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SUPPLEMENTAL DECLARATION OF HENRY LIEN

by

Henry Lien

I, Henry Lien, declare:

1. I am the former Trustee of the Trust of Thornton J. Hess (the "Trust"). Except where noted, the following facts are of my own personal knowledge and, if called as a witness, I could and would competently testify thereto.

2. Although this Trust has been wound down, I am submitting this supplemental declaration in fulfillment of my former duty as Trustee to disclose all communications with the deceased, trustor Thornton J. Hess (hereafter, the "Trustor"). I had understood that I was required to disclose all communications between the Trustor and me that occurred before his death on October 1, 2005.

3. At no point was I advised that I was under any obligation to disclose communications that I had with the Trustor after his death.

4. Nonetheless, given the highly contentious litigation that has surrounded this Trust, I am hereby making this supplemental declaration out of an excess of caution.

5. As stated in my original declaration, the Trustor was living with colorectal cancer when I met him in February 2005. The Trustor had been undergoing a chemotherapy regimen and responding extremely well to it. The chemotherapy caused his cancer to retreat and his tumors to shrink incessantly. Further, he suffered absolutely no side effects beyond an afternoon of pleasant sleepiness after each monthly treatment. The Trustor stated that his doctor had called him a "poster child for chemo."

6. Nonetheless, the Trustor had been a lifelong adherent of New Age thought. He stated that he believed that "the chemo is keeping me alive but not healing me." Thus, in March 2005, the Trustor unilaterally took himself off of traditional chemotherapy against his doctor's orders. The Trustor turned instead to a course of alternative natural and herbal remedies that he had investigated on the Internet, particularly bottles of a product that he referred to as "healing water" from Canada.

7. I repeatedly urged the Trustor to return to traditional medical care to at least receive diagnostic scans to assess whether his experiment was working. I made these statements to the Trustor not in my capacity as a Trustee, as I was not even aware of the existence of the Trust at that point nor had I become the Trustee yet. I made these statements in my capacity as the Trustor's partner. The Trustor refused and insisted that he could feel that these therapies were healing him. After six months of this, I finally told the Trustor that I would end our personal relationship if he did not return to traditional medical care to at least receive diagnostic scans. The Trustor agreed to visit the doctor.

8. On or about September 8, 2005, I caused the Trustor to be admitted to UCLA Medical Center. The Trustor's oncologist Dr. Richard Petrakis ordered diagnostic scans. The diagnostic scans indicated that the Trustor's experiments with alternative herbal and natural remedies for cancer had not been effective in causing his cancer to retreat. On the contrary, the scans indicated that during the six months of the Trustor's alternative therapies experiment, the Trustor's cancer had spread from his colon to his liver, kidneys, stomach, and lungs. Further, Dr. Petrakis informed us that an extremely serious bacterial infection had developed in the Trustor's abdomen and if I had waited 24 more hours to bring the Trustor to the hospital, he would probably be dead already.

9. I asked Dr. Petrakis what the probability was that the Trustor would regain sufficient strength to tolerate surgery, chemotherapy, or other treatment for the cancer. Dr. Petrakis responded by informing us that the important thing was that the Trustor maintain a positive attitude in the face of the medical challenges that he would be facing in the coming days. When I further pressed Dr. Petrakis, he informed us that the chance of the Trustor recovering sufficiently to become a candidate for additional treatment was less than one tenth of one percent.

10. After Dr. Petrakis and the oncology team departed, the Trustor expressed to me his distress over this information. The Trustor expressed intense frustration that he "should meet the person [he had] been waiting [his] whole life to meet just seven months before [he, the Trustor] die[d]."

11. Further, the Trustor expressed particular regret that he had not reconciled with his estranged father, that he had not been able to take me home to Australia to meet his father, and that he had not had the opportunity to meet mine. The Trustor and I both admired our fathers deeply but our fathers were not entirely accepting of our sexual orientation.

12. The Trustor explained to me that he had established a Trust and that once he died, I would become the Trustee of his Trust and that one of my duties would be to travel to Australia and thank the Trustor's father for all the things that he had taught and given to the Trustor, which the Trustor had never found the opportunity to say himself.

