

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF STANISLAUS

EUGENE FORTE,

Plaintiff,

vs.

TOMMY JONES, et al.,

Defendants.

)
) **CERTIFIED COPY**
)
)

) Case No. 637857
)
)

Merced, California
Friday, September 4, 2009, at 9:55 a.m.

DEPOSITION OF JORDAN FORTE

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Reported by: Christine M. Credit, CSR No. 3805

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1 doesn't know the names of nephews and relatives
2 and that types of things.

3 Let me tell you something, get this record
4 straight. Love my brothers. I couldn't tell you
5 the names of all my great nephews, my great nieces
6 because, see, my brother Joe is 15 years older
7 than me, or 12, 14; my brother John is 12 years or
8 10 years older than me. All their children
9 basically, which would be -- are my wife's age,
10 Eileen's, they're 38. That would be Jordan's
11 cousins. Huh?

12 Now, what you're doing is, Mr. Ratliff,
13 you're embarrassing this young man, making him
14 feel bad. I can't tell you what a despicable
15 person you are, okay? Can't tell you how
16 despicable you are.

17 Now, tell you, I'm going to end this
18 deposition if you ask one more question about
19 relatives. You got that? I want an answer. Do
20 you got that? If you don't answer that question,
21 I'll just end the deposition right now.

22 MR. RATLIFF: Mr. Forte, you do what you
23 think you need to do, but --

24 MR. FORTE: Answer the question. Are you
25 going to be a gutless person and continue to

1 harass this young man, who's a top student at
2 Central Catholic High School? You jerk. You want
3 to ask some questions. There's the declaration he
4 signed, as I slid it across the table in front of
5 you, you start asking those questions based upon
6 that information. You ask one more question
7 regarding personal matters, we are out of this
8 room. You go back, Judge Mayhew, that jackass,
9 you tell him to get us back here, and we'll have
10 an attorney with us, and we're going to pin your
11 ears back against the wall.

12 MR. RATLIFF: Mr. Forte, I haven't called
13 you any names here today, have I?

14 MR. FORTE: Go right ahead. You already
15 do. You already do through Corey Pride of the
16 Los Banos Enterprise. You guys are already saying
17 I'm a known racist. So that's how you're doing --
18 look at me, Ratliff. Look at me, Mr. Ratliff.
19 That's what you're doing. You threw the race card
20 at me. Julian Bond thinks it's stupid of the
21 NAACP.

22 What are you look like -- making that
23 frown? Huh? They couldn't declare me a racist.
24 You can't, and Tommy Jones keeps on shooting his
25 mouth off with Corey Pride, the collusion to go

1 and defame me. It's going to stop. You know, go
2 ahead and ask your next question, but until you
3 assure me you're not going to ask a question that
4 involves him trying to embarrass him because he
5 doesn't know the name of a nephew, a cousin, we're
6 out of here.

7 MR. RATLIFF: Mr. Forte, I'm not trying to
8 embarrass anyone here today. I told you the
9 reason I'm asking those questions is to try to
10 find out information so I can get more witnesses.

11 MR. FORTE: Not good enough. Either you
12 can contact me or you can --

13 MR. RATLIFF: Are you going to keep
14 interrupting me or are you going to let me speak
15 for a moment?

16 MR. FORTE: Go ahead, speak.

17 MR. RATLIFF: You've been speaking for
18 pretty much most of this deposition with your
19 objections.

20 The reason I want this information, is the
21 reason I mentioned to you. Now, if that, merely
22 asking your son whether he knows certain
23 information that is pretty much neutral is going
24 to cause him to cry, which it appears as if he's
25 crying now, then I don't know quite what to say

1 with that.

2 MR. FORTE: I do. I do. Here you go.
3 Here you go, Ratliff, you're a jackass. The
4 deposition is over. Come on, Jordan.

5 MR. RATLIFF: Mr. Forte, I'd appreciate if
6 you'd sit down so we can finish the deposition.
7 We haven't even started.

8 MR. FORTE: You haven't started? What
9 have you been doing here? Been torturing this
10 young man? Is that what you've been doing, sir?
11 Is that what you've been doing?

