IN THE SUPREME COURT OF THE STATE OF NEVADA

TON VINH LEE,

Appellant,

v.

INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC,

Respondent.

Supreme Court Case No.: 83213
District Court Case No.: A-15-723134-C

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APPELLANT'S APPENDIX – VOLUME 5

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Docket 83213 Document 2021-35790

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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT: ~~26~~ XXVI **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that the Order Denying Defendant Ingrid Patin's Motion for Summary Judgment was entered on June 2, 2017. A copy of the document is attached.

DATED this 5th day of June, 2017.

RESNICK & LOUIS, P.C.

/s/ Prescott T. Jones

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT** was served this 5th day of June, 2017, by:

[ ] **BY U.S. MAIL**: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.

[ ] **BY FACSIMILE**: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.

[ ] **BY PERSONAL SERVICE**: by causing personal delivery by an employee of Resnick & Louis, P.C. of the document(s) listed above to the person(s) at the address(es) set forth below.

[X] **BY ELECTRONIC SERVICE**: by transmitting via the Court's electronic filing services the document(s) listed above to the Counsel set forth on the service list on this date pursuant to EDCR Rule 7.26(c)(4).

An Employee of Resnick & Louis, P.C.

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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT: 26 **ORDER DENYING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT**

Defendant, Ingrid Patin's *Motion for Summary Judgment*, filed February 10, 2017, and Defendant, Patin Law Group, PLLC's *Joinder to Motion for Summary Judgment*, filed February 15, 2017, came on for Hearing on May 9, 2017, before the Honorable Judge Gloria J. Sturman.

The Court having read and considered the pleadings on file, oppositions and replies thereto, having heard the oral arguments of counsel, and having considered the matter and being fully advised, and good cause appearing therefore, finds as follows:

THIS COURT FINDS that ~~an~~ genuine issues of material fact ~~related to the truth or falsity of the alleged defamatory statement~~ exists which necessitates denial of summary judgment;

THIS COURT HEREBY ORDERS that Defendant, Ingrid Patin's *Motion for Summary Judgment*, and all joinders thereto, are DENIED WITHOUT PREJUDICE.

DATED this 1 day of June, 2017.

DISTRICT COURT JUDGE

Submitted by:

RESNICK & LOUIS, P.C.

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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT: ~~26~~ XXVI **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that the Order Denying Defendant Ingrid Patin's Motion for Summary Judgment was entered on August 17, 2017. A copy of the document is attached.

DATED this 17th day of August, 2017.

RESNICK & LOUIS, P.C.

/s/ Prescott T. Jones
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Attorneys for Plaintiff,
Ton Vinh Lee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT** was served this 17th day of August, 2017, by:

[ ] **BY U.S. MAIL**: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.

[ ] **BY FACSIMILE**: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.

[ ] **BY PERSONAL SERVICE**: by causing personal delivery by an employee of Resnick & Louis, P.C. of the document(s) listed above to the person(s) at the address(es) set forth below.

[X] **BY ELECTRONIC SERVICE**: by transmitting via the Court's electronic filing services the document(s) listed above to the Counsel set forth on the service list on this date pursuant to EDCR Rule 7.26(c)(4).

An Employee of Resnick & Louis, P.C.

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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT: 26 **ORDER DENYING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT**

Defendant, Ingrid Patin's *Motion for Summary Judgment*, filed May 30, 2017, Defendant, Patin Law Group, PLLC's *Joinder to Motion for Summary Judgment*, filed May 31, 2017, Plaintiff, Ton Vinh Lee's *Countermotion to Stay Litigation* came on for Hearing on July 11, 2017, before the Honorable Judge Gloria J. Sturman.

The Court having read and considered the pleadings on file, oppositions and replies thereto, having heard the oral arguments of counsel, and having considered the matter and being fully advised, and good cause appearing therefore, finds as follows:

THIS COURT FINDS that an issue of fact related to the truth or falsity of the alleged defamatory statement exists which necessitates denial of summary judgment;

THIS COURT HEREBY ORDERS that Defendant, Ingrid Patin's *Motion for Summary Judgment*, and all joinders thereto, are DENIED WITHOUT PREJUDICE;

THIS COURT FURTHER FINDS that NRS 41.660(3)(e)(2) provides for only a stay of discovery during an appeal taken from an Anti-SLAPP motion; Plaintiff must file a separate motion to seek a stay on other grounds;

THIS COURT HEREBY FURTHER ORDERS that Plaintiff, Ton Vinh Lee's *Countermotion to Stay Litigation* and for vexatious litigant finding is DENIED WITHOUT PREJUDICE.

DATED this 16th day of August, 2017.

DISTRICT COURT JUDGE

Submitted by:

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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, an individual, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT NO.: IX **DEFENDANTS' MOTION TO DISMISS PURSUANT TO NRCP 16.1(e)(1)** **HEARING REQUESTED**

Defendants, INGRID PATIN and PATIN LAW GROUP, PLLC, by and through their counsel of record, Christian M. Morris, Esq. of the law firm Nettles Morris, hereby submit this Motion to Dismiss Pursuant to NRCP 16.1(e)(1).

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This Motion is made and based upon the papers and pleadings on file with the Court, the exhibits attached hereto, the following Memorandum of Points and Authorities, and any oral argument the Court may entertain at the hearing of this matter.

DATED this 15th day of July, 2019.

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CHRISTIAN M. MORRIS, ESQ.
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Henderson, Nevada 89014
Attorney for Defendants, Ingrid Patin and Patin Law Group, PLLC

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

The present action arises out of an allegation of defamation brought by Plaintiff Ton Vinh Lee, DDS. Plaintiff's allegation arises from a short statement on Defendants' business website. The statement reported on a wrongful death lawsuit in which Plaintiff was a defendant and Defendants were the legal counsel representing the injured plaintiff. When the jury awarded the injured plaintiff a verdict, Defendants put a short case summary saying as much on their website. Plaintiff took issue with the case summary and filed a complaint alleging defamation per se against Defendants.

II.

RELEVANT PROCEDURAL HISTORY

Plaintiff filed his complaint against Defendants in the Eighth Judicial District Court on August 17, 2015. On February 23, 2016, Plaintiff filed a First Amended Complaint. On April 11, 2016, Plaintiff filed a Second Amended Complaint. Defendants Answered the Complaint on October 7, 2016 and October 18, 2016. On July 26, 2017, Plaintiff filed a Motion to Stay Litigation pending Appeal Pursuant to NRAP 8(a) on Order Shortening Time. The matter was

heard on July 31, 2017, wherein Plaintiff's Motion to Stay Litigation was granted. On January 8, 2019, the parties appeared before this Court on a Status Check hearing wherein this Court lifted the stay of litigation.

III.

ARGUMENT

Nevada Rule of Civil Procedure 16.1(b) directs plaintiffs in civil cases to meet and confer with defendants concerning how to best manage litigation and discovery, consider the nature and basis of their claims and defenses and explore the possibilities for a prompt settlement. NRCP 16.1(b)(1). Thereafter, a report on the case conference must be filed within 30 days of the case conference. NRCP 16.1(c). In order to "promote the prosecution of litigation within adequate timelines, deadlines are given for both the early case conference and the report. NRCP 16.1(b)(1).

The rule provides that the early case conference must be held within 30 days after the defendant files an answer to the complaint and that this deadline may be extended no later than 180 days from when the defendant's appearance is served unless compelling and extraordinary circumstances justify an extension. *Id.* It is a plaintiff's responsibility to designate the time and place for the conference. NRCP 16.1(b)(4)(A). When a plaintiff fails to meet the deadlines for complying with these provisions, a district court may dismiss the complaint without prejudice under Nevada Rule of Civil Procedure 16.1(e).

> "Untimely Case Conference. If the conference described in Rule 16.1 is not held within 180 days after service of an answer by a defendant, the court, on motion or on its own, may dismiss the case as to that defendant, without prejudice, unless there are compelling and extraordinary circumstances for a continuance beyond this period. This provision does not apply to a defendant who serves its answer after the first case conference, unless a party has served a written request for a supplemental conference in accordance with Rule 16.1(b)(2)(A)."

NRCP 16.1(e)(1).

Here, because the case was stayed, the 180 days began to run on January 8, 2019, the date that the stay was lifted. Therefore, Plaintiff had until July 7, 2019 to arrange a Rule 16.1 case conference. In the 180 days from the date the Stay was lifted, Plaintiff made no attempt to set a case conference. Instead Plaintiff did nothing. Even after the case was exempted from the

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arbitration program, the Plaintiff did nothing. Defendants filed an Objection to the Discovery Commissioner's decision; however, that filing did not prevent or prohibit Plaintiff from meeting the obligations of NRCP 16.1(e)(1). Moreover, even after the Objection was denied, Plaintiff made no attempt to schedule the early case conference before the deadline. Plaintiff may claim that he was distracted by the motion filed by the Defendants; however, distractions by motions filed by the opposing party are not a compelling and extraordinary reason. It is clear that Plaintiff failed to meet the deadline, and has provided no reason for its failure to do so. Therefore, the case should be dismissed.

When exercising its discretion under NRCP 16.1(e), a district court should consider factors such as the length of the delay, whether the defendant caused the delay, whether the delay has otherwise impeded the timely prosecution of the case, general considerations of case management, or whether the plaintiff has provided good cause for the delay. *Arnold v. Kip*, 123 Nev. 410, 415, 168 P.3d 1050 (2007). However, absent compelling and extraordinary circumstances, neither the court nor the parties may extend the time for holding the conference to a day more than 180 days after an appearance is served by the defendant in question. *Id.*

The defendant is not required to demonstrate prejudice resulting from the delay, nor is the district court required to consider the plaintiff's possible inability to pursue his or her claim after an NRCP 16.1(e)(2) dismissal. *Arnold*, 123 Nev. 410, 415-16, 168 P.3d 1050, 1053 (2007). "To hold otherwise would largely eviscerate the rule because it would allow plaintiffs to exceed the deadline for filing a case conference report as long as the defendant could not demonstrate prejudice." *Id.*, at 415, 1053.

Nevada Rule of Civil Procedure 16.1(e) was adopted to promote the prosecution of litigation within adequate timelines, and it permits sanctions to ensure compliance with specific deadlines. *Id.*, at 415, 1053. The district court's consideration of a motion to dismiss without prejudice should address factors that promote the purpose of the rule rather than focus on the consequences to the plaintiff resulting from his or her failure to comply with the rule. *Id.*, at 416, 1053-54. The *Arnold* Court further held that a district court, in considering a motion to dismiss under NRCP 16.1(e) is not required to apply a heightened standard of review or to assess factors generally considered where a dismissal with prejudice as a discovery sanction is at issue because under NRCP 16.1(e), a dismissal is without prejudice (in discussing failure to file a case conference report under NRCP 16.1(e)(2)).

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In *Arnold*, the Nevada Supreme Court concluded that the district court did not abuse its discretion by dismissing the underlying action. Arnold, 123 Nev. 410, 418, 168 P.3d 1050, 1055 (2007). Similarly, in *Fritsche v. Nevada Department of Corrections*, 2015 Nev. Unpub. Lexis 660, **1-2 (2015), the Nevada Supreme Court found that the district court was within its discretion in dismissing an appellant's complaint for failure to hold the NRCP 16.1 case conference where he made no effort to communicate with the respondents before the deadline in an attempt to schedule the conference or in an attempt to encourage the respondents' counsel to arrange for the conference if he felt that he could not do so.

See, also *Stevenson v. Cox*, 2015 Nev. Unpub. Lexis 659, **1-2 (2015) (accord); *Clark v. Sibel*, 2011 Nev. Unpub. Lexis 612 (2011) (affirming district court's dismissal of appellant's case for failure to comply with NRCP 16.1(b)(1)'s requirements regarding early case conference where appellant where respondent did not cause the delay and appellant had not shown good cause for the delay*); Gardner v. State*, 2017 Nev. App. Unpub. Lexis 910, *2 (2017) (plaintiff's contention that it would have been futile to hold an early case conference without giving defendants an opportunity to review exhibits he inadvertently omitted from his first amended complaint was meritless and plaintiff had failed to show compelling and extraordinary circumstances warranting extension of Rule 16.1 case conference deadline); *Kapral v. Jordan*, 2017 Nev. App. Unpub. Lexis 361, **2-3 (2017) (plaintiff's failure to set Rule 16.1 case conference was not based on compelling or extraordinary grounds where plaintiff argued he had delayed because he had not yet received an answer from all of the defendants in the case).

In the present case, Plaintiff only reached out to set the conference after the time to set a conference had expired. There is nothing that would have prevented the Plaintiff from setting this conference. Plaintiff simply did not reach out or set up a conference and has not only failed to show that compelling and extraordinary circumstances existed that justified their failure to comply with the rule, he failed to offer ***any*** explanation at all for his delinquency. See, *Ticas v. D C Transportation, Inc*., 2013 Nev. Unpub. Lexis 277, **3-4 (2013) (where plaintiff made no attempt to schedule a Rule 16.1 case conference and offered no explanation as to why counsel failed to initiate the conference, dismissal pursuant to NRCP 16.1(e) was proper).

Courts require not only an explanation from a delinquent defendant, but one that rises to the level required by Rule 16.1. For example, in *Dougan v. Gustaveson*, 108 Nev. 517, 523, 835 P.2d 795, 799 (1992), the court found that compelling and extraordinary circumstances

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existed for extending the deadline where the defendants' answers were not served until well past the deadline for holding an early case conference due to the open extension of time given at the request of both defendants. The district court found it would have been fruitless to hold a case conference before the defendants had answered. In *Dornbach v. Tenth Judicial District*, 130 Nev. Adv. Rep. 33, 324 P.3d 369, 374 (Nev. 2014). the court similarly found compelling and extraordinary circumstances existed for an extension where the assigned judge's death and the substantial resulting delays justified an extension of the case conference deadline. Defendants in this case have made no such showing.

IV.

CONCLUSION

WHEREFORE, Defendants respectfully request that the Court dismiss Plaintiff's action pursuant to Nevada Rule of Civil Procedure 16.1(e)(1) for failure to comply with the rule's case conference requirements absent any compelling and extraordinary circumstances which would excuse his failure.

DATED this 15th day of July, 2019.

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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 15th day of July, 2019, a true and correct copy of the foregoing **DEFENDANTS' MOTION TO DISMISS PURSUANT TO NRCP 16.1(e)(1)** was served to the following parties by electronic transmission through the Odyssey eFileNV system:

"Jeremy J. Thompson, Esq." .	jthompson@mpplaw.com
"Paul E Larsen, Esq." .	plarsen@mpplaw.com
Coreene Drose .	cdrose@rlattorneys.com
Cristina Robertson .	crobertson@mpplaw.com
Debbie Surowiec .	dsurowiec@mpplaw.com
Joyce Ulmer .	julmer@mpplaw.com
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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT: 26 **NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that the ORDER DENYING DEFENDANTS' MOTION TO DISMISS PURSUANT TO NRCP 16.1(e)(1) was entered on the 6th day of September, 2019, a copy of which is annexed hereto.

DATED this 10th day of September, 2019.

RESNICK & LOUIS, P.C.

/s/ Prescott T. Jones

PRESCOTT T. JONES, ESQ.
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8925 W. Russell Road, Suite 220
Las Vegas, NV 89148
Attorneys for Plaintiff, Ton Vinh Lee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing **NOTICE OF ENTRY OF ORDER** was served this 10TH day of September, 2019, by:

[ ] **BY U.S. MAIL**: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.

[ ] **BY FACSIMILE**: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.

[ ] **BY PERSONAL SERVICE**: by causing personal delivery by an employee of Resnick & Louis, P.C. of the document(s) listed above to the person(s) at the address(es) set forth below.

[X] **BY ELECTRONIC SERVICE**: by transmitting via the Court's electronic filing services the document(s) listed above to the Counsel set forth on the service list on this date pursuant to EDCR Rule 7.26(c)(4).

Christian M. Morris, Esq.
NETTLES MORRIS
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Attorney for Defendant Ingrid Patin

Kerry J. Doyle, Esq.
DOYLE LAW GROUP
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Attorney for Defendant Patin Law Group, PLLC

/s/ Susan Carbone

An Employee of Resnick & Louis, P.C.

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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT: 26 **ORDER DENYING DEFENDANTS' MOTION TO DISMISS PURSUANT TO NRCP 16.1(e)(1)**

This matter came on for Hearing on August 20, 2019, before the Honorable Judge Gloria J. Sturman. The Court having read and considered the pleadings on file, having heard the oral arguments of counsel, and having considered the matter and being fully advised, and good cause appearing therefore, finds as follows:

THIS COURT HEREBY ORDERS Defendants' Motion to Dismiss pursuant to NRCP 16.1(e)(1) is DENIED;

THIS COURT HEREBY FINDS that the Plaintiff's Petition for Exemption from Arbitration was filed on February 8, 2019, and was Granted on April 25, 2019, a period of 76 days;

THIS COURT HEREBY FURTHER FINDS that, for the purposes of the 180-day time period set forth in NRCP 16.1(e)(1), the 180-day period was not tolled during the time the Petition for Exemption was pending; however, this Court has extended the time to hold the Early Case Conference due to the delay in the decision on the Petition for Exemption.

DATED this 6th day of September, 2019.

DISTRICT COURT JUDGE

Submitted by:

RESNICK & LOUIS, P.C.

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DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT: 26 **JOINT CASE CONFERENCE REPORT** **DISCOVERY PLANNING/DISPUTE CONFERENCE REQUESTED** **YES _____ NO X_____**

I.

PROCEEDINGS PRIOR TO CASE CONFERENCE REPORT

A. Date of filing Complaint: 08/17/15;

B. Date of Filing Amended Complaint: 02/23/16;

C. Date of Filing Second Amended Complaint: 04/11/16;

D. Date of Ingrid Patin's Filing of Answer to Second Amended Complaint and Counterclaim against Patin Law Group, PLLC: 10/07/16; and

E. Date of Patin Law Group, PLLC's Filing of Answer to Second Amended Complaint and Ingrid Patin's Counterclaim: 10/18/16; and

F. Date of the Early Case Conference and who attended: 09/13/19 – Prescott Jones, Esq. for Plaintiff, Christian Morris for Defendant Ingrid Patin and Kerry Doyle, Esq. for Defendant Patin Law Group, PLLC

II.

A BRIEF DESCRIPTION OF THE NATURE OF THE ACTION AND EACH CLAIM FOR RELIEF OR DEFENSE:

A. Description of the action:

Plaintiff, Ton Vinh Lee is a Doctor of Dental Surgery and owner of Ton V. Lee, DDS, P.C., d/b/a Summerlin Smiles located at 9525 West Russell Rd. Suite 100, Las Vegas, NV 89148. This litigation involves a single a single claim of defamation per se arising out of alleged defamatory statement published on Defendants' web site (PatinLaw.com) in regards to Plaintiff.

B. Claims for relief:

1. General damages for Plaintiff in an amount in excess of $10,000.00;

2. For reasonable attorney's fees and costs;

3. For pre- and post- judgement interest on any award rendered herein; and

6. For such other and further relief as to the Court may seem just and proper.

C. Defendant Ingrid Patin's Defenses:

FIRST AFFIRMATIVE DEFENSE

The Second Amended Complaint, and all clain1s for relief therein, fail to state a claim against Defendant/Cross-claimant Ingrid Patin upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by his failure to join indispensable parties.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the First Amendment to the United States Constitution.

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FOURTH AFFIRMATIVE DEFENSE

Defendant/Cross-Claimant Ingrid Patin alleges that each and every claim set forth in the Second Amended Complaint is barred by the doctrine of laches, estoppel, consent, acquiescence, license, waiver and unclean hands.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff has not been damaged directly, indirectly, proximately or in any manner whatsoever by any conduct of Defendant/Cross-Claimant Ingrid Patin.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's business or profession has not been damaged directly, indirectly, proximately or in any manner whatsoever by any conduct of Defendant/Cross-Claimant Ingrid Patin.

SEVENTH AFFIRMATIVE DEFENSE

Defendant/Cross-Claimant Ingrid Patin did not cause Plaintiff's alleged damages, if any.

EIGHTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff, as asserted in the Second Amended Complaint, are the result of the conduct of a third party over whom Defendant/Cross-Claimant Ingrid Patin had no control.

NINTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff's business or profession, as asserted in the Second Amended Complaint, are the result of the conduct of a third party over whom Defendant/Cross-Claimant Ingrid Patin had no control.

TENTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff, as asserted in the Second Amended Complaint, were caused in whole or in party, by other contributory or concurrent conditions or factors, including events occurring prior to or subsequent to the occurrence that is the basis of Plaintiff's claims.

///

ELEVENTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff's business or profession, as asserted in the Second Amended Complaint, were caused in whole or in party, by other contributory or concurrent conditions or factors, including events occurring prior to or subsequent to the occurrence that is the basis of Plaintiff's claims.

TWELFTH AFFIRMATIVE DEFENSE

Defendant/Cross-Claimant Ingrid Patin is entitled to a set-off for monies paid or to be paid for the benefit of Plaintiff by any persons or entities other than Defendant/Cross-Claimant Ingrid Patin.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate his alleged damages, if any, and is therefore barred from recovering any damages from Defendant/Cross-Claimant Ingrid Patin.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff failed to provide timely and adequate notice to Defendant/Cross-Claimant Ingrid Patin of any alleged injury or damages to Plaintiff, and as a result denied Defendant/Cross-Claimant Ingrid Patin full and fair access to information necessary for the defense of Plaintiffs claims.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff failed to timely request a retraction, and as a result denied Defendant/Cross-Claimant Ingrid Patin full and fair access to information necessary for the defense of Plaintiffs claims.

SIXTEENTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC was a "good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern" per NRS 41.637.

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SEVENTEENTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC was made in direct connection with an issue under consideration by a judicial body per NRS 41.637.

EIGHTEENTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC was "made in direct connection with an issue of public interest in a place open to the public or in a public forum" per NRS 41.637.

NINTEENTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC is "truthful or made without knowledge of its falsehood" per NRS 41.637.

TWENTIETH AFFIRMATIVE DEFENSE

Defendant/Cross-Claimant Ingrid Patin is immune from any civil action for claims based upon the communication per NRS 41.650.

TWENTY-FIRST AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC did not violate Nevada Rule of Professional Conduct 7.2.

TWENTY-SECOND AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC is not susceptible to different 1neanings or interpretations.

TWENTY-THIRD AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC is true or substantially true.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC does not assert that a jury verdict was obtained against Plaintiff, as an individual, in the matter of Singletary v. Ton Vinh Lee, DDS, et al., Case No. Case No. A-12-656091-C.

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TWENTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiff, as an individual, never filed a Motion for Judgment as a Matter of Law following the trial in the matter of Singletary v. Ton Vinh Lee, DDS, et al., Case No. Case No. A-12-656091-C.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

Plaintiff, as an individual, never had a Motion for Judgment as a Matter of Law granted in his favor in the matter of Singletary v. Ton Vinh Lee, DDS, et al., Case No. Case No. A-12-656091-C.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC was not posted for the purpose of advertisement.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC was not posted for the purpose of soliciting business.

TWENTY-NINTH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC did not expose Plaintiff to hatred, ridicule or contempt, lower him in the esteem of his peers or cause him to be shunned.

THIRTIETH AFFIRMATIVE DEFENSE

The statement posted on the website of Patin Law Group, PLLC did not injure Plaintiff in his trade or business.

THIRTY-FIRST AFFIRMATIVE DEFENSE

Plaintiff will be unable to prove causation, as multiple sites published information concerning the jury verdict in the matter of Singletary v. Ton Vinh Lee, DDS, et al., Case No. Case No. A-12-656091-C.

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THIRTY-SECOND AFFIRMATIVE DEFENSE

Plaintiffs alleged damages, if any, must be apportioned according to the relative responsibility of all parties or persons.

THIRTY-THIRD AFFIRMATIVE DEFENSE

Plaintiffs alleged damages are speculative, and therefore, not recoverable.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

Defendant/Cross-Claimant Ingrid Patin has at all times acted in good faith and without malice toward Plaintiff and in accordance with applicable law.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

Defendant/Cross-claimant Ingrid Patin acted as lead counsel in the 1natter of Singletary v. Ton Vinh Lee, DDS, et al, Ca5e No. Case No. A-12-656091-C, at the direction of or under the guidance of Baker Law Offices.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

Plaintiff's Second Amended Complaint constitutes a SLAPP (Strategic Lawsuit Against Public Participation) suit against Defendant Patin Law Group, PLLC.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

The alleged motive that Plaintiff is ascribing to the statement posted on the website of Patin Law Group, PLLC is irrelevant in determining whether Plaintiff's cause of action for defamation is based on the alleged acts of Defendant/Cross-claimant Ingrid Patin.

THIRTY- EIGHTH AFFIRMATIVE DEFENSE

The purpose of Plaintiffs Second Amended Complaint is to intimidate and silence Defendant Patin Law Group, PLLC with the prospect of defending an expensive lawsuit.

THIRTY- NINTH AFFIRMATIVE DEFENSE

Defendant/Cross-claimant Ingrid Patin hereby incorporates by reference those affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, Defendant/Cross-claimant Ingrid Patin reserves the right to seek leave of this

Court to amend this Answer and to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defenses.

FORTIETH AFFIRMATIVE DEFENSE

Defendant/Cross-claimant Ingrid Patin is unaware of any further Affirmative Defenses at this time but reserves the right to seek leave of this Court to amend their Answer to allege additional Affirmative Defenses available to her at the time of trial per Nevada Rule of Civil Procedure 11.

FORTY-FIRST AFFIRMATIVE DEFENSE

Defendant Patin Law Group, PLLC was required to retain the services of an attorney to defend this action and is entitled to an aware of attorney's fees and costs of suit.

D. Defendant Patin Law Group, PLLC's Defenses:

FIRST AFFIRMATIVE DEFENSE

The Second Amended Complaint, and all claims for relief therein, fails to state a claim against Defendant Patin Law Group, PLLC upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by his failure to join indispensable parties.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the First Amendment to the United States Constitution.

FOURTH AFFIRMATIVE DEFENSE

Defendant Patin Law Group, PLLC alleges that each and every claim set forth in the Second Amended Complaint is barred by the doctrine of laches, estoppel, consent, acquiescence, license, waiver and unclean hands.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff has not been damaged directly, indirectly, proximately or in any manner whatsoever by any conduct of Defendant Patin Law Group, PLLC.

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SIXTH AFFIRMATIVE DEFENSE

Plaintiff's business or profession has not been damaged directly, indirectly, proximately or in any manner whatsoever by any conduct of Defendant Patin Law Group, PLLC.

