

RECEIVED JUN 07 2007 16:56



CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY

CLAIM FORM (Please Type Or Print)

JUN 07 2007 FINANCE DEPT.

CLAIM AGAINST Mayor Tommy Jones + City of Los Banos (Name of Entity)

Claimant's Name GENE FORTE s.s. #: 572-74-7106

Claimant's Date of Birth FEB 26, 1952 Telephone # (209) 829-1116

Claimant's Address 688 Birch Ct., Los Banos, CA 93635

Address where Notices about Claim are to be sent, if different from above:

Date of incident/Accident/Arrest: May 5, 2007

Date injuries, Damages or Losses were discovered: May 5th, 2007

Location of incident/Accident/Arrest: 6th STREET + K (MAY DAY FAIR PARADE)

What did Entity or Employee do to cause this Loss, Damage or Injury?

The Mayor started to myself, Mr Clinton Galbony and others suspected to be council members of Los Banos, and others unknown that he knew for a fact I was a dangerous member of the KKK (SEE ATTACHED DOCUMENTS)

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

Mayor Tommy Jones

What specific injuries, Damages or Losses did Claimant receive? SLANDER, EMOTIONAL DISTRESS,

DAMAGE to REPUTATION, OJBGUY, ETC.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]

Unlimited Civil Case, or Federal Case, Not limited case. (SEE ATTACHED NOTICE OF INSUFFICIENCY OF CLAIMS)

(Use back of this form or separate sheet if necessary to answer this question in detail.)

How was this amount calculated (please itemize)? ITEMIZATION DOES NOT APPLY.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 6/7/07 Signature: [Handwritten Signature]

If signed by Representative:

Representative's Name

Address

Telephone #

Relationship to Claimant

Forte

June 7, 2007

Mr. William Vaughn
Los Banos City Attorney
525 J Street, Suite A
Los Banos, California 93635

Re: Claim Against Mayor Jones and City of Los Banos/Attached to Claim Dated June 7th, 2007

Dear Mr. Vaughn:

You will find attached to this letter the most recent claim filed against Mayor Jones and the City of Los Banos.

I have attached my correspondence to you and Mr. Wilkerson of AIMS, the previous claims rejected for alleged "NOTICE OF INSUFFICIENCY", the declarations of Mr. Clinton Galloway, myself, and the declaration of my son Jordan Forte.

Perhaps, Mayor Jones who stated to the Los Banos Enterprise that a conversation never took place between he and I at the parade on May 5th, 2007, would like to claim that my son who recently was awarded two academic scholarships to Central Catholic High School, received the Christian Values Award, and gave the speech for his graduating class from OLF is lying for his father?

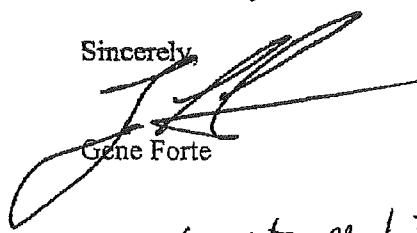
Perhaps, Ms. Dollie O'Banion, who looked me directly in my face twice when I asked her to pardon Mayor Jones for an interview on May 5th, 2007, is going to say she doesn't recall my interrupting them while I have witnesses that will testify they saw me speaking to her and Mayor Jones?

Perhaps, Mayor Jones would like to state that a fellow African American, Mr. Clinton Galloway, is just out to frame him like the Los Banos Police that allegedly planted the bag of crack cocaine on him?

At any rate, the City of Los Banos has now been presented the claim for the third time with the addition of the letters to yourself and Mr. Wilkerson, a letter documenting the events taking place since May 5th, 2007 at the Relay for Life, and the previous claims that were returned.

Thank you.

Sincerely,



Gene Forte

Attachments pp. 1 through 31

688 Birch Court, Los Banos, California 93635
(209) 829-1116 Fax (209) 829-1952

May 08 2007 10:30AM HP LASERJET FAX

~~May 08 07 10:11a Forte~~

209-829-1852

P. 1

p-1

SWORN DECLARATION OF CLINTON E. GALLOWAY

I, Clinton E. Galloway, declare the under peoalty of perjury, that:

- 1) I make this declaration of my own personal knowledge and if called as a witness I could and would testify to the facts stated herein.
- 2) I am a 55 year old African American residing in the City of Los Angeles.
- 3) I have known Gene Forte for 37 years and was the best man for him at his wedding to his wife of Chinese heritage, Eileen.
- 4) My father and mother, along with all of my family members have always considered Gene to be part of our family in every sense of the word.
- 5) Gene's children always refer to me as Uncle Clinton, and in fact, I consider them my nieces and nephews.
- 6) Gene always introduces me in public to others as one of his very best and oldest friends.
- 7) I traveled to Los Banos and stayed with Gene and his family on May 4th through May 6th, 2007.
- 8) At the time I went to Los Banos, I was not aware that the May Day Fair was taking place nor did I have any expectation of meeting Mayor Jones.
- 9) On the morning of May 5th, 2007, I accompanied Gene due to his being requested to participate in the May Day Fair Parade.
- 10) On May 5th, 2007, Gene pointed out to me Mayor Tommy Jones who was having a conversation with a female occupant of the car parked in front of us which Gene told me was going to carry Merced County Supervisor Jerry O'Banion.
- 11) Gene left the car we were sitting in and proceeded to talk with Mayor Jones.
- 12) Gene returned to the car and said that Mayor Jones would talk to him in a few minutes.
- 13) After several minutes of waiting, Gene then approached Mayor Jones and the two of them engaged in a conversation out of my hearing distance.
- 14) Gene then called me over to he and Mayor Jones and introduced me to Mayor Jones.
- 15) Until Gene introduced me to Mayor Jones, I had never met or spoken with Mayor Jones.
- 16) Gene asked Mayor Jones to repeat to me what Mayor Jones had just told him.
- 17) Mayor Jones then told me that he knew for a fact that Gene was a member of the KKK and that he was dangerous.
- 18) I then told Mayor Jones that I had known Gene for over thirty years and that I was absolutely positive that Gene was not a member of the Ku Klux Klan.
- 19) Gene and I then returned to his car.
- 20) A few minutes later, a gentleman walked by that Gene engaged in conversation and introduced me to as being Supervisor Jerry O'Banion.
- 21) Gene told Supervisor O'Banion in my presence that Mayor Jones said that he knew for a fact that Gene was a dangerous member of the KKK.
- 22) Supervisor O'Banion laughed and said, "You're kidding?" I then told Supervisor O'Banion that Mayor Jones also told me directly that he knew for a fact that Gene was a dangerous member of the KKK.

