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Todd K. Davis
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Attorneys for Plaintiff, Weichiao Ku and Pi-Lien Kuo

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
(Unlimited Jurisdiction)

WEICHIAO KU and PI-LIEN KUO;	)	Case number: 21-CV-376210
)	
Plaintiff,	)	DECLARATION OF TODD K. DAVIS
)	
v.)	
)	
HARALD HERCHEN; and DOES 1	)	Date: December 8, 2022
through 40, inclusive;	)	Time: 9:00 a.m.
	)	Dept: 20
Defendants.	)	Honorable Socrates Manoukian

I, Todd K. Davis declare:

1. I am an attorney licensed to practice law in California and am one of the attorneys of records for the Plaintiffs in this matter. I declare under the penalty of perjury of the laws of the State of California that the following facts are true and correct 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.

1
2 2. I was retained by the Ku Family in January 2020 to assist in the
3 petition for a conservatorship for their missing daughter Alice Ku.
4 The conservatorship petition had been filed in December 2019 in
5 Santa Clara County by attorney Andrew Watters as the Conservatorship
6 of Alice Ku, case number 19-PR-187385. Mr. Watters has been my co-
7 counsel in that case and also this matter. Mr. Watters is also an
8 experienced investigator.

9 3. I am submitting this declaration in support of the Opposition to
10 the Plaintiff's Motion for Summary Judgment/Summary Adjudication.

11 4. During the discovery phase of the Alice Ku conservatorship case,
12 I took the deposition of Alice Ku's husband, Harald Herchen on
13 October 29, 2020 (Herchen Deposition 1). True and correct copies of
14 the pertinent sections of the certified transcript of that
15 deposition that are cited in the Plaintiff's moving papers are
16 attached hereto as Exhibit "A".

17 5. Prior to that deposition the Ku Family had concerns about Mr.
18 Herchen. They had not known that Alice Ku was married to Mr. Herchen
19 or that he existed, until after Alice went missing. Mr. Herchen was
20 evasive during the few conversations George Ku had with him and he
21 then hired a criminal defense attorney and refused to help the
22 family find Alice. Following the deposition, the Ku Family was
23 convinced that Mr. Herchen was directly involved in Alice's
24 disappearance, that she was likely dead and that he was responsible.

25 6. On January 12, 2021, we filed this lawsuit. I took the deposition
26 of Harald Herchen (Herchen Deposition 2) on September 22, 2022. That
27 deposition was limited to two hours by court order following a
28

1 motion for a protective order. True and correct copies of the
2 relevant portions of the certified transcript of that deposition
3 that are contained the Plaintiffs' moving papers are attached hereto
4 as Exhibit "B".

5 7. The two depositions contained startling contradictions. In his
6 second deposition, Mr. Herchen admitted he made false statements
7 under oath during his first deposition. In his first deposition Mr.
8 Herchen testified he first met Alice Ku in June 2017 at the Rodin
9 exhibit at Stanford University and began dating her that month
10 (Herchen Deposition 1 - 28:19-29:7).

11 8. In his second deposition Mr. Herchen testified he first met Alice
12 Ku in 2013 or 2014 through an internet website, either Craigslist
13 or Backpage, that Alice Ku was working as a paid escort and that he
14 paid Alice Ku for sex on two occasions. (Herchen Deposition 2 -
15 190:22-194:19).

16 9. Mr. Herchen claimed he lied under oath during his first
17 deposition, to protect Alice Ku's reputation for her family's sake.
18 (Herchen Deposition 2 - 202:2-24). He also testified that the
19 meeting at Stanford in June 2017 was a cover story created by
20 himself and Alice Ku to disguise their actual method of meeting.
21 (Herchen Deposition 2 - 201:10-202:8). Mr. Herchen testified that
22 after not seeing Alice Ku for two years he again began seeing her
23 in 2016. (Herchen Deposition 2 - 198:15-21). Mr. Herchen's second
24 wife Melissa died on June 3, 2017 (Herchen Deposition 2 - 200:21-23)
25 and following her death Mr. Herchen began seeing Alice Ku for a
26 third time. (Herchen Deposition 2 - 200:24-201:7). In his first
27

1 deposition Mr. Herchen testified he and Alice Ku were engaged on
2 August 10, 2017 (Herchen Deposition 1 - 31:22-32:1). In his second
3 deposition Mr. Herchen testified he did not propose marriage to
4 Alice Ku until October 2017. (Herchen Deposition 2 - 204:5-19).

5 10. In his first deposition Mr. Herchen testified that he never sent
6 George Ku an email claiming to have spent significant money
7 searching for Alice and admitted that he did not spend significant
8 money searching for Alice (Herchen Deposition 176:4-14). In his
9 second deposition Mr. Herchen admitted that he sent George Ku an
10 email claiming he had "spent considerable sums in getting Alice to
11 come back." (Declaration of George Ku 7:20-23 and Exhibit "A").

12 11. Mr. Herchen fractured his right wrist either just prior to or
13 during the November 2019 trip to Taiwan. His testimony was vague on
14 the subject. He eventually admitted during his second deposition
15 that he punched a bookshelf in his Wright Avenue apartment for a
16 reason he cannot remember. He told co-workers that he injured his
17 wrist wrestling with his brothers at his sister's wedding in Cabo
18 San Lucas. He told his sister he could not attend her wedding in
19 Cabo San Lucas because he fractured his wrist. (Herchen Deposition
20 2 - 236:5-250:36). It is unclear what the true story is related to
21 the fractured wrist other than the injury occurred shortly before
22 or during the Taiwan trip.

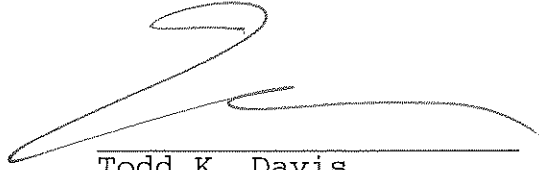
23 12. Attached hereto as Exhibit "C" is a true and correct copy of the
24 endorsed filed First Amended Complaint.

25 I declare under the penalty of perjury pursuant to the laws of
26 the State of California that the foregoing declaration is true and
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correct. If called as a witness I could and would testify thereto.

Executed on November 21, 2022 at San Jose, California.



Todd K. Davis
declarant

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Exhibit "A"
Deposition of Harald Herchen
October 29, 2020

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

In re:
Conservatorship of the estate,
ALICE KU

NO. 19PR187385

**CERTIFIED
TRANSCRIPT**

VIDEO DEPOSITION OF HARALD HERCHEN

DATE: Thursday, October 29, 2020
TIME: 10:12 a.m.
LOCATION: CORSIGLIA, McMAHON & ALLARD
96 N. Third Street, Suite 620
San Jose, CA 95112
REPORTED BY: KIRSTEN ENFANTINO, CSR
License No. 12253

#59691

Advantage *ARS* Reporting
Services, LLC

1083 Lincoln Avenue, San Jose, California 95125, Telephone (408) 920-0222, Fax (408) 920-0188

A P P E A R A N C E S

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15
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17
18
19 Videographer:

KEVIN McMAHON

20
21 Also Present:

GEORGE KU (by Zoom)

22
23 Reported By:

ADVANTAGE REPORTING SERVICES
KIRSTEN ENFANTINO, CSR #12253
1083 Lincoln Avenue
San Jose, CA 95125
(408) 920-0222

24
25

DEPOSITION OF HARALD HERCHEN

1 A. February 8, 1959.

2 Q. And where were you born?

3 A. In Saarbruecken, Germany. Should I spell
4 it for you?

5 Q. Yeah. You're going to have to spell that 10:17:33
6 for me and for the report reporter.

7 A. S-a-a-r-b-r-u-e-c-k-e-n. In West Germany
8 at the time. Now it's Germany.

9 Q. All right. What -- and I understand West
10 Germany. But what geographic area of Germany would 10:17:53
11 that be considered?

12 A. It's right be Strausberg, where France is.
13 So it's right in the southwest corner. Let's say a
14 little bit north of the actual corner.

15 Q. That sort of Alsace-Lorraine region? 10:18:04

16 A. Exactly. You know the place.

17 Q. Are you Alsatian in some manner?

18 A. No. My parents moved there when I was
19 young -- before I was born -- for a better job.

20 Q. Understood. Mr. Herchen, have you ever had 10:18:17
21 your deposition taken before?

22 A. No.

23 Q. You understand that you've taken an oath to
24 tell us the truth; right?

25 A. Yes. 10:18:27

8

DEPOSITION OF HARALD HERCHEN

1 Q. Okay. And you promise to tell me the
2 truth?
3 A. Absolutely.
4 Q. Okay. And you promise to give me complete
5 answers to my questions? 10:18:32
6 A. Yes.
7 Q. Okay. Sometimes I talk too fast. If I do
8 that, you're going to let me know?
9 A. I can understand you. So if it's too fast,
10 I'll let you know. 10:18:43
11 Q. Okay. Sometimes I ask poor questions. If
12 I ask a question you don't understand, will you let
13 me know?
14 A. Yes.
15 Q. All right. If you answer a question I'm 10:18:50
16 going to assume that you understood it. Is that
17 fair?
18 A. That's the purpose of it. Yes. That's
19 fair.
20 Q. Okay. Great. Understood. Is there any 10:18:58
21 reason you can't give your best testimony here
22 today?
23 A. No.
24 Q. Okay. You're not suffering from any kind
25 of illness that would impair your ability to 10:19:08

1 Delaware.

2 Q. Okay.

3 A. In Bangalore, India. Mumbai, India. And
4 in China.

5 Q. Got it. Okay. How long has Bloom Energy 10:41:01
6 been in business?

7 A. As named Bloom Energy, for about nine
8 years. As a predecessor name, about 22 years.

9 Q. Okay. What was the predecessor name?

10 A. Ion America. 10:41:18

11 Q. How do you spell Ion?

12 A. I-o-n America.

13 Q. Is there a Bloom? A guy named Bloom?

14 A. No. That was the founder's son said we
15 want Ion America to bloom like a flower. That's 10:41:31
16 where that came from.

