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7

8 Attorneys for Defendant CITY OF MONTEREY PARK

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES - CENTRAL

11 CHUONG THAI, an individual,
12 Plaintiff,
13
14 v.
15 CITY OF MONTEREY PARK, a public
entity and DOES 1 through 20, inclusive,
16 Defendant.
17

Case No.: BC696884

[ASSIGNED FOR ALL PURPOSES TO HON.
HOLLY J. FUJIE, DEPT. 56]

Complaint Filed: March 6, 2018

**JOINT STATUS REPORT RE STATUS OF
CRIMINAL INVESTIGATION OF
PLAINTIFF**

Trial Date: TBD

(*Exempt from filing fees pursuant to Gov.
Code, § 6103.)

21 **TO THE SUPERIOR COURT AND ALL PARTIES AND THEIR ATTORNEYS**
22 **OF RECORD:**

23 Defendant City of Monterey Park (“Defendant”) and Plaintiff Chuong Thai (“Plaintiff”)
24 by and through their counsel of record, hereby provide a joint status report regarding the status of
25 the criminal investigation of Plaintiff as follows:

- 26 1. On August 29, 2019, the parties participated in an Informal Discovery Conference
27 (“IDC”) with the Honorable Holly J. Fujie in Department 56. Sereena Singh appeared on behalf
28

1 of Plaintiff Chu Thai and James Oldendorph appeared on behalf of Defendant City of Monterey
2 Park.

3 2. At the August 29, 2019 IDC, the parties stipulated to issuance of the following
4 order: "Plaintiff shall have an extension of time to file a Motion to Compel Further [sic] as to
5 RFPs 88 (93) and 89 (94), to and including September 30, 2019. Further, the Final Status
6 Conference and Trial are hereby vacated and a Status Conference shall be held regarding the
7 status of the criminal investigation of plaintiff on December 17, 2019, which is a continuance on
8 the Court's own motion from the date discussed with counsel at the IDC, as on that date,
9 December 9, 2019, the Court is dark. The Court also continues on its own motion the hearing on
10 the Motion for Summary Judgment to that same date; however, that is only an administrative new
11 date, and the Court will discuss at that time when the hearing will be actually held. The Court
12 requires a Joint Status Report on this matter to be filed at least seven (7) Court days before the
13 Conference."

14 3. As noted above, the status conference was originally set for December 17, 2019 in
15 Department 56.

16 4. On or around December 3, 2019, the parties received notice from the Court that
17 the status conference had been continued to December 26, 2019 on the Court's own motion.

18 5. Plaintiff's counsel, Ms. Singh, contacted the Court on or around December 4, 2019
19 and requested another date for the status conference due to her unavailability on December 26.
20 The Court accordingly continued the status conference to February 5, 2020 at the request of
21 Plaintiff's counsel. Despite the continuance of the status conference, the parties agreed to submit
22 the requested joint status report well in advance of the status conference in order to advise the
23 Court of the status of the criminal investigation of Plaintiff.

24 6. Pursuant to the California Public Records Act, Government Code sections 6250, et
25 seq., on October 15, 2019, defense counsel submitted a request in writing to the Los Angeles
26 County District Attorney's office ("DA's Office") requesting a report on the status of its criminal
27 investigation of Plaintiff. A true and correct copy of defense counsel's letter to the DA's Office
28 dated October 15, 2019 is attached hereto as Exhibit "A."

1 7. In or around late October 2019, defense counsel received a response to its CPRA
2 request in the form of a “closing memorandum” from the DA’s Office. A true and correct copy
3 of the DA’s Office’s closing memorandum is attached hereto as **Exhibit “B.”**

4 8. Noting that the DA’s Office’s criminal investigation of Plaintiff had closed or
5 resolved, on November 27, 2019, Defendant served a supplemental production of documents on
6 Plaintiff, including a copy of the Monterey Park Police Department’s crime report pertaining to
7 Plaintiff. The supplemental production was responsive to Plaintiff’s request for production of
8 documents (“RFP”), set one, number 82 (80) regarding documents relating to any investigation of
9 Plaintiff in connection with Plaintiff’s alleged misuse of City resources.

