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September 22, 2008

Via Facsimile and Mail
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Mr. Eugene Forte
688 Birch Court
Los Banos, California 93635

Re: Eugene Forte v. Tommy Jones, et al.
Merced Superior Court Case No: 150880

Dear Mr. Forte:

Your letter dated September 17, 2008 has been received, along with the motion for protective order which was received on September 18, 2008.

This will confirm that on September 16, 2008 you called and requested that I take Jordan Forte's deposition by way of written questions instead of an oral examination. I told you I could not do that because I have many questions to ask Jordan Forte and I would not be able to ask follow-up questions in the event an unsatisfactory answer is given. Also, it would be burdensome and oppressive for me to attempt to ask the questions in written form because I expect the deposition will last about two hours and the use of written questions is not suitable in this case because I will not be able to judge your son's credibility or evaluate what type of witness he makes.

Jordan Forte submitted a sworn declaration signed by him, and likely prepared by you, to support the governmental tort claim which you filed in May of 2007. You have identified him as one of three witnesses to one of the incidents described in the complaint. And, as you know, Jordan Forte will definitely be called as a witness should this case be tried to a jury.

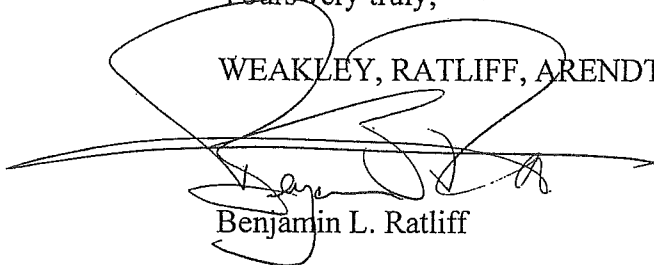
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In sum, I do not believe my client will be properly served by taking Jordan Forte's deposition using written questions. I am agreeable to deposing Jordan Forte on a Saturday so as to not interfere with his studies, however, I would request that you waive service of a subpoena. And, if the court reporter charges an additional fee for a weekend deposition, I would request you pay that fee before the commencement of the deposition.

I am requesting that you withdraw your motion so my client does not have to incur the expense of filing a response. If the motion is not withdrawn, I will be seeking monetary and/or other appropriate sanctions.

Yours very truly,

WEAKLEY, RATLIFF, ARENDT & McGUIRE, LLP



Benjamin L. Ratliff

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