

**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-18-  
723134-C  
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**APPELLANT'S APPENDIX – VOLUME 6**

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## **INDEX TO APPELLANT'S APPENDIX**

<b>Document Description</b>		<b>Location</b>
Complaint in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 08/17/15)		Volume 1 Bates Nos. 001-005
Defendants' Motion to Dismiss in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 09/08/15)		Volume 1 Bates Nos. 006-017
<b>Exhibits for Defendants' Motion to Dismiss</b>		
A.	Complaint in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 02/07/12)	Volume 1 Bates Nos. 018-019
B.	Special Verdict Form in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 01/22/14)	Volume 1 Bates Nos. 020-025
C.	Order on Defendants' Motion to Retax in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/11/14)	Volume 1 Bates Nos. 026-030
D.	Judgment on Jury Verdict in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/29/14)	Volume 1 Bates Nos. 031-034
E.	The Trial Reporter Newsletter (February 2014)	Volume 1 Bates Nos. 035-038
F.	Nevada Legal Update Newsletter (Fall 2014)	Volume 1 Bates Nos. 039-042
G.	Nevada Jury Verdict Google Search Results (04/14/15)	Volume 1 Bates Nos. 043-045
Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative, Motion to Dismiss Pursuant to NRCp 12(B)(5) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 10/16/15)		Volume 1 Bates Nos. 046-062
<b>Exhibits for Defendant's Special Motion to Dismiss</b>		

A.	Complaint in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 02/07/12)	Volume 1 Bates Nos. 063-064
B.	Special Verdict Form in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 01/22/14)	Volume 1 Bates Nos. 065-070
C.	Order on Defendants' Motion to Retax in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/11/14)	Volume 1 Bates Nos. 071-075
D.	Judgment on Jury Verdict in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/29/14)	Volume 1 Bates Nos. 076-079
E.	The Trial Reporter Newsletter (February 2014)	Volume 1 Bates Nos. 080-083
F.	Website Post regarding Jury Verdict	Volume 1 Bates Nos. 084-085
G.	Nevada Legal Update Newsletter (Fall 2014)	Volume 1 Bates Nos. 086-089
H.	Nevada Jury Verdict Google Search Results (04/14/15)	Volume 1 Bates Nos. 090-092
I.	Plaintiffs Case Appeal Statement in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 08/08/14)	Volume 1 Bates Nos. 093-099
J.	Defendants Case Appeal Statements (Cross-Appeal) in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14 & 11/07/14)	Volume 1 Bates Nos. 100-112
K.	Senate Bill No. 444- Committee on Judiciary Minutes (dated 03/28/13)	Volume 1 Bates Nos. 113-115

L.	Certificate of Business: Fictitious Firm Name (dated 10/26/2010)	Volume 1 Bates Nos. 116-120
M.	Reports Transcripts on Jury Trial in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 01/17/14)	Volume 1 Bates Nos. 121-126
Order Denying Defendants' Motion to Dismiss in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 10/22/15)		Volume 1 Bates Nos. 127-128
Defendants' Motion to Dismiss Pursuant to NRCp 12(b)(5) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/27/16)		Volume 1 Bates Nos. 129-137
<b>Exhibits for Defendant's Motion to Dismiss Pursuant to NRCp 12(b)(5)</b>		
1.	Affidavit of Ingrid Patin, Esq. in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/27/16)	Volume 1 Bates Nos. 138-140
2.	Complaint in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 02/07/12)	Volume 1 Bates Nos. 141-146
Order Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative, Motion to Dismiss Pursuant to NRCp 12(B)(5) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 02/04/16)		Volume 1 Bates Nos. 147-150
Amended Complaint in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 02/23/16)		Volume 1 Bates Nos. 151-155
Notice of Entry of Order Denying Motion to Dismiss Pursuant to NRCp 12(b)(5) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 04/11/16)		Volume 1 Bates Nos. 156-159
Second Amended Complaint in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 04/11/16)		Volume 1 Bates Nos. 160-164
Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-40 in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 05/24/16)		Volume 2 Bates Nos. 165-182

<b>Exhibits for Defendant's Renewed Special Motion to Dismiss Pursuant to NRS 41.635-40</b>		
A.	Notice of Entry of Order Denying Motion to Dismiss Pursuant to NRCP 12(b)(5) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 04/11/16)	Volume 2 Bates Nos. 183-187
B.	Complaint in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 08/17/15)	Volume 2 Bates Nos. 188-189
C.	Special Verdict Form in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 01/22/14)	Volume 2 Bates Nos. 190-195
D.	Order on Defendants' Motion to Retax in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/11/14)	Volume 2 Bates Nos. 196-200
E.	Judgment on Jury Verdict in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/29/14)	Volume 2 Bates Nos. 201-204
F.	The Trial Reporter Newsletter (February 2014)	Volume 2 Bates Nos. 205-208
G.	Nevada Legal Update Newsletter (Fall 2014)	Volume 2 Bates Nos. 209-212
H.	Nevada Jury Verdict Google Search Results (04/14/15)	Volume 2 Bates Nos. 213-215
I.	Plaintiffs Case Appeal Statement in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 08/08/14)	Volume 2 Bates Nos. 216-222
J.	Defendants Case Appeal Statement (Cross-Appeal) in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14)	Volume 2 Bates Nos. 223-235

K.	Judgment on Jury Verdict for Defendant in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14)	Volume 2 Bates Nos. 236-238
L.	Senate Bill No. 444- Committee on Judiciary	Volume 2 Bates Nos. 239-243
M.	Certificate of Business: Fictitious Firm Name (dated 10/26/2010)	Volume 2 Bates Nos. 244-248
N.	Reports Transcripts on Jury Trial in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 01/17/14)	Volume 2 Bates Nos. 249-253
Order Denying Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative, Motion to Dismiss Pursuant to NRCp 12(B)(5) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 09/29/16)		Volume 2 Bates Nos. 254-257
Defendant Ingrid Patin's Answer to Plaintiff's Second Amended Complaint and Counterclaim Against Patin law Group, PLLC in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 10/07/16)		Volume 2 Bates Nos. 258-270
Defendant Patin Law's Answer to Plaintiff's Second Amended Complaint and Defendant's Counterclaim in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 10/18/16)		Volume 2 Bates Nos. 271-288
Defendant Ingrid Patin's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/19/17)		Volume 2 Bates Nos. 289-291
Defendant Patin Law Group's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/26/17)		Volume 2 Bates Nos. 292-294
Defendant Ingrid Patin's Motion for Summary Judgment in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 02/10/17)		Volume 2 Bates Nos. 295-309
<b>Exhibits for Defendant's Motion for Summary Judgment</b>		

A.	Order affirming in Part, Reversing in Part and Remanding in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 10/17/16)	Volume 2 Bates Nos. 310-315
B.	Complaint in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 02/07/12)	Volume 2 Bates Nos. 316-317
C.	Special Verdict Form in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 01/22/14)	Volume 2 Bates Nos. 318-323
D.	Order on Defendants' Motion to Retax in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/11/14)	Volume 2 Bates Nos. 324-328
E.	Judgment on Jury Verdict in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/29/14)	Volume 2 Bates Nos. 329-332
F.	The Trial Reporter Newsletter (February 2014)	Volume 2 Bates Nos. 333-336
G.	Nevada Legal Update Newsletter (Fall 2014)	Volume Bates Nos. 337-340
H.	Nevada Jury Verdict Google Search Results (04/14/15)	Volume 2 Bates Nos. 341-342
I.	Plaintiffs Case Appeal Statement in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 08/08/14)	Volume 2 Bates Nos. 343-349
J.	Defendants Case Appeal Statement (Cross-Appeal) in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14)	Volume 2 Bates Nos. 350-362
K.	Judgment on Jury Verdict for Defendant in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14)	Volume 2 Bates Nos. 363-365
L.	Senate Bill No. 444- Committee on Judiciary	Volume 2 Bates Nos.

		366-370
M.	Certificate of Business: Fictitious Firm Name (dated 10/26/2010)	Volume 2 Bates Nos. 371-375
N.	Reports Transcripts on Jury Trial in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 01/17/14)	Volume 2 Bates Nos. 376-380
K.	Judgment on Jury Verdict for Defendant in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14)	Volume 2 Bates Nos. 381-383
L.	Second Amended Complaint in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 04/11/16)	Volume 2 Bates Nos. 384-389
Defendant Ingrid Patin's Motion for Summary Judgment in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 05/30/17)		Volume 3 Bates Nos. 390-411
<b>Exhibits for Defendant's Motion for Summary Judgment</b>		
A.	Complaint in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 02/07/12)	Volume 3 Bates Nos. 412-434
B.	Order affirming in Part, Reversing in Part and Remanding in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 10/17/16)	Volume 3 Bates Nos. 435-440
C.	Special Verdict Form in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 01/22/14)	Volume 3 Bates Nos. 441-446
D.	Order on Defendants' Motion to Retax in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/11/14)	Volume 3 Bates Nos. 447-451



E.	Judgment on Jury Verdict in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/29/14)	Volume 3 Bates Nos. 452-455
F.	The Trial Reporter Newsletter (February 2014)	Volume 3 Bates Nos. 456-459
G.	Nevada Legal Update Newsletter (Fall 2014)	Volume 3 Bates Nos. 460-463
H.	Nevada Jury Verdict Google Search Results (04/14/15)	Volume 3 Bates Nos. 464-466
I.	Plaintiffs Case Appeal Statement in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 08/08/14)	Volume 3 Bates Nos. 467-473
J.	Defendants Case Appeal Statement (Cross-Appeal) in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14)	Volume 3 Bates Nos. 474-486
K.	Judgment on Jury Verdict for Defendant in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 09/11/14)	Volume 3 Bates Nos. 487-489
L.	Certificate of Business: Fictitious Firm Name (dated 10/26/2010)	Volume 3 Bates Nos. 490-494
M.	Reports Full Transcripts on Jury Trial in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 01/17/14)	Volume 4 Bates Nos. 495-709
Order Denying Defendant's Motion for Summary Judgement in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 06/05/17)		Volume 5 Bates Nos. 710-713
Notice of Entry of Order Denying Defendant's Motion for Summary Judgement in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 08/17/17)		Volume 5 Bates Nos. 714-719
Defendants' Motion to Dismiss Pursuant to NRCP 16.1(e)(1) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 07/15/19)		Volume 5 Bates Nos. 720-726

Notice of Entry of Order Denying Defendants' Motion to Dismiss Pursuant to NRCp 16.1(e)(1) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 09/10/19)		Volume 5 Bates Nos. 727-730
Joint Case Conference Report in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 10/11/19)		Volume 5 Bates Nos. 731-750
Plaintiff Ton Vin Lee Deposition Transcripts in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 07/14/20)		Volume 5 Bates Nos. 751-800
Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 08/07/20)		Volume 6 Bates Nos. 801-823
<b>Exhibits to Defendant's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</b>		
1.	Plaintiff Ton Vinh Lee Deposition Transcripts in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 07/14/20)	Volume 6 Bates Nos. 824-874
2.	Judgment on Jury Verdict in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 04/29/14)	Volume 6 Bates Nos. 875-878
3.	Defendant Ingrid Patin's Answer to Plaintiff's Second Amended Complaint and Counterclaim Against Patin law Group, PLLC in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 10/07/16)	Volume 6 Bates Nos. 879-892
4.	Plaintiff Ton Vinh Lee's Third Supplemental ECC Disclosure in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 06/18/20)	Volume 6 Bates Nos. 893-898
5.	Ton Vinh Lee Deposition Transcripts in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 07/14/20)	Volume 6 Bates Nos. 899-916
6.	134 Nev., Advance Opinion 87 (filed 11/15/18)	Volume 6 Bates Nos. 917-928

7.	Second Amended Complaint in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 04/11/16)	Volume 6 Bates Nos. 928-934
8.	Complaint in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (dated 02/07/12)	Volume 6 Bates Nos. 935-957
9.	Special Verdict Form in <i>Singletary v. Lee</i> , Eighth Judicial Case No. A656091 (filed 01/22/14)	Volume 6 Bates Nos. 958-963
10.	The Trial Reporter Newsletter (February 2014)	Volume 6 Bates Nos. 964-967
11.	Nevada Legal Update Newsletter (Fall 2014)	Volume 6 Bates Nos. 968-971
12.	Settlement/Verdict Website Screenshot and Defendant's Fee Disclosure	Volume 6 Bates Nos. 972-974
Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Motion for Judgment on the pleadings, or in the alternative, Motion for Summary Judgment <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 08/10/20)		Volume 7 Bates Nos. 975- 976
Notice of Entry of Order Granting Defendant's Motion for Summary Judgment in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 10/30/20)		Volume 7 Bates Nos. 977-992
Defendant Patin Law Group, PLLC's Motion for Attorneys' fees and interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 11/19/20)		Volume 7 Bates Nos. 993-1003
<b>Exhibits for Defendant's Motion for Attorneys' fees and interest</b>		
A.	Declaration of Micah S. Echols, Esq. in Support of Defendant Patin Law Group, PLLC's Application for Attorneys' fees and interest	Volume 7 Bates Nos. 1004-1006
B.	Defendant Patin Law Group's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/26/17)	Volume 7 Bates Nos. 1007-1010

C.	Defendant Patin Law Group's attorney's Fee Transaction Sheets	Volume 7 Bates Nos. 1011-1014
D.	Defendant Patin Law Group's Signed Fee Agreement	Volume 7 Bates Nos. 1015-1019
E.	Plaintiff Ton Vinh Lee's Apportioned Conditional Offer of Judgment in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 06/01/18)	Volume 7 Bates Nos. 1020-
Defendant Ingrid Patin's Motion for Attorneys' Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 11/19/20)		Volume 7 Bates Nos. 1024-1037
<b>Exhibits for Defendant's Motion for Attorneys' Fees, Costs, and Interest</b>		
A.	Defendant's attorney's Fee Transaction Sheets	Volume 7 Bates Nos. 1038-1044
B.	Defendant's Signed Fee Agreement	Volume 7 Bates Nos. 1045-1048
C.	Defendant Ingrid Patin's Memorandum of Costs	Volume 7 Bates Nos. 1049-1100
D.	Defendant Ingrid Patin's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/19/17)	Volume 7 Bates Nos. 1101-1104
E.	Plaintiff Ton Vinh Lee's Apportioned Conditional Offer of Judgment in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 06/01/18)	Volume 7 Bates Nos. 1105-1108
F.	Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the alternative, Motion for Summary Judgment in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 08/07/20)	Volume 8 Bates Nos. 1109-1283
G.	Notice of Entry of Order Granting Defendant Patin's Motion for Summary Judgment and Patin Law Group's Joinder	Volume 8 Bates Nos. 1284-1291

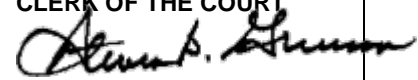
Plaintiff Ton Vinh Lee's Opposition to Defendant Ingrid Patin's Motion for Attorney's Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 12/03/20)		Volume 9 Bates Nos. 1292-1306
Plaintiff Ton Vinh Lee's Opposition to Defendant Patin Law Group's Motion for Attorney's Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 12/03/20)		Volume 9 Bates Nos. 1307-1319
Defendant Patin Law Group's Supplement to Motion for Attorneys' Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 12/09/20)		Volume 9 Bates Nos. 1320-1323
<b>Exhibits for Defendant's Supplement to Motion for Attorneys' Fees, Costs, and Interest</b>		
A.	Declaration of Micah S. Echols, Esq. in Support of Defendant Patin Law Group, PLLC's Application for Attorneys' fees and interest	Volume 9 Bates Nos. 1324-1325
B.	Defendant's billing sheets and details of costs	Volume 9 Bates Nos. 1326-1332
Defendant Ingrid Patin's Reply to Plaintiff's Opposition to Motion for Attorneys' Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 12/29/20)		Volume 9 Bates Nos. 1333-1338
Defendant Patin Law Group's Reply to Plaintiff's Opposition to Motion for Attorneys' Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 12/29/20)		Volume 9 Bates Nos. 1339-1334
Plaintiff Ton Vinh Lee's Supplemental Opposition to Defendant Ingrid Patin's Motion for Attorneys' Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 02/03/21)		Volume 9 Bates Nos. 1345-1351
<b>Exhibits for Plaintiff Ton Vinh Lee's Supplemental Opposition to Defendant Ingrid Patin's Motion for Attorneys' Fees, Costs, and Interest</b>		
A.	Defendant Ingrid Patin's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/19/17)	Volume 9 Bates Nos. 1352-1355

Plaintiff Ton Vinh Lee's Supplemental Opposition to Defendant Patin Law Group's Motion for Attorneys' Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 02/03/21)		Volume 9 Bates Nos. 1356-1362
<b>Exhibits for Plaintiff Ton Vinh Lee's Supplemental Opposition to Defendant Patin Law Group's Motion for Attorneys' Fees, Costs, and Interest</b>		
A.	Defendant Patin Law Group's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/26/17)	Volume 9 Bates Nos. 1363-1366
Notice of Entry of Decision and Order on Defendants' Motions for Fees and Costs in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 04/23/21)		Volume 9 Bates Nos. 1367-1386
Order Shortening Time on Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 05/07/21)		Volume 9 Bates Nos. 1387-1392
Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 05/07/21)		Volume 9 Bates Nos. 1393-1403
<b>Exhibits for Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e)</b>		
A.	Defendant Ingrid Patin's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/19/17)	Volume 9 Bates Nos. 1404-1407
B.	Defendant Patin Law Group's Offer of Judgment to Plaintiff in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 01/26/17)	Volume 9 Bates Nos. 1408-1411
C.	Plaintiff Ton Vinh Lee's Supplemental Opposition to Defendant Ingrid Patin's Motion for Attorneys' Fees, Costs, and Interest in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 02/03/21)	Volume 9 Bates Nos. 1412-1419

Defendant Ingrid Patin's Opposition to Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 05/17/21)		Volume 9 Bates Nos. 1420-1427
<b>Exhibits for Defendant Ingrid Patin's Opposition to Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e)</b>		
A.	Notice of Entry of Decision and Order on Defendants' Motions for Fees and Costs in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 04/23/21)	Volume 9 Bates Nos. 1428-1448
Defendant Patin Law Group's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 05/18/21)		Volume 9 Bates Nos. 1449-1450
Recorded Transcripts of Pending Motions in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 05/18/21)		Volume 9 Bates Nos. 1451-1478
Minute order Denying Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 05/19/21)		Volume 9 Bates Nos. 1479
Recorded Transcripts of Pending Motions in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 06/02/21)		Volume 9 Bates Nos. 1480-1492
Notice of Entry of Order Denying Plaintiff Ton Vinh Lee's Motion for Reconsideration, or in the alternative, Motion to alter or amend judgment pursuant to NRCP 59(e) in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (dated 06/11/21)		Volume 9 Bates Nos. 1493-1502
Notice of Appeal in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 07/08/21)		Volume 9 Bates Nos. 1503-1508

Case Appeal Statement in <i>Lee v. Patin</i> , Eighth Judicial Case No. A723134 (filed 07/08/21)	Volume 9 Bates Nos. 1509-1511
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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.: XXVI

**HEARING REQUESTED**

**DEFENDANT INGRID PATIN'S MOTION  
FOR JUDGMENT ON THE PLEADINGS,  
IN THE ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT**

Defendant, INGRID PATIN ("Defendant"), by and through her counsel of record, Christian M. Morris, Esq., of the law firm Nettles | Morris, hereby submit this Motion for Judgment on the Pleadings pursuant to NRCP 12(c), or in the Alternative, Motion for Summary Judgment Pursuant to NRCP 56, and hereby moves for judgment in favor of Defendants based on the fair reporting privilege.

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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 on the Motion.

DATED this 7<sup>th</sup> day of August, 2020.

NETTLES | MORRIS



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## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. INTRODUCTION**

On February 7, 2012, a lawsuit was filed against Ton Vinh Lee, his dental practice, and two assisting dentists, alleging dental malpractice. At the conclusion of that trial, a jury award was awarded, \$3.4 million dollars. After the verdict was awarded, Patin Law Group, PLLC, who represented the Plaintiff in that matter, posted a statement on their website, patinlaw.com, about the winning verdict. Following the statement being posted, the district court granted a renewed motion for judgment as a matter of law, overturning the jury's verdict. The court's order granting judgment as a matter of law was appealed and the verdict was reinstated.

The original statement was posted on patinlaw.com, all of the information contained within it was absolutely true. There was nothing within the statement that reflected false information that was defamatory towards the Plaintiff. Regardless of the fact the verdict has since been overturned and is now on appeal, does not having any bearing on whether the information was true at the time it was posted. At all times, Patin Law was honest about the verdict award, including who the award was against. Plaintiff has now admitted under oath that every statement in the posting on Defendant's website was true. Truth is an absolute defense to defamation. Accordingly, there are no genuine issues regarding the liability of Ms. Patin and therefore Defendant asks the Court to grant summary judgment on liability.

### **II. STATEMENT OF UNCONTESTED FACTS**

1. The incident that forms the basis of this lawsuit occurred from a wisdom tooth extraction performed by the Plaintiff that occurred in April of 2011.
2. On February 7, 2012, a dental malpractice lawsuit was filed against the Plaintiff, his dental practice, as well as the other two dentists who assisted in the procedure.
3. The lawsuit went to trial and a jury award of \$3.4 million dollars.
4. After the verdict was entered, a statement was made on patinlaw.com regarding the verdict and who the parties to the lawsuit were.
5. At some point after the verdict was entered, the district court granted a renewed motion for judgment as a matter of law, overturning the jury award.

6. After the jury award was overturned, an appeal was filed, and the verdict was reinstated.
7. Plaintiff was deposed in this matter on July 14, 2020.
8. During Plaintiff's deposition he went through the statement line by line and he testified that every part of the statement of Defendant's website was true.
9. Plaintiff testified the following in his deposition on July 14, 2020:
  - a. Plaintiff agreed this matter was in fact a dental malpractice wrongful death action. *See* Plaintiff's Deposition Transcript, attached hereto as **Exhibit 1** at pp. 55:21-25.
  - b. Plaintiff agreed there was a Plaintiff's verdict, however Mr. Lee does not recall the amount awarded and did not dispute the amount. *See* **Exhibit 1** at pp. 56:1-3.
  - c. Plaintiff agreed the description of the Complaint was Singletary vs Ton Vihn Lee DDS, et al. *See* **Exhibit 1** at pp. 56:6-10.
  - d. Plaintiff agreed it was a dental malpractice-based wrongful death action that arose from the death of Reginald Singletary. *See* **Exhibit 1** at pp. 56:11-14.
  - e. Plaintiff agreed that Singletary had sued the dental office of Summerlin Smiles. *See* **Exhibit 1** at pp. 57:7-9.
  - f. Plaintiff agreed that Singletary had sued the owner, Ton Vihn Lee, DDS. *See* **Exhibit 1** at pp. 57:10-12.
  - g. Plaintiff agreed that Singletary had sued the treating dentists Florida Traivai DMD and Jai Park DDS. *See* **Exhibit 1** at pp. 57:13-15
  - h. Plaintiff agreed that Singletary had sued on behalf of the estate, herself, and minor son. *See* **Exhibit 1** at pp. 57:16-18.
10. The jury verdict was in fact 3.4 million. *See* Judgment on Jury Verdict, attached hereto as **Exhibit 2**.
11. The Plaintiff has sued the Defendants as an individual alleging a sole cause of action of Defamation.
12. The Plaintiff in this case did not sue on behalf of any business or entity.

### III. LEGAL STANDARD

#### A. Standard for Summary Judgment Pursuant to NRCP 56.

Summary judgment is appropriate when, after a review of the record viewed in a light most favorable to the nonmoving party, there remain no issues of material fact. *Butler v. Bogdanovich*, 101 Nev. 449, 451, 705 P.2d 662, 663 (1985). The purpose of summary judgment "...is to avoid a needless trial when an appropriate showing is made in advance that there is no genuine issue of fact to be tried, and the movant is entitled to judgment as a matter of law. *Sahara Gaming Corp. v. Culinary Workers Union Local 226*, 115 Nev. 212, 984 P.2d 164 (1999). When the evidence pointed to by the parties demonstrates that an essential element of a claim fails as a matter of law, the motion should be granted, and the claim dismissed. NRCP 56. When the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no genuine issue for trial, and summary judgment is appropriate. *Posadas v. City of Reno*, 109 Nev. 448, 452, 851 P.2d 438, 441 (1993); *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S. Ct. 1348, 89 L. Ed. 2d 538 (1986).

To overcome a moving party's claim that no material question of fact exists, the non-moving party must present admissible evidence from the record and identify specific facts to establish that a genuine issue exists which must be determined at trial. *Wood v. Safeway, Inc.*, 121 Nev. 724, 732 (2005). To overcome a motion for summary judgment a non-moving party is required to "do more than simply show that there is some metaphysical doubt" as to the facts. *Id.* quoting *Matsushita*, 475 U.S. 574 at 586. Furthermore, the non-moving party "is not entitled to build a case on the gossamer threads of whimsy, speculation, and conjecture." *Id.* quoting *Collins v. Union Fed. Sav. & Loan Ass'n*, 99 Nev. 284, 302, 662 P.2d 610, 621 (1983).

In this case, the only evidence before the court is a pleading that fails on its face, showing that Defendant is not liable for defamation.

1       **B. Standard for Motion to Dismiss Pursuant to NRCP 12(c).**

2       Nevada Rule of Civil Procedure 12(c) provides for judgment on the pleadings:

3             After the pleadings are closed but within such time as not to delay the  
4             trial, any party may move for judgment on the pleadings. If, on a motion  
5             for judgment on the pleadings, matters outside the pleadings are presented  
6             to and not excluded by the court, the motion shall be treated as one for  
7             summary judgment and disposed of as provided in Rule 56, and all parties  
              shall be given reasonable opportunity to present all material made  
              pertinent to such a motion by Rule 56.

8             A motion filed under Rule 12(c) is “designed to provide a means of disposing of cases when  
9             material facts are not in dispute and a judgment on the merits can be achieved by focusing on the  
10            content of the pleadings.” *Bernard v. Rockhill Dev. Co.*, 103 Nev. 132, 135, 734 P.2d 1238, 1241  
11            (1987). The Court analyzes Rule 12(c) and Rule 12(b)(5) motions under the same standard of  
12            review because both determine whether the facts of the complaint, when accepted as true, entitle  
13            the plaintiff to a legal remedy. *Foothills Corporation v. Bank of America, N.A.*, No. 13A685622,  
14            2014 WL 12519854, at \*1 (Nev. Dist. Ct. Mar. 05, 2014); *see also Pit River Tribe v. Bureau of*  
15            *Land Mgmt.*, 793 F.3d 1147, 1155 (9th Cir. 2015). Accordingly, judgment should be granted in  
16            favor of the moving party if, when all factual allegations of a complaint are accepted as true, the  
17            plaintiff cannot prove a set of facts entitling him to relief. *Simpson v. Mars Inc.*, 113 Nev. 188,  
18            190, 929 P.2d 966, 967 (1997).

19            When a motion brought under Rule 12 introduces evidence outside the pleadings, the  
20            motions is typically converted into a motion for summary judgment under NRCP 56. *See* NRCP  
21            12(b-c). However, the Court may take judicial notice of certain outside documents without  
22            converting to a motion for summary judgment. *Foothills*, No. 13A685622 at \*2 (court took  
23            judicial notice of a settlement agreement because it was relied upon, but not included in, the  
24            complaint, resulting in a grant of Rule 12(c) motion); *Breliant v. Preferred Equities Corp.*, 109  
25            Nev. 842, 847, 858 P.2d 1258, 1261 (1993). Documents appropriate for judicial notice include  
26            public records, court orders, items present in the record of the case, and any exhibits attached to  
27            or incorporated by reference in a pleading. *Id.*; *see also MGIC Indem. Corp. v. Weisman*, 803  
28            F.2d 500, 504 (9th Cir.1986) (court took judicial notice of a motion to dismiss filed in a separate  
              suit) *Kniesel v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005) (incorporation by reference doctrine

1 applied when plaintiff's claim referenced a document, the defendant attached the document to a  
2 motion, and the parties did not dispute authenticity of the document).

#### 3 IV. ARGUMENT

##### 4 A. Defendant can prove that the statement was true and therefore not defamatory.

5 In order to prove defamation, a Plaintiff must establish four elements: (1) the defendant  
6 made false statements or "fact" about you, (2) the defendant made an unprivileged publication  
7 of the statement(s) to a third party, (3) the defendant acted negligently, recklessly, or  
8 intentionally, and (4) as a result of the statements, your reputation was damaged. NRS  
9 200.510(1). A statement is defamatory when it would tend to lower the subject in the estimation  
10 of the community, excite derogatory opinions about the subject, and hold the subject up to  
11 contempt. *K-Mart Corporation v. Washington*, 109 Nev. 1180, 1191, 866 P.2d 274, 281-82  
12 (1993) (citing *Las Vegas Sun v. Franklin*, 74 Nev. 282, 287, 329 P.2d 867, 869 (1958)). **In**  
13 **order for a statement to be considered defamatory, it has to contain false statements. A**  
14 **statement [is not] defamatory if it is absolutely true or substantially true.** *Pegasus v. Reno*  
15 *Newspapers, Inc.*, (emphasis added) 118 Nev. 706, 714-15, 57 P.3d 82, 87-88 (2002).

16 Here, Plaintiff cannot establish all of the elements of his defamation claim. In fact,  
17 Plaintiff even agreed in his deposition that the statement that was posted regarding the jury  
18 verdict was all accurate information. See **Exhibit 1** at pp. 55-58. The Supreme Court has held  
19 there can be no liability for defamation without proof of falsity. *Garrison v. Louisiana*, 379 U.S.  
20 64, 74 (1964). There is no proof of falsity and/or untrue statements in this case, as alleged in  
21 Defendant's Nineteenth Affirmative Defense. See Deft's Answer to Pltf's Second Amended  
22 Complaint attached as **Exhibit 3**.

##### 23 i. The Statement Is Absolutely True

24 Plaintiff cannot assert the statement was defamatory simply because he did not approve  
25 of the way the statement was written. In order to establish a *prima facie* case of defamation, a  
26 plaintiff must prove: (1) a **false** and defamatory statement by defendant concerning Plaintiff; (2)  
27 an unprivileged publication to a third person; (3) fault, amounting to at least negligence; and (4)  
28 actual or presumed damages. *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 483, 851 P.2d 459 (1993)

1 (citing *Branda v. Sanford*, 97 Nev. 643, 646, 637 P.2d 1223, 1226 (1981). Whether a statement  
2 is capable of defamatory construction is a question of law. *Branda*, 97 Nev. at 646, 637 P.2d at  
3 1225. A jury question arises when the statement is susceptible of different meanings, one of  
4 which is defamatory. *Id.* In reviewing an allegedly defamatory statement, “the words must be  
5 reviewed in their entirety and in context to determine whether they are susceptible of a  
6 defamatory meaning.” *Chowdhry*, 109 Nev. at 484 (citing the Second Restatement of Torts §  
7 558).

8 In *Chowdhry*, the Court looked to defamatory construction because they could not prove  
9 whether the statements made were true or false. The Court found that the statements were  
10 opinions that were reasonably perceived at the time they were made and therefore not  
11 defamatory. *Id.* The Supreme Court upheld the ruling, noting that the statements were not false,  
12 and the statements were not contemplated under the law of defamation because they were  
13 communicating as one corporate agent to another. *Id.* at 483. This is similar to the facts in  
14 *Branda*, where the Court examined whether using explicit language towards an employee was  
15 consider defamatory. *Branda*, 97 Nev. At 646-647. The Court looked to whether Plaintiff being  
16 called a “f--k--g bitch” was capable of defamatory construction because the words taken in  
17 isolation would not constitute defamation, however taken in context, are. *Id.*

18 Here, unlike in *Chowdhry*, there is no issue as to whether the statements were opinion or  
19 fact. The issue in this case is whether the Defendant made false factual statements about the  
20 Plaintiff. While Plaintiff has certainly made allegations that the statement was untrue, he was  
21 unable to point out any falsity. Plaintiff has explicitly admitted the factual statements were true.  
22 The only time the court should examine whether a statement is capable of defamatory  
23 construction, is when attempting to determine whether a statement was of fact or opinion. The  
24 posting on Defendant’s website was not an opinion, it was a recitation of facts. There is no issue  
25 of reasonably perceived opinions in this case since Plaintiff has admitted the statements were  
26 true. During Plaintiff’s deposition, counsel for Defendant, Mrs. Morris, questioned Plaintiff on  
27 the validity of the statements:  
28



1 Q. Well, let's go break this up as to what part you believe to be untrue. This was,  
2 in fact, a dental malpractice wrongful death action, correct?  
3 A. Yes,  
4 Q. There was a plaintiff's verdict of 3.4 million, correct?  
5 A. I don't know the amount.  
6 Q. Okay. Do you believe that to be untrue, 3.4 million?  
7 A. I don't know the amount.  
8 Q. Okay. Description, Singletary versus Ton Vihn Lee, DDS, et. al. that was the  
9 caption on the complaint, correct?  
10 A. I believe so.  
11 Q. Okay. It was a dental malpractice-based wrongful death action that arose from  
12 the death of Reginald Singletary, correct?  
13 A. That is correct.  
14 Q. It was following – his death did follow the extraction of the No. 32 wisdom  
15 tooth by defendants, correct?  
16 A. This is correct.  
17 Objection made by Plaintiff's counsel. . .  
18 Q: The extraction took place on April 16<sup>th</sup>, 2011 correct?  
19 A. As far as I can recall based on this, yes.  
20 Q. Okay. And the plaintiff did sue the dental office of Summerlin Smiles, correct?  
21 A. That's correct.  
22 Q: And the plaintiff did sue the owner, Ton Vihn Lee, DDS, correct?  
23 A. That's correct.  
24 Q. And the plaintiff did sue treating dentists Florida Traivai, DMD, and Jai – is it  
25 Jai Park, DDS?  
26 A. Jai Park, yes.  
27 Q. And the plaintiff did sue on behalf of the estate, herself, and minor son,  
28 correct?  
A. That is correct.  
Q. So what part of the statement is untrue?  
A. What part of the statement isn't untrue based on the whole –  
Objection by Plaintiff . . .  
See **Exhibit 1** at pp. 55-58.

1 The truth of a statement is an absolute defense.

2 Plaintiff himself has also admitted that the posting is a factual posting. During his  
3 deposition he was asked about a Yelp review that stated “Ton Vinh Lee is the worst dentist I  
4 have ever seen” and whether that was considered defamatory to him. Plaintiff responded stating:  
5 “This is a social media network and everybody understands Yelp reviews are just reviews it is  
6 not presented as a fact, unlike the defamatory statement that we have of record, big difference.”  
7 *Id at page 117 at lines 15-22.* Even the Plaintiff acknowledges that the post by the Defendants  
8 in this case was a factual post that can be proven true or false. It is not an opinion and is not  
9 subject to defamatory construction or context.

10 As such, the defamatory construction evaluation is not applicable to these facts, and  
11 truth remains an absolute defense.

12 **ii. There is no Evidence the Defendant was Reckless or Negligent**

13 Plaintiff has failed to show how Patin Law’s statement was negligent or reckless.  
14 Reckless disregard for the truth is defined as “high awareness of [the] probable falsity [of the  
15 statement]. *Garrison v. Louisiana*, 395 U.S. at 74. The stated test is whether there is sufficient  
16 evidence to conclude that ‘the defendant in fact entertained serious doubts as to the truth of [the]  
17 publication. *St. Amant v. Thompson*, 390 U.S. 727, 731 (1968). Here, none of the information  
18 contained within the statement was negligent or reckless because all of the information about  
19 the Plaintiff was true and accurate. In fact, Plaintiff even testified that he did not believe that  
20 Defendant posted this statement for anything other than attorney advertising. *See Exhibit 1 at*  
21 *pp. 66 at lines 12-17.*

22 At the time Patin Law posted the statement, there was complete awareness that none of  
23 the information within it was false and there was not one ounce of doubt regarding the truth of  
24 the statement. The information posted to the website was a direct and accurate reflection of the  
25 jury verdict that counsel had obtained in that case, which Defendant knew firsthand was true.  
26 None of the information was altered to reflect inaccurate or falsified information. As stated  
27 above, Plaintiff has openly admitted that all of the information contained within the statement  
28

1 was in fact, true. *Id* at pp. 55-58. Plaintiff has no basis to assert the statement was defamatory  
2 when he himself has admitted the information was not falsified.

3 **iii. Plaintiff Admitted No Third Party Read the Post**

4 Not only has Plaintiff failed to show that any of the information within the statement  
5 was false, he has also failed to allege how, if it all, his reputation was damaged by the statement.  
6 Plaintiff actually admitted that he is not aware of anyone in the community, whether that be a  
7 colleague, patient, or potential patient, who has ever read this allegedly defamatory post that has  
8 impacted his reputation in the community. When Plaintiff was asked whether he showed the  
9 post to anyone, he stated, “my attorney” and when asked if he showed the post to anyone else,  
10 he said “I can’t recall.” *Id* at pp. 72. Not only can Plaintiff not recall whether anyone else had  
11 even seen this post, when asked whether he had any facts to support that any patients of his saw  
12 the post, he responded, “If I don’t recall, I won’t be able to have the facts.” *Id*. Plaintiff  
13 continued to admit that he does not have any basis to support any colleagues saw this post.  
14 When asked whether he had any facts that any colleagues in the community saw this post, he  
15 said “I would be unaware if any colleagues have seen this.” *Id* at pp. 77.

16 Plaintiff has no evidence to suggest that anyone other than Plaintiff’s attorney has seen  
17 this post. It is impossible for someone’s reputation in the community to be affected, if no one in  
18 the community (aside from Plaintiff) has read the post. There is not one piece of evidence that  
19 supports a finding that the statement has damaged Plaintiff’s reputation. The only damages  
20 Plaintiff allegedly suffered were to himself. He claimed in his deposition that he would self-  
21 isolate and think about the post, which no one but himself ever read during the short time it was  
22 posted. *See Exhibit 1 at pp 161:9-23.*

23 **iv. Plaintiff’s Reputation Was Never Affected**

24 In order to prove Plaintiff’s reputation was actually damaged, Plaintiff must show the  
25 alleged defamation injured the Plaintiff’s trade, business, profession, or office. *Branda v.*  
26 *Sanford*, 97 Nev. 643 at 637. Plaintiff has no basis to prove there was injury to his professional  
27 reputation because there is no proof that anyone besides the Plaintiff saw the post. In fact,  
28 Plaintiff testified, the only person, who is a patient of his, who has seen this post, is his attorney,

1 who showed it to him. *See Exhibit 1 at pp.72*. Plaintiff further testified that he is unaware if  
2 there are any other potential patients who saw the post. *Id.* Plaintiff admitted that he is claiming  
3 he lost money in his practice as a result of this post, however, has failed to allege how he has  
4 lost any business. *Id at pp. 76*. In fact, Plaintiff has explicitly admitted that he is not aware of  
5 any loss of business and therefore cannot support a finding that his professional reputation has  
6 been damaged. Moreover, the only witness Plaintiff has listed in his 16.1 disclosures on his  
7 behalf is himself. *See Plaintiff's Third Supplement to 16.1 Disclosures attached hereto as*  
8 **Exhibit 4**. Therefore, Plaintiff cannot prevail on his defamation claim.

9 **B. Plaintiff's Claims For Business Entity Damages Fails Because Plaintiff Lacks**  
10 **Standing, Has Not Made a Business Disparagement Claim, And There is no**  
11 **Evidence of Malice.**

12 Business disparagement differs from a defamation per se claim because the former requires  
13 proof of malice and special damages, whereas the latter requires a showing of negligence and  
14 presumes damages. *Clark County Sch. Dist. V. Virtual Educ.*, 213 P.3d 496, 501 (2009). Unlike  
15 defamation per se, communications constituting business disparagement are not directed at an  
16 individual's personal reputation; rather, they are injurious falsehoods that interfere with the  
17 Plaintiff's business and are aimed at the business's goods or services. *Aetna Cas. & Sur. Co. v.*  
18 *Centennial Ins. Co.*, 838 F.2d 346, 351 (9th Cir.1988). Thus, if a statement accuses an  
19 individual of personal misconduct in his or her business, or attacks the individual's business  
20 reputation, the claim may be one for defamation per se; however, if the statement is directed  
21 towards the quality of the individual's product or services, the claim is one for business  
22 disparagement. 53 C.J.S. Libel and Slander; Injurious Falsehood § 312 (2005).

23 Here, Plaintiff has failed to properly allege his claims. Plaintiff has made a single claim  
24 of Defamation on behalf of himself. Plaintiff has claimed in his deposition that "his entities"  
25 have suffered a loss of \$331,600, however, his entities are not the Plaintiff in this case. Even  
26 though Plaintiff is the only party to this lawsuit, he testified that his entities are the ones who  
27 lost money. During Plaintiff's deposition, he was asked:  
28

1 Q. So there's been a lot of financial documents disclosed in this case and then there's  
2 been a number that was disclosed, let me see, last month, and it says loss of business; do  
3 you see that?

4 A. Yes.

5 Q. What entity lost business?

6 A. Both entities.

7 Q. Ton v. Lee DDS Professional Corp., and Ton Vihn Lee DDS Professional Corp?

8 A. Yes.

9 Q. And are either of those plaintiffs in this case:

10 A. No.

11 **Exhibit 1** at pp. 176-177.

12 Plaintiff further went on to say if there was any loss they would be shown on corporate  
13 tax returns. Although, he has no idea if they even show a loss *See transcript of continued*  
14 *deposition of Plaintiff attached hereto as Exhibit 5 at pp 216 at lines 10-19.* Plaintiff went on to  
15 admit that he is not actually claiming this post in anyway affected the value of his business:

16 Q. Are you making any allegations in this case that someone did not buy your practice  
17 because of the posts you read?

18 A. No, I am not.

19 Q. Are you making any allegations in this case that someone did not buy into your  
20 practice because of the post that you read?

21 A. No I am not.

22 *See Exhibit 5 at pp 207 at lines 12-19.*

23 Plaintiff has no standing to bring claims on behalf of entities not captioned in this lawsuit.  
24 Standing is the legal right to set judicial machinery in motion. *Heller v. Legislature of Nev.*, 120  
25 Nev. 456, 460, 93 P.3d 746, 749 (2004). In order for a party to sue in their own names without  
26 joining the person for whose benefit the action is brought, they must be: (a) an executor; (b) an  
27 administrator; (c) a guardian; (d) a bailee; (e) a trustee of an express trust; (f) a party with whom  
28 or in whose name a contract has been made for another's benefit; and (g) a party authorized by  
statute. N.R.C.P. 17(a)(1). Here, Plaintiff does not meet any of the exceptions to bring claims on  
behalf of his entities. Even if Plaintiff had standing to bring claims on behalf of his entities, his  
claims fail. If Plaintiff is alleging this is a business loss, then he needs to prove both malice and  
proximate cause under business disparagement. The question of actual malice goes to the jury

1 only if there is sufficient evidence for the jury, by clear and convincing evidence, to reasonably  
2 infer the publication was made with actual malice. *Pegasus*, 118 Nev. at 721-722. Actual malice  
3 is proven when a statement is published with actual knowledge that it was false or reckless  
4 disregard for its veracity. *Id* at 722. During Plaintiff's deposition, he was asked, "When you first  
5 saw this post in March of 2015, did you believe it to be attorney advertising?" to which he  
6 responded "Yes." See **Exhibit 1** at pp. 66. Plaintiff was then asked, "Do you have any facts that  
7 Miss Patin or Patin Law Group posted this out of hatred or anger toward you?," he responded, "I  
8 wouldn't know what her intentions were expert for her own purpose." *Id* at pp. 67. After that,  
9 Plaintiff was asked if his position was that this was posted for financial gain for advertising the  
10 law firm, he responded "I would assume that is what advertising is meant for." *Id* at pp. 67. Not  
11 only did Plaintiff admit that he does not believe this statement was made in attempt to hurt him,  
12 Plaintiff has no means of proving malice when the statement itself was true.

13 Not only can Plaintiff not prove the statement was made with actual malice, but Plaintiff  
14 also cannot prove this statement was the proximate cause of his alleged loss of business. As  
15 stated earlier, Plaintiff admitted that he has no proof as to whether anyone other than his  
16 attorney actually read the post. If Plaintiff has no proof of loss of business, then he certainly  
17 cannot assert that his entities suffered a loss of money as a result of the statement. Once again,  
18 his entities are not the Plaintiff's in this lawsuit and therefore he cannot attempt to recover  
19 damages on behalf of unnamed entities. Accordingly, Plaintiff has no standing to bring claims  
20 on behalf of his entities, and even if he did, his claims for Business Entity Damages fails.

21 **C. Even if All Plaintiff's Claims are True, Judgment is Appropriate Pursuant to**  
22 **NRCP 12(c), or in the alternative NRCP 56, Because Defendant's Statement is**  
23 **Protected Under the Fair Reporting Privilege.**

24 **a. The "Fair Reporting" Privilege**

25 When Defendant appealed the previous Special Motion to Dismiss before the Supreme Court  
26 of Nevada, the Court declined to consider the fair reporting privilege issue for the first time on  
27 appeal. See *Patin v. Ton Vinh Lee*, 134 Nev. Adv. Op. 87, 429 P.3d 1248, 1252 (2018). The  
28 Court's reasoning was that the fair-reporting privilege cannot be asserted within the confines of

1 the anti-SLAPP motion to dismiss. *See* Authored Opinion denying motion to dismiss, attached  
2 hereto as **Exhibit 6**. The Court further reasoned the Court need not consider arguments that are  
3 not cogently argued or supported by relevant authority. *Id.* (citing to *Edwards v. Emperor's*  
4 *Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Therefore, this issue is  
5 now ripe for review and Defendant brings this motion to address this issue.

6 Nevada's "fair reporting" privilege is substantial and wide-reaching. Under this absolute  
7 privilege, statements that recount judicial and quasi-judicial proceedings are protected against  
8 claims of defamation. *Sahara Gaming Corp. v. Culinary Workers Union Local 226*, 115 Nev.  
9 212, 215 (1999). Further, the privilege protects any person—whether a member of the media or  
10 the public—provided the person's statement is a fair, impartial accounting. *Id.* at 216, 219. More  
11 importantly, as long as allegedly defamatory reports are fair and impartial, "they are absolutely  
12 privileged, and the material recited will not support a defamation suit even if the statements were  
13 made maliciously and with knowledge of their falsity." *Id.* at 219. Nevada's long-standing  
14 protection of fair reporting is rooted in free speech policy: "[t]he policy underlying the privilege  
15 is that in certain situations the public interest in having people speak freely outweighs the risk  
16 that individuals will occasionally abuse the privilege by making false and malicious statements."  
17 *Circus Circus Hotels, Inc. v. Witherspoon*, 99 Nev. 56, 61, 657 P.2d 101, 104 (1983).

18 Consequently, the fair reporting privilege was able to support a motion for summary  
19 judgment in the *Sahara* case. *Sahara*, 115 Nev. at 219. In that case, Sahara Mission entered into  
20 a substantial property agreement with Players International. *Id.* at 213. The Culinary Workers  
21 Union became aware of the agreement and sent a letter to Players International informing them  
22 of a "contentious labor dispute" between Sahara and the Union. *Id.* The letter also quoted a  
23 Mississippi complaint from a gaming management dispute involving Sahara. *Id.* As a result of  
24 the letter, Players International cancelled the agreement. *Id.* at 214. When Sahara sued the Union  
25 for defamation, the Union filed a motion for summary judgment that was granted by the district  
26 judge. *Id.* Sahara appealed to the Supreme Court of Nevada, which affirmed the grant of  
27 summary judgment because the letter was a fair, accurate report of the Mississippi complaint. *Id.*  
28 at 215. In spite of Sahara's argument that "the report was made with malice and with intent to

1 harm,” the Court affirmed on the basis “the news media and public's right to know what  
2 transpires in the legal proceedings of this state . . . is paramount to the fact someone may  
3 occasionally make false and malicious statements.” *Id.* at 219.

4 The Supreme Court of Nevada further defined the details of the privilege with its decision  
5 in *Adelson v. Harris*, 402 P.3d 665 (Nev. 2017). The “report” in *Adelson* was a hyperlink posted  
6 on an online political petition geared toward tarnishing the reputation of appellant, Sheldon  
7 Adelson. *Id.* at 667. The hyperlink linked to a news article that summarized litigation in which a  
8 declaration had been filed alleging Adelson approved of prostitution in his businesses. *Id.* One of  
9 the chief issues that *Adelson* settled was how a court should apply the privilege to a statement  
10 that merely summarized, rather than quoted, a judicial proceeding. *Id.* at 668. The Court resolved  
11 this issue by adopting the test established by *Dameron v. Wash. Magazine, Inc.*, 779 F.2d 736  
12 (D.C. Cir. 1985). The *Dameron* test, as adopted by this State, provides the following:

13 The privilege is ... unavailable where the report is written in such a  
14 manner that the average reader would be unlikely to understand the  
15 article (or the pertinent section thereof) to be a report on or  
16 summary of an official document or proceeding. It must be  
17 apparent either from specific attribution or from the overall context  
that the article is quoting, paraphrasing, or otherwise drawing upon  
official documents or proceedings.

18 *Adelson*, 402 P.3d at 668 (quoting *Dameron*, 779 F.2d at 739) (emphasis added). The Court  
19 ultimately determined the hyperlink was a report because it provided sufficient attribution to an  
20 official document and allowed a reader to “immediately determine whether official proceedings  
21 are implicated” by the statement. *Id.*

22 **b. The Fair Reporting Privilege Applies to Defendant’s Statement because it**  
23 **was a fair, impartial, summarization of the Singletary proceedings.**

24 Here, Defendant’s Statement is protected under the fair reporting privilege because it is a  
25 near-verbatim restatement of official judicial proceedings or documents. As required by *Sahara*,  
26 Defendant’s Statement is merely a recitation of public information that does not include any type  
27 of commentary, bias, or partisan interpretation. *See Sahara Gaming Corp. v. Culinary Workers*  
28 *Union Local 226*, 115 Nev. 212, 216-19 (1999). Further, as *Adelson* clarified with the *Dameron*



1 test, Defendant's Statement is immune from liability because a reader is likely to understand that  
2 the statement is a report or summary of an official document or proceeding. *See Adelson*, 402  
3 P.3d at 668 (quoting *Dameron*, 779 F.2d at 739).

4 To further clarify how the privilege applies to Defendant's Statement, this brief will  
5 break the statement up line by line and compare it with language pulled directly from the  
6 *Singletary* case documents.<sup>1</sup>

7 As a reminder, Defendant's Statement as a whole, was written as following:

8 DENTAL MALPRACTIC/WRONGFUL DEATH – PLAINTIFF'S VERDICT,  
9 \$3.4M, 2014

10 Description: *Singletary v. Ton Vinh Lee, DDS, et al.*

11 A dental malpractice-based wrongful death action that arose out of the death of  
12 Decedent Reginald Singletary following the extraction of the No. 32 wisdom  
13 tooth by Defendants on or about April 16, 2011. Plaintiff sued the dental office,  
14 Summerlin Smiles, the owner, Ton Vinh Lee, DDS, and the treating dentists,  
15 Florida Traivai, DDS and Jai Park, DDS, on behalf of the Estate, herself and  
16 minor son.

17 *See*, Second Am. Compl., filed 4/11/2016, attached here to as **Exhibit 7**, at p. 2:21-23, 3:18-24.  
18 Broken down line-by-line with citations to official documents from the *Singletary* case,  
19 Defendant's Statement is as follows:

20 **DENTAL MALPRACTIC/WRONGFUL DEATH**

21 The First Cause of Action of the *Singletary* Complaint is "DENTAL MALPRACTICE/  
22 NEGLIGENCE AS TO DEFENDANTS". **Exhibit 8**, at p. 6:1-2, referenced by Second Am. Compl.,  
23 filed 4/11/2016, at p. 2:12-15.

24 The First Cause of Action in the *Singletary* Complaint pleads damages "in accordance  
25 with NRS 41.085(4)", Nevada's so-called "wrongful death" statute.

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26 <sup>1</sup> Under the standards of NRCP 12(c), it is appropriate for the Court to take judicial notice of  
27 these documents without converting this Motion to a motion under NRCP 56. This is proper  
28 because these documents are intrinsically relevant to this litigation, Plaintiff's Second Amended  
Complaint references them, and/or they are public record. *See Foothills Corporation v. Bank of  
America, N.A.*, No. 13A685622, 2014 WL 12519854 (Nev. Dist. Ct. Mar. 05, 2014); *Breliant v.  
Preferred Equities Corp.*, 109 Nev. 842 , 858 P.2d 1258, (1993).

1 The caption of the *Singletary* Complaint claims an arbitration exemption based on  
2 “WRONGFUL DEATH”. **Exhibit 8**, at p. 1:11-12.

3 PLAINTIFF’S VERDICT

4 The *Singletary* jury completed a Special Verdict Form, on which the jury answered  
5 “Yes” to the following questions:

6 i “Question No. 3: Was Florida Traivai, DMD, negligent in her care and treatment of  
7 Reginald Singletary?” *See Singletary v. lee, et al.* Special Verdict Form, attached  
8 hereto as **Exhibit 9**, at p. 2:3-6.

9 i “Question No. 4: Was negligence on the part of Florida Traivai, DMD, a cause of  
10 injury to Reginald Singletary?” **Exhibit 9**, at p. 2:9-11.

11 i “Question No. 7: Was Summerlin Smiles negligent in its care and treatment of  
12 Reginald Singletary?” **Exhibit 9**, at p. 2:26-28.

13 i “Question No. 8: Was negligence on the part of Summerlin Smiles a cause of injury  
14 to Reginald Singletary?” **Exhibit 9**, at p. 3:3-5.

15 On April 29, 2014, a Judgment on Jury Verdict was filed that awarded Svetlana  
16 Singletary \$985,000.00, “pursuant to the Special Verdict Form . . . [h]aving found for the  
17 Plaintiff.” **Exhibit 2**, at p. 2:5-9 (emphasis added).

18 On April 29, 2014, a Judgment on Jury Verdict was filed that awarded Gabriel  
19 Singletary \$2,485,000.00, “pursuant to the Special Verdict Form . . . “[h]aving found for the  
20 Plaintiff.” **Exhibit 2**, at p. 2:17-20 (emphasis added).

21 \$3.4M

22 \$2,485,000.00 (judgment to Plaintiff, as parent of minor, Gabriel Singletary) +  
23 \$985,000.00 (judgment to Plaintiff, Svetlana Singletary) = \$3,470,000.00 total, abbreviated to  
24 \$3.4M. **Exhibit 2**, at p. 2:17-20 (emphasis added).

25 2014

26 The matter was tried before a jury that submitted its Special Verdict on January 22,  
27 2014. **Exhibit 9**, at p. 1:3 (emphasis added).

Description: Singletary v. Ton Vinh Lee, DDS, et al.

SVETLANA SINGLETARY, individually,  
as the Representative of the Estate of  
REGINALD SINGLETARY, and as parent and  
legal guardian of GABRIEL L. SINGLETARY,  
a Minor,

Plaintiff,

vs.

TON VINH LEE, DDS, individually, FLORIDA  
TRAI VAL, DMD, individually, JAI PARK, DDS,  
individually, TON V. LEE, DDS, PROF. CORP.,  
a Nevada Professional Corporation d/b/a  
SUMMERLIN SMILES, DOE SUMMERLIN  
SMILES EMPLOYEE, and DOES I through X  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

The *Singletary* Complaint was captioned as follows:

Defendant's Statement abbreviated the full title of the *Singletary* case to Mrs. Singletary's last name versus the first named defendant, Ton Vinh Lee, DDS, and the abbreviation "et al." **Exhibit 8**, at p. 1, caption, also referenced in Second Am. Compl., filed 4/11/16, at p. 2:6-7 ("*Defendants, and each of them, were the handling attorney and/or handling law firm in Svetlana Singletary v. Ton Lee, DDS, Case Number A-12-656091-C.*").

