

1 Gene Forte
688 Birch Court
2 Los Banos, California, 93635
Telephone: (209) 829-1116
3 Facsimile: (209) 829-1952

4 In Propria Persona

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6
7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF MERCED

9 EUGENE FORTE

Case No. CU150880

10
11 Plaintiff,

**DECLARATION OF EUGENE FORTE
IN SUPPORT OF CHALLENGE FOR
CAUSE AGAINST JUDGE WILLIAM
A. MAYHEW**

12 vs.

13 TOMMY JONES, et al.

14
15 Defendants.
16

17 I, Eugene Forte, declare:

- 18 1. I am the plaintiff in this action. I have prepared and read all the documents filed in my
19 Challenge for Cause against Judge William A. Mayhew and all those filed in support of
20 such motion. I know the contents therein. The matters stated in these documents are true of
21 my own knowledge except those matters which are stated on information and belief, and as
22 to those matters I believe to be true.
23
24

Exhibit "1"



**Law Offices Of
Matthew Williamson**

215 W. Franklin, 5th Floor
Monterey, CA 93940

Monterey (831) 657-0100

April 8, 2009

David Nilsen
122 Via Del Milagro
Monterey, CA 93940

Angela Nilsen
122 Via Del Milagro
Monterey, CA 93940

RE: Your Cases With This Office

Dear Mr. & Mrs. Nilsen,

As you are both aware, I have left messages on both your individual cell phones and your home number, I have been attempting to get hold of you. In fact, at one time I was actually promised a call back by David and it never occurred.

There are still many outstanding legal documents at my office for you to respond to. I currently cannot because of the conflict between us and for various other reasons legal reasons – including, but not limited to lack of communication with my clients – including missed meetings going all the way back to the fall of 2008.

Please make arrangements to send a copy service, at your cost, in to receive these documents or contact me to arrange payment for copies.

Currently there is an outstanding motion to summary judgment on one of the cases and there are several trials set with document pertaining to those that need to be addressed.

Please contact me to discuss – I'm assuming you will not and are aware of the negative consequences of not responding, including multiple judgments against you both for high sums of money.

I know this is a stressful time for your both, but putting your heads in the sand may not be in your best interests.

Good luck with whatever you decide and again I urge you both to get good legal advice from a California Licensed attorney that has no arrests or complaints on their record.

Sincerely,

Matthew E. Williamson
Attorney & Counselor at Law

Exhibit "2"

DISTRICT ATTORNEY

DISTRICT ATTORNEY
Larry D. Morse II

CHIEF DEPUTY
DISTRICT ATTORNEY
David W. Moranda



ASSISTANT
DISTRICT ATTORNEY
Joseph M. Tresidder

CHIEF DEPUTY
DISTRICT ATTORNEY
Harold L. Nutt

2222 "M" STREET, MERCED, CA 95340
TELEPHONE (AREA CODE 209) 385-7381
FAX (209) 725-3563

April 1, 2009

Gene Forte
Badger Flats Gazette
688 Birch Court
Los Banos, CA. 93635

Dear Mr. Forte:

I am in receipt of your letter of March 25th and a copy of your letter to Executive Court Officer Kathleen Goetsch from March 31st. We are reviewing the police reports that were sent to this office in the aftermath of the incident involving you, James Padron and members of the Merced County Sheriff's Department on February 24th, 2009 in the Merced County Superior Court.

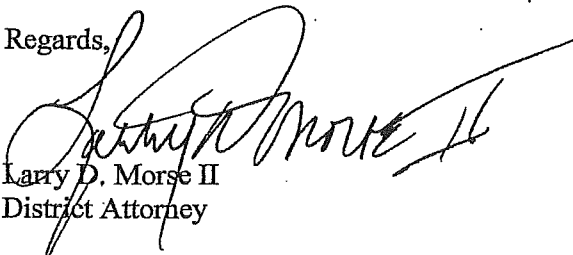
The Merced County District Attorneys office has a conflict in this matter as at least five members of our office are eyewitnesses to portions of the events of that morning. I directed all said employees to provide written statements of their observations which they did. Those statements were forwarded to the Sheriff's personnel conducting the follow-up investigation.

