

CHRONOLOGICAL WITNESS INDEX

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EXHIBITS

(Exhibits premarked for ID unless otherwise noted)

EXHIBIT

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1 Santa Ana, California - Thursday, August 10, 2023

2 Morning session

3 *****

4 (The following proceedings were held in open
5 court:)

6 THE COURT: We're back on the record. No. 1 on
7 the calendar, Cross versus Choe, Case No. 01335027.
8 Both parties, please come forward. I have -- let the
9 record reflect that Mr. Cross is present, and Mr. Choe
10 is present; correct?

11 MR. CHOE: Correct.

12 THE COURT: Okay. I've read your file, and
13 this case is prime for mediation, so I'm going to have
14 you folks talk to our mediator. Hopefully you can
15 resolve this with the mediator. If not, then we'll hear
16 your case, but I want -- I'm quite concerned about
17 people living in the same community and all the
18 implications of this case.

19 So we're going to have you go talk to the
20 mediator. He's right behind you. Go talk to him, and
21 please in good faith sit down and see if you can work
22 out a resolution amongst yourselves, which makes a lot
23 more sense than letting the guy in the black dress make
24 the call. So thank you. We're off the record.

25 (Recess taken.)

26 THE COURT: Okay. Welcome back, folks. We're

1 on the record on No. 1, case entitled Cross versus Choe,
2 Orange County Superior Court Case No. 01335027. Mr.
3 Choe and Mr. Cross, please come forward. The Court
4 is -- hoped that you could come to a resolution, but you
5 don't have to. You have a right to have your case
6 heard.

7 First of all, we're going to have to address
8 some preliminary things. Those of you that are here as
9 witnesses -- I'm going to have to ask anybody who's here
10 as a witness to step outside. Now, the reason for
11 that -- I want you folks to understand I'm not just
12 throwing you out to be mean. The reason for that is it
13 is a concept that if you hear testimony, that your
14 testimony will be affected by what you hear.

15 So it's called a witness exclusion. So all
16 witnesses, I'm going to have to ask you step out. I do
17 apologize to everybody, because I know -- hope sprung
18 eternal for me that I hoped we could get this resolved,
19 but we couldn't. So sorry you had to wait here, but you
20 get to hurry up and wait some more. So wait in the
21 hallway, and you'll be called in if you're needed.

22 Have both parties been sworn yet?

23 THE CLERK: No, your Honor.

24 THE COURT: Please swear in the parties.

25 THE CLERK: Mr. Cross and Mr. Choe, please
26 stand and raise your right hand.

1 (Petitioner and Respondent were duly sworn.)

2 THE CLERK: Thank you.

3 THE COURT: Go ahead and have a seat. Before
4 we get started, I need to kind of address what we're
5 here for and what this is all about. Because you're
6 here on a civil harassment temporary restraining order,
7 you are within a very confined box of what the law
8 covers here. The law covers three types of conduct in
9 these. Number one is a credible threat of violence.
10 Number two is actual violence. Number three is a course
11 of conduct that is so outrageous that it should not be
12 tolerated.

13 And what's even more daunting for a petitioner
14 in these cases is the standard of evidence. There are
15 three standards of evidence in California. The lowest
16 is preponderance of evidence, the highest is beyond a
17 reasonable doubt, and right in the middle of those two
18 is what we have here today, which is called clear and
19 convincing.

20 I'll give you an example. If you were here on
21 a breach of contract, if you were here on an auto
22 accident, it would be preponderance of the evidence.
23 Preponderance of the evidence means taking both stories;
24 one's more likely to be true than the other. The
25 highest standard is a criminal case where you're going
26 to take away somebody's liberty is beyond any reasonable

1 doubt. The finder of fact, who's me in this case, has
2 to find beyond any reasonable doubt.

3 Below that is clear and convincing. That's the
4 standard of evidence that you must carry. So if you can
5 show me enough evidence that it was a preponderance, and
6 I find it, I can't find it unless I get it up to that
7 high standard of clear and convincing.