A dental malpractice-based wrongful death action

See "DENTAL MALPRACTIC/WRONGFUL DEATH", above.

that arose out of the death of Decedent Reginald Singletary

The *Singletary* Complaint alleges "[a]s a further direct and proximate result of the negligence of Defendants, and each of them, Decedent [Reginald Singletary] passed away on April 25, 2011." **Exhibit 8**, at p. 7:23-25.

following the extraction of the No. 32 wisdom tooth by Defendants on or about April 16, 2011.

1 The *Singletary* Complaint alleges “[t]hat on or about April 16, 2011, Decedent  
2 REGINALD SINGLETARY underwent extraction of his No. 32 wisdom tooth at Defendant  
3 SUMMERLIN SMILES.” **Exhibit 8**, at p. 4:15-16.

4 The *Singletary* Complaint alleges “[a]s a further direct and proximate result of the  
5 negligence of Defendants, and each of them, Decedent [Reginald Singletary] passed away on  
6 April 25, 2011.” **Exhibit 8**, at p. 7:23-25 (emphasis added.)

7 The *Singletary* Complaint alleges “[a]t all times mentioned herein regarding care  
8 associated with the tooth extraction, Defendants, and each of them, had exclusive control over  
9 all medication and care administered to Decedent REGINALD SINGLETARY, and over the  
10 method by which such medication and care was administered.” **Exhibit 8**, at p. 7:16-19  
11 (emphasis added).

12 The *Singletary* Complaint alleges “[a]t all relevant times, the Defendants, and each of  
13 them, were the partner, servant, officer, agent, and/or employee of all the other Defendants, and  
14 each of them, and were at all relevant times acting within the scope and/or performance of said  
15 partnership, agency, master/servant, and/or employment relationship.” **Exhibit 8**, at p. 4:2-5  
16 (emphasis added).

17 Plaintiff sued the dental office, Summerlin Smiles, the owner, Ton Vinh Lee, DDS, and the  
18 treating dentists, Florida Traivai, DDS and Jai Park, DDS,

19 The *Singletary* Complaint pled causes of action against “TON VINH LEE, DDS,  
20 individually, FLORIDA TRAIKAI, DMD, individually, JAI PARK, DD, individually, and TON  
21 V. LEE, DDS, PROF. CORP., a Nevada Professional Corporation d/b/a SUMMERLIN  
22 SMILES.” See **Exhibit 8**, at p. 1, caption.

23 The above demonstrates that every line of Defendant’s Statement either directly quotes  
24 or closely summarizes documents from the *Singletary* case. Plaintiff simply cannot claim any  
25 part of Defendant’s Statement was not a fair report of the *Singletary* proceedings. Further, as the  
26 abbreviated case title is included in the statement, any reader could immediately determine that  
27 an official proceeding was being implicated by the statement. Simply put, under the fair  
28 reporting privilege, Defendant’s Statement is no more defamatory than a news reporter

1 summarizing a lawsuit for an article. In fact, that is precisely why *The Trial Reporter* and  
2 *Nevada Legal Update* were able to report on the *Singletary* case. See **Exhibit 10 and Exhibit**  
3 **11.**

4 Moreover, Plaintiff was actually shown these publications at his deposition and asked  
5 whether he had any issue with either of them, and he said no. When asked specifically if he was  
6 fine with the Trial Reporter referring to the verdict as “Singletary versus Lee, DDS”, he said he  
7 believed it to be correct. See **Exhibit 1** at pp.89. Yet, he admits he is suing Defendant because  
8 she used his name in the post, even though he admits his name was the caption of the case. See  
9 **Exhibit 1 and Statement from website attached hereto as Exhibit 12.**

10 Defendant’s Statement is no different from those reports as the fair reporting privilege  
11 applies to media and the public alike. Indeed, if anything, Defendant’s Statement is more  
12 accurately reported than either *The Trial Reporter* article, which incorrectly referred to Plaintiff  
13 as “Lee, D.D.S. dba Summerlin Smiles”, or the *Nevada Legal Update* article, which does not  
14 account for the full extent of the *Singletary* award and refers only to a singular “defendant”  
15 rather than multiple “defendants”.

16 The law in Nevada is clear: the fair report privilege will provide absolute immunity to  
17 statements that “are in some way pertinent” to judicial proceedings. *Adelson v. Harris*, 402 P.3d  
18 665, 667 (2017). But as demonstrated above, Defendant’s Statement was more than “in some  
19 way pertinent”, it was a fair summarization (emphasis added). This Court granted the  
20 Singletary’s a \$3.4 million judgment, and Defendant’s repeated impartial facts about that  
21 judgment on their website. Accordingly, Defendant’s Statement is immune from defamation  
22 claims under a privilege that “has been the policy and rule in Nevada for the last [ninety] years.”  
23 See *Sahara Gaming v. Culinary Workers*, 115 Nev. 212, 219 (1999). Plaintiff’s claim that  
24 Defendant’s Statement is defamatory per se **cannot** overcome this absolute privilege. Therefore,  
25 Plaintiff cannot prove any set of facts that entitles him to judgment as a matter of law and  
26 dismissal of the cause of action of defamation per se should be granted.

## V. CONCLUSION

Defendant respectfully requests this Court issue an Order dismissing, with prejudice, Plaintiff's cause of action of *defamation per se* against Defendant pursuant to NRCp 12(c). In the alternative, Defendant requests this Court issue an Order of Summary Judgment in favor of Defendant with respect to Plaintiff's cause of action of *defamation per se*.

DATED this 7<sup>th</sup> day of August, 2020.

NETTLES | MORRIS



---

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

**CERTIFICATE OF E-SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that on this 7<sup>th</sup> day of August, 2020, a true and correct copy of the foregoing **DEFENDANT INGRID PATIN'S MOTION FOR JUDGMENT ON THE PLEADINGS, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT** was served to the following parties by electronic transmission through the Odyssey E-File NV system:

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\_\_\_\_\_  
An employee of NETTLES | MORRIS

## **Exhibit 1**

## **Exhibit 1**

## **Exhibit 1**



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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

Page 1

1

2

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11

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13

14

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19

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INDEX OF EXAMINATION

WITNESS: TON VINH LEE

EXAMINATION

By Ms. Morris

INDEX TO EXHIBITS

Defendant's

Description

Initial Reference

Exhibit 1

Printout entitled Settlement - Verdict - PatinLaw.com

52

Exhibit 2

The Trial Reporter

85

Exhibit 3

Nevada Legal Update

87

Exhibit 4

Website printout

91

Exhibit 5

Yelp review

92

Exhibit 6

Yelp review

96

Exhibit 7

Yelp review

109

Exhibit 8

Google review

110

Exhibit 9

Yelp review

112

Exhibit 10

Plaintiff's Answers to Defendants' First Set of Interrogatories

133

Exhibit 11

Second Amended Complaint

166

Exhibit 12

Plaintiff Ton Vinh Lee's Third Supplement to Initial Early Case Conference Disclosure of Witnesses and Production of Documents Pursuant to NRCP 16.1

175

Page 3

1

2

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Also Present: ANGELA LYONS, VIDEOGRAPHER

Page 2

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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,

Page 4

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 5</p> <p>1 sorry, Prescott Jones for the plaintiff. I'm off<br/>2 camera, and I have with me Dr. Ton Vinh Lee, who is<br/>3 the plaintiff.<br/>4 MS. MORRIS: Oh, sorry, Christian Morris for<br/>5 the defendant.<br/>6 THE COURT REPORTER: Okay, sir, please raise<br/>7 your right hand.<br/>8 Do you swear or affirm that the testimony you<br/>9 are about to give in this matter will be the truth,<br/>10 the whole truth, and nothing but the truth?<br/>11 THE DEPONENT: I do.<br/>12 THE COURT REPORTER: Can we pause for a<br/>13 second off the record?<br/>14 MS. MORRIS: Yes.<br/>15 THE VIDEOGRAPHER: We're going off the<br/>16 record. The time is 11:08 a.m.<br/>17 (Discussion off the record.)<br/>18 THE VIDEOGRAPHER: We're going back on the<br/>19 record. The time is 11:08 a.m.<br/>20 THE COURT REPORTER: I'm going to read a<br/>21 stipulation: Pursuant to Rule 29 of the Nevada Rules<br/>22 of Civil Procedure, all parties stipulate and agree<br/>23 that the witness was identified as Ton Vinh Lee and<br/>24 the witness's testimony will be treated as if the<br/>25 witness is under oath. This deposition shall be used</p> | <p style="text-align: right;">Page 7</p> <p>1 to Vera Lee?<br/>2 A. No.<br/>3 Q. And you don't recall when you married<br/>4 Miss Lee, correct?<br/>5 A. No, I don't.<br/>6 Q. Do you have an approximation of how many<br/>7 years you've been married?<br/>8 A. Yes.<br/>9 Q. How long?<br/>10 A. Approximately 12 years.<br/>11 Q. Have you ever been divorced?<br/>12 A. Yes.<br/>13 Q. How many times?<br/>14 A. Twice.<br/>15 Q. And who were you divorced from?<br/>16 A. Vera Lee.<br/>17 Q. Are you currently legally married to<br/>18 Miss Lee?<br/>19 A. Yes.<br/>20 MR. JONES: Sorry, Christian, one second.<br/>21 Doctor, I just would encourage you to let<br/>22 Ms. Morris finish her question for a clean record.<br/>23 Thank you.<br/>24 BY MS. MORRIS:<br/>25 Q. The answer was yes, you are currently legally</p>                                                                                                                                                                                                                                 |
| <p style="text-align: right;">Page 6</p> <p>1 for all purposes like other depositions.<br/>2 Sir, will you please raise your right hand?<br/>3 * * *<br/>4 TON VINH LEE, having been first duly sworn,<br/>5 was examined and testified as follows:<br/>6 EXAMINATION<br/>7 BY MS. MORRIS:<br/>8 Q. Can you please state your full name?<br/>9 A. Ton Vinh Lee.<br/>10 Q. Mr. Lee, how old are you?<br/>11 A. 46 years old.<br/>12 Q. Are you married?<br/>13 A. Yes.<br/>14 Q. And who are you married to?<br/>15 A. I'm sorry, I could not hear you.<br/>16 Q. Who are you married to?<br/>17 A. Vera Lee.<br/>18 Q. How long have you been married to Vera Lee?<br/>19 A. I don't recall.<br/>20 Q. Do you remember what year you got married?<br/>21 A. No, I don't.<br/>22 Q. How -- is this your only marriage?<br/>23 A. Can you clarify what do you mean by my only<br/>24 marriage?<br/>25 Q. Have you been married before you were married</p>                                                                                                                                                                                                                                              | <p style="text-align: right;">Page 8</p> <p>1 married to Miss Lee?<br/>2 A. Yes.<br/>3 Q. If I understand correctly, you have been<br/>4 divorced from her twice; is that correct?<br/>5 A. That is correct.<br/>6 Q. And do you remember when you were first<br/>7 divorced from Miss Lee?<br/>8 A. No, I don't.<br/>9 Q. Do you remember how long you were divorced<br/>10 from Miss Lee the first time you were divorced?<br/>11 A. I don't recall.<br/>12 Q. When was the last divorce?<br/>13 A. I don't recall.<br/>14 Q. Do you know if during the period of 2014 you<br/>15 were married or divorced from Miss Lee?<br/>16 A. I was married.<br/>17 Q. Do you remember if in the years 2015 and 2016<br/>18 you were married to Miss Lee or divorced from<br/>19 Miss Lee?<br/>20 A. I was married to Mrs. Lee.<br/>21 Q. Do you have any type of approximation as to<br/>22 whether you divorced Miss Lee from 2010 up until 2020<br/>23 or did those divorces precede 2010?<br/>24 A. I do not recall.<br/>25 Q. What state were you originally married to</p> |

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| <p style="text-align: right;">Page 9</p> <p>1 Miss Lee in?</p> <p>2 A. California.</p> <p>3 Q. And was that your first marriage to her, was</p> <p>4 in the state of California?</p> <p>5 A. Yes.</p> <p>6 Q. And your first divorce from her, do you know</p> <p>7 what state that was in?</p> <p>8 A. I don't recall.</p> <p>9 Q. Your second marriage to Miss Lee, do you know</p> <p>10 what state that occurred in?</p> <p>11 A. Nevada.</p> <p>12 Q. And your second divorce from Miss Lee, do you</p> <p>13 know what state that occurred in?</p> <p>14 A. Let me correct that. The second marriage was</p> <p>15 in Bora Bora or Tahiti.</p> <p>16 Q. And was that a legally binding marriage?</p> <p>17 A. I do not believe so.</p> <p>18 Q. Did you have an official divorce process the</p> <p>19 second time you were divorced?</p> <p>20 A. No, I did not.</p> <p>21 Q. The third time you married Miss Lee, do you</p> <p>22 know what state that occurred in?</p> <p>23 A. Nevada.</p> <p>24 Q. Do you have any children?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 11</p> <p>1 A. I'm sorry, I couldn't hear you.</p> <p>2 Q. What do you do for work?</p> <p>3 A. I am a dentist.</p> <p>4 Q. And where do you work?</p> <p>5 A. I practice at Summerlin Smiles and</p> <p>6 Distinctive Smiles.</p> <p>7 Q. How many days a week do you currently work?</p> <p>8 A. Approximately 3.5 days per week.</p> <p>9 Q. Do you have any current medical conditions</p> <p>10 that limit your ability to work?</p> <p>11 A. No.</p> <p>12 Q. Do you own any businesses currently?</p> <p>13 A. Can you rephrase that question?</p> <p>14 Q. Do you currently own any businesses?</p> <p>15 A. Yes.</p> <p>16 Q. What businesses do you currently own?</p> <p>17 A. My dental offices as well as my restaurants.</p> <p>18 Q. So you own -- currently own Summerlin Smiles;</p> <p>19 is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you currently own Distinctive Smiles; is</p> <p>22 that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And what other businesses; you mentioned</p> <p>25 restaurants?</p> |
| <p style="text-align: right;">Page 10</p> <p>1 Q. How many?</p> <p>2 A. Two.</p> <p>3 Q. And what are their ages?</p> <p>4 A. Thirteen and six.</p> <p>5 Q. What's your current address, residential?</p> <p>6 A. Which state are you asking for?</p> <p>7 Q. Where do you currently reside?</p> <p>8 MR. JONES: Counsel, are you looking for</p> <p>9 primary residence?</p> <p>10 BY MS. MORRIS:</p> <p>11 Q. Correct, where you reside.</p> <p>12 A. Las Vegas, Nevada.</p> <p>13 Q. And what's the address?</p> <p>14 A. 1920, 1-9-2-0, Solvang Mill Drive, Las Vegas,</p> <p>15 Nevada 89135.</p> <p>16 Q. And is that a home?</p> <p>17 A. Yes.</p> <p>18 Q. And who owns that home?</p> <p>19 A. I do.</p> <p>20 Q. Does anyone currently live with you aside</p> <p>21 from your wife and two children?</p> <p>22 A. No.</p> <p>23 Q. Do you currently work?</p> <p>24 A. Yes.</p> <p>25 Q. What do you do for work?</p>                                                                                                                               | <p style="text-align: right;">Page 12</p> <p>1 A. Yes.</p> <p>2 Q. What restaurants do you own?</p> <p>3 A. Burnt Crumbs, Burntzilla, as well as food</p> <p>4 trucks, Burnt Truck and Dogzilla.</p> <p>5 Q. When did you first purchase Burnt Crumbs?</p> <p>6 A. I don't recall.</p> <p>7 Q. Was it after 2014?</p> <p>8 A. I don't recall.</p> <p>9 Q. How about your food trucks; when did you</p> <p>10 purchase those?</p> <p>11 A. I don't recall.</p> <p>12 Q. Was it after 2014?</p> <p>13 A. I don't recall.</p> <p>14 Q. How about Burnt -- was it zilla?</p> <p>15 A. That's correct.</p> <p>16 Q. How do you spell that?</p> <p>17 A. B-U-R-N-T, same word, Z-I-L-L-A, or one word.</p> <p>18 Q. And do you recall how long you've owned</p> <p>19 Burntzilla?</p> <p>20 A. No, I don't.</p> <p>21 Q. What states are these restaurants in?</p> <p>22 A. California.</p> <p>23 Q. Are you a sole owner of these food</p> <p>24 establishments or are you a co-owner?</p> <p>25 A. I am a partner.</p>                                                     |

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| <p style="text-align: right;">Page 13</p> <p>1 Q. Do you have any facts that the defamation<br/>2 case you've brought against Miss Patin in any way<br/>3 affected your food establishments in California?<br/>4 MR. JONES: Objection; did you say facts,<br/>5 Counsel?<br/>6 BY MS. MORRIS:<br/>7 Q. Correct, do you have any facts that you're<br/>8 going to be offering that this defamation case that<br/>9 you've brought in any way impacted your food<br/>10 establishments in California?<br/>11 MR. JONES: Object to form.<br/>12 Go ahead and answer if you can.<br/>13 THE DEPONENT: Can you ask that question<br/>14 again?<br/>15 BY MS. MORRIS:<br/>16 Q. Sure. I can simplify it.<br/>17 Are you claiming in this lawsuit that your<br/>18 food establishments were in some way affected by the<br/>19 alleged defamatory post?<br/>20 A. No, I'm not.<br/>21 Q. Let's talk about Summerlin Smiles. Are you a<br/>22 full owner of Summerlin Smiles currently or are you a<br/>23 co-owner?<br/>24 A. I'm a partner.<br/>25 Q. And how many partners do you currently have?</p> | <p style="text-align: right;">Page 15</p> <p>1 A. I do not recall.<br/>2 Q. You don't know how many days a week you work<br/>3 at Summerlin Smiles?<br/>4 A. I don't recall.<br/>5 Q. Okay. How about Distinctive Smiles; do you<br/>6 know how many days a week you work at Distinctive<br/>7 Smiles currently?<br/>8 A. I don't recall.<br/>9 Q. Do you work at any other dental location on a<br/>10 weekly basis?<br/>11 A. No, I do not.<br/>12 Q. How many employees does Summerlin Smiles<br/>13 currently have?<br/>14 A. I do not recall.<br/>15 Q. Do you know how many employees your company<br/>16 Distinctive Smiles currently has?<br/>17 A. I do not recall.<br/>18 Q. Do you have any approximation as to how many<br/>19 employees Distinctive Smiles currently has?<br/>20 A. I do not.<br/>21 Q. Same question, do you have any approximation<br/>22 as to how many employees Summerlin Smiles currently<br/>23 has?<br/>24 A. I do not.<br/>25 Q. Do you have any ownership interest in any</p> |
| <p style="text-align: right;">Page 14</p> <p>1 A. Two.<br/>2 Q. And what are their names?<br/>3 A. Jon Dean, J-O-N D-E-A-N, Meron Angheson,<br/>4 M-E-R-O-N A-N-G-H-E-S-O-N.<br/>5 (Mr. Doyle joined the videoconference.)<br/>6 BY MS. MORRIS:<br/>7 Q. How long have you been partners with these<br/>8 two individuals at Summerlin Smiles?<br/>9 A. Almost five years.<br/>10 Q. Distinctive Smiles, are you a full owner or<br/>11 are you a co-owner with partners?<br/>12 A. I am a partner.<br/>13 Q. And are you also partnered with Mr. Dean and<br/>14 Mr. -- I'm going to -- can you say his name for me<br/>15 again?<br/>16 A. Angheson.<br/>17 Q. Angheson. Are you still -- are you partnered<br/>18 with those two individuals at Distinctive Smiles?<br/>19 A. Yes.<br/>20 Q. And it has been approximately five years?<br/>21 A. Approximately.<br/>22 Q. On average, how many days a week are you<br/>23 working at Summerlin Smiles?<br/>24 A. I do not recall.<br/>25 Q. Currently?</p>                                                                                    | <p style="text-align: right;">Page 16</p> <p>1 other dental practices in Nevada?<br/>2 A. No, I do not.<br/>3 Q. Do you have any ownership in any other<br/>4 companies in Nevada aside from the two dental<br/>5 practices?<br/>6 A. No, I do not.<br/>7 Q. Do any of your relatives currently work at<br/>8 either of the dental practices?<br/>9 A. Yes.<br/>10 Q. Who?<br/>11 A. My sister.<br/>12 Q. And what's your sister's name?<br/>13 A. Lynn, which is L-Y-N-N, Lee, L-E-E.<br/>14 Q. And what is her position at the company?<br/>15 A. Office manager.<br/>16 Q. I've got some addresses that have been<br/>17 provided to me on some documents, so I'd like to get<br/>18 clarity on what they are.<br/>19 The address 117 Nest Pine in Irvine,<br/>20 California, do you know what address that's referring<br/>21 to?<br/>22 A. I do.<br/>23 Q. What is that?<br/>24 A. That is my home in California.<br/>25 Q. And how long have you owned that home?</p>                                          |

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| <p style="text-align: right;">Page 17</p> <p>1 A. Approximately two years.</p> <p>2 Q. Currently how often do you go to that home in</p> <p>3 California?</p> <p>4 A. Every week.</p> <p>5 Q. Do you go there during the workweek or on the</p> <p>6 weekends?</p> <p>7 A. Depends on the schedule.</p> <p>8 Q. And you purchased that home two years ago,</p> <p>9 you said?</p> <p>10 A. We moved there two years ago.</p> <p>11 Q. When you say you moved, meaning you moved</p> <p>12 your family there?</p> <p>13 A. My family moved to that residence two years</p> <p>14 ago.</p> <p>15 Q. I'm sorry, I couldn't hear your answer.</p> <p>16 A. My family moved into that address or that</p> <p>17 residence two years ago.</p> <p>18 Q. Was your family living in California prior to</p> <p>19 moving to the Nest Pine address?</p> <p>20 A. Yes.</p> <p>21 Q. And what address were they previously living</p> <p>22 at, if you can recall?</p> <p>23 A. 59 Skyward.</p> <p>24 Q. And is that a home that you owned in Irvine,</p> <p>25 California?</p> | <p style="text-align: right;">Page 19</p> <p>1 A. I didn't have a family before Nevada.</p> <p>2 Q. So you married your wife in California,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. So I'll try to be more clear. When you were</p> <p>6 married originally in California, was your wife at the</p> <p>7 time you married her residing in California?</p> <p>8 A. No.</p> <p>9 Q. Where was she residing?</p> <p>10 A. Nevada.</p> <p>11 Q. So prior to 2014, your family resided in</p> <p>12 Nevada, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Why did your family move to California in</p> <p>15 2014?</p> <p>16 A. Can you ask that question one more time?</p> <p>17 Q. Why did your family move to California in</p> <p>18 2014?</p> <p>19 MR. JONES: Object to form, relevance.</p> <p>20 Go ahead.</p> <p>21 THE DEPONENT: I can't recall.</p> <p>22 BY MS. MORRIS:</p> <p>23 Q. Does your wife work?</p> <p>24 A. No.</p> <p>25 Q. Has she worked at any point during your</p>             |
| <p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. How long did you own that home?</p> <p>3 A. I don't recall.</p> <p>4 Q. When you say your family moved there, are you</p> <p>5 referring to your wife and two children?</p> <p>6 A. Yes, I am.</p> <p>7 Q. How long have your wife and two children</p> <p>8 lived in California?</p> <p>9 A. Are you talking about currently?</p> <p>10 Q. From as we sit here today, how long have they</p> <p>11 lived in California?</p> <p>12 A. Are you asking currently?</p> <p>13 Q. Yes, currently.</p> <p>14 A. The last six years.</p> <p>15 Q. So they moved to California in approximately</p> <p>16 2014?</p> <p>17 A. You are correct.</p> <p>18 Q. Prior to 2014, did your family live in</p> <p>19 Nevada?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know how long they had lived in</p> <p>22 Nevada?</p> <p>23 A. I can't recall.</p> <p>24 Q. Prior to living in Nevada, did your family</p> <p>25 live in California?</p>                                                                       | <p style="text-align: right;">Page 20</p> <p>1 marriage?</p> <p>2 A. Yes.</p> <p>3 Q. What did she used to do for work?</p> <p>4 A. She worked at the dental offices.</p> <p>5 Q. When did she stop working at the dental</p> <p>6 offices?</p> <p>7 A. I cannot recall.</p> <p>8 Q. Do you have any approximation on how long she</p> <p>9 worked at the dental offices?</p> <p>10 A. No.</p> <p>11 Q. What was her job title when she worked at the</p> <p>12 dental offices?</p> <p>13 A. I can't recall.</p> <p>14 Q. What did she do for work at the dental</p> <p>15 offices?</p> <p>16 A. I can't recall.</p> <p>17 Q. Another address I have here is 2077 Orchard</p> <p>18 Mist Street in Las Vegas. Do you know what that</p> <p>19 address is for?</p> <p>20 A. That was a home we owned.</p> <p>21 Q. When you say we, are you talking about you</p> <p>22 and your wife?</p> <p>23 A. That is correct.</p> <p>24 Q. And how long did you own that home for?</p> <p>25 A. I can't recall.</p> |

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| <p style="text-align: right;">Page 21</p> <p>1 Q. Do you know when you sold it?</p> <p>2 A. I can't recall.</p> <p>3 Q. Do you suffer from any type of memory loss?</p> <p>4 A. Rephrase that question, please.</p> <p>5 Q. Do you suffer from any type of medical</p> <p>6 condition that affects your ability to remember</p> <p>7 things?</p> <p>8 A. What medical --</p> <p>9 MR. JONES: Objection; argumentative,</p> <p>10 irrelevant.</p> <p>11 Go ahead and answer if you can.</p> <p>12 THE DEPONENT: What is your medical</p> <p>13 definition of memory loss?</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. What is the medical definition of memory</p> <p>16 loss? I'm not a doctor. I'm asking if you have any</p> <p>17 memory problems that you would say, you know, I don't</p> <p>18 remember because I have a memory problem.</p> <p>19 A. You're asking a lot of general questions.</p> <p>20 Q. I'm not trying to be offensive. I'm asking</p> <p>21 if you have any type of memory loss.</p> <p>22 A. I'm not taking it offensively at all. You're</p> <p>23 asking me if I have memory loss. I'm asking you for a</p> <p>24 medical definition of memory loss. Are we talking</p> <p>25 short-term memory? Are we talking about long-term</p> | <p style="text-align: right;">Page 23</p> <p>1 Q. Where did you move to after Vietnam?</p> <p>2 A. Santa Ana.</p> <p>3 Q. Do you have any approximation on what age you</p> <p>4 were when you moved to Santa Ana?</p> <p>5 A. I can't recall.</p> <p>6 Q. Where did you attend high school?</p> <p>7 A. Irvine High.</p> <p>8 Q. Where did you attend college?</p> <p>9 A. UC Irvine.</p> <p>10 Q. Where did you attend dental school?</p> <p>11 A. Indiana University School of Dentistry.</p> <p>12 Q. What year did you originally move to Nevada?</p> <p>13 A. I can't recall.</p> <p>14 Q. What other states have you practiced</p> <p>15 dentistry in aside from Nevada?</p> <p>16 A. California.</p> <p>17 Q. Do you recall what years you worked as a</p> <p>18 dentist in California?</p> <p>19 A. No, I do not.</p> <p>20 Q. Do you currently have a license to practice</p> <p>21 dentistry in California?</p> <p>22 A. Yes, I do.</p> <p>23 Q. As we sit here today, when is the last time</p> <p>24 you practiced dentistry in California?</p> <p>25 A. I can't recall.</p>                                    |
| <p style="text-align: right;">Page 22</p> <p>1 memory?</p> <p>2 Q. Do you suffer from short-term memory loss?</p> <p>3 A. I can't recall.</p> <p>4 Q. Do you suffer from long-term memory loss?</p> <p>5 A. I can't recall.</p> <p>6 Q. So while you're providing your testimony</p> <p>7 under oath, you don't have any type of medical</p> <p>8 condition that prevents you from remembering certain</p> <p>9 things, correct?</p> <p>10 MR. JONES: Objection; form, relevance,</p> <p>11 argumentative.</p> <p>12 Go ahead.</p> <p>13 THE DEPONENT: Not that I was diagnosed.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. Okay. Do your medical practices currently,</p> <p>16 Summerlin Smiles or Distinctive Smiles, own any</p> <p>17 vehicles that you drive?</p> <p>18 A. No.</p> <p>19 Q. Where are you from originally?</p> <p>20 A. Where was I born?</p> <p>21 Q. Where were you born?</p> <p>22 A. I was born in Vietnam.</p> <p>23 Q. How long did you live in Vietnam after you</p> <p>24 were born?</p> <p>25 A. I cannot recall.</p>                                                                                                                                                                                                              | <p style="text-align: right;">Page 24</p> <p>1 Q. Was it from 2010 on; have there been</p> <p>2 occasions since then?</p> <p>3 A. I can't recall.</p> <p>4 Q. Do you have any approximation on the last</p> <p>5 time you practiced dentistry in California?</p> <p>6 A. No, I do not.</p> <p>7 Q. When you practiced dentistry in California,</p> <p>8 did you work for a company or did you own your own</p> <p>9 company?</p> <p>10 A. I did not own my own company.</p> <p>11 Q. Did you work for a company?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember the name of the company?</p> <p>14 A. No, I do not.</p> <p>15 Q. Were you an employee of a dental practice or</p> <p>16 were you an independent contractor of a dental</p> <p>17 practice?</p> <p>18 A. I can't recall.</p> <p>19 Q. Do you have any recollection of the county in</p> <p>20 which you practiced dentistry in California?</p> <p>21 A. No, I do not.</p> <p>22 Q. Do you know if it was in Southern California</p> <p>23 or Northern California?</p> <p>24 A. Southern California.</p> <p>25 Q. When you practiced dentistry in Southern</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 California at some point, were you married?</p> <p>2 A. No, I was not.</p> <p>3 Q. Was it prior to your first marriage that you</p> <p>4 practiced dentistry in California?</p> <p>5 A. I'm sorry, could you repeat the question?</p> <p>6 Q. Was it prior to your first marriage that you</p> <p>7 were practicing dentistry in California?</p> <p>8 A. I do not recall.</p> <p>9 Q. Now, I know you can't recall when you moved</p> <p>10 to the state of Nevada, but when you moved to the</p> <p>11 state, what did you do for work?</p> <p>12 A. I worked for a company here in Nevada.</p> <p>13 Q. As a dentist?</p> <p>14 A. Yes.</p> <p>15 Q. What was the name of that company?</p> <p>16 A. I can't recall.</p> <p>17 Q. Do you know how long you worked for that</p> <p>18 company?</p> <p>19 A. I do not remember.</p> <p>20 Q. Was it only one company that you worked for</p> <p>21 in Nevada or did you work for multiple dentists?</p> <p>22 A. I can't recall.</p> <p>23 Q. When you moved to Nevada, were you at that</p> <p>24 point married?</p> <p>25 A. No.</p>                                                | <p style="text-align: right;">Page 27</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. Does Ton Vinh Lee, DDS, professional corp.</p> <p>3 own or have any ownership interest in any dental</p> <p>4 practice in Nevada currently?</p> <p>5 A. No, it does not.</p> <p>6 Q. Do you as an individual have ownership</p> <p>7 interest in Summerlin Smiles and Distinctive Smiles?</p> <p>8 MR. JONES: Object to form.</p> <p>9 Go ahead.</p> <p>10 THE DEPONENT: Yes.</p> <p>11 BY MS. MORRIS:</p> <p>12 Q. Are you an employee of Ton Vinh Lee, DDS,</p> <p>13 professional corp. currently?</p> <p>14 A. Yes.</p> <p>15 Q. Do you draw a salary from Ton Vinh Lee, DDS,</p> <p>16 professional corp. currently?</p> <p>17 A. Yes.</p> <p>18 Q. Do you currently draw a salary from Summerlin</p> <p>19 Smiles?</p> <p>20 MR. JONES: Object to form.</p> <p>21 Go ahead.</p> <p>22 THE DEPONENT: I am an independent contractor</p> <p>23 as well as a salaried employee.</p> <p>24 BY MS. MORRIS:</p> <p>25 Q. Are you also an independent contractor as</p>                                                                                                               |
| <p style="text-align: right;">Page 26</p> <p>1 Q. When did you originally form Ton Vinh Lee</p> <p>2 DDS, the professional corporation?</p> <p>3 A. I don't recall.</p> <p>4 Q. Do you have any approximation on when you</p> <p>5 formed Ton Vinh Lee, DDS, professional corporation?</p> <p>6 A. No, I do not.</p> <p>7 Q. Does Ton Vinh Lee, DDS, professional</p> <p>8 corporation still exist as a corporation in Nevada?</p> <p>9 A. No, it does not.</p> <p>10 Q. When did you dissolve that corporation?</p> <p>11 A. I apologize, could you repeat that last</p> <p>12 statement again or that last question?</p> <p>13 Q. Does Ton Vinh Lee, DDS, professional</p> <p>14 corporation still exist as a corporation in Nevada?</p> <p>15 A. Yes, it does.</p> <p>16 Q. Does Ton Vinh Lee, DDS, professional</p> <p>17 corporation own Summerlin Smiles and Distinctive</p> <p>18 Smiles?</p> <p>19 A. No, it does not, currently.</p> <p>20 Q. When did Ton Vinh Lee, DDS, professional</p> <p>21 corp. cease to own Summerlin Smiles and Distinctive</p> <p>22 Smiles?</p> <p>23 MR. JONES: Object to form.</p> <p>24 Go ahead.</p> <p>25 THE DEPONENT: I don't recall.</p> | <p style="text-align: right;">Page 28</p> <p>1 well as a salaried employee of Distinctive Smiles?</p> <p>2 A. Yes.</p> <p>3 Q. You have brought a claim for defamation</p> <p>4 per se, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And do you recall who you have sued in this</p> <p>7 case?</p> <p>8 A. Ingrid Patin as well as her corporation.</p> <p>9 Q. When is the last time you had any interaction</p> <p>10 with Ingrid Patin?</p> <p>11 MR. JONES: Objection, Counsel. What do you</p> <p>12 mean by any interaction? I think they're interacting</p> <p>13 in the legal forum on a regular basis these days.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. When is the last time you've ever directly</p> <p>16 communicated with Ingrid Patin?</p> <p>17 A. I've never spoken to Ingrid Patin.</p> <p>18 Q. Do you know if she still practices law?</p> <p>19 A. No, I do not.</p> <p>20 Q. You brought this claim as an individual for</p> <p>21 defamation per se regarding a post on her company</p> <p>22 website, correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Do you know when the post was originally put</p> <p>25 on the company website?</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 MR. JONES: Object to form.</p> <p>2 Go ahead.</p> <p>3 THE DEPONENT: No.</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. Do you know when the post was removed from</p> <p>6 the company website?</p> <p>7 A. No.</p> <p>8 Q. Do you know if Ingrid Patin herself put the</p> <p>9 post on the company website?</p> <p>10 MR. JONES: Object to form.</p> <p>11 THE DEPONENT: No.</p> <p>12 BY MS. MORRIS:</p> <p>13 Q. Does Summerlin Smiles have a company website?</p> <p>14 A. Yes.</p> <p>15 Q. Does Distinctive Smiles have a company</p> <p>16 website?</p> <p>17 A. It's a cojoined website with Summerlin</p> <p>18 Smiles.</p> <p>19 Q. Do you manage the cojoined company websites</p> <p>20 for Summerlin Smiles and Distinctive Smiles?</p> <p>21 MR. JONES: Objection; relevance, form.</p> <p>22 Go ahead.</p> <p>23 THE DEPONENT: At times.</p> <p>24 BY MS. MORRIS:</p> <p>25 Q. Do you personally monitor any of the Yelp</p>                                                                                                               | <p style="text-align: right;">Page 31</p> <p>1 A. No.</p> <p>2 Q. When did she stop working at either Summerlin</p> <p>3 Smiles or Distinctive Smiles as an independent</p> <p>4 contractor?</p> <p>5 A. I don't recall.</p> <p>6 Q. Was it after the verdict came out in 2014?</p> <p>7 A. I don't recall.</p> <p>8 Q. Parks was also an independent contractor with</p> <p>9 Summerlin Smiles and Distinctive Smiles, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Does he still work as a independent</p> <p>12 contractor at either Summerlin Smiles or Distinctive</p> <p>13 Smiles?</p> <p>14 A. No.</p> <p>15 Q. Do you recall when he stopped working as an</p> <p>16 independent contractor for either company?</p> <p>17 A. I do not.</p> <p>18 Q. Do you know if it was after the verdict came</p> <p>19 out in 2014?</p> <p>20 A. I can't recall.</p> <p>21 Q. The 2014 trial, just for clarity on the</p> <p>22 record, was a wrongful death action, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And do you remember the name of the</p> <p>25 plaintiff?</p> |
| <p style="text-align: right;">Page 30</p> <p>1 reviews that are put online regarding Summerlin Smiles</p> <p>2 or Distinctive Smiles?</p> <p>3 MR. JONES: Same objection.</p> <p>4 THE DEPONENT: We all do.</p> <p>5 BY MS. MORRIS:</p> <p>6 Q. Is that a yes?</p> <p>7 A. We all do.</p> <p>8 Q. I'm asking if you do.</p> <p>9 A. Are you asking me solely or are you asking me</p> <p>10 if I manage it?</p> <p>11 Q. I'm asking if you personally review the Yelp</p> <p>12 commentary about Summerlin Smiles and Distinctive</p> <p>13 Smiles.</p> <p>14 A. At times.</p> <p>15 Q. Is that a yes?</p> <p>16 A. At times.</p> <p>17 Q. So yes, you do at times, correct?</p> <p>18 A. Yes, I do at times.</p> <p>19 Q. The trial that took place back in 2014</p> <p>20 involved your company and two dentists that worked for</p> <p>21 you as an independent contractor; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. One of the dentists, Florida Traivai, does</p> <p>24 she still work at either Summerlin Smiles or</p> <p>25 Distinctive Smiles as an independent contractor?</p> | <p style="text-align: right;">Page 32</p> <p>1 A. Last name.</p> <p>2 Q. What was that?</p> <p>3 A. Singletary.</p> <p>4 Q. Do you remember the name of the man who died?</p> <p>5 A. Reginald.</p> <p>6 Q. And do you remember the name of his wife?</p> <p>7 A. Svetlana.</p> <p>8 Q. And do you remember the name of his child?</p> <p>9 A. No, I do not.</p> <p>10 Q. Did you attend the trial?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall how long it was?</p> <p>13 A. I do not.</p> <p>14 Q. Did you attend every day of the trial or did</p> <p>15 you just come in for your testimony?</p> <p>16 A. I attended every day.</p> <p>17 Q. Aside being a defendant in that case, have</p> <p>18 you ever been a defendant in any other case?</p> <p>19 A. No.</p> <p>20 Q. Now, you're a plaintiff in this case,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever been a plaintiff in any other</p> <p>24 lawsuit?</p> <p>25 A. No.</p>                                                                                                     |



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| <p style="text-align: right;">Page 33</p> <p>1 Q. Have you ever brought an action as a</p> <p>2 plaintiff on behalf of Ton Vinh Lee, DDS, professional</p> <p>3 corp. in any other lawsuit?</p> <p>4 A. I can't recall.</p> <p>5 Q. Did you sue Affinity Insurance Company at any</p> <p>6 point?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall what year you filed that</p> <p>9 lawsuit?</p> <p>10 A. No, I do not.</p> <p>11 Q. Do you recall what the basis of that lawsuit</p> <p>12 was?</p> <p>13 A. No, I do not.</p> <p>14 Q. Do you have any idea why you sued Affinity</p> <p>15 Insurance?</p> <p>16 MR. JONES: Objection. Counsel, who are you</p> <p>17 referring to when you say you?</p> <p>18 MS. MORRIS: The lawsuit he brought on behalf</p> <p>19 of Ton Vinh Lee, DDS, professional corp.</p> <p>20 MR. JONES: Object to form.</p> <p>21 Go ahead.</p> <p>22 THE DEPONENT: Could you repeat that</p> <p>23 question?</p> <p>24 BY MS. MORRIS:</p> <p>25 Q. Do you have any idea why Affinity Insurance</p>                                                                                                                                                                                  | <p style="text-align: right;">Page 35</p> <p>1 correct?</p> <p>2 A. I was -- I'm sorry, could you repeat that</p> <p>3 question again?</p> <p>4 Q. In the wrongful death action brought on</p> <p>5 behalf of the Singletarys, you were a named defendant</p> <p>6 in that, correct?</p> <p>7 A. That is correct.</p> <p>8 Q. As a result of the wrongful death action,</p> <p>9 there was a verdict, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And do you recall what the verdict was in</p> <p>12 that wrongful death action?</p> <p>13 A. Yes.</p> <p>14 Q. What was that?</p> <p>15 A. Can you be specific?</p> <p>16 Q. What is your recollection of the verdict?</p> <p>17 A. Can you be specific?</p> <p>18 MR. JONES: Counsel, are we referring to just</p> <p>19 as against Dr. Lee personally or are you talking about</p> <p>20 the entire verdict? I'm confused as well over here.</p> <p>21 BY MS. MORRIS:</p> <p>22 Q. Sure. There was a verdict as a result of the</p> <p>23 wrongful death action, correct?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. And you were in the courtroom when the</p> |
| <p style="text-align: right;">Page 34</p> <p>1 was sued by you on behalf of Ton Vinh Lee, DDS,</p> <p>2 professional corp.?</p> <p>3 A. Ton Vinh Lee, DDS, professional corporation</p> <p>4 did not sue Affinity Insurance.</p> <p>5 Q. Who sued Affinity Insurance?</p> <p>6 A. Ton V. Lee, DDS, professional corporation.</p> <p>7 Q. We'll get into the different corporations</p> <p>8 that you have, so thank you for the clarity.</p> <p>9 I have the complaint up here in front of me.</p> <p>10 You did as an individual sue Affinity Insurance, and</p> <p>11 yes, Ton V. Lee, DDS, professional corp. as well. Do</p> <p>12 you recall the basis of the lawsuit?</p> <p>13 A. No, I do not.</p> <p>14 Q. Do you have any idea why you sued Affinity</p> <p>15 Insurance Company?</p> <p>16 A. Not in detail.</p> <p>17 Q. Do you have a general idea?</p> <p>18 A. To some extent.</p> <p>19 Q. And what's that?</p> <p>20 A. Coverage.</p> <p>21 Q. Coverage for the verdict from the lawsuit</p> <p>22 that Ingrid Patin brought?</p> <p>23 A. Coverage for my entity.</p> <p>24 Q. In the wrongful death action brought on</p> <p>25 behalf of the Singletarys, you were a named defendant,</p> | <p style="text-align: right;">Page 36</p> <p>1 verdict came out, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And do you remember who was found to</p> <p>4 be negligent in the wrongful death of Reginald</p> <p>5 Singletary?</p> <p>6 A. I do.</p> <p>7 Q. Who was that?</p> <p>8 A. The deceased, Florida Traivai and a</p> <p>9 corporation.</p> <p>10 Q. Which corporation?</p> <p>11 A. Ton V. Lee, DDS, prof. corp.</p> <p>12 Q. So Ton V. Lee, DDS, professional corp. is</p> <p>13 separate and distinct from Ton Vinh Lee, DDS,</p> <p>14 professional corp.; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. When the verdict came out, what corporation</p> <p>17 owned Summerlin Smiles?</p> <p>18 A. Ton V. Lee.</p> <p>19 Q. When was Ton V. Lee, DDS, professional corp.</p> <p>20 formed?</p> <p>21 A. I cannot recall.</p> <p>22 Q. At the time the verdict came out in January</p> <p>23 of 2014, did Ton Vinh Lee, DDS, professional corp. own</p> <p>24 any part of Summerlin Smiles or Distinctive Smiles?</p> <p>25 A. Only Distinctive Smiles.</p>                                |

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| <p style="text-align: right;">Page 37</p> <p>1 Q. How many corporations are you currently a<br/>2 member in?<br/>3 A. I can't recall.<br/>4 Q. Do you have any idea, any approximation?<br/>5 A. No.<br/>6 Q. Does Ton Vinh Lee, DDS, professional corp.<br/>7 still exist in Nevada? I just want clarity. I think<br/>8 you said yes.<br/>9 A. Yes.<br/>10 Q. Does Ton V. Lee, DDS, professional corp.<br/>11 still exist as a corporation in Nevada?<br/>12 A. No.<br/>13 Q. When did you dissolve that corporation?<br/>14 A. I can't recall.<br/>15 Q. Why did you dissolve it?<br/>16 A. I can't recall.<br/>17 Q. Is it any relation to this lawsuit?<br/>18 A. I can't recall.<br/>19 Q. When did you first learn of the alleged<br/>20 defamatory statement on Ingrid Patin's company<br/>21 website?<br/>22 A. Could you repeat yourself?<br/>23 Q. When did you first learn of the alleged<br/>24 defamatory posting on Ingrid Patin's company website?<br/>25 MR. JONES: Counsel, did you say when; was</p>                                                                | <p style="text-align: right;">Page 39</p> <p>1 for today's deposition?<br/>2 MR. JONES: Objection; argumentative.<br/>3 Go ahead.<br/>4 THE DEPONENT: Yes.<br/>5 BY MS. MORRIS:<br/>6 Q. Okay. And do you feel prepared today to give<br/>7 accurate and honest testimony?<br/>8 A. Yes.<br/>9 MR. JONES: Objection; argumentative.<br/>10 BY MS. MORRIS:<br/>11 Q. On March 23rd, 2015, you've testified that<br/>12 you read the alleged defamatory post, correct?<br/>13 A. That is correct.<br/>14 Q. Okay. And was anyone with you when you read<br/>15 it?<br/>16 A. I don't recall.<br/>17 Q. Did you read it to anyone?<br/>18 MR. JONES: Objection; form. Are you talking<br/>19 about that day, Counselor, or any future day?<br/>20 MS. MORRIS: I don't think I can be any more<br/>21 clear. I'm talking about that day.<br/>22 BY MS. MORRIS:<br/>23 Q. On that day, sir, did you read it to anyone?<br/>24 A. I don't think I would remember exactly on the<br/>25 23rd of March 2015, that I could recall who I spoke to</p> |
| <p style="text-align: right;">Page 38</p> <p>1 that your first word?<br/>2 MS. MORRIS: When.<br/>3 MR. JONES: Thank you.<br/>4 THE DEPONENT: It's not alleged. The date<br/>5 that I can recall is March 23rd, 2015.<br/>6 BY MS. MORRIS:<br/>7 Q. And how did you come to learn this?<br/>8 A. I can't recall.<br/>9 Q. Did you go to her website?<br/>10 A. No.<br/>11 Q. Did you Google search yourself?<br/>12 A. Did I what?<br/>13 Q. Did you Google search yourself?<br/>14 A. I did.<br/>15 Q. So is that how you came to find it, by Google<br/>16 searching yourself on March 23rd of 2015?<br/>17 A. I Google search myself all the time.<br/>18 Q. The question was, is did you come to learn of<br/>19 it by Google searching yourself on March 23rd, 2015?<br/>20 A. I Google search myself all the time, so I<br/>21 cannot recall if that was the particular case or not.<br/>22 Q. So is it your testimony you don't know how<br/>23 you became aware of it on March 23rd, 2015?<br/>24 A. I don't recall.<br/>25 Q. Okay. Have you had adequate time to prepare</p> | <p style="text-align: right;">Page 40</p> <p>1 or who I did not speak to.<br/>2 Q. How do you remember it was March 23rd, 2015<br/>3 then?<br/>4 A. Because certain traumatic events stick in<br/>5 your mind.<br/>6 Q. And what about that traumatic event sticks in<br/>7 your mind?<br/>8 A. It's untrue.<br/>9 Q. Okay. And I understand that that's your<br/>10 position in this lawsuit, but I'm asking how do you<br/>11 recall that March 23rd, 2015 is the date? Did you<br/>12 mark it on a calendar?<br/>13 MR. JONES: Objection; asked and answered.<br/>14 Go ahead.<br/>15 THE DEPONENT: Because it's a traumatic<br/>16 event.<br/>17 BY MS. MORRIS:<br/>18 Q. Okay. And then what did you do after this<br/>19 traumatic event?<br/>20 A. After that, I don't recall.<br/>21 Q. Okay. Did you black out?<br/>22 A. I don't recall.<br/>23 Q. Okay. Did you have to get any medical care?<br/>24 A. I don't recall.<br/>25 Q. Okay. Did you tell anyone that you read this</p>                                               |

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| <p style="text-align: right;">Page 41</p> <p>1 post and it was traumatic to you?</p> <p>2 A. I'm sure I did.</p> <p>3 Q. Who did you tell?</p> <p>4 A. I don't recall.</p> <p>5 Q. Are you able to offer any witnesses to this</p> <p>6 reading of the post on March 23rd, 2015?</p> <p>7 MR. JONES: Object to form. What do you mean</p> <p>8 by offer witnesses, Counselor? We've already produced</p> <p>9 our witness disclosures.</p> <p>10 BY MS. MORRIS:</p> <p>11 Q. Do you have any witnesses? I'm asking you</p> <p>12 under oath, sir.</p> <p>13 A. Ask it again.</p> <p>14 Q. So on March 23rd, 2015, you read this</p> <p>15 traumatic post, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you don't know if you told anyone</p> <p>18 about it, right?</p> <p>19 A. I didn't say I didn't know that I didn't tell</p> <p>20 anyone. I said I don't recall. I'm sure I spoke to</p> <p>21 individuals.</p> <p>22 Q. Today is the day for your testimony, so if</p> <p>23 you were to offer any evidence, this would be the time</p> <p>24 to do so.</p> <p>25 Saying I don't recall means that you don't</p>                                                       | <p style="text-align: right;">Page 43</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. It's a question: Was anyone -- are there any</p> <p>3 witnesses to your reading the traumatic post on</p> <p>4 March 23rd, 2015?</p> <p>5 MR. JONES: I'm sorry, can you repeat the</p> <p>6 question? I think we were talking over each other.</p> <p>7 BY MS. MORRIS:</p> <p>8 Q. Are there any witnesses to you reading this</p> <p>9 traumatic post on March 23rd, 2015?</p> <p>10 A. I don't recall.</p> <p>11 Q. Where were you when you read the post?</p> <p>12 A. I don't recall.</p> <p>13 Q. Were you at home?</p> <p>14 A. Same, I don't recall, Counsel.</p> <p>15 Q. Were you at work?</p> <p>16 MR. JONES: Objection; asked and answered.</p> <p>17 He said he doesn't recall where he was.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. Do you remember what time of day it was?</p> <p>20 A. Don't recall.</p> <p>21 Q. Do you remember why you had searched yourself</p> <p>22 on that day?</p> <p>23 A. I search myself all the time.</p> <p>24 Q. Why do you search yourself all the time?</p> <p>25 A. Reputation. Do you search yourself, too?</p> |
| <p style="text-align: right;">Page 42</p> <p>1 have any recollection of anyone. Are you going to</p> <p>2 later --</p> <p>3 A. That means I don't recall.</p> <p>4 MR. JONES: Objection.</p> <p>5 THE DEPONENT: That means I don't recall.</p> <p>6 MR. JONES: Testimony speaks for itself,</p> <p>7 Counselor.</p> <p>8 MS. MORRIS: Well, my concern is I take his</p> <p>9 deposition and then all of a sudden he recalls all</p> <p>10 these things he can't recall, so obviously I have some</p> <p>11 concern.</p> <p>12 BY MS. MORRIS:</p> <p>13 Q. I'm asking you, do you need a break today or</p> <p>14 do you need to take some time to think about these</p> <p>15 questions?</p> <p>16 A. Not at all.</p> <p>17 Q. Okay. Are you ever going to produce</p> <p>18 witnesses to talk about you reading a traumatic post</p> <p>19 on March 23rd, 2015? Is there any individual?</p> <p>20 MR. JONES: Objection; calls for legal</p> <p>21 strategy, Counselor. Whether or not we're going to</p> <p>22 call a witness is one thing. You're certainly</p> <p>23 entitled to his recollection.</p> <p>24 MS. MORRIS: Hiding evidence is not a legal</p> <p>25 strategy.</p> | <p style="text-align: right;">Page 44</p> <p>1 Q. Sorry? Excuse me?</p> <p>2 A. I'm just asking, do you preserve your</p> <p>3 reputation? Do you want to make sure that your</p> <p>4 reputation is in good standing? Do you do it</p> <p>5 periodically if you -- as your profession, as a</p> <p>6 professional?</p> <p>7 Q. So you search yourself for your reputation?</p> <p>8 A. I search myself, period.</p> <p>9 Q. After you read this alleged traumatic post,</p> <p>10 what did you do?</p> <p>11 MR. JONES: Objection; argumentative,</p> <p>12 Counselor. Come on.</p> <p>13 BY MS. MORRIS:</p> <p>14 Q. I'm sorry, I couldn't hear the answer.</p> <p>15 A. I'm sorry?</p> <p>16 MR. JONES: Same objection.</p> <p>17 Go ahead, Dr. Lee.</p> <p>18 THE DEPONENT: I'm sorry, could you repeat</p> <p>19 yourself?</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. What did you do after you read this allegedly</p> <p>22 traumatic post?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did you reach out to the Patin Law Group to</p> <p>25 ask them to either modify it or take it down?</p>                                            |

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| <p style="text-align: right;">Page 45</p> <p>1 A. I don't recall.</p> <p>2 MR. JONES: Objection; asked and answered.</p> <p>3 MS. MORRIS: I didn't ask and answer that</p> <p>4 question.</p> <p>5 BY MS. MORRIS:</p> <p>6 Q. Did you reach out to the Patin Law Group to</p> <p>7 ask them to either modify or take it down?</p> <p>8 A. You asked me a general question four to five</p> <p>9 statements before if I recall any events or any</p> <p>10 occurrence or activities I did that day, and I've</p> <p>11 indicated to you that I do not recall. Now you're</p> <p>12 asking me specifically in certain events, and the same</p> <p>13 answer stands: I do not recall.</p> <p>14 Q. Okay. At any time after March 23rd, 2015,</p> <p>15 did you ever reach out to Ingrid Patin Law Group and</p> <p>16 ask them to either modify or take down the post?</p> <p>17 A. No.</p> <p>18 Q. Why not?</p> <p>19 MR. JONES: Object to form.</p> <p>20 Go ahead.</p> <p>21 THE DEPONENT: Repeat that question, if you</p> <p>22 don't mind, again.</p> <p>23 BY MS. MORRIS:</p> <p>24 Q. Sure. Why did you never reach out to Ingrid</p> <p>25 Patin Law Group to ask them to either modify or take</p> | <p style="text-align: right;">Page 47</p> <p>1 of the process.</p> <p>2 A. I ask you the same.</p> <p>3 Q. I'm attempting to be.</p> <p>4 A. In a way as well.</p> <p>5 Q. Okay. So please don't ask me questions</p> <p>6 personally. I'm here as an attorney --</p> <p>7 A. It was more of a rhetorical question than it</p> <p>8 was a question directed to you.</p> <p>9 Q. I'm not going to parse hairs about it, you</p> <p>10 clearly asked me a question, but I'd like to continue</p> <p>11 on with this process in a way that's a little bit</p> <p>12 professional, so --</p> <p>13 A. I am in the same boat.</p> <p>14 Q. Okay. So you didn't reach out to Ingrid</p> <p>15 Patin Law Group. Did you reach out to anyone</p> <p>16 regarding this post?</p> <p>17 A. The state bar.</p> <p>18 Q. And when did you do that?</p> <p>19 A. I don't recall.</p> <p>20 Q. How did you do that; how did you reach out to</p> <p>21 them?</p> <p>22 A. I don't recall, but I'm assuming a complaint</p> <p>23 or a grievance, but the methodology, I don't recall.</p> <p>24 Q. And did you do it personally or did you hire</p> <p>25 anyone?</p>                          |
| <p style="text-align: right;">Page 46</p> <p>1 down the post?</p> <p>2 A. Because it's an untrue statement.</p> <p>3 Q. The question is why you didn't reach out.</p> <p>4 A. Because it's an untrue statement.</p> <p>5 Q. I understand that you're alleging it's an</p> <p>6 untrue statement.</p> <p>7 A. It's not an alleged.</p> <p>8 Q. The question I'm asking is, why did you not</p> <p>9 reach out to Ingrid Patin Law Group to ask them to</p> <p>10 either modify or take down what you believed to be an</p> <p>11 untrue statement?</p> <p>12 A. Because --</p> <p>13 MR. JONES: Objection; asked and answered.</p> <p>14 Go ahead.</p> <p>15 THE DEPONENT: Because your client produced</p> <p>16 an untrue statement. Calling her to retract an untrue</p> <p>17 statement, would you do the same, Counsel?</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. I'm sorry, sir, I'm not going to answer your</p> <p>20 questions today.</p> <p>21 A. There you go.</p> <p>22 Q. I'm here to ask you questions. I didn't file</p> <p>23 a lawsuit, you did, okay?</p> <p>24 A. You're absolutely correct.</p> <p>25 Q. So let's try and be a little bit respectful</p>                                    | <p style="text-align: right;">Page 48</p> <p>1 A. I did it personally.</p> <p>2 Q. Do you have any recollection in the year in</p> <p>3 which you put a grievance in to the state bar?</p> <p>4 A. I would assume it would be the same year.</p> <p>5 Q. And did the state bar respond to your</p> <p>6 communication to them about the post?</p> <p>7 A. Yes.</p> <p>8 Q. And what did they say?</p> <p>9 A. They suggested that it should be done in a</p> <p>10 judicial form or in a court setting.</p> <p>11 Q. Do you know if the state bar took any action</p> <p>12 against Ingrid Patin Law Group?</p> <p>13 A. I don't believe so.</p> <p>14 Q. Do you remember who you dealt with at the</p> <p>15 state bar?</p> <p>16 A. No, I do not.</p> <p>17 Q. After the state bar didn't take any action,</p> <p>18 what did you do?</p> <p>19 A. I followed their instructions or their</p> <p>20 advice.</p> <p>21 Q. And their advice was to sue Miss Patin?</p> <p>22 A. To deal with it in a judicial form.</p> <p>23 Q. And what did you take that to mean?</p> <p>24 A. The reason why we're sitting here.</p> <p>25 Q. Now, you brought this lawsuit as you as an</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 individual, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. You did not bring this lawsuit on behalf of</p> <p>4 any corporation, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. And you didn't bring this lawsuit on behalf</p> <p>7 of either Distinctive Smiles or Summerlin Smiles,</p> <p>8 correct?</p> <p>9 MR. JONES: Object; asked and answered.</p> <p>10 Go ahead.</p> <p>11 THE DEPONENT: No.</p> <p>12 BY MS. MORRIS:</p> <p>13 Q. Is it your position that this alleged</p> <p>14 defamatory statement was an attack on the services you</p> <p>15 provide as a dentist?</p> <p>16 A. I'm sorry, I couldn't hear you. Could you</p> <p>17 repeat yourself?</p> <p>18 Q. Is it your position that this alleged</p> <p>19 defamatory statement was an attack on the services</p> <p>20 that you provide as a dentist?</p> <p>21 A. Could you rephrase that last part of the</p> <p>22 question? I couldn't understand it, or maybe I'm not</p> <p>23 understanding correctly.</p> <p>24 Q. Is it your position that the alleged</p> <p>25 defamatory attack was on your reputation for the</p>                                                                                    | <p style="text-align: right;">Page 51</p> <p>1 if they read that post?</p> <p>2 A. That it was untrue.</p> <p>3 Q. Your concern is that they would think it's</p> <p>4 untrue?</p> <p>5 A. No, I'm sorry, that it is untrue and my</p> <p>6 concern is that it was true.</p> <p>7 Q. What was your concern that they would think</p> <p>8 about you as a dentist if they read it?</p> <p>9 MR. JONES: Objection to the extent it calls</p> <p>10 for speculation.</p> <p>11 Go ahead.</p> <p>12 THE DEPONENT: That obviously that I was, in</p> <p>13 fact, inadequate at my profession and that I was</p> <p>14 negligent.</p> <p>15 BY MS. MORRIS:</p> <p>16 Q. Did the post say that the verdict was against</p> <p>17 you as an individual?</p> <p>18 A. Yes.</p> <p>19 Q. When is the last time you read the post on</p> <p>20 the Patin Law Group website?</p> <p>21 A. I don't recall.</p> <p>22 MS. MORRIS: All right. I'm going to show --</p> <p>23 I'm going to share my screen and I'm going to mark</p> <p>24 this as Exhibit 1. I'll do it as soon as I go through</p> <p>25 it, Gary, just so you know.</p>       |
| <p style="text-align: right;">Page 50</p> <p>1 services you provide as a dentist?</p> <p>2 A. The defamatory statement, which is not</p> <p>3 alleged, is yes.</p> <p>4 Q. So you felt as though the post attacked your</p> <p>5 reputation as a dentist, correct?</p> <p>6 A. It's a fact, not alone a sentiment, but the</p> <p>7 statement is untrue and is defamatory.</p> <p>8 Q. Correct, but I'm asking what your -- my</p> <p>9 question to you is that you felt as though the post</p> <p>10 attacked the services you provide as a dentist and</p> <p>11 affected your reputation as a dentist, correct?</p> <p>12 A. Again, I'll answer you, it's not only a</p> <p>13 sentiment but a fact that that statement, which is, in</p> <p>14 fact, defamatory, would affect my reputation as a</p> <p>15 dentist.</p> <p>16 Q. What did you think people would think about</p> <p>17 you as a dentist if they read that post?</p> <p>18 MR. JONES: Objection to the extent it calls</p> <p>19 for speculation.</p> <p>20 Go ahead.</p> <p>21 THE DEPONENT: Could you repeat that one more</p> <p>22 time, please?</p> <p>23 BY MS. MORRIS:</p> <p>24 Q. Yeah, maybe clarify it.</p> <p>25 What was your concern that people would think</p> | <p style="text-align: right;">Page 52</p> <p>1 (Exhibit 1 identified.)</p> <p>2 BY MS. MORRIS:</p> <p>3 Q. Can you see my screen, sir?</p> <p>4 A. Yes, I can.</p> <p>5 Q. Okay. I've pulled up here Patin Law dot com.</p> <p>6 It's from July 9th, 2015. I've highlighted here under</p> <p>7 Recent Settlements and Verdicts the post. Do you see</p> <p>8 that?</p> <p>9 A. I do see that.</p> <p>10 MR. JONES: Counsel, can you identify the</p> <p>11 Bates number? I saw it for a second, then it</p> <p>12 disappeared. Thank you.</p> <p>13 MS. MORRIS: Plaintiff 3.</p> <p>14 MR. JONES: Thank you.</p> <p>15 MS. MORRIS: Yep.</p> <p>16 BY MS. MORRIS:</p> <p>17 Q. This is the post that you read on March 23rd,</p> <p>18 2015; is that correct?</p> <p>19 A. Not on this site.</p> <p>20 Q. But this is the language that you read,</p> <p>21 correct?</p> <p>22 MR. JONES: Counselor, I'm going to object to</p> <p>23 the extent there were multiple forms of the statement</p> <p>24 from the website. I think that's a confusing question</p> <p>25 based on that fact alone, but I'll let Dr. Lee answer.</p> |

Page 53

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

Page 54

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.

