS LIST, AND THAT WE THOUGHT THE THREE I'VE IDENTIFIED,
16 THE DEFENDANT AND PLAINTIFF AND HIS DAUGHTER, WERE THE THREE
17 THAT WE ANTICIPATED CALLING.

18 SO DO YOU HAVE ANOTHER ONE THAT YOU'RE LIKELY
19 TO BE CALLING NEXT THEN, IF THERE IS THE NEED? BY IDENTIFYING
20 WE'RE NOT COMMITTED TO CALLING THEM. BUT IN TERMS OF
21 SEQUENCING AND EVERYTHING, THAT'S SOMETHING WE NEED TO KNOW.

22 MR. HART: I UNDERSTAND THAT, JUDGE, BUT I HAVE A
23 MEETING LATER TONIGHT TO BEGIN TO SORT THAT OUT. I PROMISE I
24 WILL TELL COUNSEL AS SOON AS I KNOW WHETHER IT'S WORKING OUT
25 OR NOT. IT'S ONE OF THE REMAINING WITNESSES. I DON'T KNOW
26 WHICH ONE AT THE MOMENT.

1 NOTICE ISN'T DOING ME ANY GOOD AT ALL. THAT'S NOT FAIR.

2 MR. HART: I CAN'T BE RESPONSIBLE FOR COUNSEL
3 SCHEDULING HIMSELF OUT OF TOWN IN THE MIDDLE OF THE TRIAL. I
4 CAN DO WHAT I CAN DO, AND I PROMISE I'LL DO IT, AND IT WILL BE
5 MORE THAN 48 HOURS IN ADVANCE.

6 I MEAN, I'VE SAID, NO PROBLEM, JUDGE. I'LL
7 HAVE IT BY TOMORROW, NOON LATEST. IF I DON'T GIVE HIM A NAME
8 BY TOMORROW NOON, THEN I AGREE THEY WON'T BE CALLED.

9 MR. VOSS: I CONTEND IT'S UNFAIR SURPRISE.

10 THE COURT: OKAY. THE AMOUNT OF HAND HOLDING THAT IS
11 HAVING TO GO ON THROUGHOUT THIS PROCESS IS BECOMING QUITE,
12 FRANKLY, RIDICULOUS. WE'VE TRIED CASES TOGETHER ALL THE TIME.
13 WE TREAT EACH OTHER WITH THE UTMOST RESPECT. AND I'VE SEEN
14 NOTHING BUT PETTINESS. IT'S BOTH WAYS. I'M NOT ISOLATING
15 ANYONE.

16 THIS HAS NOT BEEN CONDUCTED TO THE LEVEL OF
17 PROFESSIONALISM THAT WE NEED AND EXPECT AND I WAS ASSURED OF
18 IN THIS CASE. THERE'S BEEN --

19 MR. VOSS: I APOLOGIZE FOR MY PART IN THAT.

20 THE COURT: I DON'T NEED ANY INTERRUPTIONS NOW. BUT
21 WE, YOU KNOW, MOVED THE BALLS AROUND HERE A LITTLE BIT. WE
22 KIND OF HAD A NUMBER OF SPEAKING -- WE'VE HAD A LOT OF THE
23 OBJECTIONS. I'VE TRIED TO BE VERY LENIENT AND ACCOMMODATING
24 TO EVERYBODY. AND I THINK I HAVE BEEN QUITE LENIENT AND
25 ACCOMMODATING TO EVERYBODY, AND IT IS BECOMING TAKEN ADVANTAGE
26 OF, I GUESS, MIGHT BE THE BEST WAY TO SAY IT.

1 SO HERE IS WHAT WE WILL DO: I WILL EXPECT THAT
2 THERE WILL BE AN EMAIL OR A MESSAGE SOMETIME TONIGHT FOR THE
3 WITNESS TO BE CALLED. JUST THAT THEY'RE ON THE LIST IS
4 NOT -- WE'VE TALKED ABOUT SHARING WITH EVERYBODY AND GIVING A
5 FAIR VISUAL OPPORTUNITY TO PREPARE FOR THAT. THIS IS A VERY
6 TRYING AND DIFFICULT PROFESSION FOR EVERYBODY, AND I REALIZE
7 THAT. AND SO I TRY TO CUT AS MUCH SLACK AS I CAN, BUT WE ALSO
8 HAVE TO BE RESPECTFUL OF EVERYBODY'S CIRCUMSTANCES AS WELL.

9 WHAT WE ALSO NEED ON TUESDAY, AS WE TALKED
10 ABOUT, IS THOSE OTHER DOCUMENTS; THE INSTRUCTIONS AND PROPOSED
11 VERDICT FORMS AND A CLEAN VERSION OF 18 FOR TUESDAY MORNING AS
12 WELL. SO WE CAN GET RID OF THE HIGHLIGHTING. I THINK THERE'S
13 A COUPLE -- IT'S NEITHER HERE NOR THERE, BUT THERE'S SOME
14 LETTERS UP IN ONE OF THE TOP CORNERS. I DON'T KNOW THAT IT
15 MEANS ANYTHING TO ANYBODY, BUT NONETHELESS IT SHOULD BE
16 CLEANED SO THAT WE HAVE A PRISTINE DOCUMENT THAT IS IN THE
17 RECORD.

18 SO IS THERE ANYTHING ELSE WE NEED TO PUT ON THE
19 RECORD, ANY OTHER STATEMENTS OR ANY OTHER CONVERSATIONS?
20 BECAUSE WE ARE AT THE END OF THIS WEEK.

21 MR. HART: NO, JUDGE.

22 MR. VOSS: NO, YOUR HONOR. AGAIN, I APOLOGIZE FOR
23 TRYING YOUR PATIENCE, YOUR HONOR.

24 THE COURT: THANK YOU VERY MUCH.

25 (EVENING ADJOURNMENT.)
26

1 REPORTER'S CERTIFICATE

2
3 STATE OF CALIFORNIA)
4) SS.
5 COUNTY OF ORANGE)

6 I, MICHELLE LOTT-MEYERHOFER, CSR NO. 8226, REPORTER
7 PRO TEMPORE, IN AND FOR THE SUPERIOR COURT OF THE STATE OF
8 CALIFORNIA, COUNTY OF ORANGE, DO HEREBY CERTIFY;

9 THAT THE FOREGOING TRANSCRIPT IS A FULL, TRUE AND
10 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES, AND IS A FULL, TRUE
11 AND CORRECT STATEMENT OF THE PROCEEDINGS HAD IN SAID CAUSE.

12
13 DATED THIS ____ DAY OF _____, 2024.
14
15
16

17 _____
18 MICHELLE LOTT-MEYERHOFER, CSR NO. 8226
19 OFFICIAL REPORTER PRO TEM
20
21
22
23
24
25
26

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