

Forte



Monday, January 28, 2008

Mr. Benjamin Ratliff
Weakley Ratliff Arendt & McGuire LLP
1630 East Shaw Avenue, Suite #176
Fresno, CA 93710

FAXED ONLY

Re: Forte v. Jones, Meet & Confer

Dear Mr. Ratliff:

I write this letter to commemorate our conversation of last week and express frustration that I have not received a letter from you confirming that you are not representing the City of Los Banos. It is now the second time that you did not follow up on informing me your position after calling me asking for more time.

The first instance is when you called on the deadline of Mr. Jones needing to agree to make a public apology or be sued. You asked for an extension saying that I would get a letter from you in a couple of days. It never came.

Last week you call me on the day Mr. Jones' answer to the complaint was due and asked for me to waive his default. I said I would not, but told you that I would not waste the courts time or mine rushing out to take a default judgment.

You informed me that you do represent the City of Los Banos on other matters but you are not representing Mr. Jones on behalf of the City of Los Banos. Therefore, the City of Los Banos is not picking up the tab for your services.

I bring this to your attention because attorney, Mr. Kevin Little, informed me in writing that he had represented Mr. Jones. I had never been told otherwise until now.

Be that as it may, as I had informed you I plan on taking the depositions of several city officials. You are informed so that it will be clear that I do not expect you to be in a dual role of representing city councilmen in depositions while defending Mr. Jones.

I would strenuously object to the court over such dual representation.

Therefore, as a meet and confer I request that you disclose to me such will not take place. If you are not willing to do so I will make a motion to the court and seek sanctions for having to address the issue which could cause much delay to the discovery process.

Please respond no later than Wednesday, January 30th, 2008, via fax or email. Thank you.

Sincerely,

Gene Forte