Page 55

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 decedent -- 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.

Page 56

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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| <p style="text-align: right;">Page 57</p> <p>1 MS. MORRIS: Okay, thank you for your<br/>2 speaking objection, but we'll just keep going.<br/>3 BY MS. MORRIS:<br/>4 Q. And the extraction took place on April 16th,<br/>5 2011, correct?<br/>6 A. As far as I can recall based on this, yes.<br/>7 Q. Okay. And the plaintiff did sue the dental<br/>8 office of Summerlin Smiles, correct?<br/>9 A. That's correct.<br/>10 Q. And the plaintiff did sue the owner, Ton Vinh<br/>11 Lee, DDS, correct?<br/>12 A. That's correct.<br/>13 Q. And the plaintiff did sue treating dentists<br/>14 Florida Traivai, DMD, and Jai -- is it Jai Park, DDS?<br/>15 A. Jai Park, yes.<br/>16 Q. And the plaintiff did sue on behalf of the<br/>17 estate, herself and minor son, correct?<br/>18 A. That is correct.<br/>19 Q. So what part of that statement is untrue?<br/>20 A. It's the whole or the sum and not just the<br/>21 parts.<br/>22 Q. What part of this statement is untrue?<br/>23 A. What part of the statement isn't untrue based<br/>24 on the whole --<br/>25 MR. JONES: Objection; asked and answered.</p>                                                                                                                             | <p style="text-align: right;">Page 59</p> <p>1 MS. MORRIS: If the witness needs a break.<br/>2 Mr. Lee, do you need a break?<br/>3 THE DEPONENT: Yes, please.<br/>4 MR. JONES: And if you plan on going much,<br/>5 much longer, I'm curious to see if we're going to do a<br/>6 lunch break or just take a quick five-minute type<br/>7 break.<br/>8 MS. MORRIS: It's up to you.<br/>9 THE VIDEOGRAPHER: We're going off the<br/>10 record. The time is 12:21 p.m.<br/>11 (Discussion off the record.)<br/>12 THE VIDEOGRAPHER: We're going back on the<br/>13 record. The time is 12:21 p.m.<br/>14 MS. MORRIS: Thank you.<br/>15 12:21 p.m., we are going off the record, and<br/>16 counsel for plaintiff has requested that we take a<br/>17 break and that they are going to go to lunch. The<br/>18 break was not requested by counsel for the defense,<br/>19 and when we go back on the record, if there's any<br/>20 communications between counsel for the plaintiff and<br/>21 the deponent, I will be asking about those.<br/>22 MR. JONES: Counsel, you're not going to get<br/>23 those. We've been going for an hour and 20 minutes.<br/>24 We're entitled to a break. I mean, just the fact that<br/>25 you didn't want to take a break doesn't entitle you to</p> |
| <p style="text-align: right;">Page 58</p> <p>1 Counsel, he just said the whole statement is<br/>2 untrue.<br/>3 MS. MORRIS: We just went through the<br/>4 statement and he agreed that every part of that<br/>5 statement was true, so my question --<br/>6 MR. JONES: Counsel, I'm going to lodge a<br/>7 belated objection to your representation that<br/>8 plaintiff's verdict is 3.4 million. That was not in<br/>9 place at the time the statement was made, so I'm going<br/>10 to make an objection to that as well.<br/>11 MS. MORRIS: Prescott, you're leading the<br/>12 witness with speaking objections. I'm going to ask<br/>13 you to stop doing that, please. We've already gone<br/>14 through the statement. I'm asking him specifically<br/>15 what part of the statement.<br/>16 MR. JONES: And I'm going to object again;<br/>17 asked and answered.<br/>18 Go ahead.<br/>19 MS. MORRIS: Okay, it is asked and answered.<br/>20 Okay, so what I'll do is I'll attach this as<br/>21 Exhibit 1, and I'm just going to name it now, Gary, so<br/>22 I don't forget it.<br/>23 MR. JONES: Counsel, is this a good time to<br/>24 take a break here? We've been going for about an hour<br/>25 and 20 minutes, it looks like.</p> | <p style="text-align: right;">Page 60</p> <p>1 refuse us from taking a break or otherwise breach<br/>2 attorney-client privilege, so --<br/>3 MS. MORRIS: Well, you can read Coyote<br/>4 Springs and tell me if that's any different, so --<br/>5 MR. JONES: Well, we are entitled to a break,<br/>6 Counsel, aren't we? I mean, we asked you beforehand<br/>7 how long you planned on going today. It seemed like<br/>8 it was going to be several hours. We are entitled to<br/>9 a break, correct? I've read Coyote Springs.<br/>10 MS. MORRIS: Are we off the record?<br/>11 Yeah, let's go off the record.<br/>12 THE VIDEOGRAPHER: We're going off the<br/>13 record. The time is 12:22 p.m.<br/>14 (Recess taken.)<br/>15 THE VIDEOGRAPHER: We're going back on the<br/>16 record. The time is 1:02 p.m.<br/>17 MS. MORRIS: All right, we're back on?<br/>18 THE COURT REPORTER: Yes.<br/>19 BY MS. MORRIS:<br/>20 Q. All right, Mr. Lee, you understand that you<br/>21 are still under oath, correct?<br/>22 A. Yes.<br/>23 Q. Okay. And you understand that that oath is<br/>24 the same oath that you would take in a court of law,<br/>25 it holds with it the same obligations to tell the</p>                                                                        |

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| <p style="text-align: right;">Page 61</p> <p>1 truth as well as the same penalties as perjury,<br/>2 correct?<br/>3 A. Yes.<br/>4 Q. During the break, did you have a chance to<br/>5 get something to eat?<br/>6 A. I did.<br/>7 Q. Okay. Are you prepared to move forward with<br/>8 the deposition?<br/>9 A. Yes.<br/>10 Q. During the deposition break, did you talk to<br/>11 your attorney about this case?<br/>12 MR. JONES: Objection to the extent it calls<br/>13 for privileged information and I'm going to instruct<br/>14 my client not to answer.<br/>15 BY MS. MORRIS:<br/>16 Q. Sir, during the deposition, did you talk to<br/>17 your attorney about this case?<br/>18 MR. JONES: I'm sorry, during the deposition?<br/>19 BY MS. MORRIS:<br/>20 Q. During the deposition break, did you talk to<br/>21 your attorney about this case?<br/>22 MR. JONES: Same objection, Counsel. I'm<br/>23 going to instruct the witness not answer.<br/>24 BY MS. MORRIS:<br/>25 Q. So first off, I'm not asking for the</p>                                                                                                                                                                                                                                                                                                     | <p style="text-align: right;">Page 63</p> <p>1 while he is still under oath, there is no privilege to<br/>2 those communications.<br/>3 MR. JONES: Counsel, I'll note for the<br/>4 record, since we're going to play this game then, that<br/>5 my client was testifying for an hour and 40 -- I'm<br/>6 sorry, approximately an hour and 20 minutes straight.<br/>7 I had not asked for a break at that point in time. It<br/>8 was 12:20 and we asked for a reasonable lunch break.<br/>9 I'll note that you didn't provide my client<br/>10 with the standard admonitions during the beginning of<br/>11 this deposition that usually include an allowance that<br/>12 breaks are taken every hour, as is customary. No such<br/>13 offer of a break was made by you even an hour and<br/>14 20 minutes into the deposition.<br/>15 MS. MORRIS: Is that an objection?<br/>16 MR. JONES: I'm just noting for the record,<br/>17 similar to you, Counsel.<br/>18 MS. MORRIS: Okay. So what I think we need<br/>19 to do is get the discovery commissioner on the phone<br/>20 and see if we can get an opinion from her.<br/>21 MR. JONES: Do you have a proposed means to<br/>22 do that with the Zoom meeting here?<br/>23 MS. MORRIS: Yeah, what I can do is I can<br/>24 call you and then I will call her, so do you want me<br/>25 to call your office?</p> |
| <p style="text-align: right;">Page 62</p> <p>1 substance of the conversation, I'll get there, so the<br/>2 first question is, is did you talk to your attorney<br/>3 during the deposition break about this case?<br/>4 MR. JONES: Same objection, Counselor,<br/>5 instruct the witness not to answer.<br/>6 BY MS. MORRIS:<br/>7 Q. Sir, can you please answer this question?<br/>8 MR. JONES: No, I'm instructing him not to<br/>9 answer, Counselor.<br/>10 MS. MORRIS: And just so we can have clarity<br/>11 on the record, Prescott, you're instructing him not to<br/>12 answer about whether he even spoke to you about this<br/>13 case where I've not yet asked for the substance of it,<br/>14 correct?<br/>15 MR. JONES: Any communications between my<br/>16 client and myself are privileged and I'm going to<br/>17 instruct him not to answer, including the existence or<br/>18 nonexistence of such communications.<br/>19 MS. MORRIS: So you're stating a privilege as<br/>20 to attorney-client as to whether he even spoke to you?<br/>21 MR. JONES: No, I also lodge another<br/>22 objection as to relevance, but yeah, of course.<br/>23 MS. MORRIS: The law is very clear in Nevada,<br/>24 under Coyote Springs, if during a break there is<br/>25 communications between the attorney and the deponent</p> | <p style="text-align: right;">Page 64</p> <p>1 MR. JONES: Let me think. You can call my --<br/>2 do you have my -- yeah, call my office, that should be<br/>3 fine.<br/>4 MS. MORRIS: What's your office number?<br/>5 MR. JONES: (702) 997-1029.<br/>6 MR. DOYLE: Christian?<br/>7 MS. MORRIS: Yes.<br/>8 MR. DOYLE: Are you going to leave the video<br/>9 up on the call?<br/>10 MS. MORRIS: Yeah, and I'll put it on<br/>11 speakerphone.<br/>12 MR. DOYLE: All right, that's fine, I mean --<br/>13 MS. MORRIS: Yeah, if that works for you.<br/>14 MR. DOYLE: Yeah, I'm with you on the request<br/>15 for the info, so --<br/>16 (Inaudible.)<br/>17 MR. JONES: Can you hear me? We have some<br/>18 feedback here.<br/>19 MS. MORRIS: Yeah, it might work if -- is<br/>20 that better?<br/>21 MR. JONES: Okay, I don't think we have any<br/>22 feedback now. We should be good.<br/>23 MS. MORRIS: Okay. Kerry -- that's perfect,<br/>24 he can hear me.<br/>25 MR. DOYLE: Yeah, I can.</p>                                                                                                                                                                                                                                                                                                                                                                |



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| <p style="text-align: right;">Page 65</p> <p>1 MS. MORRIS: Perfect, thanks. And then I'm<br/>2 going to add the commissioner in.<br/>3 Yeah, they're probably at lunch.<br/>4 MR. JONES: That was my concern.<br/>5 MS. MORRIS: Yeah, so what we'll do is I'll<br/>6 move on to a separate area and then we'll try back in<br/>7 about 20 minutes.<br/>8 MR. JONES: Okay.<br/>9 BY MS. MORRIS:<br/>10 Q. Okay. So have you ever been deposed before,<br/>11 Mr. Lee?<br/>12 A. No.<br/>13 Q. So this is your first time ever undergoing a<br/>14 deposition?<br/>15 A. Yes.<br/>16 Q. Okay. You have testified under oath in open<br/>17 court, correct?<br/>18 A. Yes.<br/>19 Q. Was your deposition taken in the lawsuit<br/>20 against the Affinity Insurance?<br/>21 A. No.<br/>22 Q. What was the outcome of the lawsuit with<br/>23 Affinity Insurance?<br/>24 A. I think it was settled, but I don't recall<br/>25 the exact details.</p>                                               | <p style="text-align: right;">Page 67</p> <p>1 question?<br/>2 BY MS. MORRIS:<br/>3 Q. Do you have any facts that Miss Patin or<br/>4 Patin Law Group posted this out of anger or hatred<br/>5 toward you?<br/>6 MR. JONES: Same objections.<br/>7 BY MS. MORRIS:<br/>8 Q. I'm sorry, did you answer? I didn't hear.<br/>9 A. I wouldn't know what her intentions were<br/>10 except for her own purpose.<br/>11 Q. For financial gain for advertising her law<br/>12 firm, is that your position?<br/>13 A. I would assume what advertisement is meant<br/>14 for.<br/>15 Q. You previously stated you've never actually<br/>16 directly communicated with Ingrid Patin, correct?<br/>17 A. That is correct.<br/>18 Q. Has she ever done anything to make you think<br/>19 that she has ill will toward you?<br/>20 MR. JONES: Object to form.<br/>21 Go ahead.<br/>22 THE DEPONENT: I wouldn't know.<br/>23 BY MS. MORRIS:<br/>24 Q. In March of 2015, when you first saw this<br/>25 post, were you still the sole owner of Distinctive</p>                                                                                                                 |
| <p style="text-align: right;">Page 66</p> <p>1 Q. When did you hire a lawyer for this lawsuit?<br/>2 A. I would assume 2015.<br/>3 Q. And were you referred to the law firm? How<br/>4 did you find the lawyer?<br/>5 A. I was referred to the law firm.<br/>6 Q. And who referred you?<br/>7 A. Scott Simmons.<br/>8 Q. Did you say Scott Simmons?<br/>9 A. I did say Scott Simmons.<br/>10 Q. Okay. And who is Mr. Simmons?<br/>11 A. He's an attorney.<br/>12 Q. When you first saw this post in March of<br/>13 2015, did you believe it to be attorney advertising?<br/>14 MR. JONES: Object to form, calls for a legal<br/>15 conclusion.<br/>16 Go ahead.<br/>17 THE DEPONENT: Yes.<br/>18 BY MS. MORRIS:<br/>19 Q. Do you have any facts that Miss Patin or<br/>20 Patin Law Group posted this out of hatred or anger<br/>21 toward you?<br/>22 MR. JONES: Objection; calls for speculation,<br/>23 calls for hearsay.<br/>24 Go ahead.<br/>25 THE DEPONENT: Could you repeat that</p> | <p style="text-align: right;">Page 68</p> <p>1 Smiles and Summerlin Smiles through the corporation<br/>2 Ton V. Lee, DDS, and Ton Vinh Lee, DDS --<br/>3 A. Yes.<br/>4 Q. -- professional corp.?<br/>5 Now, as a result of the wrongful death action<br/>6 in 2014, a verdict was rendered for negligence against<br/>7 Summerlin Smiles, which you owned through Ton V. Lee,<br/>8 DDS, professional corp., correct?<br/>9 MR. JONES: Object to the form. I'm not sure<br/>10 that's entirely correct, Counsel. What time frame are<br/>11 you referring to?<br/>12 MS. MORRIS: In 2014, when the verdict was<br/>13 rendered in January.<br/>14 MR. JONES: Are you referring to the jury<br/>15 verdict or after the verdict was overturned?<br/>16 MS. MORRIS: I'm asking about the verdict in<br/>17 January of 2014.<br/>18 BY MS. MORRIS:<br/>19 Q. Sir, do you understand what I'm asking you<br/>20 about?<br/>21 A. No, I'm not clear what you're asking me<br/>22 about.<br/>23 Q. Okay. You were sitting in the courtroom when<br/>24 a verdict was rendered against Summerlin Smiles for<br/>25 25 percent negligence in the death of Reginald</p> |

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| <p style="text-align: right;">Page 69</p> <p>1 Singletary, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And at that time that verdict was</p> <p>4 brought by the jury, you owned Summerlin Smiles</p> <p>5 through Ton V. Lee, DDS, professional corp., correct?</p> <p>6 A. Could you repeat that last part?</p> <p>7 Q. When the verdict was rendered by the jury in</p> <p>8 January of 2014, you were the sole owner of Summerlin</p> <p>9 Smiles that you owned through Ton V. Lee, DDS,</p> <p>10 professional corp., correct?</p> <p>11 MR. JONES: Object to the extent that there's</p> <p>12 an allegation made that my client is the sole owner of</p> <p>13 Summerlin Smiles.</p> <p>14 Go ahead.</p> <p>15 THE DEPONENT: Yes.</p> <p>16 BY MS. MORRIS:</p> <p>17 Q. I guess, for clarity, since your counsel</p> <p>18 brought it up, did anyone else own Summerlin Smiles in</p> <p>19 January of 2014?</p> <p>20 MR. JONES: Same objection.</p> <p>21 THE DEPONENT: No.</p> <p>22 BY MS. MORRIS:</p> <p>23 Q. And you testified at trial in that case that</p> <p>24 you were responsible for the hiring and training of</p> <p>25 the employees of Summerlin Smiles, correct?</p> | <p style="text-align: right;">Page 71</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. Do you have any reason to believe you were</p> <p>3 inaccurate in your testimony?</p> <p>4 A. Why would I have any reason to believe if I</p> <p>5 don't recall?</p> <p>6 Q. Can you please answer the question?</p> <p>7 A. I just did.</p> <p>8 Q. So your testimony is that you do not believe</p> <p>9 you were inaccurate in any way in your testimony in</p> <p>10 trial, correct?</p> <p>11 A. Can you repeat yourself?</p> <p>12 Q. Sure. Do you have any reason to believe that</p> <p>13 you were inaccurate in any way in your testimony in</p> <p>14 the wrongful death trial?</p> <p>15 A. I can't recall.</p> <p>16 Q. So you might have been?</p> <p>17 A. I can't recall.</p> <p>18 Q. Okay. So it's possible that you were</p> <p>19 inaccurate in your trial testimony?</p> <p>20 A. I can't recall.</p> <p>21 MR. JONES: Objection; form.</p> <p>22 BY MS. MORRIS:</p> <p>23 Q. Can you recall giving the testimony?</p> <p>24 A. No, I cannot.</p> <p>25 Q. Do you have any recollection as to how long</p> |
| <p style="text-align: right;">Page 70</p> <p>1 A. I don't recall.</p> <p>2 Q. Would you disagree with that statement?</p> <p>3 A. I don't recall.</p> <p>4 MR. JONES: Objection; asked and answered.</p> <p>5 BY MS. MORRIS:</p> <p>6 Q. I'm asking if you disagree, not if you</p> <p>7 remember it.</p> <p>8 A. I don't recall. How can you disagree with</p> <p>9 something you don't recall?</p> <p>10 Q. When you were the owner of Summerlin Smiles</p> <p>11 through Ton V. Lee, DDS, professional corp., were you</p> <p>12 responsible for the hiring and training of Summerlin</p> <p>13 Smiles employees?</p> <p>14 MR. JONES: Same objections.</p> <p>15 Go ahead.</p> <p>16 THE DEPONENT: We have different departments</p> <p>17 within the office itself, so I do not recall.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. You do recall that you testified in open</p> <p>20 court under oath in that case, correct?</p> <p>21 A. I don't recall what my testimony was.</p> <p>22 Q. Okay. Do you have any reason to believe that</p> <p>23 you lied during your testimony?</p> <p>24 MR. JONES: Objection; argumentative,</p> <p>25 Counsel. Come on.</p>                              | <p style="text-align: right;">Page 72</p> <p>1 you were on the stand?</p> <p>2 A. I can't recall.</p> <p>3 Q. After you saw this post in March of 2015, did</p> <p>4 you show it to anyone else from that date until today?</p> <p>5 A. Go ahead and repeat yourself again.</p> <p>6 Q. Did you show the post to anyone else from</p> <p>7 that date until today?</p> <p>8 A. Yes.</p> <p>9 Q. Who?</p> <p>10 A. My attorney.</p> <p>11 Q. Okay. Anyone else?</p> <p>12 A. I can't recall.</p> <p>13 Q. Do you have any evidence that any patient of</p> <p>14 yours saw this post on Ingrid Patin Law Group?</p> <p>15 A. I wouldn't be able to recall that.</p> <p>16 Q. Do you have any facts that any patient of</p> <p>17 yours ever saw this post?</p> <p>18 MR. JONES: Object to form.</p> <p>19 THE DEPONENT: If I don't recall, I won't be</p> <p>20 able to have the facts.</p> <p>21 BY MS. MORRIS:</p> <p>22 Q. Is it that you don't recall or you don't</p> <p>23 know?</p> <p>24 A. I don't recall.</p> <p>25 Q. When you say I don't recall, do you mean that</p>                          |

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| <p style="text-align: right;">Page 73</p> <p>1 you might be able to recall later or you just don't</p> <p>2 know, you need a break, or that you've never been</p> <p>3 aware of any patient ever seeing this post?</p> <p>4 A. If you're asking me specifically, for</p> <p>5 example, I don't recall, but I can tell you Prescott</p> <p>6 Jones, who is a patient of mine, has seen that post.</p> <p>7 Q. Okay, so you showed it to him, correct?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. Okay. So the only person who is a patient of</p> <p>10 yours that you're aware has seen this post is your</p> <p>11 attorney, who you showed it to, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Are you aware of any potential patient who</p> <p>14 saw this post on the Patin Law Group website?</p> <p>15 MR. JONES: Object to form.</p> <p>16 Go ahead and answer.</p> <p>17 THE DEPONENT: I am unaware because if</p> <p>18 potential patients were to see this, and if they were</p> <p>19 to be negatively impacted, I would never be aware of</p> <p>20 that.</p> <p>21 BY MS. MORRIS:</p> <p>22 Q. So if I understand your testimony, you are</p> <p>23 not aware of any potential patient who saw this post</p> <p>24 on Ingrid Patin Law Group?</p> <p>25 MR. JONES: Objection; misstates prior</p> | <p style="text-align: right;">Page 75</p> <p>1 A. You're saying something is factual. Factual</p> <p>2 is substance.</p> <p>3 Q. I'm attempting --</p> <p>4 A. If something is factual and you have</p> <p>5 substance, you would be aware of it.</p> <p>6 Q. I'm not trying to be disrespectful, sir. I</p> <p>7 am trying to understand the basis of your complaint.</p> <p>8 And if you have potential patients that you're</p> <p>9 alleging didn't come to you because of this post, I'd</p> <p>10 like to know about it. If you don't, you don't, the</p> <p>11 answer is no, and we move on. It is not complicated.</p> <p>12 So if you have them, I would like to know about them.</p> <p>13 A. It's not complicated. It's just the form</p> <p>14 that you're making it. You're twisting things around</p> <p>15 in a certain form, in a certain manner, hoping that</p> <p>16 you would get an answer that you feel comfortable</p> <p>17 with.</p> <p>18 Q. No, I'm trying to discover whether you have</p> <p>19 these facts. If you don't, then you don't, and that's</p> <p>20 fine.</p> <p>21 A. You're asking me and I'm telling you I'm</p> <p>22 unaware.</p> <p>23 Q. Then you don't have any facts.</p> <p>24 A. I'm unaware.</p> <p>25 Q. You're saying they are out there, but you</p>                                                       |
| <p style="text-align: right;">Page 74</p> <p>1 testimony.</p> <p>2 Go ahead.</p> <p>3 THE DEPONENT: Again, if potential patients</p> <p>4 were to see or if I -- I am unaware of any potential</p> <p>5 patients seeing this; however, if they were to see</p> <p>6 this post and they were negatively impacted, I would</p> <p>7 never know.</p> <p>8 BY MS. MORRIS:</p> <p>9 Q. You don't think that they would reach out and</p> <p>10 say, hey, I was going to come to you, but I read the</p> <p>11 post?</p> <p>12 A. That doesn't make any sense.</p> <p>13 Q. Okay, so you have no facts that any potential</p> <p>14 patient has ever seen your post and didn't come to</p> <p>15 you, correct?</p> <p>16 MR. JONES: Objection; misstates prior</p> <p>17 testimony, object to form.</p> <p>18 Go ahead.</p> <p>19 THE DEPONENT: How would you have facts if</p> <p>20 you're unaware?</p> <p>21 BY MS. MORRIS:</p> <p>22 Q. If you don't have any facts, the answer is</p> <p>23 you don't have any facts, not that, oh, I'm not aware</p> <p>24 of it. Either you have the facts or you don't. This</p> <p>25 is the time to tell me.</p>                                                                                                                                                             | <p style="text-align: right;">Page 76</p> <p>1 don't know about them; is that your claim?</p> <p>2 A. I'm not saying that. You're saying that.</p> <p>3 Q. No, I'm asking you. This is your deposition</p> <p>4 testimony under oath. Do you have any facts that</p> <p>5 someone did not come to you as a result of this post?</p> <p>6 MR. JONES: I'm going to object to this</p> <p>7 entire line of questioning, Counsel. You're asking</p> <p>8 about potential patients. How would he know about</p> <p>9 potential patients that aren't -- didn't go ahead and</p> <p>10 become actual patients?</p> <p>11 MS. MORRIS: Then he doesn't know about them,</p> <p>12 Prescott. This is the basis of the case, either he</p> <p>13 has the facts or he doesn't. This is the time to lay</p> <p>14 it out.</p> <p>15 MR. JONES: The basis for the case is it's a</p> <p>16 defamation per se case. It doesn't matter whether or</p> <p>17 not potential patients spoke to him or not. I fail to</p> <p>18 see the relevance. Thanks for pointing that out; I'll</p> <p>19 object to this on relevance grounds as well.</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. Sir, aren't you alleging that you lost money</p> <p>22 in your practice as a result of this post?</p> <p>23 A. Yes.</p> <p>24 MS. MORRIS: Okay, so that is highly</p> <p>25 relevant, Prescott.</p> |

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| <p style="text-align: right;">Page 77</p> <p>1 MR. JONES: All that's relevant, Counselor,<br/>2 is publication. Whether or not potential -- he has<br/>3 the identity of potential patients that have reached<br/>4 out to him is, I think, quite ridiculous.<br/>5 MS. MORRIS: Okay, so, I mean, the answer is<br/>6 no, there's no evidence. I think it's pretty clear.<br/>7 We don't have to argue about it.<br/>8 MR. JONES: I'm going to object to your<br/>9 characterization of his testimony.<br/>10 Go ahead.<br/>11 BY MS. MORRIS:<br/>12 Q. Do you have facts that colleagues in the<br/>13 community saw this post?<br/>14 A. It's certainly not a conversation that you<br/>15 want to share with the entire community because,<br/>16 number one, it's untrue, so it's not a topic of<br/>17 conversation you would like to share with everybody.<br/>18 Q. Do you have any facts that any colleagues in<br/>19 the community saw this post on Patin Law Group?<br/>20 A. I would be unaware if any colleagues have<br/>21 seen this.<br/>22 Q. Your current partners in your dental<br/>23 practice, have you made them aware of this post?<br/>24 A. Absolutely.<br/>25 Q. Have any of your partners in your current</p> | <p style="text-align: right;">Page 79</p> <p>1 the dental -- Board of Dental Examiners by any of your<br/>2 partners, sir.<br/>3 A. I know they're in good standings, but I'm not<br/>4 aware of anything else.<br/>5 Q. Were you aware of corrective action against<br/>6 Angheson for the death of his patient in 2014?<br/>7 A. Vaguely.<br/>8 Q. And how did you become aware of that?<br/>9 MR. JONES: Objection; relevance.<br/>10 THE DEPONENT: I don't recall.<br/>11 BY MS. MORRIS:<br/>12 Q. When did you share with your current partners<br/>13 the post that was on Patin Law Group back in 2015?<br/>14 A. I didn't share the post. I made them aware<br/>15 of a defamatory post.<br/>16 Q. When did you make them aware of a defamatory<br/>17 post?<br/>18 A. I don't recall.<br/>19 Q. Do you have any idea in what year you made<br/>20 them aware of a defamatory post?<br/>21 A. I would -- I would -- my best estimate was<br/>22 probably in 2015.<br/>23 Q. When you say you made them aware of a<br/>24 defamatory post, did you give them any details of it?<br/>25 A. I can't recall.</p>                          |
| <p style="text-align: right;">Page 78</p> <p>1 dental practice sustained corrective action by the<br/>2 medical board?<br/>3 MR. JONES: I'm sorry, Counsel, can you<br/>4 repeat the question? I lost you on the second half<br/>5 there.<br/>6 BY MS. MORRIS:<br/>7 Q. Have any of your current partners in your<br/>8 medical practice had to undergo corrective action by<br/>9 the medical board?<br/>10 A. No, not the medical board.<br/>11 Q. I think we're probably parceling hairs<br/>12 and you know what I'm talking about, but let me pull<br/>13 it up. Have any of your partners in your current<br/>14 practice had to sustain corrective action by the Board<br/>15 of Dental Examiners?<br/>16 A. I'm sorry, could you repeat that again?<br/>17 Q. Have any of your partners in your current<br/>18 dental practice had to undergo corrective action by<br/>19 the Board of Dental Examiners?<br/>20 MR. JONES: Object to form. Are you talking<br/>21 about at any point in time? And if so, I'm going to<br/>22 object on relevance grounds. Counsel, are you<br/>23 referring to any point in time?<br/>24 BY MS. MORRIS:<br/>25 Q. If you're aware of any corrective action by</p>                                 | <p style="text-align: right;">Page 80</p> <p>1 Q. Have you ever personally read the post to<br/>2 anyone?<br/>3 A. I can't recall. It's been a long time.<br/>4 Q. Do you know if anyone aside from yourself saw<br/>5 the post on Patin Law Group dot com by searching the<br/>6 Internet?<br/>7 MR. JONES: Object to form.<br/>8 THE DEPONENT: I would not be aware of that.<br/>9 BY MS. MORRIS:<br/>10 Q. Did anyone tell you that the value of your<br/>11 company or companies went down as a result of the post<br/>12 on Patin Law Group dot com?<br/>13 A. Could you repeat that question?<br/>14 Q. Has any individual told you that the value of<br/>15 either Summerlin Smiles or Distinctive Smiles went<br/>16 down as a result of the post on Patin Law Group dot<br/>17 com?<br/>18 MR. JONES: I'm going to object to the extent<br/>19 it calls for either an expert opinion or a legal<br/>20 conclusion.<br/>21 But go ahead and answer.<br/>22 THE DEPONENT: Are you asking directly?<br/>23 BY MS. MORRIS:<br/>24 Q. Correct, has anyone valued the company and<br/>25 said it's gone down as a result of this post?</p> |

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| <p style="text-align: right;">Page 81</p> <p>1 MR. JONES: Same objection, Counselor, it<br/>2 calls for an expert opinion.<br/>3 THE DEPONENT: I think that's the point, is<br/>4 we're waiting for our expert opinion.<br/>5 BY MS. MORRIS:<br/>6 Q. I'm not asking about that. I'm asking if<br/>7 anyone has told you, as we sit here today, that the<br/>8 value --<br/>9 A. It's never been a topic of conversation.<br/>10 Q. I'm not asking if it's a topic --<br/>11 A. I'm answering the question.<br/>12 Q. Let me just finish my question.<br/>13 A. It's not a topic of conversation, so it's not<br/>14 something I can answer.<br/>15 Q. Is the answer then no?<br/>16 A. The answer, it's never been a topic of<br/>17 conversation. It's never been brought up. It's not a<br/>18 yes or a no. It's never been brought up.<br/>19 Q. It is. My question to you, has anyone told<br/>20 you that the value of either Summerlin Smiles or<br/>21 Distinctive Smiles has gone down -- let me finish --<br/>22 as a result of this post?<br/>23 And if no one has, the answer is no. If<br/>24 someone has, the answer is yes. But to say I haven't<br/>25 talked about it yet with someone is a completely</p> | <p style="text-align: right;">Page 83</p> <p>1 business?<br/>2 A. Maybe a year before that.<br/>3 Q. So Distinctive Smiles was open first?<br/>4 A. Yes.<br/>5 Q. Has Distinctive Smiles always been in the<br/>6 same physical location?<br/>7 A. No.<br/>8 Q. What is Distinctive Smiles' current address?<br/>9 A. I believe it's 5300 South Eastern Avenue,<br/>10 89119.<br/>11 Q. How long has it been in that location?<br/>12 A. Maybe ten years now.<br/>13 Q. Prior to that, was it at one other location<br/>14 or multiple locations?<br/>15 A. One other location.<br/>16 Q. What is Summerlin Smiles' current address?<br/>17 A. I'm sorry, could you repeat yourself?<br/>18 Q. What is Summerlin Smiles current address,<br/>19 physical address?<br/>20 A. Current address?<br/>21 Q. Physical location, correct.<br/>22 A. 9525 West Russell Road, 89148.<br/>23 Q. How long has it been in that location?<br/>24 A. Maybe roughly the same amount of time.<br/>25 Q. So from the time you saw this post in March</p>                                                                                                                                    |
| <p style="text-align: right;">Page 82</p> <p>1 different answer.<br/>2 MR. JONES: Objection.<br/>3 BY MS. MORRIS:<br/>4 Q. If you want to say that, we can move on to<br/>5 that question, but my question, as we sit here today,<br/>6 has anyone told you that?<br/>7 MR. JONES: I'm going to object to the extent<br/>8 it calls for privileged communications, calls for an<br/>9 expert opinion.<br/>10 Go ahead.<br/>11 Asked and answered.<br/>12 Go ahead and answer it again.<br/>13 BY MS. MORRIS:<br/>14 Q. And I'm not asking for any communications<br/>15 with your attorney, but there's no privilege between<br/>16 an expert and you.<br/>17 So I'm asking, has any person aside from your<br/>18 attorney told you that the value of your companies<br/>19 went down as a result of that post?<br/>20 A. No one's ever come up to me and approached<br/>21 that topic or that conversation.<br/>22 Q. Some background: How long has Summerlin<br/>23 Smiles been open for business?<br/>24 A. Possibly since 2005, but I don't recall.<br/>25 Q. How long has Distinctive Smiles been open for</p>                                                                                                        | <p style="text-align: right;">Page 84</p> <p>1 of 2015, the dental practices have remained in the<br/>2 same locations, correct?<br/>3 A. Yes.<br/>4 Q. At the time you saw this post in March of<br/>5 2015, how many employees did Summerlin Smiles have?<br/>6 A. I don't recall.<br/>7 Q. At the time you saw this post in March of<br/>8 2015, how many dentists did you have working at<br/>9 Summerlin Smiles as independent contractors?<br/>10 A. Two.<br/>11 Q. What were their names?<br/>12 A. You're saying at the time of the post?<br/>13 Q. At the time you saw the post in March of<br/>14 2015.<br/>15 A. To be honest, I don't recall if it's two or<br/>16 three, because it was when Jonathan Dean and Meron<br/>17 Angheson were helping me out on my practice because I<br/>18 had a hard time working.<br/>19 Q. Well, we'll get into that, but what were the<br/>20 name of the dentists that were working for you as<br/>21 independent contractors --<br/>22 A. I don't recall during that time.<br/>23 Q. How about Distinctive Smiles; in March of<br/>24 2015, how many employees did Distinctive Smiles have?<br/>25 A. I don't recall.</p> |

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| <p style="text-align: right;">Page 85</p> <p>1 Q. How about the names of the dentists that were<br/>2 working for you as independent contractors at<br/>3 Distinctive Smiles?<br/>4 A. I don't recall.<br/>5 Q. Did anyone in your office in the year 2015<br/>6 read this post on Patin Law Group dot com?<br/>7 MR. JONES: Object to form.<br/>8 Go ahead.<br/>9 THE DEPONENT: I wouldn't know because it was<br/>10 never brought to my attention.<br/>11 BY MS. MORRIS:<br/>12 Q. Did you tell your wife about this post in<br/>13 2015?<br/>14 A. I would assume yes.<br/>15 Q. Did you ever read it to her or did you just<br/>16 kind of generally tell her what it said?<br/>17 MR. JONES: Object to form.<br/>18 Go ahead.<br/>19 THE DEPONENT: I don't recall.<br/>20 MS. MORRIS: I'm going to show you, I'll mark<br/>21 it as Exhibit 2, pull it up, and I'm going to share<br/>22 the screen here.<br/>23 (Exhibit 2 identified.)<br/>24 BY MS. MORRIS:<br/>25 Q. All right, can you see that?</p>                                                                                                         | <p style="text-align: right;">Page 87</p> <p>1 to determine whether or not it is accurate and true?<br/>2 MR. JONES: Objection; relevance, form.<br/>3 Go ahead.<br/>4 THE DEPONENT: No.<br/>5 MS. MORRIS: I'll pull up this document here,<br/>6 and it's from the fall of 2014. It's a Legal Update.<br/>7 I'll mark it as Exhibit 3. It's a Nevada Legal Update<br/>8 article which came out in September of 2014.<br/>9 (Exhibit 3 identified.)<br/>10 BY MS. MORRIS:<br/>11 Q. Can you see the document I have up? Sir,<br/>12 can you see the document?<br/>13 A. Yes.<br/>14 Q. Okay. And --<br/>15 MR. JONES: Counsel, the Bates range before<br/>16 you go on to your first question?<br/>17 MS. MORRIS: It's 268.<br/>18 MR. JONES: 268, thank you.<br/>19 BY MS. MORRIS:<br/>20 Q. I'll just hopefully make this larger.<br/>21 Can you see where it says plaintiffs awarded<br/>22 more than 2.6 million following wisdom tooth<br/>23 extraction? Are you able to see that, sir?<br/>24 A. Yes.<br/>25 Q. Okay. Have you ever seen this report on the</p> |
| <p style="text-align: right;">Page 86</p> <p>1 MR. JONES: Okay, yeah, we got it up.<br/>2 BY MS. MORRIS:<br/>3 Q. Exhibit 2 here is a copy of the Trial<br/>4 Reporter from February of 2014. Have you seen this<br/>5 before?<br/>6 MR. JONES: Counsel, could we get a Bates<br/>7 number?<br/>8 MS. MORRIS: 265.<br/>9 MR. JONES: Thank you.<br/>10 MS. MORRIS: Of Defendant Ingrid.<br/>11 BY MS. MORRIS:<br/>12 Q. Have you seen this document before, sir?<br/>13 A. No.<br/>14 Q. This is a Trial Reporter that came out in<br/>15 February of 2014, up here at the top, and it talks<br/>16 here about the trial, Jerry Wiese was the judge, and<br/>17 it's Singletary versus Lee, DDS, doing business as<br/>18 Summerlin Smiles, and lists all of the other<br/>19 defendants in the case and talks about the verdict<br/>20 that came out and the plaintiffs who -- or the<br/>21 attorneys that represented them.<br/>22 Were you aware that the Trial Reporter had<br/>23 put out a publication about this case?<br/>24 A. No, I was not aware.<br/>25 Q. So you haven't had an opportunity to read it</p> | <p style="text-align: right;">Page 88</p> <p>1 trial?<br/>2 A. No.<br/>3 Q. So you weren't aware that the Nevada Legal<br/>4 Update had published about the case, correct?<br/>5 A. No.<br/>6 Q. Okay. And you see here how they titled the<br/>7 case, Singletary versus Lee, DDS?<br/>8 MR. JONES: Objection; relevance.<br/>9 Go ahead.<br/>10 BY MS. MORRIS:<br/>11 Q. Are you able to see that, sir?<br/>12 A. Yes.<br/>13 Q. Okay. And do you believe that to be an<br/>14 inaccurate statement of what this -- the name of this<br/>15 case?<br/>16 A. In the context of what you're asking.<br/>17 MR. JONES: Object -- sorry, object to form.<br/>18 Go ahead.<br/>19 THE DEPONENT: In the context of what you're<br/>20 asking.<br/>21 BY MS. MORRIS:<br/>22 Q. Do you see the title of Singletary versus<br/>23 Lee, DDS?<br/>24 A. I do see it.<br/>25 Q. Okay. And do you believe that to be an</p>                                                                                                                                                       |

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| <p style="text-align: right;">Page 89</p> <p>1 inaccurate title of the name of the case?</p> <p>2 MR. JONES: Object to form.</p> <p>3 Go ahead.</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. A wrongful death?</p> <p>6 A. I believe it is correct in the context that</p> <p>7 you're asking.</p> <p>8 Q. Say that again?</p> <p>9 A. I believe that it is correct in the context</p> <p>10 that you are referring to.</p> <p>11 Q. And what context is that?</p> <p>12 A. It's the context of this article.</p> <p>13 Q. Okay. You've never read the article,</p> <p>14 correct?</p> <p>15 A. I would -- no, I have not.</p> <p>16 Q. But you are fine with the title Singletary</p> <p>17 versus Lee, DDS, as the title of this case, correct?</p> <p>18 MR. JONES: Objection. What do you mean by</p> <p>19 you were fine with it, Counsel?</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. You don't believe it to be false or</p> <p>22 defamatory, correct?</p> <p>23 A. I believe it is correct in the context that</p> <p>24 you are referring to.</p> <p>25 Q. I'm not referring to it in any context. I'm</p>                                                                                                                                              | <p style="text-align: right;">Page 91</p> <p>1 Summerlin Smiles or Distinctive Smiles?</p> <p>2 A. Both.</p> <p>3 Q. How long has she been a independent</p> <p>4 contractor?</p> <p>5 A. For a couple years.</p> <p>6 Q. And have you made Dr. Kitchen aware of the</p> <p>7 defamatory statement?</p> <p>8 A. I don't recall.</p> <p>9 Q. Currently, how many independent contractors</p> <p>10 or dentists are there between Summerlin Smiles and</p> <p>11 Distinctive Smiles?</p> <p>12 A. There should be four.</p> <p>13 Q. What are their other names?</p> <p>14 A. They're listed right on that website.</p> <p>15 Q. I'm sorry, I thought that the other Dean and</p> <p>16 Angheson were your partners; are they not?</p> <p>17 A. They are partners.</p> <p>18 Q. Okay. So are they also independent</p> <p>19 contractors, is what you're saying?</p> <p>20 A. Yes.</p> <p>21 MS. MORRIS: Let's label this, label it as</p> <p>22 Exhibit 4.</p> <p>23 (Exhibit 4 identified.)</p> <p>24 MS. MORRIS: I'm going to share this screen,</p> <p>25 and I will mark it as Exhibit 5.</p>                                                                                                                     |
| <p style="text-align: right;">Page 90</p> <p>1 asking if you believe that title to be false and</p> <p>2 defamatory that the Nevada Legal Update article</p> <p>3 published.</p> <p>4 MR. JONES: Object to form, relevance.</p> <p>5 THE DEPONENT: Again, I'll answer you that it</p> <p>6 is, in the context of this article, I believe it to be</p> <p>7 correct.</p> <p>8 BY MS. MORRIS:</p> <p>9 Q. Okay. Let me just label this as Exhibit 3</p> <p>10 before I forget.</p> <p>11 I'm going to put up another document here and</p> <p>12 let me know if you can see it. It's a printout of the</p> <p>13 Summerlin Smiles website from just a couple of days</p> <p>14 ago, and I'm going to scroll here to the second page.</p> <p>15 Is that a picture of you and other dentists?</p> <p>16 MR. JONES: Counsel, has this been produced?</p> <p>17 I assume it hasn't, correct?</p> <p>18 MS. MORRIS: No, it's just his website.</p> <p>19 BY MS. MORRIS:</p> <p>20 Q. Do you see that picture, sir?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, we've talked about your other --</p> <p>23 or your two partners. Who is Dr. Kitchen?</p> <p>24 A. She's an independent contractor.</p> <p>25 Q. And is she an independent contractor for</p> | <p style="text-align: right;">Page 92</p> <p>1 (Exhibit 5 identified.)</p> <p>2 BY MS. MORRIS:</p> <p>3 Q. Can you see this screen, sir?</p> <p>4 So it's a Yelp review from 2018 where it</p> <p>5 says --</p> <p>6 MR. JONES: Has this been produced?</p> <p>7 MS. MORRIS: No, I just pulled it off the</p> <p>8 Internet. I'll attach it as Exhibit 5.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. Horrible customer service, woke up the next</p> <p>11 day after a cleaning with an extremely bruised jaw,</p> <p>12 too embarrassed to go to work. Dentist was not</p> <p>13 available to review the issue regarding the bruise, so</p> <p>14 the office manager offered a free whitening session.</p> <p>15 Weeks later a bill -- received a bill in the mail for</p> <p>16 a free whitening session, which I continue to refuse</p> <p>17 to pay, now a collection agency is involved.</p> <p>18 Summerlin Smiles is the worst dentist ever, horrible</p> <p>19 experience.</p> <p>20 Were you aware of this review of Summerlin</p> <p>21 Smiles on the Internet?</p> <p>22 MR. JONES: Objection; relevance,</p> <p>23 argumentative.</p> <p>24 Counsel, where in the world are you going</p> <p>25 with this?</p> |

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| <p style="text-align: right;">Page 93</p> <p>1 MS. MORRIS: If we're talking about a<br/>2 diminishment in the value of the company, there are<br/>3 multiple other factors that have to be investigated.<br/>4 There's a Supreme Court case writ on it.<br/>5 MR. JONES: I don't see how 2018 has anything<br/>6 to do with this, Counsel.<br/>7 MS. MORRIS: I'm asking if he was aware of<br/>8 this Yelp review.<br/>9 MR. JONES: And there's no relevance there.<br/>10 BY MS. MORRIS:<br/>11 Q. Are you going to answer the question?<br/>12 MR. JONES: The objection remains.<br/>13 THE DEPONENT: Yes, I'm aware of it, but I'm<br/>14 not sure how 2018 refers back to 2015. I'm not sure<br/>15 if you're indicating this is an accurate statement<br/>16 because if you read the commentary from our office<br/>17 manager, if you take it within the context if it is,<br/>18 then you would understand where Yelp is.<br/>19 BY MS. MORRIS:<br/>20 Q. And your office manager responded to this<br/>21 review?<br/>22 MR. JONES: Objection; relevance,<br/>23 argumentative.<br/>24 THE DEPONENT: It's right there on the<br/>25 screen.</p> | <p style="text-align: right;">Page 95</p> <p>1 BY MS. MORRIS:<br/>2 Q. I'm not asking for it to speak. I'm asking<br/>3 if you believe this Yelp review to be untrue.<br/>4 A. Are you asking my opinion or are you asking a<br/>5 fact?<br/>6 Q. I am asking for your testimony under oath.<br/>7 Is it your opinion that this Yelp review is untrue?<br/>8 MR. JONES: Objection; relevance,<br/>9 argumentative.<br/>10 Go ahead.<br/>11 THE DEPONENT: Yes.<br/>12 BY MS. MORRIS:<br/>13 Q. Did you consider suing this person?<br/>14 MR. JONES: Objection; relevance,<br/>15 argumentative.<br/>16 Go ahead.<br/>17 THE DEPONENT: There was no facts in this<br/>18 one. There's no generalization. It didn't say Ton<br/>19 Vinh Lee, DDS. It didn't say Jon Dean. It didn't say<br/>20 Meron Angheson. It didn't have factual numbers.<br/>21 There was no collaboration with everything else. It<br/>22 was an opinion, which I believe is untrue, and if you<br/>23 read the comments below, you would understand it.<br/>24 BY MS. MORRIS:<br/>25 Q. So my question was, did you consider suing</p> |
| <p style="text-align: right;">Page 94</p> <p>1 BY MS. MORRIS:<br/>2 Q. Now, your office manager, that's your<br/>3 relative; is that correct?<br/>4 A. Yes.<br/>5 MR. JONES: Same objection.<br/>6 Sorry, go ahead.<br/>7 THE DEPONENT: Yes.<br/>8 BY MS. MORRIS:<br/>9 Q. And how -- was she your office manager back<br/>10 in 2015?<br/>11 A. I don't recall.<br/>12 Q. Do you know who your office manager was in<br/>13 2015 for either Summerlin Smiles or Distinctive<br/>14 Smiles?<br/>15 A. No, I do not.<br/>16 Q. Do you instruct your office manager to look<br/>17 for reviews online and respond to them?<br/>18 A. I don't instruct my office managers to look<br/>19 for reviews, but we would like to respond to things if<br/>20 they are untrue or if they are true.<br/>21 Q. Do you believe this Yelp review to be untrue?<br/>22 MR. JONES: Objection; relevance,<br/>23 argumentative.<br/>24 THE DEPONENT: I think you can just read the<br/>25 statement. It speaks for itself.</p>                                                                                                                                           | <p style="text-align: right;">Page 96</p> <p>1 this person?<br/>2 MR. JONES: Same objection.<br/>3 BY MS. MORRIS:<br/>4 Q. I'm sorry, I don't know -- did you answer? I<br/>5 couldn't hear.<br/>6 A. I'm sorry, what was your question?<br/>7 Q. Did you consider suing this person?<br/>8 MR. JONES: Same objection.<br/>9 THE DEPONENT: For their false opinion?<br/>10 BY MS. MORRIS:<br/>11 Q. Correct.<br/>12 A. No, because it's an opinion.<br/>13 MS. MORRIS: Let me save this before I<br/>14 forget.<br/>15 I'm going to share a screen here. I'll mark<br/>16 it as Exhibit 6.<br/>17 (Exhibit 6 identified.)<br/>18 BY MS. MORRIS:<br/>19 Q. Can you see my screen? This is a --<br/>20 MR. JONES: Counsel, I'm objecting. If<br/>21 you're going to ask a similar line of questioning, I'm<br/>22 going to instruct my witness not to answer. This is<br/>23 ridiculous and completely irrelevant. You can't just<br/>24 parade back Yelp reviews and ask him if he was going<br/>25 to sue them. I'll be happy to address that with the</p>                                                   |



Page 97

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

Page 98

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

Page 99

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

Page 100

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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| <p style="text-align: right;">Page 101</p> <p>1 MS. MORRIS: Hi, Gia, we have an issue. We<br/>2 were wondering if Commissioner Truman is available.<br/>3 We're in a deposition.<br/>4 THE RECEPTIONIST: Okay, just a second.<br/>5 (Inaudible.)<br/>6 I just wanted to let you know that the<br/>7 commissioner does have a meeting at 2:30.<br/>8 MS. MORRIS: Okay. Hopefully we won't be<br/>9 that long.<br/>10 THE RECEPTIONIST: Okay. Can I have the case<br/>11 number, please?<br/>12 MS. MORRIS: Yeah, let me pull it up.<br/>13 It is Case No. A-15-723134-C.<br/>14 THE RECEPTIONIST: And what may this be<br/>15 regarding?<br/>16 MS. MORRIS: We have a couple of disputes in<br/>17 the deposition regarding whether or not the deponent<br/>18 has to answer the questions.<br/>19 THE RECEPTIONIST: Okay, just a moment,<br/>20 please.<br/>21 MS. MORRIS: Kerry, I'm just going to add you<br/>22 in for ease.<br/>23 MR. DOYLE: Yeah, I'm listening.<br/>24 MS. MORRIS: Perfect. I'm just going to put<br/>25 you on so you can answer yourself, just to make it</p>                                                                                                | <p style="text-align: right;">Page 103</p> <p>1 parties agree to use the commissioner.<br/>2 MS. MORRIS: Yes, we all do.<br/>3 THE RECEPTIONIST: Okay, I'll transfer you.<br/>4 COMMISSIONER TRUMAN: Hello?<br/>5 MS. MORRIS: Commissioner Truman?<br/>6 COMMISSIONER TRUMAN: Yes, this is<br/>7 Commissioner Truman.<br/>8 MS. MORRIS: Commissioner Truman, Christian<br/>9 Morris on the phone for the defense, Ingrid Patin, and<br/>10 we also have Prescott Jones on the phone for the<br/>11 plaintiff, Ton Vinh Lee, and Kerry Doyle on the phone<br/>12 for the defendant, Patin Law Group.<br/>13 COMMISSIONER TRUMAN: Okay. All right. So<br/>14 are we on the record now?<br/>15 MS. MORRIS: We are trying to be on the<br/>16 record. It's a Zoom video depo, and so I have you on<br/>17 speakerphone.<br/>18 And, Gary, can you hear Commissioner Truman<br/>19 okay?<br/>20 THE COURT REPORTER: No, I cannot.<br/>21 MS. MORRIS: Okay. Let's see, maybe I can<br/>22 hold it closer to my speakerphone. Let's -- can you<br/>23 hear her now?<br/>24 Commissioner Truman, can you try to say<br/>25 something?</p> |
| <p style="text-align: right;">Page 102</p> <p>1 easier for the commissioner to hear us all.<br/>2 THE RECEPTIONIST: Can I have the names of<br/>3 the counsel for plaintiff and counsel for defendants,<br/>4 please?<br/>5 MS. MORRIS: Yes, we have Prescott Jones for<br/>6 the plaintiff and then we have Kerry Doyle for<br/>7 defendant Patin Law Group and Christian Morris for<br/>8 defendant Ingrid Patin.<br/>9 THE RECEPTIONIST: (Inaudible.)<br/>10 MS. MORRIS: Yes, Christian Morris.<br/>11 THE RECEPTIONIST: (Inaudible.)<br/>12 MS. MORRIS: No, that's me, and I am on the<br/>13 defense side, but it's a girl.<br/>14 THE RECEPTIONIST: (Inaudible.)<br/>15 MS. MORRIS: Yes, that's me.<br/>16 THE RECEPTIONIST: And (inaudible) and<br/>17 Preston Scott, you said?<br/>18 MR. JONES: Prescott Jones for the plaintiff,<br/>19 thank you.<br/>20 THE COURT REPORTER: Christian, I'm unable to<br/>21 hear the person on the other end of the phone, so the<br/>22 commissioner is going to have to be on speaker.<br/>23 MS. MORRIS: Yeah, okay, I'm kind of worried<br/>24 about a little feedback, that's all.<br/>25 THE RECEPTIONIST: Just making sure all</p> | <p style="text-align: right;">Page 104</p> <p>1 COMMISSIONER TRUMAN: (Inaudible.)<br/>2 MS. MORRIS: No?<br/>3 THE COURT REPORTER: No.<br/>4 MR. JONES: There's heavy feedback I'm<br/>5 hearing right now.<br/>6 THE VIDEOGRAPHER: If Prescott could turn his<br/>7 volume down.<br/>8 MS. MORRIS: If it would help, Gary, I can<br/>9 call you on your cell phone.<br/>10 MR. JONES: Christian, it may be good to turn<br/>11 the volume down on your Zoom deposition and just keep<br/>12 it on the phone for now.<br/>13 MS. MORRIS: Right, but Gary can only hear<br/>14 through the Zoom depo.<br/>15 MR. JONES: Oh, no, I agree, but I'm saying<br/>16 turn the volume down on your speaker but keep the<br/>17 microphone active; that should be good.<br/>18 MS. MORRIS: Okay, sorry about that.<br/>19 Gary, would you like me to call you on your<br/>20 cell, would that help?<br/>21 THE COURT REPORTER: No, that won't work;<br/>22 it's in use.<br/>23 THE VIDEOGRAPHER: Have the commissioner --<br/>24 MS. MORRIS: Sorry, I couldn't hear you<br/>25 because I turned the volume down.</p>                        |

Page 105

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.)