8 So with all that in mind, we need to go through
9 the facts of the case. I note that -- I read both the
10 petition and the response. I have some questions about
11 the response. And I've seen that an initial temporary
12 restraining order was not issued for the reasons I just
13 said, because you didn't check enough boxes to get to
14 it. That doesn't mean you're not entitled to have a
15 full hearing on it, which we're here for today, but keep
16 in mind that's what -- the box I'm confined in.

17 I will make no decisions based on anything
18 other than facts and law. So I don't care, you know, if
19 I like a party, don't like a party. None of that has
20 anything to do with what I do. If you're baseball fans,
21 I call balls and strikes. That's all I do here.

22 So I will let you go ahead and proceed, but
23 understand the burden you have. The burden's on you.

24 Please explain to me beyond your petition --
25 now, in your petition, I saw -- it seemed to me there
26 was two major events. The one that I think you found

1 most upsetting up front was Mr. Choe was lurking about
2 the front of your house when you came back from the
3 grocery store one evening in the dark; and then there
4 was a second one of a motorcycle that you had sold, and
5 that he was -- he came and confronted you over it, and
6 you explained to him, "I'm not driving the motorcycle."
7 And these are all just allegations. I'm not taking
8 anything as true yet, just trying to understand what has
9 happened.

10 So beyond that, tell me what basis I should
11 have to issue a restraining order against Mr. Choe; and,
12 again, this is going to be difficult because you folks
13 are members of the same community. He's on the board.
14 You live there.

15 MR. CROSS: Right.

16 THE COURT: It's unfortunate that it's gotten
17 to this, and I was hoping we could ratchet down the
18 tension a little bit, but we're here. Mr. Cross, the
19 floor is yours.

20 MR. CROSS: Your Honor, I understand that it's
21 going to be hard to get where we need to get, but this
22 is the only avenue that the law gives us, so I at least
23 have to take it. I have to try. And we moved in --
24 I've got a summary. I went through last night and kind
25 of made a summary of the time line of each event that's
26 happened.

1 THE COURT: Mm-hmm.

2 MR. CROSS: We moved in October 1st of last
3 year. I wasn't even here physically myself. I'm a
4 catastrophe adjustor. I was working the hurricane in
5 Florida. So my 22-year old son moved in. I didn't get
6 back till a few weeks later, but from the time before I
7 even got home till this day, today in the cafeteria,
8 this man has just harassed us nonstop.

9 And what I don't want this to be is about an
10 HOA board or a board member, because that really isn't
11 the issue. It doesn't matter if he's a member of Costo
12 or a member of the HOA board. He's just a human, and
13 he's harassing this human and my family, and I want him
14 to stop.

15 I talked to my son when I was deployed in
16 Florida. He tells me about this situation where this
17 man steps out in front of his car and stops him in the
18 middle of the street. He said he rolled down the
19 window. The man says, "You need to stop speeding" -- or
20 no. He said, "You ran the stop sign. Your wheels are
21 still moving."

22 And my son, just -- he's a senior at University
23 of California in Irvine here, and he said, "Okay,"
24 rolled up his window, and went on and went in the house.
25 He says a few minutes later, the man's ringing on the
26 doorbell, and he said, "I didn't go to the door." I

1 said, "I don't blame you. Don't go to the door."

2 And you have to understand, my son has
3 Asperger's, so he's very socially -- you know, he's not
4 one of the -- I have a daughter who's a wild girl. My
5 son is the opposite. He doesn't come out of his room.
6 He's not a troublemaker. He does everything by the
7 book. I can trust him. If I say, "Did you stop?" he
8 would tell me.

9 But I said, "Look, until I get home, if you see
10 this guy, whoever he is, just record him, and don't roll
11 down the window. Don't answer the door. Stay away from
12 him." So that was the first thing before I ever got
13 home.

14 When I got home -- I drive a Sprinter van for
15 deployment. Well, I had already read my HOA rules, and
16 there's no Sprinter vans allowed in the community. So I
17 had to secure off-property parking for my van. I pay
18 \$220 a month to park a van. But anyway, I knew I
19 couldn't park it there, and so I called and made
20 arrangements so that I could park it at this place.

21 THE COURT: What is a Sprinter van?

22 MR. CROSS: It's like what Amazon delivers your
23 packages in. The Mercedes Benz, those -- they're big
24 vans. And so for whatever reason, the community doesn't
25 want people to have those, and so the rule is it has to
26 fit into your garage. So I knew that, so I made

1 arrangements.

