

Overview: Take note of the time lapse of Mr. Panetta's answers and take note of what he was being told.

[00:00:00]

*Gene Forte:* There you go Mr. Panetta, all right thank you, first of all thank you for speaking to me. And I don't quite know where to kind of start with this is that how did you know that I wanted to speak with you? Was that from Sylvia?

[00:00:17]

[00:00:19]

*Gene Forte:* She's so nice. Is—

[00:00:20]

[00:00:23]

*Gene Forte:* Yeah, my daughter Gabrielle, who we home school, went to school for the first year at San Benancio and she was selected as one of the recipients to the Steinbeck Center Award and I appreciate that. I think you guys are doing just great things and I'm very proud of my daughter for receiving that since, well since we home schooled her it was hard.

[00:00:46]

[00:00:49]

*Gene Forte:* Yeah, she did. Mr. Panetta, how much are you aware if at all about what I've been trying to bring the attention to of the Monterey Judicial community here concerning Attorneybusters.com.

[00:01:02]

[00:01:03]

*Gene Forte:* Not much. All right. Let me try—I sent you a letter back in November shortly before you were giving Judge Richard Silver an honorary luncheon for, I think a civil liberties union award. All right.

Essentially Mr. Panetta, I have been trying to find anyone that would listen to the issues that have developed here in Monterey that have caused me to have to put down my professional life to, I

believe try to correct something here that I think has caused a lot of problems.

And it all stems from the Horan Law Firm, it stems from the Fenton & Keller Law Firm when they were involved in the litigation where I sued Alain Pinel Realty. We essentially found that James Cook and Dennis McCarthy of the two law firms had hidden documents and suborned perjury of Stephanie Crab, the real estate agent.

When I brought this to the direct attention of Judge Richard Silver and Judge Robert O'Farrell, they refused to address the issues. My own attorneys that I had, that I spent over \$200,000.00 on here in town told me in recorded conversations, with their knowledge and consent...

... that Judge Silver was manipulating trial dates and sabotaging motions in order to punish me for the law suit that I had filed against another attorney, Loretta Loop, and Jeanine Strong, who's at the Monterey College of Law.

Judge Silver then threatened me with criminal prosecution for—if I did not agree to a dismissal of my lawsuit against Alain Panel Realty.

When I refused to dismiss the complaint, he then terminated my lawsuit with terminating sanctions and without there being any violation of any court order. You know, I'm not gonna go into the great details of it, but I sent you a copy of that appeal that we appealed up to the court.

Essentially, you know, that in a nutshell, Mr. Panetta, is why I created Attorneybusters.com because I found that judges knew, absolutely knew of what Mr. McCarthy and Mr. Cook had done.

Judge O'Farrell released my own attorney, Larry Lichtenegger out from representing me after I paid him \$50,000 just 30 days prior to the trial he released Larry Lichtenegger out from being my attorney. And then denied me a continuance of the trial and forced me to go to trial myself.

I'm telling you some of the highlights only to say that I think you as hopefully a member of the Monterey Judicial community, you with your Panetta Institute and you being an attorney maybe would think that....(I'm not asking you to believe that all these things I'm telling you are true, all right?

Those would be discovered some other time, but if you are to assume that these things that I've told you are correct, don't you feel that there should be a way to have these matters addressed and have it brought to the public's attention to have the investigations done of this matter?

[00:04:25]

[00:04:27]

*Gene Forte:* Yes, I did. And they sent me back a boilerplate letter saying that there's nothing they can do about it.

I went to the grand jury. The grand jury said that they could do nothing.

And between us, and you know I hope that we can keep parts of this confidential, is there's judges on this bench that have been in contact with me that tell me that what I'm doing is well needed, that they're well aware of the problems that stem from Judge Robert O'Farrell and some of the matters of Judge Richard Silver.

But they won't stand up publicly to say this because they fear reprisal from where they are at on the bench.

And I've done, Mr. Panetta, I mean I was a man that—I have four children, I was a professional. I was earning a little bit over \$600,000 a year from my business. I was a big contributor to the Monterey Bay Aquarium.

I thought I was a very good, you know, contributing factor to this community. And what I've had to do, I've had to set all of that aside to really try to bring this out to the country because what's taking place here, I'm finding is rampant all across the country, but I'm trying to address it here.

And I'm looking for, you know, some guidance and some help and suggestions that hopefully—I've talked...apparently you and I have some mutual friends. I think Jim Russie used to be your roommate, I think, at one time at Santa Clara (Law School).

[00:06:04]

[00:06:05]

*Gene Forte:* Yeah, and you guys used to leave gifts for the incoming students in bottles. (*Laughs*)

[00:06:11]

[00:06:13]

*Gene Forte:* Yeah, well you know, yes, I have, you know.

But the thing is that I've been made out to be this terrible person that was accusing all these innocent judges that had done these things, but I absolutely can show that there are things that have taken place that are outrageous.

