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Ngo vs. Thang

Transcript Testimony of **Holly Ngo**

Date: 05/09/2019

Job #: 613927

Court Reporting – Videoconferencing – Trial Presentation – Nationwide Networking

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

HOLLY NGO,)
)
Plaintiff,)
)
vs.)
)
NGUYEN DINH THANG; BOAT PEOPLE)
S.O.S. and DOES 1 to 100,)
inclusive,)
)
Defendants.)

CASE NO.: 30-2016-
00892793-CU-DF-CJC

THANG DINH NGUYEN and BOAT)
PEOPLE S.O.S., Inc., a Virginia)
corporation,)
)
Cross-Complainants,)
)
vs.)
)
HOLLY NGO; and ROES 1 to 30,)
inclusive,)
)
Cross-Defendants.)
)

DEPOSITION OF HOLLY NGO
Marina Del Rey, California
Thursday, May 9, 2019

Reported by:
Sheila K. Russo
CSR No. 11760
Job No. 613927

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25

1 Marina Del Rey, California; Thursday, May 9, 2019
 2 9:44 a.m.
 3
 4 HOLLY NGO,
 5 the witness herein, having been placed
 6 under oath, was examined and testified
 7 as follows:
 8
 9 EXAMINATION
 10
 11 BY MR. CHIN:
 12 Q Please state your name and spell it for me.
 13 A It's right here.
 14 MR. HART: Well, you need to say it on the record so
 15 the court reporter --
 16 THE WITNESS: It's Holly N-g-o, H-o-l-l-y N-g-o.
 17 BY MR. CHIN:
 18 Q That's pronounced Ngo; correct? The "G" is
 19 silent?
 20 A Yes.
 21 Q Is there a middle name or middle initial?
 22 A No.
 23 Q I understand you have other names that you use
 24 including Hue, H-u-e. Is that correct?
 25 A Yes, that's my Vietnamese name.

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1 Q So it would be safe to say the Holly is the
 2 anglicization of your Vietnamese name or the English
 3 version that you use?
 4 A It's Hue.
 5 Q Do you use any other names other than Holly Ngo
 6 or Hue Ngo?
 7 A That's it.
 8 Q Have you ever used the name Thu Hien, T-h-u
 9 H-i-e-n?
 10 A Oh, in my Gmail I put the name T-h-u T-i-e-n.
 11 Q T-i-e-n?
 12 A No, T-h-u, space, H-i-e-n. That's my name at
 13 home.
 14 MR. HART: Hold on just a second. Slow down. You're
 15 jump in too fast. You're crossing over his questions.
 16 Slow down. Just dial it back.
 17 THE WITNESS: Okay.
 18 BY MR. CHIN:
 19 Q You also use the name Phong, P-h-o-n-g, Lan,
 20 L-a-n?
 21 A That's my pen name.
 22 Q What is a pen name?
 23 A When I write an article, I sign the name
 24 P-h-o-n-g, space, L-a-n.
 25 Q Do you use any other names or pen names other

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1 than the four we've discussed?
 2 A That's it.
 3 Q Ms. Ngo, have you ever had your deposition taken
 4 before?
 5 A No. This is my first time.
 6 Q All right. At the risk of going over some of the
 7 things I'm sure you discussed with Mr. Hart, what I'm
 8 going to do right now is spend a few minutes to explain to
 9 you the ground rules that apply to a deposition.
 10 A All right.
 11 Q The court reporter to my right, to your left, has
 12 just given you an oath. It's the same oath you would take
 13 if you were going to testify in court. The taking of that
 14 oath obligates you to tell the truth to the best of your
 15 ability. Do you understand that?
 16 A Understand.
 17 Q You'll do that for us today?
 18 A Yes.
 19 Q At the conclusion of the deposition, the court
 20 reporter will prepare what's called a deposition
 21 transcript. It comes in an 8-and-a-half-by-11 booklet
 22 form. It will contain all my questions, all your answers,
 23 any additional questions the other attorneys may have for
 24 you, any objections, comments, et cetera, that your
 25 attorney may have for the record.

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1 You'll have an opportunity at a later time to
 2 read that transcript and make any changes, corrections,
 3 modifications to the transcript that you believe are
 4 necessary to accurately reflect your testimony. However,
 5 I need to warn you, if you make a change to a material
 6 question on one of the major issues in the case, for
 7 example, if you answer a question today by saying yes, and
 8 then when with you receive the transcript on further
 9 review, you change that answer to a no, I or any of the
 10 other attorneys in this case could comment on that fact
 11 that you made a change to an answer to a material
 12 question, and we could comment on that, we could argue
 13 that in front of the judge or jury, and obviously that
 14 would reflect negatively on your credibility. Do you
 15 understand that?
 16 A Yes.
 17 Q Okay. So to avoid any problems in that regard,
 18 again, we ask you to give us your full and complete
 19 truthful testimony today. All right?
 20 A Yes.
 21 Q If I ask you a question that you don't understand
 22 the meaning of, please let me know. I'll rephrase the
 23 question in such a way that you do understand it. But the
 24 only way I'll know that is if you tell me you don't
 25 understand the question. In that same vein, if I ask you

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1 a question and you respond to it, my assumption's going to
 2 be that you understood the question and the answer that
 3 you gave was the one you intended to give; fair enough?
 4 A Yes.
 5 Q All right. Also, you're doing a fine job so far.
 6 We ask that a witness respond verbally to any question.
 7 For example, instead of saying uh-huh or huh-uh, we
 8 prefer, actually, we require that you answer yes or no.
 9 Sometimes witnesses will respond by shaking their heads up
 10 or down, left to right, like you're doing right now. The
 11 court reporter can't take that down. So please respond
 12 verbally and audibly to my question.
 13 A Okay.
 14 Q And avoid what you just did by saying uh-huh or
 15 huh-uh.
 16 A Yes.
 17 Q If you do that, don't be alarmed. We'll kindly
 18 remind you.
 19 A Yes.
 20 Q Also, that was a little bit of an issue when we
 21 started, please wait until I finish my question before you
 22 answer. What happens sometimes in depositions, not even
 23 sometimes, a lot of the time, people start talking over
 24 each other. I'll ask you a question, and you'll start
 25 answering before I finish my question. Your attorney may

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1 hop in. Mr. Voss may hop in. So to avoid problems in
 2 that regard, wait until I finish my question.
 3 A Okay.
 4 Q Then you can answer. And I'll extend you that
 5 same courtesy of allowing you to answer the question
 6 before I ask my next question; fair enough?
 7 A Fair.
 8 Q Okay. Also, there will be questions very likely
 9 that will call for you to give me estimates or
 10 approximations, for example, time questions; when did such
 11 and such an event occur? I don't remember.
 12 I may ask you appropriate follow-up questions to
 13 try to refresh your recollection about when a certain
 14 event occurred. Let's say you remember a certain event
 15 occurred in 2013. And my follow-up question might be,
 16 what month did that happen? I don't know.
 17 I may ask you the follow-up question, was it the
 18 fall? Was it the spring? Was it the summer? Was it the
 19 winter? So the initial response, I don't know, I don't
 20 remember, with the follow-up question, it may refresh your
 21 recollection. And if you have an approximation or
 22 estimate regarding those kinds of things, we're entitled
 23 to that. Do you understand that?
 24 A Yes.
 25 Q But we don't want you to guess. If you really

Page 10

1 don't know or don't remember the answer to a question,
 2 that's an appropriate response if, in fact, it's true.
 3 All right?
 4 A Okay.
 5 Q If for any reason you need to take a break, we're
 6 not here for an endurance contest. If you need to speak
 7 to your lawyer at any time, let me know. You can leave
 8 the room, confer with him in private, we'll leave the room
 9 and allow you to confer in private. All right?
 10 A Yes.
 11 Q Do you have questions before we begin?
 12 A No.
 13 Q All right. Is there any reason you can't give us
 14 your best testimony today; for example, have you taken any
 15 medication or anything of that nature that you believe
 16 will affect your ability to testify?
 17 A No.
 18 Q Are you taking any kind of medication at this
 19 time?
 20 A No.
 21 Q Do you still live at 12668 Chapman Avenue, Unit
 22 2104, in Garden Grove?
 23 A Yes.
 24 Q Do you live there with anybody?
 25 A With a roommate.

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1 Q What's that roommate's name?
 2 A Natalie.
 3 Q What's Natalie's last name?
 4 A I have to look in my iPhone.
 5 Q Okay. It's a long name. She's Filipino.
 6 A Right here.
 7 Q You need to read it to me.
 8 MR. HART: Just spell it.
 9 THE WITNESS: Natalie, last name is J-a-u-r-e-g-u-i,
 10 Jauregui.
 11 BY MR. CHIN:
 12 Q And Natalie is spelled N-a-t-a-l-i-e?
 13 A Yes.
 14 Q How long has she been your roommate?
 15 A A year and a half.
 16 Q Does anybody else live there besides Natalie?
 17 A No.
 18 Q Ever been married?
 19 A Me?
 20 Q You.
 21 A Yeah, I married from 1985 to 2004.
 22 Q What's your ex-husband's name?
 23 A Wilson Dang, W-i-l-s-o-n, last name D-a-n-g.
 24 Q Where is Wilson Dang now, do you know?
 25 A He's in Lake Forest, Southern California, Lake

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1 Forest.
 2 Q When is the last time you spoke with him?
 3 A Seven years ago.
 4 Q So you've never talked to him about this lawsuit
 5 or the issues relating to this lawsuit?
 6 A No.
 7 Q You've only been married one time?
 8 A Yes.
 9 Q And did you get a formal divorce in 2004?
 10 A Yes.
 11 Q Any children?
 12 A One son.
 13 Q What's the son's name?
 14 A Kevin, K-e-v-i-n.
 15 Q Where does he live?
 16 A Last name D-a-n-g. He lives in Los Angeles.
 17 Q What's his address?
 18 A 702 Manhattan, M-a-n-h-a-t-t-a-n, Avenue,
 19 Apartment "F," City of Hermosa Beach, California 90254.
 20 Q Just to move things along, unless I ask you for a
 21 spelling, you don't need to give it to me. Okay?
 22 A Okay.
 23 Q Have you talked to Kevin regarding this lawsuit
 24 or the issues relating to this lawsuit?
 25 A No.

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1 Q When is the last time you did speak to him?
 2 A Two weeks ago.
 3 Q Any other children?
 4 A That's it.
 5 Q What's your date of birth?
 6 A My date of birth?
 7 Q Yes.
 8 A March 18, 1961.
 9 Q You were born in Vietnam; correct?
 10 A Yes.
 11 Q When did you come to the United States?
 12 A September 1980, yes.
 13 Q Are you a U.S. citizen?
 14 A Yes.
 15 Q When did you become naturalized?
 16 A 1985.
 17 Q You're currently employed?
 18 A No.
 19 Q Are you contending the reason you are currently
 20 unemployed has anything to do with this lawsuit?
 21 MR. HART: We are.
 22 THE WITNESS: Yes.
 23 BY MR. CHIN:
 24 Q Explain that to me.
 25 A Two years ago when we in dispute, I cannot

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1 concentrate to work, and I'm worried and I have to think
 2 how I can resolve it, you know.
 3 Q What are you talking about, resolve what?
 4 A Resolve the issue with him.
 5 Q Talking about the lawsuit? I'm not understanding
 6 what you're saying.
 7 A Okay. Before I filed a lawsuit, I sent e-mail
 8 back and forth with people in the team, in BPSOS team, try
 9 to resolve the issue.
 10 Q Right. We're going to go through that.
 11 A Right, but it's not resolved, and it's gone on
 12 for like two years, so I asked my attorney in Virginia to
 13 send a letter to him, but no response.
 14 Q Who was that attorney? I don't want to go into
 15 any conversations you may have had with that attorney, but
 16 I want to know that person's name.
 17 A His name Aaron (inaudible).
 18 Q Can you spell that last name?
 19 A I have to look.
 20 MR. CHIN: Why don't we do it this way, with counsel's
 21 permission, if we leave a blank space in the deposition.
 22 MR. HART: Happy to do that.
 23 BY MR. CHIN:
 24 Q What we're going to do, Ms. Ngo, is the court
 25 reporter's going to leave a blank space in the deposition.

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1 When you review the transcript, I'm going to ask you to
 2 fill in the name, address, and telephone number of the
 3 attorney Aaron somebody.
 4 A Yeah. I have it here, but I have to look.
 5 Q That's okay. I want to move things along.
 6 A Okay.
 7 (Information Requested: _____
 8 _____
 9 _____.)
 10 BY MR. CHIN:
 11 Q And you hired this attorney to represent you?
 12 A Right.
 13 Q Okay. What did you ask him to do?
 14 A Write a letter to demand the full refund of my
 15 donation, \$22,000.
 16 Q What else did this lawyer ask?
 17 A That's all. He just write a letter, that's all,
 18 because --
 19 Q That wasn't my question, ma'am. You said in this
 20 letter, he asked for a refund. Presumably that's a refund
 21 of the donation you made to BPSOS; correct?
 22 A Right.
 23 Q Did that lawyer ask for anything else from my
 24 clients?
 25 A That's it, just a refund. I still have his

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1 letter.
 2 Q And I believe I heard you say earlier that
 3 because of the issues related to the lawsuit, you couldn't
 4 concentrate. Is that what you said?
 5 A I am frustrated and I'm depressed, so I didn't do
 6 well in my work.
 7 Q For how long did you feel frustrated and
 8 depressed?
 9 A Two years.
 10 Q From when to when?
 11 A 2014 to 2016.
 12 Q By the way, let me ask some foundational
 13 questions first. From when to when were you employed
 14 before your current situation?
 15 A I was employed at Avery Dennison -- well, it
 16 start in year 2000. I'm a consultant there for two years.
 17 And then I finished my assignment. I go to another
 18 client. So 2006 I come back to work as a permanent
 19 employee. So I worked there for ten years until 2016.
 20 Q So 2006 to 2016, correct, that's ten years?
 21 A Ten years.
 22 Q And you worked at the Avery Dennison in Glendale?
 23 A Yes. It was in Pasadena, and then they moved to
 24 Glendale.
 25 Q Got it. At some point they had an address of 207

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1 Goode, G-o-o-d --
 2 A Yeah, that's the current address.
 3 Q Please, wait until I finish.
 4 A Sorry.
 5 MR. HART: You've got to practice not saying anything
 6 until he's finished.
 7 THE WITNESS: Okay.
 8 MR. HART: Remember, it's not a conversation. He
 9 asks, you answer. He asks something else, you answer.
 10 You've got to dial your pace back.
 11 THE WITNESS: Okay.
 12 BY MR. CHIN:
 13 Q And I have an address of 207 Goode, G-o-o-d-e,
 14 Avenue, Glendale, California 91023; correct? Does that
 15 sound correct?
 16 A Yes.
 17 Q And what did you do at Avery Dennison during this
 18 time? You said you were a consultant originally?
 19 A IT consultant, and when I was hired as an
 20 employee, I'm a programmer analyst working with PeopleSoft
 21 application.
 22 Q What is PeopleSoft? Is that some software
 23 program?
 24 A Yeah, it's a software program to do human
 25 resource and payroll and account receivable, account

Page 18

1 payable. Excuse me.
 2 Q Yes?
 3 A Can I correct? I worked until March 2017 is my
 4 last day, March 1, 2017.
 5 Q During that period of time, did you have a
 6 supervisor, somebody you reported to?
 7 A Yes.
 8 Q Who was that person?
 9 A Natika Mech.
 10 Q This one I'll need a spelling for.
 11 A N-a-t-i-k-a, Natika, last name M-e-c-h.
 12 Q Got it. I'm going to pronounce that Mech. What
 13 is Ms. Mech's title, or was Ms. Mech's title?
 14 A Application manager.
 15 Q And she worked with you in the Pasadena and
 16 Glendale office?
 17 A Yes, and she live in Irvine.
 18 Q Did you ever discuss with her these feelings of
 19 frustration and depression that you've just testified to?
 20 A No.
 21 Q Why not?
 22 A Because I don't want it to look bad on my record.
 23 Q Any other reason you did not discuss these issues
 24 of frustration and depression with your manager, Natika
 25 Mech, other than, in your own words, you didn't want to

Page 19

1 look bad?
 2 A And I want to keep my job.
 3 Q But if I understand your testimony, these
 4 feelings of frustration and inability to -- and depression
 5 was affecting your ability to do your job; correct?
 6 A Yes.
 7 Q Okay. And you didn't feel it was significant
 8 enough to talk to your employer about these feelings when
 9 you knew it was affecting your job?
 10 MR. HART: Well, I'm going to object that that
 11 question mischaracterizes the explanation she gave you.
 12 BY MR. CHIN:
 13 Q Do you understand my question?
 14 A In my performance review --
 15 Q First of all, do you understand my question that
 16 I just phrased?
 17 A Can you phrase it again?
 18 MR. CHIN: Ms. Reporter, can you read it back, please.
 19 (The following question was read:
 20 "Q Okay. And you didn't feel it
 21 was significant enough to talk to your
 22 employer about these feelings when you
 23 knew it was affecting your job?")
 24 BY MR. CHIN:
 25 Q Do you understand the question first of all?

Page 20

1 A Yes.
 2 Q And the answer is?
 3 A It affect my performance review, so in the
 4 performance review, I tried to explain to her that I do my
 5 best already, but she gave me the warning that I need to
 6 pay more attention with the program that I wrote and pay
 7 more attention with the customer that I serve. I say,
 8 yeah, I try my best.
 9 MR. CHIN: I'll move to strike as nonresponsive.
 10 Again, Ms. Reporter, can you read back the
 11 question, please.
 12 It's an important question. Please listen to it
 13 and try to respond to it rather than answering another
 14 question.
 15 THE WITNESS: Okay.
 16 (The following question was read:
 17 "Q Okay. And you didn't feel it
 18 was significant enough to talk to your
 19 employer about these feelings when you
 20 knew it was affecting your job?")
 21 MR. HART: Now, listen to that question. It's a
 22 two-part question. Did you think it was insignificant,
 23 the effect of this circumstance on your performance, such
 24 that you didn't, second part of the question, think it
 25 necessary to bring it up, or is there some other reason

Page 21

1 you didn't bring it up?
 2 MR. CHIN: Counsel, you have your turn.
 3 MR. VOSS: I've been sitting here. There's no
 4 speaking objections or coaching a witness with a question
 5 pending.
 6 MR. CHIN: If you have an objection, speculation,
 7 lacks foundation, assumes facts not in evidence --
 8 MR. VOSS: But you're not going to coach the witness
 9 and try and elicit from her how she should answer the
 10 question.
 11 MR. HART: Please don't instruct me.
 12 MR. VOSS: If we need a referee, we will.
 13 MR. HART: That's fine, get a referee. Don't instruct
 14 me how to represent my client. She's not a native speaker
 15 of English.
 16 MR. VOSS: If that was a problem, you would have
 17 objected and said you needed a translator.
 18 MR. HART: I didn't because we can handle it.
 19 MR. VOSS: You can't handle it by you interpreting the
 20 questions, Counsel.
 21 MR. HART: If I did it wrong, you can --
 22 MR. VOSS: The question stands for itself.
 23 MR. CHIN: For the third time, I'm going to ask the
 24 reporter to read back the question.
 25 MR. VOSS: Without your interpretation of what it is.

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1 MR. HART: It doesn't matter. I've explained it to
 2 her now.
 3 THE WITNESS: Okay.
 4 MR. VOSS: No, we don't agree your interpretation or
 5 explanation is an accurate recitation of what the question
 6 is.
 7 MR. HART: Then I don't understand it.
 8 MR. VOSS: She can answer his question, not the
 9 question as you phrased it. And that question would be --
 10 (The following question was read:
 11 "Q Okay. And you didn't feel it
 12 was significant enough to talk to your
 13 employer about these feelings when you
 14 knew it was affecting your job?")
 15 BY MR. CHIN:
 16 Q Do you understand the question as phrased?
 17 A Yes, I understand.
 18 Q Okay. And what is your answer?
 19 A I think it's significant, and it affects my work
 20 performance, but I want my job. I cannot lose this job.
 21 My job pay me \$140,000 a year, and I'm the only person who
 22 bring the paycheck home. I don't have a husband to
 23 support me or anything.
 24 Q Let me follow up with that.
 25 MR. HART: Hold on. Were you finished?

Page 23

1 MR. CHIN: I think she stopped moving her lips.
 2 MR. HART: I don't have the same angle you do. It
 3 seemed to me like she hadn't finished her answer yet.
 4 THE WITNESS: I have a son who go to U.C. Davis. I
 5 have to pay \$20,000 a year at least to pay for tuition and
 6 room and board. I cannot afford to get laid off. I have
 7 to support my son.
 8 BY MR. CHIN:
 9 Q Are you done?
 10 A Right.
 11 Q I understand everything that you just said. My
 12 question is though, if I understand your prior testimony,
 13 you felt that the issues related to this lawsuit was
 14 affecting your performance; correct?
 15 A Yes.
 16 Q And you were having these -- I think you called
 17 them performance reviews, correct, -- and you didn't feel --
 18 MR. HART: Hold on. Was he correct? You have to say
 19 audibly the answer.
 20 THE WITNESS: Yes, yes.
 21 BY MR. CHIN:
 22 Q Did you feel your job security at Avery Dennison
 23 was at risk because of what was happening?
 24 A Yes.
 25 Q All right. Did it ever occur to you at that time

Page 24

1 to explain to your employer that I recognize that my
 2 performance may have not been up to snuff -- that's a
 3 very -- your performance may not have been up to
 4 requirements, and the reason for that is these issues
 5 going on in my life, okay, these personal issues regarding
 6 this lawsuit? You didn't think it was important to tell
 7 that to your employer so maybe some kind of accomodation
 8 could be worked out or maybe you could take a leave of
 9 absence or maybe some other kind of option for you to deal
 10 with it short of losing your job? Did that ever occur to
 11 you?
 12 A No.
 13 Q So if I understand your testimony, you didn't
 14 feel that it was appropriate to express to your employer
 15 this issue that was happening in your personal life. Is
 16 that correct?
 17 A Yes.
 18 Q Were you fired or did you quit?
 19 A Huh?
 20 Q Were you fired, or did you quit the job?
 21 A I got laid off.
 22 Q Okay.
 23 A Can I add something?
 24 Q You can add to an existing question.
 25 A Yes, I get laid off in March 2017.

1 BY MR. CHIN:
 2 Q What do you mean, "I'm not the only one"?
 3 A Because the company tried to cut off the expense,
 4 so they pick one or two people in one department and one
 5 or two people in another department, and I'm one of them.
 6 Q All right. Before I ask the follow-up questions,
 7 let me make sure that we're clear. You understand my
 8 questions; correct?
 9 A Yes.
 10 Q And I understand you're not a native speaker; you
 11 came to U.S. in 1980. So it would be fair to say English
 12 is your second language; correct?
 13 A Yes.
 14 Q Vietnamese would be your primary language?
 15 A Yes.
 16 Q Do you speak any other languages, for example,
 17 French?
 18 A French, a little bit.
 19 Q With that understanding that English is not your
 20 primary language, and, again, I'm going to repeat what I
 21 said at the beginning, if you don't understand any of the
 22 questions that I ask you, all right, then you need to let
 23 me know. If you respond to my question, my assumption is
 24 that you understood the question and the response that
 25 you've given is the one you intended to give. Do you

1 Q That's what I understood.
 2 A Yes, but last year my boss asked me to come back.
 3 Q We'll get to that in a second. Thank you for
 4 letting me know that.
 5 Did you get some kind of written notice when you
 6 were laid off?
 7 A Yes.
 8 Q Do you still have that written notice?
 9 A I get the severance pay, written notice with the
 10 severance pay.
 11 Q Severance pay?
 12 A Yeah.
 13 Q Do you recall what it said in that letter that
 14 you received from Avery Dennison generally?
 15 A It just say not enough work, so they have to let
 16 me go.
 17 Q I'm not understanding what you mean by "not
 18 enough work." Explain that to me, please, if you can.
 19 A It's the reason that they have to let people go.
 20 I'm not the only one. There is many, yeah.
 21 MR. CHIN: Can you read back that response, please.
 22 (The following answer was read:
 23 "A It's the reason that they
 24 have to let people go. I'm not the
 25 only one. There is many, yeah.")

1 understand that?
 2 A Yes.
 3 Q All right. And I may remind you again during
 4 that deposition. If you don't understand my question,
 5 you've got to let me know. Fair enough?
 6 A Fair.
 7 Q Okay. Do you know what the term "downsizing"
 8 means?
 9 A Yes.
 10 Q Okay. Was the reason you separated from Avery
 11 Dennison due to downsizing?
 12 A Yes.
 13 Q That's what it said generally or specifically in
 14 that letter; correct?
 15 A Yes.
 16 Q Has anybody ever told you, other than maybe
 17 anything your attorney may have told you, that the
 18 reason -- I'm going to use the word "separated employment"
 19 from Avery Dennison was due to any other reason other than
 20 downsizing?
 21 MR. HART: Hold on a second. I'm going to object;
 22 vague as to time, because there is -- you may not realize
 23 it. She's kind of indicated it, but there are multiple
 24 employment times with Avery Dennison. So your question is
 25 a little vague as to when you mean.

1 MR. CHIN: Okay. I assume the objection is vague and
2 ambiguous as to time. I'm talking about in March of 2017.
3 MR. HART: Okay.
4 THE WITNESS: I think downsizing is just one reason.
5 The other reason is my performance is not good enough.
6 BY MR. CHIN:
7 Q How do you know that? Has anybody ever told you
8 that? Have you ever seen any -- let me finish. Have you
9 ever seen any document, anything of that nature that would
10 indicate to you that your separation from Avery Dennison
11 was due to any other reason other than downsizing?
12 A Before the layoff notice, I get the performance
13 review.
14 Q Okay.
15 A In the performance review, my boss has some
16 negative comment.
17 Q Okay.
18 A About my work performance.
19 Q Okay.
20 A And I tell her that I will try to improve.
21 Q But again, you didn't tell her about the issues
22 related to the lawsuit; correct?
23 A No, no.
24 Q Again, the original question was -- it's a
25 compound question, so I'll break it down. Has any person

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1 ever told you the reason you were laid off -- I'll use the
2 term laid off from Avery Dennison was due to any other
3 reason other than downsizing, yes or no?
4 A Just downsizing. I still have the letter. I can
5 give it to you.
6 Q That wasn't my question. Has any person ever
7 told you that the reason for your termination from Avery
8 Dennison was due to any other reason other than
9 downsizing, yes or no?
10 A No.
11 Q Have you ever seen any document that would
12 reflect the fact that the reason for your termination from
13 Avery Dennison was due to any other reason other than
14 downsizing? I'm talking about a document now.
15 A No.
16 Q With that understanding I still need to ask these
17 follow-up questions. How much were you making at the time
18 of your termination in March of 2017 because of
19 downsizing?
20 A About \$140,000 a year.
21 Q That's base salary?
22 A Yes, plus benefits, 401(k) and everything else.
23 Q And, again, I understand that you were working
24 there from '06, 2006, to March of 2017. Do you believe
25 that you missed any promotions within Avery Dennison based

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1 on -- remind me. What was your job title again when you
2 left, something analyst; right?
3 A Senior programmer analyst.
4 Q Do you believe you missed any promotions at Avery
5 Dennison during that time frame because of the issues
6 related to this lawsuit?
7 A No.
8 Q Do you believe you missed any pay raises,
9 bonuses, that type of thing due to the issues related to
10 this lawsuit?
11 A No.
12 Q We'll incorporate this by reference. I'm going
13 to show you -- let me do this first exhibit-wise. I'm
14 going to incorporate by reference your answers to form
15 interrogatories by defendants Thang Dinh Nguyen and Boat
16 People SOS, Set One. I'm going to show you the document,
17 and I'm going to ask you to focus on page -- or pages 9,
18 10, and 11. First of all, I'm going to show you the last
19 page, not the last page, but towards the end. There's a
20 verification which is page 29 of the document. Is that
21 your signature, Ms. Ngo?
22 A Yes.
23 Q And that's dated November 16, 2017. Do you see
24 that?
25 A Yes.

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1 MR. HART: Will we be making this an exhibit?
2 MR. CHIN: No. I just said I'm going to incorporate
3 it by reference, but I'm going to show her the document.
4 MR. HART: What does that mean, "incorporate it by
5 reference," not an exhibit?
6 MR. CHIN: It's not going to be an exhibit.
7 MR. HART: I'd like to add it.
8 MR. CHIN: We can.
9 MR. HART: At least the pages we're going to ask her
10 about.
11 MR. CHIN: I'm going to ask her to read it into the
12 record, but if you want, that's fine.
13 MR. HART: The document speaks for itself. If you
14 want to talk about it, let's make it an exhibit so that
15 whoever reads this can see it.
16 BY MR. CHIN:
17 Q I'm going to show you page 9, and I want you to
18 look at interrogatory -- Form Interrogatory 8.3. Do you
19 see that?
20 MR. HART: Let me have a look first.
21 THE WITNESS: Which one?
22 MR. HART: 8.3.
23 THE WITNESS: I'm still working at that time.
24 MR. HART: Okay. So now that you've seen what the
25 question and the answers are, he's going to ask you

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1 questions about that.
 2 BY MR. CHIN:
 3 Q Okay. And so the record is clear, in the answer
 4 that you provided to that interrogatory, it has a term
 5 called "incident." Do you see that, all caps?
 6 A Uh-huh.
 7 Q First of all, do you recall assisting your
 8 attorney or somebody in his office to prepare responses to
 9 these interrogatories?
 10 A Yes.
 11 Q Okay. I don't want to go into any conversations
 12 you may have had, but you assisted in providing
 13 information to prepare the responses; correct?
 14 A Uh-huh.
 15 Q Yes?
 16 A Yes.
 17 Q Okay. I want to define for you the term
 18 "incident." Incident includes the circumstances and
 19 events -- I'm sorry. Strike that.
 20 Incident includes the circumstances and events
 21 surrounding the facts -- let's go off the record real
 22 quick.
 23 Go off the record?
 24 MR. HART: Sure.
 25 MR. CHIN: Back on the record.

