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LOS ANGELES SUPERIOR COURT

OCT 07 2009

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6 INTERNATIONAL UNION OF
7 OPERATING ENGINEERS,
LOCALS 3, 12, 39 and 501

*Case assigned to:
D.49 Conrad Aragon*

8 **SUPERIOR COURT OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10 **BC 42 3409**

11 INTERNATIONAL UNION OF
12 OPERATING ENGINEERS,
LOCALS 3, 12, 39 and 501,

Case No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

13 Petitioners/Plaintiffs,

14 v.

15 ARNOLD SCHWARZENEGGER, as
16 Governor of the State of California; DAVID
17 GILB as Director of the Department of
18 Personnel Administration; JOHN CHIANG,
19 Controller of the State of California;
20 EDMUND G. BROWN, JR., as Attorney
21 General of the State of California; STEVE
22 POIZNER, Insurance Commissioner of the
23 State of California; CARRIE LOPEZ,
24 Director of the Department of Consumer
25 Affairs; GEORGE VALVERDE, Director of
26 the Department of Motor Vehicles; KEN
27 LEWIS, Chief Executive Officer of the Public
28 Employees' Retirement System; STEVE
HARDY, Director of the Department of
Alcoholic Beverage Control; J. A. FARROW,
Commissioner of the California Highway
Patrol; JOAN BORUCKI, Director of the
California State Lottery Commission; DON
KOCK, Director of the Department of Fish
and Game; TONY SAUER, Director of the
Department of Rehabilitation; MARY D.
NICHOLS, Chairman of the Air Resources
Board; PATRICK HENNING, Director of
the Employment Development Department;
LESTER SNOW, Director of the Department
of Water Resources; BRIDGETT LUTHER,
Director of the Department of Conservation;
DAVID MAXWELL-JOLLY, Director of the

CIT/CASE: BC423409 LEA/DEFN:
RECEIPT #: CCH503057031
DATE PAID: 10/07/09 12:56:44 PM
PAYMENT: \$355.00 0310
RECEIVED:
CHECK: 355.00
CASH:
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1 Department of Health Care Services; MARK
2 HORTON, Director of the Department of
3 Public Health; JOHN A. WAGNER,
4 Director of the Department of Social
5 Services; WILL KEMPTON, Director of the
6 California Department of Transportation;
7 RUTH COLEMAN, Director of the
8 Department of Parks and Recreation;
9 WILLIAM H. WADE, Adjutant General of
10 the Military Department; WILL BUSH,
11 Director of the Department of General
12 Services; LINDA ADAMS, Secretary for
13 Environmental Protection; and DOES 1
14 through 100,

15 Respondents/Defendants.

16 INTRODUCTION

17 1. On December 19, 2008, Governor Arnold Schwarzenegger issued Executive Order S-16-08,
18 which made a number of proclamations relating to a General Fund deficit which was projected
19 to grow to \$42 billion over the following 18 months. The order further proclaimed that "a
20 furlough will reduce current spending and immediately improve the State's ability to meet its
21 obligations to pay for essential services of the State . . ." The order directs the Department of
22 Personnel Administration ("DPA") to implement two furloughs per month "regardless of funding
23 source" but directs DPA to allow limited exemptions through "a limited exemption process."
24 Other than the general "power and authority vested in me by the Constitution and statutes of the
25 State of California," the only specific authority cited in the order was Government Code section
26 3516.5.

27 2. On February 19, 2009, the Legislature passed a budget to close the \$42 billion deficit
28 referenced in the Executive Order. That same day, Governor Schwarzenegger held a press
conference in which he announced that he would sign the budget on Friday, February 20, 2009.

On February 20, 2009, Governor Arnold Schwarzenegger signed the budget passed by the
Legislature the previous day. The budget purported to resolve the deficits in the fiscal years 2008-
09 and 2009-10. The passage of the budget eliminates the stated basis for the furloughs. To the
extent the Executive Order purported to be authorized under the emergency provisions of
Government Code section 3516.5, the emergency is over.

1 3. On July 1, 2009, Governor Arnold Schwarzenegger issued Executive Order S-13-09, which
2 made a number of similar proclamations relating to a General Fund deficit which was projected
3 to be "at least \$3 billion worse than projected putting the size of the State's shortfall at more than
4 \$24 billion for fiscal years 2008-09 and 2009-10." The order further proclaimed that "an additional
5 furlough day per month is necessary to continue to reduce current spending and immediately
6 improve the State's ability to meet its obligations to pay for essential services of the State . . ." The
7 order directs the Department of Personnel Administration ("DPA") to implement three furlough
8 days per month "regardless of funding source" but directs DPA to allow limited exemptions
9 through "a limited exemption process." Other than the general "power and authority vested in
10 me by the Constitution and statutes of the state of California," the only specific authority cited in
11 the order was Government Code section 3516.5.

12 4. Many employees impacted by the furloughs are not paid out of the General Fund. There
13 are dozens of state agencies and departments which are funded in whole or in part by federal
14 funds, user fees, or other sources of revenue apart from the General Fund. Furloughing these
15 employees does not result in any General Fund savings. Accordingly, the furloughs have no
16 rational basis and are arbitrary, capricious, and unlawful. Moreover, furloughing those employees
17 is a wasteful mismanagement of fiscal and personnel resources by agencies who have been
18 charged with carrying out specific missions, and which are unable to do so as a result of the
19 furloughs.

20
21 **I.**
22 **PARTIES**

23 5. Petitioner/Plaintiff International Union of Operating Engineers ("IUOE") is, and at all times
24 herein mentioned was, a labor union organized and existing under the laws of the state of
25 California, with its principal place of business in the County of Sacramento, State of California.
26 IUOE is the exclusive bargaining representative of various craft and maintenance workers in state
27 Bargaining Unit 12. IUOE represents approximately 11,000 employees in more than 35 different
28 state departments, boards and commissions. Many IUOE members are paid salaries from revenue

1 sources other than General Fund revenues. IUOE is a state taxpayer.

2 6. Respondent/Defendant ARNOLD SCHWARZENEGGER is the elected Governor of the
3 State of California. Pursuant to Government Code section 3513, subdivision (j), and section 3517,
4 the Governor is the employer of state employees in Bargaining Unit 12, for purposes of bargaining
5 or meeting and conferring in good faith under the Ralph C. Dills Act. Governor Schwarzenegger
6 is named in his official capacity only.

7 7. Respondent/Defendant DAVID GILB is the Director of the California Department of
8 Personnel Administration (DPA) and is responsible for managing the non-merit aspects of the
9 State's personnel system. DPA serves as the Governor's designated representative for purposes
10 of collective bargaining, and for purposes of meeting and conferring with the exclusive
11 representatives. (See Gov. Code § 19815.2; Gov Code. § 3517.) Mr. Gilb is named in his official
12 capacity only.

13 8. Respondent/Defendant JOHN CHIANG is a constitutional officer and is the elected State
14 Controller of the State of California. (Cal. Const. Art. V, § 11.) Pursuant to Government Code
15 section 12410, the State Controller shall superintend the fiscal concerns of the State. The Controller
16 shall audit all claims against the State, and may audit the disbursement of any state money, for
17 correctness, legality, and for sufficient provisions of law for payment. In addition, the Controller
18 shall draw warrants on the Treasurer for the payment of money directed by law to be paid out of
19 the State Treasury, but a warrant shall not be drawn unless authorized by law. (Gov. Code §
20 12440.) Mr. Chiang is named in his official capacity only.

