

file

ADD.
8/18/08

1 Eugene E. Forte
2 688 Birch Court
3 Los Banos, CA, 93635
4 Telephone: (209) 829-1116
5 Facsimile: (209) 829-1952

6
7 In Propria Persona

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF MONTEREY**

10 EUGENE FORTE,
11 Plaintiff,

Case No. CU150880

12 vs.

**NOTICE OF MOTION AND MOTION
FOR LEAVE TO FILE PLAINTIFF'S
FIRST AMENDED COMPLAINT**

13
14 TOMMY JONES, et al.
15
16 Defendant.

Date: September 12, 2008
Time: 10:00 a.m.
Dept: Law and Motion
Trial: December 16, 2008

17
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19 TO EACH PARTY AND ATTORNEY OF RECORD IN THIS ACTION:

20 PLEASE TAKE NOTICE THAT on September 12, 2008 at 10:00 a.m., or as soon
21 thereafter as this matter can be heard, Plaintiff Eugene Forte will move this Court in the Law &
22 Motion Department thereof, at the Merced County Superior Court, 627 W. 21st Street, Merced,
23 California for an order permitting Plaintiff to file a First Amended Complaint which will be
24 attached to the Motion. This motion will be made upon the ground that it is in furtherance of
25 justice to allow the filing of such Amended Complaint, and will be based upon this notice, points
26 and authorities, the Declaration of Eugene Forte, the pleadings and files herein, any other motion
27 documents, and any additional evidence and argument as may be presented before or at the

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1 hearing on this Motion.

2 Dated: August 8, 2008

3 
4 EUGENE FORTE
5 In Propria Persona

6
7 **BACKGROUND**

8 On December 18, 2007, plaintiff filed this complaint alleging defamation based on an
9 incident that occurred on May 2, 2007 at the Los Banos May Day Parade. In summary, Plaintiff
10 alleges that Defendant Tommy Jones, who is Mayor of Los Banos, knowingly and willfully
11 harmed plaintiff by making false statements in a public place to plaintiff accusing plaintiff of
12 being a dangerous member of the KKK. Plaintiff alleges that Jones did so after plaintiff
13 commented upon Jones' avoidance of an interview in an article published by the Badger Flats
14 Gazette which also referenced Jones' previous lawsuit against the City of Los Banos and the Los
15 Banos Police Department arising from Jones' arrest when he was a City Councilman for the
16 possession of crack cocaine.

17 The complaint also alleges that Jones continued to defame plaintiff by lying to the Los
18 Banos Enterprise (LBE) newspaper which wrote a front page article regarding plaintiff's claim
19 against Jones for defamation filed with the city. Jones told the LBE that he did not speak to
20 plaintiff at the parade at all. The result of the LBE quoting Jones' statement that he did not speak
21 to plaintiff was that plaintiff would be discredited to the public at large as an outright liar.

22 Since the filing of the complaint, several events have taken place which give rise to
23 additional causes of action which plaintiff now comes before this court to amend into the
24 complaint.

25 First, on or about March 19, 2008, plaintiff published an article in the Badger Flats
26 Gazette pertaining to Defendant Jones' undisclosed loans from real estate developer Greg
27 Hostetler. The article showed that Jones perjured himself on FPPC 700 forms in 2004 when he
28 failed to identify these loans. In voting on annexation issues regarding Hostetler properties in

1 January of 2005, he also broke conflict of interest laws.

2 At the City Council meeting on March 19, 2008, several persons spoke. First, a citizen, a
3 Mr. Nathan Leon, stood up to speak in the public forum, and stated that he had read the Badger
4 Flats Gazette and the article regarding Jones' undisclosed loans. Next, Plaintiff Forte spoke
5 regarding the loans and the breaking of conflict of interest laws, and requested that Jones tender
6 his resignation. Later, during that same meeting, Defendant Jones addressed the audience and
7 stated, "There were times if you try to do certain things you have been lynched with a rope. This
8 time I got lynched with words." Plaintiff submits that Jones' use of the word "lynched" is a
9 continuation of his defamatory accusation that Plaintiff Forte is a dangerous member of the Ku
10 Klux Klan. The word "lynch" has been associated historically with actions of the KKK against
11 African Americans.

