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FILED
ALAMEDA COUNTY

FEB 25 2010

CLERK OF THE SUPERIOR COURT

By Vicki Daybell ✓

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

CALIFORNIA ATTORNEYS, ADMINISTRATIVE
LAW JUDGES AND HEARING OFFICERS IN
STATE EMPLOYMENT,

Petitioner/Plaintiff,

vs.

ARNOLD SCHWARZENEGGER as, Governor of the
State of California; DAVID GILB as Director of the
Department of Personnel Administration; JOHN
CHIANG, Controller of the State of California;
EDMUND G. BROWN JR., Attorney General of the
State of California;
STEVE POIZNER, Insurance Commissioner of the
State of California; PRESTON DUFAUCHARD,
Corporations Commissioner of the Department of
Corporations; CINDY EHNS, Director of the
Department of Managed Health Care; JEFF DAVI,
Real Estate Commissioner of the Department of Real
Estate; CARRIE LOPEZ, Director of the Department
of Consumer Affairs; GEORGE VALVERDE,
Director of the Department of Motor Vehicles; MIKE
CHRISMAN, Secretary of the California Energy
Resources Conservation and Development

Case No. RG09-453982

**JUDGMENT FOR
PETITIONER**

Commission; ANNE STAUSBOLL, Chief Executive)
Officer of the Public Employees' Retirement System;)
RONALD P. SCHAFER, Chairperson of the Santa)
Monica Mountains Conservancy; DOUGLAS)
BOSCO, Chairman of the California State Coastal)
Conservancy; JULIE NAUMAN, Executive Officer of)
the Victim Compensation and Government Claims)
Board; ALAN KERZIN, Executive Director of the)
State Council on Developmental Disabilities; MARY-)
ANN WARMERDAM, Director of the Department of)
Pesticide Regulation; JACK EHNES, Chief Executive)
Officer of the State Teachers' Retirement System;)
GLENN POMEROY, Chief Executive Officer of the)
California Earthquake Authority; WILLIAM HARAF,)
Commissioner of the Department of Financial)
Institutions; STEVE HARDY, Director of the)
Department of Alcoholic Beverage Control; FRED)
ARMENDARIZ, Chairman of the Alcoholic Beverage)
Control Appeals Board; RAYNOR T. TSUNEYOSHI,)
Director of the Department of Boating and Waterways;)
TERRI CIAU, Executive Director of the Gambling)
Control Commission; JOHN P. DONNELLY,)
Executive Director of the Wildlife Conservation)
Board; J. A. FARROW, Commissioner of the)
California Highway Patrol; KIRK BREED, Executive)
Director of the California Horse Racing Board; JOAN)
BORUCKI, Director of the California State Lottery)
Commission; LLOYD THRONE, Director of the)
Department of Community Services and Development;)
L. STEVEN SPEARS, Acting Executive Director of)
the California Housing Finance Agency; MARK)
LEARY, Executive Director of the California)
Integrated Waste Management Board; RON)
DIEDRICH, Director of the Office of Administrative)
Hearings; DESTIE OVERPECK, Acting Chief Deputy)
Administrative Director of the Division of Workers)
Compensation; DON KOCK, Director of the)
Department of Fish and Game; CALEB CHEUNG,)
Commission Chair of the Commission on Teacher)
Credentialing; BONNIE GARCIA, Chair of the)
California Unemployment Insurance Appeals Board;)
TONY SAUER, Director of the Department of)
Rehabilitation; MARY D. NICHOLS, Chairman of the)
Air Resources Board; LYNN JACOBS, Director of the)
Department of Housing and Community Development;)

