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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 CALIFORNIA ATTORNEYS,
12 ADMINISTRATIVE LAW JUDGES AND
13 HEARING OFFICERS IN STATE
14 EMPLOYMENT, GLEN GROSSMAN,
15 MARK HENDERSON, GEOFFREY SIMS,
and DOES 1-500,

16 Petitioners/Plaintiffs,

17 vs.

18 ARNOLD SCHWARZENEGGER as, Governor
of the State of California; DAVID GILB as
19 Director of the Department of Personnel
Administration; JOHN CHIANG, Controller of
20 the State of California; JAN FRANK, as
21 President of STATE COMPENSATION
INSURANCE FUND, and DOES 1-50

22 Defendants/Respondents.

ENDORSED
FILED
Superior Court of California
County of San Francisco
FEB 10 2009
11 7 00 AM
GORDON PARKILL, Clerk
BY: CHRISTINA RADOSKY, Clerk

Case No. **08F-09-509205**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

Date:
Time:
Dept.:

25 **Introduction**

26 On December 19, 2008, Governor Arnold Schwarzenegger issued an executive order
27 that, as pertinent to this action, purported to order that state employees be furloughed two days
28 per month effective February 1, 2009, through June 30, 2010. The furloughs would result in an

1 approximate 10 percent pay cut for all state employees. That order directed that the furlough
2 plan would include "a limited exemption process." On February 6, 2009, an email was sent to all
3 employees of the State Compensation Insurance Fund ("SCIF") from SCIF President Jan Frank
4 informing them that despite negotiations, the Department of Personnel Administration ("DPA")
5 had refused to grant SCIF an exemption from the furloughs. That same day a memo was sent to
6 all SCIF employees informing them as to how furloughs would be implemented, and directing
7 that, although employees would have some flexibility in determining when to take time off, their
8 salaries would be deducted in an amount equal to two days pay per month.

9 This petition seeks injunctive and declaratory relief as follows:

- 10 1) a declaration that neither the Governor nor DPA has authority to direct furloughs for
11 SCIF employees;
- 12 2) an injunction prohibiting the Governor or any state officer from implementing the
13 furloughs on SCIF employees.

14 15 **I. Parties**

16 1. Petitioner/Plaintiff CALIFORNIA ATTORNEYS, ADMINISTRATIVE LAW JUDGES
17 AND HEARING OFFICERS IN STATE EMPLOYMENT ("CASE"), is, and at all times herein
18 mentioned was, a nonprofit corporation organized and existing under the laws of the state of
19 California, with its principal place of business in the County of Sacramento, State of California.
20 CASE is the exclusive collective bargaining representative of legal professionals in State
21 Bargaining Unit 2 pursuant to Government Code section 3520.5. CASE represents
22 approximately 475 legal professionals employed at SCIF. All CASE members employed by
23 SCIF would be directly impacted if the executive order were to be implemented, as their pay
24 would be reduced by approximately 10 percent for the duration of the furlough.

25 2. Petitioner/Plaintiff GLEN GROSSMAN is a SCIF employee in the city of Salinas,
26 California, and is a resident of Monterey County, California, and would be adversely impacted if
27 his pay were reduced by the implementation of the furlough order.

1 3. Petitioner/Plaintiff MARK HENDERSON is a SCIF employee in the city of Glendale,
2 California, and is a resident of Los Angeles County, California, and would be adversely
3 impacted if his pay were reduced by the implementation of the furlough order.

4 4. Petitioner/Plaintiff GEOFFREY SIMS is a SCIF employee in the city of Fresno,
5 California, and is a resident of Fresno County, California, and would be adversely impacted if his
6 pay were reduced by the implementation of the furlough order.

7 5. Petitioners DOES 1 through 500 are other persons who will be adversely affected by the
8 implementation of the furloughs who may be identified after discovery and further investigation.