SEVENTH AFFIRMATIVE DEFENSE

Defendant Patin Law Group, PLLC did not cause Plaintiff's alleged damages, if any.

EIGHTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff, as asserted in the Second Amended Complaint, are the result of the conduct of a third party over whom Defendant Patin Law Group, PLLC had no control.

NINTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff's business or profession, as asserted in the Second Amended Complaint, are the result of the conduct of a third party over whom Defendant Patin Law Group, PLLC had no control.

TENTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff, as asserted in the Second Amended Complaint, were caused in whole or in party, by other contributory or concurrent conditions or factors, including events occurring prior to or subsequent to the occurrence that is the basis of Plaintiff's claims.

ELEVENTH AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by Plaintiff's business or profession, as asserted in the Second Amended Complaint, were caused in whole or in party, by other contributory or concurrent conditions or factors, including events occurring prior to or subsequent to the occurrence that is the basis of Plaintiff's claims.

TWELFTH AFFIRMATIVE DEFENSE

Defendant Patin Law Group, PLLC is entitled to a set-off for monies paid or to be paid for the benefit of Plaintiff by any persons or entities other than Defendant Patin Law Group, PLLC.

THIRTEENTH AFFIRMATIVE DEFENSE

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FOURTEENTH AFFIRMATIVE DEFENSE

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TWENTY-FIFTH AFFIRMATIVE DEFENSE

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Defendant Patin Law Group, PLLC hereby incorporates by reference those affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, Defendant Patin Law Group, PLLC reserves the right to seek leave of this Court to amend this Answer and to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defenses.

THIRTY-NINTH AFFIRMATIVE DEFENSE

Defendant Patin Law Group, PLLC is unaware of any further Affirmative Defenses at this time, but reserves the right to seek leave of this Court to amend their Answer to allege additional Affirmative Defenses available to her at the time of trial per Nevada Rule of Civil Procedure 11.

FORTIETH AFFIRMATIVE DEFENSE

Defendant Patin Law Group, PLLC was required to retain the services of an attorney to defend this action and is entitled to an aware of attorney's fees and costs of suit.

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III.

LIST OF ALL DOCUMENTS, DATA COMPILATIONS AND TANGIBLE THINGS IN THE POSSESSION, CUSTODY OR CONTROL OF EACH PARTY WHICH WERE IDENTIFIED OR PROVIDED AT THE EARLY CASE CONFERENCE OR AS A RESULT THEREOF:

A. Plaintiff:

1.	COMPLAINT	PLEADING
2.	FIRST AMENDED COMPLAINT	PLEADING
3.	SECOND AMENDED COMPLAINT	PLEADING
4.	INGRID PATIN'S ANSWER TO SECOND AMENDED COMPLAINT AND COUNTERCLAIM	PLEADING
5.	PATIN LAW GROUP, PLLC'S ANSWER TO SECOND AMENDED COMPLAINT AND COUNTERCLAIM	PLEADING
6.	JUDGEMENT ON JURY VERDIT FOR DEFENDANTS TON VINH LEE, DDS (Case No. A-12-656091-C)	PLTF000001-PLTF000002
7.	PatinLaw.com Settlement Verdict	PLTF000003-PLTF000006

B. Defendant Ingrid Patin:

1.	PLAINTIFF'S SECOND AMENDED COMPLAINT	DEFT INGRID 0001-DEFT INGRID 0005
2.	DEFENDANT INGRID PATIN'S ANSWER TO PLAINTIFF'S SECOND AMEDNED COMPLAINT	DEFT INGRID 0006-DEFT INGRID 0018
3.	DEFENDANT PATIN LAW GROUP, PLLC'S ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT	DEFT INGRID 0019-DEFT INGRID 0036
4.	Special Verdict form filed January 22, 2014 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0037-DEFT INGRID 0041
5.	Reporter's Transcript of Jury Trial dated January 17, 2014 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0042-DEFT INGRID 0255
6.	Judgement on Jury Verdict filed April 29, 2014 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0256-DEFT INGRID 0258
7.	Judgement on Jury Verdict filed September 11, 2014 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0259-DEFT INGRID 0260
8.	Order filed April 11, 2014 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0261-DEFT INGRID 0264

9.	The Trial Reporter for February, 2014	DEFT INGRID 0265- DEFT INGRID 0267
10.	Nevada Legal Update Fall 2014	DEFT INGRID 0268- DEFT INGRID 0270
11.	Correspondence from State Bar of Nevada dated August 7, 2015	DEFT INGRID 0271
12.	PatinLaw.com October 1, 2015 – Settlement/Verdict	DEFT INGRID 0272
13.	Order affirming in Part, Reversing in Part, and Remanding filed October 17, 2016 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (Supreme Court of Nevada Case No. 66278)	DEFT INGRID 0273- DEFT INGRID 0277
14.	Clark County Certificate of Business: Fictitious Firm Name for Ton V. Lee, DDS., Prof Corp. dba Summerlin Smiles and Secretary of State Business entity information for Ton V. Lee, DDS, Prof. Corp.	DEFT INGRID 0278- DEFT INGRID 0281
15.	Google search results for "Nevada Verdicts Singletary"	DEFT INGRID 0282- DEFT INGRID 0283
16.	Senate Bill No. 444- Committee on Judiciary; Legislative Counsels Digest on "SLAPP lawsuits"	DEFT INGRID 0284- DEFT INGRID 0287
17.	Compliant filed February 7, 2012 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0288- DEFT INGRID 0309
18.	Case Appeal Statement filed August 8, 2014 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0310- DEFT INGRID 0315
19.	Case Appeal Statement (Cross-Appeal) filed September 11, 2014 for Case Svetlana Singletary, et al. vs. Ton Vinh Lee, DDS, et al. (District Court Case No. A-12-656091-C)	DEFT INGRID 0316- DEFT INGRID 0327

B. Defendant Patin Law Group, PLLC:

1.	PLAINTIFF'S SECOND AMENDED COMPLAINT	DEFT INGRID 0001- DEFT INGRID 0005
2.	DEFENDANT INGRID PATIN'S ANSWER TO PLAINTIFF'S SECOND AMEDNED COMPLAINT	DEFT INGRID 0006- DEFT INGRID 0018
3.	DEFENDANT PATIN LAW GROUP, PLLC'S ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT	DEFT INGRID 0019- DEFT INGRID 0036
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IV.

LIST OF PERSONS IDENTIFIED BY EACH PARTY AS LIKELY TO HAVE INFORMATION DISCOVERABLE UNDER RULE 26(b), INCLUDING IMPEACHMENT OR REBUTTAL WITNESSES:

A. Plaintiff:

See Plaintiff's initial List of Witnesses and Production of Documents Pursuant to NRCP 16.1, attached hereto as Exhibit 1.

B. Defendant Ingrid Patin:

See Defendant Ingrid Patin's initial List of Witnesses and Production of Documents Pursuant to NRCP 16.1, attached hereto as Exhibit 1.

C. Defendant Patin Law Group, PLLC:

See Defendant Patin's Law Group's initial List of Witnesses and Production of Documents Pursuant to NRCP 16.1, attached hereto as Exhibit 1.

V.

DISCOVERY PLAN

A. What changes, if any, should be made in the timing, form or requirements for disclosures under 16.1(a):

1. Plaintiff's view: None
2. Defendant Ingrid Patin's view: None
3. Defendant Patin Law Group's view: None.

B. When disclosures under 16.1(a) (1) were made or will be made:

1. Plaintiff's disclosures: Date: 09/19/19
2. Defendant Ingrid Patin's disclosures: Date: 09/27/19
3. Defendant Patin's Law disclosures: Date: 10/09/19

C. Subjects on which discovery may be needed:

1. Plaintiff's view: All relevant areas.
2. Defendant Ingrid Patin's view: All relevant areas.
3. Defendant Patin's Law view: All relevant areas.

D. Should discovery be conducted in phases or limited to or focused upon particular issues?

1. Plaintiff's view: No
2. Defendant Ingrid Patin's view: No
3. Defendant Patin's Law view: No

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E. What changes, if any should be made in limitations on discovery imposed under these rules and what, if any, other limitations should be imposed?

1. Plaintiff's view: None
2. Defendant Ingrid Patin's view: None
3. Defendant Patin's Law view: None.

F. What, if any, other orders should be entered by court under Rule 26(c) or Rule 16(b) and (c):

1. Plaintiff's view: None
2. Defendant Ingrid Patin's view: None
3. Defendant Patin's Law view: None.

F. Estimated time for trial:

1. Plaintiff's view: 3-5 days
2. Defendant Ingrid Patin's view: 3-5 days
3. Defendant Patin's Law view: 3-5 days

VI.

DISCOVERY AND MOTION DATES

A. Dates agreed by the parties:

1. Close of discovery: September 14, 2020
2. Amend Pleadings/Add Parties: June 16, 2020
3. Final dates for expert disclosures:
   - i. initial disclosure June 16, 2020
   - ii. rebuttal disclosures July 16, 2020
4. Final date to file dispositive motions: October 14, 2020

Failure to agree on the calendar dates in this section shall result in a discovery planning conference.

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VI.

DISPUTE RESOLUTION CONFERENCE REQUESTED

No.

VII.

JURY DEMAND

A Jury has been demanded by the Defendants in this action.

VIII.

INITIAL DISCLOSURES/OBJECTIONS [NRCP 16.1(A)(1)

The Parties reserve their right to object to disclosures.

This Report is signed in accordance with Rule 26(g)(1) of the Nevada Rules of Civil Procedure. Each signature constitutes a certification that to the best of the signer's knowledge, information and belief, formed after a reasonable inquiry, the disclosures made by the signer are complete and correct as of this time. This Report is signed in accordance with NRCP Rule 11.

DATED this 11 day of October, 2019.

RESNICK & LOUIS, P.C.

PRESCOTT T. JONES, ESQ.
Nevada Bar No. 11617
8925 W. Russell Road, Suite 220
Las Vegas, NV 89148
Attorneys for Plaintiff

DATED this ___ day of October, 2019.

NETTLES LAW FIRM

CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
1389 Galleria Drive, Suite 200
Henderson, NV 89014
Attorneys for Defendant Ingrid Patin

DATED this 10 day of October, 2019.

DOYLE LAW GROUP

KERRY J. DOYLE, ESQ.
Nevada Bar No. 10571
7375 S. Pecos Road, Suite 100
Las Vegas, NV 89120
Attorneys for Patin Law Group, PLLC

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PRESCOTT T. JONES, ESQ.
Nevada Bar No. 11617
8925 W. Russell Road, Suite 220
Las Vegas, NV 89148
Attorneys for Plaintiff

DATED this 10th day of October, 2019.

NETTLES LAW FIRM

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1389 Galleria Drive, Suite 200
Henderson, NV 89014
Attorneys for Defendant Ingrid Patin

DATED this ___ day of October, 2019.

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7375 S. Pecos Road, Suite 100
Las Vegas, NV 89120
Attorneys for Patin Law Group, PLLC

Page 1

DISTRICT COURT
CLARK COUNTY, NEVADA

TON VINH LEE, an individual,

Plaintiff,

vs. CASE NO. A-15-723134-C
DEPT. NO. XXVI

INGRID PATIN, an individual,
and PATIN LAW GROUP, PLLC, a
Nevada Professional LLC,

Defendants.
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

VOLUME I
REMOTE VIDEO DEPOSITION OF
TON VINH LEE

July 14, 2020
11:05 a.m.

Conducted via videoconference
with all participants appearing remotely

Gary F. Decoster, CCR No. 790

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APPEARANCES OF COUNSEL

For the Plaintiff:
RESNICK & LOUIS, PC
PRESCOTT T. JONES, ESQ.
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Las Vegas, Nevada 89148
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pjones@rlattorneys.com

For the Defendant Ingrid Patin:

NETTLES|MORRIS
CHRISTIAN M. MORRIS, ESQ.
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WITNESS: TON VINH LEE

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Volume I
Remote Video Deposition of
Ton Vinh Lee
July 14, 2020
(Mr. Doyle was not present at the
commencement of the deposition.)
* * *

THE VIDEOGRAPHER: We are now on the record. The time is 11:06 a.m. Pacific on July 14th, 2020. This begins the videoconference deposition of Ton Vinh Lee taken in the matter of Ton Vinh Lee versus Ingrid Patin and Patin Law Group, filed in the District Court, Clark County, Nevada, Case No. A-15-723134-C.

My name is Angela Lyons. I'm your remote videographer today. The court reporter is Gary Decoster. We're representing Esquire.

As a courtesy, will everyone who is not speaking please mute your audio and please remember to unmute your audio when you're ready to speak.

Will everyone present please identify themselves and state who you represent, after which the court reporter will swear the witness.

MS. MORRIS: Christian Morris for the plaintiff.

MR. JONES: Prescott Jones for the -- oh,
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

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1 sorry, Prescott Jones for the plaintiff. I'm off
2 camera, and I have with me Dr. Ton Vinh Lee, who is
3 the plaintiff.
4 MS. MORRIS: Oh, sorry, Christian Morris for
5 the defendant.
6 THE COURT REPORTER: Okay, sir, please raise
7 your right hand.
8 Do you swear or affirm that the testimony you
9 are about to give in this matter will be the truth,
10 the whole truth, and nothing but the truth?
11 THE DEPONENT: I do.
12 THE COURT REPORTER: Can we pause for a
13 second off the record?
14 MS. MORRIS: Yes.
15 THE VIDEOGRAPHER: We're going off the
16 record. The time is 11:08 a.m.
17 (Discussion off the record.)
18 THE VIDEOGRAPHER: We're going back on the
19 record. The time is 11:08 a.m.
20 THE COURT REPORTER: I'm going to read a
21 stipulation: Pursuant to Rule 29 of the Nevada Rules
22 of Civil Procedure, all parties stipulate and agree
23 that the witness was identified as Ton Vinh Lee and
24 the witness's testimony will be treated as if the
25 witness is under oath. This deposition shall be used

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1 for all purposes like other depositions.
2 Sir, will you please raise your right hand?
3 * * *
4 TON VINH LEE, having been first duly sworn,
5 was examined and testified as follows:
6 EXAMINATION
7 BY MS. MORRIS:
8 Q. Can you please state your full name?
9 A. Ton Vinh Lee.
10 Q. Mr. Lee, how old are you?
11 A. 46 years old.
12 Q. Are you married?
13 A. Yes.
14 Q. And who are you married to?
15 A. I'm sorry, I could not hear you.
16 Q. Who are you married to?
17 A. Vera Lee.
18 Q. How long have you been married to Vera Lee?
19 A. I don't recall.
20 Q. Do you remember what year you got married?
21 A. No, I don't.
22 Q. How -- is this your only marriage?
23 A. Can you clarify what do you mean by my only
24 marriage?
25 Q. Have you been married before you were married

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1 to Vera Lee?
2 A. No.
3 Q. And you don't recall when you married
4 Miss Lee, correct?
5 A. No, I don't.
6 Q. Do you have an approximation of how many
7 years you've been married?
8 A. Yes.
9 Q. How long?
10 A. Approximately 12 years.
11 Q. Have you ever been divorced?
12 A. Yes.
13 Q. How many times?
14 A. Twice.
15 Q. And who were you divorced from?
16 A. Vera Lee.
17 Q. Are you currently legally married to
18 Miss Lee?
19 A. Yes.
20 MR. JONES: Sorry, Christian, one second.
21 Doctor, I just would encourage you to let
22 Ms. Morris finish her question for a clean record.
23 Thank you.
24 BY MS. MORRIS:
25 Q. The answer was yes, you are currently legally

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1 married to Miss Lee?
2 A. Yes.
3 Q. If I understand correctly, you have been
4 divorced from her twice; is that correct?
5 A. That is correct.
6 Q. And do you remember when you were first
7 divorced from Miss Lee?
8 A. No, I don't.
9 Q. Do you remember how long you were divorced
10 from Miss Lee the first time you were divorced?
11 A. I don't recall.
12 Q. When was the last divorce?
13 A. I don't recall.
14 Q. Do you know if during the period of 2014 you
15 were married or divorced from Miss Lee?
16 A. I was married.
17 Q. Do you remember if in the years 2015 and 2016
18 you were married to Miss Lee or divorced from
19 Miss Lee?
20 A. I was married to Mrs. Lee.
21 Q. Do you have any type of approximation as to
22 whether you divorced Miss Lee from 2010 up until 2020
23 or did those divorces precede 2010?
24 A. I do not recall.
25 Q. What state were you originally married to

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1 Miss Lee in?
2 A. California.
3 Q. And was that your first marriage to her, was
4 in the state of California?
5 A. Yes.
6 Q. And your first divorce from her, do you know
7 what state that was in?
8 A. I don't recall.
9 Q. Your second marriage to Miss Lee, do you know
10 what state that occurred in?
11 A. Nevada.
12 Q. And your second divorce from Miss Lee, do you
13 know what state that occurred in?
14 A. Let me correct that. The second marriage was
15 in Bora Bora or Tahiti.
16 Q. And was that a legally binding marriage?
17 A. I do not believe so.
18 Q. Did you have an official divorce process the
19 second time you were divorced?
20 A. No, I did not.
21 Q. The third time you married Miss Lee, do you
22 know what state that occurred in?
23 A. Nevada.
24 Q. Do you have any children?
25 A. Yes.

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1 Q. How many?
2 A. Two.
3 Q. And what are their ages?
4 A. Thirteen and six.
5 Q. What's your current address, residential?
6 A. Which state are you asking for?
7 Q. Where do you currently reside?
8 MR. JONES: Counsel, are you looking for
9 primary residence?
10 BY MS. MORRIS:
11 Q. Correct, where you reside.
12 A. Las Vegas, Nevada.
13 Q. And what's the address?
14 A. 1920, 1-9-2-0, Solvang Mill Drive, Las Vegas,
15 Nevada 89135.
16 Q. And is that a home?
17 A. Yes.
18 Q. And who owns that home?
19 A. I do.
20 Q. Does anyone currently live with you aside
21 from your wife and two children?
22 A. No.
23 Q. Do you currently work?
24 A. Yes.
25 Q. What do you do for work?

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1 A. I'm sorry, I couldn't hear you.
2 Q. What do you do for work?
3 A. I am a dentist.
4 Q. And where do you work?
5 A. I practice at Summerlin Smiles and
6 Distinctive Smiles.
7 Q. How many days a week do you currently work?
8 A. Approximately 3.5 days per week.
9 Q. Do you have any current medical conditions
10 that limit your ability to work?
11 A. No.
12 Q. Do you own any businesses currently?
13 A. Can you rephrase that question?
14 Q. Do you currently own any businesses?
15 A. Yes.
16 Q. What businesses do you currently own?
17 A. My dental offices as well as my restaurants.
18 Q. So you own -- currently own Summerlin Smiles;
19 is that correct?
20 A. Yes.
21 Q. And you currently own Distinctive Smiles; is
22 that correct?
23 A. Yes.
24 Q. And what other businesses; you mentioned
25 restaurants?

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1 A. Yes.
2 Q. What restaurants do you own?
3 A. Burnt Crumbs, Burntzilla, as well as food
4 trucks, Burnt Truck and Dogzilla.
5 Q. When did you first purchase Burnt Crumbs?
6 A. I don't recall.
7 Q. Was it after 2014?
8 A. I don't recall.
9 Q. How about your food trucks; when did you
10 purchase those?
11 A. I don't recall.
12 Q. Was it after 2014?
13 A. I don't recall.
14 Q. How about Burnt -- was it zilla?
15 A. That's correct.
16 Q. How do you spell that?
17 A. B-U-R-N-T, same word, Z-I-L-L-A, or one word.
18 Q. And do you recall how long you've owned
19 Burntzilla?
20 A. No, I don't.
21 Q. What states are these restaurants in?
22 A. California.
23 Q. Are you a sole owner of these food
24 establishments or are you a co-owner?
25 A. I am a partner.

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1 Q. Do you have any facts that the defamation
2 case you've brought against Miss Patin in any way
3 affected your food establishments in California?
4 MR. JONES: Objection; did you say facts,
5 Counsel?
6 BY MS. MORRIS:
7 Q. Correct, do you have any facts that you're
8 going to be offering that this defamation case that
9 you've brought in any way impacted your food
10 establishments in California?
11 MR. JONES: Object to form.
12 Go ahead and answer if you can.
13 THE DEPONENT: Can you ask that question
14 again?
15 BY MS. MORRIS:
16 Q. Sure. I can simplify it.
17 Are you claiming in this lawsuit that your
18 food establishments were in some way affected by the
19 alleged defamatory post?
20 A. No, I'm not.
21 Q. Let's talk about Summerlin Smiles. Are you a
22 full owner of Summerlin Smiles currently or are you a
23 co-owner?
24 A. I'm a partner.
25 Q. And how many partners do you currently have?

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1 A. Two.
2 Q. And what are their names?
3 A. Jon Dean, J-O-N D-E-A-N, Meron Angheson,
4 M-E-R-O-N A-N-G-H-E-S-O-N.
5 (Mr. Doyle joined the videoconference.)
6 BY MS. MORRIS:
7 Q. How long have you been partners with these
8 two individuals at Summerlin Smiles?
9 A. Almost five years.
10 Q. Distinctive Smiles, are you a full owner or
11 are you a co-owner with partners?
12 A. I am a partner.
13 Q. And are you also partnered with Mr. Dean and
14 Mr. -- I'm going to -- can you say his name for me
15 again?
16 A. Angheson.
17 Q. Angheson. Are you still -- are you partnered
18 with those two individuals at Distinctive Smiles?
19 A. Yes.
20 Q. And it has been approximately five years?
21 A. Approximately.
22 Q. On average, how many days a week are you
23 working at Summerlin Smiles?
24 A. I do not recall.
25 Q. Currently?

Page 15

1 A. I do not recall.
2 Q. You don't know how many days a week you work
3 at Summerlin Smiles?
4 A. I don't recall.
5 Q. Okay. How about Distinctive Smiles; do you
6 know how many days a week you work at Distinctive
7 Smiles currently?
8 A. I don't recall.
9 Q. Do you work at any other dental location on a
10 weekly basis?
11 A. No, I do not.
12 Q. How many employees does Summerlin Smiles
13 currently have?
14 A. I do not recall.
15 Q. Do you know how many employees your company
16 Distinctive Smiles currently has?
17 A. I do not recall.
18 Q. Do you have any approximation as to how many
19 employees Distinctive Smiles currently has?
20 A. I do not.
21 Q. Same question, do you have any approximation
22 as to how many employees Summerlin Smiles currently
23 has?
24 A. I do not.
25 Q. Do you have any ownership interest in any

Page 16

1 other dental practices in Nevada?
2 A. No, I do not.
3 Q. Do you have any ownership in any other
4 companies in Nevada aside from the two dental
5 practices?
6 A. No, I do not.
7 Q. Do any of your relatives currently work at
8 either of the dental practices?
9 A. Yes.
10 Q. Who?
11 A. My sister.
12 Q. And what's your sister's name?
13 A. Lynn, which is L-Y-N-N, Lee, L-E-E.
14 Q. And what is her position at the company?
15 A. Office manager.
16 Q. I've got some addresses that have been
17 provided to me on some documents, so I'd like to get
18 clarity on what they are.
19 The address 117 Nest Pine in Irvine,
20 California, do you know what address that's referring
21 to?
22 A. I do.
23 Q. What is that?
24 A. That is my home in California.
25 Q. And how long have you owned that home?

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A. Approximately two years.
Q. Currently how often do you go to that home in California?
A. Every week.
Q. Do you go there during the workweek or on the weekends?
A. Depends on the schedule.
Q. And you purchased that home two years ago, you said?
A. We moved there two years ago.
Q. When you say you moved, meaning you moved your family there?
A. My family moved to that residence two years ago.
Q. I'm sorry, I couldn't hear your answer.
A. My family moved into that address or that residence two years ago.
Q. Was your family living in California prior to moving to the Nest Pine address?
A. Yes.
Q. And what address were they previously living at, if you can recall?
A. 59 Skyward.
Q. And is that a home that you owned in Irvine, California?

Page 18

A. Yes.
Q. How long did you own that home?
A. I don't recall.
Q. When you say your family moved there, are you referring to your wife and two children?
A. Yes, I am.
Q. How long have your wife and two children lived in California?
A. Are you talking about currently?
Q. From as we sit here today, how long have they lived in California?
A. Are you asking currently?
Q. Yes, currently.
A. The last six years.
Q. So they moved to California in approximately 2014?
A. You are correct.
Q. Prior to 2014, did your family live in Nevada?
A. Yes.
Q. Do you know how long they had lived in Nevada?
A. I can't recall.
Q. Prior to living in Nevada, did your family live in California?

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A. I didn't have a family before Nevada.
Q. So you married your wife in California, correct?
A. Yes.
Q. So I'll try to be more clear. When you were married originally in California, was your wife at the time you married her residing in California?
A. No.
Q. Where was she residing?
A. Nevada.
Q. So prior to 2014, your family resided in Nevada, correct?
A. Yes.
Q. Why did your family move to California in 2014?
A. Can you ask that question one more time?
Q. Why did your family move to California in 2014?
MR. JONES: Object to form, relevance. Go ahead.
THE DEPONENT: I can't recall.
BY MS. MORRIS:
Q. Does your wife work?
A. No.
Q. Has she worked at any point during your

Page 20

marriage?
A. Yes.
Q. What did she used to do for work?
A. She worked at the dental offices.
Q. When did she stop working at the dental offices?
A. I cannot recall.
Q. Do you have any approximation on how long she worked at the dental offices?
A. No.
Q. What was her job title when she worked at the dental offices?
A. I can't recall.
Q. What did she do for work at the dental offices?
A. I can't recall.
Q. Another address I have here is 2077 Orchard Mist Street in Las Vegas. Do you know what that address is for?
A. That was a home we owned.
Q. When you say we, are you talking about you and your wife?
A. That is correct.
Q. And how long did you own that home for?
A. I can't recall.

Page 21

Q. Do you know when you sold it?
A. I can't recall.
Q. Do you suffer from any type of memory loss?
A. Rephrase that question, please.
Q. Do you suffer from any type of medical condition that affects your ability to remember things?
A. What medical --
MR. JONES: Objection; argumentative, irrelevant.
Go ahead and answer if you can.
THE DEPONENT: What is your medical definition of memory loss?
BY MS. MORRIS:
Q. What is the medical definition of memory loss? I'm not a doctor. I'm asking if you have any memory problems that you would say, you know, I don't remember because I have a memory problem.
A. You're asking a lot of general questions.
Q. I'm not trying to be offensive. I'm asking if you have any type of memory loss.
A. I'm not taking it offensively at all. You're asking me if I have memory loss. I'm asking you for a medical definition of memory loss. Are we talking short-term memory? Are we talking about long-term

Page 22

memory?
Q. Do you suffer from short-term memory loss?
A. I can't recall.
Q. Do you suffer from long-term memory loss?
A. I can't recall.
Q. So while you're providing your testimony under oath, you don't have any type of medical condition that prevents you from remembering certain things, correct?
MR. JONES: Objection; form, relevance, argumentative.
Go ahead.
THE DEPONENT: Not that I was diagnosed.
BY MS. MORRIS:
Q. Okay. Do your medical practices currently, Summerlin Smiles or Distinctive Smiles, own any vehicles that you drive?
A. No.
Q. Where are you from originally?
A. Where was I born?
Q. Where were you born?
A. I was born in Vietnam.
Q. How long did you live in Vietnam after you were born?
A. I cannot recall.

