

# BADGER FLATS GAZETTE

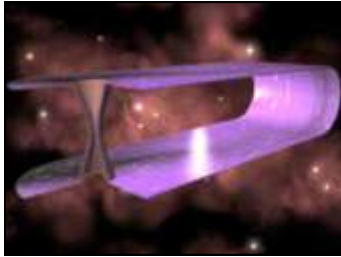
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Contact: geneforte@badgerflats.com

THE WORMHOLE PREFACE

## The Wormhole Preface

By Gene Forte



When I start to write most stories, I try to give a brief preface as I am doing now. It's my plan to lead readers into what they are going to read.

It is also a journey into the outer limits of my mind. Granted, it may be a very short trip, but, none the less, what comes out is my effort to capsule mucho information.

Invariably, in most instances, I find myself telling another story, within another story, within another story.



In this case, a preface evolved into "The Wormhole Preface." It took on a life of its own. I just couldn't control myself or it!

It happened because all of the stories are intertwined due to my personal experience with what I am writing about. You're actually reading a mini-book.

(WORMHOLE, see page 2)

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**NOTE:** Contains artistic graphic material that may be considered unsuitable for children under 17 years of age.

ABOUT THE PICTURES (SEE PG 40)

## MERCED SUPERIOR COURT vs. MONTEREY COUNTY GOOD OL' BOYS?

*"Will Merced Judges uphold to their judicial canon of ethics and lasso Supreme Court Justice Chief Ronald George & The Monterey County Good ol' Boys Gang? Or...Will they throw in and ride with them?"*



*"See No Evil"*



"Merced County Public Officials tried to muscle me," says Mr. Marion Santos, owner of Los Banos Chevron, Santos Ford, and Toscano RV in Los Banos.

**Preface:** On September 30<sup>th</sup>, 2008, the entire Merced County Superior Court Bench disqualified themselves from the case of CU150938 Tetra Tech, Inc. vs.

Marion Santos and Cross Defendant/ Complainant Gene Forte. It is an extremely rare thing to have happened. Let's put it in perspective.

Consider Jack Kinney, a retired Carmel Valley man. He went to court for years regarding a dispute with his neighbor over a property line. His neighbor, Mr. Mel Grimes, was a well known local Monterey criminal attorney.

After claiming that he could not get justice in the court because of the favoritism given to Grimes, the situation escalated, resulting in the murder of Grimes and his wife by Kinney.

(SEE NO EVIL, see page 10)

## The Demise of CEDAR FUNDING inc.

**"FEE FEAST FOR THE GOOD OL BOYS OR FAMINE FOR INVESTORS?"**

by Gene Forte

**(Monterey, CA.)** The Monterey newspapers have gone eerily quiet on a once much publicized topic of Mr. David Nilsen's \$200 million, Cedar Funding, Inc. meltdown.

It seems the silence coincided with my walking into Judge Robert O'Farrell's courtroom on May 22nd, 2008. What I observed was a virtual fee feast for some erstwhile local good ol' boy attorneys.

There was a slew of The Usual Suspects holding the hands and wallets of panicked Cedar Funding investors. Attorneys spilled over into the jury booth.



Times are tough even for ambulance chasers who need to drum up business wherever they can get it. Law firms are going bust all over the nation. (See NY (CEDAR FUNDING, see page 30)

(WORMHOLE, from page 1)

The Wormhole Preface evolved from writing the preface to "How Fix Your CASE LIKE PROS" BY BORIS Badernov Forte. Okay, I admit he really me.



You will notice there is now no preface to "HOW FIX YOUR CASE LIKE PROS."

That's because it became "another story." In reality, I don't write stories or report on events.

I tell you about my experiences with public official corruption and my quest to expose it.



You are provided documentation and facts so you can then decide for yourself if I am just jerking your chain or not.

Just go with the flow with me here. It looks like I'm going to have to write a book, and I will when the time is right. I then wouldn't be hampered by trying to put all the information and details I have in cliff note form.

Anyway, "The Wormhole Preface" gives you some of my thoughts on the Cedar Funding Demise in Monterey, California.



It tells you why I personally believe citizens and investors of Cedar Funding

should keep a closer eye on DA Dean Flippo and the Monterey County Good ol' Boys than on David Nilsen.

One good reason besides the evidence in this Badger that DA Flippo can't be trusted any farther that I can spit is: The attorneys Lichtenegger, R. Todd Neilsen, Tom Duffy, et al, stand first in line to get any money left from what Nilsen did or did not steal.

Investors should keep in mind what my Dad, Johnnie Forte, used to tell me,

"Most attorneys are parasites and only there when you're in trouble....and they will create more for you if they can."

Let me also let you know something up front. Nilsen, who I didn't know from Adam, came to speak with me a few months ago in May 2008.



When Nilsen told me about the mess he was in, familiar names of nefarious good ol' boys like Larry Lichtenegger, Judge O'Farrell, and Tom Duffy that I had dealings with came up.



A Modus Operandi (MO) that I was familiar with of the Monterey County Good ol' Boys came to light.....I found it very, very interesting.

Even though I would like to delve into many things that are brought to my attention like Mother Teresa on a mission, I just can't.

Not even for what I considered a pretty close friend, Mr. Tony Dutra. (See Pg. 29, Chief Chris Gallagher Towed Away!)



I told Nilsen I would be willing to take the time to think about what was taking place with no promise of doing anything.

Not anything also meant not writing about it in The Badger if I chose not to. I would look at the matter from my perspective of experience with some of the characters involved.

My thinking about it was conditioned upon Nilsen having to make an unsecured personal loan to me for \$50,000.00.



I also required him to sign a notarized

agreement stating that the money he gave me was his own personal money, and not that of Cedar Funding Inc.



Frankly, after getting his money, I could have told Nilsen to take a flying leap and not speak to him again. I still can.



Mr. R. Todd Neilson, the bankruptcy trustee attorney for Cedar Funding may decide to try and muscle me as he has attorney Mr. Matt Williamson who has been representing Nilsen.

Confidential sources have informed me that Williamson says he can no longer represent Nilsen fearing that Neilson will come after any legal fees paid him.

It never ceases to amaze me how an attorney such as Williamson can burn through roughly \$95,000.00 like a hot knife through melted butter.....then, if money becomes tight for the client, quickly head for the exit door!?

Do I suspect there are other sources influencing Williamson?

Well, I have learned that Williamson was considering *supposedly* working behind the scenes after bailing out on Nilsen.

Lichtenegger has offered to pay Williamson for his time to continue working on Nilsen's behalf.



At first blush, one does wonder why the opposing counsel for the single largest investor of Cedar Funding,

**Note: Do not confuse R. Todd Neilson, Trustee Bankruptcy Attorney, with David A. Nilsen ,Owner, Cedar Funding Inc. .**



(WORMHOLE, from page 2)

Mr. Larry Weingarten (who has sued Nilsen and his company), would have such a close relationship with Nilsen's counsel.

Lichtenegger stands to pull down about 5% of what Weingarten gets back of his \$15million real estate investment. Do the math. That's about \$750K!

Granted, even though adversaries in lawsuits may at times have a common adversary such as what R. Todd Neilson has become to some of the investors, it bespeaks of a too close for comfort arrangement.



Candidly speaking, I think Lichtenegger, from my personal experience with him, is one of the lowest shysters that ever carried a bar card.

I will also say that Weingarten, who I interviewed at length, at this time, has an opposite opinion of Lichtenegger. Now, only time will tell.

But even if Lichtenegger somehow comes out as the championing hero for Cedar Funding Investors, I will still believe it was only done to make Lichtenegger look good by the good ol' boys I caught him fixing cases with.



To understand why, you would have to know the whole story as to why I referred to him as "Lichtenegger the Squealer" in the appeal I wrote reversing the ruling of Judge Robert O'Farrell.

O'Farrell improperly dismissed my lawsuit against Lichtenegger which claimed that O'Farrell and others had



fixed a case with Lichtenegger against me when Lichtenegger was my attorney.

Something Cedar Funding Investors may consider to take to heart. I'm not

doing this because Nilsen gave me money. But, I couldn't do it if he didn't.

The forces of public official corruption are well funded.

If I hadn't set side my executive recruitment business that I was making close to \$600,000.00 a year 5 years ago, and built the case I now have against the Monterey County Good ol' Boys, there would be no one to stand guard over them.



Now, if you think my writing is going to be skewed in favor of Nilsen, you can.

It doesn't negate any of the factual evidence of public official corruption I have on the

Monterey County Good ol' Boys. It was in the making long before Nilsen came into my life.

If you think the Monterey Herald's endorsements of political candidates isn't skewed by political advertising bucks, the Monterey County Good ol' Boys, and Mr. Dean Singleton of Media News, well....what can I say other than, in my opinion, you're being very naïve.



With the Nilsen loan to me now known to you, I will tell you that I personally think DA Flipppo and the gang would do anything to frame Nilsen of running a Ponzi scheme even if he weren't.

They would frame Nilsen just so they wouldn't be scrutinized for triggering a run on a company that was struggling under the subprime meltdown and the real estate downturn.



The purpose of triggering the run by yelling "Ponzi Scheme" simply could have been to generate legal fees, and get their share of \$200 million in property.

I have got to tell you that due to my well founded lack of trust in the California justice system (based upon the evidence I have against DA Flipppo and crew), I would need to have a video tape of Nilsen stuffing money into his pocket to believe it.



Even at that, I would need to make sure it wasn't somehow edited by DA Flipppo and crew. I have substantial proof that having the United States Attorney General or the FBI doing the investigating isn't any better than DA Flipppo and the local Monterey County Good ol' Boys. Why?



The adage "Birds of a feather flock together" comes to mind. Also keep in mind that the government fears that if this story gets out to the nation, it could be open season on public officials, guilty ones along with the innocent.

That would be tragic, and I'm doing my best so it doesn't get to that point.

I will always be the first to say there are in fact good public officials out there. The only problem is they are (WORMHOLE, see page 4)

*(WORMHOLE, from page 3)*

powerless to seize control over the ruthless ones that are firmly entrenched due to citizens' apathy.



The government does not really want citizens to think one man can make a difference. Personally and profoundly, I do believe that one man can get people to thinking.

It's what Benjamin Franklin and other patriots did with their rudimentary printing press. I think if Ben had the type of printing machine I have now, they would have sent the British packing much sooner.

### The Wormhole Preface



Even though the story is told in a mocking manner by those Pottsylvania nogooodniks Boris Badenov and Natasha Fatale in their own broken English, it is not a laughing matter.

It very well could be the most important story in Monterey County history and destined to become national front page news. If it isn't, it only proves my point that the media is in cahoots with our government.



What is about to be revealed to you is only the tip of the iceberg of the rampant public official corruption in Monterey County.

It is being covered up by Supreme Court Justice Ronald George. Your own local dignitary, Leon Panetta of the Panetta Institute for Public Policy knows about it and is keeping clammed up.

Why? Well, one reason would be that if he rides with the Good ol' Boy gang, he's not going to turn on them.

If he doesn't condone what has taken place, then he can prove it by stepping up to the plate and demanding there be a thorough and public investigation of what you are about to see.



Remember, Panetta is the guy that preaches public official accountability. He supposedly trains young wannabe public officials how to serve the public ethically.

You will see rock solid evidence as to why none of the Monterey County Judicial/Public Official Good ol' Boy gang within spitting distance of what I call the Cedar Funding Fee Feast can be trusted.



For one, they have DA Flippo riding shotgun, and he can point it at anybody that stands between them and the loot.

### WOULD YOU BELIEVE?

Would you believe Flippo would get the Monterey County Herald to assassinate a person's character to help his Good ol' Boy gang get their hands on the lion's share of \$200 million in real estate?



Would you believe DA Flippo and the boys would frame an innocent person to save their own skins from getting caught throwing over a thousand investors in Cedar Funding into turmoil for no good reason?

Would you believe the Monterey County Herald would intentionally defame a citizen who had evidence of the incestuous Monterey County public official corruption in order to keep the public from believing the citizen?

Would you believe some Monterey County attorneys would yell "Ponzi scheme" to send close to two thousand investors into panic to reap the legal fees from the turmoil?

After you read this article and see the evidence of what I say shows the Monterey County Herald, DA Flippo, and Judges of the Monterey court obstructing justice in something as *seemingly* miniscule as a small claims case, I think you would have to answer with a resounding YES to all of those questions.



I will also point out that Paul Miller of The Carmel Pine Cone, Mr. David Markowitz of KSBW, Ms. Denise Clodjeaux of KCBA, Mr. Erik Cushman of The Monterey County Weekly, and Mr. Scott Faust of the Salinas Californian are no less guilty of concealing the Good ol' Boys' criminal activities from citizens of Monterey County.

I can't tell you if David Nilsen is guilty of running a Ponzi scheme or not.

But you will see in the Badger interview with Mr. Larry Weingarten (page38), the largest single investor (\$15 million) in Cedar Funding, that he doesn't think Nilsen did anything criminal.



Charles Ponzi

Does Weingarten think Nilsen made some mistakes? Yes.

But, Weingarten is more concerned and shocked over what he is seeing taking place in the bankruptcy court by the court appointed trustee, R. Todd Neilson.

Weingarten says that in less than four months since the bankruptcy trustee Neilson stepped in under the guise to protect investors, Neilson now claims to be the second largest creditor of Cedar Funding.

*(WORMHOLE, see page 5)*



*(WORMHOLE, from page 4)*

This means that Neilson has racked up millions of dollars in fees that can be split among other erstwhile bandito attorneys.

I can't tell you or the bewildered investors of Cedar Funding what is taking place behind closed doors with attorneys concerning Cedar Funding.

But, I can point out to you and Cedar Funding investors what happened to me that should be watched out for.



Do I think that DA Flippo would look the other way to cover up the criminal acts by other public officials?

Absolutely, positively, and without a doubt. Why?

DA Flippo fixed his own small claims case. It wasn't to save \$50.00 in filing fees. That's only a tip of an iceberg.

The reason beneath why he did, and who knew about it, is far more sinister. It leads to judges and attorneys in Monterey County denying me justice in a much larger case, and my being attacked by them for trying to expose it.

If I can prove it has been done in a small claims case, can anyone doubt Flippo wouldn't help some of his fellow good ol' boys get their hands on \$200 million in real estate?

A series of unfortunate events for DA Flippo and the good ol' boys are bringing such question to be pondered.



First, it was my willingness to put aside my career. I believed I could do what everyone says is impossible and fight City Hall.

On the same highest level

was having a Chinese angel for a wife, Eileen, that loves me, supports me, and believes in justice served.



I will add that it certainly doesn't hurt that she is a lot smarter than me, keeps me in check, and has provided all the legal research for the two appeals we have won.

Perhaps, just as important is Eileen's intolerance to injustice wrought upon any person.

In our pursuit of justice, we soon found that we weren't just taking on City Hall. To our disbelief, it turned out we took on a systemic problem of public official corruption.



Actually, better defined, it is a systemic problem of public officials not holding each other to the same standard of law as citizens.

We always thought that all we had to do was get the evidence of what had been done to us to the next higher up public official or judge. We thought that newspapers would eat the story up and expose what was taking place.

It hasn't happened for us yet.

Our mission is to allow others that have been crushed, and were unable to fight back as we have, be able to point to our case and say, "See, I wasn't crazy. It wasn't me. That's what was done to me!"



By their being able to do so, we hope it eases their pain. We also hope it makes the nefarious culprits that did it to them sweat under the collar.

Starting in about 2000, I dedicated myself to pursue justice. I learned how to clearly document in court records their misuse of the law. I never let up on them.



Continually, I forced them into having to do a more absurd thing than the one before. The adage, "if you tell one lie, you need to tell ten more to cover it up," comes to mind.

It finally has gotten to the point that even a person uneducated in the law can tell something is definitely wrong. As example, Judge O'Farrell assigned himself to be the judge in his own case of *Forte v. O'Farrell*.

If you think for a nanosecond, "Gee, I didn't know a judge could do that?", you have fallen into the trap of being brainwashed into thinking that judges, because they are judges, would not do anything illegal.



Or, if you think, "Come on, if that were to happen, somebody like the Attorney General would come down on O'Farrell!" — no way in hell!

You've fallen into the next trap. Your knee jerk reaction is to doubt me because you actually think the Attorney General is there to protect citizens from public officials.

Attorney General Bill Lockyer and the Attorney General's office staff attorneys were representing O'Farrell in the case. They didn't say boo about O'Farrell being his own judge.

Does that mean O'Farrell could be the judge legally then?

*(WORMHOLE, see page 6)*

(WORMHOLE, from page 5)

If you had a flash across your mind of, "Well, maybe?", we have been conditioned to think like Pavlov's dog. It does take quite a bit of effort to break from it.



A more rational thought of hearing such nonsense based upon American principles would be, "Hell no! A judge cannot be a judge on his own case. If Lockyer was involved in that, he should be taken out of office immediately."

Keep in mind that Lockyer is now the State Treasurer guarding your money for you. Now, that's scary!

In August 2005, an email of a long time Monterey Superior Court Clerk, Ms. Crystal



Powser, forced the Monterey Herald to have to report about her allegations of Commissioner Richard Rutledge fixing traffic tickets.

What was most reported upon were the salacious accusations of sex in courtroom chambers. It was made known that she was a jilted woman from a broken engagement to Rutledge.

Do I think Powser proved the adage "Hell hath no fury like a woman scorned"? Yes, I do.



But, it doesn't make what she was saying any less true. Just to be taken with a grain of salt.

Was Rutledge fixing traffic tickets?

Yes, and I can prove he fixed at least one small claims case for District Attorney Dean Flippo and ADA Spitz.

The Herald and other local minion newspapers of the Good ol' Boys set the spin from the start. Every attempt was

made to discredit Powser. As far as citizens were to know, it was just about Powser having sex on the floors of judges' chambers.

After the investigation of Rutledge conducted by DA Flippo was over, I gave Powser a call.

The Good ol' Boys will say my devious plotting mind led to a national news



story about Judge Fields pre-judging a disciplinary case against Judge Diana Hall. It also most certainly led to Judge Fields' retirement.

The National media in unison portrayed Hall as a gun toting closet lesbian hiding campaign funds given to her by her lesbian lover, Deidra Dykeman.



They also pumped a couple more juicy smut bullets into Hall by saying she had questioned a Assistant DA as to why he filed what is called a CCP 170.6 Peremptory Disqualification against her.

Hall had asked one innocuous question. It ultimately is what caused her to be tossed from the bench. Keep that in mind for a point I will make later on.



The Monterey County Good ol' Boys didn't give a rat's butt about Hall, Powser, or Fields getting caught wagging his tongue at Powser at the Pier Pont Inn.

What they did care about was my name being mentioned.

In desperation, the Good ol' Boys comprised of Judge Robert O'Farrell and other members of the Monterey County Bench quickly hurled the biggest smut ball they could.

It was done to defame and discredit me so the evidence I have of judges and attorneys fixing cases would not be believed.

It was a very serious mistake because they attacked my good name that my children will carry on. I will now pursue these bastards until the end of time until it is cleared.



On Sunday, December 4<sup>th</sup>, 2005, The Monterey County Herald in a front page story titled "County Judiciary Under Fire" (see Pg. 55) told citizens that:

I had been declared a California Vexatious Litigant, I was mentally unstable, and my source of income was unclear.



They also said that Judge Robert O'Farrell was "the target" of a man (me), who he had jailed for contempt of court. There was a lot, lot more that you can read for yourself. (See page 55).

Why in the world would anyone, after reading something like that, ever listen to me? I certainly sound like a hateful, crazed, and despicable person. A vexatious litigant just about says it all, doesn't it?

At this point, you need to force yourself to read on ESPECIALLY in light of all of the terrible things they say I am.



Please hear me through a bit further, and here's the first reason why you should. It is for your benefit.



(WORMHOLE, from page 6)



The first head twister to get your attention is: **I was never, ever, declared a California Vexatious Litigant. The Monterey County Herald damn well knew it.**

A few weeks later, the Herald printed a small correction buried in the paper. It said that I had not been declared a vexatious litigant, but the mistake was due to an error in court records.

That is a blatant lie and more than a false half truth.



I have rock solid proof the Herald positively knew I was not declared a vexatious litigant.

I sent a fax on June 30th, 2005, the day the order denying the motion to declare me a California Vexatious Litigant was issued. It went to Mr. Royal Calkins, editor of the Herald, Ms. Carol Garcia of the Herald, and Ms. Jayne Speizer publisher of the Herald.

For added good measure to make sure they couldn't say they didn't get it, I had The Monterey Herald/Knight Ridder personally served with the order under penalty of perjury with proof of service.

There is no way in hell that The Monterey Herald made an innocent mistake.



It was a conspiracy to damage my credibility to cover the criminal activities of DA Flippo and the judges on the Monterey County Bench.

It was orchestrated by a bevy of public officials including Judges O'Farrell, Duncan, Sillman, Russell Scott, Adrienne Grover, Chief Justice Ronald George, Attorney General Bill Lockyer, and Governor Schwarzenegger.

The lists of who has been helping to keep it covered up is extensive, but off the top, there are, Senators Jeff Denham, Joe Simitian, Sam Farr, the FBI, and the California Dignitaries Protection Services.

Here are some missing facts, that if reported by the Monterey County Herald, it would have given citizens a different vantage point to view me from in the article County Judiciary Under Fire.



Just a few days before O'Farrell had arrested me for *purported* contempt in his courtroom, O'Farrell had been served my appellate opening brief.

It requested reversal of his ruling dismissing my lawsuit against Lichtenegger.

The Sixth Appellate Court reversed O'Farrell's dismissal of the case on my appeal.

The appellate brief alleged in detail that Lichtenegger had fixed a real estate case when he was my attorney with opposing counsels, James Cook of the Horan Law Firm and Dennis McCarthy of

Fenton & Keller. (See "Coma Analogy", page 20)

It also showed how the case was fixed with the assistance of Judges O'Farrell, Terrance Duncan, and ex-judge Richard Silver.



Now, stop for one moment and consider this. If readers of the article, "County Judiciary Under Fire" had such missing pieces of the puzzle, would it have caused them to look at me differently?

Would it have caused them to think there was possibly more than meets the eye going on? Would they wonder how a person that had written and won his own appeal could be declared a vexatious litigant?

Vexatious litigants don't file meritorious documents, and certainly do not write winning appeals. In fact, being declared a vexatious litigant and a winner of an appeal is like an oxymoron. Or saying that oil and water mix well together.

The Herald did not mention their knowledge that my Appellate Reply Brief, which was filed after my arrest by O'Farrell but before my winning the appeal, indicated that O'Farrell arrested me to intimidate me into silence.



Had readers known my side of the story about these matters, would they have looked at the actions of Judge O'Farrell with greater scrutiny?

There was no mention of my struggle to clear my name of being arrested for contempt which resulted in my heart attack.

(WORMHOLE, from page 7)

The day after I won the appeal reversing O'Farrell's ruling, I suffered a major heart attack in the courtroom of Judge Adrienne Grover right across the street from the Salinas Californian.



I was rolled out of the courtroom on a gurney to an ambulance for open heart surgery at Salinas Memorial.

In propaganda movies such as *Erin Brockovich* that portrays a justice system that works in the end with lawyers as champions for the underdog, it would have been a tear jerker scene.

The real story of what went on with the lawyers in the Erin Brockovich is quite different than the movie. An alternate title would be "Snookered Town."



The Herald also didn't tell citizens that O'Farrell arrested me for contempt when I was calmly saying,

"Pardon me your honor, excuse me" while filing a CCP 170.6 Peremptory Disqualification against him in open court.

Remember, Judge Hall was bounced off the bench for asking the ADA a question about why he filed his.



The Herald also hid behind their back that local powerhouse attorneys, Anthony Lombardo and Michael Stamp were present in the courtroom when I was arrested by O'Farrell, and that I took their depositions as to what they saw.

They said they didn't see me do anything disrespectful to O'Farrell and didn't know what I had been arrested for.

When I first read the article, "County Judiciary Under Fire," I was in New York at my second father's funeral, Mr. George Galloway. I immediately started sending letters to the Herald demanding a correction and that they call me. No one ever did or has about the matter.

Not only had I not been declared a vexatious litigant, but I literally knocked Attorney General Bill Lockyer out.

I'm not a lawyer. Fortunately, retired Judge John Golden who ruled on the matter took to heart my informing him that he would be explaining such an outrageous decree for the rest of his retirement.



When Judge Golden asked what that meant, I told him I intended on writing books about the whole Monterey County Good ol' Boys' fiasco. I told him that I would make sure that law schools would be made aware of the shenanigans.

As I type this, I know that lawyers reading the Badger will understand even better than lay people how outrageous what I have been submitted to is.



Will any of them call to represent me?

Not a chance in \$11 million for money or love.



For those of you that think a lawyer will take any case that he can become famous for, or make millions off of, you really don't get how devastating my case is to the top public officials in this state.



It lets the cat out of the bag in demonstrating that you don't necessarily need an attorney to get justice. In my non-legal opinion, it is best not to have one when fighting public official corruption.

Judge John Golden who ruled on the motion made in their individual capacities by Lockyer and Governor Arnold Schwarzenegger (not in any type of official state action) found that they didn't even have any legal standing to bring the motion.

Golden also found that I had never filed any frivolous documents or slanderous pleadings or sued anyone repeatedly.

Now, there's a national news story for you. It is David versus Goliath fighting a battle that is against all odds to win.



The problem is that the media is in bed with Goliath and was helping him wheel his blade when I clobbered them both between the eyes.

An added problem is that public officials don't want people getting the wrong idea.



Imagine their horror at thinking there could be an epidemic of citizens busting public officials for corrupt acts without the aid of \$400.00 an hour attorneys.

(WORMHOLE, see page 9)



(WORMHOLE, from page 8)

I'm an average, high school educated street wise farm kid from Los Banos.



With no legal training, I defeated the top legal minds of the state that I have accused of public official corruption. Don't fall for the illusion of thinking I have been given justice.



Not a word has been said about it.

Isn't that a bit odd based upon what you have been reading in this Badger?

The foundational safeguard to our liberties is Freedom of Speech and Freedom of the Press. It was the concept that the press would be able to report upon corruption of the government to citizens without fear of reprisal.

It now has been distorted in the most sinister and devastating way as evidenced by my specific case.

The act of public officials colluding with the Monterey County Herald to defame me in order to conceal public official corruption is an act of treason.

It goes against everything that America stands for. Such acts by a foreign nation is why we send soldiers onto a battle field to die to protect their citizens.



I am neither over dramatizing nor over emphasizing the danger that Chief Justice George and a long list of public officials have put our country in.

In my Monterey Court files, there is a document entitled "A Threat to National Security." It was sent to dozens of

government agencies and officials. It pleaded to address the matters I have presented. I received not one response.



If your mind flashes, "Well then, there is nothing to worry about because they found nothing wrong." It is what you are conditioned to think. Not reality.

