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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 30 HON. ARMENUI A. ASHVANIAN, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) PLAINTIFF,)
)
) VS.) NO. BA509784
)
) 01 - EUGENE W. YU,)
)
) DEFENDANT.)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
JANUARY 9, 2023

APPEARANCES:

FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY
BY: LUKE SISAK, DEPUTY
211 WEST TEMPLE STREET
SUITE 1200
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT: BIRD MARELLA
BY: ALEXIS WISELEY, ESQ.
1875 CENTURY PARK EAST
23RD FLOOR
LOS ANGELES, CALIFORNIA 90067

LORI D. CASILLAS, CSR #9869, RPR
OFFICIAL REPORTER

1 THE COURT: ALL RIGHT. WE'RE BACK ON THE RECORD
2 IN THE MATTER OF EUGENE YU, BA509874.

3 COUNSEL, MAKE YOUR APPEARANCES.

4 MS. WISELY: GOOD MORNING. ALEXIS WISELY ON
5 BEHALF OF MR. YU AND HIS ELECTION SOFTWARE COMPANY
6 CONNECT.

7 MR. SISAK: LUKE SISAK FOR THE PEOPLE. GOOD
8 MORNING.

9 THE COURT: GOOD MORNING TO BOTH OF YOU. ALL
10 RIGHT. SO THIS MATTER WAS CONTINUED FROM THE LAST COURT
11 APPEARANCE FOR THE PEOPLE TO BE ABLE TO LET THE COURT KNOW
12 WHETHER OR NOT THEY WERE GOING TO BE ABLE TO HIRE THE
13 THIRD PARTY'S ASSISTANCE IN REPRODUCING THE REMAINING
14 SERVER INFORMATION.

15 MR. SISAK: SO WE DID DETERMINE THAT WE ARE NOT
16 ABLE TO DO IT IN-HOUSE. WE HAVE RETAINED -- OR AT LEAST
17 REACHED AN AGREEMENT WITH A THIRD PARTY THAT WE FEEL VERY
18 CONFIDENT IN NOT ONLY THEIR ABILITY TO DO IT, BUT TO DO IT
19 RIGHT.

20 THE QUOTE THAT THEY HAVE GIVEN US IS
21 ROUGHLY \$125,000. I DON'T KNOW IF THE COURT IS AWARE OF
22 B.A.S., WHICH I BELIEVE THAT STANDS FOR BUREAU OF
23 ADMINISTRATIVE SERVICES WITHIN THE COUNTY. THEY ARE THE
24 ONES THAT WE HAVE TO GET THE MONEY FROM.

25 AND OUR OFFICE HAS AGREED TO TAKE ON THE
26 COST OF THESE COPIES, EVEN THOUGH TECHNICALLY THE STATUTE
27 SAYS THAT THE DEFENDANT SHOULD BEAR THE BURDEN. WE ARE
28 WILLING TO DO THAT. AND THAT DECISION HAS BEEN MADE AT

1 THE HIGHEST LEVELS WITHIN THE D.A.'S OFFICE.

2 BUT WE GOT TO GET THE CHECK FROM B.A.S. AND
3 THEY ARE THE HOLD UP RIGHT NOW. THAT HAS BEEN IN FRONT OF
4 THEM FOR AT LEAST THREE WEEKS AND I THINK IT'S MORE LIKE
5 FOUR. AND WE'VE DONE EVERYTHING WE CAN, EVEN AT OUR
6 HIGHEST LEVELS, TO HUSTLE THEM ALONG.

7 AND AS OF TODAY WE HAVE NOT RECEIVED THAT
8 APPROVAL. THE MOMENT WE HAVE IT, WE WILL ENTER INTO THE
9 CONTRACT AND THE VENDOR IS READY TO START WORK
10 IMMEDIATELY.

11 THE COURT: ALL RIGHT. SO WHAT WOULD BE THE
12 REQUEST?

13 MS. WISELY: YOUR HONOR, ON OUR END THIS IS A
14 COURT ORDER FOR THE RETURN OF PROPERTY THAT HAS BEEN
15 OUTSTANDING SINCE NOVEMBER 16, SO WE ARE NEARLY TWO MONTHS
16 OUT. AND THE COURT ORDERED THAT IT BE RETURNED IN A
17 REASONABLE AMOUNT OF TIME. AND AT THIS POINT WITH EACH
18 PASSING DAY, THE HARM TO THE COMPANY IS JUST
19 EXTRAORDINARY.

