Remote Deposition of: Fei-Chiu Huang, Ph.D., P.E.

Jill Mann vs. Las Brisas Pacificas, Inc.

February 4, 2026

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THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

JILL MANN, an individual, Plaintiff, vs. LAS BRISAS PACIFICAS, INC., a California mutual benefit common interest development corporation; and DOES 1-20, inclusive, Defendants. _____ AND RELATED CROSS-ACTIONS. _____	CASE NO. 24CU015304N

REMOTE DEPOSITION OF EXPERT FEI-CHIU HUANG, Ph.D., P.E.

CALIFORNIA

WEDNESDAY, FEBRUARY 4, 2026

Reported by: OLIVIA BUTELO, CSR NO. 13651
Appearing remotely from Orange County, California
Job No. 128617

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

JILL MANN, an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 24CU015304N
	)	
LAS BRISAS PACIFICAS, INC., a California mutual benefit common interest development corporation; and DOES 1-20, inclusive,	)	
	)	
Defendants.	)	

REMOTE DEPOSITION OF FEI-CHIU HUANG, Ph.D., P.E., taken on behalf of the Plaintiff, commencing at 9:46 a.m., on Wednesday, February 4, 2026, before OLIVIA BUTELO, CSR No. 13651, a Certified Shorthand Reporter in and for the State of California.

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ALSO PRESENT:

JILL MANN

SCOTT CASSIDY, Board president

ERIN McLEMORE, Student court reporter

INDEX

WITNESS: Fei-Chiu Huang, Ph.D., P.E.

INFORMATION REQUESTED:

(None.)

WITNESS INSTRUCTED NOT TO ANSWER:

(None.)

QUESTIONS MARKED:

(None.)

INDEX FOR EXHIBITS

CALIFORNIA - WEDNESDAY, FEBRUARY 4, 2026

9:46 A.M. - 3:19 P.M.

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COURT REPORTER: My name is Olivia Butelo. I'm a California Certified Shorthand Reporter, CSR license number 13651. Today's date is Wednesday, February 4, 2026.

FEI-CHIU HUANG, Ph.D., P.E.,

the witness, having been administered an oath in accordance with CCP Section 2094, testified as follows:

EXAMINATION

BY MR. ALEXANDER:

Q My name is Vasko Alexander. I am counsel for Plaintiff Jill Mann, who is present with us today.

Before we get into the substance of the deposition, I'd like to reflect on the record that Mr. Huang and his counsel, Mr. Combs, insisted that they be prepaid for this deposition for an anticipated amount of time, which I believe is going to be three hours. And I want to confirm on the record that Ms. Mann has Venmo'd Mr. Combs the amount of $1620, reflecting three

hours of deposition.

And, Mr. Combs, have you received that dollar amount?

MR. COMBS: I have.

MR. ALEXANDER: And are you prepared to continue with the deposition now?

MR. COMBS: I'm prepared to commence the deposition.

BY MR. ALEXANDER:

Q Okay. Mr. Huang, as I said, I'm counsel for plaintiff in this matter. You have been retained by the association as its expert; correct?

A Yes.

Q And what is the scope of your retention?

A My scope of retention is to review the site review, review the -- any available background information provided by Mr. Combs, and to provide -- do the -- perform the site visit, and provide preliminary opinions regarding the concession of the surficial slope failure that occurred on or around April 27 of 2023.

Q Did I hear you correctly that you were asked to provide only preliminary opinions?

A Well, basically, it's my opinions, okay? But in my report, because I -- all I did is a limited review, so it could be subject to change with further

information or documents provided to me. And that may change my preliminary opinions. But at this time, I don't think that that there will be anything that will alter my opinions.

Q So your opinions today are final; correct?

MR. COMBS: Objection. Mischaracterizes his testimony.

BY MR. ALEXANDER:

Q Are you prepared to offer your final opinions that you anticipate to provide at trial in this case, Mr. Huang?

A Yes.

Q Okay. I'm going to share my screen with you and I'm going to mark as Exhibit 1, the HOA's expert designation.

(Exhibit 1 marked.)

A Okay.

Q Can you see my screen?

A Yes. If you can zoom in a little bit, it would be better.

Q Well, let me ask you this: Do you have your job file in this matter in front of you?

A Yeah, I have my job file, yes.

Q Okay. So it might be easier, as I open these documents, for you to open them from your job file.

Okay?

A Okay.

Q That way you can zoom in and out however you'd like.

Exhibit 1, again, is the HOA's expert witness designation.

A Okay. Yeah, I can see it.

Q And I'm looking at the declaration of Mr. Combs, which identifies you in paragraph 3; correct?

A Yes.

Q Did you review this declaration before it was served on plaintiff?

A Yes, I did.

Q Do you agree with all the information that is contained in this declaration?

A Yes.

Q What was the method of your review of this declaration? In other words, was it sent to you via email or how did you review it?

A I believe this was sent to me with an email by Mr. Combs that he told me that you're going to depose me. And so I will -- I -- not depose me, I mean, send me the -- he will retain me as an expert for this cause.

Q That I would retain you as the expert for this case, is that what you just testified?

A No, no, no. This notice of the -- you know, is the one to let me know that I will be retained as the expert on half the HOA in this case. And that is the detail described in this designation.

Q So prior to this document being served on or about January 2, 2006, were you retained by the HOA as the expert?

A Well, yeah, Mr. Combs called me. He said that he has a case. He wanted to retain me as the expert and he wanted me to be involved as the expert to evaluate and investigate this case due to the surficial slope failure that they have issues with the plaintiff.

Q Okay. On page 3 at line 15, we have subparagraph B. Do you see that language?

A Yeah.

Q It agrees that Dr. Huang has agreed to testify and provide his professional opinion -- which is misspelled -- in this case with respect to the nature and cause of the slope failure at issue in this action, as well as the sufficiency of the repairs made to the slope.

A Yes.

Q Is that the scope of your expert retention in this matter?

A Well, yeah, basically concessions of the slope

failure and whether the slope repair performed, are, you know, to date, there was poor grade for this surficial slope failure or not, yes.

Q So you're prepared to offer the following two opinions at trial: The causation of the slope failure and the sufficiency of the repair conducted of the slope; correct?

A Yes.

Q Those are the only two opinions you're going to be offering at trial; correct?

A Well, that is the main opinions, yes. But there may be other things that may be asked at the time of trial.

Q Such as what? What else are you prepared to offer opinions at trial?

A I don't know what kind of questions will be asked. I can't answer you at this time.

Q Are you prepared to offer any opinions as to the cost of the repair of the slope?

A Cost of repair? Not part of my scope, I believe. All my scope is basically those two things you just named.

Q Okay. Are you going to be preparing -- strike that.

Are you going to be offering opinions to the

historical maintenance of the slope at the Las Brisas HOA?

A Not my part of the scope. I think that was between the HOA and the plaintiff. Regarding whatever CC&R and other things, that is beyond my scope.

Q Are you going to be offering opinions at trial with respect to the repairs of the slope other than the incident that is the subject of this litigation?

A You mean the repair was observed and tested by the GeoTek of that surficial slope repair?

Q No, no. And thank you for asking for that clarification. Let me rephrase my question.

At trial, are you going to be offering any expert opinion with respect to the historical repairs performed on any slopes at Las Brisas Pacificas?

A My understanding is there was no slope failure. Historically, there was, you know, a curve before, according to my recollections. But I never been provided any slope repairs that has been done, either surficially or deep seated or slope failure, within the HOA community.

Q And I appreciate that, but my question was more specific.

Are you going to be providing any opinion with respect to the historical repairs performed on any slope

at Las Brisas Pacificas HOA?

A No.

MR. COMBS: To be clear, other than the repair on Lot 139; correct?

MR. ALEXANDER: Correct, yeah, that's a good clarification.

BY MR. ALEXANDER:

Q Is your answer still no?

A Well, that's what Mr. Combs said. It's only limited to the repair behind the Lot 139.

Q Are you relying on Mr. Combs' representations as to what your scope is?

A Well, he provided me all the background information, all the documentations for me to render my opinion. I trust him. Oh, he did a very good job for this case.

Q Okay. Did anyone else other than Mr. Combs provide you with any information or data upon which you're prepared to offer opinions at trial in this case?

A Well, his assistant provide me with some record or water usage or record that was in my, you know, in the deposition documentation in my job file, yes.

Q Other than Mr. Combs and his assistant, has anyone else provided you with any information or

documentation that you intend to rely on in formulating your opinions and presenting them at trial?

A If there's any, it would be the emails from the board members, you know, that was between Mr. Combs and the board members and I maybe was CC'd in that email correspondence. That's about it. There's no other persons or entities that I was in contact with regarding this case.

Q Has anyone else from American Geotechnical performed work on this case other than yourself?

A With my -- for the research that my geologist did the -- site geologist, did provide we with some background information regarding the regional site geology. And that would be in support of my opinion based on my review of variable report by GeoTek and other things which were produced by Mr. Combs.

Q And who was that individual from American Geotechnical that provided you with that geology?

A His name is Andrew Suarez.

Q How do you spell his last name?

A Huh?

Q How do you spell his last name?

A I think it's S-u-a-r-e-z.

Q Suarez?

A Suarez, yeah. It's just, you know, ask him

to, can you provide me with the site geology so I have a better understanding based on my review of the GeoTek report to make sure that whatever it says in the report are in general consistence.

Q Well, I'm not asking about the reporting.

A Okay.

Q What do you mean by "site geology"? What site are --

A Well, it's just -- you know, overall, the site geology, typically if there's a job that's related to subsurface information that I will ask my staff to provide me with what we call geology thumbnail that will go through all the public agency's website or in-house research regarding the site geology. Hopefully, we can get a better understanding of the regional site geology of the subsurface conditions.

Q Okay. And where would that site geology be? Where would I find that site geology?

A That would be under 04 analysis, you see the site geology.

Q Why don't we do this? I'm going to put on my screen now what I believe is your job file that was produced. And I --

A 04, analysis.

Q Okay. I'm not asking you about that right

now.

I will represent to you that I added the Las Brisas expert designation to this folder, just for my ease of reference when I mark exhibits.

Okay?

A Well, I believe we included this in my job file.

Q Let's go through these folders.

What is folder number 1?

A It's just job information like project information sheet regarding this project, who is our client, what the -- what are the project location, and so on and so forth.

Q Okay. This is a document that was generated by American Geotechnical; correct?

A Yes.

Q Did you prepare this document?

A No, my admin did it, the one -- the NJB, she prepared.

Q What's folder 2, contracts, proposals?

A Pardon me?

Q What is folder 2, contracts, proposals?

A It's just the authorization contract that for any projects we work for Mr. Combs or any other of our client. California law requires the authorization

contract to be signed and, you know, for our service.

Q And how about folder 3?

A This is basically my report.

Q This is the preliminary report that you referenced earlier; correct?

A Yes.

Q Is this going to be your final report?

A Maybe.

Q How about folder 4, analysis?

A You can see there are three folders. The first one is perspiration records that was also included in the report. That was provided to by Mr. Combs. Second one, the site geology we just talk about that including the geology thumbnail and other regional geology information, yeah. So this is the -- what we call the geology thumbnail. It shows all the site geology in the area.

Q Okay. This is a broader geology than the lot-specific 139; correct?

A Yes.

Q I'm going to mark this as Exhibit 2.

You did not collect this report; correct?

(Exhibit 2 marked.)

A Pardon me?

Q This geology thumb which is Exhibit 2.

A It was the -- my geologist that I mentioned, he put together this information for my review.

Q We have depth -- well, there's some notes in the red box; correct?

A Yes.

Q Who inputted those notes?

A Andrew.

Q They were not input by you; correct?

A No.

Q What does "a depth to bedrock likely surficial to 1.5 feet BGS" mean?

A Below ground surface. It is in the area. It is not specifically for the site. It's based on history research of the available geological maps and the information that he believes that the depth to bedrock is very shallow, likely surficial to maybe 1.5 below ground surface.

Q But he writes "likely surficial"; correct?

A Well, yeah, that's why he said it. It's surficial --

Q He doesn't know what it actually is; correct?

A No, like I said, this is general site geology. It's nothing specific to Lot 139. The 139 site geology has been detailed, discussed in the GeoTek's report.

Q Okay.

A And this one is basically the information that further supports whether GeoTek's, you know, description of the site geology based on their subsurface investigation would be consistent with what our research performed here in the site geology.

Q Okay. And he also writes, Soil likely gravelly silt. Do you see that language?

A Yeah, yeah. It basically -- he thinks that the soil type in this area based on the one Tsa, which is Santiago Formation, is likely consist of the gravelly silt or --

Q But he's speculating; right? The word --

A Oh, no, not speculating, no.

(Crosstalk.)

A It's based on his research review of the area and the information provided, he believes that it is most likely consist of gravelly silt. It's not speculating at all. This is the facts that is based on the evaluation of the site geology. I don't know why you said it's, you know, speculation.

Q Mr. Huang, you know, I assumed, perhaps wrongly, that you have been deposed before. You have experience as a retained expert.

A Yes.

Q I was apparently wrong because your tendency

to interrupt me suggests to me you do not know how to perform a deposition. So let me give you a couple of admonitions that I typically would not give to a retained expert because my assumption is you would know how to properly conduct themselves in a deposition.

And the first is going to be the following: You're going to wait for me to ask my question and complete my question before you provide me with your response. It's basic courtesy. But also, it allows our court reporter to take a proper deposition transcript and write down everything without us interrupting each other. Likewise, I'm going to provide you with the courtesy of letting you finish your response before I ask you a follow-up question.

MR. COMBS: Thank you, Counsel. You've interrupted him as much as he's interrupted you.

MR. ALEXANDER: Well, the record speaks for itself.

BY MR. ALEXANDER:

Q But further -- and you've done this already and I would encourage you to keep doing it -- if you do not understand one of my questions, ask me for clarification. I'm happy to rephrase it or ask it again.

Okay?

A Okay.

Q Does that sound fair to you?
A Yes.
Q And continue please providing verbal responses. Nonverbal responses are not going to be on the record. So only verbal responses.
Okay?
A Okay.
Q Are you under the influence of any substances that would not provide you with the opportunity or the ability to give us your best testimony today?
A No.
Q Do you understand the difference between a guess and an estimate?
A Yes.
Q And further, I will advise you or admonish you, I guess, that if you need a break, just let me know. But I will request that you finish answering my pending question, and then we're going to take a brief break. I will try to pace this at about one hour of deposition between breaks.
Okay?
A Okay.
Q All right. So going back to Exhibit 2, your assistant writes "soil likely gravelly silt"; is that correct?

A Yes.
Q He uses the word "likely"; correct?
A Yes.
Q What does the word "likely" mean to you?
A It just tells me that in the subsurface soil, it likely consist of the gravelly silt material based on his research of the site regional geology information.
Q But he's not concluding exactly that this soil is gravelly silt; correct?
A That's correct.
Q He's speculating that it is gravelly silt because he's using the word "likely"; correct?
A I do not agree.
Q Why?
A Because like I said, this is overall site geology. We call it the geology thumbnail to give me the information regarding the subsurface possible soil site geology or the type of soil that can maybe exist at the site. So he didn't go to the site. He doesn't know what the site soil condition would be. Based on his desktop research in our office, he provided based on the available information that tells me that the soil under the site is likely consist of gravelly silt.
It is not -- what do you call the -- I mean the -- it needs to be verified, but it was verified by

the GeoTek, the subsurface investigation, whatever soil type has been described clearly in the report, okay? So this is just the general information.

Q Mr. Huang -- Mr. Huang --

MR. COMBS: See, you're interrupting him, Counsel.

MR. ALEXANDER: He's going beyond the scope of my question.

MR. COMBS: Lodge your objection and ask him a question. You're interrupting him.

BY MR. ALEXANDER:

Q Mr. Huang, I appreciate that narrative. But Mr. Suarez is not designated as an expert for the HOA; correct?

A That's correct.

Q Did you independently verify the conclusion to Mr. Suarez' drawing here, that soil is likely gravelly silt based off of Exhibit 2?

A Well, based on the information he provided, yes, I agree with him.

Q Where is the information that he provided in your job file?

A In the same folder.

Q Which one of these folders?

A Well, you open it up. You need to open it up. You need to --

Q Well, you tell me which one I should open. This is information that you verified; correct?

A Yeah -- well, not verify. I reviewed his data and I confirmed with the -- with the GeoTek's report.

Q Well, looking at Exhibit 2, you just testified that you verified Mr. Suarez' conclusions that this was likely gravelly silt; correct?

A Yes, yes.

Q Okay. What did you review to verify Mr. Suarez' conclusions?

A He provide me with the supplemental report or open files, which was deposited in this folder. And that is -- you know, I don't need to review every details in those supplemental documentation provided to me. I was -- whatever the geologist's thumbnail, he provided to me regarding the possible or the, quote, unlikely, unquote, that, you know, gravelly silt.

That's all I can tell you. That information in truth -- is true based on the background supplemental report open file that he reviewed and the geological map that he came up to the conclusion.

Q Where are those reports that he reviewed?

A As I told you, in this supplemental -- in this folder. Everything was deposited, open file.

Q Okay. Point to me which one of these

documents --

A Oh, if --

Q -- contains the information -- I'm not finished.

Point to me which one of these documents in subfolder 4 analysis, site geology, contains the information that you reviewed to confirm the conclusions drawn by Mr. Suarez in Exhibit 2.

A Those information are contained in those three documents provided by Mr. Suarez, my geologist, and to come up with his brief geologist thumbnail.

Q Okay. Which one should I open and we can mark --

A You should open every single one.

Q Okay. Let's start with geology references. What in this document informs you -- and this is going to be next Exhibit 3.

What in this document informs you that Mr. Suarez' conclusions are accurate?

(Exhibit 3 marked.)

A Explaining from the -- related to geology, California Geological Survey, the CGS Information Warehouse that he clicked to review. And secondary, it would be the Kennedy, M.P., those two reports, the geological maps that contains all the subsurface soil

conditions, that it was showing in the geology thumbnail. And let me see, there are other supplemental by the State Water Resource Control Board GeoTracker, that was also mentioned in his geology thumbnail.

Q And Mr. Suarez provided you this information; correct?

A Yes.

Q And what is this document called, Geologic Map of the Oceanside? What is this?

A This is a geological map, as it says, of the area including Lot 139 inside somewhere in this map. And --

Q Where is Lot 139 in this map?

A I don't know where, but he didn't mark where is the site but he review it. That's why in the information, he zoom in and coming up with the geology thumbnail. That come up with the -- his brief description.

Q Okay. So you do not know where Lot 139 is on this geological map, which I'm going to mark as Exhibit 3; is that correct?

A Well, I know this is the --

Q Exhibit 4, I'm sorry, Exhibit 4.

(Exhibit 4 marked.)

A This geology map includes the site of Lot 139.

Q Let's go back to Exhibit 4. Where is Lot 139 on Exhibit 4? Do you know?

A Well, I have to look at the street, look at the area, and zoom in and to locate. I could locate, but I didn't locate because I rely on Mr. Suarez' research result.

Q Okay. We're going to mark next in order, Exhibit 5, RGM to Oceanside 2007 Pamphlet.

What is this document?

(Exhibit 5 marked.)