Page 106

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.

Page 107

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.

Page 108

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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| <p style="text-align: right;">Page 109</p> <p>1 think -- I don't know that I've listed it as an<br/>2 exhibit yet, so let me just check.<br/>3 Give me just a minute, I want to make sure I<br/>4 don't mess up any depo -- I mean, sorry, any<br/>5 documents.<br/>6 I believe it's Exhibit 7.<br/>7 MR. JONES: I only have up to an Exhibit 6,<br/>8 and that was the second Yelp review.<br/>9 MS. MORRIS: Okay. I was wondering if that<br/>10 had already been labeled as Exhibit 6 or 7.<br/>11 THE VIDEOGRAPHER: The next exhibit is 7.<br/>12 MS. MORRIS: My next one will be 7?<br/>13 THE VIDEOGRAPHER: Yes.<br/>14 (Exhibit 7 identified.)<br/>15 BY MS. MORRIS:<br/>16 Q. I'll show you this post, which I'll mark as<br/>17 Exhibit 7, and I've highlighted it for you. If you'd<br/>18 like to read it to yourself, let me know when you have<br/>19 had an opportunity to and let me know when you're<br/>20 done.<br/>21 A. Okay.<br/>22 Q. Were you aware of this review online<br/>23 regarding your practice?<br/>24 A. No.<br/>25 Q. Do you believe that this post in any way that</p>                                                                                                    | <p style="text-align: right;">Page 111</p> <p>1 A. No, I'm not aware of that.<br/>2 MR. JONES: And, Counsel, this hasn't been<br/>3 produced, correct?<br/>4 MS. MORRIS: Correct.<br/>5 BY MS. MORRIS:<br/>6 Q. This was -- just for clarity, it's the<br/>7 highlighted portion on Exhibit 8, and, Dr. Lee, you<br/>8 read it and you said you're not aware of that,<br/>9 correct?<br/>10 A. No, I'm not.<br/>11 Q. Do you think that this statement in any way<br/>12 has a negative impact on the value of your dental<br/>13 practices?<br/>14 A. It can be.<br/>15 Q. I don't believe we've looked at this one, but<br/>16 let me pull it up.<br/>17 Looking here at what I've put on the screen<br/>18 from October 26 of 2016, let me know when you've read<br/>19 that.<br/>20 A. I have.<br/>21 Q. Were you aware of this post?<br/>22 A. No, I was not.<br/>23 Q. Okay. Do you know what hygienist they're<br/>24 talking about that quit?<br/>25 A. No.</p>                                                                                                                                                                                                                                                                                                   |
| <p style="text-align: right;">Page 110</p> <p>1 I've highlighted, Exhibit 7, dated 2-15-2020,<br/>2 negatively affects the value of your dental practices?<br/>3 MR. JONES: Counsel, you know that Yelp is a<br/>4 social media forum, right? You do understand that.<br/>5 So if you're trying to take things out of context, you<br/>6 understand that Yelp is essentially a social media<br/>7 forum or application for reviews, whether they are<br/>8 true or untrue.<br/>9 So the general understanding and the public<br/>10 awareness of what Yelp is with regards to their<br/>11 purpose or their plaudit is understanding, a lot<br/>12 different than the statement made by your -- by<br/>13 Ingrid.<br/>14 BY MS. MORRIS:<br/>15 Q. Do you think that this statement in any way<br/>16 negatively impacts the value of your dental practices?<br/>17 A. It can be.<br/>18 Q. Let me just make sure I stay within the right<br/>19 spot.<br/>20 And I'll show you what I'll mark as Exhibit 8<br/>21 and I'll let you read this.<br/>22 (Exhibit 8 identified.)<br/>23 BY MS. MORRIS:<br/>24 Q. Have you -- are you aware of this<br/>25 statement -- just let me know after you've read it.</p> | <p style="text-align: right;">Page 112</p> <p>1 Q. Okay. Do you have any --<br/>2 MR. JONES: That's Exhibit -- sorry, that's<br/>3 Exhibit 9?<br/>4 MS. MORRIS: That is going to be -- let me<br/>5 just make sure I save it correctly -- that is going to<br/>6 be Exhibit 9.<br/>7 (Exhibit 9 identified.)<br/>8 BY MS. MORRIS:<br/>9 Q. Do you believe that statement in any way has<br/>10 a negative impact on the value of your dental<br/>11 practices?<br/>12 A. Oh, it's just the same context as if you look<br/>13 at your Yelp review, Counsel. In your Yelp review,<br/>14 you guys have a three star, so every time a review is<br/>15 written, it could negatively impact your firm if not<br/>16 our practice. The difference is that that is not<br/>17 specifically you as an individual.<br/>18 You're ascertaining if these comments could<br/>19 affect the practice. The answer would be yes, much<br/>20 different in the context if that comment is directed<br/>21 to you specifically as an attorney or myself<br/>22 specifically as the treating doctor.<br/>23 You've used Yelp reviews for Summerlin Smiles<br/>24 and Distinctive Smiles with clarity, but you failed to<br/>25 distinguish between if a doctor or specific individual</p> |

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| <p style="text-align: right;">Page 113</p> <p>1 is named, unlike your defamatory statement, where you</p> <p>2 named the individual.</p> <p>3 Q. Do you recall --</p> <p>4 A. If you look at your own Yelp review, you will</p> <p>5 see that you guys are clearly a three-star firm.</p> <p>6 Q. Let me go back to Exhibit 6.</p> <p>7 A. Sure.</p> <p>8 Q. Where it says Ton Vinh -- Dr. Ton V. Lee is</p> <p>9 the worst dentist I have ever seen.</p> <p>10 A. If you read the context, and you are more</p> <p>11 than welcome to subpoena clinical notes, he has never</p> <p>12 been treated by me. He actually -- now you're asking</p> <p>13 the context of the conversation, because I did refuse</p> <p>14 to see him as a patient. I refused to see him. That</p> <p>15 is why that review was written. That is what I can</p> <p>16 ascertain, because I've never treated him, and we have</p> <p>17 clinical notations.</p> <p>18 So if you want to be specific and not take</p> <p>19 things out of context, you understand that that is a</p> <p>20 Distinctive Smiles website or Yelp review. You have a</p> <p>21 Summerlin Smiles Yelp review. We're talking</p> <p>22 specifically Summerlin Smiles and we are talking</p> <p>23 specifically Ton Vinh Lee, DDS, not Ton Vinh Lee, DDS,</p> <p>24 professional corporation. You are mixing and muddling</p> <p>25 the two.</p>                                    | <p style="text-align: right;">Page 115</p> <p>1 facts in this case.</p> <p>2 So my question to you is, when there's a</p> <p>3 statement on the Internet that says Dr. Ton V. Lee is</p> <p>4 the worst dentist I have ever seen, do you believe</p> <p>5 that that in any way negatively impacts your</p> <p>6 reputation as a dentist?</p> <p>7 MR. JONES: I'm going to object to the extent</p> <p>8 that it was asked and answered. I think Dr. Lee was</p> <p>9 making a perfectly good analogy as to how Yelp reviews</p> <p>10 are in the real world, but I'll allow him to add</p> <p>11 anything to his previous answer if he so chooses.</p> <p>12 THE DEPONENT: And in the same context that</p> <p>13 you took slight offense to me bringing your law firm,</p> <p>14 you're bringing up the practice and you're bringing</p> <p>15 updates that are not relevant to 2015. You do</p> <p>16 understand -- no, you do understand that the sale of</p> <p>17 the practice was --</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. Yeah, I'm not actually offended by your</p> <p>20 comment. It's just not the time and place. It's not</p> <p>21 the time and the place is the issue. This is your</p> <p>22 deposition testimony under oath, and that's what we're</p> <p>23 here for.</p> <p>24 A. I completely agree.</p> <p>25 Q. We can certainly talk about it off the record</p> |
| <p style="text-align: right;">Page 114</p> <p>1 And with clarity, I'm asking you</p> <p>2 professionally to stay within the context of the</p> <p>3 argument. That is a patient, and you are welcome to</p> <p>4 subpoena clinical records, that I've never treated and</p> <p>5 that I refused to treat.</p> <p>6 So with all due respect, please stay within</p> <p>7 the guidelines of what is professional, and I will</p> <p>8 produce those documents for you.</p> <p>9 Q. And I think we're getting a little too</p> <p>10 conversational. Are you -- I don't understand, are</p> <p>11 you commenting on my law practice right now?</p> <p>12 A. I'm not commenting. I'm using it as</p> <p>13 analogous to the roundabout way of you bringing these</p> <p>14 questions.</p> <p>15 Q. Sir, I'm asking you about statements</p> <p>16 regarding either your practice or your reputation as a</p> <p>17 dentist which are on the Internet and whether you</p> <p>18 believe that those in any way negatively impact the</p> <p>19 value of either your work as a dentist or your dental</p> <p>20 practice.</p> <p>21 I am certainly not trying to go outside the</p> <p>22 bounds. These are the questions that I'm asking you.</p> <p>23 I would ask that you stop personally talking about my</p> <p>24 practice and whatever you want to say about my law</p> <p>25 firm. These are -- this is your deposition for the</p> | <p style="text-align: right;">Page 116</p> <p>1 or whatever you'd like to say about me, but I would</p> <p>2 like to focus on your deposition testimony.</p> <p>3 A. Oh, I completely respect what you are doing.</p> <p>4 I think it's shrewd. I think you have a purpose. But</p> <p>5 in the context of being professional, as you asked</p> <p>6 almost two and a half hours ago, to stay professional</p> <p>7 within that guidelines but within the context. You're</p> <p>8 taking statements out of context.</p> <p>9 So it's just simply enough; my point is</p> <p>10 saying if I took that Yelp review and I read it to you</p> <p>11 with regards to your firm, that would be --</p> <p>12 (Inaudible.)</p> <p>13 Q. Something has happened with the sound. Is</p> <p>14 anyone else having problems?</p> <p>15 THE COURT REPORTER: Yes.</p> <p>16 THE VIDEOGRAPHER: Yeah, I think it -- try</p> <p>17 again.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. Mr. Lee, can you talk again?</p> <p>20 A. Sure. Like I said, I'd like to stay in the</p> <p>21 context of it. And I understand your point. I think</p> <p>22 you're very strategic, very shrewd. No issues with</p> <p>23 regard to that, and that's a compliment.</p> <p>24 I'm just saying that you're taking things out</p> <p>25 of its statement. I mean, I know what you're asking</p>                            |

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| <p style="text-align: right;">Page 117</p> <p>1 me, I know what you're leading to, and it's out of<br/>2 context.<br/>3 Q. So part of the claim in this case, if I<br/>4 understand it, is that the post on the Patin Law Group<br/>5 website was traumatic to you and caused you to suffer<br/>6 depression; is that correct?<br/>7 A. That is correct.<br/>8 Q. Do you still continue to suffer from that<br/>9 depression from the post?<br/>10 A. There are times that things are traumatic,<br/>11 yes.<br/>12 Q. This post that I have up, Exhibit 6, where it<br/>13 says Ton Vinh Lee is the worst dentist I have ever<br/>14 seen, does that statement cause you depression?<br/>15 A. It doesn't cause me depression. There is<br/>16 cause of concern. The difference between the two is<br/>17 one was an advertisement on a forum made by attorneys<br/>18 to advertise their craft. This is a social media<br/>19 network and everybody understands Yelp reviews are<br/>20 just reviews, it is not presented as a fact, unlike<br/>21 the defamatory statement that we have of record, big<br/>22 difference.<br/>23 Q. So does -- just for clarity, this statement<br/>24 that I have up, Exhibit 6 that's highlighted, does<br/>25 this statement in any way cause you depression?</p> | <p style="text-align: right;">Page 119</p> <p>1 MR. JONES: Same.<br/>2 THE DEPONENT: It caused me angst and<br/>3 concerns. Now, under the clinical definition of<br/>4 depression, unless you're a medical practitioner, I<br/>5 would tend to be careful of labeling terms.<br/>6 BY MS. MORRIS:<br/>7 Q. Did you claim to have depression as a result<br/>8 of Miss Patin's post on her company website?<br/>9 A. Of course.<br/>10 Q. Okay, so how are you defining depression in<br/>11 this lawsuit?<br/>12 A. How am I defining depression in this lawsuit?<br/>13 Loss of appetite, loss of energy, sadness, isolation,<br/>14 family turmoil.<br/>15 Q. And you're currently experiencing that as a<br/>16 result of this post on the Patin Law Group website?<br/>17 A. I'm not currently, but there are times that,<br/>18 as time has passed, there's a sense of healing. I<br/>19 don't think you ever get over things.<br/>20 Q. When is the last time you experienced<br/>21 depression, with the definition that you've provided,<br/>22 as a result of this post on the Patin Law Group<br/>23 website?<br/>24 A. I think when you continue to badger me with<br/>25 the same questions.</p> |
| <p style="text-align: right;">Page 118</p> <p>1 MR. JONES: Objection; asked and answered.<br/>2 THE DEPONENT: I thought I answered that on<br/>3 the last --<br/>4 BY MS. MORRIS:<br/>5 Q. Did you say no, it does not?<br/>6 A. I did not say no.<br/>7 Q. Okay.<br/>8 A. It does cause me concern.<br/>9 Q. But does it cause you to feel depression?<br/>10 MR. JONES: Objection; asked and answered.<br/>11 THE DEPONENT: Are you a medical<br/>12 practitioner? Could you define clinical depression?<br/>13 BY MS. MORRIS:<br/>14 Q. No, I don't have to. You're alleging<br/>15 depression as a result of Miss Patin's post. I'm<br/>16 asking you, do you also suffer from depression<br/>17 regarding this post?<br/>18 A. I'm not --<br/>19 MR. JONES: Objection; asked and answered.<br/>20 Counsel, I think he gave you --<br/>21 MS. MORRIS: It has not been answered.<br/>22 MR. JONES: -- a response to that question.<br/>23 BY MS. MORRIS:<br/>24 Q. Does this post, Exhibit 6, cause you to feel<br/>25 depression or experience depression?</p>                                                                                                                                                                                                                                      | <p style="text-align: right;">Page 120</p> <p>1 Q. I'm not badgering you. This is a legitimate<br/>2 question, sir. When is the last time you've<br/>3 experienced these symptoms that you're claiming?<br/>4 A. I can tell you right now.<br/>5 Q. I'm sorry, you're experiencing depression<br/>6 right now?<br/>7 A. Absolutely. You're bringing back all these<br/>8 memories.<br/>9 Q. Were you unable to eat your Jimmy Johns<br/>10 lunch?<br/>11 MR. JONES: Object to form, argumentative.<br/>12 THE DEPONENT: That's -- there's a big<br/>13 difference between having to eat and wanting to eat.<br/>14 There's two big differences.<br/>15 BY MS. MORRIS:<br/>16 Q. You testified that you lose appetite, though,<br/>17 correct?<br/>18 A. 2015.<br/>19 Q. Okay, so let's figure the time line out. So<br/>20 you saw this post in March of 2015, correct?<br/>21 A. Yes.<br/>22 Q. Okay. And when did you start to feel any<br/>23 symptoms as a result of reading the post?<br/>24 A. I don't think you can recall the time frame,<br/>25 but I would assume immediately.</p>                                                                                                                  |

Page 121

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

Page 122

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

Page 123

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?

Page 124

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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| <p style="text-align: right;">Page 125</p> <p>1 physician or your optometrist or last time you saw<br/>2 your dentist and the exact appointment and the time?<br/>3 Q. Yeah, I do, but this isn't my time to be<br/>4 deposed, sir, it's yours.<br/>5 A. Well, I'm just asking -- it's a rhetorical<br/>6 question. I wasn't asking you. And again, you always<br/>7 take my rhetorical questions as a question directed to<br/>8 you. So it's a general question meant for everyone<br/>9 else. Never would I direct that specifically to you.<br/>10 It's just rhetorical.<br/>11 Q. Okay. So do you have any information about<br/>12 any kind of treatment that you had as a result of<br/>13 symptoms you experienced after reading this post?<br/>14 MR. JONES: Objection. What do you mean by<br/>15 information, Counsel?<br/>16 MS. MORRIS: Well, he doesn't know when he<br/>17 went to the doctor or how many times or what they gave<br/>18 him or --<br/>19 BY MS. MORRIS:<br/>20 Q. Did he diagnose you with anything? Did he<br/>21 say, I diagnose you with something as a result of<br/>22 reading this post?<br/>23 A. Can you rephrase that question?<br/>24 Q. Did the doctor diagnose you with anything<br/>25 when you went to see him after you began experiencing</p> | <p style="text-align: right;">Page 127</p> <p>1 Q. Okay.<br/>2 A. Referred to the fact that your -- that Ingrid<br/>3 made a defamatory statement. I can't remember exactly<br/>4 the details, but I referred to a statement made that<br/>5 affected me greatly.<br/>6 Q. And when we say that, just for clarity, it<br/>7 was a post on a company website, correct?<br/>8 A. On what company website?<br/>9 Q. Patin Law Group dot com, correct?<br/>10 A. Again, unless you got your information<br/>11 inaccurate, I have never been on Ingrid's website, and<br/>12 I think I told you that already.<br/>13 Q. Okay. So the only time --<br/>14 A. (Inaudible.)<br/>15 Q. The only time -- and I'm only saying that<br/>16 because you produced the website. I didn't, your<br/>17 counsel did.<br/>18 A. I didn't produce the website.<br/>19 Q. Okay, so that's good to know. So you've<br/>20 never actually gone on her website?<br/>21 A. I think I've already clarified that two hours<br/>22 ago.<br/>23 Q. Did you ever see the post anywhere else aside<br/>24 from that March 23rd, 2015 date where you believe you<br/>25 saw it on Avvo?</p> |
| <p style="text-align: right;">Page 126</p> <p>1 symptoms from reading this post?<br/>2 A. Did he diagnose? I didn't ask for a<br/>3 diagnosis.<br/>4 Q. I didn't ask if you asked. I asked if he<br/>5 diagnosed you, sir.<br/>6 A. He didn't diagnose me. I wouldn't know. You<br/>7 would have to ask his clinical records.<br/>8 Q. Okay, so you don't know if he diagnosed you<br/>9 with anything?<br/>10 A. You would have to refer to the physician.<br/>11 MR. JONES: Objection; calls for hearsay,<br/>12 asked and answered.<br/>13 BY MS. MORRIS:<br/>14 Q. I'm sorry, I couldn't hear you over the<br/>15 objection.<br/>16 A. You would have to contact my physician.<br/>17 Q. Okay. When you went to see Dr. Mayor, did<br/>18 you tell him you'd read this post and you were<br/>19 experiencing your symptoms that you were reporting to<br/>20 him as a result of reading this post?<br/>21 A. I can't recall, but I would assume that there<br/>22 was some reference to it.<br/>23 Q. Okay. So the best of your recollection, you<br/>24 brought up this post in your doctor's visits, correct?<br/>25 A. I referred to it.</p>                                                                                                                                           | <p style="text-align: right;">Page 128</p> <p>1 A. I didn't believe, I saw it, and I have a time<br/>2 stamp to it.<br/>3 Q. Did you ever see it anywhere else on the<br/>4 Internet?<br/>5 A. I didn't look for it anywhere else.<br/>6 Q. All right.<br/>7 A. That was disparaging enough and that was<br/>8 traumatic enough.<br/>9 Q. So that was the one and only time that you<br/>10 saw it on the Internet, correct?<br/>11 A. Yes.<br/>12 Q. When you Googled yourself or searched for<br/>13 yourself on the Internet on March 23rd of 2015, is it<br/>14 your testimony that that was the first thing that<br/>15 popped up?<br/>16 A. That is not my testimony.<br/>17 Q. Okay. I don't know that that's been<br/>18 referenced. I just want to have some clarity.<br/>19 How many posts down was it when you searched<br/>20 yourself?<br/>21 A. Would you recall how many pages you read in<br/>22 the last book in the last time? I wouldn't know. I<br/>23 mean, I don't have that type of photographic memory.<br/>24 Q. Okay. So you're alleging that as a result of<br/>25 reading this post, you lost weight, so what did you</p>         |



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| <p style="text-align: right;">Page 129</p> <p>1 weigh in March of 2015?</p> <p>2 A. I don't recall. I remember losing</p> <p>3 approximately 20 pounds, but if you ask me before and</p> <p>4 after, I don't recall.</p> <p>5 Q. What do you currently weigh?</p> <p>6 A. 185.</p> <p>7 Q. Okay. And are you back up to normal weight?</p> <p>8 A. I don't recall what normal -- what is normal</p> <p>9 weight?</p> <p>10 Q. What did you weigh before you read the post,</p> <p>11 do you know?</p> <p>12 MR. JONES: Objection; asked and answered.</p> <p>13 BY MS. MORRIS:</p> <p>14 Q. Well, how am I supposed to know what</p> <p>15 20 pounds means in relation to your current size? So</p> <p>16 did you weigh 185 pounds before you read the post?</p> <p>17 A. I don't recall.</p> <p>18 Q. So do you have any testimony as to what</p> <p>19 weight you went from and to after reading this post?</p> <p>20 A. There was no testimony made.</p> <p>21 Q. You said you lost 20 pounds, correct?</p> <p>22 A. I said I believe I lost 20 pounds.</p> <p>23 Q. Okay, so do you have any idea what weight you</p> <p>24 went down to as a result of reading this post?</p> <p>25 A. No, I don't. I mean, the big difference when</p>                                       | <p style="text-align: right;">Page 131</p> <p>1 sustained as a result of reading this post?</p> <p>2 A. I don't recall what photos I have. If you're</p> <p>3 asking me if I took photos for the purpose of weight</p> <p>4 loss, weight gain, to prove this, no, I don't.</p> <p>5 Q. Okay. Do you have any evidence of this</p> <p>6 weight loss?</p> <p>7 A. That's something you have to ask my wife.</p> <p>8 She is a picture lover and I am not.</p> <p>9 Q. Okay. And your wife is in California at the</p> <p>10 moment, correct?</p> <p>11 A. She could be here if you need her to be.</p> <p>12 Q. Does she come back to Nevada often?</p> <p>13 A. She has two young boys, but she can be.</p> <p>14 Q. When you started to experience depression,</p> <p>15 did you tell anyone aside from your doctor about it?</p> <p>16 A. My wife.</p> <p>17 Q. And did you tell her why you were feeling</p> <p>18 depression?</p> <p>19 A. She knew.</p> <p>20 Q. How did she know?</p> <p>21 A. She's my wife.</p> <p>22 Q. Did you tell her; is that how she knew?</p> <p>23 A. That's a silly question. She's my wife. She</p> <p>24 knows everything about me. She should know things</p> <p>25 about me.</p> |
| <p style="text-align: right;">Page 130</p> <p>1 you see 20 pounds in someone is it's a noticeable,</p> <p>2 clinical, physical difference. I don't know what I</p> <p>3 weighed before, I don't know what I weighed after.</p> <p>4 Q. So how do you know you lost 20 pounds?</p> <p>5 A. Because if you gained 20 pounds, you could</p> <p>6 tell. If you lost 20 pounds, you could tell. I'm not</p> <p>7 saying the exact metric number, but you can tell.</p> <p>8 Q. Did you take photographs of your</p> <p>9 before-reading-the-posting weight and</p> <p>10 after-reading-the-posting weight?</p> <p>11 A. That would mean I'm strategic and shrewd, and</p> <p>12 the answer would be no.</p> <p>13 Q. When did you file this lawsuit, do you</p> <p>14 remember?</p> <p>15 A. No, I don't.</p> <p>16 Q. Okay.</p> <p>17 A. But I would imagine it's 2015.</p> <p>18 Q. Okay, so did you take any photographs of your</p> <p>19 weight loss?</p> <p>20 A. No, I did not because it would mean that I'm</p> <p>21 contrived.</p> <p>22 Q. You don't have any photos of yourself from</p> <p>23 2015 that evidence the weight loss; is that correct?</p> <p>24 Will you be producing in this litigation any</p> <p>25 photographs to evidence your weight loss that you</p> | <p style="text-align: right;">Page 132</p> <p>1 Q. Your wife, you told her about the post, and</p> <p>2 did you tell her, I'm feeling depression as a result</p> <p>3 of the post?</p> <p>4 A. I think that's a given.</p> <p>5 Q. It's not a given, sir. You have to answer</p> <p>6 the questions.</p> <p>7 A. It's a given. Emotions, feelings, reactions,</p> <p>8 those are engaged. We're not machines. There's no</p> <p>9 automation select.</p> <p>10 Q. I need you to answer the question, sir.</p> <p>11 Did you tell your wife you were feeling depression as</p> <p>12 a result of the post?</p> <p>13 A. What was the question?</p> <p>14 Q. Did you tell your wife you were experiencing</p> <p>15 depression as a result of the post?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And did you tell her that in the year</p> <p>18 2015?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Did you tell your wife you were having</p> <p>21 a loss of appetite as a result of reading this post?</p> <p>22 A. Yes, she could tell, I would imagine.</p> <p>23 Q. Did you tell your wife you were having</p> <p>24 difficulty sleeping as a result of this post?</p> <p>25 A. She could tell.</p>                          |

Page 133

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

Page 134

1 that were sent to you?  
2 A. Yes.  
3 Q. Okay. And it looks like you just signed them  
4 last month?  
5 A. Yes.  
6 Q. June 30th of 2020. Is that your signature?  
7 A. That is my signature.  
8 Q. Okay. And you understood by signing this  
9 verification that you were saying that these answers  
10 are true and correct to the best of your knowledge?  
11 A. Yes.  
12 Q. Okay. So I was reading this statement here,  
13 and I've highlighted it for you on Page 6: My wife  
14 and I just had our second child and the toll this took  
15 was difficult on my family.  
16 What did you mean by that?  
17 A. You're asking me the statement, My wife and I  
18 just had our second child, the toll this took was  
19 difficult on my family --  
20 Q. Yes.  
21 A. -- you're asking me to dissect that or  
22 explain what my feelings and emotions were or what I  
23 experienced at that time?  
24 Q. Yeah, what did you mean by this took a  
25 toll -- yeah, this took a toll on your family which

Page 135

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

Page 136

1 forced you to have to partner with Dean and Angheson;  
2 is that correct?  
3 A. What I'm saying is the statement that was  
4 made made it very difficult for me to work. It made  
5 me very difficult to focus. So I wanted to spend more  
6 time with my family, and the toll it took and the  
7 stress it took, I realized that I couldn't be working  
8 at the same pace that I did before, so I --  
9 Q. So --  
10 A. -- so I had to find partners that were  
11 understanding of my situation.  
12 Q. So you never discussed partnership with Dean  
13 or Angheson prior to March of 2015, correct?  
14 A. I can't recall.  
15 Q. When did you first start discussing  
16 partnership with Dean?  
17 A. I don't recall.  
18 Q. When did you first start discussing  
19 partnership with Angheson?  
20 A. I don't recall.  
21 Q. Are you able to recall whether you ever  
22 discussed partnership with them prior to March of  
23 2015?  
24 A. No.  
25 Q. But it's your testimony you had to partner

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| <p style="text-align: right;">Page 137</p> <p>1 with them because of this post, correct?</p> <p>2 A. I was -- say it again, please.</p> <p>3 Q. It's your testimony that you had to partner</p> <p>4 with them because of this post, correct?</p> <p>5 A. I had to expedite that, yes.</p> <p>6 Q. No, you didn't say expedite; that's new.</p> <p>7 What do you mean, expedite?</p> <p>8 A. I'm saying I had to expedite; in other words,</p> <p>9 this post was a sense of urgency. I couldn't work at</p> <p>10 that -- I was working six days a week up to that post.</p> <p>11 Q. Okay, so you were working at your dental</p> <p>12 practices six days a week in January --</p> <p>13 A. If I can recall.</p> <p>14 Q. I'm sorry, in January and February and most</p> <p>15 of March in 2015; is that your testimony?</p> <p>16 A. If I can recall accurately.</p> <p>17 Q. And then how soon after reading this post did</p> <p>18 you stop working six days a week?</p> <p>19 A. I don't -- that I don't recall. Like I said,</p> <p>20 what I'm telling you again, so you understand, is that</p> <p>21 I wasn't working at the same capacity. If you're</p> <p>22 asking me, and I did say it was possibly six days,</p> <p>23 possibly five days. I don't recall.</p> <p>24 MR. JONES: And, Counsel, I'll note that it's</p> <p>25 3 o'clock right now. I would ask maybe after this</p> | <p style="text-align: right;">Page 139</p> <p>1 Q. So let's go back a little bit on the</p> <p>2 questioning that we had before we went on break. You</p> <p>3 said that as a result of reading this post, you needed</p> <p>4 to expedite a partnership; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. What do you mean by that?</p> <p>7 A. It meant that I had to -- when I read this</p> <p>8 post, I realized that I can't estimate the potential</p> <p>9 damages that can happen, who is going to read it, who</p> <p>10 is not going to read it, who is going to see it, who</p> <p>11 is not going to read it, which patients have and have</p> <p>12 not seen it.</p> <p>13 I also realized that I couldn't work at the</p> <p>14 same capacity, and so it expedited the thought process</p> <p>15 to have partners into the practice.</p> <p>16 Q. Had you considered having partners in your</p> <p>17 practice before you read this post?</p> <p>18 A. I think you always -- I think I've always</p> <p>19 entertained that idea here and there.</p> <p>20 Q. The partners that you have currently, did</p> <p>21 they have to buy into the practice?</p> <p>22 A. Yes.</p> <p>23 Q. In order to ascertain how much you were</p> <p>24 working before you read this post, are there records</p> <p>25 that show how many patients you were seeing in the</p> |
| <p style="text-align: right;">Page 138</p> <p>1 line of questioning, if we could agree to take a</p> <p>2 break.</p> <p>3 MS. MORRIS: Yeah, I mean, I'm fine if you</p> <p>4 want to take a break right now.</p> <p>5 MR. JONES: That's fine.</p> <p>6 THE VIDEOGRAPHER: Okay. We're going off --</p> <p>7 MS. MORRIS: Yeah, let's come back at 3:10.</p> <p>8 MR. JONES: 3:10, okay, thank you.</p> <p>9 THE VIDEOGRAPHER: Going off the record at</p> <p>10 3 o'clock p.m.</p> <p>11 (Recess taken.)</p> <p>12 THE VIDEOGRAPHER: Okay. We're going back on</p> <p>13 the record. The time is 3:13 p.m.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. I'm going to pull up the document I had</p> <p>16 before.</p> <p>17 Okay. All right, we're back on the record.</p> <p>18 Mr. Lee, you understand that you're still under oath,</p> <p>19 correct?</p> <p>20 A. I do.</p> <p>21 Q. Are you feeling okay, ready to move forward</p> <p>22 in the deposition?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 A. Thank you.</p>                                                                                                                                                                                                                                                                                                                                                                           | <p style="text-align: right;">Page 140</p> <p>1 beginning of 2015?</p> <p>2 A. I'm sure we can obtain that.</p> <p>3 Q. And how long after reading this post did you</p> <p>4 cut back your hours?</p> <p>5 A. I couldn't recall exactly.</p> <p>6 Q. How long after reading this post did you</p> <p>7 enter into a partnership with your current partners?</p> <p>8 A. In a couple months.</p> <p>9 Q. How did you meet your partner Dean?</p> <p>10 A. He was introduced to me by a patient friend</p> <p>11 of mine, also a dental broker, Jared Berquist.</p> <p>12 Q. And when was that introduction made?</p> <p>13 A. I don't recall.</p> <p>14 Q. Was it in the year 2015?</p> <p>15 A. No.</p> <p>16 Q. Was it in the year 2014 or '13?</p> <p>17 A. I honestly don't recall.</p> <p>18 Q. Do you have any recollection of what year you</p> <p>19 originally met your partner Dean?</p> <p>20 A. No, I don't.</p> <p>21 Q. Was he living in Nevada at the time you met</p> <p>22 him?</p> <p>23 A. I believe so.</p> <p>24 Q. Had he recently moved to Nevada?</p> <p>25 A. Not that I'm aware of.</p>                                                                                                                                                                                                                                                         |

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| <p style="text-align: right;">Page 141</p> <p>1 Q. How much did he buy into the practice for?</p> <p>2 A. I don't even -- I don't recall the numbers</p> <p>3 now.</p> <p>4 Q. Are you alleging that the amount of the</p> <p>5 buy-in was somehow reduced for Dean because of you</p> <p>6 reading this post?</p> <p>7 A. Yes, I was more motivated, encouraged.</p> <p>8 Q. You're saying you reduced the price, because</p> <p>9 you read this post, of your buy-in?</p> <p>10 A. I was more motivated and encouraged.</p> <p>11 Q. Are you alleging a certain amount is --</p> <p>12 A. No, I don't -- I wouldn't even recall.</p> <p>13 MR. JONES: Dr. Lee, can you let her finish</p> <p>14 her questions before . . .</p> <p>15 THE DEPONENT: Sorry.</p> <p>16 BY MS. MORRIS:</p> <p>17 Q. Are you alleging a certain amount was lost in</p> <p>18 this buy-in process because you read this post?</p> <p>19 A. I would imagine so.</p> <p>20 Q. But are you alleging a certain number?</p> <p>21 MR. JONES: Objection to the extent it calls</p> <p>22 for an expert opinion.</p> <p>23 Go ahead.</p> <p>24 THE DEPONENT: I'm not an accountant. I'm</p> <p>25 not an economist. I wouldn't know.</p> | <p style="text-align: right;">Page 143</p> <p>1 Go ahead.</p> <p>2 THE DEPONENT: Can you repeat the question,</p> <p>3 Counsel?</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. You feel like you took less for a buy-in</p> <p>6 price because of this post?</p> <p>7 A. Yes.</p> <p>8 MR. JONES: The same objection.</p> <p>9 Sorry, can you restate that?</p> <p>10 THE DEPONENT: Yes.</p> <p>11 BY MS. MORRIS:</p> <p>12 Q. At the time this post was made, you were</p> <p>13 living in Las Vegas as your residence; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Was it in the year 2015 that your</p> <p>17 family moved to California?</p> <p>18 A. No.</p> <p>19 Q. Was your family already living in California</p> <p>20 in the year 2014?</p> <p>21 A. Yes.</p> <p>22 Q. And you were commuting back and forth between</p> <p>23 Nevada and California in the year 2015, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you were still able to maintain a six-day</p>                                                                                                                                                                                                          |
| <p style="text-align: right;">Page 142</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. I'm not asking you for any economist or</p> <p>3 accountant number. I'm asking are you testifying</p> <p>4 under oath that you took less than you normally would</p> <p>5 have for a buy-in because of this post?</p> <p>6 MR. JONES: Object; vague and ambiguous.</p> <p>7 Go ahead.</p> <p>8 THE DEPONENT: Yes.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. And how much less?</p> <p>11 A. Don't know.</p> <p>12 MR. JONES: I'm sorry, objection; calls for</p> <p>13 an expert opinion.</p> <p>14 Go ahead.</p> <p>15 BY MS. MORRIS:</p> <p>16 Q. Did someone tell you you needed to take less</p> <p>17 for a buy-in because of this post?</p> <p>18 MR. JONES: Object to form.</p> <p>19 Go ahead.</p> <p>20 THE DEPONENT: No.</p> <p>21 BY MS. MORRIS:</p> <p>22 Q. Okay. So you're just saying you feel like</p> <p>23 you took less because of a post, correct?</p> <p>24 MR. JONES: Objection -- sorry, objection;</p> <p>25 misstates prior testimony, form.</p>                                                                                                                                                               | <p style="text-align: right;">Page 144</p> <p>1 workweek in the January and February months of 2015</p> <p>2 even though you were having to travel back and forth,</p> <p>3 correct?</p> <p>4 A. I don't recall the schedule.</p> <p>5 Q. When your child was born in 20 -- June of</p> <p>6 2015, did you take any time off work to be with the</p> <p>7 baby?</p> <p>8 A. Yes.</p> <p>9 Q. How much time?</p> <p>10 A. I don't recall.</p> <p>11 Q. So when your family relocated to California</p> <p>12 in the year of 2014, was your wife pregnant at the</p> <p>13 time?</p> <p>14 A. No.</p> <p>15 Q. So she moved to California before she got</p> <p>16 pregnant and then got pregnant while living in</p> <p>17 California; is that correct?</p> <p>18 A. I'm sorry, could you repeat that?</p> <p>19 Q. She moved to California before she was</p> <p>20 pregnant and then got pregnant while in California in</p> <p>21 the year 2014; is that accurate?</p> <p>22 A. Are we talking about our first child or</p> <p>23 second child? Because the way you're posing your</p> <p>24 question, it's a little confusing.</p> <p>25 Q. Was your first child born in the year 2014?</p> |

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| <p style="text-align: right;">Page 145</p> <p>1 A. No, that was my second child.</p> <p>2 Q. So I'm talking about your second child.</p> <p>3 A. So that's why -- sorry.</p> <p>4 Q. Yeah, as you've alleged in the complaint,</p> <p>5 your second child is where this took a toll on you, so</p> <p>6 I wasn't referring to your first child at all.</p> <p>7 A. Okay.</p> <p>8 Q. Did your wife, when you moved to California</p> <p>9 in 2014, she was not pregnant with your second child,</p> <p>10 correct?</p> <p>11 A. My second child was born, then she moved to</p> <p>12 California.</p> <p>13 Q. Maybe I misunderstood. What year was your</p> <p>14 second child born?</p> <p>15 A. 2014.</p> <p>16 Q. 2014, not 2015?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So in 2014, she had the baby in June,</p> <p>19 and then after that relocated to California?</p> <p>20 A. That is correct.</p> <p>21 Q. Okay. And then from June of 2014, you</p> <p>22 commuted between California and Nevada for work; is</p> <p>23 that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And in June of 2014, you took some</p> | <p style="text-align: right;">Page 147</p> <p>1 leave his partnership with that other dentist?</p> <p>2 A. No, I did not make him an offer. He chose to</p> <p>3 leave.</p> <p>4 Q. But you didn't offer him a partnership, he</p> <p>5 asked for it?</p> <p>6 A. No, you -- again, please rephrase the</p> <p>7 question because your question is ambiguous.</p> <p>8 Q. Did you offer him a partnership?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And did you seek him out for the</p> <p>11 partnership or did he seek you out for the</p> <p>12 partnership?</p> <p>13 A. I don't recall.</p> <p>14 Q. Are you aware of a lawsuit that he filed</p> <p>15 against his former partner?</p> <p>16 A. I recall vaguely.</p> <p>17 Q. And are you aware in that lawsuit that he</p> <p>18 alleged that you had offered for him to join your</p> <p>19 practice?</p> <p>20 A. I was not aware.</p> <p>21 Q. And how much did Angheson buy into your</p> <p>22 practice for?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you have any approximation?</p> <p>25 A. No, I don't. I don't remember the numbers.</p>                                                             |
| <p style="text-align: right;">Page 146</p> <p>1 time off when your second child was born, but you</p> <p>2 don't recall how much; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. In the beginning of the year of 2015, before</p> <p>5 you read this post, was your wife commuting back and</p> <p>6 forth from California to Nevada with you or was she</p> <p>7 living in California?</p> <p>8 A. She was living in California.</p> <p>9 Q. And then after you partnered with Dean and</p> <p>10 Angheson and cut back your hours, were you able to</p> <p>11 spend more time in California with your wife and young</p> <p>12 child?</p> <p>13 A. Yes.</p> <p>14 Q. Angheson, when did you first meet your</p> <p>15 partner Angheson?</p> <p>16 A. Before Dean.</p> <p>17 Q. Before Dean?</p> <p>18 A. Um-hum.</p> <p>19 Q. And when did you start discussing partnership</p> <p>20 with Angheson?</p> <p>21 A. I don't recall.</p> <p>22 Q. When you met Angheson, was he partnered with</p> <p>23 another dentist?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. Okay. And did you make Angheson an offer to</p>         | <p style="text-align: right;">Page 148</p> <p>1 Q. How did you come up with the buy-in number?</p> <p>2 A. I think we had a third-party broker's firm.</p> <p>3 Q. Do you remember who that was?</p> <p>4 A. Western Practice Sales.</p> <p>5 Q. Sorry, Western Practice --</p> <p>6 A. Sales.</p> <p>7 Q. Sales?</p> <p>8 A. Um-hum.</p> <p>9 Q. And did you tell Western Practice Sales about</p> <p>10 this post that you'd read?</p> <p>11 A. No.</p> <p>12 Q. Do you know if Western Practice Sales was</p> <p>13 aware of this post at all?</p> <p>14 A. I do not know.</p> <p>15 Q. Back in 2015, did you take any vacations?</p> <p>16 A. I probably did, but I don't recall.</p> <p>17 Q. On average, how many vacations do you take a</p> <p>18 year, pre-COVID?</p> <p>19 A. Define vacation. Are we talking about the</p> <p>20 weekend or are we talking about going to another</p> <p>21 country? I couldn't recall if I took a weekend to go</p> <p>22 hang out at the park and spend time at the park; that</p> <p>23 I don't recall.</p> <p>24 Q. Do you think a weekend at the park is a</p> <p>25 vacation; is that what you're defining it as?</p> |

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| <p style="text-align: right;">Page 149</p> <p>1 A. I'm sorry, I should have been more specific,<br/>2 like a camping at the park or something like that.<br/>3 Q. Okay. On average, how often do you annually<br/>4 travel to other countries?<br/>5 A. Maybe two, three times a year.<br/>6 Q. And how about camping trips; how often do you<br/>7 go camping on average a year?<br/>8 A. Rarely.<br/>9 Q. How about long weekends; on average how many<br/>10 long weekends do you take?<br/>11 A. I don't recall.<br/>12 Q. Are you alleging that you were unable to go<br/>13 on vacations as a result of reading this post?<br/>14 A. No.<br/>15 Q. Now, in your answers to interrogatories that<br/>16 we were looking at before, you said you suffered<br/>17 anxiety that your professional reputation was harmed<br/>18 by the post, correct?<br/>19 A. Yes.<br/>20 Q. What evidence do you have that your<br/>21 professional reputation was harmed by this post?<br/>22 MR. JONES: Object to form.<br/>23 Go ahead.<br/>24 THE DEPONENT: Could you repeat that again,<br/>25 Counsel?</p> | <p style="text-align: right;">Page 151</p> <p>1 A. Potentially.<br/>2 Q. And that prevented you from seeing patients?<br/>3 A. Well, you're just anxious. There's anxiety.<br/>4 Q. Did you miss appointments where patients were<br/>5 scheduled and you couldn't make it in because of this<br/>6 anxiety?<br/>7 A. I don't recall.<br/>8 Q. Do you know if that ever occurred?<br/>9 A. I don't recall.<br/>10 Q. Would it make it difficult for you to drive<br/>11 in to the office or something like that?<br/>12 A. I think there was always a certain sense of<br/>13 anxiety during that time period going to work.<br/>14 Q. And this anxiety you felt from reading this<br/>15 post, was that more or less than the anxiety you had<br/>16 when you were going through the wrongful death trial<br/>17 itself?<br/>18 MR. JONES: Object to form.<br/>19 Go ahead.<br/>20 THE DEPONENT: I couldn't compare emotions at<br/>21 that time. I wouldn't be able to recall.<br/>22 BY MS. MORRIS:<br/>23 Q. Did you feel any anxiety or stress when you<br/>24 sued Infinity -- Affinity Insurance as a result of the<br/>25 coverage issue from the verdict?</p> |
| <p style="text-align: right;">Page 150</p> <p>1 BY MS. MORRIS:<br/>2 Q. What evidence do you have that your fear that<br/>3 your professional reputation would be harmed, that it<br/>4 was actually harmed?<br/>5 MR. JONES: Object to form; again, calls for<br/>6 a legal conclusion.<br/>7 BY MS. MORRIS:<br/>8 Q. You can still answer.<br/>9 A. Oh, I'm sorry, could you repeat that again?<br/>10 I apologize.<br/>11 Q. What evidence or facts do you have that your<br/>12 professional reputation was harmed by this post?<br/>13 A. I don't know, in that respect.<br/>14 Q. You state it was difficult to work knowing<br/>15 that anyone could read her published marketing<br/>16 misrepresentation.<br/>17 When you say it was difficult to work, do you<br/>18 mean like to actually see patients?<br/>19 A. Just anxiety.<br/>20 Q. Anxiety about what?<br/>21 A. About the post.<br/>22 Q. And what was your -- what were you anxious<br/>23 about that made it difficult to work?<br/>24 A. The post.<br/>25 Q. That a patient would have read it?</p>                            | <p style="text-align: right;">Page 152</p> <p>1 MR. JONES: Object to form, argumentative.<br/>2 Go ahead.<br/>3 THE DEPONENT: I think you always have<br/>4 anxiety in anything that you do, potentially.<br/>5 BY MS. MORRIS:<br/>6 Q. Aside from your wife, did you talk to any<br/>7 other family members about your anxiety and fears from<br/>8 this post?<br/>9 A. Not that I recall.<br/>10 Q. At the time this post happened, the practice<br/>11 owned certain vehicles that you would drive, correct?<br/>12 A. Yes.<br/>13 Q. At the time this post happened, did the<br/>14 practice still own the Bentley?<br/>15 A. Yes.<br/>16 Q. And then did it also own a Mercedes?<br/>17 A. Yes.<br/>18 Q. How many vehicles total did the practice own<br/>19 at the time this post occurred?<br/>20 A. Which practice are we talking about?<br/>21 Q. The Ton V. Lee, DDS, d/b/a Summerlin Smiles.<br/>22 A. I'm not sure where the company lies<br/>23 specifically to which operation.<br/>24 Q. Okay. The practice, when I say -- I'll say<br/>25 the practices -- you've got Ton Vinh Lee, DDS,</p>                                                          |

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| <p style="text-align: right;">Page 153</p> <p>1 professional corp. and Ton V. Lee, DDS, professional<br/>2 corp. -- owned vehicles that the practice essentially<br/>3 owned and you drove, correct?<br/>4 A. Yes.<br/>5 Q. Are you alleging that you had to sell or get<br/>6 rid of the Bentley as a result of reading this post?<br/>7 A. I'm not alleging that, no.<br/>8 Q. Are you alleging that you had to sell or get<br/>9 rid of a Mercedes as a result of the post?<br/>10 A. No.<br/>11 MR. JONES: Christian, can you hold on one<br/>12 second?<br/>13 MS. MORRIS: Yeah.<br/>14 MR. JONES: Apologize.<br/>15 Sorry, I had someone at my door, I didn't<br/>16 want them to interrupt your question<br/>17 MS. MORRIS: Thank you.<br/>18 BY MS. MORRIS:<br/>19 Q. You state also in your answers to<br/>20 interrogatories that you were emotionally drained by<br/>21 the reading of this post; is that fair?<br/>22 A. Yes.<br/>23 Q. Okay. Can you describe what you mean by<br/>24 being emotionally drained from the post?<br/>25 A. Emotionally drained, what it -- it</p>                                           | <p style="text-align: right;">Page 155</p> <p>1 responsible for a wrongful death and the anxiety you<br/>2 feel from reading this post?<br/>3 MR. JONES: Same objection.<br/>4 THE DEPONENT: I think it's hard to parse out<br/>5 the difference. I've accepted, don't necessarily<br/>6 agree with, the verdict for the trial. The difference<br/>7 between if you're asking that emotion, which again<br/>8 it's hard to parcel out, this is clearly untrue.<br/>9 BY MS. MORRIS:<br/>10 Q. The verdict that was --<br/>11 A. Could I finish, Counsel?<br/>12 And the ruling in this particular case also<br/>13 validates that it isn't true. So if you're asking me,<br/>14 one, the verdict found the company negligent, I don't<br/>15 agree, but I have to accept it for what it is. It's<br/>16 different in this particular case when the defamatory<br/>17 statement was on me and the verdict, and I was found<br/>18 in favor.<br/>19 Q. Do you believe that the verdict against the<br/>20 company that you own for being negligent in causing a<br/>21 wrongful death has in any way impacted the -- your<br/>22 reputation in the community?<br/>23 MR. JONES: Object to form, calls for<br/>24 speculation, relevance.<br/>25 Go ahead.</p> |
| <p style="text-align: right;">Page 154</p> <p>1 ultimately -- that's emotionally drained.<br/>2 Q. Do you have any other descriptions other than<br/>3 that?<br/>4 A. No.<br/>5 Q. Okay. You state that you have worked<br/>6 diligently and ethically to maintain your professional<br/>7 reputation with your colleagues and your community; is<br/>8 that -- you stand by that statement?<br/>9 A. Yes.<br/>10 Q. Do you feel any anxiety from the fact that<br/>11 the company that you own that does business as<br/>12 Summerlin Smiles was found responsible for the death<br/>13 of a patient?<br/>14 A. To some extent, yes.<br/>15 Q. How are you able to parcel out the anxiety<br/>16 from that feeling and say it's in any way different<br/>17 from the anxiety you feel from reading a post?<br/>18 MR. JONES: Object to form, calls for<br/>19 speculation, calls for an expert opinion.<br/>20 Go ahead.<br/>21 THE DEPONENT: Can you repeat that again,<br/>22 Counsel?<br/>23 BY MS. MORRIS:<br/>24 Q. Are you able in any way to differentiate the<br/>25 anxiety you felt for owning a company that was found</p> | <p style="text-align: right;">Page 156</p> <p>1 THE DEPONENT: Could you repeat that again,<br/>2 Counsel?<br/>3 BY MS. MORRIS:<br/>4 Q. Do you believe that a verdict being rendered<br/>5 against a company that you own and run for negligence<br/>6 in the wrongful death of an individual has in any way<br/>7 impacted your reputation as a dentist in the<br/>8 community?<br/>9 MR. JONES: Same objection.<br/>10 THE DEPONENT: It can.<br/>11 BY MS. MORRIS:<br/>12 Q. Do you feel as though it did?<br/>13 MR. JONES: Same objection.<br/>14 THE DEPONENT: It can.<br/>15 BY MS. MORRIS:<br/>16 Q. I understand that, but do you feel as though<br/>17 that verdict being rendered against the company you<br/>18 run has affected your reputation negatively?<br/>19 MR. JONES: Same objection.<br/>20 THE DEPONENT: It can.<br/>21 BY MS. MORRIS:<br/>22 Q. I understand that, but did it? It's already<br/>23 occurred, so in the past, did it?<br/>24 MR. JONES: Same objection; asked and<br/>25 answered.</p>                                                                                                                                                                                                                                |

Page 157

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?

Page 158

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.

Page 159

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?

