



Peter Ho <peter.ho@gmail.com>

FW: Ho vs. Chang

3 messages

John Minton <jminton@ayhmf.com>

Mon, Jul 23, 2018 at 11:51 AM

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

Cc: "Daniel E. Lassen" <dlassen@ayhmf.com>

FYI – This is a nice precursor to a deposition so Mr. Garcia is fully pinned down in advance...

Best,

John

John D. Minton

ANDERSON YAZDI
ELLP
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: AWhite@sterlingbank.com [mailto:AWhite@sterlingbank.com]**Sent:** Monday, July 23, 2018 11:40 AM**To:** John Minton**Subject:** Re: Ho vs. Chang

Hi John,

We would be open to Mr. Garcia executing a declaration. Would you like to provide a draft of what you think is pertinent information? We can review it with Mr. Garcia for accuracy and recommend any revisions necessary.

Thank You,

Andrew M. White
Assistant Vice President
Compliance Officer & Associate General Counsel

E-MAIL 1349

Sterling Bank and Trust, FSB
One Towne Square, Suite 1900
Southfield, MI 48076
direct telephone: 248-351-3303
direct facsimile: 248-351-7202
awhite@sterlingbank.com

From: John Minton <jminton@ayhmf.com>
To: ""AWhite@sterlingbank.com"" <AWhite@sterlingbank.com>
Date: 07/20/2018 06:16 PM
Subject: Ho vs. Chang

Dear Andrew –

Thank you for the call the other day. A further thought: To forestall a deposition of Geoffrey Garcia, would the bank be open to having him sign a short declaration? The gist of it would be that the information in the documents about Debby Chang's employment history, which information purports to come from Debby Chang, was in fact provided by Debby Chang (as opposed to being made up by Mr. Garcia, which is what Ms. Chang implied in her deposition). If I have a declaration, I can use it to try to settle the case, and possibly Mr. Garcia's deposition won't be necessary. Let me know what you think.

Thank you,

John

John D. Minton

ANDERSON YAZDI
— ELLP —
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Shan-Yuan Ho <shanyuan@gmail.com>

Tue, Jul 24, 2018 at 9:43 AM

To: John Minton <jminton@ayhmf.com>

Cc: Peter Ho <peter.ho@alumni.stanford.edu>, Della Lau <DellaLau@launet.com>, "Daniel E. Lassen" <dlassen@ayhmf.com>

John: This is great news. Would you detail the specifics and include copies of the 4 signed documents (in this case Garcia's deposition may not be needed but I think we still should take it, especially getting all the details pertaining to the gift letter), or would you have him sign something with a general umbrella term that all mortgage application info was completely supplied by Debby Chang?

-SYH

[Quoted text hidden]

John Minton <jminton@ayhmf.com>

Tue, Jul 24, 2018 at 10:01 AM

To: Shan-Yuan Ho <shanyuan@gmail.com>

E-MAIL 1350

7/29/2020

Gmail - FW: Ho vs. Chang

Cc: Peter Ho <peter.ho@alumni.stanford.edu>, Della Lau <DellaLau@launet.com>, "Daniel E. Lassen" <dlassen@ayhnh.com>

We will attach exhibits. We'll send you a draft before we send it to Mr. White for his review. I agree we will probably still want his deposition testimony at some point.

Best,

John

John D. Minton

ANDERSON YAZDI
—
LLP
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

[Quoted text hidden]



Peter Ho <peter.ho@gmail.com>

Garcia Declaration

7 messages

John Minton <jminton@ayhmf.com>

Sun, Jul 29, 2018 at 9:51 AM

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

Dear all –

Attached is a draft declaration for Mr. Garcia. I have left out the gift letter because Garcia doesn't have specific personal knowledge about that issue.

I have included a carefully calibrated level of detail in the declaration, but I'm curious for any thoughts you may have before getting this over to Sterling's counsel.