A It's a geological map of the ocean side 30 by 60 quadrangle that has a lot of information that describes the regional geology. If you scroll down --

Q What part -- what part of Exhibit 4 did you rely on -- strike that.

What part of Exhibit 4 did Mr. Suarez rely on in formulating his opinions?

A He reviewed this document, provided his opinion in the geology thumbnail. And I trust his result findings from the review of this documentation.

(Crosstalk.)

A I don't need to -- pardon me. You interrupt me. I haven't finished my answer.

Q I was just going to say I that misspoke. This is Exhibit 5 that we're referring to, but go ahead and

finish.

A Yeah. I'm just trying to tell you that all the information provided in this folder was researched, reviewed, evaluated by my geologist, Mr. Suarez, based on the available information. And he put it all together -- we call it the geology thumbnail -- that provided whatever information he gathered from his research. That's about it. Whatever he says in that geology thumbnail, I will trust him that that would be the best information that he can provide for the site.

Q Okay. And we're looking next at folder 4, analysis, subfolder water records; correct?

A Yes.

Q What are these document?

A These are the water usage accounts or records from the street sources for the 2022 and 2023, including the chart that were provided by Mr. Combs' office.

Q We're looking at a document titled 2022/2023 Water Usage. This is going to be Exhibit 6.

Who prepared this document?

(Exhibit 6 marked.)

A Mr. Combs' assistant.

Q Who is Mr. Combs' assistant?

A What?

Q Who is Mr. Combs' assistant who prepared this

document?

A I forgot his name.

Q Is Mr. Combs' assistant identified as an expert in the expert designation for the HOA?

A I don't think so.

Q You relied on Exhibit 6 in formulating your opinions that you're prepared to provide at trial; correct?

A Yes. I have data, supporting data in addition to this chart.

Q But you did not prepare this chart, as you just testified; correct?

A Well, it's already prepared. I don't need to repeat the same thing.

Q Did you verify that the data that is contained on this chart is actually correct?

A Well, it's from the information provided, I did review it and it appears to be consistent.

Q But you do not know today if it's consistent because you're saying that it appears to be consistent; correct?

A It is based on the information that Mr. Combs' assistant, the data from those records and put together in the spreadsheet in the chart, provided me with the chart.

Q What is the water usage referenced here? What is the water usage for?

A I believe I say in my report in more detail. But as you can see, there are three water agency or water district. One is San Marcos, RES, I believe is the resident, and San Marcos irrigation, IRR, and is Palomar irrigation. That was the information regarding the water usage that may run through the irrigation pipe or through the residents regarding the water usage over this time period.

Q Whose water usage over this time period?

A The water usage, it says different colors. It is residents, RES, and irrigation.

Q And where on this chart do we see Ms. Mann's water usage at this slope?

MR. COMBS: Objection. Vague and ambiguous.

THE WITNESS: Can you repeat your question?

MR. ALEXANDER: I'll rephrase it.

BY MR. ALEXANDER:

Q You referenced RES for residents; correct?

A Yes.

Q What residents are you referring to?

A I believe it's just residents. It does not just include the plaintiffs, the residents. It is the information provided by Mr. Combs, tells me that there

are three different water usage record that he obtained. And that is what his best description of the water usage.

Q How many residents are you referring to in this water usage record?

A I don't know.

Q You do not know?

A Well, I --

Q How many residents are at the Las Brisas HOA?

A I think it's more than one -- something like 159 or more, the individual units. I described in my report, a little bit detail in the site description, that Las Brisas Pacificas actually has two parts; one is the west and one of the east part. And Ms. Mann, the Lot 139, is located on the west part of that Las Brisas Pacificas community.

Q Where on Exhibit 6 do we make a determination of how much water was introduced by the HOA on Ms. Mann's specific Lot 139 between May of 2022 and November of 2023?

A There's no way to just isolate. Water goes into Lot 139 or, you know, on the slope to tell you exactly how much water go through that part. We don't -- I don't know. Nobody knows. That's in their information. The only thing the water agency provided

the water usage record is based on whatever the periods that likely, you know, is for the purpose of residents' usage or the irrigation water usage. That's how to differentiate based on the three water usage records.

Q Who made the -- strike that.

Who made the decision to focus on the date range of May 2022 through November 2023?

A Because that was the occurrence of the surficial slope failure that occurred on before April 27, 2023.

Q My question, however, was: Who made the decision to limit the data usage analysis to those two dates?

A I don't know who made that decision. But my understanding --

Q You didn't authorize that decision, did you?

A I did not make that decision. But my understanding is that because of the occurrence of the surficial landslide was -- occurred on or before April 27, 2023. So if we can get a water usage record before and after that, we would be able to know the difference of whether that water usage could be a contributing factor to the surficial slope failure occurred on or before April 27, 2023.

And that is about the logical thinking that I

can imagine. But I didn't make that decision to just put it off those two -- this period.

Q Thank you.

Do you know what the water usage of the residents has been since November of 2023?

A What do you mean?

Q How much water usage has been used -- how much water has been used by the residents in San Marcos since November of 2023? Do you know?

A No.

Q Do you have those records?

A I don't have the records, no. But based on this chart after November '23, the water usage, it looks like, reduced.

Q As you sit here today, though, you don't have a clue how much water is being introduced into Lot 139 currently; correct?

A No.

Q What is subfolder 5 in your job file?

A Just email correspondence.

Q Is this a totality of your email correspondence on this file?

A I'm not sure.

Q Did you verify whether these are all your emails?

A I don't verify those emails. But I asked my admin to pull all the file, which are -- for this project to be included in my job file.

Q Have you ever texted Mr. Combs via his cell phone?

A No, I never text him.

Q And what is subfolder 6?

A That's my site visit with my site photos and a description of each photo.

Q And when was your site visit?

A I forgot. I think -- let me see, it should be in my report. If you click the DCIM, that folder, you open that folder, it will have a date stamp. If you click any one of them, just click on the lower right portion, it should have the date printed.

Q And we're looking at 42 photographs; correct?

A Yes.

Q Without looking at these or at the metadata that you're asking me to do, you don't recall when you visited the site, do you?

A It was last year.

Q What did you do to prepare for your deposition today?

A Review my job file; review all the information provided in the production, job file production; and all

the background information, my photos and reports.

Q On how many occasions did you visit the job?

A Just once.

Q But you don't know when?

A My recollection is -- I have to look at my report to see when I did. But if you open this one, it should say which date.

Q Well, you have these in front of you; correct?

A Pardon me?

Q We established that you have your job file in front of you on your computer; correct?

A Yeah, I have the job file, yes.

Q So tell me when you visited --

A May 21, 2025. May 21, 2025, is my site visit. You just did not want to click the photo to verify that is the correct date.

Q What did you do on May 21, 2025, during your site inspection?

A Do my site inspection.

Q Was your site inspection limited to a visual site inspection?

A Yes.

Q Had you performed any destructive testing on this site?

A No.

Q Who took these photographs?
A Pardon me?
Q Who took the photographs that are found in subfolder 6, site inspection?
A Me. I took it.
Q Thank you. I appreciate that.
We have subfolder 7, reports, plans by others. Do you see that?
A Yeah.
Q What is subfolder 7? What does this consist of?
A Well, the first subfolder is experts, the background documentation provided by Mr. Combs. He's sending me the link in the email that I downloaded and I put into my job file. Everything is all the background information that he did a very well organization of the background documentation for my review.
Q Okay. Did you review every single one of these files?
A Yes.
Q Are you critical with the findings in any of these files?
A Can you say that again?
Q Are you critical with the findings in any of these files?

A Well, I reviewed all these files and formulated my opinion based on my review of the background information provided in this production. I don't know what you mean if I have critical or anything. So basically, I did formulate my opinion based on the review of this available background information, documentation, site photos, emails, and the like, to provide my opinion.

Q When you review these files in preparation for your opinion, did you disagree with any statements in any of these files when you formulated your opinions?

A Yes and no. You know, there are several, like, plaintiff complaints. It's just, some of them just, it doesn't make sense to me.

Q Okay. Other than the plaintiff's complaint, what other files in the subfolder did you review that you disagreed with, the conclusions drawn in those files?

A Not technically. But there's something, for example, like, the GeoTek's report, you know, they did a good job in the investigation. But for the presentation of the report, that if they can provide, for example, cross-section to illustrate, you know, the subsurface conditions, which are the test pit, in addition to the geological map he provided, it will be much better for

understanding, instead of --

Q Your criticism with the GeoTek report is that there was no cross-section provided; correct?

A No, like I said, it's not technically -- but it's just, you know, when they prepare the report, they could, you know, think about that maybe a cross-section may be very helpful for the readers to better understand what they are talking about in the text, in the report. But they did provide sufficient information in the text report that these need to formulate my opinions.

Q Other than the fact that GeoTek did not report a cross-section, is there anything else in your report that you are critical of?

A Not technically speaking. Like I say, it's just -- for example, like in the earlier report, they put in the one figure, I believe, that did not belong to the project. So it looks like there was -- when they prepare the report, they should do the, you know, QA/QC to make sure that everything is consistent. That's about it.

It's nothing to do with the -- technically regarding the site, subsurface investigation or their recommendation, per se.

Q But agree with their investigation and recommendations; correct?

A Yes.

Q Did you ask Mr. Combs or the HOA to set up destructive testing for your benefit?

A No.

Q Why not?

A Because I don't think that is necessary for this case.

Q Why is it not necessary?

A Because the information, subsurface investigation, has been provided, conducted by GeoTek. And all the information are very well understand and is consistent with my evaluation of the site geology. And also, the repair of the slope has been performed very well. Particularly at the time of construction, the contractor, Mountain Mover, even recommends to put the geogrid and with the back drain and the heel drain, and all agreed by GeoTek.

As a matter of fact, this slope repair is more than needed to be repaired by installing the geogrid on every bench, which is only a couple of feet, 2 or 3 feet, bench on every layer with the back drain on every layer -- in the back drain of the bench. That is more than enough.

THE COURT REPORTER: I'm sorry, are you saying -- okay. I'm having a hard time understanding you.

Are you saying back grade or bench?

THE WITNESS: Back drain and bench, b-e-n-c-h.

THE COURT REPORTER: Thank you.

THE WITNESS: Other than that, everything all clear?

THE COURT REPORTER: Yes, thank you.

THE WITNESS: Okay.

BY MR. ALEXANDER:

Q What is the subfolder legal docs?

A Yes, these are the complaint, cross-complaint, and other things.

Q What are the other things?

A It was notice of deposition and the objection of my deposition for product documentation.

Q And what is the subfolder for the rainfall records?

A It's just rainfall record.

Q Who prepared these rainfall records?

A Mr. Combs' office.

Q We have two documents that I'm going to mark as Exhibit 7 collectively. We're going to look at the first page of Exhibit 7. Tell me what this is.

(Exhibit 7 marked.)

A This is a well of the rainfall station located in Carlsbad McClellan Palomar Airport Station, and that

is the chart. It's showing the rainfall was recorded in this -- at this station. And that is starting from January 1, 2022, to December 1, 2024.

Q And who prepared this chart?

A I told you, Mr. Combs' office.

Q Who selected the date range for this chart?

A I don't know.

Q Have you checked the validity of this chart?

A Pardon me?

Q Have you independently verified the rain records?

A That was in the NOCC website. I don't need to verify. It is whatever is produced that plot it.

Q And let's take a look at the second page of Exhibit 7. What is the second page of Exhibit 7?

A This is another rainfall station located at La Costa Heights Elementary Station. And the same thing, the same range. The same plot of the rainfall precipitation recorded in that station.

Q And who prepared this document?

A Mr. Combs' office.

Q Are you relying on Exhibit 7 in formulating your opinions at trial?

A Yes.

Q And we have under subfolder 7, water records,

another subfolder. Are these the same water records we discussed before?

A Yes.

Q This is a duplicate subfolder; correct?

A Well, I put it in -- it will be better when I review the job file, it would be easier to go through instead of going to pull the other folder looking for these records.

Q But the documents are duplicates of what we discussed earlier; correct?

A Yeah, it is duplicate. That it is for the purpose for easy to locating the documents for review.

Q Okay. So this is for convenience. It does not introduce any new information; correct?

A No.

Q That's a double negative.

A The same records. That's your answer.

Q Okay. Thank you.

And we have a document titled 20230706 SD Geotechnical Investigation, Las Brisas Pacificas.

A Yeah.

Q What is this document?

A I believe that is the GeoTek's report.

Q And you relied on this document in formulating your expert opinions for trial; correct?

A Yes.

Q And what is the next document, 20240523, as-graded report?

A That is another GeoTek's report, whatever is graded after slope repair. During the slope repair operations, they produced us this graded report after the slope was repaired.

Q And you relied, again, on this report to formulate your opinions for trial; correct?

A Yes.

Q Are these the two reports that we discussed earlier that were generated by GeoTek where your criticism was there was there's no cross-section, but no other criticism.

Is that an accurate summary?

A Again, I need to reiterate that GeoTek's report, my criticisms, are for not providing cross-sections. It's just a convenience of the preparation of the report. Nothing to do with the technical things, which is lead me to criticize their report.

Q Okay. But just for sake of clarity for the record, these are the two GeoTek reports that we were discussing earlier; correct?

A Well, I believe they have another report,

initial report dated -- I would say June 22, 2024, and later they provide the July 7, 2024, report, which is supplement of more information and maybe make some corrections of that, you know, misrepresentation in their previous report. And so everything come up with the information provided in their report, which is basically one of the sources of the information that they need to formulate my opinions regarding the concession and of the surficial slope failure and the repair methodology and the repair recommendations provided by GeoTek.

Q Okay. And we have subfolder 8, CV, rate sheet, testimony, W-9, and invoices.

Do you see that?

A Yes.

Q What does subfolder 8 consist of?

A Well, this is per your documentation for production request. You wanted us to provide, you know, fee schedule, my CV, W-9, anything related -- invoice, everything would be put in this folder.

MR. ALEXANDER: Okay. Let's take a five-minute break and we'll come book to this folder.

Okay?

THE WITNESS: Okay.

(Brief recess.)

MR. ALEXANDER: Back on the record.

BY MR. ALEXANDER:

Q Mr. Huang, you understand you're still under oath; correct?

A Yes.

Q Let's look at subfolder 8 and discuss your qualifications and background.

What is your highest level of formal education?

A Ph.D.

Q In what?

A Geotechnical.

Q Does that make you a civil engineer also?

A Yeah.

Q When did you obtain your Ph.D.?

A I got my Ph.D. degree in 1993.

Q Have you practiced as a civil engineer since 1993?

A Yes.

Q When was the first time that you were retained to offer expert opinion on a case?

A In this case?

Q On any case. We're talking about your background.

A Well, I have a list of the expert designations

I was retained. You can pull it up if you want to.

Q And I'm looking at a list depo trial testimony.

A There's another one called List of Lawsuit, Retained as an Expert.

Q Okay. Let's take a look at the first one first. We have a summary table; correct?

A Yeah.

Q It's a one-page document; correct?

A Correct.

Q Does this encompass the list of deposition and trial testimony that you have offered to date?

A That's the best -- best of my recollection. It may be more, but I can't recall it. That's why I put all these together as much as I can.

Q Okay. And the first time we see here that you were retained for deposition was June 1, 2018; correct?

A Yes.

Q And the most recent is today?

A Yes.

Q February 4, 2026; correct?

A Yes.

Q But if this deposition had not gone forward because of the insistence of you being prepaid your fees, today's deposition would have not -- this list

would be inaccurate; correct?

A Well, I would anticipate it's going to move forward, that's why I put it right there. And that would be the part of the -- after this deposition, this case would be -- remain in this list for my future deposition or for other cases.

Q And good thing that Ms. Mann had to Venmo your counsel; correct? You don't need to answer that.

Other than today's deposition, I'm counting one, two, three, four, five instances where you were deposed. Is that an accurate summary of this list of depo and trial testimony?

A Yeah. One of them is a trial.

Q Okay. And you're referring to Goedhart versus Hobbs; correct?

A Yes.

Q So you offered deposition testimony and trial deposition in this matter; correct?

A Yes.

Q So other than today's deposition, you have been in one, two, three, four, five other cases; correct?

A For deposition.

Q Okay. And you have for project name on the first name, "no residence." What does that mean?

A That is the homeowner's name, N-o. As you can see, the legal case Cindy and Devin No.

Q Okay. That is the last name, N-o, got it. I understand.

And on the second matter, Young v Taylor Morrison, you were deposed as a percipient witness; correct?

A Yeah. It is the construction defect case, but I was not retained as an expert. But I was deposed as a percipient witness deposition for that case.

Q Were you involved in the construction of the property involved in that matter?

A Not -- we are helping our client.

Q How were you a percipient witness on this matter? What was the scope of your testimony?

A The scope of testimony, just what we provided for this case, how we did investigation, and so on and so forth. That's it.

Q You did not offer an expert opinion; correct?

A No. It says clearly, "percipient witness."

Q Okay. And how about the second to last, which happened around this time last year, February 6, 2025, Ventura Trust Land versus Nebroski matter? You're also identified as a percipient witness; correct?

A Yes.

Q What was the scope of your testimony as a percipient witness there?

A Is that we were involved in the fire damage case that my client homeowner, Nebroski, was the -- against his insurance carrier. So their loan, that Ventura Trust Land purchased properties and then sued my client Nebroski. And I was deposed for a previous case against the insurance carrier as a percipient witness regarding our evaluation of the site.

Q How about the Goedhart v Hobbs matter? What was that case about?

A That was regarding the flooding in Jurupa Valley that Vicky Goedhart purchased properties. And during the Christmas Eve -- I forgot which years -- that flooding occurred. That damage to her properties due to the R.C. Hobbs Company's construction site nearby that built a 4-foot height fill with a 12-feet high retaining wall that brought drainage to go through the site and causing the flooding to backflow. Even though they provided their drainage devices or the retention bases, still flooding occurred on the Eve of Christmas.

Q Thank you.

I'm having a difficult time understanding the word. Is it frauding? What word are --

A Pardon me?

Q What caused the damage there?
A Well, it's the drainage pipe was backflow into the Goedhart's property causing the flooding.
Q Flooding, are you saying flooding?
A Flooding, f-l-o-o-d, flooding.
Q Okay. Thank you.
A Like, drainage issues.
Q Do any of these cases, other than, of course, the Mann versus Las Brisas Pacificas matter, do any of them -- strike that.
Did any of those cases deal with slope stability?
A No.
Q And we're going to go to the next file which is titled List of Lawsuits Retained as Expert. Do you see that?
A Yeah.
Q This is a slightly different list; correct?
A Yeah, it's basically about the same except there are several cases that I was not deposed. It was settled prior to the -- to my deposition or anything move forward.
Q Okay. And which one of these cases you were not deposed?
A Second one, Villa Del Mar HOA.

Q Okay.

A Let me see, Kraber, this is regarding the landslide case in Northern California. And I was prepared for my deposition, but it was settled before my deposition. And same thing for Lee versus Xi and Huang. We are the defendant expert, but was -- I was never taken my deposition because the case was settled prior to my deposition.

Q And is it the same with Mortenson because that indication did not appear on your deposition list? Were there --

A There was no deposition. There was no deposition.

