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6 Attorneys for Plaintiff  
THE BOARD OF TRUSTEES OF THE  
7 LELAND STANFORD JUNIOR UNIVERSITY

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 \_\_\_\_\_ )  
12 THE BOARD OF TRUSTEES OF THE )  
LELAND STANFORD JUNIOR )  
13 UNIVERSITY, )

14 Plaintiff, )

15 vs. )

16 Chiang Fang Chi-yi, an Individual; Chiang )  
Yo-mei, an Individual; Chiang Hsiao-chang, )  
17 an Individual; Chiang Tsai Hui-mei, an )  
Individual; Chiang Yo-sung, an Individual; )  
18 Chiang Yo-lan, an Individual; Chiang Yo-bo )  
an Individual; Chiang Yo-chang, an )  
19 Individual; Chiang Yo-ching, an Individual; )  
Chungyan Chan, an Individual; Academia )  
20 Historica an entity of The Republic of China. )

21 Defendants. )  
22 \_\_\_\_\_ )

Case No. CV 13-04383-EJD-HRL

**THE BOARD OF TRUSTEES OF**  
**THE LELAND STANFORD JUNIOR**  
**UNIVERSITY'S FIRST AMENDED**  
**COMPLAINT IN INTERPLEADER**

23 Plaintiff The Board of Trustees of the Leland Stanford Junior University

24 (“Stanford” or “Plaintiff”) hereby files this First Amended Complaint pursuant to Fed. R.  
25 Civ. P. 15(a)(1)(B). Plaintiff respectfully alleges that a dispute has developed between and  
26 amongst the various Defendants Chiang Fang Chi-yi, Chiang Yo-mei, Chiang Hsiao-chang,  
27 Chiang Tsai Hui-mei, Chiang Yo-sung, Chiang Yo-lan, Chiang Yo-bo, Chiang Yo-chang,  
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1 Chiang Yo-ching, Chungyan Chan, Academia Historica an entity of The Republic of China.  
2 Despite Stanford’s significant efforts to find a resolution to the future treatment of the  
3 diaries and papers of Chiang Kai-shek and Chiang Ching-kuo, it has been unable to find a  
4 solution acceptable to all claimants and thus files this action and alleges as follows:

5 **INTRODUCTION**

- 6 1. Stanford is recognized as one of the world’s leading research and teaching  
7 institutions.
- 8 2. Stanford was founded to promote the public welfare by exercising an influence  
9 on behalf of humanity and civilization.
- 10 3. Founded in 1891, over a century later, Stanford remains dedicated to finding  
11 solutions to the great challenges of the day and to preparing its students for  
12 leadership in today’s complex world.
- 13 4. The Hoover Institution (“Hoover”) is part of Stanford.
- 14 5. Hoover is a public policy research center devoted to advanced study of politics,  
15 economics, and political economy—both domestic and foreign—as well as  
16 international affairs. With its world-renowned group of scholars and ongoing  
17 programs of policy-oriented research, Hoover puts its accumulated knowledge to  
18 work as a prominent contributor to the world marketplace of ideas defining a  
19 free society.
- 20 6. Consistent with this, the mission statement of Hoover states in part “The overall  
21 mission of this Institution is, from its records, to recall the voice of experience  
22 against the making of war, and by the study of these records and their  
23 publication, to recall man's endeavors to make and preserve peace.”
- 24 7. The Hoover Institution Library and Archives, with their vast original  
25 documentation on modern history, are a core component of Hoover.
- 26 8. Part of the Hoover Institution Archives is the East Asia Collection, which  
27 includes private papers donated or deposited by former national leaders, public  
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1 servants, military personnel, and others from Japan, China, Taiwan, Hong Kong,  
2 Korea, and other parts of East Asia.

3 9. Part of the East Asia Collection is the China Collection. Hoover holds one of  
4 the world's largest collections relating to the Chinese Nationalist Party (KMT)  
5 and its leaders outside Taiwan, and one of the world's largest collections  
6 relating to the Chinese Communist Party political movement outside China. It is  
7 home to hundreds of rare pre-1949 Chinese publications that barely exist in  
8 present-day China; and the personal papers of numerous crucial modern Chinese  
9 leaders such as T. V. Soong, H. H. Kung, Kia-ngau Chang, W. W. Yen, and  
10 Victor Hoo. It is also home to numerous personal papers of U.S. military and  
11 political leaders deeply involved in modern China, such as Joseph Stilwell,  
12 Albert Wedemeyer, Lauchlin Currie, and Claire Chennault.