Thanks,

John

John D. Minton

ANDERSON YAZDI
ELLP
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

 **Ho -- Declaration of Geoffrey D. Garcia.pdf**
676K

Shan-Yuan Ho <shanyuan@gmail.com>

Mon, Jul 30, 2018 at 2:41 AM

To: John Minton <jminton@ayhmf.com>

Cc: Peter Ho <peter.ho@alumni.stanford.edu>, Della Lau <DellaLau@launet.com>

Hi John,

Garcia's declaration looks good. How do we get proceed with the gift letter? Although Debby signed it, she will deny filling it out and claim that she is seeing it for the first time if you present it in deposition. My guess is that she asked someone

E-MAIL 1377

she knew to fill out the form, so the handwriting does not match hers, but we are fairly confident that Debby forged James' signature on the gift letter.

Update: We now have a number of Debby's check handwriting samples from Cathay Bank's subpoenas. We currently have about 8 checks that we are pretty sure Debby wrote and James signed in the last year of his life. This has not occurred the years prior to 2016 because James was always very guarded with his checkbook and did not allow anyone (except Peter) to touch, let alone write any checks. Rita/Reinhard also filled out James' checks in April 2017 and did something we would like to know the answer to (this one is definitely elder abuse). Do you have any references for or experience with a handwriting expert? How would this work in court?

thanks,
-SYH

[Quoted text hidden]

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

Mon, Jul 30, 2018 at 10:01 PM

Hi Shan-Yuan –

We can and should ask Debby about the gift letter at the next session of her deposition. I would be surprised (but not shocked) if she denies knowledge of the gift letter. It will damage her credibility yet further. The judge would roll his/her eyes at that claim.

In terms of handwriting experts, there are a handful of top notch ones. I've worked with two of the best. We will want to really think about and discuss whether it is essential to our case to justify the expense of going that route. I suggest we revisit after the next session of Debby's deposition. In terms of how it works, handwriting experts are pros. They are like a college professor, you wind them up with easy questions, and they have exhibits and big displays where they show the judge why this signature doesn't match that one, etc. But with their fees and the legal work related to what they do, it will easily add \$50-75K to the case.

Best,

[Quoted text hidden]

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

Wed, Aug 1, 2018 at 3:46 PM

Hi John,

I'm pretty sure Carol will catch this typo, but here it is all the same: P. 2, Line 16 says "227 Fulton" when it should be "229 Fulton."

Thanks,
Peter

[Quoted text hidden]

3 attachments

ANDERSON YAZDI
HWANG MINTON + HORN

300 Pinetree Road
Burlingame, CA 94010
www.andersonyazdi.com

669.212.5888
650.312.5882 Fax

image001.png
25K

image001.png

E-MAIL 1378



Peter Ho <peter.ho@gmail.com>

Next Steps

6 messages

John Minton <jminton@ayhmf.com>

Thu, Sep 6, 2018 at 6:24 PM

To: Peter Ho <peter.ho@alumni.stanford.edu>, "Della N. Lau" <dellalau@launet.com>, "Shan-Yuan Ho (大姐)" <shanyuan@gmail.com>

Dear all –

I just wanted to follow up on our Tuesday call. If we're going to proceed as discussed, we should move quickly. Please advise.

Thanks,

John

John D. Minton350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com**650.212.5900**
650.212.5999 Fax

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

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

Fri, Sep 7, 2018 at 4:44 AM

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

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

Hi John,

We agree we need to extend the trial date immediately. As you suggested, can you please talk with Jeff and file the "2-page stipulation" ASAP and see if the trial date can be vacated or moved. That is first and foremost. Secondly, we are willing to discuss and move forward with mediation, but we can't afford to use mediation in November for the sole purpose of possibly learning that the trial date won't be moved by the judge. Although you have told us several times that you can litigate our case next week (with just a bit more prep work) and we are very happy that you are prepared for trial, we still need to know without delay if the trial date can be pushed out or vacated. Assuming that trial will occur on November 26, 2018 and cannot be moved (we need to prepare for the worst case), could you please provide a new road map and the associated estimated costs.