Page 23

Q. Where did you move to after Vietnam?
A. Santa Ana.
Q. Do you have any approximation on what age you were when you moved to Santa Ana?
A. I can't recall.
Q. Where did you attend high school?
A. Irvine High.
Q. Where did you attend college?
A. UC Irvine.
Q. Where did you attend dental school?
A. Indiana University School of Dentistry.
Q. What year did you originally move to Nevada?
A. I can't recall.
Q. What other states have you practiced dentistry in aside from Nevada?
A. California.
Q. Do you recall what years you worked as a dentist in California?
A. No, I do not.
Q. Do you currently have a license to practice dentistry in California?
A. Yes, I do.
Q. As we sit here today, when is the last time you practiced dentistry in California?
A. I can't recall.

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Q. Was it from 2010 on; have there been occasions since then?
A. I can't recall.
Q. Do you have any approximation on the last time you practiced dentistry in California?
A. No, I do not.
Q. When you practiced dentistry in California, did you work for a company or did you own your own company?
A. I did not own my own company.
Q. Did you work for a company?
A. Yes.
Q. Do you remember the name of the company?
A. No, I do not.
Q. Were you an employee of a dental practice or were you an independent contractor of a dental practice?
A. I can't recall.
Q. Do you have any recollection of the county in which you practiced dentistry in California?
A. No, I do not.
Q. Do you know if it was in Southern California or Northern California?
A. Southern California.
Q. When you practiced dentistry in Southern

Page 25

1 California at some point, were you married?
2 A. No, I was not.
3 Q. Was it prior to your first marriage that you
4 practiced dentistry in California?
5 A. I'm sorry, could you repeat the question?
6 Q. Was it prior to your first marriage that you
7 were practicing dentistry in California?
8 A. I do not recall.
9 Q. Now, I know you can't recall when you moved
10 to the state of Nevada, but when you moved to the
11 state, what did you do for work?
12 A. I worked for a company here in Nevada.
13 Q. As a dentist?
14 A. Yes.
15 Q. What was the name of that company?
16 A. I can't recall.
17 Q. Do you know how long you worked for that
18 company?
19 A. I do not remember.
20 Q. Was it only one company that you worked for
21 in Nevada or did you work for multiple dentists?
22 A. I can't recall.
23 Q. When you moved to Nevada, were you at that
24 point married?
25 A. No.

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1 Q. When did you originally form Ton Vinh Lee
2 DDS, the professional corporation?
3 A. I don't recall.
4 Q. Do you have any approximation on when you
5 formed Ton Vinh Lee, DDS, professional corporation?
6 A. No, I do not.
7 Q. Does Ton Vinh Lee, DDS, professional
8 corporation still exist as a corporation in Nevada?
9 A. No, it does not.
10 Q. When did you dissolve that corporation?
11 A. I apologize, could you repeat that last
12 statement again or that last question?
13 Q. Does Ton Vinh Lee, DDS, professional
14 corporation still exist as a corporation in Nevada?
15 A. Yes, it does.
16 Q. Does Ton Vinh Lee, DDS, professional
17 corporation own Summerlin Smiles and Distinctive
18 Smiles?
19 A. No, it does not, currently.
20 Q. When did Ton Vinh Lee, DDS, professional
21 corp. cease to own Summerlin Smiles and Distinctive
22 Smiles?
23 MR. JONES: Object to form.
24 Go ahead.
25 THE DEPONENT: I don't recall.

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1 BY MS. MORRIS:
2 Q. Does Ton Vinh Lee, DDS, professional corp.
3 own or have any ownership interest in any dental
4 practice in Nevada currently?
5 A. No, it does not.
6 Q. Do you as an individual have ownership
7 interest in Summerlin Smiles and Distinctive Smiles?
8 MR. JONES: Object to form.
9 Go ahead.
10 THE DEPONENT: Yes.
11 BY MS. MORRIS:
12 Q. Are you an employee of Ton Vinh Lee, DDS,
13 professional corp. currently?
14 A. Yes.
15 Q. Do you draw a salary from Ton Vinh Lee, DDS,
16 professional corp. currently?
17 A. Yes.
18 Q. Do you currently draw a salary from Summerlin
19 Smiles?
20 MR. JONES: Object to form.
21 Go ahead.
22 THE DEPONENT: I am an independent contractor
23 as well as a salaried employee.
24 BY MS. MORRIS:
25 Q. Are you also an independent contractor as

Page 28

1 well as a salaried employee of Distinctive Smiles?
2 A. Yes.
3 Q. You have brought a claim for defamation
4 per se, correct?
5 A. Yes.
6 Q. And do you recall who you have sued in this
7 case?
8 A. Ingrid Patin as well as her corporation.
9 Q. When is the last time you had any interaction
10 with Ingrid Patin?
11 MR. JONES: Objection, Counsel. What do you
12 mean by any interaction? I think they're interacting
13 in the legal forum on a regular basis these days.
14 BY MS. MORRIS:
15 Q. When is the last time you've ever directly
16 communicated with Ingrid Patin?
17 A. I've never spoken to Ingrid Patin.
18 Q. Do you know if she still practices law?
19 A. No, I do not.
20 Q. You brought this claim as an individual for
21 defamation per se regarding a post on her company
22 website, correct?
23 A. That is correct.
24 Q. Do you know when the post was originally put
25 on the company website?

Page 29

1 MR. JONES: Object to form.
2 Go ahead.
3 THE DEPONENT: No.
4 BY MS. MORRIS:
5 Q. Do you know when the post was removed from
6 the company website?
7 A. No.
8 Q. Do you know if Ingrid Patin herself put the
9 post on the company website?
10 MR. JONES: Object to form.
11 THE DEPONENT: No.
12 BY MS. MORRIS:
13 Q. Does Summerlin Smiles have a company website?
14 A. Yes.
15 Q. Does Distinctive Smiles have a company
16 website?
17 A. It's a cojoined website with Summerlin
18 Smiles.
19 Q. Do you manage the cojoined company websites
20 for Summerlin Smiles and Distinctive Smiles?
21 MR. JONES: Objection; relevance, form.
22 Go ahead.
23 THE DEPONENT: At times.
24 BY MS. MORRIS:
25 Q. Do you personally monitor any of the Yelp

Page 30

1 reviews that are put online regarding Summerlin Smiles
2 or Distinctive Smiles?
3 MR. JONES: Same objection.
4 THE DEPONENT: We all do.
5 BY MS. MORRIS:
6 Q. Is that a yes?
7 A. We all do.
8 Q. I'm asking if you do.
9 A. Are you asking me solely or are you asking me
10 if I manage it?
11 Q. I'm asking if you personally review the Yelp
12 commentary about Summerlin Smiles and Distinctive
13 Smiles.
14 A. At times.
15 Q. Is that a yes?
16 A. At times.
17 Q. So yes, you do at times, correct?
18 A. Yes, I do at times.
19 Q. The trial that took place back in 2014
20 involved your company and two dentists that worked for
21 you as an independent contractor; is that correct?
22 A. Yes.
23 Q. One of the dentists, Florida Traivai, does
24 she still work at either Summerlin Smiles or
25 Distinctive Smiles as an independent contractor?

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1 A. No.
2 Q. When did she stop working at either Summerlin
3 Smiles or Distinctive Smiles as an independent
4 contractor?
5 A. I don't recall.
6 Q. Was it after the verdict came out in 2014?
7 A. I don't recall.
8 Q. Parks was also an independent contractor with
9 Summerlin Smiles and Distinctive Smiles, correct?
10 A. Yes.
11 Q. Does he still work as a independent
12 contractor at either Summerlin Smiles or Distinctive
13 Smiles?
14 A. No.
15 Q. Do you recall when he stopped working as an
16 independent contractor for either company?
17 A. I do not.
18 Q. Do you know if it was after the verdict came
19 out in 2014?
20 A. I can't recall.
21 Q. The 2014 trial, just for clarity on the
22 record, was a wrongful death action, correct?
23 A. Yes.
24 Q. And do you remember the name of the
25 plaintiff?

Page 32

1 A. Last name.
2 Q. What was that?
3 A. Singletary.
4 Q. Do you remember the name of the man who died?
5 A. Reginald.
6 Q. And do you remember the name of his wife?
7 A. Svetlana.
8 Q. And do you remember the name of his child?
9 A. No, I do not.
10 Q. Did you attend the trial?
11 A. Yes.
12 Q. Do you recall how long it was?
13 A. I do not.
14 Q. Did you attend every day of the trial or did
15 you just come in for your testimony?
16 A. I attended every day.
17 Q. Aside being a defendant in that case, have
18 you ever been a defendant in any other case?
19 A. No.
20 Q. Now, you're a plaintiff in this case,
21 correct?
22 A. Yes.
23 Q. Have you ever been a plaintiff in any other
24 lawsuit?
25 A. No.

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1 Q. Have you ever brought an action as a
2 plaintiff on behalf of Ton Vinh Lee, DDS, professional
3 corp. in any other lawsuit?
4 A. I can't recall.
5 Q. Did you sue Affinity Insurance Company at any
6 point?
7 A. Yes.
8 Q. Do you recall what year you filed that
9 lawsuit?
10 A. No, I do not.
11 Q. Do you recall what the basis of that lawsuit
12 was?
13 A. No, I do not.
14 Q. Do you have any idea why you sued Affinity
15 Insurance?
16 MR. JONES: Objection. Counsel, who are you
17 referring to when you say you?
18 MS. MORRIS: The lawsuit he brought on behalf
19 of Ton Vinh Lee, DDS, professional corp.
20 MR. JONES: Object to form.
21 Go ahead.
22 THE DEPONENT: Could you repeat that
23 question?
24 BY MS. MORRIS:
25 Q. Do you have any idea why Affinity Insurance

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1 was sued by you on behalf of Ton Vinh Lee, DDS,
2 professional corp.?
3 A. Ton Vinh Lee, DDS, professional corporation
4 did not sue Affinity Insurance.
5 Q. Who sued Affinity Insurance?
6 A. Ton V. Lee, DDS, professional corporation.
7 Q. We'll get into the different corporations
8 that you have, so thank you for the clarity.
9 I have the complaint up here in front of me.
10 You did as an individual sue Affinity Insurance, and
11 yes, Ton V. Lee, DDS, professional corp. as well. Do
12 you recall the basis of the lawsuit?
13 A. No, I do not.
14 Q. Do you have any idea why you sued Affinity
15 Insurance Company?
16 A. Not in detail.
17 Q. Do you have a general idea?
18 A. To some extent.
19 Q. And what's that?
20 A. Coverage.
21 Q. Coverage for the verdict from the lawsuit
22 that Ingrid Patin brought?
23 A. Coverage for my entity.
24 Q. In the wrongful death action brought on
25 behalf of the Singletarys, you were a named defendant,

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1 correct?
2 A. I was -- I'm sorry, could you repeat that
3 question again?
4 Q. In the wrongful death action brought on
5 behalf of the Singletarys, you were a named defendant
6 in that, correct?
7 A. That is correct.
8 Q. As a result of the wrongful death action,
9 there was a verdict, correct?
10 A. Yes.
11 Q. And do you recall what the verdict was in
12 that wrongful death action?
13 A. Yes.
14 Q. What was that?
15 A. Can you be specific?
16 Q. What is your recollection of the verdict?
17 A. Can you be specific?
18 MR. JONES: Counsel, are we referring to just
19 as against Dr. Lee personally or are you talking about
20 the entire verdict? I'm confused as well over here.
21 BY MS. MORRIS:
22 Q. Sure. There was a verdict as a result of the
23 wrongful death action, correct?
24 A. Correct.
25 Q. Okay. And you were in the courtroom when the

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1 verdict came out, correct?
2 A. Correct.
3 Q. Okay. And do you remember who was found to
4 be negligent in the wrongful death of Reginald
5 Singletary?
6 A. I do.
7 Q. Who was that?
8 A. The deceased, Florida Traivai and a
9 corporation.
10 Q. Which corporation?
11 A. Ton V. Lee, DDS, prof. corp.
12 Q. So Ton V. Lee, DDS, professional corp. is
13 separate and distinct from Ton Vinh Lee, DDS,
14 professional corp.; is that correct?
15 A. Yes.
16 Q. When the verdict came out, what corporation
17 owned Summerlin Smiles?
18 A. Ton V. Lee.
19 Q. When was Ton V. Lee, DDS, professional corp.
20 formed?
21 A. I cannot recall.
22 Q. At the time the verdict came out in January
23 of 2014, did Ton Vinh Lee, DDS, professional corp. own
24 any part of Summerlin Smiles or Distinctive Smiles?
25 A. Only Distinctive Smiles.

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Q. How many corporations are you currently a member in?
A. I can't recall.
Q. Do you have any idea, any approximation?
A. No.
Q. Does Ton Vinh Lee, DDS, professional corp. still exist in Nevada? I just want clarity. I think you said yes.
A. Yes.
Q. Does Ton V. Lee, DDS, professional corp. still exist as a corporation in Nevada?
A. No.
Q. When did you dissolve that corporation?
A. I can't recall.
Q. Why did you dissolve it?
A. I can't recall.
Q. Is it any relation to this lawsuit?
A. I can't recall.
Q. When did you first learn of the alleged defamatory statement on Ingrid Patin's company website?
A. Could you repeat yourself?
Q. When did you first learn of the alleged defamatory posting on Ingrid Patin's company website?
MR. JONES: Counsel, did you say when; was

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that your first word?
MS. MORRIS: When.
MR. JONES: Thank you.
THE DEPONENT: It's not alleged. The date that I can recall is March 23rd, 2015.
BY MS. MORRIS:
Q. And how did you come to learn this?
A. I can't recall.
Q. Did you go to her website?
A. No.
Q. Did you Google search yourself?
A. Did I what?
Q. Did you Google search yourself?
A. I did.
Q. So is that how you came to find it, by Google searching yourself on March 23rd of 2015?
A. I Google search myself all the time.
Q. The question was, is did you come to learn of it by Google searching yourself on March 23rd, 2015?
A. I Google search myself all the time, so I cannot recall if that was the particular case or not.
Q. So is it your testimony you don't know how you became aware of it on March 23rd, 2015?
A. I don't recall.
Q. Okay. Have you had adequate time to prepare

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for today's deposition?
MR. JONES: Objection; argumentative.
Go ahead.
THE DEPONENT: Yes.
BY MS. MORRIS:
Q. Okay. And do you feel prepared today to give accurate and honest testimony?
A. Yes.
MR. JONES: Objection; argumentative.
BY MS. MORRIS:
Q. On March 23rd, 2015, you've testified that you read the alleged defamatory post, correct?
A. That is correct.
Q. Okay. And was anyone with you when you read it?
A. I don't recall.
Q. Did you read it to anyone?
MR. JONES: Objection; form. Are you talking about that day, Counselor, or any future day?
MS. MORRIS: I don't think I can be any more clear. I'm talking about that day.
BY MS. MORRIS:
Q. On that day, sir, did you read it to anyone?
A. I don't think I would remember exactly on the 23rd of March 2015, that I could recall who I spoke to

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or who I did not speak to.
Q. How do you remember it was March 23rd, 2015 then?
A. Because certain traumatic events stick in your mind.
Q. And what about that traumatic event sticks in your mind?
A. It's untrue.
Q. Okay. And I understand that that's your position in this lawsuit, but I'm asking how do you recall that March 23rd, 2015 is the date? Did you mark it on a calendar?
MR. JONES: Objection; asked and answered.
Go ahead.
THE DEPONENT: Because it's a traumatic event.
BY MS. MORRIS:
Q. Okay. And then what did you do after this traumatic event?
A. After that, I don't recall.
Q. Okay. Did you black out?
A. I don't recall.
Q. Okay. Did you have to get any medical care?
A. I don't recall.
Q. Okay. Did you tell anyone that you read this

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1 post and it was traumatic to you?
2 A. I'm sure I did.
3 Q. Who did you tell?
4 A. I don't recall.
5 Q. Are you able to offer any witnesses to this
6 reading of the post on March 23rd, 2015?
7 MR. JONES: Object to form. What do you mean
8 by offer witnesses, Counselor? We've already produced
9 our witness disclosures.
10 BY MS. MORRIS:
11 Q. Do you have any witnesses? I'm asking you
12 under oath, sir.
13 A. Ask it again.
14 Q. So on March 23rd, 2015, you read this
15 traumatic post, correct?
16 A. Yes.
17 Q. Okay. And you don't know if you told anyone
18 about it, right?
19 A. I didn't say I didn't know that I didn't tell
20 anyone. I said I don't recall. I'm sure I spoke to
21 individuals.
22 Q. Today is the day for your testimony, so if
23 you were to offer any evidence, this would be the time
24 to do so.
25 Saying I don't recall means that you don't

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1 have any recollection of anyone. Are you going to
2 later --
3 A. That means I don't recall.
4 MR. JONES: Objection.
5 THE DEPONENT: That means I don't recall.
6 MR. JONES: Testimony speaks for itself,
7 Counselor.
8 MS. MORRIS: Well, my concern is I take his
9 deposition and then all of a sudden he recalls all
10 these things he can't recall, so obviously I have some
11 concern.
12 BY MS. MORRIS:
13 Q. I'm asking you, do you need a break today or
14 do you need to take some time to think about these
15 questions?
16 A. Not at all.
17 Q. Okay. Are you ever going to produce
18 witnesses to talk about you reading a traumatic post
19 on March 23rd, 2015? Is there any individual?
20 MR. JONES: Objection; calls for legal
21 strategy, Counselor. Whether or not we're going to
22 call a witness is one thing. You're certainly
23 entitled to his recollection.
24 MS. MORRIS: Hiding evidence is not a legal
25 strategy.

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1 BY MS. MORRIS:
2 Q. It's a question: Was anyone -- are there any
3 witnesses to your reading the traumatic post on
4 March 23rd, 2015?
5 MR. JONES: I'm sorry, can you repeat the
6 question? I think we were talking over each other.
7 BY MS. MORRIS:
8 Q. Are there any witnesses to you reading this
9 traumatic post on March 23rd, 2015?
10 A. I don't recall.
11 Q. Where were you when you read the post?
12 A. I don't recall.
13 Q. Were you at home?
14 A. Same, I don't recall, Counsel.
15 Q. Were you at work?
16 MR. JONES: Objection; asked and answered.
17 He said he doesn't recall where he was.
18 BY MS. MORRIS:
19 Q. Do you remember what time of day it was?
20 A. Don't recall.
21 Q. Do you remember why you had searched yourself
22 on that day?
23 A. I search myself all the time.
24 Q. Why do you search yourself all the time?
25 A. Reputation. Do you search yourself, too?

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1 Q. Sorry? Excuse me?
2 A. I'm just asking, do you preserve your
3 reputation? Do you want to make sure that your
4 reputation is in good standing? Do you do it
5 periodically if you -- as your profession, as a
6 professional?
7 Q. So you search yourself for your reputation?
8 A. I search myself, period.
9 Q. After you read this alleged traumatic post,
10 what did you do?
11 MR. JONES: Objection; argumentative,
12 Counselor. Come on.
13 BY MS. MORRIS:
14 Q. I'm sorry, I couldn't hear the answer.
15 A. I'm sorry?
16 MR. JONES: Same objection.
17 Go ahead, Dr. Lee.
18 THE DEPONENT: I'm sorry, could you repeat
19 yourself?
20 BY MS. MORRIS:
21 Q. What did you do after you read this allegedly
22 traumatic post?
23 A. I don't recall.
24 Q. Did you reach out to the Patin Law Group to
25 ask them to either modify it or take it down?

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1 A. I don't recall.
2 MR. JONES: Objection; asked and answered.
3 MS. MORRIS: I didn't ask and answer that
4 question.
5 BY MS. MORRIS:
6 Q. Did you reach out to the Patin Law Group to
7 ask them to either modify or take it down?
8 A. You asked me a general question four to five
9 statements before if I recall any events or any
10 occurrence or activities I did that day, and I've
11 indicated to you that I do not recall. Now you're
12 asking me specifically in certain events, and the same
13 answer stands: I do not recall.
14 Q. Okay. At any time after March 23rd, 2015,
15 did you ever reach out to Ingrid Patin Law Group and
16 ask them to either modify or take down the post?
17 A. No.
18 Q. Why not?
19 MR. JONES: Object to form.
20 Go ahead.
21 THE DEPONENT: Repeat that question, if you
22 don't mind, again.
23 BY MS. MORRIS:
24 Q. Sure. Why did you never reach out to Ingrid
25 Patin Law Group to ask them to either modify or take

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1 down the post?
2 A. Because it's an untrue statement.
3 Q. The question is why you didn't reach out.
4 A. Because it's an untrue statement.
5 Q. I understand that you're alleging it's an
6 untrue statement.
7 A. It's not an alleged.
8 Q. The question I'm asking is, why did you not
9 reach out to Ingrid Patin Law Group to ask them to
10 either modify or take down what you believed to be an
11 untrue statement?
12 A. Because --
13 MR. JONES: Objection; asked and answered.
14 Go ahead.
15 THE DEPONENT: Because your client produced
16 an untrue statement. Calling her to retract an untrue
17 statement, would you do the same, Counsel?
18 BY MS. MORRIS:
19 Q. I'm sorry, sir, I'm not going to answer your
20 questions today.
21 A. There you go.
22 Q. I'm here to ask you questions. I didn't file
23 a lawsuit, you did, okay?
24 A. You're absolutely correct.
25 Q. So let's try and be a little bit respectful

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1 of the process.
2 A. I ask you the same.
3 Q. I'm attempting to be.
4 A. In a way as well.
5 Q. Okay. So please don't ask me questions
6 personally. I'm here as an attorney --
7 A. It was more of a rhetorical question than it
8 was a question directed to you.
9 Q. I'm not going to parse hairs about it, you
10 clearly asked me a question, but I'd like to continue
11 on with this process in a way that's a little bit
12 professional, so --
13 A. I am in the same boat.
14 Q. Okay. So you didn't reach out to Ingrid
15 Patin Law Group. Did you reach out to anyone
16 regarding this post?
17 A. The state bar.
18 Q. And when did you do that?
19 A. I don't recall.
20 Q. How did you do that; how did you reach out to
21 them?
22 A. I don't recall, but I'm assuming a complaint
23 or a grievance, but the methodology, I don't recall.
24 Q. And did you do it personally or did you hire
25 anyone?

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1 A. I did it personally.
2 Q. Do you have any recollection in the year in
3 which you put a grievance in to the state bar?
4 A. I would assume it would be the same year.
5 Q. And did the state bar respond to your
6 communication to them about the post?
7 A. Yes.
8 Q. And what did they say?
9 A. They suggested that it should be done in a
10 judicial form or in a court setting.
11 Q. Do you know if the state bar took any action
12 against Ingrid Patin Law Group?
13 A. I don't believe so.
14 Q. Do you remember who you dealt with at the
15 state bar?
16 A. No, I do not.
17 Q. After the state bar didn't take any action,
18 what did you do?
19 A. I followed their instructions or their
20 advice.
21 Q. And their advice was to sue Miss Patin?
22 A. To deal with it in a judicial form.
23 Q. And what did you take that to mean?
24 A. The reason why we're sitting here.
25 Q. Now, you brought this lawsuit as you as an

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1 individual, correct?
2 A. That is correct.
3 Q. You did not bring this lawsuit on behalf of
4 any corporation, correct?
5 A. That is correct.
6 Q. And you didn't bring this lawsuit on behalf
7 of either Distinctive Smiles or Summerlin Smiles,
8 correct?
9 MR. JONES: Object; asked and answered.
10 Go ahead.
11 THE DEPONENT: No.
12 BY MS. MORRIS:
13 Q. Is it your position that this alleged
14 defamatory statement was an attack on the services you
15 provide as a dentist?
16 A. I'm sorry, I couldn't hear you. Could you
17 repeat yourself?
18 Q. Is it your position that this alleged
19 defamatory statement was an attack on the services
20 that you provide as a dentist?
21 A. Could you rephrase that last part of the
22 question? I couldn't understand it, or maybe I'm not
23 understanding correctly.
24 Q. Is it your position that the alleged
25 defamatory attack was on your reputation for the

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1 services you provide as a dentist?
2 A. The defamatory statement, which is not
3 alleged, is yes.
4 Q. So you felt as though the post attacked your
5 reputation as a dentist, correct?
6 A. It's a fact, not alone a sentiment, but the
7 statement is untrue and is defamatory.
8 Q. Correct, but I'm asking what your -- my
9 question to you is that you felt as though the post
10 attacked the services you provide as a dentist and
11 affected your reputation as a dentist, correct?
12 A. Again, I'll answer you, it's not only a
13 sentiment but a fact that that statement, which is, in
14 fact, defamatory, would affect my reputation as a
15 dentist.
16 Q. What did you think people would think about
17 you as a dentist if they read that post?
18 MR. JONES: Objection to the extent it calls
19 for speculation.
20 Go ahead.
21 THE DEPONENT: Could you repeat that one more
22 time, please?
23 BY MS. MORRIS:
24 Q. Yeah, maybe clarify it.
25 What was your concern that people would think

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1 if they read that post?
2 A. That it was untrue.
3 Q. Your concern is that they would think it's
4 untrue?
5 A. No, I'm sorry, that it is untrue and my
6 concern is that it was true.
7 Q. What was your concern that they would think
8 about you as a dentist if they read it?
9 MR. JONES: Objection to the extent it calls
10 for speculation.
11 Go ahead.
12 THE DEPONENT: That obviously that I was, in
13 fact, inadequate at my profession and that I was
14 negligent.
15 BY MS. MORRIS:
16 Q. Did the post say that the verdict was against
17 you as an individual?
18 A. Yes.
19 Q. When is the last time you read the post on
20 the Patin Law Group website?
21 A. I don't recall.
22 MS. MORRIS: All right. I'm going to show --
23 I'm going to share my screen and I'm going to mark
24 this as Exhibit 1. I'll do it as soon as I go through
25 it, Gary, just so you know.

