

**THOMPSON THOMPSON & ALCANTARA, P.C.**  
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Hagåtña, Guam 96910  
Telephone: (671) 472-2089  
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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 02-05-19  
TIME: 11:35  AM  PM BY: [Signature]  
FILE NO OPA-PA: 18-002

Attorneys for David Yao

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY**

**PROCUREMENT APPEAL**

IN THE APPEAL OF	)	<b>APPEAL NO. OPA-PA-18-0002</b>
	)	
KORANDO CORPORATION,	)	<b>DECLARATION OF</b>
	)	<b>MITCHELL F. THOMPSON</b>
Appellant.	)	
_____	)	

I, MITCHELL F. THOMPSON, declare that

1. I am an attorney licensed to practice in the courts of Guam and a principal in Thompson Thompson & Alcantara, P.C., counsel for David Yao herein.

2. On Wednesday, January 30, 2019, I called the office of Vanessa Williams, counsel for Korando Corporation herein, and was told she was unavailable. I advised a staff member that I was calling on behalf of David Yao as to the subpoena and asked that Ms. Williams return my call.

3. On Thursday, January 31, 2019, as I had not received a call back from Ms. Williams, I called her office again, but was again told she was unavailable. I once again asked that she return my call.

**ORIGINAL**

4. That same day, I sent Ms. Williams an email setting out Mr. Yao's concerns as to the subpoena. A true and correct copy of that email is attached hereto as "Exhibit 1."

5. Later that day, I received a response from Ms. Williams, and a true and correct copy of her email is attached hereto as "Exhibit 2."

6. On February 1, 2019, I sent another email to Ms. Williams. A true and correct copy of that email is attached hereto as "Exhibit 3."

I declare under penalty of perjury of the laws of Guam that the foregoing is true and correct. Executed at Hagåtña, Guam on February 5, 2019.

  
\_\_\_\_\_  
**MITCHELL F. THOMPSON**

# EXHIBIT 1

**Mitch Thompson**

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**From:** Mitch Thompson  
**Sent:** Thursday, January 31, 2019 10:47 AM  
**To:** 'vlw@vlwilliamsllaw.com'  
**Subject:** subpoena for D.Yao in Korando/DPW matter

Vanessa,

I've tried reaching you by telephone without success the past few days.

My office represents David Yao in regards to the subpoena which your office caused to be served on him last Friday in the above matter.

Mr. Yao was previously scheduled to participate in a sporting tournament in Australia, leaving Guam on February 8 and returning on February 19, 2019. As he may be participating in multiple events during the tournament, under a shifting schedule, testimony by videoconferencing does not appear to be a viable option.

It is my understanding that Mr. Yao is not viewed as a critical witness in this matter. As such, we suggest that if you still believe that you need his testimony under the circumstances, he could be deposed sometime next week, rather than disrupting his participation in the tournament. Please let me know if this agreeable. I hope that we can resolve this issue amicably without resort to motion practice.

**Mitchell F. Thompson**  
**Thompson Thompson & Alcantara, PC**  
**238 Archbishop Flores Street , Suite 801**  
**Hagåtña, Guam 96910**  
**Telephone: (671) 472-2089**  
**Facsimile: (671) 477-5206**  
**Email: [Mthompson@ttalaw.net](mailto:Mthompson@ttalaw.net)**

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## EXHIBIT 2

**Mitch Thompson**

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**From:** Vanessa L. Williams [vlw@vlwilliamslaw.com]  
**Sent:** Thursday, January 31, 2019 2:18 PM  
**To:** Mitch Thompson  
**Subject:** Korando OPA Appeal - David Yao

Hi Mitch,

Sorry I haven't returned your calls. I've been booked all week and it's extremely unlikely I would be able to take Yao's deposition before the appeal as I have meetings and several depositions next week already.

I will confer with my client on how we want to approach this and get back to you tomorrow.

Thank you,

VANESSA L. WILLIAMS, ESQ.  
LAW OFFICE OF VANESSA L. WILLIAMS, P.C.  
414 WEST SOLEDAD AVENUE  
GCIC BUILDING, SUITE 500  
HAGÅTÑA, GUAM 96910  
(671) 477-1389

## EXHIBIT 3

**Mitch Thompson**

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**From:** Mitch Thompson  
**Sent:** Friday, February 01, 2019 9:08 AM  
**To:** 'Vanessa L. Williams'  
**Subject:** RE: Korando OPA Appeal - David Yao

Vanessa

Since it seems like a deposition may not work, perhaps a stipulation as to Mr. Yao's testimony, per OPA PA Rules section 12108(d), should be considered. What points do you anticipate trying to establish through his testimony?

**Mitchell F. Thompson**  
**Thompson Thompson & Alcantara, PC**  
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**From:** Vanessa L. Williams [<mailto:vlw@vlwilliamsllaw.com>]  
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