IN THE SUPREME COURT OF THE STATE OF NEVADA

TON VINH LEE,

Appellant,

v.

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

Respondent.

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

Electronically Filed
Dec 15 2021 05:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX – VOLUME 8

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Docket 83213 Document 2021-35794

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EXHIBIT F

EXHIBIT F

EXHIBIT F

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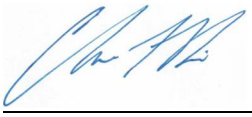
This Motion is made and based upon the papers and pleadings on file with the Court, the exhibits attached hereto, the following Memorandum of Points and Authorities, and any oral argument the Court may entertain at the hearing on the Motion.

DATED this 7th 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.

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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.

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B. <u>Standard for Motion to Dismiss Pursuant to NRCP 12(c).</u>

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

> After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for 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.

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

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

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

IV. ARGUMENT

A. <u>Defendant can prove that the statement was true and therefore not defamatory.</u>

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

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

i. The Statement Is Absolutely True

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

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

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

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

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Q. Well, let's go break this up as to what part you believe to be untrue. This was, in fact, a dental malpractice wrongful death action, correct?

A. Yes,

Q. There was a plaintiff's verdict of 3.4 million, correct?

A. I don't know the amount.

Q. Okay. Do you believe that to be untrue, 3.4 million?

A. I don't know the amount.

Q. Okay. Description, Singletary versus Ton Vihn Lee, DDS, et. al. that was the caption on the complaint, correct?

A. I believe so.

Q. Okay. It was a dental malpractice-based wrongful death action that arose from the death of Reginald Singletary, correct?

A. That is correct.

Q. It was following – his death did follow the extraction of the No. 32 wisdom tooth by defendants, correct?

A. This is correct.

Objection made by Plaintiff's counsel. . .

Q: The extraction took place on April 16th, 2011 correct?

A. As far as I can recall based on this, yes.

Q. Okay. And the plaintiff did sue the dental office of Summerlin Smiles, correct?

A. That's correct.

Q: And the plaintiff did sue the owner, Ton Vihn Lee, DDS, correct?

A. That's correct.

Q. And the plaintiff did sue treating dentists Florida Traivai, DMD, and Jai – is it Jai Park, DDS?

A. Jai Park, yes.

Q. And the plaintiff did sue on behalf of the estate, herself, and minor son, 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.

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The truth of a statement is an absolute defense.

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

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

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

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

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

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

iii. Plaintiff Admitted No Third Party Read the Post

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

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

iv. Plaintiff's Reputation Was Never Affected

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

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

B. <u>Plaintiff's Claims For Business Entity Damages Fails Because Plaintiff Lacks Standing, Has Not Made a Business Disparagement Claim, And There is no Evidence of Malice.</u>

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

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

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Q. So there's been a lot of financial documents disclosed in this case and then there's been a number that was disclosed, let me see, last month, and it says loss of business; do you see that?
A. Yes.
Q. What entity lost business?
A. Both entities.
Q. Ton v. Lee DDS Professional Corp., and Ton Vihn Lee DDS Professional Corp?
A. Yes.
Q. And are either of those plaintiffs in this case:
A. No.

Exhibit 1 *at pp. 176-177*.

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

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

A. No, I am not.

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

A. No I am not.

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

Plaintiff has no standing to bring claims on behalf of entities not captioned in this lawsuit. Standing is the legal right to set judicial machinery in motion. *Heller v. Legislature of Nev.*, 120 Nev. 456, 460, 93 P.3d 746, 749 (2004). In order for a party to sue in their own names without joining the person for whose benefit the action is brought, they must be: (a) an executor; (b) an administrator; (c) a guardian; (d) a bailee; (e) a trustee of an express trust; (f) a party with whom 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

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

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

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

a. The "Fair Reporting" Privilege

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

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

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

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

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

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

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

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

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

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

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

To further clarify how the privilege applies to Defendant's Statement, this brief will break the statement up line by line and compare it with language pulled directly from the *Singletary* case documents.[1]

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

> DENTAL MALPRACTIC/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, DDS and Jai Park, DDS, on behalf of the Estate, herself and minor son.

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

DENTAL MALPRACTIC/WRONGFUL DEATH

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

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

---

[1] Under the standards of NRCP 12(c), it is appropriate for the Court to take judicial notice of these documents without converting this Motion to a motion under NRCP 56. This is proper 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).

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

PLAINTIFF'S VERDICT

The *Singletary* jury completed a Special Verdict Form, on which the jury answered "Yes" to the following questions:

- "Question No. 3: Was Florida Traivai, DMD, negligent in her care and treatment of Reginald Singletary?" *See Singletary v. lee, et al.* Special Verdict Form, attached hereto as **Exhibit 9**, at p. 2:3-6**.**
- "Question No. 4: Was negligence on the part of Florida Traivai, DMD, a cause of injury to Reginald Singletary?" **Exhibit 9**, at p. 2:9-11.
- "Question No. 7: Was Summerlin Smiles negligent in its care and treatment of Reginald Singletary?" **Exhibit 9**, at p. 2:26-28.
- "Question No. 8: Was negligence on the part of Summerlin Smiles a cause of injury to Reginald Singletary?" **Exhibit 9**, at p. 3:3-5.

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

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

$3.4M

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

2014

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

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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 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.

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.

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

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 (emphasis added.)

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

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

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

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

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

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

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

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

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

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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 7th day of August, 2020.

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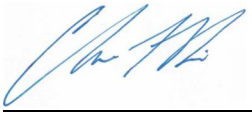

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CERTIFICATE OF E-SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that on this 7th 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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Jessica Humphrey	jhumphrey@rlattorneys.com

An employee of NETTLES | MORRIS

Exhibit 1

Exhibit 1

Exhibit 1

Page 1

DISTRICT COURT
CLARK COUNTY, NEVADA

TON VINH LEE, an individual,

Plaintiff,

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

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

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

VOLUME I
REMOTE VIDEO DEPOSITION OF
TON VINH LEE

July 14, 2020
11:05 a.m.

Conducted via videoconference
with all participants appearing remotely

Gary F. Decoster, CCR No. 790

Page 2

APPEARANCES OF COUNSEL

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Also Present: ANGELA LYONS, VIDEOGRAPHER

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INDEX OF EXAMINATION

WITNESS: TON VINH LEE

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By Ms. Morris	6

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

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

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

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

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

MS. MORRIS: Christian Morris for the plaintiff.

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

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

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

Page 7

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

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

Page 9

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

Page 10

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

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

Page 12

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

Page 13

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

Page 14

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

Page 15

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

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

Page 17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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A. I don't recall.
MR. JONES: Objection; asked and answered.
MS. MORRIS: I didn't ask and answer that question.
BY MS. MORRIS:
Q. Did you reach out to the Patin Law Group to ask them to either modify or take it down?
A. You asked me a general question four to five statements before if I recall any events or any occurrence or activities I did that day, and I've indicated to you that I do not recall. Now you're asking me specifically in certain events, and the same answer stands: I do not recall.
Q. Okay. At any time after March 23rd, 2015, did you ever reach out to Ingrid Patin Law Group and ask them to either modify or take down the post?
A. No.
Q. Why not?
MR. JONES: Object to form.
Go ahead.
THE DEPONENT: Repeat that question, if you don't mind, again.
BY MS. MORRIS:
Q. Sure. Why did you never reach out to Ingrid Patin Law Group to ask them to either modify or take

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down the post?
A. Because it's an untrue statement.
Q. The question is why you didn't reach out.
A. Because it's an untrue statement.
Q. I understand that you're alleging it's an untrue statement.
A. It's not an alleged.
Q. The question I'm asking is, why did you not reach out to Ingrid Patin Law Group to ask them to either modify or take down what you believed to be an untrue statement?
A. Because --
MR. JONES: Objection; asked and answered.
Go ahead.
THE DEPONENT: Because your client produced an untrue statement. Calling her to retract an untrue statement, would you do the same, Counsel?
BY MS. MORRIS:
Q. I'm sorry, sir, I'm not going to answer your questions today.
A. There you go.
Q. I'm here to ask you questions. I didn't file a lawsuit, you did, okay?
A. You're absolutely correct.
Q. So let's try and be a little bit respectful

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of the process.
A. I ask you the same.
Q. I'm attempting to be.
A. In a way as well.
Q. Okay. So please don't ask me questions personally. I'm here as an attorney --
A. It was more of a rhetorical question than it was a question directed to you.
Q. I'm not going to parse hairs about it, you clearly asked me a question, but I'd like to continue on with this process in a way that's a little bit professional, so --
A. I am in the same boat.
Q. Okay. So you didn't reach out to Ingrid Patin Law Group. Did you reach out to anyone regarding this post?
A. The state bar.
Q. And when did you do that?
A. I don't recall.
Q. How did you do that; how did you reach out to them?
A. I don't recall, but I'm assuming a complaint or a grievance, but the methodology, I don't recall.
Q. And did you do it personally or did you hire anyone?

