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In Propria Persona  
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6 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
7 **IN AND FOR THE COUNTY OF MONTEREY**

8 EUGENE FORTE,

9 Plaintiff,

10 vs.

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13  
14 DEAN FLIPPO, et al.

15 Defendants.  
16  
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) Case No. MAR 125367

) **CHALLENGE FOR CAUSE**  
) **AGAINST COMMISSIONER**  
) **RICHARD RUTLEDGE;**  
) **MEMORANDUM OF POINTS**  
) **& AUTHORITIES;**  
) **DECLARATION OF EUGENE**  
) **FORTE; AND VERIFICATION**

) Code of Civil Procedure §170.3 (c)(1)

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19 Plaintiff EUGENE FORTE hereby moves that any hearing which involves a contested  
20 issue of law or fact currently set for January 5<sup>th</sup>, 2005, as of today, which has been assigned to  
21 Commissioner Richard Rutledge of the Superior Court, to be reassigned from that Judge due to  
22 just cause, and that no matters hereinafter involving this case be heard by, or assigned to, Judge  
23 Commissioner Rutledge based on the grounds that:

- 24 1) Said Commissioner is prejudiced against the Plaintiff or the interests of said Plaintiff in  
25 this action.  
26 2) Said Commissioner previously filed a self-disqualification according to California Code  
27 of Civil Procedure §170.1 in the case *Loop v. Forte* MAR115437. See attached Exhibit  
28 "1".  
3) Attached Exhibit "2" show that Commissioner Rutledge had given the verdict in a small