13. The amount of time that circumstance had allowed the Trustor and me to spend together had been extremely short and under such unfortunate conditions. I refused to allow the Trustor's impending death to take him entirely away from me.

14. Thus, I devised in the Trustor's hospital room a system to manage this situation. I stated to the Trustor that he knew from our personal relationship that I am a highly skeptical and logical person. The Trustor affirmed such assessment as accurate.

15. I further shared with the Trustor that, despite my highly skeptical and logical nature, I sometimes had dreams that contained information that I could not account for.

16. I shared with the Trustor specific examples of such information, including information about deeply personal domestic secrets and medical conditions about other people that I could not have had any possible way of knowing.

17. I explained to the Trustor that if he were to die, I fully expected to be visited by him in dreams. After he died, the Trustor and I could theoretically appear to continue to communicate through my dreams.

18. However, I explained to the Trustor that the problem was that even if the Trustor did appear to visit me in my dreams, I would never be able to know with certainty whether the dreams I had of the Trustor were:

- A. truly communications from him from beyond bodily death; or
- B. merely figments of my subconscious that wished to see him again.

19. Thus, I proposed a system to eliminate this uncertainty:

- A. The Trustor must think of a password.

B. The Trustor must not tell me what the password is.

C. The Trustor must write the password on a piece of paper and seal it.

D. I must not open the paper and view the password until such time as appropriate.

E. If the Trustor dies and finds that there is some continued existence after death, he must attempt to contact me through my dreams.

F. In the dreams, he must identify himself by saying to me the password that he wrote on the paper.

G. Only after receiving such dreams of the Trustor would I unseal the paper.

H. If the password that the Trustor said to me in the dreams proved to be the same as the one he had written on the paper before dying, then I would know that it was truly the Trustor contacting me in my dreams, since there was no way that I could have known what the word written on the paper was.

20. The Trustor considered my logic, then stated, "It just might work. Aren't you bright. Where's a pen?" I brought a pen and scrap of paper to the Trustor. I turned my back and the Trustor wrote something on the scrap of paper. He sealed the paper with a piece of adhesive tape and gave it to me. I put the paper in my wallet and later conveyed it to a safety deposit box.

21. On October 1, 2005, at 7:00 a.m., I became the Trustee of the Trust. A true and correct copy of my notes to myself regarding the events of the morning of October 1, 2005 is attached hereto as Exhibit "A".

22. During the months following the Trustor's death, I was heavily occupied in dealing with the extremely complicated and contentious legal and business affairs that the Trustor left behind for me to manage.

23. Shortly after the Trustor's death, the Trustor's sister, remainder beneficiary Emma Hess Pratchett, and her husband Julian Pratchett, came from

Australia to stay with me in the Trustor's home and help arrange affairs. I had never met Ms. Pratchett or her husband. In fact, they had never even known of my existence until the day before the Trustor died, due to the Trustor's extremely private and closeted nature. Further, the Trustor had left me a significant portion of his estate in his Trust, which created controversy among some of the other beneficiaries, as later litigated before this Court. However, Ms. Pratchett and Mr. Pratchett remained civil and sympathetic to me during the weeks that the two of them stayed with me in the Trustor's home.

24. Given the great personal significance that the paper with the password had for me, I began to have concerns about losing the paper. I decided that it was imperative that I have a copy made of it. However, I did not wish to copy the paper myself. The Trustor had not visited me in my dreams in the time since he died. I was afraid of accidentally seeing the password on the paper before receiving dreams of the Trustor.

25. On or about October 18, 2005, I gave the paper with the password to Mr. Pratchett. I did not explain to him the significance of the paper. I simply asked him to open the paper and make a photocopy of it using the photocopy machine in the house, but not to read it aloud to me.

26. Unfortunately, Mr. Pratchett was hard of hearing and had suffered a stroke only a few years previously. He misheard my instructions. He opened the paper and read aloud to me the word written on there. A true and correct copy of the paper with the password on it is attached hereto as Exhibit "B".

27. This development caused me great personal distress. Now, if the Trustor visited me in my dreams, I would never know if it were truly him or if it were just a figment of my subconscious and wishful thinking. I believed that I had been divested of my one chance to continue to communicate with the Trustor. I believed

that the Trustor chose this particular password as a reference to tears due to the fact that I was emotional at the time that we discussed this system and I would be emotional again when or if he came to me in my dreams and spoke it.

