

Cause No. _____

**Le Thanh Minh Tu, a/k/a Minh Tu,
and Nguyen Ngoc Nhu Quynh, a/k/a
Quynh Nguyen,
Plaintiffs,**

v.

**Nguyen Tien Dung, a/k/a Daniel Tran,
a/k/a Tien Dung Tran; and Tran Thi
Hue, a/k/a Tran Thi Hoa,
Defendants.**

In the _____ District Court of
Harris County, Texas

Plaintiffs' Original Petition

Discovery Control Plan

1. Plaintiffs seek discovery under Level 3 of the Texas Rules Civil Procedure and ask the Court to issue a docket control order.

Parties

2. Plaintiff Le Thanh Minh Tu ("Minh Tu") is a citizen of Vietnam residing in Ho Chi Minh City, Vietnam.

3. Plaintiff Nguyen Ngoc Nhu Quynh ("Quynh Nguyen") is a lawful permanent resident of the United States and resides in Houston, Harris County, Texas.

4. Defendant Nguyen Tien Dung, a/k/a Daniel Tran, a/k/a Tien Dung Tran ("Daniel Tran") is a lawful permanent resident or citizen of the United States, who resides in Fountain Valley, California, and may be served process at 9200 Buttercup Ave., Fountain Valley, California 92708 or wherever found.

5. Defendant Tran Thi Hue, a/k/a Tran Thi Hoa ("Tran Thi Hue") is a lawful permanent resident or citizen of the United States, who resides in Arlington, Texas, and may be served process at 8193 La Frontera Trail, Arlington, Texas 76002 or wherever found.

Non-Party Co-Conspirators

6. The following persons (collectively, the “Co-Conspirators”) are co-conspirators with Defendants but are not named as parties herein: (1) Tran Thi Hong Thanh, a/k/a Thanh Tran (“Thanh Tran”); (2) Nguyen Hong Son, a/k/a Hong Son (“Hong Son”); and (3) Cindy Quynh Nguyen (“Cindy Nguyen”).

Jurisdiction and Venue

7. This Court has subject matter jurisdiction because the amount in controversy and the damages sought are within the jurisdictional limits of this Court.

8. All Defendants are subject to the personal jurisdiction of Texas. Tran Thi Hue is a Texas resident and subject to the general jurisdiction of the state. All Defendants are subject to the specific jurisdiction of the state because their acts were purposefully directed toward Texas with the knowledge and intent that the brunt of the injury would be felt by a citizen of Texas. In addition, all Defendants are subject to the specific jurisdiction of Texas because they are co-conspirators in a conspiracy, and numerous acts taken in furtherance of the conspiracy occurred in Texas. All of Tran Thi Hue’s acts described herein occurred in Texas. Further, Daniel Tran was in Texas when he performed the April 7, 2023 “interview” of Tran Thi Hue posing as her daughter.

9. Venue is proper in this county because it is the county in which Plaintiff Quynh Nguyen resided at the time of the accrual of the cause of action.

Background

10. In January 2021, Vietnamese police arrested and sentenced six individuals, including five teachers and the leader of Thien Am Ben Bo Vu Tru (“Thien Am”), on knowingly false charges of fraud and abusing democratic freedoms to infringe upon the interests of the state. Thien Am is a home for orphans which gained fame in Vietnam for winning awards on televised talent shows. Following the arrests, numerous YouTubers began fundraising efforts for the defense

of those arrested as well as other causes related to Thien Am and its residents. Many of these so-called fundraisers exploited the situation for their personal financial gain. YouTubers Daniel Tran along with Thanh Tran and Hong Son, both of whom falsely claimed to represent members of Thien Am, and Cindy Nguyen worked in concert to exploit the situation using several false fundraising campaigns.

11. Plaintiff Minh Tu was raised and spent his childhood at Thien Am. After leaving Thien Am in his early adulthood, he continued to support Thien Am, in part through a YouTube channel he established. Plaintiffs Minh Tu and Quynh Nguyen began to question, on their own YouTube channels, whether the funds raised by the Defendants were actually going to Thien Am, Thien Am's residents, and Thien Am's lawyers.

