

Precedence: Routine

Date: November 30, 2020

To: FBI San Francisco
Mountain View Police Dept.
Criminal Investigation Bureau, Taiwan, ROC
American Institute in Taiwan, ROC

From: Andrew G. Watters (civilian)
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Case ID: Mountain View Police Dept. #19-08703
Santa Clara County Superior Court no. 19PR187385

Title: Alice Ku [DOB 12/02/1982] (victim)
Harald Herchen [DOB 2/8/1959] (suspect)
Murder Abroad 18 U.S.C. sec. 1119(b)
Further Report of Investigation

Synopsis: To provide a summary of information developed to date in this missing person case, and to recommend prosecution of the suspect for murder abroad.

Introduction

I am an attorney in California (#237990), and I also offer investigative services pursuant to the exemptions in Business and Professions Code sec. 7522(e) and 7582.2(e). On December 10, 2019, I was hired by the victim's brother, GEORGE KU (Mr. Ku), and engaged to investigate the disappearance of Ms. Alice Ku. The investigation resulted in me also being hired as Mr. Ku's attorney in the pending missing person conservatorship case in Santa Clara County, case no. 19PR187385. This report shares all of the information developed to date with law enforcement, including privileged matter. This report updates the previous reports sent on December 21, 2019 and January 13, 2020.

Key evidence produced by Google establishes that the suspect faked a "proof of life" email from the victim, and the IP address of the email shows that *the suspect sent the fake email from the hotel where he was staying alone* while the victim was supposedly on the other side of Taiwan. The deposition of the suspect on October 29, 2020 also produced valuable evidence. The investigation is complete; the case is now considered to be a murder. The family intends to file a wrongful death case in 2021. Federal assistance is requested due to the international nature of the case and the clear basis for Federal jurisdiction.

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Background

Ms. Ku was a tutor in the Bay Area who worked with students and parents in the Cupertino-Mountain View-Sunnyvale area. On November 29, 2019 at approximately 8 a.m. local time, she went missing from Hualien, Taiwan, ROC. Over the following several days, students and their parents started to notify the tutoring agency and Ms. Ku's family that Ms. Ku had missed several tutoring appointments without notice, which is unusual for her. Meanwhile, Ms. Ku's family stopped receiving any communication from her, which is also unusual. From November 26, 2019 to the date of this report, there has been no contact between Ms. Ku and her family (one year and four days), despite numerous attempts to communicate via phone and email. On December 10, 2019, George Ku, Ms. Ku's brother, filed a missing person report with the Sunnyvale Department of Public Safety due to Ms. Ku's last-known address being in Sunnyvale. The case was transferred to the Mountain View Police Department.

Ms. Ku is married to a Dr. Harald Herchen, a 61 year-old gentleman with whom she shared an apartment in Mountain View from December 2017 to September 2020, when Dr. Herchen vacated the apartment and put all of Ms. Ku's belongings in storage.

Dr. Herchen was not previously known to Ms. Ku's family, as Ms. Ku had never mentioned him in conversation with her family and had concealed the marriage in October 2017 from her family. Dr. Herchen is a successful engineer with a Ph.D. who works at Bloom Energy in San Jose and owns several properties in Santa Clara County.

Due to statements from neighbors, Ms. Ku was believed to be pregnant, though it is unclear how far along. A missing person flyer was posted on multiple social media websites on December 11, 2019 and was shared or re-posted over 1,000 times. To date, there have been no leads in response to the missing person flyer, though several of Ms. Ku's clients (parents of her students) have called to express concern and offer assistance. Meanwhile, Dr. Herchen recently admitted that he has taken no steps to locate his wife, and that the email Dr. Herchen sent stating that he incurred substantial expense searching for her was untrue.

At his deposition, Dr. Herchen claimed that Ms. Ku left his side in order to visit her parents in Taiwan, and that she sent him an email message stating she arrived safely at her parents' place. However, digital evidence produced by Google revealed that the email was actually sent from Dr. Herchen's hotel on the evening when he states he was alone at the hotel-- and not from where Ms. Ku purportedly arrived. Ms. Ku was apparently still logged into her Gmail account from Dr. Herchen's computer, which was not set on the Taiwan time zone, unlike Ms. Ku's phone from which she had sent other emails. In any case, Dr. Herchen sent the "proof of life" email. He had absolutely no reason to do so unless he committed this crime.

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Dr. Herchen's Deposition

The deposition took place on October 29, 2020 and was also recorded on video. In summary, Dr. Herchen related the following under oath¹:

Dr. Herchen was born in Germany in 1959. At nine months old, his family moved to Guelph, Ontario, Canada. The family lived in Ontario and Alberta until Dr. Herchen graduated high school. At that point, 1977, Dr. Herchen joined the Canadian Army and was in for eleven years. He graduated in 1981 from the Royal Military College with a degree in engineering, at which point he was commissioned a Lieutenant in the Canadian Army. He trained on radar systems and took a couple of years off to obtain a Master's Degree in applied science in May 1983. He returned to the Canadian Army, specifically the communications branch, and he worked in the "Five Eyes" intelligence/communications program. In 1987, he left active duty for good, and was honorably discharged as a Captain. He stayed in the Reserve for about six years. After working briefly in Ottawa, Ontario, Dr. Herchen took a six week-long tour of the U.S. and ended up at Stanford University in 1987. He attended Stanford from 1988 to 1992 and earned his Ph.D. in Mechanical Engineering.

After receiving his Ph.D., Dr. Herchen worked for a startup company, RealTrans, which did not survive. He then started at Applied Materials in Santa Clara in 1994, where he worked for about 16 years until 2009. At Applied Materials, he was responsible for developing equipment to make computer chips. After leaving Applied Materials, Dr. Herchen went to Bloom Energy in San Jose and has been there ever since. At Bloom, Dr. Herchen works on a chemical process to convert natural gas to energy.

Dr. Herchen has five brothers and two sisters, and they are all on different continents. Dr. Herchen has two children with his second wife, Melissa Yu, Sandra and Timothy. Sandra is a 24 year-old woman who went to U.C. Berkeley, and Timothy is a 17 year-old high school student at Gunn High in Los Altos. Timothy has special needs and lives with his nurse.

Dr. Herchen met Ms. Ku in June 2017 at Stanford, in the sculpture garden. They both liked Rodin sculptures, and they started dating in June 2017. They were engaged in August 2017. By October 6, 2017, they were married at the County Clerk's office, and they started living together in late December 2017. Ms. Ku told Dr. Herchen that she was a tutor of high school kids and had her own tutoring business. Ms. Ku did primarily math tutoring, but was "very obtuse" in terms of what she did for a living and did not share everything she had going on. Dr. Herchen suspected that she wasn't saying everything when he saw the contents of her hard drive recently. He does not believe she was making \$140,000 per year as she claimed, although he conceded

¹ The testimony is summarized in the order given at the deposition, not in overall chronological order.

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that the cash deposits she was making into her bank account did seem to approach that figure on average.

After they married, Ms. Ku and Dr. Herchen discussed creating an online tutoring business model called Inspired Learning, and they were going to partner in a platform where kids could get answers to their math and physics questions. Ms. Ku was going to handle the math, and Dr. Herchen was going to handle the physics. Dr. Herchen testified that the platform was successful and had about 800 clients at its peak. However, he later said that it was not successful and only had 100 customers, and never really got going financially. In any event, the last time Inspired Learning was active was December 2019, and he has not checked on it for months.

Ms. Ku was estranged from her family and had significant complaints about them, such as inappropriate boundaries in their household when Ms. Ku was growing up. Dr. Herchen does not know of any diagnosed psychological problems in Ms. Ku, however, she did talk about suicide on at least one occasion². It was a single conversation that unfolded over a number of hours around February 2018, in which Ms. Ku said such things as as "I don't want to live." Dr. Herchen is not aware of anything triggering the conversation about suicide, although Ms. Ku expressed extreme unhappiness with how she was treated as a teenager. The only thing going on in February 2018 was that Dr. Herchen and Ms. Ku were writing up a software specification for the tutoring application, and they had disagreements over the specification. Ms. Ku was very proud of her idea for the platform, and she first mentioned it in November/December 2017.

Ms. Ku had two computers that she would use. The latest one was a MacBook Pro, which Dr. Herchen purchased for her. Her previous PC laptop broke. The MacBook was purchased around November 2017 to January 2018. Ms. Ku did not take the MacBook to Taiwan.

Ms. Ku had a Samsung Galaxy phone as well as an iPhone 8 for Inspired Learning. She brought both of these phones to Taiwan, and Dr. Herchen used his BlackBerry as well as an iPhone 6 Plus in Taiwan. Dr. Herchen does not know where the Galaxy or iPhone 8 are, but he believes he has the iPhone 6 Plus in a box somewhere. Last time Dr. Herchen saw Ms. Ku, Ms. Ku had the Galaxy and the iPhone 8. The iPhone 8 and iPhone 6 Plus had local SIMs in Taiwan, but not the Galaxy.

When Dr. Herchen and Ms. Ku married, Dr. Herchen hired a lawyer to prepare a "postnup" spelling out how they would hold their property while married. Ms. Ku did not agree to the terms of the postnup as prepared by Dr. Herchen, who had substantial real property holdings. Ms. Ku believed that Dr. Herchen's real

² Dr. Herchen later testified that he took a knife away from Ms. Ku in the 2018 incident, without injury to either party.

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estate would half belong to her after marriage³, and she refused to sign the postnup because it had a clause stating that was not the case. Dr. Herchen was unaware of any estate planning being done by Ms. Ku, and the parties never put together joint wills or did other estate planning. Dr. Herchen did not do a new will after the marriage.

Concerning Ms. Ku's family, Ms. Ku only talked about George and Josephine, omitting discussion of her several other siblings. Ms. Ku would complain about certain things that happened when she was a teenager, such as having to live in the same room as her sister and her sister's boyfriend when Ms. Ku was around 16. Ms. Ku did not say that anything seriously inappropriate happened, however, Dr. Herchen believes something bad happened because Ms. Ku did not want to even talk about it. The state of Ms. Ku's relationship with George Ku was essentially zero during Ms. Ku and Dr. Herchen's marriage. Until Ms. Ku disappeared, Dr. Herchen knew George Ku existed, but had never met him. The same goes for Josephine Ku.

Dr. Herchen recalls a conversation in which Ms. Ku stated that her family suddenly went to Fiji because, she thought, her father was trying to flee from justice in the U.S. Ms. Ku's parents did not return to the U.S., although Ms. Ku herself returned at least by age 16 and was living in Los Gatos without her parents. She then graduated high school without her parents nearby.

Ms. Ku asked Dr. Herchen to finance the purchase of the Los Gatos property from her parents, and he said he would do it at fair market value. However, the discussion never proceeded beyond the concept stage.

Ms. Ku told Dr. Herchen that she went to U.C. Berkeley, although he never saw information confirming this⁴. Ms. Ku was not really in a group of friends and she did not socialize much. Ms. Ku did not want any of her family at the wedding with Dr. Herchen. She did not appear to want her family to know that she was getting married to Dr. Herchen, although Ms. Ku did not specifically say this.

With respect to Ms. Ku's mother, Dr. Herchen encouraged Ms. Ku to talk to her mom due to an operation her mom was having in the August 2019 to October 2019 time frame. Dr. Herchen had no clear understanding when Ms. Ku last spoke with her mom, but it

³ This view is inaccurate. Under California law, property acquired before marriage is separate property, not community property, and Dr. Herchen's real estate would remain his sole and separate property after marriage. The description of the postnup's clause suggests that it was redundant or written to ensure the normal treatment of property under the law would continue.

⁴ Ms. Ku actually went to Santa Clara University, as far as the family knows.

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seemed like it had been a long time. Dr. Herchen was present when Ms. Ku called her mother, although the conversation was in Mandarin (Ms. Ku had said it was a call with her mother).

Ms. Ku speaks Mandarin, Japanese, Spanish, and English. Dr. Herchen speaks English, French, and German, plus some Mandarin. Ms. Ku would sometimes joke around in Mandarin, but Dr. Herchen could not keep up.

Ms. Ku did not tell Dr. Herchen that Ms. Ku's mother knew she would be in Taiwan on the November 2019 trip. She was secretive in general.

Ms. Ku and Dr. Herchen had traveled extensively together. They went to Sweden; Germany several times; England; Japan twice; and Taiwan seven times. All of these trips were between June 2017 and November 2019. All of these were work trips, but Dr. Herchen would bring Ms. Ku and turn it into a vacation.

Bloom Energy used to have an office in Taiwan, but they do not anymore. Dr. Herchen visits component suppliers for Bloom, and Ms. Ku was on all of the Taiwan trips after they married. Dr. Herchen has been to Taiwan around 25 times and would like to go back, however, the COVID-19 pandemic restricts his travel. After coming back from Taiwan in December 2019, he has not returned to Taiwan.

Ms. Ku and Dr. Herchen had discussed moving to Taiwan because they both liked it. They were reasonably serious about moving there and were looking for a place. The idea was that Ms. Ku's business would grow and they would do that remotely from Taiwan. Meanwhile, Ms. Ku was thinking about moving to Fiji to write a book. She first mentioned that when she was struggling with the effort required for the online tutoring business. Ms. Ku liked Fiji a lot and had good memories there, so she thought it would be a nice place to hide. She had said she could disappear there. Ms. Ku's Fiji idea progressed to a concept stage, but that is the extent of which Dr. Herchen is aware. Her life was reasonably enjoyable, so things did not get to a point of her actually going.

The Taiwan trip in November 2019 started on November 23, 2019. The parties landed on November 24, 2019 around 8 p.m. Ms. Ku traveled on her U.S. passport, and Dr. Herchen traveled on a Canadian passport. They stayed at the Sol Hotel in Singchu on the first night because the hotel was close to the work function and Dr. Herchen had stayed there before. He thought this would be a short trip of one or two days, followed by a vacation with Ms. Ku for another five days or so.

They stayed one night at Sol, and Dr. Herchen completed the in-person work portion of the trip. The rest would be remote.

Dr. Herchen brought a PC laptop to Taiwan that was issued by

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Bloom. He did not bring any other computers.

On the night of the 25th, the parties stayed at the Queena Hotel in Tainan. They took the train to Tainan.

On the day of the 26th, the parties looked around the ruins in the Tainan area, which were very interesting. Ms. Ku loves archaeology. After seeing the ruins, they went to Kaohsiung, which is a half hour away from Tainan by train. They went to Kaohsiung to see the sights, and then they stayed at the Brio Hotel in Haohsiung on the night of the 26th.

On the day of the 27th, the parties went to Kending, which is about two hours away from Kaohsiung by car. They went to a forest preserve and later went to the night market, which Ms. Ku particularly enjoyed. On the night of the 27th, the parties stayed at a hotel without an English name in Kending.

On the morning of the 28th, the parties went to Hualien, where they stayed at a hotel without an English name for two nights⁵. Dr. Herchen had been encouraging Ms. Ku to visit her parents, but she was not committing to doing so. Dr. Herchen believes the parents live in the region of Taipei, but he does not know.

During the day on the 29th, Dr. Herchen and Ms. Ku hired a driver and did sightseeing, including visits to waterfalls and rock formations. Dr. Herchen recalls Ms. Ku mulling over whether to visit her parents, and meanwhile she was getting carsick from the windy roads they were on. Visiting her parents was a serious option for Ms. Ku on the 29th.

Finally, during the day on the 29th, Ms. Ku decided to see her parents after the tour of the gorges. Ms. Ku had a small backpack/bag with her with extra clothes in it. She was a minimalist who Dr. Herchen would expect could go a couple of days with what she had. She had the basic toiletries with her, as usual, and the parties were sharing luggage space in the luggage that was at the hotel. Ms. Ku did not return to the hotel after the gorges. It was around 4 or 4:30 p.m. local time when Ms. Ku decided to visit her parents, although when they left the hotel that morning, Ms. Ku seemed to be leaning toward visiting her parents.

Dr. Herchen had the rental car, and the parties found the driver through Ms. Ku's previous experience working with him on a prior trip. Ms. Ku arranged the driver, and Dr. Herchen has no idea what the driver's name is. The driver was an approximately 35 year-old handsome Taiwanese man who spoke Hakka, a local dialect, which Ms. Ku understood. Dr. Herchen had previously met this driver on one occasion on the parties' second or third trip to Taiwan together.

⁵ Dr. Herchen later clarified that only he stayed at the hotel on the night of the 29th.

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Dr. Herchen dropped off Ms. Ku and the driver at the train station on the evening of November 29, 2019. Dr. Herchen does not know whether Ms. Ku's parents knew she was coming. The driver went with Ms. Ku, and Dr. Herchen assumes the driver was taking his own train home. There was nothing suspicious about the driver leaving with Ms. Ku, but later on Dr. Herchen thought it was a little odd. He had a fleeting thought of embarrassment due to an attractive young man leaving with his wife.

Dr. Herchen has not seen Ms. Ku since November 29, 2019 at the train station. It was around 6 or 6:30 p.m. local time. He also never talked with her or texted with her after that last time he saw her. However, he received an email from her the next day, November 30, 2019 around 7 or 8 a.m. local time, stating that she had arrived safely on the other side of Taiwan⁶. This email was the only communication he received after seeing her off at the train station. Dr. Herchen does not know whether Ms. Ku actually made it to her parents' place.

Dr. Herchen's sister was getting married on December 3, 2019 in Mexico. Dr. Herchen did not go because he chickened out and does not like Mexico. So he canceled the planned Mexico trip and instead went back to Mountain View⁷.

Although Dr. Herchen did not talk to Ms. Ku after her disappearance, he was not concerned; he thought that she was just having a tough time with her parents. Also, he believes the SIM had expired, so he had no way to text or call Ms. Ku's phone that had the Taiwan SIM.

At some point, Dr. Herchen started to become concerned about Ms. Ku. This started with George Ku's call to Dr. Herchen in December 2019, which was a few hours after the encounter with me on December 16, 2019. Up to that point, Dr. Herchen thought Ms. Ku was with her parents and was just dealing with things. Dr. Herchen became concerned after talking with George Ku because he learned that Ms. Ku never made it to her parents' house. After learning this, Dr. Herchen took no steps to locate Ms. Ku, although he did provide information to the police. He told the police she was in Taiwan and does not recall what else they asked.

Dr. Herchen thought George Ku was mistaken about Ms. Ku not making it to her parents' house; Dr. Herchen believes Ms. Ku did make it to her parents' house. She had about \$800 in Taiwanese money and credit cards, and he would expect she could live three weeks or so in Taiwan with that much money.

⁶ Google's digital evidence reveals that the email message purportedly from Ms. Ku was actually sent from the IP address of the hotel WiFi where Dr. Herchen was staying alone at that time.

⁷ Dr. Herchen told his co-worker Tad Armstrong in early December 2019 that Dr. Herchen broke his arm/wrist in Mexico.

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Dr. Herchen started checking the joint credit card statements, but he did not see any activity⁸.

At some point, Dr. Herchen developed the suspicion that Ms. Ku had run off with the car driver. This thought occurred to him in mid-December 2019. Dr. Herchen judged by Ms. Ku and the driver's conversation with Ms. Ku smiling and laughing that Ms. Ku was interested in the driver. But now Dr. Herchen doesn't feel as strongly about it. In any case, he has not learned anything to resolve his suspicion either way. At some point, he learned that the family was circulating flyers. He learned this from his daughter Sandra, who saw the missing person flyer. Sandra had never met Ms. Ku.

Dr. Herchen also believes Ms. Ku might have gone to Fiji, but he doesn't know where to start. Ms. Ku had said that she could go to Fiji to hide out from everyone, including Dr. Herchen.

Dr. Herchen does not know why neighbors have said Ms. Ku was pregnant; she was never pregnant to his knowledge.

Dr. Herchen did not make real efforts to find Ms. Ku because he believed others were better suited to do so. He does not recall telling George Ku that he spent significant sums of money to locate Ms. Ku, and if that had been said, then it would not be true.

The last day Dr. Herchen saw Ms. Ku, the driver joined up with them around 11 a.m. and left with Ms. Ku around 6 p.m. Dr. Herchen does not recall the name of the tour company the driver works for, although he suspects the company could be found on TripAdvisor. The driver was around 5'9" tall with a clear complexion, short black hair, and a slightly sharp nose.

Dr. Herchen's first wife was Louise Gagnon in Canada from 1984-1987. They divorced in Canada. Dr. Herchen's second wife was Melissa Yu, who died of sleep apnea in June 2017.

The deposition concluded after several hours.

Following the deposition, surveillance confirmed that Dr. Herchen resides in Palo Alto as he indicated. Neighbors of the Los Altos property that Dr. Herchen owns had previously stated that Dr. Herchen intends to move back into the Los Altos property at some future date.

Neighbors observed Dr. Herchen's arm/wrist to be broken in December 2019. Co-worker Tad Armstrong stated that Dr. Herchen's explanation at that time was that he was rough-housing in Mexico

⁸ Dr. Herchen told me on or about December 18, 2019 that he did see activity on Ms. Ku's credit cards. Document production revealed this to be a charge initiated by Dr. Herchen at a copy shop in the Bay Area, which was the only activity.

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with his family and accidentally suffered the injury. However, Dr. Herchen testified at his deposition that he never went on the Mexico trip. The Mexico trip was for his sister's wedding, and Dr. Herchen testified he was afraid of drug cartel violence to the point of missing the event.

Investigation has revealed that Dr. Herchen has nearly sixty patents and is essentially a Tony Stark or Thanos-level supergenius.

Document Production

A number of third parties were subpoenaed for documents.

Apple's production showed that there were no successful iCloud logins from any of Ms. Ku's devices after her disappearance. Chase produced bank records showing there was no activity in Ms. Ku's bank accounts after her disappearance. Copy Factory produced information showing that Dr. Herchen paid for an order with Ms. Ku's credit card after Ms. Ku's disappearance.

Google produced Ms. Ku's login/logout history, which shows the last logins were on November 28, 2019 and the last logout was on November 29, 2019⁹ after which Ms. Ku never logged in again. The logins and logouts during the trip were as follows:

Time	IP Address	Type
2019/11/29-02:51:38-UTC	1.162.249.198	Logout
2019/11/28-23:10:00-UTC	1.162.249.198	Login
2019/11/28-22:53:59-UTC	1.162.249.198	Login
2019/11/28-00:48:45-UTC	218.164.49.174	Logout
2019/11/28-00:07:17-UTC	218.164.49.174	Login
2019/11/26-00:37:47-UTC	220.134.173.80	Logout
2019/11/26-00:26:32-UTC	220.134.173.80	Login
2019/11/25-21:49:51-UTC	59.127.149.47	Login
[five consecutive logins from 114.35.248.209]		
2019/11/25-21:40:19-UTC	114.35.248.209	Login
2019/11/25-11:41:43-UTC	220.134.173.80	Logout
2019/11/25-05:06:25-UTC	60.250.199.217	Login
2019/11/25-05:02:31-UTC	60.250.199.217	Logout
2019/11/25-03:53:15-UTC	125.227.14.51	Login
2019/11/24-23:32:53-UTC	125.227.14.51	Logout
2019/11/24-22:13:47-UTC	125.227.14.51	Login
2019/11/24-20:53:52-UTC	125.227.14.51	Login
2019/11/24-14:41:54-UTC	125.227.14.51	Logout
2019/11/24-00:18:49-UTC	38.98.37.135	Login

[snip]

⁹ There were two logins on the 28th but only one logout on the 29th, which we believe explains how Dr. Herchen sent the final proof of life email-- one login was still active.

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The IP address 1.162.249.198 is the hotel WiFi of the hotel in Hualien where the parties stayed on the 28th and Dr. Herchen stayed on the night of the 29th: 麗霽大飯店有限公司 which translates to the Radisson (the hotel may be a subsidiary or affiliate).

In response to a subpoena, Google produced the IP address of the proof of life email. The public IP address of the device that sent the proof of life message was 1.162.249.198. This means the device that sent the message was on that WiFi network at the time the message was sent. As indicated, this is the IP address of the hotel WiFi in Hualien, which also matches Ms. Ku's Google login/logout history for the two days preceding her disappearance. In other words, the message could not have come from the other side of Taiwan where Ms. Ku supposedly was, and it could not have come from anyone except Dr. Herchen, who was staying at the hotel that night and apparently was still logged into Ms. Ku's Gmail account on his computer. There is no corresponding logout for one of the final Google logins, so this makes sense.

Google also produced email headers showing metadata and subject lines for messages in Ms. Ku's Gmail account. Those messages show that the proof of life email was sent from a device that was not on the Taiwan time zone, as I noted in an annotated screenshot explaining the issue to the Ku family:

X-Gmail-Labels: Sent
Date: Mon, 25 Nov 2019 06:16:00 +0800
Message-ID: <CAK2izEDzyekfrHp21_w0S7vjf8=qbf4ky0Jgs54wDDGuGGw@mail.gmail.com>
From: allyku@gmail.com
To: cathyw0968@gmail.com, kellychen0417@gmail.com

That's a message that appears to have been sent from Taiwan, which is 8 hours ahead.

X-Gmail-Labels: Sent
Date: Fri, 29 Nov 2019 15:01:03 -0800
Message-ID: <CAK2izFGGgeMT+af+0kKg7fp95n/V=2SbxbkPgPERJjVosTgzDg@mail.gmail.com>
From: allyku@gmail.com
To: haraldherchen@gmail.com

See the difference? There is a -0800 instead of a +0800.

