

File

# Badger Flats Gazette

---

December 1<sup>st</sup>, 2008

Judge John Kiriara  
Superior Court of California/Merced County  
627 W. 21st Street  
Merced, CA 95340

FAX & EMAIL

COPY

Re: CU150938, Tetra Tech v. Santos, cross defendant complainant, Gene Forte, Forte v. Jones, CU150880, Forte v. Knight Ridder, McClatchy Newspapers, Ronald George, Bill Lockyer, Arnold Schwarzenegger, et al., C06-03948-JW

Dear Honorable Judge John Kiriara:

I write this letter with a copy going to opposing counsels Mr. Brian Davis, representing Tetra Tech, Inc., Mr. Shawn Mills, representing Mr. Marion Santos/Santos Inc., Mr. Benjamin Ratliff representing Mayor Tommy Jones, Mr. Karl Olson, representing McClatchy Newspapers, Mr. Paul Hammerness, in pro per co-defendant counsel for defendant Ronald George, Bill Lockyer, Arnold Schwarzenegger, Tyler Pon, and James Schiavenza, and to Ms. Tracie Kirkbride, representing Monterey County DA Flippo, ADA Spitz, , Investigator Stryker, and Monterey County Counsel McKee.

A special courtesy copy is also being given to City Attorney of Los Banos, Mr. William Vaughn, representing non-party Los Banos City Councilmen witnesses/deponents and Mr. Phillip McMurray representing Mr. Charles Guest a non-party deponent.

I just confirmed by calling and speaking with court clerk Sylvia that Judge Carol Ash was assigned to the hear the case of CU150938, Tetra Tech v. Santos, cross defendant complainant, Gene Forte while simultaneously being informed that Judge Ash will not hear the matter due to the disqualification of the entire bench. It seems to be a waste of judicial resources to have a hearing tomorrow with no judge assigned when a simple notice from the court about the motion being continued would have sufficed.

Once again I confirmed with clerk Sylvia that I was to be noticed when a judge was assigned so that I could then file the appropriate CCP 170.3 for disqualification based upon the involvement of defendant George assigning the judges to my cases. Clerk Sylvia informed me that I was not noticed because there was no judge assigned as yet. Clerk Sylvia extended the courtesy of allowing me to arrange to make my appearance by court call even at this late hour and I have done so.

Your non-response to my previous request for information, and my need to document subsequent events which you need to be made aware of, i.e., the discussion of the conduct of Judge David Minier, my letter to you lengthens like a tail of a Dragon. It is the court's doing, not mine, and a huge waste of my time but needed to be done to preserve the record and my rights.

As of today's date, you have not responded to my letter of October 9<sup>th</sup>, 2008 written to you as the Presiding Judge of the Merced County Superior Court to clarify as to specifically what had

caused the blanket recusal of the Merced County Bench from the case of CU150938, Tetra Tech v. Santos, cross defendant complainant, Gene Forte, and whether the bench recused itself from my other Merced County case of Forte v. Jones, CU150880.

City Attorney Vaughn had said that he had never heard of the Merced County Bench disqualifying itself and found it odd that McClatchy Newspapers hasn't mentioned anything about it. Mr. McMurray said he didn't think it was possible for a bench to do a blanket disqualification and had never heard of it being done before.

Your not responding in your administrative role, which causes me harm or prejudice to my cases, is not afforded absolute judicial immunity.

On November 6<sup>th</sup>, 2008, City Attorney Bill Vaughn, Jones' attorney Ratliff, Charles Guest, a non-deponent party, his attorney Philip McMurray, and myself were locked out of a scheduled court room and then left waiting from 8:00AM until 9:56AM at another to finally find ourselves before a Judge David Minier. Judge Minier had not read any of the motions, lost files, and was assigned the case that morning by defendant Chief Justice George.

I formally objected to Judge Minier hearing the case and informed the court that I requested to be noticed when a new judge was assigned the case.