I wasn't a drifter passing through Monterey. I lived there for over twelve years. In all likelihood, I would still be there had it not been for the events you're learning about. Three of my four children were born at CHOMP. My oldest daughter attended York as a freshman.



Take a look at the donors plaque at the Monterey Bay Aquarium. You'll find listed "Gene & Eileen Forte and Family."



I am proud to say prior to my having to put my professional business aside to take on the good ol' boys for attacking my good name, I was able to contribute \$25,000.00 for The Outer Bay.

At the time my rights to a fair tribunal and equal justice were assaulted, I was making close to 600,000.00 a year. I put that aside to do what I feel is right. I'm not a criminal defendant pleading for leniency for a crime I committed.

Often, I wonder, how many other citizens are in the country like me?

Are there other self made business people who, by their nature that made them successful, refuse to be pushed in the dirt or to permit American ideals be trashed by corrupt government officials?



The character John Galt in the book *Atlas Shrugged* said he would stop the motor of the world to stop himself from being looted by a corrupt government. I do get his point.

What these individuals did to me, they have done to others. They will continue until held accountable. I have set my mind to exposing it.

Call it a vendetta if you wish. In reality, it is seeking justice. I wouldn't sleep well thinking some poor soul may get blindsided by these individuals without my trying to stop it.

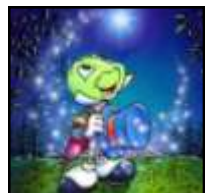
Until you personally encounter injustice, one always thinks it is either somebody else's problem, or their own fault. The investors of Cedar Funding Inc., and I believe David Nilsen, are being exposed to a very dark force.

It may look to some that in this life, I drew the short straw. But, from my perspective, I am actually very thankful.

Whoever controls things that happen in our lives, and I do believe something does, has rewarded me. I have everything a man could ever hope for.

A beautiful loving wife and children that any father would be proud of. Plus, I have the added perk of never having to hide in the shadows whining about what an unfair world it is.

The wish and story continues.



THE END FOR NOW

(SEE NO EVIL, from page 1)

In Kinney's murder trial, the request by Kinney's attorneys to disqualify the Monterey Superior Court Bench was denied. (See Blown Away, page 29)



Here in Merced County, there was no request by Santos, Forte, or the attorneys for Tetra Tech, Inc. to disqualify all Merced County judges. Any attorney will tell you that an entire bench disqualifying themselves is an extremely rare situation.

WE'RE OUT OF HERE!



Presiding Judge John Kiriara of the Merced County Superior Court hit the eject button once he got a gander of what the case leads to.

There has now been overwhelming evidence submitted to the Merced Judges that requires them, according to their judicial duty, to take action.

They're not supposed to stick their heads in the sand about the illicit activities of Monterey Superior Court Judges and public officials.



What scares the snot out them is that the illicit acts involve California Supreme Court Chief Justice Ronald George, ex-attorney General Bill

Lockyer, and a whole gang of Monterey County Good ol' Boys.

Add to the snowball rolling down hill is that the FBI, ex-White House Chief of Staff, Leon Panetta (Monterey County purported defender of the people), and an endless list of other high ranking public officials act as if I was never born. (See No Plausible Denial List, page 19.)

Kiriara's trying to pull the same trick that Los Banos City Councilmen have done in stating that they do not want to

know why, or find out why, Police Chief Chris Gallagher has been missing from his post for almost 90 days. (See page 29, Chief Gallagher Towed Away)

Trust me, they know why. If you seriously think they don't, I've got a huge quantity of sky hooks I'll sell you.

It's just like they knew about the undisclosed Greg Hostetler loans to Mayor Jones.

They kept their yaps shut so as not to hurt their political careers with other public officials.



The non-accountability bell is unashamedly rung loudly by Councilwoman Anna Brooks saying, "If I look into it, I could get knee deep in the problem."

Councilman Joe Sousa chimed in saying that he has intentionally avoided knowing anything about it.

Mayoral hopeful Councilman Michael Villalta echoes the same sentiment. As for Mayor Tommy "race card" Jones, forget it!

Jones believes that the color of his skin coupled with his being a public official, and a self proclaimed Good Christian man gives him the right to pee on citizens and have them believe it's rain.



If you don't, he'll say you're a dangerous member of the Ku Klux Klan, deny you your right to speak at council

meetings, and declare under penalty of perjury that he believes you would go over to his house and beat up his wife and children. At least, that's what he's done to me.

All in all, the acts of Monterey County Judges, public officials, and Los Banos City Councilmen is called not being accountable. It sends the message that no other fellow public officials will be held accountable, including themselves of course.

To do so, in the demented minds of public officials and judicial officers, it would set a very bad precedence.

IT'S A MAJOR STORY ABOUT PUBLIC OFFICIAL CORRUPTION

("That's why you haven't heard about it")

To illustrate the importance of this story, I point to the fact that McClatchy Newspapers' The Merced Sun-Star/ The Los Banos Enterprise haven't breathed a word about it.



The following is a filed court document entitled, "Objection to Plaintiff Tetra Tech's Request for Judicial Notice." It has been imbedded with a spoonful of pictures in this Badger for your reading pleasure.

You can see what the Merced judges read that caused them to hit the eject button and disqualify themselves.

Don't let the legalese intimidate you, it is very simple common sense. As always for disclosure, I am not an (SEE NO EVIL, see page 11)

"Fraud upon the court" occurs when an officer of the court perpetrates a fraud that affects the ability of the court or jury to judge the case impartially. It "must involve an unconscionable plan or scheme which is designed to improperly influence the court in its decision." [Pumphrey v. K. W Thompson Tool Co. (9th Cir. 1995) 62 F.3d 1128, 1131 (internal quotes omitted); see also Hull v. Municipality of San Juan (1st Cir. 2004) 356 F.3d 98, 102-103]

Figure 1: Fraud Upon the Court

"Bad faith" may be found when an attorney knowingly or recklessly pursues a frivolous claim; or engages in litigation tactics that needlessly obstruct the litigation of non frivolous claims.

[Schwartz v. Millon Air, Inc. (11th Cir. 2003) 341 F.3d 1220,1225; In re Keegan Management Co., Secur. Litig. (9th Cir. 1996) 78 F.3d 431, 436] [Emphasis added].

Figure 2: Bad Faith



(SEE NO EVIL, from page 10) attorney and am not providing any legal advice or opinions.

FYI: I have written and won two appeals that expose judicial corruption and beat the pants off of ex- Attorney General Bill Lockyer and his staff in a courtroom...go figure!

\*\*\*\*\*

COURT FILED DOCUMENT

PREFACE

Hayes Davis Bonino Ellingson McLay & Scott, LLP pander their legal wares at http://www.hayesdavis.com/CM/Custom/Firm-Overview.asp as follows,



"Founded in 2003, Hayes Davis Bonino Ellingson McLay & Scott, LLP, has quickly become one of the most respected commercial litigation and appellate law firms in the State of California.....which has since grown to 17 attorneys."

One would reasonably believe that such learned adversaries, Mr. Brain Davis (State Bar No. 160817), Mr. Charles Tillage (SBN 177983) and Ms. Phuong Fingerman (SBN 226772) with the combined legal experience of 34 years knew they were committing a fraud upon the court. (See page 10, Figure 1.)



It was done to prejudice FORTE in bad faith (see Figure 2), by requesting Judicial Notice of a wholly irrelevant DENIED Notice of Motion and Motion to Declare Plaintiff (FORTE)

"Sanction Amount"

The amount sanctioned would be "the minimum that will serve to adequately deter the undesirable behavior," Doering v. Union County Bd. Of Close Freeholders (3rd Cir.1988) 857 F.2d 191, 194, of committing fraud upon the court.

Figure 3: Sanctions

a Vexatious Litigant [CCP § 391-391.7] filed in the Superior Court of California, County of Monterey, Case number M72599.

The denied motion is as relevant to this subject litigation as the price of tea in China.



So, why did they do it other than to commit a dastardly deed?

There is no disputed fact to be proved or disproved by having the DENIED "purported" motion judicially noticed, only the "bad faith" motive of opposing counsel.

FORTE respectively requests the court impose sanctions in the amount of \$25,000.00 against opposing counsel. (See Figure 3 below.)

INTRODUCTION

The plaintiff seeks judicial notice of irrelevant motion papers to what was identified by Judge John Golden as a "purported motion" that was denied. (See Figure 4.)

Motion papers are not judicial facts and therefore are not the proper subject of such a request. The request should be denied and stricken.

"Relevancy Requirement"

Even where judicial notice is mandatory, there is a superseding requirement of relevancy to meet. (Ketchum v. Moses (2001) 24 Cal.4th 1122, 1136 fn.1; Mangini v. R.J. Reynolds Tobacco Co. (1994) 7 Cal.4th 1057, 1063-1065.)

Relevant evidence is that evidence "having any tendency in reason to prove or disprove any disputed fact that is of consequence. . ." (Evid. Code § 210)

There is no precise or universal test of relevancy; "The question must be determined in each case according to the teachings of reason and judicial experience." (1 Witkin California Evidence (3d Ed., 1986) Circumstantial Evidence, § 309, pg 279; see also 1 Jefferson, California Evidence Benchbook (3d ed. 1998) § 27.21, pg 299.)

Figure 4: Relevancy Requirement

THE "PURPORTED" MOTION WAS DENIED

The Honorable Judge John Golden DENIED what he succinctly identified as a "purported" Motion to Declare Plaintiff a Vexatious Litigant under each and every provision of CCP § 391-391.7 that it was brought.



Judge Golden in his ORDER determined that:

"These authorities (CCP § 391-391.7 added for clarity) do not authorize the orders sought by the purported motion because it is not made on behalf of any entity who is a defendant in the action. (Pltf's Ex. "B", Pg. 2, ln-3-4).



The "purported motion" is not afforded litigation privilege under Civil Code section 47, subdivision (b). See Figure 5.

(SEE NO EVIL, see page 12)

Civil Code Section 47 Provides:

"A privileged publication or broadcast is one made: (b) In any . . . judicial proceeding . . ." To be privileged, a statement must (1) be made in a judicial proceeding, (2) by litigants or other authorized participants, (3) aim to achieve the litigation's objects, and (4) have some logical connection or relation to the proceeding. (Silberg v. Anderson (1990) 50 Cal.3d 205, 212.)

Figure 5: Civil Code Section 47

NOT AN OFFICIAL STATE ACTION

The purported motion was filed in the individual capacities of then Attorney General Bill Lockyer, Governor Arnold Schwarzenegger, and Deputy AG's, Paul Hammerness, Tyler Pon, and James Schiavenza. It was not any type of state action to protect citizens.

Figure 6: Not An Official State Action

(SEE NO EVIL, from page 11)

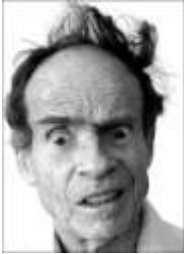
Judge Golden's ruling set the stage for an Abuse of Process cause of action against the parties that filed it. (See Figure 6, page 11).

It, in part, gave birth to the Federal lawsuit of *Forte v. Knight Ridder, McClatchy Newspapers, Ronald George, Bill Lockyer, Arnold Schwarzenegger, et al.*, C06-03948-JW.



"To succeed in an action for abuse of process, a litigant must establish two elements: that the defendant (1) contemplated an ulterior motive in using the process; and (2) committed a willful act in the use of the process not proper in the regular conduct of the proceedings. [Citations.]" (*Brown v. Kennard* (2001) 94 Cal.App.4th 40, 44.)

Herein, opposing counsel certainly knew the purported motion was denied and attached the ORDER from the court as Exhibit "B" to their request.



Was opposing counsel submitting evidence that Forte does not, and has not filed

any frivolous motions, documents, or litigations?

FORTE submits poignantly he doesn't think so. Does opposing counsel claim they didn't know that the ORDER was a denial of the purported motion?

If they didn't read the ORDER, then FORTE suggests they should add to their website accolades they are also known as the "Key Stone Cops" of attorney malpractice.



With the above said, Forte submits that plaintiff and their attorneys' cavalier and willful act have opened up old wounds, and a Pandora's Box for the defendants in the Federal Case of C06-03948-JW, *Forte v. Knight Ridder, et al.* which will now be put on record.



**PANDORA'S BOX**

The rivets on Pandora's Box are leaving a permanent impression upon Chief Justice Ronald George's derriere from trying to keep it shut for the Good ol' Boys of Monterey County (GOBs).

FORTE submits that GEORGE is going to hit the roof when C06-03948-JW *Forte v. Knight Ridder, et al.* is amended to include this recent debacle.

If the court wishes to believe the analogy is disrespectful, Forte suggests that critical judgment be withheld and an open mind kept until, as they say, "the fat lady sings."



Skeletons are rattling. What will be revealed for those that open their eyes is why smut balls are continuously fired at FORTE to discredit him.

The biggest smut ball of all was the filing of the Motion to Declare FORTE a

Vexatious Litigant and a coup de gras that backfired.

The bell cannot be un-rung, and the bad conduct of opposing counsel has far reaching implications upon FORTE, his good name, and other litigation now before the Honorable Judge Ronald Hanson.

The defamatory and unprivileged document has been re-published by plaintiff and their counsel causing damages once again to FORTE.

**SKELETON:  
"Client Betrayal,  
Trial Fixing"**

**Preface:** The fixing of the case of *Forte v. Powells*, M45327, was not an overly creative one, but effective. A key document was hidden and perjury suborned.



It was orchestrated in a business as usual manner by the Good ol' Boys of Monterey County (GOBs).

(SEE NO EVIL, see page 13)

**Judge Richard Silver Retires**

Judge Silver announced his early retirement four days after FORTE filed the tape recorded conversations of Lichtenegger in the case of *Forte v. Crabb, et al.*

Prior to his retirement, Silver met privately with FORTE'S past attorney, James Rummonds. In a legally recorded conversation, Rummonds told FORTE that SILVER said the following:

"One, SILVER felt that you (FORTE) had been very candid and ethical in the context of providing the court with the transcripts (tape recordings) that showed exactly what the—how the attorneys had influenced what you (FORTE) had done.

Number two, SILVER said that he genuinely felt that you (FORTE) had been victimized by attorneys on a number of occasions."

**Read the 2001 letter to Judge Silver. It turned out to be somewhat prophetic. Seven years later, it remains a good outline of what was to come. See page 22. Silver was the smartest judge on the bench and got out when the gettin' was good.**

**Figure 7: Judge Richard Silver Retires**



(SEE NO EVIL, from page 12)



**THE SET-UP**

FORTE'S attorney, Larry Joe Lichtenegger, induced FORTE to enter into a retainer contract under the false pretense Lichtenegger was going to represent FORTE's legal interests.

Lichtenegger, with opposing counsels that were part of the GOBS, did a double fix.

Lichtenegger first bifurcated (separated) the Specific Performance case against the sellers, represented by James Cook of the Horan Law Firm.



James Cook

He then dismissed the realty company/agent that were represented by Dennis McCarthy of the Fenton & Keller Law Firm, and re-filed a separate lawsuit against them, *Forte v. Crabb, et al*, M50814.

Next, Lichtenegger aided opposing counsels Cook and McCarthy in hiding a key document written by Stephanie



Crabb dated September 17<sup>th</sup>, 1999 that proved FORTE'S case against both the sellers and the realty company.

Lichtenegger then continued to bleed FORTE of \$60,000.00 while sabotaging FORTE's case until it was time to dump FORTE with the blessing of the GOBs he vowed his first allegiance to. (See *Fleeting Integrity*)

After Lichtenegger threw the Specific Performance phase of the bifurcated

case *Forte v. Powell*, Lichtenegger told FORTE in a legally recorded phone conversation that:



"Judge Terrance Duncan had been gotten to by the opposing counsel (James Cook of the Horan Law Firm) to render an illegitimate ruling".....

"Lichtenegger had to throw FORTE to the lions to save himself".....

"Judge Richard Silver was manipulating trial dates and sabotaging motions to keep FORTE from exposing the obstruction of justice".... among many other unsavory things.

Lichtenegger then filed an Order Shortening time to Withdraw as counsel of record 38 days prior to the trial for Fraud and Misrepresentation by the Powells. The motion was to be heard by Judge Richard Silver.

FORTE filed opposition with a verbatim declaration of the legally recorded conversations with Lichtenegger. Judge Silver decided that since he was involved he should not hear the matter. See Figure 7, page 12.

The motion was heard by Judge Robert O'Farrell who granted the motion the following week.



O'Farrell told FORTE he should immediately seek a continuance of the trial. The Motion for Continuance was denied the following week by O'Farrell and FORTE was forced to represent himself.

FORTE then filed a CCP 170.3 to disqualify Judge Terrance Duncan [the judge assigned to trial].

The Challenge for Cause was heard the same day by another Monterey Superior Court Judge Wendy Clark Duffy and denied. Forte lost the case at trial.

Silver who had removed himself from

hearing the Motion to Withdraw later issued Terminating Sanctions against FORTE in the case of Forte vs. Crabb, et al. when there was no violation of any court order by FORTE under the auspices that FORTE had not produced tape recordings of CRABB. See Figure 8.

**Skeleton II: "Exposing & Covering up the Fix"**

**Preface:** Hold on to your judicial robes Merced County jurists.



You are about to be given in Cliff Note chronological fashion what could be considered a version of Lemony Snicket's A Series of Unfortunate Events for the Monterey County Good ol' Boys.



It led to the filing of the unmeritorious "purported motion" to

declare FORTE a vexatious litigant that the court has been asked to take judicial notice of.

**WHO'S GOT A VENDETTA AGAINST WHOM?**

Chronological order of events that are attached to a Supplemental Declaration by Eugene Forte show it is the Monterey County Judicial Good ol' Boys that have a vendetta against FORTE.

As the GOBS got stuck firmer to a tar baby, other public officials and judicial officers trying to get them unstuck pitifully got them stuck to the same tar baby, FORTE.



The Sixth Appellate Court, ex-attorney General Bill Lockyer, and woefully, Chief Justice Ronald George directly implicated themselves.

They took positive actions to try and stop FORTE from holding their buddies' feet to the fire for obstructing justice and violating his civil rights to a fair tribunal.

**"Forte Did Provide the Recordings"**

FORTE did in fact timely produce the tape recordings under a Request for Production of Documents. It just wasn't what they wanted to hear. It proved the perjury by Crabb and how the attorneys fixed the case.

**Figure 8: Forte Did Provide Recordings**

(SEE NO EVIL, from page 13)



As Forte's evidence in court files started piling up, and Forte became more adept at representing himself, i.e., presenting overwhelming amounts of case law forcing the granting of appeals, the stakes rose for the Good ol' Boys.

In desperation, they did something really stupid; they filed the vexatious litigant motion.

This court should ask itself a very simple question.



Does it really believe that ex-Attorney General Bill Lockyer, Chief Justice George, and three Deputy AG's did not know there were no grounds to file it (i.e., Forte never lost five ligations, never sued anyone a multiple number of times), AND that they did not have legal standing to file the "purported motion"?

**A FEW HOWS AND WHENS**

**Preface:** Forte is not going into details about the following matters due to the page limitation but is ready, willing, and able to provide at anytime full documentation as an offer of proof of every single assertion made.

Additionally, brevity is being taken so that Judge Hanson doesn't have to wade through the outrageous conduct of the Monterey judicial system in one sitting.

Forte submits that any self respecting jurist will easily pick up on the fact that if what Forte says happened did, then the court certainly understands why Forte is not going to let go of the matter until the responsible parties are held accountable.



How did it all start?

Forte caught Commissioner Richard Rutledge and some judges fixing a small claims case in 1998. (See "Case of the Broken Footboard" below)

What blew it out of proportion?

The judges that Forte implicated with Rutledge (Judge Duncan, Moody) in the "Case of the Broken Footboard" trying to give Forte some payback in the case of Forte v. Powell in 1999.



When did it really start to get real bad?

When Judge O'Farrell fixed the second phase of the trial by letting Lichtenegger out as Forte's counsel and then denying Forte time to get a new attorney (2001). (See "The Coma Analogy," p. 20)

When did it start to get worse?

When O'Farrell arrested Forte in the courtroom for alleged contempt to stop FORTE from taking of the deposition of Crabb (2003) who had her perjury suborned by attorney, Cook, McCarthy, and Lichtenegger by hiding a key document. (See "Pardon Me Your Honor," p. 21, top right)



When did it start to get really infuriating?

When Forte found out that the Monterey Herald was helping to paint Forte in a bad light to the public to cover up for the GOBS (2003 – Present). (See p. 23, Figure 12,



(SEE NO EVIL, see page 15)

**CASE OF THE BROKEN FOOTBOARD**



The Problem: On delivery of a pre-paid \$6,000 bedroom set, Forte discovers a major structural defect in his new footboard. Forte requests to have it replaced, but Packwood's Furniture doesn't do anything. Forte then stops payment on the \$6,000.00 check and reissues cashiers' check for \$4,500.00.

The small claims action: Packwood's Furniture sues Forte for the \$1,500.00 owed on the broken footboard, and Forte cross-complains for a new footboard.

The hearing: Forte carries in the footboard to show the court. Commissioner Rutledge states,

"If wood putty is like there is in that one there, then that's not defect free. I can just — we can put it at that point. That's not craftsman-like. So if the piece that you have in the warehouse is like that, it needs to get replaced. If it's not, if it look like that side over there, where there's no

gaps, it hasn't been — I've been a general contractor since 1972. I also build furniture. I know what looks right and doesn't. That looks right; that's not close. So if the one in the warehouse looks like it's been puttied, that's not craftsman-like workmanship."



Commissioner Rutledge orders Packwoods to replace footboard and to come back in 30 days. Packwoods does not replace footboard.

Back in court: Forte appears and asks Commissioner Rutledge for default judgment because Packwoods did not appear for the hearing. (See Fig. 9, right.)

Commissioner Rutledge says he will take it under submission, and Forte will get the ruling in two weeks.



(SEE NO EVIL, from page 14)  
"Recall Candidate Jailed for Contempt"  
and p. 55, "County Judiciary Under Fire.")

When did it start to get really personal?

When Forte had a heart attack in the courtroom after trying to clear his good name for months before (2004).



When did it become more than personal?

At the time that it was positively concluded that Chief Justice George and Attorney General Bill Lockyer, the highest ranking judicial officers of the state, were up to their eyeballs in trying to shut Forte down and keep the corruption out of Monterey quiet (May 2005).

When did the walls start to fall in on

the GOBS?

When Commissioner Rutledge resigned from the bench after an investigation by DA Flippo for alleged ticket fixing (Sept. 2005).

When did the Good ol' Boys get desperate?

When they had to pretend to have DA Flippo investigate Rutledge and to cover up the fact that DA Flippo had fixed his own small claims case with Rutledge, Forte v. DA Flippo, ADA Spitz, MAR125367.



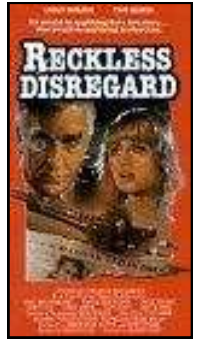
What started to make the pot boil over for the GOBS that included The Monterey Herald?

When in November 2005, a national news story broke about Forte filing a declaration in his case of Forte v. O'Farrell

that halted the judicial proceedings of Judge Diana Hall conducted by Judge Michael Fields.

When did The Monterey Herald and the GOBS have to take desperate actions without thinking through it?

When they did a Sunday front page article on December 4<sup>th</sup>, 2005, entitled "County judiciary under fire," wherein they told the public at large that Forte had been declared a vexatious litigant (two weeks later, they printed a small correction buried in the paper).



**A LITTLE MORE BACKGROUND ON THE VEXATIOUS LITIGANT MOTION**

**Preface:** On May 9<sup>th</sup>, 2005,

(SEE NO EVIL, see page 16)

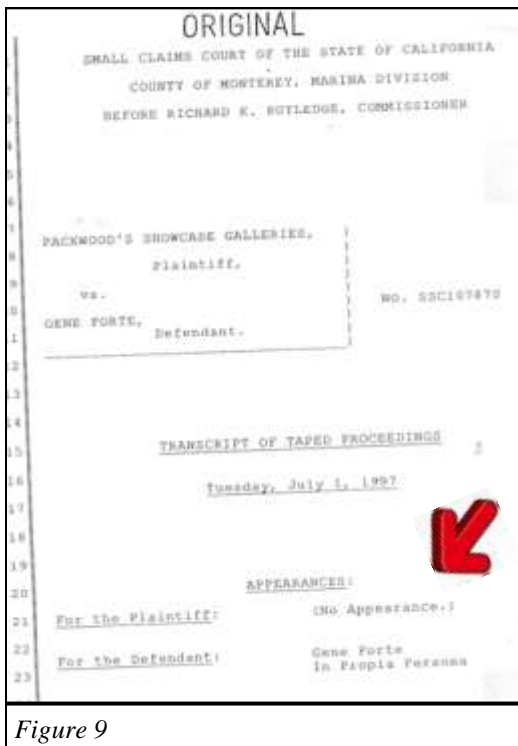


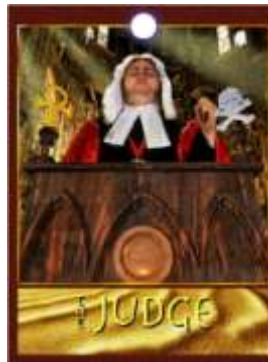
Figure 9

The ruling: Packwoods won the case and Forte is ordered to pay \$1,000 more than what the footboard cost.



The appeal: Judge Moody says he will meet with Bill Packwood at the furniture warehouse to inspect the furniture, but denies Forte's request to be present.

Judge Moody's Ruling: He found "the footboard to be in excellent condition and the claimed defects are merely natural marks in wood offensive to the hypercritical, plaintiff had made every conceivable effort to indulge the customer but appeasement only fueled defendants pathological perfectionism, one can find a defect in anything one doesn't wish to pay for ..."



Aftermath: Forte pays the incorrect \$ amount, and files a complaint. Judge Wendy Duffy assigns the investigation of Commissioner Rutledge to Judge Duncan.

The investigation: Forte sends a letter to Commissioner Rutledge, one to Judge Duffy, and one to assistant Presiding

Judge Robert Hinrichs across the next month. Judge Hinrichs informs Forte that the judge investigating the matter "discovered" (after a month) he was a neighbor of Bill Packwood, and therefore disqualified himself.



Judge Hinrichs says Forte will be contacted about the matter (it's been 10 years now and no word), and closes his letter with:

"You should be advised that to the extent that your letters may be considered to be libelous or to be threats against a judicial officer, you may be inviting further legal actions."



Of course the Badger, being true to himself, wrote a letter back telling Hinrichs exactly what he thought! See Figure 10, p. 16,17.

THE END

(SEE NO EVIL, from page 15)



FORTE was granted permission to testify in opposition to the appointment of Judge Wendy Clark Duffy of the Monterey Superior Court as Associate Justice of the Court of Appeal, Sixth Appellate

District at the nomination hearing set for May 16<sup>th</sup>, 2005

On May 12<sup>th</sup>, 2005, Supervising Deputy Attorney General Paul T.

