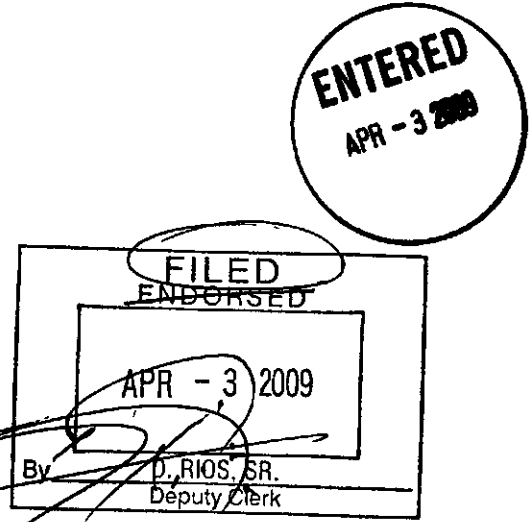


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13 Attorneys for Petitioners



**Exempted from Fees
(Gov. Code § 6103)**

14
15 SUPERIOR COURT OF CALIFORNIA
16 COUNTY OF SACRAMENTO

18 ARNOLD SCHWARZENEGGER,
Governor; DAVID A. GILB, Director of
19 Department of Personnel Administration;
DEPARTMENT OF PERSONNEL
20 ADMINISTRATION,

21 Petitioners,

22 v.

23 STATE CONTROLLER JOHN CHIANG;
and DOES 1 through 20, inclusive,

24 Respondents.

CASE NO. 34-2009-80000158-CU-WM-GDS

FINAL JUDGMENT RE:

- 25 **1. Petitioners' Petition for Writ of Mandate**
- 26 **2. Petitioners' Complaint for Injunctive and Declaratory Relief**
- 27 **3. Intervenor's Complaint for Declaratory Relief**

Date: March 12, 2009
Time: 1:30 p.m.
Dept.: 19
The Honorable Patrick Marlette

Action Filed: February 9, 2009

1 The above-captioned matter came on regularly for hearing on the merits pursuant
2 to the petition filed by Petitioners Governor Arnold Schwarzenegger, David Gilb, Director of
3 Department of Personnel Administration, and the Department of Personnel Administration on
4 March 12, 2009 at 1:30 p.m. in Department 19 of the above-entitled Court, the Honorable Patrick
5 Marlette, Judge Presiding. Petitioners/Plaintiffs were represented by David W. Tyra of Kronick,
6 Moskowitz, Tiedemann & Girard and Will Yamada of Department of Personnel Administration.
7 Respondent and Intervenors Lieutenant Governor John Garamendi, Secretary of State Debra
8 Bowen, Treasurer Bill Lockyer, Attorney General Edmund G. Brown, Jr., State Superintendent of
9 Public Instruction Jack O'Connell, and the California Board of Equalization were represented by
10 Deputy Attorney General Mark Beckington. Prior to the hearing, the parties submitted briefs and
11 documentary evidence to the Court.

12 The matter having been argued and submitted for decision, and the Court having
13 considered all briefs and evidence submitted by the parties, and having issued a Minute Order
14 dated March 12, 2009 affirming its tentative decision issued prior to the hearing, and the Court
15 having directed that judgment and a peremptory writ of mandate should issue in this action:

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

17 1. That Petitioners/Plaintiffs are granted a peremptory writ of mandate against
18 Respondent State Controller John Chiang compelling Respondent to comply with Governor's
19 Schwarzenegger's Executive Order S-16-08 directing two-day-per-month furloughs of state
20 employees as applied to the civil service employees of the Respondent and Intervenors.

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2. That judgment is entered in favor of Petitioners/Plaintiffs and against
Intervenors on Intervenors' Complaint in Intervention.