1 Q So incident is defined as follows: It includes
 2 the circumstances and events surrounding the alleged
 3 accident, injury, or other occurrence or breach of
 4 contract giving rise to this action or proceeding. Did
 5 you hear that?
 6 A Yes.
 7 Q So that's the definition of "incident."
 8 A Okay.
 9 Q With that understanding, it asked, "State the
 10 last date before the incident that you worked for
 11 compensation." And you answered, "October 3, 2016." Is
 12 that correct?
 13 A Yes.
 14 Q All right. Let's skip to Interrogatory 8.6.
 15 "State the date you did not work and for which you lost
 16 income as a result of the incident," and you put in,
 17 "March 6, 2017, to the present"; correct?
 18 A Yes.
 19 Q Okay. And you've already testified earlier that
 20 March 6, 2017, was the date you were terminated because of
 21 downsizing; correct?
 22 A I think it's March 1, a few days before that.
 23 Date of separation is March 1.
 24 Q Sometime in March of 2017?
 25 A Yeah, yeah, March 1, yeah.

1 Q I think that will be the last question about
 2 this.
 3 Interrogatory 8.7 says, "State the total income
 4 you have lost to date as a result of the incident and how
 5 the amount was calculated." And I believe your response
 6 is \$90,000, based on \$11,250 --
 7 A A month.
 8 Q -- times 8 months, for a total of \$90,000. Is
 9 that correct?
 10 A Yes.
 11 Q That's your income lost that you're claiming as a
 12 result of the incident?
 13 A Yes.
 14 MR. HART: At least as of the date of those answers.
 15 Can we attach that as Exhibit 1?
 16 MR. CHIN: Yes, we can.
 17 MR. HART: Thank you.
 18 (Exhibit 1 was marked for
 19 identification and is attached hereto.)
 20 BY MR. CHIN:
 21 Q Let's get back to something you said earlier.
 22 You were asked to come back to Avery Dennison?
 23 A Yes, last year in March, my boss asked me to come
 24 back as a consultant.
 25 Q Would that be Natika Mech?

1 A Natika Mech, yeah.
 2 MR. HART: Slow down. Don't talk over him.
 3 THE WITNESS: To help finish a project.
 4 BY MR. CHIN:
 5 Q And this was March of 2018, you said?
 6 A Yes.
 7 Q And that was as a consultant, not a full-time
 8 employee or part-time employee?
 9 A As a consultant, 20 hours per week.
 10 Q Did you have any understanding as to how long
 11 this assignment would be? Would it for be a month, two
 12 months, six months?
 13 A She said six months.
 14 Q Did you ever have any discussion with Ms. Mech or
 15 any other person whether or not this temporary assignment
 16 could result in back to a full-time employment?
 17 A No, it's just six months.
 18 Q So it's a temporary assignment?
 19 A Yes.
 20 Q Would it be fair to say you would be doing the
 21 same kinds of things --
 22 A Yes.
 23 Q -- you were doing before you were terminated
 24 because of downsizing in March of 2017?
 25 A Yes, same type of work.

1 Q Did you accept that assignment?
 2 A Yes.
 3 Q Are you still working there?
 4 A No.
 5 Q From when to when did you work then?
 6 A Only two weeks.
 7 Q Why did you work only two weeks rather than the
 8 six-month assignment?
 9 A I cannot handle the stress.
 10 Q You quit?
 11 A Quit.
 12 Q Yes?
 13 A I quit, yeah.
 14 Q Did Ms. Mech or any other person at Avery
 15 Dennison ask you what your reasons for quitting were?
 16 A I say --
 17 MR. HART: Hold on. Answer that question first yes or
 18 no.
 19 THE WITNESS: Can you say that again?
 20 MR. CHIN: Sure.
 21 Ms. Reporter, please.
 22 (The following question was read:
 23 "Q Did Ms. Mech or any other
 24 person at Avery Dennison ask you what
 25 your reasons for quitting were?")

1 (Recess held.)
 2 (Mr. Voss exited the proceedings.)
 3 MR. CHIN: Back on the record.
 4 Q With respect to the time from March of 2017 up to
 5 the present date, tell me what efforts you have made, if
 6 any, to look for other work.
 7 A Yes, I applied to be consultant.
 8 Q When and with who?
 9 A With ADP, and I create a profile in LinkedIn.
 10 Q When you say you applied to be a consultant at
 11 ADP, did you actually fill out an application or form of
 12 some type?
 13 A Yes, I submit a résumé in ADP website.
 14 Q When did you do that?
 15 A I would say six months ago.
 16 Q What other efforts have you made to look for work
 17 between March of 2017 and today other than submitting a
 18 résumé online with ADP six months ago?
 19 A Oh, I attend a training in Internet on how to get
 20 a good interview, how to make your résumé significant, and
 21 I go through a lot of training from Internet to prepare
 22 for the job interview as a consultant.
 23 (Mr. Voss rejoins the proceedings.)
 24 BY MR. CHIN:
 25 Q And I understand that that you took some -- it

1 MR. HART: Yes or no?
 2 THE WITNESS: Yes.
 3 BY MR. CHIN:
 4 Q What did you say?
 5 A I say, "This job is so stressful, I cannot handle
 6 the stress."
 7 MR. HART: Can you say who it was who asked? Was it
 8 Natika who asked you?
 9 THE WITNESS: Natika, yeah.
 10 BY MR. CHIN:
 11 Q Was that in fact the reason, the job was too
 12 stressful?
 13 A Too stressful, yeah, because we have a deadline
 14 to meet, and we already close to the deadline, and they
 15 get me in in the very last phase, a lot of job, work to
 16 do. And we have only one employee here in Glendale and
 17 one in Europe. And the consultant from ADP put a lot of
 18 pressure, and I'm not prepared to that type of stress.
 19 Q That was the only reason you quit; correct?
 20 A And I said, "I cannot concentrate."
 21 Q That was the only reason you quit, the stress;
 22 correct?
 23 A Stress, yes.
 24 MR. CHIN: Take a five-minute break?
 25 MR. HART: Sure.

1 sounds like you tried to get some training to improve your
 2 interview skills, that type of thing. My specific
 3 question is, what specific efforts to did you make to look
 4 for employment? You talked about submitting a résumé on a
 5 website. Did you submit your résumé to any other
 6 potential employers?
 7 A I contact about ten recruiters, headhunters, send
 8 them my résumé.
 9 Q Over this period of time from March of 2017 to
 10 the present?
 11 A Yeah, yeah.
 12 Q Do you recall the names of any of the recruiters?
 13 A Yes, I have it. I can give it to you later. You
 14 want it now?
 15 Q No. We'll leave a space in the deposition.
 16 A Yes.
 17 MR. CHIN: Assuming, Mr. Hart, you have no objection
 18 to that.
 19 MR. HART: Yeah, we can do that every time. So just
 20 consider that as an open option.
 21 BY MR. CHIN:
 22 Q All right. So there's going to be a space in the
 23 deposition for you to include the names of these ten
 24 recruiters that you contacted. I'd ask for address and
 25 phone numbers as well. Yes?

1 A Yes.
 2 Q You're shaking your head up and down. Remember
 3 what I said.
 4 A Yes, yes, yes.
 5 MR. HART: So we're agreeing that we're going to give
 6 him names and addresses. That's the point of your
 7 response.
 8 MR. CHIN: Yeah, she said yes.
 9 THE WITNESS: Yes.
 10 MR. HART: It just wasn't clear from the exchange.
 11 THE WITNESS: Yes, I do have a list of them that I
 12 contact.
 13 (Information Requested: _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____.)

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1 BY MR. CHIN:
 2 Q Any success?
 3 A No.
 4 Q Other than contacting these ten recruiters and
 5 applying to be a consultant at ADP, what other efforts
 6 have you made to look for employment since March of 2017?
 7 A I contact some of my friends who's still working
 8 and asked them to refer me.
 9 Q Who did you contact? Same thing, can you fill in
 10 the names for me?
 11 A Yes.
 12 MR. CHIN: Ms. Reporter, if you would.
 13 (Information Requested: _____
 14 _____
 15 _____
 16 _____.)
 17 BY MR. CHIN:
 18 Q And are these people in the same business that
 19 you were in?
 20 A Yes.
 21 Q I'm going to use the generic term "high tech."
 22 Do you understand what you mean by that?
 23 A Yes.
 24 Q Any success?
 25 A No.

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1 Q How many friends did you contact?
 2 A Two.
 3 Q With only two, I'll take some names if you have
 4 them.
 5 A Yes.
 6 MR. CHIN: Yes.
 7 MR. HART: Say the names.
 8 MR. CHIN: The names.
 9 A Oanh Chu, first name O-a-n-h, last name C-h-u.
 10 Q O-a-n-h C-h-u?
 11 A Yeah.
 12 Q Is that a man or a woman?
 13 A Woman.
 14 Q And what kind of business is she in?
 15 A She's a PeopleSoft programmer.
 16 Q What company does she work for, if you recall?
 17 A She used to work for a company to make toys here.
 18 I forget. I have to look.
 19 Q Mattel?
 20 A Mattel, yeah.
 21 Q Did you ever get contacted by Mattel?
 22 A No.
 23 Q Who else did you contact? You mentioned two
 24 friends.
 25 A Khoi, K-h-o-i, and last name V-u.

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1 Q Z-u?
 2 A V-u.
 3 Q Oh, V-u. Again, man or woman?
 4 A A man.
 5 Q And he's a programmer?
 6 A Yeah, he's on Oracle Database.
 7 Q And where does he work?
 8 A He's a consultant. He works for many companies.
 9 Q Did you ever get -- or were you ever contacted by
 10 any of the companies he was a consultant for?
 11 A No.
 12 Q All right. So you've talked about three things.
 13 You applied to be a consultant at ADP, you contacted ten
 14 recruiters, and you talked to two friends. That's the
 15 only efforts you've made to look for employment since
 16 March of 2017. Is that correct?
 17 A I update my résumé very often in LinkedIn.
 18 Q My question was, have you made any other efforts
 19 to find employment between March of 2017 and today other
 20 than what you've just testified to?
 21 A That's it.
 22 Q Never submitted your résumé, either online or in
 23 any other fashion, to any other potential employers?
 24 A No.
 25 Q So essentially since March of 2017, you've made

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1 three efforts to find employment. Is that correct?
 2 A More than three.
 3 Q I'm talking about three types of efforts. Is
 4 that correct?
 5 A Yes.
 6 Q You've testified a little bit earlier that you
 7 felt stress and depression, I believe, frustrated and
 8 depressed while you were working at Avery Dennison.
 9 During this period of time that you were feeling
 10 frustrated and depressed -- and I believe you testified
 11 this was basically the period between 2014 and 2016;
 12 correct?
 13 A Yes.
 14 Q Okay. During that period of time, did you see
 15 any healthcare provider, medical professional,
 16 psychiatrist, therapist, anything of that nature to help
 17 you deal with your frustration and depression?
 18 A Yes.
 19 Q Who did you see?
 20 A I see Dr. -- the last name T-o-n, Dr. Ton, middle
 21 name T-h-a-t, first name C-h-a-u.
 22 Q Start all over again with the first name.
 23 A C-h-a-u, middle name is T-h-a-t, and last name
 24 T-o-n.
 25 Q Is he a medical doctor?

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1 A Yes.
 2 Q Do you know what specialty he holds, if any?
 3 A Psychiatrist.
 4 Q Where is his office?
 5 A In Westminster.
 6 Q And from when to when did you see him -- strike
 7 that.
 8 Do you still see him?
 9 A No.
 10 Q From when to when did you see him?
 11 A I don't remember. Did I say that before?
 12 MR. HART: I can't --
 13 THE WITNESS: Don asked me a long time. I forget,
 14 2014 or '15. I cannot remember. Yeah, 2014 or '15.
 15 BY MR. CHIN:
 16 Q How many times did you see him?
 17 A One time.
 18 Q Did he send you -- go ahead.
 19 A And then I see my family doctor.
 20 Q We'll go to that in a second. Let's do it one by
 21 one.
 22 A Okay.
 23 Q What did you say to him and what did he say to
 24 you?
 25 MR. HART: The psychiatrist?

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1 MR. CHIN: Yeah.
 2 THE WITNESS: I tell him that I cannot sleep and I'm
 3 depressed.
 4 BY MR. CHIN:
 5 Q Did you tell him why?
 6 A Huh?
 7 Q Did you tell him why?
 8 A Because of the lawsuit and because of the stress
 9 at my job, at my work, and because I got a poor
 10 performance review with my boss. So I need some medicine
 11 to get me over.
 12 Q So you told him multiple reasons then, correct,
 13 for your frustration and depression?
 14 A The reason I cannot sleep, the reason I get a
 15 poor performance review, and I'm depressed, three reasons.
 16 Q And he gave you medication?
 17 A Yes.
 18 Q What kind?
 19 A I forget the name, but it helped me to sleep
 20 more.
 21 Q Was it Ambien? Was it a sleeping pill? Was it
 22 an anti-depression medication, if you recall?
 23 A I gave it to the attorney. Ask the record. I
 24 forget.
 25 Q That's fine.

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1 A Don has it. I forget.
 2 Q Again, I'm only entitled to what you recall. I
 3 have a fair amount of records, a fair amount of
 4 information you provided to us. I just want to know what
 5 you remember.
 6 A Yeah, I don't know.
 7 Q How long did you take the medication?
 8 A One month.
 9 Q How much did he charge you, if anything?
 10 A I have insurance.
 11 Q Do you know how much the insurance was charged,
 12 if you know?
 13 MR. HART: Why don't we leave a blank, and we'll look
 14 for the EOB.
 15 THE WITNESS: About \$300 or something. I forget.
 16 BY MR. CHIN:
 17 Q You mentioned you saw another healthcare
 18 professional.
 19 A Yes.
 20 Q Who is that?
 21 A Dr. Son Le, the first name S-o-n, last name L-e.
 22 Q What kind of doctor is Dr. Le?
 23 A He's a family doctor.
 24 Q What did he do for you?
 25 A I get the flu, headache, so he gave me medicine

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1 for flu and headache.
 2 Q Any other healthcare providers that you've seen
 3 for your frustration and depression?
 4 A That's it, those two.
 5 Q Let me back up. Other than speaking to your
 6 attorney, did you talk to anybody to prepare yourself to
 7 testify today?
 8 A Just him.
 9 Q Did you talk to your son?
 10 A No.
 11 Q To your roommate?
 12 A No.
 13 Q Did you review any documents to prepare yourself
 14 to testify today?
 15 A Yes, I reviewed discovery questions that you sent
 16 me.
 17 Q The interrogatories?
 18 A Yes.
 19 Q Okay. Anything else?
 20 A And I review all the e-mail back and forth.
 21 Q Between who and who?
 22 A Between me and BPSOS, the group.
 23 Q The group or Dr. Nguyen or both?
 24 A Both, because we have the Google group called ACF
 25 member.

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1 Q We're going to get to that.
 2 A So I review all the e-mail back and forth.
 3 Q Just the ACF e-mails or other e-mails as well?
 4 A Other e-mails as well.
 5 Q What other e-mails?
 6 A The e-mail that the members of the group sent to
 7 me separately, not sent to the group but sent to me.
 8 Q How about e-mails that were either sent to or
 9 received from Dr. Nguyen?
 10 A Yes.
 11 Q How about e-mails either sent to or received from
 12 BPSOS as the organization?
 13 A Yes.
 14 Q Anything else?
 15 A The e-mail from the members of ACF sent to me
 16 separately, personal e-mail.
 17 Q You said that. Anything else?
 18 A I reviewed the ad, the flier that we get from
 19 BPSOS. I reviewed the financial report that I get.
 20 Q Anything else?
 21 A Let me see. That's it for now, yeah. Oh, I
 22 reviewed the letter my attorney sent to BPSOS.
 23 Q Regarding the refund?
 24 A Right.
 25 Q Anything else?

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1 A I reviewed a letter that I sent to attorney
 2 general and I.R.S. regarding the financial donation.
 3 Q We may get back to it, but let's go on to a
 4 different topic.
 5 A Okay.
 6 Q How do you know Dr. Nguyen?
 7 A I know --
 8 MR. HART: Can we say his whole name for the record,
 9 please.
 10 BY MR. CHIN:
 11 Q I'm going to pronounce it the way I understand
 12 it, first name first, rather than the last name. I am
 13 Chinese, and I recognize traditionally you say last name
 14 first, but we're going to do it my way. Dr. Nguyen, first
 15 name Thang, T-h-a-n-g, middle name Dinh, D-i-n-h, last
 16 name Nguyen, N-g-u-y-e-n. And my understanding is
 17 Dr. Nguyen is a Ph.D., so when I refer to him, I'm going
 18 to call him Dr. Nguyen. Do you understand that?
 19 A Yes.
 20 Q How did you meet Dr. Nguyen?
 21 A I met him the first time in 2009.
 22 Q Under what circumstances?
 23 A In the restaurant that he's invited to the
 24 restaurant.
 25 Q Was he a guest speaker?

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1 A No. He's just a friend of the person who invite
 2 him.
 3 Q And did you just happen to be at the restaurant
 4 at that time? What were the circumstances?
 5 A No. That person invite me as well.
 6 Q What's the name of that person?
 7 A I think last name is Hoang, H-o-a-n-g.
 8 Q Do you have a first name?
 9 A D-a-c.
 10 Q And that's the owner of the restaurant?
 11 A No, he's not the owner, just a guest, client,
 12 customer, yeah. So he invite both me and Dr. Nguyen to
 13 have a dinner.
 14 Q Okay.
 15 A And after that dinner, I signed a check of \$500
 16 for donation.
 17 Q Did anybody ever tell you why -- I'll call it
 18 Mr. Hoang, H-o-a-n-g, invited the two of you to the
 19 restaurant?
 20 A No. It just happened he try to invite him, try
 21 to introduce him to me.
 22 Q Is that your understanding?
 23 A Yes.
 24 Q Had you ever heard of Dr. Nguyen before that
 25 date?

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1 A No. So during the dinner, Dr. Nguyen tell me
 2 what he's doing for BPSOS, and I signed a check for \$500
 3 donation.
 4 Q You thought it was a worthy cause?
 5 A Right, to help refugee, help human trafficking
 6 victim. So that's back in 2010, and I didn't contact him
 7 for at least two years since then.
 8 Q Did you make any other donations during that
 9 time?
 10 A No. After that event until 2012, I didn't meet
 11 him and I didn't donate anything to him.
 12 Q So you met him once in 2009, and you met him
 13 again in 2012?
 14 A Right.
 15 Q Under what circumstances?
 16 A There's a big event in Southern California at
 17 that time, I believe in March 2012, that Dr. Nguyen and
 18 SBTN, a TV station here, tried to collect 100,000
 19 signatures to ask the President Obama to review and then
 20 to promote the democracy in Vietnam.
 21 Q So it was a political event?
 22 A Yeah, political event. So I am the person who
 23 signs. You know, I'm one of the signatures. But after
 24 that event, there's a controversial dispute between
 25 Dr. Nguyen and the SBTN director and the organizer. So

1 help him. And he asked me if I can organize a fund
 2 raising event in Orange County.
 3 Q All right.
 4 A And then at that time, I donate about two,
 5 \$3,000, about \$2,000.
 6 Q All right. Okay. After you met him again in
 7 March of 2012, when was the next time you had contact?
 8 When was the next time you had contact?
 9 A Right after that. It's a continuous contact.
 10 Q All right.
 11 A I'm working with him, yeah.
 12 Q Let me ask you something a little different here.
 13 At the time you first met him in 2009, did you know he was
 14 engaged?
 15 A No.
 16 Q Was he engaged?
 17 A I don't think so, no.
 18 Q When you saw him again in March of 2012, did you
 19 know he was engaged at the time?
 20 A No. He did not tell anybody.
 21 Q At some point you became aware he was engaged;
 22 correct?
 23 A That's in July.
 24 Q Of what year?
 25 A I think 2012, 2012.

1 I'm --
 2 Q What was the dispute?
 3 MR. HART: Hold on a second. Finish your answer. Go
 4 ahead, because he cut you off.
 5 THE WITNESS: There's a dispute between Dr. Nguyen and
 6 the organizer of that event.
 7 BY MR. CHIN:
 8 Q Who was the organizer?
 9 A The SBTN director or owner and other senior
 10 people in that organization. And then that dispute was
 11 everywhere, from Internet and newspaper, everything. So I
 12 sent him an e-mail and asked him what's going on, because
 13 the event is a very big event. Everybody's excited. You
 14 know, we can go to Washington D.C. to see President Obama,
 15 and he can help Vietnam to get human rights, things like
 16 that.
 17 Q Okay.
 18 A So I wonder what's going on, so I sent him an
 19 e-mail asking what's going on, okay. And he answered,
 20 okay, because this discrepancy, we disagree, things like
 21 that.
 22 Q All right.
 23 A And I asked him, what can I help? And he invite
 24 me to get involved with the refugee program that he has
 25 with the human trafficking program that he has, try to

1 Q How did you find out he was engaged?
 2 A He has a recognition party here, and he invite me
 3 to be the guest, because he has one table, ten tickets,
 4 okay, so I come. And then his fiancée and his
 5 mother-in-law appear.
 6 Q What is his fiancée's name, either maiden name --
 7 A Thang Phuong. She has the same first name with
 8 him, T-h-a-n-g, and then space, and then P-h-u-o-n-g,
 9 yeah.
 10 Q What's the mother?
 11 A The last name is the same last name with him,
 12 Nguyen.
 13 Q T-h-a-n-g P-h-u-o-n-g?
 14 A The last name is Nguyen, N-g-u-y-e-n.
 15 MR. HART: Slow it down. You're talking over each
 16 other.
 17 BY MR. CHIN:
 18 Q T-h-a-n-g P-h-u-o-n-g N-g-u-y-e-n?
 19 A Yes.
 20 Q Is P-h-u-o-n-g her maiden name?
 21 MR. HART: If you know.
 22 THE WITNESS: That's the first name. T-h-a-n-g is the
 23 middle name.
 24 BY MR. CHIN:
 25 Q Okay. Got it backwards. What's the

1 mother-in-law's name?
 2 A Last name is N-g-u-y-e-n.
 3 Q Okay.
 4 A First name is L-u-o-n-g, middle name is M-i-n-h.
 5 Q So in July of 2012 is when you found out that he
 6 was engaged; correct?
 7 A Because -- yes. He invited the fiancée and
 8 mother-in-law to the party in Los Angeles. That's a party
 9 to recognize him, yeah.
 10 Q And you sat at that table?
 11 A Yes.
 12 Q Do you remember who else sat at that table?
 13 A It's two, three friends of his friends.
 14 Q This is going to be a broad question. At any
 15 time did you ever tell Dr. Nguyen not to marry the person
 16 who's now his wife?
 17 A Never.
 18 MR. HART: Is that a different person than the
 19 fiancée?
 20 BY MR. CHIN:
 21 Q It is your understanding that he ended up
 22 marrying the fiancée; correct?
 23 A Yes, I know.
 24 Q Did you ever tell Dr. Nguyen not to marry his
 25 fiancée?

1 A Yes.
 2 Q And he was living in Virginia at that time?
 3 A Yes.
 4 Q Did you ever talk to his fiancée between that
 5 date, July of 2012, and December 2012?
 6 A No.
 7 Q How about his mother-in-law?
 8 A No.
 9 Q When I say -- let me use a broader term, not just
 10 contact, but e-mail, any kind of communication.
 11 A No.
 12 MR. HART: Okay. Now wait a minute. Hold on. That
 13 was pretty unclear, what you just said.
 14 BY MR. CHIN:
 15 Q Do you understand my question, Ms. Ngo?
 16 MR. HART: Don't answer that.
 17 I don't understand your question, because it was
 18 a fragment. You're talking about communication with
 19 different people.
 20 MR. VOSS: No speaking objections. What's your
 21 objection?
 22 MR. HART: I'm trying to clean up the record. If you
 23 guys want to keep it confusing and vague --
 24 MR. VOSS: You can make an objection without coaching
 25 the witness.

1 A I never tell that.
 2 Q Did you ever tell anybody that you didn't think
 3 it was a good idea for Dr. Nguyen to marry his fiancée?
 4 A No. Actually, the next --
 5 Q No question pending. Just listen to the
 6 question.
 7 A Okay.
 8 Q Just let me do my job and answer the questions I
 9 ask. Okay?
 10 A Okay.
 11 Q Do you know when he got married?
 12 A December 2012, the last day. I think it's 30th,
 13 December 30.
 14 Q 2012, you said?
 15 A I think so, yes.
 16 Q So that would have been about five months after
 17 that party or that dinner where you met --
 18 A Yeah.
 19 Q -- his fiancée and his mother-in-law?
 20 A Yes.
 21 Q Between that time, July of 2012, and December of
 22 2012, did you see Dr. Nguyen again?
 23 A No, just on the phone or e-mail, not meet in
 24 person.
 25 Q You understand he lives in Virginia; correct?

1 MR. HART: I'm not coaching the witness.
 2 MR. VOSS: If you're going to ask questions to clarify
 3 afterwards, you can.
 4 BY MR. CHIN:
 5 Q Ms. Ngo, did you understand the question I just
 6 asked?
 7 And I'll ask the reporter to repeat it.
 8 MR. HART: Hold on. Let the court reporter read it.
 9 (The following question was read:
 10 "Q When I say -- let me use a
 11 broader term, not just contact, but
 12 e-mail, any kind of communication.")
 13 MR. HART: Objection; vague as to who you're referring
 14 to. There are three possibilities.
 15 MR. CHIN: I'll rephrase. I'll rephrase.
 16 Q The question is any form of communication, talk,
 17 telephone, e-mail, anything like that -- hold on. I'm not
 18 done.
 19 MR. HART: I'm trying to stop her from answering until
 20 you finish.
 21 MR. CHIN: I think she's going to wait, but we'll see.
 22 Q -- between you and the fiancée, now wife of
 23 Dr. Nguyen?
 24 A Okay.
 25 Q Yes or no?

1 A I have to explain. In two days --

2 Q The question was, any other contact between July

3 of 2012 and December 2012 between you and the fiancée, now

4 wife, yes or no?

5 A No, I didn't talk to her.

6 Q All right. Any other --

7 MR. HART: Wait a minute. The question was broader

8 than that.

9 MR. CHIN: It called for a yes or no, did you?

10 MR. HART: I understand.

11 THE WITNESS: Let me explain.

12 MR. HART: Don't answer anything yet until I

13 straighten this out.

14 THE WITNESS: Okay.

15 MR. HART: He's asking you broader than just talking.

16 He specifically said e-mails, telephone, other

17 communication at all with the fiancée in that time frame.

18 THE WITNESS: No.

19 MR. HART: Okay. That's the answer. Now next

20 question.

21 BY MR. CHIN:

22 Q Same question as to the mother-in-law.

23 A No.

24 Q All right. We may come back to this. I'm going

25 to show you a document.

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1 A Can I say something?

2 Q No, you can't. You can answer my questions, and

3 if your attorney wants to inquire, that's fine.

4 THE WITNESS: Can I say something?

5 MR. HART: When I get my turn, we'll clean up what we

6 think needs to be cleaned up. If you have something to

7 say here, just mark this and we'll save it for my turn.

8 BY MR. CHIN:

9 Q I'm going to show you the next exhibit next in

10 order. I guess that would be 2. You've been handed a

11 document, Exhibit 2 to this deposition. It's the first

12 amended complaint. Have you ever seen this before?

13 A Yes.

14 (Exhibit 2 was marked for

15 identification and is attached hereto.)

16 BY IIL

17 Q Have you seen it before?

18 A Yeah.

19 Q Without going into any conversations you had with

20 your attorney, you assisted in preparing this document;

21 correct?

22 A Yes.

23 Q And you understand this is the complaint, first

24 amended complaint, that you filed with the court outlining

25 your allegations; correct?

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1 A Yes.

2 Q Okay. I want you to go to paragraph 8 on page 2.

3 The first sentence, "In 2012 Holly Ngo was introduced to

4 BPSOS."

5 A Uh-huh.

6 Q Yes?

7 A Yes.

8 Q Okay. You've described in somewhat detail about

9 the circumstances in which you were introduced to

10 Dr. Nguyen and BPSOS. Is it still your recollection that

11 occurred in 2012?