May 08 07 10:30AM HP LASERJET FAX

P. 2

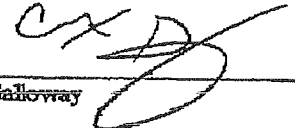
May 08 07 10:11a Forta

288-829-1952

P. 2

- 23) A few minutes after that Gene engaged another individual in a conversation that was walking by and introduced him to me as being Fire Chief Chet Quintini.
- 24) Gene then told Fire Chief Quintini that Mayor Jones told Gene that he knew for a fact that Gene was a dangerous member of the KKK.
- 25) Chief Quintini, laughed and said the same thing as Supervisor Jerry O'Banion, "You're kidding me, right?"
- 26) I then told Chief Quintini that Mayor Jones told me directly that he knew for a fact that Gene was a dangerous member of the KKK.
- 27) From knowing Gene for over thirty years, I could see that he was greatly distressed over what Mayor Tommy Jones had said.
- 28) Gene had shared with me the information about Mayor Jones saying that he had been framed by Los Banos Police Department officers by their planting crack cocaine in his car.
- 29) I told Gene jokingly that from Mayor Jones' irrational statements in telling myself, a fellow African American who considers Gene one of his best friends and brother, that he knows for a fact Gene is a dangerous member of the KKK, it appears that Mayor Jones may still be smoking crack.
- 30) Gene shared with me his concerns about not knowing how many people Mayor Jones has been telling that Gene is a dangerous member of the KKK.
- 31) Gene told me that he was worried that if radical racists were to believe that the statements of Mayor Jones saying that Gene was a dangerous member of the KKK were true, that his wife and children could be in danger.
- 32) I also believe that Gene and his family could be in danger of harm from radical racists if they were to believe that Gene was a dangerous member of the KKK.

I declare such under the penalty of perjury under the laws of the State of California on this day of May 8th, 2007 in the County of Los Angeles.



 Clinton E. Galloway

SWORN DECLARATION OF GENE E. FORTE

I, Gene Forte, declare the under penalty of perjury, that:

- 1) I make this declaration of my own personal knowledge and if called as a witness I could and would testify to the facts stated herein.
- 2) I am a 55 year old American of Italian and Portuguese descent residing in Los Banos, California.
- 3) I have known Clinton Galloway, an African American for 37 years and he was the best man for me at my wedding to my wife of Chinese heritage, Eileen.
- 4) I have for over 30 years been considered a family member of the Galloway family.
- 5) I have my children, Gabrielle, Jordan, Noel and Juston always refer to Mr. Clinton Galloway as Uncle Clinton, and in fact, consider them to be his nieces and nephews.
- 6) I always introduce Mr. Galloway in public to others as one of my very best and oldest friends.
- 7) I have never even remotely ever considered applying to be a member of the Ku Klux Klan.
- 8) I am not a member of the Ku Klux Klan.
- 9) I have never been a member of the Ku Klux Klan.
- 10) Mr. Galloway traveled to Los Banos and stayed with my family and I on May 4th through May 6th, 2007.
- 11) I had not made Mr. Galloway aware prior to his coming to Los Banos that the May Day Fair was taking place, nor did I have any expectation of introducing him to Mayor Jones.
- 12) On the morning of May 5th, 2007, Mr. Galloway accompanied me to the May Day Fair parade.
- 13) On May 5th, 2007, I pointed out Mayor Tommy Jones to Mr. Clinton Galloway. Mayor Jones was having a conversation with whom I have now identified as being Ms. Dollie O'Banion.
- 14) I left my car which was parked in the parade line up behind the antique car that Ms. O'Banion was sitting in and approached Ms. O'Banion and Mayor Jones.
- 15) I said good morning and pardon me to both Ms. O'Banion and Mayor Jones and requested that Mayor Jones permit me to conduct an interview with him when he had a moment.
- 16) Mayor Jones said he would speak to me in a few minutes
- 17) I then returned to my car with Mr. Galloway and told Mr. Galloway that Mayor Jones agreed to be interviewed by me.
- 18) I then waited for about 20-30 minutes while Mayor Jones continued his conversation with Ms. O'Banion.
- 19) I then approached Mayor Jones and Ms. O'Banion again who were still engaged in conversation and politely said pardon me Mayor could you please grant me a couple of minutes?
- 20) Mayor Jones and I then pardoned ourselves from the presence of Ms. O'Banion and

- walked a few feet away.
- 21) Standing a few feet out of hearing distance from myself and Mayor Jones were Councilman Mike Villalta, John Sousa, Tom Faria, Arina Ballati and the City Manager who I believe is a Mr Rath.
 - 22) I noticed Ms. O'Banion looking toward Mayor Jones and I when I was interviewing Mayor Jones, and I also noticed members of the City Council looking toward myself and Mayor Jones while I was engaged in the interview with Mayor Jones.
 - 23) My son, Jordan Forte told me that he saw Mayor Jones and I talking that morning of May 5th, 2007.
 - 24) I then told Mayor Jones that I was not going to interview him concerning the crack cocaine fiasco or ask questions about it, but I wanted to know how he felt his progress as Mayor was going for the City of Los Banos.
 - 25) Mayor Jones then jumped back and said he didn't care, he wasn't going to talk to me, nothing I write makes any sense, that I was dangerous, and that he knew for a fact that I was a dangerous member of the Ku Klux Klan.
 - 26) I then asked him if he was crazy or something and told him I wasn't any member of the KKK.
 - 27) Mayor Jones then said again he knew for a fact that I was, and added that even my nephews confirmed to him that I was a member of the KKK when he asked them about it.
 - 28) I then started calling Mr. Galloway who was standing by my car with my son, Jordan, and then requested that Mayor Jones tell Mr. Galloway what he just told me.
 - 29) Mayor Jones then told Mr. Galloway that he knew for a fact that I was a member of the KKK and that I was dangerous.
 - 30) Mr. Galloway then told Mayor Jones that he had known me for over thirty years and that he was absolutely positive I was not a member of the Ku Klux Klan.
 - 31) I later introduced Mr. Galloway to Supervisor O'Banion and to Fire Chief Chet Guintini and Mr. Galloway told them that Mayor Jones told him that he knew for a fact that I was a member of the KKK and dangerous.
 - 32) I have been greatly distressed and depressed over what Mayor Tommy Jones has said.
 - 33) I believe that myself and family could be in danger of harm from radical racists if they were to believe that I was a dangerous member of the KKK.
 - 34) I have been asked by both acquaintances and strangers on the street since May 5th, 2007, if I am or have been a member of the KKK.
 - 35) I feel great distress and embarrassment over having to explain to them that I am not nor have I ever been a member of the KKK, and also take the time to explain to them that members of the KKK are not permitted to have non-white wives and that my wife is Chinese American.

I declare such under the penalty of perjury under the laws of the State of California on this day of May 21st, 2007 in the County of Merced.


Gene E. Forte

SWORN DECLARATION OF JORDAN E. FORTE

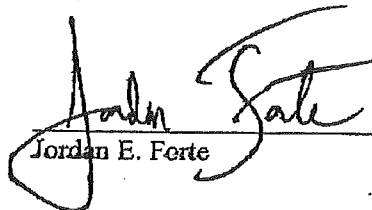
I, Jordan Forte, declare the under penalty of perjury, that:

- 1) I make this declaration of my own personal knowledge and if called as a witness I could and would testify to the facts stated herein.
- 2) I am 14 years old and the son of Eugene and Eileen Forte and am of Chinese American, Italian and Portuguese descent residing in Los Banos, California.
- 3) I have known Mr. Clinton Galloway, an African American, for all of my life and refer to him as Uncle Clinton.
- 4) I know that my father is not, or ever was, a member of the Ku Klux Klan.
- 5) Mr. Galloway traveled to Los Banos and stayed with my family and I on May 4th through May 6th, 2007.
- 6) On the morning of May 5th, 2007, I went with my dad and Mr. Galloway to the May Day Fair parade.
- 7) I sat in our car with my dad and Mr. Galloway in the parade line behind an antique car.
- 8) My dad pointed out Mayor Tommy Jones to myself and Mr. Clinton Galloway. Mayor Jones was having a conversation with a woman that was sitting in the passenger side of the antique car in front of us.
- 9) My dad has told me that he found out later from Merced County Supervisor Jerry O'Banion that the woman in the passenger side of the car was Ms. Dollie O'Banion.
- 10) My dad told myself and Mr. Galloway that he was going to ask Mayor Jones for an interview and left the car and approached Mayor Jones while he was speaking to the woman in the antique car.
- 11) I saw my dad speak briefly to Mayor Jones and the woman Mayor Jones was speaking to in the antique car.
- 12) I also noticed a group of people whom my dad said were members of the Los Banos City Council standing in a circle talking about 10-15ft away from the antique car that had the woman passenger talking to Mayor Jones that my dad had approached and spoke to twice.
- 13) My dad came back to the car and told Mr. Galloway and me that Mayor Jones said he would speak with my dad in a few minutes.
- 14) After about 15-20 minutes my dad then got out of the car again and went up to Mayor Jones and the woman in the antique car he was still talking with.
- 15) I then saw my dad and Mayor Jones walk a short distance away from the woman in the antique car and they were then standing together about half way between myself and the group of people that my dad told me were members of the city council .
- 16) I saw my dad and Mayor Jones talking and they were about 15-20ft away from the car I was sitting in.
- 17) I then saw and heard my Dad calling and waving to Mr. Galloway in an excited way for Mr. Galloway to come over to the conversation that my dad was having with Mayor Jones.

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- 18) When my dad and Mr. Galloway got back in the car my dad told me that Mayor Jones told him that (Mayor Jones) said he knew for fact that my dad was a dangerous member of the Ku Klux Klan.
- 19) Mr. Galloway told me that Mayor Jones told him directly that he knew, as a fact, that my dad was a dangerous member of the KKK.
- 20) I heard Mr. Galloway laugh and say how stupid Mayor Jones must be to say something so crazy like that. Mr. Galloway joked that Mayor Jones might still be smoking crack and is on cocaine.
- 21) After my dad finished saying how stupid and vicious he thought Mayor Jones was for saying such words, my dad got out of his car and went up to the circle of people that he said were members of the city council.
- 22) The group of people now had Mayor Jones included.
- 23) When my dad got back to the car he told me that he had asked the group people if Mayor Jones had told them that my dad was a member of the KKK and was dangerous.
- 24) My dad told me that everyone just looked at the ground and didn't say anything.
- 25) I could tell that my dad was very upset about what Mayor Jones had told him.
- 26) I had been awarded two academic scholarships from Central Catholic High School in Modesto upon graduation from Our Lady Of Fatima Catholic School this year.
- 27) I was presented the Christian Values award three times in seventh grade and twice this year with the second at my graduation ceremony.
- 28) I gave the eighth grade graduation speech on behalf of the eighth grade class.
- 29) When I read the article in the Los Banos Enterprise about the claim that my dad filed against the city and how Mayor Jones said no conversation took place between he and my father, I told my dad that I watched them talk together.
- 30) I told my dad that I thought the people whom he said were city council members (standing a few feet away) would have (and should have) seen Mayor Jones and my dad converse.
- 31) My Father said to me to be extra careful when walking or doing anything, for "the crazy less-intelligent people out there" could believe what Mayor Jones had said about us being members of the KKK and have the intent to harm us.
- 32) I feel sorry for my dad; I see him worrying about this - it is now another thing that he must deal with to protect our family name.
- 33) Even while knowing that I am not obliged to sign this declaration, I feel that I must work towards justice and state what I have witnessed.

I declare such under the penalty of perjury under the laws of the State of California on June 7th, 2007 in the County of Merced.


Jordan E. Forte

Subject: May 30th, 2007/Unanswered Question
From: Gene Forte <geneforte@sbcglobal.net>
Date: Thu, 07 Jun 2007 09:57:43 -0700
To: William Vaughn <cityattorney@losbanos.org>

Bill:

In my letter to you of May 30th, 2007, as City Attorney for Los Banos, I requested that "you respond to me in writing clarifying your understanding of why my claim is insufficient and suggestions as to how to correct it".

You did not respond to the question but said that you would forward my concerns on to Mr. Wilkerson.

It is your insurance carrier that has caused these questions to arise and I certainly believe you understand my need for an answer from you as the City Attorney for the record on the matter.

Therefore, I must request again that you please inform me why in your opinion as the attorney for the City of Los Banos the claim is insufficient.

Of course if you believe the claim is not insufficient I would expect you to inform me of that also.

Thanks.

Gene Forte

Subject: Read: May 30th, 2007/Unanswered Question
From: "Vaughn & Falasco" <vaughnandfalasco@sbcglobal.net>
Date: Thu, 7 Jun 2007 10:38:33 -0700
To: "Gene Forte" <geneforte@sbcglobal.net>

This is a receipt for the mail you sent to
"William Vaughn" <cityattorney@losbanos.org> at 6/7/2007 9:57 AM

This receipt verifies that the message has been displayed on the recipient's
computer at 6/7/2007 10:38 AM

Final-Recipient: rfc822;geneforte@sbcglobal.net
Original-Message-ID: <46683907.4000206@sbcglobal.net>
Disposition: manual-action/MDN-sent-manually; displayed
Content-Type: text/plain

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.472 / Virus Database: 269.8.11/837 - Release Date: 6/6/2007 2:03 PM

Part 1.1.2	Content-Type: message/disposition-notification Content-Encoding: 7bit
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Part 1.2	Content-Description: "AVG certification" Content-Type: text/plain Content-Encoding: quoted-printable
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Subject: Re: No Response from your insurance carrier/Mr. Wilkerson/Email not Snail Mail
From: Gene Forte <geneforte@sbcglobal.net>
Date: Wed, 06 Jun 2007 08:21:42 -0700
To: Vaughn & Falasco <vaughmandfalasco@sbcglobal.net>

Bill:

Please inform Mr. Wilkerson via this email that when my letter requested a response by a date certain was transmitted to him via email through you I do not expect for the response to come back via snail mail.

Mr. Wilkerson, has now not responded to my voice message left him, and has now gained a couple of more days while I wait around for his letter.

No more stretching of time. Let me put a little more kink in his game again.

It seems reasonable to believe that you have probably already received a copy of the letter via email, therefore please forward it over to me.

Thanks.

Gene

Vaughn & Falasco wrote:

GeneF - I believe Mr Wilkerson has responded to your letter via regular mail. -
Billy

William A. Vaughn
525 J Street, Suite A
Los Banos, CA 93635

209 826.3531
vaughnandfalasco@sbcglobal.net

The information in this e-mail (including attachments, if any) is considered confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this e-mail is prohibited except by or on behalf of the intended recipient. If you have received this email in error, please notify me immediately by reply email, delete this email, and do not disclose its contents to anyone. Thank you.

----- Original Message ----- From: "Gene Forte" <geneforte@sbcglobal.net>
To: "William Vaughn" <cityattorney@losbanos.org>
Sent: Wednesday, June 06, 2007 8:04 AM
Subject: No Response from your insurance carrier/Mr. Wilkerson

Bill:

I have not received any response from either the voice message I left Mr. Wilkerson at the City's direction, or the letter of June 1st, 2007, which you informed me you forwarded to him.

Would you please update me on the matter?

Thank you.

Subject: Re: Thanks and addendum to letter re: Pink Ladies
From: Gene Forte <geneforte@sbcglobal.net>
Date: Mon, 04 Jun 2007 11:20:53 -0700
To: Vaughn & Falasco <vaughnandfalasco@sbcglobal.net>

Bill:

Thanks for letting me know for the record. The question had to be asked.