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A. I did it personally.
Q. Do you have any recollection in the year in which you put a grievance in to the state bar?
A. I would assume it would be the same year.
Q. And did the state bar respond to your communication to them about the post?
A. Yes.
Q. And what did they say?
A. They suggested that it should be done in a judicial form or in a court setting.
Q. Do you know if the state bar took any action against Ingrid Patin Law Group?
A. I don't believe so.
Q. Do you remember who you dealt with at the state bar?
A. No, I do not.
Q. After the state bar didn't take any action, what did you do?
A. I followed their instructions or their advice.
Q. And their advice was to sue Miss Patin?
A. To deal with it in a judicial form.
Q. And what did you take that to mean?
A. The reason why we're sitting here.
Q. Now, you brought this lawsuit as you as an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 Q. How about the names of the dentists that were
2 working for you as independent contractors at
3 Distinctive Smiles?
4 A. I don't recall.
5 Q. Did anyone in your office in the year 2015
6 read this post on Patin Law Group dot com?
7 MR. JONES: Object to form.
8 Go ahead.
9 THE DEPONENT: I wouldn't know because it was
10 never brought to my attention.
11 BY MS. MORRIS:
12 Q. Did you tell your wife about this post in
13 2015?
14 A. I would assume yes.
15 Q. Did you ever read it to her or did you just
16 kind of generally tell her what it said?
17 MR. JONES: Object to form.
18 Go ahead.
19 THE DEPONENT: I don't recall.
20 MS. MORRIS: I'm going to show you, I'll mark
21 it as Exhibit 2, pull it up, and I'm going to share
22 the screen here.
23 (Exhibit 2 identified.)
24 BY MS. MORRIS:
25 Q. All right, can you see that?

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

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

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1 trial?
2 A. No.
3 Q. So you weren't aware that the Nevada Legal
4 Update had published about the case, correct?
5 A. No.
6 Q. Okay. And you see here how they titled the
7 case, Singletary versus Lee, DDS?
8 MR. JONES: Objection; relevance.
9 Go ahead.
10 BY MS. MORRIS:
11 Q. Are you able to see that, sir?
12 A. Yes.
13 Q. Okay. And do you believe that to be an
14 inaccurate statement of what this -- the name of this
15 case?
16 A. In the context of what you're asking.
17 MR. JONES: Object -- sorry, object to form.
18 Go ahead.
19 THE DEPONENT: In the context of what you're
20 asking.
21 BY MS. MORRIS:
22 Q. Do you see the title of Singletary versus
23 Lee, DDS?
24 A. I do see it.
25 Q. Okay. And do you believe that to be an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Q. How much did he buy into the practice for?
A. I don't even -- I don't recall the numbers now.
Q. Are you alleging that the amount of the buy-in was somehow reduced for Dean because of you reading this post?
A. Yes, I was more motivated, encouraged.
Q. You're saying you reduced the price, because you read this post, of your buy-in?
A. I was more motivated and encouraged.
Q. Are you alleging a certain amount is --
A. No, I don't -- I wouldn't even recall.
MR. JONES: Dr. Lee, can you let her finish her questions before . . .
THE DEPONENT: Sorry.
BY MS. MORRIS:
Q. Are you alleging a certain amount was lost in this buy-in process because you read this post?
A. I would imagine so.
Q. But are you alleging a certain number?
MR. JONES: Objection to the extent it calls for an expert opinion.
Go ahead.
THE DEPONENT: I'm not an accountant. I'm not an economist. I wouldn't know.

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BY MS. MORRIS:
Q. I'm not asking you for any economist or accountant number. I'm asking are you testifying under oath that you took less than you normally would have for a buy-in because of this post?
MR. JONES: Object; vague and ambiguous.
Go ahead.
THE DEPONENT: Yes.
BY MS. MORRIS:
Q. And how much less?
A. Don't know.
MR. JONES: I'm sorry, objection; calls for an expert opinion.
Go ahead.
BY MS. MORRIS:
Q. Did someone tell you you needed to take less for a buy-in because of this post?
MR. JONES: Object to form.
Go ahead.
THE DEPONENT: No.
BY MS. MORRIS:
Q. Okay. So you're just saying you feel like you took less because of a post, correct?
MR. JONES: Objection -- sorry, objection; misstates prior testimony, form.

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Go ahead.
THE DEPONENT: Can you repeat the question, Counsel?
BY MS. MORRIS:
Q. You feel like you took less for a buy-in price because of this post?
A. Yes.
MR. JONES: The same objection.
Sorry, can you restate that?
THE DEPONENT: Yes.
BY MS. MORRIS:
Q. At the time this post was made, you were living in Las Vegas as your residence; is that correct?
A. Yes.
Q. Okay. Was it in the year 2015 that your family moved to California?
A. No.
Q. Was your family already living in California in the year 2014?
A. Yes.
Q. And you were commuting back and forth between Nevada and California in the year 2015, correct?
A. Yes.
Q. And you were still able to maintain a six-day

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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MR. JONES: Object to form.
Go ahead.
THE DEPONENT: Common sense would tell me who else would do it?
BY MS. MORRIS:
Q. Anything else aside from common sense?
MR. JONES: Objection. Counsel, we haven't taken the deposition of your client yet. I mean, I'm not sure where you're going with this line of questioning, but go ahead.
MS. MORRIS: I'm just asking for any facts that he's aware of.
THE DEPONENT: You're asking for facts when it's common sense. I don't have -- there's no facts. I don't know of the fact that she made the statement, but who else has to gain but Ingrid, so who else would do it? That common sense makes relative reason.
BY MS. MORRIS:
Q. You state that 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.
What facts do you have that Miss Patin

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unilaterally dictated the form and content of that statement?
MR. JONES: Objection, again, I mean, form.
Go ahead, answer to the best of your knowledge.
THE DEPONENT: Common sense tells me that Ingrid Patin is the owner of Patin Law Group, and again, would be the only one of the group, she would be the individual to have self-gain with regards to the statement.
BY MS. MORRIS:
Q. Do you use in your practice SEO companies?
A. No.
Q. Does anyone write content for the websites of either Summerlin Smiles or Distinctive Smiles?
A. No.
Q. Who actually writes the information that appears on the Summerlin Smiles, Distinctive Smiles website?
A. The partners.
Q. I'm sorry?
A. The partners.
Q. Okay. So you yourself write on the Distinctive Smiles, Summerlin Smiles website?
A. Not alone, but yes, collaboratively,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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CERTIFICATE OF REPORTER

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

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

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

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

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

GARY F. DECOSTER, CCR NO. 790

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DEPOSITION ERRATA SHEET

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

DECLARATION UNDER PENALTY OF PERJURY

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

Signed on the _____ day of

_____, 20___.

_____

TON VINH LEE

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DEPOSITION ERRATA SHEET

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TON VINH LEE

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SIGNATURE:_____DATE:_____
TON VINH LEE

Exhibit 2

Exhibit 2

Exhibit 2

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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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☐ Voluntary Dis	☐ Stip Dis	☐ Sum Jdgmt
☐ Involuntary (stat) Dis	☐ Stip Jdgmt	☐ Non-Jury Trial
☐ Jdgmt on Arb Award	☐ Default Jdgmt	☒ Jury Trial
☐ Mtn to Dis (by deft)	☐ Transferred	

JUDGMENT ON JURY VERDICT

This action came on for trial before the Eighth Judicial District Court and a jury on January 13, 2014, before Honorable Jerry A. Wiese, II, District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict,

IT IS ORDERED AND ADJUDGED that Plaintiff, SVETLANA SINGLETARY, individually, be awarded the sum of Nine Hundred Eighty Five Thousand Dollars and Zero Cents ($985,000.00), pursuant to the Special Verdict Form, a copy of which is attached hereto as **Exhibit "1."** Having found for the Plaintiff and against Defendants, FLORIDA TRAIVAI, DMD and TON V. LEE, DDS, A PROF. CORP., d/b/a SUMMERLIN SMILES, the jury further found that the percentage of negligence on the part of Decedent Reginald Singletary which was the proximate cause of Decedent Reginald Singletary's injury was twenty five percent (25%), the percentage of negligence on the part of Defendant, FLORIDA TRAIVAI, DMD, which was the proximate cause of Decedent Reginald Singletary's injury was fifty percent (50%), and the percentage of negligence on the part of Defendant, TON V. LEE, DDS, A PROF. CORP., d/b/a SUMMERLIN SMILES, which was the proximate cause of Decedent Reginald Singletary's injury was twenty five percent (25%).