12 MR. RATLIFF: There's no reason for you to
13 get upset.

14 MR. FORTE: I'm not upset.

15 MR. RATLIFF: You are upset.

16 MR. FORTE: I'm sitting up, I'm way over
17 here, I'm very calm. My wife's getting up.
18 Jordan is getting up.

19 MR. RATLIFF: You're yelling at me, you're
20 calling me names.

21 MR. FORTE: It's all on the record. I've
22 called you a jerk, I've called you a jackass.

23 MR. RATLIFF: Yes, you have.

24 MR. FORTE: Those are names, all right.
25 And I would tell you that --

1 MR. RATLIFF: I never call you that.

2 MR. FORTE: No. As I said before, you've
3 called me something much worse. You've called me
4 a known racist, all right?

5 MR. RATLIFF: When did I ever say that to
6 you?

7 MR. FORTE: Jones. Don't play like you're
8 an idiot. Through Jones. Don't play stupid.
9 Come on, Jordan. Let's go.

10 MR. RATLIFF: Jordan, you should sit down
11 so we can finish the deposition.

12 MR. FORTE: Not till you apologize to my
13 son, number one. You want -- let me close this
14 door. Excuse me. Go over there, Eileen. For one
15 second. Just close this door for one second.

16 Not till you apologize to this young man
17 to say what's he -- he's crying over this. You
18 gutless. I bet what you were like -- I bet what
19 you were like when you were a little kid, you were
20 one of those little tiny guys, you get pushed
21 around all the time, and you resented it. Huh?
22 You'd cry a lot, huh? But that's okay. That's
23 okay.

24 MR. RATLIFF: You make me laugh.

25 MR. FORTE: Well, you know, I got to tell

1 you, when I was a kid, I stuttered, I couldn't
2 talk. All the kids used to make fun of me, and it
3 used to hurt me a lot, okay. I used to cry too.
4 But that's not about me right now this second.
5 You hurt my son, you embarrassed him. Are you
6 going to apologize or not? Yes or no?

7 MR. RATLIFF: Sure, I'll apologize.

8 MR. FORTE: Then apologize to him.

9 BY MR. RATLIFF:

10 Q. Jordan, I do apologize if what I asked you
11 hurt your feelings, but if you don't know the
12 answer to a question, just say you don't know.
13 You don't have to cry and get upset.

14 MR. FORTE: Objection.

15 MR. RATLIFF: Just a second. I'm not
16 done.

17 MR. FORTE: He can do what he wants. No.
18 I have an objection right there. He can do
19 whatever he wants. He can get upset as he wants,
20 and he can cry if he wants. There's nothing wrong
21 with that. Go ahead.

22 BY MR. RATLIFF:

23 Q. Okay. So, anyway, if you don't know the
24 answer to a question, you just tell me you don't
25 know. If you want to take a break at some time to

1 get your composure, if you can't handle the
2 questions, you just feel free to --

3 MR. FORTE: Objection as far as
4 characterizing I can't handle the questions.
5 Objection. Can't handle the questions. I would
6 suggest maybe we take about a 15-minute break, let
7 Jordan get his composure, and we'll come back in
8 here.

9 MR. RATLIFF: That's fine with me.

10 MR. FORTE: Jordan, why don't you take a
11 break for a little bit.

12 (Break taken.)

13 MR. RATLIFF: Back on the record.

14 Q. Joe Forte's wife's name is Virginia, you
15 said?

16 A. Yes.

17 MR. FORTE: Objection. One question I'd
18 like to have read back, please. Would you read
19 back to me the admonitions that Mr. Ratliff gave
20 to Jordan after he'd started the deposition and
21 gave the admonition of what to expect during the
22 deposition.

23 THE REPORTER: I'll have to get into a
24 different screen. I had to restart my computer.
25 Do you want the entire seven or eight pages read?