The second email in this screenshot is the header information from the proof of life email. The first is an email from Ms. Ku to two tutoring clients.

There are other emails in the Google production that were sent from devices that were on the Taiwan time zone. From this, we conclude that Ms. Ku's phone sent those emails and the proof of life email was sent from Dr. Herchen's laptop computer.

Dr. Herchen produced a number of documents at his deposition, including the complete proof of life email with all headers and contents. He also produced photos from the Taiwan trip. The last photo of Ms. Ku was a self-portrait shortly after 11 a.m. local time.

The Santa Clara County Medical Examiner produced the autopsy report for Dr. Herchen's second wife, Melissa Yu. The report

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shows unexplained injuries on the remains, however, the overall impression of a local expert physician was that the death was of natural causes.

United Airlines produced flight information showing that Dr. Herchen changed Ms. Ku's return flight from Taiwan at the ticket counter at the Taipei airport on the morning of December 1, 2019 just before he left Taiwan.

Verizon produced call metadata showing Ms. Ku's call history from the Samsung Galaxy around the time of her disappearance. She made her last two phone calls the evening of November 28, 2019 from a WiFi network. The calls were to tutoring clients, whom we spoke with and who noticed nothing unusual. After the disappearance on November 29, 2019, there was a single voicemail from Dr. Herchen on December 7, 2019 but no other calls from him. There were no outgoing calls from Ms. Ku's phone after her disappearance.

Verizon also produced text message metadata around the time of the disappearance. Those data show that there were no outgoing text messages after the disappearance except for what appear to be automatically generated system messages.

Wells Fargo produced bank records showing no activity in Ms. Ku's bank accounts after her disappearance.

Wright Apartments in Mountain View produced lease information showing Dr. Herchen's personal references and financial information around the time the apartment was acquired in December 2017. In September 2020, Dr. Herchen vacated the apartment and placed all of Ms. Ku's belongings in Storage.

Melissa Yu

Dr. Herchen's previous wife, Melissa Yu, died on June 3, 2017. The autopsy report shows that Ms. Yu had several unexplained injuries on her body, however, an informal review of the report by a local expert physician indicated that the death appears to have been of natural causes.

It is unclear whether there was overlap between Ms. Yu and Ms. Ku. However, by November 2017 Dr. Herchen had married Ms. Ku and a month later moved into the Mountain View apartment with her in December 2017.

Neighborhood Investigations

On September 23, 2020, my assistant investigators and I attempted to interview Dr. Manoj Pillai and Dr. Tad Armstrong at Bloom Energy. These individuals were listed as longtime personal references of Dr. Herchen in his rental application for the Wright Avenue apartment in Mountain View, and they are also co-inventors on several patents with Dr. Herchen. Dr. Pillai never

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responded to the interview request. Dr. Armstrong ultimately spoke with us on October 16, 2020, and he related that Dr. Herchen claimed to have broken his arm in Mexico while roughhousing with his brothers. He also told us that Ms. Yu died in her sleep, which led to us obtaining the death certificate and autopsy report. Dr. Armstrong had no idea that Dr. Herchen was married to Ms. Ku because Dr. Herchen does not talk about his personal life.

On October 20, 2020, my assistants and I conducted neighborhood investigations in Palo Alto and Los Altos.

In Palo Alto, neighbors were aware of the missing person investigation but had no information for us.

In Los Altos, a neighbor stated that Dr. Herchen already has a new girlfriend who is a petite Vietnamese woman, and he has been with her for at least several months. The other neighbors either had no information or were unaware of Ms. Ku's disappearance. Dr. Herchen's tenants at the Lundy Lane property did not have any relevant information.

The Storage Unit

In September 2020, Dr. Herchen placed all of Ms. Ku's personal belongings in a storage unit that he rented in Sunnyvale. When I opened the storage unit with family member Monica Ku on October 3, 2020, there were several envelopes waiting for us containing electronic media and personal documents. I went through the electronic media in the envelopes. The media, consisting of a memory card and two DVD's, were private sexual pictures of Ms. Ku in the 2013 time frame, a professionally produced adult video from the 2002 time frame, and a pirated copy of Microsoft Office from approximately 2003. The other envelopes contained a car registration and similar papers for Ms. Ku's vehicle, which the family took possession of.

On November 29, 2020, Monica Ku retrieved clothing and personal effects at the request of the Taiwanese CIB, to be used by cadaver dogs in Taiwan. Monica also retrieved Ms. Ku's Apple laptop, for which my co-counsel Todd Davis and I are going to discuss a plan of forensic analysis.

Harald Herchen

The investigation started with no awareness of Dr. Herchen or his contact information. Dr. Herchen was found through a visit to the Wright Avenue Apartments in Mountain View, which were located through a search of utility company service records under Ms. Ku's name. Neighbors provided Dr. Herchen's name and also discussed his and Ms. Ku's relationship. Dr. Herchen reportedly lived at the apartment part-time.

Online research about Dr. Herchen revealed a possible

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additional address for Dr. Herchen in Palo Alto, 260 Wilton Avenue, which was corroborated by neighbors. Mr. Ku, his additional sister Monica Ku, and I visited the Palo Alto address on December 15, 2019. Mr. Paul Buckley answered the door and stated that he has lived in the property as Dr. Herchen's tenant since approximately October 2017. Mr. Buckley provided Dr. Herchen's email address, haraldherchen@gmail.com, but stated that he did not have a phone number and that his contact with Dr. Herchen is generally limited to making deposits for the monthly rent in Dr. Herchen's account.

On December 18, 2019, I searched the Santa Clara County official records in an effort to locate Dr. Herchen by finding real property owned by him. I found two properties in Santa Clara County that are currently owned by Dr. Herchen:

260 Wilton Ave.	967 Lundy Lane
Palo Alto, CA 94306	Los Altos, CA 94022

Specifically, these are the properties that have been deeded to Dr. Herchen but where there are no deeds from Dr. Herchen to anyone else (except a family trust, in one case). Dr. Herchen also previously owned the following real property, which was sold in September 2013:

150 W. Edith Ave. #14
Los Altos, CA 94022

Dr. Herchen was married to Melissa Yu until her death, allegedly from cancer (per the neighbors in Mountain View), in 2017. Some of the properties were owned by Mr. and Mrs. Herchen together. Later in 2017, Dr. Herchen married Ms. Ku. Ms. Ku started a LLC in California in December 2017 using the name "Alice Herchen," which was two months after she married Dr. Herchen.

I briefly interviewed Dr. Herchen on December 18, 2019 when I had a chance encounter with him outside the Mountain View apartment as I was serving a subpoena on the rental office. Dr. Herchen was loading a few small items into his van, a blue Toyota Sienna XLE, CA tag no. 4PPB083. He stated he was Dr. Herchen. I identified myself as an attorney investigating his wife's disappearance and provided my business card. He agreed to answer a few questions. He denied that any argument or conflict occurred before the trip. He did not volunteer any information beyond what I asked (I had not brought my outline of questions, so I was unable to do a full interview). One key note is that Dr. Herchen stated that he and Ms. Ku stayed at the Sol Hotel, but he left out the fact that they only stayed there one night (and he did not say where else they stayed). Dr. Herchen also left out the fact, since confirmed by the local police in Taiwan, that he returned to Taiwan on December 7, 2019 for one night. The local police confirmed that Dr. Herchen entered Taiwan on December 7, 2019 with a broken arm. I did not notice a sling

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or cast on Dr. Herchen's arm, contrary to neighbor reports that he broke his arm (see below). However, it is possible that the long-sleeved jacket he was wearing covered up any cast he may have had. In any event, he was not in a sling and appeared to have the use of both of his arms.

On December 19, 2019, Dr. Herchen emailed Mr. Ku and referred all further inquiries to his criminal defense attorney, Jim Reilly, jim@summitdefense.com (415) 913-0787. Dr. Herchen indicated that Mr. Reilly is his "longtime family attorney." Mr. Reilly did not respond to my initial inquiry attempting to establish contact with him. Mr. Reilly played a cat-and-mouse game for the first three to four weeks, and only spoke with my associated counsel Todd Davis, Esq. on one occasion without revealing anything new.

On December 20, 2019, I performed a search of the San Mateo County official records to locate property owned by Dr. Herchen in San Mateo County. There were no such properties.

Mountain View Neighbor Statements

George Ku has discussed this matter with two of Dr. Herchen and Ms. Ku's neighbors at the Mountain View address, Glenn and Maria Dodd in #70 (across the second floor with one shared wall with #72). Mr. and Mrs. Dodd related the following to Mr. Ku: Ms. Ku is married to Dr. Herchen and has changed her last name. Dr. Herchen has two adult children from his previous marriage. Those children-- Sandra and Timothy Herchen-- don't like Ms. Ku. Ms. Ku is pregnant, but it's unclear how many months. She and Dr. Herchen have lived at the apartment for over a year. The sign "Welcome home, Alice, I love you" on the door to #72 has been there ever since Ms. Ku moved in. Dr. Herchen has a house at 260 Wilton Ave., Palo Alto, CA. Sandra has control over Dr. Herchen's money through some kind of trust. The neighbors have heard Ms. Ku and Dr. Herchen fight about money throughout the year. They have heard Ms. Ku say something about "legacy." Some of those arguments were pretty heated. The neighbors have also heard Ms. Ku say that she would sign divorce papers. The neighbors also said that Ms. Ku and Dr. Herchen got into another heated argument just prior to her leaving for Taiwan. They saw Ms. Ku leave with a fully loaded suitcase, and Dr. Herchen drove her to the airport. Dr. Herchen later told the neighbors that Ms. Ku was going to Taiwan to visit her mother who just got of surgery but has gotten better. Dr. Herchen has a broken arm, and he brushed off the neighbors when they asked about it. Dr. Herchen drives Ms. Ku everywhere. The neighbors believe that Dr. Herchen is passive aggressive, and may be controlling; they cited instances where he would personally go around ripping out weeds in the garden, or move these neighbors' belongings if items ever crossed the halfway point between their respective apartments (the neighbors have a lot of personal belongings on their walkway in front of their apartment).

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Apartment Manager

On December 18, 2019, I served a subpoena on the Wright Avenue Apartments rental office seeking production of the lease and other materials for Dr. Herchen and Ms. Ku's apartment. I also tried to interview the apartment manager, Bruce Trott. He stated essentially that he could not confirm or deny anything pending the response to the subpoena, due to privacy concerns. However, he invited me to interview Glenn Dodd in #70, who he indicated was a retiree who was enthusiastic about this matter and may also have security camera footage from his front door. Mr. Trott stated that he did not have security footage beyond two weeks, therefore it was unlikely that Ms. Ku and Dr. Herchen would have been captured on video around the time of Ms. Ku's disappearance. Mr. Trott provided his phone number and his business card.

I tried to interview Mr. Dodd, but there was no answer at the door when I tried (December 18, 2019).

Ms. Ku's car, a dark red Honda Civic (CA tag no. 6HGU542), was still parked in its stall at the complex when I visited, and it was caked with a thick layer of dust. The windshield had a thinner layer of dust, but still thick enough that the car had not been moved in at least a couple of months. Tutoring books were visible in the back seat, and the brakes appeared rusty from lack of use.

Timeline

Date	Event	Notes
November 26, 2019	Last contact with Alice.	Exchanged text messages with Josephine.
November 30, 2019	Alice due back in U.S. per her text messages.	
December 7, 2019	Alice due back in U.S. per her husband Harald.	Conversation relayed by Sunnyvale DPS to George. Confirmed in field interview with Harald on 12/18/2019.
December 9, 2019	Monica visits last known address at 665 Kirkland #5, Sunnyvale but no lights.	
December 9, 2019	George calls Sunnyvale PD for a wellness check.	Officer indicated that current tenant has lived at that location for over 6 months and still gets Alice's mail.

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Date	Event	Notes
December 10, 2019	George files missing person report with Sunnyvale DPS.	Officer Matthew Sutterfield #11675. Case no. 19-10485.
December 10, 2019	George and Andrew talk over the phone. Andrew starts doing online research and prepares missing person flyer.	
December 11, 2019	Andrew hired for lawsuit, prepares petition for conservatorship of missing person estate.	
December 11, 2019	Andrew submits petition for conservatorship of missing person to Santa Clara County Superior Court	Filing rejected 12/13/2019 due to incomplete forms required in conservatorship cases.
December 11, 2019	Andrew begins preparing subpoenas.	
December 12, 2019	Visit by George and Andrew to 1725 Wright Ave. #72, Mountain View, CA 94043, located Alice's car and note on door saying "Welcome Home Alice, I love you."	Andrew updated Sunnyvale DPS around 10 a.m. with address and vehicle information. Sunnyvale DPS said they would have Mountain View PD do a welfare check on Alice. The officers did not show up while George was there.
December 12, 2019	George visits leasing office at Wright apartments and discusses the case with the complex manager.	Bruce Trott, the complex manager, said he last saw Alice a few days ago (does not make sense) and she seemed happy.

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Date	Event	Notes
December 12, 2019	Second visit by George and Steven to Mountain View apartment. There is a note on the door from Mountain View PD.	Discussion with neighbors about Alice's living situation, marriage, etc. Alice is married to Harald Herchen, an older gentleman who primarily lives in Palo Alto. All reported to Sunnyvale DPS.
December 13, 2019	George receives a call from Cupertino PD.	Cupertino PD indicated they called Harald, who said that Alice is in Taiwan. She had planned to be back on 12/1 and then subsequently pushed her flight out by a week for a return on 12/7 or 12/8, but now he doesn't know when she's coming back.
December 13, 2019	Andrew completes missing forms and re-submits petition for conservatorship.	Re-submitted at 12:04 p.m. 12/13/2019 with all correct forms. Control no. 33002073 with ASAP Legal.
December 13, 2019	Andrew revises subpoenas with information requested by George.	Just waiting for case number; top four are apartment, United Airlines, Chase, and Verizon.
December 13, 2019	Andrew attempts to use "web bug" in specially composed email message to locate Alice.	Failure due to Google's use of anonymizing image proxies.
December 15, 2019	Meeting at Andrew's office with George and Monica	Plan regarding Harald Herchen field interview.

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Date	Event	Notes
December 15, 2019	Andrew, Monica, and George visit Harald's property in Palo Alto in an effort to interview him, and instead identify tenants living there. See Google Drive for video recording. Tenants (Paul Buckley and spouse) report they moved in around October 2017. They deny having his phone number, and instead provide Harald's email address (haraldherchen@gmail.com). They pay rent via ACH to Harald's bank account and don't regularly talk with him. Left flyer and Andrew's business card with tenants.	Letter prepared for transmission to Harald upon client approval.
December 15, 2019	Andrew, Monica, and George attempt to locate Harald at Mountain View address, but no one present. Shoes visible through window suggest Harald lives there a substantial amount of time.	Harald must have removed the Mountain View PD note on the door.
December 16, 2019	Second petition package rejected by court clerk due to missing local forms. Andrew corrects all issues and re-submits the court filings a third time.	These extra forms are not required by law. Sent letter to court clerk complaining about their service.
December 17, 2019	Case filed at court, number 19PR187385.	Need amended notice of hearing specific to conservatorships (GC-020). Remaining forms are filed- endorsed now.

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Date	Event	Notes
December 17, 2019	Subpoenas out for service on Verizon, United Airlines, and Chase.	Dropped off courtesy copy of Chase subpoena at Redwood Shores Branch with Chris Larson, manager, at 3:00 p.m. All three subpoenas served on CT Corporation Sytem (registered agent for service of process of the three companies) in Los Angeles this date.
December 17, 2019	Prepared amended notice of hearing on Form GC-020 and submitted for filing. Hearing date: February 25, 2020 1:30 p.m. in Department 13.	Submitted 1:15 p.m. 12/17/2019 by ASAP Legal. Filed with no issues.
December 18, 2019	Andrew visits County Recorder's office and searches for real property owned by Harald.	Three properties found, of which Harald still owns two: 967 Lundy Lane, Los Altos, CA 94022; 3094 Mattique Dr., San Jose, CA 95135. Also found Wilton property owned by Harald during the search. Property on Edith Ave. in downtown Los Altos was sold years ago.

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Date	Event	Notes
December 18, 2019	Andrew visits Wright Apartments and runs into Harald. According to Harald: he and Alice have gone to Taiwan together about eight times in the last two years due to Harald's work. Alice and Harald went on this latest trip together. Alice went because she wants to find work in Taiwan. Harald had suggested that she go to Taiwan. Harald and Alice left on November 23, 2019 and were going to come back December 1 or 2, 2019. But Alice emailed Harald and asked him to change her return ticket to December 7, 2019 so she could spend some extra time there. Harald changed her return ticket. They stayed at the Sol Hotel in Hsinchu Technology Hub. Harald would be willing to answer further questions and he may be reached at the Wright Apartments address, where he lives.	Harald is tall (apx. 6'3"), slightly obese (apx. 230 pounds), and generally healthy-looking. Wavy, short dark gray hair and deep-set, piercing eyes. Speaks with no apparent accent. Harald did not appear to have a broken/injured arm and was not in a sling. He denied there being an argument right before Alice left. He drives a blue 1990s Toyota Sienna XLE minivan, CA plate no. 4PPB083. Harald resisted answering the question of whether he lives at Wright full-time or part-time.

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Date	Event	Notes
December 18, 2019	Andrew interviews Wright Apartments manager Bruce Trott after serving a subpoena.	He stated he could not confirm or deny anything pending the date of production on the subpoena. He said Glenn in #70 would be the best source of information since he lives across from Harald and Alice. He said the security camera footage only goes back two weeks and it's unlikely he would have it by now. Bruce had my card and said he will call if he sees Alice. I knocked on #70 but no one answered. The note "Welcome home Alice, I love you" was still on the door of #72. Photo in Google Drive.
December 18, 2019	Andrew drives by Harald's Lundy Lane property in Los Altos.	It's in a nice area, but does not look super expensive. There were two cars in the driveway and one on the street. The cars are not beaters, but not nice; consistent with Harald's adult children potentially living there. It's possible the middle space in the photo would be for Harald's van-- see photo in Google Drive.

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Date	Event	Notes
December 18, 2019	George called Harald	Harald sounded like a typical middle aged male. He mentioned that Alice often accompanies him on business trips, and that whenever they go on trips, Alice often (but not always) stay a few extra days, though he admitted that this time is a bit longer than usual. I asked about where Alice might be, and he mentioned that Alice was looking into tours so she may be on those. I asked how he has been able to contact Alice, and he mentioned through email and he mentioned that she has a local SIM card as she is frugal in that way. I said that we don't know where she is, and at this point just want to make sure she's safe, etc. He said that she should be because he sees her still using his credit card.
December 19, 2019	Harald refers all inquiries to his criminal defense attorney.	Jim Reilly, jim@summitdefense.com (415) 913-0787
December 20, 2019	Harald responds to an email from George and reiterates that he wants all communication to go through his attorney.	

Future Events

The California Probate Code authorizes a petition for conservatorship of a missing person's estate, which may be filed

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to handle a missing person's financial affairs while he or she is missing. We filed such a case here, primarily to attempt to solve the disappearance. George Ku was appointed temporary conservator over Dr. Herchen's objections, through January 2021 at which time the temporary conservatorship must be renewed.

The family intends to file a wrongful death case against Dr. Herchen and dismiss the conservatorship matter.

Conclusion

This appears to be a murder abroad, in violation of 18 U.S.C. sec. 1119(a). There is simply no reason why Dr. Herchen would fake a "proof of life" email from his wife unless he committed this crime.

The recipients of the report are welcome to contact me with any and all inquiries or questions, and I would like to offer any assistance possible.

Recommendations:

Consider forwarding the report to the U.S. Attorney's office for prosecution, or consider cooperating with the Taiwanese CIB in the potential extradition of Dr. Herchen to Taiwan.

Leads:

None.

◇◇

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Andrew G. Watters (#237990) 118 South Blvd. San Mateo, CA 94402 TELEPHONE NO.: (415) 261-8527 FAX NO.: E-MAIL ADDRESS: andrew@andrewwatters.com ATTORNEY FOR (Name): Petitioner George Ku	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 N. First St. MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Downtown Superior Court	
PLAINTIFF/PETITIONER: George Ku DEFENDANT/RESPONDENT: Alice Ku	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	
CASE NUMBER: 19PR187385	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

Google, Inc.; 1600 Amphitheatre Parkway; Mountain View, CA 94043

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Andrew G. Watters	
On (date): November 30, 2020	At (time): 9 a.m.
Location (address): 118 South Blvd., San Mateo, CA 94402	
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. ☒ by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. ☐ by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. ☐ by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

See attachment.

☐ Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: November 4, 2020

Andrew G. Watters

(TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Petitioner

(Proof of service on reverse)

(TITLE)

Page 1 of 2

PLAINTIFF/PETITIONER: George Ku	CASE NUMBER: 19PR187385
DEFENDANT/RESPONDENT: Alice Ku	

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR
PRODUCTION OF BUSINESS RECORDS**

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (*name*): Winnie Hung, Esq.

b. Address where served:

WHung@perkinscoie.com

c. Date of delivery: 11/4/2020

d. Time of delivery: 1:45 p.m.

e. (1) ☐ Witness fees were paid.

Amount: \$ _____

(2) ☐ Copying fees were paid.

Amount: \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*): 11/4/2020

3. Person serving:

a. ☒ Not a registered California process server.

b. ☐ California sheriff or marshal.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Business and Professions Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:

Andrew G. Watters, Esq.
118 South Blvd.
San Mateo, CA 94402
(415) 261-8527
andrew@andrewwatters.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 4, 2020

▶ 

(SIGNATURE)

(For California sheriff or marshal use only)

I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

Attachment to Subpoena

This is a missing person case and urgency is very important. We request your urgent cooperation in locating Ms. Alice Ku. Please produce the following materials to aid in our search:

1. All telemetry, metadata, IP addresses, host information, MAC/hardware addresses, browser signatures, and internal Google logs/data associated with message ID:
CACK2izFGGgeMT+6f+OkKg7fp95pVV=2SbxkPgPERJjVosTgzDg@mail.gmail.com

A copy of the message is attached for convenience.

Delivered-To: haraldherchen@gmail.com
Received: by 2002:ac8:3619:0:0:0:0 with SMTP id m25csp17477475qtb;
Fri, 29 Nov 2019 15:01:16 -0800 (PST)
X-Received: by 2002:a67:f708:: with SMTP id m8mr33974195vso.173.1575068476422;
Fri, 29 Nov 2019 15:01:16 -0800 (PST)
ARC-Seal: i=1; a=rsa-sha256; t=1575068476; cv=none;
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b=04TQtumcwj37xKQMDmztLACio2/f+ryeHpV8HFBiJCj01hlQRqNsW0VaxGg6oqGjds
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858g==
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h=to:subject:message-id:date:from:in-reply-to:references:mime-version
:dkim-signature;
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gvUw==
ARC-Authentication-Results: i=1; mx.google.com;
dkim=pass header.i=@gmail.com header.s=20161025 header.b=APk8kxvS;
spf=pass (google.com: domain of allyku@gmail.com designates 209.85.220.41 as permitted sender) smtp.mailfrom=allyku@gmail.com;
dmarc=pass (p=NONE sp=QUARANTINE dis=NONE) header.from=gmail.com
Return-Path: <allyku@gmail.com>
Received: from mail-sor-f41.google.com (mail-sor-f41.google.com. [209.85.220.41])
by mx.google.com with SMTPS id a9sor2544397uas.40.2019.11.29.15.01.16
for <haraldherchen@gmail.com>
(Google Transport Security);
Fri, 29 Nov 2019 15:01:16 -0800 (PST)
Received-SPF: pass (google.com: domain of allyku@gmail.com designates 209.85.220.41 as permitted sender) client-ip=209.85.220.41;
Authentication-Results: mx.google.com;
dkim=pass header.i=@gmail.com header.s=20161025 header.b=APk8kxvS;
spf=pass (google.com: domain of allyku@gmail.com designates 209.85.220.41 as permitted sender) smtp.mailfrom=allyku@gmail.com;
dmarc=pass (p=NONE sp=QUARANTINE dis=NONE) header.from=gmail.com
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=gmail.com; s=20161025;
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b=APk8kxvSbm/dMh/plFFVEuGDFRR3eQSFJXsynkrAb/vsv0qvCDkRPdIY9QmDiibR8/
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mHxBHyLamWYhzLd4+09EF/mtptyehQnmtw+KzDzsTIF0sFrLXbxTM4ylUzCroF+8h41Q
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ulnIrYvuxdM9VxHa2e3RuHkC4mPLT+TuhyNyymub3qqDHMLdgZ0zh/JVrLoaSQQRdH3r
mg8A==
X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=1e100.net; s=20161025;
h=x-gm-message-state:mime-version:references:in-reply-to:from:date
:message-id:subject:to;
bh=1J1L5oI81YuMj8mL68nxqzf17K37urIy4pC6987zqfA=;
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8I2d2LzVbFzD1QdkFDucm5+VQOQunfB65nhpkYsAhiEpjIkdQoUS9hAH9W+sdUvkVQR1
EgMKVwJ6MwG2C8pW5mSGAcuZjRdQLtGUZJYBQmllp5JGW9tF/b7sSoFbUaYqW8skvV
n1dA==
X-Gm-Message-State: APjAAWq5mCQutI3gCNwEY5o0xy90uP0X8Dt4+arnh8GdtU1LjKMwvx5
pUnR4/vkYIDX0NTmU8sqYFNIMmci1onuKfACXQwgk5W
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X-Received: by 2002:a9f:21d0:: with SMTP id 74mr11274316uac.119.1575068475713;
Fri, 29 Nov 2019 15:01:15 -0800 (PST)
MIME-Version: 1.0
References: <CAKByDNfrp_Cd06cQ8GXfDyDUyN0k87eW6sJgusaxZrgJs+Ma=A@mail.gmail.com>
In-Reply-To: <CAKByDNfrp_Cd06cQ8GXfDyDUyN0k87eW6sJgusaxZrgJs+Ma=A@mail.gmail.com>
From: Alice Ku <allyku@gmail.com>
Date: Fri, 29 Nov 2019 15:01:03 -0800
Message-ID: <CAK2izfGGgeMT+6f+OkKg7fp95pVV=2SbXkPgPERJjVosTgzDg@mail.gmail.com>
Subject: Re: Call with Mihai went smoothly
To: Harald Herchen <haraldherchen@gmail.com>
Content-Type: multipart/alternative; boundary="000000000000fdec8805988434ac"

--000000000000fdec8805988434ac
Content-Type: text/plain; charset="UTF-8"

Hello Handsome Harald!