2 They never called and gave me the code. I wait
3 till, you know, 7:00, 8:00 o'clock, and, you know,
4 they're not going to give me the code. And so what do I
5 do? My van's sitting out there.

6 So the next morning, I come out 6:30 in the
7 morning to walk -- she's now my wife. She was my
8 fiancée at the time. I walk her out to her car. Well,
9 there's Mr. Choe standing there, and so I said, "I guess
10 you're here about the van." I said, "I understand I
11 wasn't supposed to do that, and I apologize, and it
12 won't be here tonight. I just ran into a technicality."

13 And so that was fine. I mean, that's -- you
14 would say that's something that an HOA member would do,
15 but then he had to take it a step further. He says,
16 "Who's all these cars here?" and "I know that these cars
17 aren't registered." I said, "Actually, mine is. This
18 is my fiancée's. She came here for the night. She's
19 going to be moving in in December, but when we filled
20 out the lease, they said she didn't need to be on it
21 until she actually moved here." And so that was that.

22 THE COURT: Okay.

23 MR. CROSS: But --

24 THE COURT: What I'm hearing a lot is issues
25 with your HOA.

26 MR. CROSS: Yeah.

1 THE COURT: As an HOA member.

2 MR. CROSS: Yeah.

3 THE COURT: But have you brought these issues
4 to the HOA board?

5 MR. CROSS: And here's the tricky part.
6 What -- the tricky part is going to be trying to divorce
7 this man and what he does from these HOA things, because
8 yes, I have. I have written two letters to the board;
9 no response. I begged them for help.

10 But anyway, this guy goes from an HOA capacity,
11 which is what I thought he was there for, to just
12 becoming very overbearing and pushy. And so I asked him
13 to leave that morning, because it turned into something
14 it shouldn't have been. So that was my second encounter
15 with him.

16 Then my fiancée, who becomes my wife, and my
17 stepson move in. My stepson Daniel goes to the park.
18 This guy confronts him and gives him a false name. Why
19 would you tell a 14-year old -- if he's there to harass
20 him in an HOA capacity, why would he give him the fake
21 name? He comes up, harasses him, tells him his name is
22 Dave and, you know, intimidated a 14-year old to try to
23 get information from him.

24 Then -- let me -- to refresh my memory --

25 THE COURT: And again, Mr. Cross, I think you
26 have to focus again.

1 MR. CROSS: Yeah.

2 THE COURT: In this -- you know, you made a
3 comment that this is your only place. This is not your
4 only legal remedy for problems you have with your HOA or
5 Mr. Choe, but you have to understand you need to fit in
6 the box of violence. CCP --

7 MR. CROSS: Yeah.

8 THE COURT: Wait. Wait.

9 MR. CROSS: Mm-hmm.

10 THE COURT: 527.6. As I told you, there's
11 three things, and I haven't heard any of it yet.

12 MR. CROSS: Right.

13 THE COURT: Credible threat of violence, actual
14 violence, or outrageous conduct, and I think you're
15 going course of conduct.

16 MR. CROSS: Yeah.

17 THE COURT: But just understand it's a standard
18 that's beyond any --

19 MR. CROSS: Right. Right.

20 THE COURT: -- reasonableness. And, you know,
21 I'm hearing a lot of annoying. I'm hearing a lot of
22 it's a pain in the neck. I get that.

23 MR. CROSS: Yeah. Yeah.

24 THE COURT: But please try to focus on those
25 things, because beyond that --

26 MR. CROSS: Right. Right. I understand --

1 (Reporter admonition.)

2 THE COURT: Yeah, and, you know, it's kind of a
3 good thing. The only one who gets to interrupt is me,
4 and I don't interrupt to be rude. I interrupt in order
5 to kind of focus you. So again, sir, I need you, you
6 know -- here are those three points, and I'm not getting
7 any of that from you yet.

8 MR. CROSS: Understood.

9 THE COURT: So get to one of them if there is
10 such a --

11 MR. CROSS: Yeah. I'll leave the chronology
12 out of it and just get to the -- basically, the reason
13 for this restraining order was the last altercation
14 where he came onto my property. And I told him to
15 leave, and he tells me that if I go to the police, he's
16 going to destroy me and my family. And I say, "What's
17 that mean?" And he says, "You will find out."