21 9. Respondent/Defendant EDMUND G. BROWN, JR., is the Attorney General of the State of
22 California and is the head of the Department of Justice. (Government Code sec. 12510.) The
23 Department of Justice employees IUOE members in positions funded by sources other than the
24 General Fund. Attorney General Brown is named in his official capacity only.

25 10. Respondent/Defendant STEVE POIZNER is the Insurance Commissioner of the State of
26 California and is the head of the Department of Insurance. (Ins. Code Sec. 12906.) The
27 Department of Insurance employs an IUOE member in a position funded by sources other than
28 the General Fund. Mr. Poizner is sued in his official capacity only.

11. Respondent/Defendant CARRIE LOPEZ is the Director of Consumer Affairs which employs

1 IUOE members in positions funded by sources other than the General Fund. Ms. Lopez is sued
2 in his official capacity only.

3 12. Respondent/Defendant GEORGE VALVERDE is the Director of the Department of Motor
4 Vehicles which employs IUOE members in positions funded by sources other than the General
5 Fund. Mr. Valverde is sued in his official capacity only.

6 13. Respondent/Defendant KEN LEWIS is the Chief Executive Officer of the Public Employees'
7 Retirement System, which employs IUOE members in positions funded by sources other than the
8 General Fund. Mr. Lewis is sued in his official capacity only.

9 14. Respondent/Defendant STEVE HARDY is the Director of the Department of Alcoholic
10 Beverage Control which employs an IUOE member in a position funded by sources other than the
11 General Fund. Mr. Hardy is sued in his official capacity only.

12 15. Respondent/Defendant J. A. FARROW is the Commissioner of the California Highway
13 Patrol, which employs IUOE members in positions funded by sources other than the General
14 Fund. Mr. Farrow is sued in his official capacity only.

15 16. Respondent/Defendant JOAN BORUCKI is the Director of the California State Lottery
16 Commission which employs IUOE members in positions funded by sources other than the General
17 Fund. Ms. Borucki is sued in her official capacity only.

18 17. Respondent/Defendant DON KOCK is the Director of the Department of Fish and Game
19 which employs IUOE members in positions funded by sources other than the General Fund. Mr.
20 Kock is sued in his official capacity only.

21 18. Respondent/Defendant TONY SAUER is the Director of the Department of Rehabilitation
22 which employs an IUOE member in a position funded by sources other than the General Fund.
23 Mr. Sauer is sued in his official capacity only.

24 19. Respondent/Defendant MARY D. NICHOLS is the Chairman of the Air Resources Board
25 which employs an IUOE member in a position funded by sources other than the General Fund.
26 Ms. Nichols is sued in her official capacity only.

27 20. Respondent/Defendant PATRICK HENNING is the Director of the Employment
28 Development Department which employs IUOE members in positions funded by sources other
than the General Fund. Mr. Henning is sued in his official capacity only.

- 1 21. Respondent/Defendant LESTER SNOW is the Director of the Department of Water
2 Resources which employs IUOE members in positions funded by sources other than the General
3 Fund. Mr. Snow is sued in his official capacity only.
- 4 22. Respondent/Defendant BRIDGETT LUTHER is the Director of the Department of
5 Conservation which employs IUOE members in positions funded by sources other than the
6 General Fund. Mr. Luther is sued in his official capacity only.
- 7 23. Respondent/Defendant DAVID MAXWELL-JOLLY is the Director of the Department of
8 Health Care Services which employs IUOE members in positions funded by sources other than
9 the General Fund. Mr. Maxwell-Jolly is sued in his official capacity only.
- 10 24. Respondent/Defendant MARK HORTON is the Director of the Department of Public
11 Health which employs IUOE members in positions funded by sources other than the General
12 Fund. Dr. Horton is sued in his official capacity only.
- 13 25. Respondent/Defendant JOHN A. WAGNER is the Director of the Department of Social
14 Services which employs an IUOE member in a position funded by sources other than the General
15 Fund. Mr. Wagner is sued in his official capacity only.
- 16 26. Respondent/Defendant WILL KEMPTON is the Director of the California Department of
17 Transportation which employs IUOE members in positions funded by sources other than the
18 General Fund. Mr. Kempton is sued in his official capacity only.
- 19 27. Respondent/Defendant RUTH COLEMAN is the Director of the Department of Parks and
20 Recreation which employs IUOE members in positions funded by sources other than the General
21 Fund. Ms. Coleman is sued in her official capacity only.
- 22 28. Respondent/Defendant Major General WILLIAM H. WADE II is the Adjutant General of
23 the Military Department which employs IUOE members in positions funded by sources other than
24 the General Fund. Major General Wade is sued in his official capacity only.
- 25 29. Respondent/Defendant WILL BUSH is the Director of the Department of General Services
26 which employs IUOE members in positions funded by sources other than the General Fund. Mr.
27 Bush is sued in his official capacity only.
- 28 30. Respondent/Defendant LINDA ADAMS is the Secretary for Environmental Protection
which employs IUOE members in positions funded by sources other than the General Fund. Ms.

1 Adams is sued in her official capacity only.

2 31. DOES 1 through 100 are the heads of various additional agencies, departments, boards and
3 commissions which employ IUOE members in positions which are funded by sources other than
4 the General Fund. Petitioner/Plaintiff will identify those persons with more specificity after
5 discovery and investigation.

6 **II.**
7 **VENUE**

8 32. The California Attorney General has an office within the City and County of Los Angeles,
9 making Los Angeles County an appropriate venue. (Code of Civ. Proc. § 401.)

10 **III.**
11 **THE EXECUTIVE ORDERS**

12 33. The Governor's Executive Orders (a true and correct copy of which are attached as Exhibits
13 A and B), made a number of proclamations relating to a perceived fiscal cash crisis, and the
14 Legislature's failure to "effectively" address the crisis.

15 34. Other than the general "power and authority vested in me by the Constitution and statutes
16 of the State of California," the only specific authority cited in the order was Government Code
17 section 3516.5. Section 3516.5 does not define "emergency" nor does it empower the Governor to
18 "furlough" state employees or otherwise reduce their wages. It merely provides an exception to
19 the requirement of providing notice to, and an opportunity to bargain with, the exclusive
20 representatives of employees of the state prior to effecting changes to the terms and conditions
21 of employment.

22 35. The order specifically directed DPA to adopt and implement a furlough of represented state
23 employees. (Exhibit A, p. 2.) A furlough of three days per month results in a pay reduction of
24 approximately 13.8 percent per month.

25 36. The first finding in the Executive Orders refers exclusively to the looming General Fund
26 deficit. The Executive Orders are silent as to the status of the many Special Fund agencies which
27 employ IUOE members, and for which there is no looming deficit or fiscal emergency.

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**IV.
SPECIAL FUND AGENCIES**

37. The Department of Insurance ("DOI") employs approximately one (1) IUOE member. The salary of the IUOE member at DOI is funded entirely by fees imposed on insurance premiums. Not a single General Fund dollar goes to support the budget of DOI. Accordingly, furloughs at DOI result in reduced state services while achieving no savings whatsoever to the General Fund. On the contrary, every dollar not paid to DOI employees incrementally increases the State's budget deficit, in that the state loses the income tax revenue that DOI employees would pay on that income with no offsetting decrease in state spending.