Hammerness, who was defending Judge Robert O'Farrell in the litigation of *Forte v. O'Farrell*, M72599, filed the ill fated subject *Notice of Motion and Motion to Declare Plaintiff (FORTE) a Vexatious Litigant [CCP § 391-391.7]; For Entry of Pre-filing Order and to Post \$15,000 Security; Memorandum of Points and Authorities in Support Thereof*, for the personal and



individual capacities of himself, Chief Justice Ronald George, ex-Attorney General Bill Lockyer, Sixth Appellate Court Presiding Justice Conrad Rushing, Governor Arnold Schwarzenegger, and minion Deputy AG's, Tyler Pon and James Schiavenza.

The motion was received by FORTE on Saturday, May 14<sup>th</sup>, 2005.

**The purported motion was not filed on behalf of defendant O'Farrell.**

Notwithstanding such fact, Hammerness requested that if FORTE was declared a vexatious litigant, FORTE be ordered to pay a security amount of \$15,000.00 in the pending lawsuit against O'Farrell.



If the deposit was not paid, Hammerness requested that the case of *Forte v. O'Farrell* should be dismissed with prejudice (Plts. Ex "A", pg. 9, Ins. 21-23).

FORTE, at the time, due to his not being an attorney, did not understand that O'Farrell was not a party to the motion.

Additional legal research and FORTE'S consulting with attorneys revealed such facts which later became part of the exhaustive and well pled meritorious opposition to the motion to declare Forte a vexatious litigant.

On May 16<sup>th</sup>, 2005, FORTE authored a letter to Chief Justice George naively thinking and not understanding at the time that it was George who was the puppet master and



(SEE NO EVIL, see page 17)

Thursday, September 10, 1998

**Judge Robert Hinrichs  
Superior Court  
PO BOX 1051  
SALINAS, CALIFORNIA 93901**

Re: A Wink & A Nod/Veiled Threats

Dear Judge Hinrichs:

During our first conversation after you had received my letter I asked you your opinion as to what both Commissioner Rutledge and Judge Moody had done.

The questions were as follows:

1. Does it seem correct that a plaintiff that did not appear at a scheduled hearing be granted a judgment in his favor?

and,

2. Does it seem correct that a Judge meet with a plaintiff to an action without the defendant present as Judge Moody did?

Your response to both questions was, "No, it doesn't sound proper if those things took place as you say they did."

The answers you gave were not immediate, you thought about your responses. I could tell by the amount of time you paused prior to giving your answers.

I would imagine that you could have quoted me CCP 116.520 at that time. Why didn't you? I have not had the time as yet to read CCP 116.520, however, I would tend to believe that the appeal of a small claims court decision to a higher court would change the way Judges can conduct their investigation.

As an example to the difference, parties to the action in a small claims case could not be represented by legal counsel but in the appeal of the case they may be represented by counsel.

In other words, I don't buy the explanation that CCP 116.520 would allow a Judge to throw the book of evidentiary proceedings (and other things) out the window.

Figure 10—Page 1 of letter written by Forte to Judge Hinrichs. See page 2 on pg. 11.



(SEE NO EVIL, from page 16)  
real party in interest to the purported vexatious litigant motion.



The letter stated in part: "I implore you as an American to not let this happen in our country and not under your watch."

On May 18<sup>th</sup>, 2005, FORTE discovered that defendant Robert O'Farrell had in fact assigned the case of *Forte v. Robert O'Farrell*, M72599, to himself (for a second time).



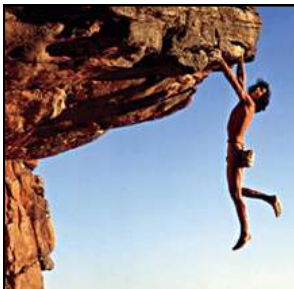
Upon such lurid discovery FORTE authored a letter Suggestion for Recusal under CCP 170.3 to Judge Robert O'Farrell. See page 20.

A copy of the letter was sent to his defense counsels, AG Lockyer, Hammerness, Pon and Schiavenza.

When there was no response to such letter, FORTE was forced to file a Challenge for Cause. Judge O'Farrell did not file an answer to such Challenge within the statutory 10 day period of time and the Motion was granted.

**CLIFF HANGER CONCLUSION**

Due to the overwhelming amount of work and stress that is accompanied at having to re-live what is clearly an attack upon Forte by some bad egg public officials, he regrets that for now he will just say, there is more to come.



Forte believes there are some good public officials and now is the time for

them to stand up. The Badger Flats Gazette is putting out a call to all to come and help.



The attached information in the supplemental declaration calls out for the Honorable Judge Hanson to exhibit fairness and fulfill his Judicial Canon of Ethics by taking the bull by the horns and putting the heat to the Monterey County Judicial system and regrettably Chief Justice George.

There is no excuse as to why nothing has been done or said about the torment Forte has been submitted to by his simply doing what every good American should which is to make our country better for his children and generations that follow.



Clearly *Forte v. DA Flippo, ADA Spitz*, MAR125367 was not fixed over a meager \$35.00 filing fee by Flippo et al. (See pg. 56 How to Fix Your Own Court Case).

(SEE NO EVIL, see page 19)

The first two paragraphs of your letter summarized said nothing except, the other case is out of your hands and you asked Judge Moody if he had done anything wrong and he told you no.

I formally request to know the name of the Judge who "discovered" he was a neighbor of Mr. Packwood. I find it hard to believe that he just "discovered" it after he was brought in to investigate the incident.

Your investigation techniques are astounding. I am sure that President Clinton would definitely like to have you in place of Judge Starr.

Good god your honor! Hasn't the recent publicity of what the President of our country has done impressed upon you that people will not admit to a wrongdoing unless they have no other options?

I would classify your investigation as a Wink 'n Nod Investigation with no serious concern given to my complaint or rights.

The real import of your letter is in your third paragraph. Isn't it?

I consider your purported advise to me to be a veiled threat for me to back off. What "further legal action" against me are you referring to? Are you saying that by my initiating a complaint with you that I somehow have initiated legal action against myself and am now "inviting further legal action" (as you state) because I am not backing off?

Is it clumsy wording on your part or a Freudian slip?

I have never made any physical threats (veiled, implied or otherwise) against anyone and nothing I have said is libelous, especially when it was provided to you and the other investigative Judges in confidence.

I didn't have it printed in the Monterey Herald. We're not quite to that stage, yet.

In my correspondence to you I did not feel it appropriate or necessary to cc: Michelle Noble McCain. What made you feel that you should send her a copy of your letter to me and breach my confidentiality? Have you without my knowledge provided her with other letters? I now formally request to know.

You had your opportunity to conduct a proper investigation and uphold your duty as a public servant. I think you failed and I believe anyone with common sense looking at it would agree.

I will be proceeding with the complaint to the Commission on Judicial Performance and your name will not be excluded due to a lack of an earnest investigation.

With Great Disappointment, But Not The Least Bit Intimidated or Deterred,

*Gene Forte*  
Gene Forte

cc: Judge Duffy, Judge Phillips, Judge Duncan, Judge Kingsley, R. Moody, R. Rutledge

Figure 10—Page 2 of letter from Forte to Judge Hinrichs

## *Forte*

Dept 14, Judge Robert O'Farrell  
Superior Court of California, County of Monterey  
1200 Aguajito Road, 2nd Floor  
Monterey, CA 93940

May 18, 2005

FAXED ONLY

Attorney General Bill Lockyer (personally and attorney  
representing Judge Robert O'Farrell in his public capacity)  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004

Re: M72599, Forte vs. Judge Robert O'Farrell, Suggestion for Recusal Under CCP 170.3

Dear Judge Robert O'Farrell:

As the plaintiff in this litigation, I write this letter to you as the judge you assigned to the case of *Forte vs. Judge Robert O'Farrell et al*, requesting that you immediately recuse yourself. If you do not do so and confirm to me by court order that such has been done, I will be forced to file a Challenge for Cause against you under CCP 170.3.

As you know, it is the bedrock of constitutional principle that a judge may not preside over a case where he is a named defendant. You as a jurist know this. The U.S. Supreme Court Case of *Ward vs. Village of Monroeville*, 409 U.S. 57 (1972), clearly addresses that such action by yourself is prima facie evidence of a willful violation of my constitutional and civil rights.

Further, the Motion to declare me a vexatious litigant, filed by Mr. Bill Lockyer as your attorney in your public capacity when there is no judge assigned this case from Chief Justice Ronald M. George as Chairman of the Judicial Council, was an intentional abuse of process and a violation of my constitutional and civil rights. It clearly shows that your attorney Mr. Bill Lockyer should be found in contempt of court and you can not preside over that proceeding.

The motion to declare me a vexatious litigant is again prima facie evidence of your violation of my civil rights and is enough in and of itself to defeat a motion to declare me a vexatious litigant. The timing of the filing of the motion shows it was done to disrupt my opposition to the confirmation of Judge Wendy Duffy to the Sixth Appellate Court and to prevent the disclosure of the misconduct against me by you, Judge Richard Silver, Judge Wendy Duffy and others.

This letter is directed to Mr. Lockyer because both of you know you cannot preside as the judge in the matter when you are also a defendant.

Respectfully submitted,

Mr. Gene Forte, Plaintiff

Attachment: Calendar from Website of Monterey Superior Court, Print out from clerk of Court  
cc: Governor Schwarzenegger personally via Mr. Bill Lockyer his attorney

*1631 Fir Avenue, Los Baños, California 93635  
(209) 829-1116 Fax (209) 829-1952*



(SEE NO EVIL, from page 17)

It was fixed so that Forte would not be credited for exposing corruption in Monterey which would also lead to revealing that Judges of the Monterey County Bench and justices of the Sixth Appellate Court have been condoning the obstruction of justice.



It would lead to a conviction of DA Flippo, ADA Spitz and Judges of the Executive Committee of the Monterey Superior Court for obstructing justice during the investigation of Rutledge.



It would also bring light to what un-named judge on the Monterey Superior Court Bench Rutledge was fixing tickets for. It was only mentioned in passing in the report by DA Flippo.

Everything does happen for a good reason. By opposing counsel throwing a smut ball, they have opened up a huge can of worms that must be addressed.

The bottom line is that nothing should, or can, take place in the present case before this court.



It is due to the fact that powerful individuals undermined Forte in other cases to keep their nefarious activities concealed.

They are now working behind the scenes already in this one to undermine the interests of Forte and Santos, which in many ways are one and the same.



Forte is alleging in this case that public officials are turning a blind eye to millions of dollars being siphoned off by private

remediation firms. Work should not have been ordered by Merced County Department of Environmental Health.

When private business owners such as Mr. Marion Santos ask for accountability of the money being spent, and as to why the work has been ordered, they are then threatened by the District Attorney with criminal charges against Santos.



It is all just too much to ignore.

Forte of course requests that the Request for Judicial Notice of the *Notice of Motion and Motion to Declare Plaintiff (FORTE) a Vexatious Litigant [CCP § 391 -391.7]* filed in the Superior Court of California, County of Monterey, Case number M72599, be denied, but also not ignore addressing the reasons as to why it was requested, and who is pulling the strings behind the scenes.



Forte believes that the puppet master is none other than Federal defendant Chief Justice Ronald George through his minion Federal in pro per co-defendant Deputy Attorney General Paul T. Hammerness.

Dated: September 26, 2008

Signed: Eugene Forte

In Propria Persona

THE END



**The No Plausible Denial List Of Very Important People**



- CA State Assembly John Laird
  - CA State Senator Abel Maldonado
  - CA State Senator Joseph Simitian
  - Monterey City Attorney Deborah Mall
  - Monterey Mayor Dan Albert
  - Ms. Victoria B. Henley - Commission on Judicial Performance
  - Hon. F. James Sensenbrenner, Jr. - Committee on the Judiciary
  - Mr. Dave Potter - County Supervisor District 5
  - Colonel Tucker B. Manager - Defense Language Institute
  - Special Agent in Charge - FBI San Francisco
  - Mr. Gene Lieb - Los Banos Enterprise
  - Mr. Mitchel L. Winick - Monterey College of Law
  - Mr. Charles McKee - Monterey County Counsel
  - Chief Carlo Cudio - Monterey Police Department
  - Rear Admiral Richard H. Wells - Naval Postgraduate School
  - Monterey Sheriff Mike Kanalakis
  - Mr. Leon Panetta - Panetta Institute, Trustee Dir.
  - Salinas Police Chief Daniel Ortega
  - Senator Joe Dunn - Senate Judiciary Committee, Chair
  - CA State Senator Jeff Denham
  - U.S. Department of Homeland Security
  - U.S. Marshall Federico L. Rocha
  - U.S. Congressman Sam Farr
  - CA State Assembly Simon Salinas
  - Salinas City Attorney Vanessa Vallarta
- Plus More.....**

### Preface: The Coma Analogy

The following is an excerpt from the Badger's winning appellate brief. Judge O'Farrell's ruling dismissing the lawsuit against Attorney Lichtenegger was reversed.



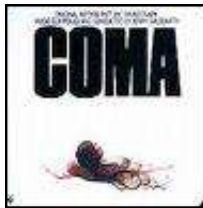
Lichtenegger

**Preface:** A prime example of the machinations of Judge O'Farrell who was the presiding judge at the time in manipulating motions is the fact that Judge O'Farrell was the judge who allowed Forte's ex-attorney, Larry Lichtenegger to withdraw out of the *Forte v. Powell* case, allowing Lichtenegger to abandon Forte thirty-five days before trial.

Judge O'Farrell then ten days later refused to grant a continuance of the trial to Appellant (Forte) and forced him to go to trial without an attorney of record.

#### THE COMA ANALOGY

"The following is an analogy in story form as to what Judge Robert O'Farrell, Judge Richard Silver, Judge Terrance Duncan, the Horan Law Firm, the Fenton & Keller Law Firm and respondent/squealer/ Lichtenegger did to appellant (Forte).



It is almost straight out of a movie called "Coma" where the hospital surgeons are working together with anesthesiologists in botching operations, inducing comas, putting the patients on ice, and then selling their body parts on the black market.

Surgeon Lichtenegger works in a hospital with and under several Chiefs of Surgery (Judge Duncan, Judge O'Farrell & Judge Silver) that will collectively benefit from the death of a patient (appellant Forte) under the care of the surgeon Lichtenegger.



The common benefit is that the patient's death (loss of trial) would conceal the on going

corrupt enterprise (Good Old Boys) of selling body parts (trial fixing) that patient Forte has been told existed by local licensed physician Ms. Loretta Loop (attorney), and took place as told to him by Surgeon Lichtenegger when patient Forte had his kidney unnecessarily removed and taken (trial fixed) by the assisting surgeon James Cook (attorney for Powells).



It was a simple plan that would have worked had it not been that appellant



Forte took on the dimensions of a spirit from another world unwilling to die.

Surgeon Lichtenegger admits to the Chiefs of

Surgery (Judge O'Farrell, Judge Richard Silver) that he had told his patient (appellant Forte) that Chief of Surgery (Judge Terrance Duncan) was involved in selling body parts (trial fixes) to other surgeons (James Cook of the Horan Law Firm) and that was why patient Forte had his kidney removed unnecessarily (lost the case of *Forte vs. Powell*).

Patient Forte, not knowing that the other Chiefs of Surgery, and that Surgeon Lichtenegger himself was involved in the scheme of selling Forte's kidney (trial fixing) to Surgeon James Cook, pleads with Surgeon Lichtenegger to bring this to the attention of the other Chiefs of Surgery (Judge O'Farrell & Judge Silver) prior to his next scheduled operation (trial) to have his kidney transplanted back.



Surgeon Lichtenegger refuses to do so saying that he is already being punished by other local physicians (attorneys) due to patient Forte filing a complaint (*Forte vs. Loop*) which was read by Chief of Surgery Silver who was now seething anger at Surgeon Lichtenegger due



to Forte's "wild allegations" (that Surgeon Lichtenegger knew were true).

In reality though, Chief Surgeon Silver was seething anger directly at Surgeon Lichtenegger for squealing on Chief Surgeon Duncan and Surgeon James Cook because Chief Surgeon



Silver knew that patient Forte now had evidence in the form of tape recordings.



Surgeon Lichtenegger and the other Chiefs of Surgery then decide that surgeon Lichtenegger should say (Motion to Withdraw) that he would make himself unavailable to perform the transplant operation (due to a skiing trip) leaving the operation to be performed by surgeon Cook.

Anticipating that when patient Forte protested (Opposed Motion) Chief of Surgery Silver could say because his name was mentioned in the matter, he would allow Chief Surgeon O'Farrell to decided if surgeon Lichtenegger should be allowed to not operate on patient Forte.



Chief of Surgery O'Farrell now picks up where Chief of Surgery Silver got out and decided that due to the scurrilous accusations of members of the medical community selling body parts (declaration of statement made by Lichtenegger about trial fixing) made by patient Forte, he could understand why Surgeon Lichtenegger did not want to dignify the accusations of patient Forte with a response, and should be relieved of the responsibility of operating upon Forte.



Chief of surgery O'Farrell then advises patient Forte that if he does not want Surgeon Cook to operate on him alone he should request another date





**AttorneyBusters.com**



October 26, 2001

Judge Richard Silver  
Monterey Sup. Court  
1200 Aguajito Road  
Monterey, CA 93940

Re: Forte vs. Powell,  
Forte vs. Crabb, Forte vs. Loop

Dear Judge Richard Silver:



As I sit here at my computer typing a letter to you I understand why I am

so fortunate.

Even though, I spend the morning away from my children, not in distance, but in presence, as I have many times since we were forced out of our home.



obviously the local judicial community is well known for and is a part of.

I have since been embroiled in dealing with some basic Good Old Boy (Loretta Loop's terminology) nonsense that

A story that I am sure you have a surface understanding of by choice, and have obviously embraced, of the carefully engineered smut campaign of James Cook of the Horan Law Firm, Mr. Dennis McCarthy of the Fenton & Keller Law Firm, Ms. Loretta Loop (someone



you admire along with Ms. Jeannie Strong) who you are portraying as "Joan of Arc" in your intentional "manipulating" of the truth to save some "Good Old Boys" that became overconfident and arrogant at abusing their discretion with the wrong person.

I have repeatedly requested the court to address the conduct and questionable actions of James Cook and Dennis McCarthy and have not only been ignored, but witnessed in dismay as Judge O'Farrell, Judge Duncan, yourself and others supported it and condoned it.



I can not describe the shocked look upon Judge Paik's face when he tried to conceive how Larry Lichtenegger was let out from representing me 30 days before trial and then I was denied a request for continuance by Judge O'Farrell.

You are well versed in the area because you are the one that passed it over to Judge O'Farrell after stating you



were sure it would be impossible for me to get new counsel.

I compared what the court system was allowing Cook and others to do (i.e. Dennis McCarthy) was essentially, pour gasoline on me, setting me on fire and then having me arrested for disturbing the peace when I screamed.

(SILVER, see page 23)

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1  SIT DOWN.  WE'LL HEAR FROM THE MOVING PARTY FIRST, AND
2  THEN WE'LL HEAR FROM YOU.
3      MR. FORTE:  YOU'RE ALLOWING ME -- YOU'RE NOT
4  ALLOWING DUE PROCESS, YOUR HONOR.
5      THE COURT:  TAKE A SEAT.
6      MR. FORTE:  HERE'S A PEREMPTORY CHALLENGE.
7  YOU'RE OUT OF HERE.  TAKE IT; IT'S FILED.  PEREMPTORY
8  CHALLENGE.  PEREMPTORY CHALLENGE, YOUR HONOR.
9      THE COURT:  TAKE HIM INTO CUSTODY, PLEASE.
10     MR. FORTE:  PEREMPTORY CHALLENGE, YOUR HONOR.
11  AND I WANT TO HAVE THE MINUTE ORDERS -- WHILE YOU'RE
12  HANDCUFFING ME, I WANT TO HAVE THE MINUTE ORDER -- IN
13  FRONT OF MY CHILDREN BACK THERE.  YOU, YOUR HONOR, HAVE
14  DISRESPECTED THIS JUDICIAL SYSTEM LONG ENOUGH.
15     LET GO OF MY HAND.
16     THE COURT:  LET'S REMOVE HIM FROM THE
17  COURTROOM.
18     MR. FORTE:  MR. MC CARTHY, IT'S NOT OVER.
19  JUDGE O'FARRELL, YOU'LL BE RETIRING, SIR.  HAVE A HAPPY
20  HOLIDAY, SIR.
21     AND YOU'RE HURTING MY WRIST.  YOU DON'T CARE,
22  HUH?  IT'S JUST GOTTEN WORSE, SIR.
23     THE COURT:  ALL RIGHT.
24     MR. FORTE:  YOU DIDN'T ALLOW ME MY DAY IN
25  COURT TO SPEAK, DID YOU, SIR?  OW, YOU THREW ME INTO THE
26  WALL.  OW.
27     THE COURT:  WE'LL TAKE A RECESS.
28     (RECESS.)

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AMANDA BERKELEY, CSR 5613

Figure 11—page 2 of transcript from previous page



(SILVER, from page 22)

### Your Dilemma

The one thing said most about you is that you are probably the "smartest" judge on the Monterey County bench (more about this later and your *anticipated* appellate court appointment.



I might refer you to a song by Carlos Santana, "Let's Just Forget About It!"). It is your Sword of Damocles because when a smart judge makes such obvious errors in the law, people know he has become a bad judge, which is far worse than a stupid Judge.

However, you have the combination of stupid and bad, in the embodiment of Judge Terrance Duncan, and I have explained such in the complaint of Loretta Loop.

Most people think Judge Duncan may have been stretching his capabilities in traffic court but tolerated him. Terrance Duncan and legal mind would be an oxymoron. No disrespect intended, just an observation.

### Terminating Sanctions Motion

I imagine it was good that I did not sit through the Terminating Sanction hearing because I think it would have been



difficult not to laugh out loud as you clumsily mixed incorrect facts with fiction to support Judge Duncan's ruling in Forte vs. Powell, as if it should somehow have anything to do with your ruling in Forte vs. Crabb.

I believe that when this matter reaches the appellate court there is going to be some head twisting, like in the exorcist.

I'm glad you say you looked at the files "closely" to throw the appellate court reviewer off the trail and try to cover yourself (on the surface) of using your discretion



(SILVER, see page 24)

Herald.com

Posted on Sat, Dec. 20, 2003

## Recall candidate jailed for contempt

A Monterey County man who has waged a one-man assault on the local court system was jailed for eight hours Friday after a judge held him in contempt for arguing in the courtroom.

Gene Forte, who operates the AttorneyBusters.com Web site to break up what he calls "the good old boys club" in Monterey County's judicial system, was found in contempt by Judge William O'Farrell. O'Farrell was presiding over a hearing in a civil dispute between Forte and several Monterey attorneys who once represented Forte in another dispute.

Witnesses said O'Farrell's action followed a heated exchange of words between the judge and Forte, who was representing himself in the Monterey courtroom.

Forte was also one of the 146 candidates on the gubernatorial recall ballot in October, finishing next to last with 235 votes.

Forte contends that Monterey County judges, prosecutors and attorneys routinely condone perjury and hide documents in a conspiracy to protect one another.

His Web site details his contentions that a massive cover up among judges and attorneys, whom he refers to as "rats on a skewer" and "dirt bags."

Forte said his landslide defeat in the recall election was proof that "the media propaganda machine (is) calming down the sheep as they are led to the slaughtering pen."

Figure 12—Prominent attorney Tony Lombardo, Clint Eastwood's attorney, and Michael Stamp, Judge Silver's attorney, were both present at the hearing when Forte was arrested. Forte took both their depositions, and neither of them noticed any "heated exchange of words" nor any conduct of Forte to which they could attribute as to be deserving of arrest for contempt.

(SILVER, from page 23)

based upon what you said you looked at.

The appellate court reviewer does not start with the premise that you are biased (got them fooled, but not for much longer). There are more people than you and I who know the truth, the "real" record speaks for itself.

Even though a Judge has a wide range for discretion in his rulings, I am going to show how narrow a Judge's discretion can be once a "reasonable person" would believe that you could be biased.

**Lichtenegger Was Telling The Truth**

You finally got your hands on the conversations you wanted to hear so desperately for yourself. What a headache you must of gotten, and it must of pained you to state on record, that the

statements I attributed were said by Lichtenegger about your "manipulation and judicial corruption in punishing me" in my declaration were true.



Great recordings, weren't they?

I had offered those tapes to you at the first hearing when Lichtenegger was going to withdraw by lifting the CD up in my hand, and then again to Judge O'Farrell who refused them.



As you may recall you later at the terminating sanctions motion were trying to say that I did not offer to produce them. Such

nonsense you speak, your honor.

You did your Pontius Pilate routine and passed me over to Judge O'Farrell, who had ruled on the Loretta Loop

matter, which later you rolled into one after he denied to do so, so that you could be in control of Forte vs. Loop (the complaint you are all so afraid of because it rings of the truth?).

I allowed you the respect given your position, to do the right thing, and did not object (more on that later).

"Judge Silver was manipulating the trial date to punish Gene Forte" crowed Cock Robin (Lichtenegger)...anything you have to say Judge?



**The Horan Law Firm**

Where do I start? This will just be a run on (that I have all the documents to prove).

The law firm refuses to recuse itself after having contact with me and taking four pages of notes they said they had destroyed but then later said they had;



...launches a smear campaign; Jim Cook abuses me at a deposition; I have supporting declarations from counsel concerning Cook;

...he works with Lichtenegger to undermine my case after Lichtenegger is out and before;

...they flagrantly disregard discovery rules at trial; Cook commits perjury a number of times in declarations and in open court;

...suborns perjury of Steffani Crabb

at a deposition;

...hides a document with Dennis McCarthy....

....(in which you cover the backside of Chuck Keller by saying that Dennis McCarthy had "reason to believe" during the protective order he sought....What a joke!)



There is a lot more but I will provide it as needed.

Bottom line is that Larry Horan may have a reputation of being a fine man, but his underlings are a bunch "Good Old Boys" chirped Loretta Loop (you have the recording)



....and as you said in the transcript, it was "regretful"\* (that she opened her mouth, but she probably does that a lot in many a different positions and for many different reasons).

Loop said off the phone to me that that Horan Law Firm made large contributions to the judges' campaigns, (Your Honor, debtor).



\*Another old foot in the mouth

**Keller Law Firm**

Another run on....

Hides documents, perjured testimony, walks into deposition they are not party to, works with counsel Lichtenegger. McCarthy is so slimy I cannot put it into words.



(SILVER, see page 25)



(SILVER, from page 24)

McCarthy, the employee of your golf playing buddy (that's what Lichtenegger told me), Mr. Chuck Keller, whose law firm I understand (this is what Harry Delizonna told me) is on the verge of financial collapse.