9 6. Respondent/Defendant ARNOLD SCHWARZENEGGER is the elected Governor of the
10 State of California. Pursuant to Government Code section 3513, subdivision (j), and section
11 3517, the Governor is the employer of state employees for purposes of bargaining or meeting and
12 conferring in good faith under the Ralph C. Dills Act. Governor Schwarzenegger is named in his
13 official capacity only.

14 7. Respondent/Defendant DAVID GILB is the Director of the California Department of
15 Personnel Administration ("DPA") and is responsible for managing the nonmerit aspects of the
16 State's personnel system. DPA serves as the Governor's designated representative for purposes
17 of collective bargaining, and for purposes of meeting and conferring with the exclusive
18 representatives. (See Gov. Code § 19815.2; Gov. Code § 3517.) David Gilb is named in his
19 official capacity only.

20 8. Respondent/Defendant JOHN CHIANG is a constitutional officer and is the elected State
21 Controller of the State of California. (Cal. Const. Art. V, § 11.) Pursuant to Government Code
22 section 12410, the State Controller shall superintend the fiscal concerns of the state. The
23 Controller shall audit all claims against the state, and may audit the disbursement of any state
24 money, for correctness, legality, and for sufficient provisions of law for payment. In addition,
25 the Controller shall draw warrants on the Treasurer for the payment of money directed by law to
26 be paid out of the State Treasury; but a warrant shall not be drawn unless authorized by law.
27 (Gov. Code § 12440.) John Chiang is named in his official capacity only.

1 9. JAN FRANK is the President of the State Compensation Insurance Fund, duly appointed
2 by the SCIF Board of Directors pursuant to Insurance Code section 11785, with delegated
3 authority to manage the fund pursuant to Insurance Code section 11787. Jan Frank is named in
4 her official capacity only.

5 10. Respondents DOES 1 through 50 are SCIF officials, directors, and other persons
6 presently unknown who may be responsible for authorizing or implementing furloughs on SCIF
7 employees contrary to law.

8 9 **II. Venue**

10 11. Respondents/Defendants Governor Schwarzenegger, David Gilb, and John Chiang are all
11 state officials, and actions against them may be commenced in any city or county in which the
12 Attorney General has an office, pursuant to Code of Civil Procedure section 401.

13 12. Respondent/Defendant Jan Frank, as President of SCIF, has her principal place of
14 business in the City and County of San Francisco pursuant to Insurance Code section 11781, and
15 thus venue is appropriate this county.

16 13. The California Attorney General has an office within the City of San Francisco, making
17 San Francisco County an appropriate venue. (Code of Civ. Proc. § 401.)

18 19 **III. The Executive Order**

20 14. The Governor's Executive Order made a number of proclamations relating to a perceived
21 fiscal cash crisis, and the Legislature's failure to "effectively" address the crisis.¹

22 15. Other than the general "power and authority vested in me by the Constitution and statutes
23 of the State of California," the only specific authority cited in the order was Government Code
24 section 3516.5.² Section 3516.5 does not define "emergency" nor does it empower the Governor
25 to "furlough" SCIF employees or otherwise reduce their wages.

26
27 ¹ The Executive Order failed to mention that the Legislature passed a comprehensive budget package on December
18, 2008 which the Governor vetoed on January 6, 2009.

28 ² That section provides:

Except in cases of emergency as provided in this section, the employer shall give reasonable written
notice to each recognized employee organization affected by any law, rule, resolution, or regulation

1 16. The order proclaimed that there was a General Fund deficit that was projected to grow to
2 \$42 billion over the next 18 months. The order further proclaimed that "a furlough will reduce
3 current spending and immediately improve the State's ability to meet its obligations to pay for
4 essential services of the State" Finally, the order directed DPA to implement a furlough of
5 two days per month "regardless of funding source" but directed DPA to allow limited
6 exemptions.

