

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

HONORABLE ROBERT O'FARRELL, JUDGE

.....
EUGENE FORTE,
PLAINTIFF,

VS.

NO. M 54914

MICHAEL ALBOV, ET AL.,
DEFENDANTS.
.....

TRANSCRIPT OF PROCEEDINGS
COURTHOUSE, MONTEREY, CALIFORNIA

DECEMBER 19, 2003

APPEARANCES:

EUGENE FORTE, IN PRO PER

DENNIS MC CARTHY

1 DECEMBER 19, 2003

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3 THE COURT: THE NEXT MATTER IS FORTE VERSUS
4 ALBOV.

5 MR. MC CARTHY: GOOD MORNING, DENNIS MC CARTHY
6 APPEARING FOR STEPHANIE CRABB.

7 MR. FORTE: GOOD MORNING, YOUR HONOR.

8 THE COURT: GOOD MORNING.

9 MR. FORTE: GENE FORTE, PROPRIA PERSONA.

10 YOUR HONOR, PRIOR TO THIS -- COMMENCEMENT OF
11 THIS HEARING, I WOULD LIKE TO ASK A COUPLE OF QUESTIONS.
12 HOW WAS THIS CASE ASSIGNED TO YOUR HONOR?

13 THE COURT: WE'RE NOT GOING TO GET INTO THAT.
14 IT'S MY CASE, I'M TAKING IT. JUDGE FIELDS HAD THE
15 MATTER. HE DISQUALIFIED HIMSELF. I HAVE GOT THE CASE.
16 THAT IS THE END OF IT.

17 MR. FORTE: EXCUSE ME.

18 THE COURT: NO, THAT'S IT.

19 MR. FORTE: EXCUSE --

20 THE COURT: NO, EXCUSE ME. WE'RE GOING IN THE
21 ORDER THAT THIS MOTION WAS SET.

22 MR. FORTE: NO, PARDON ME, YOUR HONOR.

23 THE COURT: NO, IF --

24 MR. FORTE: EXCUSE ME, YOUR HONOR, YOU'RE
25 INTERRUPTING ME.

26 THE COURT: IF YOU KEEP INTERRUPTING ME, SIR,
27 I'M GOING TO HAVE TO CITE YOU FOR CONTEMPT. AND I'M
28 TELLING YOU THAT NOW, WARNING YOU. YOU SIT DOWN. YOU

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.)

1 THE COURT: CONTINUING WITH THE FORTE MATTER.
2 IT APPEARS HE IS DESIROUS OF FILING A 170.6. I ASSUME
3 THAT WILL HAPPEN. IT WILL HAVE TO BE REASSIGNED TO
4 ANOTHER JUDGE, THE MOTION ITSELF. THAT IS NOT GOING TO
5 HAPPEN TODAY.

6 MR. MC CARTHY: OKAY.

7 THE COURT: THE DEPOSITION IS SET FOR WHAT
8 DATE?

9 MR. MC CARTHY: IT ACTUALLY PASSED. IT WAS
10 SET FOR EARLY DECEMBER. I FILED MY MOTION, AND,
11 THEREFORE, IT'S OVER UNTIL IT'S RULED UPON.

12 THE COURT: SO, TIME IS NOT OF THE ESSENCE,
13 THEN. THE 9TH OF JANUARY.

14 MR. MC CARTHY: THAT IS FINE, YOUR HONOR.

15 THE COURT: THE 9TH OF JANUARY IN A DEPARTMENT
16 TO BE ASSIGNED.

17 MR. MC CARTHY: THANK YOU.

18 THE COURT: YOU'RE WELCOME.

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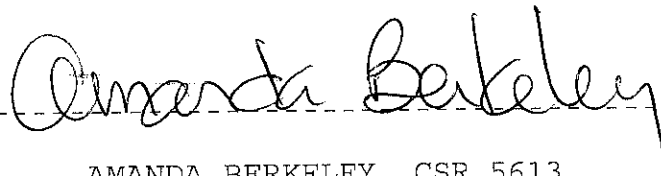
STATE OF CALIFORNIA ::
 ::: SS
COUNTY OF MONTEREY ::

I, AMANDA BERKELEY, A CERTIFIED
COURT REPORTER OF THE STATE OF
CALIFORNIA, DO HEREBY CERTIFY
THAT I AM THE REPORTER WHO
REPORTED THE ABOVE PROCEEDINGS
IN THE MATTER ENTITLED:

FORTE, PLAINTIFF,
V.
ALBOV, DEFENDANT;

THAT I REPORTED THE PROCEEDINGS
FULLY AND CORRECTLY, AND THAT THE
FOREGOING PAGES, NUMBERED 1 - 3,
INCLUSIVE, ARE A COMPLETE AND
CORRECT TRANSCRIPTION OF MY
STENOTYPE NOTES TAKEN AT SAID
TIME AND PLACE.

DATED: DECEMBER 19, 2003



AMANDA BERKELEY, CSR 5613

OFFICIAL REPORTER