10 9. On December 2, 2019, Mr. Oldendorph caused a letter to be sent to Ms. Singh
11 enclosing a copy of the DA’s Office’s closing memorandum relating to the criminal investigation
12 of Plaintiff in advance of the original deadline to submit the joint status report regarding same. A
13 true and correct copy of Mr. Oldendorph’s letter dated December 2, 2019 is attached hereto as
14 **Exhibit “C.”**

15 10. On December 6, 2019, Plaintiff’s counsel, Ms. Singh, and defense counsel, Mr.
16 Oldendorph, held a telephonic meet and confer call. On that call, Ms. Singh notified defense
17 counsel that there were a number of other requests for production for which Defendant agreed to
18 produce responsive, non-privileged documents, if any exist, after the end of the criminal
19 investigation, but for which no documents have been produced yet. The RFPs in question are
20 requests 90, 103, 104, 110 and 111 from Plaintiff’s RFPs, set three. The parties are currently
21 meeting and conferring on these requests. The parties intend to have this issue resolved before the
22 status conference.

23 11. Plaintiff’s counsel noticed a number of depositions that she contends are essential
24 to opposing Defendant’s Motion for Summary Judgment, or in the alternative, Summary
25 Adjudication (“MSJ”). The depositions will take place on January 6, 8, 9 and February 11, 2020.

26 12. The parties believe that the foregoing information and related exhibits adequately
27 advise the Court of the status of Plaintiff’s criminal investigation and the status of discovery
28 pertinent to Defendant’s MSJ. However, if the Court requires further information or clarification

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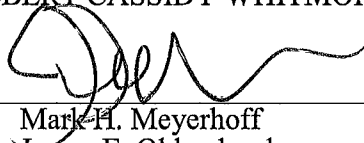
from the parties, we will be happy to respond promptly to such request.

Dated: December 18, 2019

Respectfully submitted,

LIEBERT CASSIDY WHITMORE

By:



Mark H. Meyerhoff
James E. Oldendorph
Ronnie Arenas
Attorneys for Defendant CITY OF
MONTEREY PARK

Dated: December 18, 2019

Respectfully submitted,

HENNIG RUIZ & SINGH



Rob Hennig
Sreena J. Singh
Attorneys for Plaintiff CHUONG THAI

Exhibit A

October 15, 2019

VIA EMAIL & U.S. MAIL

smrakich@da.lacounty.gov

Mr. Stefan Mrakich
Senior Investigator
Los Angeles County District Attorney's Office
211 W. Temple St., Suite 1200
Los Angeles, CA 90012

Re: *Chuong Thai v. City of Monterey Park*
Client-Matter: MO110/146

Dear Mr. Mrakich:

As you are aware, our office represents the City of Monterey Park in the above-referenced civil litigation matter. Further to our recent email correspondence in the above-referenced matter, please allow this letter to serve as the City's request for records. Pursuant to the California Public Records Act, Government Code sections 6250 et seq., the City respectfully requests the following records:

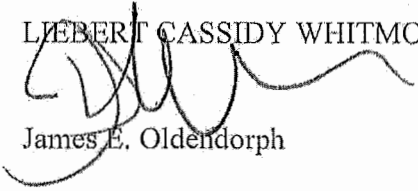
- Closing Memorandum or letter from the Los Angeles County District Attorney's Office regarding Chuong Thai's criminal matter, or any document reflecting the status of Chuong Thai's criminal matter.

Please be advised that the parties in the above civil matter have a Status Conference scheduled for December 17, 2019 and the parties must submit a joint status report to the Court by December 6, 2019 regarding the status of Mr. Thai's criminal matter, among other things. If you can kindly process this request for records as soon as possible and with the above-referenced dates in mind, that would be very much appreciated.

If you need anything further from our office, please let me know. Thank you for your time and attention to this matter.

Very truly yours,

LIEBERT CASSIDY WHITMORE


James E. Oldendorph

JEO:lt

Exhibit B

CLOSING MEMORANDUM

TO: FILE

FROM: ALAN YOCHELSON, Head Deputy
Public Integrity Division

SUBJECT: CHUONG THAI
P17-0236

DATE: October 8, 2019

I. INTRODUCTION

On May 11, 2017, the District Attorney's Office opened an inquiry into allegations that Choung Thai (Thai), the Director of Management Services for the City of Monterey Park (City), accepted a bribe from a bidder competing for a City contract.

Further investigation failed to corroborate the allegation.

II. SUMMARY OF FACTS

According to the complainant, Thai admitted to him that prior to the City's approval of the contract, he (Thai) had traveled to New York City, New York (NYC) at the bidder's expense. The bidder was ultimately awarded a contract by the City.