Dated: APR -3 2009

Paul Walth

Judge of the Superior Court



APPROVED AS TO FORM:

Dated: April 2, 2009

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

By *David W. Tyra*

David W. Tyra
Attorneys for Petitioners
ARNOLD SCHWARZENEGGER, Governor;
DAVID A. GILB, Director of Department of Personnel
Administration; and DEPARTMENT OF
PERSONNELADMINISTRATION

Dated: April __, 2009

DEPARTMENT OF JUSTICE

By _____

Mark R. Beckington
Attorneys for Respondents and Intervenors
STATE CONTROLLER JOHN CHIANG
and LT. GOVERNOR JOHN GARAMENDI, et al.



DAVID W. TYRA

(916) 321-4500
dtyra@kmtg.com

March 24, 2009

BY HAND DELIVERY

Honorable Patrick Marlette
Judge of the Superior Court
Sacramento County Superior Court
Department 19
720 Ninth Street
Sacramento, CA 95814

Re: Arnold Schwarzenegger, Governor, et al. v. State Controller John Chiang
Sacramento Superior Court Case No.: 34-2009-80000158

Dear Judge Marlette:

I enclose the following documents in the above-referenced case for your consideration:

1. Order After Hearing.
2. Final Judgment.
3. Writ of Mandate.

I also enclose the objections to these documents sent to me by counsel for Respondent and Intervenor, Deputy Attorney General Mark Beckwith. I offer the following responses to Mr. Beckington's objections:

RESPONSES TO OBJECTIONS TO ORDER AFTER HEARING:

Objection No. 1: I have modified the language to reference this Court's post-hearing Minute Order of March 12, 2009 rather than the pre-hearing tentative ruling.

Objection No. 2: Same response as to Objection No. 1.

RESPONSES TO OBJECTIONS TO PEREMPTORY WRIT OF MANDATE:

Objection No. 1: I have modified the writ to eliminate the reference to DPA's furlough plan.

Objection No. 2: Plaintiffs/Petitioners stand by the language as is. The term "civil executive officers" is the appropriate statutory terminology. However, to avoid confusion I have added the word "elected" as a modifier before the phrase "civil executive officer" to accurately describe the parties before the Court.

Objection No. 3: See response to Objection No. 1.

Objection No. 4: See response to Objection No. 2.

RESPONSE TO OBJECTIONS TO FINAL JUDGMENT:

Objection No. 1: The word "verified" has been eliminated.

Objection No. 2: The Intervenors are named.

Objection No. 3: The final judgment has been modified to reference this Court's post-hearing Minute Order of March 12, 2009 rather than the pre-hearing tentative ruling.

Objection No. 4: I have modified the final judgment to eliminate the reference to DPA's furlough plan.

Objection No. 5: Plaintiffs/Petitioners stand by the language as is. The term "civil executive officers" is the appropriate statutory terminology. However, to avoid confusion I have added the word "elected" as a modifier before the phrase "civil executive officer" to accurately describe the parties before the Court.

Objection No. 6: Plaintiffs/Petitioners stand by this language. This Court granted final judgment to Plaintiffs/Petitioners. Plaintiffs/Petitioners sought injunctive relief in their complaint. Plaintiffs/Petitioners take the position that final judgment should include a grant of injunctive relief consistent with this Court's ruling on this matter and consistent with the prayer for relief in the complaint/petition filed in this action.

Objection No. 7: See response to Objection No. 4.

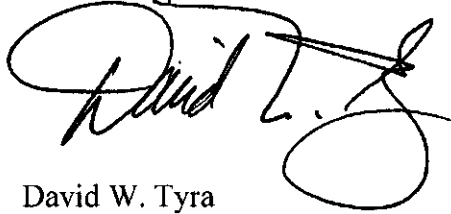
Objection No. 8: See response to Objection No. 5.

Honorable Patrick Marlette
March 24, 2009
Page 3

Thank you for your consideration in these matters.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

A handwritten signature in black ink, appearing to read "David W. Tyra", with a large, stylized flourish at the end.

David W. Tyra

DWT
Encls.
cc: Mark Beckington (Via e-mail)

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