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FILED

San Francisco County Superior Court

JUN 20 1986

DONALD W. DICKINSON, Clerk

BY W. M. Tabak
Deputy Clerk

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 Attorneys for Plaintiff

DOCUMENT FILED,
BUT NOT ENTERED
IN REGISTER OF
ACTIONS

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

9
10 RICHARD BERBERIAN,

NO. 813484

11 Plaintiff,

SUPPLEMENTAL EXHIBIT

IN SUPPORT OF MOTION TO WITHDRAW
AS ATTORNEY OF RECORD

12 vs.

13 WELLS FARGO BANK, et al.,

Date: June 20, 1986

Time: 9:30 A.M.

Dept: 14, Room 479

14
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 By Stewart M. Tabak
28 Stewart M. Tabak
For Laurence E. Drivon

LAW OFFICES OF
BELLI, DRIVON & BAKERINK

215 NORTH SAN JOAQUIN
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LODI, CALIFORNIA 95240
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December 5, 1984

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.

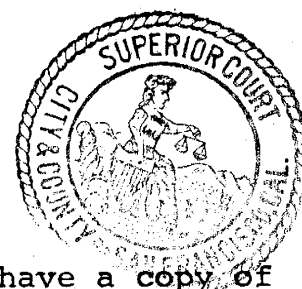
I have been a long time in coming to the decision which I now feel is mandatory insofar as I and this office are concerned. In thinking about the matter and discussing it with my partners, it is clear that our office is not going to be able to handle this matter for you to conclusion.

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.

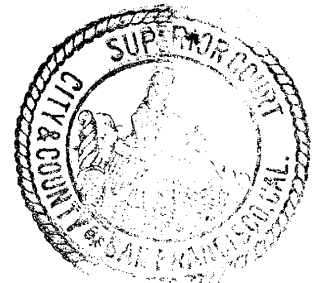
I assure you that I have had absolutely no contact in any form with your father or anyone else who is concerned in this litigation since the time that your father accompanied you to this office. To my knowledge it is the only time that I have ever spoken with your father concerning this, or any other 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 171 030 203
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	\$ 1
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:** **ARTICLE NUMBER**
 REGISTERED INSURED *return receipt*
 CERTIFIED COD *requested*
 EXPRESS MAIL *P 171 030 203*

(Always obtain signature of addressee or agent)

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

5. **DATE OF DELIVERY** **POSTMARK**
12-8-84 **MODESTO**

6. **ADDRESSEE'S ADDRESS** (Only if requested)
DEC 8 1984

7. **UNABLE TO DELIVER BECAUSE** **EMPLOYEE'S INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



DECLARATION OF SERVICE BY MAIL

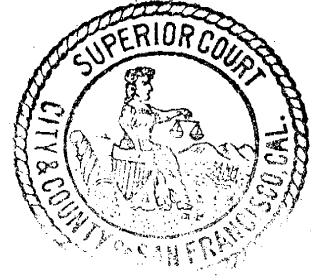
I declare that I am employed in the County of San Joaquin, California. I am over the age of eighteen years and not a party to the within-entitled cause. My business address is 215 North San Joaquin Street, Stockton, California 95202.

On May 30, 1986, I served the SUPPLEMENTAL EXHIBIT IN SUPPORT OF MOTION TO WITHDRAW AS ATTORNEY OF RECORD on the parties in said cause by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Stockton, California, addressed as follows:

STEVEN B. SACKS, Esq.
Titchell, Maltzman, Mark, Bass,
Ohleyer & Mishel
650 California Street, 29th Floor
San Francisco, California 94108

JAMES P. WIEZEL, Esq.
Thelen, Marrin, Johnson & Bridges
Two Embarcadero Center, 22nd Floor
San Francisco, California 94111

MR. RICHARD BERBERIAN
605 Hamden Lane
Modesto, California 95350



I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATED: May 30, 1986, at Stockton, California.



JUDITH ANN MILLER