Also, I may have incorrectly referred to the Pink Ladies as being a bowling team due to their shirts.

No disrespect was intended as I now understand that it is a group of women that bring awareness about breast cancer.

Gene

Vaughn & Falasco wrote:

GeneF - As you, the sole purpose of my attendance at the Relay for Life was to show support for a worthy cause. - Billy

----- Original Message -----

From: "Gene Forte" <geneforte@sbcglobal.net>
To: "William Vaughn" <cityattorney@losbanos.org>
Sent: Monday, June 04, 2007 9:21 AM
Subject: Claim Against City of Los Banos/Mayor Jones

Hello Bill:

Please find the attached letter which I believe you probably anticipated would be coming concerning an incident at the Relay for Life this last weekend.

I request you put in the file concerning my claim against the City of Los Banos and Mayor Jones.

Thank you.

Gene Forte

Badger Flats Gazette

June 3, 2007

Mr. William Vaughn
Los Banos City Attorney
525 J Street, Suite A
Los Banos, California 93635

EMAIL/ORIGINAL BY MAIL

Re: Claim Against City/For The Record/Pink Ladies & Team Wellness

Dear Mr. Vaughn:

I write this letter to you as the City Attorney of Los Banos to briefly put on record a distressing event which took place at the Relay for Life/American Cancer Society on Saturday June 2nd, 2007 and proceeded through Sunday June 3rd, 2007.

I was selected the Chairperson for Our Lady of Fatima School's participation in such event and because of such short notice took on sitting through 24 hours tending the display at location # 28. At the opening ceremonies Mayor Jones addressed the audience and then proceeded to walk the circuit of the track speaking to each organization.

I noticed Mayor Jones stopping at the participant booths up stream and chatting. Upon approaching the OLF location I was standing at with an OLF parent and her son he turned his head away and started to walk by. I then called politely to Mayor Jones and extended my hand toward him. Mayor Jones returned my handshake but then proceeded to walk by without making any comment to the other OLF parent and her young son.

I believe I have every good reason not to extend my hand to Mayor Jones who has declared that he knew for a fact that I was a dangerous member of the Ku Klux Klan, but, I thought it better for the small child present to have the opportunity to shake hands with Mayor Jones, and set aside my own personal feelings. I certainly had no intention of exchanging feigned pleasantries with Mayor Jones and had already stepped away so that a conversation could take place between the OLF parent, her child and Mayor Jones. Mayor Jones just kept walking on by.

The reason as to why I want to make sure I keep this matter in perspective is due to the reasonable belief that Mayor Jones as he was exchanging pleasantries with the upstream participants, would have more than likely spoken with members of what I believe were Team Wellness, and women with Pink Ladies bowling shirts, and whatever group they were part of.

Please bear with me as I set the stage for what took place later in the day.

As you know, I am a fairly very well known member of the Los Banos Community, and the recent front page article concerning my claim against the City/Mayor Jones has not made me lesser known. Our Los Banos.com actually lists me as a Los Banos icon. Even though I do not consider myself such, and certainly do not consider myself a public figure, it is a fact that many hometown

*P.O. Box 989, Los Banos, California 93635
(209) 829-1116 Fax (209) 829-1952*

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residents know me due to my family roots, etc..

I find that I cannot go anywhere without citizens asking me about the Major Jones incident. Instead of being rude and not responding in any way, I offer them a courtesy copy of The Badger Flats Gazette which tells *my side of the story*. Due to such I tend to carry a few courtesy copies of The Badger Flats Gazette storied in the trunk of my car.

At the Relay for Life I was barraged with unsolicited questions by citizens. I in fact had no copies of The Badger with me because I had ran out of the 11 x 17 paper the day before. After about the 20th or 30th request for "my side of the story" and my telling citizens I preferred not to go into the matter due to the claim, I contacted my wife Eileen who was in Merced taking my daughter to a S.A.T. and asked her to bring back a box of paper from Staples.

Upon Eileen, arriving back in Los Banos, she printed off about 20 copies and brought them to me at the Relay for Life. I intentionally put them in my sleeping tent, not on the OLF table. I want to point out before I go any further, that even if I were to put them on the OLF table there would have not been one thing inappropriate about doing such. I simply chose not to.

The OLF table was already piled high with unsolicited promotional items being dropped off by Relay for Life participants. There were business cards from Coldwell Banker, Aldina Realty, and even a handy dandy flyswatter from Mr. Raul Jimenez of Kaljian & Associates, saying "Is the hassle of buying or selling bugging you (photo copy attached)?"

The t-shirts being worn bore the name of sponsors. I wonder how many sponsors would have given any money to fight cancer if they did not have their names on the shirt. Would you like to ~~venture~~ a guess? I'll say, about zero.

I didn't consider that such groups were breaking any sanctity of the day even though I personally would not attempt to do so, but to each his own. I also want to clarify, that The Badger Flats Gazette, is not pandering anything. It is in a class by itself in that it is a newspaper protected under Freedom of Speech and Freedom of the Press. It is the epitome of freedom of speech and does have special privileges.

Upon having about 20 copies I gave maybe 8 or 9 out to individuals that had asked for them. As the tent was filling up with sleeping bags and the dozen or so papers left were getting messed up, I then decided to hand the rest out by starting on my left and giving one to Jeanette King of Coldwell Banker whom I had know from having as a neighbor on Fir Avenue. I then proceeded to my right down the way to the other participant booths.

I simply, said, "Hi!, here's a copy, or a couple of copies, of my newspaper you might like to read while you're sitting around" and moved on. Perhaps, I should have said if you don't want to read it you can roll it up, and it makes a great flyswatter which may have then passed the muster of some of the ladies of the "Pink Ladies" as you will soon see.

The last copy I gave out was to a group below the goal posts which I now understand (I think) to be "Team Wellness". I didn't know who or what compromised Team Wellness. I didn't have a demographic profile of ages but reasonably anticipated that they could read. I did notice that there were

a number of young women dressed like cheerleaders or athletes.

I didn't even have a enough copies of The Badger to make a full circle of the participants. I then returned to my OLF location. My wife had already gone home to take care of some other matters.

About an hour or more passed. While I was sitting at my location a group of young ladies, five or six, came up to me with one being a designated spoke person with a copy of The Badger Flats Gazette. The young lady handed it back to me and said, "We, don't like racists"!

I said, "Pardon me?", "What are you talking about?". There was no response. I then said, "Did you read it?". She responded they had and that it a racist paper, turned and marched off.

Was I upset? Yes. Did I feel that I was being attacked as being a racist? Yes. Did I feel that I was suffering obloquy in the community? Yes.

As I felt the pressure rising up in my chest under the zipper I had installed after open heart surgery I called my wife Eileen and told her what took place. Eileen, soothed my spirits the best she could. In a few hours, Eileen returned and said that she had discussed the incident with my two older children.

In an effort to make me feel better and show their support in letting the citizens of Los Banos know that I am not a racist or member of the KKK as proclaimed by Mayor Jones, they printed off about 300 copies of The Badger Flats Gazette. My children then took it upon themselves after getting approval from Eileen to distribute the Badger door to door in the neighborhood surrounding Tiger Stadium.

None were distributed at the Relay for Life except for the few courtesy copies I had already given out to the limited number of booths already discussed.

Quite honestly, my Chinese American wife Eileen was outraged at the audacity of these young ladies to approach me like a bubble-gumming mini-mob and say I was a racist. Upon walking around the track my wife asked me to point out which group had done such.

