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12 Attorneys for Defendants/Respondents
13 ARNOLD SCHWARZENEGGER, Governor; STATE OF
CALIFORNIA; and DEPARTMENT OF PERSONNEL
14 ADMINISTRATION

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

15 SUPERIOR COURT OF CALIFORNIA
16 COUNTY OF SACRAMENTO

17
18 PROFESSIONAL ENGINEERS IN
CALIFORNIA GOVERNMENT;
19 CALIFORNIA ASSOCIATION OF
PROFESSIONAL SCIENTISTS,

20 Petitioners/Plaintiffs,

21 v.

22 ARNOLD SCHWARZENEGGER,
Governor; STATE OF CALIFORNIA;
23 DEPARTMENT OF PERSONNEL
ADMINISTRATION; STATE
24 CONTROLLER JOHN CHIANG; and
25 DOES 1 through 20, inclusive,

26 Respondents/Defendants.

CASE NO. 34-2008-80000126-CU-WM-GDS

**Assigned For All Purposes To
The Honorable Patrick Marlette**

**NOTICE OF HEARING AND
DEMURRER TO VERIFIED PETITION
FOR WRIT OF MANDATE AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF BY ARNOLD
SCHWARZENEGGER, STATE OF
CALIFORNIA AND DEPARTMENT OF
PERSONNEL ADMINISTRATION**

Date:
Time:
Dept.: 19

**Action Filed: December 22, 2008
Trial Date: None Set**

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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January _____, 2009, at _____ a.m. or as soon hereafter as the matter may be heard in Department 19 of the above-entitled court, located at 720 Ninth Street, Sacramento, California, Respondents/Defendants GOVERNOR ARNOLD SCHWARZENEGGER, STATE OF CALIFORNIA and DEPARTMENT OF PERSONNEL ADMINISTRATION ("Respondents") will demur to the petition for writ of mandate and complaint for injunctive and declaratory relief filed by Petitioners/Plaintiffs PROFESSIONAL ENGINEERS IN CALIFORNIA GOVERNMENT and CALIFORNIA ASSOCIATION OF PROFESSIONAL SCIENTISTS' ("Petitioners") on the following grounds:

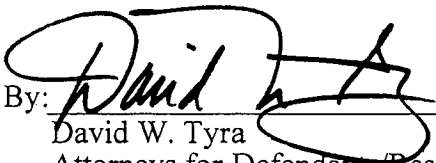
1. That this Court, the Superior Court of California, County of Sacramento, has no jurisdiction over the subject of the cause of action alleged in the petition for writ of mandate and complaint for injunctive and declaratory relief because exclusive jurisdiction in the subject matter of the claims raised in the petition/complaint is vested in the California Public Employment Relations Board ("PERB").

2. The Petitioners have failed to exhaust their administrative remedies.

The demurrer will be based on this notice of hearing and demurrer; the memorandum of points and authorities and request for judicial notice served and filed herewith; the papers, records, and documents already on file herein; and on such further oral or documentary evidence as may be submitted at the hearing in this matter.

Dated: January 9, 2009

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

By: 
David W. Tyra
Attorneys for Defendants/Respondents
ARNOLD SCHWARZENEGGER,
Governor; STATE OF CALIFORNIA; and
DEPARTMENT OF PERSONNEL
ADMINISTRATION

1 **PROOF OF SERVICE**

2 I, Meredith Packer, declare:

3 I am a citizen of the United States and employed in Sacramento County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On January 9, 2009, I served a
6 copy of the within document(s):

7 **NOTICE OF HEARING AND DEMURRER TO VERIFIED PETITION FOR
8 WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND
9 DECLARATORY RELIEF BY ARNOLD SCHWARZENEGGER, STATE OF
10 CALIFORNIA AND DEPARTMENT OF PERSONNEL ADMINISTRATION**

- 11 by transmitting via facsimile the document(s) listed above to the fax number(s) set
12 forth below on this date before 5:00 p.m.
- 13 by placing the document(s) listed above in a sealed _____ envelope and
14 affixing a pre-paid air bill, and causing the envelope to be delivered to a
15 _____ agent for delivery.
- 16 by causing personal delivery by Messenger of the document(s) listed above to the
17 person(s) at the address(es) set forth below.
- 18 by personally delivering the document(s) listed above to the person(s) at the
19 address(es) set forth below.

20 **Attorney for Petitioners/Plaintiffs**

21 Gerald James, Esq.
22 660 J Street, Suite 445
23 Sacramento, CA 95814
24 Fax: (916) 446-0489

20 **Attorney for Respondent/Defendant**

21 **State Controller John Chiang**
22 Rick Chivaro, Esq.
23 State of California Controller's Office
24 300 Capitol Mall, Suite 1850
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26 Fax: (916) 322-1220

27 I am readily familiar with the firm's practice of collection and processing correspondence
28 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on January 9, 2009, at Sacramento, California.



Meredith Packer