Q And what was that case about?

A This one is regarding the -- this is Mr. Combs' project that involves with Mortenson Industry Park Association against the State of California, Caltrans, regarding the drainage on the slope from the I-8, that caused flooding of the street on that Mortenson's property. So the same drainage issues, the slope issues that caused the drainage and the flooding damage to the improvement within the association property.

Q And you said this is Mr. Combs' project; correct?

A Yes.
Q What do you mean by that?
A Well, he retained me as an expert for this case.
Q Okay. Mr. Combs is not a party to that action; correct?
A Pardon me?
Q Is Mr. Combs a party to that action?
A No. He's the attorney on behalf of the association.
Q Okay. On how many other occasions has Mr. Combs or, generally, his office, retained you to be an expert on one of their cases other than Mortenson and Mann?
A There's an -- no, there's only two that retained me as an expert so far.
Q And, of course, we have your CV; correct?
A Yes.
Q Is there anything in this CV that you believe needs to be updated or is this your most current?
A It's my most current about two years ago, but I don't have anything that I need to update, per se.
Q Okay. Now, you've been discussing that you have -- you prepared the preliminary report in this matter that is going to become your final report and

your opinions; correct?

A Yes.

Q Where is that found?

A In the O-3, reports, letters.

Q Okay.

A Yeah.

Q Let's go over this document. What -- did you rely on -- strike that.

Where would we identify what you relied on -- what documents you relied on in preparing this report?

A I believe I have a reference list that I included in my report at the end of the report. If you can scroll down, you will see a list of reference -- oh, before that, before that -- yeah, yeah, yeah, right here. So it's basically most of the background information documentation that -- from my geologist for the site geology and all the production provided by Mr. Combs in the report by other folders, basically.

Q And we have Appendix A which is the site photographs taken on May 21, 2025; correct?

A Yes.

Q Are these all the photographs that we saw earlier that you took on the date of your site inspection?

A Yes.

Q Then we have Appendix B, water usage records analysis; correct?
A Yes.
Q Is Appendix B the same water usage summary that was provided to you by Mr. Combs' office?
A Yes.
Q And you relied, again, on this to formulate your opinions in your report; correct?
A Yes.
Q And we have Appendix C, which is the precipitation records analysis; correct?
A Yes.
Q And those are two graphs that were provided to you by Mr. Combs' office; correct?
A Yes.
Q You did not attach any other documents that you relied on in this report; correct?
A No.
Q I would invite you to open this report on your own screen, as well, so we could move through it a little bit quicker. But I would turn your attention specifically to section 1.2.
Well, before we get there, did you personally prepare this report?
A Yes.

Q You typed it out?
A Well, yeah.
Q You write at section 1.2, background information, The owner of the Unit 139, Ms. Mann, alleged that the surficial slope failure was the result of the broken irrigation line on the slope maintained by the association.
Do you see that language?
A Yes.
Q Where did you -- strike that.
How did you come to the understanding that's what Ms. Mann is alleging?
A I believe that is from my review of the plaintiff's complaint.
Q Do you have an understanding that Ms. Mann is also alleging that other factors contributed and caused the slope failure, such as the installation of the French drain, gopher activity at the slope, as well as irrigation and maintenance of the slope?
A Yes.
Q Why did you not reflect those allegations in your report?
A Because this is the main reason that she emphasized several times in the complaint that twice of the broken irrigation line that occurred that she

believes that would be the major contributions to the surficial landslide.

Q Did you review any of the depositions taken to date in this case in preparation for your deposition?

A No.

Q Are you aware that the HOA installed a French drain on the slope in 2019?

A Yes.

Q Are you aware that the HOA refers historically to the west side of the Las Brisas community as the, quote/unquote, gopher habitat?

A It was mentioned in the complaint.

Q So you're aware of that?

A Yeah.

Q Are you critical of how the HOA maintained its gopher infestation at the Las Brisas community?

A I do not know the records maintenance of the gopher abatement by the HOA.

Q What is your conclusions to why the slope failed at 139?

A The slope failure is a result of the prolonged heavy rains that was occurred between 2022 to 2023 that caused -- due to the site soil conditions, that caused saturation and reduced the strength -- shear strength of the surface soil to cause the slope failure. And that

was the verified by the GeoTek's, their subsurface investigation where the contact shows the perched groundwater conditions.

And that was compared to the other area beyond the scope -- I mean, the limit of the slope failure. So that is consistent with my evaluation of the site subsurface soil conditions and geological information provided by my geologist.

Q What standards did you rely on in formulating your opinion that it was -- that rain record of 2022 to 2023 that caused the slope failure?

A The rainfall records, the data which is -- I don't know how many times -- twice, more than the normal range, and there was prolonged heavy rain. And my understanding is that this period of rain, based on the site subsurface conditions, due to the water migrate from the other slope along with the barrel contact down to the slope and the weakened soil strength; therefore, to occur to the surficial slope failure.

Q How much rain was introduced on the slope that caused this slope failure, according to your opinion?

A GeoTek says it's almost, you know, 170, 180 percent normal -- higher than above the normal.

Q I'm not asking what GeoTek is concluding. I'm asking what your conclusion is with the amount of rain

that was introduced on the slope that, in your opinion, caused the slope failure?

A The amount of rain has been shown in the chart that shows the period. That is the amount of rain contributed to the slope failure.

Q What chart are you referring to?

A Precipitation data.

MR. ALEXANDER: And we have somebody who just joined us.

MR. CASSIDY: Scott Cassidy.

MR. COMBS: Scott Cassidy is the board president for Las Brisas.

MR. ALEXANDER: Thank you.

MR. CASSIDY: Thank you.

BY MR. ALEXANDER:

Q And, Mr. Huang --

MR. COMBS: Please mute yourself, Mr. Cassidy. Sorry, Vasko.

BY MR. ALEXANDER:

Q Mr. Huang, when you say the precipitation data, are you referring to Appendix C to your report?

A Yes.

Q But, again, this was prepared by Mr. Combs' office; correct?

A Yes.

Q So you have not independently verified whether this data is correct, isn't that true?

A I did. I actually go to the NOCC website and trying to locate the nearest stations. I believe in my job file, there's a spreadsheet that shows very similar rainfall records that was occurred between 2022 and 2023.

Q Where in your job file is that located?

A It should be in the analysis folder.

Q I'm sorry, what did you say?

A Yeah, this one -- that folder, 04.

Q Okay. And where in here do I --

A Precipitation records.

Q Okay. Now what?

A You can see the first one. Yeah, you can see this one, I pulled it out, and that is in San Marcos. There is the location of the data starting from 2022 to 2023. That shows -- pretty much, you can see the rainfall that's colored showing how much record was recorded on this station.

Q But you testified earlier that you did not select the date range for this?

A Well, this one, I select, but not for those two charts. As I told you, those were provided by Mr. Combs' office. And I have no control as to what is

the range that they are going to provide to me.

Q So Mr. Combs' office provided the date range for the precipitation records for you to review; correct?

A Yes.

Q So when you pulled this report, the date range you relied on is the one that Mr. Combs provided you; correct?

A No, this is -- I select. When I do my own evaluation of the records, I say, let's try to use the same period to see how much difference that we can see. And that data, pretty much consistent.

Q Are there any data points in Mr. Combs' summary that are inconsistent with that record?

A No.

Q Are there any other records that you relied on -- any other rain records that you relied on in preparing your preliminary report, which is going to be your final report?

A No.

Q Why did you not include the rain records in your report that we just looked at?

A This is are the one they provided to me and I included it.

Q So the only rain record that you are relying

on your report is actually the summary of the rain records that Mr. Combs provided you; correct?

A It's not a summary, per se. It's the actual data plotted in the graphical form to present actual data recorded by these two stations. It's not a summary.

Q Are you telling me that Appendix C to your report is not a summary of the data prepared by Mr. Combs' office?

A What I'm telling you is that these two charts is the result of the plot data based on the available data recorded by these two stations. And that was prepared by Mr. Combs' assistant and provided it to me for my evaluation about the rainfall, as you can see the difference or there's any a difference in these two stations. They are pretty much the same pattern in the same period.

Q Is Mr. Combs' assistant, to your knowledge, a civil engineer?

A I don't know.

Q Is Mr. Combs' assistant, to your knowledge, a geotechnical engineer?

A I don't know.

Q Is Mr. Combs' assistant, to your knowledge, a meteorologist?

A I don't know. But I can tell you to do these things, produce a chart, it's just, they presented to do. Anybody can do it. As long as you can download the data, you can plot it. Everybody can do it if you have some experience in office work using the spreadsheet and produce the chart. There is no need for technical background to understand how to produce this chart. It's just a graphical format, okay?

Q Let's go to section -- well, we're still on section 1.2 of your report. And we here have, at page 5 of 50, a map. Do you see that?

A Yeah.

Q And there's a note that says "site." Do you see that?

A Yeah.

Q Who prepared this note?

A It's just the site, my drafting person asking to put the site vicinity to map for the preparation of my report.

Q So you did not prepare this chart either; correct?

A No.

Q Is that correct?

A That's correct.

Q Okay. How about the next page, figure 2? It

appears to be an aerial view of the community. Do you see that?

A Yes.

Q And, again, we have a note saying "site." Did you prepare that note?

A As I told you, it's my drafting person. I told him where is the site, to point it out to that Unit 139 and put it on this one as the aerial view map to -- for better illustration of the site. I did not personally prepare this figure. It's my drafting person prepared in assisting me to prepare -- put together in the report as figure 1 and 2.

Q Okay. So earlier, you testified that you prepared this report by yourself; correct?

MR. COMBS: Objection. Misstates his testimony.

THE WITNESS: I -- yes, I prepare myself, this report. But I'm not necessary to prepare this figure 1 and 2 because I have the drafting person. He can put together, based on my instruction, to tell him how to prepare figure 1 and 2.

BY MR. ALEXANDER:

Q And who was the drafting person on this case?

A He's called Manny Simbulan.

Q Manny what? I'm sorry.

A I don't know how to spell his last name. It's

Manuel. We call him Manny, M-a-n-n-y.

Q You don't know your assistant's last name?

A I do, but I need to, you know, look around there to tell -- do you need his last name?

Q Yes, please.

A Let me see, hold on. Let's see, his last name is spelled S-i-m-b-u-l-a-n. We call Manuel, M-a-n-u-e-l. We call last name Simbulan.

Q Okay. Thank you. I have his last name now.

On page 4 of your report, you wrote this; correct?

A Yes.

Q The Las Brisas Pacificas, Inc., the association, alleged that the surficial slope failure that occurred on or around April 27, 2023, was the result of prolonged heavy rain events that produced above normal, more than 20 inches, precipitation in the rainy season from 2022 to 2023.

Do you see that language?

A Yes.

Q What document did you rely on in order to make that conclusion?

A From the information provided by Mr. Combs in the -- on the cross-complainant's complaints.

Q So Mr. Combs informed you that this was the

HOA's allegation; correct?

A Well, Mr. Combs just send that the HOA is the defendant and was sued by the plaintiff in this case regarding the surficial slope failure.

Q Where does the association take that 20-inch number from?

A That was the information provided by Mr. Combs.

Q How was that information provided to you?

A I believe in email or something in that form.

Q Okay. Let's go to your email folder, and tell me which one of these emails --

A I don't know which one. You have to open up every single one and go through.

Q Is it fair to say that if none of these provide the information you just testified to, that Mr. Combs did not provide you the information via email?

A Can you say that again?

Q Is it fair to say that if none of these emails in subfolder 5 provide the information we just discussed relating to the 20-inch rainfall?

A I don't know it was included in this group of emails or not. But I believe the information was -- was given to me in whatever the form of the information, either in the production documents or in the email,

whatsoever. It was background documentation that I relied on.

Q So you have a document that you're prepared to offer at trial that provides there was a 20-inch rain precipitation in 2022 to 2023 that the HOA relied on in drawing this conclusion, that that's what caused the slope failure; is that correct?

A Yeah.

Q Where is that document?

A As I told you, those are information provided.

Q Well, it's your job file and I'm entitled to know where exactly that document is.

A Well, I have to take a look again. I mean, provide it to you to know where this information is coming from.

Q Off the record when we take a lunch break, I want you to identify that document.

Okay?

A All right.

Q We're going to continue.

You testified that you have not read any of the deposition transcripts for this case that have taken place to date; correct?

A Correct.

Q Would your opinion change if you were to find

out that the HOA's PMQ in this matter testified that the HOA made the determination that it was excessive rain precipitation that caused the slope failure and it was based off of GeoTek's preliminary report?

A So what's your question?

Q Would that change your analysis or any of your opinions in this matter?

A No, my conclusions still remain the same. It's caused by the prolonged heavy rain and the site soil conditions as the contact, very shallow, that allows water to migrate downwards and saturate the soil, causing the slope failure.

Q And you have not conducted any destructive testing to make that determination; correct?

MR. COMBS: Objection. Asked and answered.

MR. ALEXANDER: You may answer.

THE WITNESS: I did not any destructive testing.

BY MR. ALEXANDER:

Q Nor did you ask for destructive testing; correct?

A As I told you, there's no need to do the subsurface -- destructive testing.

Q And that's because you're relying on the GeoTek report; correct?

A Not only GeoTek report -- not only GeoTek

report, but also all the information gathered, provided, that formulate my opinion. I'm not just solely relying on GeoTek's report.

Q Okay. We're going to go to section 2.1 of your report, the French drain installation, and I'll focus your attention to the following language. The previous owner built a temporary retaining wall -- strike that. Let's start from the beginning.

In 2019, the previous unit owner encountered a very wet back wall, and water was soaking through the back retaining wall. Mud was heavily spilled over the wall. The previous owner built a temporary retaining wall with bricks to try and capture the mud from the slope. Paint was peeling off the wall as it was so wet.

Do you see that paragraph?

A Yes.

Q How did you obtain the information with respect to the first sentence?

A I believe it's from the plaintiff's complaint or the email or the production documents that talk about all these back drain things. And there's photos that are provided with the brief -- which, I believe, is mentioned, extract from Ms. Mann's email to the HOA.

Q But you're speculating. You're --

A I'm not speculating. I'm sorry, I'm not

speculation. I'm reviewing the data and information provided, and I just reiterate it in my report.

Q Okay. You state that mud was heavily spilled over the wall; correct?

A That was stated in the complaint.

Q And the previous owner built a temporary retaining wall with bricks to try and capture the mud from the slope.

You wrote that; correct?

A That's also reiterate the information that I gather from the complaint or other documentation I reviewed. It is not my word. I just repeated the information presented here as background information.

Q Show me where there's a statement that the previous owner built a temporary retaining wall with bricks to try and capture the mud from the slope.

A It's got to be somewhere in the plaintiff's complaint or other emails, you know, in the production that I reviewed and I put there together. I can't find it for you. I mean, there's so many documentations. I have to go through, going to spend hours to try to get all this information.

Q So as you sit here right, you don't know where this information is coming from; correct?

A I know where it's coming from. It's coming

from whatever information from the complaint, from the email, from the -- there was, like, mandatory settlement or something and they talk about the detail from Ms. Mann's attorney and other things produced by Mr. Combs. All these things coming together as one piece of information that talk about all these things. I just reiterate, put it in as the background in my report.

I'm not speculating anything regarding this French drain. That's information provided to me.

Q Are your opinions based on the factual background that you relied on in your report?

A Yes.

Q And if that factual background is, in fact, incorrect, would that also mean that your opinions are incorrect?

A What do you mean "incorrect"?

Q If the factual background that you have alleged in this report is not accurate, if the statements are not consistent with the record, would that affect your opinions in any way?

MR. COMBS: Objection. Vague and ambiguous.

MR. ALEXANDER: You may answer.

THE WITNESS: As I told you, all this information in the background documentation review are based on my

review of the background information. I basically review it and I put in my report just to reiterate the background information. So when I review my report, I will get the information to be -- better understand what was done during the 2019 the French drain installation. That's about it.

BY MR. ALEXANDER:

Q Are you relying on anybody else's summaries of the allegations and the factual background in formulating your background understanding for this matter?

A Whatever was described, information or actual background that included in the plaintiff's complaint and the cross-defendant -- I mean cross-complainant provided on behalf of HOA, are those information I reviewed. In addition to that, I also reviewed all the documentations provided to me by Mr. Combs' office that is included the mandatory settlements, you know, meetings or something, emails, photos, and the like.

All the information basically is -- I just reiterate those factual information in my report.

Q Did you review the HOA's document production in this case?

A I don't think I reviewed HOA production. But whatever produced by HOA, which is Mr. Combs believes I

need to know, he put into that -- all the documentation sent to me, I deposit in that report by other's folder in my job file submittal.

Q Let's go to the next paragraph. The association hired its landscaping contractor, Green Horizons Landscaping & Maintenance, Inc., Green Horizons, to mitigate the reported drainage issues.

What reported drainage issues are you referring to?

A That's the first paragraph talking about.

Q In 2019; correct?

A Yes.

Q And you write, Our review of the proposal and contract by Green Horizons dated January 29, 2019, revealed that Green Horizons's proposal, quote, for French drain behind retaining wall at space 139. Alternate provided to cut small section of concrete to tie into existing drains, end quote. You continue, The scope of work for Green Horizons' proposal included material for installation of plus or minus 75 feet of French drain, perforated pipe wrapped with filter sock and covered with 1-inch of crushed rock. Depth of drain to be plus or minus 3 feet. Soil removed to be stockpiled on-site, protected, reinstall what is needed to grade, and haul off the rest.

Do you see that language?

A Yes.

Q Is it your understanding that it was Green Horizons who installed the French drain at issue in this case?

A Well, as contract says.

Q That's not my question.

A I believe it is the Green Horizons installed the French drain.

Q Do you have an understanding of whether or not Green Horizons is a licensed civil engineer?

A I don't know.

Q Do you have an understanding of whether or not Green Horizons is a geotechnical engineer?

A No.

Q Do you have an understanding as to who Green Horizons is?

A Well, it says here landscape contractor.

Q Well, how did you come to understand that Green Horizons is a landscape contractor?

A That it says, Green Horizons Landscaping & Maintenance, Inc. That's the HOA's landscaping contractor, the first sentence in this paragraph.

Q And how did you come to the understanding that Green Horizons is the association's landscape

contractor?

A It's the same thing. I review all the background information, complaints, cross-complainant's complaint, and the documentation provided. That is included in the Bates stamp number I provided. That is the contract provided by Green Horizons.

Q Okay. Now, as a civil engineer, are you prepared to offer an opinion as to what causes slope destabilization?

A I already answered your question. Because of the -- due to the prolonged heavy rain. It saturated the soil.

Q That's not my question, though. And I appreciate that.

But my question is: As a civil engineer, are you prepared to offer opinion as to what could cause, in general, slope failure destabilization?

A Yes.

Q Other than rain, what else can cause, generally, slope destabilization?

A So many factors.

Q Okay. Give me three.

A For example, did excavation or something that caused the destabilization of the resistant force, causing the slope failure. Or they did something or

they add water on top or adding more structures or building or retraining wall on top of a slope, that the slope cannot -- it cannot -- causing the driving force to increase that caused the slope failure. There are so many things that is in between that could cause, you know, failure.