38. The Department of Consumer Affairs ("DCA") employs approximately seven (7) IUOE members. DCA is funded from a variety of more than 40 special funds, the vast majority of which are generated from licensing fees imposed upon the licenses of the various professions which are regulated by bureaus within DCA. Not a single General Fund dollar goes to support the budget of DCA. Accordingly, furloughs at DCA result in reduced state services while achieving no savings whatsoever to the General Fund. On the contrary, every dollar not paid to DCA employees incrementally increases the State's budget deficit, in that the state loses the income tax revenue that DCA employees would pay on that income with no offsetting decrease in state spending.

39. The Department of Motor Vehicles ("DMV") employs approximately 23 IUOE members. DMV is funded entirely through a variety of approximately five (5) special funds, whose revenues are generated largely by vehicle registration and license fees. Not a single General Fund dollar goes to support the budget of DMV. Accordingly, furloughs at DMV result in reduced state services while achieving no savings whatsoever to the General Fund. On the contrary, every dollar not paid to DMV employees incrementally increases the State's budget deficit, in that the state loses the income tax revenue that DMV employees would pay on that income with no offsetting decrease in state spending.

40. The Public Employees' Retirement System ("PERS") employs approximately three (3) IUOE members. PERS's budget receives no General Fund dollars whatsoever. Rather, the PERS budget is funded from a variety of approximately nine (9) different special funds. Accordingly, furloughs

1 at PERS result in reduced state services while achieving no savings whatsoever to the General
2 Fund. On the contrary, every dollar not paid to PERS employees incrementally increases the
3 state's budget deficit, in that the state loses the income tax revenue that PERS employees would
4 pay on that income with no offsetting decrease in state spending.

5 41. The Department of Alcoholic Beverage Control ("ABC") employs approximately one (1)
6 IUOE member. The ABC budget is funded entirely out of federal dollars and the Alcoholic
7 Beverages Control Fund which generates money from the sale of liquor licenses. The ABC budget
8 receives no General Fund dollars. Accordingly, furloughs at ABC result in reduced state services
9 while achieving no savings whatsoever to the General Fund. On the contrary, every dollar not
10 paid to ABC employees incrementally increases the State's budget deficit, in that the state loses
11 the income tax revenue that ABC employees would pay on that income with no offsetting decrease
12 in state spending.

13 42. The California Highway Patrol ("CHP") employs approximately 542 IUOE members. The
14 CHP budget is funded entirely out of a variety of approximately seven special funds, the vast
15 majority of which comes from the Motor Vehicles Account, State Transportation Fund. The CHP
16 budget receives no General Fund dollars. Accordingly, furloughs at CHP result in reduced state
17 services while achieving no savings whatsoever to the General Fund. On the contrary, every
18 dollar not paid to CHP employees incrementally increases the State's budget deficit, in that the
19 state loses the income tax revenue that CHP employees would pay on that income with no
20 offsetting decrease in state spending.

21 43. The California State Lottery Commission ("CSLC") employs approximately 36 IUOE
22 members. The CSLC is funded entirely through the sales of lottery tickets. The CSLC budget
23 receives no General Fund dollars. Accordingly, furloughs at CSLC result in reduced state services
24 while achieving no savings whatsoever to the General Fund. On the contrary, every dollar not
25 paid to CSLC employees incrementally increases the State's budget deficit, in that the state loses
26 the income tax revenue that CSLC employees would pay on that income with no offsetting
27 decrease in state spending.

28 44. The Department of Fish and Game ("DFG") employs approximately 31 IUOE members.
Approximately 84% of DOG's budget is paid for directly with special fund dollars consisting of

1 approximately 20 special funds. Less than 17 percent of DFG's budget comes from the General
2 Fund. All IUOE member positions at DFG are funded entirely from these special funds.
3 Accordingly, furloughs at DFG result in reduced state services while achieving no savings
4 whatsoever to the General Fund. On the contrary, every dollar not paid to DFG employees
5 incrementally increases the State's budget deficit, in that the state loses the income tax revenue
6 that DOG employees would pay on that income with no offsetting decrease in state spending.

7 45. The Department of Rehabilitation ("DOR") employs approximately one (1) IUOE member.
8 Approximately 82% of DOR's budget is paid for directly with federal dollars. Approximately
9 three other special funds contribute another 3% of the DOI budget. Less than 15 percent of DOR's
10 budget comes from the General Fund. All IUOE member positions at DOR are funded entirely
11 from these federal or special funds. Accordingly, furloughs at DOR result in reduced state
12 services while achieving no savings whatsoever to the General Fund. On the contrary, every
13 dollar not paid to DOR employees incrementally increases the State's budget deficit, in that the
14 state loses the income tax revenue that DOR employees would pay on that income with no
15 offsetting decrease in state spending.

16 46. The Air Resources Board ("ARB") employs approximately one (1) IUOE member.
17 Approximately 99.9% of ARB's budget is paid for out of a variety of approximately 9 different
18 special funds. Less than 3 hundredths of one percent of the ARB budget comes from the General
19 Fund. Furloughs in this agency have a negligible effect on the General Fund. In fact, given the
20 minuscule percentage of General Fund dollars that go to the ARB budget, furloughs at ARB
21 actually increase the State's budget deficit, in that the state loses the income tax revenue that ARB
22 employees would pay on that income with no offsetting decrease in state spending.

23 47. The Employment Development Department ("EDD") employs approximately 21 IUOE
24 members. Approximately 90% of EDD's budget is paid for directly with federal dollars.
25 Approximately seven other special funds contribute almost the entire remaining balance of EDD's
26 total budget. Less than one-quarter of one percent of EDD's budget comes from the General
27 Fund. Furloughs in this agency have a negligible effect on the General Fund. In fact, given the
28 minuscule percentage of General Fund dollars that go to the EDD budget, furloughs at EDD
actually increase the State's budget deficit, in that the state loses the income tax revenue that EDD

1 employees would pay on that income with no offsetting decrease in state spending.

2 48. The Department of Water Resources ("DWR") employs approximately 587 IUOE members.
3 Approximately 98% of DWR's budget is paid for out of a variety of approximately 20 different
4 special funds, including, but not limited to: 1) payments from the state water contractors for
5 deliver of water; 2) the sale of excess electricity supplied by various generating facilities; 3)
6 surcharges on payments from California ratepayers to the three investor-owned utilities (PG&E,
7 Southern California Edison and San Diego Gas & Electric). Less than two percent of DWR's
8 budget comes from the General Fund. Furloughs in this agency have a negligible effect on the
9 General Fund. In fact, given the minuscule percentage of General Fund dollars that go to the
10 DWR budget, furloughs at DWR actually increase the State's budget deficit, in that the state loses
11 the income tax revenue that DWR employees would pay on that income with no offsetting
12 decrease in state spending.

13 49. The Department of Conservation ("DOC") employs approximately two (2) IUOE members.
14 Approximately 99% of DOC's budget is paid for out of a variety of approximately 22 different
15 special funds, the majority of which comes from the California Beverage Container Recycling
16 Fund. Only approximately one percent of DOC's budget comes from the General Fund.
17 Furloughs in this agency have a negligible effect on the General Fund. In fact, given the minuscule
18 percentage of General Fund dollars that go to the DOC budget, furloughs at DOC actually
19 increase the State's budget deficit, in that the state loses the income tax revenue that DOC
20 employees would pay on that income with no offsetting decrease in state spending.

