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City of San Jose
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SANTA CLARA

12 SAN JOSE POLICE OFFICERS'
ASSOCIATION,

13 Plaintiff,

14 v.

15 CITY OF SAN JOSE, BOARD OF
16 ADMINISTRATION FOR POLICE AND
FIRE RETIREMENT PLAN OF CITY OF
17 SAN JOSE, and DOES 1-10 inclusive.

18 Defendants,
19

20
21 AND RELATED CROSS-COMPLAINT
22 AND CONSOLIDATED ACTIONS
23

) Case No. 1-12-CV-225926

) [Consolidated with Case Nos. 112CV225928,
112CV226570, 112CV226574, 112CV227864]

) Assigned for all purposes to the Honorable Patricia
M. Lucas

) **AMENDED [PROPOSED] ORDER FOR
JUDGMENT ON THE PLEADINGS AS TO
THE SAN JOSE POLICE OFFICERS'
ASSOCIATION'S SEVENTH CAUSE OF
ACTION FOR VIOLATION OF THE
MEYERS-MILIAS-BROWN ACT**

) Date: January 17, 2013

) Time: 9:00 a.m.

) Courtroom: 2

) Complaint Filed: June 6, 2012

) Trial Date: None Set

24 This matter came on regularly for hearing on January 17, 2013 before the Honorable
25 Patricia M. Lucas, Judge of the Superior Court of California, County of Santa Clara. Arthur
26 Hartinger and Linda M. Ross appeared on behalf of the Defendants City of San Jose. Stephen
27 Silver appeared on behalf of the San Jose Retired Employees Association, Howard E. Fleming,
28 Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro.

1 The Court, having considered all papers filed in support and in opposition, and oral
2 arguments, hereby GRANTS Defendant's motion on the pleadings to dismiss Plaintiffs' Seventh
3 Cause of Action for violation of the Meyers-Milias-Brown Act.

4 The motion is granted with prejudice.

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6 Dated: _____, 2013

The Honorable Patricia M. Lucas
San Jose Superior Court

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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am
4 employed in the County of Alameda, State of California. My business address is 555 12th Street,
Suite 1500, Oakland, CA 94607.

5 On December 14, 2012, I served true copies of the following documents described as:

- 6 • **AMENDED [PROPOSED] ORDER FOR JUDGMENT ON THE PLEADINGS**
7 **AS TO THE SAN JOSE POLICE OFFICERS' ASSOCIATION'S SEVENTH**
8 **CAUSE OF ACTION FOR VIOLATION OF THE MEYERS-MILIAS-BROWN**
ACT

9 on the interested parties in this action as follows:

10 **SEE ATTACHED SERVICE LIST**

11 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
12 persons at the addresses listed in the Service List and placed the envelope for collection and
13 mailing, following our ordinary business practices. I am readily familiar with Meyers, Nave,
14 Riback, Silver & Wilson's practice for collecting and processing correspondence for mailing. On
the same day that the correspondence is placed for collection and mailing, it is deposited in the
ordinary course of business with the United States Postal Service, in a sealed envelope with
postage fully prepaid.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17 Executed on December 14, 2012, at Oakland, California.

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19 _____
20 JILALA H. FOLEY

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SERVICE LIST

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<p>John McBride Christopher E. Platten Mark S. Renner WYLIE, MCBRIDE, PLATTEN & RENNER 2125 Canoas Garden Ave, Suite 120 San Jose, CA 95125</p>	<p>Attorneys for Plaintiffs/Petitioners, ROBERT SAPIEN, MARY MCCARTHY, THANH HO, RANDY SEKANY AND KEN HEREDIA (Santa Clara Superior Court Case No. 112CV225928)</p> <p>AND</p> <p>Plaintiffs/Petitioners, JOHN MUKHAR, DALE DAPP, JAMES ATKINS, WILLIAM BUFFINGTON AND KIRK PENNINGTON (Santa Clara Superior Court Case No. 112CV226574)</p> <p>AND</p> <p>Plaintiffs/Petitioners, TERESA HARRIS, JON REGER, MOSES SERRANO (Santa Clara Superior Court Case No. 112CV226570)</p>
<p>Gregg McLean Adam Jonathan Yank Gonzalo Martinez Jennifer Stoughton CARROLL, BURDICK & MCDONOUGH, LLP 44 Montgomery Street, Suite 400 San Francisco, CA 94104</p>	<p>Attorneys for Plaintiff, SAN JOSE POLICE OFFICERS' ASSOC. (Santa Clara Superior Court Case No. 112CV225926)</p>
<p>Teague P. Paterson Vishtap M. Soroushian BEESON, TAYER & BODINE, APC Ross House, 2nd Floor 483 Ninth Street Oakland, CA 94607-4051</p>	<p>Plaintiff, AFSCME LOCAL 101 (Santa Clara Superior Court Case No. 112CV227864)</p>

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Attorneys for Defendant, CITY OF SAN JOSE,
BOARD OF ADMINISTRATION FOR POLICE AND
FIRE DEPARTMENT RETIREMENT PLAN OF
CITY OF SAN JOSE
(Santa Clara Superior Court Case No. 112CV225926)

AND

Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1961 SAN JOSE
POLICE AND FIRE DEPARTMENT RETIREMENT
PLAN
(Santa Clara Superior Court Case No. 112CV225928)

AND

Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1975 FEDERATED
CITY EMPLOYEES' RETIREMENT PLAN
(Santa Clara Superior Court Case Nos. 112CV226570
and 112CV226574)

AND

Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE FEDERATED CITY
EMPLOYEES RETIREMENT PLAN
(Santa Clara Superior Court Case No. 112CV227864)

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