18 And so that's when I called the police and
19 said, "What should I do? I don't know what to do. I've
20 talked to an attorney. I have nowhere to go. This man
21 is physically threatening me and my family. What do I
22 do?" And that's when the office said, "Well, you should
23 file a restraining order. Even if you don't get it, at
24 least you'll leave a trail."

25 So the thing is we've all seen these stories
26 where HOA members in Florida end up shooting a resident.

1 I don't know what's coming next with this guy. Three
2 times he's been on my property, once after dark that I
3 know of. He chases us around in the dark with phones in
4 the community. I don't know what to do to eliminate
5 this threat.

6 As a husband and a father, I'm supposed to
7 protect my family. And I've got this threat to my
8 family, and I don't know what to do other than to ask
9 you for help. Thing is, like you're saying, you can
10 only call it by the books. So I don't know if there is
11 enough for you to do anything, but all I know is next
12 week, we may be back because he's murdered one of my
13 family. I don't know. Is he going to go postal? I
14 don't know.

15 But this is my only -- this is all I can do is
16 ask for your help just to keep him away from us. He's
17 already threatened us. Now I've crossed the line. He
18 said, "If you do this, this is what's going to happen,"
19 and I've done it. So I can't go back.

20 THE COURT: So let's focus on that. So you're
21 present during the comment "I will destroy your family."
22 Tell me all the circumstances that led up to that
23 comment.

24 MR. CROSS: The circumstances that led up to it
25 was I just sold my motorcycle. I'd never rode it in
26 that community because it's loud. It was an Indian, and

1 because I know this guy's got an axe to grind, I didn't
2 want to give him a reason. I just sold the thing.

3 So the guy buys it, takes it for a ride, comes
4 back. Well, here comes Mr. Choe onto the property
5 telling me I need to slow down. It wasn't even me. I
6 said, "Matter of fact, I'm done with you. Get off my
7 property. Just leave." He won't leave.

8 THE COURT: And where was he?

9 MR. CROSS: It was in my yard.

10 THE COURT: In your front yard?

11 MR. CROSS: Yes.

12 THE COURT: Okay.

13 MR. CROSS: And I tell him to get off, and like
14 a six-year-old kid, he -- once he did back off and I
15 said, "Stay off my property," like a six-year-old kid,
16 he goes and sticks his foot over back on the property
17 just, like, taunting. Just like the same way when we
18 were supposed to do mediation today in the cafeteria,
19 him and the mediator walked out, he turns around and
20 flips me the bird; the same way the witnesses showed up,
21 he went and took their coffee and their cookie and threw
22 them away and said, "You can't be in here." He's a
23 bully, and I don't want to use the word terrorist, but
24 what else is it?

25 THE COURT: Okay. Anything else?

26 Mr. Choe, tell me about your comment. First of

1 all, did you make the comment, "I will destroy your
2 family"?

3 MR. CHOE: No, I did not.

4 THE COURT: Tell me your take on that. Did
5 that event occur at all?

6 MR. CHOE: So we got reports from two residents
7 that there was --

8 THE COURT: Who's "we"?

9 MR. CHOE: The association, the homeowner's
10 association.

11 THE COURT: Okay. Tell me how that works.

12 MR. CHOE: They either send an e-mail or they
13 leave a message basically that "Hey, there's this loud
14 motorcycle in the community."

15 THE COURT: Okay. So help me with that. So is
16 there like a portal and somebody -- you didn't hear --
17 it wasn't you just hearing it and reacting?

18 MR. CHOE: No. So the board has access to all
19 the reports, and so it's either through a portal; it's
20 through an e-mail address. I have my own personal phone
21 numbers. There's many ways for people to report an
22 incident.