Also, mud flow, mudslide, landslide. All kind of things could contribute to the slope failure.

Q Can insufficient ground cover contribute to slope destabilization?

A Yeah, one cause -- factors is because the slope was not covered by the vegetation. When it rains, it could disintegrate easily than compared to the other area, which is full of vegetation.

Q Let's go back to the gopher question. Would gopher holes destabilize a slope?

A Could be. It depends how frequent the gopher holes was present in the slope and how the slope was maintained or abated for the gopher activities. It could be one of the possible contributing factors, but not for this case.

Q How large is the slope at 139?

A How large?

Q Yeah. How would you describe slope 139? What is the degree of incline? What kind of soil? How many

cubic feet of dirt are there?

MR. COMBS: Objection. Compound.

Ask your question one at a time, please, Counsel.

BY MR. ALEXANDER:

Q Do you understand the question as a civil engineer, Mr. Huang?

A Yes.

Q Then please provide me with an answer.

A It's not how large. It's how high is the slope based on the elevations. In --

(Crosstalk.)

Q How high is --

(Crosstalk.)

Q How high is the slope?

A About 25 feet.

THE COURT REPORTER: You guys need to talk one at a time.

MR. COMBS: Counsel, you are continuing to interrupt the witness, despite your admonishment to him to not interrupt you. So if you have an objection, lodge your objection; otherwise, let him talk.

MR. ALEXANDER: The objections are in your corner, Mr. Combs.

/ / /

BY MR. ALEXANDER:

Q Mr. Huang, you understood my question and I believe you testified it's 25 feet; correct?

A Something on that order, yes.

Q Well, is there room for error in your opinion?

A Well, it was described in the soil tech's report.

Q When you went on the site investigation on May 21, 2025, did you personally take a measurement of how high the slope is?

A No, I don't need to do that.

Q Why not?

A Because I have the information.

Q Okay. So how high is the slope?

A The slope is from elevation 515 to elevation of 494. That's roughly 25 feet plus/minus, and it was two-to-one slope, horizontal to vertical.

Q And what does that mean, two-to-one slope?

A Two-to-one slope means if you use the tech's measure of horizontally, you touch to the slope surface, okay, and say you measure 10 feet, all right, in distance. Where you stand, measure the -- horizontally to touch the slope surface, then you make a vertical, go down, to touch the slope surface, say, 5 feet, then the ten-to-five is two-to-one. So that tells you the slope

inclination ratio is roughly about two-to-one slope.

Q Is that a very complex task to do?

A No.

Q But you did not perform it when you were on the slope; correct?

A No.

Q You relied on GeoTek in its findings; correct?

A I have a topo and their report. I have their information and I -- you know, they review the original background grading plans. All the information provided is the fact that I don't need to feel to verify whether the slope was built two to one or not.

Q In other words, you did not verify whether GeoTek's findings as to the slope gradings are accurate; correct?

MR. COMBS: Objection. Mischaracterizes his testimony. He just said he checked the topography maps.

MR. ALEXANDER: Mr. Combs, you're not testifying. That's a speaking objection.

BY MR. ALEXANDER:

Q And the topography maps were attached to GeoTek's report; correct?

A They described in their tech's report in the report.

Q And GeoTek used those maps for its own

conclusions; correct?

A Well, based on their review, they come to their conclusion that is the site slope. It was graded as two-to-one slope roughly about 25 feet, plus/minus.

Q From a civil engineering perspective, does that grading of two to one have any significance to you?

A Well, that's the current Code. Also, the older slope should be built no steeper than two-to-one slope. Previously in earlier, you know, it was allowed to build one and a half to one. But I believe current Code would require the two-to-one slope as maximum slope inclination. Unless there's a site specific that needs to be -- have spatial variations and there may be granted by the governing agency at the time of the construction or the investigation or the grading project.

Q And what was the time of the grading project -- strike that.

In what year was slope 139 originally graded?

A It was -- I think it was in my report and you have to go through the background information for the --

Q Well, I'm asking you. It's your report. You're sitting here now. When was that this slope graded originally?

A Some point in 1987, in that timeframe. But

like I say, there's a big report. There's lots of information included there. You cannot ask me with, you know, questions that without me to look into those information to give you the answers. I'm not a mind reader. I'm not the guy who can remember everything, okay? I do know when I review the job file and to prepare my deposition, I do know they're somewhere in timeframe. That's it.

I can give you approximate timeframe. I can't give you exact what's going on there. I have to refer to whatever I says in my report to tell you the correct answer.

Do you understand that?

Q So go ahead and refer to your report and let me know when the original -- the slope was graded in the original condition prior to French drain installation.

A Okay. Let's see, background information, if you can scroll into the background information, it's got to be -- okay. In section 2.4, limited GeoTek investigation by GeoTek, there are two reports I refer to, okay? So GeoTek conduct research -- on page 7, third paragraph, it says that GeoTek conducted research and assessment of the site development in they revealed that the Las Brisas Pacificas, Inc., residential community was originally rough graded in 1987.

Do you see that? And that's my recollection to tell you about 1987. So my memory serves me correctly.

Q Did you independently verify what GeoTek's findings were with respect to when the development where this slope was originally graded in 1987?

A Well, I did an online Google search. I know when the house was built. I don't have background grading plans that was reviewed by GeoTek.

Q Did you request?

A Well --

Q Let me finish my question, sir.

Did you request to Mr. Combs authority to pull those original grading plans from the city of San Marcos?

A I believe I requested it, but there's no information that he can obtain.

Q So you were not given permission to pull the original as-graded plans for the landscaping Las Brisas community and slope 139; is that accurate?

A As I told you, GeoTek provide those information. There's no need for me to verify, go over again, spend money for no reason to verify yes, the site was graded in 1987. What is the purpose for doing that? It's totally waste of time. You've got to rely on the

information, technical data information revealed by GeoTek.

Q Okay. So again --

A They are the professional. You keep asking me whether those guys are civil guys or the GeoTek guys or not. GeoTek is a geotechnical firm. They have sufficient background to how to review the grading plan verifications of the site before they do their investigation.

Q And, again, that's why you relied on them; correct?

A Of course.

Q And that's why you're relying on their reports and finding your own conclusions in this case; correct?

A Well, that's part of my evaluation. I'm not solely rely on their information. I gather all the information that are provided to me to formulate my opinions. And that is more than what they are, you know, anybody says.

Q Now, you testified earlier that the two-to-one slope incline is currently the steepest that is allowed per Code, unless there's some variations; correct?

A Well, like I say, current Code asking for no later than -- no steeper than two-to-one slope period.

Q What does the Code call for -- or what

restrictions in the Code provide for with respect to slope incline in 1987?

A I believe it's about the same, two to one.

Q What Code section provides for that?

A I don't know. I have to look into that.

Q You don't know what Code section provides for that?

A It's not in my memory here. I have to look into the Code to tell you.

Q What version of the Code applied to the slope at 139 when it was graded in 1987?

A '87.

Q It was the '87 Code?

A No, I don't think there's '87. The Code change every three years.

Q So what version of the Code was it? What year?

A Well, either prior to 1987 or 1985 or 1988. It will be after, so 1985 Code, most likely.

Q You're speculating, aren't you?

A I'm not speculating. I told you the Code was updated every three years.

Q So my specific question is: What version of the Code applied to the grading at slope 139 when it was graded in 1987?

MR. COMBS: Objection. Asked and answered.

MR. ALEXANDER: He has not answered it. He's speculating.

THE WITNESS: I'm not speculating. Whatever the Code.

(Crosstalk.)

THE WITNESS: Listen, don't interrupt me. What I'm saying is, when the grading plan says it was dated, say, 1987, they were Code for that applicable Code in their grading print. So if there's a grading print, whatever the Code, current, prior to the grading print preparation. That is the Code applicable to this project.

BY MR. ALEXANDER:

Q But you don't know what version of the Code was applicable to this project, do you, Mr. Huang?

A I told you. I need to look into that to see what would be the Code prior to 1987 and tell you the Code year of that Code.

Q Move to strike as nonresponsive. I'm going to ask my question again and I expect an answer or you can tell me you don't know.

What version of the Building Code applied to the slope at 139 when it was graded in 1987?

A I don't know.

Q Okay. What section of that Code would apply with respect to how the slope is to be graded?

A I don't know.

Q Okay. Let's go to current time. What section of the current Code applies to slope grading?

A Current Code is 2025.

Q And what section of the current Code applies to slope grading?

A I don't know.

Q From a civil engineer perspective, does changing the as-graded slope condition affect slope stability?

A What do you mean?

Q Well, earlier, you testified that excavations in the slope can affect slope stability, adding water to the slope could affect slope stability, mud flow could affect slope stability, growth cover could affect slope stability, as well as gopher holes; correct?

A Yes.

Q Well, let's take the first one. How can excavations affect slope stability?

A Well, if a slope was built as-is and you cut into the slope on the lower property and try to create a retaining wall, for example, and that will reduce the stability of the as-built slope. And that may cause the

slope failure, but it depends on lots of factors, again, that, you know, how was the cut designed and implemented by the professional engineer provided the recommendation during construction to prevent a possible slope failure in order to prepare construct the retaining wall at the toe of the slope.

Q So is it your opinion that before you cut into the toe of the slope, you would need to consult an engineer to do that work?

A Well, it depends on how high the retaining wall you're doing. If you're going to construct a 10-feet high retaining wall, of course, you need to hire the GeoTek to do an investigation to determine how high the retaining wall can be utilized or what kind of foundation need to be supported. In this case, this would be implemented before you can do actual construction. And you need to submit the report to the City to pull the permit before you can do the construction.

Q How about cutting into the slope, which was my question? You answered, I think, your own question with respect to retaining wall, which I did not ask.

But my question is: Before you cut into the toe of the slope, is it your professional opinion that you need to consult an engineer before cutting into the

toe of the slope?

A Oh, I would recommend to consult with GeoTek to better understand whether the proposed or intention to cut into the slope would be suitable without causing potential slope failure.

Q Why is that important from a civil engineer perspective?

A For everybody it's important. It depends on slope height, exposed ratios, how steep is the slope, what are you doing for the slope to cut into the slope? If you just cut it very small, put something, you know, a foot height, a garden wall, there's no need to consult GeoTek, okay? Your question is too vague.

Q What about a slope that is a two-to-one elevation slope? If you were to cut into the toe of that slope, what would be your recommendation? Still consult a civil engineer?

A How high is the slope you're going to cut into the slope?

Q Well, let's take this slope specifically at 139. My question stands.

A Well, yeah. So there's an existing retaining wall roughly about 5-feet high that was cut and build a retaining wall. According to GeoTek, they're saying that the original grading print does not show a

retaining wall, meaning that either the builder or the previous owner, they cut into the slope and build a retaining wall, okay? I don't know whether there was consult by the GeoTek or not. But there was cutting into the slope.

Q Okay. Are you critical of that cut without a consultation, assuming there was no consultation of a geotechnical or a civil engineer?

MR. COMBS: Objection. Incomplete hypothetical.

THE WITNESS: Are you talking about existing retaining wall or no?

MR. ALEXANDER: Yeah, existing one.

THE WITNESS: I don't know who built that existing one.

BY MR. ALEXANDER:

Q Okay. Well, your report states -- and we're going to go back to it -- at 2.1, I'm sorry, 1.2. I'm dyslexic a little bit.

MR. COMBS: Counsel, one minute. I need to reboot my computer.

MR. ALEXANDER: That's okay. I have a pending question.

MR. COMBS: Yeah, he can answer the question and then I'll need to reboot on my dollar.

/ / /

BY MR. ALEXANDER:

Q Actually, I was not being dyslexic. I apologize. It's 2.1. You write that the previous owner built a temporary retaining wall with bricks to try and capture the mud from the slope. We went over that testimony already.

Do you know if the retaining wall was actually installed with the recommendation of a civil engineer?

A I don't know.

Q And then you go on to provide that Green Horizons installed the French drain; correct?

A Yes.

Q How would Green Horizons install a French drain at the slope?

A How?

Q Yes.

A All I can see is the photos that was discussed -- extract from Ms. Mann's email to HOA talk about based on the -- her understanding of the information provided by previous owner that discussed several items, one, two -- I mean, the events that when in March 2024, something like that, 2019, was French drain slope was opened behind the retaining wall and the French drain was installed. It shows several photos.

But all I can see in the photo is excavation

behind the retaining wall and the pipe was laid down into the trench, bottom of the trench. That's all I can see from those email or whatever information provided. But Green Horizons' proposal contract says very clearly, there was ready-to-pipe wrapped by the geofabric with the 1-inch crushed rock drains to discharge any collected water into suitable disposal areas.

Q Is there any reference that a civil engineer was consulted by the HOA prior to the installation of the French drain?

A I don't know. I don't think by installing installation of the French drain, you know, it would be required to -- a GeoTek engineer to provide a recommendation for the French drain.

Q Why is that?

A Huh?

Q Why is --

A Because the landscape issues, due to the drainage, water coming down from slope caused, you know, the overflow. Or they need to just improve the drainage and to buy suitable system to direct water -- collect water from surface and discharge to the suitable areas.

Q How --

MR. COMBS: Counsel, I'm sorry, before you go on, I need to reboot. Give me 6 minutes. You guys can stay

on. $54 credit coming from me. I need to reboot. I'm sorry.

MR. ALEXANDER: Go ahead. Let's take a five-minute break.

MR. COMBS: Thank you.

(Brief recess.)

MR. ALEXANDER: Let's go back on the record.

BY MR. ALEXANDER:

Q Mr. Huang, you understand you're still under oath; correct?

A Yes.

Q You were offering the testimony that excavation in the toe of the slope could destabilize the slope; correct?

A Depends on how high is the excavation.

Q What do you mean by that?

A Well, if you cut 10 feet into the slope, there could destabilize the slope. If you cut only 1 foot, I don't think there would be cause to destabilize the slope.

Q At what depth was the French drain installed by Green Horizons in 2019?

A According to the contract, it says 3 feet.

Q Are you relying on any other documentation, other than this referenced contract, to make the

determination as to how deep the French drain was installed by Green Horizons?

A There was excavation photos with the pipe laid down in the trench that I could estimate pretty much the same depth as discussed -- presented in the Green Horizons' contract is 3 feet.

Q And how wide was the trench that was excavated by Green Horizons to install the French drains?

A Probably about 12-inch to 8-inch wide, very small trenches. You can see from the photos.

Q That's an estimate; correct?

A Yes.

Q You have not measured it; correct?

A I was not there in 2019. How am I going to measure? Are you crazy?

Q What kind of pipe was used for the French drain?

A I saw it's a white drainage pipe.

Q Was it solid or perforated?

A If it's perforated, it's got to be face down. But because pipe already laid down to the bottom or I can see there was a drainage pipe installed at the bottom. That's it.

Q Did you say if it is perforated?

A I mean, according to Green Horizons, the

contract, they say the French drain is perforated pipe; right? You read back that sentence, okay? But the photos, what I can see with the excavation and the lay-down of the drainage pipe, I don't see perforation hole at -- you know, in that photo. Because the correct installation of the perforation pipe is for the perforation hole facing down, okay? But the pipe has been already installed in the trench.

I cannot verify whether the pipe is a solid pipe or perforated pipe. But according to Green Horizons, they are supposed to install the perforated pipe.

Q In your opinion as a civil engineer, what is the difference between a perforated pipe and non-perforated pipe with respect to a French drain?

A Well, perforated pipe allows the potential of perched groundwater migration up from the bottom to go into the perforated -- into the pipe through the perforation hole and to carry the water to discharge to the suitable drainage area. That is what a typical French drain, the purpose. If you have shallow groundwater in the ground that you require to mitigate the shallow perched groundwater conditions, and one of these -- our recommendation would be to install the trench drain or French drain, whatever you call it.

And with the perforation pipe and to rev it up with the geofabric and the crushed rock to direct the water to intercept any potential shallow perched groundwater from the bottom to go into the perforated pipe and carry over to the dischargeable drainage facilities.

Q So let's break that down a little bit. It's my understanding, based off what you just testified, that the purpose of the French drain is to take existing perched groundwater and carry it away from the slope to an outlet for water management; correct?

A Well, let me make it clear. The French drainage, when you lay down into the trench, then if any perched groundwater present or seep in the area where the French drain was installed, those perched groundwater can be -- goes into the pipe through the perforation holes. And those water by a slope -- pipe, gradiant, can direct the water toward whatever designated or the suitable discharge drainage facility to carry out.

So that you can eliminate groundwater -- perched groundwater or whatever groundwater -- permanent groundwater elevations to be risen up above the French drain, causing the backyard damage or drainage issues. Because you installed a trench drain/French drain that

can limit whatever the depth that you designed are for a French drain to collect the potential perched groundwater below ground to carry away from the site. That's the purpose.

You don't want to have the water come to the surface and cause the damage to the backyard.

Q Would that water, if it came to the surface, destabilize the slope?

A Say it again?

Q If the French drain was not taking water away but the water was allowed to come to the surface, would that destabilize the slope?

A Are you talking about the current 2019 French drain behind the wall?

Q No, no, I'm talking in general.

A No.

Q If a French drain that is installed, with intention of carrying water away; correct? That's the purpose of a French drain is to carry existing water away from the slope; correct?

A Well, you're talking about two different things. The way I'm describing to you is the general purpose to install the French drain to mitigate shallow groundwater or perched groundwater conditions in the yard area or even in the slope area, that allows water

to be intercepted by the French drain through the perforated hole by the drainage gradiant to keep water away from the site, okay?

So your question is that if this --

Q Well, let me stop you there. So the purpose of the French drain, we could agree, whether it's the French drain at 139 or in general, is to take water away from the site; correct?

A Well, it's not really take the water away from the site, but it's for the purpose to intercept the perch shallow groundwater below the pipe. When this groundwater rises up, it would be able to go into the pipe through the hole to carry over away from the site. That's the purpose. It doesn't mean you --

Q What is the benefit of carrying water away from the slope?

A What is the benefit of the -- what?

Q What is the benefit of that system carrying water away from the slope?

A If you have a retaining wall, you don't want to have a perched groundwater condition build up behind a wall to cause hydrostatic pressure to cause the retaining wall failure.

Q Does that also cause slope failure?

A Not really. It's basically just, you know,

the retaining wall, it was designed properly. It may have come for the hydrostatic buildup. But it would be -- the practical thing is to prevent hydrostatic buildup so that you can recommend for the French drain to be installed behind the retaining wall. Particularly for this case, where the bedrock of contact is very shallow, about 3 to 5 feet, so install the French drain with perforated hole facing down. When the groundwater migrate down from other --

THE COURT REPORTER: You've got to slow down. Sorry, I'm just not getting this.

Okay. So you said "barrel of contact"?

THE WITNESS: Where the bedrock of contact, bedrock.

THE COURT REPORTER: Okay. Please slow down. I'm having a very, very difficult time understanding you. Thank you.

THE WITNESS: The bedrock contact is very shallow, about 3 to 5 feet below the slope surface. So by installation of the French drain to depth of about 3 feet below the toe of the slope surface, it would be able to intercept any groundwater migrate down through the bedrock contact to carry the water away from the -- behind the retaining wall to prevent possible hydrostatic buildup behind the wall and further causing

the additional level of force to push the wall to cause the wall failure.

