

THE LAW FIRM OF
WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP

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October 10, 2008

Mrs. Eileen Forte
688 Birch Court
Los Banos, California 93635

Via Facsimile and Mail
(209) 829-1952

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

Dear Mrs. Forte:

I have received and reviewed your objection to my notice for the taking of your deposition on October 17, 2008.

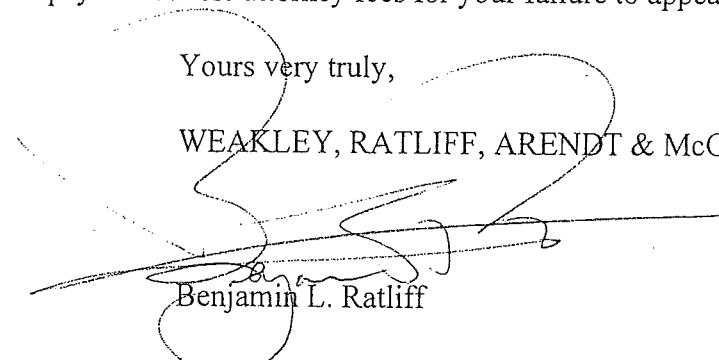
You objected to the notice on the basis of Evidence Code sections 970 and 971.

Please be advised that Evidence Code section 973(b) provides there is no privilege in a civil action brought for the immediate benefit of a spouse. In the present case, Eugene Forte's First Amended Complaint seeks damages for personal injuries which, under California law, is a community property asset. Therefore, you are not entitled to assert the privilege and must testify in this case. I have enclosed a copy of *Hand v. Superior Court* (1982) 134 C.A.3rd 436 case which discusses this issue.

I will be present at Associated Reporters to commence your deposition at 10:00 a.m. on October 17, 2008. Should you decide not to appear, I will file a motion requiring your appearance and request that you be ordered to pay reasonable attorney fees for your failure to appear.

Yours very truly,

WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP



Benjamin L. Ratliff

BLR:cg

 *** FAX TX REPORT ***

TRANSMISSION OK

JOB NO.	1302
DESTINATION ADDRESS	12098291952
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	10/10 15:36
USAGE T	02' 38
PGS.	8
RESULT	OK

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