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13 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA**
14 **UNLIMITED JURISDICTION**

15 WEICHIAO KU and PI-LIEN KUO,

16 Plaintiffs,

17 v.

18 HARALD HERCHEN, *et al.*

19 Defendants.

20 Case No. 21CV376210

21 **PLAINTIFFS' OBJECTIONS TO**
22 **EVIDENCE IN OPPOSITION TO**
23 **DEFENDANT'S MOTION FOR**
24 **SUMMARY JUDGMENT, OR IN THE**
25 **ALTERNATIVE, SUMMARY**
26 **ADJUDICATION**

27 Dept.: 20

28 Judge: Hon. Socrates Manoukian

Hearing Date: December 8, 2022

Hearing Time: 9:00 a.m.

Plaintiffs Weichiao Ku and Pi-Lien Kuo ("Plaintiffs") submit the following objections to evidence submitted by Defendant Harald Herchen in support of his Motion for Summary Judgment, or in the alternative, For Summary Adjudication.

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OBJECTION NO. 1

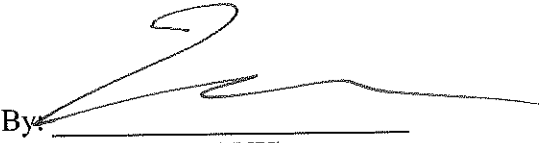
Declaration of Harald Herchen, in its entirety.

Grounds: Incompetent Evidence; Lacks Foundation; Inadmissible Opinoin/Conclusion

Harald Herchen gave false testimony in his October 29, 2020 deposition under oath. The credibility and admissibility of Defendant’s testimony is in question given he is an admitted perjurer. The trier of fact may disregard all of the testimony of a party if it determines that he testified falsely as to some matters covered by his testimony (Evid. Code §780; CACI 5003; *Nelson v. Black* (1954) 43 Cal.2d 612; *People v. Lavergne* (1971), 4 Cal. 3d 735). The declaration ‘evidence’ relied on by Defendant – his own self-serving declaration – accordingly lacks foundation pursuant to Evidence Code section 702, and consists of Defendant’s own self-serving conclusions rather than material facts supported by evidence. His Declaration is accordingly incompetent evidence of any material facts stated therein to support summary judgment or adjudication.

Dated: November 23, 2022

FARLING, HECHT & DAVIS

By: 
TODD K. DAVIS
Attorney for Plaintiffs