BY MR. ALEXANDER:

Q What about surface water? How is that handled?

A Well, these French drain has the drainage grate or drainage inlet or you call the entry grate that was installed at the distance that was the vertical pipe tied into this French drain.

Q So in other words, this French drain was getting surface water introduced into it; correct?

A Well, both. It's surface and it's subsurface water. Now, keep in mind, water on the slope surface from the upper slope, it doesn't mean it just flow like it should flow, goes down to the toe of the slope. But rather, most of the water on the upper slope is going to migrate vertically down into the slope where it reach to the bedrock contact and migrate from other slope down to the bottom slope, okay?

That is the purpose to install the French drain behind this retaining wall to intercept both surface and perched groundwater condition below the ground surface.

Q How did you come to the conclusion that the purpose behind the 2019 installation of the French drain

at slope 139 was to capture the perched groundwater condition that you just described?

A That was based on my evaluation of the site geology, as I told you earlier today, and plus the review of the GeoTek's findings with their subsurface explorations identified perched groundwater conditions within the landslide failure area at the contact, you know, between the failure and the bedrock. That allows the water to migrate down during the prolonged heavy rain coming down into toward the toe of the slope behind the retaining wall.

So if you only install the solid pipe behind this retaining wall, there's no way to intercept subsurface groundwater, particularly for this site condition; okay? Of course, there was the retaining wall back drain with -- or you could -- at the distance at the base of the retaining wall that also serves at the drainage outlet. It allows any perched groundwater condition can migrate down to the bottom of the retaining wall and to discharge to the backyard of the plaintiff's backyard.

Q So the -- and thank you for that. I appreciate that explanation.

Is it fair to say -- again, this is a summary of your testimony, but just for frame of reference --

the purpose of the French drain is to take water away from the slope, whether it came in from the surface or down from the bedrock; correct?

A Well, the main purpose is to mitigate perched groundwater conditions, not to rise up to cause, you know, further damage to the site improvements.

Q Okay.

A But when the water goes into the pipe, it's going to be carried away from the site.

Q That's the intention; correct?

A Well, yeah.

Q Okay. So when --

A But it depends on the depth of the French drain you are going to use, okay? For example, in this case, about 3 feet. But for other cases if you have shallow groundwater and you want to eliminate all the perched groundwater condition below 5 feet, so your French drain maybe need to be excavated down at least 5 feet below grade before you can intercept any perched groundwater to that depth to carry it away from the site.

Q But it's your opinion that the perched groundwater at Lot 139 is at roughly 3 feet because that's where the bedrock is; correct?

A Yeah, roughly.

Q Okay. And you just described a potential where if the system is not operating, it could raise the perched groundwater; correct?

A You're saying the clogging of the French drainpipe?

Q No. My question is a little broader than that. If the system you just described, which is designed to take any water away from the slope which includes perched groundwater and surface water, if that system is not taking the water away, we could end up with a water level that is rising; correct?

A Under your assumption, yeah, possible groundwater may rise up.

Q And is that introduction of water one of the items that we discussed earlier where you could have slope destabilization? You identified that excavation is one, and your second was water.

Is that the type of water you're discussing or is it more general than that?

A No, it is nothing relating. The French drain installation in 2019, nothing to do with the surficial slope failure that occurred. Nothing to --

Q Well, let me stop you right there. I'm going to interrupt you because that was not my question.

My question was: If you have the introduction

of water -- you know what, maybe I'll specify my question. If you have the introduction of water as a result of the French drain system that you described not performing as intended, which is to take water away, would that water be added to the slope?

A The water would be added behind the retaining wall. That's it.

Q And what is the location that you're describing behind the retaining wall?

A Wherever the French drain is located.

Q Is that at the bottom of the slope, Mr. Huang?

A The French drain is about 3 feet below the surface of the toe of the slope.

Q Okay. And earlier, you testified that the introduction of water to a slope could destabilize the slope; correct?

A Your question is too general. I need to narrow down to the specific.

What are you talking about?

Q Well, if you introduce water to the toe of the slope, would that destabilize the slope?

MR. COMBS: Objection. Incomplete hypothetical. Vague and ambiguous.

THE WITNESS: It may or may not. It is not an absolute connection.

BY MR. ALEXANDER:

Q So at best, we don't know; correct?

A Well, we know for this case, it's nothing to do with the French drain installation that caused slope failure.

Q Well, let me ask you point-blank, then: What do you base your opinion on that the French drain was not a contributing factor to the slope failure?

A Because the French drain has been installed since 2019. It was performing very well from 2019 to 2022. But because of prolonged heavy rain that's coming from the contact migrate on the slope into the -- into the slope through the bedrock contact, migrate down from top to the bottom of the slope, and triggering the -- reducing the slope soil strength --

Q How does --

A -- causing the saturation.

Q I'm sorry, I thought you were finished with your testimony on that one.

How does the introduction of water at the toe slope reduce the shear strength of the slope?

A I'm saying the water, rainwater, prolonged heavy rain, that amount, more than almost twice as higher than normal, that was to percolate down into the slope. And some of the water will migrate down along

the surface of the slope, okay? But most of the water go into the underground through the bedrock contact, and that migrate in that because of fractures of the -- fractures of the bedrock contact that caused the weak soil to get saturated and reduce the strength of the soil to cause the surficial slope failure.

It has nothing to do with the French drain, whether it was a functioning well or not well, there was buildup behind the retaining wall. In addition, the retaining wall performing very well. There's no information or damage of what I can see at the time of my site inspection that indicates that the installation of the French drain, and whatever possible buildup of the groundwater behind the wall, could cause the damage or the failure to the retaining wall, not to mention the slope failure.

Q So is it your opinion that the rain season you described in 2022, 2023, introduced water to the slope at about twice the amount of typical rain?

Is that your opinion?

A Yeah.

Q And that introduction of water obviously happened on the surface of the slope; correct?

A Well, both, surface and the subsurface. This is --

Q Wait, wait, wait, wait, wait. How is the --

MR. COMBS: You're interrupting him. You need to let him answer. You need to let him --

BY MR. ALEXANDER:

Q How is the water going to be introduced to the subsurface?

A Come on. This is the --

Q It has to hit the surface first; correct?

A But this is the soil slope. When the rainwater coming down to the ground of the slope, it doesn't matter it has a vegetation cover or no cover. The water, by gravity, is going to go down and percolate down into the subsurface; correct?

Q Okay. Mr. Huang, when rainwater hits the slope at 139, initially, it hits the surface; correct?

A Yes.

Q Some of it is absorbed in the process you just described; correct?

A Yes.

Q Let's follow that water. It goes down. It's absorbed and whatever is not absorbed by the soil itself is going to hit bedrock and perch down to the toe of the slope; correct?

A Yes.

Q And in this case, that water is met with a

French drain that was intended to take water away from the slope; correct?

A Well, when the water eventually goes down to that location, yeah, water is going to go down there, yes.

Q Okay. Is the answer to my answer yes?

A Yes.

Q Now, let's follow the other path of water which is not absorbed by the soil, not underground. We're talking about surface water.

Okay?

A Okay.

Q You're with me?

A Yes.

Q That water that makes its way down to the toe of the slope by way of shedding down the slope.

A Gravity flow.

Q I'm sorry?

A Gravity flow, by gravity flow.

Q Gravity flow, okay.

By gravity flow down the slope. At Lot 139, where does that water end up?

A To the toe of the slope behind the retaining wall. And that caused the overflow to the backyard, as described by the previous owner, that have muddy or

something coming out from top of slope. That is the surface water they are talking about.

Q In 2022 of 2023, when that surface water made its way by gravity flow down the slope to the toe of the slope, where did that water end up?

A Still go down to the toe of the slope on top of the -- behind the retaining wall. And that was --

Q Did it overflow at that point?

A To the toe of the slope that the French drain and the drainage inlet of grate already installed. That will capture all the surface water to that drainage system.

Q And, again, I know I'm beating a dead horse here a little bit, but the purpose of that French drain was to take that water away from the slope; correct?

A Well, that's part of the purpose --

Q Okay.

A -- to minimize.

MR. ALEXANDER: Let's take our lunch break. Let's go off the record.

(Brief recess.)

MR. ALEXANDER: Let's go back on the record.

BY MR. ALEXANDER:

Q Mr. Huang, you understand you're still under oath; correct?

A Yes.

MR. COMBS: It's Dr. Huang, by the way.

MR. ALEXANDER: Oh, okay. Dr. Huang, I didn't know that was an issue, but your counsel has admonished me so here we are.

BY MR. ALEXANDER:

Q Dr. Huang --

A Go ahead.

Q Do you care if I call you Mr. Huang or Dr. Huang?

A It's okay. I mean, if you prefer, that's okay.

Q Well, you earned the title, so --

A Well, I earned the title but I know you are not typically encounter with a Ph.D. That's okay. So, if, you know, easier for you to call me Mr. Huang, that's okay.

Q Okay. Well, I don't know what to say about never encountering or not typically encountering Ph.D.s, but I will defer to your counsel and call you Dr. Huang.

A Okay.

Q Moving forward.

Okay. Let's take a look again at your report. I will share my screen again. And, Doctor, I'm looking at page 5.

A Okay.

Q This following language that you wrote, Our review of the background documentation revealed the French drains were cleared and tested by the association on April 30, 2023.

Do you see that?

A Yes.

Q Is this the only instance, that you're aware of, when the association cleared the drains?

A Yeah. I saw the photos that was the test to -- I give you the Bates stamp numbers. You can refer to those documents to know what I'm talking about.

Q And, Doctor, are you aware of any other instances other than April 30, 2023, when the association might have cleared these French drains?

A I do not know.

Q Are you aware of a schedule that the HOA prepared for cleaning these drains that were installed in 2019?

A I do not know.

Q Do you know who performed this April 30, 2023, clear-out and testing?

A It was stated in those documents. I don't recall whose test. It got to be the HOA members.

Q As you sit here today, do you know if the HOA

retained a third party to perform this testing on April 30, 2023?

A I don't know. All the information I received is based on these Bates stamp documents, that I know the drain was verified and was cleared. And you can see the water was drained out of the pipes on the south end of the backyard.

Q How much water was introduced into the drains on April 30, 2023?

A I do not know.

Q How much water exited the drains on April 30, 2023?

A Oh, I can see about a bunch of water coming out. That --

Q How much?

A Huh?

Q How much water is it?

A I don't know how much water, but I can see the water was flow from the outlet pipe, go to the backyard to a certain distance.

Q And what photographs are you looking at?

A Well, I gave you the Bates stamp numbers. Can you look it up, those Bates stamp numbers?

Q I'm asking you. You're relying on those photographs to --

A Yes.
Q -- formulate your opinions; correct?
A Yes.
Q So where are those photographs?
A And I told you, it is under that -- the Bates stamp documents. If you can pull it up, I can tell you where are those photos.
Q So you don't have them as part of your job file; correct?
A In my job file, in the report -- my other job file. What are you talking about?
Q Let's see --
A I just don't know which documents for that one, okay?
Q Well, earlier you testified that you prepared for this deposition by reviewing your job file; correct?
A Yes, I reviewed, yes.
Q Okay. So point to me where in your job file these photographs that you relied on are located.
A It's in those production in that report by others under the first one, experts -- yeah, yeah, yeah, yeah -- experts, there's a bunch of files -- I don't know which one -- but that would be one of the documents. Let me see if I can find -- but you should have the list of the Bates stamp documents. You can

refer to the Bates stamp. That's what the legal guys always do, what is the Bates numbers, and I gave you the --

Q Well, Doctor, I'm not the testifying expert today. I'm asking you to identify and to show me where in your job file --

A Yeah, I can show you but I just --

Q -- where those photographs are located.

A I can't just find out at this time. I just need to figure out where the photos are located, okay? Let me see, hold on a second. It's likely in the plaintiff's complaint exhibit.

Q Okay. Let's move on and go back to your report at section 2.4.

A 2.4, okay.

Q You made the observation that perched groundwater was observed by GeoTek at the geologic contact of engineered fill overlying the Santiago Formation in test pit excavation, TP-2, located within the limits of the observed slope failure area. The water was visible on fractured facies of claystone gravel. Flowing or seeping water was not observed by GeoTek during their field exploration.

Do you see that language?

A Yes.

Q And we're on page 8.
A Yes.
Q What do you base that language on?
A That is from GeoTek's report.
Q Do you disagree with GeoTek's observations with respect to this portion of your report?
A No, I don't -- well, I agree with their findings.
Q Okay. Which report are you referring to when you talk about GeoTek in this instance?
A I think both of the reports they have because pretty much similar. And look at the July 7 report, will be more complete investigation, and you should see the same language in their report.
Q All right. We'll get to that in a second. Let's go back to water migration on the slope in the 2022/2023 rain season.
Okay?
A Okay.
Q Before the break, we had agreed that water could be absorbed by the slope. Some of it is going to go down to bedrock; correct?
A Yes.
Q And some of it is going to, by gravitational pull, migrate down to the toe on the surface of the

slope; correct?

A Yes.

Q With respect to the water that's absorbed by the slope, are slopes, in general, designed to absorb a certain amount of water?

A What do you mean designed? Any soil will absorb water. It doesn't matter designed or not designed. As long as it was a compacted well, you know, that prevent surficial slope failure, then the water can be observed by the soil, or whatever was compacted, engineer fill or natural soil. It's all absorbed water. That's the nature of the soil; right?

Q Okay. How much water was the slope at 139 designed to absorb prior to being destabilized?

A I don't know.

Q Okay. Where would you find that information?

A What information?

Q With respect to how much water this slope was designed to absorb.

A The slope was not designed to absorb the water. The slope was designed for the safety stability to reach minimum 1.5 factor of safety from static standpoint conditions, and 1.1 seismic conditions for the two-to-one slope allowed by the Code. So as long as the slope is stabilized, you know, based on their

original slope stability analysis, the slope is stabilized. They're not designed to absorb the water.

Q Again, you're referring to the Code and you're giving me specific numbers this time. And quite frankly, I couldn't understand what those numbers were.

A It's just factor of safety.

Q Factor of safety, is that what --

A Yes, yes.

Q And what was the factor of safety for this two-to-one slope?

A By Code would be 1.5 factor safety for static conditions. Under seismic condition, it should have minimum 1.1 factor of safety.

Q And what does "factor of safety" mean?

A Factor of safety means the ratio between the driving force and the resistance force, whenever the resistance force is greater than driving force more than 1.5, the slope would be considered static condition would be stable under 1.5 factor safety. Meaning that you have sufficient strong resistance force to prevent slope failure, okay? Under seismic condition, you can reduce to 1.1.

But, again, under seismic conditions, the resistant force is much larger than the driving force, which is for seismic condition, 1.1 factor of safety.

(Crosstalk.)

Q So the --

(Crosstalk.)

A Wait, wait, wait. So if the slope is marginal stable, what that means, that means most driving force and the resistance force are pretty much equal; right? So that is marginal stable. So if any conditions, either driving force or resistant force, you know, it increased by driving force or causing the slope to push down, that will cause the slope failure, okay?

But what we typically say is factor of safety of 1.5 is whatever the resistant force to hold the slope against the driving force, no matter what was reduced by the natural support at the bottom or by the additional force applied through the top. That all accounted for the driving force. As long as the resistant force that you designed for the slope, you know, based on your stability analysis calculations that reach to minimum 1.5 factors of safety under static condition. And 1.1 factor safety under seismic condition, the slope is considered stable.

Q Okay. Thank you so much for that clarification. It was very informative.

Is it fair to say that on any slope, including Ms. Mann's slope at 139, there are two forces that are

working against each other at any one time? And that is the driving force you described and the resistance force; correct?

A Basically.

Q From a layman's perspective, just to understand this better, is it fair to say that if the resistance force is stronger than the driving force, the slope is going to remain stable?

A Yeah.

Q And if the driving force, conversely, is greater than the resistance force, the slope is going to be destabilized; correct?

A Yeah, something like that, yes.

Q And it could be destabilized to the point of failure; correct?

A Say that again?

Q It could be destabilized to the point of failure; correct?

A Or it depends on the condition.

Q S it the absorption of water on a slope -- strike that.

If water is absorbed by a slope, which you testified happens when it rains; correct?

A Yeah, let me explain more --

Q Well, let me see if I could get there with my

questions --

A Okay.

Q -- and then we can clarify it.

Okay?

A Okay.

Q You testified earlier that every slope is going to absorb water; correct?

A Well, I mean, if it's soil, yes.

Q Yeah, okay, if it's soil.

Let's focus on 139 specifically. It absorbs water from rain; correct?

A Yeah.

Q Does that water absorption tend to increase the driving force or decrease it?

A No, it's not -- it depends on the amount of water, depends on how long that soil -- I mean, water would be in the soil. It doesn't mean that you don't have water introduced into the soil, it's going to either decrease the soil stability or not. No, that's not what I'm saying. But keep in mind -- okay, let me tell you -- here's the typical.

At the time of the construction, the grading that was done in 1987, okay, the slope was built as a two-to-one slope, as we know, okay, two horizontal to one vertical, two-to-one slope. The slope height is

roughly 25-feet high, okay? All right. So under these conditions when the slope was built by the engineer or designer, verified during construction when it was built, the slope is good to release to the homeowners of whatever the owners purchased the property.

At that time, there's no irrigation at all. Nothing. The slope is just compacted to whatever the -- you know, based on their compaction testing result, okay? Minimum 90 percent compaction. So once this condition is done, when the homeowner moves in, they're going to do the improvement, install the drainage, and do irrigation, plus additional rainfall coming down occasionally here and there over time. So even though --

Q Let me pause you there for a second to ask a question and then you can continue.

When the slope is designed by the original engineers in 1987 in this case, did those civil engineers account for what you just described, those changes in the slope, including the introduction of sprinkler systems --

A They only verified based on their static analysis what would be the factor safety is that they can reach to the exceeding minimum Code required, 1.5 factor safety, okay, based on their subsurface

investigation, strength parameters obtained during their laboratory testing. So they use those parameters to do the stability analysis and come up to the conclusion of the result saying that the slope will be grossly stable, under 1.5 factor safety. And, you know, gravelly stable under the seismic 1.1 condition. But we are talking about not surficial failure, but rather --

THE COURT REPORTER: I need you to slow down. Sorry to interrupt, but I am having a hard time getting that. You were talking about not a surficial failure, but rather?

THE WITNESS: Rather than the -- we were talking about the global, g-l-o-b-a-l -- I mean, deep, d-e-e-p, seated, s-e-a-t-e-d, deep-seated slope failure. We're talking about a much deeper like landslide. We're not talking about surficial slope failure that was this case, okay?

So what I'm trying to tell you is that after the production finished the grading, released to the homeowner, there will be substantial irrigation, planting, rainwater going to coming down into the slope and yard improvements, okay? So the slope, the factor safety, even though from the beginning after completion of the grading, it could be more than 1.5 factor safety. But it would be reduced further down to, you know, below

1.5 factor safety over the years, okay?

So because this condition continues to irrigate the slope to, you know, whatever, introduce water into the slope. But the slope was designed more than 1.5 factor safety at the time of the grading. But over the years, the stability of the slope is going to be reduced to a certain amount because of the -- those introduction of water by irrigation and rainwater and the life, okay?

