

file

1 Eugene 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 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **IN AND FOR THE COUNTY OF MERCED**

9
10 EUGENE FORTE,
11 Plaintiff,
12
13 vs.
14 TOMMY JONES, an individual, and DOES
15
16 Defendants.
17

Case No. 150880

**SUPPLEMENT TO CASE
MANAGEMENT STATEMENT;
DECLARATION AND
STIPULATION OF EUGENE
FORTE**

**Date: June 10, 2008
Time: 9:45am
Courtroom: 1202**

18
19 PLAINTIFF FORTE HEREBY NOTICES the court and all parties that in the interest of
20 preventing any additional delays in discovery, in particular the depositions of Defendant Jones
21 and witnesses Faria and Sousa which, according to the Order of the court per ex parte hearing
22 held on June 3, 2008 in Judge Hanson's court, will be scheduled between July 7 and July 31,
23 2008, that Plaintiff is willing to stipulate to waiving the required notice of any Motion for
24 Protective Order that Defendant plans on making for the above depositions.

25 Therefore, if a Motion for Protective Order is will be made, PLAINTIFF REQUESTS
26 that it be made on order shortening time, and PLAINTIFF WILL STIPULATE that:

- 27 1. Defendant may schedule a hearing date for such motion any day between June 18, 2008
28 and July 11, 2008,

1 2. That Plaintiff be given at least three (3) days to file and serve by fax his opposition to the
2 motion after Defendant serves him by fax with the Motion papers,

3 3. And that Defendant will have at least two (2) days to file and serve by fax his Reply
4 Brief.

5 Plaintiff is notifying the court and all parties of his willingness to do such to prevent
6 Defendants from being able to utilize the discovery rules for a motion for protective order to
7 delay, again, the depositions which have been noticed since May 1, 2008. If Defendant waits
8 until the last moment before the newly scheduled depositions (to be scheduled between July 7,
9 2008 and July 31, 2008) and files a Motion for Protective Order, by statute, the depositions will
10 be stayed until the hearing. This could potentially prevent Plaintiff from conducting his
11 depositions until after the last week in August, pushing the deposition dates into September.

12 Plaintiff is submitting this notice to address the issue to the court in the Case
13 Management Conference because he is aware that the court may, on its own motion, prescribe
14 shorter times for filing and service of papers according California Rules of Court 3.13(b), and in
15 anticipation, is trying to prevent any delays to the deposition dates to be scheduled between July
16 7, 2008 and July 31, 2008.

17 Plaintiff reminds the court and defendant that he is unavailable between June 5, 2008 and
18 June 17, 2008, however, he will be attending the Case Management Conference set for June 10,
19 2008 at 9:45am via telephone. Due to the nature of Plaintiff's general unavailability (he will be
20 on a cruise), Plaintiff is submitting this notice and stipulation to protect his position in the event
21 that some unforeseen circumstances prevent him from attending the CMC, i.e., the tugboat has an
22 engine malfunction and Plaintiff is stuck offland unable to get to a land phone. In such
23 unfortunate event, PLAINTIFF REQUESTS the court to address this issue of any potential
24 Motion for Protective Motion for the depositions of Defendant Jones, Faria, and Sousa, and issue
25 orders for shortening time accordingly.

26
27 Date: June 4, 2008


Eugene Forté, In Propria Persona

DECLARATION AND STIPULATION OF EUGENE FORTE

I, Eugene Forte, declare:

1. I am the plaintiff in the subject case representing myself in propria persona.
2. I have sued Tommy Jones in his private and individual capacity.
3. I noticed the deposition of Defendant Jones on May 1, 2008, and issued deposition subpoenas for third party witnesses Faria and Sousa on May 12, 2008 for depositions to be taken on June 18, 2008 and June 20, 2008, respectively.
4. On June 3, 2008, at an ex parte hearing, Judge Hanson ordered that Defendant's counsel, Mr. Benjamin Ratliff, confirm in writing by June 6, 2008, dates he would be available with all the witnesses between July 7, 2008 and July 31, 2008.
5. Mr. Ratliff is to provide two days for Mr. Jones' deposition, one day for Mr. Sousa's deposition, and one day for Mr. Faria's deposition.
6. Defendant has indicated on his Case Management Statement that he anticipates making a Motion for Protective Order, and therefore, I want to make sure that any motion for protective order that he is intending on making regarding the depositions of Jones, Faria, and Sousa, does not further delay the depositions.
7. I will be unavailable due to a cruise from June 5, 2008 to June 17, 2008, and have filed and served the Notice of Unavailability in this case on May 6, 2008.
8. In order to avoid any additional delays, I plan on attending the Case Management Conference set for June 10, 2008 at 9:45am by telephone conference and have paid the court for such service.
9. In the unforeseen event that I am not able to make the telephone conference, I am submitting this supplement to my Case Management Statement to protect my interests.
10. In the event that Defendant wishes to make a Motion for Protective Order regarding the Depositions of Jones, Faria, and/or Sousa, I stipulate that I waive the required notice for the motion and that I will make myself available for any such hearing date on order shortening time between the dates of June 18, 2008 and July 11, 2008.
11. I also stipulate that I will file and serve by fax my opposition to the motion within three

1 days from service of fax of the motion papers by Mr. Ratliff, and that Mr. Ratliff will
2 have at least two days to serve his reply brief by fax if any.

