

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
TUESDAY, NOVEMBER 19, 2024

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

1 APPEARANCES OF COUNSEL:

3 FOR PLAINTIFF:

4 HOYT E. HART, II, ATTORNEY AT LAW
5 VAN NGUYEN, LAW STUDENT
6 P.O. BOX 675670
7 RANCHO SANTA FE, CA 92067
8 HOYTH@PRODIGY.NET

11 FOR DEFENDANTS:

12 DAVID C. VOSS, ESQ.
13 VOSS, SILVERMAN & BRAYBROOKE, LLP
14 4640 ADMIRALTY WAY, SUITE 800
15 MARINA DEL REY, CA 90292-6602
16 DAVE@VSBLLP.COM
17 -AND-
18 STEPHEN J. ERIGERO, ESQ.
19 ROPERS MAJESKI PC
20 801 SOUTH FIGUEROA STREET, SUITE 2100
21 LOS ANGELES, CA 90017
22 STEPHEN.ERIGERO@ROPERS.COM

1 WITNESS INDEX
2 TUESDAY, NOVEMBER 19, 2024
3 (NONE)

1 EXHIBITS

2 TUESDAY, NOVEMBER 19, 2024
3 (EXHIBITS PREMARKED UNLESS OTHERWISE NOTED)

4
5 EXHIBIT ID EVID
6 (NONE)

1 SANTA ANA, CALIFORNIA - TUESDAY, NOVEMBER 19, 2024
2 MORNING SESSION

3 *****

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

5 THE COURT: THEN WE WILL GO AHEAD AND GO ON THE
6 RECORD IN KHOA V. THANG.

7 AND IF WE COULD PLEASE HAVE THE APPEARANCES,
8 STARTING WITH THE PLAINTIFF.

9 MR. HART: GOOD MORNING, YOUR HONOR. HOYT HART FOR
10 THE PLAINTIFF.

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

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

15 THE COURT: THANK YOU VERY MUCH.

16 WE ARE OUTSIDE THE PRESENCE OF THE JURY. THEY
17 SHOULD BE HERE IN A FEW MINUTES FOR INSTRUCTIONS AND CLOSINGS.

18 OFF THE RECORD, WE HAD A -- SOME BRIEF
19 DISCUSSIONS RELATING TO THE FINAL VERSIONS OF THE JURY
20 INSTRUCTIONS AND THE VERDICT FORM.

21 IN TERMS OF THE JURY INSTRUCTIONS, WE INSERTED
22 A REVISED VERSION OF 1700 TO CONFORM TO DISCUSSIONS THAT WE
23 HAD LAST WEEK, AND THEN WE ALSO RECEIVED, FROM PLAINTIFF, A
24 NEW INSTRUCTION, CORPORATE EMPLOYER LIABILITY FOR ACTS OF AN
25 OFFICER. AND THAT HAS BEEN INSERTED AS WELL.

26 IS THERE ANYTHING ELSE THAT ANYONE WOULD LIKE

1 TO SAY ABOUT THE JURY INSTRUCTIONS?
 2 I'LL ALSO NOTE THAT WE HAVE BEEN GIVEN A COPY,
 3 AND I'LL ASK YOU, AGAIN, TO FOLLOW ALONG AS I READ TO MAKE
 4 SURE THAT I DON'T MISSPEAK, BUT ANYTHING FOR THE RECORD FOR
 5 JURY INSTRUCTIONS?
 6 MR. HART: NOT FOR PLAINTIFF, JUDGE.
 7 MR. VOSS: NOT FOR DEFENDANT, YOUR HONOR.
 8 THE COURT: THANK YOU VERY MUCH.
 9 AND THEN MOVING ON TO THE VERDICT FORM, WE
 10 DISCUSSED THAT LAST WEEK, AND THERE'S A FEW LITTLE THINGS THAT
 11 WE NEEDED TO FINALIZE ON THAT, AND BOTH SIDES DID SUBMIT
 12 COPIES OF VERDICT FORM. AND THEY WERE VERY SIMILAR, A FEW
 13 MINOR THINGS.
 14 THE MINOR DIFFERENCES WERE THE INSTRUCTIONS
 15 AFTER QUESTION NO. 5 AND 6, AND NEITHER WERE WRONG. WE JUST
 16 ENDED UP -- THE COURT ENDED UP GOING WITH THE PLAINTIFF'S
 17 VERSION. IT WAS A LITTLE SIMPLER, BUT THERE'S NOTHING TO
 18 IMPROPER ABOUT EITHER ONE. IT'S JUST FOR CLARITY.
 19 AND THEN THE OTHER DIFFERENCE WAS THAT, IN
 20 QUESTION 7, PLAINTIFF INCLUDED A QUESTION PART RELATED TO
 21 HARM, RELATED TO PLAINTIFF'S OCCUPATION, WHICH DEFENDANTS
 22 OBJECTED, AND THE COURT ULTIMATELY INCLUDED THE OCCUPATION
 23 QUESTION IN THERE.
 24 SO ANYTHING FROM PLAINTIFF RELATING TO THE
 25 VERDICT FORM THAT YOU'D LIKE TO PUT ON THE RECORD?
 26 MR. HART: NO, YOUR HONOR. THANK YOU VERY MUCH.

1 THE COURT: AND FROM DEFENSE SIDE?
 2 MR. VOSS: NO, YOUR HONOR.
 3 THE COURT: ALL RIGHT. SO THEN WE HAVE EVERYBODY IS
 4 IN AGREEMENT AS TO THE SPECIAL INSTRUCTIONS AND THE VERDICT
 5 FORM IS CONSISTENT WITH THE RULINGS THAT THE COURT HAS MADE ON
 6 THOSE TOPICS.
 7 THEN ANYTHING AT ALL THAT WE NEED TO HAVE ON
 8 THE RECORD? WE'RE A FEW MINUTES FROM OUR JURORS, AND WE WERE
 9 TALKING, OFF THE RECORD, ABOUT TIME ESTIMATES, AND IT SOUNDS
 10 LIKE WE'RE SHOOTING, IF WE CAN GET STARTED AT 9, TO MAYBE BE
 11 ABLE TO HOPEFULLY WRAP UP RIGHT AT THE LUNCH HOUR. WORSE CASE
 12 SCENARIO, A LITTLE BIT OF REBUTTAL AFTER THE LUNCH HOUR, BUT
 13 BOTH PARTIES WERE -- ROUGH, FUSSY ESTIMATES OF ABOUT
 14 60 MINUTES WITH THAT ON THE PLAINTIFF'S SIDE BEING EQUAL, THE
 15 INITIAL AND THE REBUTTAL. WE'LL HAVE TO SEE THAT ALL UNFOLD.
 16 THAT WAS ABOUT WHERE WE'RE AT.
 17 SO WE'RE HOPEFUL THAT WE CAN GET IT IN BEFORE
 18 THAT LUNCH HOUR, BUT, AS I INDICATED, IF WE GO -- I THINK WE
 19 HAVE A FEW WRAP-UP MINUTES AFTER THE LUNCH HOUR, THAT'S
 20 ACCEPTABLE TO GET THE JURY GOING FROM THERE.
 21 ANYTHING FOR THE RECORD FROM ANYBODY?
 22 MR. HART: NO, YOUR HONOR. THANK YOU.
 23 THE COURT: ANYTHING FROM DEFENSE?
 24 SO WE CAN GO OFF THE RECORD THEN.
 25 (OFF THE RECORD.)
 26 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE

1 PRESENCE OF THE JURY:)
 2 THE COURT: GOOD MORNING, EVERYBODY. WE'RE BACK HERE
 3 IN KHAO V. THANG. WE HAVE ALL OUR JURORS WHO HAVE JOINED US
 4 NOW.
 5 AS WE INDICATED LAST WEEK WHEN WE WRAPPED UP,
 6 WE WILL START IN TODAY WITH OUR INSTRUCTIONS ON THE LAW FOR
 7 YOU. AND THEN WE'LL GO INTO BOTH SIDES CLOSING ARGUMENTS, AND
 8 HOPEFULLY, WE'LL GET DONE BEFORE LUNCH. WE COULD ROLL OVER
 9 JUST A TINY BIT AFTER LUNCH BECAUSE OF THE WRAPPING UP OF THE
 10 CLOSING, BUT THEN DEFINITELY THIS AFTERNOON, WE'LL GET STARTED
 11 ON DELIBERATIONS FOR YOU.
 12 YOU WILL RECEIVE COPIES OF THESE INSTRUCTIONS
 13 IN THE JURY ROOM. WE'LL SEND IN THREE TO FOUR SETS, SO YOU'LL
 14 HAVE THEM TO REFER TO DURING YOUR DELIBERATION.
 15 NONETHELESS, PLEASE DO PAY ATTENTION AS WE READ
 16 THROUGH THESE INSTRUCTIONS. THE ATTORNEYS MAY REFER TO SOME
 17 OF THEM DURING THEIR CLOSING ARGUMENTS, SO IT'S IMPORTANT TO
 18 KIND OF PAY ATTENTION AND HEAR THEM ALL IN CONTEXT BEFORE WE
 19 GET TO THAT POINT.
 20 SO WITHOUT FURTHER ADO, WE'RE GOING TO DIVE
 21 RIGHT IN HERE.
 22 (READING OF JURY INSTRUCTIONS BY THE COURT TO THE JURY.
 23 REPORTING WAIVED.)
 24 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN. SO
 25 THOSE ARE THE INSTRUCTIONS FOR THIS MATTER. AS INDICATED,
 26 WE'LL HAVE A FEW SETS THAT YOU CAN REFER TO DURING YOUR

1 DELIBERATIONS.
 2 WE ARE NOW GOING TO TRANSITION TO THE CLOSING
 3 ARGUMENTS FROM THE ATTORNEYS. WE'LL START WITH PLAINTIFF, GO
 4 TO DEFENDANT, AND THEN PLAINTIFF WILL HAVE AN OPPORTUNITY FOR
 5 A BRIEF REBUTTAL.
 6 AS YOU HEARD DURING THE INSTRUCTIONS, ANYTHING
 7 THE ATTORNEYS SAY DURING THE CLOSING ARGUMENTS IS NOT
 8 EVIDENCE. THE EVIDENCE IS WHAT YOU HEARD DURING THE TRIAL,
 9 AND IT WILL BE FOR YOU TO DECIDE WHAT EVIDENCE YOU BELIEVE OR
 10 DISBELIEVE.
 11 TO THE EXTENT THE ATTORNEYS SAY ANYTHING ABOUT
 12 THE LAW THAT IS INCONSISTENT WITH THE INSTRUCTIONS THAT YOU
 13 JUST HEARD, YOU ARE TO FOLLOW THE INSTRUCTIONS THAT WERE READ
 14 TO YOU AS OPPOSED TO ANY INCONSISTENT STATEMENTS THAT MAY BE
 15 MADE.
 16 AND WITH THAT, WE WILL START WITH PLAINTIFF.
 17 MR. HART, THE FLOOR IS YOURS.
 18 MR. HART: THANK YOU, YOUR HONOR.
 19 GOOD MORNING, LADIES AND GENTLEMEN.
 20 A STATEMENT THAT'S BEEN ON THE WHITEBOARD
 21 THROUGHOUT THE TRIAL IS A FALSE STATEMENT.
 22 FOR THIS TO BE TRUE, WE WOULD NEED TO HAVE IN
 23 EVIDENCE AN APPLICATION FOR A GRANT TO THE DEPARTMENT OF
 24 STATE, WHEREIN MR. KHOA FALSELY CLAIMED HE HELD A DOCTORAL
 25 DEGREE.
 26 WE DIDN'T GET THAT IN EVIDENCE. FAILING THAT,

1 THE STATEMENT IS FALSE.

2 WHEN YOU GO THROUGH THE VERDICT FORM, THERE

3 WILL BE A PLACE ARE FOR YOU TO SAY WHETHER THIS IS TRUE OR

4 FALSE. IF IT'S NOT TRUE, IT'S FALSE. IT'S NOT A LITTLE TRUE

5 OR VAGUELY TRUE; IT'S TRUE OR IT'S FALSE.

6 TO BE TRUE, IT REQUIRES ALL THESE THINGS, NONE

7 OF WHICH CAME INTO EVIDENCE.

8 A RESUME THAT SAYS, "DOCTORAL THESIS," IS NOT A

9 RESUME THAT SAYS "DOCTORAL DEGREE." SO THAT DOESN'T GET THE

10 JOB DONE FOR TWO REASONS. IT'S NOT SAYING DOCTORAL DEGREE,

11 AND THE OTHER REASON IS IT'S TRUE. HE HAD A DOCTORAL THESIS.

12 SO YOU WON'T FIND AND YOU HAVEN'T SEEN EVIDENCE TO MAKE THIS

13 STATEMENT TRUE. THEREFORE, IT'S FALSE.

14 NOW, THERE'S A LOT OF RUMINATING ABOUT WHY THIS

15 WAS DONE, BUT YOU'LL SEE TESTIMONY IN A LITTLE BIT THAT NGUYEN

16 DINH THANG DID THIS TO PROTECT B.P.S.O.S.'S ABILITY TO

17 FUNDRAISE.

18 "IF I DIDN'T SET THE RECORD STRAIGHT RIGHT

19 AWAY, IT WOULD INTERFERE WITH B.P.S.O.S.'S ABILITY TO

20 FUNDRAISE."

21 SO THIS PUBLICATION FROM MAY 25, 2020 WAS MADE

22 ON BEHALF OF B.P.S.O.S. SO LET'S PUT UP JURY INSTRUCTION

23 3703.

24 THIS IS ONE OF THE JURY INSTRUCTIONS THAT THE

25 COURT READ TO YOU. AND AS YOU CAN SEE, NGUYEN DINH THANG WAS

26 THE PRESIDENT OF BOAT PEOPLE S.O.S. IF YOU FIND THAT HE WAS

1 ACTING WITHIN THE SCOPE OF B.P.S.O.S. EMPLOYMENT WHEN THE

2 MAY 25TH ARTICLE WAS PUBLISHED ON THE B.P.S.O.S. WEBSITE AND

3 SENT BY EMAIL TO THE EMAIL LIST, THEN B.P.S.O.S. IS

4 RESPONSIBLE.

5 THE REASON I'M DOING THIS AT THE FRONT IS

6 BECAUSE A COUPLE OF QUESTIONS IN THE VERDICT FORM WILL ASK

7 YOU, LIKE NO. 1: DID NGUYEN DINH THANG MAKE THIS STATEMENT?

8 HE DID. HE ADMITTED THAT HE DID.

9 IT ALSO SAYS: DID B.P.S.O.S. MAKE THIS

10 STATEMENT?

11 SO WE KNOW THE TESTIMONY WAS THAT HE PUBLISHED

12 IT ON MACH SONG MEDIA. THAT'S B.P.S.O.S. BUT WITH THIS

13 INSTRUCTION, YOU CAN SEE THAT ANYTHING DR. THANG DID IN THIS

14 CASE RELATED TO THIS PUBLICATION, HE DID FOR THE BENEFIT AND

15 ON BEHALF OF B.P.S.O.S.

16 SO EVEN THOUGH YOU'LL BE ASKED TO ANSWER

17 INDIVIDUALLY FOR THANG AND B.P.S.O.S., IN REALITY, IF YOU

18 ANSWER FOR THANG, THE SAME ANSWER APPLIES TO B.P.S.O.S.

19 OKAY. NOW, THERE'S ANOTHER IMPORTANT

20 INSTRUCTION HERE. LET'S PUBLISH 203.

21 SOME OF THE TESTIMONY THAT YOU HEARD FROM

22 DR. THANG WAS -- I WAS TRYING TO GET HIM TO EXPLAIN HOW THOSE

23 DORNAN LETTERS MADE THIS STATEMENT TRUE, AND I KEPT ASKING

24 HIM: WHERE IS YOUR PROOF OF THIS?

25 AND HE SAID: I'VE SEEN PROOF. I HAVE PROOF.

26 MY LAWYER HAS THE PROOF.

1 BUT IT WASN'T PRODUCED.

2 THE LAW PROVIDES INSTRUCTION FOR YOU ON THIS.

3 IF HIS LAWYER HAD SUCH A RESUME THAT SAID -- CLAIMED TO BE A

4 PH.D., AND HE DIDN'T SHOW IT, THEN YOU CAN DISTRUST THAT

5 TESTIMONY. HE CLAIMED IT, BUT HE DIDN'T SHOW IT. THAT'S

6 IMPORTANT.

7 NOW, OCCASIONALLY, WHEN WE'RE DOING THIS KIND

8 OF WORK, ESPECIALLY WITH CONVOLUTED TESTIMONY AND EXPLANATION,

9 LIKE WE HAVE HAD IN THIS CASE, YOU DON'T ACTUALLY UNDERSTAND

10 WHAT REALLY WENT ON UNTIL IT COMES OUT IN THE TRIAL. WE DO

11 THE BEST WE CAN IN DEPOSITIONS TO FIND OUT WHAT HAPPENED, BUT

12 SOMETIMES, LIKE THIS CASE, THE REVELATIONS THAT COME OUT

13 DURING TRIAL EXPLAIN THE WHOLE THING.

14 WE WENT THROUGH THOSE DORNAN LETTERS QUITE A

15 BIT. AND WE'RE GOING TO LOOK AT THEM AGAIN IN A MINUTE, BUT

16 WHAT REALLY -- THE REVELATION THAT I HAD IN THIS CASE, WHILE

17 WE'RE DOING THE TRIAL, COMES FROM WHEN I'M ASKING DR. THANG:

18 HOW DO THOSE DORNAN LETTERS PROVE THAT THIS STATEMENT IS TRUE?

19 AND HE KEPT EXPLAINING, INSTEAD OF HOW IT

20 PROVED IT WAS TRUE, HOW EFFECTIVE THE LETTERS WERE.

21 **REMEMBER: "AS SOON AS THESE WERE RELEASED TO**

22 **THE PUBLIC, WITHIN A WEEK THE STATE DEPARTMENT DROPPED ITS**

23 **OBJECTION TO THE ANTI-CPA AMENDMENT."**

24 AND, YOU KNOW, I'M STRUGGLING WITH THIS. IT

25 DOESN'T MAKE SENSE. WHY IS THAT HIS EXPLANATION? HE'S

26 CONFLATING TRUTH WITH EFFECTIVENESS. AND THEN YOU REALIZE, AS

1 HE GIVES FURTHER EXPLANATION, SOME OF WHICH WE'LL LOOK AT HERE

2 IN A LITTLE BIT, THE WHOLE PURPOSE OF THOSE DORNAN LETTERS

3 WERE TO ASSASSINATE THE CHARACTER OF PROFESSOR KHOA.

4 **HE WAS THE STATE DEPARTMENT'S LEAD WITNESS**

5 **AGAINST THE ANTI-CPA AMENDMENT. AND THEY COULDN'T GET HIM TO**

6 **BUDGE. THEY COULDN'T GET HIM TO CHANGE HIS POSITION. SO THEY**

7 **DID WHAT, UNFORTUNATELY, OFTEN HAPPENS IN POLITICS; THEY**

8 **STARTED THROWING MUD AT HIM. AND THAT'S WHAT THOSE LETTERS**

9 **ARE.**

10 **THE REASON YOU DON'T SEE ANY REPORT OF AN**

11 **INVESTIGATION, THERE WAS NO INVESTIGATION. REMEMBER THE**

12 **TESTIMONY: AL SANTOLI HAD ME COME IN AND GAVE ME ALL THESE**

13 **DOCUMENTS, ALL THESE THINGS THAT ARE FULL OF INNUENDO BUT NO**

14 **PROOF, AND ASKED ME IF I WANTED COPIES.**

15 AND THE DORNAN LETTERS THAT ARE NOT CC'ED TO

16 ANYBODY WERE GIVEN OUT TO A LOT OF PEOPLE. WHAT'S THAT ALL

17 ABOUT?

18 **THAT'S ABOUT TAKING OUT THE WITNESS THAT'S**

19 **HOLDING UP THE ANTI-CPA AMENDMENT. AND HERE IS WHERE**

20 **DR. THANG COMES IN; HOW EFFECTIVE THAT WAS,**

21 **WITHIN JUST A WEEK, STATE DEPARTMENT DROPPED**

22 **THEIR OBJECTION.**

23 **AND WHY DID THEY DO THAT?**

24 **BECAUSE PROFESSOR KHOA HAD NO MORE CREDIBILITY.**

25 **THEY DESTROYED HIS CREDIBILITY.**

26 SO FAST FORWARD. THAT WAS IN '96. COME BACK

1 NOW TO 2019, AND YOU'LL SEE IN EXHIBIT 17, APPARENTLY IN
2 DECEMBER OF 2019, DR. THANG FEELS THE NEED TO BOLSTER HIS
3 PRESTIGE OR CREDIBILITY IN THE REFUGEE CHARITY ARENA.
4 AND SO HE PUBLISHES ON MACH SONG MEDIA, THIS
5 VIDEO WITH CAPTIONS CLAIMING THAT HE AND B.P.S.O.S. WERE THE
6 ONES RESPONSIBLE FOR RESETTLING 18- TO 20,000 PEOPLE.

7 **THAT WAS THE WORK OF S.E.A.R.A.C.**
8 **S.E.A.R.A.C. DID THAT BACK IN THE '90S. BUT DR. THANG CLAIMS**
9 **THAT CREDIT IN 2019.**

10 SO BY THE SPRING OF 2020, PROFESSOR KHOA HAS
11 PUSHED BACK AND SAID: WAIT A MINUTE. THAT'S NOT CORRECT.
12 AND THESE ARE IN EVIDENCE. YOU'LL BE ABLE TO
13 SEE THESE ARTICLES. PROFESSOR KHOA'S ARTICLE IS 237. AND
14 THEN THE OFFENDING ARTICLE, MAY 25TH, IS 238.

15 SO YOU CAN READ IN THERE -- I DIDN'T GO INTO
16 DETAIL IN THIS IN THE TRIAL, BECAUSE IT REALLY DOESN'T MATTER.
17 THIS IS WHAT MATTERS. BUT WHEN WE SEE ALL THE EVIDENCE IN
18 TOTAL, WE APPRECIATE WHAT'S REALLY GOING ON HERE.

19 **SO 2019, 25 YEARS AFTER THE R.O.V.R. PROGRAM IN**
20 **THE 1990'S, DR. THANG CLAIMS CREDIT FOR THAT. LONG-RETIRED**
21 **PROFESSOR KHOA GETS NOTICED BY FRIENDS, "HEY, WHAT'S THE TRUTH**
22 **HERE?"**
23 **WRITES HIS ARTICLE. HE SET THE RECORD**
24 **STRAIGHT.**
25 **NOW, DR. THANG IS IN A PICKLE, BECAUSE HE'S**
26 **CLAIMED CREDIT FOR THIS. AND THE GUY WHO ACTUALLY IS ENTITLED**

1 **TO CREDIT FOR IT PUSHED BACK. IT MAKES HIM LOOK LIKE A LIAR.**
2 **WELL, HE SET THAT TRAP FOR HIMSELF.**

3 HE TOLD YOU: I HAD TO RESPOND RIGHT AWAY. I
4 HAD TO SET THE RECORD STRAIGHT.

5 AND IF ALL HE DID WAS GIVE HIS OPINION OF THE
6 HISTORY, THAT WOULD HAVE BEEN FINE. TWO OLD GUYS TALKING AND
7 ARGUING ABOUT WHO DID WHAT IN THE OLD DAYS. SO WHAT? NO
8 HARM, NO FOUL.

9 HE DIDN'T LIMIT HIMSELF TO THAT. HE ADDED
10 THIS. AND THE REASON IS HE SAID SHE SAID IS A STALEMATE. HOW
11 DO I OVERCOME PROFESSOR KHOA'S HISTORICAL FACT STATEMENT?

12 OH, I REMEMBER WHAT CONGRESSMAN DORNAN DID. HE
13 DESTROYED THE CREDIBILITY OF PROFESSOR KHOA BACK IN '96.

14 SO HE GOES INTO HIS ARCHIVES AND HE PULLS OUT
15 ALL THOSE PAPERS, AND PRIMARILY THE APRIL 2ND AND APRIL 30TH
16 DORNAN LETTERS. AND HE REVIEWS THAT AND HE COOKS UP THE
17 MAY 25 ARTICLE, EXHIBIT 238.

18 **AND JUST TO GIVE HIMSELF ONE LEG UP ON THE**
19 **DISCUSSION, HE PUTS THAT FALSE STATEMENT IN THERE IN ORDER TO**
20 **UNDERMINE THE CREDIBILITY OF HIS ARGUING OPPONENT.**
21 **THAT'S WHAT HAPPENED IN THIS CASE. THIS WAS A**
22 **CASE OF STOLEN VALOR, CLAIMING CREDIT FOR WHAT**
23 **S.E.A.R.A.C. DID. AND WHEN YOU WERE CALLED OUT ON IT, YOU DID**
24 **CHARACTER ASSASSINATION ON PROFESSOR KHOA.**

25 SO LET'S PUT UP EXHIBIT 232 -- I'M SORRY, 233.
26 HERE IS THE APRIL 2ND, 1996 ROBERT DORNAN

1 LETTER. THIS IS THE BACKGROUND REFERENCE, ACCORDING TO
2 DR. THANG, FOR WHY HE WROTE THE FALSE STATEMENT THAT'S ON THE
3 WHITEBOARD.

4 AND AS WE LOOK THROUGH THIS, WE MAY SEE
5 ALLEGATIONS IN THERE, LIKE, S.E.A.R.A.C. OR
6 I.R.A.C. MISREPRESENTED PROFESSOR KHOA AS A DOCTOR, BUT WE DO
7 NOT SEE IN THERE ANY REFERENCE TO ACTUAL EVIDENCE THAT
8 PROFESSOR KHOA FALSELY PRESENTED HIMSELF AS A DOCTORAL DEGREE
9 HOLDER.

10 AND SO WHAT WE HAVE, NOW THAT WE CAN SEE IT
11 KIND OF IN CONTEXT, THIS IS THE BEGINNING EFFORT AT A
12 POLITICAL HIT JOB ON PROFESSOR KHOA, BECAUSE, WE NEED TO GET
13 THE STATE DEPARTMENT OUT OF THE WAY, AND HE'S THEIR WITNESS,
14 AND SO WE'RE GOING TO START TO PUT OUT RUMORS ABOUT HIM. WHAT
15 CAN WE USE TO PUT THOSE RUMORS OUT?

16 SO HE SENDS THE MARCH 6TH LETTER TO
17 PROFESSOR KHOA ASKING FOR THINGS LIKE A RESUME AND GRANT
18 APPLICATIONS, WHICH HE DUTIFULLY SENDS IN.

19 AND WHAT DOES CONGRESSMAN DORNAN DO WITH THAT
20 MATERIAL? HE STARTS SPREADING IT AROUND TO PEOPLE LIKE NGUYEN
21 DINH THANG.

22 AND WHEN THAT DOESN'T GET THE JOB DONE EXACTLY,
23 THERE'S ANOTHER LETTER. THAT'S EXHIBIT 234. THE APRIL 30TH
24 LETTER OF DR. THANG CLAIMS THIS IS HIS MAIN PRIMARY RESOURCE
25 FOR WHAT HE WROTE HERE IN THIS STATEMENT ON THE WHITEBOARD.

26 NOW THIS ONE, WE HAVE TO LOOK A LITTLE BIT

1 CLOSELY AT. ALL RIGHT. YOU SEE THIS. NOW, THIS IS IMPORTANT
2 BECAUSE WHEN YOU'RE DOING YOUR POLITICAL HIT JOB ON SOMEBODY,
3 YOU WANT TO BE CAREFUL NOT TO SUBJECT YOURSELF TO A DEFAMATION
4 CASE. SO WHAT DOES HE SAY HERE?

5 I AM CONCERNED THERE MAY BE A CONFLICT OF
6 INTEREST. OH, I'M JUST BEING A GOOD CONGRESSMAN, LOOKING OUT
7 FOR CONFLICT OF INTEREST.

8 "BEGINNING IN JANUARY '96, I RECEIVED AN
9 OVERWHELMING NUMBER OF TELEPHONE CALLS AND LETTERS FROM
10 RESPECTED VIETNAMESE-AMERICAN LEADERS IN MY DISTRICT AND
11 ACROSS THE UNITED STATES."

12 WHO ARE THOSE? DID WE SEE ANY OF THAT? DO WE
13 KNOW?

14 TALK IS CHEAP WHEN YOU'RE DOING THIS. THAT'S
15 HOW HE CAN LAY OFF THE RESPONSIBILITY FOR WHAT HE'S ABOUT TO
16 SAY ON SOMEBODY ELSE. SO I'M JUST REPEATING WHAT I WAS TOLD.
17 CLASSIC POLITICAL AVOIDANCE. WHAT DO THEY CALL THAT?
18 DENIABILITY, OSTENSIBLE DENIABILITY.

19 WELL, IT MIGHT NOT BE TRUE, BUT IT'S JUST WHAT
20 PEOPLE TOLD ME, AND SO I'M ASKING YOU TO INVESTIGATE.

21 WE DON'T SEE WHAT HAPPENED WHEN THE LETTER WAS
22 RECEIVED BY THIS PERSON, THE INSPECTOR GENERAL. WE ONLY SEE
23 WHAT'S IN THE LETTER SENT OUT FOR THAT PURPOSE.

24 SO MOVING TO THE BOTTOM OF THIS FIRST
25 PARAGRAPH, WE SEE THAT S.E.A.R.A.C. AND I.R.A.C. ARE THE
26 TARGETS. BECAUSE THAT'S WHERE PROFESSOR KHOA IS. NOBODY ELSE

1 BUT JUST S.E.A.R.A.C. AND I.R.A.C.
 2 AND HERE IS THE KEY PART. AT THE BOTTOM, IT
 3 SAYS: THEIR CONCERNS INCLUDE. THE PEOPLE WHO CALLED ME HAVE
 4 CONCERNS. THEIR CONCERNS ARE THESE FIVE THINGS.
 5 LADIES AND GENTLEMEN, THIS IS CALLED INNUENDO,
 6 ASSAULT BY INNUENDO.
 7 ITEM NO. 5: "ONE OF THEIR CONCERNS IS
 8 MR. KHOA'S SELF-PROMOTION AS A PH.D."
 9 **DID WE SEE HIM, IN ANY EVIDENCE IN THIS CASE,**
 10 **SELF-PROMOTE TO BE A PH.D.?**
 11 NO.
 12 **IN FACT, HE PRACTICALLY CRIED WHEN CONFRONTED**
 13 **WITH WHETHER HE EVER SAID HE WAS A PH.D. OR NOT. THAT IS A**
 14 **HORRIBLE INSULT TO HIS PERSONAL INTEGRITY. HE NEVER DID THAT.**
 15 BUT THIS IS ONE OF THE CONCERNS OF THOSE PEOPLE
 16 WHO SUPPOSEDLY CALLED IN, THOSE UNNAMED PEOPLE.
 17 "HE RECENTLY ADMITTED HE DOES NOT HAVE SUCH A
 18 DEGREE," THAT MUST BE PART OF THE RESPONSE TO THE MARCH 6TH
 19 REQUEST FOR INFORMATION.
 20 THEN IT SAYS: "HIS MISREPRESENTATION OF
 21 ACADEMIC CREDENTIAL MAY HAVE RESULTED IN HIS RECEIVING STATE
 22 DEPARTMENT GRANTS OVER COMPETING APPLICANTS."
 23 NICE BIT OF SPECULATION, BUT DID WE SEE
 24 ANYTHING ABOUT THAT? WERE THERE THREE OTHER COMPETING GRANT
 25 APPLICATIONS THAT DID NOT HAVE PH.D. APPLICANTS WHO HE GOT
 26 OVER THEM BECAUSE OF THIS FALSE CHARGE?