7 17. Until Friday, February 6, 2009, it was unclear whether SCIF would be impacted by
8 furloughs. On Friday, January 30, 2009, SCIF President Jan Frank sent a memo to all SCIF
9 employees entitled "Furloughs" in which she indicated that discussions with DPA were still
10 ongoing. On Friday, February 6, 2009, SCIF President Jan Frank sent an email to all SCIF
11 employees informing them that DPA had denied SCIF's request for an exemption. Ms. Frank
12 explained in her email that "the economic crisis overshadowed our negotiations." Later that
13 same day, a memo was distributed to SCIF employees describing the implementation of the
14 furlough, and specifically stating that salaries would be adjusted to account for two full days of
15 unworked furlough time each month. On February 9, 2009, an email was sent to all SCIF
16 employees from SCIF's "executive team." In that email, the executive team stated that it will not
17 take a public stand against the furlough program. The email also stated that any money saved as
18 a result of the furloughs would remain with State Fund.

19 18. The furlough contemplated by the Executive Order will not result in fewer hours worked
20 by the legal professionals employed by SCIF, but will result in a reduction in salary. SCIF
21 attorneys, as members of the California State Bar, will still be obligated to work as many hours
22 as are necessary to fulfill both their contractual obligations to their employer and their ethical
23

24 directly relating to matters within the scope of representation proposed to be adopted by the employer,
25 and shall give such recognized employee organizations the opportunity to meet and confer with the
administrative officials or their delegated representatives as may be properly designated by law.

26 In cases of emergency when the employer determines that a law, rule, resolution, or regulation must be
27 adopted immediately without prior notice or meeting with a recognized employee organization, the
28 administrative officials or their delegated representatives as may be properly designated by law shall
provide such notice and opportunity to meet and confer in good faith at the earliest practical time
following the adoption of such law, rule, resolution, or regulation.

1 obligations to their clients. The effect of the furlough will be a reduction in pay with no
2 reduction in hours worked.

3 4 **IV. The Structure of the State Compensation Insurance Fund**

5 19. The California Constitution grants the legislature “plenary power, unlimited by any
6 provision of this Constitution, to create, and enforce a complete system of workers’
7 compensation, by appropriate legislation. . . .” (Cal. Const. Art. 14 §4.)

8 20. Pursuant to that grant of authority, the legislature has provided in Insurance Code
9 section 11873, subdivision (c), that

10
11 Notwithstanding any provision of the Government Code or any other provision of
12 law, **the positions funded by the State Compensation Insurance Fund are
exempt from any hiring freezes and staff cutbacks** otherwise required by law.

13 (Emphasis added.)

14 21. The Legislature has further directed that

15
16 All duties, powers, and jurisdiction relating to the administration of the State
17 Compensation Insurance Fund shall be vested in the Board of Directors of the
State Compensation Insurance Fund.

18 (Labor Code § 57.5.)

19 22. The Legislature has further directed that the SCIF Board of Directors are vested
20 with “full power, authority and jurisdiction” over the fund, and may exercise any power
21 over the fund “as fully and completely as the governing body of a private insurance
22 carrier.” (Ins. Code § 11781.) State Fund cannot meet its obligation to “be fairly
23 competitive with other insurers” (Ins. Code § 11775) if its workforce is subject to
24 furlough by the Governor or officials outside the State Fund.

25 23. Pursuant to Insurance Code section 11771.5, SCIF is to include the following
26 disclaimer in any advertisement: “The State Compensation Insurance Fund is not a
27 branch of the State of California.”
28

1 **V. The Finances of State Compensation Insurance Fund**

2 24. Pursuant to Insurance Code section 11774, “the assets of the fund shall be
3 applicable . . . to the **payment of the salaries**. . . .” (Emphasis added.) Moreover,
4 pursuant to Insurance Code section 11771, “The State shall not be liable beyond the
5 assets of the State Compensation Insurance Fund for any obligations in connection
6 therewith.” The Supreme Court has previously found that money for SCIF salaries are
7 subject to a continuing appropriation which authorizes disbursement of funds regardless
8 of the status of the General Fund. (*See White v. Davis* (2003) 30 Cal.4th 528, 567, fn. 15.)

