

Dept 8

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APR 29 2014

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara

BY \_\_\_\_\_ DEPUTY

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IN THE SUPERIOR COURT FOR THE  
COUNTY OF SANTA CLARA

SAN JOSE POLICE OFFICERS  
ASSOCIATION,

Plaintiff,

v.

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

Defendants.

Case No. 1-12-CV-225926

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

~~PROPOSED~~ SECOND SUPPLEMENTAL  
STIPULATION AND ORDER RE  
IMPLEMENTATION OF MEASURE B

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

AND RELATED CROSS-COMPLAINT  
AND CONSOLIDATED ACTIONS

**BY FAX**

21 WHEREAS, the Court has issued a Statement of Decision after a court trial challenging  
22 Measure B; and

23 WHEREAS, the Statement of Decision found that certain sections of Measure B met legal  
24 requirements and certain sections did not meet legal requirements; and

25 WHEREAS, the parties anticipate that some parties will appeal the determinations made in  
26 the Statement of Decision; and

27 WHEREAS, the parties desire to avoid unnecessary litigation over implementation of  
28 various sections of Measure B for a reasonable period during the appeal process;

Case No. 112CV225926

[PROPOSED] STIPULATION RE IMPLEMENTATION OF MEASURE B

1           WHEREAS, nothing in this stipulation shall be considered to be an admission by any party  
2 as to the legality or illegality of any Section of Measure B and the parties reserve all rights on  
3 appeal or otherwise; therefore

4           IT IS HEREBY STIPULATED by and among the parties in these consolidated actions that  
5 the implementation by the City of San Jose of the following sections of Measure B, San Jose  
6 Charter Sections 1500-A, et seq., shall be subject to the following agreement.

7           1.       The effective date for implementation of Section 1506-A (additional employee  
8 contribution rates), section 1507-A (one time voluntary election program) and section 1514-A  
9 (savings) shall occur no sooner than July 1, 2015.

10          2.       The effective date for implementation of Section 1512-A (a) (minimum  
11 contributions towards the cost of retiree healthcare) shall occur no sooner than July 1, 2015,  
12 except that contributions towards retiree healthcare shall be subject to any existing or future union  
13 agreements, or City resolutions, authorized prior to July 1, 2015, that specify employee  
14 contributions towards retiree healthcare.

15          3.       The effective date for implementation of Section 1510-A (emergency measures to  
16 contain retiree cost of living adjustments) shall occur no sooner than July 1, 2015. The parties  
17 note that there are no current plans by the City to declare a service-level or fiscal emergency.

18          4.       The effective date for implementation of Section 1509-A, subsections (a), (b), (d)  
19 and (e) (disability retirements) shall occur no sooner than July 1, 2015.

20          5.       The effective date for implementation of Section 1515-A (severability) shall occur  
21 no sooner than July 1, 2015.

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

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

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1 Dated: April 17, 2014

MEYERS, NAVE, RIBACK, SILVER & WILSON

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3  
4 By Linda M. Ross

Arthur A. Hartinger  
Linda M. Ross  
Attorneys for Defendants City of San Jose  
City of San Jose and Debra Figone

7 Dated: April 17, 2014

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Association

14 Dated: April \_\_, 2014

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Attorneys for Plaintiffs Robert Saplen, Mary  
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21 Dated: April 17, 2014

BEESON, TAYOR & BODINE APC

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Teague P. Paterson  
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1 Dated: April \_\_\_\_, 2014

SILVER, HADDEN, SILVER, WEXLER & LEVINE

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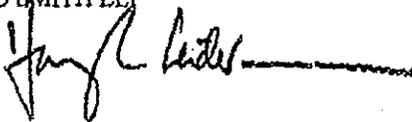
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8 Dated: April 17, 2014

REED SMITH LLP

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By 

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

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**ORDER**

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The forgoing Stipulation having been received and good cause appearing,

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**IT IS SO ORDERED**

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Dated: \_\_\_\_\_, 2014

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JUDGE OF THE SUPERIOR COURT

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1 Dated: April 17, 2014

SILVER, HADDEN, SILVER, WEXLER & LEVINE

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4 By Jacob A. Kalinski  
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8 Association, Howard E. Fleming, Donald S. Maerac,  
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10 Navarro-

8 Dated: April \_\_\_\_\_, 2014

REED SMITH LLP

10  
11 By \_\_\_\_\_  
12 Harvey L. Leiderman, Esq.  
13 Attorneys for Defendant Board of Administration  
14 for Police and Fire Department Retirement Plan of  
15 City of San Jose

14 ORDER

15 The forgoing Stipulation having been received and good cause appearing,

16 IT IS SO ORDERED

17 Dated: APR 23 2014

18 Patricia Lucas  
19 JUDGE OF THE SUPERIOR COURT

20 2265322.1

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