1 NO. IT'S ALL MADE UP. IT'S ALL MADE UP.
 2 **THIS IS WHY WE NEVER SAW A GRANT APPLICATION**
 3 **WITH A RESUME THAT SAID "PH.D." IN IT. IT'S ALL FAKE. BUT IT**
 4 **DOESN'T MATTER. IT DOES ITS JOB WHETHER IT'S TRUE OR NOT.**
 5 **ITS JOB IS TO DESTROY THE CREDIBILITY OF SOMEONE IMPORTANT**
 6 **ENOUGH TO BE BLOCKING LEGISLATION THAT DORNAN WANTED.**
 7 IN MY BOOK, THIS WHOLE THING IS DESPICABLE. TO
 8 SACRIFICE PROFESSOR KHOA'S LIFETIME OF WORK AND DEDICATION AND
 9 INTEGRITY OVER AN AMENDMENT TO SOMETHING THAT PRESIDENT
 10 CLINTON VETOED ANYWAY, THAT'S DESPICABLE.
 11 AND TO RESURRECT THIS AND DO IT AGAIN TO
 12 PROTECT B.P.S.O.S.'S ABILITY TO FUNDRAISE, THAT'S DESPICABLE.
 13 THE ONE THING A MAN HAS AT THE END OF HIS DAYS
 14 IS HIS GOOD NAME. AND HOW EASY IS IT TO STEAL THAT? HOW EASY
 15 IS IT TO JUST PUBLISH SOMETHING THAT SAYS: OH, HE FALSELY
 16 CLAIMED. HE COMMITTED A CRIME. HE DEFRAUDED THE FEDERAL
 17 GOVERNMENT.
 18 HOW DO YOU UNRING THAT BELL?
 19 THIS IS HOW DO YOU IT; WHAT WE'RE ALL DOING
 20 RIGHT NOW. AND THAT'S WHY THIS IS SO IMPORTANT THAT YOU HAVE
 21 COME AND PARTICIPATED, BECAUSE YOU ARE THE WAY WE WILL UNRING
 22 THAT BELL BECAUSE YOU, UNLIKE ANYBODY ELSE BEFORE YOU, GOT TO
 23 ACTUALLY SEE THE EVIDENCE, AND YOU KNOW THAT STATEMENT IS
 24 FALSE.
 25 SO WITH THAT BEING SAID, LET'S TAKE A LOOK AT
 26 THE VERDICT FORM, BECAUSE THIS IS HOW WE EXECUTE THIS PROCESS

1 TO UNRING THAT BELL.
 2 WE'RE USING POWERPOINT IN ORDER TO BRING UP
 3 QUESTIONS WITH TESTIMONY TO HELP US UNDERSTAND HOW EASILY THIS
 4 VERDICT IS MANAGED.
 5 THIS IS YOUR JOB; WHAT'S RIGHT OR WRONG,
 6 BELIEVABLE OR NOT, WHAT'S TRUE AND WHAT ARE LIES.
 7 "MR. KHOA FALSELY CLAIMED HE HAD A DOCTORAL
 8 DEGREE IN APPLICATION FOR A GRANT FROM THE DEPARTMENT OF
 9 STATE."
 10 WE CAN PROBABLY ALL RECITE THAT IN OUR SLEEP
 11 NOW.
 12 THE QUESTION IS WHETHER IT'S TRUE OR FALSE. I
 13 THINK WE ALL KNOW ALREADY IT'S FALSE.
 14 FOR THIS TO BE TRUE, YOU HAVE TO HAVE THE GRANT
 15 APPLICATION TO THE DEPARTMENT OF STATE, PLUS THE FALSE CLAIMS
 16 OF A DOCTORAL DEGREE.
 17 WE'VE GONE THROUGH THE APRIL 2ND AND APRIL 30TH
 18 LETTERS. NOW, IT'S INTERESTING, HERE IS THE TRANSCRIPT FROM
 19 THURSDAY, THE 7TH, A QUESTION TO DR. THANG:
 20 "CAN YOU TELL ME WHERE THIS COPY OF
 21 THE APRIL 2ND DORNAN LETTER CAME FROM?"
 22 "IT CAME FROM AL SANTOLI, THE STAFF
 23 OF DORNAN."
 24 THAT'S HOW WE LEARNED WHAT ALL THIS WAS.
 25 THESE ARE REVELATIONS THAT I'M TELLING YOU ABOUT. IT'S A
 26 LITTLE EMBARRASSING NOT LEARN THE TRUE DETAILS UNTIL TRIAL,

1 BUT AT LEAST WE'VE LEARNED THEM. (AS READ)
 2 "QUESTION: DID YOU SPEAK TO HIM PRIOR TO
 3 APRIL OF '96 ABOUT THE ISSUES THAT WE SEE IN THESE LETTER?
 4 "ANSWER: HIS STAFF, DR. ALBERT SANTOLI KNOW
 5 ME WELL, AND HE ASKED ME TO VISIT DORNAN'S OFFICE ONE DAY.
 6 AND HE SHOWED ME THE STACK OF PROPOSALS DELIVERED BY THE
 7 OFFICE OF REFUGEE RESETTLEMENT TO DORNAN'S OFFICE IN RESPONSE
 8 TO THIS REQUEST HERE.
 9 "AND THEN HE PULL OUT UNDERNEATH, AT THE BACK
 10 OF THESE PROPOSALS, A C.V. WITH A BIO SAYING 'DR. KHOA,' UNDER
 11 I.R.A.C. OFFICIAL LETTERHEAD."
 12 OKAY. SO THAT'S AN EXHIBIT THAT IS IN THERE,
 13 TOO. IT'S THE BIO. IT'S NOT PART OF THE GRANT APPLICATION.
 14 THAT IS EXHIBIT 212. AND YOU CAN SEE THIS. IT WILL BE -- A
 15 COPY OF THIS WILL BE BOUGHT BACK TO YOU.
 16 IT'S ACTUALLY INTERESTING WHAT YOU SEE IN THE
 17 BIO. PROFESSOR KHOA EXPLAINED WHAT THIS IS USED FOR. THIS IS
 18 BACKGROUND INFORMATION ON HIM THAT IS GIVEN TO PEOPLE WHEN HE
 19 GOES TO SPEAK OR IS INTERVIEWED.
 20 **NOW, IT SAYS "DR. KHOA." AND WE HEARD FROM**
 21 **CECILE THAT IN CULTURES OUTSIDE THE U.S., NOT SO MUCH HERE,**
 22 **OTHER PEOPLE WILL INTERCHANGE THE WORD "PROFESSOR" AND**
 23 **"DOCTOR." AND SO A LOT OF PEOPLE CALLED HIM "DOCTOR." HE**
 24 **OBJECTED FOR A WHILE, AND THEN HE JUST GAVE UP.**
 25 YOU DON'T SEE ANYWHERE IN HERE WHERE HE CLAIMED
 26 TO BE A DOCTOR OR A PH.D.

1 THIS BIO IS INTERESTING. TAKE A FEW MINUTES TO
2 READ IT. THINGS LIKE: "IN THE AREA OF LEADERSHIP AND
3 COMMUNITY DEVELOPMENT, KHOA HAS BEEN INSTRUMENTAL IN THE
4 DEVELOPMENT OF CLOSE RELATIONSHIPS WITH BROAD SPECTRUM OF
5 REFUGEE MUTUAL ASSISTANCE ASSOCIATIONS."

6 THIS BIO ACTUALLY GIVES YOU A LOT OF BACKGROUND
7 ON WHO PROFESSOR KHOA WAS BACK IN THE '80'S AND '90'S. AND SO
8 IT'S INTERESTING AND USEFUL FOR THAT POINT.

9 FORMALLY, THE DEPUTY MINISTER OF CULTURE OF
10 EDUCATION AND THEN VICE PRESIDENT AT THE UNIVERSITY OF SAIGON,
11 VIETNAM WHERE HE TAUGHT ORIENTAL PHILOSOPHY FOR 15 YEARS.

12 SO IF YOU WANT TO KNOW ABOUT HIS BACKGROUND,
13 YOU CAN SEE IT HERE IN THE BIO.

14 SO THE EXAMINATION GOES ON (AS READ):

15 "WHY WERE YOU ASKING IN 1996 FOR CONGRESSMAN
16 DORNAN TO GIVE YOU THESE DOCUMENTS RELATED TO S.E.A.R.A.C. OR
17 I.R.A.C.?"

18 "ANSWER: OH, CONGRESSMAN DORNAN WAS VERY
19 CONCERNED, BECAUSE MR. KHOA WAS OPPOSING THE ANTI-CPA
20 AMENDMENT AUTHORED BY CONGRESSMAN SMITH."

21 SO NOW YOU BEGIN TO SEE THE CONNECTIONS COMING
22 TOGETHER.

23 AND HERE IS THE TESTIMONY. YOU CAN SEE -- IF
24 SOME OF YOU WANT TO MAKE NOTES, IF YOU WANT TO HAVE THIS
25 TESTIMONY READ BACK TO YOU, IT'S THE TRANSCRIPT FROM 11-14,
26 PAGES 7 TO 9.

1 THE EXPLANATION HERE IS -- AND I'M ASKING HIM
2 (AS READ):

3 "SO YOU'VE ALREADY GOT ALL OF THAT INFORMATION
4 IN THE ARTICLE ALL ABOUT WHAT HAPPENED WITH THE ANTI-CPA
5 ARGUMENT. HOW DOES THE SENTENCE ABOUT MR. KHOA AND HIS
6 SUPPOSED FALSE CLAIM, HOW DOES THAT SENTENCE CONTRIBUTE TO
7 YOUR SETTING THE RECORD STRAIGHT?"

8 THIS IS IMPORTANT TESTIMONY.

9 "HOW DOES THAT HELP YOU SET THE RECORD
10 STRAIGHT?"

11 AND HERE IS HIS EXPLANATION:

12 "IT EXPLAINS WHY THE DEPARTMENT OF STATE
13 SUDDENLY DROPPED ITS OPPOSITION TO THAT BILL AND STARTED TO
14 COLLABORATE WITH CONGRESSMAN SMITH TO CREATE THE PROGRAM THAT
15 IS KNOWN AS -- THAT'S KNOWN TO BE R.O.V.R."

16 THAT'S HIS EXPLANATION FOR WHY THAT'S TRUE AND
17 WHY THAT MATTERS. **IT'S ALL ABOUT MANIPULATING OPPOSITION TO**
18 **THINGS THAT YOU WANT POLITICALLY. THAT'S WHAT I CALL**
19 **DESPICABLE.**

20 ALL RIGHT. SO I ASKED HIM IN SOME FOLLOWUP (AS
21 READ):

22 "ARE YOU TELLING US THAT BECAUSE THIS WAS A
23 CLAIM ABOUT A FALSIFIED APPLICATION, THAT SUDDENLY PEOPLE'S
24 POLITICAL ATTITUDES CHANGED?"

25 "ANSWER: YES, BECAUSE MR. KHOA WAS USED BY
26 DEPARTMENT OF STATE AS HIS TESTIMONY TO OPPOSE THE BILL.

1 **"SO WHAT YOU'RE TELLING US IS THE PEOPLE ON**
2 **THE OTHER SIDE OF THAT ARGUMENT USED THIS CLAIM AGAINST**
3 **MR. KHOA TO NEUTRALIZE THE DEPARTMENT OF STATE?"**
4 **"ANSWER: THEY, THE DEPARTMENT OF STATE,**
5 **REALIZED THAT THEIR WITNESS WAS NO LONGER CREDIBLE, BECAUSE**
6 **SOMEONE WHO MISREPRESENTED HIS ACADEMIC CREDENTIALS CANNOT BE**
7 **TRUSTED ON ANY MATTERS OF POLICY."**

8 BINGO. LIGHT BULB. THAT'S WHAT THIS IS ALL
9 ABOUT. HE'S IN A PICKLE BECAUSE HE FALSELY CLAIMED CREDIT FOR
10 WHAT S.E.A.R.A.C. DID AND GOT CALLED OUT FOR IT. SO WHAT CAN
11 HE DO ABOUT IT?

12 HE CAN MAKE UP THIS FALSE STATEMENT, WHICH YOU
13 DON'T SEE ANYWHERE IN THE DORNAN STUFF. IT'S ONLY INNUENDO
14 WITH THIS. BUT NOW HE COMES RIGHT OUT AND SAYS IT. AND HE
15 HAS TO DO THAT BECAUSE HE KNOWS THAT ANYBODY WHO
16 MISREPRESENTED THEIR CREDENTIALS HAS NO CREDIBILITY. THAT'S
17 WHY HE DID ALL OF THIS.

18 WHY THE DEFAMATION?
19 TO DISCREDIT PROFESSOR KHOA. (AS READ:)

20 "IS YOUR CREDIBILITY IMPORTANT TO YOU IN THE
21 WORK YOU DO WITH B.P.S.O.S.," ASKS MR. VOSS.

22 "YES," SAYS PROFESSOR THANG, "VERY MUCH SO.
23 90 PERCENT OF OUR BUDGET FOR INTERNATIONAL CORPORATIONS CAME
24 FROM DONATIONS, SMALL DONATIONS, FROM A LOT OF MEMBERS OF THE
25 COMMUNITY. MANY OF THEM WERE OUR FORMER CLIENTS THAT WE
26 HELPED, FORMER BOAT PEOPLE.

1 "SO IS IT FAIR TO SAY THAT ALL YOU WERE TRYING
2 TO DO WAS TO PROTECT YOUR REPUTATION AND SET THE RECORD
3 STRAIGHT?"

4 "THAT'S CORRECT. BUT NOT ONLY THAT, IF I
5 DIDN'T RESPOND SOON, THAT WOULD JEOPARDIZE OUR CAPACITY TO
6 RAISE IN THE COMMUNITY."

7 IN MATTERS OF POLITICAL CORRUPTION, ALWAYS
8 LOOK FOR THE MONEY. WHERE IS THE MONEY? THAT HELPS YOU
9 UNDERSTAND EVERYTHING.

10 DR. THANG GOT HIMSELF IN A PICKLE WHEN HE
11 FALSELY CLAIMED CREDIT FOR WHAT SOMEONE ELSE DID. AND WHEN HE
12 GOT CALLED OUT ON IT, HE PUBLISHED THIS ARTICLE WITH THIS
13 STATEMENT TO DESTROY THE CREDIBILITY OF HIS OPPONENT. IF
14 THAT'S NOT DESPICABLE OR MALICIOUS, I DON'T KNOW WHAT IS.

15 SO HERE ARE THE VERDICT QUESTIONS.

16 "NO. 1: DID THE DEFENDANTS MAKE THE FOLLOWING
17 STATEMENTS TO A PERSON OTHER THAN PLAINTIFF LE XUAN KHOA?"

18 THERE'S YOUR STATEMENT: MR. KHOA FALSELY
19 CLAIMED HE HELD A DOCTORAL DEGREE. THAT WAS A CRIMINAL
20 OFFENSE.

21 YES OR NO?

22 BOAT PEOPLE S.O.S., YES OR NO?

23 REMEMBER THE INSTRUCTION, ANYTHING THAT

24 DR. THANG DOES IN ORDER TO PROTECT B.P.S.O.S.'S ABILITY TO
25 FUNDRAISE IS ATTRIBUTABLE TO B.P.S.O.S.

26 WE KNOW BECAUSE HE ADMITTED RIGHT IN THE

1 BEGINNING THAT HE PUBLISHED THIS MAY 25TH ARTICLE ON MACH SONG
 2 MEDIA. THAT'S THE WEBSITE FOR B.P.S.O.S. AND THAT ARTICLE IS
 3 EXHIBIT 238. YOU'LL BE ABLE TO SEE IT.
 4 SO HERE'S THE STATEMENT MR. KHOA FALSELY
 5 CLAIMED. IT'S IN THE EXHIBIT THAT HE PUBLISHED. SO THE
 6 ANSWER IS "YES," FOR NGUYEN DINH THANG, AND "YES," FOR BOAT
 7 PEOPLE S.O.S.
 8 NOW, IF MR. VOSS ARGUES THAT THIS IS JUST
 9 PARAPHRASING THE DORNAN LETTER, REMEMBER THAT NOTHING IN THE
 10 DORNAN LETTER SAYS THIS. IF HE TRIES TO ARGUE THAT DR. THANG
 11 INNOCENTLY DID THIS, REMEMBER THIS PART RIGHT DOWN HERE:
 12 "SUCH AN EXPLANATION WAS NOT GOOD BECAUSE
 13 MR. KHOA HIMSELF HAD CLAIMED TO HAVE A DOCTORAL DEGREE."
 14 IF THERE'S ANY CONFUSION ABOUT WHAT DR. THANG
 15 IS DOING WITH THIS ARTICLE, THAT CONFUSION IS CLEARED UP RIGHT
 16 THERE. IT DOESN'T MATTER FOR A PROFESSOR KHOA TO BEG
 17 INNOCENCE, "I DIDN'T DO THIS," BECAUSE NOW, ACCORDING TO
 18 DR. THANG, HE'S SAYING DEFINITELY HE DID IT HIMSELF.
 19 DID WE SEE ANY EVIDENCE OF THAT?
 20 NO, WE DID NOT. BECAUSE THAT STATEMENT IS
 21 FALSE. THIS WHOLE THING IS A MALICIOUS LIE.
 22 OKAY. SO QUESTION NO. 1, "YES" AS TO BOTH.
 23 THERE WILL BE SOME INSTRUCTIONS AFTER -- THERE
 24 WILL BE SOME INSTRUCTIONS THAT YOU HAVE TO FOLLOW AFTER YOU
 25 ANSWER A QUESTION. LIKE FOR NO. 1, THE INSTRUCTION SAYS: IF
 26 YOUR ANSWER TO 1 IS "YES" AS IT EITHER DEFENDANT, THEN ANSWER

1 2 AS TO EACH DEFENDANT.
 2 I DON'T HAVE TO GO THROUGH THOSE HERE, BUT
 3 YOU'LL SEE IT IN THE VERDICT FORM.
 4 OKAY. SO WE ANSWER YES AS TO BOTH OF THEM, SO
 5 WE MOVE ON TO QUESTION 2: "DID THE PERSONS TO WHOM THE
 6 STATEMENTS WERE MADE REASONABLY UNDERSTAND THE STATEMENTS TO
 7 BE ABOUT LE XUAN KHOA?"
 8 THE ANSWER TO THAT QUESTION IS YES, BECAUSE
 9 MR. KHOA IS THE SUBJECT OF THE STATEMENT. DR. THANG ACHIEVED
 10 A PH.D. LEVEL DEGREE IN ENGINEERING IN ENGLISH, IN AMERICA.
 11 HE UNDERSTANDS WHAT HE'S SAYING. AND ANYONE WHO READS AND
 12 UNDERSTANDS ENGLISH CAN ALSO UNDERSTAND. PROFESSOR KHOA IS
 13 THE SUBJECT OF THE STATEMENT.
 14 ALSO, I DON'T KNOW IF WE HAVE IT HERE OR NOT,
 15 BUT DR. THANG SAID IN DEPOSITION THAT -- I ASKED HIM, WHO ARE
 16 YOU TALKING ABOUT? HE'S TALKING ABOUT KHOA.
 17 ANYONE ELSE?
 18 NO, ONLY HIM.
 19 SO IF YOU ANSWER "YES" TO QUESTION 2, THEN
 20 ANSWER 3. OKAY. SO WE'RE MOVING ON TO 3.
 21 "DID THESE PEOPLE REASONABLY UNDERSTAND THE
 22 STATEMENTS TO MEAN THAT LE XUAN KHOA HAD COMMITTED A CRIME".
 23 WELL, WE CAN ALL READ AND WRITE ENGLISH, AND
 24 SO WHEN WE READ WHAT THE STATEMENT IS, HE'S SAYING A FALSE
 25 CLAIM AND THAT WAS A CRIMINAL OFFENSE. AND HERE IS WHAT
 26 DR. THANG SAID ON THE STAND (AS READ):

1 "I KNOW FOR SURE THAT MISREPRESENTING ONESELF
 2 OR PRESENTING FALSE STATEMENT OF CLAIM IN ORDER TO GET FUNDING
 3 FROM FEDERAL GOVERNMENT IS A CRIME."
 4 HE ADMITS WHAT HE'S SAYING IS A CRIME. SO THE
 5 ANSWER TO THIS QUESTION IS "YES." THERE'S NO OTHER REASONABLE
 6 EXPLANATION. HE'S ACCUSING HIS POLITICAL OPPONENT IN THIS
 7 DISCUSSION OF COMMITTING A CRIME.
 8 WAS THE STATEMENT FALSE, YES OR NO?
 9 WE KNOW THE STATEMENT WAS FALSE BECAUSE THERE'S
 10 NO EVIDENCE TO SUPPORT THAT IT'S TRUE. IT'S NOT -- LOOK AT
 11 THIS QUESTION. IT'S VERY BINARY. IT'S YES OR NO, IS THE
 12 STATEMENT FALSE?
 13 DO WE HAVE A GRANT APPLICATION FROM THE
 14 DEPARTMENT OF STATE WITH AN ATTACHED RESUME THAT SAYS THAT
 15 PROFESSOR KHOA IS A DOCTOR?
 16 WE DON'T. IT DIDN'T HAPPEN. THIS STATEMENT IS
 17 FALSE.
 18 BUT REMEMBER, IT DIDN'T NEED TO BE TRUE TO BE
 19 EFFECTIVE, WHICH IS WHAT DR. THANG KEPT TELLING US. AND I'M
 20 SORRY I'M SO THICKHEADED, IT TOOK ME FOUR OR FIVE TIMES BEFORE
 21 I REALIZED WHAT ME WAS SAYING. HE WASN'T SAYING THAT IT WAS
 22 TRUE; HE WAS SAYING THAT IT WAS EFFECTIVE. IT WAS EFFECTIVE
 23 IN THE '90S, AND IT'S EFFECTIVE NOW.
 24 SO THE STATEMENT WAS FALSE. THE ANSWER IS
 25 "YES."
 26 AND YOU SEE HERE PROFESSOR KHOA, I ASK HIM

1 SPECIFICALLY:
 2 "DID YOU EVER CLAIM TO BE A PH.D. IN A GRANT
 3 APPLICATION SUBMITTED BY I.R.A.C. OR S.E.A.R.A.C.?
 4 "THE WITNESS: I NEVER CLAIMED MYSELF A PH.D.,
 5 THIS PROPOSAL OR ANY OTHER PROPOSAL, GOVERNMENT OR PRIVATE. I
 6 CAN SWEAR TO THAT."
 7 SO THERE'S YOUR DEFINITIVE STATEMENT THAT IT'S
 8 NOT TRUE, AGAINST WHICH WE SEE NO EVIDENCE THAT IT IS TRUE.
 9 THAT'S HOW YOU WEIGH THE EVIDENCE.
 10 NOW, LET'S TALK ABOUT BURDEN OF PROOF, BECAUSE
 11 THE BURDEN ON THIS IS PREPONDERANCE OF THE EVIDENCE. IS IT
 12 MORE LIKELY OR LESS LIKELY THAT THIS WAS A FALSE STATEMENT?
 13 SO LET'S LOOK AT JURY INSTRUCTION 200. CAN YOU
 14 PUT THAT UP, PLEASE.
 15 "PARTY MUST PERSUADE YOU BY THE EVIDENCE
 16 PRESENTED IN COURT THAT WHAT THEY'RE REQUIRED TO PROVE IS MORE
 17 LIKELY TO BE TRUE THAN NOT TRUE. THIS IS REFERRED TO AS
 18 BURDEN OF PROOF.
 19 "AFTER WEIGHING THE EVIDENCE, IF YOU CANNOT
 20 DECIDE SOMETHING MORE LIKELY TO BE TRUE THAN NOT TRUE, YOU
 21 CONCLUDE THE PARTY DID NOT PROVE IT. YOU SHOULD CONSIDER ALL
 22 THE EVIDENCE NO MATTER WHICH PARTY PRODUCED THE EVIDENCE."
 23 "IN CRIMINAL TRIALS, PROSECUTION MUST PROVE
 24 DEFENDANT IS GUILTY BEYOND A REASONABLE DOUBT. BUT IN CIVIL
 25 TRIALS, SUCH AS THIS, THE PARTY WHO IS REQUIRED TO PROVE
 26 SOMETHING NEED PROVE IT ONLY THAT IT IS MORE LIKELY TRUE THAN

1 NOT TRUE."
 2 WHAT DOES THAT MEAN, "MORE LIKELY TRUE"?
 3 YOU COULD HAVE FIVE EQUAL PIECES OF EVIDENCE
 4 THAT SAY IT'S TRUE VERSUS FOUR EQUALLY PERSUASIVE PIECES OF
 5 EVIDENCE THAT SAY IT'S NOT TRUE. YOU WEIGH THAT. THAT'S WHY
 6 THE SCALES ARE THE SYMBOL FOR JUSTICE. AND YOU DECIDE NOT
 7 TRUE. OKAY.
 8 WHAT DO WE HAVE FOR THIS CASE?
 9 DO WE HAVE ANY EVIDENCE AT ALL THAT SAYS
 10 PROFESSOR KHOA ACTUALLY MADE SUCH A FALSE CLAIM IN THE STATE
 11 DEPARTMENT?
 12 WE DO NOT. WE'VE BEATEN THAT HORSE TO DEATH.
 13 I REALIZE IT. IT'S NOT THERE.
 14 WE HAVE HIS TESTIMONY THAT YOU JUST SAW THAT HE
 15 NEVER DID THAT.
 16 WHAT DO WE WEIGH AGAINST THOSE TWO THINGS?
 17 THAT'S BOTH ON THE SIDE OF THIS STATEMENT IS
 18 FALSE. WHAT'S ON THE OTHER SIDE?
 19 IT'S A BINARY QUESTION. NOTHING.
 20 PREPONDERANCE OF THE EVIDENCE IS THE LOWEST STANDARD. IT'S
 21 JUST A LITTLE MORE LIKELY TO BE TRUE THAN NOT TRUE.
 22 AND THAT'S WHAT WE HAVE PROVED. THIS IS FALSE
 23 BECAUSE THERE'S NO EVIDENCE THAT IT'S TRUE, AND PROFESSOR KHOA
 24 SAYS IT'S NOT TRUE.
 25 SO THE ANSWER TO QUESTION NO. 4, THE STATEMENT
 26 WAS FALSE. "WAS THE STATEMENT FALSE," IS A LITTLE CONFUSING.

1 YOU HAVE TO ANSWER "YES," IT WAS FALSE.
 2 OKAY. NOW, IN ADDITION TO THE FACT THAT
 3 THERE'S NO EVIDENCE THAT IT'S TRUE, AND PROFESSOR KHOA SAYING
 4 IT'S NOT TRUE, WE ACTUALLY ALSO HAVE KIND OF AN ADMISSION FROM
 5 DR. THANG. I'M ASKING HIM ABOUT THE APRIL 2ND LETTER. (AS
 6 READ:)
 7 "SO WOULD YOU AGREE WITH ME, THEN, THAT THIS
 8 PARTICULAR LETTER, EXHIBIT 233" -- THAT'S THE APRIL 2ND DORNAN
 9 LETTER -- "DOES NOT, IN AND OF ITSELF, SUPPORT TRUTH OF THE
 10 STATEMENT THAT IS ON THE WHITEBOARD?"
 11 AND HIS RESPONSE WAS: "I LIKE THE WAY YOU PRESENTED,
 12 DOES NOT IN AND OF ITSELF."
 13 THAT'S AS CLOSE AS I COULD GET TO AN ADMISSION
 14 DURING THIS TRIAL IN THE EXAMINATION OF DR. THANG BEFORE HE
 15 REVERTED TO: BUT IT WAS SO EFFECTIVE. AS SOON AS IT LEAKED
 16 OUT, THE STATE DEPARTMENT DROPPED THEIR OBJECTION.
 17 SO NOW WE'VE GOT THREE THINGS ON THE SIDE OF
 18 IT'S FALSE AND NOTHING ON THE SIDE OF IT'S TRUE.
 19 ALL RIGHT. MOVING ON TO THE NEXT QUESTION.
 20 NOW THIS ONE IS A LITTLE MORE WORK.
 21 NO. 5: "DID LE XUAN KHOA PROVE BY CLEAR AND
 22 CONVINCING EVIDENCE THAT DEFENDANTS KNEW THE STATEMENT WAS
 23 FALSE OR HAD SERIOUS DOUBTS ABOUT THE TRUTH OF THE STATEMENT?"
 24 LET'S PUT UP THE INSTRUCTION ON CLEAR AND
 25 CONVINCING EVIDENCE. REMEMBER, PREPONDERANCE OF THE EVIDENCE
 26 IS CLOSE TO EQUAL BUT A LITTLE BIT ONE SIDE VERSUS THE OTHER.