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff, GABRIEL SINGLETARY, a minor, be awarded the sum of Two Million Four Hundred Eighty Five Thousand Dollars and Zero Cents ($2,485,000.00), pursuant to the Special Verdict Form. (See Exhibit 1). Having found for the Plaintiff and against Defendants, FLORIDA TRAIVAI, DMD and TON V. LEE, DDS, A PROF. CORP., d/b/a SUMMERLIN SMILES, the jury further found that the percentage of negligence on the part of Decedent Reginald Singletary which was the proximate cause of Decedent Reginald Singletary's injury was twenty five percent (25%), the percentage of negligence on the part of Defendant, FLORIDA TRAIVAI, DMD, which was the proximate cause of Decedent Reginald Singletary's injury was fifty percent (50%), and the percentage of negligence on the part of Defendant, TON V. LEE, DDS, A PROF. CORP., d/b/a SUMMERLIN SMILES, which was the proximate cause of Decedent Reginald Singletary's injury was twenty five percent (25%).

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

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

DATED this 15 day of April, 2014.

DISTRICT COURT JUDGE

Prepared by:

BAKER LAW OFFICES

By: _____

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Exhibit 3

Exhibit 3

Exhibit 3

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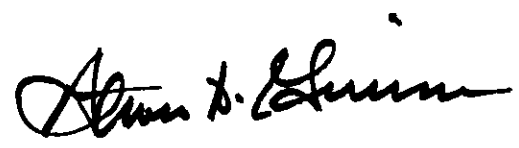

CLERK OF THE COURT

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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:

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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.

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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

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

TWELFTH AFFIRMATIVE DEFENSE

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

THIRTEENTH AFFIRMATIVE DEFENSE

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

FOURTEENTH AFFIRMATIVE DEFENSE

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

FIFTEENTH AFFIRMATIVE DEFENSE

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

SIXTEENTH AFFIRMATIVE DEFENSE

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

SEVENTEENTH AFFIRMATIVE DEFENSE

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

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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.

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TWENTY-SIXTH AFFIRMATIVE DEFENSE

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

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

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

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

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

TWENTY-NINTH AFFIRMATIVE DEFENSE

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

THIRTIETH AFFIRMATIVE DEFENSE

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

THIRTY-FIRST AFFIRMATIVE DEFENSE

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

THIRTY-SECOND AFFIRMATIVE DEFENSE

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

THIRTY-THIRD AFFIRMATIVE DEFENSE

Plaintiff's alleged damages are speculative, and therefore, not recoverable.

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THIRTY-FOURTH AFFIRMATIVE DEFENSE

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

THIRTY-FIFTH AFFIRMATIVE DEFENSE

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

THIRTY-SIXTH AFFIRMATIVE DEFENSE

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

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

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

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

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

THIRTY-NINTH AFFIRMATIVE DEFENSE

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

FORTIETH AFFIRMATIVE DEFENSE

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

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

FORTY-FIRST AFFIRMATIVE DEFENSE

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

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

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

CROSSCLAIM AGAINST PATIN LAW GROUP, PLLC

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

I.

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

II.

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

III.

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

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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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XI.

By reason of the foregoing, if Plaintiff recovers against Defendant/Cross-claimant Ingrid Patin, Defendant/Cross-claimant Ingrid Patin is entitled to indemnity from Defendant/Cross-defendant Patin Law Group, PLLC for injuries and damages, if any, sustained by Plaintiff for any sums paid by way of settlement, or in the alternative, any judgement rendered against Defendant/Cross-claimant Ingrid Patin in the action herein based upon actions brought by Plaintiff, and any cause of action alleged therein.

XII.

In addition to damages Defendant/Cross-claimant Ingrid Patin may incur with respect to the Complaint filed by actions brought by Plaintiff, Defendant/Cross-claimant Ingrid Patin has incurred and will continue to incur other damages, including, but not limited to, attorneys fees, costs and other expenses.

SECOND CAUSE OF ACTION

Express Indemnity

XIII.

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

XIV.

Defendant/Cross-defendant Patin Law Group, PLLC's Articles of Incorporation expressly state that members and managing members are not liable for the debts and liabilities of the corporation.

XV.

Defendant/Cross-claimant Ingrid Patin is informed, believes and alleges that the damages, if any, were caused by actions of Defendant/Cross-defendant Patin Law Group, PLLC.

XVI.

Defendant/Cross-claimant Ingrid Patin is informed, believes and alleges that based on the Articles of Incorporation and Nevada law, Defendant/Cross-defendant Patin Law Group, PLLC would be liable for attorneys' fees and costs incurred as a result of the instant action.

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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 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:

Patin Law Group, PLLC	
Contact	**Email**
Ingrid Patin, Esq.	ingrid@patinlaw.com
Resnick & Louis	
Contact	**Email**
Coreene Drose	cdrose@rlattorneys.com
Lisa Bell	lbell@rlattorneys.com
Resnick & Louis, P.C.	
Contact	**Email**
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

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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
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-PLTF000002
7.	PatinLaw.com Settlement Verdict	PLTF000003-PLTF000006
8.	Financial Statements and Accountants' Compilation Reports December 31, 2011- 2015	PLTF000007-PLTF000113
9.	**Additional Financial Documents**	**PLTF000114-PLTF000275**

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	**$331,600**
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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///

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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-PLTF000113	Employee Identification Number	Personal Information	Redaction
PLTF000114-PLTF000275	**Employee Identification Number & Social Security Number**	**Personal Information**	**Redaction**

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
Telephone: (702) 997-3800
Facsimile: (702) 997-3800
Attorneys for Plaintiff,
Ton Vinh Lee

CERTIFICATE OF SERVICE

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

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

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

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

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

/s/ Susan Carbone

An Employee of RESNICK & LOUIS, P.C.

Exhibit 5

Exhibit 5

Exhibit 5

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DISTRICT COURT
CLARK COUNTY, NEVADA

TON VINH LEE, an individual,
Plaintiff,
vs. CASE NO. A-15-723134-C
INGRID PATIN, an individual, and
PATIN LAW GROUP, PLLC, a Nevada
Professional LLC,
Defendants.
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
TON VINH LEE, D.D.S.
(Pages 201 through 268)

July 14, 2020
4:30 p.m.

Las Vegas, Nevada

Reported By: Robin A. Ravize, CCR No. 753

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APPEARANCES OF COUNSEL VIA VIDEOCONFERENCE

On Behalf of the Plaintiff:

RESNICK & LOUIS
PRESCOTT JONES, ESQ.
8925 West Russell Road, Suite 220
Las Vegas, Nevada 89148
702.997.3800
E-mail: pjones@rlattorneys.com

On Behalf of the Defendant Ingrid Patin:

NETTLES|MORRIS
CHRISTIAN M. MORRIS, ESQ.
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014
702.434.8282
702.434.1488 Fax
E-mail: christian@nettlesmorris.com

On Behalf of the Defendant Patin Law Group:
DOYLE LAW GROUP
KERRY J. DOYLE, ESQ
7375 South Pecos Road, Suite 101
Las Vegas, Nevada 89120
702.706.3323
702.921.7923 Fax
E-mail: kdoyle@doylelawgrouplv.com

Also Present:

ANGELA LYONS, Videographer

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INDEX OF EXAMINATION

WITNESS: Ton Vinh Lee, D.D.S.
CONT'D. EXAMINATION PAGE
By Ms. Morris 205

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INDEX TO EXHIBITS

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

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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?

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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

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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.

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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.

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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.

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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.

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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.

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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

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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

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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.

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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.

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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?

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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.

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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.

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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.

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Q. Do you know why you've never disclosed him in this case?
MR. JONES: Object to form.
THE WITNESS: No, I don't know.
BY MS. MORRIS:
Q. Did you provide this man with any information?
A. Not directly.
Q. Did you indirectly?
A. Yes.
Q. Okay.
Was that through your attorney or through your accountant?
A. Through my attorney.
Q. And when did you provide that information?
A. I don't recall.
Q. Was it earlier this year?
A. I'm not sure. I don't recall. I don't recall.
Q. Was it in the year of 2020?
A. I don't recall.
Q. So an expert provided a number of $331,600. Do you know what he based it on?
MR. JONES: Object to form. Calls for a hearsay. It certainly calls for an expert opinion.

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Go ahead and answer. Sorry.
THE WITNESS: It was based on the information that was provided.
BY MS. MORRIS:
Q. And are you talking about tax returns?
A. Whatever information was requested over that time period.
Q. Did you provide any of the tax returns or profit and loss statements from Lee, Dean and Anghesom or Dean, Anghesom and Lee to your attorney?
A. I don't recall.
Q. So do you have any idea what tax returns this expert looked at?
A. I don't recall.
Q. What is JVL, LLC?
MR. JONES: Can you say that again?
BY MS. MORRIS:
Q. What is JVL, LLC?
A. It's an entity.
Q. And do you own this entity?
A. I do.
Q. And what type of business, if any, does this entity do?
A. Commercial.
Q. Say that again?