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1 (Exhibit 1 identified.)
2 BY MS. MORRIS:
3 Q. Can you see my screen, sir?
4 A. Yes, I can.
5 Q. Okay. I've pulled up here Patin Law dot com.
6 It's from July 9th, 2015. I've highlighted here under
7 Recent Settlements and Verdicts the post. Do you see
8 that?
9 A. I do see that.
10 MR. JONES: Counsel, can you identify the
11 Bates number? I saw it for a second, then it
12 disappeared. Thank you.
13 MS. MORRIS: Plaintiff 3.
14 MR. JONES: Thank you.
15 MS. MORRIS: Yep.
16 BY MS. MORRIS:
17 Q. This is the post that you read on March 23rd,
18 2015; is that correct?
19 A. Not on this site.
20 Q. But this is the language that you read,
21 correct?
22 MR. JONES: Counselor, I'm going to object to
23 the extent there were multiple forms of the statement
24 from the website. I think that's a confusing question
25 based on that fact alone, but I'll let Dr. Lee answer.

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1 THE DEPONENT: Would you repeat that one more
2 time, please?
3 BY MS. MORRIS:
4 Q. Sure. Why don't we back up.
5 What website were you on when you read the
6 post on March 23rd, 2015?
7 A. I believe it was Avvo.
8 Q. And her post on her Patin Law Group website
9 came up on Avvo, is what you're saying, correct?
10 A. Something similar to this, if I can recall.
11 Q. And how do you know that the post stemmed
12 from Patin Law Group?
13 A. Where would it stem from? From Patin Law
14 Group.
15 Q. There was multiple publications, the Trial
16 Reporter, other publications about the verdict, so how
17 do you know --
18 A. Can I just answer it -- sorry, I apologize.
19 I shouldn't --
20 Q. Right, how do you know it was from Patin Law
21 Group?
22 A. Because I believe Avvo is a advertisement for
23 attorneys, if I'm correct, something to some extent.
24 It's not my industry, but I believe so.
25 Q. Was it Avvo that you read it on on

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1 March 23rd, 2015 or could it have been something else?
2 A. No, it was Avvo.
3 Q. Okay. So did you print the post from Avvo on
4 March 23rd, 2015?
5 A. I took a time stamp.
6 Q. Is that a yes?
7 A. That is a yes.
8 Q. Okay. And you time stamped it?
9 A. Yes.
10 Q. And it's your opinion that it read
11 differently from the post I have up here on the
12 screen?
13 MR. JONES: Objection; misstates prior
14 testimony.
15 BY MS. MORRIS:
16 Q. Are you able to read the post I have on the
17 screen, sir?
18 A. I'm sorry, could you repeat yourself?
19 Q. Sure. Are you able to read the post I have
20 up here on the screen?
21 A. I am.
22 Q. Okay. Is this the post that you also read on
23 March 23rd, 2015, whether it be on a different
24 website?
25 A. It seems to be very similar.

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1 Q. Okay. And does this post, in your opinion,
2 state that a verdict was found against you?
3 A. Absolutely.
4 Q. Okay. Can you read for me where you see that
5 in the post?
6 MR. JONES: Object to form.
7 Go ahead.
8 THE DEPONENT: If you -- it says, Dental
9 malpractice, wrongful death, plaintiff verdict
10 3.4 million, 2014. Description, Singletary versus Ton
11 Vinh Lee, DDS, et al., a dental malpractice-based
12 wrongful death action that arose out of the death of
13 the decendent -- decedent Reginald Singletary
14 following the extraction of the No. 32 wisdom tooth by
15 defendants on or about April 16, 2011. Plaintiff sued
16 the dental office, Summerlin Smiles, the owner, Ton
17 Vinh Lee, DDS, and the treating dentists Florida
18 Traivai, DMD, and Jai Park, DDS, on behalf of the
19 estate, herself and minor son, so the answer is yes.
20 BY MS. MORRIS:
21 Q. Well, let's go break this up as to what part
22 you believe to be untrue.
23 This was, in fact, a dental malpractice
24 wrongful death action, correct?
25 A. Yes.

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1 Q. There was a plaintiff's verdict of
2 3.4 million, correct?
3 A. I don't know the amount.
4 Q. Okay. Do you believe that to be untrue,
5 3.4 million?
6 A. I don't know the amount.
7 Q. Okay. Description, Singletary versus Ton
8 Vinh Lee, DDS, et al. that was the caption on the
9 complaint, correct?
10 A. I believe so.
11 Q. Okay. It was a dental malpractice-based
12 wrongful death action that arose from the death of
13 Reginald Singletary, correct?
14 A. That is correct.
15 Q. It was following -- his death did follow the
16 extraction of the No. 32 wisdom tooth by defendants,
17 correct?
18 A. That is correct.
19 MR. JONES: Counsel, I'm going to lodge just
20 a continuing objection to this entire line of
21 questioning. We've fought this out over many motions
22 and we have a ruling from the court that the statement
23 read as a whole was found to be not truthful. So I
24 get what you're doing here, but I'm going to object to
25 this whole line of questioning.

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1 MS. MORRIS: Okay, thank you for your
2 speaking objection, but we'll just keep going.
3 BY MS. MORRIS:
4 Q. And the extraction took place on April 16th,
5 2011, correct?
6 A. As far as I can recall based on this, yes.
7 Q. Okay. And the plaintiff did sue the dental
8 office of Summerlin Smiles, correct?
9 A. That's correct.
10 Q. And the plaintiff did sue the owner, Ton Vinh
11 Lee, DDS, correct?
12 A. That's correct.
13 Q. And the plaintiff did sue treating dentists
14 Florida Traivai, DMD, and Jai -- is it Jai Park, DDS?
15 A. Jai Park, yes.
16 Q. And the plaintiff did sue on behalf of the
17 estate, herself and minor son, correct?
18 A. That is correct.
19 Q. So what part of that statement is untrue?
20 A. It's the whole or the sum and not just the
21 parts.
22 Q. What part of this statement is untrue?
23 A. What part of the statement isn't untrue based
24 on the whole --
25 MR. JONES: Objection; asked and answered.

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1 Counsel, he just said the whole statement is
2 untrue.
3 MS. MORRIS: We just went through the
4 statement and he agreed that every part of that
5 statement was true, so my question --
6 MR. JONES: Counsel, I'm going to lodge a
7 belated objection to your representation that
8 plaintiff's verdict is 3.4 million. That was not in
9 place at the time the statement was made, so I'm going
10 to make an objection to that as well.
11 MS. MORRIS: Prescott, you're leading the
12 witness with speaking objections. I'm going to ask
13 you to stop doing that, please. We've already gone
14 through the statement. I'm asking him specifically
15 what part of the statement.
16 MR. JONES: And I'm going to object again;
17 asked and answered.
18 Go ahead.
19 MS. MORRIS: Okay, it is asked and answered.
20 Okay, so what I'll do is I'll attach this as
21 Exhibit 1, and I'm just going to name it now, Gary, so
22 I don't forget it.
23 MR. JONES: Counsel, is this a good time to
24 take a break here? We've been going for about an hour
25 and 20 minutes, it looks like.

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1 MS. MORRIS: If the witness needs a break.
2 Mr. Lee, do you need a break?
3 THE DEPONENT: Yes, please.
4 MR. JONES: And if you plan on going much,
5 much longer, I'm curious to see if we're going to do a
6 lunch break or just take a quick five-minute type
7 break.
8 MS. MORRIS: It's up to you.
9 THE VIDEOGRAPHER: We're going off the
10 record. The time is 12:21 p.m.
11 (Discussion off the record.)
12 THE VIDEOGRAPHER: We're going back on the
13 record. The time is 12:21 p.m.
14 MS. MORRIS: Thank you.
15 12:21 p.m., we are going off the record, and
16 counsel for plaintiff has requested that we take a
17 break and that they are going to go to lunch. The
18 break was not requested by counsel for the defense,
19 and when we go back on the record, if there's any
20 communications between counsel for the plaintiff and
21 the deponent, I will be asking about those.
22 MR. JONES: Counsel, you're not going to get
23 those. We've been going for an hour and 20 minutes.
24 We're entitled to a break. I mean, just the fact that
25 you didn't want to take a break doesn't entitle you to

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1 refuse us from taking a break or otherwise breach
2 attorney-client privilege, so --
3 MS. MORRIS: Well, you can read Coyote
4 Springs and tell me if that's any different, so --
5 MR. JONES: Well, we are entitled to a break,
6 Counsel, aren't we? I mean, we asked you beforehand
7 how long you planned on going today. It seemed like
8 it was going to be several hours. We are entitled to
9 a break, correct? I've read Coyote Springs.
10 MS. MORRIS: Are we off the record?
11 Yeah, let's go off the record.
12 THE VIDEOGRAPHER: We're going off the
13 record. The time is 12:22 p.m.
14 (Recess taken.)
15 THE VIDEOGRAPHER: We're going back on the
16 record. The time is 1:02 p.m.
17 MS. MORRIS: All right, we're back on?
18 THE COURT REPORTER: Yes.
19 BY MS. MORRIS:
20 Q. All right, Mr. Lee, you understand that you
21 are still under oath, correct?
22 A. Yes.
23 Q. Okay. And you understand that that oath is
24 the same oath that you would take in a court of law,
25 it holds with it the same obligations to tell the

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1 truth as well as the same penalties as perjury,
2 correct?
3 A. Yes.
4 Q. During the break, did you have a chance to
5 get something to eat?
6 A. I did.
7 Q. Okay. Are you prepared to move forward with
8 the deposition?
9 A. Yes.
10 Q. During the deposition break, did you talk to
11 your attorney about this case?
12 MR. JONES: Objection to the extent it calls
13 for privileged information and I'm going to instruct
14 my client not to answer.
15 BY MS. MORRIS:
16 Q. Sir, during the deposition, did you talk to
17 your attorney about this case?
18 MR. JONES: I'm sorry, during the deposition?
19 BY MS. MORRIS:
20 Q. During the deposition break, did you talk to
21 your attorney about this case?
22 MR. JONES: Same objection, Counsel. I'm
23 going to instruct the witness not answer.
24 BY MS. MORRIS:
25 Q. So first off, I'm not asking for the

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1 substance of the conversation, I'll get there, so the
2 first question is, is did you talk to your attorney
3 during the deposition break about this case?
4 MR. JONES: Same objection, Counselor,
5 instruct the witness not to answer.
6 BY MS. MORRIS:
7 Q. Sir, can you please answer this question?
8 MR. JONES: No, I'm instructing him not to
9 answer, Counselor.
10 MS. MORRIS: And just so we can have clarity
11 on the record, Prescott, you're instructing him not to
12 answer about whether he even spoke to you about this
13 case where I've not yet asked for the substance of it,
14 correct?
15 MR. JONES: Any communications between my
16 client and myself are privileged and I'm going to
17 instruct him not to answer, including the existence or
18 nonexistence of such communications.
19 MS. MORRIS: So you're stating a privilege as
20 to attorney-client as to whether he even spoke to you?
21 MR. JONES: No, I also lodge another
22 objection as to relevance, but yeah, of course.
23 MS. MORRIS: The law is very clear in Nevada,
24 under Coyote Springs, if during a break there is
25 communications between the attorney and the deponent

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1 while he is still under oath, there is no privilege to
2 those communications.
3 MR. JONES: Counsel, I'll note for the
4 record, since we're going to play this game then, that
5 my client was testifying for an hour and 40 -- I'm
6 sorry, approximately an hour and 20 minutes straight.
7 I had not asked for a break at that point in time. It
8 was 12:20 and we asked for a reasonable lunch break.
9 I'll note that you didn't provide my client
10 with the standard admonitions during the beginning of
11 this deposition that usually include an allowance that
12 breaks are taken every hour, as is customary. No such
13 offer of a break was made by you even an hour and
14 20 minutes into the deposition.
15 MS. MORRIS: Is that an objection?
16 MR. JONES: I'm just noting for the record,
17 similar to you, Counsel.
18 MS. MORRIS: Okay. So what I think we need
19 to do is get the discovery commissioner on the phone
20 and see if we can get an opinion from her.
21 MR. JONES: Do you have a proposed means to
22 do that with the Zoom meeting here?
23 MS. MORRIS: Yeah, what I can do is I can
24 call you and then I will call her, so do you want me
25 to call your office?

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1 MR. JONES: Let me think. You can call my --
2 do you have my -- yeah, call my office, that should be
3 fine.
4 MS. MORRIS: What's your office number?
5 MR. JONES: (702) 997-1029.
6 MR. DOYLE: Christian?
7 MS. MORRIS: Yes.
8 MR. DOYLE: Are you going to leave the video
9 up on the call?
10 MS. MORRIS: Yeah, and I'll put it on
11 speakerphone.
12 MR. DOYLE: All right, that's fine, I mean --
13 MS. MORRIS: Yeah, if that works for you.
14 MR. DOYLE: Yeah, I'm with you on the request
15 for the info, so --
16 (Inaudible.)
17 MR. JONES: Can you hear me? We have some
18 feedback here.
19 MS. MORRIS: Yeah, it might work if -- is
20 that better?
21 MR. JONES: Okay, I don't think we have any
22 feedback now. We should be good.
23 MS. MORRIS: Okay. Kerry -- that's perfect,
24 he can hear me.
25 MR. DOYLE: Yeah, I can.

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1 MS. MORRIS: Perfect, thanks. And then I'm
2 going to add the commissioner in.
3 Yeah, they're probably at lunch.
4 MR. JONES: That was my concern.
5 MS. MORRIS: Yeah, so what we'll do is I'll
6 move on to a separate area and then we'll try back in
7 about 20 minutes.
8 MR. JONES: Okay.
9 BY MS. MORRIS:
10 Q. Okay. So have you ever been deposed before,
11 Mr. Lee?
12 A. No.
13 Q. So this is your first time ever undergoing a
14 deposition?
15 A. Yes.
16 Q. Okay. You have testified under oath in open
17 court, correct?
18 A. Yes.
19 Q. Was your deposition taken in the lawsuit
20 against the Affinity Insurance?
21 A. No.
22 Q. What was the outcome of the lawsuit with
23 Affinity Insurance?
24 A. I think it was settled, but I don't recall
25 the exact details.

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1 Q. When did you hire a lawyer for this lawsuit?
2 A. I would assume 2015.
3 Q. And were you referred to the law firm? How
4 did you find the lawyer?
5 A. I was referred to the law firm.
6 Q. And who referred you?
7 A. Scott Simmons.
8 Q. Did you say Scott Simmons?
9 A. I did say Scott Simmons.
10 Q. Okay. And who is Mr. Simmons?
11 A. He's an attorney.
12 Q. When you first saw this post in March of
13 2015, did you believe it to be attorney advertising?
14 MR. JONES: Object to form, calls for a legal
15 conclusion.
16 Go ahead.
17 THE DEPONENT: Yes.
18 BY MS. MORRIS:
19 Q. Do you have any facts that Miss Patin or
20 Patin Law Group posted this out of hatred or anger
21 toward you?
22 MR. JONES: Objection; calls for speculation,
23 calls for hearsay.
24 Go ahead.
25 THE DEPONENT: Could you repeat that

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1 question?
2 BY MS. MORRIS:
3 Q. Do you have any facts that Miss Patin or
4 Patin Law Group posted this out of anger or hatred
5 toward you?
6 MR. JONES: Same objections.
7 BY MS. MORRIS:
8 Q. I'm sorry, did you answer? I didn't hear.
9 A. I wouldn't know what her intentions were
10 except for her own purpose.
11 Q. For financial gain for advertising her law
12 firm, is that your position?
13 A. I would assume what advertisement is meant
14 for.
15 Q. You previously stated you've never actually
16 directly communicated with Ingrid Patin, correct?
17 A. That is correct.
18 Q. Has she ever done anything to make you think
19 that she has ill will toward you?
20 MR. JONES: Object to form.
21 Go ahead.
22 THE DEPONENT: I wouldn't know.
23 BY MS. MORRIS:
24 Q. In March of 2015, when you first saw this
25 post, were you still the sole owner of Distinctive

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1 Smiles and Summerlin Smiles through the corporation
2 Ton V. Lee, DDS, and Ton Vinh Lee, DDS --
3 A. Yes.
4 Q. -- professional corp.?
5 Now, as a result of the wrongful death action
6 in 2014, a verdict was rendered for negligence against
7 Summerlin Smiles, which you owned through Ton V. Lee,
8 DDS, professional corp., correct?
9 MR. JONES: Object to the form. I'm not sure
10 that's entirely correct, Counsel. What time frame are
11 you referring to?
12 MS. MORRIS: In 2014, when the verdict was
13 rendered in January.
14 MR. JONES: Are you referring to the jury
15 verdict or after the verdict was overturned?
16 MS. MORRIS: I'm asking about the verdict in
17 January of 2014.
18 BY MS. MORRIS:
19 Q. Sir, do you understand what I'm asking you
20 about?
21 A. No, I'm not clear what you're asking me
22 about.
23 Q. Okay. You were sitting in the courtroom when
24 a verdict was rendered against Summerlin Smiles for
25 25 percent negligence in the death of Reginald

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1 Singletary, correct?
2 A. Yes.
3 Q. Okay. And at that time that verdict was
4 brought by the jury, you owned Summerlin Smiles
5 through Ton V. Lee, DDS, professional corp., correct?
6 A. Could you repeat that last part?
7 Q. When the verdict was rendered by the jury in
8 January of 2014, you were the sole owner of Summerlin
9 Smiles that you owned through Ton V. Lee, DDS,
10 professional corp., correct?
11 MR. JONES: Object to the extent that there's
12 an allegation made that my client is the sole owner of
13 Summerlin Smiles.
14 Go ahead.
15 THE DEPONENT: Yes.
16 BY MS. MORRIS:
17 Q. I guess, for clarity, since your counsel
18 brought it up, did anyone else own Summerlin Smiles in
19 January of 2014?
20 MR. JONES: Same objection.
21 THE DEPONENT: No.
22 BY MS. MORRIS:
23 Q. And you testified at trial in that case that
24 you were responsible for the hiring and training of
25 the employees of Summerlin Smiles, correct?

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1 A. I don't recall.
2 Q. Would you disagree with that statement?
3 A. I don't recall.
4 MR. JONES: Objection; asked and answered.
5 BY MS. MORRIS:
6 Q. I'm asking if you disagree, not if you
7 remember it.
8 A. I don't recall. How can you disagree with
9 something you don't recall?
10 Q. When you were the owner of Summerlin Smiles
11 through Ton V. Lee, DDS, professional corp., were you
12 responsible for the hiring and training of Summerlin
13 Smiles employees?
14 MR. JONES: Same objections.
15 Go ahead.
16 THE DEPONENT: We have different departments
17 within the office itself, so I do not recall.
18 BY MS. MORRIS:
19 Q. You do recall that you testified in open
20 court under oath in that case, correct?
21 A. I don't recall what my testimony was.
22 Q. Okay. Do you have any reason to believe that
23 you lied during your testimony?
24 MR. JONES: Objection; argumentative,
25 Counsel. Come on.

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1 BY MS. MORRIS:
2 Q. Do you have any reason to believe you were
3 inaccurate in your testimony?
4 A. Why would I have any reason to believe if I
5 don't recall?
6 Q. Can you please answer the question?
7 A. I just did.
8 Q. So your testimony is that you do not believe
9 you were inaccurate in any way in your testimony in
10 trial, correct?
11 A. Can you repeat yourself?
12 Q. Sure. Do you have any reason to believe that
13 you were inaccurate in any way in your testimony in
14 the wrongful death trial?
15 A. I can't recall.
16 Q. So you might have been?
17 A. I can't recall.
18 Q. Okay. So it's possible that you were
19 inaccurate in your trial testimony?
20 A. I can't recall.
21 MR. JONES: Objection; form.
22 BY MS. MORRIS:
23 Q. Can you recall giving the testimony?
24 A. No, I cannot.
25 Q. Do you have any recollection as to how long

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1 you were on the stand?
2 A. I can't recall.
3 Q. After you saw this post in March of 2015, did
4 you show it to anyone else from that date until today?
5 A. Go ahead and repeat yourself again.
6 Q. Did you show the post to anyone else from
7 that date until today?
8 A. Yes.
9 Q. Who?
10 A. My attorney.
11 Q. Okay. Anyone else?
12 A. I can't recall.
13 Q. Do you have any evidence that any patient of
14 yours saw this post on Ingrid Patin Law Group?
15 A. I wouldn't be able to recall that.
16 Q. Do you have any facts that any patient of
17 yours ever saw this post?
18 MR. JONES: Object to form.
19 THE DEPONENT: If I don't recall, I won't be
20 able to have the facts.
21 BY MS. MORRIS:
22 Q. Is it that you don't recall or you don't
23 know?
24 A. I don't recall.
25 Q. When you say I don't recall, do you mean that

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1 you might be able to recall later or you just don't
2 know, you need a break, or that you've never been
3 aware of any patient ever seeing this post?
4 A. If you're asking me specifically, for
5 example, I don't recall, but I can tell you Prescott
6 Jones, who is a patient of mine, has seen that post.
7 Q. Okay, so you showed it to him, correct?
8 A. Yes, that's correct.
9 Q. Okay. So the only person who is a patient of
10 yours that you're aware has seen this post is your
11 attorney, who you showed it to, correct?
12 A. Correct.
13 Q. Are you aware of any potential patient who
14 saw this post on the Patin Law Group website?
15 MR. JONES: Object to form.
16 Go ahead and answer.
17 THE DEPONENT: I am unaware because if
18 potential patients were to see this, and if they were
19 to be negatively impacted, I would never be aware of
20 that.
21 BY MS. MORRIS:
22 Q. So if I understand your testimony, you are
23 not aware of any potential patient who saw this post
24 on Ingrid Patin Law Group?
25 MR. JONES: Objection; misstates prior

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1 testimony.
2 Go ahead.
3 THE DEPONENT: Again, if potential patients
4 were to see or if I -- I am unaware of any potential
5 patients seeing this; however, if they were to see
6 this post and they were negatively impacted, I would
7 never know.
8 BY MS. MORRIS:
9 Q. You don't think that they would reach out and
10 say, hey, I was going to come to you, but I read the
11 post?
12 A. That doesn't make any sense.
13 Q. Okay, so you have no facts that any potential
14 patient has ever seen your post and didn't come to
15 you, correct?
16 MR. JONES: Objection; misstates prior
17 testimony, object to form.
18 Go ahead.
19 THE DEPONENT: How would you have facts if
20 you're unaware?
21 BY MS. MORRIS:
22 Q. If you don't have any facts, the answer is
23 you don't have any facts, not that, oh, I'm not aware
24 of it. Either you have the facts or you don't. This
25 is the time to tell me.

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1 A. You're saying something is factual. Factual
2 is substance.
3 Q. I'm attempting --
4 A. If something is factual and you have
5 substance, you would be aware of it.
6 Q. I'm not trying to be disrespectful, sir. I
7 am trying to understand the basis of your complaint.
8 And if you have potential patients that you're
9 alleging didn't come to you because of this post, I'd
10 like to know about it. If you don't, you don't, the
11 answer is no, and we move on. It is not complicated.
12 So if you have them, I would like to know about them.
13 A. It's not complicated. It's just the form
14 that you're making it. You're twisting things around
15 in a certain form, in a certain manner, hoping that
16 you would get an answer that you feel comfortable
17 with.
18 Q. No, I'm trying to discover whether you have
19 these facts. If you don't, then you don't, and that's
20 fine.
21 A. You're asking me and I'm telling you I'm
22 unaware.
23 Q. Then you don't have any facts.
24 A. I'm unaware.
25 Q. You're saying they are out there, but you

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1 don't know about them; is that your claim?
2 A. I'm not saying that. You're saying that.
3 Q. No, I'm asking you. This is your deposition
4 testimony under oath. Do you have any facts that
5 someone did not come to you as a result of this post?
6 MR. JONES: I'm going to object to this
7 entire line of questioning, Counsel. You're asking
8 about potential patients. How would he know about
9 potential patients that aren't -- didn't go ahead and
10 become actual patients?
11 MS. MORRIS: Then he doesn't know about them,
12 Prescott. This is the basis of the case, either he
13 has the facts or he doesn't. This is the time to lay
14 it out.
15 MR. JONES: The basis for the case is it's a
16 defamation per se case. It doesn't matter whether or
17 not potential patients spoke to him or not. I fail to
18 see the relevance. Thanks for pointing that out; I'll
19 object to this on relevance grounds as well.
20 BY MS. MORRIS:
21 Q. Sir, aren't you alleging that you lost money
22 in your practice as a result of this post?
23 A. Yes.
24 MS. MORRIS: Okay, so that is highly
25 relevant, Prescott.

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1 MR. JONES: All that's relevant, Counselor,
2 is publication. Whether or not potential -- he has
3 the identity of potential patients that have reached
4 out to him is, I think, quite ridiculous.
5 MS. MORRIS: Okay, so, I mean, the answer is
6 no, there's no evidence. I think it's pretty clear.
7 We don't have to argue about it.
8 MR. JONES: I'm going to object to your
9 characterization of his testimony.
10 Go ahead.
11 BY MS. MORRIS:
12 Q. Do you have facts that colleagues in the
13 community saw this post?
14 A. It's certainly not a conversation that you
15 want to share with the entire community because,
16 number one, it's untrue, so it's not a topic of
17 conversation you would like to share with everybody.
18 Q. Do you have any facts that any colleagues in
19 the community saw this post on Patin Law Group?
20 A. I would be unaware if any colleagues have
21 seen this.
22 Q. Your current partners in your dental
23 practice, have you made them aware of this post?
24 A. Absolutely.
25 Q. Have any of your partners in your current

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1 dental practice sustained corrective action by the
2 medical board?
3 MR. JONES: I'm sorry, Counsel, can you
4 repeat the question? I lost you on the second half
5 there.
6 BY MS. MORRIS:
7 Q. Have any of your current partners in your
8 medical practice had to undergo corrective action by
9 the medical board?
10 A. No, not the medical board.
11 Q. I think we're probably parceling hairs
12 and you know what I'm talking about, but let me pull
13 it up. Have any of your partners in your current
14 practice had to sustain corrective action by the Board
15 of Dental Examiners?
16 A. I'm sorry, could you repeat that again?
17 Q. Have any of your partners in your current
18 dental practice had to undergo corrective action by
19 the Board of Dental Examiners?
20 MR. JONES: Object to form. Are you talking
21 about at any point in time? And if so, I'm going to
22 object on relevance grounds. Counsel, are you
23 referring to any point in time?
24 BY MS. MORRIS:
25 Q. If you're aware of any corrective action by

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1 the dental -- Board of Dental Examiners by any of your
2 partners, sir.
3 A. I know they're in good standings, but I'm not
4 aware of anything else.
5 Q. Were you aware of corrective action against
6 Angheson for the death of his patient in 2014?
7 A. Vaguely.
8 Q. And how did you become aware of that?
9 MR. JONES: Objection; relevance.
10 THE DEPONENT: I don't recall.
11 BY MS. MORRIS:
12 Q. When did you share with your current partners
13 the post that was on Patin Law Group back in 2015?
14 A. I didn't share the post. I made them aware
15 of a defamatory post.
16 Q. When did you make them aware of a defamatory
17 post?
18 A. I don't recall.
19 Q. Do you have any idea in what year you made
20 them aware of a defamatory post?
21 A. I would -- I would -- my best estimate was
22 probably in 2015.
23 Q. When you say you made them aware of a
24 defamatory post, did you give them any details of it?
25 A. I can't recall.

