

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 W. Civic Center Drive Santa Ana, CA 92702	
SHORT TITLE: Khoa vs. Thang	
CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	CASE NUMBER: 30-2021-01201012-CU-DF-CJC

I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order dated 12/18/24, Judgment dated 12/18/24 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 12/18/24. Following standard court practice the mailing will occur at Santa Ana, California on 12/18/24.

VOSS, SILVERMAN & BRAYBROOKE LLP
 4640 ADMIRALTY WAY SUITE 800
 MARINA DEL REY, CA 90292

Clerk of the Court, by: Richard B S, Deputy

I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 12/18/24, Judgment dated 12/18/24, was transmitted electronically by an Orange County Superior Court email server on December 18, 2024, at 1:59:42 PM PST. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

HOYT E. HART II
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Clerk of the Court, by: Richard B S, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 12/18/2024

TIME: 01:56:00 PM

DEPT: C23

JUDICIAL OFFICER PRESIDING: David J. Hesseltine

CLERK: R. Burns

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: D. Muldoon

CASE NO: **30-2021-01201012-CU-DF-CJC** CASE INIT.DATE: 05/13/2021

CASE TITLE: **Khoa vs. Thang**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Defamation

EVENT ID/DOCUMENT ID: 74451274

EVENT TYPE: Chambers Work

APPEARANCES

There are no appearances by any party.

The court has reviewed the proposed judgments filed by plaintiff Le Xuan Khoa (Plaintiff) on November 25, 2024, December 3, 2024, and December 9, 2024, as well as the objections to each of those proposed judgments filed by defendants Nguyen Dinh Thang and Boat People S.O.S., Inc. (collectively, Defendants) on November 25, 2024, December 3, 2024, and December 9, 2024. The court sustains Defendants objections and hereby declines to enter any of the proposed judgments Plaintiff submitted.

The court also has reviewed the proposed judgment Defendants filed and served on November 25, 2024. Having received no objections to this proposed judgment, and finding it to be in proper form, the court has signed and entered the judgment as proposed by Defendants.

The court directs the clerk to give notice of this ruling to all parties and to serve a copy of the signed and entered judgment on all parties as well.

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

DEC 18 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

LE XUAN KHOA,
Plaintiff,

v.

NGUYEN DINH THANG; BOAT PEOPLE
S.O.S., INC.,
Defendants.

Case No. 30-2021-01201012-CU-DF-CJC
[Assigned to Hon. David Hesseltine, Dept. C23]

JUDGMENT AFTER TRIAL

This action came on regularly for trial on November 5, 2024, on the sole ^{remaining} cause of action in the action, defamation. Hoyt E. Hart II, Attorney at Law, appeared for Plaintiff Le Xuan Khoa ("Plaintiff") and David C. Voss of Voss, Silverman & Braybrooke and Stephen J. Erigero of Ropers Majeski appeared for Defendants, Nguyen Dinh Thang and Boat People S.O.S., Inc. (collectively "Defendants").

A jury of twelve persons was regularly impaneled and sworn. Following Plaintiff and Defendants' presentation of their cases, the jury was duly instructed by the Court and closing arguments given. The case was thereafter submitted to the jury with directions to return a verdict. The jury deliberated and thereafter on November 20, 2024, returned in Court with its verdict as follows, the form of which was stipulated acceptable by the Parties and approved by the Court prior to the reading of the verdict:

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remaining *DT*

1 **SPECIAL VERDICT – Phase 1**

2 We, the jury in the above entitled action, answer the questions submitted to us as follows:

3 1.) Did defendants make the following statements to persons other than Plaintiff Le Xuan Khoa?

4 “Mr. Khoa falsely claimed that he held a doctoral degree in the application for a grant from the Department of State. That was a criminal offense”.

5 Nguyen Dinh Thang

6 Yes _____

No _____

7 Boat People SOS

8 Yes _____

No _____

9 If your answer to question 1 is yes as to either Defendant, then answer question 2 as to said defendant[s]. If you answered no as to both Defendants, stop here, answer no further questions, and have the presiding juror sign and date this form.