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A. Commercial.
Q. When you say commercial business, what type of commercial business?
A. I apologize. Commercial real estate.
Q. Okay.
So do you also do real estate?
MR. JONES: Object to form.
THE WITNESS: Can you be specific? Residential? Commercial?
BY MS. MORRIS:
Q. Sure.
So you are the owner of a company called JVL, LLC that you testified now does commercial real estate, correct?
A. Can you repeat that again?
Q. Sure.
There is a company or an entity called JVL, LLC that you formed in 2013, correct?
A. You're not reading it off correctly.
Q. JVL, LLC?
A. That's a holding company. But when you read it, you read it short. So I apologize if I answered that incorrectly.
Q. Okay.
So you created a company that you're now

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saying is a holding company in 2013, correct?
A. Yes, I did.
Q. And what does it hold?
A. At this time, nothing.
Q. Okay.
When is the last time it held anything?
A. It's never held anything if you're referring to JVL, LLC.
Q. Do you use this company for anything?
A. No.
Q. Do you have a real estate broker's license?
A. No.
Q. Do you do any type of real estate?
MR. JONES: Objection.
What do you mean by "do real estate"? I'm not quite sure what you're asking, Counsel.
BY MS. MORRIS:
Q. Do you own any entities that deal in the real estate business?
A. Yes.
Q. And how many do you own?
A. One.
Q. And what's the name of it?
A. JVL Real Estate, Incorporated.
Q. When did you form that?

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A. I don't recall.
Q. Was it after you read the post?
A. I don't believe so.
Q. Help me understand what that company does. Does it lease property?
A. It does.
Q. Does it have a physical location?
A. Yes.
Q. Where is that?
A. Where the Summerlin building is.
Q. Downtown Summerlin?
A. I'm sorry. I apologize. Where Summerlin Smiles' office is.
Q. And does that company have any employees?
A. Myself.
Q. Do you pull a salary from that company?
A. I do not.
Q. Are you the only employee?
A. Yes.
Q. And what do you do with that company? Are you personally leasing real estate?
A. I'm not personally leasing any real estate.
Q. So does that company have any business? Does it bring in any revenue?
A. Could you rephrase that one more time,

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please?
Q. Does the business bring in any revenue?
A. It does.
Q. But you don't pay yourself?
A. I haven't paid myself. No, I don't.
Q. Do you get distributions?
A. I don't get any distributions.
Q. So what happens to the money that goes into that company?
A. It sits there.
MR. JONES: Object to form. Relevance.
Go ahead.
THE WITNESS: It sits there.
BY MS. MORRIS:
Q. And how much revenue does it bring in on an annual basis or for the last year?
MR. JONES: Objection. Relevance, form.
Go ahead.
THE WITNESS: I don't recall.
BY MS. MORRIS:
Q. How much time do you dedicate to the work with this company?
A. I don't recall.
Q. Are you alleging in any way that by reading this post, you were forced to go into real estate leasing?

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

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

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Q. Sir, are there any other corporations that you own in Nevada?
A. Are there any other corporations that I own in Nevada?
Q. Yes.
A. Besides the one you're aware of?
Q. Besides the ones we have spoken about so far in this litigation.
A. As a part of this lawsuit or altogether?
Q. Sir, do you own any other corporations in Nevada, aside from the ones that we have discussed so far in this deposition?
A. I think I own two other holding companies that are just holding companies or shell companies.
Q. And what are those names?
A. I don't recall. There's nothing under them. They were only -- I think they were formed with anticipation that at some point I would put something under their domain or the entity holdings. But no.
Q. Are you able to recall the names of these corporations that you formed?
A. No. I just told you that, Counsel.
Q. Do you have any recollection on when you formed these companies that you can't remember the names of?

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A. I apologize if I don't remember the name. I certainly don't remember the year they were formed, so I'm sorry. I don't recall.
Q. Do these corporations have any employees?
A. No.
Q. Do you know what type of companies they were intended to be used for? Were they in real estate as well? Were they dental? Were they restaurants?
MR. JONES: Objection. Asked and answered. But go ahead.
THE WITNESS: No intention at that time.
BY MS. MORRIS:
Q. Do you also have a revocable living trust?
A. Yes.
Q. Do you recall when that was formed?
MR. JONES: Objection. Relevance. But go ahead.
THE WITNESS: No.
BY MS. MORRIS:
Q. Do the trusts own any of your residential properties?
MR. JONES: Objection. Relevance.
THE WITNESS: That I don't -- I'm not aware of. I would have to refer to my asset protection attorney.

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

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You did not dissolve Ton Vinh Lee, DDS, Professional Corp., correct? You kept that entity?
A. You are correct.
Q. And did that entity retain ownership of either Distinctive Smiles or Summerlin Smiles?
A. When you say "that entity," are you referring to specifically which entity?
Q. The one we are talking about, Ton Vinh Lee, DDS, professional Corp.
A. No.
Q. Did Ton Vinh Lee, DDS, Professional Corp. remain in existence when you partnered with Dean and Anghesom?
A. I believe so.
Q. Did Ton V. Lee, DDS, Professional Corp. retain any ownership of either Distinctive Smiles or Summerlin Smiles?
A. (No audible response.)
Q. So did you go in as an individual to partner with Dean and Anghesom in your new PLLC that you formed, the two new PLLCs?
A. That is correct.
Q. But you continued to pull a salary from Ton Vinh Lee, DDS, Professional Corp. in 2015, correct?
A. That is correct.

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1 Q. And you also pulled a salary from Dean,
2 Anghesom and Lee, PLLC; is that correct?
3 A. I think you might need a little
4 clarification.
5 Q. I'm sure I do. I don't have any of these
6 documents very clear. They are just kind of dumped
7 over here.
8 A. That's okay. Let me see if I can help you
9 out.
10 I'm an officer of the -- are we talking
11 strictly when the partnership started with the partners?
12 Q. Are we talking about Dean Anghesom and Lee or
13 Lee, Anghesom and Dean?
14 A. So let me clarify. Dean, Anghesom and Lee
15 paid salaries -- or excuse me -- paid officer salaries to
16 John Dean and Meron Anghesom. Lee, Dean & Anghesom, PLLC
17 pays an officer salary to myself.
18 Q. Does that remain true to today?
19 A. It does. And then they pay us as independent
20 contractors -- they pay our company, excuse me.
21 So Dean, Anghesom & Lee, PLLC pays -- so
22 let's just talk about me. It makes it a little bit easier.
23 So for the Lee, Dean & Anghesom, PLLC, it
24 pays a 1099 to my company, which is the Ton V. Lee, DDS, Pro
25 Corp., which is why that stays in existence. And from that,

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1 in turn, I draw a salary.
2 Q. So you get paid as an independent contractor
3 from Dean, Anghesom and Lee, correct?
4 A. No. That's incorrect.
5 Q. Okay.
6 So I thought you said you got paid as an
7 independent contractor from both of them. You don't?
8 A. No. I think it was the way the question was
9 phrased at that time.
10 So I'm clarifying it because you don't have
11 the documents in front of you.
12 Q. Right.
13 A. And I understand where your confusion was.
14 That's why I'm just making sure that I clarify things at
15 this point.
16 Q. Okay. Thank you.
17 So Lee, Dean & Anghesom pays you an officer
18 salary, and also 1099's Ton Vinh Lee, DDS that you pull a
19 salary from?
20 A. It 1099s, yes, Ton Vinh Lee, DDS,
21 Professional Corp, yes. You are correct.
22 Q. Do you take distributions from Ton Vinh Lee,
23 DDS, Professional Corp.?
24 A. Honestly, I don't recall.
25 Q. Do you get paid in any form from Dean,

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1 Anghesom & Lee?
2 A. I don't recall.
3 Counsel, I just wanted to clarify with
4 regards to why there's confusion. When you posed the first
5 set of questions maybe three hours ago or three and a half
6 hours ago, you had asked me if I get paid.
7 And I don't recall the specific details of
8 the statement itself or making sure we distinguish and
9 clarify between the two entities and how things are being
10 paid at this point.
11 Q. I want to kind of see if I can clear this up.
12 Prior to partnering with Dean and Anghesom in
13 2015, you got paid a salary from Ton Vinh Lee, DDS,
14 Professional Corp., correct?
15 A. Prior to the partnership?
16 Q. Yes.
17 A. That is correct.
18 Q. Prior to the partnership, did you pull a
19 salary from Ton V. Lee, DDS, Professional Corp.?
20 A. At this point, it's so long. It's been over
21 six years now, and I can't recall how the payments were.
22 Q. Is there a certain amount of money that you
23 run through Ton Vinh Lee, DDS, Professional Corp. currently
24 to maintain the company, since it really just gets 1099'd
25 from your new partnership?

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1 A. You're talking about currently?
2 Q. Yes.
3 A. It's kind of hard because COVID has kind of
4 put a stranglehold on how things have been.
5 So we don't have a set number to maintaining
6 the company.
7 Q. Currently how are your dental practices doing
8 with COVID?
9 A. I think thankfully they are doing fine.
10 Because one of the things we did was kind of act like a
11 first responder during the closure times.
12 Q. Did the practices remain open?
13 A. Only to see emergencies and to help alleviate
14 some of the overload in the hospitals and things like
15 that.
16 Q. Do you have a list of witnesses that you will
17 be providing in this case to talk about how you've been
18 emotionally and physically damaged by reading this post?
19 MR. JONES: Object to form.
20 Go ahead.
21 THE WITNESS: Could you ask that question one more
22 time, Counsel? I'm sorry.
23 BY MS. MORRIS:
24 Q. Sure.
25 On behalf of yourself in this lawsuit, the

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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?

