

COPY

(ENDORSED)

2013 DEC -4 P 12: 28

David J. Quach, Clerk of Superior Court
County of Santa Clara, California
By: _____
Deputy Clerk

L. QUACH-MARCELLANA

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7 Attorneys for Plaintiff
City of San Jose
8

9 **IN THE SUPERIOR COURT FOR THE**
10 **COUNTY OF SANTA CLARA**

11 SAN JOSE POLICE OFFICERS
ASSOCIATION,

12 Plaintiff,

13 v.

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

17 Defendants.

Case No. 1-12-CV-225926

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

**[PROPOSED] SUPPLEMENTAL
STIPULATION AND ORDER RE
IMPLEMENTATION OF MEASURE B**

Complaint Filed: June 6, 2012
Trial Date: June 17, 2013

18 AND RELATED CROSS-COMPLAINT
19 AND CONSOLIDATED ACTIONS
20

BY FAX

21 WHEREAS, the parties are waiting for a court decision concerning the recent trial
22 challenging Measure B; and

23 WHEREAS, the parties desire to avoid unnecessary litigation during this period; and

24 WHEREAS, the City expects that the process for implementing Measure B will occur over
25 a period of several months;

26 IT IS HEREBY STIPULATED by and among the parties in these consolidated actions that
27 the implementation by the City of San Jose of the following sections of Measure B, San Jose
28

1 Charter Sections 1500-A, et seq., shall be subject to the following agreement.

2 1. The effective date for implementation of Section 1506-A (additional employee
3 contribution rates), section 1507-A (one time voluntary election program) and section 1514-A
4 (savings) shall occur no sooner than July 1, 2014.

5 2. The effective date for implementation of Section 1512-A (a) (minimum
6 contributions towards the cost of retiree healthcare) shall occur no sooner than July 1, 2014,
7 except that contributions towards retiree healthcare shall be subject to any existing or future union
8 agreements, or City resolutions, authorized prior to July 1, 2014, that specify employee
9 contributions towards retiree healthcare.

10 3. The effective date for implementation of Section 1510-A (emergency measures to
11 contain retiree cost of living adjustments) shall occur no sooner than July 1, 2014. The parties
12 note that there are no current plans by the City to declare a service-level or fiscal emergency.

13 4. The effective date for implementation of Section 1509-A (disability retirements)
14 shall occur no sooner than July 1, 2014.

15 5. The effective date for implementation of Section 1515-A (severability) shall occur
16 no sooner than July 1, 2014.

17 6. This stipulation sets forth an agreement concerning effective dates of various
18 sections of Measure B. It does not preclude the City from preparing for implementation of the
19 above referenced sections of Measure B, either through the enactment of ordinances or otherwise.

20 7. Execution of this stipulation does not waive any bargaining rights, if any, of any
21 labor organization over enabling ordinances, or any contentions by the City in connection with any
22 assertion of bargaining rights by any labor organization over enabling ordinances.

23 DATED: November 15, 2013

MEYERS, NAVE, RIBACK, SILVER & WILSON

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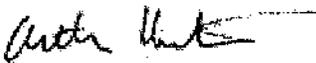
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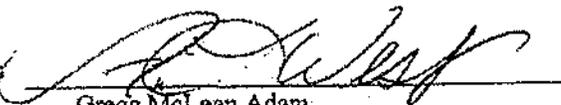
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By: _____


Arthur A. Hartinger
Linda Ross
Attorneys for Defendant
City of San Jose

1 DATED: November 19, 2013

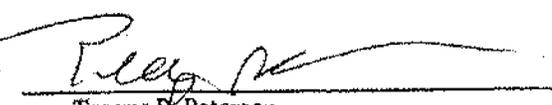
CARROLL, BURDICK & MCDONOUGH

2
3 By: 

4 Gregg McLean Adam
5 Jonathan Yank
6 Gonzalo C. Martinez
7 Amber L. West
8 Attorneys for San Jose Police Officers'
9 Association

10 DATED: November 19, 2013

BEESON, TAYER & BODINE, APC

11 By: 

12 Teague P. Paterson
13 Vishtasp M. Soroushian
14 Attorneys for Plaintiffs in AFSCME

15 Dated: November __, 2013

WYLIE, McBRIDE, PLATTEN & RENNER

16 By: _____

17 John McBride, Esq.
18 Christopher E. Platten, Esq.
19 Mark S. Renner, Esq.
20 Attorneys for Plaintiffs/Petitioners, Sapten and
21 Mukhar, et al.

22 Dated: November __, 2013

SILVER, HADDEN, SILVER, WEXLER & LEVINE

23 By: _____

24 Stephen H. Silver, Esq.
25 Richard A. Levine, Esq.
26 Jacob A. Kalinski, Esq.
27 Attorneys for Plaintiffs, San Jose Retired Employees
28 Association, et al.

Dated: November __, 2013

REED SMITH, LLP

By: _____

Harvey L. Leiderman
Attorneys for Defendant City of San Jose, Board of
Administration For Police and Fire Department
Retirement Plan of City of San Jose

1 DATED: November ____, 2013

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Vishasp M. Soroushian
Attorneys for Plaintiffs in AFSCME

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Mark S. Renner, Esq.
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LEVINE

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Richard A. Levine, Esq.
Jacob A. Kalinski, Esq.
Attorneys for Plaintiffs, San Jose Retired Employees
Association, et al.