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1 Q. Have you ever personally read the post to
2 anyone?
3 A. I can't recall. It's been a long time.
4 Q. Do you know if anyone aside from yourself saw
5 the post on Patin Law Group dot com by searching the
6 Internet?
7 MR. JONES: Object to form.
8 THE DEPONENT: I would not be aware of that.
9 BY MS. MORRIS:
10 Q. Did anyone tell you that the value of your
11 company or companies went down as a result of the post
12 on Patin Law Group dot com?
13 A. Could you repeat that question?
14 Q. Has any individual told you that the value of
15 either Summerlin Smiles or Distinctive Smiles went
16 down as a result of the post on Patin Law Group dot
17 com?
18 MR. JONES: I'm going to object to the extent
19 it calls for either an expert opinion or a legal
20 conclusion.
21 But go ahead and answer.
22 THE DEPONENT: Are you asking directly?
23 BY MS. MORRIS:
24 Q. Correct, has anyone valued the company and
25 said it's gone down as a result of this post?

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1 MR. JONES: Same objection, Counselor, it
2 calls for an expert opinion.
3 THE DEPONENT: I think that's the point, is
4 we're waiting for our expert opinion.
5 BY MS. MORRIS:
6 Q. I'm not asking about that. I'm asking if
7 anyone has told you, as we sit here today, that the
8 value --
9 A. It's never been a topic of conversation.
10 Q. I'm not asking if it's a topic --
11 A. I'm answering the question.
12 Q. Let me just finish my question.
13 A. It's not a topic of conversation, so it's not
14 something I can answer.
15 Q. Is the answer then no?
16 A. The answer, it's never been a topic of
17 conversation. It's never been brought up. It's not a
18 yes or a no. It's never been brought up.
19 Q. It is. My question to you, has anyone told
20 you that the value of either Summerlin Smiles or
21 Distinctive Smiles has gone down -- let me finish --
22 as a result of this post?
23 And if no one has, the answer is no. If
24 someone has, the answer is yes. But to say I haven't
25 talked about it yet with someone is a completely

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1 different answer.
2 MR. JONES: Objection.
3 BY MS. MORRIS:
4 Q. If you want to say that, we can move on to
5 that question, but my question, as we sit here today,
6 has anyone told you that?
7 MR. JONES: I'm going to object to the extent
8 it calls for privileged communications, calls for an
9 expert opinion.
10 Go ahead.
11 Asked and answered.
12 Go ahead and answer it again.
13 BY MS. MORRIS:
14 Q. And I'm not asking for any communications
15 with your attorney, but there's no privilege between
16 an expert and you.
17 So I'm asking, has any person aside from your
18 attorney told you that the value of your companies
19 went down as a result of that post?
20 A. No one's ever come up to me and approached
21 that topic or that conversation.
22 Q. Some background: How long has Summerlin
23 Smiles been open for business?
24 A. Possibly since 2005, but I don't recall.
25 Q. How long has Distinctive Smiles been open for

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1 business?
2 A. Maybe a year before that.
3 Q. So Distinctive Smiles was open first?
4 A. Yes.
5 Q. Has Distinctive Smiles always been in the
6 same physical location?
7 A. No.
8 Q. What is Distinctive Smiles' current address?
9 A. I believe it's 5300 South Eastern Avenue,
10 89119.
11 Q. How long has it been in that location?
12 A. Maybe ten years now.
13 Q. Prior to that, was it at one other location
14 or multiple locations?
15 A. One other location.
16 Q. What is Summerlin Smiles' current address?
17 A. I'm sorry, could you repeat yourself?
18 Q. What is Summerlin Smiles current address,
19 physical address?
20 A. Current address?
21 Q. Physical location, correct.
22 A. 9525 West Russell Road, 89148.
23 Q. How long has it been in that location?
24 A. Maybe roughly the same amount of time.
25 Q. So from the time you saw this post in March

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1 of 2015, the dental practices have remained in the
2 same locations, correct?
3 A. Yes.
4 Q. At the time you saw this post in March of
5 2015, how many employees did Summerlin Smiles have?
6 A. I don't recall.
7 Q. At the time you saw this post in March of
8 2015, how many dentists did you have working at
9 Summerlin Smiles as independent contractors?
10 A. Two.
11 Q. What were their names?
12 A. You're saying at the time of the post?
13 Q. At the time you saw the post in March of
14 2015.
15 A. To be honest, I don't recall if it's two or
16 three, because it was when Jonathan Dean and Meron
17 Angheson were helping me out on my practice because I
18 had a hard time working.
19 Q. Well, we'll get into that, but what were the
20 name of the dentists that were working for you as
21 independent contractors --
22 A. I don't recall during that time.
23 Q. How about Distinctive Smiles; in March of
24 2015, how many employees did Distinctive Smiles have?
25 A. I don't recall.

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Q. How about the names of the dentists that were working for you as independent contractors at Distinctive Smiles?
A. I don't recall.
Q. Did anyone in your office in the year 2015 read this post on Patin Law Group dot com?
MR. JONES: Object to form.
Go ahead.
THE DEPONENT: I wouldn't know because it was never brought to my attention.
BY MS. MORRIS:
Q. Did you tell your wife about this post in 2015?
A. I would assume yes.
Q. Did you ever read it to her or did you just kind of generally tell her what it said?
MR. JONES: Object to form.
Go ahead.
THE DEPONENT: I don't recall.
MS. MORRIS: I'm going to show you, I'll mark it as Exhibit 2, pull it up, and I'm going to share the screen here.
(Exhibit 2 identified.)
BY MS. MORRIS:
Q. All right, can you see that?

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MR. JONES: Okay, yeah, we got it up.
BY MS. MORRIS:
Q. Exhibit 2 here is a copy of the Trial Reporter from February of 2014. Have you seen this before?
MR. JONES: Counsel, could we get a Bates number?
MS. MORRIS: 265.
MR. JONES: Thank you.
MS. MORRIS: Of Defendant Ingrid.
BY MS. MORRIS:
Q. Have you seen this document before, sir?
A. No.
Q. This is a Trial Reporter that came out in February of 2014, up here at the top, and it talks here about the trial, Jerry Wiese was the judge, and it's Singletary versus Lee, DDS, doing business as Summerlin Smiles, and lists all of the other defendants in the case and talks about the verdict that came out and the plaintiffs who -- or the attorneys that represented them.
Were you aware that the Trial Reporter had put out a publication about this case?
A. No, I was not aware.
Q. So you haven't had an opportunity to read it

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to determine whether or not it is accurate and true?
MR. JONES: Objection; relevance, form.
Go ahead.
THE DEPONENT: No.
MS. MORRIS: I'll pull up this document here, and it's from the fall of 2014. It's a Legal Update. I'll mark it as Exhibit 3. It's a Nevada Legal Update article which came out in September of 2014.
(Exhibit 3 identified.)
BY MS. MORRIS:
Q. Can you see the document I have up? Sir, can you see the document?
A. Yes.
Q. Okay. And --
MR. JONES: Counsel, the Bates range before you go on to your first question?
MS. MORRIS: It's 268.
MR. JONES: 268, thank you.
BY MS. MORRIS:
Q. I'll just hopefully make this larger.
Can you see where it says plaintiffs awarded more than 2.6 million following wisdom tooth extraction? Are you able to see that, sir?
A. Yes.
Q. Okay. Have you ever seen this report on the

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trial?
A. No.
Q. So you weren't aware that the Nevada Legal Update had published about the case, correct?
A. No.
Q. Okay. And you see here how they titled the case, Singletary versus Lee, DDS?
MR. JONES: Objection; relevance.
Go ahead.
BY MS. MORRIS:
Q. Are you able to see that, sir?
A. Yes.
Q. Okay. And do you believe that to be an inaccurate statement of what this -- the name of this case?
A. In the context of what you're asking.
MR. JONES: Object -- sorry, object to form.
Go ahead.
THE DEPONENT: In the context of what you're asking.
BY MS. MORRIS:
Q. Do you see the title of Singletary versus Lee, DDS?
A. I do see it.
Q. Okay. And do you believe that to be an

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1 inaccurate title of the name of the case?
2 MR. JONES: Object to form.
3 Go ahead.
4 BY MS. MORRIS:
5 Q. A wrongful death?
6 A. I believe it is correct in the context that
7 you're asking.
8 Q. Say that again?
9 A. I believe that it is correct in the context
10 that you are referring to.
11 Q. And what context is that?
12 A. It's the context of this article.
13 Q. Okay. You've never read the article,
14 correct?
15 A. I would -- no, I have not.
16 Q. But you are fine with the title Singletary
17 versus Lee, DDS, as the title of this case, correct?
18 MR. JONES: Objection. What do you mean by
19 you were fine with it, Counsel?
20 BY MS. MORRIS:
21 Q. You don't believe it to be false or
22 defamatory, correct?
23 A. I believe it is correct in the context that
24 you are referring to.
25 Q. I'm not referring to it in any context. I'm

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1 asking if you believe that title to be false and
2 defamatory that the Nevada Legal Update article
3 published.
4 MR. JONES: Object to form, relevance.
5 THE DEPONENT: Again, I'll answer you that it
6 is, in the context of this article, I believe it to be
7 correct.
8 BY MS. MORRIS:
9 Q. Okay. Let me just label this as Exhibit 3
10 before I forget.
11 I'm going to put up another document here and
12 let me know if you can see it. It's a printout of the
13 Summerlin Smiles website from just a couple of days
14 ago, and I'm going to scroll here to the second page.
15 Is that a picture of you and other dentists?
16 MR. JONES: Counsel, has this been produced?
17 I assume it hasn't, correct?
18 MS. MORRIS: No, it's just his website.
19 BY MS. MORRIS:
20 Q. Do you see that picture, sir?
21 A. Yes.
22 Q. Okay. Now, we've talked about your other --
23 or your two partners. Who is Dr. Kitchen?
24 A. She's an independent contractor.
25 Q. And is she an independent contractor for

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1 Summerlin Smiles or Distinctive Smiles?
2 A. Both.
3 Q. How long has she been a independent
4 contractor?
5 A. For a couple years.
6 Q. And have you made Dr. Kitchen aware of the
7 defamatory statement?
8 A. I don't recall.
9 Q. Currently, how many independent contractors
10 or dentists are there between Summerlin Smiles and
11 Distinctive Smiles?
12 A. There should be four.
13 Q. What are their other names?
14 A. They're listed right on that website.
15 Q. I'm sorry, I thought that the other Dean and
16 Angheson were your partners; are they not?
17 A. They are partners.
18 Q. Okay. So are they also independent
19 contractors, is what you're saying?
20 A. Yes.
21 MS. MORRIS: Let's label this, label it as
22 Exhibit 4.
23 (Exhibit 4 identified.)
24 MS. MORRIS: I'm going to share this screen,
25 and I will mark it as Exhibit 5.

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1 (Exhibit 5 identified.)
2 BY MS. MORRIS:
3 Q. Can you see this screen, sir?
4 So it's a Yelp review from 2018 where it
5 says --
6 MR. JONES: Has this been produced?
7 MS. MORRIS: No, I just pulled it off the
8 Internet. I'll attach it as Exhibit 5.
9 BY MS. MORRIS:
10 Q. Horrible customer service, woke up the next
11 day after a cleaning with an extremely bruised jaw,
12 too embarrassed to go to work. Dentist was not
13 available to review the issue regarding the bruise, so
14 the office manager offered a free whitening session.
15 Weeks later a bill -- received a bill in the mail for
16 a free whitening session, which I continue to refuse
17 to pay, now a collection agency is involved.
18 Summerlin Smiles is the worst dentist ever, horrible
19 experience.
20 Were you aware of this review of Summerlin
21 Smiles on the Internet?
22 MR. JONES: Objection; relevance,
23 argumentative.
24 Counsel, where in the world are you going
25 with this?

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1 MS. MORRIS: If we're talking about a
2 diminishment in the value of the company, there are
3 multiple other factors that have to be investigated.
4 There's a Supreme Court case writ on it.
5 MR. JONES: I don't see how 2018 has anything
6 to do with this, Counsel.
7 MS. MORRIS: I'm asking if he was aware of
8 this Yelp review.
9 MR. JONES: And there's no relevance there.
10 BY MS. MORRIS:
11 Q. Are you going to answer the question?
12 MR. JONES: The objection remains.
13 THE DEPONENT: Yes, I'm aware of it, but I'm
14 not sure how 2018 refers back to 2015. I'm not sure
15 if you're indicating this is an accurate statement
16 because if you read the commentary from our office
17 manager, if you take it within the context if it is,
18 then you would understand where Yelp is.
19 BY MS. MORRIS:
20 Q. And your office manager responded to this
21 review?
22 MR. JONES: Objection; relevance,
23 argumentative.
24 THE DEPONENT: It's right there on the
25 screen.

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1 BY MS. MORRIS:
2 Q. Now, your office manager, that's your
3 relative; is that correct?
4 A. Yes.
5 MR. JONES: Same objection.
6 Sorry, go ahead.
7 THE DEPONENT: Yes.
8 BY MS. MORRIS:
9 Q. And how -- was she your office manager back
10 in 2015?
11 A. I don't recall.
12 Q. Do you know who your office manager was in
13 2015 for either Summerlin Smiles or Distinctive
14 Smiles?
15 A. No, I do not.
16 Q. Do you instruct your office manager to look
17 for reviews online and respond to them?
18 A. I don't instruct my office managers to look
19 for reviews, but we would like to respond to things if
20 they are untrue or if they are true.
21 Q. Do you believe this Yelp review to be untrue?
22 MR. JONES: Objection; relevance,
23 argumentative.
24 THE DEPONENT: I think you can just read the
25 statement. It speaks for itself.

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1 BY MS. MORRIS:
2 Q. I'm not asking for it to speak. I'm asking
3 if you believe this Yelp review to be untrue.
4 A. Are you asking my opinion or are you asking a
5 fact?
6 Q. I am asking for your testimony under oath.
7 Is it your opinion that this Yelp review is untrue?
8 MR. JONES: Objection; relevance,
9 argumentative.
10 Go ahead.
11 THE DEPONENT: Yes.
12 BY MS. MORRIS:
13 Q. Did you consider suing this person?
14 MR. JONES: Objection; relevance,
15 argumentative.
16 Go ahead.
17 THE DEPONENT: There was no facts in this
18 one. There's no generalization. It didn't say Ton
19 Vinh Lee, DDS. It didn't say Jon Dean. It didn't say
20 Meron Angheson. It didn't have factual numbers.
21 There was no collaboration with everything else. It
22 was an opinion, which I believe is untrue, and if you
23 read the comments below, you would understand it.
24 BY MS. MORRIS:
25 Q. So my question was, did you consider suing

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1 this person?
2 MR. JONES: Same objection.
3 BY MS. MORRIS:
4 Q. I'm sorry, I don't know -- did you answer? I
5 couldn't hear.
6 A. I'm sorry, what was your question?
7 Q. Did you consider suing this person?
8 MR. JONES: Same objection.
9 THE DEPONENT: For their false opinion?
10 BY MS. MORRIS:
11 Q. Correct.
12 A. No, because it's an opinion.
13 MS. MORRIS: Let me save this before I
14 forget.
15 I'm going to share a screen here. I'll mark
16 it as Exhibit 6.
17 (Exhibit 6 identified.)
18 BY MS. MORRIS:
19 Q. Can you see my screen? This is a --
20 MR. JONES: Counsel, I'm objecting. If
21 you're going to ask a similar line of questioning, I'm
22 going to instruct my witness not to answer. This is
23 ridiculous and completely irrelevant. You can't just
24 parade back Yelp reviews and ask him if he was going
25 to sue them. I'll be happy to address that with the

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1 discovery commissioner when we do get her on the line.
2 BY MS. MORRIS:
3 Q. So this is a post from April of 2017, says
4 worst dental experience ever. Dr. Ton V. Lee is the
5 worst dentist I have ever seen. He talks more than he
6 works. Canceled appointments three times. Not
7 professional at all. Ruined several teeth during a
8 deep cleaning. One star is much more than they
9 deserve. Think twice before going there.
10 Are you aware of this review of yourself on
11 the Internet?
12 A. Yes.
13 MR. JONES: Objection. Objection; not
14 reasonably calculated to lead to the discovery of
15 admissible evidence, it's irrelevant, it's
16 argumentative; going to instruct my client not to
17 answer this line of questioning.
18 MS. MORRIS: This is relevant where he has a
19 claim for defamation per se that he says he's had
20 damages from. There are other statements on the
21 Internet that are damaging to him and I have the right
22 to investigate those, so you can't --
23 MR. JONES: You don't have the right to ask
24 him if he's -- why is he not suing this person who
25 left a bad review, why is he not suing this person

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1 that left a bad review.
2 This line of questioning is designed only to
3 intimidate my witness, my client, and it is very
4 argumentative and I'm going to continue to instruct
5 him not to answer.
6 BY MS. MORRIS:
7 Q. Are you aware, sir, if other patients of
8 yours have seen this review of your services as a
9 dentist?
10 A. I am unaware.
11 Q. Do you know if anyone has told you that this
12 review of your services as a dentist has in any way
13 diminished the value of your dental practice?
14 A. I am unaware.
15 Q. But you are aware that this post is out there
16 on the Internet for people to read about you, correct?
17 MR. JONES: Objection. Objection; relevance,
18 argumentative.
19 You can go ahead and answer.
20 THE DEPONENT: I'm also aware, if you read
21 and take things within the context, that is not a
22 patient I treated.
23 So if you want to go ahead and take things
24 within context, go ahead and open the comment and the
25 response section, you'll find out that it is not a

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1 patient I've treated.
2 BY MS. MORRIS:
3 Q. Okay, so someone from -- it says from Ton L.
4 of Distinctive Smiles. Who is that?
5 MR. JONES: Objection; calls for hearsay.
6 Go ahead.
7 BY MS. MORRIS:
8 Q. Did you respond to this comment, sir?
9 A. My office manager did.
10 Q. Okay. And you're stating that it wasn't a
11 patient of yours, correct?
12 A. I didn't say it wasn't a patient. It was --
13 I've never performed treatment. If you read -- if you
14 want to read within the context and be complete and
15 thorough, you would read the response.
16 Q. Do you believe that this statement on the
17 Internet is damaging to your reputation as a dentist?
18 MR. JONES: Objection. Same as before,
19 Counsel. This is highly irrelevant, argumentative, it
20 serves only to inflame my client. I'm going to
21 instruct him not to answer. There's no relevance
22 here.
23 MS. MORRIS: It certainly is relevant where
24 he's brought a claim that his reputation was damaged
25 by one specific post. I am trying to delineate how

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1 can we tell what post allegedly damaged him when there
2 are other ones out there that directly affect his
3 reputation as a dentist in the community.
4 MR. JONES: (Inaudible.)
5 MS. MORRIS: It is completely relevant to the
6 damages that are claimed in this case.
7 BY MS. MORRIS:
8 Q. So, sir, do you believe that this post
9 affects your reputation as a dentist in the community?
10 MR. JONES: Same objection; I'm going to
11 instruct him not to answer.
12 MS. MORRIS: You can't instruct him not to
13 answer when it's not based on privilege, Prescott.
14 MR. JONES: Yeah, I can. It's highly -- it's
15 highly inflammatory, it's irrelevant, it's not even
16 remotely relevant, and it's far after the time that
17 the defamatory statement by your client took place.
18 I'm going to instruct him not to answer and I
19 would urge you to file a motion, if you'd like.
20 MS. MORRIS: Okay. So let's see if we can
21 get the discovery commissioner on the phone now.
22 Let me save this before I forget.
23 (Phone call to discovery commissioner's
24 office.)
25 THE RECEPTIONIST: Hello, this is Gia.

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1 MS. MORRIS: Hi, Gia, we have an issue. We
2 were wondering if Commissioner Truman is available.
3 We're in a deposition.
4 THE RECEPTIONIST: Okay, just a second.
5 (Inaudible.)
6 I just wanted to let you know that the
7 commissioner does have a meeting at 2:30.
8 MS. MORRIS: Okay. Hopefully we won't be
9 that long.
10 THE RECEPTIONIST: Okay. Can I have the case
11 number, please?
12 MS. MORRIS: Yeah, let me pull it up.
13 It is Case No. A-15-723134-C.
14 THE RECEPTIONIST: And what may this be
15 regarding?
16 MS. MORRIS: We have a couple of disputes in
17 the deposition regarding whether or not the deponent
18 has to answer the questions.
19 THE RECEPTIONIST: Okay, just a moment,
20 please.
21 MS. MORRIS: Kerry, I'm just going to add you
22 in for ease.
23 MR. DOYLE: Yeah, I'm listening.
24 MS. MORRIS: Perfect. I'm just going to put
25 you on so you can answer yourself, just to make it

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1 easier for the commissioner to hear us all.
2 THE RECEPTIONIST: Can I have the names of
3 the counsel for plaintiff and counsel for defendants,
4 please?
5 MS. MORRIS: Yes, we have Prescott Jones for
6 the plaintiff and then we have Kerry Doyle for
7 defendant Patin Law Group and Christian Morris for
8 defendant Ingrid Patin.
9 THE RECEPTIONIST: (Inaudible.)
10 MS. MORRIS: Yes, Christian Morris.
11 THE RECEPTIONIST: (Inaudible.)
12 MS. MORRIS: No, that's me, and I am on the
13 defense side, but it's a girl.
14 THE RECEPTIONIST: (Inaudible.)
15 MS. MORRIS: Yes, that's me.
16 THE RECEPTIONIST: And (inaudible) and
17 Preston Scott, you said?
18 MR. JONES: Prescott Jones for the plaintiff,
19 thank you.
20 THE COURT REPORTER: Christian, I'm unable to
21 hear the person on the other end of the phone, so the
22 commissioner is going to have to be on speaker.
23 MS. MORRIS: Yeah, okay, I'm kind of worried
24 about a little feedback, that's all.
25 THE RECEPTIONIST: Just making sure all

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1 parties agree to use the commissioner.
2 MS. MORRIS: Yes, we all do.
3 THE RECEPTIONIST: Okay, I'll transfer you.
4 COMMISSIONER TRUMAN: Hello?
5 MS. MORRIS: Commissioner Truman?
6 COMMISSIONER TRUMAN: Yes, this is
7 Commissioner Truman.
8 MS. MORRIS: Commissioner Truman, Christian
9 Morris on the phone for the defense, Ingrid Patin, and
10 we also have Prescott Jones on the phone for the
11 plaintiff, Ton Vinh Lee, and Kerry Doyle on the phone
12 for the defendant, Patin Law Group.
13 COMMISSIONER TRUMAN: Okay. All right. So
14 are we on the record now?
15 MS. MORRIS: We are trying to be on the
16 record. It's a Zoom video depo, and so I have you on
17 speakerphone.
18 And, Gary, can you hear Commissioner Truman
19 okay?
20 THE COURT REPORTER: No, I cannot.
21 MS. MORRIS: Okay. Let's see, maybe I can
22 hold it closer to my speakerphone. Let's -- can you
23 hear her now?
24 Commissioner Truman, can you try to say
25 something?

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1 COMMISSIONER TRUMAN: (Inaudible.)
2 MS. MORRIS: No?
3 THE COURT REPORTER: No.
4 MR. JONES: There's heavy feedback I'm
5 hearing right now.
6 THE VIDEOGRAPHER: If Prescott could turn his
7 volume down.
8 MS. MORRIS: If it would help, Gary, I can
9 call you on your cell phone.
10 MR. JONES: Christian, it may be good to turn
11 the volume down on your Zoom deposition and just keep
12 it on the phone for now.
13 MS. MORRIS: Right, but Gary can only hear
14 through the Zoom depo.
15 MR. JONES: Oh, no, I agree, but I'm saying
16 turn the volume down on your speaker but keep the
17 microphone active; that should be good.
18 MS. MORRIS: Okay, sorry about that.
19 Gary, would you like me to call you on your
20 cell, would that help?
21 THE COURT REPORTER: No, that won't work;
22 it's in use.
23 THE VIDEOGRAPHER: Have the commissioner --
24 MS. MORRIS: Sorry, I couldn't hear you
25 because I turned the volume down.

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1 THE COURT REPORTER: No, that won't work;
2 it's in use.
3 COMMISSIONER TRUMAN: Were you talking to me?
4 MS. MORRIS: I'm sorry, Commissioner Truman,
5 no, I was talking to the court reporter, trying to
6 find a way to get us on the record.
7 That won't help, Gary?
8 THE COURT REPORTER: No.
9 MS. MORRIS: Okay. Is it possible to do this
10 conference off the record, Commissioner Truman, or do
11 we need it to be on the record?
12 COMMISSIONER TRUMAN: It is totally your
13 preference.
14 MS. MORRIS: Okay. I don't think we're going
15 to be able to get it on the record just because of the
16 way we're all situated here.
17 So, Kerry and Prescott, are you okay having
18 this off the record and then we can put on the record
19 whatever you'd like after?
20 MR. JONES: This is Prescott. I'm fine with
21 it off the record for now.
22 THE VIDEOGRAPHER: We're going off the
23 record. The time is 2:01 p.m.
24 (Discussion off the record.)
25 (Recess taken.)

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1 THE VIDEOGRAPHER: We are going back on the
2 record. The time is 2:19 p.m. This is the beginning
3 of Tape 3.
4 MR. JONES: I don't see the need to put
5 anything on the record unless it becomes an issue,
6 which I don't think it will.
7 MS. MORRIS: Okay.
8 BY MS. MORRIS:
9 Q. Let's go back to the break that you had with
10 your counsel where you ate lunch. Where did you eat
11 lunch?
12 A. Jimmy Johns. We didn't eat lunch there. We
13 took takeout.
14 Q. And during the break did you talk to your
15 counsel about this deposition?
16 MR. JONES: And, Counsel, I'm going to lob an
17 objection only to the extent that any discussions that
18 my client and I had regarding the existence of a
19 privilege as to the communications that we had during
20 lunch remain privileged; but consistent with the
21 discovery commissioner's ruling just a few minutes
22 ago, he is allowed to testify as to any other
23 conversation we had.
24 Go ahead. I'm sorry, you probably lost the
25 question.