1 A. I didn't.

2 Q. You had no idea, correct?

3 A. Not until he came back and told me.

4 Q. So when you saw your father and
5 Mr. Galloway walking back, you saw him laughing,
6 didn't you?

7 MR. FORTE: Objection. Describe it,
8 laughing, mocking. Jordan, try to be clear to
9 this man because he's trying to twist everything
10 around you're going to say.

11 MR. RATLIFF: Leading.

12 MR. FORTE: Yeah. Well, I've got to do
13 it. I'm going to make sure -- look it, this
14 deposition is never going to see the light of day
15 inside of a trial. You're going to be fried
16 publicly before we ever get there, okay? So --
17 you can do whatever you want in this deposition.
18 This deposition is going to make great fodder
19 going after your law license one day. You may not
20 know exactly why yet, Mr. Ratliff, but you sense
21 why. I'm going to amend -- and so you know --

22 MR. RATLIFF: Are you threatening me?

23 MR. FORTE: Wait a second. As an
24 attorney, do you know the difference between a
25 notification of a lawsuit and a physical threat?

1 MR. RATLIFF: I don't know.

2 MR. FORTE: I'm not threatening -- oh, you
3 don't?

4 MR. RATLIFF: I'm just wondering if
5 you're --

6 MR. FORTE: Then you're pretty ignorant --

7 MR. RATLIFF: I just want to be clear.
8 That's all.

9 MR. FORTE: -- if you don't know the
10 difference. So it's not a threat. It's a
11 notification that we plan on amending the
12 Complaint to include you and Mayor Jones.

13 MR. RATLIFF: Okay.

14 MR. FORTE: For manipulation with
15 McClatchy newspapers saying it publicly for the
16 support of this lawsuit for your guy's side. Just
17 to let you know.

18 MR. RATLIFF: So you're threatening to
19 file a lawsuit against me.

20 MR. FORTE: Again, let's not talk -- let's
21 not use the word "threat." I'm notifying you --

22 MR. RATLIFF: Okay.

23 MR. FORTE: -- that we have every
24 intention of going and amending the Complaint to
25 bring you into this lawsuit. Maybe not this one.

1 Maybe we have to add a separate one, you know, to
2 make sure you're held accountable for your actions
3 that you're doing for your client right now, which
4 are illegal.

5 MR. RATLIFF: I think that's clear that
6 you're saying you're going to sue me. Is that
7 what you said?

8 MR. FORTE: We're taking that into
9 consideration, yes. Keep on going down the --
10 you've already done stuff to go ahead and be
11 named, but just keep on going.

12 MR. RATLIFF: Okay.

13 Q. In any case, now, at the time that you saw
14 Mr. Galloway and your father coming back to the
15 vehicle after speaking to Mayor Jones, were they
16 smiling?

17 A. Yes.

18 Q. When your father got back to the vehicle,
19 when your father and Mr. Galloway got to the
20 vehicle, who spoke first?

21 A. I don't recall.

22 Q. What's the first memory you have of
23 someone speaking?

24 MR. FORTE: And, Jordan, if you need to
25 refresh your recollection by looking at your

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I declare under penalty of perjury that I
have read the foregoing transcript, and it is true
and correct to the best of my knowledge, along
with whatever corrections I have made thereon.

_____ Dated _____

Witness' signature

1 STATE OF CALIFORNIA,)
2 COUNTY OF MERCED) : SS.

3 I, Christine M. Cradit, do hereby
4 certify:


5 That I am a licensed, Certified Shorthand
6 Reporter, duly qualified and certified as such by
7 the State of California;

8 That prior to being examined, the witness
9 named in the foregoing deposition was by me duly
10 sworn to testify to the truth, the whole truth and
11 nothing but the truth;

12 That the said deposition was by me
13 recorded stenographically at the time and place
14 first therein mentioned; and the foregoing pages
15 constitute a full, true, complete and correct
16 record of the testimony given by the said witness;

17 That I am a disinterested person, not
18 being in any way interested in the outcome of said
19 action, nor connected with, nor related to any of
20 the parties in said action, or to their respective
21 counsel, in any manner whatsoever.

22 Dated this 15th day of September, 2009.

23
24 
25 C.M. CRADIT, CSR No. 3805