3 12. Attached as Exhibit 1 is a true and correct copy of the letter I wrote on June 3, 2008, after
4 the ex parte hearing, to Mr. Benjamin Ratliff which indicates his hostility and treatment
5 of me and mandates that I do everything that I legally can to protect myself from his
6 attempting to thwart my right to timely discovery.

7 13. During the ex parte hearing on June 3, 2008, I raised the fact that any testimony which is
8 relevant to this subject case of Forte v. Jones may also be relevant to the Recall of Mayor
9 Tommy Jones.

10 14. Upon doing so, Ratliff seemed to think that would be prohibited.

11 15. I thank the court for working to prevent any further delays in the discovery of this case.

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14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct and that this declaration was executed on June 4, 2008 at Los Banos,
16 California.

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Eugene Forte

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Exhibit "1"

Badger Flats Gazette

Tuesday, June 3rd, 2008

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

FAXED ONLY

Re: Forte v Jones, #150880/Put The Race Card Away

Dear Mr. Ratliff:

I write this letter in response to your bizarre comments made in the hallway today after the ex parte hearing that you embarrassed yourself at. It was more than obvious that you could barely control your anger in not getting your way and my suggesting that you start anew by not filing any unwarranted motions such as the one today.

Judge Hansen was way to kind to you and Mr. Vaughn's' game playing. I will only say that if an in pro per tried the type of nonsense you attempted they would have been sanctioned to the highest heavens. The documents filed clearly show that you were being disingenuous in your statement to Judge Hansen, i.e., your stating that you were unaware of the scheduled deposition of Mr. Tom Faria when there was in fact a Notice of such sent to you and the proof that it was faxed to you attached to my motion papers.

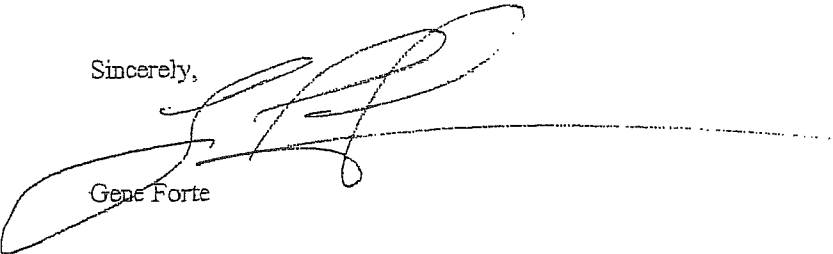
I respectfully request that you put "The Race Card" down which appears to be printed on the front side of your defense card. You growled at me asking me if I was threatening you when I informed you that I would respond in full strength legally anytime you filed unwarranted motion as today.

When I asked for you to explain yourself as to why you considered my statement a threat you stated that "you did not have the time to talk to *the likes* of me". It appears that you are going to put forward the "smut on parade defense" just as your client has stated publicly (March 19th, 2008) that my writing about his undisclosed loans from Greg Hostetler was "lynching him with words and that at other times he would have been lynched with a rope".

African American friends of mine that I shared Mr. Jones comments with were appalled that he would demean the horror brought to other African Americans by radical racists in making such a statement.

With the above said I only ask that you remain civil to me during this litigation and please do not refer to me, or clump me together with "the likes" of anyone.

Sincerely,



Gene Forte

Cc: Vaughn, W.

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3 COUNTY OF MONTEREY) ss.

4 I, the undersigned, declare that I am employed in the County of Monterey, State of
5 California; I am over the age of 18 years and not a party to the within action; my business
address is 688 Birch Court, Los Banos, California, 93635.

6 On June 4, 2008, I served the foregoing **SUPPLEMENT TO CASE MANAGEMENT**
7 **STATEMENT; DECLARATION AND STIPULATION OF EUGENE FORTE** on the parties
in this action by:

8 _____ personal service on the below-named party(ies) at the address(es) given.

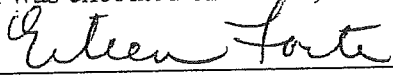
9 _____ facsimile machine pursuant to Rule 2008. Said document was sent to the below
10 listed party(ies). The fax number I used was: (831) 484-7553. The facsimile
11 machine I used complied with Rule 2004, and no error was reported by the
record of the transmission, a copy of which is attached to this declaration.

12 x depositing the sealed envelope(s) with the United States Postal Service with
13 postage fully prepaid, addressed as follows:

14 _____ causing a true copy thereof to be delivered via overnight carrier addressed as
follows:

15 Mailed:
16 *Mr. Benjamin L. Ratliff, Esq.*
17 *The Law Firm of Weakley, Ratliff, Arendt, &*
McGuire, LLP
18 *1630 East Shaw Avenue, Suite 176*
Fresno, CA 93710

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct and that this declaration was executed on June 4, 2008 at Los Banos,
California.

21 
22 _____
23 Eileen Forte
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