

SEP 10 2009

GORDON PARK-LI, Clerk
BY MARJORIE SCHWARTZ-SCOTT
Deputy Clerk

1 MANATT, PHELPS & PHILLIPS
2 RONALD B. TURKOWSKY
3 11355 W. OLYMPIC BLVD.
4 Los Angeles CA 90064
5 Telephone: 310-312-4249
6 Attorney for Cross-Petitioner - Frank

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 SERVICE EMPLOYEES
12 INTERNATIONAL UNION, LOCAL
13 1000, KATHLEEN COLLINS, STEPHEN
14 MCVEIGH, LISA DAVIS, BERTHA DEE
15 CERNA, RITA SALAZAR, MARIA
16 VILLEGAS, AND JAMES BRIGGS,
17 AND DOES 1-5000,

18 Petitioners/Plaintiffs,

19 vs.

20 ARNOLD SCHWARZENEGGER, as
21 Governor of the State of California; JAN
22 FRANK, as the President of STATE
23 COMPENSATION INSURANCE FUND;
24 DAVID GILB, as Director of the
25 Department of Personnel Administration;
26 JOHN CHIANG, Controller of the State of
27 California; and DOES 1-100,

28 Defendants/Respondents.

Case No. CPF-09-509580

**[PROPOSED] ORDER GRANTING WRIT
AND INJUNCTION**

Date: September 1, 2009
Time: 9:30 a.m.
Dept.: 302

1 JAN FRANK, as the President of STATE
2 COMPENSATION INSURANCE FUND,

3 Cross-Petitioner/Cross-
4 Complainant,

5 vs.

6 ARNOLD SCHWARZENEGGER, as
7 Governor of the State of California;
8 DAVID GILB, as Director of the
9 Department of Personnel Administration;
10 JOHN CHIANG, as Controller of the State
11 of California,

12 Cross-Respondents/Cross-
13 Defendants.

14 The above-entitled cause came on regularly for hearing on September 1, 2009, at 9:30
15 a.m. in Department 302, Hon. Charlotte W. Woolard, presiding, with counsel present as indicated
16 on the record. The matter was tried without a jury and submitted to the court. The court, having
17 considered all of the oral and documentary evidence submitted, as well as the written and oral
18 arguments of counsel, and having considered the entire record in this matter, including the
19 pleadings, briefs, oral argument, and all other evidence submitted to the Court, hereby renders its
20 final decision in this case.

21 The Court finds that the doctrine of exclusive concurrent jurisdiction does not apply in
22 this case. The specific exemption under Insurance Code Section 11873(c) for non-executive
23 employees was not adjudicated in the Sacramento cases.

24 The Court finds that Insurance Code §11873(c) exempts State Fund employees from the
25 furlough. A “furlough” reduces the availability of staff and therefore constitutes a “staff cutback”
26 for purposes of the statute. Thus, State Fund employees are exempt from the Executive Orders.

27 Therefore, those portions of the Governor’s Executive Orders, insofar as they will and
28 have resulted in furloughs and salary reductions for State Fund employees, do not apply to State
Fund employees.

The petition and cross-petition are granted, judgment shall be entered accordingly and the

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writ shall issue.

The court also finds that Petitioners and Cross-Petitioner have made an adequate showing of irreparable harm pursuant to California Code of Civil Procedure Section 1110b and lifts the automatic stay of its mandatory writ and injunction resulting from any notice of appeal filed by Respondents.

It is so ordered.

Dated: September ¹⁰ 1, 2009

CHARLOTTE WALTER WOOLARD

Hon. Charlotte W. Woolard
Judge of the Superior Court

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