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9 Attorneys for Plaintiff  
10 *AFSCME LOCAL 101*

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **IN AND FOR THE COUNTY OF SANTA CLARA**  
14 **AT SAN JOSÉ**

15 SAN JOSE POLICE OFFICERS'  
16 ASSOCIATION,

17 Plaintiff,

18 v.

19 CITY OF SAN JOSÉ, BOARD OF  
20 ADMINISTRATION FOR POLICE AND FIRE  
21 DEPARTMENT RETIREMENT PLAN OF  
22 CITY OF SAN JOSE, and DOES 1-10,  
23 inclusive,

24 Defendants.

25 AND RELATED CROSS-COMPLAINT AND  
26 CONSOLIDATED ACTIONS

Consolidated Case No. 1-12-CV-225926

[Consolidated with Case Nos. 1-12-CV-225928,  
1-12-CV-226570, 1-12-CV-226574,  
1-12-CV-227864, and 1-12-CV-233660]

ASSIGNED FOR ALL PURPOSES TO:  
JUDGE PATRICIA LUCAS  
DEPARTMENT 2

**NOTICE OF MOTION; MOTION FOR  
ATTORNEYS' FEES**

Hearing Date: September 25, 2014  
Hearing Time: 9:00 a.m.  
Courtroom: 2  
Judge: Honorable Patricia Lucas  
Action Filed: June 6, 2012  
Trial Date: July 22, 2013

27 **TO: CITY OF SAN JOSE, BOARD OF ADMINISTRATION FOR POLICE AND FIRE**  
28 **DEPARTMENT RETIREMENT PLAN OF CITY OF SAN JOSE, BOARD OF**  
**ADMINISTRATION FOR FEDERATED CITY EMPLOYEES RETIREMENT**  
**SYSTEM OF SAN JOSE, and DOES 1-10,**  
**Inclusive AND THEIR ATTORNEY OF RECORD:**

PLEASE TAKE NOTICE that on September 25, 2014, at 9:00 a.m. or as soon thereafter as  
the matter may be heard in Department 2 of the above-named Court, located at 191 N. First Street,

1 Jose, California, 95113, Plaintiff AFSCME Local 101 will and hereby does move this court for an  
2 order awarding attorneys' fees in the amount of \$463,066.25.

3 Plaintiff brings this motion on the grounds that the request award of attorneys' fees is  
4 warranted under Code of Civil Procedure section 1021.5. Plaintiff's motion is based on this notice;  
5 the memorandum of authorities and the Declaration(s) of Teague P. Paterson, served and filed  
6 herewith; all other papers filed and proceedings had in this action; and on such oral and documentary  
7 evidence as may be presented at the hearing of the motion.

8  
9 Dated: July 30, 2014

BEESON, TAYER & BODINE, APC

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11 By:

  
TEAGUE P. PATERSON

VISHTASP M. SOROUSHIAN  
Attorneys for Plaintiff AFSCME Local 101

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**PROOF OF SERVICE**

**SANTA CLARA SUPERIOR COURT**

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is Beeson, Tayer & Bodine, Ross House, Suite 200, 483 Ninth Street, Oakland, California, 94607-4051. On this day, I served the foregoing Document(s):

**NOTICE OF MOTION; MOTION FOR ATTORNEYS' FEES**

**By Mail** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that 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.

**By Personally Delivering** a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.

**By Messenger Service** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure § 1011, by placing a true and correct copy thereof in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service.

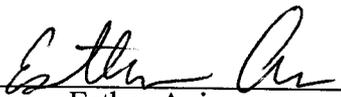
**By UPS Overnight Delivery** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

**By Facsimile Transmission** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(e).

**By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury that the foregoing is true and correct. Executed in Oakland, California, on this date, July 30, 2014.

  
\_\_\_\_\_  
Esther Aviva

**SERVICE LIST**

<p>1</p> <p>2</p> <p>3 Greg McLean Adam, Esq. Jonathan Yank, Esq. 4 Gonzalo C. Martinez, Esq. Amber L. Griffiths, Esq. 5 CARROLL, BURDICK &amp; McDONOUGH LLP 44 Montgomery Street, Suite 400 6 San Francisco, CA 94104 jyank@cbmlaw.com 7 agriffiths@cbmlaw.com jstoughton@cbmlaw.com 8 gmartinez@cbmlaw.com</p> <p>9 <i>Attorneys for Plaintiff, SAN JOSE POLICE OFFICERS' ASSOCIATION (Santa Clara 10 Superior Court Case No. 112CV225926)</i></p>	<p>Arthur A. Hartinger, Esq. Geoffrey Spellberg, Esq. Linda M. Ross, Esq. Jennifer L. Nock, Esq. Michael C. Hughes, Esq. MEYERS, NAVE, RIBACK, SILVER &amp; WILSON 555 12th Street, Suite 1500 Oakland, CA 94607 ahartinger@meyersnave.com jnock@meyersnave.com lross@meyersnave.com mhughes@meyersnave.com</p> <p><i>Attorneys for Defendants, THE CITY OF SAN JOSE AND DEBRA FIGONE</i></p>
<p>11 John McBride, Esq. Christopher E. Platten, Esq. 12 Mark S. Renner, Esq. WYLIE, McBRIDE, PLATTEN &amp; RENNER 13 2125 Canoas Garden Avenue, Suite 120 San Jose, CA 95125 14 jmcbride@wmpirlaw.com cplatten@wmpirlaw.com</p> <p>15 <i>Attorneys for Plaintiffs/Petitioners, ROBERT 16 SAPIEN, MARY McCARTHY, THANH HO, RANDY SEKANY AND KEN HEREDIA (Santa 17 Clara Superior Court Case No. 112-CV-225928)</i></p> <p>18 <i>AND</i></p> <p>19 <i>Plaintiffs/Petitioners, JOHN MUKHAR, DALE DAPP, JAMES ATKINS, WILLIAM 20 BUFFINGTON AND KIRK PENNINGTON (Santa Clara Superior Court Case No. 112-CV-226574)</i></p> <p>21 <i>AND</i></p> <p>22 <i>Plaintiffs/Petitioners, TERESA HARRIS, JON 23 REGER, MOSES SERRANO (Santa Clara Superior Court Case No. 112-CV-226570)</i></p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Harvey L. Leiderman, Esq. REED SMITH, LLP 101 Second Street, Suite 1800 San Francisco, CA 94105 hleiderman@reedsmith.com</p> <p><i>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)</i></p> <p><i>AND</i></p> <p><i>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)</i></p> <p><i>AND</i></p> <p><i>Necessary Party in Interest, THE BOARD OF ADMINISTRATION FOR THE 1975 FEDERATED CITY EMPLOYEES' RETIREMENT PLAN (Santa Clara Superior Court Case Nos. 112CV226570 and 112CV22574)</i></p> <p><i>AND</i></p> <p><i>Necessary Party in Interest, THE BOARD OF ADMINISTRATION FOR THE FEDERATED CITY EMPLOYEES RETIREMENT PLAN (Santa Clara Superior Court Case No. 112CV227864)</i></p>

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OLSON, GARY J. RICHERT and ROSALINDA  
NAVARRO (Santa Clara Superior Court Case No.  
112CV233660)*