PATRICK HENNING, Director of the Employment)
Development Department; LESTER SNOW, Director)
of the Department of Water Resources; PATRICK)
WRIGHT, Executive Director of the California Tahoe)
Conservancy; BRIDGETT LUTHER, Director of the)
Department of Conservation; DOROTHY RICE,)
Executive Director of the State Water Resources)
Control Board; DAVID MAXWELL-JOLLY, Director)
of the Department of Health Care Services; MARK)
HORTON, Director of the Department of Public)
Health; JOHN A. WAGNER, Director of the)
Department of Social Services; WILL KEMPTON,)
Director of the California Department of)
Transportation; MAZIAR MOVASSAGHI, Acting)
Director of the Department of Toxic Substances)
Control; JON DUNCAN, Director of the Department)
of Industrial Relations; LYNN DAUCHER, Director)
of the California Department of Aging; RUTH)
COLEMAN, Director of the Department of Parks and)
Recreation; DALE BONNER, Secretary of the)
Business, Transportation, and Housing Agency;)
KAREN HUMPHREY, Executive Director of the)
California Postsecondary Education Commission;)
JOSEPH MILLER, Chairman of the Workers')
Compensation Appeals Board; DEBRA BOWEN,)
Secretary of State for the State of California;)
CHARLES PATILLO, General Manager of the)
California Prison Industry Authority; TOM FLESH,)
President of the New Motor Vehicle Board; PAUL D.)
THAYER, Executive Officer of the California State)
Lands Commission; STEVE THARRATT, M.D.,)
Director of the Emergency Medical Services)
Authority; A. G. KAWAMURA, Secretary of the)
California Department of Food and Agriculture; WILL)
BUSH, Director of the Department of General)
Services; ROGER BRAUTIGAN, Acting Secretary of)
the Department of Veterans Affairs; LESLEY)
CUMMINGS, Executive Director of the Managed)
Risk Medical Insurance Board, and DOES 1 through)
100,)
)

Defendants/Respondents.

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The above-entitled cause came on regularly for hearing on November 16, 2009, at 9:00 a.m. in Department 31, Hon. Frank Roesch, presiding, pursuant to the verified petition filed by petitioners, with counsel present as indicated on the record.

The cause was heard and both oral and documentary evidence was received. The matter was tried without a jury and submitted to the court. The court has considered the entire record in this matter, including all of the oral and documentary evidence submitted, as well as the written and oral arguments of counsel. By order dated December 31, 2009, this Court directed that judgment for petitioner and a peremptory writ of mandate should issue in the cause. The reasons supporting the Court's judgment are set forth in the Order Granting Petition for Writ of Mandate issued by the Court on December 31, 2009.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That Judgment is entered in favor of petitioners.
2. That a peremptory writ of mandate issue commanding Respondents/Defendants Governor Schwarzenegger and Director Gilb to set aside the portions of the Governor's Executive Orders S-16-08 and S-13-09 calling for a furlough and resulting salary reduction for all employees of Respondent Departments and Agencies, and to cease and desist the furlough of such employees;
3. That a peremptory writ of mandate issue commanding Respondent/Defendant Controller Chiang to immediately pay all employees of Respondent Departments and Agencies their full salary without any reductions pursuant to the illegal furloughs directed by

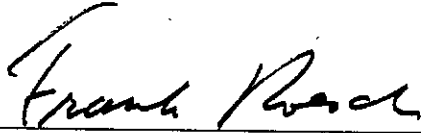
the unlawful Executive Orders, and to take any and all actions required by law to restore any salary wrongfully withheld as a consequence thereof;

4. That the aforementioned portions of the Governor's Executive Orders S-16-08 and S-16-09, insofar as they will and have resulted in furloughs and salary reductions for employees of Respondent Departments and Agencies, are hereby declared unlawful and illegal *ab initio* in that they violate the provisions of Government Code sections 16310, subdivision (a) and 19851, subdivision (a); and,

5. That Petitioners are the prevailing parties herein and are awarded their costs of suit.

The petition is granted, judgment shall be entered accordingly and the writ shall issue under the seal of this Court.

Date: February 25, 2010



Frank Roesch
Judge of the Superior Court