

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MONTEREY

HONORABLE JOHN J. GOLDEN, JUDGE

(PARTIAL TRANSCRIPT OF NOVEMBER 23RD, 2005)

EUGENE FORTE, PLAINTIFF,

vs.

Case No. M72599

ROBERT O'FARRELL, ET AL., DEFENDANTS.

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14 TRANSCRIPT OF PROCEEDINGS

15 MONTEREY, CALIFORNIA

16 NOVEMBER 23, 2005

4 MR. FORTE: Yes, Your Honor. We have the other
5 matters that are outlined inside of the O'Farrell -- other
6 orders to be addressed. And I'll have those in front of me
7 in just one second, sir. The -- one second.

8 Oh. The request for order correcting error in
9 title of order denying motion to be declared a vexatious
10 litigant.

11 THE COURT: Mr. Forte, I've considered that.
12 I've read your offerings on that issue. I've concluded

13 that the change in that title which you advocate need not
14 be made. Although the title is somewhat misleading, it's
15 the text of the order which controls the effect of the
16 order.

17 And anybody connected with these matters
18 understands that the title is not to be given any control
19 or effect on the substance of the order.

20 MR. FORTE: Well, then, Your Honor -- Your Honor
21 has gone ahead and made it a point in a related case
22 somewhat, in M58208, to correct a very minor clerical error
23 that was issued inside of a order.

24 THE COURT: That case is not before us at this
25 time.

Susan K. Kern, CSR 6717

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1 MR. FORTE: Oh, but no. I'm talking about, Your
2 Honor, the logic that's being applied here.

3 Your Honor decides it's appropriate for some
4 reason to correct a small typographical error inside of one
5 case. But in this case, when there is clearly, from Your
6 Honor's own statement, that it is somewhat deceptive or
7 misleading.

8 Is that I don't see any harm for you simply, Your
9 Honor, going ahead and having the order, the title page,
10 just changed so it's very clear. So when somebody picks it
11 up, they can actually see that the order for -- declaring
12 plaintiff a vexatious litigant was denied.

13 It's not going to hurt anybody, as you said. But
14 it's certainly going to make me a little bit happier and I
15 think it makes for due sense that it is logical and well
16 reasoned.

17 THE COURT: All one has to do is to read the
18 order to see that it's denied.

19 MR. FORTE: But you know, it's confusing on the
20 face of the order, Your Honor. And therefore, I'm
21 requesting, please, sir, simply to do that. Would you do
22 that, sir?

23 THE COURT: No.

24 MR. FORTE: Why?

25 THE COURT: It's unnecessary.

Susan K. Kern, CSR 6717

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1 MR. FORTE: Well, you said it was deceptively
2 misreading for somebody reading the top of the order. I

3 mean that doesn't seem appropriate.

4 THE COURT: I don't think I said that. But in

5 any event, the change which you advocate will not be made.