12 MR. HART: Did what occur in 2012?

13 MR. CHIN: She was introduced to BPSOS.

14 MR. HART: The introduction.

15 THE WITNESS: What's your question?

16 BY MR. CHIN:

17 Q The question is, is that an accurate statement,

18 "In 2012 Holly Ngo was introduced to BPSOS"?

19 A Yes.

20 Q Okay. I believe you testified earlier that you

21 met Dr. Nguyen in 2009 and that's how you became

22 introduced to BPSOS. Did you testify to that earlier?

23 A Yes, in the restaurant when the guy introduced me

24 to him and I donate \$500, and that's it. I don't contact

25 him since 2009 to 2012.

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1 MR. CHIN: Move to strike as nonresponsive.

2 Q The question was, were you introduced to

3 Dr. Nguyen and BPSOS in 2009 or 2012, or you don't recall?

4 MR. HART: Or both.

5 THE WITNESS: Both.

6 BY MR. CHIN:

7 Q Okay. What do you mean, both? You can only be

8 introduced one time.

9 A Well, 2009 is just a onetime meeting, and I

10 donate \$500, and I forget about it, okay. And I don't --

11 I'm not interested in BPSOS activity.

12 MR. CHIN: Move to strike as nonresponsive.

13 Q The question was, was it 2009 or 2012, or you

14 don't recall?

15 A 2009 I met him the first time.

16 Q Thank you. Going to the second sentence in

17 there, "Believing in the cause, Holly Ngo joined the

18 organization as a member of its internal audit committee."

19 Do you see that?

20 A Yes.

21 Q All right. You became a member of BPSOS;

22 correct?

23 A I am not BPSOS employee.

24 Q That was a poor question. Let me rephrase it.

25 Were you ever a member of the board of directors?

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1 A Yes, I'm the board of directors in Southern
2 California chapter.
3 Q So that would be the Southern California chapter
4 of BPSOS?
5 A Yes.
6 Q From when to when?
7 A I would say from 2013 to 2014. I don't know the
8 exact date, but it's about one year.
9 Q Were you appointed? Do you have to run for that
10 office? How does that happen?
11 A No, he invite me.
12 Q "He" being Dr. Nguyen?
13 A Yes. He invite me to become board director.
14 Q I'm not a corporate lawyer, but I'll give it a
15 stab here. My understanding is typically somebody's
16 nominated to get on the board as has to be approved. Do
17 you know what the circumstances were regarding your
18 involvement to becoming on the board of directors?
19 A He invite me to attend board of director meeting,
20 and there's a vote.
21 Q So you're voted to join the board?
22 A Yes.
23 Q Were you ever an officer, president, vice
24 president, treasurer, secretary, finance director,
25 anything like that, any officer position either in BPSOS

1 or the Southern California chapter?
2 A I am not the officer. But can I say something?
3 MR. CHIN: No. You can answer my questions.
4 MR. HART: Just give full, complete answers when you
5 answer the question.
6 THE WITNESS: Okay. I'm not the officer, but when he
7 create a program called ACF --
8 MR. CHIN: We're going to get to that.
9 THE WITNESS: -- then he asked me to become the --
10 MR. CHIN: Again --
11 THE WITNESS: A member.
12 MR. CHIN: -- we're going to get to that. And let's
13 stop talking over each other. You're doing a fine job.
14 You're anticipating my questions. I spent a lot of time
15 on this outline, and I don't want to confuse myself. So
16 let me go through it.
17 THE WITNESS: Okay.
18 BY MR. CHIN:
19 Q So you were never an officer of either the
20 Southern California or the national organization of BPSOS.
21 Is that correct?
22 A That's correct.
23 Q But you became involved in an organization called
24 ACF; correct?
25 A Yes.

1 Q Asian Century Foundation?
2 A Yes.
3 Q What is Asian Century Foundation?
4 A Dr. Nguyen create a program. He called it ACF,
5 Asian Century Foundation. And he invite about 50
6 Vietnamese people that he think are active, they care for
7 the country, and they have the money to donate.
8 Q So this is a fundraising arm, correct, ACF?
9 Would that be accurate?
10 A Not really fundraising, collect money from the
11 members, like we pay the membership, you know, membership
12 dues.
13 Q I call that fund raising, but you call it
14 whatever you want.
15 A Okay.
16 MR. HART: Slow it down. Did you finish?
17 THE WITNESS: Not yet. And he said that he will have
18 at least three committees. One is a policy committee, one
19 is a finance and budget committee, and one is like a human
20 resource committee to get new members. So I'm the member
21 of the internal financial and budget committee.
22 BY MR. CHIN:
23 Q And in your first amended complaint on page 2,
24 line 21, you're referring to an internal audit committee.
25 Is that what you're talking about?

1 A Yes, and the financial --
2 MR. CHIN: No question pending.
3 MR. HART: Well, wait a minute. Had you finished your
4 other answer? This is one of the problems we have. It's
5 so fast between the two of you, he may be cutting off your
6 answers, and I don't want that to happen.
7 THE WITNESS: Please let me finish. I'm the member
8 of, they call it internal audit. Sometimes they call it
9 finance and budget committee, but that involves money.
10 That's all.
11 BY MR. CHIN:
12 Q Again, that's fine. That probably would have
13 been my follow-up question. But my simple question, which
14 called for a yes or no, is that what you mean when you
15 said internal audit committee in the first amended
16 complaint?
17 A Yes.
18 Q Thank you. Do you know if ACF is a corporation,
19 an LLC, an entity, if you know?
20 A At that time he said --
21 Q Yes or no, do you know?
22 A ACF is not a --
23 MR. HART: Hold on. He's asking you first if you have
24 the information, yes or no, I know or I don't know.
25 THE WITNESS: Can you rephrase the question?

1 BY MR. CHIN:
 2 Q Sure. Before I ask the question again, I know
 3 you want to tell your story. That's fine. But listen to
 4 the question, respond to the question, and, again, make me
 5 do my job. Make me ask the follow-up questions. You're
 6 anticipating them. Nine times out of ten you're probably
 7 right, but listen to the question. All right?
 8 A Okay.
 9 Q This internal audit committee that you referred
 10 to in your first amended complaint, this is the finance
 11 committee that you're referring to in your testimony;
 12 correct?
 13 A Yes.
 14 Q Who else was on that committee?
 15 A Mr. Dan Tran in Dallas, D-a-n T-r-a-n, in Dallas.
 16 Q I believe his wife is Hien?
 17 A Yeah, his wife is Hien.
 18 MR. HART: Slow it down.
 19 BY MR. CHIN:
 20 Q His wife is Hien Tran, H-i-e-n; correct?
 21 A Yes.
 22 Q In paragraph 10 of your complaint on page 3, the
 23 first line in paragraph 10, "In or around April 2004, a
 24 private individual" -- that private individual is Dan
 25 Tran; correct?

1 A Yes, I have experience with accounting.
 2 Q Okay. What experience?
 3 A I'm the programmer to do payroll, to do account
 4 receivable, account payable.
 5 Q What does that have to do with tax, or does it
 6 have anything to do with tax, your accounting background?
 7 A Payroll do a lot of tax. We have to pay tax on
 8 your paycheck, right, so I know how much you have to pay
 9 for federal and state, so I have a knowledge of tax.
 10 Q Okay.
 11 A And then the tax deductible thing, yeah.
 12 Q Again, you're not a CPA; correct?
 13 A I'm not.
 14 Q Not a tax attorney?
 15 A No.
 16 Q You don't have a degree in tax?
 17 A No.
 18 Q You don't have a degree in accounting?
 19 A No.
 20 Q So the only experience that you have, at least in
 21 the area of accounting, is when you handled payroll;
 22 correct?
 23 A I do payroll, yeah.
 24 Q Other than that, anything else?
 25 A I do account receivable and account payable.

1 A Yes.
 2 Q And further on in that paragraph, you refer to
 3 that individual's wife. That's Hien Tran; correct?
 4 A Yes.
 5 Q At least at this point I don't need to know who
 6 else is on the committee.
 7 Getting back to page 2 of the first amended
 8 complaint, going down to paragraph 9, it says, "In 2013,
 9 after reviewing the BPSOS 2013 tax returns, Holly Ngo
 10 observed inconsistencies that raised questions about the
 11 accuracy of the accounting."
 12 Do you see that?
 13 A Yes.
 14 Q Are you a CPA?
 15 A No.
 16 Q Are you an accountant?
 17 A No.
 18 Q Are you a tax attorney?
 19 A No.
 20 Q Do you have any education, training, and
 21 experience in any of those areas?
 22 A I do my own tax.
 23 Q Good for you. Other than that do you profess
 24 yourself to be or to have any education, training, or
 25 experience in the area of accounting or tax, yes or no?

1 Q Anything else?
 2 A That's it.
 3 Q You say you observed inconsistencies. What
 4 inconsistencies are you talking about?
 5 A Okay. Because the report that I got from him and
 6 his employee show two columns, the amount that we donate
 7 and the amount we have by fundraising. So I add them up.
 8 It's not the same with the amount I see in the line in his
 9 tax return.
 10 Q Okay. He or BPSOS?
 11 A BPSOS.
 12 MR. HART: Please let her finish the answer.
 13 MR. CHIN: I'm just trying to get a clarification.
 14 MR. HART: I understand that, but you're interrupting
 15 her answer, and you may cut off something that might
 16 benefit you as much as me.
 17 MR. CHIN: I have no doubt she'll finish her question.
 18 She said he. I just want to make sure what we're talking
 19 about.
 20 THE WITNESS: This is --
 21 MR. CHIN: I don't need to see the document, ma'am.
 22 THE WITNESS: So on the line 11, it says all the
 23 revenue. I see \$125,582.
 24 MR. CHIN: I don't need to go into the details.
 25 THE WITNESS: I know it's not the same.

1 BY MR. CHIN:
 2 Q My question was, what were the inconsistencies?
 3 If I understand your testimony, you saw different numbers.
 4 A Different, yeah, different. The discrepancy is
 5 about \$100,000.
 6 Q Okay. And when you saw that, you didn't have any
 7 suspicions. Is that what you're saying?
 8 A No, I'm asking for clarification.
 9 Q Do you believe that was your responsibility as a
 10 member of the internal audit committee for ACF that you
 11 had the right or responsibility to inquire about BPSOS tax
 12 returns?
 13 A Yes, because he sent the report to me.
 14 Q Yes or no?
 15 A Yes.
 16 Q Let's go to paragraph 10 on page 3. It says, "In
 17 or around April 2014, a private individual" -- which we've
 18 established is Dan Tran; correct?
 19 A Yes.
 20 Q -- "who had donated \$10,000 to BPSOS accused
 21 Holly Ngo of telling his wife about the donation, which
 22 caused his wife to file for divorce." Do you see that?
 23 A Yes, I see that.
 24 Q Did he accuse you?
 25 A Dan Tran accused me, yes.

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1 Q Do you believe that was accurate, or do you
 2 believe that was a fair accusation?
 3 A It's not accurate.
 4 Q Why was it not accurate?
 5 A Because his wife complained about her husband's
 6 infidelity at least six months to one year before she
 7 actually filed for divorce.
 8 Q What does that have to do with a \$10,000
 9 donation, infidelity?
 10 A Well, she --
 11 Q Again, what does that have to do with it?
 12 MR. HART: She's trying to explain. She got half a
 13 word out, and you cut her off. Let's hear the answer.
 14 MR. CHIN: I'm clarifying the question, Counsel. Can
 15 I do that?
 16 MR. HART: You certainly can, but I'd like you to stop
 17 interrupting.
 18 MR. CHIN: I'm going to ask the reporter to read it
 19 back.
 20 MR. HART: Hold on. We're going to hear it again.
 21 (The following question was read:
 22 "Q What does that have to do
 23 with a \$10,000 donation, infidelity?")
 24 THE WITNESS: Okay. He kept his wife in the dark.
 25 ///

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1 BY MR. CHIN:
 2 Q How do you know that?
 3 A He write an e-mail to everybody in the ACF group.
 4 He say I have only one mistake, that I keep my wife in the
 5 dark about the donation \$10,000. He admit that.
 6 Q Okay. Anything else?
 7 A Okay. And his wife is always wonder how much he
 8 donate.
 9 Q Okay.
 10 A She keep asking me. She keep asking me how much
 11 he donate.
 12 MR. HART: The wife is asking you?
 13 THE WITNESS: The wife asking me. And I tell her to
 14 contact him directly or contact the treasurer of BPSOS.
 15 BY MR. CHIN:
 16 Q Who's the treasurer?
 17 A Ms. Le, Le Kim Cuc, she's the treasurer. I'm not
 18 in a position to tell how much he donate.
 19 Q Did Hien Tran contact you, or did you contact
 20 Hien Tran first regarding what's reflected in paragraph
 21 10?
 22 A She contact me almost every night.
 23 Q My question is, who contacted who first?
 24 A She contact me.
 25 Q When?

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1 A Around 2014 every night around 9:00 p.m.
 2 California time, she called me and talk and talk about one
 3 hour, two hours, to complain about her husband.
 4 Q Did they ever get a divorce?
 5 A I don't think so. They're still together.
 6 Q And do you have any opinion -- or strike that.
 7 Do you know why?
 8 MR. HART: Why they didn't get divorced?
 9 MR. CHIN: Yeah.
 10 THE WITNESS: Okay. She go to the attorney, put a
 11 retainer fee, \$10,000, to start the divorce. But then the
 12 husband tried to convince her to stop it.
 13 MR. CHIN: Move to strike, at least the first part, as
 14 nonresponsive.
 15 Q How do you know that?
 16 A He tell me. Dan Tran tell me. He put it in the
 17 e-mail. I still have his e-mail. Dan Tran tell me that
 18 he convinced his wife to stop the divorce, and he will pay
 19 the attorney \$10,000.
 20 MR. CHIN: Okay. Let's move on. We may come back to
 21 this, but let's move on. Going to paragraph 12, I'm going
 22 to show you what we're going to mark as defendant's next
 23 order.
 24 MR. HART: 3?
 25 MR. CHIN: Yes.

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1 (Exhibit 3 was marked for
 2 identification and is attached hereto.)
 3 BY MR. CHIN:
 4 Q Let me ask the foundational questions first.
 5 Paragraph 12, you say, "On or about October 14, 2006,
 6 Nguyen Dinh Thang published on www.machsongmedia.com, a
 7 BPSOS official website, written statements pertaining to
 8 Holly Ngo." Do you see that?
 9 A Yes.
 10 Q That's the basis for your defamation lawsuit;
 11 correct?
 12 A Yes.
 13 Q This document in front of you, Exhibit 3, this is
 14 the written statement upon which you base that contention;
 15 correct?
 16 A Yes.
 17 Q I'm going to ask you to turn to page -- or let's
 18 do it this way. The third page from the back -- right
 19 there, Hoyt -- do you see that I've blocked in red --
 20 A Yes.
 21 Q -- certain language in Vietnamese. Do you see
 22 that?
 23 A Yes.
 24 Q I don't speak Vietnamese, all right, but this is
 25 the sole statement upon which you base your defamation

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1 claim; correct?
 2 A Yes.
 3 Q Anything else?
 4 A That's it.
 5 MR. CHIN: Before you answer I need to speak to my
 6 client real quick, less than a minute.
 7 THE WITNESS: Okay.
 8 MR. HART: Why don't we take -- if we're going to go
 9 off the record, let's just take a little break.
 10 MR. CHIN: Okay.
 11 (Recess held.)
 12 MR. CHIN: Back on the record.
 13 Q Before we took our short break, you confirmed for
 14 me that on Exhibit 3, the language that's boxed in red,
 15 that is the sole statement upon which you base your
 16 defamation claim; correct?
 17 A Yes.
 18 Q I'm going to read -- again, I don't speak
 19 Vietnamese, but I'm going to read to you what I understand
 20 is an English translation, and you can tell me if it's
 21 accurate or not. So with respect to the language in the
 22 red box, my understanding is it says the following:
 23 After joining this group for a period of time,
 24 comma, Ms. Hue, H-u-e, Ngo started to contact
 25 privately in order to harass, paren, stalking, closed

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1 paren, a number of male members of this group and
 2 caused nuisance to their families, period. A number
 3 of other group members, comma, when they became aware
 4 of this, comma, no longer accepted her continued
 5 participation in the group, period. We had stayed
 6 silent on this fact until this day, period.
 7 Is that an accurate translation of what's set
 8 forth in the red box, yes or no?
 9 A Yes.
 10 Q All right. What does the word -- I'm going to
 11 spell it.
 12 A "Quay"?
 13 Q Q-u-a-y n-h-i-e-u. And you see those two words
 14 before the word, paren, "stalking," closed paren. Do you
 15 see that?
 16 A Uh-huh.
 17 Q Yes?
 18 A Yes.
 19 Q What does that mean?
 20 MR. HART: You're asking her to translate that from
 21 Vietnamese to English?
 22 MR. CHIN: What your understanding of that word -- I
 23 assume it's a word, q-u-a-y n-h-i-e-u. It has certain --
 24 THE WITNESS: Harass.
 25 ///

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1 BY MR. CHIN:
 2 Q Is that what it's called?
 3 A Harass, "quay nhieu."
 4 Q What does that word mean?
 5 A Harass.
 6 Q It means harass?
 7 A Yes.
 8 Q So the word "harass" is put before the word
 9 "stalking" in parentheses. Is that correct?
 10 A Yes.
 11 Q Going back to your first amended complaint in
 12 paragraph 12, does it use the word "harass" in any part of
 13 paragraph 12, yes or no?
 14 A No.
 15 Q Thank you.
 16 A But I see "stalk, stalk."
 17 MR. CHIN: Move to strike as nonresponsive.
 18 Q My specific question, is the word "harass"
 19 mentioned in paragraph 12 -- even broader, is the word
 20 "harass" mentioned in any part of your first amended
 21 complaint? And if you need time to look it over, take all
 22 the time you need.
 23 MR. HART: Object; the complaint speaks for itself.
 24 MR. CHIN: I'm asking her to review it if she needs to
 25 and tell me if the word "harass" is included in the first

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1 amended complaint, yes or no.
 2 THE WITNESS: Because he put "stalk" in here.
 3 BY MR. CHIN:
 4 Q But my question was --
 5 MR. HART: Don't raise your voice. You don't need to
 6 do that.
 7 BY MR. CHIN:
 8 Q I'm sorry. My question was -- and I don't think
 9 I raised my voice. I have a specific question. Is the
 10 word "harass" included in any part of your first amended
 11 complaint, yes or no?
 12 A No, I don't see it.
 13 Q Thank you. This group that's referred to in the
 14 red box, that's ACF; correct?
 15 A Yes.
 16 Q Did you ever harass any male members of ACF?
 17 A Never.
 18 MR. HART: Define "harass." Define "harass."
 19 BY MR. CHIN:
 20 Q What is your understanding of the word "harass"?
 21 A Harass means bother, calling the person many
 22 times even though the person doesn't like it, and --
 23 Q How else would you define it, if you can, the
 24 word "harass"?
 25 A Harass means call or e-mail or talk about things

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1 that they don't want to hear maybe.
 2 Q Would that include continuing to contact them
 3 after they tell you to stop?
 4 A Right.
 5 Q Anything else?
 6 A Harass means make their life miserable.
 7 Q With that definition that you've provided to me,
 8 is it your testimony that you did not harass any male
 9 members of ACF at any time?
 10 A No, no.
 11 Q And you've already confirmed my translation of it
 12 is accurate. My understanding, it also uses the words
 13 "caused a nuisance to their families." What is your
 14 definition of the word "nuisance," if you have one?
 15 A Nuisance means the family member at you all the
 16 time in a dispute.
 17 Q It says "caused a nuisance to their families."
 18 Do you see that?
 19 A Uh-huh.
 20 Q Yes? You said uh-huh. You mean yes?
 21 MR. HART: Yes, you saw that?
 22 THE WITNESS: I saw the nuisance, and I understand
 23 what that means.
 24 BY MR. CHIN:
 25 Q Okay. Do you believe that you caused nuisance to

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1 any of their families, their being the male member of ACF?
 2 A No, I don't believe so.
 3 Q Would sending continuous e-mails -- when I say
 4 "continuous," more than one, all right -- to a person
 5 after they've expressed to you to stop contacting them,
 6 would that be a nuisance?
 7 MR. HART: Are you proposing that two e-mails would
 8 amount to a nuisance?
 9 MR. CHIN: Good point.
 10 Q Let's say more than five e-mails to a person.
 11 Would that constitute a nuisance in your definition, yes
 12 or no?
 13 A If the e-mail relate to work, to the activity
 14 that we have together, that's not a nuisance.
 15 Q Okay. But anything other than that, would you
 16 consider that a nuisance?
 17 A If the e-mail relate to personal reason, then,
 18 yes, that's a nuisance.
 19 Q What would be a personal reason?
 20 A I don't know, not work-related.
 21 Q Telling somebody not to get married, would that
 22 be a nuisance?
 23 A If he asked for my opinion and I answer my
 24 opinion, then it's not a nuisance.
 25 Q If it's a spontaneous -- what I mean by that is

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1 if you voluntarily without being asked said, don't get
 2 married to a certain person -- would that be a nuisance?
 3 MR. HART: Object; vague and ambiguous. The word has
 4 its own definition.
 5 MR. CHIN: I'm asking for hers.
 6 MR. HART: You can tell him whether you think that's a
 7 nuisance or not.
 8 THE WITNESS: If he introduced a new person to me,
 9 okay, and asked for my opinion about that new person, then
 10 I answer it in a friendly way, it's not a nuisance.
 11 MR. CHIN: Ms. Reporter, can you read back the
 12 question that was pending.
 13 Please listen to the question.
 14 (The following question was read:
 15 "Q If it's a spontaneous -- what
 16 I mean by that is if you voluntarily
 17 without being asked said, don't get
 18 married to a certain person -- would
 19 that be a nuisance?")
 20 MR. CHIN: Yes or no.
 21 MR. HART: Unsolicited advice.
 22 THE WITNESS: Unsolicited advice?
 23 MR. HART: Yeah, he's proposing as unsolicited advice.
 24 MR. CHIN: Counsel, the question will speak for
 25 itself.

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1 Q Do you understand the question that the reporter
2 just read back to you? Do you understand it?
3 A I understand.
4 Q And the answer is yes or no?
5 A At that time I don't think it's a nuisance, 2012
6 July.
7 Q Do you think it's a nuisance now?
8 A It's not a nuisance, because we are very close,
9 like brother and sister, okay. And he bring his fiancée
10 to Orange County to introduce to all member of BPSOS South
11 California chapter. So everybody is free to give him
12 opinion at that time. You can see the picture. Everybody
13 there.
14 Q Okay.
15 A People say, oh, your wife is beautiful, you know,
16 I like her, things like that. It's not a nuisance,
17 because he bring her here to the Southern California to
18 introduce her to everybody, not only me. We have a party.
19 I see the picture right here. You can see.
20 Q Are you done?
21 A Everybody give him the compliment or the opinion.
22 It's not a nuisance.
23 MR. CHIN: Okay. You've answered a lot of questions
24 but not the one I asked.
25 Ms. Reporter, can you read it back again.

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1 (The following question was read:
2 "Q If it's a spontaneous -- what
3 I mean by that is if you voluntarily
4 without being asked said, don't get
5 married to a certain person -- would
6 that be a nuisance?")
7 MR. CHIN: Without being asked.
8 MR. HART: Hypothetically.
9 BY MR. CHIN:
10 Q Is that a nuisance yes or no?
11 A Yes, it's a nuisance, without being asked.
12 Q Thank you.
13 A But if he asked me, I have to answer.
14 MR. CHIN: Move to strike as nonresponsive.
15 I think you answered the question. We'll go on
16 to the next question.
17 Q Let's stay with the first amended complaint.
18 Going back to paragraph 12 of the first amended complaint,
19 lines 21 through 23, "Nguyen also states that because of
20 her alleged behavior, members of the organization have
21 voiced their objections to her involvement with the
22 organization." Do you see that?
23 A Yes.
24 Q Is that a true statement?
25 A It's not true.

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1 Q Why is it not true?
2 MR. HART: Wait a minute. Let's be sure what's being
3 asked here. Is this a true statement that this was said
4 about you? That's one question. Whether what was said
5 about you is true or not is a different question.
6 THE WITNESS: Okay.
7 MR. VOSS: Counsel --
8 MR. CHIN: You're coaching.
9 MR. VOSS: -- the questions stand for themselves. You
10 can't give an interpretation of the question. Then the
11 record ends up muddled because you don't know if she's
12 answering what you're saying it means or what counsel says
13 it means. When you do redirect, you can do redirect. In
14 the meantime, you're muddling the record with your
15 interpretation of what the question should mean. She can
16 answer it. You can object to vague. The court can rule
17 later. But stop the coaching.
18 MR. CHIN: It's called rehabilitation. You can
19 rehabilitate the witness when it's your turn, but let me
20 take my deposition.
21 MR. HART: Let you hook all of the half answered
22 questions --
23 MR. CHIN: I just read the statement that she
24 attributes to Dr. Nguyen in her pleading. That's all I'm
25 doing. And I'll do it again.

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1 MR. HART: What question is it you're asking, is the
2 content true --
3 MR. VOSS: The one he asked.
4 MR. HART: -- or is the statement that it was made --
5 MR. CHIN: Ms. Reporter, can you read the question
6 back, please.
7 (The following question was read:
8 "Q Let's stay with the first
9 amended complaint. Going back to
10 paragraph 12 of the first amended
11 complaint, lines 21 through 23, 'Nguyen
12 also states that because of her alleged
13 behavior, members of the organization
14 have voiced their objections to her
15 involvement with the organization.' Do
16 you see that?
17 "A Yes.
18 "Q Is that a true statement?")
19 BY MR. CHIN:
20 Q I'll break it down to satisfy your counsel. Do
21 you have an understanding if that statement was made by
22 Dr. Nguyen?
23 A Yes.
24 Q Second question, do you have any knowledge or
25 information that members of the organization, in this case

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1 ACF, voiced their objections to your involvement with ACF?
 2 Is that a true statement, yes or no?
 3 A They voiced --
 4 Q Yes or no?
 5 A Objection, no, never have an objection.
 6 Q Okay. Again, these words are words that you
 7 assisted in preparing in your first amended complaint.
 8 You used the word "objection," not me. And the question
 9 again is, do you have any knowledge or information that
 10 members of the organization voiced their objection to your
 11 involvement with ACF?
 12 A No.
 13 Q That's not a true statement?
 14 A What?
 15 MR. CHIN: That statement.
 16 MR. HART: Be careful. Listen carefully to the
 17 question.
 18 BY MR. CHIN:
 19 Q I'll say it again. Do you have any knowledge or
 20 information that any members of ACF voiced their
 21 objections to your involvement with ACF, yes or no?
 22 A To the best of my knowledge, no member of the
 23 objection voiced their objection to my involvement with
 24 the organization.
 25 Q Good enough. Let's get to -- no, I better stay

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1 with this. I'm sorry. I misspoke.
 2 Going to page 4 of the first amended complaint,
 3 I'm going to read paragraph 15: The statements made by
 4 Nguyen Dinh Thang are untrue and were made in malicious
 5 retribution to Holly Ngo's inquiries about the BPSOS
 6 accounting issues.
 7 Do you see that?
 8 A Yes.
 9 MR. HART: You didn't read it correctly, but it's a
 10 small issue.
 11 BY MR. CHIN:
 12 Q I'll do it again to satisfy counsel. "The
 13 statements made by Nguyen Dinh Thang are untrue and were
 14 made in a malicious retribution for Holly Ngo's inquiries
 15 about the BPSOS accounting issues."
 16 Do you see that?
 17 A Yes.
 18 Q Is that an accurate recitation of what it says in
 19 paragraph 15?
 20 A Yes.
 21 Q And that's language that you assisted in
 22 providing to prepare the first amended complaint; correct?
 23 A Yes.
 24 Q Okay. Let's go backwards. On what basis do you
 25 believe that the statements were made in malicious

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1 retribution?
 2 A Because the statement's untrue.
 3 Q That's kind of circular. Why do you believe it
 4 was malicious?
 5 MR. HART: Let her finish her question -- or her
 6 answer, okay. She's just begun the answer.
 7 THE WITNESS: When I inquired about the accounting
 8 issue many, many times, he didn't answer. So until
 9 October 4, 2016, when I get the tax return of BPSOS and I
 10 asked the specific question about the number, the
 11 difference, then he published this newsletter, tried to
 12 explain, okay, the amount is included in the column total
 13 contribution and grant. If he stopped right there, then I
 14 can understand, okay. He tried to explain the number.
 15 But then he include this defamation sentence. I don't
 16 think it fits anywhere in this financial statement,
 17 financial report. It doesn't fit.
 18 And the statement he said that I harassed or
 19 stocked male members are untrue, because when I quit ACF,
 20 I have at least six or seven comments from six or seven
 21 members, male and female. They expressed their affection
 22 to me. They asked me to stay, you know, don't quit, and
 23 we can resolve, things like that. And I still have all
 24 the comments, and they love me.
 25 MR. CHIN: Okay.