10 2.) Did the persons to whom the statements were made reasonably understand the statements to be about Le Xuan Khoa?

11 Yes _____

No _____

12 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

13 3.) Did these people reasonably understand the statements to mean that Le Xuan Khoa had committed a crime?

14 Yes _____

No _____

15 If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

16 4.) Was the statement false?

17 Yes _____

No _____

18 If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

19 5.) Did Le Xuan Khoa prove by clear and convincing evidence that Defendants knew the statement was false or had serious doubts about the truth of the statement?

20 Nguyen Dinh Thang

21 Yes _____

No _____

22 Boat People SOS

23 Yes _____

No _____

24 If your answer to question 5 is yes as to the same Defendant[s] you answered yes to in question 1, then answer questions 6, 7, and 8 as to said Defendant[s]. If you answered no as to said Defendant[s], stop here, answer no further questions, and have the presiding juror sign and date this form.

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6.) Was Defendant[s]' conduct a substantial factor in causing Le Xuan Khoa actual harm?

Nguyen Dinh Thang
Yes √ No _____

Boat People SOS
Yes √ No _____

If your answer to question 6 is yes as to the same Defendant[s] you answered yes to in questions 1 and 5, then answer question 7 as to said Defendant[s]. If you answered no as to said Defendant[s], skip question 7 and answer question 8.

7.) What are Le Xuan Khoa's actual damages for:
a.) Harm to Le Xuan Khoa's occupation? \$ 0
b.) Harm to Le Xuan Khoa's reputation? \$ _____
c.) Shame, Mortification, or Hurt Feelings? \$ _____

If Le Xuan Khoa has not proved any actual damages for either b, or c, then answer question 8. If Le Xuan Khoa has proved actual damages for both b and c, skip question 8 and answer question 9.

8.) What are the damages you award to Le Xuan Khoa for assumed harm to his reputation and for shame, mortification, or hurt feelings? You must award at least a nominal sum.
\$ 500,000

Regardless of how you answered question 8, answer question 9.

9.) Has Le Xuan Khoa proved by clear and convincing evidence that Defendants acted with malice, oppression, or fraud?
Yes √ No _____

Following said verdict on Phase 1, trial resumed on November 21, 2024, with the Parties presenting evidence and arguments as to punitive damages and instructions were given. The case was thereafter submitted to the jury with directions to return a verdict on the remaining issue. The jury deliberated and returned in Court with its verdict as follows, the form of which was stipulated acceptable by the Parties and approved by the Court prior to the reading of the verdict:

VERDICT FORM – PUNITIVE DAMAGES – Phase 2

We, the jury in the above entitled action, answer the questions submitted to us as follows:

With regard to Defendant Nguyen Dinh Thang:

1. What amount of punitive damages, if any, do you award Xuan Khoa?
\$ 2,000

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After you answer question 1 as to Nguyen Dinh Thang, then answer question 2 as to Boat People S.O.S., Inc.

With regard to Boat People S.O.S., Inc.:

2. What amount of punitive damages, if any, do you award Xuan Khoa?

\$ 20,000

Earlier in the litigation, following the partial granting of the Anti-SLAPP Motion filed by Defendants, Defendants were awarded \$39,237.59 in attorneys' fees and costs by an Order of this Court, which is to be subject to the final judgment of the Court along with the award on Phase 1 and Phase 2 of trial, per the parties' agreement to reserve the issue until judgment after trial.

NOW, THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

- 1. Plaintiff shall recover the sum of \$500,000.00 from Defendants Nguyen Dinh Thang and Boat People S.O.S., Inc., jointly and severally.
- 2. Plaintiff shall recover the sum of \$20,000.00 from Defendant Boat People S.O.S., Inc.
- 3. Plaintiff shall recover the sum of \$2,000.00 from Defendant Nguyen Dinh Thang.
- 4. Defendants shall recover the sum of \$39,237.59 from Plaintiff.
- 5. Plaintiff, as prevailing party on the claim for defamation having been tried, is entitled to his reasonable costs incurred in connection therewith as may be allowed by the Court in an amount to be determined by the Court upon proper submission by Plaintiff. This Judgment shall be amended to incorporate such costs, if any.