21 50. The Department of Health Care Services ("DHCS") employs approximately three (3) IUOE
22 members. More than half of DHCS's budget comes directly from federal Medicaid dollars. DHCS
23 is also funded by approximately a dozen other special funds. The salaries of IUOE members
24 employed by DHCS are paid for in large part out of these funds, and thus furloughs in this agency
25 have only a marginal effect on the General Fund.

26 51. The Department of Public Health ("DPH") employs approximately 17 IUOE members.
27 Approximately half of DPH's budget comes directly from federal dollars. Approximately 39% of
28 DPH's budget comes from a variety of special funds. The salaries of IUOE members employed
by DPH are paid for in large part out of these funds. Only 11% of the DPH budget comes from

1 the General Fund, and thus furloughs in this agency have only a marginal effect on the General
2 Fund.

3 52. The Department of Justice ("DOJ") employs approximately 4 IUOE members. More than
4 half of DOJ's budget comes from a variety of approximately 30 different special funds. The
5 salaries of many other IUOE members employed at DOJ are paid in whole or in part out of special
6 funds or federal dollars. Thus, furloughs in this agency have only a marginal effect on the General
7 Fund.

8 53. The Department of Social Services ("DSS") employs approximately one (1) IUOE member.
9 Approximately 30% of DSS's budget comes from federal dollars. Another 20% of the budget
10 comes from a variety of approximately 20 different special funds. The salaries of the IUOE
11 member employed by DSS is paid for in large part out of these funds, and thus furloughs in this
12 agency have only a marginal effect on the General Fund.

13 54. The California Department of Transportation ("CalTRANS") employs approximately 4,652
14 IUOE members. Approximately 27% of CalTRANS's budget comes from federal dollars. Another
15 60% of the budget comes from a variety of approximately 21 different special funds. Only 13%
16 of the CalTRANS budget is funded by the General Fund. The salaries of IUOE members
17 employed by CalTRANS are paid for in large part out of these federal and special funds, and thus
18 furloughs in this agency have only a marginal effect on the General Fund.

19 55. The Department of Parks and Recreation ("DPR") employs approximately 1,018 IUOE
20 members. Approximately 80% DPR's budget comes from a variety of approximately 16 different
21 special funds, including some federal dollars. Less than 20% of the DPR budget comes from the
22 General Fund. Accordingly, furloughs in this agency have only a marginal effect on the General
23 Fund.

24 56. The Military Department ("DM") employs approximately 78 IUOE members.
25 Approximately 70% DM's budget comes from a variety of approximately 5 different special funds,
26 including some federal dollars. Just over 30% of the DM budget comes from the General Fund.
27 Accordingly, furloughs in this agency have only a marginal effect on the General Fund.

28 57. The Secretary for Environmental Protection ("SEP") employs approximately 2 IUOE
members. Approximately 99.8% SEP's budget comes from a variety of approximately 17 different

1 special funds and accounts. Just over .1% of the SEP budget comes from the General Fund.
2 Accordingly, furloughs in this agency have only a marginal effect, if any, on the General Fund.
3 58. The Department of General Services ("PGS") employs approximately 488 IUOE members.
4 Approximately 99.5% PGS's budget comes from a variety of approximately 16 different special
5 funds and accounts. Just over .5% of the PGS budget comes from the General Fund. Accordingly,
6 furloughs in this agency have only a marginal effect, if any, on the General Fund.

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8 **V.**
9 **DUTIES OF RESPONDENT AGENCIES**

10 59. Each of the named respondent agencies has been authorized and charged by the Legislature
11 to carry out their respective missions. To that end, the agencies have sought, and the Legislature
12 has approved, funding for positions occupied by IUOE members. The special funds appropriated
13 for those provisions are required by law to be expended in a manner that furthers their intended
14 purpose. By authorizing, funding, and filling positions with IUOE members, both the respondents
15 and the Legislature have determined that the duties of those IUOE members are essential to
16 carrying out the mission of the agency and ensuring the proper administration of those special
17 funds.

18 60. Implementing a mandatory furlough of three days per month on IUOE members employed
19 in the respondent agencies means that IUOE members are not able to carry out their duties as
20 intended. As a result, important work deemed necessary to the proper administration of the
21 aforesaid special funds will not be completed. Vital health and welfare services will be hindered,
22 and public safety will be detrimentally impacted as a result of the respondent agencies' decision
23 to furlough IUOE members and prevent them from performing their necessary duties.
24 Implementing a third furlough day each month will only exacerbate these impacts.

25 61. Moreover, many of the IUOE members employed at the respondent agencies have state and
26 federal mandates to meet in terms of deadlines or quotas. Forcing these IUOE members to be
27 furloughed three days per month hinders their ability to comply with these mandates, limits the
28 ability of the respondent agencies to fulfill their respective missions, and jeopardizes the state's
ability to meet its obligations.

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VI.
FURLOUGH EXEMPTION FOR SPECIAL FUND AGENCIES

62. The action taken by respondents is quite overbroad in light of the emergency which they claim justifies the action. They are seeking to unilaterally impose furloughs on employees in agencies where there is no justification for their actions. As a result, the furlough has no rational basis and is arbitrary, capricious, and unlawful. Even if section 3516.5 could be read to confer some power during emergencies, any power must be limited to the emergency presented. Accordingly, to the extent respondents seek to justify their action on the basis of the emergency, the furloughs have no rational basis and are arbitrary, capricious, and unlawful.

63. There is no statutory authorization for furloughs. In fact, the Government Code expressly prohibits departments from unilaterally reducing the work time of employees against their will. (Gov. Code § 19996.22, subd. (a).)

64. The Government Code specifies that "[t]enure of civil service employment is subject to good behavior, efficiency, the necessity of the performance of the work, and the appropriation of sufficient funds." (Gov. Code § 18500, subd. (c)(6).) The Legislature has already passed, and the Governor has already signed, a budget appropriations bill for Fiscal Year 2009-2010. Accordingly, the funds have already been appropriated, and there is no basis to mandate the furloughs. Any such furlough therefore has no rational basis and is arbitrary, capricious, and unlawful.

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VII.
DUTY OF THE CONTROLLER

65. It is clear that "the Controller has the power, indeed the duty, to ensure that the decisions of an agency that affect expenditures are within the fundamental jurisdiction of the agency." (*Tirapelle v. Davis* (1993) 20 Cal.App.4th 1317, 1335.) Moreover, the Controller's "power of audit does include the duty to ensure that the expenditure in question is authorized by law." (*Ibid.*) The Legislature has specifically provided that "a warrant shall not be drawn unless authorized by law ..." (Gov. Code § 12440.)

66. Any attempt by an administrative agency (such as DPA) to exercise control over matters which the Legislature has not seen fit to delegate to it (such as salary reductions) is not authorized by law and in such case the agency's actions can have no force or effect. The Controller therefore

1 has a duty to refrain from issuing pay warrants that are arbitrarily reduced by virtue of DPA's
2 implementation of the furlough.

3
4 **FIRST CAUSE OF ACTION**
(Petition for Writ of Mandate)

5 67. Petitioner/Plaintiff hereby incorporates by reference all of the foregoing paragraphs as if
6 fully set forth herein.