Upon doing so my wife and I approached them and she said, "Excuse me, are you the ones that told my husband he was a racist?". One of the girls first denied it then quickly changed her story and then proceeded to play word games while grinning and said, "We said *his* paper was racist" which got a few chuckles from the rest.

My wife then calmly said, "Look you girls need to understand that saying something like that is a bad thing. I am Chinese, he is married to me, it is impossible for him to be considered a racist. You should really be careful about what you say about people in that it can be seriously damaging to them".

One of the more outspoken girls in the back then looked at me and said, "We know you

are accused of being with the KKK!" The tone of her voice and the delivery of the statement was done in the way to communicate that "from reliable sources you have been accused of being a member of the KKK" and we believe it. Another young blond girl then said the paper was full of material promoting membership to the KKK."

I haven't done my research on this as of yet, but I suspect that some of these girls may have at sometime been either taught by, or coached by Mayor Jones. If my memory serves me correctly I also recall that Mayor Jones during his election had taken some heat that quickly dissipated into thin air like fingerprints on a bag of crack cocaine about his having students and athletes he coached going door to door asking if Mayor Jones election lawn signs could be put up.

Could some of these girls be part of Mayor Jones underage election labor force groupies? Are they old enough to promote and talk politics, but not vote or held accountable for their actions? Are they old enough to accuse me of being a racist and then have someone say, don't call them upon it because they are "just little girls"?

As the events of the day unfolded the last question was a yes and no answer for me.

The girl in the back of what could be considered the peanut gallery in some ways started shouting that she was going to call her parents. Both my wife and I calmly welcomed her to do so so that we could speak to them directly.

In just a few seconds an entourage of parents with one leading the charge came running as if their children were under some type of physical assault. The woman said, "Gene, do you have a problem with my daughter?" I said, "Perhaps, yes (not knowing for sure which one was her daughter for sure).....", but as I was trying to get my next word out, I was continually talked over by the mother and the group of purported innocent little lambs that walked on down to my area that called me a racist and promoter of the KKK.

Next, a man came up whom I have not identified as yet by name, that pushed me backwards by placing his hand on my chest while saying that he was head of the American Cancer Society event that day and that if I didn't move on he was going to have me removed or arrested.

I informed him in a calm voice to take his hand on my person. He did so. He then put his hand on my chest a second time and I told him you have now been notified a second time not to put your hand on me, please remove it. He did so. Fortunately, he did not do it a third time because there would have been no third warning and I would have defended myself from any further physical battery.

The man then took out his cell phone and said, "That's it, you've had your chance" and started dialing on his cell phone. I told him call whoever he would like, and I asked him again

who he was. There was no reply from him.

I then asked him over to the side away from the conversation my wife was now engaged in with the mother that had led the charge of the Pink Ladies.

The man then told me, "What do you expect when you distribute a piece of paper like that?" I then asked if he had read it and he said he was "Aware of the entire situation, and knew the whole story". I find that very interesting and he will be given the opportunity in the future to tell me as to how he gained all of this knowledge and from whom?

I also told him that The Badger Flats Gazette, was not a "piece of paper" *it was a newspaper*. I was then accused of being a person that was promoting The Badger Flats Gazette on a day reserved for cancer victims. It was the same accusations that were coming from the mother that led the charge. I was being belittled and attacked for simply giving out probably less than a dozen copies of a newspaper.

It became the attacking mantra meant to say I shouldn't say anything in my defense of being accused of being a racist and a member of the KKK. It was cancer victims day. I a spontaneous victim of the day would need to wait for another day when my accusers were not in my presence. I assert in America, it just doesn't work that way Mr. Vaughn.

I then walked back toward my wife, who by that time I later learned had gotten further down the road showing that the "innocent little lambs" were not quite as innocent as they portrayed themselves. The parents defending their children had not taken them aside and asked them what happened. The parents just started defending against what they thought was an unprovoked hostile attack by myself. In reality it was my wife trying to explain, and educating the young ladies, as to why her husband was not a racist and they should not say such damaging things.

Of course all of that would be irrelevant to the young ladies' parents point of argument which was to attack the labeled racist instead of calmly trying to get at the truth.

Facetiously, I state that I'm glad there were no ropes nearby with the goal posts so close or the parents of the "my children can do no wrong" Pink Ladies committee could have summarily made short of my wife and I's defense and pleas for fairness and understanding.

The turning point for the young ladies was when my wife was stating that they went down to my location *with the intent* of not just returning the paper they were unhappy with, but to set me straight about be a KKK member and a racist. My wife asked *why* if they were simply unhappy with the paper they didn't just throw it in the garbage? Kind of like if for some bizarre reason someone was against the swatting of flies they could just toss out the flyswatter given them by Mr. Jimenez.

What was the intent of the Team Wellness procession in force down to my location? Who knows, did the parents put them up to it?

Did the man that I now believe was actually the team captain, not the head of the American Cancer Society and ruler over the entire event that day as he made himself out to be egg them on? Did he, the person who said he "knew the whole story" give a green light to underage voting groupies of Mayor Jones to toss the "piece of paper" in my face through children without having to face the consequences?

My wife informed me that the mother leading the charge told her that The Badger contained only my opinion and she never read it. Sounds an awful lot like the man who was sharing the tent with the Pink Ladies who said it was my "piece of paper".

Did the Team Wellness adult supervisor, if that is what he is, start something that he thought was going to teach me a lesson that evolved into something out of his control?

The main spokesperson mother asked my wife, "Were you there? You don't know what their intent was or how it was said?" You know, the old, "It's our group of girls word against your lone husband", there is power in numbers approach of telling half truths.

At that point, the daughter of the mother blurted out, "We went down there because we were angry and we a wanted to tell him how we felt!" Oops! The little lambs have sharp teeth and tongues? Obviously, the actions speak for themselves.

I then noticed the eyes of the father of the young lady contained a glint of surprise in them. I turned to my wife and said, "Come on Eileen let's go. The mother still wanted to get in the last word and re-emphasized that it was her day and she didn't want to deal with any of my nonsense concerning what she said "was only my opinion" in The Badger. The paper she also openly admitted that she had not read any of.

Apparently, she only relied upon what the bastion of truth, The Los Banos Enterprise printed on May 18th, 2007, that did not disclose they are defendants in the lawsuit of Forte vs. McClatchy Newspapers (owner of the Los Banos Enterprise), et al.. So much for bastions that do not disclose conflicts of interest!

My wife and I then returned to our area and I felt about as bad as I did before. My wife felt a lot better in that she felt that the mother knew, and the father was alerted, by the "Because we were angry" comment there may be something the girls weren't telling them.

Later in the day, as I was sitting alone, the father of the young lady came and sat with me for a few minutes. He offered his hand in apology to me saying that he had a private conversation with his daughter. He found that his a daughter had thought that my "spooof photo" with a blanket sheet over me with my baseball cap on while having my best man African

Page 7 of 8

American friend arm around me was for real. He said he was embarrassed, and that the two wrongs of his wife and daughter did not make a right.

I immediately told him there was no apology necessary but he continued. He explained that his daughter and the others girls of the group felt bad for an African American girl that was part of their team. He also explained that he felt that his wife immediately put herself into the position of defending their daughter without having the full story. I continued to say, no further explanation was necessary because I perhaps would do the same.