23 THE COURT: Okay. So you're telling me that a
24 person rides a motorcycle in the community that's loud.

25 MR. CHOE: Yeah.

26 THE COURT: You get notice. You get on the

1 portal, you see the notice, and you're on it to Cross's
2 property. That seems pretty --

3 MR. CHOE: In --

4 THE COURT: Excuse me. Don't interrupt me,
5 sir. That seems like a pretty tight time line, doesn't
6 it?

7 MR. CHOE: It is very tight. I happen to live
8 one street over from Mr. Cross.

9 THE COURT: So you heard the motorcycle?

10 MR. CHOE: I heard the motorcycle from a
11 distance, but it didn't -- it didn't cause me to do
12 anything until I got a message from another board member
13 that got a report that there was a loud motorcycle.

14 THE COURT: So you didn't individually think it
15 was loud, you thought it was loud because somebody else
16 thought it was loud?

17 MR. CHOE: That's correct. And I happened to
18 just be outside walking the dog, and a neighbor
19 approached me and tells me that there's -- "Did you just
20 hear that? There's a loud motorcycle."

21 THE COURT: Who was that neighbor? Is that
22 neighbor here as a witness?

23 MR. CHOE: No, but they -- I mean, I can
24 testify an address and a homeowner's name.

25 THE COURT: Okay.

26 MR. CHOE: But as you can see, we do have

1 access to legal counsel. We could bring the other board
2 members here, but this is a TRO. There's no --
3 basically, this TRO we view as a retaliation for Mr.
4 Cross's lack of respect for rules and enforcement of the
5 rules. And just like there are rules in this court,
6 there are rules in our private community that require
7 everyone to conduct peacefully.

8 THE COURT: I -- I don't think that's an issue
9 here.

10 MR. CHOE: Okay.

11 THE COURT: I think the issue is how did you
12 interact with Mr. Cross and his family. So whether you
13 were there for rules, whether you were there selling
14 Girl Scout Cookies, I'm not really that concerned about
15 it.

16 MR. CHOE: Yes.

17 THE COURT: I want to know how you interacted
18 with his family. And so at some point did Mr. Cross
19 tell you he was going to call the police?

20 MR. CHOE: No, he didn't.

21 THE COURT: Did the police ever show up?

22 MR. CHOE: No.

23 THE COURT: Okay. And so how many times have
24 you been on the Cross property?

25 MR. CHOE: I've never been -- so I've been on
26 Mr. Cross's sidewalk which is not his property, it's

1 association property, but I have not engaged him on his
2 property.

3 THE COURT: Okay. How many times have you
4 engaged Mr. Cross? Let's try that.

5 MR. CHOE: We have --

6 THE COURT: You keep using the pronoun "we."
7 Why? I'm asking about what you did.

8 MR. CHOE: Oh. So I am a member of the
9 association. There's five other -- four other board
10 members. They make -- every decision in this community
11 is in respect with the California Civil Code. It's all
12 documented with respect to the Brown Open Meeting Act.

13 THE COURT: Which act?

14 MR. CHOE: Brown Open Meeting Act.

15 THE COURT: The Davis-Stirling Act --

16 MR. CHOE: Yes, yes, yes. So to answer your
17 question --

18 THE COURT: Okay. So why is it -- excuse me,
19 sir. So there's five board members, but you're always
20 the one who -- what are you, the enforcement guy?

21 MR. CHOE: No, I'm just the most visible
22 because everybody knows my name. Everybody knows my
23 address. The nature in which I got elected onto the
24 board was resolving the lack of volunteers and not --
25 failing to --

26 THE COURT: So are you telling me the other

1 four board members say, "Mr. Choe, go confront Mr. Cross
2 on this"?

3 MR. CHOE: They don't say "confront," but they
4 say, "There is a situation. Go check it out."

5 THE COURT: Okay. So are you telling me that
6 every time you interacted with Mr. Cross, it was because
7 the other four board members told you to do it?

8 MR. CHOE: Absolutely not. It's rather a
9 matter -- like, for a situation like, for example, the
10 RV incident in November 6th, I wasn't there for Mr.
11 Cross. I was there to help resolve a -- damaged
12 concrete.

13 THE COURT: I saw that in your --

14 MR. CHOE: Yeah. So I see a Sprinter van, and
15 then I'm like, "Oh, yeah. There was reports from
16 neighbors reporting that a Sprinter van has been parked
17 there for over a month." So I'm there. So we don't
18 know whose Springer van it is, but I see someone who's
19 in front of it.

