

FYI

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From: **John Minton** <jminton@ayhmf.com>
 Date: Fri, Oct 19, 2018, 4:28 PM
 Subject: RE: Ho vs. Chang [IWOV-WorkSite.FID72092]
 To: Peter C. Ho <peter.ho@alumni.stanford.edu>

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Peter C. Ho <peter.ho@alumni.stanford.edu>

Mon, Oct 22, 2018 at 12:03 PM

To: "John D. Minton" <jminton@ayhmf.com>

Bcc: "Shan-Yuan Ho (大姐)" <shanyuan@gmail.com>, "Della N. Lau" <dellalau@launet.com>, Steven Lau <SharkBait@launet.com>

Dear John,

You asked when we were going to pay the bill, but as usual, we have questions and doubts about many of the charges.

First of all, you should know that you put us in a very difficult position by suddenly informing us that your firm would no longer be representing us. We have had to furiously attempt to try to find new counsel. This is not a simple task. As you know, my sisters and I are all involved in this lawsuit. I can't just go out and choose a new attorney on my own. We all have to agree. My sister Shan-Yuan is teaching in Boston and cannot just suddenly leave to come here to help find a new attorney. I have called around, but so far we have not come to a consensus as to a firm that we all like and would be willing or able to take the case. Some firms were reluctant to take over a case where the prior attorney refused to continue representing us. This "raises red flags" to them. There is also the mediation date that is coming up in less than a month. They say that they cannot be ready to mediate in that short amount of time. The mediation date will have to be moved. Some firms did not like the amount of time you used on Debby's depositions, which they found poor and inadequate. They feel the deposition time left for Debby is insufficient. The bottom line is that we are not close to finding a new law firm to take over the case.

When considering the past bills that we paid, we cannot believe that we have paid you over \$161,000 over the past year with very little to show for it. This includes the sacrifices my sisters and I made, spending countless hours and many sleepless nights doing your work for you, because **you told us it would save us money**, yet you still billed us \$173,116.40. We still have a lot of discovery to complete. We are not even done with one person's deposition and we have many more people to depose. When there was less than two months of discovery left and out of time, we asked you twice to send out all the deposition notices at once, but you refused, stating, "One thing at a time." We kept asking about the second set of discovery questions for Debby since March, which you said should be sent out. When we realized nothing would be done, in July we provided you with a long detailed list of questions for use in Debby's second set of discovery. We do not feel that the work you performed was worth \$173,116.40. This entire year, we did a large portion of the work for you, wrote many documents, and sent our analysis to you because you asked us to, telling us that it would help us cut costs. As the most recent example, I thoroughly examined what Debby produced after the Motion to Compel was granted; I compiled the list of deficiencies and kept asking you how to proceed; finally Dan took my work and pasted it into a Meet and Confer letter and then charged us 1.9 hours (\$703) for it. You gave us some token bill adjustments, but we do not think it was enough. Nevertheless, we paid the invoices just to maintain a good relationship with your office.

There are many legal actions that are pending right now, such as changing the trial date (you chose a date none of us can attend, without first checking with us), setting Debby's next deposition, compelling discovery, subpoenaing more

records, adding Shan-Tai Ho (or replacing Shan-Yuan Ho with Shan-Tai Ho) to the Stipulated Protective Order, changing the mediation date, etc. You refuse to complete these pending legal tasks because you no longer want to represent us and because you want us to pay the outstanding invoices. This is not fair. You have already "fired" us, so why should we have any incentive to maintain a good working relationship with you? Since you demand that we pay the outstanding invoice of \$12,260.83, we would like to go back and re-open all of the past invoices totaling \$161,855.57 we have already paid you. I would not have paid those invoices had I known you were going to just drop us cold like you did. I still disagree with many of the charges such as Kivu's \$13,948.59 overall bill that you paid knowing that we adamantly disagreed with their charges for unauthorized work. I did not want to pay Kivu's bill but you insisted that your office pay because you said they were helping you with another case and you did not want to upset them. It is not right for you to pay the bill (knowing that we did not want to pay) and then require us to reimburse you for the payment. You paid this bill to benefit you to our detriment. This sounds like a conflict of interest to me. This is just one example of many charges that we felt were unfair, sloppy, or excessive.

We will not be paying the outstanding invoices. In fact, we think you owe us a fee refund. We request to go to the State Bar's fee arbitration and let them determine what amounts are owed (or should be reimbursed), and you can explain and justify your charges.

Finally, you refuse to do any further work on the items that require immediate attention. However, you are still our attorney and you cannot just stop the case like you are doing. If our case is jeopardized in any way due to your refusal to act and/or your inadequate handling of our case (including but not limited to deleterious delays), then we will hold your firm responsible. If you want to withdraw as our attorneys, then you will have to file a motion, clearly stating the "applicable laws" and "professional standards" that you are subject to for disengagement as stated in our agreement letter. We will not sign any document releasing you as our attorneys until we are able to find an acceptable law firm willing to take over the case.

-Peter

PS. You said the last thing you would do for us is to change the court date. We will let you know soon which dates work.

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Best,

John

John D. Minton

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Shan-Yuan Ho <shanyuan@gmail.com>
To: John Minton <jminton@ayhmf.com>
Cc: Della Lau <DellaLau@launet.com>, Peter Ho <peter.ho@alumni.stanford.edu>

Fri, Jun 1, 2018 at 8:45 PM

Hi John,

Thank you for your clear answers and explanations, Understood.

There is one important fact that I forgot to mention concerning Debby's need for an interpreter at her deposition. In 2003, Debby had to testify in court in front of a judge for her car jacking episode (the kid was caught). She had no need for and did not have an interpreter for that court case in 2003.

A side note: Debby has lived in the USA and has spoken English longer than any of us have, including you, Dan, and Jeff.

best,
Shan-Yuan

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John Minton <jminton@ayhmf.com>
To: Shan-Yuan Ho <shanyuan@gmail.com>
Cc: Della Lau <DellaLau@launet.com>, Peter Ho <peter.ho@alumni.stanford.edu>

Sat, Jun 2, 2018 at 8:53 PM

Thank you, Shan Yuan. All of this will be helpful for undermining Debby's credibility on this issue. Nice work. **It would help me - and save money** - if you could include all of these issues in the relevant section of the deposition outline/list of questions that I have fantasized about you providing me a few weeks prior to Debby's deposition. :-)

Best,

John

Sent from my iPad

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