He said he explained to his daughter that I was fighting against racism and that I was on her side. He also said he would also feel there could be a danger to his family if some nut out there was to believe he was a member of the KKK, just as I fear now for my family.

I am not ashamed to say that I felt tears welling up in my eyes and a hoarseness in my throat as I thanked him for taking the time to share such with me and offered his apology. I told him that it was not his daughter that was the head of the impromptu committee that came down to my area.

Before closing our conversation between he and I we shared other personal comments about the incident, and my history of playing Santa Claus when his wife was two years old due to my being related by marriage through my sister-in-law to her father.

I would hope that at least this incident could end on a high note of not destroying some distant relative relationships, but for the record, prudence dictates that I document a couple of other closing matters.

At the closing ceremonies at the Relay for Life on June 3rd, 2007, group awards were passed out. I kept a discreet eye on the Pink Ladies as I received the award for OLF as the team captain. They stood stoically without clapping and I noticed their smirks and glances in my direction. It is also important to note that your wife, Eiléen, was a member of the group that was standing there.

It appears that the wife of the husband that apologized to me may have not informed others of the Pink Ladies of what her husband informed her he had discovered about the "intent" of the Team Wellness entourage to the OLF table after discussing it with his daughter.

Would she be too embarrassed that it took place to share it with the other mothers? Perhaps. But I don't think it should be her daughter's action she should be embarrassed about but perhaps her own handling of the situation that day. Perhaps, in hind sight the mother has re-thought her handling of the matter?

It is certainly true that "kids will be kids". They in their heart, no matter how misguided (unless they were intentionally misguided by Mayor Jones or one of his supporters), thought

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they were fighting a racist in defense of a friend. I hope they continue to stand up to injustices.

I only suggest that they make sure they have all the facts first before they attack the integrity of a person and defame them.

There are just a couple of more points that need to be made. I did also notice that you came to the event once prior to the incident with the young ladies and then once afterwards. As you went by you just kind of quickly waived to me. Normally, you would have stopped and chatted. You did so at Rexal Drugs just last week.

I now wonder, if perhaps you were the one that was the "go to guy" concerning questions as to if I could be "arrested or removed" by the gentleman with the cell phone? Not that I would think you would try such, and I think reasonably you would dispense with such nonsensical thought but it does raise some questions in my mind.

Did their team captain, if he is such, or Mayor Jones himself, make any comments to these young ladies to fire them up earlier in the day? Did any of the parents including the guy that gave me the shove (twice), and who also said he "didn't appreciate my piece of paper" stir the pot? Did Mayor Jones ask you to check the matter out for him as City Attorney? Not all of those questions can be answered now, but I can at least request the last question to be answered.

Were you requested by Mayor Jones to go down to the Relay for Life in an attempt to investigate what was taking place concerning the Team Wellness matter, etc. and The Badger Flats Gazette?

Well, Here again I have had to spend a Sunday afternoon, documenting the assault upon my character which is a direct offshoot of Mayor Jones saying he knew for a fact that I was a member of the KKK. It is not pleasant but required and I will add it to the list of damages brought upon me by the City of Los Banos and Mayor Jones being a loose canon.

I have at this time omitted the specific names of the parents involved in order to keep them out of the direct controversy *if possible* between Mayor Jones, myself and the City of Los Banos. However, I stand ready if necessary to call upon them in the future for verification of the events which took place at the Relay for Life which caused me great stress.

Thank you.

Sincerely,

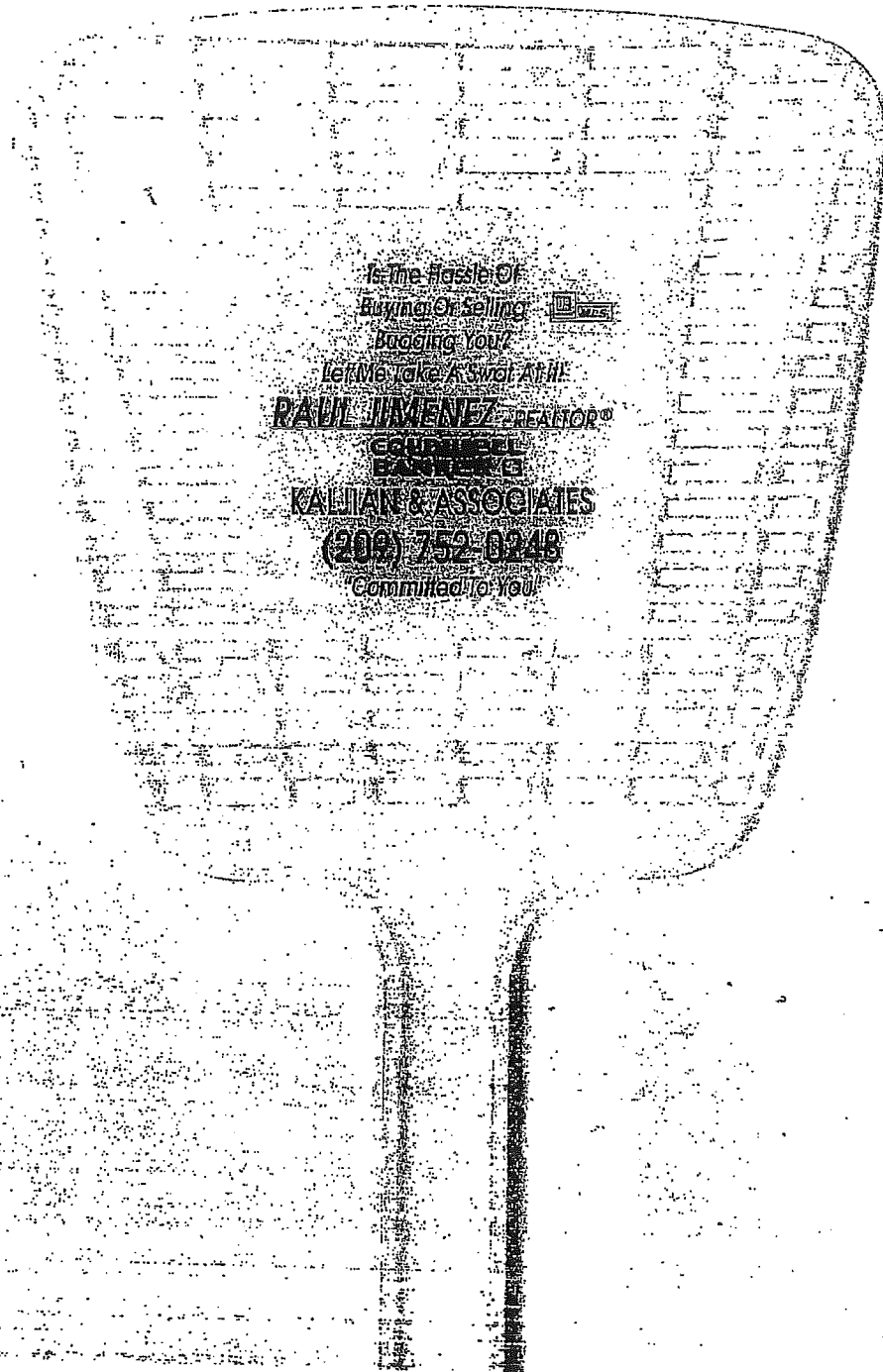


Gene Font

Enclosure: Fly Swatter Copy/Kaljjan Realty

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3



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Forte

June 1, 2007

Mr. William Vaughn
Los Banos City Attorney
525 J Street, Suite A
Los Banos, California 93635

EMAIL

Re: No Response From Mr. Wilkerson & Semantics

Dear Mr. Vaughn:

I write this letter to you in your capacity as City Attorney for Los Banos to inform you that I have not received a return phone call from your insurance carrier I was directed to contact by Ms. Jana Sousa.

