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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

THE HONORABLE ANDRÉ BIROTTE JR., JUDGE PRESIDING

YOWAN YANG,)
)
 Plaintiff,)
)
 vs.) No. CV 14-792-AB-SH
)
 ACTIONET, INC.; L-3 NATIONAL)
 SECURITY SOLUTIONS, INC.; AND DOES)
 2 THROUGH 10, INCLUSIVE,)
)
 Defendants.)
 _____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Day 4 of Jury Trial, Page 743 to 846, Inclusive

Tuesday, March 15, 2016, 1:06 P.M.

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1 (The exhibit was displayed on the screen.)

2 BY MR. DeSIMONE:

3 Q. Mr. Yang, tell the jury how you felt receiving this
4 notice from ActionNet?

5 A. Well, first, I cannot believe what I'm reading.

6 Q. When you were told you were terminated for cause, how
7 did you feel about that?

8 A. I -- see in Korean we have a word for this kind of
9 situation. Just one word describe everything. It's called
10 uh-gool-ha-da which means it has multiple -- as you look in
11 a dictionary, in English dictionary, and it's not what it
12 means. It has multiple meaning, all the meanings.

13 It's like a false -- it's most closely, I think,
14 if you translate it, it's falsely accused. But it's more
15 than that. It's like a powerless, rage against the
16 unfairness, injustice.

17 To me this letter was most cruel letter ever in my
18 life actually I seen it. I mean, this was to me just: We
19 don't care. Go die.

20 Q. How did you feel that evening?

21 A. Pardon?

22 Q. How did you feel the evening when you got the letter?

23 A. I just cannot sleep. I trying to figure out what
24 should I do. I have to do something but I can't think of
25 anything. I was so powerless and I just cannot sleep and I

1 thinking, thinking, thinking. I don't know how long I
2 didn't sleep but --

3 Q. Now, Mr. Yang, on the day or two after you got this
4 letter when you got home, did someone contacted you that you
5 hadn't heard from for a while?

6 A. I beg your pardon?

7 Q. Shortly after you got this letter, in a day or two
8 after, were you contacted by someone that you hadn't heard
9 from for a while?

10 A. I don't get the question.

11 Q. Well, have you ever been married, Mr. Yang?

12 A. Oh, no.

13 Q. Did you ever love anyone, Mr. Yang?

14 A. Two in my life. One was my high school friends and I
15 chased her for ten years.

16 Q. In the days following the incident, did someone contact
17 you on the telephone?

18 A. Yes.

19 Q. Who contacted you?

20 A. It was my first love.

21 Q. And what did she tell you?

22 A. Actually, she call me about -- I don't know. Maybe
23 week or two-week before I get terminated; and she asked me
24 to visit her in San Jose. So I thought -- I told her that I
25 would visit her and --

1 Q. When she called after the incident, after you got this
2 letter, what did she tell you on that occasion?

3 A. (No response.)

4 Q. Where was she, Mr. Yang?

5 A. She -- I mean, I called. Before the termination day, I
6 call. I thought she was in Taiwan actually. I was
7 wondering why she's in San Jose. She told me to come to
8 San Jose. So I called her house that I remember and her
9 mother answered the phone and she --

10 Q. Mr. Yang, I'm going to have to stop you because I only
11 have so much time.

12 A. Okay.

13 Q. I want you to answer my question.

14 A. Okay.

15 Q. She called you in the days after the incident?

16 A. Yes.

17 Q. Where did she tell you she was?

18 A. She says she's in L.A.

19 Q. Los Angeles; correct?

20 A. Yes.

21 Q. And when she told you, this woman that you loved and
22 that you chased for ten years, when she told you she was in
23 Los Angeles, did you go see her?

24 A. No. I just got fired. I cannot face her. I have no
25 mood -- I mean, no matter how -- I just -- no, I didn't.

1 Q. Did you see her sometime after that, sir?

2 A. At that day I told her that I'll be in San Jose later
3 and I'll visit in a month or so and she said: Are you sure?
4 I said: Yes. So I went there. I took a bus and I went
5 there.

