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8 Attorneys for Defendants
City of San Jose and Debra Figone, in Her
9 Official Capacity

10 **IN THE SUPERIOR COURT FOR THE**
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 AND RELATED CROSS-COMPLAINT
AND CONSOLIDATED ACTIONS

Consolidated Case No. 1-12-CV-225926
[AFSCME Case No. 1-12-CV-227864]

*Consolidated with Case Nos. 112CV225928,
112CV226570, 112CV226574, 112CV225926]*

*Assigned for all purposes to the Honorable
Patricia M. Lucas]*

**NOTICE OF HEARING AND
DEMURRER TO PLAINTIFF AFSCME'S
FIRST AMENDED COMPLAINT**

Date: April 23, 2013
Time: 9:00 a.m.
Dept.: 8

Complaint Filed: June 6, 2012
Trial Date: June 17, 2012

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on April 23, 2013 at 9:00 a.m. in Department 8 of the
24 above-entitled Court, located at 191 North First Street San Jose, California 95113, or as soon
25 thereafter as the matter may be heard, defendants City of San Jose ("City") and Debra Figone, in
26 her official capacity, (collectively, "Defendants"), will demur to the First Amended Complaint
27 filed by plaintiff American Federation of State, County and Municipal Employees Local 101
28 ("AFSCME")

1 Defendants jointly and severally demurrer to AFSCME's First Amended Complaint on
2 each of the following grounds:

3 Demurrer to Second Cause of Action

4 1. The second cause of action fails to state facts sufficient to constitute a cause of
5 action pursuant to section 430.10(e) of the Code of Civil Procedure.

6 Demurrer to Seventh Cause of Action

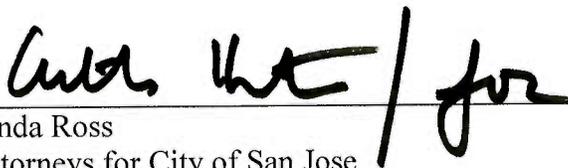
7 2. The seventh cause of action fails to state facts sufficient to constitute a cause of
8 action pursuant to section 430.10(e) of the Code of Civil Procedure.

9 Defendants' demurrer will be based on this notice of hearing and demurrer, the
10 accompanying memorandum of points and authorities, the matters of which the Court is requested
11 to take judicial notice, all other pleadings and papers on file in this action, and such other and
12 further argument and matters subject to judicial notice as shall be received by the Court at the time
13 of the hearing.

14
15 DATED: March 18, 2013

Respectfully submitted.

MEYERS, NAVE, RIBACK, SILVER & WILSON

18 By: 
19 Linda Ross
20 Attorneys for City of San Jose