1 CLEAR AND CONVINCING EVIDENCE IS MORE THAN
 2 THAT, NOT BEYOND A REASONABLE DOUBT, BUT MORE THAN
 3 PREPONDERANCE OF THE -- MORE THAN MORE LIKELY.
 4 "CERTAIN FACTS MUST BE PROVED BY CLEAR AND
 5 CONVINCING EVIDENCE, WHICH IS A HIGHER BURDEN OF PROOF. THIS
 6 MEANS THAT THE PARTY MUST PERSUADE YOU THAT IT IS HIGHLY
 7 PROBABLE THAT THE FACT IS TRUE."
 8 I WILL TELL YOU SPECIFICALLY WHICH FACTS MUST
 9 BE PROVED BY CLEAR AND CONVINCING EVIDENCE. WHEN YOU'RE IN
 10 THE VERDICT FORM, NO. 5 SAYS: "DID HE PROVE BY CLEAR AND
 11 CONVINCING EVIDENCE THAT THEY KNEW THE STATEMENT WAS FALSE OR
 12 HAD SERIOUS DOUBTS ABOUT THE STATEMENT?"
 13 AGAIN, WE HAVE A PLACE WHERE YOU ANSWER YES OR
 14 NO FOR BOTH DR. THANG AND B.P.S.O.S.
 15 REMEMBER THE INSTRUCTION THAT ANYTHING HE DOES
 16 ON BEHALF OF B.P.S.O.S. TO PROTECT HIS ABILITY TO FUNDRAISE
 17 IMPLICATES B.P.S.O.S. AS WELL. SO THE ANSWER TO THIS
 18 QUESTION, IF IT'S "YES" TO NGUYEN DING THANG, IT'S ALSO YES TO
 19 B.P.S.O.S.
 20 SO DID HE KNOW IT WAS FALSE OR HAVE SERIOUS
 21 DOUBTS ABOUT THE STATEMENT?
 22 WELL, WE KNOW HE COULDN'T SHOW US THE TRUTH,
 23 BECAUSE WE ASKED HIM OVER AND OVER, SHOW US THE PROOF THAT
 24 IT'S TRUE. AND HE COULDN'T DO THAT.
 25 HE TOLD US THAT HE PULLED TOGETHER HIS
 26 ARCHIVES, INCLUDING THE TWO DORNAN LETTERS, AND HAD THEM RIGHT

1 IN FRONT OF HIM WHEN HE WAS WRITING THE ARTICLE. AND YET, HE
 2 PUT THIS UNSUPPORTED STATEMENT UP THERE. AND I THINK WE
 3 UNDERSTAND THE EXPLANATION FOR THAT.
 4 SO WHAT DOES HE SAY ABOUT THIS? (AS READ:)
 5 "IS IT CORRECT, DR. THANG, THAT YOU STATED IN
 6 THIS DECLARATION, UNDER OATH, THAT THOSE TWO SENTENCES WERE
 7 WHAT YOU WROTE IN THE ARTICLE?
 8 "CORRECT.
 9 "AS YOU SIT HERE TODAY, CAN YOU TELL US THAT AT
 10 THE TIME YOU WROTE THOSE TWO SENTENCES IN YOUR ARTICLE, YOU
 11 HAD NO IDEA WHETHER THEY WERE TRUE OR NOT?
 12 "THAT'S NOT CORRECT. I HAVE VAGUELY IDEA THEY
 13 WERE TRUE."
 14 OKAY. WELL, THERE'S YOUR SERIOUS DOUBTS
 15 ADMITTED RIGHT THERE. AGAIN, WE ASKED HIM TO SHOW US WHAT THE
 16 PROOF WAS THEY WERE TRUE, AND WE NEVER GOT IT.
 17 HERE IS A TETE-A-TETE BETWEEN DR. THANG AND
 18 MYSELF THAT YOU MAY RECALL. (AS READ:)
 19 "I'M NOT REFERRING TO MR. DORNAN, I'M REFERRING
 20 TO YOU. YOU PUBLISHED THAT STATEMENT. YOU SAID YOU GOT THE
 21 INFORMATION FROM EXHIBIT 233, THE APRIL 2ND LETTER. I'M
 22 ASKING YOU TO SHOW US WHERE IN THAT -- IN EXHIBIT 233 YOU GOT
 23 ANY INFORMATION THAT SUPPORTS THE STATEMENT THAT YOU
 24 PUBLISHED."
 25 AND HERE IS HIS STATEMENT (AS READ):
 26 "WHAT I SAID WAS THE LETTER DATED APRIL 30TH

1 WAS MY PRIMARY SOURCE."
 2 OKAY.
 3 "I PARAPHRASED NO. 5 AT THE BOTTOM OF THE FIRST
 4 PAGE OF THAT LETTER. AND ADDITIONALLY, I LOOKED AT OTHER
 5 DOCUMENTS, INCLUDING APRIL 2ND, 1996, WHICH SUPPORTED THE
 6 CONTENTS OF MR. DORNAN'S LETTER DATED APRIL 30, 1996."
 7 SO HIS RELIANCE, HIS BEST SUPPORT FOR WHAT HE
 8 DID IS THOSE TWO LETTERS. WHICH, AGAIN, IF YOU UNDERSTAND
 9 WHAT WE CAME TO LEARN LATE, HE'S REALLY LOOKING TO THEM FOR
 10 EFFECTIVENESS, NOT TRUTH. TRUTH IS NOT AN ISSUE FOR HIM.
 11 EFFECTIVE COUNTERING HIS OPPONENT IS HIS GOAL.
 12 THEN AS I CONTINUE ON (AS READ):
 13 "IS IT YOUR POSITION THAT THIS LETTER, THIS
 14 APRIL 30, 1996 LETTER, MAKES THE COMMENT YOU WROTE IN YOUR
 15 ARTICLE TRUE?"
 16 SO NOW WE'RE TALKING ABOUT THE APRIL 30TH LETTER.
 17 "IN YOUR OPINION, DR. THANG, WHEN YOU WROTE
 18 THESE -- THOSE COMMENTS THAT WE JUST ARGUED ABOUT FOR THE LAST
 19 30 MINUTES IN YOUR ARTICLE, DID YOU BELIEVE THEY WERE TRUE
 20 WHEN YOU WROTE THEM?"
 21 "I HAVE NO IDEA. IT'S JUST A REQUEST FOR
 22 INVESTIGATION; RIGHT? THERE HASN'T BEEN ANY RESULT OR REPORT
 23 YET. SO THIS WAS JUST REQUEST. SO I JUST PARAPHRASED EXACTLY
 24 WHAT IS IN THE LETTER FROM DORNAN, THAT IS, THERE IS A REQUEST
 25 FOR INVESTIGATION."
 26 NOW, INTERESTING THING THAT HAPPENS SOMETIMES

1 WHEN YOU'RE IN THE HOT SEAT, SOMETIMES YOU BREAK RANKS WITH
 2 YOUR STORY AND LET THE TRUTH SLIP OUT. I THINK THAT'S WHAT WE
 3 HAVE RIGHT HERE. BECAUSE EVEN THOUGH HE SAID MULTIPLE TIMES
 4 ON THE STAND THAT DORNAN DID A FOUR-MONTH DETAILED
 5 INVESTIGATION AND THIS IS WHAT HE FOUND, WE ALL KNOW THAT ITEM
 6 NO. 5 IS ONE OF THE CONCERNS FROM THE UNNAMED PEOPLE THAT
 7 SUPPOSEDLY CALLED DORNAN'S OFFICE. THAT'S NO INVESTIGATION.
 8 AND, HERE, WHEN HE WASN'T IN COURT, THIS WAS
 9 READ FROM HIS DEPOSITION, HE'S PUT ON THE SPOT TO EXPLAIN WHAT
 10 THE APRIL 30TH LETTER IS ABOUT, AND HE ACTUALLY SAYS THE
 11 TRUTH. THAT APRIL 30TH LETTER IS A REQUEST FOR AN
 12 INVESTIGATION. IT WAS USED FOR THE INNUENDO CONTAINED WITHIN
 13 THE LETTER TO DESTROY PROFESSOR KHOA'S CREDIBILITY IN '96, BUT
 14 IT DOES NOT PROVE THE TRUTH OF THE STATEMENT.
 15 AND HERE IS HIS ADMISSION (AS READ):
 16 "IS IT CORRECT, DR. THANG, THAT YOU STATED IN
 17 THIS DECLARATION, UNDER OATH, THAT THOSE TWO SENTENCES WERE
 18 WHAT YOU WROTE IN YOUR ARTICLE?"
 19 "CORRECT."
 20 "AND AS YOU SIT HERE TODAY, CAN YOU TELL US
 21 THAT'S TRUE?"
 22 IT'S NOT. HE WISHES IT WERE TRUE, BUT HE
 23 CAN'T PROVE IT. HE COULDN'T PROVE IT THEN.
 24 SO CLEAR AND CONVINCING, HIGHER STANDARD. LET
 25 ME SEE THE INSTRUCTION FOR THAT. HIGHLY PROBABLE.
 26 "CERTAIN FACTS MUST BE PROVED BY CLEAR AND

1 CONVINCING EVIDENCE. THIS MEANS THAT THE PARTY MUST PERSUADE
 2 YOU THAT IT IS HIGHLY PROBABLE THAT THE FACT IS TRUE."
 3 I'M ARGUING THAT QUESTION NO. 5 SHOULD BE
 4 ANSWERED IN THE AFFIRMATIVE. IT IS HIGHLY PROBABLE THAT
 5 DR. THANG KNEW WHAT HE WAS SAYING ABOUT PROFESSOR KHOA WAS
 6 FALSE. HE KNEW IT WAS FALSE. HE TOLD US HE HAD ALL THE
 7 MATERIALS ON HIS DESK WHEN HE WROTE THE ARTICLE. AND ALL OF
 8 THOSE MATERIALS WE'VE LOOKED AT DON'T SUPPORT THAT STATEMENT.
 9 THIS IS A GUY WHO IS HIGHLY EDUCATED. HE
 10 DIDN'T MAKE A MISTAKE. HE KNEW EXACTLY WHAT HE WAS DOING.
 11 AND WHAT HE WAS DOING WAS, FOR HIS OWN BENEFIT AND THE BENEFIT
 12 OF B.P.S.O.S., HE WAS SACRIFICING PROFESSOR KHOA'S REPUTATION.
 13 DESPICABLE. NICE WORK.
 14 FOR WHAT PURPOSE?
 15 HE'S ALREADY RETIRED. WHAT PURPOSE?
 16 BECAUSE HE GOT HIMSELF IN A PICKLE WHEN HE LIED
 17 ABOUT WHO IS RESPONSIBLE FOR THE 14- OR 18,000 RESETTLED
 18 REFUGEES. HE SACRIFICED PROFESSOR KHOA'S REPUTATION WITH AN
 19 ARTICLE SENT OUT TO MORE THAN 8,000 PEOPLE TO BENEFIT HIMSELF
 20 AND B.P.S.O.S. AND THEIR ABILITY TO FUNDRAISE.
 21 LET THAT SINK IN FOR A SECOND. THAT'S A PRETTY
 22 DASTARDLY ACT. WE DON'T HAVE TO ACCEPT THAT. THE LAW
 23 PROVIDES THAT MECHANISM TO UNRING THAT BELL.
 24 WHERE I WAS RAISED, IN THE MIDWEST, THIS IS NOT
 25 HOW YOU SETTLE THIS PROBLEM. IT WOULD HAVE BEEN SETTLED
 26 OVERNIGHT IN A DIFFERENT WAY THAT WE CALL SELF-HELP. PROBABLY

1 NOT BY 93-YEAR-OLDS, BUT...
 2 WHERE I WAS RAISED, IF YOU MAKE A MISTAKE ABOUT
 3 SOMEBODY, YOU OWN UP TO IT, YOU APOLOGIZE, AND YOU FIX IT.
 4 YOU DON'T EXPLOIT IT.
 5 AND EXPLOIT IS A BROAD CONCEPT HERE. WHY WAS
 6 HE DOING THIS?
 7 SO HE COULD CAPITALIZE ON MISREPRESENTING HIS
 8 CREDENTIALS TO THE CHARITY FUNDRAISING PEOPLE. HE WANTS THEM
 9 TO BELIEVE, FROM HIS DECEMBER 2019 ARTICLE, THAT HE'S THE GUY
 10 RESPONSIBLE FOR ALL THESE RESETTLEMENTS.
 11 SO TO PROTECT HIS FRAUD ON THE DONORS, HE HAS
 12 TO DESTROY THE OPPONENT. THIS IS HIGHLY PROBABLE THAT HE KNEW
 13 EXACTLY WHAT HE WAS DOING AND THIS STATEMENT WAS NOT TRUE. HE
 14 HAD EVERY OPPORTUNITY TO SHOW HOW IT WAS TRUE, AND WHAT DID HE
 15 SHOW US?
 16 IT WAS EFFECTIVE.
 17 OKAY. ENOUGH OF THAT.
 18 "SIX: WAS DEFENDANT'S CONDUCT A SUBSTANTIAL
 19 FACTOR SUBSTANTIAL FACTOR IN CAUSING LE XUAN KHOA ACTUAL
 20 HARM?"
 21 YOU ALL SAW PROFESSOR KHOA TESTIFY. YOU SAW
 22 HIM BASICALLY BERATED FOR 20 MINUTES BY MR. VOSS ABOUT WHY HE
 23 DIDN'T PUT MORE THINGS IN HIS RESUME THAT HE DIDN'T NEED TO
 24 PUT IN THERE. HIS RESUME WAS ONE HUNDRED PERCENT BULLETPROOF
 25 ACCURATE THE WAY IT WAS.
 26 BUT YOU SAW THE PAIN AND ANGUISH ON

1 PROFESSOR KHOA'S FACE, HIS Demeanor, HAVING TO FACE THAT
 2 SCURRILOUS LIE AGAINST HIS INTEGRITY, HIS REPUTATION. THIS IS
 3 WHAT CAUSED THE HARM. THE ANSWER TO THIS QUESTION IS "YES."
 4 I ASKED HIM (AS READ):
 5 "PROFESSOR, HOW HAS THIS PUBLICATION INTERFERED
 6 WITH YOUR ABILITY TO SLEEP.
 7 "WELL, EVERYTHING -- EVERY TIME I TRY TO
 8 CONTINUE WITH I COULD NOT THINK THROUGH. I COULD NOT REMEMBER
 9 WELL THINGS, AND THEN I FELL ASLEEP WHEN I DO TOO TIRED, YEAH,
 10 LIKE FATIGUE. I REMEMBER SEVERAL TIMES I WAS TYPING AND
 11 SUDDENLY OPENED MY EYES, AND I WAS SLEEPING. SO I JUST
 12 DISCONTINUED THE WRITING BECAUSE OF THAT. AND SOMETIME EVEN
 13 THOUGH -- EVEN MY THOUGHT I PUT -- I OPEN MY EYES AND SEE
 14 SOMETHING DIFFERENT, ANOTHER IDEA QUITE IRRELEVANT TO MY TEXT.
 15 SO THAT'S MEANS SOMETHING ELSE COME INTO MY HEAD AND I TYPE IT
 16 ON THE COMPUTER."
 17 WE CAN'T KNOW EXACTLY HOW DEVASTATING THIS LIE
 18 WAS TO PROFESSOR KHOA, BUT YOU SAW HIM ON THE STAND MANAGE
 19 WITH THESE QUESTIONS, STAND UP FOR HIS OWN INTEGRITY, I NEVER
 20 DID THAT.
 21 FROM THAT, YOU CAN JUDGE THIS IS WHAT CAUSED
 22 HIS PROBLEM.
 23 NOW, YOU HEARD TESTIMONY THAT HE HAD A HEART
 24 ATTACK OR THAT HE HAD CARDIAC SURGERY AND WAS IN ICU FOR A
 25 LONG TIME IN THE YEARS BEFORE THIS WAS PUBLISHED.
 26 BUT YOU ALSO HEARD FROM HIS DAUGHTER, WHO CARES

1 FOR HIM, THAT HE MADE A PRETTY GOOD RECOVERY. HE WAS
 2 MOTIVATED BECAUSE HE WANTED TO WRITE HIS SECOND BOOK. THERE
 3 IS MORE TO EXPLAIN ABOUT THE HISTORY OF THE VIETNAMESE
 4 MIGRATION TO THE U.S., AND HE WANTED TO WRITE THAT BOOK. AND
 5 THIS CAME UP FIRST AND GOT TO WHERE HE COULDN'T DO IT.
 6 YOU SEE THE EXPLANATION RIGHT HERE: HE CAN'T
 7 CONTINUE TO WRITE HIS BOOK.
 8 SO YES, AGAIN, ANYTHING DR. THANG, B.P.S.O.S.
 9 SUBSTANTIAL FACTOR. ALL RIGHT. SO NOW WE GET
 10 DOWN TO THE CALCULATION. WHAT ARE PROFESSOR KHAO'S ACTUAL
 11 DAMAGES, ACTUAL DAMAGES AS OPPOSED TO ASSUMED DAMAGES?
 12 THE LAW RECOGNIZES, AND YOU'LL SEE IT IN THE
 13 1700 JURY INSTRUCTION -- IN THE JURY INSTRUCTION FOR 1700,
 14 YOU'LL SEE A PART THAT TALKS ABOUT ACTUAL DAMAGES AND ASSUMED
 15 DAMAGES. EVEN IF LE XUAN KHOA HAS NOT PROVED ANY ACTUAL
 16 DAMAGES FOR HARM TO REPUTATION, SHAME, MORTIFICATION AND HURT
 17 FEELING, THE LAW NONETHELESS ASSUMES THAT HE HAS SUFFERED THIS
 18 HARM.
 19 WITHOUT PRESENTING EVIDENCE OF DAMAGE, LE XUAN
 20 KHOA IS ENTITLED TO RECEIVE COMPENSATION FOR THIS ASSUMED HARM
 21 IN WHATEVER SUM YOU BELIEVE IS REASONABLE.
 22 SO IF YOU LOOK AT DAMAGES HERE, YOU HAVE THREE
 23 LINE ITEMS. ONE IS FOR DAMAGE TO PROFESSOR KHOA'S OCCUPATION.
 24 THAT REFERS TO HIS ABILITY TO WRITE THAT BOOK.
 25 NOW, NO ONE TESTIFIED ABOUT WHAT THE VALUE OF
 26 THAT DELAYED TIME IS, BUT YOU ARE ABLE TO JUDGE WHETHER OR

1 NOT, IN A GENERAL SENSE, HIS OCCUPATION HAS BEEN HARMED BY
 2 THIS FALSE STATEMENT.
 3 THE NEXT ONE IS: HARM TO HIS REPUTATION.
 4 REMEMBER THAT DR. THANG EXPLAINED, HE WAS AN
 5 IMPORTANT WITNESS. PEOPLE LISTENED TO HIM. AND SO THIS IS
 6 SOME OF THE TESTIMONY FROM HIS DAUGHTER, CECILE, ALL THE
 7 DIFFERENT PEOPLE WHO SENT HIM WELL WISHES AND CONGRATULATIONS
 8 AND ELIE WIESEL FROM THE HOLOCAUST FOUNDATION.
 9 THAT'S WHO HE WAS. THE BIGGER THE REPUTATION,
 10 THE MORE -- THE HIGHER IS THE VALUE OF THE HARM. SO FOR
 11 SOMEBODY WITH THAT BACKGROUND, THAT ELEVATED REPUTATION, WHEN
 12 YOU MAKE UP A LIE ABOUT THIS, YOU DO MILLIONS OF DOLLARS'
 13 WORTH OF DAMAGE TO THAT PERSON'S REPUTATION.
 14 AND HE SUFFERS THOSE DAMAGES UNTIL YOU, LADIES
 15 AND GENTLEMEN, DO YOUR JOBS AND UNRING THAT BELL. YOU ARE THE
 16 ONLY ONES WHO EVER EXAMINED THE EVIDENCE AND CAN SAY WHETHER
 17 HE DID THESE THINGS HE'S ACCUSED OF OR DID NOT.
 18 SO THAT'S REPUTATION. SHAME, MORTIFICATION,
 19 HURT FEELINGS. YOU SAW IT ON THE STAND.
 20 HOW ASHAMED WAS HE?
 21 HE DIDN'T WANT TO GET INTO THIS FIGHT, BUT
 22 PEOPLE WERE CALLING HIM AND SAYING: WHAT'S THE TRUTH? YOU
 23 HAVE TO WRITE THE TRUTH.
 24 HE HAD A RIGHT TO AND DID STEP UP TO DEFEND HIS
 25 REPUTATION, AND THAT'S WHAT 237 IS. THAT'S HIS ARTICLE. YOU
 26 CAN READ EVERY WORD HE WROTE.

1 WHAT'S THE VALUE OF THAT SHAME, MORTIFICATION
 2 AND HURT FEELINGS?
 3 IF YOU GOT SOMEBODY WHO HAS NOT LED A STELLAR
 4 LIFE, WHO LIES ON A REGULAR BASIS, SOMETHING LIKE THIS ISN'T
 5 GOING TO DO MUCH DAMAGE TO THEM.
 6 BUT WHEN YOU HAVE SOMEONE LIKE PROFESSOR KHOA,
 7 WHO HAS, THROUGHOUT HIS LIFE, PUT HIS FELLOW REFUGEES FIRST,
 8 HE COULD HAVE TAKEN LOTS OF LUCRATIVE POSITIONS IN ACADEMIA,
 9 BUT HE DIDN'T. HE STAYED ON S.E.A.R.A.C. AND ON THE JOB OF
 10 HELPING THE VIETNAM REFUGEES INTEGRATE INTO THE U.S. AND WHAT
 11 A GREAT JOB HE DID.
 12 ANYBODY WHO LIVES IN ORANGE COUNTY KNOWS WHAT A
 13 DYNAMIC INFLUENCE THE VIETNAMESE COMMUNITY IS. THAT IS, AT
 14 LEAST PARTIALLY, THE PRODUCT OF HIS WORK. I THINK WE HAVE
 15 SOME BILLIONAIRES NOW IN THE VIETNAMESE COMMUNITY.
 16 SO SOMEBODY WHO HAS ESCHEWED FAME AND FORTUNE
 17 FOR THE BENEFIT OF HIS COUNTRYMEN IS DOUBLY ASHAMED TO BE
 18 FALSELY CLAIMED A LIAR.
 19 THE BIGGER THE PERSONALITY, THE BIGGER THE
 20 DAMAGES. AGAIN, MILLIONS OF DOLLARS' WORTH OF DAMAGE FOR
 21 SHAME AND MORTIFICATION. THANK GOD HE HASN'T DIED WITHOUT
 22 THAT BELL BEING UNRUNG. WE HAVE TO UNRING THAT BELL.
 23 SO I'M NOT GOING TO TELL YOU AN AMOUNT. IT'S
 24 IN SEVEN FIGURES. I LEAVE IT TO YOU TO DECIDE.
 25 NOW, THE DYNAMIC BETWEEN QUESTION 7 AND 8, IF
 26 YOU -- IF, IN THE COURSE OF VOTING ON THIS, YOU DON'T HAVE

1 NINE THAT AGREES ON AN AMOUNT, YOU CAN LEAVE THAT AMOUNT BLANK
 2 AND ADD IT TO THE ASSUMED DAMAGES. YOU HAVE THAT OPTION. YOU
 3 CAN ASSUME THE AMOUNT OF DAMAGES.
 4 I MEAN, THE ALTERNATIVE IS, I TRY TO BRING IN A
 5 PSYCHOLOGIST OR A PSYCHIATRIST AND EXPLAIN -- YOU KNOW, AND
 6 THEN PUT A DOLLAR FIGURE TO THAT. THAT'S YOUR JOB. YOU CAN
 7 DO THAT. I DON'T NEED TO PUT AN EXPERT WITNESS UP THERE TO DO
 8 THAT. YOU SAW IT YOURSELF.
 9 SO SEVEN AND EIGHT, THOSE ARE THE DAMAGES.
 10 NINE, THIS IS THE LAST QUESTION: "HAS LE XUAN
 11 KHOA APPROVED BY CLEAR AND CONVINCING EVIDENCE DEFENDANTS
 12 ACTED WITH MALICE, OPPRESSION OR FRAUD?"
 13 OKAY. LET'S PUT UP 3948.
 14 WHAT'S THAT MEAN, "MALICE, OPPRESSION OR
 15 FRAUD?"
 16 HERE ARE THE DEFINITIONS. AND THEY'LL BE IN
 17 YOUR PACKAGE OF JURY INSTRUCTIONS. REMEMBER, THIS IS AGAIN A
 18 CLEAR AND CONVINCING STANDARD. DID WE REALLY PROVE THIS? AND
 19 WHAT DID WE PROVE?
 20 MALICE MEANS A DEFENDANT ACTED WITH INTENT TO
 21 CAUSE INJURY, OR THAT A DEFENDANT'S CONDUCT WAS DESPICABLE AND
 22 DONE WITH A WILLFUL AND KNOWING DISREGARD FOR THE RIGHTS OR
 23 SAFETY OF ANOTHER.
 24 THAT DEFINES WHAT DR. THANG DID. HE KNEW IT
 25 WASN'T TRUE, BECAUSE IN ALL THE MATERIALS HE WAS LOOKING AT
 26 WHEN HE WROTE THE ARTICLE, NONE OF THEM PROVED THE TRUTH OF

1 THIS STATEMENT, AND YET, HE WROTE IT ANYWAY.
 2 THAT'S A KNOWING AND WILLFUL DISREGARD FOR
 3 PROFESSOR KHOA'S RIGHT NOT TO BE LIED ABOUT IN PUBLIC.
 4 SO ANY EVIDENCE AGAINST THAT?
 5 HE HAD EVERY OPPORTUNITY TO EXPLAIN HIMSELF.
 6 AND WHAT HE CAME OUT WITH WAS: I HAD ALL THESE MATERIALS,
 7 MOSTLY THE APRIL 2ND, APRIL 30TH DORNAN LETTERS, LOOKING AT
 8 THEM WHEN I WROTE THIS.
 9 NONE OF THAT PROVES IT.
 10 AND HE'S NOT STUPID. HE'S GOT A PH.D. FROM AN
 11 AMERICAN UNIVERSITY IN ENGLISH. HE KNOWS WHAT THIS MEANS.
 12 AND YET, BECAUSE HE GOT HIMSELF IN THAT PICKLE ABOUT WHETHER
 13 HE ACTUALLY IS RESPONSIBLE FOR S.E.A.R.A.C.'S AND I.R.A.C.'S
 14 BENEFITS, HE SACRIFICED PROFESSOR KHOA TO SAVE HIMSELF.
 15 NOW, AS I SAID BEFORE, THE CONDUCT WAS
 16 DESPICABLE AND DONE WITH A KNOWING DISREGARD FOR
 17 PROFESSOR KHOA'S RIGHTS.
 18 ALL RIGHT. OPPRESSION, OPPRESSION IS ALSO
 19 APPLICABLE. IT MEANS THE DEFENDANT'S CONDUCT WAS
 20 DESPICABLE -- YES, YES, WE AGREE THIS IS DESPICABLE TO DO THIS
 21 TO SOMEBODY -- AND SUBJECTED LE XUAN KHOA TO CRUEL AND UNJUST
 22 HARDSHIP IN KNOWING DISREGARD OF HIS RIGHTS.
 23 WHAT HE DID TO PROFESSOR KHOA WAS CRUEL. YOU
 24 RING THAT PHONEY BELL OF A FEDERAL CRIME TO THE COMMUNITY THAT
 25 KNOWS YOU AND THAT IS A HARD THING TO SUFFER UNTIL YOU CAN
 26 UNRING THAT BELL.

1 SO THERE'S OPPRESSION ALSO. DESPICABLE
 2 CONDUCT, JUST SO WE HAVE A DEFINITION. THIS FITS MY
 3 DEFINITION: "CONDUCT THAT IS SO VILE, BASE OR CONTEMPTIBLE
 4 THAT IT WOULD BE LOOKED DOWN ON AND DESPISED BY REASONABLE
 5 PEOPLE."
 6 YOU ARE THE REASONABLE PEOPLE. I TRUST YOU TO
 7 LOOK DOWN ON WHAT DR. THANG DID. HE THREW PROFESSOR KHOA
 8 UNDER THE BUS SO HE COULD CONTINUE TO DO HIS FUNDRAISING
 9 TARGETS.
 10 THAT'S DESPICABLE.
 11 FRAUD MEANS THAT DEFENDANT INTENTIONALLY
 12 MISREPRESENTED OR CONCEALED A MATERIAL FACT AND DID SO
 13 INTENDING TO HARM LE XUAN KHOA.
 14 THIS ONLY WORKS IF HE DESTROYS HIS REPUTATION.
 15 IT ONLY BENEFITS HIM IN THE PUBLIC DEBATE IF HE DESTROYS
 16 PROFESSOR KHOA'S REPRESENTATION. AND THAT'S WHAT IT DID.
 17 SO WE HAVE ALL OF THESE ITEMS. IS THERE ANY
 18 DOUBT ABOUT ANY OF THESE THINGS THAT I'VE SAID?
 19 THERE'S NO DOUBT. HE MAY CLAIM, INNOCENTLY, I
 20 WAS JUST PARAPHRASING DORNAN'S LETTERS. WELL, WHY?
 21 THIS IS A QUESTION ABOUT: WHAT'S YOUR
 22 MOTIVATION? WHY DID HE DO THAT?
 23 BECAUSE HE GOT HIMSELF IN A PICKLE ABOUT WHAT
 24 HE SAID IN DECEMBER OF 2019, AND HE THREW PROFESSOR KHOA UNDER
 25 THE BUS TO SAVE HIMSELF.
 26 THE ANSWER IS "YES."

1 NOW, YOU WON'T HEAR FROM ME ANYMORE ABOUT THE
 2 DORNAN LETTERS OR ANY OF THE REST OF THIS UNLESS MR. VOSS
 3 BRINGS IT UP. I DO HAVE THE OPPORTUNITY TO COME BACK ONE MORE
 4 TIME TO ADDRESS WHAT HE SAYS. YOU MAY COUNT ON ME DOING THAT.
 5 THANK YOU AGAIN FOR YOUR TIME. YOUR JOB HERE
 6 IS SO IMPORTANT. PROFESSOR KHOA IS COUNTING ON YOU TO UNRING
 7 THAT BELL FOR HIM.
 8 THANK YOU, YOUR HONOR.
 9 THE COURT: THANK YOU, MR. HART.
 10 ALL RIGHT, THEN, LADIES AND GENTLEMEN, YES, WE
 11 WILL GO AHEAD AND TAKE OUR MORNING RECESS AT THIS POINT IN
 12 TIME. YOU SHOULD BE BACK AT FIVE AFTER, AND THEN WE'LL
 13 CONTINUE ON WITH THE CLOSING ARGUMENTS.
 14 THANK YOU VERY KINDLY.
 15 AND, AGAIN, STILL NO OPINIONS, NO DISCUSSION
 16 QUITE YET. YOU'RE GETTING REALLY CLOSE, BUT NOT QUITE YET.
 17 (JURY EXCUSED FOR MORNING RECESS.)
 18 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
 19 PRESENCE OF THE JURY:)
 20 THE COURT: ALL RIGHT. BLEW THAT ESTIMATE.
 21 MR. HART: HOW LONG WAS THAT?
 22 THE COURT: THAT WAS 71 MINUTES.
 23 MR. HART: OKAY.
 24 THE COURT: SO WE WILL BE GOING INTO THE AFTERNOON
 25 WITH MR. VOSS.
 26 MR. VOSS: I'M JUST TRYING TO FIGURE OUT...