20 So I do have a recording of that conversation
21 in that it was in the form of questions. It was
22 non-threatening. I'm just trying to understand and
23 explaining the rules.

24 You asked me a question, how many total
25 incidents were there. There was a total of four
26 incidents, one of them involving his son, who I didn't

1 know his age. I didn't know whether he was a resident.
2 I didn't even know his affiliation; but, again, we're
3 going off the report with attached photos sent by
4 another resident of a person walking around with a
5 sword.

6 Now, if you were to see a visual of his son,
7 you're not thinking first that he's 14 years old. He's
8 muscular. He's tall. We don't know whether he's a
9 resident. And in the video recording, it's simply a
10 question. "Is this a toy sword? If it's so, enjoy your
11 time at the park; but if this is an actual sword, you
12 should just take it back home."

13 And the video does show that, and even on the
14 -- so I reveal my name as Dave because I don't know if
15 this persona is a resident or a nonresident carrying a
16 sword. So I am not required to be truthful as far as my
17 name.

18 THE COURT: Do you -- do you live there? Are
19 you on the premises 24/7 or --

20 MR. CHOE: I live in the community.

21 THE COURT: How often are you there? It seems
22 like you're kind of taking your job seriously, that you
23 monitor the community --

24 MR. CHOE: I don't monitor the community, it's
25 just that when I joined the board, there was a lot of
26 neglect. There was several million dollars' worth of

1 deferred maintenance and neglect. So when it comes down
2 to all vendor and contract relationships, I review and
3 revise every contractual agreement. I'm one of the few
4 board members that reviews all the finances. So
5 whenever there is a -- for example, meeting every vendor
6 on location. I happen to be -- a lot of the board
7 members actually do work from home.

8 So in my particular situation -- in the
9 situation with the sword, my family and I were just
10 driving in the car, and I got the report. I was going
11 to take them to lunch. And I realized, "Wait a minute.
12 This report with the sword, I can actually see him." So
13 that's when I got out of the car while my family was
14 waiting in the vehicle. And in hindsight, I should have
15 called the police, but I didn't. I said, "Listen. If
16 it's a sword, just take it back inside" --

17 THE COURT: Mr. Choe, you made a comment
18 earlier that, as a board member -- and it seems like
19 your board member conduct is kind of the basis for this
20 -- that you could have had counsel, but you chose not
21 to.

22 MR. CHOE: Yeah, because --

23 THE COURT: Why is that?

24 MR. CHOE: Well, this is a TRO. It's
25 unfounded. There's lack of evidence. So if it
26 escalates up to a restraining order, then the

1 association will get involved, and --

2 THE COURT: That would be too late, but okay.
3 All right. Anything further from you, sir?

4 MR. CHOE: Like I said, with all the things
5 like the phrases, like "Welcome to Clovis," it's a
6 misinterpretation of -- in my video, it should clearly
7 say, "You're welcome to call the police." I don't say,
8 "Welcome to Clovis." I don't make any death threats. I
9 don't own any firearms. I am not a violent person. I'm
10 a parent. I'm a working professional.

11 I do have video that presents a different
12 perspective, but nowhere in there do I -- even with the
13 person who was riding the motorcycle, I just say,
14 "Listen, ride safely. If you're purchasing a
15 motorcycle, if you want to test out how fast it is, do
16 it outside the HOA's jurisdiction." But everything from
17 the sidewalks to the roads, they're all maintained and
18 paid for by the members of the association, so as a
19 fiduciary, I can't just let it go.

20 In the situation of me confronting his son --
21 at the time I didn't know who his son was, but at the
22 time, he was blowing stop signs and speeding. And I
23 asked him to slow down, and he literally just blew me
24 off and just drove off. So I didn't go up to door, just
25 noted where he lived. We need to document the car with
26 a home.

1 The way HOAs work is it's a quasi-government
2 entity, and if there's any --

3 THE COURT: I'm very familiar with HOA law.

4 MR. CHOE: Yeah. Okay. So if there's ever an
5 incident, we deal with the member of the association.
6 We don't deal with the driver, we just remind the
7 homeowner of the rules of the community.

