

Court of Appeal
FOURTH APPELLATE DISTRICT
Division One
750 B Street, Suite 300
San Diego, CA 92101
www.courts.ca.gov
(619) 744-0760

Today's Date: August 30, 2016

RE: Case Name: Boling, et al. v. Public Employment Relations Board; SDMEA, et al.
Case Number: D069626
Lower Court case Number: PERB Dec. No 2464-M (Case Nos. LA-CE-746-M; LA-CE-752-M; LA-CE-755-M; LA-CE-758-M)

REQUEST/WAIVER OF ORAL ARGUMENT

INSTRUCTIONS: File and serve a completed copy of this form letter on or before [Date Provided by Court]. If you do not request oral argument within that time, oral argument will be deemed waived and the case will be submitted without the delay of calendaring. (Cal. Rules of Court, rule 8.256(d)(1).) If the court has questions, you will be notified.

Regardless of whether you request oral argument, you must advise the court immediately if the matter has settled or if settlement is expected.

1. Name of Person Arguing: Kenneth H. Lounsbery

2. Attorney for: Petitioners, Catherine A. Boling, T. J. Zane, and Stephen B. Williams

3. I request oral argument I waive oral argument

4. If other party waives oral argument, I agree to waive oral argument yes no

5. Time requested: 15 minutes
(15 minute limit unless additional time granted (Misc. Order No. 021505))

6. Settlement pending: yes no
Immediately notify the court if settlement negotiations are in progress or are contemplated. See rule 8.244(a) regarding settlement.

You may e-file this form at: <http://www.courts.ca.gov/9408.htm>.

KEVIN J. LANE, CLERK

BY: /s/
Deputy Clerk

cc: All Parties

CASE NO. D069626

IN THE CALIFORNIA COURT OF APPEAL
FOURTH APPELLATE DISTRICT, DIVISION ONE

CATHERINE A. BOLING; T. J. ZANE AND STEPHEN B.
WILLIAMS
Petitioners,

v.

CALIFORNIA PUBLIC EMPLOYMENT RELATIONS BOARD
Respondent.

CITY OF SAN DIEGO; SAN DIEGO MUNICIPAL EMPLOYEES
ASSOCIATION; DEPUTY CITY ATTORNEYS ASSOCIATION;
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, AFL-CIO, LOCAL 127 AND SAN
DIEGO CITY FIREFIGHTERS LOCAL 145
Real Parties in Interest.

PROOF OF SERVICE

I, Kathleen Day, declare as follows:

I am a resident of the State of California and over the age of eighteen years, and am not a party to the above-referenced action. My business address is 960 Canterbury Place, Ste. 300, Escondido, California 92025. On August 30, 2016, I caused the following documents:

REQUEST FOR ORAL ARGUMENT

to be served to the following parties listed below, in the manner indicated:

SERVICE LIST

J. Felix De la Torre, General Counsel
Wendi Ross, Deputy General Counsel
Mary Weiss, Sr. Regional Attorney
Joseph W. Eckhart, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811-4124
PERBLitigation@perb.ca.gov

*Attorneys for Public
Employment Relations
Board*

Via mail and email

Jan I. Goldsmith, City Attorney
Walter Chung, Deputy City Attorney
M. Travis Phelps, Deputy City Attorney
City of San Diego
1200 Third Avenue, Ste. 1100
San Diego, CA 92101
jgoldsmith@sandiego.gov
wchung@sandiego.gov
mphelps@sandiego.gov

*Attorneys for City of San
Diego*

Via mail and email

Fern M. Steiner
Smith Steiner Vanderpool & Wax
401 West A Street, Ste. 320
San Diego, CA 92101
fsteiner@ssvwlaw.com

*Attorneys for San Diego
City Firefighters, Local 145*

Via mail and email

Ann M. Smith
Smith, Steiner Vanderpool & Wax
401 West A. Street, Ste. 320
San Diego, CA 92101
asmith@ssvwlaw.com

*Attorneys for, and Agent of
Service of Process for, San
Diego Municipal Employees
Association*

Via mail and Email

James J. Cunningham
Law Offices of James J. Cunningham
9455 Ridgeway Ct., #110
San Diego, CA 92123
jimcunninghamlaw@gmail.com

*Attorneys for Deputy City
Attorneys Association of San
Diego*

Via mail and email

Ellen Greenstone
Rothner, Segal & Greenstone
510 S. Marengo Avenue
Pasadena, CA 91101
egreenstone@rsglabor.com

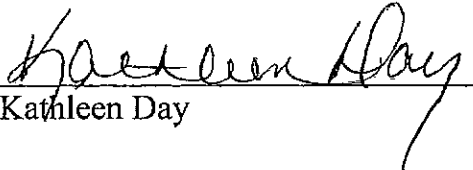
*Attorneys for AFSCME,
AFL-CIO, Local 127*

Via mail and email

- [X] **(BY EMAIL)** Pursuant to California Rules of Court, Rule 8.71 and Court of Appeals, Fourth District Rule 5(g). I sent the documents via email addressed to the e-mail address listed above and in accordance with the Code of Civil Procedure and the California Rules of Court. I am readily familiar with the firm's practice of preparing and serving documents by e-mail, which practice is that when documents are to be served by e-mail, they are scanned in a .pdf format and sent to the addresses on that same day and in the ordinary course of business.
- [X] **(BY MAIL)** I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail for collection and mailing at Lounsbury Ferguson Altona & Peak LLP, Escondido, California, following ordinary business practices. I am familiar with the practice of Lounsbury Ferguson Altona & Peak LLP for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **August 30, 2016** at Escondido, California.