12 The videotaped City Council meetings are played and replayed many times on the local
13 government station where many people had the opportunity to view the meeting. The viewers
14 would understand that Plaintiff's article in the Badger Flats Gazette revealed undisclosed loans of
15 Jones', and that Jones stated that he "got lynched with words" following his theme that Plaintiff
16 Forte was a dangerous member of the KKK.

17 Plaintiff requests the court to allow these facts to be amended into the complaint.

18 Second, after McClatchy Newspapers published an article dated March 22, 2008 through
19 Associated Press, Jones' undisclosed loans were revealed by articles published across the nation.
20 Plaintiff and 20 other proponents signed a Notice of Intent to Recall Mayor Jones based upon his
21 acts that brought humiliation upon the City of Los Banos.

22 On or about May 7, 2008, Plaintiff Forte exercised his rights as a citizen to bring the
23 Notice of Intent to Recall Mayor Jones to the knowledge of the people by standing up at the
24 public forum and reading both the Notice and Jones' Answer to the Notice. All citizens are
25 allowed five minutes to speak. In fact, in the past, citizens have been allowed to speak beyond
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27
28

1 their five minutes.

2 After Forte spoke for approximately two minutes and fifteen seconds, Defendant Jones
3 told Forte his time was up, proceeded to ignore Forte's explanation that the five minutes were
4 NOT up, ignored Forte stating, "Pardon me, sir," and upon Los Banos City Attorney Bill Vaughn
5 stating to Jones that Forte's time was not up, Jones insisted Forte's time was up and had Los
6 Banos Police Chief Gallagher push and shove Forte out of the City Council room, intentionally
7 inflicting emotional distress upon Forte when Forte was doing something within his rights as a
8 citizen. Jones' supporters, which filled the room, jeered and cheered as Forte was physically
9 forced out of the building.
10

11 As a result of Jones' actions, Forte suffered emotional anguish which caused Forte to
12 become ill and have to go to the Los Banos Community Hospital Emergency room that evening.
13

14 Plaintiff requests the court to allow a second cause of action for intentional infliction of
15 emotional distress be amended into the complaint. Plaintiff hereby requests leave to file the
16 Proposed First Amended Complaint which is attached.
17

18
19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **IN SUPPORT OF MOTION FOR LEAVE TO**

21 **FILE AMENDED COMPLAINT**

22 1. "The Court may, in furtherance of justice, and on such terms as may be proper, allow a
23 party to amend any pleading or proceeding . . . The court may likewise, in its discretion, after
24 notice to the adverse party, allow, upon such terms as may be just an amendment to any pleading
25 or proceeding in other particulars . . .". [CCP § 473]
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27 2. It is judicial policy to resolve all disputes between the parties on their merits, and to
28 allow amendment of the pleadings to put all such disputes at issue at the time of trial.

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DECLARATION OF EUGENE FORTE

I, Eugene Forte, declare:

1. I am the plaintiff in this subject complaint and am representing myself.

2. I propose to file a First Amended Complaint, which is attached to this Motion For Leave to File Plaintiff's First Amended complaint, served and filed concurrently with this Declaration.

3. Said Amended Complaint changes the original Complaint in the following particulars only:

a. Added: Count Two of the Defamation Cause of Action, Item #32 through #36.

b. Added: A second cause of action for intentional infliction of emotional distress, items #37 through 50.

c. Added: Request for judgment against defendant for Intentional Infliction of Emotional Distress..

4. Said amendment is necessary and proper and allowing such amendment would be in furtherance of justice because at the time this action was originally filed, these events had not yet occurred.