13 10. Given the China Collection's variety, its complementarities (having both  
14 Kuomintang and Chinese Communist records), and its significance (holding the  
15 papers of the great families in modern China), the Hoover Archives has become  
16 one of the world's most influential hubs for modern and contemporary Chinese  
17 studies.

#### 18 THE CHIANG DEPOSIT

19 11. Chiang Kai-shek was a 20<sup>th</sup> Century Chinese political and military leader. He  
20 ruled mainland China for 22 years, and Taiwan for an additional 26 years.

21 12. Chiang Ching-kuo was a Chinese politician and leader, and was the son of  
22 President Chiang Kai-shek. He succeeded his father to serve as Premier of the  
23 Republic of China between 1972 and 1978, and was the President of the  
24 Republic of China from 1978 until his death in 1988.

25 13. On information and belief, Chiang Kai-shek created personal diaries from at  
26 least 1917 to 1972.

27 14. On information and belief, Chiang Ching-kuo created personal diaries from  
28 1937 to 1979.

1 15. On information and belief, after Chiang Kai-shek's death on April 5, 1975, his  
2 personal diaries and other papers were given directly to his son, Chiang Ching-  
3 kuo. After Chiang Ching-kuo's death these papers, along with his own diaries  
4 and papers (hereinafter collectively "the Deposit"), ended up in the possession  
5 of Chiang Ching-kuo's youngest son, Eddie Chiang Hsiao-yung, the late  
6 husband of Defendant Chiang Fang Chi-yi.

7 16. On information and belief, upon the death of Eddie Chiang Hsiao-yung the  
8 Deposit was given to Defendant Chiang Fang Chi-yi.

9 17. On information and belief, due to Hoover's reputation, as described in part  
10 above, the Deposit was loaned to Hoover in or about December 2004 by  
11 Defendant Chiang Fang Chi-yi. The Deposit includes numerous boxes of  
12 materials with hundreds of thousands of pages of materials in it.

13 18. Throughout the entire period that the Deposit has been at Hoover, Hoover has  
14 respected the value of the Deposit and complied with all instructions received  
15 from Defendant Chiang Fang Chi-yi regarding making available for scholarly  
16 study and review the various materials in the Deposit; and in accord with  
17 standard archival practice, has maintained the Deposit in a room under  
18 temperature and humidity controls.

19 19. Consistent with the agreement between Hoover and Ms. Chiang, Hoover has  
20 facilitated the scholarly study from redacted copies of the diaries of Chiang Kai-  
21 shek to hundreds of persons. During any given month scores of persons come to  
22 Hoover for the specific purpose of studying these diaries. Hoover has been very  
23 proud, and humbled, in its role of disseminating this knowledge to the world.

24 THE PARTIES

25 20. Stanford's principal place of business is Stanford, California.

26 21. On information and belief, Defendant Chiang Fang Chi-yi (also known as  
27 "Elizabeth Chiang") is a resident of Taiwan, has a home in Contra Costa  
28 County, California, and is the daughter-in-law of Chiang Ching-kuo.

- 1 22. On information and belief, Defendant Chiang Yo-mei (also known as “Yo-Mei  
2 Chiang”) is a resident of the United Kingdom and the granddaughter of Chiang  
3 Ching-kuo.
- 4 23. On information and belief, Defendant Chiang Hsiao-chang (also known as  
5 “Amy Chiang”) is a resident of Alameda County, California, and the daughter of  
6 Chiang Ching-kuo.
- 7 24. On information and belief, Defendant Chiang Tsai Hui-mei (also known as  
8 “Michelle Chiang”) is a resident of Taiwan and the daughter-in-law of Chiang  
9 Ching-kuo.
- 10 25. On information and belief, Defendant Chiang Yo-sung (also known as  
11 “Jonathan Chiang”) is a resident of Taiwan and the grandson of Chiang Ching-  
12 kuo.
- 13 26. On information and belief, Defendant Chiang Yo-lan is a resident of Taiwan  
14 (presently living in Hong Kong) and the granddaughter of Chiang Ching-kuo.
- 15 27. On information and belief, Defendant Chiang Yo-bo (also known as “Demos  
16 Chiang”) is a resident of Taiwan and the grandson of Chiang Ching-kuo.
- 17 28. On information and belief, Defendant Chiang Yo-chang (also known as  
18 “Edward Chiang”) is a resident of Taiwan and the grandson of Chiang Ching-  
19 kuo.
- 20 29. On information and belief, Defendant Chiang Yo-ching (also known as  
21 “Andrew Chiang”) is a resident of Taiwan and the grandson of Chiang Ching-  
22 kuo.
- 23 30. On information and belief, Defendant Chungyan Chan (also known as “James  
24 Chan”) is a resident of Shanghai, the People’s Republic of China, and claims to  
25 be the grandson of Chiang Kai-shek.
- 26 31. On information and belief, Academia Historica (“AH”) is an agency or  
27 instrumentality of the Republic of China and is its highest level organization  
28 tasked with affairs related to the nation’s history.