17 Q. Oh, okay. All right. When did you meet
18 Alice Ku?

19 A. In June -- I have to switch over to the
20 year 2000. June 2017. 10:42:05

21 Q. Okay. How did you meet her?

22 A. I met her at Stanford.

23 Q. Okay. You met her at Stanford how? You
24 just ran into each other?

25 A. Yeah. I like artistic things. 10:42:17

28

DEPOSITION OF HARALD HERCHEN

1 Q. Okay.

2 A. And she does as well. We ran into each
3 other at the Rodin sculptures.

4 Q. Oh. Just looking at the park?

5 A. That's right. 10:42:30

6 Q. Okay. Interesting. Did you start dating
7 her in June 2017?

8 A. Yes.

9 Q. Okay. I have somewhere your -- what I
10 believe is your marriage certificate. 10:42:45

11 MR. DAVIS: Can we mark this as, I guess,
12 A?

13 (Exhibit A marked.)

14 MR. DAVIS: Jim, do you want a copy of
15 this? 10:43:18

16 MR. REILLY: Sure.

17 BY MR. DAVIS:

18 Q. I don't even know where I got this thing.
19 I think you might have produced it. Is this your --
20 well, please look at what's been marked as 10:43:26
21 Exhibit A.

22 A. Okay.

23 Q. Do you recognize that document?

24 A. The color is lighter than what I remember
25 of the original. But otherwise it looks the same. 10:43:41

29

DEPOSITION OF HARALD HERCHEN

1 Q. It's the exact color of what was given to
2 me. It may or may not be lighter or darker than the
3 original.

4 This is your marriage certificate to Alice
5 Ku; correct? 10:43:55

6 A. That's correct.

7 Q. Okay. And this says that you were married
8 on October 6, 2017?

9 A. That's correct.

10 Q. Okay. Where did you get married? 10:44:06

11 A. In the -- I don't know how you describe it.
12 It's 77 Hedding Street.

13 Q. The County building?

14 A. The County building.

15 Q. Okay. Did you get married by a County 10:44:27
16 clerk?

17 A. Yes.

18 Q. Okay. That's what I wanted to do. The
19 wife said no.

20 Did you just have this civil ceremony? Or 10:44:35
21 did you also have like a regular, more formal
22 wedding with guests and a --

23 A. No.

24 Q. Just went to the County?

25 A. Just went to the County. 10:44:48

30

DEPOSITION OF HARALD HERCHEN

1 Q. Got it. Did you bring witnesses with you?
2 Or was it just you and Alice?
3 A. Well, the witnesses were provided by the
4 County.
5 Q. Okay. All right. So this is -- 10:44:57
6 A. I didn't know them.
7 Q. Understood. This was just something you
8 and Alice did together?
9 A. That's correct.
10 Q. Okay. On Line 23, that's your signature; 10:45:05
11 correct?
12 A. Yes.
13 Q. Okay. And next to that, Line 24, is that
14 Alice's signature?
15 A. Yes. 10:45:29
16 Q. Okay. Does all of this information appear
17 to be true and accurate on the marriage certificate?
18 A. So I cannot attest to the accuracy of her
19 parents' names.
20 Q. Sure. 10:45:57
21 A. But the rest looks correct.
22 Q. Okay. When did you and Alice get engaged?
23 A. I would say August 10, 2017.
24 Q. Is that the actual day, or are you giving
25 me an estimate? 10:46:34

31

DEPOSITION OF HARALD HERCHEN

1 A. It's the actual date.

2 Q. Okay. I saw a fair amount of information
3 in the documents you produced -- which I got
4 yesterday -- about a diamond, and then a lost
5 diamond. Was that her engagement ring? 10:46:56

6 A. It was a portion of her ring that fell out
7 when it got resized for her.

8 Q. Okay. All right.

9 A. But it wasn't the main diamond that was
10 lost. It was a side diamond. 10:47:09

11 Q. Okay. All right. And you got that taken
12 care of?

13 A. Yes. The jeweler did it for me. Or for
14 us.

15 Q. And it appeared to me you knew a lot about 10:47:18
16 diamonds. Is that like a hobby of yours, or you
17 just know stuff?

18 A. Well, when I was at Stanford I would grow
19 diamonds this big.

20 Q. Oh, you're kidding. 10:47:29

21 A. No.

22 Q. Okay.

23 A. I can tell you how, if you want.

24 Q. Maybe some other time.

25 A. Sure. 10:47:36

32

DEPOSITION OF HARALD HERCHEN

1 Q. Were they commercial grade diamonds or --
2 A. Yeah. It became a business.
3 Q. Okay. Is that a side business you had for
4 a while?
5 A. Only as a consultant. Not my own business. 10:47:44
6 Q. Okay. All right. So fair to say you do
7 know a lot about diamonds?
8 A. I know more than the average person.
9 Q. That was the impression I got. Okay. So
10 when you were looking for a diamond ring for Alice, 10:48:00
11 were you using the knowledge you obtained at
12 Stanford to do that? Or was it different?
13 A. It's too different. Because the value in a
14 diamond for a woman is quite different than what
15 makes valuable diamonds for industry. 10:48:15
16 Q. Rights. It's color and how much it
17 sparkles; right?
18 A. For a woman. In industry it's the lifetime
19 and hardness and the smoothness. Sparkle doesn't
20 matter. 10:48:31
21 Q. Just different applications?
22 A. Yes.
23 Q. Okay. Makes sense.
24 When did you and Alice begin residing
25 together? 10:48:40

33

DEPOSITION OF HARALD HERCHEN

1 believe that maybe you weren't certain that she was
2 just a tutor.

3 A. She was very obtuse in terms of what she
4 did.

5 Q. Okay. So you think maybe she had some 10:55:08
6 other things that she was doing, and she just didn't
7 want to share it with you?

8 A. I think that's a possibility.

9 Q. Okay. When did you begin to suspect that?

10 A. When I saw the contents of her hard drives. 10:55:25

11 Q. Okay. After she disappeared?

12 A. Just recently.

13 Q. Okay. Okay. So during the entire time you
14 and Alice resided, she told you she was a tutor, and
15 you didn't question that, and had no reason not to 10:55:47
16 believe it?

17 A. That's right. Based on the condition of
18 the apartment she lived in, she wasn't earning much
19 money.

20 Q. Okay. I saw somewhere that -- and I don't 10:55:57
21 know what it was. But in one of the documents you
22 produced it said that her income was 140,000 a year.
23 Is that not accurate?

24 A. I don't know.

25 Q. Okay. 10:56:21

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DEPOSITION OF HARALD HERCHEN

1 A. She ran a cash business.

2 Q. Okay.

3 A. And declared less than what she took in.

4 Q. Okay.

5 A. I know that for sure. 10:56:31

6 Q. Okay. Do you have an estimate of what she

7 was earning as a tutor?

8 A. A few times we went to the bank. And she'd

9 go to the bank like once a week, or something like

10 that. And it was usually between 2 and \$4,000 she 10:56:48

11 would put in.

12 Q. Per week?

13 A. When I went with her, yes.

14 Q. Okay. That's not insignificant income.

15 A. It's not bad. 10:57:00

16 Q. Okay. And that 2 to \$4,000 a week on

17 average would be approximately 140,000 a year, or in

18 that range; right?

19 A. Yeah. Roughly. Depends.

20 And just to be clear, when I went with her 10:57:19

21 I saw that. But I didn't always go with her.

22 Q. Okay. All right. Fair to say you didn't

23 have a lot of discussions with her about the

24 finances of her business?

25 A. On the contrary. She -- she tried to start 10:57:33

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DEPOSITION OF HARALD HERCHEN

1 Q. Okay.

2 A. And on some Post-it notes. But I think
3 that, you know, her life was reasonably enjoyable
4 without having to do that. So it didn't go to the
5 point where, hey, I'm going here next month and this 12:53:49
6 is what I'm going to do.

7 Q. It was just more of a concept?

8 A. A strong concept. But not -- she didn't
9 take concrete steps to make it happen.

10 Q. What about writing the book? Did she get 12:54:01
11 past the Post-it note stage? Do you know if she
12 wrote an outline?