**The Bottom Line Summary**

I today need to make an appearance before you for the Forte vs. Loop matter which I had forgotten I had to file a trial management report for, therefore my time is pressed.

You requested that I write a letter to you addressing my view of what I did wrong concerning the tape recordings of Stephanie Crabb and most importantly why I feel I should not be sent to the District Attorney's Office for criminal prosecution for perjury. **There was no perjury.**

I'm not going to waste my breath speaking to you "Your Honor" and you will not force me to get down on my knees and "kiss your ring".



You walk through the day as the emperor in the children's story "The Emperor's New Clothes".

What you and others, Commissioner Richard Rutledge, Judge Robert Moody, Judge Robert Heinrichs, Judge Terrance Duncan, Judge O'Farrell, Judge Wendy Duffy, The Monterey County Bar Association, Robert Gore, Larry Lichtenegger, James Cook, Lorreta Loop and Dennis McCarthy have done is absolutely wrong. It is in fact criminal.

By the way, the list does not include other supporting characters that I am sure are lurking in the shadows, that being some members of the Fresno County Bar Association, Larry Wayte and Judge Stephan Henry.



I am filing a criminal complaint with the District Attorney's Office requesting an investigation of the entire matter.



*Deposition DVD Tapes of Mayor Tommy Jones and City Councilman Joe Souza.*

I know you know I have the evidence (you just don't know how much) to show that you and others were manipulating trial dates and intimidating my counsels so that I would not have legal representation.



**FRANKLY SPEAKING ABOUT THE LOS BANOS CITY ELECTION**  
by Rhett Forte

I'm going to make this very brief taking the same position of Rhett Butler, "Frankly Scarlett, I don't give a damn!" about the Los Banos City Elections.



And I will tell you why!

Absolutely no other citizen in Los Banos has spent more, or done more than my wife and I in trying to get local public officials to be accountable.

I have put my money where my mouth is. You didn't pay a dime for the very costly document you are reading right now.



I am the only don't back down, can't buy me source of information that has pushed Jones' and Hostetler's teeth down their throats. In return, what do I get?

A bunch of gutless (purportedly) anonymous jack-ass Jones supporters with Norm Donovan hee-hawing after a few rips, on a site called OurLosBannos.com attacking me.



*(ELECTION, see page 26)*

Finally, I will be conducting a series of seminars similar to town hall meetings talking about the corruption of the Monterey County Superior Court Bench by yourself and others. You are welcome to attend.

**Respectfully Submitted,  
Mr. Gene Forte/President**

PS: My attorneys, Mr. James Rummonds and Mr. Alexander Henson, were not consulted concerning this letter and did not see it prior to my submitting it to you. Therefore, keep your "Good Old Boy's" hands (influence) off my people. You are all going to answer to me and the public.

THE END

*(ELECTION, from page 25)*

And yes Mitch, I do know who you are. Does the Gilroy Chief of Police know how much time you spend posting, the content of such, and when you do it? There goes your private piece of the world you escape to. (Oh, please!)

Recently, I spent about \$6,000.00 taking the deposition of Mayor Tommy Jones and Councilman Joe Sousa.

Several times during the deposition of Jones, I had to ask him to repeat his answer due to his mispronouncing words so badly I couldn't tell what he was saying.



Other times, he used words not existent in the English language. I'm not trying to be cruel. I am just stating what took place.

Most of the time, the need for my re-asking questions was because Jones gave such unbelievable answers my head would start to twist.

I would spend up to 30 minutes on one of his incredible answers to expose what a fool he must think anyone is that would believe his testimony.



My curiosity was piqued due to Jones stating in written interrogatory answers that he graduated in 1975 from the California State University in Bakersfield with a minor in English.

At his deposition, he testified that he graduated in 1975 from California State University in Bakersfield with a Bachelors of Science Degree (B.S.) in Sociology, History, and English.



*(ELECTION, see page 27)*

17 Q What did you get your BS in?  
 18 A Sociology, History and English.  
 19 Q And English also. Okay. Are you currently employed,  
 20 Mayor Jones?



8 Q Did you in inform me on record that you had a minor in  
 9 English?  
 10 A What is the relevance of the fact that I have a minor in  
 11 English?  
 12 MR. RATLIFF: It's just background.  
 13 THE WITNESS: Yes.  
 14 MR. FORTE: Q You do have a minor in  
 15 English.  
 16 A Yes, I do.  
 17 Q Have you ever taught English classes?  
 18 A Yes, I have.

Note: All "A:'s" are Jones' answers.



7 A It was a junior and senior English.  
 8 Q And what years did you teach that?

4 2.7. State:  
 5 (a) the name and ADDRESS of each school or other academic or vocational institution  
 6 you have attended beginning with high school;  
 7 (b) the dates you attended;  
 8 (c) the highest grade level you have completed; and  
 9 (d) the degrees received.  
 10 Response:  
 11 2.7(a-d): Defendant graduated from Caver High School in Midland, Texas in 1966.  
 12 Defendant earned a B.A. degree in Sociology with a minor in History and English from  
 13 California State University, Bakersfield in 1975



1 A I don't have no aspiration of what Mr. Forte would do.  
 2 Q No what? Question was: Do you believe Mr. Forte would beat up your wife?

11 Q I understood you to say that no one discussed it in  
 12 detail.  
 13 A No one has discussed your papers in detail. They might  
 14 have said in general that you write a lot of, you know, very  
 15 sickly garbage, but that's all.  
 16 Q Who's told you that I write very sickly garbage?  
 17 A Just people around town. I don't know.  
 18 Q Who has told you that I write -- who has told you  
 19 Mr. Forte writes just sickly garbage?  
 20 A I don't know anyone in detail. I'm saying in general  
 21 certain people, "Have you seen this garbage?"  
 22 And I said, "No, I don't read it."  
 23 Q And who are those people?  
 24 A I don't know anyone in specific that I could name.  
 25 Q Do you generally know people that speak to you?  
 1 A Do I generally know people that speak to me? Yes.  
 2 Q Is there any reason why you don't know the people that  
 3 told you that Mr. Forte writes sickly garbage?  
 4 A I just don't remember in detail who it was.

Part of one page of 632 exemplifying a portion of Jones' testimony. Here's the kicker, it doesn't get any better!

8 A As I said, I didn't even -- I don't even know how  
 9 detailed I got into reading the article and so I didn't give  
 10 it any variance at all so I simply just looked at it and  
 11 wished it away.

Referring to article in LBE/\$1million Claim file against Jones.



*(ELECTION, from page 26)*

For your knowledge, deposition testimony and interrogatory answers are provided and sworn to be truthful under penalty of perjury. Not that Jones gives a crap about such a minor technicality.



Why should he!

Jones lied to the Fair Political Practices Commission (FPPC) about his undisclosed loans from Ranchwood Homes Developer Greg Hostetler under penalty of perjury. When caught, he just said that he either forgot and/or didn't think he had to disclose them.

Certainly, other public officials understand that problem. They lie so much, it is hard for them to remember what they said when. Most assuredly, they wouldn't hold a fellow public official accountable to what a normal citizen could get thrown in jail for.

But, when Jones told me that he had taught English at Los Banos High School to Juniors and Seniors, I almost fell off my chair!



How could this be? Are there some kids out there sticking Re-elect Jones sign in yards that can barely read the sign because he taught them in English Class?

Well, I decided to call California State University in Bakersfield to verify what Jones had testified to.

Here is what I found out.

Jones DID NOT graduate from Cal State Bakersfield with a B.S. Degree in English.

Jones DID NOT graduate from Cal State Bakersfield with a minor in English.

Jones DID graduate from Cal State Bakersfield on June 8<sup>th</sup>, 1975 with a Bachelor of Arts Degree in Sociology with a minor in History.

I have to tell you that if my kids came home slaughtering the English language like Jones did, I would probably start them back at 4<sup>th</sup> or 5<sup>th</sup> Grade English. I kid you not.



Do I think Jones could read and comprehend an annexation document? No way.

But I am pretty sure I can figure out what Jones does when he gets stumped on the big two syllable words.

Jones probably just picks up the phone and says, "Hey Greg, what do this say?"

It is the citizens' own fault if Jones gets re-elected. I wasn't going to put out a Badger before the election and be accused of being on a vendetta against the poor sap.

I am typing this at 11:04PM, and I dare not check to find out if he won. I would rather be surprised in the morning.

**BRIEF COMMENTS ON SOME CANDIDATES**

I don't know what any citizen would expect me to say about the wrecking crew in charge of the citizens' future.

Every citizen, by voting for any one of them except Obie O'brien, Diana Ingram, Elizabeth Stone, or Diana Lewis has just encouraged more sand to be kicked in their faces.



Let me quickly tell you why. Brian, Ingram, Stone, and Lewis have not proven to me beyond a doubt that they will cover up for public official misconduct.

I interviewed Obie and Ingram at length.

Lewis, after not returning phone calls, (but returning an email saying she declined to interview with me) accidentally (I am sure) knocked on my door while campaigning. I invited her in, and she seemed very personable.

Stone first said she would speak with me, then I believe after consulting her mentor, who I suspect is Tommy Jones, decided not to.

I have to laugh about one comment the perky little Stone told me. Stone informed me that my asking for a live interview instead of my providing her written questions she could send back to me was unprofessional.

As evidence as to her knowing what she was talking about, she told me that she had taken some PR classes at Merced JC. As Art Linkletter used to say, "Kids say the Darndest Things."



**OBIE/INGRAM/LEWIS/STONE**

If Obie, Ingram, Lewis, or Stone are elected, expect nothing to change and for them to fall into the same mode of not telling citizens their position on squat.

The only people to blame for that are the citizens of Los Banos, except for 25 that signed the petition to Recall Tommy Jones.



The filing of the Petition to Recall was symbolic in nature. I will also add this, there was no effort to go out and gather signatures.

The approval of the Petition form was stalled for 60 days. But, no way did I want to hear the whining and moaning of what a waste of taxpayer's money it was with an election so close.

What a bunch of knuckle heads!

*(ELECTION, see page 28)*

*(ELECTION, from page 27)*

The people promoting that kind of talk are the ones you want to get out of office. Hey, if you want to save \$200,000.00, tell MIA Gallagher to stay MIA. In fact, tell Steve Rath to join him.



Back to **OBIE/INGRAM/LEWIS/STONE**. All told me that they didn't want to comment upon the Hostetler loan deal with Jones, one way or the other, as to not have citizens think they were against Jones.



Other than that, just imagine all of the things candidates say to get your vote.... I'm going to clean up the city, I want better education, I want to hear what the people got to say, I want to make sure we have good police....etc..

Obie was a good friend of my Dad's. I don't think Obie will allow himself to be pushed around. But I do think he will throw his hands up in disgust, if he isn't able to get matters resolved with others and then quit.

At his stage of life, the number one thing to him is his grandchildren. I think that is great, and I do wish him the best of luck. I know if my Dad was alive, he would vote for him.

The way that I look at Obie and Ingram not wanting to comment upon Jones' loans or his having me thrown out of a council meeting while depriving me of my five minutes to speak is that they are for public officials taking the stance of Councilman Brooks, Villalta, Sousa, and Faria concerning the missing Los Banos Police Chief Gallagher.

The current Councilmen's position, summed up is, "We don't want to know about problems because if we do, we could get caught up in the problem."



Instead, they like the approach of "let Gene Forte do that." Then, they can sit on the fence and reap any benefits that may come their way.



Taking such a position comes with an added perk. If they see a swarm of angry Jones supporters coming at me, they can join in with them and maybe get their vote the next time around.

**COUNCILMAN JOE SOUSA**

After taking Sousa's deposition, if I want to know what he has to say, I'll just ask Jones.

Joe did at least first tell me he was going to interview and then called back and said he decided not to.

**COUNCILMAN TOM FARIA**

Tom did not return phone calls or emails. I suspect Tom might be sweating out his future deposition with me. Based upon what Jones and Sousa have said, I can understand why.

**EX-COUNCILMAN MIKE MCADAMS**

Mike didn't respond to email. Perhaps they went into cyber-space.

**EX-MAYOR MIKE AMABILE**

Mike did not respond to email. Perhaps it went into the same deep hole in cyber-space that McAdam's email did.

**COUNCILWOMAN ANNA BROOKS**

Brooks did not respond to emails.

**COUNCILMAN MIKE VILLALTA/  
MAYORAL CANDIDATE**

Mike did not respond to emails or phone calls left, but just by chance, I ran into he and his wife at Save Mart on the evening of November 3<sup>rd</sup>, 2008. You know, I see Mike there an awful lot.

Sometimes I wonder if he uses Save Mart like a stomping post to drum up votes while squeezing tomatoes.

On a serious note, his Mom has been pretty ill, and she is in my prayers.

I will also add that if I live to be 91 or 92, I would consider myself very lucky. In fact, I always say, "If I knew I was going to be as old as I am now, I would have taken better care of myself."

Let me tell you where I stand concerning Mike, and I told him this to his face.

On the evening that Jones had cut my time short during the City Council public forum, his true colors and major flaw was exposed.

When I approached the podium, I apologized to Villalta for the verbal attack made upon him by Planning Commissioner Norm Donovan.



Donovan assailed Mike, and I commented that Donovan should heed the saying, "Better to remain silent and only thought a fool than to speak and remove all doubt." I might add that globally holding one's liquor is also a good idea.

I had no reason to do so; I certainly didn't know that in less than two minutes, I was going to be accosted by Jones and MIA Chief Gallagher.

When I was, every council member knew that my time was cut short, and Jones was riding a high horse. I wish that I could have had Gallagher have Jones pee in a cup that night.



I didn't expect Villalta to try to stop what was happening because I just defended him. But, I damn well expected him to protect my rights as a citizen when he is in a position to do so. That is why he sits up there like a perched peacock with the others.

Speaking over the grocery basket, I first asked Mike why he didn't call back or respond to emails. I saw the quick glimpse in his eye of thinking at first to try and tell me he did not get my messages.



*(ELECTION, see page 29)*



*(ELECTION, from page 28)*

He then opted for, "I've been so busy with my Mom and other personal matters that I just didn't have a chance to." Fair enough, but I hope that Mike doesn't approach his position as Mayor that way.

The next question to him was why he didn't say anything that night when I was being bullied by Jones. He gave the wrong answer. Mike said, "I just didn't want to take sides."



In my opinion, that is the same as watching a woman getting raped (<http://www.foxnews.com/story/0,2933,294352,00.html>), or a man getting mugged. A person can see what side is right and which side is wrong side.



Just don't stand there, have some balls and do something. Choose the right side even if it is at risk to yourself.

I asked Mike if he had any comments about MIA Chief Gallagher. Mike said "I don't know what's going on, it's a personnel issue, etc."

I told Mike I found that hard to believe because if I know the basics of why Gallagher is missing, I would think he, being in City Hall would know.

I asked Mike, "You mean to tell me that you do not know it concerns the towing rotation list?" Mike's eyes flitted, then he told me no. I told him to read it in the Badger that is coming out in a day or two.



I then closed and told Mike that I hope he won, and he thanked me. Mike assured me that if he got the center chair, I could also talk with him.

I quickly told Mike, "You don't have to talk to me, just respond to me like I expect every public official to do."

As I told Mike, the public officials that I have corralled are in the stratosphere.

When I finish tending to them, I believe that when I turn to address the nonsense here in Los Banos, many, many people may listen to where I think they should start to clean house.

In the present elections and the ones for several years past, citizens don't choose the person they think is best, they choose between bad and worse.

THE END



### CHIEF CHRIS GALLAGHER TOWED AWAY?

Speculation and rumors have been swirling around Los Banos concerning Chief of Police Chris Gallagher who has been missing in action for over 90 days.



Mayor Tommy Jones and virtually every city official is unwilling to mention a word as to what is taking place behind closed doors.

In an effort to quell the mystery as to what happened to the Chief, the Badger will share what little information it has obtained from confidential sources.

Gallagher is believed to be under investigation for allowing Dutra's Towing Service to be on what is called a rotation list after Dutra Towing had been removed from the California Highway Patrol rotation list for violation of safety procedures.

It appears that the crux of the matter is that Gallagher's act of doing so opened a huge can of liability worms for the City of Los Banos.



Mr. Tony Dutra, of Dutra Towing, has informed the Badger that his big rig tow trucks have been removed from the CHP Rotation list due to safety violations. Dutra maintains that his big rigs are safe and that competitor truck companies have been providing payoffs to CHP Officers to undermine his operations.

Dutra says that he understands that nothing would prevent Gallagher from including his small tow trucks on the City of Los Banos rotation list because they are two separate matters, i.e., big rig tow truck operation vs. small rig tow truck operation.

It appears that may not be the only problem that has gotten Gallagher towed away. More in the next Badger.

### BLOWN AWAY!

Monterey residents have also witnessed an old man, Jack Kinney, who went off the deep end and cold heartedly murdered a local attorney, Mel Grimes and his wife.



Kinney was sentenced to life in prison with his \$625k free and clear home being given up to his attorney for legal fees. The Carmel Pine Cone has the audacity to call it a gift from Kinney to Noland. It's as if Kinney was thankful for life imprisonment. If Kinney sincerely is, then he is nuttier than a fruitcake. I still submit he was pushed over his limits by

judicial good ol' boy antics.

If you would like to know whose side the Pine Cone is on in letting you know what is really taking place with the good ol' boys, note that they didn't say a word about the evidence of case fixing by DA Flippo.



I will never believe it was only over a property line dispute. I believe what got Kinney to pull that trigger was his feeling that he was being denied justice in court by the good ol' boys. The Monterey judicial system comprised of unaccountable public officials did everything except pull the trigger. THE END

(CEDAR FUNDING, from page 1)

Lawyer (Excerpt on page 31): "Big Wave of Layoffs Hits Heller" and "Chicken Little Was Right!"

**QUESTIONS, QUESTIONS?**



Did some Good ol' Boy Monterey attorneys decide to take advantage of investors' nationwide panic over depressed real estate values?

With the concerns of mortgage companies going belly up, are investors in such companies an easy target for some creative legal fee generating?

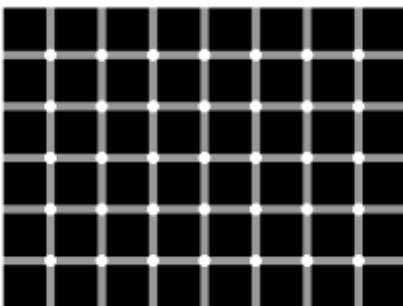
When Monterey attorneys, Tom Duffy, Ralph Guenther, and Larry J. Lichtenegger yelled "Ponzi scheme," was it like shouting "Fire!" in a crowded theatre? (See page 31, bottom, "Ponzi Schemes.")



Did reporter Zachary Stahl of the Monterey County Weekly fuel a panic when he started calling private investors in Cedar Funding from a list given him by Duffy and Guenther?

Did Larry Parson's reporter for the Monterey County Herald promote a run on the bank by echoing "Ponzi Scheme"?

From my direct experience with who I collectively call the Monterey Good ol' Boys (GOBS) which includes The Monterey County Herald and other local media, there may be a lot more going on



than meets the eye.

Nilsen in many ways should be the least of the worries of Cedar Funding investors right now. If he has stolen any property, it's a pretty tough thing to hide. It is even more difficult to have the property vanish into thin air.



Their main concern now should be how to stop their financial bones from being picked clean in unison by the bankruptcy court trustee, Mr. R. Todd Neilson and the local Monterey County GOBS. See fees, page 31, bottom.

Let me share with you how and why I've become interested in this matter.

**CALL TO A DANGEROUS MAN**

On May 20th, 2008, I received a phone call from Mr. David Nilsen, President of Cedar Funding Inc..



Before that day, I had never heard of Nilsen, his company, or the trouble that was brewing around him.

Nilsen was referred to me by a Monterey businessmen, Mr. Nader Agha, who gave him a copy of The Badger's The Ball Game (Mar-April 2008).



An article within it, "Three Strikes You're Out" revealed undisclosed loans of Ranchwood Homes Developer Greg Hostetler to Mayor Tommy Jones of Los Banos.

The story was picked up by Associated Press and went nationwide (except in

Monterey County). Newspapers reported Jones broke The Fair Political Practices Commission's (FPPC) conflict of interest laws.

Yes, the little old Badger had its five minutes in the spotlight and was credited with breaking the story.



Nilsen seemed as nervous as a cat walking on a pond of thin ice.

He told me that every Monterey attorney he mentioned my name to said I was probably the most feared man among attorneys, judges, and public officials in Monterey County.

Nilsen quickly added that it wasn't his words but from those who were supposed to be "in the know" including a couple of judges he spoke to.

The warning across the board was to stay clear of me.



Given what I know about the snarly group of GOBS who would propagate such rumors about me.....I thanked him for the compliment. It has been hard earned.

I asked Nilsen why in the world would he seek out a person who had such a lurid reputation among such seemingly respectable people?

Nilsen paused and said, "Well, you might be the only person who can help me, and I don't even know why. Agha only told me that you hate Larry Lichtenegger, Judge O'Farrell, and some of the others that are attacking me on this with a passion."

I immediately told Nilsen that I didn't hate Lichtenegger, but I certainly admitted he was no longer welcome to slosh down my most expensive Scotch while billing me \$200.00 an hour.



(CEDAR FUNDING, see page 32)



**Big Wave of Layoffs Hits Heller**

Niraj Chokshi  
10-17-2008



Today is the last day for most of the remaining Heller Ehrman staff, a source confirmed on Thursday.

"These guys haven't been in practice long enough to have a lot of experience," the secretary said of the first- and second-year associates she knew who received the e-mail.

Being laid off comes as something of a relief, the secretary said; the firm's San Francisco offices are increasingly being stripped. The secretary had been in the middle of printing a document on Thursday only to find that the machine had been removed before she had a chance to pick up the printout. "It's absurd," the secretary said. There is now only one photocopier on every other floor. The firm occupies seven floors of its 333 Bush St. headquarters in San Francisco.

While the number of employees affected is unclear, the secretary in the San Francisco office had spoken to 17 others, all but one of whom said they are being laid off. There were 32 secretaries in the San Francisco office as of Thursday, according to the firm's internal Web site, the secretary said. She said the same list counted one records person, five paralegals, 73 attorneys and two information technology staffers.

Fifteen partners in bankruptcy, restructuring and real estate practices went to Jones Day, among them Peter Benvenuti, who leads Heller's dissolution team. (END)

**Chicken Little Was Right!**



New York Lawyer (<http://www.nylawyer.com/display.php/file=/news/08/10/101708a>)  
October 17, 2008  
By Gail E. Cutter

New York Law Journal  
Overwhelmed with all the advice? Turn on your computer or TV and you're blasted with bailout blather. The economic crisis is alarming enough. How can any common sense break through this racket?

The 24/7 news cycle of doom blames the irresponsible, greedy Wall Streeters, and in the legal press, the impact on firms is deafening. With money supplies virtually frozen and the markets plummeting, deal flow has come to a halt. With the exception of refinancings, you can hear crickets chirping on some corporate floors.

Firms are circling the wagons and cutting costs, some laying off staff, extending associate start dates, even de-equitizing unprofitable partners. We have lost one august law firm and more are sure to follow, while other firms are exploding with the very deals and bankruptcy filings making the news.

Legal pundits are ready with advice for young lawyers, much of it contradictory: The sky is falling! Panic! Work harder! Don't have any work? Don't panic - take a vacation. You can't argue with focusing on providing A-1 client service. Exceed expectations. And no whining.

THE END

*"Ponzi" Schemes*

Ponzi schemes are a type of illegal pyramid scheme named for Charles Ponzi, who duped thousands of New England residents into investing in a postage stamp speculation scheme back in the 1920s.



accounts. Ponzi was deluged with funds from investors, taking in \$1 million during one three-hour period—and this was 1921!

Though a few early investors were paid off to make the scheme look legitimate, an investigation found that Ponzi had only purchased about \$30 worth of the international mail coupons.

Decades later, the Ponzi scheme continues to work on the "rob-Peter-to-pay-Paul" principle, as money from new investors is used to pay off earlier investors until the whole scheme collapses. For more information, please read [pyramid schemes](#) in our Fast Answers databank. (END)  
<http://www.sec.gov/answers/ponzi.htm>

**FEES SINCE JUNE 13, 2008 TO AUGUST 30, 2008**

**Cedar Funding, Inc. Professional Fees**

Professional Firm	August-08			Cumulative Case to Date
	Fees	Expenses	Total for Period	
R. Todd Neilson, Trustee	\$ 48,751.50	\$ 2,734.85	\$ 51,486.35	\$ 174,439.85
LECG, LLC - Accountants	204,560.25	29,565.69	234,125.94	550,836.99
Friedman, Dumas Springwater, LLP	126,445.50	9,664.50	136,110.00	346,344.41
Scott McKinlay	60,781.00	1,095.68	61,876.68	155,519.85
	-	-	-	-
	-	-	-	-
<b>Total</b>	<b>\$ 440,538.25</b>	<b>\$ 43,060.72</b>	<b>\$ 483,598.97</b>	<b>\$ 1,227,140.10</b>

(CEDAR FUNDING, from page 30)

He had been my attorney back in 2000-2001 and fleeced me out of about \$60,000.00.



It was a big mistake.

He is also the subject of two lawsuits I have against him currently. I just can't say enough unflattering things about Lichtenegger, who's known among the GOBS as "The Hatchet Man."

Be aware that he doesn't hatchet his client's adversaries, but works with them behind the scene to bury the hatchet in his own client's back. At least, that's what he did to me.

**Note to Larry:** When you read this article, why don't you file a lawsuit against me? Then I'll shove the legal tape recordings that prove what I say down your throat?

**Déjà Vu**

The cast of characters and events Nilsen told me of was déjà vu. I have been documenting their shenanigans for a few years now.



Nilsen started to ramble about lawsuits that had been recently filed against him and said attorneys were abandoning him.

One attorney, Mr. Roy Gunter, according to Nilsen had been paid close to \$130,000.00 by him over the previous 12 months. I was very familiar with Gunter. I had paid him about \$30,000 for couple of months work in 1999 as my attorney.

Nilsen told me he had desperately tried to hire a Monterey attorney to deal with a tsunami of lawsuits being filed against him.

Just the week before his call to me, he was able to hire an attorney in Santa Cruz by the name of Mr. Rick Damon.

When Nilsen stopped to catch his breath, I immediately told him I was not an attorney. I couldn't provide him any legal advice or legal opinions. It didn't phase him.

As the story unfolded, I found that attorneys Lichtenegger, Duffy, and Guenther (not to be confused with Roy Gunter) were at the epicenter of the lawsuits against Nilsen.



Judge Robert O'Farrell was going to be hearing a court motion in a couple of days to have a receiver take over Nilsen's company.

According to Nilsen, The Monterey County Herald and Monterey County Weekly were not telling his side of the story and misstating the facts.

It seemed to Nilsen that reporters were working closely with Duffy and Lichtenegger. The result, from Nilsen's perspective, was that investors were being panicked into filing lawsuits.