Thank you for the update.

I got here ok.

Since you will be out at your sister's wedding on my birthday, can you please change my flight to one week later...

Let me know the new time, thank you.

Love,
Alice

On Fri, Nov 29, 2019, 5:11 AM Harald Herchen <haraldherchen@gmail.com>
wrote:

> Hello Beautiful!
>
> I just finished the call with Mihai. It went smoothly.
>
> He said he will have the new build ready for us on Monday.
>
> Hopefully you are having a smooth trip, I'll see you at the airport Sunday
> morning. Leaves at 11:30 AM, so we can meet at the lounge between 9:30 AM
> and 10:00 AM like last time.
>
> I love you!
> Harald
>

--000000000000fdec8805988434ac
Content-Type: text/html; charset="UTF-8"
Content-Transfer-Encoding: quoted-printable

<div dir=3D"auto">Hello Handsome Harald!<div dir=3D"auto">
</div><div di=
r=3D"auto">Thank you for the update.=C2=A0=C2=A0</div><div dir=3D"auto"><br=
></div><div dir=3D"auto">I got here ok.</div><div dir=3D"auto">
</div><d=
iv dir=3D"auto">Since you will be out at your sister's wedding on my bi=
rthday, can you please change my flight to one week later...</div><div dir=
=3D"auto">
</div><div dir=3D"auto">Let me know the new time, thank you.<=
/div><div dir=3D"auto">
</div><div dir=3D"auto">Love,</div><div dir=3D"a=
uto">Alice</div></div>
<div class=3D"gmail_quote"><div dir=3D"ltr" class=
=3D"gmail_attr">On Fri, Nov 29, 2019, 5:11 AM Harald Herchen <a href=3D=
"mailto:haraldherchen@gmail.com" rel=3D"noreferrer noreferrer norefferer" t=
arget=3D"_blank">haraldherchen@gmail.com> wrote:
</div><blockquote=
e class=3D"gmail_quote" style=3D"margin:0 0 0 .8ex;border-left:1px #ccc sol=
id;padding-left:1ex"><div dir=3D"ltr">Hello Beautiful!<div>
</div><div>I=
just finished the call=C2=A0with Mihai.=C2=A0It went smoothly.</div><div>=

</div><div>He said he will have the new build ready for us on Monday.</=
div><div>
</div><div>Hopefully you are having=C2=A0a smooth trip, I'=
ll see you at the airport Sunday morning.=C2=A0Leaves at 11:30 AM, so we c=
an meet at the lounge between 9:30 AM and 10:00 AM like last time.</div><di=
v>
</div><div>I love you!</div><div>Harald</div></div>
</blockquote></div>

--000000000000fdec8805988434ac--

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Andrew G. Watters (#237990) 118 South Blvd. San Mateo, CA 94402 TELEPHONE NO.: (415) 261-8527 FAX NO. (Optional): E-MAIL ADDRESS (Optional): andrew@andrewwatters.com ATTORNEY FOR (Name): Petitioner George Ku	FOR COURT USE ONLY CASE NUMBER: 19PR187385
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 N. First St. MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Downtown Superior Court	
PLAINTIFF/ PETITIONER: George Ku DEFENDANT/ RESPONDENT: Alice Ku	
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): Alice Ku

- PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name):** George Ku
 SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): November 30, 2020
 The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought):** Google, Inc.; 1600 Amphitheatre Parkway; Mountain View, CA 94043
 A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
 - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
 - If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING:** IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: November 4, 2020

Andrew G. Watters

(TYPE OR PRINT NAME)

 (SIGNATURE OF ☐ REQUESTING PARTY ☒ ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- ☐ I object to the production of all of my records specified in the subpoena.
- ☐ I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER: George Ku	CASE NUMBER:
DEFENDANT/RESPONDENT: Alice Ku	19PR187385

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☒ Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. ☐ **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
 - b. ☒ **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

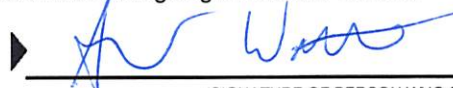
(1) Name of person served: Alice Ku	(3) Date of mailing: 11/4/2020
(2) Address:	(4) Place of mailing (city and state):
1725 Wright Ave. #72; Mountain View, CA 94043	Redwood City, CA 94065
 - c. My residence or business address is (specify): 118 South Blvd., San Mateo, CA 94402
 - d. My phone number is (specify): (415) 261-8527

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 4, 2020

Andrew G. Watters

(TYPE OR PRINT NAME OF PERSON WHO SERVED)



(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS
(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☐ Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. **ON THE REQUESTING PARTY**
 - (1) ☐ **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) ☐ **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - b. **ON THE WITNESS**
 - (1) ☐ **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) ☐ **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (specify):
4. My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

Google LLC
1600 Amphitheatre Parkway
Mountain View, California 94043



google-legal-support@google.com
www.google.com

November 23, 2020

Via Email Only
andrew@andrewwatters.com

Andrew G. Watters
Andrew G. Watters, Esq.
118 South Blvd.
San Mateo, California 94402
415-261-8527

**Re: *George Ku v. Alice Ku*, Superior Court of California, County of Santa Clara,
19PR187385 (Internal Ref. No. 4603267)**

Dear Andrew G. Watters:

Pursuant to the subpoena issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Without waiving, and subject to its objections, Google hereby produces the attached documents. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq. By this response, Google does not waive any objection to further proceedings in this matter.

We understand that you have requested customer information regarding the user account(s) specified in the subpoena, which includes the following information: (1) metadata information for the email associated with Message ID
CACK2izFGGgeMT+6f+OkKg7fp95pVV=2SbxkPgPERJjVosTgzDg@mail.gmail.com.

Accompanying this letter is responsive information to the extent reasonably accessible from our system, a list of hash values corresponding to each file, and a signed Certificate of Authenticity. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values.

Finally, Google requests reimbursement in the amount of \$125 for reasonable costs incurred in processing your request. Please forward your payment to Google Custodian of Records, at the address above and please write the Internal Reference Number (4603267) on your check. The federal tax ID number for Google is 77-0493581.

Very truly yours,

Molly O'Neil
Legal Investigations Support

Google LLC
1600 Amphitheatre Parkway
Mountain View, California 94043



google-legal-support@google.com
www.google.com

Hash Values for Production Files (Internal Ref. No. 4603267)

CACk2izFGGgeMT+6f+OkKg7fp95pVV=2SbxkPgPERJjVosTgzDg@mail.gmail.com.Gmail.Message.I
Ps.csv:

MD5- 22edbd9a49a936afc36883e52e5754b7

SHA512-

9126b20106de32510329dfc61b9b03cad2e70a70a640682738ffbce026710b3c31aad8a6daa4b31637934d8
47c847cb16316381869ba41b6b671bad9c741beb8



CERTIFICATE OF AUTHENTICITY

I, Molly O'Neil, certify:

1. I am a Custodian of Records for Google LLC ("Google"), located in Mountain View, California. I am authorized to submit this Certificate of Authenticity on behalf of Google in response to a subpoena dated November 04, 2020 (Google LLC Internal Reference No. 4603267) in the matter of *George Ku v. Alice Ku*. I have personal knowledge of the following facts and could testify competently thereto if called as a witness.

2. The accompanying 1 file contains true and correct copies of records pertaining to the Message ID CACk2izFGGgeMT+6f+OkKg7fp95pVV=2SbxkPgPERJjVosTgzDg@mail.gmail.com ("Document").

3. The documents attached hereto reflect records made and retained by Google. The records were made at or near the time the data was acquired, entered, or transmitted to or from Google; the records were kept in the course of a regularly conducted activity of Google; and the making of the records were a regular practice of that activity.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: November 23, 2020

A handwritten signature in black ink that reads "Molly O'Neil".

Molly O'Neil, Custodian of Records for Google LLC

Andrew G. Watters

From: Harald Herchen <haraldherchen@gmail.com>
Sent: Thursday, January 9, 2020 4:46 PM
To: George Ku
Subject: Re: Questions Regarding Alice

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

On Wed, Jan 8, 2020 at 1:38 PM George Ku <george.e.ku@gmail.com> wrote:

By the way we've wasted a significant amount of time because of Jim's reluctance to respond. We could have use this time much more productively especially if Alice is in danger and required help. I'm still trying to understand the lack of sense of urgency in looking for a loved one.

Best regards,
George Ku

On Jan 8, 2020, at 1:25 PM, George Ku <george.e.ku@gmail.com> wrote:

Harald - Both Todd and Andrew have reached out to Jim multiple times on this point, so I'm not sure why Jim would be unclear. Andrew has specifically asked Jim to respond to Todd before, so again I'm wondering what is causing this issue.

Best regards,
George Ku

On Jan 8, 2020, at 11:09 AM, Harald Herchen <haraldherchen@gmail.com> wrote:

Hello George,

I wasn't aware that your attorney is Todd Davis, not Mr. Watters, so I didn't pass that on to Jim Reilly.

I will ask Jim Reilly to offer some times when he is available for Todd to reach out, and let you know.

Sincerely,
Harald

On Wed, Jan 8, 2020 at 10:09 AM George Ku <george.e.ku@gmail.com> wrote:
Harald - just following up.

Both Andrew and Todd has informed Jim to reach out to Todd multiple times over the past three weeks. So the hold up has actually been you and your lawyer. So the confusing is actually quite perplexing. I'm still unsure as to why you or your lawyer appears to be unwilling to help find Alice, or why you would want us to speak through an unresponsive party.

Best regards,
George Ku

On Jan 7, 2020, at 12:32 AM, George Ku <george.e.ku@gmail.com> wrote:

Harald - your lawyer is mistaken. The lawyer representing me in this matter is Todd Davis. Todd has reached out to your lawyer multiple times over the last two to three weeks and your lawyer remains unresponsive.

Again the question for you is - if you want to work coordinate additional efforts then great let's do that together but why go through a lawyer?

Best regards,
George Ku

On Jan 3, 2020, at 11:07 AM, Harald Herchen
<haraldherchen@gmail.com> wrote:

Hello George,

I contacted my attorney (Jim Reilly), and he immediately replied to me.

I made a mistake. I thought he was able to talk to you directly, but he informed me that professional ethics prevents him from doing so.

However, he is able to discuss and correspond with your attorney, Mr. Watters.

Jim told me that he contacted Mr. Watters by e-mail on Dec 23, so almost two weeks ago, but has not heard back from him.

So my recommendation is for you to contact Mr. Watters and have him reach out to Mr. Reilly with your questions.

His e-mail is

jim@summitdefense.com

His phone number is (415) 913 0787.

I would like to coordinate additional efforts with you, since my ability in Mandarin is limited.

So please have Mr. Watters reach out to Mr. Reilly and we can make faster progress.

Thank you,
Harald

On Jan 2, 2020, at 12:20 PM, George Ku <george.e.ku@gmail.com> wrote:

Harald - your attorney has been unresponsive despite numerous attempts to reach him, so I'm reaching out to you with the below questions to get an understanding of what has happened to track Alice. These questions are around facts, so they should be straightforward to answer. You can answer them, or you can forward them to your attorney. I know you said you want to secure Alice's safe return as well, so I'd highly recommend you or your attorney be as responsive as possible.

1. On which airline did Alice and Harald fly to Taiwan? What was the flight number?
2. When did Alice and Harald arrive in Taiwan?
3. What was itinerary of the Taiwan trip?
4. What was the phone number that Alice and Harald used while in Taiwan?

5. Does either Alice or Harald have contacts in Taiwan who might know where Alice is or who Alice might have reached out to?
6. When and how did Alice and Harald last part ways?
7. When did Alice and Harald last communicate? By which means (phone, email, text)?
8. What were the discussions between Alice and Harald regarding her return date?
9. Has Alice mentioned she might be staying longer in Taiwan? What has she said she might be doing?
10. Has Harald looked for Alice? If so, what were his findings and who has he worked with so we can collaborate?
11. When did Harald last leave Taiwan and return to California?
12. When did Alice say she might come home?

Thanks,
George

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

In re:
Conservatorship of the estate,

NO. 19PR187385

ALICE KU

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

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A P P E A R A N C E S

For the Petitioner FARLING, HECHT & DAVIS
George Ku: BY: TODD DAVIS, ESQ.
 96 N. Third Street
 Suite 660
 San Jose, CA 95112
 (408) 295-6100
 todd@fhdlp.com

and ANDREW G. WATTERS
 ATTORNEY AT LAW
 118 South Boulevard
 San Mateo, CA 94402
 (415) 261-8527
 andrew@andrewwatters.com

For the Deponent: LOUIS F. DOYLE
 ATTORNEY AT LAW
 93 E. San Martin Avenue
 San Martin, CA 95046
 (408) 686-1007
 lfdoyle@garlic.com

and SUMMIT DEFENSE
 BY: JAMES REILLY, ESQ.
 4040 Civic Center Drive
 Suite 200
 San Rafael, CA 94903
 (415) 913-0787
 jim@summitdefense.com

Videographer: KEVIN McMAHON

Also Present: GEORGE KU (by Zoom)

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

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Examination by Mr. Davis

7

* * *

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EXHIBIT B	November 29, 2019 E-mail	148

* * *

1 PROCEEDINGS

2
3 VIDEOGRAPHER: Good morning. We are now on
4 the record. The time on the screen is 10:12 a.m.
5 Today's date, October 29, 2020. This is Media No. 1
6 of the videotaped deposition of Harald Herchen.
7 Case name Ku v. Ku, venued in the Superior Court of
8 California, County of Santa Clara, Case No.
9 19PR187385. We are located at Corsiglia, McMahon &
10 Allard, 96 North Third Street, Suite 620, San Jose,
11 California.

12 My name is Kevin McMahon, a legal video
13 specialist, representing Advantage Reporting
14 Services. The court reporting firm is Advantage
15 Reporting Services. The court reporter is Kirsten
16 Infantino.

17 Counsel, please state your name, your
18 office, and whom you represent in this action.

19 MR. DAVIS: Todd Davis. Farling, Hecht &
20 Davis. I represent George Ku, the petitioner.

21 MR. WATTERS: Andrew Watters, with Andrew
22 G. Watters, Esquire, representing George Ku, the
23 petitioner.

24 MR. DOYLE: Louis Doyle. I represent
25 Harald Herchen.

1 MR. DAVIS: Lou, you've got to put your
2 microphone on.

3 MR. DOYLE: Oh, okay.

4 MR. DAVIS: No problem.

5 MR. REILLY: My name is James Reilly. I'm
6 with the law firm Summit Defense. I also represent
7 Mr. Herchen.

8 VIDEOGRAPHER: One second. The court
9 reporter will now swear in the witness.
10

11 HARALD HERCHEN,
12 being first duly sworn by the Certified Shorthand
13 Reporter to tell the truth, the whole truth, and
14 nothing but the truth, testified as follows:
15

16 VIDEOGRAPHER: Please proceed.

17 MR. DOYLE: Okay.

18 MR. DAVIS: Do you have an objection?

19 MR. DOYLE: Yes. First of all, I'd like to
20 make a motion to exclude all those who may be
21 witnesses in this case.

22 Secondly, objection to the procedure, in
23 that Mr. Ku is not physically present. He's the one
24 who noticed the deposition and demanded that it be
25 in person. So it seems prejudicial to my client

1 that he's not present. Also, we don't know who is
2 monitoring this with Mr. Ku, and whether they're
3 potential witnesses or not.

4 Okay? So I make those for the record.

5 MR. DAVIS: No problem. So, Mr. Doyle, I
6 don't know if you recall, but I E-mailed you and
7 your colleague, Mr. Reilly, a couple of days ago,
8 and notified you that Mr. Ku would be appearing
9 remotely to try to keep the number count down in the
10 room. And he's a party to the action, so he's
11 entitled to be here. All depositions since I think
12 the emergency orders went out April 1st, people are
13 entitled to appear remotely. So while I appreciate
14 everybody being here in person -- and certainly it's
15 a deposition I wanted to do in person -- you've got
16 an emergency statutory right to appear remotely if
17 you so choose.

18 To the best of my knowledge -- and
19 certainly my instructions are that only George Ku
20 appear remotely right now. Mr. Watters is a member
21 of the State Bar in good standing. He's already
22 made a representation that it's only Mr. Ku that's
23 appearing, and nobody else. And I think he'll
24 repeat that again. And, you know, absent any
25 evidence to the contrary, I don't see a reason to

1 question Mr. Watters that Mr. Ku is the only one
2 monitoring it. And he's entitled to be here. So
3 it's like he's in the room.

4 Correct, Andrew?

5 MR. DOYLE: Thank you.

6 MR. WATTERS: May I comment on that,
7 Mr. Doyle?

8 MR. DOYLE: Go ahead. Please.

9 MR. WATTERS: I'm on a Zoom call with
10 Mr. Ku. I have the ability to admit or exclude
11 anyone who joins. I will represent to you that I
12 sent only Mr. Ku the link. I also instructed him to
13 be the only one on the call. That's what I have to
14 say on that.

15 MR. DOYLE: Thank you. I think the record
16 is clear on that.

17 MR. DAVIS: All right. Everybody ready?

18 EXAMINATION BY MR. DAVIS

19 Q. Mr. Herchen, will you please state and
20 spell your full name, including your middle name,
21 for the record, please?

22 A. So my name is Harald Herchen. And my first
23 name is spelled H-a-r-a-l-d. I have no middle name.
24 My last name is spelled H-e-r-c-h-e-n.

25 Q. What is your date of birth?

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

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

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?

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

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.

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?
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.
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
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
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

1 testify?

2 A. No. I'm fine.

3 Q. Okay. You're not taking any medication

4 that would impair your ability to remember things?

5 A. No. I'm a healthy horse. No medication.

6 Q. Okay. You're good to go?

7 A. Okay.

8 Q. All right. Any questions for me?

9 A. No.

10 Q. Okay. All right. So you were born in

11 Saarbruecken?

12 A. Saarbruecken. Or Saarbruecken, I guess, in

13 English.

14 Q. Did you grow up there?

15 A. No.

16 Q. How long did you live in Saarbruecken?

17 A. About nine months, roughly.

18 Q. Where did you go from there?

19 A. To Giessen, in Germany.

20 Q. You've got to spell that one too.

21 A. G-i-e-s-s-e-n.

22 Q. Okay. And how long were you in Giessen?

23 A. Five months.

24 Q. Okay. I'm assuming you don't remember it.

25 A. That's correct.

1 Q. Okay. Where did you go after Giessen?

2 A. I went to Guelph, Ontario. G-u-e-l-p-h.

3 Q. Ontario, Canada?

4 A. Ontario, Canada. That's correct.

5 Q. Okay. And how long were you there?

6 A. Until I was, I would say, 5 1/2 or so. So

7 that would be 1965.

8 Q. Okay. And where did you go from there?

9 A. To a place called St. Paul, Alberta. S-t,

10 period, P-a-u-l. Alberta. A-l-b-e-r-t-a.

11 Q. Oh, okay. And how long did you live in

12 St. Paul, Alberta?

13 A. Maybe ten months.

14 Q. Okay. You were roughly six at that time

15 period?

16 A. I was just about to start school when I

17 moved out of there.

18 Q. And where did you go from St. Paul?

19 A. To Evansburg. E-v-a-n-s-b-u-r-g. Alberta

20 as well.

21 Q. Okay. And how long did you live in

22 Evansburg, Alberta?

23 A. Until I was 18. So 1977.

24 Q. Okay. Your formative years?

25 A. Yes.

1 Q. Did you go to high school there?

2 A. Yes.

3 Q. What was the name of your high school?

4 A. Grand Trunk High School.

5 Q. One more time?

6 A. Grand Trunk High School. G-r-a-n-d,

7 T-r-u-n-k, High School.

8 Q. And that's in Evansburg?

9 A. Yes.

10 Q. Okay. You graduated?

11 A. Yes.

12 Q. What year?

13 A. 1977.

14 Q. Okay. And what did you do after you

15 graduated from Grand Trunk High School?

16 A. I went for a military basic training course

17 in -- just maybe two weeks -- a week and a half, two

18 weeks after I graduated. Spent two months -- a

19 little over two months -- in Chilliwack in British

20 Columbia.

21 Q. Okay. This is the Canadian Army?

22 A. That's correct.

23 Q. How long were you in the Canadian Army?

24 A. Eleven years and ten months.

25 Q. Okay. I'm assuming you went in as a

1 private?

2 A. No. As an officer.

3 Q. Okay. Did you go to officer training

4 school?

5 A. I did.

6 Q. And where was that?

7 A. There were several. So the first one was

8 in Chilliwack. I can spell that for you, if you'd

9 like.

10 Q. Yes, please.

11 A. C-h-i-l-l-a-w-a-c-k. British Columbia.

12 Not Alberta. BC, if you like. British Columbia.

13 Q. Okay.

14 A. And then in Victoria, British Columbia.

15 V-i-c -- just like the queen. Victoria.

16 Q. Do these officer training schools have

17 names, or they're just named after the towns they're

18 in?

19 A. No. The one in Victoria has a name. It's

20 Royal Roads Military College.

21 Q. How long did you go there?

22 A. Two years.

23 Q. Okay. Did you get any kind of a degree

24 there?

25 A. No.

1 Q. Okay. Sorry. I'm just not that familiar
2 with the Canadian military.

3 A. That's okay.

4 Q. When you -- when you completed officer --
5 officer training school, is that what they call it?
6 That's what they call it here.

7 A. So the training I took was for officer
8 training, as well as for a degree in engineering.

9 Q. Okay. And where did the degree in
10 engineering come from?

11 A. That came from the next school I went to
12 after Royal Roads called Royal Military College.
13 Royal Military College.

14 Q. Is that the Canadian version of Sandhurst
15 or West Point?

16 A. That's exactly right. And we have a great
17 rivalry with West Point.

18 Q. Okay.

19 A. I can tell you stories another time.

20 Q. Fair enough. So how long did you go to the
21 Royal Military College?

22 A. Two years for that. And that's in
23 Kingston, Ontario, if you want to know.

24 Q. Yeah. And what year did you graduate from
25 Royal Military College?

1 A. 1981.

2 Q. Okay. And is the degree a bachelor of
3 science? Or what do they call it?

4 A. It's a bachelor in engineering physics.

5 Q. Okay. So when you graduate from the Royal
6 Military College you've got your bachelor's degree,
7 and I assume you're then a lieutenant?

8 A. That's correct.

9 Q. Okay. And then did you have a required
10 commitment to the Canadian Army for graduating from
11 their military college?

12 A. I did.

13 Q. Okay. And what was that required
14 commitment?

15 A. Four years of active service.

16 Q. Okay. Which I assume you did?

17 A. I did. But not in the same order as you
18 might expect.

19 Q. Okay. Can you tell me what the order was?

20 A. After I graduated I went for further
21 training on radar systems to detect the Soviet Union
22 aircraft from coming over. And then I started my
23 master's degree in the University of Toronto
24 Institute For Aerospace Studies.

25 Q. And while you're doing that, getting your

1 master's degree at the University of Toronto
2 Institute of Aerospace Studies, were you still
3 active in the military?

4 A. I was not paid by the military. But they
5 could recall me at any time if needed. But they
6 gave me a leave to go for the master's degree.

7 Q. Okay. So was the expectation that you
8 would get your master's degree and then go back into
9 active duty?

10 A. Absolutely. Yes.

11 Q. Okay. All right. Did they pay for
12 University of Toronto Institute of Aeronautics?

13 A. No.

14 Q. Okay. When did you graduate from
15 University of Toronto Institute of Aeronautics?

16 A. May 1983.

17 Q. Okay. And is that a master's in
18 aeronautics?

19 A. A master's in applied science.

20 Q. Okay. And from there was it back to the
21 Canadian Army?

22 A. That's correct.

23 Q. Okay. I'm sorry. That would have been
24 back in May of 1983?

25 A. That's correct.

1 Q. During this time period where is your
2 family living? What town?

3 A. The timeframe from when I was born to
4 the --

5 Q. No. I'm sorry. That was a very poor
6 question. I ask bad questions.

7 A. I didn't say that.

8 Q. I know. No. From when you entered the
9 military -- I'm making some assumptions. I'm
10 assuming that when you went to high school in
11 Evansburg your parents were there too.