20 AND SO IF THERE IS ANYTHING THAT WE CAN DO.
21 WE APPRECIATE THE, YOU KNOW, THE OFFICE'S EFFORTS THUS FAR
22 TO TAKE STEPS. BUT THE STEPS JUST DON'T SEEM TO BE
23 CUTTING IT. SO IF THERE IS SOMETHING THAT WE CAN DO TO
24 FURTHER EXPEDITE THIS PROCESS OR ELSE HAVE THE IMMEDIATE
25 RETURN OF THE ORIGINALS, THAT WOULD BE OUR REQUEST.

26 THE COURT: WELL, COUNSEL, I UNDERSTAND AND
27 APPRECIATE YOUR CONCERN. HOWEVER, THE D.A.'S OFFICE IS
28 ACTUALLY ACCEPTING THE FACT THAT THEY ARE GOING TO HAVE TO

1 PAY FOR IT. AND MY UNDERSTANDING FROM MR. SISAK'S
2 REPRESENTATION IS THAT THE CHECK, THAT IS ACTUALLY B.A.S.
3 IS WHAT IS HOLDING IT UP.

4 AND SO -- AND THEY ARE TAKING THE BURDEN OF
5 PAYING FOR THE SERVICES. I'M NOT SURE WHAT ELSE THE COURT
6 CAN DO. THE COURT HAD ORDERED THE INFORMATION TO BE
7 TURNED OVER AT A REASONABLE TIME. AND BASED ON THE FACT
8 THAT THIS IS A THIRD-PARTY VENDOR AND THEY ARE JUST
9 WAITING FOR THE CHECK, THIS COURT IS GOING TO MAKE A
10 FINDING IT IS REASONABLE. THE PEOPLE ARE TAKING EVERY
11 REASONABLE TO STEP TO RETURN THE PROPERTY BACK TO THE
12 DEFENDANT.

13 AND SO, MR. SISAK, IS FOUR WEEKS GOING TO
14 BE ENOUGH TIME TO GET THE CHECK TO THEM AND HAVE THEM
15 START WORKING ON THE LAST SERVER INFORMATION TO PROVIDE
16 BACK TO THE DEFENSE?

17 MR. SISAK: YOUR HONOR, I MEAN, WHEN I TELL YOU
18 THAT OUR OFFICE HAS LITERALLY UP TO THE ASSISTANT -- OR
19 ACTUALLY UP TO THE CHIEF OF STAFF LEVEL, THE MOMENT B.A.S.
20 GIVES US APPROVAL, THAT'S THE FIRST PHONE CALL WE MAKE AND
21 A SIGNATURE GETS ON THE PAGE THAT SAME DAY.

22 THAT BEING SAID, I DON'T KNOW IF THE COURT
23 RECALLS WORKING WITH B.A.S. ALL BETS ARE OFF WITH THEM.
24 I WOULD CERTAINLY HOPE SO. AND WE ARE MAKING, YOU KNOW,
25 FREQUENT INQUIRIES INTO B.A.S. TRYING TO HUSTLE THEM
26 ALONG. I JUST CAN'T GUARANTEE THAT. BUT I THINK THAT IS
27 A VERY REASONABLE THING. I CERTAINLY HOPE FOUR WEEKS
28 WOULD BE ENOUGH.

1 THE COURT: WELL, I'M GOING TO PUT IT OVER FOR
2 FOUR WEEKS FOR A STATUS. AND IF SOMETHING HAPPENS BETWEEN
3 NOW AND FOUR WEEKS AND IT GETS EXPEDITED OR THERE IS AN
4 ISSUE, YOU CAN ALWAYS ASK THE COURT TO ADVANCE THE MATTER.
5 AND A FOUR-WEEK DATE WOULD BE FEBRUARY 6TH.

6 MR. SISAK: COULD I ASK FOR THE 7TH, YOUR HONOR,
7 IF THAT'S ALL RIGHT WITH THE COURT.

8 THE COURT: WE CAN'T DO TUESDAYS. TUESDAYS ARE
9 OUR HEAVIEST DAYS. WE CAN DO THURSDAY OR FRIDAY.

10 MR. SISAK: THE 9TH, PLEASE.

11 THE COURT: THE 9TH. ALL RIGHT. STATUS WILL BE
12 SET FEBRUARY 9TH. THANK YOU BOTH.

13 MR. SISAK: THANK YOU, YOUR HONOR.

14 THANK YOU COURT STAFF.

15 MS. WISELY: THANK YOU, YOUR HONOR.

16 THANK YOU COURT STAFF.

17 THE COURT: YOU ARE WELCOME.

18
19 (PROCEEDINGS CONTINUED TO THURSDAY,

20 FEBRUARY 9, 2023, IN DEPARTMENT 30.)
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