9 25. Although SCIF may deposit money with the State Treasurer, such moneys “are
10 not state moneys.” (Ins. Code § 11800.1.) Rather, the State Controller is required to
11 keep a special ledger account for SCIF. (Ins. Code § 11800.2.)

12 26. The Attorney General has opined that “unlike other state agencies, the Fund is an
13 entirely self-supporting agency.” (Opn. 69-98 (1969) 52 Ops. Cal. Atty. Gen. 160.)

14 27. The California courts recognize that SCIF “operates on a self-sufficient basis.”
15 (*Tricor California, Inc. v. State Compensation Insurance Fund* (1994) 30 Cal.App.4th
16 230, 241.)

17 28. Pursuant to Insurance Code section 11874,
18 the Controller **shall** draw his warrant in favor of the State Compensation
19 Insurance Fund for the total amount of the funds in the custody of the Treasurer
20 belonging to the State Compensation Insurance Fund and the Treasurer **shall** pay
such warrant.

21 (Emphasis added.)

22
23 **VI. Neither the Governor nor DPA Has Authority to Reduce the Salaries of SCIF**
24 **Employees via Furloughs**

25 29. The Constitution specifically reserves to the Legislature powers regarding the operation
26 of a system of worker’s compensation insurance. (Cal. Const. Art. 14 §4.) The Legislature has
27 delegated that authority to the SCIF Board of Directors, not the Governor. (Labor Code § 57.5.)
28 SCIF is entirely self-sufficient, and does not contribute money to, nor take money from, the

1 state's General Fund. (Ins. Code §§ 11774, 11800.1, 11800.2.) SCIF is specifically exempted
2 from any hiring freezes or staff cutbacks. (Ins. Code § 11873, subd. (c).) Whatever emergency
3 powers the Governor may have as a result of the deficit in the General Fund, he has no authority
4 to usurp the power of the SCIF Board of Directors, which has been delegated to the Board by the
5 Legislature itself, nor does he have the power to usurp the power of the Legislature itself with
6 regard to the management of the operations of SCIF.

7 30. Petitioners will be irreparably harmed by implementation of the furloughs, as they will
8 suffer an unlawful loss in salary that may not be recovered for more than a year. Petitioners have
9 no plain, adequate, or speedy remedy at law because they are being directed to immediately
10 begin taking time off, which will impact their ability to attend to their caseloads. Petitioners
11 have an immediate and direct interest affected by this proceeding in that employees have a right
12 not to be illegally furloughed and further have a right not to have their pay reduced as proposed
13 by the Executive Order.

14 15 **VII. The Duty of the Controller**

16 31. It is clear that "the Controller has the power, indeed the duty, to ensure that the decisions
17 of an agency that affect expenditures are within the fundamental jurisdiction of the agency."
18 (*Tirapelle v. Davis, supra*, 20 Cal.App.4th at p. 1335.) Moreover, the Controller's "power of
19 audit does include the duty to ensure that the expenditure in question is authorized by law."
20 (*Ibid.*) The Legislature has specifically provided that "a warrant shall not be drawn unless
21 authorized by law" (Gov. Code § 12440.)

22 32. Any attempt by an administrative agency (such as DPA) to exercise control over matters
23 which the Legislature has not seen fit to delegate to it (such as salary reductions for SCIF
24 employees) is not authorized by law and in such case the agency's actions can have no force or
25 effect. The Controller therefore has a duty to refrain from issuing pay warrants that are illegally
26 reduced by virtue of DPA's implementation of the furlough on SCIF employees.

27 28 **FIRST CAUSE OF ACTION**

(Petition for Writ of Mandate)

33. Petitioners/Plaintiffs hereby incorporate by reference all of the foregoing paragraphs as if fully set forth herein.

34. The Executive Order issued on December 19, 2008, violates the Constitution of the State of California and the doctrine of separation of powers to the extent it purports to exercise the powers specifically reserved by the Constitution to the Legislature regarding the operation of a system of worker's compensation insurance.