12 A. That's correct.

13 Q. Okay. While you were going to Royal
14 Military College and also University of Toronto were
15 your parents still in Evansburg, Alberta?

16 A. My mother left the place where I grew up in
17 1983. But I think it was like February. I'm not
18 sure exactly. But a little bit before I graduated.
19 I remember that.

20 Q. Your parents split up?

21 A. That's correct.

22 Q. And your father stayed in Evansburg?

23 A. That's correct.

24 Q. Okay. Do you have brothers and sisters?

25 A. I do.

1 Q. Okay. How many do you have?

2 A. I've got to count them. One, two, three,

3 four, five brothers. And two sisters. The two is

4 easy to count.

5 Q. So there's eight of you all together?

6 A. That's correct.

7 Q. All right. So I assume they spread out?

8 A. We were on three different continents for

9 quite a while.

10 Q. Okay. So May 1983 you graduate from

11 University of Toronto Institute of Aeronautics with

12 a master's in applied science; correct?

13 A. That's correct.

14 Q. Okay. And then back into the Canadian

15 Army?

16 A. That's correct.

17 Q. What is your rank then?

18 A. When I went back in I was still lieutenant.

19 Or lieutenant. It's a pronunciation thing.

20 Q. Okay. They call it lieutenant in Canada?

21 A. And in Britain.

22 Q. Okay.

23 A. Same spelling.

24 Q. Okay. And then how long were you in the

25 Canadian Army after you went back in in May of 1983?

1 A. So I don't know how precisely you want to
2 define the term "Canadian Army." I presume what
3 you're saying is it's the generic, like Department
4 of Defense here.

5 Q. Okay.

6 A. If that's the case, then I was in for
7 another four years. I can give you the exact date
8 in a minute. I did specialize in communications.
9 And so I worked with the air force, not with the
10 grounds.

11 Q. Okay. Is the Canadian Air Force separate
12 from the Canadian Army?

13 A. Yes.

14 Q. Okay. So when you say you worked for them,
15 were you in the Canadian Air Force at the time?

16 A. So it's split differently than here.

17 Q. Right.

18 A. In Canada there's the air force, the army,
19 the Navy, and communications.

20 Q. Okay.

21 A. And I was in the communications group.

22 Q. Oh, it's a separate branch?

23 A. It's a separate branch that provides such
24 services to the others.

25 Q. Okay.

1 A. And also the Five Eyes program, is the one
2 you may have heard of.

3 Q. I haven't.

4 A. Okay.

5 Q. I don't want to get too far astray. I just
6 want to get the background.

7 All right. So you're in the communications
8 branch of the Canadian military from 1983 to 1987?

9 A. That's correct.

10 Q. Okay. Did you leave in 1987?

11 A. Yes. I left the air force or
12 communications branch in 1987.

13 Q. Okay. And did you leave the military for
14 good in 1987?

15 A. Yes.

16 Q. Okay. When you left in 1987 what was your
17 rank?

18 A. Captain.

19 Q. Okay. You were honorably discharged;
20 right?

21 A. Yes.

22 Q. Okay. Did you stay on in any capacity?
23 Reserve? Something like that?

24 A. Yeah. That's obligatory.

25 Q. Okay. For how long?

1 A. I don't know for sure. Should I guess,
2 or --

3 Q. Give me your best estimate. I'm entitled
4 to an estimate, if you have one.

5 A. Six years.

6 Q. Does that require a couple weekends a year?
7 That sort of thing?

8 A. It depends what you sign up for. Since I
9 finished my four years, they have to call you back,
10 and then you go in. But you don't have to go every
11 two weeks or every month.

12 Q. Got it. So what did you do with yourself
13 in 1987 after you left the Canadian military?

14 A. I got a job as a consultant, and worked for
15 a year as a consultant.

16 Q. And what city were you in?

17 A. In Ottawa, Ontario. O-t-t-a-w-a.

18 Q. Okay. And was that something in the
19 communication business?

20 A. Yeah. It was providing services for the
21 communications business.

22 Q. Do you remember the name of the company?

23 A. It started with S. But I don't remember.

24 Q. It was only 33 years ago.

25 A. Thank you.

1 Q. Where did you go after that?
2 A. I took a six-week tour of the United
3 States. And then came to Palo Alto.
4 Q. Okay. To go to Stanford?
5 A. That's correct. Stanford University.
6 Q. Right. And that was d U12 h.D.;s correced?

1 A. We can do it over a beer.

2 Q. Okay. Do you go by that? Do people

3 address you as that?

4 A. It varies. But at work, yes. At home, my

5 son calls me doctor.

6 Q. Does he do it facetiously?

7 A. More of a joke.

8 Q. Okay. That's funny.

9 A. No. You don't have to call me doctor.

10 That's fine. I'm a very relaxed guy.

11 Q. I will if you want me to.

12 A. Absolutely not.

13 Q. All right.

14 A. Call me Harald.

15 Q. Okay. I will. Thank you.

16 So after you earned your Ph.D. from

17 Stanford, what did you do?

18 A. I went to a startup. And was there for

19 about nine months.

20 Q. Do you remember the name of it?

21 A. Realtrans. R-e-a-l-t-r-a-n-s.

22 Q. Okay. Did Realtrans make it?

23 A. No.

24 Q. Okay.

25 A. Most startups don't.

1 Q. Right.

2 A. But you gain experience.

3 Q. Sure. You're in the right area for it.

4 After Realtrans what did you do?

5 A. I went to work for Applied Materials.

6 Q. Okay. They made it.

7 A. They went from about a thousand employees

8 to 30,000 while I was there.

9 Q. Okay. You started there in 1993; is that

10 about right?

11 A. It was June 6, 1994.

12 Q. D-Day. And how long were you at Applied

13 Materials?

14 A. Sixteen years.

15 Q. Okay. So you left in 2010?

16 A. '09.

17 Q. Okay.

18 A. Late '09.

19 Q. What was your position at Applied

20 Materials? You probably had several. But when

21 people say what did you do at Applied Materials,

22 what's your response?

23 A. I was responsible for developing the

24 equipment to make computer chips.

25 Q. Got it. Okay. When you left in 2009 what

1 was your job title?

2 A. Senior member of technical staff.

3 Q. Okay. After Applied Materials where did

4 you go?

5 A. I went to Bloom Energy.

6 Q. Okay. And Bloom is B-l-o-o-m; right?

7 A. That's correct.

8 Q. You still work there; correct?

9 A. That's correct.

10 Q. Okay. So you've been there pushing 11

11 years?

12 A. Yes.

13 Q. Where are they located?

14 A. Their headquarters is in north San Jose.

15 Q. Okay. And do you work out of a different

16 office?

17 A. We have multiple buildings here. And

18 because of the virus I don't go to their

19 headquarters anymore. I go to other buildings.

20 Also in the area. But -- I can tell you the cities.

21 Q. That's okay. I'm just trying to get a

22 general background.

23 What does Bloom Energy do?

24 A. Lose money.

25 Q. Okay. That's unfortunate.

1 A. Yeah. We produce equipment that converts
2 natural gas to electricity without combustion. So
3 you don't burn it. It's a chemical reaction that
4 makes electricity.

5 Q. Wow.

6 A. It's pretty cool.

7 Q. It's very cool.

8 A. It is.

9 Q. And it works?

10 A. It works. And NASA uses it a lot. It's
11 expensive. And we're trying to make it affordable
12 for more people.

13 Q. Make it viable for consumers?

14 A. For businesses.

15 Q. Okay.

16 A. So our customers now are like Walmart and
17 Apple and Fed Ex.

18 Q. Got it. So they would purchase the natural
19 gas somewhere. You would handle the conversion with
20 your technology to electricity.

21 A. And then feed them. And any surplus go to
22 the grid, if they want that. Or to a battery. Or
23 whatever they like.

24 Q. Okay. That's really interesting.

25 A. Yeah.

1 Q. And what is your current job title at
2 Bloom?
3 A. Fellow.
4 Q. And what do you do there?
5 A. I do several things. But probably the main
6 one I do is cost reduction of equipment and making
7 manufacturing yield improvements. I have a team
8 that basically documents everything and works with
9 the suppliers to, you know, make sure the parts work
10 properly.
11 Q. Got it. How big is Bloom Energy? How many
12 employees?
13 A. So on the website it says 1,500 people. I
14 think that's what it says on the website. Something
15 like that. But I think it's more like 1,200.
16 Q. Okay. Still pretty good sized.
17 A. Yes.
18 Q. And is -- it's centered in San Jose. But
19 do you have offices throughout the country?
20 A. Yes. And in other places in the world, as
21 well.
22 Q. Okay. Where are the other offices?
23 A. So there's Milpitas, Moffett Naval Air
24 Base. I'm not sure what the new name is. But
25 Moffett. And then in Delaware. The state of

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

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.

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

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.

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.

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.

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.

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?

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
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.

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?

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?

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
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
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.

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 --
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;
11 correct?
12 A. Yes.
13 Q. Okay. And next to that, Line 24, is that
14 Alice's signature?
15 A. Yes.
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.
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?

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?

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.

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
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.

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.

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.
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,
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.
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.
21 Q. Just different applications?
22 A. Yes.
23 Q. Okay. Makes sense.
24 When did you and Alice begin residing
25 together?

1 A. I think -- so it was either late December
2 2017 or early January. I just forget.

3 Q. A couple months after you were married?

4 A. That's correct.

5 Q. Okay. Was there a reason why you waited?

6 A. Alice still had a lease, I think. And I
7 had to find a place.

8 Q. Okay. You moved when you got married so
9 that you'd have a place that would accommodate both
10 of you?

11 A. That's right.

12 Q. Okay. All right. I'm sorry. December
13 2017, you think?

14 A. Yeah. Late December 2017 would be the
15 earliest time. But it would be close to that.

16 Q. And where did you two live together at that
17 time?

18 A. At 1725 Wright Avenue, Apartment 72, in
19 Mountain View. Apartment 72. In Mountain View.

20 Q. Is that where you still live?

21 A. No.

22 Q. At some point you moved?

23 A. I moved out after -- I did move out. Yes.

24 Q. Okay. Is that the only place you've ever
25 lived with Alice?

1 A. Yes.

2 Q. All right. When you and Alice lived at
3 1725 Wright Avenue did you always live alone?

4 A. Yes. Nobody else with us.

5 Q. Well, you have two kids; right?

6 A. I do.

7 Q. How old are they now?

8 A. My daughter is twenty -- I'd have to
9 calculate that. I don't remember.

10 Q. That's okay.

11 A. She was born in 1996. So that would be 24
12 now.

13 Q. Okay.

14 A. And my son is 17.

15 Q. Your son is 17 now?

16 A. He's 17 now.

17 Q. Your daughter's name is Sandra; right?

18 A. That's correct.

19 Q. I saw an E-mail from her.
20 What's your son's name?

21 A. Timothy.

22 Q. Okay. So when you and Alice started living
23 together Timothy was 14-ish, Sandra 21-ish?

24 A. That's correct.

25 Q. Okay. Sandra in college at the time?

1 A. Yes.

2 Q. Where was she going?

3 A. Berkeley. University of Berkeley in

4 California.

5 Q. Okay. And Timothy was in high school at

6 the time? Probably still is?

7 A. That's correct.

8 Q. And where does he go to high school?

9 A. Gunn High School.

10 Q. In Palo Alto?

11 A. Henry K. Gunn High School. Yes. In Palo

12 Alto.

13 Q. Did Sandra or Timothy ever live with you

14 and Alice at the Wright Avenue apartment?

15 A. Never.

16 Q. Okay. Got it. Timothy lives with his

17 mother?

18 A. No.

19 Q. Okay. Can you tell me who he lives with?

20 A. A nurse.

21 Q. Does he have some physical impairments?

22 A. He has some challenges.

23 Q. And Sandra was in college. So she was

24 living in Berkeley, I assume?

25 A. Yes.

1 Q. Okay. Would she come home and stay with
2 you during holidays? Christmas? Thanksgiving?
3 That sort of thing?

4 A. Yes. Not -- that's fairly general, your
5 question. But we did get together for Christmas and
6 some Thanksgivings.

7 Q. Okay. But she didn't stay with you over a
8 long extended period of time?

9 A. No.

10 Q. What's Sandra's mother's name?

11 A. Melissa. M-e-l-i-s-s-a. Middle initial is
12 M. And the last name is Yu. Y-u.

13 Q. And she's deceased; right?

14 A. That's correct.

15 Q. When did she die?

16 A. June 3, 2017.

17 Q. I'm sorry. Does Timothy have the same
18 mother?

19 A. Yes.

20 Q. When you met Alice, what was her
21 occupation?

22 A. She told me she was a tutor. A math tutor
23 mainly.

24 Q. And that's for high school kids?

25 A. Yes.

1 Q. Okay. And she had her own tutoring
2 business; right?

3 A. It was -- in generic terms, yes. She had a
4 relationship with a number of parents, and they
5 called her when they wanted tutoring for their
6 children.

7 Q. Was it the full range of junior high, high
8 school, grade school?

9 A. From what she told me, she would start when
10 they were a little younger. And then they would
11 stay with her for a number of years until they
12 graduated.

13 Q. Okay. Did she have a particular
14 proficiency in math?

15 A. She was very good at math.

16 Q. And was that the only thing she tutored in?
17 Or would she do other things too?

18 A. To the best of my knowledge, it was only
19 math. I think she did correct people's English for
20 their assignments. That type of thing. But I don't
21 know if she earned money for that. She may or may
22 not have. I don't know.

23 Q. Got it. Okay. Now, you answered that in
24 somewhat of a curious way. I asked you what she
25 did, and you said she told me. That leads me to

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
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.

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
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
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.

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.

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

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.

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

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

1 another business. And I helped her with that. It
2 was an online tutoring method.

3 Q. Yeah. I saw that.

4 A. Inspired Learning.

5 Q. I printed out the Secretary of State -- I
6 don't have it with me -- LLC form. But Inspired
7 Learning, LLC?

8 A. That's correct. So on that one -- to
9 answer your question -- we had more arguments than
10 on her regular tutoring business, which is one on
11 one with people. You know, youngsters.

12 Q. Okay. So what was or is Inspired Learning
13 LLC?

14 A. It's a fascinating concept, where people
15 download an app. And I can tell you more details,
16 if you'd like. But download an app. They take
17 pictures of the question. The questions are sent by
18 the app to a central computer. And then they --
19 answers to the questions are given with explanations
20 to the student that's using the app. And if the
21 answers have previously been provided for other
22 students, then it would be a moneymaker. Because
23 the answer's already prepared. If the answer had
24 not previously been provided, then Alice or somebody
25 would -- or myself, or other people -- would write

1 up the answer and provide that to the student.

2 Q. And then how would that generate income?

3 A. Oh, because the people using the app had to
4 pay credits, basically, through the app store to
5 allow -- if they didn't pay, we wouldn't send them
6 the answer.

7 Q. Okay. For example, what would it cost to
8 answer a particular relatively unsophisticated math
9 question?

10 A. So it depends on how fast you want the
11 answer. The cheapest one was 24-hour turnaround.
12 And that was -- it worked out to be maybe 2 1/2
13 dollars, 3 dollars. Something like that.

14 Q. Okay.

15 A. And if you wanted -- sorry. I think the
16 fastest was one hour. Maybe a little faster. But I
17 think one-hour turnaround was the fastest. And then
18 it went up quite a bit.

19 Q. Okay. Ten, twenty dollars? Something like
20 that?

21 A. That's correct. And that depended on the
22 subject as well.

23 Q. Sure. And what subjects were covered?

24 A. Math and physics and chemistry.

25 Q. And you would handle the physics and

1 chemistry responses?

2 A. That's correct. Occasionally the math.

3 But --

4 Q. So it was basically you and Alice manning

5 this thing; right?

6 A. Yes. We tried to get some other people to

7 get the answers more cheaply than I could. Because

8 my time is a little expensive.

9 Q. Sure. High school students or college

10 kids?

11 A. Right. So there were -- attempts at that

12 were made.

13 Q. Okay. Got it. So you got this thing off

14 the ground; right?

15 A. Yeah. I think it maxed out at about 800

16 clients, or something like that.

17 Q. Oh, that's pretty good. How did they learn

18 about it?

19 A. We put posters up. And she kept it totally

20 separate from her existing clients. Because they're

21 profitable, and the startup wasn't. So basically

22 posters. And if you go on the app store, you can

23 put your search thing in there -- like math answers,

24 for example -- and it will show up.

25 Q. Okay.

1 A. It's not the first on the list. You have
2 to kind of pay to get it up near the top. But if
3 you scroll down you'll get it.

4 Q. Is it still a going concern, or is --

5 A. I haven't checked recently. But until -- I
6 don't know exactly. I don't know when I last
7 checked. Probably a few months ago.

8 Q. Okay. When was the last time somebody was
9 actually answering questions for that app or that
10 business?

11 A. That would be December.

12 Q. Okay.

13 A. Last year.

14 Q. Okay. So you never ran it without Alice?

15 A. No.

16 Q. You needed her?

17 A. I needed her.

18 Q. Got it. And was it peaking in that time
19 period?

20 A. No. It was growing.

21 Q. It was growing?

22 A. Yeah. We were getting more and more
23 customers.

24 Q. Okay. At the time that it stopped being
25 used, you said there were 800 customers?

1 A. No. That's now. Back then it was probably
2 like a hundred.

3 Q. Okay. What kind of income was it
4 generating?

5 A. Quite small. Probably 20, 30, \$50.

6 Q. A week?

7 A. No. Total.

8 Q. Oh, so you only answered like 20 or 30
9 questions total?

10 A. Yeah. Fewer than that.

11 Q. So it never really got going?

12 A. That's correct.

13 Q. Did you think it had potential?

14 A. I do think it has potential. I do.

15 Q. Okay.

16 A. However, the automation portion needs to
17 kick in. And so you have to have had answered a
18 number of questions already so that you can get an
19 automated response. That's when you make the money.
20 Because you charge the same either way. And the
21 automated portion was not viable yet, because there
22 was still a diversity of questions coming in. There
23 weren't many repeats.

24 Q. So you need a bank of answers to make this
25 thing work?

1 A. That's right. So the strategy there was to
2 focus on certain schools, because the questions
3 would all be the same from the same teacher for the
4 next seven years.

5 Q. Oh, that's clever.

6 A. So they were always like that.

7 Q. Yeah.

8 A. And then develop it that way. So instead
9 of blanketing the whole country, you just focus
10 basically on some of the richer areas.

11 Q. That makes sense. So what were the target
12 schools?

13 A. In Cupertino and in Palo Alto.

14 Q. Monta Vista and Lynbrook and --

15 A. Yeah.

16 Q. Got it. Okay. All right. When you say
17 last time you checked on it, were you just checking
18 to see if somebody was logging in and using it? Or
19 what was --

20 A. That's correct. There's a database you can
21 look in to see what people are doing. And I looked
22 at that.

23 Q. But you haven't done anything to try and
24 keep the thing going?

25 A. No. With that kind of revenue it takes a

1 lot of effort.

2 Q. Right. And you're working full time?

3 A. Yeah.

4 Q. Okay.

5 MR. DAVIS: All right. We've been going --

6 I don't know -- about an hour. Why don't we take a

7 ten-minute break. I'd like of like to do that every

8 once in a while and kind of air the room out. It

9 keeps us all safe. Everybody okay with that? Ten

10 minutes?

11 VIDEOGRAPHER: Okay. Go off the record.

12 The time is 11:04 a.m.

13 (A brief break was taken.)

14 VIDEOGRAPHER: We are back on the record.

15 The time is 11:18 a.m.

16 Please proceed.

17 BY MR. DAVIS:

18 Q. Harald, when you and Alice first started

19 living together how much tutoring did it appear to

20 you she was doing?

21 A. She was tutoring during school time --

22 sorry -- after school during the school week, and

23 then both Saturday and Sundays on the weekends.

24 Q. Okay. And you were working full time

25 during normal work hours?

1 A. Silicon Valley doesn't have normal work
2 hours. But my job, in principal, was nine to five.
3 But not in reality.

4 Q. You could adjust it to match up more with
5 Alice's?

6 A. Yeah. Basically once you're senior enough,
7 you kind of -- you can do what you want.

8 Q. Design your own hours?

9 A. Yeah.

10 Q. Do you have a general feel for how many
11 hours a week Alice was working during the time
12 period you were living together on Wright?

13 A. So, I'd have to add them up for you. It
14 would be like probably 10 hours on Saturdays and
15 Sundays. And then on Monday through Friday, she
16 would be -- it would be like from 2:30 until 8.
17 Occasionally 10. So it would be like another six
18 hours, seven hours a day. So it's quite a bit. She
19 got sick of it, and then stopped working one day a
20 week. But she worked hard.

21 Q. Okay. This was throughout your time living
22 together on Wright?

23 A. Yeah. She slowed down in the last half
24 year, because she wanted to put more effort into the
25 business.

1 Q. Okay.

2 A. And so in the last half year the pace
3 slowed down. She would come back a couple hours
4 earlier than before. And basically what she did was
5 some of her students graduated, and then she didn't
6 replace them. That's how it phased.

7 Q. So it was an intentional slowing down? It
8 wasn't a decision that somebody else made for her;
9 she intended to work less?

10 A. She intended to put more effort into the
11 online business, and didn't want to put the effort
12 into taking on many new students. I think she did
13 actually take one or two more, but not a lot.

14 Q. And then I would assume she was slower
15 during the summer and slower during holiday seasons?
16 That sort of thing?

17 A. Well, certainly during summer it's not that
18 slow. Because a lot of parents here believe it's
19 best to have the students ahead in the game.

20 Q. Sure.

21 A. And for Christmas -- I mean, we'd take a
22 week off, or something like that. But she would
23 tutor during Christmastime.

24 Q. Okay. Did she ever do that at your home?
25 Or was that always at the kids' home?

1 A. Never at Wright Avenue. But either at the
2 children's home or at a Starbucks or at the library
3 nearby.

4 Q. Okay.

5 A. Never at home.

6 Q. Okay. Got it. Do you remember where she
7 was living at the time you got married? You said
8 she had an apartment and the lease hadn't run out.

9 A. Yeah. It's on Kirkland Avenue, No. 5. Or
10 Kirkland Drive, I guess. Kirkland Drive.

11 Q. In what city?

12 A. In Sunnyvale.

13 Q. Okay.

14 A. And I think it's 665. But that one I'm not
15 sure about. 665 Kirkland Drive.

16 Q. Do you know if she lived there alone, or if
17 she had roommates?

18 A. As far as I know, she lived alone.

19 Q. You visited her at that home; correct?

20 A. Yes.

21 Q. And you didn't see evidence of somebody
22 else living there?

23 A. That's correct.

24 Q. Okay. All right. Alice was not on the
25 best terms with her family; correct?

1 A. There were some significant difficulties
2 that she described to me.

3 Q. Okay. When did you learn that -- I hate to
4 use the word "estranged." One, it doesn't sound
5 accurate. And I just don't like the term. When did
6 you learn that her relationship with her family
7 members wasn't always smooth?

8 A. It was a progressive thing.

9 Q. Okay.

10 A. Initially she didn't want me to meet or
11 have her family members know about me. And --

12 Q. This is in the June, July 2017 time period?

13 A. A little later. You know, when we were
14 getting married. October.

15 Q. Okay. Did you suggest we have a wedding
16 and invite your family? That sort of thing?

17 A. I didn't. I said it would be okay. But I
18 didn't insist on it. I defer to a woman for those
19 types of things.

20 Q. No doubt.

21 A. And so that's when I got a flavor of it.
22 She did tell me a couple unusual things about her
23 family around that time. And then later, I would
24 say maybe January or February -- you know, four
25 months or so after we got married -- she indicated

1 that when she was a teenager her parents did things
2 to her that were quite horrible. And so then -- and
3 so I think -- did I answer your question?

4 Q. You did. And I want to get into it a
5 little bit. But I want to ask you first about her
6 psychological condition, which it sounds like might
7 also have been an issue. Do you know if Alice ever
8 had any diagnosed psychological problems?

9 A. I do not know.

10 Q. Okay. During the time you lived with Alice
11 did she, to your knowledge, treat with any kind of
12 medical health professional?

13 A. Not to my knowledge.

14 Q. Okay.

15 A. And she was very much against that type of
16 thing. So it's unlikely. But I can't rule it out.

17 Q. When you say she was against it, was that
18 something philosophical, or was that something just
19 for herself? What do you mean?

20 A. For herself she was very much against it.
21 And I think for other people she thought it was
22 extravagant or unnecessary.

23 Q. Okay. All right. Did she exhibit any
24 problems that you perceived to be psychological
25 problems that concerned you when you lived with her

1 on Wright Avenue?

2 A. I'm not a trained psychiatrist --

3 Q. Of course. Lay opinion.

4 A. -- so I cannot say that. Kind of the
5 bigger fight was in the business. The online
6 business. I'm a Silicon Valley guy, and I sort of
7 have a different approach to that. And she didn't
8 like that. But in terms of her psychology, I didn't
9 see anything that was worse than I've seen
10 elsewhere.