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1 THE WITNESS: And they appreciate. And even his
 2 brother, Mr. Nguyen Dinh Thang, put a comment that, Holly,
 3 we love you and respect you no matter what. His own
 4 brother say that.
 5 BY MR. CHIN:
 6 Q Anything else?
 7 A So when he say that I stalk and harass male
 8 members, it's untrue. And I don't know. When he said a
 9 few, a few means more than one. So I wonder, who's that?
 10 Q Anything else?
 11 A That's it.
 12 Q On that basis, what you've testified to, you
 13 believe that that reflects malicious retribution on the
 14 part of Dr. Nguyen; correct?
 15 A Right, it's malicious.
 16 Q Okay. Did he ever tell you that he hated you?
 17 A Huh?
 18 Q Did he ever tell you that he hated you?
 19 A (Witness nods.)
 20 Q Did he ever tell you that he disliked you?
 21 A (Witness nods.)
 22 Q Have you ever heard anybody --
 23 MR. VOSS: I'm not sure the reporter's getting the
 24 head nod. Both of those were no's, I believe.
 25 THE WITNESS: No, no.

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1 MR. CHIN: I'm sorry.
 2 Q Has Dr. Nguyen ever expressed to you any kind of
 3 derogatory remark? Let me try to define that, if I can;
 4 that you're a bad person, that you're not a good mother,
 5 that you cheat on your tax return, anything of that
 6 nature. Did he ever say those kind of things to you?
 7 MR. HART: From him directly to her in person or over
 8 the phone or e-mail?
 9 MR. CHIN: Any kind of communication.
 10 THE WITNESS: He didn't say that to me.
 11 MR. CHIN: Thank you. Okay.
 12 THE WITNESS: But in an e-mail he say that he can have
 13 me as a friend but not a person to work with.
 14 BY MR. CHIN:
 15 Q And what's the significance of that in terms of
 16 supporting your contention that there was malicious
 17 retribution on the part of Dr. Nguyen?
 18 First of all, do you understand that question?
 19 A He ever say he hate me or something?
 20 MR. CHIN: Again, like I said, if you don't understand
 21 my question -- I try to use as simple terms as I can, but
 22 I can't help myself. I've been a lawyer since 1989.
 23 Ms. Reporter, can you read back the question,
 24 please.
 25 (The following question was read:

1 "Q And what's the significance
 2 of that in terms of supporting your
 3 contention that there was malicious
 4 retribution on the part of
 5 Dr. Nguyen?")
 6 MR. HART: Referring to that e-mail where he said you
 7 could be his friend but not work there, what's that got to
 8 do with malicious retribution?
 9 MR. CHIN: If anything.
 10 THE WITNESS: Well, he considered me as a donor, as a
 11 friend, but he never considered me as a person who work in
 12 his program or anything.
 13 BY MR. CHIN:
 14 Q How do you know that? Did he say that to you?
 15 A He sent an e-mail.
 16 Q Those words, what you just testified to?
 17 A He said something similar to that one. I still
 18 have his e-mail, yeah.
 19 Q Let's go on. We're going to get into some
 20 exhibits. First of all, let me ask you, you've used
 21 multiple e-mail accounts; correct?
 22 A I have two e-mail, holly_ngo@yahoo, and another
 23 one -- if you want to write that, holly_ngo@yahoo.com.
 24 Q Okay?
 25 A And other one, ntbh -- "N," like Nancy.

1 Q I got it. Let me do it. It might be easier.
 2 Ntbh99@gmail.com?
 3 A Yes.
 4 Q Have you used any other personal e-mails in the
 5 last five years?
 6 A That's my personal e-mail.
 7 Q Any others other than holly_ngo@yahoo.com and
 8 ntbh99@gmail.com?
 9 A That's it.
 10 Q No others, correct?
 11 A For the last five years?
 12 Q Yes.
 13 A I have a saigongialong1@gmail.com.
 14 Q Did you ever use that in communicating with
 15 Dr. Nguyen --
 16 A No.
 17 Q -- BPSOS, ACF, anything of that nature?
 18 A No.
 19 Q I'm going to show you Defendant's next in order.
 20 MR. HART: 4?
 21 THE REPORTER: Yes.
 22 (Exhibit 4 was marked for
 23 identification and is attached hereto.)
 24 BY MR. CHIN:
 25 Q Do you recognize that document, ma'am?

1 A Yes.
 2 Q What is it?
 3 A 2012, August 1, after he introduced his --
 4 Q My question was, do you recognize it?
 5 A Yeah, I recognize it.
 6 Q It's an e-mail from you.
 7 A Uh-huh.
 8 Q Yes?
 9 A Yes.
 10 Q To Dr. Nguyen, correct?
 11 A Right.
 12 Q There's a subject in Vietnamese. What does that
 13 say?
 14 A Follow up -- oh, subject means chitchat with my
 15 brother a little bit.
 16 Q This is an e-mail you sent to Dr. Nguyen on or
 17 about August 1, 2012; correct?
 18 A Yes.
 19 Q All right. I want you to read into the record
 20 the text of that e-mail in English.
 21 A The whole thing?
 22 Q Yes, authored by you.
 23 A I think we have a translation already for this
 24 one.
 25 MR. HART: I'm going to object to that question --

1 THE WITNESS: It's too long.
 2 MR. HART: -- because that's not really a proper
 3 question. You can ask her to summarize it, what was it
 4 about, but she's not here to be your translator.
 5 MR. CHIN: I'm not asking her to translate it. She
 6 authored it. I want her to read into the record in a
 7 language we can all understand what the contents of that
 8 e-mail are.
 9 MR. HART: I don't think she's going to read it into
 10 the record, but --
 11 THE WITNESS: I have a translation of this.
 12 MR. HART: -- if she has a translation already
 13 prepared.
 14 MR. VOSS: You're coaching the witness again. I
 15 haven't heard an objection other than you don't think it's
 16 proper. If you have an objection, state it. Otherwise
 17 stop coaching the witness. How many times do we have to
 18 say that?
 19 MR. HART: I'm not coaching the witness.
 20 MR. VOSS: You just told her, and then she parroted
 21 back exactly what you said.
 22 THE WITNESS: Can I summarize --
 23 MR. CHIN: No, you can't. I want you to read your
 24 e-mail that you authored in English.
 25 MR. HART: Okay. And I want you to stop for a minute

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1 and show me the English translation you already have.
 2 MR. VOSS: Counsel, there's a question pending. You
 3 cannot coach the witness with a question pending. He's
 4 asked her to read it in English, not from a prepared
 5 translation. That's a proper question. If you have an
 6 objection state it, but he's entitled to do it.
 7 MR. HART: I --
 8 MR. VOSS: What's the objection --
 9 MR. CHIN: I don't want her to read it?
 10 MR. VOSS: -- I have something else, I'd rather have
 11 her read a different document?
 12 MR. HART: No.
 13 MR. VOSS: That's what you get in rehabilitation.
 14 MR. HART: Why don't you stop interfering with my
 15 management of my client.
 16 MR. VOSS: Because you're managing your client with a
 17 question pending, and that's improper. That's why.
 18 There's the answer to your question. What is your
 19 objection? State it for the record. Can I be more clear?
 20 MR. HART: She's not here to be your translator.
 21 MR. CHIN: I'm not asking her to be a translator.
 22 MR. HART: That's my objection.
 23 MR. VOSS: Okay. Are you instructing her not to
 24 answer?
 25 MR. HART: I'm not doing anything yet, so why don't

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1 you dial back and relax for a second.
 2 MR. VOSS: You're the one who's been yelling
 3 throughout the whole thing. And honestly, Mr. Chin has
 4 been so professional throughout. The characterization of
 5 anything else according to him is shocking. There's a
 6 question pending. She's entitled to answer it. Are you
 7 going to instruct her not to answer or not?
 8 MR. HART: We're not doing anything for the moment,
 9 okay.
 10 MR. VOSS: There's a question pending.
 11 MR. HART: That's too bad. I'm here to protect her
 12 interest.
 13 MR. VOSS: That's too bad?
 14 MR. CHIN: Let me ask you this. Can you cite an
 15 evidence code section for this?
 16 MR. HART: Why don't you guys take a pill for a
 17 second.
 18 MR. VOSS: There's a question pending.
 19 MR. HART: That's fine. I'm going to get to what you
 20 want in about a second. Otherwise we can just take a
 21 break.
 22 MR. VOSS: If you want to ask her about some
 23 translation later, feel free.
 24 MR. HART: I don't want to argue with you anymore.
 25 Stop arguing with me.

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1 MR. VOSS: Counsel, there's a question pending. You
 2 cannot coach your witness in the middle of the question
 3 pending. That's exactly what you're trying to do.
 4 MR. HART: No, it isn't.
 5 MR. VOSS: What are you doing? For the record I'll
 6 describe the scene of what's happening, is counsel is now
 7 reaching over to try and show her papers to look at so
 8 that she can answer the question in the way he wants her
 9 to answer the question.
 10 THE WITNESS: No. I can translate, but not word by
 11 word.
 12 MR. VOSS: Did you write it?
 13 THE WITNESS: Yeah, I write it. I can translate to
 14 the best of my --
 15 MR. VOSS: Go for it.
 16 THE WITNESS: But I do have the translation, but I
 17 don't have it here with me.
 18 BY MR. CHIN:
 19 Q If your attorney wants to, he can do what's
 20 called rehabilitate you, but that's at his turn. Now it's
 21 my turn. The question again is I want -- this is an
 22 e-mail that you authored; correct?
 23 A Uh-huh.
 24 Q Yes?
 25 A Say that again.

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1 Q This is an e-mail that you wrote?
 2 A Yeah, I wrote.
 3 Q To Dr. Nguyen?
 4 A Right.
 5 Q In your own words?
 6 A Yes.
 7 Q I want you to state for the record in English so
 8 we can all understand what you wrote in that e-mail from
 9 the top, from the beginning.
 10 A Okay. The subject is chitchat with my brother a
 11 little bit.
 12 Tonight I would like to chitchat with my brother
 13 a little bit. Can you lend me your ear? I am very
 14 straightforward. Whatever I think, I talk. I never
 15 leave it inside with me. Brother Thang, and you read
 16 a lot of leadership book, but I don't know if you read
 17 any psychology book. Last Sunday when we meet my
 18 friend Nhu Bang say, Oh, now I know his fiancée is
 19 beautiful. Another friend, Thuy Vy --
 20 Q T-h-u-y.
 21 A -- T-h-u-y V-y, say, Which girl, old girl or new
 22 girl? And I asked, Huh, there's old and new too?
 23 What does that mean? And Thuy Vy, my friend, say, A
 24 few years ago, I heard that he has one girlfriend.
 25 Now he married this girlfriend? That's a question.

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1 And Nhu Bang is another friend, say, Huh, that means
 2 he already have one time divorced? And Hue, mean me,
 3 say, I don't know.
 4 Q Can I stop you just for a second?
 5 A Uh-huh.
 6 Q In this e-mail that you sent to Dr. Nguyen, when
 7 you refer to names of people, okay, spell it for the court
 8 reporter.
 9 A Okay.
 10 Q For example, there was an N-h-u B-a-n-g.
 11 A B-a-n-g is one person.
 12 Q Right.
 13 A One girl.
 14 Q So whenever there's a reference in your e-mail to
 15 a person, spell it for her. Okay?
 16 A Okay.
 17 Q Go ahead, please. You're onto the second
 18 paragraph; right?
 19 A So the first one is N-h-u, space, B-a-n-g is one
 20 friend. The second friend is T-h-u-y and V-y is the
 21 second friend. So they chitchat, and I say I don't know.
 22 By those story, no beginning, no ending like
 23 that, I'm guessing that, Brother Thang, you may have a
 24 love story before but doesn't last long, and you're
 25 single until now. And I'm innocent. I just thought

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1 that you don't have wife or girlfriend, and I make fun
 2 of you.
 3 The next paragraph:
 4 Do you know when you introduce to everybody about
 5 Phuong, his fiancée, many people get shocked because
 6 you didn't tell everybody for a long, long time. The
 7 person who gets shocked the most must be -- the name
 8 of the person, KMD. She's a realtor in Westminster,
 9 and she's a close friend of his, okay. She get
 10 shocked the most. She's always worried for your
 11 health and wish that you get a girlfriend who share
 12 the same value like you to help many people, okay.
 13 After the petition letter -- petition I say before to
 14 ask President Obama to care for democracy in Vietnam,
 15 after that event, you get a lot of enemy in Southern
 16 California. Even though I know you at least three
 17 years, I didn't do anything to help BPSOS much until
 18 March 2012 when I'm invited to give interview with
 19 Mrs. KMD about the Vietnamese teaching program and how
 20 to get an interview to get a job. Mrs. KMD very
 21 interested because the radio audience call for me, ask
 22 a lot of questions. So Ms. KMD suggest me to e-mail
 23 to you and bring my skill, my communication skill to
 24 help you raise funds to help the refugee. After I
 25 called Mrs. Dieu Quyen, D-i-e-u, space, Q-u-y-e-n --

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1 she's the wife of the SBTN TV director. I called her;
 2 I hope that you and Thang and Truc Ho, T-r-u-c, space,
 3 H-o, the director of SBTN, can sit together, but I
 4 failed, because D-i-e-u Q-u-y-e-n, the name of the
 5 lady, want to step aside and don't get involved. The
 6 wife of the SBTN director, she want to step aside and
 7 don't want to get involved. So I decide to e-mail to
 8 Thang and directly raising funds and study with
 9 your experience in BPSOS. The more I know you, the
 10 more I realize that you are very careful in all your
 11 relationship, in calling each other. And I try to
 12 keep a distance while I work with you, even though I
 13 laugh and have a friendly relationship. When I talk
 14 with An Phong, A-n, space, P-h-o-n-g -- An Phong is
 15 the attorney, okay -- another person, Phuong Anh,
 16 spelled P-h-u-o-n-g, space, A-n-h, comma, Mai, M-a-i,
 17 another person, Trang Khanh, T-r-a-n-g, space,
 18 K-h-a-n -h, comma, Ms. Le, L-e, et cetera, I don't
 19 think of anything. I only know I want to help you to
 20 say thank you that you helped my uncle to get the
 21 refugee status before.
 22 The next paragraph:
 23 Brother Thang, you are very famous. You get
 24 recognition, many recognition from many organizations
 25 in the world. The medal, any medal have the right

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1 side -- sorry, the front side and the back side, the
 2 right side and the left side. Many people like to see
 3 your medal. They think you are happy, you are proud
 4 and satisfied. Many girls feel proud to hand in hand
 5 with you, go with you to get the award. Sometimes
 6 it's just the paper and no check. I like to see the
 7 left side, or the back side of the medal. I see you
 8 work hard, eat noodle, dry noodle very often. You
 9 have many sickness, and your have always to write many
 10 political article. I don't know if many people read
 11 that, and if they read, understand. And you always
 12 have to think about way to raise fund to have the
 13 refugee or have the fund for the CAMSA. CAMSA is the
 14 abbreviation for Coalition to Abolish Modern-day
 15 Slavery.

16 When you suddenly introduce Phuong -- Phuong is
 17 his fiancée, P-h-u-o-n-g -- I'm a little bit
 18 surprised. After a few talk, a few sentence talking
 19 with her, I'm even surprised because I see maybe you
 20 don't remember the lesson that you wrote in the book,
 21 Thong deip hy vong va trach nhien, the book he wrote.
 22 He sent a message in hope and responsibility. I don't
 23 know if she let you know if she read any -- if she
 24 read all the chapter in this book yet. And she like
 25 what chapter in your book? Based on the chapter you

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1 say goal and value, I don't know if Phuong has shared
 2 with you any goal and value in life. Sometimes I
 3 think she, Phuong, is the flower to decorate your
 4 garden more beautiful. But she is not the volunteer
 5 ready to go to Thailand, Malaysia, or Taiwan to work
 6 according to your call, to help life and help people.
 7 There's three things that I think you're not equal to
 8 her. Tall, you're not as tall as her. Rich, you're
 9 not as rich as her. Luxury, you're not as luxury like
 10 her. You only have a lot of reward or recognition.
 11 But people cannot live forever with those rewards,
 12 paper like that. I'm asking her if some day Brother
 13 Thang need her to go to Thailand to help him, lend him
 14 a hand to help the refugee, can she go? She answer
 15 that she has to stay in Canada to take care of her
 16 mom. To me that answer fails the love test.

17 Q Fail, F-a-i-l?

18 A Yes.

19 Q Thank you. Go ahead. Sorry.

20 A After you get married, I will have to keep a
 21 distance with you so that people cannot misunderstand
 22 me. Because she doesn't work with me, so it's
 23 difficult for us to become friend with the same goal,
 24 friend to work day and night, friend to go out and
 25 help the people, friend to share the up and down.

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1 She's not in the same profession to raise funds like
 2 us. How can she understand you? You say Phuong
 3 understands you. And her middle name Thang, same with
 4 his name, so I say Thang plus Thang is victory.

5 Q I'm sorry, is what?

6 A Victory.

7 Q Victory?

8 A Yeah, Thang means Victory.

9 Thang plus Thang is a double victory. So why
 10 don't you ask her, let's see how she and her mother
 11 support you how much to help the refugee.

12 Another paragraph:

13 Do you remember I tell you when I go to the U.S.
 14 1980, then I want to come back to France, and my own
 15 brother teach me a hard lesson, because at that time,
 16 I had a boyfriend in France, and I want to go back to
 17 France. He's from the North Vietnam, last name Tran,
 18 T-r-a-n. And his middle name is also D-i-n-h, like
 19 you. But I decide to stay in the U.S. He in France
 20 get married with a Cambodian wife. Six years later I
 21 go back to France, see him, but everything is too
 22 late. He has his family, and I get married already.
 23 But his wife is jealous, so I don't e-mail to him. I
 24 tell him loss of roots when his children only can
 25 speak French and don't speak any Vietnamese. That's

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1 my experience. Do not contact a married man when his
 2 spouse is not my friend. When he invite me to visit
 3 his children and his wife, I'm in the passive. I
 4 visit him, but his wife look at his eye, and she
 5 understand. I have to keep myself straight, keep my
 6 wording. And I don't want to cry in front of other
 7 people. Brother Thang, how many -- we can say foster
 8 sister do you have, or big sister? Maybe I'm not the
 9 only one, the only one foster sister or big sister
 10 that you have, right? I'm asking him.

11 MR. HART: You were saying "foster"?

12 A Foster sister.

13 Okay. I hope, Brother Thang, you have a right
 14 choice. And this choice will not affect your work in
 15 the future. Many Vietnamese people miserable in
 16 Thailand, Malaysia, Taiwan, and Vietnam count on your
 17 help to have a better future. I said little. I hope
 18 you understand much. I hope you don't let the girl
 19 affect your work, your helping work. If you trust my
 20 maturity, later on if you have difficult or if you
 21 don't understand the women psychology up and down, you
 22 can e-mail, ask me. I will give you some idea. I go
 23 through a lot of up and down of a life. The women
 24 psychology, want something, I know better than you.
 25 So, okay, I stop here. I hope you're happy. Keep

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1 your good health. Your nosy sister.
 2 MR. CHIN: Thank you very much. I appreciate that.
 3 MR. HART: Is that nosy or noisy?
 4 THE WITNESS: Nosy.
 5 BY MR. CHIN:
 6 Q I thank you for that. I don't think the rest of
 7 them will be as long. I shouldn't say that.
 8 Why did you send this e-mail, this three-page
 9 e-mail, why?
 10 MR. HART: This is Exhibit 4. The date is August 1,
 11 2012.
 12 THE WITNESS: Okay. I'd like to show you the picture.
 13 MR. CHIN: I asked you why you sent the e-mail.
 14 THE WITNESS: This e-mail come one day after this
 15 picture. That's why I want to show you the picture.
 16 BY MR. CHIN:
 17 Q Again, your attorney can ask you in
 18 rehabilitation. But my question is -- and I don't want to
 19 see the picture, frankly -- why did you send that
 20 three-page e-mail to Dr. Nguyen?
 21 MR. HART: Just explain whatever your answer is.
 22 MR. CHIN: If you have one.
 23 THE WITNESS: He considered me his sister. I
 24 considered him my brother. We're like brother and sister,
 25 okay. And the day July 27, he come to Southern

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1 California, he introduced his fiancée. I organized a
 2 party at BPSOS office. The party has about 100 people,
 3 and I pay food and drink, you know, and I do a lot of
 4 things to welcome her. And she's very happy, okay. So I
 5 think he want my opinion.
 6 BY MR. CHIN:
 7 Q You think he wants your opinion. Did he ever ask
 8 you?
 9 MR. HART: Hold on. Had you finished your answer?
 10 THE WITNESS: Not yet. Not yet.
 11 MR. CHIN: Go ahead, and I'll ask the follow-up.
 12 THE WITNESS: During the party, okay, everybody give
 13 him opinions about his fiancée, like my friend give
 14 opinions right here. I'm too busy at that time with the
 15 guests and try to raise funds also on that day. I didn't
 16 have time to talk with him much. So when I go home a few
 17 days later, I sit down and type.
 18 BY MR. CHIN:
 19 Q The three-page e-mail?
 20 A Yes.
 21 Q And that's the reason why you sent that e-mail?
 22 A Yes, because I consider him like my brother. And
 23 he introduced me in front of everybody, this is my sister.
 24 Q Any other reasons why you sent this e-mail other
 25 than what you've testified to?

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1 A I want him to convince his wife to work with him,
 2 like in the team, to raise funds to help the Vietnamese
 3 refugee, like the husband and wife team.
 4 Q Let me ask you this. How do you know that they
 5 weren't going to do that already?
 6 A Because I talked to her during the party in Los
 7 Angeles. I sit next to her. I talk to her about his
 8 work, and I ask her, are you prepared to be like fund
 9 raising like us to help him?
 10 Q Okay.
 11 A Are you prepared to go to Thailand to help the
 12 refugee when he asks you? She answered no.
 13 Q Any other reasons why you sent this e-mail?
 14 A When he get married, I want -- I hope that he
 15 will continue to be a leader in the BPSOS and not worry
 16 too much about family that can distract him from devoting
 17 time to the purpose, the goal to help refugee.
 18 Q How do you know that the mere fact that he was
 19 married would affect his ability to do his work?
 20 A I don't know. I just hope. I just hope.
 21 Q Okay. Any other reason why you sent this
 22 three-page e-mail?
 23 A That's it.
 24 MR. HART: Are you withdrawing the other question?
 25 MR. CHIN: What was the other question?

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1 MR. HART: Why did you think he wanted your opinion?
 2 MR. CHIN: Oh, yeah, that's right.
 3 Q Did he ever ask you for your opinion regarding
 4 his then fiancée?
 5 A He didn't ask directly, but he just say, "What do
 6 you think?"
 7 Q That's what he said, "What do you think?"
 8 A Uh-huh.
 9 Q Anything else?
 10 A That's it.
 11 Q Whether or not he asked for your opinion or not,
 12 you sent this three-page e-mail expressing your opinion.
 13 Is that correct?
 14 A Yes.
 15 MR. HART: Did you send it to anybody but him?
 16 THE WITNESS: Yes, he's the only one. And he didn't
 17 answer. He didn't say anything.
 18 BY MR. CHIN:
 19 Q Do you agree that this e-mail criticizes his
 20 fiancée?
 21 A No.
 22 Q Do you believe this e-mail expresses your
 23 disappointment that he was engaged to this woman?
 24 A No. In fact, after he received this e-mail, he
 25 continued to work with me for two more years.

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1 MR. CHIN: Objection; move to strike as nonresponsive.
 2 Let's go to the next one. It's not as long.
 3 Defendant's next in order.
 4 (Exhibit 5 was marked for
 5 identification and is attached hereto.)
 6 MR. HART: As these come through, if you have any
 7 translations for these, show those to me.
 8 THE WITNESS: Yeah, I have it at home.
 9 MR. HART: But you don't have it with you?
 10 THE WITNESS: Let me look. I.
 11 MR. CHIN: We're not going to do it now because
 12 there's a question pending.
 13 Q Do you recognize this document?
 14 A Yes.
 15 Q What is it?
 16 A This is after April 2014, Advocacy Day. This
 17 e-mail dated April 9, 2014, but before that --
 18 MR. CHIN: Objection; move to strike as nonresponsive.
 19 Q The simple question is, what is it? It's an
 20 e-mail; correct?
 21 A It's an e-mail, yes.
 22 MR. HART: Hold on a second. It's marked as Exhibit
 23 5. So you've identified it as an e-mail.
 24 THE WITNESS: Yes.
 25 ///

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1 BY MR. CHIN:
 2 Q It was authored by you; correct?
 3 A Right.
 4 Q At ntbh99@gmail.com?
 5 A It's me, yes.
 6 Q You sent it to Dr. Nguyen; correct?
 7 A Right.
 8 Q Did you send it to anybody else?
 9 A Just him.
 10 Q It appears in the sent box, it was sent on April
 11 9, 2014, 1:41 p.m.; correct?
 12 A Yes.
 13 Q You see the subject line?
 14 A Yes.
 15 Q What does it say?
 16 A "Take a break."
 17 Q What did you mean when you put in the subject
 18 line, "Take a break"?
 19 A Okay. Can I explain this e-mail? You want me to
 20 translate?
 21 Q I'm going to ask you questions. My question
 22 right now is, what did you mean by the words, "Take a
 23 break"?
 24 A Okay.
 25 MR. HART: Why did you write that?

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1 MR. CHIN: No. What did she mean by the words, "Take
 2 a break."
 3 THE WITNESS: I want to take a leave of absence for a
 4 while. I don't want to work for BPSOS anymore.
 5 BY MR. CHIN:
 6 Q All right. This is a short one, so it should go
 7 pretty fast. Read into the record the contents of your
 8 e-mail.
 9 A Yes.
 10 I see that you invite Mrs. Minh Luong, M-i-n-h,
 11 space, L-u-o-n-g, to ACF. When she agree to give
 12 \$10,000, please let me know so that I can add her
 13 e-mail address to the Google group. You need to let
 14 everybody know her dedication, her morale, her depth
 15 knowledge of Ms. Minh Luong so far so that everybody
 16 will know. I'm too busy with pitching and doing the
 17 radio program with the station VNHN. So maybe I'm
 18 asking you to give me a leave of absence for a while.
 19 Huy, H-u-y -- is the name of a person -- will replace
 20 me to do some of the program to support the refugee in
 21 Thailand.
 22 That's it.
 23 Q Okay. So in this e-mail, you express your
 24 intention to withdraw from ACF?
 25 A Right.

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1 Q Because you had other obligations; correct?
 2 A Right.
 3 Q You did not say in this e-mail that the reason
 4 you were withdrawing from ACF was your concerns regarding
 5 the accounting and tax issues we talked about before.
 6 It's not in this e-mail, is it?
 7 MR. HART: Objection; the document speaks for itself.
 8 BY MR. CHIN:
 9 Q Is it mentioned in this e-mail?
 10 A No.
 11 Q Thank you.
 12 A But there's another e-mail after this, Exhibit 6
 13 or something. I don't know. I explain.
 14 Q We'll go to next in order. What is it you have
 15 in front of you?
 16 A It's an e-mail.
 17 (Exhibit 6 was marked for
 18 identification and is attached hereto.)
 19 BY MR. CHIN:
 20 Q It's an e-mail that's sent about four hours after
 21 the previous e-mail we discussed; correct? This one's
 22 sent at 5:06 p.m.
 23 A Yes.
 24 Q The previous one was sent at 1:41 p.m.; correct?
 25 A Uh-huh.

