

DRIVON, BAKERINK
ABAK, BALCAO & COOPER
A PROFESSIONAL LAW CORPORATION
215 N. SAN JOAQUIN STREET
STOCKTON, CA 95202

(209) 466-0952

May 30, 1986

Clerk of the Superior Court
County of San Francisco
Room 317, City Hall
San Francisco, California 94102

Attn: Clerk, Dept. 14

Re: Berberian v. Wells Fargo Bank, et. al.
Action No. 813484

Dear Sir:

Enclosed please find original and one copy of Supplement to Declaration of Laurence E. Drivon in Support of Motion to Withdraw as Attorney of Record. Please note this matter is set for hearing June 20, 1986 at 9:30 in Department 14.

Please file the original and return the copy, marked endorsed, to us in the enclosed envelope.

Sincerely,

Judith Ann Miller
Secretary to Laurence E. Drivon

/jm
Encl.

1 LAURENCE E. DRIVON
2 DRIVON, BAKERINK, TABAK, BALCAO & COOPER
3 A Professional Law Corporation
4 215 North San Joaquin Street
5 Stockton, California 95202
6 Telephone: (209) 466-0982

7
8 Attorneys for Plaintiff

9
10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

11 RICHARD BERBERIAN,

NO. 813484

12 Plaintiff,

SUPPLEMENTAL EXHIBIT
IN SUPPORT OF MOTION TO WITHDRAW
AS ATTORNEY OF RECORD

13 vs.

14 WELLS FARGO BANK, et al.,

Date: June 20, 1986

Time: 9:30 A.M.

Dept: 14, Room 479

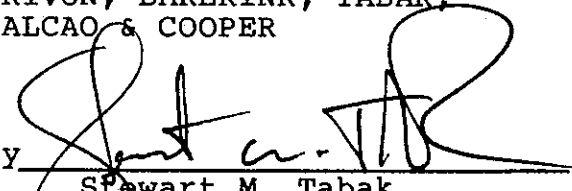
15 Defendants.

16
17 TO: RICHARD BERBERIAN:

18 Attached hereto and incorporated herein by reference is
19 Exhibit "E", as a supplement to Plaintiff's attorney's Motion to
20 Withdraw as Attorney of Record (previously served upon plaintiff
21 on May 14, 1986). Said Exhibit "E" is a copy of a letter to
22 Richard Berberian dated December 5, 1984, sent certified, with
23 return receipt attached thereto.

24 DATED: May 30, 1986

25 DRIVON, BAKERINK, TABAK,
26 BALCAO & COOPER

27
28 By 
Stewart M. Tabak
For Laurence E. Drivon

LAW OFFICES OF
BELLI, DRIVON & BAKERINK

December 5, 1984

215 NORTH SAN JOAQUIN
STOCKTON, CALIFORNIA 95202
TELEPHONE (209) 466-0982

1030 CENTRAL
P.O. BOX 650
TRACY, CALIFORNIA 95376
TELEPHONE (209) 835-9590

318 WEST PINE STREET
LODI, CALIFORNIA 95240
TELEPHONE (209) 334-4109

MELVIN M. BELLI, SR.
LAURENCE E. DRIVON
G. ARCHER BAKERINK
STEWART M. TABAK
DALE S. BALCAO
DEAN F. COOPER

LAURENCE DRIVON
OF COUNSEL

Reply to Stockton

Certified: P 371 030 203

Richard Berberian
605 Hamden Lane
Modesto, CA 95350

RE: Berberian v Berberian
FILE: 40,749

Dear Richard:

With respect to your telephone call the other day, I have a copy of the letter to which you referred. I have read the letter and now have it in my file.

I have been a long time in coming to the decision which I now feel is mandatory insofar as I and this office are concerned. In thinking about the matter and discussing it with my partners, it is clear that our office is not going to be able to handle this matter for you to conclusion.

Many factors come into play with respect to this. One is that we no longer have the assistance of Mr. Bilawski, but that is not crucial or the deciding factor. It now appears that the time requirements necessary to prosecute this case will constitute a substantial strain on the resources of our office and could result in a less than full and vigorous prosecution of your matter. This office is presently handling some extremely complex litigation which will make substantial demands on our time.