Page 160

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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| <p style="text-align: right;">Page 161</p> <p>1 MR. JONES: Counsel, are you referring to the</p> <p>2 exhibits that were marked, the Yelp reviews?</p> <p>3 BY MS. MORRIS:</p> <p>4 Q. Right, yes, has that been a topic of</p> <p>5 conversation with your wife?</p> <p>6 A. It might have, but I don't recall.</p> <p>7 Q. You mentioned isolation. What did you mean</p> <p>8 by isolation; how did you experience isolation?</p> <p>9 A. Keeping to yourself sometimes.</p> <p>10 Q. When you were in isolation, were you thinking</p> <p>11 about the post?</p> <p>12 A. Yes.</p> <p>13 Q. Would you read it more than one time or sit</p> <p>14 there in front of it?</p> <p>15 A. No, I didn't read it. I just thought about</p> <p>16 it.</p> <p>17 Q. So where would you isolate to think about the</p> <p>18 post?</p> <p>19 A. I don't recall when or where.</p> <p>20 Q. Would you go into your bedroom or turn off</p> <p>21 the lights?</p> <p>22 MR. JONES: Objection; asked and answered.</p> <p>23 THE DEPONENT: I couldn't recall, Counsel.</p> <p>24 BY MS. MORRIS:</p> <p>25 Q. How often would you self-isolate and think</p>                            | <p style="text-align: right;">Page 163</p> <p>1 them prior to reading the post, correct?</p> <p>2 A. I think we've always entertained that</p> <p>3 conversation amongst us when we met, but I don't</p> <p>4 recall.</p> <p>5 Q. And after you partnered or at some point in</p> <p>6 the year 2015, you cut down the number of hours that</p> <p>7 you were working, correct?</p> <p>8 A. Yes, but I don't recall exact date.</p> <p>9 Q. Okay. And then you spent more time in</p> <p>10 California with your baby and your first child and</p> <p>11 your wife, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Would you say your quality of life improved</p> <p>14 by having more time with your family?</p> <p>15 MR. JONES: Object to form.</p> <p>16 THE DEPONENT: I would assume so, but yes.</p> <p>17 BY MS. MORRIS:</p> <p>18 Q. Well, did you enjoy spending the time with</p> <p>19 your family?</p> <p>20 MR. JONES: Object to form.</p> <p>21 THE DEPONENT: Yes.</p> <p>22 BY MS. MORRIS:</p> <p>23 Q. And your baby was at that point about a year</p> <p>24 old; is that right?</p> <p>25 A. I believe so, depending on which time point</p>                                                                |
| <p style="text-align: right;">Page 162</p> <p>1 about the post?</p> <p>2 A. I don't recall, but I remember it was for</p> <p>3 quite some time.</p> <p>4 Q. When you say it was for quite some time, like</p> <p>5 it would be long periods of isolation or you felt</p> <p>6 isolation over years?</p> <p>7 A. Frequency.</p> <p>8 Q. When you would isolate, would you tell your</p> <p>9 wife why you were isolating?</p> <p>10 A. She knew.</p> <p>11 Q. So she knew that you were going away to think</p> <p>12 about the post?</p> <p>13 A. She knew I just needed time by myself.</p> <p>14 Q. Okay. All right, so you state in your</p> <p>15 answers to interrogatories that you -- the mental and</p> <p>16 physical anguish was such an egregious culmination</p> <p>17 that you sold two-thirds of your practice to new</p> <p>18 partners, correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. So after March 23rd of 2015, you</p> <p>21 decided because of this post, I need to sell my</p> <p>22 practice -- two-thirds of my practice to new partners,</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you had not discussed partnership with</p> | <p style="text-align: right;">Page 164</p> <p>1 you're talking about.</p> <p>2 Q. The second child, in the year 2015.</p> <p>3 A. I would imagine that he would be about a year</p> <p>4 or such.</p> <p>5 Q. And how would you describe yourself as a</p> <p>6 father; are you involved?</p> <p>7 MR. JONES: Object to form, relevance.</p> <p>8 THE DEPONENT: I would hope so, but yes.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. When you spent more time in California with</p> <p>11 your family after reading this post, would you bring</p> <p>12 your children to any sporting events or anything like</p> <p>13 that; how did you spend time with them?</p> <p>14 A. Yes.</p> <p>15 Q. My understanding is your wife does not work,</p> <p>16 correct?</p> <p>17 A. She doesn't work. Occasionally the office</p> <p>18 asks her to help out.</p> <p>19 Q. When I say she didn't work, I mean outside</p> <p>20 the home, because I know working at home is harder</p> <p>21 than going to work. Having two kids is a lot of work.</p> <p>22 A. Well, I'm careful to answer that.</p> <p>23 Q. Yeah. So she was in California full-time in</p> <p>24 2015, correct?</p> <p>25 A. If memory serves me best, that is correct.</p> |

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| <p style="text-align: right;">Page 165</p> <p>1 Q. And she has maintained living in California<br/>2 since 2014; is that right?<br/>3 A. She's traveled back and forth in the last<br/>4 couple years on occasions.<br/>5 Q. Are either of the children in school? And<br/>6 I'm talking about pre-COVID.<br/>7 A. Yes.<br/>8 Q. And do they attend school in California?<br/>9 A. They do.<br/>10 Q. So let me back up a little bit to the<br/>11 beginning of the testimony. I think you said that you<br/>12 work about three and a half days a week currently; is<br/>13 that correct?<br/>14 A. I say approximately, depending on the<br/>15 schedule of the month.<br/>16 Q. When did you start working approximately<br/>17 three and a half days a week?<br/>18 A. Three and a half, maybe -- again, probably<br/>19 when the partnership started.<br/>20 MS. MORRIS: Let me make sure I attach that<br/>21 as an exhibit.<br/>22 THE COURT REPORTER: Which is that, the<br/>23 answers?<br/>24 MS. MORRIS: That's the answers and I just<br/>25 want to make sure, I think I'm going to attach them as</p> | <p style="text-align: right;">Page 167</p> <p>1 Go ahead.<br/>2 THE DEPONENT: No.<br/>3 THE COURT REPORTER: Can we go off the record<br/>4 for one second?<br/>5 MS. MORRIS: Yes.<br/>6 THE VIDEOGRAPHER: We're going off the<br/>7 record. The time is 3:49 p.m.<br/>8 (Discussion off the record.)<br/>9 THE VIDEOGRAPHER: We're going back on the<br/>10 record. The time is 3:50 p.m.<br/>11 BY MS. MORRIS:<br/>12 Q. Do you know as we sit here today how much the<br/>13 plaintiff actually received in their pocket as a<br/>14 result of the verdict in January of 2014?<br/>15 MR. JONES: Object to form.<br/>16 Counsel, you're referring to the time this<br/>17 complaint was made or as we sit here right now?<br/>18 BY MS. MORRIS:<br/>19 Q. Well, we'll start with right now.<br/>20 A. No.<br/>21 Q. At the time this complaint was made, did you<br/>22 have any facts as to how much the plaintiffs in this<br/>23 lawsuit actually received in their pocket?<br/>24 A. No.<br/>25 Q. You state in your complaint that defendant</p>                                                                                                                                               |
| <p style="text-align: right;">Page 166</p> <p>1 Exhibit 10; does that sound correct?<br/>2 THE COURT REPORTER: Yes.<br/>3 MR. JONES: Yes.<br/>4 BY MS. MORRIS:<br/>5 Q. Okay, I'm going to put on the screen, which I<br/>6 will attach as Exhibit 11, is the operative complaint<br/>7 in this case, which is called the second amended<br/>8 complaint, filed April 11th, 2016; do you see that?<br/>9 A. Yes.<br/>10 (Exhibit 11 identified.)<br/>11 BY MS. MORRIS:<br/>12 Q. Have you ever read through this complaint?<br/>13 A. I must have.<br/>14 Q. It looks like previously there was an August<br/>15 Hotchkin on this case; are you familiar with that<br/>16 attorney?<br/>17 A. Vaguely.<br/>18 Q. In your complaint I've got up here, it talks<br/>19 about Nevada Rules of Professional Conduct Rule 7.2,<br/>20 which requires any statement made by an attorney that<br/>21 includes a monetary sum, the amount involved must have<br/>22 actually received by the client.<br/>23 Have you ever yourself read through that<br/>24 rule?<br/>25 MR. JONES: Object to form.</p>                     | <p style="text-align: right;">Page 168</p> <p>1 Ingrid Patin, through Patin Law Group PLLC, added the<br/>2 statement to her website for her own personal gain.<br/>3 Do you have any facts that she actually<br/>4 gained anything by posting this to her website?<br/>5 MR. JONES: Object to form.<br/>6 THE DEPONENT: I don't know if marketing is<br/>7 -- marketing obviously is a form of advertisement or<br/>8 advertisement is a form of marketing. I don't think<br/>9 there's a metric or impression with regards to that.<br/>10 So if you're asking if I have a metric or a number, I<br/>11 do not, no. I'm unaware of that.<br/>12 BY MS. MORRIS:<br/>13 Q. Do you advertise for your businesses?<br/>14 A. What do you mean by advertise?<br/>15 Q. Does Summerlin Smiles and Distinctive Smiles<br/>16 advertise at all?<br/>17 MR. JONES: Object to form, relevance.<br/>18 Go ahead.<br/>19 THE DEPONENT: Are we talking specifically<br/>20 online advertisement, marketing? What are we asking<br/>21 for?<br/>22 BY MS. MORRIS:<br/>23 Q. They have a website in which they<br/>24 advertise -- or they have a website, let's go there.<br/>25 You have a website, correct?</p> |

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| <p style="text-align: right;">Page 169</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And on that website, do you do any</p> <p>3 advertising for the services that you provide?</p> <p>4 A. We educate.</p> <p>5 Q. What does that mean?</p> <p>6 A. It means we educate. You know, we educate</p> <p>7 the procedures and the services that are there.</p> <p>8 Q. If there are any misrepresentations on your</p> <p>9 company websites, do you feel that you should be held</p> <p>10 responsible for them?</p> <p>11 MR. JONES: Object to form, relevance.</p> <p>12 Go ahead.</p> <p>13 THE DEPONENT: I think we're responsible for</p> <p>14 our own business to some extent.</p> <p>15 BY MS. MORRIS:</p> <p>16 Q. You don't have an allegation in here that</p> <p>17 Patin Law Group or Ingrid Patin posted this to harm</p> <p>18 you personally. Do you believe or have any facts that</p> <p>19 she and/or her company posted it to harm you</p> <p>20 personally?</p> <p>21 MR. JONES: Object to form, calls for</p> <p>22 speculation, calls for an expert opinion.</p> <p>23 Go ahead.</p> <p>24 THE DEPONENT: I don't -- I couldn't answer</p> <p>25 the reason why she did what she did. I would only</p> | <p style="text-align: right;">Page 171</p> <p>1 MR. JONES: Object to form.</p> <p>2 Go ahead.</p> <p>3 THE DEPONENT: Common sense would tell me who</p> <p>4 else would do it?</p> <p>5 BY MS. MORRIS:</p> <p>6 Q. Anything else aside from common sense?</p> <p>7 MR. JONES: Objection. Counsel, we haven't</p> <p>8 taken the deposition of your client yet. I mean, I'm</p> <p>9 not sure where you're going with this line of</p> <p>10 questioning, but go ahead.</p> <p>11 MS. MORRIS: I'm just asking for any facts</p> <p>12 that he's aware of.</p> <p>13 THE DEPONENT: You're asking for facts when</p> <p>14 it's common sense. I don't have -- there's no facts.</p> <p>15 I don't know of the fact that she made the statement,</p> <p>16 but who else has to gain but Ingrid, so who else would</p> <p>17 do it? That common sense makes relative reason.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. You state that defendant Ingrid Patin, Esq.</p> <p>20 influenced and governed Patin Law Group PLLC by</p> <p>21 unilaterally dictating the form and content of its</p> <p>22 website for the purposes of advertisement and to</p> <p>23 bolster her reputation by and through publishing a</p> <p>24 defamatory statement.</p> <p>25 What facts do you have that Miss Patin</p> |
| <p style="text-align: right;">Page 170</p> <p>1 assume that it's for self-gain.</p> <p>2 BY MS. MORRIS:</p> <p>3 Q. What facts do you have -- and I'm looking at</p> <p>4 Allegation 13 -- that defendant Ingrid Patin</p> <p>5 personally participated in the torturous acts of</p> <p>6 making a defamatory statement?</p> <p>7 MR. JONES: Counsel, you said tortious, not</p> <p>8 torturous, correct?</p> <p>9 MS. MORRIS: Tortious.</p> <p>10 MR. JONES: Make sure we have a clear record.</p> <p>11 THE DEPONENT: You're asking me for a fact?</p> <p>12 BY MS. MORRIS:</p> <p>13 Q. Yes, what facts do you have to support that</p> <p>14 allegation?</p> <p>15 A. Well, the statement was in relation to the</p> <p>16 case that she was lead counsel on.</p> <p>17 Q. And there were other counsels on that case,</p> <p>18 correct?</p> <p>19 A. The advertisement specifically indicated</p> <p>20 Patin.</p> <p>21 Q. Do you know if any of the other attorneys on</p> <p>22 that case posted anything regarding the verdict?</p> <p>23 A. I'm unaware of that.</p> <p>24 Q. Do you have any facts that she personally</p> <p>25 participated in the posting of that statement?</p>                 | <p style="text-align: right;">Page 172</p> <p>1 unilaterally dictated the form and content of that</p> <p>2 statement?</p> <p>3 MR. JONES: Objection, again, I mean, form.</p> <p>4 Go ahead, answer to the best of your</p> <p>5 knowledge.</p> <p>6 THE DEPONENT: Common sense tells me that</p> <p>7 Ingrid Patin is the owner of Patin Law Group, and</p> <p>8 again, would be the only one of the group, she would</p> <p>9 be the individual to have self-gain with regards to</p> <p>10 the statement.</p> <p>11 BY MS. MORRIS:</p> <p>12 Q. Do you use in your practice SEO companies?</p> <p>13 A. No.</p> <p>14 Q. Does anyone write content for the websites of</p> <p>15 either Summerlin Smiles or Distinctive Smiles?</p> <p>16 A. No.</p> <p>17 Q. Who actually writes the information that</p> <p>18 appears on the Summerlin Smiles, Distinctive Smiles</p> <p>19 website?</p> <p>20 A. The partners.</p> <p>21 Q. I'm sorry?</p> <p>22 A. The partners.</p> <p>23 Q. Okay. So you yourself write on the</p> <p>24 Distinctive Smiles, Summerlin Smiles website?</p> <p>25 A. Not alone, but yes, collaboratively,</p>                                                                                                                                                       |

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| <p style="text-align: right;">Page 173</p> <p>1 collectively.</p> <p>2 Q. And Dean and Angheson also write on that</p> <p>3 website?</p> <p>4 A. Yes.</p> <p>5 Q. Anyone else besides you three?</p> <p>6 A. No.</p> <p>7 Q. Looking at Allegation No. 25 here, you say</p> <p>8 the defamatory statement injures Ton Vinh Lee in his</p> <p>9 business as a simple Internet search reveals the</p> <p>10 claimed verdict for wrongful death.</p> <p>11 Do you see where I've read that?</p> <p>12 A. Yes.</p> <p>13 Q. Now, if this has injured you in your</p> <p>14 business, then it has injured you as a dentist; is</p> <p>15 that correct?</p> <p>16 MR. JONES: Object to form, calls for a legal</p> <p>17 conclusion.</p> <p>18 Go ahead.</p> <p>19 THE DEPONENT: Collectively, yes.</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. Did you anywhere in your complaint allege</p> <p>22 that this injured you personally?</p> <p>23 MR. JONES: Object to form, vague and</p> <p>24 ambiguous.</p> <p>25 Go ahead.</p>                                                                                                                                            | <p style="text-align: right;">Page 175</p> <p>1 behalf of your dental practice?</p> <p>2 MR. JONES: Same objection.</p> <p>3 THE DEPONENT: My corporation?</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. Correct.</p> <p>6 A. No.</p> <p>7 THE COURT REPORTER: Off the record again for</p> <p>8 a second?</p> <p>9 MS. MORRIS: Yes.</p> <p>10 THE VIDEOGRAPHER: We're going off the</p> <p>11 record. It's 3:59 p.m.</p> <p>12 (Discussion off the record.)</p> <p>13 THE VIDEOGRAPHER: We're going back on the</p> <p>14 record. It's 4:00 p.m.</p> <p>15 BY MS. MORRIS:</p> <p>16 Q. Take a look at -- I will mark it as</p> <p>17 Exhibit 12.</p> <p>18 (Exhibit 12 identified.)</p> <p>19 BY MS. MORRIS:</p> <p>20 Q. I've put up here, it's called plaintiff Ton</p> <p>21 Vinh Lee's third supplement to what are initial</p> <p>22 disclosures in this case, and I'm going to go down to</p> <p>23 this page right here. Can you see that on your</p> <p>24 screen?</p> <p>25 A. I can.</p>                                                                                                                                                               |
| <p style="text-align: right;">Page 174</p> <p>1 THE DEPONENT: Could you rephrase that</p> <p>2 question, please?</p> <p>3 BY MS. MORRIS:</p> <p>4 Q. Did you allege anywhere that this has injured</p> <p>5 you personally?</p> <p>6 MR. JONES: Same objection.</p> <p>7 THE DEPONENT: Well, Ton Vinh Lee, DDS, is</p> <p>8 Ton Vinh Lee himself.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. Who is the plaintiff in this case; is it Ton</p> <p>11 Vinh Lee, DDS, or Ton Vinh Lee?</p> <p>12 A. I think they're all the same, are they not?</p> <p>13 I mean, I don't know if you have a degree that</p> <p>14 differentiates the individual from a degree.</p> <p>15 Q. Is your allegation in this case that this has</p> <p>16 injured you personally or professionally?</p> <p>17 A. Both.</p> <p>18 Q. Did you bring any claims on behalf of your</p> <p>19 dental practice?</p> <p>20 MR. JONES: Object to form, calls for a legal</p> <p>21 conclusion, the document speaks for itself.</p> <p>22 THE DEPONENT: Could you rephrase that</p> <p>23 question, Counsel, please?</p> <p>24 BY MS. MORRIS:</p> <p>25 Q. Did you bring any claims in this case on</p> | <p style="text-align: right;">Page 176</p> <p>1 Q. Okay. So there's been a lot of financial</p> <p>2 documents disclosed in this case and then there's been</p> <p>3 a number that was disclosed, let me see, last month,</p> <p>4 and it says loss of business; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. What entity lost business?</p> <p>7 MR. JONES: Object to form, calls for</p> <p>8 speculation.</p> <p>9 Go ahead.</p> <p>10 THE DEPONENT: Both entities.</p> <p>11 BY MS. MORRIS:</p> <p>12 Q. Ton V. Lee, DDS, professional corp. and Ton</p> <p>13 Vinh Lee, DDS, professional corp.?</p> <p>14 A. Yes.</p> <p>15 Q. And are either of those plaintiffs in this</p> <p>16 case?</p> <p>17 A. No.</p> <p>18 Q. Okay. Let's talk for just a minute about how</p> <p>19 many corporations you have. We know about Ton Vinh</p> <p>20 Lee, DDS, professional corp., Ton V. Lee, DDS,</p> <p>21 professional corp. You also have a PLLC with your</p> <p>22 partners, correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And that PLLC with your partners, from what I</p> <p>25 can see on the Secretary of State website, was created</p> |

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| <p style="text-align: right;">Page 177</p> <p>1 in July of 2015; does that sound right?</p> <p>2 A. That sounds -- I mean, if you're saying it's</p> <p>3 July, then that sounds like it's accurate.</p> <p>4 Q. And that corporation, Dean Angheson &amp; Lee,</p> <p>5 PLLC, is not a plaintiff in this lawsuit, correct?</p> <p>6 A. It is -- no, correct.</p> <p>7 Q. Do you have any other corporations that are</p> <p>8 related to the practice of dentistry?</p> <p>9 A. I'm sorry, could you ask that one more time,</p> <p>10 please?</p> <p>11 Q. And I'm just asking it like this because I</p> <p>12 don't need to go through your food truck ownership and</p> <p>13 stuff like that.</p> <p>14 A. I understand.</p> <p>15 Q. Do you have any other corporations that are</p> <p>16 related to the practice of dentistry?</p> <p>17 A. The one that owns Distinctive Smiles.</p> <p>18 Q. And what's the name of that?</p> <p>19 A. That is Lee Dean &amp; Angheson, PLLC.</p> <p>20 Q. Okay. And that was also formed in July of</p> <p>21 2015, correct?</p> <p>22 A. If you're telling me that's what the</p> <p>23 Secretary of State information says, then I would have</p> <p>24 to agree with you.</p> <p>25 Q. And Lee Dean &amp; Angheson, PLLC, are not</p> | <p style="text-align: right;">Page 179</p> <p>1 Q. Are you alleging as we sit here today that</p> <p>2 your entities are still experiencing a financial loss</p> <p>3 because of this post?</p> <p>4 MR. JONES: Object to form.</p> <p>5 Go ahead.</p> <p>6 THE DEPONENT: No.</p> <p>7 BY MS. MORRIS:</p> <p>8 Q. When did the financial loss stop for these</p> <p>9 entities?</p> <p>10 MR. JONES: Object to form, calls for an</p> <p>11 expert opinion.</p> <p>12 THE DEPONENT: I couldn't tell you. During</p> <p>13 that time period.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. During what time period?</p> <p>16 A. The time period with the defamatory</p> <p>17 statement, the partnership.</p> <p>18 Q. So are you alleging the loss occurred in the</p> <p>19 month of March 2015?</p> <p>20 MR. JONES: Object to form.</p> <p>21 THE DEPONENT: I'm not alleging. I'm just --</p> <p>22 I couldn't tell you. I don't know.</p> <p>23 BY MS. MORRIS:</p> <p>24 Q. Do you have any facts as to when these</p> <p>25 entities lost money as a result of this post?</p>                                                                             |
| <p style="text-align: right;">Page 178</p> <p>1 plaintiffs in this lawsuit either, correct?</p> <p>2 A. No.</p> <p>3 Q. Back in 2015, who was your accountant?</p> <p>4 A. The company itself was David J. Emery.</p> <p>5 Q. The loss of business of \$331,600 by the</p> <p>6 entities, when are you alleging that occurred?</p> <p>7 MR. JONES: Object to form, calls for expert</p> <p>8 opinion.</p> <p>9 Go ahead.</p> <p>10 THE DEPONENT: I'm not an economist, so</p> <p>11 that's up to the economist and the accountant.</p> <p>12 BY MS. MORRIS:</p> <p>13 Q. When are you alleging you lost money as a</p> <p>14 result of this post?</p> <p>15 MR. JONES: Same objection.</p> <p>16 Go ahead.</p> <p>17 THE DEPONENT: During that time frame.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. What time frame?</p> <p>20 A. I couldn't tell you exactly the time frame.</p> <p>21 Q. What years?</p> <p>22 A. You're going -- I would have to refer to my</p> <p>23 accountant. I'm not --</p> <p>24 Q. Do you have --</p> <p>25 A. I'm not a numbers guy.</p>                                                                                                                                                                                                                    | <p style="text-align: right;">Page 180</p> <p>1 MR. JONES: Objection. I'm sorry, you keep</p> <p>2 saying these entities. Are you referring to Dr. Lee</p> <p>3 or his entities?</p> <p>4 MS. MORRIS: The entities that he claims</p> <p>5 sustained this loss.</p> <p>6 MR. JONES: I think he's claiming that he</p> <p>7 sustained a loss.</p> <p>8 But go ahead.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. You can still answer.</p> <p>11 A. Could you repeat that again? I'm sorry, I</p> <p>12 apologize, could you repeat that, please?</p> <p>13 Q. Do you have any facts to give us a time frame</p> <p>14 in which this loss of business earnings occurred?</p> <p>15 A. I think you're going to have to look at the</p> <p>16 accounting numbers or the documents that's been</p> <p>17 provided.</p> <p>18 Q. What documents should I look at?</p> <p>19 MR. JONES: Object to form, calls for an</p> <p>20 expert opinion.</p> <p>21 THE DEPONENT: I'm not an accountant. I</p> <p>22 couldn't tell you.</p> <p>23 BY MS. MORRIS:</p> <p>24 Q. Your partnership with Dean and Angheson</p> <p>25 resulted in them paying you money, correct?</p> |

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| <p style="text-align: right;">Page 181</p> <p>1 A. Yes.</p> <p>2 Q. And although you can't remember how much they</p> <p>3 paid you, they paid you sometime in the year 2015,</p> <p>4 correct?</p> <p>5 A. Some portion of it.</p> <p>6 Q. Did they pay you directly or did they pay</p> <p>7 your corporations?</p> <p>8 A. They paid me directly.</p> <p>9 Q. So they wrote a check to Ton Vinh Lee, DDS,</p> <p>10 as a person?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So you experienced a personal gain</p> <p>13 from the buy-in that did not run through your</p> <p>14 corporations, correct?</p> <p>15 MR. JONES: Object to form, vague and</p> <p>16 ambiguous as to personal gain.</p> <p>17 Go ahead.</p> <p>18 THE DEPONENT: Not a personal gain, a</p> <p>19 personal loss.</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. You were personally paid money that didn't</p> <p>22 run through your corporations for the buy-in, correct?</p> <p>23 A. I'm not an accountant. You're going to</p> <p>24 actually have to refer to my accountant because she</p> <p>25 handles all of that.</p>                                                              | <p style="text-align: right;">Page 183</p> <p>1 anyone tell you you had experienced a loss of</p> <p>2 \$331,600?</p> <p>3 A. I don't think --</p> <p>4 MR. JONES: I'm sorry, object to form.</p> <p>5 Go ahead.</p> <p>6 THE DEPONENT: I don't think anybody told me</p> <p>7 specifically a dollar amount, but I sold the practice</p> <p>8 at less than its value.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. And who told you -- and I'm not asking your</p> <p>11 attorney -- who told you you sold the practice at less</p> <p>12 than its value?</p> <p>13 A. It's not who told me but what the value --</p> <p>14 what the practice was valued at.</p> <p>15 Q. So you had a valuation done on the practice,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And you had that done in what month?</p> <p>19 A. I don't remember.</p> <p>20 Q. And why did you have that valuation done?</p> <p>21 A. You generally want to value your practice as</p> <p>22 a -- as a business maintenance, because I've always</p> <p>23 entertained partners, or at least the idea.</p> <p>24 Q. Did you have the valuation done of your</p> <p>25 practice before or after you read the post?</p> |
| <p style="text-align: right;">Page 182</p> <p>1 Q. So you're not even able to testify whether</p> <p>2 you actually received the money?</p> <p>3 A. Oh, we received the money. It's how she</p> <p>4 files it. I'm not sure.</p> <p>5 Q. And your accountant you've now said is a</p> <p>6 female; who is that?</p> <p>7 A. Mia.</p> <p>8 Q. What's her last name?</p> <p>9 A. Oh, my gosh, she's going to -- brain freeze</p> <p>10 all of a sudden. She's going to kill me. Give me one</p> <p>11 second, if you don't mind, so I can give you her name.</p> <p>12 Oh, my gosh, Mia Jack.</p> <p>13 Q. And what company is she with?</p> <p>14 A. She took over David's -- David J. Emery's</p> <p>15 company.</p> <p>16 Q. When did she do that?</p> <p>17 A. She's been with them since day one. I don't</p> <p>18 know when she took over.</p> <p>19 Q. Is she the individual who told you \$331,600?</p> <p>20 MR. JONES: Object to form, expert opinion.</p> <p>21 But go ahead.</p> <p>22 THE DEPONENT: I did not have a conversation</p> <p>23 with a number.</p> <p>24 BY MS. MORRIS:</p> <p>25 Q. Do you have any idea -- well, actually, did</p> | <p style="text-align: right;">Page 184</p> <p>1 A. I don't recall.</p> <p>2 Q. The purpose of the valuation for your</p> <p>3 practice was to sell it; is that correct?</p> <p>4 A. No, it was just to know what the value of the</p> <p>5 practice would be.</p> <p>6 Q. And was the value of the practice when it was</p> <p>7 done in 2015 affected in any way by you reading the</p> <p>8 post?</p> <p>9 MR. JONES: Object to form.</p> <p>10 THE DEPONENT: Please rephrase, because I do</p> <p>11 not recall the date of the valuation. You specified</p> <p>12 at 2015, but I don't recall.</p> <p>13 BY MS. MORRIS:</p> <p>14 Q. Do you know if the valuation of the practice</p> <p>15 in 2015 was affected at all by the post?</p> <p>16 MR. JONES: Object to form, calls for an</p> <p>17 expert opinion.</p> <p>18 Go ahead.</p> <p>19 THE DEPONENT: No, I don't.</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. The person who did the valuation of the</p> <p>22 practice in 2015, do you recall who that was?</p> <p>23 A. I just told you it was Western Practice</p> <p>24 Sales.</p> <p>25 Q. And they did the valuation in 2015?</p>                                           |

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| <p style="text-align: right;">Page 185</p> <p>1 A. I don't recall the date.</p> <p>2 Q. Did you disclose that valuation by them?</p> <p>3 A. To who?</p> <p>4 Q. To your attorney to give to me for this</p> <p>5 litigation.</p> <p>6 MR. JONES: Counsel, I believe we disclosed</p> <p>7 several valuations as part of our earlier disclosures.</p> <p>8 BY MS. MORRIS:</p> <p>9 Q. What was your understanding of the valuation</p> <p>10 that was done in 2015? Was it a comprehensive</p> <p>11 professional appraisal?</p> <p>12 MR. JONES: Object to form.</p> <p>13 Go ahead.</p> <p>14 THE DEPONENT: Could you ask that question</p> <p>15 again, please?</p> <p>16 BY MS. MORRIS:</p> <p>17 Q. The appraisal that you had done in 2015, was</p> <p>18 that a comprehensive professional appraisal of the</p> <p>19 value of your practice?</p> <p>20 MR. JONES: Object to form, vague and</p> <p>21 ambiguous, unless that's a term of art that I'm not</p> <p>22 aware of.</p> <p>23 THE DEPONENT: Counsel, that's a lot of words</p> <p>24 all at once, and I'm not being difficult. I'm just</p> <p>25 trying to understand to answer your question</p> | <p style="text-align: right;">Page 187</p> <p>1 A. You would imagine that would be the case.</p> <p>2 Q. And did that evaluation report state that the</p> <p>3 value of your practice was being negatively impacted</p> <p>4 by a post?</p> <p>5 A. I wouldn't be aware of that.</p> <p>6 Q. Do you know what the person who did the</p> <p>7 valuation looked at to value your practice?</p> <p>8 A. No, I don't. I'm not in that area of</p> <p>9 expertise.</p> <p>10 Q. In the year of 2014, how was your dental</p> <p>11 practice doing; were you profitable?</p> <p>12 A. It's my recollection I would hope so.</p> <p>13 Q. In the year of 2015, are you alleging that</p> <p>14 your income went down?</p> <p>15 MR. JONES: Object to form to the extent it</p> <p>16 calls for an expert opinion.</p> <p>17 THE DEPONENT: Could you repeat that again,</p> <p>18 Counsel, or rephrase that, please?</p> <p>19 BY MS. MORRIS:</p> <p>20 Q. Are you alleging in the year 2015 your income</p> <p>21 went down?</p> <p>22 MR. JONES: Same objection.</p> <p>23 THE DEPONENT: I, to be honest, am unaware of</p> <p>24 what my income is in 2014 or 2015.</p> <p>25 ///</p> |
| <p style="text-align: right;">Page 186</p> <p>1 accurately.</p> <p>2 Could you rephrase that differently or maybe</p> <p>3 not use as many big words?</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. When you requested the valuation of your firm</p> <p>6 in 2015, did you ask for just a preliminary report or</p> <p>7 did you want a full comprehensive valuation of your</p> <p>8 practice and a value?</p> <p>9 A. I wanted a full comprehensive. If I can</p> <p>10 recall at that time, I did want to know</p> <p>11 comprehensively what the values were.</p> <p>12 Q. And do you recall how much it was worth after</p> <p>13 that valuation?</p> <p>14 A. No.</p> <p>15 Q. What did you do with that information once</p> <p>16 you received it?</p> <p>17 A. Just like everything else, I mean, you just</p> <p>18 know the information.</p> <p>19 Q. Did you use it in your negotiations with your</p> <p>20 new partners?</p> <p>21 A. At some point.</p> <p>22 Q. So you did use it?</p> <p>23 A. At some point.</p> <p>24 Q. Prior to forming a partnership with them in</p> <p>25 July of that year?</p>                                                      | <p style="text-align: right;">Page 188</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. What about 2016, are you alleging it went</p> <p>3 down?</p> <p>4 A. I'm unaware 2016, 2017, 2018.</p> <p>5 Q. The damages of business loss that are being</p> <p>6 claimed in this case of 331,000, do you know where</p> <p>7 that number comes from?</p> <p>8 MR. JONES: Objection; calls for an expert</p> <p>9 opinion, form.</p> <p>10 Go ahead.</p> <p>11 THE DEPONENT: I would assume the</p> <p>12 documentation that I've provided.</p> <p>13 BY MS. MORRIS:</p> <p>14 Q. What documentation are you basing it on, so I</p> <p>15 can look at it? Because I've looked through all of it</p> <p>16 and I don't see that number appear anywhere.</p> <p>17 A. Well, I'm not sure if you're an economist or</p> <p>18 an accountant, so I'm not sure how you would be able</p> <p>19 to evaluate it, because it's my practice, or our</p> <p>20 practices, or then my practice, and I couldn't -- I</p> <p>21 wouldn't know.</p> <p>22 MR. JONES: And belated objection; calls for</p> <p>23 expert opinion.</p> <p>24 BY MS. MORRIS:</p> <p>25 Q. And I'm not asking for an expert opinion.</p> |

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| <p style="text-align: right;">Page 189</p> <p>1 I'm asking -- you're alleging in this case that you<br/>2 lost 331,000 business revenue, correct?<br/>3 MR. JONES: Objection; again, calls for an<br/>4 expert opinion.<br/>5 Go ahead.<br/>6 THE DEPONENT: If that's what you're reading<br/>7 off, yes.<br/>8 BY MS. MORRIS:<br/>9 Q. That's been provided by you through your<br/>10 counsel in this case, correct?<br/>11 A. Yes.<br/>12 Q. Okay. Are you able to tell me or the jury<br/>13 where that number comes from?<br/>14 MR. JONES: Objection; calls for an expert<br/>15 opinion.<br/>16 THE DEPONENT: No, I'm sorry, I'm not an<br/>17 expert in that field.<br/>18 BY MS. MORRIS:<br/>19 Q. Do you know in what year you suffered these<br/>20 losses?<br/>21 MR. JONES: Same objection. Counsel, these<br/>22 are all expert opinions.<br/>23 THE DEPONENT: I would assume during that<br/>24 time frame.<br/>25 ///</p>                                                                                                                                                                                                                                                                | <p style="text-align: right;">Page 191</p> <p>1 to be open during COVID, too, but you and I both know<br/>2 that didn't happen.<br/>3 MS. MORRIS: My office was open the entire<br/>4 time.<br/>5 BY MS. MORRIS:<br/>6 Q. So what year did you sustain financial losses<br/>7 that you're alleging in this case?<br/>8 MR. JONES: Counsel, this is an expert<br/>9 opinion. Again, I'm going to object. I'm going to<br/>10 object to every single one of these questions.<br/>11 But go ahead.<br/>12 MS. MORRIS: You can't object to these<br/>13 questions. They're damages questions and I need to<br/>14 ask them.<br/>15 MR. JONES: This is an expert-driven damages<br/>16 case, though, Counsel.<br/>17 So go ahead, he can answer to the extent he<br/>18 can.<br/>19 THE DEPONENT: I'm not an expert witness. I<br/>20 couldn't answer.<br/>21 BY MS. MORRIS:<br/>22 Q. It's fine that you're not an expert, but are<br/>23 you alleging that you suffered financial losses from<br/>24 this post in 2016 and 2017 and 2018? I mean, when are<br/>25 you claiming damages?</p>                                                       |
| <p style="text-align: right;">Page 190</p> <p>1 BY MS. MORRIS:<br/>2 Q. So are you alleging that the only year you<br/>3 sustained financial loss as a result of this post is<br/>4 the year 2015?<br/>5 MR. JONES: Objection; misstates prior<br/>6 testimony, calls for an expert opinion.<br/>7 MS. MORRIS: This is not an expert opinion.<br/>8 If he's alleging when he lost money, he can certainly<br/>9 tell the jury when he lost it. If it's 331,000, the<br/>10 number has to come from somewhere.<br/>11 MR. JONES: It does. It's going to come from<br/>12 an expert opinion, Counsel.<br/>13 MS. MORRIS: And you haven't disclosed an<br/>14 expert, but you still have a number, Prescott, which<br/>15 is actually phenomenal, so I'm allowed to ask him<br/>16 about his damages.<br/>17 MR. JONES: Well, we'll disclose it along<br/>18 with our expert report, Counsel.<br/>19 MS. MORRIS: Expert deadlines have passed,<br/>20 Prescott.<br/>21 MR. JONES: And we both know they're<br/>22 continued because of COVID.<br/>23 MS. MORRIS: Accountant offices were open<br/>24 during COVID, so I don't know how that happened.<br/>25 MR. JONES: Attorneys' offices are supposed</p> | <p style="text-align: right;">Page 192</p> <p>1 MR. JONES: Same objection.<br/>2 THE DEPONENT: It's during that time frame.<br/>3 BY MS. MORRIS:<br/>4 Q. In what time -- in the year 2015?<br/>5 A. Again, I'm not an expert witness. I'm not an<br/>6 accountant.<br/>7 Q. And I'm not asking you to be. I'm asking, if<br/>8 you were sitting talking to the jury, like you will<br/>9 be, and saying, hey, I suffered this financial loss<br/>10 and it happened to me during this time period, what<br/>11 time period will you say? I am entitled to that<br/>12 information.<br/>13 MR. JONES: Counsel, that's an expert<br/>14 opinion. I don't know how --<br/>15 MS. MORRIS: It's not an expert opinion,<br/>16 Prescott. It is --<br/>17 MR. JONES: Well, we have numbers --<br/>18 MS. MORRIS: -- his damages opinion, and I<br/>19 don't want to argue about this, but if you're going<br/>20 to -- I will --<br/>21 MR. JONES: (Inaudible.)<br/>22 MS. MORRIS: Let me make my record.<br/>23 If you are going to keep this up, I will have<br/>24 to retake his deposition on damages because I'm<br/>25 entitled to know --</p> |



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| <p style="text-align: right;">Page 193</p> <p>1 MR. JONES: (Inaudible.)</p> <p>2 MS. MORRIS: Let me finish my statement.</p> <p>3 I am entitled to know when he is alleging he</p> <p>4 incurred damages. I am entitled to know the years in</p> <p>5 which he's alleging. I have a client that needs to</p> <p>6 know these answers, and to say, oh, well, he doesn't</p> <p>7 have to answer these questions, he's the one who is</p> <p>8 alleging the loss, he is allowed to tell us when he</p> <p>9 experienced this loss. Is it one year, two years,</p> <p>10 currently? So we need to get through these questions</p> <p>11 or we'll have to go through this process again.</p> <p>12 MR. JONES: I would strenuously object to</p> <p>13 that because, again, this is an expert opinion. It's</p> <p>14 up to the expert, the accountant, to look at the</p> <p>15 numbers to figure out when the loss occurred,</p> <p>16 Counselor.</p> <p>17 So I'll maintain my objection, but go ahead.</p> <p>18 (Court reporter Robin Ravize joined</p> <p>19 the videoconference.)</p> <p>20 MS. MORRIS: And I'll reserve the right to</p> <p>21 retake his deposition.</p> <p>22 THE DEPONENT: And I'm okay with that,</p> <p>23 Counselor. If I have to retake the deposition, we can</p> <p>24 go through this roundabout again.</p> <p>25 ///</p> | <p style="text-align: right;">Page 195</p> <p>1 or the --</p> <p>2 BY MS. MORRIS:</p> <p>3 Q. Okay. Do you have any evidence as to when</p> <p>4 you sustained this financial loss?</p> <p>5 MR. JONES: I'm sorry, I missed the first</p> <p>6 part of that. Can you repeat that question again?</p> <p>7 BY MS. MORRIS:</p> <p>8 Q. Do you have any evidence as to when you</p> <p>9 sustained this financial loss?</p> <p>10 MR. JONES: Object to form, calls for an</p> <p>11 expert opinion.</p> <p>12 Go ahead.</p> <p>13 THE DEPONENT: Yes.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. What years?</p> <p>16 MR. JONES: Object to form, calls for an</p> <p>17 expert opinion.</p> <p>18 THE DEPONENT: I don't recall.</p> <p>19 BY MS. MORRIS:</p> <p>20 Q. You don't recall what years you sustained</p> <p>21 this financial loss?</p> <p>22 MR. JONES: Same objections.</p> <p>23 THE DEPONENT: Yes.</p> <p>24 MS. MORRIS: Okay.</p> <p>25 Hey, Robin.</p> |
| <p style="text-align: right;">Page 194</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. Do you have any evidence as to when you</p> <p>3 actually sustained financial loss?</p> <p>4 MR. JONES: Objection; calls for a legal</p> <p>5 conclusion, calls for an expert opinion.</p> <p>6 THE DEPONENT: Yes, that's been provided in</p> <p>7 the documentation.</p> <p>8 BY MS. MORRIS:</p> <p>9 Q. No, it has not.</p> <p>10 When did you actually sustain financial loss?</p> <p>11 MR. JONES: Counsel, are you objecting to my</p> <p>12 client's answer?</p> <p>13 MS. MORRIS: It hasn't been provided. I</p> <p>14 wouldn't be asking it if it had been. This is not a</p> <p>15 game for me. I am here --</p> <p>16 MR. JONES: There's hundreds of pages of</p> <p>17 documents of financial information. It's up to your</p> <p>18 client to review my client's expert report when it's</p> <p>19 produced and --</p> <p>20 MS. MORRIS: You don't even have an expert,</p> <p>21 Prescott, so I need to get through this question or</p> <p>22 it's just going to be painful and long.</p> <p>23 MR. JONES: It's already painful, Christian.</p> <p>24 THE DEPONENT: It's already painful and it's</p> <p>25 long and I don't think it's going to change the tone</p>                                                                                         | <p style="text-align: right;">Page 196</p> <p>1 MS. RAVIZE: Hi, Christian.</p> <p>2 MS. MORRIS: How are you?</p> <p>3 MS. RAVIZE: Good.</p> <p>4 THE COURT REPORTER: Can we go off the</p> <p>5 record?</p> <p>6 MS. MORRIS: Yes.</p> <p>7 THE VIDEOGRAPHER: We're going off the</p> <p>8 record. It's 4:21 p.m.</p> <p>9 (Discussion off the record.)</p> <p>10 (Thereupon, the deposition recessed</p> <p>11 at 4:21 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                                    |

Page 197

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA )

3 ) ss:

4 COUNTY OF CLARK )

5 I, Gary F. Decoster, CCR 790, licensed by the

6 State of Nevada, do hereby certify: That I reported

7 Volume I of the deposition of TON VINH LEE, on

8 Tuesday, July 14, 2020, commencing at 11:05 a.m.

9 That prior to being deposed, the witness was

10 duly sworn by me to testify to the truth. That I

11 thereafter transcribed my said stenographic notes via

12 computer-aided transcription into written form, and

13 that the typewritten transcript is a complete, true

14 and accurate transcription of my said stenographic

15 notes. That review of the transcript was requested.

16 I further certify that I am not a relative,

17 employee or independent contractor of counsel or of

18 any of the parties involved in the proceeding, nor a

19 person financially interested in the proceeding, nor

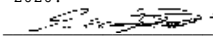
20 do I have any other relationship that may reasonably

21 cause my impartiality to be questioned.

22 IN WITNESS WHEREOF, I have set my hand in my

23 office in the County of Clark, State of Nevada, this

24 26th day of July, 2020.

25   
GARY F. DECOSTER, CCR NO. 790

Page 199

1 DEPOSITION ERRATA SHEET

2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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4 Reason for change: \_\_\_\_\_

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22 Reason for change: \_\_\_\_\_

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24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25 TON VINH LEE

Page 198

1 DEPOSITION ERRATA SHEET

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4 Our Assignment No. J5463909

5 Case Caption: LEE vs. PATIN

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury that I

10 have read the entire transcript of my Deposition taken

11 in the captioned matter or the same has been read to

12 me, and the same is true and accurate, save and except

13 for changes and/or corrections, if any, as indicated

14 by me on the DEPOSITION ERRATA SHEET hereof, with the

15 understanding that I offer these changes as if still

16 under oath.

17

18

19

20 Signed on the \_\_\_\_\_ day of

21 \_\_\_\_\_, 20\_\_\_\_.

22 \_\_\_\_\_

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24 TON VINH LEE

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Page 200

1 DEPOSITION ERRATA SHEET

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22 Reason for change: \_\_\_\_\_

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24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25 TON VINH LEE

## **Exhibit 2**

## **Exhibit 2**

## **Exhibit 2**



CLERK OF THE COURT

Lloyd W. Baker, Esq.  
Nevada Bar No. 6893  
Ingrid Patin, Esq.  
Nevada Bar No. 011239  
**BAKER LAW OFFICES**  
500 S. Eighth Street  
Las Vegas, NV 89101  
Telephone : (702) 360-4949  
Facsimile : (702) 360-3234

Attorneys for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

SVETLANA SINGLETARY, individually, as  
the Representative of the Estate of  
REGINALD SINGLETARY, and as parent  
and legal guardian of GABRIEL L.  
SINGLETARY, a Minor,

Plaintiff,

v.

TON VINH LEE, DDS, individually,  
FLORIDA TRAIVAI, DMD, individually, JAI  
PARK, DDS, individually; TON V. LEE,  
DDS, PROF. CORP., a Nevada Professional  
Corporation d/b/a SUMMERLIN SMILES,  
DOE SUMMERLIN SMILES EMPLOYEE,  
and DOES I through X and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-12-656091-C  
Dept. No.: 30

**JUDGMENT ON JURY VERDICT**

|                                                |                                        |                                                |
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| <input type="checkbox"/> Voluntary Dis         | <input type="checkbox"/> Set Dis       | <input type="checkbox"/> Sum Jdgmt             |
| <input type="checkbox"/> Involuntary (rel) Dis | <input type="checkbox"/> Slip Jdgmt    | <input type="checkbox"/> Non-Jury Trial        |
| <input type="checkbox"/> Jdgmt on Arb Award    | <input type="checkbox"/> Default Jdgmt | <input checked="" type="checkbox"/> Jury Trial |
| <input type="checkbox"/> Min to Dis (by deft)  | <input type="checkbox"/> Transferred   |                                                |

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1       **IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiff is entitled to her costs  
2 of Thirty Eight Thousand Forty Two Dollars and Sixty Four Cents (\$38,042.64), as the  
3 prevailing part under Nevada Revised Statute 18.020.


4       **IT IS FURTHER ORDERED AND ADJUDGED** that the amounts awarded to  
5 Plaintiffs, SVETLANA SINGLETARY, individually, and GABRIEL SINGLETARY, a minor,  
6 shall bear interest at the legal rate of 5.25% per year from the date thereon.

7       DATED this 15 day of April, 2014.

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10         
DISTRICT COURT JUDGE 

11 Prepared by:

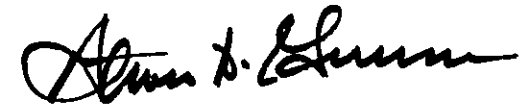
12       BAKER LAW OFFICES

13  
14 By:   
15 LLOYD W. BAKER, ESQ.  
16 Nevada Bar No. 6893  
17 INGRID PATIN, ESQ.  
18 Nevada Bar No.: 011239  
19 500 South Eighth St.  
20 Las Vegas, NV 89101  
21 (702) 360-4949  
22 Attorneys for Plaintiff  
23  
24  
25  
26  
27  
28

### **Exhibit 3**

### **Exhibit 3**

### **Exhibit 3**



CLERK OF THE COURT

AACR  
CHRISTIAN M. MORRIS, ESQ.  
Nevada Bar No. 11218  
NETTLES LAW FIRM  
1389 Galleria Drive, Suite 200  
Henderson, Nevada 89014  
Telephone: (702) 434-8282  
Facsimile: (702) 434-1488  
[christian@nettleslawfirm.com](mailto:christian@nettleslawfirm.com)  
*Attorney for Defendant,*  
*Ingrid Patin*

**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

**DEFENDANT, INGRID PATIN'S  
ANSWER TO PLAINTIFF'S SECOND  
COMPLAINT AND COUNTERCLAIM  
AGAINST PATIN LAW GROUP, PLLC**

INGRID PATIN, an individual

Cross-claimant,

v.

PATIN LAW GROUP, PLLC, a Nevada  
Professional LLC,

Cross-defendant.

Defendant/Cross-claimant Ingrid Patin, an individual, answers Plaintiff's Second Amended Complaint and Crossclaims against Defendant, PATIN LAW GROUP, PLLC, as follows:

NETTLES LAW FIRM

1389 Galleria Drive, Suite 200  
Henderson, NV 89014

702 434 8282 / 702 434 1488 (fax)



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**I.**

Answering Paragraphs 1, 2, 7, 16 and 17 of Plaintiff's Second Amended Complaint, Defendant, Ingrid Patin, an individual, is without sufficient knowledge or information necessary to form a belief as to the truth or falsity of said allegations, and therefore, denies each and every allegation contained therein.

**II.**

Answering Paragraph 3 of Plaintiff's Second Amended Complaint, Defendant, Ingrid Patin, an individual, admits that Plaintiff Ton Vinh Lee is the owner of Ton V. Lee, DDS, P.C. d/b/a Summerlin Smiles, but is without sufficient knowledge or information necessary to form a belief as to the truth or falsity of the location of Ton V. Lee, DDS, PC d/b/a Summerlin Smiles.

**III.**

Answering Paragraph 4 of Plaintiff's Second Amended Complaint, Defendant, Ingrid Patin, an individual, admits that Ingrid Patin, Esq. is a practicing attorney in the State of Nevada and a managing member of Patin Law Group, PLLC, but denies that Ingrid Patin, in her capacity as an attorney is a Defendant in this matter.

**IV.**

Answering Paragraph 5 of Plaintiff's Second Amended Complaint, Defendant, Ingrid Patin, an individual, admits that Patin Law Group, PLLC is a Professional Limited Liability Company in Nevada and is licensed to do business in Nevada.

**V.**

Answering Paragraph 6 of Plaintiff's Second Amended Complaint, Defendant, Ingrid Patin, an individual, denies each and every allegation contained therein.

**VI.**

Answering Paragraph 8 of Plaintiff's Second Amended Complaint, Defendant, Ingrid Patin, an individual, admits that suit was filed by Svetlana Singletary on February 7, 2012 in Case No. A-12-656091-C, but denies that it was filed against Ton Vinh Lee.

**VII.**

Answering Paragraph 9 of Plaintiff's Second Amended Complaint, Defendant Ingrid Patin, an individual, admits that Ton Vinh Lee, DDS was awarded costs in the amount of Six Thousand Thirty-Two Dollars and Eighty-Three Cents (\$6,032.83), but denies that the Judgment on Jury Verdict was entered in favor of Defendant Ton Vinh Lee on September 10, 2014.

**VIII.**

Answering Paragraphs 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24 and 25 of Plaintiff's Second Amended Complaint, Defendant Ingrid Patin, an individual, denies each and every allegation contained therein.

**IX.**

Answering Paragraph 15 of Plaintiff's Second Amended Complaint, Defendant Ingrid Patin, an individual, admits that Ingrid Patin, Esq. is the sole owner and managing member of Patin Law Group, PLLC, but denies each and every other allegation contained therein.

**AFFIRMATIVE DEFENSES**

Defendant/Cross-claimant Ingrid Patin without altering the burdens of proof the parties must bear, asserts the following affirmative defenses to the Second Amended Complaint and the claims asserted therein, and Defendant Ingrid Patin, an individual, specifically incorporates into her affirmative defenses the answers to the preceding paragraphs to the Second Amended Complaint as fully set forth herein.

**FIRST AFFIRMATIVE DEFENSE**

The Second Amended Complaint, and all claims 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.

**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 part, 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 part, by other

1 contributory or concurrent conditions or factors, including events occurring prior to or subsequent  
2 to the occurrence that is the basis of Plaintiff's claims.

3 **TWELFTH AFFIRMATIVE DEFENSE**

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

7 **THIRTEENTH AFFIRMATIVE DEFENSE**

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

10 **FOURTEENTH AFFIRMATIVE DEFENSE**

11 Plaintiff failed to provide timely and adequate notice to Defendant/Cross-claimant Ingrid  
12 Patin of any alleged injury or damages to Plaintiff, and as a result denied Defendant/Cross-  
13 claimant Ingrid Patin full and fair access to information necessary for the defense of Plaintiff's  
14 claims.

15 **FIFTEENTH AFFIRMATIVE DEFENSE**

16 Plaintiff failed to timely request a retraction, and as a result denied Defendant/Cross-  
17 claimant Ingrid Patin full and fair access to information necessary for the defense of Plaintiff's  
18 claims.

19 **SIXTEENTH AFFIRMATIVE DEFENSE**

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

23 **SEVENTEENTH AFFIRMATIVE DEFENSE**

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

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**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.

**NINETEENTH 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 meanings 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.

**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.

1                    **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

2            Plaintiff, as an individual, never had a Motion for Judgment as a Matter of Law granted  
3 in his favor in the matter of Singletary v. Ton Vinh Lee, DDS, et al., Case No. Case No. A-12-  
4 656091-C.

5                    **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

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

8                    **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

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

11                   **TWENTY-NINTH AFFIRMATIVE DEFENSE**

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

14                   **THIRTIETH AFFIRMATIVE DEFENSE**

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

17                   **THIRTY-FIRST AFFIRMATIVE DEFENSE**

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

21                   **THIRTY-SECOND AFFIRMATIVE DEFENSE**

22           Plaintiff's alleged damages, if any, must be apportioned according to the relative  
23 responsibility of all parties or persons.

24                   **THIRTY-THIRD AFFIRMATIVE DEFENSE**

25           Plaintiff's alleged damages are speculative, and therefore, not recoverable.  
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1                   **THIRTY-FOURTH AFFIRMATIVE DEFENSE**

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

4                   **THIRTY-FIFTH AFFIRMATIVE DEFENSE**

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

8                   **THIRTY-SIXTH AFFIRMATIVE DEFENSE**

9                   Plaintiff's Second Amended Complaint constitutes a SLAPP (Strategic Lawsuit Against  
10 Public Participation) suit against Defendant/Cross-claimant Ingrid Patin.

11                   **THIRTY-SEVENTH AFFIRMATIVE DEFENSE**

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

15                   **THIRTY-EIGHTH AFFIRMATIVE DEFENSE**

16                   Plaintiff's Second Amended Complaint purpose is to intimidate and silence  
17 Defendant/Cross-claimant Ingrid Patin with the prospect of defending an expensive lawsuit

18                   **THIRTY-NINTH AFFIRMATIVE DEFENSE**

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

25                   **FORTIETH AFFIRMATIVE DEFENSE**

26                   Defendant/Cross-claimant Ingrid Patin is unaware of any further Affirmative Defenses at  
27 this time, but reserves the right to seek leave of this Court to amend their Answer to allege  
28

1 additional Affirmative Defenses available to her at the time of trial per Nevada Rule of Civil  
2 Procedure 11.

3 **FORTY-FIRST AFFIRMATIVE DEFENSE**

4 Defendant/Cross-claimant Ingrid Patin was required to retain the services of an attorney  
5 to defend this action and is entitled to an aware of attorney's fees and costs of suit.

6 **WHEREFORE**, having fully answered the Second Amended Complaint,  
7 Defendant/Cross-claimant Ingrid Patin respectfully requests that the Court grant her the following  
8 relief:

- 9 1. That Plaintiff's Second Amended Complaint be dismissed, with prejudice, in its  
10 entirety;
- 11 2. That Plaintiff's claims for relief be denied;
- 12 3. That Defendant/Cross-claimant Ingrid Patin be awarded costs and attorney's fees;  
13 and
- 14 4. Any further relief to which this Court deems Defendant/Cross-claimant Ingrid  
15 Patin is entitled.

16 **CROSSCLAIM AGAINST PATIN LAW GROUP, PLLC**

17 Defendant/Cross-claimant Ingrid Patin brings this Crossclaim against Defendant/Cross-  
18 defendant Patin Law Group, PLLC.

19 **I.**

20 That all relevant times, Defendant/Cross-claimant Ingrid Patin is and was a resident of  
21 Clark County, State of Nevada.