13 A. I'd have to look at her notebook. But I
14 would say she probably had one to two pages of plot
15 line. 12:54:15

16 Q. Okay. How many notebooks did she have that
17 you know of?

18 A. I know of two.

19 Q. Okay. And you have both of those?

20 A. They're in the storage. 12:54:26

21 Q. At the Stewart --

22 A. Stewart Drive. Yeah.

23 Q. Okay. Do you know what's in those
24 notebooks, other than the outline for the books?

25 A. Yeah. Predominantly it's information for 12:54:38

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DEPOSITION OF HARALD HERCHEN

1 A. That set?

2 Q. Yeah. If you remember.

3 A. I don't remember.

4 Q. My notes say you left -- did you -- what
5 did you do, fly from San Francisco to -- 12:58:35

6 A. Yeah. To Taipei. It's nonstop.

7 Q. Okay. What is that, like a 16-hour flight?

8 A. Don't remind me.

9 Q. Is that about right?

10 A. It's about -- it depends on the winds. But 12:58:45
11 the fastest I've ever done it is in 13 hours. And
12 I've had 15 1/2 hours. It depends on the winds.

13 Q. Yeah. It's a long trip. So that
14 particular trip, you left November 23; correct?

15 A. That's correct. 12:59:02

16 Q. And you land November 24?

17 A. That's right.

18 Q. And it's just you and Alice together;
19 right?

20 A. That's correct. 12:59:09

21 Q. The night of the 24th -- well, strike that.
22 What time did you land on November 24th on
23 that trip, if you remember?

24 A. That flight normally hands around 8 p.m.
25 But if it was a little early or a little late, I 12:59:28

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DEPOSITION OF HARALD HERCHEN

1 MR. DOYLE: I couldn't tell if it was your
2 or her.

3 MR. DAVIS: I certainly meant to say hers.
4 But I apologize.

5 THE WITNESS: No worries. 13:14:37

6 BY MR. DAVIS:

7 Q. Is November 29 the day she went to go see
8 her parents?

9 A. That evening. Yes.

10 Q. Okay. What did you two do during that day? 13:14:46

11 A. We had a chauffeur and did sightseeing
12 there.

13 Q. What is there to see around there?

14 A. It's mainly things I like, that she doesn't
15 like so much. There's waterfalls and gorges and 13:15:03
16 rocky places.

17 Q. What was her mood like on the 29th?

18 A. She didn't like driving in windy roads.

19 Q. So did she get carsick a little bit?

20 A. I would say so. Yes. 13:15:26

21 Q. Okay. So was she just feeling unhappy from
22 that -- or uncomfortable -- from the car trip?

23 A. I would say that's the main thing.

24 Q. Okay. Anything else that struck you about
25 how she was feeling or how she was reporting she was 13:15:41

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DEPOSITION OF HARALD HERCHEN

1 A. That would be a guess.
2 Q. Okay. So you don't know?
3 A. I don't know.
4 Q. If you had to bet, would that be your bet?
5 A. Yes. 13:18:33
6 Q. Did you get the impression that her level
7 of stress over this was coming from you pushing her
8 to do it, or from her actually facing the idea of
9 seeing her parents again after some duration of not
10 seeing them? 13:18:52
11 A. The latter.
12 Q. Okay. When did she finally make the
13 decision I'm going to do this, I'm going to go see
14 my parents?
15 A. On the way back from the tour to the 13:19:03
16 gorges.
17 Q. And then it was just going to be a matter
18 of hours before she did it?
19 A. Yes.
20 Q. Pull the trigger and go? 13:19:12
21 A. Yes.
22 Q. So did you go back to the hotel?
23 A. With her, no.
24 Q. Okay. Did she go back to the hotel?
25 A. No. 13:19:20

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DEPOSITION OF HARALD HERCHEN

1 Q. So was she going to go see her parents
2 without any luggage?
3 A. She just had her little bag.
4 Q. She had like a backpack?
5 A. Yeah. 13:19:29
6 Q. What did it look like, if you know?
7 A. It was black. Maybe, you know, just a foot
8 high. Straps for the shoulders.
9 Q. And she had that with you when you were
10 sightseeing earlier? 13:19:41
11 A. Yeah. She always took something along like
12 that.
13 Q. And is that an actual backpack, or is it
14 more of a shoulder bag?
15 A. I would call it a small backpack. 13:19:49
16 Q. Okay.
17 A. It doesn't have the strap around the waist.
18 Q. Okay. And did she have a change of clothes
19 in there, or anything?
20 A. Yeah. She carried extra panties and a 13:19:59
21 shirt usually. Like a tee shirt, or something. Tee
22 shirt is the wrong word. Sort of a blouse. A
23 flexible blouse.
24 Q. So she'd go a couple days with what she had
25 with her? 13:20:12

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DEPOSITION OF HARALD HERCHEN

1 A. She was very minimalist.
2 Q. She was ready to go? Okay. Did she have
3 a, you know, hairbrush? Comb? Whatever kind of
4 toiletries she traveled with? Was that with her
5 too? 13:20:24
6 A. Yeah. At least the basic stuff.
7 Q. Okay. All right. And that was just
8 something she always carried with her?
9 A. Yeah. She liked to look good.
10 Q. Okay. And then the rest of your luggage 13:20:31
11 was back at the hotel; right?
12 A. That's correct.
13 Q. What did her luggage consist of?
14 A. Well, it was joined with mine.
15 Q. Packed together? 13:20:43
16 A. Packed together. Yeah. Because this way I
17 carry it, and she doesn't have to carry it. And her
18 luggage? It's typical stuff. A pair of extra
19 pants. Some shoes. She loved shoes. So a couple
20 different shoes. And blouses. Underwear. 13:20:56
21 Q. Okay. And had you -- when you left the
22 hotel that morning to go sightseeing, was she
23 already leaning towards going to see her parents?
24 Or was this more of a last minute thing?
25 A. I can't read her mind. 13:21:14

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DEPOSITION OF HARALD HERCHEN

1 A. Once. Well, on one occasion over two days.
2 Q. Okay. And you don't remember his name?
3 A. They spoke Hakka or Mandarin, or both.
4 Q. And you just said hi?
5 A. That's right. 13:26:13
6 Q. Okay. So the decision's made that she's
7 going to go see her parents.
8 A. Um-hum.
9 Q. To your knowledge, do they know that Alice
10 is coming? 13:26:26
11 A. Not to my knowledge.
12 Q. Okay. All right. You, Alice and this
13 driver that you both have met -- one time before?
14 A. That's correct.
15 Q. One time before. Take her to the train 13:26:40
16 station?
17 A. It's a little ambiguous there. The first
18 time we met? Or --
19 Q. No. This trip.
20 A. Okay. 13:26:49
21 Q. Alice goes to the train station. Is it
22 you, Alice and the driver?
23 A. That's correct.
24 Q. Okay. And so the three of you drive to the
25 train station? 13:27:00

DEPOSITION OF HARALD HERCHEN

1 A. Um-hum.

2 Q. Do you drop her off there?

3 A. Yes.

4 Q. And then you and the driver leave?

5 A. No. The driver goes with her. 13:27:08

6 Q. The driver was going to take the train too?

7 A. I don't know.

8 Q. Okay. So the driver leaves you with the

9 car?

10 A. That's right. 13:27:18

11 Q. And where does he go? With Alice?

12 A. Yeah.

13 Q. Okay. Did you -- you went with her to the

14 train station?

15 A. Yes. 13:27:28

16 Q. Okay. So did you believe he was taking a

17 train somewhere?

18 A. I don't have any evidence. I don't know.

19 Q. Okay. At the time what was your thoughts

20 as you're seeing your wife go to take a train to go 13:27:39

21 see her parents, and the driver leaves you with the

22 car and goes to the train station too? You had no

23 idea where he was going?

24 A. No.

25 Q. Did you believe that he was going with her 13:27:51

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DEPOSITION OF HARALD HERCHEN

1 Q. Right.

2 A. And Google, through my profile, thinks I'm
3 in California.

4 Q. Got it. Okay.

5 A. So any E-mail I receive is time stamped 13:35:15
6 California time.

7 Q. Okay. And how far behind is California
8 from Taiwan?

9 A. It's either 16 or 17 hours, depending on --
10 they don't do the daylight savings time. 13:35:30

11 Q. Got it. So this E-mail most likely really
12 was sent 17 hours after November 29 at 3 p.m.?

13 A. That's correct.

14 Q. Okay. So my math's not the greatest. But
15 November 30, say five or six o'clock? 13:35:49

16 A. A little bit later than that. But yes.
17 Probably seven or eight.

18 Q. And before you got this E-mail, and after
19 you dropped her at the train station, you hadn't
20 talked to Alice or texted her, or anything? This 13:36:06
21 would be the first communication you got from her?

22 A. That's correct.

23 Q. All right. Who is Mihai?

24 A. Mihai is the programmer for the app.

25 Q. Okay. You had an app function to deal with 13:36:29

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DEPOSITION OF HARALD HERCHEN

1 with him?

2 A. He was one of the people we worked with to
3 first write the app and then later to do the
4 database thing.

5 Q. Got it. Okay. And you had a conversation 13:36:46
6 with Mihai while she was on her way to her parents',
7 and it went well?

8 A. That's right.

9 Q. Okay. All right. And then she responds,
10 You're going to be at your sister's wedding. When 13:37:05
11 and where was your sister getting married?