7 68. The Executive Orders issued on December 19, 2008 and July 1, 2009, as applied to IUOE
8 members employed in agencies funded by sources other than the General Fund, violates the law
9 because the furloughs have no rational basis and are arbitrary and capricious. The sole rationale
10 for the furloughs was the deficit to the General Fund. The sole authority cited was Government
11 Code section 3516.5. Furloughs of employees in agencies or positions that are not funded by the
12 General Fund are thus without justification, and specifically without the justification articulated
13 in the Executive Orders.

14 69. Petitioner/Plaintiff has an immediate and direct interest affected by this proceeding in that
15 employees have a right not to be arbitrarily furloughed and further have a right not to have their
16 pay reduced as proposed by the Executive Orders.

17 70. Respondents/Defendants Governor Schwarzenegger, Director David Gilb, and Controller
18 John Chiang each have a clear, present, and ministerial duty to conform to the laws of the State
19 of California and to avoid violations or arbitrary applications of the law.

20 71. Respondent/Defendant Controller Chiang has a duty to audit claims and to conclude that,
21 since the furloughs have no rational basis and are arbitrary and capricious, the Controller has a
22 duty to ensure that salaries not be reduced as a result of the furlough.

23 72. As a matter of law, the the furloughs have no rational basis and are arbitrary, capricious,
24 and thereby unlawfully applied; Petitioner/Plaintiff has a reasonable likelihood of success on the
25 merits.

26 73. Petitioner/Plaintiff has no plain, speedy, and adequate remedy in the ordinary course of
27 law, other than the relief sought in this petition, in that there is no other legal remedy to prevent
28 or enjoin the implementation of the arbitrary furlough and its reduction of salary and hours.

74. Petitioner/Plaintiff and its members have suffered and will continue to suffer irreparable

1 harm and injury due to the arbitrary furlough order, including the denial of the protection of the
2 laws regarding their salaries, and the actual economic loss of salary, which in turn will
3 proximately cause some members to be at risk of losing their homes, cars, and ability to purchase
4 the basic necessities of life.

5 75. Petitioner/Plaintiff has no administrative remedy which will result in preventing or
6 enjoining the arbitrary furlough and its reduction of salary and hours.

7
8 **SECOND CAUSE OF ACTION**
(Petition for Writ of Prohibition)

9 76. Petitioner/Plaintiff hereby incorporates by reference all of the foregoing paragraphs as if
10 fully set forth herein.

11 77. The Executive Orders issued on December 19, 2008 and July 1, 2009, as applied to IUOE
12 members employed in agencies funded by sources other than the General Fund, violates the law
13 because the furloughs have no rational basis and are arbitrary and capricious. The sole rationale
14 for the furloughs was the deficit to the General Fund. The sole authority cited was Government
15 Code section 3516.5. Furloughs of employees in agencies or positions that are not funded by the
16 General Fund are thus without justification.

17 78. Petitioner/Plaintiff has an immediate and direct interest affected by this proceeding in that
18 employees have a right not to be arbitrarily furloughed and further have a right not to have their
19 pay reduced as proposed by the Executive Order.

20 79. Respondents/Defendants Governor Schwarzenegger, Director David Gilb, and Controller
21 John Chiang each have a clear, present, and ministerial duty to conform to the laws of the State
22 of California and to avoid violations of the law.

23 80. Respondent/Defendant Controller Chiang has a duty to audit claims and to conclude that,
24 since the furloughs have no rational basis and are arbitrary, capricious, and unlawful, the
25 Controller has a duty to ensure that salaries not be reduced as a result of the furlough.

26 81. As a matter of law, the furloughs have no rational basis and are arbitrary and capricious;
27 Petitioner/Plaintiff has a reasonable likelihood of success on the merits.

28 82. Petitioner/Plaintiff has no plain, speedy, and adequate remedy in the ordinary course of
law, other than the relief sought in this petition, in that there is no other legal remedy to prevent

1 or enjoin the implementation of the arbitrary furlough and its reduction of salary and hours.

2 83. Petitioner/Plaintiff and its members have suffered and will continue to suffer irreparable
3 harm and injury due to the arbitrary furlough order, including the denial of the protection of the
4 laws regarding their salaries, and the actual economic loss of salary, which in turn will
5 proximately cause some members to be at risk of losing their homes, cars, and ability to purchase
6 the basic necessities of life.

7 84. Petitioner/Plaintiff has no administrative remedy which will result in preventing or
8 enjoining the arbitrary furlough and its reduction of salary and hours.

9
10 **THIRD CAUSE OF ACTION**
(Complaint for Declaratory and Injunctive Relief)

11 85. Petitioner/Plaintiff hereby incorporates by reference all of the foregoing paragraphs as if
12 fully set forth herein.

13 86. The Governor and DPA have already implemented the furloughs on IUOE members
14 beginning February 6, 2009, which has impacted all the pay checks disbursed since the end of
15 February.

16 87. The Controller has implemented a reduction in pay corresponding to the equivalent of
17 three days of salary per month.

18 88. The furlough order has no rational basis and is arbitrary, capricious, and unlawful. Judicial
19 relief is urgently needed to prevent the Governor and the DPA from continuing to violate the law
20 by imposing the arbitrary furlough program which began in February 2009.

21 89. As a result of the Executive Order and subsequent implementation of the furloughs, an
22 actual controversy has arisen and now exists between Petitioner/Plaintiff and
23 Respondents/Defendants regarding the furlough of IUOE members and the reduction of their
24 salaries.

25 90. The Governor has threatened to issue another executive order which would implement a
26 third furlough day each month on IUOE members.

27 91. Petitioner/Plaintiff desires a declaration of their rights with respect to the Governor and
28 DPA's furlough of state employed legal professionals and reduction of their salaries through one
or more unlawful executive orders.

1 92. Such a declaration is necessary and appropriate at this time in order to avoid the continued
2 implementation of these arbitrary provisions which will adversely affect the rights of
3 Petitioner/Plaintiff. Respondent/Defendants actions will result in irreparable injury and harm to
4 IUOE members including the denial of protection of the laws regarding their salaries. The loss
5 of such rights cannot be compensated fully by damages or other forms of legal relief.

6 93. As a matter of law, the furloughs have no rational basis and are arbitrary and capricious;
7 Petitioner/Plaintiff has a reasonable likelihood of success on the merits.

8 94. Therefore, Petitioner/Plaintiff seeks temporary, preliminary and permanent injunctive relief
9 directing Respondents/Defendants to cease and desist taking action to furlough IUOE members,
10 and prohibiting them from reducing their pay under an unlawful Executive Order.

11
12 **FOURTH CAUSE OF ACTION**
(Complaint for Declaratory and Injunctive Relief)

13 95. Petitioner/Plaintiff hereby incorporates by reference all of the foregoing paragraphs as if
14 fully set forth herein.

15 96. Mandating furloughs for IUOE members employed by respondent agencies is a wasteful
16 mismanagement of the special funds used to pay for the positions occupied by those IUOE
17 members, and a wasteful mismanagement of the personnel resources of the respondent agencies.
18 (Code of Civ. Proc. § 526a.) The furloughs achieve no substantial benefit to the General Fund and
19 deprive the People of California of essential services.

20 97. As a result of the Executive Order and subsequent implementation of the furloughs, an
21 actual controversy has arisen and now exists between Petitioner/Plaintiff and
22 Respondents/Defendants regarding the furlough of IUOE members and the reduction of their
23 salaries.