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1 Q Yes?
 2 A Yes.
 3 Q Can you read?
 4 A And translate?
 5 Q Not translate. I want you to read into the
 6 record the contents of the e-mail that you authored,
 7 please.
 8 MR. HART: In English.
 9 MR. CHIN: In English. I don't think the reporter
 10 wants it in Vietnamese.
 11 MR. HART: How does that constitute not translate?
 12 MR. CHIN: I'm asking her -- she authored this. All
 13 right. The last time we checked, I think, you know,
 14 testimony in a court of law in California has to be in
 15 English or translated from something else. She's an
 16 author of this document.
 17 MR. HART: I'm not saying she isn't going to translate
 18 it for you. I was a little confused by your comment, I
 19 don't want you to translate it, I want you to read it in
 20 English.
 21 BY MR. CHIN:
 22 Q I want you to read in English what you wrote in
 23 Vietnamese. That's what I want you to do.
 24 MR. HART: And you can do that; right?
 25 THE WITNESS: Yes. But I don't want to translate all
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1 the exhibit. That's a lot. This time, okay.
 2 ACF, question mark, the subject, ACF, question
 3 mark. You always say An Phong -- she's an attorney,
 4 A-n P-h-o-n-g. You always say An Phong doesn't have
 5 dedication. Hue, meaning me, H-u-e, doesn't have
 6 depth of knowledge. So I'm asking your wife and your
 7 mother-in-law has how much of the dedication of An
 8 Phong, A-n P-h-o-n-g, and how much percentage of my
 9 depth of field. Almost a year and a half passed. How
 10 many fundraising, two time Advocacy Day, I don't see
 11 your wife appear. This time your mother-in-law appear
 12 only to wear a long dress, go up and down, take photo,
 13 take video, and while waiting to enter the big room
 14 while I call everybody not to bring food or drink to
 15 go through the security gate, and your mother-in-law
 16 called everybody, tell everybody not to wear jewelry
 17 to the conference. What if somebody wear it already?
 18 Then should they leave it somewhere or somebody keep
 19 for them? In summary, I think you look like the
 20 leader, the communist leader in Vietnam. They call
 21 the people to go to the military while their children
 22 go abroad to study and they always have the priority.
 23 Q Always in the priority?
 24 A Yeah, always in the priority over the people in
 25 Vietnam, the leader, the communist leader in Vietnam.
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1 You call us to go out to help people to work day
 2 and night to help the refugee, work for food, but
 3 maybe no food to eat in your office, BPSOS. You call
 4 us to go out fundraising. In the meantime, your wife
 5 and your mother-in-law are in Edmonton, never raising
 6 fund or ask money. It's not fair. I only go back to
 7 work when I see your wife do fundraising like us. I
 8 bet no. I bet Mr. Minh Luong never give you \$10,000
 9 or enter ACF. If that happens I will lose the bet.
 10 And a smile, hi, hi.
 11 That's it.
 12 Q Why did you send this e-mail?
 13 A Because we have Advocacy Day in April, and I see
 14 him. He invite mother-in-law to the meeting room like
 15 this with all the people that he think that's a candidate
 16 for the ACF member. He do it every year. So the year
 17 before, he do the same thing.
 18 So I see he invite his mother-in-law into the
 19 room that he will present the PowerPoint, try to convince
 20 them to become a member of ACF. And I know if they agree,
 21 then they have to pay \$10,000 or they have to raise fund
 22 to get \$10,000. So I asked if she ever decide to become
 23 ACF member.
 24 Q Why is that your business, whether his
 25 mother-in-law does it or not?
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1 MR. HART: Objection; that's argumentative. You can
 2 answer.
 3 THE WITNESS: Yeah, because I'm in the committee,
 4 financial and budget committee. And we know that we need
 5 more member. We need new member all the time. So when I
 6 see him invite her, okay, I ask if she ever agree. If she
 7 agree, then we have one more member.
 8 BY MR. CHIN:
 9 Q Would you agree that in this e-mail, you're
 10 criticizing the mother-in-law?
 11 A I just tell him the fact.
 12 Q Would you agree --
 13 A I just tell him what I see.
 14 Q Would you agree that your e-mail criticizes his
 15 mother-in-law?
 16 A I don't criticize. I just tell him what I see.
 17 Q Do you agree that the contents of your e-mail,
 18 whatever exhibit number it is, criticizes his
 19 mother-in-law?
 20 MR. HART: Objection; Number 6, and that's been asked
 21 and answered. You don't have to answer it again.
 22 MR. CHIN: Are you instructing her not to answer even
 23 though it's not a privilege? The last time I checked, the
 24 only basis --
 25 MR. HART: Don't lecture me, okay. The point -- I
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1 didn't tell her not to answer.
 2 MR. CHIN: I thought you did.
 3 MR. HART: I said she doesn't have to answer, because
 4 she's already answered that's not criticism. You can sit
 5 there and ask three or four more times, and at some point
 6 we will stop answering it.
 7 THE WITNESS: I just tell him what I see. That's all.
 8 BY MR. CHIN:
 9 Q Oh, going back to this exhibit, on the one, two,
 10 three, fourth paragraph down, there's a word m-a-u, space,
 11 h-a-u. Do you see that?
 12 A Where?
 13 Q This paragraph. Towards the beginning there's
 14 the words m-a-u, space, h-a-u. Do you see that?
 15 A Yes.
 16 Q What does that mean?
 17 A That means mother of the king.
 18 Q So it's not mother-in-law; it's mother of the
 19 king?
 20 A Mother of the king.
 21 Q So your testimony earlier when you said
 22 mother-in-law, it should have said mother of the king;
 23 correct?
 24 A Mother of the king.
 25 MR. HART: But I thought you didn't want her to

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1 translate.
 2 BY MR. CHIN:
 3 Q No. I'm going to ask for a translation, because
 4 what I heard before was the word "mother-in-law." The
 5 word actually means mother of the king; correct?
 6 A The word "mau," m-a-u, means mother. "Hau" mean
 7 queen. Mother queen, how about that.
 8 Q So it's not mother-in-law; it's mother queen?
 9 A Something like that.
 10 Q Based on that testimony, would you agree that
 11 this e-mail is critical of his mother-in-law?
 12 A No, because she always wear a very long dress,
 13 very beautiful, and we think her like a queen, mother
 14 queen. Yeah, she very classy. I think it's a compliment
 15 rather than a criticism.
 16 Q Let me ask you this. What did you mean when you
 17 used the word "mother queen"? What did you mean by that?
 18 A Because she always very classy, she wear a long
 19 dress, and she always appear very nice in front of people.
 20 Q Do you believe that can be interpreted as being
 21 critical of her, the word "mother queen," that she's a
 22 queen, you know, that is --
 23 A I think it's a compliment rather than a
 24 criticism.
 25 Q Okay. Let's do a couple more. Let's do

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1 defendant's next in order. Do you recognize that
 2 document?
 3 A Yes.
 4 (Exhibit 7 was marked for
 5 identification and is attached hereto.)
 6 BY MR. CHIN:
 7 Q It's an e-mail you sent to Dr. Nguyen on July 25,
 8 2014; correct?
 9 MR. HART: This document that you've marked Exhibit 7?
 10 MR. CHIN: Whatever the next in order is, yeah.
 11 MR. HART: Well, let's make a record of what you're
 12 talking about.
 13 MR. CHIN: Okay.
 14 MR. HART: Is it Exhibit 7?
 15 MR. CHIN: Yes, it's Exhibit 7. I'm not keeping
 16 track. The reporter's doing a fine job.
 17 MR. HART: It doesn't help the record.
 18 BY MR. CHIN:
 19 Q What is it?
 20 A It's a poem that I wrote.
 21 Q Why did you send him a poem?
 22 A Because I want to express my feeling. I asked,
 23 where is the kindness? The title is, "Where is the
 24 kindness?"
 25 Q So you sent him a poem, and the topic was, where

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1 is the kindness? Is that correct?
 2 A Right.
 3 Q And --
 4 A Because I feel that he didn't treat me with
 5 kindness.
 6 You want me to translate?
 7 MR. CHIN: You know, I'm going to think about it.
 8 THE WITNESS: I'm willing to.
 9 MR. CHIN: Hold on. Let's take a five-minute break.
 10 THE WITNESS: Okay.
 11 MR. HART: Are we off the record?
 12 MR. CHIN: We're off the record.
 13 (Luncheon recess held from 12:45 p.m.
 14 to 1:30 p.m.)
 15 MR. CHIN: We're back on the record after the lunch
 16 break.
 17 Ms. Ngo, we're going to go through some
 18 additional e-mails. I think you'll be happy to know I'm
 19 not going to ask -- well, I don't intend to ask you to
 20 read them into the record, but I'll reserve my right to do
 21 so.
 22 This is the next one.
 23 MR. HART: We're happy to have her do that now.
 24 THE REPORTER: Exhibit 8.
 25 (Exhibit 8 was marked for

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1 identification and is attached hereto.)
 2 BY MR. CHIN:
 3 Q You have in front of you Exhibit 8. It's an
 4 e-mail from you to Dr. Nguyen; correct?
 5 A Yes, Dr. Nguyen and a lady named Hien Ngo.
 6 Q And Hien Ngo is also known as Helen Ngo; correct?
 7 A Yes.
 8 Q And she lives in Maryland, I believe; correct?
 9 A Yes.
 10 Q And she was also part of ACF at one point?
 11 A Correct.
 12 Q All right. Again, I think at least for this one,
 13 I'm not going to ask you to read it, but this is an e-mail
 14 that you sent?
 15 MR. HART: July 4.
 16 MR. CHIN: Right, yeah, July 4.
 17 MR. HART: 2014, Exhibit 8.
 18 THE WITNESS: You want me to summarize it?
 19 MR. CHIN: You know what, I think we'll save that for
 20 trial if we have to.
 21 THE WITNESS: I want to.
 22 MR. CHIN: No, you don't get to decide.
 23 MR. HART: You want to what?
 24 THE WITNESS: I want to summarize it if I don't have
 25 to translate word by word.

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1 MR. CHIN: Your attorney can do that if he wants.
 2 MR. HART: That's fine. Do you recognize this?
 3 THE WITNESS: Yes.
 4 MR. HART: Do you need to read it to refresh your
 5 yourself at all?
 6 Or are you not going to ask any questions?
 7 MR. CHIN: I'm going to ask her to authenticate it.
 8 Q You recognize this was an e-mail you sent to
 9 Dr. Nguyen and Helen Ngo; correct?
 10 A Correct.
 11 Q Let me ask you this. Why did you send it?
 12 A Okay. Because Helen Ngo tell me that somebody
 13 named Que, Mr. Que, donate \$5,000.
 14 Q Okay.
 15 A And she just want to show off that another member
 16 donate \$5,000.
 17 Q Okay. Is there anything in this e-mail that is
 18 critical of Dr. Nguyen?
 19 A This paragraph I say that I have to go
 20 fundraising, get money to help our people, and I don't
 21 want my money, \$5,000 or \$10,000 to be burned too fast,
 22 and I don't have the right to ask the number in the book.
 23 That's what the paragraph is about.
 24 Q So it was critical of Dr. Nguyen; correct?
 25 A Yes.

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1 Q Was it also critical of Helen Ngo?
 2 A It's answer to her telling me that Mr. Que donate
 3 \$5,000, and she say, if I don't work for Dr. Nguyen, who
 4 else I can work for, a better leader.
 5 Q My question, was it critical, this e-mail,
 6 critical of Dr. Nguyen?
 7 A He want to know. I think he want to know.
 8 Q My question, is this e-mail critical of
 9 Dr. Nguyen?
 10 A Should be.
 11 Q Would you consider this e-mail to be harassing to
 12 Dr. Nguyen?
 13 A No.
 14 Q It's critical but not harassing?
 15 A Critical but not harassing, right.
 16 Q This is the --
 17 A He should know.
 18 Q No question pending, ma'am.
 19 This is the fifth unsolicited e-mail that you've
 20 sent, at least what we've gone so far. It's your
 21 testimony that this e-mail and the other e-mails that
 22 we've already discussed, that's not harassing Dr. Nguyen.
 23 That's your testimony, yes or no?
 24 A It's not harassing.
 25 Q Thank you.

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1 A Because we exchange e-mail almost every day.
 2 Q The question was, is it harassing, yes or no?
 3 A No, it's not harassing. I don't think so.
 4 MR. CHIN: Next in order.
 5 MR. HART: 9, I believe.
 6 THE REPORTER: Yes.
 7 (Exhibit 9 was marked for
 8 identification and is attached hereto.)
 9 BY MR. CHIN:
 10 Q Exhibit 9 is an e-mail dated July 6, 2014, from
 11 you to Dr. Nguyen; correct?
 12 A Yes.
 13 Q Okay. And the subject line, it says, "no no";
 14 correct?
 15 A Right.
 16 Q Again, I'm not going to ask you about the
 17 contents of this e-mail, but it looks like it's a
 18 forwarded e-mail; correct? You originally sent an e-mail
 19 below to Helen Ngo. Do you see that?
 20 A Right.
 21 Q Okay. And after you sent that e-mail, you
 22 forwarded that e-mail to Dr. Nguyen; correct?
 23 A I think so, yes.
 24 Q All right. Is this e-mail critical of
 25 Dr. Nguyen?

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1 A I think, yes, because --
 2 Q Thank you.
 3 A Because Helen Ngo want me to raise fund for
 4 \$30,000 for education fund for the refugee, the children
 5 of the refugee, and another \$30,000 to manage the project.
 6 MR. CHIN: Move to strike as to all the testimony
 7 after the word critical of Dr. Nguyen.
 8 (Exhibit 10 was marked for
 9 identification and is attached hereto.)
 10 BY MR. CHIN:
 11 Q Exhibit 10, do you recognize this document?
 12 A Yes.
 13 Q It's an e-mail you sent to Dr. Nguyen on October
 14 7, 2014?
 15 A Yes.
 16 Q All right. What is -- in the subject line it has
 17 the word "hinh," h-i-n-h. What does that mean?
 18 A A photo, a picture.
 19 Q Below that there's a picture of what appears to
 20 be three chimpanzees. See that?
 21 A Three monkeys.
 22 Q One's covering his mouth, one's covering his
 23 eyes, one's covering her ears; correct?
 24 A Yes.
 25 Q This one I'm going to ask you to translate.

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1 There's only three sentences. Can you translate it or
 2 read it into the word?
 3 A "Do not look. Do not hear. Do not talk." And
 4 "mackeno" means ignore it. And the sentence, "It is the
 5 way you want to treat your friends in ACF."
 6 Q Would you agree this is critical of Dr. Nguyen?
 7 A He should know.
 8 Q The question is, do you agree this is critical of
 9 Dr. Nguyen?
 10 A Yes.
 11 Q All right. Would you agree that this e-mail is
 12 harassing Dr. Nguyen, at least the sixth one we've
 13 discussed so far?
 14 A It's not harass, but let him know our feeling,
 15 the way he treat the member.
 16 MR. CHIN: Move to strike as to the testimony after --
 17 move to strike that entire response.
 18 Q By the way, why did you put the pictures of the
 19 monkeys in?
 20 A From Internet.
 21 Q Why?
 22 A Why I pick that picture?
 23 Q Right.
 24 A Because the way he ignore our requests. I ask
 25 many questions many, many times. He didn't answer. I

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1 asked financial question, okay.
 2 Q Talking about your request. You said other
 3 people. This is your request; correct?
 4 A Yes.
 5 MR. CHIN: Thank you.
 6 MR. HART: That's not a request. You're holding up
 7 Exhibit 10.
 8 MR. CHIN: I'll try to clarify.
 9 Q You included a picture in here of a monkey with a
 10 hand over his mouth, over his eyes, and over his ears;
 11 correct?
 12 A Yes.
 13 Q And you've agreed that this is critical of
 14 Dr. Nguyen, this e-mail is intended to be critical;
 15 correct?
 16 A Yes.
 17 Q But you don't believe it's harassing him?
 18 A No.
 19 Q Next in order, 11. Do you recognize this
 20 document? I'm going to ask you to focus on the first
 21 page. Do you recognize it?
 22 A Yes.
 23 (Exhibit 11 was marked for
 24 identification and is attached hereto.)
 25 ///

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1 BY MR. CHIN:
 2 Q The e-mail below is an e-mail that you sent to
 3 Helen Ngo; correct?
 4 A Yes.
 5 Q And you forwarded that same e-mail to Dr. Nguyen
 6 on July 21, 2014; correct?
 7 A Yes.
 8 Q All right. Would you agree that that e-mail that
 9 you forwarded is critical of Dr. Nguyen?
 10 A Yes.
 11 Q Would you also agree that it's harassing
 12 Dr. Nguyen?
 13 A No.
 14 Q Thank you.
 15 THE WITNESS: You want to know the content of the
 16 e-mail?
 17 MR. HART: Just let him get his work done.
 18 MR. CHIN: Next in order, 12.
 19 (Exhibit 12 was marked for
 20 identification and is attached hereto.)
 21 BY MR. CHIN:
 22 Q Do you recognize what's in front of you, Exhibit
 23 12?
 24 A Yes, I recognize it.
 25 Q Below it appears to be an e-mail that you sent to

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1 Dr. Nguyen on September 25, 2014, at 1:25 p.m. Do you see
 2 that?
 3 A Yes.
 4 Q And at the top, it appears that that's
 5 Dr. Nguyen's reply to your e-mail below; correct?
 6 A Yes.
 7 Q Would you agree that your e-mail to Dr. Nguyen is
 8 critical of Dr. Nguyen?
 9 A Yes.
 10 Q Would you also agree that that e-mail constitutes
 11 harassing Dr. Nguyen?
 12 A No.
 13 MR. CHIN: Let's go to probably like the seventh or
 14 eighth e-mail now. Next in order.
 15 THE REPORTER: 13.
 16 (Exhibit 13 was marked for
 17 identification and is attached hereto.)
 18 BY MR. CHIN:
 19 Q Do you recognize Exhibit 13 in front of you?
 20 A Yes.
 21 Q Okay. It's an e-mail that you sent to Dr. Nguyen
 22 on September 26, 2014; correct?
 23 A Yes.
 24 Q And it appears to be part of an e-mail chain
 25 from -- it looks like the original e-mail is one that you

1 sent to Dr. Nguyen on September 25 at 1:25 p.m.; correct?
 2 A Yes.
 3 Q And it looks like to be about a two-page or
 4 three-page e-mail. Going on the second and third page,
 5 that's another of your poems; correct?
 6 A Yeah.
 7 Q Okay. Would you agree that this e-mail is
 8 critical of Dr. Nguyen?
 9 A Yes.
 10 Q Would you also agree that it's harassing
 11 Dr. Nguyen?
 12 A It doesn't harass.
 13 Q Okay. And this is like the seventh or eighth
 14 e-mail that you've sent that we've gone over today. You
 15 don't consider either individually or collectively as a
 16 group these e-mails constitute harassment of Dr. Nguyen?
 17 A No, no harassment.
 18 MR. CHIN: I have more, but I think this will be the
 19 last one regarding Dr. Nguyen.
 20 THE REPORTER: 14.
 21 (Exhibit 14 was marked for
 22 identification and is attached hereto.)
 23 BY MR. CHIN:
 24 Q This appears to be part of an e-mail chain. It
 25 looks like the original e-mail was a multipage e-mail.

1 Actually, it looks to be like ten pages. Is that correct,
 2 ten pages?
 3 A Yeah.
 4 Q And it's an e-mail that you sent to Thu Hien,
 5 T-h-u H-i-e-n; correct?
 6 A That's me.
 7 Q Oh, okay. So you sent it to yourself?
 8 A And then copy him.
 9 Q Oh, okay. So you sent it from yourself to
 10 yourself. Is that correct?
 11 A Yes.
 12 Q Okay. Why did you send an e-mail from yourself
 13 to yourself?
 14 A To keep a copy for myself, but I cc him.
 15 Q All right. It looks like there's another poem in
 16 there too; correct?
 17 A I don't see it. It's a letter from the refugee,
 18 not a poem. Yeah, it's a letter.
 19 Q And Dr. Nguyen responded to you; correct?
 20 A Yeah, he said that you will receive --
 21 Q He responded to you; correct?
 22 A Yeah.
 23 Q His response from you is, "You will receive
 24 communication in due time from our lawyer regarding
 25 defamation and stalking. Till then I request that you

1 stop communicating with me."
 2 Do you see that?
 3 A Yes.
 4 Q Did you stop communicating with him?
 5 A I think so. I don't send him e-mail anymore.
 6 Q So after that date, September 4, 2015, you never
 7 communicated again with Dr. Nguyen in any form or fashion.
 8 Is that correct?
 9 A I don't call him or e-mail him.
 10 Q Okay. Do you believe that any of the conduct
 11 that's reflected in the e-mail or anything that you did
 12 was defamatory to Dr. Nguyen?
 13 MR. HART: Vague as to time.
 14 MR. CHIN: From the date of this e-mail back five
 15 years. Let's do that.
 16 MR. HART: So between --
 17 MR. CHIN: September 4, 2015.
 18 MR. HART: -- 2010 and 2015, did you do anything that
 19 was defamatory to Dr. Nguyen? That's your question.
 20 MR. CHIN: Yes.
 21 THE WITNESS: I sent him e-mail.
 22 BY MR. CHIN:
 23 Q The question was, do you consider any of your
 24 conduct to be defamatory to Dr. Nguyen, yes or no?
 25 A No.

1 Q Did you consider any of your conduct, e-mails or
 2 otherwise, stalking him?
 3 A No.
 4 Q Do you consider any of your conduct and your
 5 e-mails harassing to him?
 6 A I think I have the right to ask questions.
 7 Q My question was, do you consider your conduct,
 8 your e-mails, everything else you did in that five-year
 9 period to be harassing Dr. Nguyen?
 10 A No.
 11 Q All right. We're going to change topics a little
 12 bit. We're going to talk about Dan Tran and his wife.
 13 Some more e-mails.
 14 THE REPORTER: 15.
 15 (Exhibit 15 was marked for
 16 identification and is attached hereto.)
 17 BY MR. CHIN:
 18 Q Do you recognize this document?
 19 A Yes.
 20 Q What is it?
 21 A It's a letter from Dan Tran in Dallas sent to me.
 22 Q Okay.
 23 A And he sent to the group, the ACF 5 and 100
 24 Google group. That means everybody, all the members in
 25 the group, including me.

1 Q And would you agree --
 2 A Wait one minute. I am not the member of this
 3 group. I'm the member of ACF member group, so somehow he
 4 sent it to me personally, and then he copied to the group.
 5 MR. CHIN: Move to strike as nonresponsive. No
 6 question pending.
 7 Q Ms. Ngo, you can offer answers, but if there's no
 8 question pending or it's not responsive to a question that
 9 I'm asking, it's not relevant. Okay?
 10 A Okay.
 11 Q So please listen to my question. With respect to
 12 this exhibit, all right, would you agree that Dan Tran is
 13 telling you to stop attacking Dr. Nguyen and BPSOS? Take
 14 your time.
 15 A He just says stop bother him, bother Dan Tran.
 16 Q Does he say anything else in there?
 17 A He tried to explain the amount to pay the former
 18 ambassador, Rees.
 19 Q Do you believe any of your conduct, your e-mails,
 20 anything that you said to him, anything you said to other
 21 people about him prior to this e-mail was harassing Dan
 22 Tran?
 23 MR. HART: Harassing Dan Tran?
 24 MR. CHIN: Considered --
 25 MR. HART: Or Dr. Nguyen?

1 BY MR. CHIN:
 2 Q Did you consider that harassment or harassing Dan
 3 Tran?
 4 MR. HART: I'm going to object; that question's vague
 5 and ambiguous.
 6 BY MR. CHIN:
 7 Q Do you understand my question?
 8 A I understand. I don't think I harass him. I
 9 just tried to help his wife to straight something out.
 10 Q Did his wife ever ask you to become involved in
 11 his marriage?
 12 A She called me every night.
 13 Q Did his wife ever call you or ask you to
 14 intervene in her marriage?
 15 A No.
 16 Q Did Dan Tran ever ask you to intervene in his
 17 marriage?
 18 A No.
 19 Q Thank you. You've answered the question.
 20 A I don't plan to.
 21 Q Why do you think he said in this e-mail for you
 22 to stop bothering him? What is your understanding?
 23 MR. HART: Objection; that's calling for speculation.
 24 Are you able to read Dan Tran's mind?
 25 MR. CHIN: I'm not asking that.

1 THE WITNESS: No, I cannot read his mind.
 2 BY MR. CHIN:
 3 Q Do you believe his statement in here, please stop
 4 bothering me, is accurate?
 5 MR. HART: Accurate? Is that what's being said?
 6 THE WITNESS: What if --
 7 MR. CHIN: Hold on.
 8 THE WITNESS: What if he bother me? He sent me e-mail
 9 to bother me.
 10 MR. CHIN: Hold on. Move to strike as nonresponsive.
 11 Q I believe I heard your testimony that the sum and
 12 substance of this e-mail, he said stop bothering him;
 13 correct?
 14 A Right.
 15 Q Okay. Do you think anything you did prior to
 16 this date was harassing to Dan Tran?
 17 A No.
 18 Q Anything that you did prior to this date was
 19 critical of Dan Tran?
 20 A Yes.
 21 Q Do you think --
 22 A And in fact, the statement he put in here is
 23 untrue statement.
 24 MR. CHIN: Move to strike as nonresponsive.
 25 Q Do you think Dan Tran -- I'm not asking -- this

1 is your opinion. I'm not asking you to speculate about
 2 his mind-set. Do you think he had a reasonable basis for
 3 telling you to stop bothering him?
 4 MR. HART: Objection; again, calls for speculation.
 5 MR. CHIN: I'm asking what she thinks.
 6 MR. HART: Do you have some opinion about why he asked
 7 you to stop bothering him?
 8 MR. CHIN: That wasn't my question.
 9 MR. HART: There's no foundation. She doesn't know
 10 why he asked her to stop bothering him.
 11 MR. VOSS: Great, an objection, no foundation. Next.
 12 No speaking objections. We're doing this again.
 13 BY MR. CHIN:
 14 Q Do you understand my question?
 15 A You can say it again.
 16 MR. CHIN: Ms. Reporter, please.
 17 (The following question was read:
 18 "Q Do you think Dan Tran -- I'm
 19 not asking -- this is your opinion.
 20 I'm not asking you to speculate about
 21 his mind-set. Do you think he had a
 22 reasonable basis for telling you to
 23 stop bothering him?")
 24 BY MR. CHIN:
 25 Q Yes or no?

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1 A He has a reason because his wife filed divorce,
 2 but I have nothing to do with his wife filing a divorce.
 3 Q Okay. Defendant next in order, 16. Do you
 4 recognize Exhibit 16?
 5 A Yes.
 6 (Exhibit 16 was marked for
 7 identification and is attached hereto.)
 8 BY MR. CHIN:
 9 Q It's a text message you sent to Dan Tran's wife;
 10 correct?
 11 A Yes.
 12 Q By the way, I didn't see a date on this. All I
 13 see is "yesterday." Do you recall approximately when you
 14 sent this text to Dan Tran's wife?
 15 A Huh?
 16 Q Do you recall when you sent this text to Dan
 17 Tran's wife, what year, if you have one?
 18 A I think it's after she filed for the divorce. I
 19 don't remember exactly the date.
 20 Q The divorce never happened; correct?
 21 A Right. But she filed. She go to an attorney to
 22 file it. I would say 2015, but I'm not sure of the date
 23 exactly.
 24 Q And you texted her; correct?
 25 A Yes.

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1 Q This was in other words an unsolicited text. You
 2 texted her. You weren't responding to a text from her.
 3 Is that correct?
 4 A I text her and she answered, yes.
 5 Q Right. But it wasn't in response to something
 6 she had texted you first; you were the one that started
 7 the text?
 8 A Yes, because I want to know --
 9 MR. CHIN: Objection; move to strike. No question
 10 pending.
 11 MR. HART: We'll give you a chance in a few minutes.
 12 MR. CHIN: Let's do one more for the time being. You
 13 know what, let's go off the record.
 14 (Discussion held off the record.)
 15 BY MR. CHIN:
 16 Q Do you recall leaving ever a voice mail for Dan
 17 Tran's wife, leaving a voice mail for her to listen to?
 18 A Can I hear? I don't remember.
 19 MR. HART: That's the answer. You don't remember.
 20 MR. CHIN: I'm going to play for you what I understand
 21 to be a copy of a voice message that you left for Dan
 22 Tran's wife. We're going to mark and attach as an exhibit
 23 the thumb drive, but I want you to listen to it and
 24 hopefully -- Dave, help me out, because I am
 25 technologically challenged.

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1 MR. VOSS: I think if you plug it in, it will
 2 automatically play.
 3 MR. HART: Are we going to transcribe what we here?
 4 MR. CHIN: I'm going to ask her to listen to it, and
 5 then I'll ask her some foundational questions first. If
 6 you want to come around, I'll turn up the volume. Let me
 7 start over.
 8 (Vietnamese recording playing.)
 9 THE WITNESS: You want a translation?
 10 MR. CHIN: No.
 11 MR. HART: He'll tell you what he wants.
 12 BY MR. CHIN:
 13 Q I'll tell you what I want. First of all, that's
 14 your voice; correct?
 15 A Yes.
 16 Q And that's a voice message you left for Hien
 17 Tran, Dan Tran's wife. Is that correct?
 18 A Yes.
 19 MR. CHIN: Before I forget, we're going to mark and
 20 attach the thumb drive as Defendant's next in order, 17.
 21 (Exhibit 17 was marked for
 22 identification and is attached hereto.)
 23 BY MR. CHIN:
 24 Q Isn't it true in that voice mail that you left
 25 for Dan Tran --

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1 A For Hien Tran.
 2 Q -- for Hien Tran, for the wife, you threatened to
 3 ruin her reputation and her husband's reputation, yes or
 4 no? Yes or no?
 5 A I say I will sue if they continue to bother me,
 6 and I tell her that if she want to know how much her
 7 husband donate, ask him or BPSOS or the treasurer
 8 directly, do not ask me or bother me, and if they continue
 9 to bother me, I will sue.
 10 Q My specific question was, in your voice mail to
 11 Hien Tran, isn't it true that you threatened to ruin her
 12 reputation and her husband's reputation, yes or no?
 13 A I don't know what reputation you're talking
 14 about. I just said, do not bother me, and if they
 15 continue to keep asking me question about his donation,
 16 then I will sue.
 17 Q Let me ask you this way. Would you consider the
 18 content of that voice mail to be harassing his wife and
 19 Dan Tran?
 20 A No, not harass. I just tell her that I ignore
 21 what the husband and wife filing divorce; it's none of my
 22 business, so don't bother me.
 23 Q Then why did you contact her in the first place
 24 about the donations that her husband made?
 25 MR. HART: Objection; lacks foundation.