12 A. December 3rd. In Cabo San Lucas, in
13 Mexico.

14 Q. Okay. What's your sister's name?

15 A. That sister getting married, her name is 13:37:30
16 Lisa. L-i-s-a.

17 Q. Lisa Herchen?

18 A. At the time.. Yes.

19 Q. At the time. Yeah. And you had,
20 presumably, already planned on going to Cabo on 13:37:42
21 December 3rd; right?

22 A. Sure.

23 Q. Was Alice going to go with you?

24 A. No.

25 Q. She didn't want to? 13:37:49

1 A. That's correct.

2 Q. So Alice says, I'm going to stay here a
3 week, you go back without me and go to your sister's
4 wedding?

5 A. Um-hum. Yes. 13:38:04

6 Q. Okay. Did anything -- when you got this
7 E-mail did anything about it alarm you?

8 A. No.

9 Q. Okay.

10 A. That's -- 13:38:16

11 Q. Okay.

12 A. -- how she was.

13 Q. Okay. Nothing in this E-mail is out of
14 character for her?

15 A. No. 13:38:21

16 Q. I'm going to do my own thing. You do your
17 own thing. Just please change my flight.

18 A. Right.

19 Q. Did you change her flight?

20 A. I did. 13:38:29

21 Q. Okay. And you changed it to when?

22 A. The Sunday following. So that would be --
23 what -- the 8th of December.

24 Q. Okay. Did you E-mail her back and let her
25 know? 13:38:45

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DEPOSITION OF HARALD HERCHEN

1 A. Sure.

2 Q. Did she respond to that E-mail?

3 A. No.

4 Q. This is the last E-mail you've ever
5 received from Alice; correct? 13:38:52

6 A. That's correct.

7 Q. And since November 29, 2019 -- or,
8 actually, November 30, 2019; right?

9 A. Um-hum.

10 Q. You haven't had any communication with 13:39:04
11 Alice at all; is that right?

12 A. Since the 30th of November. That's
13 correct.

14 Q. Okay. Nothing?

15 A. Nothing. 13:39:11

16 Q. Okay. Have you talked to anybody who has
17 had any communications with Alice since then?

18 A. No.

19 Q. Have you talked to anybody that's seen
20 Alice since that date? 13:39:22

21 A. No.

22 Q. Okay. Were you ever able to determine
23 whether or not she arrived at her parents' house?

24 A. Only based on her comment. It's inferred
25 from her comment that I arrived okay. 13:39:42

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DEPOSITION OF HARALD HERCHEN

1 Q. But other than that you don't know if she made
2 it to her parents' house or not?
3 A. That's correct.
4 Q. Okay. Okay. All right. Okay. You went
5 back to Taiwan to fly back with her; correct? 13:40:03
6 A. That's correct.
7 Q. When did you -- let me strike that.
8 I'm assuming you went to your sister's
9 wedding?
10 A. Um-hum. 13:40:13
11 Q. Yes?
12 A. Did I go to my sister's wedding?
13 Q. Yes.
14 A. No.
15 Q. Oh, you didn't? What happened? 13:40:18
16 A. I chickened out.
17 Q. Okay. You didn't want to go to Mexico?
18 A. Yeah. I don't like the risks associated
19 with going to Mexico. It's too many drug cartels,
20 or whatever you want to -- 13:40:32
21 Q. You just didn't want any part of Mexico?
22 A. That's right. I went to Mexico before, and
23 I didn't like it.
24 Q. Okay.
25 A. Sorry. 13:40:42

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DEPOSITION OF HARALD HERCHEN

1 Q. No. Don't apologize to me.
2 Have you ever been to Cabo before?
3 A. No.
4 Q. It's more like California than Mexico.
5 A. Oh. 13:40:50
6 Q. It's really -- it's the American version of
7 Mexico.
8 All right. So you cancel on Mexico. And
9 you went back to Mountain View?
10 A. Yes. 13:41:04
11 Q. Okay. Stayed in Mountain View. And then
12 flew back to Taiwan when?
13 A. I left here on the 6th of December.
14 Q. Okay. And your plan was to fly back with
15 her -- I'm sorry. Was it the 7th or the 8th? 13:41:18
16 A. We would be on the plane the 8th. Leaving
17 Taipei on the 8th.
18 Q. So from the 6th to the 8th, were you in
19 Taipei?
20 A. No. 13:41:30
21 Q. Where were you?
22 A. On the airplane.
23 Q. Oh, okay. You did make it to Taipei
24 though?
25 A. I did. 13:41:37

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DEPOSITION OF HARALD HERCHEN

1 Alice by telephone?
2 A. By telephone?
3 Q. Yeah.
4 A. Not including text?
5 Q. Not including text. I'm going to ask that 13:45:54
6 question too. But this question is when was the
7 last time you tried to reach Alice by telephone.
8 A. I would say middle of 2019.
9 Q. Oh.
10 A. We didn't talk on the phone. 13:46:10
11 Q. That was just not part of your repertoire
12 of communication?
13 A. No.
14 Q. You would text, E-mail or talk in person?
15 A. That's correct. 13:46:18
16 Q. Okay. All right. So when you got back to
17 California on December 8 did you try to contact
18 Alice by text?
19 A. No.
20 Q. Okay. E-mail only? 13:46:38
21 A. E-mail only. Because a text wouldn't work.
22 Q. Oh, because her SIM card had expired?
23 A. That's right. And I didn't have a new one.
24 And the Galaxy doesn't work.
25 Q. Okay. Got it. So she would have to text 13:46:50

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DEPOSITION OF HARALD HERCHEN

1 Q. Okay. Okay. Do you know how much money
2 Alice had with her when you left her at the train
3 station?
4 A. At least \$800 US equivalent.
5 Q. Okay. 13:51:37
6 A. But it was in Taiwanese money.
7 Q. But it was the equivalent of US 800 in
8 Taiwanese money?
9 A. Yes.
10 Q. Did she have credit cards? 13:51:46
11 A. Yes.
12 Q. Debit cards? That sort of thing?
13 A. Yes.
14 Q. So she could get around and --
15 A. Oh, in Taiwan \$800 is quite enough. 13:51:56
16 Q. How long can you live on \$800 in Taiwan if
17 you know what you're doing?
18 A. If you know what you're doing, probably
19 three weeks.
20 Q. Okay. And she had some familiarity with 13:52:08
21 the place? She knew some people there; right?
22 A. Of course.
23 Q. So she could presumably be there even
24 longer.
25 Did you and Alice have joint credit cards 13:52:20

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DEPOSITION OF HARALD HERCHEN

1 speak the language, and they know the landscape;
2 right?
3 A. That's right.
4 Q. But you did tell George that you'd made --
5 or communicated to George that you made significant 14:07:46
6 efforts to try to find Alice; right?
7 A. No.
8 Q. You didn't? Did you E-mail -- did you tell
9 George in an E-mail -- George Ku -- that you spent
10 significant money trying to find Alice? 14:07:58
11 A. No.
12 Q. Okay. And that's not true; correct? You
13 didn't spend significant money trying to find Alice?
14 A. That's correct.
15 Q. All right. The day you last saw Alice, 14:08:09
16 November 29, what time did the driver meet up with
17 you two?
18 A. That morning.
19 Q. Okay.
20 A. About 11. 14:08:21
21 Q. And then you dropped both of them off about
22 six-ish?
23 A. 6:30. Yeah.
24 Q. Okay. So you, Alice and the driver were
25 together 7, 7 1/2 hours? Somewhere in there? 14:08:36

DEPOSITION OF HARALD HERCHEN

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Exhibit "B"
Deposition of Harald Herchen 2
September 19, 2022

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

WEICHIAO KU and PI-LIEN)
KUO,)
)
Plaintiffs,)
)
vs.)
)
HARALD HERCHEN, and DOES)
1 through 40, inclusive,)
)
Defendants.)

Case No. 21CV376210

**CERTIFIED
TRANSCRIPT**

VIDEO DEPOSITION OF HARALD HERCHEN, VOLUME II
Pages 184 to 297

Date: Monday, September 19, 2022
Time: 1:35 p.m.
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EXAMINATION BY MR. DAVIS:

Q. Dr. Herchen, welcome. You've had your deposition taken before right here, correct?

A. Same room. Almost the same people.

Q. You understand you are under oath and sworn to tell the truth?

A. Yes.

Q. Do you promise to give me truthful answers to my questions?

A. Yes.

Q. Will you please tell me if you don't understand one of my questions or I ask a poor question?

A. Yes.

Q. All right. Would you prefer to be called Harald or Dr. Herchen?

A. Harald is much preferred.

Q. Okay.

A. Thank you.

Q. Harald it is.

Harald, when did you meet Alice Ku?

A. I met her under a different name in 2013 or '14.

Q. Okay. What was the different name?

A. I don't recall exactly. It was some

1 variation of her first name, something like -- I
2 think Ally, actually. Ally.

3 Q. Ally?

4 A. Uh-huh. A-l-l-y.

5 Q. And did Ally give you last name at that
6 time?

7 A. No.

8 Q. How did you meet Ally in 2013 or 2014?

9 A. I don't recall exactly, but based on my
10 activities at the time, it'll either be on
11 Craigslist or Backpage, I don't know.