1 **JURISDICTION AND VENUE**

2 32. This Court has subject matter jurisdiction over this action based on 28 U.S.C. §§  
3 1330 and 1335. First, jurisdiction is proper under 28 U.S.C. §1330 as this  
4 involves a nonjury civil action against a foreign state. Second, jurisdiction is  
5 also proper under 28 U.S.C. § 1335 as Stanford has physical custody of the  
6 Deposit, which is property valued at over \$500, and two or more adverse  
7 claimants, of diverse citizenship, are claiming or may claim to be entitled to  
8 such property.

9 33. Upon information and belief, the claimants are residents or entities located in  
10 California, Taiwan, the United Kingdom and the People’s Republic of China.

11 34. Venue is proper in this district as the property in question is located at Stanford  
12 University in Stanford, California, which is located in this District.

13 35. Venue is proper in this district pursuant to 28 U.S.C. § 1397 as Defendant  
14 Chiang Hsiao-chang is a resident of this District.

15 **FIRST CLAIM FOR RELIEF**

16 **(Interpleader)**

17 36. Plaintiff repeats the allegations in paragraphs 1 through 35 and incorporates  
18 them by reference as if fully set forth herein.

19 37. On or about December 2004, Plaintiff came into physical custody of the  
20 Deposit.

21 38. Since receiving the Deposit, at different times Plaintiff has received claims of  
22 ownership to the Deposit, or parts of it, from each of the Defendants.

23 39. Although Plaintiff has not directly received any claims of ownership of any part  
24 of the Deposit from any other person or entity other than those listed as a  
25 Defendant herein, Plaintiff is aware that other persons or entities may claim an  
26 ownership interest in the Deposit or parts thereof.

27 40. Plaintiff has been unable to substantiate the validity of each of these claims and  
28 as such, Plaintiff is unable to determine whether any particular Defendant or any

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other person or entity has any colorable claim of ownership to the different materials in the Deposit.

41. Though Plaintiff has literally spent hundreds of hours attempting to resolve the dispute amongst the Defendants, presently Plaintiff has been given differing instructions regarding the handling of the Deposit from the various Defendants.

42. Plaintiff is ready, willing, and able to return the Deposit, or parts of it, to the person(s) or entity(ies) legally entitled to it or parts of it, but under the circumstances, Plaintiff does not know and cannot determine to whom the Deposit should be delivered.

43. Consistent with 28 U.S.C. § 1335 (a)(2) Plaintiff is also willing to deliver the Deposit to the Clerk of this Court, or to otherwise deliver the Deposit upon further order of this Court.

44. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays for judgment as follows:

- 1. Pursuant to 28 U.S.C. § 2361 and this Court’s equitable powers an Order that each Defendant be restrained from instituting any action against Plaintiff for recovery of the Deposit;
- 2. Pursuant to 28 U.S.C. § 2361 and this Court’s equitable powers an Order that each Defendant be required to interplead and litigate amongst themselves his or her rights and claims to the Deposit, or parts thereof, at issue and that Plaintiff be released and discharged from any and all liability on account of the claims each Defendant may have in the Deposit, or parts thereof; and
- 3. For any and all such other and further relief as the Court may deem just and proper.

Dated: March \_\_, 2014.

PILLSBURY WINTHROP SHAW PITTMAN LLP  
MARK D. LITVACK  
JAMES CHANG

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By: \_\_\_\_\_  
MARK D. LITVACK  
Attorneys for Plaintiff  
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LELAND STANFORD JUNIOR UNIVERSITY