

1 Todd K. Davis
2 State Bar Number 169654
3 FARLING, HECHT & DAVIS, LLP
4 96 North Third Street, #660
5 San Jose, CA 95112
6 (408) 295-6100

7 Andrew G. Watters
8 State Bar Number 237990
9 118 South Blvd.
10 San Mateo, CA 94402
11 (415) 261-8527

12 Attorneys for Plaintiff, Weichiao Ku and Pi-Lien Kuo

13 SUPERIOR COURT OF CALIFORNIA

14 COUNTY OF SANTA CLARA

15 (Unlimited Jurisdiction)

16 WEICHIAO KU and PI-LIEN KUO;) Case number: 21-CV-376210
17)
18 Plaintiff,) DECLARATION OF GEORGE KU
19)
20 v.)
21)
22 HARALD HERCHEN; and DOES 1) Date: December 8, 2022
23 through 40, inclusive;) Time: 9:00 a.m.
24) Dept: 20
25 Defendants.) Honorable Socrates Manoukian
26)
27)
28)

I, George Ku, declare:

1. I am the Attorney in Fact for Weichiao Ku and Pi Lien Kuo who are the Plaintiffs and the surviving parents of Decedent Alice Ku. The facts contained within this declaration are true and of my own personal knowledge except those statements made pursuant to my information and belief and as to those statements, I believe them to be true. I submit this declaration in support of the Plaintiffs' Opposition to Mr. Herchen's Motion for Summary Judgment.

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2. The Decedent is my sister, Alice Ku, who was born December 2, 1982 in Taoyuan, Taiwan but was until her death a resident of Santa Clara County, California and a United States citizen. We believe Alice died in Taiwan between November 26 and November 30, 2019. We have a large family. Alice is the youngest and her siblings are:

- George Ku (myself), born September 29, 1981;
- Josephine Ku, born November 13, 1972;
- Diana Ku, born March 7, 1975;
- Grace Ku, born April 30, 1976;
- Monica Ku, born April 24, 1978;

3. Alice grew up in our family home in Los Gatos and graduated from Saratoga High School in 2001. Alice graduated from Santa Clara University in 2006. In 2006, after Alice graduated from college, our parents moved back to Taiwan, where they still reside, because our dad developed prostate cancer and needed surgery. After college Alice started a successful tutoring business. Although not triggered by any particular event and because all siblings have our individual careers and livelihoods as adults in different cities, following her graduation from college, Alice began to distance herself from myself and her sisters with the exception of Josephine who always kept in very close contact with Alice.

4. Josephine's final contact with Alice was on November 26, 2019 (California time, it was November 27 in Taiwan) when Josephine received her last text message from Alice following a routine text message exchange. Alice and Josephine exchanged text messages nearly every day in November 2019 and the messages from Alice abruptly stopped on November 26. In early December 2019 our family learned that Alice had missed several tutoring sessions when Grace was

1 contacted by the parent of one of Alice's students who reported
2 several missed tutoring sessions which had never happened in the
3 several years they had known Alice.

4 5. After myself and our sisters were unable to contact Alice, on
5 December 9 2019, I called the Sunnyvale Department of Public Safety
6 and asked them to make a welfare check at Alice's apartment located
7 at 665 Kirkland Drive in Sunnyvale. Sunnyvale DPS reported back
8 that Alice had not lived at that apartment for six months. On
9 December 10, I filed a missing persons report with the Sunnyvale
10 Department of Public Safety. That case was assigned to DPS
11 Officer Matthew Sutterfield, badge number 11675, who opened DPS
12 case number 19-10485. That same day I retained Andrew Watters who
13 is an attorney who also conducts investigations. In conjunction with
14 the investigation Mr. Watters filed a Petition for Conservatorship
15 of a Missing Person which was filed on December 19, 2019 in Santa
16 Clara County as case number 19-PR-187385.

17 6. Mr. Watters located a new address at 1725 Wright Avenue, #172,
18 Mountain View. On December 12, Mr. Waters and I went to the Wright
19 Avenue apartment. Nobody was home but a sign was posted on the door
20 which read "Welcome Home Alice, I love you." I reported that
21 information to Sunnyvale DPS who transferred the case to the
22 Mountain Police Department (case number 19-08703). I met with the
23 apartment complex manager, Bruce Trott, who confirmed Alice lived
24 at the apartment but had not been there for several days. Mr.
25 Watters and I also spoke to several neighbors and learned that Alice
26 lived with her husband, Harald Herchen, an older gentleman who lives
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1 primarily in Palo Alto. Prior to that time we had not been aware
2 that Alice was married or in a relationship with Mr. Herchen. We
3 later learned Alice married Mr. Herchen, who is twenty-three years
4 her senior, on October 6, 2017 (Mr. Herchen's prior wife died on
5 June 3, 2017).