12 Q. You met her somehow on the internet?

13 A. That -- yes.

14 Q. Okay. And was this through some form of
15 an advertisement?

16 A. Yes.

17 Q. Okay. Were your first communications
18 with Alice Ku through e-mail?

19 A. On Craigslist it's always e-mail. On
20 Backpage I don't recall.

21 Q. Okay. And you don't remember which it
22 was that you met Alice Ku, Craigslist or
23 Backpage?

24 A. I do not, no.

25 Q. Okay. But you do remember it was 2013

1 or 2014?

2 A. Yes.

3 Q. Okay. And during that time period, in
4 some manner you communicated with her?

5 A. With who turned out to be Alice Ku
6 later, yes.

7 Q. Okay. And when did you first meet her
8 in person?

9 A. I don't know. It would be probably a
10 few days or a week after the initial
11 communication, I'm not sure.

12 Q. Okay. Sometime in 2013 or 2014?

13 A. That's correct.

14 Q. And she told you at that time her name
15 was Ally?

16 A. I don't recall her saying what her name
17 was at all. I just inferred that from her
18 e-mail.

19 Q. Okay. During that time period, 2013 or
20 2014, approximately how many times did you see
21 her?

22 A. Four times.

23 Q. Okay. After the first time, did you
24 have some form of communicating with her,
25 telephone number, some other way other than

1 through Craigslist or Backpage?

2 A. No.

3 Q. Okay. So did every time you wanted to
4 see Ally you would contact her through Craigslist
5 or Backpage?

6 A. There's -- if it's Craigslist there's an
7 e-mail link they give you that works for some
8 time.

9 Q. Okay.

10 A. On Backpage I cannot remember --

11 Q. Okay.

12 A. -- how that worked.

13 Q. And you don't remember which it was?

14 A. I do not.

15 Q. Okay. But you do remember meeting with
16 Alice Ku four times during that time period?

17 A. Yes.

18 Q. Four times in person, yes?

19 A. Yes.

20 Q. Okay. Those four times in person, where
21 did you meet?

22 A. At the CVS location, kind of a few
23 blocks from where she lived at the time, Kirkland
24 Drive. And that was one of the occasions. The
25 other three occasions was in her apartment.

1 Q. Okay. The first time you meet her at
2 CVS, did you then go to her apartment?

3 A. I can't recall that. I doubt it, 'cause
4 I didn't do that, but I don't know, I can't
5 recall that.

6 Q. Did you go with her somewhere?

7 A. No.

8 Q. You just met at CVS?

9 A. I think she was trying to check me
10 out.

11 Q. Okay. Nothing --

12 A. Am I safe or not.

13 Q. Okay. And how long did that first
14 encounter last at CVS?

15 A. 20 minutes max.

16 Q. Okay. And was that in the CVS?

17 A. No. We met in the car.

18 Q. Okay. All right. While you were in the
19 car, did you just talk, or did anything else
20 happen?

21 A. Just talk.

22 Q. Okay. And then you met on three other
23 occasions?

24 A. That's correct.

25 Q. Okay. And those three other occasions

1 you arranged to meet her at her apartment,
2 correct?

3 A. She told me where I should go, and I
4 think that was her apartment.

5 Q. Okay. And those communications were
6 either through Backpage or Craigslist, however
7 they arranged communications?

8 A. Yes.

9 Q. Okay. On the three other occasions that
10 you met Alice Ku at her apartment, was that to
11 engage in sexual activity?

12 A. That was my hope.

13 Q. Okay. Did you engage in sexual activity
14 during those -- on those three occasions?

15 A. Twice, yes.

16 Q. Okay. Did you pay her?

17 A. Yes.

18 Q. How much did you pay her?

19 A. It was \$400 each time.

20 Q. Okay. After those four occasions, when
21 was the next time you met Alice Ku?

22 A. I don't recall exactly, but that would
23 be -- it'll be probably late 2016, my guess,
24 maybe 2017.

25 Q. Okay. And during late 2016 or early

1 seeing Alice after the second group of
2 meetings?

3 A. Yes.

4 Q. And when was that?

5 A. I would say early 2017, somewhere
6 there.

7 Q. Okay. And why did you decide to stop
8 seeing her?

9 A. Lack of benefit.

10 Q. Okay. You wanted to move on?

11 A. Yeah. You know, I -- you know, I don't
12 know how much history you want to know, but
13 it's -- men who do this type of thing change
14 frequently.

15 Q. Okay. All right. Did you then
16 reconnect with Alice Ku after that second group
17 of meetings in 2016-2017?

18 A. Yes.

19 Q. Okay. When was that?

20 A. It would be like mid 2017 or -- like
21 probably June or so, 2017.

22 Q. June?

23 A. July. I don't know -- I don't remember
24 exactly, but it was later that same year for
25 sure.

1 whether we had sex.

2 Q. Okay. During the first group of
3 meetings, did she ever contact you and ask you if
4 you would see her, or did you always initiate the
5 contact?

6 A. The first one in 2013?

7 Q. Yes.

8 A. I would have initiated all of those in
9 the first group of four.

10 Q. Okay. In is second group, in 2016-2017,
11 the five to ten meetings, did you initiate each
12 of those meetings, or did she initiate some of
13 them?

14 A. I don't recall exactly, but the majority
15 would be initiated by me, but I cannot say for
16 sure that she did in fact.

17 Q. The third group of meetings, the 15 to
18 20 times, did you initiate those meetings, did
19 she, or was it both of you?

20 A. It was me.

21 Q. Okay. All right. Your second wife,
22 Melissa, died June 3, 2017, correct?

23 A. Yes.

24 Q. Okay. Did your second -- excuse me, did
25 your third group of meetings with Alice start

1 before or after your second wife died?

2 A. After.

3 Q. Okay. Can you give me an estimate of
4 how soon after your second wife died you started
5 seeing Alice again?

6 A. A month to two months, something like
7 that.

8 Q. Okay.

9 A. I'm not sure exactly.

10 Q. Okay. Do you remember during your last
11 deposition you testified you met Alice at the
12 Rodin ex --

13 A. Sculpture.

14 Q. -- exhibit at Stanford?

15 A. Yes, I do.

16 Q. Okay. Did you meet her at the Rodin
17 exhibit at Stanford?

18 A. I did meet her there, but that was by
19 arrangement that we agreed to do so that we have
20 a story to tell other people as to how we met.

21 Q. Okay.

22 A. And we agreed that that was the story.
23 And in order to protect our family I made that
24 testimony before.

25 Q. Okay. That was your cover story?

1 A. That -- yes.

2 Q. Okay. When you testified at your last
3 deposition that the first time you met Alice Ku
4 at the Rodin exhibit, that was false, correct?

5 A. That was false, though the times I met
6 her before that, her name was not Alice Ku, but,
7 you know, it was -- it turned out to be the same
8 person, but I didn't know at the time.

9 Q. Well, you knew it when you testified at
10 the deposition that the --

11 A. At that point I knew, yes.

12 Q. You knew the information you were
13 providing me under oath was false, true?

14 A. That's correct.

15 Q. Okay. And why did you testify to false
16 information about your last deposition?

17 A. I wanted to protect her family from
18 the -- finding out that, you know, she's my wife,
19 right, and I want to protect her family from
20 hearing about her activities in such a way
21 that's, you know, a horrible thing to do.

22 Q. Is that the -- is that the only reason,
23 to protect Alice's family?

24 A. Of course, 'cause -- yeah. Yes.

25 Q. Okay. You were not concerned about your

1 own reputation, that was not part of the issue?

2 A. No.

3 Q. Okay.

4 A. That was --

5 Q. Okay. When did your relationship with
6 Alice Ku move from sex for money to romantic?

7 A. I don't know what your definition of
8 romantic is, but I would say never.

9 Q. Okay. It always felt to you like sex
10 for money?

11 A. Somewhat. I think in the normal meaning
12 of what you're asking, it would be like October
13 or so.

14 Q. October of 2017?

15 A. 2000 -- yeah.

16 Q. Okay. When did you first tell Alice Ku
17 that you loved her?

18 A. I don't recall that.

19 Q. Okay. Can you give me an estimate?

20 A. Give me an estimate you said?

21 Q. Can you give me an estimate.

22 MR. DOYLE: If you recall.

23 THE WITNESS: That's -- I don't think I
24 can give you a definitive answer, because that --
25 those type of words are used too generously

1 without meaning behind them.

2 Q. BY MR. DAVIS: Okay. You're speaking
3 for yourself?

4 A. Of course.

5 Q. Yes, okay. When did you decide that you
6 wanted to marry Alice Ku?

7 A. I would say beginning of October 2017.

8 Q. Okay. As of that time, were you in love
9 with Alice Ku?

10 A. Yes.

11 Q. Okay. Had you been in love with her for
12 some period of time when you had made -- when you
13 made the decision you wanted to marry her?

