

FILED

SEP 28 1984

STOCKTON CLERK

Dorena McSweeney

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2 LAW OFFICES OF BELLI, DRIVON & BAKERINK
3 215 North San Joaquin Street
4 Stockton, California 95202
5 Telephone: (209)466-0982

6 Attorneys for Plaintiffs

7
8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

9
10 RICHARD BERBERIAN,

11 Plaintiff,

CASE NUMBER: 813484

12 vs.

PROOF OF SERVICE BY
MAIL

13 HAIG BERBERIAN, as an individual and
14 a general partner, et al.,

15 Defendants.

16 I DECLARE THAT:

17 I am a resident and employed in the county of San Joaquin,
18 California. I am over the age of eighteen years and not a party
19 to the within cause; my business address is 215 North San
20 Joaquin Street, Stockton, California.

21 On September 27, 1984, I served the within Amendment To
22 The Second Amended Complaint on the interested parties in said
23 Cause, by placing a true copy thereof enclosed in a sealed
24 envelope with postage thereon fully prepaid, in the United
25 States mail at Stockton, California, addressed as follows:

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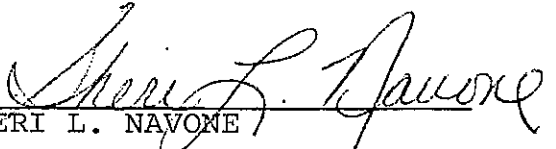
James P. Wiesel
THELEN, MARRIN, JOHNSON & BRIDGES
Two Embarcadero Center
San Francisco, CA 94111

Steven B. Sacks
TITCHELL, MALTZMAN, MARK, BASS,
OHLEYER & MISHEL
650 California Street, 29th Floor
San Francisco, CA 94108

Rudy Bilawski
NEUMILLER & BEARDSLEE
P.O. Box 20
Stockton, California 95201

I declare under penalty of perjury that the foregoing is
true and correct, and that this declaration was executed on
September 27, 1984.

///



SHERI L. NAVONE



SEP 18 1984

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Telephone: (209) 466-0982

ENDORSED
FILED
San Francisco County Superior Court

SEP 18 1984

Attorneys for Plaintiff

DONALD W. DICKINSON, Clerk
BY: MONICO MATEO
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

RICHARD BERBERIAN,

Plaintiff,

CASE NUMBER: 813484

vs.

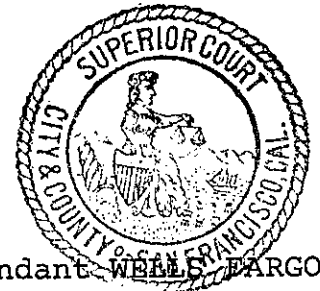
AMENDMENT TO THE
SECOND AMENDED
COMPLAINT

HAIG BERBERIAN, as an individual
and a general partner, et al.,

Defendants.

FIFTH CAUSE OF ACTION

V



The breach of its fiduciary duty by defendant WELLS FARGO BANK, acting as Trustee, as herein alleged, was not discovered by plaintiff until on or about September 2, 1980, a date within four years for the commencement of this action. Plaintiff could not with due diligence discover the breach of fiduciary duty by defendant WELLS FARGO BANK until on or about this date because co-defendants HAIG BERBERIAN, ISABEL BERBERIAN CORP., and HAIG BERBERIAN CORP., acting as general partners, concealed their activities from plaintiff. On or about September 2, 1980, plaintiff saw a memorandum pertaining to the sale of the assets of the HAIG BERBERIAN limited partnership

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to PET, INC., and on September 2, 1980, realized that defedant
WELLS FARGO BANK had breached its fiduciary duty to manage
the trust corpus with reasonable skill, prudence, and diligence.

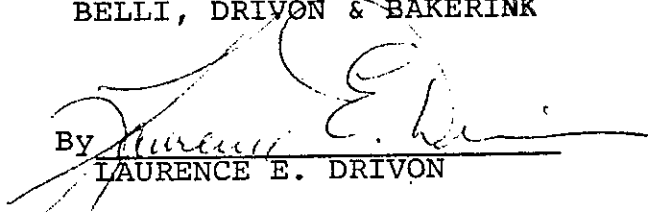
SIXTH CAUSE OF ACTION

XII

Plaintiff repleads and realleges as though set forth
in full herein paragraph V of his Fifth Cause of Action.

DATED: August 14, 1984

LAW OFFICES OF
BELLI, DRIVON & BAKERINK

By 
LAURENCE E. DRIVON

///