28. Ms. Pratchett exhibited kindness towards me when she saw my agitation. I explained to her this system that the Trustor and I had devised to continue communicating after he died. Ms. Pratchett stated to me, "Well, you were very clever boys to think of that system. But when Thornton visits you in your dreams, you'll know when it's him. And you won't need a password to know it."

29. As reflected in the Request for Judicial Notice filed concurrently herewith, this matter was litigated through 2009; the matter was settled; the order approving the settlement was signed by this Court on March 23, 2009; the Trust was wound down; and this matter was closed and taken off of the Court's active docket. At no point during any of this time did I experience any dreams that featured the presence of the Trustor.

30. On or about January 24, 2012, I received a telephone call on my mobile phone. Because I was driving on the freeway at the time of the call, I was not able to view the caller ID. I answered the phone with my hands-free earpiece.

31. The connection on the phone line was crackling, but the voice was unmistakable. It was the Trustor. He said to me, "Hello, sweetheart. It's me. Meet me at 249 N. Main Road. I am waiting for you there now." His voice sounded rushed but in high spirits.

32. At that moment, I awoke and realized that I had experienced a dream. However, I also realized that this was the first dream I had had in which the Trustor appeared since he died. I immediately searched on www.google.com for "249 N. Main Road" but found nothing.

33. I was initially undeterred by this because I had received the information in aural form and consequently, I could not be certain of how it was spelled. It could

be “Main” or “Maine” or “Mayne” or “Meigne” or any number of other spellings. Further, I sometimes had difficulty understanding the Trustor's accent, particularly when we spoke on mobile phones. I also did not know whether the address was in California, or even whether it was in the United States.

34. However, upon further reflection regarding what Ms. Pratchett said to me after I accidentally discovered the password, I have decided not to investigate this information further.

35. I believe that I have more than satisfied all my obligations to this Court. All future communications between the Trustor and myself, if any, shall be beyond the purview and jurisdiction of this Court, and shall constitute wholly personal communications not subject to scrutiny or proof.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 29, 2012 at Los Angeles, California.

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Henry Lien

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EXHIBIT "A"

After death, the tissues of the human eye break down more quickly than other tissue. Within eight hours of death, the walls of the iris can begin to collapse. The pigment within the iris, though, remains stable longer and can come tumbling out into other areas.

At 7:00 a.m., on October 1, 2005, I awake to find that I am in a hospital bed at UCLA Medical Center. Not my hospital bed. Thornton's. I turn towards him. He is dead. The man I loved died in my arms, while he slept.

But we have won. He said he had waited his whole life to experience real love once. We have gotten him that. He had hoped to die peacefully in his sleep in the arms of his partner. We have gotten him that.

I learn that, contrary to what TV tells us, a person's eyelids will not close with a gentle, dignified wave of your hand over them. They stay open, rubbery, obscene.

Now I am looking into Thornton's body's open eyes, which used to see everything, now useless and wasted. I look closer and see that the blue in them, the striking cornflower blue that got him acting work and favored treatment from the world and that he used like a crutch and a weapon, has begun to run out of his irises, seeping into the whites of his eyes. His blue eyes are running for me.

I find that it is hours later. I have been making calls all morning to our family and friends and all who love us, or at least who love him or love me. I push my dad to the last on the list. My dad, who had refused to eat at the same table as me after I told him that his only son is gay. My dad, who never met Thornton while he was alive.

"Dad. It's me. Thornton didn't make it." I say this in English. It would be weird to talk to my Dad about Thornton in Taiwanese.

"What?"

"Thornton died this morning."

"But you say the doctors so think he maybe survive?"

"We were wrong."

"Oh, no. Oh, no. Oh, Henry, no, no . . ."

And I listen as my father sobs harder for Thornton than anyone else I talked to. I listen as his brown eyes run for me, for Thornton, for all the years of joy we have been robbed of.

As I listen to my father weep, I know that we have won.

We have all won.

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EXHIBIT "B"

Dewdrop

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