14 A. I don't remember those details.

15 Q. Okay. Did you ask her to marry you in
16 October 2017?

17 A. Yes.

18 Q. What was her response?

19 A. Yes.

20 Q. Okay. Did she tell you that she loved
21 you?

22 A. On occasion, yes.

23 Q. Okay. Did she tell you that she loved
24 you before you were married to her?

25 A. I don't recall that.

1 Q. Okay. And Alice -- and Alice was never
2 going to go to that wedding; is that true?

3 A. She was very uncomfortable, so the
4 decision was not to go.

5 Q. Okay. All right. Did you injure your
6 arm at some point in late November or early
7 December 2019?

8 A. No.

9 Q. Okay. Did you tell people you injured
10 your arm in late November, early December 2019?

11 A. I might have told a few, yeah.

12 Q. Okay. Who did you tell you injured your
13 arm?

14 A. Sandra.

15 Q. Okay. And why did you tell Sandra you
16 injured your arm?

17 A. She's my daughter.

18 Q. Okay. You did not injure your arm,
19 correct?

20 A. That's correct.

21 Q. Okay. So why would you tell your
22 daughter that you did injure your arm?

23 A. As an excuse.

24 Q. Excuse for what?

25 A. Not having to go.

1 Q. To go where?

2 A. Cabo San Lucas.

3 Q. Okay. I understand. Did your daughter,
4 Sandra, go to Cabo San Lucas for the wedding?

5 A. No.

6 Q. Okay. All right. Did you tell your
7 sister, Lisa, you couldn't go because you injured
8 your arm?

9 A. No.

10 Q. Okay. Why did you need an excuse to
11 Sandra not to go to the wedding?

12 A. It's just easier to come up with an
13 excuse like that.

14 Q. Oh. Than to tell her you didn't want to
15 go?

16 A. Yeah.

17 Q. Okay. What did you tell her regarding
18 your injured arm?

19 A. I don't recall.

20 Q. Did you tell her you broke your arm?

21 A. No. I don't remember at all.

22 Q. Okay. Did you wear a cast or sling or
23 any other equipment like that to make it look
24 like your arm was injured?

25 MR. DOYLE: Okay. You know, we're --

1 we're up to an hour now, so --

2 MR. DAVIS: We're not. We're at 50
3 minutes. It's 2:24.

4 MR. DOYLE: Okay. Okay.

5 MR. DAVIS: You want to take a break
6 now?

7 MR. DOYLE: I have two -- I have 2:26.

8 MR. DAVIS: Yes, 2:26, you're correct.

9 MR. DOYLE: So it will be 50 minutes.

10 MR. DAVIS: Yeah, you're correct.

11 You're correct.

12 MR. DOYLE: Isn't that right? We can
13 take a break after that?

14 MR. DAVIS: We'll take a break in an
15 hour unless you want to take a break before.

16 MR. DOYLE: We're going to take a
17 ten-minute break, and then we're going to go for
18 one more hour, right?

19 MR. DAVIS: That's right. That's
20 right.

21 MR. DOYLE: Okay.

22 MR. DAVIS: So we'll go --

23 MR. DOYLE: Let's do that. We'll do
24 that.

25 MR. DAVIS: So we'll go a whole hour to

1 2:36.

2 Q. BY MR. DAVIS: Did you, in that time
3 period first week of December 2019, wear a sling
4 or a cast that made it look like your arm was
5 injured?

6 A. What time frame again? I'm sorry.

7 Q. First week of December 2019.

8 A. Uh-huh. Yes.

9 Q. Okay. Why did you wear a cast that made
10 it look like your arm was injured?

11 MR. DOYLE: I think it's asked and
12 answered. He said because he was looking for an
13 excuse not to go to the wedding.

14 MR. DAVIS: Lou, that's not an
15 objection. You're testifying for the witness,
16 and that's an inappropriate objection if that is
17 one.

18 You can answer the question.

19 MR. DOYLE: Well, he answered it.

20 MR. DAVIS: No. No, he didn't.

21 MR. DOYLE: He answered that he had the
22 cast as an excuse --

23 MR. DAVIS: Lou, you're interfering.

24 MR. DOYLE: -- not to go to the
25 wedding.

1 MR. DAVIS: You're interfering with the
2 deposition. Please don't.

3 Q. BY MR. DAVIS: Please answer the
4 question.

5 A. Can you repeat the question, please.

6 MR. DAVIS: Could you read back the
7 question, please.

8 (Whereupon, the record was read by the
9 court reporter as follows:

10 "Why did you wear a cast that made it
11 look like your arm was injured?")

12 MR. DOYLE: Again, asked and answered.

13 THE WITNESS: Didn't we discuss this?

14 Q. BY MR. DAVIS: No. You have to answer
15 the question first.

16 A. Okay. So the question is why did I wear
17 a cast --

18 Q. Yes.

19 A. -- on my arm?

20 Q. Yes.

21 A. Because it was not my arm that was
22 injured.

23 Q. What was injured?

24 A. My wrist.

25 Q. Okay. How did you injure your wrist?

1 A. I don't recall.

2 Q. Okay. When did you injure your wrist?

3 A. It was before the trip.

4 Q. Before the trip to Taiwan?

5 A. Taiwan, yeah.

6 Q. Okay. Was your wrist injured the entire
7 time you were on your trip to Taiwan?

8 A. Yes.

9 Q. Okay. Was it your right -- right wrist
10 or your left wrist?

11 A. My right wrist.

12 Q. Okay. What was nature of the injury?

13 A. It got stressed, stress fracture,
14 something like that.

15 Q. Okay. Did you have to have surgery?

16 A. No.

17 Q. You wore a cast?

18 A. I just -- a light -- it wasn't a cast.
19 It was just kind of a protective device so it
20 didn't get pushed.

21 Q. Okay. All right. And that injury
22 occurred before you left for Taiwan?

23 A. Yes.

24 Q. Okay. Did you tell anybody that you
25 injured your arm or your wrist while you were at

1 your sister's wedding in Cabo?

2 A. I didn't attend her sister's -- my
3 sister's wedding.

4 Q. I understand. Did you tell anybody that
5 you injured your wrist or your arm while you were
6 at your sister's wedding in Cabo San Lucas?

7 A. I didn't attend her wedding.

8 Q. I understand that. Did you tell anybody
9 that you went to your sister's wedding in Cabo
10 and injured your arm or your wrist there?

11 A. Oh. No.

12 Q. Okay. All right. Who's Tad
13 Armstrong?

14 A. He was a coworker.

15 Q. Okay. Did you talk to Tad Armstrong
16 about your injured arm or wrist?

17 A. Not that I recall, no.

18 Q. Okay. And if Tad Armstrong told us that
19 you told him you injured your arm or your wrist
20 while you were at your sister's wedding in Cabo
21 San Lucas, that would not be true, correct?

22 A. That's right. I didn't go.

23 Q. Okay. All right. Other than your
24 daughter, Sandra, did you tell anybody else that
25 you were not going to your sister's wedding

1 because you injured your arm or your wrist?

2 A. No.

3 Q. Okay.

4 A. Not that -- I don't -- no.

5 MR. DAVIS: Okay. All right. Let's
6 take a ten-minute break now. We'll come back and
7 finish the last hour.

8 THE VIDEOGRAPHER: We're off the record.
9 The time is 2:33 p.m.

10 (Whereupon, a recess was taken from
11 2:31 p.m. to 2:41 p.m.)

12 THE VIDEOGRAPHER: We're back on the
13 record. The time is 2:42 p.m.

14 MR. DAVIS: Good to go?

15 THE VIDEOGRAPHER: Yes.

16 Q. BY MR. DAVIS: Harald, what was the
17 original diagnosis for your injured wrist?

18 A. I don't know.

19 MR. DOYLE: Objection. By who?

20 THE WITNESS: That was exactly my
21 question. By who?

22 Q. BY MR. DAVIS: Did you ever see a
23 medical doctor for your injured wrist?

24 A. Yes.

25 Q. Okay. Who was the doctor?

1 A. I don't know.

2 Q. Where was the doctor?

3 A. Somewhere in the El Camino Hospital
4 system. I'm not sure.

5 Q. El Camino Medical Center?

6 A. I don't know.

7 Q. Was it at -- did you go to the emergency
8 room?

9 A. No.

10 Q. Okay. Do you have a regular medical
11 doctor, a family doctor, that you see on a
12 regular basis?

13 A. Yes.

14 Q. And who was that?

15 A. Robina Moen.

16 Q. Robina?

17 A. Yeah. R-o-b-i-n-a, M-o-e-n.

18 Q. And that's not the doctor you saw for
19 your wrist?

20 A. No.

21 Q. Okay. Did you see a specialist, or was
22 it another -- was it another general doctor?

23 A. I wouldn't know. I don't . . .

24 Q. Okay. And this was not the emergency
25 room, it was just an office visit?

1 A. It was just -- it's not -- not emergency
2 room, that's right.

3 Q. Did they give you an x-ray?

4 A. Yes.

5 Q. Okay. And the x-ray was positive for a
6 stress fracture?

7 A. Yes.

8 Q. Okay. And the doctor instructed you to
9 put it -- put a splint or brace on it?

10 MR. DOYLE: Objection. That's
11 privileged.

12 MR. DAVIS: You can answer.

13 MR. DOYLE: No. He doesn't have to
14 answer.

15 MR. DAVIS: You're instructing him not
16 to answer?

17 MR. DOYLE: Yeah, I'm instructing him
18 not to answer.

19 Q. BY MR. DAVIS: As a result of your visit
20 with the doctor, did you wear a brace on your
21 wrist?

22 A. Yes.

23 Q. Okay. How long did you wear that
24 brace?

25 A. I don't recall.

1 Q. Okay. The injury occurred before you
2 went to Taiwan, correct?

3 A. Yes.

4 Q. Did you wear the brace while you were in
5 Taiwan?

6 A. No.

7 Q. Why not?

8 A. It wasn't bothering me enough yet.

9 Q. Okay. Did you wear it when you returned
10 to Taiwan?

11 A. No.

12 Q. Okay. Did you ever wear the brace?

13 A. Yes.

14 Q. Okay. What -- when did you wear the
15 brace?

16 A. Somewhere between maybe December 4th,
17 3rd or 4th -- 4th, I guess, to I would say mid
18 January.

19 Q. Okay. Did you tell anybody that you
20 injured your wrist while you were at your
21 sister's wedding roughhousing with your brothers
22 in a bar?