As you know, I was hesitant of following such suggestion and direction but did so. However, now since it appears that Mr. Wilkerson is going into the "artful dodger mode" I request that you provide your Mr. Wilkerson with a copy of this letter, which notifies him of my position and my questions I request answered by somebody on The City's side of the fence.

Even though I am not an attorney, it appears to me that Mr. Wilkerson is providing me legal advice, and legal opinion as to why my claim is insufficient based upon his interpretation and reading of 910 (f) AND how it interacts with the claim form. Being somewhat facetious here, but you know, I don't see anywhere in Government Code 910 a citing to the "Central San Joaquin Valley Risk Management Authority Claim Form". Do you?

Therefore, I just don't understand how my stating on the claim,

"The amount exceeds \$10,000.00 and would be an unlimited civil case in Superior Court seeking damages in excess of \$1,000,000.00.",

collides with 910 (f)?

Whereas, 910 (f) states:

"If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case".

It seems to me that Mr. Wilkerson is getting hung up on semantics. I did not state any dollar amount as a claim but only re-stated, "The amount exceeds \$10,000.00" and then clarified and answered the concealed question proffered by the words "indicate whether the claim would be a limited civil case".

My answer was, "(it) would be an *unlimited civil case* in Superior Court *seeking* damages in excess of \$1,000,000.00."

I am simply clarifying that it is not a "limited case" and then using more eloquent terms when translated back to straight talk says, "if I have to drag you boys into court I'm going for the metaphorical jugular vein in the tune of \$1,000,000.00 (and above), that ain't no limited case so don't anybody start whining later saying they were surprised!" The word "seeking" is speculative, not *affirmatively claiming*. So what's the problem?

I am simply dispensing with any false expectations that your insurance carrier may have in thinking they were going to swat me with \$25K and all of this is going to go away. It just isn't going to happen that way.

In closing, I am sure that you are busy and I will of course extend you comity due to our relationship, but frankly I don't know Mr. Wilkerson from the man in the moon and he has not one stitch of credibility with me. In fact, he is already in the hole with me right now, and I don't give second chances to insurance adjusters.

688 Birch Court, Los Banos, California 93635
(209) 829-1116 Fax (209) 829-1952

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Forte

I know you will respect my position on this, in that I will not allow Mr. Wilkerson to ride on your coattails for one step due to our personal relationship that goes back to your father that you should know I respect and love dearly.

I already consider what Mr. Wilkerson is doing is already dealing in bad faith.

But to put a kink in Mr. Wilkerson's gamesmanship, I request that the City of Los Banos provide me a copy of its insurance policy so that I am aware of the policy limits, reservation of rights, etc., immediately.

Please provide your Mr. Wilkerson with a copy of this letter that notifies him and demands a written explanation by June 5th, 2007, to disclose if he is providing me legal advice in filling out the submitted claim form. If he says that he is not, then I request that he tell me specifically what he thinks he is doing.

I also remind everyone that time is ticking and I certainly do not expect to find my claim is in default while Mr. Wilkerson stalls for time.

Thanks.

Sincerely,



Gene Forte

688 Birch Court, Los Banos, California 93635
(209) 829-1116 Fax (209) 829-1952

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Subject: Re: Claim Against Mayor Jones/Response Requested is Time Sensitive
From: Gene Forte <geneforte@sbcglobal.net>
Date: Fri, 01 Jun 2007 10:29:16 -0700
To: Vaughn & Falasco <vaughnandfalasco@sbcglobal.net>

Thanks Bill!

Hope you have a great vacation, and I apologize for needing to bother you with his nonsense.

Gene

Vaughn & Falasco wrote:

GeneF - I will forward your e mail/concerns to Mr Wilkerson. I am on limited vacation mode today and yesterday and will also follow up next week. - Billy

William A. Vaughn
525 J Street, Suite A
Los Banos, CA 93635

209 826.3531
vaughnandfalasco@sbcglobal.net

The information in this e-mail (including attachments, if any) is considered confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this e-mail is prohibited except by or on behalf of the intended recipient. If you have received this email in error, please notify me immediately by reply email, delete this email, and do not disclose its contents to anyone. Thank you.

----- Original Message ----- From: "Gene Forte" <geneforte@sbcglobal.net>
To: "William Vaughn" <cityattorney@losbanos.org>
Sent: Friday, June 01, 2007 9:53 AM
Subject: Claim Against Mayor Jones/Response Requested is Time Sensitive

Please find attached letter for yourself and Mr. Wilkerson.

Thanks.

Gene Forte

No virus found in this incoming message.
Checked by AVG Free Edition. Version: 7.5.472 / Virus Database: 269.8.5/826 -
Release Date: 5/31/2007 4:51 PM

Forte

May 30, 2007

Mr. William Vaughn
Los Banos City Attorney
525 J Street, Suite A
Los Banos, California 93635

EMAIL

Re: Claim against Mayor and City/Meet & Confer

Dear Mr. Vaughn:

I write this letter to you in your position as the attorney for the City of Los Banos concerning the most recent NOTICE OF INSUFFICIENCY OF CLAIM AND RETURN WITHOU ACTION" dated May 24th, 2007, and to make an inquiry for clarification in the form of a "meet and confer".

As I interpret 910 (f) it simply requests that I indicate, "whether the claim would be a limited civil case". A "limited civil case" limits me to claiming damages not to exceed \$25,000.00.

I stated in my claim, "The amount exceeds \$10,000.00, and would be an unlimited civil case in Superior Court seeking damages in excess of \$1,000,000.00". I don't know how I can make it any clearer than that.

Please inform me specifically how and why my claim is not sufficient as stated so that I can consider such in the next submission if needed. In all candor, I do believe that my claim is sufficient as to form but welcome your input for clarification.

I will only add that if the insurance carrier thinks I am going to be cajoled into saying my claim is a "limited case" they are a few cards short of a full deck, and are bordering upon what I consider as dealing in "bad faith".

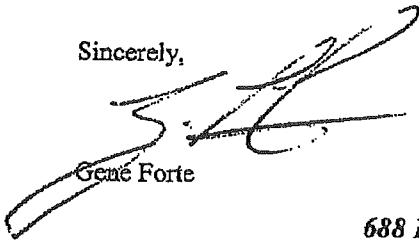
After writing the above I received a phone call from Ms. Jana Sousa who suggested that I speak to a Mr. Ken Wilkerson, the insurance carrier directly. I informed Ms. Sousa that I was hesitant in doing so because they are the City' representative and your dealings with him are your dealings. However, upon Ms. Sousa's repeated request I left a voice mail for Mr. Wilkerson.

Be that as it may, I still request that you respond to me in writing clarifying your understanding of why my claim is insufficient and suggestions as to how to correct it.

I informed Ms. Sousa that claim documents such as this tend to come into record and I do not want the insurance company to be moaning one day that if they knew I was seeking over \$1,000,000.00 they would have handled the matter differently.

Thanks.