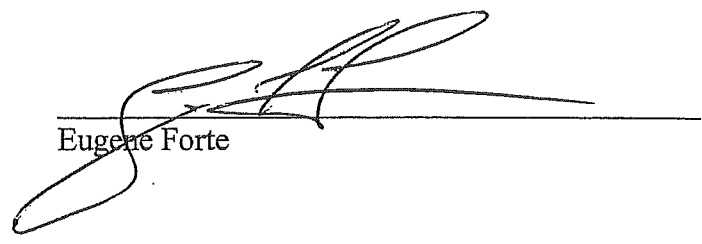
5. Discovery is still continuing on both sides at the present time and an amendment to the complaint will not prejudice the defendants, in fact, Plaintiff's deposition has not yet been taken..

6. Not allowing an amendment to the complaint would prejudice the case against Plaintiff,

6. Therefore I am requesting that the Motion for Leave to File Plaintiff's First Amended Complaint be granted based upon the evidence presented.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of August, 2008 at Los Banos, California.



Eugene Forte

1 Eugene E. Forte
2 688 Birch Court
3 Los Banos, CA 93635
4 Telephone: (209) 829-1116
5 Facsimile: (209) 829-1952
6 email: geneforte@badgerflats.com

7 In Propria Persona

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

10 EUGENE E. FORTE,

11 Plaintiff,

12 vs.

13 TOMMY JONES, an individual,
14 and does 1-100, et al.,

15 Defendants.

Case No. CU150880

FIRST AMENDED COMPLAINT

16 **VERIFIED COMPLAINT AND JURY DEMAND**

17 Plaintiff alleges:

- 18
- 19 1. Defendant Tommy Jones is an individual that resides in Merced County, California.
 - 20 2. Defendant is also an African American and the Mayor of the City of Los Banos.
 - 21 3. Plaintiff Eugene Forte is an individual that resides in Merced County, California.
 - 22 4. Plaintiff Eugene Forte is of Italian and Portuguese descent.
 - 23 5. Plaintiff is a freelance writer for the *Badger Flats Gazette*.

24 **FIRST CAUSE OF ACTION - DEFAMATION**

25 **COUNT ONE**

- 26 6. In September of 2006, Defendant Jones was a candidate in the Los Banos, California
27 mayoral election and repeatedly promised plaintiff that Defendant Jones would grant
28 plaintiff an interview regarding Defendant Jones' upcoming Mayoral campaign.

- 1 7. Defendant Jones never interviewed with plaintiff and Defendant Jones was elected Mayor
2 of Los Banos, California.
- 3 8. In November of 2006, plaintiff wrote an article which was published in The Badger Flats
4 Gazette issue entitled, "Five Card Badger" wherein plaintiff commented upon Defendant
5 Jones' avoidance of the interview, and Defendant Jones' lawsuit against the City of Los
6 Banos and the Los Banos Police Department arising from Defendant Jones' arrest when
7 he was a City Councilman for the possession of crack cocaine.
- 8 9. Plaintiff gave a copy of this issue of the Badger Flats Gazette to the City Attorney, Mr.
9 William Vaughn for delivery to mayor-elect Defendant Jones.
- 10 10. The "Five Card Badger" article informed Defendant Jones and the public at large on page
11 2 that: "It is as good a time as any to mention that Clinton is an African American (See
12 Fig. "B", page 27). His family took me into their family, and I always considered his
13 father as my second father, and his five sons as my brothers. I was honored to be part of
14 the inner family at his funeral this last year. I want to make the distinction concerning
15 race because in this issue's commentary about the recent mayoral election, our new
16 Mayor Tommy Jones may take it as being overly harsh. I certainly do not want to be
17 accused of being a racist as he once accused individuals unknown of planting drugs in his
18 car. Clinton and his brothers are my best friends and my brothers. They have always
19 teased me saying that I was a black man in another life, and if I was in this one, I would
20 be dead by now. They very well may be right." The Fig. "B" on page 27 referred to was
21 a photograph of plaintiff's wedding party showing that plaintiff's best man was African
22 American, plaintiff's wife was Chinese American, her maid of honor was Chinese
23 American, her bridesmaid was Japanese American, and plaintiff's wedding party
24 attendant was Portuguese American.
- 25 11. On approximately March 10, 2007, Defendant Jones met and talked with Plaintiff Forte,
26 his Chinese wife, Eileen Forte, and his son, Juston, at the Colorado Baseball Park in Los
27 Banos on the opening day of Little League baseball, and plaintiff's wife took a picture of
28 her son, Juston, Defendant Jones, and Plaintiff.