8 THE COURT: Back to Mr. Cross. Mr. Cross, you
9 have witnesses here. How many witnesses do you have
10 here?

11 MR. CROSS: Your Honor, this happened pretty
12 organically. I thought I was the only one experiencing
13 this. Whenever I filed this petition for restraining
14 order, I got a letter from you guys saying that it had
15 been rescheduled because there was two other families
16 that had filed cases against Mr. Choe as well, and you
17 were going to hear all three of them today. I was like,
18 are you kidding me? It's not just us he does this to?

19 THE COURT: Are there other --

20 THE CLERK: I'm about to look.

21 THE COURT: Because the only matter before me
22 is yours versus Mr. Choe.

23 MR. CROSS: Well, they're here today as
24 witnesses, but they got scared and withdrew it. But
25 yeah --

26 THE COURT: Wait. So they had cases and

1 withdrew them?

2 MR. CROSS: It was on the docket. Keralla
3 versus Choe and Hoshino versus Choe. And trust me, I
4 just met these people for the first time today, and one
5 of them came --

6 THE COURT: What were they going to tell me to
7 help your case?

8 MR. CROSS: Well, what happened is my wife told
9 the neighbor that we had this coming up. And so next
10 thing you know, we start getting all these calls. And
11 seven families called us and said, "We're terrorized by
12 this man as well, so can we come and be character
13 witnesses as to what kind of person he is?" And so we
14 said, "Sure."

15 And so there's five people here today that we
16 met for the first time today that just wanted to come
17 and reiterate what kind of a human this is.

18 THE COURT: Okay. So what they're going to
19 tell me is they had similar experiences to you --

20 MR. CROSS: Yeah.

21 THE COURT: -- engaging with Mr. Choe?

22 MR. CROSS: Right.

23 THE COURT: Okay. And are any of them going to
24 tell me that he made a threat of violence against them?

25 MR. CROSS: I don't know.

26 THE COURT: All right. Okay.

1 MR. CROSS: Yeah.

2 THE COURT: See, I'm asking for an offer of
3 proof. I want to know what they're going to tell me
4 before we bring them in here and use up court time
5 telling me what they have to say. One of those three
6 boxes has to be checked. So those are your only
7 witnesses?

8 MR. CROSS: I would imagine -- and I wasn't
9 planning on bringing them. They asked to come. I would
10 imagine you're probably going to hear more of the same
11 things that you asked me to cut out, just the general
12 harassment and bullying. That's probably what you're
13 going to hear, so probably isn't going to check that box
14 we need to check.

15 THE COURT: Do you have any witnesses, Mr.
16 Choe?

17 MR. CHOE: No, I don't.

18 THE COURT: In these cases I ask you for an
19 offer for proof, and the reason is that the testimony
20 they're going to give me isn't going to -- you're right,
21 Mr. Cross. I appreciate you acknowledging what we're
22 looking at here.

23 So is there anything further you need to tell
24 me, sir?

25 MR. CROSS: No. All I have is the word of my
26 testimony that this man has made these threats for

1 violence. You know, will he carry them out? I don't
2 know. Do I think he might? Yes, I do.

3 It's not just me. I've got a wife. I've got
4 kids. He intimidates me a little, but to them, it
5 scares them to death. They're scared to go out in the
6 community. They're scared to go anywhere, because this
7 guy can always be around.

8 If he could just stay 50 yards away from this
9 family, that would give them so much peace of mind, you
10 know? That's all I can ask.

11 THE COURT: Well, after hearing the evidence,
12 and my standard being clear and convincing evidence
13 standard, the Court cannot get to the level it needs to
14 issue a restraining order. However, I will make some
15 observations.

16 Mr. Choe, I don't find your testimony credible
17 that you only respond to complaints. I get the sense
18 that you take your job probably more seriously than you
19 should. You have to live in a community. People have
20 to enjoy their homes.

21 If this was a preponderance of the evidence
22 standard, I probably would have issued a restraining
23 order against you; but since you're protected by the
24 evidence standard that's here, I would seriously
25 consider changing your approach to dealing with your
26 neighbors and your community.