In view of the fact that five members of our office have given statements concerning the events of February 24, 2009, I do not believe we can prosecute this case. In such instances, we routinely request the California Attorney General to intercede. That request was made in this case. However, while the Attorney General's office agreed that a conflict did, in fact, exist, we were informed that because of budget considerations the Attorney General's office will no longer accept "conflict" cases from District Attorneys.

I am seeking the assistance of one of my colleagues from another county to assume jurisdiction of this case to determine whether or not a criminal prosecution should be initiated and to handle that prosecution if one is in fact initiated. In the meantime, our office will not be involved in responding to requests for information you believe should be discovered to you in connection with this matter. Should a prosecution be commenced, any material relevant to the events of February 24, 2009 that is in the possession of the prosecuting agency and the investigating agencies would be provided to you pursuant to the rules of discovery.

Your kind words regarding my son's situation were appreciated.

Regards,


Larry D. Morse II
District Attorney

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Exhibit "3"

Badger Flats Gazette

Wednesday, April 15th, 2009

District Attorney Larry Morse
Merced County District Attorney
2222 M Street
Merced, CA 95340

FAXED

Re: Straight Answers/ "budget consideration"

Dear District Attorney Morse:

I am in receipt of your letter dated April 1st, 2009, postmarked April 3rd, 2009, today, April 6th, 2009, which was a partial response to my letter of March 25th, 2009 with no response to my letter to you of March 30th, 2009, or response to my letter to Mr. Kathleen Goetsch of March 30th or 31st, 2009.

Bear with me while I address a few of your inaccurate statements and document the time frame of your partial responses, non-responses and your turning a blind eye to the legally actionable conduct of some Merced County Deputies in conspiracy with Mr. James Padron to do me harm. The content of your letter is sheer balderdash.

You have been made aware that Ms. Goetsch's actions, which you and/or other county officials benefit from, are tantamount to her working as an advance person to destroy evidence, obstruct justice, and aid a cover-up for Merced County Deputies who will be defended by Merced County Counsel, Mr. James Fincher.

Wish as you might, but your stating in your first paragraph that "the aftermath of the incident...on February 24th, 2009 *IN* [EMPHASIS ADDED] the Merced County Superior Court," does not make it so. The "incident" was that I was attacked by Deputies *in a hallway* of the Merced County Courthouse. There was no court, courtroom, judge, or legal proceeding taking place.

With that said, let's start with a very simple question, "Have you or anyone that you know of viewed the surveillance tapes from the courthouse hallway in front of Case Management Room #1202 for the day of February 24th, 2009?"

Next, please provide me the names of the five members from your offices that are eyewitnesses to the event, the police report, any and all written statements obtained by you and the name, phone number and address of who you sent the files to.

Please provide me with the name of the person at the Office of the Attorney General, and any correspondence from them rejecting your referral of the case to them due to "budgetary considerations".

I have now left a second message on April 14th, 2009 for you after waiting patiently for a return phone call that has gone unreturned. There is no doubt that it is the intent of your offices to obstruct my obtaining information which will support my litigation against Merced County Sheriff's Department, Merced County Superior Court, and all other responsible parties.

On April 1st, 2009, when you and I met at the Sportsmen Lodge in Los Banos, the first thing you told me was that you had just sent me out a letter that day. Next, you asked, "Is there a way that this thing could all go away with no lawsuit?" My response to you was, "Of course on the condition that I would be totally publicly cleared and there would have to be some serious ass kissing and public apologies by the officers that were involved."

Frankly, as far as Deputies Picinich and Jaskowiak, I don't see how I could sleep at night for any amount of money knowing those jackals are on the loose carrying guns, so they have got to go.

Deputy Hymiller was just a gutless wonder who went along with assaulting me that is close enough to retirement that for his participation in assaulting me should usher in his retirement..