35. Petitioners/Plaintiffs have an immediate and direct interest affected by this proceeding in that employees have a right not to be illegally furloughed and further have a right not to have their pay reduced as proposed by the Executive Order.

36. Respondents/Defendants Governor Schwarzenegger, Director David Gilb, Controller John Chiang and SCIF President Jan Frank each have a clear, present, and ministerial duty to conform to the laws of the State of California and to avoid violations of the law.

37. Respondent/Defendant Controller Chiang has a duty to audit claims and to conclude that, since the Governor and DPA's proposed furlough conflicts with Insurance Code section 11873, subdivision (c), the Governor and the DPA have no authority to implement the furlough. Since the furlough has no force or effect, the Controller has a duty to ensure that salaries not be reduced as a result of the furlough.

38. As a matter of law, the Governor lacks the authority to impose a furlough and reduce the salaries of SCIF employees. The Executive Order is in direct conflict with existing statutes and is therefore unlawful, and Petitioners/Plaintiffs have a reasonable likelihood of success on the merits.

39. Petitioners/Plaintiffs have no plain, speedy, and adequate remedy in the ordinary course of law, other than the relief sought in this petition, in that there is no other legal remedy to prevent or enjoin the implementation of the illegal furlough and its reduction of salary and hours.

40. Petitioners/Plaintiffs will suffer irreparable harm and injury if the furlough is implemented, including the denial of the protection of the laws regarding their salaries, and the

1 actual economic loss of salary, which in turn will proximately cause some members to be at risk
2 of losing their homes, cars, and ability to purchase the basic necessities of life.

3 41. Petitioners/Plaintiffs have no administrative remedy which will result in preventing or
4 enjoining the illegal furlough and its reduction of salary and hours.

5
6 **SECOND CAUSE OF ACTION**
7 **(Complaint for Declaratory and Injunctive Relief)**
8

9 42. Petitioners/Plaintiffs hereby incorporate by reference all of the foregoing paragraphs as if
10 fully set forth herein.

11 43. The Governor, DPA, and SCIF have already implemented the furloughs on petitioners
12 effective February 6, 2009, which will impact the pay checks disbursed at the end of February.

13 44. The Controller has been or will be asked via a pay letter to implement a reduction in pay
14 corresponding to the equivalent of two days of salary per month.

15 45. Judicial relief is urgently needed to prevent the Governor and the DPA from violating the
16 law by imposing the illegal furlough program beginning in February 2009.

17 46. As a result of the Executive Order, an actual controversy has arisen and now exists
18 between Petitioners/Plaintiffs and Respondents/Defendants regarding the furlough of SCIF
19 employees and the reduction of their salaries.

20 47. Petitioners/Plaintiffs desire a declaration of their rights with respect to the Governor and
21 DPA's intent to furlough state employed legal professionals and reduce their salaries through an
22 unlawful executive order.

23 48. Such a declaration is necessary and appropriate at this time in order to avoid
24 implementation of these illegal provisions which would adversely affect the rights of
25 Petitioners/Plaintiffs. Respondents/Defendants actions will result in irreparable injury and harm
26 to SCIF employees including the denial of the protection of the laws regarding their salaries.
27 The loss of such rights cannot be compensated fully by damages or other forms of legal relief.
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49. As a matter of law, the Governor lacks the authority to unilaterally impose a furlough and reduce the salaries of SCIF employees. The Executive Order is in direct conflict with existing statutes and is therefore unlawful, and Petitioner/Plaintiff has a reasonable likelihood of success on the merits.

50. Therefore, Petitioners/Plaintiffs seek temporary, preliminary and permanent injunctive relief directing Respondents/Defendants to cease and desist taking action to furlough SCIF employees, and prohibiting them from reducing their pay under an unlawful Executive Order which conflicts with statute.