24 98. Petitioner/Plaintiff desires a declaration of their rights with respect to the propriety of the
25 respondent agencies' decision to implement the furloughs to the detriment of the people of the
26 State of California. The furloughs are a wasteful mismanagement of funds and resources.

27 99. Such a declaration is necessary and appropriate at this time in order to avoid the continued
28 implementation of these arbitrary provisions which will adversely affect the rights of
Petitioner/Plaintiff. Respondent/Defendants actions will result in irreparable injury and harm to

1 IUOE members including the denial of protection of the laws regarding their salaries. The loss
2 of such rights cannot be compensated fully by damages or other forms of legal relief.

3 100. As a matter of law, the furlough order has no rational basis and is arbitrary, capricious, and
4 unlawful, and Petitioner/Plaintiff has a reasonable likelihood of success on the merits.

5 101. Therefore, Petitioner/Plaintiff seeks temporary, preliminary and permanent injunctive relief
6 directing Respondents/Defendants to cease and desist taking action to furlough IUOE members,
7 and prohibiting them from reducing their pay under an unlawful Executive Order.

8
9 **WHEREFORE**, Petitioner/Plaintiff IUOE respectfully prays that:

10 1. The Court issue a peremptory writ in the first instance ordering
11 Respondents/Defendants Governor Schwarzenegger and Director Glib to set aside the portions
12 of the Governor's Executive Orders S-16-08 and S-13-09 calling for a furlough and salary reduction
13 for IUOE members employed in respondent agencies because the Executive Order has no rational
14 basis and is arbitrary, capricious, and unlawful.

15 2. The Court issue a peremptory writ in the first instance commanding
16 Respondent/Defendant Controller Chiang to ensure that salaries not be reduced as a result of the
17 arbitrary furlough.

18 3. The Court issue a peremptory writ commanding Respondent/Defendant Governor
19 Schwarzenegger to exempt Petitioner/Plaintiff employees in Respondents/Defendants agencies
20 from the furloughs.

21 4. The Court issue a declaration that the portions of the Governor's Executive Orders
22 S-16-08 and S-13-09 calling for a furlough and salary reduction for IUOE employees in
23 Respondents/Defendants agencies are unlawful and arbitrary in that the Governor and DPA have
24 violated and continue to violate the law by furloughing IUOE members based on a perceived
25 General Fund deficit when such furloughs have no impact on the General Fund.

26 5. The Court issue a preliminary and permanent injunction directing the Governor,
27 DPA and the Controller to cease and desist taking action to furlough IUOE employees by reducing
28 their hours and reducing their pay under the Executive Orders.

6. The Court issue a declaration that the furlough of IUOE members employed in the

1 respondent agencies is a wasteful mismanagement of government funds and personnel resources
2 which will adversely affect the rights of Petitioner/Plaintiff and will endanger the health, welfare,
3 and public safety of the People of California, and is therefore unlawful.

4 7. The Court issue a preliminary and permanent injunction directing the Governor,
5 DPA and the Controller to cease and desist taking action to furlough CASE members employed
6 at the respondent agencies because the furloughs are a wasteful mismanagement of government
7 funds and personnel resources which will adversely affect the rights of Petitioner/Plaintiff and will
8 endanger the health, welfare, and public safety of the People of California.

9 8. Petitioner/Plaintiff be awarded attorneys fees and costs of suit incurred in this action.
10
11

12 Dated: October 6, 2009

Respectfully Submitted,

13 **LEVY, STERN & FORD**

14
15
16 By:



17 TRINA RODERICK, ESQ.
18 Attorneys for Defendants
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Executive Order

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EXECUTIVE ORDER S-16-08

by the
Governor of the State of California

WHEREAS, due to developments in the worldwide and national financial markets, and continuing weak performance in the California economy, there is an approximately \$15 billion General Fund deficit for the 2008-09 fiscal year, which without effective action, is estimated to grow to a \$42 billion General Fund budget shortfall over the next 18 months; and

WHEREAS the cash reserve in the State Treasury is below the amount established by the State Controller to ensure that the cash balance does not reach zero on any day in the month; and

WHEREAS without effective action to address the fiscal and cash crisis, the cash reserve in the State Treasury is estimated to be a negative \$5 billion in March 2009; and

WHEREAS on November 6, 2008, due to concerns regarding dramatically declining revenues, I issued a Special Session Proclamation and convened the Legislature of the State of California to meet in extraordinary session to address the fiscal crisis that California faces; and

WHEREAS the Legislature failed during that Special Session to enact any bills to address the State's significant economic problems; and

WHEREAS on December 1, 2008, due to the worsening fiscal crisis, I declared that a fiscal emergency exists and convened the Legislature to meet in extraordinary session to address the fiscal crisis that California faces; and

WHEREAS on December 1, 2008, due to the fiscal emergency and the nationwide economic recession, I also issued a Special Session Proclamation and convened the Legislature of the State of California to meet in extraordinary session to address the economic crisis; and

WHEREAS on December 17, 2008, the California Pooled Money Investment Board took the unprecedented action to halt lending money for an estimated 2,000 infrastructure projects as a result of the cash crisis, including the substantial risk that California will have insufficient cash to meet its obligations starting in February 2009; and

WHEREAS in the December 1, 2008 fiscal emergency extraordinary session, the Legislature failed to effectively address the unprecedented statewide fiscal crisis; and

WHEREAS immediate and comprehensive action is needed to address the fiscal and cash crisis

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facing the State of California; and

WHEREAS failure to substantially reduce the deficit carried forward from the current fiscal year into the next fiscal year will likely prevent the State from being able to finance the cashflow shortages of billions of dollars, thus making it likely that the State will miss payroll and other essential services payments at the beginning of 2009; and

WHEREAS immediate and comprehensive action to reduce current spending must be taken to ensure, to the maximum extent possible, that the essential services of the State are not jeopardized and the public health and safety is preserved; and

WHEREAS State agencies and departments under my direct executive authority have already taken steps to reduce their expenses to achieve budget and cash savings for the current fiscal year; and

WHEREAS a furlough will reduce current spending and immediately improve the State's ability to meet its obligations to pay for essential services of the State so as not to jeopardize its residents' health and safety in the current and next fiscal year.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby determine that an emergency pursuant to Government Code section 3516.5 exists and issue this Order to become effective immediately:

IT IS ORDERED that effective February 1, 2009 through June 30, 2010, the Department of Personnel Administration shall adopt a plan to implement a furlough of represented state employees and supervisors for two days per month, regardless of funding source. This plan shall include a limited exemption process.

IT IS FURTHER ORDERED that effective February 1, 2009 through June 30, 2010, the Department of Personnel Administration shall adopt a plan to implement an equivalent furlough or salary reduction for all state managers, including exempt state employees, regardless of funding source.

IT IS FURTHER ORDERED that effective January 1, 2009 through June 30, 2010, the Department of Personnel Administration shall work with all State agencies and departments to initiate layoffs and other position reduction and program efficiency measures to achieve a reduction in General Fund payroll of up to ten percent. A limited exemption process shall be included.

IT IS FURTHER ORDERED effective January 1, 2009, the Department of Personnel Administration shall place the least senior twenty percent of state employees funded in any amount by General Fund resources on the State Restriction of Appointment (SROA) list.