- 1 12. Defendant Jones knew that plaintiff was not a member of the Ku Klux Klan by virtue of
2 plaintiff being married to a Chinese American and from reading the Badger Flats Gazette
3 article entitled "Five Card Badger," but unbeknownst to plaintiff at the time, Defendant
4 Jones was angry and concealing a deep seeded hatred of plaintiff.
- 5 13. Defendant Jones has defamed plaintiff by making one or more of the following
6 statements to one or more persons:
- 7 A. That Defendant Jones knew for a fact that plaintiff was a member of the Ku
8 Klux Klan.
- 9 B. That Defendant Jones knew for a fact that plaintiff was a member of the Ku
10 Klux Klan and was dangerous because he had spoken to plaintiff's nephews and
11 found out from them.
- 12 C. That Plaintiff Forte never spoke to Defendant Jones at the May Day Parade on
13 May 5th, 2007 and that Plaintiff Forte falsely and with malice made the allegations
14 up that Defendant Jones had said that plaintiff was a member of the Ku Klux Klan
15 because Plaintiff Forte was angry at Defendant Jones for not interviewing with
16 him.
- 17 D. That someone had told him that they knew that Forte was a dangerous member
18 of the Ku Klux Klan.
- 19 14. Defendant Jones knew that all such statements made by him about the plaintiff were false
20 but Defendant Jones repeated such statements to the public at large and knowingly made
21 false statements to The Los Banos Enterprise that he knew would be published in the
22 newspaper.
- 23 15. On May 5th, 2007 at the Los Banos May Day Parade Defendant Jones told plaintiff that
24 Defendant Jones knew for a fact that plaintiff was a member of the Ku Klux Klan in
25 broad day light, loudly and publicly within earshot of passer-bys, city officials, and the
26 public at large attending the Los Banos May Day Parade.
- 27 16. On May 5th, 2007 Defendant Jones told Clinton Galloway that defendant knew for fact
28 that plaintiff was a member of the Ku Klux Klan and dangerous.

- 1 17. On May 7th, 2007 a claim was filed against the City of Los Banos and Mayor Tommy
2 Jones which was reported upon in a front page article in The Los Banos Enterprise on
3 May 18th, 2007, entitled, "\$1 million claim filed against mayor, city" with the by-line
4 "Document alleges comments by mayor defamed character of local resident." The claim
5 was rejected on June 20th, 2007.
- 6 18. Defendant Jones deliberately harmed plaintiff by making such knowingly malicious,
7 oppressive, and fraudulent statements.
- 8 19. All persons known and unknown at this time that Defendant Jones has made this
9 defamatory, malicious, and false statement to reasonably understand that the statement is
10 about Plaintiff Forte.
- 11 20. All persons known and unknown at this time that Defendant Jones has made knowingly
12 this defamatory malicious, oppressive, and fraudulent statement to reasonably understand
13 that the statement means that Plaintiff Eugene Forte is or was a member of the Ku Klux
14 Klan, a group of people known for their racist hatred towards non-whites and non-
15 Protestants and that the Ku Klux Klan has a renown history of committing crimes of
16 violence towards those they do not consider "one of their own" and that Plaintiff Forte
17 has thereby committed hate crimes of violence and was a danger to Defendant Jones
18 because plaintiff would commit racially motivated crimes of violence.
- 19 21. The statement that Plaintiff Forte was a member of the Ku Klux Klan is absolutely false.
- 20 22. Plaintiff has never been a member of the Ku Klux Klan or any other racist organization.
- 21 23. Defendant Jones made such despicable defamatory statement fraudulently and with
22 malice knowing of its falsity to the public at large to alienate the public at large against
23 plaintiff and his family by having the public at large believe, or entertain the thought, that
24 Plaintiff Forte was a dangerous, prejudicial person in order to submit plaintiff to suffer
25 obloquy, humiliation, and scorn from the public at large in his home town of Los Banos.
- 26 24. Defendant Jones acted with malicious forethought and with the specific intent to cause
27 injury to plaintiff and his family and subjected plaintiff to cruel and unjust hardship in
28 knowing disregard of plaintiff's rights.