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1 Can you repeat the question?
2 BY MS. MORRIS:
3 Q. During the break, did you talk to your
4 counsel about this deposition?
5 MR. JONES: And same objection.
6 Go ahead.
7 THE DEPONENT: He said I was doing a good job
8 and just be truthful and honest.
9 BY MS. MORRIS:
10 Q. Did he talk to you at all about the facts of
11 this case?
12 A. No.
13 Q. How long did the conversation about the
14 deposition last?
15 A. Seconds.
16 Q. So it's your testimony that during the lunch
17 break, the only conversation you had with your counsel
18 about this deposition was that you were doing a good
19 job and to tell the truth?
20 MR. JONES: And I'm going to object only to
21 the extent that there are some discussions that we had
22 that were ruled privileged by the discovery
23 commissioner regarding the existence of privilege of
24 that conversation.
25 Go ahead and answer.

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1 THE DEPONENT: Yes.
2 BY MS. MORRIS:
3 Q. So, sir, your counsel talked to you about
4 privilege during the lunch break?
5 A. I don't understand exactly what privilege
6 means in this instance or in your industry or in legal
7 terms.
8 Q. But did you and your counsel discuss the
9 existence of a privilege in any way? Did the word
10 come up?
11 A. Did what word come up?
12 Q. The word privilege.
13 A. Yes.
14 Q. Okay. So you and your counsel during the
15 break had a conversation about some question that I
16 asked and he was going to assert a privilege to it?
17 A. No, just that you said the word privileged.
18 Q. Aside from the few seconds that you've told
19 me about, how long did you talk to your counsel about
20 this privilege issue?
21 A. Not long.
22 Q. Did you talk at all about the defamatory
23 post?
24 A. No.
25 Q. I'd like to go back to -- and I don't

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1 think -- I don't know that I've listed it as an
2 exhibit yet, so let me just check.
3 Give me just a minute, I want to make sure I
4 don't mess up any depo -- I mean, sorry, any
5 documents.
6 I believe it's Exhibit 7.
7 MR. JONES: I only have up to an Exhibit 6,
8 and that was the second Yelp review.
9 MS. MORRIS: Okay. I was wondering if that
10 had already been labeled as Exhibit 6 or 7.
11 THE VIDEOGRAPHER: The next exhibit is 7.
12 MS. MORRIS: My next one will be 7?
13 THE VIDEOGRAPHER: Yes.
14 (Exhibit 7 identified.)
15 BY MS. MORRIS:
16 Q. I'll show you this post, which I'll mark as
17 Exhibit 7, and I've highlighted it for you. If you'd
18 like to read it to yourself, let me know when you have
19 had an opportunity to and let me know when you're
20 done.
21 A. Okay.
22 Q. Were you aware of this review online
23 regarding your practice?
24 A. No.
25 Q. Do you believe that this post in any way that

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1 I've highlighted, Exhibit 7, dated 2-15-2020,
2 negatively affects the value of your dental practices?
3 MR. JONES: Counsel, you know that Yelp is a
4 social media forum, right? You do understand that.
5 So if you're trying to take things out of context, you
6 understand that Yelp is essentially a social media
7 forum or application for reviews, whether they are
8 true or untrue.
9 So the general understanding and the public
10 awareness of what Yelp is with regards to their
11 purpose or their plaudit is understanding, a lot
12 different than the statement made by your -- by
13 Ingrid.
14 BY MS. MORRIS:
15 Q. Do you think that this statement in any way
16 negatively impacts the value of your dental practices?
17 A. It can be.
18 Q. Let me just make sure I stay within the right
19 spot.
20 And I'll show you what I'll mark as Exhibit 8
21 and I'll let you read this.
22 (Exhibit 8 identified.)
23 BY MS. MORRIS:
24 Q. Have you -- are you aware of this
25 statement -- just let me know after you've read it.

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1 A. No, I'm not aware of that.
2 MR. JONES: And, Counsel, this hasn't been
3 produced, correct?
4 MS. MORRIS: Correct.
5 BY MS. MORRIS:
6 Q. This was -- just for clarity, it's the
7 highlighted portion on Exhibit 8, and, Dr. Lee, you
8 read it and you said you're not aware of that,
9 correct?
10 A. No, I'm not.
11 Q. Do you think that this statement in any way
12 has a negative impact on the value of your dental
13 practices?
14 A. It can be.
15 Q. I don't believe we've looked at this one, but
16 let me pull it up.
17 Looking here at what I've put on the screen
18 from October 26 of 2016, let me know when you've read
19 that.
20 A. I have.
21 Q. Were you aware of this post?
22 A. No, I was not.
23 Q. Okay. Do you know what hygienist they're
24 talking about that quit?
25 A. No.

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1 Q. Okay. Do you have any --
2 MR. JONES: That's Exhibit -- sorry, that's
3 Exhibit 9?
4 MS. MORRIS: That is going to be -- let me
5 just make sure I save it correctly -- that is going to
6 be Exhibit 9.
7 (Exhibit 9 identified.)
8 BY MS. MORRIS:
9 Q. Do you believe that statement in any way has
10 a negative impact on the value of your dental
11 practices?
12 A. Oh, it's just the same context as if you look
13 at your Yelp review, Counsel. In your Yelp review,
14 you guys have a three star, so every time a review is
15 written, it could negatively impact your firm if not
16 our practice. The difference is that that is not
17 specifically you as an individual.
18 You're ascertaining if these comments could
19 affect the practice. The answer would be yes, much
20 different in the context if that comment is directed
21 to you specifically as an attorney or myself
22 specifically as the treating doctor.
23 You've used Yelp reviews for Summerlin Smiles
24 and Distinctive Smiles with clarity, but you failed to
25 distinguish between if a doctor or specific individual

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1 is named, unlike your defamatory statement, where you
2 named the individual.
3 Q. Do you recall --
4 A. If you look at your own Yelp review, you will
5 see that you guys are clearly a three-star firm.
6 Q. Let me go back to Exhibit 6.
7 A. Sure.
8 Q. Where it says Ton Vinh -- Dr. Ton V. Lee is
9 the worst dentist I have ever seen.
10 A. If you read the context, and you are more
11 than welcome to subpoena clinical notes, he has never
12 been treated by me. He actually -- now you're asking
13 the context of the conversation, because I did refuse
14 to see him as a patient. I refused to see him. That
15 is why that review was written. That is what I can
16 ascertain, because I've never treated him, and we have
17 clinical notations.
18 So if you want to be specific and not take
19 things out of context, you understand that that is a
20 Distinctive Smiles website or Yelp review. You have a
21 Summerlin Smiles Yelp review. We're talking
22 specifically Summerlin Smiles and we are talking
23 specifically Ton Vinh Lee, DDS, not Ton Vinh Lee, DDS,
24 professional corporation. You are mixing and muddling
25 the two.

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1 And with clarity, I'm asking you
2 professionally to stay within the context of the
3 argument. That is a patient, and you are welcome to
4 subpoena clinical records, that I've never treated and
5 that I refused to treat.
6 So with all due respect, please stay within
7 the guidelines of what is professional, and I will
8 produce those documents for you.
9 Q. And I think we're getting a little too
10 conversational. Are you -- I don't understand, are
11 you commenting on my law practice right now?
12 A. I'm not commenting. I'm using it as
13 analogous to the roundabout way of you bringing these
14 questions.
15 Q. Sir, I'm asking you about statements
16 regarding either your practice or your reputation as a
17 dentist which are on the Internet and whether you
18 believe that those in any way negatively impact the
19 value of either your work as a dentist or your dental
20 practice.
21 I am certainly not trying to go outside the
22 bounds. These are the questions that I'm asking you.
23 I would ask that you stop personally talking about my
24 practice and whatever you want to say about my law
25 firm. These are -- this is your deposition for the

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1 facts in this case.
2 So my question to you is, when there's a
3 statement on the Internet that says Dr. Ton V. Lee is
4 the worst dentist I have ever seen, do you believe
5 that that in any way negatively impacts your
6 reputation as a dentist?
7 MR. JONES: I'm going to object to the extent
8 that it was asked and answered. I think Dr. Lee was
9 making a perfectly good analogy as to how Yelp reviews
10 are in the real world, but I'll allow him to add
11 anything to his previous answer if he so chooses.
12 THE DEPONENT: And in the same context that
13 you took slight offense to me bringing your law firm,
14 you're bringing up the practice and you're bringing
15 updates that are not relevant to 2015. You do
16 understand -- no, you do understand that the sale of
17 the practice was --
18 BY MS. MORRIS:
19 Q. Yeah, I'm not actually offended by your
20 comment. It's just not the time and place. It's not
21 the time and the place is the issue. This is your
22 deposition testimony under oath, and that's what we're
23 here for.
24 A. I completely agree.
25 Q. We can certainly talk about it off the record

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1 or whatever you'd like to say about me, but I would
2 like to focus on your deposition testimony.
3 A. Oh, I completely respect what you are doing.
4 I think it's shrewd. I think you have a purpose. But
5 in the context of being professional, as you asked
6 almost two and a half hours ago, to stay professional
7 within that guidelines but within the context. You're
8 taking statements out of context.
9 So it's just simply enough; my point is
10 saying if I took that Yelp review and I read it to you
11 with regards to your firm, that would be --
12 (Inaudible.)
13 Q. Something has happened with the sound. Is
14 anyone else having problems?
15 THE COURT REPORTER: Yes.
16 THE VIDEOGRAPHER: Yeah, I think it -- try
17 again.
18 BY MS. MORRIS:
19 Q. Mr. Lee, can you talk again?
20 A. Sure. Like I said, I'd like to stay in the
21 context of it. And I understand your point. I think
22 you're very strategic, very shrewd. No issues with
23 regard to that, and that's a compliment.
24 I'm just saying that you're taking things out
25 of its statement. I mean, I know what you're asking

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me, I know what you're leading to, and it's out of context.
Q. So part of the claim in this case, if I understand it, is that the post on the Patin Law Group website was traumatic to you and caused you to suffer depression; is that correct?
A. That is correct.
Q. Do you still continue to suffer from that depression from the post?
A. There are times that things are traumatic, yes.
Q. This post that I have up, Exhibit 6, where it says Ton Vinh Lee is the worst dentist I have ever seen, does that statement cause you depression?
A. It doesn't cause me depression. There is cause of concern. The difference between the two is one was an advertisement on a forum made by attorneys to advertise their craft. This is a social media network and everybody understands Yelp reviews are just reviews, it is not presented as a fact, unlike the defamatory statement that we have of record, big difference.
Q. So does -- just for clarity, this statement that I have up, Exhibit 6 that's highlighted, does this statement in any way cause you depression?

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MR. JONES: Objection; asked and answered.
THE DEPONENT: I thought I answered that on the last --
BY MS. MORRIS:
Q. Did you say no, it does not?
A. I did not say no.
Q. Okay.
A. It does cause me concern.
Q. But does it cause you to feel depression?
MR. JONES: Objection; asked and answered.
THE DEPONENT: Are you a medical practitioner? Could you define clinical depression?
BY MS. MORRIS:
Q. No, I don't have to. You're alleging depression as a result of Miss Patin's post. I'm asking you, do you also suffer from depression regarding this post?
A. I'm not --
MR. JONES: Objection; asked and answered. Counsel, I think he gave you --
MS. MORRIS: It has not been answered.
MR. JONES: -- a response to that question.
BY MS. MORRIS:
Q. Does this post, Exhibit 6, cause you to feel depression or experience depression?

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MR. JONES: Same.
THE DEPONENT: It caused me angst and concerns. Now, under the clinical definition of depression, unless you're a medical practitioner, I would tend to be careful of labeling terms.
BY MS. MORRIS:
Q. Did you claim to have depression as a result of Miss Patin's post on her company website?
A. Of course.
Q. Okay, so how are you defining depression in this lawsuit?
A. How am I defining depression in this lawsuit? Loss of appetite, loss of energy, sadness, isolation, family turmoil.
Q. And you're currently experiencing that as a result of this post on the Patin Law Group website?
A. I'm not currently, but there are times that, as time has passed, there's a sense of healing. I don't think you ever get over things.
Q. When is the last time you experienced depression, with the definition that you've provided, as a result of this post on the Patin Law Group website?
A. I think when you continue to badger me with the same questions.

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Q. I'm not badgering you. This is a legitimate question, sir. When is the last time you've experienced these symptoms that you're claiming?
A. I can tell you right now.
Q. I'm sorry, you're experiencing depression right now?
A. Absolutely. You're bringing back all these memories.
Q. Were you unable to eat your Jimmy Johns lunch?
MR. JONES: Object to form, argumentative.
THE DEPONENT: That's -- there's a big difference between having to eat and wanting to eat. There's two big differences.
BY MS. MORRIS:
Q. You testified that you lose appetite, though, correct?
A. 2015.
Q. Okay, so let's figure the time line out. So you saw this post in March of 2015, correct?
A. Yes.
Q. Okay. And when did you start to feel any symptoms as a result of reading the post?
A. I don't think you can recall the time frame, but I would assume immediately.

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1 Q. Okay. And what was your first symptom?
2 A. What was my first symptom? I couldn't recall
3 my first symptom.
4 Q. Have you sought any medical treatment as a
5 result of reading this post?
6 A. I've seen my physician.
7 Q. And what doctor is that?
8 A. Dr. Lance Mayor.
9 Q. Say that again?
10 A. Lance Mayor.
11 Q. How do you spell his last name?
12 A. M-A-Y-O-R.
13 Q. And when you -- do you remember how many
14 times you've seen Dr. Mayor in relation to symptoms
15 that you experienced as a result of reading this post?
16 A. No, I don't recall.
17 Q. Do you have an approximation?
18 A. No, I don't.
19 Q. In what year did you see Dr. Mayor?
20 A. I don't recall.
21 Q. Was it in the year 2015?
22 A. I don't recall.
23 Q. Was -- how long has Dr. Mayor been your
24 treating physician?
25 A. I don't recall. Maybe as long as I've been

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1 in Vegas.
2 Q. And when you went to see him, what symptoms
3 did you tell him you were experiencing?
4 A. I couldn't sleep, loss of appetite.
5 Q. And had you ever experienced a difficulty
6 sleeping or a loss of appetite before reading this
7 post in March of 2015?
8 A. Not that I recall.
9 Q. Did you experience any loss of appetite or
10 lack of sleep when the verdict came in against your
11 corporation doing business as Summerlin Smiles?
12 A. I would assume so, but I couldn't recall.
13 Q. So based on your testimony, you're not aware
14 of any patient who saw the post and you're not aware
15 of any colleague who saw the post, but you yourself
16 read the post and started experiencing symptoms,
17 correct?
18 A. I think I'm human. When you read something,
19 you don't have to share it with the world to
20 experience it. It doesn't have to be someone else's
21 reaction. It is entirely your own reaction. You're
22 asking me to stop being a human being. It's not
23 whether someone knows or someone doesn't know alone.
24 You're asking me for a reaction. Depression isn't
25 based on other individuals. That's why I asked you to

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1 make sure you define clinical depression, right?
2 Q. Yeah, and I'm not going to define clinical
3 depression for you, sir, because --
4 A. Yes, you can.
5 Q. -- you're the one who's claiming it. So your
6 response as to what clinical depression is in your
7 opinion is perfectly fine for this deposition.
8 So how many -- you don't know how many times
9 you saw Dr. Mayor, correct?
10 A. I can't recall.
11 Q. Did he prescribe you any medications?
12 MR. JONES: Are you talking about for any
13 purposes, Counsel, or just for depression?
14 BY MS. MORRIS:
15 Q. I mean, okay, I'm obviously talking about
16 this incident and your treatment of Dr. Mayor for your
17 symptoms, but if you want me to make it brightly
18 clear, did he prescribe you anything for a result of
19 your symptoms that you experienced after you read this
20 post?
21 A. I don't recall, but I believe so.
22 Q. Okay. Do you know what it was for?
23 A. Sleeping and anxiety.
24 Q. Do you know how many prescriptions he gave
25 you?

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1 A. No, I don't recall.
2 Q. Do you know if you had them refilled?
3 A. I don't recall.
4 Q. Where do you get your prescriptions filled
5 at?
6 A. I don't recall which pharmacy. It was called
7 in and I don't remember.
8 Q. Where is Dr. Mayor's office located?
9 A. I wouldn't know the physical address right
10 off the bat. You'd have to Google it.
11 Q. Do you have health insurance that you used?
12 A. I'm sorry, what's that?
13 Q. Do you have health insurance that you used?
14 A. Yes, I do.
15 Q. What was your health insurance that you used
16 when you went to see Dr. Mayor?
17 A. I don't know.
18 Q. What's your health insurance currently?
19 A. I don't know. My wife takes care of it.
20 Q. Okay. So you don't know when you saw
21 Dr. Mayor, you don't know how many times you saw
22 Dr. Mayor, you don't know what he prescribed you and
23 you don't know where you filled it; is that correct?
24 A. You're asking something based on years apart.
25 Do you know when is the last time you saw your

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1 physician or your optometrist or last time you saw
2 your dentist and the exact appointment and the time?
3 Q. Yeah, I do, but this isn't my time to be
4 deposed, sir, it's yours.
5 A. Well, I'm just asking -- it's a rhetorical
6 question. I wasn't asking you. And again, you always
7 take my rhetorical questions as a question directed to
8 you. So it's a general question meant for everyone
9 else. Never would I direct that specifically to you.
10 It's just rhetorical.
11 Q. Okay. So do you have any information about
12 any kind of treatment that you had as a result of
13 symptoms you experienced after reading this post?
14 MR. JONES: Objection. What do you mean by
15 information, Counsel?
16 MS. MORRIS: Well, he doesn't know when he
17 went to the doctor or how many times or what they gave
18 him or --
19 BY MS. MORRIS:
20 Q. Did he diagnose you with anything? Did he
21 say, I diagnose you with something as a result of
22 reading this post?
23 A. Can you rephrase that question?
24 Q. Did the doctor diagnose you with anything
25 when you went to see him after you began experiencing

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1 symptoms from reading this post?
2 A. Did he diagnose? I didn't ask for a
3 diagnosis.
4 Q. I didn't ask if you asked. I asked if he
5 diagnosed you, sir.
6 A. He didn't diagnose me. I wouldn't know. You
7 would have to ask his clinical records.
8 Q. Okay, so you don't know if he diagnosed you
9 with anything?
10 A. You would have to refer to the physician.
11 MR. JONES: Objection; calls for hearsay,
12 asked and answered.
13 BY MS. MORRIS:
14 Q. I'm sorry, I couldn't hear you over the
15 objection.
16 A. You would have to contact my physician.
17 Q. Okay. When you went to see Dr. Mayor, did
18 you tell him you'd read this post and you were
19 experiencing your symptoms that you were reporting to
20 him as a result of reading this post?
21 A. I can't recall, but I would assume that there
22 was some reference to it.
23 Q. Okay. So the best of your recollection, you
24 brought up this post in your doctor's visits, correct?
25 A. I referred to it.

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1 Q. Okay.
2 A. Referred to the fact that your -- that Ingrid
3 made a defamatory statement. I can't remember exactly
4 the details, but I referred to a statement made that
5 affected me greatly.
6 Q. And when we say that, just for clarity, it
7 was a post on a company website, correct?
8 A. On what company website?
9 Q. Patin Law Group dot com, correct?
10 A. Again, unless you got your information
11 inaccurate, I have never been on Ingrid's website, and
12 I think I told you that already.
13 Q. Okay. So the only time --
14 A. (Inaudible.)
15 Q. The only time -- and I'm only saying that
16 because you produced the website. I didn't, your
17 counsel did.
18 A. I didn't produce the website.
19 Q. Okay, so that's good to know. So you've
20 never actually gone on her website?
21 A. I think I've already clarified that two hours
22 ago.
23 Q. Did you ever see the post anywhere else aside
24 from that March 23rd, 2015 date where you believe you
25 saw it on Avvo?

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1 A. I didn't believe, I saw it, and I have a time
2 stamp to it.
3 Q. Did you ever see it anywhere else on the
4 Internet?
5 A. I didn't look for it anywhere else.
6 Q. All right.
7 A. That was disparaging enough and that was
8 traumatic enough.
9 Q. So that was the one and only time that you
10 saw it on the Internet, correct?
11 A. Yes.
12 Q. When you Googled yourself or searched for
13 yourself on the Internet on March 23rd of 2015, is it
14 your testimony that that was the first thing that
15 popped up?
16 A. That is not my testimony.
17 Q. Okay. I don't know that that's been
18 referenced. I just want to have some clarity.
19 How many posts down was it when you searched
20 yourself?
21 A. Would you recall how many pages you read in
22 the last book in the last time? I wouldn't know. I
23 mean, I don't have that type of photographic memory.
24 Q. Okay. So you're alleging that as a result of
25 reading this post, you lost weight, so what did you

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1 weigh in March of 2015?
2 A. I don't recall. I remember losing
3 approximately 20 pounds, but if you ask me before and
4 after, I don't recall.
5 Q. What do you currently weigh?
6 A. 185.
7 Q. Okay. And are you back up to normal weight?
8 A. I don't recall what normal -- what is normal
9 weight?
10 Q. What did you weigh before you read the post,
11 do you know?
12 MR. JONES: Objection; asked and answered.
13 BY MS. MORRIS:
14 Q. Well, how am I supposed to know what
15 20 pounds means in relation to your current size? So
16 did you weigh 185 pounds before you read the post?
17 A. I don't recall.
18 Q. So do you have any testimony as to what
19 weight you went from and to after reading this post?
20 A. There was no testimony made.
21 Q. You said you lost 20 pounds, correct?
22 A. I said I believe I lost 20 pounds.
23 Q. Okay, so do you have any idea what weight you
24 went down to as a result of reading this post?
25 A. No, I don't. I mean, the big difference when

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1 you see 20 pounds in someone is it's a noticeable,
2 clinical, physical difference. I don't know what I
3 weighed before, I don't know what I weighed after.
4 Q. So how do you know you lost 20 pounds?
5 A. Because if you gained 20 pounds, you could
6 tell. If you lost 20 pounds, you could tell. I'm not
7 saying the exact metric number, but you can tell.
8 Q. Did you take photographs of your
9 before-reading-the-posting weight and
10 after-reading-the-posting weight?
11 A. That would mean I'm strategic and shrewd, and
12 the answer would be no.
13 Q. When did you file this lawsuit, do you
14 remember?
15 A. No, I don't.
16 Q. Okay.
17 A. But I would imagine it's 2015.
18 Q. Okay, so did you take any photographs of your
19 weight loss?
20 A. No, I did not because it would mean that I'm
21 contrived.
22 Q. You don't have any photos of yourself from
23 2015 that evidence the weight loss; is that correct?
24 Will you be producing in this litigation any
25 photographs to evidence your weight loss that you

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1 sustained as a result of reading this post?
2 A. I don't recall what photos I have. If you're
3 asking me if I took photos for the purpose of weight
4 loss, weight gain, to prove this, no, I don't.
5 Q. Okay. Do you have any evidence of this
6 weight loss?
7 A. That's something you have to ask my wife.
8 She is a picture lover and I am not.
9 Q. Okay. And your wife is in California at the
10 moment, correct?
11 A. She could be here if you need her to be.
12 Q. Does she come back to Nevada often?
13 A. She has two young boys, but she can be.
14 Q. When you started to experience depression,
15 did you tell anyone aside from your doctor about it?
16 A. My wife.
17 Q. And did you tell her why you were feeling
18 depression?
19 A. She knew.
20 Q. How did she know?
21 A. She's my wife.
22 Q. Did you tell her; is that how she knew?
23 A. That's a silly question. She's my wife. She
24 knows everything about me. She should know things
25 about me.

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1 Q. Your wife, you told her about the post, and
2 did you tell her, I'm feeling depression as a result
3 of the post?
4 A. I think that's a given.
5 Q. It's not a given, sir. You have to answer
6 the questions.
7 A. It's a given. Emotions, feelings, reactions,
8 those are engaged. We're not machines. There's no
9 automation select.
10 Q. I need you to answer the question, sir.
11 Did you tell your wife you were feeling depression as
12 a result of the post?
13 A. What was the question?
14 Q. Did you tell your wife you were experiencing
15 depression as a result of the post?
16 A. Yes.
17 Q. Okay. And did you tell her that in the year
18 2015?
19 A. Yes.
20 Q. Okay. Did you tell your wife you were having
21 a loss of appetite as a result of reading this post?
22 A. Yes, she could tell, I would imagine.
23 Q. Did you tell your wife you were having
24 difficulty sleeping as a result of this post?
25 A. She could tell.