For your second point on what you need going forward, we are preparing to follow every step of your legal strategy in anxious anticipation of trial. To get a flavor of your litigation style, we would like to read up on all your trial cases. Could

you (or Carol) kindly forward us the links (public court site) that tell us about all the trial cases with which you have had litigation involvement. Thanks!

Finally, you mentioned you would look in your notes--can you share more details on why Geoffrey Garcia said he knew nothing about the gift letter and why the forged gift letter was not included in his declaration?

Thanks,
Peter

[Quoted text hidden]

ANDERSON YAZDI
HWANG MINTON + HORN

300 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

image001.png
25K

John Minton <jminton@ayhmf.com>

Fri, Sep 7, 2018 at 9:02 AM

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

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

Thanks, Peter. I will get going on the continuance and address your other tasks thereafter.

Regarding the gift letter, if I said that Geoffrey Garcia "knew nothing about the gift letter" I misspoke – I still have to go back and look, but my recollection is that I made a strategic decision not to include it. The decision had to do with the flow and "crispness" of the declaration. The declaration is golden: We have Debby caught point blank in a series of lies. That was the reason for obtaining it. It was also important to establish that Garcia never had any contact with James. As result, Debby cannot say that Garcia worked with James in any way re the gift letter. I will follow up when I go back to study this, but this is the basic idea.

Best,

John

John D. Minton

ANDERSON YAZDI
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Peter C. Ho [mailto:peter.ho@alumni.stanford.edu]

Sent: Friday, September 07, 2018 4:44 AM

To: John Minton

E-MAIL 1572

Cc: Della N. Lau; Shan-Yuan Ho (大姐)

Subject: Re: Next Steps

Hi John,

We agree we need to extend the trial date immediately. As you suggested, can you please talk with Jeff and file the "2-page stipulation" ASAP and see if the trial date can be vacated or moved. That is first and foremost. Secondly, we are willing to discuss and move forward with mediation, but we can't afford to use mediation in November for the sole purpose of possibly learning that the trial date won't be moved by the judge. Although you have told us several times that you can litigate our case next week (with just a bit more prep work) and we are very happy that you are prepared for trial, we still need to know without delay if the trial date can be pushed out or vacated. Assuming that trial will occur on November 26, 2018 and cannot be moved (we need to prepare for the worst case), could you please provide a new road map and the associated estimated costs.

For your second point on what you need going forward, we are preparing to follow every step of your legal strategy in anxious anticipation of trial. To get a flavor of your litigation style, we would like to read up on all your trial cases. Could you (or Carol) kindly forward us the links (public court site) that tell us about all the trial cases with which you have had litigation involvement. Thanks!

Finally, you mentioned you would look in your notes--can you share more details on why Geoffrey Garcia said he knew nothing about the gift letter and why the forged gift letter was not included in his declaration?

Thanks,

Peter

On Thu, Sep 6, 2018 at 6:24 PM John Minton <jminton@ayhmf.com> wrote:

Dear all –

I just wanted to follow up on our Tuesday call. If we're going to proceed as discussed, we should move quickly. Please advise.

Thanks,

John

John D. Minton

Error! Filename not specified.

[Quoted text hidden]

John Minton <jminton@ayhmf.com>

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

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

Fri, Sep 7, 2018 at 2:49 PM

E-MAIL 1573

Dear all –

I spoke with Jeff Loew. He is agreeable to the proposal, but needs to confirm with Debby. I asked if he would draft the document, subject to my review, and he said he would do so. I hope to see something from him early next week.

Regarding the Garcia declaration, I went back and reviewed it. I think it is devastating to Debby. Re the gift letter, I recall seeing something about it in an initial draft of the declaration, and I believe I thought it disrupted the flow of the declaration and was redundant with Exhibit D to the declaration, which also references the \$1.1 million. (At that point early on, I also wanted to keep things streamlined, and avoid having him say he wasn't comfortable signing a declaration.) Since the gift issue is already covered in paragraph 6, we have what we need. If/when we take his deposition, I will put the gift letter in front of him, and he will say, "yes I received that from Ms. Chang, I have no personal knowledge about anything in it, and I relied on it just like I relied on the other information Ms. Chang gave me." Mr. Garcia never said anything to me about the gift letter.