District Attorney Investigators obtained Thai's Capitol One credit card records via a search warrant. The records showed the following:

On March 24, 2016, Thai bought two airline tickets from JetBlue for a total cost of \$1,026.18. Between July 20, 2016 and July 25, 2016, the dates of the trip in question, Thai charged approximately \$1,000 to his credit card, including approximately \$600.00 for a rental car. The charges originated in New York State and the surrounding area, including Parsippany, New Jersey and Niagara Falls. The only charges that occurred in NYC (approximately \$150.00 in parking garage fees and miscellaneous items) were on July 24 and July 25, 2016.

III. LEGAL ANALYSIS

The available evidence at this time shows Thai paid for the July 2016 trip to New York. No evidence has surfaced to corroborate the complainant's account of Thai's purported admission. In any event, Thai's statement is ambiguous as to whether a bribe took place.

Therefore, the evidence is insufficient to prove a violation of Penal Code §68.

Exhibit C

December 2, 2019

VIA EMAIL & U.S. MAIL

sereena@employmentattorneyla.com

Ms. Sereena J. Singh
Henning Ruiz & Singh
3600 Wilshire Blvd.
Suite 1908
Los Angeles, CA 90010

Re: *Status of Criminal Investigation of Plaintiff*
Client-Matter: MO110/146

Dear Ms. Singh:

As you may recall from our meet and confer correspondence and phone conversations in the above-referenced matter, our office reached out to the Los Angeles County District Attorney's Office regarding the status of its criminal investigation of Plaintiff Chu Thai. This office also recently sent a California Public Records Act request to the DA's office inquiring as to the status of its investigation of Plaintiff. On or around October 8, 2019, our office received a response from the DA's office in the form of a "closing memorandum." As a courtesy, attached please find a copy of the DA's office's closing memorandum pertaining to Plaintiff in advance of the parties submitting a joint stipulation regarding the status of the criminal investigation on or before December 6, 2019.

If you have any questions, please let me know. Thank you.

Very truly yours,

LIEBERT CASSIDY WHITMORE


James E. Oldendorph

JEO:saa

Enclosure

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TO: FILE

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Public Integrity Division

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P17-0236

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Therefore, the evidence is insufficient to prove a violation of Penal Code §68.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: **6033 West Century Boulevard, 5th Floor, Los Angeles, California 90045.**

On **December 18, 2019**, I served the foregoing document(s) described as **JOINT STATUS REPORT RE STATUS OF CRIMINAL INVESTIGATION OF PLAINTIFF** in

the manner checked below on all interested parties in this action addressed as follows:

Robert A. Hennig
Sereena J. Singh
Hennig Ruiz & Singh, P.C.
3600 Wilshire Boulevard, Suite 1908
Los Angeles, California 90010
Telephone: (213) 310-8301
Facsimile: (213) 310-8302
Email: rob@employmentattorneyla.com
Sereena@employmentattorneyla.com

- (BY U.S. MAIL)** I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- (BY FACSIMILE)** I am personally and readily familiar with the business practice of Liebert Cassidy Whitmore for collection and processing of document(s) to be transmitted by facsimile. I arranged for the above-entitled document(s) to be sent by facsimile from facsimile number 310.337.0837 to the facsimile number(s) listed above. The facsimile machine I used complied with the applicable rules of court. Pursuant to the applicable rules, I caused the machine to print a transmission record of the transmission, to the above facsimile number(s) and no error was reported by the machine. A copy of this transmission is attached hereto.
- (BY OVERNIGHT MAIL)** By overnight courier, I arranged for the above-referenced document(s) to be delivered to an authorized overnight courier service, FedEx, for delivery to the addressee(s) above, in an envelope or package designated by the overnight courier service with delivery fees paid or provided for.
- (BY ELECTRONIC SERVICE)** By electronically mailing a true and correct copy through Liebert Cassidy Whitmore’s electronic mail system from ltarrin@lcwlegal.com to the email address(es) set forth above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

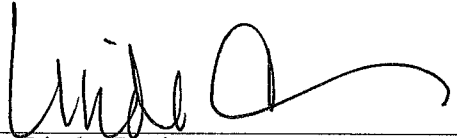
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(BY ELECTRONIC SERVICE PROVIDER) I am readily familiar with the firm's practice for filing electronically. Through use of OneLegal, an electronic service provider, I arranged a true and correct copy of the above-reference documents to be electronically served to the e-mail address(es) registered with the court this day in the ordinary course of business following ordinary business practices.

Executed on **December 18, 2019**, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Linda Tarrin