23 A. Yes.

24 Q. Who did you tell that to?

25 A. Anybody who asked.

1 Q. Okay. That was your cover story?

2 A. Yes.

3 Q. Okay. Why did you feel like you needed
4 a cover story?

5 A. It's embarrassing.

6 Q. Why is it embarrassing?

7 A. I've got a 60-year-old-guy roughhousing.

8 Q. Okay. Your -- but wasn't -- it
9 wasn't -- wasn't the roughhousing the cover
10 story, not the real story?

11 A. I don't understand your question.

12 Q. Okay. The roughhousing with your
13 brothers in Cabo San Lucas was your cover story,
14 correct?

15 A. Yes.

16 Q. How did you -- how did you really
17 fracture your wrist?

18 A. I hit something.

19 Q. What did you hit?

20 A. A bookshelf.

21 Q. Okay. Did you do that on purpose?

22 A. I was mad.

23 Q. Okay. You got mad and punched a
24 bookshelf because you were angry. Were you
25 frustrated?

1 A. Yeah.

2 Q. Okay. Do you remember when this
3 happened?

4 A. It would be just before we left to
5 Taiwan.

6 Q. Okay. Why were you mad?

7 A. I don't recall exactly.

8 Q. Okay. Were you mad at Alice?

9 A. No.

10 Q. Were you mad -- was Alice there when you
11 injured your wrist?

12 A. No.

13 Q. Okay. Was anybody there?

14 A. Not in the immediate vicinity. Probably
15 the neighbors, but no.

16 Q. You were alone in your apartment?

17 A. Uh-huh.

18 Q. Okay. And you were mad at something.
19 Is that a yes?

20 A. Yes.

21 Q. And you don't remember what you were mad
22 at?

23 A. Not at that time, no.

24 Q. Okay. What is your memory now as to why
25 you were mad enough to punch a bookshelf and

1 break your wrist?

2 MR. DOYLE: Again. Objection. Asked
3 and answered. I think he answered that. He
4 doesn't remember.

5 MR. DAVIS: No, he hasn't answered
6 that.

7 Q. BY MR. DAVIS: You can answer the
8 question.

9 A. Can you state the question again,
10 please.

11 Q. Yes.

12 MR. DAVIS: Could you please read back
13 the question.

14 (Whereupon, the record was read by the
15 court reporter as follows:

16 "What is your memory now as to why you
17 were mad enough to punch a bookshelf and break
18 your wrist?")

19 THE WITNESS: I don't recall what the
20 specific cause was then.

21 Q. BY MR. DAVIS: What was the general
22 cause?

23 MR. DOYLE: Asked and answered. He
24 doesn't remember what the cause was.

25 THE WITNESS: There's -- there's no --

1 MR. DOYLE: He's already testified to
2 that.

3 Q. BY MR. DAVIS: You can answer.

4 A. I don't recall.

5 Q. Okay. You have no memory as to why you
6 got mad and punched a bookshelf?

7 A. I -- I have a -- I do get mad sometimes,
8 but I don't remember, you know, just why.

9 Q. Okay. There was some -- something made
10 you mad?

11 A. Yeah.

12 Q. Okay. You don't remember what it was?

13 A. No.

14 Q. Okay. All right. When did you first
15 believe Alice was missing?

16 A. I don't -- I think that it's -- it's
17 becoming a reality now, but only very recently,
18 if at all.

19 Q. Okay. When did you first have -- when
20 did you first have trouble getting a hold of
21 Alice?

22 A. December 7th, I guess, 19 -- 2019.

23 Q. December 7, 2019?

24 A. Yeah. When I -- when I landed there.

25 Q. Okay. How long -- how long were you in

1 Q. You visited prostitutes?

2 A. That's correct.

3 Q. Okay. Did you visit prostitutes when
4 you were married to Alice?

5 A. No.

6 Q. Okay. But after Alice went missing and
7 before you met Kim Ngo you did?

8 A. That's correct.

9 Q. How old is Kim Ngo?

10 A. Mid forties.

11 Q. Did you tell Alice you were going to
12 attend your sister's wedding?

13 A. Yes.

14 Q. Okay. Did you ever tell Alice you did
15 not attend your sister's wedding?

16 A. No. I don't think I did.

17 Q. Okay. Do you have any of Alice's
18 computers right now, any old laptops, desktops,
19 any of her computers?

20 A. No.

21 Q. Okay. In responding to your discovery,
22 you wrote that you hired somebody to get into
23 Alice's laptop and produce -- to help you look
24 for documents. Do you remember that?

25 A. Uh-huh.

1 Q. Which laptop was that?

2 A. All of them that she left.

3 Q. Okay.

4 A. There were four of them.

5 Q. Okay. Where are those four laptops
6 now?

7 A. They're -- went through recycling.

8 Q. They're gone?

9 A. After I got the -- got the information,
10 they've been recycled.

11 Q. Did you preserve all the information?

12 A. Yes.

13 Q. Okay. When did you recycle those
14 computers?

15 A. When I moved out, I think. I'm not sure
16 exactly.

17 Q. When you moved out of Wright?

18 A. Out of Wright. I don't recall. I
19 don't . . .

20 Q. Okay. Well, you knew those were Alice's
21 computers, correct?

22 A. Those were her -- there were five
23 computers Alice had. Four computers didn't work.
24 The one that worked she has or had, whatever, I'm
25 not sure. And the four that didn't work were the

1 ones that I had the -- the recovery specialist
2 look into to see if there was some information.

3 Q. Which is the computer that did work?

4 A. It was a Mac, MacBook Pro, I think, that
5 I bought for her.

6 Q. Okay. Where is that now?

7 A. I don't know.

8 Q. When was the last time you saw it?

9 A. At the storage location in Sunnyvale.

10 Q. Okay. That's a storage unit that you
11 rent?

12 A. I rented, yes.

13 Q. Okay.

14 A. Past tense.

15 Q. Okay. Did you move your things out of
16 that storage room?

17 A. No.

18 Q. Okay. Who did?

19 A. I don't know.

20 Q. Okay. Did you stop paying the bill?

21 A. Yes.

22 Q. Okay. And was it -- did they --
23 everything that was there in there disappear?

24 A. Yes.

25 Q. Including Alice's computer?

1 A. Yes.

2 Q. When did that happen?

3 A. I don't know when it disappeared.

4 Q. When did you stop paying the bill?

5 A. I think around probably February or

6 March.

7 Q. Of 2022?

8 A. Of 2022, yeah.

9 Q. And you knew that Alice's computer was
10 there?

11 A. No. I was -- the key for that was given
12 to my attorney, and he handed it, apparently, to
13 George's attorney.

14 Q. Okay. Where were the four laptops that
15 didn't work held or stored?

16 A. Well, they were in our apartment.

17 Q. Okay.

18 A. And then I gave them to the data
19 recovery specialist.

20 Q. Okay. And instructed him to recycle
21 them when he was done?

22 A. Yeah. I think he -- he said that he
23 normally destroys it after he gets the data
24 out.

25 Q. Okay. You instructed him to recover as

1 much data as he could get?

2 A. Yes.

3 Q. Okay. What's the name of the data
4 recovery specialist?

5 A. I don't recall.

6 Q. Where is the data recovery specialist
7 located?

8 A. It's in South San Jose off of 101. I
9 think Hellyer or maybe the one after that, I
10 don't recall. I'd have to look that one up.