Best,

John

John D. Minton

ANDERSON YAZDI
—
ELL
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

[Quoted text hidden]

Peter C. Ho <peter.ho@alumni.stanford.edu>
To: "John D. Minton" <jminton@ayhnh.com>
Cc: "Della N. Lau" <dellalau@launet.com>, "Shan-Yuan Ho (大姐)" <shanyuan@gmail.com>

Mon, Sep 10, 2018 at 9:41 AM

Hi John,

Since the forged signature and false information on the Gift Letter are critical, can we send Garcia a second declaration for him to sign to include these key points:

1. All the information on the Gift Letter came from Debby (which he filled in);
2. Debby took the unsigned gift letter on or about DATE and returned the gift letter containing both donor and receiver signatures back to Sterling Bank on or about DATE.

E-MAIL 1574

A copy of the gift letter is attached.

Garcia is free to add any information about the gift letter and any circumstances related to it.

If you decide Garcia needs to be deposed, what other information do you want from his deposition?

Thanks,
Peter

[Quoted text hidden]

2 attachments

ANDERSON YAZDI
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

image001.png
25K

 **Gift Letter.pdf**
33K

John Minton <jminton@ayhmh.com>

Mon, Sep 10, 2018 at 10:08 AM

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

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

Hi Peter –

The gift letter is critical, but what Garcia has to say about it is not nearly as important as the other information we have from him. Let's remember, the primary reason to get the declaration was to demonstrate Debby told him things that we know are false – false in a black and white kind of way. That includes her employment details (salary, bonus, etc.), James as her "husband," etc. The "gift" is different. It is not demonstrably false in the same way. And we already have him (through Exhibit D to his declaration) saying that the \$1.1M was a gift. I don't think we need to, or should, re-approach him until his deposition. If you still have questions about this, I suggest we discuss it over the phone. Note: the more time you give someone to examine a document and think about it, their testimony could change. We shouldn't risk "re-opening the door" with respect to the rest of the declaration.

At his deposition, I would mostly want him to confirm that everything he said in the declaration was true. And I would fold in the gift letter and perhaps a few other details that occur to me when I go back through the Sterling bank production.

Best,

John

John D. Minton

ANDERSON YAZDI
HWANG MINTON + HORN

350 Primrose Road
Burlingame, CA 94010
www.andersonyazdi.com

650.212.5900
650.212.5999 Fax

E-MAIL 1575

67

Gift Letter

I/We do hereby certify to the following:

I/We **JAMES HO** have made a gift of \$ \$67,050 / \$1,100,00 dollars to the Borrower(s) named below, and no repayment of this gift is expected or implied either in the form of cash or future services of the recipient.

DEBBY CHANG

This gift is to be applied toward the purchase of the property located at:

**229 Fulton St
Redwood City, CA 94062**

The source of funds for this gift is:

Bank Name: WELLS FARGO
Type of Account: Checking [] Savings [] Other
Account No.: _____

Relationship to Borrower: HUSBAND

Donor's name: 1319 BREWSTER CT, EL CERRILLO CA
Street address: JAMES HO
City: _____ State: _____ Zip: _____
Donor Telephone: 510 - 236 - 1939

James T. Ho
* Donor Signature

3/9/17
Date

Debbie Chang
* Borrower Signature (Recipient)

3/9/17
Date

* Borrower Signature (Recipient)

Date

* Please Note: Upon the signature(s) of this gift letter, I/We hereby certify that any funds given to the homebuyer were not made available to the donor from any person or entity with an interest in the sale of the property including the seller, real estate agent, broker, builder, or loan officer, or any other entity associated with this transaction.