As far as Mr. Padron, I want to make sure that little arrogant toad doesn't ever have the chance to sit as a pro tem judge over a dog show.

Judge Mayhew of the Stanislaus Superior Court is now being brought into this mess and I am going to hold your feet to the fire to do what you should do as a responsible public official. There is overwhelming evidence that judges of the Monterey Superior Court aided Monterey County District Attorney, Dean Flippo to obstruct justice with Commission Richard Rutledge in the case of MAR12536 Forte v. Flippo and ADA Terry Spitz. It is going to be dropped in your lap to investigate and /or refer to investigative authorities.

With that said, the references to information put forward to you in previous letters and in letters copied to you sent to Deputy Mackenzie, Ms. Goetsch, and others reveals that crucial evidence such as the surveillance tapes which can be used to either prosecute me, or for me to prove my claims against Merced County Deputies are being kept from me, and possibly destroyed.

If you were serious about wanting this matter to become history without a litigation filed by me, you have had a very odd way of reaching such end. Please let me know if you are going to provide me a response and/or a return phone call and when.

Thank you.

Sincerely,



Gene Forte

Log for
Gene Forte
209-829-1952
Apr 15 2009 2:03p

Last Transaction

Date	Time	Type	Identification	Duration	Pages	Result
Apr 15	02:01p	Fax Sent	3857473	2:23	3	OK

Badger Flats Gazette

688 Birch Court, Los Banos, California, 93635

Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: District Attorney Larry Morse **From:** Mr. Gene Forte

Fax: 209-385-7473

Fax: 209-829-1952

Phone: 209-385-7381

Phone: 209-829-1116

Date: 4/15/2009

Pages: 3 (Including Cover Sheet)

Subject: Request for Response

Notes:

Exhibit "4"



Central Valley Region

Karl E. Longley, ScD, PE, Chair

1685 E Street, Fresno, California 93706
(559) 445-5116 • Fax (559) 445-5910
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental
Protection

7 April 2009

Marion G. Santos, III
M.G. SANTOS, INC.
2531 E. Pacheco Blvd.
Los Banos, CA 93635

MONITORING REPORT REVIEW, SANTOS TEXACO #2, 1009 E. PACHECO BLVD., LOS BANOS, MERCED COUNTY, CASE NO. 5T24000507

You submitted the 4 January 2009 4th Quarter 2008 Groundwater Monitoring Report, in response to the 4 September 2008 order (Order) which was issued to you. Surveyed elevation data for the monitoring wells was submitted via a 21 January e-mail. This letter summarizes your submittals and provides comments.

Summary of Submittals

Groundwater monitoring completed 22-23 December 2008 included monitoring of numerous downgradient monitoring wells for which monitoring data has not been previously submitted. The hydraulic gradient in both the shallow ("B") and deep ("D") aquifer zones was to the northeast at approximately 0.01-feet per foot.

On the site, petroleum hydrocarbon concentrations in shallow groundwater appear to continue to decline (although MW-1 was not available for sampling due to a stuck bailer), except for persistent diesel (500 ug/L) in EW-2.

Downgradient, TPHg (3,670 ug/L) and MTBE (50 ug/L) are persistent in MW-4S and MTBE concentrations increased, to 85 ug/L, in MW-4D.

In the first reported sample results for these downgradient wells, high MTBE concentrations were reported for MW-11D (2,200 ug/L) and MW-10D (4,070 ug/L). In both cases, much lower MTBE concentrations were reported for shallower wells in the same cluster. TPH diesel concentrations from 120 to 650 ug/L were detected, primarily in B-zone wells along the alley north of Pacheco Blvd.

The report concludes that hydrocarbon detections in downgradient wells may be associated with the Chevron station at 1164 E. Pacheco and a gasoline station formerly at the location of the Holiday Motel. The report recommends continued quarterly groundwater monitoring.