11 Q. She never appeared depressed to you?

12 A. Did she appear depressed to me? She
13 appeared depressed when she was discussing her
14 experiences before we met. And then after we were
15 together that was less so.

16 Q. Okay. So she would display these
17 depressive symptoms during the conversations about
18 problems that had happened, but when the
19 conversation ended so would the appearance of
20 depression?

21 A. Yeah.

22 Q. Okay.

23 A. Yes. That's fair.

24 Q. Okay. To your knowledge, while you were
25 living with her was she ever suicidal?

1 A. She didn't actively try to commit suicide.
2 No.
3 Q. Did she ever talk about suicide or threaten
4 suicide?
5 I guess those are two different questions.
6 Did she ever talk about suicide?
7 A. Yes.
8 Q. Okay. On how many occasions that you can
9 remember?
10 A. I can only remember one.
11 Q. Okay. Do you remember when that was? Time
12 period.
13 A. It would be around February 2018.
14 Q. Okay. And was this a single conversation?
15 More than one conversation?
16 A. It's a single conversation that occurred
17 over a number of hours.
18 Q. Okay.
19 A. But some intervening periods without
20 conversation.
21 Q. Did she say that she was going to commit
22 suicide? Or that she wanted to? What did she say?
23 A. She said things like I don't want to live.
24 It's -- you know, a horrible things for me.
25 Negative things about her experience.

1 Q. Okay. Was there something that triggered
2 that in her that you're aware of?

3 MR. DOYLE: Well, you know, I think that
4 calls for speculation.

5 I mean, if you know.

6 MR. DAVIS: Yeah. I'm asking what he
7 knows.

8 MR. DOYLE: Yeah.

9 THE WITNESS: Can you repeat your question,
10 please?

11 BY MR. DAVIS:

12 Q. Sure. Was there anything you're aware of
13 that triggered this conversation between you and
14 Alice? Was there a particular event?

15 A. Oh, she -- basically I tried to talk to her
16 nicely and find out what she's thinking. And she
17 expressed extreme unhappiness with how she was
18 treated when she was a teenager.

19 Q. Okay. So in your mind that's the catalyst,
20 is her experiences as a teenager; true?

21 A. Absolutely. Yes.

22 Q. Okay. Was there anything else that you
23 know of that occurred during that February 2018 time
24 period that made her start focusing on it?

25 A. The only other thing that was actively

1 going on there is we were writing out the software
2 specification or the app. And that caused friction,
3 for lack of a better word.

4 Q. Sure.

5 A. Because my approach to that is different
6 than what she wanted. But we sorted that out. So
7 it kind of made a little bit of a less than amorous
8 situation.

9 Q. That was a stressor that --

10 A. Yeah.

11 Q. -- maybe did something?

12 A. Yeah. I -- yeah. She's had the dream of
13 making that business for quite a while. Even well
14 before we met. What she told me. She had it well
15 thought out. But maybe she was feeling, well, it's
16 not going to happen. I don't know.

17 Q. Okay. That app business represented a
18 certain level of hope for her?

19 A. Oh, yeah. She was very proud of her idea.

20 Q. Okay.

21 A. And rightfully so, I believe.

22 Q. Sure.

23 A. And it was a main thing for her.

24 Q. Okay. That app was something that she had
25 at least conceptualized before you met her; correct?

1 A. That's correct.

2 Q. When did she first tell you about it?

3 A. I would say between November and December

4 2017. It was definitely after we were married.

5 Q. Okay.

6 A. Yeah.

7 Q. And then did she ask for your help in

8 launching the business?

9 A. We discussed how best to do it.

10 Q. Okay.

11 A. And then I told her, you know, we need to

12 get some software written, and I'm happy to work

13 together to make the specifications. We went out to

14 four different software companies here and got bids

15 from them. Interviewed them. That kind of stuff.

16 And selected one.

17 Q. Was there ever a discussion of looking for

18 investors and really kind of launching this thing?

19 A. No. She was adamant that this had to go

20 cash flow. Because she had some income on her own.

21 And so no other outside investors.

22 Q. She wanted to do it on her own, or on her

23 own with you?

24 A. That's correct.

25 Q. And then, I assume, eventually hire

1 employees and people to help with the content? That
2 sort of thing?

3 A. That's correct. But they would not be
4 investors.

5 Q. All right. Was there a business plan that
6 she put together or that you put together?

7 A. Yes.

8 Q. Is that stored somewhere?

9 A. It's not with mine. My computers. It
10 probably is on her computers. But I don't have
11 access to them. To the last one.

12 Q. Sure. How many computers did she have that
13 she would actively use during the time period you
14 lived with her on Wright?

15 A. Two.

16 Q. Okay. What were they?

17 A. So the last one was an Apple MacBook Pro.

18 Q. MacBook Pro?

19 A. MacBook Pro. And then -- I got that for
20 her because her previous laptop, you know, broke or
21 didn't -- stopped working. And I don't know what
22 that was. It was a PC. It was not a Mac.

23 Q. Okay. When did you -- you bought her the
24 Apple MacBook Pro; right?

25 A. Yes.

1 Q. When did you purchase that for her?

2 A. I'd have to give you a range. Because

3 that's a guess.

4 Q. Yeah.

5 A. I would say -- I would say between November

6 2017 and January 2018. But that's a guess.

7 Q. Sure. Sure. Sometime after you got

8 married?

9 A. Yes.

10 Q. Okay. And then after you bought that for

11 her, is that the computer she used exclusively?

12 A. She used her phone a lot as well, if that's

13 a computer.

14 Q. Mine's not. But some people's are. What

15 kind of phone did she have?

16 A. It was Android. And -- I'm sorry. I'm

17 still a Blackberry guy. I don't know the names of

18 them. But it was some Galaxy. I remember it had

19 Galaxy on it.

20 Q. Okay. The laptop she had that stopped

21 working or became an antique, do you know what

22 happened to that?

23 A. So I didn't know until just recently when I

24 moved out and cleaned up, but that laptop -- or at

25 least a laptop with her, you know, her information

1 -- was in my possession in the apartment.

2 Q. Okay. Stored in a closet or somewhere?

3 A. Yeah. It was a one-bedroom place. And she

4 kind of carved off one area, this is mine.

5 Q. Okay.

6 A. And, you know -- and so it was in there.

7 Q. Okay. In a box or somewhere that looked

8 like she hadn't been using it?

9 A. That's correct.

10 Q. Put away? Okay. And the Apple MacBook

11 Pro, has that ever surfaced?

12 A. I know where it is.

13 Q. Where is it?

14 A. In the storage area I rented for her on

15 Stewart Drive.

16 Q. Okay. She didn't bring that to Taiwan with

17 you?

18 A. No.

19 Q. So -- I'm sorry. You rented a storage

20 facility?

21 A. Yes, I did.

22 Q. And where is that?

23 A. It's on 60 Stewart Drive in Sunnyvale.

24 Q. And the Apple MacBook Pro is there?

25 A. That's correct.

1 Q. So during the time period you lived
2 together on Wright, she had an Android Galaxy phone?
3 A. Yes. She did. And she actually had a
4 couple of them. Because she got new ones.
5 Q. Okay. Do you know where any of her old
6 phones are?
7 A. No.
8 Q. Okay. None of those ever turned up in her
9 area or in storage, or anything like that?
10 A. That's correct.
11 Q. Okay. When she replaced them do you think
12 she disposed of the old ones? Or you don't know?
13 A. She probably disposed of them -- or the one
14 -- because it didn't work anymore.
15 Q. Okay.
16 A. Yeah. So --
17 Q. Okay. I thought I saw somewhere -- it may
18 have been in a series of texts -- that she had an
19 iPhone 8. Does that sound familiar?
20 A. I have an iPhone 8.
21 Q. Okay. Maybe that's it.
22 A. She did not like iPhones.
23 Q. Okay.
24 A. However, when we were traveling in Taiwan,
25 she would use an iPhone.

1 Q. One of yours?

2 A. One of the Inspired Learning.

3 Q. Oh, okay.

4 A. Because the app was only working on the

5 iPhones, not on Android.

6 Q. Okay. All right. That clears things up.

7 So Inspired Learning had a particular iPhone that

8 Alice would use to respond to the questions?

9 A. That's correct.

10 Q. Okay. That was an iPhone 8?

11 A. There were several. There was an iPhone 6

12 Plus. There was an iPhone 8. We had to get

13 different screen sized iPhones to test the app, make

14 sure it was readable.

15 Q. Sure. So how many do you think there were?

16 A. Two that I can remember.

17 Q. Okay. And did Inspired Learning also have

18 a laptop or a desktop? Anything like that?

19 A. That would be the MacBook pro.

20 Q. Okay. So the MacBook Pro Alice used both

21 personally and for business?

22 A. Yes.

23 Q. Okay. Got it. And then Inspired Learning

24 had these two Apple phones. Do you know where

25 either of those are?

1 A. I think I know where the iPhone 6 Plus is.

2 Q. Okay.

3 A. But not the other one.

4 Q. Okay. Where is the iPhone 6 Plus?

5 A. I'm pretty sure it's where I live now.

6 Q. Okay. You took it with you?

7 A. Yeah.

8 Q. It's in a box or somewhere?

9 A. Yeah.

10 Q. Okay. Have you checked it to see if

11 there's information on it, or data, or anything else

12 more useful?

13 A. I don't have access to that.

14 Q. You can't get on the phone?

15 A. No.

16 Q. It's password protected?

17 A. Yes.

18 Q. Okay. You said that Inspired Learning had

19 several phones. Was it two? Was it more than two?

20 Do you know?

21 A. So there was the two iPhones I mentioned.

22 The third one would be the Galaxy that she used.

23 But mainly to interact with the software people.

24 Not for the app. Because it didn't run on it.

25 Q. Got it. And the Galaxy phone you have

1 also; right?

2 A. No.

3 Q. You don't? Do you know where it is?

4 A. No.

5 Q. Okay. Do you know if she took that with

6 her to Taiwan the last time you went there with her?

7 A. She did.

8 Q. And she took the iPhone 8 with her the last

9 time you went there?

10 A. Yes.

11 Q. So she had both of those with her in Taiwan

12 in November 2019?

13 A. Yes. And the iPhone 6 Plus.

14 Q. Oh, all three of them?

15 A. Yeah.

16 Q. Okay. Okay. And the last time you saw her

17 she had the iPhone 8 with her and the Android with

18 her?

19 A. That's correct.

20 Q. But not the iPhone 6? She left that in the

21 hotel room or somewhere?

22 A. Yeah.

23 Q. It was with you somehow?

24 A. Yeah.

25 Q. So you brought it back?

1 A. That's correct.

2 Q. Okay. Got it. All right. When you were

3 living together on Wright and in the United States,

4 how would you connect with Alice? Which phone would

5 you call?

6 A. Oh, her Galaxy.

7 Q. Okay. And when you sent her a text, would

8 that also go to the Galaxy phone?

9 A. Yes.

10 Q. But when you were overseas you would

11 communicate with her with the iPhone 8 because it

12 worked better?

13 A. It depended on which trip. In the early

14 trips I would communicate with the Galaxy. And I

15 was kind of ignorant, and it turns out you can buy a

16 SIM card where you're traveling and put that in. So

17 after maybe two trips of expensive Verizon bills, we

18 figured out there's a cheaper way to do it.

19 Q. Which is go to --

20 A. Which is when you get to the airport you

21 buy a SIM card, and put it in your phone, and then

22 it works locally. You have a new number. But your

23 old -- your original number on that phone doesn't

24 work.

25 Q. Got it. You've got whatever phone number

1 attaches to that SIM card?

2 A. Phone number goes with the SIM card.

3 Q. Okay. Okay. And did you do that or did

4 Alice do that in November 2019 in the Taiwan

5 airport?

6 A. Yes.

7 Q. And did she buy a SIM card for the

8 iPhone 8?

9 A. Yes.

10 Q. Did she buy a SIM card for the Android

11 Galaxy?

12 A. No.

13 Q. Just the iPhone 8?

14 A. Yes.

15 Q. Not the iPhone 6 either?

16 A. No. For the iPhone 6 too.

17 Q. So was it one SIM card that she used with

18 both? Or would she buy two?

19 A. No. She'd buy two.

20 Q. Okay. All right. And did she buy one for

21 the iPhone 6 so that she could monitor Inspired

22 Learning activity, or did she do it to communicate?

23 A. For the -- to communicate with me, and for

24 Inspired Learning.

25 Q. Okay. So your last trip with Alice to

1 Taiwan November 2019, you communicated with her both
2 on the iPhone 8 and the iPhone 6 Plus?

3 A. We used both. Yes.

4 Q. Okay. Got it. And you still have the
5 iPhone 6 Plus. But is that SIM card still in it?
6 The one that she purchased at the airport? If you
7 know.

8 A. I doubt it. Because -- I doubt it.

9 Q. Okay. Any idea what happened to it?

10 A. Well, they expire after -- when the time
11 period is up. Usually two weeks, three weeks. And
12 then I chuck it so I don't wonder why it's not
13 working.

14 Q. So that's been -- you threw it away once
15 you got back?

16 A. Yes.

17 Q. Okay. Any idea when you did that?

18 A. Probably a day or so after I got back.
19 Couple days after I got back.

20 Q. Okay. That was your standard procedure?

21 A. Absolutely. Yes.

22 Q. Okay.

23 A. You have to avoid confusion.

24 Q. I know. Okay. Do you have a memory of
25 what Alice was primarily using in that November 2019

1 trip to Taiwan; the iPhone 8 or the iPhone 6 Plus?

2 A. The iPhone 8.

3 Q. Okay. Any idea how she decided which one

4 to use?

5 A. That one was predominantly in her

6 possession.

7 Q. Okay. Got it. And then you were using

8 your Blackberry?

9 A. Not in Taiwan.

10 Q. What did you use in Taiwan?

11 A. The iPhone 6 Plus.

12 Q. Okay. I'm sorry. It's all coming

13 together. So you got off the plane in the airport.

14 Bought SIM cards for the iPhone 6 Plus and the

15 iPhone 8. She mostly carried the iPhone 8. You

16 mostly carried the iPhone 6 Plus.

17 A. That's correct.

18 Q. Okay. I understand now. Last time you saw

19 the iPhone 8 it was with Alice?

20 A. Yes.

21 Q. Okay. All right. I saw somewhere in the

22 documents you produced that you had put together or

23 had put together on your behalf a -- if I can find

24 it -- a prenuptial agreement.

25 A. Yes.

1 Q. Okay. Was -- maybe I don't have it. I
2 think it's in my office. I'll get it on a break.
3 Was that ever signed?
4 A. No.
5 Q. Okay. Remind me. What's the name of the
6 lawyer that prepared that? Quaide? Does that sound
7 right?
8 A. I don't know. I'd have to look that one
9 up.
10 Q. Okay. You retained him specifically for
11 that purpose to prepare a prenuptial agreement?
12 A. That's correct.
13 Q. Did Alice know that you were doing that?
14 A. Yes.
15 Q. Okay. When did you have that done?
16 A. It was not completed. But you're asking
17 when I started that?
18 Q. Yes. When you started the process of
19 having a prenuptial agreement prepared.
20 A. Around November 2017.
21 Q. Okay. So after you were married?
22 A. Yes.
23 Q. Okay.
24 A. Otherwise it wouldn't be a prenup.
25 Q. Well, no. It would be. It would be a

1 postnup after you were married. It would be a
2 prenup if it was before you were married.

3 A. I didn't approach the lawyer for that
4 agreement until after we were married.

5 Q. Okay. All right. And I saw the draft
6 copy. And I saw that it was transmitted to Alice.

7 A. Um-hum.

8 Q. Do you know if she ever had an attorney
9 look at it?

10 A. She did.

11 Q. Do you know the name of that lawyer?

12 A. No.

13 Q. She never told you?

14 A. I can't say she never told me. But I don't
15 know his name.

16 Q. Okay. Did she agree to the basic terms of
17 the prenup or postnup? Whatever it was?

18 A. No.

19 Q. She wanted to make changes?

20 A. Yes.

21 Q. Okay. And was this -- were these
22 conversations between the lawyers, or were these
23 conversations between you and Alice?

24 A. Both.

25 Q. Okay. I'm not asking you for anything you

1 and your attorney discussed. I'm not entitled to
2 know that. That's none of my business. But I do
3 want to know about what you and Alice discussed
4 about the prenup or postnup.

5 Did she have objections to it?

6 A. Yes.

7 Q. In general, what were her objections?

8 MR. DOYLE: Well, you know, there's a
9 marital privilege here too. So I would object on
10 that basis.

11 MR. DAVIS: Are you asserting the marital
12 privilege?

13 MR. DOYLE: Yes.

14 MR. DAVIS: Okay. Are you going to do it
15 just on this instance?

16 MR. DOYLE: Well, I'm doing it on this
17 question. And we'll see if it's appropriate
18 further.

19 MR. DAVIS: Okay. Are you instructing the
20 witness not to answer?

21 MR. DOYLE: I'm making that objection.

22 MR. DAVIS: Okay. All right.

23 BY MR. DAVIS:

24 Q. You can go ahead and answer then.

25 MR. DOYLE: Yeah. If you remember.

1 MR. DAVIS: Right. Of course.

2 THE WITNESS: Can you repeat your question,
3 please?

4 BY MR. DAVIS:

5 Q. Sure. In general, what were Alice's
6 objections to this -- it's marked prenuptial. I
7 should get it and mark it as an exhibit. I'll do
8 that on a break. It's marked prenuptial. It sounds
9 like it was really a postnuptial, because it was
10 prepared after you were married.

11 If you remember, what were Alice's
12 objections to it?

13 A. She understood that all the real estate I
14 owned -- sorry. That's backward. She thought that
15 all the real estate I owned before marriage would be
16 hers after marriage.

17 Q. Oh.

18 A. And the post, prenup, whatever you want to
19 call it -- that agreement. Draft agreement. Let's
20 call it draft agreement.

21 Q. Yeah.

22 A. Clearly stated that that was not the case.
23 She would only get the gains after marriage.

24 Q. Right. Okay. That was her objection?

25 A. That's correct.

1 Q. Okay. I'm not sure the prenup would have
2 even changed that fact. So did she say she wasn't
3 going to sign it? Or were these ongoing
4 conversations?

5 A. She wouldn't sign it with that clause.

6 Q. Okay. Do you know if she had an
7 understanding that having or not having the prenup
8 wasn't going to change that? That that was still
9 separate property?

10 A. Maybe from her lawyer. But not from me.
11 Because I didn't know that.

12 Q. That was never a conversation you and Alice
13 had?

14 A. That's correct.

15 Q. Do you know if Alice had any kind of estate
16 planning ever done? Wills? Trusts? Anything like
17 that?

18 A. I'm not aware of any.

19 Q. Okay. Nothing she ever shared with you?

20 A. That's correct.

21 Q. Okay. While you were together did you have
22 those kind of documents put together together? Like
23 joint wills and trusts? Anything like that?

24 A. No.

25 Q. While you were married to Alice and living

1 with her on Wright together, did you ever have a
2 will or trust prepared?

3 A. No.

4 Q. Okay. And we were talking before about
5 Alice's relationship with her and family. And we
6 got off track, which I'm sure was my fault. I do
7 that all the time. If you can remember, can you
8 tell me what Alice told you about her relationships
9 with her siblings and her parents?

10 A. She told me that she only talked to two of
11 her multiple siblings.

12 Q. Which ones did she talk to?

13 A. George and Josephine.

14 Q. Okay.

15 A. And she told me that George liked to drive
16 quickly.

17 Q. Drive a car quickly?

18 A. Drive a car quickly. Right.

19 Q. Okay.

20 A. And the residual of that was in a tree in
21 Los Gatos.

22 Q. George hit a tree?

23 A. And you can still see it a number of years
24 later. And she showed that to me.

25 Q. Okay. Was she in the car when it happened?

1 A. No.

2 Q. Okay.

3 A. And other portions of her relationships
4 that told me was that -- it's a little bit hard to
5 say. I'll just say it. Her parents were in Taiwan,
6 but they owned a house here. And Alice lived there
7 with her sisters. And I'm not sure if it was George
8 as well. But at least with her sisters. And one of
9 her sisters had a boyfriend.

10 Q. Okay.

11 A. And she told me that the parents insisted
12 that the boyfriend stay in the same bedroom with
13 Alice over a period of a number of months. You
14 know, I'd have to say six to nine months. Something
15 like that. Maybe longer. I don't know. But that
16 was the impression I got.

17 Q. How old was Alice at the time, if you know?

18 A. Sixteen, plus or minus a little bit.

19 Q. And how old was the boyfriend, if you know?

20 A. I don't know.

21 Q. Okay. Were they expected to sleep in the
22 same bed, if you know?

23 A. I don't know that.

24 Q. Okay. You don't know if there was one bed
25 or two?

1 A. No. She just said that she was not happy
2 with him naked there.

3 Q. I bet. Sounds uncomfortable.

4 A. And she asked her parents to not force
5 this. But they rejected it.

6 Q. They said no, that's where he's got to
7 stay?

8 A. Yeah.

9 Q. Other than the uncomfortableness of the
10 situation -- I'm not trying to discount that -- did
11 she say whether something had happened? Whether he
12 had done something to her particularly that made her
13 uncomfortable or harmed her?

14 A. She did not.

15 Q. Okay. Did you infer that something might
16 have happened?

17 A. I did.

18 Q. Okay. Is that based on a feeling? Or is
19 that based on something you learned?

20 A. Just on a feeling of how she would not talk
21 to me more about that.

22 Q. Okay.

23 A. You know, I'm a kind-hearted guy. I like
24 to talk. And she wouldn't expand on that. So I
25 think it was deeply recessed.

1 Q. It was a conversation she didn't want to
2 have?

3 A. That's correct.

4 Q. And you got the impression there was
5 something there?

6 A. That's correct.

7 Q. Okay. Any idea what this guy's name is?

8 A. No.

9 Q. Any idea which sister of hers he was
10 dating?

11 A. It -- no.

12 Q. Okay. And was she upset with George that
13 George drove fast, or that's just something that
14 stuck with her mind? In your mind, what was the
15 significance of George driving fast and hitting a
16 tree?

17 A. I don't know.

18 Q. Okay. Was somebody injured, do you know,
19 when he hit the tree?

20 A. From what I recall, she told me that his
21 buddy was in the car at the same time, but they were
22 not severely injured. That's what I recall her
23 telling me.

24 Q. Okay. I understand. And what was your
25 understanding of the state of Alice's relationship

1 with George while you were living with her on
2 Wright?

3 A. Next to nothing.

4 Q. Okay. They rarely communicated?

5 A. As far as I know, never. But I can't say
6 never.

7 Q. Okay. So there wasn't much communication.
8 But it sounds like of her siblings that was one of
9 the lesser strained relationships; right?

10 A. Perhaps. But if she doesn't talk, maybe it
11 is extra strained. I don't know.

12 Q. Okay. You don't know?

13 A. I don't know.

14 Q. Okay. And until Alice disappeared you
15 never met George; right?

16 A. That's correct.

17 Q. You knew he existed?

18 A. That's correct.

19 Q. But you never met him?

20 A. That's correct.

21 Q. Okay. What about Josephine?

22 A. I knew she existed as well.

23 Q. Okay. That wasn't even a question. My
24 apologies.

25 During the time period that you and Alice

1 lived together on Wright, what was the state of
2 Alice's relationship with Josephine?

3 A. So I can only infer, because she didn't say
4 much.

5 Q. Sure.

6 A. But she received packages often from one of
7 her sisters. And her sisters sent the packages to
8 her Cupertino box, because they didn't want to be
9 home, or whatever, to get the package at home.
10 Didn't want it left on the front porch.

11 Q. Alice had a post office box in Cupertino?

12 A. That's right. So people there would sign
13 for it. The package.

14 Q. Sure.

15 A. So she got many packages there. Many being
16 -- I don't know -- probably two a week. Or, you
17 know --

18 Q. Oh. Constantly?

19 A. It went in spurts. Sometimes four. Other
20 times nothing. But regularly.

21 Q. Okay.

22 A. But I don't know which sister that was.

23 Q. Okay. You think it might have been
24 Josephine?

25 A. If I had to guess, yes. Because she had

1 the best relationship with her. But I don't know.

2 Q. Okay. Was Josephine -- do you know where
3 Josephine was living during this time period?

4 A. No.

5 Q. Do you know if during this time period --
6 which is when you were living with Alice on Wright
7 -- do you know if Alice talked to Josephine on the
8 phone?