- 1 25. Defendant Jones' conduct was despicable and was done with a wilful and knowing
2 disregard of the rights or safety of plaintiff and his family. Defendant Jones is aware that
3 there exists people who are anti-Ku Klux Klan, particularly African Americans, and other
4 minorities, and that Defendant Jones' statements would likely and probably cause
5 hostilities, resentment, hatred, and potentially dangerous consequences to plaintiff and his
6 family by such people but Defendant Jones deliberately failed to avoid those
7 consequences.
- 8 26. Defendant's conduct, in knowingly spreading such defamatory statements was so mean,
9 vile, base, or contemptible that it would be looked down on and despised by reasonable
10 people.
- 11 27. Defendant Jones intentionally and maliciously knowingly made a false and defamatory
12 statement concerning the reputation and conduct of plaintiff as a writer and person about
13 a material fact in an interview with The Los Banos Enterprise, owned by the McClatchy
14 Newspapers Corporation, that defendant Jones knew would be published to the public at
15 large.
- 16 28. Defendant Jones denied in the interview with The Los Banos Enterprise that Defendant
17 Jones had spoken with plaintiff at the Los Banos Parade May Day on May 5th, 2007 in
18 order to fraudulently mislead the public as to the true events of May 5th^d, 2007 and to do
19 further defame the reputation of plaintiff so that plaintiff would be painted in a bad light
20 and plaintiffs' allegations against Defendant Jones would not be taken seriously and
21 plaintiff would be discredited to the public at large and be submitted to scorn and
22 humiliation.
- 23 29. Defendant Jones falsely stated to The Los Banos Enterprise, knowing that his statements
24 would be published to the public at large, that plaintiff had falsely stated that defendant
25 Jones had said that plaintiff was a member of the Ku Klux Klan because plaintiff was
26 angry at defendant Jones for not interviewing with plaintiff. In doing so, defendant Jones
27 publicly accused plaintiff of defaming defendant Jones per se in order to deny plaintiff his
28 legal right and/or otherwise cause plaintiff damage to his reputation by being submitted to

1 shame, mortification and hurt feelings from being accused of being a prevaricator of the
2 truth to the public at large by a public official holding the title of mayor.

3 30. The Los Banos Enterprise notwithstanding their knowledge of the probable falsity of the
4 statement made to them by defendant Jones in stating that he did not speak with plaintiff
5 on May 5th, 2007 at the Los Banos May Day Parade intentionally failed to investigate the
6 truthfulness of Defendant Jones' statement due to the hostility and anger the Los Banos
7 Enterprise had toward plaintiff for his lawsuit of Forte v. McClatchy Newspapers, et al.
8 C06-03948-JW. The Los Banos Enterprise relied upon a source, Defendant Jones, who
9 they knew to be biased against plaintiff in a reckless disregard of the truth and with
10 knowledge of the probable falsity of the statement made by Defendant Jones published
11 such defamatory statement made by Defendant Jones in order to defame plaintiff for the
12 benefit of Defendant Jones.