1 THE COURT: I MEAN, IF YOU RUN OVER AND THEN
 2 THAT -- I HAVE TO BE A LITTLE HARDER ON THE 12 NOON FOR
 3 EVERYBODY, BUT DON'T -- FEEL FREE TO FIT IT IN.
 4 MR. VOSS: OKAY.
 5 THE COURT: IF YOU NEED TO PAUSE WHEN WE GET CLOSE,
 6 ONCE WE GET TO THE 11:55 RANGE OR SOMETHING, ANYWHERE AFTER
 7 11:50, IF YOU FIND -- IF YOU THINK YOU'RE AT A PLACE TO PAUSE,
 8 WHEREVER YOU THINK YOU HIT THAT POINT, DON'T FEEL YOU HAVE TO
 9 GO RIGHT UP TO NOON OR DON'T FEEL YOU HAVE TO FINISH BY NOON.
 10 YOU CAN HAVE A LITTLE BIT OF TIME AFTER LUNCH WHEN WE COME
 11 BACK.
 12 MR. VOSS: THANK YOU, YOUR HONOR.
 13 THE COURT: ALL RIGHT. SO WE WILL BE IN RECESS, AND
 14 WE'LL START BACK UP AT 11:05.
 15 ALL COUNSEL: THANK YOU, YOUR HONOR.
 16 (MORNING RECESS.)
 17 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
 18 PRESENCE OF THE JURY:)
 19 THE COURT: WE ARE HERE WITH ALL COUNSEL AND PARTIES
 20 OUTSIDE THE PRESENCE OF THE JURY.
 21 AND LIKE I SAID BEFORE THE BREAK, MR. VOSS, IF
 22 YOU FIND A PLACE TO STOP, FEEL FREE TO DO SO ANYTIME AFTER
 23 11:50, AND THEN WE'LL PICK UP AFTER THE LUNCH HOUR.
 24 ARE WE READY?
 25 MR. VOSS: ONE MOMENT, YOUR HONOR. JUST A MINUTE.
 26 MR. HART: MY INTERN IS GOING TO PUBLISH FOR THE

1 DEFENSE.
 2 MR. VOSS: WE ALREADY AGREED TO DO THAT.
 3 MR. HART: NO PROBLEM, MR. VOSS.
 4 (DISCUSSION BETWEEN COUNSEL.)
 5 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE
 6 PRESENCE OF THE JURY:)
 7 THE COURT: ALL RIGHT. WELCOME BACK, LADIES AND
 8 GENTLEMEN.
 9 WE HAVE BEEN REJOINED BY ALL OF OUR JURORS.
 10 IT'S NOW MR. VOSS' TIME TO SPEAK WITH YOU FOR HIS CLOSING
 11 ARGUMENT.
 12 THERE'S A GOOD CHANCE WE'LL HAVE TO PAUSE FOR
 13 THAT LUNCH HOUR BREAK, SO HE MAY SPAN OVER THAT LUNCH HOUR,
 14 COME BACK AFTER LUNCH, AND PICK UP A LITTLE BIT THERE. SO
 15 WE'LL FIND A GOOD BREAKING POINT WHEN WE GET CLOSE TO THAT
 16 LUNCH HOUR, IF NECESSARY, TO GO AHEAD AND PAUSE, AND THEN GIVE
 17 HIM HIS FAIR OPPORTUNITY TO MAKE HIS CLOSING ARGUMENTS.
 18 SO WITH THAT, MR. VOSS, THE FLOOR IS YOURS.
 19 MR. VOSS: THANK YOU, YOUR HONOR.
 20 LADIES AND GENTLEMEN OF THE JURY, THANK YOU. I
 21 REALLY DO SINCERELY THANK YOU FOR ALL THE TIME THAT YOU PUT IN
 22 LISTENING TO THINGS THAT MIGHT WELL GLAZE YOUR EYES OVER FROM
 23 TIME TO TIME BUT THEY'RE REALLY IMPORTANT TO OUR RESPECTIVE
 24 CLIENTS.
 25 I ASKED YOU AT THE OUTSET TO PLEASE KEEP AN
 26 OPEN MIND UNTIL YOU'VE HEARD OUR SIDE OF THE STORY. I KNOW

1 THAT TO PUT THE PIECES TOGETHER AND EXPLAIN HOW OUR SIDE OF
 2 THE STORY COMES TOGETHER MUCH AS I TOLD YOU IT WOULD DURING
 3 THE OPENING STATEMENT THAT WE GAVE.
 4 THE DIFFERENCE IS, IN THE OPENING STATEMENT, I
 5 CAN ONLY TELL YOU WHAT THE FACTS ARE GOING TO SHOW. I'M NOT
 6 ALLOWED TO OPINE OR ACTUALLY ARGUE ANYTHING. NOW I CAN. SO
 7 NOW I'M GOING TO PUT THOSE PIECES TOGETHER FOR YOU.
 8 AND ONE OF THE MOST IMPORTANT THINGS TO
 9 UNDERSTAND IN PUTTING THE PIECES TOGETHER IS THE PATTERN.
 10 IT'S THE PATTERN THROUGHOUT THIS ENTIRE CASE. AND IT'S A VERY
 11 EASY PATTERN TO IDENTIFY. AND THAT IS, WHETHER IT'S MY
 12 CLIENTS, DR. THANG OR THE BOAT PEOPLE S.O.S., OR CONGRESSMAN
 13 SMITH OR CONGRESSMAN DORNAN, OR THE PUBLIC DEBATE THAT
 14 OCCURRED, THE PUBLIC SCANDAL THAT YOU HEARD ABOUT, OR EVEN THE
 15 DOCUMENTS THEMSELVES THAT EFFECTIVELY, THROUGHOUT THIS ENTIRE
 16 CASE, THE PATTERN YOU'VE HEARD IS DR. KHOA -- EXCUSE ME,
 17 MR. KHOA SAYING THAT EVERYONE ELSE IS WRONG. HE'S THE ONLY
 18 GUY WHO IS RIGHT. EVERYBODY ELSE HAS GOT THIS ALL WRONG.
 19 THEY'VE GOT IT WRONG IN DOCUMENTS IN 1986, WHEN
 20 CONGRESSMAN DORNAN SAYS WHAT HE SAYS. THEY'VE GOT IT WRONG IN
 21 2020, WHEN CONGRESSMAN SMITH SAYS WHAT SHE SAYS. THEY'VE GOT
 22 IT WRONG IN EVERY DIRECTION. AND THE ONLY PERSON THAT'S GOT
 23 TO RIGHT IS MR. KHOA.
 24 BUT, YOU KNOW, THERE AREN'T ANY DOCUMENTS FROM
 25 SOME OTHER CONGRESSMAN TO SAY THAT HE'S RIGHT. THERE AREN'T
 26 ANY DOCUMENTS ANYWHERE TO SUGGEST TO YOU THAT THE STATEMENT IS

1 UNTRUE.
 2 IN FACT, THE STATEMENT IS TRUE. I HAVE HEARD
 3 THIS MORNING ABOUT HIT JOBS POLITICALLY AND HOW DESPICABLE
 4 THAT IS. IT'S A PATTERN OF TRYING TO MUSH IT ALL TOGETHER AND
 5 BLAME MY CLIENT FOR CONCERNS THAT MR. KHOA HAD WITH OTHER
 6 PEOPLE. I'M GOING TO GO THROUGH ALL THAT, BUT I JUST WANT TO
 7 REMIND YOU THAT WHENEVER ONE OF THESE THINGS CAME OUT THAT
 8 CONCERNED MR. KHOA, HIS RESPONSE TO IT WASN'T TO WRITE TO MY
 9 CLIENTS; IT WASN'T TO WRITE TO THEM AND SAY: RETRACT IT.
 10 WITHDRAW IT. YOU'VE GOT IT WRONG.
 11 NO. HE WROTE TO SMITH. HE WROTE TO DORNAN,,
 12 HE WROTE TO OTHER PEOPLE, BECAUSE THEY WERE THE PEOPLE THAT HE
 13 REALLY HAD THE CONCERN WITH WHAT THEY WERE SAYING.
 14 MY CLIENT IS GUILTY OF DOING NOTHING MORE THAN
 15 REPEATING WHAT THE CONGRESSMAN SAID. LET'S TAKE A LOOK AT
 16 THAT BECAUSE, YOU KNOW, WHAT YOU'VE LEARNED IN THIS TRIAL, IF
 17 I COULD REALLY SUMMARIZE IT, IS THAT MY CLIENT, DR. THANG, HAS
 18 DEDICATED HIS LIFE TO SUPPORTING VIETNAMESE REFUGEES. AND HE
 19 DID THAT BECAUSE HE WAS A VIETNAMESE BOAT PERSON REFUGEE
 20 HIMSELF.
 21 YOU LEARNED THAT NOT ONE, BUT TWO CONGRESSMEN
 22 SUPPORT HIS WORDS.
 23 YOU HEARD, IN THE WORDS OF MR. KHOA, ABOUT THE
 24 HIGH PRAISE THAT CONGRESSMAN SMITH HAD IN THE VIDEO FOR MY
 25 CLIENT. WE HEARD ALL ABOUT HOW THESE CONGRESSMEN SUPPORT WHAT
 26 HE HAS TO SAY. THERE'S NOTHING ON THE OTHER SIDE.

1 SO THE PATTERN HERE IS TO TRY TO CONFLATE THE
2 ISSUES YOU HAVE WITH OTHER PEOPLE AND TRY AND BLAME DR. THANG
3 FOR ALL OF YOUR LIFE'S WOES, EVEN YOUR OLD AGE, BECAUSE
4 REALISTICALLY, A LOT OF THE THINGS THAT WE'VE HEARD ABOUT ARE
5 REALLY JUST MALADIES OF AGE AND DON'T HAVE ANYTHING TO DO WITH
6 THAT STATEMENT ON THE BOARD.

7 LET'S TALK ABOUT THAT STATEMENT ON THE BOARD.
8 YOU HEARD COUNSEL SAY, IN HIS ARGUMENT JUST A FEW MINUTES AGO,
9 THAT YOU WERE EXPECTED TO DO THE SCALES OF JUSTICE WEIGHING.
10 BUT THAT'S NOT WHAT'S APPLICABLE HERE. THAT WAS INSTRUCTION
11 NUMBER 200.

12 IF WE COULD SHOW THEM INSTRUCTION NUMBER 201.
13 CERTAIN FACTS HAVE TO BE PROVED BY CLEAR AND
14 CONVINCING EVIDENCE, WHICH IS A HIGHER BURDEN OF PROOF. THIS
15 MEANS THE PARTY MUST PERSUADE YOU IT IS HIGHLY PROBABLE THAT
16 THE FACT IS TRUE. THIS IS A HIGHER STANDARD THAN JUST AN EVEN
17 WEIGHING PREPONDERANCE OF THE EVIDENCE.

18 THIS IS THE STANDARD, AND YOU DON'T
19 NEED TO -- THESE ARE IN THE PACKAGE OF STUFF THAT YOU GET BACK
20 IN THE JURY ROOM, SO YOU'LL --

21 MR. HART: YOUR HONOR, I HAVE TO OBJECT TO THIS. THE
22 IMPLICATION IS THAT TRUE OR FALSE IS TO THIS STANDARD. THAT
23 QUESTION IS PREPONDERANCE.

24 THE COURT: WAIT. LADIES AND GENTLEMEN, AS I
25 INDICATED AT THE START OF THE CLOSING ARGUMENTS, THE
26 INSTRUCTIONS ARE THE GOVERNING LAW. ANYTHING THAT ANY

1 WHAT HE WAS WRITING WAS ABSOLUTELY TRUE; THE REVERSE OF SAYING
2 THAT THEY KNEW THE STATEMENT WAS FALSE. HE BELIEVED IT WAS
3 TRUE. AND HE TOLD YOU WHY HE BELIEVED IT WAS TRUE, IN DETAIL.

4 SO NOW WE HAVE TO ALSO, NOT WITH JUST THAT, BUT
5 ALSO THE CONTEXT OF THE STATEMENT. SO IF WE LOOK AT EXHIBIT
6 NUMBER 238-7, WHICH IS THE EXHIBIT THAT HAS THE STATEMENT ON
7 THE BOARD.

8 HERE WE GO.

9 SO YOU CAN SEE, HERE, THE CONTEXT OF THIS
10 STATEMENT. IT IS THAT, "IMMEDIATELY AFTER THE TWO
11 HEARINGS" -- THERE WERE CONGRESSIONAL HEARINGS, IN ADDITION TO
12 EVERYTHING ELSE -- "CONGRESSMAN SMITH SENT AN OFFICIAL LETTER
13 REQUESTING THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE TO
14 INVESTIGATE MR. KHOA AND S.E.A.R.A.C. ON A FRAUDULENT
15 BACKGROUND STATEMENT USED WHEN APPLYING FOR A FEDERAL GRANT:

16 "MR. KHOA FALSELY CLAIMED HE HELD A DOCTORAL
17 DEGREE IN THE APPLICATION FOR A GRANT FROM THE DEPARTMENT OF
18 STATE. THAT WAS A CRIMINAL OFFENSE."

19 IT'S COLON BEFORE YOU GET TO THAT. AND THE
20 REASON FOR THAT IS BECAUSE IT IS IN THE CONTEXT THAT MY CLIENT
21 IS SAYING AN OFFICIAL LETTER WAS SENT REQUESTING AN
22 INVESTIGATION ON THE FRAUDULENT BACKGROUND STATEMENT. THAT'S
23 WHAT IT WAS. HE WAS REQUESTING AN INVESTIGATION IN THIS
24 LETTER. THAT'S WHAT HE'S SAYING.

25 AND WHEN YOU SEE EXHIBIT NUMBER 234, WHICH IS
26 THE LETTER THAT MY CLIENT IS REFERENCING...

1 ATTORNEY SAYS THAT YOU BELIEVE IS CONTRARY TO THE
2 INSTRUCTIONS, THE INSTRUCTIONS GOVERN.

3 YOU MAY CONTINUE.

4 MR. VOSS: WHICH IS WHY -- BEFORE I WAS
5 INTERRUPTED -- IT SAYS I WILL TELL YOU SPECIFICALLY WHICH
6 FACTS MUST BE PROVED BY THIS, MY WORDS, HIGHER, CLEAR AND
7 CONVINCING EVIDENCE.

8 SO NOW LET'S GO TO 1700.

9 AND 1700 IS THE INSTRUCTION THAT RELATES TO
10 DEFAMATION. SO YOU GET A LOT OF GENERAL INSTRUCTIONS AND SO
11 ON, BUT REALLY THE RUBBER HITS THE ROAD ON 1700.

12 AND, HERE, YOU CAN SEE THAT BELOW NO. 4, YOU
13 HAVE THIS CLEAR AND CONVINCING EVIDENCE STANDARD. YOU SEE
14 THAT THERE. WHAT IT SAYS IS: IN ADDITION, LE XUAN KHOA, THE
15 PLAINTIFF, MUST PROVE BY CLEAR AND CONVINCING EVIDENCE -- NOT
16 JUST A WEIGHING -- THAT NGUYEN DINH THANG AND BOAT PEOPLE
17 S.O.S. KNEW THE STATEMENT WAS FALSE OR HAD SERIOUS DOUBTS
18 ABOUT THE TRUTH OF THE STATEMENT.

19 SO IT'S NOT JUST THAT THE PLAINTIFF HAS TO
20 PROVE THE STATEMENT WAS FALSE. THE PLAINTIFF ALSO HAS TO
21 PROVE, BY CLEAR AND CONVINCING EVIDENCE, THAT WHEN HE MADE THE
22 STATEMENT, THAT WE KNEW IT WAS FALSE.

23 AND I REASONABLY SUBMIT TO YOU THAT FOR THE
24 MULTIPLICITY OF REASONS THAT DR. THANG TESTIFIED TO AND THE
25 EVIDENCE YOU'VE SEEN, HE HAD A PLETHORA OF EVIDENCE AT HIS
26 DISPOSAL WHEN HE WROTE THAT STATEMENT, AND HE BELIEVED THAT

1 NOW LET'S SHOW THEM 234.

2 YOU NOW SEE THE LETTER THAT WHEN MY CLIENT
3 SAYS, HEY, A CONGRESSMAN IS SENDING A LETTER, AND HE'S
4 INVESTIGATING CERTAIN CLAIMS, COLON. THAT IN AND AMONGST THE
5 THINGS BEING REQUESTED FOR INVESTIGATION IS THOSE WORDS RIGHT
6 THERE.

7 HOW DO YOU KNOW THAT?

8 AT PARAGRAPH 5: MR. KHOA'S SELF-PROMOTION AS A
9 PH.D.

10 I'M GOING TO COME BACK TO THAT. THE WHOLE
11 PH.D. IS A FALSE HERRING. AND MY CLIENT NEVER ONCE USED THE
12 PHRASE "PH.D." THE ONLY PERSON TO EVER USE THE PHRASE
13 "PH.D." WAS CONGRESSMAN DORNAN IN THIS LETTER.

14 SO ALL THESE QUESTIONS THAT GET ASKED OF
15 MR. KHOA ABOUT PH.D., MY CLIENT NEVER ACCUSED THEM OF NOT
16 HAVING A PH.D., EVER. THAT'S NOT THE CASE.

17 BUT NONETHELESS, WHAT DOES THE CONGRESSMAN SAY
18 THAT HE WANTS INVESTIGATED? IT'S THE RECENT ADMISSION -- HE
19 RECENTLY ADMITTED HE DOES NOT HAVE SUCH A DEGREE. HIS
20 MISREPRESENTATION OF ACADEMIC CREDENTIALS MAY HAVE RESULTED IN
21 RECEIVING STATE DEPARTMENT GRANTS OVER COMPETING APPLICANTS.

22 IN THE CONTEXT OF THE PART BEFORE THIS, BEFORE
23 THE COLON, WHERE MY CLIENT IS WRITING, HEY, A CONGRESSMAN IS
24 ASKING FOR AN INVESTIGATION OF THIS CONCERN, IT'S DEAD-BANG
25 ACCURATE. THERE IT IS. DEAD-BANG ACCURATE.

26 BUT THE FACT OF THE MATTER IS, YOU WOULD HAVE

1 TO SAY THAT MY CLIENT, WHEN IT COMES TO THE TIME THE
 2 DEFENDANTS FOR YOU TO HAVE TO FIND IT ON THE FORM, NOT JUST
 3 THAT THE STATEMENT WAS FALSE, WHICH WAS TRUE, BUT THAT MY
 4 CLIENT WROTE IT THINKING -- KNOWING THAT IT WAS FALSE.
 5 SO HE'S TESTIFIED THAT HE HAS THIS. HE'S READ
 6 IT. HE'S GOT IT IN FRONT OF HIM AS HE WRITES IT. IS THERE
 7 ANYTHING ABOUT DR. THANG'S TESTIMONY ON THE STAND THAT WOULD
 8 SUGGEST TO YOU THAT HE WAS MAKING IT UP; THAT HE KNOWINGLY
 9 DIDN'T PAY ANY ATTENTION TO ANY LETTERS OR ANYTHING, HE JUST
 10 KNEW IT WAS FALSE AND HE JUST MADE THAT STATEMENT OUT OF
 11 CLEAR-BLUE SKY?
 12 OF COURSE NOT. THAT'S WHY IT'S IN THE CONTEXT
 13 OF SAYING THAT IT WAS -- THAT THE CONGRESSMAN IS SENDING AN
 14 OFFICIAL LETTER REQUESTING THE INVESTIGATION. THAT'S THE
 15 CONTEXT OF THAT STATEMENT.
 16 BUT IT'S IMPORTANT TO NOTE ALSO THAT THE --
 17 ONLY THE LAST FEW WORDS, "THAT WAS A CRIMINAL OFFENSE," ARE
 18 REALLY THE WORDS THAT ARE MY CLIENT TALKING.
 19 AND WHAT DID WE LEARN FROM THE WITNESSES IN
 20 THAT REGARD?
 21 WE LEARNED THAT, EFFECTIVELY, NOBODY DISAGREES.
 22 DID YOU HEAR ANYBODY, ANYBODY, TESTIFY TO YOU THAT IT WOULDN'T
 23 BE A CRIMINAL OFFENSE, THAT IT WASN'T A CRIMINAL OFFENSE TO
 24 MISREPRESENT IN THE APPLICATION FOR A GRANT?
 25 I DIDN'T HEAR ANYTHING LIKE THAT.
 26 TO THE CONTRARY, I HEARD TESTIMONY ABOUT IT

1 BEING UNLAWFUL, PERJURY, FEDERAL FALSE CRIMES ACT. THOSE WERE
 2 ALL THINGS PEOPLE TESTIFIED ABOUT WITH RESPECT TO WHETHER OR
 3 NOT THE STATEMENT IS TRUE OR FALSE.
 4 THERE WAS NO EVIDENCE AT ALL THAT THIS
 5 STATEMENT THAT THE -- THAT THAT LAST PART, THAT THIS WAS A
 6 CRIMINAL OFFENSE, NOT ONE PIECE OF EVIDENCE OR TESTIMONY
 7 DISPUTES THAT IT WAS.
 8 THERE'S NO DOCUMENT SAYING, HEY, YOU GET A HALL
 9 PASS.
 10 NOBODY SAID, IF YOU GET -- OH, ON THE
 11 APPLICATION FORM, IT SAYS OKAY. IT'S CLOSE ENOUGH. YOU KNOW,
 12 IF YOU'RE SOMEWHAT CLOSE, IT'S OKAY.
 13 QUITE TO THE CONTRARY, AS YOU HEARD EVEN THE
 14 PLAINTIFF HIMSELF TESTIFY THAT IT WAS, HE KNEW, UNLAWFUL TO
 15 MAKE A MISREPRESENTATION.
 16 SO I THINK IT'S IMPORTANT THAT AS YOU BREAK
 17 DOWN THIS PHRASE HERE THAT'S AFTER THE COLON, THAT THAT LAST
 18 PART IS UNDISPUTED. IT'S A CRIMINAL OFFENSE.
 19 SO WE THEN HAVE TO COME BACK TO SAYING: WHAT
 20 DID WE EFFECTIVELY LEARN FROM OUR WITNESSES?
 21 FIRST, JUST LOOK AT THE PLAINTIFF, MR. KHOA.
 22 MR. KHOA, WE BASICALLY LEARNED, HE'S A 93-YEAR-OLD, ELDERLY
 23 MAN, WHO HAD A CAREER INVOLVED WITH ISSUES RELATING TO
 24 VIETNAMESE REFUGEES, AND THAT HE HAD RETIRED LONG AGO, SHORTLY
 25 AFTER THE 1986 STUFF, SO YEARS AND DECADES EARLIER HAD
 26 RETIRED.

1 AND THAT HE WAS REALLY ANGRY ABOUT THE THINGS
 2 SAID ABOUT HIM, BOTH IN 1986 AND IN 2020, BUT THAT THERE WERE
 3 THINGS THAT WERE SAID ABOUT HIM BY CONGRESSMEN DORNAN AND
 4 SMITH. HIS ISSUE AND HIS COMPLAINT REALLY WASN'T WITH WHAT MY
 5 CLIENT SAID. MY CLIENT SIMPLY REPEATED IT.
 6 IT'S IMPORTANT TO PUT IT ALL IN CONTEXT OF THE
 7 TIMELINE. IT'S THE PLAINTIFF, MR. KHOA, WHO FIRST INITIATED
 8 AND WROTE THE TWO PUBLICATIONS ON APRIL 27TH AND MAY 22 OF
 9 2020. HE'S SAYING THAT THAT'S A RESPONSE TO WHAT?
 10 AN UNSOLICITED VIDEO BEING POSTED ON YOUTUBE,
 11 WHICH IS CHARACTERIZED BY THE PLAINTIFF HIMSELF AS PRAISING MY
 12 CLIENT FOR THE THINGS THAT HE DID IN HIS CAREER.
 13 THERE'S NOT ONE MENTION IN THAT ARTICLE WHICH
 14 INCLUDES THE REFERENCE TO THE VIDEO. NOT ONE SINGLE MENTION
 15 OF MR. KHOA. NOT A THING. BUT HE FEELS COMPELLED, HAVING
 16 BEEN DONE WITH THIS ISSUE FOR 36 YEARS, TO COME BACK NOW AND
 17 SAY, OH, I NEED TO -- I NEED TO CORRECT THINGS.
 18 WE DIDN'T GO AFTER MR. KHOA. QUITE THE OTHER
 19 WAY AROUND. HE CAME OUT OF NOWHERE AND SAID, WELL, NICE VIDEO
 20 BY THE CONGRESSMAN THAT SAYS GOOD THINGS ABOUT YOU, BUT, YOU
 21 KNOW, YOU DON'T DESERVE TO TAKE CREDIT FOR ANY OF THAT.
 22 ALL RIGHT. YOU CAN SAY THAT. BUT HE DIDN'T
 23 COMPLAIN TO MY CLIENT. THE TESTIMONY WAS CLEAR THAT HE
 24 COMPLAINED TO CONGRESSMAN SMITH. WROTE NOT ONE BUT TWO
 25 LETTERS TO CONGRESSMAN SMITH THAT WERE UNANSWERED IN RESPONSE
 26 TO THE VIDEO.

1 DID NOT ASK US, DID NOT ASK DR. THANG, DID NOT
 2 ASK THE BOAT PEOPLE S.O.S. TO CORRECT THE IMPRESSION HE TOOK
 3 FROM A VIDEO THAT DIDN'T EVEN SO MUCH AS MENTION HIM.
 4 ALL RIGHT. SAME THING HE DID BACK IN 1986, HE
 5 DIDN'T COMPLAIN TO MY CLIENT, HE COMPLAINED TO CONGRESSMAN
 6 DORNAN. AGAIN, THE PATTERN. EVERYONE ELSE IS WRONG. HE'S
 7 THE ONLY ONE RIGHT.
 8 SO HE SAYS SOME INTERESTING THINGS ON THE
 9 STAND. FIRST OF ALL, HE SAYS IN HIS TESTIMONY (AS READ):
 10 "WERE YOU EVER INVESTIGATED BY THE INSPECTOR
 11 GENERAL ABOUT MAKING A FRAUDULENT BACKGROUND STATEMENT?"
 12 HIS ANSWER: "I HAVE NEVER BEEN INVESTIGATED AT
 13 ALL. THERE WAS NO INVESTIGATION."
 14 HE REPEATEDLY DENIED -- I MEAN, THERE'S
 15 MULTIPLE PLACES WHERE HE DENIED THERE WAS EVER AN
 16 INVESTIGATION.
 17 HOW DO YOU HAVE NO INVESTIGATION IF YOU
 18 SUPPLIED DOCUMENTS TO SOMEBODY BECAUSE THEY ASKED FOR THEM IN
 19 THEIR INVESTIGATION?
 20 IT DOESN'T MAKE ANY SENSE.
 21 BUT MR. KHOA SAYS HE WAS ASKED TO PROVIDE THE
 22 DOCUMENTS, AND HE PROVIDED THE DOCUMENTS. SO IF HE DID
 23 PROVIDE DOCUMENTS, CLEARLY THAT WAS IN RESPONSE TO THE
 24 INVESTIGATION THAT DORNAN'S OFFICE AND STAFF WERE DOING, WHICH
 25 IS REFERENCED IN THEIR LETTERS.
 26 SO I THINK THAT THERE ARE SOME SIGNIFICANT

1 QUESTIONS AS TO THE ACCURACY OF THE MEMORIES OF THE WITNESS
2 WITH RESPECT TO HOW THINGS WENT DOWN. HE SAYS NO
3 INVESTIGATION, BUT I GAVE YOU THE DOCUMENTS. DOESN'T MAKE ANY
4 SENSE.

5 INTERESTINGLY, WHEN YOU ASKED MR. KHOA AT THAT
6 SAME TIME FRAME IN HIS TESTIMONY ABOUT THE IMPACT ON HIM, HIS
7 RESPONSE WAS, I THOUGHT, ILLUMINATING. HE SAID:

8 "WHEN PEOPLE CALLED AND SHARED WITH ME THEIR
9 CONCERN AND THEN THAT THEY'RE UPSET, SO I -- I FEEL GOOD TO
10 BE -- YEAH, I FEEL GOOD KIND OF."

11 WHY WAS THAT?

12 SOME PEOPLE WE HEARD, FRIENDS, OTHER RELATIVES
13 AND SO ON, FROM CECILE, THAT HAD REACHED OUT TO HIM HAD RAISED
14 SOME CONCERNS. IT MADE HIM FEEL GOOD. IT DIDN'T MAKE HIM
15 FEEL BAD. IT DIDN'T MAKE HIM FEEL SHAME AND MORTIFICATION.
16 IT MADE HIM FEEL GOOD THAT THERE WERE STILL PEOPLE OUT THERE
17 THAT WERE PAYING ATTENTION AND FELT LIKE THEY WANTED TO SAY
18 GOOD THINGS ABOUT HIM.

19 THAT'S GREAT. I'M GLAD FOR HIM, JUST AS I WAS
20 GLAD FOR MY CLIENT THAT HE HAD A CONGRESSMAN SAYING NICE
21 THINGS ABOUT HIM, TOO.

22 YOU KNOW, WE HEAR ALL THIS UNRINGING THE BELL.
23 WHEN I ASKED MR. KHOA WHETHER HE COULD THINK OF ANY -- EXCUSE
24 ME, WHEN MR. HART ASKED HIS OWN CLIENT: "COULD YOU THINK OF
25 ANY WAY TO UNRING THE BELL OF THIS PUBLICATION?"

26 THE ANSWER IS: "I THINK I WANT TO GET AN

1 IT WASN'T A CRIMINAL OFFENSE, NOT A DOCUMENT, NOT A PIECE OF
2 EVIDENCE.

3 SO HOW ABOUT THE FIRST PART THAT: "MR. KHOA
4 FALSELY CLAIMED HE HELD A DOCTORAL DEGREE IN THE APPLICATION
5 FOR A GRANT FROM THE SECRETARY OF STATE."

6 WE HAVE TWO CONGRESSIONAL LETTERS THAT SUPPORT
7 THAT. WE HAVE MY CLIENT'S EXPERIENCE WITH WRITING GRANT
8 APPLICATIONS. WE HAVE HIS MEETING WITH CONGRESSIONAL STAFF
9 BACK IN 1986. WE HAVE DOCUMENTS TO SUPPORT ALL OF THAT.

10 AND WE HAVE A LOT OF TESTIMONY ABOUT THE PUBLIC
11 SCANDAL THAT WAS GOING ON IN THE VIETNAMESE COMMUNITY ABOUT
12 THIS WHOLE THING, ABOUT HIM ADMITTING THAT HE WAS A DOCTOR.
13 THAT'S WHAT IS BEING REFERENCED HERE.

14 "BEGINNING IN JANUARY '96, I HAVE RECEIVED AN
15 OVERWHELMING NUMBER OF TELEPHONE CALLS AND LETTERS FROM
16 RESPECTED VIETNAMESE-AMERICAN LEADERS IN MY DISTRICT AND
17 ACROSS THE UNITED STATES."

18 AND DOWN HERE: HE RECENTLY ADMITTED HE DOES
19 NOT HAVE SUCH A DEGREE.

20 YOU HEARD DR. THANG TESTIFY THAT, YEAH, THIS
21 WAS IN ALL KINDS OF ARTICLES. IT WAS A BIG PUBLIC SCANDAL.
22 IT WAS BEING DISCUSSED BY EVERYBODY IN THE VIETNAMESE
23 COMMUNITY ABOUT HOW MR. KHOA WASN'T A DOCTOR, AND HE WAS
24 MISREPRESENTING THAT HE WAS, AND HE ADMITTED THAT HE WASN'T A
25 DOCTOR AS PART OF THAT PUBLIC SCANDAL.