1 This is a community. You all have to live
2 together. You're not doing anybody any favors by making
3 everybody miserable by being a hall monitor. And, you
4 know, this does mean this case didn't get a restraining
5 order. Doesn't mean future cases won't, and I would
6 seriously consider how you conduct yourself in that
7 community.

8 Again, I find it hard to believe that you
9 waited for somebody to call you and you didn't bolt
10 right over there when you heard that motorcycle. I'm
11 sure that's what you did. More than convinced. So I
12 don't think you were being candid with the Court, and --

13 MR. CHOE: I can provide the Court
14 screenshots --

15 THE COURT: It doesn't matter.

16 MR. CHOE: Okay.

17 THE COURT: I'm just telling you I think you're
18 over the top. I really do, and I think you need to
19 watch yourself, the way you deal with folks.

20 And back over to Mr. Cross. Just do everything
21 you can do to avoid him.

22 MR. CROSS: Yeah.

23 THE COURT: And, again, this isn't -- this is
24 today. If further events happen, I gave you kind of the
25 checkbox of what you need to cover. I apologize to your
26 witnesses, but just tell them that that's what we need

1 to find in this court.

2 I'm sorry you couldn't resolve it. I really
3 wish you could have, but at some point I think your best
4 remedy is to go back to the board. I'm sure the board
5 must be hearing it. Go back to the board. You know
6 what? You get to elect who's on the board and who's not
7 on the board, so --

8 MR. CROSS: Yeah.

9 THE COURT: -- maybe your efforts can be used
10 towards that.

11 MR. CROSS: Yeah.

12 THE COURT: But the restraining order will not
13 be issued. I wish all you folks the best of luck. You
14 live in a community. You don't have to like each other,
15 you just have to exist with each other.

16 MR. CHOE: May I make one final statement?

17 THE COURT: I don't know why.

18 MR. CHOE: Mr. Cross --

19 THE COURT: No. Don't speak to him.

20 MR. CHOE: Okay. Well, I will say that moving
21 forward, I will promise not to engage Mr. Cross and his
22 family. I have -- I'm a father of a nine-year-old.
23 They carpool, so even if you were to see me driving by,
24 it's not with the intent of intimidating Mr. Cross and
25 his family. You know, it is a shared community. If
26 they're going to be using the park, I want them to enjoy

1 the community.

2 Just the final statement is just a reminder
3 that there are rules, but moving forward, I promise I
4 will not engage. Even if there was to be any incident,
5 we'll get law enforcement involved or patrol or -- but I
6 will abstain from all violation decisions as I have
7 been. So I hope that can assure Mr. Cross that he
8 should not be worried from a safety perspective.

9 But understand I too also have a family, and at
10 the events at the time, we didn't know who was living
11 where. So they all happened to point to Mr. Cross, but
12 this association deals with a myriad of different
13 violations, many of which I have no involvement with;
14 but because I'm the most prominent board member who
15 everybody knows who I am and where I live, there is -- I
16 can understand that there is a correlation that I'm
17 associated with this. But I --

18 THE COURT: Well, I'm very happy you made those
19 comments, because you made them on the record.

20 MR. CHOE: Yes.

21 THE COURT: So the promises you made are on the
22 record. So you get to contact the court reporter if you
23 want a copy of the transcript, and I appreciate that.
24 We all have to get along in this world. HOAs are all
25 over the county, and they're here more often than they
26 should be. So good luck to all you folks.

1 MR. CROSS: Okay. I'm not sure how sincere
2 that is to the man who flipped me the bird --

3 THE COURT: You know what?

4 MR. CROSS: I understand.

5 THE COURT: Water under the bridge. Moving
6 forward. It's a new day.

7 MR. CROSS: All right. Thank you, your Honor.

8 THE COURT: Thank you.

9 MR. CHOE: Thank you, your Honor.

10 (Proceedings concluded.)

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REPORTER'S CERTIFICATE

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I, KELLAN S. OVESON, CSR 14427, Official Court Reporter in and for the Superior Court of the State of California, County of Orange, do hereby certify that the foregoing reporter's transcript is a full, true, and correct transcript of my shorthand notes, and is a full, true, and correct statement of the proceedings had in said cause.

Dated at Santa Ana, California, this 21st day of August, 2023.



KELLAN S. OVESON, CSR 14427
Official Court Reporter