22 **II.**

23 Upon information and belief, that at all relevant times to this action, Defendant/Cross-  
24 defendant Patin Law Group, PLLC, is a Nevada corporation.

25 **III.**

26 That all the facts and circumstances that give rise to the subject lawsuit occurred in Clark  
27 County, State of Nevada.



## IV.

That Defendant/Cross-claimant Ingrid Patin was and is a managing member of Defendant/Cross-defendant Patin Law Group, PLLC.

## V.

That Defendant/Cross-claimant Ingrid Patin and Defendant/Cross-defendant PATIN LAW GROUP, PLLC are named Defendants in the instant action.

## VI.

That Defendant/Cross-claimant Ingrid Patin was named as a Defendant in the instant action due to a posting which appeared on the website of Defendant/Cross-defendant Patin Law Group, PLLC.

## VII.

That Defendant/Cross-claimant Ingrid Patin, a managing member, under the Articles of Incorporation of Defendant/Cross-defendant Patin Law Group, PLLC is not liable for the debts and liabilities of the corporation.

## VIII.

That under the laws of Nevada, Defendant/Counterclaimant/Cross-claimant Ingrid Patin, a managing member, is not liable for the actions of Defendant/Cross-defendant, Patin Law Group, PLLC.

**FIRST CAUSE OF ACTION**

Equitable Indemnity/Implied Indemnity

## IX.

Defendant/Cross-claimant Ingrid Patin re-alleges and incorporates paragraphs I through VIII above of this Crossclaim.

## X.

Defendant/Cross-claimant Ingrid Patin, does not own, operate, or manage Defendant/Cross-defendant, Patin Law Group, PLLC, in her individual capacity.

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## XII.

## SECOND CAUSE OF ACTION

### XIII.

XIV.

XV.

XVI.

890

**THIRD CAUSE OF ACTION**

Contribution

**XVII.**

Defendant/Cross-claimant Ingrid Patin re-alleges and incorporates paragraphs I through XVI above of this Crossclaim.

**XVIII.**

Defendant/Cross-claimant Ingrid Patin is entitled to contribution from Defendant/Cross-defendant Patin Law Group, PLLC for any injuries and damages allegedly sustained by Plaintiff, if any, as a result of any judgement or settlement awarded against Defendant/Cross-claimant Ingrid Patin.

**WHEREFORE**, Defendant/Cross-claimant Ingrid Patin expressly reserves her right to amend this Crossclaim at the time of trial of actions herein to include all items of damage not yet ascertained, and prays for judgment against the above-named Defendant/Cross-defendant Patin Law Group, PLLC, as follows:

1. For damages in an amount in excess of Ten Thousand Dollars (\$10,000.00);
2. For indemnity and contribution;
3. For prejudgment and post-judgment interest on all sums awarded, according to proof at the maximum legal rate;
4. For reasonable attorney's fees and costs of this action; and
5. For such other and further relief that this Court may deem just and proper under the circumstances.

Dated this 6<sup>th</sup> day of October, 2016.

NETTLES LAW FIRM

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 011218

1389 Galleria Drive, Suite 200

Henderson, NV 89014

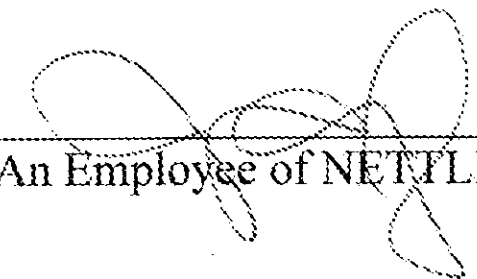
*Attorney for Defendant, Ingrid Patin*

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP (b) and EDCR 7.26, I certify that on this 7 day of October, 2016, I served the foregoing **DEFENDANT, INGRID PATIN'S ANSWER TO PLAINTIFF'S SECOND COMPLAINT AND COUNTERCLAIM AGAINST PATIN LAW GROUP, PLLC** on the following parties by electronic transmission through the Wiznet system:

|                                  |                    |                        |
|----------------------------------|--------------------|------------------------|
| <b>Patin Law Group, PLLC</b>     |                    |                        |
|                                  | <b>Contact</b>     | <b>Email</b>           |
|                                  | Ingrid Patin, Esq. | ingrid@patinlaw.com    |
| <b>Resnick &amp; Louis</b>       |                    |                        |
|                                  | <b>Contact</b>     | <b>Email</b>           |
|                                  | Coreene Drose      | cdrose@rlattorneys.com |
|                                  | Lisa Bell          | lbell@rlattorneys.com  |
| <b>Resnick &amp; Louis, P.C.</b> |                    |                        |
|                                  | <b>Contact</b>     | <b>Email</b>           |
|                                  | Prescott Jones     | pjones@rlattorneys.com |

Paul E. Larsen, Esq.  
Morris Polich & Purdy LLP  
3800 Howard Hughes Parkway  
Suite 500  
Las Vegas, NV 89169  
*Attorneys for Defendant,  
Patin Law Group, PLLC*

  
An Employee of NETTLES LAW FIRM

## **Exhibit 4**

## **Exhibit 4**

## **Exhibit 4**

**SUPP**  
**RESNICK & LOUIS, P.C.**  
PRESCOTT JONES  
Nevada Bar No. 11617  
8925 West Russell Road, Suite 220  
Las Vegas, NV 89148  
[pjones@rlattorneys.com](mailto:pjones@rlattorneys.com)  
Telephone: (702) 997-3800  
Facsimile: (702) 997-3800  
*Attorneys for Plaintiff,*  
*Ton Vinh Lee*

**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

**PLAINTIFF TON VINH LEE'S THIRD  
SUPPLEMENT TO INITIAL EARLY  
CASE CONFERENCE DISCLOSURE  
OF WITNESSES AND PRODUCTION  
OF DOCUMENTS PURSUANT TO  
NRCP 16.1**

Plaintiff TON VINH LEE, by and through his attorney Prescott T. Jones, Esq. of the law firm of RESNICK & LOUIS, P.C., hereby submit the following Third Supplement to Initial Early Case Conference Disclosure of Witnesses and Production of Documents Pursuant to NRCP 16.1 as follows.

**I. WITNESSES**

1. TON VINH LEE, Plaintiff  
c/o RESNICK & LOUIS, P.C.  
8925 W. Russell Rd., Suite 220  
Las Vegas, NV 89148

Plaintiff is expected to testify as to the facts and circumstances personally known to him regarding the incident that is the subject of his Complaint. He is further expected to testify as to the damages he claims to have sustained from the subject incident.

2. INGRID PATIN, Defendant  
c/o NETTLES MORRIS  
1389 Galleria Drive, Suite 200

Henderson, NV 89014

Defendant is expected to testify as to the facts and circumstances personally known to her regarding the incident that is the subject of this Complaint.

3. Person Most Knowledgeable and/or  
Custodian of Records for  
Patin Law Group, PLLC  
c/o DOYLE LAW GROUP  
7375 S. Pecos Rd., #101  
Las Vegas, NV 89120

The Person(s) Most Knowledgeable for Patin Law Group, PLLC is expected to testify as to his/her knowledge and understanding as to the facts and circumstances regarding the incident that forms the basis of this matter. The custodian of records is expected to testify as to the authenticity of records.

4. Any and all witnesses, including medical providers, named by any other party in this action.
5. Any individual or corporation which is identified through discovery as possessing information or documents which may reasonably lead to the discovery of relevant information pertaining to Plaintiff's claims, or Defendant's defenses.
6. Any experts identified by Defendants or any other party in this action.
7. Rebuttal witnesses, if necessary.

Plaintiff hereby reserves the right to supplement the above list of witnesses as discovery continues in this litigation and specifically incorporates herein any individuals later identified in any documents produced.

## II. DOCUMENTS

| NO. | Document                                                           | Bates Range |
|-----|--------------------------------------------------------------------|-------------|
| 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    |

| NO. | Document                                                                           | Bates Range                       |
|-----|------------------------------------------------------------------------------------|-----------------------------------|
| 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-<br>PLTF000002         |
| 7.  | PatinLaw.com Settlement Verdict                                                    | PLTF000003-<br>PLTF000006         |
| 8.  | Financial Statements and Accountants' Compilation Reports December 31, 2011- 2015  | PLTF000007-<br>PLTF000113         |
| 9.  | <b>Additional Financial Documents</b>                                              | <b>PLTF000114-<br/>PLTF000275</b> |

Plaintiff hereby incorporates by reference and reserve the right to use any and all documents/exhibits, demonstrative or otherwise, produced by all parties pursuant to NRCp 16.1(a)(3)(C).

Plaintiff hereby reserves the right to object to all documents produced by all parties pursuant to NRCp 16.1(a)(3)(C).

Plaintiff hereby reserves the right to supplement the above list of documents as discovery continues in this litigation.

### III. COMPUTATION OF DAMAGES

At trial, the Jury will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiff for the following items:

|                                                  |                  |
|--------------------------------------------------|------------------|
| Mental Distress, Anguish, and Embarrassment      | TBD              |
| Injury to Reputation, Shame, Mortification, Pain | TBD              |
| Loss of Business                                 | <b>\$331,600</b> |
| Total:                                           | TBD              |

Plaintiff reserves the right to supplement this Calculation of Damages with any and all other relevant documents and records, which come into their possession during discovery.

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**IV. PRIVILEGE LOG**

Pursuant to NRCP 26(b)(5) Plaintiff submits his Privilege Log as follows:

| Document No.                      | Description                                                            | Privilege                       | Action           |
|-----------------------------------|------------------------------------------------------------------------|---------------------------------|------------------|
| PLTF000007-<br>PLTF000113         | Employee Identification Number                                         | Personal<br>Information         | Redaction        |
| <b>PLTF000114-<br/>PLTF000275</b> | <b>Employee Identification Number &amp;<br/>Social Security Number</b> | <b>Personal<br/>Information</b> | <b>Redaction</b> |

DATED this 18th day of June, 2020

**RESNICK & LOUIS, P.C.**

*/s/ Prescott T. Jones*

PRESCOTT JONES

Nevada Bar No. 11617

8925 West Russell Road, Suite 220

Las Vegas, NV 89148

[pjones@rlattorneys.com](mailto:pjones@rlattorneys.com)

Telephone: (702) 997-3800

Facsimile: (702) 997-3800

*Attorneys for Plaintiff,*

*Ton Vinh Lee*

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that service of this **PLAINTIFF TON VINH LEE'S THIRD**  
3 **SUPPLEMENT TO INITIAL EARLY CASE CONFERENCE DISCLOSURE OF**  
4 **WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.1** was  
5 served this 18th day of June, 2020 to the addressee identified in the e-service list by:

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

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

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

15 ☒ **BY ELECTRONIC SERVICE:** by transmitting via the Court's electronic filing  
16 services the document(s) listed above to the Counsel set forth on the service list on this  
17 date pursuant to EDCR Rule 7.26(c)(4).  
18

19 */s/ Susan Carbone*

20 

---

An Employee of RESNICK & LOUIS, P.C.  
21  
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**Exhibit 5**

**Exhibit 5**

**Exhibit 5**

Page 201

1 DISTRICT COURT  
2 CLARK COUNTY, NEVADA  
3  
4  
5  
6 TON VINH LEE, an individual,  
7 Plaintiff,  
8 vs. CASE NO. A-15-723134-C  
9 INGRID PATIN, an individual, and  
10 PATIN LAW GROUP, PLLC, a Nevada  
11 Professional LLC,  
12 Defendants.  
13  
14  
15 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
16 TON VINH LEE, D.D.S.  
17 (Pages 201 through 268)  
18  
19 July 14, 2020  
20 4:30 p.m.  
21  
22 Las Vegas, Nevada  
23  
24 Reported By: Robin A. Ravize, CCR No. 753  
25

Page 202

1 APPEARANCES OF COUNSEL VIA VIDEOCONFERENCE  
2  
3 On Behalf of the Plaintiff:  
4 RESNICK & LOUIS  
5 PRESCOTT JONES, ESQ.  
6 8925 West Russell Road, Suite 220  
7 Las Vegas, Nevada 89148  
8 702.997.3800  
9 E-mail: pjones@rlattorneys.com  
10  
11 On Behalf of the Defendant Ingrid Patin:  
12 NETTLES|MORRIS  
13 CHRISTIAN M. MORRIS, ESQ.  
14 1389 Galleria Drive, Suite 200  
15 Henderson, Nevada 89014  
16 702.434.8282  
17 702.434.1488 Fax  
18 E-mail: christian@nettlesmorris.com  
19  
20 On Behalf of the Defendant Patin Law Group:  
21 DOYLE LAW GROUP  
22 KERRY J. DOYLE, ESQ  
23 7375 South Pecos Road, Suite 101  
24 Las Vegas, Nevada 89120  
25 702.706.3323  
702.921.7923 Fax  
E-mail: kdoyle@doylelawgroupplv.com  
Also Present:  
ANGELA LYONS, Videographer

Page 203

1 INDEX OF EXAMINATION  
2 WITNESS: Ton Vinh Lee, D.D.S.  
3 CONT'D. EXAMINATION PAGE  
4 By Ms. Morris 205  
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Page 204

1 INDEX TO EXHIBITS  
2 Defendants' Description Page  
3 Exhibit 13 Dental Practice Market Valuation  
dated 4/16/2015 - Summerlin Smiles 206  
4  
5 Exhibit 14 Corrective Action Nevada State  
Board of Dental Examiners 259  
6 (Original Exhibits 13 and 14 have  
been attached to the original  
7 transcript.)  
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Page 205

1 LAS VEGAS, NEVADA  
2 TUESDAY, JULY 14, 2020; 4:30 P.M.  
3 -o0o-  
4 THE VIDEOGRAPHER: We are going back on the record.  
5 The time is 4:30 p.m.  
6  
7 EXAMINATION (Cont'd.)  
8 BY MS. MORRIS:  
9 Q. Mr. Lee, you understand that you're still  
10 under oath, correct?  
11 A. Yes.  
12 Q. You've had an opportunity to take a break.  
13 You comfortable moving forward?  
14 A. Yes. Thank you.  
15 MS. MORRIS: I'm going to show you what's been  
16 disclosed in this case. And I will mark it -- let me see  
17 what exhibit I'm on. I believe I'm on 12. Is it 12?  
18 MR. JONES: This will be 13, I think.  
19 MS. MORRIS: Oh, let me look.  
20 MR. JONES: Exhibit 12 is the Third Supplement.  
21 THE VIDEOGRAPHER: I think that was 11.  
22 MR. JONES: I've got 11 as the Complaint. Did we  
23 mark that one?  
24 MS. MORRIS: I've got 11 as the Complaint as well.  
25 You're right.

Page 206

1 You know what I haven't done though is, I did  
2 not remember to save the Third Supplement as Exhibit 12.  
3 But I will do so.  
4 And, Robin, I will send these to you and Gary  
5 as soon as we are done.  
6 (Exhibit 13 was marked for identification,  
7 and is attached hereto.)  
8 BY MS. MORRIS:  
9 Q. So this is Exhibit 13. It is a Dental  
10 Practice Market Valuation that your counsel disclosed from  
11 April 16th of 2015.  
12 Have you ever had seen this before?  
13 A. I have.  
14 Q. And it states here that this is a limited  
15 market valuation report and not to be considered a  
16 comprehensive professional appraisal. They didn't do a  
17 detailed investigation and analysis required for a  
18 professional appraisal, and have instead relied on  
19 information that was just provided to them.  
20 A. Yes.  
21 Q. Is this the report that you recall having  
22 done in 2015?  
23 A. Yes.  
24 Q. And did you reach out to Western Practice  
25 Sales for them to do this evaluation?

Page 207

1 A. Yes.  
2 Q. And what information did you provide them?  
3 A. The information they requested. The  
4 assumption would be Profit and Loss Statements, expenses,  
5 things like that.  
6 Q. At the time you asked for this valuation to  
7 be done, was any individual considering buying your  
8 practice?  
9 A. Buying my practice?  
10 Q. Correct.  
11 A. It was not on the market to sell.  
12 Q. Are you making any allegations in this case  
13 that someone did not buy your practice because of the posts  
14 that you read?  
15 A. No, I am not.  
16 Q. Are you making any allegations in this case  
17 that someone did not buy into your practice because of the  
18 post that you read?  
19 A. No, I am not.  
20 Q. I have read through this appraisal. And  
21 based on this appraisal, it looks like he said, "I have  
22 chosen the 2014 revenues as the basis of the value for the  
23 dental practice because in financing dental practices in  
24 today's economy, lenders will only consider the most recent  
25 year-end revenues as the basis for their consideration in

Page 208

1 funding the purchase of a dental practice."  
2 So you at least gave him your revenues from  
3 2014, correct?  
4 MR. JONES: Object to form. Assumes facts not in  
5 evidence.  
6 THE WITNESS: I would assume so, yes.  
7 BY MS. MORRIS:  
8 Q. He also shows the highest range he could,  
9 which is valuing it at 75 percent of the gross revenues to  
10 come to his fair market valuation.  
11 Did he provide this report to you when he was  
12 completed with the limited evaluation he did?  
13 A. Yes.  
14 Q. Okay.  
15 And it looks like he had valued your  
16 practices, and just for clarity, was this evaluation of  
17 Summerlin Smiles or --  
18 A. Yes.  
19 Q. -- or Distinctive Smiles?  
20 A. Summerlin Smiles.  
21 Q. Did you have an evaluation of Distinctive  
22 Smiles done in 2015?  
23 A. Yes.  
24 Q. Have you disclosed that report?  
25 A. I'm not aware of that.

Page 209

1 MR. JONES: And, Counsel, if we haven't disclosed  
2 that, that's my mistake. I thought we have.  
3 But if we haven't, we will get it disclosed  
4 right away.  
5 BY MS. MORRIS:  
6 Q. Was it the same company that did it?  
7 A. Yes.  
8 Q. Okay.  
9 So you had both of the companies evaluated  
10 and had at least a preliminary fair market value of both of  
11 them in 2015, correct?  
12 A. Yes.  
13 Q. Do you know if you had both of those done  
14 before you entered into your partnership?  
15 A. I would imagine that would be the case, yes.  
16 Q. Did either of the partners who bought into  
17 the practice in 2015 tell you they were going to pay less  
18 than what you were asking of them because of this post on  
19 Patin Law Group?  
20 MR. JONES: Object to form.  
21 Go ahead.  
22 THE WITNESS: They didn't have to. I was encouraged  
23 and motivated to sell less.  
24 BY MS. MORRIS:  
25 Q. That's not the question.

Page 210

1 Did they tell you they were not going to pay  
2 what you were asking because of this post?  
3 MR. JONES: Object to form.  
4 THE WITNESS: That was never a question because I  
5 approached them motivated and eager.  
6 So your question is after the fact.  
7 BY MS. MORRIS:  
8 Q. Did you tell them "I'm apparently asking for  
9 less because I read a post"?  
10 MR. JONES: Object to form.  
11 THE WITNESS: Not in that manner.  
12 BY MS. MORRIS:  
13 Q. Did you tell them you were asking for less  
14 because of some post?  
15 MR. JONES: Object to form.  
16 THE WITNESS: They knew. They could do the  
17 numbers.  
18 BY MS. MORRIS:  
19 Q. So you did inform them that you were making a  
20 lower offer than what you wanted because of a post?  
21 MR. JONES: Object to form.  
22 THE WITNESS: Well, I would understand that if the  
23 number is out there and the number it sold for -- or excuse  
24 me -- that's bought into is less than the number that's been  
25 procured, then the answer would be less.

Page 211

1 BY MS. MORRIS:  
2 Q. And you would expect them to pay top dollar  
3 to buy into your practice?  
4 MR. JONES: Object to form.  
5 THE WITNESS: I would hope so.  
6 BY MS. MORRIS:  
7 Q. And how much did they buy in for? You don't  
8 know, correct?  
9 A. I don't remember.  
10 Q. So help me understand what your allegation is  
11 about a lower buy in number because of this post?  
12 MR. JONES: Object to the extent it calls for an  
13 expert opinion.  
14 Go ahead.  
15 THE WITNESS: Can you repeat that question, please?  
16 BY MS. MORRIS:  
17 Q. Sure.  
18 Help me understand your position or what  
19 you're going to be offering at trial about the fact that you  
20 offered or apparently let them buy in for less than what you  
21 wanted them to pay because of this post?  
22 MR. JONES: Same objection.  
23 THE WITNESS: Isn't it obvious?  
24 BY MS. MORRIS:  
25 Q. No. That's why I'm asking.

Page 212

1 A. Well, I'm not sure if the numbers aren't  
2 obvious. If you list your home for \$2.2 million, or you  
3 list it -- or at least that's what the realtor tells you or  
4 a brokerage firm, but you decide to sell your house at \$1.8  
5 million, wouldn't that kind of be obvious that you're a  
6 motivated seller, even though the fair market value is  
7 telling you so.  
8 So I'm not sure how that isn't obvious. So  
9 if my price is valued or my office was valued at  
10 cumulatively or collectively whatever the amount is -- I  
11 don't know the exact detail or the exact number -- but I can  
12 assure you that what was bought in was a lot less than the  
13 fair market value.  
14 So I can educate you with regards to this,  
15 this is a -- according to what they are saying it's limited  
16 only because of the difference of this nature.  
17 This was more of an entertainment at that  
18 time. The percentages are based to sell. That means the  
19 owner is leaving. It is very comparatively different from a  
20 buy-in.  
21 Q. So help the jury understand how much you  
22 would have made for a buy-in, had you not read the post?  
23 MR. JONES: Object to form.  
24 THE WITNESS: For what the value of the office does  
25 and collects.

Page 213

1 BY MS. MORRIS:  
2 Q. You're alleging that you got less for a  
3 buy-in for your practice because of the post, correct?  
4 A. Yes.  
5 Q. Okay.  
6 Are you able to tell us how much less you  
7 got?  
8 A. I don't know the exact numbers.  
9 Q. Are you able to tell us how much you think  
10 you should have gotten?  
11 MR. JONES: Objection. Calls for an expert opinion  
12 and speculation.  
13 Go ahead.  
14 THE WITNESS: I'm not a mathematician. But whatever  
15 the value of the practice is -- not the assessed value, not  
16 the fair market value for what's being sold, but the value  
17 itself of the practice minus what it was bought in for, that  
18 would determine the loss.  
19 BY MS. MORRIS:  
20 Q. Okay.  
21 So what are those numbers?  
22 A. You would have to --  
23 MR. JONES: Object to form.  
24 Go ahead.  
25 THE WITNESS: You would have to take a calculator

Page 214

1 and add it.  
2 BY MS. MORRIS:  
3 Q. So I would be happy to if you could tell me  
4 first off how much the buy-in actually was?  
5 A. I don't have the number in front of me.  
6 Q. Have you discussed this with your  
7 accountant?  
8 A. Have I discussed what with my accountant?  
9 Q. This loss of an amount of money because of a  
10 lower buy-in.  
11 A. No.  
12 Again, I was a motivated seller -- or excuse  
13 me -- a motivated individual to have partners in. So it was  
14 not a discussion I needed to have with anybody else.  
15 Q. Okay.  
16 So in this case are you alleging any other  
17 loss financially, aside from that you got a lower buy-in  
18 amount than you think you would have gotten, had you not  
19 read the post?  
20 MR. JONES: Objection. Calls for expert opinion.  
21 Christian, that's your computer, I assume,  
22 that popped up on?  
23 MS. MORRIS: Yeah. I don't know how to stop it. I  
24 will move though.  
25 MR. JONES: I was curious why download was popping

Page 215

1 up on mine.  
2 BY MS. MORRIS:  
3 Q. Are you alleging any other financial losses  
4 in this case, aside from the loss that you're alleging from  
5 taking a lower buy in than you would have if you had not  
6 read the post?  
7 MR. JONES: Object to the extent it calls for an  
8 expert opinion, a legal conclusion.  
9 Go ahead.  
10 THE WITNESS: I think it's cumulative. I work less.  
11 I had partners who had -- now instead of having the practice  
12 being an individual that owned the entire practices or both  
13 entities, we all receive the same paychecks.  
14 So in terms of income, that changed  
15 drastically.  
16 My working days changed drastically. I  
17 wasn't working six days. Not only that, even at the  
18 capacity and the scope of work at that time, I wasn't  
19 working at the same scope and capacity.  
20 Q. In what years?  
21 A. I would imagine at least starting in 2015.  
22 Q. And did that go into 2016?  
23 A. I can't recall.  
24 Q. Did it go into 2017?  
25 A. I can't recall.

Page 216

1 Q. Did it go into 2018?  
2 A. I can't recall.  
3 Q. Did it go into 2019?  
4 A. I can't recall.  
5 Q. Did it go into this year, to 2020?  
6 A. I'm sorry. I can't recall.  
7 Q. You said your income was drastically changed.  
8 What did your income go from -- what was the drastic change  
9 in your income?  
10 A. Again, you're going to have to defer to my  
11 accountant. You can certainly see it from the company's tax  
12 returns. You're welcome to take a look at that.  
13 Q. The company's tax returns, you think they  
14 show a loss?  
15 A. I don't know what --  
16 MR. JONES: Object to form, misstates prior  
17 testimony.  
18 Go ahead.  
19 THE WITNESS: I don't know what they show.  
20 BY MS. MORRIS:  
21 Q. You've disclosed tax returns from what  
22 entities?  
23 MR. JONES: Objection to the extent those documents  
24 speak for themselves.  
25 Go ahead.

Page 217

1 THE WITNESS: Whatever entities that show up on  
2 those tax returns.  
3 BY MS. MORRIS:  
4 Q. Have you disclosed any tax returns for the  
5 partnership that you have, the PLLC with Dean and Anghesom?  
6 A. I'm not aware of that.  
7 Q. So currently do you still pull a salary from  
8 Ton Vinh Lee, DDS, Professional Corp.?  
9 A. Yes.  
10 Q. And do you still currently pull a salary from  
11 Ton V. Lee, DDS, Professional Corp.?  
12 A. That company does not exist.  
13 Q. Do you also pull a salary from the Dean,  
14 Anghesom and Lee, PLLC?  
15 A. No.  
16 Q. Do you still pull a salary from Lee, Dean and  
17 Anghesom, PLLC?  
18 A. Yes.  
19 Q. When did you start pulling a salary from Lee,  
20 Dean and Anghesom, PLLC?  
21 A. I'm assuming when the partnership was formed  
22 in 2015.  
23 MS. MORRIS: Prescott, just for clarity, have you  
24 disclosed any of the tax returns for Lee, Dean and Anghesom,  
25 PLLC or any of the profits and losses from that?

Page 218

1 MR. JONES: I don't believe those were included in  
2 there; I don't think they were.  
3 MS. MORRIS: So I don't have any ability to look at  
4 that from anything from July of 2015 where you're alleging  
5 losses.  
6 BY MS. MORRIS:  
7 Q. Have you looked at them yourself, Mr. Lee?  
8 A. No, I have not.  
9 MS. MORRIS: I'm going to have to reserve the right  
10 to redepose on this issue, since I have no ability to even  
11 attempt to figure out these numbers if he's not able to  
12 provide --  
13 MR. JONES: Okay.  
14 BY MS. MORRIS:  
15 Q. Do you know how much of a salary difference  
16 you experienced between 2015 and 2016?  
17 A. No, I do not recall.  
18 Q. Have you discussed this computation or this  
19 information of \$331,600 with your accountant, Mia?  
20 A. No.  
21 Q. As we sit here today, do you know who  
22 provided that number?  
23 MR. JONES: Object to form.  
24 Go ahead.  
25 THE WITNESS: Yes.

Page 219

1 BY MS. MORRIS:  
2 Q. Who did?  
3 A. Our expert witness.  
4 Q. You have an expert?  
5 MR. JONES: Counsel, he hasn't been designated yet.  
6 But we anticipate designating him.  
7 BY MS. MORRIS:  
8 Q. Okay.  
9 And what's this individual's name?  
10 A. I don't even know his name.  
11 Q. Do you know how long you've had him as an  
12 expert?  
13 A. No, I don't.  
14 Q. When did you first learn of him?  
15 A. I don't recall. This case has been going on  
16 for quite some time.  
17 Q. Okay.  
18 So you have known about him for several  
19 months?  
20 A. No. I don't recall.  
21 Q. So you don't know who this expert is.  
22 Have you ever spoken to him?  
23 A. No.  
24 Q. Is he an accountant?  
25 A. I don't know.

Page 220

1 Q. What area is he an expert in?  
2 A. I don't know.  
3 Q. Have you ever had any kind of phone  
4 conversation with him?  
5 A. I'm sorry. I couldn't hear that.  
6 Q. Have you ever had any type of phone  
7 conversation with him?  
8 A. No.  
9 Q. You never met him?  
10 A. No.  
11 Q. But you believe that he exists in this case,  
12 and he's the one that provided the \$331,600, correct?  
13 MR. JONES: Object to form. Asked and answered.  
14 Go ahead.  
15 THE WITNESS: Yes.  
16 (Reporter interjected.)  
17 BY MS. MORRIS:  
18 Q. Is there a report, sir, that he has written  
19 for your case?  
20 A. I don't know.  
21 Q. Have you seen any report?  
22 A. Not to my knowledge.  
23 Q. Do you know if he works in the state of  
24 Nevada?  
25 A. I don't know.



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 221</p> <p>1 Q. Do you know why you've never disclosed him in<br/>2 this case?<br/>3 MR. JONES: Object to form.<br/>4 THE WITNESS: No, I don't know.<br/>5 BY MS. MORRIS:<br/>6 Q. Did you provide this man with any<br/>7 information?<br/>8 A. Not directly.<br/>9 Q. Did you indirectly?<br/>10 A. Yes.<br/>11 Q. Okay.<br/>12 Was that through your attorney or through<br/>13 your accountant?<br/>14 A. Through my attorney.<br/>15 Q. And when did you provide that information?<br/>16 A. I don't recall.<br/>17 Q. Was it earlier this year?<br/>18 A. I'm not sure. I don't recall. I don't<br/>19 recall.<br/>20 Q. Was it in the year of 2020?<br/>21 A. I don't recall.<br/>22 Q. So an expert provided a number of \$331,600.<br/>23 Do you know what he based it on?<br/>24 MR. JONES: Object to form. Calls for a hearsay.<br/>25 It certainly calls for an expert opinion.</p>                 | <p style="text-align: right;">Page 223</p> <p>1 A. Commercial.<br/>2 Q. When you say commercial business, what type<br/>3 of commercial business?<br/>4 A. I apologize. Commercial real estate.<br/>5 Q. Okay.<br/>6 So do you also do real estate?<br/>7 MR. JONES: Object to form.<br/>8 THE WITNESS: Can you be specific? Residential?<br/>9 Commercial?<br/>10 BY MS. MORRIS:<br/>11 Q. Sure.<br/>12 So you are the owner of a company called JVL,<br/>13 LLC that you testified now does commercial real estate,<br/>14 correct?<br/>15 A. Can you repeat that again?<br/>16 Q. Sure.<br/>17 There is a company or an entity called JVL,<br/>18 LLC that you formed in 2013, correct?<br/>19 A. You're not reading it off correctly.<br/>20 Q. JVL, LLC?<br/>21 A. That's a holding company. But when you read<br/>22 it, you read it short. So I apologize if I answered that<br/>23 incorrectly.<br/>24 Q. Okay.<br/>25 So you created a company that you're now</p> |
| <p style="text-align: right;">Page 222</p> <p>1 Go ahead and answer. Sorry.<br/>2 THE WITNESS: It was based on the information that<br/>3 was provided.<br/>4 BY MS. MORRIS:<br/>5 Q. And are you talking about tax returns?<br/>6 A. Whatever information was requested over that<br/>7 time period.<br/>8 Q. Did you provide any of the tax returns or<br/>9 profit and loss statements from Lee, Dean and Anghesom or<br/>10 Dean, Anghesom and Lee to your attorney?<br/>11 A. I don't recall.<br/>12 Q. So do you have any idea what tax returns this<br/>13 expert looked at?<br/>14 A. I don't recall.<br/>15 Q. What is JVL, LLC?<br/>16 MR. JONES: Can you say that again?<br/>17 BY MS. MORRIS:<br/>18 Q. What is JVL, LLC?<br/>19 A. It's an entity.<br/>20 Q. And do you own this entity?<br/>21 A. I do.<br/>22 Q. And what type of business, if any, does this<br/>23 entity do?<br/>24 A. Commercial.<br/>25 Q. Say that again?</p> | <p style="text-align: right;">Page 224</p> <p>1 saying is a holding company in 2013, correct?<br/>2 A. Yes, I did.<br/>3 Q. And what does it hold?<br/>4 A. At this time, nothing.<br/>5 Q. Okay.<br/>6 When is the last time it held anything?<br/>7 A. It's never held anything if you're referring<br/>8 to JVL, LLC.<br/>9 Q. Do you use this company for anything?<br/>10 A. No.<br/>11 Q. Do you have a real estate broker's license?<br/>12 A. No.<br/>13 Q. Do you do any type of real estate?<br/>14 MR. JONES: Objection.<br/>15 What do you mean by "do real estate"? I'm<br/>16 not quite sure what you're asking, Counsel.<br/>17 BY MS. MORRIS:<br/>18 Q. Do you own any entities that deal in the real<br/>19 estate business?<br/>20 A. Yes.<br/>21 Q. And how many do you own?<br/>22 A. One.<br/>23 Q. And what's the name of it?<br/>24 A. JVL Real Estate, Incorporated.<br/>25 Q. When did you form that?</p>                                          |

Page 225

1 A. I don't recall.  
2 Q. Was it after you read the post?  
3 A. I don't believe so.  
4 Q. Help me understand what that company does.  
5 Does it lease property?  
6 A. It does.  
7 Q. Does it have a physical location?  
8 A. Yes.  
9 Q. Where is that?  
10 A. Where the Summerlin building is.  
11 Q. Downtown Summerlin?  
12 A. I'm sorry. I apologize. Where Summerlin  
13 Smiles' office is.  
14 Q. And does that company have any employees?  
15 A. Myself.  
16 Q. Do you pull a salary from that company?  
17 A. I do not.  
18 Q. Are you the only employee?  
19 A. Yes.  
20 Q. And what do you do with that company? Are  
21 you personally leasing real estate?  
22 A. I'm not personally leasing any real estate.  
23 Q. So does that company have any business? Does  
24 it bring in any revenue?  
25 A. Could you rephrase that one more time,

Page 226

1 please?  
2 Q. Does the business bring in any revenue?  
3 A. It does.  
4 Q. But you don't pay yourself?  
5 A. I haven't paid myself. No, I don't.  
6 Q. Do you get distributions?  
7 A. I don't get any distributions.  
8 Q. So what happens to the money that goes into  
9 that company?  
10 A. It sits there.  
11 MR. JONES: Object to form. Relevance.  
12 Go ahead.  
13 THE WITNESS: It sits there.  
14 BY MS. MORRIS:  
15 Q. And how much revenue does it bring in on an  
16 annual basis or for the last year?  
17 MR. JONES: Objection. Relevance, form.  
18 Go ahead.  
19 THE WITNESS: I don't recall.  
20 BY MS. MORRIS:  
21 Q. How much time do you dedicate to the work  
22 with this company?  
23 A. I don't recall.  
24 Q. Are you alleging in any way that by reading  
25 this post, you were forced to go into real estate leasing?

Page 227

1 A. I think that's your assumption. But the  
2 answer would be no.  
3 Q. No. I'm just asking in case you were going  
4 to make that allegation.  
5 A. No.  
6 Q. Do you file taxes for that corporation?  
7 A. I do.  
8 Q. Have you provided any of those tax returns to  
9 your counsel?  
10 MR. JONES: Object to form, relevance.  
11 Counsel, he said he's not making any claim  
12 related to this entity.  
13 But go ahead.  
14 THE WITNESS: There's no relevance to this case with  
15 regards to that entity.  
16 BY MS. MORRIS:  
17 Q. Is there any other entities that you own in  
18 Nevada that you believe aren't relevant to this case?  
19 MR. JONES: Hold on one second. We lost our screen.  
20 Can everyone see us?  
21 MS. MORRIS: Yeah. We can see you. We didn't lose  
22 you.  
23 MR. JONES: Can you ask the question again?  
24 BY MS. MORRIS:  
25 Q. Do you know of any other companies in Nevada

Page 228

1 that you do not believe are relevant to this lawsuit?  
2 A. Can you rephrase that one more time, please?  
3 Q. Do you own any other corporations in Nevada  
4 that you believe are not relevant to this lawsuit?  
5 MR. JONES: Are not relevant?  
6 MS. MORRIS: Correct.  
7 MR. JONES: I'll object on relevance grounds.  
8 But go ahead if you can answer.  
9 THE WITNESS: I'm saying I'm a little confused  
10 because that's like a double negative.  
11 BY MS. MORRIS:  
12 Q. We talked about previously, obviously, you  
13 did not disclose this real estate company that we are now  
14 talking about.  
15 Are there any other entities, other corporate  
16 entities that you own in Nevada that you have not told me  
17 about?  
18 A. I'm sorry, Counsel. You brought up that  
19 entity. That entity has no relevance with regards to this  
20 case.  
21 Q. I understand that. But you're not allowed to  
22 make that determination when I ask you if you own  
23 corporations. You just need to be honest about which ones  
24 you own.  
25 A. I am being honest. I'm just responding.

Page 229

1 Q. Sir, are there any other corporations that  
2 you own in Nevada?  
3 A. Are there any other corporations that I own  
4 in Nevada?  
5 Q. Yes.  
6 A. Besides the one you're aware of?  
7 Q. Besides the ones we have spoken about so far  
8 in this litigation.  
9 A. As a part of this lawsuit or altogether?  
10 Q. Sir, do you own any other corporations in  
11 Nevada, aside from the ones that we have discussed so far in  
12 this deposition?  
13 A. I think I own two other holding companies  
14 that are just holding companies or shell companies.  
15 Q. And what are those names?  
16 A. I don't recall. There's nothing under them.  
17 They were only -- I think they were formed with anticipation  
18 that at some point I would put something under their domain  
19 or the entity holdings. But no.  
20 Q. Are you able to recall the names of these  
21 corporations that you formed?  
22 A. No. I just told you that, Counsel.  
23 Q. Do you have any recollection on when you  
24 formed these companies that you can't remember the names  
25 of?

Page 230

1 A. I apologize if I don't remember the name. I  
2 certainly don't remember the year they were formed, so I'm  
3 sorry. I don't recall.  
4 Q. Do these corporations have any employees?  
5 A. No.  
6 Q. Do you know what type of companies they were  
7 intended to be used for? Were they in real estate as well?  
8 Were they dental? Were they restaurants?  
9 MR. JONES: Objection. Asked and answered.  
10 But go ahead.  
11 THE WITNESS: No intention at that time.  
12 BY MS. MORRIS:  
13 Q. Do you also have a revocable living trust?  
14 A. Yes.  
15 Q. Do you recall when that was formed?  
16 MR. JONES: Objection. Relevance.  
17 But go ahead.  
18 THE WITNESS: No.  
19 BY MS. MORRIS:  
20 Q. Do the trusts own any of your residential  
21 properties?  
22 MR. JONES: Objection. Relevance.  
23 THE WITNESS: That I don't -- I'm not aware of.  
24 I would have to refer to my asset protection  
25 attorney.

Page 231

1 BY MS. MORRIS:  
2 Q. And who's that?  
3 A. That is Mark Ziebold.  
4 Q. Do you know if any of your interests in the  
5 practices are owned by your revocable living trust?  
6 MR. JONES: Object to form, relevance.  
7 THE WITNESS: Counsel, I think we spoke about this a  
8 couple of hours ago. And we clarified who the entity and  
9 where those entities are formed and what percentage they  
10 are.  
11 BY MS. MORRIS:  
12 Q. I don't think we have discussed that at all.  
13 A. Oh, yeah, we did. You might have -- I mean,  
14 we did.  
15 Q. Help me understand what you're saying we have  
16 already talked about. The revocable living trust is a new  
17 line of questioning.  
18 A. Can you rephrase your question?  
19 Q. Sure.  
20 Does your revocable living trust own any  
21 portion of your current medical practice?  
22 A. The answer would be no.  
23 Q. So let's get a little bit of clarity about  
24 what happened back in 2015 when you partnered with Dean and  
25 Anghesom.

Page 232

1 You did not dissolve Ton Vinh Lee, DDS,  
2 Professional Corp., correct? You kept that entity?  
3 A. You are correct.  
4 Q. And did that entity retain ownership of  
5 either Distinctive Smiles or Summerlin Smiles?  
6 A. When you say "that entity," are you referring  
7 to specifically which entity?  
8 Q. The one we are talking about, Ton Vinh Lee,  
9 DDS, professional Corp.  
10 A. No.  
11 Q. Did Ton Vinh Lee, DDS, Professional Corp.  
12 remain in existence when you partnered with Dean and  
13 Anghesom?  
14 A. I believe so.  
15 Q. Did Ton V. Lee, DDS, Professional Corp.  
16 retain any ownership of either Distinctive Smiles or  
17 Summerlin Smiles?  
18 A. (No audible response.)  
19 Q. So did you go in as an individual to partner  
20 with Dean and Anghesom in your new PLLC that you formed, the  
21 two new PLLCs?  
22 A. That is correct.  
23 Q. But you continued to pull a salary from Ton  
24 Vinh Lee, DDS, Professional Corp. in 2015, correct?  
25 A. That is correct.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 233</p> <p>1 Q. And you also pulled a salary from Dean,<br/>2 Anghesom and Lee, PLLC; is that correct?<br/>3 A. I think you might need a little<br/>4 clarification.<br/>5 Q. I'm sure I do. I don't have any of these<br/>6 documents very clear. They are just kind of dumped<br/>7 over here.<br/>8 A. That's okay. Let me see if I can help you<br/>9 out.<br/>10 I'm an officer of the -- are we talking<br/>11 strictly when the partnership started with the partners?<br/>12 Q. Are we talking about Dean Anghesom and Lee or<br/>13 Lee, Anghesom and Dean?<br/>14 A. So let me clarify. Dean, Anghesom and Lee<br/>15 paid salaries -- or excuse me -- paid officer salaries to<br/>16 John Dean and Meron Anghesom. Lee, Dean &amp; Anghesom, PLLC<br/>17 pays an officer salary to myself.<br/>18 Q. Does that remain true to today?<br/>19 A. It does. And then they pay us as independent<br/>20 contractors -- they pay our company, excuse me.<br/>21 So Dean, Anghesom &amp; Lee, PLLC pays -- so<br/>22 let's just talk about me. It makes it a little bit easier.<br/>23 So for the Lee, Dean &amp; Anghesom, PLLC, it<br/>24 pays a 1099 to my company, which is the Ton V. Lee, DDS, Pro<br/>25 Corp., which is why that stays in existence. And from that,</p> | <p style="text-align: right;">Page 235</p> <p>1 Anghesom &amp; Lee?<br/>2 A. I don't recall.<br/>3 Counsel, I just wanted to clarify with<br/>4 regards to why there's confusion. When you posed the first<br/>5 set of questions maybe three hours ago or three and a half<br/>6 hours ago, you had asked me if I get paid.<br/>7 And I don't recall the specific details of<br/>8 the statement itself or making sure we distinguish and<br/>9 clarify between the two entities and how things are being<br/>10 paid at this point.<br/>11 Q. I want to kind of see if I can clear this up.<br/>12 Prior to partnering with Dean and Anghesom in<br/>13 2015, you got paid a salary from Ton Vinh Lee, DDS,<br/>14 Professional Corp., correct?<br/>15 A. Prior to the partnership?<br/>16 Q. Yes.<br/>17 A. That is correct.<br/>18 Q. Prior to the partnership, did you pull a<br/>19 salary from Ton V. Lee, DDS, Professional Corp.?<br/>20 A. At this point, it's so long. It's been over<br/>21 six years now, and I can't recall how the payments were.<br/>22 Q. Is there a certain amount of money that you<br/>23 run through Ton Vinh Lee, DDS, Professional Corp. currently<br/>24 to maintain the company, since it really just gets 1099'd<br/>25 from your new partnership?</p> |
| <p style="text-align: right;">Page 234</p> <p>1 in turn, I draw a salary.<br/>2 Q. So you get paid as an independent contractor<br/>3 from Dean, Anghesom and Lee, correct?<br/>4 A. No. That's incorrect.<br/>5 Q. Okay.<br/>6 So I thought you said you got paid as an<br/>7 independent contractor from both of them. You don't?<br/>8 A. No. I think it was the way the question was<br/>9 phrased at that time.<br/>10 So I'm clarifying it because you don't have<br/>11 the documents in front of you.<br/>12 Q. Right.<br/>13 A. And I understand where your confusion was.<br/>14 That's why I'm just making sure that I clarify things at<br/>15 this point.<br/>16 Q. Okay. Thank you.<br/>17 So Lee, Dean &amp; Anghesom pays you an officer<br/>18 salary, and also 1099's Ton Vinh Lee, DDS that you pull a<br/>19 salary from?<br/>20 A. It 1099's, yes, Ton Vinh Lee, DDS,<br/>21 Professional Corp, yes. You are correct.<br/>22 Q. Do you take distributions from Ton Vinh Lee,<br/>23 DDS, Professional Corp.?<br/>24 A. Honestly, I don't recall.<br/>25 Q. Do you get paid in any form from Dean,</p>                                                                                                                                                                                              | <p style="text-align: right;">Page 236</p> <p>1 A. You're talking about currently?<br/>2 Q. Yes.<br/>3 A. It's kind of hard because COVID has kind of<br/>4 put a stranglehold on how things have been.<br/>5 So we don't have a set number to maintaining<br/>6 the company.<br/>7 Q. Currently how are your dental practices doing<br/>8 with COVID?<br/>9 A. I think thankfully they are doing fine.<br/>10 Because one of the things we did was kind of act like a<br/>11 first responder during the closure times.<br/>12 Q. Did the practices remain open?<br/>13 A. Only to see emergencies and to help alleviate<br/>14 some of the overload in the hospitals and things like<br/>15 that.<br/>16 Q. Do you have a list of witnesses that you will<br/>17 be providing in this case to talk about how you've been<br/>18 emotionally and physically damaged by reading this post?<br/>19 MR. JONES: Object to form.<br/>20 Go ahead.<br/>21 THE WITNESS: Could you ask that question one more<br/>22 time, Counsel? I'm sorry.<br/>23 BY MS. MORRIS:<br/>24 Q. Sure.<br/>25 On behalf of yourself in this lawsuit, the</p>                                                                                                                                                               |

Page 237

1 only person who's been listed as a witness is you.  
2 My question is will you be providing -- or it  
3 sounds like your wife is a witness who can provide testimony  
4 as to how you've been physically and emotionally damaged by  
5 reading this post.  
6 Is there any other individual who has  
7 witnessed your physical and emotional damage from reading  
8 this post that you plan to call as a witness?  
9 MR. JONES: Objection. Calls for a legal  
10 conclusion, speculation.  
11 Go ahead.  
12 THE WITNESS: Not to my knowledge at this time.  
13 BY MS. MORRIS:  
14 Q. Do your partners have information as to how  
15 the reading of this post has injured you in any way?  
16 A. I'm sure they are aware of the effect of the  
17 post.  
18 Q. Are they aware that the buy-in amount was  
19 different, in your opinion, because of the post?  
20 MR. JONES: Objection. Calls for hearsay.  
21 Go ahead.  
22 THE WITNESS: I think that they would be foolish not  
23 to think so.  
24 BY MS. MORRIS:  
25 Q. Did you discuss it with them?

Page 238

1 A. I think the price was something that they  
2 didn't have to have a conversation with.  
3 Q. So there wasn't a conversation about it?  
4 A. If you're talking about relating to the post,  
5 there was no need to. It was way below market value.  
6 Q. But you don't know what that number is,  
7 right?  
8 A. I don't recall exactly what that number is.  
9 Q. Do you have an estimate?  
10 A. Of what they bought in for?  
11 Q. Correct.  
12 A. It's -- I don't. I mean, I don't.  
13 Q. To follow up on my question, did you have a  
14 conversation with either of your partners that the buy-in  
15 amount was, in your opinion, below market value because of  
16 the post?  
17 MR. JONES: Objection. Asked and answered.  
18 THE WITNESS: We never had a direct conversation.  
19 But I don't think anybody would question when they see a  
20 generous offer and ask why.  
21 BY MS. MORRIS:  
22 Q. Did they ask why?  
23 A. They didn't have to. They came in to help me  
24 during the time where it was really hard for me to work as  
25 much as I did before.

Page 239

1 Q. Do you remember when Anghesom came in and  
2 first started helping you?  
3 A. No. I do not recall.  
4 MS. MORRIS: Prescott, just as I'm going through  
5 this, you tell me if I'm wrong, but I haven't seen any  
6 disclosure of a post from March 23rd of 2015.  
7 Am I missing it?  
8 MR. JONES: Sorry. A disclosure of a post from  
9 March 23rd, 2015?  
10 MS. MORRIS: Yeah. What Mr. Lee has testified that  
11 he took a timestamp of from what --  
12 MR. JONES: No. I wasn't aware of that until today.  
13 I'm happy to print out a copy. We had  
14 actually discussed that this morning. We are going to print  
15 out a copy and disclose it. It would after, though.  
16 BY MS. MORRIS:  
17 Q. Do you have this post, Mr. Lee?  
18 Are you able to show it to me now, so I can  
19 ask questions about it because we are here for your depo?  
20 A. Not with me.  
21 Q. Did you provide it to your attorney?  
22 A. I have not provided it to my attorney.  
23 Q. Okay.  
24 So this post, how did you save it?  
25 A. How did I save it?

Page 240

1 Q. (Counsel nods head up and down.)  
2 A. I took a screenshot of it.  
3 Q. On your computer?  
4 A. On my phone.  
5 Q. And is that not the same phone that you have  
6 with you?  
7 A. It is a different phone. You're correct.  
8 Q. But you saved the phone at home?  
9 A. Yes.  
10 Q. And so you took a screenshot on your phone,  
11 and then saved the phone and haven't shared that screenshot  
12 with anyone; is that correct?  
13 A. What do you mean by "anyone"?  
14 Q. Well, you didn't provide it to your attorney,  
15 correct?  
16 A. You're correct.  
17 Q. Did you share it with anyone?  
18 A. Not that I can recall.  
19 Q. Once I get that, I might need to also discuss  
20 about revisiting that when we come back and talk about  
21 damages.  
22 Are you alleging that you have any damages  
23 that, in any way, prevented you from doing certain sports as  
24 a result of looking at this post?  
25 MR. JONES: Sorry, Counsel. Did you say doing



Page 241

1 certain sports?  
2 BY MS. MORRIS:  
3 Q. Yeah. Participating in any sports you  
4 weren't able to because of reading the post.  
5 MR. JONES: Okay.  
6 THE WITNESS: I am not alleging any physical  
7 injuries that pertain to this defamatory statement that have  
8 limited me from participating in any sporting activities.  
9 BY MS. MORRIS:  
10 Q. You testified that you believe you lost about  
11 20 pounds. Did it affect your ability to work out?  
12 A. I didn't work out.  
13 Q. Do you work out currently?  
14 A. Yes, I do.  
15 Q. Prior to reading the post did you work out?  
16 A. I took some time off.  
17 Q. When did you take time off from working  
18 out?  
19 A. I don't recall.  
20 Q. Are you alleging that you were unable to work  
21 out because of the post?  
22 A. I'm not alleging that I couldn't work out  
23 because of the post. There was no motivation. I wasn't  
24 worried about working out. I didn't care about working  
25 out.

Page 242

1 Q. Back in 2015, did you have a gym  
2 membership?  
3 A. I did.  
4 Q. Prior to taking a break from working out, how  
5 often would you work out?  
6 A. I don't recall.  
7 Q. Currently how often do you work out?  
8 A. Maybe four, five times a week maybe.  
9 Q. And where do you work out currently?  
10 A. I have a home gym.  
11 Q. In both of your homes here in Nevada and in  
12 California?  
13 A. My home in Nevada -- I'm sorry. My home in  
14 California.  
15 Q. I don't know if I've asked this, but did you  
16 seek any counseling as a result of reading this post?  
17 A. Not that I can recall.  
18 Q. Prior to reading this post, had you ever  
19 received any counseling in the past?  
20 A. Marriage counseling.  
21 Q. Aside from marriage counseling, had you ever  
22 privately gone to counseling sessions by yourself?  
23 A. No, I have not.  
24 Q. Since reading this post, have you and your  
25 wife gone to any marriage counseling?

Page 243

1 A. No, we have not.  
2 Q. Do you recall being asked to execute an  
3 authorization that would allow me to gather up your tax  
4 information?  
5 A. I don't recall.  
6 Q. I'd like you to take a look at something that  
7 is called Requests for Admission. I've got a screen up  
8 here, and this is the Plaintiff's Responses to Defendant's  
9 First Set of Requests for Admissions.  
10 Number 4, I said "Admit that you have no  
11 evidence to support that any patient ever saw the subject  
12 post."  
13 And do you see the response is "Deny"?  
14 A. Yes.  
15 Q. Is the evidence that a patient has seen the  
16 subject post the fact that you showed it to Prescott, who's  
17 your attorney and who's also your patient?  
18 MR. JONES: Object to form.  
19 Go ahead.  
20 THE WITNESS: I'm sorry. That was a little vague.  
21 Could you repeat that again, please?  
22 BY MS. MORRIS:  
23 Q. I just want to understand the reason for your  
24 denial of this request.  
25 Is it because you showed Prescott this post,

Page 244

1 and he's also your patient, as well as your attorney?  
2 MR. JONES: Object to form.  
3 Go ahead.  
4 THE WITNESS: Request No. 4, "Admit that you have no  
5 evidence to support that any patient ever saw the subject  
6 post."  
7 Have we not gone through this before,  
8 Counsel?  
9 BY MS. MORRIS:  
10 Q. I'm trying to understand the basis for the  
11 denial.  
12 Because if I understand your testimony, you  
13 don't have any evidence that a patient ever saw this post,  
14 aside from your attorney who's also your patient, correct?  
15 A. You're correct.  
16 Q. And so is that the basis for the denial of  
17 this request?  
18 MR. JONES: Object to form.  
19 THE WITNESS: I don't recall.  
20 BY MS. MORRIS:  
21 Q. Would you agree with me that the lawsuit for  
22 the wrongful death that named you as a defendant is public  
23 record?  
24 MR. JONES: Object to form, calls for a legal  
25 conclusion.

Page 245

1 THE WITNESS: I'm sorry. Could you repeat that  
2 again, Counsel?  
3 BY MS. MORRIS:  
4 Q. Would you agree that the lawsuit for the  
5 wrongful death claim in which you were named as a defendant  
6 is public record?  
7 A. I would assume that it's public record.  
8 Q. Do you have any documents that would show  
9 when you and your partners, your now partners, Dean and  
10 Anghesom, first began negotiating the partnership?  
11 A. Oh, no.  
12 Q. Did you look at any documents to prepare for  
13 today's deposition?  
14 A. I looked at your list of interrogatories.  
15 Q. So the interrogatory questions that I pulled  
16 up previously?  
17 A. Yes.  
18 Q. Any other documents that you looked at?  
19 A. I can't recall.  
20 Q. So today is July 14th. Would you normally be  
21 in California, or would you be in Nevada on a Tuesday?  
22 A. It just depends on the schedule.  
23 Q. And what's the schedule like this week?  
24 A. I'm sorry. What's that?  
25 Q. What's the schedule like this week?