So you'll probably will reach to the factor safety, some point, maybe 1.3, 1.2, in that timeframe. But, again, we're still talking about deep-seated slope failure, global slope failure, okay? But now for this case, this case particularly, we are talking about surficial slope failure. That was due to the introduction of the water on the near-surface getting saturated by the prolonged heavy rain that reduced the shear strength of the near-surface soil, creating 18-inch deep, you know, 1-foot wide of the slope, migrating down to the slope. That's the case.

We're not talking about the entire slope failure for this case. You're talking two different things, okay?

BY MR. ALEXANDER:

Q So it's your opinion that it was the rain that

caused this superficial -- what is the word you're using? Sorry.

A Surficial.

Q Surficial slope failure; correct?

A Yes.

Q Now, why would the rain cause the surficial slope failure?

A I just -- I just told you. Due to the introduction of the water by the rain, saturate the near-surface soil. And that was not able to hold the resistant force, as such, that the slope goes down due to the, you know, condition.

Q So is it your opinion that at some point, the slope at the surficial level got so soaked, that it failed?

A Well, under the saturation that to the point where the shear strength of the slope soil is too weak, you know, without strength to resist the driving force from the rainwater that caused the surficial slope failure.

Q What is your opinion if the slope had been presoaked --

A What?

Q -- prior to the rains? If the slope was already saturated prior to the rains, how would your

opinion change, if at all, as to the cause of this slope failure?

A It depends on the soil type of the slope.

Q I'm asking for this slope, not depends on the soil type, this slope, which you have already investigated and you know what the soil type is.

A I don't know what you're talking about a presoak. There's nothing --

Q I'm asking you the question. It doesn't matter why I'm asking it. What I'm asking you is: If the soil was presoaked prior to the rain event you just described, how would your opinion change, if at all?

MR. COMBS: Objection. Vague and ambiguous. Incomplete hypothetical.

THE WITNESS: No change.

BY MR. ALEXANDER:

Q No change?

A Because the soil under this slope is created material.

Q So it's your opinion it does not matter whether or not the slope was saturated with water prior to the rains. Is that your opinion?

A No, I tell you. You don't understand. What I'm saying, the reason caused the slope failure is because the soil strength becomes weak due to the water

introduction, water gets saturation. It doesn't matter if presoaked or non-presoaked. As long as the strength was not able to hold the resistance force, it's going to cause the surficial slope failure.

Q At some point, if you're introducing rainwater to a slope that had been irrigated prior to the rain itself, would that affect the resistance force of the slope?

A More or less. But it's not the case because on every single slope, you have irrigation water and you operate every day. You have rain that occur every day. These condition is very common. And the slope is not going to fail, okay?

Q So as you sit here --

(Crosstalk.)

A As long as --

(Crosstalk.)

A Wait --

Q No, no, no. I'm going to ask my question. As you sit here today, do you know whether or not water was introduced by the HOA at the slope at 139 prior to the rain events that you opine caused the failure of the slope?

MR. COMBS: Objection. Vague and ambiguous as to time.

THE WITNESS: All I know is that there was irrigation sprinkler pipe risers was installed on the slope that was operate, you know, on the daily basis. I don't know whether that operation, irrigation system, was on or off prior to or after or during the -- that 2022 or '23. But I know there was irrigation water.

But that irrigation water has been doing -- their work even, you know, for the long time, okay? There's no slope failure, is my understanding, from Mr. Combs. No slope failure occurred within the Las Brisas Pacificas HOA community.

BY MR. ALEXANDER:

Q Let's unpack that starting with your comment that this is based off of your understanding by Mr. Combs; correct?

A Well, yes.

Q Do you have an opinion as to what the condition of the irrigation system was at 139 immediately prior to the rain events during the 2022 or 2023 rain season?

A I don't know the irrigation activities or schedule for the slope irrigation, no.

Q Are you aware of any sprinkler heads that might have been broken leading up to that rain event on slope 139?

A Well, based on the plaintiff's complaint, she said there were two times, broken irrigation pipe, that was complained to the HOA, but HOA did inspections. There's no sprinkler broken at all. So that --

Q So you're basing that it on the initial complaint; correct?

A Well, initial complaint is -- Ms. Mann says there are two times, broken pipe, irrigation pipe. She notified the HOA, you know, to fix it. And then the HOA, you know, at the time that -- when the slope failure occurred -- after the slope failure occurred, they checked whether that was caused by the irrigation broken pipe. There was none of the pipe was broken. It was functioning very well.

Q Would you agree with me that the condition of the irrigation pipes after the slope failure is irrelevant?

A Well, it is relevant because they never changed their activities before or after the irrigation. But I don't know their schedule or anything. But our understanding is that it didn't make any changes to the irrigation, okay? If there's any broken pipe, it should steady so, you know, and the response to the plaintiff's, that, okay, they did find the broken pipe. They fixed it. But I don't see any evidence that tells

me that the irrigation pipe was broken.

Q How, if at all, is the driving force or resistance force of this slope affected, but introduction of water at the toe of the slope?

MR. COMBS: Objection. Incomplete hypothetical.

THE WITNESS: Introduction of water at the toe slope is the same thing as the introduction of water over the slope. The same thing. There's no difference.

BY MR. ALEXANDER:

Q It's not desirable, though, is it?

A What do you mean "it's not desirable"? As long as you have good drainage inlet that can collect water, there's no issue.

Q What if the inlet is not good? What kind of issues would you expect?

A Well, in 2019, the previous owner indicates that the surface water caused mud coming out over the retaining wall, caused damage, you know, the water sprayed over to their backyard. That is the resulting issues.

Q Let's turn our attention to section 4.0 of your report.

A Okay.

Q Conclusions and discussions.

A Okay.

Q And you write, It is our opinion that the subject surficial slope failure occurred that on or about April 27, 2023, at the rear of the Plaintiff, Mann's property, unit 139, is primarily as a result of surface and subsurface soil on the slope being saturated by a series of prolonged rain events between October '22 and April '23 rainy season, which, in turn, reduced the shear strength of the slope soil and caused the surficial slope failure.

As you sit here today, do you still agree with that conclusion?

A Yes.

Q Has anything that we have discussed changed your opinion about this conclusion?

A No.

Q Why do you write "primarily"?

A Well, that's primarily, yes. That's the main contributing factors caused the surficial slope failure.

Q Doesn't that suggest that there are other contributing factors?

A Not really.

Q When you say primarily as a result, primarily does not mean the sole cause; correct?

A Well, like I said, we talk about the possible source of the water from the irrigation water, from the

rainwater, from the other water, whatever; right? But the main cause of the contributing factor to cause the surficial slope failure would be the prolonged heavy rain introduced more than -- no more amount of the rainwater goes into the slope due to saturate near the surface soil.

And that caused the, you know, reduced shear strength of the near-surface soil. And such, that caused surficial slope failure to occur.

Q But you're not taking the position that that was the sole cause of the soil failure; correct?

A No -- correct. That's why I said primary. And there could be other minor contributing factors, but that's not the reason to cause the surficial slope failure, okay? With --

Q What -- let me stop you right there. What other minor contributing factors would contribute to the slope failure?

A There's none, basically. We talk about the source of the water already from irrigation, from, you know, in other water or whatever, you know, those things, okay? But where is the source of water coming from? It's from the rain, okay, prolonged heavy rain that we talk about in detail, go through the surface of the soil, migrate down into the subsurface and go

through the bedrock contact, migrating the perched groundwater from the top of our slope to the bottom of our slope, and that caused the slope failure. Because the slope cannot resist that amount of saturation.

Q And that's why the French drain existed, to take that water away; correct?

A Well, that's part of their purpose to carry water away.

Q Okay. Now, Dr. Huang, would it be a mischaracterization of your opinions if somebody were to take this conclusion that you drew here that this was the primary reason for a slope failure, but there may be others, more minor ones as we discussed?

Would it be a misrepresentation of your opinion if somebody took your report and stated that the sole cause of the slope failure was the rain?

A I don't believe so.

Q We're accounting for other contributing factors; correct? You didn't write sole purpose correct? You wrote primary.

A Well, as we talk about so many sources of water, that is, you know, irrigation, right, other rainwater. What would be the primary source of water that could contribute to the slope failure? If -- take it out, the rainwater, heavy rain, just with other

contributing factors that make -- I mean, the source of the water that goes to the slope. It's not going to fail. This slope has been there for how many years, since 1989. No failure to occur. This is two-to-one slope. Typically, two-to-one slope is much stable compared to the 1.5-to-one slope, okay?

And also, we are talking about it's a near-surface slope failure. We're not talking about the deep-seated global unstable of the slope. We're talking about two different things, okay?

Q Other than source of water destabilizing the slope, what other conditions -- you identified earlier vegetation; correct?

A Well, yeah, yeah.

One other thing, when I went to the site, I saw the other slope was fully vegetated, except the repair areas where there was the erosion control grid was installed. But no vegetation was planted by the plaintiff because that is her responsibility to install the vegetation. And there was --

Q Well, let me pause you right there.

A Wait, wait, wait.

Q No, no, no.

A I haven't finished yet.

Q No. I'm going to pause you right there.

You just stated that it's the plaintiff's responsibility to plant vegetation. What do you base that on?

A Because this is common slope. This is not HOA common slope.

Q Are you prepared to offer a legal opinion as to -- strike that.

Are you prepared to offer an opinion as to the ownership responsibilities at trial?

A No.

Q Are you retracting your statement, then, that the homeowner is responsible for planting the slope at 139?

A But that was the information that I received from the cross-complainant's claims. That was --

Q How does that inform your decision or your opinions as to the causation of the slope failure?

A Nothing. That was after the slope repair, no vegetation was covered. It would have a potential risk when the -- again, another prolonged heavy rain occurred, you know, that could introduce more water, even though there was -- erosion control grid was installed. But, again, they still have a potential risk to cause the surficial slope failure without full vegetation.

Q But you're not offering an opinion as to who's responsible for that planting the vegetation; correct?

A I don't care who is responsible. But from geotechnical standpoint, it would be good advice to whoever responsible to install the vegetation cover to ensure that the slope was fully covered by the vegetation to minimize the surficial slope failure again during the prolonged heavy rain in the future.

Q Let's turn to page 16 of your report.

A Which one, 16?

Q Yes. We're looking at 2019 French drain installation.

A Okay.

Q You write, With regard to the adequacy of using a perforated drainage pipe instead of a solid pipe for the 2-foot deep French drain system installed behind the retaining wall at the rear of unit 139 in or around 2019, it is our opinion that the installed 2-foot deep French drain system utilizing a perforated pipe instead of a solid pipe is appropriate and actually is beneficial to the homeowner.

Do you see that language?

A Yes.

Q So now you're changing it from 3 to 5 feet to 2 feet; correct?

A Well, doesn't matter 2 feet or 3 feet or 5 feet. The bedrock contact, according to GeoTek, 2 to 5 feet. According to the Green Horizons, the contract says it is supposed to install up to 3 feet. But I mention here 2 foot. It doesn't matter whether it's 2 feet, 3 feet, or whatever. I'm not changing my opinion at all.

Q The next statement that you write is, It should be noted that the use of perforated drainage pipe was to intercept or collect any perched groundwater migrating downward along the bedrock contact, which is about 2 to 5 feet below the slope surface, from the upper slope area toward the back of the retaining wall.

Do you see that language?

A Yeah, we discussed this in detail.

Q What do you base that conclusion that this was the purpose of the installation of the French drain?

A Based on my preview of the GeoTek, the subsurface investigation, the bedrock contact, and the installation of the French drain, which perforated the pipe by Green Horizons.

Q Let's turn to GeoTek's July 7 report.

A Okay.

Q Let me ask you: Did you review this report in preparation for offering your opinions at trial?

A Yes.
Q Let's go to page 4 of the report.
A Okay.
Q Section 4.3.1.
A 4.3.1, okay.
Q Perched groundwater was observed at the geologic contact of the engineered fill overlying the Santiago Formation in excavation TP-2.
A Yeah.
Q What is TP-2?
A Test pit number 2 with the limit of the slope failure area. If you can see there a map, it should be in -- later on the report, there's a map showing where is the TP-2 located.
Q Okay. Where is that location?
A Huh?
Q Where is test pit 2 located? What map are --
A Look at figure 2 of the GeoTek report before the heading, Appendix A. There is an aerial view map that shows the TP-2 within the limit of the landslide or surficial slope failure.
Do you see the figure 2?
Q What page of the report are you referring to? Just frame of reference.
A It's just before Appendix A.

Q Is this what you're referring to when you're looking --

A Yeah, yeah, yeah.

Q Okay. What is test pit 2?

A You can see that T-2?

Q What is the dotted red line that runs just beneath T-3?

A Dotted red line like oval, that one, with the arrow going down? That is the limit of the slope failure.

Q I'm talking about the dotted one.

A Oh, oh, oh.

Q There is a boundary of a dotted red line.

A I don't know whether they have an explanation. That's the -- it looks like.

THE COURT REPORTER: I'm sorry, the what?

THE WITNESS: Cut-fill line.

BY MR. ALEXANDER:

Q And what is a cut-fill line?

A That's during the grading as GeoTek discussed. That area was transitioned from the cut slope to the fill slope under the slope. On Lot 139, there was the fill slope overlying the -- overlaying the Santiago Formation, as discussed in their report. So you can see there the box with an arrow pointing to that line. So

that area, the highlighted aerial with the dashed line, is the slope areas. But the text box saying cut fill line, pointing to that area, indicates where is the cut, where is your fill.

If you see "AF," that is the fill, okay? If you see that "Tsa," that is Santiago Formation, so that was the -- is underlying the formations. And you see the "QLA," that is the surficial slope failure. And with that red line boundary limit with the red arrow, that shows the -- where that surficial slope failure occurred, okay? And they have --

Q Where it says "Qls"; correct?

A Qls, landslide debris.

Q Okay. Where in relation to the retaining wall that we've been discussing all day is test pit 2?

A Well, I think it's -- test pit is above the retaining wall. You can see that the backyard house, okay, the slope, there was the transition angled; right? So you know that to the back right corner of the house, that was turned into the slope and coming back. That is the toe of the slope and the retaining wall is right along that white line. That white line is actually, like, a white fence or lattice that was installed on the top of the slope -- I mean toe of the slope.

Q The top of the slope or the head of the slope

would be T-1; correct?

A T-1? No, no, no. The top of the slope is further up to the lot 128.

Q Oh, okay, okay. So T-1 is about halfway?

A Well, it's the upper portion of the slope failure.

Q Got it.

Okay. So let's refocus on T-2. It is within the slope failure boundary; correct?

A Yeah.

Q And it is within the boundary of the retaining wall; correct?

A No, it's behind the retaining wall.

Q Oh, it's right behind the retaining wall, okay. I now understand.

A Yeah, nothing to do with the retaining wall. Retaining wall is intact. There is no failure, nothing.

Q Okay. But test pit 2 is at the toe of the slope failure. And --

(Crosstalk.)

A The bottom --

Q -- the retaining wall; correct?

A Yeah, basically, you can call it at the toe of the slope failure area within the limit of the slope area, okay? They may have debris, something, that was

flowed down to pile up to behind the retaining wall. But that is not the limit of the slope failure, okay?

Q I understand.

A Okay.

Q The limit is a little broad; correct?

A Yeah, yeah, yeah.

Q Okay. So let's go back to -- thank you for that clarification.

A No problem.

Q It's helpful.

Let's go back to 4.3.1.

MR. COMBS: Okay. Counsel, before you go on, Ms. Mann paid for three hours of deposition testimony. We're now at four and a half hours.

How do you propose to pay for the extra time?

MR. ALEXANDER: Counsel, we've already gone over this. You're going to get paid. She could pay you directly as well.

Are you really raising an issue of whether or not Dr. Huang is going to be paid today?

MR. COMBS: I absolutely am.

MR. ALEXANDER: Have we given you a reason not do to that?

MR. COMBS: Yes, you have.

MR. ALEXANDER: What reason is that?

MR. COMBS: You didn't come up with the money when you were supposed to per Code, so why do I believe --

MR. ALEXANDER: Did we pay you before the deposition started, Mr. Combs?

MR. COMBS: Yes, because I required you to do so.

MR. ALEXANDER: Yeah, and we did so; correct?

MR. COMBS: Okay. So how do you propose -- I'm just asking you. How do you propose to pay for it? Do you want to just pay at the end today?

MR. ALEXANDER: That was the original proposal, as well. And this is the short-sightedness that I pointed out to you when you were raising a fuss before the deposition started. We don't know exactly how long the deposition is going to last. That's why these depositions are always paid after, Mr. Combs.

MR. COMBS: No, that's --

MR. ALEXANDER: When we all agree how much of deposition testimony time is taken up. That's the practical reality of it.

MR. COMBS: That's not --

MR. ALEXANDER: Dr. Huang is going to get paid today. He's going to be paid, I would imagine, in the same fashion by sending a Venmo to your personal account.

MR. COMBS: Okay. So we can commence --

MR. ALEXANDER: And I'm not going to pay for this time to meet and confer on this ridiculous stance that you're taking right now.

MR. COMBS: Oh, you mean insistence upon that the lobby followed? I know. That's always for you an unprofessional position. But what I'm asking --

MR. ALEXANDER: You can try --

MR. COMBS: Hold on. Will Jill Mann be sending me a Venmo at the end of this for the balance of the time spent?

MR. ALEXANDER: Yes.

MR. COMBS: And we can deduct .1 for --

MR. ALEXANDER: As I have indicated to you already, Mr. Combs --

MR. COMBS: You never indicated.

MR. ALEXANDER: -- you have your answer. You have your answer.

MR. COMBS: So what is the answer?

MR. ALEXANDER: You have your answer. Pay attention to what I'm saying.

MR. COMBS: Okay. Go ahead and tell me what the plan is.

MR. ALEXANDER: You have your answer, Mr. Combs.

MR. COMBS: No, I don't. Explain to me what's going to happen.

MR. ALEXANDER: Ms. Butelo, I'm so sorry, can you read back the transcript because we're on the record on this and point out to him that I said yes?

(Record read.)

MR. ALEXANDER: Answer yes, Mr. Combs. Can we continue with this deposition?

MR. COMBS: Yes, you can.

BY MR. ALEXANDER:

Q Let's go back to section 4.3.1.

A Okay.

Q So what we have here is the perched groundwater at TP-2; correct?

A Yes.

Q That means that there was water at that test pit which is within the slope failure area and behind the retaining wall; correct?

A Yes. Well, it says that water was visible on the factual faces of the claystone gravel. But GeoTek did not see actual flowing or seeping water observed during their test pit excavation.

Q Let's go to the next page, page 5. I'm not going to read the whole thing here, but GeoTek observes that the mode of slope failure appears to be a rotational slump based on the eastern edge of the failure expressing movement, the bulged toe and the lack

of visible movement along the western portion of the failure.

Do you see that languages?

A Yes.

Q What is the bulged toe here?

A Means the soil was -- down and caused the bulging at the toe.

Q They continue, Cause of failure appears to have been from saturation of the engineered fill in combination with the claystone geometry of the fill over cut-slope condition.