9 A. She texted with one of her sisters. But I
10 don't know if it was Josephine.

11 Q. Do you know how often she would text with
12 her?

13 A. Average, maybe once a week or so. But not
14 a lot.

15 Q. Okay.

16 A. Some.

17 Q. Okay. And she has no other brothers other
18 than George; correct?

19 A. That's what she told me. Yes.

20 Q. To your knowledge?

21 A. Yeah.

22 Q. Other than Josephine, do you know the names
23 of her sisters?

24 A. I think I can remember some of them. Do
25 you want me to enumerate the ones I know?

1 Q. Yes, please. Yeah. Tell me what you know.
2 A. So it was Josephine.
3 Q. Yeah.
4 A. Diana.
5 Q. Yep.
6 A. Oh, my gosh. Oh. Something with G.
7 Gladys, is it? I'm not sure. I don't know.
8 Q. Okay. Do you know how many sisters she
9 told you she had?
10 A. She told me that she had one additional
11 sister beyond the ones that her family acknowledged.
12 But I don't know exactly how many that is. It's
13 probably four or five. I don't know.
14 Q. So she had a sister that her family -- that
15 didn't communicate with the rest of the family?
16 A. Alice told me that they adopted her out.
17 Or sent her out for adoption. Whatever you call it.
18 Q. Okay. Do you know her name?
19 A. No.
20 Q. Okay. Do you know if anybody from the
21 family had contact with this adopted sister?
22 A. No idea.
23 Q. Do you know if Alice did?
24 A. I don't know.
25 Q. Okay. And, in your mind, other than the

1 sister that sent Alice packages and the sister she
2 texted with -- who may or may not have been the same
3 sister; right?

4 A. Um-hum.

5 Q. Did she have contact with anybody else in
6 her family while you were living with her?

7 A. So one of her sisters has a daughter. So
8 Alice's niece.

9 Q. Yeah.

10 A. That went to Juilliard School. Which is a
11 tremendously famous school.

12 Q. Sure.

13 A. Playing the cello, I believe. But I don't
14 know which sister that's the daughter of.

15 Q. Okay. Do you remember her name the niece?

16 A. No.

17 Q. Did Alice have any kind of relationship
18 with the niece?

19 A. Alice tried to establish one. I notice --
20 like she'd tell me and even show me like some
21 YouTube videos of what she played, and that kind of
22 thing. But her niece, you know, kind of gave
23 perfunctory replies.

24 Q. I understand. Do you know how long Alice
25 lived in that house in Los Gatos?

1 A. She was very obtuse about her early days.

2 Q. Okay.

3 A. Anything beyond before we were married, she

4 didn't say much about it. So I'd have to guess a

5 lot on that. The only thing she told me was she was

6 in Fiji for some time.

7 Q. Oh. When was that?

8 A. I don't know exactly. But from my

9 impression -- well, let me tell you what she told

10 me.

11 Q. Yeah. Please.

12 A. And then I have to interpolate from there.

13 Q. Sure.

14 A. Okay. What she told me was that she was

15 living here with her mom and dad and her siblings, I

16 guess. And that her dad --

17 Q. This is at the house Glen Una in Los Gatos?

18 A. I don't know. But here as in the area.

19 Q. Yeah.

20 A. And then they suddenly had to go to Fiji.

21 And they all went there. And she never knew why

22 that happened. But her speculation to me was that

23 her father was trying to escape from criminal

24 accusations here.

25 Q. Okay.

1 A. And so they went to Fiji, according to her.

2 Q. For --

3 A. For some number of years. I don't know.

4 Because the only time she told me she was in Glen

5 Una was when she went to high school in Saratoga.

6 Which is right next --

7 Q. She went to Saratoga High School?

8 A. She did. That's where Los Gatos people of

9 that part of Los Gatos go to high school. It's in

10 Saratoga. But I don't know if she went to middle

11 school or, you know, elementary. I don't know.

12 Q. Do you know what year she graduated from

13 Saratoga High?

14 A. I don't.

15 Q. Okay. Do you know what kind of business

16 her father is in?

17 A. I don't know. The only thing she told me,

18 he got rich doing stock trading.

19 Q. Any idea what this criminal exposure is

20 that she was concerned about or thought that her

21 father might be exposed to?

22 A. No.

23 Q. Okay. Could be related to stock trading?

24 Could be something totally different? She didn't

25 know? She didn't tell you?

1 A. Well, it happened before he started the
2 stock trading. At least to make money on that. So
3 it's probably not related to that.

4 Q. Okay.

5 A. But I don't know what it was.

6 Q. Okay. And she told you that they left the
7 United States for that reason?

8 A. Yes.

9 Q. Okay. And -- I'm sorry, I think I asked
10 this -- you don't know how old she was when she was
11 living in Fiji?

12 A. I don't. From her recollections of it, she
13 must have been young first.

14 Q. Okay.

15 A. As in less than six.

16 Q. Okay.

17 A. But I don't -- there was no information,
18 any clue, as to when that ended.

19 Q. Okay.

20 A. Except that by high school she was here.

21 Q. But her parents were not?

22 A. That's correct. Yes. As far as I know,
23 yes.

24 Q. Do you know how old she was when she
25 stopped living with her parents? Meaning she was

1 leaving on Glen Una and her parents were in Taiwan?

2 A. Well, certainly at sixteen. But before
3 that, I have no idea.

4 Q. Okay. Did she tell you whether or not her
5 parents ever moved back to the United States and
6 lived at Glen Una? Or have they been there since
7 she was at least sixteen?

8 A. There were two parts of that question. I
9 don't understand.

10 Q. Yeah. Terrible question. Let me start all
11 over.

12 MR. DAVIS: Somebody's calling me.

13 (Discussion held off the record.)

14 BY MR. DAVIS:

15 Q. So Alice told you that at least as of the
16 time she was sixteen she was living at Glen Una
17 without her parents and they were living in Taiwan;
18 correct?

19 A. That's what she told me.

20 Q. Right. Did she ever tell you whether her
21 parents after that time period ever moved back to
22 Glen Una?

23 A. She did not say that. But she said it was
24 rented out to somebody else. A stranger. You know?

25 Q. Sure.

1 A. And so from that you can infer her parents
2 were not there. But not for sure.

3 Q. Okay. Is it rented out now? Or does
4 somebody live there? Do you know?

5 A. Alice last showed it to me probably two
6 years ago. And at that time it was rented out. But
7 now I don't know.

8 Q. Okay. Understood. I saw somewhere -- I'm
9 not sure where -- that Alice told you that she had a
10 plan or desire to purchase that home from her
11 father.

12 A. Yes. She wanted to do that quite a bit.

13 Q. Okay. Do you know if she ever had that
14 conversation with her parents one way or the other?

15 A. I don't know. But like a month or so
16 before we last went to Taiwan, she was talking with
17 her mom, ostensibly. And I'm pretty sure it was her
18 mom. So maybe she had that in mind. Because I
19 think she liked that spot a lot in Glen Una. But
20 the house is thirty-some years old, so she wanted to
21 have a new house there. And she was kind of
22 planning it out.

23 Q. Sure. Okay. That's one of the nicer
24 streets in Los Gatos, Saratoga. Lots on that street
25 are selling for five million bucks without a house.

1 What has her plan for purchasing the house, if you
2 know?

3 A. She would ask me to finance it.

4 Q. Okay. All right. So that was a
5 conversation that you and Alice had?

6 A. That's right. And I asked her if she could
7 get a price break from her dad.

8 Q. Fair question.

9 A. No.

10 Q. No? Market?

11 A. I guess.

12 Q. Okay. Did you tell her you would still do
13 it? That you would purchase it at market rate if
14 her father would sell?

15 A. Yeah. That would not -- to me that's a
16 fair thing.

17 Q. Sure. But you told her that if her father
18 agreed to sell it, that you would purchase it?

19 A. I told her that I would purchase it at the
20 fair market value.

21 Q. Okay. And then the plan was that you would
22 tear down the existing home and build a new one?

23 A. That's what she wanted. But that adds
24 \$800,000 in costs. But, yes.

25 Q. At least. Yeah. Okay. Did that ever get

1 past the conceptual stage?

2 A. No, it did not. She talked about it. And

3 presumably she would talk about it with her parents.

4 Q. Okay. Understood. I've seen on a number

5 of documents that Alice told you she went to UC

6 Berkeley. True?

7 A. Yes.

8 Q. Okay. Have you ever heard that she went

9 somewhere else for college?

10 A. No.

11 Q. Have you ever heard that she went to -- has

12 anybody told you that she actually went to Santa

13 Clara University?

14 A. I did not know that, if she did.

15 Q. If she did, that would be news to you?

16 A. Absolutely.

17 Q. Did you ever meet any of her college

18 friends or people she knew from college?

19 A. No.

20 Q. Did you ever see a Cal Berkeley diploma or

21 any information to confirm that she went to

22 UC Berkeley?

23 A. No. That's a good question. But, no.

24 Q. Okay. Did you ever see a resume or a CV

25 for Alice?

1 A. Not while we were married. Not until --
2 not until just the last time the hard drives -- I
3 looked at the hard drives.

4 Q. And there was a CV?

5 A. Some older one.

6 Q. Did it say Cal Berkeley?

7 A. Yes.

8 Q. Okay. I don't know that she didn't. I'm
9 going off the information I was given.

10 A. Okay.

11 Q. Okay. When you started seeing Alice -- or
12 dating her -- in June 2017, did she have a social
13 group of people that she socialized with?

14 A. No.

15 Q. Okay. You never -- did you ever meet
16 anybody that she was friends with from before you
17 met her?

18 A. I did not.

19 Q. Okay. Did you ever know her to go to lunch
20 or go to dinner or socialize with a friend at all?

21 A. No.

22 Q. Okay. During the time period you lived on
23 Wright did she ever make new friends and develop any
24 friendships?

25 A. No.

1 Q. Okay. It was just you two?

2 A. That's correct.

3 Q. Okay. Did she ever discuss with you

4 friends she had from high school or college?

5 A. Yes.

6 Q. Okay. Can you remember anything she said

7 about any of her friends from high school?

8 A. Yes.

9 Q. What do you remember?

10 A. She has one good friend called Grenadine

11 Lau.

12 Q. That's from Saratoga High?

13 A. Yes. I believe so. It's from that time

14 period.

15 Q. Sure. And are they still in contact, to

16 your knowledge?

17 A. So I asked Alice several times -- you know,

18 Grenadine lives in Singapore, apparently. And I

19 said would you like to go see her. And she said no.

20 Q. Okay. Do you know if they were in contact

21 by E-mail or text or telephone? Anything like that?

22 A. I'm not aware of any.

23 Q. Okay. But you did know the name, and that

24 was a friend from -- you believed from high school?

25 A. She told me that's my only friend.

1 Q. Okay. Okay. You don't have contact
2 information for Grenadine Lau, do you?

3 A. I believe if you look at the hard drive
4 there's a contact list with the phone number there.

5 Q. Okay. Have you ever had contact with
6 Grenadine Lau in any way?

7 A. No.

8 Q. Text? E-mail? Phone? Nothing?

9 A. That's correct.

10 Q. Okay. All right. When you first started
11 spending time with Alice in June 2017 what was
12 Alice's relationship like with her parents, to your
13 knowledge?

14 A. As far as I know, nothing.

15 Q. Okay. No communication?

16 A. Yeah. That didn't come up until later.

17 Q. Okay. And what happened later?

18 A. Well, we discussed, you know, what kind of
19 wedding to have.

20 Q. Okay.

21 A. And she didn't want to have her family
22 there.

23 Q. Okay. Including her parents?

24 A. Yes.

25 Q. Okay. And did you also understand that she

1 didn't want her family to know that she was getting
2 married?

3 A. That was the implication. Yes.

4 Q. She never said that explicitly?

5 A. Not -- no.

6 Q. And that's not something you pressed her
7 on?

8 A. No. I mean, I'm an engineer. I just go
9 with the flow. If a woman wants it, she wants it.

10 Q. I understand. Okay. With respect to at
11 least her mother, that changed at some point; right?

12 A. Yes. I actively encouraged her to talk to
13 her mom. Because she told me that her mom had had
14 an operation. And, you know, come on. It's your
15 mom. Right? Talk to her.

16 Q. Right.

17 A. She made you.

18 Q. Do you know when that operation was?

19 A. I would say between August and maybe
20 September, October 2019.

21 Q. Okay. Any idea what the operation was for?

22 A. Apparently there was some excess pressure
23 in her eye, is what I understood.

24 Q. So an eye operation?

25 A. Glaucoma, perhaps. I don't know.

1 Q. Okay. Do you know how Alice learned that
2 her mother was having this eye operation?

3 A. I don't know. But most likely from her
4 sister.

5 Q. From probably Josephine?

6 A. Probably Josephine.

7 Q. And after Alice learned of the eye
8 condition did Alice call her mother?

9 A. Not immediately. But after I suggested
10 that she do so, some days after that she did. At
11 least in front of me. She may have called without
12 me there. But in front of me she did.

13 Q. Okay. Did you have an understanding of,
14 when she talked to her mom, how long it had been
15 since she last talked to her?

16 It might have been a bad question. Let me
17 ask that again.

18 Did Alice tell you that at the time she
19 first talked to her after you encouraged her to call
20 her, how long it had been -- how many years it had
21 been since she had actually spoken to her own
22 mother?

23 A. I don't know.

24 Q. You had the impression it was several
25 years?

1 A. I don't know. I wouldn't be surprised.
2 But I don't know.
3 Q. Okay. So at least at one point Alice and
4 her mother had a telephone conversation when you
5 were in the room; right?
6 A. So I don't speak Mandarin. They were
7 speaking in Mandarin. But she told me it's her mom.
8 Q. Okay.
9 A. That's the evidence I have.
10 Q. Understood. Is Mandarin Alice's first
11 language?
12 A. Yes.
13 Q. Do you know what other languages she
14 speaks?
15 A. Japanese and English.
16 Q. Is English her second language?
17 A. Yes.
18 Q. English was very good?
19 A. It was not native level. But decent.
20 Q. Okay. Japanese her third language?
21 A. Yes.
22 Q. How was her Japanese, if you know?
23 A. I was pretty impressed when we went to
24 Japan. Between the languages I speak and she
25 speaks, we can cover most of the world. She was

1 very good.

2 Q. She can get around?

3 A. Yes.

4 Q. Do you speak Japanese?

5 A. Not anymore. I'm out of practice.

6 Q. At one point you did?

7 A. Yes.

8 Q. When she spoke Japanese could you

9 understand it?

10 A. Some of it. Yes.

11 Q. Okay. What languages do you speak?

12 A. Well, mother tongue is German. And I speak

13 English, of course.

14 Q. Yeah.

15 A. And French. And also I learned -- some

16 Mandarin. But that one is not so strong.

17 Q. Okay. Did you and Alice ever talk Mandarin

18 together?

19 A. A little bit. Joking around.

20 Q. Okay.

21 A. You know -- yes.

22 Q. You couldn't really keep up?

23 A. That's correct.

24 Q. Okay. All right. Do you know how many

25 telephone conversations Alice had with her mother

1 during that time period? I guess that would have
2 been August, September 2019.

3 A. It was only one I'm aware of.

4 Q. Okay. Prior to the November 2019 trip you
5 and Alice took to Taiwan, do you know how many times
6 Alice had spoken to her mother?

7 A. I do not.

8 Q. Was it maybe just that one time?

9 A. That would be speculation. I don't know.

10 Q. Okay. Did you get the impression it was
11 more than that?

12 A. No.

13 Q. Did Alice tell you that her mother knew you
14 guys were coming?

15 Let me ask that again, because it was a bad
16 question.

17 Did Alice tell you that her mother knew
18 Alice was going to be in Taiwan?

19 A. No.

20 Q. Okay. And, to your knowledge, Alice's
21 mother didn't know there was a Harald Herchen;
22 right?

23 A. That's correct.

24 Q. Do you know if during the time period you
25 lived with Alice on Wright she spoke to her father

1 at all?

2 A. Not that I'm aware of.

3 Q. Do you know if she communicated with her

4 parents any other way other than that telephone

5 call? Did they E-mail or text or send letters, or

6 communicate in some other manner?

7 A. Not that I'm aware of.

8 Q. Would you be surprised if they did?

9 A. Yeah.

10 Q. Okay. What do you remember, if anything,

11 that she said about her parents? Other than what

12 you've already told us, of course.

13 A. Other than that, she was very proud of her

14 dad for his stock trading capabilities.

15 Q. Did you get the impression he was very

16 successful?

17 A. I think he's in the top ten richest people

18 in Taiwan. Maybe top twenty. Something like that.

19 That was the impression she gave me.

20 Q. And that's all self-created?

21 A. Yes. And --

22 Q. But no discount on the house?

23 A. No. That's why you make money; right?

24 Q. Right.

25 A. Her attitude towards her mother was, you

1 know, not positive. That would be my impression.

2 Because of the thing that I explained to you.

3 Q. Right.

4 A. There was another time when her sisters, or
5 whoever -- her sisters living with her in Glen Una
6 would make a mess and ask her to clean it up. On
7 multiple times. Not just once. Hey, it's your job
8 to clean up. And her mother wouldn't support her to
9 say, no, you guys make the mess, you clean up. That
10 was not what her mother offered. No support.

11 Q. Was Alice the youngest daughter?

12 A. Yes.

13 Q. And you believe she was treated differently
14 because she was? Or did she believe she was treated
15 differently because she was the youngest?

16 A. One clarification on that one.

17 Q. Yeah.

18 A. Alice is the youngest of the ones that are
19 acknowledged. I don't know if the one that was
20 adopted out is younger yet. That I don't know. I
21 don't know.

22 Q. Okay.

23 A. I don't know if that happened before or
24 after Alice was born.

25 Q. Sure.

1 A. So can you repeat your question again? I'm
2 sorry.

3 Q. Yes. Did Alice tell you that she was
4 treated poorly because she was the youngest?

5 A. No.

6 Q. But she did feel like she was treated
7 poorly by her mother?

8 A. Absolutely.

9 Q. And treated poorly, in that she was
10 assigned to clean up after her siblings?

11 A. Yes.

12 Q. And for different reasons too?

13 A. Yes.

14 Q. She wasn't treated on the same level as
15 them?

16 A. That's correct.

17 Q. Okay. Did Alice ever tell you why she was
18 treated differently than her siblings?

19 A. No.

20 Q. Okay. Do you know if she knew?

21 A. I don't know.

22 Q. Okay. But certainly she felt that way.
23 And it seemed like there was some evidence of that;
24 correct?

25 A. What she told me was very clear. And she

1 told me several times.

2 Q. And you believe that she believed that?

3 A. Yes.

4 Q. Okay. Did Alice ever not tell you the

5 truth, that you know of?

6 A. I never caught her in a lie. But she

7 didn't say much.

8 Q. Okay. Would you describe her as secretive?

9 A. Absolutely. Tremendously.

10 Q. Okay. Not just secretive with you, but

11 secretive in general?

12 A. Yeah.

13 Q. Probably less secretive with you than other

14 people?

15 A. Sure. Because we lived together. But --

16 Q. Right.

17 A. -- definitely secretive.

18 Q. How was her health in general when you were

19 living with her?

20 A. In general it was good. She had a

21 significant eczema problem on her skin that flared

22 up sometimes, and other times went away.

23 MR. DAVIS: You know what --

24 VIDEOGRAPHER: Couple of minutes.

25 MR. DAVIS: Okay. Sure. We've got to take

1 a break and change the video.

2 THE WITNESS: Sure.

3 MR. DAVIS: So maybe we'll take a ten
4 minute break after this series of questions.

5 BY MR. DAVIS:

6 Q. How significant was the eczema problem?

7 A. It made her embarrassed.

8 Q. Okay.

9 A. And bothered her. She is an elegant woman.
10 And she likes to look good. And, you know, it's
11 kind of limited her clothing choices.

12 Q. Where was it?

13 A. It was on her right leg and on the chest
14 area.

15 Q. Did she take medication for it?

16 A. A little bit on her arm.

17 Nothing prescribed. Over-the-counter
18 things. Yes.

19 Q. She would put creams on it, and that sort
20 of thing?

21 A. That's right.

22 Q. That would help?

23 A. Yeah.

24 Q. Was this an ongoing problem, or did she get
25 flare ups?

1 A. Flare ups. Probably because of diet or
2 something.

3 Q. Okay. Sure. Any other health problems
4 that she had that you're aware of?

5 A. Her period was excruciatingly painful. She
6 was bedridden for one day a month.

7 Q. Okay.

8 A. Maybe not every month. But most months.

9 Q. Did she see a doctor about that, to your
10 knowledge?

11 A. Yes.

12 Q. Are you aware of any prescription
13 medications she took either -- for any reason?

14 A. Her contact lenses.

15 Q. Okay. Nothing else, to your knowledge?

16 A. No.

17 MR. DAVIS: Okay. Let's take a break.
18 Let's go -- ten minutes okay?

19 THE WITNESS: Yes.

20 VIDEOGRAPHER: We are going to go off the
21 record. The time is 12:25 p.m.

22 (A brief break was taken.)

23 VIDEOGRAPHER: We are back on the record.
24 The time is 12:41 p.m.

25 Please proceed.

1 BY MR. DAVIS:

2 Q. I know we've covered this a lot. I'm going
3 to just ask you a couple more questions about it.
4 You only had one actual conversation with Alice
5 where she was discussing suicide; correct?

6 A. That's correct.

7 Q. Okay. That's the February 2018 time
8 period?

9 A. Yeah.

10 Q. Did you have any discussions with her at
11 any other time where she had told you she had been
12 suicidal in the past?

13 A. Yes.

14 Q. Okay. How many of those conversations took
15 place that you remember?

16 A. I would say three or four.

17 Q. Okay. And in any of those conversations
18 did she tell you she had actually attempted suicide?

19 A. No.

20 Q. Okay. During those conversations, any of
21 those conversations, did she tell you that she had
22 contemplated suicide?

23 A. Yes.

24 Q. Okay. What can you tell me what she told
25 you about her suicidal contemplations or thoughts?

1 What did she tell you?

2 A. So it will be a bit of a mixture of the

3 three or four events. But --

4 Q. Yeah. Of course.

5 A. -- essentially she was very unhappy with

6 her upbringing. And she was very unhappy with the

7 apartment she was living in. It was --

8 Q. Is this the apartment that she lived in

9 when you married her?

10 A. On Kirkland Drive.

11 Q. Was it depressing in some way?

12 A. Yeah. It was moldy. Tiny kitchen. No

13 ventilation in the whole place. I mean, I hadn't

14 seen stuff like that in the United States before.

15 Q. It was bad news?

16 A. It was bad news. Yeah. So she --

17 basically, to answer your question, her attitude

18 towards life earlier was not positive.

19 Q. Okay.

20 A. Based on the experiences.

21 Q. Okay. And did she say how seriously she

22 had been contemplating suicide?

23 A. I don't know how to judge that.

24 Q. Sure.

25 A. But I think, you know, it definitely

1 crossed her mind multiple times.

2 Q. Did she tell you whether she had actually

3 planned something out? Like how to do it?

4 A. I'm not aware of that.

5 Q. She never talked to you about what her

6 mechanism of suicide would be?

7 A. No.

8 Q. Okay. I thought I saw somewhere sometime

9 about an event that happened with a knife, where she

10 tried to harm herself with a knife. Does that sound

11 familiar?

12 A. That's right.

13 Q. When was that, and what happened there?

14 A. Well, that was in that February timeframe.

15 And she was unhappy, so she went to the kitchen to

16 get a knife. And I took it away from her.

17 Q. And you thought she was going to harm

18 herself with it?

19 A. I think so. Yeah.

20 Q. Right. And you were able to get it away

21 and she wasn't hurt?

22 A. That's right.

23 Q. Okay. Did you get the impression at that

24 time that she was serious about harming herself?

25 A. No. I think it was an act. That's what I

1 think.

2 Q. Sure. Okay. You and Alice did a fair
3 amount of traveling together; correct?

4 A. It's all relative. But on most people's
5 calendar, yes.

6 Q. Where did you go out of the country total,
7 you and Alice together?

8 A. Together?

9 Q. Yes.

10 A. Sweden. Germany several times. England.
11 Japan twice. Taiwan seven times. I think that's it
12 for out of the country.

13 Q. Okay. And were all of those trips between
14 June 2017 and November 2019?

15 A. Yes.

16 Q. Okay. Of those trips how many of them were
17 work related for you?

18 A. All.

19 Q. Okay. So you would have to travel for
20 work, and you would bring Alice with you, and you
21 would turn it into a vacation also?

22 A. That's right.

23 Q. Okay. All right. So from -- so from June
24 2017 to November 2019 you went to Taiwan seven times
25 for work?

1 A. That's correct.

2 Q. Does Bloom have an office there?

3 A. We used to. But no longer.

4 Q. Okay. And is that where you're going, the
5 Bloom office in Taiwan?

6 A. No.

7 Q. Is there a Bloom partner there, or
8 something like that?

9 A. There are companies that supply components
10 for us. And I visit either them or their suppliers
11 to improve the components.

12 Q. Okay. Got it. During that time period,
13 June 2017 to November 2019, did you go to Taiwan
14 ever without Alice?

15 A. So after we were married in October, I
16 definitely did not travel without her.

17 Q. Okay.

18 A. Before that, I don't think I went to
19 Taiwan. But -- so probably not.

20 Q. Maybe you went other places?

21 A. I've been to Taiwan like 25 times or more.
22 And so it jumbles together a little bit.

23 Q. Sure. I get. I bet. Do you still go
24 there?

25 A. I'd like to, but the virus really restricts

1 you.

2 Q. I forget.

3 A. I -- you know?

4 Q. Is it fair to say you haven't traveled for
5 work since March?

6 A. That's correct.

7 Q. All right. You did go to Taiwan early
8 December 2019; right?

9 A. Yes.

10 Q. Okay. Since you came back from that trip,
11 have you been back to Taiwan? So from early
12 December 2019 to whenever you stopped traveling for
13 work -- I guess that's only three months -- did you
14 go to Taiwan during that time period?

