

THE LAW FIRM OF
WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP

JAMES D. WEAKLEY
BENJAMIN L. RATLIFF
JAMES J. ARENDT
ROSEMARY T. MCGUIRE
LESLIE M. DILLAHUNTY
MICHAEL R. LINDEN
ERICA M. CAMARENA

1630 East Shaw Avenue, Suite 176
Fresno, California 93710
Telephone (559) 221-5256
Facsimile (559) 221-5262
E-mail: ben@wrlaw.com

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Via Facsimile and Mail
(209) 829-1952

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:

This will confirm my conversation with you on August 22, 2008 wherein you advised me that you will be in Los Angeles on September 26, 2008 and therefore are not available for a deposition that day. You previously notified me that you would agree to have your deposition scheduled in Los Angeles on September 26th because you planned to be there on business and you also suggested that Mr. Galloway's deposition be scheduled for the same time. I advised you that I would prefer to take your deposition on a different day than Mr. Galloway's and that I wanted to take your deposition in Fresno. I also offered to depose you in Modesto if that is what you prefer.

I understand that your trial in Monterey has been concluded. Please contact me or my assistant, Lisa Piatt, so we can clear a new date for your deposition. I would also like to take the depositions of your wife Eileen and your son, Jordan. Let me know if you want me to issue a subpoena for these depositions or if you will voluntarily produce them.

Finally, I believe Mr. Galloway is evading service of my deposition subpoena. I have written him and asked for dates when he would be available for deposition, however, he has not contacted me as of this date. If you have any influence or control over Mr. Galloway, it would be

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appreciated if you would ask him to contact me. Otherwise, I will have to select a date suitable for you and I. In this regard, please provide me with three days that you are available for Mr. Galloway's deposition. If I do not hear from Mr. Galloway, I will select one of the days without attempting to clear it with the witness.

Yours very truly,

WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP



Benjamin L. Ratliff

BLR:lp