Dated: 12/18/24

By: David Hesselstine
HONORABLE DAVID HESSELTINE
Judge of the Superior Court

1 **CASE NAME: Le Xuan Khoa v. Nguyen Dinh Thang, et al.**

2 **ACTION NO.: Orange County Superior Court Case No. 30-2021-01201012-CU-DF-CJC**

3 **PROOF OF SERVICE**

4 **METHOD OF SERVICE**

- 5 First Class Mail Facsimile Messenger Service
6 Overnight Delivery E-Mail/Electronic Delivery

- 7 1. At the time of service I was over 18 years of age and not a party to this action.
8 2. My business address is: 801 South Figueroa Street, Suite 2100, Los Angeles, CA 90017.
9 3. On November 25, 2024, I served the following documents:

10 **JUDGMENT AFTER TRIAL**

11 4. I served the documents on the persons at the address on the attached Service List (along with
12 their fax numbers and/or email addresses if service was by fax or email).

13 Hoyt E. Hart II
14 Attorney at Law
15 P.O. Box 675670
16 Rancho Santa Fe, CA 92067
17 Tel: (858) 756-1636
18 Email: hoyth@prodigy.net
19 Paralegal: leslie@kwjoneslaw.com

Attorneys for Plaintiff Le Xuan Khoa

17 David C. Voss, Jr., Esq.
18 Lauren Krug, Esq.
19 **Voss, Silverman & Braybrooke LLP**
20 4640 Admiralty Way, Suite 800
21 Marina Del Rey, CA 90292-6602
22 Tel: (310) 306-0515
23 Email: dave@vsbllp.com; lauren@vsbllp.com

*Attorneys for Defendants
Nguyen Dinh Thang and Boat People
S.O.S., Inc.*

21 5. I served the documents by the following means:

22 a. I served the documents by electronic service pursuant to Code of Civil Procedure
23 section 1010.6 to the electronic service address(es) for counsel(s) being served as confirmed by
24 telephone or email.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 Dated: November 25, 2024

27 _____
28 Kim Cederquist

PLAINTIFF/PETITIONER: LE XUAN KHOA	CASE NUMBER: 30-2021-01201012-CU-DF-CJC
DEFENDANT/RESPONDENT: NGUYEN DINH THANG	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (specify):

1620 Mill Rock Way, Suite 100, Bakersfield, CA 93311

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (check one):

- a. deposited the sealed envelope with the United States Postal Service.
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was ~~mailed~~ emailed:

- a. on (date): December 18, 2024
- b. from (city and state): Bakersfield, CA 93311

4. The envelope was addressed and mailed as follows:

- | | |
|---------------------------|---------------------------|
| a. Name of person served: | c. Name of person served: |
| Street address: | Street address: |
| City: | City: |
| State and zip code: | State and zip code: |
| b. Name of person served: | d. Name of person served: |
| Street address: | Street address: |
| City: | City: |
| State and zip code: | State and zip code: |

Names and addresses of additional persons served are attached. (You may use form POS-030(P).)

5. Number of pages attached 10

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

Date: December 18, 2024

Leslie M. Hinds

(TYPE OR PRINT NAME OF DECLARANT)

▶ *Leslie M. Hinds*

(SIGNATURE OF DECLARANT)

1 **SERVICE EMAILING LIST**

2 DAVID C. VOSS, JR., ESQ.
3 VOSS, SILVERMAN & BRAYBROOKE LLP
4 4640 ADMIRALTY WAY, SUITE 800
5 MARINA DEL REY, CA 90292-6602
6 310.306.0515
7 310.306.5368 – Fax
8 dave@vsbllp.com

Attorney for Defendants,
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NGUYEN DINH THANG

7 STEPHEN J. ERIGERO, ESQ.
8 PASCALE GAGNON, ESQ.
9 ROPERS MAJESKI PC
10 445 SOUTH FIGUEROA ST., 30TH FLOOR
11 LOS ANGELES, CA 90071
12 213.312.2000
13 213.312.2001 – Fax
14 Stephen.erigero@ropers.com
15 Pascale.gagnon@ropers.com

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