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1 BY MR. CHIN:
 2 Q Okay. You contacted Dan Tran about that;
 3 correct?
 4 A Because he sent me an e-mail first. Dan Tran
 5 sent me an e-mail telling me that his wife is filing a
 6 divorce. So I'm concerned. So I text her and say, what's
 7 going on, what you guys doing?
 8 Q So it sounds like it ended up that you told them
 9 to stop bothering you even though you had contacted them
 10 initially; correct?
 11 MR. HART: I'm going to object; mischaracterizes
 12 testimony.
 13 THE WITNESS: Dan Tran is the one who sent me an
 14 e-mail first. If you track the date, he sent an e-mail to
 15 let me know that his wife filing divorce. Otherwise I
 16 don't know. I have no idea what they're doing. I didn't
 17 contact them for six months at least. I don't know about
 18 their family matter. Why should I know?
 19 MR. CHIN: Move to strike as nonresponsive. There's
 20 no question pending. And I'll try to phrase this question
 21 so Mr. Hart won't jump down my throat. He may anyway, but
 22 I'll give it a try.
 23 Q Did Dan Tran or Hien Tran ever ask you to give
 24 them counseling, marriage counseling?
 25 A Dan Tran sent me an e-mail.

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1 Q Again --
 2 A Tell me that his wife is filing divorce, and
 3 asked me what can I help, because he say she withdraw or
 4 she freeze the assets, about \$300,000 in his access. And
 5 he prepared to use that access to rebuild his commercial
 6 building or something like that. He asked me if I can
 7 help.
 8 MR. CHIN: That wasn't my question.
 9 MR. HART: It sounded responsive to me.
 10 BY MR. CHIN:
 11 Q Well, I talked specifically about marriage
 12 counseling. Did either Dan Tran or Hien Tran ask you to
 13 be a marriage counselor for them?
 14 A I'm not.
 15 Q Okay. So they never asked to you do that?
 16 A But he asked me to help financially.
 17 Q Okay. So you felt that because of that statement
 18 that you claim he made, it was appropriate for you to get
 19 involved in his marriage?
 20 MR. HART: How was she involved in the marriage?
 21 THE WITNESS: I want to know what's going on. That's
 22 all I want.
 23 BY MR. CHIN:
 24 Q That's the only reason you did it?
 25 A Yeah, because he sent me an e-mail. He said his

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1 wife paid \$10,000 for the attorney, and she paid by credit
 2 card, and he has to pay for the credit card. He's not
 3 happy about that. And the attorney, her attorney, freeze
 4 his assets for about \$300,000. And he planned to use that
 5 money to do the remodel his commercial building.
 6 Q That's the only reason?
 7 A Yeah, he asked me what can I do, what can I help
 8 him. That's why I called.
 9 Q There's more, but we won't go into all of them.
 10 But with respect to all the e-mails, all the contact, all
 11 the communications you had with Dan Tran between, again,
 12 let's say 20 --
 13 A '4.
 14 Q -- 2010 up to the -- let's do it this way, 2010
 15 to the present date, would you consider that to be
 16 harassing Dan Tran?
 17 A No.
 18 Q Harassing Hien Tran?
 19 A No.
 20 Q Would you consider that stalking Dan Tran?
 21 A No.
 22 Q Would you consider that critical of Dan Tran?
 23 A Yes.
 24 Q Would you consider that critical of Hien Tran,
 25 his wife?

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1 A Yes.

2 Q What's your definition -- what's your distinction

3 in your mind between being critical of somebody and being

4 harassing to somebody?

5 A Critical is the person need the information and

6 they solicit the information.

7 Q Okay. So --

8 A Harassment mean they don't care about information

9 and I provide them like unsolicited advice.

10 MR. CHIN: Can you read back that?

11 (The following answer was read:

12 "A Harassment mean they don't

13 care about information and I provide

14 them like unsolicited advice.")

15 MR. CHIN: What about before that?

16 (The following answer was read:

17 "A Critical is the person need

18 the information and they solicit the

19 information.")

20 BY MR. CHIN:

21 Q So you felt that Dan Tran, Hien Tran, needed that

22 information?

23 A Yes. She keep asking me many time, many

24 occasion.

25 Q Did he ever physically -- not physically, but

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1 actually said to you, Holly, I need your advice, Holly, I

2 want to ask your opinion, anything to that nature

3 regarding his marriage?

4 A Marriage or money, financial?

5 Q I'm talking about marriage, yes or no?

6 A Yes, she called me and --

7 Q I'm not talking about her. I'm talking about Dan

8 Tran.

9 A Dan Tran, yes, he sent me an e-mail one time. I

10 still have it. He say that his wife is jealous with all

11 the women that he know. She doesn't trust anybody. And

12 one time in Vietnam Advocacy Day, I believe in 2003,

13 there's a doctor. Her name is Dao Kieu Lien in San Jose.

14 Her last name is D-a-o, first name L-i-e-n, middle name

15 K-i-e-u. She's the eye doctor. She go to attend the

16 Vietnam Advocacy Day with everybody. And since we don't

17 have the car, so Dan Tran volunteered to be our driver.

18 Q I'm listening.

19 A And after we go home, Hien Tran is jealous and

20 she suspect that Dan Tran has an affair with Dao Kieu

21 Lien. So Dan Tran asked me to talk to Dao Kieu Lien in

22 San Jose, try to clarify things. So Dr. Dao called Hien

23 Tran, tried to clarify things; she's not interested in Dan

24 Tran, to please leave her alone.

25 MR. CHIN: Move to strike all of that as nonresponsive

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1 to the question.

2 Q Let's go back to the first amended complaint. I

3 think that may be 1 or 2. This document, Ms. Ngo.

4 A Discovery question?

5 Q No, first amended complaint for damages. Yeah,

6 that's it. What number is that, Exhibit 2? It's at the

7 top.

8 A 2.

9 Q Go to page 4, paragraph 19. It says:

10 "The comments were understood by third parties to

11 mean that plaintiff stalked male members of BPSOS or

12 otherwise made inappropriate sexual advances towards

13 said male members based on the culture understanding

14 of the term 'stalking.'"

15 Do you see that?

16 A Yes.

17 Q Has anybody ever told you that they understood

18 these comments to mean inappropriate sexual advances, yes

19 or no?

20 A Yes.

21 Q Who?

22 A Reporter in Australia.

23 Q What's the reporter's name?

24 A H-u-u N-g-u-y-e-n.

25 Q What did -- it's a man; right?

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1 A Man.

2 Q What did he say specifically, if you can recall?

3 A He said that means it's a sexual misconduct; that

4 means sexual misconduct in the Vietnamese culture.

5 Q By the way, are you a linguist? Do you know what

6 a linguist is?

7 A No.

8 Q Do you have any education or training or

9 experience in the Vietnamese language? What I mean by

10 that is any degrees about, you know, the language itself,

11 Vietnamese culture, anything like that.

12 A For sexual misconduct?

13 Q No, no, the Vietnamese language. I understand

14 you speak Vietnamese. I'll give you an example. There's

15 a class of people called linguists, and they study

16 language and meaning of language --

17 A Yes.

18 Q -- nuance in language, context, idioms. You may

19 or may not know what these phrases mean. That's not the

20 point. But they study languages and what specific words

21 mean in various context. You don't have any education,

22 training, or experience in that area, do you? That's a

23 no?

24 A No.

25 Q Other than this reporter in Australia, has

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1 anybody else ever told you that those comments could be
 2 interpreted as inappropriate sexual advances?
 3 A I think there's another reporter in Atlanta.
 4 Q What is that reporter's name?
 5 A K-i-m, space, A-u.
 6 Q When did this conversation take place?
 7 A After he published the article.
 8 Q Why were you in Atlanta?
 9 A He published it on Internet. Everybody can read
 10 it.
 11 Q I'm talking about this conversation you had with
 12 this person in Atlanta. You were in Atlanta?
 13 A No, I'm in California. He called me.
 14 Q Okay. Anybody else?
 15 A My friends in California.
 16 Q Who?
 17 A The teacher who teach Vietnamese language on
 18 Sunday with me.
 19 Q What is that person's name?
 20 A Diep Cau, D-i-e-p, last name C-a-u.
 21 Q By the way, these comments that you referred to
 22 in paragraph 19 of the first amended complaint, did you
 23 ever tell these people that the word "harass" was in the
 24 statement in addition to the word "stalking," the words
 25 that you defined for us earlier?

1 A Harass?
 2 Q Did you tell these people that, that the word
 3 "harass" was also in the statement?
 4 A Yes. It's in Vietnamese, so they read. They
 5 should understand.
 6 Q The reason I bring it up is because you didn't
 7 refer to it in your first amended complaint. You didn't
 8 use the word "harass"; correct?
 9 A Yes.
 10 Q One more sentence. Same paragraph, paragraph 19,
 11 "Defendant's comments could also be misunderstood to mean
 12 that plaintiff had an affair with the aforementioned donor
 13 which resulted in that donor's wife filing for divorce."
 14 That donor is Dan Tran; correct?
 15 A Right.
 16 Q Has anybody ever told you that those comments
 17 could be misunderstood to mean that you had an affair with
 18 Dan Tran?
 19 A Yes.
 20 Q Who?
 21 A The reporter that I just tell you.
 22 Q The one in Australia?
 23 A Yes.
 24 Q The one in Atlanta?
 25 A Yes.

1 Q Your friends too?
 2 A Yes.
 3 Q One more sentence in this first amended
 4 complaint, paragraph 20, "the comments lowered plaintiff's
 5 esteem in the community or deterred people from
 6 associating with plaintiff and constitute libel per se."
 7 Do you see that?
 8 A Yes.
 9 Q What information or evidence do you have to
 10 establish that people stopped associating with you because
 11 of the comments that you allege Dr. Nguyen made?
 12 A They have a concern. It raised a concern.
 13 MR. HART: He wants to know who you're talking about.
 14 MR. CHIN: Exactly.
 15 MR. HART: Who is it who indicated they wouldn't
 16 associate with you anymore after they read what he
 17 published?
 18 THE WITNESS: Some friend.
 19 BY MR. CHIN:
 20 Q Give me some names. Well, let me ask you this.
 21 You say they're friends. Well, if they don't want to talk
 22 to you anymore, they're still your friends? They don't
 23 want to associate with you? I don't understand.
 24 A Well, little by little they stopped communicating
 25 with me. I don't know the reason.

1 Q Thank you. So it could have been for any reason,
 2 could be for no reason. As you sit here today, you don't
 3 know, do you, whether these people stopped talking to you
 4 because of these comments. Is that a true statement?
 5 A Maybe, yes.
 6 MR. CHIN: At this point I'm going to pass the
 7 football to Mr. Voss. I have some more questions, but
 8 I've been kind of squandering the time. So thank you very
 9 much, at least for the moment.
 10
 11 EXAMINATION
 12 BY MR. VOSS:
 13 Q Good afternoon. You just a few moments ago heard
 14 a recording played back for you. Is that still fresh in
 15 your mind?
 16 A (Witness nods.)
 17 MR. VOSS: We're on what, 18? 17 is the recording;
 18 right?
 19 THE REPORTER: Yes.
 20 (Exhibit 18 was marked for
 21 identification and is attached hereto.)
 22 BY MR. VOSS:
 23 Q I'm going to mark this next document as Number
 24 18, and I ask you if you believe that this is a fair and
 25 accurate transcription of a portion of the message that

1 you just heard played.
 2 A You're asking me about this?
 3 Q Yes. This is a writing in Vietnamese that I've
 4 handed you, which I believe to be an accurate
 5 transcription of a portion of that voice message. Would
 6 you agree that it is?
 7 A Yes.
 8 MR. HART: Give her time to read it.
 9 THE WITNESS: Yes.
 10 MR. HART: Do you recognize these words?
 11 THE WITNESS: You want me to translate?
 12 BY MR. VOSS:
 13 Q Yes. Would you please read that back as to what
 14 that says in English?
 15 A Okay. I say, Mr. Dan, if he make trouble with
 16 me, I will not leave it alone. I will let everybody know.
 17 So who will have a bad face?
 18 Q Would it be --
 19 A Let's see who will get a bad face.
 20 Q Did you find that to be threatening to them?
 21 A Well, I let them -- what my cause of action if
 22 they continue to bother me.
 23 Q Was that threatening them?
 24 A If you think so, but --
 25 MR. HART: No, no, no.

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1 BY MR. VOSS:
 2 Q Do you think so?
 3 MR. HART: That's not the question. It's not what he
 4 thinks.
 5 BY MR. VOSS:
 6 Q Do you think you were threatening them in making
 7 statements that you would not leave them alone, that you
 8 would cause trouble, and you would see who would lose
 9 face?
 10 A Because if they continued to bother me, I have to
 11 let everybody know.
 12 Q Do you believe that those statements were
 13 threatening them?
 14 MR. HART: Object, the term "threaten."
 15 BY MR. VOSS:
 16 Q Do you know what the term "threaten" means?
 17 A I understand threaten.
 18 Q So you were threatening --
 19 A But I did not threaten them to do something bad.
 20 I just say I will let the public know that they bother me.
 21 And I say, both of you are older than me, so you are my
 22 sister, my brother, so please behave yourself and do not
 23 blame me for your family matter.
 24 Q That's not in that excerpt anywhere, is it?
 25 A This is just here. I just translate this.

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1 Q That last part you just said, that's not part of
 2 what's in front of you on Exhibit 18?
 3 A It's in front of me. I just translate.
 4 Q But that last part that you just stated, that's
 5 not contained in Exhibit Number 18, is it?
 6 A What's 18? It's in 18. I just translate this
 7 word by word. I just said:
 8 Both of you are adults. You are my brother and
 9 sister. So please behave yourself to deserve that you
 10 are my brother and sister. Do not blame your family
 11 matter to me. Do not blame me for your family matter.
 12 Q Is there anything about brothers and sisters or
 13 anything of that?
 14 A Right here, brother and sister, right here. You
 15 are like my brother and sister. Right here, you can
 16 translate word by word.
 17 Q So is it a fair statement to say that it says:
 18 And, Mr. Dan, if you want to cause trouble to me,
 19 I will not leave you alone. I will cause a big
 20 ruckus. And let's see who would lose face.
 21 Is that a fair translation of what you've written
 22 there?
 23 A I don't get it. "Ruckus," what does that mean?
 24 Q Cause trouble for them.
 25 A Okay.

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1 Q And you would cause them to lose face. You
 2 wouldn't lose face, you would cause them to lose face,
 3 wouldn't you?
 4 MR. HART: Object; the document speaks for itself to
 5 the extent it's translated.
 6 BY MR. VOSS:
 7 Q Isn't that what you intend, that you would cause
 8 them to lose face?
 9 A I intend to publish his letter.
 10 Q Did you also indicate that you would cause them
 11 to lose face?
 12 A Well, whoever --
 13 Q Yes or?
 14 A Well, whoever read the letter, they will
 15 determine their feeling for him.
 16 Q In this transcription of the voice mail that you
 17 left, isn't it true that you said that you would cause
 18 them to lose face?
 19 A I said let's see, let's see. I said, let's see
 20 who will lose face.
 21 Q So it was your intent in leaving this message to
 22 warn them that you would cause them to lose face, wasn't
 23 it?
 24 A No. If people read his letter and if they
 25 determine he's a bad person, he will lose face. But if

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1 they determine he's a good person, he will not lose face.
 2 I said, let the public determine who will lose faith.
 3 Q That doesn't say anything about let the public
 4 determine that.
 5 A Let's see who will lose face.
 6 Q Does the word "public" appear anywhere in that
 7 transcript?
 8 A I just said --
 9 Q Yes or no?
 10 A I did not say that I will make you lose face. I
 11 just said, let's see who will lose face.
 12 Q Does the word "public" appear anywhere in that
 13 transcription?
 14 A I just said let's see.
 15 Q Does the word "public" --
 16 A No, I don't see the public word in here.
 17 Q When you just made that up, that's not in the
 18 message you left, is it?
 19 MR. HART: Objection; argumentative and getting
 20 harassment.
 21 MR. VOSS: You can answer the question.
 22 MR. HART: The words are right there. They say what
 23 they say. You asked her to say why she sent this, and she
 24 gave it to you. You didn't like it, and now you're
 25 harassing her until you get more.

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1 Don't answer any more questions. This document
 2 speaks for itself.
 3 MR. VOSS: Are you instructing her not to answer on
 4 the basis the document speaks for itself, yes or no?
 5 MR. HART: I'm instructing her to take a break because
 6 you're being obnoxious and harassing her.
 7 MR. VOSS: Counsel, the only person who's been
 8 obnoxious throughout the day is you.
 9 Q Do you need a break?
 10 A No, I don't need a break.
 11 MR. VOSS: Well, she doesn't need a break, Counsel.
 12 Q So again, on this voice message -- and you've
 13 acknowledged this is your voice on that recording; right?
 14 A Yes.
 15 Q And it's not a conversation. You just picked up
 16 the telephone and voluntarily left this entire message for
 17 them to hear; right?
 18 A I tried to call her, but she doesn't pick up the
 19 phone, so I tried to leave a message.
 20 Q You did leave a message. You didn't try to. You
 21 did.
 22 A Yeah, I leave a message.
 23 Q And you left this message. And in that message,
 24 you did not say, we'll let the public decide. That's not
 25 part of your message, is it? Is it?

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1 A It's not part of the message, but --
 2 MR. VOSS: Wait. Object and move to strike.
 3 Q Listen to my question. And that is, in this
 4 message, in this excerpt of the message that you've
 5 acknowledged to be accurate, you've indicated that you
 6 will cause trouble for them; right?
 7 MR. HART: Did you say that in those words?
 8 THE WITNESS: I don't say trouble. I say I will not
 9 leave it alone.
 10 BY MR. VOSS:
 11 Q You will not leave it alone. You will cause
 12 what?
 13 A I will let the public know.
 14 Q The next words, I will cause a what? It says, I
 15 will not leave him alone, and then what does the next few
 16 words say?
 17 A I will make announcement.
 18 Q You would make more than an announcement. That
 19 doesn't just say an announcement, does it?
 20 A That means announcement, big announcement. How
 21 about that?
 22 Q A big announcement. So you were threatening them
 23 that you were going to make a big problem for them,
 24 weren't you?
 25 MR. HART: Objection.

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1 BY MR. VOSS:
 2 Q Yes or no?
 3 MR. HART: Objection; asked and answered about five
 4 times, and now she has again said what the words translate
 5 to.
 6 MR. VOSS: Reread the question for the witness.
 7 (The following question was read:
 8 "Q A big announcement. So you
 9 were threatening them that you were
 10 going to make a big problem for them,
 11 weren't you?")
 12 MR. VOSS: The objection's already been stated. You
 13 can answer the question.
 14 MR. HART: Do you have a different answer from what
 15 you've already said?
 16 MR. VOSS: Counsel, stop the speaking objections.
 17 MR. HART: Why don't you stop instructing me and ask a
 18 question and let her answer it.
 19 MR. VOSS: You have a shocking ability of going
 20 forward with speaking objections at critical parts of the
 21 deposition. We admonish to stop. State your objection,
 22 and that's it.
 23 Reread the question for the witness.
 24 Your objection has already been stated for the
 25 record.

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1 And answer the question, please.
 2 MR. HART: She may or may not answer the question.
 3 You are not the king of the deposition.
 4 MR. VOSS: I'm taking the deposition. You're entitled
 5 to interpose a proper objection, and that is all.
 6 MR. HART: I've got a number --
 7 MR. VOSS: If you're going to instruct her not to
 8 answer, please do, so we can take it up for the judge.
 9 And for the record, make sure you state under what
 10 privilege it is you're instructing her not to answer.
 11 Please reread the question to the witness.
 12 (The following question was read:
 13 "Q A big announcement. So you
 14 were threatening them that you were
 15 going to make a big problem for them,
 16 weren't you?")
 17 THE WITNESS: Yes.
 18 MR. CHIN: Thank you.
 19 MR. VOSS: See, that wasn't hard.
 20 MR. HART: It's also different than ten other answers
 21 she's given.
 22 MR. VOSS: Counsel, would you like to be sworn in so
 23 you can testify here today? You keep on talking. Is
 24 there an objection? There's not even a question pending.
 25 MR. HART: Let's take a break.

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1 MR. VOSS: Please do.
 2 Note that the witness doesn't need a break,
 3 apparently just counsel to coach his client.
 4 MR. HART: Thank you for your commentary.
 5 (Recess held.)
 6 BY MR. VOSS:
 7 Q You indicated earlier that you had been to see a
 8 Dr. Ton. Do you remember that?
 9 A Dr. Ton?
 10 Q Ton.
 11 A Ton.
 12 Q Excuse my pronunciation. On how many occasions
 13 did you see this doctor?
 14 A One time.
 15 MR. HART: Is that the psychiatrist?
 16 THE WITNESS: Psychiatrist, yeah.
 17 BY MR. VOSS:
 18 Q How much did you pay for the one visit with the
 19 doctor? Was it just a consult, and it was free?
 20 A No. The insurance paid, I don't know, about
 21 \$300, my insurance.
 22 Q You didn't pay anything out-of-pocket for that
 23 visit?
 24 A Oh, I think I paid just the co-pay, \$30,
 25 something like that.

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1 Q That's the only psychiatrist that you ever saw
 2 for your stress?
 3 A Yes.
 4 Q Just the one time, and that's it?
 5 A He gave me medicine.
 6 Q One visit and he prescribed medicine to you. Is
 7 that correct?
 8 A Yes.
 9 Q Do you know what medicine that was?
 10 A I have the name, but I give to my attorney. I
 11 don't have it here with me. It's a sleeping pill.
 12 Q A sleeping pill?
 13 A Yeah.
 14 MR. CHIN: Did I ask you, was it Ambien, A-m-b-i-e-n?
 15 MR. HART: You did ask, but she didn't remember.
 16 THE WITNESS: I write it down before. I forget.
 17 MR. VOSS: I'd like to go back to Exhibit Number 14,
 18 if you would.
 19 Counsel, I believe you kept the exhibits there.
 20 And we need to make sure that -- I'm not sure where the
 21 witness exhibits are at this point.
 22 MR. CHIN: I think they're all in front of the
 23 witness.
 24 MR. HART: We've got them all right here.
 25 MR. VOSS: Perfect.

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1 MR. HART: Exhibit 14 is what he wants you to look at.
 2 I got it right here. I'm handing it to you. We'll keep
 3 these in order.
 4 BY MR. VOSS:
 5 Q You see that exhibit there?
 6 A Yes.
 7 Q So you indicated that you had forwarded this to
 8 Thang, isn't that correct, Dr. Nguyen?
 9 A To him.
 10 Q Yes. He replied to you sending it to him; right?
 11 A Yeah.
 12 Q In the heading on the e-mail from and to, where
 13 it's from you and to you -- you remember we talked about
 14 that; right?
 15 A Uh-huh.
 16 Q I don't see anywhere in there where it shows that
 17 it was sent to Dr. Nguyen, and yet he is replying to it.
 18 Can you explain how that happened?
 19 A Maybe I copied him.
 20 Q Is it possible that you sent it to him by a blind
 21 copy, a bcc on the e-mail?
 22 A Yes.
 23 Q How many other people were bcc'd with this
 24 e-mail?
 25 A I would say a few, five or six.

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1 Q Five or six people, who were they?
 2 A The person who write a letter to explain.
 3 Q Who's that?
 4 A The refugee, his name is Phong Nguyen. He's a
 5 refugee in Thailand for 20 years.
 6 Q Who else did you forward this to?
 7 A Maybe the attorney -- sorry, the reporter in
 8 Australia and the one in Atlanta.
 9 Q So --
 10 A Because in his new letter, he said that because I
 11 go to Thailand to visit the about 700 refugee with my own
 12 money, and the result is in the last meeting in a coffee
 13 shop with eight refugee, after I left, four of them stayed
 14 in the coffee shop, they are safe, but four of them go
 15 home, and they get caught by the Thai police.
 16 MR. VOSS: Listen to the question.
 17 I'll object and move to strike as to everything
 18 beyond the answer to the question, which was, who else did
 19 you send it to?
 20 THE WITNESS: I just answer you --
 21 MR. VOSS: The rest of it --
 22 THE WITNESS: -- the refugee who write this letter and
 23 the --
 24 BY MR. VOSS:
 25 Q Two reporters?

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1 A Yeah, two reporters.
 2 Q You understand the rest of everything you said
 3 doesn't tell me who you sent it to; right? So let's try
 4 and respond to the questions, if at all possible, so we
 5 can get done more quickly.
 6 A Okay.
 7 Q So is it fair to say then that at least as of
 8 September 4 of 2015, you were in communication with
 9 reporters and publishers in Australia and Atlanta
 10 regarding Boat People SOS?
 11 A Huh? Say that.
 12 Q Is it fair to say that at least by this date,
 13 September 4, 2015, and even perhaps earlier than that, you
 14 were working with reporters in Atlanta and Australia
 15 regarding the subject matter of Boat People SOS?
 16 A I'm working with them on the subject of my
 17 finance, my donation, is not clearly reported.
 18 Q Donation to whom?
 19 A To BPSOS.
 20 Q So then in answer to my question, which was, is
 21 it fair to say that as of September 4, 2015, if not
 22 earlier, you were in communication and working with the
 23 reporters and publishers in Atlanta as well as in
 24 Australia regarding BPSOS?
 25 A Yes.

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1 MR. HART: Is that it for 14?
 2 MR. VOSS: It is.
 3 Q Going back to Number 15, I'd like to direct your
 4 attention to page 3, and on page 3 you see some numbers in
 5 the middle.
 6 A Right.
 7 Q And below those numbers, there is a paragraph,
 8 part of which is boldfaced. Do you see that there?
 9 A Yeah, right here.
 10 Q And in English, just reading the letters, the
 11 first word of the boldface begins M-u-c, and the end of
 12 sentence begins with a-n-h. Do you see that sentence? It
 13 begins M-u-c and ends a-n-h in boldface, the first part of
 14 the boldface section there.
 15 A Uh-huh.
 16 Q Could you read that to us in English, what that
 17 says, that sentence?
 18 A Dinh Tran say that my goal is to talk bad about
 19 him and use his wife.
 20 Q And directing your attention to page 4, the next
 21 page, the paragraph that begins with an N-h-u-n-g H-u-e,
 22 do you see that there?
 23 A Where?
 24 Q The sixth line down, beginning N-h-u-n-g.
 25 A Yes.

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1 Q Would you read that paragraph ending in the h-u,
 2 question mark, to us.
 3 A Translate?
 4 Q Yes.
 5 A Okay.
 6 But Hue, meaning me, lie what everybody say.
 7 Mr. Thang get the lemon and throw away the rest, get
 8 the lemon juice and throw away the rest. When you
 9 don't have a satisfying answer for your question about
 10 the finance, so Thang expelled you out. You are the
 11 one who resigned from ACF. Nobody pushed you out. If
 12 Anh Thang throw out the rest of the lemon, then
 13 everybody -- and why everybody backing you, me, to
 14 come back with ACF.
 15 Q This was written to you by Dan Tran; right?
 16 A Yes.
 17 MR. CHIN: Can I interject?
 18 MR. VOSS: Please.
 19 MR. CHIN: Only a few questions.
 20 MR. VOSS: I have to find an exhibit anyway.
 21 MR. CHIN: You testified a little bit earlier -- I
 22 can't remember what exhibit number, but you agreed that
 23 that was threatening to Dan Tran and his wife. Remember
 24 saying that, that you agree that it was a threat? You did
 25 say that; correct?

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1 THE WITNESS: I just give him a warning, not a threat.
 2 MR. CHIN: Okay.
 3 THE WITNESS: A threat to me means I threat to do
 4 something harm to him. But it's just a warning that I
 5 will let the public know if he continued to bother me.
 6 MR. CHIN: Did you answer Mr. Voss's question by
 7 saying you agree that whatever exhibit it was, it was a
 8 threat to Dan Tran? Yes or no, you did or did not say
 9 that?
 10 THE WITNESS: I don't think it's a threat. It's a
 11 warning. If somebody attack me, I should give them a
 12 warning, do not attack me.
 13 MR. CHIN: You know what, the record will speak for
 14 itself.
 15 THE WITNESS: Okay.
 16 MR. CHIN: Assuming that you agreed -- the record will
 17 speak for itself -- would you consider that admission to
 18 be causing trouble to somebody's family?
 19 THE WITNESS: I don't think so.
 20 MR. CHIN: Okay. Would you consider -- no question
 21 pending.
 22 Would you consider your admission that this was a
 23 threat would constitute harassment?
 24 THE WITNESS: I don't think it's a harassment.
 25 MR. CHIN: Thank you.