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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.

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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?

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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

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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.

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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?

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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,

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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.

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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?

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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 ////

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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?

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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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1 MR. JONES: Object to form.
2 Go ahead.
3 THE WITNESS: That is correct.
4 BY MS. MORRIS:
5 Q. I'm going to show you a Profit and Loss
6 Statement that's been provided from 2015.
7 Can you see the document?
8 A. I do.
9 Q. Now, this is for Ton Vinh Lee, DDS,
10 Professional Corp for the year of 2015, correct?
11 A. That is correct.
12 Q. Now, this is the year where you partnered
13 with Dean and Anghesom; is that right?
14 A. I believe you said July 15th, 2015 through --
15 you said July 15th. Yes.
16 Q. And it looks like there was still money
17 coming through Ton Vinh Lee, DDS. But if I understand
18 correctly, that only came through as a 1099 from the new
19 PLLC that you had created, correct?
20 A. I think your question is very confusing.
21 Q. It probably is because I obviously don't have
22 all of the documents. But my understanding is that you
23 partnered with them in July of 2015, or at least that's when
24 the corporation the formed, PLLCs were formed.
25 And from what you've told me, Lee, Dean and

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1 Anghesom 1009'd Ton Vinh Lee, DDS, Professional Corporation,
2 after the partnership as a way -- that's one of the ways in
3 which you got paid; is that correct?
4 A. That is correct.
5 Q. So looking at this statement of cash flows,
6 do you have any idea as to how much cash came in from prior
7 to the partnership and how much came after the formation of
8 the new partnership?
9 MR. JONES: Object to form.
10 THE WITNESS: Counsel, that's French to me.
11 You can show me dentistry, root canals,
12 extractions. But if you show me numbers on a paper, they
13 are just numbers on a paper.
14 BY MS. MORRIS:
15 Q. So when you look at these operating
16 activities and the net income is negative $167,236, do you
17 have any idea why the net income was that negative for Ton
18 Vin Lee, DDS for January through December?
19 A. No. I'm not an accountant. I don't
20 understand those numbers.
21 Q. Do you know if you suffered a negative loss
22 in cash flow in 2015?
23 MR. JONES: Object to form.
24 THE WITNESS: If I suffered a negative cash flow?
25 ////

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1 BY MS. MORRIS:
2 Q. Correct.
3 A. I can't recall. But the assumption would be
4 yes. There's two partners now.
5 Q. Did the number of patients that Distinctive
6 Smiles and Summerlin Smiles saw increase after the
7 partnership or decrease?
8 A. I could not recall, and I could not tell
9 you.
10 Q. Do you know how many patients Summerlin
11 Smiles and Distinctive Smiles had in 2015?
12 A. I do not.
13 Q. Are you alleging that the number of patients
14 that Summerlin Smiles and Distinctive Smiles had decreased
15 in any way because of the post?
16 A. I'm alleging that.
17 Q. Aside from your wife, did you express to
18 anyone else that you were self isolating because of this
19 post?
20 A. Counsel, did you ask me that question two
21 hours earlier, too?
22 Q. I don't think I did, about me asking about
23 self isolating.
24 A. I remember the isolation question. But if
25 you don't mind, could you please repeat that again?

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1 Q. Sure.
2 Did you tell anyone else that you were self
3 isolating because of the post?
4 A. I don't think it's something I want to share
5 with the world.
6 Q. I know. I understand. But I mean, it's
7 either yes, no, I don't remember. Either way a response
8 would probably speed up the process.
9 A. Well, you're asking a loaded question.
10 So I'm --
11 Q. I'm not asking a loaded question. I'm
12 seeking to --
13 A. Not all questions are yes and no. Not all
14 questions are yes and no.
15 Q. And I'm not saying you need to say "yes" or
16 "no" or "I don't recall." But the rhetorical answer comes
17 back, and then I have to ask the question again.
18 A. I did answer it, Counsel. And I apologize if
19 maybe I'm not answering it in the manner that you would
20 prefer it to be.
21 But if you want to rephrase it again, I
22 certainly can answer it.
23 Q. Well, I want to understand your answer. So
24 when you say "That's not something I want to talk to people
25 about," does that mean you didn't say that to anyone else?

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1 I mean, I'm asking whether you did or not.
2 A. I don't recall.
3 Q. Okay. So you can say you don't recall.
4 That's fine. I'm just trying to find some answer within the
5 response.
6 A. I understand.
7 Q. Hold on. I'm pulling up just some of your
8 employee earnings summaries.
9 When you partnered with Dean and Anghesom in
10 2015, did you keep on any of the dentists who were working
11 as independent contractors for you that you couldn't recall
12 the names of, or did they cease to work with the company?
13 A. I didn't say I couldn't recall the names of
14 the independent contractors.
15 Q. So when I asked about in 2015 if you had
16 dentists working for you as independent contractors, you
17 said yes, two, and you couldn't recall the names of them?
18 A. No, I don't think that's exactly what was
19 said.
20 You asked me if I can recall who were my
21 independent contractors at that time in 2015. And I
22 informed you that I could not recall if some remained on
23 board, where the partners were, because they weren't
24 partners at that time. And they were just helping me during
25 that period before they became partners.

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1 Q. Let me share with you this employee earning
2 summary that's been provided.
3 If you look at this which lists obviously
4 some of the individuals working at Summerlin Smiles, because
5 you also were running people through Ton Vinh Lee, DDS,
6 Professional Corp., does this in any way refresh your
7 recollection as to what dentists you had working for you as
8 independent contractors in 2015?
9 A. It does.
10 Q. Who?
11 A. Jai Park, Meron Anghesom, John Dean.
12 Q. So Park is the same dentist that was involved
13 in the wrongful death lawsuit, correct?
14 A. Yes. He was also the defendant that was
15 found in favor.
16 Q. Did you ever discuss the post on the Patin
17 Law Group with Jai Park?
18 A. I don't recall.
19 Q. Did you ever discuss with Jai Park that you
20 were feeling depressed and anxious about anything in the
21 year 2015?
22 A. I don't recall.
23 MS. MORRIS: Prescott, I had a question for you
24 because after 2015, I didn't get any more employee earning
25 summaries. In fact, the ones I got were blank; just for

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1 reference, Plaintiff's 231 where it's supposed to be
2 Summerlin Smiles. Just so you know, it's supposed to be
3 Summerlin Smiles 2015.
4 MR. JONES: Give me one moment. I'll pull it up and
5 see if that's what my copy looks like.
6 MS. MORRIS: Okay.
7 MR. JONES: You said 231?
8 MS. MORRIS: Yeah.
9 MR. JONES: Yeah. We have the same version here. I
10 can definitely reach out and see if we can get a -- if
11 there's a more -- I'm assuming there's a more complete copy.
12 But I may be wrong.
13 THE WITNESS: I believe that might be the complete
14 copy.
15 MR. JONES: Yeah.
16 THE WITNESS: I'm looking at it right now. It's the
17 complete copy.
18 BY MS. MORRIS:
19 Q. It's blank though, correct?
20 A. Yes. It's blank, yes. That's the complete
21 copy. It's blank, you're correct.
22 Q. Were there any employee earnings for
23 Summerlin Smiles in 2016?
24 A. You are correct, Counsel.
25 Q. And is that because of the new structure with

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1 your partnership?
2 A. That is correct.
3 MS. MORRIS: Thank you.
4 And just so I have clarity, Prescott, there
5 hasn't been any disclosure of Dean, Anghesom and Lee or Lee,
6 Dean and Anghesom employee earning summaries disclosed,
7 correct?
8 MR. JONES: You would be correct.
9 MS. MORRIS: I'd like to reserve my right to
10 readdress that once those documents are produced, if you're
11 going to be relying on them.
12 MR. JONES: Sure. That's fair.
13 Christian, is this good time to take our last
14 break of the day here?
15 MS. MORRIS: Yeah. Why don't we do that. And I'll
16 see if I can kind of figure out what I need to ask to wrap
17 up when we do that.
18 THE VIDEOGRAPHER: We are going off the record at
19 5:40 p.m.
20 (Recess taken.)
21 THE VIDEOGRAPHER: We are going back on the record.
22 It's 5:52 p.m.
23 BY MS. MORRIS:
24 Q. We are back on the record.
25 You understand, Mr. Lee, you're still under

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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.

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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.

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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

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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.

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Q. So if I understand your testimony, no one, neither a patient or colleague, has ever brought up this posting on Patin Law Group to you to discuss it in a negative fashion, correct?
A. Not to my knowledge.
Q. And if I understand your testimony correctly, to date no patient has ever brought up any kind of negative review they have read about you online, correct?
A. Not to my knowledge.
Q. Has any colleague brought up any negative review that they have read about you online?
A. I wouldn't know. Not to my knowledge.
Q. Do you know if Patin Law Group is still in existence?
A. I'm not aware of that.
Q. Do you have any knowledge about Patin Law Group, whether it had employees at the time of the posting or anything like that?
A. I have no knowledge.
Q. Aside from Ingrid Patin, do you remember any of the names of the other attorneys who represented the Singletaries in the lawsuit?
A. No, I do not.
MS. MORRIS: I don't think I have any other questions.

