



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

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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]

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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

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

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

To: John Minton

E-MAIL 1572



Peter Ho <peter.ho@gmail.com>

Update

3 messages

John Minton <jminton@ayhmf.com>

Thu, Sep 13, 2018 at 8:37 AM

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

Dear all –

Mediation is scheduled for November 8. Plan on a full day starting at 10:00 a.m. at the mediator's office in [San Jose \(160 W. Santa Clara Street, Suite 1600\)](#). We are using retired Judge Catherine Gallagher: <https://www.jamsadr.com/gallagher/> Judge Gallagher is my "go to" mediator.

We will discuss mediation strategy as we get closer. In terms of attendance, one, two, or all three of you are welcome, but Peter should of course be there. Della and/or Shan Yuan can attend live or just be available by phone should the need arise.

Jeff is working on the stipulation to continue the trial date, and hopes to have his draft stipulation to me today.

Best,

John

John D. Minton

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Della Lau <DellaLau@launet.com>

Thu, Sep 13, 2018 at 10:34 PM

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

Hi John,

E-MAIL 1603

Thank you for the update!

Can you let us know what dates you are shooting for trial continuance or whether to vacate?

Did Jeff have an opinion as to when he wanted it pushed back to or whether to vacate?

Any details you can provide regarding your discussion with Jeff (ie. anything Jeff or Debby felt strongly about, especially moving the trial date?)

And, 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?

Thanks!
Della

At 08:37 AM 9/13/2018, John Minton wrote:

Dear all –

Mediation is scheduled for November 8. Plan on a full day starting at 10:00 a.m. at the mediator's office in San Jose (160 W. Santa Clara Street, Suite 1600). We are using retired Judge Catherine Gallagher: <https://www.jamsadr.com/gallagher/> Judge Gallagher is my mediator.

We will discuss mediation strategy as we get closer. In terms of attendance, one, two, or all three of you are welcome, but Peter should of course be there. Della and/or Shan Yuan can attend live or just be available by phone should the need arise.

Jeff is working on the stipulation to continue the trial date, and hopes to have his draft stipulation to me today.

Best,

John

John D. Minton

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John Minton <jminton@ayhmf.com>

Fri, Sep 14, 2018 at 9:45 AM

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

Hi Della –

Jeff and I were on the same page that if we can move the trial date, we should not set a new date now, but should instead come back to court a few weeks after the mediation (assuming there is no settlement) and at that hearing set the trial date. This will give me time to talk with you guys and recalibrate and decide how much time we think we want (e.g., do we shoot for January or March or May etc.). We can make a judgment call at that time based on all available information.

There isn't much else to report about Jeff and the discussion. It was pretty straightforward.

I will work on the new road map and estimated trial costs.

Best,

John

John D. Minton

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From: Della Lau [mailto:DellaLau@LauNet.Com]
Sent: Thursday, September 13, 2018 10:35 PM
To: John Minton; 'Peter C. Ho'; Shan-Yuan Ho (大姐)
Subject: Re: Update

Peter C. Ho <peter.ho@gmail.com>

Mon, Sep 24, 2018 at 11:08 AM

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

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

Hi Dan,

Last night, I was thinking more about what you said about "tipping our hand" and how it fits into our overall legal strategy at trial. Could you explain in more detail how that would work?

I know you weren't on the conference calls we had with John before Debby's depositions, so I think a bit of background might help. From what I wrote in my notes: one week before Debby's first deposition session, John asked my sister Shan-Yuan, "You will be providing me with a list of questions for Debby's deposition, right?" My sister replied, "No." John asked, "No?" My sister Shan-Yuan replied, "No, I will not. You will need to come up with the deposition questions yourself, because it should be in line with your legal strategy at trial. I am not the one that will be arguing this case in front of the judge, you are. What is your legal strategy for trial?" John answered, "I have not thought about this case for a while. I don't have a legal strategy yet." We have since asked again for the legal strategy and a revised road map to trial scheduled on 11/26/18, and the response from John has always been, "One step at a time" or "I will get back to you on this topic." A few days ago, the trial date was moved out another 6 months, so the road map will now be different. However, I'm still curious as to what is the legal strategy prepared for trial, and specifically how Special Rog 44 will fit in and play out tactically.

If we do go with what you wrote below, please take out "(which she owns jointly with her husband, James Chang)" since it's an unnecessary descriptor.