Nilsen continued to tell me that Duffy and his law partner Guenther had contacted him in about February on behalf of some investors who wanted to cash out their real estate investments from Cedar Funding.

I asked point blank, were they permitted to?

Nilsen, gave me a qualified "yes, with certain restrictions" that he said were specified in the "Cedar Funding Offering Circular" (See "Withdrawal from Fund" on page 33.)

I do not consider myself an expert on investments. But, I was a licensed New York Stock Broker for Smith Barney Upham & Harris of Beverly Hills. In my past, I have sold shares in what is called Real



Estate Investment Trusts (REITS) which is not exactly like, but similar to Cedar Funding.

The investment rises or falls based upon real estate values. They are not considered liquid investments meaning you can't get cash out as if you were using your ATM Card.



I've read my fair share of "Offering Circular Prospectus" which is similar to what Nilsen provided me. When I read the relevant section marked "Withdrawal of Funds," there were no surprises to me. But, I can't say if Nilsen followed what he wrote.

As Nilsen continued with his story, I tried to slow him up from overloading me with information. Many times individuals are so immersed in what is taking place that the adage, "Can't see the forest for the trees" applies.

**HOMEWORK**



Peruse this Badger. Prepare yourself for the continuing segments about Cedar Funding. Look at some of the excerpts of the interview I had with Mr. Larry Weingarten (page 38), the largest investor of Cedar Funding.

The Badger reports are not to prove Nilsen innocent or guilty. They are to give Monterey residents pause to consider what type of justice system they have in Monterey County that will judge Nilsen if the time comes. (END)

**INFORMANTS & SQUEALERS WANTED  
NO EXPERIENCE NECESSARY**

If you would like to have some fun and sleep better at night knowing that you helped nail the Good ol' Boys of Monterey County, please call The Badger with your information. Your name will be kept confidential. (EOE)



OFFERING CIRCULAR

FOR CALIFORNIA RESIDENTS ONLY

**CEDAR FUNDING MORTGAGE FUND II, LLC**

\$90,000,000

90,000,000 Membership Interests ("Units")

\$1.00 per Unit

Minimum Investment: \$5,000 (5,000 Units)

**Withdrawal from Fund**

A Member has no right to withdraw from the Fund or to obtain the return of all or any portion of sums paid for the purchase of Units (or reinvested earnings with respect thereto) for at least six (6) months after the date such Units are purchased. After six months, Members may withdraw all or part of their capital accounts from the Fund within sixty (60) days after written notice to the Manager, subject to the restrictions discussed below.

The amount that a withdrawing Member will receive from the Fund is based on the withdrawing Member's capital account. A capital account is a sum calculated for tax and accounting purposes, and may be greater than or less than the fair market value of such investor's membership interest in the Fund. The fair market value of a Member's interest in the Fund will generally be irrelevant in determining amounts to be paid upon withdrawal, except to the extent that the current fair market value of the Fund's loan portfolio is realized by sales of existing loans (which sales are not required to be made).

The Fund will not establish a reserve from which to fund withdrawals and, accordingly, the Fund's capacity to return a Member's capital account is restricted to the availability of Fund cash flow, as determined in good faith by the Manager. For this purpose, cash flow is considered to be available only after all current Fund expenses have been paid (including compensation to the Manager and affiliates), adequate reserves have been established to meet anticipated Fund expenses and outstanding loan commitments, and adequate provision has been made for the payment of all monthly cash distributions on a pro rata basis which must be paid to Members who elected to receive such distributions upon subscription for Units.

If current cash flow of the Fund is inadequate to return a Member's capital account immediately, the Fund is not required to liquidate any Fund loans prior to maturity for the purpose of liquidating the capital account of a withdrawing Member and is merely required to continue paying whatever cash flow is available to withdrawing Members until their outstanding withdrawal requests have been satisfied on a first-come, first-served basis; provided that the Manager has the right to accord priority to the withdrawal requests of the deceased Members.

Notwithstanding anything to the contrary stated above, the Manager shall not liquidate (and Members shall not be entitled to withdraw), within any single calendar year, more than ten percent (10%) of the total Fund capital accounts outstanding at the beginning of such calendar year.

Upon dissolution and termination of the Fund, a five-year winding-up period is provided for liquidating the Fund's loan portfolio and distributing cash to Members. Due to high prevailing interest rates or other factors, the Fund could suffer reduced earnings (or losses) if a substantial portion of its loan portfolio remains and must be liquidated quickly at the end of such winding-up period. Members who complete a withdrawal from the Fund prior to any such liquidation will not be exposed to this risk. Conversely, if prevailing interest rates have declined at a time when the loan portfolio must be liquidated, unanticipated profits could be realized by those Members who remain in the Fund until its termination.

The Manager also reserves the right to expel a Member involuntarily at any time, by liquidating such Member's capital account, subject only to any outstanding unfulfilled withdrawal requests from other Members.

## **CEDAR FUNDING INC. Bits & Pieces**

During the past months, Monterey County residents have seen the demise of Cedar Funding, Inc. a \$200 million private funding mortgage company.

Investors in the fund panicked when Sixth Appellate Court Justice Wendy Duffy's husband, Tom Duffy, and another Monterey attorney, Larry Lichtenegger, yelled, "There's a Ponzi scheme" by the owner of the company, David Nilsen.

Months have passed. There has been no evidence, indictment, or prosecution of Nilsen for such alleged illegal activity.



Lichtenegger, when he was my private attorney, told me that the mere allegation of a wrongdoing, even though not based upon any facts or truth, was all he needed to reap the profit from it and take advantage over another.

The mention of the words "Ponzi scheme" ignited a change reaction similar to movie goers stampeding out of a theatre they thought on fire, only to find there was no fire. Nilsen, within 30 days time, no longer had his company he operated for 28 years.

Were Lichtenegger and Duffy up to Lichtenegger's old trick? Lichtenegger now stands to get 5% of a \$15 million dollar investment of his client Mr. Larry Weingarten.

Weingarten is the single largest investor in Cedar Funding Inc.. In an interview with Weingarten (see page 38), he wanted to emphasize that he has been satisfied to date with Lichtenegger. However, as I pointed out to Weingarten, my personal experience with Lichtenegger was the exact opposite.

I told Weingarten, who seems like a very honest and forthright gentleman, that the way Lichtenegger performed his dirty work on me was to work in close, then stick a dagger underneath my ribs while giving me a hug.

Legally recorded audio recordings I have show without a shadow of a doubt that Lichtenegger was working with the opposing counsel, Mr. James Cook, to undermine my case.

Is Lichtenegger doing the same thing to Weingarten? Well, let's put it this way, if Lichtenegger and Duffy had not shouted Ponzi scheme, Lichtenegger would not now have the opportunity to get \$750,000.00 bucks or so richer.

Weingarten says that he doesn't in any way think that Nilsen ran a Ponzi scheme or did anything illegal. He has refused to discuss the matter with District Attorney Dean Flippo.

Flippo is your classic snake in the grass. I just can't find the words without cursing to tell what a rotten SOB this guy is. Flippo makes sure that none of his boys get prosecuted.

### **FLIPPO FIXED CASE WITH RUTLEDGE**

Flippo in a recent article in the Monterey Herald said that he believed in accountability. What a crock!

If Flippo really believes in accountability then I challenge him publicly to have his activities in the case of Forte v. Flippo, MAR125367 addressed in detail by a private group of citizens.

Attorneys are now scraping the cream off the top and leaving whatever crumbs (if any) for the investors they supposedly are protecting.

If you pay close attention to the content of this Badger, I believe you will be hard pressed to let that happen. It is DA Flippo and the gang of Good ol' Boys who should be investigated first, and certainly not by other local officials or even state officials up the food chain.

DA Flippo and ADA Spitz didn't fix the small claims case against them over a lousy filing fee of \$35.00. They did it to conceal the corrupt acts of several prominent attorneys in Monterey with Judge O'Farrell and Judge Duncan that lead to the chambers of Supreme Court Chief Justice George.



LEAST POPULAR GUY IN THE ROOM: Cedar Funding's David Nilsen (right) allegedly ran a Ponzi scheme, and now investors are out millions of dollars. Photo by Nic Coury

Photo/Caption as it appeared in the Monterey County Weekly on 8/28/2008 NOTE: I was not named.

### **FACILITATE COMMUNICATIONS**

Nilsen had me attend what is called a 341 meeting of investors put on by the bankruptcy trustee R. Todd Neilson during August 2008. Prior to the meeting, I agreed to allow Nilsen to inform reporters that I would help facilitate his communications with them.

It put me in a position to gather information that may be useful for me in developing my stories about the aftermath of the fall of Cedar Funding.

I provided Zachary Stahl of the Monterey County Weekly and of the Monterey County Herald with my contact information.

In addition, I sent a letter to Stahl confirming that I had informed him that he may have caused a run on Cedar Funding. It also discussed concerns that the forces not easily visible, i.e., the good ol' boy attorneys, may be working in unison to strip Cedar Funding of any value it has left for themselves. I have had no response from either Stahl or Parsons. See letter page 35-36.

### **NILSEN SUES NEILSON**

Nilsen has provided me with a copy of a lawsuit that he has filed and served against R. Todd Neilson. In a nutshell, the lawsuit is for defamation and slander. See page 37, bottom left.

Nilsen has requested that I provide a copy of the complaint to various media outlets in Monterey, including The Monterey County Herald and the Monterey Coast Weekly. It will be interesting to see if you read about it in those newspapers.

**Note: Todd Neilson has not responded to interview questions submitted to him after saying he would. THE END**



## Badger Flats Gazette

Sunday, August 24, 2008

Mr. Zachary Stahl  
Monterey County Weekly  
668 Williams Avenue  
Seaside, CA 93955

FAX/EMAIL/MAIL

Re: Cedar Funding/ Monterey County Good ol' Boys/Forte v. Lichtenegger, M58208

Dear Mr. Stahl:

I write this letter to supplement my email to you of August 23<sup>rd</sup>, 2008. Apparently the email program ran sentences together making it a little difficult to read. Therefore, I will clarify anything that may have been garbled. As Mr. David Nilsen informed you, he has asked me to help facilitate communications for him.

I do not represent Mr. Nilsen's personal interests or in any way profess that he is either innocent or guilty of any of the allegations in the lawsuits against him or Cedar Funding. Among other things, I am an investigative reporter looking into the activities of what is called the Monterey County Good ol' Boys.

The Badger Flats Gazette grew out of my experiences with these Good ol' Boys. Quasi investigative reports and commentary carried in The Badger Flats Gazette focus upon many judges, attorneys, and public officials that do not hold themselves or each other accountable under the law to the public.

I am not an attorney but have:

1. Written an appeal reversing the decision of Judge Robert O'Farrell dismissing my lawsuit against Carmel lawyer Larry J. Lichtenegger, (ref: "Cedar Funding Faces Class Action Lawsuit") case no. M58208.
2. Written an appeal reversing the decision of Judge Terrance Duncan dismissing my lawsuit against Carmel lawyer Larry J. Lichtenegger, case no. M70711.
3. Defeated a Summary Judgment Motion by Lichtenegger.
4. Defeated what was called a "Renewed Summary Judgment Motion" with the legal expert declaration of Mr. Charles Warner attached. Lichtenegger and Rose were *sanctioned* for bringing the motion by an out of town Judge Robert Foley.
5. Defeated a Motion to Declare me a California Vexatious litigant made in the personal and private capacities of Governor Schwarzenegger, then Attorney General Bill Lockyer, Chief Justice Ronald George. Out of town Judge John Golden found the motion to be totally meritless and the parties had no legal standing to bring the motion. (See: The Monterey Herald, "County judiciary under fire" saying I as declared a vexatious litigant. A correction was run a few weeks later.)

The evidence in the files of my cases show that there exists a group of attorneys and judges that are involved in something as bad as, and in many ways far worse than, a Ponzi scheme. They are obstructing justice in the courts. It is done by their working among themselves to bilk clients out of fees and gut businesses of money.

A few months ago, Mr. Nilsen contacted me. As he told me of the lawsuits being filed by Lichtenegger and Mr. Tom Duffy, Judge O'Farrell's rulings, and his being unable to find Monterey counsel, I became more interested in investigating the matter. Quite frankly, it appeared that the Good ol' Boys were gathering for a fee feast.

The allegation emanates from the evidence that some Monterey attorneys work in unison, selling out their clients' interests while bilking them of fees. If they need to be relieved as counsel to escape liability, Monterey judges help to get them out of trouble.

### THE TRIAL THAT WASN'T

Judge John Golden and Judge Foley saw detailed evidence of the Monterey Good ol' Boys' handiwork and their being caught red-handed. Judge Golden and Judge Foley both decided that an expert legal witness would not be needed to prove my case to the jury for legal malpractice and fraud. Even though Golden and Foley were assigned to

Page - 1 -

688 Birch Court, Los Banos, California 93635  
Phone: (209) 829-1116 email: [geneforte@badgerflats.com](mailto:geneforte@badgerflats.com)

### One Side Parsons?

*Monterey Herald Reporter Questioned about article, "Cedar Funding Probe Stymied"*

Monterey County Herald reporter, Mr. Larry Parsons, was asked why his article "Cedar Funding Probe Stymied" (November 5, 2008) did not mention a word about the lawsuit filed by David A. Nilsen, owner of Cedar Funding, Inc.

R. Todd Neilson, trustee for the bankruptcy of Cedar Funding Inc., was served the complaint on October 28<sup>th</sup>, 2008.



The complaint M94117 *David Nilsen vs. R. Todd Neilson, et al.*, was filed at

the Monterey Superior Court on October 7<sup>th</sup> and alleges that Neilson defamed Nilsen by falsely accusing him of running a Ponzi scheme.

Parsons was contacted by The Badger in the afternoon of November 5<sup>th</sup>, and asked why there was no mention of the Nilsen lawsuit or if Neilson had informed Parsons of it during the interview.

Parsons denied any knowledge of the lawsuit and said, "I didn't interview Neilson. I got the information from a report that Neilson had filed on his website."



When Parsons was asked why he did not contact Nilsen

seeking a reply to Neilson's scalding allegations of criminal conduct in the report, Parsons said, "I didn't have a phone number for Nilsen."

Parsons asked if I was representing Nilsen since Nilsen had told him in August 2008 at an investors' meeting that he could submit questions to Nilsen through me.

I responded, "Look Larry, I do not represent Nilsen in any way. You were told both by myself and Nilsen that he requested I help facilitate communications for him. But since you knew that, why didn't you call me?"



Parsons said, "I didn't have your phone number. What is it?" I then provided Parsons with my number and told him of the conversations I had with mortgage brokers in Monterey.

Mortgage brokers interviewed, who wished their names withheld, said that what Nilsen was doing was standard operating procedure for mortgage investment companies. One broker stated, "Money brought in from new investors is always used to pay back previous investors. Old investors' ownership in fractionalized real estate interests are resold to new investors."

It's quite simple and normal. Nilsen was just a victim of the downturn of the real estate market and unable to sell shares in the fund.



Without those sales, the money requested by the old investors is simply not there. There was no Ponzi scheme taking place. Nilsen has made a lot of money for a lot of people across a number of years. Perhaps he grew too fast. But he certainly wasn't running a Ponzi scheme. If so, we're all guilty of doing it."

What I found specious was Parsons' not mentioning Neilson's fees of \$1.2 million racked up between June 13<sup>th</sup> – August 30<sup>th</sup>, 2008. That's roughly \$15,000.00 per day!

I asked Parsons why he didn't mention it. Parsons said, "I didn't have that information. Where did you get it from?"

I told Parsons "the same place you got your report, the website of R. Todd Neilson."

I am sending a copy of this article with the lawsuit of Nilsen v Neilson to Parsons and Mr. Zachary Stahl, reporter for the Monterey Coast Weekly. Stahl has authored numerous articles about Cedar Funding. It will be interesting to see when and if Parsons or Stahl reports anything about the lawsuit of Nilsen.

take the case to trial. they disqualified themselves without providing a written reason as the law requires. I submit that the reason why is that they knew they would have to nail the Monterey Good ol' Boys. Chief Justice George didn't appreciate their honesty or ruling in my favor and there was a parting of the ways.

In steps the new trial Judge Lawrence Fry on August 18<sup>th</sup>, 2008, who unceremoniously, in a cartoonish sort of way, dismisses the case that survived through six years, appeals and two summary judgment motions on August 19<sup>th</sup>, 2008. Judge Fry determined that an expert legal witness was needed before listening to recorded telephone conversations between Lichtenegger, myself and Lichtenegger's secretary.

The records will show that I cornered Judge Fry into having to listen to the tapes of at least one day, March 20, 2001. I had set up at the counsel's table, my desk top computers with external speakers. When I started to play the recordings, Lichtenegger began shouting that he read the wrong transcript like he was yelling fire in a crowded theater. Rose didn't say a word because he knew he had read the correct transcripts. Lichtenegger couldn't just shout out to the court when he was represented by Rose.

Judge Fry jumps up and says the case is over with the bizarre remarks that reveal his advance prejudice. (RUSH Transcript attached) The bailiffs in the courtroom were shaking their heads and asking what in the heck just happened. How could the judge do what he did, or say what he said? It was like Toto pulling back the curtain on the ruse.

The Monterey media has not only ignored reporting upon the battle I have had with the Good ol' boys which strikes at the core of a major public interest, i.e., a fair court or a corrupt court, but has systematically worked to defame me, i.e., "county judiciary under fire" without telling the public that I have won appeals, etc..

Your publishers have been aware of these matters as I had told you during your interview with me at the Cedar Funding meeting. You yourself may have unintentionally triggered the run on Cedar Funding by being set down the path by Duffy and Lichtenegger.

Be that as it may, the focus of my work enables me to peer into this Cedar Funding debacle from a unique perspective. It is not my mission to prove Mr. Nilsen innocent or guilty of anything he may be charged with. Before justice can take place, there needs to be a fair justice system that can be trusted to be in place and a local media reporting earnestly about it. The Monterey media is complicit in keeping the nefarious activities of the Monterey Good ol' Boys behind closed doors and away from the public view.

I look forward to your response. You and your publication have now been informed of the matter again. If you would like more information, please contact me, or go to the website BadgerFlats.com.

Sincerely,

Gene E. Forte



**From:** Gene Forte <geneforte@badgerflats.com> - geneforte@badgerflats.com

**To:** lparsons@montereyherald.com

**To:** Zachary Stahl <zach@mcweekly.com>

**Subject:** Cedar Funding Probe Stymied? "Run on the Paper v. Run on a Bank?"

November 5, 2008  
Hello Larry!

I just read your article "Cedar Funding Probe Stymied" and wondered why you did not mention that R. Todd Neilson racked up \$1.2Mil in fees between June 13th - August 31st, 2008? Seems related and important for folks to know.

Also, it seems that Neilson would have told you that David Nilsen sued him for defamation. Didn't he? If Neilson didn't, then it seems that he doesn't want anyone to know and his statements should be taken with a great big grain of salt. Being the ace and seasoned reporter you are, it would also seem very likely that you already knew about the complaint of David Nilsen v. R. Todd Neilson, #M94117 filed on October 7th, 2008.

I know from my own experience you boys at the Herald have very close back room relationships with clerks at the court.... and Good ol' Boy Judge O'Farrell keeps you updated as to what they want you to tell the public.

But humor me for a moment.

Is it that you didn't know, Neilson didn't tell you, or were you told not to say anything by the boys down at the court, Lichtenegger, or Duffy? Please let me know so I can include your response in an upcoming Badger Flats Gazette article.

By the way, I am also sending a copy of this email over to Zachary Stahl at the Monterey Coast Weekly so he can jump all over the story, or run to the shredder with it as fast as he can. Also, you will find attached a copy of the complaint of Nilsen v. Neilson which I believe Royal Calkins already has stuffed in the top drawer of his desk.

Oh! A final point, my video camera man caught you lurking behind my back and eavesdropping on my conversation I was having with Zachary Stahl at the Cedar Funding meeting in August.

That same day, you were sent an email from Nilsen informing you that I was going to make an effort to facilitate communications for him. Is there a reason why you didn't call Nilsen and ask him for his side of the story before you wrote it? Always a pleasure!

Ciao,

Gene Forte

PS: Make sure to say Hi! to Virginia Hennessey and Joe Livernois for me. Well, you know what, I might as well send them copies of this email too. Heck, while I'm at it I might as well send a copy to all the media people in Monterey County and other areas. Who knows, maybe there will be a run on the paper, similar to a run on the bank. You boys know how to trigger one of those don't you?

**PROCESS SERVICE INVOICE**

**Bill To:** VAN NUYS MISC  
- , CA -  
**Account #:** 2008946  
**Attention:** DAVID A. NILSEN 0-0 - x 0

**INVOICE #:** 5630009  
**REFERENCE:** NILSEN V. NEILSON  
**BILLED:** Nov 4, 2008  
**PRINTED:** Nov 5, 2008  
**TOTAL:** \$0.00

**CASE NAME:** DAVID A. NILSEN vs. R. TODD NEILSON  
**CASE #:** M94117  
**COURT:** SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY  
**DOCUMENTS:** SUMMONS; COMPLAINT; CIVIL CASE COVERSHEET; CASE MANAGEMENT CONFERENCE/ADR INFORMATION PACKET  
**SERVEE:** R. TODD NEILSON, AN INDIVIDUAL  
**PERSON SERVED:** JANE DOE, RECEPTIONIST/PERSON IN CHARGE (WHO REFUSED TO GIVE NAME), A BLACK FEMALE APPROX. 30-35 YEARS OF AGE 5'6"-5'8" IN HEIGHT WEIGHING 160-180 LBS WITH BLACK HAIR  
**DATE SERVED:** October 28, 2008 2:51 pm  
**SERVED BY:** John Gonzalez  
**SERVICE ADDRESS:** LECG, 2049 CENTURY Park E, SUITE 2300, LOS ANGELES, CA 90067  
**SERVICE HISTORY:**  
10/20/08 Work Order Received and Entered  
10/26/08 10/28/08 14:51 (SVD PRI)  
**SERVICE ATTEMPTS:**  
10/21/08 5:12 pm LOCATION IS A SECURED BUILDING, THE SECURITY CALLED SUITE AND WAS ADVISED THE SUBJECT IS OUT.  
10/23/08 11:45 am THE SUBJECT IS OUT, PER SECURITY.  
10/24/08 3:18 pm THE SUBJECT IS OUT, PER SECURITY.

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## EXCERPTS OF AN INTERVIEW WITH MR. LARRY WEINGARTEN

**Preface:** The following are un-edited excerpts of my conversation with Mr. Larry Weingarten. Weingarten is the single largest investor in Cedar Funding with roughly \$15 million at stake. I would like to thank him for his time.



I also would like to say he sounds like an extremely good person and shows a true concern for his fellow investors. At least, that is in my own personal opinion.

The next Badger will include more of the interview. If there are any other Cedar Funding investors or citizens that would like to give me a call to share their comments, please to do. Your comments will be considered for inclusion in the next Badger.

**Gene Forte:** .....I just want to be able to ask you some questions, so if you can share with me some thoughts that you've had on what's taking place, just give me a little bit of perspective here on this about what's going on. Is that fair enough?

**Larry Weingarten:** Sure.

**Gene Forte:** Everybody at first was talking about this alleged Ponzi scheme that David Nilsen was offering on people. But I haven't heard anything else since, it seems like that's somewhat gone away. Do you feel that David, or do you have information, that David was operating a Ponzi scheme of Cedar Funding?

**Larry Weingarten:** Well, let me start – I don't feel that the threat of being charged with the Ponzi scheme has gone away. I actually feel that's likely. But there – I'm learning more about the law as time goes. I'm a plumber by trade. So, I was raised by a lawyer, so I'm comfortable enough, but, a Ponzi scheme, as I understand it, is something that opens – is given birth that way.

It begins as a Ponzi scheme. It, Gene Forte, lasts very long. Then it fails. A Ponzi-like scheme, however, is something that starts as a standard business, can operate any length of time, times go bad.

It can have the appearance of a Ponzi scheme towards the end of its life is what we seem to have now. That doesn't make it a Ponzi scheme.

There are some similarities, you know, owners try and do whatever they can to cover all bases to keep the business going. And I think that there was seventh circuit case law that describes that. I don't have a lot more detail than that, but that's – so, you know, there certainly is plenty else going on here, but the allegations on Ponzi scheme, I really don't think have merit.

**Gene Forte:** Okay. How long have you known David Nilsen?

**Larry Weingarten:** Let's see. Starting in mid to late 2004.

**Gene Forte:** Okay. Well, when David had first contacted me, and I didn't know David, he had sought me out because he had heard through Nader and some other individuals there in Monterey that I was very familiar with a number of the people up there that were kind of involved in this.

Mr. Tom Duffy, Mr. Gunter, Mr. Larry Lichtenegger, Judge O'Farrell, were some of the people that were involved in the initial lawsuits I think that started this matter off. I think that, if my information serves me correctly, Larry Lichtenegger was your attorney or is your attorney.

**Larry Weingarten:** He is still.

**Gene Forte:** Okay. When this matter first came up, I mean, were you the one that first approached Larry Lichtenegger seeking legal advice from him inside this matter?

**Larry Weingarten:** No.

**Gene Forte:** Okay.

**Larry Weingarten:** No, I think it was first people – I think Duffy had a group of about six investors in the LLC that he was working for that he then started the ball rolling, if you will, against Nilsen. There was – there are a bunch of properties.

One is Yankee Point, it's called, and I'm invested in that as a number of other folks are. One of the other people brought Larry Lichtenegger to a meeting of investors there. And I talked to him and I had known him from my plumbing days.

So, you know, that's where our conversation about this began.

**Larry Weingarten:** .....In March, I think David started having trouble meeting all of the, you know, paying interest to everybody. So some people right away said, "Well, I just want to take my money out." And quite a lot of people seemed sort of like a run on the bank.

**Gene Forte:** All right. Do you think that David has tried to do things or is trying to do things to calm this thing down from the start? I mean, do you think that he was trying to make efforts to do that? Or do you think he was trying to conceal things from the people there?

**Larry Weingarten:** It's not a simple answer, but let me give you my take. That David had been running this for, what, 28 plus years, you know, something like that.

A lot of pride in his never having missed a payment to anyone, no one had ever lost principle. I think he very much wanted to remain in control and make sure that his investors were taken care of, and, you know, felt he could control it all better than anybody else, which, you know, is probably true since he had all these years of experience.

His business had grown fairly quickly in the last few years taking, you know, just growing by leaps and bounds. And, you know, a lot of people sort of throwing money at him, "Here, find a place to invest this." And I think it became an awful lot to juggle. I think he – there's a little bit of, I don't know if it's pride. Probably that he really didn't want anything to look bad.