13 31. Defendant Jones knew that his knowingly fraudulent and false statement would be
14 announced to the public at large and be repeated by those reading The Los Banos
15 Enterprise Defendant Jones knew that anyone reading such statement of Defendant
16 Jones saying that he did not speak to plaintiff at the May Day Parade would reasonably
17 understand it to mean that plaintiff Forte had lied about the incident in order to defame
18 and cause damage to Defendant Jones. Such despicable conduct by Defendant Jones is so
19 mean, vile, base or contemptible that it would be looked down on and despised by
20 reasonable people.

21 **COUNT TWO**

22 32. On or about March 19, 2008, plaintiff published an article in the Badger Flats Gazette
23 pertaining to Defendant Jones' undisclosed loans from real estate developer Greg
24 Hostetler. The article showed that Jones perjured himself on FPPC 700 forms in April
25 and November of 2004 when he failed to identify these loans. In voting on annexation
26 issues regarding Hostetler properties in January of 2005, he also broke conflict of interest
27 laws.

28 33. At the City Council meeting on March 19, 2008, several persons spoke. First, a citizen, a

1 Mr. Nathan Leon, stood up to speak in the public forum, and stated that he had read the
2 Badger Flats Gazette and the article regarding Jones' undisclosed loans. Next, Plaintiff
3 Forte spoke regarding the loans and the breaking of conflict of interest laws, and
4 requested that Jones tender his resignation.

5 34. Later, during that same meeting, Defendant Jones addressed the audience and stated,
6 "There were times if you try to do certain things you have been lynched with a rope. This
7 time I got lynched with words." Plaintiff submits that Jones' use of the word "lynched" is
8 a continuation of his defamatory accusation that Plaintiff Forte is a dangerous member of
9 the Ku Klux Klan.

10 35. The videotaped City Council meetings are played and replayed many times on the local
11 government station where many people had the opportunity to view the meeting. The
12 viewers would understand that Plaintiff's article in the Badger Flats Gazette revealed
13 undisclosed loans of Jones', and that Jones stated that he "got lynched with words"
14 following his theme that Plaintiff Forte was a dangerous member of the KKK.

15 36. As a proximate result of such defamation, plaintiff's reputation was harmed, and he was
16 subjected to shame and mortification.

17 **SECOND CAUSE OF ACTION**

18 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

19 37. Incorporated herein is items #1 through #36 from above.

20 38. After McClatchy Newspapers published an article dated March 22, 2008 subsequent to
21 the Badger Flats Gazette's article, Jones' undisclosed loans were revealed through
22 Associated Press by articles published across the nation. McClatchy Newspapers
23 reported that Jones voted in favor of Hostetler annexation issues approximately nine
24 times since failing to report the loans from Hostetler, and Jones continues to state that he
25 will not recuse himself from voting in favor of future annexation issues regarding
26 Hostetler.

27 39. Plaintiff and 20 other citizen proponents signed a Notice of Intent to Recall Mayor Jones
28 based upon his acts that brought national humiliation upon the City of Los Banos.

