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 9 CITY OF SAN DIEGO

10 **STATE OF CALIFORNIA**

11 **PUBLIC EMPLOYMENT RELATIONS BOARD**

12	DEPUTY CITY ATTORNEYS)	Case No. LA-E-752-M
	ASSOCIATION,)	
13)	RESPONDENT CITY OF SAN DIEGO'S
	Charging Party,)	NOTICE OF MOTION AND MOTION TO
14)	DISQUALIFY PERB BOARD AND STAFF OF
	v.)	PERB OFFICE OF GENERAL COUNSEL
15)	
	CITY OF SAN DIEGO,)	
16)	
	Respondent.)	
17)	

18 The City of San Diego (City) hereby moves, pursuant to Public Employment Relations
 19 Board (PERB) Regulations 32190 and 32155, to disqualify the PERB Board and the staff of
 20 PERB Office of General Counsel, as Board agents, from hearing or in any manner further
 21 participating in this matter, on the ground that it appears probable, by reason of the prejudice of
 22 the Board members and Board agents, that a fair and impartial hearing cannot be held.

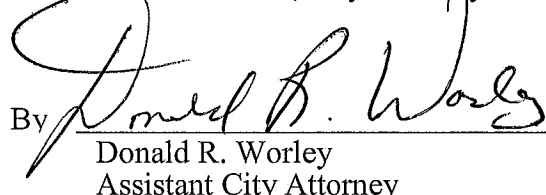
23 **SUPPORTING FACTS**

24 As set forth in the accompanying Declaration of Donald R. Worley, PERB General
 25 Counsel recommended and PERB Board decided to file a suit in San Diego Superior Court,
 26 seeking a writ of mandate and preliminary and permanent injunction against the City to halt the
 27 process of placing the citizens' initiative, called the Comprehensive Pension Reform (CPR)
 28 Initiative, on the ballot for the June 2012 municipal election.

1 In taking this extraordinary, unusual and seldom-used step, without legal authority, the
2 Board and its agents, the Office of General Counsel, pre-committed to the position asserted by
3 Charging Party, that the City must meet and confer with Charging Party before placing the CPR
4 Initiative on the ballot. The Board and its agents cannot now conduct any administrative
5 procedure within PERB free of the prejudice of that pre-commitment in favor of Charging Party
6 and against the City, and it appears probable that a fair and impartial hearing of this matter
7 cannot be heard.

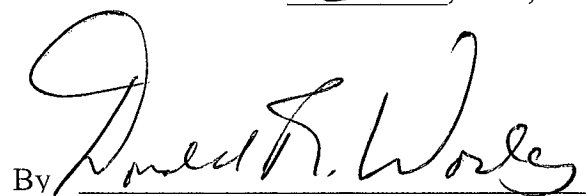
8
9 Dated: March 22, 2012

JAN I. GOLDSMITH, City Attorney

10
11 By 
12 Donald R. Worley
Assistant City Attorney

13 Attorneys for Respondent
14 CITY OF SAN DIEGO

15 I, as agent and attorney for Respondent City of San Diego, declare under penalty of
16 perjury that this Respondent City of San Diego's Notice of Motion and Motion to Disqualify
17 PERB Board and Staff of PERB Office Of General Counsel is true and complete to the best of
18 my knowledge and belief, and this declaration was executed on March 22, 2012, at
19 San Diego, California..

20
21 By 
22 Donald R. Worley
Assistant City Attorney

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