He wanted to make sure everyone was taken care of, payments on time, and so on. And so, economy then is going bad, you know, land prices are going down, and he still didn't want any trouble because I think he foresaw that if, you know, people are very emotional with their money and he didn't – he was trying to keep people calm, just keep paying folks. And I think he did that as long as he could. Certainly breaking some rules about how the business should be operated towards the end. Trying to make sure everyone was covered and paid and no panic.

So, I don't think any of what he did ever has been for, you know, trying to take money from investors for his own benefit. A lot of people have made that claim.

I don't see that. I don't see any evidence of it. I do think he would have been smart to, as the economy got weak, as it became harder to cover bases, it would have been hindsight, of course, great to let people know it's a rocky road ahead. He's going to have to reduce the interest payments, whatever. You know, things to sort of batten down the hatches and hold on for a rough ride. That's of course hindsight.

**Gene Forte:** You know, and I haven't been able to get him to tell me. I remember thinking a lot, because I remember when I was there at that meeting, that 341 meeting? Is that what it is?

**Larry Weingarten:** Yes.

**Gene Forte:** Okay. And somebody from the audience asked him, "Well, you know, what are your fees? What is this costing?" And he said something like, "You know, it really would cost us too much to calculate and add up that right now on a monthly basis, so we really can't provide you that information."

**Larry Weingarten:** Do you remember him saying as well that he was the second largest creditor of Cedar Funding?

**Gene Forte:** Yes, I think.

**Larry Weingarten:** And, you know, before that, my brother was the second largest creditor of Cedar, about \$4 million which means he felt, if I'm reading it right, that his – that he had earned in the two months he'd been in place, approximately, something better than \$4 million. That's a pretty good wage.

(CEDAR FUNDING, see page 39)



(CEDAR FUNDING, from page 38)

**Gene Forte:** Well, let me ask you, in closing, is there anything that you would like to be able to say from your position on an overview of where you think this thing has come to now? In other words, something you would like to say from your side.



**Larry Weingarten:** Sure. This is the way this proceeding goes it's – look at it from the many investors' points of view. Many of them, this was their only income, and all of their principal or nearly all of their principal is tied up with this.

So, in one fell swoop, a number of people have lost their income and the money that it was based on. And this is causing a lot of harm right now. I get – I've gotten in the last month four calls from people who are suicidal.

They're – my biggest complaint about this entire thing is that the system seems unwilling or unable to take the steps it needs to take to protect people now from being hurt, even if they're paid only 1% of what they might be owed.

In the end, it was my understand the trustee had the power to do that. But it hasn't been done. And, there will – there certainly is a lot of damage that has been done by this, but there – if we let it go too long, there will be irreversible damage done. I don't want it to get to that point.

**Gene Forte:** Okay.



**Larry Weingarten:** That's my crusade. You know, I spend 40 to 50 hours on this a week trying to put things together and talk to people and share a different perspective than the 'woe is us' one that so many people have. I feel Larry Lichtenegger's done some very good work. Creative approaches that people in the bankruptcy system don't readily see.

You know, I'm just trying to help people have a broader perspective on this and not give up the ship or, you know, decide that there's nothing they can do so it's to walk away from the trustee. Every opportunity he's taken has been to attempt to reduce people's expectations. And I think he's gone a little overboard with that and caused people to lose hope.

**Gene Forte:** Well, these investors, and I'm going to take probably most of what you said and put it verbatim, you know, because I was able to record this. I'm going to put it verbatim, if I can, inside the article as a perspective from – what, now are you the largest investor inside this group or are you one of the largest?

**Larry Weingarten:** I think that I'm the single biggest investor.

**Gene Forte:** Okay, now when you say you work like 40 to 50 hours a week – I mean, you've

**BADGER FLASHES**

**August 18<sup>th</sup>, 2008:** The case of Forte v. Lichtenegger, M58208, which was filed in 2002, dismissed by Judge Robert O'Farrell in 2003, reversed on appeal in 2005, and remanded back to the Monterey Superior Court for trial, was dismissed by Judge Lawrence Fry today sitting on special assignment to the Monterey Superior Court by Chief Justice George.



Previously, a Summary Judgment motion made by defendant Larry Lichtenegger and his counsel Gerard Rose was DENIED by retired Judge John Golden who ruled that the case did not require an expert legal witness for Forte to find Fraud and Legal Malpractice by Lichtenegger. After the ruling, Judge Golden disqualified himself.

Months later, Lichtenegger and his counsel filed what they called a "Renewed Summary Judgment Motion" with the expert legal witness testimony of Charles Warner which was heard by the Honorable Judge Robert Foley. The "Renewed Summary Judgment Motion" was DENIED. Judge Foley found that no expert legal witness would be required by Forte to prove the Fraud and Legal Malpractice of Lichtenegger. Judge Foley issued monetary sanctions against Lichtenegger and his counsel Rose for bringing the motion.

Judge Foley then disqualified himself from the case and Judge Lawrence Fry was assigned by special assignment by Chief Justice Ronald George for trial on August 18<sup>th</sup>, 2008.

Judge Fry dismissed the case without taking any evidence or impaneling a jury saying that an expert legal witness would be needed to prove Legal Malpractice against Lichtenegger.

**September 30<sup>th</sup>, 2008:** Merced County Superior Court case 150938, Tetra Tech vs. Marion Santos, Gene Forte cross-defendant/cross complainant is off with a bizarre twist. Judge John Kiriara, Presiding Judge of the Merced County Court issued a rare bench recusal disqualifying all judges of Merced County from hearing the case.



The case is now waiting for assignment of a judge from Chief Justice Ronald George. Forte has filed a request with Chief George that he disqualify himself from assigning a judge to the case due to George being a defendant in the Federal Court Case<sup>o</sup>C06-03948-JW, Forte v. Knight Ridder, McClatchy Newspaper, Ronald George, Bill Lockyer, et. al.

Attorneys in Merced County who have asked their names not be disclosed said that they have never heard of the Merced

County Court doing such before. Forte had asked Merced County Court Judge Ronald Hanson and Judge Hugh Flanagan to address the substantial evidence presented them of obstruction of justice by members of the Monterey Superior Court bench and Chief Justice Ronald George prior to their disqualifying themselves.



The evidence was submitted in objection to opposing counsel of the Hayes Davis and Bonino Law Firm requesting judicial notice of a Denied Motion to Declare Forte a California Vexatious Litigant. The Honorable Judge Golden had denied the motion made in the individual capacities of Bill Lockyer, Arnold Schwarzenegger, and Bill Lockyer.

Golden found that Forte did not repeatedly sue anyone, none of his filings were frivolous, and he had never lost 5 lawsuits in 7 years. Judge Golden also found that George, Lockyer, and Schwarzenegger did not have legal standing to bring the motion. Months after the motion was denied, The Monterey County Herald reported that Forte had been declared a vexatious litigant. It later printed a correction saying their error was due to a mistake in court records under the control of Judge Robert O'Farrell.

**November 3<sup>rd</sup>, 2008:** Without explanation or notice, the Monterey Superior Court case of Forte v. Albov, M54914 that was appealed to the Sixth Appellate Court in San Jose was transferred to the Fifth Appellate Court in Fresno, California by Chief Justice Ronald George. Letters to George and the Sixth Appellate Court asking for the reason of the transfer were unanswered.

Today, Justices Kane and Cornell of the Fifth Appellate Court affirmed the ruling of Judge Adrienne Grover with a dissenting Opinion from Justice Dawson.

Mr. Samuel Goldstein, counsel representing the defendants, Michael Albov, Peter Williams, and the Hudson Law Firm of Monterey said that in his 31 years of practicing law, he has never experienced an Appellate Court ruling with a Dissenting Opinion.



Goldstein also said he had never heard of a civil case being transferred from one appellate division to another. Forte intends to appeal the ruling to the California Supreme Court.

**November 4<sup>th</sup>, 2008:** The Fair Political Practice Commission (FPPC) continues to investigate Mayor Tommy Jones of Los Banos for breaking conflict of interest laws. A previous investigation had concluded and determined that Jones had not broken disclosure laws.

THE END

been trying to act as somewhat of the, not a mediator, but trying to, as you said, trying to calm some people down that are having some very difficult times to this matter right now.

**Larry Weingarten:** There's that. I seem to be able to talk to just about anybody. A lot of people are – have decided Dave Nilsen is the devil and I haven't. So, you know, there are a lot of people who are just angry and just a lot of confusion and, you know, turmoil going on in folks' lives, and I'm helping in various ways.

I've got some friends that, you know, I'm actually paying their mortgage so they don't lose their house. Yet if this goes on for too long, I'm going to lose my house. You know, but still, we

need to, as a community, sort of hold together and get through this. And I know that sounds strange, perhaps, but silver lining is I've met some really good people that I'm certain I wouldn't have met otherwise.

**Gene Forte:** ———(MORE TO COME).

**ADDENDUM:** On the morning of November 5<sup>th</sup>, 2008, prior to going to print, I spoke to a long time mortgage funding expert in Monterey County that wished to remain confidential. The individual told me that the process of what Nilsen was operating under was definitely not a Ponzi scheme. It is a typical method of operation of a mortgage funding company whereby money from a new investor is used to pay off a previous investor who wants to have his investment returned. THE END



## Flaying False Justice

### A Reflection on Gerard David's *Judgment of Cambyses*

(Painting shown to right)

"I must speak in passion, and I will do it in  
King Cambyses' vein."

—Shakespeare, 1 HENRY IV., ii. 4.

(from <http://www.harris-greenwell.com/HGS/FlayingFalseJustice>)

The great Greek historian Herodotus preserved for posterity the story of the harsh judgment of the Persian King Cambyses II (reigned 529-522 B.C.), son of Cyrus the Great, against the corrupt judge Sisamnes. It is a story that for both its moral and its horror is not easily forgotten. The story is succinctly presented in the fifth book of Herodotus's *Histories*.

Sisamnes, Herodotus tells us, was a royal judge under the reign of King Cambyses II. Sisamnes accepted a bribe from a party in a lawsuit, and therefore rendered an unjust judgment.

King Cambyses learned of the bribe, accused Sisamnes, and had him arrested and punished, but by no ordinary punishment. The punishment was as creative as it was cruel:

King Cambyses slit his throat and flayed off all his skin, and he strung the chair on which Sisamnes had used to sit to deliver his verdicts with these thongs. Cambyses's creativity did not stop there. To replace Judge Sisamnes whom he had killed and flayed, Cambyses appointed Sisamnes's son, Otanes, as the new judge.

Cambyses admonished Otanes to bear in mind the source of the leather of the bench upon which he would sit to hear evidence, deliberate, and deliver his decisions. Without doubt, King Cambyses's *monitum* buttressed by the reupholstered bench left a lingering impression on his new judge.

The story of Cambyses's judgment also left a strong impression on the readers of Herodotus's *Histories*. It particularly seized the imagination of artists during the Renaissance as a secular and classically-based moral or *exemplum* of justice.



The tale was depicted in paintings, glasswork, medals, and even—as in, for example, Thomas Preston's tragedy referenced by Shakespeare in the introductory quote—the stage.

It served to corroborate the biblically-based subjects that were commonly adopted by artists as morals of justice such as the Last Judgment, the Justice of Solomon, the story of Susanna and the Elders, and the tale of Esther and Ahasuerus. THE END



#### DISCLOSURE/DISCLAIMER

The views, opinions, and commentary expressed in the *Badger Flats Gazette* are solely those of Gene Forte and do not necessarily reflect the views and opinions of Badger Flats, LLC.

Gene Forte is currently a plaintiff in the case of Forte vs. Knight Ridder,

McClatchy Newspapers, O'Farrell, AG Lockyer, et al., Case No. C06-03948-JW. Forte v Lichtenegger, M70711 & M58208, Forte v. Albov, M54914, Forte v. Jones, CU150880 and Tetra Tech v. Marion Santos & Cross Defendant/Cross Complainant in CU150938. Issues of The Badger are available for \$5.00 plus postage by calling (209) 829-1116.

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#### ABOUT THE PICTURES

The pictures are embedded within the Badger in order to get your mind to think about what you are reading.

We try to play subtle tricks with your mind. Not every picture is a slam dunk...I know what it is.... or what it means. As they say, pictures are worth a 1,000 words and certainly different things to each person. If any of them offend you, well....I'm sure there is someone that it does not. Therefore, have fun and enjoy the fruits of our labors that we consider our art.



—Gene/Eileen



PLAINTIFF/PETITIONER: Eugene E. Forte	CASE NUMBER: M54914
DEFENDANT/RESPONDENT: Michael Albov; Peter Williams; Huds	

PLAINTIFF/PETITIONER: Eugene E. Forte	CASE NUMBER: M54914
DEFENDANT/RESPONDENT: Michael Albov; Peter Williams; Huds	

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this Deposition Subpoena for Personal Appearance and Production of Documents and Things by personally delivering a copy to the person served as follows:

a. Person served (name): Terry Spitz

b. Address where served: 240 Church St., Salinas, CA

c. Date of delivery: 4/13/04

d. Time of delivery: 10:20 A.M.

e. Witness fees and mileage both ways (check one):  
 (1)  were paid. Amount: \$ 150.00  
 (2)  were not paid.  
 (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$

f. Fee for service: \$ 35.00

2. I received this subpoena for service on (date): 4/7/04

3. Person serving: Jack H. Stern

a.  Not a registered California process server.  
 b.  California sheriff or marshal.  
 c.  Registered California process server.  
 d.  Employee or independent contractor of a registered California process server.  
 e.  Exempt from registration under Business and Professions Code section 22350(b).  
 f.  Registered professional photocopier.  
 g.  Exempt from registration under Business and Professions Code section 22451.  
 h. Name, address, telephone number, and, if applicable, county of registration and number:

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this Deposition Subpoena for Personal Appearance and Production of Documents and Things by personally delivering a copy to the person served as follows:

a. Person served (name): Dean Flippo

b. Address where served: 240 Church St., Salinas, CA

c. Date of delivery: 4/13/04

d. Time of delivery: 10:20 A.M.

e. Witness fees and mileage both ways (check one):  
 (1)  were paid. Amount: \$ 150.00  
 (2)  were not paid.  
 (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$

f. Fee for service: \$ 35.00

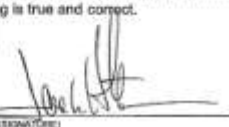
2. I received this subpoena for service on (date): 4/7/04

3. Person serving: Jack H. Stern

a.  Not a registered California process server.  
 b.  California sheriff or marshal.  
 c.  Registered California process server.  
 d.  Employee or independent contractor of a registered California process server.  
 e.  Exempt from registration under Business and Professions Code section 22350(b).  
 f.  Registered professional photocopier.  
 g.  Exempt from registration under Business and Professions Code section 22451.  
 h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. (For California sheriff or marshal use only) I certify that the foregoing is true and correct.


Date: 4/14/04



(SIGNATURE)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. (For California sheriff or marshal use only) I certify that the foregoing is true and correct.

Date: 4/14/04




(SIGNATURE)

902a(15-4) (Rev. January 1, 2002) PROOF OF SERVICE DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

902a(15-4) (Rev. January 1, 2002) PROOF OF SERVICE DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS Page two

Above: Proof of Service and Payment of \$300 to DA Dean Flippo and ADA Terry Spitz

MONTEREY COUNTY AUDITOR-CONTROLLER  
 MICHAEL J. MILLER, CPA, CISA  
 P.O. BOX 300 - SALINAS, CALIFORNIA 93902



AUDITOR'S WARRANT  
 COUNTY OF MONTEREY 01- 1435512  
 00011435512

ISSUED ON 11-19-04 VOID 1 YEAR AFTER ISSUE DATE

THE TREASURER OF MONTEREY COUNTY OR ANY BANK WILL PAY: \*\*\*\*\*300.00

THREE HUND & 00/100 DOLLARS

TO THE ORDER OF EUGENE E. FORTE  
 27438 VISA DEL TORO  
 SALINAS CA 93908

MICHAEL J. MILLER, CPA, CISA  
 AUDITOR - CONTROLLER

Bank of America  
 Commercial Customers Account  
 Statement 11

MP

⑈011435512⑈ ⑈071923284⑈ 87650⑈ 50228⑈

Left: Copy of check issued on November 19, 2004 for \$300. Above: Postmark of November 22, 2004.

(BORIS, from page 56)

**Boris:** On Tuesday, November 23<sup>rd</sup>, 2004, schmuck Forte gets check for \$300.00 like money from Heaven. (See page 41, bottom.)



Check from Merced County

Auditor's Office made out on November 19<sup>th</sup>, 2004 same day schmuck Forte filed lawsuit in late afternoon. Check mailed to schmuck Forte on November 22<sup>nd</sup>, 2004.



Comrades just lucky now can say not pay schmuck filing fee of \$32.00 and \$12.00 certified mailing cost.

Comrades say not even know they sued.

Mail had no time to get to Comrades Flipppo/Spitz with bad news of lawsuit. Can say schmuck Forte just trouble maker, they innocent lambs.

Plus, not look good if nogoodnik Comrade public officials lose lawsuit to do-gooder schmuck Forte.

**Natasha:** But Boris, in court file, Comrade Spitz say he tell check be paid July 8<sup>th</sup>, 2004?

You not think other do-gooder schmucks wonder how come it take four months for \$300.00 check to be made out and sent to schmuck Forte? (See page 43 top.)



You think goodniks really so stupid think coincidence check made same day suit filed?

**Boris:** That's good bad point. I glad you not bring up again. Let me see that paper. (Shredder sounds) Oops! I get the butter fingers.

Anyway, no proof Comrades know suit filed that day, so no big deal!

**Natasha:** But Boris...how do Comrades Flipppo/Spitz explain signed Certified Mail receipt that shows they get schmuck's

lawsuit on November 19<sup>th</sup>, 2004, same day it filed.....see here. (See page 43, bottom.)

Certified Mail Receipt show it mailed November 24<sup>th</sup>, 2004, five days AFTER Comrade's secretary signed for it on November 19<sup>th</sup>, 2004 from postman!



**Boris:** That not possible my little thorny mushnik! Maybe court clerk think it good idea to call Comrades Flipppo/Spitz when schmuck Forte file lawsuit for what they call in America "head's up."

**Natasha:** But Boris.... Schmuck Forte paid for Certified Mail. That cheating?

Didn't some bad good Comrades in movie *The Firm* get in big trouble for mail fraud?



**Boris:** Okay, you starting to make head hurt. Let me see paper. (Shredder sound) Oops! I get butter fingers again.

**LIE, LIE, LIE...DON'T STOP LYING!**

**Boris:** Once start cheat to fix case, then lie, lie, lie and no stop lying.

Get many people you can do bad thing for you, so they have to lie, lie, lie and no stop lying so they not get in trouble with you.



They know for sure you nogoodnik who cheats and lies and would tie them to railroad track to save own neck.

Comrades Flipppo/Spitz have advantage because they boss of goodniks they can force do what told.



Sometimes goodniks become nogoodniks so Comrade bosses give them more money...or not fire them....and replace with nogoodniks that will do what told.

**Natasha:** Like Comrades Flipppo/Spitz Boys' secretary and court clerks?

**Boris:** Lips sealed tighter than hand around stolen candy from baby.



No matter you lie in papers you file with court, but be careful, unless you Comrade nogoodnik public official, you might no get away with it.

Comrade Spitz's court answer says schmuck Forte never ask for \$300.00 before filing lawsuit against poor innocent Comrades Flipppo/Spitz. (See page 44, top.)

**Natasha:** But Boris..... paper in file show schmuck Forte send fax on October 7<sup>th</sup>, 2004 to Comrade Spitz's Comrade Monterey Counsel Charles McKee telling him give \$300.00 back or else. (See page 44, bottom.)

**Boris:** Okay, Okay! You starting be royal pain in petunia. Let me see paper...(Shredder sound)



**Natasha:** I know, I know Boris.....oops you get the butter fingers.

**Boris:** Hey! You trying to be wise guy?

**PLAY STUPID, STUPID, STUPID!**

**Boris:** Play stupid, go good with cheat and lie. Comrades sent letter, tells schmuck Forte you got \$300.00. No more talk about. You dismiss lawsuit.



**Natasha:** But Boris... what about \$32.00 filing fee and \$12.00 mailing fee schmuck not get paid?

**Boris:** Why you think it called playing stupid, sour borscht breath?

**TRY GET COMRADE JUDGE**

**Boris:** If possible, get comrade judge you got dirt on and also hate the schmuck who sued you. Our Comrades get Commissioner Richard Rutledge.

(BORIS, see page 45)



**MEMORANDUM** **OFFICE OF THE DISTRICT ATTORNEY**  
**MONTEREY COUNTY**

**TO: NOREEN WOODFIN** **DATE: 7/8/04**  
**Auditor's Office**

**FROM: SUE McCALL**

**SUBJECT: REQUEST FOR ACTIONS – FISCAL YEAR 2003/2004**  
**BUDGET UNIT 224 – DISTRICT ATTORNEY'S OFFICE**

Please take the necessary steps to:

<b>DEBIT::</b>	<b>AMOUNT::</b>
Fund 001, Budget Unit 224, Account 5863	\$ 300.00
<b>CREDIT::</b>	<b>AMOUNT::</b>
Fund 001, Account 2699	\$ 300.00

This represents a payment to the DA's office for possible appearance at a deposition that did not occur. We now need to reimburse the individual who paid us. These funds were received in FY 2003/2004.

Please let if you have any questions or need anything further in this regard. Thank you for your attention to this matter.

SMM:mt


**McCall, Sue x5259**

**From:** Spitz, Terry x5402  
**Sent:** Thursday, July 08, 2004 9:33 AM  
**To:** McCall, Sue x5259  
**Subject:** Refund to Mr. Forte

**The \$300 deposit for depositions should be returned to:**

**Eugene E. Forte**  
**27438 Vista del Toro**  
**Salinas, CA 93908.**

Attached is a copy of the receipt I issued on the date of payment.

  
receipt.doc (30 KB)

*Defer*  
*Debit 04/05*  
*Fund 001, Budget 224*  
*5863*  
*Credit*  
*001, Budget*  
*account*

Above: Memos indicating that Forte is to be paid \$300 dated July 8, 2008

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$  
Certified Fee \$  
Return Receipt Fee (Endorsement Required) \$  
Restricted Delivery Fee (Endorsement Required) \$  
Total Postage & Fees \$

NOV 24 2004

Postmark Here

Sent To: Terry Spitz

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$  
Certified Fee \$  
Return Receipt Fee (Endorsement Required) \$  
Restricted Delivery Fee (Endorsement Required) \$  
Total Postage & Fees \$

NOV 24 2004

Postmark Here

Sent To: Dean Flippo

PS Form 3800, June 2002. See Reverse for Instructions.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  [Signature]  Agent

B. Received by: [Signature]  Addressee

C. To Delivery Address:  Yes  No

**FILED**  
DEC 10 2004

7002 2030 0002 9349 4458

Left: Certified Mail showing that the Small Claims lawsuit Forte filed was mailed on November 24, 2004, by the court, but was miraculously received at the District Attorney's Office on November 19, 2004, five days prior to being mailed.

**COMPLETE THIS SECTION**

1. and 2. Also combine and delivery is desired and address on the reverse with the card to you.

3. Attach this card to the back of the mail piece, or on the front if space permits.

4. Article Addressed to: ADA Terry Spitz

5. Article Number: MAR 125367

6. Date: 1-5-05

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  [Signature]  Agent

B. Received by: [Signature]  Addressee

C. To Delivery Address:  Yes  No

**FILED**  
DEC 10 2004

7002 2030 0002 9349 4465

PS Form 3811, February 2004. Domestic Return Receipt.

1 DEAN D. FLIPPO  
 District Attorney  
 2 P.O. Box 1131  
 Salinas, CA 93902  
 3 (831) 755-5070

4 In Propria Persona

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 6 COUNTY OF MONTEREY

7

8 EUGENE FORTE, ) Case No.: MAR125367  
 9 Plaintiff, ) ANSWER  
 10 vs. )

11 DA DEAN FLIPPO and  
 12 ADA TERRY SPITZ,  
 13 Defendants

14

15 The Defendant, Dean Flippo, makes the following answers to the claim of the Plaintiff.

16 1. Plaintiff has already been reimbursed for his witness fees. 

17 2. Defendant never received a request in any form from Defendant to pay this money prior  
 18 to service of the notice of the small claims action.

19 3. Plaintiff has sued the wrong defendants.

20 4. Plaintiff is barred from filing a small claims action because he has not complied with the  
 21 Tort Claims Act (Government Code Sections 810 *et seq.*)

22 The following is a detailed explanation of each of the four points comprising Defendant's  
 23 answer.

*Left: District Attorney Dean Flippo and Assistant Terry Spitz file this answer to Forte's small claims action.*

17 2. Defendant never received a request in any form from Defendant to pay this money prior  
18 to service of the notice of the small claims action.

*Below: Forte requests the \$300 the District Attorney's Office owes him.*

**Sent Event (Event Succeeded)**

Pages: 6 Recipient: Mr. Charles McKee/Mr. Michael  
 Company: Monterey County Counsel Fax Number: 7555283  
 Subject: Mr. Uretsky/Please Give Copy to Mr. Hogan

**FACSIMILE COVER PAGE**

To: Mr. Charles McKee/Mr. Michael From: Gene Forte  
 Sent: 4/6/2004 at 1:22:02 PM 10/7/04 1:22:04 PM Fax Rec 24 Pages: 6 (including Cover)  
 Subject: Mr. Uretsky/Please Give Copy to Mr. Hogan

Dear Mr. Hogan:

You will find attached a letter to Mr. Bill Uretsky.

Also, by this letter I am informing and requesting that you immediately a check payable to AttorneyBusters.com at 27438 Vista Del Toro, Salinas, California, 93908, the \$300.00 in witness fees which were paid to your clients Mr. Dean Flippo and Mr. Terry Spitz when they were served their deposition subpoenas.

Even though I suspect that they literally pilfer money from the public coffers such amounts often, it is not going to happen in this case.

Also, please complete the order that you should have already prepared and presented to myself, and Judge Adrienne Grover for her signature evidencing the ruling on my not taking the deposition of Mr. Flippo and Mr. Spitz so that I can then take it up on a writ after my recuperative period.

Also, my receipt back of the witness fees in no way waives my right to take the deposition of your clients which will be taken up at the appropriate time to a higher court once my recuperative period is over, and that I have the appropriate signed order on such ludicrous ruling by Judge Adrienne Grover.

Thank you.

Gene Forte



(BORIS, from page 42)



The goodnik schmuck Forte filed complaint before about Comrade Rutledge



fixing case. You look see "The Case of the Broken Footboard -or- You Not Getting Money Honey 'Til It's Fixed."

I skip details about schmuck Forte filing Challenge for Cause on January 5<sup>th</sup>, 2005 asking for another judge to hear case.

It pretty funny how other nogoodnik comrades of nogoodnik comrades decide if other nogoodnik Comrade Judge decide if it okay for nogoodnik Comrade Commissioner Rutledge to hear case.