Do you see that?

A Yeah.

Q Did they opine in that sentence that this was caused by rain?

A Well, it says it's due to the saturation of the soil. But it didn't mention.

Q Did it identify the source of the water, Dr. Huang?

A No.

Q In fact, two sentences down -- well, let's just continue reading. Increased moisture content adds weight to the fill, and the claystone contact probably also contributed to the slope failure.

Do you see that language?

A Yes.
Q Did they identify the source of the water --
A No.
Q -- Dr. Huang?
A No.
Q In fact, the next sentence reads, Source of the water was not clearly evident during the investigation and is typically difficult to identify or locate.
That was their conclusion; correct?
A Not conclusion; their opinion.
Q That's their observation and their opinion; correct?
A Well, they saw the saturation. They just didn't opine water would be the possible source of the water. But they did talk about -- read. Read further down. You will see --
Q Let's read it further down. The next sentence, It should be noted that the rain season of 2022/2023 was approximately 170 to 180 of a normal season; correct?
A Yes. So they implied that the possible source of the water is coming from the normal rainwater that occurred in the 2022/2023, which is consistent with my opinion.

Q Where do they use the language that there's an implication that this was the source of water?

A Well, they mentioned it. Point it out to you. It should be noted, okay, that didn't -- specifically says that the source of water of the saturation they observed is because of the -- is from the rain. But they tell you, you need to know that the during this period of time, the rainwater is normal. It's more than 170 to 180 percent of the normal range.

Q So you relied on this notation in performing your investigation and making your conclusions that you prepared -- in formulating your opinions for trial; correct?

A Part of it.

Q What part did you not rely on?

A I rely on this information. Also, relied on my evaluation of rainfall records that provided by Mr. Combs' office. And they are all consistent, indicates that the tremendous amount of the water during that 2022/2023 timeframe, that amount of heavy rain is the cause of the water -- the source of the water contribute to the surficial slope failure behind Lot 139.

Q Let's take a look at GeoTek's as-graded report dated May 23. This is also in your job file and you

relied on this report; correct?

A This is -- this is as-graded, yeah. This is after the slope was repaired, yes.

Q Let's go down -- let's go to page 3.

A Page 3, okay.

Q I'm looking at section 3, conclusions and recommendations.

A Okay.

Q GeoTek reflects, Based on conversations with the homeowners association board, the existing drainpipe was installed and directly connected to the area drains along the top of the existing retaining wall.

Do you see that language?

A Yes.

Q Do you disagree with the condition that they're describing?

A Not really.

Q I'm sorry?

A Not really.

Q Well, that suggests there's a portion you might be disagreeing with. The question is yes or no. Do you disagree with the --

A Can you repeat your question again?

Q Sure. Do you disagree with the condition that they're describing here?

A Are you talking about the -- which paragraph we're looking at in the conclusion?

Q The one I just read, Dr. Huang.

A The connection of the drains? Let me see. Well, the only thing I would say is the drain was for the intention to collect water to discharge away from the site.

Q Okay. So the intent of the French drain is consistent with what you have testified up until now; correct? And I'm going to read that intent from GeoTek's as-graded report. The intent of the drains was set to collect surface water shedding from the slope face and transporting it away to reduce the potential for the surface water to flow over the existing retaining wall.

Do you see that language?

A Yeah. But what they're saying is the drain was there to collect surface water. Yeah, that's what I'm saying. The French drain was to serve to collect the surface water and the subsurface water.

Q Yeah. And what is it -- well, never mind. You've already testified ad nauseam about this.

Then they write, However, as the system is currently constructed with perforated drainpipe, surface water that is collected at the area drains is being

introduced into the subsurface directly behind the existing retaining wall. Do you see that language?

A I saw that, yeah.

Q Do you have any criticism with an area drain, a French drain, reintroducing water that's supposed to be carried away, away from the slope back into the toe of the slope?

A Well, not back into the toe of the slope. What I'm saying is that this French drain system will collect both surface and the subsurface water from the bedrock contact to go into through the perforated hole. And the water could be transported based on the drainage gradient of the pipe to discharge away from the -- behind the retaining wall.

But yes, this is possible there was some water that may continue to migrate down was not intercepted by the -- I mean, perforated the French drain, as such, it will go down along the back of the retaining wall to the bottom of the retaining wall. However, this retaining wall --

Q Let me pause you right there. Let me pause you right there.

That is not what this report is saying, is it, Dr. Huang?

A It is.

Q What the report is saying is that as the system is currently constructed, meaning as of the date of the failure, with perforated drainpipe, surface water that's collected, meaning the French drain; correct?

A Well, they only says that it was the possibility that the surface water, if not collected, by the --

Q Where does it say it is a possibility, Dr. Huang?

A That's my review of their -- this sentence.

Q Point to me the language that says there's a possibility.

A Well, this is -- okay. However, as the system is currently constructed with perforated drainpipe, surface water that is collected in an area designed is being introduced into the subsurface directly behind the existing retaining wall. That is the same thing that I said that water could be continued to migrate down behind the retaining walled go to the --

Q Mr. Huang, I'm going stop you right there again.

What GeoTek is observing here is that water collected by the French drain is being introduced into the subsurface; correct?

A I tell you so many times. You just trying

to --

Q Answer my question, please.

Is that correct? Is that what GeoTek has observed on-site on May 23, 2024?

A What it states in this sentence here.

Q So this is not a possibility; correct?

A I didn't say it's not a possibility. I said this -- whatever --

Q They're not saying that this is possible. What they're saying is, this is what is happening. This water is supposed to be carried away, as you testified, by the French drain --

A But that is not true.

Q -- is actually being reintroduced into the subsurface, isn't that right?

A No, that's not right. Because as I explained to you, part of the water from the surface and subsurface water coming to the toe of the slope would be intercepted by the French drain. You never mentioned that, okay? It just --

Q Dr. Huang, where --

MR. COMBS: You are interrupting him. Stop interrupting him.

THE COURT REPORTER: You guys are both doing it.

MR. ALEXANDER: If he starts answering questions

that I'm asking, I'm going to stop interrupting him.

MR. COMBS: Then make an objection.

BY MR. ALEXANDER:

Q My question is: Where is the French drain located, Dr. Huang?

A Behind the retaining wall.

Q And what is this French drain doing in May of 2024 and backwards? What was it doing with all the water that it was supposed to capture and carry away?

A Yeah, intercept any water that it could collect it by, you know, the French drain through the perforated hole.

Q Okay. So it's intercepting the water. Where is that water going, according to this report, Dr. Huang? You have the Ph.D. You could read a sentence.

A The water will be partially go through the pipe to the dischargeable drainage facilities. Partially --

Q Is that what this report says, Dr. Huang, that it's going out the pipe or is it saying that it's being introduced back --

A It didn't say. It didn't say did.

Q It does not say?

(Crosstalk.)

A -- the purpose of the French drain.

THE COURT REPORTER: I need both one at a time, please.

MR. ALEXANDER: Yes, I apologize, Ms. Butelo.

BY MR. ALEXANDER:

Q Once the installed French drain by the HOA in 2019 at the toe of the slope behind the retaining wall, once it was installed, it was capturing the water; correct?

A Yeah.

Q Where was that water introduced?

A Introduced? What do you mean? When you source the water --

Q Where is the water that was collected by the French drain outlet, Dr. Huang?

A It goes to the dischargeable drainage or go down, another will pick it up by the French drain, will go down to the retaining wall through the other pipe. And also, the discharge point was verified by the HOA that they run the water testing, indicates water will flow freely out of the other pipe located on the southwest corner of the backyard that you can see the water in the photos. Also, water through the bottom of the other drain.

Q What was the date when the HOA cleared out the

drains, Dr. Huang?

A I believe 2023.

Q But it didn't do a good enough job, did they, Dr. Huang? Because on May 23, 2024 -- and this is the date of the report, by the way. This is not the original date of observations.

What GeoTek is concluding in its findings is that the water that the French drain that was supposed to collect was not going out, as you so vehemently insist on, but it was actually being introduced into the subsurface.

Where is that subsurface, Dr. Huang?

A Go down to the bottom of the --

Q No, no, answer my question.

Where is that subsurface? What is the location of the subsurface being described here?

A How do I know? That's the GeoTek's report. It's not my report.

Q This is going to be a good trial.

So you don't know, do you?

A I mean, that's their description.

Q You don't know, do you?

MR. COMBS: Stop interrupting him.

THE WITNESS: That is not my report. I don't know what their intention to discuss to say that sentence.

BY MR. ALEXANDER:

Q Were you there to observe the as-graded conditions?

A No.

Q So you have to rely on this report; correct? As you have been testifying, you have relied on GeoTek's report the entire day, correct, Dr. Huang?

A Well, for the grading condition, yes.

Q But you're not relying on the observation that water that was carried by the French drain that was installed by the association at my client's slope was actually being reintroduced into the slope?

MR. COMBS: Objection. Misstates -- it misstates what that statement says.

THE WITNESS: Exactly.

MR. COMBS: It says "being introduced." It doesn't say being reintroduced, as counsel has consistently stated. It says "being introduced."

THE WITNESS: Yeah.

BY MR. ALEXANDER:

Q Okay. What does being introduced into the subsurface mean to you, Dr. Huang?

A It's just -- like I say, not the entire of the surface and the subsurface water flow down to the bottom of the slope. That could be intercepted by the French

drain system. There will be -- the water, perched groundwater, continued to migrate down along the back of the retaining wall to the bottom of the wall. And they will be drained out through the weep hole or the pipe hole.

And also, to the -- through the discharged point, which was collected water by the French drain, go down to the southwest corner of the plaintiff's backyard. That's very apparent.

Q That's not what --

A What?

Q That's not what was happening; correct?

A What do you mean? It's what happened.

Q Where in GeoTek's report -- where in any GeoTek report -- where in any expert report or any -- where in anywhere is there a statement that the condition of the French drain at the time of the slope failure was that it was functioning as intended and water was actually coming out away from the slope?

A Well, it was verified by the HOA, as I told you so many times.

Q At what time, Dr. Huang?

A I don't recall right now. But I believe it's somewhere -- sometime in 2023, I believe. I have to look into the photos, everything, to find out exactly

the date.

Q You don't know the date, do you, Dr. Huang?

A I know the date, but just not at this moment.

Q And you don't know who from the HOA did that investigation?

A No, you've got to read that document. I will know who did write that, you know, whatever information.

Q As you sit here today, you have no idea, do you, Dr. Huang?

A I just can't recollect that information. But I know there is -- it do exist, that you just -- doing the search to find out where that information is coming from. I can spend my time, if you want to pay me, I'll go through my file to see whether I can find.

Q You're supposed to show up prepared to this deposition, Dr. Huang.

A I did prepare. I did prepare to answer all your questions, which is what I'm doing right now. And you just continually reject my answers because not to your satisfaction. It's not professional.

Q Did you go back and review what Code was applicable during our lunch break during the 1987 slope installation?

A No, I don't have a grading print. How am I going to know what Code was applied?

Q Did you review what section of the potential applicable Code --

A No.

Q -- applied here?

A No. It's only 30 minutes. I don't have time. But I do find out the information you asked me to look for on that.

Q It's going to be too late because there's something called People versus Kennemur, and I'm asking you for your full opinions today. This is your opportunity to provide me with your opinions before trial, Dr. Huang. And as somebody who has been retained as an expert before, you should know this.

Any opinion that you do not provide me with today that you intend to introduce later at trial is going to be excluded.

A I know.

Q So give me all of your opinions right now.

A I told you my opinion. The source of the water is coming from prolonged heavy rain, caused the weak soil to cause surficial slope failure. You keeping ask me other things here and there.

Q Is it your professional opinion as a retained civil engineer that the -- sorry -- strike that.

Is it your opinion, as a civil engineer, that

the introduction of water that was actively collected by the HOA through its drain was being introduced into the subsurface had no impact on the slope stability?

A Well, that was collected. Whatever the water collected by the French drains was served as function to, you know, allow the water to drain out of the site.

Q Earlier, you testified as to the paths of water. And you identified water going through the slope, some of it's going to be absorbed, some of it is going to make it to the bedrock and be collected by the French drain; is that correct?

A Yeah.

Q And some of the water is going to be gravitationally pulled on the surface of the slope and collected by the French drain; correct?

A Yeah.

Q If all of that water is collected by the French drain and the French drain is introducing it back into the subsurface, does that affect your opinion as to the contributing factor of the slope stability?

MR. COMBS: Objection. Counsel, continues to misrepresent.

MR. ALEXANDER: He's testifying, Combs.

MR. COMBS: That you --

MR. ALEXANDER: He's testifying. You're doing a

speaking objection. You're doing a speaking objection to coach him.

THE WITNESS: No.

MR. ALEXANDER: I have asked a new question and I'm waiting for his response. If you say that it's vague and ambiguous, so forth, those are appropriate objections. But I'm not going to allow you to coach your expert, who, black and white, is not admitting that all the water that was collected by the French drain, which is the entirety of the water on the slope, was being introduced into the subsurface at the toe of the slope at the exact same spot where TP-2 was observed to have elevated moisture, which is within the area of the slope failure and right behind the retaining wall, which happens to be the French drain.

MR. COMBS: Okay. Now, you are purporting to testify, Counsel. I object to your question as misrepresentative of what the GeoTek as-graded report says.

You may continue.

THE WITNESS: The TP-2 is within the limit of landslide, which is behind the French drain. It has nothing to do with the French drain, okay? You're not connecting the French drain that says the failure is right at the French drain because the failure that the

French drain collect water, causing the saturation caused the surficial slope failure, is not what I'm talking about, okay?

What I'm talking about --

BY MR. ALEXANDER:

Q You're talking about hypotheticals, correct, where the water could go? But what you --

A Not hypotheticals.

(Crosstalk.)

THE COURT REPORTER: Wait, wait.

THE WITNESS: Not a hypothetical. It's the fact that when water flow from the upper slope down, it will flow to both surface and the subsurface, okay? All this water flowed down to the French drain, will be either collected by the French drain to discharge to the southwest corner of the backyard, or continue to migrate down to the bottom of the retaining wall, which has the serious of the big of the pipes along the base of the retaining walled to discharge water.

MR. ALEXANDER: What was the condition --

THE WITNESS: There's no -- wait. There is no way to cause the hydrostatic buildup behind the wall because the slope failure or even the retaining wall failure. There is no such condition occurred whatsoever. Period.

/ / /

BY MR. ALEXANDER:

Q What was the condition of those drains you just described?

A What condition?

Q At the time of the slope failure?

A Performing good, I think.

Q You're speculating; right?

A Well, there's --

Q You're assuming they were performing good, correct, Dr. Huang?

A I'm not.

Q You have no evidence that they were performing well, correct, Dr. Huang?

A No, I'm not assuming. I'm not assuming. It was --

Q What do you base -- what do you base that opinion on?

A Based on the French drain has been done since 2019 and there's no slope failure from 2019 to the -- before the major landslide -- I mean the subject surficial slope failure occurred on or around April 27, 2023. There's no such conditions that tells me that the French drain was not functioning well.

Q But you didn't read any of the deposition transcripts -- well, you didn't read -- strike that.

You didn't read Mr. Katz' deposition transcript; correct?

A No.

Q Where are the surface area drains connected to; Dr. Huang?

A What?

Q Strike that.

Are there any surface area drains at slope 139?

A There's so many surface drains.

Are you talking about backyard surface drain or the slope?

Q The slope.

A Huh?

Q The slope, Dr. Huang. The slope that is at issue in this case.

A There was drainage inlet on the toe of the slope behind the retaining wall with distance. And that was a vertical pipe that were connected to the French drain. And that all the surface water collected by these drainage inlet would flow down to the French drainpipe and drain away from the -- to the -- to the discharge point.

Of course, there could be groundwater that may continue to migrate down into the slope along the bottom

of the retaining wall to be discharged through the -- we call it the weep hole or the piped, to go to the backyard of the plaintiff's property.

Q Who connected those area drains to the French drain?

A What?

Q Who connected --

A Who connected?

Q Yeah.

A Based on the photo I reviewed, the surface drain was part of the French drain system.

Q Who made that connection of the surface area drain to the French drain system? Who made that connection?

A That's Green Horizons' proposal with the -- in the photos that shows the drainage grate inlet was connected by the vertical pipe tied into the French drain. There's very apparent to me.

Q Let's go back to GeoTek's July 7, 2023, report.

A Okay.

Q July 7, 2023. I'm looking at page 8.

A Page 8, okay.

Q Landscaping --

A Page 8?

Q Yes, section 5.3.1.
A Okay. Okay.
Q Saturated soils weakened and hence -- the soil and slope stability is significantly reduced by overly wet conditions.
You agree with that statement; correct?
A In general, yes.
Q Positive surface drainage away from graded slopes should be maintained and only the amount of irrigation necessary to sustain plant life should be provided for planted slopes.
Do you see that?
A Yeah.
Q Do you agree with that?
A In general, yes.
Q Specifically, do you disagree with any portion here?
A Well, this is just the -- kind of the device from GeoTek to tell their client that you should be aware of these conditions.
Q Controlling surface drainage runoff in maintaining suitable vegetation cover can minimize erosion.
Do you see that?
A Yeah. That's the reason that the -- with

the -- erosion control grid without vegetation at the current condition is not a device.

Q Overwatering should be avoided; correct?

A Oh, yeah, you don't want to over -- or even less irrigation cause the vegetation to die. That's also not good.

Q And then it continues on to the next page, An abatement program to control ground-burrowing rodents should be implemented and maintained. This is critical as burrowing rodents can decrease long-term performance of slopes.

Do you see that?

A Yeah.

Q Are gophers burrowing rodents, Dr. Huang?

A I don't see at the time of my site inspection.

Q That's not my question. Are gophers burrowing rodents?

A Burrowing -- I mean, there's gopher holes, yes, that was on the slope always, as usual.

Q Your site inspection was last year in 2025; correct?

A May 21.

Q So you have no idea whether or not there were burrowing rodents and gopher holes on the slope prior to its failure; correct?

A Well, I have to look at my site photo. But based on my site inspection on that date, I don't see the gopher holes anywhere here and there. But I do see the uncovered vegetation, we think, the slope failure areas.

Q We continue with the report section 5.3.2, which provides the need to maintain proper surface drainage and subsurface system cannot be overly emphasized.

Do you agree with that language?

A Yes.

Q Positive side drainage should be maintained at all times.

Do you agree with that language?

A Yes.

Q What does positive site drainage mean to you as a civil engineer?

A Well, positive site drainage, if it's away from the building, you need to have positive site drainage away from the --

Q What building are you referring to?

A Any building.

Q Is this report about a building or a slope, Dr. Huang?

A Slope.

Q So why are you referring to buildings?

A It's just natural. I mean, the positive drainage, you need to keep away. For example, the slope, you want to have positive drainage to be collected and discharged away from the drainage facilities, away from a slope area. The same thing like a building or the backyard or anywhere, you do need to have a positive drainage to avoid the pounding or the, you know, drainage issues in the area.

Q Why is that important?

A Why is that important?

Q Yes.

A Oh, for the slope. You could introduce the water to saturate the soil so you want to make sure that the water can be -- drainage over the slope can be controlled by the -- whatever designed or devices.