- 1 40. On May 7, 2008, Plaintiff Forte exercised his rights as a citizen to bring the Notice of
2 Intent to Recall Mayor Jones to the knowledge of the people by standing up at the public
3 forum of the Los Banos City Council meeting and attempting to read both the Notice and
4 Jones' Answer to the Notice.
- 5 41. All citizens are allowed five minutes to speak. In fact, it is the regular course of conduct
6 of the City Council to permit citizens to speak beyond their five minutes.
- 7 42. After Forte spoke for approximately two minutes and fifteen seconds, Defendant Jones
8 told Forte his time was up, proceeded to ignore Forte's explanation that the five minutes
9 were NOT up, ignored Forte stating, "Pardon me, sir," and upon Los Banos City Attorney
10 Bill Vaughn stating to Jones that Forte's time was not up, Jones responded, "He had his
11 five minutes, I wouldn't let anyone else have it, I'm not going to let him have it."
- 12 43. Jones' statement that he "wouldn't let anyone else have it" was a lie.
- 13 44. Jones repeatedly stated, "Is there anyone else that would like to speak at the public
14 forum" over Forte's voice, and ultimately turned off the microphone so that Forte could
15 not be heard.
- 16 45. Jones had Los Banos Police Chief Gallagher forcefully push and shove Forte out of the
17 City Council room, intentionally inflicting emotional distress upon Forte in retaliation
18 against him when Forte was doing something within his rights as a citizen to do in a
19 public forum. Jones' supporters, which filled the room, jeered and cheered as Forte was
20 physically forced out of the building.
- 21 46. Jones' opinion of Forte, as stated on July 14th and 15th of 2008 at his deposition, was that
22 Forte was a person of no value that would beat up Jones' wife and children and who
23 could have physically threatened citizens to sign the recall petition against Jones.
- 24 47. Jones' accusation that Forte was a dangerous member of the KKK in an open forum when
25 Jones was sitting as Mayor, Jones stating such to Forte's African American friend,
26 Clinton Galloway, Jones' treatment of Forte as a person of "no value" in front of a large
27 crowd and in a televised City Council meeting, Jones' communications to other citizens
28 that Forte is a person who writes rubbish, garbage, and lies in order to "lynch" him

1 (Jones), and Jones' refusal to listen to Forte as a citizen respectfully addressing the Mayor
2 at a City Council meeting and subjecting Forte to being pushed and shoved out of the
3 building as Jones' friends cheered and jeered culminated in Forte suffering severe
4 emotional distress.

5 48. As a culmination and direct result of Jones' outrageous and intentional actions, Forte
6 became ill and had to go to the Los Banos Community Hospital Emergency room on the
7 same night after the May 7, 2008 meeting.

8 49. Jones' conduct was outrageous, intended to cause emotional distress, and a substantial
9 factor in causing Forte severe emotional distress.

10 50. Forte incurred medical bills approximately in the amount of \$5,500.00

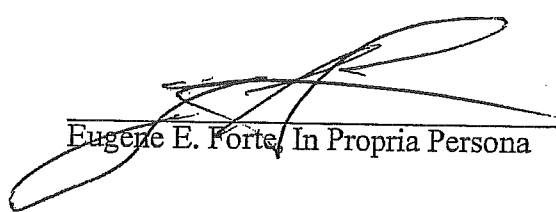
11
12 WHEREFORE, plaintiff respectfully requests that this Court:

- 13 1. Preliminarily and permanently enjoin defendant from making further defamatory
14 statements,
15 2. Enter judgment against defendant for defamation,
16 3. Enter judgment against defendant for intentional infliction of emotional distress,
17 4. Award plaintiff nominal and actual damages in amounts to be determined at trial,
18 5. Award plaintiff punitive damages in an amount to be determined at trial.
19 6. Award plaintiff his reasonable attorney fees and the costs of this action; and
20 7. Grant such other relief as the Court deems just and proper.

21
22 **JURY DEMAND**

23 Plaintiff demands a jury trial on all triable issues.
24

25 DATED: August 8, 2008

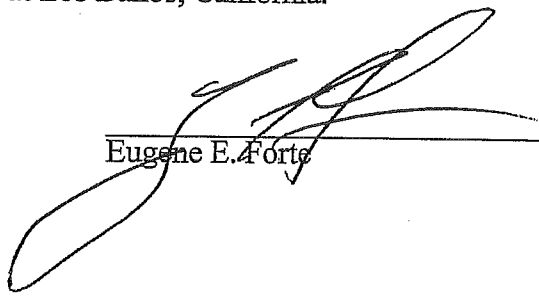
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Eugene E. Forte, In Propria Persona

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VERIFICATION
[CCP §§ 446, 2015.5]

I, Eugene Forte, am the plaintiff in this action. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 8, 2008 at Los Banos, California.



Eugene E. Forte

