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M E M O R A N D U M

August 18, 2026

TO: Members of the Board of Supervisors

FROM: Leon J. Page, County Counsel

SUBJECT: Case Updates – *County v. Viet America Society* (30-2024-01418735-CU-BC-CJC) and *County v. Hand to Hand Relief Organization* (30-2024-01419573-CU-BC-CXC)

This memorandum provides an update as to the progress of litigation in the related lawsuits of *County v. Viet America Society, et al.* and *County v. Hand to Hand Relief Organization, et al.*, which involve County efforts to recover monies paid pursuant to County contracts that were steered by former Supervisor Andrew Do to certain non-profit contractors in return for the payment of bribes arranged by the contractors.

County v. Viet America Society, et al.

This action was originally filed in August 2024 as a contract enforcement and fraud action to recover over \$10 million against six contractor and its officers & agents, specifically defendants (1) Viet America Society (“VAS”); (2) Aloha Financial Investment, Inc.; (3) Peter Anh Pham; (4) Rhiannon Do; (5) Dinh Mai; and (6) Thu Thao Thi Vu. The Complaint alleged that VAS was paid millions of dollars in funds but failed to adequately document efforts to provide services under county contracts for both COVID Nutrition Gap Program Services [meals for seniors and disabled during COVID-19 pandemic] and a Vietnam War veterans memorial. The Complaint describes how the Defendants (1) submitted fraudulent invoices for services; (2) failed to maintain or produce records demonstrating that the parties performed the contracts; (3) failed to submit to federal and contractually required audits; and (4) misappropriated/diverted County funds towards personal purposes, such as real property purchases, improvements, ATM cash withdrawals.

In January 2025, County filed a First Amended Complaint that narrowed the scope of the claims stated in the original Complaint but added former Supervisor Andrew Do and additional co-conspirators as Defendants, as well as a claim for violation of Government Code section 1090.

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County v. Hand to Hand Relief Organization, et al.

The County filed its Complaint in August 2024 against Hand to Hand Relief Organization, Inc. (“H2H”) and Thanh Huong Nguyen to recover at least \$3 million against H2H and its officer, Thanh Huong Nguyen. H2H was paid at least \$3 million but failed to maintain or provide records that established that it performed the services under its contracts with the County for COVID Nutrition Gap Program Services (meals for seniors and disabled during COVID-19 pandemic).

County alleged that defendants (1) submitted fraudulent invoices for services; (2) failed to provide required paperwork; (3) failed to submit to federal and contractual required audits; and (4) misappropriated/diverted County funds towards personal purposes. County filed a First Amended Complaint in January 2025 that narrowed the scope of the claims stated in the original Complaint and added former Supervisor Andrew Do and Michael Nguyen as an additional co-conspirator, as well as a claim for violation of Government Code section 1090.

CURRENT LITIGATION STATUS

After filing the actions in Orange County Superior Court, the cases were transferred to San Diego Superior Court. The matter has been assigned to Judge Katherine Bacal.

Significant law and motion work has occurred in the cases, including County defeating multiple demurrers, multiple motions to strike, filed by defendants in both cases. In addition, the County successfully defeated defendant Andrew Do’s motion to disqualify County Counsel as attorney of record for the County. County was also able to secure preliminary writs of attachment in this case, but ultimately, the accounts had been drained, closed, or seized by federal authorities. However, as a result of the County’s remission petition filed with the United States Department of Justice (“USDOJ”), on April 2, 2026, the USDOJ transmitted approximately \$3.7 million dollars to the County in recovered assets as part of the remission from the proceeds of property sales and bank account seizures.

Substantial third-party discovery has also occurred, with the County obtaining banking and real estate records as to most of the defendants and related entities. Several depositions have taken place, including depositions of Buu D. Nguyen and Pun Group, which were the accounting firms that worked with VAS related to the subject contracts. Discovery directed to defendants is ongoing and the County has been engaged in extensive efforts to obtain discovery from the defendants despite the individual defendants and several third parties witnesses invoking their Fifth Amendment right against self-

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incrimination. Numerous motions to compel discovery production have been filed and are calendared for October 2026 and January 2027.

On August 7, 2026, in the H2H matter, the Court held a hearing on an Order to Show Cause regarding whether H2H's Answer should be stricken. In May 2026, counsel for H2H withdrew from his representation of H2H, which left H2H unrepresented by legal counsel. Since corporations cannot appear in court except through licensed counsel, and H2H had failed to retain counsel to represent it, the Court struck H2H's answer to the County's First Amended Complaint.

The Court has set a new trial date for the matter of November 12, 2027, with an 8–10-day estimate. The continued date was set due to the numerous defendants asserting their Fifth Amendment rights against self-incrimination and the ongoing efforts of the County to compel defendants to respond to the County's discovery. The trial date is set for both the VAS and H2H matters, and it is anticipated that the matters will be tried together.