

ADD 10/6/08. [Signature]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gene E. Forte
688 Birch Court
Los Banos, CA, 93635
Telephone: (209) 829-1116
Facsimile: (209) 829-1952

#24

In Propria Persona

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MERCED**

GENE FORTE,

Plaintiff,

Case No. CU150880

vs.

**REPLY BRIEF IN SUPPORT OF
MOTION TO QUASH DEPOSITION
SUBPOENA OF MEDICAL RECORDS**

TOMMY JONES, et al.

Defendant.

**Date: October 10, 2008
Time: 8:15pm
Dept: Law and Motion
Trial: December 16, 2008**

Plaintiff hereby submits the following reply to Defendant's Opposition.

Defendant's main crux of his opposition, other than now agreeing to limit the subject subpoena to the treatment received by plaintiff on May 7, 2008 - May 8, 2008, is that plaintiff failed to reasonably meet and confer regarding this issue. Plaintiff disagrees.

One, plaintiff met and conferred with defendant, and requested a reasonable limitation of the subpoena. Defendant's offer to limit the subpoena to produce medical records from the time plaintiff was 21 years old is not reasonable as it covers 35 years of medical records.

1 Plaintiff was forced to spend his time and efforts in drafting a motion to limit this request.
2 Even though the court and others may think that plaintiff is “adept” at legal work, that so-called
3 “adeptness” is actually a product of hard work and time since, as everyone knows, plaintiff is not
4 an attorney nor has he received training as an attorney.

5 Defendant’s offer on September 23, 2008, eighteen days after the motion was filed, to
6 now limit the subpoena to May 7, 2008 - May 8, 2008 does not provide compensation for the
7 requested sanctions by plaintiff caused by their initial refusal to be reasonable in resolving this
8 conflict. Defendant’s offer is too late. Therefore, plaintiff cannot continually allow defendant to
9 force plaintiff to prepare and file a motion, and then, at a late date, capitulate to plaintiff’s
10 reasonable requests saying that then plaintiff should take the motion off calendar and if he
11 doesn’t, he is wasting the court’s time.

12 Not so, defendant is playing games, intentionally causing plaintiff extra work and stress
13 to protect his rights, and defendant should be sanctioned.

14 In regard to defendant’s emphasis on plaintiff’s statement in his meet and confer letter
15 regarding defendant’s “medical records evidencing any treatments for drug and alcohol abuse or
16 attendance at AA meetings”, defendants misconstrue plaintiff’s statement. Exhibit 4 of this
17 subject Motion to Quash Deposition Subpoena of Medical Records shows the context of the
18 statement as:

19 “I will not stipulate to your having access to all of my medical records
20 after my 21st birthday. The objections of burdensome, oppressive, invasion of
21 privacy and irrelevant come to mind. Perhaps, we could enter into a stipulation?
22 You can obtain all of my medical records from birth (as you are now asking for)
23 provided that Mayor Jones produces all his medical records evidencing any
24 treatments for drug and alcohol abuse or attendance at AA meetings?”
25

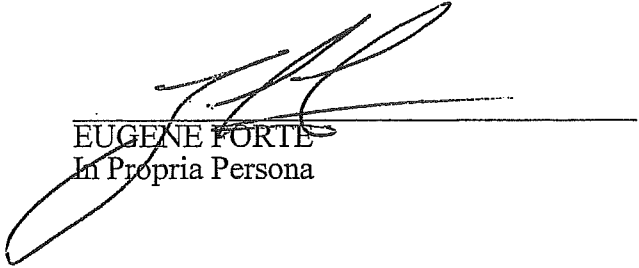
26 In context, any literate and/or legal person, would understand that plaintiff was saying the
27 above with tongue in cheek, fully aware that medical records from birth are as about relevant as
28 Mayor Jones attending AA meetings. The question marks (?) indicate a suggestion and if read by

1 an intelligent person, would be understood to be sarcastic remarks.

2 Plaintiff points out that even though plaintiff knows that Mayor Jones has attended AA
3 meetings, he did not ask Mayor Jones about such in his 18 hour deposition. Until Forte discovers
4 solid information, i.e., that Jones' was using drugs (on May 5th, 2007, or before the city council
5 meetings of March 19th & May 7th, 2008), it is not relevant. Unlike Ratliff, Jones' counsel, Forte
6 has a sense of ethical fairness. But when defendants' emphasize a prodding, facetious statement
7 written to make a point as something other than what it is in order to somehow smut plaintiff up,
8 plaintiff must respond.

9 Plaintiff again requests this court for sanctions.

10 Dated: October 6, 2008

11 
12 EUGENE FORTE
13 In Propria Persona
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Log for
Gene Forte
09-829-1952
Oct 06 2008 12:46p

Last Transaction

| Date | Time | Type | Identification | Duration | Pages | Result |
|--------|--------|----------|----------------|----------|-------|--------|
| Oct 06 | 12:44p | Fax Sent | 15592215262 | 2:26 | 5 | OK |
