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7 Attorneys for Relator-Plaintiff

San Jose Police Officers' Association

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SANTA CLARA

10
11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA *ex rel.* SAN JOSE POLICE
OFFICERS' ASSOCIATION,

13 Plaintiff,

14 v.

15 CITY OF SAN JOSE, and CITY COUNCIL
16 OF SAN JOSE,

17 Defendants.

Case No. 1-13-CV-245503

[PROPOSED] WRIT IN *QUO WARRANTO*

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19 **To the City of San José and City Council of San José (“City”), Defendants:**

20 WHEREAS, Plaintiff San José Police Officers' Association (“SJPOA”) filed a Verified
21 Complaint in *Quo Warranto* (“Complaint”) against Defendants City of San José and City Council
22 of San José (“City”) (collectively, “the Parties”) on April 29, 2013, alleging various defects in
23 bargaining over the pension reform ballot measure (Resolution No. 76158) that subsequently
24 became known as Measure B;

25 WHEREAS, the parties subsequently engaged in extensive settlement negotiations and
26 entered into the attached Stipulated Facts and Proposed Findings, Judgment and Order which
27 concluded that the continued modification of the proposed ballot language after impasse created a
28

1 further obligation to meet and confer before placing Measure B on the ballot and that the City's
2 failure to do so is deemed to be a procedural defect significant enough to declare null and void
3 Resolution 76158, which placed Measure B on ballot.

4 WHEREAS, the Court, having considered the Stipulated Facts and Proposed Findings,
5 Judgment and Order, and the other papers and pleadings filed, under the authority vested in the
6 judiciary via California Code of Civil Procedure section 803 has determined that Resolution
7 76158, which placed Measure B on the ballot, was null and void due to a procedural defect in
8 bargaining.

9 **THEREFORE, YOU ARE HEREBY COMMANDED**, upon receipt of this Writ in *Quo*
10 *Warranto*, to take all necessary steps to comply with the attached Stipulated Facts and Proposed
11 Findings, Judgment and Order, and declare Resolution 76158 null and void due to a procedural
12 defect.

13 **YOU ARE FURTHER COMMANDED** to declare that Measure B was not properly
14 placed before the electorate and it and all of its provisions amending the City of San Jose Charter
15 are therefore invalid and are stricken. Subsequent ordinances amending the Municipal Code to
16 conform with Measure B shall be replaced.

17 Dated: _____, 2016

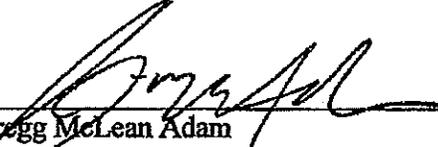
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19 By _____
20 Hon. _____
21 Judge of the Superior Court

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APPROVED AS TO FORM

Dated: March 2, 2016

MESSING ADAM & JASMINE LLP

By 
Gregg McLean Adam
Attorneys for Relator-Plaintiff
San Jose Police Officers' Association

Dated: March 8, 2016

CITY OF SAN JOSE and CITY COUNCIL
OF SAN JOSE

By 
Charles Sakai
Attorneys for City of San Jose

Dated: March 2, 2016

ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA

By 
Marc J. Nolan
Deputy Attorney General