Kathleen Day

Court of Appeal
FOURTH APPELLATE DISTRICT
Division One
750 B Street, Suite 300
San Diego, CA 92101
www.courts.ca.gov
(619) 744-0760

Today's Date: August 30, 2016

RE: Case Name: City of San Diego v. Public Employment Relations Board
Case Number: D069630
Lower Court case Number: PERB Dec. No 2464-M (Case Nos. LA-CE-746-M; LA-CE-752-M;
LA-CE-755-M; LA-CE-758-M)

REQUEST/WAIVER OF ORAL ARGUMENT

INSTRUCTIONS: File and serve a completed copy of this form letter on or before [Date Provided by Court]. If you do not request oral argument within that time, oral argument will be deemed waived and the case will be submitted without the delay of calendaring. (Cal. Rules of Court, rule 8.256(d)(1).) If the court has questions, you will be notified.

Regardless of whether you request oral argument, you must advise the court immediately if the matter has settled or if settlement is expected.

1. Name of Person Arguing: Kenneth H. Lounsbury

2. Attorney for: Petitioners, Catherine A. Boling; T. J. Zane; and Stephen B. Williams

3. I request oral argument X I waive oral argument _____

4. If other party waives oral argument, I agree to waive oral argument ___ yes X no

5. Time requested: 15 minutes
(15 minute limit unless additional time granted (Misc. Order No. 021505))

6. Settlement pending: ___ yes X no
Immediately notify the court if settlement negotiations are in progress or are contemplated. See rule 8.244(a) regarding settlement.

You may e-file this form at: <http://www.courts.ca.gov/9408.htm>.

KEVIN J. LANE, CLERK

BY: /s/
Deputy Clerk

cc: All Parties

Case No. D069630

**IN THE CALIFORNIA COURT OF APPEAL
FOURTH APPELLATE DISTRICT, DIVISION ONE**

CITY OF SAN DIEGO
Petitioners,

v.

CALIFORNIA PUBLIC EMPLOYMENT RELATIONS BOARD
Respondent.

**SAN DIEGO MUNICIPAL EMPLOYEES ASSOCIATION; DEPUTY CITY
ATTORNEYS ASSOCIATION; AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, LOCAL 127 AND SAN
DIEGO CITY FIREFIGHTERS LOCAL 145 IAFF; CATHERINE A BOLING;
T.J. ZANE; STEPHEN B. WILLIAMS; AND 115,991 SAN DIEGO
REGISTERED VOTERS WHO EXERCISED THEIR RIGHT TO PLACE A
CITIZENS' INITIATIVE ON THE BALLOT**
Real Parties in Interest.

PROOF OF SERVICE

I, Kathleen Day, declare as follows:

I am a resident of the State of California and over the age of eighteen years, and am not a party to the above-referenced action. My business address is 960 Canterbury Place, Ste. 300, Escondido, California 92025. On August 30, 2016, I caused the following documents:

REQUEST FOR ORAL ARGUMENT

to be served to the following parties listed below, in the manner indicated:

SERVICE LIST

J. Felix De la Torre, General Counsel
Wendi Ross, Deputy General Counsel
Mary Weiss, Sr. Regional Attorney
Joseph W. Eckhart, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811-4124
fdelatorre@perb.ca.gov
PERBLitigation@perb.ca.gov

*Attorneys for Public
Employment Relations
Board*

Via mail and email

Jan I. Goldsmith, City Attorney
Walter Chung, Deputy City Attorney
M. Travis Phelps, Deputy City Attorney
City of San Diego
1200 Third Avenue, Ste. 1100
San Diego, CA 92101
jgoldsmith@sandiego.gov
wchung@sandiego.gov
mphelps@sandiego.gov

*Attorneys for City of San
Diego*

Via mail and email

Fern M. Steiner
Smith Steiner Vanderpool & Wax
401 West A Street, Ste. 320
San Diego, CA 92101
fsteiner@ssvwlaw.com

*Attorneys for San Diego
City Firefighters, Local 145*

Via mail and email

Ann M. Smith
Smith, Steiner Vanderpool & Wax
401 West A. Street, Ste. 320
San Diego, CA 92101
asmith@ssvwlaw.com

*Attorneys for, and Agent of
Service of Process for, San
Diego Municipal Employees
Association*

Via mail and Email

James J. Cunningham
Law Offices of James J. Cunningham
9455 Ridgehaven Ct., #110
San Diego, CA 92123
jimcunninghamlaw@gmail.com

*Attorneys for Deputy City
Attorneys Association of San
Diego*

Via mail and email

Ellen Greenstone
Rothner, Segal & Greenstone
510 S. Marengo Avenue
Pasadena, CA 91101
egreenstone@rsglabor.com

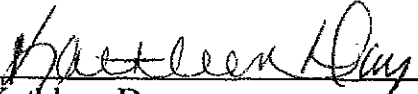
*Attorneys for AFSCME,
AFL-CIO, Local 127*

Via mail and email

- [X] **(BY EMAIL)** Pursuant to California Rules of Court, Rule 8.71 and Court of Appeals, Fourth District Rule 5(g). I sent the documents via email addressed to the e-mail address listed above and in accordance with the Code of Civil Procedure and the California Rules of Court. I am readily familiar with the firm's practice of preparing and serving documents by e-mail, which practice is that when documents are to be served by e-mail, they are scanned in a .pdf format and sent to the addresses on that same day and in the ordinary course of business.
- [X] **(BY MAIL)** I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail for collection and mailing at Lounsbery Ferguson Altona & Peak LLP, Escondido, California, following ordinary business practices. I am familiar with the practice of Lounsbery Ferguson Altona & Peak LLP for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 30, 2016 at Escondido, California.


Kathleen Day