Sincerely,



Gene Forte

688 Birch Court, Los Banos, California 93635
(209) 829-1116 Fax (209) 829-1952

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City of **Los Banos**
At the Crossroads of California

City Hall
520 J Street
Los Banos, CA 93635

Phone: (209) 827-7000
Fax: (209) 827-7010
www.losbanos.org

NOTICE OF INSUFFICIENCY OF CLAIM AND RETURN WITHOUT ACTION

May 24, 2007

Gene Forte
688 Birch Ct.
Los Banos, CA 93635

Dear Mr. Forte,

This is to advise you that your Claim has been reviewed, evaluated, and found to be deficient for the reason(s) circled below:

1. The Claim fails to state the name and mailing address of the claimant.
2. The Claim is not signed.
3. The Claim fails to state the mailing address to which the person desires notices to be sent.
4. The Claim does not provide enough information to determine when, where, and/or how the incident/accident occurred.
5. The Claim does not provide enough information to determine what the loss, damage, or injury is.
6. The Claim does not provide enough specific information to determine what, if anything, the public entity did or failed to do to create liability exposure.
7. The Claim does not comply with Government Code 910(f) as to the amount sought or the court of appropriate jurisdiction.
8. The Claim does not provide the name(s) of any of our employees who may be responsible for the incident/accident.

The Claim will not be acted upon for fifteen (15) days from the date of this Notice to allow for your amendment of this Claim.

Sincerely,

Lucy Mallonee, CMC
City Clerk/Human Resources Director

Im:js

Cc: City Attorney Vaughn
Ken Wilkerson, AIMS

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WARNING: A claim that is deficient or does not contain sufficient information, as required by law, may not be considered to have been filed in a timely manner and may prevent the prosecution of a lawsuit based on the incident/accident which is the subject of this Claim.

PROOF OF SERVICE

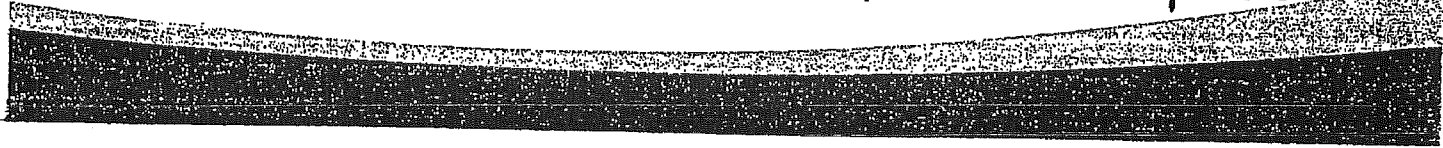
On May 24, 2007, I served the within NOTICE OF INSUFFICIENCY OF CLAIM on the claimant by placing a true copy thereof enclosed in a sealed envelope in the outgoing mail addressed as requested by the claimant.

I declare under penalty of perjury that the foregoing is true and correct. Executed at 520 J Street, Los Banos, California, on May 24, 2007.

Jana R. Sousa
(Type or Print Name)

Jana R. Sousa
(Signature)

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CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY

CLAIM FORM (Please Type Or Print)

AIMS Jun 07, 2007 16:56

CLAIM AGAINST Mayor Tommy Jones / City of Los Banos

Claimant's Name Gene Forte

Claimant's Date of Birth Feb. 26, 1952

Claimant's Address 688 Birch Ct. Los Banos CA 93635

Address where Notices about Claim are to be sent, if different from above:

Date of Incident/Accident/Arrest: May 5, 2007

Date Injuries, Damages or Losses were discovered: May 5, 2007

Location of Incident/Accident/Arrest: 6th Street & K (May Day Fair Parade)

What did Entity or Employee do to cause this Loss, Damage or Injury?

The Mayor stated to myself, Mr Clinton Galloway, and others suspected to be City Council members of Los Banos, and others unknown that I was a dangerous member of the Ku Klux Klan.

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

Mayor Tommy Jones Declaration of Clinton Galloway Declaration of Eugene Forte

What specific Injuries, Damages or Losses did Claimant receive? slander, emotional distress, damage to reputation

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]

The amount exceeds \$10,000 and would be an unlimited civil case in Superior Court seeking damages in excess of \$1,000,000.00

How was this amount calculated (please itemize)? Itemization does not apply. How much is a person's good name worth?

Date Signed: 5/24/07

Signature: [Handwritten Signature]

If signed by Representative:

Representative's Name

Address

Telephone #

Relationship to Claimant



City of
Los Banos
At the Crossroads of California

City Hall
520 J Street
Los Banos, CA 93635

Phone: (209) 827-7000
Fax: (209) 827-7013
www.losbanos.org

NOTICE OF INSUFFICIENCY OF CLAIM AND RETURN WITHOUT ACTION

May 16, 2007

Gene Forte
688 Birch Ct.
Los Banos, CA 93635

Dear Mr. Forte,

This is to advise you that your Claim has been reviewed, evaluated, and found to be deficient for the reason(s) circled below:

1. The Claim fails to state the name and mailing address of the claimant.
2. The Claim is not signed.
3. The Claim fails to state the mailing address to which the person desires notices to be sent.
4. The Claim does not provide enough information to determine when, where, and/or how the incident/accident occurred.
5. The Claim does not provide enough information to determine what the loss, damage, or injury is.
6. The Claim does not provide enough specific information to determine what, if anything, the public entity did or failed to do to create liability exposure.
7. The Claim does not comply with Government Code 910(f) as to the amount sought or the court of appropriate jurisdiction.
8. The Claim does not provide the name(s) of any of our employees who may be responsible for the incident/accident.

The Claim will not be acted upon for fifteen (15) days from the date of this Notice to allow for your amendment of this Claim.

Sincerely,

Lucy Mallonee, CMC
City Clerk/Human Resources Director

lm:js

Cc: City Attorney Vaughn
Ken Wilkerson, AIMS

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910. A claim shall be presented by the claimant or by a person acting on his or her behalf and shall show all of the following:

- (a) The name and post office address of the claimant.
- (b) The post office address to which the person presenting the claim desires notices to be sent.
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim.
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000); as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

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CENTRAL SAN JOAQUIN VALLEY
RISK MANAGEMENT AUTHORITY

CLAIM FORM
(Please Type Or Print)

RECEIVED
CLAIM AGAINST

MAY 7 PM 2 42

Mayor Tommy Jones / City of Los Banos
(Name of Entity)

City of Los Banos

Claimant's Name Gene Forte

S.S. # 572 - 74 - 7186

Date of Birth Feb 26, 1952

Telephone # (209) 829-1116

Claimant's Address 688 Birch Ct. Los Banos, CA 93635

Address where Notices about Claim are to be sent, if different from above:

Date of Incident/Accident/Arrest: May 5, 2007

Date Injuries, Damages or Losses were discovered: May 5, 2007

Location of Incident/Accident/Arrest: 6th Street & K (May Day Fair Parade)

What did Entity or Employee do to cause this Loss, Damage or Injury?

The Mayor stated to myself, Mr. Clinton Galloway, and others suspected to be Council members of Los Banos, and others unknown that I was a dangerous member of the Ku Klux Klan.
(Use Back of this Form or Separate Sheet if necessary to answer this Question in Detail.)

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

Mayor Tommy Jones

What specific Injuries, Damages or Losses did Claimant receive? slander, emotional distress, damage to reputation
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" (see Government Code 51071)

\$1,000,000.00 - Superior Court

How was this amount calculated (please itemize)? How much is a person's good name worth? You calculate it.
(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 5/7/07

Signature: [Handwritten Signature]

If signed by Representative:

Representative's Name _____

Address _____

Telephone # _____

Relationship to Claimant _____