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I'd like to make a record of what I'd like to reserve to finish off on the damages aspect of this.
But, Prescott, any questions?
MR. JONES: I don't.
And Christian, I have no objection to calling him back for additional documents that are produced related to damages.
I'll reserve any questions for that point in time.
MS. MORRIS: Okay. Perfect.
What I'll do is, I'll just make a record that there are a number of things that I'll be requesting, and/or we have discussed that need to be disclosed in this case to help us do some assessment of the number that has been disclosed as business loss.
So with that representation, and obviously, the post that I'd like to see from March of 2015. And so we will readdress when to finish up this deposition, essentially, when we have all of that additional information.
MR. JONES: Okay.
THE VIDEOGRAPHER: Do you want to get off the record?
MS. MORRIS: Not yet.
Mr. Lee, do you want to read your deposition

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transcript from today, review it to ensure it's accurate, and sign it to prove that you've reviewed it?
When you do that, you can make changes to it. If you make changes to it, people can comment on the fact that you made changes to it because it's outside the deposition process. But there might be typos. There might be things that you think the court reporter may have misheard, and you can make corrections to those things, or you can waive your right to review it and let it stand as the court reporter is going to create it.
Which would you like to do?
THE WITNESS: I would like to review.
MS. MORRIS: Okay.
So you're going to read and sign?
THE WITNESS: Yes.
MS. MORRIS: All right. I don't have anything else.
THE VIDEOGRAPHER: Anything further?
MS. MORRIS: I think we are done.
MR. JONES: That's it. Thank you.
THE VIDEOGRAPHER: Please stay connected briefly to provide your video and transcript orders.
This concludes the videoconference deposition of Ton Vinh Lee. We are going off the record July 14th, 2020 at 6:01 p.m.

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MS. MORRIS: Thank you.
(PROCEEDINGS ADJOURNED AT 6:01 P.M.)
* * * *

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Robin A. Ravizé, a Certified Shorthand Reporter licensed in Clark County, State of Nevada, do hereby certify:

That I reported the taking of the deposition of Ton Vinh Lee, D.D.S. on July 14, 2020, commencing at the hour of 4:30 p.m.;

That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcription of said deposition is a complete, true, and accurate transcription of my said shorthand notes taken down at said time; and that review of the transcript was requested.

I further certify that I am not a relative nor employee of any attorney or counsel involved in said action, nor a person financially interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Clark, State of Nevada, this 24th day of July, 2020.

Robin A Ravizé

Robin A. Ravizé, CCR No. 753

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DEPOSITION ERRATA SHEET

Assignment No.: J5855181
Case Caption: Ton Vinh Lee vs. Patin

DECLARATION UNDER PENALTY OF PERJURY

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

Signed on the ____ day of _____, 2020.

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

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DEPOSITION ERRATA SHEET

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DEPOSITION ERRATA SHEET

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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. BROWN
CLERK OF SUPREME COURT
BY
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.

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

19-1227229

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.[1] 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).[2]

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[1]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.

[2]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."[3] *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.[4] 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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[3]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.

[4]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.

_____, J.
Parraguirre

We concur:

_____, C.J.
Douglas

_____, J.
Cherry

_____, J.
Gibbons

_____, J.
Pickering

_____, J.
Hardesty

_____, J.
Stiglich

Exhibit 7

Exhibit 7

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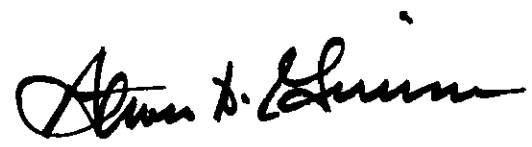

CLERK OF THE COURT

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Attorneys for Plaintiff,
TON VINH LEE

DISTRICT COURT

CLARK COUNTY; NEVADA

TON VINH LEE, an individual Plaintiff, vs. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	Case No.: A723134 Dept. No.: IX **SECOND AMENDED COMPLAINT**

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

I.

PARTIES

1. Plaintiff is, and at all times relevant herein, was a resident of Clark County, Nevada.

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,

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

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

6. 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.

II.

GENERAL ALLEGATIONS

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

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

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

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

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

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

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Suite 250
Las Vegas, NV 89144
(702) 258-8885

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

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verdicts or recoveries that were not actually received or won.

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

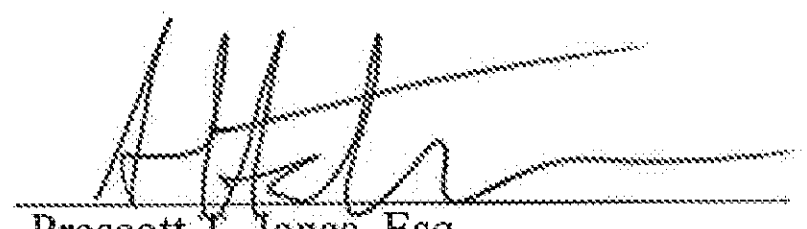
25. The defamatory statement injures TON VINH LEE in his business as a simple internet search reveals the claimed verdict for wrongful death.

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

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

Dated: April 11, 2016

BREMER WHYTE BROWN & O'MEARA LLP



By: _____
Prescott T. Jones, Esq.
Nevada State Bar No. 11617
August B. Hotchkin, Esq.
Nevada State Bar No. 12780
Attorneys for Plaintiff,
TON VINH LEE

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th 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

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Exhibit 8

Exhibit 8

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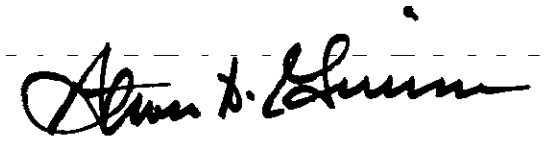

CLERK OF THE COURT

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BAKER LAW OFFICES
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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 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.: 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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XI.

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

GENERAL ALLEGATIONS

XII.

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

XIII.

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

XIV.

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

XV.

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

XVI.

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

XVII.

That on or about April 18, 2011, Decedent REGINALD SINGLETARY was experiencing 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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FIRST CAUSE OF ACTION

(DENTAL MALPRACTICE/NEGLIGENCE AS TO DEFENDANTS)

XXIII.

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

XXIV.

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

XXV.

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

a. failure to engage in an Informed Consent discussion regarding the use of antibiotics to prevent infection;

b. failure to document an Informed Consent discussion regarding the use of antibiotics to prevent infection;

c. when alerted to potential post-operative complications via telephone on April 18, 2011, Defendants conveyed false, misleading and negligent professional advice and assurances to Decedent REGINALD SINGLETARY on which he relied;

d. failure to offer an appointment to Decedent REGINALD SINGLETARY in response to the telephone call alerting Defendants to potential post-operative complications;

e. failure to examine Decedent REGINALD SINGLETARY when alerted to potential post-operative complications;

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f. failure to diagnose the post-operative condition of Decedent REGINALD SINGLETARY, including, but not limited to, infection;

g. failure to treat the post-operative complications of Decedent REGINALD SINGLETARY, including, but not limited to, infection;

h. failure to provide Decedent REGINALD SINGLETARY referral to a specialist; and

i. failure to document the dental file, including, but not limited to, documenting REGINALD SINGLETARY's telephone call on April 18, 2011.

XXVI.

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

XXVII.

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

XXVIII.

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

XXIX.

As a direct and proximate result of the negligence of Defendants, and each of them, and Defendants' failure to meet the standard of care, 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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XXX.

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).

XXXI.

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.

XXXII.

That as a direct and proximate result of Defendants' 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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XXXIII.

That as a direct and proximate result of Defendants' above-reference breach, Plaintiff SVETLANA SINGLETARY, as the Representative of the Estate of REGINALD SINGLETARY, has incurred damages for medical 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.

XXXIV.

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.

SECOND CAUSE OF ACTION

(CORPORATE NEGLIGENCE AS TO DEFENDANT SUMMERLIN SMILES)

XXXV.

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

XXXVI.

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

XXXVII.

That Defendant SUMMERLIN SMILES, as a licensed facility, had, at all relevant times, a non-delegable duty to ensure that the conduct of those performing the functions, for which the 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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XLII.

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.

XLIII.

That as a direct and proximate result of Defendants' 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).

XLIV.

That as a direct and proximate result of Defendants' above-reference breach, 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.

XLV.

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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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 TRAIVAI, 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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LIII.

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, 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.

LIV.

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.

FOURTH CAUSE OF ACTION

(VICARIOUS LIABILITY AS TO DEFENDANT SUMMERLIN SMILES)

LV.

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

LVI.