It would be ultimately very unfair to you and to other clients of our office whose cases demand our time for us to continue to attempt to prosecute more of these type of actions than we have time to aggressively prosecute.

At the present time, the condition of your litigation is extremely good. We are up-to-date in the matter. We have filed and served the complaints, we have taken care of the law and motion matters pertaining to the complaints and now have answers from all the parties.

As you know, interrogatories were sent to Haig Berberian and we are awaiting answers on those interrogatories. We recently have received interrogatories from the defendants to you which are now in the process of being answered. I believe that you have been contacted by our office relative to those particular interrogatories.

Richard Berberian
December 5, 1984
Page 2

As soon as we have Haig's answers back, the next step would be to schedule Haig's deposition in this matter and then force the matter as quickly as possible to trial.

It is not my desire to see your litigation languish, or go by the wayside. I believe that you have a viable case against the defendants that we have named, and perhaps against others including Pete Jepson. His involvement should become even more clear after Haig's deposition and at that time consideration should be given to including him in the litigation.

I believe that you will be well served by our making this decision at this time instead of waiting until we are farther down the line and additional tactical decisions have been made which might be different than those made by another firm handling this matter.

I will cooperate in every way that I can in order to insure a smooth transition of your case from this office to any other office of your choosing. Should you require and request assistance in locating another attorney, I will be more than happy to do whatever I can.

I would appreciate it if you would give some thought to how you would like to accomplish this particular transition and substitution of attorneys. If you desire to discuss the matter with me, please either call or make an appointment to come in and discuss it with me.

I assure you that I have had absolutely no contact in any form with your father or anyone else who is concerned in this litigation since the time that your father accompanied you to this office. To my knowledge it is the only time that I have ever spoken with your father concerning this, or any other matter. Further, I want to assure you that Mr. Bilawski has not discussed his withdrawal from the case with me, nor has he supplied me with anything that would bear upon my decision to perfect a substitution of attorney in this matter. The sole reasons for this decision on the part of my office is as set forth above.

Again to reiterate, I believe that you have a good case and of course, I will help you in any way that I can consistent with the decision of this office to obviate the successful completion of this matter on your behalf.

Very truly yours,

LAW OFFICES OF BELLI, DRIVON & BAKERINK

Laurence E. Drivon
LED:mlb

P 371 030 203
 RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
 NOT FOR INTERNATIONAL MAIL

(See Reverse)

| | |
|---------------------------------------------------------------|----------------|
| Sent to <i>Richard Barberian</i> | |
| Street and No. <i>605 Hamden Lane</i> | |
| P.O., State and ZIP Code <i>Modesto CA 95350</i> | |
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to whom and Date Delivered | |
| Return Receipt Showing to whom, Date, and Address of Delivery | |
| TOTAL Postage and Fees | \$ <i>1.00</i> |
| Postmark or Date | |

PS Form 3800, Feb. 1982

PS Form 3811, Dec. 1980

● SENDER: Complete items 1, 2, 3, and 4.
 Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
 Show to whom and date delivered —¢
 Show to whom, date, and address of delivery.. —¢

2. RESTRICTED DELIVERY
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:
Richard Barberian
605 Hamden Lane
Modesto, CA 95350

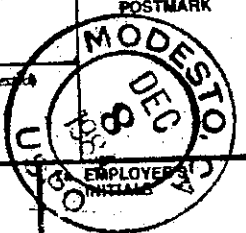
4. TYPE OF SERVICE:
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 CERTIFIED COD
 EXPRESS MAIL

ARTICLE NUMBER
return receipt requested
P 371 030 203

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Richard Barberian

5. DATE OF DELIVERY
12-8-84

POSTMARK


6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

**DRIVON, BAKERINK
TABAK, BALCAO & COOPER**
A PROFESSIONAL LAW CORPORATION

215 NORTH SAN JOAQUIN
STOCKTON, CALIFORNIA 95202

Mr. Richard Berberian
605 Hamden Lane
Modesto, California 95350