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1 I'm sorry, David. That's all I have on that.
 2 THE WITNESS: Because if it's a harassment --
 3 MR. CHIN: Move to strike. No question pending.
 4 MR. VOSS: I'm next marking Exhibit 19, an e-mail from
 5 Holly Ngo to vn-share-news@googlegroups.com, dated
 6 February 17, 2015.
 7 (Exhibit 19 was marked for
 8 identification and is attached hereto.)
 9 THE WITNESS: Yes.
 10 BY MR. VOSS:
 11 Q By the time you wrote this e-mail, you were no
 12 longer working at BPSOS in any capacity; right?
 13 A Correct.
 14 Q In fact, you hadn't been there for many months;
 15 right?
 16 A Right.
 17 Q And yet by this document, is it fair to say you
 18 were demanding access to personal information of staff,
 19 contractors, and volunteers?
 20 MR. HART: Staff, contractors, and volunteers of what?
 21 THE WITNESS: Volunteer of what?
 22 MR. VOSS: We'll come back to it. I'm next going to
 23 mark as Number 20 --
 24 THE WITNESS: So you delete the question?
 25 MR. VOSS: We're going to withdraw the question for

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1 the moment. I'm trying to move quickly in the limited
 2 time available.
 3 (Exhibit 20 was marked for
 4 identification and is attached hereto.)
 5 BY MR. VOSS:
 6 Q I'm next marking as Exhibit 20 the
 7 cross-complaint for defamation in this matter. I would
 8 like to direct your attention to paragraph 7 on page 2.
 9 Have you at any time communicated with the attorney
 10 general for the State of Virginia for any reason?
 11 A Yes.
 12 Q Have you communicated with the attorney general
 13 for the State of Virginia to complain about what you
 14 believe to be failure to report of individual donations by
 15 BPSOS?
 16 A I have a question, and I would like attorney
 17 general help me to figure out the difference.
 18 Q And was your question an issue relating to the
 19 failure to report \$103,947.90 in individual donations?
 20 A (Witness nods.)
 21 Q You're nodding. I can't hear you. Is that a
 22 yes? You're nodding your head. You didn't say anything.
 23 A Can you say the question again?
 24 MR. VOSS: Could you reread it.
 25 (The following question was read:

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1 "Q And was your question an
 2 issue relating to the failure to report
 3 \$103,947.90 in individual donations?")
 4 THE WITNESS: I want explanation of the discrepancy.
 5 BY MR. VOSS:
 6 Q Did you represent to the attorney general of the
 7 State of Virginia that BPSOS had failed to report
 8 \$103,947.90 in individual donations?
 9 A I don't represent attorney general. I sent a
 10 letter to attorney general.
 11 Q Saying that?
 12 A Saying that I have a question about this amount.
 13 Q Did you tell the attorney general that you
 14 believed that the BPSOS had failed to report that money?
 15 A I just say I see the difference between his tax
 16 form and the financial report internally.
 17 Q Did you also such a letter to the State of
 18 California?
 19 A Yes.
 20 Q And also to the I.R.S.?
 21 A Yes.
 22 Q Do you know what the outcome was of any of those
 23 letters?
 24 A After a year the attorney general sent me a
 25 letter telling me that if I want to sue, I need to get an

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1 attorney.
 2 Q Isn't it true that you were also advised that the
 3 attorney general found no such reporting irregularity as
 4 you had alleged?
 5 A What?
 6 Q Isn't it true that the attorney general said that
 7 as a result of their investigation, there was nothing
 8 wrong with the books of BPSOS?
 9 A They didn't say anything about that. They just
 10 say, Holly, get an attorney.
 11 Q And that's all they said?
 12 A Yeah, all they said. I still have the letter,
 13 yeah.
 14 Q Were you told by the attorney general from the
 15 State of Virginia that there was insufficient evidence to
 16 support your alleged violations?
 17 A They didn't say anything about that.
 18 Q Did they tell you that as a result of the
 19 insufficient evidence to support your violations, your
 20 complaint was closed?
 21 A No, they did not say anything like that.
 22 Q You're sure?
 23 A I'm sure.
 24 Q Absolutely, positively 100 percent sure?
 25 A I still have the letter.

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1 Q Okay. I'm next going to introduce into evidence
 2 Exhibit Number 21. That's the letter, isn't it? Isn't
 3 that the letter that you were just --
 4 A Yeah, let me read, okay.
 5 (Exhibit 21 was marked for
 6 identification and is attached hereto.)
 7 MR. HART: Give her a chance to recognize the exhibit.
 8 THE WITNESS: Yes, that's the letter.
 9 BY MR. VOSS:
 10 Q It's addressed to you; right?
 11 A Yes.
 12 Q And that letter says exactly what you just
 13 denied, that they closed your complaint because there was
 14 a lack of sufficient evidence of your allegations, doesn't
 15 it?
 16 A Where is it?
 17 MR. HART: Right here.
 18 THE WITNESS: Evidence to support --
 19 BY MR. VOSS:
 20 Q Would you read that portion of the letter,
 21 please, where it talks about the -- let me point it to you
 22 here. Right here, "Based on a review," if you would read
 23 that, please, out loud.
 24 A "Based on a review of your complaint and the
 25 information available to OCRP, there is not sufficient

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1 evidence to support the alleged violations. As a
 2 result, your complaint has been closed."
 3 Q Now, just maybe 60 seconds ago, you categorically
 4 denied that you were told that by the State of Virginia,
 5 didn't you?
 6 A But they didn't do anything.
 7 Q Because they told you that they didn't find
 8 anything wrong, there was no sufficient evidence of your
 9 allegations; right?
 10 A There's another letter that they asked me to get
 11 an attorney if I want to move with the lawsuit.
 12 Q You just said this is the letter.
 13 A No, there's another one.
 14 Q Have you produced any such other letter in
 15 response to our discovery requests? I haven't seen any
 16 other letter. Have you given any letter like that to your
 17 attorney?
 18 A The letter from --
 19 Q Some other letter that you're bringing up now,
 20 have you given some other letter to your attorney?
 21 A I will find it. I have a letter that they asked
 22 me to get an attorney.
 23 Q This letter --
 24 MR. HART: Do you recognize this letter?
 25 MR. VOSS: She said she did.

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1 THE WITNESS: Yes, yes, but when I complained --
 2 MR. VOSS: There's no question pending, Ms. Ngo.
 3 MR. HART: Let him ask the next question.
 4 BY MR. VOSS:
 5 Q And this letter, when I asked you, are you 100
 6 percent positively certain that you were not told by the
 7 State of Virginia that there was no sufficient evidence of
 8 your claimed allegations, you told me that you weren't
 9 ever told that, but you were, weren't you?
 10 MR. HART: Do you remember getting this letter?
 11 MR. VOSS: That's not my question.
 12 THE WITNESS: I may have it, but it's a long time ago,
 13 three years ago.
 14 BY MR. VOSS:
 15 Q Isn't it a fact that this letter --
 16 A The thing is --
 17 Q Just answer my questions, not his. He'll have a
 18 chance.
 19 A Okay.
 20 Q My question to you is, doesn't that letter
 21 directly contradict what you just testified under oath in
 22 the last couple of minutes about whether or not the State
 23 of Virginia had found that there was insufficient evidence
 24 to support your allegations?
 25 MR. HART: Objection; argumentative, and the letter

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1 speaks for itself.
 2 MR. VOSS: And you can answer.
 3 MR. HART: Do you understand the question?
 4 THE WITNESS: Yes, but after I received this letter --
 5 MR. VOSS: The question --
 6 THE WITNESS: -- I got another letter.
 7 MR. VOSS: You're not answering my question.
 8 Objection; move to strike.
 9 THE WITNESS: And they say, get an attorney.
 10 MR. HART: We'll stipulate that the letter contradicts
 11 what she said before.
 12 BY MR. VOSS:
 13 Q It's a fact that it stipulates what you just
 14 testified under sworn oath, isn't it?
 15 A This letter is three years. I don't remember.
 16 MR. HART: Let's just drop it. We'll stipulate that
 17 this letter contradicts her prior testimony, okay. There
 18 may be a dozen reasons for that, whatever. It's not worth
 19 climbing over the table and barking at my client about it.
 20 BY MR. VOSS:
 21 Q Let's turn back to Exhibit Number 20 and
 22 paragraph 7 that I drove your attention to in the
 23 cross-complaint.
 24 A Where, right here, Exhibit 7?
 25 MR. HART: No, it's not Exhibit 7.

1 additional financial report.
 2 Q Are you saying then that the case wasn't closed,
 3 even though the attorney general's letter says it was?
 4 MR. HART: Objection; argumentative.
 5 BY MR. VOSS:
 6 Q Are you saying the case was still open after that
 7 letter?
 8 A They closed because they don't want to receive
 9 any more paperwork.
 10 Q Because they found you hadn't presented any
 11 evidence to support your allegations.
 12 A But they say they don't have time to do it. They
 13 asked me to get an attorney.
 14 Q Is there somewhere in the letter from the
 15 attorney general that I missed where it says that they
 16 didn't have time to do it and that's why they were
 17 dismissing the case?
 18 A You can ask them.
 19 MR. VOSS: No, I'm asking you.
 20 MR. HART: Apparently there's another letter.
 21 MR. VOSS: Counsel, we've been conducting discovery,
 22 and we've already continued trial once, and I haven't seen
 23 any other letter. So I don't believe there's any other
 24 letter, because it's your duty to respond to a production
 25 of documents. So I have a letter that you didn't produce

1 BY MR. VOSS:
 2 Q Exhibit 20, paragraph 7, and at 7(a):
 3 "On October 2, 2016, Holly Ngo, in a published
 4 article, falsely and baselessly accused BPSOS of not
 5 reporting \$103,947.90 in individual donations to the
 6 Internal Revenue Service, I.R.S., in 2013; to wit,
 7 quote, Where did the \$103,947.90 in difference go?"
 8 Do you see that there?
 9 A Yes.
 10 Q And you know, as a result of the attorney
 11 general's investigation in response to your allegations,
 12 that they found that there wasn't sufficient evidence to
 13 support your allegation, don't you?
 14 A They don't have sufficient number to determine.
 15 Q Okay.
 16 A So that's why I need to provide them more number.
 17 Q And you didn't provide them any more numbers, did
 18 you?
 19 A I --
 20 Q Did you?
 21 A I did write them another letter to provide more
 22 financial report.
 23 Q Your case was closed by that letter.
 24 A I know. That's why after they wait for one year,
 25 they close without seeing my additional report, my

1 in production of documents.
 2 MR. HART: It probably wasn't responsive.
 3 MR. VOSS: To the cause of action saying your client
 4 published an article falsely and baselessly accusing BPS
 5 of what she knew.
 6 Q You knew by this time that the attorney general
 7 of Virginia had told you that there was no such --
 8 MR. HART: We're going to stop this deposition if you
 9 don't stop doing that. This is really obnoxious on your
 10 part. I realize you're motivated and passionate about
 11 this, but for you to lean over the table at point at my
 12 client --
 13 MR. VOSS: You mean like you're leaning over the table
 14 and pointing?
 15 MR. HART: That's exactly right. That's lawyer to
 16 lawyer.
 17 MR. VOSS: I'm just laughing at you at this point.
 18 MR. HART: That's fine.
 19 THE WITNESS: I feel that the attorney general doesn't
 20 have enough information to determine they close or open
 21 the case.
 22 BY MR. VOSS:
 23 Q But you had been told -- before October 2 of
 24 2016, you acknowledged you received a letter from the
 25 attorney general telling you that they're dismissing your

1 case because there's insufficient evidence to support your
2 allegation; right?
3 A But they advised me to get attorney to start a
4 lawsuit if I want to.
5 Q You say that. I don't see it in the letter, do
6 you?
7 A I will get the letter for you.
8 Q Okay. Other than this --
9 A I feel that they don't have insufficient
10 information to determine.
11 MR. HART: You've explained enough.
12 BY MR. VOSS:
13 Q And the letter --
14 MR. HART: Let him ask another question.
15 MR. VOSS: The letter is now where? Where has it gone
16 to, Number 21?
17 Q This letter from the attorney general's office,
18 you've got October 19 of 2016, right, and you received it
19 in or about that time; right?
20 A (Witness nods.)
21 MR. HART: Are you sure you received this?
22 THE WITNESS: Yes, I received it, and I even called
23 them to talk about this case. And the lady on the line
24 tell me to get attorney.
25 MR. VOSS: Ma'am, it's nonresponsive to my question

1 again. Move to strike.
2 MR. HART: Just wait for a question.
3 BY MR. VOSS:
4 Q And then in or around that same time, were you in
5 communication with the reporter and publisher in Atlanta?
6 A Yes.
7 Q And there was an article written, wasn't there,
8 that was entitled, "Champions for Rent," and you remember
9 that as well; right?
10 A Yes.
11 Q That "Champions for Rent" article was written
12 based on information that you provided; right?
13 A I am not responsible for what he writes.
14 Q Did you provide the information that he used in
15 that article?
16 A I explained the situation, that I donate and I
17 don't get a financial report clearly, and based on that he
18 write an article.
19 Q Do you know if that article was distributed to
20 major donors of BPSOS?
21 A I don't know where he sent to.
22 Q You don't have any idea?
23 A He has a website, so he publish in the website.
24 Whoever go to that website can get it.
25 Q Is that website well known to be visited by the

1 Vietnamese community?
2 A I don't know. It's chinhnghia.com.
3 Q The articles are even published in Vietnam,
4 aren't they?
5 A Yeah, in Vietnamese.
6 Q So you knew when this was being told to the
7 reporter in Atlanta that it was going to be published on
8 the website that was frequented by the Vietnamese
9 community; right?
10 A Right.
11 Q You also --
12 A He write --
13 Q There's no question pending.
14 MR. HART: We'll never get out of here if you don't
15 shorten the answers and just let him ask the question.
16 BY MR. VOSS:
17 Q Are you familiar with the Saigon Times?
18 A Yes.
19 Q And do you know who the publisher is or the
20 reporters at the Saigon Times?
21 A He's a reporter in Australia.
22 Q So the first one, the "Champions for Rent," was
23 the reporter in Atlanta. The second one, the Saigon
24 Times, is the reporter in Australia you referenced. So in
25 or about October 5 of 2016, do you know if there was an

1 article published about BPSOS in the Saigon Times?
2 A Yes.
3 Q Okay. And do you know if that article accused
4 Dr. Nguyen of pocketing contributions made to BPSOS,
5 putting the money in his own pocket?
6 A Because he --
7 MR. HART: Do you know that that was the subject of
8 one of the articles?
9 THE WITNESS: Yes.
10 BY MR. VOSS:
11 Q And in fact --
12 A Can I explain?
13 Q Allow me to ask the questions.
14 In fact, that article went on to say in English
15 version, if I'm not mistaken, at the time there was a
16 champion in Dallas whose wife threatened to divorce him
17 because he stealthily wrote a check of \$10,000 to
18 Mr. Thang in order to join the ACF champion team; Mr.
19 Thang knew that the couple were in discord because of this
20 required contribution of \$10,000, but still calmly cashed
21 the husband's check.
22 You told that to the reporter, and it was
23 published; right?
24 A Dr. Thang and BPSOS is one entity to us. When we
25 talk about BPSOS, we talk about him. He represents. He's

1 the CEO, director. So the check go to Dr. Thang, that
 2 means goes to BPS.
 3 MR. HART: Holly.
 4 BY MR. VOSS:
 5 Q So you will confirm that the statement I just
 6 made was given by you to the reporter and published in the
 7 Saigon Times. Is that correct? Is that correct?
 8 A Yes.
 9 MR. HART: That's the question. Did you tell the
 10 reporter those facts?
 11 THE WITNESS: He cashed the check.
 12 BY MR. VOSS:
 13 Q Did you, yes or no? Did you tell the reporter
 14 those facts, yes or no?
 15 A I write an e-mail. Then the reporter in
 16 Australia receive it. So he integrate what I write to
 17 that.
 18 Q And this is the information that was contained in
 19 the e-mail you sent to the reporter in Australia. Is that
 20 correct?
 21 A Yes. BPSOS cashed the check.
 22 Q Did you also call on community members in that
 23 e-mail to stop contributing to BPSOS, yes or no?
 24 A I just give the warning to donors to be careful
 25 and verify the cause, the reason why you want to donate,

1 just a warning.
 2 Q And you, in fact, called on community members in
 3 the Vietnamese community not to contribute to BPSOS
 4 anymore, didn't you?
 5 A I give them the warning, be careful before you
 6 donate, because he never give us the detailed expense.
 7 That's my experience.
 8 Q Did you tell them, in fact, to stop contributing?
 9 A Again, I just give them a warning. Whoever want
 10 to give, be my guest. I just say, if you still want to
 11 donate, be my guest, but this is a warning.
 12 Q Do you have a copy of the e-mail that you sent
 13 that was used by the Saigon Times?
 14 A Yes.
 15 Q And did you produce that in your discovery, give
 16 that to your attorney to provide to us in the discovery
 17 process in this case? I haven't seen it. You have it.
 18 A I think it's October 4, October 4 or October 5.
 19 Q Then let's leave a notation here in the
 20 transcript to allow you to supplement by adding the e-mail
 21 that you admit that you have from October 4, and if
 22 necessary we'll move to reopen the deposition in order to
 23 ask questions about this previously unproduced and
 24 critical piece of evidence relating to your defamatory
 25 communications to the Australian publisher of the Saigon

1 Times.
 2 MR. HART: We're not stipulating to anything along
 3 those lines.
 4 Do you have a copy of the October 4 e-mail?
 5 THE WITNESS: Yes.
 6 MR. HART: Do you have it with you?
 7 THE WITNESS: Here?
 8 MR. HART: Yeah.
 9 THE WITNESS: I have it in my computer.
 10 MR. HART: Do you have your computer with you?
 11 THE WITNESS: In your car.
 12 MR. HART: In the car?
 13 THE WITNESS: Yeah.
 14 BY MR. VOSS:
 15 Q Moving on, again, I've got limited time, on
 16 October 12 of 2016, did you communicate on the Vietnamese
 17 diaspora community to boycott BPSOS?
 18 A Again, it's a warning.
 19 Q Did you say, English version, quote, I hope that
 20 members of the different social media forums' journalists
 21 to speak out and help fellow Vietnamese to see through the
 22 schemes used by Nguyen Dinh Thang to fool them into making
 23 donations so that we won't continue to be deceived because
 24 of our patriotic love deep inside each of us.
 25 Are those your words?

1 A Yes.
 2 Q And you caused that to be communicated to the
 3 entire Vietnamese community. Isn't that correct?
 4 A I'm giving them a warning.
 5 Q On October 15 of 2016, did you explicitly accuse
 6 the CEO and president of BPSOS of scheming and forcing
 7 people to involuntarily make donations by stating in your
 8 words in English, quote, I hope that members of the
 9 different social media forums' journalists to speak out
 10 and help fellow Vietnamese to see through the solicitation
 11 schemes of Nguyen Dinh Thang and have caused discord in
 12 many Vietnamese family due to disagreement among husbands
 13 and wives because they were forced to contribute \$10,000
 14 to his ACF organization, end quote?
 15 Are those your words?
 16 A Yes.
 17 Q You caused that to be communicated to the entire
 18 Vietnamese community; right?
 19 A Because --
 20 MR. HART: Well, wait.
 21 BY MR. VOSS:
 22 Q Yes or no?
 23 MR. HART: Entire Vietnamese community?
 24 MR. VOSS: To the Vietnamese community.
 25 MR. HART: To some media outlets that published to the

1 Vietnamese community.
 2 MR. CHIN: Probably the Vietnamese community that
 3 reads that website.
 4 MR. VOSS: Probably.
 5 Q Was it to the Vietnamese community that read that
 6 website?
 7 MR. HART: Or who did you say that to?
 8 BY MR. VOSS:
 9 Q Who did you communicate that to?
 10 A Whoever can go to the website can read it.
 11 MR. VOSS: Take a quick break.
 12 MR. CHIN: Sure.
 13 (Recess held.)
 14 MR. CHIN: I don't have any further questions at this
 15 time.
 16 MR. VOSS: I have no further questions at this time.
 17 MR. HART: I have a few just to clean up the record a
 18 little bit.
 19
 20 EXAMINATION
 21 BY MR. HART:
 22 Q Showing you Exhibit 8, can you tell us what
 23 Exhibit 8 is, please.
 24 A The content, summarize?
 25 Q Yeah. What is this? What's it about?

1 A Exhibit 9 I say after many time --
 2 Q Hold on. What is it?
 3 A It's an e-mail that I sent to Helen Ngo, and I
 4 think she forward to him.
 5 Q To Dr. Nguyen?
 6 A Sent to him too, yeah. I say the subject is "no
 7 no." After many time that he throw cold water to my face,
 8 how many time that he make my inner fight, you know, turn
 9 off. Do you think I still want to do fundraising \$30,000
 10 for the education fund for the Vietnamese children in
 11 Thailand and raise another \$30,000 to hire a manager? I'm
 12 sorry, I don't think I want to do that.
 13 Q Okay. Pass that one over. Here's Exhibit 10.
 14 This is the one with the three monkeys, which we say in
 15 our vernacular, hear no evil, see no evil, speak no evil.
 16 MR. CHIN: I'll stipulate to that.
 17 BY MR. HART:
 18 Q That's how we say that. So what is the point of
 19 this Exhibit 10?
 20 A The point is I say he never responds to my
 21 question.
 22 Q Who's he?
 23 A Mr. Thang. So he close his mouth. He doesn't
 24 read my e-mails. Close his eye and he doesn't listen to
 25 what I try to tell him. So to me he's doing the three

1 A I write an e-mail to Mr. Thang and Helen Ngo,
 2 because she tell me Mr. Que donate \$5,000. And I tell her
 3 that I don't need to know, I don't care, because I'm not a
 4 member of ACF anymore, okay, and I wish that he will have
 5 more member, more ACF members to give him the money. And
 6 I refused to donate \$5,000 in the year 2014, because I
 7 donate \$10,000 in 2013 already. So now it's time to
 8 donate \$5,000, and I say I refuse because I don't get a
 9 transparency financial report.
 10 And I tell Helen and Thang that I don't want my
 11 hard earned money, \$5,000 or \$10,000, to be burned too
 12 fast, that I don't have the right to ask the number in his
 13 book. And I say, well, maybe because I'm the IT
 14 consultant working with accounting, so I'm very good with
 15 numbers, okay. And I say, I regret that -- I thought that
 16 I may work with him to help my people, but I regret that I
 17 have to stop here.
 18 And Helen tell me that if I don't work for
 19 Mr. Thang, who else the good leader that I can work for.
 20 Then I say I'm not looking for good leader, I just try my
 21 best to help. And I say his budget of \$500,000 in 2014
 22 and one million in 2015 is unrealistic to me. That's all.
 23 Q Pass that exhibit to the court reporter, please.
 24 Send that over to her. Now, here's Exhibit 9. Tell us
 25 what Exhibit 9 is.

1 monkeys, yeah, no talking, no seeing, and no hearing.
 2 Q Okay.
 3 A So is this the way you want to treat your friend
 4 in ACF? It's not fair.
 5 Q Okay. Pass that one on. Here's Exhibit 11.
 6 There's a lot of pages to this. So say what this is and
 7 why you sent this.
 8 A Okay. I read from the e-mail, there's a video.
 9 It says, what do you study for? And I think this guy,
 10 okay --
 11 Q On page 2?
 12 A On page 2, he has a good method of transfer the
 13 message. So I ask him, if you can read this and then you
 14 can communicate, learn how to communicate and get your
 15 message across, okay, and I just give him some training
 16 that I think is interesting.
 17 Q Okay. And who did you send this to?
 18 A To him.
 19 Q Again, to Dr. Nguyen?
 20 A To Hien and maybe forward to him.
 21 Q So this is a recommendation?
 22 A A recommendation, and this is communication for a
 23 way how to communicate to get your message across. And do
 24 not do, like when you say I'm always right, I'm always
 25 better than you, and do not hurt the feeling of other

1 people. So it's just a lesson I want him to review and
 2 see if he like it, give some ideas, okay.
 3 Q Did you get any feedback from sending this?
 4 A No, doesn't answer.
 5 Q Here's Exhibit 12. It's several pages as well.
 6 What is this?
 7 A Okay. I asked him some question, okay. I asked,
 8 when you invite a new member for ACF, do you really
 9 consider they are your team member working together to
 10 help Vietnam become a democracy in the future, or you
 11 check out if they have the money, \$10,000, \$5,000 to give
 12 to ACF budget to spend in your plan. Do you think they
 13 are smart? Do you think they have a degree and they have
 14 talent and good heart to the country so that they agree to
 15 join ACF with you?
 16 Okay. And then when a person in ACF raise a
 17 concern or asks your finance, then you trash his name,
 18 expel the person out of the organization. You don't even
 19 send an e-mail or call them to ask them why they want to
 20 leave. So to me that's not a good leadership.
 21 (Mr. Voss exits the proceedings.)
 22 BY MR. HART:
 23 Q What's this top part about?
 24 A The top part, he say thank you me for ask, for
 25 asking. And he think that there's many good people, but

1 they cannot work together because they have different
 2 idea, different goal, and different way to work. For
 3 example, he said, for example, some good people belong to
 4 democratic, some good people belong to republic. They
 5 don't work together, but they are good people. They can
 6 be a friend, but work together is no. Then he say good
 7 luck or something like that.
 8 Q Is this an angry communication between the two of
 9 you?
 10 A No, not angry. He just tried to explain that he
 11 doesn't want to work with people that doesn't follow his
 12 idea.
 13 Q People who ask questions?
 14 A People who ask questions, and they don't work
 15 together because different idea, different determination.
 16 So he doesn't answer my question at all directly. And so
 17 I ask him one, two, three question. He doesn't answer any
 18 of them. And I say, well, I'm frustrated, I don't trust,
 19 and I regret the time and the money and my effort spent
 20 for the last two years to work with you. That's all.
 21 Q Okay.
 22 A He never answered my question.
 23 Q Here's Number 13. What is this Exhibit 13?
 24 A I said thank you for answering but not directly
 25 to my question. And I say, maybe you mean we have the

1 same goal, but we don't have the same value, so that we
 2 cannot work together, like the lesson goal and value in
 3 your book. But have you ever wondered why I follow a
 4 different value with you, but many people like me, respect
 5 me, admire me. And in front of BPSOS for the last two
 6 years, who can raise money more than me? When I'm absent
 7 for the last few months, everybody worry and ask me if I'm
 8 still working for BPSOS or not. When people in miserable,
 9 they don't look for you, but they look for me. Why many
 10 people sent e-mail to you and always start with to
 11 Dr. Thang and Ms. Holly.
 12 Q So can you tell us the names of the BPSOS members
 13 who wrote e-mails of support to you when you quit?
 14 A Yes, at least five people that I have right here.
 15 Let me see. Okay. When I sent a letter on e-mail to say
 16 I quit, his brother, Mr. Tien D. Nguyen in Virginia, last
 17 name N-g-u-y-e-n, the first name T-i-e-n, the middle name
 18 D. He wrote an e-mail, and he sent to everybody in the
 19 group.
 20 Q Just tell me the names.
 21 A Tien Nguyen, he say, "You shall always be the
 22 friend of many of us and have our love and respect no
 23 matter what."
 24 Q What's the next one?
 25 A The next one is Mr. Benny Truong, Benny, last

1 name T-r-u-o-n-g, in Atlanta. He say, "Dear chi Hue, we
 2 simply miss you dearly on Advocacy Day."
 3 Another member, Tuyet Dinh, last name D-i-n-h,
 4 first name T-u-y-e-t, in Kentucky, she say, "We, the
 5 people in the group, miss you a lot. Your absence is a
 6 big loss to the group."
 7 And another e-mail from Helen Ngo in Virginia,
 8 N-g-o, she say:
 9 "I know you cannot sit still watching our country
 10 fail. A small group of our friends will have a
 11 meeting with Thang. Some day Thang will have to
 12 invite you back, directly or indirectly. Stay calm
 13 and rest. Do whatever you can do for the time being.
 14 We will work together again in the future. Love."
 15 And my answer to everybody in the group, one
 16 e-mail, I say:
 17 "Thank you everybody for e-mailing, phoning me,
 18 and hoping to see me back working with all of you. I
 19 am touched when I know all of you still love and
 20 respect me personally and value my contributions for
 21 the last two years."
 22 Q Okay. Close that up?
 23 MR. CHIN: Are you going to offer any of these things
 24 that she's reading out of her notebook? I mean, she's
 25 reading from documents that I don't believe have been