12. In retaliation for questioning the legitimacy of the Defendants' fund-raising efforts and to cover up their own fraudulent activity, Defendant Daniel Tran, acting in concert with Co-Conspirators Thanh Tran, Hong Son, and Cindy Nguyen, invented a fictitious narrative to discredit Plaintiffs. To spread the story to the public, Daniel Tran, in concert with the other Defendants and Co-Conspirators, recruited Defendant Tran Thi Hue to appear, in person and telephonically, on several of Daniel Tran's YouTube broadcasts. During her appearances, Defendant Tran Thi Hue played the part of Tran Thi Hoa, an elderly woman allegedly victimized by Plaintiffs Minh Tu and Quynh Nguyen. Defendant Tran Thi Hue accused Plaintiff Quynh Nguyen of orchestrating a scheme whereby Plaintiff Minh Tu stole \$6,000.00 from her. She claimed she was a follower of Plaintiff Minh Tu's YouTube channel and, on ten separate occasions, sent \$600.00 to Plaintiff Minh Tu for the benefit of Thien Am and its resident children. Defendants and Co-Conspirators, acting in concert, rebroadcast each of Daniel Tran's YouTube shows on 12 different YouTube channels.

13. On February 10, 2023, Defendant Tran Thi Hue appeared telephonically on Daniel Tran's YouTube show. On that show, Defendants Tran Thi Hue and Daniel Tran began the false narrative by having Defendant Tran Thi Hue accuse Plaintiff Quynh Nguyen of stealing money raised by Defendant Daniel Tran in a USB sales fundraising scheme.¹ Defendant Tran Thi Hue falsely claimed she called a Vietnamese YouTuber named Ngo Quan,² and that Ngo Quan disclosed to her that Plaintiff Quynh Nguyen was the leader behind the attacks against Daniel Tran in order to gain control of the money donated to Thien Am. No such call was ever made, and no such conversation ever took place. Additionally, Daniel Tran accused Plaintiffs of making a false report to the Federal Bureau of Investigation.

14. On March 16, 2023, Defendant Tran Thi Hue appeared again on Defendant Daniel Tran's YouTube show. Defendants continued the false narrative by adding the fictitious allegation that Plaintiff Minh Tu, at the direction of Plaintiff Quynh Nguyen, stole the above mentioned \$6,000.00 from Defendant Tran Thi Hue. The Defendants also falsely described how Defendant Tran Thi Hue sent money ten times to Plaintiff Minh Tu and falsely claimed to have the receipts for each \$600.00 transaction.³ They also stated they intended to send the receipts to Vietnam in order to have Minh Tu arrested. Adding still more to their false narrative, the Defendants claimed Plaintiffs Quynh Nguyen and Minh Tu had a scheme to get Minh Tu back into Thien Am so they

¹ Daniel Tran recorded Thien Am children and leaders performing on Thien Am's YouTube channel. He downloaded the performances onto USBs then sold the USBs in a scheme to fraudulently raise money. Thien Am never received any of the funds raised by Defendant Daniel Tran in this scheme.

² Ngo Quan is a Thien Am supporter and uses her YouTube show to assist Thien Am and the children living there. She criticized Daniel Tran for selling USBs containing songs performed by children living at Thien Am that he downloaded from Thien Am's YouTube channel without consent.

³ The "receipts," at times referred to on the YouTube broadcast as "bills," do not exist. One fake receipt was fabricated to add legitimacy to Defendants' false narrative. That fabricated "bill" was shown to the public on one of Co-Conspirator Cindy Nguyen's YouTube broadcasts and thereafter was found to be fake.

could take over all assets and control all funds donated to Thien Am. In the last part of the broadcast, Defendant Daniel Tran invited a guest named Lien who claimed the lawyers who represented Thien Am and those arrested and incarcerated, demanded 30% of the gold belonging to Thien Am as their fee. The inference drawn was that the fee was unlawfully excessive. The story was a complete fabrication.