Comments

As of this date, you have not submitted a site map showing surveyed well locations. It appears that some well locations as shown on the submitted site map (especially the MW-10

& MW-11 clusters) may need adjustment; however, it does not appear likely that the magnitude of any such adjustments are likely to significantly impact data interpretation for the subject report. Please upload the map to GeoTracker in PDF format and notify me when it is available.

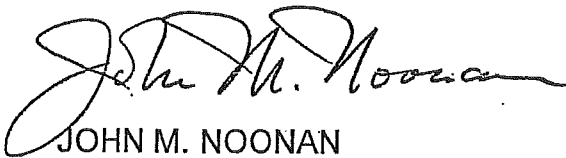
Continued quarterly monitoring is in order, but should be pursued in concert with additional monitoring wells as necessary to define the plume (see below). In addition, it has just come to my attention that analytical data is available for 4 July 2006 groundwater monitoring of GI-3, GI-4/MW-8, and GI-5 (see GeoTracker upload confirmation No. 7559162974, submitted 19 July 2007 [*Waste Oil Underground Storage Tank and Vertical Assessment Work Plan...*]). This monitoring data is not included in Table 1 of the subject report and should be added to the historical monitoring summary for this case.

If you have evidence to support your supposition that hydrocarbons detected in this investigation are derived from other locations, please provide it. Based on the apparent age of the Holiday Motel, it appears that any pre-existing gas station could not have dispensed gasoline containing MTBE. Available documentation for the Chevron station at 1164 Pacheco indicates similar hydrologic conditions as for Santos Texaco #2, including a generally northeasterly hydraulic gradient - although deeper aquifer zone gradients show variation. Neither the upgradient monitoring well for the 1164 Pacheco station (C-16) nor the Santos Texaco #2 MW-6 appear to evidence migration of petroleum hydrocarbons or MTBE from the 1164 Pacheco station to the Santos Texaco #2 wells.

You did not provide explanation for not sampling GI-4B, GI-4C, GI-4D, GI-6C, GI-7C and GI-8C, as required under the Order and proposed in your workplan. These wells should be sampled, unless you can provide substantive reason for not sampling them.

Corrective action beyond the additional groundwater monitoring you have proposed is necessary and that corrective action should be executed in timely fashion. Such corrective action will be the subject of forthcoming correspondence from this office.

If you have any questions, please contact Warren Gross at (559) 445-5128 or at wgross@waterboards.ca.gov.



JOHN M. NOONAN
Senior Engineer
Underground Storage Tank Unit.

cc: Eric Swenson, MCDEH
Gene Forte, Los Banos
Jonathan Buck, AEC, Bakersfield

Exhibit "5"

FORTE

Thursday, April 16th, 2009

Mr. Warren Gross
CRWQCB
1685 E. Street
Fresno, California 93706

FAXED ONLY

RE: RBC File No. 5T24000507/LOP 24238/Mr. Marion G. Santos, III

Dear Mr. Gross:

I write this letter at the request of Mr. Santos to facilitate his response to your letter dated April 7th, 2009. Mr. Santos wishes to inform you that your letter is the same old crap you always spout and proves his case against you.

You banter about spending more of Mr. Santos' money with no hope of reimbursement because you idiots have pissed way all of the USTF money already. Mr. Jon Buck informs me that you have never received the test information from Mr. William Sheehe that would have been needed for you, or anyone to determine if the wells that have been drilled to date by Tetra Tech, should have been drilled in the first place.

All of this is the subject matter of the case of Tetra Tech vs. Santos which Mr. Santos has informed you were going to be a defendant in.

Mr. Santos looks to your actions as nothing more than furthering again the crime already perpetrated against him by Merced County Officials.

At this point, Mr. Santos feels that unless you have the money to take out of your pocket to chase ghosts you created he is not going to pay for it without fighting you every step of the way. Mr. Santos will continue to remain in compliance with environmental safety issues to insure the safety of the water to Los Banos citizens.

If you have any questions please feel free to write them out to me for delivery and discussion with Mr. Santos.

Sincerely,


Gene Forte

Cc: Marion Santos

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Page - 1 -