15 A. I did not.

16 Q. In general, when there's not a global
17 pandemic shutting everything down, how often do you
18 go to Taiwan?

19 A. So it depends on the level of severity of
20 the problem. If it's a minor problem, I'll send
21 some of the people that work for me. If it's a
22 severe problem that, you know, needs my attention,
23 I'll go. And, you know, I've been there, like I
24 said, about 25 or 26 times now. But it goes in
25 spurts. When we are making changes to the product I

1 need to go a lot because it doesn't work well. And
2 then when we aren't making changes to the product, I
3 rarely go.

4 Q. Okay.

5 A. Because it's stable. It doesn't need me.
6 They just do their thing.

7 Q. So it's situational? It's not necessarily
8 planned events one or twice a year?

9 A. I don't go there for business negotiations.
10 There are other people that negotiate the pricing,
11 delivery schedule. I don't go there for that.

12 Q. You go there for problem solving?

13 A. Exactly.

14 Q. There was some discussion between you and
15 Alice at some point that you guys might move to
16 Taiwan; right?

17 A. Yes. Totally enjoyed the place in
18 wintertime. Did not enjoy it in the summertime.
19 But, I mean, she's from there. And I liked it a
20 lot.

21 Q. She likes it?

22 A. She likes it there.

23 Q. Okay. How serious were you two in your
24 conversations about moving to Taiwan?

25 A. In my mind it was reasonably serious,

1 because we were looking for a place for the
2 wintertime, and then in the summertime we'd stay in
3 a colder area.

4 Q. Japan?

5 A. In Japan. Yeah.

6 Q. You did go to Japan twice?

7 A. Yes.

8 Q. So was there a sort of conceptualized idea
9 between you two that maybe you would move to Taiwan
10 and then get a summer place in Japan?

11 A. That's exactly right.

12 Q. Okay. And you went so far as to actually
13 look at property?

14 A. Yes.

15 Q. Okay. And was the idea that you would
16 retire there, or you would continue to work for
17 Bloom and do it remotely?

18 A. Oh, I wouldn't work for Bloom from there.
19 The idea was her business would grow. And we could
20 do that remotely. And just enjoy that. And, you
21 know, I -- so --

22 Q. So this was something you talked about
23 doing like five years in the future? That sort of
24 thing?

25 A. Yes.

1 Q. All right. I understand. Okay. And she
2 also -- there were also some discussions about Alice
3 moving to Fiji to write a book?

4 A. Um-hum.

5 Q. When did she first tell you she wanted to
6 do that?

7 A. When she was struggling with the amount of
8 effort it took to get the online business working,
9 she started thinking about what else can I do.

10 Q. Sure.

11 A. She's a good writer. And she wrote down
12 some ideas for, you know, a novel or book.
13 Fictional book. And she liked Fiji a lot. Had good
14 memories of that. And so that would be a nice place
15 to hide. She told me that she could disappear
16 there. And presumably write the book, or whatever.
17 Just really to disappear.

18 Q. Go there and no one would bother her, and
19 she could just sequester and write?

20 A. That's right.

21 Q. Did that ever get past the sort of nebulous
22 stage? Did she ever, to your knowledge, really look
23 into going there for an extended period of time?

24 A. She wrote down ideas for her book in her
25 notebook.

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

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

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.

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.

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

1 the various accounts needed to make the online
2 business work. So we had E-mails for receiving
3 questions, for sending out questions, for different
4 subject areas. And so all the passwords are in
5 there. And other information, like the servers and
6 so on, just to make it happen.

7 Q. Sure. Okay. Do you know if she kept a
8 journal at all?

9 A. I'm not aware of any.

10 Q. Okay. That's something you probably would
11 have noticed, don't you think?

12 A. Yeah. She -- I'm not aware of any.

13 Q. Okay. At some point you two decided to go
14 to Taiwan together in November of 2019; correct?

15 A. Um-hum.

16 Q. Okay. That was a work trip for you for
17 Bloom; right?

18 A. Um-hum.

19 Q. When did you learn that you had to go
20 there?

21 A. I don't know. Typically I go on two hours
22 notice, to sometimes as long as a week.
23 Occasionally longer. But it's rare.

24 Q. Okay.

25 A. But it could be two weeks.

1 Q. Okay. So somewhere between two weeks and
2 two hours?

3 A. Yeah. Just because they can't solve it, so
4 you go.

5 Q. Sure.

6 A. And then I would -- you know, she -- her
7 tutoring was flexible. So she'd just tell them,
8 hey, I'm not coming, and that's it.

9 Q. Right. Why not go. And I saw in your
10 E-mails you produced -- it looks like all of your
11 trips were planned through the same travel agent?

12 A. No. That's not correct.

13 Q. Okay. Okay. Who is your primary travel
14 agent?

15 A. Depends on when. It morphed. Sue Hunter
16 was probably the most common one.

17 Q. Yeah.

18 A. And then depending on how strict our CFO
19 was, I would engage other ways to do it so I can get
20 an upgraded seat more easily.

21 Q. Okay. Sue wasn't good at that?

22 A. She went by the book.

23 Q. Okay. So Sue Hunter is somebody that was
24 engaged by Bloom, for the most part?

25 A. Yeah. That's correct. However, for

1 Alice's tickets under Sue, what happened was I would
2 get the ticket for myself through Sue.

3 Q. Right.

4 A. And then ask her to duplicate that record.
5 And Alice would get -- and then I'd give her the
6 credit card, and she would pay with that.

7 Q. Got it. Okay. Does Sue -- well, no. You
8 don't go anywhere right now. If you had to go on a
9 trip tomorrow, and you could, is Sue somebody that
10 you would still use? Or has she retired or moved
11 on?

12 A. I still talk to her. She's not moved on.
13 Her business morphed a bit because of this. But
14 she's still active as a travel agent.

15 Q. Sure. What's the name of her company, if
16 you know?

17 A. I don't.

18 Q. Okay. Do you know where her office is?

19 A. I think it's in Arizona.

20 Q. Okay. You've never met her?

21 A. No.

22 Q. Okay. All right. Okay. So at some point
23 in November you and Alice -- you've got to go to
24 Taiwan. Alice is going to go with you. Are those
25 tickets booked through Sue Hunter?

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 --

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

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.

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.

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

1 don't recall.

2 Q. She has a Taiwan passport; right?

3 A. She told me she does. Yeah.

4 Q. But would she travel with her US passport?

5 A. Yes.

6 Q. Okay. And you travel with a Canadian

7 passport?

8 A. That's correct.

9 Q. So you would go through immigration

10 together; right?

11 A. Um-hum.

12 Q. Okay. Did you go then straight from the

13 airport to your hotel?

14 A. Yes.

15 Q. Okay. And I know you -- and this is in

16 something you produced. But what was the name of

17 the hotel you stayed at on the 24th?

18 A. The Sol Hotel. S-o-l.

19 Q. And that's in Taipei?

20 A. No.

21 Q. It's where?

22 A. Hsinchu. H-s-i-n-c-h-u.

23 Q. How far is that from the Taipei airport?

24 A. It depends on the taxi driver's driving

25 habits. But an hour and a quarter, hour and a half.

1 Q. Okay. Not close?

2 A. Not close.

3 Q. And did you go there because that's near

4 where your work function was?

5 A. That's right.

6 Q. Okay. And this is a hotel you've stayed at

7 before; right?

8 A. Lots.

9 Q. Okay. Before you left what was your

10 expected time of having to devote to work in Taiwan

11 on that trip? Did you think it was a one-day work

12 trip? Two days?

13 A. Yeah. This was a relatively short one.

14 Q. Okay.

15 A. Essentially I expected one day, outside two

16 days.

17 Q. Okay.

18 A. That's what I expected.

19 Q. And what was your plan for actually staying

20 there? Because you were going to extend it and

21 vacation; right?

22 A. Yes.

23 Q. What was your original plan for how long

24 you were going to be in Taiwan for that trip?

25 A. A week.

1 Q. Okay. Is that fairly consistent with what
2 you've done in the past?

3 A. Reasonably so. I usually extend the trip
4 by four to five days. Sometimes only two or three
5 days beyond the business trip. It depends a little
6 bit on how badly they need me back there.

7 Q. Whatever else is happening that frames the
8 trip?

9 A. That's right.

10 Q. Okay. So how long did you stay at the Sol
11 Hotel?

12 A. I'm sorry. I'm having a little trouble
13 understanding.

14 Q. Yeah. How long did you stay at the Sol
15 Hotel that trip?

16 A. That trip? I think one night. Oh, yeah.
17 One night.

18 Q. And was that the original plan?

19 A. The option was to stay longer if needed.
20 So I don't plan those things. Because I can't know.

21 Q. Right. Okay. So the plan was at least one
22 night, maybe longer?

23 A. That's right.

24 Q. See what happens?

25 A. Yeah.

1 Q. Okay. So did it turn out to be a one-day
2 work job?

3 A. Yes.

4 Q. Okay. And then so -- and that was all day
5 on the 25th?

6 A. The Monday. Yes.

7 Q. Okay. That's a Monday, November 25?

8 A. Yes.

9 Q. How long did you work that day? How many
10 hours to do whatever you needed to do?

11 A. From 9 to about 3:30 or 4. So what's that?
12 Maybe seven hours. Six and a half, seven hours.

13 Q. And then were you done with work on that
14 trip? That was all you needed to do?

15 A. For the face-to-face part, yeah. Or
16 looking at the equipment.

17 Q. There was some things you would have to do
18 remotely?

19 A. Of course. That's normal.

20 Q. Okay. Just check in with the office?
21 Answer E-mails? That sort of thing?

22 A. Yeah. What happens is I go there and I ask
23 them for information. They'll send it to me. And
24 I'll typically say if you find this, we'll do this.
25 If you find that, we'll do that. And they can tell

1 me what they found.

2 Q. And you're doing this on a laptop; right?

3 A. That's correct.

4 Q. What kind of laptop is it?

5 A. I don't know. Some PC. I don't like PCs,

6 so I don't know.

7 Q. Okay. Is that a Bloom PC?

8 A. Yes.

9 Q. Did you bring a personal laptop with you

10 too, or just the Bloom PC?

11 A. Just the Bloom PC. Yeah.

12 Q. Okay. So you're done with work on the 25th

13 by 3:30. Do you know what Alice did while you were

14 working?

15 A. Yeah. She stayed in the Grazie cafe for a

16 few hours. That's in the Sol Hotel. Or right next

17 to it. In the same building. And I know she walked

18 around a little bit. I know she found some fun

19 places there to eat.

20 Q. What was her mood like that day, if you

21 remember?

22 A. Tired.

23 Q. Okay. Yeah. Okay. So 25th, where do you

24 spend the night?

25 A. At the Queena Hotel.

1 Q. And where is that? What town?

2 A. In Tainan. T-a-i-n-a-n.

3 Q. How far is that from where you had been at

4 the Sol?

5 A. Couple hours.

6 Q. Okay. Do you know what direction? North?

7 South?

8 A. It's south.

9 Q. Okay. How did you get there?

10 A. Train.

11 Q. Okay. Do you know what time you got there?

12 A. It was dark.

13 Q. Okay.

14 A. So -- I don't know. I would guess --

15 Q. I'm sorry. What was the name of that hotel

16 again?

17 A. Queena. Q-u-e-e-n-a.

18 Q. Okay. Had you booked that in advance, or

19 was this kind of a last minute thing?

20 A. Most likely last minute. I don't --

21 Q. Okay.

22 A. Because you get cancelation penalties if --

23 it depends on the cancelation policy. If it's three

24 days I won't do it. If it's one-day cancelation

25 then I'll do it just to have it.

1 Q. Sure.

2 A. So maybe I did it in advance. I don't

3 know.

4 Q. Okay. Is that a place you'd stayed at

5 before?

6 A. Oh, yes.

7 Q. Okay. And this is solely for the vacation.

8 You're done with -- other than things you can do on

9 your laptop, you're done with working; right?

10 A. Yeah. Though I stayed at the Queena Hotel

11 before for work.

12 Q. Okay. You have a vendor or partner there?

13 A. Yeah.

14 Q. But you didn't have to interact with these

15 people this time?

16 A. Not on this trip. But that hotel is very

17 nice.

18 Q. Okay. How long did you stay at that hotel?

19 A. Just the night.

20 Q. That's the night of the 25th?

21 A. Yes.

22 Q. And you checked out the 26th?

23 A. That's right.

24 Q. Okay. And so what did you do on the 26th?

25 A. We looked around the -- Tainan. There's

1 some ruins there from the Dutch. Settlements that
2 we were interested in. Alice loves archeology. And
3 so on most of our trips we try to put in, you know,
4 things that are archeologically related. Stonehenge
5 in England. In Taiwan and Japan There's various
6 archeological things --

7 Q. There's some Dutch ruins in Tainan?

8 A. That's right.

9 Q. Okay. Do you know how old they are in
10 years?

11 A. 350 years, 400 years. Something like that.
12 Maybe. Something like that.

13 Q. Right.

14 A. She was -- she knows.

15 Q. Dutch exploration period. How extensive
16 are the ruins?

17 A. Oh, it's a fort. And so you can still see
18 old guns and the -- at least the dirt structures.

19 Q. Okay. Sure.

20 A. The wooden ones are gone, of course.

21 Q. Right. Got it. How long did you and Alice
22 go through the Dutch ruins?

23 A. Three hours. Less than four.

24 Q. Okay. You were there for a while. I'm
25 assuming it's just you and Alice this whole time;

1 right?

2 A. That's right.

3 Q. Did she have -- other than her parents --

4 and we'll get to that. But did she have anybody she

5 wanted to see while you were in Taiwan?

6 A. No. Not a personal friend. No.

7 Q. No one to socialize with?

8 A. That's correct.

9 Q. How about you? Anybody there that you knew

10 that you wanted to see?

11 A. No.

12 Q. So where do you go after the Dutch ruins?

13 A. We went to Kaohsiung.

14 Q. I'm sorry?

15 A. We went to -- I can spell that one for you.

16 Q. Yes, please.

17 A. K-a-o-h-s-i-u-n-g.

18 Q. Okay. And that's a town?

19 A. It's a big city.

20 Q. Okay. How close is that to Tainan?

21 A. Oh, half an hour.

22 Q. Okay. It's close. How did you get there?

23 A. Train.

24 Q. The trains are pretty good in Taiwan?

25 A. Yes.

1 Q. I've never been to Taiwan.

2 A. Not as good as Japan. But close.

3 Q. Okay. And you went to Kaohsiung just to go

4 there? Sightsee? Have fun?

5 A. That's right. It's a fun place.

6 Q. Okay. And what hotel did you stay at

7 there?

8 A. Brio Hotel. B-r-i-o.

9 Q. Is that a hotel you've stayed at before?

10 A. No.

11 Q. Okay. And that was the night of the 27th?

12 A. 26th.

13 Q. Okay. How long did you stay at the Brio?

14 A. One night.

15 Q. Okay. And you checked out on the 27th?

16 A. Yes.

17 Q. And where did you go when you checked out?

18 A. To Kending. K-e-n-d-i-n-g.

19 Q. Okay. How far is Kending from Kaohsiung?

20 A. Two hours.

21 Q. Another train ride?

22 A. No. That was by car.

23 Q. Okay. You hired a car and a driver?

24 A. That's right.

25 Q. Okay. What did you do in Kaohsiung while

1 you were there?

2 A. Night market. She loved the night market.

3 Q. Okay.

4 A. And walking around there, looking at

5 things.

6 Q. I hope I didn't ask you this. Where did

7 you stay in Kending?

8 A. A hotel there that's on the strip.

9 Q. Okay. You don't recall the name? Or it

10 doesn't have an English translation?

11 A. It doesn't have an English name.

12 Q. Had you stayed at that hotel before?

13 A. Yes.

14 Q. How many nights did you stay at that hotel

15 this time?

16 A. One.

17 Q. And that was the night of the 27th?

18 A. That's correct.

19 Q. Okay. And what did you do in Kending?

20 A. We went to the forest preserve that's up

21 the hill and a little bit west. And there's some

22 amazing limestone crevasses and structures. You

23 know, caves.

24 Q. Just natural formations?

25 A. Natural formations. Monkeys are there.

1 Different types of monkeys.

2 Q. Kind of a nature preserve type place?

3 A. That's right.

4 Q. How long were you going through the nature

5 preserve and the limestone formations?

6 A. We were there for several hours. I would

7 say four.

8 Q. Okay. And where did you go then from

9 there?

10 A. Went back to the hotel.

11 Q. And then checked out the next day?

12 A. That's right.

13 Q. Which is the 28th?

14 A. The morning of the 28th. Yeah.

15 Q. Okay. And where did you go then?

16 A. To Hualien.

17 Q. You've got to spell that for me. Sorry.

18 A. That's okay. H-u-a-l-i-e-n.

19 Q. And where is Hualien in connection to

20 Kending? How far away, and in what direction?

21 A. It's north. Maybe slightly northeast. But

22 basically north. It's about six hours or so.

23 Q. It's a good long way?

24 A. It's a good long way.

25 Q. Okay.

1 A. The road is poor.

2 Q. Oh. You drove?

3 A. Yes.

4 Q. Did you hire a driver, or did you rent a

5 car?

6 A. I rented a car.

7 Q. And you drove?

8 A. That part I drove. Yes.

9 Q. Okay.

10 A. That part is relatively straight.

11 Q. Okay. Where did you stay in Hualien?

12 A. At a hotel.

13 Q. No English translation?

14 A. No English name. No.

15 Q. Is it a hotel you'd stayed at before?

16 A. No.

17 Q. And how long did you stay at that hotel in

18 Hualien?

19 A. Two nights.

20 Q. Okay. So you stayed in Hualien on the

21 night of the 28th; right?

22 A. Um-hum.

23 Q. Okay. Wake up on the 29th. And is that

24 when Alice tells you she wants to go see her

25 parents?

1 A. No.

2 Q. You'd already known that she wanted to?

3 A. No. I had encouraged that. But she never

4 committed.

5 Q. So was she kind of waffling?

6 A. Waffling. Yes.

7 Q. And where is her parents' home?

8 A. I don't know.

9 Q. Okay. Did you get the impression that it

10 was close to Hualien?

11 A. No.

12 Q. Do you know how close it was to Hualien?

13 A. My understanding, it's in the town next to

14 Taipei.

15 Q. How close is Hualien to Taipei?

16 A. Depends which train you use. But probably

17 two to three hours.

18 Q. Not real close. Okay. All right. So --

19 well, is the 29th the day that Alice went to go see

20 her parents?

21 A. My parents are deceased.

22 Q. Didn't I say her parents?

23 A. No. You said my parents.

24 Q. Oh, I'm sorry.

25 A. That's okay.

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.

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?

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
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.

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

1 feeling?

2 A. I think she was mulling over in her mind
3 what her reunion with her parents would be like.

4 Q. So at some point on the 29th she had
5 decided she was going to go see them?

6 A. It was becoming a serious option.

7 Q. Do you know if she had any communication
8 with her parents -- either one of them -- while you
9 were in Taiwan?

10 A. I don't know.

11 Q. You didn't see her talking on the phone to
12 either one of them?

13 A. No.

14 Q. If she had talked to either one of them,
15 would it have been her mother?

16 A. Based on earlier experience, yes.

17 Q. You don't know if she texted or E-mailed
18 her, or anything like that?

19 A. I don't know. She did not show me anything
20 what she did. If I overheard her, that's one thing.
21 But no.

22 Q. So during the day on the 29th she's not
23 feeling great from the car ride; right? And she's
24 trying to decide whether or not to go see her
25 parents, and leaning towards it?

1 A. Um-hum.

2 Q. Yes?

3 A. That's right.

4 Q. And you're encouraging her to go see her

5 parents?

6 A. That's right.

7 Q. Was there ever any discussion that you

8 would go with her?

9 A. None. She refused that.

10 Q. Okay. Did you offer to go with her?

11 A. Of course.

12 Q. Yeah. And she said, no, I'm doing this on

13 my own?

14 A. Yes.

15 Q. Did you know or did it come up how long it

16 had been since she last had seen her parents?

17 A. I don't know.

18 Q. She didn't say like I haven't seen them in

19 five years, or I haven't seen them in ten years?

20 A. No.

21 Q. Okay. What was her mood like on the 28th?

22 A. Pretty okay. Because we stopped at the

23 Baxian caves. And she really liked that place. And

24 they were doing some renovations. And some new

25 caves had opened up that she liked. So she was

1 pretty happy to day.

2 Q. Okay. Is it fair to say that during those

3 -- what now -- five days in Taiwan, other than

4 feeling uncomfortable from traveling her mood was

5 pretty good?

6 A. Mixed.

7 Q. Okay.

8 A. Mixed.

9 Q. Okay. Were there times when it wasn't

10 good?

11 A. Yeah. I mean, basically when I asked her,

12 hey, can you go see your mom.

13 Q. Okay. That stressed her out?

14 A. I think. She didn't like getting pushed

15 like that. But, like I said before, it's her

16 mother. Her mom was having an operation.

17 Q. Right. Had her mom already had the

18 operation, or she was going to have it?

19 A. My understanding is that she had it

20 already, but needed another one.

21 Q. Okay.

22 A. The first one didn't complete, or whatever.

23 It wasn't satisfactory. I don't know.

24 Q. Okay. And, to your knowledge, Alice is

25 getting this information from Josephine?

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.

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?

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
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?

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.

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.
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?
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.
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
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?

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?

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

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?

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.

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.

1 Q. Of course.

2 A. I think --

3 Q. Based on what she's told you --

4 A. Based on what she told me, she was morphing

5 in to going.

6 Q. Okay. And so she put stuff in her backpack

7 accordingly?

8 A. That's right.

9 Q. With the expectation that she would be

10 there for -- what --

11 A. A day.

12 Q. Oh, okay. This was just going to be a

13 one-day trip?

14 A. That's right.

15 Q. Okay. Understood. So she makes the

16 decision to actually do it at what point in time?

17 A. I would say late -- four o'clock. 4:30.

18 Something like that.

19 Q. And then you -- she's going to take a train

20 there; right?

21 A. Yes.

22 Q. So do you check the train schedule? Or you

23 just know that they run at certain times?

24 A. From previous experience I know they run.

25 Q. So you know that you can just show up at

1 the train station and she'll be good?

2 A. Oh, yeah.

3 Q. You don't need reservations or anything?

4 Or buy a ticket in advance?

5 A. No.

6 Q. You just show up? Okay. So she makes the

7 decision to do that. And you take a car to the

8 train station; right?

9 A. The car took us to the train station.

10 Right.

11 Q. Okay. You're already in the car?

12 A. Yes.

13 Q. So the car -- all right. Is this the car

14 you rented?

15 A. Yes.

16 Q. Okay. So you drove her to the train

17 station?

18 A. No.

19 Q. Okay. Who drove her to the train station?

20 A. The driver.

21 Q. Okay. I'm sorry. You're going to have to

22 straighten me out on this. I got the impression you

23 rented a car and drove to Hualien yourself over this

24 long dirt six-hour road.

25 A. It's paved. But yes.

1 Q. Okay. And then when you got -- then when
2 you got there you got a driver, but still used your
3 rental car?

4 A. That's correct.

5 Q. Okay. I understand. And how did you find
6 this driver?

7 A. Alice had previous experience with him.

8 Q. Do you know if he's a professional driver?

9 A. He was pretty good. But if that is his
10 main job -- I think during tourist season it
11 probably is. Off tourist season, I don't know.

12 Q. So did she already have his contact
13 information?

14 A. Yes.

15 Q. And this was in her iPhone 8?

16 A. That one I think it's probably in her
17 Galaxy.

18 Q. Okay. All right. So you arranged to have
19 him meet you and drive your car while you were in
20 the hotel then?

21 A. She did.

22 Q. I'm sorry. She did. And that's probably
23 over her Galaxy phone?

24 A. That's where she would get the contact
25 information. And then she probably used the iPhone

1 to call --

2 Q. To call him?

3 A. -- to call him.

4 Q. Okay. Because she had the SIM card in it?

5 A. That's right.

6 Q. Okay. That makes sense. Any idea what

7 this guy's name is?

8 A. No.

9 Q. Okay. Can you describe him for us?

10 A. Yeah. He's probably 35. And, you know, a

11 good looking guy.

12 Q. Taiwanese?

13 A. Definitely Taiwanese. And he spoke Hakka,

14 which is a dialect --

15 Q. How do you spell it?

16 A. H-a-k-k-a.

17 Q. Okay. Does Alice speak Hakka?

18 A. She understands it.

19 Q. Okay.

20 A. And, like I said, from previous experience

21 she loved it. And so I think that's why she

22 selected him.

23 Q. Because she likes the language?

24 A. She enjoyed communicating in Hakka. She

25 was very animated, and so on, with him.

1 Q. Okay. Got it. Do you know when she -- or
2 for how long she's known this person?

3 A. She first met him on an earlier trip to
4 Taiwan. It's a little hard for me to say exactly.
5 But probably the second trip to Taiwan. Maybe the
6 third. Something like that.