15. On March 30, 2023, Defendant Daniel Tran, in concert with the other Defendants and Co-Conspirators, broadcast on his YouTube channel and repeated the story that Defendant Tran Thi Hue had the ten receipts to prove Plaintiffs stole \$6,000.00 from her. Defendant Daniel Tran again added to the Defendants' false narrative by accusing Plaintiff Minh Tu of calling Defendant Tran Thi Hue and begging her not to post the ten receipts on the internet. No such conversation ever took place. Daniel Tran also threatened Plaintiff Minh Tu by stating there were many other people seeking to have Plaintiff Minh Tu imprisoned in Vietnam.

16. At or around this same date, Defendant Tran Thi Hue and Co-Conspirator Cindy Nguyen, in a recorded broadcast, added to the false narrative by accusing Plaintiff Minh Tu of threatening to physically harm Defendant Tran Thi Hue and her family in both the United States and Vietnam. No such threats were ever made. Also at or around this same date, Co-Conspirator Hong Son broadcast a fabricated fake receipt, which Defendants and Co-Conspirators claimed evidenced the theft of the \$6,000.00 from Defendant Tran Thi Hue.

17. On April 1, 2023, the falsehood of the fabricated receipt was broadcast by Plaintiff Quynh Nguyen on her YouTube channel. Soon thereafter, on April 5, 2023, Defendant Tran Thi Hue faked her own death. Defendants and Co-Conspirators, working in concert, announced the

death of Defendant Tran Thi Hue on Daniel Tran's YouTube channel. An alleged photo of Defendant Tran Thi Hue was also broadcast on YouTube.⁴

18. On April 7, 2023, Defendant Tran Thi Hue appeared telephonically on Defendant Daniel Tran's YouTube channel. In this broadcast, Defendant Tran Thi Hue pretended to be her daughter, Thu Christine Tran. Defendants Daniel Tran and Tran Thi Hue, with Defendant Tran Thi Hue playing the part of her daughter, added to the Defendants' false narrative by discussing how "the daughter" discovered that her "mother" had been sending money to Plaintiff Minh Tu.

19. On April 11, 2023, after Defendant Tran Thi Hue's death was called into question and it had been discovered the photo published on YouTube was that of Defendant Tran Thi Hue's mother, Defendant Tran Thi Hue called into Plaintiff Quynh Nguyen's YouTube show. During the conversation that followed, Defendant Tran Thi Hue admitted she had never spoken to Plaintiff Minh Tu and had never given him any money. She also admitted that the published receipt was indeed fake, and she lied when she accused Plaintiff Quynh Nguyen of directing Minh Tu in a scheme to steal the \$6,000.00 from her. Defendant Tran Thi Hue claimed she was directed to do and say the things she did. However, she refused to name anyone who so directed her.

20. On June 27, 2023, after it was publicized that a law firm was investigating a possible defamation cause of action against Defendants Daniel Tran and Tran Thi Hue, Defendant Tran Thi Hue again appeared telephonically on Daniel Tran's YouTube show. Defendant Daniel Tran defended his actions, stating that Defendant Tran Thi Hue had admitted her guilt and apologized and, therefore, there should be no lawsuit. He accused Plaintiff Minh Tu of scamming other people out of their money for his own financial gain. He also accused Plaintiff Quynh Nguyen of fabricating the fake receipt. He accused Plaintiffs of using the investigation to blackmail

⁴ It was later discovered that the published photo was actually that of Defendant Tran Thi Hue's mother.

Defendant Tran Thi Hue. Finally, he accused, specifically, Plaintiff Quynh Nguyen, of using funds raised to pay for attorney's fees and expenses in this case for her own financial gain.