6 Q. How long after this did you go see her in San Jose?

7 A. I think two months after.

8 Q. And when you saw her in San Jose, did you tell her what
9 happened to you at ActioNet more or less?

10 A. Well, I actually met all my high school friends so I
11 told -- they say: What do you do? So I just told them that
12 I got terminated. I don't have a job.

13 Q. When you told -- did you tell the woman who you loved
14 that you got terminated at some point?

15 A. Yes.

16 Q. What did she say to you when you told her you got
17 terminated?

18 A. She said that you got to find a job but --

19 Q. Mr. Yang, after you got fired from ActioNet, did you
20 use your best efforts to find a job?

21 A. Yes, I did.

22 Q. Have you -- how many job applications did you send out?

23 A. I sent more than 200.

24 Q. And did you receive interviews?

25 A. Yes. I have many interviews, but in-person interview I

1 had like three or four, I believe.

2 Q. And the other interviews that you had, how did you have
3 them?

4 A. Other interview?

5 Q. You said you had three or four in person but you said
6 you had many. Did you have more than the three or four in
7 person?

8 A. Most of my job they take phone interview first.

9 Q. And what question was asked of you in every interview
10 that you had?

11 A. The first thing they ask why you left the last
12 employer.

13 Q. When they asked you why you left your last employer,
14 what did you tell them?

15 A. I told them that I got terminated for cause, wrongfully
16 terminated.

17 Q. Would you tell them that it was wrongful?

18 A. At the beginning, no. Later, I did.

19 Q. Would you try to explain what happened to you when you
20 got fired?

21 A. Yes.

22 Q. And would you do this in the in-person interviews, too?

23 A. Yes.

24 Q. And when you would explain to the interviewer that you
25 were terminated for cause but that you felt it was wrongful

1 and tried to explain the circumstances, what would usually
2 happen during that interview?

3 A. Well, they don't actually want to listen to the whole
4 long detail story but I --

5 MS. ARAGÓN: Your Honor, calls for speculation.

6 THE COURT: As it relates to the question, it's
7 overruled.

8 THE WITNESS: Well, I think that I won't get a job
9 when I said that.

10 BY MR. DeSIMONE:

11 Q. And after you were thinking by the interviewer's
12 reaction that you're not going to get the job, did you ever
13 get a job?

14 A. No, I didn't.

15 Q. Could you call up -- no, no, I'm sorry.

16 Could you turn to Exhibit 68 in the exhibit book,
17 Mr. Yang?

18 A. (Searching through documents.)

19 Q. I know there is some amount of pages there. Can you
20 turn the page and look at the first page and tell us
21 generally what is contained in Exhibit 68?

22 A. That letter I sent after the interview.

23 Q. Can you speak into the microphone and tell the jury?

24 A. The letter that I sent after the rejection job -- I
25 mean --

1 MR. DeSIMONE: Your Honor, Exhibit 68 is a series
2 of e-mails that my client sent while he was searching for a
3 job. We'd move that they be introduced into evidence.

4 MS. ARAGÓN: Objection. Insufficient foundation.

5 THE COURT: Can you lay a foundation? I mean, he
6 didn't indicate --

7 MR. DeSIMONE: I know. I'm aware. Okay.

8 Q. When you say they were the e-mails you sent when
9 searching for a job, can you explain who the e-mails are to?

10 A. Those are the people that I interview with.

11 Q. And you've seen these documents before; correct?

12 A. Yes, it's my writing. I write it.

13 Q. And you sent e-mails to the people you interviewed
14 with. At times would they respond back to you?

15 A. Yes. Some. Not all.

16 Q. Are some of the responses also contained in Exhibit 68?

17 A. Yes.

18 Q. Are these all of the e-mails that you sent and received
19 while searching for a job?

20 A. There are many others.

21 Q. These are some of them?

22 A. Just some of them.

23 MR. DeSIMONE: Your Honor, I'd move that
24 Exhibit 68 be admitted into evidence.

25 MS. ARAGÓN: Your Honor, Exhibit 68 is 30 -- I'm

1 sorry -- 25 pages long or so; and Mr. DeSimone said that
2 some of them were recognized. We can't admit all of them
3 because not all have been authenticated, Your Honor.