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Q. Your second child was born on what date?
A. June 1st, 20 --
Q. Of what year?
A. 2014.
Q. Okay. You state that this post that you read took a toll on your family along with the birth of your second child. Help me understand what you mean by that.
A. Could you repeat that one more time, please?
Q. Your statement is, my wife and I just had our second child and the toll took -- the toll this took was difficult on my family. What do you mean by that?
A. Are you asking me to dissect my answer?
Q. No, I mean -- here, what I can do is I'll just share my screen with you, and I'll mark this as Exhibit 10.
(Exhibit 10 identified.)
BY MS. MORRIS:
Q. All right, so can you see the document on my screen?
A. I can. I can.
Q. It says plaintiff's answers to defendants' first set of interrogatories. Do you see that?
A. Um-hum.
Q. Do you remember answering written questions

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that were sent to you?
A. Yes.
Q. Okay. And it looks like you just signed them last month?
A. Yes.
Q. June 30th of 2020. Is that your signature?
A. That is my signature.
Q. Okay. And you understood by signing this verification that you were saying that these answers are true and correct to the best of your knowledge?
A. Yes.
Q. Okay. So I was reading this statement here, and I've highlighted it for you on Page 6: My wife and I just had our second child and the toll this took was difficult on my family.
What did you mean by that?
A. You're asking me the statement, My wife and I just had our second child, the toll this took was difficult on my family --
Q. Yes.
A. -- you're asking me to dissect that or explain what my feelings and emotions were or what I experienced at that time?
Q. Yeah, what did you mean by this took a toll -- yeah, this took a toll on your family which

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was difficult on you. How did this post that you read take a toll on your family?
A. It would take a toll on any person. It was extremely stressful. One, it was untrue, two, it's defamatory, and have to defend myself somehow. It's not something I would bring up in any conversation.
So we had our second child. Having one child is difficult; having two children are stressful enough; and at that time, the toll it took was so hard on my young family.
Q. Now, in June of 2014, were you -- had you yet partnered with Dean and Angheson?
MR. JONES: Objection; I'm not sure I quite understand your question. Can you say it again, Counsel?
BY MS. MORRIS:
Q. In June of 2014, were you at that point partnered with Dean and Angheson?
A. No.
Q. When did you partner with those two individuals?
A. I was forced to partner with them in 2015 after the statement was made.
Q. Okay. So you're alleging that the statement that you read to yourself on Ingrid Patin's Law Group

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forced you to have to partner with Dean and Angheson; is that correct?
A. What I'm saying is the statement that was made made it very difficult for me to work. It made me very difficult to focus. So I wanted to spend more time with my family, and the toll it took and the stress it took, I realized that I couldn't be working at the same pace that I did before, so I --
Q. So --
A. -- so I had to find partners that were understanding of my situation.
Q. So you never discussed partnership with Dean or Angheson prior to March of 2015, correct?
A. I can't recall.
Q. When did you first start discussing partnership with Dean?
A. I don't recall.
Q. When did you first start discussing partnership with Angheson?
A. I don't recall.
Q. Are you able to recall whether you ever discussed partnership with them prior to March of 2015?
A. No.
Q. But it's your testimony you had to partner

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1 with them because of this post, correct?
2 A. I was -- say it again, please.
3 Q. It's your testimony that you had to partner
4 with them because of this post, correct?
5 A. I had to expedite that, yes.
6 Q. No, you didn't say expedite; that's new.
7 What do you mean, expedite?
8 A. I'm saying I had to expedite; in other words,
9 this post was a sense of urgency. I couldn't work at
10 that -- I was working six days a week up to that post.
11 Q. Okay, so you were working at your dental
12 practices six days a week in January --
13 A. If I can recall.
14 Q. I'm sorry, in January and February and most
15 of March in 2015; is that your testimony?
16 A. If I can recall accurately.
17 Q. And then how soon after reading this post did
18 you stop working six days a week?
19 A. I don't -- that I don't recall. Like I said,
20 what I'm telling you again, so you understand, is that
21 I wasn't working at the same capacity. If you're
22 asking me, and I did say it was possibly six days,
23 possibly five days. I don't recall.
24 MR. JONES: And, Counsel, I'll note that it's
25 3 o'clock right now. I would ask maybe after this

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1 line of questioning, if we could agree to take a
2 break.
3 MS. MORRIS: Yeah, I mean, I'm fine if you
4 want to take a break right now.
5 MR. JONES: That's fine.
6 THE VIDEOGRAPHER: Okay. We're going off --
7 MS. MORRIS: Yeah, let's come back at 3:10.
8 MR. JONES: 3:10, okay, thank you.
9 THE VIDEOGRAPHER: Going off the record at
10 3 o'clock p.m.
11 (Recess taken.)
12 THE VIDEOGRAPHER: Okay. We're going back on
13 the record. The time is 3:13 p.m.
14 BY MS. MORRIS:
15 Q. I'm going to pull up the document I had
16 before.
17 Okay. All right, we're back on the record.
18 Mr. Lee, you understand that you're still under oath,
19 correct?
20 A. I do.
21 Q. Are you feeling okay, ready to move forward
22 in the deposition?
23 A. Yes.
24 Q. Okay.
25 A. Thank you.

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1 Q. So let's go back a little bit on the
2 questioning that we had before we went on break. You
3 said that as a result of reading this post, you needed
4 to expedite a partnership; is that correct?
5 A. Yes.
6 Q. What do you mean by that?
7 A. It meant that I had to -- when I read this
8 post, I realized that I can't estimate the potential
9 damages that can happen, who is going to read it, who
10 is not going to read it, who is going to see it, who
11 is not going to read it, which patients have and have
12 not seen it.
13 I also realized that I couldn't work at the
14 same capacity, and so it expedited the thought process
15 to have partners into the practice.
16 Q. Had you considered having partners in your
17 practice before you read this post?
18 A. I think you always -- I think I've always
19 entertained that idea here and there.
20 Q. The partners that you have currently, did
21 they have to buy into the practice?
22 A. Yes.
23 Q. In order to ascertain how much you were
24 working before you read this post, are there records
25 that show how many patients you were seeing in the

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1 beginning of 2015?
2 A. I'm sure we can obtain that.
3 Q. And how long after reading this post did you
4 cut back your hours?
5 A. I couldn't recall exactly.
6 Q. How long after reading this post did you
7 enter into a partnership with your current partners?
8 A. In a couple months.
9 Q. How did you meet your partner Dean?
10 A. He was introduced to me by a patient friend
11 of mine, also a dental broker, Jared Berquist.
12 Q. And when was that introduction made?
13 A. I don't recall.
14 Q. Was it in the year 2015?
15 A. No.
16 Q. Was it in the year 2014 or '13?
17 A. I honestly don't recall.
18 Q. Do you have any recollection of what year you
19 originally met your partner Dean?
20 A. No, I don't.
21 Q. Was he living in Nevada at the time you met
22 him?
23 A. I believe so.
24 Q. Had he recently moved to Nevada?
25 A. Not that I'm aware of.

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1 Q. How much did he buy into the practice for?
2 A. I don't even -- I don't recall the numbers
3 now.
4 Q. Are you alleging that the amount of the
5 buy-in was somehow reduced for Dean because of you
6 reading this post?
7 A. Yes, I was more motivated, encouraged.
8 Q. You're saying you reduced the price, because
9 you read this post, of your buy-in?
10 A. I was more motivated and encouraged.
11 Q. Are you alleging a certain amount is --
12 A. No, I don't -- I wouldn't even recall.
13 MR. JONES: Dr. Lee, can you let her finish
14 her questions before . . .
15 THE DEPONENT: Sorry.
16 BY MS. MORRIS:
17 Q. Are you alleging a certain amount was lost in
18 this buy-in process because you read this post?
19 A. I would imagine so.
20 Q. But are you alleging a certain number?
21 MR. JONES: Objection to the extent it calls
22 for an expert opinion.
23 Go ahead.
24 THE DEPONENT: I'm not an accountant. I'm
25 not an economist. I wouldn't know.

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1 BY MS. MORRIS:
2 Q. I'm not asking you for any economist or
3 accountant number. I'm asking are you testifying
4 under oath that you took less than you normally would
5 have for a buy-in because of this post?
6 MR. JONES: Object; vague and ambiguous.
7 Go ahead.
8 THE DEPONENT: Yes.
9 BY MS. MORRIS:
10 Q. And how much less?
11 A. Don't know.
12 MR. JONES: I'm sorry, objection; calls for
13 an expert opinion.
14 Go ahead.
15 BY MS. MORRIS:
16 Q. Did someone tell you you needed to take less
17 for a buy-in because of this post?
18 MR. JONES: Object to form.
19 Go ahead.
20 THE DEPONENT: No.
21 BY MS. MORRIS:
22 Q. Okay. So you're just saying you feel like
23 you took less because of a post, correct?
24 MR. JONES: Objection -- sorry, objection;
25 misstates prior testimony, form.

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1 Go ahead.
2 THE DEPONENT: Can you repeat the question,
3 Counsel?
4 BY MS. MORRIS:
5 Q. You feel like you took less for a buy-in
6 price because of this post?
7 A. Yes.
8 MR. JONES: The same objection.
9 Sorry, can you restate that?
10 THE DEPONENT: Yes.
11 BY MS. MORRIS:
12 Q. At the time this post was made, you were
13 living in Las Vegas as your residence; is that
14 correct?
15 A. Yes.
16 Q. Okay. Was it in the year 2015 that your
17 family moved to California?
18 A. No.
19 Q. Was your family already living in California
20 in the year 2014?
21 A. Yes.
22 Q. And you were commuting back and forth between
23 Nevada and California in the year 2015, correct?
24 A. Yes.
25 Q. And you were still able to maintain a six-day

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1 workweek in the January and February months of 2015
2 even though you were having to travel back and forth,
3 correct?
4 A. I don't recall the schedule.
5 Q. When your child was born in 20 -- June of
6 2015, did you take any time off work to be with the
7 baby?
8 A. Yes.
9 Q. How much time?
10 A. I don't recall.
11 Q. So when your family relocated to California
12 in the year of 2014, was your wife pregnant at the
13 time?
14 A. No.
15 Q. So she moved to California before she got
16 pregnant and then got pregnant while living in
17 California; is that correct?
18 A. I'm sorry, could you repeat that?
19 Q. She moved to California before she was
20 pregnant and then got pregnant while in California in
21 the year 2014; is that accurate?
22 A. Are we talking about our first child or
23 second child? Because the way you're posing your
24 question, it's a little confusing.
25 Q. Was your first child born in the year 2014?

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A. No, that was my second child.
Q. So I'm talking about your second child.
A. So that's why -- sorry.
Q. Yeah, as you've alleged in the complaint, your second child is where this took a toll on you, so I wasn't referring to your first child at all.
A. Okay.
Q. Did your wife, when you moved to California in 2014, she was not pregnant with your second child, correct?
A. My second child was born, then she moved to California.
Q. Maybe I misunderstood. What year was your second child born?
A. 2014.
Q. 2014, not 2015?
A. Yes.
Q. Okay. So in 2014, she had the baby in June, and then after that relocated to California?
A. That is correct.
Q. Okay. And then from June of 2014, you commuted between California and Nevada for work; is that correct?
A. Yes.
Q. Okay. And in June of 2014, you took some

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time off when your second child was born, but you don't recall how much; is that right?
A. Yes.
Q. In the beginning of the year of 2015, before you read this post, was your wife commuting back and forth from California to Nevada with you or was she living in California?
A. She was living in California.
Q. And then after you partnered with Dean and Angheson and cut back your hours, were you able to spend more time in California with your wife and young child?
A. Yes.
Q. Angheson, when did you first meet your partner Angheson?
A. Before Dean.
Q. Before Dean?
A. Um-hum.
Q. And when did you start discussing partnership with Angheson?
A. I don't recall.
Q. When you met Angheson, was he partnered with another dentist?
A. I believe so, yes.
Q. Okay. And did you make Angheson an offer to

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leave his partnership with that other dentist?
A. No, I did not make him an offer. He chose to leave.
Q. But you didn't offer him a partnership, he asked for it?
A. No, you -- again, please rephrase the question because your question is ambiguous.
Q. Did you offer him a partnership?
A. Yes.
Q. Okay. And did you seek him out for the partnership or did he seek you out for the partnership?
A. I don't recall.
Q. Are you aware of a lawsuit that he filed against his former partner?
A. I recall vaguely.
Q. And are you aware in that lawsuit that he alleged that you had offered for him to join your practice?
A. I was not aware.
Q. And how much did Angheson buy into your practice for?
A. I don't recall.
Q. Do you have any approximation?
A. No, I don't. I don't remember the numbers.

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Q. How did you come up with the buy-in number?
A. I think we had a third-party broker's firm.
Q. Do you remember who that was?
A. Western Practice Sales.
Q. Sorry, Western Practice --
A. Sales.
Q. Sales?
A. Um-hum.
Q. And did you tell Western Practice Sales about this post that you'd read?
A. No.
Q. Do you know if Western Practice Sales was aware of this post at all?
A. I do not know.
Q. Back in 2015, did you take any vacations?
A. I probably did, but I don't recall.
Q. On average, how many vacations do you take a year, pre-COVID?
A. Define vacation. Are we talking about the weekend or are we talking about going to another country? I couldn't recall if I took a weekend to go hang out at the park and spend time at the park; that I don't recall.
Q. Do you think a weekend at the park is a vacation; is that what you're defining it as?

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A. I'm sorry, I should have been more specific, like a camping at the park or something like that.
Q. Okay. On average, how often do you annually travel to other countries?
A. Maybe two, three times a year.
Q. And how about camping trips; how often do you go camping on average a year?
A. Rarely.
Q. How about long weekends; on average how many long weekends do you take?
A. I don't recall.
Q. Are you alleging that you were unable to go on vacations as a result of reading this post?
A. No.
Q. Now, in your answers to interrogatories that we were looking at before, you said you suffered anxiety that your professional reputation was harmed by the post, correct?
A. Yes.
Q. What evidence do you have that your professional reputation was harmed by this post?
MR. JONES: Object to form.
Go ahead.
THE DEPONENT: Could you repeat that again, Counsel?

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BY MS. MORRIS:
Q. What evidence do you have that your fear that your professional reputation would be harmed, that it was actually harmed?
MR. JONES: Object to form; again, calls for a legal conclusion.
BY MS. MORRIS:
Q. You can still answer.
A. Oh, I'm sorry, could you repeat that again? I apologize.
Q. What evidence or facts do you have that your professional reputation was harmed by this post?
A. I don't know, in that respect.
Q. You state it was difficult to work knowing that anyone could read her published marketing misrepresentation.
When you say it was difficult to work, do you mean like to actually see patients?
A. Just anxiety.
Q. Anxiety about what?
A. About the post.
Q. And what was your -- what were you anxious about that made it difficult to work?
A. The post.
Q. That a patient would have read it?

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A. Potentially.
Q. And that prevented you from seeing patients?
A. Well, you're just anxious. There's anxiety.
Q. Did you miss appointments where patients were scheduled and you couldn't make it in because of this anxiety?
A. I don't recall.
Q. Do you know if that ever occurred?
A. I don't recall.
Q. Would it make it difficult for you to drive in to the office or something like that?
A. I think there was always a certain sense of anxiety during that time period going to work.
Q. And this anxiety you felt from reading this post, was that more or less than the anxiety you had when you were going through the wrongful death trial itself?
MR. JONES: Object to form.
Go ahead.
THE DEPONENT: I couldn't compare emotions at that time. I wouldn't be able to recall.
BY MS. MORRIS:
Q. Did you feel any anxiety or stress when you sued Infinity -- Affinity Insurance as a result of the coverage issue from the verdict?

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MR. JONES: Object to form, argumentative.
Go ahead.
THE DEPONENT: I think you always have anxiety in anything that you do, potentially.
BY MS. MORRIS:
Q. Aside from your wife, did you talk to any other family members about your anxiety and fears from this post?
A. Not that I recall.
Q. At the time this post happened, the practice owned certain vehicles that you would drive, correct?
A. Yes.
Q. At the time this post happened, did the practice still own the Bentley?
A. Yes.
Q. And then did it also own a Mercedes?
A. Yes.
Q. How many vehicles total did the practice own at the time this post occurred?
A. Which practice are we talking about?
Q. The Ton V. Lee, DDS, d/b/a Summerlin Smiles.
A. I'm not sure where the company lies specifically to which operation.
Q. Okay. The practice, when I say -- I'll say the practices -- you've got Ton Vinh Lee, DDS,

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1 professional corp. and Ton V. Lee, DDS, professional
2 corp. -- owned vehicles that the practice essentially
3 owned and you drove, correct?
4 A. Yes.
5 Q. Are you alleging that you had to sell or get
6 rid of the Bentley as a result of reading this post?
7 A. I'm not alleging that, no.
8 Q. Are you alleging that you had to sell or get
9 rid of a Mercedes as a result of the post?
10 A. No.
11 MR. JONES: Christian, can you hold on one
12 second?
13 MS. MORRIS: Yeah.
14 MR. JONES: Apologize.
15 Sorry, I had someone at my door, I didn't
16 want them to interrupt your question
17 MS. MORRIS: Thank you.
18 BY MS. MORRIS:
19 Q. You state also in your answers to
20 interrogatories that you were emotionally drained by
21 the reading of this post; is that fair?
22 A. Yes.
23 Q. Okay. Can you describe what you mean by
24 being emotionally drained from the post?
25 A. Emotionally drained, what it -- it

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1 ultimately -- that's emotionally drained.
2 Q. Do you have any other descriptions other than
3 that?
4 A. No.
5 Q. Okay. You state that you have worked
6 diligently and ethically to maintain your professional
7 reputation with your colleagues and your community; is
8 that -- you stand by that statement?
9 A. Yes.
10 Q. Do you feel any anxiety from the fact that
11 the company that you own that does business as
12 Summerlin Smiles was found responsible for the death
13 of a patient?
14 A. To some extent, yes.
15 Q. How are you able to parcel out the anxiety
16 from that feeling and say it's in any way different
17 from the anxiety you feel from reading a post?
18 MR. JONES: Object to form, calls for
19 speculation, calls for an expert opinion.
20 Go ahead.
21 THE DEPONENT: Can you repeat that again,
22 Counsel?
23 BY MS. MORRIS:
24 Q. Are you able in any way to differentiate the
25 anxiety you felt for owning a company that was found

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1 responsible for a wrongful death and the anxiety you
2 feel from reading this post?
3 MR. JONES: Same objection.
4 THE DEPONENT: I think it's hard to parse out
5 the difference. I've accepted, don't necessarily
6 agree with, the verdict for the trial. The difference
7 between if you're asking that emotion, which again
8 it's hard to parcel out, this is clearly untrue.
9 BY MS. MORRIS:
10 Q. The verdict that was --
11 A. Could I finish, Counsel?
12 And the ruling in this particular case also
13 validates that it isn't true. So if you're asking me,
14 one, the verdict found the company negligent, I don't
15 agree, but I have to accept it for what it is. It's
16 different in this particular case when the defamatory
17 statement was on me and the verdict, and I was found
18 in favor.
19 Q. Do you believe that the verdict against the
20 company that you own for being negligent in causing a
21 wrongful death has in any way impacted the -- your
22 reputation in the community?
23 MR. JONES: Object to form, calls for
24 speculation, relevance.
25 Go ahead.

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1 THE DEPONENT: Could you repeat that again,
2 Counsel?
3 BY MS. MORRIS:
4 Q. Do you believe that a verdict being rendered
5 against a company that you own and run for negligence
6 in the wrongful death of an individual has in any way
7 impacted your reputation as a dentist in the
8 community?
9 MR. JONES: Same objection.
10 THE DEPONENT: It can.
11 BY MS. MORRIS:
12 Q. Do you feel as though it did?
13 MR. JONES: Same objection.
14 THE DEPONENT: It can.
15 BY MS. MORRIS:
16 Q. I understand that, but do you feel as though
17 that verdict being rendered against the company you
18 run has affected your reputation negatively?
19 MR. JONES: Same objection.
20 THE DEPONENT: It can.
21 BY MS. MORRIS:
22 Q. I understand that, but did it? It's already
23 occurred, so in the past, did it?
24 MR. JONES: Same objection; asked and
25 answered.

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1 THE DEPONENT: It can. I don't have facts to
2 that. I don't know if it negatively impacted it or
3 not, but it can.
4 BY MS. MORRIS:
5 Q. So you're thinking in the future it can?
6 A. I cannot answer something I have no -- I
7 don't have all the information or factual evidence.
8 Q. The verdict has been affirmed against the
9 company that you ran at the time, correct?
10 A. Sure.
11 Q. Since that affirmation of the verdict, have
12 you felt any negative impact on your reputation in the
13 community as a result of that verdict?
14 MR. JONES: I'll object to form, calls for an
15 expert opinion.
16 Go ahead.
17 THE DEPONENT: I'm unaware.
18 BY MS. MORRIS:
19 Q. You say that now because of the defendants'
20 inaccurate and false misrepresentations of the
21 verdict, I felt that the last 15 years of my work was
22 gravely damaged.
23 Do you have any facts that show that the last
24 15 years of your work was gravely damaged by this
25 post?

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1 MR. JONES: Objection to the extent it calls
2 for an expert opinion.
3 Go ahead.
4 THE DEPONENT: I'm unaware. It's an emotion.
5 BY MS. MORRIS:
6 Q. Have you seen a realization of that emotion
7 in any way?
8 MR. JONES: Object to the extent it calls for
9 an expert opinion.
10 Go ahead.
11 THE DEPONENT: What do you mean by seen?
12 BY MS. MORRIS:
13 Q. Have you actually experienced the grave
14 damage to your work as a result of that post by
15 someone reading it?
16 A. What would that experience --
17 MR. JONES: Same objection.
18 Sorry, go ahead.
19 THE DEPONENT: What would that experience be?
20 BY MS. MORRIS:
21 Q. I'm asking if you have experienced any grave
22 damage to your reputation as a result of this post.
23 MR. JONES: Same objection.
24 THE DEPONENT: Again, it's an emotion, and
25 I'm unaware.

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1 BY MS. MORRIS:
2 Q. So you just felt like it might?
3 MR. JONES: Objection; argumentative.
4 THE DEPONENT: Anybody would, Counsel.
5 BY MS. MORRIS:
6 Q. Are you alleging that by reading this post,
7 your marriage suffered?
8 A. Yes.
9 Q. Now, prior to this post, you had divorced
10 your wife twice, correct?
11 A. Yes.
12 MR. JONES: Objection; relevance.
13 Go ahead.
14 BY MS. MORRIS:
15 Q. After this post, did you discuss a third
16 divorce?
17 MR. JONES: Objection; relevance,
18 argumentative.
19 Go ahead.
20 THE DEPONENT: No.
21 BY MS. MORRIS:
22 Q. Do you believe that the quality of your third
23 marriage to your wife has been damaged by this post?
24 A. Then?
25 Q. Excuse me?

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1 A. You're asking me then, Counsel?
2 Q. At any time after reading the post, do you
3 believe that the quality of your third marriage to
4 your wife has been damaged?
5 A. Absolutely.
6 Q. Okay. How?
7 A. How can it not?
8 Q. Say what?
9 A. How can it not?
10 Q. How has it been damaged?
11 A. The stress, the isolation. You know, I mean,
12 you try to spend more time with your family during
13 that time, but your mind is always focused on
14 something else. It's a band-aid.
15 Q. And is that currently still going on?
16 A. No.
17 Q. When did that stop?
18 A. I think over time.
19 Q. When is the last time you felt the damage to
20 your marriage as a result?
21 A. As a result of this?
22 Q. As a result of reading the post.
23 A. I don't recall. It's been a while.
24 Q. Have you spoken to your wife about the
25 reviews online that we've read previously?

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1 MR. JONES: Counsel, are you referring to the
2 exhibits that were marked, the Yelp reviews?
3 BY MS. MORRIS:
4 Q. Right, yes, has that been a topic of
5 conversation with your wife?
6 A. It might have, but I don't recall.
7 Q. You mentioned isolation. What did you mean
8 by isolation; how did you experience isolation?
9 A. Keeping to yourself sometimes.
10 Q. When you were in isolation, were you thinking
11 about the post?
12 A. Yes.
13 Q. Would you read it more than one time or sit
14 there in front of it?
15 A. No, I didn't read it. I just thought about
16 it.
17 Q. So where would you isolate to think about the
18 post?
19 A. I don't recall when or where.
20 Q. Would you go into your bedroom or turn off
21 the lights?
22 MR. JONES: Objection; asked and answered.
23 THE DEPONENT: I couldn't recall, Counsel.
24 BY MS. MORRIS:
25 Q. How often would you self-isolate and think

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1 about the post?
2 A. I don't recall, but I remember it was for
3 quite some time.
4 Q. When you say it was for quite some time, like
5 it would be long periods of isolation or you felt
6 isolation over years?
7 A. Frequency.
8 Q. When you would isolate, would you tell your
9 wife why you were isolating?
10 A. She knew.
11 Q. So she knew that you were going away to think
12 about the post?
13 A. She knew I just needed time by myself.
14 Q. Okay. All right, so you state in your
15 answers to interrogatories that you -- the mental and
16 physical anguish was such an egregious culmination
17 that you sold two-thirds of your practice to new
18 partners, correct?
19 A. That's correct.
20 Q. Okay. So after March 23rd of 2015, you
21 decided because of this post, I need to sell my
22 practice -- two-thirds of my practice to new partners,
23 correct?
24 A. Yes.
25 Q. And you had not discussed partnership with

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1 them prior to reading the post, correct?
2 A. I think we've always entertained that
3 conversation amongst us when we met, but I don't
4 recall.
5 Q. And after you partnered or at some point in
6 the year 2015, you cut down the number of hours that
7 you were working, correct?
8 A. Yes, but I don't recall exact date.
9 Q. Okay. And then you spent more time in
10 California with your baby and your first child and
11 your wife, correct?
12 A. That is correct.
13 Q. Would you say your quality of life improved
14 by having more time with your family?
15 MR. JONES: Object to form.
16 THE DEPONENT: I would assume so, but yes.
17 BY MS. MORRIS:
18 Q. Well, did you enjoy spending the time with
19 your family?
20 MR. JONES: Object to form.
21 THE DEPONENT: Yes.
22 BY MS. MORRIS:
23 Q. And your baby was at that point about a year
24 old; is that right?
25 A. I believe so, depending on which time point

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1 you're talking about.
2 Q. The second child, in the year 2015.
3 A. I would imagine that he would be about a year
4 or such.
5 Q. And how would you describe yourself as a
6 father; are you involved?
7 MR. JONES: Object to form, relevance.
8 THE DEPONENT: I would hope so, but yes.
9 BY MS. MORRIS:
10 Q. When you spent more time in California with
11 your family after reading this post, would you bring
12 your children to any sporting events or anything like
13 that; how did you spend time with them?
14 A. Yes.
15 Q. My understanding is your wife does not work,
16 correct?
17 A. She doesn't work. Occasionally the office
18 asks her to help out.
19 Q. When I say she didn't work, I mean outside
20 the home, because I know working at home is harder
21 than going to work. Having two kids is a lot of work.
22 A. Well, I'm careful to answer that.
23 Q. Yeah. So she was in California full-time in
24 2015, correct?
25 A. If memory serves me best, that is correct.

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Q. And she has maintained living in California since 2014; is that right?
A. She's traveled back and forth in the last couple years on occasions.
Q. Are either of the children in school? And I'm talking about pre-COVID.
A. Yes.
Q. And do they attend school in California?
A. They do.
Q. So let me back up a little bit to the beginning of the testimony. I think you said that you work about three and a half days a week currently; is that correct?
A. I say approximately, depending on the schedule of the month.
Q. When did you start working approximately three and a half days a week?
A. Three and a half, maybe -- again, probably when the partnership started.
MS. MORRIS: Let me make sure I attach that as an exhibit.
THE COURT REPORTER: Which is that, the answers?
MS. MORRIS: That's the answers and I just want to make sure, I think I'm going to attach them as

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Exhibit 10; does that sound correct?
THE COURT REPORTER: Yes.
MR. JONES: Yes.
BY MS. MORRIS:
Q. Okay, I'm going to put on the screen, which I will attach as Exhibit 11, is the operative complaint in this case, which is called the second amended complaint, filed April 11th, 2016; do you see that?
A. Yes.
(Exhibit 11 identified.)
BY MS. MORRIS:
Q. Have you ever read through this complaint?
A. I must have.
Q. It looks like previously there was an August Hotchkin on this case; are you familiar with that attorney?
A. Vaguely.
Q. In your complaint I've got up here, it talks about Nevada Rules of Professional Conduct Rule 7.2, which requires any statement made by an attorney that includes a monetary sum, the amount involved must have actually received by the client.
Have you ever yourself read through that rule?
MR. JONES: Object to form.

