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12 *Officers' Association v. Schwarzenegger, et al.*,  
Alameda County Superior Court, No. RG-09-441544  
13

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF SACRAMENTO

17 CALIFORNIA ASSOCIATION OF  
PSYCHIATRIC TECHNICIANS,

18 Petitioner/Plaintiff,

19 v.

20 ARNOLD SCHWARZENEGGER, as  
21 Governor of the State of California;  
DEPARTMENT OF PERSONNEL  
22 ADMINISTRATION; JOHN CHIANG, as  
State Controller; and Does 1 through 10,  
23 inclusive,

24 Respondents/Defendants.

No. 34-2009-80000148

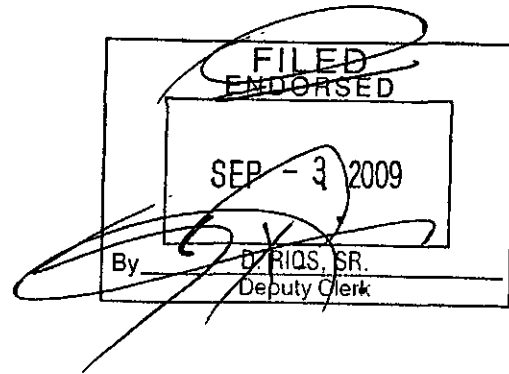
**CALIFORNIA CORRECTIONAL PEACE  
OFFICERS' ASSOCIATION'S MOTION  
FOR PEREMPTORY CHALLENGE  
[CODE CIV. PROC. § 170.6]—  
RELATING TO RESPONDENTS/  
DEFENDANTS' MOTION FOR  
TRANSFER OF ACTIONS FOR  
COORDINATION OF PROCEEDINGS.  
[CODE CIV. PROC. § 403]**

Date: October 2, 2009  
Time: 1:30 p.m.  
Dept.: 19

**BY FAX**

25  
26 TO THE HONORABLE JAMES M. MIZE, PRESIDING JUDGE OF THE  
27 ABOVE-ENTITLED COURT or THE JUDGE OF THE MASTER CALENDAR  
28 DEPARTMENT OF THE CIVIL DIVISION OF THE ABOVE-ENTITLED COURT:

CBM-SFSF455642 1



1 The attorneys for California Correctional Peace Officers' Association  
2 ("CCPOA") in the above-entitled matter hereby move that hearing of the above-entitled  
3 matter, which involves contested issues of law or fact, and which has been assigned to the  
4 Honorable Patrick Marlette, judge of the above-entitled Court, be reassigned from that  
5 judge, and that no matters hereinafter arising in this cause be heard by or assigned to the  
6 Honorable Patrick Marlette on the ground that said judge is prejudiced against CCPOA,  
7 the attorneys for CCPOA, or the interests of CCPOA in this action.

8 This motion is based on the matters contained herein, on Code of Civil  
9 Procedure section 170.6, and on the supporting declaration of Jonathan Yank filed and  
10 served herewith.

11 Dated: September 3, 2009

12 CARROLL, BURDICK & McDONOUGH LLP

13  
14 By 

15 Gregg McLean Adam  
Jonathan Yank

16 Attorneys for Plaintiff/Petitioner California  
17 Correctional Peace Officers' Association in  
18 *California Correctional Peace Officers'*  
*Association v. Schwarzenegger, et al.*,  
19 Alameda County Superior Court, No. RG-09-  
20 441544

1 *California Association of Psychiatric Technicians v. Arnold Schwarzenegger, et al.*,  
2 Sacramento County Superior Court, No. 34-2009-80000148

3 **PROOF OF SERVICE BY MAIL**

4 I declare that I am employed in the County of San Francisco, California. I am  
5 over the age of eighteen years and not a party to the within cause; my business address is  
6 44 Montgomery Street, Suite 400, San Francisco, CA 94104. On September 3, 2009, I  
7 served the enclosed:

8 **CALIFORNIA CORRECTIONAL PEACE OFFICERS' ASSOCIATION'S MOTION FOR  
9 PEREMPTORY CHALLENGE [CODE CIV. PROC. § 170.6]—RELATING TO  
10 RESPONDENTS/ DEFENDANTS' MOTION FOR TRANSFER OF ACTIONS FOR  
11 COORDINATION OF PROCEEDINGS. [CODE CIV. PROC. § 403]; and  
12 DECLARATION OF JONATHAN YANK IN SUPPORT OF CALIFORNIA  
13 CORRECTIONAL PEACE OFFICERS' ASSOCIATION'S MOTION FOR PEREMPTORY  
14 CHALLENGE [CODE CIV. PROC. § 170.6]—RELATING TO RESPONDENTS/  
15 DEFENDANTS' MOTION FOR TRANSFER OF ACTIONS FOR COORDINATION OF  
16 PROCEEDINGS. [CODE CIV. PROC. § 403]**

17 on the parties in said cause (listed below) by enclosing a true copy thereof in a sealed  
18 envelope and, following ordinary business practices, said envelope was placed for mailing  
19 and collection (in the offices of Carroll, Burdick & McDonough LLP) in the appropriate  
20 place for mail collected for deposit with the United States Postal Service. I am readily  
21 familiar with the Firm's practice for collection and processing of correspondence/  
22 documents for mailing with the United States Postal Service and that said correspondence/  
23 documents are deposited with the United States Postal Service in the ordinary course of  
24 business on the same day.

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13		<i>UAPD v. Schwarzenegger, et al., Alameda Sup. Ct. # RG-09-456684</i>
14		
15		<i>CAPT v. Schwarzenegger, et al., Sacramento Sup. Ct., #34-2009-80000148</i>
16		<i>jjAnd Walker, SEIU v. Schwarzenegger, et al., Alameda Sup. Ct. # RG-09-456750</i>
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18	Michael Strumwasser, Esq. Aparna Sridhar, Esq.	<i>Counsel for Glenn Pomeroy in Walker, SEIU v. Schwarzenegger, et al., Alameda Sup. Ct. # RG-09-456750</i>
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*And for Anne Stausboll and Jack Ehnes in Walker, SEIU v. Schwarzenegger, et al., Alameda Sup. Ct. # RG-09-456750*

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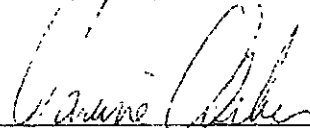
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*Union of American Physicians and Dentists, in UAPD v. Schwarzenegger, et al., Alameda Sup. Ct. # RG-09-456684*

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 3, 2009, at San Francisco, California.

  
Janine Oliker