Causes of Action

I. Defamation.

21. Defendants and Co-Conspirators publicized the following false and defamatory statements to third parties:

- (a) On February 10, 2023, Defendants and Co-Conspirators, acting in concert, broadcast a YouTube show to the public wherein they accused Plaintiffs of stealing money that had been donated to Thien Am and of making a false report to law enforcement concerning Defendants' schemes to steal money by way of fraudulent fundraisers.
- (b) On March 16, 2023, Defendants and Co-Conspirators, acting in concert, broadcast a YouTube show to the public wherein they accused Plaintiffs of manufacturing a scheme to steal \$6,000.00 and falsely claimed to have evidence of the theft. Defendants and Co-Conspirators also broadcast that Plaintiffs were executing a plan to infiltrate Thien Am in order to gain control of Thien Am's finances and all donations to Thien Am. Finally, Defendants and Co-Conspirators broadcast that Thien Am's lawyers and with them the other Plaintiffs, unlawfully overcharged Thien Am and its leaders for legal services.
- (c) On March 30, 2023, Defendants and Co-Conspirators, acting in concert, broadcast a YouTube show wherein Defendant Daniel Tran repeated Defendant Tran Thi Hue's accusations of theft and the claim that there were receipts to prove the alleged theft. Defendant Daniel Tran, in concert with the other Defendants and Co-Conspirators, falsely accused Plaintiff Minh Tu of calling Defendant Tran Thi Hue and begging her not to release the alleged receipts to the public.
- (d) At or around this same date, Defendants and Co-Conspirators, acting in concert, broadcast a recording of a conversation between Defendant Tran Thi Hue and Co-Conspirator Cindy Nguyen wherein they accused Plaintiff Minh Tu of threatening to physically harm Defendant Tran Thi Hue and her family members in both the United States and Vietnam. Co-Conspirator Hong Son also showed a fabricated fake receipt on a YouTube broadcast and claimed it was evidence of the alleged theft of the \$6,000.00.
- (e) On April 7, 2023, two days after Defendant Tran Thi Hue faked her own death, Defendant Tran Thi Hue, in concert with the other Defendants and Co-Conspirators, appeared telephonically on Daniel Tran's YouTube channel. Defendant Tran Thi Hue pretended to be her daughter, Thu Christine Tran, and

claimed that she discovered her mother had in fact sent money to Plaintiff Minh Tu in the months preceding her death.

- (f) On June 27, 2023, after it was publicized that the allegations of the theft of the \$6,000.00 was false and that a law firm was investigating the possibility of filing a defamation cause of action against Defendants Daniel Tran and Tran Thi Hue, Defendant Daniel Tran, in concert with the other Defendants and Co-Conspirators, broadcast a YouTube show wherein he accused Plaintiff Minh Tu of scamming other people out of money for financial gain. He accused Plaintiff Quynh Nguyen of fabricating the fake receipt. He accused Plaintiffs of using the investigation and threat of a lawsuit to blackmail Defendant Tran Thi Hue. Finally, he accused Plaintiff Quynh Nguyen of using funds raised to pay for attorney's fees and expenses in this case for her own financial gain.

22. Defendants and Co-Conspirators made such statements with negligence and/or actual malice. These statements were so obviously hurtful to Plaintiff, including to Plaintiff's office, profession, or occupation, that they were defamatory per se and the Court may presume damages. In addition and/or in the alternative, Plaintiff suffered damages from these defamatory statements, including economic damages, reputational damages, special damages, and mental anguish. Defendants are therefore liable for defamation.

II. Civil Conspiracy.

23. Defendants and the Co-Conspirators are two or more persons. They had a meeting of the minds to accomplish the object of gaining money and notoriety by defaming Plaintiffs. They performed the unlawful overt defamatory acts described herein. Plaintiffs were damaged by the defamation and the conspiracy to commit defamation. As a result, all Defendants are jointly and severally liable for all defamatory acts alleged herein committed by any Defendant or Co-Conspirator.

Exemplary Damages

24. Defendants committed the above-described torts with malice and/or gross negligence. Accordingly, Defendants are liable for exemplary damages. Because Defendants

conspired to forge receipts in violation of section 32.21 of the Texas Penal Code, the exemplary damages cap of chapter 41 of the Texas Civil Practice and Remedies Code does not apply.

Conditions Precedent

25. All conditions precedent to the filing hereof have been satisfied.

Rule 47 Statement

26. Plaintiffs seek damages of at least \$1,000,000.

Jury Demand

27. Plaintiffs demand a trial by jury on all issues so triable.

Rule 193.7 Statement

28. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs give notice of its intent to use all documents produced by Defendants in hearings and/or at trial.

Prayer

Plaintiffs pray that the Court award them all legal and equitable relief to which they are entitled, including, without limitation, damages, exemplary damages, pre-judgment interest, post-judgment interest, costs, and attorneys' fees permitted by law or contract.

Respectfully Submitted,

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