1 marked as exhibits.
 2 MR. HART: No, these are not exhibits. You guys
 3 brought the exhibits, so --
 4 MR. CHIN: So the stuff she was reading from was from
 5 her notebook in front of her.
 6 MR. HART: Right.
 7 MR. CHIN: Do you intend to mark any of these?
 8 MR. HART: I didn't intend to, but we will if you want
 9 to. I asked you, and you agreed to mark and include some
 10 things. So if you ask me, I'm happy to do it.
 11 MR. CHIN: You know what, I'm not saying one way or
 12 the other, but she's reading freeform from a three-ring
 13 binder in front of you. That's all I have to say.
 14 MR. HART: I think we can find a copy we could put in
 15 the record.
 16 MR. CHIN: That's fine.
 17 BY MR. HART:
 18 Q What's the name of the husband and wife over the
 19 \$10,000?
 20 A Dan Tran.
 21 Q Dan Tran, can you summarize what that's all
 22 about?
 23 MR. CHIN: Objection; calls for a narrative, also
 24 asked and answered.
 25 MR. HART: Because I heard what went on here before
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1 today, but I don't understand context or anything else
 2 about it.
 3 MR. CHIN: Same objection.
 4 THE WITNESS: He's the budget committee lead, and I'm
 5 the member, okay, and he's responsible to raise funds for
 6 him. So every time he cannot go, say to Oklahoma or
 7 Seattle, then he, Dan Tran, and I go represent BPSOS to
 8 raise fund. And in Oklahoma City, we raised about
 9 \$22,000. In Seattle we raised about \$10,000.
 10 So he want to donate \$10,000 in order to stay as
 11 a member, but his wife doesn't agree, okay. And he find
 12 some way to donate anyway. And his wife tell me that he
 13 has a tax office, he's doing tax for people. So when a
 14 company asked him to do tax, say instead of checking
 15 \$1,000, he checked only \$500. And he asked the client to
 16 send a check \$500 to BPSOS. And his wife know that, and
 17 she's not happy about that. And she keep asking me how
 18 much her husband donate. And I say, ask him or the
 19 treasurer.
 20 Q So you didn't tell her?
 21 A I didn't tell her. If you ask her now how much
 22 her husband donate, I'm sure she doesn't give you a right
 23 answer.
 24 MR. CHIN: Objection; calls for speculation.
 25 ///
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1 BY MR. HART:
 2 Q Okay. Were you friends with this person? What's
 3 the wife's name?
 4 A Hien, Hien Tran.
 5 MR. CHIN: H-i-e-n.
 6 THE WITNESS: She come to California. I met her one
 7 time. And then in September 2013, they raised fund in
 8 Dallas, so they invite me to come over there. So together
 9 we are in the fundraising event. And she cooked, and she
 10 invite us.
 11 BY MR. HART:
 12 Q So you met her?
 13 A I met her in her house.
 14 Q Did you two get involved in some kind of a
 15 back-and-forth telephone conversation?
 16 A Yes.
 17 Q Tell us how that happened.
 18 A After that, after the fundraising event, she
 19 called me almost every night from 9:00 o'clock to 11:00
 20 California time.
 21 Q She calls you?
 22 A She called me.
 23 Q Did you ever call her?
 24 A No. I don't have time.
 25 Q Okay.
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1 A If you track the phone records, you can see she
 2 stayed on the phone with me at least one hour or two
 3 hours. She's complaining about her husband's infidelity.
 4 And it take a lot of my time, so eventually I don't pick
 5 up the phone anymore. I don't communicate with her at all
 6 at least six months, and then all of a sudden I hear that
 7 she want to file divorce. I have no idea why.
 8 Q Look at Exhibit 14. Can you tell us what that
 9 is?
 10 A He wrote an article in his book.
 11 Q He who?
 12 A Nguyen Dinh Thang.
 13 Q The defendant.
 14 A He say working for charity like doing business,
 15 the title, doing charity is like doing business, okay.
 16 Then he say people who do charity must calculate more
 17 detail than a business person. If a business person has
 18 one, let's say \$1 principal, then he need to get \$4 profit
 19 for a business person. But for a social worker must think
 20 \$1, you have to make \$40 profit. That's his quote. So I
 21 quote his quote in the book.
 22 And he say okay. At that time he asked everybody
 23 donate so that he can have \$12,000 a month so that he can
 24 hire employee to do legal assistance in Thailand. Then I
 25 say I suggest him to answer all the financial question
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1 that I have for the last year before he can ask people to
 2 donate more so you can have \$12,000 a month, to do that.
 3 And in 2013 I raise fund and giveforward.com for
 4 the human trafficking victim. I give BPSOS \$6,853 to help
 5 15 human traffic victim in Vietnam. Since then 2013 until
 6 now, he never tell me how he used the money, how much he
 7 give each victim, no detail.
 8 Q The top of this front page, is this a response in
 9 English?
 10 A Yes, his response, "You will receive
 11 communication in due time from our lawyer regarding
 12 defamation and stalking."
 13 Q Do you know what defamation he's talking about,
 14 the questions you've asked?
 15 A The question I asked. I give you \$6,853 for
 16 human trafficking victim. Where does the money go? He
 17 thinks that's a defamation.
 18 Q What about the stalking, what is he talking about
 19 when he mentions the stalking?
 20 A Okay. In his new letter he said that because I
 21 go to Thailand on 2012 to visit 700 refugee with my own
 22 money, about \$10,000, the last day I met eight refugee,
 23 and four of them get caught by the Thai police, and maybe
 24 I am the reason. So I say when, I go to 2012, after I go,
 25 I write an article to explain what's going on in my

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1 experience with the refugee, and I tell everybody a story
 2 that people get caught.
 3 He used my story, published in his website and
 4 the Viet Bao reprint that. I have four article. He used
 5 it to promote what he's doing in Thailand and raise more
 6 fund. Why now the same story that he blame me to make the
 7 refugee get caught by the Thai police, it's irony. And I
 8 ask the refugee, who he's in Houston right now, I asked
 9 him to write a letter to explain what's going on and why
 10 you got caught, does it have anything to do with me. And
 11 he answered, and he say it had nothing to do with Holly.
 12 Because when I go there, they invite me to the
 13 coffee shop that I don't know. I have no idea where is
 14 the coffee shop. It's like a Starbucks somewhere. But
 15 they take me there. I have no planning or no address.
 16 And after I leave, four of them stay in the coffee shop.
 17 They are safe. Only when they go home, they get caught.
 18 And the refugee can get caught anytime in Thailand.
 19 Q Why does that make you think about stalking, that
 20 that's what he's referring to when he says you'll be
 21 contacted by attorneys about stalking?
 22 MR. CHIN: Objection; calls for speculation.
 23 THE WITNESS: The letter of the refugee explained
 24 everything. That means he tried to explain that Holly --
 25 he's grateful to me. I didn't do any harm to the refugee.

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1 It's contradict to what he say in the newsletter.
 2 BY MR. HART:
 3 Q Okay. Do you know what the word "stalking"
 4 means? Does this term make sense to you?
 5 A Yes.
 6 MR. CHIN: I'm going to object; as used in this case,
 7 it calls for a legal conclusion.
 8 BY MR. HART:
 9 Q What do you think stalking means?
 10 MR. CHIN: Same objection.
 11 MR. HART: You can answer.
 12 THE WITNESS: Stalking means I follow you, I bother
 13 you, I threaten you.
 14 BY MR. HART:
 15 Q Okay. What's that got to do with the Thailand
 16 incident where the refugees were captured, nothing?
 17 A Nothing.
 18 MR. HART: Okay.
 19 MR. CHIN: Can you read back something threaten you.
 20 (The following answer was read:
 21 "THE WITNESS: Stalking means I
 22 follow you, I bother you, I threaten
 23 you.")
 24 BY MR. HART:
 25 Q Okay. So let's look at Exhibit 15 now. Can you

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1 tell us what this is?
 2 A This is the letter of Dan Tran wrote to me, and
 3 then he cc'd to the whole group.
 4 Q What date is it?
 5 A June 7, 2014.
 6 Q Okay. What does this letter --
 7 A Before I have the ACF member group, I'm included
 8 in that group. But after I resign, they exclude my
 9 e-mail. So they create a new group called ACF 5 and 100
 10 Google group. So he sent an e-mail to me, and then he
 11 feel that everybody in the group should know what he
 12 write, so he write to the group as well.
 13 Q What did he write?
 14 A Okay.
 15 Q Just summarize it.
 16 A Summarize, okay. Since his wife filed a divorce,
 17 so he tried to think that maybe because of Holly say
 18 something to his wife, okay -- that he say he has a sister
 19 in California, and before that I have a rental property.
 20 He asked if I have my property for sale okay. He asked me
 21 if I can let his sister to see the condo, two-bedroom
 22 condo, so that he can buy the condo for his sister. At
 23 that time I have a buyer already, but it's still pending,
 24 and I say, okay, if your sister want to see the condo, let
 25 her exact me, and I let her in to see it.

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1 His sister never contact me, and he never make an
 2 offer or anything. But when his wife file the divorce, he
 3 think that I let his wife know that he's going to buy a
 4 condo for his sister.
 5 MR. CHIN: Objection; calls for speculation.
 6 THE WITNESS: This is right here. Then I tell him
 7 that is not true, your sister never called me or anything.
 8 And I have a buyer already, and I sold it already. So
 9 nothing to do with the condo and everything. And I said,
 10 you suspect wrong, you have to say sorry, apologize, in
 11 here.
 12 And then the next paragraph, he say, I trust you
 13 I tell you, Hue; I tell you not to tell my wife that I
 14 donate to ACF, because I lied to my wife; I said I donate
 15 only \$2,500. You, Hue, you know I give \$10,000 like
 16 everybody else and \$2,400 for Tom Lantos fellowship and
 17 \$1,000 to support John Cornyn, C-o-r-n-y-n. He's the
 18 guy --
 19 Q You're not summarizing. What I want you to do is
 20 just summarize what's happening in this e-mail.
 21 A So --
 22 MR. CHIN: Objection; calls for a narrative.
 23 MR. HART: Keep going.
 24 THE WITNESS: He say he keep his wife in the dark,
 25 okay. He just tell he donate only \$2,500.

1 A Yes.
 2 Q And who are the participants in this text
 3 exchange?
 4 A Just me and Hien Tran in Dallas.
 5 Q So this is Dan Tran's wife?
 6 A Yes.
 7 Q Okay. And did she text you first or you her?
 8 MR. CHIN: Objection; asked and answered.
 9 MR. HART: It's okay. Just keep going.
 10 THE WITNESS: After I received an e-mail from Dan Tran
 11 telling me that his wife is filing a divorce and she's
 12 freezing \$350,000 from their community assets, he asked me
 13 if I can help. Before I decide to help or not, I want to
 14 find out what's going on. So I text her and I say, what's
 15 going on?
 16 MR. CHIN: Objection; move to strike all of the
 17 response because it was nonresponsive.
 18 BY MR. HART:
 19 Q So what did she say? Did she tell you what was
 20 going on?
 21 A She said that she want a divorce and she doesn't
 22 want her husband to donate any more or work for Mr. Thang.
 23 Q Okay.
 24 A And I said, okay, keep your key, keep your
 25 lockbox, and tell Mr. Thang that he cannot receive the

1 MR. HART: We got that.
 2 THE WITNESS: Now, he say his wife tell him that she
 3 doesn't trust him, she doesn't want him to work for
 4 Mr. Thang anymore, okay, and he think he do the right
 5 thing, thing like that, to support the Vietnam, thing like
 6 that.
 7 BY MR. HART:
 8 Q Is he blaming you for this?
 9 MR. CHIN: Objection; calls for speculation.
 10 THE WITNESS: Yeah, he blame me.
 11 BY MR. HART:
 12 Q That's what this is about?
 13 A Yeah, he blame me.
 14 Q And --
 15 A Wait. He say, you ask question about the expense
 16 of ACF. The total contract is \$91,268, including the
 17 former ambassador Rees, plus five or six volunteer, okay.
 18 And he say when he look at the number 91,000, he almost
 19 pass out, okay, but later on he say this is a small number
 20 for the six months. He say it's a small number compared
 21 to the \$180,000 communist Vietnam hire a lobbyist to fight
 22 against BPSOS. So it's a small number. We spent only
 23 \$91,000, and the communist Vietnam spent double.
 24 Q All right. Looking at Exhibit 16, are these
 25 pictures of the text message?

1 check without your approval. You need to sign also. It's
 2 a community property. The husband and wife needs to
 3 agree.
 4 Q Okay. Did this person ever contact you again?
 5 A This is the question she asked me, do you know in
 6 2013 Dan donate how much? She believe it's \$10,000, but
 7 you read his letter. It's not \$10,000. It's more than
 8 that, 13 something.
 9 MR. CHIN: Object; move to strike all of that as
 10 nonresponsive, no question spending. The witness is
 11 editorializing from the document with no question pending.
 12 BY MR. HART:
 13 Q Did this person ever contact you again after this
 14 text exchange?
 15 A Yes.
 16 Q How?
 17 A Phone.
 18 Q She called you on the phone?
 19 A She say, I know how much he donate already. And
 20 I say, You know exactly the number? She said, I know
 21 \$10,000. I say, I don't think so, to ask him or the
 22 treasurer. She believed that \$10,000 the number. She
 23 think \$10,000, but it's not the case.
 24 Q Did you have any other communication with her
 25 after that?

1 A After that I tell her that I'm frustrated with
 2 her family situation, so do not bother me, and if you want
 3 a number, call him or BPSOS. I am out. I no longer work
 4 for BPSOS. I no longer ACF member. I don't care.
 5 Q So did you call her to say that or send her a
 6 text message?
 7 A I call her, yeah.
 8 Q And was there any further communication between
 9 the two of you after that?
 10 A No. We stop.
 11 Q Okay. Exhibit 19, what is that?
 12 A Okay. 2015 this member from the labor movement
 13 approach me and ask me to be a donor to help them. At
 14 that time we talk about TPP, Trans-Pacific Partnership
 15 with the Vietnamese, and we will require the government to
 16 have the independent labor, okay. So they approach me to
 17 help them raise fund. Then actually I gave them \$1,500,
 18 and I don't organize a fundraising event, just on the
 19 Internet I ask, if you support TPP, you support the union,
 20 then help them. So I'm the donor. I don't work for them.
 21 Q Look at Exhibit 21. Recognize that, the letter
 22 from the Commonwealth of Virginia Attorney General's
 23 office?
 24 A Yes.
 25 Q Why did you send any communication originally to

1 the Virginia Attorney General?
 2 A Because after I asked him many, many time one
 3 year, and he has no answer for me, so I --
 4 Q Wait a minute. What were you asking him many,
 5 many times for a year?
 6 A In 2014, in 2014.
 7 Q What question did you ask?
 8 A Financial report, how you use our donation.
 9 Q Okay. So you're telling the Virginia Attorney
 10 General that you don't understand something in the BPSOS
 11 books?
 12 A Right.
 13 MR. CHIN: Objection; misstates her testimony.
 14 BY MR. HART:
 15 Q What is it that you didn't understand?
 16 A The total he give me, about \$225,000, but I look
 17 in the tax, the line say all the revenue is only 125 or
 18 something like that. So the difference is \$109,000. And
 19 also, I don't see the individual donation. The people who
 20 send the check directly to BPSOS or online, I don't see in
 21 the report.
 22 Q So when you noticed that discrepancy the first
 23 time, what did you do?
 24 A I asked internally in ACF member group.
 25 Q Including Dr. Nguyen?

1 A Yes, about 50 people.
 2 Q Did anybody ever explain --
 3 A No.
 4 Q -- the basis of that discrepancy?
 5 A No.
 6 Q And so did you ask the Virginia Attorney General
 7 to explain that or to help you understand what's required?
 8 A I send all the report to Virginia Attorney
 9 General and ask them if they can work with BPSOS to come
 10 up with an answer for me.
 11 Q Okay.
 12 A And I'm waiting, waiting. After one year they
 13 give me this.
 14 Q Why did you need that answer?
 15 A Because I want to know, okay, because I'm the
 16 people who ask me to go out and do fundraising. Other
 17 people may ask me, okay, I donate \$200 to the human
 18 trafficking victim; well, who do you help? I don't have
 19 the answer. It's hard for me if I continue to do
 20 fundraising and I don't know where the money goes. It's a
 21 difficult job.
 22 Q Is it important to be able to show that
 23 transparency to the donors?
 24 A Yes.
 25 Q Did you explain that to anybody at BPSOS, that

1 you needed that transparency?
 2 A Yes, yes. In one of the letters that we just
 3 show, I said that I'm responsible for the donor who give
 4 the money to me and then send the check to him.
 5 Q Okay.
 6 A Personally, I donate \$22,000 myself. I still
 7 want to know, where does my money go?
 8 Q Did you ever get any information about this
 9 discrepancy from Dr. Nguyen?
 10 A No, until October 4 when I --
 11 Q What year?
 12 A October 4, 2016, I find out that there's a
 13 website guidestar.org that you can go there and enter the
 14 name of the charity and get the tax report for free. It's
 15 a public record. Until then I know, I go there and get
 16 it.
 17 Q Did you do that?
 18 A Yes, that's how I get the tax 2013. So now I can
 19 pinpoint, okay, what's this line mean, tell me, because he
 20 can ignore me.
 21 Q Did you find the answer you needed when you
 22 pulled the tax form?
 23 A Well, he say the donation, \$229,529.90 go on the
 24 line Number 8 with contribution and grants, which the
 25 total is \$3,257,520.

1 Q Does that answer your question and give you the
 2 transparency that you need?
 3 A No. It's just a number. No detail support it.
 4 What can I do with that number? Because I know that he
 5 get the grant from the government to help the refugee to
 6 resettle here. So they learn English. They learn how to
 7 pass the U.S. citizenship, a lot of things in here. And
 8 where is my money going here? You know, just one-page
 9 report like that is not enough.
 10 Q In your experience, Holly, do other charities
 11 provide that level of transparency?
 12 MR. CHIN: Objection; calls for speculation, calls for
 13 an expert opinion, beyond the scope of the expertise of
 14 this witness. To the extent it's intended to be a
 15 hypothetical, it's an incomplete hypothetical as phrased,
 16 lacks foundation, assumes facts not in evidence, probably
 17 some other objections that I can think about right now
 18 since I'm too tired.
 19 BY MR. HART:
 20 Q In your experience do other charities that you've
 21 been involved with provide this level of transparency?
 22 MR. CHIN: Same objections.
 23 THE WITNESS: They don't provide a detail to the
 24 public, but for the internal team, support team, we need
 25 to know. Policy committee, finance committee, we should

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1 know. Don't you agree?
 2 BY MR. HART:
 3 Q Well, the question is --
 4 A Internally.
 5 Q Listen to my question, please. Are you used to
 6 having this level of transparency in dealing with other
 7 charities that you have fundraised for?
 8 MR. CHIN: Same objections.
 9 BY MR. HART:
 10 Q Yes?
 11 A Yes.
 12 Q Okay. So in this particular case, is this
 13 unusual or an irregularity in your experience?
 14 A It's very unusual.
 15 Q Okay. All right. Would you find the page with
 16 the BPSOS members who sent you e-mail messages after you
 17 quit?
 18 A You want that page?
 19 Q Yes. I want you to pull that page out.
 20 A (Witness complies.)
 21 Q These two pages, are these all of the --
 22 A From here until here.
 23 Q -- things that you read?
 24 A Yeah.
 25 MR. HART: I'll mark and attach this as next in order.

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1 I think it's 22.
 2 (Exhibit 22 was marked for
 3 identification and is attached hereto.)
 4 MR. HART: That's all the questions I have.
 5 MR. CHIN: I have some follow-up.
 6 MR. NGUYEN: Can we have a break?
 7 MR. CHIN: Yeah, we can have a break.
 8
 9 FURTHER EXAMINATION
 10 BY MR. CHIN:
 11 Q We've talked today a lot -- or you've talked
 12 today a lot about multiple, multiple e-mails that you sent
 13 Dr. Nguyen talking about him, talking about his fiancée
 14 then and his wife, talking about his mother-in-law. We've
 15 talked about multiple e-mails. Let me back up. I'm going
 16 to say more than just e-mails, texts, phone calls,
 17 e-mails, I'm going to use the broad term,
 18 "communications." So I'll back up. We've talked about
 19 multiple communications, mostly e-mails. I think there
 20 were 11 of them that you sent to Dr. Nguyen talking about
 21 his wife, talking about him, talking about his
 22 mother-in-law, same thing as the Dan Tran and his wife,
 23 Hien Tran. I've got a box in there of probably 50 other
 24 e-mails, but I don't think your lawyer's going to let
 25 month go through it, because I'm going to run up against

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1 the seven-hour limitation. Would you agree that your
 2 conduct could be interpreted as bothering Dr. Nguyen?
 3 A I don't think so.
 4 Q Would you agree that your conduct was threatening
 5 to Dr. Nguyen?
 6 A No.
 7 Q Do you think your conduct was bothering -- and I
 8 recognize BPSOS is not a living thing. It's a business
 9 entity. Would you agree that your conduct and
 10 communications was bothersome to BPSOS?
 11 A No. Actually, he bothered me.
 12 Q Would you agree that your conduct and
 13 communication threatened BPSOS?
 14 A No, because --
 15 MR. CHIN: I didn't ask you anything else, ma'am.
 16 Thank you.
 17 THE WITNESS: Okay. You want to ask something?
 18 MR. CHIN: I think I'm done, but I think my client
 19 wants to speak to me, so we'll take a five-minute break.
 20 (Recess held.)
 21 MR. CHIN: Back on the record.
 22 Q Ms. Ngo, you were never a director of BPSOS or
 23 the local chapter; correct?
 24 A I'm the board member of the local chapter.
 25 Q Of BPSOS?

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1 A Yes.
 2 Q Okay.
 3 A For a year and a half, I think.
 4 Q Were you ever a board member of the national
 5 entity?
 6 A No.
 7 Q Now, ACF, that is not a legal entity; correct?
 8 A It's not, and he say --
 9 Q My question is, that is not a legal entity;
 10 correct?
 11 MR. HART: Do you know?
 12 THE WITNESS: No.
 13 BY MR. CHIN:
 14 Q You don't know, or it's not?
 15 A It's not.
 16 Q It was just a fundraising entity; correct? It's
 17 not a corporation. It's not an LLC. Is that correct?
 18 A It's a fundraising program.
 19 Q Okay. But it's not part of the BPSOS corporate
 20 entity. It's a separate nonlegal entity; correct?
 21 A When we write a check, we write to BPSOS.
 22 Q Okay. My question is, is ACF a separate nonlegal
 23 entity?
 24 MR. HART: Calls for a legal conclusion. You can say
 25 what you know about it.

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1 MR. CHIN: If you know.
 2 THE WITNESS: It's not a legal entity.
 3 BY MR. CHIN:
 4 Q By the way, you were a volunteer; correct?
 5 A He tried to convince us to become a member.
 6 Q You were a volunteer; correct?
 7 MR. HART: Meaning you weren't salaried.
 8 MR. CHIN: Or paid.
 9 THE WITNESS: I don't have salary.
 10 BY MR. CHIN:
 11 Q You never got a W-2 or W-4, 1099, from BPSOS;
 12 correct?
 13 A Correct.
 14 Q And you never signed a confidentiality agreement;
 15 correct?
 16 A No.
 17 Q But you believe you had a right to ask for and
 18 review financial documents related to BPSOS?
 19 A Because he --
 20 Q My question is, do you believe you had that
 21 right?
 22 A Yes.
 23 Q On what basis?
 24 A Because he assign me to be a member of financial
 25 and budgeting committee under ACF.

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1 Q Okay. But have you ever seen a legal document
 2 that gives a volunteer the right to look at financial
 3 documents regarding BPSOS?
 4 A I don't.
 5 Q But you believe you had the right; correct?
 6 A Yes.
 7 Q But you can't point me to any legal document that
 8 gave you that right; correct?
 9 A I don't see any legal document.
 10 Q Okay. By the way, you had resigned from the ACF
 11 before you started making these complaints about these
 12 financial issues with --
 13 A No. I complained about the financial issue. He
 14 didn't answer.
 15 Q My question --
 16 A So I frustrated. I resigned.
 17 Q You resigned before you made the complaints;
 18 correct?
 19 MR. HART: To who? Vague and ambiguous as to who.
 20 BY MR. CHIN:
 21 Q BPSOS, Dr. Nguyen. You resigned from ACF before
 22 you made the complaint, true or false?
 23 A False. I make a complaint before I resigned.
 24 Q After you resigned you continued to make
 25 complaints; correct?

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1 A Yes.
 2 Q You said you were a board member of the local
 3 chapter of BPSOS in Orange County; correct?
 4 A Yes.
 5 Q You were never a board member of the national --
 6 A You asked me the question before.
 7 Q I'm going to ask you again. I'm sure your lawyer
 8 will object, but I'll ask again. You were not a board
 9 member of the national entity based in -- I think it's
 10 Fairfax?
 11 A Virginia.
 12 Q The ACF, the fundraising arm, isn't that part of
 13 the international initiatives connected with the BPSOS in
 14 Virginia?
 15 A Yes.
 16 Q And not connected with the local chapter;
 17 correct? Correct?
 18 MR. HART: Well, give her a chance to think about it.
 19 MR. CHIN: Okay. I think she wants to explain
 20 herself. I just want a yes or no.
 21 THE WITNESS: He come to Orange County to recruit new
 22 member of ACF.
 23 MR. CHIN: Objection; move to strike as nonresponsive.
 24 Ms. Reporter, can you read back the question
 25 again?

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1 And I'm going to ask the witness to listen to the
 2 question and respond only to the question.
 3 (The following was read:
 4 "Q The ACF, the fundraising arm,
 5 isn't that part of the international
 6 initiatives connected with the BPSOS in
 7 Virginia?
 8 "A Yes.
 9 "Q And not connected with the
 10 local chapter; correct?")
 11 BY MR. CHIN:
 12 Q Yes?
 13 A No, because he asked me to go to the TV station,
 14 try to recruit member for ACF in Orange County.
 15 Q That wasn't my question, ma'am. My question
 16 was --
 17 MR. HART: It doesn't make any sense. If you're
 18 asking her if this is the local unit of the big unit, why
 19 are they not connected? If it's the local, it's
 20 connected.
 21 BY MR. CHIN:
 22 Q I'm talking about -- you know what international
 23 initiatives are; correct?
 24 A Yes.
 25 Q Do you understand what I mean when I say that was

1 connected with BPSOS in Virginia; correct?
 2 A Yes.
 3 Q Was it connected with any other BPSOS chapter,
 4 yes or no?
 5 A That he has to answer.
 6 MR. CHIN: I'm asking you.
 7 MR. HART: So you don't know?
 8 THE WITNESS: I don't know.
 9 BY MR. CHIN:
 10 Q Thank you. That's what we were trying to get at.
 11 Last question, when did you resign from the local BPSOS
 12 board, the one in Orange County, the chapter?
 13 A I don't remember exact date. He has it.
 14 Q I'm sure he does. I'm asking you.
 15 MR. HART: And she answered she doesn't remember.
 16 THE WITNESS: I don't remember.
 17 BY MR. CHIN:
 18 Q 2013, '14, '15?
 19 A Should be '14.
 20 Q Is that your best recollection, best estimate?
 21 A Yeah.
 22 MR. CHIN: I don't have anything further.
 23 MR. HART: Stipulation?
 24 THE WITNESS: Can I ask, the ACF --
 25 MR. CHIN: No question pending, ma'am.

1 MR. HART: We're done for now.
 2 MR. CHIN: I talked to David. I think he's okay with
 3 agreeing with a stip.
 4 I propose the following stipulation: That the
 5 court reporter be relieved of her obligations under the
 6 code; that the original transcript be forwarded directly
 7 to Mr. Hart; he'll make arrangements to have the witness
 8 review, modify, sign, and correct, if necessary, the
 9 original transcript under penalty of perjury.
 10 With a June 24 trial date, how much time do you
 11 need?
 12 MR. HART: Well, how long is it going to take to make
 13 it?
 14 THE REPORTER: Two weeks. We have a ten business day
 15 turnaround.
 16 MR. HART: We'll take 15 days.
 17 MR. CHIN: All right. Let me go off the record.
 18 (Discussion held off the record.)
 19 (Mr. Voss rejoins the proceedings.)
 20 MR. CHIN: Getting back to the stipulation, that the
 21 original transcript will be expedited, be done within a
 22 week; it will be sent to Mr. Hart; he'll have 15 days to
 23 have his client read, correct, and sign the original
 24 transcript under penalty of perjury; if the original is
 25 lost or otherwise unavailable, or for any reason the terms

1 of the stipulation are not complied with, a certified
 2 unsigned transcript can be used for any and all purposes.
 3 MR. VOSS: Corrections can be made in the form of an
 4 errata sheet rather than interlineated in the transcript
 5 and that the errata sheet be communicated by e-mail no
 6 later than the conclusion of those 15 days.
 7 MR. HART: Agreed.
 8 MR. CHIN: So stipulated.
 9 (The deposition proceedings concluded
 10 at 4:00 p.m.)
 11 * * *
 12
 13
 14 I declare under penalty of perjury, under the
 15 laws of the State of California, that the foregoing is
 16 true and correct.
 17 Executed on the _____ day of _____, 20____.
 18
 19
 20 _____
 21 Holly Ngo
 22
 23
 24
 25

1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2
3 I, the undersigned Certified Shorthand Reporter in and
4 for the State of California, do hereby certify:

5 That the foregoing proceedings were taken before me at
6 the time and place therein set forth, at which time the
7 witness was put under oath by me; that the testimony of
8 the witness and all objections made at the time of the
9 proceedings were recorded stenographically by me and were
10 thereafter transcribed under my direction; that the
11 foregoing is a true record of the testimony and of all
12 objections made at the time of the proceedings.

13 I further certify that I am a disinterested person and
14 am in no way interested in the outcome of said action, or
15 connected with or related to any of the parties in said
16 action, or to their respective counsel.

17 The dismantling, unsealing, or unbinding of the
18 original transcript will render the reporter's certificate
19 null and void.

20 In witness whereof, I have subscribed my name on May
21 14, 2019.

22
23
24
25

Sheila K. Russo, CSR No. 11760