4 THE COURT: All right. The objection is noted but
5 overruled. 68 will be admitted.

6 MR. DeSIMONE: Thank you, Your Honor.

7 *(Exhibit 68 received in evidence.)*

8 BY MR. DeSIMONE:

9 Q. Now, did there come a time that you would have to write
10 down who you applied to jobs with?

11 A. I had to write down a list of three a week to report to
12 the EDD.

13 Q. And would you write those jobs down and submit them to
14 the EDD?

15 A. On the times that I have to submit -- that I have to
16 put it, the list of three a week.

17 Q. And did you keep copies of what you provided to the
18 EDD?

19 A. I usually just when I send the e-mail, I just write
20 down on piece of paper, whatever paper that I found on, then
21 I transfer it to the timecard and send it.

22 Q. At some point in time, did you prepare a list for this
23 list of litigation of all the employers that you could
24 remember for the jobs that you applied to?

25 A. I think so.

1 Q. Do you remember all those employers?

2 A. No. I was about to be homeless and I have to throw
3 away everything. I couldn't find that. I just find the one
4 note that whatever they have that I provided to you.

5 MR. DeSIMONE: Your Honor, I'd like to approach
6 the witness with these interrogatory responses in which he
7 listed all the employers to refresh his recollection as to
8 the employers that he wrote down.

9 THE COURT: All right. Go ahead.

10 Is this an exhibit, Counsel?

11 MR. DeSIMONE: It's not an exhibit. It's an
12 isolated copy. I have a copy for the Court, Your Honor.

13 THE COURT: That would be appreciated.

14 MR. DeSIMONE: Of course.

15 MS. ARAGÓN: Your Honor, there's no indication
16 that the response has been verified. These are
17 interrogatory responses.

18 MR. DeSIMONE: Here's the responses that were
19 served on your office. You can check them out.

20 Q. Mr. Yang, does this refresh your recollection as to the
21 employers?

22 MS. ARAGÓN: Excuse me. But there's no
23 verification.

24 THE COURT: Well, let's proceed with the testimony
25 and we'll deal with the admissibility. To the extent we

1 have to, we'll deal with it later.

2 BY MR. DeSIMONE:

3 Q. Does this refresh your recollection, sir, of the time
4 that you listed the names and identities of all of a number
5 of the employers for whom you applied a job -- to a job.

6 Sorry if I bungled the question.

7 A. The answer to last question? Yes.

8 Q. Yes. Okay.

9 And how many employers did you write down?

10 A. I don't know.

11 Q. Well, the numbers are listed. Go to the third page.

12 A. On here is 45. There were a lot more.

13 Q. This -- you did your best at the time to remember
14 which --

15 A. No. This is what I found on one note that I put it
16 down. The other pieces, I don't know where they are.

17 MR. DeSIMONE: Your Honor, I'd ask that this be
18 published to the jury briefly.

19 THE COURT: Counsel, approach, please.

20 *(The following was held at the bench:)*

21 THE COURT: Counsel, you're going to have to
22 educate me again. I'm not sure I understand how we can
23 publish this document.

24 MR. DeSIMONE: I'm just trying to go efficiently
25 to show that he -- they're going to say he only produced

1 these small amount of e-mails and they're going to attack
2 him for not mitigating his damages.

3 I'm showing that he did prepare a list of
4 employers. He was able to put down the addresses of where
5 he did; and it's (inaudible) the instruction over so jury
6 understands that he did the best that he could.

7 THE COURT: Are you seeking to admit this
8 document?

9 MR. DeSIMONE: No. Just lodged to the jury.

10 MS. ARAGÓN: There is no verification either the
11 attorney responses.

12 MR. DeSIMONE: It was prepared by our client
13 (overtalking) admit the verification but they said they
14 never asked for the verification.

15 THE COURT: You're playing games here.

16 Go ahead and do it. Your objection is noted.

17 *(The following was in open court in the jury's presence:)*

18 MR. DeSIMONE: Your Honor, I would request
19 permission if these could just briefly be shown to the jury.

20 THE COURT: You can publish them.

21 MR. DeSIMONE: Thank you, Your Honor.

22 *(The document was displayed on the screen.)*

23 BY MR. DeSIMONE:

24 Q. So, Mr. Yang, going through this document, is it
25 accurate that you were able to show the names and locations

1 and at times phone numbers of 45 different employers that
2 you sought jobs from?