6 7. On December 18, 2019, Mr. Watters interviewed Mr. Herchen.
7 According to Mr. Herchen: Alice and Mr. Herchen travelled to Taiwan
8 together on November 23 with an intended return date of December 1;
9 On November 29, Alice travelled alone by train to visit her parents
10 at their home near Taipei; On November 30, Alice sent an email to
11 Mr. Herchen asking him to postpone her return flight to December 7;
12 Mr. Herchen did so, then he travelled back to Taiwan to meet Alice
13 on December 7 but was unable to connect with her; The following day
14 he flew back to California, alone.

15 8. After Mr. Watters spoke with Mr. Herchen, I talked to Mr. Herchen
16 by telephone. Mr. Herchen told me that Alice often accompanies him
17 on business trips and she often stays a few extra days; He told me
18 that Alice had been looking into tours and that she might be on a
19 tour; He told me he was able to connect with Alice by email and she
20 had a SIM card that allowed her to make local telephone calls; He
21 told me that Alice has access to his credit cards and has been using
22 one of them.

23 9. On December 19, we learned Mr. Herchen hired a lawyer, James
24 Reilly. The Defendant thereafter refused further contact with
25 myself, my family or Mr. Watters. Mr. Reilly works for Summit
26 Defense, a criminal defense law firm. He only takes criminal cases
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1 and specializes in serious criminal matters.

2 10. We learned from interviewing neighbors that Alice and Mr.
3 Herchen often fought loudly. The arguments centered on money and
4 Alice threatened to end the marriage. Alice and Mr. Herchen argued
5 over a pregnancy.

6 11. With the permission of our family, on December 21, 2019, Mr.
7 Watters circulated his missing person report to the Federal Bureau
8 of Investigation; the Mountain View Police Department; the American
9 Institute in Taiwan which acts as the United States Embassy and the
10 Criminal Investigation Bureau or CIB, Taiwan's National Police
11 Agency.

12 12. The Mountain View Police reported Alice to the United States
13 Department of Justice National Missing and Unidentified Persons
14 Systems (NamUs). Alice was assigned case number MP67671. I am
15 informed and believe that NamUs has substantial resources and access
16 to information and databases that are not available to police
17 departments or non government organizations. NamUs is able to access
18 DNA and fingerprint databases, to coordinate with the FBI and law
19 enforcement agencies across the country. They have access to
20 immigration records, embassy records, financial records and offer
21 investigative support including forensics, fingerprinting, DNA, and
22 dental and medial record identification. To my knowledge they have
23 been unable to find any credible evidence related to Alice's
24 location after she was last heard from on November 29, 2019.

25 13. My family and I posted paper fliers throughout Palo Alto, Los
26 Altos, Mountain View and the surrounding area. Similar fliers were
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1 posted in both English and Mandarin in Taiwan. We posted missing
2 persons information on various websites and created a Facebook
3 missing persons post that was shared more than a thousand times by
4 users in Taiwan and in the United States. Based on the efforts of
5 myself and my family, Alice's disappearance received substantial
6 media attention in Taiwan on the television, in news papers and on
7 digital media. It was our intention to create as much publicity as
8 possible to hopefully turn up information that would lead us to
9 Alice or explain her disappearance. We offered a reward of
10 \$1,000,000.00 Taiwan Dollars. I contacted ICS World, a private
11 investigation firm with global coverage and investigators in Taiwan.
12 ICS informed me that Taiwan CIB has access to the closed circuit tv
13 and security cameras throughout the country and would be notified
14 if Alice were spotted because of their advanced facial recognition
15 programs. Taiwan CIB has had no facial recognition hits. Despite
16 these efforts, there has been no credible trace of Alice since
17 November 29, 2019, other than the email Mr. Herchen claims to have
18 received.

19 14. Alice informed her students before she left for Taiwan that
20 she would be gone for two weeks and booked appointments for the
21 first week of December, which she missed. After not hearing from
22 Alice, at least one concerned parent filed a missing person's report
23 which reported Alice missing to their local police agency. Alice's
24 long time esthetician, Brenda, filed her own missing person's report
25 with law enforcement after Alice missed her first appointment in ten
26 years.

1 15. After I was appointed Alice's conservator, I learned that Alice
2 failed to pay her credit card bill in December 2019 for the first
3 time in her life. She did not use her credit card or access any of
4 her bank accounts following her disappearance. I reviewed all of
5 Alice's financial records and she did not make any large or regular
6 cash withdraws prior to her disappearance. It does not appear that
7 she was stockpiling cash which would allow her to live for a
8 prolonged period of time without leaving a financial footprint. It
9 does not appear she brought any significant amounts of cash with her
10 to Taiwan. Since Alice has disappeared there has not been any
11 electronic trace of her, either through electronic communications
12 or electronic financial transactions, other than the email Mr.
13 Herchen claims he received from Alice on November 30, 2019.

14 16. Officer Loo of the Mountain View Police Department, who was
15 assigned to the missing persons case, was able through Chase Bank
16 to track Alice's credit card purchases. The last purchase was on
17 November 23, 2019 at the Napa Farms Market at the San Francisco
18 Airport. There have not been any subsequent transactions. Officer
19 Loo is on a real time queue with Chase that triggers a notification
20 if Alice's card is used. There have been no triggers in the past
21 three years.