Page 246

1 A. This week because I knew of our deposition, I  
2 was scheduled off today.  
3 Q. Are you working any days this week?  
4 A. I'm working Wednesday and Thursday.  
5 Q. Now, you had a different office manager prior  
6 to your current office manager, correct, one that was with  
7 you, I believe it was eight years, a Charise -- I'm going to  
8 butcher her name -- Lesparanz?  
9 A. Yes.  
10 Q. Why did she leave your practice?  
11 A. I think, if I can recall, and I don't  
12 remember, her husband worked in a different state. She  
13 eventually moved.  
14 Q. After she left your practice, who became your  
15 office manager?  
16 A. I think it was a team effort. Lynn was  
17 already groomed for that position.  
18 Q. Are you alleging in any way in this lawsuit  
19 that the post on Patin Law Group's website was not accurate  
20 because the case was on appeal?  
21 MR. JONES: Object as to form, calls for a legal  
22 conclusion.  
23 THE WITNESS: Could you repeat that question,  
24 Counsel?  
25 ///

Page 247

1 BY MS. MORRIS:  
2 Q. Yes.  
3 For this lawsuit are you alleging in any way  
4 that the post on the Patin Law Group's website was not  
5 accurate because the case was on appeal?  
6 MR. JONES: Objection. Again, calls for a legal  
7 conclusion.  
8 THE WITNESS: The statement is inaccurate because  
9 it's referencing me as a part of the verdict.  
10 BY MS. MORRIS:  
11 Q. And you interpret that post to read as though  
12 a verdict was rendered against you, correct?  
13 MR. JONES: Object to the form.  
14 Go ahead.  
15 THE WITNESS: I think the general public would  
16 interpret it the same.  
17 BY MS. MORRIS:  
18 Q. But the post doesn't, in any way, state that  
19 a verdict was brought against you, correct?  
20 MR. JONES: Object to form, argumentative.  
21 Go ahead.  
22 THE WITNESS: Could you repeat that, please?  
23 BY MS. MORRIS:  
24 Q. The post doesn't state that a verdict was  
25 brought against you as an individual, correct?

Page 248

1 A. I think I can infer that.  
2 Q. And you infer that when you read it,  
3 correct?  
4 A. I would assume that I would have the same  
5 mindset as the general public, yes.  
6 Q. I just want a little bit of clarity, now that  
7 we have talked about the fact that the screenshot you have  
8 has never been shared with anyone.  
9 I previously showed you Exhibit 1, which is  
10 something that your counsel disclosed, dated July 9th,  
11 2015.  
12 When I showed you this today in Exhibit 1,  
13 was that the first time you had ever seen it?  
14 MR. JONES: Object to form.  
15 THE WITNESS: That I've ever seen what?  
16 BY MS. MORRIS:  
17 Q. This document here.  
18 A. It was the first time I've seen that  
19 document, but not the first time I've read the narrative  
20 inside or the statement.  
21 Q. Correct.  
22 And I just want clarity on that; that you  
23 have never actually -- this is the first time you've seen  
24 that document, but not the first time you've obviously read  
25 the post?

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p style="text-align: right;">Page 249</p> <p>1 MR. JONES: Object to form.</p> <p>2 Go ahead.</p> <p>3 THE WITNESS: That is correct.</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. I'm going to show you a Profit and Loss</p> <p>6 Statement that's been provided from 2015.</p> <p>7 Can you see the document?</p> <p>8 A. I do.</p> <p>9 Q. Now, this is for Ton Vinh Lee, DDS,</p> <p>10 Professional Corp for the year of 2015, correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Now, this is the year where you partnered</p> <p>13 with Dean and Anghesom; is that right?</p> <p>14 A. I believe you said July 15th, 2015 through --</p> <p>15 you said July 15th. Yes.</p> <p>16 Q. And it looks like there was still money</p> <p>17 coming through Ton Vinh Lee, DDS. But if I understand</p> <p>18 correctly, that only came through as a 1099 from the new</p> <p>19 PLLC that you had created, correct?</p> <p>20 A. I think your question is very confusing.</p> <p>21 Q. It probably is because I obviously don't have</p> <p>22 all of the documents. But my understanding is that you</p> <p>23 partnered with them in July of 2015, or at least that's when</p> <p>24 the corporation the formed, PLLCs were formed.</p> <p>25 And from what you've told me, Lee, Dean and</p>                                   | <p style="text-align: right;">Page 251</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. Correct.</p> <p>3 A. I can't recall. But the assumption would be</p> <p>4 yes. There's two partners now.</p> <p>5 Q. Did the number of patients that Distinctive</p> <p>6 Smiles and Summerlin Smiles saw increase after the</p> <p>7 partnership or decrease?</p> <p>8 A. I could not recall, and I could not tell</p> <p>9 you.</p> <p>10 Q. Do you know how many patients Summerlin</p> <p>11 Smiles and Distinctive Smiles had in 2015?</p> <p>12 A. I do not.</p> <p>13 Q. Are you alleging that the number of patients</p> <p>14 that Summerlin Smiles and Distinctive Smiles had decreased</p> <p>15 in any way because of the post?</p> <p>16 A. I'm alleging that.</p> <p>17 Q. Aside from your wife, did you express to</p> <p>18 anyone else that you were self isolating because of this</p> <p>19 post?</p> <p>20 A. Counsel, did you ask me that question two</p> <p>21 hours earlier, too?</p> <p>22 Q. I don't think I did, about me asking about</p> <p>23 self isolating.</p> <p>24 A. I remember the isolation question. But if</p> <p>25 you don't mind, could you please repeat that again?</p>                                                                                                   |
| <p style="text-align: right;">Page 250</p> <p>1 Anghesom 1009'd Ton Vinh Lee, DDS, Professional Corporation,</p> <p>2 after the partnership as a way -- that's one of the ways in</p> <p>3 which you got paid; is that correct?</p> <p>4 A. That is correct.</p> <p>5 Q. So looking at this statement of cash flows,</p> <p>6 do you have any idea as to how much cash came in from prior</p> <p>7 to the partnership and how much came after the formation of</p> <p>8 the new partnership?</p> <p>9 MR. JONES: Object to form.</p> <p>10 THE WITNESS: Counsel, that's French to me.</p> <p>11 You can show me dentistry, root canals,</p> <p>12 extractions. But if you show me numbers on a paper, they</p> <p>13 are just numbers on a paper.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. So when you look at these operating</p> <p>16 activities and the net income is negative \$167,236, do you</p> <p>17 have any idea why the net income was that negative for Ton</p> <p>18 Vin Lee, DDS for January through December?</p> <p>19 A. No. I'm not an accountant. I don't</p> <p>20 understand those numbers.</p> <p>21 Q. Do you know if you suffered a negative loss</p> <p>22 in cash flow in 2015?</p> <p>23 MR. JONES: Object to form.</p> <p>24 THE WITNESS: If I suffered a negative cash flow?</p> <p>25 ////</p> | <p style="text-align: right;">Page 252</p> <p>1 Q. Sure.</p> <p>2 Did you tell anyone else that you were self</p> <p>3 isolating because of the post?</p> <p>4 A. I don't think it's something I want to share</p> <p>5 with the world.</p> <p>6 Q. I know. I understand. But I mean, it's</p> <p>7 either yes, no, I don't remember. Either way a response</p> <p>8 would probably speed up the process.</p> <p>9 A. Well, you're asking a loaded question.</p> <p>10 So I'm --</p> <p>11 Q. I'm not asking a loaded question. I'm</p> <p>12 seeking to --</p> <p>13 A. Not all questions are yes and no. Not all</p> <p>14 questions are yes and no.</p> <p>15 Q. And I'm not saying you need to say "yes" or</p> <p>16 "no" or "I don't recall." But the rhetorical answer comes</p> <p>17 back, and then I have to ask the question again.</p> <p>18 A. I did answer it, Counsel. And I apologize if</p> <p>19 maybe I'm not answering it in the manner that you would</p> <p>20 prefer it to be.</p> <p>21 But if you want to rephrase it again, I</p> <p>22 certainly can answer it.</p> <p>23 Q. Well, I want to understand your answer. So</p> <p>24 when you say "That's not something I want to talk to people</p> <p>25 about," does that mean you didn't say that to anyone else?</p> |



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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 253</p> <p>1 I mean, I'm asking whether you did or not.</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. So you can say you don't recall.</p> <p>4 That's fine. I'm just trying to find some answer within the</p> <p>5 response.</p> <p>6 A. I understand.</p> <p>7 Q. Hold on. I'm pulling up just some of your</p> <p>8 employee earnings summaries.</p> <p>9 When you partnered with Dean and Anghesom in</p> <p>10 2015, did you keep on any of the dentists who were working</p> <p>11 as independent contractors for you that you couldn't recall</p> <p>12 the names of, or did they cease to work with the company?</p> <p>13 A. I didn't say I couldn't recall the names of</p> <p>14 the independent contractors.</p> <p>15 Q. So when I asked about in 2015 if you had</p> <p>16 dentists working for you as independent contractors, you</p> <p>17 said yes, two, and you couldn't recall the names of them?</p> <p>18 A. No, I don't think that's exactly what was</p> <p>19 said.</p> <p>20 You asked me if I can recall who were my</p> <p>21 independent contractors at that time in 2015. And I</p> <p>22 informed you that I could not recall if some remained on</p> <p>23 board, where the partners were, because they weren't</p> <p>24 partners at that time. And they were just helping me during</p> <p>25 that period before they became partners.</p> | <p style="text-align: right;">Page 255</p> <p>1 reference, Plaintiff's 231 where it's supposed to be</p> <p>2 Summerlin Smiles. Just so you know, it's supposed to be</p> <p>3 Summerlin Smiles 2015.</p> <p>4 MR. JONES: Give me one moment. I'll pull it up and</p> <p>5 see if that's what my copy looks like.</p> <p>6 MS. MORRIS: Okay.</p> <p>7 MR. JONES: You said 231?</p> <p>8 MS. MORRIS: Yeah.</p> <p>9 MR. JONES: Yeah. We have the same version here. I</p> <p>10 can definitely reach out and see if we can get a -- if</p> <p>11 there's a more -- I'm assuming there's a more complete copy.</p> <p>12 But I may be wrong.</p> <p>13 THE WITNESS: I believe that might be the complete</p> <p>14 copy.</p> <p>15 MR. JONES: Yeah.</p> <p>16 THE WITNESS: I'm looking at it right now. It's the</p> <p>17 complete copy.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. It's blank though, correct?</p> <p>20 A. Yes. It's blank, yes. That's the complete</p> <p>21 copy. It's blank, you're correct.</p> <p>22 Q. Were there any employee earnings for</p> <p>23 Summerlin Smiles in 2016?</p> <p>24 A. You are correct, Counsel.</p> <p>25 Q. And is that because of the new structure with</p> |
| <p style="text-align: right;">Page 254</p> <p>1 Q. Let me share with you this employee earning</p> <p>2 summary that's been provided.</p> <p>3 If you look at this which lists obviously</p> <p>4 some of the individuals working at Summerlin Smiles, because</p> <p>5 you also were running people through Ton Vinh Lee, DDS,</p> <p>6 Professional Corp., does this in any way refresh your</p> <p>7 recollection as to what dentists you had working for you as</p> <p>8 independent contractors in 2015?</p> <p>9 A. It does.</p> <p>10 Q. Who?</p> <p>11 A. Jai Park, Meron Anghesom, John Dean.</p> <p>12 Q. So Park is the same dentist that was involved</p> <p>13 in the wrongful death lawsuit, correct?</p> <p>14 A. Yes. He was also the defendant that was</p> <p>15 found in favor.</p> <p>16 Q. Did you ever discuss the post on the Patin</p> <p>17 Law Group with Jai Park?</p> <p>18 A. I don't recall.</p> <p>19 Q. Did you ever discuss with Jai Park that you</p> <p>20 were feeling depressed and anxious about anything in the</p> <p>21 year 2015?</p> <p>22 A. I don't recall.</p> <p>23 MS. MORRIS: Prescott, I had a question for you</p> <p>24 because after 2015, I didn't get any more employee earning</p> <p>25 summaries. In fact, the ones I got were blank; just for</p>                                                                                                     | <p style="text-align: right;">Page 256</p> <p>1 your partnership?</p> <p>2 A. That is correct.</p> <p>3 MS. MORRIS: Thank you.</p> <p>4 And just so I have clarity, Prescott, there</p> <p>5 hasn't been any disclosure of Dean, Anghesom and Lee or Lee,</p> <p>6 Dean and Anghesom employee earning summaries disclosed,</p> <p>7 correct?</p> <p>8 MR. JONES: You would be correct.</p> <p>9 MS. MORRIS: I'd like to reserve my right to</p> <p>10 readdress that once those documents are produced, if you're</p> <p>11 going to be relying on them.</p> <p>12 MR. JONES: Sure. That's fair.</p> <p>13 Christian, is this good time to take our last</p> <p>14 break of the day here?</p> <p>15 MS. MORRIS: Yeah. Why don't we do that. And I'll</p> <p>16 see if I can kind of figure out what I need to ask to wrap</p> <p>17 up when we do that.</p> <p>18 THE VIDEOGRAPHER: We are going off the record at</p> <p>19 5:40 p.m.</p> <p>20 (Recess taken.)</p> <p>21 THE VIDEOGRAPHER: We are going back on the record.</p> <p>22 It's 5:52 p.m.</p> <p>23 BY MS. MORRIS:</p> <p>24 Q. We are back on the record.</p> <p>25 You understand, Mr. Lee, you're still under</p>                        |

Page 257

1 oath?

2 A. I do.

3 Q. We've had a break and feel ready to continue

4 going forward in this deposition?

5 A. I mean, if you want to do another seven

6 hours.

7 Q. You know, I don't. I'm actually going to be

8 reserving some time to redepose you on issues of damages, in

9 the event additional documents are disclosed or other

10 reports are disclosed and stuff like that. I'll save some

11 time for that.

12 A. All right. I'm looking forward to it.

13 Q. What's your understanding of how the economy

14 was doing in 2015?

15 MR. JONES: Objection to form.

16 Go ahead.

17 THE WITNESS: I'm sorry. No recollection.

18 BY MS. MORRIS:

19 Q. Do you recall there being any decline in the

20 state of the economy in 2015 into 2016?

21 A. No, I do not.

22 Q. Do you recall there being a recession in

23 2016?

24 MR. JONES: Object to form.

25 Go ahead.

Page 258

1 THE WITNESS: No, I do not.

2 BY MS. MORRIS:

3 Q. We previously touched on the fact that your

4 partner Anghesom had had corrective action by the Board of

5 Dental Examiners.

6 Do you remember that reference that I made?

7 A. Yes.

8 Q. I'll pull it up here just to show you what

9 I'm talking about where there was a violation, and he was

10 supervised for, it looks like, about a year.

11 Do you know if this corrective action by the

12 Board of Dental Examiners has had any negative impact on the

13 partnership that you have with Mr. Anghesom currently?

14 A. No, I do not.

15 Q. You said he made you aware of it, correct?

16 A. We talked briefly, but no specifics. There

17 was no details or anything.

18 Q. Have you ever discussed whether patients of

19 the practice are aware of this disciplinary action?

20 A. No.

21 MR. JONES: Is that going to be an exhibit,

22 Christian?

23 MS. MORRIS: You know, I was just going to disclose

24 it. But I can attach it. It's just been so time consuming

25 to attach it.

Page 259

1 But I'll go ahead and attach it as --

2 MR. JONES: Oh, that's fine. If you're going to

3 disclose it, it doesn't matter.

4 MS. MORRIS: I pulled it up. But I'll attach it as

5 Exhibit 14.

6 And then I'm also going to disclose it,

7 obviously, in a 16.1 since it's been referenced.

8 (Exhibit 14 was marked for identification,

9 and is attached hereto.)

10 BY MS. MORRIS:

11 Q. Now, I pulled up, obviously, a few Yelp

12 reviews that are out there on the internet, and you had seen

13 some of them and you hadn't seen others of them, correct?

14 A. That is correct.

15 Q. Do you feel anxious or worried that your

16 patients will read those Yelp reviews when you go to work?

17 MR. JONES: Object to form.

18 THE WITNESS: Yes.

19 BY MS. MORRIS:

20 Q. Have you ever had a patient bring up a bad

21 review to you while you are treating them?

22 A. Not that I can recall.

23 Q. And just for clarity, have you ever had a

24 patient bring up a bad review to you while they are in your

25 office, maybe not while you're in the process of treating

Page 260

1 them, but maybe when they are just in the office?

2 Has any patient ever brought up a bad review

3 to you?

4 A. Not that I can recall.

5 Q. Prior to reading this post, was there

6 something that occurred in your life that made you anxious

7 or fearful that someone would read something bad about

8 you?

9 A. I'm sorry. Could you ask that again, please?

10 Q. Prior to this post and reading this post, had

11 there ever been an occurrence in your life that you had had

12 a bad experience with someone reading something about you

13 and taking it in a negative way and that having an impact on

14 you?

15 A. Again, you phrased it differently. Are you

16 saying experience?

17 Q. Correct.

18 A. So could you rephrase it one more time for

19 me, and I apologize.

20 Q. No, no.

21 Essentially what I'm asking is, had something

22 bad happened in the past in life where someone had read

23 something about you, considered it to be negative, and you

24 had had a bad experience as a result of that?

25 A. Not that I can recall.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 261</p> <p>1 Q. So if I understand your testimony, no one,<br/>2 neither a patient or colleague, has ever brought up this<br/>3 posting on Patin Law Group to you to discuss it in a<br/>4 negative fashion, correct?<br/>5 A. Not to my knowledge.<br/>6 Q. And if I understand your testimony correctly,<br/>7 to date no patient has ever brought up any kind of negative<br/>8 review they have read about you online, correct?<br/>9 A. Not to my knowledge.<br/>10 Q. Has any colleague brought up any negative<br/>11 review that they have read about you online?<br/>12 A. I wouldn't know. Not to my knowledge.<br/>13 Q. Do you know if Patin Law Group is still in<br/>14 existence?<br/>15 A. I'm not aware of that.<br/>16 Q. Do you have any knowledge about Patin Law<br/>17 Group, whether it had employees at the time of the posting<br/>18 or anything like that?<br/>19 A. I have no knowledge.<br/>20 Q. Aside from Ingrid Patin, do you remember any<br/>21 of the names of the other attorneys who represented the<br/>22 Singletaries in the lawsuit?<br/>23 A. No, I do not.<br/>24 MS. MORRIS: I don't think I have any other<br/>25 questions.</p> | <p style="text-align: right;">Page 263</p> <p>1 transcript from today, review it to ensure it's accurate,<br/>2 and sign it to prove that you've reviewed it?<br/>3 When you do that, you can make changes to it.<br/>4 If you make changes to it, people can comment on the fact<br/>5 that you made changes to it because it's outside the<br/>6 deposition process. But there might be typos. There might<br/>7 be things that you think the court reporter may have<br/>8 misheard, and you can make corrections to those things, or<br/>9 you can waive your right to review it and let it stand as<br/>10 the court reporter is going to create it.<br/>11 Which would you like to do?<br/>12 THE WITNESS: I would like to review.<br/>13 MS. MORRIS: Okay.<br/>14 So you're going to read and sign?<br/>15 THE WITNESS: Yes.<br/>16 MS. MORRIS: All right. I don't have anything<br/>17 else.<br/>18 THE VIDEOGRAPHER: Anything further?<br/>19 MS. MORRIS: I think we are done.<br/>20 MR. JONES: That's it. Thank you.<br/>21 THE VIDEOGRAPHER: Please stay connected briefly to<br/>22 provide your video and transcript orders.<br/>23 This concludes the videoconference deposition<br/>24 of Ton Vinh Lee. We are going off the record July 14th,<br/>25 2020 at 6:01 p.m.</p> |
| <p style="text-align: right;">Page 262</p> <p>1 I'd like to make a record of what I'd like to<br/>2 reserve to finish off on the damages aspect of this.<br/>3 But, Prescott, any questions?<br/>4 MR. JONES: I don't.<br/>5 And Christian, I have no objection to calling<br/>6 him back for additional documents that are produced related<br/>7 to damages.<br/>8 I'll reserve any questions for that point in<br/>9 time.<br/>10 MS. MORRIS: Okay. Perfect.<br/>11 What I'll do is, I'll just make a record that<br/>12 there are a number of things that I'll be requesting, and/or<br/>13 we have discussed that need to be disclosed in this case to<br/>14 help us do some assessment of the number that has been<br/>15 disclosed as business loss.<br/>16 So with that representation, and obviously,<br/>17 the post that I'd like to see from March of 2015. And so we<br/>18 will readdress when to finish up this deposition,<br/>19 essentially, when we have all of that additional<br/>20 information.<br/>21 MR. JONES: Okay.<br/>22 THE VIDEOGRAPHER: Do you want to get off the<br/>23 record?<br/>24 MS. MORRIS: Not yet.<br/>25 Mr. Lee, do you want to read your deposition</p>            | <p style="text-align: right;">Page 264</p> <p>1 MS. MORRIS: Thank you.<br/>2 (PROCEEDINGS ADJOURNED AT 6:01 P.M.)<br/>3 * * * *<br/>4<br/>5<br/>6<br/>7<br/>8<br/>9<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Page 265

1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA )

3 ) ss.

4 COUNTY OF CLARK )

5 I, Robin A. Ravizé, a Certified Shorthand Reporter

6 licensed in Clark County, State of Nevada, do hereby

7 certify:

8 That I reported the taking of the deposition of

9 Ton Vinh Lee, D.D.S. on July 14, 2020, commencing at the

10 hour of 4:30 p.m.;

11 That prior to being examined, the witness was by

12 me duly sworn to testify to the truth, the whole truth, and

13 nothing but the truth;

14 That I thereafter transcribed my said shorthand

15 notes into typewriting and that the typewritten

16 transcription of said deposition is a complete, true, and

17 accurate transcription of my said shorthand notes taken down

18 at said time; and that review of the transcript was

19 requested.

20 I further certify that I am not a relative nor

21 employee of any attorney or counsel involved in said action,

22 nor a person financially interested in said action.

23 IN WITNESS WHEREOF, I have hereunto set my hand in

24 my office in the County of Clark, State of Nevada, this

25 24th day of July, 2020.

*Robin A. Ravize*

Robin A. Ravizé, CCR No. 753

Page 267

1 DEPOSITION ERRATA SHEET

2

3 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

4

5 Reason for change: \_\_\_\_\_

6

7 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

8

9 Reason for change: \_\_\_\_\_

10

11 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

12

13 Reason for change: \_\_\_\_\_

14

15 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

16

17 Reason for change: \_\_\_\_\_

18

19 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

20

21 Reason for change: \_\_\_\_\_

22

23

24 SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

TON VINH LEE, D.D.S.

25 DEPOSITION ERRATA SHEET

Page 266

1 DEPOSITION ERRATA SHEET

2

3 Assignment No.: J5855181

4 Case Caption: Ton Vinh Lee vs. Patin

5

6

7 DECLARATION UNDER PENALTY OF PERJURY

8 I declare under penalty of perjury that I have

9 read the entire transcript of my Deposition taken in the

10 captioned matter or the same has been read to me, and the

11 same is true and accurate, save and except for the changes

12 and/or corrections, if any, as indicated by me on the

13 DEPOSITION ERRATA SHEET hereof, with the understanding that

14 I offer these changes as if still under oath.

15

16 Signed on the \_\_\_\_ day of \_\_\_\_\_,

17 2020.

18

19

20

21 \_\_\_\_\_

TON VINH LEE, D.D.S., DEPONENT

22

23

24

25

Page 268

1

2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

3

4 Reason for change: \_\_\_\_\_

5

6 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

7

8 Reason for change: \_\_\_\_\_

9

10 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

11

12 Reason for change: \_\_\_\_\_

13

14 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

15

16 Reason for change: \_\_\_\_\_

17

18 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

19

20 Reason for change: \_\_\_\_\_

21

22

23 SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

TON VINH LEE, D.D.S.

24

25

**Exhibit 6**

**Exhibit 6**

**Exhibit 6**

**134 Nev., Advance Opinion 87**  
**IN THE SUPREME COURT OF THE STATE OF NEVADA**

INGRID PATIN, AN INDIVIDUAL; AND  
PATIN LAW GROUP, PLLC, A  
PROFESSIONAL LLC,  
Appellants,  
vs.  
TON VINH LEE,  
Respondent.

No. 69928

**FILED**

NOV 15 2018

ELIZABETH A. GROWN  
CLERK OF SUPREME COURT  
BY *Angela Su*  
CHIEF DEPUTY CLERK

Appeal from a district court order denying a special motion to dismiss in a defamation action. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

*Affirmed.*

Marquis Aurbach Coffing and Micah S. Echols, Las Vegas; Nettles Law Firm and Christian M. Morris and Brian D. Nettles, Henderson, for Appellants.

Resnick & Louis, P.C., and Prescott T. Jones, Las Vegas, for Respondent.

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BEFORE THE COURT EN BANC.

*OPINION*

By the Court, PARRAGUIRRE, J.:

Under NRS 41.660(1), Nevada's anti-SLAPP (Strategic Lawsuit Against Public Participation) statute, a defendant may file a special motion to dismiss a plaintiff's complaint if the complaint is based upon the

defendant's "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." NRS 41.637 provides four alternative definitions for what can constitute 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," one of which includes a "statement made in direct connection with an issue under consideration by a . . . judicial body." NRS 41.637(3). In this appeal, we must determine whether an attorney's statement on a website summarizing a jury's verdict is a statement in direct connection with an issue under consideration by a judicial body. We adopt California's framework for evaluating such statements, which requires the statement to (1) relate to the substantive issues in the litigation and (2) be directed to persons having some interest in the litigation. Because the statement in this case failed to satisfy either of these requirements, it does not fall within NRS 41.637(3)'s definition, and the district court correctly denied appellants' special motion to dismiss.

### *FACTS AND PROCEDURAL HISTORY*

In a previous case, appellants Ingrid Patin and Patin Law Group represented a client in a dental malpractice lawsuit against Summerlin Smiles, Dr. Florida Traivai, and respondent Dr. Ton Vinh Lee. After trial, a jury rendered a \$3.4 million verdict in favor of Patin's client. In so doing, the jury determined that Summerlin Smiles and Dr. Traivai had been negligent but that Dr. Lee had not been negligent. Thereafter, Summerlin Smiles and Dr. Traivai moved to vacate the jury's verdict, which the district court granted in 2014. Patin's client appealed that order, and in 2016, this court reversed and directed the district court to reinstate the jury's verdict. That reversal, however, did not affect Dr. Lee since Patin's

client had not challenged the portion of the jury's verdict that found Dr. Lee was not negligent.

At some point between when the jury's verdict was entered and when this court directed the district court to reinstate the jury's verdict, Patin posted on her law firm's website the following statement:

**DENTAL MALPRACTICE/WRONGFUL DEATH -  
PLAINTIFF'S VERDICT \$3.4M, 2014  
Description: Singletary v. Ton Vinh Lee, DDS,  
et al.**

A dental malpractice-based wrongful death action that arose out of the death of Decedent Reginald Singletary following the extraction of the No. 32 wisdom tooth by Defendants on or about April 16, 2011. Plaintiff sued the dental office, Summerlin Smiles, the owner, Ton Vinh Lee, DDS, and the treating dentists, Florida Traivai, DMD and Jai Park, DDS, on behalf of the Estate, herself and minor son.

(Emphasis added.) Thereafter, Dr. Lee filed the underlying action asserting a single claim of defamation per se, which was based on the premise that the emphasized portion of Patin's statement could be construed as stating that the jury found Dr. Lee to have been negligent, which, as indicated, was false. In response, Patin filed a special motion to dismiss pursuant to NRS 41.660(1). Among other things, Patin argued that the statement was a "statement made in direct connection with an issue under consideration by a . . . judicial body," NRS 41.637(3), such that the statement constituted 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" that per NRS 41.660(3)(a) could not form the basis for defamation liability. The district court denied Patin's motion, reasoning that because the statement did not reference the pending appeal in the dental malpractice case, the



statement was not in direct connection with an issue under consideration by a judicial body. The district court alternatively concluded that even if the statement had fallen within NRS 41.637(3)'s definition, dismissal was still not warranted as Dr. Lee had "demonstrated with prima facie evidence a probability of prevailing on [his] claim," NRS 41.660(3)(b), by providing an interpretation of Patin's statement that could be construed as false and defamatory.<sup>1</sup> This appeal followed.

### DISCUSSION

Because resolution of this appeal involves a single matter of statutory interpretation, we review de novo the district court's denial of Patin's special motion to dismiss. *Pawlik v. Deng*, 134 Nev., Adv. Op. 11, 412 P.3d 68, 70 (2018).<sup>2</sup>

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<sup>1</sup>The Legislature amended the anti-SLAPP statute in 2015. Among other things, the amendments require a plaintiff in the second step of the anti-SLAPP analysis to demonstrate with "prima facie evidence," instead of "clear and convincing evidence," a probability of prevailing on the claim. 2015 Nev. Stat., ch. 428, § 13, at 2455. To the extent Patin has not conceded that the district court correctly applied the 2015 anti-SLAPP statute, any such argument is moot because, as explained below, Patin failed to satisfy her burden under the first step.

<sup>2</sup>Because this appeal involves a single matter of statutory interpretation, we need not address what effect the above-mentioned 2015 amendments have on this court's standard of review for an anti-SLAPP motion. See *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262, 266 (2017) (observing that when the Legislature changed the plaintiff's burden from prima facie evidence to clear and convincing evidence in 2013, this court's standard of review for an anti-SLAPP motion changed from de novo to abuse of discretion).

As indicated, resolution of this appeal implicates a single issue of statutory interpretation: whether Patin's statement regarding the jury verdict in the dental malpractice case is a "statement made in direct connection with an issue under consideration by a . . . judicial body" under NRS 41.637(3). Because no Nevada precedent is instructive on this issue, we look to California precedent for guidance. See *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262, 268 (2017) (observing that because "California's and Nevada's anti-SLAPP statutes are similar in purpose and language, we look to California law for guidance" (internal quotation marks and citations omitted)).

California's analogous anti-SLAPP statute protects "any written or oral statement or writing made in connection with an issue under consideration or review by a . . . judicial body." Cal. Civ. Proc. Code § 425.16(e)(2) (West 2016). In this respect, we believe *Neville v. Chudacoff*, 73 Cal. Rptr. 3d 383, 391-92 (Ct. App. 2008), is particularly instructive. In *Neville*, a company fired one of its employees because the employee had stolen the company's customer lists and had been secretly soliciting its customers in order to start a competing business. *Id.* at 386. The company's attorney sent a letter to the company's customers warning them not to do business with the fired employee because he had breached the company's confidentiality agreement. *Id.* Thereafter, the company sued the fired employee, and the employee asserted a cross-claim for defamation against the company's attorney premised on the attorney having allegedly defamed the employee in the letters. *Id.* at 386-87. The attorney filed an anti-SLAPP motion, which the trial court granted, and the employee appealed. *Id.* at 387.

On appeal, the *Neville* court canvassed California precedent regarding the meaning of “in connection with” as used in section 425.16(e)(2). *Id.* at 389-91. First, it evaluated *Paul v. Friedman*, 117 Cal. Rptr. 2d 82 (Ct. App. 2002), *abrogated on other grounds by Jacob B. v. Cty. of Shasta*, 154 P.3d 1003, 1010-12 (Cal. 2007). *See Neville*, 73 Cal. Rptr. 3d at 389. In *Paul*, an attorney had investigated a securities broker’s personal life in the course of an arbitration matter pertaining to the broker’s alleged commission of securities fraud. 117 Cal. Rptr. 2d at 84-85. The attorney disclosed the details of the broker’s personal life to the broker’s clients, and the broker subsequently sued the attorney for various torts, including defamation. *Id.* The attorney filed an anti-SLAPP motion, and on appeal, the *Paul* court determined that the attorney’s communications to the broker’s clients were not “in connection with” the arbitration proceeding for purposes of affording the attorney protection under section 425.16(e)(2). *Id.* at 92. Specifically, the *Paul* court held that section 425.16(e)(2) “does not accord anti-SLAPP protection to suits arising from any act having any connection, however remote, with an official proceeding,” and that statements “bearing no relationship” to “the claims under consideration in the arbitration” do not qualify for anti-SLAPP protection. *Id.*

Next, the *Neville* court evaluated *Healy v. Tuscany Hills Landscape & Recreation Corp.*, 39 Cal. Rptr. 3d 547 (Ct. App. 2006). *See Neville*, 73 Cal. Rptr. 3d at 390. In *Healy*, a resident in a homeowners’ association (HOA) refused to allow the HOA to cross her property to cut down weeds on an adjacent piece of land. 39 Cal. Rptr. 3d at 548. The HOA filed a declaratory relief action against the resident and sent a letter to other residents in the HOA informing them of the litigation and explaining that the offending resident was increasing the overall cost of the weed

abatement project by refusing to allow the HOA to cross her property. *Id.* The resident then asserted a defamation claim against the HOA, alleging that the letter had falsely stated that she was increasing the cost of the weed abatement project. *Id.* at 548-49. The HOA filed an anti-SLAPP motion, which the lower court denied, and on appeal, the court of appeal determined that the HOA's letter to the residents was "in connection with an issue under consideration or review by . . . a judicial body" because the letter was sent in connection with litigation. *Id.* at 549-50 (alteration in original) (quoting section 425.16(e)(2)).

The *Neville* court then evaluated *Contemporary Services Corp. v. Staff Pro Inc.*, 61 Cal. Rptr. 3d 434 (Ct. App. 2007) (*CSC*). See *Neville*, 73 Cal. Rptr. 3d at 390-91. In *CSC*, two competing companies, Staff Pro and Contemporary Services, were in litigation against one another. 61 Cal. Rptr. 3d at 439-40. During the course of that litigation, Staff Pro's president sent an email to Staff Pro's customers stating that Contemporary Services had paid Staff Pro's ex-employees to make false statements about Staff Pro. *Id.* at 441. Staff Pro's president later explained that the purpose of the email was to keep the customers apprised of the status of the litigation, as the customers had previously been required to sit for depositions. *Id.* at 439, 441. As a result of the email, Contemporary Services filed a new action asserting, among other claims, a claim for defamation. *Id.* at 441. Staff Pro filed an anti-SLAPP motion, which the lower court granted, and on appeal, the court of appeal affirmed that the email was made "in connection with an issue under consideration or review by . . . a judicial body" because the email was a "litigation update" given to individuals "who had some involvement" in the litigation. *Id.* at 445.

After having reviewed *Paul, Healy*, and *CSC*, the *Neville* court synthesized the holdings in those cases and concluded that a statement is “made in connection with an issue under consideration or review by . . . a judicial body” for purposes of section 425.16(e)(2) if the statement “relates to the substantive issues in the litigation and is directed to persons having some interest in the litigation.” 73 Cal. Rptr. 3d at 391 (internal quotation marks omitted). The *Neville* court thereafter analyzed cases construing the scope of the litigation privilege because the litigation privilege and section 425.16(e)(2) “serve similar policy interests,” in that both “protect the right of litigants to the utmost freedom of access to the courts without the fear of being harassed subsequently by derivative tort actions.” 73 Cal. Rptr. 3d at 388-89 (internal quotation marks and alterations omitted). Ultimately, the *Neville* court determined that the attorney’s letter to the company’s customers was protected under both section 425.16(e)(2) and the litigation privilege because the letter related directly to the company’s forthcoming claims against the fired employee and was directed to the company’s customers, who the company reasonably believed would have an interest in the forthcoming litigation. *Id.* at 392-94.

We are persuaded by the *Neville* court’s analysis and conclude that in order for a statement to be protected under NRS 41.637(3), which requires a statement to be “*in direct* connection with an issue under consideration by a . . . judicial body” (emphasis added), the statement must (1) relate to the substantive issues in the litigation and (2) be directed to persons having some interest in the litigation. If we were to accept Patin’s argument that simply referencing a jury verdict in a court case is sufficient to be in direct connection with an issue under consideration by a judicial body, we would essentially be providing anti-SLAPP protection to “any act

having any connection, however remote, with [a judicial] proceeding.” *Paul*, 117 Cal. Rptr. 2d at 92. Doing so would not further the anti-SLAPP statute’s purpose of “protect[ing] the right of litigants to the utmost freedom of access to the courts without the fear of being harassed subsequently by derivative tort actions.”<sup>3</sup> *Neville*, 73 Cal. Rptr. 3d at 389 (internal quotation marks and alterations omitted).

Having adopted the *Neville* court’s standard for what qualifies for protection under NRS 41.637(3), it is clear that Patin’s statement fails to meet that standard. First, even if the statement had mentioned the pending appeal, it still did not relate to any substantive issues in the appeal or the district court proceedings. Second, the statement was not directed to any specific person or group, let alone to someone with an interest in the litigation.<sup>4</sup> Accordingly, we conclude that the district court correctly determined that Patin’s statement was not “in direct connection with an issue under consideration by a . . . judicial body” for purposes of anti-SLAPP protection under NRS 41.637(3) and NRS 41.660(3)(a). We therefore need not address whether Dr. Lee satisfied the second step of the anti-SLAPP statute, NRS 41.660(3)(b), which, as indicated, would require Dr. Lee to

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<sup>3</sup>In this respect, Patin’s reliance on case law discussing the filing of a lawsuit as being protected speech are inapposite. Dr. Lee is not challenging Patin’s client’s decision to file a lawsuit against him, but is instead challenging Patin’s statement regarding the lawsuit’s result.

<sup>4</sup>Patin’s argument that the statement is protected by the absolute litigation privilege fails for the same reason. *See Shapiro*, 133 Nev., Adv. Op. 6, 389 P.3d at 269 (“For a statement to fall within the scope of the absolute litigation privilege it must be made to a recipient who has a significant interest in the outcome of the litigation or who has a role in the litigation.”).

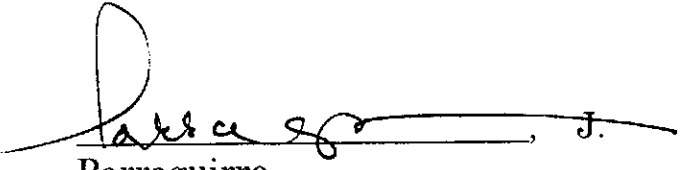
“demonstrate with prima facie evidence a probability of prevailing on [his] claim.”

We are not persuaded that Patin’s other arguments on appeal warrant reversal. Although Patin argues that the statement is protected by the fair report privilege, she has not cited any authority for the proposition that an affirmative defense such as the fair report privilege can be asserted within the confines of an anti-SLAPP motion to dismiss, see *Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider arguments that are not cogently argued or supported by relevant authority), nor is that proposition self-evident. Patin’s argument that this case is moot in light of the reversal in the dental malpractice case is meritless, as the jury’s verdict in favor of Dr. Lee remains in place. Patin’s remaining arguments were not raised in district court, and we decline to consider them for the first time on appeal. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

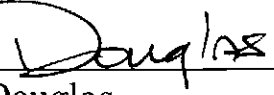
### CONCLUSION

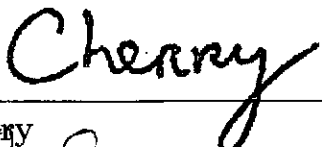
NRS 41.637(3) provides anti-SLAPP protection for a “statement made in direct connection with an issue under consideration by a . . . judicial body.” For a statement to fall within this definition, the statement must (1) relate to the substantive issues in the litigation and (2) be directed to persons having some interest in the litigation. Because Patin’s statement regarding the jury verdict in the dental malpractice case against Dr. Lee did not satisfy either of these requirements, the statement


was not protected under NRS 41.660, Nevada's anti-SLAPP statute. We therefore affirm the district court's order denying Patin's special motion to dismiss.

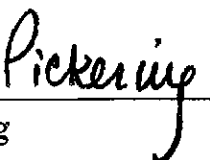
  
Parraguirre

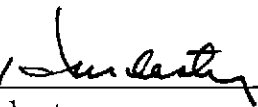
We concur:

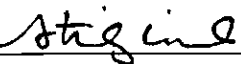
  
Douglas, C.J.

  
Cherry, J.

  
Gibbons, J.

  
Pickering, J.

  
Hardesty, J.

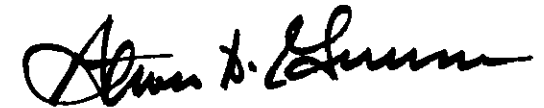
  
Stiglich, J.



## **Exhibit 7**

## **Exhibit 7**

## **Exhibit 7**



CLERK OF THE COURT

1 **SACOM**  
2 **PRESCOTT T. JONES, ESQ.**  
3 Nevada State Bar No. 11617  
4 **AUGUST B. HOTCHKIN, ESQ.**  
5 Nevada State Bar No. 12780  
6 **BREMER WHYTE BROWN & O'MEARA LLP**  
7 1160 N. TOWN CENTER DRIVE  
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12 [pjones@bremerwhyte.com](mailto:pjones@bremerwhyte.com)  
13 [ahotchkin@bremerwhyte.com](mailto:ahotchkin@bremerwhyte.com)  
14 Attorneys for Plaintiff,  
15 TON VINH LEE

9  
10 **DISTRICT COURT**

11 **CLARK COUNTY; NEVADA**

12 TON VINH LEE, an individual ) Case No.: A723134  
13 )  
14 Plaintiff, ) Dept. No.: IX  
15 vs. )  
16 ) **SECOND AMENDED COMPLAINT**  
17 INGRID PATIN, an individual, and PATIN )  
18 LAW GROUP, PLLC, a Nevada Professional )  
19 LLC, )  
20 Defendants. )

21  
22 COMES NOW, Plaintiff TON VINH LEE (hereinafter "Plaintiff"), by and through his  
23 attorneys of record, Prescott T. Jones, Esq. and August B Hotchkin, Esq. of the law firm BREMER,  
24 WHYTE, BROWN & O'MEARA, LLP, and hereby complains and alleges as follows:

25 **I.**

26 **PARTIES**

- 27 1. Plaintiff is, and at all times relevant herein, was a resident of Clark County, Nevada.
- 28 2. The actions complained of herein occurred in Clark County, Nevada.
3. Plaintiff, TON VINH LEE (hereinafter "Plaintiff") is a Doctor of Dental Surgery (DDS), 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.
4. Plaintiff is informed, believes, and thereupon alleges, Defendant INGRID PATIN,

1 ESQ. is, and was at all relevant times, a practicing attorney in the State of Nevada, and the sole  
2 managing member of PATIN LAW GROUP, PLLC.

3 5. Plaintiff is informed, believes, and thereupon alleges, Defendant PATIN LAW  
4 GROUP, PLLC is a Nevada Professional Limited Liability Company licensed to do business in  
5 Clark County, Nevada.

6 6. Defendants, and each of them, were the handling attorney and/or handling law firm  
7 in *Svetlana Singletary v. Ton Lee, DDS*, Case Number A-12-656091-C.

## 8 II.

### 9 GENERAL ALLEGATIONS

10 7. Plaintiff incorporates herein by reference the preceding paragraphs, inclusive, as  
11 though fully set forth herein.

12 8. On or about February 7, 2012, Svetlana Singletary, Gabriel Singletary, Gabriel I  
13 Singletary, and the Estate of Reginald Singletary filed suit against, *inter alia*, TON VINH LEE for  
14 various causes of action arising out of the death of Reginald Singletary, in Case Number A-12-  
15 656091-C.

16 9. On September 10, 2014, a Judgement on Jury Verdict was entered in favor of  
17 Defendant TON VINH LEE, in which TON VINH LEE was also awarded his cost in the amount of  
18 Six Thousand Thirty-Two Dollars and Eighty-Three Cents (\$6,032.83), as the prevailing party  
19 under NRS 18.020.

20 10. Despite the Judgment entered, Defendants lists on their website, PatinLaw.com,  
21 under a section entitled "Recent Settlements and Verdicts," a Plaintiff's Verdict in the amount of  
22 \$3.4M for *Svetlana Singletary v. Ton Lee, DDS* wherein it explicitly refers to Plaintiff Ton Vinh  
23 Lee by name.

24 11. Nevada Rules of Professional Conduct, Rule 7.2, requires any statement made by an  
25 attorney that includes a monetary sum, the amount involved must have been actually received by  
26 the client.

27 12. Defendant INGRID PATIN by and through PATIN LAW GROUP PLLC added this  
28 statement to her website for her own personal gain.

13. Defendant INGRID PATIN personally participated in the tortious act of making a defamatory statement.

14. Plaintiff is informed, believes, and thereupon alleges, that at all relevant times Defendant INGRID PATIN, ESQ. influenced and governed PATIN LAW GROUP, PLLC by unilaterally dictating the form and content of its website for the purposes of advertisement and to bolster her reputation by and through publishing a defamatory statement.

15. Plaintiff is informed, believes, and thereupon alleges, that at all relevant times Defendant PATIN LAW GROUP, PLLC was controlled by Defendant INGRID PATIN, ESQ. who is the sole owner and manager of PATIN LAW GROUP, PLLC.

16. Plaintiff has been forced to retain the services of an attorney to prosecute this matter and is entitled to recover reasonable costs and attorneys' fees incurred herein.

## FIRST CLAIM FOR RELIEF

### Defamation Per Se

17. Plaintiff incorporates herein by reference the preceding paragraphs, inclusive, as though fully set forth herein.

18. Defendants posted a false and defamatory statement on the "Recent Settlements and Verdicts" portion of their business website, PatinLaw.com.

19. The defamatory statement directly names both the Plaintiff and his Medical Practice.

20. The defamatory statement lists the case name, *Singletary v. Ton Vinh Lee, DDS, et al.*, as well as a detailed description of the case: “A dental malpractice-based wrongful death action that arose out of the death of Decedent Reginald Singletary following the extraction of the No. 32 wisdom tooth by Defendants on or about April 16, 2011. Plaintiff sued the dental office, Summerlin Smiles, the owner, Ton Vinh Lee, DDS, and the treating dentists, Florida Traivai, DMD and Jai Park, DDS, on behalf of the Estate, herself and minor son.”

21. Defendants have posted this statement on their website, which constitutes an unprivileged publication to a third person.

22. Defendants knew or should have known that the statement was false.

23. Nevada Rules of Professional Conduct, Rule 7.2, prohibit attorneys from advertising

1 verdicts or recoveries that were not actually received or won.

2 24. The defamatory statement imputes to TON VINH LEE a lack of fitness as a dentist  
3 in that it claims Plaintiffs were able to recover a \$3.4 million judgment for wrongful death.

4 25. The defamatory statement injures TON VINH LEE in his business as a simple  
5 internet search reveals the claimed verdict for wrongful death.

6 WHEREFORE, Plaintiff expressly reserving the right to amend this complaint prior to or at  
7 the time of trial of this action, to insert those items of damage not yet fully ascertainable, prays  
8 judgement against all Defendants, and each of them, as follows:

- 9 1. For general damages in excess of \$10,000.00.  
10 2. For reasonable attorney's fees and costs  
11 3. For pre- and post-judgement interest on any award rendered herein; and  
12 4. For such other and further relief as the Court deems just and proper

13 Dated: April 11, 2016

BREMER WHYTE BROWN & O'MEARA LLP


14  
15 By: 

16 Prescott T. Jones, Esq.  
17 Nevada State Bar No. 11617  
18 August B. Hotchkin, Esq.  
19 Nevada State Bar No. 12780  
20 Attorneys for Plaintiff,  
21 TON VINH LEE  
22  
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CERTIFICATE OF SERVICE

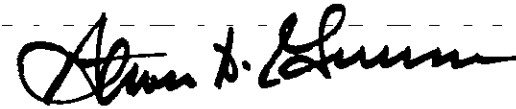
I hereby certify that on this 11<sup>th</sup> day of April, 2016, a true and correct copy of the foregoing document was electronically served on Wiznet upon all parties on the master e-file and serve list.

  
\_\_\_\_\_  
Ashley Boyd, an employee of Bremer Whyte Brown &  
O'Meara

## **Exhibit 8**

## **Exhibit 8**

## **Exhibit 8**



CLERK OF THE COURT

**COMP**  
**LLOYD W. BAKER, ESQ.**  
Nevada Bar No. 6893  
**INGRID PATIN, ESQ.**  
Nevada Bar No.: 011239  
**BAKER LAW OFFICES**  
500 South Eighth Street  
Las Vegas, NV 89101  
(702) 360-4949  
Attorneys for Plaintiff

**DISTRICT COURT**

**COUNTY OF CLARK, STATE OF NEVADA**

SVETLANA SINGLETARY, individually,  
as the Representative of the Estate of  
REGINALD SINGLETARY, and as parent and  
legal guardian of GABRIEL L. SINGLETARY,  
a Minor,

Plaintiff,

vs.

TON VINH LEE, DDS, individually, FLORIDA  
TRAIVAL, DMD, individually, JAI PARK, DDS,  
individually, TON V. LEE, DDS, PROF. CORP.,  
a Nevada Professional Corporation d/b/a  
SUMMERLIN SMILES, DOE SUMMERLIN  
SMILES EMPLOYEE, and DOES I through X  
and ROE CORPORATIONS I through X,  
inclusive,

Defendants.

Case No.: **A- 12- 656091- C**  
Dept. No.:

**XVI**

**ARBITRATION EXEMPTION:  
WRONGFUL DEATH**

**COMPLAINT**

COMES NOW the Plaintiff, SVETLANA SINGLETARY, individually, as the  
Representative of the Estate of REGINALD SINGLETARY, and as parent and legal guardian of  
GABRIEL L. SINGLETARY, by and through her counsel of record, INGRID M. PATIN, ESQ. of  
BAKER LAW OFFICES, hereby alleges and complains as follows:

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**PRELIMINARY STATEMENT**

**I.**

That at all relevant times herein, Decedent REGINALD SINGLETARY, Plaintiff SVETLANA SINGLETARY, and GABRIEL L. SINGLETARY were residents of Clark County, State of Nevada..

**II.**

That at all relevant times herein, Plaintiff SVETLANA SINGLETARY was the wife of Decedent REGINALD SINGLETARY, and GABRIEL L. SINGLETARY was the natural born child of Decedent REGINALD SINGLETARY; therefore, Plaintiff SVETLANA SINGLETARY and GABRIEL L. SINGLETARY are heirs of Decedent pursuant to NRS 41.085.

**III.**

That Plaintiff SVETLANA SINGLETARY has been, and still is, the Administrator of the Estate of REGINALD SINGLETARY.

**IV.**

That at all relevant times herein, Defendant TON VINH LEE, DDS, upon information and belief, was a licensed Doctor of Dental Surgery and regularly practicing dentistry in Clark County, State of Nevada.

**V.**

That at all relevant times herein, Defendant FLORIDA TRAVAI, DMD, upon information and belief, was a licensed Doctor of Dental Medicine and regularly practicing dentistry in Clark County, State of Nevada.

**VI.**

That at all relevant times herein, Defendant JAI PARK, DDS, upon information and belief, was a licensed Doctor of Dental Surgery and regularly practicing dentistry in Clark County, State of Nevada.

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**VII.**

That at all relevant times herein, Defendant TON V. LEE, DDS, PROF. CORP., a Nevada Professional Corporation d/b/a SUMMERLIN SMILES (hereinafter "Defendant SUMMERLIN SMILES"), was a duly licensed dental office authorized to conduct business in Clark County, State of Nevada.

**VIII.**

That at all relevant times herein, it is believed that the employee and/or agent of Defendant SUMMERLIN SMILES (hereinafter "Defendant DOE SUMMERLIN SMILES EMPLOYEE"), the true names and capacities of which are not known to Plaintiff at this time and therefore, leave is requested to amend this Complaint to add the true names and capacities of each individual and/or Corporation, was a resident of Clark County, State of Nevada.

**IX.**

That all the facts and circumstances that give rise to the subject lawsuit occurred in Clark County, State of Nevada.

**X.**

That the true names or capacities, whether individual, corporate, associate, or otherwise, of Defendants, DOES and ROES I through X inclusive, are unknown to Plaintiff, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed and believe and thereon allege that each of the Defendants as DOE or ROE is in some manner negligently, vicariously or otherwise responsible for the events and happenings referred to and caused damages and/or death proximately to Plaintiff SVETLANA SINGLETARY, GABRIEL L. SINGLETARY and/or Decedent REGINALD SINGLETARY as herein alleged. Plaintiff will ask leave of this Court to amend this Complaint to insert the true and correct names and capacities of such Defendants when the same have been ascertained and to join such Defendants in this action.

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1 **XI.**

2 At all relevant times, the Defendants, and each of them, were the partner, servant, officer,  
3 agent, and/or employee of all the other Defendants, and each of them, and were at all relevant times  
4 acting within the scope and/or performance of said partnership, agency, master/servant, and/or  
5 employment relationship.

6 **GENERAL ALLEGATIONS**

7 **XII.**

8 That on or about March 24, 2011, Decedent REGINALD SINGLETARY presented to  
9 Defendant SUMMERLIN SMILES for routine dental work.

10 **XIII.**

11 That on or about March 24, 2011, Decedent REGINALD SINGLETARY informed  
12 Defendant SUMMERLIN SMILES of prior pain in his No. 32 wisdom tooth during his new patient  
13 exam at Defendant SUMMERLIN SMILES.

14 **XIV.**

15 That on or about April 16, 2011, Decedent REGINALD SINGLETARY underwent extraction  
16 of his No. 32 wisdom tooth at Defendant SUMMERLIN SMILES.

17 **XV.**

18 Immediately following the extraction of the No. 32 wisdom tooth, Decedent REGINALD  
19 SINGLETARY experienced severe pain in the extraction area.

20 **XVI.**

21 That on or about April 17, 2011, Decedent REGINALD SINGLETARY continued to  
22 experience severe pain in the extraction area and swelling of the face and jaw.

23 **XVII.**

24 That on or about April 18, 2011, Decedent REGINALD SINGLETARY was experiencing  
25 severe pain on the right side of his face, swelling of his face, jaw and neck and difficulty swallowing.

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**XVIII.**

That on or about April 18, 2011 at 10:29 a.m., Plaintiff SVETLANA SINGLETARY contacted Defendant SUMMERLIN SMILES via telephone to inquire about Decedent REGINALD SINGLETARY's pain, swelling and difficulty swallowing. Defendant DOE SUMMERLIN SMILES EMPLOYEE informed Plaintiff SVETLANA SINGLETARY that Decedent REGINALD SINGLETARY could not be seen for those symptoms because those symptoms would eventually subside; however, Defendant DOE SUMMERLIN SMILES EMPLOYEE informed Plaintiff SVETLANA SINGLETARY to call back if the pain, swelling and difficulty swallowing did not subside within four (4) to five (5) days.

**XIX.**

That on or about April 19, 2011 and April 20, 2011, Decedent REGINALD SINGLETARY continued to experience pain, swelling in his face, jaw and neck and difficulty swallowing. Additionally Decedent REGINALD SINGLETARY began having difficulty speaking and eating.

**XX.**

That on or about April 21, 2011, Decedent REGINALD SINGLETARY was continuing to experience the previously stated symptoms, as well as vomiting, and began having difficulty breathing. Based on these symptoms, Decedent REGINALD SINGLETARY was transported by ambulance to St. Rose Dominican Hospital - San Martin on April 21, 2011.

**XXI.**

That on or about April 21, 2011, Decedent REGINALD SINGLETARY was transferred to the Intensive Care Unit at St. Rose Dominican Hospital - San Martin where he was administered antibiotics, and underwent drainage of the neck.

**XXII.**

That Decedent REGINALD SINGLETARY's condition continued to deteriorate from April 21, 2011 to April 24, 2011, until Decedent REGINALD SINGLETARY passed away on April 25, 2011 due to necrotizing mediastinitis and septic shock due to Ludwig's angia from dental abscess.

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1 **FIRST CAUSE OF ACTION**

2 **(DENTAL MALPRACTICE/NEGLIGENCE AS TO DEFENDANTS)**

3 **XXIII.**

4 As and for the First Cause of Action, the Plaintiff repeats and re-alleges each and every  
5 allegation contained in Paragraphs I through XXII as though fully set forth herein and further alleges:

6 **XXIV.**

7 That at all times pertinent hereto, Defendants, and each of them, owed a duty to adequately  
8 and properly evaluate, diagnose, treat and/or otherwise provide competent dental care within the  
9 accepted standard of care to Decedent REGINALD SINGLETARY, as well as properly supervise,  
10 monitor, communicate with others, and otherwise ensure Decedent REGINALD SINGLETARY's  
11 health and safety while he was a patient under Defendants' care.