That Defendant TON VINH LEE, DDS, Defendant FLORIDA TRAIVAI, DMD, Defendant JAI PARK, DDS and/or Defendant DOE SUMMERLIN SMILES EMPLOYEE were and/or are agents and/or employees of Defendant SUMMERLIN SMILES, and were acting within the course and scope of their employment, under the control of Defendant SUMMERLIN SMILES, and in furtherance of Defendant SUMMERLIN SMILES' interests at the time of their actions that caused 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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LXI.

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.

LXII.

That as a direct and proximate result of Defendant'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).

LXIII.

That as a direct and proximate result of Defendant's above-referenced breach, 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.

LXIV.

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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FIFTH CAUSE OF ACTION

(NEGLIGENCE PER SE AS TO DEFENDANT SUMMERLIN SMILES)

LXV.

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

LXVI.

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

a. failed to diagnose or treat diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;

b. failed to administer or prescribe such remedies, medicinal or otherwise, as were needed in the treatment of dental or oral diseases;

c. failed to determine whether a particular treatment was necessary or advisable; or which particular treatment was necessary or advisable;

d. failed to ensure the overall quality of patient care;

e. failed to supervise dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by law or regulations; and

f. failed to provide any other specific services that are within the scope of clinical dental practice.

LXVII.

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

LXVIII.

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

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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.

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LXXV.

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, 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.

LXXVI.

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, 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).

LXXVII.

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.

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

DATED this 7 day of February, 2012.

BAKER LAW OFFICES

By: _____

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

Exhibit 9

Exhibit 9

Exhibit 9

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
JAN 22 2019
BY, ALICE JACOBSON, DEPUTY

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, 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.	CASE NO.: A-12-656091-C DEPT. NO.: XXX SPECIAL VERDICT FORM

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_✓_

4836-8365-9543.1

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

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

ANSWER: Yes \ No_____

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

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

ANSWER: Yes \ No_____

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

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

ANSWER: Yes_____ No \

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

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

ANSWER: Yes_____ No \

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

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

ANSWER: Yes \ No_____

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

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

ANSWER: Yes ✓ No_____

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

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

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

ANSWER $ 125,000.-

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

ANSWER $ 500,000.-

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

ANSWER $ 125,000.-

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

ANSWER $ 2,000,000.00

Question No. 13: What amount of damage, if any, do you find was sustained by Svetlana Singletary for past loss of probable support?

ANSWER $ 60,000-

Question No. 14: What amount of damage, if any, do you find will be sustained by Svetlana Singletary for future loss of probable support?

ANSWER $300,000.-

Question No. 15: What amount of damage, if any, do you find was sustained by Gabriel Singletary for past loss of probable support?

ANSWER $ 60,000.-

Question No. 16: What amount of damage, if any, do you find will be sustained by Gabriel Singletary for future loss of probable support?

ANSWER $300,000.-

Question No. 17: Was Reginald Singletary comparatively negligent?

ANSWER: Yes ✓ No_____

If you answered "yes", please proceed to Question No. 18. If you answered "no" please proceed to Question No. 19.

Question No. 18: If you answered "yes" to Question No. 17, was the comparative negligence of Reginald Singletary a cause of his injuries?

ANSWER: Yes ✓ No_____

Question No. 19: Assuming that 100% represents the total negligence which was the cause of the Plaintiffs' damages, what percentage of this 100% is due to the comparative negligence of Reginald Singletary and what percentage of this 100% is due to the negligence of each of the Defendants?

Reginald Singletary	25 %
Ton Vinh Lee, DDS	0 %
Florida Traivai, DMD	50 %
Jai Park, DDS	0 %
Summerlin Smiles	25 %
TOTAL	100 %

DATED this 22 day of January, 2014

FOREPERSON

Exhibit 10

Exhibit 10

Exhibit 10

The Trial Reporter

NEVADA

Published Monthly
P.O. Box 8187, Phoenix, Arizona 85066-8187
LAS VEGAS: (702) 385-7773 RENO: (775) 853-7773 FAX: (602) 276-5133
www.thetrialreporter.com

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IN MEMORIAM
Andy Anderson
Editor & Publisher 1967 - 2003

Editor & Publisher
Beverly Graham

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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 Shortrial. 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).

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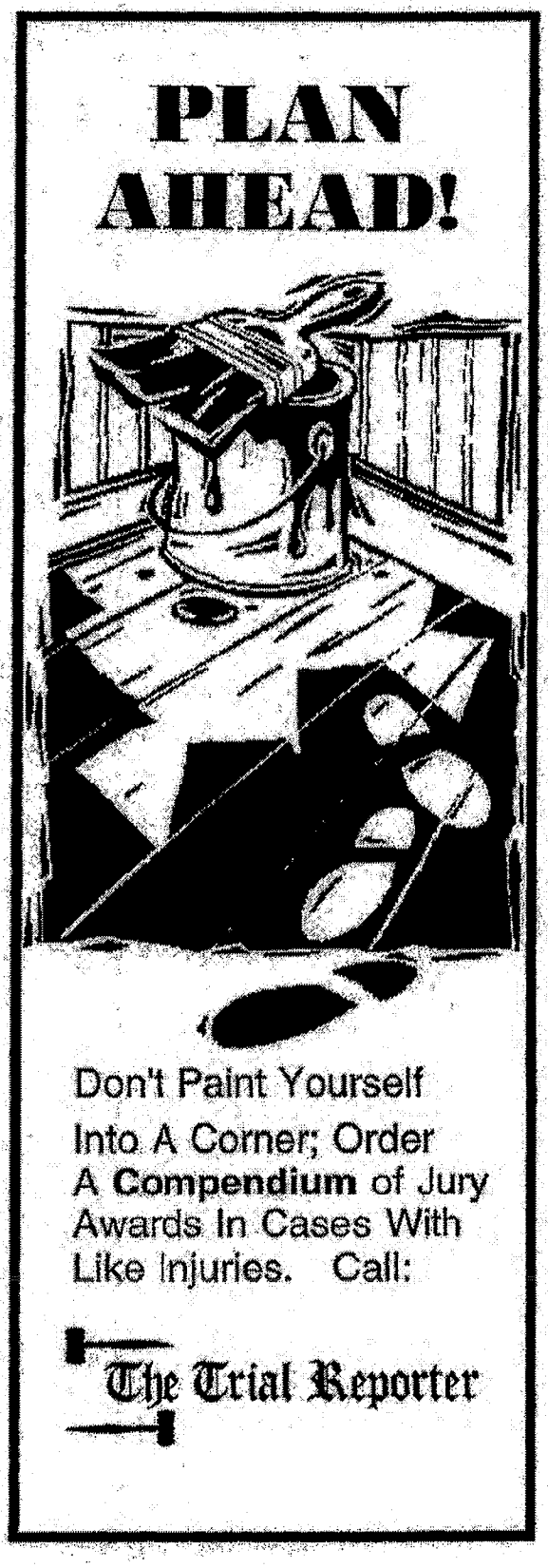
1/22/14 - Judge JERRY A. WIESE - CV A656091 - SINGLETARY (Lloyd W. Baker, Ingrid M. Patin, and Jessica M. Goodey of Baker Law Offices) v LEE, D.D.S., dba SUMMERLIN SMILES (Jason B. Friedman of Stark, Friedman & Chapman, L.L.P., of Long Beach, California); PARK, D.D.S. (Edward J. Lemons of Lemons, Grundy & Eisenberg, P.C.); and TRAIVAI, 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*



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 Pallos, 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 B. 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).

DEFT INGRID 0267
1276 037

Exhibit 11

Exhibit 11

Exhibit 11

NEVADA
Legal Update
Fall 2014
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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.

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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).

a the property.

As a result of the contact with the chemicals, laintiff allegedly developed reactive airway /sfunction syndrome. When Plaintiff's worker's ompensation coverage terminated six months ter the incident, she was unable to obtain er prescription medication, which allegedly sulted in a stroke. Defendant denied liability.

Plaintiff sought compensatory damages, ncluding approximately $180,000.00 in medical xpenses and $100,000.00 in lost wages. After nine day trial the jury awarded Plaintiff 621,122.00 in compensatory damages. *Wright Valley Health System, L.L.C*, March 6, 2014.

Truck Driver Found Liable for Another Vehicle's Rollover

Defendant was operating a tractor-trailer n the course of his occupational duties as a truck driver for Defendant Pet 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. Pet 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 Gummadi 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

s administered antibiotics and drainage of his ck was performed, but decedent passed nine ys after the extraction.

Decedent's spouse and minor son asserted aims for wrongful death. Plaintiffs alleged at Defendant fell below the standard of are by providing decedent incorrect advice hen he called after the extraction. Plaintiffs so asserted that Defendant failed to obtain ecedent's informed consent regarding the use f antibiotics to prevent infection. Further, laintiffs claimed that as a result of Defendant's egligence, decedent developed necrotizing ediastinitis, septic shock and Ludwig's angina om the dental abscess, which resulted in his eath.