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Retirement Plan of City of San Jose

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Attorneys for Plaintiffs in AFSCME

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Mark S. Renner, Esq.
*Attorneys for Plaintiffs/Petitioners, Sapien and
Mukhar, et al.*

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Jacob A. Kalinski, Esq.
*Attorneys for Plaintiffs, San Jose Retired Employees
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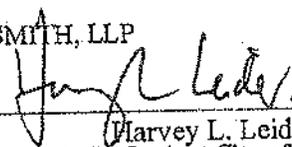
23 Dated: November 19, 2013

REED SMITH, LLP

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By: _____

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Harvey L. Leiderman
Attorneys for Defendant City of San Jose, Board of
Administration For Police and Fire Department
Retirement Plan of City of San Jose

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ORDER

The foregoing ^eStipulation having been received and good cause appearing,

^{pm}
IT IS SO ORDERED

Dated: 11/22, 2013



JUDGE OF THE SUPERIOR COURT
Patricia Lucas

2199712.1

ENDORSED

2013 DEC -4 P 12:29

County of Alameda Superior Court
By: QUACH HAO
County Clerk

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF ALAMEDA

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

On November 22, 2013, I served true copies of the following document(s) described as on the interested parties in this action as follows:

- 1. [Proposed] Supplemental Stipulation and Order re Implementation of Measure B

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Meyers, Nave, 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.

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

Executed on November 22, 2013, at Oakland, California.


Rhonda Simpson

SERVICE LIST

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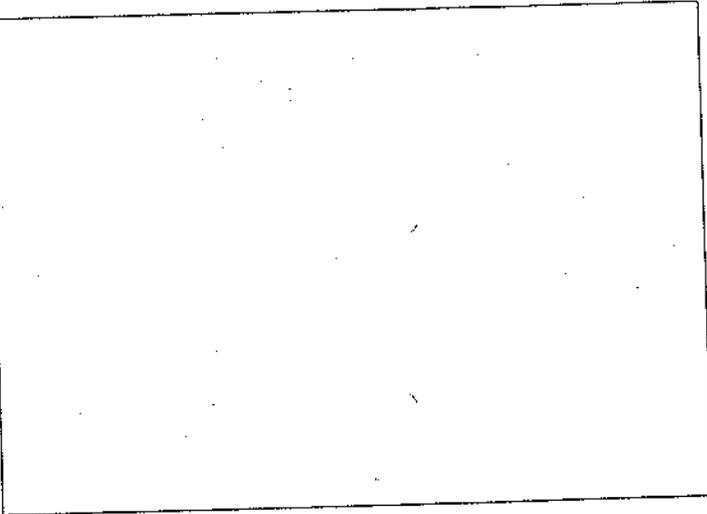
<p>John McBride Christopher E. Platten Mark S. Renner WYLIE, MCBRIDE, PLATTEN & RENNER 2125 Canoas Garden Ave, Suite 120 San Jose, CA 95125 Telephone: 408-979-2920 Fax: 408-989-0932 <u>E-Mail:</u> jmcbride@wmpirlaw.com cplatten@wmpirlaw.com mrenner@wmpirlaw.com</p>	<p>Attorneys for Plaintiffs/Petitioners, 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 Gonzalo Martinez Amber L. West CARROLL, BURDICK & MCDONOUGH, LLP 44 Montgomery Street, Suite 400 San Francisco, CA 94104 Telephone: 415-989-5900 Fax: 415-989-0932 <u>E-Mail:</u> gadam@cbmlaw.com jyank@cbmlaw.com gmartinez@cbmlaw.com jstoughton@cbmlaw.com awest@cbmlaw.com</p>	<p>Attorneys for Plaintiff, SAN JOSE POLICE OFFICERS' ASSOC. (Santa Clara Superior Court Case No. 112CV225926)</p>

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<p>Teague P. Paterson Vishtap M. Soroushian BEESON, TAYER & BODINE, APC Ross House, 2nd Floor 483 Ninth Street Oakland, CA 94607-4050 Telephone: 510-625-9700 Fax: 510-625-8275 <u>E-Mail:</u> tpaterson@beesontayer.com; vsoroushian@beesontayer.com;</p>	<p>Plaintiff, AFSCME LOCAL 101 (Santa Clara Superior Court Case No. 112CV227864)</p>
<p>Harvey L. Leiderman Jeffrey R. Rieger REED SMITH, LLP 101 Second Street, Suite 1800 San Francisco, CA 94105 Telephone: 415-659-5914 Fax: 415-391-8269 <u>E-Mail:</u> hleiderman@reedsmith.com; jrieger@reedsmith.com</p>	<p>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)</p> <p>AND</p> <p>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)</p> <p>AND</p> <p>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)</p> <p>AND</p> <p>Necessary Party in Interest, THE BOARD OF ADMINISTRATION FOR THE FEDERATED CITY EMPLOYEES RETIREMENT PLAN (Santa Clara Superior Court Case No. 112CV227864)</p>

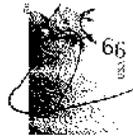
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135.023

K. Thomas / R. Simpson



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ATTN: LINDA ROSS

Received

DEC 05 2018

meyers@nave