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Badger Flats Gazette
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To: Mr. Benjamin Ratliff From: Mr. Gene Forte

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Date: 8/6/2008 Pages: 1 (Including Cover Sheet)

Subject: CU150880

Notes: As you were informed on July 28th, 2008 by fax, at the deposition of Mr. Joe Sousa on July 30th, 2008, and in our conversation this morning, I am unavailable for a deposition on August 11th, 2008.

In addition to needing to prepare for a trial starting on August 18th, 2008, I am also scheduled for oral argument on August 11th, 2008 before the Fifth Appellate Court. You were made aware of this again at the deposition of Mr. Sousa.

Even though I had seriously considered stipulating to a continuance of our trial now set for December 16th, 2008, after further consideration under the circumstances, I think it best you file a motion for continuance.

One of the main reasons for this is that Judge Hansen was adamant in denying my request to not set the trial date for December 16th, 2008 at the CMC. You did not breath a word at such time about your intention to file a Summary Judgement motion and I do not in any way wish for Judge Hansen to think it was my asking for the continuance.

You have not been cooperative in agreeing to produce Mr. Jones to complete his deposition, and further, you stated that Judge Hansen ordered that Jones' deposition be limited to only two days which was patently not so.

It seems that in my opposition to your Motion to Continue the trial, a clear record may be made of all of these matters.