7 Q. That you took together?

8 A. Sure. She never went on her own when we
9 were married.

10 Q. Okay. Had you met him before? Or she had
11 met him when you were working?

12 A. That was a little too complicated of a
13 question.

14 Q. Yeah. Sorry. Prior to that particular day
15 when he was your driver, had you met him before?

16 A. Still too ambiguous. But let me say what I
17 think you're asking.

18 Q. Okay. Please.

19 A. No offense.

20 Q. None taken.

21 A. Did I meet that driver before this last
22 trip to Taiwan?

23 Q. Yes.

24 A. Yes. The answer is yes.

25 Q. Okay. Good. On how many occasions?

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.

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?

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

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.

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?

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.

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.

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.

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

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

1 to go see her parents?

2 A. I think he probably just was going back to
3 home or somewhere.

4 Q. Okay. He was going to take a train to
5 wherever he was --

6 A. Yeah. That's speculation. But I think
7 that's right.

8 Q. Okay. All right. Is that train hub one of
9 the main places of transportation in that city?

10 A. Absolutely. It's the biggest one.

11 Q. So that would be a normal assumption, that
12 he's just going to take a train somewhere?

13 A. That's right.

14 Q. Okay. Everybody gets around that way?

15 A. Everybody does that. He didn't have a car.
16 So he takes the train to wherever he's working.

17 Q. Okay. So there was nothing suspicious
18 about him going to the train station with Alice?

19 A. No.

20 Q. Not at the time anyway?

21 A. A little embarrassing for me. But yes.

22 Q. Okay. Embarrassing now?

23 A. Well, you know, here's this young guy
24 running off with her. But that's just a fleeting
25 thought.

1 Q. Okay. Is that a thought you had at the
2 time, or that's one you had later?
3 A. Later.
4 Q. Okay. At the time you didn't think
5 anything of that?
6 A. No.
7 Q. Okay. So you go back to the hotel; right?
8 A. That's correct.
9 Q. And Alice goes to the train station?
10 A. Um-hum.
11 Q. And you have not seen her since; correct?
12 A. That's correct.
13 Q. Okay. After you parted from Alice on
14 November 29 -- this is six o'clock-ish?
15 A. It was already dusk. So 6, 6:30.
16 Q. After you leave her at six o'clock, you
17 still have some communication with her; right?
18 A. Yes.
19 Q. Okay. And since she went to the train
20 station -- let me start all over.
21 After she went to the train station did you
22 talk to her on the phone?
23 A. No.
24 Q. Okay. Did you try to call her?
25 A. No.

1 Q. Okay. After she went to the train station
2 did you communicate with her by text?
3 A. No.
4 Q. Okay. After she went to the train station
5 did you communicate with her by E-mail?
6 A. Yes.
7 Q. And is that that one E-mail that she sent
8 you saying she wants to extend the trip?
9 A. That's correct.
10 MR. DAVIS: Okay. Is everybody okay just
11 taking a two-minute break, and I'll go get that
12 E-mail? It's in my office. I want to mark that as
13 an exhibit.
14 VIDEOGRAPHER: Do you want to go off the
15 record?
16 MR. DAVIS: Yes, please.
17 VIDEOGRAPHER: We're going to go off the
18 record. The time is 1:29 p.m.
19 (A brief break was taken.)
20 (Exhibit B marked.)
21 VIDEOGRAPHER: We are back on the record.
22 The time is 1:33 p.m.
23 Please proceed.
24 BY MR. DAVIS:
25 Q. All right. So in front of you now is

1 Exhibit B. It's an E-mail. My name is on the top.
2 Sorry about that. It's just the way it got printed.
3 But it appears to be an E-mail sent from Alice Ku to
4 you, date stamped November 29, 2019, 3:01 p.m.

5 Is that the communication we were talking
6 about?

7 A. Okay.

8 Q. I'm asking you, is that the E-mail you just
9 told us about?

10 A. Yes. Though I thought it was earlier in
11 the morning.

12 Q. I was going to ask you about that. Does
13 this appear to be that E-mail?

14 A. The content is there. But the sent date --
15 oh, it's November 29 California time.

16 Q. That was going to be my next question.

17 A. Okay.

18 Q. Does this appear to be the E-mail?

19 A. Yes.

20 Q. Now, the time on this appears to be about
21 three hours before she went to the train station.

22 But you believe that the time here is just a
23 function of what the computer was set to? Or the
24 E-mail account?

25 A. Yes. This was sent to me.

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

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.

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?

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

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

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
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
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
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
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?

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.

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 --

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.

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.

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?

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?

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
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.

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?

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.

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?

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.

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?

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 --

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.

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.
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.
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 e o
11

1 Q. How long were you in Taipei?

2 A. I'd have to calculate it. Let me calculate

3 it for you. I landed on the 8th, and left the next

4 morning. So probably 15 hours.

5 Q. Okay. While you were in Taipei what did

6 you do?

7 A. I went to the hotel and told Alice where I

8 am.

9 Q. Told her how? By E-mail?

10 A. E-mail. Yes.

11 Q. Did you try to text her or call her?

12 A. I didn't. Because the SIM cards expired.

13 Q. Okay. You didn't get new ones.

14 A. No.

15 Q. There's no point for one day?

16 A. That's right.

17 Q. So you E-mailed her. Was she usually

18 fairly responsive with E-mail?

19 A. She preferred texting. But eventually she

20 would get back to me though.

21 Q. Okay. Usually approximately how often

22 would she check her E-mails?

23 A. In Taiwan, once a day.

24 Q. Okay. And -- I'm sorry. With her she

25 didn't have her MacBook; right? She only had the

1 iPhone 8?

2 A. She had the iPhone 8. Yes.

3 Q. That was her -- when you dropped her at the

4 train station that was all she had in terms of

5 electronics; right?

6 A. And her Galaxy.

7 Q. Okay. She had them both?

8 A. Yeah.

9 Q. And was she able to check E-mails on both?

10 A. I think on the iPhone she was able to.

11 Q. Okay.

12 A. On the Galaxy, if she had wi-fi definitely.

13 She definitely checked E-mails on wi-fi.

14 Q. Okay. Your expectation is that she would

15 be able to check one of those two phones for her

16 E-mails?

17 A. Absolutely. Yes.

18 Q. And -- well, she already knew what your --

19 you had already sent her the information on the

20 flight; right?

21 A. That's right.

22 Q. A week before. But did you then E-mail her

23 and say, hey, I'm here in Taiwan, I'm flying back

24 with you?

25 A. Yes.

1 Q. Okay. And you never heard back from her?

2 A. That's correct.

3 Q. Did you start to get concerned?

4 A. Somewhat. Yeah.

5 Q. At this point you haven't heard from her in

6 a week. Is that out of character for her?

7 A. Going to see her parents, no.

8 Q. Okay. Because it's somewhat traumatic?

9 A. I expected that to be. Yes.

10 Q. So you thought it might stress her some

11 more?

12 A. That's right.

13 Q. So you were surprised, but not real

14 concerned?

15 A. I was -- that's right. A little bit --

16 surprised, but not concerned. That's right.

17 Q. Okay. So then on the 8th you fly back by

18 yourself?

19 A. Um-hum. Yes.

20 Q. And at that time did you believe she was

21 still at her parents'?

22 A. Yes.

23 Q. And that she was just not responding to

24 you?

25 A. Yes.

1 Q. Okay. Did you have reason to believe that
2 she was upset with you for some reason?

3 A. Nothing specific on that trip. But --

4 Q. Okay.

5 A. You know, the way I look at it now is she
6 had some young guy with her. That's how I look at
7 it. But that's speculation.

8 Q. Okay. The driver? Was that your
9 suspicion?

10 A. Yeah.

11 Q. At the time how were you looking at it?

12 A. At the time she had some fight with her
13 parents and didn't want to talk for a while.

14 Q. Just didn't want to deal?

15 A. Yeah.

16 Q. Okay. So you go back -- you get to
17 Mountain View when? The 8th or 9th?

18 A. No. That doesn't require a change of date.
19 So the Sunday evening. The 8th.

20 Q. Okay. All right. Are you still trying to
21 contact her by E-mail?

22 A. Not anymore. No.

23 Q. Are you trying to call her or text her?

24 A. No. Not anymore. No.

25 Q. When was the last time you tried to reach

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

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.

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.

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?

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

1 you?

2 A. She'd have to tell me either by E-mail, or

3 she could text me.

4 Q. And, of course, you didn't receive a text

5 from her?

6 A. I did not.

7 Q. All right. At some point you must have

8 started to get concerned?

9 A. Yes.

10 Q. When was that?

11 A. When George called me.

12 Q. Okay. Do you remember when that was?

13 A. It was a few hours after I met with Andrew.

14 So on the 16th of December.

15 Q. Okay. So at that point you hadn't seen her

16 in 17 days; right? Or 16 days?

17 A. Yeah.

18 Q. And before you talked to Andrew you weren't

19 concerned? You just thought she was with her

20 parents?

21 A. That's correct.

22 Q. And just too stressed out to E-mail you

23 back, or --

24 A. Unhappy.

25 Q. Okay. Just dealing with stuff?

1 A. Yeah. Just some sort of -- mentally
2 unhappy.

3 Q. Okay. At that point you two had been
4 married for a little over two years; right?

5 A. Yes.

6 Q. Okay. What was the longest amount of time
7 you had gone without any communication with Alice
8 prior to this November 30th time when you last saw
9 her?

10 A. A week to ten days.

11 Q. Okay. So this was not out of character?

12 A. No.

13 Q. When did you go a week to ten days without
14 communicating with her?

15 A. In the early days.

16 Q. Okay. Were you living separately at that
17 time?

18 A. Yes.

19 Q. Okay. And it was just something happened,
20 and just no communication?

21 A. Right.

22 Q. Okay. So that's why you weren't concerned
23 this time, because you had seen that movie before?

24 A. That's correct.

25 Q. All right. But then you learned the

1 family's got Andrew trying to figure out where she
2 is, and then you're somewhat concerned?

3 A. Sure.

4 Q. And then you talked to George and became
5 more concerned?

6 A. I did.

7 Q. Okay.

8 A. Yeah. Of course.

9 Q. Okay. At some point did you learn that she
10 had never made it to her parents' house?

11 A. That's what George told me.

12 Q. Okay. Okay. And is that what concerned
13 you?

14 A. Yes.

15 Q. Okay. After you learned from George that
16 Alice never made it to her parents' house, did you
17 do anything to try to figure out where she was?

18 A. No.

19 Q. Okay. Did -- go ahead.

20 A. I gave information to the police.

21 Q. To which police?

22 A. The Mountain View police.

23 Q. Okay. What information did you give to
24 them?

25 A. That she was in Taiwan. And they asked

1 several questions. You know?

2 Q. Sure.

3 A. But I don't recall exactly what they asked.

4 Q. Okay. All right. Did you do anything

5 else? Try to go through any of her things to see

6 where she might have been? Go through her laptop

7 that you did have?

8 A. No.

9 Q. Did you -- did you think she didn't want to

10 be found? Is that why?

11 A. I wasn't confident of the veracity of the

12 statement.

13 Q. Of the statement that she never made it to

14 her parents'?

15 A. That's correct.

16 Q. When you say you weren't confident in the

17 veracity, did you think George was not telling the

18 truth? Or did you think he was mistaken?

19 A. Mistaken.

20 Q. Okay. You believed that she had made it to

21 her parents' and then left from there?

22 A. Yes.

23 Q. Okay. Gotten in some type of argument with

24 her parents and then just left?

25 A. That's correct.

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.
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?
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.
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
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

1 at all?

2 A. Yes.

3 Q. Did you check your credit card statements

4 to see if she was charging things?

5 A. Yes.

6 Q. When did you first start doing that?

7 A. After our marriage. A few days after --

8 Q. No. I'm sorry. Bad question.

9 After you got back in California after

10 leaving Alice at the train station, when did you

11 first start checking credit card statements to see

12 if there was any activity? To see if she was doing

13 something?

14 A. Daily.

15 Q. Did you see anything?

16 A. No, I did not.

17 Q. Is the same true for debit cards? Did you

18 share a debit card?

19 A. We did. But the one we shared, she never

20 used it.

21 Q. Okay. She used one of her own? She had

22 her own separate account; right?

23 A. That's correct.

24 Q. And that's the debit card she would

25 typically use? Or did she use a debit card is a

1 better question. Did she use a debit card, to your
2 knowledge?

3 A. It's one of those cards that says Visa on
4 it. But I think it was a debit card.

5 Q. Okay.

6 A. So that's the one she used mostly.

7 Q. Okay. Did you have an ability to check
8 that?

9 A. No.

10 Q. All right. Okay. At some point it sounds
11 like you developed a suspicion that she actually
12 went somewhere with the car driver?

13 A. That's right.

14 Q. When did you develop that suspicion?

15 A. When I started going over the scenarios of
16 what might have happened.

17 Q. Okay. And when was that, time-wise?

18 A. Kind of middle of December.

19 Q. Okay. Was there something about their
20 interactions that led you to believe that there
21 might be something romantic between them?

22 A. I'm not a good judge of that. But I would
23 say by their conversation and the amount she smiled,
24 yes.

25 Q. Okay. She was overtly friendly with him?

1 A. Not physically. But clearly, you know,
2 laughing type of thing.

3 Q. Did it seem to you she was flirting with
4 him in some way?

5 A. I don't speak Mandarin. But they -- you
6 could infer that. Yeah.

7 Q. Sure. Okay. All right. Is that still
8 what you think, that she went somewhere with the
9 driver?

10 A. I can't speculate.

11 Q. Okay. All right. It sounds like you don't
12 feel as strongly about that as you did mid December
13 when you first started getting that suspicion. Is
14 that fair?

15 A. That's fair.

16 Q. Okay. All right. Have you learned
17 anything that would lead you to believe that she
18 didn't leave with the car driver?

19 A. No.

20 Q. Okay. At some point you learned her family
21 was looking for her; right?

22 A. Sure.

23 Q. Okay. Was the first time you learned that
24 the family was looking for her when you spoke with
25 Andrew?

1 A. Yes.

2 Q. Okay. All right. And at some point also

3 you learned that the family was posting flyers for

4 her; right?

5 A. I learned that. Yes.

6 Q. Okay. Did you learn that before you spoke

7 to Andrew or after?

8 A. After.

9 Q. Okay. I saw at some point that Sue Hunter

10 learned that at some point? The travel agent. She

11 saw that?

12 A. I'm not aware of that.

13 Q. Okay. I might be confusing it with

14 somebody else.

15 Your daughter saw a flyer; right?

16 A. That's correct.

17 Q. Do you know when your daughter saw the

18 flyer?

19 A. I'd have to look that up on the E-mail.

20 Q. You don't know?

21 A. I don't know.

22 Q. As you sit here today you don't remember?

23 A. No.

24 Q. Some time in that December timeframe?

25 A. For sure.

1 Q. Okay. All right. Did your daughter know
2 Alice at all?

3 A. No.

4 Q. Had they ever met?

5 A. No.

6 Q. Did your daughter have an opinion of her
7 one way or the other?

8 A. They had extremely limited interaction.

9 Q. Okay.

10 A. And I would say slightly on the negative
11 side, because Alice was a bit standoffish.

12 Q. Okay. Okay. When was the limited
13 interaction? Was it by phone? E-mail?

14 A. It was text.

15 Q. Text? Okay. All right. Your daughter
16 reached out to her to say, hey, you're my new
17 stepmom, and Alice didn't respond how she'd hoped?

18 A. Yeah. I mean, I looked at the -- at the
19 little bit. And it was snipey.

20 Q. Okay. What about your son; did he and
21 Alice ever meet or communicate in any way?

22 A. They met once.

23 Q. Okay. Was that before or after you were
24 married?

25 A. Before.

1 Q. Okay. How did that go?

2 A. He's a guy. He just doesn't care much.

3 Q. It just went right over him or off him?

4 A. Yeah.

5 Q. Okay. And Alice never tutored either of

6 your kids; right?

7 A. That's correct.

8 Q. I believe I saw somewhere some information

9 where you thought at some point she might have gone

10 to Fiji. Right?

11 A. Um-hum. Yes.

12 Q. Did you follow up on that at all?

13 A. No, I did not.

14 Q. Okay. Have you -- in your mind, have you

15 ruled that out?

16 A. Now I think it's less likely. Because she

17 said she doesn't like the hot weather. So if that

18 was where she went, then she would have written her

19 novel and then leave by, you know, June or so. It

20 gets hot there.

21 Q. Okay. Okay. All right. Did you ever

22 suspect she might have gone to Japan?

23 A. I did not.

24 Q. Okay. Is it fair to say you didn't really

25 follow up on where she was at all?

1 A. That's correct.

2 Q. Okay. Because you thought that she didn't
3 want to be found?

4 A. No. I think that if she is in Taiwan, then
5 her family is way more suited to find her there. I
6 would have no idea where to even start.

7 Q. Sure.

8 A. And if she's in Fiji, she explicitly told
9 me she'd go there to hide.

10 Q. And you would think that included you?

11 A. No. Not for that trip.

12 Q. Okay. No. She was hiding from you too?

13 A. Oh, yeah.

14 Q. All right. So if she goes there to hide,
15 the hiding includes everybody, including you?

16 A. Of course. Yeah.

17 Q. Okay.

18 A. Sorry.

19 Q. No problem.

20 Okay. How did you and Alice get along on
21 the trip?

22 A. This last trip?

23 Q. The last trip to Taiwan.

24 A. She enjoyed herself.

25 Q. Okay.

1 A. In the beginning. She was slightly bored
2 when I was at work.

3 Q. Okay.

4 A. And then later, when we started looking at
5 the ruins, she liked that. And as we went north to
6 Hualien she was not quite so happy.

7 Q. And you think that was the proximity in
8 time to seeing her parents?

9 A. The anticipation, I would imagine.

10 Q. Was she physically doing okay during this
11 time period?

12 A. Yes.

13 Q. Any discussion by her of suicide at all?

14 A. No.

15 Q. Okay. You didn't get that impression at
16 all that --

17 A. I did not.

18 Q. Okay. All right. To your knowledge,
19 during the time period you lived with Alice was she
20 ever pregnant?

21 A. No.

22 Q. Okay. For whatever reason a couple of your
23 neighbors reported that she was. Do you have any
24 knowledge of that at all?

25 A. I'm not aware of them thinking that. No.

1 Q. Okay. All right. Did you ever talk to
2 your neighbors on Wright about Alice?
3 A. She didn't like the neighbors.
4 Q. Okay.
5 A. And after -- you know, after the police
6 contacted me, then I was told not to discuss Alice
7 anymore. I didn't after that.
8 Q. Fair enough. When did you leave Wright?
9 A. September 12th, roughly. Maybe September
10 10th.
11 Q. Just a few weeks ago?
12 A. Just a few weeks ago.
13 Q. And where did you move to?
14 A. Palo Alto. Do you want the address?
15 Q. Yes, please.
16 A. 705 Chimalus Avenue. C-h-i-m-a-l-u-s. Or
17 it's Drive or Avenue. It's Drive. Yeah. Drive.
18 Q. Is that a house or an apartment?
19 A. It's a house.
20 Q. Do you live there alone?
21 A. No.
22 Q. Who do you live with?
23 A. My son.
24 Q. Okay.
25 A. And the nurse.

1 Q. Is that where your son's lived for some
2 time?

3 A. Yes.

4 Q. Got it.

5 MR. DAVIS: I just need to look over my
6 notes, and then we're just about done. So is that
7 okay with everybody? Andrew and I are going to take
8 a quick break. I'm going to look over my notes. I
9 think I probably have like ten more minutes.

10 VIDEOGRAPHER: Okay. We're going to go off
11 the record. The time is 2:02 p.m.

12 (A brief break was taken.)

13 VIDEOGRAPHER: We are back on the record.
14 The time is 2:06 p.m.

15 Please proceed.

16 MR. DAVIS: Okay. I just have a few more
17 follow-up questions, and then we're about done.

18 BY MR. DAVIS:

19 Q. I think you just testified that you didn't
20 make any real efforts to locate Alice because you
21 didn't think she wanted to be found. Correct?

22 A. That, or the people who could find her are
23 much better in a position to do so than I am.
24 Infinitely better.

25 Q. Right. Yeah. They're from there, they

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
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?

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,
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.

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?

1 A. Yes.

2 Q. Were you ever separated from the two of
3 them at all where it was just the two of them alone
4 somewhere?

5 A. Not more than a few minutes.

6 Q. Okay. And there was nothing really about
7 the interaction during that day that made you
8 suspicious, until you looked back on it; right?

9 A. That's correct. I don't presume bad by
10 default.

11 Q. Understood. Understood. Is there anything
12 identifying about this driver that you could tell
13 us?

14 A. He was not extra tall. But probably
15 5-foot-9. So for Taiwan, it's a little bit tall.
16 And very clear complexion. Slightly sharp nose.
17 More than most other Taiwanese. Typical black hair
18 and short haircut. But nothing distinguishing
19 there.

20 Q. Any idea whether he was employed by
21 anybody?

22 A. Yeah. Well, I don't know for sure. But
23 the company that we first hired where we met first,
24 that was like a tour guide company.

25 Q. Okay. Do you recall the name?

1 A. I don't. And what happened was we tried to
2 get a tour guide in Kending. But we were in
3 Kaohsiung. This was the first time, not the second
4 time. And they didn't want to come all the way to
5 Kaohsiung to pick us up, because it's a two-hour
6 drive.

7 Q. Sure.

8 A. And then we didn't complain, but said, oh,
9 okay, okay. And then they phoned back and said we
10 found somebody else who is willing -- who is based
11 in Kaohsiung. And they'll pick us up there. And
12 that was actually him. And then the next day it was
13 a woman driver from the same company.

14 Q. Okay.

15 A. And then she got the names for both of
16 those. I liked the woman driver because she spoke
17 decent English.

18 Q. Sure.

19 A. And the guy --

20 Q. Would there be any way for you to determine
21 what the name of that company was?

22 A. On Trip Advisor is how we found the first
23 one.

24 Q. Okay.

25

1 Kaohsiung.

2 Q. Okay. Good. Okay. I think you told me
3 your first wife's name was Melissa?

4 A. That's correct.

5 Q. And was the last time Yu?

6 A. That's correct.

7 Q. How long were you and Melissa married?

8 A. Twenty-three years. Twenty-four years.

9 Q. Okay. Did you get married in Canada?

10 A. No.

11 Q. California?

12 A. No.

13 Q. Oh, where?

14 A. Honolulu.

15 Q. Okay. And -- I'm sorry -- was she your
16 first wife or your second wife? Melissa?

17 A. She was my second wife.

18 Q. Okay. Who was your first wife?

19 A. Louise Gagnon. G-a-g-n-o-n.

20 Q. I'm sorry?

21 A. G-a-g-n-o-n.

22 Q. Okay. When were you married to Louise
23 Gagnon?

24 A. 1984 to '87. Maybe it was '85 to '88. It
25 was three years.

1 Q. And that was in Canada?

2 A. That's correct.

3 Q. Okay. And did you get divorced?

4 A. Yes.

5 Q. And -- I'm sorry -- how did Melissa Yu pass

6 away?

7 A. How did she pass away?

8 Q. Yeah.

9 A. She had a hereditary problem for breathing

10 that caused her to stop breathing at night. And so

11 she -- I forget. It's a CPAP machine she was

12 supposed to get.

13 Q. I have one of those. They're terrible.

14 A. Yeah. She didn't want to get it.

15 Q. Right.

16 A. Her father has this, and never used a CPAP

17 machine, and he was fine. But she had a version of

18 that disease that had rapid onset.

19 Q. Okay. Like a severe sleep apnea?

20 A. Yeah.

21 Q. And so she, I guess, suffocated or just

22 stopped breathing?

23 A. Just stopped breathing. Yeah.

24 MR. DAVIS: Okay. I have no more

25 questions. Thank you very much.

1 MR. DOYLE: You didn't ask me if I had any.

2 MR. DAVIS: Do you have any questions, Lou?

3 MR. DOYLE: No questions.

4 MR. DAVIS: All right.

5 VIDEOGRAPHER: This ends today's deposition

6 of Harald Herchen. Total number of media used was

7 two. The master of today's deposition will remain

8 in the custody of Advantage Reporting Services.

9 We're now off the record. The time on the

10 screen is 2:13 p.m.

11 REPORTER: Copies of the transcript?

12 MR. DOYLE: Yes, please.

13 MR. REILLY: No, thank you.

14

15

16 (The deposition of Harald Herchen was

17 concluded at 2:14 p.m.)

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CERTIFICATE OF WITNESS

I, HARALD HERCHEN, hereby declare that I have
read the foregoing testimony pages 1 through 182,
inclusive. I hereby state there are:

(check one)

_____ no corrections

_____ corrections per attached

Harald Herchen

Date

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I, KIRSTEN ENFANTINO, C.S.R. No. 12253, a
Certified Shorthand Reporter in and for the State of
California, do hereby certify:

That prior to being examined, the witness named
in the foregoing deposition was by me duly sworn to
testify to the truth, the whole truth, and nothing but
the truth;

That said deposition was taken before me at the
time and place set forth, and was taken down by me in
shorthand and thereafter reduced to computerized
transcription under my direction and supervision, and I
hereby certify the foregoing deposition is a full, true
and correct transcript of my shorthand notes so taken.

I further certify that I am neither counsel for
nor related to any party to said action, nor interested
in the outcome of this action.

Witness my hand this ____ day of _____, 2020.

KIRSTEN ENFANTINO, CSR #12253

STATE OF CALIFORNIA