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27 SUPERIOR COURT OF THE STATE OF CALIFORNIA
28 COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF
CALIFORNIA on the RELATION of SAN
JOSE POLICE OFFICERS' ASSOCIATION,

Plaintiff,

v.

CITY OF SAN JOSE, and CITY COUNCIL OF
SAN JOSE,

Defendants.

) Case No.: 113-CV-245503

) **SUPPLEMENTAL DECLARATION OF**
) **JAMES W. CARSON IN SUPPORT OF**
) **APPLICATION TO INTERVENE**

) DATE: April 5, 2016
) TIME: 9:00 A.M.
) DEPT: 7
) JUDGE: McGowen

1 JAMES W. CARSON declares under penalty of perjury as follows:

2 1. I make this declaration of my personal knowledge. If called as a witness, I could testify
3 competently thereto.

4 2. I am over 18 years of age and a member in good standing of the State Bar of California.
5 I am one of the attorneys for proposed Intervenor Peter Constant in this action and I am familiar with
6 the file, documents, and history related to this action.

7 3. On March 7, 2016, I called the Santa Clara County Superior Court to reserve the April
8 12, 2016 hearing date on Proposed Intervenors' Application to Intervene. Later that same day, I
9 visited the Court's Case Information Portal at <<https://cmportal.sccscourt.org/Portal>>, and observed
10 the hearing date on the Application to Intervene was listed under the "Other Events and Hearings
11 Information" section in the online record available for the case.

12 4. On March 9, 2016, Proposed Intervenors filed their Application to Intervene and
13 supporting documents.

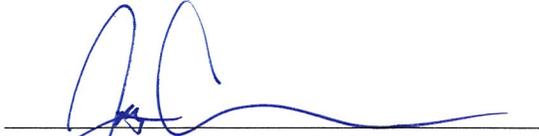
14 5. On March 28, 2016, I visited the City of San Jose's website at
15 <<https://www.sanjoseca.gov/index.aspx?NID=3182>>, Office of the City Attorney, "Measure B
16 Litigation." Under the heading "SJPOA v. City (Quo Warranto), there are links to the documents:
17 Stipulated Facts and Proposed Findings, Judgment and Order; the Proposed Writ in *Quo Warranto*;
18 and the Proposed Stipulated Judgment and Order. The Stipulated Facts and Proposed Findings,
19 Judgment and Order, and the Proposed Writ in *Quo Warranto* list the date March 2, 2016 next to the
20 document links in parenthesis. I clicked on the link to the Stipulated Facts and Proposed Findings,
21 Judgment and Order, which opened the document as a PDF file. I selected the "File" menu and
22 selected "Properties" to view the Document Properties. The Document Properties state the document
23 was created on March 9, 2016 and later modified the same day. I clicked on the link to the Proposed
24 Writ in *Quo Warranto*, which opened the document as a PDF file. I selected the "File" menu and
25 selected "Properties" to view the Document Properties. The Document Properties state the document
26 was created on March 2, 2016 and later modified on March 9, 2016. I clicked on the link to the
27 Proposed Stipulated Judgment and Order, which opened the document as a PDF file. I selected the
28 "File" menu and selected "Properties" to view the Document Properties. The Document Properties
state the document was created on March 9, 2016 and later modified the same day.

1 6. On March 28, 2016, I visited the website for the Santa Clara County Superior Court
2 Case Information Portal at <<https://cmportal.sccscourt.org/Portal>>. The “Other Events and Hearings
3 Information” section of the online record available for the case lists Proposed Intervenor’s
4 Application to Intervene and supporting documents, filed on March 9, 2016. The “Other Events and
5 Hearings Information” section of the online record available for the case does not have a record of
6 the Stipulated Facts and Proposed Findings, Judgment and Order; the Proposed Writ in *Quo*
7 *Warranto*; or the Proposed Stipulated Judgment and Order being filed on March 8, 2016, or any date
8 thereafter.

9 7. In the Stipulated Facts and Proposed Findings, Judgment and Order document posted
10 on the City website, Stipulated Fact #3 states “On June 20, 2011, the Parties entered into a Pledge of
11 Cooperation and Agreement Upon a Framework for Retirement Reform and Related Ballot Measure
12 Negotiations (“Pledge and Agreement”). The Pledge and Agreement essentially provided a set of
13 ground rules for the Parties to negotiate concurrently on the issues of retirement reform and related
14 ballot measure(s).” (Supp. RJN, Ex. C, p. 2 of the Stipulated Facts and Proposed Findings, Judgment
15 and Order.) The Pledge and Agreement is listed as being attached under the designation “Exhibit 1.”
16 (Supp. RJN, Ex. C, p. 3 of the Stipulated Facts and Proposed Findings, Judgment and Order.)
17 However, the document attached as “Exhibit 1” is a copy of the Alternative Pension Reform
18 Settlement Framework that appears to have been signed and dated by various parties on July 15, 2015,
19 not June 20, 2011. (Supp. RJN, Ex. C, p. 16 of the Alternative Pension Reform Settlement
20 Framework.)

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct and of my own personal knowledge except for those matters stated on information
23 and belief and, as to those matters, I believe them to be true. If called as a witness, I could competently
24 testify thereto.

25 Executed on 3/28/16 at San Rafael, California.

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James W. Carson