**Natasha:** Boy Boris...that lot of nogoodniks.

**Boris:** You ain't just whistling the Dixie!

Anyway, so secret Comrades of our Comrades pick Comrade Accurso in Turlock who not really judge but nogoodnik comrade attorney masquerading as part time nogoodnik commissioner, not judge.



Comrade Accurso thinks reasonable goodniks would think Comrade Rutledge not be mad at schmuck Forte trying nail tongue to floor publicly.

**Natasha:** But Boris... so Comrade Accurso not think Rutledge get Forte to lose case for trying to get Comrade Rutledge fired for fixing another case?

**Boris:** Who's to know? I mean No...Rotten squashkin face...in America, justice blind so don't know what going on. Okay, so it peeks a little for Comrade nogoodniks.



So Comrades get lucky break. Comrade Rutledge going be judge and find Comrades Flippo/Spitz do nothing wrong...but Comrade Rutledge have to wait for the trial happen first.

**KICK OPPONENT WHEN DOWN**

**Boris:** Nothing better than kick opponent when down except slam door in back of schmuck Forte when recovering from open heart surgery!



Schmuck Forte have heart attack in courtroom September 1st, 2004, day after he win appeal reversing ruling of Comrade Judge O'Farrell dismissing phony baloney lawsuit Forte have against Comrade (slam door in back) Lichtenegger.

Ambulance goodniks come carry schmuck Forte out on stretcher, bring to hospital for big deal surgery. Do big show split Forte open like Pottsylvania chicken.



**Natasha:** But Boris....if Forte lawsuit against Comrade (Slam door in back) Lichtenegger phony baloney, how come Forte win appeal he write?

How come appellate court comrades not help cover for Comrade (slam door in back) Lichtenegger and stop Comrade O'Farrell from schmuck Forte sticking dirty feet down throat?



**Natasha:** No Boris....Don't tell me Comrades Flippo/Spitz do that even being the nogoodniks they are?

**Boris:** No more questions, you making my eye twitch like snake near mongoose.



**Natasha:** So Boris...Comrades Flippo/Spitz no slam door in schmuck's back?

**Boris:** No, no, little pig face...our fearless backstabbing Comrade Larry Lichtenegger do like I tell you.

Comrades Flippo/Spitz disguised as goodnik District Attorneys were ones suppose investigate Monterey Police Report #05-0447 filed by goodnik Forte.

But, Comrades say, no can do, send to

Mr. Big's minion Comrade Joyce Blair at Attorney General Office.



Comrade Blair already taking care of Monterey Police Report #05-0065 about schmuck Forte's trash wife assaulted by Comrade (Slam door in back) Lichtenegger.

Schmuck Forte and trash wife still waiting hear back from Comrade Blair since February 2005.

**Natasha:** Guess she got the butter fingers too?

**Boris:** Hey! Can I help if butterfingers happen by paper shredder?!

Anyway.....because schmuck Forte's trash wife saying she scared, no police protection for children safety, her schmuck husband bad heart...she talk schmuck Forte, move back to hometown, Los Banos.



This where story gets gooder.

**PREPARE FOR TRIAL WITH GOOD DIRTY ROTTEN TRICK**

**Boris:** Okay nogoodniks, pay attention!

While Schmuck Forte waiting hear from Comrade Accurso say no problem, Comrade Rutledge hit Forte with gavel for have big mouth before, Forte run back Los Banos like scared sissy hiding.



Before he do on April 27<sup>th</sup>, 2005, Forte file **Notice of Change of Address and Telephone Number** in court file so if Comrade Rutledge says come for trial, clerks know send official papers to schmuck Forte's home at **1631 Fir Drive, Los Banos, California 93635.**

(BORIS, see page 46)

(BORIS, from page 45)

**Natasha:** But Boris.... If Forte hide, why he tell court and anybody looks at public file where he hide at?



**Boris:** Natasha, pet black widow, sometime I like butter fingers with you by shredder.

**Natasha:** But Boris...I look official court file. No **Notice of Change of Address and Telephone Number paper**. Do schmuck Forte lie like fellow nogoodnik?



Oh! Oh! Boris...official court computer printout show what filed in case. It say: **04-27-05-Notice: Change Address/Firm Name. Filed/Issued by: Plaintiff Filed in Pro.**

**Why if show official Notice of Change of Address and Telephone Number paper on official court computer, no official paper in file?**

**Boris:** Let me see paper. Maybe clerks get sticky fingers like butter fingers near shredder too. Oops! (Shredder sounds) Sorry!

Okay, now, our Comrades REALLY ready for trial.

Comrade Rutledge tells everyone come trial by mailing official notice out May 16<sup>th</sup>, 2005. Be there May 23, 1005.



**Natasha:** But Boris....official court file document says **"ALL PARTIES ARE ORDERED TO APPEAR AT THE COURT ON: 5-23-2005 @ 8:30A.M. 1200 Aguajito Road, Monterey CA 93940.**

**OFFICIAL CERTIFICATE OF MAILING says Lisa M. Galdos, Clerk of Court; by Deputy Clerk of court under penalty of perjury sends Notice to schmuck Forte at 27438 Vista Del Toro, Salinas, CA 93908 on May 16, 2005.**



**It wrong address!**

How Forte know come to trial if sent to wrong address?

Boris...I also look up official Code of California Civil Procedure it say:

**"CCP 1013-1013a. (a) In case of service by mail.....paper shall be deposited in a post office addressed to the person on whom it is to be served, at the office address as last given by that person on any document filed in the cause....."**



**The service is complete at the time of the deposit, but any period of notice and any right or duty to do any act....shall be extended five calendar days, upon service by mail....if within the State of California."**

So Boris...if court clerk send out Comrade Rutledge order be at trial May 16<sup>th</sup>, 2005....and Code says add 5 days for mailing, it mean Forte find out May 21<sup>st</sup>, 2005 be at trial May 23<sup>rd</sup>, 2005?

I ask nogoodnik attorneys for Mr. Big and Fearless Leader's...both say judge never say you come trial in 2 days after tell you.

So, if court not send **Notice of Order of Trial** to Forte at right address how he know come trial?



If schmuck Forte not at trial then he lose, no?

**Boris:** Why you think it good dirty rotten trick?

**Natasha:** But Boris... you want me show something else?

**Boris:** If say no, pretty little rat face, will you shut mouth?

**Natasha:** No, so I tell you.

On official computer printout it show **ORDER-COURT TRIAL never sent out by clerk**. There no computer entry for nothing sent out in May 2005. (See page 47, bottom)



Look on the **Certificate of Mailing** filed on May 16<sup>th</sup>, 2005. (See page 47, bottom.)

Clerk say what sent was **ORDER-MOTION TO VACATE** but at the top same filed paper, it says **ORDER-COURT TRIAL**. It not the same thing.

You look official court computer print-out it show April 7<sup>th</sup>, 2005 **ORDER-MOTION TO VACATE** sent out.

Look like court clerks do hanky panky cutting and pasting, forging signatures, shredding documents for Comrades Flippo, Spitz, and Comrade Rutledge?



Fixed case by Comrades Flippo, Spitz, and Rutledge like 1,000 lb. Moose in courtroom?

**Boris:** Not if schmuck Forte not find out. Even if he do, Monterey Comrades have plenty more dirty tricks up sleeve to give him what for.

**WHEN THINGS GO WRONG -OR- BRING COMRADE SMUT TROOPERS**

**Boris:** Comrades Flippo/ Spitz got sneaky nogoodnik Comrade Smut Troopers Royal Calkins, Virginia Hennessey, Carol Garcia, Joe Livernois, at Monterey County Herald. (No longer there Comrades Smut Troopers George Sanchez and Jayne Speizer).



(BORIS, see page 47)



Forte, Eugene vs. Flippo, Dean et al, Case No. MAR125367. Filed on 11-19-04. Judgment/Order: Contested on 05-23-05

11-19-04 - Plaintiff's Claim. Filed/Issued by: Plaintiff  
 11-19-04 - Declaration Prior/Pending Actions. Filed/Issued by: Plaintiff  
 11-19-04 - Notice - Hearing/Trial. Filed/Issued by: Clerk  
 11-24-04 - Notice - cert mail to both defs for 1-5-05. Filed/Issued by: Clerk  
 12-21-04 - Proof. Service - As to both Defendants. Filed/Issued by: Clerk  
 01-05-05 - Affidavit Misc - 170.3(c)(1) ccp filed in Court. Filed/Issued by: Plaintiff  
 01-05-05 - Motion, Other - Challenge for cause. Filed/Issued by: Plaintiff  
 03-23-05 - Decision - Decision on 170.3 Challenge against Commissioner Rutledge. Filed/Issued by: Judge  
 04-07-05 - Order - Vacate. Filed/Issued by: Clerk  
 04-27-05 - Notice: Change Address/Firm Name. Filed/Issued by: Plaintiff  
 04-27-05 - Notice: Change Address/Firm Name. Filed/Issued by: Plaintiff Filed In Pro Per  
 07-18-05 - Notice: Judgment Entry. Filed/Issued by: Clerk

OCT 12 2005

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY		Reserved for Clerk's File Stamp	
1200 Aguajito Road Monterey, California 93940		<p><b>FILED</b></p> <p>MAY 16 2005</p> <p>LISA M. GALDOS CLERK OF THE SUPERIOR COURT DEPUTY</p>	
<p><b>Forte, Eugene,</b> Plaintiff/Petitioner</p> <p>vs.</p> <p><b>Flippo, Dean et al,</b> Defendant/Respondent</p>			
ORDER-COURT TRIAL		Case No. MAR125367	

IT IS THE ORDER OF THIS COURT THAT:

- The motion to vacate the judgment is denied.
- The motion to vacate the judgment is granted.
- Other:
- ALL PARTIES ARE ORDERED TO APPEAR AT THE COURT ON: 5-23-2005 @ 8:30 A.M.  
1200 Aguajito Road, Monterey CA 93940

Date: 5/12/05 \_\_\_\_\_  
 RICHARD RUTLEDGE, Commissioner

CERTIFICATE OF MAILING

(Code of Civil Procedure Section 1013a)

I do hereby certify that I am not a party to the within stated cause, and that I deposited true and correct copies of the **Order-Motion to Vacate**, in sealed envelopes, with postage thereon fully prepaid, in the mail at Salinas, California, directed to each of the following named persons at their respective addresses, as hereinafter set forth:

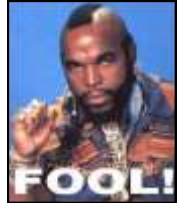
Eugene Forte  
 27438 Vista Del Toro  
 Salinas, CA 93908

Dean Flippo and Terry Spitz  
 Monterey County District Attorney  
 240 Church St 101  
 Salinas, CA 93902

Date: 5/16/05 \_\_\_\_\_  
 Lisa M. Galdos, Clerk of the Court  
 By: [Signature]  
 Deputy Clerk

(BORIS, from page 46)

Monterey County Herald paper have citizen goodniks fooled thinking it reports on nogoodnik public officials' bad things.



**Natasha:** You're kidding! Doesn't Mr. Big own that and.....

**Boris:** Shush snake eyes or I stitch mouth.



Media News' Dean Singleton, Barack Obama

Like saying, Monterey Comrades battling Dudley Do-Right goodnik Forte long time — lucky they got plenty dirty tricks up sleeve.

**Natasha:** Boris...Comrades going need them. No want be in their boots.

**Boris:** No worry for Comrades....until...well....let me tell you.

(BORIS, see page 49)

*Forte*

Mr. Dean Flippo  
Mr. Terry Spitz  
District Attorneys Office  
240 Church Street  
Salinas, California 93901

September 17, 2005

FAXED ONLY

Re: Obvious Conflict Of Interest

COPY

Dear Mr. Dean Flippo &amp; Mr. Terry Spitz:

I write this letter to bring your attention to and document in writing what a "reasonable person" would certainly consider a blatant conflict of interest you both would have conducting any investigation of "ticket fixing" which is another form of "trial fixing" by Commissioner Richard Rutledge who I also refer to as *Don Juan de Marina*.

I, in the Marina Small Claims court, sued you both, and despite my Challenge for Cause Against Commissioner Rutledge, he then proceeded to grant you a verdict in your favor without a hearing.

In that same case file, it will show that you signed for a certified service mailing of the complaint five days prior to it being mailed to you by the court, and a check was issued, *not so coincidentally*, on the same day you were sued, by the Monterey Auditors Office for *only* the amount that I had sued you for. My damages however, were greater since I had incurred the cost of the filing of the complaint and the service of the complaint on you by certified mailing by the Marina Court.

The complaint I filed required a hearing and trial as prescribed by law, anything short of that was a "fixed ruling" by Commissioner Rutledge at my expense, and for your direct personal benefit without a hearing. Please respond to me in writing within 10 days explaining as to how and why there would be no conflict of interest in the two of you now investigating Commissioner "Don Juan de Marina" Rutledge, when in fact there is evidence of your own fixing of a ruling with Commissioner Rutledge?

A copy of this letter is being sent to Attorney General Bill Lockyer, County Counsel Hogan, Presiding Judge Stephan Sillman, Mr. Leon Panetta, Chief Justice Ronald George, the Monterey Herald, The Salinas Californian and other media.

By copy of this letter to these individuals, I am requesting that they also request an answer from you and if in a position of responsibility conduct an investigation. If they do not, then I assert that they are complicit and implicated in helping to cover up another matter for the benefit of the Monterey Public officials gone haywire.

Sincerely,

  
Gene Forte

1631 Fir Avenue, Los Baños, California 93635  
(209) 829-1116 Fax (209) 829-1952



(BORIS, from page 47)



Months go by while schmuck Forte waiting hear when trial be. Nothing sent Forte about losing trial. Schmuck

thinks trial coming, just wait hear.

Then August 2005, bad luck for Comrades. Big mouth court clerk Crystal Powser send email to dozens county employees, court clerks, judges saying Comrade



Rutledge sticking private part in her on Comrade judge's carpets.



Worse for Comrade Rutledge, big mouth Powser say he fix traffic tickets for friends.

Not even sneaky Comrade Smut Troopers at Herald could not say nothing. Too many goodniks hearing about it.



So best thing they do is smut Powser. Comrade Smut Troopers say she scorned lover, like crazy woman on drugs, mentally unstable...try make fixing tickets no big deal.

**Natasha:** Boris...reminds me tell you... you no get idea round Sweet Little Nell or I do impersonation Comrade Bobick..... you get me?



**Boris:** No say thing like that, it give me creepy jeebies.

Back to saying.....Forte

read first, investigation of Comrade Rutledge sent to Administrative Office of

Court in San Francisco. One day later, Monterey Court Comrades Judges O'Farrell, Sillman ask for it back.



Comrade judges say their own fearless Comrade Flippo give the what for to Comrade Rutledge.... if Comrade Flippo find anything done wrong.

**Natasha:** But Boris...wouldn't goodniks think not right Comrades Flippo/ Spitz defendant in case Comrade Rutledge judge over them? Goodniks say be conflict of interest or something?

**Boris:** Like Herald Comrade Smut Troopers say, "What goody two shoe citizens don't know can't hurt our nogoodnik public official comrades."



Anyway, schmuck Forte sends letters in August to Comrades Flippo and Spitz, whining like woman, asking, "How you investigate Comrade Rutledge when he judge on case with you and me....you can't do this, what about the trial"... blah, blah, blah!



August - September, 2005, Forte sends letters to our Comrades at DA's Office and at the Herald and others at Monterey Coast Weekly, Salinas Californian, KSBW, and Carmel Pine Cone who doing story on Comrade Rutledge investigation. (See page 48.)

Schmuck Forte again being real pain in the petunia.

So, Comrade Spitz send him a letter telling him, tough luck you lost trial because you not there. (See page 50, top.)



Schmuck Forte, lying like a dishonorable comrade after my own heart, tells Comrade Spitz in letter, it surprise to him.

**Natasha:** But Boris.....Forte not know about trial. Remember, not sent right

address.... Change of Address missing from file....looks like nothing sent out about trial.....

**Boris:** Hey....who side you on....who telling story how fix case?

So, when Forte told this by Comrade Spitz, he gets in car with wife to look at court file of *Forte v. Flippo*, MAR125367at Monterey Court house.

Oh, Boy! What surprise! Head Court clerk Diana Valenzuela says clerks can't find file. Files nowhere in courthouse. Clerks look and look and nobody can find files.

**Natasha:** Yeah...What BIG surprise!

**Boris:** Now schmuck Forte sends more letters to Comrades Smut Troopers of Flippo and Spitz at Monterey Herald, Monterey Coast Weekly, and all comrade smut troopers in Monterey County.

Forte send letters to Presiding Comrade Judges Sillman, O'Farrell, Moody, Duncan, Velasquez, Fields, Grover and all other judges in Monterey County tattling that *Forte v. Flippo* files gone. (See page 50, bottom.)



Forte sends letter to County Counsel McKee, Comrade Leon Panetta, and Chief Investigator Sue Stryker who investigating Comrade Rutledge with Flippo and Spitz.



Schmuck Forte files the letters in court documents in case against Comrade (Slam in the back) Lichtenegger.

**Natasha:** But Boris.....what did Comrades tell Forte when get letter.

**Boris:** Oh! Not one letter! Schmuck send four or five letters.

**Natasha:** Okay! So what Comrades (BORIS, see page 50)

(BORIS, from page 49)  
say when get letters.



**Boris:** You crazy! Nothing! You think Comrades so stupid answer or ask questions? Old Pottsylvania "No ask question no want answer to"?



Then Comrade Flippo announce Comrade Rutledge not do...but maybe did...something kind of wrong where goodniks might get idea Rutledge should not be judge in case for friends.

Comrade Flippo mutter quick about mystery comrade judge on bench having Rutledge fix tickets for him but files already destroyed in shredder. Too bad!

Then real lucky break for Comrade Rutledge. All cases Rutledge could be big trouble for obstruction of justice beyond one year statute of limitations. But, who care anyway, Rutledge resign in afternoon when Flippo end investigation. (See page 51-52 for newspaper clips.)

**Natasha:** But Boris....case of schmuck Forte that Comrades Flippo and Spitz fixed with Rutledge not old case, it just happen?

**Boris:** Why you think files lost?



Anyway Comrade smut troopers at Herald report Flippo says he really upset because Comrade Rutledge hurt integrity of judicial system.

Herald Comrades make Flippo out be hero good guy. Yeah! Another good show by our nogoodnik comrades.

Then like miracle, after Flippo investigation of Rutledge closed, Forte goes to court house and files now there.



Forte then sees fix case like pros done.

**Natasha:** So Boris....I see in official file Notice of Entry of Judgment mailed on July 18<sup>th</sup>, 2005 telling Forte lost case. It mailed to wrong address again.

(BORIS, see page 51)

# MONTEREY COUNTY



## OFFICE OF THE DISTRICT ATTORNEY

DEAN D. FLIPPO  
DISTRICT ATTORNEY

September 19, 2005

Eugene Forte  
1631 Fir Avenue  
Los Banos, CA 93635

Re: *Forte v. Flippo et al.*, MAR125367

Dear Mr. Forte:

The above-referenced case was heard in open court on May 23, 2005, the date the court ordered all parties to attend. Commissioner Diana Baker ordered judgment for the defendants upon your failure to appear at the hearing.

Sincerely,

TERRY L. SPITZ  
Chief Assistant District Attorney

*Forte*

October 13, 2005

Presiding Honorable Stephen A. Sillman  
Superior Court of California, County of Monterey  
Salinas Courthouse  
240 Church Street, 3rd Floor  
Salinas, CA 93901

FAXED ONLY

Re: Commissioner Rutledge, MAR 125367, *Forte vs. DA Flippo and ADA Spitz*  
Files Missing from Clerks Office

Dear Honorable Sillman:

I write this letter to directly inform you that yesterday it was confirmed by the clerk at the Monterey Superior Court Clerks' Office that file #MAR 125367, *Forte vs. DA Flippo and ADA Spitz*, was missing and there was no indication that it was checked out to anyone. The case was assigned to Commissioner Richard Rutledge.

As you are aware, court records will show that I had alleged that Commissioner Rutledge had been involved in fixing cases as early as 1998, and had renewed such allegations in the most recent case of *Forte vs. DA Flippo and ADA Spitz*.

You will find attached a letter to Ms. Susan Stryker, Chief Investigator of the District Attorney's Office, which is self-explanatory.

I request in your position as Presiding Judge of the Monterey Superior Court that you immediately alert Federal authorities of the missing files which directly implicate the District Attorney's Office of being involved with plotting to cover up for DA Flippo and ADA Spitz the obstruction of justice in their own case with Commissioner Rutledge.

Please reply no later than October 17<sup>th</sup>, 2005, of what action you have taken.

Thank you.

Sincerely,

Mr. Gene Forte

Enclosures: October 13<sup>th</sup>, 2005, Letter to Ms. Susan Stryker  
October 12<sup>th</sup>, 2005, Letter to Ms. Diana Valenzuela

Cc: Ms. Lisa Galdos, Executive Officer

1631 Fir Avenue, Los Baños, California 93635  
(209) 829-1116 Fax (209) 829-1952



Thursday, August 11, 2005

www.montereyherald.com

MONTEREY COUNTY

# DA to look into ticket claims

## TRAFFIC JUDGE FIXED TICKETS FOR FRIENDS, EX-COURT CLERK SAYS

By GEORGE B. SANCHEZ  
*Herald Salinas Bureau*

The Monterey County District Attorney's Office will investigate a former court clerk's allegation that traffic commissioner Richard Rutledge fixed tickets for friends.

The announcement came one day after Rutledge, 48, was placed on administrative leave as a result of a lurid e-mail sent throughout the court system by former clerk Crystal Powser, who says she decided to blow the whistle out of revenge because he had broken off their sexual relationship.

The district attorney's investigation pre-empts a previously announced probe by the state Administrative Office of the Courts. Instead, said District Attorney Dean Flippo, the courts office will only investigate "the administrative and personnel issues."

"The Superior Court executive committee now feels it would be appropriate for me to look into the ticket situation," Flippo said.

It remains unclear who will preside over traffic court in the meantime.

For a week, the Salinas courthouse has been abuzz over the e-mail sent by Powser, longtime

Please see Investigate page A12

(BORIS, from page 50)



Why courts wait so long to send to Forte?

**Boris:** What you think, they going start be honest? Oh

Boy, you make me laugh!

Comrades Flippo, Spitz, Rutledge, Comrade Judges, and smut trooper Comrades at the Monterey Herald don't know yet but there much, much, big trouble coming from this goodnik Forte.

**Natasha:** What you mean?

**Boris:** End of September 2005, wise guy schmuck Forte call big mouth Powser after he reads smut trooper Comrades report about end of phony investigation of Comrade Rutledge.



What happen to dishonorable Comrades make me so angry I want throw bomb.

Forte catch Comrade Judge Michael Fields try get Powser panties off at Pier Pont Inn in Ventura by wagging tongue.



Powser, after not take panties off, spills bean on Comrade Fields. Say Comrade Fields told her he found Judge Diana Hall guilty before trial over that Comrade Fields was judge.

Sneaky goodnik Forte has Powser sign sworn declaration telling all things Comrade Fields told her about illegal activities of Comrade Judges O'Farrell, Scott, Velasquez on Monterey Court Bench.

Schmuck goodnik Forte filed it in court case Forte v. O'Farrell, against our Comrade Judge Robert O'Farrell. Mr. Big, Comrade Attorney General Bill Lockyer, defending Comrade O'Farrell.



(BORIS, see page 53)

Sunday, August 14, 2005

www.montereyherald.com

# Courting sex scandals

## COUNTY'S JUSTICE SYSTEM NO STRANGER TO TITILLATING TRYSTS

By VIRGINIA HENNESSEY  
*Herald Staff Writer*

She's an emotionally fragile former judicial clerk who's been a catalyst for controversy in the Monterey County courts for 16 years. He's the longtime traffic commissioner who has a history of womanizing and concurrent affairs in those same

courts. The demise of their relationship and her pursuit of revenge have led to allegations of sex in chambers, love letters on court time and ticket-fixing by the commissioner. The gossip-fueled scandal has whipped the rumor mill into a wildfire in the halls of justice this week.

It's the latest in a long list of sex-related scandals that have erupted within the Monterey County criminal justice system in the past two decades. From lunchtime liaisons in a nearby love nest to in-chambers improprieties, the system that prosecutes and judges the county's criminals has been no model of

restraint or decorum. On Tuesday, traffic Commissioner Richard Rutledge was suspended from the bench while the California Administrative Office of the Courts and Monterey County District Attorney's Office investigate a

Please see Scandals page A13



DAVID HOFFMAN FOR HERALD

Crystal Powser, at her residence in Pacific Grove on Thursday, stands beside the wedding dress she spent \$600 on before her breakup with Commissioner Rutledge.

THE MONTEREY COUNTY HERALD, SUNDAY, AUGUST 14, 2005

Monterey  
County

# The Herald

Friday, September 30, 2005

www.montereyherald.com

Prosecutors clear Rutledge of fixing tickets for friends, but say he did not stay out of conflict of interest cases

## Embattled traffic commissioner quits



**Richard Rutledge** submitted his resignation papers three hours after prosecutors said they will forward the case to a state judicial oversight board.

By **GEORGE B. SANCHEZ**  
*Herald Staff Writer*

The Monterey County traffic commissioner accused of fixing tickets for friends resigned Thursday after being cleared of possible criminal wrongdoing.

Prosecutors did, however, express serious concerns about Richard Rutledge's judicial behavior, specifically that he did not recuse

himself in conflict-of-interest cases. Rutledge sent the Monterey County Superior Court executive committee his resignation letter less than three hours after the committee announced it would forward the District Attorney Office's investigation and its own administrative review to the state Commission on Judicial Performance, an oversight body for California judges.

Rutledge's resignation arrived

after District Attorney Dean Flippo announced at a news conference that there is insufficient evidence to file criminal charges against the traffic commissioner.

"We have no evidence to show any conspiracy," Flippo said. "We have no evidence to show there was anything inappropriate. There were no bribes taken. There's nothing to show there was falsification of documents. There's nothing to show that

testimony was manufactured."

Rutledge, 48, could not be reached for comment, but his attorney, Paul Meltzer, said he was lousy with the district attorney's announcement.

"There never was a criminal case. I am pleased the district attorney recognized this," said Meltzer, who had no further comment and did not address the resignation.

Rutledge's investigation was

prompted by an e-mail sent through out the court system by his jilted ex-lover, Crystal Powser, accusing him of fixing tickets for friends and co-workers, as well as providing lurid tales of alleged courtroom trysts. Powser, a former clerk for the county, said that Rutledge called off their engagement and that she

Please see Rutledge page A11

### Rutledge

From page A1

sent the e-mail seeking revenge.

Appointed to the bench in 1995, Rutledge had been on paid administrative leave since the e-mail surfaced August 4.

Powser, who waited outside the District Attorney's Office during the news conference, was pleased to learn of the resignation but disappointed that no criminal charges would be filed.