IT IS FURTHER ORDERED that effective January 1, 2009 through June 30, 2010, all State agencies and departments under my direct executive authority, regardless of funding source, are prohibited from entering into any new personal services or consulting contracts to perform work as a result of the furloughs, layoffs or other position reduction measures implemented as a result of this Order.

IT IS REQUESTED that other entities of State government not under my direct executive authority, including the California Public Utilities Commission, the University of California, the California State University, California Community Colleges, the legislative branch (including the Legislative Counsel Bureau), and judicial branch, implement similar or other mitigation measures to achieve budget and cash savings for the current and next fiscal year.

This Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of California or its agencies, departments, entities, officers, employees, or any other person.

I FURTHER ORDER that, as soon as hereafter possible, this Order shall be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of December, 2008.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State

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Executive Order

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EXECUTIVE ORDER S-13-09

by the
Governor of the State of California

WHEREAS the global recession has caused California's revenues to continue to plummet, leaving our state with an unprecedented budget deficit that forces the State to take drastic actions that will affect every Californian; and

WHEREAS on December 19, 2008, I issued Executive Order S-16-08, in which I ordered the Department of Personnel Administration (DPA) to: (1) initiate the layoff process for state civil service employees effective January 1, 2009 through June 30, 2010; and (2) adopt a plan to implement a furlough of two days per month effective February 1, 2009 to June 30, 2010; and

WHEREAS on January 9, 2009, in order to reduce current spending to ensure that essential services of the State are not jeopardized and the public health and safety is preserved, the DPA adopted a furlough plan; and

WHEREAS on May 15, 2009, state agencies and departments sent out over 4,500 layoff notices to employees funded by the General Fund to further reduce current state spending; and

WHEREAS on May 20, 2009, after the failure of Propositions 1A through 1E, California faced a budget deficit of at least \$21.3 billion for fiscal years 2008-09 and 2009-10; and

WHEREAS California planned to borrow up to \$6 billion through a Reimbursement Warrants (commonly known as RAWs) to address part of the budget deficit, but this short-term borrowing is no longer an available option due to the recent decision of the federal government not to provide financial assistance or loan guarantees for this emergency, short-term borrowing; and

WHEREAS the State's inability to borrow through RAWs will result in more severe spending cuts in the State's programs and services; and

WHEREAS on May 22, 2009, the Legislative Analyst predicted that the Governor's May Revision revenue projections may prove overly optimistic, and instead, projected that the drop in revenues will be at least \$3 billion worse than projected putting the size of the State's shortfall at more than \$24 billion for fiscal years 2008-09 and 2009-10; and

WHEREAS the State Controller has determined that without effective action to address the budget and cash crisis, the State will have insufficient cash to meet its obligations starting July 2009 and will need to issue registered warrants (IOUs) in order to preserve cash and protect payments the State

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must make to fund education and repay outstanding debt; and

WHEREAS the projected \$24 billion budget deficit will require deeper cuts to state programs and services, additional borrowing from available resources such as special funds, and the release of thousands of prison inmates who are undocumented immigrants; and

WHEREAS on June 30, 2009, the Legislature failed to take action to pass a revised budget for fiscal years 2008-09 and 2009-10 to effectively address the unprecedented statewide fiscal crisis, thereby requiring billions of dollars in additional solutions; and

WHEREAS the State will be forced to eliminate state programs and services providing critical public services, ranging from public safety to health and welfare; and

WHEREAS if the State eliminates any of these critical state programs and services, then the public health and safety will be jeopardized, causing extreme peril to the safety of persons and property; and

WHEREAS immediate and comprehensive action to further reduce current spending must be taken to ensure, to the maximum extent possible, that the essential services of the State are not jeopardized and the public health and safety is preserved; and

WHEREAS an additional furlough day per month is necessary to continue to reduce current spending and immediately improve the State's ability to meet its obligations to pay for essential services of the State, such as services provided by CAL Fire, hospitals and 24-hour care facilities, so as not to jeopardize its residents' health and safety in the current and next fiscal year.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby determine that an emergency pursuant to Government Code section 3516.5 exists and issue this Order to become effective immediately:

IT IS ORDERED that effective July 1, 2009 through June 30, 2010, the Department of Personnel Administration shall adopt an amended plan to implement a furlough of represented state employees for three days per month, regardless of funding source. This plan shall include a limited exemption process.

IT IS FURTHER ORDERED that effective July 1, 2009 through June 30, 2010, the Department of Personnel Administration shall adopt an amended plan to implement an equivalent furlough or salary reduction for all non-represented state employees, including supervisors, managers, and exempt state employees, regardless of funding source.

IT IS FURTHER ORDERED that all state employees covered by the original and amended furlough plans must use their accrued furlough days prior to using vacation, annual leave, personal holiday, holiday credit, personal leave plan (PLP) credit, and compensatory time off (CTO).

This Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of California or its agencies, departments, entities, officers, employees, or any other person.

I FURTHER ORDER that, as soon as hereafter possible, this Order shall be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of July, 2009.

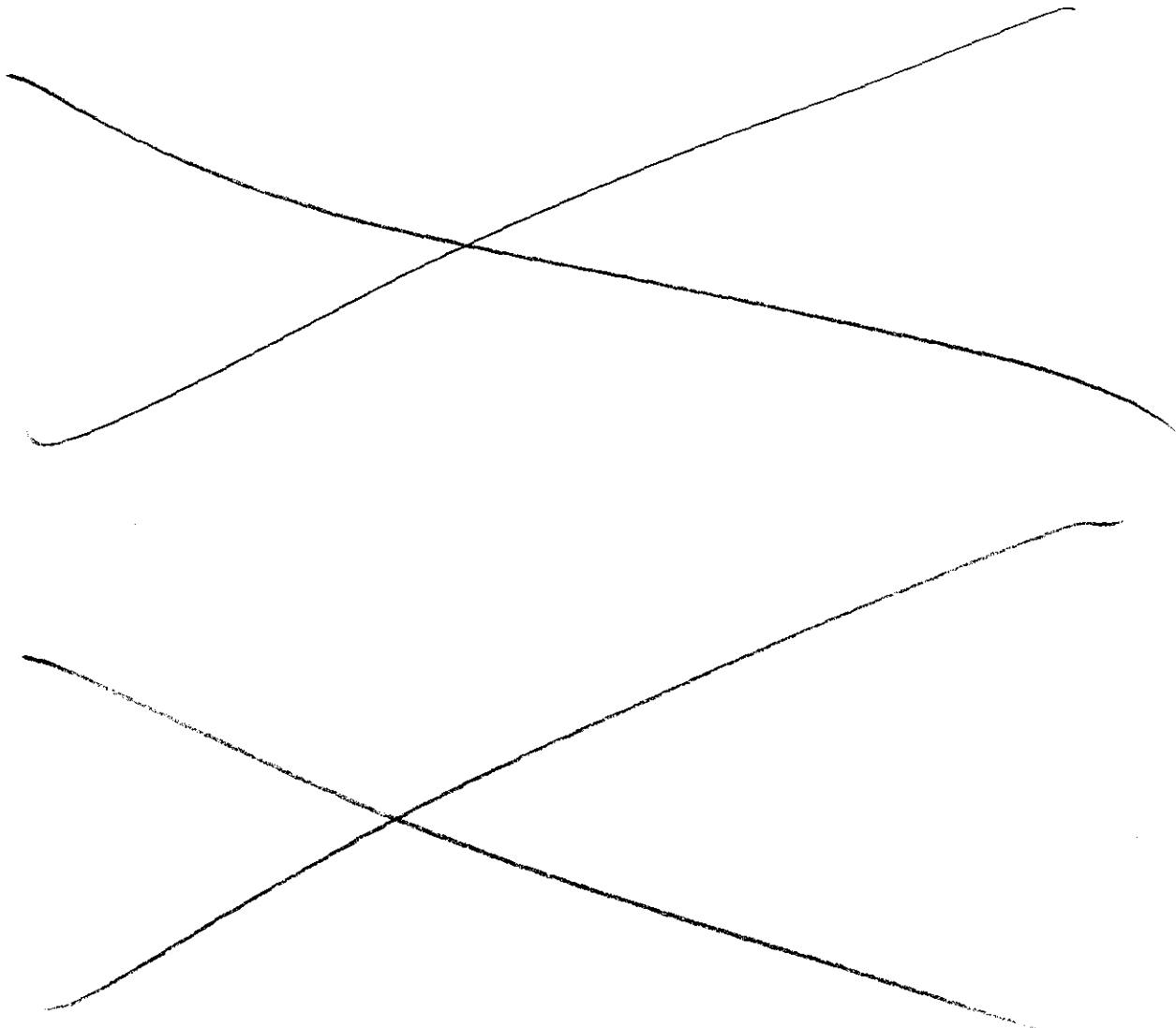
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13

