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August 8, 2008

Via Facsimile and Mail  
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Mr. Eugene Forte  
688 Birch Court  
Los Banos, California 93635

**Re: Eugene Forte v. Tommy Jones, et al.**  
**Merced Superior Court Case No: 150880**

Dear Mr. Forte:

I am in receipt of your letter dated August 6, 2008. This will also serve to confirm the telephone message I left on your voice mail this morning wherein I advised you of other dates and times I am available for the taking of your deposition.

I advised you on July 28, 2008 that I intend to file a motion for summary judgment in this case. According to my calculations, the last day to do so is August 26, 2008. Therefore, I need to take your deposition before that time.

I understand you are scheduled for oral argument during the afternoon of August 11, 2008 in a case before the Fifth District Court of Appeal and that you are scheduled to start trial in Monterey on August 18, 2008.

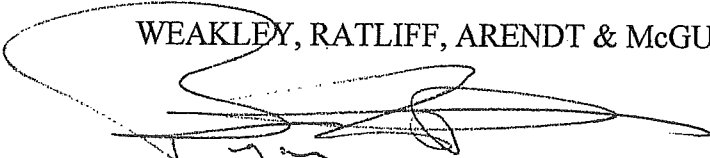
I properly noticed your deposition for August 11, 2008 at 10:00 a.m., in Merced. I will need no more than four hours to complete the deposition, therefore, I am willing to change the time of your deposition to 8:00 a.m. on August 11, 2008, and, for your convenience, move it to a location in Fresno so you can be on time for oral argument. In the alternative, because I expect you will finish with oral argument by 3:30 p.m., I am willing to reschedule your deposition to 4:00 p.m. on August 11, 2008, at a location in Fresno.

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Finally, I am available to take your deposition anytime on August 12, 14, 16 or 17. Please consider this letter my effort to meet and confer as required by the Code of Civil Procedure. Hopefully, this can be worked out without seeking court intervention. I would appreciate a call from you before 4:00 p.m. today.

Yours very truly,

WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP



Benjamin L. Ratliff

BLR:lp