Q Would the opposite of positive site drainage be negative site drainage?

A What do you mean "negative site drainage"? Give me an example.

Q So what is the opposite of if you do not have positive site drainage with water being taken away from the slope, if you have a situation where the water is being introduced into the subsurface, what would you call that?

A Well, you have -- I mean, meaning that the surface of the slope need to be in good or positive drainage allows water from top of the slope to migrate down to the bottom of the slope. That would be the positive drainage. But if there's anything, for example, subsidence or settling or something, the irrigation, you know, that was in the slope that caused the cracking that allows the water to introduce into the slope. That would be the negative drainage.

Q That would be negative drainage; correct?

A If that condition occurred, it could be, yeah.

Q Okay. So let's eliminate the "if," and let's go back to the as-graded plan.

We're back at page 3. Would you describe the following sentence, which we have read a number of times, as positive site drainage or negative site drainage. And I quote from the report, However, as the system is currently constructed with perforated drainpipe, surface water that is collected in the area drains is being introduced into the subsurface, directly behind the existing retaining wall.

Is that positive or negative site drainage, Dr. Huang?

A So this paragraph based on the conversation, you're talking about this one, this paragraph?

Q It's not a conversation. I'm deposing you.
A I'm sorry?
Q I'm taking your deposition. We're not having a friendly conversation here.
A Oh, okay.
Q I read to you specifically the language that I asked you a very specific question.
Is that positive or negative site drainage, Dr. Huang?
A It's not negative site drainage conditions.
Q Would you describe it as a positive site drainage?
A Well, it's just site drainage conditions. Not negative drainage, per se.
Q Is there any other site drainage that is not positive or negative in your industry?
A I don't see these such conditions as to negative draining, what you described.
Q So it's your opinion that GeoTek's report, and the sentence that I read several times now regarding the introduction of water collected by the French drain into the subsurface, it is your opinion that that is not negative site drainage?
A As it says in my report, it actually benefit -- beneficial to the homeowner, or even HOA,

whatever, who owns the -- you know, is responsible for the slope. It would be actually good, you know, to collect subsurface groundwater conditions coming from --

Q And do what with it? It would be beneficial to collect the subsurface water and do what with it?

A To collect the water.

Q And take it where?

A To the discharging point.

Q That's not the condition that we're describing, though; correct? That collected water is being introduced into the subsurface; correct?

A Well, that is what it says. It was introduced. But like I say, the water goes --

Q So that would not be beneficial to the homeowner; correct?

A It is beneficial. It is beneficial. You are ignoring the benefit of the French drain collect the water. You're trying to just emphasize there was, you know, supplemental, minor water that continue to migrate down to the bottom. That's fine. But that's also collect, discharged to the backyard. What's wrong with that?

Q This is going to be good at trial.

A That's good. Let's go to trial.

Q That is going to be so good.

A Yes.
Q Okay. Do you have an opinion as to whether or not the current condition of the slope needs to be repaired?
A No.
Q Are you offering a repair recommendation?
A Nope, not for the slope. But I did provide some minor recommendations regarding the drainage, those kind of things, in my report.
Q Where in your report is that?
A Open up my report. I'll tell you. Go to the recommendation section 5.0.
Q What page?
A 17.
Q Okay.
A You can read the whole paragraph and, you know, my recommendation.
Q Well, it's your testimony. It's what you're prepared to offer at trial. So I want you to tell me what your recommendation is.
A Well, my recommendation is that there's no need to do the slope repair after the slope repair by the Mountain Movers and the geogrid that was installed -- was not originally recommended by the GeoTek. But it was suggested by the Mountain Movers to

install the geogrid and the back drains on every bench of the slope repair area. And to direct water to come out to the slope area.

It's such -- the repair is more than needed for the surficial slope failure, which they did a good job. Since the repair in 2024, there's no issues, whatsoever, was occurred. Even at the time of my site inspection, the slope repair area was performing very well, except that there was no ground cover vegetation was installed by the plaintiff to -- over the soil to prevent possible future soil erosion, even prolonged heavy rain occurred.

That could be -- cause some minor, very minor erosion because the slope has been repaired, okay? But beyond the slope repair area, that is the, you know, have full vegetation. And that would minimize the potential future risk of the surficial slope failure.

Q Okay. You write in your report, Although no evidence of water draining and no erosion features were observed during Mr. Mike Bassitt's inspection during the rain event on March 23, 2024, if the concerned parties desire, we recommend that an energy dissipator, such as riprap, be installed on the slope at the drain outlet locations to reduce the water velocity and prevent potential risk of surficial soil erosion.

Do you see that language?
A Yeah.
Q Who is Mr. Mike Bassitt?
A He's HOA guy, I think.
Q You're speculating?
A I'm not speculating.
Q You said "I think." Who is Mr. Mike Bassitt?
A I just cannot recall at this time.
Q Is Mr. Bassitt a civil engineer?
A No, he's the board member.
Q Oh, so that refreshes your recollection whether or not he's -- what his qualifications are?
A I'm telling you he is a board member.
Q Okay. Is he a civil engineer?
A I don't know.
Q Is he a geotechnical engineer?
A I don't know.
Q How did he perform his inspection on March 23, 2024?
A He just observed whether there's any water coming out to the slope, where is the slope, goes to the back of the slope from the top of the slope properties.
Q Is that the same inspection we were talking about earlier where you didn't know how much water was introduced to make --

A Well, there is no water actually coming from those other pipes. That's my understanding of my review.

Q So there was no water coming out of the other pipes?

A No, even during the rain. At the time when he reviewed the hole -- I mean, the drainpipe outlet.

Q Let's go to GeoTek's May 23, 2024, as-graded report. GeoTek makes the recommendation and I want to find out if you agree with that recommendation. They write, GeoTek recommends the existing area drain system at the top of the retaining wall, cease the transmission of surface water into the subsurface.

Do you agree with that recommendation?

A Well, it's general advice, yes.

Q This can be performed by different means and methods. Do you agree with that?

A It doesn't matter which means or method, as long as the wall is maintained.

Q Well, what they're recommending is that the surface area drains are disconnected at the top of the retaining wall and cease the transmission of surface water into the subsurface; correct?

A Yeah.

Q You agree with that, that surface water should

not be introduced into the subsurface of the slope; correct?

A I mean, it doesn't matter. Even if you have surface water pipes, you still have some amount of water coming from the surface, migrate down into the subsurface soil. Doesn't matter if you have perforated French drain pipe or solid pipe. Water still continue to go down into the bottom of the retaining wall, no matter what.

Q But you agree with the recommendation and the two systems should be separated; correct?

A That is not necessary to be separated. As I explained to you, it would be beneficial to the systems to not only intercept surface water, but also subsurface water, okay?

Q And they provide two ways of doing that; correct?

A What two ways?

Q Well, you've read this report; correct?

A I did.

Q And you don't know that they provided two suggestions on how to do this?

A I know.

Q So what are the two suggestions that GeoTek provided?

A Well, the following options in the considerations. You just read -- go through. Management of surface water is not a geotechnical field of expertise. And civil engineers should be consulted upon to provide a professional management of surface water. So they defer --

Q Dr. Huang, is this the first time you're reading this language?

A I reviewed their -- the report from GeoTek. I'm not review every single sentence that I can remember, okay? You're asking --

Q Okay. So summarize to me without reading the report what their first method of proposed repair is and what the second method is.

A Well, they said area drains behind the retaining --

Q I'll let the record reflect that you're reading this right now.

A Well, like I said, they said in their report, everything can be silt, that means the water can cap, okay, so they can disconnect. So there's no water coming from surface going into the area drain. That's one way, okay?

Q Were those drains capped, Dr. Huang?

A Drains cap? Just don't top of the grate.

Q But were they actually capped by the HOA or anyone? Are the drains currently capped?

A When they capped the top of it, the -- when they remove the grate, the top of that vertical pipe, there's no water from the surface will go into the French drain. That's what they recommend, the first one.

Q Okay. I understand that. I've read the report prior to today's deposition.

Now, my question to you is specific: Was that actually done at slope 139?

A I don't know. By the time of my site inspection, I do see the drain is great. It still exists.

Q You didn't bother to check whether or not this was actually done; correct --

A Why do I need to --

Q -- during your site inspection? Well, I'm asking. You went on the site on May 21, 2025, and you had an opportunity to conduct a visual inspection; correct?

A Yes.

Q What was the state of the drains during your site inspection? Were they capped or not capped?

A Not -- my recollection is not capped.

Q And what is the second recommendation that GeoTek provides for?

A The next one is that the swale issues -- the swale can be constructed behind the top of the wall to help manage surface water. So in addition to the option to cap, they say you may need to -- you could do the construction of the drain behind the wall. And that would be like either earth swale or the concrete swale to direct water away.

At the time of my inspection, it was only earth swale behind the retaining wall with the drainage inlet or grate installed at distance interval.

Q Where does that surface swale water end up?

A Behind the top of the slope.

Q Into the French drain; correct?

A No, it's the surface swale. Nothing to do with the French drain. French drain is down below.

Q Okay. So is the surface swale -- you know what? Let's take it a step back.

When water is migrating by gravitational pull on the surface of the slope and it hits the surface swale, what is the function of the surface swale?

A Well, surface swale as the positive gradient to direct water away from the site behind the retaining wall. That is the surface swale.

Q They also recommend -- or a V-ditch; correct?

A The V-ditch, same thing as the swale, concrete swale, earth swale, V-ditch. It's just different term.

Q Oh, so you observed the V-ditch?

A Well, I mean, this is not a V. It's like a semicircle or swale, okay? In San Diego, typically, they recommend a semicircle swale instead of V-ditch.

Q And they also write, New area drains should be constructed a solid conduit and discharged to a suitable location, typically the front of the curb face.

Do you see that?

A Yeah.

Q I suppose we're going to ask GeoTek why they're making the recommendation to use a solid conduit. But are you critical with the recommendation to have a solid conduit instead of a perforated pipe?

A No, they're just saying trying to avoid the surface water, you know, that's why they go back to the -- you know, their opinions that a solid pipe could be installed with the area drains like current conditions of the French drain with area drain. And to direct water away from the area.

Q At section 3.2, drainage, in the as-graded report, GeoTek, again, provides the language the need to maintain proper surface drainage and subsurface systems

cannot be overly emphasized. Positive site drainage should be maintained at all times.

Do you see that language?

A Yes. We said so many times.

Q Nothing here changes your prior opinion; correct?

A No.

Q Is that correct?

A That's correct.

THE COURT REPORTER: Is this a good time for a break?

MR. ALEXANDER: I'm almost done, actually.

THE COURT REPORTER: Okay.

MR. ALEXANDER: You know what, let's take a five-minute break.

Let's go off the record.

(Brief recess.)

MR. ALEXANDER: Let's go back on the record.

BY MR. ALEXANDER:

Q Dr. Huang, you understand you're still under oath; correct?

A Yes.

Q Before the break, you testified that you observed a swale or V-ditch be installed at the property; correct?

A Yes.

Q Why would GeoTek be recommending the future installation of a swale if it already existed?

A Well, that's general recommendations.

Q We're looking at your report again. These are Appendix A, your site photographs of May 21, 2025; correct?

A Yes.

Q In which photograph are we going to see this V-ditch?

A All right. If you look at the photograph that is -- let me point it out. All right. The photograph -- I don't know which page -- there's -- well, yeah, this one you should be able to see -- move to the next one. You will see the area drain and it was installed behind the white fence.

Q Where?

A Let me point it out. The best photo you can see is -- I don't know which page that is.

Q I'm looking at page 28 of 50 of --

A Well, I don't have page numbers, so let's see. Let's count. That was the --

Q Allow me to do this. The photograph that we're looking at together right now is titled Exterior, overview, toe slope, behind retaining wall, view left;

correct?

A Yeah.

Q Is there any other photograph that you -- that you are relying on to --

A Let me see.

Q -- to support your representation to install the V-ditch?

A Yeah. So let me see where this photo, you know, looking at, okay, so find out. Page 1 is the one I'm -- okay.

THE COURT REPORTER: I can't hear you if you're mumbling, Doctor.

THE WITNESS: No. I'm saying that he pointed out to these photos, but he wanted me to tell him where is the drainage inlet was installed with the swale along the toe of the slope. I am looking at my photos, but I don't have page numbers that I can tell him to scroll down or scroll up to see the good photos to go tell him that I do the drainage inlet was installed.

MR. ALEXANDER: I want to clarify the record that the photo that I just described, I was stopped there at the report by Dr. Huang himself. I did not select this photo. I was scrolling through and he told me to stop there.

MR. COMBS: In the interest of saving some time,

you could go to page 33. Looks like there are --

THE WITNESS: Okay. I see your photo. Let's move to -- let me tell you how many pages you can move, okay? One, two, three --

BY MR. ALEXANDER:

Q Well, look at my screen. I'm sharing. Tell me when to stop.

A Okay.

MR. ALEXANDER: Counsel, I appreciate that testimony.

MR. COMBS: I'm not testifying, Vasko.

THE WITNESS: Okay. Wait, stop right there. Do you see that green drainage inlet behind the fence?

MR. ALEXANDER: No.

THE WITNESS: Move down, there's another good photo. Yeah, this one. Do you see all those green in the distance? That is the drainage inlet. There's another one even better.

BY MR. ALEXANDER:

Q I don't see it.

A What do you mean you don't see it?

Q I don't see it. I don't know what you're referring to.

A It was shade by the sunshade. I mean, you zoom in you will see, okay? Let's look at another one.

Q Okay. I zoomed in. I don't see it.
A That is drain inlet, okay? So you look at your -- let me find another one, a better one.
Q That's a V-ditch? Is that what -- so I'm looking at a photograph and you asked me to zoom in.
A Move up to the --
Q Wait, wait, wait. I want to set the record of what I'm looking at, okay, because this is going to be presented at trial.
A Yeah.
Q It's page 33 of 50 of your report, and it's a photograph titled Exterior, overview, earth swale and drainage inlets behind retaining wall, note French drain was installed below the drainage inlets, view right.
A That is the drainage, the French drain. That is the drainage inlet. Move up. Move up. I'll tell you -- yeah, move up.
Q I'm moving up.
A Okay. Slowly.
Q Okay.
A Let me see -- no, no, move up. Keep moving up.
Q Okay.
A Okay. You need to move down. I think I look at the wrong photos.

Q Okay. I'm going to move down now.
A Okay. Move down slowly, slowly. I'll tell you the good photos you can see right there. Okay. Hold on. Move down. Move down. One more. One more. One more. One more. So below, yep, right here.
Q Okay.
A Did you see that green?
Q I see that is facing west, yes.
A Your right angle, you zoom in, you will see the drainage inlet right there.
Q Wait, hold on. Let's establish the photograph that we're looking at here. It's titled Exterior, overview, toe of slope, note earth swale and drainage inlets exist behind retaining wall, view right.
A Yes.
Q Okay. What do you want me to do now?
A Zoom in.
Q Okay.
A You see -- wait, wait, wait, okay. Do you see that drainage inlet right here?
Q This drainage inlet?
A Yes.
Q Where is that drainage inlet connected?
A This one is tied into the subsurface French drain.

Q Oh, so it goes back into the same French drain that we've been talking about?

A Well, that's the existing condition.

Q Okay. Isn't that the system that GeoTek is recommending to be separated from the French drain?

A Well, it's their intention.

Q Okay. Which you agreed with; correct?

A Not really, I told you. With the existing French drain would be beneficial to collect both water from surface and the groundwater. They already say in their report, they said the existing French drain system can be left. They don't ask them for removal of the French drain, okay?

Q Do you agree that the surface area drains should be disconnected from the French drain, Dr. Huang?

A Well, I said so many times. There's no need to disconnect.

Q Okay. All right. Have we covered every opinion that you anticipate providing in trial?

A I think so.

Q No, I need a definitive answer on that.

A Yes.

Q You're familiar with the Kennemur case; correct?

A Which case?

Q Kennemur.
A I don't know that case.
Q We talked about it earlier that if you intend -- well -- strike that.
We talked about it earlier -- and I'm making this representation to you again right now -- that if you attempt to introduce any opinion at trial or make any opinion at trial that you did not provide me with today, I'm going to move to exclude that opinion under Kennemur.
Okay?
A Okay.
Q You can talk to your counsel about it in case you have questions. I'm going to give you the last opportunity here.
Have we discussed all the opinions that you intend to rely on or to offer at trial in this matter?
A Yes.
Q Have we discussed all the evidence that you intend to use at trial to support your opinions?
A Yes, except that was the Building Code that you were talking about that we discussed. Actually, it was the Uniform Building Code, not the California Building Code. At the time, it was 1987, and the applicable Building Code would be UBC 1985, before the

1987 grading plan was prepared.

Q So now you have identified Uniform Building Code 1985 Edition; correct?

A Well, that's before the construction or the grading print was prepared. And that should be the applicable Building Code -- Uniform Building Code 1985 version for the preparation of the grading plan.

Q Okay. What section of the Uniform Building Code 1985 version are you relying on in formulating your opinions at trial?

A I don't have that -- that Code is too old. I have to do research to find out exactly which sections to talk about that information.

Q Okay. So you don't know; correct?

A I know it's there, exist. I just don't know which section.

Q Okay. Those are all the questions I have for you, Mr. Huang.

A No more?

Q No more.

A I thought you have more than this.

Q No, I have enough. Thank you.

A Okay. So I will conclude my deposition today?

Q Yes.

THE COURT REPORTER: Hang tight, though, Doctor.

MR. ALEXANDER: We can go off the record, unless Mr. Combs wants to be on the record on how many milliseconds Ms. Mann has to pay him directly on this.

MR. COMBS: We can go off the record to discuss that.

THE COURT REPORTER: Dr. Huang, would you like to read and sign or waive signature?

(Discussion held off the record.)

MR. COMBS: I will pay for the PDF so the doctor can read and sign.

MR. ALEXANDER: We're back on the record for a brief second. I'm marking Exhibit 8, which is Dr. Huang's report.

And now we're back off and the deposition is concluded.

(Exhibit 8 marked.)

(Deposition concluded at 3:19 p.m.)

PENALTY OF PERJURY

I, _____, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____, 2026,

at _____, _____.
(City) (State)

_____
Fei-Chiu Huang

STATE OF CALIFORNIA) ss:
COUNTY OF ORANGE)

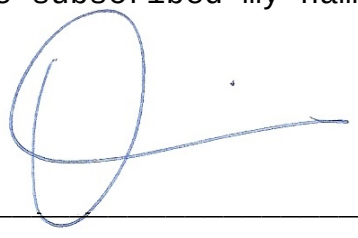
I, OLIVIA BUTELO, CSR No. 13651, do hereby certify:

That the foregoing deposition testimony was taken before me at the time and place therein set forth and at which time the witness was administered the oath;

That the testimony of the witness and all objections made by counsel at the time of the examination were recorded stenographically by me, and were thereafter transcribed under my direction and supervision, and that the foregoing pages contain a full, true and accurate record of all proceedings and testimony to the best of my skill and ability.

I further certify that I am neither counsel for any party to said action, nor am I related to any party to said action, nor am I in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name this 4th day of February, 2026.



OLIVIA BUTELO, CSR No. 13651