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Go ahead.
THE DEPONENT: No.
THE COURT REPORTER: Can we go off the record for one second?
MS. MORRIS: Yes.
THE VIDEOGRAPHER: We're going off the record. The time is 3:49 p.m.
(Discussion off the record.)
THE VIDEOGRAPHER: We're going back on the record. The time is 3:50 p.m.
BY MS. MORRIS:
Q. Do you know as we sit here today how much the plaintiff actually received in their pocket as a result of the verdict in January of 2014?
MR. JONES: Object to form.
Counsel, you're referring to the time this complaint was made or as we sit here right now?
BY MS. MORRIS:
Q. Well, we'll start with right now.
A. No.
Q. At the time this complaint was made, did you have any facts as to how much the plaintiffs in this lawsuit actually received in their pocket?
A. No.
Q. You state in your complaint that defendant

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Ingrid Patin, through Patin Law Group PLLC, added the statement to her website for her own personal gain.
Do you have any facts that she actually gained anything by posting this to her website?
MR. JONES: Object to form.
THE DEPONENT: I don't know if marketing is -- marketing obviously is a form of advertisement or advertisement is a form of marketing. I don't think there's a metric or impression with regards to that. So if you're asking if I have a metric or a number, I do not, no. I'm unaware of that.
BY MS. MORRIS:
Q. Do you advertise for your businesses?
A. What do you mean by advertise?
Q. Does Summerlin Smiles and Distinctive Smiles advertise at all?
MR. JONES: Object to form, relevance.
Go ahead.
THE DEPONENT: Are we talking specifically online advertisement, marketing? What are we asking for?
BY MS. MORRIS:
Q. They have a website in which they advertise -- or they have a website, let's go there. You have a website, correct?

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1 A. Yes.
2 Q. Okay. And on that website, do you do any
3 advertising for the services that you provide?
4 A. We educate.
5 Q. What does that mean?
6 A. It means we educate. You know, we educate
7 the procedures and the services that are there.
8 Q. If there are any misrepresentations on your
9 company websites, do you feel that you should be held
10 responsible for them?
11 MR. JONES: Object to form, relevance.
12 Go ahead.
13 THE DEPONENT: I think we're responsible for
14 our own business to some extent.
15 BY MS. MORRIS:
16 Q. You don't have an allegation in here that
17 Patin Law Group or Ingrid Patin posted this to harm
18 you personally. Do you believe or have any facts that
19 she and/or her company posted it to harm you
20 personally?
21 MR. JONES: Object to form, calls for
22 speculation, calls for an expert opinion.
23 Go ahead.
24 THE DEPONENT: I don't -- I couldn't answer
25 the reason why she did what she did. I would only

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1 assume that it's for self-gain.
2 BY MS. MORRIS:
3 Q. What facts do you have -- and I'm looking at
4 Allegation 13 -- that defendant Ingrid Patin
5 personally participated in the torturous acts of
6 making a defamatory statement?
7 MR. JONES: Counsel, you said tortious, not
8 torturous, correct?
9 MS. MORRIS: Tortious.
10 MR. JONES: Make sure we have a clear record.
11 THE DEPONENT: You're asking me for a fact?
12 BY MS. MORRIS:
13 Q. Yes, what facts do you have to support that
14 allegation?
15 A. Well, the statement was in relation to the
16 case that she was lead counsel on.
17 Q. And there were other counsels on that case,
18 correct?
19 A. The advertisement specifically indicated
20 Patin.
21 Q. Do you know if any of the other attorneys on
22 that case posted anything regarding the verdict?
23 A. I'm unaware of that.
24 Q. Do you have any facts that she personally
25 participated in the posting of that statement?

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1 MR. JONES: Object to form.
2 Go ahead.
3 THE DEPONENT: Common sense would tell me who
4 else would do it?
5 BY MS. MORRIS:
6 Q. Anything else aside from common sense?
7 MR. JONES: Objection. Counsel, we haven't
8 taken the deposition of your client yet. I mean, I'm
9 not sure where you're going with this line of
10 questioning, but go ahead.
11 MS. MORRIS: I'm just asking for any facts
12 that he's aware of.
13 THE DEPONENT: You're asking for facts when
14 it's common sense. I don't have -- there's no facts.
15 I don't know of the fact that she made the statement,
16 but who else has to gain but Ingrid, so who else would
17 do it? That common sense makes relative reason.
18 BY MS. MORRIS:
19 Q. You state that defendant Ingrid Patin, Esq.
20 influenced and governed Patin Law Group PLLC by
21 unilaterally dictating the form and content of its
22 website for the purposes of advertisement and to
23 bolster her reputation by and through publishing a
24 defamatory statement.
25 What facts do you have that Miss Patin

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1 unilaterally dictated the form and content of that
2 statement?
3 MR. JONES: Objection, again, I mean, form.
4 Go ahead, answer to the best of your
5 knowledge.
6 THE DEPONENT: Common sense tells me that
7 Ingrid Patin is the owner of Patin Law Group, and
8 again, would be the only one of the group, she would
9 be the individual to have self-gain with regards to
10 the statement.
11 BY MS. MORRIS:
12 Q. Do you use in your practice SEO companies?
13 A. No.
14 Q. Does anyone write content for the websites of
15 either Summerlin Smiles or Distinctive Smiles?
16 A. No.
17 Q. Who actually writes the information that
18 appears on the Summerlin Smiles, Distinctive Smiles
19 website?
20 A. The partners.
21 Q. I'm sorry?
22 A. The partners.
23 Q. Okay. So you yourself write on the
24 Distinctive Smiles, Summerlin Smiles website?
25 A. Not alone, but yes, collaboratively,

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1 collectively.
2 Q. And Dean and Angheson also write on that
3 website?
4 A. Yes.
5 Q. Anyone else besides you three?
6 A. No.
7 Q. Looking at Allegation No. 25 here, you say
8 the defamatory statement injures Ton Vinh Lee in his
9 business as a simple Internet search reveals the
10 claimed verdict for wrongful death.
11 Do you see where I've read that?
12 A. Yes.
13 Q. Now, if this has injured you in your
14 business, then it has injured you as a dentist; is
15 that correct?
16 MR. JONES: Object to form, calls for a legal
17 conclusion.
18 Go ahead.
19 THE DEPONENT: Collectively, yes.
20 BY MS. MORRIS:
21 Q. Did you anywhere in your complaint allege
22 that this injured you personally?
23 MR. JONES: Object to form, vague and
24 ambiguous.
25 Go ahead.

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1 THE DEPONENT: Could you rephrase that
2 question, please?
3 BY MS. MORRIS:
4 Q. Did you allege anywhere that this has injured
5 you personally?
6 MR. JONES: Same objection.
7 THE DEPONENT: Well, Ton Vinh Lee, DDS, is
8 Ton Vinh Lee himself.
9 BY MS. MORRIS:
10 Q. Who is the plaintiff in this case; is it Ton
11 Vinh Lee, DDS, or Ton Vinh Lee?
12 A. I think they're all the same, are they not?
13 I mean, I don't know if you have a degree that
14 differentiates the individual from a degree.
15 Q. Is your allegation in this case that this has
16 injured you personally or professionally?
17 A. Both.
18 Q. Did you bring any claims on behalf of your
19 dental practice?
20 MR. JONES: Object to form, calls for a legal
21 conclusion, the document speaks for itself.
22 THE DEPONENT: Could you rephrase that
23 question, Counsel, please?
24 BY MS. MORRIS:
25 Q. Did you bring any claims in this case on

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1 behalf of your dental practice?
2 MR. JONES: Same objection.
3 THE DEPONENT: My corporation?
4 BY MS. MORRIS:
5 Q. Correct.
6 A. No.
7 THE COURT REPORTER: Off the record again for
8 a second?
9 MS. MORRIS: Yes.
10 THE VIDEOGRAPHER: We're going off the
11 record. It's 3:59 p.m.
12 (Discussion off the record.)
13 THE VIDEOGRAPHER: We're going back on the
14 record. It's 4:00 p.m.
15 BY MS. MORRIS:
16 Q. Take a look at -- I will mark it as
17 Exhibit 12.
18 (Exhibit 12 identified.)
19 BY MS. MORRIS:
20 Q. I've put up here, it's called plaintiff Ton
21 Vinh Lee's third supplement to what are initial
22 disclosures in this case, and I'm going to go down to
23 this page right here. Can you see that on your
24 screen?
25 A. I can.

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1 Q. Okay. So there's been a lot of financial
2 documents disclosed in this case and then there's been
3 a number that was disclosed, let me see, last month,
4 and it says loss of business; do you see that?
5 A. Yes.
6 Q. What entity lost business?
7 MR. JONES: Object to form, calls for
8 speculation.
9 Go ahead.
10 THE DEPONENT: Both entities.
11 BY MS. MORRIS:
12 Q. Ton V. Lee, DDS, professional corp. and Ton
13 Vinh Lee, DDS, professional corp.?
14 A. Yes.
15 Q. And are either of those plaintiffs in this
16 case?
17 A. No.
18 Q. Okay. Let's talk for just a minute about how
19 many corporations you have. We know about Ton Vinh
20 Lee, DDS, professional corp., Ton V. Lee, DDS,
21 professional corp. You also have a PLLC with your
22 partners, correct?
23 A. That's correct.
24 Q. And that PLLC with your partners, from what I
25 can see on the Secretary of State website, was created

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1 in July of 2015; does that sound right?
2 A. That sounds -- I mean, if you're saying it's
3 July, then that sounds like it's accurate.
4 Q. And that corporation, Dean Angheson & Lee,
5 PLLC, is not a plaintiff in this lawsuit, correct?
6 A. It is -- no, correct.
7 Q. Do you have any other corporations that are
8 related to the practice of dentistry?
9 A. I'm sorry, could you ask that one more time,
10 please?
11 Q. And I'm just asking it like this because I
12 don't need to go through your food truck ownership and
13 stuff like that.
14 A. I understand.
15 Q. Do you have any other corporations that are
16 related to the practice of dentistry?
17 A. The one that owns Distinctive Smiles.
18 Q. And what's the name of that?
19 A. That is Lee Dean & Angheson, PLLC.
20 Q. Okay. And that was also formed in July of
21 2015, correct?
22 A. If you're telling me that's what the
23 Secretary of State information says, then I would have
24 to agree with you.
25 Q. And Lee Dean & Angheson, PLLC, are not

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1 plaintiffs in this lawsuit either, correct?
2 A. No.
3 Q. Back in 2015, who was your accountant?
4 A. The company itself was David J. Emery.
5 Q. The loss of business of $331,600 by the
6 entities, when are you alleging that occurred?
7 MR. JONES: Object to form, calls for expert
8 opinion.
9 Go ahead.
10 THE DEPONENT: I'm not an economist, so
11 that's up to the economist and the accountant.
12 BY MS. MORRIS:
13 Q. When are you alleging you lost money as a
14 result of this post?
15 MR. JONES: Same objection.
16 Go ahead.
17 THE DEPONENT: During that time frame.
18 BY MS. MORRIS:
19 Q. What time frame?
20 A. I couldn't tell you exactly the time frame.
21 Q. What years?
22 A. You're going -- I would have to refer to my
23 accountant. I'm not --
24 Q. Do you have --
25 A. I'm not a numbers guy.

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1 Q. Are you alleging as we sit here today that
2 your entities are still experiencing a financial loss
3 because of this post?
4 MR. JONES: Object to form.
5 Go ahead.
6 THE DEPONENT: No.
7 BY MS. MORRIS:
8 Q. When did the financial loss stop for these
9 entities?
10 MR. JONES: Object to form, calls for an
11 expert opinion.
12 THE DEPONENT: I couldn't tell you. During
13 that time period.
14 BY MS. MORRIS:
15 Q. During what time period?
16 A. The time period with the defamatory
17 statement, the partnership.
18 Q. So are you alleging the loss occurred in the
19 month of March 2015?
20 MR. JONES: Object to form.
21 THE DEPONENT: I'm not alleging. I'm just --
22 I couldn't tell you. I don't know.
23 BY MS. MORRIS:
24 Q. Do you have any facts as to when these
25 entities lost money as a result of this post?

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1 MR. JONES: Objection. I'm sorry, you keep
2 saying these entities. Are you referring to Dr. Lee
3 or his entities?
4 MS. MORRIS: The entities that he claims
5 sustained this loss.
6 MR. JONES: I think he's claiming that he
7 sustained a loss.
8 But go ahead.
9 BY MS. MORRIS:
10 Q. You can still answer.
11 A. Could you repeat that again? I'm sorry, I
12 apologize, could you repeat that, please?
13 Q. Do you have any facts to give us a time frame
14 in which this loss of business earnings occurred?
15 A. I think you're going to have to look at the
16 accounting numbers or the documents that's been
17 provided.
18 Q. What documents should I look at?
19 MR. JONES: Object to form, calls for an
20 expert opinion.
21 THE DEPONENT: I'm not an accountant. I
22 couldn't tell you.
23 BY MS. MORRIS:
24 Q. Your partnership with Dean and Angheson
25 resulted in them paying you money, correct?

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A. Yes.
Q. And although you can't remember how much they paid you, they paid you sometime in the year 2015, correct?
A. Some portion of it.
Q. Did they pay you directly or did they pay your corporations?
A. They paid me directly.
Q. So they wrote a check to Ton Vinh Lee, DDS, as a person?
A. Yes.
Q. Okay. So you experienced a personal gain from the buy-in that did not run through your corporations, correct?
MR. JONES: Object to form, vague and ambiguous as to personal gain.
Go ahead.
THE DEPONENT: Not a personal gain, a personal loss.
BY MS. MORRIS:
Q. You were personally paid money that didn't run through your corporations for the buy-in, correct?
A. I'm not an accountant. You're going to actually have to refer to my accountant because she handles all of that.

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Q. So you're not even able to testify whether you actually received the money?
A. Oh, we received the money. It's how she files it. I'm not sure.
Q. And your accountant you've now said is a female; who is that?
A. Mia.
Q. What's her last name?
A. Oh, my gosh, she's going to -- brain freeze all of a sudden. She's going to kill me. Give me one second, if you don't mind, so I can give you her name.
Oh, my gosh, Mia Jack.
Q. And what company is she with?
A. She took over David's -- David J. Emery's company.
Q. When did she do that?
A. She's been with them since day one. I don't know when she took over.
Q. Is she the individual who told you $331,600?
MR. JONES: Object to form, expert opinion.
But go ahead.
THE DEPONENT: I did not have a conversation with a number.
BY MS. MORRIS:
Q. Do you have any idea -- well, actually, did

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anyone tell you you had experienced a loss of $331,600?
A. I don't think --
MR. JONES: I'm sorry, object to form.
Go ahead.
THE DEPONENT: I don't think anybody told me specifically a dollar amount, but I sold the practice at less than its value.
BY MS. MORRIS:
Q. And who told you -- and I'm not asking your attorney -- who told you you sold the practice at less than its value?
A. It's not who told me but what the value -- what the practice was valued at.
Q. So you had a valuation done on the practice, correct?
A. Yes.
Q. And you had that done in what month?
A. I don't remember.
Q. And why did you have that valuation done?
A. You generally want to value your practice as a -- as a business maintenance, because I've always entertained partners, or at least the idea.
Q. Did you have the valuation done of your practice before or after you read the post?

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A. I don't recall.
Q. The purpose of the valuation for your practice was to sell it; is that correct?
A. No, it was just to know what the value of the practice would be.
Q. And was the value of the practice when it was done in 2015 affected in any way by you reading the post?
MR. JONES: Object to form.
THE DEPONENT: Please rephrase, because I do not recall the date of the valuation. You specified at 2015, but I don't recall.
BY MS. MORRIS:
Q. Do you know if the valuation of the practice in 2015 was affected at all by the post?
MR. JONES: Object to form, calls for an expert opinion.
Go ahead.
THE DEPONENT: No, I don't.
BY MS. MORRIS:
Q. The person who did the valuation of the practice in 2015, do you recall who that was?
A. I just told you it was Western Practice Sales.
Q. And they did the valuation in 2015?

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A. I don't recall the date.
Q. Did you disclose that valuation by them?
A. To who?
Q. To your attorney to give to me for this litigation.
MR. JONES: Counsel, I believe we disclosed several valuations as part of our earlier disclosures.
BY MS. MORRIS:
Q. What was your understanding of the valuation that was done in 2015? Was it a comprehensive professional appraisal?
MR. JONES: Object to form.
Go ahead.
THE DEPONENT: Could you ask that question again, please?
BY MS. MORRIS:
Q. The appraisal that you had done in 2015, was that a comprehensive professional appraisal of the value of your practice?
MR. JONES: Object to form, vague and ambiguous, unless that's a term of art that I'm not aware of.
THE DEPONENT: Counsel, that's a lot of words all at once, and I'm not being difficult. I'm just trying to understand to answer your question

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accurately.
Could you rephrase that differently or maybe not use as many big words?
BY MS. MORRIS:
Q. When you requested the valuation of your firm in 2015, did you ask for just a preliminary report or did you want a full comprehensive valuation of your practice and a value?
A. I wanted a full comprehensive. If I can recall at that time, I did want to know comprehensively what the values were.
Q. And do you recall how much it was worth after that valuation?
A. No.
Q. What did you do with that information once you received it?
A. Just like everything else, I mean, you just know the information.
Q. Did you use it in your negotiations with your new partners?
A. At some point.
Q. So you did use it?
A. At some point.
Q. Prior to forming a partnership with them in July of that year?

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A. You would imagine that would be the case.
Q. And did that evaluation report state that the value of your practice was being negatively impacted by a post?
A. I wouldn't be aware of that.
Q. Do you know what the person who did the valuation looked at to value your practice?
A. No, I don't. I'm not in that area of expertise.
Q. In the year of 2014, how was your dental practice doing; were you profitable?
A. It's my recollection I would hope so.
Q. In the year of 2015, are you alleging that your income went down?
MR. JONES: Object to form to the extent it calls for an expert opinion.
THE DEPONENT: Could you repeat that again, Counsel, or rephrase that, please?
BY MS. MORRIS:
Q. Are you alleging in the year 2015 your income went down?
MR. JONES: Same objection.
THE DEPONENT: I, to be honest, am unaware of what my income is in 2014 or 2015.
///

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BY MS. MORRIS:
Q. What about 2016, are you alleging it went down?
A. I'm unaware 2016, 2017, 2018.
Q. The damages of business loss that are being claimed in this case of 331,000, do you know where that number comes from?
MR. JONES: Objection; calls for an expert opinion, form.
Go ahead.
THE DEPONENT: I would assume the documentation that I've provided.
BY MS. MORRIS:
Q. What documentation are you basing it on, so I can look at it? Because I've looked through all of it and I don't see that number appear anywhere.
A. Well, I'm not sure if you're an economist or an accountant, so I'm not sure how you would be able to evaluate it, because it's my practice, or our practices, or then my practice, and I couldn't -- I wouldn't know.
MR. JONES: And belated objection; calls for expert opinion.
BY MS. MORRIS:
Q. And I'm not asking for an expert opinion.

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1 I'm asking -- you're alleging in this case that you
2 lost 331,000 business revenue, correct?
3 MR. JONES: Objection; again, calls for an
4 expert opinion.
5 Go ahead.
6 THE DEPONENT: If that's what you're reading
7 off, yes.
8 BY MS. MORRIS:
9 Q. That's been provided by you through your
10 counsel in this case, correct?
11 A. Yes.
12 Q. Okay. Are you able to tell me or the jury
13 where that number comes from?
14 MR. JONES: Objection; calls for an expert
15 opinion.
16 THE DEPONENT: No, I'm sorry, I'm not an
17 expert in that field.
18 BY MS. MORRIS:
19 Q. Do you know in what year you suffered these
20 losses?
21 MR. JONES: Same objection. Counsel, these
22 are all expert opinions.
23 THE DEPONENT: I would assume during that
24 time frame.
25 ///

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1 BY MS. MORRIS:
2 Q. So are you alleging that the only year you
3 sustained financial loss as a result of this post is
4 the year 2015?
5 MR. JONES: Objection; misstates prior
6 testimony, calls for an expert opinion.
7 MS. MORRIS: This is not an expert opinion.
8 If he's alleging when he lost money, he can certainly
9 tell the jury when he lost it. If it's 331,000, the
10 number has to come from somewhere.
11 MR. JONES: It does. It's going to come from
12 an expert opinion, Counsel.
13 MS. MORRIS: And you haven't disclosed an
14 expert, but you still have a number, Prescott, which
15 is actually phenomenal, so I'm allowed to ask him
16 about his damages.
17 MR. JONES: Well, we'll disclose it along
18 with our expert report, Counsel.
19 MS. MORRIS: Expert deadlines have passed,
20 Prescott.
21 MR. JONES: And we both know they're
22 continued because of COVID.
23 MS. MORRIS: Accountant offices were open
24 during COVID, so I don't know how that happened.
25 MR. JONES: Attorneys' offices are supposed

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1 to be open during COVID, too, but you and I both know
2 that didn't happen.
3 MS. MORRIS: My office was open the entire
4 time.
5 BY MS. MORRIS:
6 Q. So what year did you sustain financial losses
7 that you're alleging in this case?
8 MR. JONES: Counsel, this is an expert
9 opinion. Again, I'm going to object. I'm going to
10 object to every single one of these questions.
11 But go ahead.
12 MS. MORRIS: You can't object to these
13 questions. They're damages questions and I need to
14 ask them.
15 MR. JONES: This is an expert-driven damages
16 case, though, Counsel.
17 So go ahead, he can answer to the extent he
18 can.
19 THE DEPONENT: I'm not an expert witness. I
20 couldn't answer.
21 BY MS. MORRIS:
22 Q. It's fine that you're not an expert, but are
23 you alleging that you suffered financial losses from
24 this post in 2016 and 2017 and 2018? I mean, when are
25 you claiming damages?

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1 MR. JONES: Same objection.
2 THE DEPONENT: It's during that time frame.
3 BY MS. MORRIS:
4 Q. In what time -- in the year 2015?
5 A. Again, I'm not an expert witness. I'm not an
6 accountant.
7 Q. And I'm not asking you to be. I'm asking, if
8 you were sitting talking to the jury, like you will
9 be, and saying, hey, I suffered this financial loss
10 and it happened to me during this time period, what
11 time period will you say? I am entitled to that
12 information.
13 MR. JONES: Counsel, that's an expert
14 opinion. I don't know how --
15 MS. MORRIS: It's not an expert opinion,
16 Prescott. It is --
17 MR. JONES: Well, we have numbers --
18 MS. MORRIS: -- his damages opinion, and I
19 don't want to argue about this, but if you're going
20 to -- I will --
21 MR. JONES: (Inaudible.)
22 MS. MORRIS: Let me make my record.
23 If you are going to keep this up, I will have
24 to retake his deposition on damages because I'm
25 entitled to know --

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MR. JONES: (Inaudible.)
MS. MORRIS: Let me finish my statement.
I am entitled to know when he is alleging he incurred damages. I am entitled to know the years in which he's alleging. I have a client that needs to know these answers, and to say, oh, well, he doesn't have to answer these questions, he's the one who is alleging the loss, he is allowed to tell us when he experienced this loss. Is it one year, two years, currently? So we need to get through these questions or we'll have to go through this process again.
MR. JONES: I would strenuously object to that because, again, this is an expert opinion. It's up to the expert, the accountant, to look at the numbers to figure out when the loss occurred, Counselor.
So I'll maintain my objection, but go ahead.
(Court reporter Robin Ravize joined the videoconference.)
MS. MORRIS: And I'll reserve the right to retake his deposition.
THE DEPONENT: And I'm okay with that, Counselor. If I have to retake the deposition, we can go through this roundabout again.
///

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BY MS. MORRIS:
Q. Do you have any evidence as to when you actually sustained financial loss?
MR. JONES: Objection; calls for a legal conclusion, calls for an expert opinion.
THE DEPONENT: Yes, that's been provided in the documentation.
BY MS. MORRIS:
Q. No, it has not.
When did you actually sustain financial loss?
MR. JONES: Counsel, are you objecting to my client's answer?
MS. MORRIS: It hasn't been provided. I wouldn't be asking it if it had been. This is not a game for me. I am here --
MR. JONES: There's hundreds of pages of documents of financial information. It's up to your client to review my client's expert report when it's produced and --
MS. MORRIS: You don't even have an expert, Prescott, so I need to get through this question or it's just going to be painful and long.
MR. JONES: It's already painful, Christian.
THE DEPONENT: It's already painful and it's long and I don't think it's going to change the tone

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or the --
BY MS. MORRIS:
Q. Okay. Do you have any evidence as to when you sustained this financial loss?
MR. JONES: I'm sorry, I missed the first part of that. Can you repeat that question again?
BY MS. MORRIS:
Q. Do you have any evidence as to when you sustained this financial loss?
MR. JONES: Object to form, calls for an expert opinion.
Go ahead.
THE DEPONENT: Yes.
BY MS. MORRIS:
Q. What years?
MR. JONES: Object to form, calls for an expert opinion.
THE DEPONENT: I don't recall.
BY MS. MORRIS:
Q. You don't recall what years you sustained this financial loss?
MR. JONES: Same objections.
THE DEPONENT: Yes.
MS. MORRIS: Okay.
Hey, Robin.

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MS. RAVIZE: Hi, Christian.
MS. MORRIS: How are you?
MS. RAVIZE: Good.
THE COURT REPORTER: Can we go off the record?
MS. MORRIS: Yes.
THE VIDEOGRAPHER: We're going off the record. It's 4:21 p.m.
(Discussion off the record.)
(Thereupon, the deposition recessed at 4:21 p.m.)

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CERTIFICATE OF REPORTER

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Gary F. Decoster, CCR 790, licensed by the State of Nevada, do hereby certify: That I reported Volume I of the deposition of TON VINH LEE, on Tuesday, July 14, 2020, commencing at 11:05 a.m.

That prior to being deposed, the witness was duly sworn by me to testify to the truth. That I thereafter transcribed my said stenographic notes via computer-aided transcription into written form, and that the typewritten transcript is a complete, true and accurate transcription of my said stenographic notes. That review of the transcript was requested.

I further certify that I am not a relative, employee or independent contractor of counsel or of any of the parties involved in the proceeding, nor a person financially interested in the proceeding, nor do I have any other relationship that may reasonably cause my impartiality to be questioned.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this 26th day of July, 2020.

GARY F. DECOSTER, CCR NO. 790

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DEPOSITION ERRATA SHEET

Our Assignment No. J5463909
Case Caption: LEE vs. PATIN

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of

_____, 20___.

_____

TON VINH LEE

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DEPOSITION ERRATA SHEET

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