If it's better not to "tip our hand" at all, I think the following will suffice: "Mrs. Chang's response to Special Interrogatory 44 is woefully deficient. The question asks for EACH deposit, and she does not identify any specific deposits. Mrs. Chang is required by order of the Court to disclose the details of any and all deposits, including but not limited to the date, the account number, and the financial institution."

Thanks,

Peter

[Quoted text hidden]

Peter C. Ho <peter.ho@gmail.com>

Mon, Sep 24, 2018 at 11:58 AM

E-MAIL 1650

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

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

Hi Dan,

To help avoid another round of Meet and Confer, could you add in more detail for the insufficient production of the McCollum and Brewster financial documents, such as:

The production also omits financial records for 1627 McCollum Street. **Mrs. Chang must produce lease agreements, loan statements, and rental and expense records (including but not limited to management agreements and fees, remodeling expenses, repair expenses, maintenance expenses, expenses for furnishings, taxes, insurance, and utilities).**

...

Request for Production Number 55 seeks documents relating to money received by Mrs. Chang in connection with 1319 Brewster Court. Mrs. Chang has not produced any of those records. For example, she must produce lease agreements, loan statements, and rental and expense records **(including but not limited to management agreements and fees, remodeling expenses, repair expenses, maintenance expenses, expenses for furnishings, taxes, insurance, and utilities).**

Thanks,
Peter

[Quoted text hidden]

John Minton <jminton@ayhmf.com>

Tue, Sep 25, 2018 at 8:21 AM

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

Dear all –

I wanted to comment on Peter's second paragraph below. Regarding the "list of questions" for Debby's deposition, it was never my intent that Shan-Yuan draft my deposition outline. I made that clear on that call. My point was that, Shan-Yuan being the incisive person she is, would be expected to have questions she wanted me to pose to Debby, which I would then mix into my larger outline. I would never expect a client to prepare my deposition outline. Again, I made this clear on our call.

Regarding my supposed lack of a "legal strategy," that strikes me as a purposefully misleading formulation. As I recall, in the phone call in question, we were scheduled to speak about certain discrete discovery issues. Out of the blue, far in advance of trial, I was asked about "trial strategy." It was a premature question and not something I was prepared to discuss at that point. In the months since, I sent you the attached outline of trial witnesses. Beyond that, you know the claimed lack of "legal strategy" is bogus. See our winning the motion to compel. See two excellent depositions of Debby Chang. See the highly useful declaration from Geoffrey Garcia. We have developed the case in a way that puts you on the right path for a successful trial.

We have talked more than once about your unjustified critical comments having a negative effect on my ability to advocate for you. We're now at a point that it does not make sense for me to go forward. I am happy to secure the June trial date, but that will have to be our final action on your behalf. In the alternative, your new counsel make this request. You probably have a better chance of success if I do it. In the meantime, however, you should be seeking new counsel so there can be a hand-off soon.

The November 8 mediation date can if necessary be moved to accommodate you and your new counsel.

E-MAIL 1651

Regards,

John

John D. Minton

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 **Ho Trial Witnesses.docx**
22K

1 **Petitioner's Case**

2 1. Della

- 3 a. Family relationships
4
5 b. Debby's evolving role
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7 c. Fulton a terrible house for James

8 2. Dr. Canick

- 9 a. James' physical and mental decline

10 3. Debby

- 11 a. James very ill in 2017
12
13 b. Care she provided in 2016-2017; James' reliance on her
14
15 c. Checks for cash, etc.
16
17 d. Loan/gift
18
19 e. Fulton mortgage fraud
20
21 f. Scheme to remove him from title to Fulton
22
23 g. Pocketing remaining \$47K
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25 h. Looks for broker and then lists Fulton right after James goes to Peter's
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27 i. Didn't attend James' funeral
28
29 j. McCollum
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31 k. No divorce from husband
32
33 l. Premature estate tax return (will depend on what else we learn about this)

34 4. Geoffrey Garcia

35 5. Shiow-Yuh Tsai ("Evergreen")

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- 6. Peter
 - a. James' and Grace's Trust and Amendments
 - b. McCollum – purchase, tax treatment, down payment repayment, etc.
 - c. Rescue of James in August 2017; Debby happy to be rid of him
 - d. James-Debby relationship; sleeping in separate rooms; staying at different homes, etc.

Respondent's Case

- 1. James Martin
- 2. Debby
 - a. Like a married couple
- 3. Rita

Petitioner's Rebuttal

- 1. Debby
 - a. Impeach with The Transcript
- 2. Peter
 - b. Facts regarding James Martin visit
 - c.