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May 3, 1986

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RE: Richard Berberian v. Wells Fargo Bank, Haig Berberian, et al.

Dear Larry:

The first sentence of your letter dated May 2, 1986 is in error. It was on May 1, 1986 that I called to inform you that I am not willing to sign your Substitution of Attorney that you have indicated you wish that I sign. On December 5, 1984 you first notified me that you did not wish to continue with my lawsuit because of the type of case it was and the time requirements of such a case. You stated that you had been a long time in coming to that decision which you said you then felt was mandatory insofar as you and your office was concerned. When my case was first presented to you, I asked you if you had sufficient time for it. You answered in the affirmative. Given that history, I could not accept your future explanation for withdrawal. You even told me during my first phone call to you subsequent to your 12-5-84 letter that some of the cases taking up your time were ones you took on after you accepted mine. I was unhappily surprised with that piece of information.

Also at that time I was not clearly informed, or informed at all, that it was my primary responsibility to find a new attorney. You pointed that out to me in your letter of February 19, 1986. In the meantime I relied upon you to help me find a new one and made it clear to you that I did indeed want your help. I was dependent upon you. I believed you were best suited to match my case to the proper attorney and I believe I indicated that to you in my letters as well as by phone. More than a year later, Richard Bridgman, Esq. decided to pass on my case. It had taken a year or more for you and him to get together and then have me meet him and have him take a day and a half to review my file, and then pass. It came as a shock to me that he ultimately passed on the case and shortly thereafter I made it clear to you that I couldn't emotionally afford to have that happen again. You said you'd talk to Rodney Klein, Esq. Being that both your schedules were so tight, it took a few months before he decided to pass and I believe he did so without meeting with you or reviewing the file. It seems to me now and in thinking about the matter, you haven't even had enough time to seriously help me find a new attorney.

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Anyway, as you well understand, I then started to actively try to find a new attorney myself and informed you of everyone I approached. Up until that time I had not wanted to approach attorneys on my own not only because of a lack of confidence in choosing the proper one for my case, but because I still believed the case needed to be kept very secret until the proper legal channels had all been exhausted. I no longer feel that this is the best way and I feel my case now deserves publicity not only for my own well being, but for those who could benefit from knowledge of my unfortunate experiences with those who were in a position of trust. I informed Judi of this during my emotional phone call to your office on May 1, 1986.

But as I was saying, after Mr. Klein passed on my case, I proceeded to search for an attorney on my own, yet all the while keeping you informed of who I would approach and what transpired. I sent you detailed reports in good faith describing everything I could remember about the visits and experiences and even made a tape recording of my thoughts prior to and after my meeting with Charles Wisch, Esq. of San Francisco. (I have tried to keep my sense of humor throughout all of this to ease the pain. My life and that of my family has been traumatized by this whole ordeal.) I assume now that it has all been in vain because maybe things could have come to a head much sooner between you and me, and I am sickened by the end result of all my efforts to keep your interest.

I have believed all along that you were the proper attorney for my case not only because of Rudy Bilawski's recommendation, but because of what I've noticed about you. You are a smart guy and I know you've got whatever else it takes to win cases. (I'm sorry you don't like mine better.) I've adhered to that opinion in spite of all the attorneys I took my case to who stated that you did a poor job for me from the beginning, some comments bordering on personal attacks. I still believe you're the right man for the job unless you'd continue, in effect, to refuse to push my case.

Since it is now clear to me that you indeed want out by way of your Substitution of Attorney, I have to say to you that you're going to have to take the time to tell a judge that, because that's the only way I'll know for sure that your withdrawing is the right thing to do. If a judge will accept your reason or excuse that you don't have enough time for my type of case, then by law I'll have to accept it. But I cannot release you from your legal obligation to me on my own with that explanation from you nor any of the other lesser excuses or reasons you've presented in your letters. If the judge doesn't let you go, then I'll expect you to find the time to expedite my case to conclusion.

I have stated from day one that I expect this case to conclude via trial by jury, correct me if I'm wrong. I have never misrepresented my intentions or wants or what I know about the case, nor were there any misrepresentations that occurred. Your not bringing any such problems to my attention is proof

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of that. You have stated several times that I have a good case and therefore I'd expect you to win it. But you can't win a case unless you take it to court. The out-of-court settlements that your firm makes are termed, I believe, "selling them." I have the strongest confidence that you could "win" mine, but only if you're forced to.

I made an effort on April 30 and May 1 to personally contact you by phone and inform you of my decision, since I wasn't able to secure another attorney on my own (many of whom passed because of your handling of the case up until now as well as prior to 12-5-84) by the May 1 deadline you gave me recently. Apparently you were not available at the times I called. I stated that I hadn't discussed with you the signing of a Substitution of Attorney. Judi must have misunderstood what I said as my not having discussed with you enough your withdrawal from my case. I know now that the two mean the same to you but they don't to me, as you now well know, because the only way I will allow you to withdraw from my case is to file that motion to withdraw, a procedure I knew nothing about until relatively recently. I explained to Judi, however, that I want to waste no more time in accomplishing what now seems inevitable, a hearing on the matter.

I would still like to tell you personally by phone that the motion will have to be filed, and filed as quickly as possible, but Judi informed me that you wish to meet with me personally as set in your letter of 5-2-86. I'm not sure what a meeting on Tuesday, May 13, 1986 at 10:30 a.m. would accomplish, because I have said I wish to waste not one more minute. (Delay almost unfailingly benefits the defendent, Ralph Ogden advised me recently.) A phone call could probably serve the same purpose in much less time. Unless you haven't informed me of all the ramifications of filing a motion to withdraw, even the phone call might not be necessary, though I would appreciate your taking the time to call me if you do decide to just file the motion and be done with it.

I am going to do my level best to reach you by phone at your office prior to May 13. Judi has informed me that you will be in the office on May 12. I hope you will make yourself available to me then. Saving one day's time is of value to me and my case. If you are for some reason not available that Monday to talk to me and if I haven't heard from you in the meantime, then you can expect me to come to your office to meet with you. Hopefully then and thereafter we can make the best use of the law to obviate the successful completion of this matter on both our behalf.

Sincerely,



Richard C. Berberian