1 **CONCLUSION**

2
3 WHEREFORE, Petitioner/Plaintiff CASE respectfully prays that:

4 1. The Court issue a peremptory writ in the first instance ordering
5 Respondents/Defendants Governor Schwarzenegger and Director Gilb to set aside the portions of
6 the Governor's Executive Order S-16-08 calling for a furlough and salary reduction for SCIF
7 employees because the Executive Order is unlawful in that respect.

8 2. The Court issue a peremptory writ in the first instance commanding
9 Respondent/Defendant Controller Chiang to ensure that the salaries of SCIF employees not be
10 reduced as a result of the illegal furlough.

11 3. The Court issue a declaration that the portions of the Governor's Executive
12 Order S-16-08 calling for a furlough and salary reduction for legal professionals employed by
13 SCIF are unlawful and illegal in that the Governor, DPA, Controller Chiang, and SCIF President
14 Jan Frank have violated and continue to violate the provisions of Article 14, section 4 of the
15 California Constitution and Insurance Code section 11873 by calling for and implementing a
16 furlough and salary reduction for SCIF employees.

17 4. The Court issue a preliminary and permanent injunction directing the
18 Governor, DPA, SCIF, and the Controller to cease and desist taking action to furlough SCIF
19 employees by reducing their hours and reducing their pay under an unlawful executive order.

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1 5. Petitioners/Plaintiffs be awarded attorneys fees and costs of suit incurred in this
2 action.

3 THE LAW OFFICE OF BROOKS ELLISON

4 Dated: February 10, 2009

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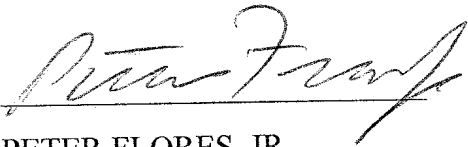
6 PATRICK J. WHALEN

7 *By Fax*
8 Attorneys for Plaintiff
9 CALIFORNIA ATTORNEYS,
10 ADMINISTRATIVE LAW JUDGES AND
11 HEARING OFFICERS IN STATE
12 EMPLOYMENT
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VERIFICATION

I, Peter Flores, Jr., am the President of CASE, the Petitioner/Plaintiff in this proceeding. I have read the foregoing petition and know its contents. The facts stated therein are true and are within my personal knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 10, 2009 at San Francisco, California.

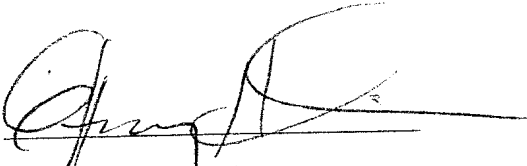


PETER FLORES, JR

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VERIFICATION

I, Geoffrey Sims, have read the foregoing petition and know its contents. The facts stated therein are true and are within my personal knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 10, 2009 at Fresno, California.




GEOFFREYSIMS

By Fax

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VERIFICATION

I, Mark Henderson, have read the foregoing petition and know its contents. The facts stated therein are true and are within my personal knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 9, 2009 at LOS ANGELES, California.



MARK HENDERSON

By Fax

VERIFICATION

I, Glen Grossman, have read the foregoing petition and know its contents. The facts stated therein are true and are within my personal knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 10, 2009 at Salinas, California.

Glen Grossman

GLEN GROSSMAN

By Fax

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Arnold Schwarzenegger, Governor, State of California; David Gilb, Director of Dept of Personnel Administration; John Chiang, Controller, State of California; Jan Frank, President of State Comp Ins. Fund

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

California Attorneys, Administrative Law Judges and Hearing Officers in State Employment, Glen Grossman, Mark Henderson, Geoff Sims

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Francisco County Superior Court
400 McAllister Street
San Francisco, CA 94102

CASE NUMBER
(Número del Caso): **09-509205**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Patrick Whalen
1725 Capitol Avenue, Sacramento CA 95811 (916) 448-2187

DATE:
(Fecha) **FEB 10 2009**

Clerk, by CRISTINA E. BADIOLA, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