11 Q. When did you hire this data recovery
12 specialist?

13 A. Maybe a week or so, ten days, something
14 like that. Not too long before the last
15 deposition.

16 Q. Okay. And did you provide a complete
17 set of information to your attorney to provide to
18 us?

19 A. Yes.

20 MR. DAVIS: Lou, did you give us
21 everything?

22 MR. DOYLE: Yes.

23 MR. DAVIS: Okay. All right. We can
24 talk about that later. I think I'm missing some
25 stuff.

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Exhibit "C"
First Amended Complaint

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Case #21CV376210
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
(Unlimited Jurisdiction)

WEICHIAO KU and PI-LIEN KUO;	)	Case number: 21-CV-376210
)	
Plaintiff,	)	FIRST AMENDED COMPLAINT
	)	(Wrongful Death and Survival)
v.)	
	)	1. Wrongful Death;
HARALD HERCHEN; and DOES 1	)	[CCP section 377.60]
through 40, inclusive;	)	2. Negligence;
	)	3. False Personation;
Defendants.	)	[Penal Code section 528.5]

Plaintiff Alleges:

1. Plaintiffs, Weichiao Ku and Pi Lien Kuo are the surviving parents of Decedent Alice Ku and present this claim through their son George Ku who holds Power of Attorney on behalf of the Plaintiffs for the purpose of advancing this claim. Plaintiffs Weichiao Ku and Pi-Lien Kuo are residents of Taiwan and are the survivors in interest of Alice Ku (Decedent), deceased, who Plaintiffs believe and allege died intestate and without issue.

1
2 2. Decedent, Alice Ku, was born on December 2, 1982 in Taipei,
3 Taiwan and at all times referenced herein was a resident of Santa
4 Clara County, California.

5 3. Defendant, Harald Herchen (Herchen) is an individual residing
6 in Santa Clara County, California.

7 4. Plaintiffs are the Decedent's heirs and survivors in interest
8 due to the exclusion to inherit of Defendant Herchen pursuant to
9 Probate Code section 250 et al. [Slayer Statute] as alleged herein.
10 Decedent Alice Ku died without issue.

11 5. Plaintiff is ignorant of the true names and capacities of the
12 defendants sued herein as Does 1 through 50, inclusive, and
13 therefore sues these defendants by such fictitious names. Plaintiff
14 will amend this complaint to allege their true names and capacities
15 when the same has been ascertained by plaintiff. Plaintiff is
16 informed, believes, and alleges that each of the fictitiously named
17 defendants is responsible in some manner for the occurrences herein
18 alleged and plaintiffs' damages as herein alleged were proximately
19 caused by such defendants.

20 6. Plaintiff is informed, believes and alleges that at all times
21 mentioned, each of the defendants was the agent or employee of the
22 others and was acting under their control and direction and that
23 each of the defendants, in acting as alleged, was acting within the
24 scope of such employment and agency and with the ratification and
25 consent of each other.

26 FIRST CAUSE OF ACTION
27 (Wrongful Death)

28 7. Decedent Alice Ku married Defendant Harald Herchen on or about

1 October 6, 2017 in a civil ceremony in Santa Clara County,
2 California.

3 8. The Decedent and Defendant Herchen resided together in Mountain
4 View, Santa Clara County, California from December 2017 until the
5 Decedent's disappearance in November 2019.

6 9. On or about November 2019 Defendant Herchen planned and
7 orchestrated a purported business trip with the Decedent from the
8 Decedent and Defendant's home in Mountain View, Santa Clara County,
9 California to Taiwan for the Decedent and himself. All planning and
10 arrangements, including travel reservations and the purchase of
11 airline tickets, were made by or at the request of Defendant
12 Herchen, from Santa Clara County, California.

13 10. Defendant Herchen planned and arranged for the travel to Taiwan
14 for himself and the Decedent for the purpose of causing the death
15 of the decedent and the disposing of her body in Taiwan.

16 11. On or about November 23, 2019 the Decedent and Defendant
17 Herchen travelled from their home in Mountain View, Santa Clara
18 County, California to the San Francisco airport and from there flew
19 to Taipei, Taiwan, arriving in Taiwan on November 24, 2019. The
20 Decedent travelled with her United State passport and Defendant
21 Herchen travelled with his Canadian passport.

22 12. Defendant Herchen completed all purported Taiwan work related
23 obligations to his employer on November 25 and was thereafter in
24 Taiwan for personal purposes with the Decedent.

25 13. On or about November 29, 2019, Defendant Herchen intentionally
26 and with malice aforethought, caused the death of Decedent Alice Ku
27

1 in a manner and of means as of yet unknown and subject to proof.
2 Defendant Herchen thereafter concealed the death of the Decedent
3 from the Decedent's family, clients, business associates, friends,
4 neighbors and from law enforcement both in Taiwan and in California.
5 Defendant Herchen thereafter claimed that Decedent had intentionally
6 left Defendant Herchen. The aforementioned acts and omissions of
7 Defendant Herchen were the direct and proximate cause of the death
8 of the Decedent.

9 14. Defendant Herchen owed a duty to the Decedent, the Plaintiff and
10 the Assignors.

11 15. Defendant Herchen breached his duty to the Decedent, Plaintiff
12 and Assignors by his acts and failures to act as described herein.

13 16. As a direct and proximate result of the acts and failures to act
14 by Defendant Herchen the Decedent sustained injuries causing death.

15 17. As a direct, proximate and foreseeable result of the Acts and
16 omissions by Defendant Herchen the Assignors suffered a loss of the
17 Decedent's love, companionship, comfort, care, assistance, society,
18 affection, moral support, and guidance, which injuries resulting in
19 general damages in an amount to be determined according to proof at
20 trial but in excess of the jurisdictional minimum of this court.

21 18. As a further direct, proximate and foreseeable result of the
22 acts by Defendant Herchen, Assignors will be required to and will
23 incur funeral costs, related expenses and other pecuniary loss and
24 damages including loss of financial support the exact amount of
25 which are currently unknown to the Plaintiff and Assignors, but
26 which will be determined in an amount according to proof at trial.
27

1 19. As a further direct, proximate and foreseeable result of the
2 acts by Defendant Herchen as herein alleged, Plaintiff and Assignors
3 have incurred other economic losses resulting from Decedent's
4 disappearance and death, including costs related to trying to locate
5 the Decedent and costs associated with handling the Decedent's
6 business affairs resulting in further damage in an amount to be
7 determined according to proof at trial.

8 20. The conduct by Defendant Herchen as alleged herein constitutes
9 oppression, fraud and malice, was despicable by nature and designed
10 to harm the Decedent, Assignors and Plaintiff thereby justifying
11 punitive and exemplary damages in an amount sufficient to punish
12 Defendant Herchen pursuant to Civil Code section 3294.

13 WHEREFORE, plaintiff prays for relief as set for herein.

14 SECOND CAUSE OF ACTION
15 (Negligence)

16 21. Plaintiff realleges paragraphs 1 through 20 and incorporates
17 the same herein.

18 22. The defendants and each of them owed a duty to the Decedent,
19 the Plaintiff and the Assignors.

20 23. On or about November 29, 2019, the defendants and each of them
21 breached this duty, by committing and participating in, acts and
22 failures to act which were the direct and proximate cause of the
23 death of the Decedent Alice Ku.

24 24. As a direct, proximate and foreseeable result of the acts and
25 omissions of the defendants and each of them, as alleged herein, the
26 Decedent, the Plaintiff and the Assignors sustained general and
27 special damages as alleged herein above in an amount to be

1 determined.

2 Wherefore, plaintiff prays for relief as forth herein.

3 THIRD CAUSE OF ACTION

4 (False Personation)

5 [Penal Code section 528.5]

6 25. Plaintiff realleges paragraphs 1 through 24 and incorporates
7 the same herein.

8 26. On or about November 30, 2019, Defendant Herchen impersonated
9 the Decedent by using an electronic device previously controlled by
10 the Decedent for the purpose of accessing the Decedent's electronic
11 mail account and in order to send an email purportedly from the
12 Decedent to Defendant Herchen for the purpose of deceiving and
13 defrauding the Plaintiff, the Assignors, the Decedent's other family
14 members and law enforcement into believing that the Decedent was
15 alive and had disappeared at a place and in a time other than what
16 had occurred. Defendant Herchen thereafter shared that email with
17 the Plaintiff and with investigators and attorneys retained by the
18 Decedent's family who were charged with locating the decedent.

19 27. Defendant Herchen had a duty to the Plaintiff and to the
20 Decedent's family not interfere with any efforts by the Decedent's
21 family to have communication with her and once she was missing to
22 locate her. Defendant Herchen breached this duty by intentionally
23 impersonating the Decedent in order to deceive the Decedent's family
24 into believing she had been unable to contact of her own accord and
25 did not want to be found.

26 28. Defendant Herchen's actions as described herein are the direct
27 and proximate cause of damages to the Plaintiff and the Assignors

1 as described herein.


2 29. The acts and omissions by defendant Herchen as described herein
3 constitute fraud, malice, oppression and were a conscious disregard
4 for the rights of the Plaintiff, the Decedent's family and others.
5 An award of exemplary and punitive damages is warranted to punish
6 the defendant and deter similar conduct.

7 Wherefore, Plaintiff prays for judgment against defendants, and
8 each of them, as follows:

- 9
- 10 1. For general damages;
 - 11 2. For all special damages;
 - 12 3. For loss of Decedent's earnings and earning capacity;
 - 13 4. For costs of suit herein;
 - 14 5. An award of punitive damages against Harald Herchen;
 - 15 6. Attorney Fees according to proof;
 - 16 7. For such other and further relief as the court may deem
17 just and proper.

18
19 FARLING, HECHT & DAVIS

20
21 Dated: May 28, 2021

22 By 
23 Todd K. Davis
24 Attorney for plaintiffs
25 Weichiao Ku and
26 Pi-Lien Kuo