When I went to the District Attorney's offices, Dean Flippo, 'cause I filed a police report against Judge Richard Silver, my theory is this: if Judge Richard Silver knew that the attorneys had absolutely suborned perjury and had concealed documents which were a key document insider the litigation of the real estate transaction and when I requested for him to report that conduct or to address that matter.

When he (Silver) didn't do that, I believe that he breached his judicial candidate of ethics responsibilities in doing so.

And that when he did it to the point that he then threatened me with criminal prosecution unless I dismissed my action, that he (Silver) committed a felony and I have James Rummonds, an attorney I had in Aptos....I don't know if you know Jim or not, telling me that specifically.

Jim, in recorded conversations has told me that he feared for my life. He feared that I was in harms way because of the information that I had and the evidence I had on these judges.

And it doesn't make me feel good, Mr. Panetta to, you know, try to blacken these individual's careers, however, I believe if they've done something wrong, I think they truly should be held accountable—

[00:07:57]

[00:08:23]

*Gene Forte:* ...a disgruntled litigant.

[00:08:24]

[00:08:32]

*Gene Forte:* Well, you know—oh excuse me, go ahead Mr. Panetta, I'm sorry.

[00:08:34]

[00:09:44]

*Gene Forte:* Well, you know and my response to that, I come from Los Banos. I went to Catholic school. I didn't go to Carmel Catholic School, I went to Our Lady of Fatima Catholic School.

[00:09:53]

[00:09:55]

*Gene Forte:* You know what I was thinking about that last night. I swear to God I think that you possibly knew my dad and I actually think that you might have shot on a couple of our duck clubs down there because—well, we built most of the duck clubs out there.

I'm 51 years old. Rusty Areias is my distant cousin. Well, as I tell Rusty, I don't claim him very often (*Laughs*). You know, but his sister Kathleen was actually my first girlfriend at Our Lady of Fatima Catholic School, but I was thinking last night that, you know, he owned duck clubs down there.

So, I approach this, I know all those things that you tell me are correct because any time somebody has a problem in litigation there's always two sides to the story.

There's gonna be a winner and there's gonna be a loser. You know what? I truly—if I lose a matter because I was wrong or because it was legitimate, you know, ruling I have no problem in doing that.

The evidence that I have and that I showed as an example.....

What had happened to us, we had taken the depositions of Stephanie Crab from Alain Pinel Realty. Let's say on one year before this document revealed itself.

We take her deposition, we go in there, we answer questions, we do it, a notice of discovery, we get the documents. We ask her specifically regarding statements that were concerning a time period on an escrow.

She answers, totally 360 degrees opposite of a document that they did not produce that Mr. McCarthy hid that accidentally surfaced to—in the litigation a year later in another litigation when we subpoenaed the files directly from Alain Pinel Realty and we see this typewritten document which she had written to itself to whom

it may concern that when that document comes out, it was a 360 degrees direct contradictions to all of her statements in the deposition.

And when we brought this before Judge Silver and we showed this to him and we showed it also to Judge Terrance Duncan, Mr. McCarthy from the Fenton & Keller Law Firm tried to do a motion to suppress the document claiming it was attorney-client privilege.

Judge Silver took it under submission for 30 days.

During that time period, by the way, Chuck Keller for the very first time arranges a special meeting with Judge Silver in chambers and with Alexander Henson who is one of my attorneys.

Later it comes out Judge Silver rules that the document was not a privileged document, it should have been put on the privileged log, which it was not.

It shows the direct contradictions in the testimony of what Stephanie Crab had done and how they used that testimony to win the lawsuit.

This is not, you know, subjecture on my part. This is—

[00:12:50]

[00:12:51]

*Gene Forte:* Sure.

[00:12:53]

[00:12:54]

*Gene Forte:* At that time during that, that was Alexander Hanson. And James Rummonds

[00:13:00]

[00:13:09]

*Gene Forte:* Yes. Not only do we have it under—not only will they make statements to that fact, I have them in tape recorded conversations on—

[00:13:17]

[00:13:31]

Gene Forte: Oh absolutely, but—

[00:13:34]

[00:13:47]

Gene Forte: Well, you know, I can request 'em to do that, but the main reason why—

[00:13:52]

[00:14:42]

Gene Forte: Well, yes and I welcome that, however the attorneys, what I had each one of them withdrew the minute that they realized that this matter was taking place, as example on the court records we have James Rummonds saying that he was contacted by Dennis McCarthy from Fenton & Keller.

Dennis McCarthy says “you know if you make those types of statements in your motions, Judge Silver is gonna come down on top of you”.

And in addition is that each attorney and no attorney here locally will touch this with a 50 foot pole, because the fact of the matter is the things I've told you, they're in the court record.

There is no doubt that, I mean yourself as an attorney, would you find it pretty incredulous that Judge Robert O'Farrell, the presiding judge at that time would let Larry Lichtenegger out of a case after he'd been paid \$50,000, 30 days before trial and then deny me a continuance of that trial and force me to go to trial without an attorney?

[00:15:49]

[00:16:59]

Gene Forte: Well, you know, Mr. Panetta I understand that and that is why I started my radio program, that's why I started talking about these issues publicly.