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, telephone number, and address):
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Levy, Stern & Ford
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TELEPHONE NO.: 213-380-3140 FAX NO.: 213-480-3284
ATTORNEY FOR (Name): Plaintiff International Union of Operating Engineers

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FILED
LOS ANGELES SUPERIOR COURT

OCT 07 2009

JOHN A. CLARKE, CLERK
BY AMBER LA FLEUR-CLAYTON, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS: same as above
CITY AND ZIP CODE: Los Angeles 90012
BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
International Union of Operating Engineers v. Schwarzenegger

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)
Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC423409**
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input checked="" type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): two (2)
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 6, 2009
Trina Roderick, Esq.
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

<p>Auto Tort</p> <p>Auto (22)—Personal Injury/Property Damage/Wrongful Death</p> <p>Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p>Asbestos (04)</p> <p>Asbestos Property Damage</p> <p>Asbestos Personal Injury/Wrongful Death</p> <p>Product Liability (<i>not asbestos or toxic/environmental</i>) (24)</p> <p>Medical Malpractice (45)</p> <p>Medical Malpractice—Physicians & Surgeons</p> <p>Other Professional Health Care Malpractice</p> <p>Other PI/PD/WD (23)</p> <p>Premises Liability (e.g., slip and fall)</p> <p>Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)</p> <p>Intentional Infliction of Emotional Distress</p> <p>Negligent Infliction of Emotional Distress</p> <p>Other PI/PD/WD</p> <p>Non-PI/PD/WD (Other) Tort</p> <p>Business Tort/Unfair Business Practice (07)</p> <p>Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)</p> <p>Defamation (e.g., slander, libel) (13)</p> <p>Fraud (16)</p> <p>Intellectual Property (19)</p> <p>Professional Negligence (25)</p> <p>Legal Malpractice</p> <p>Other Professional Malpractice (<i>not medical or legal</i>) (26)</p> <p>Other Non-PI/PD/WD Tort (35)</p> <p>Employment</p> <p>Wrongful Termination (36)</p> <p>Other Employment (15)</p>	<p>Contract</p> <p>Breach of Contract/Warranty (06)</p> <p>Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>)</p> <p>Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>)</p> <p>Negligent Breach of Contract/Warranty</p> <p>Other Breach of Contract/Warranty</p> <p>Collections (e.g., money owed, open book accounts) (09)</p> <p>Collection Case—Seller Plaintiff</p> <p>Other Promissory Note/Collections Case</p> <p>Insurance Coverage (<i>not provisionally complex</i>) (18)</p> <p>Auto Subrogation</p> <p>Other Coverage</p> <p>Other Contract (37)</p> <p>Contractual Fraud</p> <p>Other Contract Dispute</p> <p>Real Property</p> <p>Eminent Domain/Inverse Condemnation (14)</p> <p>Wrongful Eviction (33)</p> <p>Other Real Property (e.g., quiet title) (26)</p> <p>Writ of Possession of Real Property</p> <p>Mortgage Foreclosure</p> <p>Quiet Title</p> <p>Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)</p> <p>Unlawful Detainer</p> <p>Commercial (31)</p> <p>Residential (32)</p> <p>Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)</p> <p>Judicial Review</p> <p>Asset Forfeiture (05)</p> <p>Petition Re: Arbitration Award (11)</p> <p>Writ of Mandate (02)</p> <p>Writ—Administrative Mandamus</p> <p>Writ—Mandamus on Limited Court Case Matter</p> <p>Writ—Other Limited Court Case Review</p> <p>Other Judicial Review (39)</p> <p>Review of Health Officer Order</p> <p>Notice of Appeal—Labor Commissioner Appeals</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <p>Antitrust/Trade Regulation (03)</p> <p>Construction Defect (10)</p> <p>Claims Involving Mass Tort (40)</p> <p>Securities Litigation (28)</p> <p>Environmental/Toxic Tort (30)</p> <p>Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)</p> <p>Enforcement of Judgment</p> <p>Enforcement of Judgment (20)</p> <p>Abstract of Judgment (Out of County)</p> <p>Confession of Judgment (<i>non-domestic relations</i>)</p> <p>Sister State Judgment</p> <p>Administrative Agency Award (<i>not unpaid taxes</i>)</p> <p>Petition/Certification of Entry of Judgment on Unpaid Taxes</p> <p>Other Enforcement of Judgment Case</p> <p>Miscellaneous Civil Complaint</p> <p>RICO (27)</p> <p>Other Complaint (<i>not specified above</i>) (42)</p> <p>Declaratory Relief Only</p> <p>Injunctive Relief Only (<i>non-harassment</i>)</p> <p>Mechanics Lien</p> <p>Other Commercial Complaint Case (<i>non-tort/non-complex</i>)</p> <p>Other Civil Complaint (<i>non-tort/non-complex</i>)</p> <p>Miscellaneous Civil Petition</p> <p>Partnership and Corporate Governance (21)</p> <p>Other Petition (<i>not specified above</i>) (43)</p> <p>Civil Harassment</p> <p>Workplace Violence</p> <p>Elder/Dependent Adult Abuse</p> <p>Election Contest</p> <p>Petition for Name Change</p> <p>Petition for Relief From Late Claim</p> <p>Other Civil Petition</p>
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SHORT TITLE: IUOE v. Schwarzenegger	CASE NUMBER BC 42 3409
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL ¹⁰ HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Class Actions must be filed in the County Courthouse, Central District. 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. |
|---|--|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: IUOE v. Schwarzenegger	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: IUOE v. Schwarzenegger	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex
Litigation

Enforcement
of Judgment

Miscellaneous Civil
Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input checked="" type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input checked="" type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: IUOE v. Schwarzenegger	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 300 S. Spring Street, #1700
CITY: Los Angeles	STATE: CA	ZIP CODE: 90013-1256

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: October 6, 2009


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.