"I think it's great. I don't think he should be on the bench. He has no morals. It's too bad the statute of limitations ran out," Powser said. "I think justice has been served."

She said she felt vindicated, however, that the district attorney's investigator had found some evidence of potential improprieties and had forwarded those findings to the Administrative Office of the Courts.

That office was conducting its own investigation into potential ethical violations by the commissioner. The standing of that investigation is unknown, though it will likely be closed.

Chief investigator Sue Stryker said her staff began their investigation with the case of ticket-fixing Powser alleged in her e-mail.

Powser suggested that the court "might want to check into (Rutledge's) trial by declarations." Such proceedings occur when a cited driver submits a written explanation challenging a citation. The citing officer also submits a declaration, and the judge or commissioner rules based on the declarations.

Powser specifically mentioned the husband of the then-traffic court manager. The allegation involved a 1999 ticket for failing to stop at a stop sign in Gonzales.

Because the case was more than 3 years old, little of the actual file remained outside of basic electronic data entries, said Stryker. However, investigators were able to contact the citing police officer.

"This particular officer vividly remembered the incident," Flippo said.

The summary of the district attorney's investigation said that when the couple was pulled over, the husband made note that his wife managed the traffic court and was good friends with Rutledge. He allegedly said not to bother writing a

ticket "because nothing would happen."

The couple later denied the officer's account but admitted to saying she worked for the court and possibly passing the officer her business card.

After the initial investigation, Stryker and investigator David Norum examined about 300 files of trials by declaration that Rutledge had ruled either not guilty or dismissed between July 2004 and July 2005. Investigators had to work within that framework because of the one-year statute of limitations.

Because there was no evidence of conspiracy, bribery or destruction of evidence, Stryker said, investigators looked for criminal obstruction of justice and were guided by a law that makes "the failure of a government official to perform a duty required by law a misdemeanor" — in this case, not recusing himself from judgment.

Seven other files were discovered in which Rutledge ruled on cases involving a traffic court employee or spouse,

acquaintance and even a Monterey County Superior Court judge, Stryker said.

While his judgment may have been legally appropriate, Flippo said, his appearance nonetheless raised "the specter of favoritism."

"We know that the commissioner knew how to recuse himself," Flippo said. "We have found three cases, two involving traffic employees and a judge pro-tem, where he actually recused himself."

"This undermines the confidence of the public in the administration of justice and our court system."

Chief Assistant District Attorney Terry Spitz said he consulted with the Santa Clara District Attorney's Office, which last year prosecuted a judge who was convicted by a jury of fixing tickets for San Jose sports figures.

Spitz said while they found evidence that Rutledge should have recused himself, California law bars them from prosecuting Rutledge.

"To preserve the principles of the separation of power, prosecutors cannot go ahead with a prosecution in such a situation," Spitz said.

Flippo reiterated that what the investigation uncovered — a judge who failed to recuse himself in apparent conflicts — is not a crime but raises serious issues about the code of judicial ethics and the civil code of procedure that governs the court system.

"In these particular cases, in my judgment and my office's judgment, the commissioner should have had nothing to do with those cases," Flippo said. "What you're hearing is the old proverbial appearance of evil. Whether it's there or not, it undermines the integrity that we need as citizens to expect from the judiciary, and this is what is extremely disturbing to us."

Staff writer Virginia Hennessey contributed to this story.

George B. Sanchez can be reached at 753-6771 or gesanchez@montereyherald.com.



November 22, 2005

PANEL MIGHT NEED TO DROP PROBE OF JUDGE  
Charges Against One Member May Create Conflict of Interest  
By Jason W. Armstrong  
Daily Journal Staff Writer

*(excerpts  
of article)*

VENTURA - Judicial misconduct accusations against a Santa Barbara County judge may have to be dropped as a result of allegations that one of the special masters hearing Superior Court Judge Diana R. Hall's case showed bias against her, a prominent judicial ethics lawyer said Monday.

James Murphy, a San Francisco attorney who has defended several judges facing charges before the Commission on Judicial Performance, said Hall's due process rights could be violated if the agency keeps her hearing on hold to investigate bias allegations against the special master.

"The one who is most impacted is Judge Hall," said Murphy, who is among a handful of lawyers statewide who represent judges in proceedings before the commission.

"I'm thinking that due process would obligate the commission at a minimum to grant [Hall] a new hearing and perhaps even dismiss the charges based on what their investigation reveals."

The commission has accused Hall, 55, of violating campaign finance law by not reporting a donation from her ex-girlfriend, Diedre Dykeman, for Hall's 2002 re-election. The judicial watchdog agency also accused Hall of driving while intoxicated. Hall, who hears civil cases at the Santa Maria courthouse, also is accused of improperly questioning a prosecutor about filing a motion to "paper" or disqualify her from a case under Code of Civil Procedure Section 170.6.

The commission halted its inquiry into Hall's case on Thursday after allegations surfaced that one of the three disciplinary panelists, Monterey County Superior Court Judge Michael S. Fields, said he and the other special masters had already decided Hall was guilty.

Crystal Powser, a former court clerk in Monterey County, filed Wednesday in a separate, unrelated Monterey County Superior Court case, alleging in her affidavit that she met with Fields in his hotel room Tuesday night - the second day of Hall's hearing at the Santa Maria courthouse.

In her affidavit, Powser contends that during her hearing, the special masters thought Hall was guilty of "all three of alleged offenses," including sexual harassment. In her affidavit, Powser contended that during her hearing, the special masters thought Hall was guilty of "all three of alleged offenses," including sexual harassment.

Fields did not return a call seeking comment Monday. Powser's attorney, Mark R. Forcum, a San Francisco attorney, said he did not return a call seeking comment Monday.

(BORIS, from page 51)

**Natasha:** Boris...arm pits sweating, things not look good for Monterey Comrades.

**Boris:** Not worry cactus hands. Comrade Lockyer not get be a Mr. Big for not being dirty rotten scoundrel!



Lockyer and pudgy minion Paul Hammerness with evil-helpers Tyler Pon, and James Schiavenza, been working with Comrade Monterey Judges and Monterey Herald Comrade Smut Troopers Calkins, Hennessey, Sanchez, and Garcia. Comrades build huge Secret Smut Ball Canon to fire at that goodnik Forte.

I no know if I should tell you. Give me bad reason.

**Natasha:** Boris...If you not tell, you get same tongue wagging from me Comrade Fields get from Powser.



**Boris:** Oh, Bo-oy! That good bad reason for I tell you.



When schmuck Forte file Declaration of Powser on November 16<sup>th</sup>, 2005, all bad news break out in country, except in Monterey. Poor lower than dirt Monterey Comrades sweating.



Day after goodnik Forte file it, newspapers in Los Angeles, New York, and all over country mention goodnik Forte's name and lawsuit against our good dishonorable Comrade Judge O'Farrell. (See left and below.)

(Continued on page 54)

Powser made her allegations against Fields in a declaration filed in the case of *Forte v. O'Farrell*, M72599.

Eugene E. Forte, a Los Banos businessman, charged in the lawsuit that Monterey County Superior Court Judge Robert O'Farrell caused him emotional distress and abused his due process rights. Forte, who is not a lawyer, claims O'Farrell violated his rights when the judge had deputies arrest him because Forte announced his intent to "paper" O'Farrell in another civil suit he had filed.

Forte said he began a friendship with Powser after she alleged wrongdoing against a former Monterey County Superior Court commissioner with whom she had a failed romance. The commissioner, Richard Rutledge, resigned from the bench last month after Powser alleged in e-mails to authorities that he "fixed" tickets for friends and associates.

The Monterey County district attorney's office investigated the allegations but didn't file charges against Rutledge.

Forte has said he encouraged Powser to file her declaration in his lawsuit to show a pattern of misconduct by Monterey judges.

After Powser arrived at Fields' hotel room Tuesday night, she said in her declaration, the judge made sexual advances toward her. She said she spurned the advances.

Fields allegedly told Powser to be "quieter" during their conversation because another member of the disciplinary panel was in a nearby hotel room, according to the affidavit.

In reference to the commission's accusation that Hall violated judicial ethics by improperly asking a prosecutor why he was papering her, Powser said Fields told her the masters thought Hall had committed the offense.

"Judge Fields said that's another guilty allegation because Judge Fields believed the DA and the PD who testified against [Hall] in court," Powser said in her declaration. "Judge Fields said she was the only witness on her side and even her girlfriend testified against her."

Fields, Powser alleged, also "made fun of the fact that [Hall's] girlfriend's name was Dykeman and that he wasn't sure which one was the man or which one played the woman part."

Murphy, the San Francisco judicial ethics attorney, said he believes Hall should be entitled to an "entire new [disciplinary] panel."

"We're talking about a formal hearing that may have been corrupted," Murphy said.

He said the scenario is "unprecedented."

"What's interesting in this situation is, What authority does the commission have to abort a stay and then continue a proceeding? Or if [the commission] can't continue the proceeding, is Judge Hall entitled to a dismissal of the charges?"

"We're essentially sailing on uncharted waters," Murphy said.

Meanwhile, Forte disclosed Monday that the attorney representing O'Farrell, the Monterey County jurist being sued by Forte, has filed a motion seeking to have Powser's declaration thrown out of the case and sealed.

Paul T. Hammerness, a supervising deputy attorney general representing O'Farrell, said in the motion that the declaration should be stricken because it is "disrespectful, scandalous and abusive and has no possible relevance to any issue in this case."



(BORIS, from page 53)

Monterey County Court Website have big deal red warning saying something wrong but Comrades sneaky enough not say what. It tell goodnik citizens no worry, us nogoodnik public official Comrades will protect you.



Fearless Comrade Smut Troopers at Herald not say nothing in paper.

Schmuck Forte giving Comrades the raspberries, send letter say so what you do now? You no tell goodnik citizens, blah, blah, blah.



Even paper in home land of Pottsylvania blabbing. Forte send letters to other Monterey Comrade Smut Troopers Carmel Pine Cone, KCBS, Salinas, Californian....

Schmuck Forte knew be suspicious to citizen goodniks if Herald Smut Trooper Comrades keep mouth shut about not so good news about Monterey Nogoodnik Public Official Comrades.



**Natasha:** But Boris...Comrades know not answer, and for sure not ask questions, right Boris?

**Boris:** Now you get picture!

**Natasha:** So Boris... nothing told goodnik Monterey citizens about tongue wagging Comrade Fields?

**Boris:** I swore on dear Momskin life not tell. But I remember good bad reason, so I tell. Remember about Comrades' Secret Smut Weapon for big mouth goodnik Forte?



On December 5<sup>th</sup>, 2005, three weeks since first article came out in newspapers across country about Comrade "Tongue Wagger" Fields, our fearless Monterey Herald Smut Trooper Comrades Hennessey, Calkins, and Garcia give Forte what for.

Herald Comrade Smut Troopers do front page Sunday article called, "County Judiciary Under Fire". (See page 55.)

Comrades say good nasty things about goodnik Forte. Tells Comrade O'Farrell thinks Forte maybe mentally unstable.....maybe bad father...arrested for contempt...put in jail... not know how Forte gets money.

Poor Comrade O'Farrell now target of Forte..."target of man he jailed for contempt".



Forte has vendetta against Comrade Monterey judges.

...and best smut ball out of the cannon that Forte declared a California Vexatious Litigant because he, like crazy person, sue everybody, like poor innocent Comrade O'Farrell.



**Natasha:** But Boris....I looking at official court file.

It say Forte **NOT** declared California Vexatious Litigant... never sue many people...write and win appeal reversing Comrade O'Farrell ruling dismissing case against Comrade Larry (Slam door in back) Lichtenegger.

File also says retired Judge John Golden who ruled on Vexatious Litigant Motion found that Comrade Governor Schwarzenegger, Lockyer, and minions Hammerness, Pon, and Schiavenza had no business or legal standing to bring motion.

Boris, why big, big nogoodnik Comrade public officials sticking nose at small fry goodnik Forte? I no hear of goodnik before in newspapers except "County Judiciary under Fire"?

**Boris:** I not even tell you for bad good reason.



**Natasha:** That bad ugh? Okay!

But Boris...Court file also shows Forte wrote another appeal that reversed ruling of Comrade Judge Terrance Duncan who had dismissed another case against Comrade Larry (slam door in back) Lichtenegger.

File also show Forte twice defeated Summary Judgment Motion made by Comrade (Slam door in back) Lichtenegger and his Comrade attorney Gerard Rose trying get case dismissed.



It like lighting striking twice in same spots for goodnik Forte.

Forte says Comrade (Slam Door in back) Lichtenegger fixed real estate case with Comrades James Cook of Horan Law Firm, Dennis McCarthy of Fenton & Keller Law Firm, and Comrade Judges O'Farrell, Duncan, and.....



**Boris:** You killing me here! Natasha, my precious turnip, can you please give me the file. (Long, long, shredder sound) Oops! There is those butterfingers again.

**TUNE IN FOR THE NEXT BADGER EPISODE**

COUNTY COUNSEL MCKEE  
TURNS HIMSELF IN  
UNDER CITIZENS ARREST  
-OR-  
SHERIFF KANALAKIS WANTS ME TO Toss  
YOU IN THE TRUNK OF MY CAR but I  
WON'T DO IT!



The Herald

Sunday, December 4, 2005

www.montereyherald.com

Sports

Half Moon Bay spoils CCS football party for Seaside, C1

A12 THE MONTEREY COUNTY HERALD, SUNDAY, DECEMBER 4, 2005

Judge

From page A1

Judicial system. Court records indicate they, in turn, have questioned his mental stability and labeled him a "venal litigant," limiting his ability to file future lawsuits.

The convergence of Power and Forte's mutual scorn for the local court system has thrown into disarray a state hearing to determine whether Santa Barbara Judge Diane Hall violated judicial ethics. It has also raised serious questions about the judgment and ethics of at least two Monterey County Superior Court judges, Fields and Russell Scott, for whom Power worked as a clerk for more than 10 years.

Fields was presiding over a three-judge panel hearing allegations that Hall, 55, failed to report a \$200,000 campaign contribution from her lover's girlfriend, improperly questioned a prosecutor who attempted to distance her from a case, and was convicted of drink-driving.

That hearing, being conducted in Ventura, was abruptly suspended Nov. 17, one day after Forte filed Power's declaration in an unrelated lawsuit. According to the declaration, Power traveled at Fields' request to his Ventura hotel room, where Fields, who is married, made sexual advances and discussed the case against Hall.

Unknown to Fields, according to the declaration, Power accepted his invitation at the suggestion of Forte, who traveled with her to Ventura "so that it could be verified that this meeting took place."

During the rendezvous, Power said, Fields had her on the case against Hall over breakfast, lunch and dinner, and had "already decided" she was guilty of all three allegations.

Fields also told her, Power said, that Hall concealed her girlfriend's campaign contribution because she did not want people to know she was a lesbian, and he made fun of the girlfriend's surname, Dykeman.

Fields, who continues to hear cases on the Monterey County bench, declined comment Friday, saying he couldn't discuss pending litigation.

"It is at some point that changes. I'd be happy to talk," he said, "but at this point, I'm precluded from discussing anything about the declaration or its relationship with Power."

Fields is being investigated in the matter by Monterey attorney Larry Birgel, who said Friday he would likely bring in another attorney who is more familiar with proceedings before the Commission on Judicial Performance. "It comes to that."



Crystal Power, 28, has accused Judge Fields of wrongdoing in the judicial ethics case.



Richard Rutledge, three-term county superior judge, resigned in late September after Forte's allegations of wrongdoing.



Russell Scott, Power's ex-employer, is the county judge of hearing prosecutor's question answers.



Robert O'Farrell, the judge in the target of a lawsuit by a man whose he is in contempt.

heard the case, according to spokeswoman Victoria Henley. That report is pending. Henley wouldn't comment about the allegations against Fields.

"Complaints to the commission and investigations are confidential," Henley said when asked if Fields was being investigated. "I can't confirm or deny a complaint or allegation made against any California judge."

She declined comment on allegations in Power's declaration about Scott.

Over dinner in Ventura, Power said, she and Fields discussed Scott's alleged habit of telling her to call local prosecutors who were trying cases in his courtroom to give them direction on questions they asked out of weakness.

Fields "got back with this disgusted look on his face, crossed his arms and said he totally thought that was wrong and he would never have, or never has had, his clerk do such a thing," Power wrote.

Scott did not respond to requests for comment.

While judges are free to ask witnesses questions during a trial, primarily through a prosecutor on how to conduct a trial would raise questions of judicial bias, such a revelation could prompt defense attorneys to challenge the judge's appointment to a case or, if they did not, open subsequent verdicts to appeal.

Power's past allegations

It is not the first time accusations by Power have shaken the Monterey County courthouse. In August, she circulated an e-mail to 47 people in the courthouse alleging that her former boss, Commissioner Rutledge, faced kickbacks from friends, sent her thousands of love letters by e-mail on court time and had sex with her on numerous occasions in the Salinas and Marina courthouses.

At the time, she said she wanted revenge against Rutledge for treating her disrespectfully and against the court for refusing to let her withdraw a resignation she had submitted in August. This terminating her longtime employment there.

In interviews with The Monterey County Herald earlier this fall, Power said she also targeted Scott, her longtime ally when she now blames are taking to sue her job. She said she forwarded to presiding Monterey County Superior Court Judge Stephen Sillman a videotape from Scott's telephone, revealing inappropriate behavior

between him and a court clerk. It is unclear whether any action was ever taken on that revelation.

Power's e-mail regarding Rutledge prompted a criminal investigation by the Monterey County District Attorney's Office, which concluded there was insufficient evidence to warrant criminal charges

"Complaints to the commission and investigations are confidential. I can't confirm or deny a complaint or allegation made against any California judge."

— Victoria Henley, spokeswoman, Commission on Judicial Performance

Fields' case with the courts

Shortly thereafter, Forte contacted Power, an admirably emotionally intelligent woman who had managed in a matter of weeks to accomplish what he had failed to do in six years of lawsuits being done as officer of the Monterey County courts.

Forte's vendetta against the Monterey County judicial system stems from a lawsuit he filed over a secured real estate deal in 1999. Forte lost that case, as well as two subsequent appeals to the Ninth District Court of Appeal.

In the ensuing years, that case has transformed into a number of lawsuits against dozens of defendants naming both his real estate agent to his own former lawyers, judges, the District Attorney's Office, the Monterey County Counsel's Office, the Monterey County Sheriff's Office and several officials who work in the Monterey County courts.

In rambling and flippant language, the lawsuits allege corruption and misconduct at the highest levels of the local courts. One lawsuit was dismissed after Forte admitted in open court that he had created from fictitious attorneys recordings of telephone conversations he secretly and illegally taped with his attorneys and his real estate agent, the target of the lawsuit.

Another lawsuit was filed against Judge Robert O'Farrell after he had Forte arrested for contempt in a Monterey

courtroom in December 2003. Forte, who is not an attorney but who by then was representing himself in court, accused the judge by repeatedly interrupting him during a hearing for another lawsuit.

Transcripts of the hearing show Forte was trying to file a motion to disqualify O'Farrell for alleged bias in a formal contempt hearing later that afternoon. O'Farrell said Forte had been given a chance to file the "challenge for cause" but instead, "lauded for being had taken the opportunity to grandstand with his two young children present in the courtroom."

After allowing Forte to carry on for several minutes about the issues in the case, according to a transcript, the judge said his comments had failed to mitigate or apologize for his actions.

"As a matter of fact, you're arrogant, you're defensive and you're, in fact, dishonest," O'Farrell said. "Quite frankly, I believe, in dealing with a certain pathology here, and I don't mean that in any pejorative way, but if you're not aware of some potential issues there yourself, perhaps you should back into them."

"Your conduct, not only today, and so it has led up to today, is really not terribly rational," O'Farrell added. "In fact, that's being generous."

Vendetta litigant

It was in that lawsuit against O'Farrell and numerous additional defendants that Forte filed Power's declaration Nov. 16. The case against O'Farrell was dismissed Nov. 23 by visiting Judge John Golden.

At that hearing, Forte requested that Golden, a retired Los Angeles Superior Court judge, turn himself over to the field to be placed under strict arrest. The request was denied. He also requested that Golden resign himself, also as a result of declaring Forte a vendetta litigant and referring the case to Flippo — who is a defendant in the case — for criminal investigation. All of the requests were denied, according to court records.

Golden also ruled that Power's declaration was irrelevant in the case and sealed it. Individuals are generally denied restraining orders after filing numerous unsuccessful lawsuits, without legal representation, over a number of years. They can be prohibited from filing future lawsuits without permission of the presiding judge or can be required to post security deposits that would cover the defendant's court costs in the

event the litigant loses again. Ruled out by Los Angeles Judge Flippo last week, Forte declined comment, referring a reporter to a prepared statement he disseminated earlier in the week in which he accused local media of colluding with the "pool of boys... corrupt public officials, corrupt judges, corrupt law firms of litigatory and a few unethical prominent citizens."

Forte said he planned to sue local media outlets for failing to report information he has provided over the past three years.

Forte's work unclear

It is unclear how Forte supports himself financially. Articles in the Fresno Bee — reporting another unsuccessful real estate-related lawsuit he filed against a law firm in the early 1990s — described Forte as a senior stockbroker and rock-concert promoter who had once battled an unsuccessful attempt to recover a B24 bomber that had crashed into a Sierra lake in 1945.

On his Web site, he identifies himself as the president of MontereyBusiness.com, an organization he founded sometime after his arrival in Monterey County. But he has told the courts he is unable to pay well over \$100,000 in judgments against him in Monterey County lawsuits.

Forte may be creating a documentary about his work. He has been seen outside the Monterey courthouse speaking before a videographer.

It is unclear whether he taped, photographed or otherwise documented Power's alleged rendezvous with Fields.

Power declined to answer that question last week, saying she had been advised not to comment by her "P.R." representative, adding that that person was not at all amiable.

Monterey County Presiding Judge Sillman wouldn't comment when asked whether Power's latest allegations have prompted an investigation of Fields or Scott.

County judiciary under fire

Two ALLEGE CORRUPTION, MISCONDUCT OF THREE JUDGES

By VIRGINIA HENNESSEY and GEORGE B. SANCHEZ Herald Staff Writers

An investigation by state court officials into allegations of wrongdoing by a local judge was triggered by two people who have separately pursued personal vendettas against the Monterey County judicial system.

The state Commission on Judicial Performance has removed Judge Michael Fields from a panel presiding over a disciplinary hearing for a Santa Barbara judge based on the declaration of a Monterey woman who said Fields expressed prejudgment of the case to her during a rendezvous at a Ventura hotel.

The woman, former Monterey County Superior Court clerk Crystal Power, was at the root of charges that forced her former fiance, Traffic Commissioner Richard Rutledge, to resign in late September. She has now apparently joined forces with Eugene Forte, a former Salinas resident who has alleged corruption and misconduct in a series of lawsuits against members of the Monterey County



Michael Fields, The Monterey County judge was presiding over a three-judge panel hearing allegations of whether a Santa Barbara judge violated judicial ethics.

Please see Judge page A12



Dear Monterey County Herald, McClatchy Newspapers, Knight Ridder, Royal, Virginia, George, Bobby O'Farrell, and all Monterey County Good Old Boys:

I really cannot use the words that express how I and my family feel about all of you without tears coming to my eyes for the memories you created for us.

But, I want to thank you for allowing me to share with others your interesting articles. If there is any charge for usage, send to:

Please Kiss My Furry Badger Butt! c/o Gene Forte Badger Flats, CA.

If your letter is returned by the Post Office, please feel free to deposit it where the sun don't shine along side of my foot.





**Foreword:** On April 13<sup>th</sup>, 2004, DA Dean Flippo and ADA Terry Spitz were served with subpoenas and paid \$300.00 in witness fess to appear at a deposition in May 2004 to be taken by Gene Forte. See page 28. Flippo and Spitz did not attend the deposition.

Several written requests for the return of the fees were sent to Flippo and Spitz including a request to their attorney, Monterey County Counsel Charles McKee. There were no responses.



On the late afternoon of November 19<sup>th</sup>, 2004, Forte filed the small claims action of Forte v. Flippo, Spitz, MAR125367 and paid the required filing fees and cost for Certified Mailing of the complaint by the court to Flippo and Spitz.



Allow Boris Badenov and Natasha Fatale to lead you through the documents in their own broken Pottsylvania English to show you how Flippo, Spitz, and Commissioner

Rutledge fixed the case.

You will also see how Judge Robert O'Farrell and every Judge on The Monterey Superior Court bench at the time acted in criminal conspiracy in covering it up, and why.



Our story begins as it usually does at a secret location code named Frostbite Falls near Monterey, California, where those never do wells, don't trust them with your milk money or leave them alone with your



Mommy, team of Pottsylvania nogoodniks Boris Badenov and Natasha Fatale are showing wannabe nogoodniks how to fix court cases like the pros.

**Boris:** Hello evil doers! I Boris Badenov.

Hey Natasha, want see me pull mutilated Badger out of hat like stupid moose do? Oops! Wrong Hat!



OK, so I get stupid squirrel. What you expect from Pottsylvania nogoodnik?

So shut up and listen!

Today, I show you how fix small claims case with court Commissioner Rutledge just like pros!

Natasha, evil assistant, play only part she natural for, Devil's Advocate. She asks goody two-shoes questions that Boys need explain....that I do for them.

Before start, need give dirty rotten guy credit to dirty rotten guys because our Fearless Leader order me.

You now give big dirty hand applause to Comrade District Attorney Flippo and own sneaky nogoodnik Comrade Assistant District Attorney Terry Spitz.



**Natasha:** But Boris....which one is who?

**Boris:** One with stupid grin and tie Flippo.



**Natasha:** But Boris...both got stupid grin and tie.

**Boris:** Who care who which...as I saying..

Without Comrades stooping lower than Fearless Leader mugging 101 year old Rose Morat for purse, story could not be told. Court documents not available show for you how to do it.



I warn you if you not nogoodnik public official like Comrades..Oh, Boy...You got big trouble.



You no get let off hook like nogoodnik public officials given immunity by other nogoodnik public officials comrades. Things could get messy and.... you not know me or Natasha or we give you what for.

Okay! Now see how Comrades Flippo and Spitz fix small claims case against them with Commissioner Richard Rutledge and what do if plan goes wrong.

**CHEAT, CHEAT, CHEAT**

**Boris:** Never too early start cheating. Like Comrades Flippo and Spitz do.



Soon as Gene Forte (Schmuck) file lawsuit at clerk's office about 4:00PM on Friday, November 19<sup>th</sup>, 2004, our Comrades start cheat.

Schmuck pays \$32.00 for filing fee and another \$12.00 to have trusted court clerks serve bad news to Our Boys by Certified Mail.

Comrades pull first good dirty rotten trick.



Pay attention! When you pull dirty rotten trick, make sure look like something just very, very lucky happen for you... right Natasha?

**Natasha:** Sure, Boris, Comrades very, very lucky!

(BORIS, see page 42)