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5
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California Attorney General Bill Lockyer, the Office
of the California Attorney General, Senior Assistant
7 Attorney James Schiavenza, Supervising Deputy
Attorneys General Tyler B. Pon and Paul T.
8 Hammerness

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10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF MONTEREY
12 CIVIL DIVISION

13
14 EUGENE FORTE,

15 Plaintiff,

16 v.

17
18 ROBERT O'FARRELL, et al.,

19 Defendants.

CASE NO. M72599

DECLARATION OF DEPUTY
ATTORNEY GENERAL IN
SUPPORT CCP SECTION 391
MOTION FOR VEXATIOUS
LITIGANT DECLARATION AND
ORDERS

Date: June 3, 2005

Time: 9:00 a.m.

Ctrm: Law & Motion (TBA)

Action Filed: December 17, 2004

21
22 I, Paul T. Hammerness, declare as follows:

23 1. I am a Supervising Deputy Attorney General for the State of California and represent the
24 State judicial defendant in this matter. I make this declaration in support of this motion to have
25 plaintiff declared a vexatious litigant under Code of Civil Procedure sections 391-391.7.

26 2. Following my filing of the demurrer to plaintiff Forte's complaint, I have been in receipt
27 of a barrage of faxes and phone messages from plaintiff, "demanding" that I initiate an
28 investigation of my client, and intimating that plaintiff is the object of a criminal conspiracy on

1 the part of the local bench, whom he equates with the Ku Klux Klan. (Req. for Jud. Notice,
2 Pltf's Supp. Opp. to Demurrer, at p. 14).

3 3. Plaintiff has persisted in noticing and threatening to notice unnecessary discovery, to wit,
4 the deposition of court reporter Amanda Berkeley, Judge O'Farrell. Attached hereto as Exhibits
5 A through F are true and correct copies of the deposition subpoena, and correspondence between
6 the parties on that topic. Likewise, in the plaintiff's "Second Supplemental Opposition to the
7 Demurrer," he has threatened to depose and sue Lisa Galdos, Diana Valenzuela "and other
8 clerks" in the superior court clerk's office. (Req. Jud. Notice, Pltf's Second Supp. Opp. to
9 Demurrer, at p. 3).

10 4. Plaintiff has deluged the local grand jury, court officials and staff and various other
11 governmental officials (e.g., the Governor and Attorney General) with inappropriate demands for
12 official action in his case. (See Exhibits attached to Plaintiff's Opposition to Demurrer, *passim*).

13 5. Plaintiff has threatened to file suit against the court reporter, Ms. Berkeley (Ex. "D"), and
14 has filed a tort claim with the State Board of Control against the Governor, Attorney General and
15 the defense counsel. (Exhibit "F"). Thus, it is clear that simply requiring plaintiff to post
16 security will not prevent his further abuse of the judicial process.

17 6. Most recently, plaintiff has served me with the notice of motion (Ex. "G") seeking to add
18 as new defendants herein:

- 19 - Governor Schwarzenegger;
- 20 - The Office of the Attorney General;
- 21 - Mr. Bill Lockyer, Attorney General of the State of California;
- 22 - Mr. James Schiavenza, Senior Assistant Attorney General;
- 23 - Mr. Tyler B. Pon, Lead Supervising Deputy Attorney General, in his public and
24 individual capacity'
- 25 - Mr. Paul T. Hammerness, Supervising Deputy Attorney General;
- 26 - The "entire Monterey County Superior Court Bench including Judge Wendy Duffy,
27 Judge Terrance Duncan, Judge Michael Fields, and Judge Stephen Sillman";
- 28 - The Monterey County Superior Court;

- 1 - Ms. Lisa Galdos, Court Executive Officer of the Monterey Superior Court;
- 2 - Ms. Lenor Noll, Deputy Court Executive Officer of the Monterey Superior Court;
- 3 - Ms. Amanda Berkeley, Court Reporter for the Monterey Superior Court;
- 4 - Sixth Appellate Court Justices Conrad Rushing, Premo, Elia;
- 5 - Supreme Court Justice Ronald George.

6 7. Attached hereto as Exhibit "H" is a true and correct copy of the plaintiff's "Request for
7 Entry of Default", filed May 2, 2005. Default was not entered, given the pending demurrer on
8 behalf of Judge O'Farrell.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing
10 is true and correct.

11 Executed on this 11th day of May, 2005.

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13 _____
14 PAUL T. HAMMERNESS

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TABLE OF EXHIBITS

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- Exhibit A - Deposition Subpoena**
- Exhibit B - Letter to Ms. Amanda Berkeley from Gene Forte**
- Exhibit C - Letter to Eugene Forte from Paul T. Hammerness**
- Exhibit D - Letter to Mr. Bill Lockyer from Eugene Forte**
- Exhibit E - Facsimile letter to Bill Lockyer from Gene Forte**
- Exhibit F - Claims Form**
- Exhibit G - Notice of Motion for Leave to File Plaintiff's First Amended Complaint**
- Exhibit H - Request for Entry of Default**