26 THERE IS NOT ONE PIECE OF EVIDENCE THAT'S BEEN

1 ANSWER FROM SMITH. THAT'S WHY I WROTE TO HIM AGAIN."

2 NOW, THERE'S SEVERAL INTERESTING THINGS THERE,
3 TOO, BECAUSE A LOT OF THE QUESTIONS GOT ASKED IN THE CONTEXT
4 OF THE PUBLICATION, AND ALL THESE EVENTS THAT WERE OCCURRING
5 IN THE PUBLIC DISCOURSE AND HOW DID ALL OF THAT IMPACT HIM.

6 BUT THE ONLY THING THAT COUNTS WHEN IT COMES TO
7 THE FORM IS THE IMPACT OF THAT SPECIFIC STATEMENT, NOT HOW HE
8 FELT BECAUSE HE WAS WRONGED BY CONGRESSMAN SMITH, NOT HOW HE
9 FELT BECAUSE HE WAS WRONGED BY CONGRESSMAN DORNAN. HOW DID IT
10 IMPACT HIM TO HAVE THAT STATEMENT MADE? THAT'S A HUGE
11 DIFFERENCE BETWEEN THE TWO.

12 IF MY CLIENTS WERE TO BLAME FOR HIS CONCERNS,
13 THE REASON HE DID NOT WRITE TO THEM TO RETRACT OR WITHDRAW THE
14 STATEMENTS ULTIMATELY IS, I SUBMIT TO YOU, BECAUSE HIS BLAME
15 WAS FOR THE CONGRESSMAN, NOT FOR HIM.

16 THAT'S WHY HE WROTE TO THE OTHERS. WHAT DOES
17 HE SAY? HOW DO YOU UNRING THE BELL? I WANT TO GET AN ANSWER
18 FROM SMITH. I DON'T WANT TO GET AN ANSWER FROM THANG. I WANT
19 TO UNRING THE BELL BY GETTING AN ANSWER FROM SMITH.

20 WELL, YOU DON'T HAVE IN YOUR POWER -- SMITH IS
21 NOT A DEFENDANT. SO YOU CAN'T UNRING THE BELL FOR HIM WITH
22 SMITH. YOU'RE ASKED WHETHER OR NOT YOU CAN UNRING THE BELL
23 FOR THANG. THAT'S NOT WHAT HE, HIMSELF, HAS SAID WOULD UNRING
24 THE BELL FOR HIM.

25 NOW, LET'S COME TO THAT OTHER PART OF THE
26 CLAUSE AFTER THE COLON. WE DON'T HAVE ANYBODY ANYWHERE SAYING

1 PUT IN FRONT OF YOU, NOT A WORD OF TESTIMONY, NOT A DOCUMENT,
2 NOTHING, TO REFUTE THE TESTIMONY FROM DR. THANG ABOUT THE
3 PUBLIC SCANDAL HAPPENING AT THAT TIME IN THE VIETNAMESE
4 COMMUNITY THAT ADDRESSED THIS EXACT ISSUE BEING RAISED BY
5 CONGRESSMAN DORNAN. NOTHING.

6 IT'S UNREFUTED TESTIMONY AGAINST MY CLIENT THAT
7 HE WAS AWARE OF ALL THIS BECAUSE EVERYBODY WAS AWARE OF IT,
8 THAT THERE WAS, YOU KNOW, INVOLVED AND INTERESTED IN THESE
9 ISSUES IN THE VIETNAMESE COMMUNITY.

10 BUT THE FACT IS THAT, WHILE KHOA KNEW HE WAS
11 BEING HELD OUT BY OTHERS AS DR. KHOA, HE TOOK NO ACTIONS TO
12 CORRECT THOSE REPRESENTATIONS. HIS TESTIMONY BEFORE YOU WAS
13 THAT HE STOPPED CORRECTING PEOPLE BEFORE BECOMING PRESIDENT OF
14 I.R.A.C. AND S.E.A.R.A.C.

15 SO FOR THE ENTIRE PERIOD OF TIME THAT HE WAS
16 SUBMITTING GRANT APPLICATIONS, IT'S HIS TESTIMONY THAT AT NO
17 POINT THEREIN WAS HE CORRECTING ANYBODY ANYMORE ABOUT THE FACT
18 THAT HE WAS A DOCTOR VERSUS BEING MISTER.

19 DID HE MAKE HIMSELF BETTER BY PROVIDING THAT
20 INFORMATION? HE EVEN SAID SO. HIS TESTIMONY -- I DON'T KNOW
21 IF YOU CAUGHT IT. IT WAS -- IT STARTLED ME. WOULD IT --
22 WOULDN'T IT HAVE BEEN BETTER IF YOU HAD ON YOUR RESUME TAKEN
23 SOME STEP TO CLARIFY THAT YOUR THESIS WASN'T COMPLETE? HE
24 ADMITTED, YEAH, IT WOULD HAVE BEEN BETTER.

25 WHAT WAS THE BAR STOPPING HIM FROM DOING A
26 BETTER JOB OF REPRESENTING ACCURATELY THE STATUS OF HIS

1 DOCTORAL THESIS?
 2 NONE. NONE. HE'S PRESIDENT OF THE
 3 ORGANIZATION. HE HAD EVERY ABILITY TO CHANGE ANYTHING HE
 4 WANTED TO IN IT. IT WAS HIS TESTIMONY THAT HE WAS IN
 5 THE -- IN CHARGE OF THE ENTIRE PROCESS.
 6 NOW, WE'VE HEARD PLAINTIFF'S COUNSEL IN
 7 CLOSING, SAYING -- AND I WROTE DOWN THE EXACT WORDS -- IT WAS
 8 TRUE HE HAD A DOCTORAL THESIS. REALLY? IN 1975, UNDER
 9 CIRCUMSTANCES I'M GLAD I DIDN'T LIVE THROUGH, THE FACT OF THE
 10 MATTER IS WHATEVER THE STATUS OF HIS DOCTORAL THESIS WAS, IT
 11 WAS LEFT ON THE TARMAC IN SAIGON AS HE WAS EVACUATED TO SAFETY
 12 FROM THE COUNTRY.
 13 THERE IS NO EVIDENCE THAT AFTER THAT POINT IN
 14 TIME HE EVER DID ANYTHING TO PICK UP A PENCIL, TAKE A
 15 TYPEWRITER, OR DO ANYTHING TO FURTHER ADVANCE HIS DOCTORAL
 16 THESIS EVER AGAIN.
 17 36 YEARS LATER, HE'S STILL SAYING, I'M WORKING
 18 ON IT. AT SOME POINT IT BECOMES UNREASONABLE TO STAND BEHIND,
 19 OH, MY DOCTORAL THESIS SHOWN IN MY RESUME, 1960. WELL, IT'S
 20 OKAY BECAUSE I WAS STILL WORKING ON IT. NO, YOU HADN'T WORKED
 21 ON IT SINCE 1975. BUT YOU'RE STILL HIDING BEHIND, I'M WORKING
 22 ON IT.
 23 I SUPPOSE HE'S STILL WORKING ON IT NOW BECAUSE
 24 HE SAID HE WAS STILL WORKING ON IT SOME 50 YEARS LATER.
 25 BUT HE DIDN'T DO ANYTHING TO CORRECT THE
 26 MISTAKES. ALL HE HAD TO DO WAS PUT THE SLIGHTEST MENTION OF

1 INCOMPLETE NATURE OF THE DOCTORAL DEGREE AND STOP THE STAFF
 2 FROM USING TERM "DOCTOR" TO ADDRESS HIM. DON'T USE LETTERS
 3 WRITTEN TO HIM AS DR. KHOA IN THE GRANT. DON'T INCLUDE THOSE
 4 THINGS THAT WOULD BE MISLEADING TO THE READER. AND THERE'S
 5 JUST NO MENTION ANYWHERE OF THAT BEING SOMEHOW A TERM OF
 6 ENDEARMENT. NONE.
 7 I ASKED MR. KHOA (AS READ):
 8 "IS IT CORRECT TO SAY THAT NO GRANT APPLICATION
 9 EVER WENT OUT WITHOUT YOUR APPROVAL AND SUPERVISION OF THE
 10 GRANT APPLICATION DURING YOUR TIME AS PRESIDENT UNTIL YOU
 11 RETIRED?"
 12 ANSWER IS: "YES."
 13 "DID YOU UNDERSTAND THAT WHEN YOU WERE
 14 SUBMITTING THE GRANT APPLICATIONS, THEY HAD TO BE ACCURATE?"
 15 "ANSWER: DEFINITELY.
 16 "DID YOU UNDERSTAND YOU COULD NOT MAKE A
 17 REPRESENTATION UNDER GRANT APPLICATION?
 18 "I UNDERSTAND THAT.
 19 "DID YOU UNDERSTAND YOU HAVE TO HAVE TRUTHFUL
 20 INFORMATION ON THE GRANT APPLICATIONS?
 21 "I UNDERSTAND THAT.
 22 "DID YOU UNDERSTAND THAT THIS WAS BECAUSE,
 23 OTHERWISE, IT WOULD NOT BE LAWFUL?
 24 "YES.
 25 "BECAUSE IF IT WASN'T TRUTHFUL, THAT WOULDNT
 26 BE LAWFUL, IN YOUR MIND?"

1 "ANSWER: YES."
 2 MR. HART: YOUR HONOR, I HAVE TO OBJECT. IT APPEARS
 3 COUNSEL IS READING FROM A DEPOSITION THAT WAS NOT ENTERED INTO
 4 EVIDENCE.
 5 MR. VOSS: I'M READING FROM HIS TESTIMONY.
 6 THE COURT: WAIT.
 7 SO, LADIES AND GENTLEMEN, IT IS FOR YOU TO
 8 DECIDE WHAT THE EVIDENCE WAS. YOU SAT THROUGH, YOU HEARD ALL
 9 THE EVIDENCE. YOU HAVE THE ABILITY TO HAVE ANYTHING READ BACK
 10 TO YOU DURING YOUR DELIBERATIONS. SO, AGAIN, IT IS FOR YOU TO
 11 DECIDE WHAT THE FACTS ARE BASED ON THE EVIDENCE PRESENTED IN
 12 THE COURSE OF THIS TRIAL. AND, AGAIN, WHAT ANY ATTORNEY SAYS
 13 IS NOT EVIDENCE; IT IS WHAT WAS PRESENTED FROM THE STAND.
 14 YOU MAY CONTINUE.
 15 MR. VOSS: NOT FROM DEPOSITION. THIS IS FROM DAY
 16 TWO, NOVEMBER 12TH, THE TESTIMONY OF LE XUAN KHOA. THIS IS
 17 FROM THE OFFICIAL REPORTER'S TRANSCRIPT THAT I'M READING FROM.
 18 AND, FOR EXAMPLE, EARLIER, WHEN I SAID THAT -- ABOUT ANY WAY
 19 TO UNRING THE BELL AND WOULD YOU -- HE SAID, I WANT TO GET AN
 20 ANSWER FROM SMITH, I'M READING FROM THE TRANSCRIPT THAT YOU
 21 HEARD. I'M NOT READING YOU THINGS YOU DIDN'T HEAR WHERE YOU
 22 WEREN'T AT THE DEPOSITION. I'M ONLY READING THINGS YOU HEARD.
 23 SO HE SAID -- I'LL RE-READ MY QUESTION (AS
 24 READ):
 25 "SO YOU KNOW YOU COULDN'T SUBMIT AN UNLAWFUL
 26 GRANT APPLICATION; CORRECT?"

1 "YES.
 2 "AND YOU UNDERSTOOD, AT ALL TIMES, WHEN YOU
 3 WERE SIGNING ALL THOSE GRANT APPLICATIONS, THAT IF IT WAS
 4 INACCURATE OR MISREPRESENTED FACTS, THAT WOULD BE UNLAWFUL;
 5 ISN'T THAT CORRECT?
 6 "YES."
 7 AGAIN, NOBODY DISAGREES THAT IT WOULD BE
 8 UNLAWFUL, THAT IT WOULD BE A CRIMINAL OFFENSE. NOT EVEN THE
 9 PLAINTIFF HIMSELF.
 10 AND WHAT HE SAYS, AND THE IMPORTANT THING TO
 11 TAKE WITH THIS IS, HIS SIGNED AND WAS DIRECTLY RESPONSIBLE FOR
 12 EVERY PART OF EVERY GRANT APPLICATION SUBMITTED DURING YOUR
 13 TIME AS PRESIDENT UNTIL THE TIME YOU RETIRED.
 14 SO WE HAVE PIECES OF VARIOUS GRANT APPLICATIONS
 15 THAT HAVE BEEN ADMITTED INTO EVIDENCE. AND WE HAVE HIS
 16 TESTIMONY THAT THE RESUME IN PARTICULAR WAS INCLUDED IN EACH
 17 AND EVERY ONE OF THEM, INCLUDING THE ONE THAT WOULD HAVE BEEN
 18 REFERENCED UP HERE. IT WAS IN ALL OF THEM.
 19 SO WHEN WE ARE LOOKING TO SAY, DID HE FALSELY
 20 CLAIM THAT HE HELD A DOCTORAL DEGREE IN THE APPLICATION FOR A
 21 GRANT FROM THE DEPARTMENT OF STATE, WE SAY HE DID BECAUSE HE
 22 SAID, I HAVE THIS DOCTORAL THESIS.
 23 PLAINTIFF'S COUNSEL HAS JUST TOLD YOU IT IS
 24 TRUE HE HAD A DOCTORAL THESIS.
 25 HE DID NOT. PLAINTIFF'S COUNSEL IS WRONG. HE
 26 HAD STARTED A DOCTORAL THESIS, HE LEFT THAT ON THE TARMAC IN

1 SAIGON. PLAINTIFF'S COUNSEL'S STATEMENT IN CLOSING TO YOU
 2 THAT HE HAD A DOCTORAL THESIS, UNLESS HE'S SAYING I HAD ONE
 3 UNTIL 1975, AND THEN I NEVER HAD ONE AFTER THAT, IS AN
 4 INACCURATE STATEMENT. SO HE'S SUPERVISED EVERYTHING.
 5 I ASKED HIM (AS READ):
 6 "ISN'T IT REQUIRED THAT YOU BE ACCURATE?"
 7 "YES."
 8 "ISN'T THIS THE CRUX OF THE ISSUE," I ASKED
 9 MR. KHOA, "THAT YOU PUT DOWN DOCTORAL THESIS 1960, A SPECIFIC
 10 DATE, AND YOU DIDN'T HAVE A DOCTORAL THESIS AT THAT POINT;
 11 RIGHT?"
 12 "ANSWER: YES, THAT'S THE DATE I -- THAT I WAS
 13 WORKING ON THE THESIS."
 14 AND I SAID: "AND IT'S NOW 1996, GIVE OR TAKE,
 15 THAT WE'RE HAVING THIS DISCUSSION WITH CONGRESSMAN DORNAN'S
 16 LETTER. 36 YEARS HAVE GONE BY. DO YOU THINK IT'S ACCURATE
 17 AND NOT A MISCHARACTERIZATION THAT, WHAT, YOU'RE STILL WORKING
 18 ON IT 36 YEARS LATER; IS THAT RIGHT?"
 19 AND HIS ANSWER TO THAT IS THAT: "I'VE BEEN
 20 PROMOTED TO ASSOCIATE PROFESSOR IN VIETNAM, SO I DON'T NEED
 21 TO."
 22 REALLY? IS THAT TRUTHFUL AND ACCURATE? TO
 23 YOU, THE READER, DOES THE GRANT READER KNOW THAT YOU DON'T
 24 HAVE THE DOCTORAL THESIS THAT YOU'RE SAYING YOU HAVE?
 25 AND I ASKED HIM AGAIN (AS READ):
 26 "SO ONCE IT WAS LOST" -- SINCE THERE'S A

1 CONCERN ABOUT WHETHER YOU HEARD THIS TESTIMONY, I'LL GIVE YOU
 2 A LITTLE MORE OF IT.
 3 "SO ONCE IT WAS LOST, NOTHING WAS EVER
 4 SUBMITTED TO COMPLETE YOUR THESIS WITH THE SORBONNE, YOU
 5 AGREE?"
 6 "ANSWER: I DON'T NEED TO ANYMORE. AS I SAID,
 7 I WAS ALREADY PROMOTED."
 8 I SAID: "NOTHING FURTHER FROM 19 -- WELL,
 9 CERTAINLY AFTER 1975, WHEN YOUR HANDWRITTEN NOTES WERE LOST,
 10 AT NO TIME AFTER THAT DATE DID YOU EVER SUBMIT A SINGLE PAGE
 11 TO THE SORBONNE TO SUPPORT THE COMPLETION OF YOUR DOCTORAL
 12 DEGREE; DID YOU?"
 13 "ANSWER: NO, I SENT NOTHING TO SORBONNE
 14 ANYMORE."
 15 A MISREPRESENTATION OF ACADEMIC CREDENTIALS?
 16 I THINK THAT'S PRETTY CLEAR. BUT THAT'S NOT
 17 THE ONLY PLACE. SO IT'S NOT JUST IN THE MISREPRESENTATION IN
 18 THE PARAGRAPH IN THE RESUME WHERE HE WAS SAYING -- HIS COUNSEL
 19 SAYS, I HAVE THIS DOCTORAL DEGREE -- OR DOCTORAL THESIS.
 20 IT IS ALSO -- STRIKE THAT.
 21 I COME BACK TO THE FIRST PART OF THAT, THE
 22 COLON PHRASE, IS REFERENCING WHAT IT IS THAT THE CONGRESSMAN
 23 IS ASKING BE INVESTIGATED.
 24 THE SECOND PART OF THAT WAS A CRIMINAL OFFENSE,
 25 IS MY CLIENT'S WORDS. BUT WHAT YOU HAVEN'T HEARD PARSED FOR
 26 YOU IS HOW DID THIS SPECIFIC STATEMENT IMPACT MR. KHOA AS

1 DISTINGUISHED FROM ALL THE OTHER THINGS THAT HE'S COMPLAINING
 2 ABOUT IN THE PUBLICATION, IN GENERAL?
 3 AND I ASKED HIM (AS READ):
 4 "WHEN YOU TESTIFIED HOW YOU FELT AFTER SEEING
 5 THE PUBLICATION, WERE YOUR ANSWERS RELATED TO JUST THIS
 6 STATEMENT ON THE WHITEBOARD, OR WERE YOU REFERRING TO THE
 7 PUBLICATION AS A WHOLE?"
 8 AND HIS ANSWER WAS THAT IT'S A PART OF THE
 9 PUBLICATION, SO, "I'M TALKING ABOUT THE PUBLICATION AS A
 10 WHOLE."
 11 WHAT DAMAGES HE MAY HAVE HAD HE SUED SMITH OR
 12 DORNAN, I DON'T KNOW. BUT THE ISSUE IS WHAT DAMAGES DOES HE
 13 HAVE FROM THAT STATEMENT?
 14 SO WHEN YOU GET THESE CATEGORICAL ANSWERS ABOUT
 15 HUMILIATION AND SHAME AND SO ON, THOSE ANSWERS HAVE TO DO,
 16 ACCORDING TO HIM, WITH THE PUBLICATION AS A WHOLE, NOT JUST
 17 THAT STATEMENT. IT'S REALLY IMPORTANT TO UNDERSTAND THAT AS
 18 YOU GO THROUGH THE VERDICT FORM.
 19 WHY DOES HE SAY HE HAS A SLEEPING PROBLEM?
 20 INITIALLY, I WAS CERTAINLY LED TO BELIEVE FROM
 21 THE QUESTIONS THAT HE WAS BEING ASKED LIKE HE COULDN'T SLEEP.
 22 AND IT WAS IRONIC THAT THE ANSWER WAS THAT HE
 23 FALLS ASLEEP WHILE TRYING TO DO THINGS. NOT THAT HE HAS A
 24 SLEEPING PROBLEM THAT'S BEING INSOMNIAC, BUT HE HAS A SLEEPING
 25 PROBLEM WITH BEING RIP VAN WINKLE.
 26 AND WHAT DOES HE SAY ABOUT THAT? HE SAID, I'M

1 TOO OLD NOW.
 2 I MEAN, WE ALL GET TIRED. I GET A LOT MORE
 3 TIRED AT 62 THAN I GOT AT 42. I COME HOME FROM TRIAL, AND I
 4 HAVE A NAP BEFORE I START TO WORK TO COME BACK TO SEE YOU THE
 5 NEXT DAY. I'M GETTING A LITTLE OLD TO BE DOING THIS MYSELF
 6 NOW.
 7 BUT THE FACT OF THE MATTER IS, THAT'S NOT ISSUE
 8 THAT'S SPECIFICALLY SOMEHOW RELATED TO THAT STATEMENT OVER
 9 THERE. THAT'S A HUGE STRETCH TO SUGGEST THAT IT WAS.
 10 WHAT DID WE LEARN FROM CECILE? I'M JUST GOING
 11 TO DIGRESS FROM KHOA.
 12 ULTIMATELY, WHAT I WROTE DOWN IS, WE LEARNED
 13 THAT HE'S BLESSED WITH A LOVING DAUGHTER WHO WOULD DO ANYTHING
 14 FOR HER FATHER. LUCKY MAN. SHE DESCRIBES HIS FRAILTIES, AND
 15 THEY'RE ALL FRAILTIES FROM HIS ADVANCING AGE AND HIS MEDICAL
 16 CONDITIONS THAT HE SUFFERED FROM. HE HAD OPEN-HEART SURGERY
 17 IN 2017, WITH AN EXTENSIVE PERIOD OF TIME IN RECOVERY. HE WAS
 18 ON A VENTILATOR.
 19 AND INTERESTINGLY, IT WAS HER TESTIMONY THAT HE
 20 DID THE OPEN-HEART SURGERY BECAUSE IT WAS DONE, IN PART, TO
 21 FINISH HIS SECOND BOOK. HE WAS -- APPARENTLY, HAD A HARD TIME
 22 FINISHING HIS SECOND BOOK. AND HE FELT THE NEED THAT IF I HAD
 23 THIS OPEN-HEART SURGERY, IT WOULD SOMEHOW MAKE ME FEEL BETTER,
 24 AND I WOULD BE ABLE TO THEN FINISH MY SECOND BOOK.
 25 IT'S NOW BEING SUGGESTED TO YOU THAT HIS
 26 INABILITY TO FINISH HIS SECOND BOOK IS SOMEHOW DAMAGES RELATED

1 TO THAT STATEMENT.

2 WELL, IF HE WAS HAVING PROBLEMS FINISHING HIS

3 SECOND BOOK BEFORE HE HAD THE OPEN-HEART SURGERY, AND THAT'S

4 THE PRIMARY REASON WHY HE HAD THE OPEN-HEART SURGERY, I THINK

5 WE'RE PRETTY HARD-PRESSED TO TRY AND SOMEHOW RELATE HIS

6 INABILITY TO FINISH THE SECOND BOOK TO JUST THIS ONE STATEMENT

7 OUT OF EVERYTHING IN THE PUBLICATION. ANOTHER HUGE STRETCH.

8 AND ISN'T IT JUST LIKE HIS THESIS? STARTS THE

9 THESIS, DOESN'T FINISH IT. STARTS THE SECOND BOOK, DOESN'T

10 FINISH IT.

11 ARE THERE OTHER EXTENUATING FACTORS WHY YOU

12 HAVEN'T FINISH YOUR SECOND BOOK THAT AREN'T JUST BECAUSE THIS

13 STATEMENT WAS MADE?

14 SHE DIDN'T EVEN KNOW ABOUT THE STATEMENT,

15 CECILE, HIS DAUGHTER, UNTIL YEARS LATER, IN 2022, OR MORE

16 SPECIFICALLY, OBSERVATIONS SHE TESTIFIED TO ABOUT IN

17 SEPTEMBER OF 2023, WHEN SHE DISCUSSED, IN HER TESTIMONY TO

18 YOU, HIS DETERIORATING HEALTH. THIS WAS DONE IN 2020.

19 SO ANOTHER FEW YEARS GO BY WITH A GENTLEMAN WHO

20 IS 93 YEARS OLD AND SUFFERING AGE-RELATED DEBILITIES, HER

21 STATEMENTS ABOUT HIS ISSUES, HIS MEDICAL ISSUES AND MEDICAL

22 PROBLEMS, HAS NOTHING TO DO WITH THE STATEMENT. SHE DIDN'T

23 EVEN KNOW THERE WAS A STATEMENT UNTIL YEARS LATER.

24 AND SHE EVEN SAID, AND I WROTE THIS DOWN IN MY

25 NOTES, THAT SHE DIDN'T HAVE EXPERTISE TO CLAIM WORSENING

26 SYMPTOMS IN AN ELDERLY MAN. I THOUGHT THAT PRETTY WELL SUMMED

1 IT UP. SHE DOESN'T.

2 WHAT DID WE TELL YOU IN THE OPENING? I TOLD

3 THAT YOU THAT YOU WEREN'T GOING TO HEAR FROM, AND YOU DID NOT

4 HEAR FROM, AN EXPERT, A DOCTOR, MEDICAL RECORDS OF ANY KIND TO

5 SUPPORT ANY DAMAGES PURPORTEDLY CAUSED BY THE FEW WORDS

6 ALLEGED TO BE DEFAMATORY.

7 WHAT I TOLD YOU WOULD HAPPEN PROVED TO BE TRUE.

8 THERE'S AN ABSENCE OF CONNECTING ANY OF HIS MEDICAL ISSUES FOR

9 A 93-YEAR-OLD MAN TO THAT SPECIFIC STATEMENT.

10 LET ME COME TO DR. THANG, YOUR THIRD WITNESS.

11 DR. THANG, MY CLIENT, THE DEFENDANT, ALONG WITH

12 THE OUTFIT HE WORKS FOR, THE BOAT PEOPLE S.O.S., HAD, WHAT I

13 WOULD ARGUE TO YOU, IS THE GREATEST DETAIL IN THE ACCURACY OF

14 HIS RECOLLECTION OF FACTS AND EVENTS OF ANY OF THE WITNESSES

15 THAT CAME BEFORE YOU.

16 HE WAS ABLE TO RECITE CHAPTER AND VERSE OF WHAT

17 HAPPENED IN 1986, WHO HE MET WITH, WHAT HAPPENED WHEN HE MET

18 WITH THEM. HE WAS ABLE GIVE YOU GREAT DETAIL, NOT

19 GENERALITIES, BUT ABLE TO ANSWER THE QUESTIONS DIRECTLY AND

20 FORTHRIGHTLY.

21 WE KNOW THAT THIS ALL STARTS BECAUSE IN AN

22 UNSOLICITED WAY IN 2020, MY CLIENTS WERE FORTUNATE TO BE

23 RECOGNIZED FOR THEIR ACCOMPLISHMENTS BY CONGRESSMAN SMITH.

24 THAT WAS UNSOLICITED. THAT WAS WITHOUT ANY COMMENTARY ABOUT

25 THE PLAINTIFF WHATSOEVER.

26 JUST, WOW, I MEAN IF I HAD A VIDEO LIKE THAT

1 THAT WAS WRITTEN ABOUT ME, PRAISING MY WORK AND MY CAREER AND

2 WHAT WE'VE DONE FOR VIETNAMESE REFUGEES, HECK YEAH, I'D POST

3 IT TOO. THAT'S ALL HE DID.

4 HE DIDN'T POST ANYTHING SAYING: HA HA. WE DID

5 THIS AND KHOA DIDN'T.

6 KHOA IS NOT EVEN MENTIONED.

7 IT'S JUST A, WOW. GO LOOK AT THE DOCUMENT.

8 YOU'VE GOT IT IN YOUR EXHIBIT BOOKS. WOW, LOOK AT THIS NICE

9 VIDEO THAT CAME OUT FROM CONGRESSMAN SMITH. THANKS. I'M

10 HONORED TO HAVE A CONGRESSMAN RECOGNIZE ME FOR MY WORK FROM

11 36 YEARS AGO, IN 1986 -- GOT THAT RIGHT? YEAH, 36 YEARS AGO.