3 A. Yes.

4 Q. And is this information that came from you, Mr. Yang?
5 You provided it?

6 A. Yes.

7 Q. Now, you mentioned about your job search efforts.

8 Did there come a time when you stopped looking for
9 work in your field?

10 A. I don't recall exact date but after I saw my name in a
11 Google that I filed a lawsuit. Also that I was about to be
12 paid my last rent and I don't have money. I was ready to be
13 homeless at that point that I stopped searching. I rather
14 searching for like gas station or something like that. I
15 need a job that desperate.

16 Q. So you said you would search for jobs like a gas
17 station. How would you find those jobs?

18 A. Like Korean newspaper. And even that, you need the
19 experience. They said some of them said I'm overqualified.
20 You're not going to be staying long for this job so we
21 cannot hire you. I just couldn't get it.

22 Q. Did you eventually find a job, Mr. Yang?

23 A. I -- I don't know. Should I call this job or not but I
24 work for now as a caregiver which is take care -- living in
25 the house of the patient and take care of him and state pays

1 for me I like 146 hours a month minimum wage.

2 Q. You mentioned that you thought that you might be
3 homeless. How did you feel when you thought you might be
4 homeless?

5 A. I don't know how to describe it. I mean, how would you
6 feel? Fear.

7 Q. Did you do anything to go see what it would be like to
8 be homeless?

9 A. Yes, I did. I went out spend time with the homeless
10 and I spend the whole night with them. I even bring one
11 homeless to my apartment and let him stay there for like
12 three days and talk about it. I mean, it's not -- somebody
13 story when I see homeless now on, I mean.

14 Q. Did you think you could survive as being homeless,
15 Mr. Yang?

16 A. I think everybody does so I think so. But it's not
17 easy to be -- I mean, not anybody can be homeless, you know,
18 even if you want to, I think. And I rather die than become
19 homeless.

20 Q. Over all, what was your life like? Just briefly, sir,
21 could you just describe what your life was like before you
22 were fired by ActionNet?

23 A. Just normal life. I go out on weekends with friends
24 and stuff.

25 Q. When you would go out on weekends, would you see

1 friends?

2 A. Yes, I going out every other week.

3 Q. Did you have your own apartment?

4 A. I had my own apartment.

5 Q. How many bedrooms was it?

6 A. Two bedrooms, two bath.

7 Q. Two bedrooms, two bath. Did you have your own car?

8 A. Yes, I did.

9 Q. Do you have your own apartment now?

10 A. No. I live with my mother and with the patient.

11 Q. Your mother and the patient you take care of?

12 A. Yes.

13 Q. Before this incident, before you were fired from
14 ActioNet, would you help your mother out on a monthly basis?

15 A. Yes, I did.

16 Q. You would give her some money?

17 A. Yeah. I was giving her \$500 a month and she pay for my
18 auto insurance.

19 Q. Was there ever a lowest point in time for you,
20 Mr. Yang, after you were fired?

21 A. I got too many so I cannot think.

22 Q. One time? When it got the worst for you, what were you
23 afraid of? What did you feel like inside, what you might
24 do?

25 A. It's different question than previous one?

1 Q. When -- you say there wasn't only one moment. But when
2 you hit those low moments, what types of things did you
3 think about?

4 A. Umm, I don't know actually. I think about just -- I
5 just feel alone. Oh. I cannot just put it. I just cannot
6 come up with any answer right now.

7 Q. Mr. Yang, what are you hoping for now?

8 A. What I hope? Actually, I don't know how I say this but
9 I like to -- I like to serve God and helping people. That's
10 my hope to do.

11 Q. In terms of your life?

12 A. In terms of my life --

13 Q. If things could be different for you, what would you
14 like to have different than your current living situation?

15 A. Well, I will have my friends back and I may be able to
16 get married. Just living normal life as others that I see
17 around me.

18 MR. DeSIMONE: No further questions, Your Honor.

19 THE COURT: Cross-examination.

20 **CROSS-EXAMINATION**

21 BY MS. ARAGÓN:

22 Q. Good afternoon, Mr. Yang.

23 A. Good afternoon.

24 Q. Do you remember your former supervisor at Acti oNet,
25 Mr. Harry Cometa?