22 17. Our parents, Weichiao Ku and Pi-Lien Kuo, never had plans to see
23 Alice in November or December 2019. They did not know Alice was in
24 Taiwan and did not speak to her while she was in Taiwan (despite Mr.
25 Herchen's claims). Alice had never been to my parent's current
26 Taiwan residence and was not familiar with the area.
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1 18. As the Santa Clara County Superior Court appointed me Alice's
2 Conservator, it was my responsibility to take control of all of
3 Alice's finances and personal possessions, both to safeguard them
4 and also to help determine what had happened to Alice. Mr. Herchen
5 had opposed my petition for conservatorship and attempted to have
6 himself made Alice's conservator. He was therefore aware of my role
7 as the Conservator and required to cooperate. Not only did Mr.
8 Herchen fail to cooperate, I have learned that he purposely did not
9 return at least four of Alice's computers and electronic devices.
10 He paid someone to hack into them, acquired the electronic data and
11 then had the electronic devices destroyed. (Herchen Deposition 2 -
12 274:17-278:22) He turned some of this information over to us as part
13 of the discovery in this case, but we have no way of knowing how
14 much material he did not turn over and whether or not Alice has more
15 personal information and items that Mr. Herchen has retained but not
16 returned to us.

17 19. Due to the above information as well as the inconsistencies
18 related by Mr. Herchen including: His claim to me in December 2019
19 that he had spent substantial money and time trying to locate Alice
20 when he later testified he had done nothing; That he said Alice
21 sometimes stayed for more days on trips, but in fact she had never
22 done so according to Taiwan customs and immigration records (which
23 means it would be abnormal for her to choose to stay behind); That
24 he said Alice had enough money with her to support herself for
25 months without working even though she had not withdrawn cash before
26 the trip nor has she used her bank accounts or credit cards since
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1 she left California; That the Defendant said he saw Alice using his
2 card which is a claim that the Defendant has not been able to
3 substantiate; The Defendant stated that he did not know the name of
4 the hotel where he and my sister stayed because the hotel did not
5 have an English name, but in fact the hotel has a French name "Hotel
6 Le Champs Hualien" which is spelled in the English alphabet and
7 should be recognizable to him. That he returned from Taiwan on
8 December 1, 2019 with his arm in a sling and told different people
9 different stories related to his injured arm; That he moved out of
10 the apartment he shared with my sister in 2020 within a few months
11 of Alice being gone; That within a year of Alice disappearing he had
12 a new girlfriend who now lives with him; That his second wife (Alice
13 was his third) died under mysterious circumstances in June 2017
14 within three weeks of the time he originally claimed to have met
15 Alice; That he lied under oath when he testified about he met Alice
16 and we still do not know when or how they met, I believe Mr. Herchen
17 killed my sister Alice Ku and then sent an email to himself from his
18 hotel to try to create an alibi.

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20 20. This belief was reinforced when Google, through a subpoena,
21 provided the unique IP address where that email originated and
22 Taiwan CIB, who has been investigating, confirmed the unique address
23 was of the hotel where Mr. Herchen stayed that same evening. To our
24 knowledge, after confirming with subject matters experts, this
25 unique IP address is unique to that hotel and cannot be replicated
26 (Please see the Declaration of Dr. Levian). Additional suspicious,
27 deceptive and alarming activity by Mr. Herchen includes: He wrote
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1 me an email on January 9, 2020 (attached as Exhibit "A") claiming
2 he spent "considerable sums in getting Alice to come back." He
3 denied sending that email in his first deposition and testified that
4 if he sent such an email it would be false. He admitted sending the
5 email in his second deposition and admitted he exaggerated his
6 efforts to find Alice, which were none, which he also admitted; He
7 later testified that he did not search for Alice because that was
8 her family's responsibility; He could not or would not provide a
9 reasonable explanation for hiring an experienced criminal defense
10 lawyer as soon as Alice was discovered to be missing by her family.

11 I declare under the penalty of perjury of the laws of the State
12 of California that the foregoing is true and correct and if called
13 to testify as a witness, I could and would testify competently
14 thereto.

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16 Executed on November 22nd 2022 at Redwood City, California.

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19 *George Ku*

20 _____
George Ku
declarant

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Exhibit "A"



George Ku <george.e.ku@gmail.com>

Questions Regarding Alice

Harald Herchen <haraldherchen@gmail.com>
To: George Ku <george.e.ku@gmail.com>

Thu, Jan 9, 2020 at 4:46 PM

Hello George,

I'm so sorry, but after you hired the private investigator, I had to hire my own lawyer.

My lawyer clearly said I cannot talk to you directly and your attorney cannot talk to me either. The respective attorneys can talk of course.

That being said, since you said your attorney is not getting calls returned, I have tried numerous times myself over the last two days to get in touch with Jim Reilly, and I am also unsuccessful.

This lack of responsiveness obviously is not acceptable. I have contacted his office to see if he is out and if another attorney can help.

Believe me, this is a priority, and I have already spent considerable sums in getting Alice to come back, and I'd love to coordinate efforts.

Sincerely,
Harald

[Quoted text hidden]