I do have all the evidence and I've submitted it. I've tried to contact the attorney general's office, but the attorney general's offices do not take complaints from citizens about state officials. They are there to defend state officials.

And I believe that one of the matters that when I started my radio—

[00:17:29]

[00:17:32]

*Gene Forte:* The state attorney general's office told me that.

[00:17:34]

[00:17:47]

*Gene Forte:* That's correct.

[00:17:47]

[00:17:49]

*Gene Forte:* Well, I want to go to the point about this police report I've filed against Judge Silver and the two attorneys regarding the perjury and subordination of perjury.

This was given to Terry Spitz, the Assistant DA to DA Flippo. And we went around and around where they drug their feet on this, we're not doing anything for about four months.

Finally, they send me back a letter and in their letter they go to great lengths saying that basically, technically they weren't sure if a jury would convict on the matter of the perjury by the attorneys on subordination of the perjury...

...because technically the deponent did not sign the deposition and therefore technically....

I emphasize technically, that there was no perjury. This is the type of stonewalling that I've received. Now, one of the—

[00:18:42]

[00:18:56]

*Gene Forte:* Well, let me bring you to another point. On October the 12<sup>th</sup>, they had the 75<sup>th</sup> annual historic meeting of the State Bar of California here, I'm sure you're aware of that.

In front of the Doubletree Hotel...we had some placards out and we had people there.

We had over 300 people actually came and signed in saying that they had problems with the local judicial community, but we had over 5,000 people come by there to request fliers and pick up fliers as they were going by 'cause that was the same day they had that, what was it the Monterey Fish Fest, okay? Or whatever.

Even though that took place newspapers have not said one word about the issues or even our concerns of what I brought up and when I've contacted the local newspapers.

I've had—and TV stations, David Markowitz tell me that, you know, we (they) won't print anything bad about Judge Richard Silver. You know, this is something, we don't wanna—you know, this is something we don't even wanna discuss.

ell, you know, Mr. Panetta, what I did was I set off with my radio program, first here, and then I expanded it to Los Angeles.

And when I expanded into Los Angeles, I had other calls from other people from all around the country.

But the issue is a lot of people call and they're simply sore losers, you know, there are reasons why people lose litigations, okay?

But there is a very large number of them that were not sore losers and that brought me to investigate a case over in Wisconsin. And I bring this up because I was contacted by the Wall Street Journal about three weeks ago specifically regarding how there was a bill passed in Congress by Rep. Sensenbrenner, I think it was Bill 1462, regarding the removal of involuntary bankruptcy petitions filed against some government officials in Osaki County.

Well, when I got in to investigate that matter, they actually tried a man, deemed him to become a paper terrorist. They brought in a U.S. Patriot Act terrorist force, had the man arrested.

And what the man was trying to bring out to everyone, he was saying that the County attorney there had removed Clerk of Court files from the Clerk of Court's offices and when he removed those files, he removed the man's answer to a foreclosure proceedings.

They then took a default judgment against that man and when they did, they foreclosed on a \$600,000 piece of property.

[00:21:35]

[00:23:14]

*Gene Forte:* Yes, I did.

[00:23:15]

[00:23:28]

*Gene Forte:* You know what Mr. Panetta, I'll tell you this, if you will give me the courtesy of some of your time, I believe I can absolutely show you and make the case to you that would convince you that there's something here which should not take place. And I will also say—

[00:23:48]

[00:23:51]

*Gene Forte:* I know. No, no, you know, I—

[00:23:56]

[00:24:09]

*Gene Forte:* I had the—I do have those facts; it is not me Mr. Panetta. I do have those facts and in addition to those facts, we have a plethora of legally recorded telephone conversations with the attorneys that knew when they called my corporate offices during representation.

They were being recorded and you can hear for yourself them stating that Judge Silver was committing a felony, that my life was gonna be in danger with this and a whole slew of other things that will absolutely totally—it's not just me and it's not paranoia—

[00:24:43]

[00:25:01]

*Gene Forte:* I will do that.

[00:25:03]

[00:25:10]

*Gene Forte:* Well, you know what? That is 100% fair and what I also finally close and say, I want to again thank you for your time and I also want to say the issue of this Magritz in Wisconsin is something that needs to be—the information needs to be delivered to someone directly at the White House about this because I do have the absolute proof that what has happened is that the county officials

there got a guy put in jail because he caught them doing something they couldn't do.

[00:25:41]

[00:25:41]

Gene Forte: Italian.

[00:25:43]

[00:25:48]

Gene Forte: Don't hold that against me.

[00:25:51]

[00:25:53]

Gene Forte: That's a plus. Well, the weak gene is a half-Portuguese okay? But in Los Banos, you gotta be porta-wop of you're not anything at all all right?

[00:26:01]

[00:26:07]

Gene Forte: And I promise you this Mr. Panetta, when you review this material, it's going to be—the situation that it's going to cause you to really ask some questions. Thank you Mr. Panetta, take care now, bye-bye.

[End of audio]