12 SO THERE IS, AT THIS TIME, THE PUBLIC SCANDAL,

13 OF MISREPRESENTING HIMSELF AS A DOCTOR. MY CLIENT TESTIFIED

14 THAT THIS APPEARED IN MANY ARTICLES, IN HIS WORDS. THAT'S NOT

15 REFUTED BY ANYBODY.

16 SO UNCONTROVERTED EVIDENCE BEFORE YOU, THAT

17 THERE WAS A PUBLIC SCANDAL, AND THIS ISSUE OF WHETHER HE WAS

18 HOLDING HIMSELF OUT AS A DOCTOR OR NOT WAS THE CENTER POINT OF

19 THAT SCANDAL.

20 AND YOU DON'T NEED TO FRANKLY DECIDE WHETHER

21 DR. THANG IS RIGHT OR WRONG. WHAT YOU CAN REALLY LOOK AT AND

22 SAY IS, DID HE ACT REASONABLY IN RELYING ON THE FINDINGS OF

23 THE CONGRESSMAN, BOTH THE FIRST INVESTIGATION AND THE SECOND

24 ACCOLADES.

25 FOR THOSE THINGS, WE KNOW THAT THE

26 CONGRESSMAN'S STATEMENTS THAT YOU HAVE SEEN, AND I'M GOING TO

1 SHOW YOU MORE AFTER LUNCH, THAT THOSE STATEMENTS ARE THINGS

2 UPON WHICH HE WAS REASONABLE TO RELY.

3 IN YOUR JURY INSTRUCTIONS, "DESPICABLE

4 CONDUCT," NUMBER 3948: "DESPICABLE CONDUCT IS SO VILE, BASE

5 OR CONTEMPTIBLE, IT WOULD BE LOOKED DOWN ON AND DESPISED BY

6 REASONABLE PEOPLE."

7 ARE WE SUGGESTING THAT THE CONGRESSMEN ARE

8 NOT REASONABLE PEOPLE?

9 BECAUSE THAT'S WHERE THE STATEMENTS ARE COMING

10 FROM. THERE IT IS. HIS MISREPRESENTATION OF ACADEMIC

11 CREDENTIALS MAY RESULT IN HIS RECEIVING STATE DEPARTMENT

12 GRANTS OVER COMPETING APPLICANTS.

13 HECK, WE DON'T EVEN HAVE THAT PART IN OUR

14 STATEMENT, NOR THE PH.D. PART. BUT HE HAS RECENTLY ADMITTED

15 HE DOES NOT HAVE SUCH A DEGREE. FALSELY CLAIMED HE HELD A

16 DOCTORAL DEGREE.

17 SO WE'RE DESPICABLE TO RELY ON CONGRESSMAN WHEN

18 THE CONGRESSMAN WRITES SUCH A THING? I DON'T BELIEVE THAT

19 THAT'S WHAT YOU SHOULD BE FINDING WHEN YOU GET TO THAT PART OF

20 THE FORM.

21 I BELIEVE THAT, AND I'M GOING TO HAVE TO -- AS

22 WE RAN A LITTLE LONG THIS MORNING, I'M GOING TO HAVE TO BREAK

23 THIS UP INTO TWO PARTS AND ADDRESS YOU AGAIN FURTHER AFTER

24 LUNCH. BUT I BELIEVE THAT WHEN YOU GO THROUGH THIS STATEMENT,

25 THE VERDICT FORM, AND YOU COME TO NUMBER 4: "WAS THE

26 STATEMENT FALSE?"

1 COUNSEL SAID THAT THAT RELATED TO DID YOU EVER
 2 CLAIM TO BE A PH.D.?
 3 NOPE. NEVER SAID THAT. WE DIDN'T SAY PH.D.,
 4 BUT CONGRESSMAN DORNAN DID.
 5 AND DID LE XUAN KHOA PROVE, BY CLEAR AND
 6 CONVINCING EVIDENCE, THAT THE DEFENDANTS KNEW THE STATEMENT
 7 WAS FALSE, NOT JUST THAT IT WAS FALSE, BUT THAT DR. THANG,
 8 WHEN HE WAYS MAKING THAT STATEMENT, KNEW, I'M WRITING A LIE AS
 9 I'M DOING THIS.
 10 IS THAT REALLY A REASONABLE INTERPRETATION
 11 UNDER THE TOTALITY OF ALL OF THE INFORMATION YOU'VE SEEN, OF
 12 ALL OF THE INFORMATION HE'S PROVIDED TO YOU ABOUT WHERE HE
 13 CAME UP WERE THAT FROM, THAT HE JUST MADE IT UP, HE KNEW IT
 14 WAS COMPLETELY FALSE, OR THAT HE HAD -- I HAVEN'T HEARD A
 15 THING ABOUT ANY SERIOUS DOUBT OF ANY KIND, NOT A PIECE OF
 16 EVIDENCE WHATSOEVER.
 17 NO. HE RELIED ON THE CONGRESSMAN, THE PUBLIC
 18 SCANDAL, THE DOCUMENTATION. I'LL FINISH GOING THROUGH IT WITH
 19 YOU AFTER LUNCH. THANK YOU."
 20 THE COURT: THANK YOU VERY MUCH, MR. VOSS.
 21 ALL RIGHT. LADIES AND GENTLEMEN, SO WE WILL
 22 TAKE THAT LUNCH BREAK AT THIS POINT IN TIME. AGAIN, JUST A
 23 LITTLE REMINDER. WE'RE CLOSE, BUT WE'RE NOT THERE YET. SO NO
 24 FORMING ANY OPINIONS QUITE YET. NO DISCUSSIONS OR ANYTHING
 25 ALONG THOSE LINES. HOPE TO GO OUTSIDE. HAVE A BEAUTIFUL
 26 LUNCH. WE'LL SEE YOU BACK AT 1:30 TO WRAP UP WITH THE CLOSING

1 STATEMENTS. THANK YOU AGAIN FOR YOUR TIME.
 2 (JURY EXCUSED FOR LUNCH.)
 3
 4 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT OUTSIDE THE
 5 PRESENCE OF THE JURY:)
 6 THE COURT: WE ARE OUTSIDE THE PRESENCE OF THE JURY.
 7 SO YES, TAKE THAT LUNCH RECESS. WE'LL COME BACK AND GIVE
 8 MR. VOSS THE OPPORTUNITY TO WRAP UP, AND THEN WE'LL HAVE
 9 REBUTTAL FROM MR. HART, AND GET THE JURY OUT FOR THEIR
 10 DELIBERATION.
 11 THANK YOU VERY MUCH, EVERYONE.
 12
 13 (LUNCH RECESS.)
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26

1 SANTA ANA, CALIFORNIA - TUESDAY, NOVEMBER 19, 2024
 2 AFTERNOON SESSION
 3 * * * * *
 4 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT:)
 5 THE COURT: WE'LL GO BACK ON THE RECORD IN KHOA V.
 6 THANG. CLERK FOUND A QUICK TYPO HERE IN THE VERDICT IN THE
 7 INSTRUCTIONS AFTER QUESTION NUMBER 3. "IF YOUR ANSWER TO
 8 QUESTION 3 IS YES, THEN ANSWER QUESTION 4. IF YOU ANSWERED
 9 YES, STOP HERE."
 10 MR. VOSS: I LOVE IT. IT'S PERFECT. WHY DO YOU SAY
 11 THAT'S A MISTAKE?
 12 THE COURT: SO YOU PLANTED IT. SO I THINK WE'LL JUST
 13 WHITE IT OUT. IT SHOULD BE: IF YOU ANSWERED "NO," STOP HERE.
 14 SO I'LL ASK THE CLERK TO WHITE THAT OUT, AND
 15 WE'LL HAVE TO MAKE SOME MORE COPIES. BUT THAT WAS A...
 16 MR. HART: GOOD CATCH. WAY TO GO, MR. BURNS.
 17 THE COURT: QUICKLY. WHERE DO WE STAND
 18 ESTIMATE-WISE?
 19 NOW I'LL START WITH MR. VOSS, AND I'LL GO TO
 20 MR. HART FOR HIS REBUTTAL.
 21 MR. VOSS: TWO HOURS MORE.
 22 THE COURT: ALL RIGHT. SO --
 23 MR. VOSS: HE TOOK IT WITH A STRAIGHT FACE.
 24 THE COURT: THERE'S SOME ROCKS UNDER THE CHAIRS THAT
 25 THEY MAY START TO HURL.
 26 MR. VOSS: TRYING TO BE SOMEWHERE IN THE NEIGHBORHOOD

1 OF A HALF-HOUR.
 2 THE COURT: THEN, MR. HART, DO YOU HAVE -- I KNOW
 3 HE'S NOT DONE YET, BUT IN TERMS OF A GUESSTIMATE OF WHERE YOU
 4 WILL BE ON YOUR REBUTTAL?
 5 MR. HART: 20 TO 30.
 6 THE COURT: ALL RIGHT. SO THEN WE'LL BRING THEM IN.
 7 LET'S GET ROLLING. HOPEFULLY, WE'LL BE DONE BY OUR AFTERNOON
 8 BREAK.
 9 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE
 10 PRESENCE OF THE JURY:)
 11
 12 THE COURT: ALL RIGHT. WE HAVE BEEN REJOINED BY ALL
 13 OF OUR JURORS.
 14 WELCOME BACK, LADIES AND GENTLEMEN. THANK YOU,
 15 YET, AGAIN, FOR ALL YOUR TIME AND SERVICE.
 16 MR. VOSS, YOU CAN GET THE LECTERN OVER THERE TO
 17 GET STARTED.
 18 YOU'VE HEARD ALREADY, WE'LL GIVE MR. VOSS THE
 19 BALANCE OF HIS CLOSING. AND THEN WE'LL HAVE THE REBUTTAL FROM
 20 MR. HART HERE THIS AFTERNOON.
 21 GO RIGHT AHEAD, MR. VOSS.
 22 MR. VOSS: THANK YOU. I SHOULD ONLY HAVE THREE OR
 23 FOUR MORE HOURS. IS THAT OKAY?
 24 OKAY. I HOPE EVERYBODY HAD A GOOD LUNCH. I'M
 25 GOING TO PICK UP WHERE WE LEFT OFF. WE WERE TALKING ABOUT THE
 26 UNSOLICITED PRAISE THAT WAS RECEIVED BY MY CLIENT.

1 AND THE ONE THING I WANT TO DO RIGHT OFF THE
 2 BAT IS, IT WAS POINTED OUT TO ME THAT I KEPT SAYING "1986,"
 3 AND IT'S 1996, WHICH DOES ADD UP WITH MY MATH FOR THE
 4 36 YEARS.
 5 SO ALL THESE LETTERS, AND YOU'LL SEE THEM, THE
 6 CONGRESSMEN'S LETTERS AND SO ON, THOSE ARE '96, WHEN ALL THAT
 7 WAS HAPPENING. MY APOLOGIES THAT I KEPT SAYING '86.
 8 SO WITH THAT, I AM GOING TO GO TO ONE OF THOSE
 9 LETTERS IN PARTICULAR. IF I COULD ASK FOR EXHIBIT NUMBER 233
 10 TO BE PUBLISHED, WHICH IS THE APRIL 2 LETTER. SO THERE WERE
 11 TWO LETTERS FROM CONGRESSMAN DORNAN. AND THIS ONE IS THE
 12 FIRST ONE OF THE TWO. THIS IS THE APRIL 2 LETTER.
 13 AND WITH RESPECT TO THE APRIL 2 LETTER, THERE
 14 ARE SEVERAL THINGS I WANT YOU ALL TO THINK ABOUT IN TERMS OF
 15 THIS.
 16 FIRST OF ALL, IN THE CLOSING FROM THE
 17 PLAINTIFF'S THIS MORNING, THE COMMENT WAS MADE THAT IN THIS
 18 FIRST PARAGRAPH, THERE'S NOTHING ABOUT MR. KHOA.
 19 AND I APPRECIATE HE'S NOT MENTIONED IN THE
 20 FIRST PARAGRAPH, BUT LET'S GO UP A LITTLE BIT AND LOOK AT THE
 21 SECOND ONE TO REMIND YOU THAT THIS LETTER IS ALL ABOUT
 22 MR. KHOA, AND IT'S ALL RIGHT ON THE MONEY RELATED TO THE
 23 STATEMENT THAT'S ON THE BOARD.
 24 THIS IS THE ONE THAT SAYS, "IN ADDITION, WE
 25 HAVE LEARNED THAT I.R.A.C. AND S.E.A.R.A.C. HAS MISREPRESENTED
 26 LE XUAN KHOA AS A DOCTOR."

1 IT COULDN'T BE MORE PLAIN IN TERMS OF WHAT MY
 2 CLIENT SAID, AND AGAIN, THE CONTEXT OF THAT BEING THAT A
 3 LETTER WAS SENT WHICH REQUIRES -- MADE THESE STATEMENTS THAT
 4 IT WAS A FALSE CLAIM TO BE A DOCTOR.
 5 SO THIS ALSO, JUST TO PUT INTO PERSPECTIVE FOR
 6 YOU, COMES BACK TO MY CLIENT'S TESTIMONY ABOUT THE PUBLIC
 7 SCANDAL, AS IT WERE. SO WHERE IT SAYS, "ENCLOSED IS AN
 8 ARTICLE FROM THE MARCH 1996 COMMUNITY NEWS MAGAZINE," THAT'S
 9 NOT COMMUNITY NEWS, JUST GENERALLY COMMUNITY NEWS; IT IS A
 10 MAGAZINE NAMED "COMMUNITY NEWS." OKAY. AND THAT IT WAS
 11 PUBLISHED IN HIS DISTRICT, AND THAT IT'S THERE THAT WE SEE
 12 THAT HE SAYS, WE HAVE LEARNED ABOUT THIS MISREPRESENTATION.
 13 "AND I HAVE UNCOVERED TROUBLING INFORMATION
 14 REGARDING THESE ORGANIZATIONS." BECAUSE THIS WAS THE PUBLIC
 15 SCANDAL THAT MY CLIENT TESTIFIED TO WAS GOING ON OUT IN THE
 16 COMMUNITY; THAT PEOPLE WERE TALKING ABOUT THIS; THAT OTHER
 17 VIETNAMESE COMMUNITY ORGANIZATIONS WERE TALKING ABOUT THIS.
 18 AND YOU HEARD HIM SAY, ARTICLES WERE WRITTEN
 19 ABOUT THIS, INCLUDING THIS ARTICLE IN MARCH OF 1996, ALL OF
 20 WHICH IMPORTANTLY PREDATES MY CLIENT DOING ANYTHING.
 21 SO THIS IS ALL GOING ON BEFORE YOU GET TO ANY
 22 LETTER WRITTEN BY MY CLIENT IN 1996.
 23 SO DO YOU SEE THAT THERE? ADDITIONALLY, THE --
 24 IT IS IN THE FACE OF PUBLIC INQUIRY THAT MR. KHOA ADMITTED
 25 THAT HE IS NOT A DOCTOR. OKAY. SO RECENTLY IN THE FACE OF
 26 PUBLIC INQUIRY, AGAIN, THE PUBLIC SCANDAL THAT HE'S TALKING

1 TO, AND THAT'S A WHAT'S BEING REFERENCED IN THE LETTER.
 2 SO WHEN I SAY TO YOU THAT THERE'S EVIDENCE ON
 3 OUR SIDE, AND THERE'S NOT ANY EVIDENCE ON THE OTHER SIDE, I'M
 4 ABLE TO DOVETAIL IT ALL TOGETHER, IT'S THE TESTIMONY. IT'S
 5 THE PUBLIC SCANDAL, IT'S IN THE LETTER, IT'S IN MY CLIENT'S
 6 TESTIMONY. IT ALL PULLS TOGETHER AND MATCHES UP. THE STORY
 7 HOLDS WATER WHEN YOU PUT ALL THE PIECES TOGETHER. SO WE SEE
 8 THAT THAT'S THERE.
 9 WHAT WE HEARD BY CONTRAST IN DISCUSSING THIS
 10 WAS THAT, OH, THIS IS JUST A POLITICAL HIP JOB. WELL, HIP JOB
 11 BY WHO? MY CLIENT DIDN'T WRITE THIS LETTER. MY CLIENT WROTE
 12 A STATEMENT THAT SAID THAT A LETTER HAS BEEN WRITTEN THAT'S
 13 INQUIRING. WELL, THERE IT IS.
 14 SO THIS IS ALSO, BY THE WAY, TO FOLLOW UP ON
 15 THE LETTER OF MARCH 6, 1996, AND IT WAS IN THAT LETTER, IF WE
 16 CAN SCROLL TO PAGE 2, TO THE LAST PARAGRAPH, WHERE IT SAYS:
 17 "ENCLOSED IS A COPY OF THE MARCH 6TH LETTER TO YOUR OFFICE.
 18 IN ADDITION, I AM ENCLOSING MY MARCH 6TH LETTER TO LE XUAN
 19 KHOA. I EXPECT MR. KHOA TO DELIVER THE RECORDS I HAVE
 20 REQUESTED."
 21 WE HEARD MR. KHOA SAY HE DELIVERED THE RECORDS
 22 THAT WERE REQUESTED.
 23 WELL, THIS DOCUMENT SAYS, THIS LETTER, THAT IT
 24 IS -- AND I'M QUOTING IT: "MY STAFF HAS CONTINUED OUR
 25 INVESTIGATION."
 26 SO WHEN MR. KHOA IS ON THE STAND REPEATEDLY

1 PROTESTING THAT THERE WAS NO INVESTIGATION, IT'S JUST PATENTLY
 2 FALSE. SO AGAIN, I'M CONCERNED THAT YOU ALL WILL BE ABLE
 3 WEIGH THE CREDIBILITY OF THE WITNESSES AND THEIR MEMORY AND
 4 WHETHER OR NOT THEY'RE REMEMBERING THE DETAILS OF HOW THINGS
 5 HAPPENED PROPERLY.
 6 SO THAT'S THE SITUATION WITH RESPECT TO THAT
 7 LETTER. YOU ALL SAW IT THROUGHOUT THE TRIAL. IT CLEARLY
 8 BACKS UP THE CONCERNS ABOUT HAVING AN APPLICATION THAT HELD
 9 YOU, HAD A DOCTORAL DEGREE, AND THIS HERE, THAT MR. KHOA HAS
 10 ADMITTED HE IS NOT A DOCTOR.
 11 MY CLIENT HAS TO BE FOUND, YOU'RE GOING TO SEE
 12 THE INSTRUCTIONS AGAIN, HAS TO BE FOUND NOT ONLY THAT THE
 13 STATEMENT WAS FALSE, BUT THAT HE KNEW IT WAS FALSE WHEN HE WAS
 14 MAKING IT.
 15 MY CLIENT HAS SUBMITTED TO HE DIDN'T KNOW IT
 16 WAS FALSE, HE KNEW IT WAS TRUE. IT'S SUPPORTED BY THE
 17 DOCUMENTATION.
 18 WHAT ELSE IS IT SUPPORTED BY?
 19 IT IS SUPPORTED BY HIS EXPERIENCE IN APPLYING
 20 FOR GRANTS. HE, LIKE MR. KHOA, RAN A NONPROFIT ENTITY THAT
 21 APPLIED FOR GRANT MONEY.
 22 WHAT WAS HIS TESTIMONY?
 23 WELL, YOU GOT THE INSTRUCTIONS THAT CAME ALONG
 24 WITH THE GRANTS. THE INSTRUCTIONS MADE IT CLEAR THAT YOU HAD
 25 TO TELL THE TRUTH, YOU COULDN'T MISREPRESENT IN APPLYING FOR
 26 THE GRANTS.

1 AND HE'S SAYING, FROM HIS OWN PERSONAL
 2 KNOWLEDGE OF HAVING APPLIED FOR THESE EXACT SAME KINDS OF
 3 GRANTS, YOU CAN'T MAKE A MISREPRESENTATION OR THAT WOULD BE A
 4 CRIMINAL OFFENSE.
 5 SO HE KNOWS THIS BECAUSE THE CONGRESSMAN SAYS
 6 IT, HE KNOWS THIS BECAUSE HE HIMSELF HAD TO DO IT, AND HE ALSO
 7 KNOWS THIS BECAUSE HE HAD MEETINGS WITH CONGRESSIONAL STAFF.
 8 REMEMBER THE TESTIMONY THAT CAME IN ABOUT DR. ALBERT SANTOLI
 9 IN -- IN CONGRESSMAN DORNAN'S OFFICE, THAT DR. SANTOLI WAS THE
 10 ONE WHO BROUGHT HIM DOWN AND SHOWED HIM A STACK OF PROPOSALS.
 11 AND IN THOSE PROPOSALS, THESE GRANT PROPOSALS,
 12 WAS THIS RESUME. AND YOU'VE HEARD THE TESTIMONY THAT THE
 13 RESUME WAS INCLUDED IN ALL THE PROPOSALS.
 14 SO LET'S TAKE A LOOK AT EXHIBIT, IF WE COULD,
 15 221-5.
 16 I'M GOING TO TRY TO PICK UP THE PACE.
 17 ALL RIGHT. HERE WE GO. 221-5. THIS IS THE
 18 RESUME. AND IF WE GO TO THE NEXT PAGE. ONE MORE. PAGE 7,
 19 "EDUCATION."
 20 SO THIS IS WHAT WE WERE TALKING ABOUT THIS
 21 MORNING WHEN I WAS ARGUING WITH YOU. THAT'S -- THE DOCTORAL
 22 THESIS IS INCLUDED ON THIS DOCUMENT.
 23 BUT NOW LET'S GO BACK TO PAGE 1, IF WE COULD,
 24 OF THIS DOCUMENT. AND I WANT TO POINT OUT SOMETHING TO YOU --
 25 EXCUSE ME. PAGE 1 OF THE RESUME. SO IT WOULD BE 221-4 -- 5.
 26 THERE YOU GO.

1 ON THE TOP RIGHT, YOU SEE THAT WHERE IT SAYS,
 2 "APPENDIX H-1.1," OKAY, BECAUSE THESE ARE ATTACHMENTS TO THE
 3 GRANT. SO YOU HAVE YOUR GRANT APPLICATION, THEN YOU ATTACH
 4 OTHER INFORMATION TO THE GRANT.
 5 AND LIKEWISE, IF WE GO TO PAGE 4 OF THIS
 6 EXHIBIT, NOT ONLY IS THIS LETTER SOMETHING THAT WAS
 7 CONSCIOUSLY CHOSEN TO BE INCLUDED IN THE GRANT THAT REFERS TO
 8 HIM AS DR. LE XUAN KHOA AND ADDRESSES HIM AS, "DEAR DR. KHOA,"
 9 LOOK AT THE TOP RIGHT CORNER. WHAT DO YOU SEE?
 10 THIS IS APPENDIX NUMBER F-7, ANOTHER ATTACHMENT
 11 TO THE GRANT APPLICATION. ALL RIGHT. SO YOU'VE SEEN THAT,
 12 YOU'VE HEARD ABOUT THAT, I THINK IT SPEAKS FOR ITSELF, THERE
 13 HE IS BEING HELD OUT AS A DOCTOR IN THE GRANT APPLICATION.
 14 NOW, LET'S LOOK AT EXHIBIT NUMBER 212.
 15 AND WHILE WE'RE PULLING UP 212, REMINDER, MY
 16 CLIENT GETS CALLED IN BY DR. ALBERT SANTOLI TO COME LOOK AT
 17 ALL THESE GRANT APPS, AND HE SAYS, WHILE I'M THERE -- HIS
 18 TESTIMONY WAS TO US THAT HE SHOWED YOU A -- LIKE A STACK OF
 19 THE GRANTS AND THE -- THAT WERE IN RESPONSE TO THE REQUEST,
 20 AND HE SAYS, "DO YOU WANT COPIES OF THEM?"
 21 AND HE SAYS: NO, I DON'T WANT COPIES OF
 22 EVERYTHING. I ONLY WANT COPIES OF THAT ONE THING.
 23 AND HE TESTIFIES THAT THE ONE THING THAT HE GOT
 24 IS A COPY THAT DATE FROM THE GRANT APPLICATIONS WAS THIS
 25 DOCUMENT, NUMBER 212.
 26 AND NUMBER 212 IS A BIOGRAPHY. AND IT'S A

1 BIOGRAPHY THAT IS FOR LE XUAN KHOA FROM I.R.A.C., AND IT VERY
 2 CLEARLY TALKS ABOUT, RIGHT THERE, "DR. KHOA HAS BEEN ACTIVE IN
 3 REFUGEE AFFAIRS."
 4 AND IF YOU LOOK AT THE LAST PARAGRAPH OF 212.
 5 IF WE COULD SCROLL TO THAT ON PAGE 2.
 6 AGAIN, "DR. KHOA." THIS DOCUMENT IS ALSO
 7 HOLDING HIM OUT ABSOLUTELY THAT HE HELD A DOCTORAL DEGREE.
 8 IT'S DR. KHOA. THERE'S NO IF'S, AND'S, OR BUTS AROUND THIS.
 9 IT'S NOT LIKE A, WELL, IS IT A THESIS? DID HE HAVE IT DONE?
 10 DID HE LOSE IT ON THE TARMAC?
 11 NO, IT'S "DR. KHOA."
 12 NOW, LET'S GO BACK TO PAGE 1. AND WHAT DO YOU
 13 SEE ON THE TOP RIGHT CORNER? SEE IT THERE? APPENDIX C-1.
 14 YOU KNOW WHY IT'S APPENDIX C-1? BECAUSE MY
 15 CLIENT TESTIFIED THAT WHEN HE SAW DR. SANTOLI AND HE WAS
 16 LOOKING THROUGH THE GRANT APPLICATIONS, HE ONLY ASKED FOR ONE
 17 DOCUMENT FROM WHAT? FROM THE GRANT APPLICATIONS.
 18 THIS WAS THE DOCUMENT. HE GOT A COPY OF IT.
 19 HE KEPT A COPY OF IT. YOU KNOW IT'S FROM A GRANT APPLICATION.
 20 IT HAS "APPENDIX C-1" RIGHT AT THE TOP CORNER, CONSISTENT WITH
 21 THE OTHER DOCUMENTS THAT ARE PARTS OF THE GRANT APPLICATIONS.
 22 AND IT'S CONSISTENT AGAIN, DOES IT ALL, THE
 23 WHOLE STORY, HOLD WATER? YES, HE TESTIFIES THAT HE SAW IT IN
 24 THE OFFICE WITH THAT BEING A VARIETY OF THE GRANTS THAT HE SAW
 25 AND WAS PART OF THE GRANTS.
 26 WELL, LADIES AND GENTLEMEN OF THE JURY, HERE

1 YOU GO, LE XUAN KHOA'S BIO DATA. DR. KHOA HAS BEEN ACTIVE.
 2 STATEMENT ON THE BOARD IS, AND AGAIN, IN CONTEXT, THE LETTER
 3 IS SENT, AND IT'S ASKING FOR FURTHER INVESTIGATION ABOUT
 4 WHETHER MR. KHOA FALSELY CLAIMED HE HELD A DOCTORAL DEGREE IN
 5 THE APPLICATION FOR A GRANT FROM THE DEPARTMENT OF STATE.
 6 YES, SURE DID. IT'S RIGHT THERE, APPENDIX C-1.
 7 SO, YOU KNOW, THE IMPORTANCE OF THAT IS -- IT'S
 8 KEY, BECAUSE WE HAVE DOCUMENTARY EVIDENCE. WE HAVE
 9 TESTIMONIAL EVIDENCE. WE HAVE THE CONGRESSMEN'S LETTERS, ALL
 10 OF THEM ALL SUPPORT THE CONTENTION ON THE BOARD.
 11 AND, AGAIN, THE RESPONSIBILITY OF THE
 12 PLAINTIFF, WE DON'T HAVE TO PROVE IT'S TRUE. THEY HAVE TO
 13 PROVE IT'S FALSE.
 14 AND NOT ONLY DO THEY HAVE TO PROVE IT'S FALSE,
 15 THEY HAVE TO PROVE THAT WE KNEW BETTER, THAT WE DIDN'T
 16 KNOWINGLY MAKE A FALSE STATEMENT.
 17 SO WHAT HAVE I GOT NOW? I'VE GOT A PUBLIC
 18 SCANDAL. I'VE GOT DOCUMENTARY EVIDENCE FROM A GRANT
 19 APPLICATION SHOWING HIM AS DR. KHOA. WE HAVE THE MISLEADING
 20 STATEMENTS ON THE DOCTORAL THESIS. WE HAVE HIS EXPERIENCE IN
 21 APPLYING FOR THE GRANT APPLICATIONS. WE HAVE HIS EXPERIENCE
 22 IN MEETING WITH THE CONGRESSMAN'S AID, DR. SANTOLI. I MEAN,
 23 MY GOODNESS, HOW MUCH MORE INFORMATION COULD HE HAVE TO BACK
 24 UP HIS STATEMENT THAT ALL OF THESE THINGS, AND BALANCED
 25 AGAINST WHAT?
 26 THAT DR. KHOA SAYS -- OR MR. KHOA SAYS, IT'S

1 NOT CORRECT? THAT WHEN MR. SMITH COMES BACK 36 YEARS LATER
2 AND PRAISES HIM FOR THE WORK THAT HE DID IN THIS TIME FRAME,
3 THAT SMITH MUST BE WRONG, TOO? DORNAN'S WRONG. EVERYBODY'S
4 WRONG. THAT'S THE PATTERN. THAT'S THE THEME.

5 SO WHEN PLAINTIFF'S COUNSEL, IN HIS CLOSING,
6 SAID THIS MORNING THAT HE CLAIMED IT, BUT HE DIDN'T SHOW IT.
7 HE DID. IT'S RIGHT THERE. COUNSEL JUST WASN'T LISTENING.
8 THAT'S A PART OF A GRANT APPLICATION.

9 WHEN YOU LOOK AT THE DOCTORAL THESIS STUFF,
10 YOU, AS THE READER, DOES IT SAY ANYWHERE THAT IT'S INCOMPLETE?
11 THAT IT WAS LOST? THAT I'M STILL WORKING ON IT? NO.

12 EVEN COUNSEL SAID IT'S TRUE THAT HE HAD A
13 DOCTORAL THESIS, NOT A COMPLETE ONE HE DIDN'T. AND IT WOULD
14 HAVE BEEN BETTER IF HE HAD MADE THAT CLARIFICATION, AND HE
15 COULD HAVE DONE SO. AND AS HE SAID, ALL THE GRANTS HAD THIS
16 SAME RESUME ATTACHED. EVERY ONE OF THEM. THAT ONE AND EVERY
17 OTHER ONE OF THEM, THEY USED THAT RESUME THROUGHOUT.

18 IT IS INDEED COMPLETELY IRRELEVANT TO ASK ABOUT
19 THE PH.D. RED HERRING THAT MY CLIENT NEVER USED THE PHRASE
20 FOR, ALTHOUGH THE CONGRESSMAN DID, AS YOU SAW.

21 BUT DO I WANT TO POINT OUT THAT MR. KHOA WAS
22 ASKED ABOUT WHAT DEGREE IS CONFERRED IN FRANCE. AND YOU MAY
23 RECOLLECT THAT WHAT HE SAID WAS THAT THEY DO NOT CONFER A
24 PH.D. IN FRANCE. THEY CONFER THE TITLE OF DOCTOR. THAT WAS
25 WHAT HIS TESTIMONY WAS.

26 SO THIS WHOLE FALSE ARGUMENT THAT'S BEING MADE,

1 HIM AT ALL. HE WAS THE ONE WHO NAMED US FIRST, WHICH CAUSED
2 DR. THANG TO SAY, HEY, NOT CORRECT WE DID WHAT WE DID. THIS
3 IS WHAT WAS REALLY HAPPENING.

4 SO IS HE ENTITLED TO DO THAT, IS HE ENTITLED TO
5 HAVE FREE SPEECH TO BE ABLE DEFEND HIS OPEN REPUTATION? THE
6 PERSON THAT WENT AFTER SOMEBODY WAS ACTUALLY MR. KHOA, NOT
7 DR. THANG. SO DR. THANG WAS EVEN BEFORE YOU.

8 I'M JUST GOING TO TAKE YOU THROUGH THAT
9 TIMELINE AGAIN. IN 1986, WE HAVE PHONE CALLS COMING IN ON THE
10 CONGRESSMAN'S LETTERS ON THE TIMELINE. THE OVERWHELMING
11 TELEPHONE CALLS, JANUARY OF 1996, RAISING THE ISSUES INCLUDING
12 MISREPRESENTATION OF ACADEMIC CREDENTIALS.

13 THE LETTER IN APRIL 2 SAYING, I DID A MARCH 6
14 LETTER THAT WAS INVESTIGATED TO WHICH MR. KHOA RESPONDED, AND
15 IT WASN'T UNTIL THEN AFTER KHOA IS ALREADY RESPONDING TO THE
16 CONGRESSMAN'S OFFICE ON THIS ISSUE THAT MY CLIENT PUBLISHES
17 ANYTHING, WHICH WAS EXHIBIT NO. 18, WHICH WAS THE 10TH OF
18 MARCH. WE DIDN'T PLANT THE SEED OR CAUSE THE ISSUE TO BE
19 RAISED, IT WAS ALREADY RAISED BY THE CONGRESSMAN.

20 SO HE WRITES THE TWO ARTICLES IN REPLY. AGAIN,
21 DOESN'T WRITE TO US. HE JUST COMPLAINS ABOUT CONGRESSMAN
22 SMITH TO CONGRESSMAN SMITH.