What ensued was unbelievable, even to City Attorney Bill Vaughn, and was topped off by my being sanctioned \$2,000.00 for allegedly not conducting a "reasonable meet and confer." Where should I input that Judge Minier admitted that the Merced County Bench issuing a bench recusal in my case on November 5<sup>th</sup>, 2008 is difficult? Do I put it before telling you how he Pearl Harbored me or after?

For the first time in seven years and after making numerous meritorious motions (and never being sanctioned) in the courts, I was outrageously sanctioned \$2,000.00 for allegedly not conducting a "reasonable meet and confer" prior to filing a Motion to Compel upon a deponent who violated a court ordered deposition subpoena. A reading of the transcript would bring tears to most serious jurist's eyes from laughing out loud at Judge Minier's twisted and prejudicial logic.

In my letter of October 9<sup>th</sup>, 2008, you were informed:

"You will find attached a letter suggestion of recusal to defendant Chief Justice Ronald George, Forte v. Knight Ridder, McClatchy Newspapers, Ronald George, Bill Lockyer, Arnold Schwarzenegger, et al., C06-03948-JW. It asks that defendant George voluntarily remove himself from all matters concerning the assignment of my cases."

I have not had any response from defendant George's counsel in pro per co-defendant Paul Hammerness or Chief Justice George which prejudiced my cases and denied my right to due process and equal treatment under the law. You are now aware of it along with all the other jurists on the Merced County Bench.

It is no small matter of the bizarre Request for Judicial Notice of the defeated Motion to Declare Forte a Vexatious Litigant that led to Judge Minier parroting phrases out of the statute for vexatious litigants. Judge Minier was flabbergasted when he got to the hearing and found my legal

work was superior to the attorneys I was opposing. Judge Minier just found out that he had gotten suckered by defendant Chief George. Was it defendant George's plan to try and trump up charges against me of being a vexatious litigant to again try to intimidate me and suppress my rights to seek redress of my grievances? Of course it is.

At the start of the hearing when Judge Minier talks about irregularities of filed documents, he was in fact referring to those of young attorney Phillip McMurray, not mine.

In the letter of October 9<sup>th</sup>, 2008 you were told:

“What now remains to be seen is what Merced County Superior Court Judicial Officers, with you at the head, are going to do in adhering to your Canon of Judicial Ethics in addressing the evidence of gross judicial misconduct/malfeasance that involves Chief Justice George, and what I refer to as the Monterey County Good ol' Boys. Please do not send me off to Ms. Victoria Henley on the Commission on Judicial Performance, been there, done that. It is far beyond her domain, and it is still under the influence of Chief George.”

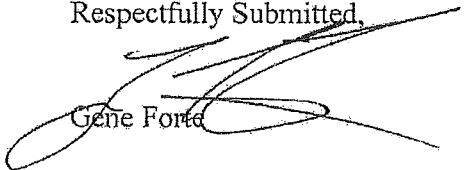
I asked to be informed in writing within the next five business days if you have taken any actions whatsoever for the protection of my rights and that of other citizens to a fair tribunal and equal treatment under the law.

Prudence again dictates for my own protection to have copies of this letter sent to CHP DPS Agents Maniord and Millspaugh, Appellate Court Justice Conrad Rushing, and Brad Campbell of the Assigned Judges Program.

I also request that you present copies of this letter to all judges of the Merced County Bench requesting that they provide a response to my request for an investigation.

At this time, I will be continuing to object to any judges assigned my cases by defendant Ronald George and by this letter opposing counsel in all cases are informed.

Respectfully Submitted,

  
Gene Forte

Cc: Davis, Mills, Ratliff, Olson, Hammerness, George, Lockyer, Schwarzenegger, Pon, Schiavenza, Kirkbride, Vaughn, Judge Hugh Flanagan, McMurray, Campbell, Maniord, Millspaugh and Rushing.