Plaintiffs relied on the testimony of an fectious disease specialist and a dentist who pined that Defendant fell below the standard of are. Defendant denied liability and maintained at there were no complications during the rocedure. Defendant argued that decedent was iven both verbal and written postoperative nstructions, which instructed decedent to ontact the office or go to the emergency room he experienced any severe or unexpected omplications. Defendant also asserted that he was not contacted or aware of decedent's ondition and/or potential complications, or did Defendant instruct an employee of he dental office to give medical advice and/ r instructions to the decedent. Defendant elied on the testimony of an infectious disease pecialist and an oral and maxillofacial surgeon t trial.

Plaintiffs sought compensatory damages lus $600,000.00 in loss of support. After a even day trial, the jury found decedent to e 25 percent at fault. Decedent's spouse was warded $738,750.00 in compensatory damages nd decedent's minor child was awarded 1,863,750.00. *Singletary v. Lee*, D. D.S., anuary 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 $350,000.00 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.

Nevada Legal Update
is published quarterly by
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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

Exhibit 12

Exhibit 12

Exhibit 12

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PATIN

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	**1st Appearance Fee**
☐ $1530 ☐ $520 ☐ $299 ☐ $270.00	☐ $1483.00 ☐ $473.00 ☐ $223.00

Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment		☒ $200.00
TOTAL REMITTED: (Required)	Total Paid	**$200.00**

DATED this 7th day of August, 2020.

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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.: 26 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT PATIN'S MOTION FOR SUMMARY JUDGMENT AND PATIN LAW GROUP'S JOINDER**

TO: ALL PARTIES; and

TO: THEIR RESPECTIVE ATTORNEYS:

PLEASE TAKE NOTICE that an Order granting Defendant Patin's Motion for Summary Judgment and Patin Law Group's Joinder was duly entered in the above-entitled matter on the 28th day of October, 2020, a true and correct copy of said Order is attached hereto.

DATED this 30th day of October, 2020.

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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that on this 30th day of October, 2020, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT PATIN'S MOTION FOR SUMMARY JUDGMENT AND PATIN LAW GROUP'S JOINDER** was served to the following parties by electronic transmission through the Odyssey eFileNV system and/or by depositing in the US Mail, postage prepaid, addressed as follows:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

On September 15, 2020, at 9:30 a.m., the above-captioned case came before the Honorable Judge Gloria Sturman, regarding Defendant/Cross Claimant INGRID PATIN'S *Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment* and Defendant/Cross Defendant PATIN LAW GROUP, PLLC'S *Joinder To Defendant Ingrid Patin's Motion For Judgment On The Pleadings, In The Alternative, Motion For Summary Judgment Defendant's Motion for Summary Judgment on the Pleadings,* with Christian M. Morris, Esq. of Nettles Morris appearing on behalf of INGRID PATIN, Kerry J. Doyle, Esq. of Doyle Law Group appearing on behalf of PATIN LAW GROUP, PLLC, and Prescott T. Jones of RESNICK & LOUIS, PC appearing on behalf of Plaintiff TON VINH LEE. The Court,

having reviewed this Motion, the papers and pleadings on file herein, and the arguments of counsel, finds and orders as follows:

FINDINGS OF FACT

1. The Court finds that this is an action for defamation per se regarding a statement on the patinlaw.com website about a wrongful death/dental malpractice lawsuit that arose from a wisdom tooth extraction.
2. The Court finds that, on February 7, 2012, a dental malpractice lawsuit was filed against the Plaintiff's dental practice, the Plaintiff as the owner, as well as two other dentists who assisted in the procedure.
3. The Court finds that, according to Court records, the lawsuit went to trial and Plaintiff Singletary received a jury award in its favor against Ton Vinh Lee's dental practice and the two other dentists who performed the procedure. Ton Vinh Lee received a verdict in favor and was awarded his costs from Plaintiff Singletary.
4. The Court finds that, according to Court records, after the verdict was entered, the district court granted a renewed motion for judgment as a matter of law, overturning the jury award. The jury award in favor of Ton Vinh Lee was not overturned.
5. The Court finds that, according to Court records, after the jury award in favor of Plaintiff Singletary was overturned, an appeal was filed and the verdict in favor of Plaintiff Singletary was reinstated.
6. The Court finds that the alleged defamatory statement was made on patinlaw.com regarding the verdict and who the parties to the lawsuit were.
7. The Court finds that the following statements testified to by Plaintiff during his sworn deposition on July 14, 2020 were true and accurate:
    a. The Court finds that Plaintiff admits the matter was a dental malpractice/wrongful death action.
    b. The Court finds that Plaintiff admits the trial jury resulted in a plaintiffs' verdict against his practice and two other dentists who performed the procedure, but also noted that a verdict was rendered in his favor as against

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Plaintiff Singletary.

c. The Court finds that Plaintiff admits the description of the Complaint was *Singletary v. Ton Vinh Lee DDS, et al.*.

d. The Court finds that Plaintiff admits that *Singletary* was a dental malpractice-based wrongful death action that arose from the death of Reginald Singletary.

e. The Court finds that Plaintiff admits that Singletary had sued the dental office of Summerlin Smiles.

f. The Court finds that Plaintiff admits that Singletary had sued the treating dentists, Florida Traivai DMD and Jai Park DDS.

g. The Court finds that Plaintiff admits that Singletary had sued on behalf of the estate, herself, and minor son.

8. The Court reviewed the statement line by line and finds that there was a Plaintiffs' verdict for $3.4 million on the medical malpractice trial.

CONCLUSIONS OF LAW

THE COURT CONCLUDES that under *Sahara Gaming Corp. v. Culinary Workers Union Local* 226, 115 Nev. 212, 215 (1999) statements recounting judicial proceedings are protected against claims of defamation by the absolute "fair-reporting" privilege. Further, the privilege protects any person – whether a member of the media or the public – provided the statements are a fair and impartial reporting of the facts.

THE COURT FURTHER CONCLUDES that Defendants' statement was a fair and impartial reporting of the facts of the *Singletary* case, per *Sahara Gaming Corp.*

THE COURT FURTHER CONCLUDES that under *Adelson v. Harris,* 402 P.3d 665 (Nev. 2017), the State adopted the test established in *Dameron v. Wash Magazine, Inc.,* whereby a summary of an official document or proceeding must be apparent either from specific attribution to the official document or from the overall context of the official document that the summary is quoting, paraphrasing, or otherwise drawing.

THE COURT FURTHER CONCLUDES that Defendants' statement is a fair and impartial summary of the facts attributed to official documents or proceedings from the

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Singletary case, as the statement references the case name, per *Adelson.*

THE COURT FURTHER CONCLUDES that the content of the alleged defamatory statement represents fair and impartial reporting of official proceedings and thus falls under the "fair reporting" privilege.

THE COURT FURTHER CONCLUDES that there is no distinction made under the "fair reporting" privilege between an individual and a corporation, and no such argument was made by Plaintiff. Therefore, the privilege would apply to both Defendant Ingrid Patin, individually, and Defendant Patin Law Group, PLLC.

THE COURT FURTHER CONCLUDES that, under *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 483, 851 P.2d 459 (1993), in order to establish a *prima facie* case of defamation, a plaintiff must prove the alleged defamatory statement is false and defamatory. If the defamation tends to injure the plaintiff in his or her business profession, it is deemed defamation *per se*, and damages will be presumed but Plaintiff must still prove the falsity of the statement.

THE COURT FURTHER CONCLUDES that, during Plaintiff's sworn deposition testimony, Plaintiff admitted every sentence of the statement was true, but did not admit it was true in its entirety.

THE COURT FURTHER CONCLUDES that Plaintiff has no evidence the statement is false, per *Chowdry*.

THE COURT FURTHER CONCLUDES that, while Defendants did not authenticate the deposition transcript from the deposition of Plaintiff, the Court accepts the transcript as the sworn testimony of the Plaintiff as Plaintiff did not dispute this was his sworn testimony under oath or object to the testimony in any pleadings.

THE COURT FURTHER CONCLUDES that based upon the fact there is no genuine material issue as to the falsity of the statement, as Plaintiff admitted it was true; therefore Defendants' statement on the website does not satisfy the elements of false and defamatory for a prima facie case of defamation *per se.*

THE COURT FURTHER CONCLUDES that there are no genuine issues of material fact as to the truth of the alleged defamatory statement.

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THE COURT FURTHER CONCLUDES that Defendant Patin Law Group properly filed a joinder to the Motion and is entitled to the same ruling as Defendant Ingrid Patin.

ORDER

IT IS ORDERED THAT, based on the findings above and the facts provided in Plaintiff's deposition Defendants' *Motion for Summary Judgment and Joinder* as to the facts of the case and under the Fair Reporting Privilege is GRANTED.

DATED this ____ day of _____, 2020. Dated this 28th day of October, 2020

DISTRICT COURT JUDGE

B09 1D5 EDF7 9C07
Gloria Sturman
District Court Judge

DATED this 16th day of October, 2020.

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/s/ Christian M. Morris
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DATED this 16th day of October, 2020.

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