23 AT THE END OF THE DAY, THESE WORDS WERE WRITTEN
24 AT A POINT IN TIME WHILE MY CLIENT WAS LOOKING AT A MOUNTAIN
25 OF EVIDENCE TO SUPPORT THEM, A MOUNTAIN OF EVIDENCE, THAT HE
26 DID HOLD HIMSELF OUT TO BE A DOCTOR WITH PERSONAL KNOWLEDGE OF

1 THIS FAKE NEWS BEING CREATED ABOUT PLAINTIFF'S COUNSEL ABOUT,
2 OH, WELL, HE DIDN'T MISREPRESENT THAT HE WAS A PH.D.

3 HE WAS NEVER GOING TO BE A PH.D. HE WOULDN'T
4 HAVE BEEN A PH.D. IF HE HAD FINISHED IN FRANCE. A PH.D. IS A
5 RED HERRING, A MISDIRECTION, A WAY OF GETTING YOU TO LOOK FOR
6 SOMETHING THAT DOESN'T EXIST. HE WOULDN'T HAVE BEEN ANYTHING
7 OTHER THAN A DOCTOR EVEN IF HE HAD FINISHED IT.

8 WE HAD A TIMELINE THAT I TOOK YOU ALL THROUGH
9 AS TO WHEN THINGS HAPPENED, AND THE FACT THAT NOTHING MY
10 CLIENT DID WAS THE PRECIPITATING FACTOR TO CAUSE THE
11 CONGRESSMAN TO DO THE INVESTIGATION INTO THIS ISSUE.

12 HE DIDN'T RAISE IT FIRST, THE CONGRESSMAN DID.
13 BUT DURING CLOSING, COUNSEL SAYS, WELL, THEY STARTED THROWING
14 MUD AT HIM.

15 AGAIN, THIS IS BACK TO THE THEME OF WHAT I SAY
16 IS THAT THEY TRY AND CONFLATE EVERYTHING TOGETHER.

17 THEY DIDN'T START TO THROW MUD, MY CLIENT
18 DIDN'T THROW MUD. MY CLIENT PUBLISHED THE VIDEO THAT GAVE HIM
19 ACCOLADES FOR BEING A GREAT GUY AND FOR HIS SUCCESSES AND IN
20 HIS CAREER, AND FOR B.P.S.O.S. AND WHAT THEY'VE DONE FOR BOAT
21 PEOPLE LIKE HIMSELF. THEY DIDN'T START THROWING MUD AT HIM.
22 MY CLIENT DIDN'T THROW ANY MUD AT HIM AT ALL.

23 THE TWO ARTICLES THAT ARE THEN WRITTEN BY
24 MR. KHOA WHERE HE CHOOSES TO FIND A BOOGIEMAN BEHIND THE
25 LETTER THERE, IN HIS COMPLAINTS, HIS COMPLAINTS WITH
26 CONGRESSMAN SMITH ARE NOT WITH US. WE DIDN'T THROW ANY MUD AT

1 THE PUBLIC SCANDAL THAT HAPPENED WHEN THE TRUTH CAME OUT ALL
2 THOSE YEARS AGO, IN 1996.

3 IF I SAY '86 AGAIN, I APOLOGIZE.

4 BUT WHERE THE DOCUMENTS IN THE REVERSE? YOU
5 SEE ANY DOCUMENTS THAT SUPPORT THE PROPOSITION THAT THAT'S A
6 FALSE STATEMENTS? IS THERE ANY DOCUMENTS THAT SAY DR. THANG
7 WAS ACTING IN DISREGARD FOR THE TRUTH, THAT HE WAS JUST MAKING
8 IT UP, NONE OF THESE THINGS FACTORED INTO IT, HE JUST MADE IT
9 UP WHOLE CLOTH?

10 IT JUST HAPPENS THAT ALL OF THESE THINGS
11 SUPPORT HIS WRITING THAT HE POSTED. EVERYONE ELSE IS WRONG,
12 AND ONLY MR. KHOA IS RIGHT.

13 I DO WANT TO POINT OUT, SHOULD YOU EVEN GET
14 THAT FAR IN THE VERDICT FORM, THAT THERE ARE NO ACTUAL DAMAGES
15 HERE THAT HAVE BEEN PRESENTED TO YOU THAT ARE LIMITED TO THAT
16 SPECIFIC PHRASE. NONE.

17 THE GENERALITIES THAT WERE DRAWN FROM, YOU
18 KNOW, SMITH IMPUGNING HIS REPUTATION OR DORNAN HIS REPUTATION
19 WITH THINGS THAT THEY SAID AREN'T APPLICABLE TO MY CLIENTS.
20 THAT'S A FACT.

21 SO WHEN HE SAYS THAT HE HAD SHAME, WELL, THERE
22 WAS A PUBLIC SCANDAL IN 1996. AND IN THAT, HE HAD TO BACK
23 DOWN AND ADMIT HE WAS NOT A DOCTOR.

24 SO IS IT MORE LIKELY, I SUBMIT TO YOU, LADIES
25 AND GENTLEMEN OF THE JURY, THAT HIS SHAME, IF HE HAS CAME OUT
26 DECADES AGO, DECADES AGO, AND THAT THERE'S NOTHING OUT THERE

1 THAT CORRECTS THAT OR STATES THAT HIS POSITION IS CORRECT.
 2 NOTHING THAT'S BEEN BROUGHT BEFORE US AS A JURY.
 3 SO BLAME EVERYONE ELSE. THEY'RE ALL WRONG.
 4 TAKE IT OUT OF CONTEXT, IGNORE THE COLON. IGNORE THE FACT
 5 THAT THIS PHRASE IS OFFERED AFTER THE COLON AS PART OF --
 6 THERE'S A LETTER REGARDING AN INVESTIGATION OF THAT. THOSE
 7 ARE ALL TRUE STATEMENTS.
 8 AND THERE IS NOT ONE DOCUMENT SAYING IT'S
 9 UNTRUE. THERE'S NOT ONE DOCUMENT, THERE'S NOT ONE PIECE OF
 10 TESTIMONY THAT SAYS THAT MAKING A MISREPRESENTATION WOULD BE
 11 LAWFUL. THE PLAINTIFF HIMSELF ADMITS IT WOULD BE UNLAWFUL.
 12 I DON'T EVEN NEED TO GET MY OWN CLIENT TO SAY
 13 SO WHEN THE PLAINTIFF HIMSELF SAYS IT ON THE STAND THAT IT'S
 14 UNLAWFUL TO MAKE MISREPRESENTATION ON THE APPLICATION.
 15 SO YOU WILL BE GIVEN A VERDICT FORM. I'M NOT
 16 GOING TO TAKE YOU THROUGH ALL NINE QUESTIONS, FOLKS. I'M JUST
 17 REALLY GOING TO ADDRESS YOUR ATTENTION TO TWO.
 18 QUESTION NUMBER 4: "WAS THE STATEMENT FALSE?"
 19 COUNSEL SAYS, WELL, THAT SHOULD BE WHETHER OR
 20 NOT YOU EVER CLAIMED TO BE A PH.D. I HAVE NO IDEA WHERE THAT
 21 WOULD COME FROM FROM A STATEMENT FROM MY CLIENT. THAT'S NOT
 22 THE LITMUS TEST FOR YOU ON THAT STATEMENT. THAT'S THE
 23 STATEMENT OVER THERE IN THE CONTEXT OF SENTENCE BEFORE.
 24 THAT'S THE QUESTION.
 25 AND THE ISSUE THEN IS TO SAY: DID -- IF YOU
 26 LOOK AT THAT CONTEXT, THE FULL SENTENCE SAYS, "IMMEDIATELY

1 AFTER THE TWO HEARINGS, CONGRESSMAN SMITH SENT IN OFFICIAL
 2 LETTER REQUESTING THE INSPECTOR GENERAL OF THE DEPARTMENT OF
 3 STATE TO INVESTIGATE MR. KHOA AND S.E.A.R.A.C. ON A FRAUDULENT
 4 BACKGROUND STATEMENT USED WHEN APPLYING FOR A GRANT: FALSELY
 5 CLAIMED HE HAD HELD A DOCTORAL DEGREE IN APPLICATION FROM A
 6 GRANT DEPARTMENT OF STATE."
 7 YAP, ABSOLUTELY TRUE. WE KNOW THAT CONGRESSMAN
 8 SMITH DID SEND SUCH A LETTER -- EXCUSE ME, IT WAS DORNAN THAT
 9 SENT IT. THAT WAS THAT CONFUSION.
 10 BUT THAT THE CONGRESSMAN DID SEND SUCH A
 11 LETTER, IT IS BEFORE YOU. YOU HAVE 233 AND 234. 234 IS THE
 12 ONE WHERE HE DOES EXACTLY THAT, REQUEST THE INSPECTOR GENERAL
 13 TO INVESTIGATE THE FRAUDULENT BACKGROUND STATEMENT, NAMELY
 14 THAT ONE. A HUNDRED PERCENT TRUE. CONGRESSMAN DID DO THAT.
 15 SO WAS THE STATEMENT FALSE? NO, THE STATEMENT WAS TRUE.
 16 IF SOMEHOW YOU COULD GET PAST THAT, YOU WOULD
 17 STILL HIT QUESTION NUMBER 5: WHICH IS, "DID LE XUAN KHOA
 18 PROVE BY CLEAR AND CONVINCING EVIDENCE THAT DEFENDANTS KNEW
 19 THE STATEMENT WAS FALSE?"
 20 SO NOT ONLY DID YOU HAVE TO FIND THAT IT WAS
 21 FALSE. YOU WOULD HAVE TO FIND THAT DR. THANG KNEW IT WAS
 22 FALSE WHEN HE WAS MAKING IT IGNORING EVERYTHING THAT HE'S
 23 TESTIFIED TO AT ALL THE DOCUMENTS THAT BACK HIM UP ON HAVING
 24 MADE THE STATEMENT THAT HE DID.
 25 OR THAT HE HAD SERIOUS DOUBTS ABOUT THE TRUTH
 26 OF THE STATEMENT. I HAVEN'T HEARD EVEN ANY DISCUSSION OR

1 SUGGESTION THAT THERE WAS A DOUBT QUESTION HERE. I DON'T
 2 THINK YOU HEARD ANY DOUBT FROM DR. THANG, WHEN HE WAS
 3 TESTIFYING, ABOUT HOW HE WAS ABLE BACK UP HIS WORDS.
 4 SO AT THE END OF THE DAY, I DO BELIEVE, AS I'VE
 5 ORIGINALLY INDICATED TO YOU, THAT YOU NEED TO KEEP YOUR OPEN
 6 MIND TO HAVE HEARD THE OTHER SIDE OF THE STORY I THINK YOU NOW
 7 HAVE. I THINK THE PATTERN IS ONE OF BLAMING EVERYTHING FROM
 8 EVERYONE, EVERYWHERE ON THIS ONE STATEMENT. AND YOU JUST
 9 CAN'T DO THAT. YOU CAN'T SHOVE THAT SQUARE PEG INTO THAT
 10 ROUND HOLE. IT DOESN'T FIT.
 11 WHEN YOU LOOK AT THE VERDICT FORM, "AWARD
 12 DAMAGES FOR OCCUPATION." HE'S RETIRED. WHAT OCCUPATION?
 13 HE'S WRITING A BOOK? YOU MEAN THE SAME BOOK
 14 THAT HE WAS WRITING BEFORE HE HAD THE OPEN-HEART SURGERY IN
 15 2017, YEARS BEFORE THIS EVER COMES UP?
 16 CLEARLY, YOU CAN'T BE BLAMING THIS STATEMENT
 17 FOR THE FACT THAT HE CAN'T WRITE A BOOK NOW AT AGE 93.
 18 REPUTATION? YOU HEARD THE TESTIMONY. HE WAS
 19 HAPPY THAT HIS GOOD FRIENDS BELIEVED HIM. HE DIDN'T SEE HIS
 20 REPUTATION AS DAMAGED. HE SAW HIS REPUTATION AS PEOPLE THAT
 21 WERE HIS FRIENDS CONTACTING HIM AND MAKING HIM FEEL GOOD THAT
 22 THEY SUPPORTED HIM.
 23 SO THERE'S NO ACTUAL DAMAGES THERE TO BE
 24 AWARDED, AND THE NOTION THAT SOMEHOW THIS IS -- YOU'RE GOING
 25 TO MAKE HIM BILLIONAIRE IN THE VIETNAMESE COMMUNITY IS A BUNCH
 26 OF HYPERBOLE AND OVERSTATEMENT.

1 LADIES AND GENTLEMEN, I DO WANT TO THANK YOU
 2 FOR YOUR SERVICE. IT TAKES US A LONG TIME, AS LAWYERS,
 3 SOMETIMES TO PROVE THE OBVIOUS, BUT WE HAVE TO GIVE YOU EACH
 4 AND EVERY PIECE OF EVIDENCE THAT WE'VE GOT TO BE ABLE TO GET
 5 THERE.
 6 SO I APPRECIATE YOUR PATIENCE AS WE HAVE PUT
 7 ALL THESE THING ON THE BOARD AND GIVEN YOU THE TESTIMONY THAT
 8 WE'VE GIVEN YOU. HOPEFULLY, WE HAVEN'T BORED YOU TOO MUCH.
 9 BUT AT THE END OF THE DAY, MY CLIENT DID NOT DO ANYTHING
 10 WRONG. MY CLIENT TOLD THE TRUTH. HE MOST CERTAINLY DID NOT
 11 WRITE SOMETHING THAT WAS FALSE AND BELIEVE IT TO BE FALSE AS
 12 HE WAS WRITING IT. AND YOU'D HAVE TO FIND THAT TO BE ABLE TO
 13 FIND AGAINST HIM.
 14 WHAT WAS IT KHOA SAID? HE SAID, WHAT I WANT TO
 15 DO TO UNRING THE BELL, IS HE WANTED ANSWERS FROM CONGRESSMAN
 16 SMITH.
 17 I BELIEVE THAT WE HAVE MISPLACED IRE, MISPLACED
 18 ANGER THAT HAS BEEN DIRECT AT MY CLIENT UNJUSTLY. AND I HOPE
 19 THAT YOU WILL FIND IN FAVOR OF THE DEFENDANTS. THANK YOU.
 20 THE COURT: THANK YOU VERY MUCH, MR. VOSS.
 21 ALL RIGHT. THEN, MR. HART, THE FINAL WORD IN
 22 YOUR REBUTTAL.
 23 MR. HART: THANK YOU, JUDGE.
 24 SO THE GOOD NEWS IS NOT A SINGLE THING YOU JUST
 25 HEARD FROM MR. VOSS CHANGED THE TWO MOST IMPORTANT POINTS,
 26 FACTS; THAT THE DEFENDANT PUBLISHED THIS STATEMENT TO

1 THOUSANDS OF PEOPLE AND THAT IT WAS AND IS FALSE.
 2 THE REASON THAT I'M SO RELIEVED IN ALL OF THIS
 3 IS BECAUSE, IF YOU ACTUALLY LOOK AT THE EVIDENCE, IT DOESN'T
 4 SUPPORT ANYTHING MR. VOSS JUST SAID. I WAS INTERESTED TO HEAR
 5 HIM ATTRIBUTE A NUMBER OF THINGS TO ME THAT I DON'T REMEMBER
 6 SAYING, LIKE THAT I'M HOOKED ON THE PH.D. ISSUE, I DIDN'T SAY
 7 THAT.
 8 THIS STATEMENT PUBLISHED TO THOUSANDS OF PEOPLE
 9 CLAIMS THAT MR. KHOA FALSELY CLAIMED A DOCTORAL DEGREE IN AN
 10 APPLICATION FOR A GRANT FROM THE DEPARTMENT OF STATE.
 11 WHERE IS THAT? THAT IS NOWHERE.
 12 IS THAT THIS BIO? NO. THIS BIO, WHAT DID WE
 13 HEAR? WHAT DO WE KNOW ABOUT THIS BIO? IT SAYS, "APPENDIX
 14 C-1." THAT IS A TWO-PAGE DOCUMENT.
 15 WHAT EXHIBIT NUMBER IS THAT?
 16 THE COURT: 212, I BELIEVE.
 17 MR. HART: OKAY. 212. THAT'S A TWO-PAGE DOCUMENT.
 18 WHERE DID THAT COME FROM?
 19 AT THE BOTTOM OF MOST OF THESE DOCUMENTS, YOU
 20 CAN SEE THANG'S NAME AT THE BOTTOM. WHERE DID THIS COME FROM?
 21 APPENDIX C-1.
 22 APPENDIX TO WHAT? WHERE IS THE REST OF THE
 23 DOCUMENT? WE DON'T KNOW WHAT THIS IS ATTACHED TO. YOU CAN'T
 24 SAY THIS MUST BE PART OF A GRANT APPLICATION BECAUSE IT SAYS
 25 APPENDIX C-1 ON IT. THAT DOESN'T PROVE THAT. IT'S AN
 26 APPENDIX TO SOMETHING. WHY WOULD IT BE A GRANT APPLICATION?

1 THERE'S NO TESTIMONY THAT THIS WAS ATTACHED TO
 2 GRANT APPLICATIONS. IN FACT, THE TESTIMONY IS THE OPPOSITE.
 3 **PROFESSOR KHOA TESTIFIED THAT THIS BIO IS WHAT**
 4 **HIS STAFF USED TO EDUCATION PEOPLE ABOUT HIS BACKGROUND WHEN**
 5 **HE WAS GOING TO GO OUT AND SPEAK. THIS IS NOT A CLAIM TO BE A**
 6 **DOCTORAL DEGREE HOLDER.**
 7 SO THIS DOESN'T PROVE IT.
 8 LET'S GO TO 233. THIS IS -- WHAT DR. THANG
 9 SAID WAS HIS SOURCE FOR THIS INFORMATION WAS THE TWO DORNAN
 10 LETTERS. PRIMARILY THE APRIL 30TH AND THE BACKGROUND FROM THE
 11 APRIL 2ND. HE DIDN'T SAY HE GOT IT FROM A BIO THAT CAME OUT
 12 OF WHO KNOWS WHAT DOCUMENT.
 13 **THE REALITY OF THE SCANDAL, IF YOU READ IN THE**
 14 **THIRD PARAGRAPH, "S.E.A.R.A.C. N.A.V.A.S.A. RELATIONSHIP TO**
 15 **THE COMMUNISTS GOVERNMENT IN VIETNAM HAS CONTINUED TO CAUSE**
 16 **CONFLICT WITHIN THE COMMUNITY."**
 17 **THAT'S ANOTHER COMMONLY MADE FALSE CHARGE IN**
 18 **THE VIETNAMESE COMMUNITY. SOMEBODY HAS COMMUNISTS LEANINGS OR**
 19 **SYMPATHIES. THAT'S THE EASIEST WAY IN THE VIETNAMESE**
 20 **EXPATRIATE COMMUNITY TO DISCREDIT SOMEBODY. THEY LIKE THE**
 21 **COMMUNISTS.**
 22 GO ONTO THE TOP OF THE NEXT PAGE.
 23 THAT IGNITES A FIRESTORM WHENEVER YOU DO THAT.
 24 AND WHAT DOES THIS TELL US HERE? 1,400 SIGNED PETITIONS
 25 PROTESTING THE FUNDING OF THE HMONG NATIONAL DEVELOPMENT
 26 AGENCY BY THE U.S. GOVERNMENT.

1 **THAT'S WHAT THE SCANDAL WAS ABOUT. IT WASN'T**
 2 **ABOUT THIS PHONEY CLAIM THAT PROFESSOR KHOA HAD CLAIMED TO BE**
 3 **A PH.D. OR DOCTORAL DEGREE. NOBODY CARED ABOUT THAT. THAT**
 4 **CLAIM DIDN'T MATTER TO ANYBODY EXCEPT DORNAN WHEN HE NEEDED TO**
 5 **STOP THE OPPOSITION FROM THE STATE DEPARTMENT TO HIS ANTI-CPA**
 6 **AMENDMENT. THAT'S ALL THAT AMOUNTS TO.**
 7 WHILE WE'RE ON 233, WHEN YOU GET A CHANCE, LOOK
 8 THROUGH HERE. MR. VOSS SAID, THIS PROVES THAT THAT'S TRUE.
 9 HOW DOES THIS PROVE IT'S TRUE? BECAUSE HE SAID SO? DON'T
 10 BELIEVE YOUR LYING EYES? IS THAT WHAT WE'RE HEARING?
 11 **THIS DOESN'T SAY ANYTHING ABOUT PROVING THAT**
 12 **PROFESSOR KHOA FALSELY CLAIMED THAT HE WAS A DOCTOR.**
 13 **IT SAYS THAT WE'VE LEARNED**
 14 **I.R.A.C. S.E.A.R.A.C. HAS MISREPRESENTED LE XUAN KHOA'S AS A**
 15 **DOCTOR. RECENTLY, IN THE FACE OF PUBLIC INQUIRY, MR. KHOA**
 16 **ADMITTED THAT HE IS NOT A DOCTOR.**
 17 SO IN MY READING THAT'S THE OPPOSITE OF WHAT
 18 THAT SAYS. THAT'S DOCUMENTATION THAT HE'S NOT CLAIMING TO BE
 19 A DOCTOR.
 20 SO IF YOU'RE ASKED TO SUSPEND YOUR DISBELIEF IN
 21 ORDER TO FOLLOW THE DEFENDANTS' CLAIM, PLEASE UNSUSPEND YOUR
 22 DISBELIEF. USE YOUR LOGICAL MINDS AND READ WHAT THE WORDS SAY
 23 AND COMPARE THEM TO WHAT HE'S CHARGED WITH. THIS LETTER DOES
 24 NOT SUPPORT THAT CLAIM, AND HE KNEW IT WHEN HE WAS READING
 25 **THIS BECAUSE THIS SAYS HE DOES NOT CLAIM TO BE A DOCTOR, AND**
 26 **IT TALKS ABOUT THE ACTUAL SCANDAL AS SOMETHING ELSE.**

1 IF WE MOVE ON TO 234, THE APRIL 30 LETTER,
 2 AGAIN, THIS IS NOT CONGRESSMAN DORNAN IN ITEM NO. 5, SAYING
 3 THAT KHOA HAS FALSELY CLAIMED A DOCTORAL DEGREE. IT ALSO SAYS
 4 THE OPPOSITE. "SELF-PROMOTION AS A PH.D." WE DIDN'T SEE ANY
 5 OF THAT. PH.D. DIDN'T COME UP ANYWHERE. HE'S NOT
 6 SELF-PROMOTING HIMSELF AS A PH.D.
 7 **AND HERE, AGAIN, HE ADMITS THAT HE'S NOT A**
 8 **DOCTOR. AGAIN, THIS IS DOCUMENT DISPROVES THAT STATEMENT. IS**
 9 **HE CLAIMING A DOCTORAL DEGREE OR IS HE ADMITTING HE DOESN'T**
 10 **HAVE A DEGREE?**
 11 **AND THIS ISN'T DORNAN'S WORDS ANYWAY. THESE**
 12 **ARE THE UNNAMED PERSONS WHO SUPPOSEDLY CALLED IN.**
 13 **REMEMBER WHAT THIS IS. THIS IS A POLITICAL**
 14 **HIT. THIS IS SLOPPY INNUENDO IN ORDER TO EMBARRASS SOMEONE SO**
 15 **THAT THEY WILL WITHDRAW THEIR OBJECTION, OR THE STATE**
 16 **DEPARTMENT WILL STOP RELYING ON HIM.**
 17 THIS DOES NOT PROVE THIS. NEITHER OF THESE
 18 LETTERS PROVE WHAT'S SAID IN THAT STATEMENT.
 19 LET'S TURN TO 238, PAGE 7.
 20 THIS IS THE ARTICLE. AND SOMETHING THAT'S
 21 ALWAYS SEEMED CURIOUS TO ME, IF YOU'VE GOT THESE DORNAN
 22 LETTERS RIGHT IN FRONT OF YOU WHEN YOU'RE WRITING THIS, WHY DO
 23 YOU WRITE THAT CONGRESSMAN SMITH SENT AN OFFICIAL LETTER
 24 REQUESTING THE INSPECTOR GENERAL OF THE STATE DEPARTMENT TO
 25 INVESTIGATE MR. KHOA?
 26 MR. VOSS: OBJECTION. BEYOND THE SCOPE OF MY CLOSING

1 ARGUMENT.

2 THE COURT: AGAIN, LADIES AND GENTLEMEN OF THE JURY,

3 TWO THINGS: YOU'LL HEAR THE -- IT'S FOR YOU TO DECIDE THE

4 EVIDENCE, AND IN TERMS OF BEING REBUTTAL VERSUS NONREBUTTAL.

5 LET'S CONTINUE ON, MR. HART.

6 MR. HART: THANK YOU, JUDGE.

7 IF YOU LOOK DOWN AT IT THE SECOND -- BELOW THE

8 PARAGRAPH THAT'S HIGHLIGHTED, YOU SEE WHAT DR. THANG WRITES:

9 "EVEN THOUGH MR. KHOA EXPLAINED THAT OTHER

10 PEOPLE SHOWED HIM RESPECT AND HE WAS NOT A DOCTOR, SUCH AN

11 EXPLANATION IS NOT GOOD BECAUSE MR. KHOA HIMSELF HAD CLAIMED

12 TO HAVE A DOCTORAL DEGREE IN A RESUME ATTACHED TO A GRANT

13 APPLICATION."

14 HE'S NOT PARAPHRASING WHAT'S IN ONE OF THESE

15 DORNAN LETTERS. HE'S DRIVING THE KNIFE HOME. HE CLAIMS HE

16 DIDN'T MISREPRESENT HIMSELF TO BE A DOCTOR, BUT THAT'S NO GOOD

17 BECAUSE HE DID PERSONALLY. THAT'S WHAT IS SAID IN THIS

18 LETTER, IN THIS ARTICLE.

19 RIGHT HERE: "SUCH EXPLANATION WAS NOT GOOD

20 BECAUSE MR. KHOA HIMSELF HAD CLAIMED TO HAVE A DOCTORAL

21 DEGREE."

22 IF THERE'S ANY CONFUSION ABOUT WHAT HE'S SAYING

23 IN THE DEFAMATORY COMMENTS, THAT'S WHAT HE'S SAYING. HE

24 CLEARS IT ALL UP.

25 IF, TO THE EXTENT THAT HE'S WRITING UP HERE

26 ABOUT HOW AN INVESTIGATION WAS REQUESTED, THE DEFAMATORY

1 STATEMENTS EXPLAIN THE NEED FOR THE INVESTIGATION. WE WANT AN

2 INVESTIGATION BECAUSE MR. KHOA HAS FALSELY CLAIMED TO HAVE A

3 DOCTORAL DEGREE.

4 THIS IS NOT SOME INNOCENT MISUNDERSTOOD

5 STATEMENT. THIS IS A CHARACTER-ASSASSINATING, FALSE CLAIM OF

6 A CRIME. AND ANY CONFUSION IS CLEARED UP IN THE SENTENCE

7 BELOW.

8 OKAY. LET'S LOOK AT 221, THE SMOKING GUN OF

9 SMOKING GUNS.

10 THIS IS APPARENTLY A GRANT PROPOSAL SIGNED

11 BY -- ON PAGE 1, BY LE XUAN KHOA, PRESIDENT OF I.R.A.C. NOT

12 DR., NOT PH.D., PRESIDENT.

13 AND THE NEXT PAGE, PAGE 2, STARTS AS PAGE 61.

14 WHERE IS THE REST OF THE DOCUMENT?

15 MR. VOSS: OBJECTION, YOUR HONOR. MISCHARACTERIZES

16 THE EVIDENCE THAT WAS RECEIVED ON THE APPLICATION OF PLAINTIFF

17 TO INTRODUCE THE EVIDENCE.

18 THE COURT: ONE MOMENT. SO AGAIN, LADIES AND

19 GENTLEMEN, YOU WILL REVIEW ALL THE EVIDENCE YOURSELF. YOU

20 WILL HEAR THE TESTIMONY ABOUT HOW THINGS WERE BROUGHT INTO

21 EVIDENCE. SO THAT WILL BE ALL FOR YOU TO DETERMINE.

22 MR. HART: I BRING THIS UP BECAUSE MR. VOSS INSISTS

23 THAT 221 PROVES PROFESSOR KHOA WAS MISREPRESENTING HIMSELF

24 BECAUSE IT'S GOT A LETTER IN HERE THAT'S ADDRESSED TO "DR. LE

25 XUAN KHOA."

26 THIS LETTER, ON PAGE 4, IS A LETTER FROM

1 SOMEBODY ELSE, FROM THE REFUGEE POLICY GROUP. YES, IT SAYS

2 "APPENDIX," BUT HOW CAN WE TELL WHERE THIS BELONGS?

3 THIS IS NOT PROFESSOR KHOA FALSELY CLAIMING TO

4 BE A DOCTOR. THIS IS SOMEBODY WHO SENT HIM A LETTER. AND WE

5 DON'T KNOW WHETHER IT BELONGS IN HERE OR NOT. NOBODY

6 TESTIFIED THAT THIS IS A PART OF THIS APPLICATION.

7 MR. VOSS: OBJECTION, YOUR HONOR. MISCHARACTERIZES

8 THE EXHIBIT.

9 THE COURT: AND, AGAIN, THE SAME INSTRUCTION I JUST

10 PROVIDED TO YOU, LADIES AND GENTLEMEN; THAT YOU HEARD AND YOU

11 CAN HAVE READ BACK WHATEVER TESTIMONY YOU LIKE ABOUT HOW

12 EVIDENCE AND DOCUMENTS CAME AND WERE PRESENTED DURING THE

13 COURSE OF THE TRIAL.

14 MR. HART: SO IF YOU WANT THE REPRESENTATION THAT

15 PROFESSOR KHOA DID MAKE, YOU JUST LOOK AT PAGE 7 OF 221, AND

16 YOU SEE THE SAME RESUME THAT WE SEE REPEATEDLY WHERE HE LAYS

17 OUT HIS EDUCATION, AND SAYS HE HAS A DOCTORAL THESIS ENTITLED

18 "THE PHILOSOPHY OF DHYANA."