12 **XXV.**

13 Defendants, and each of them, fell below the accepted standard of care and caused injuries  
14 and damages to Decedent REGINALD SINGLETARY and Plaintiffs, in one or more of (but not  
15 limited to) the following ways, any one of which was a departure from the accepted standard of care:

- 16 a. failure to engage in an Informed Consent discussion regarding the use of antibiotics  
17 to prevent infection;
- 18 b. failure to document an Informed Consent discussion regarding the use of antibiotics  
19 to prevent infection;
- 20 c. when alerted to potential post-operative complications via telephone on April 18,  
21 2011, Defendants conveyed false, misleading and negligent professional advice and  
22 assurances to Decedent REGINALD SINGLETARY on which he relied;
- 23 d. failure to offer an appointment to Decedent REGINALD SINGLETARY in response  
24 to the telephone call alerting Defendants to potential post-operative complications;
- 25 e. failure to examine Decedent REGINALD SINGLETARY when alerted to potential  
26 post-operative complications;

27 ///

- 1 f. failure to diagnose the post-operative condition of Decedent REGINALD  
2 SINGLETARY, including, but not limited to, infection;  
3 g. failure to treat the post-operative complications of Decedent REGINALD  
4 SINGLETARY, including, but not limited to, infection;  
5 h. failure to provide Decedent REGINALD SINGLETARY referral to a specialist; and  
6 i. failure to document the dental file, including, but not limited to, documenting  
7 REGINALD SINGLETARY's telephone call on April 18, 2011.

8 **XXVI.**

9 In support of the allegations contained herein, Plaintiffs have attached as Exhibit 1, the  
10 Affidavit of Andrew Pallos, DDS, and as Exhibit 2, his curriculum vitae.

11 **XXVII.**

12 Decedent REGINALD SINGLETARY was neither contributorily negligent nor  
13 comparatively at fault for the serious injuries sustained as a result of his tooth extraction at  
14 Defendant SUMMERLIN SMILES on April 16, 2011.

15 **XXVIII.**

16 At all times mentioned herein regarding care associated with the tooth extraction,  
17 Defendants, and each of them, had exclusive control over all medication and care administered to  
18 Decedent REGINALD SINGLETARY, and over the method by which such medication and care was  
19 administered.

20 **XXIX.**

21 As a direct and proximate result of the negligence of Defendants, and each of them, and  
22 Defendants' failure to meet the standard of care, Decedent REGINALD SINGLETARY developed  
23 necrotizing mediastinitis and septic shock due to Ludwig's angina from dental abscess. As a further  
24 direct and proximate result of the negligence of Defendants, and each of them, Decedent passed  
25 away on April 25, 2011.

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1 **XXX.**

2 As a direct and proximate result of the negligence, carelessness, and other improper conduct  
3 of Defendants, and each of them, and Defendants' failure to meet the standard of care, Decedent  
4 REGINALD SINGLETARY was caused to suffer bodily injury and disfigurement, resulting in great  
5 pain and suffering and eventual death, as well as emotional distress resulting in general damages in  
6 an amount in excess of Ten Thousand Dollars (\$10,000.00).

7 **XXXI.**

8 Prior to the injuries complained of herein, Decedent REGINALD SINGLETARY was an  
9 able-bodied person, capable of being gainfully employed and capable of engaging in all other  
10 activities for which he was otherwise suited. By reason of the premises, and as a direct and  
11 proximate result of the negligence of Defendants, and each of them, Decedent REGINALD  
12 SINGLETARY was caused to be disabled, limited and restricted in his occupations and activities,  
13 and subsequently unable to engage in his occupations which caused Decedent REGINALD  
14 SINGLETARY a loss of wages in an unascertainable amount as of this time, and/or diminution of  
15 his earning capacity and future loss of wages, all to Plaintiffs' damage in a sum not yet ascertainable,  
16 the allegations of which Plaintiffs pray leave of Court to insert herein when the same shall be fully  
17 determined.

18 **XXXII.**

19 That as a direct and proximate result of Defendants' above-referenced breach, Plaintiff  
20 SVETLANA SINGLETARY and GABRIEL L. SINGLETARY incurred pecuniary damages for grief  
21 or sorrow, loss of probable support, companionship, society, comfort, and consortium and damages  
22 for pain, suffering or disfigurement of the decedent in accordance with NRS 41.085(4).

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1 **XXXIII.**

2 That as a direct and proximate result of Defendants' above-reference breach, Plaintiff  
3 SVETLANA SINGLETARY, as the Representative of the Estate of REGINALD SINGLETARY,  
4 has incurred damages for medical and funeral expenses the full nature and extent of said expenses  
5 are not known to Plaintiff and leave is therefore requested to amend this Complaint to conform to  
6 proof at the time of trial.

7 **XXXIV.**

8 That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this  
9 action and she is, therefore, entitled to reasonable attorney's fees and costs of this action, and  
10 prejudgment interest herein.

11 **SECOND CAUSE OF ACTION**

12 **(CORPORATE NEGLIGENCE AS TO DEFENDANT SUMMERLIN SMILES)**

13 **XXXV.**

14 As and for the Second Cause of Action, the Plaintiff repeats and re-alleges each and every  
15 allegation contained in Paragraphs I through XXXIV of the General Allegations and Pleadings as  
16 though fully set forth herein and further alleges:

17 **XXXVI.**

18 Upon information and belief, Defendant SUMMERLIN SMILES was licensed under  
19 applicable federal and state laws, and it represented to the public, including Decedent REGINALD  
20 SINGLETARY and Plaintiff, that it was and is a dental care office, capable of providing facilities,  
21 service and care in that capacity to persons in need of such.

22 **XXXVII.**

23 That Defendant SUMMERLIN SMILES, as a licensed facility, had, at all relevant times, a  
24 non-delegable duty to ensure that the conduct of those performing the functions, for which the  
25 license was issued, conformed to law.

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**XXXVIII.**

That Decedent REGINALD SINGLETARY was a patient at Defendant SUMMERLIN SMILES when Defendants, and each of them, owed him a duty to provide appropriate dental care and treatment.

**XXXIX.**

That Defendants, and each of them, failed to provide the services necessary to properly treat Decedent REGINALD SINGLETARY after his tooth extraction at Defendant SUMMERLIN SMILES, and but for Defendants' negligence the serious injuries and death of Decedent REGINALD SINGLETARY would not have normally occurred.

**XL.**

As a direct and proximate result of the negligence of Defendants, and each of them, Decedent REGINALD SINGLETARY developed necrotizing mediastinitis and septic shock due to Ludwig's angina from dental abscess. As a further direct and proximate result of the negligence of Defendants, and each of them, Decedent passed away on April 25, 2011.

**XLI.**

As a direct and proximate result of the negligence, carelessness, and other improper conduct of Defendants, and each of them, and Defendants' failure to meet the standard of care, Decedent REGINALD SINGLETARY was caused to suffer bodily injury and disfigurement, resulting in great pain and suffering and eventual death, as well as emotional distress resulting in general damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

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1 **XLII.**

2 Prior to the injuries complained of herein, Decedent REGINALD SINGLETARY was an  
3 able-bodied person, capable of being gainfully employed and capable of engaging in all other  
4 activities for which he was otherwise suited. By reason of the premises, and as a direct and  
5 proximate result of the negligence of Defendants, and each of them, Decedent REGINALD  
6 SINGLETARY was caused to be disabled, limited and restricted in his occupations and activities,  
7 and subsequently unable to engage in his occupations which caused Decedent REGINALD  
8 SINGLETARY a loss of wages in an unascertainable amount as of this time, and/or diminution of  
9 his earning capacity and future loss of wages, all to Plaintiffs' damage in a sum not yet ascertainable,  
10 the allegations of which Plaintiffs pray leave of Court to insert herein when the same shall be fully  
11 determined.

12 **XLIII.**

13 That as a direct and proximate result of Defendants' above-referenced breach, Plaintiff  
14 SVETLANA SINGLETARY and GABRIEL L. SINGLETARY incurred pecuniary damages for grief  
15 or sorrow, loss of probable support, companionship, society, comfort, and consortium and damages  
16 for pain, suffering or disfigurement of the decedent in accordance with NRS 41.085(4).

17 **XLIV.**

18 That as a direct and proximate result of Defendants' above-reference breach, Plaintiff  
19 SVETLANA SINGLETARY, as the Representative of the Estate of REGINALD SINGLETARY  
20 has incurred damages for medical expenses and funeral expenses the full nature and extent of said  
21 expenses are not known to Plaintiff and leave is therefore requested to amend this Complaint to  
22 conform to proof at the time of trial.

23 **XLV.**

24 That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this  
25 action and she is, therefore, entitled to reasonable attorney's fees and costs of this action, and  
26 prejudgment interest herein.

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**THIRD CAUSE OF ACTION**

**((NEGLIGENT HIRING, TRAINING AND SUPERVISION AS TO DEFENDANT SUMMERLIN SMILES))**

**XLVI.**

As and for the Third Cause of Action, the Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs I through XLV of the General Allegations and Pleadings as though fully set forth herein and further alleges:

**XLVII.**

Defendant SUMMERLIN SMILES, DOE I through X and/or ROE CORPORATIONS I through X had a duty to exercise due care in the selection, training, supervision, oversight, direction, retention and control of its employees and/or agents retained by them to perform and provide medical services.

**XLVIII.**

Defendant SUMMERLIN SMILES, DOE I through X and/or ROE CORPORATIONS I through X breached the above-referenced duty when they negligently, carelessly and recklessly hired, trained, supervised, oversaw, directed and/or retained its employees, including, but not limited to, assistants, secretaries, hygienists, Defendant TON VINH LEE, DDS, Defendant FLORIDA TRAI VAL, DMD, Defendant JAI PARK, DDS and/or Defendant DOE SUMMERLIN SMILES EMPLOYEE.

**XLIX.**

That as a direct and proximate result of Defendant SUMMERLIN SMILES, DOE I through X and/or ROE CORPORATIONS I through X's above-referenced breach, Decedent REGINALD SINGLETARY developed necrotizing mediastinitis and septic shock due to Ludwig's angina from dental abscess. As a further direct and proximate result of the negligence of Defendants, and each of them, Decedent passed away on April 25, 2011.

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**L.**

That as a direct and proximate result of Defendant SUMMERLIN SMILES, DOE I through X and/or ROE CORPORATIONS I through X's above-referenced breach, Decedent REGINALD SINGLETARY was caused to suffer bodily injury and disfigurement, resulting in great pain and suffering and eventual death, as well as emotional distress resulting in general damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

**LI.**

Prior to the injuries complained of herein, Decedent REGINALD SINGLETARY was an able-bodied person, capable of being gainfully employed and capable of engaging in all other activities for which he was otherwise suited. By reason of the premises, and as a direct and proximate result of the negligence of Defendants, and each of them, Decedent REGINALD SINGLETARY was caused to be disabled, limited and restricted in his occupations and activities, and subsequently unable to engage in his occupations which caused Decedent REGINALD SINGLETARY a loss of wages in an unascertainable amount as of this time, and/or diminution of his earning capacity and future loss of wages, all to Plaintiffs' damage in a sum not yet ascertainable, the allegations of which Plaintiffs pray leave of Court to insert herein when the same shall be fully determined.

**LII.**

That as a direct and proximate result of Defendant SUMMERLIN SMILES, DOE I through X and/or ROE CORPORATIONS I through X's above-referenced breach, Plaintiff SVETLANA SINGLETARY and GABRIEL L. SINGLETARY incurred pecuniary damages for grief or sorrow, loss of probable support, companionship, society, comfort, and consortium and damages for pain, suffering or disfigurement of the decedent in accordance with NRS 41.085(4).

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1 **LIII.**

2 That as a direct and proximate result of Defendant SUMMERLIN SMILES, DOE I through  
3 X and/or ROE CORPORATIONS I through X's above-referenced breach, Plaintiff SVETLANA  
4 SINGLETARY, as the Representative of the Estate of REGINALD SINGLETARY has incurred  
5 damages for medical expenses and funeral expenses the full nature and extent of said expenses are  
6 not known to Plaintiff and leave is therefore requested to amend this Complaint to conform to proof  
7 at the time of trial.

8 **LIV.**

9 That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this  
10 action and she is, therefore, entitled to reasonable attorney's fees and costs of this action, and  
11 prejudgment interest herein.

12 **FOURTH CAUSE OF ACTION**

13 **(VICARIOUS LIABILITY AS TO DEFENDANT SUMMERLIN SMILES)**

14 **LV.**

15 As and for the Fourth Cause of Action, the Plaintiff repeats and re-alleges each and every  
16 allegation contained in Paragraphs I through LIV of the General Allegations and Pleadings as though  
17 fully set forth herein and further alleges:

18 **LVI.**

19 That Defendant TON VINH LEE, DDS, Defendant FLORIDA TRAI VAI, DMD, Defendant  
20 JAI PARK, DDS and/or Defendant DOE SUMMERLIN SMILES EMPLOYEE were and/or are  
21 agents and/or employees of Defendant SUMMERLIN SMILES, and were acting within the course  
22 and scope of their employment, under the control of Defendant SUMMERLIN SMILES, and in  
23 furtherance of Defendant SUMMERLIN SMILES' interests at the time of their actions that caused  
24 Decedent REGINALD SINGLETARY's serious injuries and death.

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**LVII.**

That Defendant TON VINH LEE, DDS, Defendant FLORIDA TRAIVAI, DMD, Defendant JAI PARK, DDS and/or Defendant DOE SUMMERLIN SMILES EMPLOYEE failed to provide the services necessary to properly treat Decedent REGINALD SINGLETARY following his tooth extraction at Defendant SUMMERLIN SMILES, and but for Defendants' negligence the serious injuries and death of Decedent REGINALD SINGLETARY would not have normally occurred.

**LVIII.**

That Defendant SUMMERLIN SMILES is vicariously liable for damages resulting from its agents' and/or employees' negligent actions against Decedent REGINALD SINGLETARY during the scope of their employment or agency.

**LIX.**

That as a direct and proximate result of Defendant's above-referenced breach, Decedent REGINALD SINGLETARY developed necrotizing mediastinitis and septic shock due to Ludwig's angina from dental abscess. As a further direct and proximate result of the negligence of Defendant, Decedent passed away on April 25, 2011.

**LX.**

That as a direct and proximate result of Defendant's above-referenced breach, Decedent REGINALD SINGLETARY was caused to suffer bodily injury and disfigurement, resulting in great pain and suffering and eventual death, as well as emotional distress resulting in general damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

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1 **LXI.**

2 Prior to the injuries complained of herein, Decedent REGINALD SINGLETARY was an  
3 able-bodied person, capable of being gainfully employed and capable of engaging in all other  
4 activities for which he was otherwise suited. By reason of the premises, and as a direct and  
5 proximate result of the negligence of Defendants, and each of them, Decedent REGINALD  
6 SINGLETARY was caused to be disabled, limited and restricted in his occupations and activities,  
7 and subsequently unable to engage in his occupations which caused Decedent REGINALD  
8 SINGLETARY a loss of wages in an unascertainable amount as of this time, and/or diminution of  
9 his earning capacity and future loss of wages, all to Plaintiffs' damage in a sum not yet ascertainable,  
10 the allegations of which Plaintiffs pray leave of Court to insert herein when the same shall be fully  
11 determined.

12 **LXII.**

13 That as a direct and proximate result of Defendant's above-referenced breach, Plaintiff  
14 SVETLANA SINGLETARY and GABRIEL L. SINGLETARY incurred pecuniary damages for grief  
15 or sorrow, loss of probable support, companionship, society, comfort, and consortium and damages  
16 for pain, suffering or disfigurement of the decedent in accordance with NRS 41.085(4).

17 **LXIII.**

18 That as a direct and proximate result of Defendant's above-referenced breach, Plaintiff  
19 SVETLANA SINGLETARY, as the Representative of the Estate of REGINALD SINGLETARY,  
20 has incurred damages for medical expenses and funeral expenses the full nature and extent of said  
21 expenses are not known to Plaintiff and leave is therefore requested to amend this Complaint to  
22 conform to proof at the time of trial.

23 **LXIV.**

24 That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this  
25 action and she is, therefore, entitled to reasonable attorney's fees and costs of this action, and  
26 prejudgment interest herein.

27 ///

1 **FIFTH CAUSE OF ACTION**

2 **(NEGLIGENCE PER SE AS TO DEFENDANT SUMMERLIN SMILES)**

3 **LXV.**

4 Plaintiff repeats and realleges each and every allegation contained in the paragraphs I through  
5 LXIV above as though fully set forth herein and further alleges:

6 **LXVI.**

7 That Defendant SUMMERLIN SMILES violated Nevada Revised Statute 631.3452 when  
8 Defendant:

- 9 a. failed to diagnose or treat diseases or lesions of the oral cavity, teeth, gingiva or the  
10 supporting structures thereof;
- 11 b. failed to administer or prescribe such remedies, medicinal or otherwise, as were  
12 needed in the treatment of dental or oral diseases;
- 13 c. failed to determine whether a particular treatment was necessary or advisable; or  
14 which particular treatment was necessary or advisable;
- 15 d. failed to ensure the overall quality of patient care;
- 16 e. failed to supervise dental hygienists, dental assistants and other personnel in  
17 accordance with the standards of supervision established by law or regulations; and
- 18 f. failed to provide any other specific services that are within the scope of clinical  
19 dental practice.

20 **LXVII.**

21 That the violation of Nevada Revised Statute 631.3452 by Defendant proximately caused the  
22 injuries, damages and ultimate demise of Decedent REGINALD SINGLETARY, described herein.

23 **LXVIII.**

24 That Decedent REGINALD SINGLETARY was among the class of persons Nevada Revised  
25 Statute 631.3452 is designed to protect.

26 ///

27 ///



**LXIX.**

That Decedent REGINALD SINGLETARY's injuries, damages and ultimate death are of the class of same that Nevada Revised Statute 631.3452 was designed to protect against.

**LXX.**

The injuries, damages and ultimate death endured by Decedent REGINALD SINGLETARY resulted directly and proximately from the negligence of Defendant in violation of Nevada Revised Statute 631.3452, and not from any negligence on the part of Decedent REGINALD SINGLETARY.

**LXXI.**

Nevada Revised Statutes, Nevada Administrative Codes and/or city/county ordinances have been violated by Defendants, and each of them, which Plaintiff prays leave of Court to insert any additional statute(s), code(s) and/or city/county ordinance(s) at the time of trial. Violation of the ordinance(s), code(s) and/or statute(s) proximately caused the injuries and damages complained of in Plaintiff's First Cause of Action for Dental Malpractice/Negligence.

**LXXII.**

That Decedent REGINALD SINGLETARY was among the class of persons the Nevada Revised Statutes, Nevada Administrative Codes and/or city/county ordinance(s) are designed to protect. These statute(s), code(s) and/or ordinance(s) are designed to protect the dental patient.

**LXXIII.**

That Decedent REGINALD SINGLETARY's injuries, damages and ultimate death are of the class of same that Nevada Revised Statutes, Nevada Administrative Codes and/or city/county ordinances are designed to protect.

**LXXIV.**

The injuries, damages and ultimate death endured by Decedent REGINALD SINGLETARY resulted directly and proximately from the negligence of Defendant in violation of Nevada Revised Statutes, Nevada Administrative Codes and/or city/county ordinances, and not from any negligence on the part of Decedent REGINALD SINGLETARY.

///

1 **LXXV.**

2 That as a direct and proximate result of the Defendant's violation of the above mentioned  
3 statutes, codes and/or ordinances, and each of them, Decedent REGINALD SINGLETARY  
4 developed necrotizing mediastinitis and septic shock due to Ludwig's angina from dental abscess.  
5 As a further direct and proximate result of the negligence of Defendant, Decedent passed away on  
6 April 25, 2011.

7 **LXXVI.**

8 That as a direct and proximate result of the Defendant's violation of the above mentioned  
9 statutes, codes and/or ordinances, and each of them, Decedent REGINALD SINGLETARY was  
10 caused to suffer bodily injury and disfigurement, resulting in great pain and suffering and eventual  
11 death, as well as emotional distress resulting in general damages in an amount in excess of Ten  
12 Thousand Dollars (\$10,000.00).

13 **LXXVII.**

14 Prior to the injuries complained of herein, Decedent REGINALD SINGLETARY was an  
15 able-bodied person, capable of being gainfully employed and capable of engaging in all other  
16 activities for which he was otherwise suited. By reason of the premises, and as a direct and  
17 proximate result of the negligence of Defendants, and each of them, Decedent REGINALD  
18 SINGLETARY was caused to be disabled, limited and restricted in his occupations and activities,  
19 and subsequently unable to engage in his occupations which caused Decedent REGINALD  
20 SINGLETARY a loss of wages in an unascertainable amount as of this time, and/or diminution of  
21 his earning capacity and future loss of wages, all to Plaintiffs' damage in a sum not yet ascertainable,  
22 the allegations of which Plaintiffs pray leave of Court to insert herein when the same shall be fully  
23 determined.

24 ///

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**LXXVIII.**

That as a direct and proximate result of the Defendant's violation of the above mentioned statutes, codes and/or ordinances, and each of them, Plaintiff SVETLANA SINGLETARY and GABRIEL L. SINGLETARY incurred pecuniary damages for grief or sorrow, loss of probable support, companionship, society, comfort, and consortium and damages for pain, suffering or disfigurement of the decedent in accordance with NRS 41.085(4).

**LXXIX.**

That as a direct and proximate result of the Defendant's violation of the above mentioned statutes, codes and/or ordinances, and each of them, Plaintiff SVETLANA SINGLETARY, as the Representative of the Estate of REGINALD SINGLETARY, has incurred damages for medical expenses and funeral expenses the full nature and extent of said expenses are not known to Plaintiff and leave is therefore requested to amend this Complaint to conform to proof at the time of trial.

**LXXX.**

That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this action and she is, therefore, entitled to reasonable attorney's fees and costs of this action, and prejudgment interest herein.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, SVETLANA SINGLETARY, individually, as the Representative of the Estate of REGINALD SINGLETARY, and as parent and legal guardian of GABRIEL L. SINGLETARY, expressly reserving her right to amend this Complaint at the time of the trial of the actions herein to include all items of damage not yet ascertained, Plaintiff, SVETLANA SINGLETARY, individually, as the Representative of the Estate of REGINALD SINGLETARY, and as parent and legal guardian of GABRIEL L. SINGLETARY prays for judgment against the Defendants, and each of them, and demands as follows:

1. For general compensatory damages, on behalf of Decedent REGINALD SINGLETARY, including, but not limited to, pain and suffering, loss of enjoyment of life, emotional distress and disfigurement, in a sum in excess of Ten Thousand Dollars (\$10,000.00);
2. For special damages, on behalf of the Estate of REGINALD SINGLETARY, including, but not limited to, medical, funeral and incidental expenses previously incurred in an amount in excess of Ten Thousand Dollars (\$10,000.00);
3. For pecuniary damages, on behalf of Plaintiff, individually and as parent and legal guardian of GABRIEL L. SINGLETARY, including, but not limited to, grief or sorrow, loss of probable support, loss of economic support, companionship, society, comfort, and consortium and damages for pain, suffering or disfigurement of the decedent in accordance with NRS 41.085(4).
4. For reasonable attorney's fees, costs of this action and prejudgment interest herein; and

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1 5. For such other and further relief as the Court may deem just and proper under the  
2 circumstances.

3 DATED this 7 day of February, 2012.

4 BAKER LAW OFFICES

5  
6 By:

7   
LLOYD W. BAKER, ESQ.

8 Nevada Bar No.: 6893

9 INGRID PATIN, ESQ.

10 Nevada Bar No.: 011239

11 500 South Eighth Street

12 Las Vegas, NV 89101

13 (702) 360-4949

14 Attorneys for Plaintiff

## **Exhibit 9**

## **Exhibit 9**

## **Exhibit 9**

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**ORIGINAL**

**FILED IN OPEN COURT**  
STEVEN D. GRIERSON  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

JAN 22 2019

BY ALICE JACOBSON, DEPUTY

SVETLANA SINGLETARY, individually, as  
the Representative of the Estate of  
REGINALD SINGLETARY, and as parent  
and legal guardian of GABRIEL L.  
SINGLETARY, a Minor,

CASE NO.: A-12-656091-C  
DEPT. NO.: XXX

SPECIAL VERDICT FORM

Plaintiff,

vs.

TON VINH LEE, DDS, individually,  
FLORIDA TRAIVAI, DMD, individually, JAI  
PARK, DDS, individually, TON V. LEE,  
DDS, PROF. CORP., a Nevada  
Professional Corporation d/b/a  
SUMMERLIN SMILES, DOE  
SUMMERLIN SMILES EMPLOYEE, and  
DOES I through X and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

We the jury in the above-entitled action find the following special verdict on the  
Questions submitted to us:

Question No. 1: Was Ton Vinh Lee, DDS, negligent in his care and treatment of  
Reginald Singletary?

ANSWER: Yes \_\_\_\_\_ No ✓

If your answer to Question 1 is "no" please sign and return the General Verdict  
finding in favor of Dr. Lee.

Question No. 2: Was negligence on the part of Ton Vinh Lee, DDS a cause of injury  
to Reginald Singletary?

ANSWER: Yes \_\_\_\_\_ No ✓

1 If your answer to Question 2 is "no" please sign and return the General Verdict  
2 finding in favor of Dr. Lee.

3 Question No. 3: Was Florida Traivai, DMD, negligent in her care and treatment of  
4 Reginald Singletary?

5 ANSWER: Yes ✓ No \_\_\_\_\_

6  
7 If your answer to Question 3 is "no" please sign and return the General Verdict  
8 finding in favor of Dr. Traivai.

9 Question No. 4: Was negligence on the part of Florida Traivai, DMD, a cause of injury  
10 to Reginald Singletary?

11 ANSWER: Yes ✓ No \_\_\_\_\_

12 If your answer to Question 4 is "no" please sign and return the General Verdict  
13 finding in favor of Dr. Traivai.

14 Question No. 5: Was Jai Park, DDS, negligent in his care and treatment of Reginald  
15 Singletary?

16 ANSWER: Yes \_\_\_\_\_ No ✓

17  
18 If your answer to Question 5 is "no" please sign and return the General Verdict  
19 finding in favor of Dr. Park.

20 Question No. 6: Was negligence on the part of Jai Park, DDS, a cause of injury to  
21 Reginald Singletary?

22 ANSWER: Yes \_\_\_\_\_ No ✓

23  
24 If your answer to Question 6 is "no" please sign and return the General Verdict  
25 finding in favor of Dr. Park.

26 Question No. 7: Was Summerlin Smiles negligent in its care and treatment of  
27 Reginald Singletary?

28 ANSWER: Yes ✓ No \_\_\_\_\_



1 If your answer to Question 7 is "no" please sign and return the General Verdict  
2 finding in favor of Summerlin Smiles.

3 Question No. 8: Was negligence on the part of Summerlin Smiles a cause of injury to  
4 Reginald Singletary?

5 ANSWER: Yes ✓ No \_\_\_\_\_

6  
7 If your answer to Question 8 is "no" please sign and return the General Verdict  
8 finding in favor of Summerlin Smiles.

9 If there is any Defendant for whom you have not signed and returned a General  
10 Verdict Form please proceed to questions 9 through 16 for that Defendant or Defendants.

11 Question No. 9: What amount of damage, if any, do you find was sustained by Svetlana  
12 Singletary for past grief or sorrow, loss of companionship, society, comfort and  
13 consortium, and damages for pain, suffering or disfigurement of the decedent?

14 ANSWER \$ 125,000.-

15  
16 Question No. 10: What amount of damage, if any, do you find will be sustained by  
17 Svetlana Singletary for future grief or sorrow, loss of companionship, society, comfort and  
18 consortium?

19 ANSWER \$ 500,000.-

20 Question No. 11: What amount of damage, if any, do you find was sustained by Gabriel  
21 Singletary for past grief or sorrow, loss of companionship, society, comfort and  
22 consortium, and damages for pain, suffering or disfigurement of the decedent?

23 ANSWER \$ 125,000.-

24  
25 Question No. 12: What amount of damage, if any, do you find will be sustained by Gabriel  
26 Singletary for future grief or sorrow, loss of companionship, society, comfort and  
27 consortium?

28 ANSWER \$ 2,000,000.00

1 Question No. 13: What amount of damage, if any, do you find was sustained by Svetlana  
2 Singletary for past loss of probable support?  
3 ANSWER \$ 60,000-  
4  
5 Question No. 14: What amount of damage, if any, do you find will be sustained by  
6 Svetlana Singletary for future loss of probable support?  
7 ANSWER \$ 300,000-  
8  
9 Question No. 15: What amount of damage, if any, do you find was sustained by Gabriel  
10 Singletary for past loss of probable support?  
11 ANSWER \$ 60,000-  
12  
13 Question No. 16: What amount of damage, if any, do you find will be sustained by Gabriel  
14 Singletary for future loss of probable support?  
15 ANSWER \$ 300,000-  
16  
17 Question No. 17: Was Reginald Singletary comparatively negligent?  
18 ANSWER: Yes ☒ No ☐  
19 If you answered "yes", please proceed to Question No. 18. If you answered "no"  
20 please proceed to Question No. 19.  
21 Question No. 18: If you answered "yes" to Question No. 17, was the comparative  
22 negligence of Reginald Singletary a cause of his injuries?  
23 ANSWER: Yes ☒ No ☐  
24  
25  
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1 Question No. 19: Assuming that 100% represents the total negligence which was the  
2 cause of the Plaintiffs' damages, what percentage of this 100% is due to the comparative  
3 negligence of Reginald Singletary and what percentage of this 100% is due to the  
4 negligence of each of the Defendants?

|    |                      |              |
|----|----------------------|--------------|
| 5  | Reginald Singletary  | <u>25</u> %  |
| 6  |                      |              |
| 7  | Ton Vinh Lee, DDS    | <u>0</u> %   |
| 8  | Florida Traivai, DMD | <u>50</u> %  |
| 9  | Jai Park, DDS        | <u>0</u> %   |
| 10 | Summerlin Smiles     | <u>25</u> %  |
| 11 | TOTAL                | <u>100</u> % |

12  
13 DATED this 22 day of January, 2014

14  
15   
16 FOREPERSON

## **Exhibit 10**

## **Exhibit 10**

## **Exhibit 10**

# The Trial Reporter

NEVADA

Published Monthly

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February, 2014

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## IN MEMORIAM

Andy Anderson

Editor & Publisher 1967 - 2003

Editor & Publisher

Beverly Graham



## Table of Contents

|                                                     |    |
|-----------------------------------------------------|----|
| Clark County District Court Civil Jury Trials . . . | 2  |
| Addendum & Erratum . . . . .                        | 11 |
| Churchill County District Court Civil Jury Trials   | 12 |
| Case Catalogue . . . . .                            | 12 |



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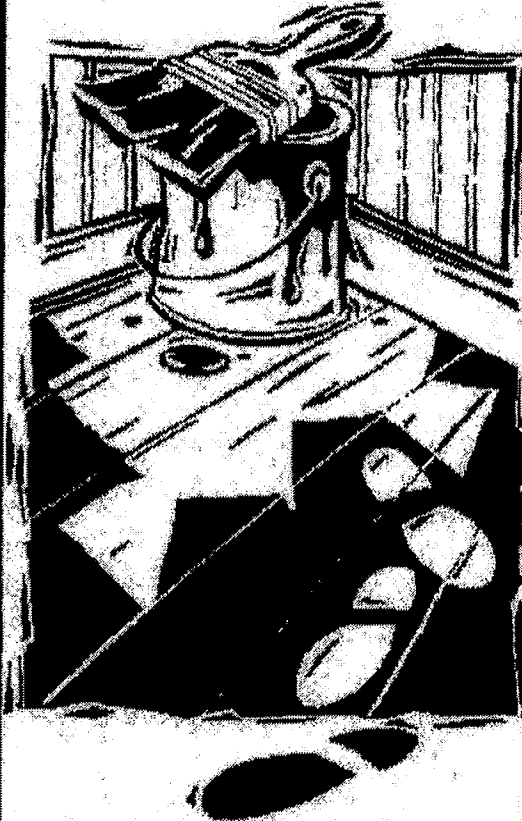
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1/17/14 - pro tem Judge HARRY P. MARQUIS - CV A636746 - ACOSTA (Ralph A. Schwartz, a sole practitioner) v LAS VEGAS METROPOLITAN POLICE DEPARTMENT and CROSSMAN (Craig R. Anderson of Marquis Auerbach Coffing, P.C.) - PERSONAL INJURY - REAREND - POLICE VEHICLE. Case being tried as a Shorttrial. Plntf, male, age 37, an unemployed Nevada resident, alleged that, while stopped southbound on Lamb Boulevard, he was rear-ended by Dfnt Crossman, male, a Nevada resident, who was in the course and scope of his occupational duties as a police officer for Dfnt Las Vegas Metropolitan Police Department. Plntf alleged he sustained cervical and thoracic strains and sprains, with secondary headaches; plus a bulging cervical disk at C-4, C-5, which necessitated bilateral facet injections and occipital nerve blocks. Plntf also alleged he has ongoing residual complaints. Prayer: In excess of \$10,000 compensatory damages; plus \$42,507.44 medical expenses. (Dfnts self-insured.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$35,000 COMPENSATORY DAMAGES (REPRESENTING \$25,000 FOR MEDICAL EXPENSES AND \$10,000 FOR PAIN AND SUFFERING).

\*\*\*\*\*

1/22/14 - Judge JERRY A. WIESE - CV A656091 - SINGLETARY (Lloyd W. Baker, Ingrid M. Patin, and Jessica M. Goodey of Baker Law Offices) v LEE, D.D.S., dba SUMMERLIN SMILES (Jason B. Friedman of Stark, Friedman & Chapman, L.L.P., of Long Beach, California); PARK, D.D.S. (Edward J. Lemons of Lemons, Grundy & Eisenberg, P.C.); and TRAIVAL, D.M.D. (S. Brent Vogel of Lewis, Brisbois, Bisgaard & Smith, L.L.P.) - WRONGFUL DEATH - MEDICAL MALPRACTICE - DENTAL - FAILURE TO DIAGNOSE/TREAT - INFECTION - LACK OF INFORMED CONSENT. Prologue: Decedent presented to Dfnt Summerlin Smiles, on March 24, 2011, for routine dental work. New

## PLAN AHEAD!



Don't Paint Yourself Into A Corner; Order A Compendium of Jury Awards In Cases With Like Injuries. Call:

**The Trial Reporter**

patient examination was done. Dfnts dentists Traivai and Park were independent contractors of Dfnt Summerlin Smiles. On April 16th, Decedent returned to Dfnt Summerlin Smiles for an extraction of the number 32 wisdom tooth, performed by Dfnt Traivai. Following the extraction, Decedent experienced ongoing severe pain in the extraction area on the right side of his face; swelling of the face, jaw, and neck; plus difficulty swallowing. Dfnt Summerlin Smiles was allegedly contacted via telephone on April 18th, and Decedent was advised to call again if his symptoms did not subside within four to five days. Decedent continued to experience his prior symptoms, and had difficulty swallowing, as well as difficulty speaking and eating, on April 19th and April 20th. Decedent was vomiting, began having difficulty breathing, and was transported by ambulance to non-party hospital, where he was admitted to the Intensive Care Unit, on April 21st. Antibiotics were administered and drainage of Decedent's neck was performed. Decedent died on April 25th. Case being tried on comparative fault. Decedent, male, age 42, was survived by his spouse and minor son, who brought suit for his wrongful death. Plntfs, both Nevada residents, alleged Dfnts fell below the standard of care by giving Decedent incorrect advice when he called Dfnt Summerlin Smiles, and followed their advice even though he became progressively sicker. Plntfs also alleged Dfnts failed to obtain Decedent's informed consent regarding use of antibiotics to prevent infection. (Court ruled issue was moot.) Plntfs called Joseph B. Marzouk, M.D., an infectious diseases specialist, of Oakland, California. Plntfs also called Andrew Fallos, D.D.S. of Laguna Niguel, California, who was of the opinion that Dfnts fell below the standard of care. Dfnts Lee and Park denied liability, advancing the defense that they did not provide any treatment to Decedent. Dfnt Traivai, female, a Nevada resident, denied falling below the standard of care. Dfnt Traivai argued that there were no complications during the procedure, and Decedent was given both

verbal and written postoperative instructions, which instructed Decedent to contact the office or go to the emergency department if he experienced any severe or unexpected complications. Dfnt Traivai also argued that, in the days following the extraction procedure, she was not contacted and was not aware of Decedent's condition and/or any potential complications. Additionally, Dfnt Traivai argued she did not instruct an employee of Dfnt Summerlin Smiles to give any medical advice and/or instructions to Decedent. Dfnt Traivai called Christian E. Sandrock, M.D., an infectious diseases specialist, of Sacramento, California; and William C. Ardary, D.D.S., M.D., an oral and maxillofacial surgeon, of Arcadia, California. Plntfs alleged that, as a result of Dfnts' negligence, Decedent developed necrotizing mediastinitis and septic shock, then Ludwig's angina from the dental abscess, which resulted in his death. Prayer: In excess of \$10,000 compensatory damages; plus \$600,000 loss of support (D Vogel). (Carrier: Hartford Insurance.) Seven day trial. Jury out two-plus hours. FOUND FOR DFNTS LEE AND PARK; AWARDED PLNTF SPOUSE \$985,000 COMPENSATORY DAMAGES (REPRESENTING \$125,000 FOR PAST PAIN AND SUFFERING, \$500,000 FOR FUTURE PAIN AND SUFFERING, \$60,000 PAST LOSS OF SUPPORT, AND \$300,000 FUTURE LOSS OF SUPPORT). AWARDED PLNTF SON \$2,485,000 COMPENSATORY DAMAGES (REPRESENTING \$125,000 FOR PAST PAIN AND SUFFERING, \$2 MILLION FOR FUTURE PAIN AND SUFFERING, \$60,000 PAST LOSS OF SUPPORT, AND \$300,000 FUTURE LOSS OF SUPPORT). (Found Decedent to be twenty-five percent at fault, found Dfnt Traivai to be fifty percent at fault, and found Dfnt Summerlin Smiles to be twenty-five percent at fault; therefore, Plntf spouse to recover \$492,500 from Dfnt Traivai and \$246,250 from Dfnt Summerlin Smiles; and Plntf son to recover \$1,242,500 from Dfnt Traivai and \$621,250 from Dfnt Summerlin Smiles).

## **Exhibit 11**

## **Exhibit 11**

## **Exhibit 11**





# NEVADA Legal Update

Fall 2014

Iverson Taylor Mortensen & Sanders • Nevada's Law Firm

## HIGHLIGHTS

### Nevada Supreme Court Clarifies Standard for Testimony of a Treating Physician and Prohibits Ex Parte Communication with an Opposing Party's Experts

Whether the testimony of a treating physician must be stated to a "reasonable degree of medical probability" depends on the purpose of the testimony, and whether it supports an alternative causation theory. Further, counsel is prohibited from contacting an opposing party's expert, including a non-retained treating physician, without express consent.

### Entertainer Awarded More Than \$1.3 Million after Backstage Fall

A professional comedian, hired to perform at the Bellagio Hotel and Casino, allegedly tripped and fell over an unsecured speaker cord resulting in a complete rupture of his Achilles tendon. The jury awarded the plaintiff \$1,308,500.00 for personal injuries and alleged lost wages.

## IN THIS ISSUE

### NEVADA SUPREME COURT

|                     |        |
|---------------------|--------|
| Medical Malpractice | Page 1 |
| Negligence          | Page 2 |

### NEVADA JURY VERDICTS

|                     |        |
|---------------------|--------|
| Personal Injury     | Page 2 |
| Medical Malpractice | Page 3 |
| Premises Liability  | Page 4 |
| Breach of Contract  | Page 4 |

### COMMENTS

|  |        |
|--|--------|
|  | Page 5 |
|--|--------|

## NEVADA SUPREME COURT DECISIONS

### MEDICAL MALPRACTICE

#### A Treating Provider Need Not Testify to a Reasonable Degree of Medical Certainty if Contradicting a Plaintiff's Causation Theory and Parties Must Obtain Express Consent Before Contacting an Opposing Party's Expert

Plaintiff filed a complaint alleging medical malpractice and negligence. Plaintiff specifically asserted that after receiving Lasik corrective surgery on both eyes she experienced ocular irritation and subsequently lost a majority of her sight. Defendant denied liability and asserted that Plaintiff's deteriorating eye condition may have resulted from abuse of numbing eye drops.

In support of Defendant's theory, Defendant called Plaintiff's treating physician to testify at trial. Plaintiff's treating provider testified that, in his opinion, plaintiff could have returned to her best corrective vision had she followed his instructions and recommendations, but conceded that this was speculation. He also testified that, while not the cause of the defect, it was possible that Plaintiff's use of numbing eye drops caused her vision to deteriorate and contributed to her lack of improvement. The jury returned a verdict for Defendant and Plaintiff appealed.

The Nevada Supreme Court determined the testimony offered by Plaintiff's treating physician was permissible pursuant to *Williams v. Eighth Judicial District Court*, 127 Nev. 262 P.3d 360 (2011). *Williams* provided that the testimony of a defense expert need not be stated to a reasonable degree of medical probability when being used to controvert an element of the plaintiff's claim, rather than

establish an independent theory of causation. Here, Defendant did not offer the expert's testimony to establish the alternative causation theory that eye damage resulted from abuse of numbing drops, rather than defendant's actions. Rather, the expert's testimony was offered to furnish reasonable alternative causes to those offered by Plaintiff.

On appeal, Plaintiff also asserted that defense counsel contacted the Plaintiff's treating physician without express consent, thereby warranting a new trial. Defendant argued the communication with the expert was necessary only to coordinate the physician's appearance at trial. The Nevada Supreme Court initially noted that a plaintiff's claim for personal injury or medical malpractice served as a limited waiver of the physician-patient privilege with regard to directly relevant and essential information necessary to resolve the case. Further, the Nevada Rules of Civil Procedure affirmatively allow formal depositions of individuals who have been identified as experts whose opinions may be presented at trial. NRCP 26(b)(4). Rule 26 does not, however, contemplate ex parte communications with the opposing party's expert witnesses. The Court also noted that the professional ethics rules for the Ninth Circuit Court of Appeals preclude counsel from speaking directly to an opposing party's expert. *Erickson v. Newmar Corp.*, 87 F.3d 298, 301 (9th Cir. 1996).

The Nevada Supreme Court ultimately balanced the desire for confidentiality with the need for full disclosure of relevant medical information and concluded there was no need to allow ex parte communication with an opposing party's expert, absent express consent. While the Nevada Supreme Court agreed that improper ex parte communication had occurred, Plaintiff's motion for a new trial was properly denied. The Court noted that the physician's trial testimony remained unchanged from his prior deposition testimony, and therefore Plaintiff did not suffer prejudice as a result of the conduct of Defendant. *Leavitt v. Siems*, 130 Nev. Adv. Rep. 54 (2014).

the property.

As a result of the contact with the chemicals, Plaintiff allegedly developed reactive airway dysfunction syndrome. When Plaintiff's worker's compensation coverage terminated six months after the incident, she was unable to obtain her prescription medication, which allegedly resulted in a stroke. Defendant denied liability.

Plaintiff sought compensatory damages, including approximately \$180,000.00 in medical expenses and \$100,000.00 in lost wages. After nine day trial the jury awarded Plaintiff \$21,122.00 in compensatory damages. *Wright v. Valley Health System, L.L.C.*, March 6, 2014.

### Truck Driver Found Liable for Another Vehicle's Rollover

Defendant was operating a tractor-trailer in the course of his occupational duties as a truck driver for Defendant Per Food Wholesale. Plaintiff, a 19 year-old female retail clerk, alleged that Defendant negligently executed a lane change into Plaintiff's lane of travel, which caused her to lose control and roll her vehicle. Plaintiff sustained a degloving injury to her dominant left hand.

Defendants denied liability and asserted that Plaintiff was either traveling in Defendant's "blind spot" or she attempted to "shoot the gap" to avoid travelling behind Defendant's tractor-trailer. Defendants called an accident reconstructionist to testify in support of their theory. Plaintiff called a psychiatrist, a hand surgeon, a vocational rehabilitation expert and economist to testify as to Plaintiff's alleged damages.

Plaintiff sought \$199,525.48 in past medical expenses, plus \$64,581.00 to \$87,381.00 for future medical treatment. Plaintiff served an \$825,000.00 pretrial Offer of Judgment and during closing arguments, Plaintiff's counsel asked the jury to award more \$5 million. After a 12 day trial, the jury awarded Plaintiff \$1,261,780.22, but found her to be 10 percent at fault. *Kumar v. Per Food Wholesale, Inc.*, February 5, 2014.

## MEDICAL MALPRACTICE

### Jury Returns Defense Verdict as to Claims Resulting from Plaintiff's Apparent Suicide

Decedent, a 23 year-old female, professional golfer, was survived by her parents who brought suit for her wrongful death. Defendant, a

medical physician, met decedent through mutual friends at a Country Club and treated decedent four times for minor health issues. Five months after their initial meeting, decedent and Defendant developed a romantic relationship.

On May 8, 2010, Defendant arrived at decedent's residence and found her intoxicated. Decedent was instructed to take a shower and the pair then chipped golf balls in decedent's backyard until 9:00 p.m., when Defendant went home to his pregnant wife. On May 9, 2010, Defendant called decedent 17 times, but was unable to reach her. He then drove to her home and gained entry through an unlocked rear door. Defendant found decedent in her bedroom with a plastic bag secured with rubber bands around her head. Defendant removed decedent's suicide note and a blister pack of Xanax, which appeared to be from Mexico, and placed them in the trunk of his vehicle. Decedent's cause of death was determined to be suicide by asphyxiation.

Plaintiffs alleged Defendant fell below the standard of care when he prescribed medication without determining decedent's medical conditions, allergies to the medications, or whether decedent was at risk for taking medications other than those prescribed. Plaintiffs further alleged that Defendant did not properly document decedent's medical chart with the prescribed controlled substances, and failed to properly evaluate her on May 8 and left her in a medically compromised condition. Plaintiffs also claimed that a combined drug intoxication was a significant cause of decedent's death. Defendant denied falling below the standard of care.

Plaintiffs sought compensatory damages and punitive damages. After a seven day trial the jury returned a verdict for Defendant. *Blasberg v. Hess, M.D.*, May 13, 2014.

### Jury Finds for Decedent's Family after Overdose on Methadone

Decedent was treated by Defendant physician for several years preceding his death. During the course of his treatment, Defendant discussed referring decedent to an opioid addiction specialist and prescribed a one month supply of Methadone, ten milligrams. Decedent began taking the prescribed Methadone and experienced insomnia, hallucinations and constipation. After four days, decedent experienced pinpoint eyes, profuse sweating, twitching in his sleep, sleep walking, blue-tinged lips and an ashen complexion. Decedent's spouse contacted Defendant's office and was advised by the staff that the decedent's

symptoms were normal and the information would be passed along to the Defendant. Twenty minutes later, decedent stopped breathing and died. Decedent's cause of death was determined to be Methadone intoxication.

Decedent was survived by his spouse and three minor children, who brought suit for his wrongful death. Plaintiffs alleged that Defendant fell below the standard of care when he negligently prescribed methadone for opioid addiction and failed to conduct a thorough medical assessment and physical evaluation. Plaintiffs also alleged that Defendant's medical staff fell below the standard of care when they advised decedent's spouse that the symptoms were normal and failed to recommend that decedent be taken to the emergency department. Additionally, Plaintiffs alleged that the Defendant failed to respond to decedent's wife and failed to supervise and/or train employees in appropriate counseling to patients. Defendant denied falling below the standard of care and maintained that decedent was comparatively at fault for not properly following the prescription's instructions and for taking more than was prescribed.

Plaintiffs sought between \$3 million and \$4 million in damages. After a 13 day trial, the jury found Defendant to be 53 percent at fault. Decedent's estate recovered \$1,592,650.00; decedent's spouse was awarded \$530,000.00; two of decedent's children received \$1,060,000.00 and the third child received \$795,000.00. *Davis and Davis, Estate v. Gautham Gammadi Reddy, M.D., Ltd.*, June 18, 2014.

### Plaintiffs Awarded More Than \$2.6 Million Following Wisdom Tooth Extraction

Decedent presented to Defendant dentist for routine dental work and underwent a new patient examination. Decedent returned to Defendant one month later for an extraction of his wisdom teeth. Following the extraction, the decedent experienced ongoing severe pain in the extraction area on the right side of his face, jaw and neck, and experienced difficulty swallowing. Decedent allegedly contacted Defendant via telephone two days later and was advised to call again if his symptoms failed to subside in four to five days. Four days after the extraction, decedent continued to experience symptoms and developed difficulty eating, speaking, and breathing and was vomiting. Decedent was taken to the hospital by ambulance where he was admitted to the Intensive Care Unit. Decedent

was administered antibiotics and drainage of his abscess was performed, but decedent passed nine days after the extraction.

Decedent's spouse and minor son asserted claims for wrongful death. Plaintiffs alleged that Defendant fell below the standard of care by providing decedent incorrect advice when he called after the extraction. Plaintiffs also asserted that Defendant failed to obtain decedent's informed consent regarding the use of antibiotics to prevent infection. Further, plaintiffs claimed that as a result of Defendant's negligence, decedent developed necrotizing fasciitis, septic shock and Ludwig's angina from the dental abscess, which resulted in his death.

Plaintiffs relied on the testimony of an infectious disease specialist and a dentist who opined that Defendant fell below the standard of care. Defendant denied liability and maintained that there were no complications during the procedure. Defendant argued that decedent was given both verbal and written postoperative instructions, which instructed decedent to contact the office or go to the emergency room if he experienced any severe or unexpected complications. Defendant also asserted that he was not contacted or aware of decedent's condition and/or potential complications, or did Defendant instruct an employee of the dental office to give medical advice and/or instructions to the decedent. Defendant relied on the testimony of an infectious disease specialist and an oral and maxillofacial surgeon at trial.

Plaintiffs sought compensatory damages plus \$600,000.00 in loss of support. After a seven day trial, the jury found decedent to be 25 percent at fault. Decedent's spouse was awarded \$738,750.00 in compensatory damages and decedent's minor child was awarded \$1,863,750.00. *Singleton v. Lee, D.D.S.*, January 22, 2014.

## PREMISES LIABILITY

### Defendant Not Liable For a Trip and Fall on its Premises

Plaintiff, a 57 year-old female accounts payable clerk, alleged that while on Defendant's premises she was injured when her shoe became stuck in a concrete expansion joint, which caused her to trip and fall. Plaintiff alleged Defendant was negligent in its maintenance of the premises, and failed to fill the concrete

expansion joint to a sufficient level required to prevent the hazardous condition.

Plaintiff relied on the testimony of an architect who opined that the expansion joint failed to meet the building code, and a safety engineer who opined the expansion joint could have been a tripping hazard. Defendant denied liability and maintained that it had no notice of the condition. Defendant further argued that there had never been a fall involving any of the 58,000 feet of expansion joints and that its maintenance of the premises was reasonable.

As a result of the fall, Plaintiff allegedly sustained a fractured left elbow. Her orthopedic physician opined that Plaintiff would develop arthritis and may possibly require future surgery. Defendant retained an orthopedic physician who opined that the fracture was causally related to the fall, but maintained that Plaintiff would not develop arthritis or require future surgery.

Plaintiff sought \$119,000.00 in medical expenses and more than \$10,000.00 in lost wages. Plaintiff made a pretrial demand of \$3350,000.00 and Defendant offered \$135,000.00. After a five day trial, the jury returned a verdict for Defendant. *Biondi v. Paris Las Vegas Propco, L.L.C.*, May 23, 2014.

### Jury Returned Verdict for Entertainer Who Suffered Injury Backstage

Plaintiff, a 61 year-old male professional comedian, was hired to perform at the Bellagio Hotel and Casino. Plaintiff alleged that Defendant's staff negligently set up the stage, causing Plaintiff to trip and fall over an unsecured speaker cord. Plaintiff sustained a complete rupture of his Achilles tendon, which resulted in a permanent limp. Defendant denied liability and argued Plaintiff was contributory negligent.

At trial, Plaintiff called an entertainment expert, an orthopedic physician and an economist who estimated Plaintiff's damages

were \$7,500,000.00. Defendant relied on the testimony of an orthopedic physician and an economist. Plaintiff sought \$3,214,632.00 in past lost wages; \$4,121,970.00 in future lost wages; and medical expenses. Plaintiff made a pretrial demand of \$500,000.00 and Defendant countered with \$175,000.00. After a 15 day trial, the jury returned a verdict for the Plaintiff and awarded \$1,308,500.00. *Wallace v. Bellagio, L.L.C.*, April 8, 2014.

## BREACH OF CONTRACT

### Plaintiff Awarded Damages and Ownership Interest in Business Established during Plaintiff's Divorce

Plaintiff and Defendant were engaged to be married in 1999 and allegedly established and operated Canyon Gate Cleaners as equal co-owners. Plaintiff also owned and operated a machinery sales corporation in Phoenix, Arizona, and utilized his resources and equipment to find a location and equip Canyon Gate Cleaners. Because Plaintiff was involved in divorce proceedings at the time, Defendant suggested that Plaintiff not be listed as an officer and shareholder of Canyon Gate in order to insure Plaintiff's wife would not assert a lien on the business. It was agreed that Defendant would constructively hold Plaintiff's interest in the business, which flourished over the next ten years. The parties shared the income from the business and purchased various personal properties that they jointly owned. Subsequently, however, Defendant removed Plaintiff from their home and business by filing a temporary restraining order. Plaintiff alleged that Defendant breached their agreement to sell the business and divide their personal assets.

Defendant denied liability and maintained that Plaintiff was neither an owner nor an interest holder in the business. Defendant further alleged that Plaintiff did not start or operate the business, did not contribute funds or other consideration to the operation, did not design the business and had no financial or "sweat equity." Defendant asserted she hired Plaintiff as a paid consultant through his businesses, LES Systems, Inc., and Lorenz Equipment Sales, and that she purchased the residence where they lived from 1998 through 2009.

After a nine day trial, the jury awarded Plaintiff \$944,000.00 in compensatory damages

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## **Exhibit 12**

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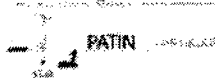
## **Exhibit 12**

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## Settlement – Verdict

### Settlement/Verdict

Every person deserves to be treated fairly. We pride ourselves on the ability to get the results you deserve. We never settle for the first offer, and are willing to take your case to trial if necessary. We will fight for you to obtain compensation for your medical expenses, lost wages, property damage, pain and suffering and loss of enjoyment of life.

#### Recent Settlements and Verdicts

**DENTAL MALPRACTICE/WRONGFUL DEATH – PLAINTIFF'S VERDICT, 2014**  
Description: Singletary v. Ton Vinh Lee, DDS, et al.

A dental malpractice-based wrongful death action that arose out of the death of Decedent Reginald Singletary following the extraction of the No. 32 wisdom tooth by Defendants on or about April 16, 2011. Plaintiff sued the dental office, Summerlin Smiles, the owner, Ton Vinh Lee, DDS, and the treating dentists, Florida Traivai, DMD and Jai Park, DDS, on behalf of the Estate, herself and minor son. The matter is currently on appeal.

**NEGLIGENCE/WRONGFUL DEATH – SETTLEMENT, 2014**  
Description: Lavoll v. Jack in the Box, Inc.

A negligence-based wrongful death action that arose out of the shooting of Decedent Brittney Lavoll by Third-Party Defendant, Kevin Gipson, on March 25, 2010 in or near the parking lot of Jack in the Box, located at 7510 West Lake Mead Boulevard, Las Vegas, Nevada 89128.

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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.: XXVI

**FEE DISCLOSURE**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

| New Complaint Fee                                                                                              |                                   | 1 <sup>st</sup> Appearance Fee               |                                   |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------|-----------------------------------|
| <input type="checkbox"/> \$1530                                                                                | <input type="checkbox"/> \$520    | <input type="checkbox"/> \$1483.00           | <input type="checkbox"/> \$473.00 |
| <input type="checkbox"/> \$299                                                                                 | <input type="checkbox"/> \$270.00 | <input type="checkbox"/> \$223.00            |                                   |
| Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment |                                   | <input checked="" type="checkbox"/> \$200.00 |                                   |
| TOTAL REMITTED: (Required)                                                                                     |                                   | Total Paid                                   | <b><u>\$200.00</u></b>            |

DATED this 7<sup>th</sup> day of August, 2020.

NETTLES | MORRIS



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