

1 JOHN McBRIDE, ESQ., SBN 36458
CHRISTOPHER E. PLATTEN, ESQ., SBN 111971
2 MARK S. RENNER, ESQ., SBN 121008
Wylie, McBride, Platten & Renner
3 2125 Canoas Garden Avenue Suite 120
San Jose, CA 95125
4 Telephone: 408.979.2920
Facsimile: 408.979.2934
5 jmcbride@wmprlaw.com
cplatten@wmprlaw.com

FILED

2013 FEB 26 A 8:53

David H. Yamasaki, Clerk of the Superior Court
County of Santa Clara, California

By: S. VERA Clerk

6 Attorneys for Plaintiffs and Cross-Defendants Robert Sapien,
7 Mary Kathleen McCarthy, Than Ho, Randy Sekany,
8 Ken Heredia, Teresa Harris, Jon Reger, Moses Serrano,
John Mukhar, Dale Dapp, James Atkins, William Buffington
9 and Kirk Pennington

10
11 **IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SANTA CLARA**

13 SAN JOSE POLICE OFFICERS' ASSOCIATION,

14 Plaintiff,

15 vs.

16 CITY OF SAN JOSE AND BOARD OF
ADMINISTRATION FOR THE POLICE AND FIRE
17 DEPARTMENT RETIREMENT PLAN OF CITY OF
SAN JOSE

18 Defendants.

Case No. 1-12-CV-225926
(and Consolidated Actions 1-12-CV-
225928, 1-12-CV-226570, 1-12-CV-
226574, and 1-12-CV-227864)

**ORDER TO SPECIALLY SET
PLAINTIFFS' MOTION TO STRIKE OR
DISMISS DEFENDANT CITY OF SAN
JOSE'S MOTION FOR SUMMARY
ADJUDICATION OF ISSUES**

19 and Consolidated Actions

20
21 CITY OF SAN JOSE

22 Cross-Complainant,

23 vs.

24 SAN JOSE POLICE OFFICERS' ASSOCIATION, *et*
at.

25 Cross-Defendants.
26
27
28

1 The court having considered the ex parte application of plaintiffs Sapien, et al.,
2 (Case No. 112CV225926), Harris, et al., (Case No. 112CV226570) and Mukhar, et al.,
3 (Case No. 112CV226574) and good cause appearing therefore:
4

5 IT IS HEREBY ORDERED that plaintiffs may file their motion to dismiss or strike
6 defendant's motion for summary adjudication of issues and shall serve a copy thereof on
7 all counsel either by personal service or facsimile or email not later than 5:00 p.m. on
8 February 26, 2013.

9 It is further ordered that the hearing on said motion shall take place on
10 March 15 ²⁰¹³ at 9:00 a.m. in Department 8. Defendant's opposition, if any, to the motion
11 shall be filed and served by facsimile or email not later than 5:00 on 3/15/13 and
12 plaintiffs' reply, if any, shall be filed and served not later than 5:00 p.m. on
13 3/15/13. *JS*

14
15
16 Dated: 2-26-13


Honorable Peter H. Kirwan

Judge of the Superior Court

James L. Sto

17
18
19
20
21
22
23
24
25
26 I:\0230\72256\pnd\motion to strike\order ex parte.docx
27
28