19 HE DOESN'T OWE MR. VOSS ANYTHING. HE DOESN'T

20 OWE HIM ANY EXPLANATION. HE DOESN'T OWE HIM ANY CORRECTION TO

21 THIS RESUME. THAT IS 100 PERCENT TRUE. AND IT IS NOT MEANT

22 TO BE MISLEADING.

23 DID WE SEE ANY GRANTORS CHALLENGE

24 PROFESSOR KHOA? WAS THERE ANY LETTER FROM A GRANTOR OR THE

25 STATE DEPARTMENT SAYING: DR. KHOA, IS YOUR DOCTORAL THESIS

26 COMPLETED YET? HAVE YOU DEFENDED YOUR THESIS? ARE YOU A

1 DOCTOR?

2 NOBODY CARED. NOBODY EVER ASKED ABOUT THAT.

3 AND WE HAVE NO EVIDENCE OF IT.

4 HE'S ACCURATELY STATED WHAT HIS EDUCATION IS.

5 IF YOU LOOK DOWN HERE, YOU'LL SEE HIS HIGH SCHOOL TEACHER

6 DIPLOMA. HIS MA FACULTY OF LETTERS, UNIVERSITY OF HANOI,

7 MAJOR IN ORIENTAL PHILOSOPHY, AND THEN HIS DESCRIPTION OF HIS

8 DOCTORAL THESIS. THERE'S NOTHING INCORRECT ABOUT THIS. AND

9 NOBODY ASKED ABOUT IT ANYWAY.

10 **THIS ALL CAME UP WHEN DORNAN NEEDED TO**

11 **ELIMINATE HIM AS A FACTOR IN THE STATE DEPARTMENT'S OBJECTION**

12 **TO THE ANTI-CPA AMENDMENT, WHICH WAS ULTIMATELY VETOED BY**

13 **CLINTON ANYWAY.**

14 SO BACK TO WHAT THIS IS ABOUT, DR. THANG GOT

15 HIMSELF IN A PICKLE WHEN HE PUBLISHED THAT VIDEO WITH A LITTLE

16 SUBTITLE TO IT CLAIMING CREDIT FOR WHAT S.E.A.R.A.C. HAD DONE.

17 AND WE DON'T KNOW WHAT THE DATE OF THE VIDEO

18 IS. THAT NEVER CAME INTO EVIDENCE. WE DON'T KNOW IF THAT WAS

19 OLD OR NEW OR RESENT. YOU CAN'T NECESSARILY SAY THAT WAS A

20 2020 VIDEO, PARTICULARLY WHEN IT WAS POSTED IN 2019 OR THAT IT

21 WAS EVEN A 2019 VIDEO.

22 FOR WHATEVER REASON, DR. THANG NEEDED TO

23 BOLSTER HIS APPEARANCE IN THE CHARITY COMMUNITY, AND HE -- SO

24 HE DID THAT CLAIM.

25 PROFESSOR KHOA IS ENTIRELY ENTITLED TO WRITE

26 HIS LETTER, PUBLISH FACT STATEMENTS FROM HIS MEMORY OF WHAT

1 THE TRUTH WAS ON THESE SUBJECT MATTERS. HE DID NOT MAKE A
 2 FALSE CLAIM ABOUT DR. THANG.
 3 BUT THAT CREATED A PICKLE FOR DR. THANG --
 4 SORRY. FIRST TIME IN MY LIFE I EVER USED THAT TERM, HE'S IN A
 5 "PICKLE," BECAUSE HE'S -- HE'S MADE HIMSELF LOOK LIKE A LIAR.
 6 AND THE ONLY WAY OUT IS TO SLANDER PROFESSOR KHOA. AND THAT'S
 7 WHAT HE DID.
 8 ALL OF THESE TRUTH-STRETCHING EXERCISES THAT
 9 YOU WENT THROUGH WITH MR. VOSS DON'T CHANGE A SIMPLE BASIC
 10 FACT; THAT'S WHAT HE PUBLISHED. IT WASN'T TRUE. HE KNEW IT
 11 WASN'T TRUE WHEN HE DID IT, BECAUSE HE'S GOT ALL THE SAME
 12 MATERIALS WE'VE LOOKED AT AND NONE OF THEM SUPPORT THAT.
 13 SO, PLEASE, UNSUSPEND YOUR DISBELIEF AND
 14 BELIEVE YOUR OWN EYES AND YOUR OWN COMMON SENSE AS YOU'RE
 15 WALKING THROUGH THE VERDICT FORM.
 16 I THINK THERE WAS SOMETHING ELSE VERY IMPORTANT
 17 I WANTED TO TELL YOU ABOUT. PROFESSOR KHOA DID NOT TELL YOU
 18 THAT HE WAS STILL WORKING ON HIS DOCTORAL THESIS. HE DIDN'T
 19 NEED TO WORK ON HIS DOCTORAL THESIS. HE ALREADY HAD BEEN
 20 PROMOTED TO THE POSITION THAT THAT WOULD HAVE FACILITATED
 21 WITHOUT IT.
 22 MR. VOSS SAID INCORRECTLY THAT HE WAS
 23 CONTINUING TO WORK ON IT. THAT'S NOT TRUE. HE DIDN'T NEED
 24 TO, AND HE WASN'T, AND HE DIDN'T SAY HE WAS. IT JUST HAPPENS
 25 TO BE A MATTER OF FACT, WHEN YOU LOOK AT HIS EDUCATIONAL
 26 BACKGROUND, THAT'S PART OF IT. IT'S TRUTHFULLY STATED.

1 SO, LADIES AND GENTLEMEN, PLEASE UNSUSPEND YOUR
 2 DISBELIEF AND UNRING THAT BELL. THANK YOU.
 3 THE COURT: THANK YOU VERY KINDLY, MR. HART.
 4 ALL RIGHT. THEN, LADIES AND GENTLEMEN, JUST A
 5 FEW LITTLE THINGS HERE BEFORE WE'RE GOING TO GIVE YOU THAT
 6 OPPORTUNITY FOR THE DELIBERATION.
 7 SO YOU'VE OBVIOUSLY NOW HEARD ALL THE EVIDENCE,
 8 ALL THE ARGUMENT, ALL THE INSTRUCTIONS THAT YOU ARE GOING TO
 9 RECEIVE, AND WE WILL SEND YOU IN THERE IN JUST A MOMENT.
 10 AS YOU'VE HEARD THROUGHOUT BUT JUST TO
 11 REITERATE, WE'LL SEND IN THREE OR FOUR SETS OF JURY
 12 INSTRUCTIONS, SO YOU'LL HAVE THOSE TO CONSULT WITH.
 13 WE WILL ALSO THEN SEND IN 13 COPIES OF VERDICT
 14 FORM. SO ONE WILL BE THE OFFICIAL FOR YOUR COLLECTIVE VOTE AS
 15 A BODY, AND THEN THERE WILL BE ONE FOR EACH ONE OF YOU TO
 16 INDIVIDUALLY TRACK YOUR OWN VOTES, SO THAT IF THERE IS THE
 17 NEED TO POLL, YOU'LL HAVE YOUR OWN NOTES ABOUT EXACTLY HOW YOU
 18 VOTED ON EACH INDIVIDUAL QUESTION. SO PLEASE DO USE YOUR OWN
 19 COPY TO TRACK HOW YOU INDIVIDUALLY VOTE ON EACH QUESTION ON
 20 THAT VERDICT FORM SO THAT WILL MAKE THINGS GO A LITTLE BETTER.
 21 IN TERMS OF SCHEDULING, OUR SCHEDULING WILL
 22 REMAIN LARGELY THE SAME. WE'LL GO HERE TODAY UNTIL THAT
 23 415ISH END OF THE DAY.
 24 IN TERMS OF BREAKS, YOU GUYS WILL BE FREE TO
 25 TAKE YOUR BREAKS WHEN YOU DECIDE COLLECTIVELY THAT YOU WOULD
 26 LIKE TO TAKE YOUR BREAKS. YOU'LL BE COMMUNICATING WITH

1 MR. MULDOON AS THE COURTROOM ATTENDANT, THERE ARE ROOMS IN
 2 THERE.
 3 THE ONLY MANDATED BREAK IS THE BEGINNING OF THE
 4 DAY, THE END OF DAY AND THE LUNCH AT 12:00 TO 1:30. BUT OTHER
 5 THAN THAT AFTERNOON SESSION OR MORNING SESSION, TAKE YOUR
 6 BREAKS WHENEVER YOU, AS A COLLECTIVE, WOULD LIKE TO TAKE THAT.
 7 AS YOU ALSO HEARD, WE WILL SEND IN THE
 8 EXHIBITS, SO YOU'LL HAVE ANY EXHIBIT THAT WAS ADMITTED.
 9 YOU'LL HAVE THOSE.
 10 IF THERE IS THE NEED FOR ANY READBACK, YOU'LL
 11 HAVE A FORM THAT YOU CAN FILL OUT AS INSTRUCTIONS SUGGEST,
 12 PROVIDE AS MUCH INFORMATION AS POSSIBLE FOR US TO HELP THAT.
 13 THE MORE INFORMATION WE GET, THE QUICKER AND EASIER IT IS FOR
 14 THE COURT REPORTER TO FIND THAT TESTIMONY, THEN BE ABLE READ
 15 IT BACK TO YOU.
 16 LIKewise, YOU CAN USE THOSE FORMS TO WRITE ANY
 17 QUESTIONS YOU HAVE.
 18 CONTINUE YOUR DELIBERATIONS. IT WILL TAKE A
 19 LITTLE BIT OF TIME FOR THE COURT REPORTER TO FIND ANY
 20 TESTIMONY, FOR A NEED TO ANSWER ANY QUESTIONS, BECAUSE I NEED
 21 TO GET THE ATTORNEYS BACK TOGETHER AND GO THROUGH AND COME UP
 22 WITH A RESPONSE, SO CONTINUE YOUR DELIBERATIONS WHILE YOU'RE
 23 WAITING FOR ANY RESPONSE OR READBACK OF THAT.
 24 THE NEXT THING IS, IN TERMS OF WHEN YOU DO
 25 REACH A VERDICT AND YOU ADVISE MR. MULDOON THAT YOU'VE REACHED
 26 IT, THERE IS A PROCESS THAT GOES INTO TAKING THAT VERDICT. SO

1 IF YOU GET TO 4:05, WE'VE GOT A VERDICT HERE, THAT DOESN'T
 2 LEAVE ENOUGH TIME IN THE DAY TO COMPLETE THE PROCESS OF TAKING
 3 THE VERDICT.
 4 WE HAVE TO GET EVERYBODY GROUPED UP BACK
 5 TOGETHER. WE HAVE TO RECEIVE THE VERDICT. IF THERE'S
 6 POLLING, WE HAVE TO DO THE POLLING. WE HAVE TO READ THE
 7 VERDICT. SO THERE'S A NUMBER OF STEPS THAT GO INTO THAT.
 8 SO IT REALLY IS, YOU KNOW, 3:30, PROBABLY,
 9 MAYBE 3:40, THAT'S REALLY PUSHING IT, PROBABLY 3:30 WOULD BE
 10 AT THE END OF DAY IN TERMS OF LETTING US KNOW THAT THERE'S A
 11 VERDICT AND THEN HAVING TIME TO COMPLETE THE PROCESS OF TAKING
 12 THAT VERDICT. SO I JUST WANT TO LET YOU KNOW BEFORE YOU GO
 13 IN, THAT I DON'T WANT YOU SAYING, WE GOT IT, IT'S 4:05, BUT
 14 THERE'S NOT ENOUGH TIME AT THE END OF THE DAY. SO I DON'T
 15 WANT TO MISLEAD ANYONE IN THAT REGARD.
 16 AND SO WITH THAT, YOU HAVE YOUR NOTEPADS. YOU
 17 CAN TAKE THOSE. PLEASE TAKE THOSE INTO THE JURY ROOM. AND
 18 THEN IF THERE'S AN OVERNIGHT, JUST LEAVE THEM IN THERE. THAT
 19 JURY ROOM WILL BE OFF LIMITS, AND SO ALL YOUR PADS WILL BE IN
 20 THERE WHEN YOU RETURN IN THE MORNING.
 21 AT THIS TIME, WE'LL GO AHEAD AND GET
 22 MR. MULDOON SWORN IN TO TAKE CUSTODY OF THE JURY.
 23 (COURT ATTENDANT SWORN.)
 24 THE COURT: ALL RIGHT. AND WITH THAT, OUR FIRST
 25 12 -- MS. L AND MS. C, IF YOU COULD HOLD ON FOR JUST A MOMENT
 26 AS OUR ALTERNATES. BUT THE OTHER 12, IF YOU COULD PLEASE

1 RISE, AND MR. MULDOON WILL SHOW YOU INTO THE JURY DELIBERATION
2 ROOM. AND, AGAIN, JUST LET HIM KNOW ABOUT THE BREAKS OR
3 ANYTHING THAT YOU MAY NEED.

4 (JURY ESCORTED TO JURY ROOM.)

5 THE COURT: ALL RIGHT. OUR 12 JURORS HAVE BEEN SHOWN
6 INTO THE JURY DELIBERATION ROOM. SO WE DO HAVE OUR TWO
7 ALTERNATES HERE, SO JUST IN TERMS OF THE PROCESS FOR BOTH OF
8 YOU.

9 YOUR SERVICE IS NOT YET COMPLETE. YOU'RE STILL
10 THE POTENTIAL FOR THE NEED TO POTENTIALLY SUB SOMEBODY OUT IF
11 ANYTHING WERE TO HAPPEN TO ANYONE. BUT AT THE SAME TIME, WE
12 ALSO AREN'T GOING TO HOLD YOU HOSTAGE HERE IN THE COURTHOUSE
13 EITHER.

14 SO WHAT -- THE PROCESS THAT I FOLLOW IS THAT
15 BASICALLY HAVING YOU ON CALL, A ONE-HOUR CALL, DURING THE
16 PERIOD OF TIME THAT WE'RE IN SESSION. SO FROM 9 O'CLOCK IN
17 THE MORNING TO 4:15-ISH IN THE AFTERNOON. WE JUST NEED TO YOU
18 BE ABLE GET BACK TO THE COURTHOUSE WITHIN AN HOUR OF RECEIVING
19 PHONE CALL, THAT, OH, MY GOODNESS, SOMETHING HAS HAPPENED WITH
20 ONE OF THE JURORS. WE NEED TO YOU RETURN AND COME BACK IN.

21 IT WILL BE A RANDOM DRAW OF WHICH ONE OF YOU --
22 IT WILL BE A RANDOM SELECTION AS TO WHICH ONE OF YOU WILL BE
23 THE FIRST ONE TO SUBSTITUTE IN.

24 SO YOU DON'T HAVE TO STAY IN THE COURTHOUSE.
25 BEFORE YOU LEAVE, WE'LL MAKE SURE WE HAVE THE CURRENT
26 CELLPHONE NUMBERS FOR YOU SO THAT WE CAN GET AHOLD OF YOU.

1 BUT AS LONG AS YOU CAN GET BACK HERE WITHIN AN HOUR, THEN
2 YOU'RE FREE TO GO ABOUT YOUR LIFE AND OTHER BUSINESS OF THE
3 DAY IN THAT REGARD.

4 YOUR NOTEPADS, MR. MULDOON WILL HOLD ON TO
5 THOSE FOR YOU, SO THAT IF YOU DO GET CALLED BACK, WE'LL HAVE
6 THAT FOR YOU. AND JUST LIKE ALL THE OTHER ONES, AT THE END OF
7 TRIAL IF -- THOSE WILL BE DESTROYED SO THEY'RE NOT SAVED WITH
8 THE JURORS IN ANY WAY.

9 THE CLERK WILL CONTACT YOU AT THE END OF EACH
10 DAY TO LET YOU KNOW WHERE WE STAND. SO IF WE -- EITHER THEY
11 RETURNED A VERDICT, THEN YOUR JURY SERVICE IS COMPLETE, OR WE
12 GOT TO END OF DAY, THEY HAVEN'T YET GOT A VERDICT. THEY'RE
13 COMING BACK TOMORROW. SO WE'LL, AT THE END OF EACH DAY, LET
14 YOU KNOW WHERE WE STAND IN TERMS OF IF YOUR SERVICE IS
15 COMPLETE OR IF WE'RE GOING TO NEED YOU TO BE ON CALL THE NEXT
16 DAY. WE'LL CONTINUE WITH THAT TUESDAY, WEDNESDAY, THURSDAY
17 SCHEDULE THAT WE HAVE HAD.

18 THEN, I GUESS, TO USE A LITTLE BIT OF A SPORTS
19 ANALOGY, IF THERE IS THE NEED TO -- FOR YOU TO STEP IN AND
20 REPLACE ONE OF THE JURORS, THE -- YOU DON'T COME IN AT THE --
21 YOU KNOW, THE EIGHTH INNING OR THE 11TH HOUR, WHICHEVER
22 ANALOGY, THE INSTRUCTION WHENEVER THERE IS THAT SORT OF
23 SUBSTITUTION IS THAT THE DELIBERATIONS ARE TO START ANEW. SO
24 YOU DON'T COME IN, THEY'RE ALREADY, YOU KNOW, TWO QUESTIONS
25 LEFT ON THE VERDICT FORM. THE INSTRUCTION IS TO START ANEW,
26 FRESH WITH THE DELIBERATION SO YOU WON'T BE THROWN IN THERE AT

1 THE VERY END OF IT ALL. THEY WILL START ANEW FOR YOU.

2 I HAVE ONE LAST INSTRUCTION FOR YOU IN JUST A
3 MOMENT, BUT I WILL REMIND YOU THAT YOU DO REMAIN SUBJECT TO
4 THE ALL THE INSTRUCTIONS THAT YOU'VE ALREADY RECEIVED ABOUT,
5 KEEPING AN OPEN MIND, NOT DOING ANY RESEARCH, NOT FORMING ANY
6 OPINIONS, NOT TALKING TO ANYONE. AND THEN NOT TALKING TO
7 ANYONE WILL EXTEND TO THE DELIBERATING JURORS AS WELL UNTIL
8 YOU'RE NOTIFIED THAT YOUR JURY SERVICE IS COMPLETE.

9 LET ME GO AHEAD AND READ THIS INSTRUCTION FOR
10 YOU, AND THEN I WILL HAVE ONE LAST THING. AND THE INSTRUCTION
11 READS AS FOLLOWS:

12 THE JURY IS NOW DELIBERATING, BUT YOU ARE STILL
13 ALTERNATE JURORS AND BOUND BY MY EARLIER INSTRUCTIONS ABOUT
14 YOUR CONDUCT. UNTIL THE JURY IS DISCHARGED, DO NOT TALK ABOUT
15 THE CASE OR ABOUT ANY OF THE PEOPLE, OR ANY SUBJECT INVOLVED
16 IN IT WITH ANYONE. NOT EVEN YOUR FAMILY OR FRIENDS AND NOT
17 EVEN WITH EACH OTHER.

18 DO NOT HAVE ANY CONTACT WITH DELIBERATING
19 JURORS. DO NOT DECIDE HOW YOU WOULD VOTE IF YOU WERE
20 DELIBERATING. DO NOT FORM OR EXPRESS AN OPINION ABOUT THE
21 ISSUES IN THE CASE UNLESS YOU ARE SUBSTITUTED FOR ONE OF THE
22 DELIBERATING JURORS.

23 MAKE SURE THAT WE HAVE THE BEST CELLPHONES FOR
24 YOU. BEFORE I RELEASE YOU, I WANT TO SAY THANK YOU VERY, VERY
25 MUCH. I'M ALWAYS AMAZED AT OUR WONDERFUL CITIZENS AND THE
26 SACRIFICES THAT YOU DO MAKE IN ORDER TO BE HERE AND SERVE ON

1 JURORS AND MAKE OUR SYSTEM WORK. WITHOUT CITIZENS, LIKE
2 YOURSELVES, IF THIS WONDERFUL SYSTEM WE HAVE. IT'S NOT
3 PERFECT, BUT -- I'M A LITTLE BIASED, BUT IT'S THE BEST ONE OUT
4 THERE, AND IT DOESN'T WORK WITHOUT CITIZENS, SUCH AS
5 YOURSELVES, THAT ARE CAPABLE AND WILLING TO SERVE ON THE JURY.

6 SO WE OWE YOU A HUGE DEBT OF GRATITUDE, AND WE
7 ARE VERY THANKFUL BECAUSE YOU GIVE MEANING TO THE
8 CONSTITUTIONAL RIGHTS THAT MANY OF US -- THAT WE ALL ENJOY.
9 SO MUCH THANK YOU VERY, VERY MUCH FOR THE TIME AND SERVICE
10 YOU'VE GIVEN SO FAR AND MAY THAT POTENTIALLY CONTINUE.

11 ANY QUESTIONS ABOUT THAT PROCESS BEFORE WE
12 EXCUSE YOU FOR THE DAY? AGAIN, WE THANK YOU VERY MUCH. LEAVE
13 THOSE NOTEPADS THERE ON THOSE CHAIRS, AND WE'LL PRESERVE THOSE
14 FOR YOU. AND IF YOU DON'T COME BACK, THEY'LL BE DESTROYED.

15 AND WITH THAT, AGAIN, WE THANK YOU VERY MUCH.

16 AND MR. BURNS WILL WALK YOU OUT, MAKE SURE WE
17 GOT ALL THE APPROPRIATE INFORMATION FOR YOU. HAVE A WONDERFUL
18 AFTERNOON, LADIES.

19 (ALTERNATES ARE EXCUSED.)

20 THE COURT: WE ARE NOW OUTSIDE THE PRESENCE OF ALL OF
21 THE JURORS. I THINK WE KIND OF TOUCHED ON THIS A LITTLE BIT
22 THIS MORNING OFF THE RECORD, BUT JUST TO MAKE SURE THAT WE'RE
23 ALL CLEAR IN TERMS OF THE ON-CALL FOR YOU AND ANY OF YOUR
24 CLIENTS, THE OPTIONS ARE OBVIOUSLY ARE READBACK, A QUESTION OR
25 A VERDICT, ARE THE THREE THINGS THAT CAN COME OUT OF THE JURY
26 ROOM.

1 WHEN ANY ONE OF THOSE THREE COME OUT, WE WILL
 2 GIVE YOU A CALL. SO WE'LL NEED TO MAKE SURE THAT MR. BURNS
 3 HAS YOUR, I CALL THEM BAT PHONES, FOR THE NUMBERS, THE URGENT
 4 NUMBERS TO GET AHOLD OF YOU AT. YOU WILL BE EXPECTED TO BE
 5 BACK IN THIS COURTROOM WITHIN 15 MINUTES OF RECEIVING THAT
 6 CALL, BECAUSE AGAIN, WE NEED TO BE RESPECTFUL OF THAT JURY'S
 7 TIME, AND SO IF WE PUT YOU ON A LENGTHY CALL AND THEN TRY TO
 8 GET ANSWER TOGETHER, THAT DO REALLY DRAG OUT THEIR
 9 DELIBERATIONS. SO YOU'RE ALL STILL KIND OF ENGAGED IN THIS
 10 TRIAL, AND SO THAT'S WHY WE HAVE THAT CALL OF 15 MINUTES.
 11 IN TERMS OF YOUR CLIENTS, THEY HAVE AND
 12 OBVIOUSLY ARE ENTITLED AND HAVE EVERY RIGHT TO BE HERE FOR
 13 EVERY STEP OF THE WAY, WHETHER IT BE A QUESTION OR A VERDICT
 14 OR WHATEVER THE CASE MAY BE. THERE'S NO COMPULSION, THOUGH,
 15 FOR THEM TO DO SO.
 16 SO WHEN YOU RECEIVE A CALL ABOUT A READBACK, A
 17 QUESTION OR A VERDICT, YOU'LL NEED TO LET THE CLERK KNOW IF
 18 YOUR CLIENT IS GOING TO COME BACK FOR THE DISCUSSION OF THE
 19 QUESTION OR THE READBACK OR THE VERDICT READING, AND IF SO,
 20 YOUR CLIENT WILL BE SUBJECT TO THE SAME 15-MINUTE CALL BACK
 21 THAT IT WILL BE THERE.
 22 UNLESS WE ARE TOLD OTHERWISE, AND THEY COME
 23 BACK WITHIN THAT 15 MINUTES, THEN IT WILL BE WAIVED OF THEIR
 24 RIGHT TO BE PRESENT. WE'RE NOT GOING TO HOLD UP THE
 25 PROCEEDINGS FOR THAT. SO I JUST WANT TO BE CLEAR ABOUT THAT,
 26 GETTING EVERYBODY BACK IN HERE SO WE CAN BE RESPECTFUL OF THAT

1 JURY'S TIME AND GIVE THEM WHATEVER THEY NEED TO GET THEIR
 2 DELIBERATIONS MOVING ALONG.
 3 SURE SOUNDED LIKE A KNOCK ON THE JURY ROOM
 4 DOOR.
 5 THE CLERK: DO YOU WANT ME TO CHECK, YOUR HONOR?
 6 THE COURT: IF YOU COULD. I'D KNOCK FIRST BEFORE
 7 GOING IN, BUT IT SURE SOUNDED LIKE A KNOCK ON THE DOOR.
 8 WE THOUGHT YOU LOCKED YOURSELF IN THERE.
 9 MR. HART: PROBABLY DEMONSTRATING HOW TO CALL THE
 10 CLERK.
 11 THE COURT: WELL, THEY HAVE A BUZZER, THEY HAVE A
 12 CLICKER IN THERE THAT BUZZES TO THE DESK THERE.
 13 SO WE DO HAVE -- I GUESS, IN TERMS OF CLEANING
 14 UP, THERE IS MOCK TRIAL IN HERE THIS EVENING. SO THE
 15 COURTROOM WILL BE IN USE THIS EVENING FOR THE HIGH SCHOOL
 16 STUDENTS AS PART OF THEIR MOCK TRIAL PROCESS.
 17 WE ALREADY SENT EVERYTHING IN. WE HAVE KIND OF
 18 COVERED EVERYTHING.
 19 ANY QUESTIONS?
 20 MR. VOSS: AS A PRACTICAL REALITY, 9:15 I NEED TO BE
 21 HERE IN THE MORNING BECAUSE THAT'S WITHIN 15 OF TIME.
 22 THE COURT: THAT'S ACCEPTABLE.
 23 MR. VOSS: AND 3:30 IS -- I COULD BEAT THE TRAFFIC
 24 BACK TO LA.
 25 THE COURT: YES, THAT'S FINE.
 26 WE ALSO NEED TO -- I GUESS A COUPLE OF POINTS.

1 WE TALKED ABOUT THIS LAST WEEK. WE NEED TO BE -- IN THE EVENT
 2 THAT THEY COME BACK WITH A VERDICT THAT REQUIRES THE NEXT
 3 PHASE ON PUNITIVE DAMAGES, THE EXPECTATION AND ORDER IS THE
 4 DEFENDANTS HAVE ALL THAT INFORMATION IMMEDIATELY READY TO TURN
 5 OVER BECAUSE WE'RE GOING TO NEED TO GET ON TO THAT QUICKLY.
 6 WE'RE GOING TO NEED TO GIVE THE PLAINTIFF A
 7 LITTLE BIT OF TIME TO GET UP TO SPEED, BUT WE CAN DO A LOT
 8 BECAUSE WE HAVE CLEARED THIS JURY THROUGH THE END OF DAY
 9 THURSDAY, AND WE HAVE THANKSGIVING NEXT WEEK. THE COURT IS
 10 DARK NEXT WEEK. SO IF WE DON'T GET DONE BY THE END OF DAY
 11 THURSDAY, THERE'S AN EXCELLENT CHANCE OF LOSING THE JURY.
 12 SO WHAT MY CONTEMPLATION WOULD BE, LIKE, IF
 13 THEY WERE TO COME BACK SOMETIME THIS AFTERNOON, WE NEED TO
 14 TURN THAT EVIDENCE AROUND, AND WE CAN BRING THEM BACK TOMORROW
 15 FOR THE DELIBERATIONS.
 16 IF THEY WERE TO COME BACK TOMORROW, MY
 17 PREFERENCE WOULD BE THEN TO START THE SECOND PHASE TOMORROW
 18 AFTERNOON. SO THAT WOULD GIVE THEM TWO OR THREE HOURS TO GET
 19 THE EVIDENCE TO PLAINTIFF, GIVE PLAINTIFF THAT TIME TO DIGEST
 20 THE FINANCIAL INFORMATION. BUT IF THEY COME BACK WITH A
 21 VERDICT IN THE MORNING, I WOULD LIKE TO START THE PHASE 2, IF
 22 IT'S NECESSARY, IN THE AFTERNOON TO MAKE USE OF THIS TIME AND
 23 MINIMIZE THE CHANCE OF RUNNING OUT OF TIME ON THIS.
 24 SO AGAIN, WE NEED TO HAVE THAT INFORMATION
 25 READY, READY TO GO, READY TO TURN OVER, AND SO -- AND IF YOU
 26 BOTH WANT TO, IF YOU HAVEN'T ALREADY, THOUGHT ABOUT WHATEVER

1 YOUR STATEMENTS AND ARGUMENTS ARE GOING TO BE FOR THAT, I
 2 WOULDN'T ANTICIPATE ANY MORE THAN AN HOUR, MAYBE TWO, FOR THAT
 3 PHASE 2, SINCE IT'S OBVIOUSLY VERY NARROW SCOPE. SO I WOULD
 4 THINK THAT WOULD BE MORE THAN SUFFICIENT TIME TO GET THAT
 5 PRESENTATION AND ARGUMENT TOGETHER.
 6 IN TERMS OF INSTRUCTIONS, WE HAVE THAT PHASE 2
 7 ONE ALREADY. IS THERE ANY OTHER INSTRUCTION WE WOULD NEED
 8 OTHER THAN THE 39 -- WE ALREADY HAVE 39, 49, WHICH IS PUNITIVE
 9 DAMAGES, INDIVIDUAL AND CORPORATE DEFENDANTS, CORPORATE
 10 LIABILITY BASED ON NAMED INDIVIDUALS, BIFURCATED TRIAL, SECOND
 11 PHASE. WE HAVE THAT INSTRUCTION. THAT IS READY TO GO.
 12 DOES ANYBODY BELIEVE WE NEED ANY OTHER
 13 INSTRUCTION FOR THE JURY FOR PHASE 2, IF WE GET TO IT?
 14 MR. VOSS: NO, YOUR HONOR.
 15 MR. HART: NOTHING COMES TO MIND.
 16 THE COURT: I'M TRYING TO GO OVER EVERYTHING AND
 17 CHECK ALL THE BOXES NOW, SO THAT ONCE WE GET WHATEVER THAT
 18 INFORMATION IS, WE CAN BE EFFICIENT AND HAVE IT ALL TAKEN CARE
 19 OF.
 20 ANY OTHER QUESTIONS?
 21 MR. HART: NO, JUDGE.
 22 THE COURT: ALL RIGHT.
 23 MR. VOSS: NO.
 24 THE COURT: MAKE SURE MR. MULDOON HAS THE ABSOLUTELY
 25 BEST NUMBERS TO GET AHOLD OF YOU, AND WE WILL CONTACT YOU OR
 26 MR. BURNS, WHICHEVER, JUST SO WE MAKE SURE WE HAVE IT. EITHER

1 ONE IS FINE. AND AS SOON AS WE HEAR ANYTHING, WE'LL LET YOU
2 KNOW.

3 ALL COUNSEL: THANK YOU, YOUR HONOR.

4 THE COURT: OFF THE RECORD.

5 (OFF THE RECORD.)

6 (EVENING ADJOURNMENT.)

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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
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